

**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 \_\_\_\_\_, 2020, at 7:00 p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following ordinance was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

**ORDINANCE NO. 529**

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

**[Amendment No. 6 in Celadon New Town Planned Unit Development –  
Addition of 2120 Leffingwell Avenue Parcel.]**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

**Section 1. Celadon New Town Planned Unit Development.** The Township adopted Township Ordinance No. 455 on December 19, 2007, establishing and regulating the Celadon New Town Planned Unit Development (PUD).

(a) Five major amendments in the PUD were approved by ordinances adopted in 2008, 2009, 2010, 2013 and 2014.

(b) Three minor amendments in the PUD were approved in 2012, 2013 and 2018.

**Section 2. Original PUD Lands.** The lands comprising the original PUD are those described in Ordinance No. 455. The subsequent major and minor amendments did not alter the original lands comprising the PUD.



buildings in a CS-PUD Development. The existing house on the parcel would be retained and shall be used for only a single-family dwelling. In total, the parcel shall have not more than eight dwelling units.

(b) *Off Street Parking.* A total of 14 on-site parking spaces is required for the seven additional attached dwelling units under the terms of Section 28.7.1.b. The total number of additional spaces to be provided, both interior and exterior, is approved at 28. Building T (three dwelling units) shall have six interior and six exterior spaces; Building U (four dwelling units) shall have eight interior and eight exterior spaces. The exterior parking spaces shall be at least 18 feet long and 9 feet wide. The 26-foot width of the drive aisle between the two rows of buildings is approved. There is a proposed hammerhead turnaround area, 15 feet in width, at the west end of the interior drive aisle, but the length of the turnaround area is not shown, and shall be provided by the applicant. In addition, the location, configuration, and dimensions of the turnaround area are subject to the approval of the Township Fire Chief as to sufficiency for accommodation of the Township's largest fire suppression vehicle. Written approval or other written comment by the Fire Chief shall be submitted to the Zoning Administrator.

(c) *Motor Vehicle Access.* There shall be no motor vehicle access to the property from Leffingwell Avenue, except for the existing driveway, which shall serve only the existing house. Access to the two additional buildings shall be only by means of a driveway, at least 24 feet wide, extending into the property from an existing driveway extending northwesterly from New Town Drive which currently provides motor vehicle access to Buildings M and N and the parking spaces for those buildings, and also single-family dwellings 1, 2 and 3, as shown on the Plan. The driveway shall continue between the two buildings to the turnaround area at the west side of the

property, as shown on the Plan. The access driveway shall be constructed and completed prior to the issuance of a certificate of occupancy for any building on the site.

(d) *Landscaping.* The approximately 17 existing evergreen trees along the south property line shall be preserved and maintained. (Some may be temporarily removed during regrading, but shall then be replanted and maintained as stated on Sheet C-205 of the Plan.) Seven additional trees, a mix of evergreen and deciduous trees, shall be planted and maintained along the west side of the entrance driveway, between the driveway and the east line of Building T. At least 10 evergreen trees shall be planted and maintained along the east property line, to the east of Building U. Deciduous trees shall be planted and maintained at various locations along the internal driveway between the two buildings, as shown in the Plan. The existing trees located between the Leffingwell Avenue right-of-way and the 30-foot setback line of the existing house parcel (Parcel A as shown on the Plan) shall remain and be maintained.

(e) *Outdoor Lighting.* No plan or information has been provided as to outdoor lighting on the site. If such lighting is proposed, whether building wall lighting or freestanding light poles, an outdoor lighting plan and photometric plan shall be submitted. The plans shall be subject to the approval of the Zoning Administrator, or the Administrator may refer the plans for consideration and decision by the Site Plan Review Committee. All outdoor lighting on the site shall be subject to the outdoor lighting provisions for developments in the CS-PUD District, as stated in Section 19.3.8 of the Zoning Ordinance.

(f) *Utilities.* Water supply and sanitary sewer service to the buildings shall be provided by extension of the existing public water supply and public sanitary sewer systems. A detailed utility plan shall be submitted and shall be compliant with applicable Township ordinances; it shall be subject to the approval of the Township engineer.

