

AGENDA
Cascade Charter Township Planning Commission
Monday, July 12, 2021
7:00 pm
2870 Jacksmith Ave

- ARTICLE 1.** **Call the meeting to order**
 Record the attendance
- ARTICLE 2.** **Pledge of Allegiance to the Flag**
- ARTICLE 3.** **Approve the current Agenda**
- ARTICLE 4.** **Disclose any Conflict of Interest**
- ARTICLE 5.** **Approve the Minutes of the June 21, 2021 Meeting**
- ARTICLE 6.** **Acknowledge visitors and those wishing to speak.**
(Comments are limited to five minutes per speaker)
- ARTICLE 7.** **Case #21-3644/Thornapple Pines LLC**
 Public Hearing
 Property Address: 7650 TimberBluff
 Requested Action: The applicant is requesting approval to add a lot (7650
 Timber Bluff) to the Timber Bluff private street. The public hearing is to
 consider exceptions to the private street regulations in order to
 accommodate the additional access to the private street.
- ARTICLE 8.** **Case #21-3640 Cascade Township**
 Public Hearing
 Requested Action: To amend the zoning ordinance to allow Temporary
 Outdoor uses as a use permitted by right and permitted by administrative
 site plan approval with certain criteria.
- ARTICLE 9.** **Review 2021 Work Plan**
- ARTICLE 11.** **Old Business**
- Barrier at Library property along south property line
 - Member list
 - Rules of Conduct
- ARTICLE 12.** **Any Other Business**
- ARTICLE 13.** **Adjournment**
- Meeting format**
- | | |
|---|---|
| <p>1. Staff Presentation</p> <p>2. Project presentation-</p> <p style="padding-left: 20px;">a. PUBLIC HEARINGS</p> <p style="padding-left: 40px;">i. Open Public Hearing.</p> <p style="padding-left: 40px;">ii. Close public hearing</p> <p>3. Commission discussion –</p> <p>4. Commission decision - Options</p> <p style="padding-left: 20px;">a. Table the decision</p> <p style="padding-left: 20px;">b. Deny</p> <p style="padding-left: 20px;">c. Approve</p> | <p><i>Staff report and recommendation</i></p> <p><i>Applicant presentation and explanation of project</i></p> <p><i>Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants</i></p> <p><i>May ask for clarification from applicant, staff or public</i></p> <p style="padding-left: 20px;">d. Approve with conditions</p> <p style="padding-left: 20px;">e. Recommendation to Township Board</p> |
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MINUTES
Cascade Charter Township
Planning Commission
Monday, June 21, 2021
7:00 P.M. Hybrid Meeting
2870 Jacksmith Ave SE

ARTICLE 1. Chairman Rissi called the meeting to order at 7:01 P.M.
Members Present: Katsma, Noordhoek, Rapin, Deering, Rissi, Moxley, Noordyke, Korstange, and Meurlin
Members Absent: None
Others Present: Director Steve Peterson, Planner Brian Hilbrands, and those listed on the sign-in sheet.

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Deering to approve the current Agenda. Supported by Member Noordyke. Motion carried 9 to 0.

ARTICLE 4. Approve the Minutes of the June 7, 2021 Meeting.

Motion was made by Member Katsma to approve the Minutes of June 7, 2021. Supported by Member Rapin. Motion carried 9 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

There were no comments made.

ARTICLE 6. Case #21-3637/Seely, Jason

Property Address: 4200 Cherry Lane

Requested Action: The applicant is requesting a special use permit to construct an accessory building larger than 832 square feet.

Planner Hilbrands stated that proposed building will be 24x51 feet, for a total of 1,224 square feet, and has a height of 14 feet tall measured to the midpoint of the roof. This height requires a setback of 10 feet to the side property line, and 25 feet to the rear property line. Planner Hilbrands stated that the applicant is showing a setback of 20 feet to the side, and 45 feet to the rear. The building will have to be at least 10 feet from the house, Planner Hilbrands stated the applicant is meeting this requirement as well.

Planner Hilbrands states that the property is under 3 acres in size, so the applicant is allowed to have one accessory building; this will be that one accessory building. The applicant has indicated they plan to use the building for storage for vehicles and a boat, and will have metal roofing and siding. Planner Hilbrands stated this is normal for agricultural areas of the Township.

Planner Hilbrands stated that the applicant appears to meet standards for an accessory building, so Staff is recommending approval of the special use permit with the two conditions listed in the Staff report. Those conditions are that the building is not to be used for living space or to run a business out of, and that any outdoor lighting meet Township regulations.

Member Meurlin asked why there is a special condition for lighting if there are lighting requirements in the general provisions of the zoning ordinances that already need to be met. Planner Hilbrands stated that residential lighting needs to be shielded and downcast, so that condition is included to help make sure the applicant is aware of these requirements. Member Meurlin states his concern should this be left out as a condition for an accessory building approval in the future. Chairman Rissi stated that this condition has always been listed while approving an accessory building for as long as he has been on the Commission.

Member Meurlin asked if applicants are subject to all provisions in the zoning ordinance. Director Peterson stated that yes, applicants are subject to all provisions in the zoning ordinance, and that these conditions are something the Planning Commission has asked for in the past to help people better understand what the rules are.

Member Meurlin asked if these two conditions are more important than the rest of the ordinance. Director Peterson stated that these two conditions are addressed the most. Member Meurlin stated that he believes the language used during an approval should be modified.

Member Noordyke stated that there was a Chairman in the past that wanted these two conditions to be stated, and agrees that language used for approvals can be modified.

Chairman Rissi stated that before anything is changed, he believes legal counsel should be consulted.

Member Noordyke asked if Staff can consult legal counsel before the next meeting with recommended language to review. Chairman Rissi agreed with this, Staff will consult legal counsel.

Member Deering asked if there has been any public comment received by Staff. Planner Hilbrands states there has been none.

Chairman Rissi asked if Staff is aware of where septic is on this site, and if it will conflict with where the building will be built. Planner Hilbrands stated he is not aware of where septic is located, but while looking at aerial images of this site, it appears there was previously a building in/near the same spot. Although that does not definitively mean that septic is not there, Planner Hilbrands does not believe it to be in the location proposed for the accessory building. Member Noordyke asked that septic location be provided as available in the future, Chairman Rissi agrees this would be helpful.

Member Moxley stated that he would like to see a better detailed plan than what was provided by this applicant as it appears hand drawn with very few specifications.

Motion was made by Member Moxley to open public hearing. Supported by Member Meurlin. Motion carried 9 to 0.

There was no public comment.

Motion was made by Member Meurlin to close public hearing. Supported by Member Katsma. Motion carried 9 to 0.

Motion was made by Member Noordyke to approve Case # 21-3637 as submitted by the applicant with the two conditions recommended by Staff. Supported by Member Deering. Motion carried 9 to 0.

ARTICLE 7. Case #21-3638/Davis Flia Construction

Property Address: 6541 60th St SE

Requested Action: The applicant is requesting a special use permit to construct an accessory building larger than 832 square feet.

Planner Hilbrands stated that this building will be 40 feet by 100 feet, for a total of 4,000 square feet, with a height of 16 ½ feet shown. Planner Hilbrands stated that when he was measuring the plans, the building looked like it might be closer to 18 feet at the midpoint, however both of those heights require the same setback of 40 feet to both the side and rear property lines. Planner Hilbrands stated that the applicant shows a setback of over 300 feet to the nearest side property line, and even further to the rear property line. The building will need to be at least 10 feet from any existing building, and there is 12 foot setback shown to the nearest accessory building.

The property is over 6 acres in size, so they are allowed to have three accessory buildings, Planner Hilbrands stated this will be the second building on the property. The applicant has stated they plan to use the building for storage of recreational vehicles and a boat, as well as space to maintain them. Planner Hilbrands stated that the building is normal in appearance for the area, and although the size of the building is larger than what is typically seen, the size of the parcel is also larger than average (over 14 acres in size in an agricultural area).

Planner Hilbrands stated that the applicant appears to meet all standards for an accessory building, so Staff is recommending approval of the special use permit with the conditions that the building is not used for living space or to run a business, and that all outdoor lighting meets Township regulations.

Member Meurlin asked if this property is going to be developed as the applicant is a construction company. Planner Hilbrands stated that he has not been made aware of plans for the property to be developed. Member Meurlin asked if the property becomes developed in the future, will the accessory building then become non-conforming. Planner Hilbrands stated that the parcel will have to remain with a home on it as there cannot be an accessory building on a parcel without a home. The property can be split to create other parcels if desired.

Member Moxley asked if the new building will be immediately adjacent to the existing storage building. Planner Hilbrands stated that it will be 12 feet behind it.

Chairman Rissi invited the applicant to comment.

Mr. Juan Davis stated that he would like to change the height of the midpoint measurement, Chairman Rissi asked Staff for clarification of this request. Planner Hilbrands stated that midpoint height can be up to 22' with a 60 foot setback to the side and rear, Mr. Davis states that he would like to ask for a 22' midpoint height approval.

Motion was made by Member Meurlin to open public hearing. Supported by Member Rapin. Motion carried 9 to 0.

There was no public comment.

Chairman Rissi asked is Staff received any comments about this case, Staff stated that they did not.

Motion was made by Member Meurlin to close public hearing. Supported by Member Rapin. Motion carried 9 to 0.

Member Deering stated that the original application proposes the new building to be 6 feet from the existing accessory building, and would like to know if that is correct, or if it will be 12 feet as discussed during this hearing. Planner Hilbrands stated that it will be twelve feet from the existing accessory building, and has been noted on a revised site plan.

Motion was made by Member Rapin to approve the special use permit for Case #21-3638 with the conditions listed by Staff, adding the observation that the height has been adjusted from the original plan, and the setback on the application from the existing accessory building has been changed to 12 feet. Motion supported by Member Moxley. Motion carried 9 to 0.

ARTICLE 8. Old Business
Burton Pathway Update

Director Peterson stated that the project is still moving forward, and asked if any Members have questions about the Memo that was provided to them.

Member Meurlin asked if the increase in cost is now one million dollars more than the estimate given at the time of the millage. Director Peterson stated that is what the report says. Member Meurlin asked if the Township is obligated to spend that money if it takes away from other pathway projects. Director Peterson stated that would be a question for the Township Board.

Member Korstange asked what the Township Infrastructure Committee is. Director Peterson stated that it is a subcommittee of Board Members that work on different infrastructures throughout the Township. Member Korstange asked who sits on that

Board. Director Peterson stated Supervisor Lesperance, Tom McDonald, and John Shipley are on that committee. Member Korstange asked who they report to since there are no agendas or meeting minutes on the Township website. Director Peterson stated they are a subcommittee of the Township Board.

Member Meurlin stated that he believes all committee meetings are subject to the Open Meetings Act.

Member Moxley asked if there are any options other than building the required retaining wall discussed in Item 3 of the Memo. Director Peterson stated either the retaining wall is built, or an easement is obtained from the property owner who does not want any grading done on his property. Member Moxley asked if there is any other legal recourse. Director Peterson stated the Board could try to take the property from him, however this is not something the Township typically pursues.

Member Meurlin asked if there was a watermain that was included with this project. Director Peterson stated that the engineers did look at that early on in the process and dismissed it as something that was not feasible.

ARTICLE 9. Any Other Business

Member Noordyke made a request to staff to get Cascade emails for all of the planning commissioners. Director Peterson stated that he did make the Township Manager aware of that request after the last Planning Commission meeting.

Member Noordyke requested if the planning commissioners could get some kind of ID that identified themselves as planning commissioners on site visits. Director Peterson stated that the Township has used name badges, so that shouldn't be a problem.

Member Meurlin asked if planning commissioners have a right to walk onto an applicant's property once an application has been submitted to the planning commission. Director Peterson stated that the Township's previous attorney had the opinion that the applicant is submitting the right for the Township to inspect the property.

Member Noordyke proposed that the planning commission form a committee to review the Roundhill project and the events, permits and enforcement actions, and layout what happened with that project. The committee would then provide a report to the Planning Commission.

Member Meurlin stated that went to view the Roundhill site from the north and he believes that the developer has created a very dangerous condition with excavation creating a very steep slope.

Discussion was held regarding the steep slope and if it is a safety hazard.

Member Noordyke suggested that we ask the building and grounds crew to put up a barrier or caution tape on Township property at the top of the slope. Director Peterson stated that he will ask the Township Manager if that is something that he wants to do.

Member Rapin asked for clarification on what the purpose of the committee would be.

