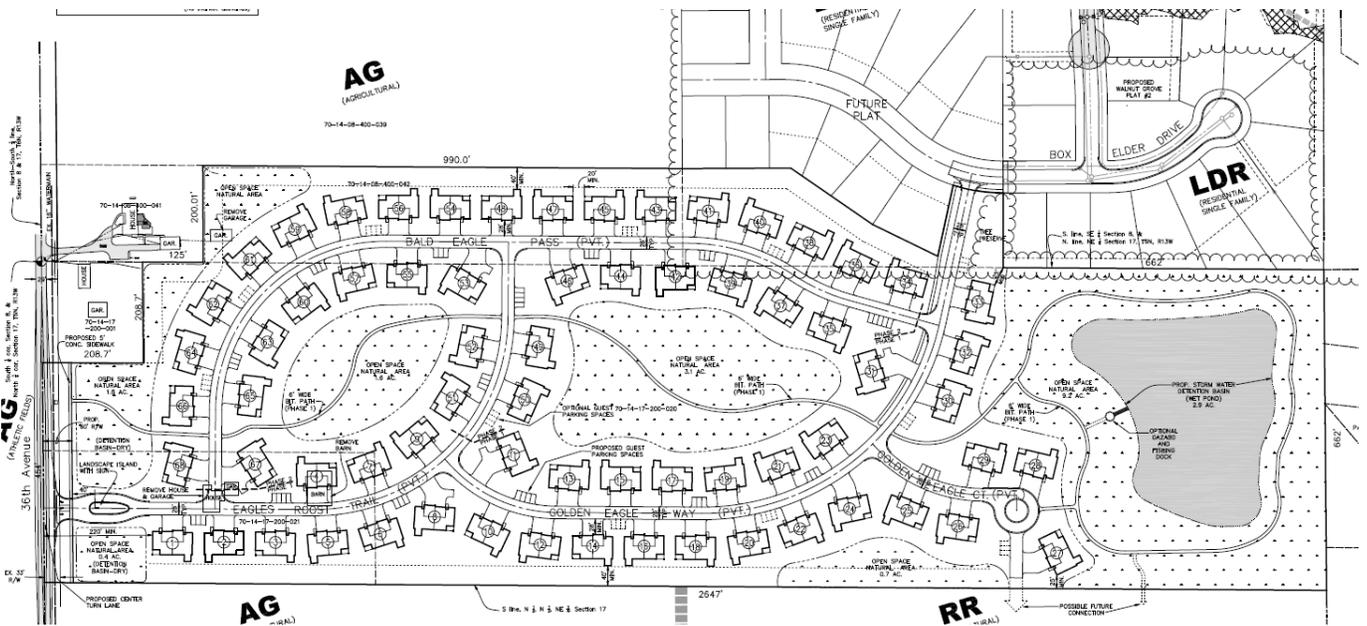
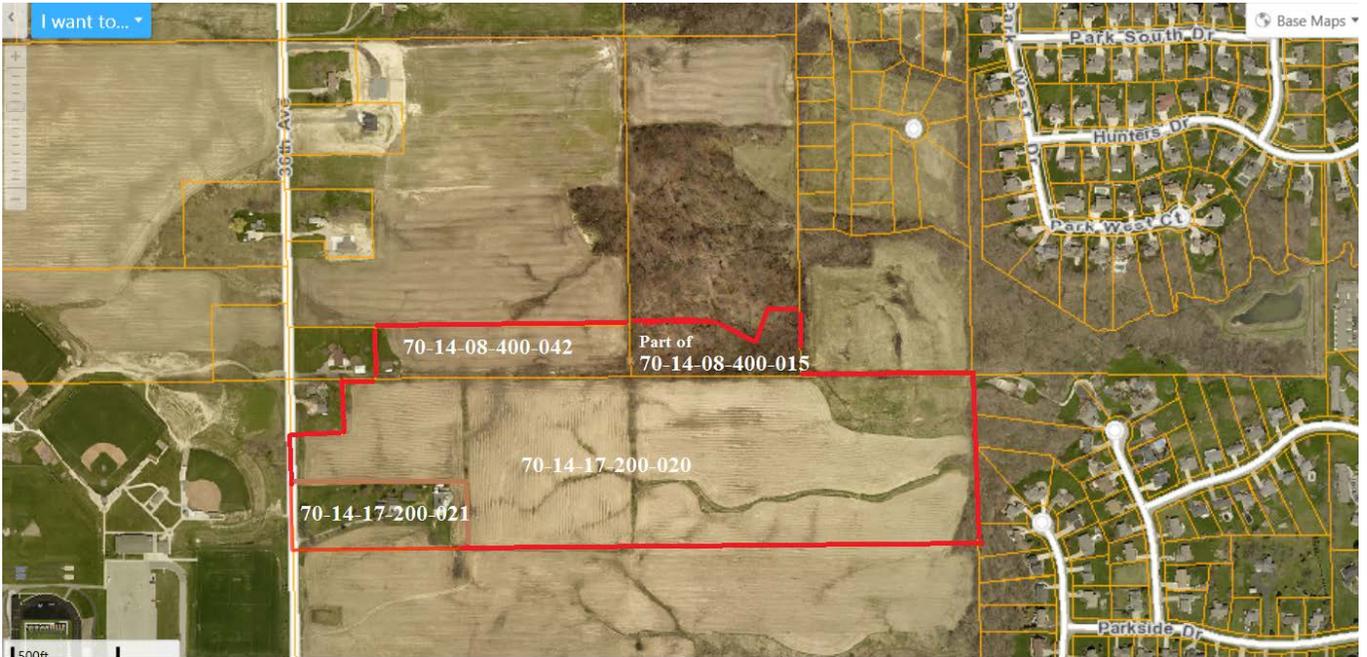


