

REQUEST

(PUD1702-02) Final Development Plan for Gleneagle PUD. Georgetown Condos LLC, Scott Chandler, 240 E 8th St., Holland, is requesting final development approval, for condominiums on a parcel of land described as: 70-14-26-100-063, located west of 14th Avenue; Georgetown Township, Ottawa County, Michigan.

The proposal is for 44 condo units on the former driving range land on the west side of 14th Ave., out of the 640 units for the whole PUD (639 units previously noted on the 2017 approved preliminary development plan, though 640 total were allowed). The PUD site is 286.10 acres and this portion of the PUD is 11.08 acres. The Gleneagle PUD includes detached single family condos, attached single family condos, and low density residential single family lots with 48% open space. The proposed density is 2.23 units per acre which is less than permitted.

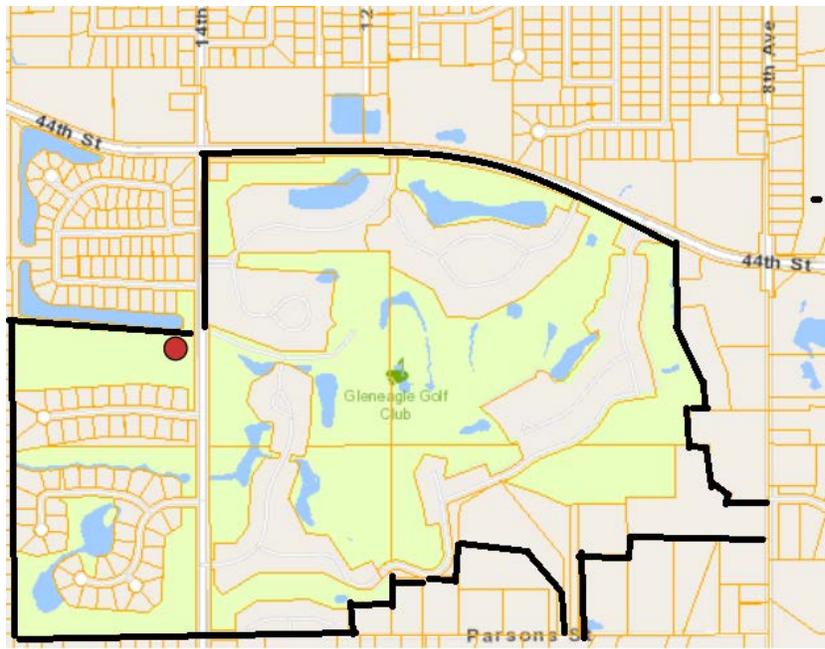
Circumstances and History

At the point of drafting the review, revised preliminary and final development plans are scheduled on the June 3, 2020 Planning Commission agenda. If any changes are approved at that meeting, they would not be reflected in this staff report.

For the condo sections, the plan proposes private streets for the interior of the development, attached garages with a minimum of 400 square feet, and a minimum of 800 square feet in area for the dwelling unit, meeting ordinance standards.

For the area of the PUD to the west of 14th Ave., single family lots were initially proposed with sizes and widths that meet the LDR requirements. Although the 1,172 lineal foot street exceeds the maximum length of 800 feet for a cul de sac in the ordinance, there is no possible connection to the north, west or south due to the completed development of the surrounding area.

MAP of the entire PUD AREA



ZONING MAP



New Concept

The plan proposes a 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.



Deviations requested:

1. Proposed residential condo uses:

- a. The Master Plan calls for MDR and the Zoning Map designates part of the PUD as HDR and some LDR to the south.
- b. The proposed density is 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.
- c. Attached two family dwellings are allowed in this zoning district and per the Master Plan.
- d. The proposed minimum 800 square feet per unit meets the requirements in Chapter 24 footnote (a).
- e. Attached garages are proposed with 400 square feet in area, consistent with ordinance standards.
- f. Deviations are requested for setbacks as follows (based on the LDR standards):
 - Required - 40 foot front yard setback. Proposed - a minimum of a 25 foot front yard setback from the private street and proposed – 150 feet from the 14th Ave. right-of-way line.
 - Required - 10 feet side. Proposed – total of 20 between buildings.
 - Required - 40 foot rear yard setback. Proposed - a minimum of 25 to the building envelope and 40 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.

