

**AN ORDINANCE TO AMEND THE ZONING
ORDINANCE AND ZONING MAP OF THE CITY OF
EAST GRAND RAPIDS TO ESTABLISH THE JADE PIG
VENTURES PLANNED UNIT DEVELOPMENT**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Planned Unit Development. The Zoning Ordinance of the City of East Grand Rapids is hereby amended by the amendment of Section 5.190 thereof (the zoning map) so as to rezone the lands described on Exhibit A (the "Property") from C1 Commercial and B1 Apartment to the Planned Unit Development (PUD) district in accordance with the preliminary 8-page site plan of September 7, 2009, submitted by Jade Pig Ventures – EGR, L.L.C. and Jade Pig Ventures – Ramona, L.L.C. (jointly, the "Developer") (Exhibit B) subject to all of the terms and conditions of this Ordinance.

Section 2. Purpose. The proposed development includes a combination of commercial and retail uses, offices, residential condominiums with associated parking, and open space. The planned unit development zoning has been chosen to provide for more control over mixed uses, aesthetics, maintenance, and appearance. The regulations contained herein are established to define the procedures necessary to ensure high quality development, maintenance, and usage within the Property. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section 3. Conditions on the Planned Unit Development. The rezoning of the Property to the PUD district is expressly subject to all of the following terms and conditions (the project as approved herein shall hereafter be the "Development"):

(a) The Development is approved in accordance with the preliminary PUD site plan. The preliminary PUD site plan approved by the City Commission is dated September 7, 2004. In accordance with the City Code, approval of a final PUD site plan will be necessary prior to commencement of any construction on the Property. The final site plan needs to be generally consistent with the concepts illustrated in the approved preliminary site plan, including building design. Complete compliance with the approved final site plan shall be a prerequisite to final approval of construction under the building permit to be issued by the City for the Development and to the occupancy of the units.

(b) The Developer shall submit to the City for review and approval all plans required by the City's Building Code or other ordinances, including, but not limited to, drainage, sanitary sewer, water service, foundation and other subsurface structure plans, prior to the commencement of any construction. The Developer shall, if requested by the City Commission, supply a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City pursuant to MCLA 125.584(e) covering the estimated costs of implementing the approved landscaping plan, to ensure completion of the roadways, lighting, utilities, sidewalks, screening, and drainage, and to finish all excavation work. The City Commission shall determine the amount of security required. In making

this determination, the City Commission shall recognize that this project may be developed in stages pursuant to Section 3(d).

(c) In order to facilitate traffic flow in and out of the Development and to minimize the impact of traffic from the Development on surrounding city streets, certain road and intersection improvements will likely be installed by the City. The Developer will contribute \$100,000.00 toward these various road and intersection improvements. These improvements will occur on streets that surround the Property or that are impacted by the development of the Property. The Developer acknowledges that these planned improvements, including the improvement of the intersection of Lakeside Drive and Greenwood, will benefit the Property by improving the flow of traffic on and about the Property.

(d) The Commission recognizes the Developer may want to construct the PUD in phases. The commercial/retail buildings adjacent to Wealthy Street shall be completed first. The Developer may construct the remaining residential buildings in whatever order it desires. A final site plan shall be approved for each phase. Each site plan shall be complete for that phase including off-site items such as access and utilities.

(e) All utilities shall be located underground and shall be installed and maintained according to the approved utilities plan.

(f) The Developer will implement the portion of the City's "streetscape" plan immediately adjacent to the Property from the front of the buildings to the curb line on Wealthy Street (including City-owned property located there), in accordance with the overall streetscape plan being implemented by the City. Improvements will include sidewalks, curbs, lighting, benches, planters, receptacles, and landscaping called for in the Wealthy Streetscape Plan. The streetscape design shall be consistent with the City's design plan that will be available prior to the commencement of construction. The Developer will contribute \$175,000 toward those improvements immediately adjacent to the Property. The Developer acknowledges that these streetscape improvements immediately adjacent to the Property will enhance its use and attractiveness.

(g) Any rooftop heating, ventilation, air conditioning or other mechanical structures shall be completely screened from view from the street and neighboring properties outside the PUD through placement and building design.

(h) Any satellite dish antennas or other antennas utilized for television or telecommunication purposes shall be placed upon the top of buildings only and not on balconies or sidewalls of any buildings. The condominium documents shall so restrict the placement of such antennas.

(i) The drive-through shown on the preliminary site plan is to be for bank use only, not restaurant, pharmacy, or other use. The drive through, including any canopy and accessory structures, shall be integrated with the building design.

(j) Any limitations or restrictions on parking spaces, other than barrier free spaces and reasonable controls to assure parking only by Property users, including reserved spaces, must be identified on the final site plan and approved by the City. The parking structure must be retained and maintained in order to meet parking requirements. The Developer will make the parking structure available for events such as high school sporting events or concerts, consistent with Property owners and tenants needs for parking.

(k) The final site plan shall be materially consistent in character with the preliminary PUD site plan, and shall provide detail to demonstrate how views from adjacent uses will be improved through landscaping and architectural details.

(l) The Developer shall provide pedestrian access for the public through the Property and attempt to obtain a pedestrian easement along the west side of the parking structure to facilitate this access. If this easement is not obtained, the Developer shall include in the PUD site plan an alternate method of providing pedestrian access for the public through the residential portion of the PUD to the parking deck (as shown on Exhibit C). The Developer shall construct such access when the appropriate phase of the Development is implemented and after such access is constructed the public shall be allowed to walk from such access through the parking deck to reach the commercial, retail, and office elements of the PUD. The Developer may terminate this public access to the parking deck should the Developer later obtain the pedestrian easement along the west side of the parking structure or otherwise provide public access approved by the City. The Developer shall also provide a pedestrian entrance for the public on the west side of the PUD from the Property to the current D&W site.

