AGENDA

Park Township
Planning Commission Regular Meeting

August 12, 2020
6:30 p.m.

(Please turn off or set to silent mode all cellphones and other electronic devices)

VIA ZOOM
Meeting ID: 913 3405 9541 / Password: 129303 / Toll Free: (929) 436-2866

- We ask that attendees please conduct themselves in the same manner they would if physically present at a meeting at Park Township Hall.

- We ask that attendees, besides Commission members, Staff, and the recording secretary be on mute. Members of the public will be permitted to make comments during both public comment portions of the meeting. If any participant would like to speak, please virtually raise your hand. The Planning Commission Chair will recognize those requesting to speak, and will ask each Planning Commission member if they have comments on the matter(s) discussed.

- The Planning Commission has paper and electronic copies of the meeting materials, which were posted on Park Township’s website on or around August 6th. The meeting host may also share meeting materials using screen share functionality.

- Please note that this meeting is being recorded, and disruptive participants will be removed from the meeting. If there are too many disruptions to the meeting, the meeting will end early.

- All votes should be taken by roll call vote.

1. Call to Order

2. Approval of Agenda

3. Approval of Minutes: Special meeting August 1, 2020

4. New Business:

5. Old Business
   a. Tree Preservation language

      Anticipated Action: Schedule for public hearing

   b. Master Plan – North Beach amendment (Ottawa Beach)
Anticipated Action: Transmit recommendation to the Park Township Board of Trustees

6. Public Comments

7. Announcements
   a. The Reserve on Lake Macatawa – Minor Amendment
   b. Next Planning Commission meeting date September 9, 2020

8. Adjourn
Executive Summary

Pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, as amended, the Park Township Planning Commission (PTPC) was formed to review land use proposals and provide approval, denial, or recommendation to the Park Township Board of Trustees regarding the same; draft and maintain the Park Township Master Plan; conduct revisions to the Park Township Zoning Ordinance and provide recommendation and; conduct review and analysis of other related land use matters as requested by the Park Township Board of Trustees.

As a result of the responsibility of the PTPC, the Department of Community Development provides this monthly activity report as a synopsis of the land use planning efforts of the PTPC.

Current Land Use Proposals

Anchorage Marine Planned Unit Development Amendment

At the July 8, 2020 meeting of the PTPC, the Final Planned Unit Development Plan was recommended for approval, with conditions, to the Park Township Board of Trustees (PTBT). While the Final Planned Unit Development Plan was intended to be on the August meeting of the PTBT, the applicant has suspended its advancement to address structure related issues.

Current Ordinance Reviews

Tree Preservation

Pursuant to the direction of the PTCP at their July 8, 2020 meeting, the proposed Tree Preservation Chapter was revisited by the Tree Preservation Committee and subsequently revised, as well as structured for inclusion within the Zoning Ordinance. The revised language will be presented to the PTPC at their August meeting.

Neighborhood Heritage Preservation (NHP)

Ottawa Beach (West Michigan Park Association)

The proposed Ottawa Beach overlay language was recommended for adoption, with revisions, at the August 1, 2020 special meeting of the PTPC. The language will be considered by the PTBT at their August 13, 2020 meeting.
Four Remaining NHP Areas

Pursuant to the direction of the PTCP, staff has reviewed the results of the public workshops related to the four remaining NHP areas, including Edgewood, Eaglecrest, Idlewood, and Lake Court. In addition, staff has contacted stakeholders and workshop participants from the four NHP areas for additional feedback. Below are the findings of those NHPs and the intended methods to proceed.

Edgewood

Staff intends to meet with workshop participants or a Homeowners Association focus group to further analyze the issues and determine if language is necessary.

Eaglecrest

Staff is waiting for a response from the Homeowners Association President following their annual meeting.

Idlewood

Staff concluded that no language is necessary for Idlewood and to retain the status quo.

Lake Court

A second public workshop was held on August 1, 2020 with residents of Lake Court (formerly referred to as Maple Beach) due to a lack of participants in 2019. Staff expects to draft language concepts for the residents of Lake Court to consider, in a Focus Group format, prior to transmitting recommendation to the PTPC.

Construction Observation Update – Approved Land Use Projects

The Reserve on Lake Macatawa

The building permit has been issued for the community building, which was recently modified to address a structural issue. Four (4) permits have been issued for residential units. The developer recently contacted Staff regarding a modification to the 1.2 acre grass lawn on the eastern side of the property, proposing to modify the sidewalk configuration and landscaping. Pursuant to the Park Township Zoning Ordinance (PTZO), Staff agreed that the proposed changes could be reviewed administratively and proceed accordingly.

Beachwalk Condominiums – Ottawa Beach Road

NO CHANGE - A building permit application has been received for the community pool.

KIN Coffee – 1200 Ottawa Beach Road – Coffee Shop and Residential Use

NO CHANGE - A sign permit (and associated electrical permit) was issued on October 21, 2019. Remodel permits were issued on April 24, 2019 for the second floor apartment, which has since had its final inspections and approval. Remodel permits for the first floor coffee shop were issued in March 2020, where interior work continues.
Cityside Apartments – 3618 Butternut Drive

NO CHANGE – A building permit was issued on October 8, 2019. Work continues.

Upcoming Matters

Itty Bitty Bar Parking Lot

The Itty Bitty Bar is seeking to construct additional parking to serve their multi-tenant building located at 1130 Ottawa Beach Road. Staff has provided review comments to the applicant but has not received a response for several months. The applicant illegally expanded their parking area again and a Stop Work Order was posted by the Township.

In April 2020, the new owner of the properties to the east of the Itty Bitty Bar parking lot, previously approved as the Coastal Condominiums PUD, was approved for a temporary peddler’s license for Visser Farms to sell produce from a truck on the property. The owner came to an agreement with BVW, the owner of the Itty Bitty Bar parking lot, to utilize the bar’s gravel parking area for parking for the farm truck. The owner was told that the parking area cannot expand, and cannot be paved.

In July 2020, the owner of the multi-tenant building at 1130 Ottawa Beach Road contacted Staff to request to repave the parking lot on the property. Given the history of expanding the parking area without authorization, Staff reiterated that a site plan would be required for modifications to the parking area. However, per the PTZO, the parking area may be re-striped (without a reduction in the number of spaces) without site plan approval.

