

## Revised preliminary development plan for 44<sup>th</sup> St./8<sup>th</sup> Ave. PUD

### REQUEST

(PUD0603C) Great Lakes Convenience, Inc., 6785 Whitneyville Rd. SE, Alto, is requesting revised preliminary plan approval for a PUD (not the PUD rezoning because it is already in place) (the application for the second final development plan to be subsequently submitted) for a gas station/convenience store, retail/bank building, drive-through restaurant and three apartment buildings on a parcel of land described as P.P. # 70-14-26-200-077, located at 850 44<sup>th</sup> St., in a (PUD) Planned Unit Development district, Georgetown Township, Ottawa County, Michigan.

No public hearing is needed because no rezoning is necessary. The property is zoned PUD.

### HISTORY

At the **May 3, 2006** meeting, the Planning Commission recommended approval of the preliminary plan and rezoning with motion #060503-02 and at the May 8, 2006 meeting, the Township Board approved the preliminary plan and rezoning with motion #060508-06. No final development plan was submitted or approved.

**Note that a condition states that the approval does not include the use of a drive-in restaurant (or any other drive-in establishment) and that if a drive-in use is sought in the future, the PUD would have to reviewed and reconsidered by the Township as an amendment to the PUD.**

**Therefore, revised preliminary development plan approval is needed for this proposal**

The following is an excerpt of the February 4, 2015 Planning Commission meeting minutes:

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**#060508-06 - (PUD0603)** Ed DeVries Properties Inc., 1345 Monroe Ave. NW, is requesting a Planned Unit Development for mixed uses including apartments for multiple family dwellings and commercial uses including offices, retail and restaurant under Chapter 22, on a parcel of land described as P.P. # 70-14-26-200-070, located at the southwest corner of 44<sup>th</sup> St. and 8<sup>th</sup> Ave. at Gleneagle Highlands Dr.

Moved by Richard VanderKlok, seconded by Del South, to approve (PUD0603) Ed DeVries Properties Inc., 1345 Monroe Ave. NW, to have a Planned Unit Development for mixed uses including apartments for multiple family dwellings and commercial uses including offices, retail and restaurant under Chapter 22, on a parcel of land described as P.P. # 70-14-26-200-070, located at the southwest corner of 44<sup>th</sup> St. and 8<sup>th</sup> Ave. at Gleneagle Highlands Dr., as shown on the drawing dated 4/25/06, with the following conditions:

- a. Approval from the Ottawa County Road Commission is provided;
- b. A Storm Water Drain Permit is provided with the final development plan;
- c. Documentation for the preservation and maintenance of the open space is provided with the final development plan;
- d. **The approval does not include the use of a drive-in restaurant (or any other drive-in establishment) and that if a drive-in use is sought in the future, the PUD would have to reviewed and reconsidered by the Township as an amendment to the PUD.**

Note: As recommended by the Planning Commission.  
MOTION CARRIED.

At the **February 4, 2015** meeting, the Planning Commission approved a revised preliminary plan (PUD zoning was still in effect) with motion #150204-03 and approved the final development plan for the first phase for a dental office at the northwest corner. At the March 23, 2015 meeting the Township Board approved a waiver for sidewalks along 44<sup>th</sup> St. for the entire PUD.

The following is an excerpt of the February 4, 2015 Planning Commission meeting minutes:

Moved by Richard VanderKlok, seconded by Don Hebler, to adopt the [staff report](#) (review) as findings of fact and to approve (PUD0603-01) DeVries Properties Inc., 1345 Monroe, Grand Rapids, to have a revised preliminary plan and final development plan for phase one, for a mixed use planned unit development for residential uses, retail and restaurant, and office and commercial uses, such as a gas station, on parcels of land described as P.P. # 70-14-26-200-073 and -074, located at 850 44<sup>th</sup> St. and 6069 8<sup>th</sup> Ave., in a currently zoned (PUD) Planned Unit Development district, Georgetown Township, Ottawa County, Michigan,

As shown on the following documents:

1. Application,
2. Soil erosion plan,
3. Dimension plan,
4. Exterior lighting plan,
5. Overall preliminary plan,
6. Final development landscape plan,
7. Narrative statement,
8. North elevation,
9. West elevation,

Based on the findings that:

1. The qualifying conditions in Sec. 22.2 are met as proposed:
2. The information as per Sec. 22.8(D) and 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 as noted on the plan are acceptable because they will result in a higher quality of development than would be possible using conventional zoning standards and based on mitigating factors, including, but not limited to the following:
    - The PUD with the acreage of 9.64 meets the intention of the PUD chapter and is acceptable.
    - The pedestrian connection to the west at the northwest of the site is acceptable or it may be a driveway connection with a pedestrian connection.
    - The proposed greenbelt along the western property line of Dr. Lee's office parcel is acceptable as shown with 6 evergreens and 6 deciduous trees.
    - The proposals for the freestanding and wall signs are acceptable and shall be in accordance with other ordinance standards (i.e. for size).
    - All of the rest of the requested waivers are acceptable.

And with the following conditions:

1. As per Sec. 22.2(B), the site must be serviced by public water and sanitary sewer, which is to be coordinated with the Department of Public Works.

2. Sign permits are required for all sign installation.
3. Sidewalks shall be installed as shown on the plan unless specifically waived by the Township Board.
4. A note on the narrative indicates that the proposals is to have coordinated building relationships. The architectural character of all future structures in all future phases shall coordinate with the architectural styles contained with this proposal.
5. The following must be submitted to the Township at the time a building permit application is submitted to the Township.
  - a. A Storm Water Drain Permit from the Water Resources Commission's Office.
  - b. PUD agreement as per Sec. 22.11.
  - c. The PUD agreement shall contain language related to the maintenance of the open space and the landscaping.
  - d. Approval from the Ottawa County Road Commission for the driveway accesses.
  - e. All outstanding fees are paid prior to any building permits being issued.

MOTION CARRIED UNANIMOUSLY.

The following is an excerpt of the March 23, 2015 Township Board meeting minutes:

9. Sidewalk Waiver Request By DeVries Properties

#150323-03 - Sidewalk Waiver

Jim Wierenga recused himself because his company represents the applicant.

There was no Board objection.

Moved by Richard VanderKlok, seconded by Chad Tuttle, to approve the sidewalk waiver request.

Mike DeVries made comments about the development.

