

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 6th day of August, 2014, at 7:00 p.m.

PRESENT: Afendoulis, DeVries, Merchant, Robinette, Roth, VanDyke, VanPopering

ABSENT: None

The following ordinance was offered by Member Merchant and supported by Member Van Popering.

ORDINANCE NO. 498

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CHARTER TOWNSHIP OF GRAND RAPIDS

[Amendment No. 5 in Celadon New Town Planned Unit Development – Buildings B, C, E(a), E(b), E(c), F, G and J(a) and Their Assigned Vehicle Parking Areas, et al.]

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Celadon New Town Planned Unit Development. The Township has approved the original ordinance and four amending ordinances for Celadon New Town Planned Unit Development (PUD), and the Planning Commission has approved two minor amendments in the PUD, as follows:

(a) Township Ordinance No. 455 was adopted December 19, 2007, to rezone certain lands to the PUD-5 Community Service Planned Unit Development District in accordance with the Development Plan for the Celadon New Town (formerly Garden Park) Planned Unit Development (the "Development").

(b) Amendment No. 1 in the Celadon New Town PUD was adopted in 2008, approving a revised Development Plan dated March 18, 2008.

(c) Amendment No. 2 in the PUD was adopted in 2009, to approve a revised Development Plan dated May 21, 2009.

(d) Amendment No. 3 was adopted in 2010, to approve a revised Development Plan dated June 8, 2010.

(e) Amendment No. 4 was adopted December 3, 2013, to approve an expansion of Building B.

(f) Minor Amendment No. 1 in the PUD was adopted by the Planning Commission on November 13, 2012, pertaining to revised PUD Plan P-14.

(g) Minor Amendment No. 2 in the PUD was adopted by the Planning Commission, by its Site Plan Review Committee, on April 16, 2013, with respect to Building K, as depicted in revised PUD Plan P-15.

Section 2. PUD Lands. The lands comprising the Development are the same as those stated in Township Ordinance No. 455, approving the Development as originally considered.

Section 3. Amendment No. 5. The above stated Grand Rapids Charter Township ordinances are hereby further amended, to the extent stated herein, by Second Revised PUD Plan P-18, dated May 27, 2014 (the "Plan"), as follows:

(a) Buildings B, C, E(a), E(b), E(c) and F may be located and have substantially the configuration and means of motor vehicle access shown on the Plan, except that the motor vehicle driving aisle between Buildings C and F shall be revised such that there shall be at least 28 feet of width within the aisle, between the west ends of the parking spaces on the west side of Building C and the east line of the east wing of Building F, and the Plan shall be revised accordingly and be resubmitted to the Township Planner for review.

(b) Building D, as shown on PUD Plan P-16, shall be deleted.

(c) The specific uses of Buildings B, C, E(a), E(b), E(c), F, G and J(a), including attached dwelling units, general office use and personal service use, either as limited to each of them or in combinations defined by amount of square footage in a given building, as shown in the Plan, are approved except as follows:

(i) The maximum area within Building C to be devoted to personal service uses shall be corrected to be 1,250 square feet.

(ii) The 1,600 square feet within Building E(b) shown on the Plan to be devoted to general office/personal service shall be reduced and changed to read 900 square feet for personal service uses and 600 square feet for general office.

(d) The on-street and off-street motor vehicle parking areas for Buildings B, C E(a), E(b), E(c), F, G and J(a) shall be as shown on the Plan, except as otherwise required in this ordinance.

(e) The motor vehicle parking spaces designated on the Plan for guests of the above-stated respective buildings are approved as to number and location.

(f) The 30-foot-wide building setback shown between the west line of the Building F west parking area and the west line of the PUD, the 30-foot-wide building setback between the south line of the Building I parking area and the north line of the PUD at that location shall be maintained (the reference to 28.9 feet shall be changed to 30 feet), and the other building setbacks from the outer boundaries of the PUD, as shown in the Plan, shall likewise be maintained.

Section 4. Terms, Conditions and Limitations on Amendment No. 5.

(a) At least two additional evergreen trees, not less than 10 to 12 feet high when planted, shall be planted and maintained (and replaced if necessary) on or within the landscaped berm within the buffer along the west line of the Development, opposite the west line of Building F,

in the tree-less space now shown in the buffer, so as to provide, together with existing trees, a substantial landscaped screen to obscure the view of the Development from the adjacent residential properties to the west. The applicant shall plant and maintain additional evergreen trees, of the minimum height stated above, if necessary to accomplish a substantial, obscuring landscaped screen along the entire east lines of the two adjacent residential properties.

The berm within the buffer between Building F and the adjacent residential properties to the west shall be at least four feet high. The construction of the berm and the location and extent of the landscaped plantings within the buffer shall be subject to the approval of the Township Planner as to their compliance with this Ordinance and the PUD-5 District.

