



## Georgetown Charter Township

1515 Baldwin St., Jenison, MI 49428

### Planning Commission Meeting Agenda

March 3, 2016, 7:30 p.m.

1. Call To Order
2. Roll Call
3. Approval Of The Agenda
4. Approval Of The Minutes Of The Previous Meeting
5. Old Business
6. New Business
  - 6.I. (PUD0603-02) Great Lakes Convenience, Inc., 6785 Whitneyville Rd. SE, Alto, Is Requesting Approval For The Second Final Development Plan For The PUD For A Gas Station/Convenience Store And Retail/Bank Building, On A Parcel Of Land Described As P.P. # 70-14-26-200-077, Located At 850 44th St., In A (PUD) Planned Unit Development District, Georgetown Township, Ottawa County, Michigan.  
  
Documents: [APPLICATION NARRATIVE.PDF](#), [2016.02.02 ENTERPRISE GAS LABEL ELEVATION.PDF](#), [2016.02.02 ENTERPRISE GAS RETAIL LABEL ELEVATION.PDF](#), [1602PUD44TH8TH STAFF REPORT.PDF](#)
7. Communications, Letters And Reports
8. Public Comments
9. Other Business
10. Commissioner/Staff Comments
11. Adjournment

PERMIT NUMBER:

# APPLICATION FOR PLANNED UNIT DEVELOPMENT

Georgetown Charter Township  
1515 Baldwin St, P.O. Box 769  
Jenison, MI 49429  
616-457-2340

revised: January 26, 2009

## APPLICANT INFORMATION

COMPANY NAME:

Eighth Enterprise, LLC

PHONE:

(616) 868-6845

APPLICANT NAME:

Don Ziemke, Jr. and Richard Geenen

ADDRESS:

6785 Whitneyville Rd. SE

CITY / STATE / ZIP:

Alto, MI 49302

## PROPERTY INFORMATION

COMPANY NAME:

44 + 8 LLC

PHONE:

(616) 454-1446

OWNER / AGENT NAME:

Mike DeVries

TITLE:

Member

ADDRESS:

1345 Monroe Ave. NW

CITY / STATE / ZIP:

Grand Rapids, MI 49505

PARCEL NUMBER:

70-14-26-200-077 and -074

ZONING DISTRICT:

PUD

LEGAL DESCRIPTION:

See site plan

PARCEL SIZE (IN ACRES):

10.27 Acres (entire PUD)

## PROJECT INFORMATION

DESCRIBE THE NATURE OF THE PROPOSED PLANNED UNIT DEVELOPMENT:

This is a final PUD application for a portion of the existing PUD.

CHAPTER 22 IDENTIFIES THE OBJECTIVES TO BE CONSIDERED IN ESTABLISHING A PUD. THESE ARE LISTED IN THE INFORMATION ACCOMPANYING THIS FORM. IN THE SPACE BELOW OR ON ADDITIONAL PAGES, IF NEEDED, STATE HOW THIS REQUEST CONFORMS TO THE OBJECTIVES.

The proposed gas/convenience and office/retail are allowable uses in the PUD.

## APPLICATION INFORMATION

TEN (10) COPIES OF A COMPLETE SITE PLAN CONTAINING ALL THE INFORMATION REQUIRED BY SEC. 22.5 OF THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE MUST ACCOMPANY THIS APPLICATION FORM, ALONG WITH A FEE, AS ESTABLISHED BY THE TOWNSHIP BOARD. THE ATTACHED INSTRUCTIONS SHOULD BE RETAINED BY THE APPLICANT.

## APPLICANT SIGNATURE

IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE GEORGETOWN TOWNSHIP WEBSITE AT [WWW.GEORGETOWN-MI.GOV](http://WWW.GEORGETOWN-MI.GOV). BY SIGNING I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.

