

DRAFT

AGENDA

Park Township Planning Commission

July 19, 2011
6:30 p.m.

1. APPROVAL OF AGENDA
2. WELCOME NEW MEMBER, Linda Dykert
3. ORGANIZATIONAL ISSUES
Selection of ZBA Representative (min 1 year term or to coincide with PC Term)
4. APPROVAL OF MINUTES: June 21, 2011
5. AGENDA ITEMS
 - Item #1 Point West 1 Final PUD application
 - Item #2 Medical Marijuana
6. PUBLIC COMMENTS
7. ADJOURNMENT

EXCERPTS OF MINUTES

At a regular meeting of the Planning Commission of the Township of Park, Ottawa County, Michigan, held at the Township Hall at 52 - 152nd Avenue, Park Township, Ottawa County, Michigan, on the 19th day of July, 2011, at 6:30 p.m., local time.

PRESENT: _____

ABSENT: _____

After certain other matters of business were concluded, the Chairman stated the next order of business was the consideration of a proposed resolution and appended report concerning recommending to the Park Township Board that the Point West I Planned Unit Development Project be approved. A draft of this resolution and report were then reviewed by members of the Planning Commission. After discussion, the following resolution was offered by _____ and supported by _____:

RESOLUTION

WHEREAS, in the late Fall of 2009 (late November or early December), Greg Raad, of Nederveld, Inc, and Mark Harmsen as a representative and on behalf of Point West I, L.L.C., a Michigan limited liability company whose registered agent is Jim Rosloniec and whose registered address is 2905 Lucerne, Grand Rapids, Michigan (the "Developer"), filed an application with the Township for approval of a Planned Unit Development project (the "Project") consisting of a cottage-style neighborhood with a maximum of forty (40) residential units, eighty (80) boat slips, reconfiguration of private roads, parking, public water and sewer along with other private utilities, and other related site improvements, on approximately 8.9 acres of property located generally at 2365 South Shore Drive and identified as Tax Parcel ID Number 70-15-33-387-019, being those

lands and premises in Park Township, Ottawa County, Michigan, described more specifically on Exhibit A (the “Property”); and

WHEREAS, the Developer submitted to the Planning Commission a Preliminary Site Plan for the Project as required by Section 38-366 of the Park Township Code of Ordinances; and

WHEREAS, the Planning Commission conducted a public hearing with respect to the Preliminary Site Plan Project at the Planning Commission meeting held on December 15, 2009, adjourned the public hearing until the next regularly scheduled meeting; and

WHEREAS, the Planning Commission removed the item from the table at its regular meeting held on January 19, 2010, held the remainder of the public hearing, closed the public hearing, then reviewed the Preliminary Site Plan for the Project as provided in Section 38-367 of the Park Township Code of Ordinances and once again tabled the matter; and

WHEREAS, at its regularly scheduled meeting held on February 16, 2010, after the Planning Commission removed the item from the table and reviewed the issue regarding maximum density of the Project with the Township Planner [who recommended a maximum density of forty-three (43) residential units], and following discussion about the density and the parallel plan submitted as part of the Preliminary Site Plan [as required by Section 38-366(6) of the Park Township Code of Ordinances], the Planning Commission determined that the maximum density of the Project would be forty (40) residential units [as provided in Section 38-373(b) of the Park Township Code of Ordinances], made further comments and recommendations to the Developer’s representatives, directed the Developer’s representatives to submit a Revised Preliminary Site Plan consistent with the density determination and other recommendations, and then tabled the matter once again; and

WHEREAS, at the Planning Commission’s regular meeting held on May 18, 2010, the Developer’s representative Mark Harmsen advised the Planning Commission that after receiving a significantly different directive from the Planning Commission at the February 2010 meeting, the

Developer wanted to look at the design of the Project and the suggestions and recommendations received from the Planning Commission, meet with individuals in the surrounding neighborhood, and return to the Planning Commission in the late Summer or early Fall of 2010, and Mr. Harmsen asked the Planning Commission to allow the application to remain tabled until such time; and

WHEREAS, the Developer's submitted a revised Preliminary Site Plan to the Township in the Fall of 2010; and

WHEREAS, the Planning Commission reviewed the revised Preliminary Site Plan for the Project as provided in Section 38-367 of the Park Township Code of Ordinances at various regular meetings of the Planning Commission over the next six months (e.g., November 16, 2010, January 18, 2011, February 15, 2011, March 15, 2011, and April 19, 2011); and

WHEREAS, at its regular meeting held on April 19, 2011, the Planning Commission made formal recommendations to the Developer pertaining to the revised Preliminary Site Plan as provided in Section 38-368 of the Park Township Code of Ordinances; and

WHEREAS, the Developer then submitted a Final Site Plan as provided in Sections 38-369 and 38-370 of the Park Township Code of Ordinances; and

WHEREAS, the Planning Commission considered the application and Final Development Plan at the Planning Commission meeting held on June 21, 2011; and

WHEREAS, the Planning Commission has determined to recommend to the Park Township Board that it approve the Project.

THE PARK TOWNSHIP PLANNING COMMISSION RESOLVES THAT:

1. The Park Township Planning Commission adopts the Report attached as Exhibit B and recommends to the Park Township Board that the Project be approved as a Planned Unit Development, subject to all of the conditions referenced in the Report.

2. All resolutions in conflict herewith in whole or in part are hereby revoked to the extent of such conflict.

YES: _____

NO: _____

RESOLUTION DECLARED ADOPTED.

Dated: July 19, 2011.

Secretary

CERTIFICATE

I, the undersigned, the Secretary of the Planning Commission of the Township of Park, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission at a regular meeting held on the 19th day of July 2011. I do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Secretary

Exhibit A

Lands located in the State of Michigan, County of Ottawa, Township of Park, located generally at 2365 South Shore Drive, in Park Township, Ottawa County, Michigan, identified as Tax Parcel ID# 70-15-33-387-019, on land legally described as follows.

