

**TALLMADGE CHARTER TOWNSHIP  
REGULAR BOARD MEETING  
HELD ON  
TUESDAY, JANUARY 12, 2021  
AT 7:00 P.M.  
[www.tallmadge.com](http://www.tallmadge.com)**

**ZOOM MEETING**

- I. CALL TO ORDER** David Datema called the meeting to order.  
Members present: David Datema, Lenore D. Cook, Valdyne Schwallier, Clifford Bronkema, Michael Eppink, Joel Terpstra and Mark Bennett.

**II. CONSENT AGENDA**

Joel Terpstra moved, Valdyne Schwallier supported, to approve the minutes of the December 8, 2020 regular meeting, to approve the bills to be paid in January 2021 as presented, and to accept as information the treasurer's report, legal update, correspondence if any.

**III. PUBLIC PARTICIPATION** Five residents of Sessions Pointe requested time to speak. Marie Schmidt, Sarah Brieschat, Jon Perna, Lana DenHarder and Jack Rozema. Their concerns were: increase in traffic, garbage truck noise, renting of townhomes, lower standards, how long will the project take to finish, and what will happen if they do not finish the project.

**IV. UNFINISHED BUSINESS**

**TALLMADGE CHARTER TOWNSHIP BOARD MOTION  
TO GRANT APPROVAL  
SESSIONS POINTE MAJOR AMENDMENT – PLANNED UNIT DEVELOPMENT**

**January 12, 2021**

A motion was made by Cook to approve the final development plan for the Sessions Pointe Major Amendment Planned Unit Development (the "PUD") pursuant to Section 14.08 of the Tallmadge Charter Township Zoning Ordinance (the "Zoning Ordinance"). The final development plan for this PUD was prepared by RJM Design and is titled Sessions Pointe PUD, Commercial Area PUD, dated 07.30.20, Project Number 16028, Sheet C101, Sheet Name of Final Site Plan, and includes all of the following as the Plan (the "Plan"):

- Sheet C101, Final Site Plan, Project number 16028, dated 12.29.20;
- Sheet T203D, Project No, 180411, Sessions Pointe Commercial, LLC, Final Site Plan – Sessions Pointe PUD, dated 12/30/20 Buffer Update;
- Sheet T203D, Project No, 180411, Sessions Pointe Commercial, LLC, Final Site Plan – Sessions Pointe PUD, dated 12/22/20 Hydrant Update;
- Sheet T300, Project No, 180411, Sessions Pointe Commercial, LLC, Sessions Pointe PUD, dated 7/30/2020;
- Sessions Pointe Final PUD Development Plan PUD Design Standards document, dated July 30, 2020 (1 page);
- Floor plans and elevations from Simplified Construction dated 29 DEC 2020 (4 pages) and;
- Sheet L101, Project No, 180411, Sessions Pointe Commercial, Townhome Community, Landscape Plan, dated 12/29/2020.
- To the extent the above documents contain any contradictory information, the later information will control.

A. The Board finds that the PUD satisfies the purposes of the Planned Unit Development District in Section 14.01 of the Zoning Ordinance.

B. The Board finds that the PUD satisfies the following standards in Section 14.03 of the Zoning Ordinance.

1. The PUD property, as shown on the Plan (the "Property"), consists of a minimum of ten acres.
2. The PUD will result in recognizable and substantial benefits to its ultimate users and to the Township in general, which benefit would otherwise be unfeasible or unlikely to be achieved if the Property were developed through conventional zoning.

3. In relation to underlying zoning, the proposed type and density of use in the PUD will not result in a material increase in the need for public services, facilities, and utilities, and will not place a material burden upon the Property or surrounding property owners and occupants or the natural environment.
4. The PUD will be compatible with the Township Master Plan and will be consistent with the intent and spirit of the Zoning Ordinance.
5. In relation to underlying zoning, the PUD will not result in an unreasonable negative economic impact upon surrounding properties.
6. The PUD will contain at least as much green area and usable open space as would otherwise be required by the Zoning Ordinance with respect to the residential use in the PUD.
7. The PUD will be under single ownership or control such that there is a single person or entity having responsibility for completing its construction in conformity with the Zoning Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Township Clerk.

