

(ST1911) Site plan revision for (PUD1202-54) Final Development Plan for Condos No. 2 REVISED, for Ottawa Land Investments LLC, P.P. # 70-14-09-100-055 and 70-14-04-300-024, located at 3067 Lowingside Dr. and 3203 Taylor St., Georgetown Township, Ottawa County, Michigan.

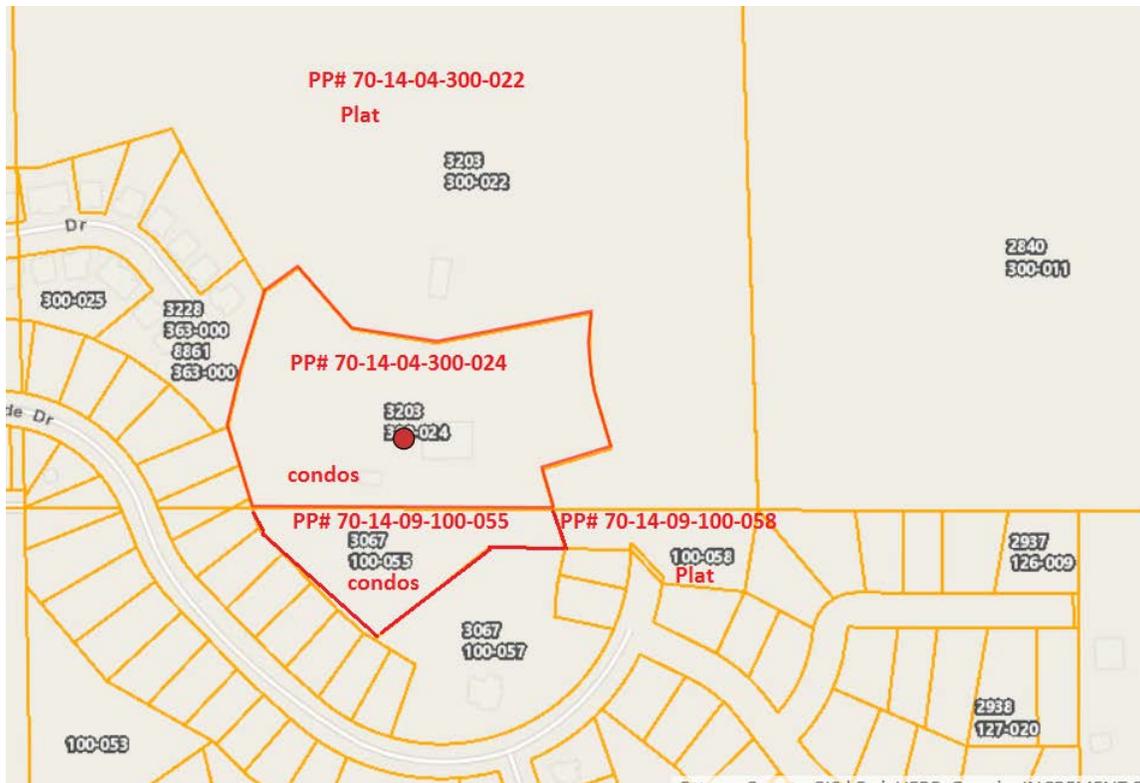
REQUEST

The request is for REVISED (3rd revision) approval for the final development plan for phase 2 of the condos (Township numbering system 54 to not be confused with the phases for the single family homes). The number of units proposed is 34 (one more than the approval in 2017 and three more than previous approval), including 26 duplex units (revised from the previously approved 10 duplex units) and 8 single units (revised from the previously approved 13 single units). The note on the plan indicates that all streets with single family lots will be dedicated to the public. Since this phase does not consist of single family lots, the street will be private. Consequently, the private street is not subject to the maximum length of 800 feet in Sec. 50-51.

Although this phase was not consistent with the overall preliminary PUD plan that was approved in 2012 and the overall plan that was provided in 2014, the plan is revised to accommodate a street connection to the east. The condo property was shifted slightly to the east so that the street for Phase 10 could be shifted to the east to have a street cross connection to the property to the east. This results in the street providing future access being adjacent to only one lot; therefore, a temporary cul de sac is not required by the Ottawa County Road Commission.

The changes are depicted below, with the green squares depicting the buildings staying the same and the red squares showing the changes.