ALL OF LOT 196 & PART OF LOTS 95, 154, 157 & OUTLOT 1, LYING E'LY OF A LI COM SW COR OF LOT 94, TH N 68D 10M 20S E 22.87 FT S 21D 41M 40S E 14.3 FT, S 27D 46M W 5.3 FT, S 41D 34M 07S W 55.67 FT, S 24D 55M 53S E 67.49 FT TO PT "A", TH N 24D 55M 53S W TO S LI OF SUNSET WALK & PT OF BEG OF SD LI, TH S 24D 55M 53S E TO PT "A", TH N 45D 53M 10S E 66.39 FT, N 59D 06M 41S E 43.28 FT, N 34D 36M 20S E 20.06 FT, N 43D 56M 52S W 39.54 FT, N 32D 59M 05S W 97.74 FT, N 20D 34M W 89 FT, N 58D 52M 33S E 16.73 FT, N 10D 12M 14S W 100.39 FT TO N LI OF INTERLAKE WALK & PT OF END OF SD LI, EXC PART OF LOT 154 COM 25 FT E'LY FROM SE COR OF LOT 102 ON S LI SD LOT 102 IF EXTEND, TH CONT ALG SD LI E'LY 60 FT, TH NW'LY PAR TO E LI OF LOT 102 TO CEN LI OF SUNSET WALK, TH SW'LY ALG CEN LI OF SD WALK TO BEG, ALSO EXC PART OF LOTS 154 & 157 COM MOST N'LY COR OF LOT 156, TH N 50D 01M W 25 FT ALG NE'LY LI OF LOT 154 & 157, TH N 78D 49M 39S W 11.41 FT, S 39D 59M W 54.5 FT, TH S 50D 01M E 35 FT TO MOST W'LY COR OF LOT 156, TH N 39D 59M E 60 FT TO BEG, ALSO EXC COM 25 FT E'LY FROM SE COR LOT 102 ON S LI OF SD LOT 102 IF EXTENDED, TH S 25D 36M E 28.6 FT, S 34D 41M W TO CEN LI OF BLUFF WALK, TH W'LY ALG CEN LI OF SD WALK TO INTERS OF CEN LI OF BLUFF WALK & CEN LI OF SUNSET WALK, TH NE'LY ALG CEN LI OF SUNSET WALK TO BEG, ALSO EXC COM ON S LI OF BLUFF WALK S 57D 56M W 70.85 FT FROM NE COR OF LOT 124, TH S 57D 56M W 50 FT ALG S LI OF BLUFF WALK, TH N 27D 02M W 10 FT, N 11D 42M E 25 FT, N 33D 15M E 35 FT, TH S 32D 06M E 42.63 FT TO BEG, ALSO EXC THAT PART OF LOT 154 COM 5 FT E & 8 FT N OF NE COR OF LOT 125, TH N'LY 2 FT, W'LY 105 FT, S'LY 10 FT TO N'LY LI OF BLUFF WALK, TH E'LY 105 FT ALG SD LI TO BEG. HENEVELD'S SUPR RESUB OF MACATAWA PARK

Exhibit B

REPORT

Pursuant to the provisions of the Park Township Zoning Ordinance (the “Zoning Ordinance”), the following is a report of the Park Township Planning Commission (the “Planning Commission”) concerning an application by Greg Raad, of Nederveld, Inc, and Mark Harmsen as a representative and on behalf of Point West I, L.L.C., a Michigan limited liability company whose registered agent is Jim Rosloniec and whose registered address is 2905 Lucerne, Grand Rapids, Michigan (the “Developer”), for approval of a Planned Unit Development project (the “Project”). The Project consists of a cottage-style neighborhood with a maximum of forty (40) residential units, eighty (80) boat slips, reconfiguration of private roads, parking, public water and sewer along with other private utilities, and other related site improvements, on approximately 8.9 acres of property located generally at 2365 South Shore Drive and identified as Tax Parcel ID Number 70-15-33-387-019 (the “Premises”).

I. Conclusion and Recommendation of Planning Commission.

After a thorough review of the standards provided in Section 38-365 of the Park Township Code of Ordinances, the Planning Commission concludes that the Project is consistent with and promotes the intent and purpose of Chapter 38, Division 8 of the Park Township Code of Ordinances. The Planning Commission therefore recommends to the Park Township Board that the Project be approved as a Planned Unit Development, subject to all of the conditions contained in this Report. The Final Development Plan for the Project is presently on file with the Park Township Zoning Administrator, and consists of all of the following documents and information.

- A) A spiral bound booklet entitled “Final PUD for Point West I” dated 5/31/11, prepared and compiled by Nederveld , Inc., including Project Overview, Site Background, Project Details, and Additional Information; and
- B) A document entitled “Existing Site Conditions and Natural Features Plan of: POINT WEST I, LLC” prepared by Nederveld, Inc., a Michigan corporation whose address is 217 Grandville Ave., Suite 302, Grand Rapids, Michigan 49503,

Drawn by WDS (dated 06/22/09), as last Checked by RJB dated 05/31/11 (No. 1 – Final PUD Submittal), Project No. 09200061, Sheet C-201; and

- C) A document entitled “Parallel Plan for: POINT WEST I, LLC” prepared by Nederveld, Inc., a Michigan corporation whose address is 217 Grandville Ave., Suite 302, Grand Rapids, Michigan 49503, Drawn by WDS (dated 10/26/09), as last Checked by RJB dated 11/24/09 (No. 1 – Preliminary PUD Submittal), Project No. 09200061, Sheet C-101, showing how the Premises could be developed based on the current zoning of the Premises (C-2 Resort Service District) by splitting the Premises into two lots, with a total of 72 multi-family residential units (25 on Lot A and 47 on Lot B) and a total of 80 boat slips, along with 230 parking spaces (two per multi-family unit and one per boat slip, with two additional parking spaces); and
- D) A document entitled “Final PUD Plan for: POINT WEST I, LLC” prepared by Nederveld, Inc., a Michigan corporation whose address is 217 Grandville Ave., Suite 302, Grand Rapids, Michigan 49503, Drawn by WDS (dated 05/18/11), as last Checked by RJB dated 05/31/11 (No. 1 – Final PUD Submittal), Project No. 09200061, Sheet C-204, containing a legend, General Notes, and Utility Notes, showing the preferred boat slips areas, the no boat slip zone, the boat house (club house), the pool, the possible pool house building, the hillside building, private drives, parking areas, and the build-to zones / setback lines for the various types of single family cottage areas, the flex areas, and Hillside area; and
- E) A document entitled “Details for: POINT WEST I, LLC” prepared by Nederveld, Inc., a Michigan corporation whose address is 217 Grandville Ave., Suite 302, Grand Rapids, Michigan 49503, Drawn by WDS (dated 05/18/11), as last Checked by RJB dated 05/31/11 (No. 1 – Final PUD Submittal), Project No. 09200061, Sheet C-205; and
- F) A document entitled “Parking Plan for: POINT WEST I, LLC” prepared by Nederveld, Inc., a Michigan corporation whose address is 217 Grandville Ave.,

