



CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE Grand Rapids, Michigan 49546-7140

NOTICE OF PUBLIC MEETING VIA VIDEO CONFERENCE

In accordance with Public Act 228 of 2020, which declares that public bodies subject to the Open Meetings Act can use telephone and/or video conferencing technology to meet and conduct business during the ongoing COVID-19 pandemic, the Cascade Charter Township Planning Commission will conduct a regular meeting on Monday, June 7, 2021 at 7:00pm utilizing the Zoom video conferencing platform, for the purpose of conducting official business while complying with the Michigan Department of Health and Human Services orders and recommendations designed to help prevent the spread of COVID-19. For up-to-date information regarding the ongoing public health crisis, please visit:

<http://www.Michigan.gov/coronavirus> or <http://www.CDC.gov/coronavirus>

INSTRUCTIONS FOR ACCESS AND PARTICIPATION

Please click the link below to join the webinar:

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Webinar ID: 868 1148 7735

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Members of the public with disabilities may utilize the Michigan Relay System (7-1-1) to participate in the meeting. If other aids or services are needed for individuals with disabilities please contact the Township Manager, Ben Swayze, at bswayze@cascadetwp.com, or 616-949-1500 at least 24 hours prior to the meeting

PUBLIC PARTICIPATION

Members of the public will be able to listen to and view all discussion by the Planning Commission, and all official materials for this meeting prepared for the Planning Commission

will be included in the meeting packet and available to the public on the Township website.

www.cascadetwp.com

Individuals will be permitted to speak during public comment periods in accordance with the Township Remote Public Meeting Procedure Policy.

If you would like to contact the Township about any matter, on the agenda or otherwise, please do so via email at the addresses below a minimum of 8 hours prior to the meeting. If you wish comments to be read into the public record during the public comment period, you must indicate so and draft communication that can be read in the allotted 3-minute timeframe.

Clerk Sue Slater: sslater@cascadetwp.com

Manager Ben Swayze: bswayze@cascadetwp.com

Community Dev. Director: speterson@cascadetwp.com

AGENDA
Cascade Charter Township Planning Commission
Monday, June 7, 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. Approve the Minutes of the April 19, 2021 Meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items
(Comments are limited to five minutes per speaker)**
- ARTICLE 6. Case #21-3629/Bob Morse
Property Address: 6390 and 6420 28th St
Requested Action: Basic Plan Review for an amendment to the PUD to accommodate a new car wash.**
- ARTICLE 7. Case #21-3636/Roundhill
Property Address: 3000 Thornhills
Requested Action: Amend PUD to allow for a retaining wall and pool within the 25-foot setback for unit 4 (6569 Roundhill Ct.)**
- ARTICLE 8. Case #21-3640/Cascade Township
Discussion of Temporary Outdoor Uses**
- ARTICLE 9. Review Kent County Road Commission Five-Year Road Improvement Plans**
- ARTICLE 10. Election of Vice Chairperson**
- ARTICLE 11. Any other business**
- ARTICLE 12. Adjournment**

Meeting format

1. **Staff Presentation** *Staff report and recommendation*
2. **Project presentation-** *Applicant presentation and explanation of project*
 - a. **PUBLIC HEARINGS**
 - i. **Open Public Hearing.** *Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. **Close public hearing**
3. **Commission discussion –** *May ask for clarification from applicant, staff or public*
4. **Commission decision - Options**
 - a. **Table the decision**
 - b. **Deny**
 - c. **Approve**
 - d. **Approve with conditions**
 - e. **Recommendation to Township Board**

MINUTES
Cascade Charter Township
Planning Commission
Monday, April 19, 2021
7:00 P.M.
Virtual Meeting

ARTICLE 1. Chairman Rissi called the meeting to order at 7:00 P.M.
Members Present: Johnson, Katsma, Noordhoek, Noordyke, Rissi, Moxley,
Deering, Rapin, and new Member Windy Korstange
Members Absent: None
Others Present: Planner Brian Hilbrands

ARTICLE 2. Pledge of Allegiance.

ARTICLE 3. Approve the current Agenda.

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

ARTICLE 4. Approve the Minutes of the March 1, 2021 meeting.

Motion was made by Member Katsma to approve the minutes of March 1, 2021 as
written. Supported by Member Deering. Motion carried 9 to 0.

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

No visitors came forward.

ARTICLE 6. Case #21-3625/Randall Burri Builder

Public Hearing

Property Address: 4670 Quiggle Ave SE

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

Planner Hilbrands states that the building will be 36 x 48 feet, for a total of 1,728 square
feet, with a height of 14 feet as measure to the midpoint of the roof. Planner Hilbrands
states that this height requires a setback of 10 feet to the side yard, 25 feet to the rear
yard, and 10 feet from the house. The applicant is showing that the building will be 12
feet from the side yard, and well over 100 feet from the rear property line.

Planner Hilbrands stated that the property is between 3-6 acres, so the applicant is allowed to have 2 accessory buildings; this will be their first. The applicant has indicated they will use the building for storage of recreational equipment. Planner Hilbrands stated that the building is normal in size and appearance for the area, and the applicant appears to meet all standards for an accessory building.

Planner Hilbrands stated that Staff is recommending approval of the special use permit with the conditions that the building cannot be used for living space or to run a business out of, and that any outdoor lighting meet Township regulations.

Chairman Rissi invited the applicant to comment; the applicant did not comment.

Motion was made by Member Noordyke to open public hearing. Supported by Member Johnson. Motion carried 9 to 0.

Chairman Rissi asked Planner Hilbrands if there was any comment made to the Township Office regarding this case. Planner Hilbrands stated there was not.

There was no public comment.

Motion was made by Member Noordyke to close public hearing. Supported by Member Johnson. Motion carried 9 to 0.

Motion was made by Member Noordyke to approve the special use permit with the conditions listed by Staff. Supported by Member Johnson. Motion carried 9 to 0.

**ARTICLE 7. Case #21-3631/Bigger, Cory & Karla
Public Hearing**

Property Address: 4983 Clear Ridge Dr 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 30 x 40 feet, for a total of 1,200 square feet, with a height of 14 feet, 10 inches tall measured to the midpoint of the roof. This height requires a 40-foot setback to both the rear and side property lines, and 10 feet to the house. Planner Hilbrands stated that the applicant is showing 45 feet to the rear, and 49 feet to the closest side property line.

Planner Hilbrands states that this property is under 3 acres, so the applicant is allowed to have one accessory building; this will be their first. The applicant has indicated they plan to use the building for storage of household items and lawn equipment. Planner Hilbrands stated that the building is normal in size and appearance for the area, and the applicant appears to meet all standards for an accessory building.

Planner Hilbrands stated that Staff is recommending approval of the special use permit with the conditions that the building cannot be used for living space or to run a business out of, and that any outdoor lighting meet Township regulations.

Chairman Rissi invited the applicant to comment; the applicant did not comment.

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

Chairman Rissi asked Planner Hilbrands if there was any comment made to the Township Office regarding this case. Planner Hilbrands stated there was not.

There was no public comment.

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

Motion was made by Member Noordyke to approve the special use permit with the conditions listed by Staff. Supported by Member Deering. Motion carried 9 to 0.

ARTICLE 8.

Case #21-3629/Morse, Bob

Property Address: 6390 & 6420 28th St SE

Requested Action: Basic Plan Review for an amendment to the PUD to accommodate a new car wash.

Planner Hilbrands stated that this is intended to be an introduction to the plan in which the applicant is proposing construction of a new car wash and a drive thru coffee shop on the same parcel. Planner Hilbrands stated that property is currently two parcels that applicant is proposing to combine, and an abandoned right of way located in between the two parcels. Planner Hilbrands stated the abandoned Pizza Hut located on the western parcel is zoned PUD 80, and the motel on the eastern parcel is zoned B2. The applicant is requesting that the PUD be amended to include the new combined parcel, and car wash.

Planner Hilbrands stated that PUD 80 currently includes an existing Culvers, Macatawa Bank, and a 61-unit apartment complex. The applicant is proposing an approximate 5,200 square foot building to house the car wash, and an approximate 600 square foot drive through only coffee shop on the same parcel. Planner Hilbrands stated that he communicated to the applicant that he believes the coffee shop should be removed from the plan since the zoning ordinance only permits one primary building or use per parcel, however the applicant has elected to keep the coffee shop as part of their submittal. Planner Hilbrands stated that the car wash will be considered to be the primary use for the building on the parcel, so the coffee shop would be adding a second primary use which the zoning ordinance does not permit.

Planner Hilbrands stated that the applicant still needs to submit a full civil plan set including utility and stormwater information. Those will need to be submitted and reviewed by Township Engineers to ensure they meet Township stormwater requirements. Planner Hilbrands stated that a landscape plan also needs to be submitted, and the photometric plan that was submitted will need to be revised as illumination levels were over what is allowed in the Township.

Planner Hilbrands stated the applicant is planning to remove one curb cut along 28th Street, and will then realign the remaining curb cut with the one across 28th Street. The applicant will need to show documentation from the Kent County Road Commission approving the curb cut change. Planner Hilbrands states that the applicant is proposing to make the existing drive that allows access to the parcel from the southeast a one-way drive, Staff recommends it stay a two-way drive to promote better cross access between properties.

Planner Hilbrands stated that the applicant still needs to complete the process to vacate the abandoned right of way between the two parcels, and this is important because if the application is denied it would change the whole site plan. The Township Board and Road Commission will need to approve this before the preliminary plan review for the applicant.

In his Staff report, Planner Hilbrands provided other recommendations for information the applicant should submit before proceeding to a public hearing. Planner Hilbrands stated that the point of tonight's meeting is to be an introduction phase to the project, and to answer any questions.

Chairman Rissi asked is Members had any questions at this time.

Member Noordyke asked if there was anything that would preclude approving both the car wash and coffee shop since the applicant will be combining two parcels. Planner Hilbrands states that the ordinance does state there can only be one building or principal use per parcel.

Chairman Rissi asked if the coffee shop could be on its own parcel. Planner Hilbrands stated that it could, but the car wash wouldn't fit how the applicant wanted it to on just one parcel, so combining the two gave them more room for the car wash.

Member Noordyke asked what process the applicant would need to follow in order to get approval for the two buildings on the combined parcel.

Chairman Rissi asked if the parcel/lot line could be drawn on the west side of the coffee shop where the proposed vacuums are to establish two parcels, or if there are other contributing factors to that not being possible. Planner Hilbrands stated that the buffer yard and setbacks would need to be met, there would not be enough parking spaces per parking requirements as shown at this time, and the B2 zoning requires a three-acre minimum parcel, with this one being just above two acres. Chairman Rissi asked as the parcels sit now, would it be feasible for a car wash to be built on one, and coffee shop to be built on the other one if they were able to fit within the boundaries. Planner Hilbrands stated that would be possible.

Member Noordhoek asked if the proposed driveway cut would need to change if the parcels were kept separate, Planner Hilbrands stated they would need to change. Chairman Rissi asked if cross access would be possible, Planner Hilbrands confirmed that it would be possible.

Chairman Rissi asked if the proposed 5 vacuums would need to be removed from the plan if the parcels were kept separate and both built on, Planner Hilbrands stated that vacuums need a 50-foot setback, so those would likely need to be taken out.

Member Noordhoek stated that he believes this plan is jammed in too tight, and believes there would be backups with too many cars in line at both the car wash and drive through only coffee shop.

Member Rapin asked since technically this PUD is not allowed a curb cut onto 28th Street, is it being allowed because the applicant is reducing from two to one. Planner Hilbrands stated that the Pizza Hut property (where the car wash would go) is not permitted its own curb cut, and uses the access drive on the west side. The motel property (where the car wash will go) is allowed a 28th Street curb cut.

Member Moxley agrees that the plan is too tight, and too dense for the amount of space there is.

Member Korstange asked if the noise level of the car wash/vacuums has been addressed. Planner Hilbrands stated that he has not heard of noise levels being addressed, but will look into the Township general ordinances for that.

