

**AGENDA**  
**Cascade Charter Township Planning Commission**  
**Monday, October 17, 2022**  
**7:00 pm**  
**2870 Jacksmith Ave**

*Public may access the meeting via video conference software Zoom*  
<https://us02web.zoom.us/j/87044149458>

**Meeting ID: 870 4414 9458**  
**By Phone: +1 301 715 8592**

- 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 minutes from October 3, 2022 Meeting.**
- ARTICLE 5. Disclose any Conflict of Interest**
- ARTICLE 6. Acknowledge visitors and those wishing to speak.  
(Comments are limited to five minutes per speaker)**
- ARTICLE 7. Discussion of Future Land Use Designation Southeast of Airport**
- ARTICLE 8. Review of Zoning for Hotel Properties**
- ARTICLE 9. Old Business**
- ARTICLE 10. Any Other Business**
- ARTICLE 11. Acknowledge visitors and those wishing to speak.  
(Comments are limited to five minutes per speaker)**
- 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, October 3, 2022  
7:00 P.M.  
2870 Jacksmith Ave SE

**ARTICLE 1.** Chair Noordyke called the meeting to order at 7:01 P.M.  
Members Present: Noordhoek, Rowland, Rissi, Moxley, Noordyke, Rapin, Korstange  
Members Absent: Deering and Engel (excused)

**ARTICLE 2.** Pledge of Allegiance

**ARTICLE 3.** Approve the current Agenda

Motion was made by Member Rissi to approve the current agenda. Supported by Member Moxley. Motion carried 7 to 0.

**ARTICLE 4.** Approve the Minutes of the September 12, 2022 Meeting

Motion was made by Member Korstange to approve the September 12, 2022 Meeting Minutes as written. Supported by Member Rissi. Motion carried 6 to 0. Abstained- Member Rapin.

**ARTICLE 5.** Approve the Minutes of the September 19, 2022 Meeting

Motion was made by Member Rapin to approve the September 19, 2022 Meeting Minutes as written. Supported by Member Korstange. Motion carried 7 to 0.

**ARTICLE 6.** Disclose any conflict of interest

There weren't any members with a conflict of interest to disclose.

**ARTICLE 7.** Acknowledge visitors and those wishing to speak

There was no one that wished to speak.

**ARTICLE 8.** Case #22-3735/Koenes Trust Properties

**Property Address:** 5100 Patterson Ave and 5085 Kendrick Ct

**Requested Action:** Site Plan Review for an approximately 16,800sqft addition that would connect two existing buildings.

Planning Director Hilbrands presented the case and stated that after connecting the two industrial buildings, the total size will be approximately 64,400sqft. Connecting the buildings requires the parcels to be combined and necessitates a fire lane. The Zoning Board of Appeals granted a variance to extend the fire lane into the 20ft bufferyard, and the Planning Commission must review the number of plantings required. It was proposed that the applicant provides only the required understory tree and shrub plantings along the fire lane; this will help maintain a vegetative screen with minimal

obstruction to the fire lane. Along the north property line, it was proposed they provide 15 evergreen shrubs. Upon approval of the plantings, the applicant will need to provide a \$6,500 landscape bond.

Fire officials have reviewed and approved the plans, noting that the fire lane must be clear of any obstructions at all times.

Additionally, the number of parking spaces will need review. Parking requirements of 194 spaces were met by having interior parking, utilizing existing parking onsite, and deferring a number of parking spaces on an adjacent parcel that the applicant also owns. The Township Engineer reviewed and approved the plans and noted they will require a stormwater maintenance agreement.

Staff recommended approval of the site plan for the 16,846sqft addition with the seven conditions listed in the packet.

Member Rapin asked if Patterson Ave. and Kendrick Ct. were connected since there appeared to be a fence in the way. He also questioned if there were concerns about traffic in the fire lane. Planning Director Hilbrands assumed the fence would need to be opened, but the fire department would confirm that. He didn't believe people cutting through would be an issue as the drive is narrow and not an obvious driveway.

Member Rowland asked if they have previously counted indoor parking as part of the required parking spaces. Planning Director Hilbrands was unsure, but since this is for an automotive repair shop, they require twice as much parking compared to light industrial.

Don De Groot with Exxel Engineering stated he believed, due to the nature of the business, that indoor parking should be a part of the total requirement. Their business heavily involves working on cars, and they need storage for those vehicles.

Member Rowland asked him to clarify the parking since there seemed to be various areas being utilized. De Groot explained the two main buildings are self-explanatory on where the parking will be, the leased building directly to the south adds 34 spaces, and the building located on 52<sup>nd</sup> street has current parking with a concept drawing for an additional 72 spaces. The leased buildings contract has 8 years left with a right of first refusal.

Member Rowland expressed concern about counting indoor parking. Member Rissi explained that the applicant operates an auto repair shop and has a need to store damaged cars indoors. Other members agreed that having indoor parking would not be an issue.

Member Moxley asked the applicant if having indoor parking would be more efficient for the business. Mr. Koenes responded that it would be better if cars could be located inside.

Member Rowland asked how short on parking they are if leased spaces are not counted. Planning Director Hilbrands stated in total they need 194 spaces. With the combined

parcels, potential indoor parking, and deferred parking they meet the minimum requirements but, without the deferred parking, requirements wouldn't be met. It was also mentioned that deferred spaces have been allowed in the past.

**A Motion was made by Member Rissi to approve the Site Plan Review for a 16,800sqft building addition with the conditions listed in the staff report. Supported by Member Rapin. Motion carried 7 to 0.**

**ARTICLE 9. Review of Major Street Plan**

Planning Director Hilbrands provided board members with Kent County Road Commission maps to compare to the township's Major Street Plan. Kent County classifies roads into county primary roads and county local roads. They also have a truck map route indicating all-season roads. One major difference was Kraft Ave being classified as a primary road on the County's map, but as a local road on the Major Street Plan.

Member Rissi stated that the township's map is out of date. Updates and fixes should be made to ensure roads are classified as they should with annual, or biannual reviews.

Planning Director Hilbrands stated he prefers the township have its own map, as opposed to adopting the County Road Map. This ensures more flexibility to make changes when necessary and gives them more control over land use. If a business purchased property on a road that did not permit such use, the Township could then review the Major Street Plan and determine if they wanted to amend it.

It was determined that staff should move forward with amending the current Major Street Plan.

**ARTICLE 10. Old Business**

Member Moxley stated that the property located at 6480 Cascade Road has yet to clean up their yard. Planning Director Hilbrands will find more details.

**ARTICLE 11. Any Other Business**

Chair Noordyke explained there has been a lot of criminal activity around the 28<sup>th</sup> Street hotels. He asked staff to gather the PUD Ordinances for the hotels so they can collectively review and make recommendations. Member Noordhoek mentioned the Township Board is working with an attorney to incorporate a recapture fee for 911 calls. This would potentially include 2 free calls a month with additional fees for calls in excess.

Member Moxley would like the length of hotel stays capped at 30 days.

Member Rissi said the AC District Zoning Review Committee has been looking at potential uses of the airport and future tenants. There are certain sections that are being evaluated and will be brought up to the Planning Commission with recommendations.

**ARTICLE 12. Acknowledge visitors and those wishing to speak.**

There weren't any visitors who wished to speak.

**ARTICLE 13. Adjournment**

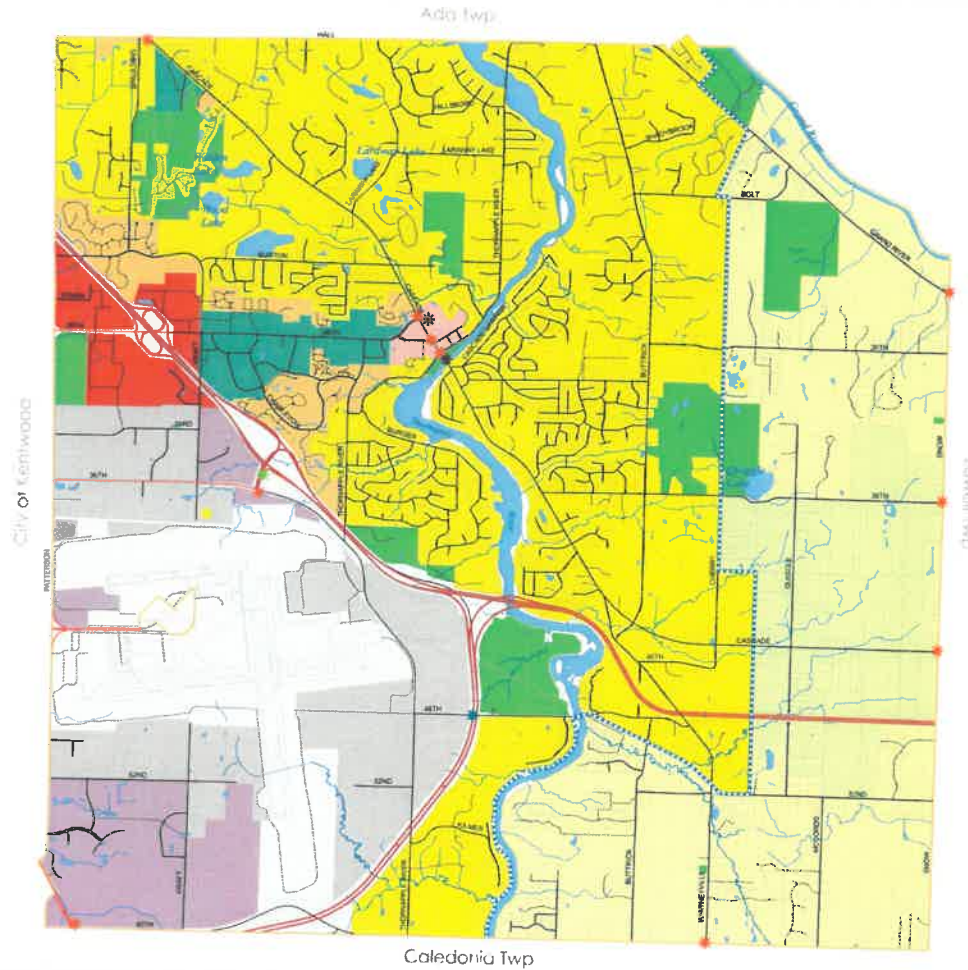
**Motion was made by Member Rapin to adjourn the meeting. Supported by Member Rissi. Motion carried 7 to 0. The meeting was adjourned at 8:00 P.M.**

Respectfully submitted,

Diedre Deering, Secretary

DRAFT

# Cascade Charter Township Future Land Use



## Future Land Use Key

- |                        |                       |                                  |
|------------------------|-----------------------|----------------------------------|
| GATEWAY FEATURE        | FARMLAND PRESERVATION | COMMUNITY MIXED USE              |
| EXPRESSWAY INTERCHANGE | RURAL RESIDENTIAL     | HIGHWAY COMMERCIAL               |
| PARK 'N' RIDE          | SUBURBAN RESIDENTIAL  | TRANSITIONAL MIXED USE           |
| RAIL STATION           | COMMUNITY RESIDENTIAL | INDUSTRIAL                       |
| REDEVELOPMENT READY    | CASCADE VILLAGE       | COMMUNITY FACILITY / GOLF COURSE |
| UTILITY SERVICE AREA   |                       |                                  |

1 IN = 1,500 FEET

















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# Cascade Charter Township

Kent County, Michigan June 2021

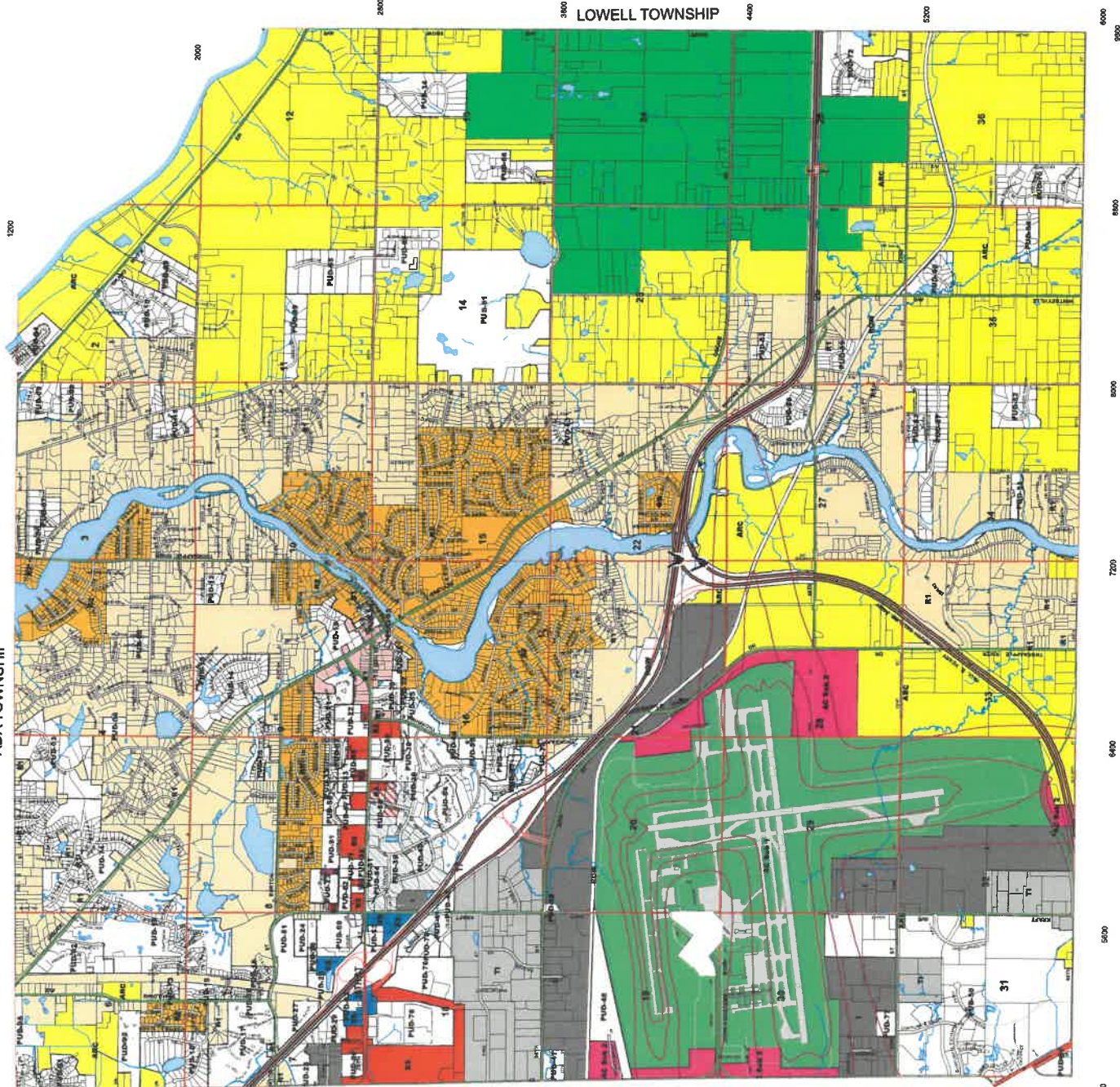
## Official Zoning Ordinance Map

### Legend

- |   |                                     |   |   |
|---|-------------------------------------|---|---|
|  | Alport Noise Contours 2005          |  | B2, General Business                    |
|  | FP, Farmland Preservation           |  | B1, Village Business                    |
|  | ARC, Agriculture Rural Conservation |  | ES, Expressway Service                  |
|  | Ti, Transitional Industrial         |  | O, Office                               |
|  | I, Industrial                       |  | Alport Commerce Sub Zone 1              |
|  | R1                                  |  | Alport Commerce Sub Zone 2              |
|  | R2                                  |  | Centennial Park Overlay Zoning District |
- conditional rezoning 2785 Orange Ave. 3/14/18  
 PUD-31, PUD-40, PUD-41, PUD-42

