

PUD Ordinance - Thornapple Manor #2 of 1998

CASCADE CHARTER TOWNSHIP

Ordinance #2 of 1998

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH **THORNAPPLE MANOR ADULT ASSISTED LIVING FACILITY** PLANNED UNIT DEVELOPMENT

Cascade Charter Township Ordains:

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

The application received from Ivan Marsman (DBA Thornapple Land Company) or its assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed adult assisted living facility project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on January 20, 1998. The Project is recommended for rezoning from B2, General Business and O, Office to PUD, Planned Unit Development permitting an adult assisted living facility campus. 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 25, 1998 thereby creating the Thornapple Manor Adult Assisted Living Facility Planned Unit Development Ordinance (hereinafter referred to as the "Ordinance").

Section II. Legal Description

The legal description of the Project is as follows: That part of the SW 1/4 of Section 8, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the South ¼ corner of said Section; thence N 0 degrees 43' 11" West 500 feet along the West line of said SE ¼ to the PLACE OF BEGINNING; thence North 0 degrees 43' 11" West 826.08 feet along said West line; thence south 89 degrees 34' 26" East 776.0 feet along the North line of said SW ¼; thence South 0 degrees 40' 18" East 70.0 feet; thence South 58 degrees 25' 44" East 637.94 feet; thence South 0 degrees 37' 25" East 163.46 feet along the East line of said SW ¼, SE ¼; thence North 89 degrees 33' 15" West 438.77 feet; thence South 0 degrees 38' 51" East 232.94 feet; thence North 89 degrees 32' 03" West 330.00 feet; South 0 degrees 43' 11" East 141.99 feet; thence North 89 degrees 32' 03" West 273.00 feet to the Point of Beginning.

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 18.12 acres of land that is vacant. The Project is proposed to be developed into an adult assisted living facility, including buildings, parking and associated uses necessary to create an adult assisted living facility campus. The Planned Unit Development rezoning technique has been chosen by the Developer to provide flexibility in the associated uses, design of the facility and 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 where more traditional mechanisms may not.

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

The provisions of the Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and 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 or any other Ordinance shall be enforced.

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.

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 a 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.

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.

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.

Failure to comply with the site plans 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.

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:

1. I, Ivan Marsman, (d/b/a Thornapple Land Company) 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.

Wherever this document calls for the granting or recording of an easement or right-of-way for access or utility purposes, the Developer shall submit the same to the Township for its prior review and approval, which approval shall not be unreasonably withheld.

Section VI. Permitted Uses

The permitted uses for the Thornapple Manor PUD are as follows:

Adult assisted living buildings, as the market warrants, not to exceed 28,933 square feet in area each and in compliance with the setback requirements as set forth in this Ordinance.

Other buildings that are associated with and have a demonstrable relationship to the adult assisted living facility concept are allowed provided they comply with the setback requirements set forth in this Ordinance.

Section VII. Design Guidelines, Requirements and Limitations

The Project shall conform in as much as reasonably possible to the master development concept approved by the Township Board and signed by the Township Supervisor on February 25, 1998. The Developer may develop the Project in separate phases, and will be required to submit site plans for each phase, building or site improvement. The Planning Commission shall review and approve these plans prior to the construction of the intended phase to insure consistency with the master development concept.

All phases of the Project shall comply with the Permitted Uses listed in Section VI of this Ordinance. Site plan approval for each phase, building, or site improvement shall only be granted in accordance with this ordinance and Chapters 16 and 21 of the Zoning Ordinance, as may be amended.

Section VIII. Specific Development Regulations

The Project shall be developed in accordance with the site plans approved and signed by the township. The site plans 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, unless authorized otherwise herein.

Phase One

Two (2) buildings will be constructed for phase one. Neither building may exceed an area of 28,933 square feet.

Future Phases

As the market warrants, the Developer is entitled to seek site plan approval for additional buildings to increase the space available for adult assisted living and/or to further develop the adult assisted living campus.

Other uses, either within the existing buildings or new buildings, may be permitted if determined to be part of the adult assisted living concept and upon receiving site plan approval from the Planning Commission.

All Phases

Maximum building height – no building in the Project shall exceed a height of 25 feet as determined by the Zoning Ordinance.

Setback requirements – no building or parking area shall extend closer than 40 feet to the Project's northern property line, a common property line with the Caravelle Village neighborhood. Setbacks from the property line along the detention basin shall not be less than 15 feet. The setback from every other property line for parking, access drives or buildings shall not be less than 25 feet.