Chairman Rissi asked if zoning for a car wash vacuum is the same in other parts of the Township, as he does not believe they are 50 feet from lot lines at two other locations. Planner Hilbrands stated there is a section in the zoning ordinances for auto repair shops, garages, and car washes where the 50-foot buffer is stated to be required.

Chairman Rissi invited the applicant to comment.

Mr. Morgan stated that the applicant would be willing to draw a property line to have each building on its own parcel, however they would have setback issues as stated by Staff. Mr. Morgan stated that all of the information required by Staff is almost complete, and will be submitted soon.

Member Katsma asked why the applicant is choosing to put a one-way drive on the south side of the property. Mr. Morgan stated that the owner of the development to the south preferred this as he believes it will reduce the traffic flow through his development, the applicant does not have a preference of one-way vs. two.

Member Rapin asked if the aforementioned one-way entrance flow of traffic to the north will be an issue with the traffic flow heading south. Mr. Morgan stated there is also a north "through" drive next to The Electric Cheetah building to help ease congestion.

Chairman Rissi asked if there will be a cross flow agreement with The Electric Cheetah. Mr. Morgan stated that he is unsure as The Electric Cheetah has their own curb cut.

Mr. Bob Morse (applicant) stated that a lot of the Tommy's car wash buildings are set up to operate on one acre of land, so he believes this location will be laid out very well

(even with the coffee shop) with 2.1 acres of space, and that the ingress and egress of vehicles should be smooth.

Member Katsma asked if the proposed coffee shop will be 100% drive through, Mr. Morse stated that is correct.

Member Noordhoek asked about the amount of space from the exit of the car wash to where people are vacuuming their vehicles directly across from the car wash exit, and is concerned the space will get backed up. Mr. Morse stated that during busier times, they have physically put traffic cones in place to force exiting vehicles in one direction. Mr. Morgan stated that the 38-foot space in between the exit and the vacuums will be clear, as people pull forward into the vacuum area leaving the 38-foot space behind them. The available space to vacuum vehicles is 18 feet.

Nicole Howell (Tommy Car Wash) stated that there is room for 31 vehicles to be "stacked" at a time waiting to get into the wash, and the wash itself can process 208 vehicles in one hour.

Chairman Rissi asked if there was any member of the public wishing to speak. There was no comment.

Planner Hilbrands stated that he would like clarification on whether or not the coffee shop should be included in the next plan approval as he heard comments both for and against it.

Member Johnson stated that as the zoning ordinance does not allow the coffee shop to be on the parcel, he wonders if the appropriate course of action should be to get a variance from the Zoning Board. Planner Hilbrands states that since it's a PUD, he believes it may be able to be included in the approval, but stated that he will have to check further into that. Member Johnson asked that Planner Hilbrands brings that information to the next Planning Commission meeting.

Member Noordhoek stated that he is concerned about the congestion of traffic, and would like to see either the coffee shop or car wash removed.

Member Moxley agreed with Member Noordhoek.

Planner Hilbrands stated that setting a precedent is important, and would expect any new development to meet current standards.

Member Johnson asks if Planner Hilbrands can do some research into a statement that the applicant made indicating there are existing PUDs with multiple use buildings on them. Chairman Rissi stated that would be a good idea, and also believes that parcel size should be included. Planner Hilbrands stated that he will provide a memo for these requests.

Member Noordyke stated that since this was originally two parcels combined into one, and that the uses are inline with what happening in the geographic area, he is inclined to have the coffee drive through stay on the plan. Member Noordyke also states that

the applicant should be aware that multiple Planning Commissioners believe the space to be too dense for both businesses, and be prepared to show additional plans and studies showing how they will make it work.

Chairman Rissi asked if the current Pizza Hut building is in a PUD. Planner Hilbrands stated that it is, and that the motel building is on its own parcel. Chairman Rissi asked for clarification of that parcel being under three acres as it sits right now, Planner Hilbrands confirmed and stated that it is just over two acres.

ARTICLE 9. Case #21-3632/Gole Dental Properties

Property Address: 3636 Kraft Ave SE

Requested Action: Basic Plan Review for an amendment to the PUD Ordinance to accommodate a dental office in the existing building.

Planner Hilbrands stated that this is intended to be an introduction to this project as a basic plan review, and that the applicant is requesting PUD 49 be amended to include this new use. PUD 49 currently includes an existing single-family home being used as an office by Pension Concepts. The applicant is proposing to use the existing building to house the dental office, and is proposing some changes to the parking lot area as well. Planner Hilbrands stated that the current PUD ordinance language is very specific and states that the building will be used by Pension Concepts for their permitted use, so that language will need to be amended in order to allow for any other use.

Planner Hilbrands stated that the applicant will need to provide an existing and proposed site plan indicating the net increase in impervious surface of the parking lot. The Township Engineer will need to review this for stormwater compliance. Planner Hilbrands states that proposed site plan should also indicate setback information for the property line and edge of the streets for the proposed sign, and should also show aisle and width information for the driveway and parking lot. Planner Hilbrands stated the applicant should also confirm any proposed changes to curb cuts, and include any comment the Kent County Road Commission has on that.

Planner Hilbrands stated the applicant will need to submit a landscaping plan, and a photometric site plan of any new exterior lighting being proposed. Planner Hilbrands states the applicant has indicated they will be connecting to sewer and water, so a Kent County Health Department approval should be submitted for that.

Planner Hilbrands stated that the next phase is to schedule a public hearing for a preliminary development plan review once the applicant provides the documents and information provided in the Staff report.

Chairman Rissi invited the applicant to comment.

Mr. Phil Gole stated that he submitted a new site plan that includes a service drive and a trash disposal area on the south side of the building. This will be a straight access drive coming from the west.

Mr. Gole asked if there was objection by the Planning Commission to this site being used as a dental office as his closing on the property is contingent as it being used for dental use. Planner Hilbrands stated that as long as there is no discontent from the Commission or Staff, he does not see an issue with a dental office at that location. Chairman Rissi agrees with Planner Hilbrands. Member Rapin and Member Noordhoek also state their agreeance.

ARTICLE 10. Discuss and Consider Virtual or In-Person (Hybrid) Meetings

Planner Hilbrands stated that the Township now has the ability to hold in person hybrid meetings at the Wisner Center. Hybrid makes it possible for Board Members, Staff, and applicants to meet in person, but also gives the option of joining virtually via Zoom for those who are unable to attend in person. Planner Hilbrands stated that Kent County extended the emergency order to allow municipalities to continue virtual meetings until June 30th, so full virtual meetings are a possibility until then. Planner Hilbrands asked for input from the Planning Commission on how they would like to move forward.

Member Johnson asked if Members and those in attendance would have to wear masks through the entirety of the meeting, Planner Hilbrands stated that he is unsure of the answer to that at this time.

Member Noordhoek stated that during the most recent Township Board meeting, participants were able to not wear a mask while speaking.

Chairman Rissi asked if it was possible for Members to participate in a meeting via Zoom if they chose not to attend a meeting. Planner Hilbrands stated that he will ask Assistant Manager Fast that question and follow up with an answer.

Member Rapin asked if when the current emergency order extension expires, meetings will go back to full in person attendance at that time. Planner Hilbrands stated that's what it sounds like unless the order gets extended again.

Members held a discussion about meeting options, and decided that Staff will work towards being able to safely accommodate in person meetings going forward.

ARTICLE 11. Any other business

Member Deering asked about the status of Chick-Fil-A being built in the Township, Planner Hilbrands stated that last he heard from Economic Director Korhorn was that they do not have a timeline yet but still plan to build in the Township.

Member Deering asked about the pathway going in on Burton that will cross I96. Planner Hilbrands stated that he believes that to be a 2022 project, but will check into the status. Member Deering asked if this will be an addition to the existing bridge, or a new bridge. Planner Hilbrands stated that he believes it to be a separate pedestrian only bridge.

Member Moxley asked about the property on Cascade Road north of Burton that has construction machinery, equipment, and multiple vehicles parked/stored on a residential lot. Planner Hilbrands stated that he will check with Assistant Manager Fast on the progress of this complaint.

Chairman Rissi asked about the five-year plan of the Kent County Road Commission, and if it will be on a future agenda of the Planning Commission for Members to review. Planner Hilbrands stated that it can be added to a future agenda for review.

ARTICLE 12. Adjournment

Motion was made by Member Johnson to adjourn. Supported by Member Katsma. Motion carried 9 to 0. The meeting was adjourned at 8:19 p.m.

Respectfully submitted,
Brett Katsma, Secretary

STAFF REPORT

STAFF REPORT: Case #21-3629/Bob Morse
REPORT DATE: April 15, 2021
PREPARED FOR: Cascade Charter Township Planning Commission
MEETING DATE: April 19, 2021
PREPARED BY: Brian Hilbrands, Planner

APPLICANT:
Bob Morse
PO Box 633
Grandville, MI 494

STATUS
OF APPLICANT: Owner

ADDRESS
OF PROPERTY: 6390 and 6420 28th Street, Grand Rapids, MI 49546

REQUESTED ACTION: Basic Plan Review for an amendment to the PUD to accommodate
a new car wash.

EXISTING ZONING OF
SUBJECT PARCEL(S): PUD 80, B-2

GENERAL LOCATION: South side of 28th St, west of Thornhills Ave

PARCEL SIZE: Approximately 2.1 acres

EXISTING LAND USE
ON THE PROPERTY: Commercial – a Pizza Hut and a motel

ADJACENT AREA
LAND USES: N – Commercial, 28th Street
S – Commercial & Residential
E – Commercial
W – Commercial – Macatawa Bank

ZONING ON
ADJOINING PARCELS: N,E – B-2
S,W – PUD 80

STAFF COMMENTS:

1. The applicant is requesting Basic Plan Review to amend the existing Planned Unit Development to allow for the development of a new 5,243 sq ft car wash. The applicant is showing three different potential plans for the property. Your first saw this plan at the April 19 meeting for a basic plan review, but since the applicant is presenting multiple site plan options, I recommended that they come back for another basic plan review.
2. The site is currently the location of a Pizza Hut at 6390 28th Street which is part of the PUD, and a motel at 6420 28th Street which is currently zoned B-2.
3. The site was rezoned to PUD in 2005 to permit a variety of commercial uses and amended to the current PUD in 2017 to also permit a 61-unit multi-family residential apartment development in the south of the PUD.
4. The applicant's Basic Plan A is similar to their original basic plan. The applicant is proposing to combine the two parcels at 6390 and 6420 28th Street, along with the road right-of-way that is between them. The applicant has noted that they are asking for a deviation for two vacuums that are located 36 feet from the west property line.
5. The applicant is also proposing an approximately 550 sq ft building for a coffee shop with a drive-thru on the same parcel. Our zoning ordinance allows for one building with a primary use on a parcel. A coffee shop would be considered to be a second building with a primary use, and would therefore not be permitted.
6. There are just a couple of examples of parcels within a PUD containing more than one building. When this is the case, the use is typically related for each building, such as a shopping center. The number of buildings allowed is also based on the minimum size requirements of the underlying zoning. The underlying B2 zoning has a minimum size requirement of 3 acres, so in order for the parcel to have two buildings it would need to be at least 6 acres in size.
7. The original parcel for the PUD was 15 acres in size. The PUD was approved with three commercial buildings out front along 28th Street, and two commercial buildings in the back of the site. Some of the buildings were allowed on less than 3 acres because the overall site still meet the underlying density requirement of one building per 3 acres. The site is fully built out based on the underlying density. In order to accommodate an additional building, an additional 3 acres would have to be added.
8. The applicant's Basic Plan B is similar to the first plan, except that each building is now on its own parcel. In this plan they are proposing to reduce the eastern parcel from a size of 0.7 acres and width of 153' to a size of 0.48 acres and a width of 104'.
9. The existing hotel parcel would be considered a legal nonconforming parcel, since it is already well under the minimum size requirements of the B2 zoning district, which is 3 acres and a width of 300'. When we have a legal nonconforming situation, we would expect that it either be left as is, or that it is being moved closer to compliance. Since the

size and width of the parcel are being decreased it is actually being moved further from compliance.

