

PUD Ordinance - Cascade Christian Church #15 of 1994

CASCADE CHARTER TOWNSHIP

Ordinance 15 of 1994

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE **CASCADE CHRISTIAN CHURCH PLANNED UNIT DEVELOPMENT PROJECT**.

Cascade Charter Township Ordains:

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

The application received from Cascade Christian Church or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the Cascade Christian Church Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on February 7, 1994. The Project is recommended for rezoning from R-2, Residential to PUD, Planned Unit Development permitting the redevelopment and expansion of the church and its related services. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on May 11, 1994.

Section II. Legal Description

The legal description of the Project is as follows:

The West ½ Southeast ¼ Section 9, T6N, R10W, Cascade Township and the West ½ Northeast ¼ Section 16, T6N, R10W, Cascade Township, Richardsons Plat Block 2, Lots 3 through 8. Also including the Hurley Street right-of-way between Thornapple River Drive and Orange Street.

Section III. General Provisions.

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

Section IV. Purpose

The Project occupies approximately 3.96 acres of land that is currently being used as a church and its related services, including but not limited to: administrative offices, child day care, community outreach services, religious counseling and education and worship. The purpose of the PUD designation is to allow the Project some flexibility in property line setbacks while providing architecture more in keeping with the Cascade Charter Township Village Design Plan.

Section V. Approval Limitations

The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this

Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced.

Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.

This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.

All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.

This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.

Failure to comply with the site plan or any condition of approval herein shall be deemed a violation of the Cascade Charter Township Zoning Ordinance.

Section VI. Permitted Uses

The permitted uses for the Cascade Christian Church PUD are as follows:

Administrative offices related to the operations of the Project.

Community outreach and community social services.

Religious, educational and ecumenical activities related to Developer.

Adult and child day – care.

Section VII. Design Guidelines, Requirements and Limitations

The development shall be developed in accordance with the conceptual site plan and the phase site plans approved by the Township. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

Site Development Standards:

1. Maximum Building Height – 45 feet or 2 stories whichever is the lesser. Architectural features such as steeples, towers or bell towers may extend higher than 45 feet provided it receives

approval by the Township and it is determined to be consistent with the spirit and intent of the Cascade Village Design Study.

2. Setback Requirements:

Orange Street: 15 feet

Southwesterly Property Line: 30 feet

Thornapple River Drive: 45 feet

Northeasterly Property Line: 10 feet

3. Maximum Building Size – 65,000 square feet.

Signs:

4. All existing signs shown on the Project survey (Exhibit "A") shall be considered legal conforming signs, with regards to their size, dimensions, number, location and setback. Should an existing sign be removed from its present location it shall comply with the requirements set forth in Section VII. B.2 and Section VII.B.3 below.

5. The project shall be permitted the following new signs:

a. One (1) monument sign on Orange Street.

b. One (1) monument sign on Thornapple River Drive.

c. Wall signs shall also be permitted, provided their aggregate total sign area does not exceed 100 square feet.

d. Directional signs.

6. Unless otherwise specified above, all new signs for the Project shall comply with the height, location, size and all other requirements set forth in the Cascade Charter Township Sign Ordinance, as amended.

Landscaping Bufferyard Requirements:

7. The Project shall be required to install the following landscape bufferyards along each property line of the Project:

a. Orange Street and Thornapple River Drive: Bufferyard "C"

b. Northeasterly Property Line:
Bufferyard B"

c. Southeasterly Property Line: No
bufferyard required.

8. The installation of the bufferyards shall coincide with the development of the Project's phases in accordance with the approved conceptual plan dated May 11, 1994.

9. Landscaping shall be installed within ninety (90) days of completion of each Project phase or unless permitted in writing by the Planning Director at a later date.

10. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

Section VIII. Temporary Buildings

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction of building expansions or infrastructure improvement.

Section IX. Site Plan Review Required For Each Project Phase

The Project shall be developed in accordance with the conceptual plan approved and signed by the Township on May 11, 1994.

