

PUD Ordinance -Sunrise Development #12 of 2005

CASCADE CHARTER TOWNSHIP

Ordinance 12 of 2005

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE Sunrise Development PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township Ordains:

Section 1. An Amendment to The Cascade Charter Township Zoning Ordinance

The application received from Sunrise Development Company or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Sunrise Development Planned Unit Development (hereinafter referred to as the "Project" or the "Premises") was recommended by the Cascade Charter Township Planning Commission for approval on August 15, 2005. The Project is recommended for rezoning from PUD, Planned Unit Development to PUD, Planned Unit Development permitting the development of three office buildings. 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 December 14th, 2005.

Section II. Legal Description

The legal description of the Project is as follows:

Lots 26, 27, 29, and 40, foremost Centennial Park No. 2 (Liber 76 of Plats, Pages 13-15, part of the NW ¼, Section 17, T6N, R10W, Cascade Township, Kent County, Michigan.

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 11.9 acres of land that is vacant and wooded with an apple orchard. The Project is proposed to be developed as a 76-unit Senior Living Facility on 4.5 acres. The remainder of The Project will consist of two parcels of approximately 3.8 acres and 3.6 acres and will be developed consistent with the current uses in Centennial Park. The PUD technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations and to develop the project in a unified manner. The regulations contained herein are established to define the procedures necessary to insure high quality development on the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section V. Approval Limitations

A. 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.

B. 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.

C. 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.

D. 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. Provided, however, that minor or immaterial changes to the site plan shall not require formal amendment of the PUD approval and ordinance amendment if determined, by the Township Planning Director, to be minor site plan changes as defined by section 21.04 of the Zoning Ordinance as amended.

E. 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.

F. 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 Sunrise Assisted Living Facility PUD are as follows:

1. Office and associated uses as provided in Chapter 12 of the Cascade Charter Township Zoning Ordinance (as may be amended).
2. A 76- unit Assisted Living Facility

Section VII. Design Guidelines, Requirements and Limitations

The layout of the Project shall be developed in accordance with the site plan 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.

1. Assisted Living Facility

a. Setbacks

i. As shown on the approved site plan dated 02/06/06, as amended, with the west property line not to be less than 31 feet.

b. Maximum building height

i. 35 feet

c. Parking Spaces

i. 0.5 spaces per unit

d. Signs

i. All signs (type, size, etc.) for the Project shall comply with the Cascade Charter Township Sign Ordinance, as amended.

2. Remaining Parcels

a. Setbacks

i. Front yard: 30 feet

ii. Rear Yard: 25 feet

iii. Side Yard: 50 feet

b. Maximum Building Height

i. 35 feet

c. Parking Spaces

i. These lots shall conform to Section 19.12 of the Zoning Ordinance as amended.

d. Signs

i. All signs (type, size, etc.) for these lots shall comply with the Cascade Charter Township Sign Ordinance, as amended.

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 X. Utilities

A. 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 connection to the public water and sewer systems shall be approved by Cascade Township and the City of Grand Rapids prior to installation.

B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the township engineer and the Kent County Drain Commissioner's office prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner and Michigan Department of Natural Resources regarding stormwater disposal.

C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XI. Soil Erosion Control 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 Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

Section XII. 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 Department may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section XIII. 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. The project will offer a unified development that provides shared access, parking, and landscaping improvements.

In relation to the underlying zoning (PUD), 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. The property has always been planned for office development and is proposed to be utilized in that fashion.

The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater plans have been approved by the Township Engineer and the appropriate County and State agencies. Concerns about fire and emergency vehicle access have been addressed on the site plan and by this PUD 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 township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties.

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.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises.
Section XIV. 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 Koessel, supported by Board Member Beahan. The roll call vote being as follows:

YEAS: Julien, Goodyke, Currier, Beahan, Koessel, Carpenter

NAYS: none

ABSTAIN: none

ABSENT: Parrish

Ronald Goodyke
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 day of December 14th, 2005.

Ronald Goodyke
Cascade Charter Township Clerk