

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 5th day of April, 2018, at 11:58 am.

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

ABSENT: Christopoulos, Yeiter

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

ORDINANCE NO. 520

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

[Growing Smiles Pediatric Dentistry]

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, so as to rezone the following described lands from the R-1 Single-Family Residential District to the OR-PUD Office Residential Planned Unit Development District, in accordance with the Final Development Plan of the Growing Smiles Pediatric Dentistry Planned Unit Development, subject to all of the terms and conditions of this Ordinance:

S 155 FT OF N 1140 FT OF E 1/8 NE 1/4 EX E 50 FT AND S 155 FT OF N 1295
FT OF E 1/8 NE 1/4 EX E 50 FT

In the case of conflicts or discrepancies between any part of the 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 OR-PUD District, in accordance with the Development Plan for the Growing Smiles Pediatric Dentistry 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 Development Plan (the “Plan”) with a last revision date of March 27, 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. The Development shall be constructed and used only for a dental or other professional office, as permitted in the OR-PUD District, under the terms of Chapter 17 of the Township Zoning Ordinance, together with off-street parking areas, driveways, landscaping, signage, open space and other associated uses, as shown on the Plan, but subject to the requirements of this Ordinance.

(c) Buildings.

(1) The Development shall consist of one building for the professional office, as designated on the Plan and having approximately 11,400 square feet of gross floor area.

(2) The building shall not exceed a height of 35 feet and shall have the setbacks from the property lines as shown on the Plan. The building shall have substantially the same exterior appearance shown on the drawings submitted by the applicant.

(d) Site Access and Off-Street Parking.

(1) Access to the building shall be from East Beltline Avenue as shown on the Plan, utilizing an existing driveway shared with the property to the south.

(2) In order that the lands comprising the Development may in the future be suitably connected with the adjacent parcel to the north, for purposes of safe and convenient vehicle travel across the Development and the adjacent parcels, the applicant shall prepare, execute and record cross-access easements or comparable instruments, so as to authorize cross-access from the adjacent parcels to and through the Development lands, upon the condition that like easements shall be provided by the owners of the adjacent lands, and that the legal right exists or can be obtained to provide such access across the property to the south.

The cross-access easements prepared by the applicant shall be submitted to the Township for review for compliance with this Ordinance and shall be subject to Township attorney approval, prior to being recorded with the Register of Deeds. Recorded copies thereof shall be promptly submitted to the Township office after recording. All of such easements or other instruments shall run with the land and shall otherwise be in such legal form as will provide for permanent vehicle access and circulation across the Development to adjacent parcels. In addition, if requested, the applicant shall submit to the Township attorney last owner of record searches or other satisfactory, certified land title information, so as to establish the correct identity of all of the owners of the affected lands who must execute such easements.

All of such owners, including mortgagees and holders of other interests, shall sign the cross-access easements or other instruments as to the portions of the Development in which such owners, mortgagees, lien holders or others have interests.

(3) The off-street parking 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.

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

(5) The number of off-street parking spaces, being 39 spaces, shall be as shown on the Plan. These are fewer parking spaces than required based on the building's gross floor area, and approval is given on the basis that only the upper level will be used for patient care and related activities. The lower level of the building shall not be devoted to patient care areas, or made available for a different professional office or other uses, unless the Site Plan Review Committee determines that sufficient parking has been provided.

(6) The width and length of the parking spaces, the width of the maneuvering aisle and the total width of the maneuvering aisle and the parking spaces on either side shall be as indicated on the Plan.

(7) All other aspects of the off-street parking area shall comply with Chapter 28 of the Zoning Ordinance.

(8) In accordance with the requirements of the North East Beltline Overlay District, the off-street parking lots shall be located at least 90 feet back from the outside edge of the nearest through lane on East Beltline Avenue, with a minimum setback of 25 feet between the off-street parking lot and the East Beltline right-of-way, under the terms of Section 23.3.2 of the Zoning Ordinance.

