

STATE OF MICHIGAN

IN THE 20TH CIRCUIT COURT FOR THE COUNTY OF OTTAWA

P5 LAND INVESTMENTS LLC,
A Michigan limited liability corporation,

Plaintiff,

v

SPRING LAKE TOWNSHIP,
a Michigan municipal corporation,

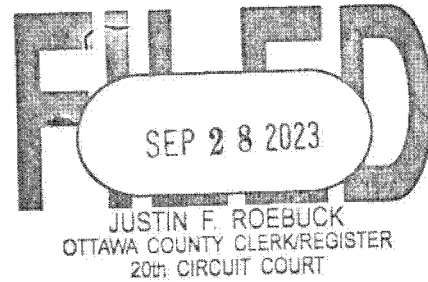
Defendant.

Case No. 2023 - 007458 - CH

Hon. KAREN J. MIEDEMA

COMPLAINT

Eric R. Starck (P63247)
James A. Buster (P81186)
MILLER JOHNSON
Attorney for Plaintiff
45 Ottawa Avenue SW Suite 1100
Grand Rapids, MI 49503-4009
(616) 831-1700
starcke@millerjohnson.com



Ron Bultje (P29851)
DICKINSON WRIGHT PLLC
Attorney for Defendant
200 Ottawa Avenue NW Suite 1000
Grand Rapids, Michigan 49503-2427
(616) 336-1007
rbultje@dickinsonwright.com

Plaintiff, P5 Land Investments LLC ("P5"), by its counsel, Miller Johnson, for its complaint against Defendant, Spring Lake Township (the "Township"), states:

PARTIES

1. P5 is a Michigan limited liability company that owns real property in Spring Lake Township, Ottawa County, Michigan.

2. The Township is a Michigan municipal corporation situated in Ottawa County, Michigan, with offices located at 101 S. Buchanan Street, Spring Lake, MI 49456.

JURISDICTION

3. The Court has jurisdiction of this action pursuant to MCL 600.8035(1). P5 is seeking damages in excess of \$25,000.

VENUE

4. Venue is proper in Ottawa County because the Township and real property at issue are located in Ottawa County.

GENERAL ALLEGATIONS

A. The Property

5. P5 is the owner of six (6) parcels of real property located in Spring Lake Township, Michigan (collectively, the "Property") bearing the following permanent parcel numbers: 70-03-03-400-001; 70-03-03-400-008; 70-03-03-400-015; 70-03-10-200-003; 70-03-10-100-049; and 70-03-10-100-017.

6. The Property consists of six undeveloped parcels containing a total of approximately 97 acres.

7. The Property is currently located within the zoning classification referred to in the Spring Lake Township Zoning Ordinance ("Ordinance") as the Agricultural District.

B. Township's Master Plan

8. The Township's 2022 Future Land Use Map, which is incorporated into the Township's 2022 Master Plan, identifies the appropriate future use of the Property as "Medium Density Residential B."

9. The 2022 Master Plan provides that Medium Density Residential B corresponds with the R-3 Medium Density Residential - Cottage zoning district set forth in the Ordinance.

10. The Township's 2022 Master Plan describes Medium Density Residential – Cottage as follows:

Medium Density Residential Cottage, R-3: The Medium Density Residential-Cottage District is intended for the area of the Township known as Strawberry Point. The R-3 District recognizes the site and Building limitations associated with this unique area due to its settlement patterns evolving from serving as a destination for summer vacationers. The R-3 District is written to be flexible and to enable landowners to improve their property, as long as the improvements preserve the essential and existing qualities that define the character of the neighborhood. Public water and public sanitary sewer service these areas.

C. The Zoning of the Property

11. The Property is currently located within the Agricultural zoning district.

12. The land bordering the Property to the South is located within the Medium Density Residential – Suburban zoning district.

D. Rezoning Request

13. On or about January 13, 2023, P5 submitted two (2) Rezoning Petition/Applications (collectively, the "Application") to the Township seeking to rezone the Property from the Agriculture District to the Medium Density Residential – Suburban (R-2) District. A copy of the Application is attached as **Exhibit A**.

14. The Township's Planning Commission ("Planning Commission") held meetings and public hearings on or about April 19, 2023, May 17, 2023 and June 21, 2023 in order to fully evaluate the Application.

15. In a Memorandum dated June 12, 2023, the Township's Community Development Director indicated to the Planning Commission that P5 has satisfied the rezoning standards set forth in Section 109.B.7 of the Ordinance. A copy of the Memorandum is attached as **Exhibit B**.

16. At its meeting held on July 19, 2023, the Planning Commission concluded that P5 satisfied all of the rezoning standards set forth in Section 109.B.7 of the Ordinance and recommended to the Township's Board of Trustees ("Board") that the Property be rezoned from the Agricultural District to the to the Medium Density Residential – Suburban (R-2) District. A copy of the draft Resolution is attached as **Exhibit C**.

17. In a Memorandum dated August 4, 2023, the Township's Community Development Director recommended to the Board that they accept the recommendation of the Planning Commission and rezone the Property to the Medium Density Residential – Suburban (R-2) District. A copy of the Memorandum is attached as **Exhibit D**.

18. On or about August 14, 2023, the Board met to consider the Application and the Planning Commission's recommendation to rezone the Property to the Medium Density Residential – Suburban (R-2) District.

19. During the August 14, 2023 meeting, the Board tabled the rezoning request for the Property.

20. On or about September 11, 2023, the Board held a second meeting and voted not to accept the Planning Commission's recommendation to rezone the Property to the Medium Density Residential – Suburban (R-2) District and denied the Application. A copy of the draft minutes is attached as **Exhibit E**.

21. On or about September 11, 2023, on its own initiative and without the request from P5, the Board subsequently voted to rezone the Property from the Agricultural District to the Low Density Residential – Resource (R-1) District.

22. The Board executed a Resolution that had the effect of denying the Application.

23. The Township published a Notice of Adoption of the Board's decision to rezone the Property from the Agricultural District to the Low Density Residential – Resource (R-1) District on or about September 22, 2023.

COUNT I - DENIAL OF SUBSTANTIVE DUE PROCESS

24. Plaintiff incorporates by reference all prior allegations set forth in this Complaint.

25. The Board's refusal to rezone the Property to the Medium Density Residential – Suburban (R-2) District fails to advance a reasonable governmental interest and unreasonably excludes a legitimate use of the Property.

26. The Board's refusal to rezone the Property to the Medium Density Residential – Suburban (R-2) District is not compatible with the Township's Master Plan, and any use that is inconsistent with the Medium Density Residential – Suburban (R-2) District is illogical

and incompatible with the development the Township is promoting within the neighborhood the Property is located.

27. As applied to the Property, the Board's refusal to rezone the Property to the Medium Density Residential – Suburban (R-2) District has no reasonable relationship to the public health, safety and welfare of the Township and is arbitrary, discriminatory, and unreasonable.

28. The Township's failure to rezone the Property deprives P5 of its property without due process of law and deprives it of equal protection of the law contrary to the United States and Michigan Constitutions.

29. The Application submitted by P5 to rezone the Property to the Medium Density Residential – Suburban (R-2) District is in accordance with the Township's own Current Master Plan, supported by the Planning Commission, supported by the Township's Community Development Director and constitutes a reasonable use of the Property.

30. As detailed in the Master Plan adopted by the Township, the Township recommended that the Property be developed pursuant to the terms and conditions of the Medium Density Residential – Suburban (R-2) District.

31. The Township's failure to rezone the Property to the Medium Density Residential – Suburban (R-2) District is arbitrary and capricious and intended to block or restrict the reasonable development and use of the Property.

WHEREFORE, P5 respectfully requests that this Court:

a. Enter judgment declaring that the Township's failure to rezone the Property to the Medium Density Residential – Suburban (R-2) District is unconstitutional and contrary to the United States and Michigan Constitutions;

b. Enjoin the Township and all persons acting under it or on its behalf from applying the provisions of the Ordinance to the Property;

c. Enjoin the Township and all persons acting under it or on its behalf from in any way interfering with the development and use of the Property in accordance with the Medium Density Residential – Suburban (R-2) District and the Application submitted by P5 to the Township; and

d. Grant such other and further relief as may be consistent with equity and good conscience, including an award of costs, interest, and reasonable attorneys' fees to P5.