Macatawa Legends Planned Unit Development Amendment

NO CHANGE – The applicant seeks to amend the existing Planned Unit Development and establish 57 single family lots on an existing private road. The applicant is revising the plans as a result of our review comments and is anticipated to be on a subsequent agenda. However, we have not received any response for a few months.
MEMORANDUM

To: Park Township Planning Commission  
From: Gregory L. Ransford, MPA  
Date: August 5, 2020  
Re: Tree Preservation Language

Pursuant to your direction at your July 8, 2020 meeting, the Tree Preservation Committee met twice to reexamine the proposed Tree Preservation language. In short, the Committee performed a number of revisions, with the most significant listed below:

- Zoning Ordinance insertion – Designed the language to be inserted into the Zoning Ordinance rather than as its own Police Power Ordinance. As a result, the term “Chapter” is replaced with “Section” throughout the language and the entirety of the language has been renumbered appropriately for the Zoning Ordinance.
- Definition of Canopy – simplified the definition of Canopy and relocated the dimensional details to the Development subsection of the language
- Definition of Improved Surface – added a definition of Improved Surface as a result of revisions to the Street Trees subsection
- Definitions of Tree – expanded the definition so that only trees of six inches or greater in diameter breast height shall be regulated as a tree
- Definition of Wildlife Corridor – eliminated “asymmetrical” from the definition
- Lots Not Part of a Development – completely struck regulations for individual lots not part of a development
- Tree Canopies in a development – as noted above, the dimensional requirements for a tree canopy were moved to this subsection
- Street Trees – the area in which street trees cannot be removed was reduced from 40 feet to 20 feet
- Appeals – this subsection was added to allow the Park Township Zoning Board of Appeals to authorize relief through a separate set of standards from their traditional standards, which do not necessarily need to be met in their entirety

We believe our explanation above is sufficient to outline the reasons for most of the proposed revisions along with otherwise self-explanatory minor revisions. That said, we believe two of the revisions warrant additional explanation, which we provide below.

1. Zoning Ordinance Insertion – the Committee concluded that, while the location of the language within the Zoning Ordinance or as its own Police Power Ordinance did not present any significant difference, its location within the Zoning Ordinance should provide greater exposure and prevent applicants, property owners, and others from overlooking the language. Given this the Committee believes that it will serve a stronger purpose within the Zoning Ordinance.

2. Street Trees – given that right-of-way locations and widths vary throughout the Township, the Commission concluded that the measurement of 20 feet should begin at the improved surface of the street (which resulted in the definition of Improved Surface).

Attached is a copy of the proposed revisions within the Zoning Ordinance format. Proposed additions are shown in underlined text and proposed deletions are shown in strikethrough text.
**Anticipated Action**

Pending direction from the Planning Commission to perform further revisions, if necessary, we believe the language is ready to be scheduled for public hearing.

The Tree Preservation language has been scheduled for your review at your August 12, 2020 meeting. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Howard Fink, Manager
Sec. 38-518. Tree Preservation.

(a) Purpose and Intent. Tree preservation is recognized as essential throughout the township to protect the health, safety, and general welfare of the natural environment, and the residents. The intent of this Chapter Section is to promote the aesthetic, biological, and environmental benefits of trees.

Further, the township seeks to implement the goals of protection, preservation, and reforestation of trees, as encouraged by the Park Township Master Plan, recognizing:

(1) The natural beauty and rural character of the township are increased.
(2) Tree-lined Streets are an asset to the historic resort character of the community, particularly along, but not necessarily limited to, Lakeshore Drive.
(3) Mature Trees create a spectacular Canopy along roadways and create shade, particularly along, but not necessarily limited to, North Lakeshore Drive.
(4) New development should preserve Tree Stands.
(5) The restoration of a Street Tree Canopy is important along Street right-of-way corridors, particularly along, but not necessarily limited to, Ottawa Beach Road.
(6) Avoiding the loss of significant woodlots to disease and infestation is important.
(7) Tree Canopy and health analysis, maintenance, and reforestation should regularly occur.

(b) Definitions. The following words, terms and phrases, when used in this Chapter Section, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

ARBORIST: A professional, who is both certified by the International Society of Arboriculture and is a registered member of the Arboriculture Society of Michigan, and who cultivates, manages, and studies trees, shrubs, vines, and other perennial woody plants in dendrology and horticulture.

BUFFER: A vegetative screening of mature trees, or planted trees, or a combination of both, that protects and enhances the existing natural beauty and is sufficient to reduce noise and visually screen abutting property from the impacts of the Development property.

CANOPY: The layer of tree leaves, branches, and stems that provide coverage of the ground when viewed from above. A canopy shall include all of the tree leaves, branches, and stems for any tree without a building beneath the tree and the canopy shall not be removed to a height more than eight (8) feet from ground level. A canopy shall include all of the tree leaves, branches, and stems for any tree with a building beneath the tree in whole or in part and the canopy shall not be removed to a height more than five (5) feet above the highest point of the building.
CLEAR CUT or CLEAR CUTTING: The removal of any tree beyond that reasonably required to construct Development infrastructure and buildings.

DEVELOPMENT: Any planned unit development, condominium, site condominium, plat, private road, site plan, or other application subject to review by the Park Township Planning Commission.

DIAMETER BREAST HEIGHT: The measurement of a tree diameter at four and one half (4.5) feet above the ground.

FORESTER: A professional, who is registered with the State of Michigan Department of Natural Resources Registered Forester program, and who practices the science of ecological restoration and management of forests.

IMPROVED SURFACE: The bituminous pavement or concrete or other hard surface, including gravel shoulders, of a traveled roadbed.

MANAGEMENT OR MANAGEMENT PLAN: The sustainable practice of creating or improving a healthy biodiversity, carbon sequestration, and air quality equal to the original natural environment prior to Development.

REFORESTATION: The intentional restocking of trees that have been removed.

TREE: A woody perennial plant with six (6) inches or greater of Diameter Breast Height, typically containing a single stem or trunk, and bearing lateral branches.

STANDS OF TREES (TREE STANDS): An aggregation of Trees or other growth occupying a specific area and sufficiently uniform in species composition, size, age, arrangement, and condition as to be distinguished from the forest or other growth on adjoining areas.

WILDLIFE CORRIDOR: An asymmetrical area of natural habitat that provides passage for wildlife, colonization, and the breeding of plants and animals, throughout a Development and across artificial obstacles such as dams, roads, pedestrian pathways, and railways.

(c) Lots Not Part of a Development.

