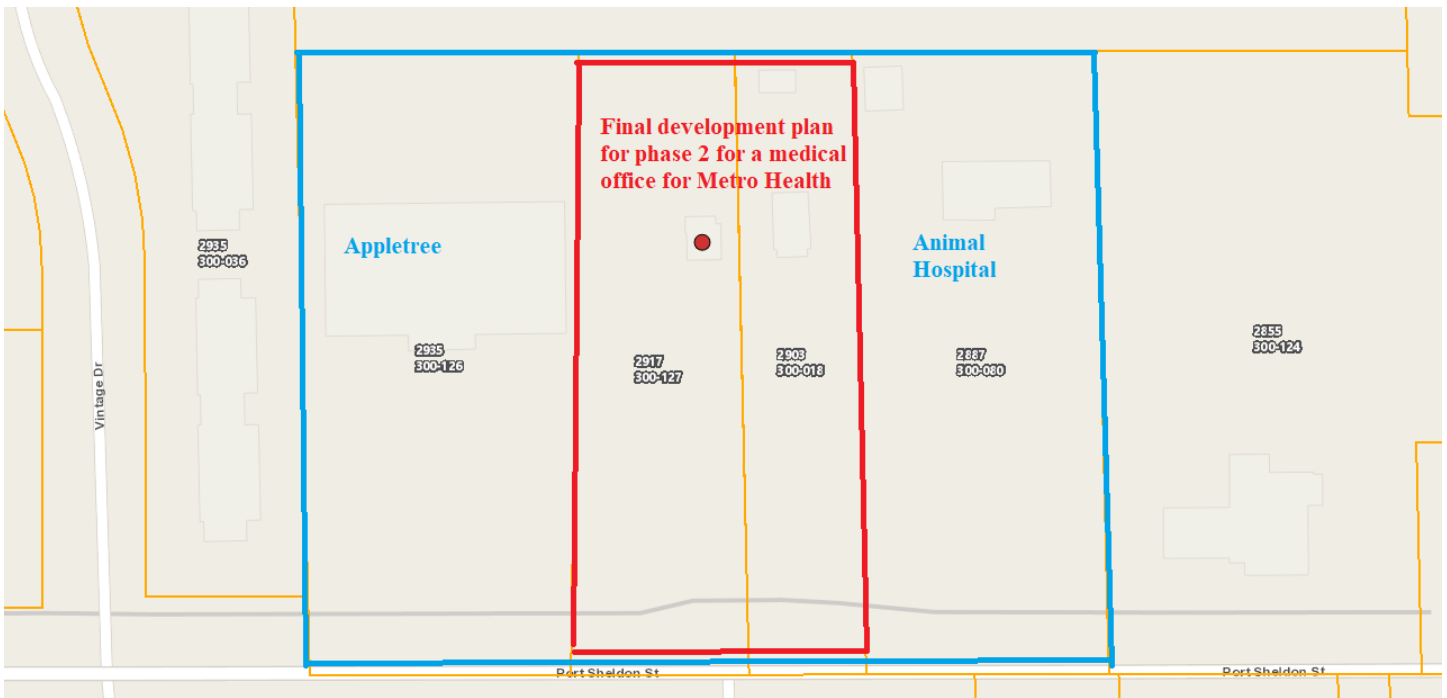


REQUEST

(PUD1801-02) Copper Rock Construction, on behalf of Metro Health, is requesting the second final development plan approval for the construction of a 10,225 square foot building for the use of a medical office, on parcels of land described as P.P. # 70-14-21-300-018, and -127, located at 2903 and 2917 Port Sheldon St., Georgetown Township, Ottawa County, Michigan.

As per the approved PUD1801 preliminary plan, office services uses are allowed. The proposed medical office is allowed under Sec. 13.2(B) in the Office Service Commercial district. The parcels have to be combined and a note on the plan states that the parcels will be combined.



HISTORY

At the April 18, 2018 meeting, the Planning Commission recommended approval of the revised preliminary PUD plan to allow the use of an animal hospital (along with the other uses listed below in the excerpt of the minutes) and approved the final PUD plan contingent upon the Board approving the preliminary PUD plan.