Member Noordyke stated that it would be to have one consolidated report of all the events that have taken place with the Roundhill project.

Member Rapin stated that he is not sure what a committee would achieve that a simple list of questions to the staff would not achieve.

Motion was made by Member Noordyke to form a committee of the Planning Commission to review all facts, timelines, and anything else that is relevant, to the Roundhill project from its inception of a development, and report back to the Planning Commission its findings. The committee would include members Meurlin, Noordhoek and Rissi, with Noordyke being an alternate for Rissi. The committee will give a report to the Planning Commission by the end of the calendar year. Supported by Member Deering.

Member Noordyke amends the motion to include Member Moxley on the committee, and to also include that every 60 days the committee will provide a progress report to the Planning Commission. Supported by Member Deering.

Motion carried 8 to 1.

Member Meurlin requested that the Planning Commission contact the Township attorney regarding the rules of conduct, and how the rules are presented to the Planning Commission. Chairman Rissi stated that Supervisor Lesperence has asked legal counsel to take a look at the rules of conduct, so that has been started already.

Member Meurlin requested that the commissioners develop a list of questions and issues that each of them have regarding the rules of conduct, and bring them to the next meeting. He suggested that the commissioners determine how they feel on a variety of policies, such as how risk averse they are and how tolerable they are on conflicts of interest.

Discussion was held regarding how questions would be developed.

Member Korstange asked if there could be an item on the agenda where commissioners would reveal if they have any potential conflicts of interest with any agenda items.

Chairman Rissi suggested that member Meurlin come up with a template of questions first, and then the Planning Commission can have a discussion about the template and go from there. Member Meurlin will send the template to Chairman Rissi a week and a half before the meeting, and Chairman Rissi will then forward it to the rest of the commissioners to review and develop their own questions.

Member Moxley requested that staff send out an updated Planning Commission roster with contact information.

Member Meurlin stated that he believes there are a number of fundamental flaws in the McKenna proposal for the strategic plan. He stated that the leadership of the strategic plan must be broadly shared and it cannot be viewed as just a Township Board and staff initiative. There should be a leadership group that includes members from each board and committee, led by a Trustee. Member Meurlin requested that Trustee Noordhoek bring these concerns to the Township Board.

Member Meurlin stated that there is currently not an automatic door opener at the new Township Hall building.

Member Korstange requested if staff can put together an orientation packet for new members, or if they can come up with a list of items for orientation. Director Peterson stated that he will look into that, and that there are also orientation opportunities provided by the state that are passed on to commissioners.

Chairman Rissi requested to review the 2021 work plan at the next meeting.

ARTICLE 10. Adjournment

Motion was made by Member Meurlin to adjourn. Supported by Member Noordyke. Motion carried 9 to 0. The meeting was adjourned at 9:14 p.m.

Respectfully submitted,
Brett Katsma, Secretary

STAFF REPORT

STAFF REPORT: Case #21-3644
REPORT DATE: July 1, 2021
PREPARED FOR: Cascade Charter Township Planning Commission
MEETING DATE: July 12, 2021
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
Thornapple Pines Holdings LLC
660 Ada Dr
Ada MI 49301

STATUS
OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting an exception from the Private Street regulations for Tannenbaum Dr in order to allow 7650 Timber bluff Dr to be added to the private street for access.

EXISTING ZONING OF
SUBJECT PARCEL(S): R1, Residential

GENERAL LOCATION: Timber bluff is located on the west side of Buttrick about 1/2 mile north of Bolt Dr

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: Residential

ZONING ON
ADJOINING PARCELS: R1

STAFF COMMENTS:

1. Timber Bluff Dr was created in the late 70's. Most of the road meets our private road design standards with the exception of the most southern portion, about the last 200 feet.
2. This case comes before you now because of a lot split that was done in in 1996. At that time, 7670 Timber Bluff was allowed to be split to create a small 3 acre

parcel (7670 Timberbluff) and the remaining property (now 7650 Timberbluff) was to be added to the adjacent parcel.

3. Because the owner at the time did not do the combination, 7670 Timberbluff does not have access to the existing Timber Bluff private road easement. This results in the addition of a lot to the non-conforming road.
4. Timber bluff is considered non-conforming for a few reasons. The deficiencies with the road are at the southern end of the road. The road was inspected on June 15 and we found the following deficiencies
 - a. Width of the easement. less than 66 feet
 - b. Lack of a turnaround at the end of the road
 - c. Road width – less than 18 feet
 - d. Shoulders - none
 - e. Grade. Higher than 6%
 - f. Maintenance agreement (they have one but it does not include the required disclosure statement).

With the exception of the maintenance agreement the issues with the road are with the last 200 feet at the southern end of the road where it extends beyond the cul-de-sac.

5. Timber bluff currently serves 14 parcels up to the original end of the road and another two (2301 Buttrick and 7670 Timberbluff) for a total of 16 parcels. Adding the requested parcel (7650 Timberbluff) would bring it to 17 parcels. 19 parcels is the limit for dead end private streets.
6. Existing non-conforming Private roads are required to be brought up to current standards when one of the following occurs:
 - a. One or more lots are added to an existing nonconforming private street.
 - b. The division or splitting of a lot occurs on an existing nonconforming private street.
 - c. The addition of an extension, addition or branch to or from an existing nonconforming private street.
7. The Fire Chief has reviewed the plans and has provided a recommendation.
8. The standards for approval for an exception of the private road ordinance are listed as follows:
 - a. For situations involving existing non-conforming private roads the Township Board may grant Design Modifications, should they determine that the design requirements and standards deny the property owner reasonable use of his property. Should the Township Board grant design modifications, they may impose

reasonable conditions onto the affected property and private street which protect the public health, safety and general welfare of all township residents.

9. The Township Board has granted several exceptions over the years, and usually attaches some conditions requiring improvements to a non-conforming road. I would summarize the cases where improvements were required to be where public safety was impacted. While we have only had a dozen of these requests, we only found one case where no improvements were required.
10. The applicant is not offering any upgrades.
11. The applicant has indicated that they have no plans to build on or develop the property at this time.
12. The process for a private road exception is much like a Type II special use permit that requires a public hearing in front of the Planning Commission who makes a recommendation to the Township Board for their final consideration.
13. Staff recommends approval of the private street exception based on the memo from the Fire Chief with the following conditions:
 - a. Provide a recorded deed restriction that requires the property owner to upgrade the road or request another exception before the property can be built on or split.
 - b. The deed restriction must be approved by the township prior to it being recorded.

Attachments: Application
 Site Plans
 Private Street Ordinance
 Fire Chief memo



BUTTRICK AVE

THORNTON AVE

TIMBER BLUFF DR

JONATHAN WOODS DR

TIMBER BLUFF DR

HEATSIDE DR

7650 Timber Bluff

AUTUMN WOODS DR

ASHWOOD DR

TIMBER POINT DR

OK DR

CASCADE SPRINGS DR

RIVER LN

DEER HAVEN



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Thornapple Pines Holdings, LLC
 Address: 660 Ada Dr
 City & Zip Code Ada MI 49301
 Telephone: 588-5307
 Email Address: kdonelson@mensacap.com

OWNER: * (If different from Applicant)
 Name: _____
 Address: _____
 City & Zip Code: _____
 Telephone: _____
 Email Address: _____

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. – Rezoning *
<input type="checkbox"/> P.U.D. – Site Condominium *	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Site Plan Review *	<input type="checkbox"/> Sign Variance
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Subdivision Plat Review *
<input type="checkbox"/> Zoning Variance	<input checked="" type="checkbox"/> Other: <u>Private Road Exception</u>

** Requires an initial submission of 5 copies of the completed site plan*

BRIEFLY DESCRIBE YOUR REQUEST:**

See attached narrative.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

E 1/2 W 1/2 SW 1/4 NE 1/4 EX N 415 FT * SEC 10 T6N R10W 6.99 A.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 10-251-003

ADDRESS OF PROPERTY: 7650 Timber Bluff DR SE

PRESENT USE OF THE PROPERTY: Vacant

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR
EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

David Smith

McShane & Bowie, PLC

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

Owner – Print or Type Name
(*If different from Applicant)

Katie Donelson
Applicant – Print or Type Name

* _____
Owner’s Signature & Date
(*If different from Applicant)


Applicant’s Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

June 10, 2021

Planning & Zoning Application Narrative

This is an Application by Thornapple Pines Holdings, LLC (TPH) under Section I of the Township's Private Street Ordinance of 2002 as amended by Ordinance No. 9 of 2003. Section I authorizes the Township Board to grant Design Modifications for private streets if the Board determines that the design requirements and standards deny the property owner reasonable use of its property. The issue presented is whether Parcel I Remainder (defined below) is entitled to vehicular access by virtue of easements for a Private Street and Access Drive established in a 1979 recorded document. If the Township requires that a Private Street and Access Drive established by the 1979 document must meet current Design Modifications, then a portion of TPH's Property will be landlocked and the property owner will be denied reasonable use of its property. Alternatively, if the Township Board approves, then vehicular access will be assured to a portion of TPH's Property.

Attached please find the following:

- Restrictive Covenants and Easements (RCE) recorded August 24, 1979 in Liber 2308, Page 942.
- Historical tax description map showing Parcel H and Parcel I (as subsequently split into the north 415 feet and the south 915 feet).
- Township August 20, 1996 letter approving the lot split.
- Survey showing existing Easement.
- Aerial Photograph [or sketch] showing proposed private driveway.
- Photographs of Timber Bluff Drive, a private street.

TPH owns property at 7650 Timber Bluff ("Parcel I Remainder") as well as adjacent 2301 Buttrick ("Parcel H") and 2210 Cascade Springs as shown on the enclosed map. Nan Van Andel, the owner of TPH, acquired Parcel I Remainder via Warranty Deed in September 1996. The acquisition involved a lot split by which original Parcel I (10 acres) was split into 3 and 7 acre lots. The 7 acre lot is Parcel I Remainder. The split was approved by Cascade Township. The lot split approval allowed (but did not require) the combination of Parcel H and Parcel I Remainder. Parcel H and Parcel I Remainder were never combined and have been maintained as separate tax parcels for 25 years. All of the properties owned by TPH mentioned above have been maintained as vacant property and have been taxed as separate parcels. TPH in the process of a sale of these properties and therefore seeks to confirm Township approval of access to Parcel H and the right to construct a Private Drive via Parcel H to Parcel I Remainder without meeting the requirements of the Private Street Ordinance.

Timber Bluff Drive was constructed in the 1970's and has existed as a valid "non-conforming" street since the Private Road Ordinance was adopted in 2002. Access to Parcels H and I was created by the 1979 RCE which established a private street (Timber Bluff) and a 20 foot access drive from the Timber Bluff cul-de-sac to the north edge of Parcel H to benefit those parcels.

While the Township's Planning Department agrees that Timber Bluff Drive and the Access Drive are valid non-conforming streets under Subsection G of the Private Road Ordinance, and that permits vehicular access to Parcel H, the Township's position is that permitting vehicular access to Parcel I Remainder constitutes either (i) one or more lots being added to an existing non-conforming private street (Exception #1 of Subsection G), or (ii) an addition, extension addition or branch of a non-conforming street (Exemption #3 of Subsection G).

The implication of the Township's position is that both Timber Bluff Drive and the Access Drive would need to meet the Township's Design requirements for private streets and that is impossible to accomplish.

The Applicant's position is that the extension of a Private Driveway across Parcel H to provide access to Parcel I Remainder is not (i) extending access to a "new lot" being added to an existing non-conforming street, nor (ii) an extension or addition to either Timber Bluff Drive or the Access Drive. The Applicant's position is valid as (i) the Private Street and Access Drive are valid non-conforming created before the Private Street Ordinance, and (ii) Parcel I Remainder was created in 1996, well before the Private Street Ordinance.

Timber Bluff Drive, as noted in the RCE, is a 66' right-of-way which is compliant with the first General Standard of the Ordinance. The street is 24 feet wide and is made of bituminous material, meeting standards 2 and 3 of the Ordinance, but note that there is no gravel shoulder as required in standard 3. There is a 10 foot clearing on both sides of the street and a contoured curb in compliance with standards 4 and 5 of the Ordinance. In summary, Timber Bluff Drive is a road which meets nearly all of the standards required in the Private Street Ordinance and has been well maintained for many years. The Access Drive connecting Timber Bluff Drive to Parcel H is a 20 foot easement that could not meet the standards of the Ordinance. It currently includes a private street for a portion of its length that serves property to the east.