(1) No Lot or combination of Lots under the same ownership, created outside of a Development, that are equal to or greater than the minimum Lot Area of the zoning district in which the Lot or Lots are located, shall be Clear Cut, unless the Lot is used for a bona fide agricultural use and is authorized by the Zoning Administrator, in which case, the Lot may be Clear Cut to the extent necessary to conduct the agricultural use but shall be used for agricultural purposes for no less than five (5) years prior to constructing a residential, commercial, or industrial use or uses.
(2) Lots that are equal to or greater than the minimum Lot Area of the zoning district in which the Lot is located, and that are used for any use other than a bona fide agricultural use shall not Clear Cut any area within the minimum required setbacks of the zoning district in which the Lot is located, except within the Front Yard and only to the minimum amount necessary to reasonably access the Lot for vehicular access and emergency services.

(3) Any diseased, deceased, or naturally damaged Tree that is unlikely to support itself through its trunk or lacks a significant Canopy as a result of the natural damage, may be removed from the Lot.

(d)(c) Residential, Commercial, and Industrial Development. Any Development with commercial use, industrial use, or a residential Development of two (2) or more residential building sites or units, shall be subject to the following:

(1) Buffers. The designation of a Buffer along all Lot lines for a residential Development boundary, including the Street right-of-way, and along all side and rear Lot lines for commercial or industrial Development. The Planning Commission has the discretion to increase, decrease, or eliminate the Buffer in whole or in part, based upon a consideration of the following factors:
   a. Whether Trees within or near the proposed Buffer are mature Trees;
   b. Whether the Buffer contains or could contain Tree Stands;
   c. The area of the proposed Buffer related to the area of the overall Development property;
   d. The location and type of existing adjacent uses;
   e. The type of permitted adjacent uses;
   f. The density permitted by the underlying zoning district; and
   g. The density permitted within a Planned Unit Development when a Development is sought pursuant to Chapter 38, Article III, Division 8 of this ordinance.

(2) Wildlife Corridor. The designation of a Wildlife Corridor abutting one (1) or more Lot lines of the Development boundary at locations that provide a logical continuation of the Wildlife Corridor on the adjacent properties and beyond. The Planning Commission has the discretion to increase, decrease, or eliminate the Wildlife Corridor in whole or in part, based upon a consideration of the following factors:
   a. The species of animals to benefit from the Wildlife Corridor;
   b. The quality and quantity of vegetative cover and habitat resource;
   c. Whether man made or natural features, such as a body of water, exist on adjacent properties that would obstruct the natural continuation of the Wildlife Corridor; and
   d. Whether the migration of animals is viable without the Wildlife Corridor

No vertical or otherwise upright Tree that is deceased or dying shall be removed from a Wildlife Corridor, unless it is determined to be a threat to human life or property
outside of the Wildlife Corridor. Such determination shall be made by the Zoning Administrator based on sufficient evidence provided by the Lot or property owner.

(3) Clear Cutting. Clear Cutting is prohibited.

(4) Tree Canopies. All Trees within the Development shall maintain a Canopy. A Canopy shall include all of the tree leaves, branches, and stems for any tree without a building beneath the tree and the Canopy shall not be removed to a height more than eight (8) feet from ground level. A Canopy shall include all of the tree leaves, branches, and stems for any tree with a building beneath the tree in whole or in part and the Canopy shall not be removed to a height more than five (5) feet above the highest point of the building.

(5) Tree Stands. Tree Stands shall be preserved to the extent practicable within residential Development.

(6) Health Analysis. For residential Developments with six (6) or more building sites or units, and for commercial or industrial Developments, the Planning Commission may require an inventory and general health analysis of all existing Trees of six (6) inches or greater in diameter measured at the Diameter Breast Height, identifying the species and approximate height of each tree, performed by an Arborist.

(7) Reforestation Plan. A reforestation plan of no less than twenty-five percent (25%) of the Trees removed at six (6) inches or greater in diameter measured at the Diameter Breast Height, which removal were necessary to construct the related Development infrastructure, including, but not necessarily limited to, any easements and physical improvements of internal roads, drives, public utilities, and storm water shall be provided. The reforestation plan shall be performed by a Forester and shall include a Management Plan for the entire Development property.

(8) Outside Agency Approvals. Final approval from the Ottawa County Road Commission, Ottawa County Environmental Health Department, Ottawa County Water Resources Commissioner, and any other pertinent government agency with jurisdiction over applicable approvals for the Development shall be obtained.

(e)(d) Street Trees. Pursuant to the Purpose and Intent of this Chapter Section, the township seeks to preserve, enhance, and create tree-lined Streets along Street rights-of-way. No Lot-person or property owner shall allow the removal of any Tree within the Street right-of-way nor remove any Tree within twenty (20) feet from the Improved Surface of the Street right-of-way, linearly measured to the Diameter Breast Height of the Tree trunk. Tree removal shall be permitted for only the purpose of driveways or private roads intersecting the Street right-of-way. Tree removal shall be the minimum amount necessary to reasonably access the Lot for vehicular access and emergency services. Tree Stands shall not be removed unless absolutely unavoidable. The following Street rights-of-way shall be subject to this section:

1. 152nd Avenue from Butternut Drive to Post Avenue
2. 160th Avenue from New Holland to Post Avenue
3. 168th Avenue
4. Butternut Drive
(5) James Street
(6) Lakeshore Drive
(7) Lakewood Boulevard
(8) Ottawa Beach Road
(9) Riley Street, west of 152nd Avenue
(10) Quincy Street, west of Butternut Drive
(11) Southshore Drive

(e) Appeals. In-lieu of Section 38-70 of this Ordinance, the Zoning Board of Appeals may grant relief from any provision of this Section and shall consider the following standards:

(1) That strict compliance with this Section would render conformity with those restrictions unnecessarily burdensome
(2) That the plight of the property owner/applicant is due to the unique circumstances of the property and not due to general conditions of the zoning district
(3) In the case of a Development, whether appropriate Buffers and Wildlife Corridors can be adequately provided if the variance is granted
(4) The location of buildings on adjoining properties
(5) The size of the lot in question and the size of adjoining properties
(6) The effect of construction on the lot in question on the view from adjoining properties
(7) The potential effect of erosion
MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: August 5, 2020
Re: Master Plan – North Beach Language & Map

As a result of your August 1, 2020 Special Meeting, we have prepared the Ottawa Beach Overlay Zoning District amendment for consideration by the Park Township Board of Trustees (PTBT). Coupled with that was intended to be the Park Township Master Plan language regarding the North Beach area, which coincides with Ottawa Beach. You most recently reviewed, and we believe generally finalized, said Master Plan language at your February meeting. While our notes indicated that the North Beach language was ready for review by the PTBT, it appears that the language was never formally transmitted to them.

