

**(PUD1202-10) Final Development Plan for Phase 10 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 of the final development plan for phase 10 and the preliminary plat of Lowing Woods No. 10 (separate review) for 42 lots. This plan is consistent with the preliminary PUD plan. The pavement of Taylor Street is completed.

## **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. Note that a condition of approval for Lowing Woods No. 7 is that Taylor Street is to be paved to Ottawa County Road Commission standards and completed prior to any approvals for any future phases being granted. This has been completed. The preliminary plats of Lowing Woods No. 8 and 9 were approved in 2014. The first phase for the condos was approved in 2014. The second phase for the condos has been submitted.

## **SUMMARY-for the final development plan for phase 10**

1. The individual building envelopes appear to meet the minimum standards of the PUD setbacks with 25 foot front, 25 foot rear and 7 foot side setbacks. However, each building permit application will be reviewed at the time it is submitted for conformance for each individual site. The lots in this area were required to have a width of 65 feet as shown on the approved preliminary development plan and all meet that minimum requirement.
2. **The recorded PUD agreement shall be submitted prior to the time the first building permit application is submitted to the Township for his phase.**
3. **The following conditions will be added:**
  - a. **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).**
  - b. **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.**
  - c. **The individual building envelopes appear to meet the minimum standards of the PUD setbacks with 25 foot front, 25 foot rear and 7 foot side setbacks. However, each building permit application will be reviewed at the time it is submitted for conformance for each individual site.**
  - d. **Approval is obtained from the Ottawa County Water Resources Commission.**
  - e. **All outstanding fees are paid prior to any building permits being issued.**

As provided in 2012:

**Residential Summary**

-  187 Lots - 60' Min.Width
-  142 Lots - 65 Min. Width
-  99 Lots - 75' Min. Width
-  96 Lots - 85' Min.Width
-  22 Lots - 95' Min. Width

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**546 = Total Lots**

-  **112 - Townhouse Units**
-  **158 - Ranch Condominium Units**
-  **23 - Villa Units**

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**\* 839 = Total Residential Units/lots**

**\*Maximum not to exceed 852 units on 298.56 acres**

**\*\* Open Space Total= 67.2 acres**

**Total Site Area= 298.56 acres**

	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>

**OPTION FOR MOTION-for the final development plan for phase 10** (review follows)

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 facts and to approve (PUD1202-10) **Final Development Plan for phase 10** for Ottawa Land Investments LLC, P.P. # 70-14-09-100-054, and 70-14-04-300-018, located at 3067 Lowingside and 3203 Taylor St., 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:**

- a. **A recorded PUD agreement (according to Sec. 22.11) is submitted prior to the submission of a building permit application for this phase.**
- b. **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).**
- c. **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.**
- d. **The individual building envelopes appear to meet the minimum standards of the PUD setbacks with 25 foot front, 25 foot rear and 7 foot side setbacks. However, each building permit application will be reviewed at the time it is submitted for conformance for each individual site. The lots in this phase were required to have a width of 65 feet, as shown in the approved preliminary development plan.**
- e. **Approval is obtained from the Ottawa County Water Resources Commission.**
- f. **All outstanding fees are paid prior to any building permits being issued.**

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 one was 7/14/2014.**

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. **Met.**
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. The residential units are for single family homes.**

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

**PREVIOUSLY 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 consistent with the overall preliminary PUD plan.**

- 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.

**Provided.**

- 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 a note on the plan for the distance between buildings.**

**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 determined.**

- 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.**