

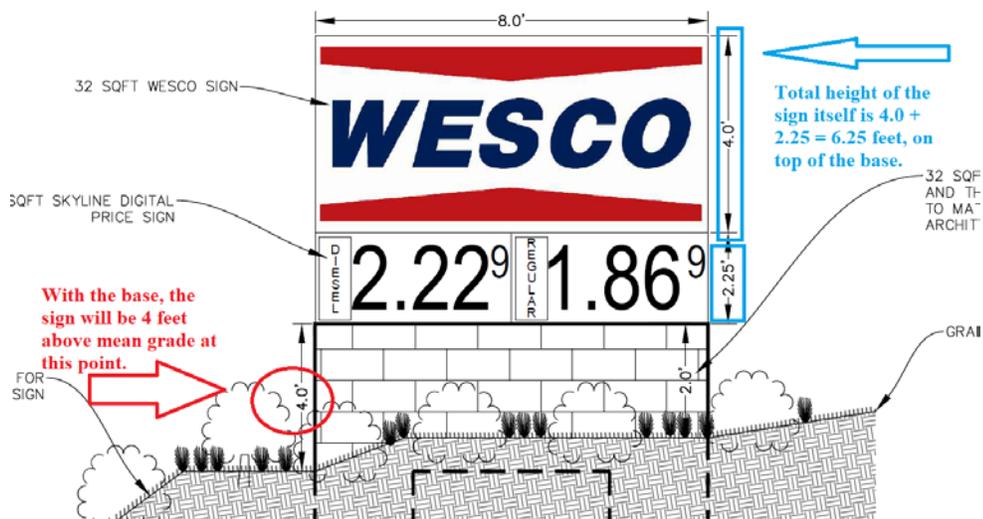
REQUEST – August 14, 2020

(PUD2003) Wesco Inc. (36th Ave./Baldwin PUD), is requesting preliminary (for this parcel only since the preliminary approval has expired and the rest of the site has already been developed) and final planned unit development approval for a vehicle service station and convenience store on P.P. # 70-14-17-100-024, located at 7661 36th Ave., Georgetown Township, Ottawa County, Michigan. (NO public hearing)

Sec. 22.9 states that 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. At the August 14, 2006 meeting, the Township Board approved the preliminary PUD and rezoning for the 36th Ave. development. A condition of approval was stipulated that the permitted uses would be allowed as per the narrative dated July 11, 2006 and on the plan. Therefore, the use of a vehicle service station with convenience store is consistent with the uses approved with the preliminary PUD plan.