(b) The proposed utility easement and the ingress and egress easement on the west line of the Development, opposite Building F, shall be relocated to the south, along the west line of the Development, to align with the east-west driving aisle located between the south line of Building F and the north end of the parking spaces along the south line of the Development at that location.

(c) The dumpster now shown on the Plan at the southwest corner of the Development, near Building F, shall be relocated to approximately the northwest corner of Building F.

(d) The table titled "Parking Requirements for Commercial/Mixed Use," at the top of the Plan, shall be corrected to conform to the Plan changes required herein and otherwise reflected on the Plan. Among other changes, the 3,500 square feet of general office/personal service building area shown for Building C shall be changed to 2,250 square feet for general office and 1,250 square feet for personal service; and the heading titled "Parking Needed for G.O/P.S. (1 space per 300 sq ft)" shall be corrected to specify that personal service use requires one space for each

employee in addition to one space for each 300 square feet of building floor area devoted to the use. The entries under this heading shall be corrected, where necessary, to indicate the number of employee parking spaces respectively provided for each of the buildings in the Development that are devoted, in whole or in part, to personal service.

(e) The applicant shall promptly submit to the Township Planner a revised Plan, showing all changes required herein, together with any other needed changes or corrections. The Plan, so revised, shall be submitted to the Planner in sufficient time prior to the issuance of any building permit for a building in the Development or other construction requiring a building permit, so that the Township building official will have an updated, fully corrected Plan in hand when considering any such building permit request. No additional building permits, or other required Township permits for the Development, shall be issued until the Plan is so revised and submitted.

Section 5. **Compliance with Original PUD Plan and Amendments.** Except as expressly stated in this amending Ordinance, and as shown, or to be shown, on the Plan, the Development shall comply in all respects with the original PUD Ordinance (No. 455) and Amendment Nos. 1, 2, 3 and 4, together with Minor Amendments 1 and 2. In the case of conflict between the Plan and this Ordinance, this Ordinance shall control. Changes shown on the Plan that are not approved in this Ordinance are not permitted. Likewise, this Ordinance does not approve any sign changes or other proposed changes not shown on the Plan, except that subsequent sign changes that may be proposed by the applicant, may be considered and approved by the Site Plan Review Committee, unless the Planning Commission elects to consider the same and to make decisions thereon (except with respect to any such changes are major changes in the PUD, in which case such changes shall be approved only by the adoption of an ordinance amending the PUD Ordinance).

Section 6. **Township Board Findings.** The Township Board determines that the Development, as amended by this Ordinance and the Plan (the "Amended Development"), and as previously amended by Amendment Nos. 1, 2, 3 and 4, and by Minor Amendments Nos. 1 and 2, satisfies the purposes of the PUD-5 District, as stated in Section 19.1 of the Zoning Ordinance and the standards for approval of all PUDs, including, but not limited to, the following:

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

(b) The Amended 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.

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

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

(e) The Amended Development would be under single ownership or control such that there would be a single entity having responsibility for completion of the Development in compliance with Zoning Ordinance requirements.

(f) The Amended Development will be consistent with the public health, safety and general welfare. The conditions set forth herein with regard to the Amended Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Amended Development will be capable of accommodating increased public service demands caused by the Amended Development, to protect the natural environment and to conserve

natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

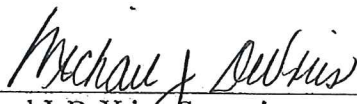
Section 7. **Consolidated Ordinance.** This Ordinance, together with Ordinance No. 455 and the previous four amendments therein, and the two minor amendments therein, may be combined into a single consolidated ordinance for the PUD, which shall serve as the controlling ordinance until further amendment therein. The numbers and letters of sections and subsections herein, and in the previous ordinances, may be revised as necessary to accomplish appropriate and consecutive numbering and lettering as to the provisions of the consolidated ordinance.

Section 8. **Publication/Effective Date.** This Ordinance 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.

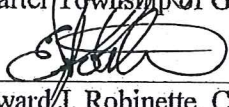
AYES: VanDyke, VanPopering, Afendoulis, DeVries, Merchant, Robinette, Roth

NAYS: None

ORDINANCE DECLARED ADOPTED.



Michael J. DeVries, Supervisor
Charter Township of Grand Rapids



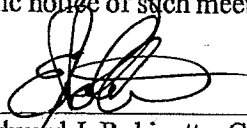
Edward J. Robinette, Clerk
Charter Township of Grand Rapids

First Reading: July 1, 2014

Second Reading: August 6, 2014

Ordinance Becomes Effective: August 24, 2014

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