

**PLANNING COMMISSION OF THE
CHARTER TOWNSHIP OF GRAND RAPIDS
Minutes of the January 24, 2006, Meeting**

A regular meeting of the Planning Commission of Grand Rapids Charter Township was held at the Township Hall on Tuesday, January 24, 2006, at 7:00 p.m.

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

1. Approve minutes of the regular meeting of November 22, 2005.

Edward Robinette, seconded by Wayne Harrall, moved to approve the minutes as amended. The amendments are: page 3, under Dick Jasinski's comments, the word *center* should follow the word *lifestyle*. Page 3, under Howard Koenders' comments, the word *the* should be removed after the word *regarding*. Page 5, under Bob Trout's comments, the word *the* should be changed to the word *they*. Page 5, under Denise Centala's comments the word *developmet* should read *development*. Motion passed unanimously.

2. Previously Tabled: Mosaic Properties is requesting a rezoning of property located near the intersection of Knapp and Leffingwell from R-1 (Single Family Residential) to PUD-5 (Community Service PUD).

Rick Polaski, Nederveld Associates, spoke regarding the zoning request for the property located near the intersection of Knapp and Leffingwell.

Brad Rottschafer, Mosaic Properties, spoke regarding the neighborhood service area of the proposed plan. He explained why they feel this portion of the plan is so important. He stated that they have complied with everything the Township has asked for.

Rick Sprague, Township Planner, summarized his staff report dated January 19, 2006.

Stephen Fry asked questions regarding the density of 30 feet between the condos on the East side of Leffingwell. He asked about the blind corner at the tee.

Susan Molhoek asked about guest parking at the detached single home area. She asked about ownership of the lots.

Wayne Harrall asked questions regarding the traffic study.

David Vandyke would like to focus on the land use of this property.

Wayne Harrall, seconded by Michael Fuller, moved to deny the request to rezone because it is not consistent with the master plan. The motion failed with three in favor of the motion and four not in favor of the motion.

Stephen Fry, seconded by Edward Robinette, moved to approve the recommendation for rezoning the property at Knapp and Leffingwell from R-1 to PUD-5 using the following ordinance:

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

[Garden Park PUD]

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. 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 “PUD-5” Community Service Planned Unit Development District, in accordance with the Development Plan for the Garden Park Planned Unit Development, subject to all of the terms and conditions of this ordinance:

The West 1/4, Southwest 1/4, Southeast 1/4, except the South 330 feet and also except the North 413 feet thereof; the East 1/2 of the West 1/2 of the Southwest 1/4 of the Southeast 1/4; and the West 5 acres of the East 1/2 of the Southwest 1/4 of the Southwest 1/4, Section 10, Town 7 North, Range 11 West, 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.

Section 2. Conditions on the Planned Unit Development. The rezoning of the above described lands to the PUD-5 District, in accordance with the Development Plan for the Garden Park 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 Development Plan with a last revision date of January 6, 2006, 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.

(b) Land Uses. The Development shall be constructed and used only for a mixed use development consisting of commercial, professional and residential uses, together with parking, recreational uses, open space and other associated uses, as shown on the Plan. The commercial and professional uses shall include only those permitted by Section 19.2 of the Zoning Ordinance.

(c) Buildings.

(1) The Development shall have 17 detached single-family dwellings; 11 attached condominium buildings with a total of 55 residential units; two multi-family residential buildings with 22 loft dwelling units per building, for a total of 44 loft dwelling units, and also including four commercial loft units; five “work-live” buildings with 22 residential units and 22 commercial units; three “work-work” office lofts with nine office units; three neighborhood services buildings with eight commercial units; and shall also have one medical/professional office space building providing a total of 10,000 square feet of office space.

(2) The buildings shall be located as shown on the Plan and shall comply with the following setback requirements:

(i) Front Yard: 35 feet;

(ii) Side Yard: 18 feet total, with no side less than 7 feet;

(iii) Rear Yard: 25 feet.

