

## CHARTER TOWNSHIP OF GRAND RAPIDS

### COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Grand Rapids, held in the Township Hall, 1836 East Beltline Avenue, N.E., Grand Rapids, Michigan, on the 7th day of March, 2023, at 7:00 p.m.

PRESENT: Christopoulos, DeVries, Mott, Robinette, Yeiter

ABSENT: Roth, Van Dyke

The following ordinance was offered by Member Christopoulos, and supported by Member Mott.

### ORDINANCE NO. 540

#### AN ORDINANCE TO AMEND FRANKLIN PARTNERS PUD ORDINANCE NO. 523

**[Meadowood Townhomes - 3300 East Beltline Avenue, NE]**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1.     **Planned Unit Development Amendment.**     The Franklin Partners Residential Planned Unit Development (R-PUD) District, established by Ordinance No. 523 adopted December 4, 2018, is hereby amended in accordance with the Final Development Plan (as modified herein) submitted for Meadowview Townhomes, for that portion of the Franklin Partners Planned Unit Development described as follows:

PART OF NW 1/4 COM 234.52 FT S 88D 26M 57S E ALONG N SEC LINE & 33.0 FT S 1D 33M 03S W & 215.96 FT S 35D 05M 23S W & 297.29 FT S 1D 19M 57S W & 50.0 FT S 88D 40M 03S E & 382.54 FT S 1D 19M 57S W FROM NW COR OF SEC TH S 88D 26M 57S E 612.97 FT TH SLY 156.73 FT ALONG A 333 FT RAD CURVE TO LT /LONG CHORD BEARS S 3D 48M 28S E 155.29 FT/ TH S 17D 17M 30S E 143.54 FT TH SLY 44.28 FT ALONG A 67 FT RAD CURVE TO RT /LONG CHORD BEARS S 1D 38M 34S W 43.48 FT/ TH ELY 74.43 FT ALONG A 47 FT RAD CURVE TO RT /LONG CHORD BEARS S 56D 10M 35S E 66.89 FT/ TH NLY 103.27 FT ALONG A 133 FT RAD CURVE TO LT /LONG CHORD BEARS N 4D 57M 07S E 100.69 FT/ TH N 17D 17M 30S W 143.54 FT TH NLY 35.05 FT ALONG A 267 FT RAD CURVE TO RT /LONG

CHORD BEARS N 13D 32M 00S W 35.0 FT/ TH S 88D 26M 57S E 452.29 FT TH S 1D 50M 24S W ALONG E LINE OF W 84 AC OF NW 1/4 1793.91 FT TH N 89D 50M 37S W ALONG E&W 1/4 LINE 646.45 FT TH N 1D 50M 24S E 375.0 FT TH N 89D 50M 37S W 144.01 FT TH N 4D 04M 00S E 688.60 FT TH N 49D 41M 38S W 268.84 FT TH NELY 30.93 FT ALONG A 200 FT RAD CURVE TO LT /LONG CHORD BEARS N 35D 06M 39S E 30.90 FT/ TH NELY 130.59 FT ALONG A 200 FT RAD CURVE TO RT /LONG CHORD BEARS N 49D 23M 07S E 128.28 FT/ TH N 1D 33M 28S E 340.77 FT TH N 87D 44M 23S W 268.43 FT TO E LINE OF EAST BELTLINE AVE TH NLY ALONG SD E LINE 94.71 FT ALONG A 5849.58 FT RAD CURVE TO LT /LONG CHORD BEARS N 1D 47M 47S E 94.71 FT/ TH N 1D 19M 57S E 130.72 FT TO BEG \* SEC 2 T7N R11W, GRAND RAPIDS TOWNSHIP, KENT COUNTY, MICHIGAN

In case of conflicts or any discrepancies between any part of the Development Plan and the terms of this amendment, this amendment shall control.

**Section 2. Conditions of the Amendment to the Planned Unit Development.** The amendment of the portion of the Franklin Partners PUD identified as Parcel B3, as described above, is approved in accordance with the Plan of Meadowood Townhomes (the “Development”) subject to all of the following terms and conditions:

(a) **Development Plan.**

(i) The Development shall comply in all respects with the plans, sheets C100, C101, C200, C201, C203, C204, C301, C401, and L201, all with current revision date of January 5, 2023 (the “Development Plan” or the “Plan”), except where the Plan has been changed, revised or modified by the terms of this amendment or pursuant to Section 13.16 of the Township zoning ordinance, and in such case, the provisions of this ordinance, or subsequent amendments hereof, shall control.