Given this, we asked Chairperson Pfost to allow us to seek clarity from the Planning Commission and verify that the Commission was satisfied with the language and related map amendment, as was presented and reviewed at your February meeting. This request is in an effort to provide the same Master Plan documents to the PTBT at their meeting on August 13, 2020, when they consider the Ottawa Beach Overlay Zoning District amendments.

Attached is a copy of the draft Master Plan language and map, as previously presented to you. As you may recall, these revisions were finalized, we believe, at the same time the Public/Open Space Classification was presented for discussion. As a result, it appears that the North Beach effort may have inadvertently paused to consider the entirety of the Master Plan Map.

Anticipated Action

Following your discussion, the Planning Commission can recommend the draft language and map revision to the PTBT. As you know, the PTBT would then authorize the revisions for distribution and comment to surrounding municipalities prior to a public hearing being held by the Planning Commission.

While it is preferred that the North Beach Master Plan revisions are presented to the PTBT at the same time as the Ottawa Beach Overlay Zoning District language, they will not be concluded/adopted at the same time.

If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Howard Fink, Manager
North Beach (page 58)

This area is dominated by Holland State Park. Many of the land uses along Ottawa Beach Road exist because of the Park and depend on it for survival. This subarea has residential, retail, entertainment and resort-oriented land uses. During the summer season, Ottawa Beach Road carries high volumes of traffic. The challenge is to preserve the area’s beachfront character while accommodating the intense activities and traffic associated with this popular destination. The Future Land Use Map designates this subarea for Residential-Low Density, High Density Residential, Historical Residential, Inland Lake Residential, Resort Commercial, and Public/Open Space land uses.

Commercial development should not be expanded here, nor should current land use patterns dramatically shift. New zoning regulations could be developed to ensure that infill development or redevelopment is consistent with the character of the existing West Michigan Park Association cottage neighborhood.

Specific Plan Elements

State Park Gateways. The new trailhead to the Mt. Pisgah Trail underscores the entrance to this key destination. Other gateways, such as to the campgrounds or to the beach are ill-defined and anti-climactic. The township should work in partnership with the Department of Natural Resources and Environment and the Ottawa County Road Commission to enhance the streetscape and create a gateway to strengthen a sense of arrival for visitors. Park Township completed the Ottawa Beach Corridor improvement streetscape which dramatically increased the aesthetics of the gateway. The improvements and streetscape more accurately reflect the prominence of the district and have strengthened the sense of arrival for visitors. As this area is a key tourist destination, the Township should continue to evaluate this area for streetscape and branding improvements. A new Ottawa County Marina is being located near the entrance to the Holland State Park. As part of this marina, Park Township has created in partnership with Ottawa County a plaza celebrating the history and evolution of parks in Park Township. Ottawa County Parks and Recreation Department and in particular the Ottawa County Park 12 Plan significantly has played a significant role in improving the visitor experience improves the visitor’s experience. In 2019, a conversation with principals in the Ottawa County Recreation Department and the township explored the possibility of placing an electronic sign in advance of the State Park to inform beachgoers when the Park is near capacity, with alternative destinations. Additional signs further east combined with shuttle service may help relieve road and beach congestion.

Shuttle Service. Traffic congestion on Ottawa Beach Road was a dominant concern throughout the planning process. The township, with the State and the Macatawa Area Express, should explore the feasibility of a shuttle bus service between the beach and remote parking lots, like Ottawa County Fair Grounds. This is a complex and challenging issue and will require strong partnerships and a good understanding of all issues.

Ottawa Beach Area Neighborhood. The Ottawa
Beach cottage neighborhood is on the National and State Registers of Historic Places. It helps shape the resort and beachfront character of this area. Efforts to ensure the integrity of the historic neighborhood, with the West Michigan Park Association, should be made through the adoption of an overlay district to control new development and preserve the existing neighborhood character. Demolition of historic homes should be discouraged; redevelopment or additions to existing homes should fit the existing neighborhood context and be guided by character-based development regulations, like a form-based code. The historic brick pumphouse that once served the long-gone Hotel Ottawa has been converted into a museum that highlights local history. This approach is consistent with these efforts.

Park 12 Parcels and Michigan Department of Natural Resources Properties. In an effort to protect the character of existing open spaces within North Beach, this Plan recognizes the significance of the property owned by Ottawa County as a result of the 2005 Stipulation and Order Regarding Park 12 Parcels with the West Michigan Park Association. In addition, this Plan recognizes the same open space significance of the State park property owned by the Michigan Department of Natural Resources. To preserve these open spaces, all property within the areas owned by Ottawa County, in particular, the Park 12 Parcels as identified on the Future Land Use Map and within the Appendix, as well as all property owned by the Michigan Department of Natural Resources, also identified on the Future Land Use Map, are never intended to be altered beyond their existing predominant open space character, except for those improvements necessary to manage the State park properties.

Design Standards. Although an expansion of existing commercial uses is not anticipated in this area, many of the current businesses are aging and may soon need to be refurbished, or redeveloped. It will be important to ensure that the architectural character of the new or improved business structures continues to reflect the area’s historic beachfront charm. Again, the township should consider guidelines for site and architectural standards for any commercial development in this area (Figures 37 and 38).
Appendix

- 2005 Stipulation and Order Regarding Park 12 Parcels with the West Michigan Park Association

[INSERT 2005 DOCUMENT]
[ADD TO TABLE OF CONTENTS]
WEST MICHIGAN PARK ASSOCIATION OF
OTTAWA BEACH, MICHIGAN, a Michigan non-
profit corporation,

Plaintiff,

V

DEPARTMENT OF ENVIRONMENTAL
QUALITY, an agency of the State of Michigan,
TOWNSHIP OF PARK, Ottawa County, Michigan, a
subdivision of the State of Michigan, DEPARTMENT
OF NATURAL RESOURCES, an agency of the State
of Michigan, and COUNTY OF OTTAWA, a
subdivision of the State of Michigan,

Defendants.

Case No.: 02-42179-CH
Honorable Calvin L. Bosman

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STIPULATION AND ORDER REGARDING PARK 12 PARCELS

The Parties identified above, through their respective representatives and counsel,

stipulate and agree as follows:
STIPULATION

INTRODUCTION

1. The three above-mentioned cases all involve land located in the West Michigan Park Plat of 1886 recorded at Liber 2 of Plats, Page 15, Ottawa County Records (the “1886 Plat”).

2. In particular, these cases involve title to and use of the parks identified on the 1886 Plat and other areas on the 1886 Plat identified as roads, boulevards or alleys but never improved as such and never vacated (collectively, the “Disputed Property”).