New Concept

The plan incorporates the new concept of using building envelopes for the units (like a building envelope for a lot in a plat). The plan provides the maximum number of units allowed, the required minimum setbacks, and the required minimum distance between buildings. The building envelope is the area in which the units could be arranged (while meeting the minimum requirements) and staying within the overall number of units. This building envelope is shown on the plan, along with a proposed layout. With this concept of a building envelope, the units could be revised or rearranged from this layout in any fashion within the building envelope (without returning for revised site plan approval), as long as the number of units remains the same or less, as long as the minimum setbacks are met, and as long as the minimum distance between the buildings is met.

However, this includes the addition of one unit.

HISTORY

The plats of Lowing Woods No. 1, 2, 3 and 4 were approved in 2005. Lowing Woods No. 5 was approved in 2007, No. 6 in 2012 and No. 7 in 2013. Lowing Woods No. 8 and 9 were approved in 2014. The first phase of condos was approved in 2014. The second phase of condos was approved in 2016. Also, Lowing Woods No. 10 was also approved in 2016. The second phase of the condos revised was approved July 19, 2017.

SUMMARY-for the final development plan for Condos No. 2 revised

1. The condos have a minimum front yard setback of 26 feet and a minimum distance of 14 feet between single family condo buildings and 16 feet between multi-family condo buildings. That is consistent with the preliminary plan approved in 2012.
2. A demolition permit is required for the demolition of the existing building.
3. **The recorded PUD agreement shall be submitted prior to the time the first building permit application is submitted to the Township.**
4. **Approval from the Ottawa County Water Resources Commission is required.**

OPTION FOR MOTION-for the final development plan for Condos No. 2 revised second time (review follows)

If the Planning Commission determines that the standards of the ordinance have been met with the conditions provided, the following motion is offered.

Motion: **To adopt the staff report as finding of fact and to approve (PUD1202-54) Final Development Plan for Condo No. 2 REVISED 2nd time, for Ottawa Land Investments LLC, P.P. # 70-14-09-100-055 and 70-14-04-300-024, located at 3067 Lowingside Dr. and 3203 Taylor, Georgetown Township, Ottawa County, Michigan, as shown on the following:**

- a. Sheet C-101 dated 08.28.17,
- b. Sheet C-102 dated 08.28.17,
- c. Sheet C-103 dated 08.28.17,

On the basis that the following are met:

- a. **Qualifying conditions in Sec. 22.2.**
- b. **The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.**
- c. **The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community.**
- d. **The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.**
- e. **The proposed PUD meets all the site plan requirements of Chapter 22 including Section 22.8, D.**

And with the following conditions:

- a. **A recorded PUD agreement (according to Sec. 22.11) is submitted prior to the submission of a building permit application for this phase.**
- b. **All previous approvals for signs remain in effect. Signage must meet previous approvals and sign permits must be obtained for all new signs (other than signs approved by the Road Commission for use in the road right-of-way).**
- c. **The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.) were approved with the previous approvals and remain in effect.**
- d. **Approval from the Ottawa County Water Resources Commission is required.**
- e. **A demolition permit is required for the demolition of the vacant house.**

REVIEW FOR FINAL DEVELOPMENT PLAN

Sec. 22.8 FINAL DEVELOPMENT PLAN APPLICATION.

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

Met. The last approval was July 19, 2017.

- C. **Final Development Plan Application Requirements:** A final development plan application shall consist of the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):
1. A completed application form, supplied by the Zoning Administrator. **Provided.**
 2. Payment of a fee, as established by the Township Board. **Paid**
 3. A written response to the findings, review comments, and conditions, if any, from the Township Board's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items. **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.
The plan notes that previous approvals remain in effect.
 - d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.).
The plan notes that previous approvals remain in effect.

- e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc.

To be coordinated with the Township DPW Department and Ottawa County Resources Commission Department.

- f. Existing and proposed topographic contours at a maximum of three (3) foot intervals.

PROVIDED.

- g. Elevation views of all proposed structures and floor plans for all multi-family residential dwelling units.

PREVIOUSLY PROVIDED for the first phase.

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

PREVIOUSLY PROVIDED.

- i. Floodplain areas.

PROVIDED. A note on the plan indicates that this phase is not affected by a floodplain.

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

Sec. 22.9 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN.

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 22.5 - 22.7 of this Ordinance.

This phase was determined to consistent with the overall preliminary PUD plan by the Planning Commission at the July 6, 2016 meeting and again at the July 19, 2017 meeting.