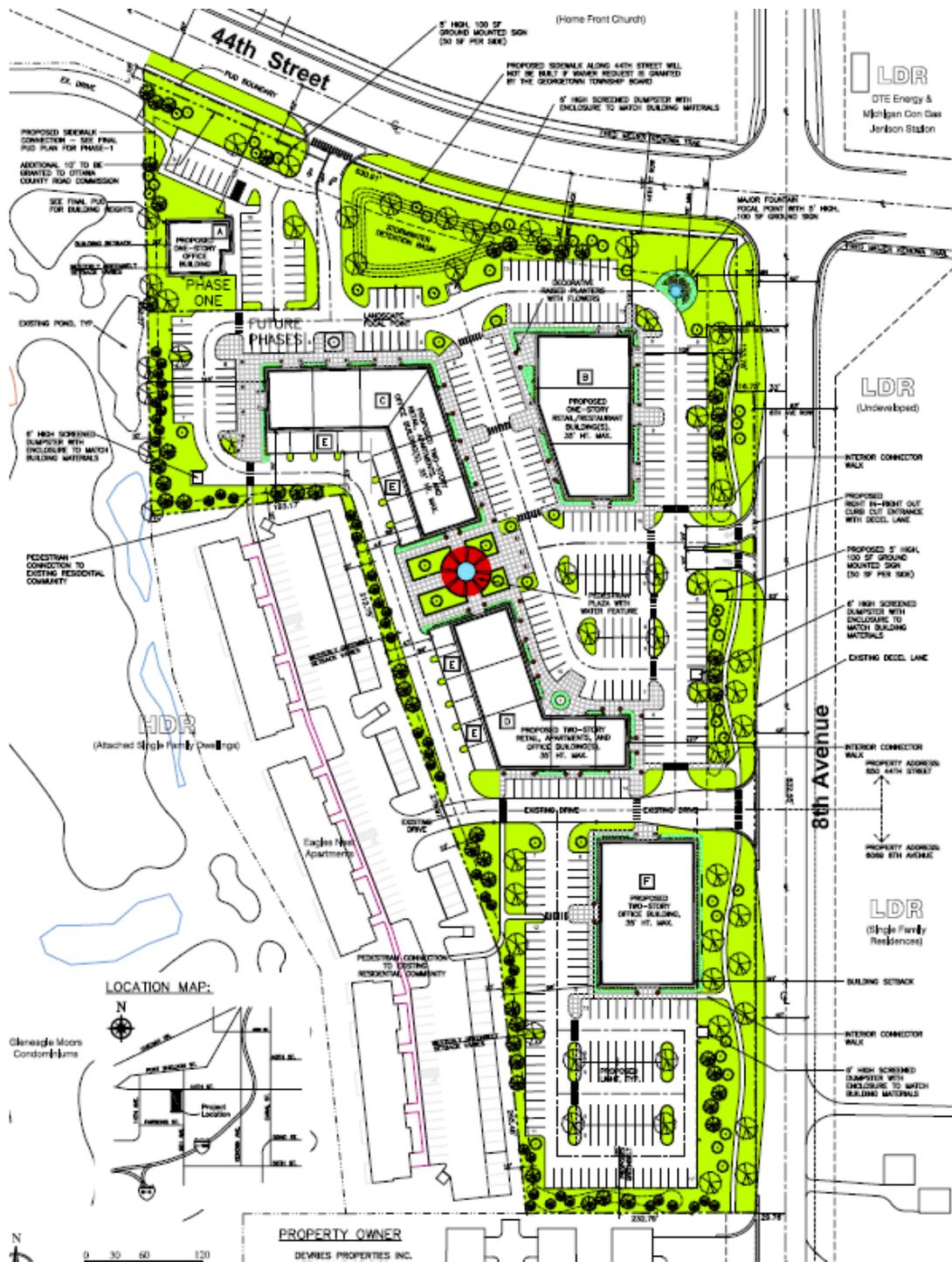
Yeas: Richard VanderKlok, Chad Tuttle, D. Dale Mohr, Carol Scholma,

Nays: Ron Villerius, John Schwalm

Abstained: Jim Wierenga

MOTION CARRIED.

Below is the revised overall preliminary development plan that was approved at the **February 4, 2015** Planning Commission meeting. **Note that no drive-in facilities are shown** and the minutes do not indicate any preliminary plan approval for the use of a drive-in establishment.



At the **March 2, 2016** meeting, the Planning Commission discussed an application for the second final development plan for the PUD consisting of a gas station, along with possible bank and retail buildings. The following minutes include the Planning Commission’s vision for this PUD and for future PUDs. The applicant submitted a letter asking to withdraw the application and the withdrawal was accepted.

The following is an excerpt of the March 2, 2016 Planning Commission meeting minutes:

**#160302-03 – (PUD0603-02) Great Lakes Convenience, Inc., 6785 Whitneyville Rd. SE, Alto, is requesting approval for the second final development plan for the PUD for a gas station/convenience store and retail/bank building, on a parcel of land described as P.P. # 70-14-26-200-077, located at 850 44<sup>th</sup> St., in a (PUD) Planned Unit Development district, Georgetown Township, Ottawa County, Michigan.**

The Zoning Administrator presented a staff report and noted that a withdrawal request had been submitted for this application two days earlier, too late to cancel the meeting.

The applicant or representative was not present. No one was present to make public comments.

Since the application was on the agenda and the withdrawal was submitted too close to the meeting date to cancel, the Planning Commission determined to use the meeting time to discuss this PUD and PUDs in general. **The Planning Commission discussion and consensus for the development of this site and future PUDS within the Township was as follows:**

- 1) **In general, elevations for all proposed buildings, structures, signs and standalone objects contained within the PUD shall be submitted at the time a developer applies for preliminary PUD approval**, realizing that the elevations are conceptual and that the buildings may change in size, shape, location and use. **The buildings, structures, signs and standalone objects shall be architectural similar with coordinating elements, though not necessarily exactly the same or identical.** After approved with the preliminary plan, this will provide a guide that is agreed upon by both the developer and the Township. This would prevent future misunderstandings and be available for future prospective entities who look to located within the PUD. Since this development has already received preliminary PUD approval, the elevations for all proposed future buildings, structures, signs and standalone objects shall be submitted at the time any future final development plans are submitted to the Township for this PUD. The elevations for this PUD must contain similar rooflines that coordinate, but the architectural character need only coordinate and be similar, not identical.

This determination was based on ordinance language contained in Sec. 22.2 of the PUD Chapter in the Zoning Ordinance as follows and based on the newly adopted 2015 Master Plan as follows.

**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:

(D) **Master Plan:** The proposed uses of the PUD shall substantially conform to the Township Master Plan or, if not, represent land use policy that is determined by the Township Board to be a logical and acceptable deviation from or change to the Township Master Plan.

