

## REQUEST

**(PUD1603) (Ordinance No. 2016-04)** Todd Ponstein, 6601 Wilshere, is requesting (**rezoning from NS to PUD**) **preliminary planned unit development approval** and **final development plan approval** for mini-storage garages, on a parcel of land described as P.P. # 70-14-22-364-007, located at 6555 Center Industrial Dr., Georgetown Township, Ottawa County, Michigan.

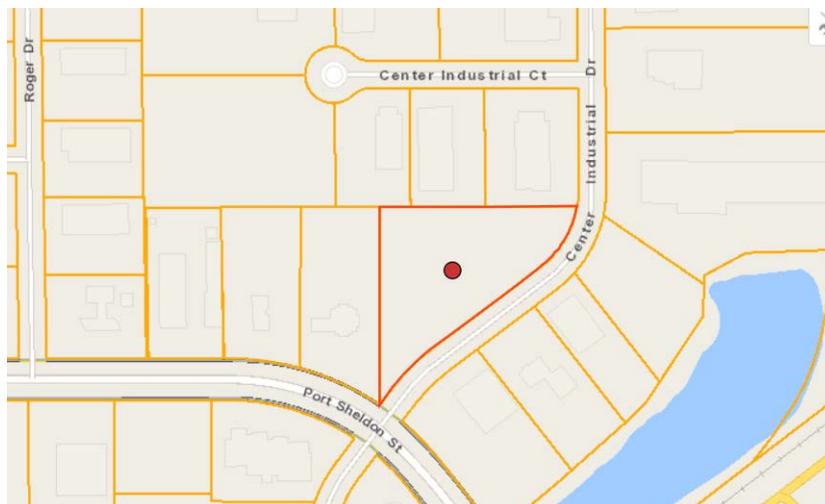
The request is to allow four buildings (1 – 7,600 SF, 2 - 9,500 SF, 3 – 5,600 SF, 4 – 3,200 SF) containing mini-storage garages on a 2.78 parcel contained within an Industrial PUD that was initially approved in 1981 for industrial and commercial uses. The plan states that there will be no outdoor storage and no businesses will be allowed to operate out of the storage units. This site, along with the property on the three parcels to the west, had been zoned for commercial uses (not industrial uses) within this PUD.

