

PUD Ordinance - Northern Benefits #15 of 1995

CASCADE CHARTER TOWNSHIP

Ordinance 15 of 1995

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE **NORTHERN BENEFITS** PLANNED UNIT DEVELOPMENT PROJECT

Cascade Charter Township Ordains:

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

The application received from Cheryl M. Peters, on behalf of Northern Benefits Network, Inc. (hereinafter referred to as the "Property Owner(s)" or "Developer") for Planned Unit Development designation for the proposed Northern Benefits Network, Inc. office building (hereinafter referred to as the "Project" or the "Premises") was recommended by the Cascade Charter township Planning Commission for approval on June 19, 1995. The Project is recommended for rezoning from PUD, Planned Unit Development to PUD, Planned Unit Development permitting the development of an office building. 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 Trustee's action on July 12, 1995.

Section II. Legal Description

The legal description of the Project is as follows:

That part of the South 244.0 feet of the North 1139.0 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 16, T6N, R10W, Cascade Township, Kent County, Michigan, lying West of the Westerly line of Cook Avenue (now Thornhills Avenue) (100.0 feet wide).

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 through January 26, 1994).

Section IV. Purpose

The Project occupies 2.38 acres of vacant and wooded land. The Project is proposed to be developed into a 6,576 square foot office building. The PUD technique has been chosen by the Property Owner(s) to provide more control over the Project's aesthetics and appearance as well as to minimize the Project's impact on the natural environment of the site and surrounding properties.

This development technique provides the Property Owner(s) with the ability to develop the project in a manner to meet the physical constraints of the site while meeting the expectations of the owner. The regulations contained herein are established to define the procedures necessary to insure high quality development of the Project. Additionally, they are designed to achieve integration of the 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 Property Owner(s) 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. In the event of a conflict between the Cascade Charter Township Zoning Ordinance and the approved site plans, the approved site plans shall govern.

B. Except as provided herein, the Property Owner(s) and her 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 Property Owner(s) 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 Property Owner(s), 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 Property Owner(s) prior to construction occurring on site and shall run with and bind the land involved. Copies of this recorded document shall be supplied by the Property Owner(s) 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. Site Plan

A. The Project shall be developed in accordance with the overall site plan approved and signed by the Township. The site plan shall indicate where the office building will be located and show appropriate measurements demonstrating compliance with 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 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.

Section VII. Permitted Uses

The permitted uses for the Northern Benefits PUD are as follows:

A. Office and associated uses as provided in Chapter 12 of the Cascade Charter Township Zoning Ordinance (as may be amended) except for medical or dental offices.

Section VIII. Design Guidelines, Requirements and Limitations

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

- A. The maximum number of office buildings on the Premises shall be limited to one (1). This building shall contain a maximum square footage as follows:

Basement: 2,900 square feet

Upper Floor: 3,676 square feet

Total: 6,576 square feet

Provided that all other requirements of this Ordinance are adhered to (setbacks, bufferyards, parking, height, signs, etc.), changes in the proposed square footage of the building may be varied with the approval of the Planning Director provided that the combined total square footage of such building shall not exceed the maximum allowable square footage of 6,575 square feet as set forth above.

- B. Maximum Building Height – The maximum height for the building within the Project shall be limited to 35 feet as measured from the average grade as defined in the Cascade Charter Township Zoning Ordinance.

- C. Setback Requirements - The building shall be setback from the property lines as follows:

Front Yard Setback: 215 feet

Rear Yard Setback: 140 feet

Side Yard Setbacks:

North: 32 feet

South: 150 feet

- D. Minimum Parking Requirements – Parking for the site shall meet the requirements of the Cascade Charter Township Zoning Ordinance.

- E. Signs

The Project shall be permitted one (1) ground mounted sign in the general location as depicted on the overall site plan. This sign shall not be located closer than five (5) feet from any property line; shall not exceed five (5) feet in height, and fifty (50) square feet in sign area.

Unless otherwise specified above, the sign for the Project shall comply with the height, location, size, and all other requirements set forth in the Cascade Charter Township Sign Ordinance, as amended.

- F. Landscaping

1. The Project shall be required to install all landscaping as shown on the approved landscaping plan. Due to the topography of the site and the amount of natural vegetation to be left undisturbed on the site during Project construction, the amount of landscaping required for the bufferyards on the site varied from that which is normally required by the Cascade Charter Township Zoning Ordinance. The landscaping plan dated June 14, 1995 has been approved by the Planning Commission.

2. The installation of the landscaping in the bufferyards as well as the internal landscaping shall be installed within ninety (90) days of completion of the building construction unless permitted in writing by the Planning Director at a later date.

3. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time, but no longer than one growing season.

G. Lighting

Exterior lighting on the Project shall be installed so as to deflect light away from adjacent properties and streets. The source of illumination in the parking facility shall not be more than 20 feet above the parking surface and shall be shrouded to prevent glare. Lamps should be of either incandescent or color corrected sodium vapor variety.

Section IX. 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 building expansions or infrastructure improvement.

Section X. Utilities

A. The Project shall be served with public water and public sewer at the Developer's expense. Any new on-site water and sewer design and connection to the public water and sewer systems shall be approved by the Township Engineer and the City of Grand Rapids prior to installation.

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 and Michigan Department of Natural resources (if applicable) 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. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XI. 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 of the Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

Section XII. Performance Guarantee

To insure compliance with this Ordinance and any conditions contained 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 XIII. 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.

In relation to the underlying zoning (PUD), the Township finds that 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. New road improvements are not required as a result of the Project.

The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater plans have been approved by the Township Engineer and the appropriate County and State agencies. Concerns about fire and emergency vehicles have been addressed on the site plan and by this PUD Ordinance.

The Project has been determined by the Township to be a less intensive land use than that which the General Development Plan of the Township designates for the Property and that the Project is compatible 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 at least as much or more green and usable open space as would be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under ownership and control by one party. The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises.

Section XIV. 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 Carpenter, supported by Board Member Van Strien. The roll call vote being as follows:

YEAS: Carpenter, Hansen, Henning, Johnson, Julien, Timmons and Van Strien.

NAYS: None

ABSENT: None

ABSTAIN: None

Brenda J. Henning

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 12th day of July, 1995.

Brenda J. Henning

Cascade Charter Township Clerk