(9) The minimum 25-foot setback between the off-street parking lot and the East Beltline Avenue right-of-way shall be landscaped in the manner and to the extent shown on a landscape plan to be submitted and approved by the Site Plan Review Committee. The Township Board determines that the requirements for berms or similar continuous screening as required by Section 23.4.5.d to screen the parking lot from view from East Beltline Avenue may be waived or modified by the Site Plan Review Committee, in view of the approximately nine foot elevation difference between East Beltline Avenue and the parking lot.

(10) Two bicycle parking spaces, as required for the Overlay District, shall be provided.

(11) Landscaping shall be provided within the off-street parking lot by means of landscaping within corners of the parking lot, as shown on a landscape plan to be approved by the Site Plan Review Committee. The parking lot landscaping shall otherwise comply with parking lot landscaping requirements for the Overlay District as stated in Section 23.4.6.

(e) Sidewalks.

(1) A five-foot-wide paved sidewalk shall be installed along the entire East Beltline Avenue frontage of the Development.

(2) The East Beltline Avenue sidewalk shall be a public sidewalk and shall be constructed with specifications consistent with those of sidewalks elsewhere along East Beltline Avenue or as the Township may otherwise permit. The applicant and all other parties having an interest in the lands within which the sidewalk is to be located, including mortgagees and other lien holders, shall grant and convey to the Township an easement for sidewalk and utility purposes, as to all parts of the sidewalk, if any, located outside of the existing East Beltline Avenue right-of-way. The easement shall be submitted to the Township attorney and shall be subject to the attorney's approval prior to being recorded with the Register of Deeds.

(f) Sanitary Sewer System and Water Supply.

(1) Prior to occupancy, the building in the Development shall be connected to the public water supply system and the public sanitary sewer system.

(2) Sanitary sewer service shall be provided by means of installation at owner's expense of a sanitary sewer main extending to the north to connect to the existing sanitary sewer main, as stated in the letter from the Township engineer dated January 15, 2018.

(3) All necessary sanitary sewer mains shall be installed, and water and sewer and connections made, according to Township and City of Grand Rapids specifications, at the expense of the applicant, and those located within public rights-of-way shall be dedicated to the public upon completion. All aspects of the sanitary sewer system and water supply system shall be subject to the approval of the Township's and/or City's engineers and shall comply with applicable ordinances and regulations.

(4) The applicant shall obtain Township approval of the connection of the building in the Development to the public sanitary sewer system and the public water supply system, in accordance with Township ordinances.

(g) Storm Water Drainage.

(1) The applicant shall prepare and submit a storm water drainage plan. Storm water drainage for the Development may utilize the existing storm water detention pond located on the south part of the property, if the Kent County Drain Commissioner confirms that the pond is of sufficient size, and permits the routing of drainage to the pond. In addition, if the pond was designed to provide drainage from parcels to the north, the owner shall provide a storm sewer connection and drainage easement for properties to the north, and the storm sewer installed in the Development shall be of sufficient size to handle those flows.

(2) 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 the 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. A Township storm water permit shall be required.

(3) 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.

(h) Utilities. Natural gas service, electrical service, telephone and similar services 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.

(1) Landscaping shall be provided and maintained in accordance with a landscape plan submitted by the applicant, and approved by the Site Plan Review Committee, under Chapter 29 of the Zoning Ordinance and the landscape provisions of Chapter 23.

(2) Existing vegetation shall be preserved, and the landscape plan shall include the design, installation and maintenance of additional landscaping and screening, consisting of trees and other plantings, as necessary, at the rear of the property in order to reasonably screen the Development from view from the dwellings to the west.

(3) Such landscaping and screening revisions and additions shall be subject to the approval of the Site Plan Review Committee, consistent with this Ordinance. The landscape plan and any revisions shall be submitted to the Committee and the Committee shall make a decision thereon prior to the issuance of any Township permits for the Development. Approval by the Site Plan Review Committee with regard to the revisions may include other or further revisions for the purpose of achieving sufficient and reasonable screening of the Development from view from the residential properties to the west. The decision by the Site Plan Review Committee on these

matters shall be final and it shall not be necessary to refer the decision to the Planning Commission unless the Site Plan Review Committee determines to do so.

