

**PLANNING COMMISSION OF THE
CHARTER TOWNSHIP OF GRAND RAPIDS
Minutes of the November 27, 2007 Meeting**

A regular meeting of the Planning Commission of Grand Rapids Charter Township was held at the Township Hall on Tuesday, November 27, 2007 at 7:00 p.m.

Present were Chair Susan Molhoek, Secretary Wayne Harrall, Commissioners Edward J. Robinette, Michael J Fuller, and David A. VanDyke. Absent was Vice-chair Stephen C. Fry. Also present was Township Planning Director Richard Sprague Jr and Planning/Zoning Clerical Assistant Robin Rothley.

1. Approve tabled minutes of the regular meeting of September 25, 2007.

Edward Robinette, seconded by **Dave VanDyke**, moved to approve the minutes as presented. **Motion passed unanimously.**

2. Approve minutes of the regular meeting of October 23, 2007.

Dave VanDyke, seconded by **Michael Fuller**, moved to approve the minutes with the following changes:

- Section 2 (a), Terms and Conditions, of the proposed Ordinance for Cook Valley PUD amendment; future parking must be noted on the revised final PUD plan to be submitted with the Township.
- Section 2 (e) (1) and (3) should state existing walkways “shall” be removed instead of “may” be removed.
- Section 2 (e) (4) the easement shall be recorded by the applicant. Strike the option for the Township to record.

. Motion passed unanimously.

3. Minor Amendment – Copperwood Site Condo.

Gene Szpeinski, Copperwood LLC, described their request. A local Pastor, Rev. Buck, is in need of a custom home to accommodate his special needs. Twelve area churches along with various agencies have come together to assist with this need and would like to build the home in the Copperwood development. They have reviewed several options and came to the conclusion that the best option would be to eliminate Lot #25 and split it between Lots #15 & 26. This would make Lot #26 large enough to accommodate the proposed house.

Rick Sprague, Township Planner, reviewed his staff report.

Wayne Harrall asked if records would explain why there is not longer a Lot #25. Gene Szpeinski said that the amendment will be recorded which will reference the elimination of the lot.

Dave VanDyke, seconded by **Edward Robinette**, moved to approve a minor amendment to the Copperwood PUD, which would eliminate Lot #25, as shown on the site plan dated October 26, 2007.

Motion passed unanimously.

4. Public Hearing – Greenleaf Mineral Mining Permit Special Land Use.

Tom VerHage, Greenleaf Distributing, said that they are requesting an extension of their mining permit for a few more years.

Rick Sprague displayed and described the mining site map. The mining operation has been ongoing for over 50 years. There have been changes to the Township Ordinance over the years in regards to mining operations which has required the applicant to now come before the Planning Commission to receive a Special Land Use Permit as well as going before the Township Board for the Mineral Mining Permit.

Per Section 5(b) of Ordinance No. 250; the Township Engineer has requested a \$10,000 performance bond be set.

Edward Robinette, seconded by Michael Fuller, moved to open the public hearing. Motion passed unanimously.

Bill Versluys, 3981 Michigan St NE, has lived at this address since 1948. He remembers digging the peat by hand in 1934. He lives up the hill from the mining operation and has no issues with it. He recommends approval.

Carl Hainer, 3940 Michigan St NE, located on the west edge of the operation. The mining is not objectionable to him but the truck traffic concerns him. The foundation of his house cracked last summer and he feels it was caused by the heavy trucks driving by.

Mr. Hainer discussed the changes in road usage over the past several years; there is more pedestrian traffic as well as the mining trucks and residential vehicles. He feels that a pedestrian walkway should be put in along Michigan Street for safety.

His second request is that a portable speed sign be placed on Michigan Street to help people realize they are going well over the posted 40 MPH speed limit.

Wayne Harrall said that the Township could consult with Kent County Sheriffs Department regarding the speed sign.

There are no plans at the time for a pedestrian walkway to be installed along Michigan Street but if the Township feels it is necessary the Road Commission would be willing to discuss the options.

There are no plans for road improvements on Michigan Street at this time. If new developments were to, come in to increase traffic, improvements may be done at that time.

Bill Versluys agreed that a pedestrian walkway is needed.

Susan Molhoek reminded the audience that the issue open for public comment at this time is the mining operation.

As there was no one else wishing to comment; Wayne Harrall, seconded by Michael Fuller, moved to close the public hearing. Motion passed unanimously.

Susan Molhoek said that if the mining license is approved the applicant must return in two years for renewal.

Wayne Harrall, seconded by **Dave VanDyke**, moved to approve the Draft Resolution for a Special Land Use to allow continuation of a Peat mining operation on the five parcels for a five year term with the following conditions:

- Truck access to Bradford continues to be prohibited.
- The mineral mining license must be renewed in two years.
- Establish a \$10,000 performance bond for the duration of the mining operation.

Motion passed unanimously.