COUNT II - TAKING

32. Plaintiff incorporates by reference all prior allegations set forth in this Complaint.

33. Federal and Michigan law prohibit the taking of private property for public purposes without due process and just compensation. US Const Am V and Am XIV, §1; Michigan Const 1963, art 1, §17, and art 10, §2.

34. The Township's failure to rezone the Property to the Medium Density Residential – Suburban (R-2) District is inconsistent with the Township's Master Plan, the rezoning standards set forth in the Ordinance, and the recommendations of the Planning Commission and Community Development Director.

35. The Township's failure to rezone the Property to the Medium Density Residential – Suburban (R-2) District deprives P5 of the economically beneficial and productive use and value of the Property and its investment-backed expectations, and constitutes an unlawful taking.

36. Until remedied by this Court, as applied to the Property, the Township's failure to rezone the Property to the Medium Density Residential – Suburban (R-2) District constitutes a taking without just compensation in violation of the United States and Michigan Constitutions.

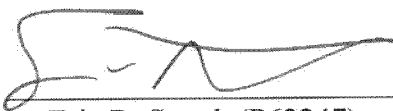
37. In the interim, and as a result of the unlawful taking, P5 has suffered, and will continue to suffer, loss of income, expenses and carrying costs related to holding the Property, increased miscellaneous costs and other losses and damages.

WHEREFORE, P5 respectfully requests the following relief:

- a. Determine that the Property has been unlawfully taken without just compensation in violation of the United States and Michigan Constitutions;
- b. Enter a judgment in favor of P5 and against the Township for damages incurred by P5 as a result of the unlawful taking and denial of the use of the Property, including costs and attorney fees; and
- c. Grant such other and further relief that this Court deems just and equitable, including an award of costs, interest, and reasonable attorneys' fees to Plaintiff.

MILLER JOHNSON
Attorney for Plaintiff

Dated: September 26, 2023

By: 
Eric R. Starck (P63247)

LIST OF EXHIBITS TO COMPLAINT

- Exhibit A. January 13, 2023 Rezoning Application.
- Exhibit B. Township Community Development Director Memorandum to Planning Commission dated June 12, 2023.
- Exhibit C. Planning Commission July 19, 2023 Resolution.
- Exhibit D. Township Community Development Director Memorandum to the Board dated August 4, 2023.
- Exhibit E. September 11, 2023 Board's Draft Minutes.

FILED 9/28/2023

Justin F. Roebuck

20th Circuit Court

EXHIBIT

A

Justin F. Roebuck
20th Circuit Court



Spring Lake Township
101 S. Buchanan St. Spring Lake, MI 49456
Phone: (616) 842-1340
www.springlaketwp.org

REZONING PETITION/APPLICATION

Applicant

Name: P5 Land Investments, LLC
Address: 3918 Egypt Valley Avenue NE
City: Ada State: MI Zip: 49301
Phone: () _____ E-Mail: _____

Applicant's Representative (if applicable)

Name: Mike McGraw
Address: 1188 East Paris Avenue
City: Grand Rapids State: MI Zip: 49546
Phone: (616)988-1326 E-Mail: mmcgraw@eastbrookhomes.com

Property Information

Proposed Zoning: R-2 - Medium Denisty Residential - Suburban
Existing Zoning: Ag - Agricultural
Master Plan Designation: MDR B - Medium Denisty Residential B
Address: 16330 Hickory Street
Permanent Parcel Number: 70-03- 03-400-001, 400-008 and 400-015
Property Owner & Address: See applicant info above

If additional properties are involved, attach a separate sheet to list applicant and property information.

Fee: \$380 plus \$720 Escrow Deposit. Payment may be made by cash or check made out to Spring Lake Township. Any remaining escrow funds at the end of the process will be refunded.

Ownership


To request a rezoning, you must have ownership or an ownership interest in the property or properties involved. Please provide a copy of your deed, purchase agreement, lease or other appropriate legal documentation.

Map

A fully dimensioned map must be attached to or provided with this application that shows the land which would be affected by the proposed amendment, the legal description of such land, the Zoning District of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.

Purpose of Application Form

It is the applicant's responsibility to obtain a copy of the Zoning Ordinance and to comply with all relevant provisions. It is not the intent of this form to in any way address all requirements and obligations for the applicant.



Signature of Applicant

1/13/23

Date

Signature of Property Owner (if different from applicant)

Date



Proposed Rezone Request
Hickory Street Parcels & West Spring Lake Road
 Parcels 70-03-03-400-001, -008, 015
 January 24, 2023

Below please find responses to the statements listed in Article 1, Section 109.B.7,a-i

a. Whether there are changed conditions in the community that have occurred since the property was originally zoned warranting the rezoning request.

Response: The Township has recently revised their master plan which has led to the rezone request.

b. Whether the property is reasonably able to be used as zoned and whether the property can be reasonably used under the proposed zoning.

Response: The property (zoned agricultural) has been a blueberry farm for years, but due to the increasing competition, farming is no longer profitable. The proposed zone being requested is R-2 medium density. The property can be developed under this zoned designation as all utilities are available to support R-2 sized lots.

c. Whether there are other areas of the community that are better suited and planned for the proposed zoning.

Response: Based on the recently amended Master Plan, this is the best zoning for the property.

d. Whether the rezoning is consistent with the goals, policies and future land use map of the Spring Lake Township Master Plan.

Response: Although the Master Plan indicates that the property's future land use designation is Medium Density Residential B (corresponding to the R-3 Medium Density Residential – Cottage Zone), Township staff agrees the intent is to designate the property to correspond to the requested R-2 MDR zone.

e. Whether the rezoning is compatible with the site's physical, geological, hydrological and other environmental features given uses permitted in the proposed Zoning District.

Response: As with surrounding development in the area, the permitted uses listed in the proposed R-2 MDR zone are compatible with the site's physical, geological, hydrological and other environmental features.

f. Whether the property is compatible with all the potential uses allowed in the proposed Zoning District and with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.

Response: As stated previously, with the recent process undertaken to adopt the recent amendment to the Master Plan, all factors including sustainability, impacts to environment, density, nature of use, traffic impacts, aesthetics and infrastructure were considered in adopting the future land use plan. The requested rezone to R-2 MDR simply implements the goals and objectives of the Master Plan.

g. Whether there is capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested District without compromising the "health, safety and welfare" of the Township or its residents.

Response: As part of the amended Master Deed process the Township's consulting Engineer determined that the infrastructure is adequate (refer to Section V of the master plan).

h. Whether there is capacity of the Street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested Zoning District.

Response: All existing public roads that are adjacent to this property are designated by the Ottawa County Road Commission as local roads and are able to support the traffic generated by R-2 MDR development.

i. Whether the rezoning would support a rational and sequential development pattern keeping potential development near existing development and infrastructure, avoiding "leap frog" type development.

Response: As clearly illustrated on the future land use plan, the proposed rezoning does in fact avoid the "leap frog" zoning and provides for well thought out and sequential development patterns.