(ii) The Development Plan submitted includes 96 units in 24 buildings of 4 units each. 96 units would be the maximum number of units permitted pursuant to the calculation in Section 15.5.3 of the Zoning Ordinance, based upon a total of 6.419 acres within wetlands, ponds, and road and utility easements. If that figure increases based upon the final

design and calculations then the maximum number of units may be decreased from 96, based upon the formula in Section 15.5.3 of the Zoning Ordinance. If that occurs, and the reduction of units can be accomplished without significant changes in the layout of the entrance, interior drive and building footprints, a revised plan reflecting this may be reviewed and approved by the site plan review committee in accordance with (a)(ii) below.

(iii) The Plan, as revised and augmented in accordance with this amendment, if necessary, shall be subject to review and approval by the site plan review committee (the "Committee")

(iv) The Plan, revised if necessary for the reasons in (a)(ii) above, shall comply with all final PUD plan requirements as stated in Chapters 13 and 15 of the Zoning Ordinance.

(v) The applicant shall not proceed under the terms of this amendment until the approval described in (a)(iii) above has been received, and only in accordance with the terms and conditions of such recommendation and approval.

(b) North East Beltline Overlay District. Except as otherwise expressly provided herein, the Development shall comply with all applicable provisions of the North East Beltline Overlay District under the terms of Chapter 23 of the Township Zoning Ordinance.

(c) Land Uses. The Development shall be designed, developed, constructed and used only for permitted multi-family residential uses on the parcel designated B3, as described on the Plan, for not more than 96 apartments contained in buildings of four or fewer units each units each, located as shown on the Plan, revised if necessary in accordance with 2(a)(ii) above.

(d) Meadowood Townhomes Buildings.

(i) Each one-bedroom dwelling unit shall have an area of at least 750 square feet, and each dwelling unit having two or more bedrooms shall have at least 860 square feet.

(ii) The Meadowood Townhomes site shall include off-street parking areas, in addition to garages for each unit attached to each building, two entrances from Sunshine Ridge Drive, mail kiosks, dog run, pavilion, open space area between the buildings, Franklin Open Spaces Areas as shown on sheet C203, and other features and amenities as shown on the Plan.

(iii) There shall be a motor vehicle access route by the private street identified as “Sunshine Ridge Drive” extending easterly from East Beltline Avenue which shall comply with Township private road requirements, including construction requirements as previously approved for the Franklin Partners PUD, as amended by Ordinance No. 530, rezoning a portion of the Franklin Partners PUD to the O-PUD District.

(iv) The buildings within Meadowood Townhomes shall be located as shown on the Plan, revised if necessary, as required in 2(a)(ii).

(v) The buildings shall be two stories, substantially of the design, materials and color scheme as shown on the renderings prepared by Progressive AE submitted with the application for the major amendment of the Franklin Partners PUD. Buildings shall not exceed a height of 35 feet.

(vi) No more than four units may be included in each building. The mix of apartment units may vary in each building, as long as sufficient off-street vehicle parking spaces are provided in accordance with this amendment and Chapter 28 of the Township Zoning

Ordinance, and so long as corresponding required water supply and public sanitary sewer service are provided.

(vii) Each of the units in every building shall be provided with a garage located in front of the buildings.

(e) Access Routes; Off-Street Parking and Loading.

(i) The access driveway from East Beltline Avenue shall be a private road, constructed in accordance with Township private road requirements. It shall commence at the existing and approved driveway entrance off East Beltline Avenue, at the location shown on the Plan. The private road shall terminate on a cul-de-sac as shown on the Plan, at which point it connects with a paved driveway extending into “The Grove by Watermark” (“Grove”) apartment complex to the south, as shown on the Plan. The connection to the driveway to the Grove shall be gated for access by Grove residents only, and as an emergency access from Four Mile Road.

(ii) The off-street parking spaces and loading areas, including all maneuvering lanes, shall be located as shown on the Plan, and shall be constructed with materials equal to or better than the standards established by the Kent County Road Commission for commercial driveways. All driveways and vehicle parking spaces shall be finished with an asphalt surface having a minimum thickness of 3.5 inches.

(iii) The off-street parking areas, sidewalks and internal access drives shall be maintained in good condition, free from dust, trash, and debris, and they shall be kept reasonably clear of snow and ice during winter weather months.

