

**AGENDA**  
**Cascade Charter Township Planning Commission**  
**Monday, July 10, 2023**  
**7:00 pm**  
**2870 Jacksmith Ave**

*Public may access the meeting via video conference software Zoom*  
<https://us02web.zoom.us/j/85807187174>

**Meeting ID:** 879 8058 1366  
**By Phone:** +1 929 205 6099

- ARTICLE 1. Call the meeting to order  
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the Flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Disclose any Conflict of Interest**
- ARTICLE 5. Approve the Minutes of the June 19, 2023 Meeting**
- ARTICLE 6. Accept the Minutes from the AC Airport Commerce District Zoning Review Subcommittee**
- ARTICLE 7. Acknowledge visitors and those wishing to speak.  
(Comments are limited to five minutes per speaker)**
- ARTICLE 8. Case #23-3774/DeMeester  
Property Address: 2511 Sugar Creek  
Public Hearing  
Requested Action: Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.**
- ARTICLE 9. Case #23-3775/Bach-VanderVeen  
Property Address: 7540 & 7550 Alaska Ridge  
Public Hearing  
Requested Action: Seeking to rezone the properties from a PUD to the underlying R-1 Residential zoning district.**
- ARTICLE 10. Case #23-3765/Redwater Group  
Property Address: 1600 Galbraith Ave  
Requested Action: Consider recommendation to Township Board for PUD Ordinance amendment to allow for a cigar bar as a permitted use at the clubhouse building.**
- ARTICLE 11. Review of Proposal from McKenna to assist with Master Plan Update**
- ARTICLE 12. Update from AC District Zoning Review Subcommittee**
- ARTICLE 13. Old Business**
- ARTICLE 14. Any Other Business**

**ARTICLE 15. Acknowledge visitors and those wishing to speak.  
(Comments are limited to five minutes per speaker)**

**ARTICLE 16. 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, June 19, 2023  
7:00 pm  
2870 Jacksmith Ave SE

- ARTICLE 1.** Vice Chair Noordyke called the meeting to order at 7:00 P.M.  
Members Present: Noordhoek, Richardson, Moxley, Engel, Rissi, Bruneau, Rowland  
Members Absent: Noordyke,  
Others Present: Planning Director Hilbrands, Zoning Administrator (ZA) Smith-Jacoby,  
and others listed on the sign-in sheet.
- ARTICLE 2.** Pledge of Allegiance
- ARTICLE 3.** Approve the current Agenda  
**Motion was made by Member Rissi to approve the current agenda with the revision that Article 7 moves to Article 11 and all the other cases move up by one. Supported by Member Engel. Motion carried 7 to 0.**
- ARTICLE 4.** Disclose any conflict of interest  
Member Rissi disclosed he does unrelated work for the applicant in Article 10.  
Member Rowland disclosed he is a member of Watermark.  
Members had no concerns with either conflict.
- ARTICLE 5.** Approve the Minutes of the June 5, 2023 Regular Meeting and Closed Session  
**Member Rissi made a motion to approve the closed session meeting minutes. Supported by Member Bruneau. Motion carried 7 to 0.**  
Member Bruneau made a correction to the regular meeting minutes in Article 10, paragraph 5, to add clarification that the Michigan Planning and Enabling Act was being discussed by legal counsel.  
**Motion was made by Member Bruneau to approve the June 5, 2023 meeting minutes with the proposed correction. Supported by Member Rissi. Motion carried 7 to 0.**
- ARTICLE 6.** Acknowledge visitors and those wishing to speak  
There was no one that wished to speak.
- ARTICLE 7.**  
Formerly Article 8.  
**Case #23-3766/Bartlett**  
**Property Address:** 1400 Buttrick Ave

**Requested Action:** Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.

ZA Smith-Jacoby presented the case explaining that the applicants are seeking a Special Use Permit to expand their existing accessory building to exceed 832sqft. They were granted a variance at the June 13 meeting by the Zoning Board of Appeals for the placement of the building. Now they are seeking approval for the size. The parcel size is 2.48 acres so the applicants are only permitted one accessory building. With the existing structure, enclosed add-on, and porch, the total square footage will be 1,574sqft. ZA Smith-Jacoby said this a reasonable request considering the average accessory building size in the R1 District is 1,996sqft with an average lot size of 7 acres.

Staff recommended approval of the accessory building with the conditions listed in the packet.

**Motion was made by Member Rissi to open public hearing. Supported by Member Engel. Motion carried 7 to 0.**

Kristen Bartlett (1400 Buttrick) is the applicant and attended the meeting to answer any questions. Member Rissi asked if they would be constructing a driveway to the new structure and she said there are no plans to.

**Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.**

**Motion was made by Member Rissi to approve the accessory building with the Staff conditions listed in the packet. Supported by Member Engel. Motion carried 5 to 2.**

**ARTICLE 8. Case #23-3770/Vanderschaaf**

Formerly Article 9.

**Property Address:** 3671 Cherry Lane

**Requested Action:** Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.

ZA-Smith-Jacoby presented the case and stated the applicant is seeking a Special Use Permit to expand their accessory building larger than 832sqft in the ARC District. The applicant was granted a variance by the Zoning Board of Appeals for their side yard setback. His property is 3.86 acres allowing for two accessory buildings. The proposed addition and existing structure will equal a total of 1,900sqft and will maintain the required 10ft distance between the other structure. Additionally, two nearby residents have provided comments expressing their support for the addition.

The applicant intends to use this garage for personal storage, and the suggested height is crucial as there will be a hoist employed for additional vehicle storage.

Staff recommended approval of the accessory building with the conditions listed in the packet.

Member Bruneau questioned the size comparison between the house, which is only 1,700sqft, and the accessory building, which will be 1,900sqft. ZA Smith-Jacoby said she used the inventory as a reference for the district.

Dale Vanderschaaf, the applicant, said the structure will be used to store classic cars and could fit about 12.

**Motion was made by Member Rissi to open public hearing. Supported by Member Engel. Motion carried 7 to 0.**

Jack Holst (3717 Cherry Ln) is a neighbor of the applicant and he did not see any issues with the proposed accessory building.

**Motion was made by Member Engel to close public hearing. Supported by Member Rissi. Motion carried 7 to 0.**

**Motion was made by Member Engel to approve the accessory building with the Staff conditions listed in the packet. Supported by Member Bruneau. Motion carried 7 to 0.**

**ARTICLE 9. Case #23-3771/Achterhof**

Formerly Article 10.

**Property Address:** 5830 Burton St

**Requested Action:** Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.

ZA-Smith-Jacoby presented the case and said the applicants are seeking approval to build an accessory building exceeding 832sqft in the R1 district. The applicant received a variance at the April 11 ZBA meeting to build the structure a maximum of 15ft in front of the principal residence. The structure will be a total of 980sqft and the proposed height to midpoint is 16ft which meets the setback standards. There is an existing shed on the property that will be moved to maintain the minimum 10ft distance.

Staff recommended approval for the accessory building with the conditions listed in the packet.

Member Rowland asked if there was a reason for the applicant to build 15ft in front of the house. ZA Smith-Jacoby said the location of the well would interfere with the structure if they were to build further back.

John Achterhof, the applicant, confirmed that building the structure further back would be problematic due to interference from the well.

**Motion was made by Member Rissi to open public hearing. Supported by Member Engel. Motion carried 7 to 0.**

There was no one that wished to speak.

**Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.**

**Motion was made by Member Rissi to approve the Type I Special Use Permit for an accessory building with the Staff conditions listed in the packet. Supported by Member Bruneau. Motion carried 7 to 0.**

**ARTICLE 10. Case #23-3765/Redwater Group**

Formerly Article 11.

**Property Address:** 1600 Galbraith Ave

**Requested Action:** Preliminary plan approval to amend the existing PUD to allow a cigar bar as a permitted use at the clubhouse building.

Planning Director Hilbrands presented the case stating that the applicants are requesting a preliminary plan review to amend the existing PUD to allow for a cigar bar as a permitted use. Currently, the permitted uses include use for one clubhouse, restaurant, pro shop, and a cart storage building. Since the PUD Ordinance does not include a cigar bar, there will need to be an amendment to include one.

Staff recommended approval of the preliminary plan with the condition that all necessary state, county, and local permits and approvals are obtained.

