

CASCADE CHARTER TOWNSHIP

Ordinance 1 of 2016

AN ORDINANCE TO Amend the
Sentinel Pointe
Ordinance #1 of 1980
as amended by Ord No 6 of 1984
PLANNED UNIT DEVELOPMENT PROJECT.

CASCADE CHARTER TOWNSHIP ORDAINS:

SECTION I. AN AMENDMENT TO THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE.

The application received from Driftwood Ventures or its assigns (hereafter referred to as the “Developer”) is to amend the Sentinel Pointe Planned Unit Development to replace the 40 unit elderly housing facility with a ten unit single family residential development called Roundhill (hereinafter referred to as the “Project”). The existing 154 unit retirement facility is not part of this amendment. The project was recommended by the Cascade Charter Township Planning Commission for approval on 2/1/16, to amend the current PUD, Planned Unit Development. Approval of the proposed PUD amendment requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission’s recommendations and the final actions of the Cascade Charter Township Board on 3/9/16.

SECTION II. LEGAL DESCRIPTION.

1. Ten unit condominium project - Roundhill

PART OF NW 1/4 COM AT NW COR OF SEC TH 90D 00M 00S E ALONG N SEC LINE 1475.51 FT TO E LINE OF LOT 7 OF ARDEN HILLS PLAT EXT N TH S 0D 08M 00S E ALONG SD EXT E LOT LINE & SD E LOT LINE & SD E LOT LINE EXT S 0D 08M 00S E 1125.46 FT TO BEG OF THIS DESC - TH S 78D 30M 00S W 212.73 FT TH N 85D 00M 00S W 759.30 FT TO ELY LINE OF THORNHILLS AVE /100 FT WIDE/ TH NLY ALONG ELY LINE OF SD AVE TO A PT 895 FT S FROM N SEC LINE TH E PAR WITH N SEC LINE TO E LINE OF SD LOT 7 EXT S TH S 0D 08M 00S E ALONG SD EXT E LOT LINE TO BEG * SEC 16 T6N R10W 5.24 A.

2. Existing 154 unit retirement home

411916103012 PART OF NW 1/4 COM AT NW COR OF SEC TH 90D 00M E ALONG N SEC LINE 1475.51 FT TO E LINE OF LOT 7 OF ARDEN HILLS EXT N TH S 00D 08M E ALONG SD EXT E LOT LINE TO CL OF THORNAPPLE RIVER DR TH S 63D 15M 32S W 234.98 FT TH S 46D 34M 38S W 129.5 FT

TO BEG OF THIS DESC- TH N 45D 00M W 275.0 FT TH N 49D 00M E 175.0 FT TH N 57D 00M E 187.47 FT TH N 85D 00M W 759.30 FT TO ELY LINE OF THORNHILLS AVE /100 FT WIDE/ TH SWLY ALONG SD ELY LINE TO A PT 288.21 FT N FROM E&W 1/4 LINE TH E 10 FT TH S 24.21 FT TO N LINE OF S 264 FT OF NW 1/4 TH E ALONG SD N LINE TO CL OF THORNAPPLE RIVER DR TH NELY ALONG SD CL TO BEG * SEC 16 T6N R10W 18.25 A.

SECTION III. GENERAL PROVISIONS.

The conditions, requirements, and regulations contained in this document shall apply to the Project in addition to those requirements and regulations contained in Chapter XVI of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988).

SECTION IV. PURPOSE.

The Project occupies approximately 5.24 acres of land that is proposed to be developed as a 10 unit single family residential condominium development. The Planned Unit Development technique has been chosen by the Developer to provide more control over the development's aesthetics and appearance.

The conditions, requirements, and regulations contained in this document are established to ensure high quality development of the Project. Additionally, they are designed to achieve integration of this development with adjacent and area land uses.

SECTION V. APPROVAL LIMITATIONS.

- A. The provisions of this Ordinance/Ordinance amendment (“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 expressly addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall apply. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.
- B. Except as expressly otherwise provided herein, the Developer and its assigns must meet all applicable provisions, ordinance requirements, and regulations of Cascade Charter Township, as well as federal, county, and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for construction, 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 invalid, 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 the Township 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 and in the final approved site plan 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, approved site plan, and ordinance amendment. The Project must be constructed, operated and maintained, 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 or be made unilaterally by the Developer or its successors, tenants, or assigns. 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.
- 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, and shall sign and date the same:

“Driftwood Ventures has fully read the above PUD ordinance amendment, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, successors and transferees in and to the property involved.”