At the April 23, 2018 meeting, the Township Board approved the revised preliminary development plan.

#180418-04 – (PUD1801) Ordinance No. 2018-11

Was approved for the following uses:

(PUD1801) Ordinance No. 2018-11 To change from (PUD) Planned Unit Development to Revised (PUD) Planned Unit Development, and for preliminary development, rezoning, and final development plan approval for the uses of an animal hospital, daycare facility, Office Services uses, medium/high density uses and retail establishments, under Chapter 22 , on parcels of land described as P.P. # 70-14-21-300-018, -080, -126, and -127, located at 2887, 2903 2917, and 2935 Port Sheldon St., Georgetown Township, Ottawa County, Michigan, as shown on the following:

ORDINANCE REQUIREMENTS FOR REVIEW

The following review will determine if the proposal meets 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.

The overall site is 4.10 acres; however, it was previously approved.

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

Must be met.

- 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 Future Land Use Map designates the property as PUD and the use is included in the allowed uses listed in the approved preliminary development plan.

As shown below, it appears that the proposed build coordinates architecturally with the other two existing buildings in the PUD as per the style and design of the building. However, the colors were provided yet. The applicant stated that the colors will be provide by May 24, 2019. At that time the information will be forwarded to the Planning Commission.

Page 30 of the Master Plan states.

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.
-

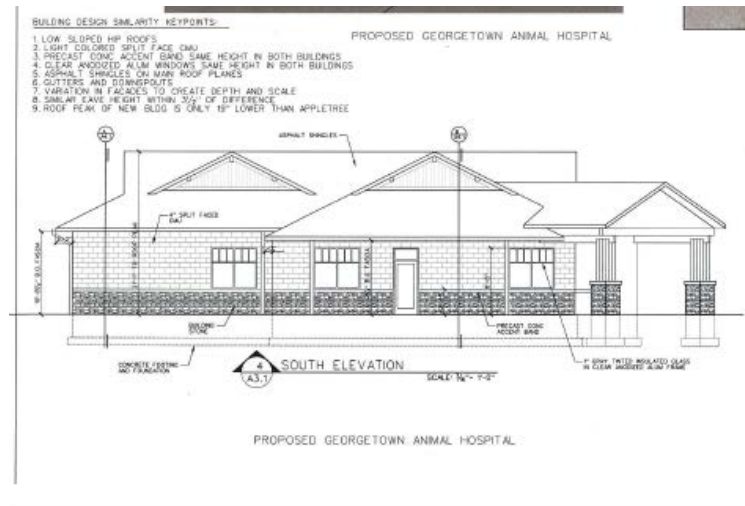
Appletree:



Below left is the existing Appletree building. The right is the existing animal hospital.



Below is a picture of the animal hospital.

