

CASCADE CHARTER TOWNSHIP

Ordinance # 3 of 2013

**AN ORDINANCE TO AMEND THE PUD ESTABLISHING
CENTENNIAL PARK
PLANNED UNIT DEVELOPMENT PROJECT.**

Cascade Charter Township Ordains:

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

The application received from Meadowood Development Corporation or its assigns (hereinafter referred to as the "Developer"), to amend the Planned Unit Development designation for the Centennial Park Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on June 17, 2013. The Project is recommended for amendment to the Planned Unit Development permitting a mix of uses including single family, apartments, child and/or adult day care, catering/banquet/recreation, landscaping/ snowplowing/property management and open space. 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 July 24, 2013

Section II. Legal Description.

The legal description of the Project is contained in the attached Exhibit 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 85.1 acres of land. The project is proposed to be developed containing a total of 13 single family (or 14 with one two unit building), a total of 241 apartments including a manager residence, while preserving open space, allowing for the existing catering/banquet/recreational use and allowing as a nonconforming use the existing landscaping/snowplowing/property management use. Much of the open space of the project is being conveyed to the existing Condominium Associations ("Permanent common open space"). In order to complete this action

various condominium associations have already agreed to amend their Planned Unit Development legal description in order to incorporate the open space into their projects.

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. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.
- 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 construction, operation or use, including but not limited to:
 - i) Construction of Phase 2 of the apartment development is conditioned upon the City of Grand Rapids approval of increased sewer capacity at the Thornhills lift station. In such event the developer has agreed to construct any and all necessary improvements to accommodate the approval of the City of Grand Rapids when Phase 2 of the apartment development is constructed.
 - ii) Approval of the water system by the City of Grand Rapids is also required.
 - iii) The sidewalk along Charlevoix shall be extended when Phase 2 of the apartment development is constructed, however no off-site sidewalks shall be constructed.
 - iv) The clubhouse and swimming pool for the apartment development shall be constructed before occupancy of the 12th apartment building.
 - v) The Developer shall address all the May 22, 2013 comments from the Township Engineer.
- C. This PUD approval is expressly contingent upon the conditions contained in Section V.B. 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. The conditions outlined in Section V.B. 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. If constructed, the Project must be constructed and operated, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the final approved site plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur unilaterally by the Developer or its successors, tenants or assigns but may be authorized by the Township in accordance with Section 16.12 and Section 21.04 of the Zoning Ordinance. Any deviation without prior formal written approval by the Township will constitute a violation of this Ordinance and the Cascade Charter Township Zoning Ordinance.

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 before any construction occurs on site.

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

G. Prior to recording a copy of this document as specified in Section V(E) hereof, the Developer shall type the following statement onto the end of this document (or add an additional page to the document) as follows:

Meadowood Development Corporation, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

H. The Gerald R. Ford International Airport.

Within the recorded Master Deed, the Developer shall expressly disclose in writing that the Project is located in the vicinity of the Gerald R. Ford International Airport and that there may be noise, vibration, and property valuation impacts associated with such location.

Section VI. Documents and Plans.

- A. The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each unit will be located and provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning 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 the requirements of Section 16.11(4) of the Zoning Ordinance and meeting recognized, acceptable engineering standards and practices. Once it has been determined that the plans have met Township requirements, the Township Engineer shall sign and mark these plan documents as "Approved", and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.

- B. The number of building sites may be reduced or consolidated within the Project upon review and approval of the Township Planning Department. The proposed changes to the site / survey plan to reduce or consolidate building sites shall be reviewed by the Planning Department to insure compliance with the Cascade Charter Township Zoning Ordinance and this PUD Ordinance. Once approved by the Planning Department, the amended site / survey shall then be recorded with the Kent County Register of Deeds Office and the appropriate State agencies by the Developer at his cost. A copy of the recorded site / survey plan shall be forwarded to the Planning Department, so that accurate files regarding the development can be maintained.

- C. The Project shall be limited to a maximum of 13 residential sites (or 14 with one two-unit building) and a maximum of 241 apartments, including the manager's residence. The number of building sites within the Project shall not be increased by the Township Board.

Section VII. Permitted Uses.