C. The Board finds that the PUD satisfies the following standards in Section 14.04 of the Zoning Ordinance.

1. The maximum number of dwelling units and development density allowed within the PUD will be consistent with the Township Master Plan, the standards contained in the Zoning Ordinance, and the impact such density would have upon the water supply, sanitary sewer service, storm drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area.
2. The PUD will not include any non-residential uses, except on Lot 1, Lot 2, Lot 5, Lot 6, and Lot 7.
3. Adequate provision has been made for dedications of land for streets and essential services.
4. All required yards and communal areas will be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas in the PUD.
5. Through an irrevocable conveyance, acceptable to the Township attorney, the developer of the PUD will assure that all yards and common areas will be

developed in accordance with the Plan and never changed to another use without a proper amendment to the PUD.

6. Public sewer, public water, and storm sewer utilities shall be provided as shown on the Plan.
7. The PUD has been designed to incorporate and promote the preservation of natural resources and features. Natural resources and features will not be impaired or destroyed unless it is in the public interest to do so.
8. The regulations of the underlying zoning district, prior to rezoning the Property to the PUD District, relative to lot size, lot width, yard area, structure height, setback, parking and loading, landscaping, general provisions, and other improvements and facilities, shall apply except as revised by the conditions of approval placed upon this PUD.

D. The Board finds that the PUD satisfies the following standards in Section 18.06 of the Zoning Ordinance. Subject to site plan review of final design elements as provided herein:

1. The applicant may legally apply for site plan review.
2. All required information has been provided except that which will be required for site plan review of final design elements as provided herein.
3. The proposed development conforms to all regulations of the zoning district in which it is located.
4. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
5. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
6. Natural resources will be preserved to and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.

7. The proposed development will not cause soil erosion or sedimentation problems.
8. The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
9. The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
10. The plan meets the specifications of Tallmadge Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
11. With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.
12. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township fire department.
13. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
14. All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
15. All lighting shall be shielded from adjacent properties and public right-of-way.
16. Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

17. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted

E. The approval of the Plan for the PUD by the Board is based upon the following conditions.

1. The developer shall provide a recordable document, acceptable to the Township attorney, that will assure that all yards and common areas will be developed in accordance with the Plan and never changed to another use without a proper amendment to the PUD.
2. The Plan shall be updated to include pathway along Lake Michigan Drive to the west property line of the development pursuant to Section 3.36 of the Zoning Ordinance. The pathway along Lake Michigan Drive shall be constructed within one (1) year from the date of occupancy of the first townhome unit. Based upon reasonable evidence of factors outside of the control of the owner of the PUD to complete the pathway as stated herein, the owner may request a one (1) year extension from the Tallmadge Charter Township Planning Commission.
3. The developer shall comply with all requirements of the Township engineer and in particular, ensure that the Township Engineer and the Ottawa County Water Resources Commissioner are satisfied with the stormwater drainage plans for the entirety of the original and amended PUD.
4. The developer shall comply with all requirements of the Township Fire Department consistent with applicable fire code.
5. All utilities within the multi-family development area installed by the applicant, including electric and cable, shall be buried underground.
6. All off-street parking shall be constructed at the same time as the internal drive on which they are adjacent.
7. No parking shall occur on the internal drives or Sessions Pointe.
8. No more than 42 units shall be constructed.
9. All trees shown on the plan within Lots 2 and 7 shall remain on the site plan and shall be planted at the time an occupancy permit is issued for any of the adjacent multi-family buildings and such planting shall be evidenced by an easement in a form acceptable to the Township attorney.