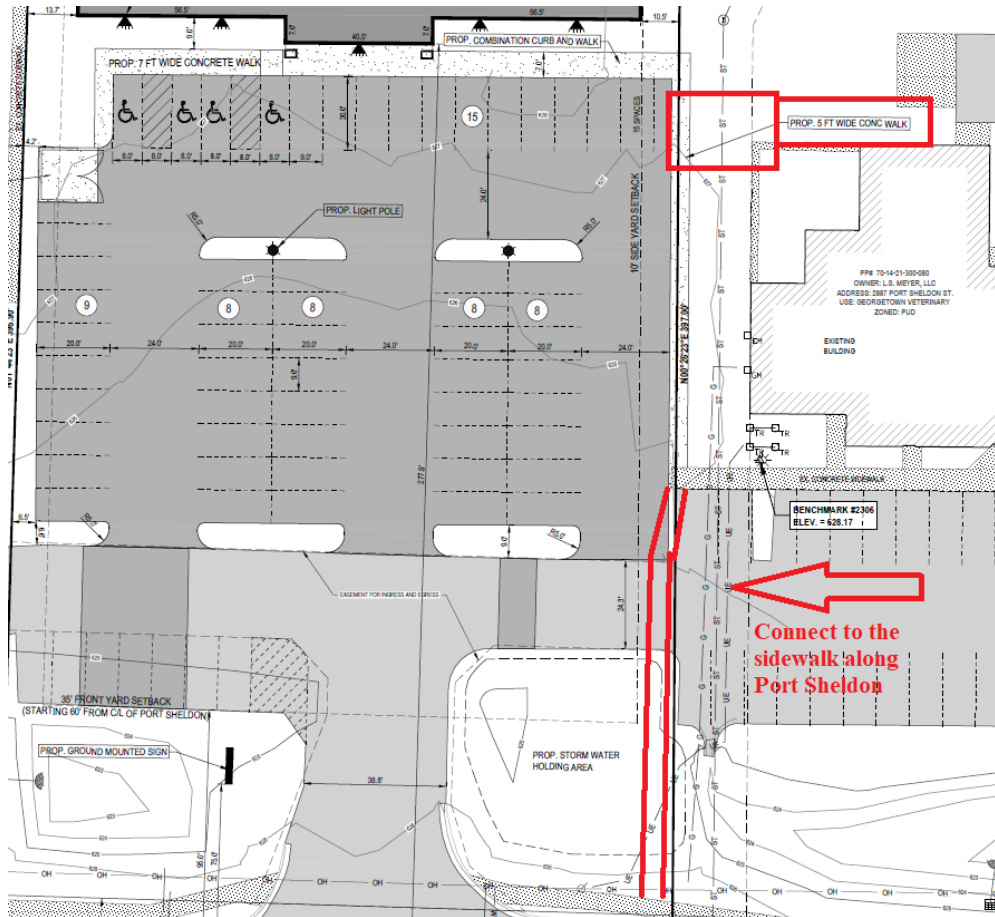


Although not identical, it appears that the proposed design coordinates architecturally with the existing buildings, though colors must be provided.



- E. **Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. (In addition, the township has a standalone ordinance covering certain sidewalk requirements)

Met as previously approved for the PUD. However, the applicant could consider providing a connection from the sidewalk along Port Sheldon to the proposed sidewalk on the east side of the property. One parking space may have to be eliminated and landscaping trees relocated.



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

The Planning Commission will have to determine if this standard is met in by determining if the architecture of the proposed coordinates with the other two buildings. See the information provided under “Master Plan.” The color scheme remains to be provided.

- 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.

Appears to be met as previously determined.

H. Open Space Requirements:

1. The PUD development shall contain **usable** open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may be located on a relatively small site in an area where a 20% open space provision would detract from building continuity, historic preservation efforts, etc.)
2. Such open space to be considered usable shall **not include required yards** (required yards need to be individually determined for each PUD project) or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, wetlands (unless determined to be useable by the Planning Commission due to the addition of interpretive boardwalks/walkways, etc. provided in and through the wetland) and structures (Unless the structures are part of the open space i.e. gazebos, etc.).
3. **Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the Township;** or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

Appears to be met as previously determined. The notes indicate that there will be 16.5 open space which exceeds the 15.7% approved with the preliminary plan.

Sec. 22.3 PERMITTED USES..

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

As per the approved PUD1801 preliminary plan, office services uses are allowed. The proposed medical office is allowed under Sec. 13.2(B) in the Office Service Commercial district. The parcels have to be combined and a note on the plan states that the parcels will be combined.

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.
- 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.)

The Planning Commission will determine if the proposal meets all the standards.

Sec. 22.8 FINAL DEVELOPMENT PLAN APPLICATION.

1. A site plan containing all of the information required in this PUD Chapter and the following information shown below: (If the plan consists of phases, then the above-mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).
 - a. The location and dimensions of all proposed structures and buildings on the PUD site. **PROVIDED.**
 - b. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks / pathways / bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included. **PROVIDED.**
 - c. The location of all proposed signs and lighting, including the sizes and types. **PROVIDED; however, architectural style of the sign was not provided. A conditional of approval could be added requiring architectural coordination of the sign.**
 - d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **PROVIDED and meets ordinance requirements.**
 - e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc. **A Storm Water Drain Permit is required to be submitted prior to the submission of a building permit application. Water and sewer shall be coordinated with the DPW.**
 - f. Existing and proposed topographic contours at a maximum of three (3) foot intervals. **PROVIDED.**
 - g. Elevation views of all proposed structures and floor plans for all multi-family residential dwelling units. **PROVIDED and appears to coordinate; however, colors must be provided.**
 - h. Proposed open space areas, including recreational amenities (playgrounds, etc.). **PROVIDED.**
 - i. Floodplain areas. (Revised 6-27-2005) **Provided.**
2. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

3. **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.