SECTION VI. PERMITTED USES.

The permitted uses for the Sentinel Pointe PUD are as follows:

- A. 10 Single Family Residences - Roundhill
- B. The Existing 154 unit retirement facility – Sentinel Pointe
- C. Signs. All signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

Section VII. Design Guidelines, Requirements and Limitations.

The Project shall be developed in exact accordance with the site plan approved by the Township. No alterations, expansions or additions may occur as to the Project without a formal amendment to this Ordinance, unless expressly otherwise authorized herein.

- A. Maximum Number of Residential Units
 - 1. Roundhill – Ten (10) single-family detached condominium units.
 - 2. Existing retirement facility - 154
- B. Maximum Building or Structure Height
 - 1. Roundhill – 35 feet or two and a half stories whichever is less
 - 2. Existing retirement facility – as constructed
- C. Setback Requirements
 - 1. Roundhill - All condominium buildings and structures shall be placed within the building footprint area as shown on the final approved site plan dated 11/23/15.
 - 2. Existing retirement facility – as constructed
- D. Minimum Floor Area
 - 1. Roundhill -Each dwelling on a condominium unit shall contain a minimum of:
 - (a) One Story: 1300 square feet on the main floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
 - (b) Two Story: 1600 square feet, with a minimum of 800 square feet on the first floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
 - 2. Existing retirement facility
 - (a) As constructed

Section VIII. Private Street Development - Roundhill.

- A. The Developer shall submit to the Township a street construction, maintenance, and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance. The Developer may establish private streets to serve 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. The road grades shall not exceed a six percent (6%) grade. All grades shall be sufficient to allow safe ingress/egress of emergency vehicles.
 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. Any private street shall intersect any public road at a 90 degree angle.
 4. 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, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, stating that 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 (and its employees, officials, and agents) 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 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 building may be erected within 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 IX. Temporary Buildings.

No structure of a temporary nature, including, but not limited to, any trailer, tent or construction shack shall be constructed, placed or maintained within the Project except lawfully accessory to and during construction of any building or infrastructure improvement.

Section X. Utilities.

A. Water and Sewer – The individual units in the Project will be served by public water and sewer. Such systems shall be designed, installed, and approved by Cascade Township and the City of Grand Rapids.

B. Stormwater Drainage –

In lieu of requiring that an Act 433 agreement or a drainage district be established with the Kent County Drain Commissioner, Cascade Charter Township has agreed to approve the site plan for the Project so long as the Project (and any and all portions thereof) always complies with the Cascade Charter Township Stormwater Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances). Accordingly, the property owner’s association (the “Association”) and all landowners within the Project (“Co-Owners”) are required to ensure the proper installation and permanent maintenance of any and all storm drainage and water retention systems, pipes, ponds, and facilities for the Project (collectively, the “Facilities”) shown on the approved site plan or as otherwise required by the Cascade Charter Township Stormwater Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances, all of which shall collectively be referred to hereinafter as the “Stormwater Ordinance”). Such requirements and obligations of the Association and Co-Owners include, but are not necessarily limited to, the following:

1. Maintenance and repair regarding the following items shall be done on a regular basis and in such fashion as to ensure that all components of the Facilities function properly at all times:
 - (a) Sediment removal;
 - (b) Erosion control;
 - (c) Ensuring constant structural integrity of the physical systems; and
 - (d) Designate access to the facilities.
 - (e) Cleaning of catch basin sumps
 - (f) Sediment and debris removal from the infiltration basin
 - (g) Landscape maintenance of the infiltration basin to maintain the design volume and ensure the system is operating as designed.
 - (h) Other maintenance procedures as outlined by the applicant’s engineer in their letter dated June 4, 2015.