(iv) 144 parking spaces are provided within the garages attached to the buildings. 144 parking spaces are provided in the driveways immediately adjacent to the garages, and an additional 47 spaces as shown on the Plan outside of the driveway areas. Parking spaces

as required for the full occupancy of each respective building, located within 200 feet of the apartment dwelling, shall be constructed and made available for use not later than the date of approved occupancy of each building.

(v) Of the above-stated number of off-street parking spaces, the required number thereof shall be barrier free, and shall be so designed in accordance with applicable requirements.

(vi) All aspects of the off-street parking and loading spaces shall comply with Chapter 28 of the Zoning Ordinance. Each parking space shall at least 9 feet wide and 18 feet long. Maneuvering isles shall be at least 24 feet wide.

(f) Sidewalks. Sidewalks shall be constructed and located in Meadowood Townhomes as shown on the Plan, extending through the Development and also along Sunshine Ridge Drive to connect with the non-motorized trail under construction parallel with East Beltline Avenue, in order to provide pedestrian access and opportunities for residents of Sunshine Ridge Apartments. All sidewalks shall be at least five feet wide and shall be constructed of concrete. They shall be constructed, maintained, repaired and replaced by the applicant at its expense; construction of sidewalks shall comply with Township specifications for the same.

(g) Sanitary Sewer System and Public Water Supply.

(i) The Development shall be served by the public sanitary sewer system and the public water supply system. The necessary sewer and water mains, laterals, and other appurtenances necessary to supply potable water to the buildings in the Development and to collect and transmit sewage from the buildings in the Development shall be installed according to Township specifications and dedicated to the public upon completion. Such sanitary sewer and water supply facilities shall be designed and installed at the sole expense of the applicant.

(ii) All aspects of the sanitary sewer system and water supply system within the Development shall be subject to the approval of the Township engineer.

(iii) Applicant shall obtain Township approval of the connection of the buildings in the Development to the public sanitary sewer system under the terms of the Township water and sewer ordinances. All other aspects of the design, installation, operation and maintenance of the sanitary sewer system within the Development shall comply with the terms of those ordinances.

(iv) Domestic water supply to the buildings within the Development shall be provided by means of the public water supply system, subject to the approval of the Township engineer and under the terms of the Township water and sewer ordinances.

(h) Storm Water Drainage.

(i) The applicant shall submit a storm water drainage plan for the Development. The storm water drainage plan and the design, construction and operation of the storm water drainage system shall comply in all respects with the current Township storm water ordinance No. 534, adopted September 7, 2021. The drainage plan and storm water drainage system shall be reviewed by the Township engineer and shall be subject to the engineer's approval, under the terms of the storm water ordinance.

(ii) The use of the surface water drainage system in the Development and the discharge of waters from the storm sewer system and other elements of the surface water drainage system shall be accomplished so as to have no significant adverse effect upon the Development lands, or upon adjacent or nearby lands or surface waters, by reason of flooding, erosion, pollution or otherwise.

(iii) As required by the Township storm water ordinance, the applicant shall prepare and submit to the Township a Storm Water Maintenance Agreement, satisfactory to the Township, signed by all parties in interest in the Development, and providing for the timely and full implementation of the approved storm water plan for the Development, including any lands outside of the Development as to which storm water drainage requirements are specified by the Township engineer under the terms of the Storm Water Ordinance. The Agreement shall, among other provisions, grant sufficient and convenient access to the Township for inspection and related purposes; shall require timely, proper and sufficient maintenance, repair and replacement of all storm water management facilities; establish adequate emergency overland flow-ways; and require all necessary maintenance, repair and replacement of such storm water facilities by the applicant at its expense or, in the absence or failure thereof, shall provide for the accomplishing of such work by the Township, with the cost thereof to be secured by an acceptable letter of credit given by the applicant, a lien or similar encumbrance on the Development lands or other security acceptable to the Township.

The Agreement shall be submitted to the Township attorney and shall be subject to the attorney's approval, prior to recording. If requested, the applicant shall submit a certified last owner of record search covering the Development property, as to establish the correct identity of all of the parties in interest in the property, for purposes of signing the Storm Water Maintenance Agreement. After recording, a copy of the Agreement as recorded shall be promptly submitted to the Township.

(iv) The storm water drainage system shall also comply with the other requirements stated in the Township Engineer's letter of January 16, 2023, and other or subsequent



requirements of the Township Engineer with respect to storm water drainage, consistent with the Township Storm Water Ordinance and this Ordinance.