5. Public Hearing – Town Center PUD Rezoning for Kent County Courthouse.

Allan Jano, Kent County Facilities Manager, introduced those in attendance for this request: Mike Baker P.E.; Exxel Engineering

Andy McLeod A.I.A.; Post Associates

Pat Cornelisse; Cornelisse Design Associates

Mark Post A.I.A.; Post Associates

Mike Baker described land that they are requesting to be rezoned to TC-PUD, Town Center Planned Unit Development; they are working with the Township Engineer for the layout of the site. He gave an overview of the request:

- The building will be two stories above grade. Each floor will have 20,500 square feet for a total of 41,000 square feet.
- The site is 5.2 acres.

- There will be two access drives for visitors. One on East Beltline and the other west of the building off of Knapp. The road will be one way and loop traffic to the visitor parking and drop off area.
- The staff access drive will be off of Knapp at Dunnigan. This will also be where prisoners are brought into the building through a sally port entrance.
- The site will be served with public water and sewer.
- Storm water will be treated on-site before being directed to the existing detention pond east of the building.

Susan Molhoek asked about the location of the public gathering places. Mike Baker described the locations and designs.

Mike Baker described the bio-swale areas for storm water treatment. The storm water will filter through stones before being directed to the detention area.

Mike Fuller was concerned about the size of the water main pipes. He feels that 8” pipes are not large enough to service a site this size with future development. Mike Baker said that because the main will loop with further development they feel the 8” pipes are adequate. Mike Fuller suggested they re-evaluate to be certain.

Wayne Harrall discussed drainage for future areas. Mike Baker said they will work with Kent County and township engineers as well as coordinate with the township for design.

Dave VanDyke discussed the Grading Plan; inquiring about grading that is shown west of the public parking lot which is not on County’s the parcel. Mike Baker said they have been working with Moore & Bruggink to blend their site with what could eventually be constructed on the adjoining residual parcel.

Wayne Harrall suggested that the twelve parking spaces shown as future be put in now. Mike Baker said that they would like to limit the amount of pavement at this time. They have shown these spaces and an area for possible future expansion of the building which may never be needed.

Rick Sprague, Township Planner, gave an overview of his Staff Report. The Township Engineer has said that the plans have a notation “Future bike path by Grand Rapids Township”; the words ‘by Grand Rapids Township’ should be stricken from the plans.

The applicant and Planning Commissioners discussed the locations of the two access drives into the public parking lot. There were concerns that they may be located too close to each other which could cause traffic problems. Mike Baker explained that because the drive is one way this shouldn’t be an issue. He suggested staff discuss the locations with township engineers to get their opinion.

Susan Molhoek suggested that in Section 2(g)(3)(k) of the drafted ordinance; “by the Planning Commission or, in the Commissions direction” should be removed. The

Township Planner should be able to approve the lighting. The rest of the Commissioners agreed.

Edward Robinette, seconded by Michael Fuller, moved to open the public hearing. Motion passed unanimously.

Ted Sierveld, 2714 McIntosh Ave NE, said that the access drive appears to cut the area in half which could be an issue for future development of the rest of the site.

He was concerned about safety of neighborhood children with the prisoner access located on the side of the township park. Al Jano explained that the prisoners would be brought directly into the building while still in the police car through a sally port entrance.

As there was no one else wishing to comment; Edward Robinette, seconded by Wayne Harrall, moved to close the public hearing. Motion passed unanimously.

Dave VanDyke said he is comfortable with staff reviewing the remaining items.

Mike Baker said that the security gate at the staff entrance will be left up after hours so the lot can be used for park parking.

Dave VanDyke said he would like to see more of a boulevard look in the center of the one way loop rather than just a detention area.

Wayne Harrall said that the applicant should work closely with the Township Engineer for grading between the Bank and east parking lot and the size of the water main.

Dave VanDyke, seconded by **Wayne Harrall**, moved to recommend approval, to the Township Board, the proposed rezoning to “TC-PUD”, Town Center Planned Unit Development with the following conditions:

- A storm water management plan must be submitted to the township and approved by the Township Engineer.
- Sidewalk and parking lot connections must be ramped where possible.
- Remove “Planning Commission” from Section 2(g)(3)(k) of the Draft Ordinance.
- The water main size must be reviewed with the Township Engineer’s office.

Motion passed unanimously.

6. Public Comments.

Mrs. Jang, 3397 Knapp, asked about the location of the trail between the park and courthouse. It was explained that the path will remain; a couple locations will be moved in order to accommodate the courthouse.

Mrs. Jang also asked if a stop light is planned for Knapp at Dunnigan. Wayne Harrall said that is not in the plans at this time but would be reviewed with future development to the site is. Edward Robinette said that turn lanes are being installed on Knapp from the Beltline to Dunnigan.

7. **Update from Township Planning Director.**

Rick Sprague distributed updated Master Plan maps to the Commissioners.

There is no meeting in December so the next meeting is scheduled January 22, 2008. There are no items on the agenda so far but there have been several calls.

The meeting was adjourned at 8:30 p.m.

Wayne A. Harrall

**CHARTER TOWNSHIP OF GRAND RAPIDS
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Planning Commission of the Charter Township of Grand Rapids, held at the Grand Rapids Township Hall, 1836 East Beltline Avenue N.E., Grand Rapids, Michigan, on the 27th day of November, 2007, at 7:00 p.m.