In addition, around the entire perimeter of the Development, a 35-foot minimum setback shall be maintained, with the exception of the western boundary, where a 30-foot minimum setback shall be maintained.

The Township Board has considered the criteria set forth in Section 19.3(3) of the zoning ordinance, together with comments received from the Planning Commission, and hereby determines that the above-stated setback requirements are consistent with the objective of achieving integration of the Development with the characteristics of the surrounding area.

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

(1) Ingress to and egress from the medical/professional office space portion of the Development shall be by means of a single access drive extending north off Knapp Street, as shown on the Plan. Ingress to and egress from the remainder of the Development shall be by means of two access drives, one extending north off Knapp Street, and one extending east off Leffingwell Avenue, as shown on the Plan. The access drives shall be subject to the approval of the Kent County Road Commission.

(2) Leffingwell Avenue shall be improved, at the sole expense of the Developer, so as include turning bypass lanes and deceleration lanes, as approved by the Kent County Road Commission, and the right-of way for Leffingwell Avenue shall be increased to 50 feet to accommodate these improvements.

(3) 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.

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

(5) The number of off-street parking and loading spaces for the Development 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.

(6) Sidewalks should be installed as shown on the plan and reviewed by the site plan review committee.

(e) 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.

(f) 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 erosion, pollution or otherwise.

(g) Open Space. The open space shown on the Plan shall be preserved in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, subject to the approval of the Township attorney, prior to recording with the Kent County Register of Deeds. Proof of such recording shall be provided to the Township prior to the issuance of any building permits for the Development.

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

(i) 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 promptly submitted to the Township.

(j) Landscaping and Screening.

(1) Landscaping shall be provided and maintained in accordance with a landscaping plan to be submitted by the applicant. The landscaping plan shall be subject to the approval of the Township planner, under Chapter 29 of the zoning ordinance.

(2) Dumpsters and electrical and mechanical equipment shall be located as shown on the Plan and shall be screened from view.

(3) The front, side and rear yards of all 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.

(k) Outdoor Lighting.

(1) Outdoor lighting shall be installed in compliance with Section 19.3(8) and other applicable provisions of 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.

(2) Outdoor lighting shall be designed and located as shown on the Plan, subject to the approval of the Township planner under the outdoor lighting provisions of the zoning ordinance. Outdoor lighting shall be installed at the expense of the Developer.

(l) Signage. All signage shall fully comply with Chapter 30 of the zoning ordinance. The Developer shall submit detailed design specifications for all proposed signage, including the size, height, location and general appearance thereof, and the design specifications shall be subject to the approval of the Planning Commission, or in the discretion of the Planning Commission, such approval may be undertaken by the Township Planner.

(m) 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.

(n) Other Matters.

(1) All other aspects of the Development not specifically covered by this ordinance shall comply with the minimum requirements for the _____ District.

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

(3) Except for the medical/office building signage and storefronts shall face inward and primarily not face Knapp Street.

(4) Final site plan review regarding pavement widths, building layouts, setbacks, refuse locations, etc., shall be sent to the site plan review committee for final approval.

(5) Density of the project shall be reviewed and approved by the Site Plan Committee.

(6) All other added reports shall be complied with.

Section 3. Township Board Findings. The Township Board determines that the Development satisfies the purposes of the PUD-5 Community Service District, as stated in Section 19.1 of the zoning ordinance, and the standards for approval of all PUD's, 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) While the proposed Development is not consistent with the current LDR Low Density Residential designation in the Township Comprehensive Land Use Plan (the "Master Plan"), the Township Board determines that the following facts and circumstances justify the approval of the Development in the absence of a prior amendment of the Master Plan addressing the specific Development lands:

(1) The Township is already in the preliminary planning stages for a comprehensive update to the entire Master Plan, with the expectation that such updates will be substantially completed in 2006.

