

FINAL DEVELOPMENT PLAN REQUEST

(PUD2101-02) Final Development Plan for the Preliminary Plat of Lowing Woods No. 13 for West Michigan Development Company and Ottawa Land Investments LLC, on the following parcel of land that is zoned PUD: part of P.P. # 70-14-04-300-030 located at 3024 Fillmore St.; Georgetown Township, Ottawa County, Michigan.

- Details of the proposed Preliminary Plat of Lowing Woods No. 13 are as follows:
 - Number of lots: 19 lots for single-family detached homes
 - Total acreage of the plat: 8.04 acres (350,140.06 sq. ft.)
 - Minimum lot width: 60 ft.
 - Front yard setback: 25 ft.
 - Side yard setback: 7 ft.
 - Rear yard setback: 25 ft.

- All streets with single-family lots will be dedicated to the public and constructed per Ottawa County Road Commission standards and specifications.

- Sidewalks to be constructed per applicable Township Ordinances.

- The project is not located in the 100-year floodplain, based on the National Flood Insurance Program Rate Maps.

- Best management practices will be utilized during and after construction of the project. Measures will include the use of seeding and mulching, sediment inlet filters, compaction and paving. The owner of the subject parcel shall have the responsibility to maintain the permanent soil erosion protection measures.

- All lighting shall be shielded from all adjacent properties. Proposed lighting will be provided by Consumers Energy. Street lights to be standard Consumers Energy pole-mounted “lantern” style lights.

- Hours of construction operations:
 - Mon – Fri: 7AM – 7PM
 - Saturday: 7AM – 3PM
 - No Sunday construction.

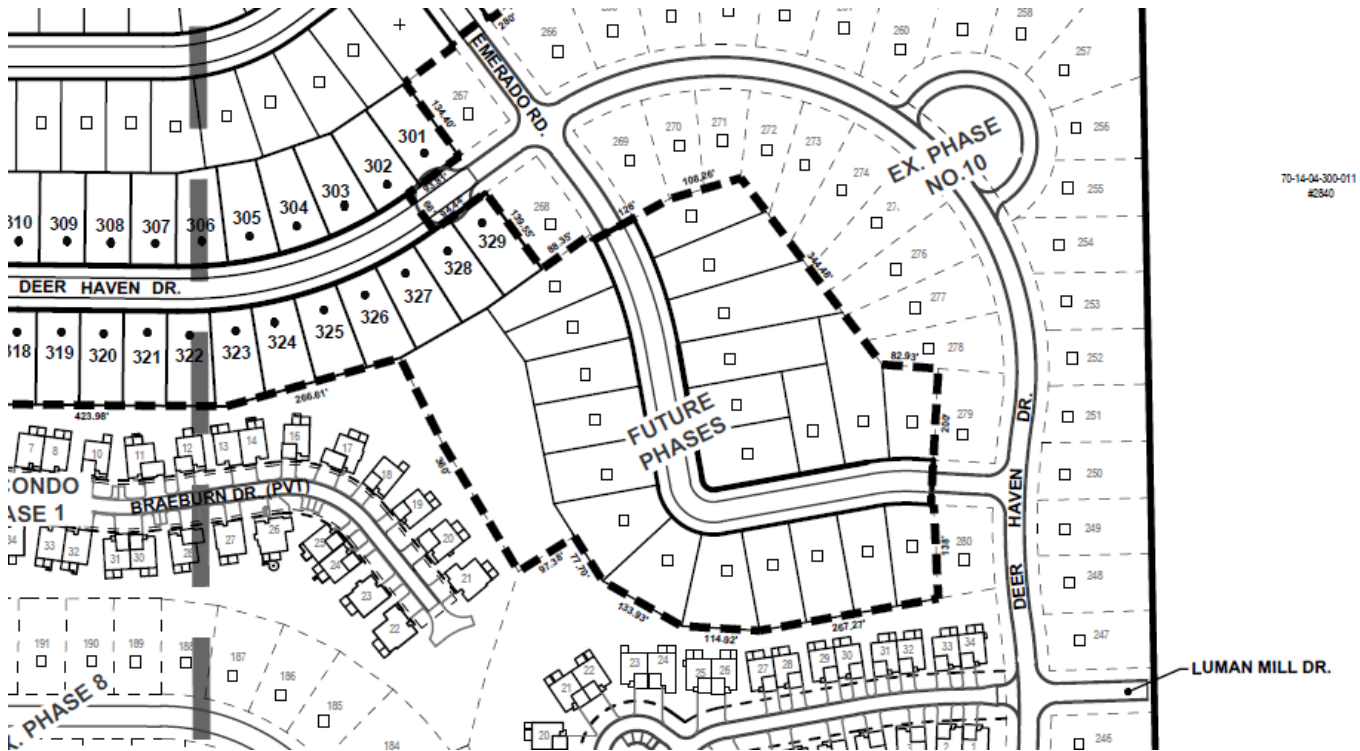
- Road signs will be per Ottawa County Road Commission standards and specifications.

