

**CITY COUNCIL
CITY OF GRAND HAVEN
Ottawa County, Michigan**

Council Member **Fritz**, supported by Council Member **Scott**, moved the adoption of the following ordinance:

ORDINANCE NO. 14-02

AN ORDINANCE TO CONDITIONALLY APPROVE PRELIMINARY PLANNED DEVELOPMENT PLAN AMENDMENT FOR GRAND LANDING PROJECT

The City of Grand Haven Ordains:

Section 1. Amendment. The Zoning Ordinance of the City of Grand Haven Comprising Chapter 40 of the City's Code of Ordinances is amended by adding an appendix to be entitled "Grand Landing Amended PD Plan" to read as follows:

Grand Landing Amended PD Plan Appendix

Sec. 1. Findings. The City Council finds that the 2-page preliminary PD plan prepared by Moore & Bruggink, Inc. for Redstar Shores II, bearing Project No. 1201.8.3.1, dated September 27, 2012, with a last revision date of April 3, 2014, together with the elevation drawing labeled "12 Unit – Front & Rear Elevations," and the two carport drawings and detail pages from Carport Structures Corporation labeled "Carport Style Offset Gable" and "Carport Style Mansard Straight Back," all of which are attached as Exhibit A and incorporated by reference (together referred to as the "April 2014 PD Plan Amendment"):

- A. The April 2014 PD Plan Amendment meets the intent of the PD District under the City's Zoning Ordinance.
- B. Granting of the Planned Development rezoning has already occurred and the April 2014 PD Plan Amendment will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely.
- B. The type and density of use in the April 2014 PD Plan Amendment is compatible with the capacities of the public services and facilities it may affect, and does not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
- C. The April 2014 PD Plan Amendment is compatible with the Master Plan of the City and is consistent with the intent and spirit of with Article 4 and with Section 40-421 of the City's Zoning Ordinance.
- D. The proposed development is under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the Zoning Ordinance.
- E. The proposed phasing plan is feasible and each of the proposed phases is capable of standing on its own and in conjunction with previously constructed phases in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PD and surrounding residents.

Sec. 2. Conditional Approval. The April 2014 PD Plan Amendment is approved subject to the following conditions.

- A. Elevation drawings for all buildings except the apartment buildings, clubhouse building(s), carports, and gazebo shall require the approval of the Planning Commission as part of final PD plan approval.
 - 1. The review by the Planning Commission shall ensure that some architectural features, roof lines, exterior materials, exterior color palette and/or other design features consistent with the currently completed Grand Landing building (other than the Culvers Building) are