Ken Watkins with Architectural Concepts stated that Redwater Group has received the State of Michigan exemption license for a cigar bar, which would allow for smoking inside the building. Work is in progress on the lot combination and stormwater maintenance agreement, but no official filing has been made yet.

Member Rowland asked if there will be smoking on the outdoor patio. Watkins confirmed that the State of Michigan Health Department does allow for smoking in designated outdoor areas as long as no food is being prepared or served.

Member Bruneau brought up a previous concern about the location of the outdoor smoking area and the proximity of the Goddard School. Watkins explained the patio is approximately 12ft below grade and 60ft away from exterior eating areas. Adjacent properties are also far away from the smoking patio.

Steve Plakmeyer, one of the owners of Red Water Group, expressed excitement about the project and said many of the members will enjoy this amenity. They are ensuring that this area will not detract from the members that do not enjoy cigars, and they are adamant about making this enjoyable for everyone involved. Also incorporated in the plans is a ventilation system required by the State of Michigan.

Member Bruneau proposed implementing a time restriction for smoking outdoors during specific hours of the day.

Member Rissi mentioned that the distance from the northeast side of the building to the southwest side of the Goddard School is 1,300ft.

**Motion was made by Member Engel to open public hearing. Supported by Member Rissi. Motion carried 7 to 0.**

Laurel Johnson, Whitneyville Rd, expressed concern with the air quality and wondered what the plan is for the colder months.

**Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.**

Member Rowland read an excerpt from the Michigan Legislature website stating that cigar bars located on the premises must be separated from any areas of the same or adjacent establishment in which smoking is prohibited. Physically separated was defined as areas that are enclosed on all sides by a combination of solid walls, windows, or doors that extend from floor to ceiling. Member Rowland would like to see the preliminary plan approval letter from the state.

Some members agreed they had no issue with the inside cigar bar since that appeared to be very regulated. There were numerous concerns with the allowance of smoking on the patio.

Member Rissi proposed that the State of Michigan should be allowed to make its own determinations based on its ordinances and laws, as it is beyond the control of the Planning Commission.

Member Bruneau said the request being made will have a significant impact on air quality. Even when approving accessory buildings, the effect of air and light on nearby properties is taken into consideration.

Member Richardson expressed concern about the neighboring building's pool being close in proximity.

**Motion was made by Member Engel to approve the indoor cigar bar contingent on obtaining all necessary state, county, and local permits along with the other Staff conditions listed in the packet with the exception of the outdoor lounge. The applicant is free to come back with additional verification of state approval and adequate ventilation to address concerns stated by the Planning Commission. Supported by Member Rissi. Motion carried 7 to 0.**

**ARTICLE 11. Case #23-3746/Chen**

Formerly Article 7.

**Property Address:** 5745 Whitneyville Ave

**Requested Action:** Type II Special Use Permit to construct a commercial composting operation.

Planning Director Hilbrands presented the case explaining that the applicants are seeking a Type II Special Use Permit to allow for a commercial composting operation on their property in the agricultural and rural conservation zoning district.

The applicants had previously reached out to the township inquiring if their composting operation would be permitted and the former planning director determined that it would be permitted by right. After the operation began the township received a

complaint which made the current staff review and determine that the use would more appropriate as a special use.

The proposed facility will be used to receive composting intakes, mix, and process those intakes to create compost and soil mixes, and prepare finished material for sale and distribution. The property will have a pole barn for storing and processing materials, a hoop house building, an asphalt composting pad, and an area of covered composting rows. The operational area is limited to cover 30% of the parcel and must be set back a minimum of 150ft from property lines and 250ft from residential dwellings. The area meets setbacks and will cover 16% of the parcel. Planning Director Hilbrands also noted the operation will be within 400ft of a vacant property to the northeast, but the owner has indicated they will be building a home in the near future.

The operation is limited to 3,000 cubic yards of intake and output per year and can have no more than 4,500 cubic yards of material on-site at any given time.

The site will be accessed by a curb cut off of Whitneyville Ave, which will need to be approved by the Road Commission along with obtaining a driveway permit. The building and fire departments both reviewed and approved plans. The township engineer has reviewed the plans including a lined collection basin to collect and store runoff from the composting pad and a retention basin to collect additional run-off. There will also be a need for a stormwater maintenance agreement.

The applicant will need to come in for an annual review with the Planning Commission for a minimum of 2 years after receiving a Special Use Permit.

Composting operations are not treated the same as farm operations. Therefore, if there is any kind of nuisance, they are obligated to take measures to eliminate it.

Staff recommended giving a positive recommendation to the Township Board with the 5 conditions listed in the packet.

Member Rowland asked what the initial complaint was. Planning Director Hilbrands said a neighbor saw trash on-site and their dog would get into it.

Member Bruneau wanted to define a few items Wormies had noted. Firstly, he wanted a processing time frame for food waste and a more defined wind speed for mixing days since the applicants indicated they would only mix on low wind speed days.

Luis Chen (5745 Whitneyville) is the applicant and explained the nature of the composting business is to collect food waste from local residents to compost using a 3-step process. The whole process takes around 12 months. The main goal of the company is to compost free from pesticides, plastics, and synthetic chemicals. He empathized that this does not seem attractive to neighbors, but ensured this operation is not very large and they focus on quality over quantity. Further details about the company's science and overall explanation can be found in the packet.

Chen also mentioned staff from his company have planted 100 trees on site and will be developing pollinator habitats. Their mission is to create a place for people to learn, add value to their community, and change the way managing waste is handled.

Member Engel asked what type of initial input is being used. Chen clarified they would be using 100 cubic yards of woodchips, 25 cubic yards of leaves, and 20 cubic yards of food waste per month. They give customers a list of compostable items when they sign-up. He also added when their operation was in a different township, everything went great and there were no complaints.

Chandler Michalsky (5745 Whitneyville) said they have only had a few neighbors come to the site and ask genuine questions. They were very pleased by what they saw and learned.

Member Bruneau calculated what 3,000 cubic yards would equate to over a year and configured it would be roughly 3 semi-trucks per month.

Member Rowland questioned what their method is to mitigate the smell. Chen stated they create a recipe with wood chips and volatile material (food waste). This mixture occurs within 30 minutes upon delivery of food waste and the woodchips help the odor. The aeration pipe underneath the composting also aids in odor elimination.

Member Rissi asked what the average intake would be. Chen stated they would have 2 truckloads go out 3 days a week.

Member Rissi also thanked the Wormies creators for their patience while the township developed regulations for their company.

Chen also noted in the 6 years Wormies resided at the previous location, which was within a residential neighborhood, they received no complaints from neighbors or people passing by.

Member Richardson agreed that this company sounds beneficial, but said most residents did not anticipate living next to a commercial composting site and it may be difficult for them to resell.

Member Bruneau wanted to clarify that Wormies had purchased this land with a promise from the previous planning director that composting was a permitted use.

The Planning Commission took a 5-minute break.

**Motion was made by Member Rissi to open public hearing. Supported by Member Noordhoek. Motion carried 7 to 0.**

Davis (5535 Whitneyville) has lived in the neighborhood for over 40 years and asked if they will be utilizing the same road shared by other neighbors. Member Rissi clarified that the applicant's driveway will be at least 600ft south of her property.

Lori Johnson (5640 Whitneyville) said that the Wormies concept is great but not a good fit for the neighborhood since there are million-dollar homes. She expressed concern about water runoff because her property is downhill.

Rudy Klein (5542 Whitneyville) lives across the street and has lived there his whole life. He has worked in the hauling waste business for many years and indicated once the operation starts blending waste together it will smell.

Nicole Cruiz (2300 Buttrick) is a consumer of Wormies and has a bucket in which she disposes of her vegetables. She explained that with the liquid and the closed lid, there is absolutely no smell. Cruize has never had issues with friends coming into her home and the neighbors never complain.

Bill Vanartsen (8650 Lilly Ridge) has lived there for over 20 years and would like the area to remain residential.

Mike Hemmingson (8475 Laurel Ridge) lives off of Whitneyville and is in full support of Wormies, just not the location of the business. He explained that the home values will drastically decrease with a composting facility nearby. Hemmingson would like to see documents and studies on airborne contaminants.

Dr. Pishad (Laurel Drive) explained there are major health and environmental concerns these facilities have in neighboring areas. There are long-term studies showing a correlation with an increased risk of lung disease and possible cancers. The seeping of the bio pollutants could impact residents' well water. Increased smell, traffic, and wildlife were other concerns.

