

**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 20th day of December, 2016, at 7:00 p.m.

PRESENT: DeVries, Pierangeli, Robinette, Van Dyke, Van Popering, Wall, Yeiter

ABSENT: None

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

**ORDINANCE NO. 513**

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

**[Forest Hills Preserve Planned Unit Development – 2409 Knapp Street NE]**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

**Section 1.**     **Planned Unit Development.** The zoning ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 3.3 thereof, the zoning map, to rezone the following describe lands from the R-1 Single Family Residential District to the R-PUD Residential Planned Unit Development District in accordance with the final development plan of the Forest Hills Preserve Planned Unit Development, subject to all of the following terms and conditions of this ordinance:

Part of the Southwest 1/4, Section 10, Town 7 North, Range 11 West, Township of Grand Rapids, Kent County Records, State of Michigan: Commencing at the Southwest corner of Section, thence East along the South Section line 297 feet; thence North parallel with the West Section line 341 feet; thence East parallel with the South Section line 100 feet; thence North parallel with the West Section line 36.15 feet; thence East parallel with the South Section line 345.5 feet; thence South parallel with the West Section line 377.15 feet; thence East along the South Section line to a point 458 feet West of the Southeast corner of the Southwest 1/4 of the Southwest 1/4; thence North parallel with the West 1/8 line 341 feet; thence East

parallel with the South Section line 128 feet; thence North parallel with the West 1/8 line 319 feet; thence East parallel with the South Section line, 330 feet to the West 1/8 line; thence North to the Northeast corner of the Southwest 1/4 of the Southwest 1/4; thence West to the Northwest corner of the Southwest 1/4 of the Southwest 1/4; thence South to the beginning. EXCEPT that part of the South 341 feet of the East 100 feet of the West 390 feet of the South 1/2 of the Southwest 1/4, which may lie within the West 6 acres thereof.

In the case of conflicts or discrepancies between any part of the final development plan and the terms of this ordinance, this ordinance shall control.

**Section 2. Conditions on the Planned Unit Development.** The rezoning of the above-described lands to the R-PUD District, in accordance with the development plan for the Forest Hills Preserve Planned Unit Development (the “Development”), is expressly subject to all of the following terms and conditions:

(a) Development Plan. The Development shall comply in all respects with the revised Development Plan (the “Plan”) dated November 11, 2016, except where the Plan has been changed, revised or modified by this ordinance or pursuant to Section 13.16 of the zoning ordinance. The provisions of this ordinance shall control, except as to matters modified by subsequent review of the Township, in which case such modification shall control.

(b) Land Uses.

(i) The Development shall be constructed and used only for a multi-family residential development consisting of 11 residential buildings, a clubhouse, outdoor pool and maintenance building, accessory garage buildings, off-street parking area, open space and other features and amenities as shown on the Plan.

(ii) The clubhouse and outdoor pool shall be available only to residents or guests of residents of the Development, and shall not be made available for rental or used by the public at large.

(iii) The land uses permitted in the Development shall be only the multi-family residential and associated uses stated in this ordinance and shown on the Plan.

(c) Buildings.

(i) The Development shall consist of 11 two-story residential multi-family apartment buildings. Each of the buildings may consist of 16 apartment dwelling units, and the Development may have a dwelling unit density of up to eight dwelling units per acre if Section 15.5.2 of the zoning ordinance is amended to permit such dwelling unit density, under the terms of such amendment; in the absence thereof, the Development and the Plan shall be revised to comply with current Section 15.5 with respect to maximum dwelling unit density in the Development.

(ii) The buildings will contain two-bedroom apartments, each with a floor area of approximately 1,250 square feet. Each dwelling unit shall comply with the minimum floor area requirement stated in Section 15.6.2 of the zoning ordinance.

(iii) The apartment buildings shall be located and shall be set back from property lines, streets, and off-street parking areas shown on the Plan; provided, however, that the Plan shall be revised to show all (or typical) building setbacks from parking areas, garages and streets and the building-separation distances between Buildings 3, 4 and 5.

(iv) All buildings will be set back a minimum of 35 feet from the boundary of the Development, and there shall be at least a 25-foot no disturb zone around the perimeter of the Development in which no drives or parking areas shall be installed, and in which natural vegetation shall be preserved to the maximum extent possible. The Planning Commission or Site Plan Review Committee, upon final review of the project, may require additional plantings to supplement the buffer area.