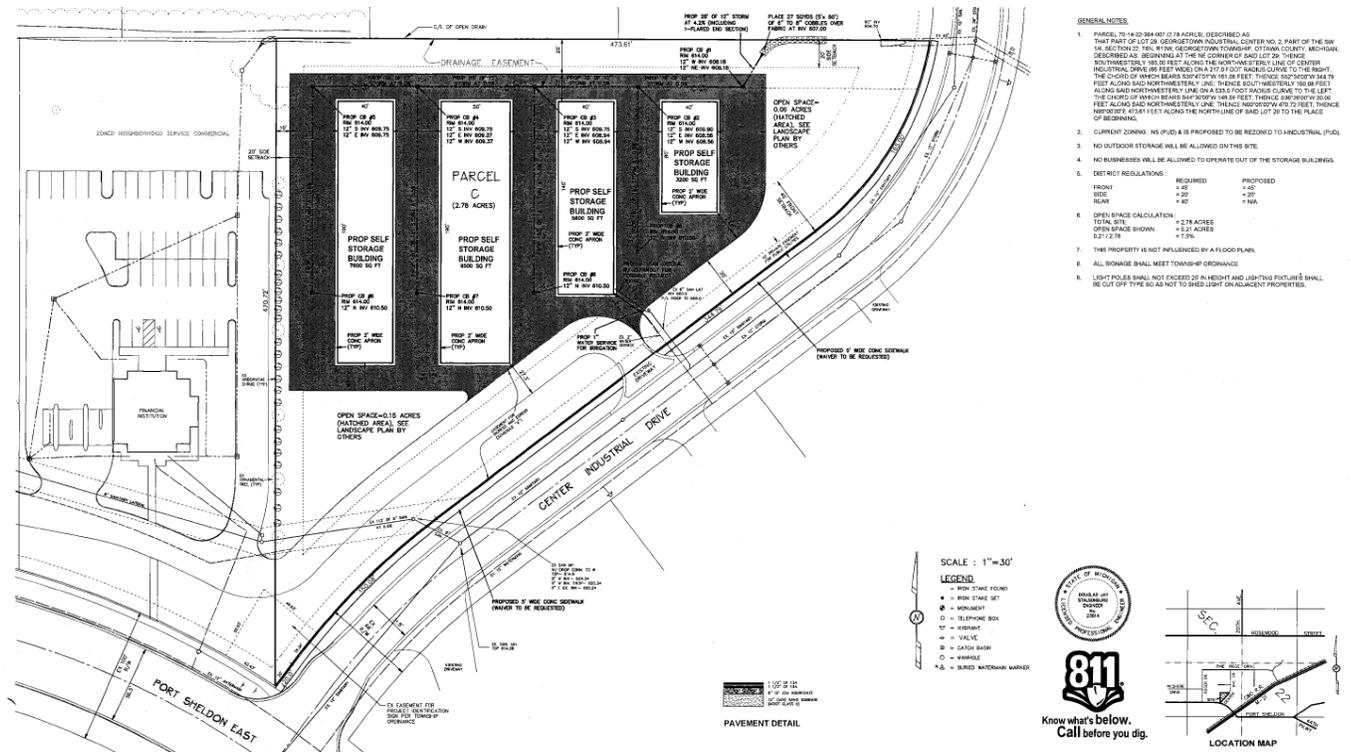
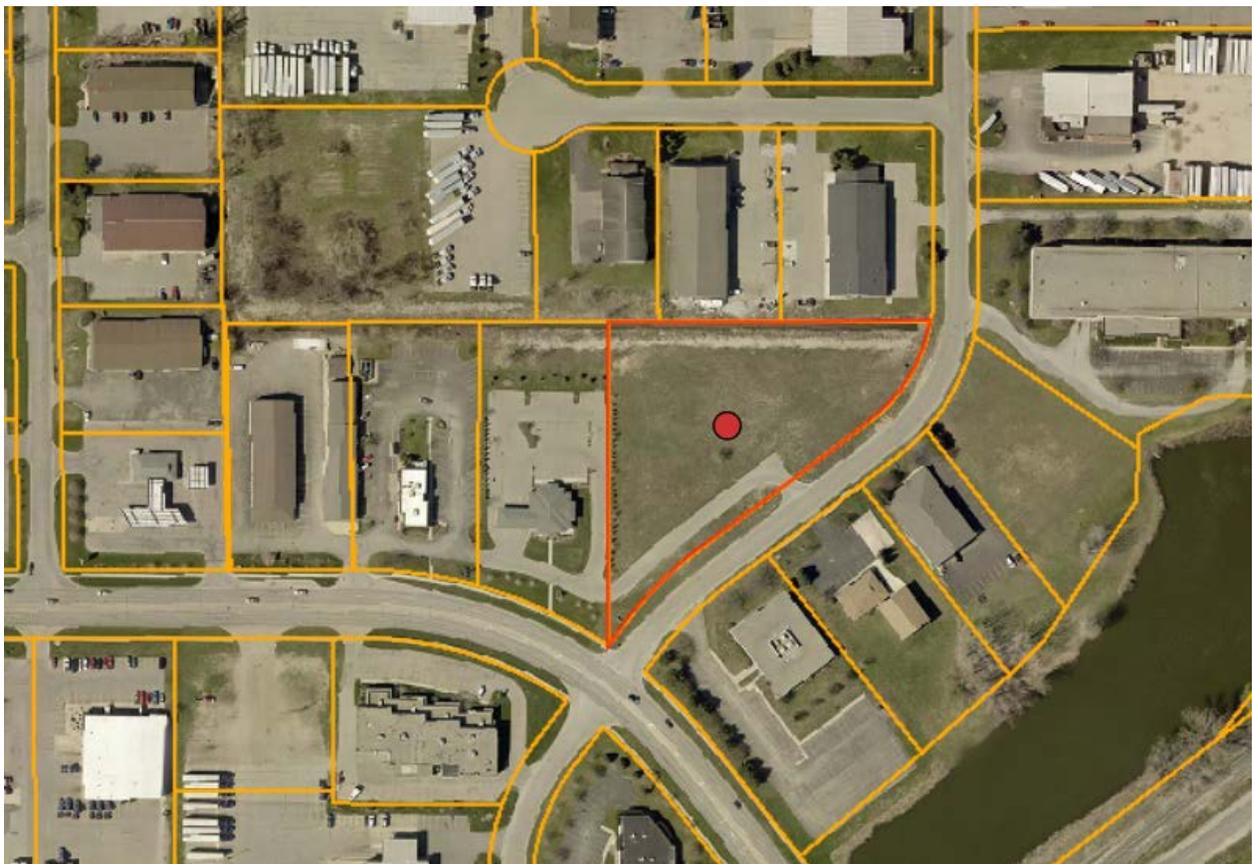
Prior to November 25, 2002, the Zoning Ordinances regulated PUDs as developmental tools used within the underlying zoning district (similar to a special use permit). At the November 25, 2002 meeting, the Township Board adopted a Zoning Ordinance amendment deleting the entire PUD chapter and replacing it with the current ordinance which stipulates that a PUD is its own zoning district tied to a particular plan.