Justin F. Roebuck
20th Circuit Court

***APPLICANT:** ISLAND INVESTMENTS, LLC
C/O: MIKE MCGRAW
1188 EAST PARIS AVENUE, SUITE 100
GRAND RAPIDS, MI 49506

***CURRENT ZONING:** AG-AGRICULTURAL
***REQUESTED ZONING:** R-2 MEDIUM DENSITY RESIDENTIAL-SUBURBAN

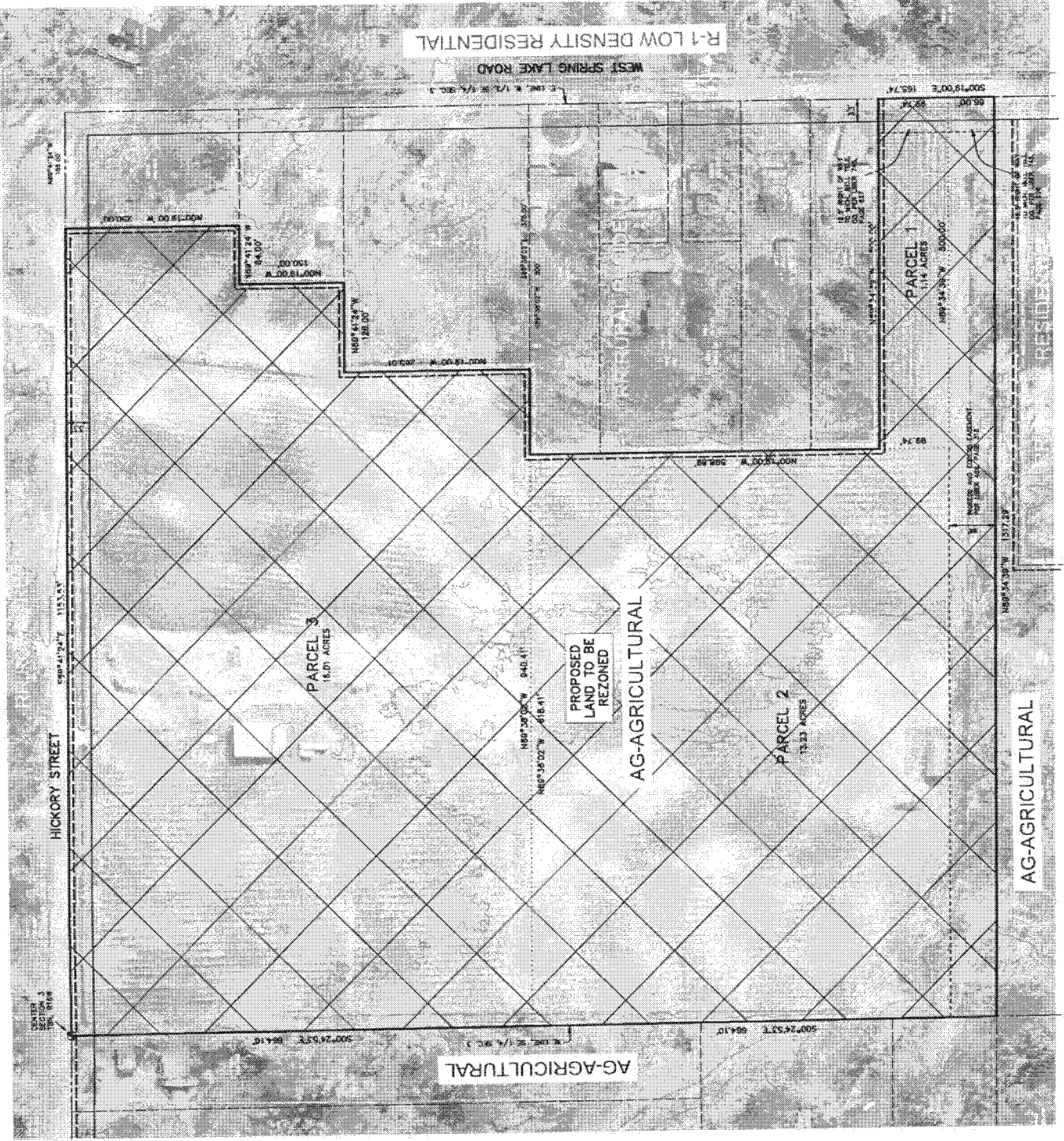
***EXISTING PARCELS:** 30.3 ACRES

***PROPERTY DESCRIPTIONS:**
Land in the Township of Spring Lake, Ottawa County, MI, described as follows:
PARCEL 1: 70-03-03-400-015)
The North 59.74 feet of the South 165.74 feet of the East 500 feet of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 3, Town 8 North, Range 16 West.
PARCEL 2: 70-03-03-400-008)
That part of the Northwest 1/4, Southeast 1/4, Section 3, Town 8 North, Range 16 West, described as commencing at the Southeast corner of the Northeast 1/4, Southwest 1/4 of Section 3, Town 8 North, Range 16 West, running thence East 30 rods, thence South 3 rods, thence West 500 feet, thence North 36 rods, thence West 230 feet more or less to the North and South 1/4 line of said Section 3; thence South 40 rods to the place of beginning.
PARCEL 3: 70-03-03-400-001)
The North one-half (N 1/2) of the Northwest one-quarter (NW 1/4) of the Southeast quarter (SE 1/4) of Section 3, Town 8 North, Range 16 West, except that part described as commencing at the Northeast corner thereof and running thence West 186.0 feet, thence South 250.0 feet, thence West 84.0 feet, thence South 150.0 feet, thence West 128.0 feet, thence South to the South line of said North one-half (N 1/2) of the Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4); thence East 376.0 feet to the East line of said Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4); thence North to the place of beginning.

PROPOSED REZONE MAP

SCALE: 1" = 100'

Prepared by: Excel Engineering, Inc.
522 Clyde Park Avenue, SW
Grand Rapids, MI 49506
RE: HICKORY STREET & WEST SPRING LAKE ROAD
21131E 011823 JOB



Justin F. Roebuck
20th Circuit Court



Spring Lake Township
101 S. Buchanan St. Spring Lake, MI 49456
Phone: (616) 842-1340
www.springlaketwp.org

REZONING PETITION/APPLICATION

Applicant

Name: P5 Land Investments, LLC
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City: Ada State: MI Zip: 49301
Phone: () _____ E-Mail: _____

Applicant's Representative (if applicable)

Name: Mike McGraw
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City: Grand Rapids State: MI Zip: 49546
Phone: (616)988-1326 E-Mail: mmcgraw@eastbrookhomes.com

Property Information

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Property Owner & Address: See applicant info above

If additional properties are involved, attach a separate sheet to list applicant and property information.

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A fully dimensioned map must be attached to or provided with this application that shows the land which would be affected by the proposed amendment, the legal description of such land, the Zoning District of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.

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It is the applicant's responsibility to obtain a copy of the Zoning Ordinance and to comply with all relevant provisions. It is not the intent of this form to in any way address all requirements and obligations for the applicant.



Signature of Applicant

1/13/23

Date

Signature of Property Owner (if different from applicant)

Date



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 Parcels 70-03-03-400-001, -008, 015
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Response: As with surrounding development in the area, the permitted uses listed in the proposed R-2 MDR zone are compatible with the site's physical, geological, hydrological and other environmental features.

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Justin F. Roebuck
20th Circuit Court

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C/O: MIKE MCGRAW
1188 EAST PARIS AVENUE, SUITE 100
GRAND RAPIDS, MI 49546

-CURRENT ZONING: AG-AGRICULTURAL
-REQUESTED ZONING: R-2 MEDIUM DENSITY RESIDENTIAL-SUBURBAN

EXISTING PARCELS
*TOTAL ACREAGE: 30.3 ACRES
*PROPERTY DESCRIPTIONS:

Land in the Township of Spring Lake, Ottawa County, MI, described as follows:
PARCEL 1, (70-03-03-00-015)
 The North 96.74 feet of the South 1/2 of the North 1/4 of the Southeast 1/4 of Section 3, Town 8 North, Range 16 West, and the Northwest 1/4 of the Southeast 1/4 of Section 3, Town 8 North, Range 16 West.

PARCEL 2, (70-03-03-00-006)
 That part of the Northwest 1/4, Southeast 1/4, Section 3, Town 8 North, Range 16 West, described as commencing at the Southeast corner of the Northwest 1/4 of Section 3, Town 8 North, Range 16 West, East 80 rods, thence North 2 rods, thence West 500 feet, thence South 38 rods, thence West 820 feet more or less to the North and South 1/4 line of said Section 3, thence South 40 rods to the place of beginning.