Sec. 22.9 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN.

- (A) The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 22.5 - 22.7 of this Ordinance.
- (B) Planned Unit Developments, whether established as a single or multiphase development, shall reasonably accommodate for the intent of the PUD in each phase. If the proposed PUD appears to provide for phases that do not incorporate the intent of the proposed PUD, the Planning Commission may require bonding or other similar financial obligation, which shall be established in the PUD agreement. If a portion of the PUD intent it to provide for a variety of uses (i.e. - apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.
- (C) If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 22.10.

- (D) The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- (E) Any regulatory modification from traditional district requirements shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.
- (F) A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning. **Deviation requests are listed.**

A deviation table listing ordinance requirements and the proposed deviations was provided with the preliminary plan.

SUMMARY

1. **The applicant indicated that the color scheme would be submitted to the Township by May 17, 2019 and it is needed in order to determine if it coordinates with the other two buildings.**
2. **A pedestrian connection from the sidewalk along Port Sheldon to the proposed sidewalk on the east side of the property should be considered. One parking space may have to be eliminated and landscaping trees relocated. The previous preliminary plan was approved without it.**
3. **All signs and the dumpster enclosure shall be architecturally similar and coordinate with the PUD architectural theme.**
4. **The parcels shall be combined prior to the submission of a building permit application.**
5. **A Storm Water Drain Permit is required to be submitted prior to the submission of a building permit application.**
6. **Water and sewer shall be coordinated with the DPW.**
7. **The recorded PUD agreement shall be submitted prior to the submission of the building permit application.**

Planning Commission determinations:

1. **Does the proposed building architecturally coordinate with the existing two building, including style, design and color?** (This determination has to be made after the colors are submitted.)
 - 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.
2. **Does the Planning Commission determine that the proposed PUD complies with the standards in the ordinance as follows?**

A PUD shall be approved only if it complies with each of the following standards:

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

OPTION FOR MOTION-Final Development Plan

IMPORTANT. The color scheme **MUST** be submitted in order to verify that the proposed building complies with the standard of the ordinance and with the language in the Master Plan by coordinating architecturally with the other two existing buildings.

If the color scheme is not submitted or does not architecturally coordinate with the other two existing buildings, the application should be tabled.

If the Planning Commission determines that the building architecturally coordinates with the other two existing buildings and that the proposal meets the requirements of the ordinance, 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 approve the final development plan as shown on the site plan package dated 05/15/19,**

Based on the determinations that:

- 1. The proposal is consistent with the Master Plan.**
- 2. The proposal meets the ordinance requirement for pedestrian walkways.**
- 3. The proposal meets the ordinance requirement for architecture.**
- 4. The proposal meets the ordinance requirement for traffic.**
- 5. The proposal meets the ordinance requirement for open space.**
- 6. The proposal meets the ordinance requirement for uses that are allowed.**
- 7. The proposal meets 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.

With the following conditions:

- 1. As per Sec. 22.11, a recorded PUD agreement shall be submitted to the Township prior to the submission of the building permit application.**
- 2. A Storm Water Drain Permit (written approval by the Water Resources Commissioner's office) shall be submitted to the Township prior to the submission of the building permit application.**
- 3. Utilities are to be coordinated with the DPW and Drain Commissioner's office.**
- 4. Approved permits are required for all signs and all signs shall meet the details listed in the ordinance standards.**
- 5. A demolition permit is required to be obtained for the demolition of the existing house.**
- 6. All signs and the dumpster enclosure shall be architecturally similar and coordinate with the PUD architectural theme including materials and colors.**
- 7. The parcels shall be combined prior to the submission of a building permit application.**