

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 21st day of August, 2018, at 7:00 p.m.

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

ABSENT: None

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

ORDINANCE NO. 522

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

[4445 Fulton St. O-PUD]

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 C-2 Suburban Office District to the O-PUD Office Planned Unit Development District, in accordance with all of the terms and conditions of this Ordinance:

Part of E 1/2 of Sec com 89.90 ft S 0d 34m 55s W along N&S 1/4 line from cen of Sec th Ely 210.0 along a 230 ft rad curve to Lt /long chord bears N 61d 55m 04s E 203.40 ft/ th SEly 47.25 ft along a 383.45 ft rad curve to Lt /long chord bears S 70d 08m 50s E 47.22 ft/ th S 73d 52m 18s E 135.94 ft th SEly 56.33 ft along a 442.59 ft rad curve to Rt /long chord bears S 70d 13m 31s E 56.29 ft/ th S 30d 28m 51s W 101.85 ft to Nly line of Fulton St th S 71d 45m 29s W along sd Nly line 429.37 ft th N 0d 34m 55s E 199.68 ft th S 89d 17m 39s E 39.79 ft th Ely 10.22 ft along a 230 ft rad curve to Lt /long chord bears N 89d 25m 59s E 10.22 ft/ to beg

Section 2. Conditions on the Planned Unit Development. The rezoning of the above-described lands to the OR-PUD District is expressly subject to all of the following terms and conditions:

(a) Land Uses. The lands herein rezoned may be used for the purposes permitted in the O-PUD District, including those permitted with special authorization if such authorization is subsequently obtained, under the terms of Chapter 18 of the Township Zoning Ordinance, together with off-street parking areas, driveways, landscaping, signage, open space and other associated uses.

(b) Future Development – Site Plan Review. If any building, structure or use is hereafter constructed on the lands herein rezoned, the building and associated improvements shall be subject to site plan review by the Planning Commission in accordance with this ordinance and the applicable provisions of the Township zoning ordinance.

(c) Sanitary Sewer and Water.

(1) Each new building on the lands herein rezoned shall be connected to public water and public sewer, prior to occupancy.

(2) Any necessary sanitary sewer or water main shall be installed, and water and sewer connections made, according to Township or City of Grand Rapids specifications, as applicable, at the expense of the applicant, and any connections located in the 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.

(d) Site Access and Off-Street Parking.

(1) Motor vehicle access to the site shall be from Crahen Avenue, at a location approved by the Planning Commission.

(2) In considering the permitted motor vehicle access to the site, the Planning Commission shall also consider whether a no-through-traffic sign shall be posted and maintained at the intersection of Crahen Avenue and Aspen Trails, to prevent or reduce through traffic from the site to and through Aspen Trails, in view of the detached residential buildings served by Aspen Trails. If the Commission determines that such signage should be posted, it shall request that the Road Commission approve and install the sign.

(3) The number of parking spaces and parking lot layout shall be as provided in Chapter 28 of the zoning ordinance with respect to off-street parking and loading. All provisions for parking lot setbacks, landscaping and buffering shall be as required by the provisions of this zoning ordinance.

(e) Buildings. All buildings shall comply with setback requirements determined by the Planning Commission, which is hereby delegated authority to determine setbacks based on the application of site planning criteria to achieve integration of the project with the characteristics of the area based on the factors set forth in Section 18.4 of the Ordinance. Building height shall not exceed 35 feet.

(f) Sidewalks.

(1) The Planning Commission may require that a five-foot-wide paved public sidewalk shall be installed across some or all of the frontage of the site as it is developed.

(2) Any public sidewalk shall be constructed with specifications consistent with those of sidewalks elsewhere in the Township, or as the Planning Commission 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 public right-of-way. Any 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.

(g) Storm Water Drainage.

(1) 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 approval of the Planning Commission, upon the engineer's recommendation, under the terms of the Storm Water Ordinance. A Township storm water permit shall be required.

(2) 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 as the site is developed. The landscape plan shall comply with Chapter 29 of the Zoning Ordinance, and shall be subject to the approval of the Planning Commission.

(2) Any refuse dumpster shall be located and screened as required by the Zoning Ordinance, in accordance with the approval of the Planning Commission, and any exterior mechanical equipment shall be reasonably screened from view.

(k) Outdoor Lighting. Unless waived by the Planning Commission, 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. Lighting shall be subject to final approval by the Planning Commission in accordance with this Ordinance and sound site planning principles.

(l) Signage. All signage shall comply with the sign requirements for land uses in the O-PUD District as stated in Chapter 30.

(m) Fire Protection. The design, layout and construction of a proposed site 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, including but not limited to the requirements specified by the Fire Chief.

(n) Other Matters. The site shall comply in all respects with the provisions of Chapter 18, covering the O-PUD District, except as to such provisions in those chapters which are modified or waived by the terms of this Ordinance.

(o) Verification of Compliance. The Planning Commission may, following review, delegate final verification of compliance with this ordinance to the zoning administrator, or it may delegate the same to the Site Plan Review Committee. The Planning Commission may refer other site plan matters to the Site Plan Review Committee as well.

(p) Planning Commission Review of Site Plan(s).

(1) Upon submission of a complete site plan for the development of the described lands, whether in whole or in part, the site plan shall be forwarded to the Planning Commission for its review in accordance with this ordinance. Such review shall take place at a public meeting, but publication of notice of the meeting shall not be required, unless the Planning Commission elects to publish such notice in a local newspaper circulating in the Township; provided, however, that in any event, notice of the date, time, place and purpose of the Planning Commission meeting regarding such site plan review shall be given by ordinary U.S. mail, at least 15 days prior to the Planning Commission meeting, to the owners of all lands within 300 feet of the described lands, as the names and addresses of such owners are shown in the then current Township tax assessment roll.

(2) Following its review of the site plan, whether for the entire site or part thereof, the Planning Commission shall approve the site plan, reject the plan or approve the plan with conditions.

Section 3. Township Board Findings. The Township Board determines that this rezoning satisfies the purposes of the O-PUD District, as stated in Section 18.1 of the Zoning Ordinance, and the standards for approval of all PUDs, including but not limited to the following:

(a) Development of these lands under the O-PUD regulations 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) Development of these lands under the O-PUD regulations 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) Development of these lands under the O-PUD regulations would be 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) Development of these lands under the O-PUD regulations will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.

(e) Development of these lands under the O-PUD regulations will be designed and laid out to preserve natural resources and natural features to the fullest extent possible, in accordance with the requirements of this ordinance and approval of subsequent development by the Planning Commission.

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.

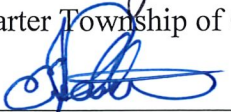
AYES: Van Popering, Yeiter, Christopoulos, DeVries, Pierangeli, Robinette, Van Dyke

NAYS: None

ORDINANCE DECLARED ADOPTED.



Michael J. DeVries, Supervisor
Charter Township of Grand Rapids



Edward J. Robinette, Clerk
Charter Township of Grand Rapids

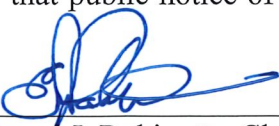
First Reading: July 17, 2018

Second Reading: August 21, 2018

Ordinance Becomes Effective: September 9, 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