

REQUEST

(ST1915) Redstone Homes, David Stebbins, 3330 Grand Ridge Dr. NE, is requesting REVISED site plan approval for apartments, which are allowed by right under Sec. 11.2(C), in the (HDR) High Density Residential district, located at 303 Baldwin. The revision is to the building identified as Building E. On the previously approved site plan, dated 05-12-16, Building E was proposed to be a two story building with eight units. The new plan calls for Building to be a three story building with six units. This is an overall reduction of 2 units, for the original total of 68 units reduced to 66 units. All other previous approvals on the site plan dated 05-12-16 remain in effect.

PROPOSAL

The use of apartments in the (HDR) High Density Residential district is allowed by right under Sec. 11.2(C). This is a nonconforming parcel because it does not meet the width to depth ratio; however, it was created many years ago (prior to 1981) and prior to the date that required municipal approval for lot splits.

For the lot width, Chapter 24 does not require a minimum lot with for a lot in the HDR district. But Chapter 24 footnote (g) requires a minimum lot size of one acre and a minimum lot width of 150 feet for a parcel in the HDR district with the use of townhouses. The parcel is over 12 acres. However, the widest spot that meets the ordinance definition of width (the shortest distance separating the closest side lot line at the setback line and again at 40 feet past the setback line) is about 90 feet, though the parcel widens out to over 300 feet after about 340 feet. A variance was granted for the width standard for a parcel in the HDR district with the use of townhouses.

For the number of stories, the proposal is consistent with Zoning Ordinance requirements, including mean height (maximum of 30.5 feet mean height, less than the 35 feet allowed). The developer is requesting to have some buildings with three stories. A variance was granted. Plus the ordinance has since been changed and is currently in effect to eliminate the maximum number of stories and now regulates the structure based on mean height. Therefore, the proposal is consistent with the current Zoning Ordinance.

The original proposal is for the following:

Previous-38 units

Building A 3 story with 8 units (650 SF of garage each)
Building H 3 story with 10 units (650 SF of garage each)

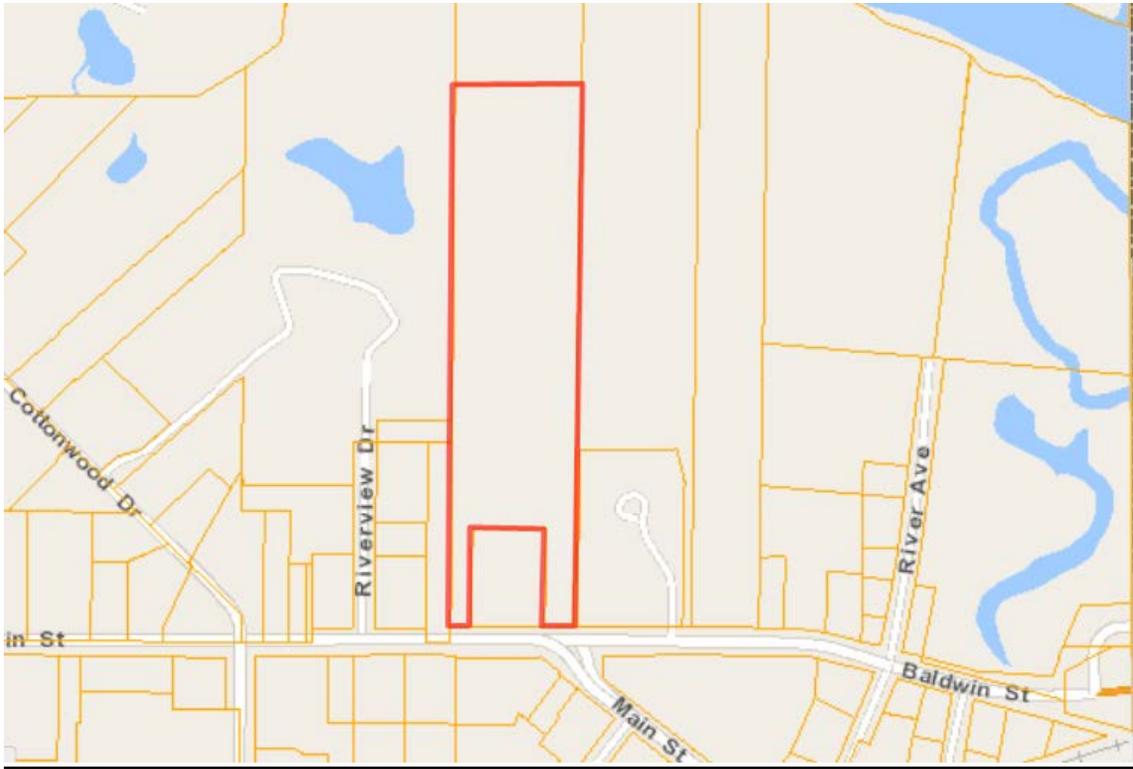
Building B 2 story with 10 units (264 SF of garage each)
Building F 2 story with 10 units (264 SF of garage each)