James Knott (8611 Lilly Ridge) stated that this project is not for a residential area. He believes the applicants have been misled through this process.

Sarvesh Srivastava (8668 Lilly Ridge) believed this project is wrong for the neighborhood where there are million-dollar homes. He also has many health concerns relating to composting.

Mary Tallajowski (6624 Jack Ave) has lived in the area for 18 years. Over the years it has become more residential and she believed bringing this facility to the area would create much-needed balance. She looked forward to this beneficial addition.

Daren Steadman (5539 Whitneyville) grew up in the area his whole life and he did not believe this is the right place for Wormies. He did not see the benefit and said the increase in truck traffic will be too much.

Rachel Garnett (7745 Whitburn) said she has lived in Cascade for just over a year and has been composting for many years. She previously relied on a home pick-up service for her composting and really appreciated that service.

Tasha Pacheco (8686 Lilly Ridge) suggested organizing a community event to help neighbors gain a better understanding of the business. She didn't feel that Wormies would ruin the area and she would even utilize their services.

Mark Talbot (5337 Whittneyville) said he appreciated the presentation and all of his questions were answered. He stated that eventually, the United States will run out of topsoil and Wormies has a solution by making very powerful dirt that regenerates

farms. Talbot wanted to give this business a chance since it will be extremely beneficial to the environment.

Nathanial Divine (5671 Whitneyville Ave) shares a property line with the applicants and had concerns about what this would do to his property value and the water.

William Tuma (5670 Whitneyville) had concerns with the increase in traffic, health concerns, and the potential smell.

Sean Ford (5672) lives directly across the street from the applicants and he was concerned about the water runoff. He moved here assuming this area to be residential and was worried more commercial companies would be allowed there in the future. In his explanation, Ford pointed out that the applicants were given a promise that should not have been made, and that the township has a responsibility to rectify this matter.

Dr. Sophie Pokhrel (8698 Laurel Ridge) stated it's very apparent there are health and safety concerns with this project. Pokhrel explained that the operation is situated too close to nearby residents, and there is insufficient research to demonstrate the potential environmental consequences.

Tom Baker (8840 Vincent Ave) has property along the southern border of the applicant's parcel. When he bought his home, he wasn't aware that there would be a commercial business in the neighborhood.

John Akins (5666 Whitneyville) has lived here for over 50 years and thanked the township for making this place beautiful. He mentioned that the traffic is terrible and suggested that it may not be wise to pursue this business venture due to the likelihood of increased traffic.

Jay Keller (8797 Laurel Ridge) was unaware of this potential operation until his neighbors brought it to his attention. He was concerned about his house value, smell, and water contamination.

Kyle Heft (5644 Whitneyville) would have liked more research on the impact a business like this has on health. Heft has three young children and wanted a healthy future for them. He explained the applicants have a responsibility to educate the community and he felt they did not adequately inform residents.

Richard Gable (8464 Laurel Ridge) noticed there was nothing in writing on the specific measures being taken to mitigate odor, the stormwater maintenance agreement is to be determined, and there was no composting site management plan. Gable said approval should not be granted until these issues have been resolved.

Jim Berry (5651 Whitneyville) owns property against the northeast corner of the Wormies site. He explained there is no barrier between his property and the composting site, which raised concerns about the safety of the water supply. Berry mentioned that there is a 200ft buffer for residences from the composting site. Since his home hasn't been built yet, the close proximity was a major concern for him.

Mike Hemmingson (8475 Laurel Ridge) inquired about ways to inform additional residents and keep them updated on the studies conducted.

**Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.**

Member Rissi said that Cascade citizens have the ability to check meeting agendas on the website to remain informed.

Member Rowland explained he gained a better understanding after talking with the applicant and doing independent research. He thinks a community event would be a great idea to have residents attend and learn.

Member Bruneau stated he is typically a critical judge of case items and takes his time investigating details. The presentation packet provided by the applicant was very precise with only minor details needing to be better defined. Bruneau also mentioned that this area is zoned for agricultural rural conservation use, not residential. He also expressed reservations about the commercial aspect of the company, but there are guidelines and contingencies in place if they are out of alignment.

Member Rissi inquired how the township would ensure compliance. Planning Director Hilbrands said he or the Zoning Administrator would handle any complaints and they can also do site visits.

Member Engel said this is a very sophisticated, well-thought-out process that's received attention and endorsement from the West Michigan Sustainable Business Foundation.

Member Noordhoek was previously very opposed to the composting business entering Cascade. Through the subcommittee and extensive research for the past year and a half, they have created excellent guidelines and requirements.

Members discussed some additional stipulations to include for approval. There was an adjustment to the 5th Staff condition allowing the Planning Commission to add conditions during the first 2 annual reviews. Additionally, they wanted there to be no more than 3,000 cubic yards of intake inclusive of woodchips. If they are to sell the business, the new owner is under the two-year review period.

**Motion was made by Member Engel to make a positive recommendation to the Township Board for the Type II Special Use Permit with the first 4 staff conditions as drafted with additional language to condition 5 giving the Planning Commission ability to add conditions during the first 2 annual reviews. A 6<sup>th</sup> condition was added requiring the applicant provide an enclosed building for machinery as soon as practicable, and carry through on site improvements, including not limited to, a biodiversity pond, 2 acres of pollinator habitat, 1 acre of total trees, 4 acres of biodynamic accumulator crops, and a ½ acre educational garden and orchard, as soon as practicable, while the 2-acre tree line is to remain intact and managed. A 7<sup>th</sup> condition was added requiring that there will be no more than 3,000 cubic yards of compost intakes per year. An 8<sup>th</sup> condition was added requiring that on sale of the**

**property, the review provisions of condition 5 will be reactivated for the new owner(s). Supported by Member Rissi. Motion carried 5 to 2.**

**ARTICLE 12. Old Business**

Member Bruneau inquired what the Township Board amended from the Master Plan recommendations. Member Noordhoek said they did not like the M-6 exits, among other things, but the amendment was approved as presented.

**ARTICLE 13. Any other business**

Member Richardson mentioned how part of the newly paved section of Whitneyville, particularly where the fork in the road was, is now very dangerous. Member Rissi concurred.

**ARTICLE 14. Acknowledge visitors and those wishing to speak**

Lori Johnson (5640 Whitneyville) said the township appeared to be making exceptions for Wormies since the previous planner had allowed them to compost. She does not want this in a residential neighborhood.

Jeff Hines (8590 Lilly Ridge) has an associate's degree in architecture and was impressed with the way the Planning Commission handled the situation, even though the outcome was not what he wished. He appreciated the efforts made.

**ARTICLE 15. Adjournment**

**Motion was made by Engel to adjourn the meeting. Supported by Member Rissi. Motion carried 7 to 0. The meeting adjourned at 11:40 P.M.**

Respectfully submitted,  
Joe Engel, Secretary

**STAFF REPORT**

STAFF REPORT: Case # 22-3774  
REPORT DATE: June 21, 2023  
PREPARED FOR: Cascade Charter Township Planning Commission  
MEETING DATE: July 10, 2023  
PREPARED BY: Madison Smith-Jacoby

APPLICANT

**Neil DeMeester**

STATUS  
OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a Special Land Use permit to build an accessory building over 832sqft.

EXISTING ZONING OF  
SUBJECT PARCEL: ARC

GENERAL LOCATION: along the northeastern boundary of Cascade Township – Snow Ave., south side of Grand River Drive.

PARCEL SIZE: 11.9 acres

PROPERTY LOCATION: **2511 Sugar Creek Lane SE**

EXISTING LAND USE  
ON THE PARCEL: Residential

ADJACENT AREA  
LAND USES:  
N: Grand River  
E: Residential  
S: Vacant/Residential  
W: Vacant/Residential

ZONING ON  
ADJOINING PARCELS:  
N: ARC  
E: ARC  
S: ARC  
W:ARC

**STAFF COMMENTS:**

- A. The applicant is requesting approval for an accessory building larger than 832sqft.
- B. The parcel currently has a one principal residence with no accessory buildings. The parcel size allows up to 3 accessory buildings.
- C. The proposed accessory building is a garage designed with post and beam construction to be used for personal storage.
- D. The plans indicate a 39’ x 26’ building for a total of 1, 014sqft. This garage requests approval for the 182sqft. in excess of 832sqft.
- E. The placement is in line with setback standards requiring a minimum of 25 feet from the rear yard and no closer to the front and side than the principal residence.
- F. The plans indicate it being adjacent to the home’s southeast corner, in the rear yard.134 feet from the west property line and over 300 feet from the rear. A minimum distance of 10 feet from the home must be maintained.
- G. The height (to the midpoint of the roof) of the proposed garage is 12 feet.
- H. Approved well and septic plans indicate that the well is 15 feet directly south of the house. This does not look to interfere with accessory building plans, please refer to applicant for further details.
- I. When referencing accessory buildings in the ARC, the average accessory building approved over 832sqft. is 2,274sqft. In considering similar parcels sizes (10-12 acres), the average is around 2,000sqft.