Suite 302, Grand Rapids, Michigan 49503, Drawn by WDS (dated 05/18/11), as last Checked by RJB dated 05/31/11 (No. 1 – Final PUD Submittal), Project No. 09200061, Sheet C-206; and

- G) A document entitled “Landscape Plan for: POINT WEST I, LLC” prepared by Nederveld, Inc., a Michigan corporation whose address is 217 Grandville Ave., Suite 302, Grand Rapids, Michigan 49503, Drawn by CLM (dated 05/31/11), Project No. 09200061, Sheet L-101, including Landscape Notes, Concept Plant Schedule, Lighting Schedule, and Sign Schedule.

2. *Basis for the Recommendation.*

The Planning Commission bases its recommendation that the request for approval of the Project be granted on the Planning Commission’s consideration of the standards contained in Section 38-365 of the Park Township Code of Ordinances. It is important to note that Section 38-365 of the Park Township Code lists standards to be considered rather than requirements that must be followed in every instance.

- A) The Project is consistent with and promotes the intent and purpose of Chapter 38, Division 8 of the Park Township Code of Ordinances, including the considerations referenced in Section 38-363 of the Park Township Code of Ordinances.¹

¹ Sec. 38-363. Description and purpose.

(a) The use, area, height, bulk, and placement regulations of this division are primarily applicable to the usual situation of one principal building per lot. In certain larger developments these requirements result in a less desirable development for the achievement of the purposes of this division than if a controlled degree of flexibility is allowed. For example, a large-scale residential development might better achieve the purposes of this division if a portion of the open space requirements were consolidated into tot lots or community parks rather than on an individual, lot-for-lot basis.

(b) A development may be such large size as to justify permitting certain incidental uses not normally permitted in the zoning district. As an example, a multiple-family development might include a coffee shop, food store, or barbershop primarily for the residents of the development. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development and not be injurious to adjoining properties.

(c) Planned unit developments are intended to permit and control the development of preplanned areas as planned developments for various compatible uses permitted by this division, and for other special uses not so permitted. In so doing, a degree of flexibility is allowed in use, area, height, bulk, and placement regulations for planned unit developments. Planned unit developments are not intended to permit property to be developed at a greater density than would be allowed by the current zoning district or by the projected land use classification identified in the township comprehensive or basic plan (as then in force) adopted pursuant to Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

(d) However, it is also the intent of a planned unit development to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the planned unit development.

The Property is located within the Macatawa Park area, which consists of essentially of the dune area situated between Lake Michigan and Lake Macatawa. The Property had historically been used for commercial purposes, including a hotel and restaurant. The historical development of the Macatawa Park area has been of cottages, on lots generally smaller than permitted in any Zoning District within the Township and at a density that exceeds three units per acre. The Project will not permit the Property to be developed at a greater density than would be allowed by the current zoning district (C-2 Resort Service).

Pursuant to Section 38-373 of the Park Township Code of Ordinances,² the Planning Commission previously determined (at its meeting held on February 16, 2010) the maximum density of the Project to be forty (40) residential units based upon the parallel plan submitted by the Developer as provided in Section 38-366(6) of the Park Township Code. The determination of maximum density for the Project was a rather unique and complicated situation, due in part to the inconsistency between the current underlying zoning classification of the Property and the projected zoning of the Property as designated in the Master Plan currently in effect. The

(e) All zoning pursuant to this division shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on surrounding property values, light and air, overcrowding of persons, sanitation, surface water and groundwater quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations which have an effect on the achievement of the purposes of this division.

² Sec. 38-373. Maximum density.

(a) *Consistent with zoning district and master plan.* Subject to the limitation of subsection (b) of this section, and with the exception of the potential for a density bonus permitted for planned residential developments as provided in section 38-402 and open space design developments as provided in section 38-403, the maximum density permitted for a planned unit development shall not exceed the density that would otherwise be permitted on the property according to the provisions of this chapter and the zoning map in effect at the time the application for planned unit development is submitted, or according to the current general land use and circulation plan map in the township comprehensive plan land use and circulation plan, adopted by the township, pursuant to state law.

(b) *Density determination by parallel plan.* The number of units permitted shall be determined through preparation of a parallel plan, as required by section 38-366(6). For purposes of preparing a parallel plan for a planned residential development, the area regulations to be used pursuant to section 38-366(6)b shall be as follows: front yard of not less than 40 feet; side yard of not less than ten feet; rear yard of not less than 50 feet; minimum lot width of not less than 100 feet; and minimum lot area of not less than one acre. For purposes of preparing a parallel plan for an open space design development, the area regulations to be used pursuant to section 38-366(6)b shall be as follows: front yard of not less than 40 feet; side yard of not less than ten feet; rear yard of not less than 50 feet; minimum lot width of not less than 100 feet; and minimum lot area of not less than two acres. The planning commission shall review the parallel plan and determine the number of units that could be feasibly developed following the parallel plan. This number, as determined by the planning commission, shall be the maximum number of units permitted on the property developed as a planned unit development, with the exception of planned residential developments as provided in section 38-402 and open space design developments as provided in section 38-403. For planned residential developments and open space design developments, this number, as determined by the planning commission, shall be considered the base density, which shall be the maximum density of the project unless the project qualifies for a density bonus as a cluster planned residential development under section 38-402(g), or as a cluster open space design development under section 38-402(g).