10. If the applicant would prefer to have two buildings, then each building should be located on its own parcel and the property lines should remain where they are. It appears that the carwash building would have to be made smaller in order for the setbacks to be met. Each building and site plan should be able to fully fit on its own parcel, including access to 28th Street.
11. It is important to note that the current PUD ordinance does not permit additional access to 28th Street. They are asking for an additional access from the curb-cut on the hotel parcel. Additional access was only going to be allowed if the parcels were being combined.
12. The applicant's Basic Plan C is in line with the comments that staff provided after the first basic plan review. The applicant is proposing to combine the parcels and include the approximately 5,243 sq ft building for a car wash.
13. This plan shows a drive easement to the south property if required. Staff would prefer to see cross-access to the south be included, but if everything else is being included then it is not a top priority.
14. All of the proposed plans show a setback of 94' for the car wash building to 28th Street. This is below the 100' setback required in the B2 zoning district, but is consistent with the other buildings along 28th Street in the PUD.
15. Staff would prefer to move forward with Basic Plan C since that is asking for the fewest exceptions and most closely follows our zoning requirements.
16. A revised landscaping plan, photometric plan and civil plan set based on the preferred basic plan will need to be submitted. The stormwater system will need to be finalized and approved by the Township Engineer before proceeding to the preliminary development plan review.
17. Car washes are subject to the special use requirements found in Section 17.07(2)(k) of the Zoning Ordinance.
18. The applicant has submitted this package as required by Section 16.05 (2) of the Zoning Ordinance for Basic Plan Review.
19. If you find that all the procedural information has been provided, this application should proceed to a public hearing and consideration of a Preliminary Development Plan. It will be at that stage of the review process that the *merits* of the request will be considered, and the detailed site plans will be required and reviewed.

Before proceeding to the Preliminary Development Plan review (Public Hearing), I would recommend that the applicant submit the following information:

1. Approval from the KCRC and the Township Board for vacating the right-of-way.
2. The different parcels should be combined into one parcel
3. A full civil plan set
4. Removal of the coffee shop building from the site plan
5. Provisions in the general notes of the site plan for screening of the dumpster
6. Landscape plan that includes bufferyard setbacks
7. The location and type of any signs being proposed
8. Photometric plan
9. KCRC review and approval of the curb cut on 28th Street
10. Approval from the township engineer of all proposed stormwater drainage facilities or improvements

ATTACHMENTS:

Application

Site Plan

Current PUD Ordinance Riebel Development #2 of 2005

Zoning Ordinance Section 17.07(2)(k)



SANTIGO CT

SAN ANTONIO DR

MAGELLAN DR

SANT

28TH ST

JACKSMITH AVE

THORNBOK ST

THORNHILLS AVE

TAHOE DR



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Bob Morse
Address: PO Box 633
City & Zip Code Grandville, MI 49418
Telephone: (616) 889-0373
Email Address: bob@creativeproducts.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 checked="" type="checkbox"/> | P.U.D. – Rezoning * |
| <input type="checkbox"/> | P.U.D. – Site Condominium * | <input type="checkbox"/> | Rezoning |
| <input checked="" type="checkbox"/> | Site Plan Review * | <input type="checkbox"/> | Sign Variance |
| <input checked="" type="checkbox"/> | Special Use Permit | <input type="checkbox"/> | Subdivision Plat Review * |
| <input type="checkbox"/> | Zoning Variance | <input type="checkbox"/> | Other: _____ * |

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

BRIEFLY DESCRIBE YOUR REQUEST:**

We are proposing a new car wash and new coffee shop located at 6390 and 6420 28th Street SE, including removal of two existing buildings, removal of two existing curb-cuts and construction of one new curb cut. We are requesting an Amendment to an existing PUD and a Special Use Permit.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

Four parcels have been assembled for this project and Legal Descriptions are currently in progress. They will be submitted to the Township as soon as they are completed. See Site Plan for Property Dimensions.

PERMANENT PARCEL (TAX) NUMBER: 41-19-17-229-004 & 41-19-16-101-012

ADDRESS OF PROPERTY: 6390 and 6420 28th Street SE

PRESENT USE OF THE PROPERTY: Former Pizza Hut Restaurant (vacant)
and Strip Retail (old motel building)

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

Name(s)

Address(es)

JMR PROPERTY 2 LLC

PO Box 633, Grandville, MI 49418

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)

Robert Morse

Applicant – Print or Type Name

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

 _____ 3-11-21
Applicant's Signature & Date

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

RJM Design Inc.

Land Planning • Landscape Architecture

Transmittal

Date: May 19, 2021

To: Brian Hilbrands, Planner
Cascade Charter Township
5920 Tahoe Dr. SE
Grand Rapids, MI 49546-7192

From: R. James Morgan
RJM Design, Inc.

Project: Tommy Car Wash PUD

Enclosed are the following documents:

- Sketch Plan dated May 19, 2021 (2 copies)
- Sketch Plan Narrative dated May 19, 2021 (2 copies)
- Sketch Plan dated March 15, 2021 (sent via email)

It is our understanding that this item will be reviewed at the Monday, June 7, 2021 Planning Commission Meeting.

Thank you,

Jim Morgan

Cc: Bob Morse, w/ attachments
Doug Stalsonburg, w/ attachments

SKETCH PLAN NARRATIVE

Tommy Express Car Wash and a Scooters Coffee Shop

6390 and 6420 28TH Street SE, Cascade Charter Township
May 19, 2021

On behalf of JMR Properties 2 LLC, we are re-submitting our Basic Site Plan with a Tommy Express Car Wash and a Scooters Coffee Shop for further consideration. We believe that a departure from the generally applicable requirement of one building per parcel is appropriate, fair and consistent with other commercial PUD Developments in the Township.

At our previous meeting on April 19, some commissioners expressed concerns there was “too much development” being proposed and there was “excessive traffic congestion”, primarily on the east side of the car wash and near the new curb-cut. However one commissioner thought there might be a way to reorganize the design and suggested that we come back with a revised plan and proper rationale as to why our proposal was reasonable.

Beginning with the “traffic congestion” concern; we have improved the Site Plan by eliminating the easterly vacuums. We also reduced the number of north/south driveways, significantly increased the open green space, and we provided an easterly buffer yard. These proposed revisions have simplified the traffic routing, eliminated conflicts and provided sufficient stacking where needed. In addition, it is important to know that the coffee shop peak hours are 7AM to 11AM and the car wash peak hours are 2PM to 6PM. So the busy times are staggered making the uses a good fit for one another.

For the “too much development” concern; it is important to (1) compare our proposal to the actual existing conditions, which is the current Pizza Hut PUD, the Motel site and the undeveloped right-of-way. For further comparison (2), we should consider other Commercial PUD’s in the Township where multiple buildings exists on one parcel.

1. When you compare our proposed PUD to the currently approved PUD (for Pizza Hut) and the existing Motel development, we are actually reducing land coverage from 52% to 51% (see Existing Conditions Plan and Basic Plan – A).
2. When you compare our proposed PUD to other commercial PUD’s in the Township our proposed land coverage is much less, averaging over 20% less.

For example:

PUD 19 – Thornapple Center has four buildings on (1) 10.16 acre parcel

Lot area	442,569 SF	
Paved area	255,779 SF	
Building area	89,379 SF	
Coverage	345,158 SF	78%

PUD 32 – Esplanade Center has two buildings on (1) 2.63 acre parcel

Lot area	114,563 SF	
Paved area	64,556 SF	
Building area	21,843 SF	
Coverage	86,399 SF	75%

PUD 80 – Riebel Development has two buildings on (1) 6.45 acre parcel

Lot area	280,962 SF	
Paved area	153,453 SF	
Building area	45,246 SF	
Coverage	198,699 SF	71%

PUD Tommy Car Wash & Scooters has two buildings on (1) 2.14 acre parcel

Lot area	93,328 SF	
Paved area	41,900 SF	
Building area	5,793 SF	
Coverage	47,693 SF	51%

Again, when you compare our proposed PUD to other commercial PUD's in the Township, our site coverage is more than 20% less.

Our submitted Plan has four exhibits side by side for easy comparison. They are described as follows:

- The Existing Conditions Plan shows the current approved PUD Site Plan superimposed over the existing Pizza Hut development.
- Basic Plan – A shows our PUD Proposal with two buildings on one parcel, along with proposed driveways, parking, setbacks, buffer yards and landscaping.
- Basic Plan – B is the same plan as “A”, with a suggested property line split if the Township would prefer each building have its own parcel. In this scenario, required side yard setbacks and buffer yards can still be met.
- Basic Plan – C shows the Tommy Car Wash with a generous side yard.

After reviewing our proposed site plan improvements and considering how our site coverage compares to existing conditions and to other commercial PUD's in the Township, we ask that you support Basic Plan – A.

Subsequent to the Planner's Memo dated April 20, we submit the following updates:

1. Legal procedures to vacate the public right-of-way are well underway and the KCRC has officially stated they will support the vacation.
2. After the right-of-way has been obtained, all parcels will be combined into one parcel.
3. Detailed civil engineering drawings are in the works.
4. We remain hopeful for the 550 SF drive thru Coffee Shop.
5. Drive access to the south will be provided if required, however neither the applicant nor the southern neighbor desires this drive connection.
6. The dumpster will be enclosed and screened as required by the Ordinance.
7. Basic Plan A includes all required buffer yards.
8. A Signage Plan will be submitted with our Preliminary Plan Submittal.
9. A Lighting Plan with photometrics will be submitted with our Preliminary Plan Submittal.
10. The KCRC has reviewed our proposed curb-cut and given preliminary approval.
11. Our civil engineer has been communicating with the Township Engineer and fully understands the storm water management requirements.

CASCADE CHARTER TOWNSHIP

**Ordinance # 2 of 2005
Amended by Ord #7 of 2007
Amended by Ord #7 of 2017**

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

Cascade Charter Township Ordains:

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

The application received from Riebel Development, or assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Riebel Development project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on February 7, 2005. The Project is recommended for rezoning from the existing B-2 zoning to PUD, Planned Unit Development permitting this mixed use development. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on February 23, 2005.

Section II. Legal Description.

The legal description of the Project is as follows:

41-19-17-226-009

S 300 FT OF N 350 FT OF E 115 FT OF E 1/2 NE 1/4 * SEC 17 T6N R10W 0.79 A.

41-19-17-226-008

N 1000 FT OF E 250 FT OF E 1/2 NE 1/4 EX S 300 FT OF N 350
FT OF E 115 FT * SEC 17 T6N R10W 4.94 A.

41-19-17-226-004

E 1/2 OF FOL DESC - N 1000 FT OF E 1/2 E 1/2 NE 1/4 EX E 250 FT
* SEC 17 T6N R10W 4.71 A.

41-19-17-226-003

W 1/2 OF FOL DESC - N 1000 FT OF E 1/2 E 1/2 NE 1/4 EX E 250
FT * SEC 17 T6N R10W 4.71 A.

Section III. General Provisions.

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended). In the event there is a conflict between the provisions of this Ordinance and those of the Cascade Charter Township Zoning Ordinance, the provisions of this Ordinance shall control and govern.

Section IV. Purpose. Amended by Ord #7 of 2007; 11/7/2007; Ord #7 of 2017

The Project occupies approximately 14.5 acres of land, that formally was is the site of a legal non-conforming industrial operation as well as an existing Pizza Hut restaurant. These existing uses currently occupy a total of 4 buildings on the 14.5 acres. The Project is comprised of two separate areas: "Area A" and "Area B" which may be developed by separate Developers. Area A is located upon land currently comprised of Units 2, 3 and 4 in the Cascade Market Place Condominium (the "Condominium") identified in the Master Deed of Cascade Market Place recorded June 14, 2005 as Instrument No. 20050614-0069327 and amended by Amendment No. 1 to Master Deed of Cascade Market Place recorded January 2, 2007 as Instrument No. 20070102-0000046 (together, the "Master Deed"), and is proposed to be developed into a mix of different uses involving general retail, restaurant, offices, and a bank. Area B is approximately 9.968 acres in size, located upon land currently comprised of Unit 1 of the Condominium identified in the Master Deed, and is proposed to be developed into a single story 61 unit multi-family residential apartment development. Due to its size, magnitude, mixture of land uses and the timing of development over a period of years, in which market conditions may change, special land use regulations are deemed necessary by Cascade Township to establish this Planned Unit Development (PUD) District for the Project.

