

## **REQUEST**

**(PUD2002) Fairway Estates LP** (Glen Eagle PUD), Joseph Byker, 2905 Wilson Ave. SW, Grandville, is requesting REVISED preliminary and final planned unit development approval for parcels listed in the attachment and withdrawing the following parcels of land from the PUD:

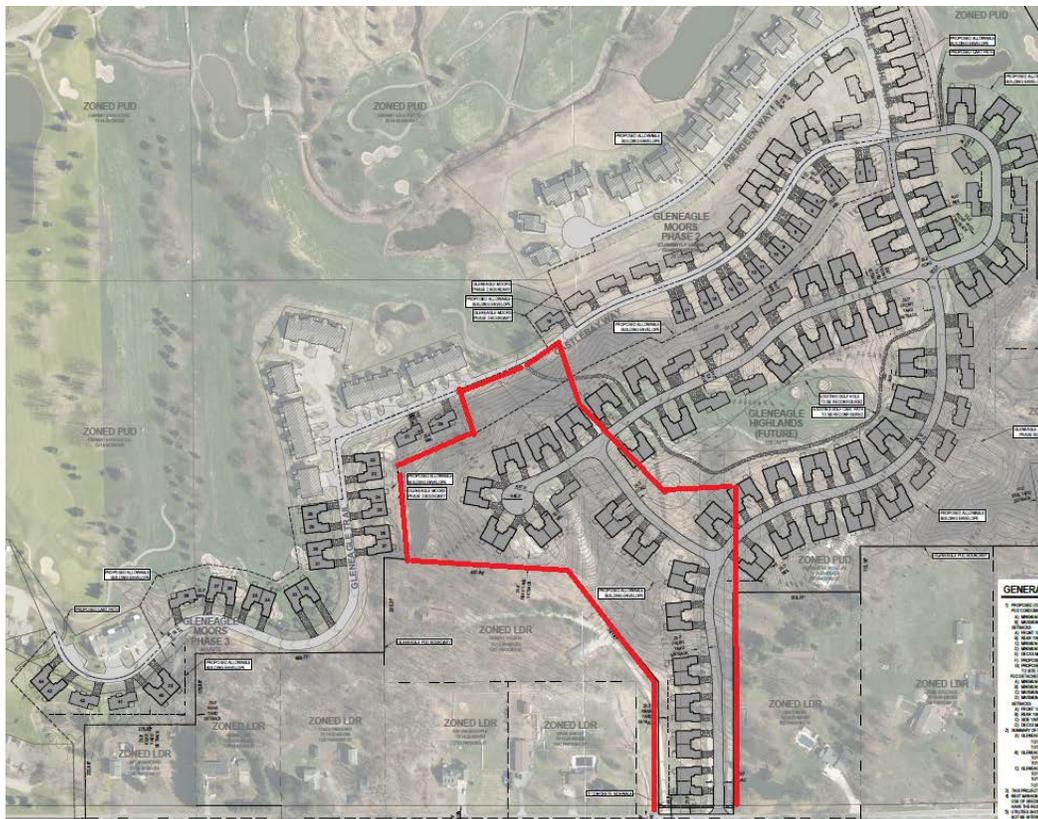
- a. P.P. # 70-14-26-400-092, located at 1033 Parsons St.;
- b. Part of P.P. # 70-14-26-400-047, located 1015 Parsons St.;
- c. Part of P.P. # 70-14-26-400-048, located at 1003 Parsons St.;
- d. Part of P.P. # 70-14-26-400-024, located at 957 Parsons St.;
- e. Part of P.P. # 70-14-26-400-093, located off Castlebay Way.

Georgetown Township, Ottawa County, Michigan.

The applicant is requesting to remove the land outlined in red on the map below from the Glen Eagle PUD and to rezone (another application and action) that portion of land from PUD to (LDR) Low Density Residential. Although the realignment of the property, land splits and property line adjustments are not a consideration for the Planning Commission, the applicant is requesting to create four lots to be used for single family residential purposes without public water and sewer.

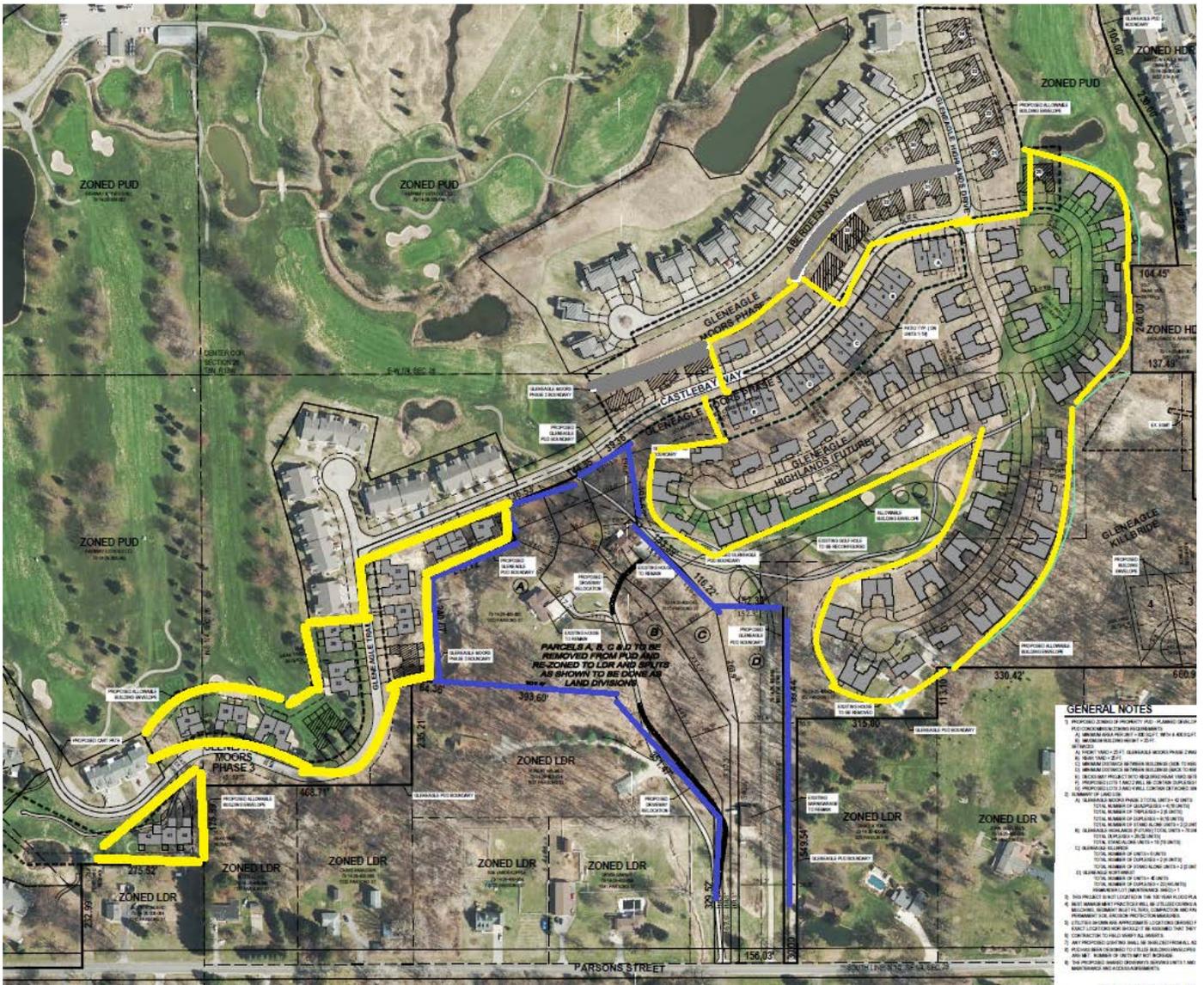
**The Planning Commission is to consider the revised PUD preliminary plan and final development plan, minus the removed land, to determine if the reduced PUD still meets ordinance requirements. Smaller front yard setbacks from the already reduced 25 feet to 21 feet is also requested. No rezoning is needed for the remaining portion of the PUD because it is already zoned PUD.**