REQUEST

(PUD1601) (Ordinance No. 2016-01) Ike Koetje for Eagles Roost Condominiums, 547 Baldwin St., is requesting preliminary planned unit development approval for condominiums, along with various amenities, on parcels of land described as P.P. # 70-14-17-200-020, P.P. # 70-14-17-200-021, P.P. # 70-14-08-400-042 and P.P. # 70-14-08-400-015, located at 7920, 8024 and 8100 36th Ave., Georgetown Township, Ottawa County, Michigan.

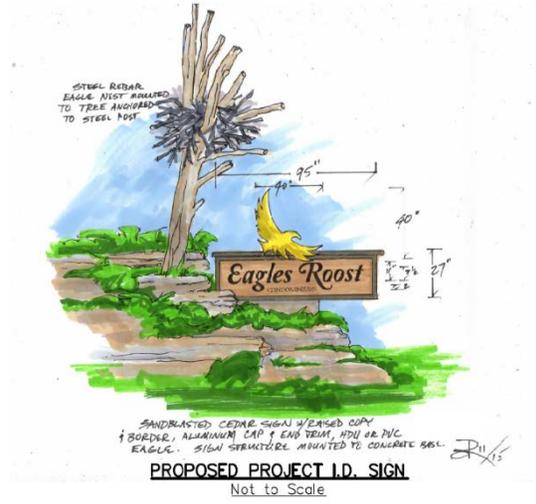


DEVIATIONS FROM ORDINANCE REQUIREMENTS

The plan proposes 68 duplexes with a total of 136 units on 45.35 acres. The density of 3 units per acre is consistent with the LDR zoning; however, only single family residences, and not duplexed, are allowed in the LDR district. Therefore, the requested deviation is for the duplex units.

The ordinance requires a minimum distance of 25 feet between contiguous buildings and the proposal is for a minimum of 20 feet. Therefore, the requested deviation is for a minimum of five feet less between contiguous buildings.

The ordinance allows two plat entry signs, each with a maximum height of 3 feet and maximum area of 64 square feet. The proposal is for the sign to encompass a steel rebar tree with eagle’s next and for a ground mounted sign approximately 8 feet tall and 8 feet wide.



REVIEW OF THE CONCEPTUAL PLAN AS PER SEC. 22.4:

A pre-application conference was held on Friday, November 20, 2015 at 10:00 a.m. with representatives from Georgetown Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.

Sec. 22.2 QUALIFYING CONDITIONS..

Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. **Acreage Requirement:** The PUD site shall be not less than ten (10) acres of fully contiguous property not separated by a public road, railroad, or other such associated feature or barrier. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be twenty (20) acres. The Planning Commission and Township Board may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. In addition, the Planning Commission and Township Board may use the same intent section of the Zoning Ordinance when considering a PUD with property that may be separated by a public road, railroad, or other such associated feature or barrier. It would be up to the applicant to prove why, for example, a physical barrier (road or railroad) separating the acreage would not restrict the applicant’s ability to develop a cohesive PUD.

