

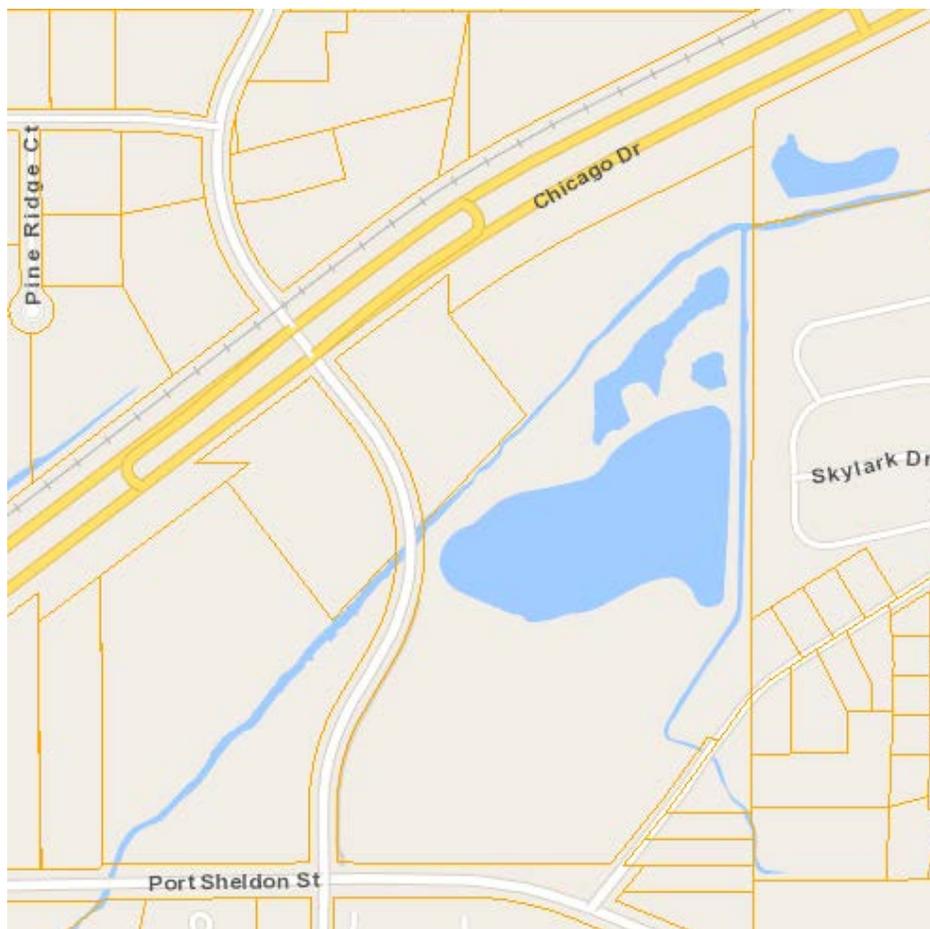
# REVIEW FOR REVISED PRELIMINARY AND FINAL DEVELOPMENT PLAN

## REQUEST

**(PUD2001) (Ordinance No. 2020-01) Revised Preliminary Plan (and final development plan) for Waterford Place/Sunset Retirement Communities, 725 Baldwin St. The request is for** (rezoning from MDR Medium Density Residential to PUD) preliminary planned unit development (and final development) approval for Waterford Place, for residential uses, independent and assisted living community with associated commons, assisted living, housing for the elderly, associated uses, service area, parking, amenities and open space, on a parcel of land described as part of P.P. # 70-14-22-400-042, located at 1725 Port Sheldon, Georgetown Township, Ottawa County, Michigan.

The request is for approval for phase 3 (this phase), which includes 62 independent living units in a 4 story building addition and 20 independent living units in 10 duplex detached buildings. Also included are a commons area expansion and 2<sup>nd</sup> level parking garage addition.