PRESENT: Sue Molhoek, Wayne Harrall, David Van Dyke, Michael Fuller, Edward Robinette.

ABSENT: Stephan Fry, and one position is currently vacant.

The following preamble and resolution were offered by David Van Dyke and supported by Edward Robinette.

**RESOLUTION APPROVING MINOR CHANGE IN
COPPERWOOD SITE CONDOMINIUM**

WHEREAS, the Planning Commission and Township Board approved the Copperwood Site Condominium, located on the north side of Three Mile Road, west of Bird Avenue, under the terms of Chapter 25 of the Township Zoning Ordinance;

WHEREAS, the applicant, Gene Szpeinski, has requested approval for the dividing and combining of certain units within the site condominium, with the result that there would be one fewer unit in the site condominium;

WHEREAS, Section 25.16.2 provides that a minor change in an approved site condominium may be accomplished by review and approval by the Planning Commission, without public hearing; and

WHEREAS, the Planning Commission has considered the request of the applicant.

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The applicant has requested that the site condominium be changed, so as to divide unit 25 into two parts, and to combine one part with unit 26 and to combine the other part with unit 15, with the result that there would be a reduction of one unit in the site condominium.

2. The Planning Commission determines that the proposed change in the site condominium is a minor change under the terms of Section 25.16.2 of the Zoning Ordinance.

3. The Planning Commission hereby approves the described minor change, upon the terms and subject to the conditions of this resolution.

4. The sidewalk along the entire frontage of the revised site condominium unit on Coppergrove Drive shall be installed not later than the construction of the dwelling on the resulting site condominium unit; provided, however, that if at the time construction of the dwelling is completed, inclement weather prevents the installation of the sidewalk, such installation may be delayed until weather permits, but shall then be promptly installed.

A sidewalk shall also be constructed along the frontage that will become part of unit 15, as a result of the above-described unit revision.

The sidewalks to be constructed shall be designed and installed according to the same specifications as the other sidewalks in the site condominium, including the depth of concrete and the width of the sidewalk.

5. The master deed of the site condominium shall be amended so as to reflect the above-stated changes. The amendment in the master deed shall be executed by the

applicant and other required signatories and it shall be recorded by the Kent County Register of Deeds. A recorded copy of the master deed amendment shall be promptly furnished to the Township.

6. All previously approved terms and conditions upon the site condominium shall be fully completed to the satisfaction of the Township, consistent with the terms of such previous approval.

AYES: Members: Sue Molhoek, Wayne Harrall, David Van Dyke, Michael Fuller, Edward Robinette

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

Secretary

**CHARTER TOWNSHIP OF GRAND RAPIDS
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Planning Commission of the Charter Township of Grand Rapids, held at the Grand Rapids Township Hall, 1836 East Beltline Avenue N.E., Grand Rapids, Michigan, on the 27th day of November, 2007, at 7:00 p.m.

PRESENT: Sue Molhoek, Wayne Harrall, Michael Fuller, Edward Robinette, and David Van Dyke.

ABSENT: Stephen Fry, and one seat currently vacant.

The following preamble and resolution were offered by Wayne Harrall and supported by Michael Fuller.

**RESOLUTION APPROVING SPECIAL LAND USE FOR REMOVAL
OF PEAT AND OTHER MINERAL MATERIAL AND
RECOMMENDING RENEWAL OF MINERAL MINING LICENSE**

[Greenleaf Distributing – 3717 Michigan Street, et al]

WHEREAS, Greenleaf Distributing has been engaged in the removal of peat and other mineral material from lands described in this resolution, under the terms of a Township mineral mining license;

WHEREAS, Greenleaf Distributing has applied for a renewal of its mineral mining license under the terms of Township Ordinance No. 250 and for a special land use to permit such mineral removal under the terms of Section 24.13.B.8 of the Township Zoning Ordinance; and

WHEREAS, the Planning Commission has held a public hearing on the application of Greenleaf Distribution and has considered whether the requested special

land use should be approved and whether the requested renewal of the mineral mining license should be recommended.

IT IS THEREFORE RESOLVED AS FOLLOWS:

7. **Special Land Use.** Upon the terms and subject to the conditions of this resolution, the Planning Commission hereby grants and approves a special land use, so as to authorize the mining and removal of peat and other mineral material from lands commonly described as 3717, 3725, 3843 and 3945 Michigan Street, and 3730 Bradford Street, and legally described as follows:

41-14-23-400-024

E 312 FT OF W 1350 FT OF S 1/2 SE 1/4 ALSO S 243 FT OF E 998 FT OF W 1038 FT OF SE 1/4 * SEC 23 T7N R11W, GRAND RAPIDS TOWNSHIP, KENT COUNTY, MICHIGAN.

41-14-23-400-041

E 538 FT OF W 1038 FT OF SW 1/4 SE 1/4 EX S 243 FT * SEC 23 T7N R11W, GRAND RAPIDS TOWNSHIP, KENT COUNTY, MICHIGAN.