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

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.

A mixed use PUD (with any combination of residential, commercial and/or industrial uses) may be used as a developmental technique if it is clear the PUD substantially provides for the intent of a PUD as listed in the Georgetown Township Zoning Ordinance. The mixed use PUD shall contain some uses that conform to the Township Land Use Plan for the subject site with the determination of the percentage of uses to be consistent with the Master Plan to be determined by the Planning Commission and Township Board, taking into account if the development substantially provides for the intent of a PUD.

- 2) **Interior pedestrian walkways shall be provided to connect the northwest corner of this site to the northeast corner for this site**, even though the Township Board waived the requirement of sidewalks in the road right-of-way along 44<sup>th</sup> St. The walkway shall provide pedestrians access from the west to the east along 44<sup>th</sup> St. without having the pedestrians just use the parking areas.

This determination was based on ordinance language contained in Sec. 22.2 of the PUD Chapter in the Zoning Ordinance as follows.

**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:

- (E) Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties.

- 3) **For the layout and design of this site, gas pumps shall be aligned along the interior service drive and the buildings shall be located between the pumps and 44<sup>th</sup> St. and 8<sup>th</sup> Ave.** The gas pumps shall be easily accessible to both 44<sup>th</sup> St. and 8<sup>th</sup> Ave. via the interior service drive and shall not front on 44<sup>th</sup> St. or 8<sup>th</sup> Ave. The use of a gas station was allowed in the motion for the preliminary development plan. The gas pump canopy may have a flat roof since the pumps would be in the interior of the site, as long as all the other buildings have peaked rooflines. The current layout shows poor planning with parking spaces located along this service drive by the entrances because vehicles would be forced to back out into oncoming traffic entering the site and using the service drive. In addition, the current layout shows poor planning with vehicles entering from 8<sup>th</sup> Ave. maneuvering through two buildings to get to the gas pumps.

This determination was based on ordinance language contained in Sec. 22.2 of the PUD Chapter in the Zoning Ordinance as follows and based on the newly adopted 2015 Master Plan as follows.

**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:

**(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.

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- Buildings and structures designed to provide the best or front face to any adjoining public streets.

- 4) **The open space shall be useable** with amenities, as required in the ordinance, and not just grassed areas.

This determination was based on ordinance language contained in Sec. 22.2 of the PUD Chapter in the Zoning Ordinance as follows and based on the newly adopted 2015 Master Plan as follows.

**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:

**(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.)



## **SUMMARY and Planning Commission Determinations Needed**

1. **Drive-through establishments.** Since previous preliminary development plans specifically excluded drive-through establishments and does not show them, the preliminary must be revised to allow the use. **Does the Planning Commission want to allow the use of drive-in establishments in this PUD?**
2. **Attached enclosed garages.** Chapter 24 footnote (w) requires that each individual unit of a two-or multiple family dwelling unit shall be provided with an attached enclosed garage with a minimum of 200 square feet. Consistently in the past this requirement has not been waived except for student housing at GVSU because the thought is that the development is a higher caliper with attached garages. **Elevations of one apartment building shows attached enclosed garages and the attached enclosed garages are required for all the apartment buildings.** **Unless specifically waived by the Planning Commission, attached garages for all of the apartment buildings will be required and should be a condition of approval since elevations were only provided for one building.**
3. **Architecture.** Does the Planning Commission determine that the proposed architecture coordinates with the dental office and with each proposed building? This should be a condition of approval for all future phases.
4. **Location of gas pumps, service drive and interior traffic circulation.** At the March 2, 2016 meeting, the Planning Commission directed that an interior service drive provide access to the pumps which should be located in the interior of the site. **Does the Planning Commission determine that the layout as proposed meets that direction including the placement of the pumps?**
5. **Pedestrian walkways.** At the March 2, 2016 meeting, the Planning Commission directed that pedestrian walkways shall be provided to connect the northwest corner to the southwest corner of the site along 44<sup>th</sup> St. without having the pedestrians use the parking areas (even though the Board waived the requirement of sidewalks in the road right-of-way along 44<sup>th</sup> St.). In addition, the language in the ordinance states that the PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. **Does the Planning Commission determine that the layout as proposed meets that direction given at the March 2, 2016 meeting and meets the intention of the ordinance?**
6. **Open space and amenities.** The language in the ordinance states that **open space is an important component in a PUD and shall be usable.** Also, the Master Plan states that is should be creative, desirable and useable. **Does the Planning Commission determine that the open space is abundant, usable and creative?**
7. **Utilities.** All PUD's shall be served by public water and sanitary sewer facilities. Stormwater must be coordinated with the county drain commission. The submittal of a Storm Water Drain Permit should be added as a condition of approval.
8. **Land ownership.** A letter signed by the landowner gives permission for the application.
9. **Master Plan.** The proposal appears to be substantially consistent with the Master Plan and consistent with the adjacent HDR designation, including with the language in the Master Plan related to the coordination of an architectural theme. Coordinated architecture will be a condition of approval for future phase and buildings. **Does the Planning Commission concur that the architecture of the**

**proposed buildings coordinates with the existing building and with each other and that the uses are consistent with the Master Plan?**

10. **PUD Agreement.** A PUD agreement shall be submitted at the time the building permit is submitted.
11. **Lighting concepts.** Provide and note that the maximum height of a light pole is 25 feet
12. **Plan requirements.**
  - a. Setbacks. The north western side lot is shown to be 20 feet. Is that acceptable?
  - b. Provide the dimension from the west side of Building B parking to berm (on a separate document). Must be 24 feet and right angle parking spaces must be a minimum of 9 by 20 feet.
  - c. Provide the dimensions from the sign at the corner of 44th St. and 8th Ave. to the centerlines of 44th St. and 8th Ave.
  - d. Trash receptacle. Is there a better place than along 8<sup>th</sup> Ave. to have trash storage? If not, what screening will be used to mitigate the trash receptacle? Two dumpsters are shown adjacent to the interior service drive. Is this acceptable to the Planning Commission?
  - e. Parking calculations noted on the plan are incorrect. Revised calculation should be provided to comply with ordinance requirements.
    - 1) For the dental office, the ordinance calls for 3 parking spaces for each examining room and the plan incorrectly uses a calculation based on 1 space for each 200 SF of UFA.
    - 2) Retail uses require one space for each 200 SF of GFA and the plan incorrectly notes UFA. Therefore 27 spaces are required and the plan incorrectly notes that 22 spaces are required.
    - 3) Bank/retail is listed incorrectly.
    - 4) Restaurant is listed incorrectly.
13. **Standards of Approval.** Does the Planning Commission determine that the following standards in Sec. 22.10 have been met?
  - A. The proposed PUD complies with all qualifying conditions of Section 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 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.)