### Planned Unit Development List

- |  |  |
|--|--|
| 1-Eastmont Meadows - #2 of 1992, #6 of 1999    | 50-Meadowbrook Business Park - #2 of 1988, #10 of 2003 |
| 2-Golfview Office Park - #9 of 1999            | 51-Highwood Creek - #2 of 1985                         |
| 3-Tremont North - #10 of 1989, #6 of 1994      | 52-Burtica County Estates - #16 of 1990, #9 of 2001    |
| 4-Fountain Estates - #4 of 1991                | 53-Signature Inns - #16 of 1997                        |
| 5-Timbers - #2 of 1991                         | 54-Aids Moorings - #16 of 2003                         |
| 6-Biscorff Acres - #13 of 1983, #6 of 1998     | 55-Sentinel Pointe - #9 of 1984, #1 of 2016            |
| 7-Wolford - #15 of 1992                        | 56-Open  |
| 8-Local Pines - #9 of 1991                     | 57-Carver's Village #7 - #17 of 1995                   |
| 9-Old Elm - #24 of 1994                        | 58-Thompson Manor - #2 of 1988, #2 of 2004             |
| 10-Highgrove - #23 of 1994                     | 59-Hilltop Falls - #11 of 1998                         |
| 11-Timber Canyon Estates - #7 of 1991          | 60-Whitneyville Station - #1 of 1999                   |
| 12-Riverwood #10 of 1989                       | 61-Quail Ridge - #7 of 1999                            |
| 13-Cascade Lakes PUD #2 of 1998, #1 of 1997    | 62-Thompson Meadows - #6 of 1989                       |
| 14-Cascade Lakes - #10 of 1995, #10 of 1999    | 63-Hunter's Way - #10 of 2000, #1 of 2001              |
| 15-Wetmark - #10 of 1997, #6 of 2003           | 64-Lanark Ridge - #14 of 2000                          |
| 16-Tall Pines - #10 of 1994                    | 65-Shunbridge Estates - #6 of 2001                     |
| 17-Quat Crest - #2 of 1993, #12 of 1995        | 66-Bloomington Hill - #7 of 2001                       |
| 18-Burton Pointe - #14 of 1990, #9 of 1996     | 67-East Imports - #1 of 2004, #6 of 2004, #6 of 2017   |
| 19-Thompson Centre - #5 of 1992, #1 of 2001    | 68-Carver's Wood Usa - #2 of 2002, #16 of 2003         |
| 20-Cascade Christian Church - #15 of 1994      | 69-Melior Romano - #1 of 2002                          |
| 21-Crescente - #9 of 1985, #9 of 2000          | 70-Suncrest - #12 of 2002                              |
| 22-Cascade East - 1978                         | 71-Belton Automotive - #16 of 2002                     |
| 23-Chatham Woods - 1972                        | 72-Clear Meadow - #3 of 2003                           |
| 24-MVP - #10 of 2008                           | 73-Park Pines Condominium - #11 of 2003                |
| 25-Home Design Center - #6 of 1988, #3 of 1983 | 74-Merchandise Woods Showhome - #6 of 2004             |
| 26-Spruce Meadows - #4 of 1994, #1 of 2007     | 75-Cascade Pointe - #4 of 2004                         |
| 27-Highridge - #4 of 1989, #15 of 2000         | 76-Waterfall Shoppes - #9 of 2004                      |
| 28-Palation Ice Center - #10 of 1994           | 77-Spruce Realty - #10 of 2004                         |
| 29-86 Office Park - #11 of 1994, #12 of 1987   | 78-Glenwood Hills Office Park #3 - #6 of 2004          |
| 30-Sports and Recreation - #4 of 1995          | 79-Cascade Engineering Corp Office - #14 of 2004       |
| 31-Burger King - 1981                          | 80-Ribbit Development - #2 of 2005, #7 of 2017         |
| 32-Explosion - #6 of 1998, #20 of 2000         | 81-YMCA - #7 of 2014                                   |
| 33-Thompson Land Company - 1979                | 82-Kent St Partners - #6 of 2005                       |
| 34-Crestwood Hills - #4 of 1997                | 83-Asheton Woods - #6 of 2005                          |
| 35-Sunrise - #11 of 1996, #6 of 1999           | 84-Galehouse   |
| 36-Nova - #13 of 1995                          | 85-Burwood - #2 of 2006                                |
| 37-Michans By Stephanie - #15 of 1988          | 86-Oak Harbor Preserve - #8 of 2017                    |
| 38-Norham Bluffs - #15 of 1995                 | 87-Anderson Woods Phase II and III - #11 of 2005       |
| 39-Central Hill - 1973, #6 of 2013             | 88-Spruce #3 of 2007                                   |
| 40-Sunrise Senior Living - #12 of 2005         | 89-Strubridge Valley - #4 of 2007                      |
| 41-Glenwood Hills - #5 of 1986                 | 90-Saddle Valley - #2 of 2013                          |
| 42-Joseph Pencil - #6 of 1987                  | 91-Rockwood - #6 of 2013                               |
| 43-Thompson Estates - #9 of 1989, #1 of 1998   | 92-Druy Hotel - #12 of 2014                            |
| 44-Helmwood - #6 of 1991                       | 93-Thompson Hilltop - #1 of 2016                       |
| 45-Meadowood Trails - #5 of 1988, #9 of 1988   | 94-Panama Beach - #2 of 2015                           |
| 46-Grochke 36th St - #14 of 1992               | 95-5505 Broadmoor - #3 of 2016                         |
| 47-Patterson 36th St - #6 of 1992              | 96-Lakura Living - #4 of 2017                          |
| 48-KCRC Facility - #7 of 1998                  | 97-Cascade One - #10 of 2017                           |
| 49-LeTourneau - #8 of 1998                     | 98-The Lumina #2 of 2019                               |
|  | 99-Henryside #4 of 2020                                |



CITY OF KENTWOOD

CALEDONIA TOWNSHIP

3/2/2021, CHW

Date

## CASCADE CHARTER TOWNSHIP HOTEL INVENTORY TABLE

HOTEL NAME	LOCATION	ZONING DISTRICT
Baymont by Wyndham- Grand Rapids Airport	2873 Kraft Ave SE, Grand Rapids, MI 49512	ES
Best Western Hospitality Hotel & Suites	5500 28th St SE, Grand Rapids, MI 49512	PUD-53
Candlewood Suites Grand Rapids Airport, an IHG Hotel	5401 28th St Ct SE, Grand Rapids, MI 49546	ES
Clarion Inn & Suites	4981 28th St SE, Grand Rapids, MI 49512	B2
Country Inn & Suites by Radisson, Grand Rapids Airport	5399 28th St Ct SE, Grand Rapids, MI 49546	ES
Drury Inn & Suites Grand Rapids	5175 28th St SE, Grand Rapids, MI 49512	PUD-92
Econo Lodge & Suites	2985 Kraft Ave SE, Grand Rapids, MI 49512	ES
Hampton Inn & Suites Grand Rapids- Airport	5200 28th St SE, Grand Rapids, MI 49512	PUD-76
Holiday Inn Express & Suites - Airport South, and IHG Hotel	4888 Town Center Dr SE, Grand Rapids, MI 49512	PUD-50
Holiday Inn Express & Suites- Airport North, IHG Hotel	5405 28th St Ct SE, Grand Rapids, MI 49546	PUD-26
Red Roof Inn - Grand Rapids Airport	5131 E, 28th St SE, Grand Rapids, MI 49512	ES
Rodeway Inn (Motel 6)	4855 28th St SE, Grand Rapids, MI 49512	B2
Sheraton (Crowne Plaza) Grand Rapids Airport Hotel	5700 28th St SE, Grand Rapids, MI 49546	PUD-39
SpringHill Suites by Marriott Grand Rapids Airport Southeast	5250 28th St SE, Grand Rapids, MI 49512	PUD -76
TownePlace Suites by Marriott Grand Rapids Airport	5430 28th St Ct SE, Grand Rapids, MI 49546	PUD-69
TownePlace Suites by Marriott Grand Rapids Airport Southeast	4850 Town Center Dr SE, Grand Rapids, MI 49512	PUD-50

(PUD-92)

CASCADE CHARTER TOWNSHIP

Ordinance 12 of 2014

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

CASCADE CHARTER TOWNSHIP ORDAINS:

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

The application received from Drury Development Corporation or its assigns (hereafter referred to as the "Developer") for Planned Unit Development designation for the proposed Drury Inn & Suites Hotel Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on November 17, 2014. The Project is recommended by the Planning Commission for a PUD designation allowing a seven story hotel containing at least 180 hotel rooms and associated accessory facilities (the "Hotel"), along with a commercial outlot (the "Outlot"). Approval of the proposed PUD 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 December 10, 2014, the Cascade Charter Township Board approved the PUD as specified in this document.

SECTION II. LEGAL DESCRIPTION.

PART SWFRL 1/4 COM 302 FT W & 613.65 FT N FROM S 1/4 COR TH NELY TO INT OF W LINE OF E 132 FT OF SWFRL 1/4 & SLY LINE OF HWY I-96 /300 FT WIDE/ TH SELY ALONG SLY LINE OF SD HWY TO N&S 1/4 LINE TH S ALONG N&S 1/4 LINE TO N LINE OF S 198 FT OF SWFRL 1/4 TH W TO NW COR OF S 198 FT OF E 132 FT OF SWFRL 1/4 TH S ALONG W LINE OF E 132 FT OF SWFRL 1/4 TO S SEC LINE TH W 50 FT TH N PAR WITH N&S 1/4 LINE 238.65 FT TH W PAR WITH S SEC LINE 120 FT TH N PAR WITH N&S 1/4 LINE TO BEG \* SEC 7 T6N R10W 3.80 A (PPN 41-19-07-376-026).

AND ALSO:

S 198 FT OF E 132 FT S 1/2 SW 1/4 EX THAT PART LYING S OF A LINE 70 FT N FROM /MEAS PERP TO / CL OF 28TH ST \* SEC 7 T6N R10W 0.41 A. ( PPN 41-19-07-376-009)

SECTION III. GENERAL PROVISIONS.

The conditions, requirements, and regulations contained in this document shall apply to the Project in addition to those requirements and regulations contained in Chapter 11 (ES Expressway Service District) of the Cascade Charter Township Zoning Ordinance.

SECTION IV. PURPOSE.

The Project occupies approximately 4.21 acres of land that is proposed to be developed as the Hotel and Outlot. The Planned Unit Development technique has been chosen by the Developer to provide more flexibility and control over the development's aesthetics and appearance.

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

SECTION V. APPROVAL LIMITATIONS.

- A. The provisions of this Ordinance 12 of 2014 ("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 shall still govern the 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 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 Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance.
- D. All conditions contained herein and in the final approved site plan 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, approved site plan, and ordinance amendment. The Project must be constructed and operated, and all properties therein used, in strict

compliance with the PUD approval (including this Ordinance and the final approved 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 its successors, tenants, or assigns. Any deviation without prior formal written approval by the Township will constitute a violation of this Ordinance and the Cascade Charter Township Zoning Ordinance. Notwithstanding the forgoing, minor changes to the site plan may be approved administratively by the Planning Director provided the changes comply with all applicable requirements of the Cascade Charter Township Zoning Ordinance and all other Township regulations or state law. Minor changes subject to administrative review are defined in Section 21.04 of the Cascade Charter Township Ordinance. Any other changes shall require an amendment or variance to this Ordinance.

- 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 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:

“Drury Development Corporation has fully read the above PUD ordinance amendment, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, successors and transferees in and to the property involved.”

#### SECTION VI. PERMITTED USES.

The permitted uses for the Project are as follows:

- 1) The Hotel, which will contain at least 180 hotel rooms and may included multiple conference rooms, indoor swimming pool and related amenities;
- 2) The Outlot may be used for a restaurant having drive in or drive through service, and/or other permitted uses as listed in the underlying ES zoning district as amended, following site plan and special use permit approval, whichever is applicant under the Cascade Township Zoning Ordinance.

## SECTION VII. DESIGN GUIDELINES AND REQUIREMENTS.

The Project shall be developed in accordance with the Project's site plan approved by the Township in conjunction with this Ordinance. No alterations, expansions, or additions may occur to the Project without a formal amendment to this Ordinance, unless expressly otherwise authorized herein. The development of all permitted uses within the Project shall conform to the following general design standards, which are more specifically outlined in the approval site plan and plans and specifications:

A. Height – The following heights shall be the maximum allowed for each item:

1. Hotel Building – 72'10" to the roof line of the building.
2. Hotel Parapet wall may extend another 14 feet.
3. Outlot building is limited to 48 feet tall

B. Setbacks – As depicted on the site plan, the following setback requirements shall apply to the Project:

1. The Hotel shall be setback a minimum of:  
100 feet from the 28th Street right-of-way  
50 from the rear property line  
50 from the east property line  
50 from the west property line
2. The Outlot building shall be constructed within the boundaries of the pad area shown on the site plan dated 11/4/14, or as otherwise approved by the Planning Director; to the extent any deviation shall constitute a minor change under Section 21.04 of the Cascade Charter Ordinance

C. Parking – There shall be a total of at least one (1) parking space per hotel room in the Hotel. That portion of the parking lot shown on the site plan which is located generally east of the restaurant pad is located on land owned by Consumers Energy Company which is being leased by the Developer for parking purposes.

D. Stormwater Drainage – 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 site plan for the Project so long as the Project (and any and all portions thereof) complies with the Cascade Charter Township Stormwater Ordinance as that ordinance exists as of the date of the approval of the site plan (which shall be referred to hereinafter as the "Stormwater Ordinance"). Accordingly, the Property is required to ensure the proper installation and permanent maintenance of any and all storm drainage and water retention systems, pipes, ponds, and facilities for the Project (collectively, the "Facilities") shown on the approved site plan or as otherwise required by the Cascade Charter Township Stormwater Ordinance. The Utility Plan prepared by Exxel Engineering Inc. dated November 4, 2014 showing the approximate location of the Facilities is attached hereto as Exhibit A (the "Utility

Plan”). Such requirements and obligations include, but are not necessarily limited to, the following:

- i. Maintenance and repair regarding the following items shall be done on a regular basis following completion of the Project and in such fashion as to ensure that all components of the Facilities function properly at all times:
  1. Sediment removal;
  2. Erosion control;
  3. Structural integrity of the physical systems; and
  4. Designate access to the facilities.
- ii. 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.
- iii. Buildings, structures, landscaping and trees (except as shown on the Landscaping Plan approved by the Township), or similar items (excluding paving, which shall be permitted) shall not be installed, planted, or placed over any portion of the Facilities without prior written Township approval, not to be unreasonably withheld.
- iv. Following installation of the Facilities and within 60 days of the request of the Township, the Developer shall supply the Township with a permanent recordable easement (in a form acceptable to the Township and Developer) to access and repair the following Facilities:
  1. Storm sewer pipes;
  2. Basins;
  3. Spillways;
  4. Waterways; and
  5. Designated access routes from the public right of way to all portions of the Facilities
- v. The Township shall be supplied with an engineer’s “as-built” certification to certify that the Facilities as constructed and installed match the approved design. The Township shall also be supplied with a reduced copy of the approved site plan graphically showing the location of the Facilities, together with any and all easements therefor.
- vi. Should the Facilities not be properly installed, maintained, and/or repaired, in compliance with all of the requirements of the approved site plan, and the Stormwater Ordinance due to the fault or neglect of the developer or other owner of the Property, and any such noncompliance or deficiency shall not have been fully remedied within 30 days of the date when the

Township has given written notice of any such noncompliance or deficiencies (provided that if such noncompliance or deficiency cannot reasonably be remedied within 30 days, then the Developer or owner, as applicable, shall have such additional time as is necessary, provided it commences to remedy the noncompliance or deficiency within such 30 day periods and proceeds with due diligence), the Township, at its sole option and discretion, shall have the right and authority to perform any and all installations, repairs, and/or maintenance which is reasonably required to comply with the approved site plan and the Stormwater Ordinance (and none other ) and charge back the costs thereof to the Owner of the Property.

E. Signs – The following signs are permitted in the Project:

1. One main identification sign at the entrance drive with a maximum size of 125 sq. ft and a maximum height of 30 feet.
2. Wall signs totaling no more than 394 sq. ft. The wall sign square footage may be dividing into as many as three wall signs as shown on the approved elevation plan dated 10/10/14.
3. Developer may install or attach a directional sign onto any one of the existing directional signs (or replacements thereof) located at the 28<sup>th</sup> St intersection provided that the sign is no larger than 24 sq ft in total when completed. A separate directional sign for Drury is not permitted.
4. Two on site directional signs limited to 10 sq. ft. each.

F. Lighting – Parking lot surface and building security lights per the approved lighting plan dated 8/4/14. Hotel accent lighting to comply with Cascade Charter Township Zoning Ordinance.

G. Sidewalk – In the event that Cascade Charter Township or its agent extends a sidewalk across the Project's frontage along 28<sup>th</sup> Street, the Developer will construct an internal sidewalk in a location mutually acceptable to connect Hotel and Outlot pedestrian traffic with such sidewalk.

#### SECTION VIII. CROSS ACCESS.

The Project is benefitted by an access easement for pedestrian and vehicular ingress and egress to and from 28<sup>th</sup> Street, in accordance with that certain Second Amendment to Easement Agreement dated December 31, 2008, recorded at Instrument No. 20090310-0019775, Kent County, Michigan records, and in accordance with that certain Easement and Restriction Agreement dated December 31, 2008, recorded at Instrument No. 20090310-0019774, Kent County, Michigan records, and the locations of such easements are depicted on the site plan.

## SECTION IX. LANDSCAPING, BUFFER YARD AND CASCADE SIGN REQUIREMENTS.

A. Landscaping shall be done in accordance with the approved landscape plan dated 8/19/14. If for any reason any of the landscaping becomes dead, diseased, dying, or is removed for any reason, the Developer shall replace it with a tree of the same or similar type as close to the original location as possible within one growing season from when it is notified by the Township.

B. All landscaping shall be hardy plant materials and shall be maintained after planting in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season. The Township shall require a landscaping bond or letter of credit (which of these is required shall be at the Township's discretion) for all required landscaping. The amount of the bond or letter of credit, and the form of the same) shall be approved by the Planning Department.

C. The Developer will construct at its expense the base of a sign and wall for the benefit of the Township on land owned by Consumers Energy Company pursuant to a license with such entity. Such wall will not exceed three (3) feet in height or thirty (30) feet in length. Such improvements shall be constructed in a location and configuration mutually agreeable to the Township and the Developer, to be determined following approval of Consumer's Energy Company and/or METC. The Township will install and maintain at its expense and discretion, the stone/brick veneer and cap on the wall and sign base and community identification signage pursuant to the license with Consumer's Energy Company. The Developer will install and maintain, at its expense, landscaping improvements, including irrigation, surrounding such wall and signage pursuant to a mutually acceptable landscaping plan.