REVIEW OF THE CONCEPTUAL PLAN AS PER SEC. 22.4:

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:

1. **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 286.10 acres, 11.08 acres for this phase.

2. **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. The developer would be responsible to bring the utilities to this site and a Storm Water Drain Permit will be required prior to any construction commencing.

3. **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.

4. **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 2.23 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. The Planning Commission previously determined this qualification to be met with the interior private streets and the approval of the preliminary development plan. The Planning Commission will determine if this standard is met.

5. **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 and floorplans were 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.

This standard appears to be met. The private street is technically longer than the Ottawa County Road Commission allows for a cul de sac. However, this is a private street and there are no opportunities to connect to any other streets in any direction because the entire area has already been developed.

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.

- 1. **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 will be that the recorded PUD agreement shall be submitted prior to the time the first building permit application is submitted to the Township. The PUD agreement shall include the greenspace as shown on the site plan sheet titled Open Space Exhibit, dated 2020.05.15 and shall contain language providing for the maintenance of the open space.

Sec. 22.8 FINAL DEVELOPMENT PLAN APPLICATION.

- 2. 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. **Lighting shall be downward directing and shall not shed light on adjacent properties or roadways. The developer shall provide a street light at the entrance to the private street. A signed Street Light Petition was provided. No sign details were provided other than a note on the plan stating that any signage shall meet ordinances; therefore, the sign shall meet ordinance requirements as follows and an approved sign permit shall be obtained prior to construction.**

The sign shall be determined to be a plat entry sign and shall be subject to the following:

- a. Two signs are allowed per road entrance to a multi-family development;**
- b. Maximum 64 square feet in area per sign;**
- c. Maximum 3 feet in height;**
- d. Set back 60 feet from the centerline of 14th Ave.**

Note that sign regulations could be flexible in a PUD; however, no flexibility was requested.

- d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **PROVIDED for landscaping and it meets ordinance requirements.**
 - e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc. **A Storm Water Drain Permit is required to be submitted prior to the submission of a building permit application. Water and sewer shall be coordinated with the DPW.**
 - f. Existing and proposed topographic contours at a maximum of three (3) foot intervals. **PROVIDED.**
 - g. Elevation views of all proposed structures and floor plans for all multi-family residential dwelling units. **PROVIDED.**
 - h. Proposed open space areas, including recreational amenities (playgrounds, etc.). **PROVIDED.**
 - i. Floodplain areas. (Revised 6-27-2005) **PROVIDED.**
3. 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 property is zoned PUD. The minutes from the June 12, 2017 Township Board meeting when the preliminary plan was approved indicate that the PUD was approved for single family and attached family dwelling units. No specifics were provided as to where each dwelling would be located, other than what is shown on the preliminary plan, which is preliminary and

subject to the final development plan for each phase. The minutes state that the development would be subject to the platting process; however, the minutes do not state that a plat is required to be located there.

The condos actually will have less of an impact on the adjacent property than single family homes would have because they are smaller and closer to the private street.

The overall number of units has remained the same and the density has remained the same.

- (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.

This is 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. This property is zoned PUD. The minutes from the June 12, 2017 Township Board meeting when the preliminary plan was approved indicate that the PUD was approved for single family and attached family dwelling units. No specifics were provided as to where each dwelling would be located, other than what is shown on the preliminary plan, which is preliminary and subject to the final development plan for each phase. The minutes state that the development would be subject to the platting process; however, the minutes do not state that a plat is required to be located there.**

The condos actually will have less of an impact on the adjacent property than single family homes would have because they are smaller and closer to the private street.

The overall number of units has remained the same and the density has remained the same.

Therefore, it appears that the proposed phase is consistent with the preliminary development plan approved in 2017.