Future-30 units

Building C 3 story with 6 units (650 SF of garage each)
Building D 3 story with 6 units (650 SF of garage each)
Building G 3 story with 10 units (650 SF of garage each)

Building E 2 story with 8 units (264 SF of garage each) REVISED TO 3 story with 6 units

Overall previous total proposed of 68 units revised to 66 units.



MASTER PLAN

The proposal appears to be consistent with the Master Plan in regard to the uses and the density. The Future Land Use Map (adopted November 23, 2015) shows the area as HDR and the proposed density is noted to be 15 units per acre.

The allowable density of units has been determined to be a maximum of 80 units, as per Sec. 3.20, on the 12.33 acre parcel. As certified by a land surveyor at Moore & Bruggink, Inc., 5.36 acres will be buildable with a DEQ permit. Therefore, $5.36 \times 15 = 80$ units. **A total of 68 units is proposed.**

Chapter 24

- (i) The maximum density per acre permitted in MHR, HDR, and MHP Districts is as follows:
- | | |
|-----|-----------------------------|
| MHR | Eight (8) units per acre |
| HDR | Fifteen (15) units per acre |

Sec. 3.20 DENSITY COMPUTATION.

Should density computation be required for a land development project, for the purpose of determining the total number of dwelling units that may be constructed, the net residential site shall be used.

- (1) Lands within floodplains shall not be included.

SURVEYOR NOTES:

This survey has been performed utilizing information provided by Fidelity National Title Insurance Company, Title Commitment No. CCU15-06215547 REV. 1 , Dated: June 12, 2015 at 12:00 AM.

With a DEQ permit the buildable land outside of the floodplain is 5.36 acres.



Legend

- Water Bodies
- Parcel

Future Land Use

Code, Land Use Value

- Ag, Agriculture
- CC, Community Commercial
- HC, Highway Commercial
- HDR, High Density Residential
- I, Industrial

HISTORY

Excerpt of the February 24, 2016 ZBA meeting:

#160224-02 – (VAR1603) Heyboer Holdings, LLC, 5001 40th Ave., is requesting to have multiple family dwellings (apartments) with three stories, a variance of a half of a story from the maximum of two and a half stories allowed in Chapter 24, and for the parcel to have a 90 foot width, a variance of 60 feet is needed from the minimum of 150 feet required in Chapter 24 footnote (g), in a (HDR) High Density Residential district, on a parcel of land described as P.P. # 70-14-13-200-030, located at 303 Baldwin St., Georgetown Township, Ottawa County, Michigan ([application](#), [letter](#), [loft elevations](#), [loft layout](#), [townhouse elevations](#), [townhouse layout](#), [site plan](#))

The zoning administrator presented a [staff report](#). She noted that the Planning Commission had initiated a Zoning Ordinance revision to eliminate the regulations of stories in a building since the number of stories did not impact a building and rather the mean height has the impact. She noted that the ordinance revision would be on the March 16, 2016 Planning Commission meeting agenda for a public hearing and on the Board agenda on March 28, 2016, making it effective about the middle of April after publication. At that time with the ordinance revision, no variance would be needed in this instance since the proposed height was less than the maximum height allowed.

Nate Heyboer represented the applicant and presented the request.

Joyce Weise noted that the site was in a floodplain.