(m) An access easement (as illustrated on Exhibit D) shall be reserved in front of the parking structure to the Property to the west that would allow a vehicular connection in the future, if the adjacent Property is redeveloped and if, as part of the redevelopment, a public street is extended through the adjacent property between Wealthy Street and Lakeside Drive and the adjacent property owner provides an easement across its property from the Property to the public street. Development of the access easement for vehicular traffic need only be implemented if such connection is determined by the City to be beneficial for traffic circulation.

(n) The following facilities located on the Property shall be maintained to their as-built standards, reasonable wear and tear excepted: on-site landscaping, lighting, signs, pavement markings, paving, stormwater facilities, and other on-site structures.

(o) In consideration for the parking requirement of 687 spaces, the size of each of the respective uses shall not exceed the Square Foot Limitation shown on Exhibit E without approval by the City Commission based upon a finding that on-site parking for all uses is adequate and that on-site parking for the increase in size of any of the uses will also be adequate. Such approval shall follow a review and recommendation by the Planning Commission.

(p) The Developer shall construct up to six “Buildings” as shown on the preliminary site plan (Exhibit B). Of these, up to four would be residential structures. These residential Buildings shall be of varying heights so as to provide a “stepped up” appearance. The average elevation of the finished lot grade for purposes of measuring building height under the City Code for each of the Property’s Buildings shall be as follows (the Building numbers refer to the numbers shown on Exhibit B):

- Building 1** – 754 feet above mean sea level
- Building 2** – 754 feet above mean sea level
- Building 3** – 754 feet above mean sea level
- Building 4** – 752 feet above mean sea level
- Building 5** – 752 feet above mean sea level
- Building 6** – 752 feet above mean sea level

The residential Buildings when constructed shall have the following height limitations, with the height being measured in accordance with the provisions of the City Code:

- | | Height |
|-------------------|--|
| Building 3 | – (located between parking structure and the adjacent property’s existing condominium) may be up to 79 feet. |
| Building 4 | – (located directly to the north of the D&W building) may be up to 71 feet, 1 inch. |
| Building 5 | – (located in the northeast corner of the Property) may be up to 79 feet. |
| Building 6 | – (located in the northwest corner of the Property) may be up to 60 feet, 9 inches. |

Each residential unit shall have a minimum of 2 subsurface parking spaces.

Developer will install a roof top garden above the proposed fitness center/retail portion of Building 3.

(q) Within the commercial area of the PUD, all first floor space in Building 1 and Building 2A shall be used for permitted C-1 uses other than business or professional offices and ancillary group uses. Business and professional offices shall be located on the second floor of Buildings 1 and 2A. All other C-1 uses are also permitted on second floor of Building 1 and Building 2A other than ancillary group uses. While Building 2B uses are contemplated to be primarily medical offices or retail space related to medical offices and Building 2C is contemplated to be occupied by a bank or other financial organization, any use permitted in the C-1 zone is approved for those buildings other than ancillary group uses. In addition, business or professional offices are not permitted in the first floor of Building 2C. Developer will use its best efforts to utilize the bank façade it has acquired on the front of Building 2C if such use is commercially reasonable. Nonresidential portions of

Section 3(o) (and Exhibit E) that only specified uses are allowed without additional review and approval for parking space compliance.

Section 4. Enforcement.

(a) The City 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.

(b) 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 (and site plan if necessary) ordinance.

(c) The PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition proposed herein is ever 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 City reserves the right to review the entire Development under the PUD provisions of the Zoning Ordinance, and further, as to any portion of the Development which is not substantially under construction or constructed, to withdraw its approval of such portion of the 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.

Section 5. Findings. The Planning Commission and City Commission have determined that this proposed project meets those standards contained in Article XIII.B. for site plan review and Article XIII.A. for planned unit development approval. The City Commission finds that the following standards have been met:

(a) The proposed PUD complies with all qualifying conditions of Section 5.135.

(b) The proposed PUD meets the applicable objectives contained in Section 5.137 including the development of support facilities within a reasonable distance of living units, an efficient use of land, a coordination of architectural styles, integrated safe and abundant pedestrian access within the PUD, and consistency with objectives of the East Grand Rapids Master Plan and Gaslight Village Subarea Plan. While the proposed PUD is generally consistent with the objectives of the East Grand Rapids Master Plan and Gaslight Village subarea plan, the Master Plan should be reviewed and amended as necessary to recognize the changes brought about by the demolition of the Jacobson's building and the provisions of the proposed PUD. The City should begin the amendment process now.

(c) The uses within the proposed PUD and the overall design are generally consistent with the City's Master Plan and the subarea plan for Gaslight Village, though these plans fail to address the magnitude of the proposed Development. A review and

amendment of the City's Master Plan and the subarea plan for Gaslight Village is appropriate.

(d) The proposed PUD is to be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land and the capacity of public services and facilities affected by the Development.

(e) The proposed PUD will support objectives for a viable Gaslight Village business district but will not significantly change the essential character of the surrounding area.

(f) The proposed PUD will not be hazardous to the adjacent property or involve uses, activities, material, or equipment which would be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.

(g) The PUD, including improvements proposed, will not place demand on public services and facilities in excess of current or anticipated future capacity.