## SECTION X. TEMPORARY BUILDINGS.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except where approved by the Township and if accessory to and necessary during construction of a permanent building or infrastructure improvement.

## SECTION XI. SITE PLAN.

A. The Project shall be developed in accordance with the site plan approved by the Township Board and signed by the Township. The site plan shall provide appropriate measurements demonstrating compliance with Chapter 16 of the Zoning Ordinance. Engineering plans and/or 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 Township ordinance requirements and recognized, acceptable engineering standards and practices.

## SECTION XII. UTILITIES.

A. The Project shall be served with public water and public sewer at the Developer's expense. The on-site water and sewer design and the connection to the public water and sewer

systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plan(s) for Cascade Township.

B. The Developer shall provide all necessary recorded easements within the Project for telephone, electricity, gas, and cable television to the Township and the appropriate utility provider(s) without cost.

#### SECTION XIII. MISCELLANEOUS DEVELOPMENT REQUIREMENTS.

##### A. SOIL EROSION

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

#### SECTION XIV. CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS.

The approved Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future area residents will recognize the benefits of the development.

The Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Project is not anticipated to cause unreasonable impacts to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans will be approved by the Township Engineer and the appropriate county and state agencies.

The Project has been determined by the Township to be compatible with the 2009 Master Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

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

The Township finds the Project to have at least the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance.

#### SECTION XV. PERFORMANCE GUARANTEE.

To ensure compliance with this Ordinance/Ordinance amendment and any conditions herein, the Township may require reasonable performance guarantees to ensure completion of improvements such as, but not limited to: landscaping, drainage, lighting, roads and utilities. The Township Board, Engineer, or Planning Director may require such guarantees at any time they deem it necessary to ensure completion of the improvements.

SECTION XVI. EFFECTIVE DATE.

This Ordinance shall become effective seven (7) days after publication of this document (or a summary) 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 Goodyke. The roll call vote being as follows:

YEAS: Lewis, Koessel, Peirce, Beahan, McDonald, Goldberg, Goodyke

NAYS: None

ABSENT: None

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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 10<sup>th</sup> day of December, 2014.

---

Ron Goodyke  
Cascade Charter Township Clerk

Applicant Statement:

“Drury Development Corporation has fully read the above PUD ordinance amendment, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, successors and transferees in and to the property involved.”

DRURY Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

(PUD -76)

## PUD Ordinance - Waterfall Shoppes #8 of 2004

### CASCADE CHARTER TOWNSHIP

Ordinance # 8 of 2004

(As amended by Ord. No 3 of 2005; 5/11/05)

(As Amended by Ord No 9 of 2006; 9/27/06)

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

Cascade Charter Township Ordains:

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

The application received from Mark Finkelstein, or assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Waterfall Shoppes project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on March 15, 2004. The Project is recommended for rezoning from an existing B-2 and I 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 April 14, 2004.

Section II. Legal Description.

The legal description of the Project is as follows:

41-19-18-100-005

E 1/2 NW 1/4 EX THAT PART WHICH WOULD BE INCLUDED IN A STRIP 260 FT WIDE THE ELY LINE OF WHICH IS DESC AS COM AT CEN OF SEC TH NELY IN A STRAIGHT LINE TO A PT 900 FT S OF N SEC LINE A PT 410 FT E OF N 1/4 COR TH N PAR WITH & 410 FT DIST E FROM N&S 1/4 LINE TO N LINE OF SEC & EX N 230 FT OF THAT PART OF W 200 FT OF E 1/2 NW 1/4 LYING S OF CL OF 28TH ST & EX THAT PART OF E 401.5 FT OF NW 1/4 LYING N OF A LINE WHICH IS 350 FT S OF & PAR WITH CL OF 28TH ST \* SEC 18 T6N R10W 72.13 A.

41-19-18-251-002

THAT PART W 1/2 NE 1/4 LYING ELY OF FOL DESC LINE - COM 410 FT E ALONG N SEC LINE FROM N 1/4 COR TH S PAR WITH N&S 1/4 LYINE 900 FT TH SWLY IN A STRAIGHT LINE TO CEN OF SEC & SLY OF SLY LINE OF STL US16 RELOCATED \* SEC 18 T6N R10W 46.72 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.

The Project occupies approximately 118 acres of land, divided in five separate phases of development, that presently is the site of the old Showcase movie theatre, the old drive-in theater, wetlands and vacant property. The Project is proposed to be developed into a mix of different uses involving general retail, restaurant, offices and hotels. 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.

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.

For land and buildings, the permitted uses for the Waterfall Shoppes PUD are as follows:

- A. Retail Uses; (including, without limitation, warehouse membership clubs and fuel filling facilities);
- B. Shopping Center;
- C. Hotels;
- D. Offices
- E. Restaurants;
- F. Movie theatre
- G. Other uses, either within the existing buildings or new buildings, may be permitted if the Planning Commission feels it will meet the design objectives of the Mixed Use category of the comprehensive plan. This may include the land being used for a residential land use component as well.

### Section VII. Master Development Plan - Phasing.

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 May 6, 2004. The intent of the Developer is to develop the project in five separate and distinct phases. Each phase will be required to submit site plans for each phase, building, or site improvement. 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 phase.

All phases 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 phase shall be considered complete with the issuance of the required occupancy permit granted by the Township. Phases may be constructed concurrently with the approval of the planning commission.

### Section VIII. Specific Development Regulations.

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.

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 Waterfall Shoppes Review Board and The Township Planning Commission.

Composition of the Review Board - All new construction, land use changes, alteration, or moving of buildings and structures shall be reviewed by a five (5) member Review Board. The Developer shall appoint three (3) members, with two (2) being officers of the Developer or their delegates and one (1) being a professional with a background in architecture, engineering, landscape architecture and/or urban planning. The two (2) remaining members shall be representatives of Cascade Township appointed by the Township Supervisor and approved by the Township Board. A simple majority of the membership of this Review Board (hereinafter referred to as the "Board") shall constitute a quorum. An affirmative vote of the majority of the Board members present shall constitute approval, approval with modification, or rejection of a site plan. Developers must request for 5 member Review Board to meet in writing or other

verifiable way. Upon request by Developer for a meeting, the meeting shall take place no later than five (5) business days from the date of request.

Responsibilities of the Review Board - The Board shall receive all site plans for all new construction, land use changes, alteration, or moving of buildings and structures within the Premises. In order to maintain a consistent aesthetic quality, the Review Board shall have sole authority to approve or reject building architectural designs within the Premises. The following is a partial list of items that may be carefully and thoughtfully scrutinized:

- A. Preliminary building plans and specifications;
- B. Exterior surface treatment, including roofs, with color and texture samples or descriptions;
- C. Scale;
- D. Geometry;
- E. Texture;
- F. Harmony with neighboring sites including the landscaping features of the site;
- G. Sun control devices; and
- H. Color.
- I. Landscaping as discussed in this section
- J. Signage as discussed in Section X

The Board's review and findings are subject to review before the Planning Commission. The Board can only grant preliminary approval of a site plan. The Planning Commission shall have the authority to grant final site plan approval. No site plan can be forwarded to the Planning Commission without the express, written approval of the Board.

Review and approval shall be based upon the following considerations:

1. Conformity and harmony of external design with the development and with neighboring structures.
2. Proper siting of buildings and lots as they relate to street frontage and neighboring uses.
3. Conformity of the plans and specifications with the development requirements as well as the purpose and intent of this PUD Ordinance.

The Review Board shall endeavor to review a submitted site plan within a reasonable time period after its submittal. The Board, however, retains the right to request additional information or modifications as it may deem necessary prior to approval or rejection of the plans and specifications. Once the Review Board has made its determination regarding a proposed site plan it shall transmit its findings and recommendations to the Planning Commission. The transmittal shall include the recommendation of the Board, its rationale and the minutes of all meetings in which the site plan was discussed before the Board.

Planning Commission Responsibilities - Following review and approval of a site plan by the Review Board, the Chairman of the Review Board or his authorized representative shall present it to the Planning Commission for final review and approval. The Planning Commission has the right to approve, approve with modifications, or deny site plan approval based upon its own findings of fact.

Limitation - Nothing herein shall require submission to or approval of the Review Board or Planning Commission for plans relating to normal maintenance or alterations to the interior of any structure. When such activities are contemplated, the Township Building Inspector shall be contacted as building permits may be required.

A. Design Guidelines, Requirements and Limitations.

This Ordinance also constitutes Township approval of the Phase I site plan attached hereto as Exhibit B. Respecting the other phases of development, 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.

" Phase 1 (Costco Warehouse Building & Gas Station)

a. The Phase one portion of the site shall be developed as shown on the approved site plans signed by the Township. These plans include the following:

- i. Site Plan dated March 22, 2004
- ii. Landscaping Plan dated April 15, 2004
- iii. Photometric Plan dated December 2, 2003
- iv. Elevation Plan dated December 23, 2003
- v. Floor Plan dated January 9, 2004
- vi. Engineering Plan dated March 26, 2004

- b. Parking - The total amount of parking for Phase 1 shall be a maximum of 752 parking spaces.
- c. Lighting - The lights at the gas station shall be turned off each night no later than 11 p.m.
- d. Setback Requirements - No part of the building shall extend closer to any lot line than shown on the approved and signed site plan.
- e. Removal of the two existing non-conforming signs at the site.
- f. Completion of the irrigated landscape boulevard entrance.
- g. Completion of the dual left turn lanes on 28th Street.
- h. Access road to 33rd Street via the Consumers Power property shall be provided.
- i. Mast arms as shown on approved site plan.

" Phase 2 (Area south of the existing Bob Evans restaurant)

- a. Maximum Building Height - 35 feet.
- b. Setbacks - Front 100 feet  
Side - 25 feet  
Rear - 50 feet.

- c. Parking - The minimum number of parking spaces and the design of the parking lot shall be done in accordance with Chapter 19 of the Zoning Ordinance as amended.
- d. Landscaping - the site shall include a landscape buffer around the perimeter of the site. Landscaping shall be used to ensure that all intersections are free from obstructions and shall not cause traffic vision problems. The Waterfall Shoppes Review Board shall recommend the size of the buffer and the number and type of plantings in the buffer.
- e. Lighting - shall meet Section 19.19 of the Zoning Ordinance as amended.

" Phase 3 (Two Building sites along 28th Street)

- a. Maximum Building Height - 35 feet
- b. Setbacks - Front 100 feet\*  
Side - 25 feet  
Rear - 50 feet.

\*The Planning Commission may, at their discretion, approve a smaller front yard setback if they feel the smaller front yard setback will result in a more pedestrian friendly design, better traffic flow and/or parking lot design.

- c. Parking - The minimum number of parking spaces and the design of the parking lot shall be done in accordance with Chapter 19 of the Zoning Ordinance as amended. Once the minimum number of parking spaces are established these spaces may be shared provide the property owners provide the Township with a recorded copy of the shared parking agreement.
- d. Parking shall be limited to no more than 60% of the required parking spaces between the building and

the road.

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.

f. No access directly to 28th Street shall be permitted for either site.

g. Landscaping - the site shall include a landscape buffer around the perimeter of the site. Landscaping shall be used to ensure that all intersections are free from obstructions and shall not cause traffic vision problems. The Waterfall Shoppes Review Board shall recommend the size of the buffer and the number and type of plantings in the buffer.

h. Lighting - shall meet Section 19.19 of the Zoning Ordinance as amended.

" Phase 4 (Area south of Phase 1)

a. Maximum Building Height - 35 feet

b. Setbacks - Front 100 feet\*

Side - 25 feet

Rear - 50 feet.

\*The Planning Commission may, at their discretion, modify the setbacks if they feel the modified setback will result in a more pedestrian friendly design, better traffic flow and/or parking lot design.

c. Parking - The minimum number of parking spaces and the design of the parking lot shall be done in accordance with Chapter 19 of the Zoning Ordinance as amended

d. Landscaping - the site shall include a landscape buffer around the perimeter of the site. Landscaping shall be used to ensure that all intersections are free from obstructions and shall not cause traffic vision problems. The Waterfall Shoppes Review Board shall recommend the size of the buffer and the number and type of plantings in the buffer.

e. Review by the ITP (Interurban Transit Partnership) shall be required to evaluate the need or desire to establish a bus stop in the development or along its 28th Street frontage before site plan approval is awarded.

f. Lighting - shall meet Section 19.19 of the Zoning Ordinance as amended.

g. Pedestrian access shall be provided through the site to connect to the pedestrian ways from the other phases.

" Phase 5 (Marked as future phases on the site plan)

a. Maximum Building Height - 40 feet, (amended by Ord. No 3 of 2005; 5/11/05)

b. Setbacks - Front 100 feet\*

Side - 25 feet

Rear - 50 feet.

\*The Planning Commission may, at their discretion, modify the setbacks if they feel the modified setback will result in a more pedestrian friendly design, better traffic flow and/or parking lot design.

c. Parking - The minimum number of parking spaces and the design of the parking lot shall be done in accordance with Chapter 19 of the Zoning Ordinance as amended

d. Landscaping - the site shall include a landscape buffer around the perimeter of the site. Landscaping shall be used to ensure that all intersections are free from obstructions and shall not cause traffic vision problems. The Waterfall Shoppes Review Board shall recommend the size of the buffer and the number and type of plantings in the buffer.

e. Lighting - shall meet Section 19.19 of the Zoning Ordinance as amended.

f. Pedestrian access - due to the location of these sites pedestrian access shall be evaluated by the The Waterfall Shoppes Review Board. The Board shall provide recommendations to the Planning Commission on the feasibility of providing pedestrian ways to phase 5.

Section X. Signs. The following signs shall be permitted for the entire development:  
(Amended by Ord No 9 Of 2006;9/27/06)

1. All Pylon and Monument signs for the site shall be limited to those signs shown on the approved Site Signage Plan dated September 21, 2006. The monument sign at the service drive and 33rd street shall be treated as a directional sign for placement purposes. The business in Phase 3 of the project shall not be permitted to use these signs. In exchange they will have their own signage as described below.

2. Wall Mounted signs for the Phase 1 building is limited to the signs as shown on the Costco Wholesale Elevation Plan dated 12/23/2003, as signed and approved by the Township.

3. Wall Mounted signs for Phases 2 and 3 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, not to exceed 100 sq.ft in total per commercial establishment 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. Wall signs in Phase 4 and 5 - Due to the location of these phases the developer shall be permitted the same wall signage as Wall Signs in Phases 2 and 3. Furthermore, the developer may submit a signage package to the Waterfall Shoppes Review Board to offer alternatives to this section. The Waterfall Shoppes Review shall provided a recommendation to the Township Planning Commission on any deviations from the allowed wall signage. In considering any deviation, the Waterfall Shoppes Review Board shall consider the size of the individual sign, square footage of the total sign package, the location of the signs on the building, the impact the deviation may have any future or existing buildings in the project, the benefit to the community, and the purpose for permitting the deviation.

4. No pole signs or ground-mounted signs are permitted for Phase 2.

5. The monument signs in Phase 3 shall be limited to the following:

One (1) freestanding permanent sign per zone lot. Regardless of the number of businesses, commercial establishments, buildings or tenants per lot, only one (1) such sign shall be permitted per lot and such sign shall not exceed a total sign area of 24 square feet unless it is in compliance with the table below.

**SETBACK**

(feet) SIGN AREA

(square feet) HEIGHT

(feet)

5 24 4

10 30 5

15 40 5.5

20 50 6

25+ 60 7

Note: F OR SETBACKS DIFFERENT THAN THOSE LISTED ABOVE, SELECT THE SIGN AREA AND HEIGHT THAT CORRESPONDS TO THE NEXT LOWER SETBACK.

6. Also permitted throughout the entire site is a maximum of 6 directional signs up to a maximum of 6 sq.ft each. The location to be approved by the Planning Department prior to placement of each sign. At least one on these directional signs shall include information directing people to the access road for access to 33rd St. Furthermore, the developer may submit a signage package to the Waterfall Shoppes Review Board to offer alternatives to this section. The Waterfall Shoppes Review Board shall provide a recommendation to the Township Planning Commission on any deviations from the allowed directional signage. In considering any deviation, the Waterfall Shoppes Review Board shall consider the location of the signs on the site, the impact the deviation may have any future or existing buildings in the project, the benefit to the community, and the purpose for permitting the deviation.

7. The two existing non-conforming Signs located on the property must be removed before the start of phase two.

#### 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 .

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. This does not preclude the applicant from starting on Phase 1. However, no Occupancy permit will be granted for Phase 1 until the utilities are approved.

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

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.

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 office complex is viewed as a more compatible use to adjacent residential and recreational land uses.

In relation to the underlying zoning (B2, General Business and I, Industrial) 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. All prior Planned Unit Development ordinances that were previously approved for this property shall become null and void.

