



## Fresh Coast Planning

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# MEMORANDUM

To: Tallmadge Charter Township Planning Commission  
From: Gregory L. Ransford, MPA  
Date: January 12, 2023  
Re: Buist Planned Unit Development – Preliminary Plan

Pursuant to Chapter 14 – Planned Unit Development District of the Tallmadge Charter Township Zoning Ordinance (TCTZO), attached is a Planned Unit Development (PUD) application from Diana Buist to establish a residential PUD with a commercial component. Ms. Buist seeks to construct an open-air building for weddings on the same property as her current dwelling located at 3585 River Hill Drive. The property is at the west end of River Hill Drive along the Grand River and is positioned within the Rural Preserve (RP) Zoning District.

### Preliminary Review

#### *Residential PUD*

As you are aware, Chapter 14 of the TCTZO allows for residential PUDs with a commercial component, and commercial PUDs with residential components. While we think the applicant could have pursued either path, we concluded that a residential PUD with a commercial component was most favorable to achieve what the applicant is seeking. Given this, our review and related comments within our memorandum are based on residential PUD requirements.

#### *Parallel Plan*

Pursuant to Section 14.04(b) – Residential PUD Development Standards, Base Density for Residential Uses of the TCTZO, the density for any proposed PUD shall be determined by establishing a base density related to the underlying zoning district through a Parallel Plan. Given that the applicant does not seek to pursue additional residential uses, we concluded that a separate parallel plan was not necessary. To nonetheless satisfy the requirement, you could consider the main site plan the preliminary plan and the parallel plan.

#### *Preliminary Plan*

Given the lack of a formal Parallel Plan, the applicant submitted only a Preliminary Plan in accordance with Section 14.07(b) – Application and Processing Procedures, Preliminary Development Plan Submission and Content of the TCTZO. Within a Preliminary Plan, a density bonus, open space, and other PUD elements shall be established for your review. Pursuant to Section 14.04(j) – Density Bonus of the TCTZO, the applicant is permitted to seek various density bonuses, after providing a required minimum of ten percent (10%) open space. As you will note on the site plan, the applicant is not pursuing any additional density bonus but has provided for fourteen percent (14%) open space, which exceeds the minimum required. Along with this, the applicant has satisfied the required content for a Preliminary Plan.

#### *PUD Considerations*

Section 14.04(e) – Residential PUD Development Standards, Sidewalks and Street Lights of the TCTZO provides the Planning Commission with the authority to require sidewalks and streetlights within a PUD. The applicant does not propose sidewalks or streetlights. Nonetheless, the Planning Commission shall determine whether sidewalks or streetlights, or

both, are required. Pursuant to Section 14.04(e) of the TCTZO, the following factors shall be considered when determining if sidewalks shall be installed:

1. Whether the property in the proposed PUD contains an existing sidewalk;
2. Whether the property in the proposed PUD abuts an existing sidewalk;
3. Whether the property in the proposed PUD is planned for sidewalks, bike paths or other recreational paths in the Master Plan, the Township recreation plan or other Township policy document;
4. The vehicular traffic volume on the street or streets on which the PUD property fronts;
5. Whether the property in the proposed PUD contains existing street lights;
6. Whether surrounding properties contain street lights;
7. The expected vehicular and pedestrian traffic volume on the streets within the PUD and the expected impact on the Township's existing and proposed street system;
8. The amount of ambient light currently within the property in the proposed PUD and the amount of ambient light expected if the proposed PUD is constructed; and
9. Whether the Master Plan classification for the property in the proposed PUD is Medium Density Residential A or High Density Residential A or both.

### **Findings and Observations**

#### *Variances*

As you will note within the application materials, the applicant has applied for variance from several provisions of the TCTZO to maintain the site plan as presented. The variances include a reduced greenspace buffer, reduced aisleway width within the parking lot, and a portion of gravel parking and aisleways. Given that the applicant has applied for these variance requests, the Planning Commission can review the site plan on the assumption they will be granted. In the event they are approved or denied, the applicant must return for final plan consideration. Given this, the Planning Commission could permit the applicant to return with a final plan if the preliminary plan is found sufficient, or in the event of denial by the Zoning Board of Appeals, return with the preliminary plan, adjusted accordingly.