(v) The apartment buildings shall have substantially the design and elevations shown on the drawings submitted with the PUD application. Buildings in the Development shall not exceed a height of 35 feet.

(vi) The clubhouse building, the maintenance building and the outdoor pool shall be located as shown on the Plan. The clubhouse building shall have substantially the appearance shown on the drawing submitted with the application.

(vii) To the extent feasible, while maintaining appropriate separation from natural features and property to the east, Building 9 shall be moved further away from the north boundary of the Development, and a retaining wall shall be constructed near the cul-de-sac to limit grading and disturbance in that area.

(d) Access; Off-Street Motor Vehicle Parking.

(i) Ingress to and egress from the Development shall be by means of two private street entrances extending north off Knapp Street.

(ii) The two street entrances to the Development shall be subject to the approval of the Kent County Road Commission as to their location and configuration. Any required deceleration lanes and other required elements of the street entrances shall be designed and constructed at the expense of the applicant, and shall be subject to final approval by the county road commission.

(iii) Subject to Road Commission approval, the center turn lane on Knapp Street, west of the Development, shall be extended to service the westerly entrance to the Development.

(iv) The streets in the Development shall be private streets, designed, constructed and completed in accordance with Township private street requirements, as stated in Chapter 27 of the zoning ordinance. The right-of-way of the private streets shall be at least 40 feet



wide. The private streets shall be paved in accordance with Section 27.7.3; the width of the pavement shall be at least 26 feet at all locations, in accordance with Section 27.7.5. The names of the private streets shall be subject to approval by the county road commission. Other aspects of the construction of the private streets shall comply with Section 27.7.

(v) Off-street motor vehicle parking areas shall be located as shown on the Plan. The parking areas and access drives, 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 county road commission for commercial driveways. All internal driveways and parking areas shall be finished with an asphalt surface having a minimum thickness of 3.5 inches.

(vi) The off-street parking areas, sidewalks and internal access drives shall be maintained in good condition, free from dust, trash and debris.

(vii) The Development shall include at least 468 off-street parking spaces, of which 292 shall be outdoor spaces, located variously at each apartment building as shown on the Plan, and 176 of which shall be indoor garage spaces; each apartment building shall have a garage with 16 parking spaces, as shown on the Plan.

(viii) The east access drive shall be relocated some distance to the east to provide additional buffering to properties to the west. The Planning Commission, on final review, may require preservation of existing vegetation or supplemental plantings to buffer and screen neighboring properties.

(ix) The clubhouse building and outdoor pool shall have 30 parking spaces, included in the above-stated total number, as shown on the Plan.

(x) All aspects of the off-street parking areas shall comply with applicable provisions of Chapter 28 of the zoning ordinance.

(1) Each outdoor parking space shall be at least nine feet wide and at least 18 feet long.

(2) Maneuvering aisles within off-street parking areas shall range between 24 feet wide and 28 feet wide, as shown on the Plan.

(xi) All off-street parking areas shall comply with Section 28.5 as to parking lot surface and drainage, lighting, setbacks, areas for snow storage and other requirements. The Plan does not show landscaped islands in the parking areas [insert requirements, if any].

(e) 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) The Developer shall obtain Township approval of the connection of the buildings in the Development to the public sanitary sewer system and the public water supply 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 and the public water supply system within the Development shall comply with the terms of the ordinances.

(f) Storm Water Drainage.

(i) The applicant shall submit a storm water drainage plan. The storm water drainage plan and the design, construction and operation of the storm water drainage system

shall comply in all respects with the Township storm water ordinance. The drainage plan and storm water drainage system for the Development 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) The storm water drainage system shall include such measures for storm water detention and/or retention, in order that storm water drainage from all improved areas within the Development shall be detained or retained in accordance with requirements of the Township storm water ordinance and those of the Township engineer.

(iv) As required by Section 7.03 of 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 lands, and providing for the timely and full implementation of the approved storm water plan for the Development. 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 Development 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.

(v) The storm water drainage system shall also comply with the other requirements stated in the Township Engineer's letter of September 21, 2016, 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. Without limiting the generality of the foregoing, the engineer shall evaluate potential impact on elevation of water levels in the wetlands areas on and adjacent to the Development, and make requirements to prevent adverse effects on the wetlands.

(g) Open Space.

