

PUD Ordinance - Caravelle #2 of 2002

CASCADE CHARTER TOWNSHIP

Ordinance # 2 of 2002

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE Caravelle Village Mixed Use PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township Ordains:

Section I. An Amendment to The Cascade Charter Township Zoning Ordinance.

The application received from Andy Dykema and Benjamin Brinks (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Caravelle Village Mixed Use Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on January 22, 2002. The Project is recommended for rezoning from B-2, General Business, to PUD, Planned Unit Development permitting a commercial retail center along 28th Street and a residential town home development to the north. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on February 27, 2002.

Section II. Legal Description.

The project consists of three separate parcels. The legal description of the three parcels are identified as follows:

41-19-08-476-024

S 1/3 N 2/3 W 1/4 SE 1/4 SE 1/4

SEC 8 T6N R10W 3.35 A.

41-19-08-476-025

PART OF SE 1/4 SE 1/4 COM AT SW COR OF LOT 169 OF CARAVELLE VILLAGE NO.7 TH S 89D 56M 45S E 365.0 FT TH S 25D 34M 40S E 186.48 FT TH S 89D 56M 45S E 215.0 FT TO E LINE OF W 1/2 SE 1/4 SE 1/4 TH S ALONG SD E LINE TO S SEC LINE TH W ALONG S SEC LINE TO E LINE OF W 1/4 SE 1/4 SE 1/4 TH N ALONG SD E LINE TO S LINE OF N 1/3 SE 1/4 SE 1/4 TH W ALONG SD S LINE TO E 1/8 LINE TH N ALONG E 1/8 LINE 37.595 FT TO BEG *

SEC 8 T6N R10W 6.10 A.

41-19-08-476-019

E 180 FT OF S 1/3 W 1/4 SE 1/4 SE 1/4 EX N 300 FT OF S 353.25 FT OF W 125 FT *

SEC 8 T6N R10W 0.96 A.

Section III. General Provisions.

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

Section IV. Purpose.

The Project occupies approximately 10.41 acres of land that presently is vacant property. The Project is proposed to be developed into a mix of 11 residential town home buildings consisting of a total of 44 dwelling units and one commercial retail building. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations and develop the project in a unified manner.

The regulations contained herein are established to define the procedures necessary to insure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section V. Approval Limitations.

A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced.

B. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.

C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.

D. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.

E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.

F. Failure to comply with the site plan or any condition of approval herein shall be deemed a violation of the Cascade Charter Township Zoning Ordinance.

Section VI. Permitted Uses.

The permitted uses for the Caravelle Village Mixed Use PUD include the following uses:

Commercial Building

One (1) 19,875 square foot commercial retail building (3-acre site). This building initially includes a 2,800 square foot drive-thru bank. As shown on the approved site plan dated 1/24/02 as drawn by Moore and Bruggink

Any other use as listed in the current (1/02) underlying B-2 general business-zoning district shall be permitted in the building. Any use that requires a special use permit, according to the Cascade Charter Township Zoning Ordinance as amended must go through the special use permit process before occupying the space.

Residential Town homes

Eleven (11) residential town homes consisting of four (4) dwelling units each for a total of forty-four (44) dwelling units (7.41-acre site). As shown on the approved site plan dated 2/15/02 as drawn by Exxel Engineering.

Section VII. Site Plans & Design Guidelines, Requirements and Limitations.

The Project shall be developed in accordance with the site plans approved and signed by the Township. The site plan shall indicate where each building will be located and provide appropriate measurements demonstrating compliance with this ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting recognized, acceptable engineering standards and practices. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, other than those changes allowed to be review by staff as stated in Section 21.04 of the Zoning Ordinance or unless authorized otherwise herein.

A. Maximum Building Height

1. Commercial retail building – 35 feet.
2. Residential Town homes – 35 feet

B. Parking

Commercial retail building - The total amount of parking spaces shall be one hundred and twenty-two (120), twenty-three (23) of which will be held in reserve as indicated on the approved site plan.