(h) The Developer proposes up to 107 residential condominium units creating a residential density of up to 18.4 units per acre. The City's planning consultant has suggested that density of 17-20 units per acre is appropriate for this area. The City Commission recognizes that the Master Plan contemplates increased residential density within the Gaslight Village business district, and the Commission is supportive of increased density.

(i) It is desirable for the City to have housing alternatives other than just single-family homes. The proposed PUD provides residential condominium units that are otherwise in very limited supply in the City.

(j) The proposed PUD represents a special redevelopment opportunity of a significant scope on a unique parcel at a unique time in the history of the Gaslight Village business district. It is in the best interests of the City that the redevelopment of the "Jacobson's parcel" on Wealthy Street and the "Ramona Medical site" on Lakeside Drive occur jointly pursuant to a single comprehensive plan that will help revitalize the Gaslight Village business district and set the standard for further redevelopment on Wealthy Street. The Developer's proposal presents a unique opportunity to propel the redevelopment of Gaslight Village at a time when it is needed while adding increased residential density within this area and providing housing alternatives as suggested by the Master Plan. Because of this one-time confluence of circumstances, the Commission does not consider the proposed PUD as a precedent for height or for any subsequent redevelopment in the Gaslight Village business district area.

(k) This PUD is reviewed in its entirety and the Commission finds that a mixed use development to include retail, general office, medical office, health/fitness facilities, bank, restaurants, and multi-family residential is important for the overall quality and success of the Development.

(l) The Commission determines that the height of residential buildings for the PUD should exceed the 35-foot limitation of the underlying zone district because such increased height of residential buildings allows desirable on-site green space and plazas, subsurface residential parking with a lawn above, and deck parking to improve aesthetics and reduce environmental impacts, extensive pedestrianways, high quality architectural design, views of Reeds Lake for most units and, of considerable public benefit, the innovative commercial and office development along the Wealthy Street frontage. The use of multiple residential buildings of various heights, with staggered setbacks and architectural design elements to reduce the visual impact of the height is preferable to fewer, larger buildings surrounded by unattractive surface parking lots. Such uses and design amenities would not be achievable under a more conventional development without the building height modification.

(m) The City's planning consultant has defined seven different uses within the PUD consisting of residential condominiums, medical/dental offices, general offices, retail, restaurants, bank, and health/fitness club (the "Uses"). Exhibit E defines the residential use of up to 107 units and defines all other Uses by square footage (the number of square feet for each Use shown on Exhibit E is referenced as the "Square Foot Limitation"). The number of parking spaces required under the City ordinance for all such Uses ranges from approximately 750 parking spaces to 812 parking spaces. The Developer requests a modification to reduce the total number of parking spaces to 687 and the Commission supports such reduction, subject to the conditions of approval contained herein, based upon the report of the City's traffic consultant and the historical review by the City Attorney of the parking requirements contained in the City ordinance.

(n) The requested modification for relief from the standard setbacks along Wealthy Street is appropriate in order to create a village atmosphere that should assist in the revitalization of the entire business district. Since the vast majority of buildings in the business district are located at or near the front property line, continuation of that development will lead to a certain consistency that is desirable and consistent with the City's Master Plan and design concepts for Wealthy Street.

(o) The requested modification to permit a low intensity drive through bank is appropriate in relationship to the overall PUD design, given its integration with buildings lining Wealthy Street, its location, the limitation on the use, and favorable experience with other similar drive through banks in the downtown.

The conditions of approval are necessary to ensure that public services and facilities affected by the Development will be capable of accommodating increased service and facilities loads caused by the Development, to protect the environment, to ensure

compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Section 6. PUD Expiration. This PUD shall be subject to the expiration provisions of Section 5.140-A of the City Code. Since it is contemplated that this Development may be constructed in phases, the expiration deadlines contained in Section 5.140-A apply only to those phases which have been presented for and received final approval.

Section 7. Effective Date. This Ordinance shall become effective upon receipt by the City of the Developer's written acceptance of the conditions of approval and a revised preliminary PUD site plan incorporating all required conditions and changes; provided, however, that in no event shall this Ordinance become effective before October 29, 2004.

Section 8. Notice of Adoption. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided in Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**NOTICE OF ADOPTION OF ORDINANCE BY
THE CITY OF EAST GRAND RAPIDS**

A Summary of Jade Pig Ventures
Planned Unit Development

The purpose of this Ordinance is to establish a planned unit development for a property located between Wealthy Street and Lakeside Drive in the City of East Grand Rapids. This planned unit development will allow a combination of commercial and retail uses, offices, residential condominiums with associated parking, and open space. The Ordinance approves a specific site plan for location of structures on the Property and deals with the Development and use of these structures including access, drainage, and landscaping. Copies of the Ordinance in its entirety and copies of the approved site plan are available at the office of the City Clerk, 750 Lakeside Drive, SE, East Grand Rapids, Michigan 49506, during normal business hours.