**The removal of the land from the PUD also results in the elimination of the access to Parsons St. The map below shows the previously approved plan, with the requested land to be removed outlined in red.**

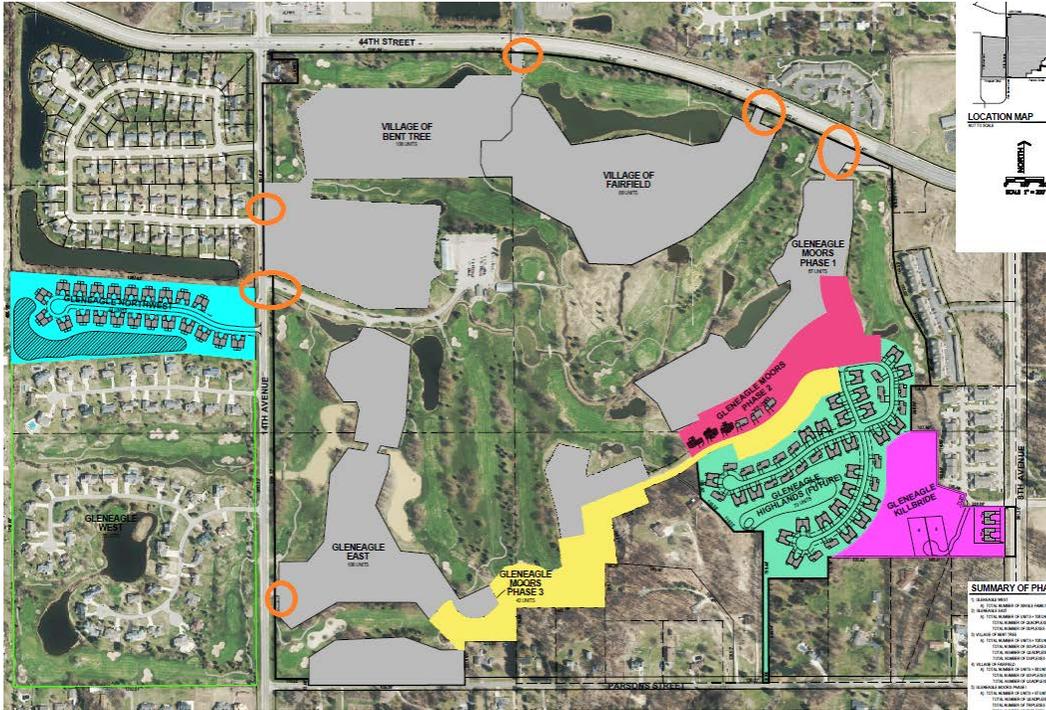


The proposal is to removed the land outlined in blue below, including the access to Parsons St., and to revise the layout, including the redesign of the condos in the areas highlighted in yellow.

Note that this revision will result in the future construction of 117 condos, along with the elimination of the access drive to Parsons St. **In response to the proposed elimination of this access point on Parsons St., the Township has received petitions signed by 68 residents of the Glen Eagle development requesting that the removal of this access point not be approved. The initial approved preliminary development plan showed the access to Parsons St. The residents do not want the additional vehicles from the proposed 117 condos to all have to use the existing private streets in their development to gain access to a public street. Their fears are the extra traffic, along with the extra wear and tear on their private streets. Plus this is different from what was intially approved and what they planned on being developed.**



The map below shows the colored areas to be developed with condos and removal of the land from the PUD.



The map below shows the current access to public roads, including three on 44<sup>th</sup> St., three on 14<sup>th</sup> Ave. The one on Parsons St. does NOT provide access to the interior condos, but only provides access to the service street adjacent to Parsons. **Consequently, there are three access along the northern boundary (44<sup>th</sup> St.), three along the western boundary (14<sup>th</sup> Ave.), none that provides access to the interior of the PUD along Parsons and none to the east. The future access to Parsons St. shown on the previously approved preliminary plan would be removed with the removal of the land from the PUD.**