**OPTIONS FOR MOTIONS:**

The Planning Commission finds:

1. Drive-through establishments \_\_\_\_\_(are or are not) acceptable.
2. Attached garages \_\_\_\_\_(are or are not) required and will be a condition of approval.
3. The proposed architecture \_\_\_\_\_(is or is not) acceptable and coordination with the proposal will be a condition of approval for all future final development phases.
4. The proposed location of gas pumps, service drive and interior traffic circulation (is or is not) acceptable. If not, the following revisions are directed \_\_\_\_\_.
5. As noted at the March 2, 2016 meeting, the Planning Commission directed that an interior service drive provide access to the pumps which should be located in the interior of the site. **The Planning Commission determines that the layout as proposed \_\_\_\_\_(meets or does not meet) that direction and if not, the plan should be revised as follows:\_\_\_\_\_.**
14. **The Planning Commission determines that the pedestrian walkways as proposed \_\_\_\_\_(meets or does not meet) the intention of the ordinance and the direction given by the Planning Commission at the March 2, 2016 meeting stating that pedestrian walkways shall be provided to connect the northwest corner to the southwest corner of the site along 44<sup>th</sup> St. without having the pedestrians use the parking areas (even though the Board waived the requirement of sidewalks in the road right-of-way along 44<sup>th</sup> St.). If not, the plan should be revised as follows:\_\_\_\_\_.**
15. **The Planning Commission determines that the open space as proposed \_\_\_\_\_(meets or does not meet) the language in the ordinance which states that open space is an important component in a PUD and shall be usable and the language in the Master Plan which states that it should be creative, desirable and useable. If not, the plan should be revised as follows:\_\_\_\_\_.**
16. **The Planning Commission determines that the proposal \_\_\_\_\_(meets or does not meet) the intention of the Master Plan and that the architecture of the proposed buildings coordinates with the existing building and with each other and that the uses are consistent with the Master Plan.**
17. **The Planning Commission determines that the plan is either acceptable or should be revised for the following elements:**
  - a. Setbacks. The north western side lot is shown to be 20 feet. Is that acceptable?
  - b. Provide the dimension from the west side of Building B parking to berm (on a separate document). Must be 24 feet and right angle parking spaces must be a minimum of 9 by 20 feet.
  - c. Provide the dimensions from the sign at the corner of 44th St. and 8th Ave. to the centerlines of 44th St. and 8th Ave.
  - d. Trash receptacle. Is there a better place than along 8<sup>th</sup> Ave. to have trash storage? If not, what screening will be used to mitigate the trash receptacle? Two dumpsters are shown adjacent to the interior service drive. Is this acceptable to the Planning Commission?
  - e. Parking calculations noted on the plan are incorrect. Revised calculation should be provided to comply with ordinance requirements.

- 1) For the dental office, the ordinance calls for 3 parking spaces for each examining room and the plan incorrectly uses a calculation based on 1 space for each 200 SF of UFA.
- 2) Retail uses require one space for each 200 SF of GFA and the plan incorrectly notes UFA. Therefore 27 spaces are required and the plan incorrectly notes that 22 spaces are required.
- 3) Bank/retail is listed incorrectly.
- 4) Restaurant is listed incorrectly.

**18. The Planning Commission determine that the following standards in Sec. 22.10 \_\_\_\_\_ (have or have not) been met.**

- A. The proposed PUD complies with all qualifying conditions of Section 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 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.)

**Motion 1: Based on the findings listed above, the Planning Commission tables the request until the following items are addressed:\_\_\_\_\_.**

**Motion 2: Based on the findings listed above, the Planning Commission adopts the staff report as findings of fact and approves (PUD0603C) Great Lakes Convenience, Inc., 6785 Whitneyville Rd. SE, Alto, for revised preliminary plan approval for a PUD (not the PUD rezoning because it is already in place) for a gas station/convenience store, retail/bank building, drive-through restaurant and other drive-through establishments and for three apartment buildings on a parcel of land described as P.P. # 70-14-26-200-077, located at 850 44<sup>th</sup> St., in a (PUD) Planned Unit Development district, Georgetown Township, Ottawa County, Michigan, as shown on the following documents:**

1. [Site plan](#) dated 6/28/16;
2. [application](#) and [Create 3 Narrative](#) dated June 17, 2016, and [Narrative](#) dated 6/29/16;
3. [Summary of revisions](#) dated June 21, 2016;
4. Elevations-
  - [8<sup>th</sup> Retail East](#)
  - [8<sup>th</sup> Retail North](#)
  - [8<sup>th</sup> Retail South](#)
  - [8<sup>th</sup> Retail West](#)

- [44<sup>th</sup> Retail East](#)
- [44<sup>th</sup> Retail North](#)
- [44<sup>th</sup> Retail South](#)
- [44<sup>th</sup> Retail West](#)
- [Gas Station East](#)
- [Gas Station North](#)
- [Gas Station South](#)
- [Gas Station West](#)
- [Pumps](#)
- [Townhouses](#)

Based on the findings that:

1. The qualifying conditions in Sec. 22.2 are met as proposed;
2. The information as per Sec. 22.8(D) and 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 as noted on the plan are acceptable because they will result in a higher quality of development than would be possible using conventional zoning standards and based on mitigating factors.

And with the following conditions:

1. As per Sec. 22.2(B), the site must be serviced by public water and sanitary sewer, which is to be coordinated with the Department of Public Works.
2. The following must be submitted to the Township at the time a building permit application is submitted to the Township.
  - a. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
  - b. A Storm Water Drain Permit from the Water Resources Commission's Office.
  - c. PUD agreement as per Sec. 22.11.
  - d. Either the deed restrictions or the PUD agreement shall contain language related to the maintenance of the open space and the landscaping.
  - e. Lighting concepts and demonstration that no light poles shall exceed a height of 25 feet.
3. All outstanding fees are paid prior to any building permits being issued.
4. Sign permits are required for all sign installation.
5. Each individual unit of a two- or multiple family dwelling unit shall be provided with an attached enclosed garage with a minimum of 200 square feet.