The regulations contained herein are established to define the procedures necessary to insure high quality development on the Premises. Additionally, they are designed to achieve integration of the development with adjacent land uses and the natural environment; to permit flexibility in the regulation of land development; to encourage variety in design, lay-out and type of structures constructed within the development; to achieve economy and efficiency in the use of land; to encourage the provision of useful open space; and to provide improved employment opportunities particularly suited to the needs of the residents of Cascade Township and West Michigan.

This Ordinance is further intended to permit flexibility in the regulation of land development by allowing the Developer to modify the concept and design of the proposed development as the market may dictate in the future over the course of the development of the Premises. The provisions of this Ordinance are not intended as a substitute for the Cascade Township Zoning Ordinance and General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township, except as provided herein.

Section V. Approval Limitations.

- A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced.
- B. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.

- C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- D. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment. Provided, however, that minor or immaterial changes to the site plan shall not require formal amendment of the PUD approval and ordinance amendment if determined, by the Township Planning Director, to be minor site plan changes as defined by section 21.04 of the Zoning Ordinance as amended.
- E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.
- F. Failure to comply with the site plan or any condition of approval herein shall be deemed a violation of the Cascade Charter Township Zoning Ordinance.

SECTION VI. PERMITTED USES. Amended by Ord #7 of 2007; Ord #7 of 2017
 For land and buildings, the permitted uses for the Riebel PUD are as follows:

- A. Retail Uses;
- B. Offices/Fitness
- C. One stand alone bank identified as building F.
- D. Restaurants, not to include fast food¹. The non fast food restaurant use is limited to a total of 19,588 sq.ft. This includes the stand-alone restaurants identified as buildings E and G on the approved PUD site plan as well as 11,168 sq.ft of non fast food restaurant within the rest of the development. The 11,168 sq ft should be based on seating capacity of the restaurant.
- E. Drive up window service for the restaurants shall be limited to Buildings E and G. A drive up window may also be included as a part of Building 1D . This use will be reviewed through the Special Land Use procedures of the Township. The use will only be permitted provided that the applicant can demonstrate, to the Township's satisfaction, that the user of the drive up window will be low impact user that will not result in creating any traffic problems with the rest of the development. The Drive up window and any of its infrastructure shall only be constructed after the approval of the Special Use.

For land and buildings, the permitted uses for the Riebel PUD within Area B are as follows:

- F. 61 unit apartment complex with one manager residence

Section VII. Master Development Plan. Amended by Ord #7 of 2007; Ord #7 of 2017

The Project shall conform in as much as reasonably possible to the master development plan approved by the Township Board and signed by the Township on November 7, 2007. The intent of the Developers is to develop the Project as 3 buildings within Area A and a 61 unit apartment project within Area B. Each building and its associated parking, landscaping, etc., will be required to submit site plans prior to any site work for each building, or site improvement, provided, however, that the Developer of Area B may submit one site plan for all buildings within Area B. This will allow the Township to ensure that all required infrastructure is constructed with the appropriate phase and that only those areas needed to be disturbed for each phase, are the areas planned to be disturbed. The Planning Commission shall review and approve all building or site improvement plans prior to the construction of each building or site improvement.

All buildings or site improvements of the Project shall comply with the Permitted Uses listed in Section VI and the Specific Development Regulations in Section VIII of this Ordinance. Site plan approval of each phase, building, or site improvement shall only be granted in accordance with Chapters 16 and 21 of the Zoning Ordinance, as may be amended.

Each building or site improvement shall be considered complete with the issuance of the required occupancy permit granted by the Township. Buildings or site improvements may be constructed concurrently with the approval of the planning commission.

Section VIII. Specific Development Regulations. Amended by Ord #7 of 2007; #7 of 2017

- A. The Project shall be developed in accordance with each site plan approved and signed by the Township. The site plan shall indicate where each building will be located and provide appropriate measurements demonstrating compliance with this ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting recognized, acceptable engineering standards and practices. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.
- B. It shall be unlawful for any person, firm or corporation to begin the construction of any building or other structure or to begin the alteration or moving of any building or structure within the Premises without receiving site plan review and approval from the Township Planning Commission.
- C. Elevation Plan – The elevations for the commercial buildings shall be consistent with the elevation plan dated 10/14/07 within Area A and with the elevation plan dated 7/27/17 within Area B. This will be ensured at the time of site plan approval for each building.
- D. Minimum Parking Requirements – Parking for each of the individual uses shall comply with the requirements of the Cascade Charter Township Zoning Ordinance Shared parking shall be allowed between all portions of the Project within Area A. Shared parking shall be allowed between all portions of the Project within Area B. There shall be no shared parking permitted between Area A and Area B of the Project.

E. Cross Access

- i. The Developer of Area A shall be responsible to provide and record

irrevocable cross access easements for this Project within Area A. Cross access shall be provided in two locations on the Project within and adjacent to Area A, including common area of the Condominium Project, sufficient to allow the Project within Area B to obtain access to 28th Street. These cross access easement areas must be constructed so they can easily be connected to the adjoining properties (i.e. grade and location). They must also be constructed and must be open and ready for any possible connection before a building permit is issued for the third building in the Project within Area A.

- ii. On the west side of the Project within Area A, the Riebel PUD Project shall allow for an irrevocable cross access to the Cascade Centre parcel (PPN 41-19-8-17-226- 002, 6250 - 28th Street) as shown on the approved site plan.
- iii. On the east side of the Project within Area A, the Riebel PUD Project shall allow for an irrevocable cross access to (PPN 41-19-8-16-101-014, 2845 Thornhills) as shown on the approved site plan.
- iv. Once the irrevocable access drives are constructed they shall remain open at all times, including the winter months and shall be free of snow and ice for clear passage. These cross access agreements shall be recorded prior to the occupancy of any portion of the Riebel PUD Project. This PUD Ordinance will provide the legal means to allow cross-access with these other parcels if and when the adjoining parcels are ever required to obtain Township approval.

F. Sidewalks

The Developer of Area A shall be responsible to design and construct a 7-foot wide, concrete sidewalk along the entire 28th Street frontage of the PUD property. The plans shall be reviewed and approved by the Township engineer prior to commencing any construction. The sidewalk along 28th St. shall be constructed prior to the issuance of the third building permit in the Project within Area A. The location of the sidewalk along 28th St. must be placed so it can easily be extended both east and west of Area A. The sidewalks within Area B shall be as shown on the approved site plan dated 4/17/17.

The interior network of sidewalks will be constructed along with each building. The sidewalks serving an apartment building within Area B must be completed before such apartment building is issued an occupancy permit. The entire interior network of sidewalks within Area B must be completed before the last apartment building within Area B is issued an occupancy permit.

G. 28th Street Access

Limit the number of drives to the site to a total of two. These drives to be reconstructed to meet the KCRC requirements as well as providing a deceleration lane that meets the KCRC standards for both drive entrances.

Section IX. Design Guidelines, Requirements and Limitations.

With the exceptions listed below, all of the requirements of the Cascade Township Zoning Ordinance, as may be amended, must be complied with for site plan review for

any new construction within the Project. Landscaping shall be provided within each Phase consistent with the approved landscape plans for each site as their individual site plans are considered for approval.

1. Building A, B, C and D

This portion of the project shall be developed as follows:

- a. Maximum Building Height – 18.5 feet.
- b. Setbacks – No part of the buildings may extend closer to any lot line than shown on the approved and signed site plan dated 4/17/17.
- c. Parking – Each dwelling unit may have a 2-car enclosed garage. There may be a total of 10 guest parking spaces and 2 ADA parking spaces for the leasing office.
- d. Maximum number of dwelling units – 61; Leasing office -1.
- e. Setback Requirements – No part of the building shall extend closer to any lot line than shown on the approved and signed site plan.
- f. Pedestrian access shall be provided from the sidewalk along 28th Street into the building and through the site to the south for use in other phases per section VIII.F of this ordinance.

2. Building E (Proposed Culvers Restaurant)

- a. Maximum Building Height – 35 feet.
- b. Setbacks – No part of the building shall extend closer to any lot line than shown on the approved and signed site plan
- c. Parking – The total amount of parking for building E shall be a maximum of 68 parking spaces.
- d. Lighting – shall meet Section 19.19 of the Zoning Ordinance as amended.
- e. Pedestrian access shall be provided from the sidewalk along 28th Street into the building and through the site to the south for use in other phases per section VIII.F of this ordinance.
- f. No access directly to 28th Street shall be permitted for the site.

3. Building F (Proposed Bank)

- a. Maximum Building Height – 35 feet.
- b. Setbacks – No part of the building shall extend closer to any lot line than shown on the approved and signed site plan
- c. Parking – The total amount of parking for building F shall be a maximum of 23 parking spaces.
- d. Lighting – shall meet Section 19.19 of the Zoning Ordinance as amended..
- e. Pedestrian access shall be provided from the sidewalk along 28th Street into the building and through the site to the south for use in other phases per section VIII.F of this ordinance.
- f. No access directly to 28th Street shall be permitted for the site.

4. Building G (Proposed Pizza Hut)

- a. Maximum Building Height – 35 feet.

- b. Setbacks – No part of the building shall extend closer to any lot line than shown on the approved and signed site plan
- c. Parking – The total amount of parking for building G shall be a maximum of 49 parking spaces.
- d. Lighting – shall meet Section 19.19 of the Zoning Ordinance as amended..
- e. Pedestrian access shall be provided from the sidewalk along 28th Street into the building and through the site to the south for use in other phases per section VIII.F of this ordinance.
- f. No access directly to 28th Street shall be permitted for the site.

Section X. Signs. The following signs shall be permitted for the entire development:
Amended by Ord #7 of 2007; #7 of 2017

- 1. One Pylon sign along 28th Street limited to the following:
 - a) This sign shall be limited to 25 feet tall. Measured from the grade to the top of the tallest part of the sign structure
 - b) Setback from the 28th Street right-of-way a minimum of 25 feet
 - c) Sign area shall be no larger than 120 sq.ft. in sign area.
 - d) One directional sign up to 10 sq ft may be used provided that the main sign is reduced by 10 sq ft.
- 2. Pizza Hut, Culvers and Macatawa shall be limited to the following:
 - a. One (1) wall sign or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Or, one (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area, or;
 - c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted a sign area equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies and no sign shall have a length of more than two-thirds of the subject frontage.
 - d. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
 - e. One (1) directory wall sign per commercial establishment, not to exceed twenty (20) square feet in total sign area.

3. In exchange for not placing a second pylon sign out by 28th St the three buildings closest to 28th St also identified as buildings E, F and G. Shall be permitted one ground sign limited to the following:
 - a) Setback at least 80 feet from the 28th St right-of-way
 - b) No taller than 5 feet high, measured from the grade to the top of the tallest part of the sign structure.
 - c) Sign area limited to a maximum of 40 sq.ft.

Section XI. Temporary Buildings.

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

Section XII. Land Splits

The entire premises shall be under the control of one owner. Should the developer request smaller lots, permission to perform a Land Division must be granted by the Planning Department. The Planning Department will review the proposed land division under the criteria of the Land Division Act and the Cascade Charter Township Zoning Ordinance.

Section XIII. Utilities . Amended by Ord #7 of 2007

- A. Public Water and Sanitary Sewer - All buildings within the Project shall be served by public sanitary sewer and water at the developer's expense. No building permits will be issued for any construction within the Project until final approval of the public utility system is approved by the City of Grand Rapids and Cascade Township.
- B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received regarding any stormwater disposal and/or wetland issues. Due to the design of the detention basin the developer shall be responsible to place guardrail along the entire perimeter of the basin.
- C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XV. Soil Erosion Control Requirements.