**Criteria for Approval**

Upon review of a Type 1 Special Use Permit for an accessory building, Section 17.03(1)(a) of the Zoning Ordinance requires the Planning Commission to consider several factors. I have listed those items for your consideration followed by my comments for each

<b>Factors</b>	<b>Comment</b>
The intended use of the building.	Personal storage of vehicles.
The proposed location, type and kind of construction and general architectural character of the building.	Post and beam construction in the rear yard of the property. Architect has designed it to match the existing residence.
The size of the building in relation to the house, lot and zoning district.	The home is assessed at 2,142sqft on a lot of almost 12 acres in the Agricultural Rural Conservation district. The building would be less than half the home’s size.

The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the general area.	The properties adjoining is either vacant or in the process of building new homes.
The topography and vegetation in the area.	Previous farmland, wooded and rolling hills.
Whether the proposed building will affect the light and air circulation of any adjoining properties.	The size of the parcel makes it nearly impossible to impact adjoining properties. I see no negative impact.
Whether the proposed building will adversely affect the view of any adjoining property owner or occupant.	We have not received any concerns. The placement is not near any property lines and thus not adversely affecting adjoining properties.
Points of access to the proposed building and their relationship to adjoining properties and the view from the adjacent streets.	There is an existing drive that will be utilized for access. The property has a driveway at least 350 feet long, not visible from the street. The material is not indicated

### RECOMMENDATION

Staff recommends that this permit be APPROVED with the following conditions:

1. The accessory building is not used to run a business or for living space.
2. Any outdoor lighting adheres to the Cascade Township ordinance standards.

Attachments: Application Packet  
Inventory of Acc. Buildings



# CASCADE CHARTER TOWNSHIP

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

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: Thomas A DeMeester  
Address: 9478 Grand River Dr SE  
City & Zip Code Ada, Michigan 49301  
Telephone: (616) 706-6968  
Email Address: thomas.demeester@mac.com

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

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

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

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

BRIEFLY DESCRIBE YOUR REQUEST:\*\*  
Looking to obtain a Type I Special Use Permit allowing us to build a detached private garage in excess of 832 square feet adjacent to our principal residence.

(See attached narrative description)

(\*\*Use Attachments if Necessary)

-SEE OTHER SIDE-

**PLANNING & ZONING APPLICATION – ATTACHMENT**  
DeMeester – 2511 Sugar Creek Ln SE, Ada, MI 49301

We are looking to obtain a Type I Special Use Permit allowing us to build a detached private garage in excess of 832 square feet adjacent to our principal residence.

The intended use of the proposed garage is to park our personal automobiles out of the weather in a covered space.

We plan to locate the proposed garage immediately adjacent to our house – to the South and East. The proposed garage will be post & beam construction. The general architectural character of the proposed garage matches the design of our house; we had J. Visser Design develop the architectural plans for both our house and the proposed garage.

The footprint of our house is 48' x 42' – two story; the footprint of the proposed garage is 39' x 26' – single story. Our lot size is 11.9 acres. We are located in an ARC, Agriculture/Rural Conservation zoning district.

We are surrounded by vacant land, residential structures with accessory buildings, and active farmland with farming structures.

The location of the proposed garage is relatively level. One mature tree will be removed. The proposed garage will be set at the same elevation as our house.

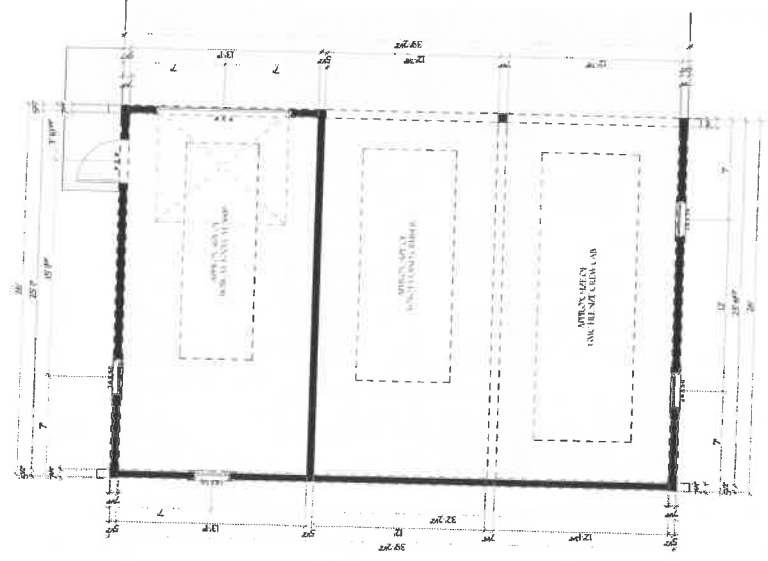
The proposed garage will not adversely affect the light or air circulation of any adjoining building or property.

The proposed garage will not adversely affect the view of any adjacent property owner or occupant.

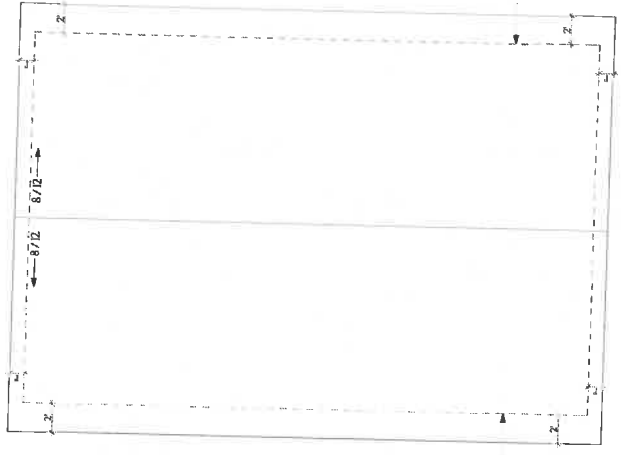
The proposed garage will be accessed via Sugar Creek Ln SE over our driveway to our house. Neither the house nor the proposed garage will be visible from adjacent streets.

THIS DRAWING IS THE PROPERTY OF J. VISSER DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE, REPRODUCTION, OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF J. VISSER DESIGN IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO J. VISSER DESIGN AND FOR OBTAINING ALL NECESSARY SURVEY DATA. J. VISSER DESIGN SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO J. VISSER DESIGN AND FOR OBTAINING ALL NECESSARY SURVEY DATA. J. VISSER DESIGN SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING.