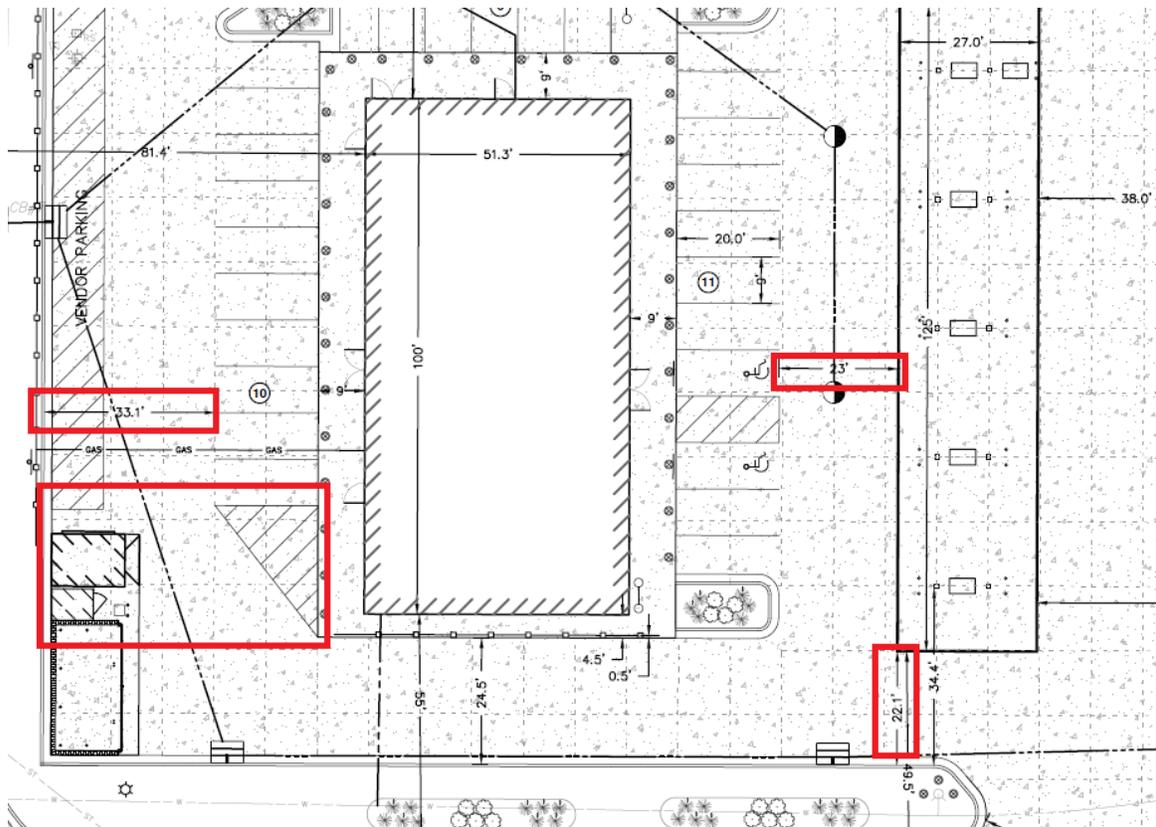
SUMMARY-with deviations requested

1. The Planning Commission shall determine the following based on the flexibility allowed in the Ordinance for a PUD:
 - a. **Is the architectural character consistent with the Licari building and the other buildings/structures in the PUD?**
 - b. **The convenience store/gas station hours of operation were stipulated with the preliminary approval as 5 am to 1:00 am; however, the request is to be open 24 hours a day. Is that acceptable?**
 - c. First, a ground mounted sign is to be situation directly on the ground; however, due to the major elevation change (which slopes down), the request is to have the ground mounted sign elevated to be four feet high from the sidewalk elevation, which is actually higher than 4 feet when measured from the mean grade. The sign is proposed to be 50 square feet. **Is this acceptable?** Second, the ordinance only allows a ground mounted sign to have a height of 4 feet and they are proposing for the sign itself (not the frame) to be 6.25 feet in height. The “Wesco” part is 4 feet and the fuel prices part is 2.25 feet. **Is this acceptable?**



- d. Note that a current easement prevents the installation of trees within the 30 foot front setback area, which is required by the ordinance. The developer is in the process of trying to have the easement vacated. Note further that the site plan correctly shows the calculations correctly with 12 trees required on Black Star St. and 11 trees required on 36th Ave. However, the plan incorrectly shows only 11 trees on Black Star St. but with 12 trees on 36th Ave. This is the correct total. **Should the landscape plan shown on sheet L-101B be approved with the contingent plan that if the easement is not vacated and trees are not allowed to be planted in the front setback area of 36th Ave., the same number of trees (size, etc.) shall be required to be planted elsewhere on the site?**

- e. **A deviation request is also noted for the drive aisles. Three locations on the site do not meet the 24 foot drive aisle requirement for two way traffic. Note, if these dimensions are not acceptable, direction could be given for them to be widened and administratively approved.**
 - 1) **On the west side of the building, 31 feet is noted from the edge of the parking spaces to the western curb. However, there is a choke point where the aisle narrows between the parking spaces which looks to be significantly less than the minimum required 24 feet.**
 - 2) **On the south side of the canopy, the distance from the canopy to the curbed area is only 22 feet and the applicant is requesting deviation approval for the area under the canopy to be counted toward that 24 foot requirement. However, consider that there may not be room if a vehicle is at the southern-most gas dispenser.**
 - 3) **On the east side of the building between the end of the parking spaces and the canopy is only 23 feet. Again, a vehicle could be parked at the dispenser and prevent the two way traffic.**