- Project signs shall be in accordance with the PUD Preliminary Development Plan (PUD0406), as approved on December 20, 2004, and as amended.

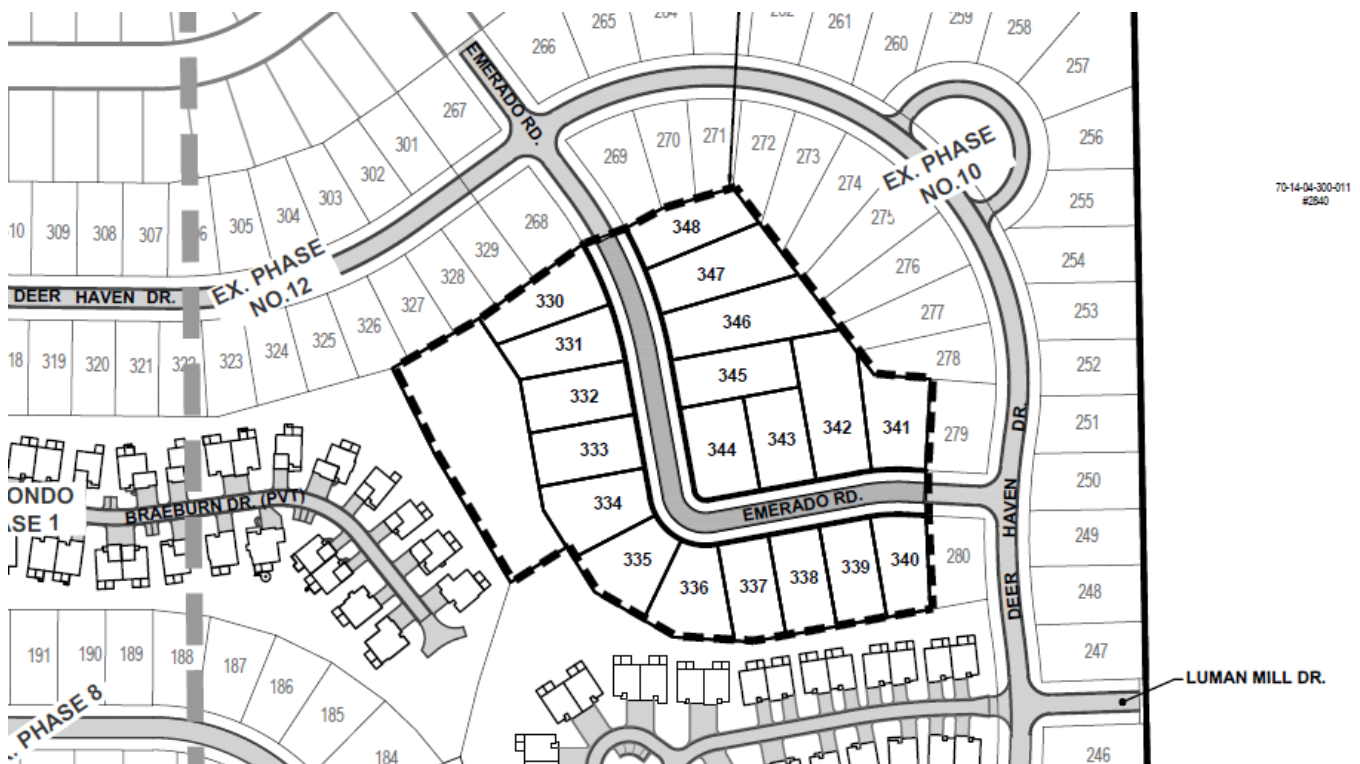
- Berming, landscaping, narrative statement, and architectural concept (elevations) shall be per the PUD Preliminary Development Plan (PUD0406), as approved on December 20, 2004, and as amended.