APPLICANT SIGNATURE:

DATE:

1-29-2016

## FOR OFFICE USE ONLY

DATE OF PREAPPLICATION MEETING:

DATE OF PLANNING COMMISSION MEETING:

DATE OF TOWNSHIP BOARD MEETING:

DATE NOTICE PUBLISHED:

DATE PROPERTY NOTICES WERE SENT:

**44<sup>th</sup> STREET / 8<sup>TH</sup> AVENUE PUD  
FINAL PUD FOR NE CORNER – CONVENIENCE / GAS / RETAIL  
WAIVER REQUEST FORM  
UNDERLYING NS ZONING  
2/1/2016**

The following dimensional waivers which have already been granted as part of the overall PUD reinstated in February of 2015 are being maintained or exceeded for the proposed final PUD plan for the convenience/gas/retail site.

- |  | <u>NS Req.</u> | <u>PUD</u> |
|--|----------------|------------|
| • Building setback from centerline of 44 <sup>th</sup> St. & 8 <sup>th</sup> Ave.  | 90'            | 90'        |
| • Parking or drive setbacks from C/L of 44 <sup>th</sup> St. & 8 <sup>th</sup> Ave.  | 90'            | 80'        |
| <p>• Landscaping along 44<sup>th</sup> St. &amp; 8<sup>th</sup> Ave. – the PUD proposes the use of the Streetscape standard along 44<sup>th</sup> Street and 8<sup>th</sup> Avenue instead of the Greenbelt standard. The proposed Streetscape is requested due to the need for visibility of the commercial development along 44<sup>th</sup> Street and 8<sup>th</sup> Avenue. Using the Greenbelt standard along these major roads would create a solid screen of evergreen trees and effectively eliminate visibility and hinder the success of the commercial development. To further offset this request, the average combined setback along 44<sup>th</sup> Street and 8<sup>th</sup> Avenue is greater than the required 90 foot setback. In addition, our proposed Streetscape standard includes a rolling earth berm, irrigated and manicured lawn and abundant trees to produce an aesthetically pleasing front yard landscape appropriate for this commercial development.</p> |                |            |
| <p>• 44<sup>th</sup> Street sidewalk – Because an internal walk system is designed as part of the overall PUD to provide pedestrian access from 8<sup>th</sup> Avenue to the Gleneagle Condominiums, as separate walk along 44<sup>th</sup> Street is not warranted. The Township Board acknowledged this by granting a waiver in 2015 to the requirements of sidewalk along 44<sup>th</sup> Street.</p>   |                |            |
| <p>• Signage – The proposed signs at the 44<sup>th</sup> Street and 8<sup>th</sup> Avenue entrances are shown 62' off of centerline (75' required per sign ordinance). The sign at the NE corner of the development is intended to be a focal point and the size requested is 100 square feet (50 sq. ft. max per sign ordinance). Both signs are shown as 5' high, ground mounted signs (4' max per sign ordinance). A waiver is also being requested to allow for placement of wall signs on the sides and backs of buildings in addition to fronts. These waivers are consistent with the 2015 approved PUD plan.</p>   |                |            |

L151499E (Sec. 26-6-13)

44 and 8, LLC  
1345 Monroe Avenue NW  
Grand Rapids, MI 49505

January 28, 2016

Ms. Mannelle Minier  
Georgetown Township  
1515 Baldwin  
P.O. Box 769  
Jenison, MI 49429-0769

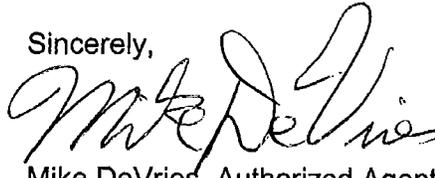
Re: Final PUD Application – Convenience/Office/Retail

Dear Ms. Minier:

44 & 8, LLC is the owner of parcel 70-14-26-200-077 (850 – 44<sup>th</sup> Street).

As owner of this parcel, I am aware of the application submitted by The Eighth Enterprise, LLC for final PUD approval for the proposed 2.78 acre parcel showing a convenience store and office/retail and have no objection to the applicant submitting this to the township.

Sincerely,

A handwritten signature in black ink that reads "Mike DeVries". The signature is written in a cursive, flowing style.