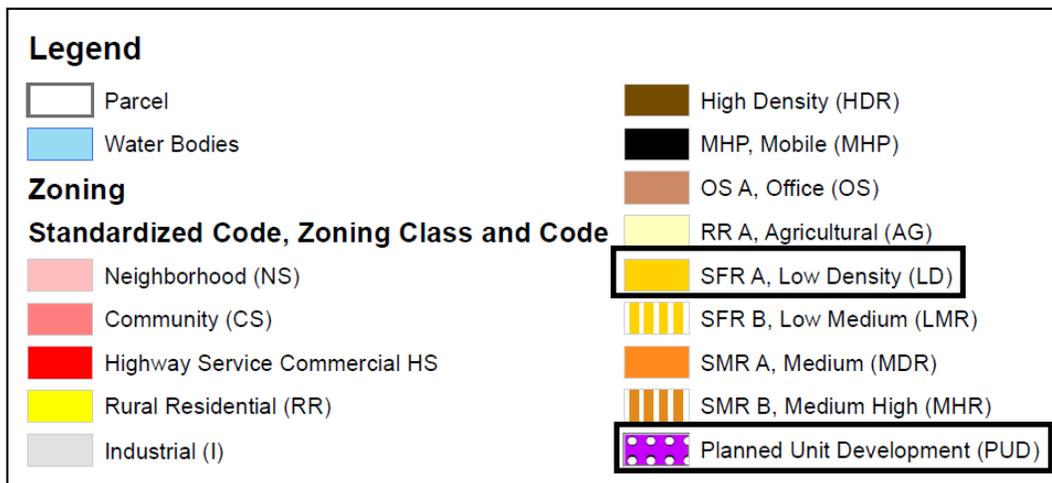
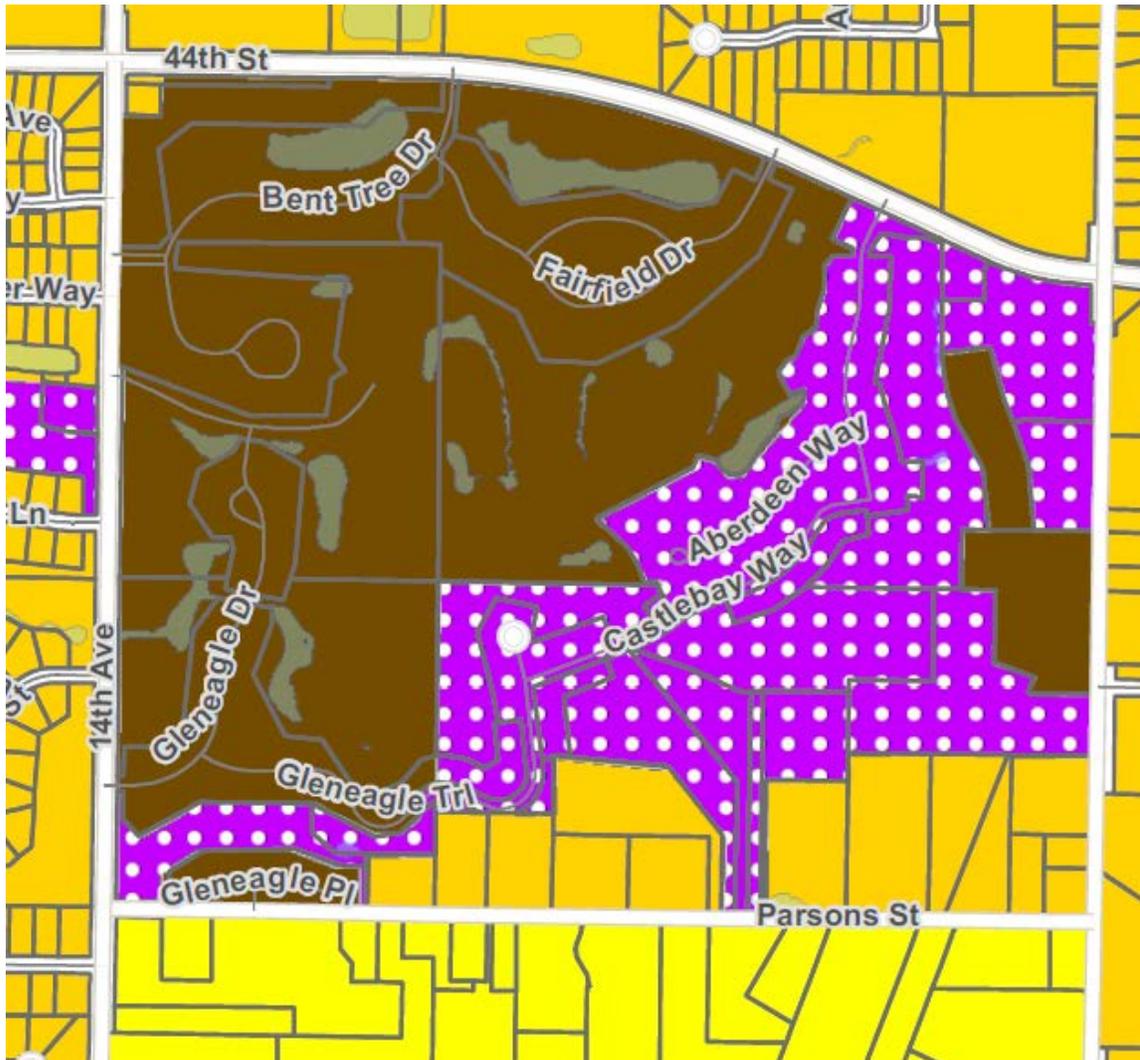


Existing parcels proposed to be realigned/split:



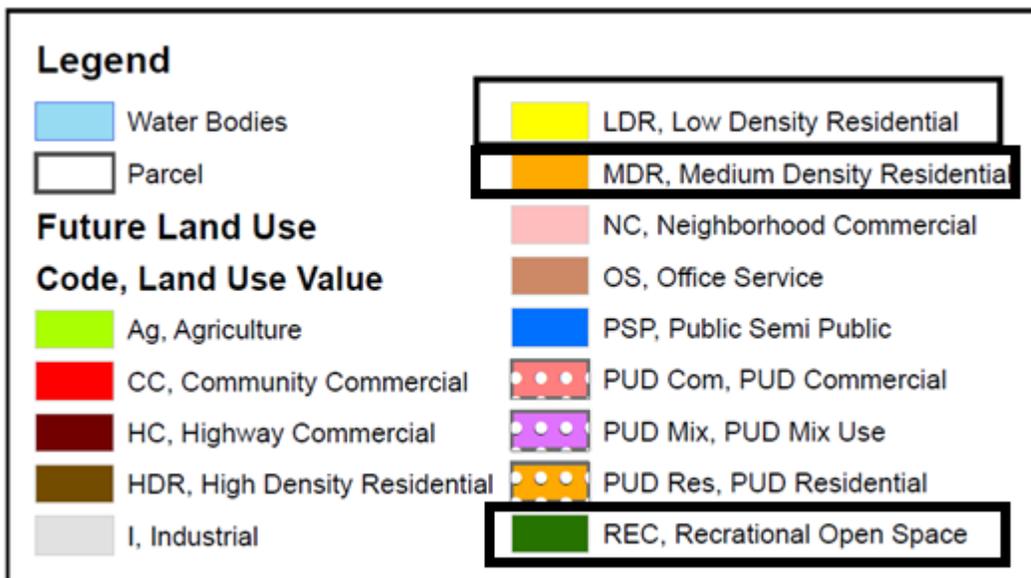
**ZONING MAP**

Zoning map shows the property as zoned PUD and is surrounded by LDR. Below is the legend.



