

MEMO

TO: Planning Commissioners

FROM: Zoning Administrator, Susan Stachowiak

DATE: May 29, 2024

RE: Planned Unit Development Ordinance

Attached is a proposed amendment to the Zoning Ordinance to allow for and regulate Planned Unit Developments (PUD). The purpose of the PUD ordinance is to provide development options in all zoning districts, where flexibility in design and use, including accommodating a mix of land uses and residential density levels on the same site, is appropriate based upon lot size, location, and surrounding land uses. Below is a summary of the proposed ordinance provisions:

- Establishes the objectives and criteria that must be met in order to qualify for consideration of a planned unit development. In short, the proposed development must provide a benefit to the community and must be unique in terms of design and usage, such that it cannot be reasonably accommodated under the zoning designation of the property.
- Outlines the steps for review and approval of a PUD. This begins with a review of a concept plan/proposal at the administrative level. If it is determined that the proposal complies with the objectives and criteria set forth in the ordinance, it can proceed to the next level which involves the applicant submitting a more detailed plan for approval by the City Council, following a public hearing and a recommendation by the Planning Commission. The final step is review and approval of a fully engineered site plan at the administrative level. This is a technical review, and the final site plan would have to be in substantial compliance with the approved PUD plan.
- Sets forth the design standards for PUD's and allows for conditions of approval over and above what is required under the general requirements of the Zoning Ordinance and Municipal Standards such as preservation of natural features, enhanced architectural building design and additional nonmotorized transportation amenities.
- Describes the construction and pre-construction requirements such as establishing the necessary easements, obtaining the required permits, executing a Public Infrastructure Agreement, payment of fees, and time frames for commencement and completion of construction.

A public hearing will be held at the June 6, 2024, meeting, after which there will be a motion on the agenda to recommend approval of the proposed amendments to the City Council.

City of Grand Ledge Ordinance # _____

**An Ordinance Amending the City Code, Chapter 46 – Zoning to Add
Planned Unit Development.**

The City of Grand Ledge Ordains:

Section 1. Change. The City Code, Chapter 46 – Zoning, is amended, as follows:

Planned Unit Development (PUD)

Purpose.

The purpose of this Article is to provide development options in all zoning districts, where flexibility in design and use, including accommodating a mix of land uses and residential density levels on the same site, is appropriate based upon lot size, location, and surrounding land uses.

Planned Unit Development Objectives.

A development plan must satisfy the following objectives:

- (a) Result in an innovative, unique, and varied development through flexibility in use and design, that would not otherwise be permitted or could be reasonably accommodated under the zoning designation of the property to be developed.
- (b) Accommodate uses that have an economic benefit to the community such as new housing, employment opportunities, and access to commercial goods and services that are either not currently available in the City or would make them more convenient to its residents.
- (c) Use of enhanced architectural designs and high-quality materials that improve exterior building appearances beyond the general requirements of this Chapter.
- (d) Advance the concepts, goals and objectives of the City’s Master Plan and City Council’s adopted priorities.
- (e) Promote connectivity to the City’s nonmotorized pathway and sidewalk systems, by providing access to schools, parks & open spaces, businesses, and other amenities.
- (f) Preserve natural features of the site, including wetlands, densely wooded areas and mature trees that are in a healthy state of growth where they can be reasonably accommodated.

Basic Criteria.

In addition to fulfilling the objectives listed in Section 46-601, the following criteria must be met in order to qualify for consideration of a Planned Unit Development:

- (a) The proposed development can be adequately served by and will not place excessive demands on public services, facilities, streets, and utilities.
- (b) The proposed use(s) are of a nature that will not generate nuisances or a level of activity that

would negatively impact surrounding uses.

- (c) The proposed use(s) and site design cannot be reasonably accommodated under the permitted uses and development requirements of the underlying zoning district in which the property is located.
- (d) The proposed development will have no negative impacts on the health, safety, and welfare of the community as determined by City Council.

Procedure for review.

Approval of a Planned Unit Development is a three-step process: a preapplication conference, review of preliminary plan by the City Council, following review and a recommendation by the Planning Commission and approval of a final site plan by the Zoning Administrator in accordance with Section 46-20 of this Chapter.