The permitted uses for the Centennial Park PUD as approved by the Township Board on July 24, 2013 and as shown on the Centennial Country Club Redevelopment Plan attached as Exhibit B, are as follows:

- A. Single Family Residences.
 - 1. Areas 3, 11A, 11B, 12A, 12B, 13, 16, 17 and 19-The single-family residences in these areas will be subject to the deed restrictions in the attached Exhibit C.
 - 2. Area 10 (Located at the southeast corner of Charlevoix and Meadowood Trails) may be a two family unit, provided it is purchased by the Heathmoor Condominium Association, and enough property is added to the parcel to accommodate the required setbacks; otherwise, it shall be authorized for a single family homesite.

3. Areas 5, 6 and 7 are single-family homesites. In addition, Area 7 may continue as a nonconforming landscaping, snowplowing and property management use.
- B. Adult and/or child day care at the corner of Thornhills/Tahoe.
1. A condition of approval of the PUD requires that the future bike path be graded when the day care building is constructed. An additional condition of approval of the adult and/or child day care use is that the developer or its assigns obtain approval of the building elevations from the Planning Commission.
- C. Apartments.
1. The apartments are broken into two areas. The first area includes 12-10 unit apartment buildings with the allowance for a manager residence and a clubhouse and swimming pool. Phase 1 is limited to a total of 121 apartment maintenance building, trash enclosures (consistent with the Township Zoning Ordinance provisions), mailboxes, signage and other accessory structures reasonably required for multi-building apartment complexes.
 2. Phase 2 of the apartments shall permit 12-10 unit buildings. The developer has agreed to make any and all necessary improvements to the sewer system, including at the Thornhills lift station, in order to receive approval from the City of Grand Rapids to accommodate phase 2 prior to development of the phase 2 apartment complex.
 3. Club house and swimming pool.
 1. Clubhouse and swimming pool must be constructed prior to the occupancy of the 12th building in phase 1.
- D. Banquet/recreational/catering use.
- E. Signs. Provided all signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).
- F. Exterior Lighting. The developer shall provide street lighting within the premise consistent with the lighting plan. The developer may arrange for such street lighting to be provided and installed by the local public electric utility company. All street lighting shall be consistent with Section 19.19 of the Zoning Ordinance and shall be completed prior to the issuance of any occupancy permit for any building.

- G. Area 7. The landscaping/snowplowing/property management business use on area 7 will be allowed as a legal non-conforming use.

Section VIII. Design Guidelines, Requirements and Limitations.

The Project shall be developed in accordance with the site plan approved by the Township dated July 24, 2013. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

- A. Maximum Number of Residential Units - The maximum number of single family detached units within the Project shall be limited to 13 units, with the ability to add a two unit condominium at area 10 for a total of 14 units. In addition a total of 241 apartment buildings including a manager residence are permitted.
- B. Maximum Building or Structure Height - 35 feet or 2½ stories whichever is the lessee.
- C. Setback Requirements- All buildings and structures shall meet the following minimum setback requirements:
 - a. Residential Units
 - i. Front Yard Setback: 35 feet minimum from the front yard area line.
 - ii. Sideyards (min.): 10 feet from the side yard area line.
 - iii. Sideyards (total): 25 feet minimum
 - iv. Rear Yard: 25 feet minimum from the rear yard area line
 - b. Apartments
 - i. Setbacks for the apartment buildings as shown on the plan dated 5-17-13.
 - ii. Perimeter – 25 feet
 - iii. Golfridge property – 30 feet
 - iv. Between buildings –20 feet
- D. Minimum Floor Area –
 - a. Residential lots - finished livable area above grade level, exclusive of the garage, decks, porches and breezeways
 - i. 1600 sq ft of finished space within a minimum of 960 sq ft on main floor.
 - b. Apartments – 10-unit apartment buildings broken into a mix of one bedroom, two bedroom and three bedroom apartments consistent with the plans submitted June 17, 2013.

- C. Minimum Parking Requirements
 - a. Residential lots - Each residential unit shall have a minimum of two (2) enclosed off-street parking spaces.
 - b. Apartments - Each apartment building shall have at least 8 enclosed parking spaces.

Section IX. Private Street Development.