Mike DeVries, Authorized Agent  
44 & 8, LLC  
(616) 454-1446

cc: Rick Geenen  
Don DeGroot



February 1, 2016

Ms. Mannelle Minier  
Georgetown Township  
1515 Baldwin  
P.O. Box 769  
Jenison, MI 49429-0769

Re: Final PUD Site Plan – Convenience/Gas/Office – Retail  
Part of the 44<sup>th</sup> Street / 8<sup>th</sup> Avenue PUD

Dear Mannelle:

Enclosed please find new signed application, a letter of permission from the owner and a revised copy of the final PUD plan for the above referenced project. The changes made to the plans are summarized as follows:

**Sheet 1** – A pedestrian plaza has been incorporated back into the plan. This feature is shown on the north side of building F (future phase).

- The parking for the convenience/gas has been clarified. It is based on usable floor area (UFA). I assumed that UFA = 80% of the gross floor area.

**Sheet 2** – Various dimensions requested have been added including pump islands, width between islands, lane width along retail building, setbacks from centerline of streets to parking and buildings.

- Further details on the dumpster screening have been noted as well.
- Proposed lighting locations have been added – details and plans showing foot candles will be provided later this week.

**Sheet 3** – No changes

Also as requested, enclosed please find a list of waivers that were already granted as part of the reinstated preliminary PUD in February of 2015. The approved waivers granted will be maintained or improved upon with this final PUD submittal.

The applicant is intending to submit revised building elevations as well as gas pump and canopy elevations.

Please let me know if you have any questions.

Sincerely,

Don De Groot, P.E.  
[ddegroot@exxelengineering.com](mailto:ddegroot@exxelengineering.com)

cc: Rick Geenen w/enclosures  
Don Ziemke w/enclosures  
Mike DeVries w/enclosures

L151499E (Sec. 26-6-13)



ENTERPRISE GAS

02.01.16

create n architecture  
616.734.9314



ENTERPRISE GAS (RETAIL)

CREATE architecture  
616.734.9314

02.01.16

## REVISED review for second final development plan for 44<sup>th</sup> St./8<sup>th</sup> Ave. PUD

### REQUEST

(PUD0603-02) Great Lakes Convenience, Inc., 6785 Whitneyville Rd. SE, Alto, is requesting approval for the second final development plan for the PUD for a gas station/convenience store and retail/bank building, on a parcel of land described as P.P. # 70-14-26-200-077, located at 850 44<sup>th</sup> St., in a (PUD) Planned Unit Development district, Georgetown Township, Ottawa County, Michigan.

No public hearing is needed because no rezoning is necessary. The property is zoned PUD.

### HISTORY

At the May 3, 2006 meeting, the Planning Commission recommended approval of the preliminary plan and rezoning with motion #060503-02 and at the May 8, 2006 meeting, the Township Board approved the preliminary plan and rezoning with motion #060508-06. No final development plan was approved.

At the February 4, 2015 meeting, the Planning Commission approved the revised preliminary plan (PUD zoning was still in effect) with motion #150204-03 and approved the final development plan for the first phase for a dental office at the northwest corner. At the March 23, 2015 meeting the Township Board approved a waiver for sidewalks along 44<sup>th</sup> St. for the entire PUD.

The following is an excerpt of the February 4, 2015 Planning Commission meeting minutes:

Moved by Richard VanderKlok, seconded by Don Hebel, to adopt the [staff report](#) (review) as findings of fact and to approve (PUD0603-01) DeVries Properties Inc., 1345 Monroe, Grand Rapids, to have a revised preliminary plan and final development plan for phase one, for a mixed use planned unit development for residential uses, **retail** and restaurant, and office and commercial uses, **such as a gas station**, on parcels of land described as P.P. # 70-14-26-200-073 and -074, located at 850 44<sup>th</sup> St. and 6069 8<sup>th</sup> Ave., in a currently zoned (PUD) Planned Unit Development district, Georgetown Township, Ottawa County, Michigan,

As shown on the following documents:

1. Application,
2. Soil erosion plan,
3. Dimension plan,
4. Exterior lighting plan,
5. Overall preliminary plan,
6. Final development landscape plan,
7. Narrative statement,
8. North elevation,
9. West elevation,

Based on the findings that:

1. The qualifying conditions in Sec. 22.2 are met as proposed;
2. The information as per Sec. 22.8(D) and 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 as noted on the plan are acceptable because they will result in a higher quality of development than would be possible using conventional zoning standards and based on mitigating factors, including, but not limited to the following:
  - The PUD with the acreage of 9.64 meets the intention of the PUD chapter and is acceptable.
  - The pedestrian connection to the west at the northwest of the site is acceptable or it may be a driveway connection with a pedestrian connection.
  - The proposed greenbelt along the western property line of Dr. Lee's office parcel is acceptable as shown with 6 evergreens and 6 deciduous trees.
  - The proposals for the freestanding and wall signs are acceptable and shall be in accordance with other ordinance standards (i.e. for size).
  - All of the rest of the requested waivers are acceptable.

And with the following conditions:

1. As per Sec. 22.2(B), the site must be serviced by public water and sanitary sewer, which is to be coordinated with the Department of Public Works.
2. Sign permits are required for all sign installation.
3. Sidewalks shall be installed as shown on the plan unless specifically waived by the Township Board.
4. A note on the narrative indicates that the proposals is to have coordinated building relationships. The architectural character of all future structures in all future phases shall coordinate with the architectural styles contained with this proposal.
5. The following must be submitted to the Township at the time a building permit application is submitted to the Township.
  - a. A Storm Water Drain Permit from the Water Resources Commission's Office.
  - b. PUD agreement as per Sec. 22.11.
  - c. The PUD agreement shall contain language related to the maintenance of the open space and the landscaping.
  - d. Approval from the Ottawa County Road Commission for the driveway accesses.
  - e. All outstanding fees are paid prior to any building permits being issued.

MOTION CARRIED UNANIMOUSLY.

The following is an excerpt of the March 23, 2015 Township Board meeting minutes:

9. Sidewalk Waiver Request By DeVries Properties

#150323-03 - Sidewalk Waiver

Jim Wierenga recused himself because his company represents the applicant.

There was no Board objection.

Moved by Richard VanderKlok, seconded by Chad Tuttle, to approve the sidewalk waiver request.

Mike DeVries made comments about the development.

Yeas: Richard VanderKlok, Chad Tuttle, D. Dale Mohr, Carol Scholma,

Nays: Ron Villerius, John Schwalm

Abstained: Jim Wierenga

MOTION CARRIED.



## **SUMMARY and OPTION FOR MOTION**

The proposal does not meet ordinance requirements due to the following:

1. **Sec. 22.2 states that any development that fails to meet the qualifying conditions, at a minimum, shall not be considered for the PUD District.**
  - a. **The proposal does not meet the Qualifying Condition in Sec. 22.2(D), Master Plan because of the following:**
    - Elements are missing that are needed to determine if the proposal is architecturally similar to the existing building, including side elevations, elevations of the gas pumps and sign details.
    - What was submitted does not appear to coordinate with the existing architectural character of the dental office already within the PUD, especially the rooflines as specifically mentioned in the Master Plan.
    - The Master Plan specifically states that buildings shall present the best fact to the street and the gas pumps are the predominate feature along both 44<sup>th</sup> St. and 8<sup>th</sup> Ave., along with an air pump and vacuum.
  - b. **The proposal does not meet the Qualifying Condition in Sec. 22.2(E), Pedestrian because there is no sidewalk connection from the northeast of the site to the northwest of the site. As proposed, pedestrians would have to walk through the gas pump area to get from east to west at the north of the site.**
  - c. **The proposal does not meet the Qualifying Condition in Sec. 22.2(F) due to the following:**
    - No side elevations for the buildings, no elevations were proved for the gas pumps and no sign elevations were provided. Those elements should be provided to help with the determination.
    - With what was provided, it does not appear that the proposed buildings have a coordinated architectural style with the existing dental office, particularly with rooflines and pitches.
  - d. **The proposal does not meet the Qualifying Condition in Sec. 22.2(G) because there is no pedestrian connection from the northwest corner of the site. As proposed, pedestrians from the west (Glen Eagle condos) would have to walk through the traffic coming and going from the gas pumps to reach the sidewalk at the east of the site.** For the previous approvals, the Planning Commission determined that the pedestrian connection to the apartments to the west at the northwest of the site was acceptable rather than a driveway connection. However, since no driveway connection is provided, a pedestrian connection should be provided.
  - e. **The Planning Commission will have to determine if the proposal meets the Qualifying Condition in Sec. 22.2(H) and if the open space is useable.**
2. **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):
  - a. **Site plan shall be provided containing:**
    - **The location of all proposed signs and lighting, including the sizes and types. NOT provided. No sign elevations were provided to ensure that they coordinate with the architectural character of the PUD. The waiver request includes allowing the placement of wall signs on the sides**