Consequently, when this PUD was approved initially in 1981, the current four parcels adjacent to Port Sheldon (had been one parcel) were zoned NS with the plan/ intention of commercial (not industrial) uses and the rest of the PUD was zoned Industrial. In August 2002 the property was split into the current configuration of four lots. In September 2002 (prior to the adoption of the amendment) the Wendy's parcel was rezoned to CS to allow a drive-through restaurant.

That is the reason this parcel is currently zoned NS rather than PUD. The use of a mini-storage garage is not allowed in the NS district, resulting in the necessity of rezoning the property to PUD because it is technically part of the Industrial PUD. If the underlying zoning had been Industrial, the use of a mini-storage garage would have been allowed by right. Further, if a commercial use had been proposed, it would be allowed by right. But for an Industrial use, a rezoning is necessary

Therefore, the request is for preliminary planned unit development approval with the PUD zoning designation (to change the zoning to allow the use of a mini storage garage) and for the final development plan approval of the plan for the mini-storage garages.





## SUMMARY

### Determinations are needed for the following:

- 1. Consistent with the Master Plan.** The Future Land Use Map designates the parcel to be NC (Neighborhood Commercial). However, the site is adjacent to the Industrial designation and page 35 of the Master Plan states that the lines separating use categories are NOT to be considered as defined line and are not necessarily parcel specific. **The determination is that the proposal \_\_\_\_\_ (is or is not) consistent with the Master Plan.**
- 2. Pedestrian walkways.** No sidewalks are proposed within the interior of the PUD and a waiver was requested from the Township Board to eliminate the requirement of sidewalks along Center Industrial Dr. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirements for pedestrian walkways.** If not, at a minimum a sidewalk should be required along the street or \_\_\_\_\_.
- 3. Architecture.** Pictures were provided of what the development will look like. The Planning Commission and Township Board will determine if this meets the ordinance. **The determination is that the proposal \_\_\_\_\_ (does or does not meet the ordinance requirement for architecture.**
- 4. Traffic.** **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirements for traffic.**
- 5. Open Space.** A total of 0.21 acres of open space is proposed, which is 7.5%, less than the 20% that is required. Ten evergreens are proposed to be planted on a berm in the open space. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirements for open space.**
- 6. Uses.** The uses are consistent with the Industrial district, not the Neighborhood Commercial District as designated in the Zoning Ordinance and Master Plan. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirements for uses that are allowed.**
- 7. Standards of Approval.** **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the standards of approval.**

### The following will be conditions of approval:

- 1. Utilities** are to be coordinated with the DPW and Drain Commissioner's office. The developer would be responsible to bring the utilities to this site if they are needed and **a Storm Water Drain Permit will be required prior to the issuance of a building permit.**
- No **outdoor storage** is allowed and **no businesses** will be allowed to operate out of the storage units.
- A **recorded PUD agreement** shall be submitted at the time the building permit application is submitted to the Township.
- Approved permits are required for all **signs** and all signs shall meet ordinance standards.
- The approval of the final development plan is contingent upon the Board approving the preliminary plan with rezoning. The approval of the final development plan is effective upon the effective date of the rezoning.**

## REVIEW OF THE PLAN

The following review determines if the proposal complies with the minimum requirements of the qualifying conditions in Sec. 22.2.

### **Sec. 22.2 QUALIFYING CONDITIONS..**

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

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

**Met. The initial PUD site (which this site is still technically a part of) is 187 acres.**

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

**This is to be coordinated with the DPW and Drain Commissioner's office. The developer would be responsible to bring the utilities to this site if they are needed and a Storm Water Drain Permit will be required prior to the issuance of a building permit.**

- 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.