DATE	DESCRIPTION	DRAWN BY	CHECKED BY
10/19/2020	J. VISSER DESIGN JOB		



MAIN FLOOR PLAN 1/4" = 1'-0"



ROOF PLAN 1/4" = 1'-0"

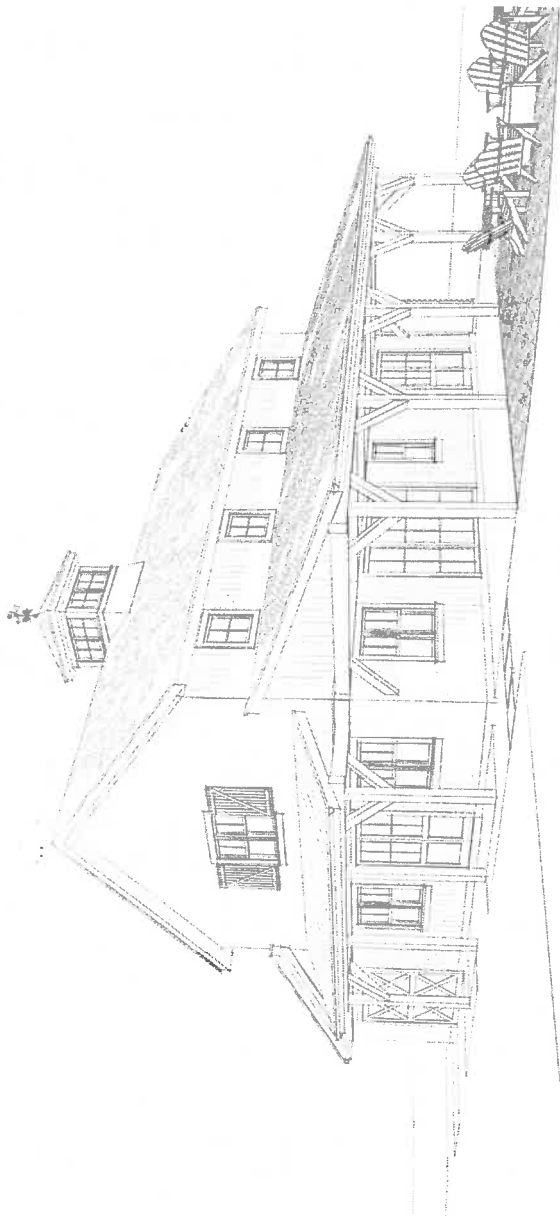
ALL WALLS IDENTIFIED FROM MAIN FLOOR  
 OF HOUSE TO BE CONCRETE WITH TYPICAL FRAME DRAWINGS  
 CONCRETE WALLS AND TYPICAL TYPICAL FRAME DRAWINGS

WALLS TO BE 8\"/>

WALLS TO BE 8\"/>

# DEMEESTER RESIDENCE

ADA, MICHIGAN



**J. VISSER**

**J. VISSER, DESIGN**  
 5500 CASCADE RD. STE. 210  
 GRAND HAVEN, MICHIGAN 49466  
 616-954-2509  
 JVISSER.COM

I AM DESIGN AND CONSTRUCTION HAS RECEIVED ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE CLIENT HAS AGREED TO THE CONTRACT AND ALL CONDITIONS OF THE CONTRACT. THE CLIENT HAS AGREED TO HOLD THE ARCHITECT HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THE ARCHITECT BY ANY THIRD PARTY AS A RESULT OF THE CLIENT'S NEGLIGENCE OR MISFEASANCE. THE CLIENT HAS AGREED TO HOLD THE ARCHITECT HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THE ARCHITECT BY ANY THIRD PARTY AS A RESULT OF THE CLIENT'S NEGLIGENCE OR MISFEASANCE. THE CLIENT HAS AGREED TO HOLD THE ARCHITECT HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THE ARCHITECT BY ANY THIRD PARTY AS A RESULT OF THE CLIENT'S NEGLIGENCE OR MISFEASANCE.

DATE	DESCRIPTION
8/17/19	PLACING SET
11/30/19	DESIGN DEVELOPMENT
2/24/20	DESIGN DEVELOPMENT
6/12/20	FOR CONSTRUCTION

**DEMEESTER RESIDENCE**  
 ADA MI

COVER SHEET

A-1

## INDEX TO DRAWINGS

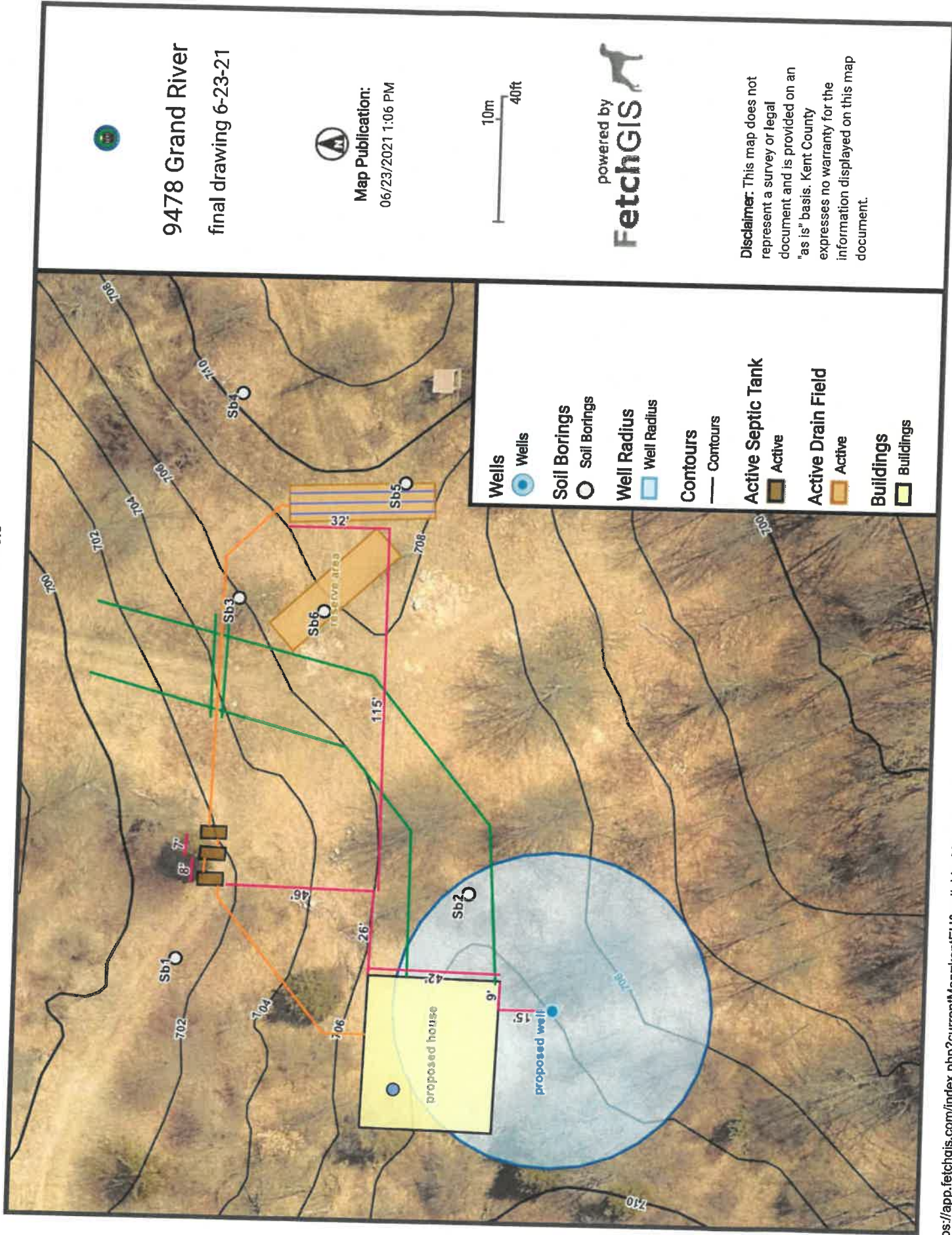
- A1 COVER SHEET
- A2 SITE PLAN
- A3 MAIN FLOOR PLAN
- A4 UPPER FLOOR PLAN
- A5 ELEVATIONS

- A6 ELEVATIONS
- A7 BUILDING SECTIONS
- A8 WALL SECTIONS
- A9 DETAILS/ROOF PLAN

## SQUARE FOOTAGE

MAIN FLOOR: 1,469 SQ. FT.  
 UPPER FLOOR: 616 SQ. FT.  
 TOTAL: 2,085 SQ. FT.