- (a) Preapplication conference. Prior to the submission of an application for PUD approval, the applicant shall meet with the City Manager or the City Manager's designee, along with any staff and consultants the City Manager deems appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the proposed PUD, as well as the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses; the number of acres to be occupied by each type of use; and the number of acres to be preserved as open or recreational space, if any. Following the preapplication conference, the City Manager or City Manager designee will direct the applicant to pursue conventional zoning or invite the development of a preliminary plan and pursuit of PUD approval.
- (b) Preliminary plan. Following the preapplication conference, and upon invitation by the City Manager or City Manager's designee, an applicant wishing to pursue PUD approval, shall submit a preliminary plan for the proposed PUD, in accordance with following information, along with any other information requested during the preapplication conference, narrative prepared by the applicant shall accompany the site plan providing a description of the project, the regional market strength for the concept and feasibility of the project, and an explanation of the manner in which the criteria set forth in Section 46-601 have been satisfied or exceeded:
 - (1) Information required. A site plan and application for a PUD shall contain the following information:
 - (a) A site plan in accordance with all requirements of Section 46-20 (d) (1)-(3) Site Plan Review and Section 46-605 Design standards.
 - (b) A separately delineated list of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of the application of the PUD.
 - (c) A specific schedule of the intended development and construction details, including phasing or timing.
 - (d) A specific schedule of the general improvements for the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual

screening features.

- (e) Exterior building elevations and specifications of the exterior building materials with respect to the structures proposed in the project.
 - (f) Identification of public and private streets, as well as driveway locations and residential shared driveways.
 - (g) Signatures of all parties having an interest in the property at the time of submission.
 - (h) The contact information for the person or entity having control over the project.
 - (i) If Private Streets and/or Shared Driveways are proposed, conformance to Section 46-606 Private streets and shared residential driveways is required.
- (2) The Planning Commission shall hold a public hearing in accordance with the requirements of Section 46-586 of this Chapter before making its recommendation to the City Council. The recommendation must be based upon findings as to whether the development plan complies with the purpose, objectives, and criteria described in this Article and the requirements of all other applicable ordinance provisions.
- (3) The City Council shall review the recommendation of the Planning Commission and either approve, approve with conditions as provided for in Section 46-604 or deny the Preliminary Plan.
- (c) Final Site Plan Review
- (1) Within one (1) year from the date of the Planned Unit Development Preliminary Plan approval by the City Council, the applicant shall submit a site plan and other documentation, in accordance with the requirements of Section 46-20 (d) of this Chapter for consideration by the Zoning Administrator. This includes a projected time frame for the start and completion of all aspects of the project and the information required by Section 46-20 (e) for projects to be developed in phases.
 - (2) The site plan shall be reviewed administratively by the Zoning Administrator, the City Engineer, and other members of the City management team for compliance with all applicable ordinance/code and municipal standard provisions.
 - (3) The site plan must substantially conform to the approved preliminary plan and shall have incorporated the required conditions related thereto.
 - (4) Planning Commission approval of the Final Site Plan is not required. The Zoning Administrator shall inform the Planning Commission on the review status of PUD Final Site Plans.
 - (5) The Final Site Plan may be conditioned upon administrative approval of a revised site plan addressing issues of a technical nature that will not impact the general layout of the plan. Additional conditions may be attached to the approval of the plan in accordance with Section 46-605 of this Article.
 - (6) Final site plan approval shall not be granted until the City Engineer, Zoning Administrator,

and all departments charged with reviewing site plans have approved the site plan, in writing, for the requirements of their respective fields and departments.

Conditions.

The City may impose reasonable conditions on the approval of a development plan, as authorized by the State of Michigan Zoning Enabling Act, for the following purposes:

- (a) Ensure compatibility with adjacent uses of land.
- (b) Preserve natural features.
- (c) Protect the health, safety, and welfare of the community.
- (d) Ensure pedestrian and vehicular safety.

Design standards.

