

**(PUD1202-52) Final Development Plan for Phase 52 (Condo No. 2) for Ottawa Land Investments LLC,** P.P. # 70-14-09-100-054 and 70-14-04-300-018, located at 3067 Lowingside Dr. and 3203 Taylor St., Georgetown Township, Ottawa County, Michigan.

**REQUEST**

The request is for approval for the final development plan for phase 52 which is Condo No. 2. The number of units proposed is 30 including 22 duplex units and 8 single units. The note on the plan indicates that all streets with single family lots will be dedicated to the public. Since this phase does not consist of single family lots, the street will be private. Consequently, the private street is not subject to the maximum length of 600 feet in Sec. 50-51.

This phase is not consistent with the overall preliminary PUD plan that was approved in 2012 and the overall plan that was provided in 2014. In both plans the area where the condos are currently shown was proposed for single family lots with a minimum width of 65 feet.

Below is the narrative submitted for the 2014 changes to the overall preliminary plan.



August 6, 2014

Ms. Mnette Minier  
 Zoning Administrator  
 Georgetown Township  
 1515 Baldwin  
 P.O. Box 769  
 Jenison, MI 49429-0769

RE: Lowing Woods Condos No. 1 - Narrative

Dear Ms. Minier:

The Final Development Plan for Lowing Woods Condos No. 1 as submitted on July 16, 2014 is shown with minor revisions from the original Overall Preliminary PUD Plan. The original Overall Preliminary PUD Plan showed 42 condo units in 11 buildings and the recently submitted Final Development Plan shows 35 condos units in 19 buildings. The changes to the layout are minor in nature and remain consistent with the overall development. The 2014 Final Development plan not only shows less condominiums overall, but also eliminated the three and four unit style buildings in favor of duplex and stand alone condo units. Because of this, the new layout will be more similar in character to the existing development. In addition, the overall layout, especially the relationship of the condominiums to future single family homes, provides significantly better spacing.

Prior to this revision, two (2) phases of condominiums had been eliminated, therefore, this will be the first phase within the Lowing Woods development to consist of condominiums. While Eastbrook is not preparing to decrease the originally approved overall number of units (852 units on 298.56 acres), the reduction in the number of condominiums and various site plan adjustments have resulted in the latest plan depicting only 768 total units.

	2007 Approved Plan	2014 Final Dev. Plan
Single Family Lots	546	592
Condo Units	293	176
Total Units	839	768

Because the number of condominiums has been reduced to 35 units, only one private road access point is required. This access has been approved by the Georgetown Fire Department. By providing a single access, the condominium owners will not be subjected to thru-traffic from the surrounding public roads.

Overall, the minor revisions shown on the Final Development Plan are more consistent with the existing Lowing Woods development and the low density residential nature of this area of the Township.

Please feel free to call me at 616-575-5190 should you have any questions or concerns.

Thanks!

Rick Pulaski, P.E.  
 Project Manager

Enclosures

**Below is the narrative submitted for the current changes to the overall preliminary plan.**

**NARRATIVE**  
**LOWING WOODS CONDOS NO. 2**

The Final Development Plan for Lowing Woods Condos No. 2 is shown with minor revisions from the previously approved Overall Planned Unit Development (PUD) Plan. The previously approved Overall PUD Plan included 45 single family residential lots north of Phase 7, east of Condos No. 2 and west of Phase 10 (reference included exhibits). However, the proposed Final Development Plan for Condos No. 2 shows 30 condominium units (8 stand-alone condominiums and 11 duplex condominiums) and 20 single family residential lots. These very minor revisions to the overall PUD result in a decrease in single family lots from 592 lots depicted in 2014 to 567 depicted in this application. In addition, a minor increase in condominium units is proposed, from 176 to 206.