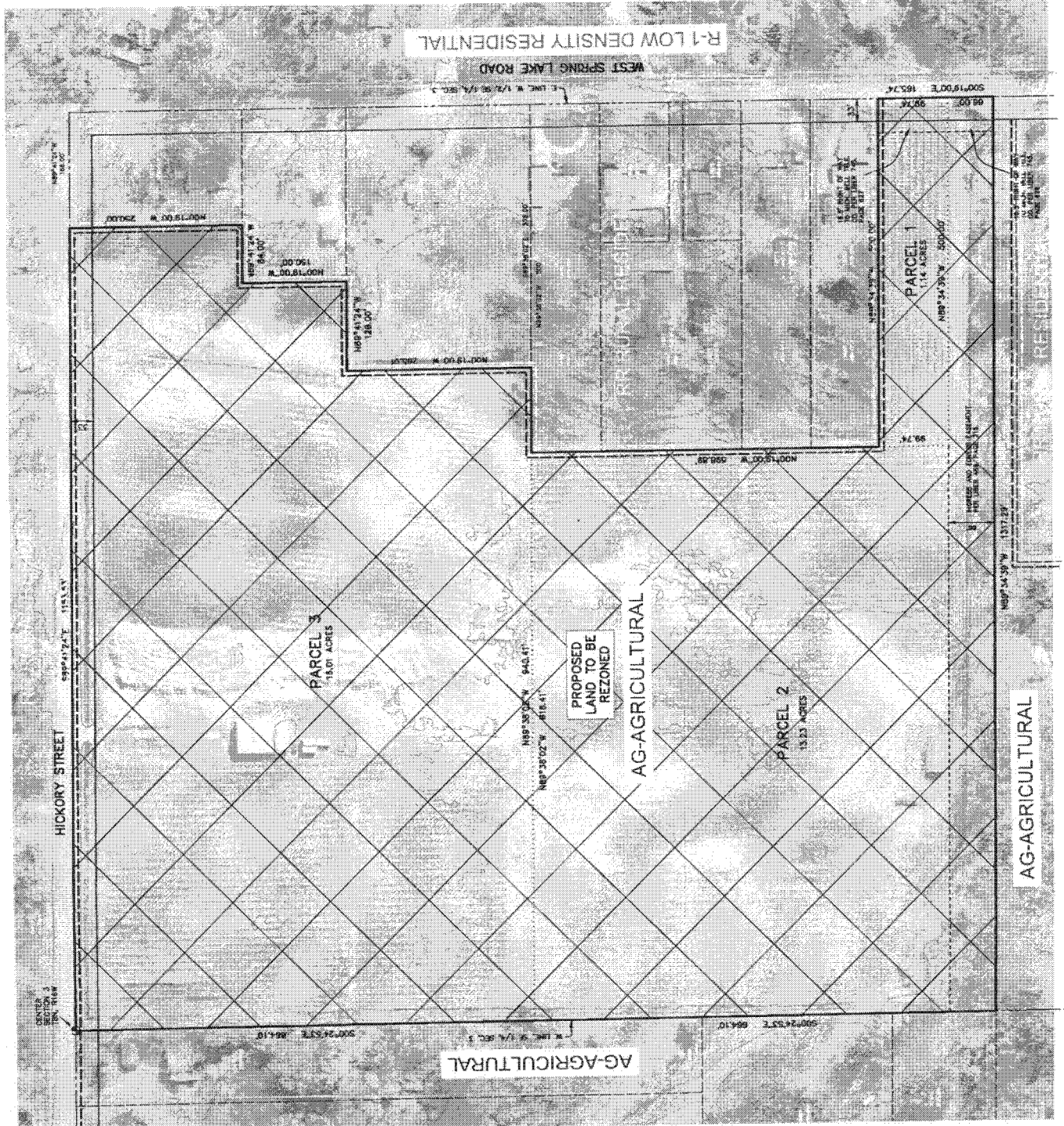
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 The North one-half (N 1/2) of the Northwest one-quarter (NW 1/4) of the Southeast quarter (SE 1/4) of Section 3, Town 8 North, Range 16 West, except that part described as commencing at the Northwest corner thereof and running thence West 186.0 feet, thence South 250.0 feet, thence West 64.0 feet, thence South 150.0 feet, thence West 128.0 feet, thence South to the South line of said North one-half (N 1/2) of the Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4), thence East 278.0 feet to the East line of said Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4), thence North to the place of beginning.

PROPOSED REZONE MAP

SCALE: 1" = 100'

Prepared by: Excel Engineering, Inc.
 5232 Clyde Park Avenue, SW
 Grand Rapids, MI 49508

RE HICKORY STREET & WEST SPRING LAKE ROAD
 211731E D11603 JDR



FILED 9/28/2023

Justin F. Roebuck

20th Circuit Court

EXHIBIT

B



MEMORANDUM

Date: June 12, 2023

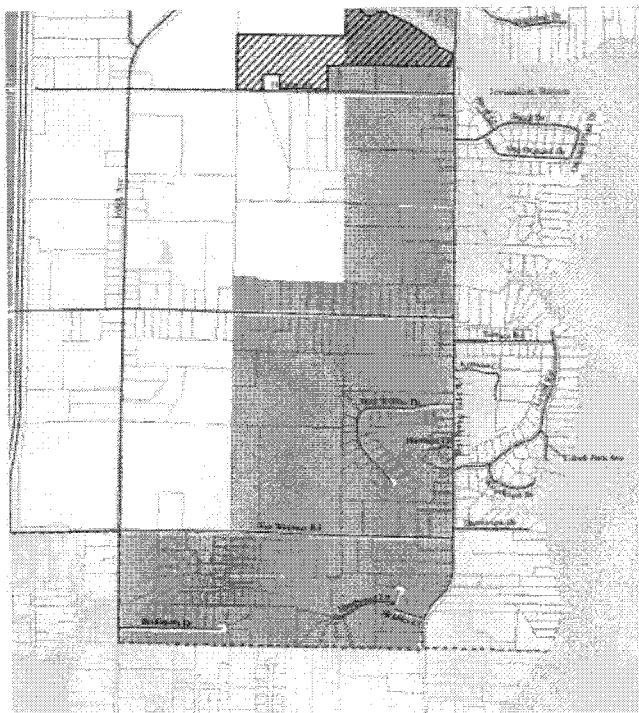
To: Spring Lake Township – Planning Commission

From: Lukas Hill, AICP
Community Development Director

Subject: Spring Lake Township - Rezoning Request by P5 Properties

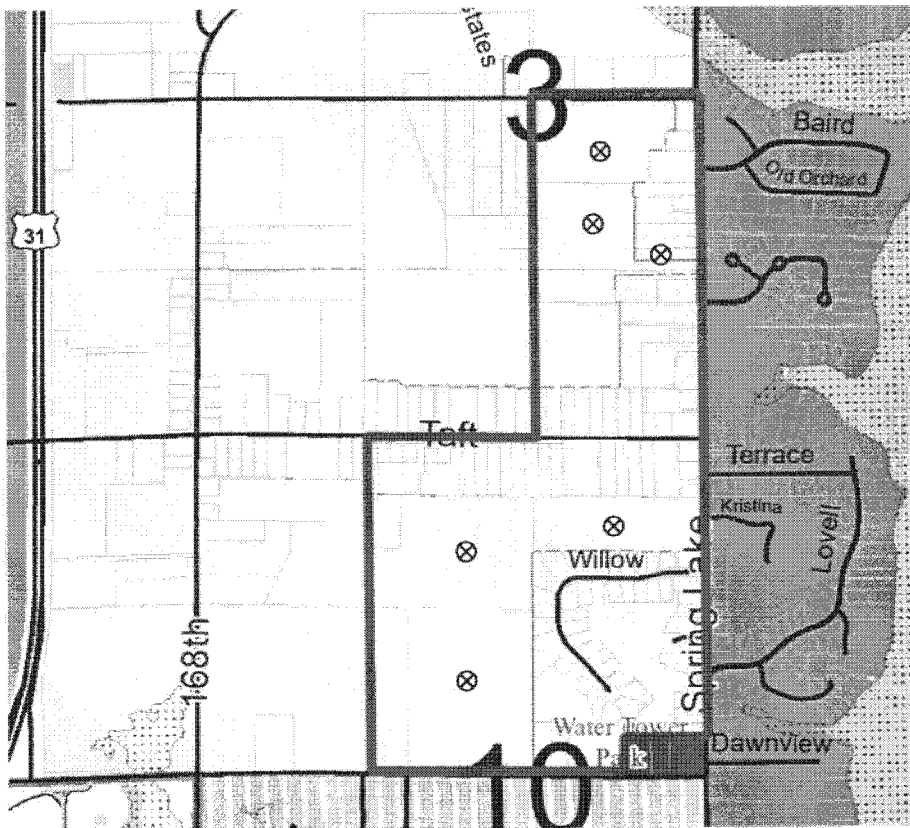
P5 Land Investments, LLC, represented by Michael McGraw, applied to rezone six (6) total parcels in Spring Lake Township from Agricultural to R-2 Medium Density Residential. The parcels have historically been part of the Poel blueberry farm and constitute approximately 100 acres.