41-14-23-400-025

S 1/2 SE 1/4 EX W 1350 FT & EX THAT PART LYING E OF A LINE 871.2 FT E FROM E 1/8 LINE & EX S 285 FT OF E 167 FT OF REMAINDER * SEC 23 T7N R11W, GRAND RAPIDS TOWNSHIP, KENT COUNTY, MICHIGAN.

41-14-23-400-034

E 227 FT OF W 1098.2 FT OF SE 1/4 SE 1/4 EX S 700 FT OF W 194 FT * SEC 23 T7N R11W, GRAND RAPIDS TOWNSHIP, KENT COUNTY, MICHIGAN.

41-14-23-400-051

W 1/2 E 1/2 NW 1/4 SE 1/4 EX N 263 FT OF W 200 FT & EX N 263 FT OF E 102 FT * SEC 23 T7N R11W, GRAND RAPIDS TOWNSHIP, KENT COUNTY, MICHIGAN.

8. **Site Plan.** The mining and removal of peat and other mineral material from the described lands and related activities shall comply with the site plan submitted by the applicant, except as the plan may be modified by the terms of this resolution.

Further, all such mining and removal activities shall comply with the terms of Section 24.13.B.8 of the Township Zoning Ordinance and Township Ordinance No. 250, the mineral mining licensing ordinance.

9. **Operators.** This special land use and the mineral mining license shall be fully binding upon the applicant and upon all others who may be engaged or who may become engaged in any of the activities permitted hereunder, together with their respective agents, employees, contractors, successors and assigns.

10. **Duration.** This special land use shall be valid for a period of five (5) years, commencing November 27, 2007; the renewal of the mineral mining license shall, if issued, be valid for a period of two years from such date as the Township Board shall determine, in accordance with Section 5.a of the mineral mining licensing ordinance.

The special land use may be subject to renewal for such period of time as the Planning Commission may determine; the mineral mining license may be renewed for such period and on such terms as is provided in the licensing ordinance. A public hearing shall be required in the case of such renewals.

11. **Other Permits.** The applicant shall obtain all permits and other approvals required to be obtained from other agencies having jurisdiction over the mining and removal activities to be performed under the terms of the special land use and the mineral mining license, including any necessary driveway permit from the Kent County Road Commission.

12. **Setback Requirements.** Operations and activities for the mining and removal of peat and other mineral material shall take place within the same general removal area in which the applicant has operated in the past.

13. ***Hours of Operation.*** Mining and removal operations shall take place only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No operations shall take place on Sundays or on legal holidays; provided, however, that such time limitations may be modified by the Township supervisor in emergency situations, as provided in Section 10 of Ordinance No. 250.

14. ***Access to Mining Areas; Haul Routes.***

(a) Ingress to and egress from the mining and removal area shall be by means of the driveway or driveways currently being used by the applicant.

(b) The peat and other mineral material shall be hauled away via Michigan Street to Crahen Avenue and/or Michigan Street to Twin Lakes Drive. Haul trucks shall not use Bradford Street, whether carrying away mineral material or returning to the site.

15. ***Method of Removal and Equipment.***

A. The applicant proposes to remove the peat and other mineral material on the site by skimming off the peat with motorized equipment, moving it to higher ground and then loading it onto trucks for removal.

B. The following equipment would be used in the excavation and removal operations: a small lightweight dozer; a loader having a 1-3 cubic yard capacity; a crane used to reach into areas that are too water-logged for the

use of other equipment; and trucks having a 1-25 cubic yard capacity.

16. ***Dust and Dirt Control.***

C. The applicant shall continue to maintain the paved entry road

D. The applicant shall take all necessary measures so as to prevent any excess dust, dirt and mud or the like, arising or resulting from the applicant's operations, where such materials may adversely affect nearby streets or adjacent or other lands. In the event of complaints as to such adverse effects arising from operations, the Township will make suitable investigation, and as a result, other dust and dirt control measures may prove to be necessary.

17. ***Storm Water.***

E. A county drain, is located within the property proposed for the described excavation and removal of mineral material. Such activities shall take place only in a manner that will not disturb or otherwise adversely affect the drain.

- F. All aspects of the special land use are subject to the Township Storm Water Ordinance. A Township storm water permit shall be required.

18. ***Fencing and Screening.***

- G. The excavated and mined areas shall be fenced in the manner and to the extent as currently fenced, unless the Township determines, upon investigation, that further or other fencing is required under the terms of Section 9 of Ordinance No. 250 or otherwise.
- H. Should it appear that the mining and removal operations, by reason of their appearance, noise or otherwise, need to be further screened from adjacent or other lands, the Township may impose other screening requirements, in accordance with Section 9.b of Ordinance No. 250.

19. ***Dumping and Storage; No Processing.*** No dumping, disposal or storage of trash or debris may take place on the mining and removal site. No processing equipment or processing activities shall take place on the described lands.