	2007 APPROVED PLAN	2014 FINAL DEV. PLAN	2016 FINAL DEV. PLAN
SINGLE FAMILY LOTS	546	592	567
CONDO UNITS	293	176	206
TOTAL UNITS	839	768	773

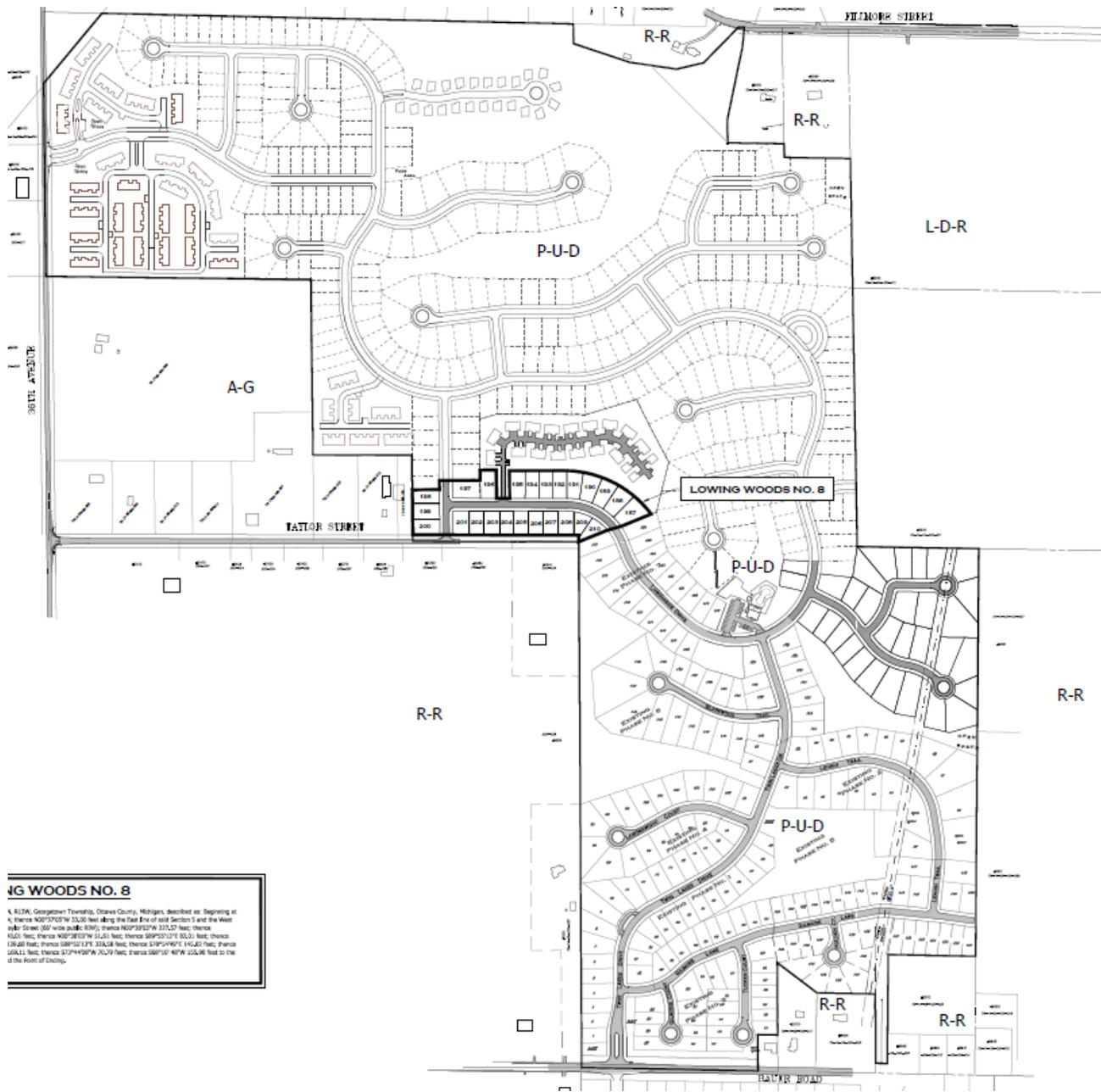
As with the previous minor revisions, while some condominiums are being sought in favor of all single family residential in this area, previous phases of condominiums had been eliminated, therefore, creating an opportunity and filling a need for condominium living that wasn't previously offered yet in the Lowing Woods Development prior to the first phase (currently under construction). In addition, the proposed second phase of condominiums continues to utilize stand-alone and duplex units rather than three (3) and four (4) unit buildings to maintain the character of the existing development.

As mentioned previously in the 2014 submittals, while the revisions in the 2014 plan depicted only 768 total units, additional future revisions were anticipated, therefore, the applicant made sure to denote that unit count/density reviews be based on the original total number of units approved for the overall development. Therefore, while the Condos No. 2 proposed plan depicts an increase from the last final development approval, the overall unit totals are significantly below the total number of 852 units as approved for the overall development in 2007.