Property is currently zoned in the C-2 Resort Service District [which allows both multiple family dwellings (if the development is five acres or less) and marinas (when authorized as a special use)³], but the projected zoning of the Property as designated in the current Master Plan is split between low density residential [which allows a maximum of three dwelling units per acre] and commercial.

The Developer submitted a parallel plan that complied with the requirements of the Zoning Ordinance, illustrating how the Property could be developed with multi-family residential units meeting standard lot size, lot width and setbacks required by the current underlying zoning district (C-2). The parallel plan showed the Property split into two lots (Lot A and Lot B, both of which would be less than five acres in size) accessed by a private road. The parallel plan showed the Property to be developed with a total of 72 residential units and 80 boat slips: Lot A in the Parallel Plan would be developed with 25 residential units, along with parking spaces for the residential units and additional parking spaces for a marina use / boat slips; Lot B in the Parallel Plan would be developed with 47 residential units, along with parking spaces for the residential units; additional parking spaces were identified along the private road. Neither the state, the county nor the Township require a preliminary plat for the Property to be divided into two lots accessed by a private drive and used as multiple family dwelling developments [see, e.g., Section 18-88(j) of the Park Township Code⁴]. Based upon the parallel plan submitted, the

³ Section 38-452(23) of the Park Township Code, which is subsection listing uses permitted in the C-2 Zoning District, provides as follows.

Marinas when authorized as a special use by the planning commission. In considering such authorization, the planning commission shall consider the following standards:

- a. The size, nature and character of the marina;
- b. The proposed location of the marina;
- c. The location of entrances and drives leading to the marina with respect to potential traffic congestion or hazards;
- d. The parking facilities to be provided for the marina;
- e. The location and character of the storage areas and facilities to be provided by the marina for boats, cradles, and other boat accessories;
- f. The facilities to be provided by the marina for the display of new and used boats for sale;
- g. How well the marina harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
- h. Any potential disturbance or nuisance from the marina operation for adjoining properties and the surrounding neighborhood; and
- i. The effect of the marina on adjoining properties and the surrounding neighborhood.

⁴ (j) *Division of unplatted parcel.* The division of an unplatted parcel of land into two, three, or four lots involving the dedication of a new street shall require the approval of the township board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. The township board shall not approve such application nor shall a building or occupancy permit be issued in such cases until the subdivider has secured the approval of the Ottawa County Health Department and evidence of such approval submitted to the township board.

Developer originally requested to develop the Property as a mixed use development, consisting of single family cottages and attached condominiums with a maximum density of 69 residential units (8.3 units/acre) along with boat slips (but not a full service marina) pending Michigan Department of Environmental Quality (MDEQ) and United States Army Corps of Engineers (USACE) approvals.

Even though the parallel plan showed a density of 72 multifamily residential units, the Planning Commission carefully reviewed the application, including the parallel plan, and the Zoning Ordinance to determine the maximum number of residential units that could be feasibly developed following the parallel plan, as required by Section 38-373 of the Park Township Code. This thorough review was necessary due to not only the discrepancy between the current underlying Zoning District (C-2) and the projected zoning designated in the Master Plan in effect (low density residential), but also due to the discrepancy between the multi-family units shown on the parallel plan (which require a minimum usable floor area of 650 sq ft per unit for one bedroom units, 750 sq ft per unit for two bedroom units, and 900 sq ft per unit for three bedroom units, with no setback or separation distances necessarily required between units) and the single family cottages proposed as part of the Project (which require a minimum usable floor area of 1,000 sq ft for one story dwelling units, 1,100 sq ft for one and one-half story dwelling units, and 1,400 sq ft for two story dwelling units, and require minimum lot areas and setbacks from adjoining dwelling units). Township Staff (i.e., the former Zoning Administrator) advised the Planning Commission that it could determine the maximum density of the Project by one of two alternatives, one which would follow the current zoning of the Property and yield 65.4 residential units, the other which would follow the Master Plan and yield 58 residential units.⁵ The

⁵ Staff memo titled "Point West 1 Density Scenarios" provides in relevant part as follows.

Background:

Section 38-373 (a) of the Park Township Zoning Ordinance states that the density for a PUD may be determined from either current zoning or the master plan. The property is currently zoned C-2 which permits multifamily developments up to 5 acres in size in accordance with the regulations of the R-5 district. The R-5 district requires 4,500 square feet per unit for multifamily units and 8500 square feet per unit for single family units. The property is planned for commercial along the shore and low density residential (3 lots per acre) for the remainder.

Proposed:

The applicant has proposed a parallel plan that shows the property split in two so that neither is greater than 5 acres. This plan compensates for a road and a cul-de-sac; it shows that a total of 72 units would be permitted on the remainder using the 4,500 square feet per unit calculation.

Township Planning Consultant advised the Planning Commission to use a hybrid approach, using the density permitted pursuant to the Master Plan as a starting point, and taking into consideration some of the vested density under the current Zoning District, and recommended a maximum density of 43 residential units for the Project. The acting-chair of the Planning Commission described the Township Planning Consultant's recommendation as "well thought out" but nonetheless he and the rest of the Planning Commission ultimately rejected the maximum densities as proposed by the Developer (72 residential units), the Township Zoning Administrator (65 or 58 residential units), and the Township Planning Consultant (43 residential units) for the Project. At the Planning Commission's regular meeting held on February 16, 2010, the Planning Commission, after extensively reviewing the parallel plan and various proposals, determined the maximum density for the Project (i.e., the number of units that could be feasibly developed following the parallel plan, taking into consideration the discrepancy between the current zoning and the proposed designation in the Master Plan, and the discrepancy between size of multi-family and single-family residential units) at 40 residential units.