**and backs of the buildings, in addition to the fronts. No sign details, including size, location and architectural character were provided.**

- Elevation views of all proposed structures and floor plans for all multi-family residential dwelling units. **NOT provided. None were provided for the gas pumps and canopies, the signs and the sides of the buildings. With what was provided, it is not possible to determine if the architectural character, including roof lines, meet the requirement in the Master Plan and in the condition of approval of the preliminary plan to be architecturally similar to the dental office.**
3. 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.
- a. **This final development plan does not appear to be in conformance with the preliminary development plan and is not be in conformance with a condition of approval. A condition of approval for the overall PUD, for the first phase for the dental office, and for all future phases was, as indicated with a note in the narrative, that there are to be “coordinated building relationships. The architectural character of future structures in all future phases shall coordinate with the architectural styles contained with this proposal.”**

**The proposal is for flat roofs and the existing architectural style contained a pitched roof. The architectural character of the proposed structures do not coordinate with the dental office which was previously approved and is currently being constructed.**

**Further, information, including side elevations of the buildings, elevations of the gas pumps, and sign details were not submitted, making it impossible to determine if the architectural character of those elements coordinates with the existing dental office building.**

4. 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. **NOT met.**
  - b. 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.) **NOT met. Elements have not been provided.**

**OPTION FOR MOTION:**

**To table the application until the needed materials are submitted and until the plan is revised to comply with ordinance and Master Plan requirements.**

## COMPLETE REVIEW:

### **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.** With motion #150204-03, the Planning Commission approved the overall PUD and approved the waiver for 9.64 acres for a mixed use PUD when Sec. 22.2(A) requires 20 acres for a mixed use PUD. The finding was that the PUD with less acreage provides for the intent of a PUD as listed in the PUD Chapter.

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

**Will be a condition of approval.**

- 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.

**Met.**

- 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.

**NOT met. Elements needed (and requested from the applicant) are missing making it impossible to determine compliance with the Master Plan and ordinance. Further, with what was provided, the architectural character of the proposed structures do not appear to coordinate with the existing dental building and the gas pumps proposed to front on both street also does not appear to meet the Master Plan requirement that buildings present the best front to the street. See the points below.**

1. **The elevations for the gas pumps and for the sides of the buildings were requested at the pre-application meeting have not been provided. Sign pictures showing architectural character and details were also not provided. That information is necessary for the review to determine if the architectural character (including rooflines) is compatible with the existing dental office.**

2. **Based on the elevations submitted, the proposal does not appear to meet the Master Plan language regarding coordinating architectural character. With the missing information and with what has been presented, the proposal does not appear to meet the requirement in the Master Plan for coordinating architectural character.** During the compilation of the 2010 Master Plan, the Planning Commission added language (which is still in the newly adopted 2015 Master Plan) requiring buildings, structures, stand-alone elements, **signs and rooflines** in a PUD to have coordinating architectural character. The language was added as a result of the PUD at the corner of 36<sup>th</sup> Ave. and Baldwin because the two buildings did not coordinate architecturally (**including rooflines and pitches**) and did not look like that belonged together in a development.