Overall, changes to the layout are minor in nature and remain consistent with the overall development.

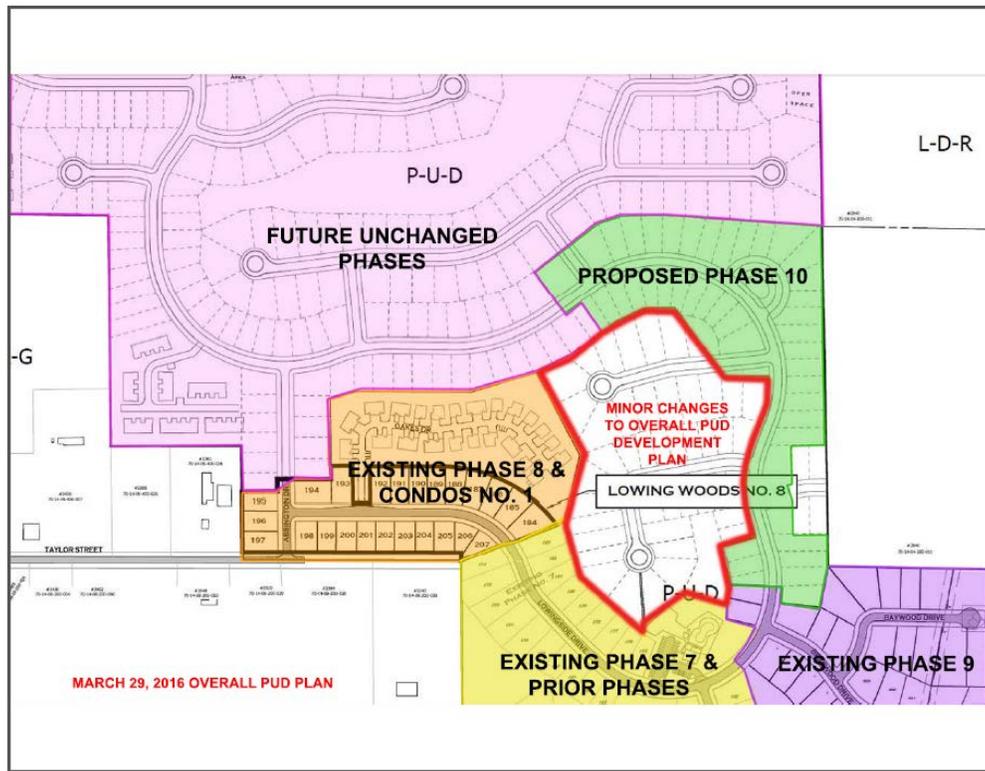
---

**Below is the overall preliminary plan approved in 2014. Note that the proposed overall units of 773 is still less than the maximum of 839 overall units initially approved in 2007.**