**FUTURE LAND USE MAP**

The Future Land Use Map designates the land and surrounding area as LDR. Below is the legend.

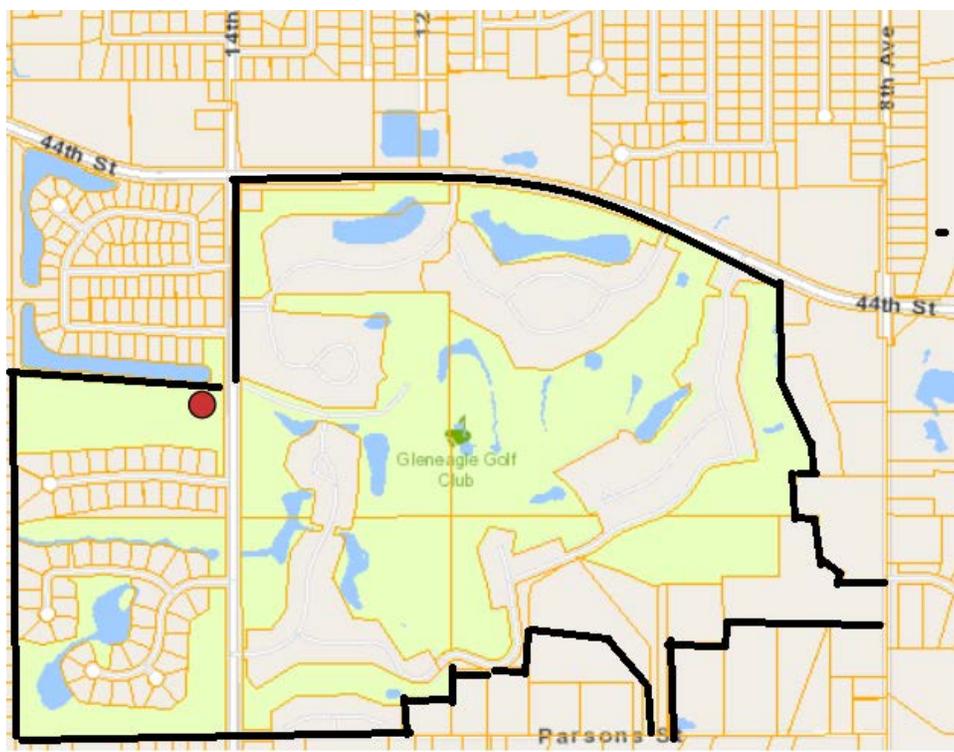


## Circumstances and History

The PUD development was initially approved in the 1980s or earlier and then revised in 2017 giving the land within the PUD the zoning designation of “PUD” as per the revised PUD ordinance adopted in 2002. The original PUD was for a multi-family development with various amenities including a golf course with buildings and a driving range. Multiple approvals were subsequently granted throughout the years for additional development within the site, including for a pool and a series of revisions to separate the multi family units to duplexes and standalone units.

This currently approved preliminary development plan (shown above) shows the property within PUD on the east side of 14<sup>th</sup> Ave., including the property that has already been developed, along with the property with the proposed future development.

## MAP of the entire current PUD AREA



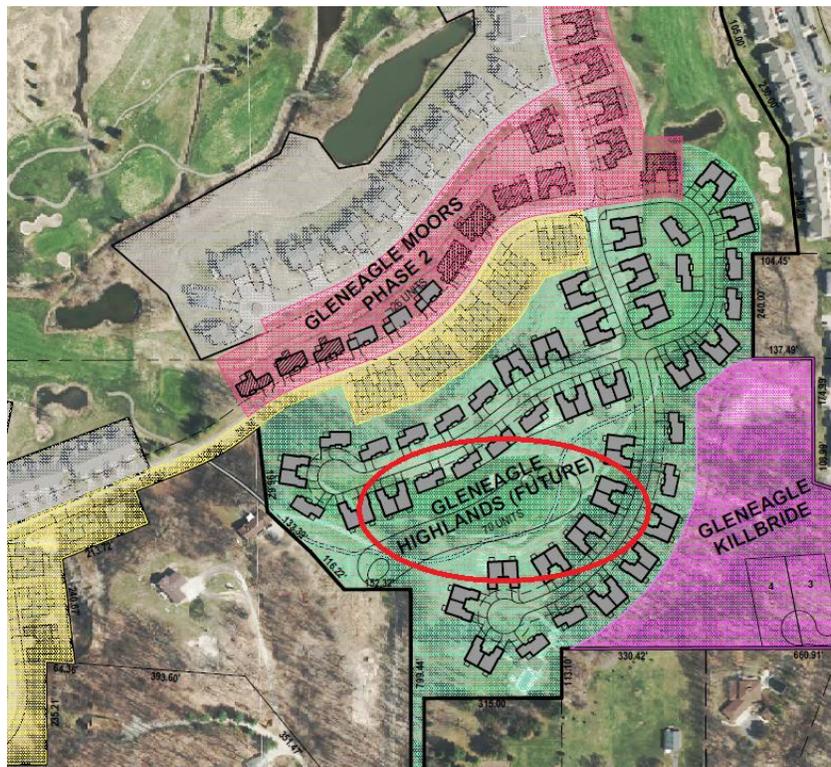
## Deviations requested:

### 1. **Proposed residential condo uses:**

- a. The revised plan with the removed land calls for a maximum of 615 units, a decrease of 24 units from the 639 units approved in 2017. The proposed density of 2.22 units per acre is a slight decrease from the previously approved 2.23 units per acre, which is less than the average gross density in this land use category of five dwelling units per acre stipulated in the Master Plan and as listed in the Zoning Ordinance.
- b. Attached two family dwellings are allowed in this zoning district and per the Master Plan.
- c. The proposed minimum 800 square feet per unit meets the requirements in Chapter 24 footnote (a).