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

Section XVI. Performance Guarantee.

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to insure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads, and utilities. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section XVII. Reimbursement of Review Fees.

The Developer shall re-imburse the Township for all fees associated with the review of the Project. These fees may include, but not be limited to, legal, engineering, publishing, and planning review fees. The Township shall provide an itemized breakdown of the fees if requested by the applicant.

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

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. The conversion of a manufacturing building to a mixed use general business complex is viewed as a more compatible use to adjacent land uses.

In relation to the underlying zoning (B2, General Business) the Township finds the Project will not result in a material increase in the need for public services. Utility extensions and construction will be the responsibility of the Developer and will not place a material burden upon the subject property or the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies. All stormwater created by this development will be maintained on site.

The Project has been determined by the Township to be compatible with the General Development Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties.

The Township finds the Project to have more wetlands, green areas, and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the project until some of the buildings may be sold to other parties.

Section XIX. Effective Date.

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

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

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

NAYS: None

ABSENT: None

Ron Goodyke
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 23rd day of February, 2005.

Ron Goodyke
Cascade Charter Township Clerk

Chapter 17 Special Uses

- 6) Retail and wholesale sales on the premises to the general public shall be limited to nursery and/or greenhouse stock raised on site.
 - 7) No freestanding light poles shall be erected or lights placed on buildings unless deemed necessary in the special use permit review process for safety reasons. Light poles shall not exceed 20 feet in height. Light shall be directed downward and shall not reflect off the premises.
 - 8) Activities on the premises shall be limited to those associated with running a nursery or greenhouse, unless prior special approval is granted by the township.
 - 9) The storage of any fertilizer, chemical or loosely packed material shall be maintained and contained so as to prevent adverse effects upon adjacent properties. (This subsection added by Ordinance #2 of 1997)
- k. **Auto repair shops and garages and car washes.**
- 1) No subject facility existing on the effective date of this Ordinance shall be altered so as to provide a lesser degree of conformance with the provisions of this section than existed on said date.
 - 2) All repair lubrication and service work shall be done within an enclosed building.
 - 3) All storage and display of equipment, materials and merchandise, with the exception of fuel shall be within the building.
 - 4) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot high solid wall or fence.
 - 5) The storage of automobiles, trucks, or trailers for a period in excess of 72 hours or the sale or rental thereof is expressly prohibited without specific approval as part of the special use approval.
 - 6) Vacuuming activities shall not be located in the front yard and shall be at least 50 feet from any adjoining side or rear property line.
 - 7) No vehicle wash establishment shall permit patrons to extend lines of vehicles off the premises.
 - 8) All washing activities must be within a building.
- 9) No more than two (2) curb-cuts shall be constructed to provide ingress and egress. (This subsection amended by Ordinance #6 of 1993)
- l. **New and used car sales and rentals.**
- 1) The display of new and used cars shall not be carried out within any required front yard greenstrip area.
 - 2) All outdoor vehicle display areas shall be of an improved paved surface.
 - 3) Vehicle display or storage shall not be carried out within areas required for visitor, employee or service parking.
 - 4) Vehicle service and repair shall be carried out in accordance with the provisions of Section 17.07(2k) above.
- m. **Roadside stands as defined in Chapter 3.**
- 1) All structures and uses associated with the operation which are of a temporary nature shall be removed when the operation is not active.
 - 2) Adequate off-street parking maintained in a dust free condition shall be provided.
 - 3) The operation is located no less than one hundred (100) feet from any adjacent residential dwelling.
 - 4) The minimum setback for all uses and structures associated with the operation shall be in accordance with the minimum setbacks for residential buildings in the district.
 - 5) Signs shall be subject to the regulations relating to signs in the district as regulated by the Cascade Charter Township Sign Ordinance.
- n. **Transitional Uses.**
- In addition to other permitted uses or special uses which may be provided for, the first ARC, R-1 or R-2 zoned lots or the first 100 feet of unplatted street frontage with a depth not to exceed 200 feet with a side yard adjoining a B-1, B-2, ES, O or I zone may be utilized for the following uses.
- 1) Two-family dwelling units.
 - 2) Offices, including administrative, architectural, engineering, accounting, law, medical, dental, real estate and other typical offices provided that there is no sale of



STAFF REPORT

TO: Cascade Charter Township Planning Commission
FROM: Steve Peterson, Community Development Director
REPORT DATE: May 21, 2021
MEETING DATE: June 7, 2021
CASE: #21-3636 / Roundhill

GENERAL INFORMATION

- A. **Applicant:** Tom Guisti
PO Box 441
Ada MI 49301

- B. **Status of Applicant:** developer

- C. **General Location:** East side of Thornhills just south of Thornbook

- D. **Requested Action:** Amend PUD to allow for a retaining wall and pool within the 25-foot setback for unit 4 (6569 Roundhill Ct).

- E. **Existing Zoning on Subject Parcels:** PUD #55

- F. **Zoning on Adjoining Parcels:**

N – PUD 36 and PUD 37
S – PUD 55
E – R2
W – PUD 39

- G. **Parcel Size:** Approximately 5.2 acre

- H. **Existing Land Use on Subject Parcel:** Vacant/residential

- I. **Adjacent Area Land Uses:**
North - office/vacant
East - residential
South - senior housing
West - Residential

STAFF COMMENTS

- A. The applicant is requesting Basic Plan Review in order to amend the project (section VII.K_ of the PUD Ordinance) to install a retaining wall and pool at 6569 Roundhill Ct (unit 4). pool.

- B. Our zoning ordinance allows for pools within the required rear yard setbacks (10-foot setbacks from the side and rear property lines). We don't take setbacks for retaining walls. When we amended the project in 2019 the Ordinance states that nothing would be

constructed in the 25-foot setback area with the exception of the approved storm water infrastructure and the large retaining wall on the south side of the site.

- C. Originally, a retaining wall was proposed along the north side of the development in 2015 but the developer later changed that during the 2019 amendments and deleted the retaining wall on the north side.
- D. The developer would now like to only install the retaining wall on lot 4 in order to accommodate a pool for lot 4.
- E. The project has been controversial and has taken a lot of time for the township to manage. The developer has not always provided timely information/plans and we had to build several safeguards into the PUD Ordinance to ensure compliance.
- F. As of May 27, the site is in compliance with all of the agreements from the 2019 amendments.
- G. Approval of this amendment would only allow the pool and retaining wall for lot 4 within the 25-foot setbacks.
- H. Much of the controversy with the site related to the storm water design. In order to consider this amendment, I would suggest that the applicant provide full engineering plans for the entire development. This will allow the Township Engineer to review any impacts this change could have on the storm water system.
- I. Since this is the basic plan review you should let the developer know if there is anything else related to this request that you would want in order to hold the public hearing. Once those items are submitted and reviewed by staff we will schedule the public hearing.
- J. For your review I am also providing you copies of the approved site plan and the current PUD Ordinance that regulates the project.
- K. The applicant has submitted this package as required by Section 16.05 (2) of the Zoning Ordinance for Basic Plan Review.

Before proceeding to the Preliminary Development plan review (Public Hearing), I would recommend that the Planning Commission address the following:

1. Provide complete engineering plans to the satisfaction of the Township Engineer for his review and approval prior to scheduling the public hearing.
2. Approval for the request from the other owners in the Roundhill neighborhood.

Attachments: Application
 Approved Site plan
 PUD Ordinance



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Tom Giusti / Thomas Michael Homes
 Address: P.O. Box 441
 City & Zip Code: Ada Mi 49301
 Telephone: 616-581-8744
 Email Address: Tom@ThomasMichaelHomes.com

OWNER: * (If different from Applicant)
 Name: Pete Ferris
 Address: ~~1440~~ 1440 Boulder Dr.
 City & Zip Code: Ada Mich 48104
 Telephone: 616-867-7308
 Email Address: pferris@addawentzel.com

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 checked="" type="checkbox"/> P.U.D. - Rezoning * <u>Amendment</u>
<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 type="checkbox"/> Other: _____ *

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

BRIEFLY DESCRIBE YOUR REQUEST: ** OR INSIDE
Would Like Retaining Walls Within 25 Rear Yard
Set Back And Pools Within 25 Rear Yard
Set Back And or But Comply w/ Pool Will Still
Need to Be 10' From Property Line
 (**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 _____

ADDRESS OF PROPERTY All Road Hill And Lot 4/6569

PRESENT USE OF THE PROPERTY: _____

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

Name(s)	Address(es)
_____	_____
_____	_____

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.)

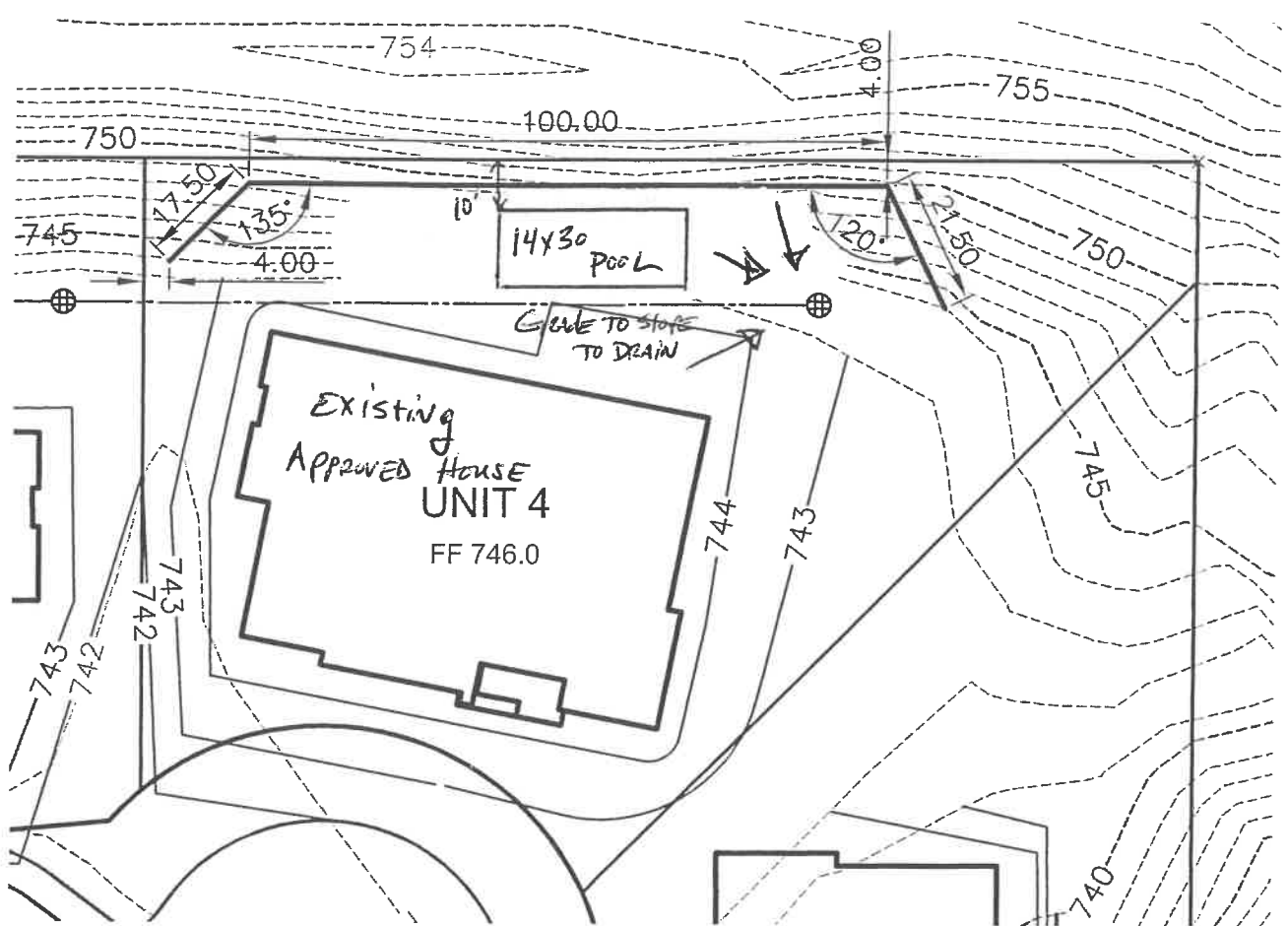

Owner – Print or Type Name
(*If different from Applicant)