Applicant requests that the Township confirm that Timber Bluff Drive, a private street, and the Access Drive extending to Parcel H may be used for vehicular access to Parcel H and to Parcel I Remainder without meeting the Township's design requirements for private streets provided that before the issuance of an occupancy permit for a residence constructed on either or both Parcel H or Parcel I Remainder, the owners of Parcel H and Parcel I shall enter into a maintenance agreement of the Access Drive and driveway servicing Parcel I Remainder.

In granting such approval it is requested that the Township confirm that (i) no changes/upgrades will be required to the existing Timber Bluff Drive or the 20 foot wide Access Drive nor the existing private streets built in those easements; and (ii) the Township's approval shall be appended to a recordable instrument that will be recorded in the office of Kent County, Michigan Register of Deeds such that Applicant or any future owner of Parcel H and/or Parcel I Remainder shall benefit therefrom.

Legal Descriptions

Parcel H

That part of the Northeast 1/4, Section 10, Town 6 North, Range 10 West, described as: Beginning at a point on the North-South 1/4 line of said Section, which is South 00 degrees 17 minutes 29 seconds West 1330.68 feet from the North 1/4 corner of said Section; thence North 89 degrees 28 minutes 15 seconds East 332.43 feet along the North line of the Southwest 1/4 of said Northeast 1/4; thence South 00 degrees 14 minutes 32 seconds West 1330.40 feet; thence South 89 degrees 25 minutes 30 seconds West 333.57 feet along the South line of said Northeast 1/4 to the center of said Section 10; thence North 00 degrees 17 minutes 29 seconds East 1330.68 feet along the North-South 1/4 line to the place of beginning; EXCEPTING from the above described description the following described parcel: That part of the Northeast 1/4, Section 10, Town 6 North, Range 10 West, described as: Beginning at the center of Section 10; thence North 00 degrees 16 minutes 51 seconds East 610.00 feet along the West line of said Northeast 1/4; thence South 43 degrees 39 minutes 57 seconds East 144.08 feet; thence South 00 degrees 16 minutes 51 seconds West 504.77 feet; thence South 89 degrees 25 minutes 30 seconds West 100.00 feet along the South line of said Northeast 1/4, Section 10, to the place of beginning.

Together with non-exclusive easement(s) for ingress and egress as created, limited and defined by Restrictive Covenants and Easements recorded in Liber 2308, page 942 and Agreement to Extend Restrictive Covenants recorded in Instrument No. 20040803-0106437.

Parcel I Remainder

That part of the Northeast 1/4 of Section 10, Town 6 North, Range 10 West, described as: Commencing at the North 1/4 corner of said Section; thence South 00 degrees 17 minutes 29 seconds West 1330.68 feet along the North-South 1/4 line; thence North 89 degrees 28 minutes 15 seconds East 664.86 feet along the North line of the Southwest 1/4 of said Northeast 1/4; thence South 00 degrees 11 minutes 35 seconds West 415.00 feet along the East line of the West 1/2 of the Southwest 1/4 of said Northeast 1/4 to the place of beginning of this description; thence South 00 degrees 11 minutes 35 seconds West 915.11 feet along said East line; thence South 89 degrees 25 minutes 30 seconds West 333.58 feet along the South line of said Northeast 1/4; thence North 00 degrees 14 minutes 32 seconds East 915.40 feet along the West line of the East 1/2 of the West 1/2 of the Southwest 1/4 of said Northeast 1/4; thence North 89 degrees 28 minutes 15 seconds East 332.79 feet to the place of beginning

Together with non-exclusive easement(s) for ingress and egress as created, limited and defined by Restrictive Covenants and Easements recorded in Liber 2308, Page 942 and Agreement to Extend Restrictive Covenants recorded in Instrument No. 20040803-0106437.

DLS-dft
8/22/79

LINE 2308 PAGE 342

RESTRICTIVE COVENANTS AND EASEMENTS

TIMBER BLUFF ASSOCIATES, a Michigan co-partnership consisting of Steven A. Zdon and John C. Carlyle of 6770 - 28th St. S. E., Grand Rapids, Michigan (herein "Owner") is the owner of certain lands located in the Township of Cascade, County of Kent, State of Michigan, consisting of Parcels A through I, more specifically designated and described on Exhibit A attached hereto and incorporated herein (herein referred to collectively as the "Real Estate" and each such parcel is referred to as a "Parcel" or "parcels"). Owner desires to impose building and other restrictions, easements and other provisions upon the Real Estate as herein contained for the benefit of the Real Estate.

NOW, THEREFORE, Owner hereby imposes and establishes upon the Real Estate the following building and other restrictions, easements and other provisions as hereinafter set forth.

1. Architectural Committee. An Architectural Committee is hereby established which shall initially be composed of three (3) members appointed by Owner and shall continue to be composed of three (3) members appointed by Owner so long as Owner shall own any Parcel or part thereof, or until such earlier date as Owner shall record in the office of the Kent County Register of Deeds an instrument terminating its right to appoint the members of the Architectural Committee. Thereafter, any Parcel Owner, by written notice given by regular mail addressed to each other Parcel Owner at their regular post office address at least fifteen (15) days in advance, may call a meeting of the Parcel Owners for the purpose of selecting an Architectural Committee of three (3) persons from the Parcel Owners. The persons present at such meeting, in person or by proxy, shall constitute a quorum for the transaction of business even though there are less than a majority of the total number of such owners. Each Parcel Owner shall have one (1) vote for each member of the Committee and such member shall be elected by a majority vote of the votes cast in such election. The votes may be cast in person or by proxy. As used in this Agreement, the term "Parcel Owner" shall refer to the record owner of each of the Parcels. If any Parcel shall be owned by more than one person or entity, notice shall be given to all such owners of record, but (i) only one of such owners of record may vote at any such meeting (and such voting owner is referred to as the "Parcel Owner"), and (ii) if such owners of record shall fail to advise Owner which person or entity is the Parcel Owner, then such person or entity with the first recorded interest in the Parcel shall be the Parcel Owner.

The Committee's approval or disapproval as required in the covenants set forth herein shall be rendered in writing. In the event the Committee or its designated representative fails to approve, disapprove, or request additional information, within ninety (90) days after plans and specifications or any such request has been submitted to it, or fails to act within ninety (90) days after receipt of additional information requested, or, in any event, if suit to enjoin the construction is not commenced prior to the completion of such construction, then the Architectural Committee's approval will not be required and the restrictive covenants shall be deemed to have been fully satisfied.

2. Construction and Use. Except upon the prior written approval of the Architectural Committee, no building or structure shall be erected, placed, altered, or permitted to remain on any portion of the Real Estate except in accordance with the following:

STATE OF MICHIGAN
COUNTY OF KENT
REG. OF DEEDS
AUG 24 9 52 AM '79
D. J. [Signature]
REG. OF DEEDS

(a) Only single-family residential dwellings with attached garages or carports shall be constructed, together with appurtenant non-dwelling structures such as storage buildings, utility buildings approved by the Architectural Committee.

(b) All garages or carports shall be attached to the dwelling either directly or by means of a breezeway or other roofed structure. Any such garage shall have a minimum capacity of two and one-half (2-1/2) full sized American automobiles.

(c) Minimum Lot Size. No dwelling or structure shall be constructed on any building site within the Real Estate containing less than 2.4 acres of land. No Parcel shall be subdivided as defined in Michigan Compiled Laws Annotated 560.01 et seq. until July 1, 1989, provided, however, that Owner, or either of the partners of Owner if it or they shall become the owners of record of Parcel A and/or Parcel G, may, at their option, subdivide said Parcels A and/or G into separate parcels as divided by the Road Easement hereinafter described.

(d) Lot Line Setbacks. No dwelling, garage, or other structure shall be erected, placed, altered, or permitted to remain (i) closer than 75 feet to the Front Parcel Line, (ii) closer than 50 feet to either Side Parcel Line at any point, except that with respect to parcels contiguous to the Thornapple River, this limit shall be 30 feet, nor (iii) closer than 50 feet to the Rear Parcel Line at any point. The Front Parcel Line on Parcels contiguous to the Thornapple River shall be defined as that side of any such parcel which is contiguous to the Road Easement, or, as to Parcels H and I, the north lines of such parcels. The Front Parcel line of all other Parcels shall be the boundary line contiguous to the Road Easement.

(e) Minimum Floor Area. Every one-story dwelling shall have a ground floor area of not less than 2,000 square feet. Every split-level one and one-half, or two-story dwelling shall have a finished living area of not less than 2,600 square feet. These minimum areas shall exclude open porches, breezeways, and similar areas, garages, basements, and attics.

(f) Construction Materials. Every building shall be constructed only of brick, stone, or frame construction, or any combination thereof or of any other material approved by the Architectural Committee. No roll roofing material shall be exposed. No exposed concrete or concrete blocks or similar materials may be used in any building except in the foundations. The exterior of all dwellings must be completed within nine (9) months from the time ground is first broken for construction.

(g) Workmanship. All buildings constructed and all alterations or repairs thereto shall be of first-class quality workmanship and materials, and harmonious construction and design, both internally and externally.

(h) Prohibited Structures. No prefabricated, preconstructed, temporary, mobile, modular or incomplete structure, other than a permitted dwelling or garage in the process of completion, shall be constructed, erected, placed, or permitted to remain on any of the said Real Estate. Any out-building or accessory must be approved by the Architectural Committee.

(i) Commencement and Completion of Construction. Each Parcel Owner agrees, by the acceptance of a deed or land contract from Owner to commence construction of a residential dwelling upon said Parcel in conformity with these restrictions within eighteen (18) months from the date of execution and delivery of said deed or land contract, except where such Parcel Owner shall own other contiguous portions of the Real Estate on

which there shall have been constructed a residential dwelling, in which case such requirement shall not apply. In the event said construction shall not commence during the eighteen (18) month period, then the Owner shall have the option to repurchase said real estate at any time within one (1) year from the date of expiration of the eighteen (18) month period, if such construction has not begun prior to notice of exercise, by payment to the Parcel Owner of the full amount of principal purchase price paid by such Parcel Owner to Owner for said property. This option to repurchase shall be exercised by written notice to the Parcel Owner or his successor in interest, in which event the transaction shall be closed within ten (10) days from the date of delivery of said notice, and at the closing the Owner shall pay the appropriate purchase price, and the Parcel Owner or his successor in interest shall deliver the proper warranty deed. All construction of dwellings, garages or other structures shall be completed on or before the first (1st) anniversary of the date of issuance of building permit.

(j) Architectural Control. No building or other structure shall be erected, placed, altered, or repaired on said Real Estate until the construction plans and specifications and a site plan have been approved by the Architectural Committee which shall consider the following: quality of workmanship and materials, harmony of external design with existing structures, location with respect to topography, finished grade elevations, and compliance with the restrictions enumerated herein.

3. Restrictions. The Real Estate shall be subject to the following restrictions and requirements, provided, however, that the Architectural Committee may, by written approval, waive any of such restrictions and requirements:

(a) Single-Family Residential Purpose. The Real Estate shall be used only for single-family residential purposes and for the private storage of automobiles in connection therewith.

(b) Occupancy. No incomplete dwelling, basement, garage, structure, trailer, tent, or temporary structure shall be used as a residence, either temporarily or permanently; and no dwelling shall be used as a residence either temporarily or permanently unless and until the same shall have been connected to an operating water supply system and sewage disposal system, approved by all appropriate governmental agencies.

(c) Signs. No sign of any kind shall be displayed on any Parcel, except small name and address signs and except one temporary sign of not more than five (5) square feet advertising such Parcel for sale or rent or showing the name of the builder-contractor.

(d) Garbage and Refuse Disposal. No garbage, refuse, rubbish or cuttings shall be deposited upon or left on the Real Estate unless placed in an attractive container suitably located and screened from view. All such containers or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

(e) Nuisance. No noxious or offensive activity shall be carried out upon the Real Estate, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood, nor shall any unsightly vehicle of any nature or description be parked or placed on said Real Estate at any time.

(f) Animals and Fowl. No animals, livestock, or fowl of any kind shall be raised, bred, or kept on the Real Estate, except that dogs, cats and horses may be kept, if they are not kept, bred, or maintained for any commercial purposes.

(g) Dirt Control. No dirt shall be removed from any Parcel without the written consent of the Architectural Committee, which shall have the sole option and right to direct

the disposition thereof at the expense of such Parcel Owner.

(h) Parking and Storage of Distracting Objects. No commercial vehicle, trailer, mobile home, boat, snowmobile, motor home, racing automobile, wrecked or disabled automobile or similar object shall be parked or stored on the Real Estate outside of a garage without the prior written consent of the Architectural Committee.