Since property currently zoned MDR is being added to the PUD, the initial preliminary development plan approval includes the rezoning of this additional property to PUD. The rest of the property is already zoned PUD.





**Existing buildings at the northwest:**

One 4-story independent living building with 44 units  
One 4-story independent living building with 40 units  
Total of 84 independent living units  
Parking garage with 76 spaces

**Existing building in the middle of the parcel:**

One 1-story commons building

**Existing building at the southeast:**

One multi-story with 40 skilled nursing and 24 assisted living

**Existing parking garage with 76 parking spaces**

**Proposed second level parking garage with 76 parking spaces**

**Proposed at the southwest:**

4-story independent living 32,260 SF building with 62 units  
7,832 SF building for dining, kitchen and fitness area  
Removing existing parking lot and replace with parking lot with 23 spaces 9 by 20 feet.

**Proposed at the northeast:**

Ten one-story duplex buildings, total of 20 units each with 1,380 square feet and **two stall garages**.  
1-story 965 SF community building  
Driveway and 6 foot wide sidewalks  
Additional 13 parking spaces meeting the minimum required of 9 X 20 feet.

**Proposed to add additional property at the east:**

Gated employee parking area with 49 spaces that meet the minimum of 9 X 20 feet and a 24 foot aisle way.  
Pedestrian bridge  
Directional sign “employee parking only” with a **maximum of 4 square feet and having no advertising matter**.  
Landscaping within a **24 foot setback with 12 trees which exceeds the minimum of 10 trees and they all meet size and height minimum**.

**Density:**

**Proposed 230 units on 42.2 acres equals 5.4 units per acre.**  
**Allowable density 8 units per acre.**

**Parking:**

**297 spaces required and 393 provided**

**Total living units:**

Phase 1	84 individual living units
	162 parking spaces
Phase 2	40 skilled nursing units
	24 assisted living units
Phase 3	62 individual living units
	20 independent living cottages

**Total**

Independent living units 166 reduced from 256  
24 assisted living units staying the same  
40 skilled nursing units staying the same  
**Overall total units 230 units reduced from 320**

**Note that additional property near the south east corner, zoned MDR, has been acquired and combined with the parcel. The applicant has determined to ADD the additional property to the PUD and use it for employee parking with a maximum front yard setback of only 24 feet from the right-of-way line and a minimum of 85 feet from the centerline (35 + 50) is required. Therefore, new rezoning is necessary.**

**HISTORY**

At the August 18, 2004 meeting, the Planning Commission recommended approval of the preliminary plan and rezoning and at the August 23, 2004 meeting, the Township Board approved the preliminary plan and rezoning. At the August 17, 2005 meeting, the Planning Commission approved a final development plan. A revision was approved by the Planning Commission at the August 5, 2008 meeting.

## **RELEVANT ORDINANCE SECTIONS**

As per Sec. 22.8, the preliminary development plan incorporating all the phases not already developed expires if the applicant fails to submit a subsequent phase within a 24 month period of the previous phase. The last phase was approved in 2008; therefore, the preliminary plan incorporating the rest of the uncompleted phases has become invalid.

