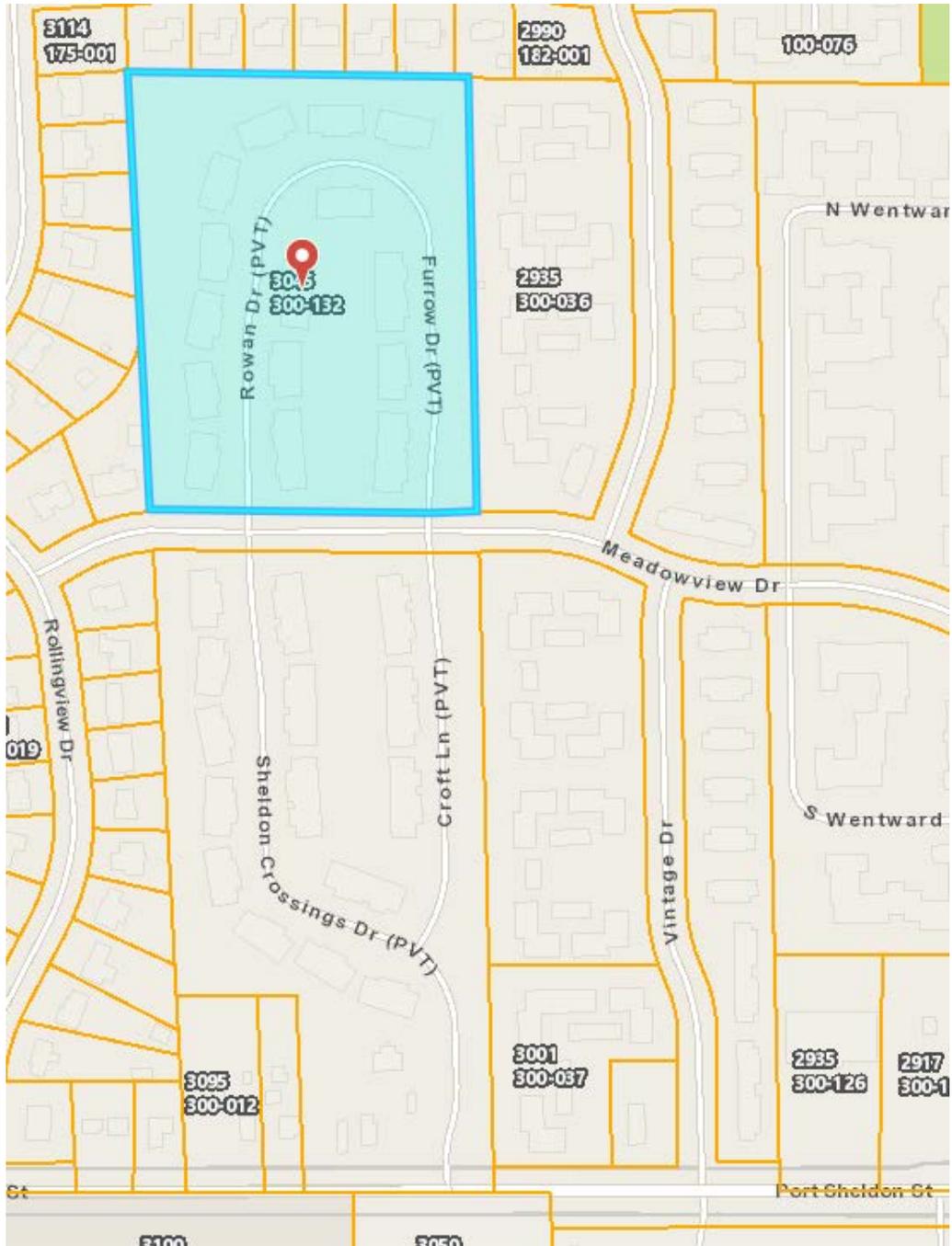


REQUEST

(PUD1901-02) Sheldon Crossing Phase 2 Final Development Plan, L&V Development Co., 3373 Busch Dr., is requesting final development plan approval for phase 2, on a parcel of land described as P.P. # 70-14-21-300-132, located at 3045 Port Sheldon St., Georgetown Township, Ottawa County, Michigan.

The request is for a final development plan approval for phase 2 of Sheldon Crossings 21.5 acres for 15 condominium buildings with a total of 34 units. The proposal calls for 7 acres of open space overall. The plan shows Meadowview Drive connecting from the west side of the property to the east side. The rest of the streets are proposed to be private.