- d. Attached garages are proposed with 400 square feet in area, consistent with ordinance standards.
- e. Deviations were already approved for setbacks as follows (based on the HDR standards):
  - **Required - 30 foot front yard setback.** Previously approved - a minimum of a 25 foot front yard setback, except for a minimum of 21 feet for unit 19 in Phase 3, as well as the other 10 building in Phase 2 adjacent to Castlebay Way due to the major elevation changes in the rear yard.
  - **New Deviation request:** The applicant is now proposing the decrease the 25 foot front yard setback to a 21 foot front yard setback for the future Glen Eagle Highlands, consisting of 52 units. The reason provided was due to grade changes and to preserve the golf course. However, note that there would barely be enough room to park a vehicle in the driveway without it sticking out in the street.

The Planning Commission will have to determine if this is acceptable. Note the pictures below showing the 25 foot front yard setback compared to the 21 foot front yard setback.



- The required setback on Parsons is 40 feet. Proposed - 25 feet from the right-of-way line. The required setback on 8<sup>th</sup> Ave. is 100 feet from the centerline. Proposed – 103 from the centerline for the buildings, but only 60 feet for the shared driveway.
- Required - 15 feet side. Proposed – total of 20 between buildings.
- Required - 30 foot rear yard setback. Proposed - a minimum of 25 foot rear yard.
- Required - Chapter 24 footnote (j) requires a minimum distance of 25 feet between contiguous buildings. Proposed - a minimum distance from side to side of the building of 20 feet and a minimum distance from rear to rear of building of 40 feet.

2. **Individual two lots:**

- a. **Two lots are shown with access via a private shared drive. Lots within a PUD are allowed to have frontage on a private street as per Sec. 3.26. The lot splits are subject to the submission of a lot split application and approval based on lots meeting ordinance standards.**

3. **Two duplex units on 8<sup>th</sup> Ave.:**

- a. Access is provided within an interior service drive. **Five trees are proposed to screen the condos from the street for 261.35 feet of width of the lot. Provide 3 more.**

**REVIEW OF THE CONCEPTUAL PLAN AS PER SEC. 22.4:**

**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. **NOT HELD.**
- B. 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.

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

**Sec. 22.2 QUALIFYING CONDITIONS..**

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

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

**Met.** The site is 277.08 acres.

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

**This is required to be met and is to be coordinated with the DPW and Drain Commissioner's office. A Storm Water Drain Permit (written approval by the Drain Commissioner's office) shall be submitted to the Township prior to any approval being granted for any parcel splits or property line adjustments.**

- 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 proposal appears to be consistent with the text of the Master Plan and Future Land Use Map. The density of 2.22 units per is less than the maximum allowed in the Master Plan.**



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

**No interior sidewalks or pedestrian paths are proposed for the interior of the development; however, the private streets and golf course cart paths provide walkable areas. Sidewalks are shown adjacent to 8<sup>th</sup> Ave. The Planning Commission previously determined this standard is met.**

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

**This standard appears to be met and typical elevations were previously 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.

**The critical question for the Planning Commission to consider is whether or not the removal of the land, resulting in the elimination of the street access to Parsons St., should be allowed.**

The initial PUD was approved based on the proposed accesses shown on the preliminary plan, including the access to Parsons St. As shown on the plan, in addition to the existing condos, 117 more are proposed to be constructed. If this additional access is not provided, vehicles from those condos will be forced to drive through the existing private streets for access to the public streets surrounding the PUD.

Based on the map below, basically there are 3 accesses along the northern boundary on 44<sup>th</sup> St. and 3 along 14<sup>th</sup> Ave. along the western boundary. The current access along Parsons St. does not provide interior access to the condos (see below), but only to the interior service drive to those four buildings.