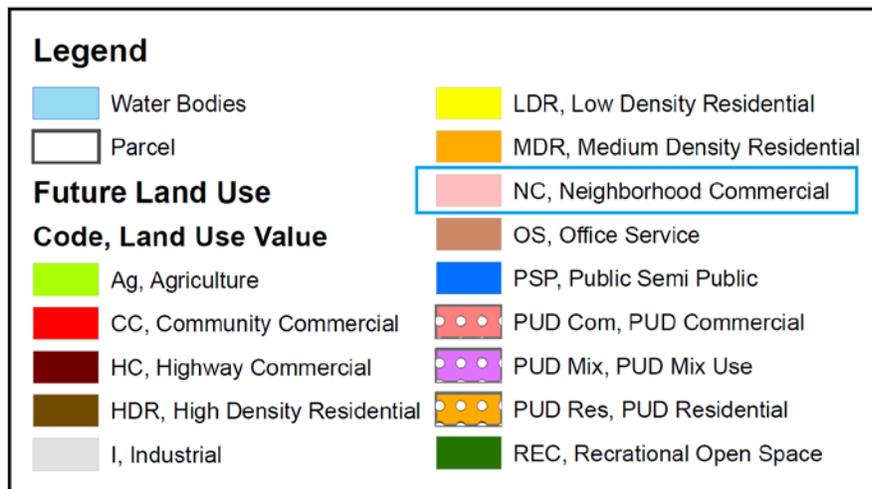
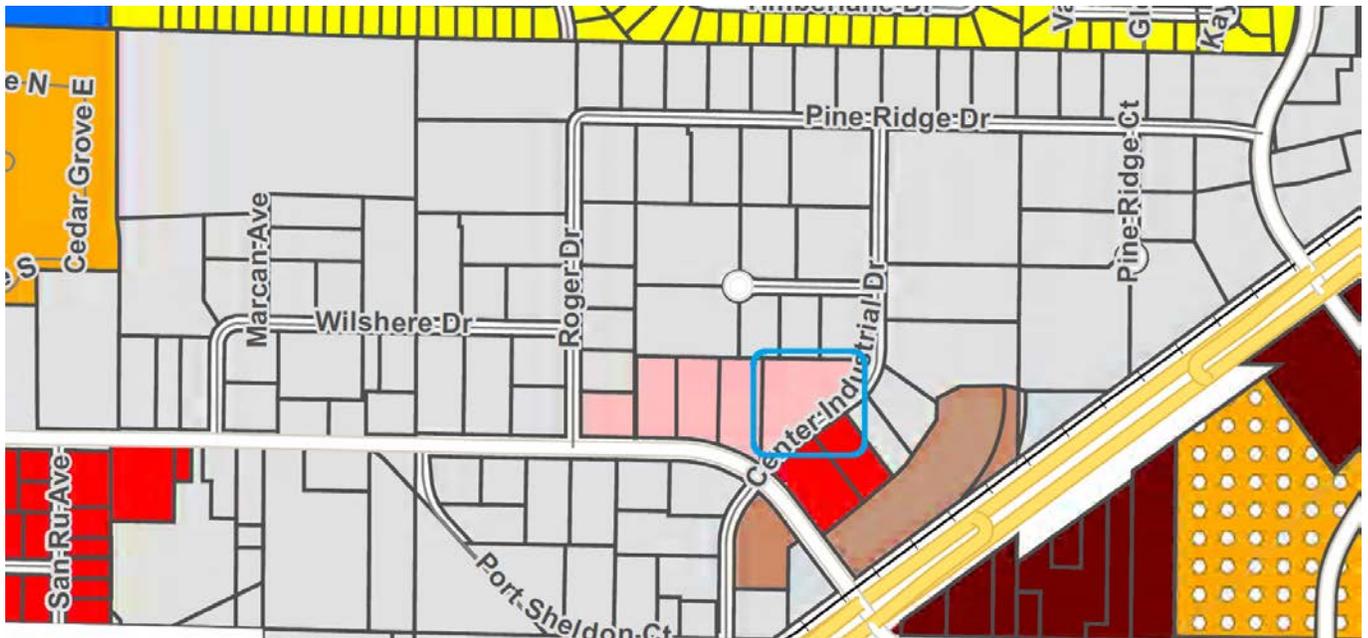
**Provided.**

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

**The Planning Commission will determine if this standard is met. The Future Land Use Map designates the parcel to be NC (Neighborhood Commercial). However, the site is adjacent to the Industrial designation and page 35 of the Master Plan states that the lines separating use categories are NOT to be considered as defined line and are not necessarily parcel specific.**