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

YEAS: Carpenter, Goodyke, Julien, Kleinheksel, Parrish, Timmons

NAYS: None

ABSENT: Jones

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Marlene Kleinheksel  
Cascade Charter Township Clerk

(PUD - 69)

**CASCADE CHARTER TOWNSHIP**

**Ordinance #11 of 2002**

**Amended by Ordinance # 1 of 2008**

**Amended by Ordinance # 2 of 2011**

**Amended by Ordinance #1 of 2017**

**Amended by Ordinance #6 of 2017**

**Amended by Ordinance #5 of 2019**

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING  
ORDINANCE AND ZONING MAP TO ESTABLISH THE  
MEIJER'S, INC./ROMANO'S  
PLANNED UNIT DEVELOPMENT PROJECT.**

**Cascade Charter Township Ordains:**

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

The application received from Greg Heath, as a member of Meijer Realty Co. or his assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Meijer/Romano Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval to the Township Board on June 17, 2002. The Project is recommended for rezoning from B2, General Business to PUD, Planned Unit 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 July 10, 2002.

**Section II. Legal Description.**

The legal description of the Project is as follows:

**5525 28<sup>th</sup> St:**

PART SE 1/4 COM AT SE COR OF SEC TH S 88D 05M 02S W ALONG S SEC LINE 277.97 FT TH N 1D 39M 55S W 56.93 FT TO N LINE OF 28TH ST TH S 88D 20M 05S W ALONG SD N LINE 161.82 FT TO NE LINE OF HWY I-96 TH N 1D 39M 55S W ALONG SD NELY LINE 25.0 FT TH S 88D 20M 05S W ALONG SD NELY LINE 300.0 FT TH N 1D 39M 55S W ALONG SD NELY LINE 20.0 FT TO BEG OF THIS DESC - TH S 88D 20M 05S W ALONG SD NELY LINE 155.40 FT N 47D 05M 25S W ALONG SD NELY LINE 246.98 FT TH N 1D 39M 55S W 121.08 FT TH N 88D 20M 05S E 300.93 FT TH S 32D 50M 09S E 23.80 FT TH S 12D 41M 15S E 195.0 FT TH S 1D 39M 55S E 82.66 FT TH S 88D 20M 05S W 19.20 TO BEG \* SEC 7 T6N R10W 1.92 A.

**5531 28<sup>th</sup> St:**

PART SE 1/4 COM 525.70 FT N 1D 37M 57S W ALONG E SEC LINE & 43.0 FT S 88D 22M 03S W FROM SE COR OF SEC TH S 88D 22M 03S W 205.04 FT TH S 63D 03M 53S W 180.63 FT TH S 88D 20M 05S W 643.86 FT TH N 1D 39M 55S W 966.68 FT TH N 88D 20M 05S E 855.78 FT TO W LINE OF E 200 FT OF NE 1/4 SE 1/4 TH SLY ALONG SD W LINE TO S 1/8 LINE TH E ALONG S 1/8 LINE TO W LINE OF KRAFT AVE /86 FT WIDE/ TH S TO BEG \* SEC 7 T6N R10W 21.68 A.

**5555 28<sup>th</sup> St:**

PART SE 1/4 COM 525.70 FT N 1D 37M 57S W ALONG E SEC LINE & 43.0 FT S 88D 00M 48S W FROM SE COR OF SEC TH S 88D 22M 03S W 205.04 FT TH S 63D 03M 53S W 180.63 FT TH S 88D 20M 05S W 643.86 FT TH S 1D 39M 55S E 53.60 FT TH N 88D 20M 05S E 285.10 FT TH TH S 32D

50M 09S E 23.80 FT TH S 12D 41M 15S E 195.0 FT TH S 1D 39M 55S E 82.66 FT TH S 88D 20M 05S W 19.20 FT TH S 1D 39M 55S E 20.0 FT TH N 88D 20M 05S E 300.0 FT TH S 1D 39M 55S E 25.0 FT TH N 88D 20M 05S E 161.82 FT TH N 1D 39M 55S W 225.0 FT TH N 88D 22M 03S E 45.0 FT TH N 1D 39M 55S W 179.15 FT TH N 88D 22M 03S E 190.23 FT TH N 1D 39M 55S W 66.0 FT TO BEG \* SEC 7 T6N R10W 4.99 A.

**5595 28<sup>th</sup> St:**

PART SE 1/4 COM AT SE COR OF SEC TH S 88D 05M 02S W ALONG S SEC LINE 277.97 FT TH N 1D 39M 55S W 281.93 FT TH N 88D 22M 03S E 45.0 FT TH N 1D 39M 55S W 179.15 FT TH N 88D 22M 03S E TO E SEC LINE TH S 1D 37M 57S E TO BEG EX E 40.0 FT \* SEC 7 T6N R10W 2.33 A.

**5411 28<sup>th</sup> St:**

PART SE 1/4 COM AT SE COR OF SEC TH S 88D 05M 02S W ALONG S SEC LINE 277.97 FT TH N 1D 39M 55S W 56.93 FT TO N LINE OF 28TH ST TH S 88D 20M 05S W ALONG SD N LINE 161.82 FT TO NE LINE OF HWY I-96 TH N 1D 39M 55S W ALONG SD NELY LINE 25.0 FT TH S 88D 20M 05S W ALONG SD NELY LINE 300.0 FT TH N 1D 39M 55S W ALONG SD NELY LINE 20.0 FT TH S 88D 20M 05S W ALONG SD NELY LINE 155.40 FT N 47D 05M 25S W ALONG SD NELY LINE 246.98 FT BEG OF THIS DESC - TH N 47D 05M 25S W ALONG NELY LINE OF SD HWY 359.68 FT TO E 1/8 LINE TH N 1D 25M 52S W ALONG E 1/8 LINE 888.91 FT TH N 88D 20M 05S E 268.74 FT TH S 1D 39M 55S E 1020.26 FT S 88D 20M 05S W 16.16 FT S 1D 39M 55S E 121.08 FT TO BEG \* SEC 7 T6N R10W 6.31 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).

**Section IV. Purpose.** (amended by Ord No 1 of 2017 and Ord No 6 of 2017 and No 5 of 2019)

The Project occupies approximately 36.92 acres of land that currently contains a Meijer retail store, Meijer Gas Station, a fast food restaurant with drive thru service several retail stores, hotel and automotive service use. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance.

The regulations contained herein are established to define the procedures necessary to insure high quality development of the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

**Section V. Approval Limitations.**

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

must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.

- C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- D. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.
- 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 to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.

**Section VI. Permitted Uses** (as amended by Ord No 2 of 2011; 1/12/11)(Ord No 1 of 2017) (Ord No 6 of 2017) (No 5 of 2019)

The permitted uses for the Meijer/Romano's PUD are limited to the following:

- 1. Retail store
- 2. A Gas Station and any ancillary uses
- 3. A 4,988 sq ft fast food restaurant with drive-thru service.
- 4. general retail/restaurant uses consistent with site plan dated 12/16/10
- 5. Bank/credit union with drive thru
- 6. Hotel
- 7. Automotive Service

**Section VII. Design Guidelines, Requirements and Limitations.** (Amended by Ord No 1 of 2017) (No 5 of 2019)

The Project shall be developed in accordance with the site plan approved and signed by the Township. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

- A. Maximum Height – 35 feet**
  - 1. Hotel is permitted a height of 42 feet to roof line and 60 feet to peak.
- B. Parking –**  
Per schedule 19-D of the Zoning Ordinance as amended.
  - 1. the fast food restaurant shall be allowed 74 parking spaces.
- C. Setbacks –**

**1. Minimum for Gas station and Fast Food Restaurant. Canopy set back shall match Meijer Gas Station Canopy set back.**

Front Yard – 100 ft.  
Side Yard – 25 ft.  
Rear Yard – 50 ft.

**2. Minimum for Retail center (as amended by Ord No 2 of 2011; 1/12/11)**

100 feet from 28<sup>th</sup> St  
73 feet from Kraft Ave  
Side Yard – 50 ft.  
Rear Yard – 20 ft.

**3. Minimum for Bank site**

90 feet from 28<sup>th</sup> St  
73 feet from Kraft Ave  
Side Yard – 40 ft.  
Rear Yard – 50 ft.

**4. Minimum for The Meijer Retail Store**

Front Yard – 100 ft.  
Side Yard – 25 ft.  
Rear Yard – 50 ft.

**5. Minimum for Hotel site**

Front North-63 feet  
Front West – 51 feet  
Side – 25 feet  
Rear – 50 feet

**6. Minimum for Automotive service site (Ord No 6 of 2017)**

Front 54 feet  
Side – 25 feet  
Rear – 50 feet

**D. Signs –**

**A. The following signs are permitted for the fast food restaurant site:**

1. One (1) freestanding sign, with a maximum height of 30 feet and a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.

Wall signage or marquee signage per building, not to exceed one-hundred (100) square feet in total sign area.

1. 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.
2. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
3. Directional signs up to ten (10) square feet in sign area. Each zone lot or development shall not have more than two (2) directional signs.
4. One (1) incidental sign not to exceed twelve (12) square feet.
5. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

**B. The following signs are permitted for the gas station:**

1. All signs as permitted in Section 6.01 of this Ordinance.
2. One (1) freestanding sign, one (1) point-of-sale sign, or one (1) development/building identification sign per building. Such sign shall not exceed a height of 30 feet and a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign. A freestanding sign may be a consolidated tenant sign identifying each tenants name.
3. One of the following signs are permitted:
  - 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, not to exceed a sign length of more than two-thirds of the subject frontage.
4. 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.
5. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
6. Directional signs up to two (2) square feet in sign area. Each zone lot or development shall not have more than two (2) directional signs.

7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

**D. The following signs are permitted for the Retail Center and Bank site:**

1. The following pylon sign is permitted:
  - i. (1) freestanding sign, with a maximum height of 30 feet and one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.
  - ii. Or, in lieu of placing a pylon sign on this site, they may consolidate free standing signs with the Meijer freestanding sign (Section VII D.D.1) and have one 250 sq ft sign.
2. One of the following signs are permitted:
  - 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, not to exceed a sign length of more than two-thirds of the subject frontage.
3. 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.
4. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
5. Directional signs up to two (2) square feet in sign area. Each zone lot or development shall not have more than two (2) directional signs.
6. One (1) incidental sign not to exceed twelve (12) square feet.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

**E. The following signs are permitted for the Meijer Retail Store site.**

1. The following freestanding sign is permitted:
  - i. (1) freestanding sign, with a maximum height of 30 feet and one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.
  - ii. Or, in lieu of placing a pylon sign on this site, they may consolidate free standing signs with the Retail center and bank site sign (Section VII D.C.1) and have one 250 sq ft sign.
2. Wall signs totaling no more than 544.5 sq ft. They may be divided between multiple wall signs.

3. 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.
4. The existing directional signs at Kraft and 28<sup>th</sup> St are permitted provided they do not change their total sign area. The sign areas for these signs are approximately 21 and 24 sq ft respectively. These signs may remain
5. The existing large triangular sign located in the southwest area of the Meijer site is permitted to be used as an off premise sign for the businesses to the north and west of Meijer. The panels on this sign are approximately 75 sq ft on each side and may be changed for new or different businesses from time to time. The sign area of the triangular sign may not be expanded as a result of the changing of any panels.
6. On site directional signs no more than 2 sq ft each.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

**F. The following signs are permitted for the hotel site**

1. The following pylon sign is permitted:
  - (1) freestanding sign, with a maximum height of 30 feet and one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.
2. One of the following signs are permitted:
  - a. wall sign or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
3. 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.
4. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
5. Directional signs up to ten (10) square feet in sign area. Each zone lot or development shall not have more than two (2) directional signs.
6. One (1) incidental sign not to exceed twelve (12) square feet.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

**F. The following signs are permitted for the automotive service site. (Ord No 6 of 2017)**

1. The following pylon sign is permitted:
  - (1) freestanding sign, with a maximum height of 30 feet and forty-eight (48) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.
2. One of the following signs are permitted:
  - a. Wall signage or marquee signage per building, not to exceed one-hundred (100) square feet in total sign area.
3. 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.
4. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
5. Directional signs up to ten (10) square feet in sign area. Each zone lot or development shall not have more than two (2) directional signs.
6. One (1) incidental sign not to exceed twelve (12) square feet.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

**Section VIII. Lighting**

Any new lighting that is installed in this project shall be in compliance with Section 19.19 of the Zoning Ordinance as amended. Furthermore, the total height of individual light poles shall be limited to a maximum height of 35 feet for any new light pole installed in this project..

**Section IX. Sidewalks**

The developer shall be responsible for the construction of a 7 foot sidewalk along Kraft Ave in the location shown on the approved site plan. This sidewalk shall connect the 28<sup>th</sup> St sidewalk to the sidewalks at the MVP project (PUD 24). The developer shall be responsible for the entire cost of this sidewalk. Once the sidewalk is installed the developer shall furnish the Township with any and all easements for sidewalk that is outside of the public right of way. This sidewalk shall be completed before occupancy of any new buildings is permitted.

**Section X. Temporary Buildings**

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

**Section XI. Landscaping**

Landscaping shall be provided according to the approved landscape plans that are a part of the approved site plans.

**Section XII. Utilities**

- A. The Project shall be served with public water and public sewer at the developer's expense.
- B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commissioner's office prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner regarding stormwater disposal.
- C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

**Section XIII. Soil Erosion Control Requirements.**

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 excavation on the site.

**Section XIV. Performance Guarantee.**

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township 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 XV. 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.

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, facilities and utilities and will not place a material burden upon the subject property and 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.

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.

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 this PUD Ordinance is recorded and all provisions that the developer and his assigns are responsible for are complied with. After that time, the property may be sold to other parties.

**Section XV. Effective Date.**

This Ordinance shall become effective seven (7) days after the publication of this 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 Parrish, supported by Board Member Kleinheksel. The roll call vote being as follows:

YEAS: Timmons, Carpenter, Goodyke, Kleinheksel, Parrish

NAYS: None

ABSENT: Jones

ABSTAIN: Julien

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Marlene Kleinheksel  
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 10th day of July, 2002 .

---

Marlene Kleinheksel  
Cascade Charter Township Clerk

(PUD -53)

**PUD Ordinance - Signature Inns #15 of 1987**

**CASCADE CHARTER TOWNSHIP**

**ORDINANCE #15 OF 1987**

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE, ZONING MAP AND LAND USE MAP TO ESTABLISH THE SIGNATURE INNS PLANNED UNIT DEVELOPMENT**

CASCADE CHARTER TOWNSHIP ORDAINS:

Section 1.

That the application of Signature Inns for Planned Unit Development designation as recommended by the Cascade Township Planning Commission on October 5, 1987, be approved, thereby amending the Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission recommendation.

Section 2.

Legal Description: The legal description of the Planned Unit Development is as follows:

Parcel A

That part of the NE ¼ of Section 18, T6N, R10W, Cascade Township, Kent County, Michigan described as follows: Commencing at a point on the East line of said Section 18, said point being N 1 degree, 46'30"W 1128.72 feet from the SE corner of said NE ¼; thence N 47 degrees 05' 25"W 1393.61 feet along a line 150 feet Northeasterly of, measured at right angles, and parallel with the survey centerline of Interstate 96 (formerly Highway US 16) to the point of beginning; thence N 1 degree 39'55" W 418.38 feet; thence N 88 degrees 20'05" E 346.63 feet along a line 110.0 feet South of and parallel with the survey centerline of 28th Street to the East line of the West 686.0 feet of the E ½, NE ¼, of said Section 18; thence Northerly 35.0 feet along said East line; thence N 88 degrees 20'05"E 73.90 feet along a line 75.0 feet South of and parallel with the survey centerline of 28th Street; thence S 1 degree 46'30"E 185.00 feet; thence S 18 degrees 13'30"W 21.34 feet; thence S 1 degree 46'30"E 148.32 feet; thence S 88 degrees 20'05"W 414.06 feet parallel with the survey centerline of 28th Street to the point of beginning.

Parcel B

That part of the NE ¼ of Section 18, T6N, R10W, Cascade Township, Kent County, Michigan described as follows: Commencing at a point on the East line of said Section 18, said point being N 1 degree 46'30"W 1128.72 feet from the SE corner of said NE ¼; thence N 47 degrees 05'25"W 1393.61 feet along a line 150 feet Northeasterly of, measured at right angles, and parallel with the survey centerline of Interstate 96 (formerly Highway US 16); thence N 88 degrees 20'05"E 414.06 feet parallel with the survey centerline of 28th Street to the point of beginning; thence N 88 degrees 20'05"E 195.30 feet; thence N 1 degree 46'30"W 453.38 feet along the West line of the East 381.50 feet of said NE ¼; thence S 88 degrees 20'05"W 188.00 feet along a line 75.00 feet South of and parallel with the survey centerline of 28th Street; thence S 1 degree 46'30" East 185.00 feet; thence S 18 degrees 13'30"W 21.34 feet; thence S 1 degree 46'30"E 248.32 feet to the point of beginning.

Section 3.

General Provisions: The following provisions shall apply to the above described Planned Unit Development in addition to those provisions outlined in Section 13.11 of the Cascade Charter Township Zoning Ordinance No. 2, as amended through August 28, 1984.

### Section 3.1

In this Planned Unit Development (hereinafter abbreviated P.U.D. ) district, no building or part thereof or any area of land, in whole or in part, shall be used or altered for any use other than the following specific use:

Parcel A. A One-Hundred Forty (140) unit hotel/motel.

Parcel B. A free-standing restaurant not to exceed 10,000 square feet, designed and constructed with compatible materials with the hotel/motel.

### Section 3.2

#### Development Standards:

**Storm Drainage and Erosion Control:** The PUD shall connect to an existing temporary storm drainage basin located at the western portion of the property, located south of the subject PUD. The PUD shall provide for on-site storm water retention for all areas of new construction in a manner approved by the Township Engineer and the Kent County Drain Commissioner.