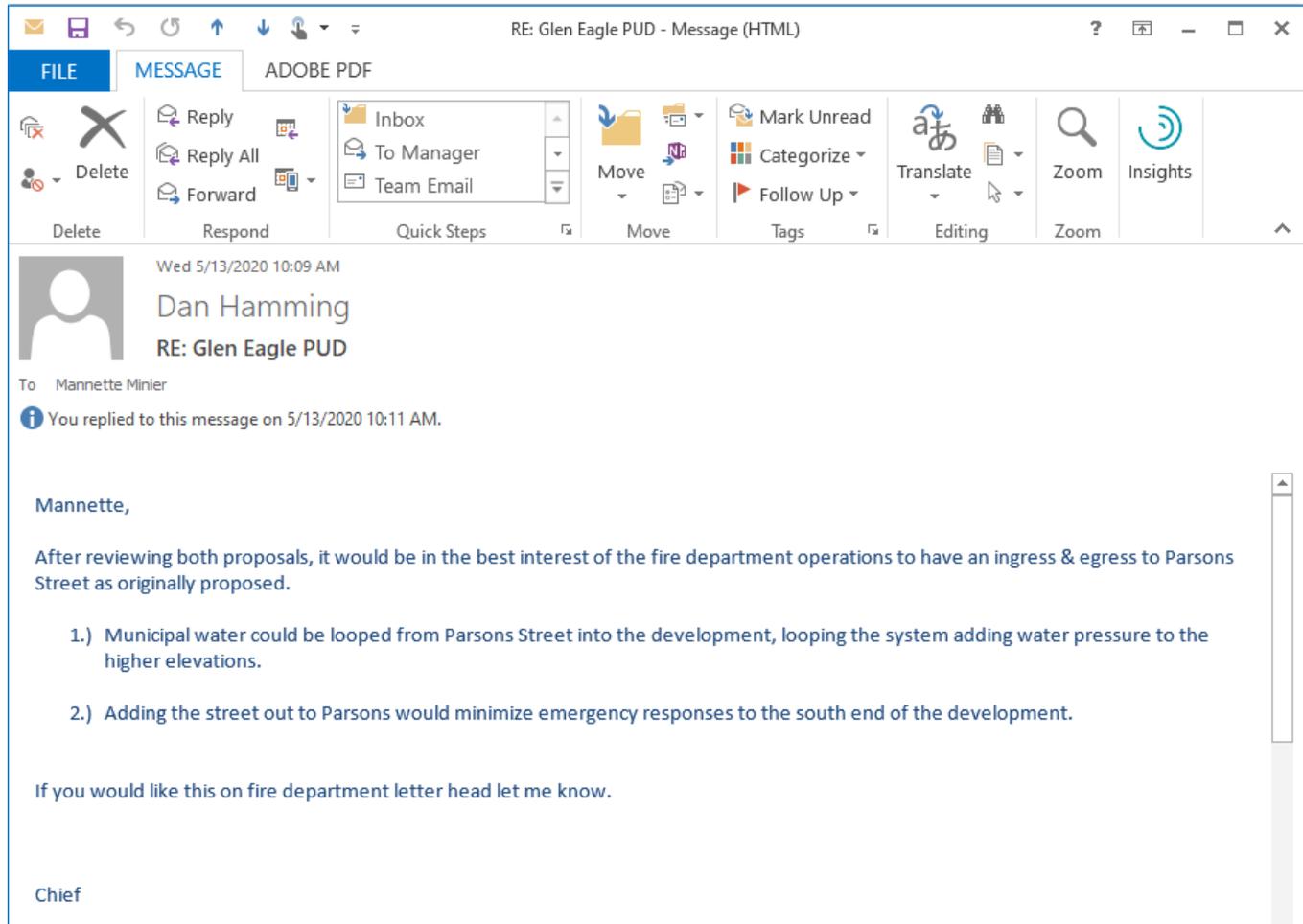


The adjacent map shows the current access to public roads, including three on 44<sup>th</sup> St., three on 14<sup>th</sup> Ave. and the one on Parsons St. which does NOT provide access to the interior condos, but only provided access to the service street adjacent to Parsons.

Consequently, there are three access along the northern boundary, three along the western boundary, none that provides access to the interior of the PUD along Parsons and none to the east. The future access shown on the previously approved preliminary plan would be removed. No new additional access is proposed for the future 117 condos.



**Below is an email, from Dan Hamming, Georgetown Township Fire Chief, stating that the Fire Department determines that it would be best to have an ingress and egress on Parsons St. because municipal water lines could be looped adding water pressure at the higher levels of the PUD and the added access would minimize emergency response times to the south end of the development.**



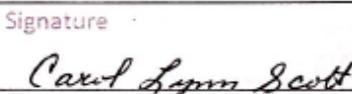
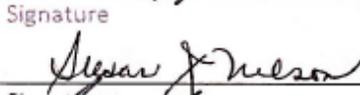
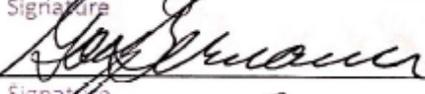
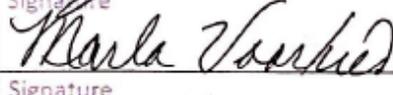
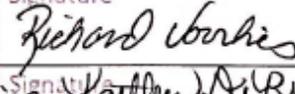
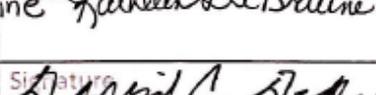
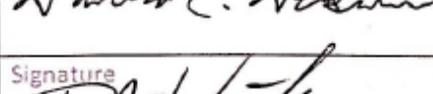
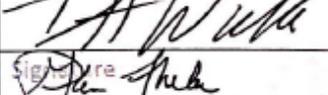
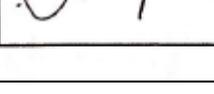
**In addition, the Township has received the following petition with 68 signatures of residents within the PUD who are asking for the access to Parsons St. to remain as originally shown on the approved preliminary development plan. (Copy with all signatures attached to the agenda.)**

Date: May 8, 2020

To Georgetown Township Planning Commission

Re: FELP | Revised PUD Plan, 3.1 + 4.1 GLENEAGLE PUD C-101 (2020-4-7)

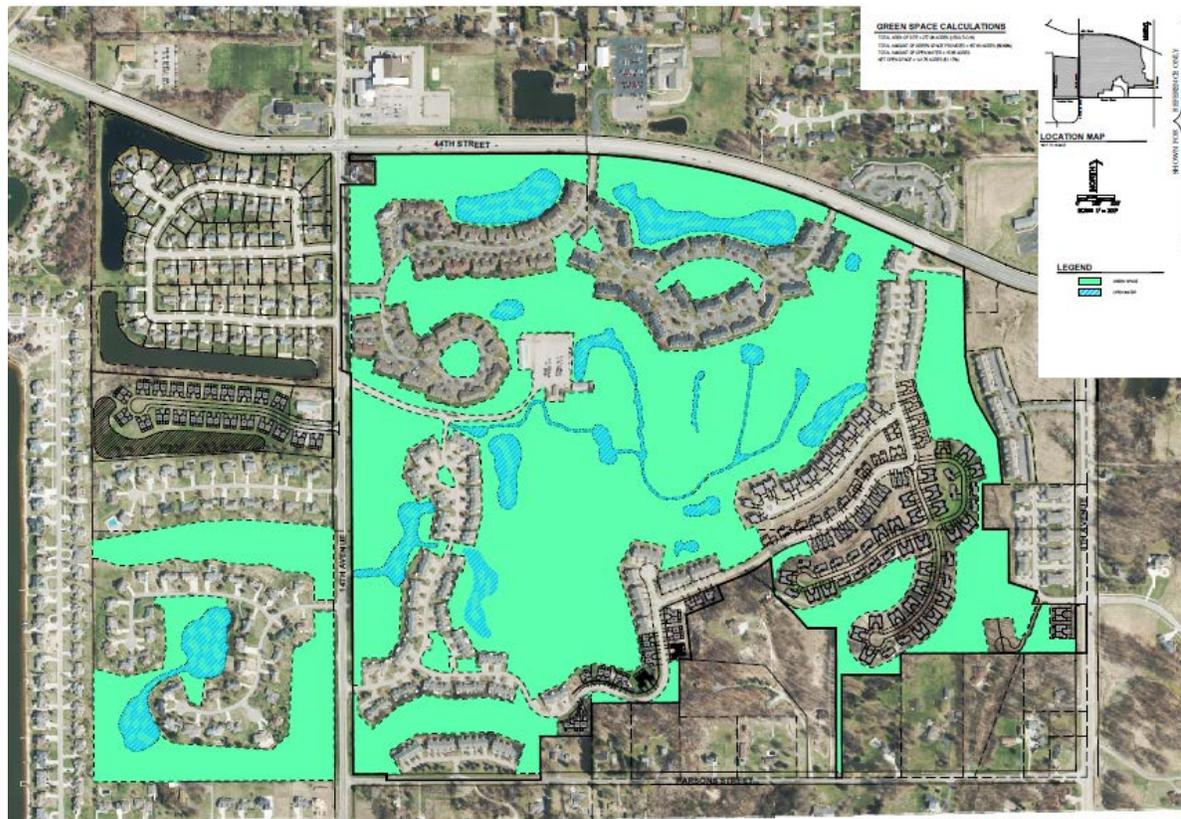
This request by the developer to change the already approve PUD will reduce the number of Condo units, add space for Low Density Housing and eliminate an access road connection to Parsons Ave. The elimination of the access road will greatly increase the traffic on Gleneagle Trail/Castlebay Way with two exits onto 14<sup>th</sup> Avenue and Gleneagle Highlands Drive with one exit onto 44<sup>th</sup> Street. The plan adds condos to the east side of this area along Gleneagle Highlands Drive, which will put the traffic on this road. The residents of Gleneagle Moors request Georgetown Township not to allow additional building without construction access and a permanent access road added to Parsons.