(i) Hunting and Trapping. No hunting, trapping, or other activities endangering the lives of animals indigenous to the area shall be conducted upon the Real Estate.

4. Private Road Easement.

Owner has constructed a road on the sixty-six (66) foot wide easement more fully described as "Private Road Easement" on Exhibit A attached hereto and incorporated herein, which easement is hereinafter referred to as the "Road Easement". The Owner hereby establishes as perpetual easements a Road Easement subject to and in accordance with the following:

(a) To the extent said easement is included within any Parcel, said Parcel shall be subject to said Road Easement.

(b) Said Road Easement shall be for the common benefit of the Real Estate for the purpose of ingress and egress from and to the public road known as Buttrick Avenue.

(c) No vehicles will be parked on the paved area of the Road Easement.

(d) Each Parcel Owner shall pay one-ninth (1/9th) of the cost of maintenance, drainage, grading, snow removal, repair, and replacement of the Road Easement. To facilitate such payment, so long as Owner is the record owner of any portion of the Real Estate, Owner may designate itself or any Parcel Owner to collect such charges from each Parcel Owner and disburse the same in payment of the foregoing expenses.

(e) Each Parcel Owner by its acceptance of a deed or land contract or other conveyance as to any Parcel does hereby covenant and agree to pay all real estate taxes, assessments, and other similar charges which shall be a lien upon said Parcel, it being further acknowledged and agreed that the failure of any such Parcel Owner to pay such taxes, assessments, or other similar charges could result in a sale of such Parcel and that portion of the Parcel subject to the aforesaid Road Easement. Accordingly, in the event of any such Parcel Owner's failure to pay such taxes, assessments or other similar charges, any other Parcel Owner or Owners may pay such taxes, assessments, or other similar charges.

(f) The obligation of each Parcel Owner to pay the sums indicated in paragraphs 4(d) and 4(e) above, shall be a charge and a continuing lien upon all of the property owned by such Parcel Owner within the Real Estate and interest shall accrue upon such sums at the highest rate permitted by law from the date which such sums were due. Upon failure of the Parcel Owner to pay such sums after written notice to the Parcel Owner and all mortgagees of such Parcel or Parcels, then, the Parcel Owners having paid such charges may foreclose the lien upon such Parcel Owner's property established hereby in the same manner as mortgages may be foreclosed under the laws of the State of Michigan.

(g) The use of said Road Easement shall be subject to reasonable rules and regulations from time to time established by the Architectural Committee.

(h) Each Parcel Owner for himself and his successors as the owner of any Parcel does hereby for himself and

his guests and invitees waive, release, and acquit all other Parcel Owners and Owner from all claims for injury to persons or property resulting from the establishment, use, maintenance or operation of the Road Easement and Walkway Easement hereinafter described.

5. Vehicular Easement for Parcels H and I.

Neither Parcel H nor Parcel I is contiguous to the Road Easement. Contemporaneously with the conveyance to a Parcel Owner by Owner of Parcel H and Parcel I, Owner shall convey to the owners of Parcel H and I easements, not greater than 20 feet in width over Parcel D and/or over Parcel A to provide such access to the Road Easement and the said Parcel D and Parcel A are subject to said Easements. The said Easement as to Parcel H shall be located on Parcel J of the Walkway Easement hereinafter described and Parcel D is subject thereto. Said Vehicular Easement as to Parcel I shall be located as Owner shall determine and Parcel A is and shall be subject thereto.

6. Walkway Easement. The Owner hereby establishes an easement for pedestrian use over that portion of the Real Estate described as "Walkway Easement" on Exhibit A attached hereto and incorporated herein consisting of Parcels 1, 2 and 3 (referred to herein as the "Walkway Easement").

(a) To the extent the Walkway Easement is included within a Parcel, said Parcel shall be subject to the Walkway Easement.

(b) The Walkway Easement shall be for the common benefit of all of the Parcels and shall permit the Parcel Owners and their respective guests the unrestricted right of walking over and through the Walkway Easement; provided, however, that in the event Parcels F, or H, or I, shall be subdivided into two or more tracts of land, only one of the owners of said tracts, which formerly comprised a Parcel, shall have the benefit and use of the Walkway Easement.

(c) The Walkway Easement shall be subject to the reasonable rules and regulations established from time to time by the Architectural Committee.

(d) At the point where the Walkway Easement shall adjoin Thornapple River, the owners of the Real Estate may, subject to applicable governmental regulations and the rights of other property owners not within the Real Estate, at their option, construct one (1) boat dock at the river's edge. After construction of such one (1) boat dock, each Parcel Owner may keep one boat attached to such boat dock, provided, however, that any Parcel Owner who desires to use such boat dock shall reimburse all other Parcel Owners who originally paid for the construction of such boat dock a total of one-ninth of such original cost plus eight (8.0%) percent per annum of such sum.

7. Utility Easements.

(a) Each Parcel Owner does hereby covenant, agree and consent to the underground installation of public utilities and drainage facilities over and across, under the through the Real Estate and does hereby grant unto and appoint the Architectural Committee as its or their attorney-in-fact to execute all easement agreements for the installation, operation and maintenance of public utilities and drainage facilities as shall be deemed necessary by the Architectural Committee.

(b) Owner does hereby establish an easement twenty (20) feet in width, the south line of which is the south line of Parcel H and the south line of Parcel I and the east line of which is the east line of Parcel I to the point of intersection

with the south line of Parcel A. Said easement shall be for the benefit of the Real Estate for the purpose of the construction, operation and maintenance of public utilities and drainage facilities to service the Real Estate. A temporary easement is further established over and across portions of Parcels H and I contiguous to said easement only during the period of time necessary to construct any of such utilities or facilities within said easement.

8. Term.

The restrictions set forth in Paragraphs 1, 2 and 3 hereof shall terminate twenty five (25) years after the date these restrictions are recorded in the office of the Kent County Register of Deeds, provided, however, that if two-thirds (2/3) or more of the Parcel Owners shall agree in writing to extend such restrictions and shall record such written agreement in the office of the Kent County Register of Deeds, then said restrictions shall continue for the extended term as set forth therein. If such written extension is not recorded prior to the expiration of the original twenty-five (25) year term hereof, then the restrictions set forth in Paragraphs 1, 2 and 3 shall terminate on said date. Except as set forth herein, all other terms and conditions hereof shall run with the land.

9. Enforcement.

Violation of any of the provisions hereof may be enforced by any owner of any portion of the Real Estate who shall be entitled to all rights and remedies at law and equity, including damages and/or injunctive relief.

10. Applicability.

The terms and conditions set forth herein shall apply to and be restricted to all of the Real Estate and in no way shall be deemed to apply to any other land of Owner.

11. Severability.

Invalidation of any one of these restrictions by judgment or court order or otherwise shall in no way affect any of the other provisions, which shall remain in full force and effect.

12. Amendment. The terms and provisions hereof may be amended or modified only by a written instrument executed by all of the owners and mortgagees of the Real Estate.

IN WITNESS WHEREOF, this instrument has been executed on the day and year first above written.

WITNESS:

Sherry J. Smith
SHERRY J. SMITH
Maryann Schreier
MARYANN SCHREIER

TIMBER BLUFF ASSOCIATES,
a Michigan Co-Partnership
By Steven A. Zdon
Steven A. Zdon
By John C. Carlyle
John C. Carlyle, Partner

STATE OF MICHIGAN)
) ss
COUNTY OF KENT)

The foregoing instrument was acknowledged before me this 23 day of August, 1979, by STEVEN A. ZDON, Partner on behalf of TIMBER BLUFF ASSOCIATES, a Michigan Co-Partnership.

Sherry J. Smith
SHERRY J. SMITH
Notary Public, Kent County, Michigan
My Comm. Exp. July 19, 1982

STATE OF MICHIGAN)
COUNTY OF OTTAWA) ss

The foregoing instrument was acknowledged before me this 10th day of August, 1979, by JOHN C. CARLYLE, Partner on behalf of TIMBER BLUFF ASSOCIATES, a Michigan Co-Partnership.

Margaret Schenker
MARGARET SCHENKER
Notary Public, Ottawa County,
Michigan
My Comm. Exp. Oct. 11, 1980

This Instrument Drafted By:
DAVID L. SMITH, ESQ.
McSHANE & BOWIE
540 Old Kent Building
Grand Rapids, Michigan 49503

PARCEL 1:

That part of the NE 1/4, Section 10, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the N 1/4 corner of said Section; thence S00°17'29"W 1330.68 feet along the N-S 1/4 line; thence N89°28'15"E 332.43 feet along the North line of the SW 1/4 of said NE 1/4 to the PLACE OF BEGINNING of this description; thence N89°28'15"E 332.43 feet along said North line; thence S00°11'35"W 1330.11 feet along the East line of the W 1/2 of the SW 1/4 of said NE 1/4; thence S89°25'30"W 333.58 feet along the South line of said NE 1/4; thence N00°14'32"E 1330.40 feet to the place of beginning.

PRIVATE ROAD EASEMENT:

That part of the NE 1/4, Section 10, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the NW 1/4 corner of said Section; thence S00°17'29"W 1330.68 feet along the N-S 1/4 line; thence N89°28'15"E 2308.29 feet along the South line of the N 1/2 of said NE 1/4; thence N15°55'15"W 799.85 feet along the centerline of Buttrick Avenue to the PLACE OF BEGINNING of the centerline of a 66 foot wide strip of land; thence S88°54'30"W 261.34 feet; thence Southwesterly 234.46 feet along a 260.0 foot radius curve to the left, the chord of which bears S63°04'30"W 226.59 feet; thence S37°14'30"W 82.63 feet; thence Southwesterly 136.02 feet along a 140.0 foot radius curve to the right, the chord of which bears S65°04'30"W 130.73 feet; thence N87°05'30"W 357.03 feet; thence Westerly 251.33 feet along an 800.00 foot radius curve to the left, the chord of which bears S83°54'30"W 250.30 feet; thence S74°54'30"W 353.8 feet; thence Southwesterly 87.70 feet along a 73.0 foot radius curve to the left, the chord of which bears S40°29'30"W 82.52 feet; thence S6°04'30"W 153.68 feet to Reference Point A and the place of ending of the centerline of said 66 foot wide strip of land. Also an easement over a 60 foot radius circle, the center of which is above described Reference Point A.

WALKWAY EASEMENT:PARCEL 1:

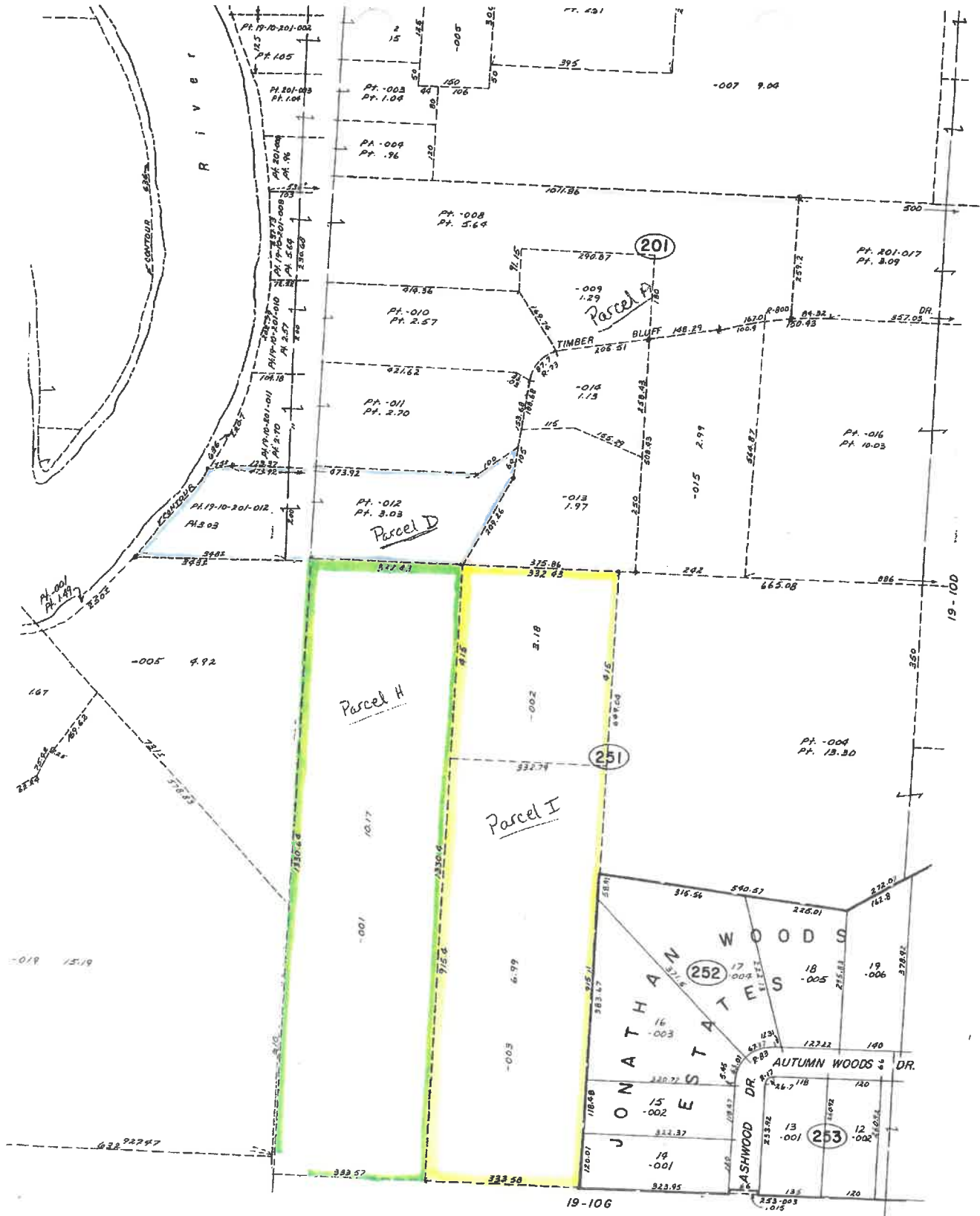
That part of the NE 1/4 and part of the NW 1/4, Section 10, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the N 1/4 corner of said Section; thence S00°17'29"W 1330.68 feet along the N-S 1/4 line; thence N89°28'15"E 15.0 feet to the PLACE OF BEGINNING of the South line of a 15 foot wide strip of land; thence S89°28'15"W 15.0 feet; thence S89°08'W 348 feet more or less to the waters edge of Thornapple River and the place of ending of the South line of said 15 foot wide strip of land.

PARCEL 2:

That part of the NE 1/4, Section 10, T6N, R10W, Cascade Township, Kent County, Michigan, described as: A 15 foot wide strip of land, the North line of which BEGINS at a point on the N-S 1/4 line, which is S00°17'29"W 1330.68 feet from the N 1/4 corner; thence N89°28'15"E 332.43 feet along the North line of the SW 1/4 of said NE 1/4 to the place of ending of the North line of said 15 foot wide strip of land.

PARCEL 3:

That part of the NE 1/4, Section 10, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the N 1/4 corner of said Section 10; thence S00°17'29"W 1330.68 feet along the N-S 1/4 line; thence N89°28'15"E 243.42 feet along the South line of the N 1/2 of said NE 1/4 to the PLACE OF BEGINNING of the Southeasterly line of a 20 foot wide strip of land; thence N43°45'E 97.76 feet; thence N47°15'E 167.0 feet to the Southerly end of private drive and the place of ending of the Southeasterly line of said 20 foot wide strip of land.



TWP.
T.6N. R.10W.

CASCADE TWP.
W. 1/2 N.E. 1/4 SEC. 10 T.6N. R.10W.



CASCADE CHARTER TOWNSHIP

PLANNING DEPARTMENT AND BUILDING INSPECTIONS DEPARTMENT
6810 OLD 28TH STREET, SUITE 6 GRAND RAPIDS, MI 49546-6932

BUILDING INSPECTIONS (616) 949-3765 PLANNING & ZONING (616) 949-0224 FACSIMILE (616) 949-7271

August 20, 1996

Ben Brinks
Distinctive Homes, Ltd.
2781 Orange Street, SE
Grand Rapids, MI 49546

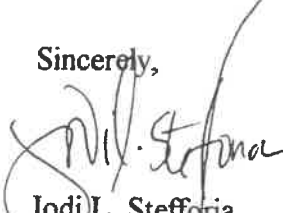
**RE: lot split request case #96-1941
7670 Timber Bluff**

Dear Ben:

I have reviewed the application and survey (dated August 5, 1996) you submitted requesting approval to split 7670 Timber Bluff (permanent parcel number 41-19-10-200-026) allowing seven acres to be added to the adjacent parcel while maintaining a three acre parent parcel. The proposed split complies with the Cascade Charter Township Zoning and Subdivision Ordinances.

You may consider your lot split request **approved** by Cascade Township. Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,



Jodi L. Stefforia
Planner

JLS



CASCADE CHARTER TOWNSHIP

PLANNING DEPARTMENT AND BUILDING INSPECTIONS DEPARTMENT
6810 OLD 28TH STREET, SUITE 6 GRAND RAPIDS, MI 49546-6932

BUILDING INSPECTIONS (616) 949-3765 PLANNING & ZONING (616) 949-0224 FACSIMILE (616) 949-7271

LOT SPLIT APPLICATION

APPLICANT: Name: DISTINCTIVE HOMES LTD / BEN BRINKS
Address: 2781 ORANGE ST. SE GRAND RAPIDS MI
Telephone: home: 676-9464 work: 956-6928

***OWNER:** Name: VINCENT YEH.
Address: 7670 TIMBER BLUFF SE GRAND RAPIDS MI
Telephone: home: 676-2562 work: _____

ADDRESS OF PROPERTY: 7670 TIMBER BLUFF SE

LEGAL DESCRIPTION OF PROPERTY: (may use attachments if necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19-

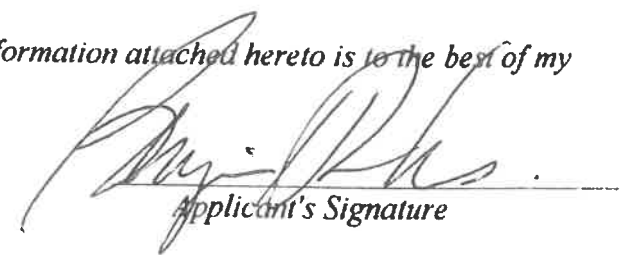
GENERAL STATEMENT OF PROPOSAL:

REQUIREMENT OF A SKETCH: A sketch which is drawn to scale shall be attached which illustrates all property dimensions and square footage figures for both the existing and proposed lots. All existing and proposed structures should be illustrated on both the existing and proposed lots.

NOTE: Provisions contained in the Cascade Charter Township Subdivision Ordinance, as amended and the Cascade Charter Township Zoning Ordinance, being Ordinance No. 11 of 1988, as amended, shall govern the partitioning or dividing of lots, outlots, or other parcels of land.

SIGNATURES: I hereby certify that the information attached hereto is to the best of my knowledge true and accurate.

* 
Owner's Signature

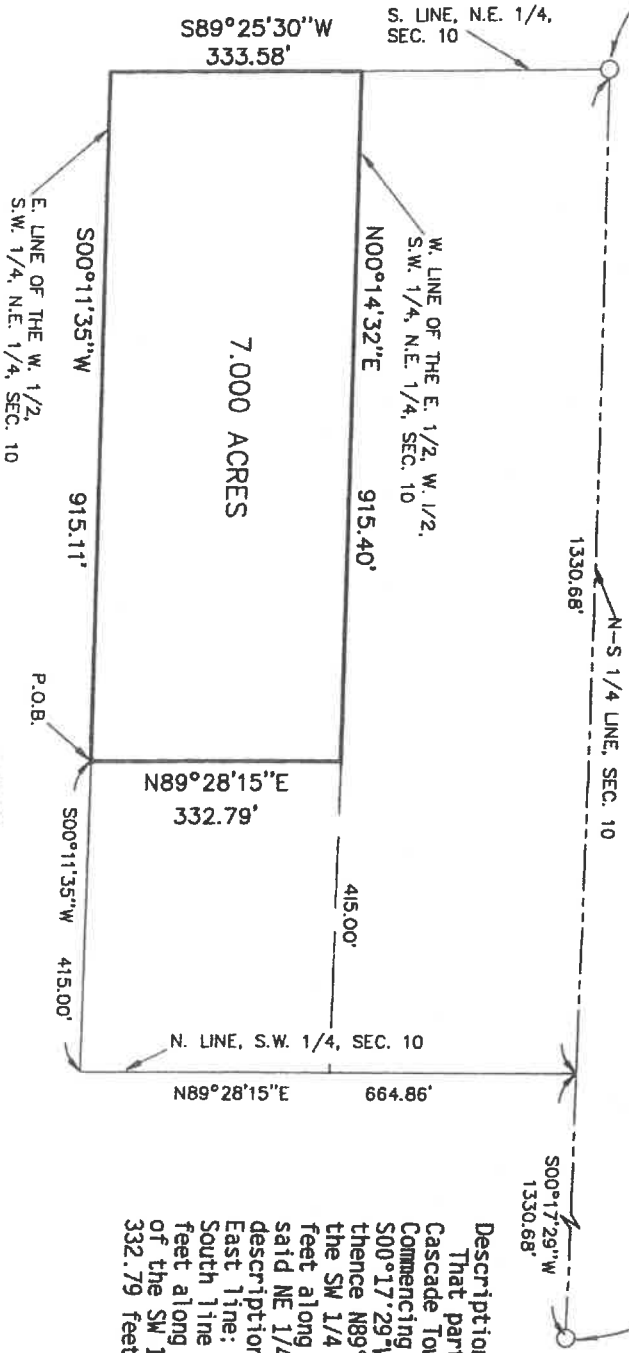

Applicant's Signature

* If different from Applicant.

Center of Sec. 10-6-10 - "L" Iron
 Natl in S sde 16" Oak, North 30.53'
 Natl in NW sde 18" Oak SW 16.59'
 Natl in SW sde 16" W Cherry NE 30.56'
 Natl in NW sde 16" Oak, NE 39.15'

N 1/4 Cor., Sec. 10-6-10, K.C. Mon.
 Natl & tag in N sde 20" Pine N55°E 40.85'
 Natl & tag in N sde 12" Oak N50°E 41.79'
 Natl & tag in W sde 20" Oak N20°W 10.74'
 Natl & tag in N sde 16" Pine N84°W 23.08'

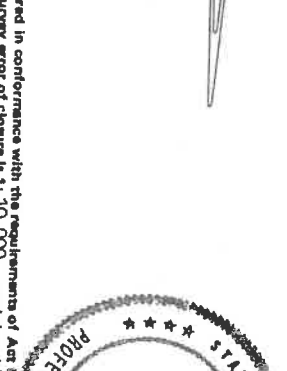
For: Distinctive Homes
 ATTN: Ben Brinks
 2781 Orange St., S.E.
 Grand Rapids, MI 49546



Description of Parcel:
 That part of the NE 1/4, Section 10, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the N 1/4 corner of said Section; thence S00°17'29\"/>

SURVEYOR'S CERTIFICATE

I hereby certify that this survey has been prepared in conformance with the requirements of Act No. 1970, and of Act 280, P. A. 1972, and that the survey error of closure is 1:10,000, and that this document is therefore in proper form for recording at the County Office of Register of Deeds.
 R.L.S. No. 12579



- Scale 1" = 200'
- D = Deeded dimension
 - M = Measured dimension
 - P = Platted dimension
 - = Set iron stake
 - = Found iron stake
 - ⊕ = Concrete monument
 - X- = Fence Line



exxel engineering inc.
 5252 CLYDE PARK, S.W. • GRAND RAPIDS, MI 49509-9724
 PHONE (616) 531-8660
 File No.: 962510 Date: August 5, 1996

- SCHEDULE B EXCEPTION NOTES**
1. Survey is based on First American Title Commitment # 4009-182335 4009, Revision A, printed June 3, 2015.
 2. Parcel contains 3.0 acres, more or less.
 3. Forcel addresses and owner information is shown based on Kent County online information.
 4. To: Michael J. Clay, Charles D. & Linda A. Anderson, Lake Michigan Credit Union, and First American Title Insurance Company.
 5. This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 4, 7(G), and 8 of Table A thereof. The field work was completed on May 2, 2015.
 6. June 29, 2015
 7. Jeffrey J. Baker, Professional Surveyor
 8. State of Michigan Professional Surveyor
 9. Rel. Pl. A
 10. PVT. ROAD ESMIT PER L2308, Pg.942 & SCHEDULE "X"
 11. ESMIT TO BUTTRICK AVE. (PUBLIC ROW)
 12. ESMIT TO BUTTRICK AVE. (PUBLIC ROW)
 13. Sign easement per L3118, Pg.545 - Easement area is adjacent to Buttrick Ave. and is not shown

SURVEY NOTES

A. Survey is based on First American Title Commitment # 4009-182335 4009, Revision A, printed June 3, 2015.

B. Parcel contains 3.0 acres, more or less.

C. Forcel addresses and owner information is shown based on Kent County online information.

To: Michael J. Clay, Charles D. & Linda A. Anderson, Lake Michigan Credit Union, and First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 4, 7(G), and 8 of Table A thereof. The field work was completed on May 2, 2015.