#### *Setback Reduction*

While the aforementioned require a variance from the Zoning Board of Appeals, the Planning Commission possesses the authority to reduce certain dimensional requirements within a PUD, including setbacks. As you will note on the site plan, the applicant proposes the open-air building at 10 feet from the front lot line. Given this, the Planning Commission will need to grant such a position of the building, if you agree, because 75 feet is the required minimum within the RP Zoning District.

#### *Mixed Uses*

Section 14.04(c) – Residential PUD Development Standards, Mixed Uses of the TCTZO indicates that, “commercial uses in underlying residential zoning districts may be permitted with a residential component to the extent the applicant demonstrates by expert analysis...that the residential and commercial uses are compatible.” The Planning Commission will need to determine the extent of expert analysis required.

### **Department Reviews**

#### *Fire Department*

As you will note within the attached review letter, the Fire Department is generally satisfied with the proposed plans.

We are waiting for final review by the Township Engineer. Once we receive his comments, we will transmit them to you.

**Preliminary Review Decision**

Following your review of the Preliminary Plan, the Planning Commission shall either approve or deny the preliminary development plan and provide comments to the applicant. Approval of the preliminary plan shall be based on the findings of fact relative to Section 14.01 and Section 14.03 of the TCTZO. For your convenience, below is a copy of each section, in part.

*Section 14.01 – Description and Purpose*

It is the intent of this Chapter to authorize the consideration and use of PUD regulations for some or all of the following purposes:

- (a) To encourage the use of land in accordance with its character and adaptability;
- (b) To promote the preservation and conservation of natural features and resources;
- (c) To encourage innovation in land use planning and development;
- (d) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township;
- (e) To promote and ensure greater compatibility of design and use between neighboring properties and to coordinate architectural styles, building forms, and structural relationships within developments;
- (f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance;
- (g) To encourage underground utilities which can be more efficiently designed when master planning a larger area; and
- (h) To facilitate phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.

The provisions of this Chapter are not intended as a device for ignoring this Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making. A PUD must comply with this Chapter.

*Section 14.03(b) – PUD Authorization, Conditions for Consideration and Approval*

Conditions for Consideration and Approval. A proposed PUD must demonstrate the following characteristics.

1. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the Township in general, which benefit would otherwise be unfeasible or unlikely to be achieved without the PUD.
2. In relation to the underlying zoning district before the property is rezoned for the PUD, the proposed type and density of use in the PUD shall not result in a material increase in the need for public services, facilities, or utilities, beyond capacity, and shall not place an inappropriate burden upon the subject land or its owners or occupants, or the surrounding land or its owners or occupants.

3. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Ordinance.
4. In relation to the underlying zoning district before the property is rezoned for the PUD, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
5. The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most prevalent or dominant use in the development.
6. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Township Clerk.

### **Final Development Plan Submission**

Following your action and direction regarding the preliminary plan, pursuant to Section 14.07(d) – Application and Processing Procedures, Final Development Plan Submission of the TCTZO, the applicant shall provide a final development plan in accordance with the provisions of Section 14.07(e). This includes:

- A site plan in compliance with Chapter 18

As you know, a public hearing shall be held during consideration of the final development plan.

### **Planning Commission Considerations, Recommendation, and Draft Motion**

As the Planning Commission deliberates regarding this application, we believe the following warrant your review and consideration. They are listed in no particular order:

- Whether the required ten foot front yard setback is appropriate
- The extent of expert analysis required to demonstrate that the residential and commercial uses are compatible
- Whether sidewalks, streetlights, or both are required to be installed
- Findings of Fact relative to Section 14.01 and Section 14.03(b) of the TCTZO

The proposed is scheduled for your January 24, 2023 meeting. If you have any questions, please let us know.

GLR  
Planner

Attachments

cc: Mark Bennett, Supervisor