

**PLANNING COMMISSION OF THE
CHARTER TOWNSHIP OF GRAND RAPIDS
Minutes of the October 23, 2007 Meeting**

A regular meeting of the Planning Commission of Grand Rapids Charter Township was held at the Township Hall on Tuesday, October 23, 2007 at 7:00 p.m.

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

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

Stephen Fry, seconded by Edward Robinette, moved to table the minutes as presented because the approved ordinances were not attached. Motion passed unanimously.

2. Public Hearing- Cook Valley Greenhouses PUD-3 Amendment.

David Fellenstein spoke regarding the request to amend a PUD-3 to adjust the layout and sizes of the proposed buildings. The applicant is also requesting an extension of their PUD approval to add one more year. The main change from the previously approved plan is a reduction in square footage and number of units. Mr. Fellenstein showed the Commission rendered pictures of the proposed building. An updated plan showing the trash container area relocated behind the easterly unit's garage was presented.

Discussion was held on adequate parking spaces and where future parking could be added.

Rick Sprague, Township Planning Director, summarized his staff report dated 10-15-07.

Edward Robinette, seconded by Stephen Fry, moved to open the public hearing. Motion passed unanimously.

Ted Siereveld made a comment neither for nor against the proposed project.

Wayne Harrall, seconded by Michael Fuller, moved to close the public hearing. Motion passed unanimously.

David VanDyke, seconded by Michael Fuller, moved to approve the proposed ordinance received from the Township's Legal Council Jim Brown (see attached) and the one year extension. Susan Molhoek had some typo changes to the proposed amendment. Motion passed unanimously.

3. Public Comments.

Ted Siereveld made a comment regarding the minutes not being posted on the Township website.

4. Update from Township Planning Director.

Rick Sprague gave an update to the Commissioners.

The meeting was adjourned at 7:29 p.m.

Wayne A. Harrall

**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
[Amendment No. 1 of Cook Valley Estates Green House PUD]**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Amendment in PUD to include additional lands. 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 PUD-3 Medium-Density Residential/Low-Density Office District, in accordance with the Final Development Plan of this Amendment No. 1 of the Cook Valley Estates Green House Planned Unit Development, subject to all of the terms and conditions of this ordinance:

That part of the SE 1/4, Section 35, described as: Commencing at the SE corner of Section 35; thence N00°04'47" W 1318.66 feet along the East line of said SE 1/4; thence N89°28'24" W 50.00 feet along the North line of the S 1/2 of said SE 1/4 to a point on the West line of East Paris Avenue and the place of beginning of this description; thence S00°04'47"E 250.00 feet along said West line; thence N89°28'24"W 10.00 feet along said West line; thence S00°04'47"E 239.37 feet along said West line; thence N87°36'58"W 233.03 feet; thence N00°04'47"W 116.64 feet along the East line of a Conservation Easement as recorded in Liber 6048, Page 16; thence N15°00'00"W 80.00 feet; thence Northwesterly 73.49 feet along a 100.00 foot radius curve to the right, the chord of which bears N65°43'44"W 71.85 feet; thence Northwesterly 30.14 feet along a 35.00 foot radius curve to the right, the chord of which bears N20°00'07"W 29.22 feet; thence N02°50'00"E 118.40 feet; thence N08°17'30"E 114.52 feet; thence S89°28'24"E 316.16 feet along the North line of the S 1/2 of said SE 1/4 to the place of beginning, T7N, R11W, Grand Rapids Township, Kent County, Michigan.

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

Section 2. Terms and Conditions of this Ordinance. The rezoning of the above described lands to the PUD-3 District, in accordance with the Development Plan of this

Amendment No. 1 of the Cook Valley Estates Green House Planned Unit Development, (the "Development"), is expressly subject to all of the following terms and conditions:

(a) Development Plan. The Development shall comply in all respects with the Final Development Plan (the "Plan") of this Amendment No. 1 of the Cook Valley Estates Green House Planned Unit Development, 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. The provisions of this ordinance shall control, except as to matters modified by subsequent review of the Township, in which case such modification shall control.

The lands comprising the Development are adjacent to the original Cook Valley Estates Green House Planned Unit Development, and accordingly the lands described in this Amendment No. 1 shall be included in the original above-stated Planned Unit Development, as if they had been included at the time of adoption of the original PUD, subject to the terms and conditions of this ordinance. Upon adoption of this ordinance, the applicant shall prepare and promptly submit to the Township a revised final PUD plan, showing the entire PUD, including the additional lands included in this Amendment No. 1.