(g) *Storm Water Drainage.* The applicant proposes an expansion of the adjacent existing storm water detention area in order to provide an additional 8,000 cubic feet of storm water storage for the site. The applicant shall submit a detailed storm water drainage plan, including estimated storm water drainage volume; the plan and the storm water drainage system shall be compliant with the Township storm water ordinance; the plan shall be subject to the approval of the Township engineer. A Township storm water permit shall be required. The available storm water detention area shall be sufficient to accommodate a 100-year storm event as to the parcel.

(h) *Pedestrian Circulation.* The Plan indicates a sidewalk, which shall be at least five feet wide, located along the west line of the connecting driveway to the property. Sidewalks are also shown extending the lengths of the two buildings, on either side of the driveway between the two buildings. The sidewalks are approved and shall be constructed in accordance with Township sidewalk specifications. The sidewalk along the west side of the entering driveway shall be constructed not later than the issuance of a certificate of occupancy for either building on the site. The sidewalks along the frontage of each of the two buildings shall be constructed not later than the issuance of a certificate of occupancy for each of the buildings, respectively.

(i) *Signage.* The applicant has not submitted a signage plan for the property. It is not known whether building signage, directional signage or otherwise is proposed. A signage plan shall be submitted prior to installation of any signage. The plan shall be subject to the approval of the zoning administrator, though the administrator may refer the plan for consideration and decision by the Site Plan Review Committee. Signage shall be subject to the applicable provisions of Chapter 30 of the zoning ordinance.

(j) *Refuse Disposal.* The revised PUD plan shows a dumpster and dumpster enclosure to be located at the south end of the hammerhead turnaround area at the west end of the

property. The enclosure shall be at least as high as the dumpster itself. The enclosure shall be fully closed, except when opened to accommodate disposal or removal of refuse. The location of the dumpster is approved, subject to approval of the Township Fire Chief as to whether sufficient width and length of the hammerhead turnaround area would remain after installation of the dumpster and enclosure, to accommodate sufficient area for the Township's largest fire suppression vehicle.

**Section 6. Non-Motorized Trail.**

(a) The applicant shall grant to the Township a 10-foot-wide non-motorized trail easement along entire Leffingwell Avenue frontage of the PUD, including the additional parcel, extending north from a connection to the existing sidewalk along Knapp Street, except that the easement across the 2120 Leffingwell Avenue parcel shall be 30 feet wide, as shown on the Plan. The easement shall be specified in a recordable instrument satisfactory to the Township. The 10-foot width of the trail itself across the 2120 Leffingwell Avenue parcel shall be located along or near the east line of the easement, in order to preserve existing trees at that location, as shown on the Plan. The proposed easement document shall be submitted to the Township not later than a date required by the Township.

(b) The recordable instrument conveying the trail easement to the Township shall be submitted to the Township attorney prior to recording and shall be subject to the attorney's approval. It shall be signed by all owners of the affected lands, including mortgagees and holders of any other interest therein. If requested, the applicant shall submit a certified last owner of record search covering such portions of the PUD property, so as to establish the correct identity of all of the then-owners and other interest-holders of the lands comprising the easement. After recording, the applicant shall promptly submit to the Township a copy of the instrument as recorded. The easement shall be prepared and recorded not later than a date directed by the Township, but in the absence

thereof, not later than the issuance of the construction permit for the first building to be constructed in either of the additional parcels.

(c) As the applicant has voluntarily agreed, the applicant shall construct at its own expense the described the 10-foot-wide pedestrian and non-motorized trail within the above described easement, throughout the entire length of the Leffingwell Avenue frontage within the entire PUD. The trail shall be constructed of asphalt, and shall have such depth, sub-base and other characteristics as are required by the Township for other trails within the Township's non-motorized trail system. Alternatively, if the applicant prefers that the trail be constructed by the Township, and if the Township agrees to do so, the applicant shall then furnish to the Township an amount equal to the total cost of construction, inspection and other completion of the trail, as determined by the Township. The trail shall be constructed (or the funds for such purpose shall be furnished to the Township by the applicant) not later than the time designated by the Township.

(d) If the construction of all or any portion of the non-motorized trail is deferred, by decision of the Township or by circumstances approved by the Township, then if requested, the applicant shall prepare and record a restrictive covenant, whereby the applicant and its successors in interest shall be required to construct the trail as stated above, when directed to do so by the Township. The restrictive covenant shall be subject to the approval of the Township attorney prior to recording; after recording, a recorded copy thereof shall be promptly furnished to the Township Zoning Administrator.