(i) The Development shall include dedicated open space equal in area to at least 50% of the area of the Development, based on total area, excluding street rights-of-way. The open space area shall include the existing wetland located in the northwesterly portion of the property.

(ii) The open space shall not be improved or developed, but shall consist only of the existing or proposed plantings and other landscaping features; provided, however, that open space areas may be used for passive recreation, such as by means of walking trails, viewing areas and the like.

(iii) The open space areas shall be maintained by the applicant or a legally established property association and shall be set aside for solely the passive use of residents of the Development and their guests.

(iv) The applicant shall prepare and submit for approval of the Township attorney a recordable restrictive covenant or comparable legal instrument, whereby the open space areas shall be permanently set aside as common open space, undeveloped, and to be used only for the permitted passive recreation uses specified herein. The restrictive covenant shall be legally sufficient to run with the land and thus be binding upon all subsequent owners of the property. Upon approval of the restrictive covenant by the Township attorney, it shall be recorded with the county register of deeds; after recording, a recorded copy of the instrument shall be promptly submitted to the Township zoning office.

(v) The Development shall also include the pond located north of Buildings 3, 4 and 5, together with the overlook area and structure shown on the site plan.

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

(i) 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.

(j) Landscaping and Screening.

(i) The applicant has submitted a detailed landscape plan, including new plantings and preservation of existing tree areas.

(ii) Installation of landscaping shall comply with Section 29.4. Proposed plantings shall comply with the types of vegetation described in Section 29.5, or as otherwise may be permitted by the Planning Commission or Site Plan Review Committee.

(iii) The landscape plan shows greenbelts along portions of the east, north and south boundaries of the Development, and along the north and west boundaries of the R-1 parcel between the entrance roads. The applicant shall confirm that each greenbelt is at least 25 feet wide. As provided in Section 29.7, each 100 feet of length of the greenbelt shall include plantings of at least two deciduous canopy trees, two ornamental trees and four evergreen trees, or any combination thereof, or as otherwise specified by the Planning Commission or Site Plan Review Committee. In its discretion, the Planning Commission or Committee may permit berms or other landscape features within the greenbelt areas. The existing trees along the west property line shall remain.

(iv) The landscape plan shows front yard landscaping at the frontage of the Development along Knapp Street, as required by Section 29.8. There shall be at least two deciduous canopy trees, three evergreen trees and eight shrubs for each 100 feet in length of Knapp Street frontage within the Development, or as may otherwise be required by the Planning Commission or Site Plan Review Committee. Earthen berms may be included within the front yard landscaping, if permitted by the Planning Commission or Site Plan Review Committee.

(v) There shall be parking area landscaping in accordance with Section 29.9 and Section 14.6, except as otherwise permitted by the Site Plan Review Committee under Section 29.2.

(vi) All parking areas shall be sufficiently buffered by landscaping or through other means so that the headlights of vehicles within the parking areas do not cast substantial light onto adjacent R-1 zoned lands.

(vii) If, upon its review of the landscape plan, the Planning Commission or Site Plan Review Committee requires further or alternative landscaping, the applicant shall revise the landscape plan by the addition of such other plantings as may be required, and then submit a revised landscape plan for review or, in the Planning Commission's or Committee's discretion, the revised



plan may be submitted for review by the zoning administrator. The height of trees and shrubs when planted shall be subject to the approval of the Planning Commission or Site Plan Review Committee or, if so directed, such review and approval may be undertaken by the zoning administrator.

(k) Wetland Area. The Plan shows a substantial existing wetland area in the northwest portion of the property. The wetland, and other wetlands within the property, shall not be disturbed or otherwise adversely affected, except in accordance with all necessary wetland permits or other required approvals from the Michigan Department of Environmental Quality.

(l) Outdoor Lighting. An outdoor lighting plan has not been submitted, though the site layout plan shows outdoor light fixtures at six or more locations along the private streets. No detail is given as to light fixtures or the height of light poles. No parking light lighting or wall lighting on the buildings is shown. A photometric plan has not been submitted. All light fixtures shall be of the cut-off type, so as to direct lighting only downward. Further detail on outdoor lighting shall be submitted and it shall be subject to the approval of the Planning Commission or Site Plan Review Committee.

(m) Sidewalks; Non-motorized Trail.