(b) Land Uses. The Development shall be established, constructed and used only for a residential, long-term elderly care facility, and as a part of the facility originally approved under the terms of Ordinance No. 445, together with off-street parking, open space and other associated uses as shown on the Plan.

(c) Buildings. The Development shall consist of two buildings, each approximately 7,300 square feet in floor area, located as shown on the Plan, and with each building comprising no more than 10 individual private dwelling units.

(1) Each individual private dwelling unit within the two buildings shall have a floor area of approximately 300 square feet. Each individual private dwelling unit shall consist of a living and sleeping area with full bath. Each building shall also include kitchen, dining and other living spaces to be shared and used by all of the residents in each building.

(2) The Township Board has considered the criteria set forth in Section 17.6(2)(d) of the zoning ordinance, together with comments received from the Planning Commission, and hereby determines that the above-stated minimum floor area requirement, as applied to the proposed individual dwelling units in each of the proposed two buildings:

(a) Is necessary to meet the unique needs of the PUD due to the unique needs of the intended residents or occupants of the dwelling units in the development;

(b) Will be consistent with other applicable local, state and federal laws regarding minimum dwelling unit floor area requirements; and

(c) Will not have adverse effects on the residents, occupants, or other users of the PUD, on the use or enjoyment of adjacent property, or otherwise result in a detriment to the public health, safety or welfare.

(3) The two buildings within the Development shall be residential in nature, appearance and scale. The applicant shall submit elevation drawings, showing the proposed architecture and appearance of the buildings. The elevation drawings shall be subject to Township approval.

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

(1) Ingress to and egress from the Development shall be by means of a private access drive extending north off Cook Valley Boulevard, and by means of an entry driveway extending off East Paris Avenue, each as shown on the Plan. The entry driveway off East Paris Avenue shall be subject to the approval of the Kent County Road Commission.

(2) The access driveway extending from East Paris Avenue shall be designed, constructed and marked as an entry-only drive, as shown on the Plan. The applicant shall install a “One Way – No Exit” sign at this driveway, as shown on the Plan.

(3) A “Stop” sign shall be installed at the intersection of the private access drive with Cook Valley Boulevard, as shown on the Plan and at a location to be approved by the Township Planning Director.

(4) 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.

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

(6) The number of off-street parking and loading spaces, and the location and size thereof, shall be as shown on the Plan. All aspects of the off-street parking and loading spaces shall comply with Chapter 28 of the zoning ordinance.

(e) Sidewalks and Paths.

(1) Sidewalks, having a width of five feet, shall be constructed and installed within the Development, as shown on the Plan. The existing concrete walkway along East Paris Avenue may be removed, as indicated on the Plan, and in lieu thereof a replacement five- footwide concrete walkway shall be installed

along East Paris Avenue, within a sidewalk easement to be granted by the applicant to the Township.

(2) At the northeasterly corner of the Development, the existing concrete walkway along East Paris Avenue shall continue into the Development, as shown on the Plan, so as to be located within the sidewalk easement to be granted to the Township. Such easement shall extend across the East Paris Avenue frontage of the Development, to connect with the existing concrete walkway at the southeasterly corner of the Development.

(3) The existing bituminous path located in a generally east-west direction in or near the existing wetlands in the south portion of the Development may be removed, and instead thereof a new, relocated blacktop path shall be constructed, from the concrete sidewalk to be located adjacent to the westerly line of the internal street, and proceeding westerly to a connection with the existing blacktop path at the west line of the Development.

(4) The above-stated easement to be given in favor of the Township, for sidewalk purposes, shall be subject to the approval of the Township attorney, prior to recording. The easement shall be given by the applicant, and shall be recorded, prior to the issuance of any building permit for construction within the Development. If the easement is recorded by the Township, such recording shall take place promptly after approval of the instrument by the Township attorney. If the easement is returned to the applicant for recording, the applicant shall record it promptly and shall furnish proof of recording to the Township. Such proof of recording shall consist of a copy of the easement as recorded, showing the stamp of the register of deeds, the date of recording and the document number assigned to the instrument.

(f) Sewer Systems and Water Supply.