20. *Noise and Other Adverse Effects.* All of the mining and removal operations shall be conducted so as to avoid excess noise, vibration or other adverse effects which may interfere with the reasonable use and enjoyment of adjacent and nearby lands. The noise generated by the mining and removal operations shall be of no greater intensity than the maximum decibel limits specified in Section 14 of Ordinance No. 250.

21. *Reclamation.*

- I. After removal of the peat located on the described lands, the lands shall be suitably graded and stabilized and a water retention pond or lake shall be established. Other end-uses shall all be in compliance with the Township Zoning Ordinance.
- J. Prior to the complete removal of the peat from the lands, the applicant shall prepare a Plan of Reclamation and submit it to the Township for review and approval in the Township's discretion. The Plan of Reclamation shall comply with Section 6.k of Ordinance No. 250. The Reclamation Plan shall be reviewed by the Planning Commission, which shall make a recommendation thereon to the Township

Board. The Plan shall be subject to final approval by the Township Board.

22. ***Mineral Mining License.*** The applicant shall comply with all of the terms and conditions of any mineral mining license issued by the Township Board with respect to the described operations, under Township Ordinance No. 250. No mining or removal operations shall take place in the absence of such mineral mining license.

23. ***Performance Bond.***

K. As required by the terms of Section 6.i of Ordinance No. 250, the applicant shall obtain and furnish to the Township a performance bond in the amount of \$1,000 for each acre or fraction thereof of land included in the mining and removal operations, naming the Township as the insured party. The bond shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of this resolution and the mineral mining license. The performance bond shall be submitted prior to the commencement of any operations under the terms of this resolution. The form and content of the bond shall be subject to

the approval of the Township attorney, consistent with the provisions of this resolution and Ordinance No. 250. The performance bond shall begin at \$10,000 per Township Engineers review.

- L. As portions of the described lands are reclaimed and restored, the amount of the performance bond may be reduced on a pro-rata basis.

24. *Enforcement.*

- M. The enforcement of this special land use and the mineral mining license by the Township may be directed against the owner and operator, or any subsequent owner or operator, or any of them. Full and timely compliance with all of the terms of the resolution and the mineral mining license, if issued, is a condition for the continuation of the mining and removal activities.
- N. A violation of this resolution is a violation of the Township Zoning Ordinance and violation of the mineral mining license, if issued, is a violation of Township Ordinance

No. 250. In the event of any such violation, the Township have available to it all of the remedies provided by law, including but not limited to the issuance of municipal civil infraction citations.

25. *Findings Under Section 24.11 of the Township Zoning Ordinance.* If the special land use is established and operated in accordance with the terms of this resolution, the Planning Commission determines that the general special land use standards in Section 24.11 of the Zoning Ordinance would be satisfied as follows:

- O.** The special land use will be compatible and harmonious with the surrounding uses and the orderly development of the surrounding neighborhood and vicinity.
- P.** The special land use will not make vehicular and pedestrian traffic more hazardous than is generally experienced for the vicinity involved.
- Q.** The special land use will not cause unreasonable impacts upon existing uses or surrounding property by reason of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and will not cause unreasonable impacts upon persons.

- R.** The special land use will not interfere with or discourage the appropriate development and use of adjacent lands and buildings.
- S.** The special land use is consistent with the recommendations of the Township's comprehensive future land use plan.
- T.** The special land use will not unreasonably burden the capacity of public services and/or facilities.

26. *Findings Under Section 24.13.B.8 of the Zoning Ordinance.* The Planning Commission makes the following findings under the terms of Section 24.13.B.8 of the Zoning Ordinance as follows:

- U.** The special land use, if operated in accordance with the terms of this resolution and Ordinance No. 250, would not be injurious to the general public, health, safety and welfare.
- V.** The special land use, if operated in compliance with the terms of this resolution, would be consistent with the goals and purposes of the Zoning Ordinance and would enable the appropriate mining and removal of a valuable natural resource

without serious adverse consequences to other lands and land uses.

27. **Recommendation to Township Board.** The Planning Commission recommends that the Township Board issue a renewed mineral mining license to the applicant, for the above-described mining and removal operations, under the terms of the Township mineral mining licensing ordinance and subject to the conditions stated in this resolution.

28. **Effective Date.** This special land use shall be effective as of the date of adoption of this resolution, but operations shall not commence until the issuance of a renewed mineral mining license.

AYES: Members: David Van Dyke, Wayne Harrall, Michael Fuller, Ed Robinette, and Sue Molhoek.

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

Secretary

CHARTER TOWNSHIP OF GRAND RAPIDS

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Grand Rapids, held in the Township Hall, 1836 East Beltline Avenue, N.E., Grand Rapids, Michigan, on the ____ day of _____, 2007, at 7:00 p.m.