During the new construction phase, soil erosion measures, as required under the State of Michigan Soil Erosion and Sedimentation Act (P.A. 347 of 1972) shall be provided and as a minimum shall include the development of a temporary berm around the property's south and west perimeters to keep sedimentation and runoff from new construction from reducing the capacity or efficiency of the temporary storm drainage basin.

**Setback Requirements:** The required yard regulations are as follows:

1. **Front Yard** – The minimum building setback for the motel porte cochere (canopy) shall be twenty-five (25) feet. The remaining portions of the motel shall be setback a minimum of fifty (50) feet. The restaurant shall be setback at least one-hundred (100) feet. The 28th Street right-of-way shall be landscaped by the applicant consistent with their approved landscape plan.

2. **Side Yard** – The minimum side yard for the motel shall be twenty-five (25) feet, with a minimum of ten (10) feet measured from the side lot line permanently landscaped and maintained. The restaurant shall have a combined minimum side yard setback of fifty (50) feet, with a minimum of ten (10) feet on each side. The side lot line shall be permanently landscaped in accordance to approved landscape plans.

3. **Rear Yard** – The minimum rear yard shall be fifty (50) feet, with a minimum of ten (10) feet measured from the rear lot line permanently landscaped and maintained.

Height: No building shall exceed a height of three stories or 35 feet above the average grade at the front of the building.

Parking: The minimum parking area for the PUD shall be as follows:

Motel – One (1) parking space per unit plus one (1) per employee.

Restaurant – A minimum of one-hundred forty (140) parking spaces.

Each parking space shall contain an area no less than 180 square feet, exclusive of access driveways or aisles, and shall be a minimum of nine (9) feet in width.

Landscaping: All yard areas with the exception of paved driveways, parking spaces and walkways shall be used exclusively for landscaping including, trees, shrubs, lawns and ornamental features. The minimum amount and location of landscaping required for the proposed PUD shall abide by the approved landscaping schedule and landscaping plan approved by the Cascade Township Planning Commission dated October 5, 1987. Landscaping materials within the 28th street right-of-way shall be from the approved plant material listed from the Michigan Department of Transportation.

Signs: The development shall be permitted the following signs:

4. One (1) expressway sign not to exceed a height of fifty-nine (59) feet, containing up to 320 square feet of sign area on each side.

5. Two (2) identification signs, one for each permitted use, each not to exceed thirty-two (32) square feet of sign area on each side. The hotel/motel sign shall be a ground level sign, while the restaurant sign may be a ground level sign. The ground level sign(s) shall not create a traffic safety hazard in the opinion of the Township Planner and shall have a minimum setback of fifteen (15) feet from the front property line.

6. Two (2) wall signs, one for each permitted use, each not to exceed one-hundred (100) square feet of sign surface area.

7. Directional signs, not to exceed twelve (12) square feet of sign area on each side.

#### Section 4.

Staging: Development as outlined above is conditioned upon the approval of its site plan pursuant to the provisions of Chapters 17 and 18 of the Cascade Charter Township Zoning Ordinance No. 2 of 1978 as amended.

#### Section 5.

Effective Date: This Ordinance shall become effective upon publication in a newspaper circulated within the Township of Cascade.

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

YEAS: Burlingham, Carpenter, Champion, Ellinger, Hansen, Henning, and Rowland.

NAYS: None

ABSENT: None

Brenda J. Henning, Clerk

Cascade Charter Township

#### 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 14th day of December, 1987.

Brenda J. Henning, Clerk

Cascade Charter Township

(PUD -50)

**ORDINANCE 2 OF 1988**

**AS AMENDED BY:**

**ORD.NO. 17 OF 1990**

**ORD. NO. 22 OF 1994**

**ORD.NO. 15 OF 1997**

**ORD. NO 10 OF 2003**

**ORD. NO 2 of 2012**

**ORD. NO 8 of 2014**

**ORD. NO 3 of 2017**

**CASCADE CHARTER TOWNSHIP**

**Ordinance #3 of 2017**

**AN ORDINANCE TO AMEND ORDINANCE #2 OF 1988, THE**

**MEADOWBROOKE BUSINESS PARK**

**PLANNED UNIT DEVELOPMENT PROJECT**

CASCADE CHARTER TOWNSHIP ORDAINS:

**SECTION I. AN AMENDMENT TO THE CASCADE CHARTER TOWNSHIP**

**ZONING ORDINANCE.** That the application received from Meadowbrooke Associates or its assigns (hereinafter referred to as the "Developer") for Planned Unit Development designation for their proposed Meadowbrooke Business Park (hereinafter referred to as the "Premises") was recommended by the Cascade Township Planning Commission for approval on November 16, 1987. The Premises is recommended for rezoning from its former zoning classification thereby requiring this amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Township Board action on February 8, 1988.

**SECTION II. LEGAL DESCRIPTION.** (as amended by Ord No 22 of 1994; 10/26/94)  
(amended by Ord. No. 10 of 2003; 6/25/03)

The Legal Description of the Premises is as follows:

The North one-half of the Northwest one-quarter of fractional Section 31, Town 6 North, Range 10 West, except the North 50.0 feet and except the West 50.0 feet thereof for highway purposes as recorded in Liber 1943 at Page 1351 of Deeds, Cascade township, Kent County, Michigan.

The Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the South  $\frac{1}{2}$  of the Northwest fractional  $\frac{1}{4}$  of Section 31, Town 6 North, Range 10 West, except the West 50 feet thereof deeded to the County of Kent for highway purposes, Cascade Township, Kent County, Michigan.

That part of the S  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , Lying East of Broadmoor Drive, also the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , all in Section 31, T6N, R10W, Cascade Township, Kent County, Michigan, except the south 270 feet of the East 265.0 feet thereof.

The Northwest  $\frac{1}{4}$ , of the Southeast  $\frac{1}{4}$ , also the North  $\frac{1}{2}$ , of the Southwest fractional  $\frac{1}{4}$  except that part of the South 98.0 feet of the West 675.0 feet of said North  $\frac{1}{2}$ , of the southwest fractional  $\frac{1}{4}$ , Lying Easterly of the centerline of Broadmoor Avenue, Section 31, T6N, R10W, Cascade Township, Kent County, Michigan, except the West 50 feet North of Broadmoor Drive for Road purposes.

The east  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 31, T6N, R10W, Cascade Township, Kent County, Michigan excepting therefrom the following described parcels: The East 400.0 feet of the North 800.0 feet thereof; Also the East 400.0 feet of the South 544.5 feet of the North 1553.0 feet thereof; Also the East 450.42 feet of the South 450.42 feet thereof; Also a parcel described as commencing at the Southeast corner of said Section; Thence N 0 degrees 08'05"E 450.42 feet along the East line of said Section to the place of beginning; Thence N 90 degrees 00'W 400.0 feet parallel with the South line of said Section; Thence N 0 degrees 08'05" E 645.52 feet parallel with the East line of said Section to the South line of the North 1553.0 feet of the SE  $\frac{1}{4}$  of said Section; Thence N 89 degrees 43'12" E 400.0 feet to the East line of said Section; Thence S 0 degrees 08'05" W 647.52 feet along the East line of said Section to the place of beginning. Also a parcel described as beginning on the South line of Section 31, 650.0 feet N 90 degrees 00'W from the Southeast corner thereof, said point being the intersection of the centerline of an existing county drain and said South section line; Thence N 90 degrees 00'W 674.50 feet to the Southwest corner of said Southeast  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$ ; Thence N 00 degrees 05'E along the West line thereof 548.3 feet to the centerline of said county drain; Thence South and Easterly along said centerline to the place of beginning.

Part of the SE  $\frac{1}{4}$  of Section 31, T6N, R10W, Cascade Township, Kent County, Michigan described as follows: Commencing at the Southeast corner of said Section; Thence N 0 degrees 08' 05" E 662.34 feet along the East line of said Section to the place of beginning of this description; Thence S 89 degrees 43' 12" W 400.0 feet; Thence N 0 degrees 08' 05" E 435.6 feet parallel with the East line of said Section; Thence N 89 degrees 43' 12" E 400.0 feet to the East line of said Section; Thence S 0 degrees 08' 05" W 435.6 feet along said East line to the place of beginning of this description.

That part of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$ , Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as follows: Commencing on the East line of the Northeast  $\frac{1}{4}$ , at a point which is South 0 degrees 00' East 1423.45 feet from the Northeast corner of said Section 31; thence South 0 degrees 00' East 488.42 feet to a point which is North 0 degrees 00' West 741.35 feet from the Southeast corner of said Northeast  $\frac{1}{4}$ ; thence South 0 degrees 00' West 396.0 feet; thence South 0 degrees 00' East 373.77 feet to the North line of the South 370 feet of said Northeast  $\frac{1}{4}$ , thence North 89 degrees 39' East 396.0 feet along said North line to the East line of said Section 31; thence South 00 degrees 00' East 100.0 feet; thence South 89 degrees 39' West 323.0 feet; thence South 0 degrees 00' East 270.0 feet to the South line of said Northeast  $\frac{1}{4}$ ; thence South 89 degrees 39' West 1002.47 feet to the Southwest corner of the East  $\frac{1}{2}$ , of the Northeast  $\frac{1}{4}$ , of said Section 31; thence North 0 degrees 00' East along the West line of the East  $\frac{1}{2}$ , of said Northeast  $\frac{1}{4}$ , to the North line of said Northeast  $\frac{1}{4}$ ; thence East along the North line of said Northeast  $\frac{1}{4}$ , to a point which is 405.5 feet West from the

Northeast corner of said Northeast  $\frac{1}{4}$ ; thence South 0 degrees 00' East 214.17 feet to a point which is South 0 degrees 00' East 217.0- feet and South 89 degrees 55' West 405.5 feet from the Northeast corner of said Northeast  $\frac{1}{4}$ ; thence North 89 degrees 55' East 9.2 feet, thence South 0 degrees 00' East 1205.87 feet thence North 90 degrees 00' East 396.0 feet to the place of beginning, except liens and conveyances affecting easement granted in Liber 89 of Miscellaneous Records, Page 383. Subject to a right of way for 52<sup>nd</sup> Street over the North 33.0 feet thereof; also subject to a right of way for Kraft Avenue over the East 33 feet of the Northeast  $\frac{1}{4}$ , of said Section 31.

Part of the Northeast  $\frac{1}{4}$  of Section 31, Town 6 North, Range 10 West; described as: Commencing at the Northeast corner of Section 31, thence south along the East line of said Section 773.45 feet to the place of beginning of this description; thence West perpendicular to the said East line 233.0 feet; thence south parallel with the said East line 100.0 feet; thence East 233.0 feet; thence North along said East line 100.0 feet to the place of beginning, except the East 33.0 feet for highway purposes, Cascade Township, Kent County, Michigan.

That part of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan is described as: commencing on the East line of said Northeast  $\frac{1}{4}$ , 873.45 feet South of the Northeast corner of said Northeast  $\frac{1}{4}$ ; thence Westerly 233.0 feet perpendicular to the said East line; thence Northerly 100.0 feet parallel with said East line; thence Westerly 163.0 feet perpendicular to said East line; thence Southerly 430.0 feet parallel with said East line; thence Easterly 326.0 feet perpendicular to said East line; thence Northerly 20.0 feet parallel with said East line; thence Easterly 70.0 feet to the East line of the Northeast  $\frac{1}{4}$  perpendicular to said East line; thence Northerly 310.0 feet along said East line to the place of beginning.

The south 98.0 feet of the West 675.0 feet of the North  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$ , Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, lying Easterly of Broadmoor Avenue.

ALL THAT CERTAIN tract of land with improvements thereon, known as the E  $\frac{1}{2}$ , of the SE  $\frac{1}{4}$ , Section 30, T6N, R10W, Cascade Township, Kent County, Michigan, except the North 481.96 feet thereof.

This parcel may be more particularly described as: That part of the SE  $\frac{1}{4}$ , Section 30, T6N, R10W, described as BEGINNING at the Southeast corner of Section 30; thence S88 degrees 27' 24" W 1326.64 feet along the South line of Section 30; thence N 1 degree 19' 29" W 2171.77 feet along the West line of the E  $\frac{1}{2}$ , of said SE  $\frac{1}{4}$ ; thence N 88 degrees 33' 50" E 1327.81 feet along the South line of the North 481.96 feet of said SE  $\frac{1}{4}$ ; thence S 1 degree 17' 37" E 2169.29 feet along the East line of Section 30 to the place of beginning.

That part of the Northeast  $\frac{1}{4}$  of Section 31, Town 6 North, Range 10 West, described as commencing on the Northeast corner of said Section; thence South 217.0 feet along the East line of said Section to the place of beginning of this description; thence South 89

degrees 55' West 396.0 feet; thence South parallel with said East line of Section 110 feet; thence North 89 degrees 55' East 396.0 feet to the East line of Section 31; thence North 110.0 feet along said line to the place of beginning, except the East 43 feet for highway purposes.

All that part of the East ½ of the NE ¼, of Section 31, T6N, R10W, Cascade township, Kent county, Michigan described as commencing at the Northeast corner of said NE ¼, thence S 0 degrees 00' E 327.0 feet along the East line of said section to the place of beginning for this description; thence continuing S 0 degrees 00' E 446.45 feet along said line; thence S 90 degrees 00' W 396.0 feet; thence N 0 degrees 00' W 445.87 feet to a point that is 327.0 feet South of the North line of said NE ¼; thence N 89 degrees 55' E 396.0 feet to the place of beginning, except the East 43 feet for highway purposes.

The south 270.0 feet of the East 323.0 feet of the East ½ of the Northeast ¼ of Section 31, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, except the Southerly 145 feet thereof.

The South 145.0 feet of the East 323.0 feet of the Northeast ¼ of Section 31, Town 6 North, Range 10 West, except the East 43.0 feet thereof for highway purposes.

That part of the SE ¼ of Section 36, T6N, R11 W, City of Kentwood, Kent County, Michigan described as commencing at the East ¼ corner of Section 36; thence S 0 degrees 11'31"E 41.04 feet along the East line of the section to the south right-of-way of relocated Patterson to the point of beginning; thence S 0 degrees 11'31" E 687.16 feet along said East line to a point on the Easterly right-of-way line of Broadmoor Avenue (S.T.L. M-37) thence N 28 degrees 51'11" W 499.80 feet along said Easterly right-of-way line, thence N 61 degrees 10'24" E 14.57 feet along the southerly right-of-way line to relocated Patterson; thence Northerly 337.09 feet along a 531.76 foot radius curve to the left, the long chord of which bears N 43 degrees 00'46" E 331.47 feet to the point of beginning. Subject to Easements and Building and Use Restrictions of record. Also subject to the terms, covenants, and conditions of a special assessment agreement as set forth in Liber 2377 of Deeds, Page 50, Kent County Records, which Grantee shall assume and perform.

The Legal Description of the Premises shall include the following parcels as amended by Ord. No. 10 of 2003

41-19-31-400-002

N 400 FT OF E 400 FT OF E 1/2 SE 1/4 \* SEC 31 T6N R10W 3.67 A.

41-19-31-400-003

S 400 FT OF N 800 FT OF E 400 FT OF E 1/2 SE 1/4 \* SEC 31 T6N R10W 3.67 A.

41-19-31-400-004

S 544.5 FT OF N 1553 FT OF E 400 FT OF SE 1/4 \* SEC 31 T6N R10W 5 A.

The Legal Description of the Premises shall include the following parcels as amended by Ord. No. 2 of 2012

PART OF E 1/2 SE 1/4 COM 1420.0 FT S 0D 59M 29M E ALONG E SEC LINE FROM E 1/4 COR TH S 88D 34M 34S W PAR WITH E&W 1/4 LINE 400.0 FT TO W LINE OF E 400.0 FT OF SE 1/4 TH S 0D 59M 29M E ALONG SD W LINE 133.0 FT TO S LINE OF N 1553.0 FT OF SE 1/4 TH N 88D 34M 34S E ALONG SD S LINE 400.0 FT TO E SEC LINE TH N 0D 59M 29M W 133.0 FT TO BEG \* SEC 31 T6N R10W 1.22 A.

SECTION III. GENERAL PROVISIONS. (as amended by Ord No 22 of 1994; 10/26/94)

The Subject Properties shall be governed by the PUD Ordinance provisions contained in Ordinance #2 of 1988 and Ordinance #17 of 1990, as well as those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

SECTION IV. APPROVAL LIMITATIONS. (as amended by Ord No 22 of 1994; 10/26/94)

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.

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 V. PURPOSE AND INTENT. (amended by Ord. No. 10 of 2003; 6/25/03)

The Premises occupies a 544 acre tract of land that is proposed to be developed through phases over a period of several years as a complex, unified unit, rather than as an aggregation of individual uses on separate unrelated parcels. 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.

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.