3. In 1942, the then Park Township Supervisor Dick Nieuwsma, pursuant to statutory authority, executed and recorded at Liber 10 of Plats, Page 6, Ottawa County Records, “Nieuwsma’s Supervisor’s Resubdivision of West Michigan Park.” In that Resubdivision he collected and identified the Disputed Property as “Park 1” through “Park 12.”

4. Since that Resubdivision, the parties have been referring to the Disputed Property as the “Park 12 Parcels.” This Stipulation and Order will refer to each as a “Park” using the aerial maps with graphic enhancements attached as Exhibits A, B and C. For purposes of identifying the boundaries of each “Park,” however, the Survey referenced in Paragraph 15 below shall control.

5. This Stipulation and Order is entered in each of the above-captioned cases. The first above-captioned case has remained before this Court pursuant to the continuing jurisdiction retained by this Court over the Park 12 Parcels in the “Judgment” entered on January 13, 1964, by then Circuit Court Judge Raymond L. Smith. This Stipulation and Order is entered in the second and third above-captioned cases pursuant to MCR 7.208(A)(2).

6. The West Michigan Park Association of Ottawa Beach, Michigan, (“WMPA”) is an Association that represents owners (now or hereafter) of the lots located the 1886 Plat (collectively, the “Cottagers”). In implementing the terms and benefits of this Stipulation and Order, WMPA acknowledges and represents that it will not discriminate against any of the Cottagers on the basis of whether they have paid or not paid WMPA dues.

7. The Ottawa County Parks and Recreation Commission (the “Commission”) is an appointed commission, responsible for the management and development of the Ottawa County park system, and is under the direct authority and control of the Ottawa County Board of Commissioners.

8. The Commission has prepared a “Master Plan” for the Park 12 Parcels dated March of 2004 (the “Master Plan”). This Stipulation and Order is based on that Master Plan, but where it conflicts with the Master Plan this Stipulation and Order shall control.

9. The Michigan Department of Natural Resources (“MDNR”) operates and manages the Holland State Park located both east and west of the Park 12 Parcels. In particular,
MDNR operates a campground east of the Park 12 Parcels and a recreational vehicle campground and day-use park on Lake Michigan on the west side of the Park 12 Parcels.

10. The Park 12 Parcels are located in Park Township, Ottawa County, Michigan.

11. In entering this Stipulation and Order, the Court recognizes that the Michigan Supreme Court and the Michigan Court of Appeals have addressed the title in and use of the Park 12 Parcels pursuant to the 1886 Plat. For reference purposes, these determinations were made in the following cases: West Michigan Park Association, Inc. v Fogg, 158 Mich App 160 (1987); West Michigan Park Association v Department of Natural Resources, 91 Mich App 641 (1979); West Michigan Park Association v Department of Conservation, 2 Mich App 254 (1966); Kirchen v Remenga, 291 Mich 94 (1939); Westveer v Ainsworth, 279 Mich 580 (1937); and West Michigan Park Association v Pere Marquette Railroad Co., 172 Mich 179 (1912). This Stipulation and Order does not supersede the findings or holdings in any of these cases as to the parties’ or the Cottagers’ respective rights or interests in the Park 12 Parcels.

12. Ottawa County and WMPA acknowledge and agree to the following: Ottawa County holds title to the Park 12 Parcels; this title is less than a fee simple absolute interest; this title imposes upon Ottawa County a trust and fiduciary obligation in the manner in which it operates and maintains the Park 12 Parcels.

13. This Stipulation and Order is entered to facilitate Ottawa County’s development and management of the Park 12 Parcels while at the same time protecting the Cottagers’ interests in the use of the Park 12 Parcels as more specifically set forth in the Master Plan and this Stipulation and Order. The Parties recognize that changing conditions may necessitate changes to the County’s Master Plan and nothing herein shall be interpreted as precluding the Commission or Ottawa County from making any changes to the Master Plan or precluding WMPA from challenging the propriety of such changes in Ottawa County Circuit Court. If, however, Ottawa County intends to make any changes to the Master Plan, Ottawa County shall give WMPA (through its president) notice of such changes and WMPA shall have thirty (30) days to discuss the changes with Ottawa County. If WMPA does not approve of such changes, WMPA may file a motion with the Ottawa County Circuit Court requesting that the Court deny these changes to the Master Plan. Notwithstanding the foregoing, the parties recognize and accept the Master Plan and this Stipulation and Order as reflecting an appropriate balance of the respective interests in the use of the Park 12 parcels which will be implemented by Ottawa County, the Commission and WMPA to develop the Park 12 Parcels and in resolution of this litigation.

14. Many of the Cottagers’ cottages are accessible only by pedestrian walkways, a unique feature of the community, which was built before the automobile. The walks that service the residents in the northwest area of the 1886 Plat are known as the “upper and lower boardwalks”. To the west these boardwalks connect to Park 3(A) (see below) and to the east these boardwalks connect to a parking area at the northern end of Auburn Street. At the time of entry into this Stipulation and Order, the parties are under the impression that the lower boardwalk is within the Park 12 Parcels but that the upper boardwalk is not. This issue will be clarified by the Survey described in Paragraph 15.
15. Ottawa County shall procure prior to March 31, 2006, an ALTA/ACSM Land Title Survey of the Park 12 Parcels (the “Survey”). The Survey shall be certified to Ottawa County and WMPA and WMPA shall be provided ten (10) copies of the Survey. The Cottagers and/or WMPA shall have the right to contract independently with the surveyor to have the Cottagers’ lots surveyed at the same time and at their and/or WMPA’s expense.

16. Ottawa County and WMPA acknowledge and agree (a) that the Cottagers have a current need for parking within the Park 12 Parcels, (b) that this need will continue as long as society remains dependent on private automobiles as the principal form of transportation to the cottages, (c) that so long as such need continues there will always be reasonably accessible parking available to the Cottagers on the Park 12 Parcels; and (d) that if and after the term of the lease has been terminated (as described below in Paragraph 17), the cost of such parking to the Cottagers shall not exceed the County’s reasonable and necessary costs for such parking lots, including but not limited to the costs of maintenance, insurance and taxes imposed upon the County by some other governmental unit, if any. Ottawa County will separately negotiate with Mr. Kronemeyer, reasonable parking arrangements as part of a larger agreement regarding the status of his cottage.