- carried through in the commercial buildings on the site. At a minimum, commercial buildings must meet the Building Form Standards of the Commercial District. Residential buildings must meet the Building Form Standards of the Multiple Family Residential District.
2. It is recognized that hotels, national or regional restaurant and retail chains, and other potential site occupants will insist upon brand identification design features. But, there shall a blending of some features to satisfy both concerns.
 3. If the developer, either Redstar Shores or the developer of any portion of the site, is dissatisfied with the Planning Commission's decision, that developer may appeal to the City Council by demonstrating the Planning Commission's action is arbitrary, capricious or renders use of a portion of the site wholly impracticable.
- B. The exterior finishes and exterior design features for the apartment buildings, the clubhouse and the gazebo shall be modified as follows:
1. Siding on all sides of all buildings shall include stone panels and siding shown on elevation drawings and consistent with development immediately south of subject property (Adams Row Townhouses). Final treatments are to be approved by Community Development Manager.
 2. The siding shall be the product used on the Biggby Coffee Building with colors as shown on the elevation drawings.
- C. The pedestrian pathway to be constructed without cost to the City shall be constructed of concrete except where wooden sections are needed to traverse wet areas. A lighting plan shall be presented to ensure the pedestrian pathway is lighted. The lighting plan, including specifications for the light fixtures shall be approved by the City's Planning Director. The developer shall construct the pedestrian pathway including installation of the lights before any building permit(s) will be issued for Phase 3 of the residential apartment construction. Once installed, if the lights that are installed fully comply with City specifications and if they are installed in accordance with plans approved by the City, the City shall be responsible for operation costs and for the operation and maintenance of the lights.
- D. Landscaping for the project will include a minimum of 145 trees with a minimum 2-inch caliper measurement of the trunks at 5 feet above the surface level, generally in the locations depicted on the April 2014 PD Plan Amendment.
- E. The carports and parking spaces on the south side of the site shall be bermed, landscaped, fenced or otherwise addressed in a manner that headlights will not shine into the homes, particularly, the townhouses to the south of them.
- F. The developer shall construct a fully accessible kayak launch on the bank of the south channel similar in design to other kayak launches constructed on Ottawa County Grand River properties. The City may participate in the development of this amenity, and the City will be responsible for ongoing upkeep and maintenance of the launch as part of City recreational inventory. The developer shall construct the launch, including installation of accessible parking and lighting before any building permit(s) will be issued for Phase 3 of the residential apartment construction. The developer shall pay up to \$75,000 of the costs of constructing the kayak launch. The City will attempt to find grant funds to construct the kayak launch using the developer's contribution as matching funds for that grant.
- G. Building signage is limited to those shown on the plans, including the following: (i) One ground sign to serve the apartments with a maximum height of 6 feet and a maximum sign area of 32 sq. ft. to be consistent with the MFR District (the location will be near the intersection of Adams and Karlton Circle or near the community room); (ii) one pole sign at the southwest corner of the intersection of Adams and Beacon per MDOT approval, with a maximum height of 20 feet and a maximum sign area of 250 sq. ft.; and (iii) wall and awning signage on the commercial buildings as permitted in the Commercial District."

H. Rough plumbing and rough electrical lines shall be provided to the portion of the site on which the public restroom is located on the PD Plan, but the restroom building shall not be built until approved by the City Council. The developer will have no obligation to construct that building.

I. It is urged that the final PD plan for the hotel will relocate the hotel building further to the east of the site to provide for some parking on the west side of the hotel in an effort to reduce the size of the parking area east of the hotel and move the hotel closer to Beacon Blvd. However, no parking spaces are to be lost in that relocation. A corresponding change in the location of the hotel and parking spaces and the reshaping of the hotel footprint are minor changes in the PD plan and do not require City Council approval.

J. The clubhouse and related amenities shall be completed before any building permit(s) will be issued for Phase 2 of the residential apartment construction. The swimming pool will be substantially completed before any building permits will be issued for Phase 2 of the residential apartment construction and will be finally completed before any certificate(s) of occupancy is granted for Phase 2 of the residential apartment construction.

K. The portion of the site east of Miller drive, and north of Adams Street may be used only by commercial uses. No apartments will be allowed on that portion of the site.

L. Unless plans already have been approved and a building permit already has been issued for construction of the anticipated hotel, no building permit(s) will be issued for Phase 3 of the residential apartment construction until representatives of Redstar Shores have met with a committee comprised of the City Manager, the City Planner, the Mayor or a Council member appointed by the Mayor, and the City attorney to demonstrate with copies or correspondence, phone logs, meeting notes and any other documentation available all of the efforts that have been made to secure development of a hotel and other commercial uses of the portion of the site east of Miller Drive and north of Adams Street so that it is very apparent that the effort has exceeded that which would be normally made by a developer earnestly seeking such commercial development. The information provided shall remain confidential and, no copies shall be retained by any of the City's representatives if the only way to ensure that confidentiality under applicable law is for the developer to retain all copies.

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: Council Members Fritz, Hierholzer, Scott, and McCaleb

NAYS: Council Member Monetza

ABSTAIN: None

ABSENT: None

CERTIFICATION

I certify this true and complete copy of Ordinance No. 14-02, adopted at a meeting of the Grand Haven City Council held on April 14, 2014.

Linda L. Browand, City Clerk

Introduced: March 24, 2014
Adopted: April 14, 2014
Published: April 23, 2014
Effective: May 4, 2014