- f. Does the proposal meet the Standards listed in Sec. 22.10?
- 2. The following shall be conditions of approval:
 - a. All signs, other than those expressly approved with the PUD that may not meet strict ordinance requirements, shall meet ordinance standards.
 - b. **A Storm Water Drain Permit (written approval by the Drain Commissioner's office) shall be submitted to the Township prior to the submission of a building permit application.**
 - c. **The recorded PUD agreement shall be submitted to the Township prior to the submission of a building permit application.**
 - d. **Water and sewer service shall be coordinated with the DPW**

HISTORY

The PUD was initially approved on August 14, 2006. Multiple final development plans, along with major and minor revisions were approved for subsequent phases. The new plan proposes a vehicle service station (gas station) and convenience store, as was shown on the initially approved preliminary development plan. No new curb cuts are proposed and access will come from interior service drives.

Project Narrative Statement

**Georgetown Township
Planned Unit Development
Baldwin Street and 36th Avenue**

June 15, 2006
Project No. 05134

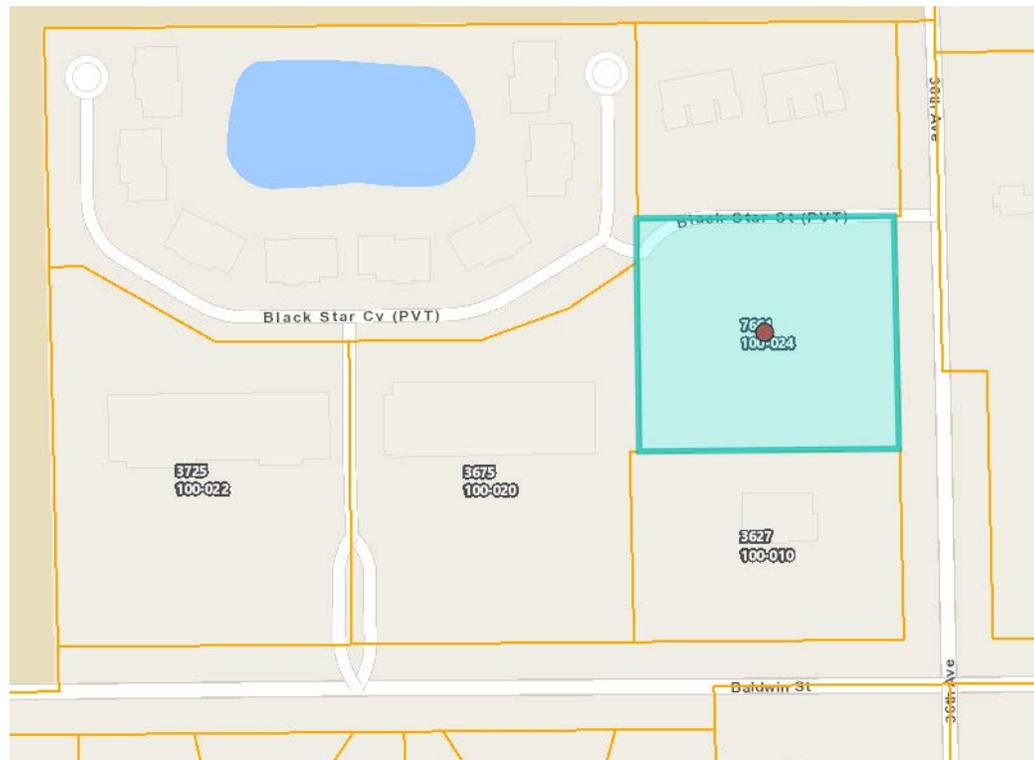
Section A

The intent of this Planned Unit Development is to create an innovative "Village Center" consisting of a variety of land uses ranging from commercial, office, and residential. With the amount of growth being experienced in this part of Georgetown Township, the design team felt that the proposed uses compliment the developments in the surrounding area. Commercial service uses are planned to be consistent with those permitted in Sections (OS)13.2, (NS)14.2, and (CS)15.2/15.3 of the ordinance. Anticipated uses include general retail, on-premise restaurants, a bank, **a C-store/vehicle service station,** and medical/professional office.

Below is the approved preliminary overall plan, which shows the vehicle service station with convenience store.



Baldwin Street Mixed-Use Development
Georgetown Township, Michigan



Below is an excerpt of the August 14, 2006 Township Board meeting minutes when the overall preliminary development plan for the site was approved.

#060814-07 - Planned Unit Development (PUD0604) Preliminary Development Plan

Moved by Stanley Sterk, seconded by Bill Holland, to approve (PUD0604) Preliminary Development Plan Baldwin Georgetown LLC, 7665 36th Ave., to have a Planned Unit Development for mixed uses including residential for attached single family homes and commercial uses including offices, retail, restaurant and vehicle service station and related uses, under Chapter 22, on parcels of land described as P.P. # 70-14-17-100-008,-009, -010, located at 7665 36th Ave., 3683 and 3627 Baldwin, at the northwest corner of Baldwin and 36th Ave., as presented on the following documents:

- a. The Design + [colored "Master Site Plan"](#) dated 7.12.06,
- b. The Design + ["Architectural Concepts"](#) with elevations and sign details dated 6.21.06,
- c. The Exxel Engineering Inc. [Site Utility and Dimension Plan](#) dated revised 7/12/06,
- d. The Exxel Engineering Inc. [Site Grading Plan](#) dated 7/12/06, and
- e. The Revised Project [Narrative](#) Statement dated July 11, 2006;

Based on the findings:

- a. The request meets the qualifying conditions in Sec. 22.2;
- b. The request meets the Preliminary Plan Application Requirements in Sec. 22.5;
- c. The request meets the Standards for Approval in Sec. 22.10; and
- d. The request meets all applicable Township ordinances.

With the following conditions:

- a. Permitted uses would be allowed as per the narrative dated July 11, 2006, but would not include vehicle repair, drive-in restaurants or truck rental;
- b. A total of 4 (2 entry and one for the office and one for the convenience store/gas station) ground mounted signs would be permitted (two development signs are shown on the plan) with setbacks for all ground mounted signs according to the ordinance requirements (75 feet from the centerline of either Baldwin or 36th Ave.), with a maximum of 50 square feet in area per side and a maximum of 4 feet in height (wall signs to meet ordinances);
- c. A berm is added along Baldwin, adjusted to shield headlights from the residential area;
- d. **The convenience store/gas station hours of operation are 5 am to 1:00 am;**
- e. The following are to be submitted to the Township:
- f. Documentation regarding deed restrictions, covenants or similar legal instruments to be used within the PUD and documentation that an association will maintain the common areas to be submitted at the time of final development application submittal;
- g. Approvals from the Ottawa County Road and Drain Commissions at the time of final development application submittal; and
- h. A recorded PUD agreement at the time of building permit application submittal.

Note: As recommended by the Planning Commission.

Yeas: Daniel Carlton, R. J. Poel, Bill Holland, Del South, Dale Mohr, Stanley Sterk

Nays: none

Absent: Richard VanderKlok

MOTION CARRIED.



EXPIRED APPROVALS

Since the previous approval for the final development plan for Wesco was granted in October 2008 and January of 2011, those final development approvals have expired. The request is again for final development approval for phase 2 of the Baldwin/36th Ave. PUD for Wesco Service Station. The plans have been revised from the previous approvals and include a 5,000 square foot convenience store and five pump gas station.