CITY OF EAST GRAND RAPIDS

By _____
Karen K. Brower
City Clerk

EXHIBIT A

Description of Property

Parcel 1:

Parts of Lots 17, 18, 19, 20 and 25 and part of vacated Barnard Street (so called) of Boynton & Judd's Lake Addition to the City of Grand Rapids (now City of East Grand Rapids), Kent County, Michigan, as recorded in Liber 2 of Plats, Page 24 described as: Beginning at a point on the Southerly line of Lot 17, distant 17.13 feet measured South 59 degrees 59 minutes East along the Southerly line of Lot 17 from the Southwestern corner of Lot 17, said Southwesterly corner of Lot 17 being the Southeasterly corner of Kennedy's Subdivision; thence South 59 degree 59 minutes East along the Northerly line of Wealthy Street, 66.00 feet wide, as now established, a distance of 560.00 feet to a point, thence North 02 degrees 37 minutes West, a distance of 672.13 feet to a point, thence North 07 degrees 04 minutes West, a distance of 211.26 feet to a point curve; thence by a curve to the left, whose radius is 123.45 feet and whose chord bearing is North 27 degrees 13 minutes 30 seconds west, a distance of 87.46 feet recorded, 86.87 feet measured along the arc to a point; thence South 29 degrees 55 minutes West, a distance of 780.64 feet to the point of beginning.

Parcel 2:

Lots 3, 30, 31, 32 and part of Lots 2, 4 and 29 and part of vacated Crosswell Avenue, all in Kennedy's Subdivision of Lots 16 and 21 of Boynton and Judd's Lake Addition, according to the recorded plat thereof, also part of Lots 20, 24, 25 and vacated Barnard Street of Boynton and Judd's Lake Addition, according to the recorded plat thereof and more particularly described as:

Commencing at a point which is 510 feet Northeasterly from the Northeasterly line of Wealthy Street (measured on a line which is parallel with the Southeasterly line of Lovett Avenue) and 65 feet Southeasterly from the East line of Judd's Subdivision to the City of East Grand Rapids (measured on a line parallel with the Northeasterly line of Wealthy Street), thence Southeasterly parallel with the Northeasterly line of Wealthy Street 282.13 feet, thence Northeasterly parallel with said Southeasterly line of Lovett Avenue 497.75 feet to the South line of Lakeside Drive, thence Westerly and Southwesterly along the South line of Lakeside Drive 306.18 feet to the intersection of a line which is 65 feet distant Southeasterly (measured on a line parallel with the Northeasterly line of Wealthy Street) from the extension Northeasterly of the East line of said Judd's, thence

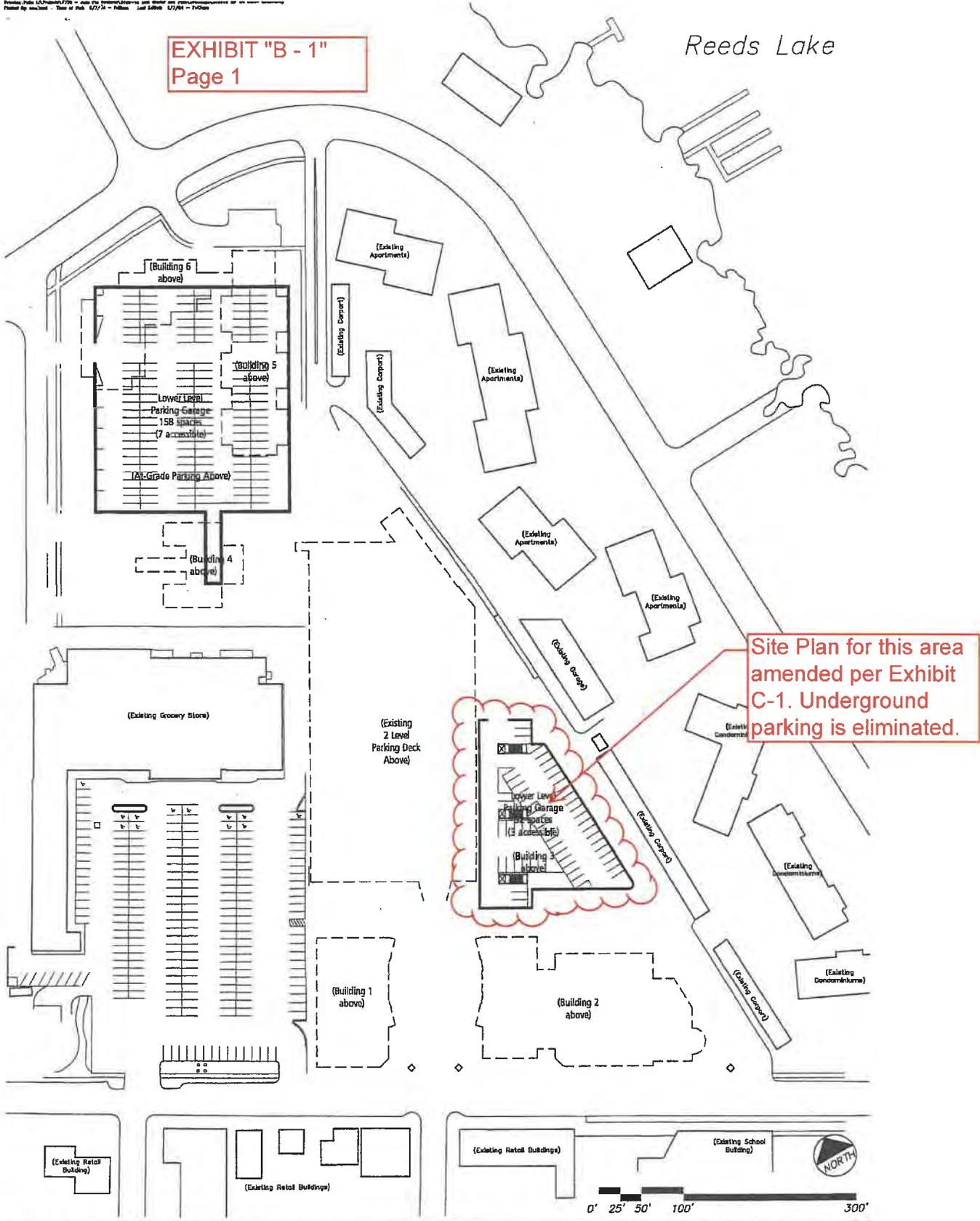
Southwesterly on a line parallel with said East line of Judd's Subdivision to the place of beginning, except the Southwesterly five feet eight inches.