DEVIATIONS FROM ORDINANCE REQUIREMENTS

A deviation table was provided. The Planning Commission approved the following deviations with the preliminary PUD plan approval in 2019..

1. **Attached dwellings.** In the current LDR zoning, single family houses are allowed and attached dwelling units are not allowed. They are allowed in the higher density residential districts only (unless in a PUD). The plan proposes 30 condominium buildings with a total of 71 total units. Of the 21.5 acres, 7 acres is proposed to be open space, which exceeds the 20% minimum. For the 21.5 acres used in the density computation, with 3 units allowed per acre as per the Master Plan, 64 total units are allowed and the plan proposes 71. That is 7 more units than allowed per the Master Plan density. However, the narrative notes this area is a transition from the LDR to the west and the medium/high density residential area. Note also that the Master Plan is not intended to be parcel specific, but rather the lines should be considered to be wider. The Planning Commission will have to determine if the 11% additional units meet the intention of the Master Plan and if they should be allowed.
2. **Distance between buildings.** Footnote (j), which is applicable to the MHR district in Chapter 24, requires a minimum of 25 feet between contiguous buildings. The plan proposes a minimum of 18 feet, which is 7 less than the regulatory 25 feet.
3. **Setbacks.** With the current LDR zoning, a minimum front yard setback of 40 feet is required and is to be measured from a point 60 feet from the centerline of Port Sheldon. This is met along Port Sheldon. The plan proposes a minimum of a 35 foot front yard setback north and south of Meadowview Dr. This is 5 feet less than the 40 feet required for the conventional LDR zoning. Side yards are proposed to be a minimum of 50 feet which exceeds the 10 foot required in LDR. The rear along the northern property line is proposed to be 40 feet which meets the current LDR standard.
4. **Sign.** Sec. 25.2(L) defines a plat entry sign as a sign placed as a road entrance to a subdivision, mobile home park or multiple-family development. Since this is a multiple-family development, the plat entry sign is what would be allowed. Sec. 25.6(A)(5) allows plat entry signs as follows: two per road entrance each not exceeding a total area of 64 square feet in area nor 3 feet in height, and setback a minimum of at least 10 feet from 60 feet from the centerline of Port Sheldon (total of 70 feet from the centerline). Only one sign is proposed and is shown as 5.5 feet high (**a deviation of 2.5 feet from the maximum of 3 feet**) and to have 46.75 square feet in area (less than the maximum of 64 square feet allow). The sign is proposed to be located 58 feet from the centerline (**a deviation of 12 feet from the minimum of 70 feet from the centerline**).

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 21.5 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. 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.

- 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.

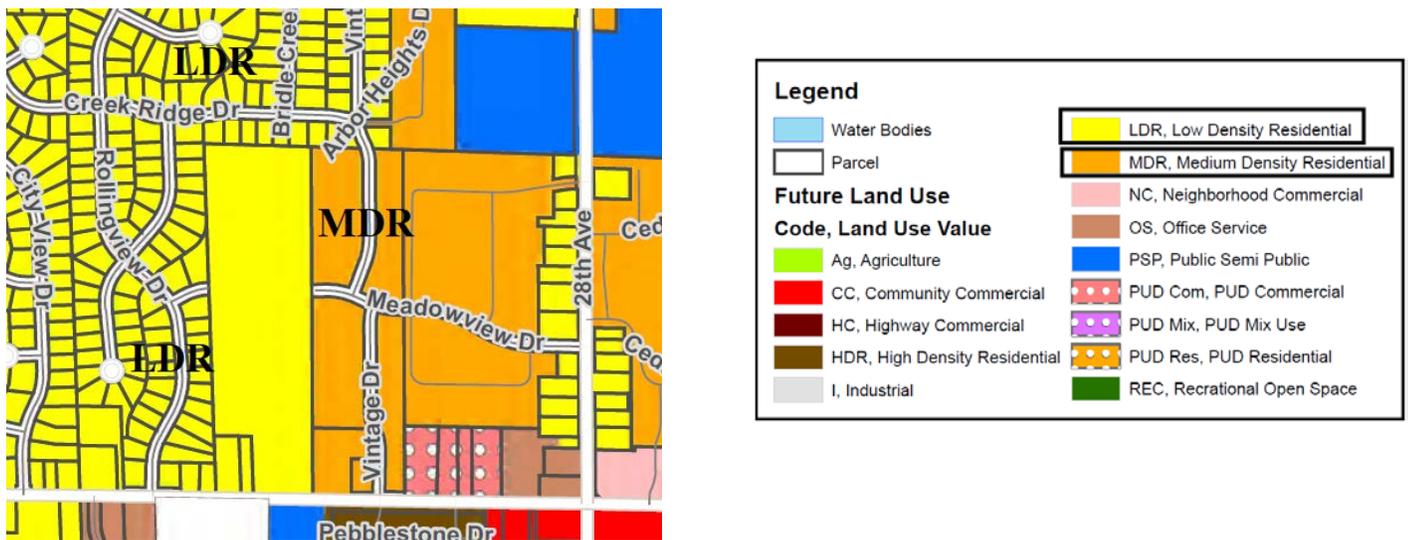
- D. **Master Plan:** The proposed uses of the PUD must be substantially consistent with Georgetown Township's Master Plan for the subject property.