The Project (residential cottages that will blend harmoniously with the character and pattern of existing cottages in the Macatawa Park area, and a limited marina with 80 boat slips) is compatible with the surrounding neighborhood. The surrounding area has been developed with historic cottages at a higher density than typical residential neighborhoods, and to the southeast of the Property, there is a full service marina. The Project will further provide reasonable protection for the adjacent and neighboring properties from the encroachment or interference by other incompatible land uses that may otherwise be permitted in the underlying current zoning

Alternative 1 (by Zoning):

Using only 5 acres for a multifamily development (4,500 sq. ft. per unit) as specified in the C-2 district would allow 48.4 units. The remaining 3.32 acres does not have a specific permitted density per the zoning ordinance. The planning commission may determine that since the C-2 district refers back to R-5 and since the development includes about 12 single family dwellings the density specified in the R-5 district for single family (8,500 sq. ft. per unit) may be appropriate for the remaining 3.32 acres. The zoning adjacent to the property is R-4; this district also requires 8,500 sq. ft. per unit for single family dwellings. Using 8,500 sq. ft. per unit for the remaining 3.32 acres would equal 17 more units for a total of 65.4 units, not compensating for the road or cul-de-sac.

Alternative 2 (by Master Plan):

When looking at the master plan map it is unclear whether the portion along the shore that is planned for commercial would be 5 acres or more. For arguments sake let's assume that it is. The commercial areas described in the master plan do not include a specific density for this type of development. Therefore, using the 48.4 units as calculated in the alternative 1 (zoning) scenario would be appropriate. Using the density specified in the master plan for low density

district (C-2). The maximum density of the Project (40 residential units, as determined by the Planning Commission on February 16, 2010) will lessen traffic congestion and the overcrowding of persons that could occur if the Property were developed in a manner consistent with the current underlying zoning district (C-2) permitted pursuant to Section 38-452 of the Park Township Code.⁶

B) The Project is compatible with the adjacent land uses and the natural environment, and does not adversely affect the capacities of public services and facilities. The Property is located within the Macatawa Park area, which consists of essentially of the dune area situated between Lake Michigan and Lake Macatawa. The historical development of the Macatawa Park area has been of cottages, on lots generally smaller than permitted in any Zoning District within the Township and at a density that exceeds three units per gross acre (which is contrary to both the current zoning and the projected density under the current Master Plan). The property that is located adjacent to the southeast has been developed as the Eldean Shipyard marina, a full service marina. The Property had historically been used for commercial purposes, including a hotel and restaurant. Most recently, up until 1995, the Property was used for a 300-seat restaurant, a 28-room motel, and approximately 40 multi-family residential apartment units.

The entire Property could be developed with one or more of the uses permitted in Section 38-452 of the Park Township Code under the current zoning classification (C-2). These potential uses include, but are not limited to, a multi-family apartment complex (with as many as 72 residential units), a hotel/motel, a restaurant (including as a drive-in car eating place), campgrounds, amusement enterprises, a liquor store, an auto-repair service station, a movie theater, a full service marina, and/or other similar commercial establishments. The Project, consisting predominantly of single family cottages utilizing a form-based code approach as a degree of flexibility to ensure that the cottages will blend harmoniously with the character and pattern of existing cottages in the Macatawa Park area, along with a limited use marina

residential of approximately 3 units per acre would permit an additional 10 units for a total of 58 units, not compensating for the road or cul-de-sac.

⁶ The Property could be developed with one or more of the uses permitted in Section 38-452 of the Park Township Code, which include, but are not limited to, a multi-family apartment complex (with as many as 72 residential units), a hotel/motel, a restaurant (including as a drive-in car eating place), campgrounds, amusement enterprises, a liquor store, an auto-repair service station, a movie theater, a full service marina, and/or other similar commercial establishments.

consisting of a maximum of 80 boat slips, however, would develop the Property in a manner that is more compatible with the adjacent land uses (both the existing cottages and the full service marina) and the natural environment than many of the uses that would be permitted pursuant to Section 38-452 of the Park Township Code.

The small, private, limited use marina is compatible with the adjacent land uses. The Township's Planning Consultant reported, at the June 21, 2011 meeting of the Planning Commission, that there would be minimal impact from a small private, limited use marina such as the one proposed as part of the Project (80 boat slips). The Township's Planning Consultant reported that his review of the literature indicated that small marinas are encouraged for this type of resort development. The size (80 boat slips), nature and character (small, private, limited use marina) of the marina will not adversely affect the adjacent land uses, which include not only the existing cottages in the Macatawa Park area but also the Eldean Shipyard marina. There will be no boat storage areas, facilities, nor any retail sales, as part of the Project. The limited use marina complies with the required parking ratio of one parking space per one boat slip. Limiting the 80 boat slips to the "Preferred Boat Slip Area" shown on the Final Development Plan, and prohibiting boats from the "No Boat Slip Zone" will further reduce or eliminate any potential disturbance or nuisance or adverse effects of the limited use marina on the adjacent neighboring residential properties.

The Project is compatible with the natural environment. As provided and explained more fully in the Final Development Plan, the Developer is taking important environmental stewardship of the Property in developing the Project. The Project will utilize sustainable site and building design that helps safeguard the environmental features of the Property. This includes utilizing the criteria of the leadership in Energy and Environmental Design (LEED) program operated with the United States Green Building Council, or other similar accredited program. The Project will have effective stormwater and erosion controls (the Ottawa County Drain Commissioner granted conceptual drainage approval for the Project by letter dated December 1, 2010). The Project will utilize efficient landscaping and heat island management

including green roofs. The Project will also participate in the Clean Marina Program, seeking to reduce and eliminate releases and discharges of harmful pollutants, sediments, nutrients, general refuse and other items that can damage aquatic environments.

Finally, the Project will not adversely affect the capacities of the public services. Public utilities (water and sewer) are available and adequate to service the Project. As indicated in the traffic study, Project will not result in any significant impacts to the safety and efficiency of the existing and proposed street system. The Township Fire Chief has reviewed the Project and determined that it will not adversely affect the Township's ability to provide fire protection to the Project or any of the adjacent properties.

C) The Project will be developed at a density that exceeds three residential units per gross acre, and therefore is not consistent with the Master Plan currently in effect. The Master Plan currently in effect identifies the projected land use of a portion of the Property to be low density residential (three residential units per gross acre) and a portion of the Property to be commercial. However, three factors lead to a conclusion that the spirit of the standard referenced in Subsection 38-365(3) of the Park Township Code ["Whether the proposed planned unit development is consistent with the current township comprehensive or basic plan (as then in force) adopted pursuant to state law, including, but not limited to, density calculations."] is met by the Project.