EXHIBIT B

Preliminary Site Plan

EXHIBIT "B - 1"
Page 1

Reeds Lake



Site Plan for this area amended per Exhibit C-1. Underground parking is eliminated.



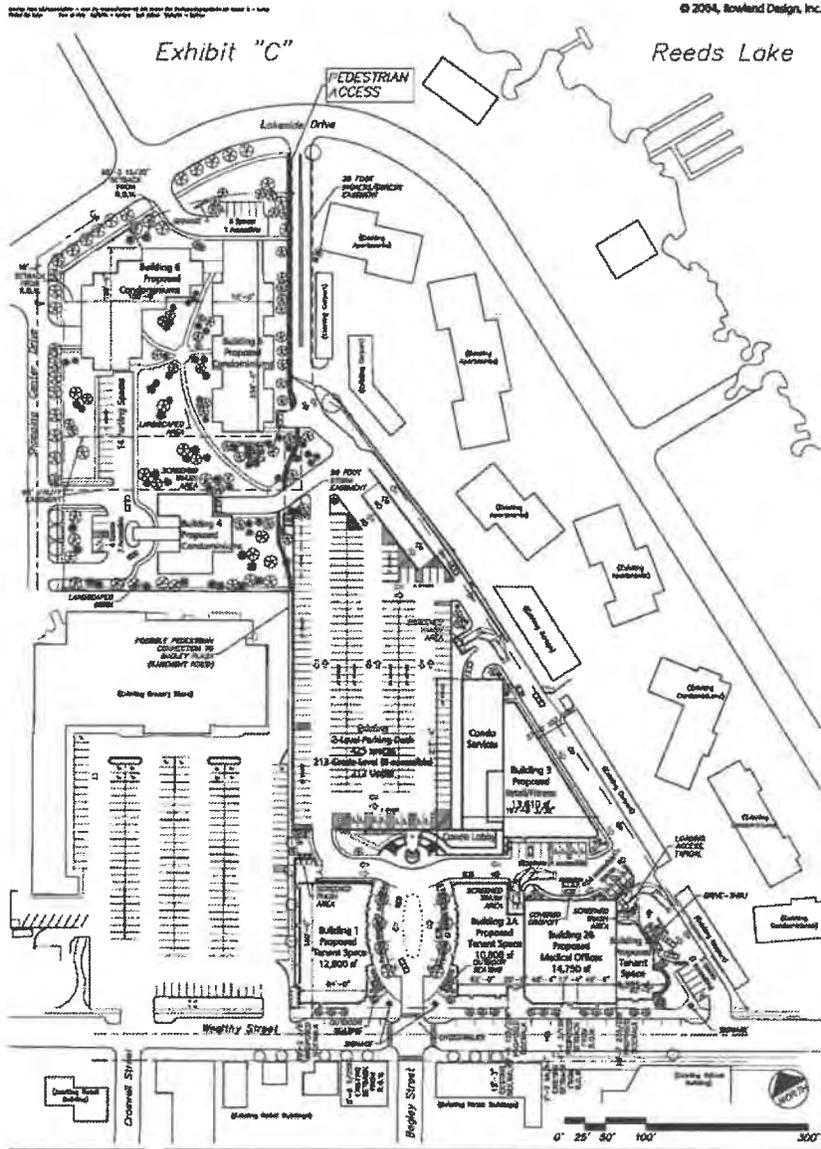
JADE PIG VENTURES

EAST GRAND RAPIDS - GASLIGHT REDEVELOPMENT

Planned Unit Development Proposal - Below Grade Level
September 7, 2004 Scale: 1" - 100' Page 1

EXHIBIT C

Pedestrian Easement



JADE PIG VENTURES
 EAST GRAND RAPIDS - GASLIGHT REDEVELOPMENT
 Planned Unit Development Proposal - Exhibit "C"
 October 4, 2004 Scale: 1" = 100'