Name: Ron Scott	Signature: 
Address: 6116 Gleneagle Highlands Dr.	
Name: Carol Scott	Signature: 
Address: 6116 Gleneagle Highlands Dr.	
Name: SUSAN NELSON	Signature: 
Address: 6115 GLENEAGLE HIGHLANDS DR	
Name: GARY BERNAUER	Signature: 
Address: 6115 GLENEAGLE HIGHLANDS	
Name: Marla Voorhies	Signature: 
Address: 975 Aberdeen Way	
Name: Richard Voorhies	Signature: 
Address: 975 ABERDEEN WAY	
Name: <del>977 Aberdeen Way</del> Kathleen DeBruine	Signature: 
Address: 977 Aberdeen Way	
Name: David DeBruine	Signature: 
Address: 977 Aberdeen Way	
Name: DAVE WIEHE	Signature: 
Address: 999 ABERDEEN WAY	
Name: GLENN THELEN	Signature: 
Address: 995 ABERDEEN WAY	

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.

**This standard appears to be met with a note on the plan indicating that 47.06% of the property is open space, which exceeds the minimum amount required.**



**Sec. 22.3 PERMITTED USES..**

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

**The uses of family residences are consistent with the Master Plan and the area.**

\*\*\*\*\*

**Sec. 22.5 PUD APPLICATION**

**A. Preliminary Plan Application Requirements**

1. A completed application form and ten (10) copies of a preliminary development plan shall be provided to the Zoning Administrator. The preliminary plan shall contain the following site plan information:

a. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property ten (10) acres and larger and at least 1"=200' for those 20 acres (20) acres or more.

**PROVIDED.**

b. The name and address of the firm responsible for the preparation of the site plan.

**PROVIDED.**

c. The name and address of the property owner(s) and petitioner(s).

**PROVIDED.**

d. Legal description of the PUD site.

**PROVIDED.**

e. The size (in acres) of the PUD site.

**PROVIDED.**

f. Property lines and proposed setbacks, shown and dimensioned.

**PROVIDED. Deviations are requested.**

**The Planning Commission will determine if these deviations are acceptable.**

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.  
**PROVIDE 11 trees for 8<sup>th</sup> Ave. (261.35/25 = 11).**
- o. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed utility needs and concepts.  
**PROVIDED.**
- p. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities.  
**A Storm Water Drain Permit shall be submitted from the Ottawa County Drain Commissioner prior to the submission of the first building permit application.**
- 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. Trash receptacles 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.

**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. See notes above on setbacks.**

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

**PROVIDED.**

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

**PROVIDED.**

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

- a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 22.1.
- b. The relationship of the PUD to the qualifying conditions listed in Section 22.2.
- c. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.
- d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

**Sec. 22.11 PUD AGREEMENT.**

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

**A condition of approval for the final development approval: the recorded PUD agreement shall be submitted to the Township prior to any approvals being granted for any lot splits or property line adjustments. The PUD agreement shall include the entire greenspace as shown on the site plan sheet C-105 dated REV: 4-17-2020 and shall contain language providing for the maintenance of the open space, including for a contingency if the golf course ceases to operate as a business.**

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

3. 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. **PPREVIOUSLY 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. **PREVIOUSLY PROVIDED.**
  - c. The location of all proposed signs and lighting, including the sizes and types. **PROVIDED for lighting. PREVIOUSLY PROVIDED.**
  - d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **PROVIDE 11 trees for 8<sup>th</sup> Ave. (261.35/25 = 11).**
  - e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc. **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. **PREVIOUSLY ROVIDED.**
  - h. Proposed open space areas, including recreational amenities (playgrounds, etc.). **PROVIDED.**
  - i. Floodplain areas. (Revised 6-27-2005) **PROVIDED.**

4. 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.
- (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. **One phase.**
- (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.**

**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.**

**SUMMARY**

**A. The critical question is: does the Planning Commission determine that it is acceptable for the land to be removed from the PUD, which would eliminate the access to Parsons St.?**

**If yes, proceed with the remainder of the questions in the summary and go to item B.**

**If no and the Planning Commission determines that the land should not be removed and/or the access to Parsons St. should not be eliminated and/or the revised plans do not meet ordinance requirements for a PUD, there is no need to proceed with the rest of the summary. If the Planning Commission determines that the land should not be removed, proceed with a motion to deny the request. Go to **OPTIONS FOR MOTIONS**.**

Note that options exist to submit a final development plan to change the use of the land that is proposed to be removed. The land could remain within the PUD with the use of single family homes in this area and with the access to Parsons St. to remain. Water and sewer would have to service the homes.