Further, the last approvals granted for the PUD were for the Licari restaurant in 2017. Therefore, the preliminary approval has expired for the one parcel that has not been developed.

RELEVANT ZONING ORDINANCE SECTIONS

Sec. 22.8 FINAL DEVELOPMENT PLAN APPLICATION.

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

Sec. 22.13 TIME LIMIT FOR APPROVED PUD DISTRICT.

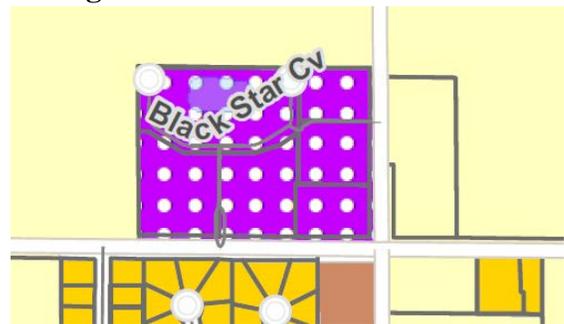
Each development shall be under construction within twelve (12) months after the date of approval of the PUD final development plan, except as noted in this Section.

- (A) The Township Board may grant two extensions, each one (1) extension of up to an additional twelve (12) month period if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that (revised 10/27/08):
 - (1) The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - (2) The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonably related to said development have not changed.
- (B) Should neither of the provisions of Section 22.13 A. be fulfilled, or an extension has expired without construction underway, the PUD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PUD approval.

ZONING MAP

Zoning map shows the property as zoned PUD. Below is the legend.

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



FUTURE LAND USE MAP

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

Legend	
Water Bodies	LDR, Low Density Residential
Parcel	MDR, Medium Density Residential
Future Land Use	
Code, Land Use Value	
Ag, Agriculture	NC, Neighborhood Commercial
CC, Community Commercial	OS, Office Service
HC, Highway Commercial	PSP, Public Semi Public
HDR, High Density Residential	PUD Com, PUD Commercial
I, Industrial	PUD Mix, PUD Mix Use
	PUD Res, PUD Residential
	REC, Recreational Open Space

REVIEW OF THE PLAN:

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. Previously determined to be met with the overall PUD.

- 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 the submission of a building permit application.

- 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 Master Plan and Future Land Use Map for the use. The Planning Commission will have to determine if the architectural character is consistent with the Licari building and the other buildings/structures in the PUD.

- 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)

Appears to be met. An eight-foot wide bike/pedestrian pathway is proposed along 36th Ave. and a walking path is proposed from the store to Black Star St.

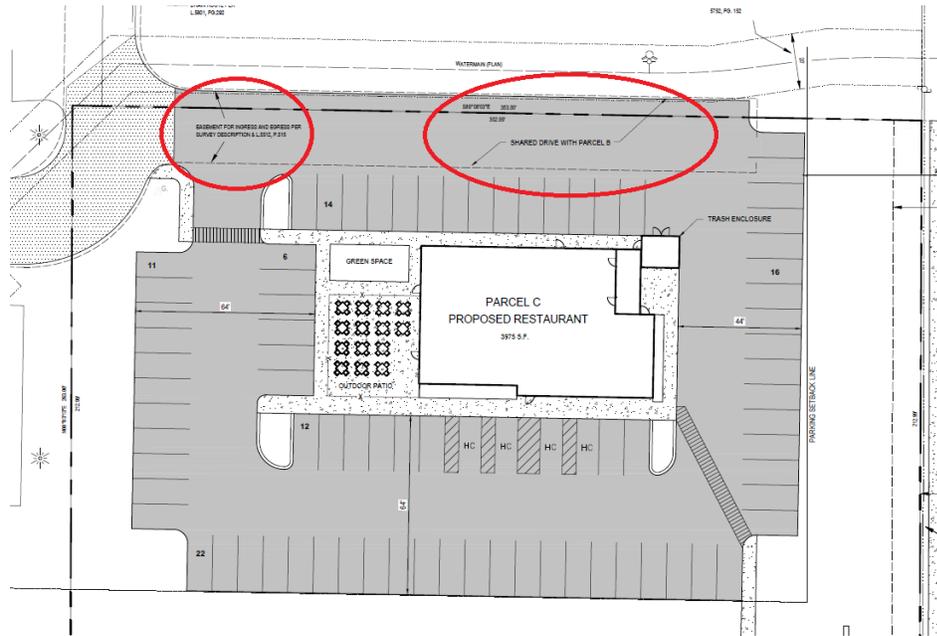
- E. **Architecture:** The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships.