The northerly approximately 177 acres (Meadowbrooke Phase I) has been developed as platted lots as shown on Prein & Newhof drawing dated May 19, 2003. Further, approximately 13 acres of the Premises have been established as the Town Center Plat located adjacent to Broadmoor Avenue and M-37 as shown on the Prein & Newhof drawing dated May 19, 2003 ("Town Center"). The remainder of the Premises, generally located south of Meadowbrooke Phase I contains approximately 124 acres and is referred to herein as "Meadowbrooke Phase II", while the area generally West of Phase II contains approximately 109 acres is known as Meadowbrooke Phase III.. Simultaneously with adoption of this Amended Ordinance No. 10 of 2003, the 12.34 acre parcels more fully described in **Exhibit A** attached hereto and incorporated herein have been rezoned Planned Unit Development under this Ordinance of which the 7.34 acre parcel (Parcels A and B on Exhibit A), together with an adjacent 30.424 acres (exclusive of road right-of-

way) constitute approximately 37.76 acres more fully described on **Exhibit B** attached hereto (“Development Parcel 1”). Meadowbrooke Phase III, formerly part of Meadowbrooke Phase II, as described on **Exhibit C** attached hereto.

“The establishment of Meadowbrooke Phase III is for the purpose of creating a broader and expanded mixture of uses in the Meadowbrooke Business Park Planned Unit Development

It is recognized that the permitted uses in Meadowbrooke Phase I and Meadowbrooke Phase II are or will be adjacent to and/or within the vicinity of permitted uses in Meadowbrooke Phase III including, but not limited to Multifamily units and commercial/retail uses and that such permitted uses in Meadowbrooke Phase I and Meadowbrooke Phase II currently include and will include outdoor storage, truck traffic, loading and unloading of goods including manufactured items, the manufacturing of goods, the warehousing of goods and the parking of trucks on property within Meadowbrooke Phase I and Meadowbrooke Phase II.

The location of the permitted uses in Meadowbrooke Phase I and Meadowbrooke Phase II within and/or adjacent and contiguous to the permitted uses in Meadowbrooke Phase III shall be deemed to be compatible and not adverse to the mixture of uses permitted in Meadowbrooke Phase I, Meadowbrooke Phase II and Meadowbrooke Phase III. Notwithstanding that Meadowbrooke Phase III is developed and used for a permitted use including a Multifamily Use, commercial/retail uses in no event will development approval of the permitted uses in Meadowbrooke Phase I and/or Meadowbrooke Phase II be subject to any standards, requirement or criteria in the Ordinance other than specifically stated in Section X. To the extent the Ordinance would otherwise impose different standards, criteria and requirements where residential uses including Multifamily uses are near or adjacent to the permitted uses in Section VIII, including, but not limited to industrial use such other standards, criteria and requirements shall not govern the development and development approvals for permitted uses in Meadowbrooke Phase I and Meadowbrooke Phase II with the exception of the lighting standards found in Section 19.19 of the zoning ordinance

It is anticipated that the internal public roads and streets within and to and from Meadowbrooke Business Park Planned Unit Development inclusive of the roads and streets within and to and from Meadowbrooke Phase I, Meadowbrooke Phase II and Meadowbrooke Phase III will include a mixture of truck traffic, employee traffic, residential traffic, commercial traffic and pedestrian traffic all of which are deemed to be compatible provided that such internal roads and streets and access to such internal roads and streets shall be required to be designed and developed to accommodate such mixture of traffic and vehicles.

SECTION VI. DEVELOPMENT APPROVAL PROCEDURE. (amended by Ord. No. 10 of 2003; 6/25/03)

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 Meadowbrooke Review Board and the Township Planning Commission as provided in this Section.

**A. Composition of the Review Boards.** All new construction, alteration, or moving of buildings and structures shall be reviewed by (a) a five ((5) member Review Board for Meadowbrooke Phase I and Development Parcel 1 (the "Meadowbrooke I Review Board") or (b) a five (5) member Review Board for Meadowbrooke II (the "Meadowbrooke II Review Board") or (c) a five (5) member Review Board for Meadowbrooke Phase III, (the "Meadowbrooke III Review Board"). For purpose of establishing the Review Boards, Meadowbrooke Associates or its assigns is the Developer for the Meadowbrooke I Review Board, and A Lacks Enterprises, Inc. or its assigns shall be the Developer for the Meadowbrook II Review Board and Edward Rose Development Company, L.L.C. or its assigns is the Developer for the Meadowbrooke III Review Board. Each of the Developers shall provide to the Township a copy of any assignment to a successor developer of Meadowbrooke Phase I or Meadowbrooke Phase II or Meadowbrooke Phase III. Each Developer shall appoint three (3) members, with two (2) being officers of the Developer or their delegates and one (1) being a professional with a background in architecture, engineering, landscape architecture and/or urban planning. The two (2) remaining members shall be representatives of Cascade Township appointed by the Township Supervisor and approved by the Township Board. A simple majority of the membership of the Review Boards (hereinafter referred to individually as the "Board" and collectively as the "Boards") shall constitute a quorum. An affirmative vote of the majority of the Board members present shall constitute approval, approval with modification, or rejection of a site plan.

**B. Responsibilities of the Review Board.** The Meadowbrooke I Board shall have all approval rights herein with respect to Meadowbrooke Phase I and Development Parcel 1 and the Meadowbrooke II Board shall have all approval rights for Meadowbrooke Phase II and the Meadowbrooke III Board shall have approval rights for Meadowbrooke Phase III. The respective Board shall receive all site plans for all new construction, alteration, or moving of buildings and structures within the Premises. It shall have exclusive power to review all site plans for all development within the Meadowbrooke Phase I or Meadowbrooke Phase II or Meadowbrooke Phase III, as the case may be to insure compliance with Architectural Controls as prescribed in Section IX of this Ordinance. Additionally, the Board shall be empowered to review all site plans for compliance with the Design Standards as setforth in Section X of this Ordinance.

The Board's review and findings with regard to the Design Standards are subject to review before the Planning Commission. The Board can only grant preliminary approval of a site plan. The Planning Commission shall have the authority to grant final site plan approval, except in the case of the regional shopping center. No site plan can be forwarded to the Planning Commission without the express, written approval of the applicable Board.

Review and approval shall be based upon the following considerations:

1. Conformity and harmony of external design with the development and with neighboring structures.
2. Proper siting of buildings and lots as they relate to street frontage and neighboring uses.
3. Conformity of the plans and specifications with the development requirements as well as the purpose and intent of this PUD Ordinance.

The Review Board shall endeavor to review a submitted site plan within a reasonable time period after its submittal. The Board, however, retains the right to request additional information or modifications as it may deem necessary prior to approval or rejection of the plans and specifications. Once the Review Board has made its determination regarding a proposed site plan it shall transmit its findings and recommendations to the Planning Commission. The transmittal shall include the recommendation of the Board, its rationale and the minutes of all meetings in which the site plan was discussed before the Board.

C. Planning Commission Responsibilities – Following review and approval of a site plan by the Review Board, the Chairman of the Review Board or his authorized representative shall present it to the Planning Commission for final review and approval. Review and approval of the site plan by the Planning Commission shall be based upon the Design Standards set forth in Section X. The Planning Commission has the right to approve, approve with modifications, or deny site plan approval based upon its own findings of fact Subject to this PUD Ordinance.

D. Limitation – Nothing herein shall require submission to or approval of the Review Board or Planning Commission for plans relating to normal maintenance or alterations to the interior of any structure. When such activities are contemplated, the Township Building Inspector shall be contacted as building permits may be required.

E. Appeals to the Zoning Board of Appeals – Nothing herein shall preclude an appeal to the Zoning Board of Appeals of any provision of this Ordinance.

## SECTION VII. SITE PLAN REQUIREMENTS.

In order to insure high quality development of the Premises and to achieve integration of a proposed development with the characteristics of the Meadowbrooke Business Park it is necessary for each proposed project to be reviewed within a two-step process. The first step requires a proposed project to be reviewed by the applicable Review Board for aesthetic, architectural, and design qualities. For this reason, the Board shall evaluate and review each proposed project to insure compliance with the Architectural Controls as setforth in Section IX of this Ordinance and the Design Standards setforth in Section X of this Ordinance. The board may also be empowered by the Developer to review each proposed project for compliance for any deed restrictions. The Board has final review power over the Architectural Controls and the deed restrictions (if empowered by the Developer). With regard to the Design Standards, the Board has only advisory powers in their review of proposed projects.

The second step requires a proposed project to be reviewed by the Township Planning Commission. The Planning Commission shall review a proposed project site plan only after it has received a positive recommendation from the Review Board. The Planning Commission shall review a proposed project for compliance with the Design Standards setforth in Section X.

In the case of a regional shopping center, as defined herein, the Planning Commission shall review the project for compliance with the Design Standards setforth in Section X. Due to the size and magnitude that a regional shopping center may encompass, the Planning Commission findings shall only be advisory in nature. The Planning Commission's recommendation shall be forwarded to the Township Board for review and approval using the standards setforth in Section X. The Township Board has the right to approve, approve with modifications, or deny site plan approval based upon its own findings of fact

Any site plan approval for a regional shopping center will be conditioned upon an assessment of available services including police, fire, transportation and utilities. In the event an approval is denied as a result of the aforementioned conditions, the requirements for approval will be submitted to the developer in writing within 15 days of the date of denial.

Once a project has received approval of its site plan it may proceed to obtain the required building permits and approvals from the appropriate Township departments.

## **SECTION VIII. PERMITTED USES.**

For land and buildings, the permitted uses for the Meadowbrooke Business Park PUD are as follows:

A. For land and buildings, the permitted uses for Meadowbrooke Phase I and Meadowbrooke Phase II are as follows:

1. Retail Uses;
2. Corporate Offices;

3. Regional Assembly and Distribution Centers;
4. Research and Development Facilities;
5. Light Manufacturing Facilities;
6. Technology Centers;
7. Corporate Aeroparks;
8. Regional Shopping Center as defined by the Urban Land Institute publication Shopping Center Handbook;
9. Full-Service Hotels;
10. Restaurants not to include freestanding fast food restaurant buildings ; and
11. Accessory uses customary and incidental to any of the above uses. For the purposes of this Ordinance accessory uses shall not include waste disposal facilities of any kind as regulated by Public Act 641 of 1978.

B. For land and buildings, the permitted uses for Meadowbrooke Phase III are as follows:

1. Multifamily-minimum Thirty (30) acres;
2. Professional service establishments providing human health care on an outpatient basis;
3. The following establishments customarily related to medical and dental uses:
  - a. Pharmacies or apothecaries;
  - b. Medical, dental and optical laboratories; and
  - c. Stores offering supportive or corrective garments and prosthetic appliances.
4. Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, radios, televisions, shoes, etc.), tailor shops, beauty parlors, or barber shops, photographic studios, flower shops and print shops;
5. Business establishments which perform services on the premises, such as, but not limited to, banks, (including drive through), loan companies, insurance offices, real estate offices, and other professional offices;
6. Restaurants including fast food restaurants with drive through;
7. Brew Pubs;
8. Restaurants with brew pub as accessory use;
9. Tavern;
10. Retail Uses;
11. Full Service Hotels; and
12. Accessory uses customary and incidental to any of the above uses. For the purposes of this Ordinance accessory uses shall not include waste disposal facilities of any kind as regulated by Public Act 641 of 1978.

**USES PERMITTED BY SPECIAL USE PERMIT:**

The following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Athletic clubs and health spas and other indoor and outdoor recreation facilities including golf, tennis, racquetball and handball courts and similar facilities, including bowling alleys, ice rinks, and athletic fields.

## SECTION IX. ARCHITECTURAL CONTROLS.

In order to maintain a consistent aesthetic quality, the applicable Review Board shall have sole authority to approve or reject building architectural designs within the Meadowbrooke Phase I or Meadowbrooke Phase II or Meadowbrooke Phase III. The following is a partial list of items that will be carefully and thoughtfully scrutinized:

- A. Preliminary building plans and specifications;
- B. Exterior surface treatment, including roofs, with color and texture samples or descriptions;
- C. Scale;
- D. Geometry;
- E. Texture;
- F. Harmony with neighboring sites including the landscaping features of the site;
- G. Sun control devices; and
- H. Color.

## SECTION X. DESIGN STANDARDS. (amended by Ord. No. 10 of 2003; 6/25/03)

The following Design Standards shall apply to all building sites within the Meadowbrooke Business Park PUD.

### **A. Area Regulations.**

1. The minimum lot size within the Premises for platted lots and site unit condominiums shall be two (2) acres, and the minimum size of Land Division Parcels (as defined in Section XI) in Meadowbrooke Phase II shall be:
  - (a) forty (40) acres; except
  - (b) one (1) Land Division Parcel may be a minimum size of twenty five (25) acres subject to the public hearing specified in Section XI.A(3) below; and
  - (c) one (1) Land Division Parcel for Development Parcel 1 (approximately 37.76 acres).
2. Building and structures shall be setback from the street right-of-way a minimum of 40 feet in Meadowbrooke Phase I, and a minimum of thirty (30) feet in Meadowbrooke Phase II and III. The setback shall be landscaped and maintained as open space. No setback in Phase II shall be greater than 30 feet unless agreed to by the Phase II developer and the Township.
3. Where parking on the street side of the building or structure is permitted, such parking areas shall not be closer than twenty-five (25) feet from the public right-of-way in Meadowbrooke Phase I. Where parking on the street side of the building or structure is permitted, such parking areas shall not be closer than five (5) feet from the public right-of-way in Phase II and III. Any parking areas located closer than forty (40) feet from the public right-of-way shall require additional landscaping.

4. Side and rear setbacks shall in no case be less than twenty-five (25) feet. Parking shall be permitted in the side and rear setbacks.

5. A lot may contain two or more buildings, provided that it is directly related to the principle use or enterprise on the lot. Each additional building and/or structure shall meet all setback requirements contained herein.

6. The setback requirements set forth in this Section shall pertain to normal sites within the Premises. These setbacks shall not be reduced unless it can be demonstrated that they create practical difficulties to the owner or site development limitations which may render the property unbuildable. Upon such a finding the setbacks may be reduced up to twenty-five (25) percent by the Planning Commission should one (1) or more of the following site limitation features exist.

- a. The site contains a “wetland”, as defined by the Goermaere-Anderson Wetland Protection Act (P.A. 203 of 1979), which would cause the placement of the building or structure to encroach upon the normal required setbacks.
- b. The site contains topographic slopes which exceed a ten (10) percent grade, which would cause the placement of the building or structure to encroach upon the normal required setbacks.
- c. The site contains Pewamo loan a soil type which would cause the placement of the building or structure to encroach upon the normal required setbacks. This soil type is identified in the U.S. Soil conservation Service publication Soil Survey of Kent County, as unsuitable to building site development because of a high water table.
- d. The site contains “woodlands” which would cause the placement of the building or structure to encroach upon the normal required setbacks. For the purposes of this Ordinance a “woodland” is defined as, “an area of planted material covering one (1) acre or more and consisting of thirty (30) percent or more canopy trees having an eight (8) inch or greater caliper”.
- e. The site contains an archaeological site which would cause the placement of a building or structure or encroach upon the normal required setback.

**B. Height Regulations – (as amended by Ord. No. 15 of 1997;12/3/1997)**

No building or structure shall exceed a height of forty-five (45) feet, except there may be one hotel, motel or similar use building with a permitted height not to exceed seventy (70) feet as measured in accordance with the Cascade Charter Township Zoning Ordinance. Reasonable mechanical appurtenances and antennas necessary to the function or operation of a building or structure and parapet walls surrounding such appurtenances shall not exceed fifteen feet in height and shall not be counted for the purposes of determining compliance under these limitations.

**C. Off Street Parking and Loading Areas –**

1. All employee and visitor parking shall be provided on-site and not on any streets. Such parking areas may be located in the front, side or rear yards and shall be surfaced prior to occupancy with bituminous concrete or asphalt. Driveways shall be constructed with materials equal to or better than 1-1/2 inches of bituminous concrete 25A aggregate on eight (8) inches of compacted aggregate surface course over suitable sub-base, weather permitting.
2. Driveways, parking and loading areas may require curb and gutter upon the determination of the Planning Commission. The curb and gutter installation shall be consistent with the requirements established by the Kent County Road Commission.
3. The area between the driveway, off-street parking area and the street right-of-way shall be landscaped and maintained in a neat and orderly condition. The use of berms to insure that parking/loading areas are screened from public view may be required. In particular, loading docks and areas where commercial trucks and vehicles are stored shall be screened. Provided that loading docks are screened as required by Section X.G, the loading docks and loading areas to be constructed on buildings developed in Meadowbrooke Phase II shall be permitted to face and/or be across from the Multifamily units in Meadowbrook Phase III.
4. All off-street parking areas shall be drained so as to prevent drainage onto abutting properties unless there is a common drainage system shared by all the abutting properties.
5. Any lighting fixtures used to illuminate off-street parking shall be so arranged as to reflect the light away from adjacent properties, streets or highways.

#### D. Parking Requirements –

1. Off-street parking shall be required as set forth in the standards published by the Institute of Transportation Engineers report entitled Parking Generation 2<sup>nd</sup> Edition November 1987, as revised.
2. Each off-street parking space for automobiles shall be a minimum of 180 square feet in area, with a minimum width of nine (9) feet, exclusive of access drives or aisles. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it shall be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be:
  - a. For 90 degree parking – the aisle shall be a minimum of 24 feet in width;
  - b. For 60 degree parking - the aisle shall be a minimum of 18 feet in width;
  - c. For 45 degree parking – the aisle shall be a minimum of 13 feet in width; and
  - d. For parallel parking – the aisle shall be a minimum of 11 feet in width.
3. In parking areas containing 50 or more parking spaces, up to twenty percent (20%) of the parking spaces may be set aside for small or compact automobiles.