(e) The specific location of the trail along the Leffingwell Avenue frontage shall be subject to Township approval; if any portion of the trail is proposed to be within the Leffingwell Avenue right-of-way, then such location shall be subject to approval of the County Road Commission. As to matters of trail design and construction not specified above, the trail shall be

designed and constructed in accordance with Township Ordinance No. 473 pertaining to public pedestrian pathways. If, at the time the trail is required to be constructed, inclement weather conditions intervene, then such construction may be deferred until suitable weather conditions are first present.

(f) If there are any gaps in existing sidewalk extending across the entire Knapp Street frontage of the PUD, the applicant shall construct and complete an identical sidewalk within any such gaps, not later than such time as the applicant is required by the Township to do so.

**Section 7. Public Water Supply and Public Sanitary Sewer Service.** In addition to the provisions specified above, with respect to the providing of public water supply service and sanitary sewer service to the additional parcel, such services shall be designed, constructed and operated in accordance with Section 2(e) of Township Ordinance No. 455, the original Celadon New Town PUD ordinance.

**Section 8. Storm Water Drainage.**

(a) The operation and use of the storm water drainage system with respect to the additional parcels in the PUD and the discharge of waters from those portions of the storm water drainage system of the PUD shall be accomplished so as to have no significant adverse effect upon any of the PUD lands or upon adjacent or nearby lands or surface waters, by reason of flooding, erosion, pollution or otherwise.

(b) As required by Section 7.03 of the Township Storm Water Ordinance, the applicant shall prepare and submit to the Township a Storm Water Maintenance Agreement, satisfactory to the Township, signed by all parties in interest in the additional lands, and providing for the timely and full implementation of the approved storm water drainage plan for the additional



lands. If a Storm Water Maintenance Agreement for the entire PUD has not yet been prepared and submitted for Township approval, the applicant shall do so promptly.

The Storm Water Maintenance Agreement, or an amendment to an existing storm water maintenance agreement, shall be submitted to the Township attorney and shall be subject to the attorney's approval prior to recording.

(c) The storm water drainage system shall also comply with other requirements stated in the Township engineer's letter of June 5, 2020, and other or subsequent requirements of the Township engineer with respect to storm water drainage.

**Section 9. Open Space.**

(a) Currently, prior to the inclusion of the additional parcel, the area of the PUD, excluding street rights-of-way, is 20.73 acres, according to the Plan. The area of currently provided open space is shown in the revised sheet C-212 to be 3.77 acres.

(b) Under the terms of this Amendment No. 6, 1.51 net (excluding street rights-of-way) acres would be added to the existing PUD for a total PUD area of 22.24 acres, excluding street rights-of-way.

(c) The addition of the 2120 Leffingwell Avenue parcel would add 0.38 acre of open space, according to the applicant's revised PUD narrative, submitted on June 26, 2020.

(d) Township Ordinance No. 455, the original Celadon PUD ordinance, requires that open space shall be preserved in an undeveloped state by means of a restrictive covenant or other legal instrument that is publicly recorded. Accordingly, the open space areas included in the additional parcel, as well as the open space areas elsewhere in the PUD, shall be made subject to a recorded legal instrument whereby the uses thereof are consistent with those eligible for dedicated open space under applicable Township zoning ordinance provisions.

(e) The applicant has provided amended calculations of the dedicated open space both in the current PUD and in the PUD as amended. The revised calculations indicate dedicated open space areas of 4.15 acres, which constitute 18.6% of the net area of the PUD. This amount of dedicated open space is approved.

(f) The open space shown for the current PUD has been established as a general common element in the recorded Celadon New Town Master Deed(s). The additional open space included in the 2120 Leffingwell Avenue parcel shall remain undeveloped and landscaped or otherwise maintained in accordance with the PUD plan. A recorded copy of the Master Deed or other instrument establishing the condominium(s) for this Amendment No. 6 shall be recorded, and a recorded copy thereof shall be submitted to the Township prior to the issuance of any building permit for a building on the additional parcel.