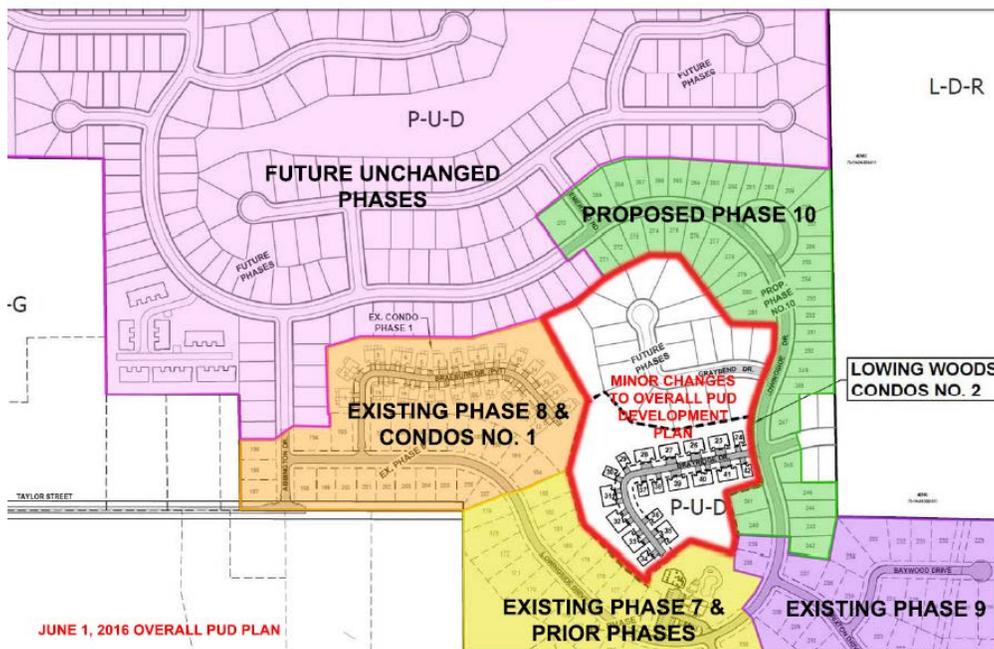


**LOWING WOODS NO. 8**  
 A 6.23A, Georgetown Township, Ottawa County, Michigan, described as: Beginning at  
 N, thence N08°57'02"W 33.08 feet along the East line of said Section 5 and the West  
 side of said 100' wide public HWY, thence N02°39'02"W 275.27 feet, thence  
 N02°01'00"W 100.00 feet, thence S08°02'01"W 216.25 feet, thence  
 S08°02'01"W 216.25 feet, thence S08°02'01"W 216.25 feet, thence  
 S08°02'01"W 216.25 feet, thence S08°02'01"W 216.25 feet, thence  
 S08°02'01"W 216.25 feet, thence S08°02'01"W 216.25 feet to the  
 Point of Beginning.

**Below shows the approved changes to the overall preliminary plan approved in March 2016.**



**Below shows the proposed current changes to the overall preliminary plan.**



## **HISTORY**

The plats of Lowing Woods No. 1, 2, 3 and 4 were approved in 2005. Lowing Woods No. 5 was approved in 2007, No. 6 in 2012 and No. 7 in 2013. Lowing Woods No. 8 and 9 were approved in 2014. The first phase of condos was approved in 2014.

## **SUMMARY-for the final development plan for phase 52 (Condo No. 2)**

1. Note 1) gives the setbacks for the single family homes and does not apply to the condos.
2. The condos have a minimum front yard setback of 26 feet and a minimum distance of 20 feet between buildings.
3. A demolition permit is required for the demolition of the existing building.
4. **The Planning Commission should determine if the change to the layout is minor and still meets the intent of the preliminary plan. It appears that it may be minor since the overall number of units is still less than originally approved in 2007.**

	2007 APPROVED PLAN	2014 FINAL DEV. PLAN	2016 FINAL DEV. PLAN
SINGLE FAMILY LOTS	546	592	567
CONDO UNITS	293	176	206
TOTAL UNITS	<b>839</b>	<b>768</b>	<b>773</b>

5. **The recorded PUD agreement shall be submitted prior to the time the first building permit application is submitted to the Township.**
6. **Approval from the Ottawa County Water Resources Commission is required.**

## **OPTION FOR MOTION-for the final development plan for phase 52 (Condo No. 2)** (review follows)

**The Planning Commission should determine if the change to the layout is minor and still meets the intent of the preliminary plan.**

If the Planning Commission determines that the standards of the ordinance have been met with the conditions provided, the following motion is offered.

- Motion:** **To adopt the staff report as finding of fact and to approve (PUD1202-52) Final Development Plan for phase 52 (Condo No. 2) for Ottawa Land Investments LLC, P.P. # 70-14-09-100-054 and 70-14-04-300-018, located at 3067 Lowingside Dr. and 3203 Taylor, Georgetown Township, Ottawa County, Michigan, as shown on the following:**
- a. Sheet C-101 dated 06.01.16,
  - b. Sheet C-102 dated 06.01.16,
  - c. Sheet C-103 dated 06.01.16,

**On the basis that the following are met:**

- a. **Qualifying conditions in Sec. 22.2.**
- 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.**

**And with the following conditions:**

1. **A recorded PUD agreement (according to Sec. 22.11) is submitted prior to the submission of a building permit application for this phase.**
2. **All previous approvals for signs remain in effect. Signage must meet previous approvals and sign permits must be obtained for all new signs (other than signs approved by the Road Commission for use in the road right-of-way).**
3. **The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.) were approved with the previous approvals and remain in effect.**
4. **Approval from the Ottawa County Water Resources Commission is required.**
5. **A demolition permit is required for the demolition of the vacant house.**

## **REVIEW FOR FINAL DEVELOPMENT PLAN**

### **Sec. 22.8 FINAL DEVELOPMENT PLAN APPLICATION.**

- B. **Final Development Plan Approval Time Period – Dual or Multi Phased:** If the project includes phases, then the applicant must submit a request within twelve (12) months of the Township Board's approval of the preliminary plan and PUD rezoning for final development plan approval of a phase. Following the final approval of the first PUD phase, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date for the previous phase. If the applicant fails to submit the first phase within twelve (12) months or each subsequent phase within the twenty-four (24) month time period then the preliminary site plan incorporating all phases not already approved for final site plan shall be determined to be invalid.