- A. The Developer has elected to establish private streets to serve the Apartment phase(s) of the Project provided the roads are constructed in accordance with the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets" and the following specifications:
 - 1. All grades shall be as required by the Cascade Charter Township Engineering Design Requirements and Standards for Private Streets and shall not exceed the grades shown on the approved site plan.
 - 2. 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.
 - 3. A clear vision triangle shall be established by the Developer to insure safe turning movements from the private streets onto the public roads. This clear vision triangle shall be developed to the specifications established by the Kent County Road Commission.
 - 4. Any private street shall intersect any public road at a 90 degree angle.
 - 5. 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. The Developer shall submit a street construction inspection report to ensure that the roads are built according to the approved plans. These reports are required prior to occupancy of any apartment buildings. The developer has also agreed to establish a private escrow account for the long term maintenance of the private roads. Developer shall draft a maintenance plan for the private roads and record it after approval of such provisions by the Cascade Charter Township Planning Department.

- 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 to fully maintain and keep the private access streets 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 X. 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 of any building or infrastructure improvement.

Section XI. Utilities.

- A. Sewer and Water – This project will be served by municipal water and municipal Sanitary Sewer.
- 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, and the Michigan Department of Environmental Quality (if it has jurisdiction) 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 and the Michigan Department of Environmental Quality regarding stormwater disposal.
- 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. The Developer shall also be responsible to provide any necessary easements to the Township for the Pedestrian Path along Tahoe Drive and Thornhills Ave. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XII. Soil Erosion Control Requirements.

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 excavation on the site. Developer shall comply with any and all licenses, approvals or permits issued regarding soil erosion control requirements and measures.

Section XIII. 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. The form, duration and amount of the performance guarantee shall be approved by the Township.

Section XIV. Permanent Common Open Space.

It is the intent of this Project that the permanent common open space areas are to be conveyed to the neighboring Condominium Associations. It is also the intent of this ordinance that these open space areas shall be in a natural setting but that each individual association will be able to decide on what if any improvements can take place in the open space areas. To insure this occurs, the following regulations shall apply to the permanent common open space area:

- A. No buildings, structures, fences, or driveways shall be erected, constructed or placed within the permanent common open space area, with the exception of a driveway that may provide access to area 5 for a single family home site. The access is shown on the approved site plan.

- B. There shall be no draining or filling of the regulated wetlands within this permanent common open space area other than that permitted by the Michigan Department of Environmental Quality, the Kent County Drain Commission and the Township Engineer for the construction of the required infrastructure of this project.

Section XV. 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. Current and future residents will recognize the benefits of a planned development.

In relation to the underlying zoning (Centennial Park PUD from 1973) the Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and 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 Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a "Mixed Use" use, which is consistent with the Cascade Township Comprehensive Plan.

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

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

Finally, the Township recognizes the Project is under single ownership or control. The Township recognizes that the Developer has also worked with the surrounding associations in order to develop this plan and that the developer may sell any or all of the project after this ordinance is recorded.

Section XVI. 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.

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

YEAS: Goldberg, Janes, Goodyke, Beahan, Peirce, Lewis, Koessel
NAYS: None
ABSENT: None

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 24th day of July, 2013.

Cascade Charter Township Clerk

DEVELOPER'S CERTIFICATION

"I, _____, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

Meadowood Development Corporation

Centennial Country Club Re-Development Plan
Single Family Deed Restrictions

1. Houses shall be used exclusively for the residence of single families consistent with zoning requirements and local ordinances.
2. No signs or other advertising devices shall be displayed which are visible from the exterior of any residence or upon the property, including "for sale" signs and political signs, except that one "for sale" sign shall be allowed on each lot until the property is sold.
3. No recreational vehicles, boats or watercraft, trailers, snowmobiles, or like vehicles or equipment shall be stored or parked on the street, driveway or property or any residence for more than one consecutive night and no more than four nights per month.
4. No outside clothesline shall be permitted on the property.
5. "Jungle gyms," basketball hoops, trampolines, and similar outdoor equipment shall not be permitted on the property.
6. The outside property shall not be used for the storage of supplies, trash, receptacles, personal property, trash or refuse of any kind, except that cars may be parked on the driveway.
7. No outside storage buildings, sheds, or lean-tos shall be permitted on the property.
8. No fences shall be permitted.
9. No swimming pools, either above or below ground, shall be permitted; except a small child's pool may be permitted on a deck or patio.