Tom Biusti
Applicant – Print or Type Name

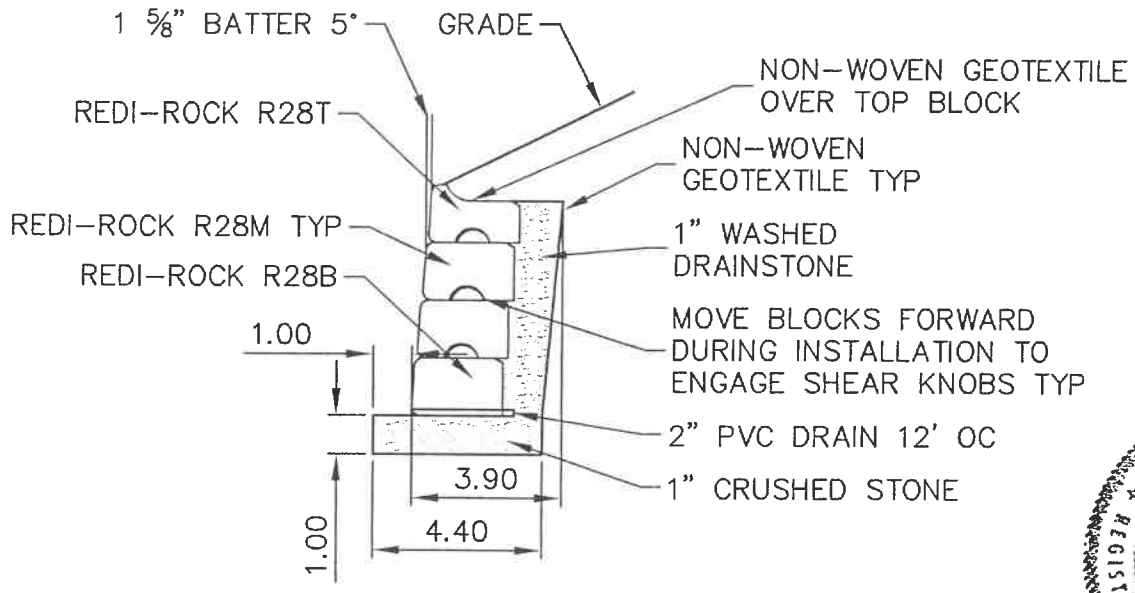
* 
Owner's Signature & Date
(*If different from Applicant)


Applicant's Signature & Date

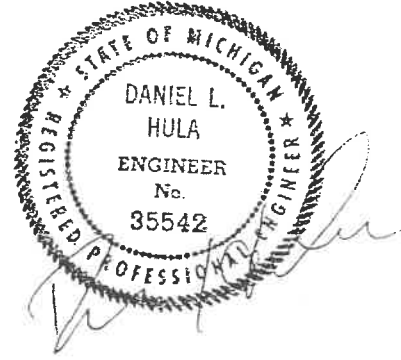
PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU



PLAN VIEW
SCALE 1" = 30



TYPICAL GRAVITY WALL DETAIL
SCALE 1" = 5'



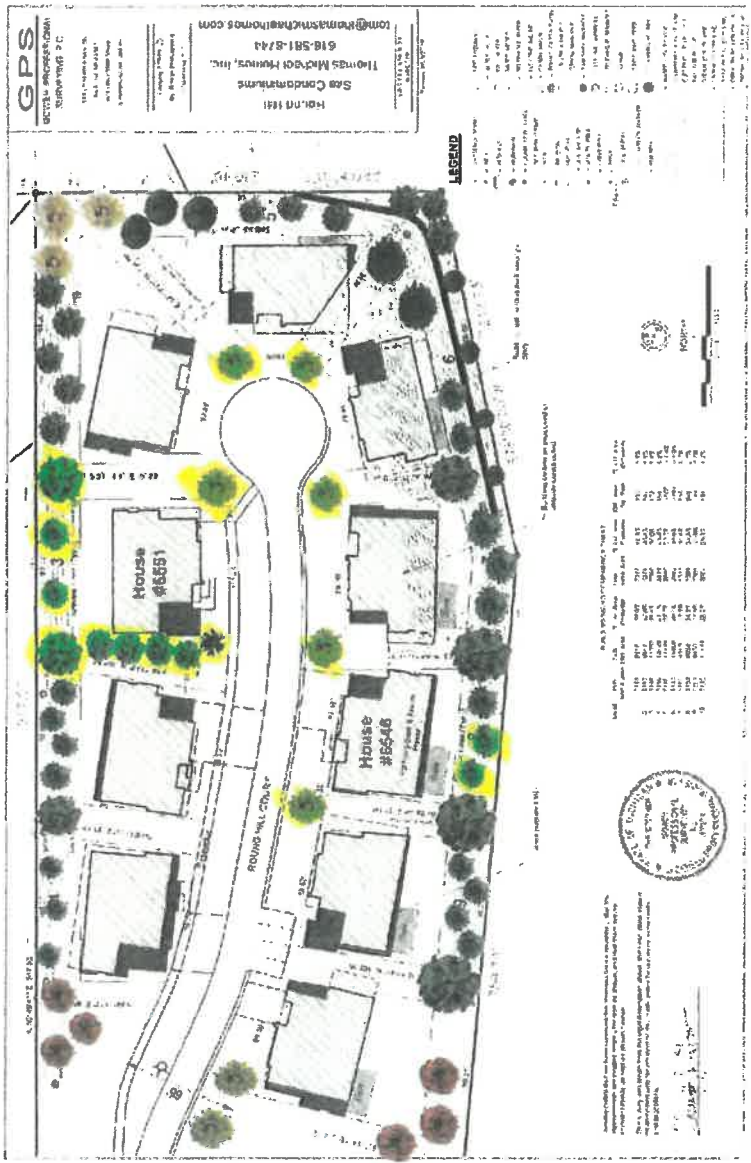
RETAINING WALL FOR UNIT 4
ROUND HILL CONDOMINIUMS
CASCADE TOWNSHIP
KENT COUNTY MICHIGAN
MARCH 27 2021

Tom Giusti
Thomas Michael Homes
2018 Feathery Ct
Grand Rapids, MI 49546

Hula Engineering
17 West Oak
Sand Lake, MI 49343-0194
HulaEngineering@charter.net
(616) 204-5204 (616) 636-5204

LEGEND	
COMMON NAME	QTY SIZE
TREE, DECIDUOUS	
BIRCH, EUROPEAN WHITE	7 2"
DOGWOOD, PINK FLOWERING	2 2"
MAPLE, ARMSTRONG	8 2"
MAPLE, COMMEMORATION	6 2"
OAK, NORTHERN RED	3 2"
TREE, EVERGREEN	
BLUE SPRUCE	2 10 GAL
HEMLOCK, CANADIAN	7 10 GAL
SPRUCE, BLACK HILLS	1 2"
SPRUCE, NORWAY	15 10 GAL

Already Planted



Landscape Design by: Dan Allchin
Scholten Landscape

Landscape Plan:
Round Hill Private

Scale:
1/8" = 1'

Revision #:
Date: 1/27/2020

16
15
1

202006300056406

Total Pages: 16
06/30/2020 11:49 AM Fees: \$30.00
Lisa Posthumus Lyons, County Clerk/Register
Kent County, MI



RECEIVED ROD
2020 JUN 30 AM 11:47

CASCADE CHARTER TOWNSHIP

Ordinance #2 of 2020

AN ORDINANCE TO Amend the

Sentinel Pointe

Ordinance #1 of 1980

as amended by Ordinance No. 6 of 1984

as further amended by Ordinance No. 1 of 2016

PLANNED UNIT DEVELOPMENT PROJECT

CASCADE CHARTER TOWNSHIP (the "Township") ORDAINS:

SECTION I. AN AMENDMENT TO THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE.

The application received from Finko, LLC, a Michigan limited liability company (hereinafter referred to as the "Developer"), is to further amend the Sentinel Pointe Planned Unit Development and to amend the earlier amendment from 2016 for a ten unit/lot single family residential development (the "Revised Project"). The Revised Project was recommended by the Cascade Charter Township Planning Commission for approval on May 18, 2020 to amend the current PUD, Planned Unit Development. Approval of the proposed PUD amendment requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendations and the final actions of the Cascade Charter Township Board on June 10, 2020.

SECTION II. LEGAL DESCRIPTION.

1. Ten unit/lot single family residential project – Roundhill - the Revised Project, now known as Round Hill Condominium, a Kent County Subdivision, Subdivision Plan No. 1053:

PART OF NW 1/4 COM AT NW COR OF SEC TH 90D 00M 00S E ALONG N SEC LINE 1475.51 FT TO E LINE OF LOT 7 OF ARDEN HILLS PLAT EXT N TH S 0D 08M 00S E ALONG SD EXT E LOT LINE & SD E LOT LINE & SD E LOT LINE EXT S 0D 08M 00S E 1125.46 FT TO BEG OF THIS DESC - TH S 78D 30M 00S W 212.73 FT TH N 85D 00M 00S W 759.30 FT TO ELY LINE OF THORNHILLS AVE /100 FT WIDE/ TH NLY ALONG ELY LINE OF SD AVE TO A PT 895 FT S FROM N SEC LINE TH E PAR WITH N SEC LINE

TO E LINE OF SD LOT 7 EXT S TH S 0D 08M 00S E ALONG SD EXT E LOT LINE TO BEG * SEC 16 T6N R10W 5.24 A.

2. Existing 154 unit retirement home (Sentinel Pointe):

411916103012 PART OF NW 1/4 COM AT NW COR OF SEC TH 90D 00M E ALONG N SEC LINE 1475.51 FT TO E LINE OF LOT 7 OF ARDEN HILLS EXT N TH S 00D 08M E ALONG SD EXT E LOT LINE TO CL OF THORNAPPLE RIVER DR TH S 63D 15M 32S W 234.98 FT TH S 46D 34M 38S W 129.5 FT TO BEG OF THIS DESC- TH N 45D 00M W 275.0 FT TH N 49D 00M E 175.0 FT TH N 57D 00M E 187.47 FT TH N 85D 00M W 759.30 FT TO ELY LINE OF THORNHILLS AVE /100 FT WIDE/ TH SWLY ALONG SD ELY LINE TO A PT 288.21 FT N FROM E&W 1/4 LINE TH E 10 FT TH S 24.21 FT TO N LINE OF S 264 FT OF NW 1/4 TH E ALONG SD N LINE TO CL OF THORNAPPLE RIVER DR TH NELY ALONG SD CL TO BEG * SEC 16 T6N R10W 18.25 A.

SECTION III. GENERAL PROVISIONS.

The conditions, requirements, and regulations contained in this document shall apply to the Revised Project in addition to those requirements and regulations contained in Chapter XVI of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended). Except as expressly modified by this Ordinance, Ordinance No. 1 of 2016, as recorded with the Kent County Register of Deeds records on January 22, 2020 at Document 202001220006534 (as well as any and all requirements and conditions contained therein), remains unchanged and in full force and effect.

SECTION IV. PURPOSE.

The Revised Project occupies approximately 5.24 acres of land that is to be developed as a 10 unit/lot single family residential development. The Planned Unit Development technique has been chosen by the Developer to provide more control over the development’s aesthetics and appearance.

The conditions, requirements, and regulations contained in this document are established to ensure high quality single family residential development of the Revised Project. Additionally, they are designed to achieve integration of this development with adjacent and area land uses.

SECTION V. APPROVAL LIMITATIONS AND CONDITIONS.

- A. The provisions of this Ordinance/Ordinance amendment (“this Ordinance”) are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not expressly addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall apply. Furthermore, all other applicable Cascade Charter Township ordinances (including Ordinance No. 1 of 2016, as amended) shall still govern the Revised Project where applicable.

