


NOTICE OF POSTING OF PROPOSED ZONING MAP REZONING AMENDMENT
ORDINANCE

PLEASE TAKE NOTICE that a Jamestown Charter Township Zoning Map Rezoning Amendment Ordinance had its first reading at a meeting of the Jamestown Charter Township Board held on April 15, 2019 and is scheduled for a second reading at a meeting of the Jamestown Charter Township Board on May 13, 2019.

The Zoning Map Rezoning Amendment Ordinance will amend certain property in the Township to the I-2 Planned Industrial Zoning District and the M-6 and 32nd Avenue Overlay District.

PLEASE TAKE FURTHER NOTICE that the Ordinance has been posted in the office of the Jamestown Charter Township Clerk Jamestown Charter Township Hall, 2380 Riley Street, Hudsonville, Michigan, 49428, (Phone 616-896-8376), and on the Township website at www.twp.jamestown.mi.us.

Dated: April 28, 2019



Candy DeHaan, Clerk
Jamestown Charter Township

The following Zoning Map Rezoning Amendment Ordinance was introduced and a first reading completed at the Jamestown Charter Township Board meeting on April 15, 2019.

ORDINANCE NO. 19-003

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CHARTER TOWNSHIP OF JAMESTOWN**

**[Application of ETI Building Company LLC for Conditional Rezoning from current
C-2 General Commercial and M-6 and 32nd Avenue Overlay Districts to I-2 Planned
Industrial and M-6 and 32nd Avenue Overlay Districts
0-32nd Avenue]**

JAMESTOWN TOWNSHIP ORDAINS:

Section 1. Section 5.1 of the Zoning Ordinance of the Charter Township of Jamestown, being the Zoning Map, is hereby amended so as to rezone the following described land (parcel 70-18-08-200-033 PT) from the General Commercial (“C-2”) and M-6 and 32nd Avenue Overlay Districts to the I-2 Planned Industrial (“I-2”) and M-6 and 32nd Avenue Overlay Districts, but upon certain conditions offered by the applicant and stated in Section 2 of this Ordinance. The land is legally described as follows:

Part of the Northeast ¼ of Section 8, Township 5 North, Range 13 West, described as: Commencing south 89 degrees 43 minutes 59 seconds west 50 feet and south 00 degrees 10 minutes 33 seconds west 680.70 feet from the northeast section corner; thence south 00 degrees 10 minutes 33 seconds west 640.75 feet; thence south 89 degrees 32 minutes 35 seconds west 400 feet; thence north 00 degrees 10 minutes 33 seconds east 642.08; thence north 89 degrees 43 minutes 59 seconds east 399.99 feet to the place of beginning. Also except the 1.6 acres shown on the Site Plan and identified herein as “Parcel A” thereof.

(the “Property”).

Section 2. The applicant, ETI Building Company LLC, has submitted a voluntary written offer, under the terms of Section 405 of the Michigan Zoning Enabling Act, such offer being dated February 27, 2019, whereby the applicant has agreed to use and develop the Property only as stated in the voluntary offer, if such lands are rezoned by the Township to the I-2

Planned Industrial and M-6 and 32nd Avenue Overlay Districts, upon the conditions stated in the applicant's voluntary offer.

Accordingly, it is a condition of the rezoning of the Property that it shall be used and developed only as stated in the applicant's voluntary written offer, as follows:

(a) The Property shall be developed and used only for the following: the parking for and truck dock walls associated with the use located at 3900 Central Parkway, but only upon compliance of all of the conditions stated in this Ordinance, and all as shown on that certain Site Plan submitted by the applicant, and dated as of February 27, 2019, attached hereto as Exhibit A (the "Site Plan"), to the Township in connection with the applicant's application for conditional rezoning of the Property.

(b) The above-stated permitted land uses shall comply with the requirements set forth in Chapter 14 of the Zoning Ordinance, and the following conditions:

(1) The Property and use shall be constructed in accordance with the Site Plan.

(2) There shall be a five (5)-year approval on the Site Plan to allow for the phasing of the Property.

(a) 1st phase: Conditional Rezoning;

(b) 2nd phase: New approximately 67,000 SF building on adjacent parcel 70-18-08-231-004 and associated parking on conditionally rezoned parcel; and

(c) 3rd phase: Approximate 67,000 SF addition on parcel 70-18-08-231-005 and associated parking.

(3) 1.6 Acre site ("Parcel A") in the northeast corner of the Property will be split off and sold

to be used as a commercial parcel; remainder of parcel is herein referred to as "Parcel B".