The proposal appears to be consistent with the text and Future Land Use Map in regard to the uses and the density. The Future Land Use Map shows the area as LDR. The plan proposes 3.3 units per acre which is close to being consistent with an overall density of 3 units per acre which meets the intention of page 36 in the Master Plan. Further, page 35 of the Master Plan states the following and the property to the east is designated Medium Density Residential.

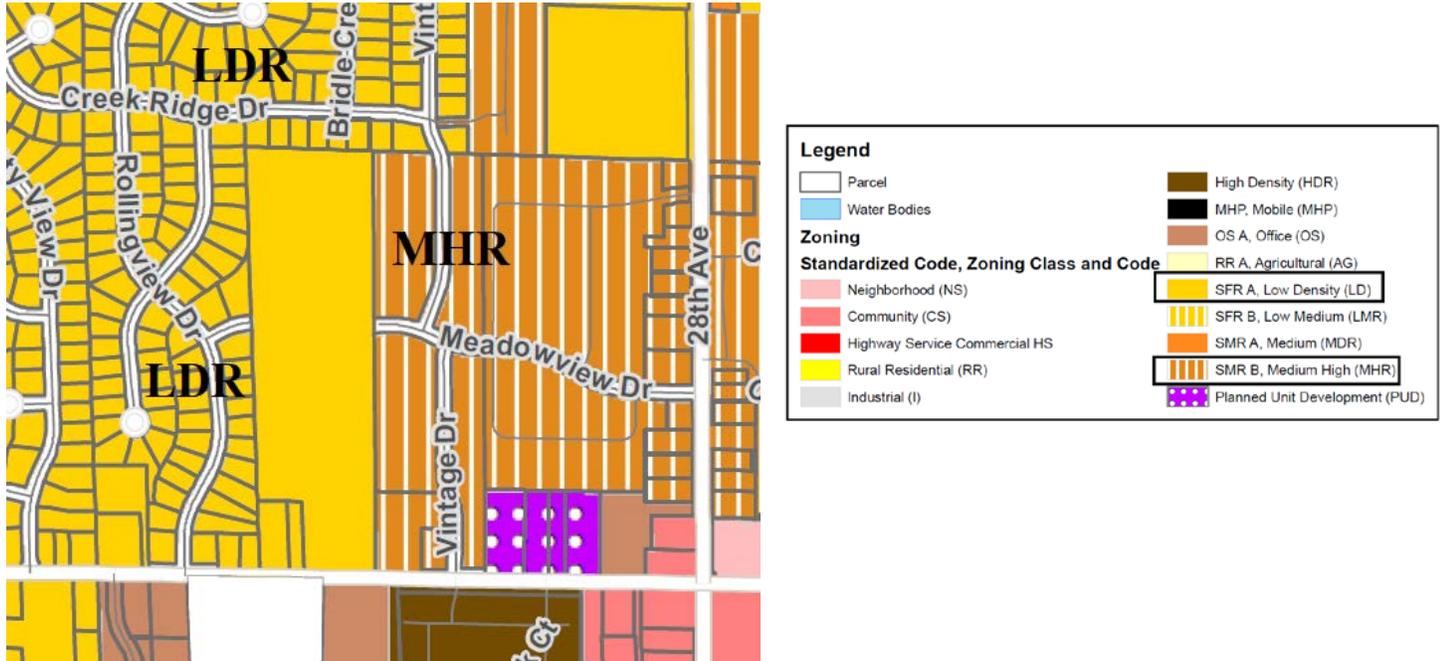
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It is noted that lines separating land use categories are NOT to be considered to be defined lines and the lines are not necessarily parcel specific.