- B. Except as expressly otherwise provided herein, the Developer and its assigns must meet all applicable provisions, ordinance requirements, and regulations of Cascade Charter Township, as well as federal, county, and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for construction, operation, or use.
- C. This PUD amendment approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be invalid, illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Revised Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD amendment (and earlier amendments) if the Township finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- D. All conditions contained herein and in the final approved revised site plan (the "Approved Revised Site Plan") shall be binding upon the Developer, as well as its successors, creditors, tenants, transferees, heirs, co-owners, unit owners, agents, contractors, and assigns, and the Round Hill Condominium Association, all of which are collectively called "Developer Successors." The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval, the Approved Revised Site Plan, and any ordinance amendments. The Revised Project must be constructed, operated and maintained, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the Approved Revised Site Plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur or be made unilaterally by the Developer or the Developer Successors. Any deviation without prior formal written approval by the Township will constitute a violation of this Ordinance and the Cascade Charter Township Zoning Ordinance.
- E. This Ordinance shall be recorded with the Kent County Register of Deeds by the Developer prior to any further construction occurring on the Revised Project and shall run with and bind the lands involved, including Round Hill Condominium, a Kent County Condominium, Subdivision Plan No. 1053. A copy of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.
- F. Failure to comply with the Approved Revised Site Plan or any condition of approval herein shall be deemed to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.
- G. Prior to recording a copy of this document as specified in Section V(E) hereof, the Developer shall type the following statement onto the end of this document (or add an additional page to the document) as follows, and shall sign and date the same:

“Finko, LLC has fully read the above PUD ordinance amendment document, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, creditors, successors, heirs, agents, contractors, and transferees in and to the property involved.”

- H. Before this document is recorded with the Kent County Register of Deeds, a property owner’s association (the “Homeowners Association”) shall be created and exist forever comprised of all of the owners and all of the lots/units in the Revised Project. The Homeowners Association shall keep and build up and administer a reserve fund (based on annual dues or assessments from the owners of each of the lots/units in the Revised Project), which shall be used for any use permitted under the Michigan Condominium Act, including, but not limited to: (i) to monitor, inspect, repair and clean out the storm water and water drainage facilities within the Revised Project, including the retention/detention ponds and related piping; (ii) to inspect, repair and maintain the Retaining Wall described in Section XIII below; and (iii) to repair and repave the private road as necessary. The annual assessment or dues for such fund shall be at least \$300 per year per each lot or unit within the Revised Project and shall be adjusted no less than every five years based on the federal Consumer Price Index (or comparable successor federal index). Upon a written request by the Township, the Homeowners Association shall provide the Township with the then-current balance of total monies in that fund.
- I. All of the conditions, requirements and obligations contained in this Ordinance/ordinance amendment shall pertain to and run with the lands involved, and shall benefit and burden not only the Developer, but also the Developer Successors.
- J. Except as stated below, the private road within the Revised Project shall not be obstructed nor shall free passage by vehicles on and along that private road ever be interfered with in any way. No parking is allowed on the paved portion of the private road, except for temporary parking that does not obstruct vehicle traffic and does not occur overnight. Notwithstanding the foregoing, the installation of a gate to limit public access to the Revised Project shall be permitted and temporary parking, including overnight parking, shall be permitted in the designated parking area located West of Unit 1 of the Revised Project as depicted on the Approved Revised Site Plan. The Cascade Fire Department shall at all times have access to and through the gate including any access codes or keys that may be necessary.
- K. Except as expressly amended by this Ordinance/ordinance amendment, Ordinance No. 1 of 2016 remains in effect and shall be fully complied with.
- L. The Homeowners Association and all unit/lot owners in the Revised Project shall be deemed to be the successors of the Developer (jointly and severally) for purposes

of compliance with this document and the Zoning Ordinance once the Developer no longer owns any lot or unit within the Revised Project.

SECTION VI. PERMITTED USES.

The permitted uses for the Sentinel Pointe PUD are as follows:

- A. 10 Single Family Residences – Roundhill (the Revised Project).
- B. The Existing 154 unit retirement facility – Sentinel Pointe.
- C. All signs for the Revised Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

SECTION VII. DESIGN GUIDELINES, REQUIREMENTS AND LIMITATIONS.

The Revised Project shall be developed in exact accordance with the Approved Revised Site Plan (dated 4/10, 2020) as approved by the Township. No alterations, expansions or additions may occur as to the Revised Project without a formal amendment to this Ordinance, unless expressly otherwise authorized herein.

- A. Maximum Number of Residential Units/Lots.
 - 1. Roundhill – Ten (10) single-family detached condominium units/lots.
 - 2. Existing retirement facility – 154 (Sentinel Pointe).
- B. Maximum Building or Structure Height
 - 1. Roundhill – 35 feet or two and a half stories whichever is less.
 - 2. Existing retirement facility – as constructed (Sentinel Pointe).
- C. Setback and Building Permit Requirements
 - 1. Roundhill – Front - 0
Side – 10 feet
Rear – 25 feet
 - 2. Existing retirement facility – as constructed (Sentinel Pointe)
- D. A site survey by a professional surveyor or engineer shall be filed with the Township for each proposed dwelling before a building permit is issued, showing

all of the corners of the proposed dwelling to ensure that the Approved Revised Site Plan is adhered to during construction and thereafter. The corners shall be physically staked for each unit/lot.

- E. Written verification shall be filed with the Township from a certified engineer that the detention pond has been cleaned and is functioning in accordance with the Township-approved design prior to any building permit being issued.
- F. The swale near units 9 and 10 shall be completed to the satisfaction of the Township engineer prior to building permits being issued for units 9 and 10.
- G. A sidewalk shall be built on the lots shown on the Approved Revised Site Plan dated 4/10/20 and completed no later than the certificate of occupancy for the house on the unit involved.
- H. The retention pond shall be revised and constructed according to the approved design no later than July 30, 2020.
- I. The Basin emergency overflow repair shall be fully completed no later than July 30, 2020.
- J. The North property line grading and catch basin repair shall be fully completed no later than July 15, 2020
- K. Except for the Retaining Wall described in Section XIII hereof, no deck, patio, or other structure shall be placed within or extend into any setback area.
- L. Minimum Floor Area
 - 1. Roundhill – Each dwelling shall contain a minimum of:
 - (a) One Story: 1300 square feet on the main floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
 - (b) Two Story: 1600 square feet, with a minimum of 800 square feet on the first floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
 - 2. Existing retirement facility
 - (a) As constructed (Sentinel Pointe).

SECTION VIII. PRIVATE STREET DEVELOPMENT - ROUNDHILL.

- A. The private street within the Revised Project shall be designed, built and maintained pursuant to requirements of Ordinance No. 1 of 2016 and in full compliance with the Approved Revised Site Plan dated 4/10, 2020.
- B. In accordance with Section G of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” the Developer of the Revised Project shall provide a disclosure statement on all property deeds to all unit/lot owners of the private street, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, stating that by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the Township (and its employees, officials, officers, and agents) shall not be responsible for any aspect of the private street.
- C. In accordance with Section I of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” it shall be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the private street in good condition and repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

SECTION IX. TEMPORARY BUILDINGS.

No structure of a temporary nature, including, but not limited to, any trailer, tent or construction shack shall be constructed, placed or maintained within the Revised Project except lawfully accessory to and during construction of any building or infrastructure improvement.

SECTION X. UTILITIES.

- A. Water and Sewer – The individual units/lots in the Revised Project will be served by both public water and public sewer. Such systems shall be designed, installed, and approved by Cascade Charter Township and the City of Grand Rapids.
- B. Stormwater Drainage –

The Project is located within Zone A of the Cascade Township Stormwater Ordinance. In lieu of requiring that an Act 433 agreement or a drainage district be established with the Kent County Drain Commissioner, Cascade Charter Township has agreed to approve the Approved Revised Site Plan for the Revised Project so long as the Revised Project (and any and all portions thereof) always fully complies with the Cascade Charter Township Stormwater Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances). Accordingly, the Homeowners Association and all landowners within the Revised Project (“Co-Owners”) are required to ensure the proper installation and permanent maintenance of any and all storm drainage and water retention systems, pipes,

ponds, Retaining Wall and associated drain system, and all facilities for the Project (collectively, the "Facilities") shown on the Approved Revised Site Plan or as otherwise required by the Cascade Charter Township Stormwater Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances, all of which shall collectively be referred to hereinafter as the "Stormwater Ordinance"). Such requirements and obligations of the Homeowners Association and Co-Owners (jointly and severally) include, but are not necessarily limited to, the following:

1. Maintenance and repair regarding the following items shall be done on a regular basis and in such fashion as to ensure that all components of the Facilities function properly at all times:
 - (a) Sediment removal.
 - (b) Erosion control.
 - (c) Ensuring constant structural integrity of the physical systems.
 - (d) Designate access to the Facilities.
 - (e) Cleaning of catch basin sumps.
 - (f) Sediment and debris removal from the infiltration basin.
 - (g) Landscape maintenance of the infiltration basin to maintain the design volume and ensure the system is operating as designed.
 - (h) Other maintenance procedures as outlined by the applicant's engineer in their letter dated June 4, 2015.
2. The Township (including its designated officials, officers, agents, and contractors) shall have the right to physically inspect all aspects of the Facilities at all reasonable times, or any other times if, in the opinion of the Township, there is a threat to the public health, safety, or welfare.
3. Buildings, structures, landscaping, trees, or similar items shall not be installed, planted, or placed within or over any portion of the Facilities except in accordance with the Approved Revised Site Plan, or if not identified in the Approved Revised Site Plan without prior written Township approval.
4. The Township shall be supplied with an engineer's "as-built" certification by the Developer to certify that the Facilities as constructed and installed

matches the approved revised design. The Township shall also be supplied with a reduced copy of the Approved Revised Site Plan graphically showing the Facilities, together with any and all easements therefor.

5. The Township shall be supplied with a permanent easement or irrevocable license allowing the Township (as well as its designated officials, officers, agents, and contractors) to have access between the public road right-of-way and to any and all portions of the Facilities.
6. Should the Facilities not be properly installed, maintained, and/or repaired, in full compliance with all of the requirements of this Subsection X.B hereof, the Approved Revised Site Plan, and the Stormwater Ordinance (whether due to the fault or neglect of the Developer, the Homeowners Association, and/or the Co-Owners), and any such noncompliance or deficiency shall not have been fully remedied within 30 days of the date when the Township has given the Homeowners Association written notice of any such noncompliance or deficiencies, the Township, at its sole option and discretion, shall have the right and authority to perform any and all installations, replacements, repairs, and/or maintenance which is reasonably required and charge back all of the costs thereof to the Homeowners Association and also the Co-Owners (together with reasonable administrative costs and legal fees). Should any challenge occur regarding the Township's actions, the following shall be applicable:
 - (a) Establishment of a Special Assessment District. The Township may establish a special assessment district for the Revised Project to pay for and/or reimburse the Township for any and all such costs and expenses (as well as to ensure future required repairs and maintenance) pursuant to whichever state statute the Township desires to utilize. In such event, all of the Co-Owners and the Homeowners Association shall all be deemed to have fully consented to and agreed with the establishment, implementation and enforcement of such a special assessment district.
 - (b) Proceeding to Collect Pursuant to the Master Deed and Condominium Documents or Deed Restrictions. Alternately, the Township shall also have the authority to collect or require reimbursement for any and all such costs and expenses from the Homeowners Association and the Co-Owners as if such obligations of the Homeowners Association and the Co-Owners were in the form of a permanent deed restriction or covenant on the Revised Project. Should the Township pursue this remedy, the Township would have any and all rights attributable to the Homeowners Association when collecting dues or assessments from the Co-Owners. Additionally, such costs shall also be a lien on each of the

units or lots, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the Township Treasurer, who shall enter the lien on the next tax roll against the applicable unit or lot, and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll in the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended. The Master Deed or deed restrictions shall be amended accordingly.