(4) No industrial buildings shall be built on the Property, except for the dock walls from the Phase 2 addition on the Property.

(5) There shall be shared stormwater retention between Parcel A and Parcel

B. The stormwater retention pond shall be on Parcel B, with an easement provided to Parcel A for discharge. Applicant shall provide the Township with a copy of the signed discharge easement to permit the Township to verify compliance with this condition.

(6) Pathways shall be constructed when each parcel develops. The pathway

for Parcel A shall be constructed when a building is constructed on that property. The pathway for Parcel B shall be constructed when the parking area for that property is constructed. Should Parcel B be developed prior to Parcel A being sold to another party, the owner of Parcel B shall construct the pathway proposed for Parcel A.

(7) The water main shall be reworked as a part of the phase 2 building addition. The water line shall be designed when the phase 2 building design is finalized. The Township Engineer shall review this as part of the building plan submittal and the building permit shall not be issued until the Township Engineer approves the water main relocation.

(8) Easements shall be provided to the Township or other necessary entities

for the pathways on private lands.

(9) All industrial traffic shall exit to Central Parkway.

(10) When parking areas are constructed on Parcel B, appropriate landscaping meeting the Jamestown Charter Township Zoning Ordinance shall be installed.

(11) Applicant shall work with the Ottawa County Drain Commission on an overflow to the Pinnacle Drain that is present on the southeast corner of the site.

(12) A cross access easement shall be provided to the property to the south should that parcel be developed as a commercial or industrial use. Applicant shall provide the Township with a copy of the cross access easement to permit the Township to verify compliance with this condition.

(13) Payment in-lieu of construction shall be provided for the Central Parkway pathway.

(14) The zoning classification of the Property shall revert back to the C-2 General Commercial Zoning District one (1) year after the abandonment of the industrial use.

(c) The Property and use shall comply with the requirements set forth in Sections 14.13, 14.8 and Chapter 26 of the Zoning Ordinance. The landscape plan for the Property shall be reviewed by and subject to the approval of the Planning Commission.

(d) Any signage for the Property shall be in compliance with Section 14.12 and Chapter 24 of the Zoning Ordinance.

(e) Minor changes to the Site Plan are permitted pursuant to Chapter 17 of the Zoning Ordinance, so long as such changes are consistent with the spirit and intent of this Ordinance. Applicant acknowledges and agrees that Phases 2 and 3 require final Site Plan approval by the Township pursuant to Chapter 17 of the Zoning Ordinance prior to commencement of construction of such phases.

(f) The use of the Property shall comply in all respects to any variances granted by the Township Zoning Board of Appeals (“ZBA”).

(g) All other requirements of Chapter 14 of the Zoning Ordinance pertaining to the I-2 Planned Industrial Zoning District shall apply to the described lands, but only to the extent that such provisions are not in conflict with the provisions of this Ordinance.

(h) All other requirements of Chapter 15 of the Zoning Ordinance pertaining to the 32nd Avenue and M-6 Corridor Overlay Zoning District shall apply to the described lands, but only to the extent that such provisions are not in conflict with the provisions of this Ordinance.

Section 3. Upon the adoption of this Ordinance, the applicant shall promptly record with the Ottawa County Register of Deeds, at the applicant's expense, an affidavit or other instrument acceptable to the Township giving public notice of the limited conditional uses permitted on the lands. After the recording of such public notice, the applicant will promptly furnish a recorded copy thereof to the Township office.

Section 4. The above stated permitted land uses, having been voluntarily offered by the applicant and accepted by the Township, shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of the applicant. No subsequent owner of the Property or any part thereof shall conduct any other uses on or for the Property.

Section 5. The above stated conditions upon the use and development of the Property shall continue in perpetuity or until such time as this Ordinance is amended or repealed.

Section 6. 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.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on _____, 2019, and approved by me on _____, 2019.

Kenneth Bergwerff, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

First Reading: _____, 2019

Second Reading: _____, 2019

Ordinance becomes effective: _____

CERTIFICATE OF TOWNSHIP CLERK

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 Jamestown, County of Ottawa, State of Michigan, at a _____ meeting held on _____, 2019, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Candy DeHaan
Township Clerk

CERTIFICATE OF PUBLICATION

I, the Township Clerk of the Charter Township of Jamestown, County of Ottawa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. _____, or a summary thereof, was published in the *Grand Rapids Press* on _____, 2019.

Candy DeHaan
Township Clerk