PRESENT: Members:

ABSENT: Members:

The following ordinance was offered by Member _____ and supported by Member _____.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF GRAND RAPIDS

[The Courthouse at Knapp’s Corner Planned Unit Development]

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Planned Unit Development. The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 3.3 thereof, the zoning map, so as to rezone the following described lands from the R-1 Single Family Residential District to the TC-PUD Town Center Planned Unit Development District, in accordance with the Final Development Plan of The Courthouse at Knapp’s Corner Planned Unit Development, subject to all of the terms and conditions of this ordinance:

41-14-14-101-002: PART N 1/2 NW 1/4 NW 1/4 COM 693 FT W OF NE COR NW 1/4 NW 1/4 TH W 99 FT TH S 660 FT TH E 115.5 TH NLY TO BEG * SEC 14 T7N R11W

41-14-14-101-003: N 220.0 FT OF W 460.0 FT OF FOL DESC - PART OF N 1/2 NW 1/4 NW 1/4 COM 33 FT W OF NE COR NW 1/4 NW 1/4 TH SLY 660 FT TO A PT TO A PT 16.5 FT W OF W 1/8 LINE TH W 660 FT TH NLY 660 FT TO A PT ON N SEC LINE 660 FT W OF BEG TH E 660 FT TO BEG * SEC 14 T7N R11W

41-14-14-101-004: PART N 1/2 NW 1/4 NW 1/4 COM 33 FT W OF NE COR NW 1/4 NW 1/4 TH SLY 660 FT TO A PT 16.5 FT W OF W 1/8 LINE TH W 660 FT TH NLY 660 FT TO A PT ON N SEC LINE 660 FT W OF BEG TH E 660 FT TO BEG EX N 220.0 FT OF W 460.0 FT * SEC 14 T7N R11W

41-14-14-101-005 (PART): THE W 180 FT, MORE OR LESS, OF THE N 625 FT, MORE OR LESS, OF THE W 1/2, E 1/2, NW 1/4 AND THE

N 60 FT, MORE OR LESS, OF THE S 1/2, NW 1/4, NW 1/4 * SEC 14
T7N R11W, GRAND RAPIDS TOWNSHIP, KENT COUNTY,
MICHIGAN.

In the case of conflicts or discrepancies between any part of the Development Plan and the terms of this Ordinance, this Ordinance shall control.

Conditions on the Planned Unit Development. The rezoning of the above-described lands to the TC-PUD District, in accordance with the Development Plan for The Courthouse at Knapp's Corner Planned Unit Development (the "Development"), submitted by the County of Kent (the "Applicant"), is expressly subject to all of the following terms and conditions:

(b) Development Plan. The Development shall comply in all respects with the Development Plan (the "Plan") with a last revision date of _____, 2007, except where the Plan has been changed, revised or modified by this ordinance or pursuant to Section 13.16 of the Zoning Ordinance, in which case the provisions of this ordinance shall control.

(c) Land Uses. The Development shall be designed, constructed and used only for a county courthouse building and site to be owned and used by the Applicant; an entrance and exit driveway off East Beltline Avenue terminating in a pedestrian plaza and other amenities, together with other driveways, off-street parking areas, landscaping, open space, signage, outdoor lighting and other features associated with the county courthouse building and site. All such features and amenities shall be designed, installed and constructed at the expense of the Applicant.

(d) Buildings.

29. The Development shall consist of a two-story county courthouse building, of about 41,000 square feet in area, including a future addition to the

building, all as shown on the PUD plan; provided, however, that the future addition to the courthouse building shall be subject to site plan review by the Township at such time as the addition is proposed for construction.

30. Other and future buildings, if any, shall be located in those parts of the PUD plan shown as unimproved areas. The placement, construction and use of any such future buildings shall be approved only by an amendment in the PUD ordinance, after public notice and public hearing and other procedures, all as are required for the original approval of a planned unit development.

31. Buildings in the Development shall not exceed a height of 35 feet.

32. The Township Board determines that those portions of the Development (being part of the main driveway off East Beltline Avenue, the easterly driveway extending south from Knapp Street, a portion of the staff parking lot and other small land area) that are located within the North East Beltline Overlay District, are in compliance with the applicable terms of that District, and as they may be modified under the terms of Section 23.2 of the Township Zoning Ordinance.

(e) Access and Off-Street Parking and Loading.

1. The primary entrance to and exit from the Development shall be by means of a private driveway extending westerly from East Beltline Avenue, as shown on the Plan. The entrance of the driveway at East Beltline Avenue, and the configuration thereof, shall be subject to the approval of the Michigan Department of Transportation.

2. There shall also be an entrance to and exit from the Development by means of a private drive extending southerly from Knapp Street, opposite its intersection with Dunnigan Avenue, as shown on the Plan. The private drive shall have a right-of-way 40 feet in width and the other features shown on the Plan.

3. The Development shall include the existing entrance to and exit from the Chase bank property, off Knapp Street, and the connection of that entrance drive with the main entrance drive off East Beltline Avenue, as shown on the Plan.

4. The main entrance drive shall be divided by a boulevard at its westerly end, as shown on the Plan, and shall be further divided into one-way traffic lanes terminating at a pedestrian plaza and having a driveway entrance into and exit from the public/visitor off-street parking area as shown on the Plan. The public/visitor parking area shall have 119 vehicle parking spaces plus space for 12 additional vehicle parking spaces that may be installed at a future time.