(i) Open Space.

(i) The Meadowood Townhomes portion of the Franklin Partners PUD shall include open space as shown on the Plan in accordance with Section 15.6.4 and Section 15.5 of the Ordinance with respect to minimum open space requirements and with respect to the requirement that the Franklin Partners R-PUD district, including the Grove and Sunshine Ridge, may have a maximum density of eight dwelling units per net acre (as determined under Section 15.5 of the Zoning Ordinance) only if the area of the open space is equal to at least 50% of the total area of the Development. As provided in Franklin Partners PUD Ordinance No. 523, open space areas in the Grove and Sunshine Ridge have been aggregated to meet these requirements.

(ii) That part of the open space plan designated as Franklin Areas 1 and 3 and the Meadowood area on sheet C203 of the Plan shall be available for the use of the residents of Sunshine Ridge.

(iii) The applicant shall prepare and submit for Township approval an Open Space Agreement and Restrictive Covenant, in recordable form, for that portion of the site not already subject to restrictions imposed in connection with the Grove. The agreement and covenant shall specify, among other matters, the legal description of the area to be set aside as common open space and provisions for the permanent maintenance thereof, together with provisions restricting the use thereof in accordance with Section 15.6.1 of the Ordinance. Upon Township approval of the restrictive covenants or other comparable instrument, the applicant shall record the same with the Register of Deeds, and promptly return to the Township a recorded copy

thereof. Such instrument shall be recorded not later than the issuance of the first construction permit for any building in Meadowood Townhomes.

(j) Utilities. Natural gas service, electrical service and telephone and cable television service to the Development shall be by means of underground facilities.

(k) Soil Erosion and Sedimentation Control. In the construction and use of the Development, the applicant shall comply in all respects with any required soil erosion and sedimentation control permit. A copy thereof shall be submitted to the Township, promptly after issuance.

(l) Grading. The land comprising Meadowood Townhomes shall be graded in accordance with the applicant's schematic utilities and grading plan.

(m) Landscaping and Screening for Sunshine Ridge.

(i) Landscaping in and for Meadowood Townhomes shall be provided and maintained in accordance with the landscaping plan submitted by the applicant. The final landscaping plan shall be subject to the review and approval of the Township Site Plan Review Committee, under Chapter 29 of the Zoning Ordinance, and as applicable, Section 23.4 of the North East Beltline Overlay District.

(ii) All landscaping within Meadowood Townhomes, including green belt areas, off-street parking areas and otherwise shall be subject to the approval of the Site Plan Review Committee. If the Site Plan Review Committee requires further alternative landscaping, the applicant shall then revise the landscape plan by the addition of such trees and other plantings as are required by the Committee, and then submit a revised landscape plan for review by the Committee or, in the Committee's discretion, the revised plan may be submitted for review by the Zoning Administrator.

(iii) The existing tree lines to the east and south of the buildings shall not be disturbed.

(n) Outdoor Lighting. Outdoor lighting shall be installed at the applicant's expense in accordance with Section 4.22 and Section 23.6 of the Zoning Ordinance. The outdoor lighting plan, including a photometric plan, shall be submitted and shall be subject to the approval of the Site Plan Review Committee.

(o) Signage.

(i) A shared identification ground sign for Meadowood Townhomes and the commercial properties in the adjacent O-PUD District may be located where shown on the Plan in the median at the East Beltline Avenue entrance. The sign shall not exceed six feet in height or a maximum area of 32 square feet in size. Otherwise, no sign identifying Meadowood Townhomes or otherwise relating to Meadowood Townhomes shall be permitted at or near the East Beltline frontage.

(ii) A second ground sign may be located at one, but not both of the entrances from Sunshine Ridge Drive. The sign shall not exceed a size of 24 square feet and height of 7 feet as provided by Section 30.11 of the Ordinance. As necessary, the Plan shall be revised to show a sign complying with these sign limitation requirements.

(p) Fire Protection. The design, layout and construction of the Development shall be reviewed by the Township Fire Chief as to matters of public safety, emergency access and sufficiency of the fire protection water supply. The recommendations, if any, of the Fire Chief on these matters shall be complied with by the applicant, unless otherwise provided by an approved revision of this amendment.

(q) Phasing. The Development shall be constructed in one phase. The Zoning Administrator may prevent occupancy of each building if access and other amenities for the entire development are substantially completed.

(r) Review by Site Plan Review Committee.