(1) The Development shall be served by a public water supply system and a public sanitary sewer system. The necessary sewer and water mains, laterals and other appurtenances necessary to supply potable water to the buildings and to collect and transmit sewage from the buildings in the Development shall be installed according to Township specifications, at the sole expense of the Developer, 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 Developer 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.

(g) 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) All aspects of the storm water drainage system shall comply with the Township Storm Water Ordinance and shall be subject to the approval of the Township engineer.

(h) Open Space.

(1) The open space, including wetlands, shown on the Plan shall be preserved in a perpetually undeveloped state, by means of a conservation easement or other legal instrument that shall run with the land. Such instrument shall be subject to the approval of the Township attorney, prior to recording with the Kent County Register of Deeds. After recording, the applicant shall promptly furnish the Township proof of such recording, consisting of a copy of the recorded instrument, showing the stamp of the register of deeds, the date of recording and the document number assigned to the instrument.

(2) The applicant shall obtain a permit from the Michigan Department of Environmental Quality (MDEQ) for the proposed filling of wetlands as shown on the Plan. A copy of the MDEQ permit shall be furnished to the Township promptly after the applicant has received it.

(3) The applicant shall mitigate that portion of the wetlands proposed to be filled, at the location shown on the Plan. Other than as approved under MDEQ permits, there shall be no disturbance of the wetlands within the area comprising the Development.

(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 respect with any required soil erosion and sedimentation control permit. A copy thereof shall be submitted to the Township.

(k) Landscaping and Screening.

(1) The applicant shall submit a landscape plan, which shall be subject to the approval of the Township Planning Director, and which shall comply with the applicable provisions of Chapter 29 of the zoning ordinance. Landscaping within the Development shall be established and maintained in accordance with the approved landscape Plan.

(2) Dumpsters and electrical and mechanical equipment shall be located as shown on the Plan and shall be screened from view. The dumpster currently shown on the Plan at the northeasterly corner of the Development shall be moved to a different approved location, so as to be screened from view from East Paris Avenue.

(3) The front, side and rear yards of the two buildings shall be screened or landscaped or used for off-street parking and for loading and unloading in accordance with all applicable provisions of the zoning ordinance, and shall also be kept clear and unobstructed and shall not be used for the storage or disposal of any materials, except as otherwise provided herein.

(l) Outdoor Lighting. Outdoor lighting shall be installed in compliance with the zoning ordinance. A lighting plan shall be submitted to and approved by the Planning Commission or, in the Commission's discretion, the Township planner. Outdoor lighting shall be installed at the expense of the Developer.

(m) Signage. Other than traffic directional signs and other small signs for traffic control purposes, there shall be no signage within the Development.

(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) Other Matters. All storage within the Development shall take place only entirely inside the buildings shown on the site plan; no outside storage shall be permitted.

Section 3. Township Board Findings. The Township Board determines that the Development satisfies the purposes of the PUD-3 Medium-Density Residential/Low-Density Office District, as stated in Section 17.1 of the zoning ordinance, and the standards for approval of all PUDs, including, but not limited to, the following:

(a) The Development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such a benefit would otherwise be unfeasible or unlikely to be achieved.

(b) The Development will not result in a material increase in the need for public services, facilities and utilities or place a material burden upon the subject or surrounding land or the natural environment. While the construction and use of the Development would result in an increase in occupied building area, improvements in the utility systems serving this location are adequate to provide the necessary services for the additional building construction and use.

(c) The Development is consistent with the Township Comprehensive Land Use Plan.

(d) The Development will not result in significant adverse effects upon nearby or adjacent lands, and will 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 fullest extent possible.

(f) The Development would be under single ownership or control such that there would be a single entity having responsibility for completion of the Development in compliance with zoning ordinance requirements.

(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.

Section 4. Enforcement.

(a) 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 the compliance with any applicable provisions of this ordinance or of Township ordinances, regulations or state laws.

(b) 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.

Section 5. Effect of this Amending Ordinance. This Ordinance, comprising Amendment No. 1 in the original Cook Valley Estates Green House Planned Unit Development amends the original PUD ordinance only with respect to the matters stated herein. All other terms and conditions of the original ordinance remain in full force and effect.

Section 6. 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: _____

STATE OF MICHIGAN)

) ss.

COUNTY OF KENT)

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