The dimension for these parking spaces shall have a minimum width of 7-1/2 feet and a minimum length of 15 feet. These areas shall be conspicuously designated as reserved for small or compact cars only.

4. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with Section X D.1 of this Ordinance.

5. Upon the determination of the Planning Commission, up to twenty-five (25) percent of the required parking area may be held in reserve. The reserve parking area shall be landscaped and maintained in a neat and orderly fashion. The reserve parking area shall remain as undeveloped space until:

- a. Such time as the parking is needed as a result of an expansion in business activity as determined by the Planning Commission; or
- b. The use changes to a more intensive use as determined by the Planning Commission.

E. Signs (as amended by Ord. No 17 of 1990; 9/26/90)

1. For the purposes of this Section, the provisions of Ordinance 12 of 1988, as it may be amended, of Cascade Charter Township shall apply except as follows:
  - a. No billboards, temporary or portable signs, banners, searchlights, loudspeakers, amplifiers or similar devices will be permitted in this PUD District.
  - b. One on-site temporary sign for the purpose of describing the building development, or advertising the sale or lease of a site or building shall be permitted to occupancy. The color, character and wording of the sign shall be prescribed by the Developer.
  - c. Signs may be illuminated, however, no intermittent or flashing illumination shall be permitted.
  - d. The use of equipment, vehicles, and other similar objects shall not be permitted for the purposes of advertising or signage.
  - e. For the purposes of this Section, in determining the types of signs permitted, the provisions of Section 6.06 of the Cascade Charter Township Sign Ordinance, as it may be amended, shall apply. All other general provisions of the Cascade Charter Township Sign Ordinance, as they may be amended, shall apply. (as amended by Ord. No. 15 of 1997; 12/3/1997)
2. No billboards, temporary or portable signs, banners, search lights, loudspeakers, amplifiers or similar devices will be permitted in this PUD District.
3. One on-site temporary sign for the purpose of describing the building development, or advertising the sale or lease of a site or building shall be permitted prior to occupancy. The color, character, and wording of the sign shall

be prescribed by the Developer. Such signs shall not exceed thirty-two (32) square feet.

4. Signs may be illuminated. However, no intermittent or flashing illumination shall be permitted.
5. Phase III may include the following signs as shown on an approved signage plan for Phase III:

. Three (3) large Twenty (20) foot tall, One Hundred Twenty-Five (125) square feet development signs.

b. One (1) Fifteen (15) foot tall, One Hundred (100) square foot subdivision sign.

c. One (1) Eight (8) foot tall, Thirty-Two (32) square foot free standing point of service signs for each commercial lot.

d. One (1) Eight (8) foot tall, Twelve (12) square foot free standing information sign for the buildings with a single tenant.”

#### F. Temporary Buildings –

1. No structure of a temporary nature; trailer, tent, or construction shack shall be constructed, placed or maintained on the Premises except accessory to and during construction of a permanent building or structure.
2. Approval of the temporary building or structure shall be required in advance by the Review Board. Under no circumstances shall the temporary building or structure be used primarily for advertising purposes.

#### G. Landscaping –

1. Every site upon which a building or structure has been placed shall be landscaped in accordance with plan and specifications approved by the Planning Commission. The entire building site, including curb parkways, shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Planning Director. The proximity and adjacency of Multifamily residential uses to non-Multifamily residential uses within the Meadowbrooke Business Park Planned Unit Development, shall not require any additional buffering and/or landscaping between such uses and such buffering, landscaping and setbacks shall solely be governed by Section X.

2. Landscaping shall be installed within ninety (90) days of completion of the building or structure, unless permitted in writing by the Planning Director at a later date.

3. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season. All new trees used in a landscaped area shall have a minimum caliper of 1-3/4 inches.

4. Every effort shall be made to retain existing trees. Trees with a caliper of five (5) inches or more shall not be removed without written approval of the Planning Director.

5. Underground sprinkling systems shall be installed where necessary to service landscaped areas and such areas shall be neatly maintained, including mowing, fertilizing and pruning.

6. Parking and loading areas shall be landscaped and/or fenced, as shown on the approved landscape plan, in such a manner as to interrupt or screen said areas from view from access streets.

7. The perimeter lots or parcels which abut 52<sup>nd</sup> Street, 60<sup>th</sup> street, Kraft Avenue, Patterson Avenue, and Broadmoor Avenue, shall have a 15 foot wide bufferstrip along the road right-of-way that is landscaped with:

a. A minimum of five (5) canopy or coniferous trees per one hundred (100) linear feet; and

b. A minimum of fifteen (15) shrubs per one hundred (100) linear feet.

The landscaping within the bufferstrip may be clustered to achieve the maximum aesthetic and screening capabilities of the selected plant materials. An undulating berm not exceeding six (6) feet and a 3:1 slope may be permitted within the required bufferstrip. Placement of landscaping under this subsection shall be in accordance with Section X.G.2 of this Ordinance.

H. Outside Storage Areas – Outside storage areas which are a permitted use must be specifically approved by the Planning Commission and shall be effectively screened from view as required by Section X.G. and which shall not be required to be setback from any property line by more than one hundred (100) feet

I. Curb Cuts – No permanent individual use curb cuts shall be permitted on Broadmoor Avenue. Individual curb cuts on the perimeter roads (ie. 52<sup>nd</sup> Street, 60<sup>th</sup> Street, Kraft Avenue and Patterson Avenue) shall be permitted at intervals of not less than three hundred (300) feet. Shared driveways shall be utilized where reasonably possible to minimize the number of curb cuts. Curb cuts on roads within the Premises shall, to the extent reasonably possible, be aligned with curb cuts on the opposite side of such roads.

J. Design Standard Modifications – The design standards contained herein may be amended by the Planning Commission. Such modifications may only be considered upon the finding of the Review Board that the change will result in a project that is in keeping with the purpose and intent of this PUD Ordinance.

K. Water and Sewer Service – Public water and sewer service must be available to a building site before approval of a site plan can be obtained. All buildings and structures located within the Meadowbrooke Business Park PUD shall be connected to public water and sewer systems.

L. Meadowbrooke Phase II Infrastructure.

In connection with site plan approvals for Meadowbrooke Phase II, the Developer of Meadowbrooke Phase II shall:

- (1) Assure that drainage of Meadowbrooke Phase II is established as required by the Township's Storm Water Drainage Ordinance and/or the Kent County Drain Commission;

- (2) As required by Section X K hereof, public water and sewer service must be available at a building site before approval of a site plan can be obtained; and be developed in accordance with the Township's utility plan as laid out by the Township engineer; and
- (3) include the location of curb cuts and roads in accordance with this Ordinance.

**M. Meadowbrooke Phase III Infrastructure.**

In connection with site plan approvals for Meadowbrooke Phase III, the Developer of Meadowbrooke Phase III shall:

- (1) Assure that drainage of Meadowbrooke Phase III is established as required by the Township's Storm Water Drainage Ordinance and/or the Kent County Drain Commission;
- (2) As required by Section X K hereof, public water and sewer service must be available to a building site before approval of a site plan can be obtained; and be developed in accordance with the Township's utility plan as laid out by the Township engineer; and
- (3) include the location of curb cuts and roads in accordance with this Ordinance .

**SECTION XI. SUBDIVISION PLATTING. (amended by Ord. No. 10 of 2003; 6/25/03)**

**A. Subdivision or Platting.**

(1) The entire Premises shall be either (a) platted in accordance with the Michigan Subdivision Control Act. , or (b) established as one or more site unit condominiums in accordance with the Township's Site Unit Condominium Ordinance and the Michigan Condominium Act. Subject to the minimum areas specified in Section X A.1. hereof, the Developer may also divide portions of Meadowbrooke Phase II or Meadowbrooke Phase III by land division or property line reconfigurations pursuant to the Michigan Land Division Act (each such parcel is referred to as a "Land Division Parcel").

(2) Should future market conditions require smaller lots, the Developer may request approval from the Township Board (and the Township Board shall not unreasonably withhold approval) to split any platted lot or site condominium unit. No more than a total of three (3) platted lot splits or site condominium splits resulting in a lot of less than two (2) acres shall be approved by the Township Board within (a) Meadowbrooke Phase I, or (b) Meadowbrooke Phase II, or Meadowbrooke Phase III during a calendar year.

(3) If Developer shall (i) request the Township to approve the split of any platted lot or site unit condominium in accordance with Subsection A(2) above, or (ii) if Developer shall request approval by the Township for a Land Division Parcel with a minimum size of twenty five (25) acres, as permitted by Section X A.1. (b) hereof, then notice of a public hearing shall be given to

surrounding property owners within five hundred (500) feet. The notice shall be mailed no later than seven (7) days prior to the date of the public hearing to surrounding property owners.

**B. Dedication of Public Facilities.** This development shall include the dedication of public streets, utilities and certain required sites for public facilities. These properties and/or facilities including water and sewer services on the Premises, shall be constructed and installed by the Developer at their expense and deeded to the appropriate State, County, or Township agency without cost. Notwithstanding the above requirement the Developer shall not be obligated to pay for any oversizing of utilities (sewer and water) which is required to serve areas outside of the Premises.

C. Common Areas – The Developer shall incorporate common areas (i.e. theme entrances, landscape islands, traffic circles, etc.) in the development layout at its cost. At the time of platting, landscaping plans shall be submitted to the Township for their approval. Plans for signs, street lighting and other street furniture items shall be submitted to the Township for their record.

## SECTION XII. FIRE PROTECTION.

The Developer agrees to donate a two (2) acre site located in the Premises, which site borders upon either 52<sup>nd</sup> Street or within six hundred (600) feet of 52<sup>nd</sup> Street on Kraft Avenue, for the purpose of providing a capital base to the Township for the provision of fire service to the southwest portion of the Township, including the Premises. This site will be identified in the Meadowbrooke Corporate Center Plat Number 1. Conveyance of title to this two (2) acre site will take place within sixty (60) days following groundbreaking for building construction in any subsequent phase of this development. In addition, prior to conveyance of title, the Developer will cause to have completed a study to determine the preferred method of providing fire protection to the southwest portion of the Township. The Developer agrees that the Township is not required to use the donated site for the location of a fire facility and may sell the site and use the proceeds to provide a facility at another site or to provide fire protection by another method, so long as the Premises are served by the facility which is constructed or by the services which are provided. If a special assessment district is established for fire protection service which includes the Premises, the Developer agrees to pay its prorata share of the assessment less a credit for the value of the donated land. The value of the donated land shall be determined by an independent appraisal or as otherwise agreed to by the Developer and the Township.

## SECTION XIII. IMPROVEMENTS; PERFORMANCE GUARANTEE

To insure compliance with this Ordinance and any conditions herein, Cascade Township shall require the Developer to submit a surety bond or irrevocable letter of credit to be determined by the Township Board within 60 days of the effective date of this Ordinance. This surety bond or letter of credit shall be used by the Township to recover expenditures associated with planning and development activities of the Premises, including, but not

limited to, the engineering, legal, and infrastructure costs which may become the liability of the Township.

The Township shall not draw upon the surety bond or letter of credit unless Meadowbrooke Associates fails to promptly reimburse the Township for such billed expenses, within ninety (90) days, following the billing date.

SECTION XIV. CONCEPTUAL MASTER DEVELOPMENT PLAN (amended by Ord. No. 8 of 2014; 11/5/14)

The Meadowbrooke Phase I shall conform in as much as reasonably possible with the Township Supervisor on February 8, 1988. The Developer has provided the Township with an updated conceptual master development plan for Meadowbrooke Phase II and Development Parcel 1, prepared by Moore & Bruggink dated August 28, 2014 (the "Meadowbrooke Phase II Concept Plan"). In the development of Meadowbrooke Phase II, the Developer shall not be limited by specific road alignments and utility locations as shown on the Meadowbrooke Phase II Concept Plan, but shall either conform as much as reasonably possible with the Meadowbrooke Phase II Concept Plan or with an alternative master plan for Meadowbrooke Phase II as shall be approved by the Township.

SECTION XV. EFFECTIVE DATE.

Section 2. Effective Date

This PUD Ordinance amendment shall become effective upon publication in the Grand Rapids Press, a newspaper of general circulation within the Township of Cascade.

Section 3. Effect.

The Cascade Charter Township Zoning Ordinance as amended, and the remainder of the Ordinance "2 of 1988, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

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

Yeas: Lewis, Slater, Beahan, Koessel, Peirce, Shipley  
Nays: None  
Absent: MacDonald

\_\_\_\_\_  
Cascade Charter Township Deputy 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 14<sup>th</sup> day of June, 2017.

\_\_\_\_\_  
Cascade Charter Township Deputy Clerk

(PUD -39)

**CASCADE CHARTER TOWNSHIP**

**Ordinance # 3 of 2013**

**AN ORDINANCE TO AMEND THE PUD ESTABLISHING  
CENTENNIAL PARK  
PLANNED UNIT DEVELOPMENT PROJECT.**

**Cascade Charter Township Ordains:**

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

The application received from Meadowood Development Corporation or its assigns (hereinafter referred to as the "Developer"), to amend the Planned Unit Development designation for the Centennial Park Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on June 17, 2013. The Project is recommended for amendment to the Planned Unit Development permitting a mix of uses including single family, apartments, child and/or adult day care, catering/banquet/recreation, landscaping/ snowplowing/property management and open space. 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 July 24, 2013

**Section II. Legal Description.**

The legal description of the Project is contained in the attached Exhibit 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).

**Section IV. Purpose.**

The Project occupies approximately 85.1 acres of land. The project is proposed to be developed containing a total of 13 single family (or 14 with one two unit building), a total of 241 apartments including a manager residence, while preserving open space, allowing for the existing catering/banquet/recreational use and allowing as a nonconforming use the existing landscaping/snowplowing/property management use. Much of the open space of the project is being conveyed to the existing Condominium Associations ("Permanent common open space"). In order to complete this action

various condominium associations have already agreed to amend their Planned Unit Development legal description in order to incorporate the open space into their projects.

The regulations contained herein are established to define the procedures necessary to insure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

**Section V. Approval Limitations.**

- A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.
- 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 construction, operation or use, including but not limited to:
  - i) Construction of Phase 2 of the apartment development is conditioned upon the City of Grand Rapids approval of increased sewer capacity at the Thornhills lift station. In such event the developer has agreed to construct any and all necessary improvements to accommodate the approval of the City of Grand Rapids when Phase 2 of the apartment development is constructed.
  - ii) Approval of the water system by the City of Grand Rapids is also required.
  - iii) The sidewalk along Charlevoix shall be extended when Phase 2 of the apartment development is constructed, however no off-site sidewalks shall be constructed.
  - iv) The clubhouse and swimming pool for the apartment development shall be constructed before occupancy of the 12th apartment building.
  - v) The Developer shall address all the May 22, 2013 comments from the Township Engineer.
- C. This PUD approval is expressly contingent upon the conditions contained in Section V.B. 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. The conditions outlined in Section V.B. 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. If constructed, the Project must be constructed and operated, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the final approved site plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur unilaterally by the Developer or its successors, tenants or assigns but may be authorized by the Township in accordance with Section 16.12 and Section 21.04 of the Zoning Ordinance. 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 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 before any construction occurs on site.**

F. Failure to comply with the 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:

Meadowood Development Corporation, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

**H. The Gerald R. Ford International Airport.**

Within the recorded Master Deed, the Developer shall expressly disclose in writing that the 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 VI. Documents and Plans.**

- A. The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each unit will be located and provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning 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 the requirements of Section 16.11(4) of the Zoning Ordinance and meeting recognized, acceptable engineering standards and practices. Once it has been determined that the plans have met Township requirements, the Township Engineer shall sign and mark these plan documents as "Approved", and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.
- B. The number of building sites may be reduced or consolidated within the Project upon review and approval of the Township Planning Department. The proposed changes to the site / survey plan to reduce or consolidate building sites shall be reviewed by the Planning Department to insure compliance with the Cascade Charter Township Zoning Ordinance and this PUD Ordinance. Once approved by the Planning Department, the amended site / survey shall then be recorded with the Kent County Register of Deeds Office and the appropriate State agencies by the Developer at his cost. A copy of the recorded site / survey plan shall be forwarded to the Planning Department, so that accurate files regarding the development can be maintained.
- C. The Project shall be limited to a maximum of 13 residential sites (or 14 with one two-unit building) and a maximum of 241 apartments, including the manager's residence. The number of building sites within the Project shall not be increased by the Township Board.

## **Section VII. Permitted Uses.**

The permitted uses for the Centennial Park PUD as approved by the Township Board on July 24, 2013 and as shown on the Centennial Country Club Redevelopment Plan attached as Exhibit B, are as follows:

- A. Single Family Residences.
  - 1. Areas 3, 11A, 11B, 12A, 12B, 13, 16, 17 and 19-The single-family residences in these areas will be subject to the deed restrictions in the attached Exhibit C.
  - 2. Area 10 (Located at the southeast corner of Charlevoix and Meadowood Trails) may be a two family unit, provided it is purchased by the Heathmoor Condominium Association, and enough property is added to the parcel to accommodate the required setbacks; otherwise, it shall be authorized for a single family homesite.

3. Areas 5, 6 and 7 are single-family homesites. In addition, Area 7 may continue as a nonconforming landscaping, snowplowing and property management use.