6. The architectural design and all structures and elements of future phases shall coordinate with the elevations provided and approved.
7. The plan is revised to show the dimension from the west side of Building B parking to berm (on a separate document). Must be 24 feet and right angle parking spaces must be a minimum of 9 by 20 feet.
8. The plan is revised to show the dimension from the sign at the corner of 44th St. and 8th Ave. to the centerlines of 44th St. and 8th Ave.
9. Materials used to screen the dumpsters are to be provided.
10. Parking calculations are to be revised to shown correct information.
11. Additional conditions\_\_\_\_\_.

## COMPLETE REVIEW FOR THE PRELIMINARY DEVELOPMENT PLAN

### 1. **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.

**Previously determined to be met. With motion #150204-03, the Planning Commission approved the overall PUD and approved the waiver for 9.64 acres for a mixed use PUD when Sec. 22.2(A) requires 20 acres for a mixed use PUD. The finding was that the PUD with less acreage provides for the intent of a PUD as listed in the PUD Chapter.**

- 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 a condition of approval.**

- 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. A letter was provided.**

- D. **Master Plan:** The proposed uses of the PUD shall substantially conform to the Township Master Plan or, if not, represent land use policy that is determined by the Township Board to be a logical and acceptable deviation from or change to the Township Master Plan.

**Appears to be met. The Planning Commissioners should determine if they concur that the uses are consistent with the Master Plan and if they determine that the architecture of the proposed buildings coordinate with the existing building and with each other.**

**Garages are shown and are required for the multi-family dwelling.**

**The proposal appears to be substantially consistent with the Master Plan and consistent with the adjacent HDR designation, including with the language in the Master Plan related to the coordination of an architectural theme.**

The **March 2, 2016 Planning Commission minutes** clarify that elevations should be provided for all proposed buildings, including future buildings. In compliance with that direction, elevations for future buildings were provided demonstrating that the architectural character of the proposed structures coordinate with the existing dental building and with each other, along with the gas pumps proposed to be located in the interior with another building between the pumps and the street.

The new proposal also provides the best face to the street, as stated in the Master Plan. This determination was based on ordinance language contained in Sec. 22.2 of the PUD Chapter in the Zoning Ordinance as follows and based on the newly adopted 2015 Master Plan as follows.

<b>2. Sec. 22.2</b>	<b>QUALIFYING CONDITIONS..</b>
Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:	
<p>(D) <b>Master Plan:</b> The proposed uses of the PUD shall substantially conform to the Township Master Plan or, if not, represent land use policy that is determined by the Township Board to be a logical and acceptable deviation from or change to the Township Master Plan.</p> <p>(F) <b>Architecture:</b> The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships.</p>	

Page 34 of the Master Plan

<b>General Land Use Policies</b>
<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• An overall design theme with common coordinating architectural elements contained in all buildings and structures as well as signs, rooflines, forms and materials;</li> <li>• A coordinated color scheme and coordinated textures of materials;</li> <li>• Drive-through elements and stand-alone structures shall have design <i>elements common to principle structures</i>;</li> <li>• Creative, desirable and useable open space;</li> <li>• Buildings and structures designed to provide the best or front face to any adjoining public streets.</li> </ul> <p>A mixed use PUD (with any combination of residential, commercial and/or industrial uses) may be used as a developmental technique if it is clear the PUD substantially provides for the intent of a PUD as listed in the Georgetown Township Zoning Ordinance. The mixed use PUD shall contain some uses that conform to the Township Land Use Plan for the subject site with the determination of the percentage of uses to be consistent with the Master Plan to be determined by the Planning Commission and Township Board, taking into account if the development substantially provides for the intent of a PUD.</p>

**Pages 30 and 31 in the 2015 Master Plan:**

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:

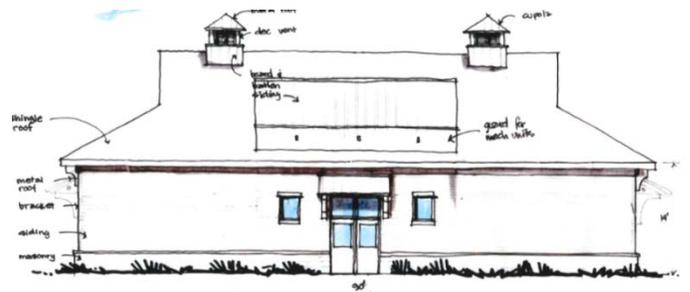
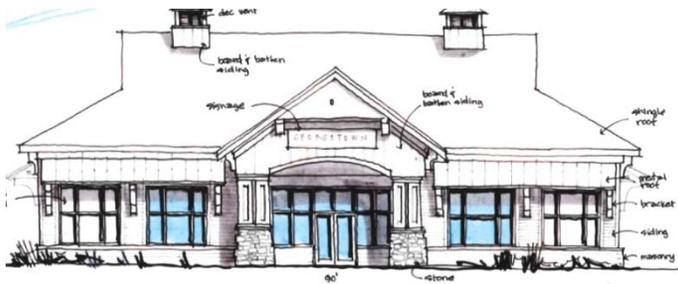
- An overall design theme with common coordinating architectural elements contained in all buildings and structures as well as signs, rooflines, forms and materials;
- A coordinated color scheme and coordinated textures of materials;
- Drive-through elements and stand-alone structures shall have design *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.

A mixed use PUD (with any combination of residential, commercial and/or industrial uses) may be used as a developmental technique if it is clear the PUD substantially provides for the intent of a PUD as listed in the Georgetown Township Zoning Ordinance. The mixed use PUD shall contain some uses that conform to the Township Land Use Plan for the subject site with the determination of the percentage of uses to be consistent with the Master Plan to be determined by the Planning Commission and Township Board, taking into account if the development substantially provides for the intent of a PUD.