Currently Approved Preliminary Plan (PUD2101) – Lowing Woods No. 13 w/ 21 Lots



Proposed Final Development Plan – Lowing Woods No. 13 w/ 19 Lots



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 PUD site is 298.56 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.

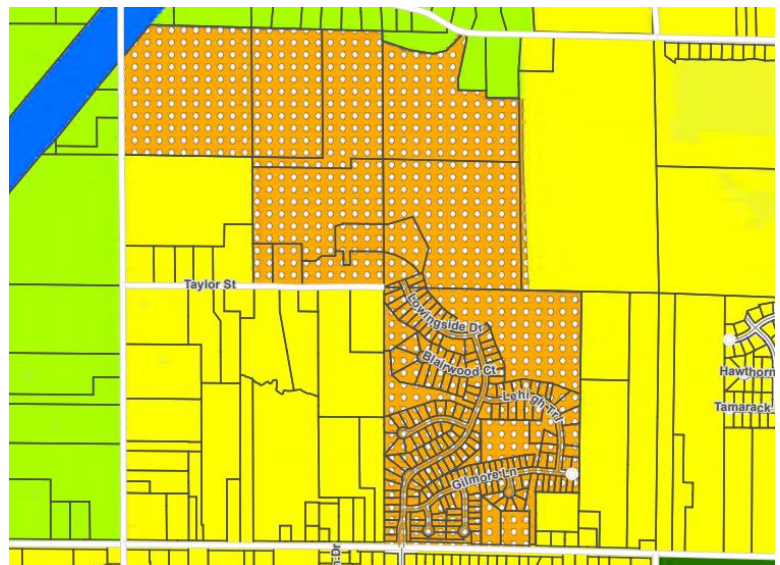
This is required to be met and is to be coordinated with the DPW and Drain Commissioner's office. A Storm Water Drain Permit (written approval by the Drain Commissioner's office) shall be submitted to the Township prior to submitting any building permit applications.

- 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 shall substantially conform to the Township Master Plan or, if not, represent land use policy that is determined by the Township Board to be a logical and acceptable deviation from or change to the Township Master Plan.

Appears to be met. The project area is already zoned PUD Residential. The proposal appears to be consistent with the text of the Master Plan and Future Land Use Map. There are 827 units on 298.56 acres, resulting in a density of 2.77 units/acre. The 2021 plan had



829 units, but the PUD as previously approved, allows up to 852 units, which is a density of 2.85 units/acre. The reduction of two units does not change the PUD's conformance to 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)

Met. Sidewalks will be provided in each future phase of the PUD and will be constructed per applicable Township ordinances.

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

Met. The narrative submitted with the application states that no changes to the qualifying conditions previously provided is anticipated, including architecture. The most recent PUD Narrative, which was submitted with PUD2101 stated, the architecture throughout the community will substantially conform to the originally approved 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.

Appears to be met. The proposed road connection of Emerado Rd. and Deer Haven Dr. appears to meet this qualifying condition and the layout remains as it was shown on the preliminary development plan (PUD2101).

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 was previously determined to be met for the preliminary development plan (PUD2101) which showed 63.37 acres of the 298.56 acres of the PUD site is open space (21.23%). The open space in this phase is 1.1 acres. This standard still appears to be met.

REVIEW FOR FINAL DEVELOPMENT PLAN

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.

Met. Preliminary plan just approved.