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

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

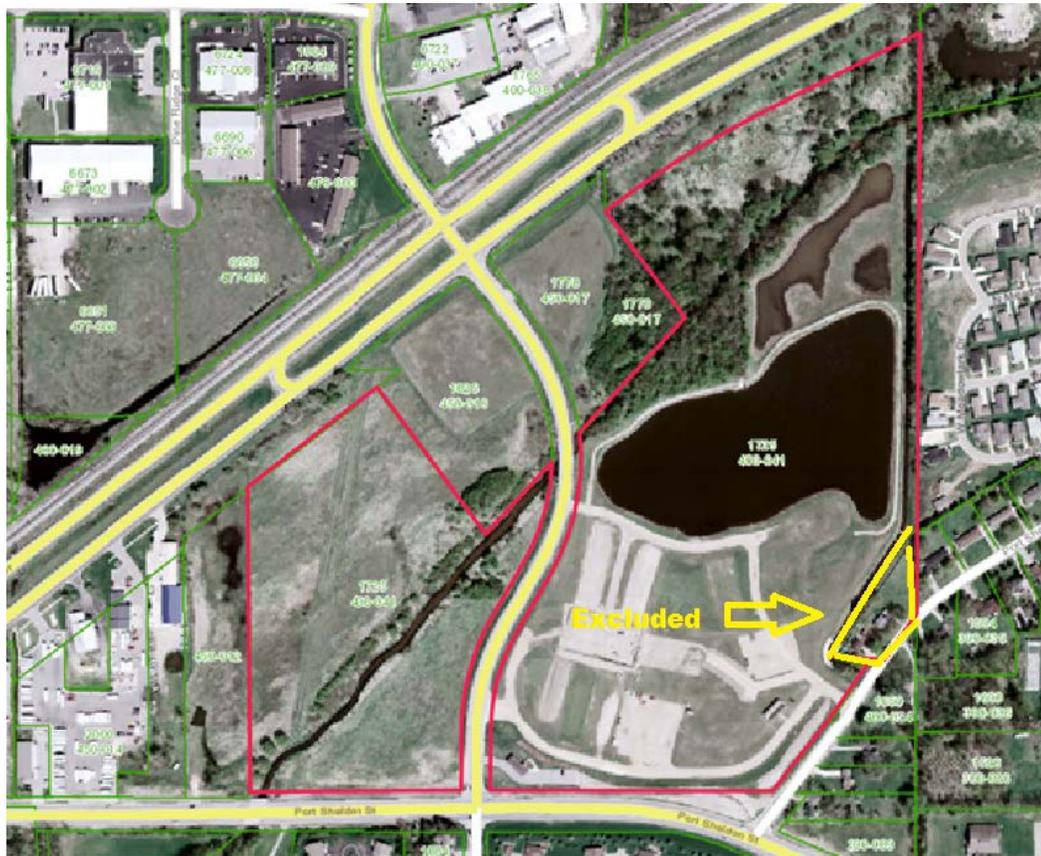
Note the stipulations in Sec. 22.13 for expired PUD approvals.

**As per the language in Sec. 22.13, the property has NOT been rezoned back after it was rezoned to PUD and the PUD zoning district remains in effect for the portion already zoned PUD; however, additional MDR property has been added and has to be rezoned. In addition, the previously approved preliminary and final development plans have become null and void. Revised preliminary and final development plans have been resubmitted and action is need on those. Therefore, the preliminary and final development plan have been submitted and are the same plan.**

**A public hearing is needed at the Planning Commission and Township Board because rezoning is necessary.**

### **Sec. 22.13** *TIME LIMIT FOR APPROVED PUD DISTRICT.*

- B. Should neither of the provisions of Section 22.13 A. be fulfilled, or an extension has expired without construction underway, the PUD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PUD approval.
- C. Should the PUD district become null and void, the Township Board has the right to rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s). **If the property is not rezoned, then the subject property remains zoned as a PUD, but the preliminary or final PUD plans previously approved become null and void. In order to utilize the property as a PUD, an applicant would have to resubmit plans for preliminary and final PUD site plan approvals as stated in this Chapter, but would not require PUD rezoning action from the Board, unless the proposed PUD project includes different land uses than previous approved (i.e.- commercial versus residential).**