**Met. The last approval was August 20, 2014.**

- C. **Final Development Plan Application Requirements:** A final development plan application shall consist of the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):
1. A completed application form, supplied by the Zoning Administrator. **Provided.**
  2. Payment of a fee, as established by the Township Board. **Paid**
  3. A written response to the findings, review comments, and conditions, if any, from the Township Board's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items. **NA.**
  4. A site plan containing all of the information required in this PUD Chapter and the following information shown below: (If the plan consists of phases, then the above-mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).
    - a. The location and dimensions of all proposed structures and buildings on the PUD site.  
**PROVIDED.**
    - b. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks / pathways / bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included.  
**PROVIDED.**
    - c. The location of all proposed signs and lighting, including the sizes and types.  
**The plan notes that previous approvals remain in effect.**
    - d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.).  
**The plan notes that previous approvals remain in effect.**

- e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc.

**To be coordinated with the Township DPW Department and Ottawa County Resources Commission Department.**

- f. Existing and proposed topographic contours at a maximum of three (3) foot intervals.

**PROVIDED.**

- g. Elevation views of all proposed structures and floor plans for all multi-family residential dwelling units.

**PREVIOUSLY PROVIDED.**

- h. Proposed open space areas, including recreational amenities (playgrounds, etc.).

**PROVIDED.**

- i. Floodplain areas.

**PROVIDED. A note on the plan indicates that this phase is not affected by a floodplain.**

- B. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

**Sec. 22.9 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN.**

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 22.5 - 22.7 of this Ordinance.

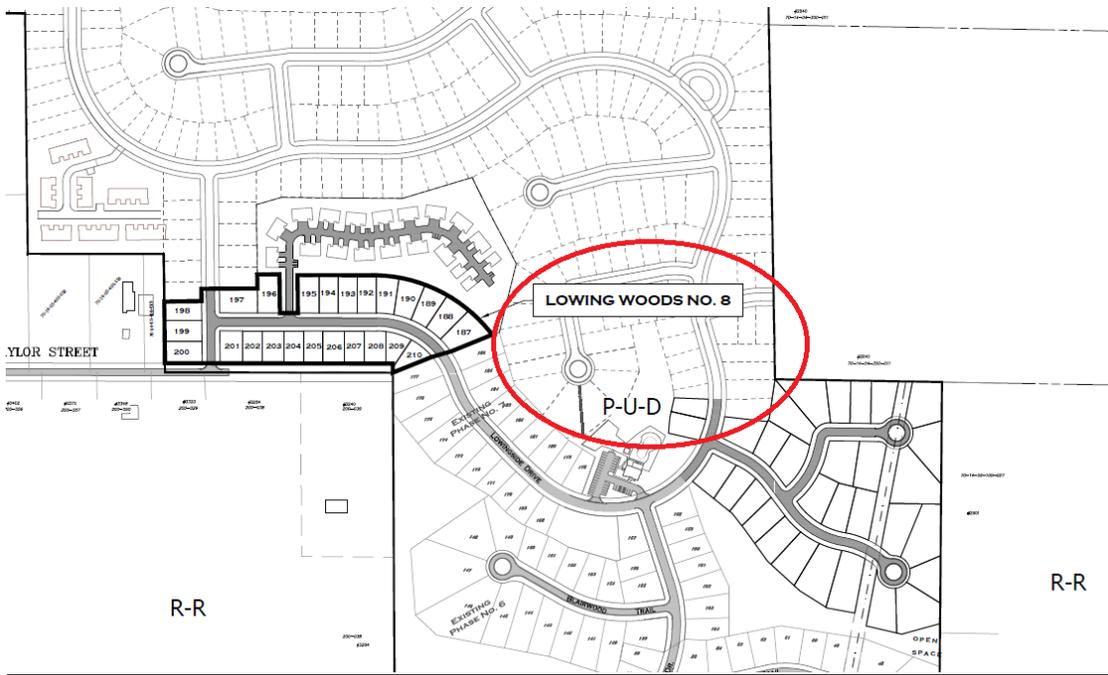
**This phase is not totally consistent with the overall preliminary PUD plan. A narrative was provided explaining how this is consistent with the previously approved overall preliminary plan.**