Greg Honderd stated the following. He was not certain where the numbers for a maximum of 2.5 stories and 35 feet in mean height came from. He speculated that it was based on a fire truck's ability to fight a fire. That is no longer relevant since the Fire Department has trucks that can fight fires much higher than that. Likely the

height of a building is regulated due to aesthetics so that it does not overwhelm the adjacent sites. For example, the Waterford buildings were allowed to be taller; however, they were located in the middle of the property with a good distance to neighboring houses. The Planning Commission did not initiate a Zoning Ordinance revision to allow a mean height greater than the current number of 35 feet because a developer could seek a variance if a greater height was needed and other elements, such as distance to other buildings, could be evaluated.

D. Dale Mohr said that he was just curious and wondered if it was due to density.

The zoning administrator stated that density was still regulated in another section of the ordinance and in the Master Plan.

Greg Honderd said that most zoning districts have a maximum height of 35 feet.

Tom Healy said that this development is consistent with the area because another multi-family development exists to the east of this site.

D. Dale Mohr asked if this was by the river.

Nate Heyboer said that the Ottawa County Parks owns the northern portion of this strip of land that abuts the river.

The chairman opened the public hearing. No one was present to speak at the public hearing. The chairman closed the public hearing.

Moved by Kelly Walkotten, seconded by D. Dale Mohr, to adopt the staff report as findings of fact and to approve variance (VAR1603) Heyboer Holdings, LLC, 5001 40th Ave., to have multiple family dwellings (apartments) with three stories, a variance of a half of a story from the maximum of two and a half stories allowed in Chapter 24, and for the parcel to have a 90 foot width, a variance of 60 feet from the minimum of 150 feet required in Chapter 24 footnote (g), in a (HDR) High Density Residential district, on a parcel of land described as P.P. # 70-14-13-200-030, located at 303 Baldwin St., Georgetown Township, Ottawa County, Michigan; based on the finding that the request has unique circumstances and *meets the seven standards of the ordinance as noted in the staff report.*

Greg Honderd said that the request meets the seven standards.

Tom Healy said that he concurs that the request meets the seven standards and that standards 5 and 3 were met due to the unique features of this nonconforming lot, including that it is in a floodplain. He said that it is a validation of the property with the unique conditions and there is a property right to make it economically viable.

Joyce Weise said that the property is close to another multi-family property.

Tom Healy said that it will be more economically valuable to the Township

MOTION CARRIED UNANIMOUSLY.

SUMMARY

a. As per Chapter 24, setbacks in the HDR district are **met** and are as follows:

Front - 90 feet from the centerline of Baldwin (30 feet measured from a point 60 feet from the centerline) and footnote (L) feet with footnote (r) which states that except for necessary drives and walks front yard setback shall be landscaped and not used for parking. The 30 foot setback along the southern property line which is the northern property line of Speedway includes the necessary driveway to the apartments.

Sides – 15 feet required and shown to be met.

Rear – a minimum of 30 feet required.

Chapter 24 footnotes are relevant as follows:

Footnote A. MET.

(3) Attached Single Family Including Two Family and Townhouses		Each dwelling unit shall have a minimum finished living area of nine hundred (900) square feet of floor area entirely above finished lot grade or each dwelling unit shall have a minimum finished living area of eight hundred (800) square feet of floor area entirely above finished lot grade if each dwelling unit has an attached enclosed accessory building (garage) of at least four hundred (400) square feet (GFA) on the main level. (revised 6/27/2013)
(4) Multiple Family Dwellings	Efficiency	350 square feet
	1 Bedroom	600 square feet
	2 Bedroom	800 square feet
	3 Bedroom	1,000 square feet; plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms

Footnote B – Met.

ii. In all districts, required setbacks along any of the following streets shall be measured from a point 60 feet from the centerline of the street, if the public right-of-way measures 60 feet or less from such centerline. Streets upon which this requirement applies include the following:
Baldwin

Footnote E – Met.

All lots shall be serviced by public water and sanitary sewer.

Footnote F – Not applicable.

Footnote G – Met. A variance was granted. The acreage is met with 12.336 acres. However, the width of the parcel is not met. The width is about 98 (since the site plan does not give the dimension, the number 90 will be used). Therefore, for a 90 foot width, a variance of 60 feet is needed from the minimum of 150 feet required.