- (a) The plan must be designed in accordance with all applicable provisions of the Zoning Ordinance and municipal standards. The City Council, following a recommendation by the Planning Commission, may waive or modify the dimensional requirements, design requirements and density restrictions of the Zoning Ordinance, including, but not limited to setbacks, landscaping, and the number and location of parking and loading areas, in order to achieve the objectives of this Ordinance.
- (b) No deviation from any municipal standard including but not limited to public or private road construction and all improvements related thereto, utilities, stormwater management facilities and driveway locations shall be approved without the recommendation of the City Engineer and action by City Council.
- (c) In addition to the requirements of the Zoning Ordinance and Municipal Standards, the site shall be designed to preserve natural features including, but not limited to wetlands, densely wooded area and mature trees that are in a healthy state of growth throughout the site, to the extent possible without interfering with or preventing reasonable development of the property.
- (d) All utilities, including electrical and telephone lines shall be installed underground, unless otherwise permitted by the City based upon circumstances which justify relief from this requirement.
- (e) The City may require additional methods of screening and noise buffering around the perimeter of the site as deemed necessary to preserve the peaceful enjoyment and visual appeal of less intensive and less dense adjoining residential properties.
- (f) Approval of a development plan and waivers or modifications of any ordinance provision related thereto, shall require a finding that the plan complies with the following standards:
- (g) Is generally consistency with the Master Plan and Future Land Use Plan component thereof.
- (h) Demonstrates innovative site planning and enhanced architectural and site design quality.

- (j) Will be compatible with adjacent land uses.
- (k) Provides adequate public safety access.
- (l) Includes pedestrian trails, sidewalks, and other improvements that advance non-motorized mobility.
- (m) Includes amenities that enhance quality of life for the residential occupants of the development.
- (n) A determination that the benefits resulting from the development are unlikely to be achieved without approval of a plan under this Article.

Private streets and shared residential driveways.

- (a) Private streets. The City, at its sole discretion, may allow private streets in lieu of public streets, provided that the private streets are designed to standards adequate to support the type and number of vehicles that they are intended to serve. Private streets shall be designed and constructed with materials that provide for minimal maintenance for the first ten (10) years after construction. The City Engineer shall review and approve private streets to determine that the construction and drainage standards are adequate. The City Engineer may review inspection reports and construction activities to ensure conformance to approved plans.
 - (1) Private streets plans shall be designed and sealed by a registered civil engineer. Construction plans for private streets shall be submitted with Final Site Plan(s) Section 46-20 of this article.
 - (2) Private streets shall be designed to accommodate public safety vehicles, school buses, package delivery trucks, rubbish trucks, and similar vehicles. Private streets that dead end, must provide a turnaround that is approved by the public safety department/authority.
- (b) Shared residential driveways. The City, at its sole discretion, may allow shared residential driveways. Shared residential driveways are permitted subject to the following:
 - (1) The minimum width of the shared driveway is 20 feet.
 - (2) The maximum number of residential dwelling units without public safety department/authority approved turnarounds is four (4) and all of the residential dwelling units (inclusive of garages) are located within 150 feet of a public street.
 - (3) Public safety approved turnarounds are required for 5 – 10 residential units located on a shared driveway. A fire hydrant may be required. No plan will be approved which shows more than 10 residential units on a shared residential driveway. This requirement may be waived in the event that the residential driveway is accessible by a public street on both ends and approved by the public safety department/authority.
- (c) Private streets and shared residential driveways additional requirements.
 - (1) The applicant must demonstrate that permanent access is afforded to all residential units located on private streets and residential shared driveways.
 - (2) The applicant must submit to the City a short term and long-term maintenance plan for all

private streets and shared residential driveways. The plan must detail projected maintenance required and clearly identify the costs necessary to complete the maintenance and the funding source to cover the maintenance costs. Further the plan must identify how the funding will be secured and how the funding will be sustained and guaranteed for the useful life of the private streets and shared residential driveways.

- (3) The maintenance plan, all sales and rental agreements, as well as governing documents shall clearly indicate that the streets and shared residential driveways are private and that no City or State funds are used or can be used for the construction and maintenance of the private streets and shared residential driveways.
- (4) Easements acceptable to the City Attorney shall be executed and provided, prior to installation of public water mains and fire hydrants.

PUD Approval.

The Zoning Administrator shall deem the PUD approved once the Final Site Plan is approved and all other requirements of this article and other requirements of the City are satisfied.

Pre-Construction Requirements.