Met. The site is 45.35 acres.

- B. **Utilities:** All PUD's shall be served by public water and sanitary sewer facilities. Stormwater must be coordinated with the county drain commission.

Will be required to be met. This is required to be met and is to be coordinated with the DPW and Drain Commissioner’s office. The developer would be responsible to bring the utilities to this site and a Storm Water Drain Permit will be required prior to any construction commencing.

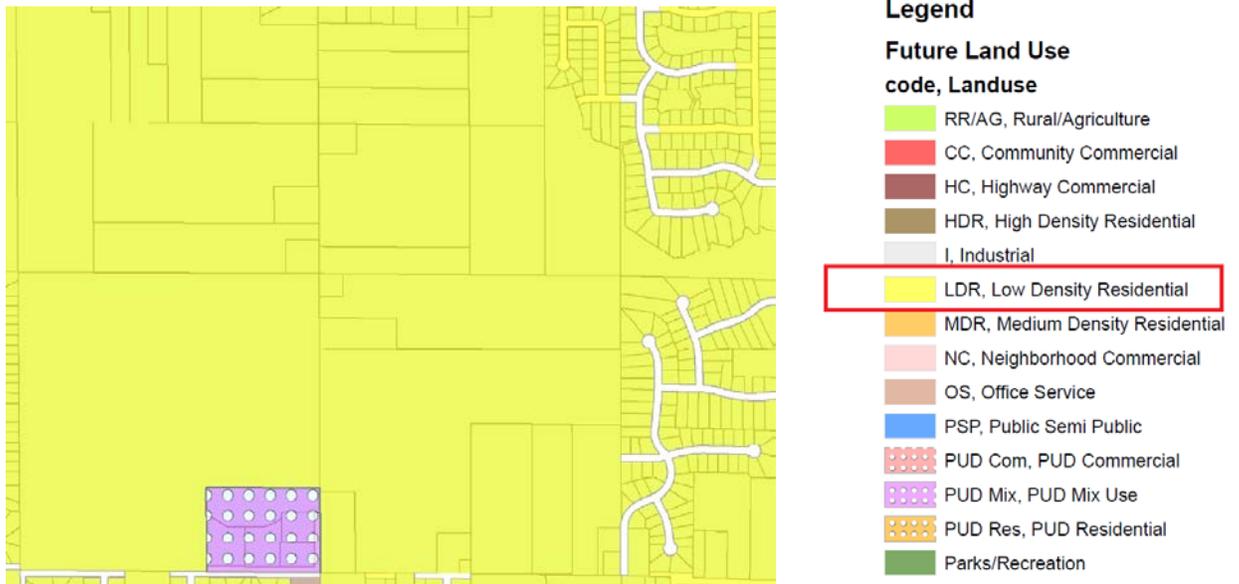
- C. **Land Ownership:** The PUD application must be filed by the landowner, jointly by the landowners, or by an agent. If the application is filed by an agent(s) or other interested party, written approval from the landowner(s) must also be filed.

Met. Provided.

- D. **Master Plan:** The proposed uses of the PUD must be substantially consistent with Georgetown Township’s Master Plan for the subject property.

Met. The proposal appears to be consistent with the text and Future Land Use Map in regard to the uses, the density and the coordinated theme. The Future Land Use Map shows the entire area as LDR. The plan proposes 3 units per acre which is consistent with an overall density of 3 units per acre which meets the intention of page 36 in the Master Plan. The typical building designs that are to encompass a theme as directed in the language of the Master Plan were submitted. Signage also coordinates with the theme.

The following is the Future Land Use Map related to the proposed PUD development.



The Master Plan language states the following:

General Land Use Policies

Planned Unit Developments and open space clustering are possible development tools that would provide multiple densities of residential, along with possible commercial uses with flexible zoning requirements.

Planned unit developments shall be consistent with the intent of a PUD as listed in the Georgetown Township Zoning Ordinance, including, to encourage innovation in land use and variety in design, to encourage useful open space, and to provide for enhanced site and building architectural features. Such developments shall provide innovation and desirable design elements. Although the intention is not to direct a developer toward any specific details, PUDs with uses other than solely single family residences shall, at a minimum, contain the following elements:

- An overall design theme with common coordinating architectural elements contained in all buildings and structures as well as signs, rooflines, forms and materials;
- A coordinated color scheme and coordinated textures of materials;
- Drive-through elements and stand-alone structures shall have design elements common to principle structures;
- Creative, desirable and useable open space;
- Buildings and structures designed to provide the best or front face to any adjoining public streets.