The above alternate remedies (being (a) and (b)) shall be deemed to be in addition to any and all other remedies for the Township provided for elsewhere in the deed restrictions or master deed or condominium documents or at law or equity. The Township shall have the sole authority and discretion to determine whether or not to proceed pursuant to (a) or (b) or both, above.

7. The Developer shall establish an escrow fund with the Township, in accordance with Section XIV hereof, that shall remain in place until 3 years after a permanent certificate of occupancy is issued for the last house constructed in the Revised Project. At no time shall the escrow funds deposited by the Developer with the Township fall below \$5,000. When and if the sum in the escrow account falls below \$5,000, the Developer shall replenish the escrow account back up to \$30,000 within 15 days of the date that the Township provides written notice to the Developer. The escrow funds may be used by the Township for any and all of the following uses:
 - a. Any fees or costs from the Township's engineer regarding inspections, reports and/or enforcement relating to the Revised Project's Facilities, drainage facilities, retention/detention pond facilities, Retaining Wall, private road and any other common improvement within the Revised Project.
 - b. Any enforcement efforts or proceedings by the Township with regard to this Ordinance or any of the conditions of approval for the Revised Project, including, but not limited to, attorney fees, court costs, township planner fees and township engineering fees.
 - c. Any zoning proceedings.
8. The Developer shall comply with the Cascade Township Stormwater Ordinance. The on-site storm sewer system and infiltration basin shall

collect all of the stormwater runoff from the developed and graded portions of the property. Also, the Developer shall prevent any storm water or water run off flowing onto the adjoining properties at amounts, volumes, rates, frequency, intensity or velocity to a greater degree than occurred prior to January 1, 2016.

9. Once the Revised Project has been fully developed and completed and the Developer no longer owns any lots/units within the Revised Project, the Homeowners Association and the individual owners of all of the lots/units within the Revised Project shall be jointly and severally responsible and liable for ensuring compliance with all of the terms and conditions of this Ordinance/ordinance amendment and zoning conditions of approval for the Revised Project, including compliance with all applicable Cascade Charter Township ordinances and codes.
- C. Before construction recommences on any unit/lot within the Revised Project, the Developer shall provide to the Township (and any other applicable governmental units and utilities) all necessary permanent easements within the Revised Project for telephone, telecommunications, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

SECTION XI. LANDSCAPE PLAN

The landscaping along the perimeter of the site shall be installed and maintained at all times and shall include at a minimum all of the plantings that are shown on the approved amended landscaping plan dated 1/27, 2020. These plantings shall be installed no later than (see schedule submitted by applicant). The Developer shall maintain these plantings and shall remove and replace any dead or dying trees until the Developer no longer owns any lot or unit within the Condominium. Thereafter, such plantings shall be maintained by the Developer Successors.

SECTION XII. SOIL EROSION CONTROL REQUIREMENTS.

The Developer shall submit an updated soil erosion control plan to the Township showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the Revised Project. This plan shall be reviewed and approved by the Township Engineer prior to the Developer recommencing any excavation on the site. The Developer shall comply with any and all licenses, approvals, or permits issued regarding soil erosion control requirements and measures.

SECTION XIII. RETAINING WALL.

The Approved Revised Site Plan shows a Redi-Rock retaining wall to be installed south of Units 5, 6 and 7 of the Revised Project (collectively, the "Retaining Wall"). Such Retaining Wall shall

be installed by the Developer in full compliance with the Approved Revised Site Plan, Cascade Township ordinances, and any other applicable law. The following shall also be applicable to the Retaining Wall:

- A. The Retaining Wall, its component parts and systems and all drains shall be kept in good working condition and repair at all times.
- B. The Retaining Wall shall be completed no later than July 30, 2020.
- C. The Developer shall designate the Retaining Wall in the Round Hill Condominium Master Deed and Site Plan as a General Common Element and record an Amended Master Deed and Site Plan in accordance with Section XVI hereof.

The installation of the Retaining Wall and Landscaping is contingent upon the Developer obtaining (and supplying to the Township) a temporary written agreement (if needed for the installation of the Landscaping and Retaining Wall) from the owner of the adjacent land (who has generally agreed to provide such an agreement) to the southeast for encroaching equipment and supplies during the construction of the Retaining Wall and Landscaping.

SECTION XIV. PERFORMANCE GUARANTEE AND ESCROW FUNDS.

- A. To ensure compliance with this Ordinance, the Cascade Township Zoning Ordinance, and any conditions and requirements herein, the Township may require reasonable performance guarantees to ensure completion of improvements such as, but not limited to, landscaping, ponds, drainage, retaining walls and structures, lighting, roads, and utilities. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem reasonably necessary to ensure completion of the improvements. The form (including the bank or surety involved), duration, and amount of the performance guarantee shall be approved by the Township.
- B. The Developer shall provide the Township with all of the following security to assure and guarantee the following:
 1. Performance Guaranty. Provide an irrevocable letter of credit for \$100,000 to ensure that the site is developed as approved. The irrevocable letter of credit shall remain in place for two years following issuance of the last permanent certificate of occupancy within the Revised Project and provided that all other improvements shown on the Revised Site Plan are completed.
 2. Landscaping Guaranty. Provide an irrevocable letter of credit for \$8,200 to ensure the installation of the required landscaping. The irrevocable letter of credit shall remain in place for two years following the completed installation of all required landscaping.

3. Township Inspection & Compliance Cost Guaranty. As provided in subsection X.B.7 hereof, the Developer shall provide \$30,000 in escrow to the Township so that (among other matters) the Township engineer can inspect the site on a regular basis to ensure continued compliance. The escrow will continue until 3 years after a permanent certificate of occupancy is issued for the last house constructed.
4. Remediation. Developer shall restore the adjoining property owned by the Mark D. Rohde Unified Credit Trust and Gayle Cary Rohde Unified Credit Trust, (collectively, "Rohde") located to the southeast of Round Hill Condominium caused by the Developer's violation of Ordinance No. 1 of 2016 due to stormwater run off, silt flow and tree and vegetation loss. Such restoration shall occur on or before September 1, 2020. To ensure such remediation, the Developer shall file with the Township an irrevocable letter of credit in the amount of \$150,000 for that purpose.
5. The wording for the letters of credit shall be approved by the Township Attorney.

SECTION XV. THE GERALD R. FORD INTERNATIONAL AIRPORT.

Within the recorded master deed or deed restrictions, the Developer shall expressly disclose in writing that the Revised Project is located in the vicinity of the Gerald R. Ford International Airport and that there may be noise, vibration, and property valuation impacts associated with such location.

SECTION XVI. CONSISTENCY OF THE MASTER DEED AND/OR DEED RESTRICTIONS/COVENANTS WITH THE PUD APPROVAL.

- A. If the Revised Project will be a condominium project (in whole or in part), the master deed or amended master deed (and attachments) shall be reviewed and approved by the Township Attorney prior to final recording to ensure consistency with this Ordinance. If some or all of the Revised Project will be governed by new or amended deed restrictions/restrictive covenants apart from a condominium master deed, such deed restrictions/ restrictive covenants or amendments shall also be reviewed and approved by the Township Attorney before recording to ensure consistency with this Ordinance.
- B. If the Master Deed or deed restrictions have already been recorded, the Developer shall record a binding amendment thereto which conforms to the requirements of this Ordinance. The Developer shall identify the Retaining Wall as a General Common Element in the Master Deed and Site Plan. The Developer shall amend the Bylaws of Round Hill Condominium to state that Round Hill Condominium and each individual condominium unit shall conform to the Requirements of the Cascade Township Ordinance and this PUD Ordinance No. 2 of 2020 and such

amended Bylaws shall be recorded as part of an Amended Master Deed. These amendments shall be approved by the Township Attorney prior to final recording to ensure consistency with this Ordinance and the Zoning Ordinance. Such amendments shall be recorded within seven days following receipt of the Township Attorney's approval of the Amended Master Deed and Amended Bylaws.

SECTION XVII. CONSISTENCY WITH PLANNED UNIT DEVELOPMENT (PUD) STANDARDS.

- A. The amended Planned Unit Development will result in a recognizable benefit to the ultimate users of the Revised Project and to the community. Current and future residents will recognize the benefits of a residential development that offers a low-density land use.
- B. When constructed and maintained in full accordance with the Cascade Township Ordinance and this Ordinance, in relation to the underlying zoning (PUD), the Township finds the Revised Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Revised Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies.
- C. The Revised Project has been determined by the Township to be compatible with the 2009 Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Revised Project has been determined to be a "Residential" use, which is consistent with the Cascade Township Comprehensive Plan.
- D. When constructed and maintained in full accordance with the Cascade Township Ordinance and this Ordinance, the Township finds that the Revised Project will not result in an unreasonable negative economic impact upon surrounding properties.
- E. The Township finds that the Revised Project will have at least the same amount of green areas and usable open space than would typically be required by the Zoning Ordinance.
- F. This Ordinance also incorporates and adopts the staff comments and conclusions on pages 3-4 of the staff report dated May 13, 2020, the requirements of the Fishbeck letter stated May 12, 2020 and the Materials Testing Consultants letter of April 2, 2020 as additional findings and requirements by the Township Board.
- G. Finally, the Township recognizes that the Revised Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of parts of the premises until a majority of the site condominium units/lots are purchased for single family residential purposes at

which point the Homeowners Association shall manage and control the Revised Project. However, this shall not lessen any obligation of the Developer pursuant to this Ordinances and other applicant Township ordinances.

SECTION XVIII. EFFECTIVE DATE.

This Ordinance/Ordinance amendment shall become effective upon the expiration of seven (7) days after publication of this document (or a summary thereof) in the *Grand Rapids Press*, a newspaper of general circulation within Cascade Charter Township.

The foregoing Ordinance/Ordinance amendment was offered for adoption by Township Board Member McDonald and was supported by Township Board Member Shipley, with the roll call vote being as follows:

YEAS: Peirce, Beahan, Koessel, Slater, McDonald, Shipley

NAYS: None _____

ABSENT: Lewis _____

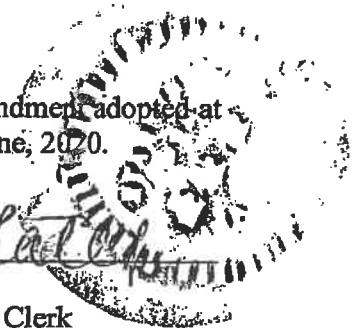
ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance/Ordinance amendment adopted at a regular meeting of the Cascade Charter Township Board on the 10th day of June, 2020.

Susan B. Slater

Susan Slater
Cascade Charter Township Clerk



* * *

Finko, LLC has fully read the above PUD ordinance amendment document, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and also its assigns, creditors, successors, heirs, agents, contractors, and transferees in

and to the property involved, except that this shall not be deemed an admission as to the contents of Section XIV.B.4 hereof, but Finko LLC nevertheless shall comply with such Section XIV.B.4

Date: 6/10, 2020

Signature: 
Managing Member

Managing Member of Finko, LLC

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: _____

MEMORANDUM

TO: Cascade Township Planning Commission
 FROM: Steve Peterson, Community Development Director
 DATE: April 20, 2021
 RE: Kent County Road Commission Five-Year Road Improvement Plans
 Cc: Ben Swayze, Township Manager

For your information, I have reviewed the Kent County Road Commission's five-year (2021 - 2025) road improvement plan for Cascade Township and have listed the proposed projects in Cascade Township in the following table.

<i>ROAD</i>	<i>PROJECT LIMITS</i>	<i>IMPROVEMENT</i>
2021		
Whitneyville Ave	I-96 to Cascade Rd	Reconstruction (Full Depth Pavement)
Cascade Rd	Burton St to 28 th St	Resurfacing
Burton St	Highridge Lane to Patterson Ave	Non-Motorized trail and bridge over I-96
Local road overlays will be reviewed by KCRC maintenance department and Township Manager in the spring.		
2022		
Cascade Rd	36 th to Whitneyville Ave	Reconstruction - Widen to 3 lanes
2023		
Buttrick Ave	Thornapple River Dr to Grand River Dr.	Reconstruction (Full Depth Pavement)
2024		
None		
2025		
None		