June 29, 2015

Jeffrey J. Baker, Professional Surveyor

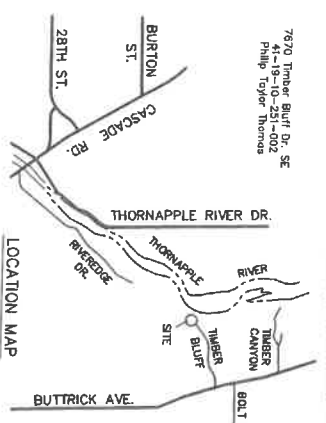
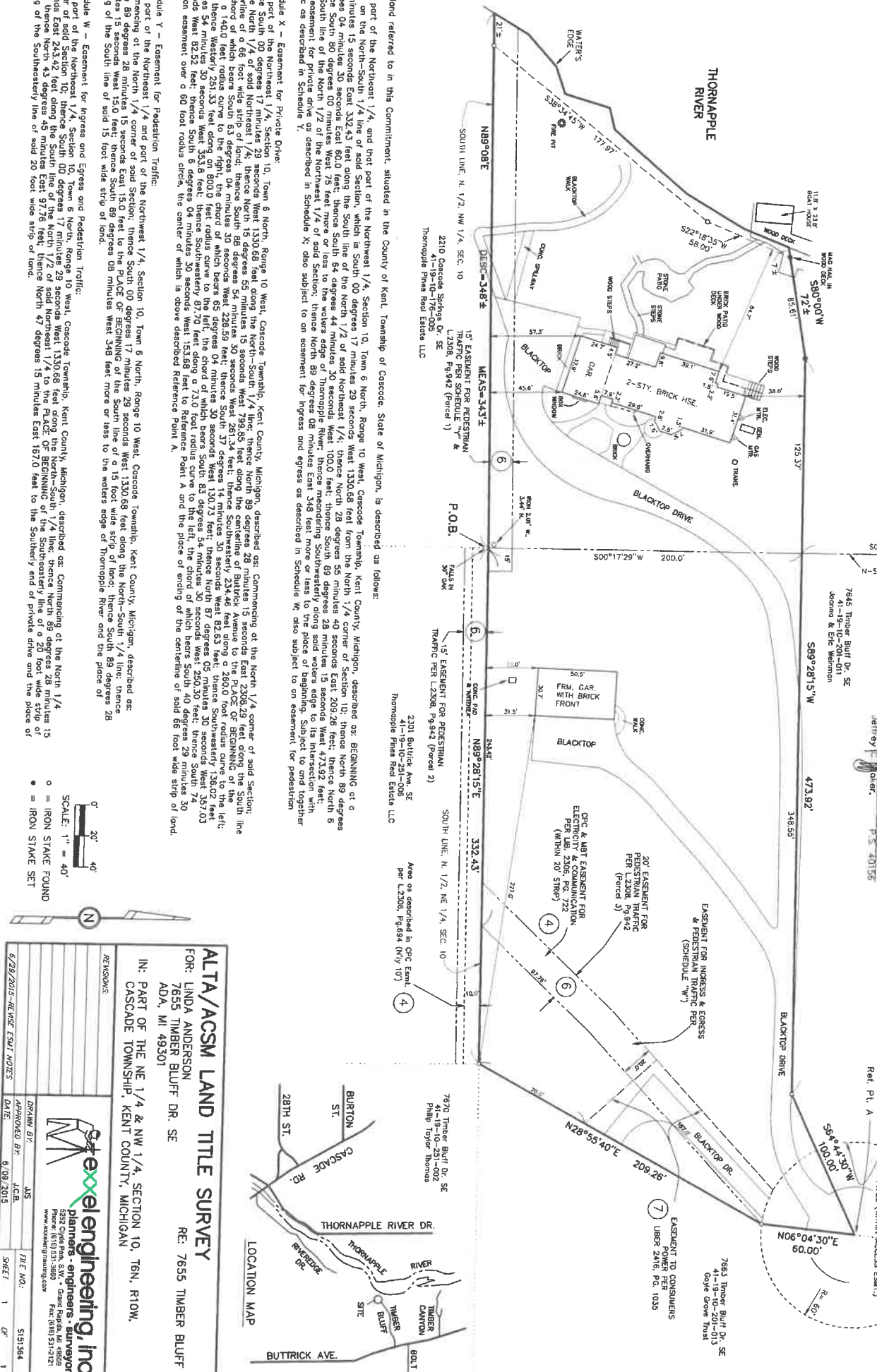
State of Michigan Professional Surveyor

Rel. Pl. A

PVT. ROAD ESMIT PER L2308, Pg.942 & SCHEDULE "X"

ESMIT TO BUTTRICK AVE. (PUBLIC ROW)

ESMIT TO BUTTRICK AVE. (PUBLIC ROW)



ALTA/ACSM LAND TITLE SURVEY

FOR: LINDA ANDERSON
7655 TIMBER BLUFF DR. SE
ADA, MI 49301

RE: 7655 TIMBER BLUFF DR.

IN: PART OF THE NE 1/4 & NW 1/4, SECTION 10, T6N, R10W,
CASCADE TOWNSHIP, KENT COUNTY, MICHIGAN

REVISIONS:

DATE	APPROVED BY	DATE	APPROVED BY
6/29/2015	JCB	6/29/2015	JCB

excel engineering, inc.
planners - engineers - surveyors

5232 Cygnus Park, S.W., Grand Rapids, MI 49509
Phone: (616) 531-5850
www.excelengineering.com Fax: (616) 531-3121

DRAWN BY: JUS
APPROVED BY: JCB
DATE: 6/29/2015

SHEET 1 OF 1

...land referred to in this Commitment, situated in the County of Kent, Township of Cascade, State of Michigan, is described as follows:

That part of the Northeast 1/4, and that part of the Northwest 1/4, Section 10, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: BEGINNING at a point on the North-South 1/4 line of said Section, which is South 00 degrees 17 minutes 29 seconds West 1330.68 feet along the North-South 1/4 line; thence North 15 degrees 04 minutes 30 seconds East 332.43 feet along the South line of the North 1/2 of said Northeast 1/4; thence North 28 degrees 44 minutes 30 seconds East 209.26 feet; thence North 6 degrees 50 minutes 00 seconds West 80.0 feet; thence North 89 degrees 08 minutes 08 seconds East 348 feet more or less to the waters edge of the Thornapple River; thence South 89 degrees 08 minutes 08 seconds East 348 feet more or less to the beginning; Subject to and together with easement for private drive as described in Schedule X; also subject to an easement for ingress and egress as described in Schedule W; also subject to an easement for pedestrian traffic as described in Schedule Y.

Schedule X - Easement for Private Drive:

That part of the Northeast 1/4, Section 10, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the North 1/4 corner of said Section; thence South 15 degrees 04 minutes 30 seconds West 1330.68 feet along the North-South 1/4 line; thence North 15 degrees 04 minutes 30 seconds East 332.43 feet along the South line of the North 1/2 of said Northeast 1/4; thence North 28 degrees 44 minutes 30 seconds East 209.26 feet; thence North 6 degrees 50 minutes 00 seconds West 80.0 feet; thence North 89 degrees 08 minutes 08 seconds East 348 feet more or less to the waters edge of the Thornapple River; thence South 89 degrees 08 minutes 08 seconds East 348 feet more or less to the beginning; Subject to and together with easement for private drive as described in Schedule X; also subject to an easement for ingress and egress as described in Schedule W; also subject to an easement for pedestrian traffic as described in Schedule Y.

Schedule Y - Easement for Pedestrian Traffic:

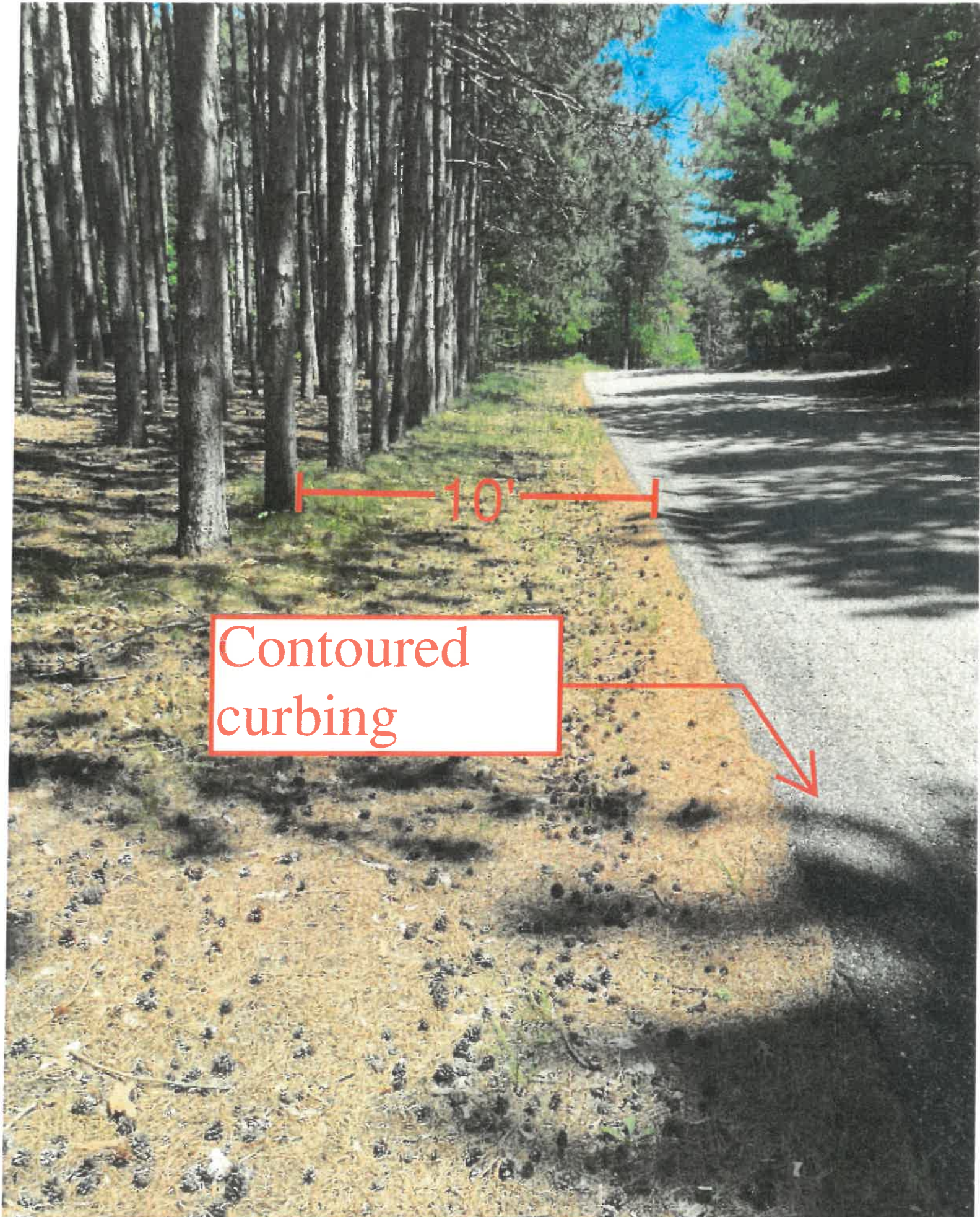
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Schedule W - Easement for Ingress and Egress and Pedestrian Traffic:

That part of the Northeast 1/4, Section 10, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the North 1/4 corner of said Section; thence South 00 degrees 17 minutes 29 seconds West 1330.68 feet along the North-South 1/4 line; thence North 15 degrees 04 minutes 30 seconds East 332.43 feet along the South line of the North 1/2 of said Northeast 1/4; thence North 28 degrees 44 minutes 30 seconds East 209.26 feet; thence North 6 degrees 50 minutes 00 seconds West 80.0 feet; thence North 89 degrees 08 minutes 08 seconds East 348 feet more or less to the waters edge of the Thornapple River; thence South 89 degrees 08 minutes 08 seconds East 348 feet more or less to the beginning; Subject to and together with easement for private drive as described in Schedule X; also subject to an easement for ingress and egress as described in Schedule W; also subject to an easement for pedestrian traffic as described in Schedule Y.