Based on the issues, goals and policies presented, and on consideration of potential future population growth in the Township, a map titled "Georgetown Township Future Land Use Map" dated November 23, 2015, depicting the desired future development pattern in the Township was prepared and may be viewed at the Georgetown Township Office or online. **It is noted that lines separating land use categories are NOT to be considered to be defined lines and the lines are not necessarily parcel specific.**

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



- 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)

**No sidewalks are proposed within the interior of the PUD and a waiver was requested from the Township Board to eliminate the requirement of sidewalks along Center Industrial Dr. The Planning Commission and Township Board will determine if this meets the ordinance or if at a minimum a sidewalk should be required along the street.**

The sidewalk ordinance requires that sidewalks are to be installed for all new development unless waived by the Board. The Township Board already eliminated the requirement for sidewalks on some streets within the Industrial Park, but not in this area.

**Excerpt of the Code of Ordinances:**

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

The township board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paths, pursuant to township sidewalk and/or non-motorized path specifications, in any area of the township it deems reasonably necessary in order to protect the health, safety or welfare of the residents of the township.

Concrete sidewalks shall be installed, constructed, and maintained adjacent to paved streets in all new residential developments given final plat approval after June 1, 2000, and all developments given site plan or planned unit development approval after June 1, 2000.

**Excerpt of the June 28, 2004 Township Board minutes:**

**#040628-10 - Eliminate sidewalk/bike path requirement for streets located in the Industrial Park**

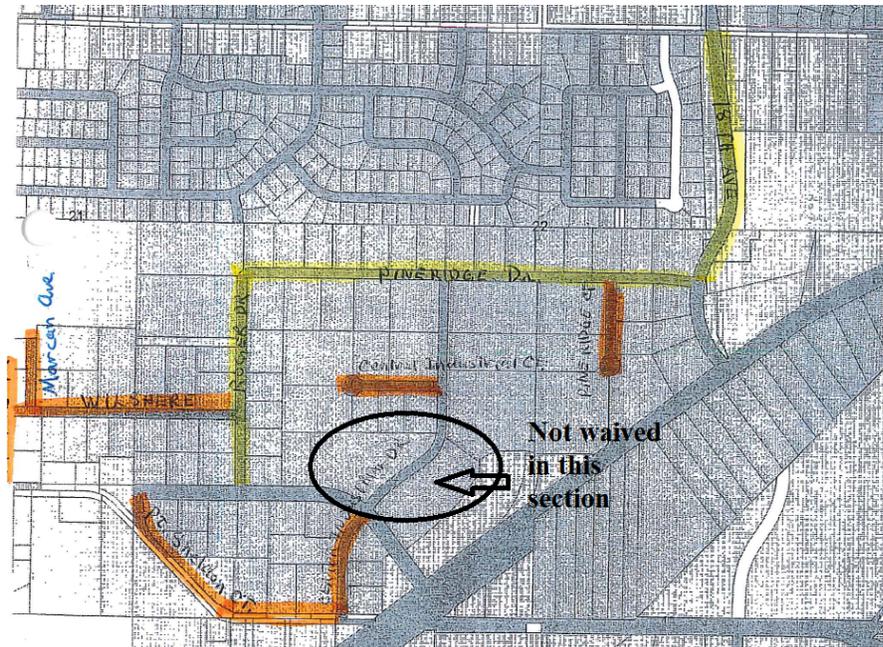
Moved by Jim Holtvluwer, seconded by Daniel Carlton, to grant a waiver for streets stipulated in orange on the attachment (#040628-10A), including all or portions of the following streets that are located in the Industrial Park:

1. Pine Ridge Ct.,
2. Center Industrial Ct.,
3. Wilshire Dr.,
4. Marcan,
5. Port Sheldon Ct.,
6. South Center Industrial Dr.

Note: As recommended by the Utilities/Facilities Committee

MOTION CARRIED.

**Attachment: 040628-10A (note sidewalk requirement is not waived for the subject site):**



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

**Pictures were provided. The Planning Commission and Township Board will determine if this meets the ordinance.**

- 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.

**An interior service drive already exists on the site and the parcel will use the existing driveway entrance. The Planning Commission and Township Board will determine if this meets the ordinance.**

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.