The following is the Future Land Use Map related to the proposed PUD development.



Zoning Map



The typical building designs are provided to encompass a theme as directed in the language of the Master Plan.

Pages 30 and 31 of Master Plan language state the following:

General Land Use Policies

Planned Unit Developments and open space clustering are possible development tools that would provide multiple densities of residential, along with possible commercial uses with flexible zoning requirements.

Planned unit developments shall be consistent with the intent of a PUD as listed in the Georgetown Township Zoning Ordinance, including, to encourage innovation in land use and variety in design, to encourage useful open space, and to provide for enhanced site and building architectural features. Such developments shall provide innovation and desirable design elements. Although the intention is not to direct a developer toward any specific details, PUDs with uses other than solely single family residences shall, at a minimum, contain the following elements:

- An overall design theme with common coordinating architectural elements contained in all buildings and structures as well as signs, rooflines, forms and materials;
- A coordinated color scheme and coordinated textures of materials;
- Drive-through elements and stand-alone structures shall have design elements common to principle structures;
- Creative, desirable and useable open space;
- Buildings and structures designed to provide the best or front face to any adjoining public streets.

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

Met. Interior sidewalks are proposed, as well as sidewalks on both sides of Meadowview Dr.

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

The architectural style and elevations, along with the sign were provided showing the same theme.

- 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.

A deceleration taper was provided. A left turn lane already exists at the site.

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.

The plan states that 6.8 of the 21.5 acres are open space, which is about 32 of the property and exceeds the minimum amount required. The open space is passive with many sidewalks.

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

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 at the time the first building permit application is submitted to the Township.

Sec. 22.8 FINAL DEVELOPMENT PLAN APPLICATION.

1. 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.**

Enclosed attached garages are required for all dwelling and are required to be a minimum size of 200 square feet. A minimum of 1,000 square feet in area is required for each individual dwelling unit. The plan notes that the individual dwelling units will be a minimum of 1,150 square feet in area with a minimum of a 400 square foot attached garage.

- 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.**
- d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **PROVIDED for the streetscape, which 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 with the first phase.**
- h. Proposed open space areas, including recreational amenities (playgrounds, etc.). **PROVIDED.**
- i. Floodplain areas. (Revised 6-27-2005) **Provided.**

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. **Two phases.**
- (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 in the table and further noted in the staff report.**

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.

Sec. 22.11 PUD AGREEMENT.

Shall be provided at the time a building permit application is submitted.

- (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.

SUMMARY

Deviations previously approved:

1. **Attached dwellings.**
2. **Distance between buildings** - minimum of **18 feet**, which is 7 less than the regulatory 25 feet.
3. **Setbacks** - **35 foot front yard setback** north and south of Meadowview Dr., 5 feet less than the 40 feet required for the LDR zoning.
4. **Sign** - 5.5 feet high (**a deviation of 2.5 feet from the maximum of 3 feet**) and to be located 58 feet from the centerline (**a deviation of 12 feet from the minimum of 70 feet from the centerline**).

Conditions of approval to be submitted prior to the submission of the first building permit application:

1. **The developer are responsible to bring the utilities to this site and to coordinate with the DPW.**
2. **A Storm Water Drain Permit shall be submitted from the Ottawa County Drain Commissioner prior to the submission of the first building permit application.**
3. **The recorded PUD agreement shall be submitted prior to the time the first building permit application is submitted to the Township.**

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 with the previously approved deviations, and with the following conditions:

1. **Each unit shall be a minimum of 1,150 square feet in area with a minimum of 400 square foot attached garage.**
2. **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.**
3. **Utilities are to be coordinated with the DPW and Drain Commissioner's office.**
4. **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, as noted on the plan.**
5. **Approved permits are required for all signs and all signs shall meet the details listed in the submittal documents or in the ordinance standards.**
6. **If not already installed, as per language noted on the plan, the developer is voluntarily providing the deceleration taper lane to be constructed as per Ottawa County Road Commission standards.**