(i) Concrete sidewalks at least five feet in width shall be constructed within the Development as shown on the Plan, including on one side of the private road extending to the cul-de-sac near the north boundary of the Development, and both sides of the east entrance driveway. In addition, a concrete sidewalk matching the width of the sidewalk located to the west shall be constructed between the westerly entrance and the terminus of the existing sidewalk to the west.

(ii) An easement for additional width, if required, for a future non-motorized pathway shall be granted across both locations where the Development has frontage on Knapp Street.

(n) Signage.

(i) No drawing or other detail regarding an identification sign for the Development has been submitted.

(ii) The applicant shall prepare and submit a detailed sign drawing of a proposed ground sign or signs stating the name of the Development. The sign drawing and other information submitted shall include dimensions of the sign or signs, the specific location thereof and details as to illumination, if any.

(iii) The identification sign or signs shall comply with the requirements for residential community signs stated in Table 30.11 of Section 30.11. Any such sign shall not be larger than 24 square feet nor higher than seven feet; it shall be located at least five feet away from property and street right-of-way lines.

(iv) In addition to an identification sign or signs, there may be directional signs within the Development, if approved by the Planning Commission or Site Plan Review Committee.

(v) Signage plans shall be subject to the approval of the Planning Commission or Site Plan Review Committee or, in its discretion, such approval may be undertaken by the zoning administrator.

(o) 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 amendment in this ordinance.

(p) Phasing. The Development will be constructed in one phase.

(q) Review by Planning Commission and Site Plan Review Committee.

(i) The Plan, as it is required to be revised, amended and augmented by the terms of this ordinance, shall be subject to review and approval by the Planning Commission, particularly with respect to matters such as setback, no disturb area, center turn lane construction, relocation of Building 9, and relocation of the east driveway entrance consistent with the terms and intent of this ordinance. The Planning Commission may refer additional review to the Site Plan Review Committee, or may complete all needed reviews itself. Review by the Planning Commission and Site Plan Review Committee shall be guided by the provisions of Chapter 26, with respect to site plan review, and Chapters 14 and 15, with respect to applicable PUD requirements, and the provisions of this ordinance.

(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 ordinance be considered in a timely manner, consistent with established Township procedures.

Accordingly, the Planning Commission or Site Plan Review Committee may consider and approve minor adjustments and minor modifications in the terms hereof, if such adjustments or modifications would not be material or significant in relation to the entire Development; provided, however, that such action 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 only minor changes in the Development, for purposes of this subparagraph, members of the Planning Commission or 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.

**Section 3.**    **Township Board Findings.**    The Township Board determines that the Development satisfies the purposes of the R-PUD District as stated in Section 15.1 of the zoning ordinance, and the standards for approval of all PUDs, including but not limited to the following, if the requirements of this ordinance are timely and fully satisfied:

(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, inasmuch as the Development will serve the current and future needs of Township residents 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 insure 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 insure 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.

(i) In accordance with Sections 15.3.7 and 15.6.4 of the zoning ordinance, the Township Board finds that the standards for multi-family buildings with more than four units are satisfied, and accordingly, the Township Board specifically authorizes such buildings, as shown on the Plan.

#### **Section 4. Enforcement.**

(a) The Township may enforce the provisions of this ordinance and applicable provisions of the Zoning Ordinance, construction code and other ordinances, laws and regulations to the extent and in any manner provided by law. In the event that the applicant shall fail to carry out, either at all or on a timely basis, any provision or requirement of this ordinance or other applicable law, ordinance or regulation, the Township may through its building official or other Township agency issue and post a stop work order at the site of any improper or non-complying part of the Development, directing that all further construction of such part of the Development be ceased

(b) Upon the issuance of any stop work order, the applicant shall comply fully therewith without delay. Upon the correction of any matters as to which the stop work order was issued, the Township shall promptly rescind and remove the stop work order, whereupon the applicant may again proceed with construction or other permissible activity as to the Development. The issuance and posting of any stop work order shall not be an exclusive remedy, but may be undertaken by the Township in addition to all other lawful means of enforcement.

AYES: Members: DeVries, Pierangeli, Robinette, Van Dyke, Van Popering,  
Wall, Yeiter

ORDINANCE DECLARED ADOPTED.

Edward J. Robinette, Clerk  
Charter Township of Grand Rapids



First Reading: December 6, 2016

Second Reading: December 20, 2016

Ordinance Becomes Effective: January 8, 2017

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.



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Edward J. Robinette, Clerk  
Charter Township of Grand Rapids