**Existing dental building:**



**Proposed elevations of the gas station/convenience store:**

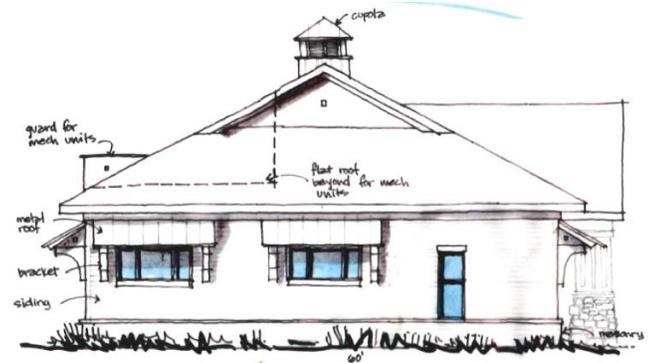
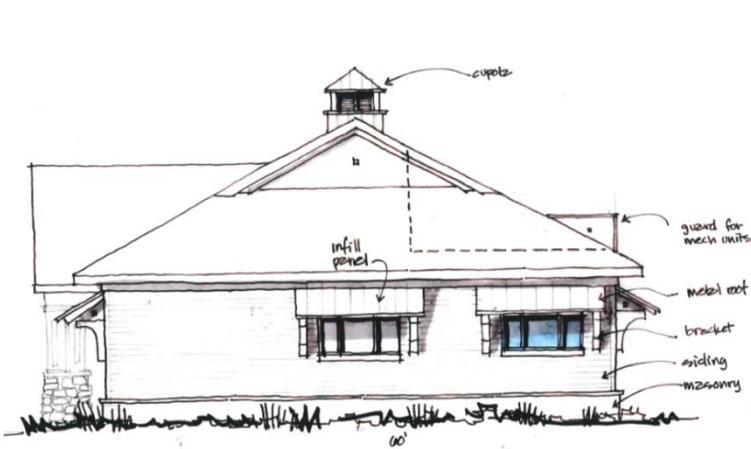


**RISH DESIGN & BUILD INCORPORATED**  
 enterprise gas & retail  
 gas station  
 north elevation

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 gas station  
 south elevation

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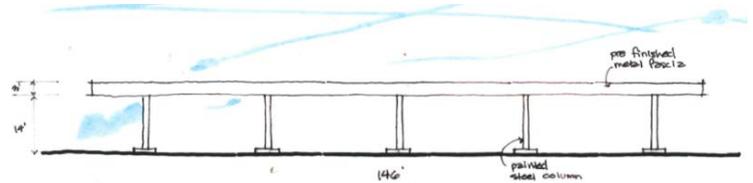
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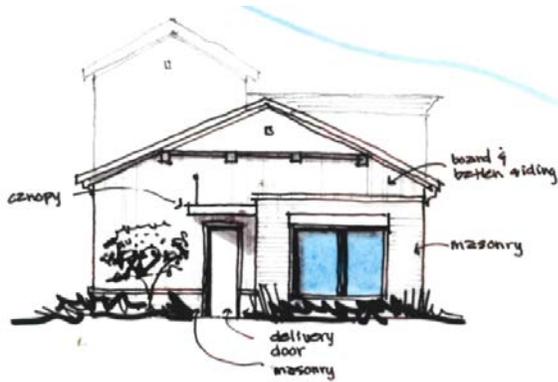
**Proposed elevation of the gas pumps (in the minutes the Planning Commission stated that the flat canopy would be acceptable if located in the interior and if the building coordinated with the dental office building):**



**RISH DESIGN & BUILD INCORPORATED**  
 enterprise gas & retail  
 gas station  
 pumps/ canopy

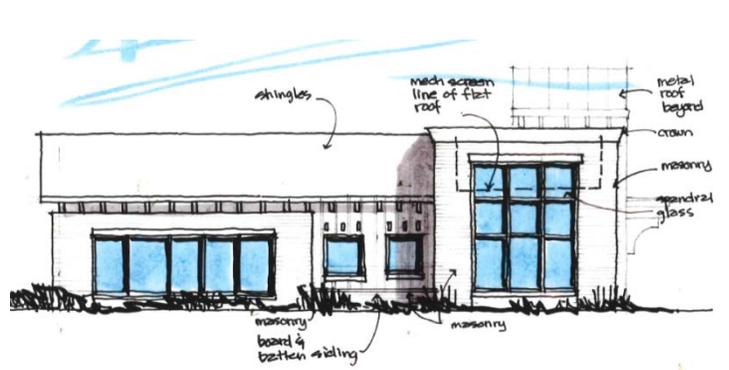
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**Proposed elevation of the small building at the corner:**



e

enterprise gas & retail  
44th street retail  
east elevation

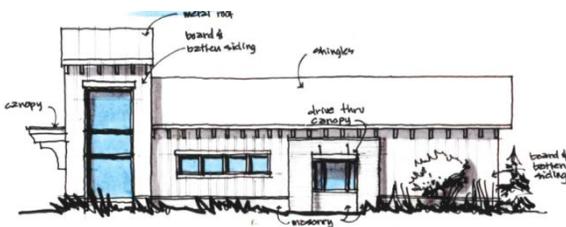


e

enterprise gas & retail  
44th street retail  
north elevation



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e

enterprise gas & retail  
44th street retail  
south elevation



e

enterprise gas & retail  
44th street retail  
west elevation



**Proposed elevation of the additional building:**



e

enterprise gas & retail  
8th street retail store  
east elevation

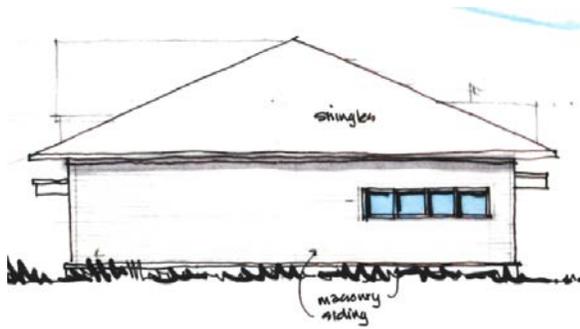


e

enterprise gas & retail  
8th street retail store  
north elevation



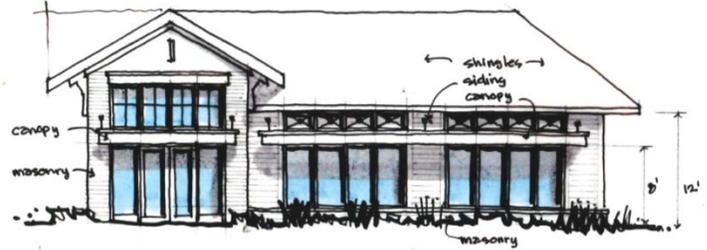
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e

enterprise gas & retail  
8th street retail store  
south elevation

C  
E  
V



e

enterprise gas & retail  
8th street retail store  
west elevation



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**Proposed elevations of the apartments with attached garages (an email indicates that all apartments will have attached garages):**



- 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 stand-alone ordinance covering certain sidewalk requirements)

**The proposed plan for pedestrian walkways does not comply with the language contained in the Planning Commission minutes of March 2, 2016 which requires a pedestrian path from the northwest corner to connect to the northeast corner without walking through parking and the drive aisles. The Planning Commission will have to determine if this is met.**

Below is an excerpt of the March 2, 2016 Planning Commission meeting minutes for the discussion of this site.

