

PUD Ordinance - Zoom Automotive Group #8 of 2001

CASCADE CHARTER TOWNSHIP

Ordinance # 8 of 2001

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE ZOOM AUTOMOTIVE GROUP PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township Ordains:

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

The application received from Mark Campbell, as a member of Autopark Properties, LLC or his assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Zoom Auto Group Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval to the Township Board on June 4, 2001. The Project is recommended for rezoning from B2, General Business to PUD, Planned Unit Development, permitting an auto dealership and service center. 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 25, 2001.

Section II. Legal Description.

The legal description of the Project is as follows:

That part of the SE ¼, Section 8, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Beginning at the SW corner of said SE ¼; thence N90°00'E 172.95 feet along the South line of said SE ¼; thence N0°02'E 499.89 feet perpendicular to the centerline of 28th Street (100 feet wide); thence S90°00'W 183.58 feet; thence S1°11'E 500.00 feet along the West line of said SE ¼ to the place of Beginning. Subject to a right-of-way for highway purposes over that part lying Southerly of a line which is 50 feet North of and parallel with the center of 28th Street. 2.04 acres including R.O.W. 1.82 acres excluding R.O.W.

That part of the SE ¼, Section 8, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Beginning at the SW corner of said SE ¼; thence N90°00"E 172.95 feet along the South line of said SE ¼ to the place of beginning; thence N90°00'E 188.80 feet; thence N00°02'E 499.89 feet perpendicular to the centerline of 28th Street (100 feet wide); thence S90°00'W 100.80 feet; thence S00°02'W 499.89 feet to the place of beginning. Subject to a right-of-way for highway purposes over that part lying Southerly of a line which is 50.0 feet North of and parallel with the centerline of 28th Street. 1.16 acres including R.O.W. 1.04 acres excluding R.O.W.

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 2.86 acres of land that currently contains an auto dealership and eventually, a service center. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance.

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 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 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:

"I, Mark Campbell, as a member of Autopark Properties, LLC and Vroom Auto Group, LLC, 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."

Section VI. Permitted Uses

The permitted uses for the Zoom Automotive Group Project are limited to the following:

An automotive dealership; and

An automotive service center; and

Any other use allowed by right in the B-2 Zoning District. Any change in use from permitted uses 1 and 2 above, shall be required to receive site plan approval from the Planning Commission, as provided for in Chapter 21 of the Zoning Ordinance and any additional approvals as required.

Section VII. Design Guidelines, Requirements and Limitations.

The Project shall be developed 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.

Automotive Dealership

Floor Area – The maximum floor area shall be limited to 15,570 square feet.

Building Height – The maximum building height shall be limited to 35 feet.

Setbacks – No part of the building shall extend closer to the lot line than currently exists, as shown on the approved site plan dated May 19, 2001 .

Parking – There shall be no more than 36 display pads and no less than 30 customer parking spaces for the automotive dealership.

Signs – Signs shall conform to the requirements of the Cascade Charter Township Sign Ordinance.

Automotive Service Center

The existing Terminix building shall be used as a service center for the Project until such time as the new service center is constructed. The new "mini" Zoom service center shall meet the following requirements:

Floor Area – The maximum floor area for the service center shall be limited to 9,152 square feet.

Building Height – The maximum building height shall be limited to 35 feet.

Setbacks – The following setback requirements shall apply for the Project:

The setbacks shall comply with the approved site plan for the PUD Project, dated 8/10/01.

Parking – The existing Terminix site shall contain no more than five (5) display spaces in front (south) of the building, with additional customer parking behind (north) the building.

The "mini" Zoom service center shall contain no more than 34 spaces between the landscape island that is parallel to 28th Street and 28th Street. There shall be no more than 12 spaces between the parallel island and the service building.

Landscaping – Landscaping for the service center shall be installed as depicted on the approved Landscape Plan dated May 25, 2001.

Signs – Signs shall conform to the requirements in the Cascade Charter Township Sign Ordinance.

Section VIII. Additional Project Requirements

The developer shall execute a cross access agreement between the Automotive Dealership and Service Center that is acceptable to the Township, as well as agree to permit cross access to the property to the east of the Service Center.

Should the developer or any future owner of the project ever gain control of the property to the east of the Service Center, the west driveway curb cut on the Service Center property shall be closed off. The landscape island shall be altered to match the original landscape island in front of the original dealership.

Initially, automobile service shall be offered in the existing Terminix building. The developer shall, within eighteen (18) months of Planned Unit Development approval, pull a building permit to begin construction and shall commence construction on the new "mini" Zoom Service Center. Construction of that building shall be completed six (6) months after the building permit is pulled.

After a Certificate of Occupancy is issued for the new service center, the applicant will have thirty (30) days to demolish the existing Terminix building.

Section IX. Lighting

Section 19.19 of the Zoning Ordinance as amended shall regulate lighting for the entire project. Furthermore, the total height of individual light poles shall be limited to a maximum height of 25 feet.

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 .

The Project shall be served with public water and public sewer at the developer's expense.

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.

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.

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.

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 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 XIV. 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 (B2, General Business) 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 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 will not result in an unreasonable negative economic impact upon surrounding properties.

Finally, the Township recognizes the Auto Dealership Project will be under the ownership of Autopark Properties, LLC (consisting of four partners) and the Service Center Project will be under the ownership of Vroom Auto Group, LLC (consisting of three of the four Autopark Properties, LLC partners). The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises.

Section XV. Effective Date.

This Ordinance shall become effective seven (7) days after the publication of this 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 Timmons, supported by Board Member Kleinheksel. The roll call vote being as follows:

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

NAYS:

ABSENT: Parrish

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 25th day of July, 2001.

Marlene Kleinheksel Cascade Charter Township Clerk