2. The Township (including its designated officials, officers, agents, and contractors) shall have the right to physically inspect all aspects of the Facilities at all reasonable times, or any other times if, in the opinion of the Township, there is a threat to the public health, safety, or welfare.
3. Buildings, structures, landscaping, trees, or similar items shall not be installed, planted, or placed over any portion of the Facilities without prior written Township approval.
4. The Township shall be supplied with an engineer's "as-built" certification to certify that the Facilities as constructed and installed matches the approved design. The Township shall also be supplied with a reduced copy of the approved site plan graphically showing the Facilities, together with any and all easements therefor.
5. The Township shall be supplied with a permanent easement or irrevocable license allowing the Township (as well as its designated officials, officers, agents, and contractors) to have access between the public road right-of-way to any and all portions of the Facilities.
6. Should the Facilities not be properly installed, maintained, and/or repaired, in compliance with all of the requirements of this Section XII.B, the approved site plan, and the Stormwater Ordinance (whether due to the fault or neglect of the developer, the Association, and/or the Co-Owners), and any such noncompliance or deficiency shall not have been fully remedied within 30 days of the date when the Township has given the Association written notice of any such noncompliance or deficiencies, the Township, at its sole option and discretion, shall have the right and authority to perform any and all installations, repairs, and/or maintenance which is reasonably required and charge back the costs thereof to the Association and Co-Owners (together with reasonable administrative costs and legal fees). Should any challenge occur regarding the Township's actions, the following shall be applicable:
 - (a) Establishment of a Special Assessment District. The Township may establish a special assessment district for the Project to pay for or reimburse the Township for any and all such costs (as well as to ensure future required repairs and maintenance) pursuant to whichever state statute the Township desires to utilize. In such event, all of the Co-Owners and the Association shall be deemed to have consented to the establishment of such a special assessment district.
 - (b) Proceeding to Collect Pursuant to the Master Deed and Condominium Documents. Alternately, the Township shall also have the authority to collect or seek reimbursement for any and all

such costs from the Association and Co-Owners as if such obligations of the Association and Co-Owners were in the form of a permanent deed restriction or covenant on the Project. Should the Township pursue this remedy, the Township would have any and all rights attributable to the Association when collecting dues or assessments from Co-Owners. Additionally, such costs shall be a lien on each of the Units, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the Township Treasurer, who shall enter the lien on the next tax roll against the applicable Unit, and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll in the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

The above alternate remedies (being (a) and (b)) shall be deemed to be in addition to any and all other remedies provided for elsewhere in the Master Deed or condominium documents or at law or equity. The Township shall have the sole authority and discretion to determine whether or not to proceed pursuant to (a) or (b), above.

- C. Before construction commences, the Developer shall provide to the Township (and any other applicable governmental units and utilities) all necessary permanent easements within the Project for telephone, telecommunications, 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. Landscape Plan

The landscaping along the perimeter of the site shall be installed and maintained and shall include at a minimum the plantings that are shown on the approved landscaping plan dated 1/22/16.

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 ensure compliance with this Ordinance, the Cascade Township Zoning Ordinance, and any conditions and requirements herein, the Township may require reasonable performance guarantees to ensure 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 reasonably necessary to ensure completion of the improvements. The form (including the bank or surety involved), duration, and amount of the performance guarantee as shall be approved by the Township.

Section XIV. 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 XV. Consistency of the Master Deed and/or Deed Restrictions/Covenants with the PUD Approval.

If the Project will be a condominium project (in whole or in part), the Master Deed (and attachments) shall be reviewed and approved by the Township Attorney prior to final recording to ensure consistency with this Ordinance. If some or all of the Project will be governed by deed restrictions/restrictive covenants apart from a condominium master deed, such deed restrictions/restrictive covenants shall also be reviewed and approved by the Township Attorney before recording to ensure consistency with this Ordinance.

Section XVI. 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 residential development that offers a low-density land use.

In relation to the underlying zoning (PUD), 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 2009 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 “Residential” 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.

This Ordinance also incorporates and adopts the staff comments and conclusions on pages 3-4 of the staff report dated January 7, 2016 as additional findings by the Township Board.

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 Premises until a majority of the site condominium units are purchased for single family residential purposes.

SECTION XVII. EFFECTIVE DATE.

This Ordinance/Ordinance amendment shall become effective upon the expiration of seven (7) days after publication of this documents (or a summary) in the *Grand Rapids Press*, a newspaper of general circulation within Cascade Charter Township.

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

YEAS: Lewis, Beahan, Goldberg, Koessel, Goodyke

NAYS: Peirce

ABSENT: McDonald

Ron Goodyke
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance/Ordinance amendment adopted at a Regular Meeting of the Cascade Charter Township Board on the 9th day of March, 2016.

Ron Goodyke
Cascade Charter Township Clerk

Applicant Statement:

“Driftwood Ventures has fully read the above PUD ordinance amendment, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, successors and transferees in and to the property involved.”

Signature _____ Printed Name _____ Date _____