17. Following completion of the Survey, Ottawa County shall enter into a commercially reasonable lease with WMPA for the Auburn, Park 5 and Park 9 parking areas currently used by the Cottagers (the “Parking Areas”). The boundaries of the Parking Areas shall be identified on the Survey. WMPA and the County will consider other parking lot areas and if they agree to such a use of designated properties, the lease will be extended for such areas. The lease shall be for a term of ten (10) years, at the rate of $1.00 per year. The lease shall provide a right of renewal by WMPA for another ten (10) year term under the same terms and conditions. The lease shall provide that WMPA shall maintain and insure each of the Parking Areas, such insurance to contain commercially reasonable terms of coverage. At the conclusion of the lease the parties may renew the lease for any period they mutually agree to (and renew it periodically thereafter). In the absence of a specific renewal lease, the lease shall automatically renew indefinitely for successive two (2) year periods, unless the County or WMPA serve on the other party written notice of an intent to terminate at least two (2) years prior to the expiration of the then applicable term. Any such renewal lease shall also provide that WMPA will be responsible for all maintenance and insurance of the leased Parking Areas. Ottawa County and the Commission shall be named as additional insureds in any insurance policies required to be maintained by WMPA under any lease for the Parking Areas. Subject to the general prohibition against discriminating against Cottagers based upon whether they pay WMPA dues, WMPA will have sole discretion in setting the terms on which the parking spaces in the Parking Areas are allocated to the Cottagers. WMPA may mark the Parking Areas as private parking and may gate and fence them, provided that any signage and fencing plan must be submitted to the Commission for prior approval, which approval shall not be unreasonably withheld.

18. Ottawa County shall, as more specifically set out below, develop and maintain the remainder of the Park 12 Parcels other than the “Parking Areas.” The phrase “the remainder of the Park 12 Parcels” also includes the lower boardwalk, the sidewalks and the streets of the 1886 Plat which Ottawa County will maintain as it would any other public improvement without charge to WMPA or the Cottagers. If the upper boardwalk is found to be outside of the Park 12 Parcels, WMPA agrees to maintain it. If the upper boardwalk is found to be within the Park 12
Parcels, the County will maintain it. The streets, upper and lower boardwalks and the sidewalks shall not be re-routed except by mutual agreement of Ottawa County, WMPA and the Cottagers whose lots are located on such street, sidewalk or boardwalk and by any necessary order of the Court upon a proper vacation or other lawful petition by a lot owner, WMPA or Ottawa County.

IMPLEMENTATION

19. Upon completion of the Survey, Ottawa County shall begin implementing the Master Plan as more specifically set forth below.

20. In implementing the Master Plan and thereafter, Ottawa County and the WMPA shall cooperate with each and each shall appoint persons to have at least semi-annual meetings through the completion of the implementation of the Master Plan and then from time to time thereafter to discuss all matters that may concern Ottawa County, WMPA or the Cottagers. In implementing the Master Plan and thereafter, Ottawa County shall pay particular attention to the delicate nature of the ecosystem present in the Park 12 Parcels and shall, consistent with good conservation practices, monitor the status and condition of natural features to assess both positive and adverse changes over time and implement written stewardship practices to ensure that this delicate ecosystem present on the Park 12 Parcels is sustained into the future.

21. PARKS 1 and 2 – MATURE FOREST (Allegan Park-historic name)

Ottawa County shall develop Parks 1 and 2 as provided in the Master Plan, subject to the following provisions of this Paragraph 21. Several possible “encroachments” have been identified by Ottawa County and these include drives, yard debris, plantings, walkways, and parking areas. The Survey shall show any such encroachments on the Survey and all such encroachments shall be processed in the manner provided for in Paragraph 30 below. To the extent that the current unimproved two track trail (to be identified on the Survey) serving the Cottagers at the far north end of the 1886 Plat is on Park 1 and/or 2, it may remain in its current location; however, use is restricted to emergency service and construction vehicles only and the latter is to be approved by the County in advance where possible, although such approval will not be unreasonably withheld. In consideration for the loss of parking associated with this change, Ottawa County agrees to expand at its costs the Auburn Parking Area by at least 11 parking spaces. Ottawa County Parks Department will be permitted to use one designated space in this expanded Auburn Parking Area. WMPA will allocate the remaining parking spaces pursuant to Paragraph 17.

22. PARK 3 – LAKE MICHIGAN BEACH TO OTTAWA BEACH ROAD (Sand Park – historic name)

Park 3 (A) - Lake Michigan Beach
Park 3 (B) - Foredunes
Park 3 (C) - Ottawa Beach Road Frontage
PARK 3 (A) – LAKE MICHIGAN BEACH

Ottawa County shall develop Park 3(A) as provided in the Master Plan, subject to the following provisions in this Paragraph 22. Ottawa County shall place informational signs on both the north and south ends of this beach area stating that the public may use the beach only during posted park hours and that no alcohol or pets are allowed and all trash to be removed by the user. Ottawa County or its enforcement designee shall respond promptly to any notification from WMPA, the Cottagers, or public of any violation of these rules. Provided that emergency vehicle access can be arranged through Holland State Park, no access road, trail or walkway shall be established or built to access the beach area of Park 3 other than the current pedestrian boardwalk through the “gap,” and the gap shall remain unless a replacement trail is established by the mutual agreement of the County and WMPA. Ottawa County shall maintain the gap, including being responsible for any bulldozing of sand in the spring, installation of snow fencing in the fall and seasonally installing, removing, maintaining and storing the pedestrian boardwalk. Ottawa County shall seasonally install and remove swim buoys. No structures shall be built on Park 3(A). No recreation devices (including but not limited to picnic tables, volleyball courts, etc.) shall be placed on Park 3(A). Ottawa County shall not encourage public access through the boardwalk through signage or other promotional materials. Ottawa County pledges to enforce its rules and regulations regarding the beach in a manner sensitive to the historical use of the area by the Cottagers.

PARK 3 (B) – FOREDUNES

Ottawa County shall develop Park 3(B) as provided in the Master Plan, except for the Parking Area, which will be subject to the lease provisions described above in Paragraphs 16 and 17. Ottawa County has identified possible encroachments in this parcel. The Survey shall show any such encroachments and all such encroachments shall be processed in the manner provided for in Paragraph 30 below. Ottawa County shall place appropriate signage on Park 3(B) indicating that the dunes are a sensitive natural habitat and no climbing on them is allowed.

PARK 3 (C) – OTTAWA BEACH ROAD FRONTAGE

Ottawa County shall develop Park 3(C) as provided in the Master Plan, subject to the following provisions of this Paragraph 22. All lighting along Ottawa Beach Road shall be subdued so as to be safe and to minimize any nuisance to the adjacent cottages. The Parking Area will be subject to the lease described above in Paragraphs 16 and 17. Ottawa County shall place appropriate signage on Park 3(C) indicating that the dunes are a sensitive natural habitat and no climbing on them is allowed.