The 2022 Master Plan update recognized availability of municipal water and sewer to this area of the Township. With that, the Master Plan designation was changed from “Rural Residential” to “Medium Density Residential” as illustrated in orange below:



After the application from P5 Properties was submitted, it became apparent that other parcels in the vicinity should also be considered for rezoning given the results of the Master Plan and to create consistency within the region.

The area in red below illustrates the area under consideration for rezoning from AG and Rural Residential to R-2 Medium Density Residential.



PUBLIC HEARING SUMMARY

The public hearings conducted by the Planning Commission in March, April and May can be summarized as follows:

- March 15th: 9 comments, all opposed
- April 19th: 10 comments, 21 emails. 2 comments were made by people from March 15th. All the comments and emails were opposed
- May 17th: 28 comments, 2 in favor. There were 6 who had commented at an earlier meeting

- Total emails: 33. 32 were opposed.

The concerns expressed by the public centered around the following items:

- Increased traffic
- Noise
- Lighting
- Storm water
- Hydrology/Water Table
- Wetlands
- Loss of wildlife
- Loss of rural character
- School overcrowding
- Crime
- Property values

It is our understanding that the applicant would like the opportunity to publicly respond to the public comments made at the previous Planning Commission meetings. They have also submitted the enclosed information for your consideration.

The public also expressed concerns about the Township not paying attention to the community opinion survey completed as part of the Master Plan update that identified the preservation of open spaces, farms, wetlands, and dunes as a high priority. The survey results may also be interpreted as an interest in preserving the rural character of the community that makes our community attractive and scenic. It should also be noted that active farmland is very limited in the Township and the Township has historically been supportive of identifying these areas and protecting them through policies in the Master Plan and Zoning Ordinance. While the farmer may have the right to farm, a farmer also has the right to *not* farm. The Township cannot force a property owner to continue any use and property can be sold freely. It was also recognized that the former Poel Farm was not located in an area that would be considered a high priority for AG preservation per the Ottawa County AG Preservation criteria.

The following outline helps us to understand how the Township has worked to accomplish this goal of preserving of open spaces, farms, wetlands, and dunes as a high priority over the years:

1. Acquired numerous properties along the Grand River and Little Black Lake for permanent preservation and parkland.
2. Adopted a wetland and wetland setback ordinance designed to protect smaller wetlands than what the State of Michigan regulates as well as a 25-foot wetland fringe to enhance ecological function.
3. Worked with Ottawa County Parks and private landowners to add 80 acres of forested dunes to the North Ottawa Dunes Park.
4. Increased the rural preservation future land use designation on the updated Future Land Use Map (FLUM) which is supported by the community opinion survey and the recent utility study for the northwest area of the Township. The Rural Residential designation was increased by 621 acres recognizing unique open spaces and limitations of municipal utilities.

MASTER PLAN COMPARISON		
	Rural Residential (acres)	Medium Density (acres)
Previous FLUM	361	956
New FLUM	982	335

5. A minimum of 20% open space is required in all new developments.

REVIEW CRITERIA

The following criteria in Section 109, B, 7 of the Zoning Ordinance shall be considered for a rezoning request:

- a. Whether there are changed conditions in the community that have occurred since the property was originally zoned warranting the rezoning request.

Staff Comment: There are more residential developments surrounding the proposed area for rezoning now than when this property was originally zoned.

- b. Whether the property is reasonably able to be used as zoned and whether the property can be reasonably used under the proposed zoning.

Staff Comment: The property can be reasonably be used as zoned and under the proposed zoning; however, the property will not be farmed in the future so the AG zoning district does not seem to be the logical zoning district any longer.

- c. Whether there are other areas of the community that are better suited and planned for the proposed zoning.

Staff Comment: There are some vacant areas in the eastern area of the Township zoned R-2, but they are not necessarily better suited than the subject location. Many of these sites are in a wooded and natural state.

- d. Whether the rezoning is consistent with the goals, policies and future land use map of the Spring Lake Township Master Plan.

Staff Comment: The proposed rezoning is consistent with the Master Plan.

- e. Whether the rezoning is compatible with the site's physical, geological, hydrological and other environmental features given uses permitted in the proposed Zoning District.

Staff Comment: Other developments in the area have been installed successfully. The site likely has a high-water table which will require a minimum lowest floor elevation for all new construction as required by the Ottawa County Water Resources Department.

- f. Whether the property is compatible with all the potential uses allowed in the proposed Zoning District and with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.

Staff Comment: The proposed zoning is generally compatible as the area is surrounded by residential development with a variety of densities. Municipal water and sewer are available to this region and the local county roads appear to have additional capacity as recent developments have had limited impact. The applicant's property also has access to numerous roadways and will provide street connectivity. A traffic study would be completed as part of any development review process which may result in the need for street or intersection improvements. Development of the site would not require impacts to an existing functional ecosystem such as a hardwood forest.

- g. Whether there is capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested District without compromising the "health, safety and welfare" of the Township or its residents.

Staff Comments: The Township has invested in an updated fire station on the west side of the Township anticipating growth in the area. The SLT Fire Department also has full time firefighters on staff. Municipal utilities are also available to protect ground water quality.

- h. Whether there is capacity of the Street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested Zoning District.

Staff Comments: Additional studies may be required to fully understand the traffic impacts that would be generated by the rezoning. Input from the Ottawa County Road Commission could be requested.

- i. Whether the rezoning would support a rational and sequential development pattern keeping potential development near existing development and infrastructure, avoiding "leap frog" type development.

Staff Comments: Developments exist around this property as do other supportive elements including parks, bike paths, and highway interchanges.

CONSIDERATIONS

The Planning Commission may also consider the following options during deliberation:

1. Rezone 250 acres of RR and AG areas to R-2 as noticed.
2. Rezone only the 100 acres of P5 properties only and remove Township initiated area. Leaving the other 150 acres of land zoned RR would have minimal impact and these properties could be rezoned on a case by case basis as requested by property owners.
3. Rezone to R-1 instead of R-2 resulting in less density.
 - a. R-1 has 15,000 sf minimum.
 - b. R-2 has 12,000 sf minimum.
 - c. AG and RR has 2 - acre minimum
 - d. PUD density maximum (number of units) is based on underlying zoning classification as noted above. Lots within a PUD are often less than the minimum requirement of the underlying zone district. This is often necessary in order to accommodate the 20% open space minimum. Additional density may be considered if additional open space is provided.
4. Deny the rezoning request

RECOMMENDATION:

Direct the Township Attorney to prepare a more in-depth analysis and/or a resolution for consideration at the July 19th Planning Commission. The Planning Commission may also request preliminary studies or more detailed information related to traffic, hydrology, and storm water as suggested by the review criteria.

FILED 9/28/2023

Justin F. Roebuck

20th Circuit Court

EXHIBIT

C

EXCERPTS OF MINUTES

At a meeting of the Planning Commission of Spring Lake Township, Ottawa County, Michigan, held at Barber School, 102 West Exchange, Spring Lake, Michigan, on the 19th day of July, 2023, at 7:00 p.m., local time.

PRESENT: _____

ABSENT: _____

After certain other matters of business were concluded, the Chair stated the next order of business was the consideration of a proposed resolution containing the Planning Commission’s recommendation concerning a rezoning application. After discussion, the following resolution was offered by _____ and supported by _____.