The Planning Commission will have to determine if the architectural character is consistent with the Licari building and the other buildings/structures in the PUD..



- 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.

Previously determined to be met and currently met. Also, the access to this site is from the interior driveways and through an easement on the Licari site.



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.

Previously determined to be met for the entire PUD.

Sec. 22.3 PERMITTED USES..

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

The use was allowed with the preliminary PUD approval.

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.

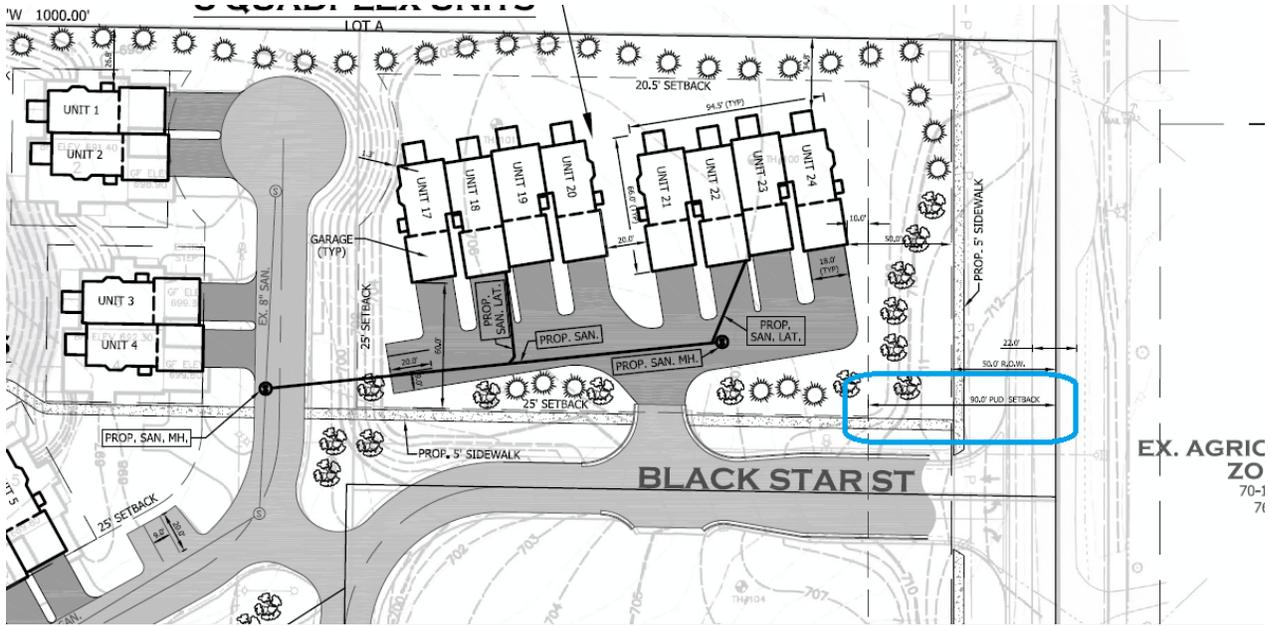
PROVIDED.