First, as noted above, the considerations found in Section 38-365 of the Park Township Code are standards to be reviewed by the Planning Commission in making its report and recommendation and by the Township Board in making its decision in granting or denying approval; they are not requirements that must be followed in every instance. Second, density calculations are only one aspect to be considered in reviewing the standard. The Project, with single family residential uses, albeit at a slightly increased density than three residential units per gross acre, is more consistent with the current Master Plan designation for the portion of the Property not designated to be commercial, than would be many of the uses permitted pursuant to Section 38-452 of the Park Township Code (including but not limited to those listed in footnote 6 in Section 2.B above). Finally, the Township has been in the process of reviewing its Master

Plan, as is periodically required by state law, and the “Committee of the Future” is prepared to recommend that the southwest area of the Township / Macatwa Park area, including the Property, have a revised projected density that is more consistent with the actual higher density that has already been developed in the cottage resort area. The Project, including density calculations, is consistent with the revised Master Plan recommended by the Committee of the Future and as is likely to be adopted in the very near future.

D) The Project is consistent with the public health, safety and welfare of the Township, including but not limited to traffic control, environmental concerns, lighting, pedestrian safety, and drainage. The Final Development Plan includes a Traffic Review Study prepared by Peter C. LaMourie, P.E. PTOE of Progressive AE (the “Traffic Study”). The Traffic Study was based on a proposal of 80 boat slips and 45 residential units, five more units than the maximum density of 40 residential units previously approved by the Planning Commission. The Traffic Study found that “even with the reduction in the past uses trip generation results due to internal trips, the proposed uses are projected to generate only one third to one half of the number of daily trips that the prior uses generated.” Further, the Traffic Study indicates that, based upon the review and analysis of the traffic engineer, it is apparent that:

[T]he proposed uses will be accommodated by the existing / revised street system during peak days, even without comparing past land uses. The proposed street layout makes sense from a vehicular standpoint by accommodating both on-site and off-site residential traffic. Also, the addition of a new separate sidewalk along Bay Road will provide a safer environment for all pedestrians, especially along the narrow section just north of the gate.

The Traffic Study also suggested a couple of traffic calming measures that could be utilized to keep vehicle speeds down, for both vehicular and pedestrian safety, which were incorporated into the Final Development Plan. The Traffic Study concluded: “Based upon our review of the proposed uses, the current site plan, and relative data regarding trip generation, we believe the proposed project will not result in any significant impacts to the safety and efficiency of the existing and proposed street systems.”

The Project is consistent with pedestrian safety. In addition to the measures taken for traffic safety/pedestrian safety noted above, the Project also includes improved pedestrian

walkways and clearly identifiable crosswalks. These include safe pedestrian crosswalks at the Gatehouse Building at the southeast end of the Property, as well as pedestrian crosswalks across different sections of Bay Road, and sidewalks along Bay Road, Lake Macatawa, and within the residential area of the Project, as well as a bicycle lane.

As provided in the Final Development Plan, all new construction within the Project will include fire suppression sprinkle systems, which will assist in containing any fires within the new construction. Further, the Township Fire Chief has reviewed the Project and determined that it will accommodate appropriate fire-fighting equipment and improve the Township's ability to provide fire protection to the Project and adjacent properties in the Macatawa Park area.

As provided and explained more fully in the Final Development Plan, the Developer is committed to important environmental stewardship of the Property in developing the Project. The Project will utilize sustainable site and building design to help safeguard the environmental features of the Property. The Project will follow the criteria of the Leadership in Energy and Environmental Design (LEED) program operated with the United States Green Building Council or other similar accredited program.. The Project will have effective stormwater and erosion controls (the Ottawa County Drain Commissioner granted conceptual drainage approval for the Project by letter dated December 1, 2010). The Project will utilize efficient landscaping and heat island management including green roofs. The Project will also participate in the Clean Marina Program, seeking to reduce and eliminate releases and discharges of harmful pollutants, sediments, nutrients, general refuse and other items that can damage aquatic environments.

Finally, all lighting will be shielded and/or directed downward, to avoid light pollution.

3. *Recommended Conditions of Approval.*

The conditions that the Planning Commission recommends the Township Board impose with respect to the Project as a Planned Unit Development are as follows.

A) Except as expressly modified or revised by these conditions, the Developer shall comply with all agreements, plans, representations, and warranties included in the Final Development Plan. All improvements (including but not limited to buildings, streets, roads, drives, parking areas, sidewalks, utilities, ground cover, trees, landscaping, lighting, signage,

drainage features, etc.), shall be located and constructed in complete compliance with the Final Development Plan. No change shall be made in the Final Development Plan unless the Planned Unit Development approval is first amended by the Township Board following the procedures then provided by State law and the Zoning Ordinance for approval of a planned unit development project.

B) The Project shall comply with all federal, state and/or Ottawa County laws, rules, regulations or requirements.

C) No revision or change of these conditions shall be made except by Park Township Board action after a public hearing, with notice of such hearing to be given as then required by law for Township Board hearings with respect to proposed planned unit development projects.

D) These conditions shall be binding on the Developer and all successor owners or parties in interest in the Project.

E) The Planned Unit Development approval shall be personal to the Developer and shall not be transferred by the Developer except to a third party who agrees in writing to assume the Developer's obligations under this planned unit development approval for the Project. The Developer may sell boat slips and building areas indentified for single family cottages/flex area within the Project following completion of the infrastructure for the Project without first obtaining the Township Board's written consent.

F) The right is reserved to the Township Board in its approval of the Project to impose additional conditions if reasonably necessary to achieve the purposes of the Zoning Ordinance, in compliance with the Michigan Zoning Enabling Act.

G) In the event of any conflict between these conditions and the Final Development Plan, these conditions shall control. In the event of any conflict between documents included in the Final Development Plan, the more rigorous requirement shall control.

H) Any violation of these conditions shall constitute a violation of the Zoning Ordinance and, in addition to the remedies provided therein, shall be cause for the Township Board to suspend or revoke any zoning or building permit applicable to the Project.