**Further, a condition of approval of the preliminary PUD plan was that the architectural character of all future structures in all future phases shall coordinate with the architectural styles contained with this proposal.**

3. **The proposal does not appear to meet the Master Plan language regarding placing the best front of the building facing the major streets.** The gas pumps on a large area of pavement are shown as the predominate feature between the proposed buildings and both 44<sup>th</sup> St. and 8<sup>th</sup> Ave. on the extremely busy corner. **Note that no elevations for the gas pumps have been provided.** In addition, bordering very close to 44<sup>th</sup> St. (in fact is partially in the required setback) **is a proposed air pump and vacuum.**

In 2003, the planner at the time recommended that the Fifth/Third Bank at 530 Baldwin put the drive-in lanes adjacent to Baldwin rather than in the rear of the building. Again, language was added to the Master Plan to prevent this type of situation from happening again.



**Pages 30 and 31 in the 2015 Master Plan:**

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.

A mixed use PUD (with any combination of residential, commercial and/or industrial uses) may be used as a developmental technique if it is clear the PUD substantially provides for the intent of a PUD as listed in the Georgetown Township Zoning Ordinance. The mixed use PUD shall contain some uses that conform to the Township Land Use Plan for the subject site with the determination of the percentage of uses to be consistent with the Master Plan to be determined by the Planning Commission and Township Board, taking into account if the development substantially provides for the intent of a 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 stand alone ordinance covering certain sidewalk requirements)

**NOT met. Sidewalks or pedestrian connections should be provided from the west side of the site, along the north green area (along 44<sup>th</sup> St.) to connect to the sidewalk at the north end of 8<sup>th</sup> Ave.** Otherwise, sidewalks have been shown along 44<sup>th</sup> St. and 8<sup>th</sup> Ave. Sidewalks are shown to connect to the apartment development to the west, in the interior, and to interconnect the interior development to the sidewalks on 8<sup>th</sup> Ave. A pedestrian connection (rather than a driveway) is shown at the northwest of the site and the Planning Commission determined that it only has to be a pedestrian path rather than a driveway connection. **This connection should be continued to the east at the north end of the site.**

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

**NOT met. First, no side elevations for the buildings, no elevations were provided for the gas pumps and no sign elevations were provided. Those elements should be provided to help with the determination. See the points below.**

**Second, with what was provided, it does not appear that the proposed buildings have a coordinated architectural style, particularly with rooflines and pitches.**

1. **Rooflines and architectural styles are not coordinated.** The two proposed buildings do not have rooflines that coordinates with the roofline of the existing dental office, nor do they appear to be architecturally similar in any way (other than possibly color). The dental office appears to have a traditional residential look with overhangs over some of the windows and a pitched roofline. The two newly proposed buildings appear to have sleek modern/contemporary lines with flat roofs. Note the pictures below.

**Dental office architectural character, residential/traditional with pitched rooflines:**



**Dr. Lee's Dental Office (the building currently existing on the site:**



Proposed retail/bank and gas station with a sleek modern/contemporary character with mostly flat rooflines (note that no side views were provided so not possible to determine the rooflines of the peaks):



ENTERPRISE GAS

create architecture  
616.734.9314

02.01.16



ENTERPRISE GAS (RETAIL)

CREATE architecture

02.01.16

2. **Architectural details were not provided for the gas pumps or canopies.** As per the language in the Master Plan for stand-alone structures, canopies should be integrated into the design of the building and should complement the main building through consistency in roof pitch, architectural detailing, materials and scale. Bold bands of color on the canopy and backlighting should be prohibited.

Examples are provided of canopies with pitched roofs.





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.

**NOT met.** There is no pedestrian connection from the northwest corner of the site. As proposed, pedestrians from the west (Glen Eagle condos) would have to walk through the traffic coming and going from the gas pumps to reach the sidewalk at the east of the site. For the previous approvals, the Planning Commission determined that the pedestrian connection to the apartments to the west at the northwest of the site was acceptable rather than a driveway connection. However, since no driveway connection is provided, a pedestrian connection should be provided.

H. **Open Space Requirements:** **The amount appears to be met since evidence was provided that the 23% does not include the pavement areas nor the setback requirements. However, does the Planning Commission determine this to be usable open space?** The approved preliminary plan indicated that there is 20% of open space as defined in the ordinance, which included a plaza with water feature, along with greenspace and landscaping.

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.