10. Each townhouse unit shall be used exclusively for residential occupancy, and no unit shall be used for any purpose other than that of a single family residence or purposes incidental to single family residential use. For this purpose, "single family" means one person or a group of two (2) or more persons who live together as a single housekeeping unit having a demonstrable and recognizable permanent bond characteristic of a cohesive group of people, expressly not including any group of people such as a fraternity, sorority, club, college students, or other individuals where a common living arrangement is temporary. The Association shall maintain a list of the permitted occupants of each unit for purposes of verification of compliance.
11. No existing wetland shall be disturbed without the issuance of applicable permits by the Michigan Department of Environment, Great Lakes and Energy (EGLE) or its successor.
12. The PUD shall use a single service provider for garbage, recycle, and yard waste removal.
13. All garbage cans and bins, recycle cans and bins, and yard waste cans and bins shall be stored inside except on the day of service pick-up and twelve (12) hours prior to the day of service pick-up.
14. The HOA shall require each unit owner to pay annual dues necessary for garbage, recycle, and yard waste removal.
15. The developer shall comply with the PUD application, except as provided herein, including the Plan.
16. The developer shall comply with all Federal, State, County, and Township laws and ordinances, specifically including all the requirements of the Zoning Ordinance.
17. The developer shall sign a contract for recording with the Ottawa County Register of Deeds, which shall incorporate by reference the conditions of approval for this PUD.

Caveat: Last update to be used if there are any conflicting items.

Terpstra seconded the motion.

YES: Datema, Cook, Schwallier, Bronkema, Terpstra.

NO: Bennett, Eppink.

## V. NEW BUSINESS

- A. **BUDGET WORKSHOP** – Joel Terpstra move, Mark Bennett supported, to hold the Budget Workshop for fiscal year April 1, 2021 thru March 31, 2022 for Tallmadge Township on Tuesday, February 16, 2021 at 5:00. Motion CARRIED
- B. **METRO ACT** – Mark Bennet moved, Valdyne Schwallier supported, to Adopt The Metro Act – Unilateral Form – Revised 12/06/02 – Right of Way Telecommunications Permit and to authorize the Supervisor Dave Datema to sign Motion CARRIED by a unanimous roll call vote.
- C. Joel Terpstra moved, Lenore Cook supported, to subscribe to MTA online learning center for \$1900 per year. This includes board, planning commission, zoning board of appeals and zoning administrator. Motion CARRIED.
- D. **42<sup>nd</sup> Avenue** – Two residents on 42<sup>nd</sup> Avenue are unhappy with the work done on 42<sup>nd</sup> Avenue – specifically with their yards. The Township dealt with this issue at the October of 2020 meeting. The Board feels this is a Road Commission or Contractor issue. Joel Terpstra made a motion to split the cost to repair the residents issue with the Road Commission. Motion failed due to no second. Mark Bennett moved, Lenore D. Cook supported, to affirm the decision the Board made and carried in October of 2020. Motion CARRIED by a unanimous roll call vote.
- E.

## VI. SUPERVISOR COMMENTS AND COMMITTEE REPORTS

**Supervisor:** Working on Dangerous Bldg with Matt, update on Fire Dept roof, working with MIOSHA, update on current law suit.

**Planning Commission:** Joel Terpstra Sessions Pointe

**Zoning Board of Appeals:** Clifford Bronkema.

**Fire Dept Rep:** Michael Eppink - 979 calls for 2020

**Fire Dept – Michael Gavin, Fire Chief** gave a update report on the workings of our Wright/Tallmadge Fire Department. (SEE ATTACHED)

## VII. INFORMATIONAL ITEMS

- A. Fire Board Minutes
- B. Sheriff Department report
- C. List of Building Permits for December of 2020
- D. Planning and Zoning report
- E.

## VII. ADJOURNMENT Meeting adjourned at 8:20 p.m.

Sincerely yours

Lenore D. Cook, Clerk