**Interior pedestrian walkways shall be provided to connect the northwest corner of this site to the northeast corner for this site, even though the Township Board waived the requirement of sidewalks in the road right-of-way along 44<sup>th</sup> St. The walkway shall provide pedestrians**

access from the west to the east along 44<sup>th</sup> St. without having the pedestrians just use the parking areas.

This determination was based on ordinance language contained in Sec. 22.2 of the PUD Chapter in the Zoning Ordinance as follows.

**1. 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:

**(E) Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties.

**Below is an excerpt of Chapter 22 of the Zoning Ordinance**

**2. Sec. 22.5 PUD APPLICATION.**

**(A) Preliminary Plan Application Requirements**

Following the pre-application conference, applicants seeking approval of a PUD District shall submit a complete application for review to the Zoning Administrator. When the Zoning Administrator determines the application to be complete, the PUD application will be sent to the Planning Commission for a workshop session, followed at a later date by a Planning Commission public hearing. Such application shall include the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):

(2) 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:

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

Sidewalks have been provided along 8<sup>th</sup> Ave. and shown to connect from this area to the interior of the site. Sidewalks are shown to connect to the apartment development to the west where a pedestrian connection (rather than a driveway) is shown at the northwest of the site (the Planning Commission determined that it only has to be a pedestrian path rather than a driveway connection).

**However, the interior of the site is mostly only sidewalks abutting the proposed buildings and hash marks on the pavement to connect to the buildings. No specific sidewalks are shown to connect the northwest to the southwest of the site. The ordinance states that the PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. In addition, in the March 2, 2016 minutes, the Planning Commission stated that a sidewalk is to be provided connecting the northwestern point of the site to the northeastern point of the site at the intersection (even though the Board waived the sidewalk requirement in the road right-of-way).**

**The Planning Commission will have to determine if this standard has been met.**

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

**Appears to be met. See the discussion under (D) Master Plan. The Planning Commission will have to determine if this is met.**

**Also, a condition of approval of the preliminary PUD plan made on February 4, 2015 was that the architectural character of all future structures in all future phases shall coordinate with the architectural styles contained with the proposal for the dental office.**

- 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.

**The Planning Commission will have to determine if this is met, along with whether the location of the gas pumps is acceptable. Does the proposal provide for safe and efficient vehicular and pedestrian movements within, into and off of the site?**

**The proposal appears to meet the stipulation of safe access into and off the site by making use of the two external driveways. The Planning Commission had directed that an interior service drive be provided and used to access the pumps. They are to be easily accessible to both 44<sup>th</sup> St. and 8<sup>th</sup> Ave. via the interior service drive. Note that vehicles accessing the pumps from 8<sup>th</sup> Ave. would likely turn north at the aisle between Buildings B and C since this is the shortest route, which would result in conflicts with vehicles backing out of the parking spaces on the east side of Building B and on the west side of Building C. Does this proposal meet the stipulation stated by the Planning Commission?**

**Also, the dumpsters are located along this service drive. In addition, vehicles going to park in the spaces west of Building D will have to merge with drive-thru traffic. Does this proposal meet the criteria?**

Note that the minutes state that the gas pump canopy may have a flat roof if in the interior of the site and other buildings have peaked rooflines.

**Below is an excerpt of the March 2, 2016 Planning Commission meeting minutes:**

**For the layout and design of this site, gas pumps shall be aligned along the interior service drive and the buildings shall be located between the pumps and 44<sup>th</sup> St. and 8<sup>th</sup> Ave.** The gas pumps shall be easily accessible to both 44<sup>th</sup> St. and 8<sup>th</sup> Ave. via the interior service drive and shall not front on 44<sup>th</sup> St. or 8<sup>th</sup> Ave. The use of a gas station was allowed in the motion for the preliminary development plan. The gas pump canopy may have a flat roof since the pumps would be in the interior of the site, as long as all the other buildings have peaked rooflines. The current layout shows poor planning with parking spaces located along this service drive by the entrances because vehicles would be forced to back out into oncoming traffic entering the site and using the service drive. In addition, the current layout shows poor planning with vehicles entering from 8<sup>th</sup> Ave. maneuvering through two buildings to get to the gas pumps.

This determination was based on ordinance language contained in Sec. 22.2 of the PUD Chapter in the Zoning Ordinance as follows and based on the newly adopted 2015 Master Plan as follows.

**3. 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:

**(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.

**H. Open Space Requirements:**

**The Planning Commission will have to determine if this is met.**

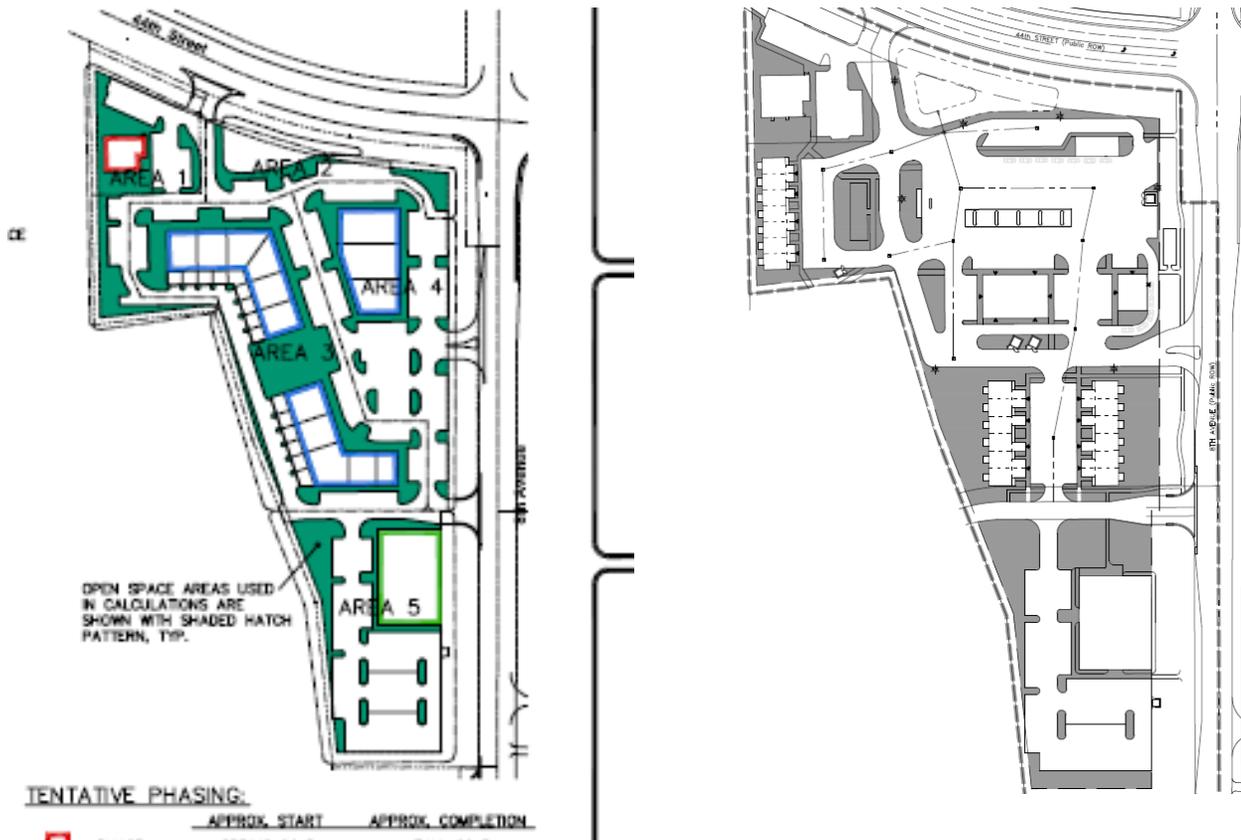
**The previously approved preliminary plan indicated that there is 20% of open space as defined in the ordinance, which included a pedestrian plaza with water feature, along with greenspace and landscaping. This feature has been eliminated and landscaped berms and pedestrian plaza with benches has been added.**