(i) The final plan for the Development shall be subject to review and approval by the Site Plan Review Committee as to matters referred to the Committee herein and as to other matters with respect to the Development that are within the Committee's jurisdiction. Such review by the Committee shall be guided by the provisions of Chapter 26, with respect to site plan review and Chapters 14 and 15 with respect to the applicable PUD requirements.

(ii) It is recognized that a development of the scope and complexity of this Development may require adjustment in certain of the regulatory provisions herein, once changes in the land and proposed building construction are further designed or after work at the site has commenced. The Township Board desires that such adjustments of a minor character or which are made necessary by minor conditions not known at the time of adoption of this amendment be considered in a timely manner, consistent with established Township procedures.

Accordingly, the Site Plan Review Committee may consider and approve adjustments and modifications in the terms hereof, including variations in proposed dimensions, consistent with applicable zoning ordinance requirements, if such adjustments or modifications would not be material or significant in relation to the entire Development. This includes approval of a revised plan as provided in 2(a)(ii) if necessary. Provided, however, that such action on the part of the Site Plan Review Committee shall not include major changes in the Development or other matters included only within the legislative authority of the Township Board, other than as delegated herein. To assist in a determination as to whether particular adjustments or

modifications would qualify as changes in the Development, for purposes of this subparagraph, members of the Committee may confer informally with the Township Supervisor. Alternatively, if desired, the Site Plan Review Committee may refer such proposed adjustments or modifications to the Planning Commission, for decision.

(s) Ordinance No. 523. Except as modified herein, the provisions of Ordinance No 523 shall apply to the site of Meadowood Townhomes.

Section 3.     **Township Board Findings.** The Township Board determines that the Franklin Partners PUD, as amended for the Meadowood Townhomes Development, continues to satisfy the purposes of the R-PUD District, as stated in Section 15.1 and Section 13.1 of the Zoning Ordinance, and also in accordance with Section 23.1 with respect to the North East Beltline Overlay District, including but not limited to the following:

(a)     The Development will result in a recognizable and substantial benefit to the ultimate users of the Development and to the Township and the public, where such benefit would otherwise be unfeasible or unlikely to be achieved.

(b)     The Development will not result in a material increase in the need for public services, facilities and utilities or place a material burden upon the subject or surrounding land or the natural environment. While the construction and use of the Development would result in an increase in occupied building area, improvements in the utility systems serving this location are adequate to provide the necessary services for the additional building construction and use.

(c)     The Township Comprehensive Land Use Plan serves as a guide for anticipated growth in a manner that is logical, aesthetically pleasing and economical. The Development is consistent with the goals and policies of the Comprehensive Plan, in view of the growth and land use changes that have occurred in the area and inasmuch as the Development will

serve the future needs of the Township and the area through unified and carefully-controlled development.

(d) The Development will not result in significant adverse effects upon nearby or adjacent lands and will not change the essential character of the surrounding area.

(e) The Development is designed and laid out to preserve natural resources and natural features to the fullest extent possible.

(f) The Development would be under such ownership or control that there would be identifiable entities having responsibility for completion of the Development in compliance with zoning ordinance requirements.

(g) The Development would be consistent with the public health, safety, and general welfare. The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to ensure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to ensure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

(h) Safe and efficient traffic flow will be maintained on adjacent nearby and internal streets once the Development has been established.

Section 4.     **Enforcement.** The Development as incorporated by this major amendment shall be subject to the enforcement provisions of Ordinance No. 523.

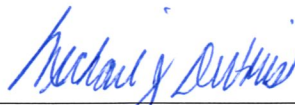
Section 5.     **Publication/Effective Date.** This major amendment to the Franklin Partners PUD Ordinance No. 523 shall become effective seven days after its publication or seven

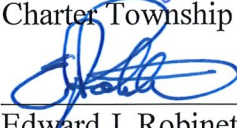
days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: DeVries, Mott, Robinette, Yeiter, Christopoulos

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

  
\_\_\_\_\_  
Michael J. DeVries, Supervisor  
Charter Township of Grand Rapids

  
\_\_\_\_\_  
Edward J. Robinette, Clerk  
Charter Township of Grand Rapids


First Reading: February 21, 2023

Second Reading: March 7, 2023

Ordinance Becomes Effective: March 21, 2023

STATE OF MICHIGAN     )  
                                      ) ss.  
COUNTY OF KENT        )

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Grand Rapids at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
\_\_\_\_\_  
Edward J. Robinette, Clerk  
Charter Township of Grand Rapids