I) Except as expressly and specifically modified by the Final Development Plan, the Project shall comply with all applicable requirements of the Chapter 38 of the Park Township Code of Ordinances, as well as all other applicable Township Ordinances in the Park Township Code, as the Code may be amended from time to time.

J) The Project will be served by public utilities (e.g., water and sewer). Upon approval by the Holland Board of Public Works and any other applicable regulatory agencies and departments of the Project utilities, the Developer shall, at no cost to the Township or any other public entity, grant appropriate easements to the public entities / utility companies necessary for the installation, operation, maintenance and repair of all public utilities and services. This shall include any necessary easement for the existing thirty-inch (30”) watermain located on the Property. The Developer shall also grant appropriate easements to private utility companies for electrical distribution, telephone, natural gas, cable television, fiber optics and other similar utilities and services, all of which must be installed underground.

K) All exterior lighting shall be shielded and screened, designed and directed downward toward the ground areas of lawns, streets, and sidewalks, and shall not cause glare to spill over onto any neighboring properties.

L) Prior to the Township issuing any building permits for any building or unit within the Project, the private drives shall be paved and shall be constructed with at least a twelve (12) inch sand sub-base, a six (6) inch aggregate surface course and two (2) one and one-half (1 ½) inch bituminous hard surface layers consistent with the Michigan Department of Transportation Standards for Construction 22A, or any applicable set of replacement standards. The bituminous hard surface layers may be applied at separate times, but two layers shall be applied not more than six (6) months apart.

The Developer shall, at its sole cost and expense, erect and maintain street signs bearing the approved name of the private drives, which shall be located at the intersection of the private drives.

The Developer (or a successor association) shall be solely responsible for the ongoing repair and maintenance for the private roads within the Project. If repairs to and maintenance of the private drives are not made so as to maintain the private drives in reasonably good and usable condition, the Township shall have the authority, but not the obligation, to repair and maintain the private drives and assess the Developer and/or property owners within the Project for the total cost, plus an administrative fee of ten percent (10%) of the total cost of such repairs and maintenance. The Developer shall continue to allow property owners (and their guests/invitees) in the Macatawa Park Plats to access their properties by utilizing the following private roads located within the Project at no cost: Bay Road, Interlake Walk Road, and the unnamed road adjacent to the immediate north of the Single Family Cottages 'A'/Hillside 'G'/Flex Area 'F' areas; the Developer, in its sole discretion, may limit access to the road identified as "Michigan Walk" (accessing from the unnamed private road adjacent to the immediate north of the Single Family Cottages 'A'/Hillside 'G'/Flex Area 'F' areas).

M) No zoning or building permits shall be issued for the construction of a building or structure within the Project until the Ottawa County Drain Commissioner has issued final approval in writing the drainage plan for the Project as a whole. No occupancy permit shall be issued for a building or structure within the Project until the Township has received written certification from the Drain Commissioner's engineer that all drainage required for the Project as a whole has been completed to the satisfaction of the Drain Commissioner's engineer. Developer shall pay all costs incurred in obtaining this written opinion from the Drain Commissioner's engineer.

N) The configuration of the marina / boat slips contained within the Project shall be subject to the review and approval of the applicable state and federal agencies [e.g., the Michigan Department of Natural Resources (MDNR), the Michigan Department of Environmental Quality (MDEQ) and/or the United States Army Corps of Engineers (USACE)]. The marina / boat slips

shall not be permitted to operate as a full service marina business. No fuel, indoor or outdoor boat storage (other than the 80 boat slips themselves), retail sales of boats or boating-related/nautical merchandise, or in/out service shall be permitted on the Property. As noted in Condition 3.A above, and except as provided in this Condition 3.N, the boat slips / limited use marina shall be operated in compliance with the Final Development Plan, including but not limited to the Boat Slips Rules and Regulations. In the event the Developer desires to make material changes to the Boat Slips Rules and Regulations, such changes will not require an amended planned unit development approval, but rather may be made by the Developer, subject to the review and written approval of the Township Manager, such approval to not be unreasonably withheld. Notwithstanding any provision or statement contained within the Final Development Plan to the contrary, all boat slips shall be located in the area identified as the “Preferred Boat Slip Area” in the Final Development Plan; no boat slips shall be permitted within the area identified as the “No Boat Slip Zone” in the Final Development Plan. In the event the MDNR, the MDEQ and/or the USACE suggest or require any boat slip(s) to be constructed within the area identified as the “No Boat Slip Zone” or in the event other circumstances require boat slips to be constructed within the “No Boat Slip Zone”, then the Developer shall apply to the Township Board to revise this condition, following the procedure identified in Condition 3.C above.

O) The maximum density of the Project shall not exceed forty (40) residential units, as previously determined by the Planning Commission (at its meeting held on February 16, 2010) to be the number of units that could be feasibly developed on the Property pursuant to Section 38-373 of the Park Township Code of Ordinances, following the parallel plan submitted by the Developer as provided in Section 38-366(6) of the Park Township Code. There may be no more than twenty-three (23) residential units located within the areas identified on the Final Development Plan as single family cottages; there may be six to ten (6-10) residential units located within the areas identified as on the Final Development Plan as flex areas, and there may be six to eighteen (6-18) residential units located within the area identified on the Final

Development Plan as the hillside area; as noted in the first sentence of this condition, however, the maximum density of the Project shall not exceed forty (40) residential units.

P) Individual single family cottages shall be constructed in compliance with the Final Development Plan, including but not limited to the building spacing / positioning provisions and the architectural patterns. There shall be a minimum separation distance between all buildings, including single family cottages, of ten feet (10.0') as measured in a straight line at the closest points between buildings. There shall also be a minimum of a six foot (6') straight clear distance between all buildings, allowing a clear view sightline. The minimum required frontage setback line of five feet (5'), the build-to-zone at frontage as measured from the principal frontage line [which is the private road right of way line (the principal frontage line for corner lots will be the street or lane of address)], and the rear yard setback lines shall be as identified on the Final Development Plan. There shall be a minimum required side yard setback (minimum building spacing) of fourteen feet (14.0'). The front wall of the porch, stoop or single family cottage is required to be constructed within the build-to-zone. The steps of a porch or stoop may be permitted to encroach into the required minimum frontage setback. A portion of a single family cottage may encroach into the side yard setback (minimum building spacing) at a depth up to a maximum of four feet (4.0'), but such side yard encroachment shall not exceed more than twenty-five percent (25%) of the length of the side yard setback line (as measured from the rear of the principal frontage setback to the rear setback line) for each side of the single family cottage. The roof overhangs on a single family cottage may not encroach into the side and rear setback area at a distance that exceeds two feet (2.0') [or twenty-four inches (24'')].