- B. Does the Planning Commission determine that the standards in Sec. 22.10 are met?**
- C. Does the Planning Commission determine that the proposal meets the requirements for traffic?**
- D. Are the deviations acceptable for setbacks as follows (based on the HDR standards):**

**Does the Planning Commission determine that the decrease to a 21 foot front yard setback is acceptable for the future Glen Eagle Highlands, consisting of 52 units, due to grade changes and to preserve the golf course?**

**The Planning Commission previously determined the following to be acceptable.**

1. Required - 30 foot front yard setback. Proposed - a minimum of a 25 foot front yard setback, except **for a minimum of 21 feet for buildings numbered 54 to 58**. The required setback on 8<sup>th</sup> Ave. is 100 feet from the centerline. Proposed – 103 from the centerline for the buildings, but only 60 feet for the shared driveway.
2. Required - 15 feet side. Proposed – total of 20 between buildings.
3. Required - 30 foot rear yard setback. Proposed - a minimum of 25 foot rear yard.
4. Required - Chapter 24 footnote (j) requires a minimum distance of 25 feet between contiguous buildings. Proposed - a minimum distance from side to side of the building of 20 feet and a minimum distance from rear to rear of building of 40 feet.

**E. Two individual lots are shown with access via a private shared drive. Lots within a PUD are allowed to have frontage on a private street as per Sec. 3.26. The lot splits are subject to the submission of a lot split application and approval based on lots meeting ordinance standards.**

**F. To meet ordinance requirements, landscaping should be provided as follows (no deviations were requested for landscaping): 11 trees along 8<sup>th</sup> Ave. ( $261.35/25 = 11$ ) and 8 trees along Parsons ( $186.03/25 = 8$ ).**

**G. There are property maintenance issues on the site and they shall be remedied prior to the issuance of any further approvals.**

**H. The following should be added as conditions of approval:**

1. A Storm Water Drain Permit (written approval by the Drain Commissioner's office) shall be submitted to the Township prior to any approvals being granted for any parcel splits or property line adjustments.
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 any approvals being granted for any lot splits or property line adjustments. The PUD agreement shall include the entire green space as shown on the previously approved site plan sheet C-105 REV: 4-17-2020, minus the land removed from the PUD, and shall contain language providing for the maintenance of the open space, including for a contingency if the golf course ceases to operate as a business.**
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. A demolition permit is required for the demolition of the existing houses on P.P. # 70-14-26-400-072, -047 and -024.
6. The two single family lots off the private drive off 8<sup>th</sup> Ave. are subject to lot split application submission and approval. Lot widths and areas shall be provided.
7. Lot 2 in the development off 14<sup>th</sup> Ave. shall be reconfigured to meet ordinance standards.

8. The single family development off 14<sup>th</sup> Ave. is subject to the platting process. The approval notes the possibility of lots 27 to 29; however, those lots will be subject to further final development approval and the platting process.
9. Additional landscaping shall be provided as follows: Eleven trees along 8<sup>th</sup> Ave.
10. There are property maintenance issues on the site and they shall be remedied prior to the issuance of any further approvals.

#### **OPTIONS FOR MOTION-Preliminary and Final Development Plan**

1. If the Planning Commission determines that more revisions are necessary or more information needs to be provided, the item could be tabled.
2. **If the Planning Commission determines that the land should not be removed and/or the access to Parsons St. should not be eliminated (and that the access to Parsons St. should remain as shown on the previously approved preliminary development plan), the motion would be to deny the request to revise the preliminary and final development plans as presented.**
3. **If the Planning Commission determines that it is acceptable for the land to be removed from the PUD, which would eliminating the access to Parsons St., and the requirements of the ordinance have been met, the motion would be to approve the request.**
4. **If the Planning Commission determines that eliminating the land is acceptable, then consideration has to be given as to whether or not the reduction of the front yard setback to 21 feet is acceptable for the condos in Gleneagle Highlands.**

#### **MOTIONS:**

1. Motion to deny:

**To adopt the staff report as finding of fact and to deny the request to revise the PUD as shown on the revised preliminary and final development plans dated REV 4-17-2020, sheets C-101, 104 and 105, and described on the application and narrative, based on the findings as follows:**

Options for reasons to deny:

The Planning Commission determines:

- a. Based on the qualifying conditions in Sec. 22.2 of the Zoning Ordinance, the PUD shall provide for safe and efficient vehicular movements within, into and off the PUD site, and shall provide good and safe traffic flow. The PUD plans should not be revised to remove the access to Parsons St. because it is needed to provide for the safe and efficient vehicular movements within, into and off the PUD site.

- b. The plans should not be revised to eliminate the access to Parsons based on the Fire Department's noted safety issues of the access providing quicker emergency response time to the south portion of the PUD.
- c. The plans should not be revised to eliminate looping the water system to provide more pressure to the higher elevations of the PUD.

**2. Motion to approve:**

To adopt the staff report as finding of fact and to approve the request to revise the PUD as shown on the revised preliminary and final development plans dated REV 4-17-2020, sheets C-101, 104 and 105, and described on the application and narrative,

and to \_\_\_\_\_ (approve or deny) the request for a deviation to allow a 21 foot front yard setback as shown on the plan for Gleneagle Highlands.

based on the findings/determinations as follows:

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 further findings that:**

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

**And with the following conditions:**

1. A Storm Water Drain Permit (written approval by the Drain Commissioner's office) shall be submitted to the Township prior to any approvals being granted for any parcel splits or property line adjustments.
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 any approvals being granted for any lot splits or property line adjustments. The PUD agreement shall include the entire green space as shown on the previously approved site plan sheet C-105 REV: 4-17-2020, minus the land removed from the PUD, and shall contain language providing for the maintenance of the open space, including for a contingency if the golf course ceases to operate as a business.**
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. A demolition permit is required for the demolition of the existing houses on P.P. # 70-14-26-400-072, -047 and -024.
6. The two single family lots off the private drive off 8<sup>th</sup> Ave. are subject to lot split application submission and approval. Lot widths and areas shall be provided.
7. Lot 2 in the development off 14<sup>th</sup> Ave. shall be reconfigured to meet ordinance standards.
8. The single family development off 14<sup>th</sup> Ave. is subject to the platting process. The approval notes the possibility of lots 27 to 29; however, those lots will be subject to further final development approval and the platting process.
9. Additional landscaping shall be provided as follows: Eleven trees along 8<sup>th</sup> Ave.
10. Buildings as previously numbered 54 to 58 shall have a minimum front yard setback of 25 feet. ONLY buildings numbered 31 to 40 have a minimum front yard setback of 21 feet off Castlebay Way.
11. All property maintenance issues shall be remedied prior to any further approvals being granted.
12. All outstanding fees shall be paid prior to any further approvals being granted.