1. **Qualifying conditions-Met.**

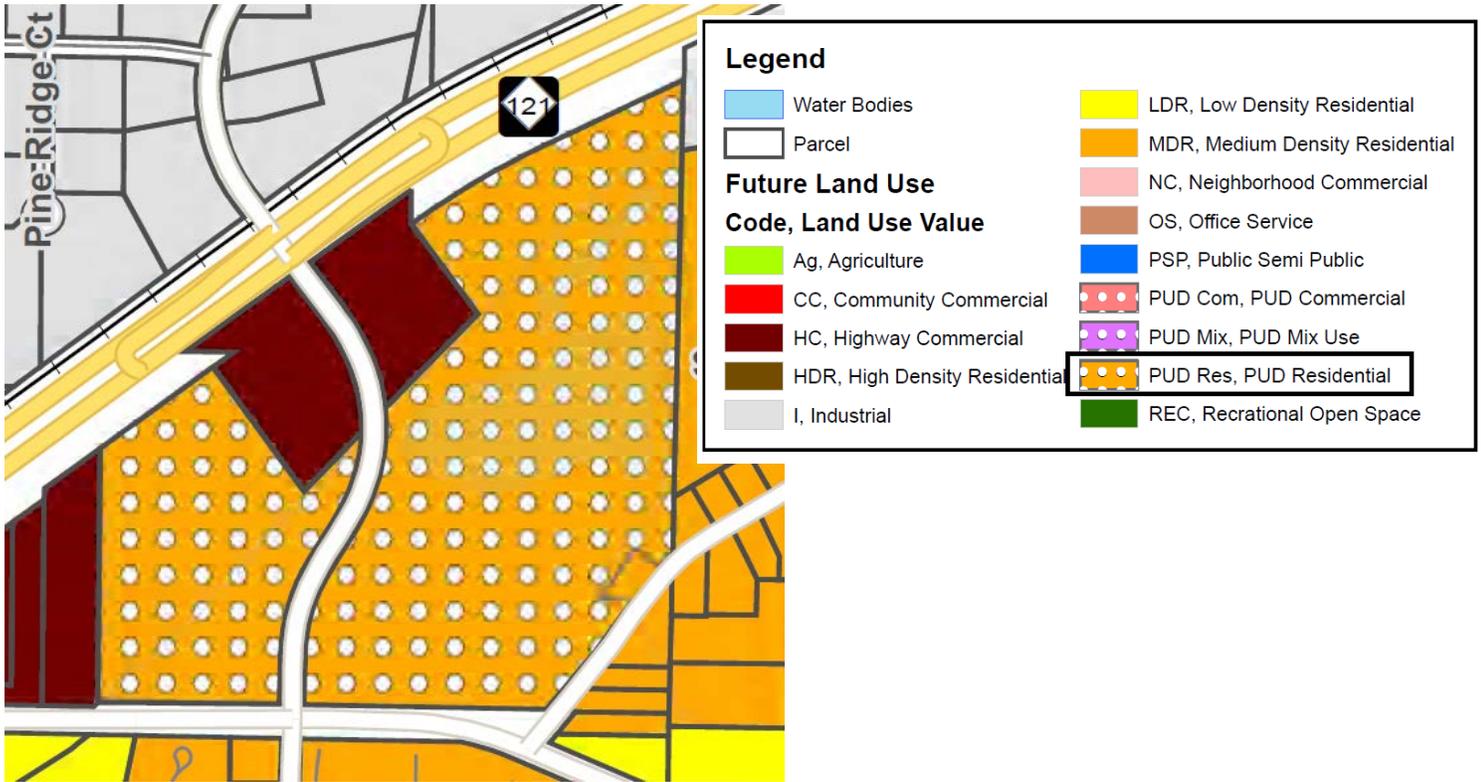
**Sec. 22.2 QUALIFYING CONDITIONS.**

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

- A. **Acresage 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 – 42.2 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. **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. **Met.**

- 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. (revised 12/14/09) **Met as currently and previously determined. The number of units proposed is less than previously approved.**

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 stand alone ordinance covering certain sidewalk requirements) **Met. Sidewalks are provided along the street. Interior pathways connect around the pond and to the sidewalk along the street.**
- F. **Architecture:** The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships. **Met and coordinates with the existing structures.**
- G. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety. **Met as previously determined and as shown with the interior drives.**