Townhouses shall be located on a minimum site of one (1) acre, and the minimum lot width of one hundred fifty (150) feet is required.

Footnote H – Met. 1 – 4,000, plus 65 x 2,250 = 146,250 SF or 3.4 acres required. The parcel is over 12 acres.

For multiple family dwelling structures, the first dwelling unit shall have four thousand (4,000) square feet and each additional unit shall be provided with two thousand two hundred fifty (2,250) square feet of lot area.

Footnote I – Met. The allowable density of units is a maximum of 80 units, as per Sec. 3.20, on the 12.33 acre parcel. As certified by a land surveyor at Moore & Bruggink, Inc., 5.36 acres will be buildable with a DEQ permit. Therefore, 5.36 x 15 = 80 units allowed. The proposal is for 68 units. Provide information on the site plan.

The maximum density per acre permitted in MHR, HDR, and MHP Districts is as follows: HDR Fifteen (15) units per acre.

Footnote J – Met.

A note on the plan was provided:

There shall be a minimum distance of twenty five (25) feet between ends of contiguous buildings.

Footnote L – Met. Landscaped and includes a necessary driveway (due to floodplain and wetlands).

Except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures. Required off-street loading areas shall not be provided in the front yard.

Footnote O – Met.

Projections Into Yards. Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet. An open porch, deck or terrace (including stairs) may project into a required front or rear yard for a distance not to exceed twelve (12) feet and shall meet the same side yard setbacks required for the principal dwelling to which it is attached. In the case of a handicap wheelchair ramp (not to exceed a width of five (5) feet), the Zoning Administrator may waive any setback requirements at his/her discretion, if no other options are available to provide a ramp, provided that the applicant agrees to remove the ramp if it is no longer necessary on the property. A performance letter or performance guarantee may be required.

Footnote P – Met.

Permitted Height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that the following buildings and structures shall be exempt from height regulations in all districts: penthouses or roof structures for the housing of elevators, stairways, tanks, and necessary mechanical appurtenances, and fire or parapet walls not exceeding four (4) feet in height, fire towers, gas tanks, grain elevators, silos, barns, stacks, cooling towers, fire or stage towers, monuments, cupolas, domes, spires, skylights, scenery lofts, screens, flagpoles, chimneys, smokestacks, electrical transmission towers, water tanks, or similar structures. Individual, privately owned, non-commercial, television aerials and amateur radio and wireless masts are exempt to a height of one hundred (100) feet.

Footnote S – Not applicable.

Footnote T – Met.

All yards abutting upon a public street right-of-way or private street easement shall be considered as front yards (including the required and nonrequired front yard) for setback purposes for all structures, fences, accessory buildings and uses, and all other references to front yards, except as provided in Sec. 3.4(C) for accessory buildings on double frontage lots.

Footnote U – Not applicable.

Footnote V – Not applicable.

Footnote W – Met. Each of the two-story units has a 264 SF attached garage and each of the three story units has a 696 SF attached garage.

Each individual unit of a two or multiple family dwelling unit shall be provided with an attached enclosed garage of a minimum of 200 square feet (GFA) on the main level for any dwelling unit receiving building permit approval for construction after July 2, 2001.

- b. A note on the plan indicates that signs will meet Township ordinances and that if the existing sign does not meet ordinance requirements it will be removed or a variance may be requested.
- c. Parking dimensions and aisle widths meet ordinance requirements. The ordinance requirement of two parking spaces per dwelling unit has been met.
- d. The pavement width and right-of-way of Baldwin St. has been provided.
- e. Landscaping calculations and types and sizes of trees have been provided and meet ordinance requirements.
- f. Dumpster details and screening has been provided.
- g. Utilities must be coordinated with the appropriate agencies.