Because the Project is anticipated to be constructed over a 15 – 25 year time frame, each individual phase of the Project shall submit an application and all necessary architectural and planning drawings for consideration to the Planning Department. Site plan approval by the Planning Department shall only be granted in accordance with Chapters 16 and 21 of the Zoning Ordinance, (as may be amended). All phases of the Project shall comply with the Permitted Uses listed in Section VI. And the Design Guidelines, Requirements and Limitations contained in Section VII of this Ordinance.

Engineering plans and/or documents relating to utilities, topography, drainage, and the survey of each Project phase shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting recognized, acceptable engineering standards and practices.

Section X. Vacation and Abandonment of Hurley Street

The vacation and abandonment of Hurley Street shall be at the cost and the responsibility of the Developer. All reasonable and related legal costs incurred by Cascade Charter Township as a result of the vacation and abandonment action of Hurley Street by the Developer shall be reimbursed by the Developer to the Township.

In the event Hurley Street is abandoned and vacated, the Developer shall provide the Township and all public utilities with sufficient easements to maintain their improvements in the former right-of-way.

The Developer has agreed that at such time as Hurley Street is vacated and abandoned, Peace Street should be fully improved and the Developer will pay for the same. Therefore, Peace Street shall be fully improved at such time as Hurley Street is vacated and abandoned and the former road right-of-way is incorporated into Phase 2 of their project as a private parking lot and access road. Pursuant to the Developer's suggestion and agreement, paying all the township's proportionate cost share of fully improving Peace Street to Kent County Road Commission local road standards shall be the responsibility of the Developer. Since it is the obligation of the Developer to pay for the improvement of Peace Street at such time as Phase 2 of their project beings and since that construction phase may not occur for many years, the Developer agrees the obligation shall run with the land and shall bind the Developer as well as the Developer's assigns and successors with regard to the properties comprising the Project. The Township and the Developer have also executed an agreement reflecting the Developer's obligation with regards to the improvement of Peace Street.

Section XI. Utilities

Each project phase shall be served with public water and public sewer at the developer's expense. Any new on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plans for Cascade Township.

The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. In the event the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XII. Miscellaneous Development Requirements

Prior to each phase of construction, the Developer shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

The Township Planning Department shall receive all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal.

Section XIII. Performance Guarantee

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to insure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads, and

utilities. The Township Board, Engineer, or Planning Director may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section XIV. Consistency With Planned Unit Development (PUD) Standards

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future residents will recognize the benefits of an expanded religious institution which provides spiritual, educational, ecumenical and community outreach services to all.

In relation to the underlying zoning (R2, Residential), the Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. Sewer and water service are readily available to the Project. Concerns about the improvement to Peace Street, as a result of the vacation and abandonment of Hurley Street are adequately provided for in this Ordinance.

The Project has been determined by the township to be compatible with the General Development Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a "Public / Semi-Public" use, which is consistent with the Cascade Township General Development Plan and the Cascade Village Design Plan. Religious institutions are compatible with the surrounding residences as well as the commercial areas to its south and west.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties as the church has been part of the historical center of the township.

The Township finds the Project to have at least as much green and usable open space as would be required by the Township Zoning Ordinance. It is noted that the conceptual plan proposed more landscaping materials around the church that there is presently on the Project site. This landscaping is consistent with the requirements of the Cascade Charter Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that Cascade Christian Church or its assigns will retain ownership and shall be responsible for the completion of the Project in compliance with this PUD Ordinance and all other ordinances of Cascade Charter Township.

Section XV. Effective Date

This Ordinance shall become effective upon publication of the ordinance, or a summary thereof, in The Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

The foregoing Ordinance was offered by Board member Boonenberg, supported by Board Member Johnson. The roll call vote being as follows:

YEAS: Boonenberg, Carpenter, Johnson and Julien

NAYS: None

ABSTAIN: Hansen, Henning and VanStrien

ABSENT: None

Brenda J. Henning

Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 11th day of May, 1994.

Brenda J. Henning

Cascade Charter Township Clerk