Parking – parking for the various buildings within the Project shall be required as set forth in the standards published by the Institute of Transportation Engineers' report, titled Parking Generation, as may be updated.

Lighting – site lighting shall be consistent with Chapter 19 of the Zoning Ordinance. Light fixtures shall not be more than 15 feet above the ground and shall be designed so as not to emit light from the Project onto adjacent residential properties or upward. The level of illumination shall be between 0.5 foot candles and five (5) foot candles, with one (1) foot candle be the desired level of illumination.

Landscaping – landscaping shall be provided within the phases consistent with the approved landscape plans for each building as the individual site plans are considered for approval. As deemed necessary for aesthetic purposes, additional landscaping may be required by the Planning Commission at the time of site plan review. A 20 foot wide bufferyard shall be installed along the Project's northern property line with evergreens being the preferred planting. The existing tree line along the northern property line shall not be disturbed.

Architecture – all buildings within the Project shall have a brick exterior and be constructed with an actual sloped or pitched roof on all sides of the building. Canopies on the proposed buildings shall not be lower than 12 feet in height at the lowest projection.

Dumpsters and Loading Docks – dumpsters and loading docks shall be screened with landscaping and/or a privacy fence so as to not be visible from adjacent properties.

Signs – the Project shall be permitted one (1) freestanding sign. The freestanding sign shall be a ground mounted development identification sign and shall not exceed 50 square feet in sign area and a height of five (5) feet. The sign is subject further to the provisions of the Cascade Charter Township Sign Ordinance (Ordinance #14 of 1997), as it may be amended. Directional signs of up to two square feet in sign area will be permitted.

Construction time limits – no building may be under construction for a period of time exceeding seven (7) months which will begin upon issuance of a building permit.

Fencing – if the Project is required to be fenced by the State of Michigan, the Developer shall place a gate along the fence to allow neighboring property owners walking access to the Project site.

Section IX. Private Street Development and Emergency Vehicle Secondary Access Easement

A. Before any construction commences on the Project, the Developer shall provide the Township with copies of the recorded Charlevoix Court access easement from the Wal-Mart site and the recorded emergency vehicle secondary access easement from the commercial development south of the Project.

B. The secondary access for emergency vehicles shall be paved and it shall also be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the easement in good repair at all times and to ensure that snow and ice are removed in a timely fashion during the winter.

C. The Developer shall submit a construction, maintenance and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance for Charlevoix Court.

1. The road shall not exceed an eight (8) percent grade. All grades within the Project shall be sufficient to allow safe ingress/egress of emergency vehicles.

D. 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 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.

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

F. No combustible 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 building expansions or infrastructure improvements.

Section XI. Utilities

A. Municipal Sewer and Water Service – All buildings within the Project shall be served by municipal sewer and water prior to occupancy at the Developer's expense. No building permits will be issued for any construction within the Project 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 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 or 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. 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

Prior to each phase of 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 each new building or building expansion within the Project. These plans shall be reviewed and approved by the Township Engineer prior to commencing any earth moving activities on the site for the proposed building or addition.

A soil erosion control permit must be obtained for each new building as a building permit is sought. A site plan indicating control measures to be put in place before and during construction and until the building site is stabilized with landscaping or other measures shall be submitted with the building permit application.

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, drainage, lighting, roads and utilities. The Township Board, Engineer or Planning Department may require such guarantee at any time they deem necessary to insure completion of the improvements.

Section XIV. 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 are not limited to, legal, engineering, publishing, and planning review fees.

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 an adult assisted living facility within the community.

In relation to the underlying zoning (B2, General Business and O), Office), 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 will be served by municipal water and sewer. 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.

The Project has been determined by the Township to be compatible with the General Development 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 to have at least as much green and usable open space as would 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 Premises until a majority of the adult assisted living campus is developed.

Section XVI. Effective Date

This Ordinance shall become effective seven days after the 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 Kleinheksel, supported by Board Member Johnson. The roll call vote being as follows:

YEAS: Carpenter, Goodyke, Johnson, Julien, Kleinheksel

NAYS: None

ABSTAIN: None

ABSENT: Timmons, Van Strien

Marlene K. 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 25th day of February, 1998.

Marlene K. Kleinheksel

Cascade Charter Township Clerk