Residential Town homes – the residential town homes shall provide 30 unenclosed parking spaces, excluding driveway spaces as indicated on the approved site plan.

C. Setback Requirements

Commercial retail building – the setbacks for the building shall be the same as indicated on the approved site plan. These measurements include the following minimum setbacks:

- a. Minimum of 100 feet from the 28th Street right-of-way line.
- b. Minimum of 50 feet from the proposed North boundary line.
- c. Minimum of 25 feet from the East property line.
- d. Minimum of 55 feet from the West property line.

Residential Town homes – The Town homes shall be setback as indicated on the approved site plan. These measurements include the following minimum setbacks:

- e. Minimum of 100 feet from to the northern property line.*
- f. Minimum 50 feet to the eastern property line.
- g. Minimum of 10 feet between buildings.
- h. Minimum of 60 feet to the west property line.
- i. * Building 3 shall be permitted to have a minimum setback of 15 to the north property line and Building 4 shall be permitted to have a minimum setback of 30 to its north property line. These buildings abut the open space that is part of the single-family residential subdivision in Caravelle Village #7 and therefore have additional space between them and the residential parcels that are a part of the subdivision to the north.

Section VIII. Cross Access

Both the Commercial and Residential portion of the project are to allow for cross access with the adjoining parcels as indicated on the approved site plan. The residential portion of the project shall provide for emergency access to the property to its west, an agreement with the property owner is on file with the Township and must be recorded in order to ensure that this access will always be permitted. The developer will be responsible to coordinate with the Township Fire Department in order to ensure that they have access at all times. The commercial portion of the project shall provide for cross access by way of an agreement that must also be recorded that will allow both the parcels to the east and west to connect to the site in the future. This agreement will provide the legal means to allow cross-access with these other parcel if and when the adjoining parcels are ever required to obtain township planning commission approval.

Section IX. Landscaping

Both the commercial and residential portions of the project shall provide landscaping according to the approved landscape plans that are a part of the approved site plans.

Commercial landscape plans dated 2/11/02 and drawn by
Concept Design Group.

Residential landscape plans dated 1.17.02 and drawn by Fleis
and Vanderbrink.

Section X. Signs. The following signs shall be permitted for the project:

Commercial Building:

One (1) freestanding sign, with a maximum height of 20 feet and a maximum sign area of one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign. The freestanding sign may be a consolidated tenant sign identifying each tenants name. The nearest edge of the sign shall be no closer than 18 feet to the road right-of-way.

Because the building is intended to have multiple tenants, each commercial establishment's space will be permitted one wall sign. The sign area shall be equal to or less than, one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.

Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.

One (1) directory wall sign on the building, not to exceed twenty (20) square feet in total sign area.

Two (2) directional signs up to two (2) square feet in sign area.

Residential Townhomes:

One ground mounted along 28th Street. The sign is limited to a maximum of 5 feet high and 20 square feet in sign area on each side provided that the sign faces are placed back-to-back and are no more than 2 feet from one another. The sign may be a part of an architectural wall feature. However, this wall may not exceed a maximum of 5 feet high and 10 feet long. The nearest edge of the sign shall be no closer than 18 feet to the 28th street road right-of-way.

Section XI. Temporary Buildings.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction/ renovation of buildings or infrastructure improvements.

Section XII. Land Splits

Initially the entire project will be under the control of one owner. After the PUD Ordinance is recorded the developer may split the property in order to sell it to the future owners. This land division is already approved by Cascade Township provided it is completed as shown on the approved site plan

Section XIII. Private Street Development.

A. The Developer shall submit a street construction, maintenance and pavement plan consistent with Section 16.11 (4)(f) of the Zoning Ordinance. The Developer wishes to establish a private street system under the following specifications:

The road grades shall not exceed an 8 percent grade. All grades shall be sufficient to allow safe ingress / egress of emergency vehicles.

The private streets shall be posted with signs stating the street names. These signs shall be consistent with Kent County Road Commission standards and requirements and shall be installed at the Developer's cost. The street names must be approved by both the Kent County Road Commission and the Township.