(4) The refuse dumpster shall be located as shown on the Plan approved by the Site Plan Review Committee, and screened as required by this ordinance, in accordance with the decision of the Site Plan Review Committee, and any exterior mechanical equipment shall be reasonably screened from view.

(k) Outdoor Lighting.

(1) Outdoor lighting shall be installed in compliance with Section 23.6 of the Zoning Ordinance, covering the North East Beltline Overlay District. Due to the proximity of the abutting residential district, the outdoor light poles and fixtures shall not exceed 20 feet in height. The light fixtures shall be in the shoe-box style, fully cut-off so as to direct illumination only downward.

(2) Unless waived by the Site Plan Review Committee, the applicant shall submit a lighting or photometric plan to verify whether the outdoor lighting requirements of the Zoning Ordinance have been satisfied by the outdoor lighting as installed and placed in operation.

(l) Signage.

(1) A sign or signs identifying the office may be located at the frontage of the Development as shown on the Plan. Any ground sign shall be set back at least five feet from the public street right-of-way, not exceed a total area of 32 square feet, and shall not exceed eight feet in height, nor shall any single sign exceed 24 square feet in area. All signage shall otherwise comply with the sign requirements for land uses in the OR-PUD District as stated in Section 23.7.4, covering the Overlay District.

(2) The applicant shall submit an accurate drawing of the proposed signage, which shall be subject to the approval of the Site Plan Review Committee, consistent with

Township ordinance requirements. The sign shall have no changeable copy, nor shall the sign include any digital or electronic message or features.

(m) 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 of the Fire Chief on these matters shall be complied with by the applicant, including but not limited to the requirements specified in the Fire Chief's recent correspondence with respect to appropriate areas and locations for emergency vehicle circulation on the site and for access to the site.

(n) Other Matters.

(1) The Development shall comply in all respects with the provisions of Chapter 17, covering the OR-PUD District and Chapter 23, covering the North East Beltline Avenue Overlay District, except as to such provisions in those chapters which are modified or waived by the terms of this Ordinance.

(2) The applicant shall comply with the requirements of the Township engineer as stated in the engineer's letters of January 15, 2018 with respect to the Development, consistent with the terms of this Ordinance and other applicable Township ordinances with respect to sanitary sewer service, public water supply, storm water management and disposal, site access and grading and other matters addressed by the Township engineer in such correspondence or other reports.

Section 3. Township Board Findings. The Township Board determines that the Development satisfies the purposes of the OR-PUD District, as stated in Section 17.1 of the Zoning Ordinance, the purposes of the North East Beltline Overlay District as stated in Section 23.1 and the standards for approval of all PUDs, including but not limited to the following:

(a) The 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 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 Development would be generally compatible with the Township Comprehensive Land Use Plan and would be consistent with Chapter 13 of the Zoning Ordinance, pertaining to planned unit developments.

(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 single ownership or control, so as to adequately provide responsibility for completion of the Development in compliance with Zoning Ordinance requirements.

Section 4. Enforcement.

(a) The Township may enforce the provisions of this ordinance and applicable provisions of the Zoning Ordinance, building 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 inspector 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

forthwith, pending compliance with any applicable provisions of this ordinance or of Township ordinances, regulations or state laws.

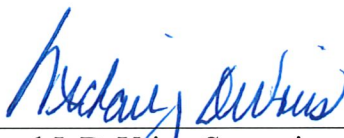
(b) Upon the issuance of any stop work order, the applicant shall comply fully therewith without delay. Upon the correction of any matters as to which the stop work order was issued, the Township shall promptly rescind and remove the stop work order, whereupon the applicant may again proceed with construction 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.

Section 5. 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.

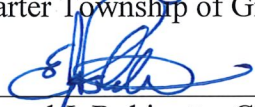
AYES: DeVries, Robinette, Van Dyke, Van Popering, Yeiter

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: March 20, 2018

Second Reading: April 5, 2018

Ordinance Becomes Effective: April 22, 2018

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 regular 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