Q) In order to alleviate potential adverse effects on surrounding property owners, all construction of the infrastructure for Project (including but not limited to private drive and sidewalk improvements, public utilities, parking, etc.) shall occur between Labor Day in the Fall and Memorial Day in the Spring; this limitation shall not apply to emergency maintenance or repairs of the infrastructure. Construction of the infrastructure for the Project shall be completed by December 31, 2013. If Developer cannot comply with this condition, Developer shall have the right to request the Township to extend this completion date, in the Township's discretion

(such approval not to be unreasonably withheld), without having to formally amend the planned unit development approval. During construction of the infrastructure portion of the Project, the Developer shall ensure that the existing Sunset Walk is properly graded so that emergency vehicles can access and traverse Sunset Walk on a daily basis.

R) All landscaping must be completed in compliance with the Final Development Plan, except for minor modifications approved in writing by the Township Zoning Administrator. All landscaping shall be kept free of refuse and debris, and shall be serviced by underground irrigation sufficient to maintain the landscaped setback area in a healthy and growing condition. The Developer and the subsequent owners shall ensure that any landscape materials that exhibit evidence of insects, pests, diseases and/or damage shall be promptly and appropriately treated, and all dead plant material shall be promptly removed and replaced with similar living plant material. All landscaping installed on the east side of Bay Road (i.e., on the Lake Macatawa side of the Property) shall be properly selected to ensure that the vegetation planted will not grow to a height that exceeds twenty-five feet (25').

S) If Developer elects to proceed with the Project, by so doing Developer shall be deemed to have accepted and agreed to comply fully at all times with all of the terms and provisions of this resolution and Report. The bylaws shall include language that provides that the Project shall at all times comply with the provisions, requirements, and conditions of this Planned Unit Development approval, including, but not limited to, the prohibition of parking on the private road, the number of off-street parking spaces that must be made available on the private drive.

T) The Developer shall, at the Developer's sole cost and expense, record a document with the Ottawa County Register of Deeds to inform potential purchasers of any of the Property involved in the Project that the Project is subject to a planned unit development approved by the Township, the conditions and regulations of which may be reviewed by any interested person in the Office of Planning and Community Development. The Developer shall submit to the Township a copy of the recorded document within sixty (60) calendar days after approval of the Project by the Township Board.

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SF File No. 89-1281

Exhibit 1

Lands located in the State of Michigan, County of Ottawa, Township of Park, located generally at 2365 South Shore Drive, in Park Township, Ottawa County, Michigan, identified as Tax Parcel ID# 70-15-33-387-019, on land legally described as follows.

ALL OF LOT 196 & PART OF LOTS 95, 154, 157 & OUTLOT 1, LYING E'LY OF A LI COM SW COR OF LOT 94, TH N 68D 10M 20S E 22.87 FT S 21D 41M 40S E 14.3 FT, S 27D 46M W 5.3 FT, S 41D 34M 07S W 55.67 FT, S 24D 55M 53S E 67.49 FT TO PT "A", TH N 24D 55M 53S W TO S LI OF SUNSET WALK & PT OF BEG OF SD LI, TH S 24D 55M 53S E TO PT "A", TH N 45D 53M 10S E 66.39 FT, N 59D 06M 41S E 43.28 FT, N 34D 36M 20S E 20.06 FT, N 43D 56M 52S W 39.54 FT, N 32D 59M 05S W 97.74 FT, N 20D 34M W 89 FT, N 58D 52M 33S E 16.73 FT, N 10D 12M 14S W 100.39 FT TO N LI OF INTERLAKE WALK & PT OF END OF SD LI, EXC PART OF LOT 154 COM 25 FT E'LY FROM SE COR OF LOT 102 ON S LI SD LOT 102 IF EXTEND, TH CONT ALG SD LI E'LY 60 FT, TH NW'LY PAR TO E LI OF LOT 102 TO CEN LI OF SUNSET WALK, TH SW'LY ALG CEN LI OF SD WALK TO BEG, ALSO EXC PART OF LOTS 154 & 157 COM MOST N'LY COR OF LOT 156, TH N 50D 01M W 25 FT ALG NE'LY LI OF LOT 154 & 157, TH N 78D 49M 39S W 11.41 FT, S 39D 59M W 54.5 FT, TH S 50D 01M E 35 FT TO MOST W'LY COR OF LOT 156, TH N 39D 59M E 60 FT TO BEG, ALSO EXC COM 25 FT E'LY FROM SE COR LOT 102 ON S LI OF SD LOT 102 IF EXTENDED, TH S 25D 36M E 28.6 FT, S 34D 41M W TO CEN LI OF BLUFF WALK, TH W'LY ALG CEN LI OF SD WALK TO INTERS OF CEN LI OF BLUFF WALK & CEN LI OF SUNSET WALK, TH NE'LY ALG CEN LI OF SUNSET WALK TO BEG, ALSO EXC COM ON S LI OF BLUFF WALK S 57D 56M W 70.85 FT FROM NE COR OF LOT 124, TH S 57D 56M W 50 FT ALG S LI OF BLUFF WALK, TH N 27D 02M W 10 FT, N 11D 42M E 25 FT, N 33D 15M E 35 FT, TH S 32D 06M E 42.63 FT TO BEG, ALSO EXC THAT PART OF LOT 154 COM 5 FT E & 8 FT N OF NE COR OF LOT 125, TH N'LY 2 FT, W'LY 105 FT, S'LY 10 FT TO N'LY LI OF BLUFF WALK, TH E'LY 105 FT ALG SD LI TO BEG. HENEVELD'S SUPR RESUB OF MACATAWA PARK