- B. With the new concept of buildings envelopes, the approval will be for the total number of units, all meeting the setbacks, but in any configuration within the building envelopes.**
- C. Does the Planning Commission determine that the standards in Sec. 22.10 are met?**
- D. Is the length of the private street acceptable? It is not subject to the OCRC standards.**
- E. Does the Planning Commission determine that the proposal meets the requirement for pedestrian access (considering the private street much the same as the private streets in the portion of the PUD on the east side of 14th Ave.)**
- F. Are the deviations acceptable for setbacks as follows (based on the HDR standards):**
Deviations are requested for setbacks as follows (based on the LDR standards):
 - Required - 40 foot front yard setback. Proposed - a minimum of a 25 foot front yard setback from the private street and proposed – 150 feet from the 14th Ave. right-of-way line.
 - Required - 10 feet side. Proposed – total of 20 between buildings.
 - Required - 40 foot rear yard setback. Proposed - a minimum of 25 to the building envelope and 40 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.

- G. Lighting shall be downward directing and shall not shed light on adjacent properties or roadways. The developer shall provide a street light at the entrance to the private street. A signed Street Light Petition was provided. No sign details were provided other than a note on the plan stating that any signage shall meet ordinances; therefore, the sign shall meet ordinance requirements as follows and an approved sign permit shall be obtained prior to construction. Note that sign regulations could be flexible in a PUD; however, no flexibility was requested.

The sign shall be determined to be a plat entry sign and shall be subject to the following:
Two signs are allowed per road entrance to a multi-family development;
Maximum 64 square feet in area per sign;
Maximum 3 feet in height;
Set back 60 feet from the centerline of 14th Ave.

- 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 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. The PUD agreement shall include the greenspace as shown on the site plan sheet titled Open Space Exhibit, dated 2020.05.15 and shall contain language providing for the maintenance of the open space.
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.

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 as shown on the following:**

1. **Final Development Plans dated 2020.05.15, sheets 205, C-300 and Open Space Exhibit.**
2. **Application, narrative and elevations with floorplans.**

Based on the findings that the ordinance standards have been met; and based on the finding as follows:

1. **The final development plan is consistent with the preliminary development plan due to the following. This property is zoned PUD. The minutes from the June 12, 2017 Township Board meeting when the preliminary plan was approved indicate that the PUD was approved for single family and attached family dwelling units. No specifics were provided as to where each dwelling would be located, other than what is shown on the preliminary plan, which is preliminary and subject to the final development plan for each phase. The minutes state that the development would be subject to the platting process; however, the minutes do not state that a plat is required to be located there. The condos actually will have less of an impact on the adjacent property than single family homes would have because they are smaller and closer to the private street. The overall number of units has remained the same and the density has remained the same. Therefore, it appears that the proposed phase is consistent with the preliminary development plan approved in 2017.**
2. **With the new concept of buildings envelopes, the approval will be for the total number of units, all meeting the setbacks, but in any configuration within the building envelopes.**
3. **The determinations is that the standards in Sec. 22.10 are met.**
4. **The determination is that the proposal meets the requirement for pedestrian access the same way as the private streets do in the rest of the PUD on the east side of 14th Ave.**
5. **The deviations acceptable for setbacks as follows (based on the LDR standards):**
Deviations are requested for setbacks as follows (based on the LDR standards):
 - Required - 40 foot front yard setback. Proposed - a minimum of a 25 foot front yard setback from the private street and proposed – 150 feet from the 14th Ave. right-of-way line.
 - Required - 10 feet side. Proposed – total of 20 between buildings.
 - Required - 40 foot rear yard setback. Proposed - a minimum of 25 to the building envelope and 40 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.
6. **The length of the private street is acceptable.**

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. The PUD agreement shall include the greenspace as shown on the site plan sheet titled Open Space Exhibit, dated 2020.05.15 and shall contain language providing for the maintenance of the open space.**
4. **No sign details were provided other than a note on the plan stating that any signage shall meet ordinances; therefore, the sign shall meet ordinance requirements as follows and an approved sign permit shall be obtained prior to construction. Note that sign regulations could be flexible**

in a PUD; however, no flexibility was requested. The sign shall be determined to be a plat entry sign and shall be subject to the following:

Two signs are allowed per road entrance to a multi-family development;

Maximum 64 square feet in area per sign;

Maximum 3 feet in height;

Set back 60 feet from the centerline of 14th Ave.

- 5. Lighting shall be downward directing and shall not shed light on adjacent properties or roadways. The developer shall provide a street light at the entrance to the private street. A signed Street Light Petition was provided.**