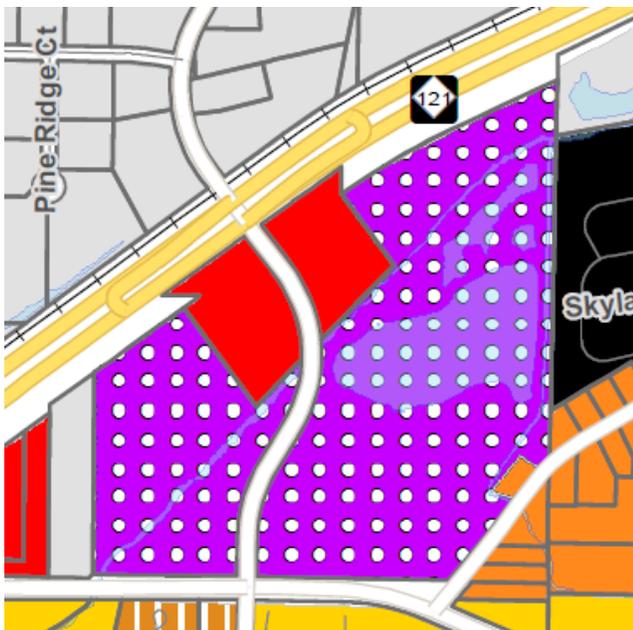
- H. **Open Space Requirements: Met with 57% of open space and 25% of usable open space.**
1. The PUD development shall contain usable open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if 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.

2. **Uses-same use as previously approved independent, assisted living, and skilled nursing units.**

**Sec. 22.3 PERMITTED USES.**  
 Any use permitted by right or special land use in any District may be approved within a PUD.

**Zoning Map**

Allowed as per the zoning district of PUD.



Legend	
	Parcel
	Water Bodies
<b>Zoning</b>	
<b>Standardized Code, Zoning Class and Code</b>	
	Neighborhood (NS)
	Community (CS)
	Highway Service Commercial HS
	Rural Residential (RR)
	Industrial (I)
	High Density (HDR)
	MHP, Mobile (MHP)
	OS A, Office (OS)
	RR A, Agricultural (AG)
	SFR A, Low Density (LD)
	SFR B, Low Medium (LMR)
	SMR A, Medium (MDR)
	SMR B, Medium High (MHR)
	Planned Unit Development (PUD)

### 3. Preapplication conference-previously held.

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**Sec. 22.4 PREAPPLICATION CONFERENCE.**

- A. A pre-application conference will be held with representatives from Georgetown Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.
  - B. A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use(s) for the entire site.
  - C. The Township shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD in the Township, whether it appears to qualify under the minimum requirements of Section 22.2, and whether the general concept appears to be substantially consistent with the Township's Master Plan. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.
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### 4. PUD application and preliminary plan-all required elements have been shown.

**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):

- 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 and reflects the exempted property.**
  - e. The size (in acres) of the PUD site. **Provided.**
  - f. Property lines and proposed setbacks, shown and dimensioned. **Provided and a deviation is requested for the employee parking which has only a 24 foot setback.**
  - 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 and exceeds ordinance requirements.**
- 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.**
- s. Anticipated trash receptacle locations and method of screening. **Provided.**
- 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.**
- u. Proposed pedestrian sidewalk movements both within and off the PUD site. Sidewalks are required along all public roadways. **Provided.**
- v. Proposed lighting concepts/styles and general location areas. **Previously provided.**
- 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. **Fee:** Payment of a PUD fee, as established by the Township Board. **Paid.**

3. **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.

## 5. Process.

### **Sec. 22.6 PLANNING COMMISSION RECOMMENDATIONS.**

- A. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the PUD.
- B. Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the standards of Section 22.10; and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD rezoning request.
- C. In its recommendation to the Township Board, the Planning Commission shall include the reasons for such recommendation.

