

**REQUEST**

**(ST1601) Muusse Site Condo Development, P.P. # 70-14-18-200-054, located at 7976 42<sup>nd</sup> Ave. The request is for site plan approval for a site condo development for 17 lots in the LDR district. Public water and sanitary sewer are proposed to be provided.**



## **HISTORY**

The Planning Commission approved the site plan for the project with conditions on April 16, 2014 and the Township Board approved the variance for the street length, along with conditions, on April 28, 2014. Due to the stipulation in Sec. 19.5(E), the site plan became null and void on April 16, 2015 because no construction had commenced within one year.

## **SPECIAL CIRCUMSTANCES**

**A variance is no longer needed for the length of the cul-de-sac based on the revision of the language in Sec. 50-51(3)(c) in the Code of Ordinances allowing a cul de sac to be a maximum of 800 feet. The cul de sac is proposed to be 758 feet.**

Initially in 2014 the application had been submitted as a plat and the review was conducted for the development as a plat, which encompasses three approval steps including preliminary plat, final preliminary plat and final plat. Several documents are required to be submitted for each step and the initial review for a preliminary plat only includes the elements that are required for a preliminary plat (since there would be future applications with the remaining elements).

This platting process includes initial review by the Planning Commission, who makes a recommendation to the Township Board. Then the Township Board takes action on the preliminary plat and subsequently on the final preliminary plat and final plat. As long as the proposal meets all general and zoning ordinances, and all applicable materials have been satisfactorily submitted for each step (including Road and Water Resources Commission approvals, lot inspection fees, information with lowest building openings for each lot, and any other miscellaneous elements needed), the Township Board would approve the plat.

This application is for site plan review for a site condo development which is allowed under Sec. 19.19.2(C). For all intents and purposes the development is, in fact, a plat or subdivision without the applicant going through the plat approval process resulting in the fact that the development would not be subject to all the elements required for a plat.

As per Sec. 19.2, the Planning Commission is the approving authority for a site plan for a site condo development. The site plan process is final with Planning Commission approval, as per Sec. 19.5(B) in the Georgetown Township Zoning Ordinance, and a site plan application is not reviewed or acted upon by the Township Board.

**This raises concerns dealing with the Planning Commission's authority to require certain other elements from the developer that would have been required to be submitted or accomplished with the platting process such as the following:**

- 1. Approval from the Ottawa County Road Commission.**
- 2. Approval from the Ottawa County Water Resources Commission (Drain Commission).**
- 3. Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system.**
- 4. Lot inspection fees for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities.**
- 5. Responsibility for streetlights and sidewalks.**
- 6. List containing the lowest building openings for each lot as recorded with the Water Resources Commission.**

Nevertheless, the development is still subject to the standards and stipulations of all general ordinances as well as zoning ordinances.

## MASTER PLAN

The proposed use is allowed in the LDR district. The Future Land Use Map designates the area as LDR; therefore, the proposed use is consistent with the Master Plan.



### Legend

#### Future Land Use

##### code, Landuse

RR/AG, Rural/Agriculture
CC, Community Commercial
HC, Highway Commercial
HDR, High Density Residential
I, Industrial
LDR, Low Density Residential
MDR, Medium Density Residential
NC, Neighborhood Commercial
OS, Office Service
PSP, Public Semi Public
PUD Com, PUD Commercial
PUD Mix, PUD Mix Use
PUD Res, PUD Residential
Parks/Recreation

## SUMMARY

- The layout for the development was designed with the addition of the stub street to the north. All lots meet minimum lot width and area requirements. The building envelopes appear to meet setback requirements, but will be reviewed for exactness at the time a building permit application is submitted for each lot. The correct front yard setback is shown for the front yards that abut 42<sup>nd</sup> Ave. on lots 1 and 17.