E. **Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. (In addition, the township has a standalone ordinance covering certain sidewalk requirements)

Met. Interior sidewalks and pedestrian paths are proposed, including connections to the sidewalks on 36th Ave., connections to the north and possible future connections to the south.

E. **Architecture:** The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships.

Met. A typical design was provided. Signage also coordinate with the theme.

G. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety.

Met. A decel lane and left-turn lane will be provided. A condition of approval will be added that at least one of the entrance lanes from 36th Ave. shall be a minimum of 20 feet wide in compliance with the Building Code for fire truck access.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

H. **Open Space Requirements:**

1. The PUD development shall contain usable open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may located on a relatively small site in an area where a 20% open space provision would detract from building continuity, historic preservation efforts, etc.)
2. Such open space to be considered usable shall **not include required yards** (required yards need to be individually determined for each PUD project) or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, wetlands (unless determined to be useable by the Planning Commission due to the addition of interpretive boardwalks/walkways, etc. provided in and through the wetland) and structures (Unless the structures are part of the open space i.e. gazebos, etc.).

3. **Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the Township;** or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

Met. The plan states that 16.8 acres or 37% of the property is open space, which exceeds the minimum amount required.

Sec. 22.3 PERMITTED USES..

Any use permitted by right or special land use in any District may be approved within a PUD.

Met. **The uses are consistent with the Master Plan and the area.**

Sec. 22.10 STANDARDS FOR APPROVAL (both preliminary and final).

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 22.2. **Appears to be met.**
- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development. **Appears to be met.**
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community. **Appears to be met.**
- D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning. **Appears to be met.**
- E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.)
Appears to be met.

Sec. 22.5 PUD APPLICATION

A. Preliminary Plan Application Requirements

1. A completed application form and ten (10) copies of a preliminary development plan shall be provided to the Zoning Administrator. The preliminary plan shall contain the following site plan information:
 - a. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property ten (10) acres and larger and at least 1"=200' for those 20 acres (20) acres or more.

PROVIDED.

- b. The name and address of the firm responsible for the preparation of the site plan.

PROVIDED.

- c. The name and address of the property owner(s) and petitioner(s).
PROVIDED.
- d. Legal description of the PUD site.
PROVIDED.
- e. The size (in acres) of the PUD site.
PROVIDED.
- f. Property lines and proposed setbacks, shown and dimensioned.
PROVIDED.
- g. A location sketch.
PROVIDED.
- h. The location of all existing structures, driveways, and parking areas within 100' of the PUD site's boundaries.
PROVIDED.
- i. The location and dimensions of all existing structures on the PUD site.
PROVIDED.
- j. The location of all proposed structures on the PUD site. Realizing that this is preliminary, dimensions are not necessary until final approval.
PROVIDED.
- k. The location and dimension of proposed lots or ownership divisions.
PROVIDED.
- l. The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements.
PROVIDED.
- m. The existing zoning and use of all properties abutting and including the PUD site.
PROVIDED.
- n. The location of all existing vegetation and the general location of all proposed landscape areas, berms, landscape islands and buffers, including any fence or wall areas.
PROVIDED.
- o. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed utility needs and concepts.
PROVIDED.

- p. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities.

A Storm Water Drain Permit will be required to be submitted from the Ottawa County Drain Commissioner's office.

- q. Existing topographic contours at a maximum of five (5) foot intervals. Conceptual topographic patterns for the PUD site shall also be provided, noting major earth moving and/or removal areas (realizing that each building receiving final PUD approval will be required to show actual topographic contours, both existing and proposed).

PROVIDED.

- r. Location, type and size of areas to be dedicated for common open space.

PROVIDED.

- s. Trash receptacles and method of screening.

PROVIDED.

- t. Proposed streets, alleys, curb cuts, acceleration/deceleration lanes, curbed areas, service drives and parking lot locations, including traffic calming concepts, driving surface widths as required by the Ottawa County Road Commission's standards.

PROVIDED.

- u. Proposed pedestrian sidewalk movements both within and off the PUD site. Sidewalks are required along all public roadways.

PROVIDED.

- v. Proposed lighting concepts/styles and general location areas.

PROVIDED.

