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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Alexis C. Gulker
Date: September 13, 2024
Re: Tallmadge Pointe Planned Unit Development Application

Pursuant to Chapter 14 –PUD Planned Unit Development District of the Tallmadge Charter Township Zoning Ordinance (TCTZO), attached is a Planned Unit Development (PUD) application from Doug Kloostra to develop 28 duplex condominium residential units and one (1) single family dwelling, which is existing. The property is located off of Leonard Street on parcel numbers 70-10-24-200-024, 70-10-24-200-025, and 70-10-24-226-088. The western approximately 13.49 acres is located within the R-1 Single Family Residential Zoning District (R-1) and the eastern approximately 1.71 acres is located within the RP Rural Preserve Zoning District (RP).

As you know, a similar application of 28 units was presented to you in 2018, 2020, and then again in July of 2023. The Planning Commission approved the Preliminary Development Plan in 2023 by a vote of 4 to 0 with the following comments and direction to the applicant.

1. Condition of approval was that a bike path is to be installed on Leonard as shown on the site plan.
2. Condition of approval was to include four “No Parking” signs along the street at 5, 10, home 1 and home 20 along the road and shall be identified on the site plan.
3. Condition of approval was that one trash service used for all dwellings for pick-up service with trash bins stored inside.

Despite this, the previous Preliminary Development Plan and related PUD application has expired. As a result, the applicant has submitted this new application.

2023 Direction

For the sake of noting changes from the 2023 submission, although the Preliminary Development Plan is reviewed as a new application, it is important to note the applicant has performed no changes to the application. Therefore the remainder of the memorandum is as presented in 2023 except for a draft motion we added that replicates the three conditions from 2023 for your convenience.

Preliminary Review

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. The parallel plan shall be drawn to comply with the lot area, lot width, setbacks and the like for the underlying zoning districts. While the parallel plan shall always be drawn related to the underlying zoning district(s), the base density may be alternatively determined by the density established by the Master Plan and the recommendations set forth within its text.

As a result, the applicant has provided that parallel plan based on the both the Medium Density Residential Classification (MDR), which is located within the 13.49 acres, and the High-Density Residential Classification (HDR), which is located within the 1.71 acres. A snapshot of the master plan map is provided below for your convenience. (Legend: Orange = MDR, Brown = HDR, Yellow = Low Density Residential, Red = subject property)



The related master plan text within Chapter Three – Residential Uses indicates that the MDR Classification is intended to accommodate single family, two-family, and attached dwellings units at a density of *up to* 3.5 units per acre (page 12). In addition, the HDR Classification indicates that multi-family units at a density *maximum* of eight (8) units per acre is recommended. As a result, the applicant is suggesting a total base density of 61 units, as shown in the parallel plan.

Preliminary Development Plan

As a result of and based on the parallel plan, the applicant shall simultaneously submit a Preliminary Development Plan in which 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 the following density bonuses, after providing a minimum of ten percent (10%) open space, which automatically provides the applicant with a bonus of twenty percent (20%).

- Fifteen percent (15%) open space: twenty-five percent (25%) density bonus.
- Twenty percent (20%) open space: thirty percent (30%) density bonus.
- Twenty-five percent (25%) open space: thirty-five percent (35%) density bonus.
- Thirty percent (30%) or more open space: forty percent (40%) density bonus.
- Construction of public water supply system or public sanitary sewer system: five percent (5%) density bonus.
- Construction of public water supply system and public sanitary sewer system: fifteen percent (15%) density bonus.
- Construction of active recreational facilities, such as a golf course, baseball diamond, tennis court, basketball court or community clubhouse, of at least one (1) acre in size: five percent (5%) density bonus.
- If the PUD requires a minimum setback for any building envelope of at least one hundred (100) feet from any public street right-of-way not constructed as part of the PUD: five percent (5%) density bonus. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor shall any grading or changes in topography occur, except that necessary for entrance streets into the PUD.

- Any other rural character mechanism found by the Planning Commission during site plan review to be reasonable and consistent with the intent of this Ordinance: five percent (5%) density bonus.