**The Planning Commission should determine in the change to the layout is minor and still meet the intent of the preliminary plan. It appears that it is consistent since the overall number of units is less than the total of 859 in 2007.**

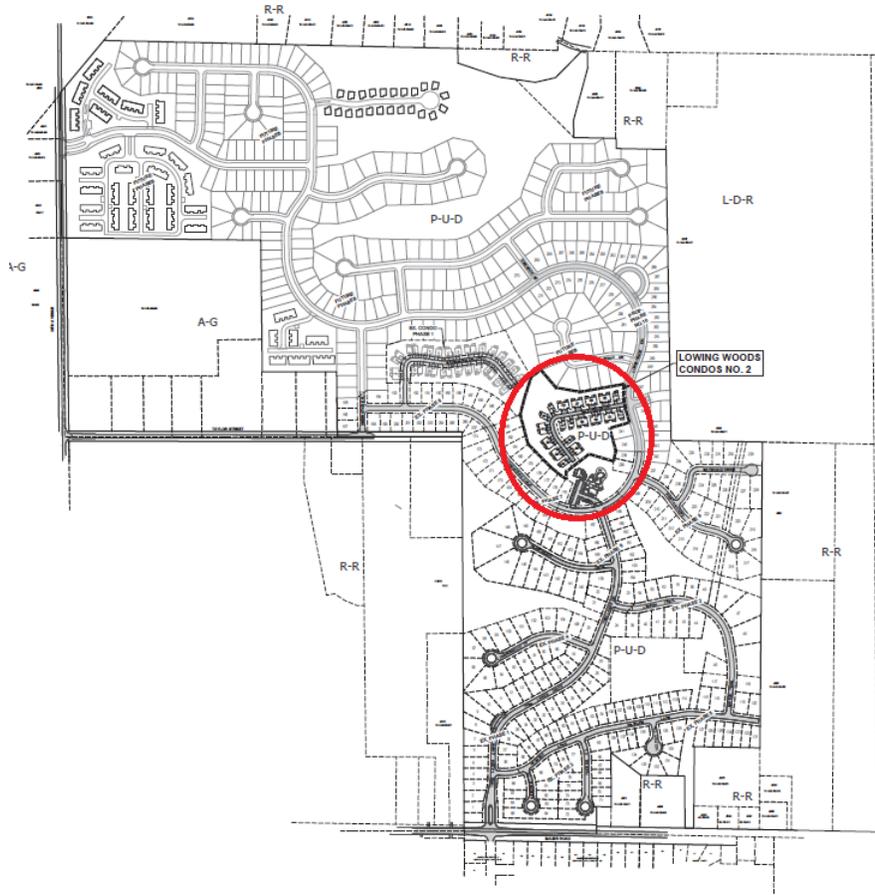
As approved on the Preliminary Development Plan in 2012:



2014:



**Currently proposed:**



- B. Planned Unit Developments, whether established as a single or multiphase development, shall reasonably accommodate for the intent of the PUD in each phase. If the proposed PUD appears to provide for phases that do not incorporate the intent of the proposed PUD, the Planning Commission may require bonding or other similar financial obligation, which shall be established in the PUD agreement. If a portion of the PUD intent it to provide for a variety of uses (i.e. - apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.

**The final development plan appears to accommodate the intention of the PUD.**

- C. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 22.10.

**See the review under Sec. 22.10.**

- D. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.

**Minutes will be prepared.**

- E. Any regulatory modification from traditional district requirements shall be 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. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.

**Previously determined and approved.**

- F. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning.

**Provided with the setbacks.**

**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.**

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

**This is required to be met and is to be coordinated with the DPW Department and Ottawa County Water Resources Commission Department.**

- 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 as previously determined.**

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

**Met as previously determined (including for density).**

- 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 as previously determined.**

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

**Met as previously determined.**

- 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 as previously approved. Taylor Street has been completed.**

- 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 be 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 as previously determined.**

**Sec. 22.3** *PERMITTED USES.*

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

**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. **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. **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. **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. **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.) **Met.**

**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: the recorded PUD agreement shall be submitted prior to the time the first building permit application is submitted to the Township.**