5. The county courthouse site shall also include an off-street parking area for courthouse staff, as shown on the Plan, consisting of 57 vehicle parking spaces plus three secure staff parking spaces.

6. The off-street parking and loading areas, including all maneuverability lanes, shall be located as shown on the Plan and shall be constructed with materials equal to or better than the standards established by the Kent County Road Commission for commercial driveways. All private driveways and parking areas shall be finished with an asphalt surface having a minimum thickness of 3.5 inches.

7. The off-street parking areas and internal access drives shall be maintained in good condition, free from dust, trash and debris.

8. All aspects of the off-street parking and loading spaces shall comply with Chapter 28 of the Zoning Ordinance.

9. By agreement on the part of the Township and the Applicant, the Township and the Applicant shall share equally in the cost of the private drive extending south from Knapp Street, opposite Dunnigan Avenue, to the east of the proposed courthouse building and providing access to the staff parking area located southeasterly of the courthouse building. The private drive shall at the present time terminate at approximately the entrance to the staff parking area. The cost of any subsequent extension of the private drive shall be as determined at the time of such further development for which the private drive may provide access.

10. There shall be improvements in Knapp Street associated with the entrance of the private drive extending southerly from Knapp Street, opposite Dunnigan Avenue, and other Knapp Street improvements, as proposed by the Kent County Road Commission. By agreement, the cost of such Knapp Street improvements may be shared equally by the Township, the Applicant and the Kent County Road Commission, on such terms as are satisfactory to them.

(f) Pedestrian Ways.

1. The Development shall include the existing non-motorized trail located to the east of the courthouse site, and the trail shall be relocated in part, as shown on the Plan.

2. A future non-motorized trail along the south line of Knapp Street may be designed and constructed by the Township, in its sole discretion.

3. Other sidewalks and pedestrian ways shall be as shown in the Plan.

(g) Sewer Systems and Water Supply.

1. The Development shall be served by the public water supply system and the public sanitary sewer system. The necessary sewer and water mains, laterals and other appurtenances necessary to supply potable water to the Courthouse building and to collect and transmit sewage from the building, shall be installed according to Township specifications, at the sole expense of the Applicant, and dedicated to the public upon completion. All aspects of the sanitary sewer system and water supply system shall be subject to the approval of the Township engineer.

2. The Applicant shall obtain Township approval of the connection of the buildings in the Development to the public sanitary sewer system under the terms of the Township water and sewer ordinance. All other aspects of the design, installation, operation and maintenance of the sanitary sewer system within the Development shall comply with the terms of said ordinance.

3. Domestic water supply to all buildings within the Development shall be provided by means of the public water supply system within the time specified for connection under the terms of the Township water and sewer ordinance.

4. If under the terms of Township ordinance requirement or Township engineer requirements, sanitary sewer service to the courthouse building is provided by means of the oversized sanitary sewer mains that are the subject of that certain Payback Agreement between the Township and Bank One (now Chase Bank), the

Applicant shall comply with the Payback Agreement, including the monies to be paid to Chase Bank for the use of such oversized facilities, calculated in the manner specified in the Payback Agreement.

(h) Storm Water Drainage.

1. The Applicant shall submit a storm water drainage plan. The storm water drainage plan and the design, construction and operation of the storm water drainage system shall comply in all respects with the Township storm water ordinance. The drainage plan and storm water drainage system for the Development shall be reviewed by the Township engineer and shall be subject to the engineer's approval, under the terms of the storm water ordinance.

2. The use of the surface water drainage system in the Development and the discharge of waters from the storm sewer system, and other elements of the surface water drainage system, shall be accomplished so as to have no significant adverse effect upon the Development lands, or upon adjacent or nearby lands or surface waters, by reason of flooding, erosion, pollution or otherwise.

3. A storm water system maintenance agreement for the Courthouse building and site shall be submitted to the Township, and shall be subject to approval of the Township engineer, prior to the time the building is occupied. The Applicant shall comply with any resulting Township engineer requirements with respect to storm water management and control.

(i) Utilities. Natural gas service, electrical service, telephones and cable television service to the Development shall be by means of underground facilities.

(j) Soil Erosion and Sedimentation Control. In the construction and use of the Development, the applicant shall comply in all respects with any required soil erosion and sedimentation control permit. A copy thereof shall be submitted to the Township.

(k) Landscaping and Screening. Landscaping shall be provided and maintained in accordance with the landscaping plan submitted by the Applicant. The landscaping plan shall be subject to the approval of the Township planning director, under Chapter 29 of the Zoning Ordinance and other applicable Zoning Ordinance provisions.

(l) Outdoor Lighting. Outdoor lighting shall be installed in accordance with an outdoor lighting plan to be submitted by the Applicant and subject to approval by the Township planning director. The outdoor lighting plan shall comply with the outdoor lighting requirements applicable to the TC-PUD District.

(m) Signage. All signage in the Development shall comply with the requirements of Section 30.13 of the Zoning Ordinance, pertaining to signs in the TC-PUD District, or as such requirements may be modified under the terms of Section 30.15.2. A signage plan shall be submitted by the Applicant and shall be subject to approval by the Planning Commission or, in the Commission's discretion, by the Township planning director, consistent with this ordinance.