10'

Contoured
curbing



C. General Standards

The following standards are required for all private streets:

1. All private streets shall have a recorded permanent right-of-way with a minimum width of sixty-six (66) feet, including sixty-six feet of frontage on a public road. The right-of-way shall also expressly permit utilities to be installed within the right-of-way. The minimum right-of-way radius for a turn-around shall be of such size that is able to encompass the turn-around and utilities.
2. All private streets shall be at least eighteen (18) feet wide, providing two nine (9) foot travel lanes. The private street shall be constructed and maintained with a minimum subbase of twelve (12) inches of sand and six (6) inches of finished compacted gravel (MDOT 22A) on the top thereof.
3. In the event a private street provides access to three (3) or more parcels, the private street shall be paved to at least eighteen (18) feet wide, providing two nine (9) foot travel lanes. The paved area shall have a minimum of one and three-fourths (1-3/4) inches of bituminous aggregate meeting Michigan MDOT Specification 1100T, as amended. A six (6) inch thick gravel shoulder shall be provided on each side of the private street surface with a minimum width of two (2) feet, containing a slope of twenty-two hundredths of one foot (0.22) from the outside edge of the road surface to the toe of the slope.
4. The area in which the private street is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained.
5. The private street shall be constructed with such stormwater drainage easements, stormwater runoff, culverts, and drainage contours as is reasonably required by the Township Engineer to ensure adequate drainage and runoff.
6. If a private street crosses a natural drainage course, stream or other natural body of water, the method of crossing (bridge, culvert or other structure) must meet the standards set forth by the Kent County Road Commission and such specifications as may be reasonably required by the Township Engineer.
7. Each private street shall be given a street name that is not the same as any other street name in the County, as determined by the Kent County Road Commission. A visible street sign, which can be seen easily in an emergency at all times, and a stop sign shall be erected and maintained at all times at the intersection of the private street with the public road. The signs shall be paid for, posted and thereafter maintained by the property owner's association, property owners or developer.
8. The street address for all lots accessed from a private street shall conform to Cascade Charter Township Ordinance No.9/1980.

CASCADE TOWNSHIP FIRE DEPARTMENT



Dedicated to Serving You

Steve Peterson

Planning Commission

Reference: 7650 Timber Bluff DR SE / Private Rd Exception

July 1, 2021

Steve,

After reviewing Thornapple Pines Holdings request for a private road exception at 7650 Timber Bluff DR SE, Cascade Township Fire Department has some concerns regarding emergency access (steep grade, road width, lack of a turnaround).

I discussed this with Chuck Hoyt and he explained the history of the lot dating back to 1979 with subsequent split in 1996. He explained further that sale or access to this parcel is impossible without extension of a private drive via Parcel H to Parcel I Remainder be approved.

Cascade Township Fire Department's recommendation is to approve the private road exception with the condition that a recorded restriction is applied to the property, that if it is built on or developed into additional lots, it comes back to the Planning Commission for review.

Thank you for your time and consideration on this matter and please reach out if you have any questions or concerns.

Adam T. Magers

Fire Chief, Cascade Township

[Cascade Township Hall has Moved](#)



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- Stormwater
- Sitemap

R. Repeal

S. Effective Date

PRIVATE STREET ORDINANCE
CHARTER TOWNSHIP OF CASCADE
KENT COUNTY, MICHIGAN
ORDINANCE NO. 9 of 2002
 Amended by Ord. No. 9 of 2003; 6/11/03

A. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

1. Private driveway means an improved or unimproved path, road or ground surface extending from a public street or private road, which provides vehicular ingress and egress to no more than one improved lot, parcel or principal building.
2. Private street means a privately owned (or controlled) and maintained drive, street, road, lane, or any improved or unimproved surface, not dedicated to the county road commission as a public road, which provides the primary means of vehicular ingress and egress from a public road to two or more dwelling units, lots, parcels or principal buildings, whether created by a private right-of way, easement, or other device. A private street shall also include the following:
 - a. An access other than a private driveway or public road.
 - b. Where two or more lots or dwellings share or utilize a common access drive or device, even if each lot has the required frontage on a public road.
 - c. Any and all extensions, additions, or branches of or to a private street shall be considered part of the private street that abuts the public road.
3. Lot means any subdivision lot, meets and bounds lot or site condominium unit, which has been recorded.

B. Private Street Requirements

The standards and requirements of this Ordinance shall apply to all private streets created or constructed after the date of adoption of this Ordinance. Furthermore, the standards and requirements of this Ordinance shall also apply to existing private streets when any of the following occurs:

1. An extension or addition is added to an existing private street;
2. One or more lots are added to an existing private street or one or more lots along an existing private road are to be divided;
3. The Township Board determines that an existing private street is unsafe or will not permit reasonable access to firefighting and emergency vehicles year around to all portions of the private street.

C. General Standards

The following standards are required for all private streets:



1. All private streets shall have a recorded permanent right-of-way with a minimum width of sixty-six (66) feet, including sixty-six feet of frontage on a public road. The right-of-way shall also expressly permit utilities to be installed within the right-of-way. The minimum right-of-way radius for a turn-around shall be of such size that is able to encompass the turn-around and utilities.
2. All private streets shall be at least eighteen (18) feet wide, providing two nine (9) foot travel lanes. The private street shall be constructed and maintained with a minimum subbase of twelve (12) inches of sand and six (6) inches of finished compacted gravel (MDOT 22A) on the top thereof.
3. In the event a private street provides access to three (3) or more parcels, the private street shall be paved to at least eighteen (18) feet wide, providing two nine (9) foot travel lanes. The paved area shall have a minimum of one and three-fourths (1-3/4) inches of bituminous aggregate meeting Michigan MDOT Specification 1100T, as amended. A six (6) inch thick gravel shoulder shall be provided on each side of the private street surface with a minimum width of two (2) feet, containing a slope of twenty-two hundredths of one foot (0.22) from the outside edge of the road surface to the toe of the slope.
4. The area in which the private street is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained.
5. The private street shall be constructed with such stormwater drainage easements, stormwater runoff, culverts, and drainage contours as is reasonably required by the Township Engineer to ensure adequate drainage and runoff.
6. If a private street crosses a natural drainage course, stream or other natural body of water, the method of crossing (bridge, culvert or other structure) must meet the standards set forth by the Kent County Road Commission and such specifications as may be reasonably required by the Township Engineer.
7. Each private street shall be given a street name that is not the same as any other street name in the County, as determined by the Kent County Road Commission. A visible street sign, which can be seen easily in an emergency at all times, and a stop sign shall be erected and maintained at all times at the intersection of the private street with the public road. The signs shall be paid for, posted and thereafter maintained by the property owner's association, property owners or developer.
8. The street address for all lots accessed from a private street shall conform to Cascade Charter Township Ordinance No.9/1980.

D. Turnarounds

Any single means of access serving more than two (2) lots or dwelling units shall include one of the following at the end of a private street:

1. A turn-around with a thirty (30) foot turning radius*
2. A hammerhead "T" turn*
3. A continuous loop layout*

*See Appendix A for design standards

E. Private Street Grade

Private streets shall not exceed a maximum grade of six (6) percent. In no case shall a six (6) percent grade extend more than 1,000 feet in length. Notwithstanding the preceding, the Planning Commission, upon recommendation of the Township



Engineer, may allow a maximum grade of up to eight (8) percent for a private street if it is reasonably determined that such increased grade meets all of the following standards:

1. The private street will be safe;
2. The increased grade will not hinder the ability of firefighting equipment, ambulances and other emergency vehicles and personnel to reach all portions of the development; and
3. The developer demonstrates that automobile traffic will be able to easily and safely go up and down the grade at all times of the year, including when ice and snow are present.

F. Second Access/Emergency Access

Any private street which will serve or permit access to twenty (20) or more lots or dwelling units shall have two (2) means of direct access to public roads. The second means of access may be used for emergency access purposes only with approval from the Planning Commission and such access shall be maintained at the developer/property owner's expense. Each access shall be built and maintained to the standards required for private streets.

G. Existing Nonconforming Private Streets

The Township recognizes that there exist private streets which were lawful prior to the adoption of this Ordinance which do not fully conform with the standards herein. Such streets are declared by this Ordinance to be legal nonconforming streets. The Township also recognizes the importance of having these streets upgraded if and when one or more of the following occur:

Any developer or property owner who desires to engage in one or more of the situations listed in Subsection G (1), (2) or (3) below, shall be required to upgrade the entire private street to conform with the standards for new private streets.

1. One or more lots are added to an existing nonconforming private street.
2. The division or splitting of a lot occurs on an existing nonconforming private street.
3. The addition of an extension, addition or branch to or from an existing nonconforming private street.

H. Disclosure Statement; Maintenance Agreement

1. The applicant and/or owners of the proposed private street and lots thereon shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owners of the private street and any other parties having any interest therein or lots thereon or other documentation satisfactory to the Township which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to comply with this Ordinance and to assure that the private street is safe for travel at all times and that the costs thereof will be paid for by the owners of the lots benefited by the private street. The applicant/owners ^

agree that, by filing an application for and receiving a permit for a private street and by utilizing the private street, they will assure that any buildings or lots thereafter created or constructed on the private street shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded, shall run with the land, and shall bind all lots and properties benefited by the private street. The agreement shall also indicate that the owners of all lots and properties benefited by the private street can improve any portion of the private street and shall be jointly and severally liable and responsible for maintaining the entire length of the private street so that it is, at all times, in compliance with this Ordinance and all applicable Township standards and requirements. The agreement shall provide that it is enforceable by the Township at its option. Additionally, the agreement shall provide that, if the private street is not maintained to the requirements of this Ordinance, all of the owners of lots or properties utilizing or benefiting by the private street shall be deemed to have consented to a special assessment district being created by the Township to maintain or upgrade the private street. The agreement shall also provide that, alternately, the Township Board, at its option, can improve and maintain the private street so that it meets the requirements of this Ordinance and the Township can charge the owners of all lots that utilize and or will be benefited by the private street for the reasonable costs thereof, and such costs shall be secured by either placing a lien on the benefited lots and properties or by placing the costs thereof on the tax roll.

2. The applicant for a private street approval, all owners of the private street and lots thereon, all those who utilize the private street, and all persons securing a building permit to construct a building served by the private street all agree that, by applying for and securing a permit for a building that utilizes the private street and by utilizing the private street, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage arising out of the use of the private street or the failure to properly construct, maintain, repair, and/or install the private street or any appurtenances thereto. The owner/applicant shall inset the above language into the maintenance agreement (or other approved document) and it shall run with the land and shall bind all purchasers of properties benefited by the private street.
3. All maintenance agreements for private streets shall be submitted to the Township for review and approval prior to the maintenance agreement being recorded and prior to any construction on the private street. Each maintenance agreement shall also contain the following statement, as provided by MCL 500.26I:

"The street is private and it is not required to be maintained by the Kent County Road Commission or any governmental unit."

I. Exceptions or Design Modifications (amended by Ord. No. 9 of 2003; 6/11/03)

1. Pursuant to a PUD approval, the Township Board may modify the standards for new private streets for a given project for good cause shown.
2. The Township Board reserves the right to place higher design requirements and standards on a development which provides access by means of a private street should it be in the best interests of the Township and for the protection of the health, safety and general welfare of its residences. Such additional ^

requirements and standards shall be recognized and accepted by professional associations and engineering societies including, but not limited to: the American Association of State Highway and Transportation Officials, the American Society of Civil Engineers, the Institute of Transportation Engineers, the Building Officials and Code Administrators International (BOCA) and the National Fire Protection Association.

3. For situations involving existing non-conforming private roads the Township Board may grant Design Modifications should they determine that the design requirements and standards deny the property owner reasonable use of his property. Should the Township Board grant design modifications, they may impose reasonable conditions onto the affected property and private street which protect the public health, safety and general welfare of all township residents.