RESOLUTION

WHEREAS, P5 Land Investments, LLC (“P5”) has requested the rezoning of Parcel 70-03-03-400-015, Parcel 70-03-03-400-008, Parcel 70-03-03-400-001, Parcel 70-03-10-200-003, Parcel 70-03-10-100-049 and Parcel 70-03-10-100-017 (the “P5 Property”), approximately 100 acres, from the Agricultural District and the Rural Residential District to the R-2 Medium Density Residential District; and

WHEREAS, the Township, on its own authority, has considered the rezoning of additional property of approximately 150 acres in the same area to the R-2 Medium Density Residential District (the “Additional Property”), on the theory that the P5 Property and the Additional Property (together, the “Combined Property”) share many of the same characteristics; and

WHEREAS, the Combined Property is described as west of West Spring Lake Road, south of Hickory Street, north of Van Wagoner Street, and east of 168th Avenue; and

WHEREAS, the Planning Commission held a public hearing on April 19, 2023, continued to and re-noticed for May 17, 2023, and then heard additional public comments not in a public hearing on June 21, 2023; and

WHEREAS, per the Michigan Zoning Enabling Act and the Spring Lake Township Zoning Ordinance, the Planning Commission is now required to make a recommendation on the proposed rezoning of the Combined Property to the Spring Lake Township Board; and

WHEREAS, the Zoning Ordinance requires the Planning Commission to base its recommendation for a rezoning request on the standards stated in Section 109.B.7 of the Zoning Ordinance; and

WHEREAS, the Planning Commission has decided to make different recommendation on the proposed rezoning of the Combined Property, with one recommendation for the P5 Property and another recommendation for the Additional Property;

THE PLANNING COMMISSION NOW RESOLVES AS FOLLOWS.

1. The Planning Commission recommends that the P5 Property be rezoned to the R-2 District, on the basis of the factors in Section 109.B.7. The Planning Commission's findings on the factors in Section 109.B.7 are as follows.

A. There are changed conditions in the community that have occurred since the P5 Property was previously zoned in the Agricultural District and the Rural Residential District.

(1) Property to the east of the P5 Property has been subsequently developed residentially, so rezoning the P5 Property to the R-2 District would be compatible with that area. In fact, the P5 Property is essentially an island of agricultural land amid residential property.

(2) Public water and public sanitary sewer systems have been extended to the P5 Property, so that the property can be developed while the ground water quality is simultaneously protected.

(3) Ottawa County is the fastest growing county in the State of Michigan, and, according to HousingNext, Kent and Ottawa Counties need 17,278 new dwellings for sale and 14,618 new dwellings for rent by 2025. In a May 4, 2023 letter, HousingNext stated: "We are at a crucial point as a community where we are severely underproviding critically needed housing for current and future residents."

(4) Blueberry farming, the current use of the P5 Property, is becoming increasingly competitive because of international competition with lower costs to produce and harvest blueberries.

B. While the P5 Property can be used as it is currently zoned, that use is becoming more difficult; the P5 Property can be reasonably and profitably used if rezoned to the proposed R-2 District zoning.

(1) See the findings cited in items 1.A (1), (2), (3), and (4) above.

- (2) Given that the P5 Property has historically been used as a blueberry farm, it has already been cleared of trees and thus is ready to be developed residentially.
 - (3) The growing residential developments in the area have led to complaints about the agricultural use of the P5 Property in the past, specifically about noise, use of pesticides, smell of fertilizer, etc.
- C. While there are other areas of the Township that could be developed residentially, there is no other similarly-sized area better suited for residential development at this time, for the reasons cited in items 1.B (1) and (2).
- D. The rezoning of the P5 Property to the R-2 District is consistent with the goals, policies, and Future Land Use Map of the Spring Lake Township Master Plan.

In 2022, the Township updated its Master Plan, completing a two year process. In the course of that process, the Township conducted a community opinion survey, which identified the preservation of open spaces, farms, wetlands, and dunes as high priorities. As a direct result of that survey, the Future Land Use Map of the 2022 Master Plan reduced the land in the Township planned for medium density residential from 956 acres to 335 acres and increased the land in the Township planned for rural residential from 361 acres to 982 acres.

However, when faced with the increasing demand for housing in the Township and in the area, the Township further had an interest in planning property for residential development.

During the two-year Master Plan process, the prior owners of the P5 Property, who had previously requested the land be planned and zoned for agriculture, requested that the land be planned for residential usage, given its proximity to other residential developments, its accessibility to utilities, its clear-cut status, etc. Given the overall increase in land planned for rural residential and the decrease in land planned for medium density residential, the Township reasonably agreed to incorporate this request from the prior owners of the P5 Property into the Future Land Use Map of the Master Plan.

Per the above, the rezoning of the P5 Property to the R-2 District is consistent with the Master Plan and its Future Land Use Map. In fact, rezoning the P5 Property to the R-2 District will help enable the Township to reasonably revise the Future Land Use Map to have more rural residential and less medium density residential property, per the wishes expressed in the community opinion survey.

- E. The rezoning of the P5 Property will allow land uses which will be compatible with the physical, geographical, hydrological, and other environmental aspects of the P5 Property.

Given the size of the P5 Property, the Township will be able to require that any significant residential development be accomplished through the Planned Unit Development ("PUD") process.

The PUD process gives the Township flexibility in its demands, so that the development can be constructed in appropriate areas and sensitive environmental areas can be protected.

Further, the PUD process involves review of any development by not only the Planning Commission and the Township Board, but also the Township staff, Township Wetland Consultant, Township Engineer, Township Landscape Consultant, Township Attorney, Township Department of Public Works, Ottawa County Road Commission, Ottawa County Water Resources Commissioner, and the Michigan Department of Environment, Great Lakes, and Energy.

Finally, the PUD standards require a 50 percent tree canopy coverage, as well as landscaped buffers along adjacent Ottawa County roads.

- F. The P5 Property, and its potential development as a residential PUD, will be compatible with surrounding land uses and zoning. As already noted, the P5 Property is adjacent to significant areas of residential development, and thus the residential development of the P5 Property will be consistent with the adjacent land uses and zoning.
- G. The Township has sufficient capacity in its infrastructure and services to adequately serve the P5 Property, if rezoned and developed, without compromising the health, safety, and welfare of the Township or its residents.

The street capacity will be addressed below.

The P5 Property is served by public water and public sanitary sewer systems, and both systems have adequate capacity and a workable method to expand capacity.

The Spring Lake Public School District has indicated to the Township that it has adequate capacity to handle the children who will be brought into the Township by the residential development of the P5 Property.

The Township has invested in an updated fire station on its west side, in the vicinity of the P5 Property, anticipating that further residential growth will occur in the area.

Bike paths are adjacent to the P5 Property. Further, state, county, and Township parks are nearby.

- H. The street system has sufficient capacity in the area of the P5 Property to accommodate the expected traffic generated by the residential development of the property. The Ottawa County Road Commission has tentatively indicated that the area roads have sufficient capacity to handle the residential development of the P5 Property. Further, before the P5 Property is developed, a third party traffic impact study will be provided by the developer, and made available to the Ottawa County Road Commission and the Township.
- I. Rezoning the P5 Property would continue a rational and sequential development pattern, resulting in new residential development adjacent to existing residential development, avoiding any vacant parcels between the residential developments which would create inefficiencies for infrastructure extensions.
- J. In further support of its recommendation to rezone the P5 Property, the Planning Commission incorporates the June 12, 2023 Memorandum from Lukas Hill, AICP, the Township's Community Development Director.
- K. Finally, the Planning Commission takes note of the comments raised by those objecting to rezoning the P5 Property to the R-2 District. The Planning Commission notes that while many objections were voiced, virtually none of the objections were backed by documented evidence.
- (1) The objection of increased traffic is refuted by the preliminary determination of the Ottawa County Road Commission that the road system will have capacity to handle the residential development of the P5 Property, and by the fact that there will be a more comprehensive third-party study done of the road capacity before the P5 Property is developed.
 - (2) The objection of noise would seem to be a non-starter. In fact, the blueberry operation on the P5 Property has been the subject of noise complaints in the past. If the P5 Property is residentially developed, the noise emanating from it should be the same type of noise already emanating from the residential developments which are adjacent.
 - (3) While a residential development on the P5 Property will no doubt create more light than a blueberry farm, the Zoning Ordinance has dark sky lighting requirements which any development on the P5 Property will be required to follow.