ISSUE DATE: 6/2/2020



## PARCEL C DESCRIPTION

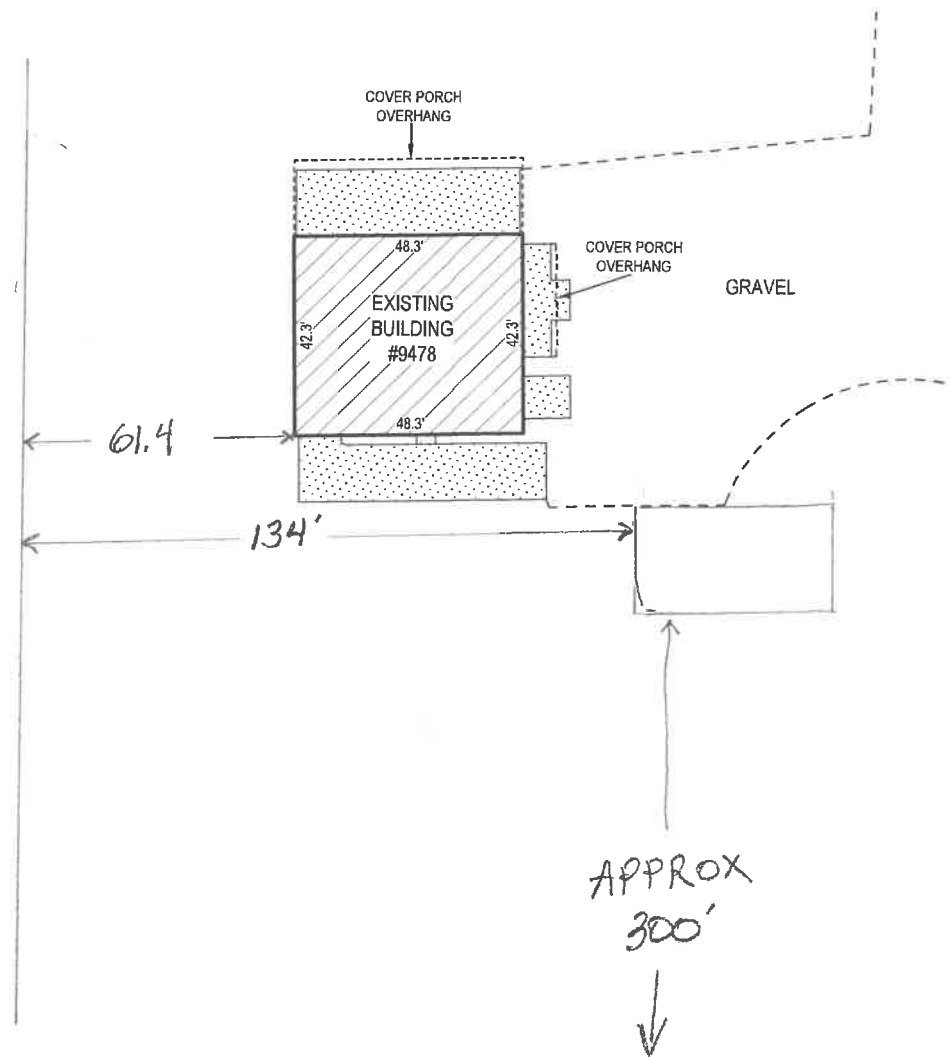
Part of the Southeast 1/4 of Section 12, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the Southeast corner of said Section; thence S89°57'47"W 1332.04 feet along the South line of said Section; thence N00°37'44"W 1290.65 feet along the West line of the East 1/2 of said Southeast 1/4 to the Point of Beginning; thence N00°37'44"W 1338.45 feet continuing along said West line; thence N89°38'39"E 465.74 feet along the East-West 1/4 line of said Section; thence Southeasterly 136.85 feet along a 5815.89 foot radius curve to the left, said curve having a central angle of 01°20'53", and a chord bearing S57°40'09"E 136.84 feet; thence S31°45'45"W 59.36 feet; thence Westerly 79.15 feet along a 50.00 foot radius curve to the right, said curve having a central angle of 90°41'44", and a chord bearing S77°06'37"W 71.14 feet; thence N57°32'31"W 99.69 feet; thence Westerly 118.18 feet along a 75.00 foot radius curve to the left, said curve having a central angle of 90°16'56", and a chord bearing S77°19'01"W 106.33 feet; thence S32°10'33"W 129.82 feet; thence Southerly 136.27 feet along a 175.00 foot radius curve to the left, said curve having a central angle of 44°36'56", and a chord bearing S09°52'05"W 132.85 feet; thence S12°26'23"E 69.98 feet; thence Southerly 66.84 feet along a 190.00 foot radius curve to the right, said curve having a central angle of 20°09'21", and a chord bearing S02°21'42"E 66.50 feet; thence S07°42'58"W 33.41 feet; thence S35°38'46"E 400.00 feet; thence S68°30'59"E 350.00 feet; thence S42°56'41"W 263.89 feet; thence S66°54'52"W 284.85 feet; thence S78°22'30"W 323.24 feet to the Point of Beginning. Contains 11.9 acres. Subject to easements, restrictions and rights-of-way of record. Also subject to highway right-of-way for Grand River Drive over the most Northeasterly 66 feet thereof. Also subject to and together with Easement described in Schedule "X".

## SCHEDULE "X" EASEMENT DESCRIPTION

An easement for ingress, egress and utilities over part of the Southeast 1/4 of Section 12, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the Southeast corner of said Section; thence S89°57'47"W 1332.04 feet along the South line of said Section; thence N00°37'44"W 2629.10 feet along the West line of the East 1/2 of said Southeast 1/4; thence N89°38'39"E 465.74 feet along the East-West 1/4 line of said Southeast 1/4; thence Southeasterly 136.85 feet along a 5815.89 foot radius curve to the left, said curve having a central angle of 01°20'53", and a chord bearing S57°40'09"E 136.84 feet along the Centerline of Grand River Drive; thence S31°45'45"W 59.36 feet; thence Southwesterly 6.66 feet along a 50.00 foot radius curve to the right, said curve having a central angle of 07°37'45", and a chord bearing S35°34'38"W 6.65 feet to the Point of Beginning; thence Southeasterly 33.19 feet along a 5881.89 foot radius curve to the left, said curve having a central angle of 00°19'24", and a chord bearing S58°29'58"E 33.19 feet along the Southerly Right of Way of Grand River Drive; thence Southwesterly 124.89 feet along a 83.00 foot radius curve to the right, said curve having a central angle of 86°12'48", and a chord bearing S79°21'05"W 113.44 feet; thence N57°32'31"W 99.69 feet; thence Westerly 66.18 feet along a 42.00 foot radius curve to the left, said curve having a central angle of 90°16'56", and a chord bearing S77°19'01"W 59.54 feet; thence S32°10'33"W 129.82 feet; thence Southwesterly 110.57 feet along a 142.00 foot radius curve to the left, said curve having a central angle of 44°36'56", and a chord bearing S09°52'05"W 107.80 feet; thence S12°26'23"E 73.61 feet; thence N89°59'08"E 67.44 feet; thence S00°00'00"W 66.00 feet; thence S89°59'11"W 63.86 feet; thence S07°42'58"W 74.92 feet; thence N82°17'02"W 66.00 feet; thence N07°42'58"E 66.41 feet; thence Northerly 55.23 feet along a 157.00 foot radius curve to the left, said curve having a central angle of 20°09'21", and a chord bearing N02°21'42"W 54.95 feet; thence N12°26'23"W 69.98 feet; thence Northeasterly 161.97 feet along a 208.00 foot radius curve to the right, said curve having a central angle of 44°36'56", and a chord bearing N09°52'05"E 157.91 feet; thence N32°10'33"E 129.82 feet; thence Northeasterly 170.18 feet along a 108.00 foot radius curve to the right, said curve having a central angle of 90°16'56", and a chord bearing N77°19'01"E 153.11 feet; thence S57°32'31"E 99.69 feet; thence Easterly 20.13 feet along a 17.00 foot radius curve to the left, said curve having a central angle of 67°51'04", and a chord bearing N88°31'57"E 18.98 feet; thence Southeasterly 33.89 feet along a 5881.89 foot radius curve to the left, said curve having a central angle of 00°19'48", and a chord bearing S58°10'22"E 33.89 feet along the Southerly Right of Way of Grand River Drive to the Point of Beginning.