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

PROVIDED.

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

Setbacks are met. Property lines are provided.





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.

Vacant land.

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.

Landscaping is provided. Streetscape requirements are met for Black Star St.

However, as noted on sheet V-101, there is an easement along 36th Ave. that prevents trees from being placed in the front setback, which are needed to meet streetscape requirements. The applicant has indicated that they are investigating having the easement vacated to allow the trees for the streetscape to be planted in the front setback area of 36th Ave.

A suggestion would be to approve the landscape plan shown on sheet L-101B and then if they are not allowed to plant the trees in the front setback area of 36th Ave., the same number of trees (size, etc.) could be required to be planted elsewhere on the site.

Black Star Street – 288/25 = 12 trees required. List types (deciduous or evergreen) and size.

36th Ave. – 260/25 = 11 trees required. List types (deciduous or evergreen) and sizes.

- 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 with overall PUD.

- 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. The maximum height is 25 feet and shall be downward directing and shall not shed light on adjacent property or roads.

- 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. The Planning Commission will determine if it is acceptable and meets ordinance standards and the requirements in the Master Plan.

- x. Proposed setbacks, lot widths, lot areas and building/structure heights.

PROVIDED.

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

PROVIDED.

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

PROVIDED.

- 2. **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 the submission of a building permit application.

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. **PROVIDED.**
- b. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks / pathways / bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included. **PROVIDED.**
- c. The location of all proposed signs and lighting, including the sizes and types.

PROVIDED for lighting. PROVIDED FOR SIGNS. The signs can stay on the pumps (sheet (C-503), like all other gas stations have. Details were not provided for the wall sign shown on sheet A3.01 and all wall signs shall meet ordinance requirements. Sec. 25.6(B) allows to be 1 ½ times the lineal frontage of the wall it is to be placed upon (max 200 SF).

- d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **PROVIDED. However, it is noted on sheet V-101 that an easement prevents trees from being planted in the front yard setback on 36th Ave. A recommendation is to approve sheet L-101B which shows the required trees along 36th Ave., and to stipulate that if the required number of trees cannot be placed in the front yard setback on 36th Ave., they would be required to be placed elsewhere on the site.**
- 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. A Storm Water Drain Permit shall be required to be submitted prior to the submission of a building permit application.**
- 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. The Planning Commission will determine if the architectural design meets ordinance and Master Plan requirements.**
- h. Proposed open space areas, including recreational amenities (playgrounds, etc.). **PREVIOUSLY PROVIDED FOR THE PUD.**
- 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. **PROVIDED.**

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.

OPTIONS FOR MOTION-Preliminary and Final Development Plan

If the Planning Commission determines that more revisions are necessary or more information needs to be provided, the item could be tabled.

Determinations for the following are needed:

- a. **Is the architectural character consistent with the Licari building and the other buildings/structures in the PUD?**
- b. **The convenience store/gas station hours of operation were stipulated with the preliminary approval as 5 am to 1:00 am; however, the request is to be open 24 hours a day. Is that acceptable?**
- c. Are the two deviations for the ground mounted sign acceptable?
- d. **Should the landscape plan shown on sheet L-101B be approved with the contingent plan that if the easement is not vacated and trees are not allowed to be planted in the front setback area of 36th Ave., the same number of trees (size, etc.) shall be required to be planted elsewhere on the site?**
- e. **Should the plan be redrawn for the drive aisle widths? Or are any acceptable? If a redrawing is necessary, could it be administratively approved?**
- f. Does the proposal meet the Standards listed in Sec. 22.10?

MOTION:

To adopt the staff report as finding of fact and to approve the preliminary and final development plans dated 08-12-2020, and the application and narrative, 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 the submission of a building permit application.**
4. **Approved permits are required for all signs and all signs shall meet the approvals in the PUD plan or else meet the ordinance standards.**
5. **All outstanding fees shall be paid prior to any further approvals being granted.**