- (a) The Zoning Administrator shall not grant zoning approval for any permits or site work until all of the following have been provided:
 - (1) Written approval of the site plan from the City Engineer and all departments charged with reviewing site plans including the Zoning Administrator who shall be responsible for ensuring that all conditions of the Planning Commission and City Council approvals have been addressed.
 - (2) Receipt of the following permits, as applicable:
 - (a) A right-of-way permit for all new driveways, public road improvements and traffic control mechanisms from the government agency having jurisdiction over the affected right-of-way.
 - (b) Soil and sedimentation control permits from the County Drain Commissioner of jurisdiction.
 - (c) Utility and environmental permits from the State of Michigan Department of Environment, Great Lakes, and Energy.
 - (3) A Public Infrastructure Agreement, if required by the City Manager, duly executed, and recorded with the jurisdictional County Register of Deeds.
 - (4) Payment of all required utility installation/connection fees and inspection fees.
 - (5) The City Manager confirms that all required performance guarantees have been provided in the proper format and amount(s).
- (b) A preconstruction meeting is held in accordance Chapter 4 of the City's Municipal Standards.

- (c) All required easements, in accordance with the Municipal Standards and other applicable City ordinances have been recorded with the County Register of Deeds having jurisdiction over the property to be developed and copies provided to the City.

Construction.

- (a) Construction of the development shall commence within one (1) year from the date of approval of the stie plan by the Planning Commission. The Planning Commission may grant an extension up to two (2) years upon based upon a written statement from the applicant explaining the reason(s) for the delay and assurance that construction will commence within the extended time frames. Failure to start construction within the approved time period shall nullify the site plan and the applicant will be required to resubmit the site plan for approval, following the same procedures as the original approval.
- (b) Construction shall proceed in substantial conformance with the schedule provided by the applicant and shall progress meaningfully towards completion. If no or little construction activity has occurred within a period of one-hundred and eighty (180) calendar days, the Zoning Administrator shall notify the developer in writing that approval of the Planned Unit Development overlay district shall be revoked and become null and void, ninety (90) calendar days from the date of the notice, unless an extension is granted by the City Council prior to the deadline. Upon revocation of the Planned Unit Development overlay zone, the zoning of the property shall automatically revert to the underlying zoning district and the developer must reapply for the overlay zone following the same procedures as the original approval.

Section 2. Severability. The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases or portions of this ordinance.

Section 3. Section Headings. The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

Section 4. Effective Date. This ordinance shall take effect seven days after it has been adopted by the City Council.

Introduced by the City Council this _____ day of _____, _____.

Motion by

Second by

Ayes:

Nays:

Absent:

Adopted by the City Council this _____ day of _____, _____.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

Keith O. Mulder, Mayor

I, Gregory Newman, City Clerk, certify this is Ordinance #_____ adopted by the City Council at a meeting held the _____ day of _____, _____, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance #_____ was published in the Grand Ledge Independent, a newspaper of general circulation in the City, the _____ day of _____, _____, subsequent to its adoption.

Gregory L. Newman, City Clerk

Introduced:

Public Hearing:

Adopted:

Published:

Effective:

VII. NEW BUSINESS

- A. **Motion** – To approve the site plan prepared by MLP and Associates Inc., dated April 22, 2024, for a 78 unit, 93 bed, 2-story, assisted living facility with related site improvements on parcels 400-011-300-055-00 & 400-011-300-060-00, subject to submission of a revised site plan which addresses the City Engineers letter dated May 31, 2024, within 45 days of the Planning Commission’s approval, which shall be reviewed by the City Engineer and approved by the Zoning Administrator, compliance with the 2015 International Fire Code including all appendices, the applicant depositing or escrowing the funds necessary to construct the 7-foot-wide nonmotorized pathway along W. Saginaw Highway, prior to application of a building permit, and review and approval of storm water facilities by the Eaton County Drain Commissioner.

Sue Stachowiak, Zoning Administrator, reported that the proposed site plan is in compliance with all applicable Zoning Ordinance requirements. She pointed out that the City engineer’s review that is included in the packet is very lengthy but most of the comments are just acknowledgments that the previous review comments have been addressed. She also spoke about the second driveway that is shown on the site plan which will only be installed if deemed necessary by the Fire Department and then, would only be for use by the Fire Department during an emergency.

Rich Morrison, Community Development Director, explained that there cannot be access to the site from M-43 because it is designated by the Michigan Department of Transportation as a limited access right-of-way. He explained that he would see if a speed study can be conducted to determine if the speed limit can be reduced in the area.