(2) In the process of updating the entire Master Plan, the designation of the Development lands may be changed from their current LDR category to a higher density designation.

(3) Such change to a higher density category would be consistent with the recommendations of the North East Beltline Joint Development Plan, which indicates that the lands where the Development lands are located should be planned for medium density residential use, with densities being in the range of five to eight units per acre.

(4) The recommendations of the North East Beltline Joint Development Plan are consistent with the fundamental and substantial changes in the use of the adjacent and surrounding land area that have occurred in recent years, including the development of the Celebration Village complex just to the east, and the Meijer store and other commercial uses to the southwest of the intersection of Knapp Street and the Beltline.

(5) Based on the preceding facts, the pending Master Plan revision may designate the Development lands in a Future Land Use category that is consistent with the type and density of development now being proposed.

(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 there with 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. 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.

Motion passed by a vote of 4 to 3.

3. Discussion: Rainier Investments is requesting to rezone property located at the East Beltline and Three Mile Intersection as well as land on Dunnigan from C-1 (Neighborhood Commercial), R-1 (Single Family Residential) and SR (Suburban Residential) to PUD-5 (Community Service PUD).

Stephen Fry excused himself from the discussion because of a conflict of interest.

Kevin Einfeld spoke regarding the rezoning request for property located at the East Beltline and Three Mile.

George Dressander, Rockford Construction, spoke regarding the residential portion of the plan.

Rick Sprague, Township Planner, summarized his staff report dated January 20, 2006.

James Saalfeld, seconded by Edward Robinette, moved to table the plan presented so staff can work with the township attorney to amend PUD-5

Wayne Harrall's comment's were: the percentages should be 50/50.

Motion passed unanimously.

4. Public Hearing: Fredrick Meijer Garden and Sculpture Park is requesting an amendment to their Special Land Use to add a Volunteer Tribute Garden.

Stephen Fry re-joined the discussion and Susan Molhoek excused herself from the discussion because of a conflict of interest. Stephen Fry acted as chair for this item.

Brent Dennis, Executive Director for the Frederik Meijer Gardens, spoke regarding his request for an amendment to the Special Land Use to add a Volunteer Tribute Garden.

Rick Sprague summarized his staff report dated January 18, 2006.

Wayne Harrall, seconded by David VanDyke, moved to open the public hearing. Motion passed unanimously. There was a question from a resident on how the special land use worked. Edward Robinette, seconded by Wayne Harrall, moved to close the public hearing. Motion passed unanimously.

Wayne Harrall, seconded by David VanDyke, moved to approve with the following conditions:

1. The Special Land Use amendment shall comply with the site plan dated December 20, 2005.
2. All exterior lighting shall comply with Township Standards.
3. The site plan submitted shall fit the Development Impact Assessment.

Motion passed unanimously.

5. Preliminary Development Plan: DAR Development is requesting a Rezoning from Single Family Residential (R-1) to Neighborhood Commercial Planned Unit Development (NC-PUD) for property located at 2333 East Beltline Avenue.

Susan Molhoek re-joined the discussion at this time and Stephen Fry excused himself from the discussion because of a conflict of interest.

Darrel Herweyer, spoke regarding the request of the rezoning from R-1 to NC-PUD for the property located at 2333 East Beltline.

Rick Sprague summarized his staff report dated January 20, 2006.

The Commissioners had questions and comments regarding: what kind of tenants would the developer like to attract; improvement of the inner connections; what is driving the elevations of the plan; the north outlot having a cross access; sidewalk at East Beltline to be extended; would like landscape between the commercial development and the Beltline; building B and C may be rotated; and the back of the buildings should be as pleasing as the front of the buildings.

6. Update from Township Planning and Zoning Administrator.

Stephen Fry re-joined the discussion at this time.

Rick Sprague updated the Commissioners on what is coming up in future meetings.

The meeting was adjourned at 9:02 p.m.

Wayne A. Harrall