Some of the lots are affected by the proposed drain relocation, especially lots 3, 4, 13 and 14. In addition, lots 10, 11, 12 and 13 are affected by the proposed detention basin. Therefore, the area on these lots may be limited for the building envelope for the principal structure and for the area where accessory structures and uses are allowed to be located (swimming pools, accessory buildings, etc.). Lots 4, 13 and 14 have very little rear yard that is outside of the proposed drain relocation and lots 10, 11, 12 and 13 have very little rear yard outside of the proposed detention basin. Therefore, the property owners of these lot will have very little area in the rear yard for any accessory structures or uses. The minutes should note that these situation were **self-created by the developer** and, therefore, **would not meet the standards necessary for a variance to be granted** if ever sought by the property owners of these lots for relief from ordinances regulating accessory buildings and uses. **The developer should note these situations in some type of restrictive covenants in order to inform potential homeowners. These restrictive covenants could be provided to the Township for verification. In addition, a note was added to the plan indicating that the individual property owners of lots 10, 11, 12 and 13 are required to maintain the far side of the proposed detention basin and lots 1 and 2 shall not have driveway access to 42<sup>nd</sup> Ave.**

- b. **Signed sidewalk and streetlight petitions were provided.** A note on the plan states that sidewalks will be constructed along the frontage of a unit at the time a house is constructed and sidewalk will provided along 42<sup>nd</sup> Ave. for lots 1 and 17. **A previous condition of approval had been added that the developer install sidewalks as per Township specifications adjacent to 42<sup>nd</sup> Ave. (for the three parcels which were split off from the parent parcel, identified as parcel) prior to the issuance of any building permits for construction within the development.**

The developer has since split that property into three parcels and sold them. For -053 and -056, signed forms had been submitted stating that sidewalks will be installed. **Provide the same form for -055.**



**Sec. 10-216. Construction by land owner; sidewalk locations.**

The township board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paths, pursuant to township sidewalk and/or non-motorized path specifications, in any area of the township it deems reasonably necessary in order to protect the health, safety or welfare of the residents of the township. Concrete sidewalks shall be installed, constructed, and maintained adjacent to paved streets in all new residential developments given final plat approval after June 1, 2000, and all developments given site plan or planned unit development approval after June 1, 2000.

- c. **Sec. 19.4(N) requires that the developer provide the size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems. With the normal platting process, that would be provided with a future step for final plat approval. However, since there will be no future steps, a condition of approval should be added that the developer submits to the Township as-built plans for all water and sewer installations in the development which shall become the sole property of the Township.**

Further, Sec. 50-76 in the Code of Ordinances requires that the installation of the street, utilities and water and sanitary sewer systems shall conform to Township specifications and this section gives the Township the right to inspect this installation. **As part of the platting process at the final preliminary approval step, the developer is required to submit a \$50 fee for the inspection of each lot in the plat. A condition of approval should be further stipulated that the developer provide the total fee (17 lots X \$50 each) of \$850 prior to commencing construction of the development.**

**Sec. 50-77.**

(c) The proprietor shall submit to the township, with the final plat, as-built plans for all water and sewer installations in the plat, which shall become the sole property of the township.

**Sec. 50-76.**

(b) During the construction of the improvements for the installation of the streets and highways, utilities, water and sanitary sewer supply systems, the township shall have the right to inspect such construction and installation to ascertain whether or not such construction complies with the plans and specifications, as filed with the preliminary plat to obtain approval, and whether or not such construction conforms, with the required plans and specifications as set forth in the conditions for approval of the final plat. If it is ascertained that the construction does not conform with such requirements, the township zoning administrator shall have the right to notify the proprietor that the actual construction does not conform to the specifications of the township, and shall give written notice to the proprietor that the final plat will not be approved unless the construction is made to conform with the required specifications and drawings.

- d. Sec. 19.4(O) requires that the location and size of all surface water drainage facilities are provided. Since approval is required to be provided from the Ottawa County Water Resources Commission (Drain Commission) for the platting process at the final preliminary development step, a condition of approval should be added requiring this.**
- e. A list of the lowest building opening for each lot as recorded with the Ottawa County Water Resources Commission shall be provided.**
- f. A note on the site plan indicates that all houses will have a minimum 400 square foot attached garage.**

**OPTION FOR MOTION**

*If the Planning Commission determines that the standards of the ordinance have been met, the following motion is available.*