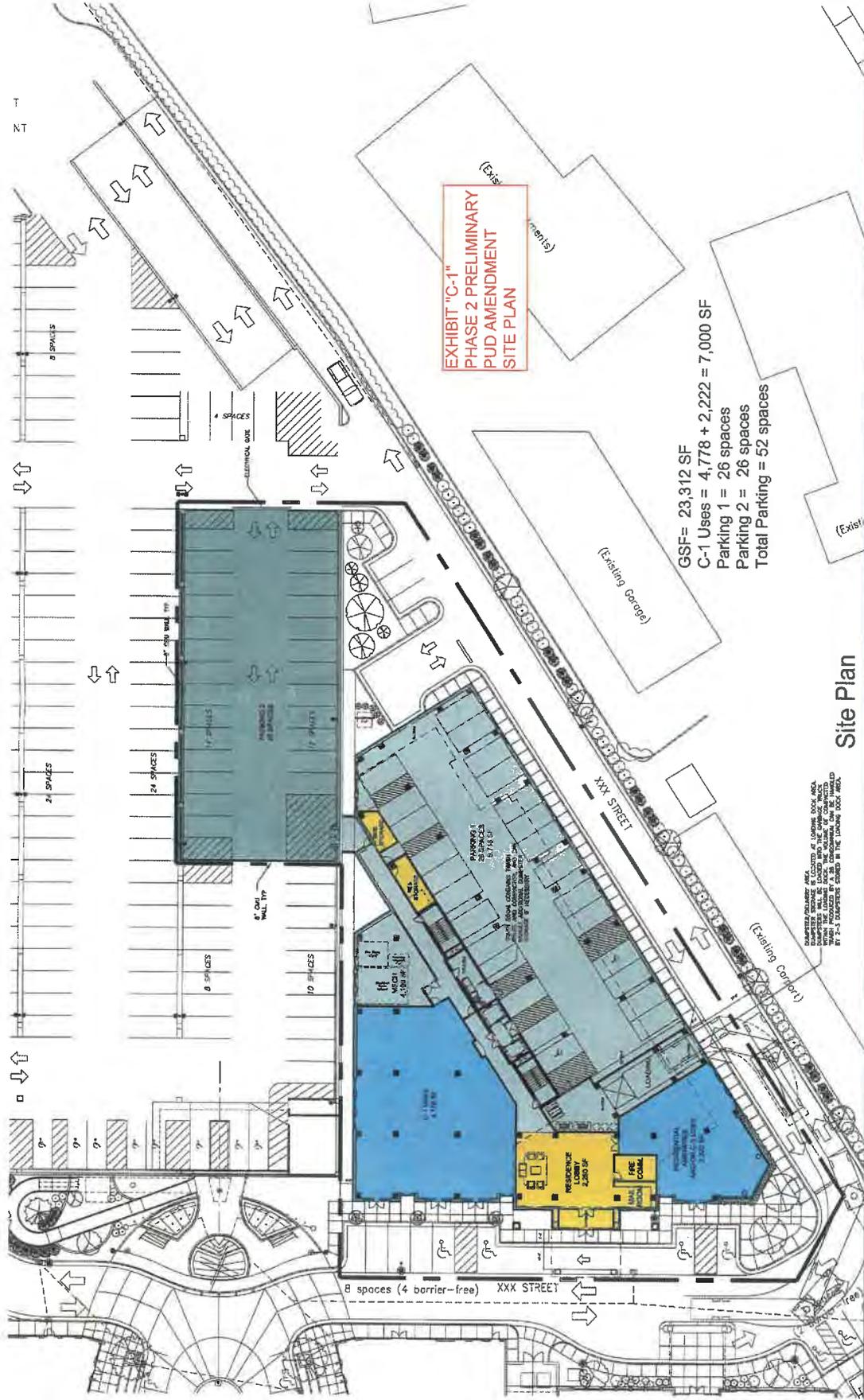


EXHIBIT "C-1"
 PHASE 2 PRELIMINARY
 PUD AMENDMENT
 SITE PLAN

GSF= 23,312 SF
 C-1 Uses = 4,778 + 2,222 = 7,000 SF
 Parking 1 = 26 spaces
 Parking 2 = 26 spaces
 Total Parking = 52 spaces

Site Plan

Jade Pig Ventures

Gaslight Development - The Derby
 East Grand Rapids, Michigan
Public Hearing
New Design Proposal