## 6. Township Board Action.

### **Sec. 22.7 TOWNSHIP BOARD ACTION.**

- A. After receiving the recommendation of the Planning Commission, the Township Board shall hold a public hearing and review the application, including the preliminary development plan, the record of the Planning Commission proceedings and the recommendation. (revised 11/8/2010)
- B. The Township Board shall make its findings based on the standards approval of Section 22.10 as to approval, approval with conditions, or denial.  
An approval with conditions shall not be considered final (which means the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary development plan to the Township Board.

## 7. Final Development Application-will take place simultaneously with action on the preliminary development plan. This is the third of three phases.

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

- C. **Final Development Plan Approval Time Period – Single Phase:** Within twelve (12) months of the Township Board's approval of the PUD preliminary plan and PUD rezoning, the applicant shall submit a request to the Zoning Administrator for final PUD approval. If the applicant fails to submit a request within twelve (12) months as stated above, then the preliminary site plan (not the PUD rezoning) shall be determined to be invalid.
- D. **Final Development Plan Approval Time Period – Dual or Multi Phased:** If the project includes phases, then the applicant must submit a request within twelve (12) months of the Township Board's approval of the preliminary plan and PUD rezoning for final development plan approval of a phase. Following the final approval of the first PUD phase, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date for the previous phase. If the applicant fails to submit the first phase within twelve (12) months or each subsequent phase within the twenty-four (24) month time period then the preliminary site plan incorporating all phases not already approved for final site plan shall be determined to be invalid.
- E. **Approval Time Extension:** Upon request to the Township Board and in accordance with Section 22.13, A, 1 and 2, the time frames may be extended for a reasonable period of time.

## 8. Final Development Application. A Storm Water Drain Permit from the Drain Commissioner's Office and a recorded PUD agreement will be required to be submitted when a building permit is submitted.

- F. **Final Development Plan Application Requirements:** A final development plan application shall consist of the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):
  - 1. A completed application form, supplied by the Zoning Administrator. **Provided.**
  - 2. Payment of a fee, as established by the Township Board. Paid.
  - 3. A written response to the findings, review comments, and conditions, if any, from the Township Board's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items. **NA**
  - 4. A site plan containing all of the information required in this PUD Chapter and the following information shown below: (If the plan consists of phases, then the above-mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).

- a. The location and dimensions of all proposed structures and buildings on the PUD site. **Provided.**
- b. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks / pathways / bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included. **Provided.**
- c. The location of all proposed signs and lighting, including the sizes and types. **Provided. Two architecturally similar signs were approved for the entrance foo 18<sup>th</sup> Ave. with a previous final development plan. The additional one sign for the entrance on Port Sheldon on the east side is proposed to simply be an onsite signed used merely to identify the entrance to the development and will meet ordinance requirements for size, height and location. The only deviation is that this is one more sign than allowed; however, a development this large should have an identifying sign for emergency response. The directional sign for “employee parking only” is noted to be a maximum of 4 square feet with no advertising matter.**
- d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **Provided.**
- 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 when a building permit application is submitted.**
- 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.**
- h. Proposed open space areas, including recreational amenities (playgrounds, etc.). **Provided.**
- i. Floodplain areas. (Revised 6-27-2005) **Provided.**

**Note:** Thirteen foot high masonry screening is proposed for the service court. As per the Planning Commission determination of Sec. 19.10(F) for Special Features, the Planning Commission has the authority to approve the screening as proposed.

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

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

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminarily 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.