- w. Proposed architectural style/design concepts that will be incorporated into final approval plans, including both buildings and structures (i.e. - gateways, fence/wall concepts, art work, etc.).

PROVIDED.

- x. Proposed setbacks, lot widths, lot areas and building/structure heights.

PROVIDED.

- y. Proposed uses to be included in the PUD project.

PROVIDED.

- z. Floodplain areas. (Revised 6-27-2005)

PROVIDED.

2. **Narrative Statement:** A narrative statement describing:

- a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 22.1.

PROVIDED.

- b. The relationship of the PUD to the qualifying conditions listed in Section 22.2.

PROVIDED.

- c. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.

PROVIDED.

- d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

PROVIDED.

Sec. 22.11 PUD AGREEMENT.

- A. Prior to the issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.
- B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board.
- C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- D. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- E. All documents shall be executed and recorded in the office of the Ottawa County Register of Deeds.

A condition of approval for the final development approval: the recorded PUD agreement shall be submitted at the time the first building permit application is submitted to the Township.

OPTION FOR MOTION-Preliminary Development Plan

If the Planning Commission determines that the deviations are acceptable and that the requirements of the ordinance have been met and all other elements of the proposal are acceptable, the following motion is offered. If the Planning Commission determines that more revisions are necessary or more information should be provided, the item could be tabled.

Motion: To adopt the staff report as finding of fact and to recommend to the Township Board to approve the following resolution:

**Georgetown Charter Township
Ottawa County, Michigan
(Ordinance No. 2016-01)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2016, beginning at 7:30 p.m. and after the second public hearing was held, Township Board Member _____ made a motion to adopt this Ordinance, which motion was seconded by Township Board Member _____:

**AN AMENDMENT TO THE GEORGETOWN CHARTER TOWNSHIP
ZONING ORDINANCE, AS AMENDED, AND MAP**

THE CHARTER TOWNSHIP OF GEORGETOWN (the "Township") ORDAINS:

ARTICLE 1. The map of the Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

(PUD1601) (Ordinance No. 2016-01) Ike Koetje for Eagles Roost Condominiums, 547 Baldwin St., to have preliminary planned unit development approval for condominiums, along with various amenities, on parcels of land described as P.P. # 70-14-17-200-020, P.P. # 70-14-17-200-021, P.P. # 70-14-08-400-042 and P.P. # 70-14-08-400-015, located at 7920, 8024 and 8100 36th Ave., Georgetown Township, Ottawa County, Michigan, as shown on the following documents:

1. [Application](#);
2. [Narrative and restrictions](#);
3. [Site development plan](#) dated 12/11/2015;
4. [Utility plan](#) dated 12/11/2015;
5. [Grading plan](#) dated 12/11/2015;
6. [Elevation](#);
7. [Sign](#).

Based on the findings that:

1. The qualifying conditions in Sec. 22.2 are met;
2. The information as per Sec. 22.5 is provided, and
3. The plan meets the ordinance requirements of Sec. 22.10 as follows:
 - a. The qualifying conditions in Sec. 22.2 are met;
 - b. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development;
 - c. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community;
 - d. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning;
 - e. The proposed PUD meets all the site plan requirements of Chapter 22 including Section 22.8, D.

- f. The deviations, regulatory modification from traditional district requirements, are approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

And with the following conditions:

- 1. The parcels shall be combined prior to any building permit approval.**
- 2. As per Sec. 22.2(B), the site will be serviced by public water and sanitary sewer, which is to be coordinated with the Department of Public Works.**
- 3. A Storm Water Drain Permit (written approval by the Drain Commissioner’s office) shall be submitted to the Township prior to the issuance of any building permits.**
- 4. At least one of the entrance lanes from 36th Ave. shall be a minimum of 20 feet wide in compliance with the Building Code for fire truck access.**
- 5. As per Sec. 22.11, a PUD agreement shall be submitted. The agreement shall be submitted to the Township prior to the issuance of any building permits.**

Except as expressly modified by the above, the balance of the Zoning Map of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 2. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

ARTICLE 3. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, and map shall remain unchanged and in full force and effect.

ARTICLE 4. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of seven (7) days from the date of publication of this Ordinance or a summary of its provisions in accordance with the law.

The vote in favor of adopting this Ordinance was as follows:

Yeas:

Nays:

Absent:

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2016

By _____
Richard VanderKlok
Georgetown Charter Township Clerk