As you will note in number 3 of the General Notes on the Preliminary Development Plan, Sheet C3, the applicant provides approximately 37.2% open space. Regardless of this, based on their suggested use of the highest maximum from the master plan, they are seeking a density less than that allowed by their base density, at 57 units.

PUD Considerations

Section 14.04(e) – Residential PUD Development Standards, Sidewalks and Street Lights

Section 14.04(e) of the TCTZO provides the Planning Commission with the authority to require sidewalks and streetlights within a PUD. The applicant does propose streetlights but no internal sidewalks, despite the high density of the development. 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.

The Planning Commission will need to determine if internal sidewalks should be installed.

Section 3.36 – Non-Motorized Pathways

Pursuant to Section 3.36 (4) of the TCTZO, the Planning Commission “shall specifically consider whether non-motorized pathways are necessary along the proposed development frontage which abuts an existing street.” If the Planning Commission does determine a non-motorized pathway along Leonard Street is necessary, it shall provide a recommendation of such to the Board of Trustees. Alternatively, the Planning Commission may deem it is appropriate to pay in-lieu of construction. It is important to note the applicant does propose a bike pathway along Leonard Street. Pursuant to Section 3.36 (4) of the TCTZO, the Planning Commission shall consider the following standards in making the determination if a pathway is necessary:

- a. Vehicle traffic likely to be generated by the development which requires Site Plan approval.
- b. Bicycle, pedestrian, and other non-vehicle traffic likely to be generated by the development requiring Site Plan approval.
- c. The importance of the required non-motorized pathways to provide a safe means for bicyclists and pedestrians, including children, to access schools, churches, parks, libraries, and other amenities intended for their use.
- d. The proximity of the development requiring Site Plan approval to attractions such as parks, churches, public buildings, and shopping opportunities.

- e. The fair market value of any land required for Easements for the required non-motorized pathways.

The option remains that the Planning Commission could conclude no path or pay in lieu of construction is necessary.

Department Reviews

Fire Department

Pending new review comments from the Fire Department attached is a copy of the Fire Department letter regarding the proposed plans from 2023 that are the same as the 2024 plans. In particular, their letter raises concerns regarding on-street parking. The Fire Department recommends a prohibition of the same.

Township Engineer

Pending new review comments from the Township Engineer below is a copy of the review comments from the Township Engineer in 2023.

Details on the stormwater management system and drainage calculation were not submitted. The Ottawa County Water Recourses Commissioners office will review drainage for the site since an OCRC permit will be required for the drive approaches.

The Public water main and sanitary sewer will need to be approved by the City of Grand Rapids.

Preliminary Review Decision

Following your review of the Preliminary Development Plan, the Planning Commission shall either approve or deny the Preliminary Development Plan and provide comments to the applicant. Approval of the Preliminary Development 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 Development 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
- Submission of proposed covenants and restrictions pursuant to the Site Condominium provisions and Section 14.04(f)

Planning Commission Considerations

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 base density in the parallel plan is appropriate and as a result, whether the density in the Preliminary Development Plan is appropriate
- Whether internal sidewalks should be installed

- Whether constructing a bike pathway along Leonard Street is necessary
- Whether the applicant should include “No Parking” signs along the street
- Whether the applicant needs to provide further information on drainage approval for the final plan submission (Pending new review comments from Township Engineer)
- Findings of Fact relative to Section 14.01 and Section 14.03(b) of the TCTZO

Draft Motion

Given your previous approval of the request and in an effort to assist with your formulation of a motion in that regard, we offer the following motion for your consideration regarding the site plan application.

Motion to approve the preliminary development plan as presented with the following conditions

1. Shall install a bike path on Leonard as shown on the site plan
2. Shall install four “No Parking” signs along the street at 5, 10, home 1, and home 20 along the road and shall be identified on the site plan.
3. Shall provide one trash service used for all dwellings for pick-up service with trash bins stored inside.
4. [INSERT CONDITION, if necessary]
5. [INSERT CONDITION, if necessary]

The proposed is scheduled for your September 23, 2024, Planning Commission meeting. If you have any questions, please let us know.

AG
Planner

Attachments

cc: Mark Bennett, Supervisor