- B. Planned Unit Developments, whether established as a single or multiphase development, shall reasonably accommodate for the intent of the PUD in each phase. If the proposed PUD appears to provide for phases that do not incorporate the intent of the proposed PUD, the Planning Commission may require bonding or other similar financial obligation, which shall be established in the PUD agreement. If a portion of the PUD intent it to provide for a variety of uses (i.e. - apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.

The final development plan appears to accommodate the intention of the PUD.

- C. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 22.10.

See the review under Sec. 22.10.

- D. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.

Minutes will be prepared.

- E. Any regulatory modification from traditional district requirements shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.

Previously determined and approved.

- F. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning.

Provided with the setbacks.

Sec. 22.2 QUALIFYING CONDITIONS..

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

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

Met.

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

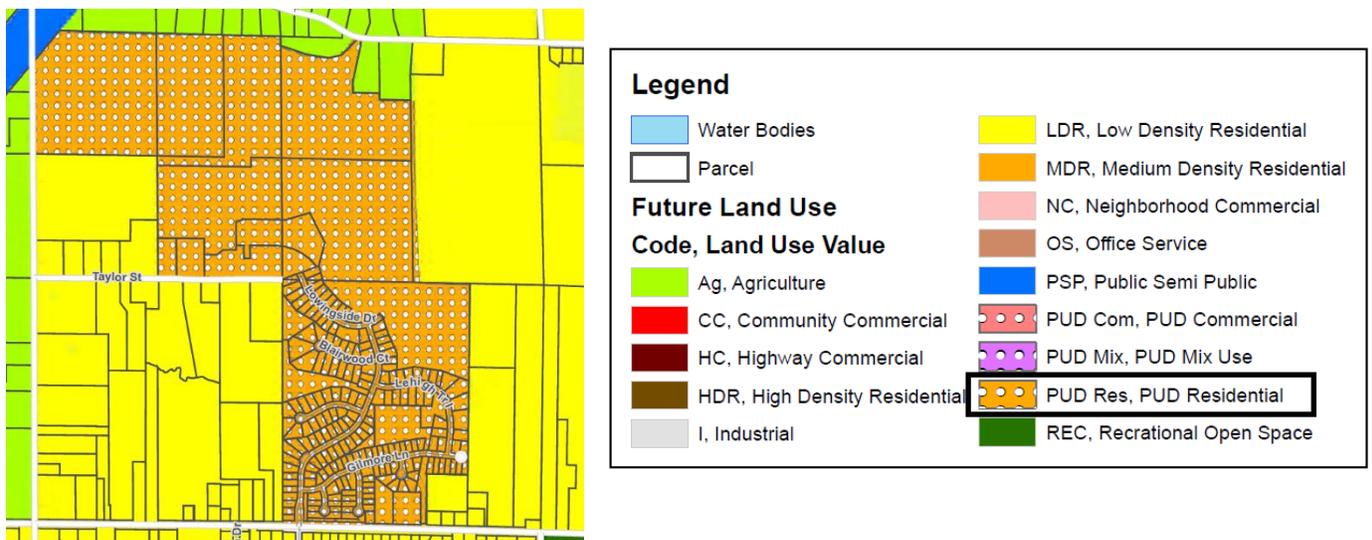
This is required to be met and is to be coordinated with the DPW Department and Ottawa County Water Resources Commission Department.

- C. **Land Ownership:** The PUD application must be filed by the landowner, jointly by the landowners, or by an agent. If the application is filed by an agent(s) or other interested party, written approval from the landowner(s) must also be filed.

Met as previously determined.

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

Met as previously determined (including for density).



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

Met as previously determined.

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

Met as previously determined.

- G. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety.

Met as previously approved. Taylor Street has been completed.

H. Open Space Requirements:

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

Met as previously determined.

Sec. 22.3 PERMITTED USES.

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

Sec. 22.10 STANDARDS FOR APPROVAL (both preliminary and final).

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

- A. The proposed PUD complies with all qualifying conditions of Section 22.2. **Met.**
- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development. **Met.**
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community. **Met.**
- D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning. **Met.**
- E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.) **Met.**

Sec. 22.11 PUD AGREEMENT..

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

A condition of approval: the recorded PUD agreement shall be submitted prior to the time the first building permit application is submitted to the Township.