BUILT FORM
 ARCHITECTURE

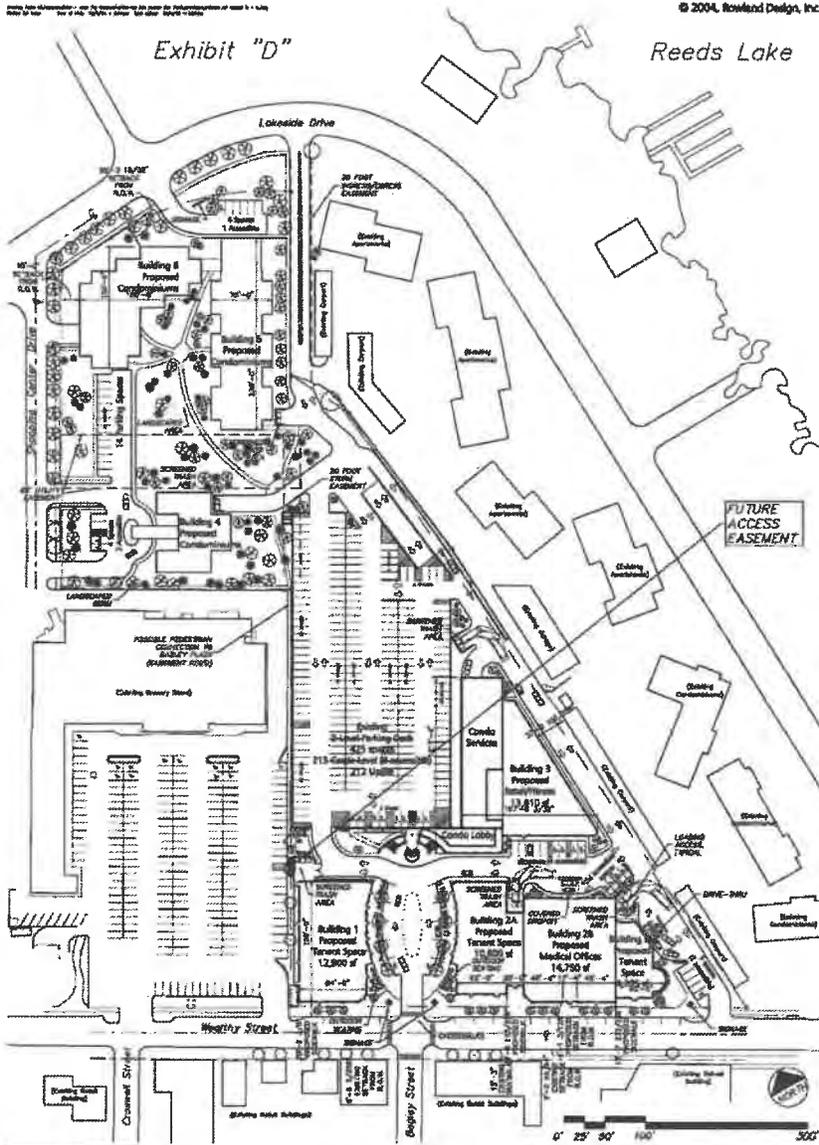
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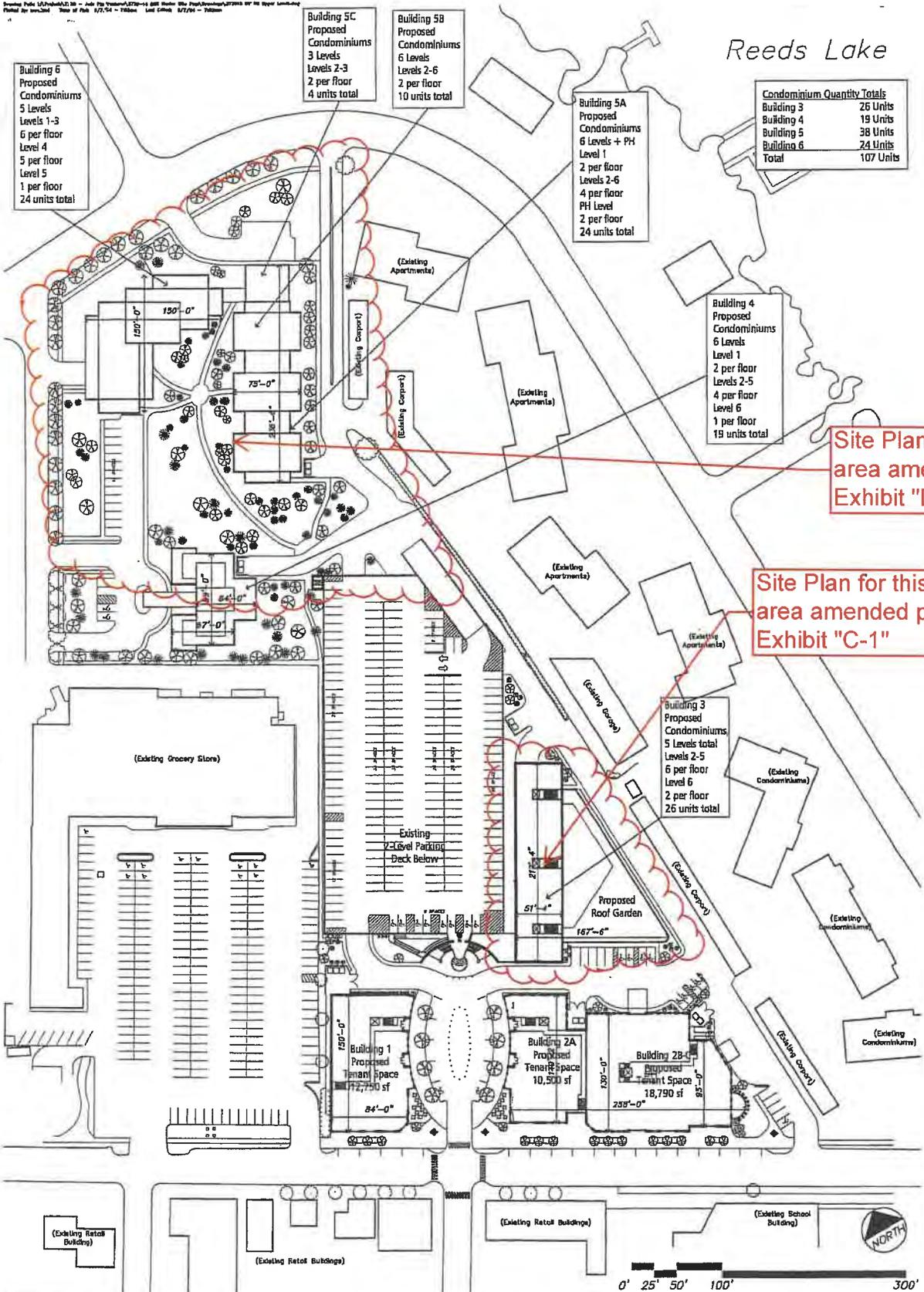
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EXHIBIT D

Access Easement



JADE PIG VENTURES
 EAST GRAND RAPIDS - GASLIGHT REDEVELOPMENT
 Planned Unit Development Proposal - Exhibit "D"
 October 4, 2004 Scale: 1" = 100'



Site Plan for this area amended per Exhibit "D-1"

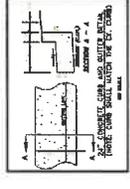
Site Plan for this area amended per Exhibit "C-1"



JADE PIG VENTURES
 EAST GRAND RAPIDS - GASLIGHT REDEVELOPMENT
 Planned Unit Development Proposal - Mid-Level Plan
 September 7, 2004 Scale: 1" = 100' Page 3