- (4) The Ottawa County Water Resources Commissioner will require that the amount of stormwater from the P5 Property after it is developed will be no more than the stormwater from the property before it is developed.
- (5) Not only does the State of Michigan have regulations to preserve and protect wetlands, but the Township has wetland regulations which are even more aggressive.
- (6) While the disruption of wildlife to some extent will be inevitable, the fact that the Township's Future Land Use Map substantially increased the areas for rural residential and substantially decreased the areas for medium density residential will more than balance out this concern. The same is true of any claimed loss of rural character; the Future Land Use Map will help promote the Township's rural character and allow this rezoning to occur.
- (7) The claim of school overcrowding has been refuted by the Spring Lake Public School District.
- (8) There is no evidence to indicate that the crime rate from a residential development on the P5 Property will be any higher than the crime rate on the adjacent residential properties, or elsewhere in the Township.
- (9) There is no evidence to substantiate the claim that the residential development of the P5 Property will in any way compromise the property values of other property in the area.

2. The Planning Commission recommends that the Additional Property not be rezoned to the R-2 District.

- A. While the Planning Commission acknowledges that a review of the factors in Section 109.B.7 for the Additional Property would likely lead to the same conclusions as were reached for the P5 Property, the Planning Commission sees no need to rezone the Additional Property at this time.
- B. The owners of the Additional Property are not asking for the rezoning and do not have any development plans.
- C. If a plan comes forward to develop the Additional Property, the Township can evaluate the rezoning issue then, based on whatever additional information is known to the Township at that future time.
- D. Given the significant opposition to the rezoning of the P5 Property, even though a review of the factors in Section 109.B.7 shows that good planning and the Zoning Ordinance demand the P5 Property be rezoned, the Planning Commission wants to be as cautious as possible with any rezoning considerations of the Additional Property.

3. All resolutions in conflict in whole or in part are revoked to the extent of such conflict.

YES: _____

NO: _____

RESOLUTION DECLARED ADOPTED.

Dated: July 19, 2023

Spring Lake Township Planning Commission
Secretary

CERTIFICATE

I, the undersigned, the Secretary for the Planning Commission of the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission at a meeting held on the 19th day of July, 2023. I further certify that the public notice of the meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Spring Lake Township Planning Commission
Secretary

FILED 9/28/2023

Justin F. Roebuck

20th Circuit Court

EXHIBIT

D



MEMORANDUM

Date: August 4, 2023

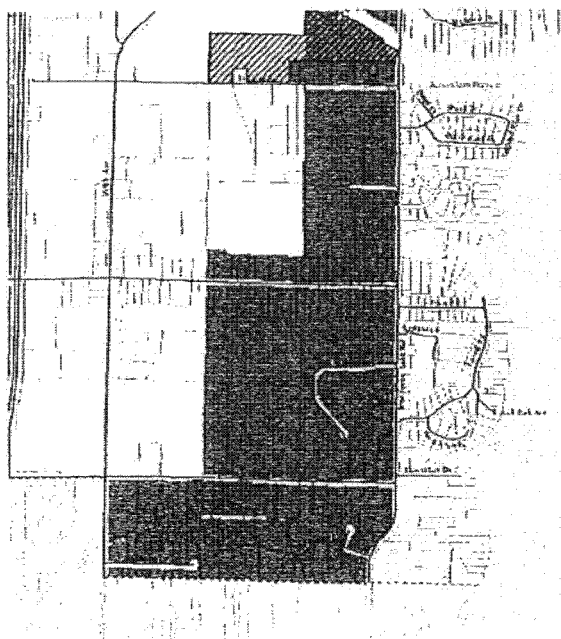
To: Spring Lake Township – Board of Trustees

From: Lukas Hill, AICP
Community Development Director

Subject: Spring Lake Township - Rezoning Request by P5 Properties

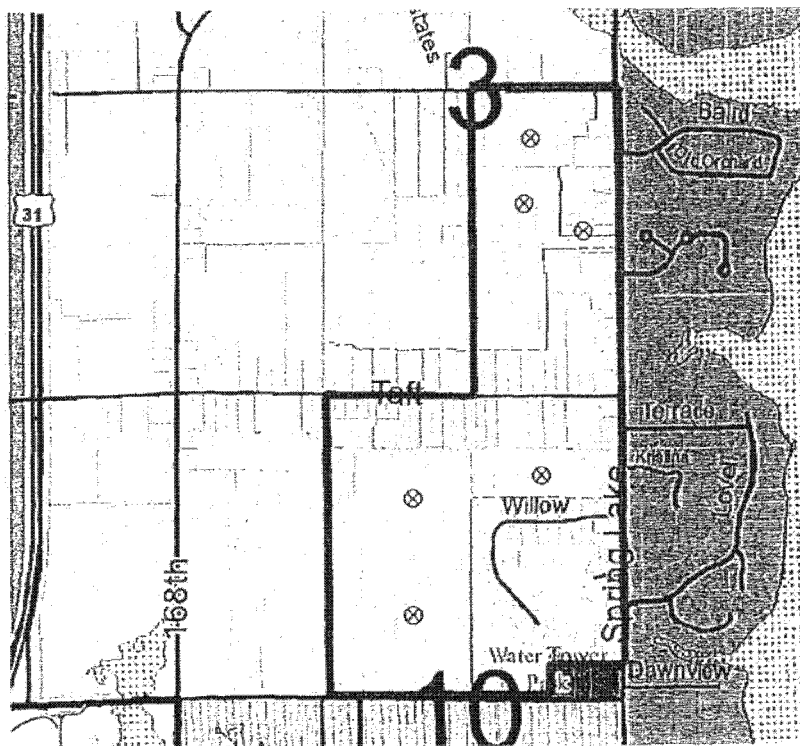
P5 Land Investments, LLC, represented by Michael McGraw, has applied to rezone six (6) total parcels in Spring Lake Township from Agricultural to R-2 Medium Density Residential. The parcels have historically been part of the Poel blueberry farm and constitute approximately 97 acres.

The 2022 Master Plan update recognized availability of municipal water and sewer to this area of the Township. With that, the Master Plan designation was changed from "Rural Residential" to "Medium Density Residential" as illustrated in orange below:



After the application from P5 Properties was submitted, it became apparent that other parcels in the vicinity should also be considered for rezoning given the results of the Master Plan and to create consistency within the region.

The area in red below illustrates the area under consideration for rezoning from AG and Rural Residential to R-2 Medium Density Residential.



The parcels with the ⊗ are the P5 properties.

PUBLIC HEARING SUMMARY

The public hearings conducted by the Planning Commission in March, April and May can be summarized as follows:

- March 15th: 9 comments, all opposed
- April 19th: 10 comments, 21 emails. 2 comments were made by people from March 15th. All the comments and emails were opposed
- May 17th: 28 comments, 2 in favor. There were 6 who had commented at an earlier meeting

- Total emails: 33. 32 were opposed.

The concerns expressed by the public centered on the following items:

- Increased traffic
- Noise
- Lighting
- Storm water
- Hydrology/Water Table
- Wetlands
- Loss of wildlife
- Loss of rural character
- School overcrowding
- Crime
- Property values

The public also expressed concerns about the Township not paying attention to the community opinion survey completed as part of the Master Plan update that identified the preservation of open spaces, farms, wetlands, and dunes as a high priority. The survey results may also be interpreted as an interest in preserving the rural character of the community that makes our community attractive and scenic. It should also be noted that active farmland is very limited in the Township and the Township has historically been supportive of identifying these areas and protecting them through policies in the Master Plan and Zoning Ordinance. While the property owner may have the right to farm, they also has the right to *not* farm. The Township cannot force a property owner to continue any use and property can be sold freely. It was also recognized that the former Poel Farm was not located in an area that would be considered a high priority for AG preservation per the Ottawa County AG Preservation criteria.

The following outline helps us to understand how the Township has worked to accomplish this goal of preserving of open spaces, farms, wetlands, and dunes as a high priority over the years:

1. Acquired numerous properties along the Grand River and Little Black Lake for permanent preservation and parkland.

2. Adopted a wetland and wetland setback ordinance designed to protect smaller wetlands than what the State of Michigan regulates as well as a 25-foot wetland fringe to enhance ecological function.
3. Worked with Ottawa County Parks and private landowners to add 80 acres of forested dunes to the North Ottawa Dunes Park.
4. Increased the rural preservation future land use designation on the updated Future Land Use Map (FLUM) which is supported by the community opinion survey and the recent utility study for the northwest area of the Township. The Rural Residential designation was increased by 621 acres recognizing unique open spaces and limitations of municipal utilities.