## ROAD DETAIL

SCALE: 1" = 80"



## LEGEND

- Catch Basin - Square
- Iron - Set
- Iron - Found
- Mailbox
- Sign
- Set Wood Stake
- Asphalt
- Concrete
- Existing Building



By: *Randal J. Vugteveen*  
 Randal J. Vugteveen Licensed Professional Surveyor No. 28429

SCALE: 1" = 200' 0' 100' 200'

NORTH

Thomas DeMeester  
 9478 Grand River Drive SE  
 Ada, MI 49301

2511 Sugar Creek Lane SE

**NEDERVELD**  
 www.nederveld.com • 800.222.1868  
 Grand Rapids  
 217 Grandville Ave., Suite 302  
 Grand Rapids, MI 49503  
 •no Arbor Chicago, Columbus, Holland, Indianapolis, St. Louis

DRAWN BY: ED DATE: 04.20.2022 PRJ #: 22400490-C  
 REV. BY: REV. DATE: 2 OF 2

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Accessory Building Inventory 2010-2022 (5/10/22)

Case	Name	address	Zoning	accessory building sq.ft	acres	home (FLS)
11-3029	Korhorn	3480 Buttrick Ave	ARC	900	2.5	1,800
11-3052	Buckius	4900 Streamside Point	ARC	2,304	4.5	3,500
10 2999	Downing	1400 Windy Ridge	ARC	1,728	5.6	2,600
10 3010	Pepin	5640 McCords	ARC	2,400	10	3,000
10 3017	Halfmann	4590 Quiggle Ave	ARC	1,020	3.6	3,000
12-3070	Thornapple Pointe GC	7211 48th St	ARC			
12-3073	Burd	5630 Buttrick Ave	ARC	1,200	4.9	2,700
12-3077	Morris	5225 Buttrick Ave	ARC	2,432	5	2,000
12-3101	Hilbrands	6482 52nd St	ARC	1,536	80	1,500
13-3145	harold Cornelisse	8773 Running Deer Lane	ARC	1,440	10	2,200
14-3216	Gary Jehnke	5766 Buttrick Ave	ARC	1,920	7.6	1,800
15-3239	Chad Weldy	9575 52nd St	ARC	1,728	2.3	2,400
15-3256	Robert Harmon	4150 Cherry Lane	ARC	1,536	7.8	3,100
15-3260	Jay Nehls	3100 Foxfire Lane	ARC	1,575	5	4,000
15-3267	Paul Kucharczyk	9150 52nd St	ARC	1,728	2.9	1,500
16-3315	Roelofs	9554 52nd St	ARC	4,864	4.4	3,700
17-3379	Shaffer	8665 28th st	ARC	1,066	2.5	2,500
17-3404	Teppo	3777 Cherry Lane	ARC	2,720	8.3	3,000
17-3411	Ruby	8358 28th St	ARC	2,192	1.9	2,500
18-3439	McConnell	5470 McCords	ARC	15,120	160	1,600
18-3448	Van note	8233 28th St	ARC	1,800	4.3	2,500
18-3482	Seeley	9404 28th St	ARC	1,680	17	2,800
18-3483	Hillman	8790 52nd St	ARC	2,688	4	2,800
18-3486	DeMeester	9478 Grand River Dr	ARC	3,136	12	3,300
18-3496	Eisen	7233 60th	ARC	1,728	4.4	2,300
19-3511	Doering	5500 McCords Ave	ARC	1,200	160	1,600
19-3524	Tolan	8505 60th St	ARC	1,600	11	2,100
19-3529	Hulst	3717 Cherry Lane	ARC	1,600	8	3,300
19-3530	Howard	8125 45th St	ARC	1,200	2.9	2,900
19-3546	Swift	8730 52nd St	ARC	1,344	2.5	2,600
20-3589	Dykhouse	2645 Meadow Crossing	ARC	1,634	13	7,900
20-3598	Maslowski	9585 60th St	ARC	1,296	2	1,900
20-3601	Poolman	6667 60th St	ARC	4,288	4.5	3,800
20-3616	Staples	5288 Buttrick Ave	ARC	1,300	2.3	4,500
21-3637	Seely	4200 Cherry Ln	ARC	1,224	0.97	1,100
21-3638	Davis Flia Construction	6541 60th St	ARC	4,000	14.7	2,900

Accessory Building Inventory 2010-2022 (5/10/22)

21-3659	Lange	9205 28th St	ARC	1,600	3.4	2,800
21-3664	Eggleston	9091 36th St	ARC	1,680	9.2	2,900
21-3677	Elliott	6870 48th St	ARC	1,536	0.9	1,400
21-3682	Warren	5650 McCords Ave	ARC	1,561	2.9	2,700
22-3695	Downey	3030 Wood Duck Ln	ARC	3,456	4.6	5,100
12-3076	Lash	8951 Cascade Rd	FP	1,680	2.4	1,800
15-3265	Randy Gaskin	3505 Snow Ave	FP	1,536	2	1,400
18-3443	Carpenter	8650 36th St	FP	1,560	15	3,400
19-3531	Beatson	9100 Cascade Rd	FP	3,200	15	2,600
20-3600	Grzywacz	8683 Cascade Rd	FP	1,440	3.7	4,000
21-3625	Randall Burri Builder	4670 Quiggle Ave	FP	1,728	3.6	1,700
13-3161	Epique Homes	1415 Ballybunion Dr	PUD	4,500	6	6,600
16-3314	Reynolds	5701 Buttrick Ave	PUD 52	1,256	2.2	2,500
18-3494	Stibitz	3494 Bloomington Hills	PUD 66	1,500	1.39	2,200
10 3008	Koetje/Proos	8091 Ashwood Dr	PUD 89	1,120	2.5	4,520
19-3561	Hayes	3570 Buttrick Ave	PUD 61	1,200	2.2	2,600
21-3619	Krause	2439 Sturbridge Dr	PUD 65	1,728	6.6	4,000
21-3631	Bigger	4983 Clear Ridge Dr	PUD 72	1,200	1.2	2,800
22-3707	Harwood	8189 Ashwood Dr	PUD 89	1,260	1.9	4,550
10 3001	Ike	4390 Whitneyville	R1	1,200	3.8	1,000
10 3014	Borisch	5333/5200 Dayenu	R1	2,304	44	6,000
12-3082	DeVos	2020 Devonwood Lane	R1	8,500	35	17,000
14-3184	Jon DeGraff	6960 Thornview	R1	1,520	4.6	3,500
14-3185	James Hacket	1547 Briarcliff Dr	R1	1,400	2.2	7,500
14-3190	Aaron Schaap	1910 Laraway Lake Dr	R1	2,604	13	8,200
14-3197	John Shipley	7373 Biscyane Way	R1	1,000	2.6	3,200
15-3241	John Borisch	5200 Dayenu Dr	R1	3,000	9	6,000
15-3253	Derek Benedict	1961 Steketee Woods Lane	R1	1,936	2.9	6,900
15-3257	Jeff Shull	7500 Buttrick Park Dr	R1	1,440	3.03	3,600
15-3290	Hockstra	1350 Briarcliff	R1	1,232	1	4,000
16-3301	Keeler	8100 45th st	R1	1,504	1.2	2,500
16-3311	Borisch	5292 Dayenu	R1	5,000	3.8	5,000
16-3337	Romence	5752 Hall St	R1	1,200	1.7	2,200
16-3352	Rise	8200 48th st	R1	1,600	1.05	3,000
17-3383	Popp	1360 Briarcliff	R1	1,200	1.16	4,800
17-3417	Salmon	6350 Cascade Rd	R1	1,440	4.6	1,300
18-3452	Kortman	4555 Little Harbor Dr	R1	1,296	0.95	3,000

Accessory Building Inventory 2010-2022 (5/10/22)

18-3474	Rowland	4250 Whitneyville Ave	R1	1,300	5	2,800
18-3480	Stachowiak	7871 Shadybrook	R1	1,800	2	2,200
18-3481	Doezema	5625 Alaska Ave	R1	1,944	5	2,000
19-3567	Brinks	1596 Buttrick Ave	R1	1,296	1.5	2,700
20-3595	Mayton	1468 Buttrick Ave	R1	1,326	1.8	4,700
21-3621	Engler	7080 Hidden Ridge	R1	3,312	4.4	7,000
21-3652	Waugh	7630 Cascade Rd	R1	1,200	1.8	2,000
21-3685	Renucci	5175 Buttrick	R1	2,520	55	
22-3699	D. Carpenter Homes	2011 Devonwood	R1	1,320	3.3	9,700
22-3702	Underwood	7675 Sudbury Ln	R1	1,292	2.4	3,100
22-3703	Matthews	8320 45th St SE	R1	1,200	1.3	1,550
11-3028	Slauer	3824 Goodwood Dr	R2	900	0.88	3,500
Case	Name	address	Zoning	accessory building sq.ft	acres	home (FLS)
Avg				2,079	10.70	3,448
Avg ARC				2,274	15.33	2,790
Avg FP				1,857	6.95	2,483
Avg PUD				1,721	3.00	3,721
Avg R1				1,996	7.55	4,516

**STAFF REPORT**

STAFF REPORT: Case # 23-3775  
REPORT DATE: July 5, 2023  
PREPARED FOR: Cascade Charter Township Planning Commission  
MEETING DATE: July 10, 2023  
PREPARED BY: Brian Hilbrands, Planning Director

APPLICANT

Robert VanderVeen & Margie Bach Trust  
7540 & 7550 Alaska Ridge  
Alto, MI 49302

STATUS  
OF APPLICANT: Owners

REQUESTED ACTION: The applicant is requesting to rezone the following properties from a PUD to the underlying R-1 Residential zoning.