**The parcel is 2.78 acres and 20% is 0.56 acres. The plan shows 0.06 acres of open space at the northeast corner and 0.15 acres at the south corner for a total of 0.21 acres which is 7.5%, less than what is required. Even if the open space is not set apart for “active” usability, it could be set apart for “passive” usability such as for detailed and extensive landscaping. Nothing has been provided indicating what will be in these areas. Landscaping is provided in the open space (10 evergreens). The Planning Commission and Township Board will determine if this proposal meets the ordinance.**

**Sec. 22.3 PERMITTED USES..**

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

**The uses are consistent with the Industrial district, not the Neighborhood Commercial District as designated in the Zoning Ordinance and Master Plan. The Planning Commission and Township Board will determine if this proposal meets the ordinance.**

**DEVIATIONS FROM ORDINANCE REQUIREMENTS**

The narrative notes that deviations from the regulations in the Zoning Ordinance are requested.

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**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. **TBD.**
- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development. **Appears to be met.**
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community. **Appears to be met.**
- D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning. **TBD.**
- 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.)

**The Planning Commission will determine.**

**Sec. 22.5 PUD APPLICATION**

**A. Preliminary Plan Application Requirements**

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

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

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

**A Storm Water Drain Permit will be required to be submitted from the Ottawa County Drain Commissioner's office prior to the issuance of a building permit.**

- 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; however, the Planning Commission and Township Board will have to determine if the amount is acceptable. Landscaping (10 evergreens) is shown within the open space.**

- s. Trash receptacles and method of screening.

**NA.**

- 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. One-way sign notation on the pavement indicates one-way traffic on the lanes narrower than 24 feet.**

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

**None are provided within the site and a waiver is requested from the Board to eliminate the requirement of sidewalks along Center Industrial Dr. The Planning Commission and Township Board will have to determine if the amount is acceptable.**

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

**Styles NOT PROVIDED but a note on the plan indicates that lighting poles will be a maximum of 25 feet tall and will be downward directing.**

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

**PROVIDED.**

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

**PROVIDED.**

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

**PROVIDED.**

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

**PROVIDED.**

- 2. **Narrative Statement:** A narrative statement describing the following: **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.

**Sec. 22.11 PUD AGREEMENT.**

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

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

**OPTION FOR MOTION-Preliminary Development Plan**

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

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

**Georgetown Charter Township  
Ottawa County, Michigan  
(Ordinance No. 2016-04)**

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

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

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

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

(PUD1603) (Ordinance No. 2016-04) Todd Ponstein, 6601 Wilshere, to grant (rezoning from NS to PUD) **preliminary planned unit development approval** and **final development plan approval** for mini-storage garages, on a parcel of land described as P.P. # 70-14-22-364-007, located at 6555 Center Industrial Dr., Georgetown Township, Ottawa County, Michigan, as shown on the following documents:

- 1. [Application](#);
- 2. [Narrative](#);
- 3. [Preliminary and final development plan](#) dated 08-31-16;
- 4. [Grading plan](#) dated 08-31-16;
- 5. [Elevation](#);
- 6. [Landscape plan](#)
- 7. [Streetscape](#) calculations.

**Based on the determinations that:**

- 1. **The determination is that the proposal \_\_\_\_\_ (is or is not) consistent with the Master Plan.**
- 2. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirement for pedestrian walkways. If not, at a minimum a sidewalk should be provided along**

the street or \_\_\_\_\_.

3. **The determination is that the proposal \_\_\_\_\_ (does or does not meet the ordinance requirement for architecture.**
4. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirement for traffic.**
5. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirement for open space.**
6. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the ordinance requirement for uses that are allowed.**
7. **The determination is that the proposal \_\_\_\_\_ (does or does not) meet the standards of approval.**

**Based on the findings that:**

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

**And with the following conditions:**

1. **A Storm Water Drain Permit (written approval by the Drain Commissioner's office) shall be submitted to the Township prior to the issuance of any building permits.**
2. **Utilities are to be coordinated with the DPW and Drain Commissioner's office.**
3. **As per Sec. 22.11, a PUD agreement shall be submitted. The agreement shall be submitted to the Township prior to the issuance of any building permits.**
4. **No outdoor storage is allowed. No businesses will be allowed to operate out of the storage units.**
5. **Approved permits are required for all signs and all signs shall meet ordinance standards.**

**6. The approval of the final development plan is contingent upon the Board approving the preliminary plan with rezoning. The approval of the final development plan is effective upon the effective date of the rezoning.**

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

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

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

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

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

Yeas:  
Nays:  
Absent:

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION

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

Respectfully submitted,

Dated: \_\_\_\_\_, 2016

By \_\_\_\_\_  
Richard VanderKlok  
Georgetown Charter Township Clerk