MASTER PLAN COMPARISON		
	Rural Residential (acres)	Medium Density (acres)
Previous FLUM	361	956
New FLUM	982	335

5. A minimum of 20% open space is required in all new PUD developments.

REVIEW CRITERIA

The following criteria in Section 109, B, 7 of the Zoning Ordinance shall be considered for a rezoning request:

- a. Whether there are changed conditions in the community that have occurred since the property was originally zoned warranting the rezoning request.

Staff Comment: There are more residential developments surrounding the proposed area for rezoning now than when this property was originally zoned.

- b. Whether the property is reasonably able to be used as zoned and whether the property can be reasonably used under the proposed zoning.

Staff Comment: The property can be reasonably be used as zoned and under the proposed zoning; however, the property will not be farmed in the future so the AG zoning district does not appear to be the logical zoning district any longer.

- c. Whether there are other areas of the community that are better suited and planned for the proposed zoning.

Staff Comment: There are some vacant areas in the eastern area of the Township zoned R-2, but they are not necessarily better suited than the subject location. Many of these sites are in a wooded and natural state where as the existing P5 property is currently a monocrop with minimal ecological value.

- d. Whether the rezoning is consistent with the goals, policies and future land use map of the Spring Lake Township Master Plan.

Staff Comment: The proposed rezoning is consistent with the Master Plan.

- e. Whether the rezoning is compatible with the site's physical, geological, hydrological and other environmental features given uses permitted in the proposed Zoning District.

Staff Comment: Other developments in the area have been installed successfully. The site likely has a high-water table which will require a minimum lowest floor elevation for all new construction as required by the Ottawa County Water Resources Department.

- f. Whether the property is compatible with all the potential uses allowed in the proposed Zoning District and with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.

Staff Comment: The proposed zoning is generally compatible as the area is surrounded by residential development with a variety of densities. Municipal water and sewer are available to this region and the local county roads appear to have additional capacity as recent developments have had limited impact. The applicant's property also has access to numerous roadways and will provide street connectivity. A traffic study would be completed as part of any development review process which may result in the need for street or intersection improvements. Development of the site would not require impacts to an existing functional ecosystem such as a hardwood forest.

- g. Whether there is capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested District without compromising the "health, safety and welfare" of the Township or its residents.

Staff Comments: The Township has invested in an updated fire station on the west side of the Township anticipating growth in the area. The SLT Fire Department also has full time firefighters on staff. Municipal utilities are also available to protect ground water quality.

- h. Whether there is capacity of the Street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested Zoning District.

Staff Comments: Additional traffic studies will be required during the Planned Unit Development review process to fully understand the traffic impacts. The Ottawa County Road Commission has indicated there is sufficient capacity on the current roadways but intersection upgrades may be required. The P5 Properties also have frontage on more than one roadway, offering numerous ingress/egress locations which may help to disperse traffic.

- i. Whether the rezoning would support a rational and sequential development pattern keeping potential development near existing development and infrastructure, avoiding "leap frog" type development.

Staff Comments: Developments exist around this property as do other supportive elements including parks, bike paths, and highway interchanges.

CONSIDERATIONS

The Planning Commission approved a resolution recommending that only the P5 Properties containing approximately 97 acres be rezoned to R-2, leaving out the other Township initiated 150 acres. A density comparison is offered below for your consideration:

The ultimate density permitted for a PUD is based on a parallel plan that is provided by the applicant that illustrates how many lots could reasonably fit on the site with roads and storm water infrastructure utilizing a traditional subdivision layout. For estimating purposes, roads and storm systems take up about 15% of the land, leaving about 85% for lots in a traditional subdivision.

85% of 97 acres is 82 acres.

82 acres divided by 12,000 (R2 Minimum lot size) = 298 units

82 acres divided by 15,000 (R1 Minimum lot size) = 238 units

82 acres divided by 2 acres (AG/RR minimum lot size) = 41 units

There is a 20% open space requirement in a PUD so it is presumed that the lot sizes in the PUD will vary from the ordinance minimums in order to accommodate the permitted density. Density bonuses are also permitted if more open space is offered.

RECOMMENDATION:

Review and consider the resolution prepared by the Township attorney that passed by the Planning Commission recommending rezoning of the 97 acres of property owned by P5 Properties LLC.

General reasons to consider higher density development:

1. Efficient use of public utilities: more users of the system help to spread the cost of operations and long-term maintenance.
2. More density takes development pressure off of other rural open spaces.
3. Over 600 acres additional acres were placed in the RR future land use district on the west side of US 31 where utilities do not exist.
4. Supports public transit systems such as Harbor Transit.
5. Smaller lots do not mean less value, but it can mean less to maintain.
6. Required open spaces and buffers reduce the "feel" of density.
7. Better utilization of existing infrastructure including parks and bike paths.
8. Access to highway (US 31)
9. Similar style developments nearby.
10. Any new development regardless of density will require new roads and stormwater improvements.
11. Any single-family home development is considered low density when considering the broad spectrum of housing type.

Other considerations:

- The Township could consider sewer extension policies to ensure rural preservation in the future.
- The Township Planning Commission is considering downzoning additional property from R-2 to RR.
- The PUD ordinance and review process will require the following:
 - 20% open space
 - Protection of wetlands
 - 50% Tree Canopy (at anticipated maturity) and street trees
 - Vegetated buffers along county roads
 - Sidewalks and other community amenities

FILED 9/28/2023

Justin F. Roebuck

20th Circuit Court

EXHIBIT

E

**Minutes of a Regular Meeting of the
Spring Lake Township Board of Trustees
September 11, 2023**

A meeting of the Spring Lake Township Board of Trustees was held at Barber School, 102 W Exchange St, Spring Lake, MI 49456

6:00pm Work Session: OCSO; Citizen Survey; P5 Rezone Engineer Report

1. Call to Order/Roll Call of the Board

Supervisor Rabideau called the meeting to order at 7:00pm.

Present: Jerry Rabideau, Carolyn Boersma, Jim Koster, Catherine Pavick, Ellen Pearn,
Ernie Petrus, Ande Scherf

Absent: None

Participants: Gordon Gallagher, Spring Lake Township Manager
Ron Bultje, Spring Lake Township Attorney

2. Pledge of Allegiance

Supervisor Rabideau opened the meeting with a moment of silence commemorating 9/11 and the pledge of allegiance.

3. Public Comment

Public comment was opened at 7:01pm and closed at 7:48pm. Nineteen comments were offered.

4. Approval of Agenda

Motion by Pearn, a second from Petrus to approve the agenda with the addition of 7a OCSO Consideration. The motion carried unanimously.

5. Approval of Consent Agenda

- a. Approve August 14, 2023 Meeting Minutes
- b. Approve payment of all fund bills
- c. Receive August 2023 Financials
- d. Credit Card Policy
- e. Purchasing policy

Motion by Scherf, a second from Petrus to approve the consent agenda as written. The motion carried unanimously.

6. P5 Zoning Request

Motion by Boersma, a second from Petrus to approve the Resolution recommended by the Planning Commission as a Resolution of Decision by the Board with a change from R2 to R1, update the Resolution to include an adoption of the Zoning Map Amendment Ordinance to

change the P5 property to R1, update the Resolution to include reports incorporated in the Board Packet. [RC] With Pearn, Koster, and Pavick as the dissenting votes, the motion carried.

7. Street End Ordinance

Motion by Scherf, a second from Pearn to approve and authorize the Parking Ordinance pertaining to street ends as presented. [RC] The motion carried unanimously.

7a. OCSO Consideration

Motion by Pearn, a second from Pavick to authorize another Deputy Sherriff for 40 hours per week, and direct the Supervisor, Clerk, Treasurer and Manager to work on a plan to implement the position. [RC] The motion carried unanimously.

8. Street End Resolution

Motion by Scherf, a second from Pearn to approve the Resolution Regarding Parking that lists the street Ends that will have no parking signage as presented. [RC] The motion carried unanimously.

9. Board Reports

A time of information sharing was given to the Board members and Manger.

Supervisor Rabideau allowed for another public comment period at 8:53pm to 9:07pm. Nine comments were offered.

10. Adjourn

The meeting adjourned at 10:10pm.

Respectfully submitted,

H. Carolyn Boersma, MiPMC, MMC
Spring Lake Township Clerk