23. PARKS 4 and 5 – GREEN SPACE BUFFER

Ottawa County shall develop Parks 4 and 5 as provided in the Master Plan, subject to the following provisions of this Paragraph 23. There is currently a Parking Area located on Park 5, which will be subject to the lease described above in Paragraphs 16 and 17. Ottawa County has identified possible encroachments in these two parcels including drives, storage, yard debris, plantings, snow storage, and fire pit. The Survey shall show any such encroachments on the Survey and all such encroachments shall be processed in the manner provided for in Paragraph
30 below. Ottawa County shall place appropriate signage on Parks 4 and 5 indicating that the
dunes are a sensitive natural habitat and no climbing on them is allowed.

24. **PARKS 6, 7 and 8 – MT. PISGAH (Mt. Pismah - historic name)**

Ottawa County shall develop Parks 6, 7 and 8 as provided in the Master Plan, subject to
the following provisions of this Paragraph 24. Ottawa County shall take actions to restrict and
inhibit deviation from the dune ridge trail. In five (5) years from the date of the entry of this
Order, Ottawa County shall review with WMPA the issue of whether the dune ridge trail has
encouraged and facilitated significant deviations from the path and intrusions into other Park or
Cottager properties. If significant deviations and intrusions are found, Ottawa County shall take
remedial actions. Nothing in this provision shall preclude Ottawa County and/or WMPA from
taking appropriate action prior to or after the five (5) year review. Also, Ottawa County shall
take action to eliminate all trails not shown in the Master Plan. Ottawa County shall place
appropriate signage on Parks 6, 7 and 8 indicating that the dunes are a sensitive natural habitat
and no climbing on them is allowed. Ottawa County may install snow fencing to prevent sand
from falling onto its sidewalks or to restrict access to sensitive natural areas.

25. **PARK 9 – AUBURN STREET BUFFER (Grove Park - historic name)**

Ottawa County shall develop Park 9 as provided in the Master Plan, subject to the
following provisions of this Paragraph 25. There is currently a Parking Area located on Park 9,
which will be subject to the parking provision described above in Paragraphs 16 and 17. Ottawa
County has identified possible encroachments in this parcel. The Survey shall show any such
encroachments and all such encroachments shall be processed in the manner provided for in
Paragraph 30 below. Ottawa County shall place appropriate signage on Park 9 indicating that the
dunes are a sensitive natural habitat and no climbing on them is allowed.

26. **PARKS 10 and 11 – GATEWAY (Grove Park - historic name)**

Ottawa County shall develop Parks 10 and 11 as provided in the Master Plan, subject to
the following provisions of this Paragraph 26. The historical marker shall remain located on
Park 10. All lighting on these two Parks shall be subdued so as to provide safety and to
minimize any nuisance to adjacent cottages. The western portion of Park 11 is addressed as part
of Park 12(B) below.

27. **PARKS 11 + 12 – MACATAWA WATERFRONT (Grove Park, Ottawa Park,
and Sand Park - historic names)**

*Park 12(A) - Waterfront Pathway*
*Park 11/12(B) - Fishing Access*
*Park 12(C) - Historic Pump House*
*Park 12(D) - Marina*
*Park 12(E) - Cove*
PARK 12 (A) – WATERFRONT PATHWAY

Ottawa County shall develop as provided in the Master Plan, subject to the provisions of this Paragraph 27. Except for the Historical Pump House and the Marina currently known as “Parkside,” all private improvements shall be removed.

PARKS 11 + 12 (B) – FISHING ACCESS

Ottawa County shall develop as provided in the Master Plan.

PARK 12 (C) – HISTORIC PUMP HOUSE

Ottawa County shall develop as provided in the Master Plan, subject to the following provisions. Ottawa County recognizes the historical significance and importance of the Pump House to the Cottagers, WMPA, and the general public. Ottawa County shall restore and maintain the Pump House, generally developing it into a community room and museum. Ottawa County shall then lease the museum portion of the building to the Ottawa Beach Historic Commission (or another local non-profit museum oriented group) on terms mutually acceptable to the parties for $1 per year. Ottawa County will not demolish the Pump House or to change its use, without Court approval after demonstrating good and substantial cause, providing WMPA at least sixty (60) days advance notice of any effort to obtain such Court approval. Ottawa County shall remove the existing docks, decks, boat slips, moorings, and supporting structures in this area, but not before the additional docks referenced below for WMPA’s use in Park 12(D) are available. WMPA may have reasonable use of the Pump House free of charge for meeting purposes, which such meetings to be arranged with the County upon advance notice.

PARK 12 (D) – MARINA

All motorized and non-motorized boating activities within Park 12 shall be consolidated into this one area along the waterfront as shown in the Master Plan. Leases given by Ottawa County for marina/dock facilities not located in the consolidated marina area shall be discontinued. The old wood structure west of the marina and sometimes called the “T-shirt shop” may be removed by Ottawa County and the site restored. Ottawa County shall ensure that the marina, now known as “Parkside,” is maintained to appropriate environmental, cleanliness and aesthetic standards and that, for the benefit of Cottagers, WMPA is allowed to rent at least 15 slips at the marina at the market rates available to the public.

PARK 12 (E) – THE COVE

Ottawa County shall develop as provided in the Master Plan.

CONCLUSION

28. Cottagers shall have the right to temporarily use adjacent portions of the Park 12 Parcels at no cost for construction staging when renovating, rebuilding or constructing a cottage, garage or related out building, provided however, that advance permission must be obtained by the Cottagers from Ottawa County and subject to conservation and other terms designed to protect the property as then set by Ottawa County, which shall be reasonable.
29. With the approval of the Ottawa County Sheriff, WMPA shall be allowed to hire at its expense off-duty or reserve deputies of the Ottawa County Sheriff's Office for purposes of patrolling the Park 12 Parcels.