D. Final Development Plan Application Requirements: A final development plan application shall consist of the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):

1. A completed application form, supplied by the Zoning Administrator. **Provided**
2. Payment of a fee, as established by the Township Board. **Paid**
3. A written response to the findings, review comments, and conditions, if any, from the Township Board’s review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items. **N/A**
4. 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.

Building envelopes are provided on the plans. Exact dimensions of the homes will be on the building permit applications.

- 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.

The plan notes that previous sign approvals remain in effect, and lights will be standard Consumers Energy pole-mounted “lantern” style lights which will be shielded from all adjacent properties.

- d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.).

The plan notes that previous approvals remain in effect.

- e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc.

Work 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.

This phase only consists of single-family detached homes. The narrative submitted with the application states that no changes are anticipated to the objectives of the PUD, the qualifying conditions, phasing, and typical deed restrictions as they were previously approved with the original PUD. Therefore, this phase still substantially conforms to the original PUD (and subsequent PUD amendments) for various requirements including coordinated architecture throughout the community.

- h. Proposed open space areas, including recreational amenities (playgrounds, etc.).

There’s 1.1 acres of open space in this phase. Open space for the overall PUD was previously approved.

- i. Floodplain areas.

PROVIDED (project is not located in the 100-year floodplain).

- 5. 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.

The final development plan for the Preliminary Plat of Lowing Woods No. 13 is in conformance with the preliminary development plan (PUD2101).

- 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.

The final development plan appears to accommodate the intention of the PUD.

- 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.

See the review under Sec. 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.

Minutes will be prepared.

- 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.

PREVIOUSLY PROVIDED.

- 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.

PREVIOUSLY 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. **The final development plan appears to meet this condition.**
- 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. **The final development plan appears to meet this condition.**
- 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. **The final development plan appears to meet this condition.**
- 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. **The final development plan appears to meet this condition.**
- 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 final development plan appears to meet Section 22.8(D).**

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: the recorded PUD agreement shall be submitted prior to the time the first building permit application for this phase is submitted to the Township.

OPTION FOR MOTION-for Final Development Plan for the Preliminary Plat of Lowing Woods No. 13

Motion: To adopt the staff report as finding of fact and to approve the final development plan for (PUD2101-02), West Michigan Development Company, Ottawa Land Investments LLC, to recommend to the Township Board to grant tentative preliminary plat approval of the overall Preliminary Plat of Lowing Woods No. 13, on the following parcels of land that are zoned PUD: part of P.P. # 70-14-04-300-030 located at 3024 Fillmore St.; Georgetown Township, Ottawa County, Michigan., as shown on the following:

- a. Final Preliminary Plat – Overall PUD Site Plan, Sheet C-101, dated 1/20/2022;
- b. Final Preliminary Plat – Site Layout Plan, Sheet C-102, dated 1/20/2022;
- c. Final Preliminary Plat – Grading & Utilities Plan, Sheet C-103, dated 1/20/2022;

On the basis that the following are met:

- 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 Chapter 22 including Section 22.8, D.
- f. The plan meets the ordinance requirements of Sec. 22.10.

And with the following conditions:

- a. A recorded PUD agreement (according to Sec. 22.11) is submitted prior to the submission of building permit applications for this phase.
- b. Sign permits must be obtained for ALL signs. Any signs not expressly approved with the PUD MUST meet ordinance requirements. No sign shall be located within the road right-of-way (other than signs approved by the Road Commission for use in the road right-of-way). Any sign not approved with the PUD and not allowed by the ordinance must be removed immediately or changed to a conforming sign. All previous approvals for signs remain in effect.
- c. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.) were approved with previous approvals and remain in effect.
- d. Approval from the Ottawa County Water Resources Commission is required.
- e. The individual building envelopes appear to meet the minimum standards of the PUD setbacks with 25-foot front, 25-foot rear, and 7-foot side setbacks. However, each building permit application will be reviewed at the time it is submitted for conformance for each individual site. All the lots in this phase meet the PUD's required minimum lot width of 60 feet.
- f. Open space shall be maintained by the developer and/or homeowner's association.
- g. All outstanding fees shall be paid prior to any building permits being issued.