Copies of any permits required by the Kent County Road Commission to connect the private street to any public road shall be provided to the Township Planning Department by the Developer.

B. In accordance with Section G of the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets", the Developer of the Project shall provide a disclosure statement on all property deeds to all owners of the private street, and all persons securing a building permit to construct a building or structure served by the private street, by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the Township shall not be responsible for any aspect of the private street.

C. In accordance with Section I of the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets", it shall be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the private access street in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

D. No combustible building materials may be erected on the Project until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum 18 feet wide and be able to support 20 tons on a single axle with dual wheels and standard road tires.

Section XIV. Shared Driveway.

The developer shall also enter into an agreement that would allow the parcel to the west, commonly known as the Sunquest Properties Office Condominium, Kent County Condominium Subdivision Plan. 256 (Permanent parcel Numbers 41-09-08-477-001;002;003), to share the curb-cut that forms the private drive for this project. The agreement must be recorded that will allow the parcel to the west to connect to the site in the future. This agreement will provide the legal means to allow for the shared driveway if and when the adjoining parcel is ever required to obtain township planning commission approval.

Section XV. Sidewalks

The developer shall be responsible for the construction of all sidewalks throughout the entire project before occupancy of any building. However, due to the Township's desire to coordinate the construction of sidewalks along 28th street with other DDA projects, the developer agrees to construct the sidewalks along 28th Street if and when the parcels adjoining it are either required to put sidewalks in by the Township or the Township proceeds with its project to construct sidewalks adjacent to this parcel. The sidewalk along 28th street shall be built a minimum of 7 feet wide. Sidewalks must be constructed according to the ASHTO standards.

Section XVI. Utilities .

A. Public Water and Sanitary Sewer - All buildings within the Project shall be served by public sanitary sewer and water at the developer's expense. No building permits in the residential portion of the project will be issued until final approval of the public utility system is approved by the City of Grand Rapids and Cascade Township.

B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commissioner's office prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner regarding stormwater disposal issues.

C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XVII. Lighting

The required lighting section of the Zoning Ordinance as amended shall regulate lighting for the entire project. Furthermore, the total height of individual light poles in the residential portion of the project is limited to 15 feet high and the height of the light poles for the commercial portion of the project is limited to 25 feet high.

Section XVIII. Soil Erosion Control Requirements.

Prior to construction, the Developer shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

Section XIX. Performance Guarantee.

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to insure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads, and utilities. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section XX. Reimbursement of Review Fees.

The Developer shall reimburse the Township for all fees associated with the review of the Project. These fees may include, but not be limited to, legal, engineering, publishing, and planning review fees.

Section XXI. Consistency With Planned Unit Development (PUD) Standards.

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. The conversion of the vacant property to a commercial use along 28th Street and providing a transition zone of residential town homes between the commercial and the existing single family residential use is viewed as a more compatible.

In relation to the underlying zoning (B2, General Business) the Township finds the Project will not result in a material increase in the need for public services. Utility extensions and construction will be the responsibility of the Developer and will not place a material burden upon the subject property or the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies.

The Project has been determined by the Township to be compatible with the 1999 Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties.

The Township finds the Project to have a similar amount of green areas, and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the project until this PUD Ordinance is recorded and all provisions that the developer and his assigns are responsible for are complied with. After that time, the property may be sold to other parties.

Section XXII. Effective Date.

This Ordinance shall become effective upon publication of the ordinance, or a summary thereof, in The Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township. All prior Planned Unit Development ordinances that were previously approved for this property shall become null and void.

The foregoing Ordinance was offered by Board Member Kleinheksel, supported by Board Member Parrish. The roll call vote being as follows:

YEAS: Julien, Carpenter, Goodyke, Jones, Parrish, Kleinheksel

NAYS:

ABSENT: Timmons

Marlene Kleinheksel

Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 27th day of February, 2002.

Marlene Kleinheksel Cascade Charter Township Clerk