See the language below in the ordinance which states that the open space is an important component in a PUD and shall be usable. Also, the Master Plan states that it should be creative, desirable and useable. See the ordinance and Master Plan language below.

Below is the open space pedestrian plaza with water feature that was approved with the revised preliminary plan. This has been eliminated in the new plan.



Below on the right is the map of the previously approved open space with the pedestrian plaza with water feature. The map on the left is currently proposed.



**Language in Chapter 22:**

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.

**Pages 30 and 31 in the 2015 Master Plan:**

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.

A mixed use PUD (with any combination of residential, commercial and/or industrial uses) may be used as a developmental technique if it is clear the PUD substantially provides for the intent of a PUD as listed in the Georgetown Township Zoning Ordinance. The mixed use PUD shall contain some uses that conform to the Township Land Use Plan for the subject site with the determination of the percentage of uses to be consistent with the Master Plan to be determined by the Planning Commission and Township Board, taking into account if the development substantially provides for the intent of a PUD.

**2. USES**

**Permitted uses- APPEARS TO MEET REQUIREMENTS.** The proposed uses are the same as previously approved for a mixed use planned unit development for residential uses. **THREE APARTMENTS BUILDINGS HAVE BEEN ADDED,** gas station, retail and restaurant, and office and commercial uses.

**3. 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: **SUBMITTED.**
  - 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-9.64 acres.**
  - f. **Property lines and proposed setbacks, shown and dimensioned. Provided but the side is noted to be 20 feet. The Planning Commission will have to determine if that is acceptable. Also, provide the dimension from the west side of Building B parking to berm (on a separate document). Must be 24 feet and right angle parking spaces must be a minimum of 9 by 20 feet.**
  - 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. **Storm Water Drain Permit required and will be a condition of approval.**
- 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.**  
**Planning Commission will determine if it meets the intention of the language in the PUD ordinance as creative, desirable and usable.**
- s. Anticipated trash receptacle locations and method of screening. **Provided. However, is there a better location than adjacent to 8<sup>th</sup> Ave. near the intersection? If this is to be located here, what type of screening will be used to mitigate the appearance of a trash receptacle along the major street? Also, two dumpsters are shown adjacent to the interior service drive. Is this acceptable to the Planning Commission?**
- 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. However, parking calculations have been INCORRECTLY noted on the plan.**  
 5) **For the dental office, the ordinance calls for 3 parking spaces for each examining room and the plan incorrectly uses a calculation based on 1 space for each 200 SF of UFA.**  
 6) **Retail uses require one space for each 200 SF of GFA and the plan incorrectly notes UFA. Therefore 27 spaces are required and the plan incorrectly notes that 22 spaces are required.**  
 7) **Bank/retail is listed incorrectly.**  
 8) **Restaurant is listed incorrectly.**  
**Parking calculations will be reviewed again at the time of final development approval. Also, the Planning Commission will have to determine if the interior circulation is acceptable and meets their direction of an interior service drive.**
- u. Proposed pedestrian sidewalk movements both within and off the PUD site. Sidewalks are required along all public roadways. **Provided. However, the Planning Commission will have to determine if the proposal meets the intention of the language in the ordinance and in the direction given in the March 2, 2016 Planning Commission minutes.**
- v. Proposed lighting concepts/styles and general location areas. **Not provided. Maximum height is 25 feet.**
- 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 and appears to meet the language in the ordinance and in the Master Plan and in the direction given in the March 2, 2016. The Planning Commission should determine if they concur. Coordinating with this architectural theme will be a condition of approval for future phases.**
- x. Proposed setbacks, lot widths, lot areas and building/structure heights. **Provided. However, the side yard setback of the apartment building along the west property line has only a 20 foot setback. Is that acceptable to the Planning Commission? Also, see the note under (f). Please provide the dimensions from the sign at the corner of 44<sup>th</sup> St. and 8<sup>th</sup> Ave. to the centerlines of 44<sup>th</sup> St. and 8<sup>th</sup> Ave.**
- y. Proposed uses to be included in the PUD project. **Provided.**
- z. Floodplain areas. (Revised 6-27-2005) **Provided.**

**Fee:** Payment of a PUD fee, as established by the Township Board. **Paid.**

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

- a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 22.1.
- b. The relationship of the PUD to the qualifying conditions listed in Section 22.2.
- c. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.
- d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

**4. 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:

F. The proposed PUD complies with all qualifying conditions of Section 22.2.

**The Planning Commission will have to determine if this is met. See the review.**

G. 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.

**The Planning Commission will have to determine if this is met relative to the architecture and the location of the gas pumps, in addition to the pedestrian connections.**

H. 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.

**The Planning Commission will have to determine if this is met.**

I. 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.

**The Planning Commission will have to determine if this is met, particularly relative to usable, creative and desirable open space, location of the gas pumps, and the pedestrian walkways and interior traffic movements.**

J. 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.)

**The Planning Commission will have to determine if this is met.**

**5. PUD Agreement-must be submitted at the time a building permit application is submitted to the Township.**

**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.