30. It appears that over time the Park 12 Parcels have experienced gradual intrusions of activities, uses, structures, and other encroachments onto the Part 12 Parcels. Some of those possible encroachments have been identified above and the Survey shall show the location of any such encroachments. WMPA, the Cottagers and Ottawa County shall cooperate reasonably with each other in resolving any such encroachments in the Park 12 Parcels. If they are unable to resolve an encroachment, the encroachment shall be brought before this Court for resolution. Nothing in this Stipulation and Order will affect positively or adversely the rights of the Cottagers and/or the County relative to such encroachments in such a court action, provided that Ottawa County agrees to seek the abatement in this Court of any encroachment revealed by the Survey within two (2) years after completion of the Survey. Thereafter, Ottawa County may only seek abatement of encroachments revealed by the Survey if Ottawa County demonstrates that circumstances have materially changed and that there is good and substantial cause for the abatement. None of the provisions of this Paragraph 30 apply to encroachments associated with commercial establishments, to encroachments that occur after the date of this Stipulation and Order, or to encroachments solely relating to property that is not part of a Park 12 Parcel. For any encroachment existing as of the date of this Stipulation and Order but which is not revealed by the Survey, and therefore not addressed by the County within the two (2) year period, the County may obtain the abatement of such encroachment only if Ottawa County files an action in this Court in which it demonstrates that there is good and substantial cause for the abatement of the encroachment and that the abatement will impose a minimal burden on the property owner.

31. The County shall place signs prohibiting motorized vehicles, skateboards, roller-skates, rollerblades, scooters and all similar devices from any or all boardwalks.

32. The Court shall retain its continuing jurisdiction over the Park 12 Parcels under Chancery Case No. 5028 for purposes recognized therein, including but not limited to enforcing the terms of this Stipulation and Order. The Court recognizes that issues of interpretation and implementation of this Stipulation and Order may arise and if the parties are unable to resolve it themselves they shall bring the matter before the Court in an as expeditious manner as possible by filing an appropriate motion and serving such motion and notice of hearing via first class mail at the official address of each party.

33. The Master Plan shall be developed and the activities described in this Stipulation and Order shall be conducted in a manner that complies with federal, state, and local laws and regulations of general applicability (including those requiring permits) that would apply independently of this Stipulation and Order. Relative to Ottawa County and Park Township ordinances, it is the general intent that the specific provisions in this Stipulation and Order will control over conflicting provisions on the same subject in County or Township ordinances. The Court as provided in Paragraph 32, above, may resolve any controversy on this interpretive issue.

34. Subject to the final relief provided therein, Cases Nos. 02-42682-CH and 02-42179-CH are hereby closed. No fees or costs are awarded to any party.
35. This Order may be recorded in the Ottawa County records maintained by the Register of Deeds and shall act as constructive notice to all subsequent purchasers of property in the 1886 Plat.

IT IS SO STIPULATED:

Dated: 9/7/05

WEST MICHIGAN PARK ASSOCIATION

By: [Signature]

Its: [Signature]

And or:

John H. Logie (P16778)

Business Address
Warner Norcross & Judd LLP
111 Lyon Street, N.W., Suite 900
Grand Rapids, Michigan 49503
(616) 752-2000
Attorneys for West Mich. Park Assoc.

Dated: 9/11/05

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

By: [Signature]

Its: [Signature]

And by:

James R. Biggus (P29221)
Assistant Attorney General

Business Address
525 West Ottawa Street, 6th Floor
P.O. Box 30755
Lansing, MI 48909
(517) 373-7540
Dated: 9/2/05

DEPARTMENT OF ENVIRONMENTAL QUALITY

By: Mary Ellen Crouse

Its: Chief, LWMD

And by: James P. Figgush (P29221)
Assistant Attorney General

Business address
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P.O. Box 30755
Lansing, MI 48909
(517) 373-7540

OTTAWA COUNTY

By: ________________________

Its: ________________________

And by: ________________________
Douglas Van Essen (P33169)

Business address
Silver & Van Essen, P.C.
116 Ottawa Avenue N.W.
Grand Rapids, Michigan 49503
(616) 988-5600
Attorneys for Ottawa County
Dated: September 19, 2005

DEPARTMENT OF ENVIRONMENTAL QUALITY

By:

Its:

And by:
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Assistant Attorney General

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OTTAWA COUNTY

By: Roger Kuyenga

Its: Board of Commission Chairperson

And by:
Douglas Van Essen (P53169)

Business address
Silver & Van Essen, P.C.
116 Ottawa Avenue N.W.
Grand Rapids, Michigan 49503
(616) 988-5600
Attorneys for Ottawa County
Dated: **SEPT 9 2005**

**PARK TOWNSHIP**

By: [Signature]

Its: **SUPERVISOR**

And by: [Signature]

Thomas Boven (P11052)

**Business address**

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Attorneys for Park Township
ORDER

This matter having come before this Court based upon the Stipulation of the parties (as evidenced by the signatures set forth above) and the Court having held a hearing on the matter on August 31, 2005, at which time the Court was requested to approve the Stipulation,

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that subject to the procedural rulings made by the Court from the bench at the above-referenced hearing, the above STIPULATION is hereby approved and is hereby entered and adopted as the ORDER of this Court. This Order closes the three above-mentioned cases, except for the matters over which this Court has retained continuing jurisdiction as more fully described in the Stipulation.

Dated: September 28, 2005

Hon. Calvin L. Bosman
Circuit Court Judge

Attest: A True Copy

Deputy Circuit Court Clerk
August 4, 2020

Park Township Planning Commission
Attn.: Chairperson Pfost

Re: The Reserve at Lake Macatawa Minor PUD Amendment

Dear Chairperson Pfost,

In early August 2020, Park Township Staff was contacted by David Caldron of Varnum, LLP, on behalf of Covenant Development, regarding a proposed modification to The Reserve at Lake Macatawa Planned Unit Development (PUD). Mr. Caldron explained that as the development has progressed, it has become apparent that the approved design for the “central park” (an approximate 1.2-acre grass lawn ringed by sidewalk on the eastern half of the site) would be more desirable with internalized sidewalks, landscaping, and centralized seating. The proposed plan is enclosed for your reference. Mr. Caldron requested that Staff consider if this change to the approved PUD may be reviewed administratively, or if it would be considered a major amendment to the development.

Per Section 38-375(1) of the Park Township Zoning Ordinance, “A minor change may be approved by the Zoning Administrator, who shall notify the Planning Commission of the minor change and shall indicate that such change does not substantially change the basic design or alter the conditions required for the PUD. The following items shall be considered as minor changes:
(c) Plantings approved in the landscape site plan may be replaced by similar types of landscaping.
(h) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.”

After reviewing the proposed amendment to The Reserve PUD, and conferring with Staff Planner Ransford, I have deemed that the proposed modifications are of a minor nature, that are not material or significant in relation to the entire site, and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

As such, per the authority granted in Section 38-375 of the Zoning Ordinance, I have approved the minor change and am subsequently notifying the Planning Commission. If you have any questions or concerns with this decision, please contact me.

Respectfully,

Emma Posillico
Zoning Administrator