The Commission discussed the second driveway shown on the Plan, the applicant escrowing the funds to construct the nonmotorized pathway along M-43 at the appropriate time, the driveway to the east being a full access driveway, and moving the island in the center of the parking lot slightly to the east to align with the entrance to the building to provide for a canopy between the parking lot and the building at some point in the future, if so desired.

COMMISSIONER DOTY MOVED, COMMISSIONER LOWE SECONDED, TO APPROVE THE SITE PLAN PREPARED BY MLP AND ASSOCIATES INC., DATED APRIL 22, 2024, FOR A 78 UNIT, 93 BED, 2-STORY, ASSISTED LIVING FACILITY WITH RELATED SITE IMPROVEMENTS ON PARCELS 400-011-300-055-00 & 400-011-300-060-00, SUBJECT TO SUBMISSION OF A REVISED SITE PLAN WHICH ADDRESSES THE CITY ENGINEERS LETTER DATED MAY 31, 2024, WITHIN 45 DAYS OF THE PLANNING COMMISSION’S APPROVAL, WHICH SHALL BE REVIEWED BY THE CITY ENGINEER AND APPROVED BY THE ZONING ADMINISTRATOR, COMPLIANCE WITH THE 2015 INTERNATIONAL FIRE CODE INCLUDING ALL APPENDICES, THE APPLICANT DEPOSITING OR ESCROWING THE FUNDS NECESSARY TO CONSTRUCT THE 7-FOOT-WIDE NONMOTORIZED PATHWAY ALONG W. SAGINAW HIGHWAY, PRIOR TO APPLICATION OF A BUILDING PERMIT, AND REVIEW AND APPROVAL OF STORM WATER FACILITIES BY THE EATON COUNTY DRAIN COMMISSIONER. MOTION CARRIED UNANIMOUSLY.

- B. **Public Hearing** – In consideration of an amendment to the Zoning Ordinance to permit Planned Unit Developments.

Sue Stachowiak, Zoning Administrator, gave a presentation on an amendment to the Zoning Ordinance to permit and regulate planned developments, what it would accomplish, and what the procedure would be for plan review and approval. She mentioned that the Commission agreed, at its May meeting, to allow the final site plan for PUD's to be approved at the administrative level since it would be just the technical, engineering details that would need to be approved at that point.

Rich Morrison, Community Development Director, explained that the final plan would have to be in substantial compliance with the approved development plan. He pointed out that the ordinance is generally the same as the one that was reviewed by the Commission at its May meeting and explained that the City could amend the ordinance at some point in the future to allow greater flexibility in use and design but the way it is written assures the community that the final site plan will be consistent with the plan approved by the City Council.

C. Motion – To recommend that the City Council approve an amendment to the Zoning Ordinance to permit Planned Unit Developments

COMMISSIONER GUTE MOVED, COMMISSIONER RADEMACHER SECONDED, TO RECOMMEND THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE ZONING ORDINANCE TO PERMIT AND REGULATE PLANNED DEVELOPMENTS. MOTION CARRIED UNANIMOUSLY.

D. Discussion – Master Plan Update – Water & Sewer Systems.

Rich Morrison, Community Development Director, spoke about the status of upgrades to the water and sewer systems that are currently being performed and future upgrades to the utility systems that are will still be needed.

VIII. ZONING ADMINISTRATOR'S REPORT

Sue Stachowiak, Zoning Administrator, reported that there will be a special meeting held on June 27, 2024, at 7:00 p.m., to consider a rezoning request for two parcels on Saginaw Highway that have recently been added into the City.

IX. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Rich Morrison, Community Development Director, reported on the status of the new ballfield, Jaycee Park improvements, Grand Renovations for Downtown Grand Ledge project, and utility system upgrades.

X. COMMUNICATIONS FROM THE PLANNING COMMISSION

Commissioner Doty reported that the Eagle Township Master Plan is available online. He also spoke about the Historical Society holding an 1890's softball game.

Mayor Keith Mulder spoke about a fundraiser for a new picnic shelter at Jaycee Park.

Chair Stevens spoke about seeking donations to fund other special projects that benefit the community.

XI. AUDIENCE PARTICIPATION