- Motion: To adopt the staff report as finding of fact and to approve the site plan for (ST1601) Loumar (Muusse) Site Condo Development, P.P. # 70-14-18-200-054, located at 7976 42<sup>nd</sup> Ave. for a site condo development for 17 lots in the LDR district, as shown on the site plan dated 1/6/16.**
- a. Based on the findings that if the conditions of approval are attached, the applicable standards of the ordinance will be met.**
- b. The conditions of approval shall all be satisfied prior to the issuance of any building permit for any construction within the development.**
- c. Sidewalks shall be installed as per the Township Sidewalk Ordinance (a Sidewalk Compliance Letter was signed by the applicant and submitted to the Township).**
- d. Sidewalks had previously been required to be installed by the developer adjacent to 42<sup>nd</sup> Ave. along the three parcels which were split off from the parent parcel (owned by the developer) prior to the issuance of any building permits for construction within the development. The developer has since sold them. For -053 and -056, signed forms had been submitted stating that sidewalks will be installed. If there is a form, it shall be provide for -055.**
- e. The developer shall be financially responsible for the streetlights in the same manner that a developer of a plat is responsible for streetlights (a signed street light petition was signed by the applicant and submitted to the Township).**
- f. An approval letter shall be obtained and submitted from the Ottawa County Road Commission.**

- g. An approval letter shall be obtained and submitted from the Ottawa County Water Resources Commission.**
- h. Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system shall be submitted. As-built plans for all water and sewer installations in the development shall be submitted and become the sole property of the Township.**
- i. Lot inspection fees shall be submitted for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities (17 lots X \$50 per lot = \$850.00). Each lot shall be inspected.**
- j. A list containing the lowest building openings for each lot as recorded with the Water Resources Commission shall be submitted.**
- k. Some of the lots are affected by the proposed drain relocation, especially lots 3, 4, 13 and 14. In addition, lots 10, 11, 12 and 13 are affected by the proposed detention basin. Therefore, the area on these lots may be limited for the building envelope for the principal structure and for the area where accessory structures and uses are allowed to be located (swimming pools, accessory buildings, etc.). Lots 4, 13 and 14 have very little rear yard that is outside of the proposed drain relocation and lots 10, 11, 12 and 13 have very little rear yard outside of the proposed detention basin. Therefore, the property owners of these lot will have very little area in the rear yard for any accessory structures or uses. The minutes should note that these situation were self-created by the developer and, therefore, would not meet the standards necessary for a variance to be granted if ever sought by the property owners of these lots for relief from ordinances regulating accessory buildings and uses. **A covenant, deed restriction, or similar legal instrument shall be submitted restricting the use of property on lots 3, 4, 13, 14 due to the drain relocation, and lots 10, 11, 12, 13 due to the detention basin, and that the individual property owners of lots 10, 11, 12 and 13 are required to maintain the far side of the proposed detention basin and that lots 1 and 17 shall not have driveway access to 42<sup>nd</sup> Ave.****
- l. All houses shall have a minimum 400 square foot attached garage.**
- m. All fees, including deferred assessments, shall be paid prior to the issuance of any building permits for construction within the site condo development.**
- n. The developer shall be responsible to pay any costs associated with the Township Attorney reviewing the Master Deed prior to the issuance of any building permit for construction within the development**

**The following documents compliance with Township ordinances:**

ID number	ST1601	Date	1/6/2016
Name	Muusse Site Condo		
Address			
Use	Site Condo	SUP required	NA

REQUIREMENT	PROVIDED	Needs or Comments
Date, north arrow, scale	X	
Name, address of preparer	X	
Name, address of property owner or petitioner	X	
Location sketch	X	
Legal description	X	
Size in acres of the property	X	
Property lines and required setbacks shown and dimensioned	X	a. setbacks
Location of existing structures, drives, parking areas within 100 ft of boundary	X	
Location and dimensions of existing and proposed structures	X	
Location of existing and proposed drives (dimensions and radii), circulation	X	
Sidewalks, non-motorized paths-select streets, accel, decel lanes	X	b. provide
Signs, exterior lighting	X	
Curbing, parking areas, dimensions of typical space, number of parking spaces	X	
Calculations of parking spaces, unloading areas	X	
Location, pavement width, ROW of all abutting roads, easements	X	
Existing zoning, and zoning and use of abutting property	X	
Location of existing vegetation-parkway association	X	
Location, type, size of proposed landscaping, streetscape, greenbelt	X	
Location, height, type of existing and proposed fences and walls	X	
Size, location of proposed, existing utilities, connections to water/sewer		c. provide
Location, size of surface water drainage facilities		d. provide
Existing, proposed topo contours, max 5 ft intervals	X	
Rec/common areas, floodplain areas		e. opening
Special Use Standards, general and specific	NA	
Residential development extra requirements-attached garages	required	f. noted