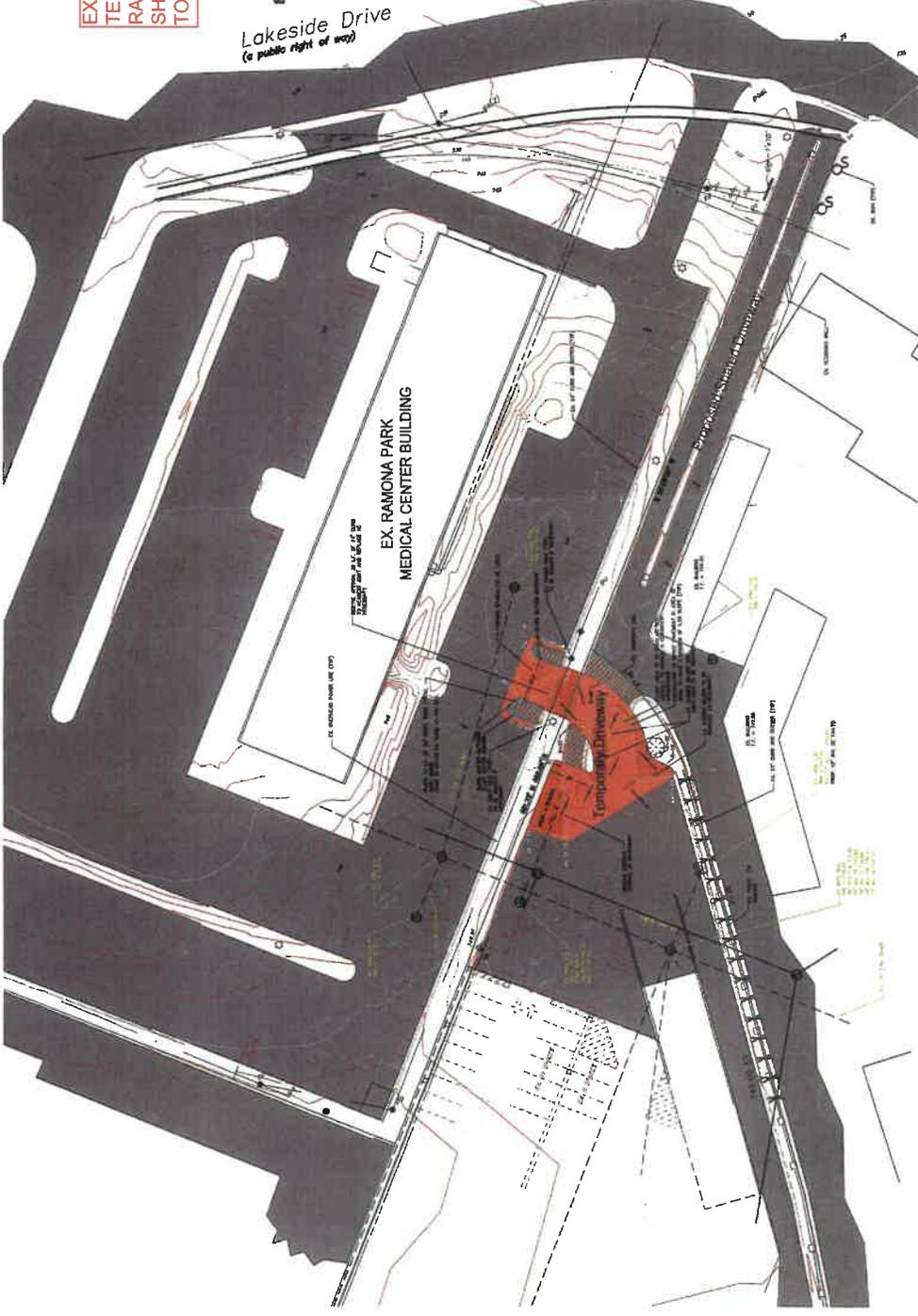


EXHIBIT "D-1"
TEMPORARY DRIVE THROUGH
RAMONA MEDICAL/PROPOSED
SHARED DRIVEWAY/ACCESS
TO LAKESIDE DRIVE



LEGEND

[Symbol]	EXIST. DRIVEWAY	[Symbol]	TO BE FINISHED AND REPAVED
[Symbol]	PROPOSED DRIVEWAY	[Symbol]	TO BE FINISHED AND REPAVED
[Symbol]	EXIST. DRIVEWAY TO BE FINISHED AND REPAVED	[Symbol]	TO BE FINISHED AND REPAVED
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[Symbol]	PROPOSED DRIVEWAY TO BE FINISHED AND REPAVED	[Symbol]	TO BE FINISHED AND REPAVED



Temporary Driveway to Ramona Medical Property and Proposed Shared Driveway

Gaslight Development - The Derby
 East Grand Rapids, Michigan
Public Hearing
New Design Proposal

Jade Pig Ventures

BUILT FORM
 ARCHITECTURE

12.11.2007

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EXHIBIT E

Medical office (Building 2B and 2nd floor Building 2C)	34,350 square feet
Bank or financial institution (1st floor Building 2C)	4,500 square feet
All C-1 permitted uses other than business or professional offices and ancillary group uses (1st floor Building 1 and Building 2A)	23,700 square feet
All C-1 permitted uses other than ancillary group uses including business or professional office (2nd floor Building 1 and Building 2A)	23,260 square feet
All C-1 permitted uses other than ancillary group uses including Fitness Center (1st floor Building 3)	13,610 square feet

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