Procedure

- a. An application shall be submitted to the Planning Department on a form for that purpose together with a fee, as determined by the Township Board.
- b. Upon receipt of an application for a Design Modification, notice will be given to all property owners within 300 feet of the property requesting such exception, that the Planning Commission will hold a public hearing on the application.
- c. In addition, any property owner who lives on or uses the private street as access to their property will be notified of the hearing.
- d. In the case of a Design Modification, the Planning Commission shall, within a reasonable amount of time after the public hearing give a recommendation to the Township Board on whether to deny, approve or approve with conditions the request.
- e. The Township Board shall then hold a meeting within a reasonable period of time to make a decision.

J. Maintenance and Snow Removal

The developer (and once lots have been sold to third parties, the owners of the lots) shall be responsible for maintaining private streets at all times to the standards required by this Ordinance and all other applicable laws. Such reasonable maintenance shall include, but not be limited to, plowing snow and removing ice in the winter so that firefighting and emergency vehicles can access all portions of the private street at all times.

K. Security Requirement

The construction of all improvements required by this Ordinance shall be paid for and completed by the property owner/developer. Prior to receiving lot split approval or a building permit for any lot on the private street, the Township may require that a bond, cash or letter of credit be submitted by the applicant for the completion of the private street or required upgrades. The security shall be in a form approved by the Township, payable to the Township and in the amount of the Township's estimate of the cost of all improvements.



L. Land Division Approval

No land division approval by the Township shall occur for or involving a lot or lots to be accessed by a private street (or extension thereof) until the private road has been formally approved by the Township hereunder, the maintenance agreement has been approved by the Township, such maintenance agreement has been fully executed by all parties having an interest in the private street, and all lots to be served by the private street and the same has been recorded with the Kent County Register of Deeds records with proof thereof provided to the Township.

M. Approval by the Road Commission

No private street shall be approved by the Township until the applicant has presented the Township with either an approved private street permit by the Kent County Road Commission, or alternately, a letter from the Kent County Road Commission indicating that no private street permit from the County is required at that location.

N. Commencement of a Private Street

No construction shall be commenced on a private street (or extension or addition thereto) until and unless all approvals under this Ordinance (and any other applicable ordinance) have been obtained from the Township.

O. Certificate of Compliance

Upon completion of construction of a private street (or addition or modification thereof), the Township Planner, Township Engineer or such other official as may be designated by the Township, shall inspect the completed construction to determine whether it complies with the approved plans and other Township approvals.

P. Penalties and Enforcement

Any person, firm, corporation, trust, governmental unit, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation two hundred and fifty (\$250.00) for a second violation and five hundred dollars (\$500.00) for a third or subsequent violation, as well as other applicable civil infraction remedies. Any person who violates any of the provisions of this Ordinance shall also be subject to civil action seeking invalidation of the land division and appropriate injunctive or other relief.

Q. Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

R. Repeal



All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, the Cascade Charter Township Subdivision Ordinance, or the Township's building code.

S. Effective Date

This Ordinance shall take effect 30 days following its publication (or summary thereof) after adoption. The foregoing Ordinance was offered by Board Member Carpenter, Supported by Board member Goodyke. The roll call vote was as follows:

Yeas: Timmons, Goodyke, Carpenter, Julien, Jones

Nays:

Absent: Kleinheksel, Parrish

Jean E Neve
Deputy Township Clerk

CERTIFICATION

I hereby certify the forgoing to be true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 22nd Day of May, 2002.

Jean E Neve
Deputy Township Clerk



MEMORANDUM

To: Cascade Charter Township Planning Commission
From: Steve Peterson, Community Development Director
Subject: Temporary Outdoor Uses
Meeting Date: July 12, 2021

At the June 7, 2021 the Planning Commission set a public hearing to consider changes to the Zoning Ordinance that would allow temporary outdoor uses. This amendment is consistent with what the Township has been doing since the pandemic started. Staff has also provided you with a separate letter from the Township attorney on this matter marked "privilege and confidential".

The amendments are broken down as follows:

1. Add temporary outdoor use as a "use by right" to B1 and B2
2. Add definition
3. Add administrative site plan review criteria

After taking public comment you are to make a recommendation to the Township Board where they will consider your recommendation.

Attachment: June 7 memo
Proposed Zoning Ordinance amendment

CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
ORDINANCE NO. OF 2021

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE

Article 1. Chapter 3 of the Cascade Charter Township Zoning Ordinance is amended to include the following definition:
Temporary Outdoor use – To allow restaurants, retail, recreational and other similar uses to obtain administrative site plan approval for the following uses:

- Temporary Drive thru
- Outdoor retail sales
- Outdoor physical fitness/health activities
- Temporary Outdoor seating and/or expansion on private sidewalks, parking lots and interior landscape areas
- Allow for temporary tents and vehicles to be used in conjunction with their request

Article 2. Section 8.03 is amended to add the following:

21. Temporary Outdoor Uses

Article 3. Section 10.03 is amended to add the following:

26. Temporary Outdoor Uses

Article 4. Section 21.04 is amended to read as follows:

8. Temporary Outdoor uses under the following

1. A site plan demonstrating that on and off-site traffic hazards are minimized.
2. Written approval from the Property Owner
3. Approval from the Township Building Inspector
4. Approval from the Township Fire Dept
5. No more than 50% of the required parking on the property may be used
6. Any temporary structure that is proposed must be anchored according to manufacturer's specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.
7. The use is permitted for one year. It can be renewed with a new application.
8. Any event that directly or indirectly involves the sale, distribution or consumption of alcoholic beverages must provide a copy of the appropriate permits and approvals from the MLCC for the event prior to the Township signing off on the event.
9. The use is part of an existing business located on or adjacent to the parcel in question.
10. The use of chain link fence is prohibited
11. Any wood walls that are erected must either match the existing building or be painted to match.
12. All lighting must comply with current township lighting regulations
13. All signage must comply with current township signage requirements.

Article 5. Except as expressly amended in this Ordinance/Ordinance Amendment, the balance of the Zoning Ordinance shall remain unchanged and in full force and effect.

This Ordinance/Ordinance Amendment shall take effect and be in force seven (7) days after publication of this Ordinance/Ordinance Amendment or a summary thereof in the newspaper.

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

YEAS:

NAYS:
ABSENT:

Sue Slater
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 _____, 2021.

Sue Slater
Cascade Charter Township Clerk

MEMORANDUM

To: Cascade Charter Township Planning Commission
From: Steve Peterson, Community Development Director
Subject: Temporary Outdoor Uses
Meeting Date: June 7, 2021

At the May 26, 2021 Township Board meeting, the Township Board approved an extension of a resolution that allows staff to approve temporary outdoor uses. This extension allows administrative approval through October 31, 2021. Part of their approval was contingent on the Planning Commission studying whether or not to make the changes permanent in our zoning ordinance.

The normal process for this type of activity would be a Type II Special Use Permit. This requires a planning commission public hearing and recommendation to the Township Board.

The purpose of this memo is to introduce this to you and set the public hearing for the July 12 meeting.

Attachment: Korhorn TB memo

TOWNSHIP BOARD MEMORANDUM

To: Cascade Charter Township Board
From: Sandra Korhorn, DDA/Economic Development Director *SKK*
Subject: Consider Resolution to Extend Timeline for Temporary Outdoor Uses
Meeting Date: May 26, 2021

In an effort to assist and support local businesses during the pandemic, the Township Board, at their June 10, 2020 meeting, passed a resolution allowing administrative site plan review for temporary outdoor food and beverage, retail, recreation and other similar uses due to the coronavirus pandemic. This resolution was then extended through June 1, 2021.

We have a handful of businesses that have applied for and been permitted to utilize the Temporary Outdoor regulations. Due to the continued restrictions placed on businesses because of the coronavirus, staff would like to extend the timeline to provide the local businesses an opportunity to continue to operate and support economic recovery efforts.

The attached resolution extends the timeline through October 31, 2021. With consent from the Township Board, staff would suggest that the Township Board ask the Planning Commission to study this matter as a permanent change to our Zoning Ordinance. Without the temporary use resolution, an applicant applying for these types of uses would be required to obtain a Type II Special Use Permit from the Planning Commission with approval from the Township Board.

With the exception of the date change, the regulations are the same as presented at the June and October meetings and are attached for your review. Staff has not received any complaints or had any issues with these requests since the administrative site plan review was established.

The Township Board, at their May 26, 2021 meeting, passed a resolution extending administrative site plan review for temporary outdoor food and beverage, retail, recreation and other similar uses due to the coronavirus pandemic.

These temporary regulations will allow for restaurants, retail, recreational and other similar uses to obtain administrative site plan approval for the following:

1. Temporary drive thru
2. Outdoor retail sales
3. Outdoor physical fitness/health activities
4. Temporary outdoor seating and/or expansion on private or public sidewalks, parking lots, and interior landscape areas
5. Allow for temporary tents and vehicles to be used in conjunction with their request.

Permits for these temporary expanded uses shall be issued by the Community Development Director according to the following criteria:

1. A site plan demonstrating that on and off-site traffic hazards are minimized.
2. Approval from Township Building Inspector
3. Approval from the township fire dept
4. Written approval from the property owner
5. No more than 50% of the required parking on the property may be used
6. Any temporary structure that is proposed it must be anchored according to manufacturer's specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.
7. The use is removed by October 31, 2021.
8. Any event that directly or indirectly involves the sale, distribution or consumption of alcoholic beverages must provide a copy of the appropriate permits and approvals from the MLCC for the event prior to the Township signing off on the event. (amended by Ord #10 of 2018)
9. The use is part of an existing business located on or adjacent to the parcel in question.



Temporary Outdoor Use Application

Application to allow for restaurants, retail, recreational and other similar uses to obtain administrative site plan approval for the following:

1. Temporary drive thru
2. Outdoor retail sales
3. Outdoor physical fitness/health activities
4. Temporary outdoor seating and/or expansion on private or public sidewalks, parking lots and interior landscape areas
5. Allow for temporary tents and vehicles to be used in conjunction with their request

Please submit the application and required documentation to Cascade Township, Community Development Department or via email at speterson@cascadetwp.com.

Contact Name: _____ Business/Organization: _____

Business Address: _____ City: _____

State: _____ Zip: _____ Phone: _____

Email Address: _____

Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

1. A site plan demonstrating that on and off-site traffic hazards are minimized.
2. Written approval from the Property Owner
3. No more than 50% of the required parking on the property may be used
4. Any temporary structure that is proposed it must be anchored according to manufacturer's specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.
5. The use is removed by October 31, 2021.
6. Any event that directly or indirectly involves the sale, distribution or consumption of alcoholic beverages must provide a copy of the appropriate permits and approvals from the MLCC for the event prior to the Township signing off on the event. (amended by Ord #10 of 2018)
7. The use is part of an existing business located on or adjacent to the parcel in question.

Permits for these temporary expanded uses shall be issued by the Community Development Director according to the above criteria, in addition to:

- Approval from the Township Building Department
- Approval from the Township Fire Department

Applicant Signature: _____ Date: _____

OFFICE USE ONLY (please attached approvals from Building & Fire Department)

Permit Approved: _____ Permit Denied: _____

Community Development Director: _____ Date: _____

STAFF REPORT

TO: Cascade Charter Township Planning Commission
FROM: Steve Peterson, Community Development Director
MEETING DATE: January 4, 2021
CASE: 2021 Work Plan

In order to help implement the new Master Plan and follow through with issues that have been identified through the joint meetings we had in 2019; I am submitting a comprehensive list for our 2021 work plan. Although, we will not be able to accomplish all these items in one year, I thought it would be helpful to keep a working list so we can measure our progress.

The issues are listed in order of how they were ranked during the joint meetings.

Issue	2020 Status
Outdoor Gathering Space	DDA continues to work on revisions to the plan that was not approved by the Township Board
Communication/Hot topics for website	Website is being relaunched to include a communication section to answer questions.
Identify known conflict areas for possible pedestrian improvements	
Install water lines to fill gaps/environmental concerns	Engineers are putting together a new sewer and water Master plan. We have also been in discussion with City of GR and Airport for potential projects dealing with PFAS
Install sewer line to fill gaps/environmental concerns	Engineers are putting together a new sewer and water Master plan. We have also been in discussion with City of GR and Airport for potential projects dealing with PFAS
Engage property owners in the village	
Purchase Riverfront property	Completed the purchase of the Tuffy Muffler property and agreement to purchase the office building adjacent to Tassell Park
Pedestrian bridge over the river	
Permanent bus route on 28th St	DDA and TB agreed on cost share for bus service

Entry Signage	
Install pedestrian scale lighting	
Identify local Philanthropists	
Rail service	
Tactical Urbanism to test different cross sections	
Adopt vision zero policy	
KCRC – minimize pavement width	
Review parking standards	

Completed in progress