The Applicant shall submit detailed design specifications for all proposed signage, including the size, height, location and general appearance thereof.

(n) Fire Protection. The design, layout and construction of the Development shall be reviewed by the Township Fire Chief as to matters of public safety,

emergency access and sufficiency of the fire protection water supply. The recommendations, if any, of the Fire Chief on these matters shall be complied with by the Applicant, unless otherwise provided by an amendment in this ordinance.

(o) Declaration of Covenants, Conditions and Restrictions on and for the Lands Comprising the PUD.

1. The Township, the Applicant, and JP Morgan Chase & Co. are proposing to approve, sign and record a Declaration of Covenants, Conditions and Restrictions upon and for the Lands Comprising The Courthouse at Knapp's Corner and certain adjacent lands. Such Declaration, which has been prepared and reviewed by the parties in draft form, includes detailed terms, conditions and requirements pertaining to the design, establishment and continued maintenance, repair, replacement and improvement of all elements of the lands comprising the Development, including buildings, landscaping, streets and driveways, off-street parking areas, open space, signage, outdoor lighting, utilities, storm water drainage, pedestrian plazas and other components and features of the lands, as proposed to be developed and as they may be further developed in the future.

2. As to such terms, conditions, restrictions and other matters set forth in the above-stated Declaration that are more strict or more limiting than those specified in this Ordinance, such terms, conditions and restrictions of the Declaration shall control.

(p) Other Matters.

(1) A storm water management plan must be submitted to the township and approved by the Township Engineer.

(2) Sidewalk and parking lot connections must be ramped where possible.

(3) The water main size must be reviewed with the Township Engineer's office.

Township Board Findings. The Township Board determines that the Development satisfies the site development standards and conditions of the TC-PUD District, as stated in Section 20.4 of the Zoning Ordinance; the purposes of the North East Beltline Overlay District, as stated in Section 23.1 of the Zoning Ordinance; and the standards for approval of all PUDs, including, but not limited to, the following:

(a) The Development would result in recognizable and substantial benefits to the ultimate users of the Development and to the community at large, and such benefits would otherwise be unfeasible or unlikely to be achieved.

(b) The Development would not result in a material increase in the need for public services, facilities and utilities or place a material burden upon the PUD land or surrounding lands or the natural environment.

(c) The Development would be compatible with the Township Comprehensive Land Use Plan and would be consistent with Chapter 13 of the Zoning Ordinance, pertaining to planned unit developments. Further, the Township Board determines that the Development, if developed and used according to the terms of this ordinance, would advance the land use goals and objectives of the Township, as stated in the Comprehensive Land Use Plan.

(d) The Development would not result in significant adverse effects upon nearby or adjacent lands, and would not change the essential character of the surrounding area.

(e) The Development is designed and laid out to preserve natural resources and natural features to the greatest extent reasonably possible.

(f) While part of the Development will be under the ownership of the Applicant, and part thereof will be under the ownership of the Township, the Declaration of Covenants, Conditions and Restrictions proposed to be executed by the Township, the Applicant and Chase Bank, as stated above, provides that an owners' association shall have sole responsibility for the continued maintenance, repair, replacement and improvement of all of the common areas of the Development, and shall also have ultimate responsibility for the maintenance, repair, replacement and improvement of individual lots in the Development, if the respective lot owners fail to exercise such responsibility. Such provisions are deemed to satisfy the requirement that the PUD be under unified ownership and control.

(g) The Development will be consistent with the public health, safety and general welfare. The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

Enforcement.

(h) The Township may enforce the provisions of this ordinance and applicable provisions of the Zoning Ordinance, building code and other ordinances, laws and regulations to the extent and in any manner provided by law. In the event that the applicant shall fail to carry out, either at all or on a timely basis, any provision or requirement of this ordinance or other applicable law, ordinance or regulation, the Township may through its building inspector or other Township agency issue and post a stop work order at the site of any improper or non-complying part of the Development, directing that all further construction of such part of the Development be ceased forthwith, pending compliance with any applicable provisions of this ordinance or of Township ordinances, regulations or state laws.

(i) Upon the issuance of any stop work order, the Applicant shall comply fully therewith without delay. Upon the correction of any matters as to which the stop work order was issued, the Township shall promptly rescind and remove the stop work order, whereupon the Applicant may again proceed with construction or other permissible activity as to the Development. The issuance and posting of any stop work order shall not be an exclusive remedy, but may be undertaken by the Township in addition to all other lawful means of enforcement.

Publication/Effective Date. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members:

NAYS: Members:

ORDINANCE DECLARED ADOPTED.

Michael J. DeVries, Supervisor
Charter Township of Grand Rapids

Janice K. Hulbert, Clerk
Charter Township of Grand Rapids

First Reading: _____

Second Reading: _____

Ordinance Becomes Effective: _____

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Grand Rapids at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Janice K. Hulbert, Clerk
Charter Township of Grand Rapids