**Section 10. Building Density.**

(a) The applicant's revised project narrative, submitted as of June 10, 2020, states that the net area of the amended PUD is 22.24 acres. The PUD would consist of 166 dwelling units upon the adoption of Amendment No. 6. Accordingly, the residential unit density at the adoption of Amendment No. 6 would be 7.46 dwelling units per acre, as compared to the current residential unit density of 7.62 residential units per acre, based upon current net acreage and the current 158 residential dwelling units.

(b) In its revised narrative, the applicant has also provided a hypothetical building density calculation, in order to account for the building density in the PUD resulting from the many non-residential uses therein. The applicant assigns one residential unit for each 1,000 square feet of general office, personal service, restaurant and medical office uses within the PUD. Thus, the

existing PUD non-residential use area of 30,700 square feet would equate to 31 residential equivalent units (based on one residential unit for each 1,000 square feet of non-residential use).

Using the applicant's suggested density methodology, the existing building density of all units (residential and non-residential) would be 9.12 units per acre, based on 189 equivalent units (being 158 residential units, plus 31 residential equivalent units).

If Amendment No. 6 were adopted, the applicant calculates that the proposed overall density of the PUD would hypothetically be 8.86 units per acre, based upon 197 equivalent units, being 166 residential units, plus 31 residential equivalent units (within the total proposed net PUD area of 22.24 acres). Such overall building density is approved.

(c) Accordingly, the residential unit density and the overall equivalent building unit density of the amended PUD, as reflected in this ordinance and the Plan, shall not be increased beyond the above-stated figures.

**Section 11. Other Applicable Zoning Ordinance Provisions.**

(a) The PUD is subject to CS-PUD option A, stated in Section 19.3.1.a, which regulates CS-PUD developments of at least 10 acres, but fewer than 40 acres in area.

(b) Not more than 1/3 of the gross acreage of the PUD may be devoted to permitted commercial uses and required off-street parking under the terms of Section 19.3.1.a.1. (However, Section 19.3.1.a.4 authorizes the Township Board to approve an increase of not more than 5% of this maximum commercial acreage requirement, if certain criteria are satisfied.)

**Section 12. Review by Site Plan Review Committee.** The revised PUD plan shall be subject to review and approval by the Site Plan Review Committee as to matters referred to the Committee herein and as to other matters with respect to the PUD that are within the Committee's jurisdiction. Such review by the Committee shall be guided by the provisions of Chapter 26, with

respect to site plan review, and Chapters 14 and 15 with respect to generally applicable PUD requirements, and Chapter 19 as to those pertaining to the CS-PUD district.

**Section 13. Township Board Findings.** The Township Board determines the PUD as amended by this Ordinance and the Plan (the “Amended Development”), and as previously amended by Amendment Nos. 1, 2, 3, 4 and 5, and by minor amendments 1, 2 and 3, satisfies the purposes of the CS-PUD District, as stated in Section 19.1 of the Zoning Ordinance, and the standards for approval of all PUDs, including, but not limited to the following:

(a) The Amended 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 Amended 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.

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

(d) The Amended Development is designed and laid out to preserve natural resources and natural features to the fullest extent possible.

(e) The Amended 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.

(f) The Amended Development will be consistent with the public health, safety and general welfare. The conditions set forth herein with regard to the Amended Development are determined to be those conditions which are necessary to insure that public services and facilities

affected by the Amended Development will be capable of accommodating increased public service demands caused by the Amended 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 14. Consolidated Ordinance.** This Ordinance, together with Ordinance No. 455 and the previous five amendments therein, and the three minor amendments therein, may be combined into a single consolidated ordinance for the PUD, which shall serve as the controlling ordinance until further amendment therein. The numbers and letters of sections and subsections herein, and in the previous ordinances, may be revised as necessary to accomplish appropriate and consecutive numbering and lettering as to the provisions of the consolidated ordinance.

**Section 15. Enforcement.**

(a) The Township may enforce the provisions of this ordinance and applicable provisions of the Zoning Ordinance, construction 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 official or other Township agency issue and post a stop work order at the site of any improper or non-complying part of the amended PUD, directing that all further construction of such part of the amended PUD be ceased forthwith, pending compliance with any applicable provisions of this ordinance or of other 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 Amended PUD. 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 16. 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: \_\_\_\_\_

NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Michael J. DeVries, Supervisor  
Charter Township of Grand Rapids

\_\_\_\_\_  
Edward J. Robinette, 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 public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Edward J. Robinette, Clerk  
Charter Township of Grand Rapids