**A table was provided listing regulatory modifications and deviations from regular ordinance requirements.**

ORDINANCE DEVIATIONS

DESCRIPTION	PROPOSED	ORDINANCE REQUIREMENT	DEVIATION
(2) ENTRY MONUMENT/SIGN SETBACK	60 FT	70 FT	10 FT
(1) PLANTER/ADDRESS SETBACK	64 FT	70 FT	6 FT
(2) ENTRY MONUMENT/SIGN SIZE	120 SF TOTAL 27 SF SIGN	64 SF	56 SF
(1) PLANTER/ADDRESS SIZE	20 SF TOTAL 1 SF SIGN	1 SF	19 SF
(2) ENTRY MONUMENT/SIGN HEIGHT	10.5 FT	3 FT	7.5 FT
EMPLOYEE PARKING SETBACKS	57 - 76 FT	50'+35' = 85 FT	27 - 9 FT

**9. Standards for review.**

**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. **Appears to be 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. **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. **Appears to be met.**
- E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.) **Appears to be met.**

**10. 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.

**SUMMARY**

**1. Planning Commission determinations**

**Does the Planning Commission determine that the proposal:**

- Is consistent with the Master Plan?
- Meets the ordinance requirement for pedestrian walkways?
- Meets the ordinance requirement for architecture?
- Meets the ordinance requirement for traffic?
- Meets the ordinance requirement for open space?
- Meets the ordinance requirement for uses that are allowed?
- Meets the standards of approval?

## 2. Planning Commission findings

### Does the Planning Commission find that:

- A. The qualifying conditions in Sec. 22.2 are met;
- B. The information as per Sec. 22.5 is provided, and
- C. 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 deviations as a listed on the plan.
- 3. **A Storm Water Drain Permit shall be submitted from the Ottawa County Drain Commissioner prior to the submission of the first building permit application.**
- 4. **The recorded PUD agreement shall be submitted prior to 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 requirements of the ordinance have been met and the deviations are acceptable, 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. 2020-01)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on February 10, 2020, beginning at 7:00 p.m. and after the second public hearing was held, Township Board Member \_\_\_\_\_ made a motion to adopt the staff report as finding of fact and to adopt this Ordinance, as recommended by the Planning Commission, 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:

**(PUD2001) (Ordinance No. 2020-01) Revised Preliminary Plan (and final development plan) for Waterford Place/Sunset Retirement Communities, 725 Baldwin St., including** (rezoning from MDR Medium Density Residential to PUD) preliminary planned unit development (and final development) approval for Waterford Place, for residential uses, independent and assisted living community with associated commons, assisted living, housing for the elderly, associated uses, service area, parking, amenities and open space, on a parcel of land described as part of P.P. # 70-14-22-400-042, located at 1725 Port Sheldon, Georgetown Township, Ottawa County, Michigan, as shown on the following documents:

1. Preliminary and Final Development Plan packet dated 12.11.19 REV
2. Application and narrative

**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:**

- A. The qualifying conditions in Sec. 22.2 are met;
- B. The information as per Sec. 22.5 is provided, and
- C. 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 deviations as a listed on the plan.

**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 submission of the first building permit application.**
- 2. Utilities are to be coordinated with the DPW and Drain Commissioner's office.**
- 3. As per Sec. 22.11, a recorded PUD agreement shall be submitted to the Township prior to the submission of the first building permit application, as noted on the plan.**
- 4. Approved permits are required for all signs and all signs shall meet the details listed in the submittal documents or in the ordinance standards.**
- 5. 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: \_\_\_\_\_, 2020

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

**OPTION FOR MOTION-Final Development Plan**

If the Planning Commission determines 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 dated 12.11.19 REV contingent upon the Township Board approving the preliminary development plan and the approval of the final development plan to be effective upon the effective date of the PUD preliminary plan rezoning; 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 submission of the first building permit application.**
- 2. Utilities are to be coordinated with the DPW and Drain Commissioner’s office.**
- 3. As per Sec. 22.11, a recorded PUD agreement shall be submitted to the Township prior to the submission of the first building permit application, as noted on the plan.**
- 4. Approved permits are required for all signs and all signs shall meet the details listed in the submittal documents or in the ordinance standards.**
- 5. 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.**