B. Adult and/or child day care at the corner of Thornhills/Tahoe.

1. A condition of approval of the PUD requires that the future bike path be graded when the day care building is constructed. An additional condition of approval of the adult and/or child day care use is that the developer or its assigns obtain approval of the building elevations from the Planning Commission.

C. Apartments.

1. The apartments are broken into two areas. The first area includes 12-10 unit apartment buildings with the allowance for a manager residence and a clubhouse and swimming pool. Phase 1 is limited to a total of 121 apartment maintenance building, trash enclosures (consistent with the Township Zoning Ordinance provisions), mailboxes, signage and other accessory structures reasonably required for multi-building apartment complexes.
2. Phase 2 of the apartments shall permit 12-10 unit buildings. The developer has agreed to make any and all necessary improvements to the sewer system, including at the Thornhills lift station, in order to receive approval from the City of Grand Rapids to accommodate phase 2 prior to development of the phase 2 apartment complex.
3. Club house and swimming pool.
  1. Clubhouse and swimming pool must be constructed prior to the occupancy of the 12<sup>th</sup> building in phase 1.

D. Banquet/recreational/catering use.

E. Signs. Provided all signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

F. Exterior Lighting. The developer shall provide street lighting within the premise consistent with the lighting plan. The developer may arrange for such street lighting to be provided and installed by the local public electric utility company. All street lighting shall be consistent with Section 19.19 of the Zoning Ordinance and shall be completed prior to the issuance of any occupancy permit for any building.

- G. Area 7. The landscaping/snowplowing/property management business use on area 7 will be allowed as a legal non-conforming use.

**Section VIII. Design Guidelines, Requirements and Limitations.**

The Project shall be developed in accordance with the site plan approved by the Township dated July 24, 2013. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

- A. Maximum Number of Residential Units - The maximum number of single family detached units within the Project shall be limited to 13 units, with the ability to add a two unit condominium at area 10 for a total of 14 units. In addition a total of 241 apartment buildings including a manager residence are permitted.
- B. Maximum Building or Structure Height - 35 feet or 2½ stories whichever is the lessee.
- C. Setback Requirements- All buildings and structures shall meet the following minimum setback requirements:
  - a. Residential Units
    - i. Front Yard Setback: 35 feet minimum from the front yard area line.
    - ii. Sideyards (min.): 10 feet from the side yard area line.
    - iii. Sideyards (total): 25 feet minimum
    - iv. Rear Yard: 25 feet minimum from the rear yard area line
  - b. Apartments
    - i. Setbacks for the apartment buildings as shown on the plan dated 5-17-13.
    - ii. Perimeter – 25 feet
    - iii. Golfridge property – 30 feet
    - iv. Between buildings –20 feet
- D. Minimum Floor Area –
  - a. Residential lots - finished livable area above grade level, exclusive of the garage, decks, porches and breezeways
    - i. 1600 sq ft of finished space within a minimum of 960 sq ft on main floor.
  - b. Apartments – 10-unit apartment buildings broken into a mix of one bedroom, two bedroom and three bedroom apartments consistent with the plans submitted June 17, 2013.

- C. Minimum Parking Requirements
  - a. Residential lots - Each residential unit shall have a minimum of two (2) enclosed off-street parking spaces.
  - b. Apartments - Each apartment building shall have at least 8 enclosed parking spaces.

**Section IX. Private Street Development.**

- A. The Developer has elected to establish private streets to serve the Apartment phase(s) of the Project provided the roads are constructed in accordance with the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets" and the following specifications:
  - 1. All grades shall be as required by the Cascade Charter Township Engineering Design Requirements and Standards for Private Streets and shall not exceed the grades shown on the approved site plan.
  - 2. The private streets shall be posted with signs stating the street names. These signs shall be consistent with Kent County Road Commission standards and requirements and shall be installed at the Developer's cost.
  - 3. A clear vision triangle shall be established by the Developer to insure safe turning movements from the private streets onto the public roads. This clear vision triangle shall be developed to the specifications established by the Kent County Road Commission.
  - 4. Any private street shall intersect any public road at a 90 degree angle.
  - 5. Copies of any permits required by the Kent County Road Commission to connect the private street to any public road shall be provided to the Township Planning Department by the Developer.
  
- B. The Developer shall submit a street construction inspection report to ensure that the roads are built according to the approved plans. These reports are required prior to occupancy of any apartment buildings. The developer has also agreed to establish a private escrow account for the long term maintenance of the private roads. Developer shall draft a maintenance plan for the private roads and record it after approval of such provisions by the Cascade Charter Township Planning Department.

- 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 to fully maintain and keep the private access streets in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.
- D. No combustible building materials may be erected on the Project until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum 18 feet wide and be able to support 20 tons on a single axle with dual wheels and standard road tires.

**Section X. Temporary Buildings.**

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

**Section XI. Utilities.**

- A. Sewer and Water – This project will be served by municipal water and municipal Sanitary Sewer.
- B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer, and the Kent County Drain Commissioner's office, and the Michigan Department of Environmental Quality (if it has jurisdiction) prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner and the Michigan Department of Environmental Quality regarding stormwater disposal.
- C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. The Developer shall also be responsible to provide any necessary easements to the Township for the Pedestrian Path along Tahoe Drive and Thornhills Ave. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

**Section XII. Soil Erosion Control Requirements.**

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 excavation on the site. Developer shall comply with any and all licenses, approvals or permits issued regarding soil erosion control requirements and measures.

**Section XIII. 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. The form, duration and amount of the performance guarantee shall be approved by the Township.

**Section XIV. Permanent Common Open Space.**

It is the intent of this Project that the permanent common open space areas are to be conveyed to the neighboring Condominium Associations. It is also the intent of this ordinance that these open space areas shall be in a natural setting but that each individual association will be able to decide on what if any improvements can take place in the open space areas. To insure this occurs, the following regulations shall apply to the permanent common open space area:

- A. No buildings, structures, fences, or driveways shall be erected, constructed or placed within the permanent common open space area, with the exception of a driveway that may provide access to area 5 for a single family home site. The access is shown on the approved site plan.
- B. There shall be no draining or filling of the regulated wetlands within this permanent common open space area other than that permitted by the Michigan Department of Environmental Quality, the Kent County Drain Commission and the Township Engineer for the construction of the required infrastructure of this project.

**Section XV. 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. Current and future residents will recognize the benefits of a planned development.

In relation to the underlying zoning (Centennial Park PUD from 1973) the Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The 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.

The Project has been determined by the Township to be compatible with the Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a "Mixed Use" use, which is consistent with the Cascade Township Comprehensive Plan.

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

The Township finds the Project to have at least the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project is under single ownership or control. The Township recognizes that the Developer has also worked with the surrounding associations in order to develop this plan and that the developer may sell any or all of the project after this ordinance is recorded.

**Section XVI. 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 Lewis, supported by Board Member Goodyke. The roll call vote being as follows:

YEAS: Goldberg, Janes, Goodyke, Beahan, Peirce, Lewis, Koessel  
NAYS: None  
ABSENT: None

\_\_\_\_\_  
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 24<sup>th</sup> day of July, 2013.

\_\_\_\_\_  
Cascade Charter Township Clerk

**DEVELOPER'S CERTIFICATION**

"I, \_\_\_\_\_, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

\_\_\_\_\_  
Meadowood Development Corporation

**Centennial Country Club Re-Development Plan**  
**Single Family Deed Restrictions**

1. Houses shall be used exclusively for the residence of single families consistent with zoning requirements and local ordinances.
2. No signs or other advertising devices shall be displayed which are visible from the exterior of any residence or upon the property, including "for sale" signs and political signs, except that one "for sale" sign shall be allowed on each lot until the property is sold.
3. No recreational vehicles, boats or watercraft, trailers, snowmobiles, or like vehicles or equipment shall be stored or parked on the street, driveway or property or any residence for more than one consecutive night and no more than four nights per month.
4. No outside clothesline shall be permitted on the property.
5. "Jungle gyms," basketball hoops, trampolines, and similar outdoor equipment shall not be permitted on the property.
6. The outside property shall not be used for the storage of supplies, trash, receptacles, personal property, trash or refuse of any kind, except that cars may be parked on the driveway.
7. No outside storage buildings, sheds, or lean-tos shall be permitted on the property.
8. No fences shall be permitted.
9. No swimming pools, either above or below ground, shall be permitted; except a small child's pool may be permitted on a deck or patio.

(PUD-26)

CASCADE CHARTER TOWNSHIP

Ordinance 4 of 1994  
As Amended by Ordinance 1 of 2007 and  
As amended by Ordinance #6 of 2007  
As amended by Ordinance #2 of 2016

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

Cascade Charter Township Ordains:

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

The application received from Atrium Associates or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the Spruce Meadows Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on December 20, 1993. The Project is recommended for rezoning from B-2, General Business to PUD, Planned Unit Development permitting the development of a commercial / office subdivision. This recommendation 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 9, 1994.

**Section II. Legal Description.**

The legal description of the Project is as follows:

**PART OF E 1/2 SE 1/4 COM AT SE COR OF SEC TH S 88D 05M 02S W ALONG S SEC LINE 1329.53 FT TO E 1/8 LINE TH N 1D 25M 52S W ALONG E 1/8 LINE 1421.24 FT TO A LINE 89.55 FT N FROM /MEAS PERP TO/ & PAR WITH S LINE OF N 1/2 SE 1/4 TH N 88D 20M 05S E ALONG SD LINE 40.97 FT TO BEG OF THIS DESC - TH N 88D 20M 05S E ALONG SD LINE 237.16 FT TH N 1D 39M 55S W 275.31 FT TO N LINE OF S 1695 FT OF E 1/2 SE 1/4 TH S 88D 00M 48S W ALONG SD N LINE 237.01 FT TH S 1D 37M 57S E 273.98 FT TO BEG \* SEC 7 T6N R10W 1.50 A.**

**PART OF E 1/2 SE 1/4 COM AT SE COR OF SEC TH S 88D 05M 02S W ALONG S SEC LINE 1329.53 FT TO E 1/8 LINE TH N 1D 25M 52S W ALONG E 1/8 LINE 1421.24 FT TO A LINE 89.55 FT N FROM /MEAS PERP TO/ & PAR WITH S LINE OF N 1/2 SE 1/4 & BEG OF THIS DESC - TH N 88D 20M 05S E ALONG SD LINE 40.97 FT TH N 1D 37M 57S W 273.98 FT TO N LINE OF S 1695 FT OF E 1/2 SE 1/4 TH S 88D 00M 48S W ALONG SD N LINE 40.01 FT TO E 1/8 LINE TH S 1D 25M 52S E ALONG E 1/8 LINE 273.76 FT TO BEG \* SEC 7 T6N R10W 0.25 A.**

**THAT PART OF S 1695 FT OF E 1758.71 FT OF SE 1/4 LYING W OF E LINE OF W 1/2 SE 1/4 EX THAT PART LYING S OF A LINE 89.55 FT N FROM & PAR WITH S LINE OF N 1/2 SE 1/4 \* SEC 7 T6N R10W 2.72 A.**

### **Section III. General Provisions**

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 14 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended) and the Cascade Charter Township Subdivision Ordinance (Ordinance No. 1 of 1978, as amended).

### **Section IV. Purpose.**

The Project occupies approximately 4.47 acres of land that is currently vacant. The proposed use for the Project is to allow a limited number of land uses and some limited accessory uses commonly allowed in the "B-2", General Business and "O", Office zoning district.

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 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.

### **Section V. Permitted Uses**

The permitted uses for the Spruce Meadows Project are as follows:

#### A. Land Uses Permitted By Right:

1. The following office establishments which perform services on the premises:
  - a. Financial Institutions, not including drive through facilities.
  - b. Insurance offices.
  - c. Real estate offices, offices for attorneys, accountants, architects, planners, engineers and similar professionals.
  - d. Photographic studios.
2. Professional service establishments providing human health care on an outpatient basis, including emergency medical clinics.
3. The following establishments customarily related to medical and dental uses:
  - a. Pharmacies or apothecaries.
  - b. Medical, dental and optical laboratories.
  - c. Stores offering supportive or corrective garments and prosthetic appliances.
4. The following miscellaneous business service establishments:
  - a. Consumers credit reporting agencies.
  - b. Mailing list and stenographic services.
  - c. Business management consulting services.
  - d. Duplicating services.

5. Athletic Clubs and Health Spas.
6. Offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, political organizations and religious organizations.
7. Accessory structures and uses customarily incidental to the uses permitted in this Section, subject to the provisions of Section 4.08 of the Cascade Charter Township Zoning Ordinance.
8. Signs accessory to a permitted use as regulated by the Cascade Charter Township Sign Ordinance.
9. Temporary buildings, structures and uses and essential public services are provided in section 4.25 of the Cascade Charter Township Zoning Ordinance.
10. Business or Trade Schools.
11. Building Trades, excluding heavy equipment.
12. Lodge Hall, Private Clubs, Veteran's Clubs.
13. Office Machines & Computer Sales and Service

**B. Land Uses Permitted by Special Use Permit (amended by Ord No 6 of 2007)**

1. Personal service establishments primarily engaged in providing service generally involving the care of the person or his/her apparel, including but not limited to:
  - a. Barber and beauty shops.
  - b. Tailor and dressmaking shops.
  - c. Shoe shine and shoe repair shops.
  - d. Dry cleaning and laundry establishments.
2. Personal service agencies including but not limited to:
  - a. Babysitting.
  - b. Dating services.
  - c. Debt counseling or adjustment services to individuals.
  - d. Portrait copying.
  - e. Shopping services.
  - f. Tax return preparation services.
3. Child or Adult Day Care Centers.
4. Office uses which perform services on the premises other than those listed in Section V.A. (1), above.
5. Establishments customarily related to medical and dental uses other than those listed in Section V.A. (3), above.

6. Miscellaneous business service establishments other than those listed in Section VB.A. (4), above.
7. Roof and ground mounted communications antennas, excluding towers.
8. Minor Mineral Resource Extraction as regulated in Chapter 15 and Section 4.28 of the Cascade Charter Township Zoning Ordinance.
9. Amusement Enterprises.
10. Outdoor Recreation Centers, excluding amusement parks and firearm shooting ranges.
11. Sign Painting and Service Shops.
12. Drive-in facilities related to any of the uses listed in this PUD district.
13. Veterinary Clinics.

#### 14. Hotels

### Section VI. Design Guidelines, Requirements and Limitations

The development of all permitted uses within the Project shall conform to the subdivision plat approved by the Cascade Charter Township Board. No alterations, expansions or additions may take place to the Premises without an amendment to this Ordinance.

#### A. Site Development Standards:

1. Maximum height – 25 feet or 2 stories whichever is the lesser.
2. Setback Requirements:  
Front: 40 feet  
Side: 25 feet  
Rear: 50 feet
3. Maximum Building Size – 20,000 square feet.
4. Lot Sizes (Area) – Lot sizes shall be a minimum of 1.48 acres and may include the 28<sup>th</sup> St Ct. easement or any other private road right-of-way or easement.

#### B. Site Development Standards for the Hotel site. (amended by Ord No 2 of 2016)

- a. Maximum height – 40 feet or 4 stories whichever is the lesser.
- b. Setback Requirements:
  - i. Front: 80 feet
  - ii. Side: 25 feet
  - iii. Rear: 50 feet

- c. **Maximum Hotel Size – 114 room 16,000 square feet footprint.**
- d. The lot size and site shall be developed in accordance with the approved site plan dated 8/4/16 and the approved elevation plan dated 5-25-16. These plans shall be signed by the Township.

**C. Signs: (amended by Ord No 6 of 2007)**

1. Only monument style signs and wall signs shall be permitted in the Project. All new signs (height, location, size, etc.) for the Project shall comply with the Cascade Charter Township Sign Ordinance, as amended.
2. The development shall be permitted to utilize the directional signs on 28<sup>th</sup> St and Kraft Ave provided they do not increase the size of the signs. These signs are approximately 20 sq ft in size.
3. The maximum size pylon sign for the hotel sign shall be 4 feet high and 120 sq ft.

**D. Landscaping Bufferyard Requirements: (amended by ord no 2 of 2016)**

1. Each individual lot shall also be required to install a “C” type landscape bufferyard along each property line of the parcel, in accordance with Chapter 20 of the Cascade Charter Township Zoning Ordinance.
2. The landscaping and bufferyards for the hotel site shall be in compliance with the landscape plan dated 8/4/16.
2. Landscaping shall be installed within ninety (90) days of completion of the Project or unless permitted in writing by the Planning Director at a later date.
3. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

**Section VII. Temporary Buildings**

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

**Section VII. Site Plan**

- A. The site plan shall provide appropriate measurements demonstrating compliance with Chapters 16 and 21 of the Zoning Ordinance. Engineering plans and/or 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.

**Section IX. Utilities**

- A. The Project shall be served with public water and public sewer at the developer's expense. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plans for Cascade Township.
- B. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. In the event the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

**Section X. Miscellaneous Development Requirements (amended by ord No 2 of 2016)**

- A. The applicant 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 site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.
- B. The Township Planning Department shall receive all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal.
- C. Each individual site shall be required to enter into a storm water maintenance agreement at the time the site plan is approved in a form acceptable to the Township.

**Section XI. 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 Director may require such guarantees at any time they deem necessary to insure completion of the improvements.

**Section XII. Effective Date**

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

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

YEAS:

NAYS:

ABSENT:

---

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 <sup>th</sup> day of , .

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Ron Goodyke  
Cascade Charter Township Clerk