- h. A Storm Water Drain permit (written approval from the Water Resources-Drain Commissioner's Office) is required to be submitted at the time a building permit application is submitted. Approval from the Ottawa County Road Commission must be obtained.**
- i. Floor plans, elevations, garage information; and number of buildings with the number of stories has been provided.**
- j. A DEQ permit is required to be submitted at the time a building permit application is submitted.**

ILLEGAL USE OF ADDITIONAL BUILDING

At the time of original approval of the rezoning to HDR and of the site plan, the additional 50 by 60 foot building along the western property line was allowed to remain because the understanding was that it was to be used as a storage building for the apartments. Recently it came to the attention of the Township that the building contains an illegal commercial use. When the property was rezoned to HDR, commercial uses were no longer allowed. At this point, the use will be allowed to remain; however, any major changes to the site could result in the necessity to remove the illegal use.

REVISED SITE PLAN APPROVAL

The site plan for (ST1915) for Riverstone Townhouse Apartments, Redstone Homes, David Stebbins, is administratively approved as shown on the following plans identified as Project No. 150156.01:

Revision to Building E as shown on the following plans:

- 1) Sheet 1 of 3 dated 08-05-19;**
- 2) Sheet 2 of 3 dated 08-05-19; and**
- 3) Sheet 3 of 3 dated 08-05-19.**

The original plans for all except Building E as shown on the following plans:

- 1) Sheet No. 2 of 17 dated 05-12-2016,**
- 2) Sheet No. 3 of 17 dated 05-12-2016,**
- 3) Sheet No. 5 of 17 dated 05/19/2016,**
- 4) Sheets 9 of 17 dated 05-12-2016,**
- 5) Packets for Buildings "A" and "H" dated 4/25/16,**
- 6) Packets for Buildings "B" and "F" dated 4/25/16, and**
- 7) Enclosed Dumpster sheet dated May 9, 2016.**

For the following proposed:

Previous-38 units

Building A 3 story with 8 units (650 SF of garage each)
Building H 3 story with 10 units (650 SF of garage each)
Building B 2 story with 10 units (264 SF of garage each)
Building F 2 story with 10 units (264 SF of garage each)

Current-30 units REVISED to 28 units

Building C 3 story with 6 units (650 SF of garage each)

Building D 3 story with 6 units (650 SF of garage each)

Building G 3 story with 10 units (650 SF of garage each)

Building E 2 story with 8 units (264 SF of garage each) REVISED to 3 story with 6 units

Overall total proposed 68 units REVISED to 66 units.

Based on the findings that all applicable standards of the ordinance have been met, and with the following conditions:

- 1) **All signs shall meet ordinance requirements**
- 2) **A Storm Water Drain permit (written approval from the Water Resources-Drain Commissioner's Office) and DEQ Permit are required to be submitted at the time a building permit application is submitted.**
- 3) Utilities must be coordinated with the appropriate agencies.
- 4) Minimum of 200 square feet attached garage for each unit.

ID number	ST1915	Date 8/13/2019	
Name	Riverstone Townhouse Apartments		
Address	303 Baldwin		
Use	apartments	SUP required	No. Allowed with Sec.11.2(C)

REQUIREMENT	PROVIDED	Needs or Comments
Date, north arrow, scale	X	
Name, address of preparer	X	
Name, address of property owner or petitioner	X	
Location sketch	X	
Legal description	X	
Size in acres of the property	X	
Property lines and required setbacks shown and dimensioned	X	
Location of existing structures, drives, parking areas within 100 ft of boundary	X	
Location and dimensions of existing and proposed structures	X	
Location of existing and proposed drives (dimensions and radii), circulation	X	
Sidewalks, non-motorized paths-select streets, accel, decel lanes	X	
Signs, exterior lighting	X	
Curbing, parking areas, dimensions of typical space, number of parking spaces	X	
Calculations of parking spaces, unloading areas	X	
Location, pavement width, ROW of all abutting roads, easements	X	
Existing zoning, and zoning and use of abutting property	X	
Location of existing vegetation-parkway association	X	
Location, type, size of proposed landscaping, streetscape, greenbelt	X	
Location, height, type of existing and proposed fences and walls	X	
Size, location of proposed, existing utilities, connections to water/sewer	X	a. coordinate
Location, size of surface water drainage facilities	X	b. Storm Permit
Existing, proposed topo contours, max 5 ft intervals	X	
Rec/common areas, floodplain areas	X	
Special Use Standards, general and specific	NA	
Residential development extra requirements-attached garages	X	c. provided