1. **Permitted uses-meets requirements.** The proposed uses are the same as previously approved for a mixed use planned unit development for residential uses, gas station, retail and restaurant, and office and commercial uses. The uses proposed are substantially consistent with the Neighborhood Commercial designation in the Master Plan and consistent with the uses approved for the preliminary plan.
2. **Final Development Application. Provided. The proposal is for the second phase.**

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

- B. **Final Development Plan Approval Time Period – Single Phase:** Within twelve (12) months of the Township Board’s approval of the PUD preliminary plan and PUD rezoning, the applicant shall submit a request to the Zoning Administrator for final PUD approval. If the applicant fails to submit a request within twelve (12) months as stated above, then the preliminary site plan (not the PUD rezoning) shall be determined to be invalid.
- C. **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.
- D. **Approval Time Extension:** Upon request to the Township Board and in accordance with Section 22.13, A, 1 and 2, the time frames may be extended for a reasonable period of time.

3. **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. **Provided.**
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. **NA**
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. **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. **NOT provided. No sign elevations were provided to ensure that they coordinate with the architectural character of the PUD. The waiver request includes allowing the placement of wall signs on the sides and backs of the buildings, in addition to the fronts. No sign details, including size, location and architectural character were provided.**
- d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **Provided.** Landscaping appears to meet ordinance requirements. **A suggestion to mitigate the gas pumps at the front of the buildings predominately visible from both streets had been to add landscaping to the front. This was not done.**
- 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 when a building permit application is submitted.**
- 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. **NOT provided. None were provided for the gas pumps and canopies, the signs and the sides of the buildings. With what was provided, it is not possible to determine if the architectural character, including roof lines, meet the requirement in the Master Plan and in the condition of approval of the preliminary plan to be architecturally similar to the dental office.**
- h. Proposed open space areas, including recreational amenities (playgrounds, etc.). **Provided. As shown, does the Planning Commission determine that the open space is usable.**
- i. Floodplain areas. (Revised 6-27-2005) **Provided.**

#### 4. Planning Commission Review.

##### **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 final development plan does not appear to be in conformance with the preliminary development plan and may not be in conformance with a condition of approval.** A condition of approval for the overall PUD, for the first phase for the dental office, and for all future phases was, as indicated with a note in the narrative, that there are to be “coordinated building relationships. The architectural character of future structures in all future phases shall coordinate with the architectural styles contained with this proposal.”

**The proposal is for flat roofs and the existing architectural style contained a pitched roof. The architectural character of the proposed structures do not coordinate with the dental office which was previously approved and is currently being constructed.**

**Further, information, including side elevations of the buildings, elevations of the gas pumps, and sign details were not submitted, making it impossible to determine if the architectural character of those elements coordinates with the existing dental office building.**

- 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. **NA.**
- 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. **It is not consistent. See Sec. 22.10 below.**
- 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.

**A list of modifications was provided. The Planning Commission will have to determine if the requested deviations from ordinance requirements result in a higher quality of development than would be possible using conventional zoning standards or if they are requested for reasons that only benefit the developer.**

- 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.**

5. Standards for review.

**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.

**NOT met.** See the beginning of the review. Some information was not provided. Further, the determine with what was provided is that the proposal is not consistent with the language of the Master Plan related to the coordinating architecture and does not present the best face of the buildings to the main streets since the gas pumps are the predominant feature.

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.

**Does not appear to be met** relative to the architecture and the location of the gas pumps, in addition to the lack of pedestrian connections from the northwest of the site to provide access to the sidewalk along 8<sup>th</sup> Ave. Sidewalk should be provide in the interior of the landscaping along 44<sup>th</sup> St.

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 Planning Commission should determine if this is met.**

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.

**Does not appear to be met.** The development does not appear to represent an opportunity for improved or innovative development based on the lack of coordination with the existing building, lack of the front/best face to the busy streets (the gas pumps-with no elevations provided- take up most of the entire corner of the site), and lack of pedestrian walkways (connecting the northwest of the site to the east of the site) as specifically stated in the ordinance.

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.)

**NOT met.** Elements have not been provided.

**6. PUD Agreement-must be submitted at the time a building permit application is submitted to the Township.**

**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.