PROPERTY LOCATION: 7540 & 7550 Alaska Ridge

EXISTING ZONING OF  
SUBJECT PARCEL: PUD 51

GENERAL LOCATION: On the west side of Alaska Ave, north of 60<sup>th</sup> Street

PARCEL SIZE: Two parcels totaling approximately 10.4 acres

EXISTING LAND USE  
ON THE PARCEL: Residential

ADJACENT AREA  
LAND USES: Residential

ZONING ON  
ADJOINING PARCELS: N,S,W – R1  
E – ARC

STAFF COMMENTS:

1. The applicant is requesting a rezoning of approximately 10.4 acres of land from the current PUD zoning to the underlying R-1 Residential zoning. The requested rezoning encompasses two pieces of contiguous property, owned by family members. Each property has a single home located on it.

2. The applicant has included a narrative indicating why they are requesting the rezoning. They would like the ability to perform a lot split to add one additional parcel, but the PUD limits the total number of parcels to two and contains the following language:

The Project shall be limited to two (2) building sites for single family detached condominium units. The number of building sites within the Project shall not be increased by the Township Board.

As a result, they are requesting the rezoning.

3. The properties were rezoned to PUD in 1995. At the time there was only one parcel and the owner was looking to add one additional parcel (two total). However, there were no splits available. As a result, the property owner created the PUD to allow for two site condominiums. The PUD is written to only allow for two units.
4. The Michigan Land Division Act was last amended in 1997, and as part of that amendment the number of splits available for all parcels was essentially reset. So, if the applicant would have tried to split the property after 1997, they would have had additional splits available.
5. If the property were to be rezoned to R-1 the condominium would need to be dissolved, resulting in one new unplatted parcel. The new parcel would have four divisions available, so it could be split into a total of four parcels. Under the R-1 zoning the minimum lot size is 40,000 square feet.
6. The applicant is indicating that they plan to split the new unplatted parcel into a total of three parcels. Since Alaska Ridge is a legal nonconforming private street that does not meet the current standards of the Private Street Ordinance the applicant would be required to improve the street or apply for a private street exception. This is because they would be adding one additional parcel to the street. If the rezoning request is approved the applicant may then move forward with the lot split request.
7. The Master Plan has a future land use designation of Rural Residential for the property. This most closely corresponds with the ARC zoning district. However, the underlying zoning and the zoning for all of the properties on the west side of Alaska Avenue is R-1. With an area of approximately 10.4 acres, even if the new unplatted parcel were to be split into 4 parcels the density would not be greater than the 2.3 acres allowed in the ARC zoning district.
8. According to State law a local unit of government cannot require a landowner to offer conditions as a requirement for rezoning. Unless the conditions are offered by the applicant the rezoning should be reviewed on its appropriateness and compatibility with its surrounding land uses and the future land use plan.
9. A rezoning comes before the Planning Commission for a recommendation to the Township Board.

10. According to Section 23.05 (2) of the Zoning Ordinance, the Planning Commission must consider the following whenever making a recommendation for a rezoning.

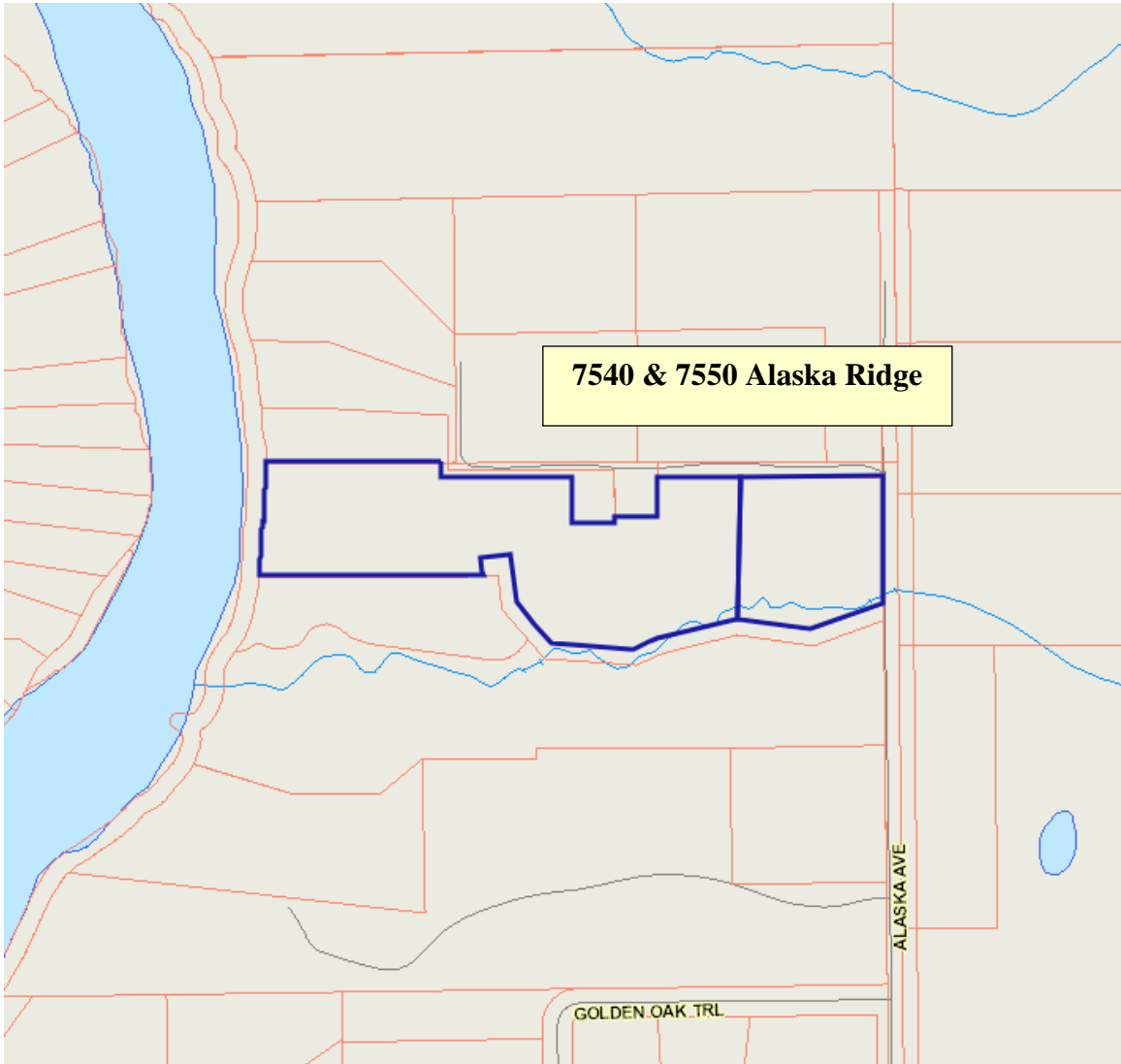
<i>Factors</i>	<i>Comments</i>
Whether there exists an error or ambiguity which must be corrected	There is no error or ambiguity to be corrected.
Whether there exists changed or changing conditions which make approval of a proposed Zoning Ordinance amendment or rezoning appropriate	The area has had an established neighborhood and has been zoned R-1 for a number of years.
The impact of a proposed change on the intent of this Zoning Ordinance	The proposed change would not have a negative impact on the intent of the Zoning Ordinance.
The testimony of any applicant	The applicant has indicated they would like this rezoning to be able to add one additional parcel.
The recommendation of Township Staff	Staff are recommending approval.
The testimony of the public	A couple of neighbors have stopped into the office to ask questions but none have provided formal comments or objections.
Whether a proposed land use change is consistent with the goals, objectives, policies, and intent of the Cascade Township General Development Plan	Although the Master Plan designates the properties as Rural Residential the land use on the property is not changing. The properties will continue to be used for single family homes. The property is also adjacent to ARC property on the east side of Alaska Avenue.
Whether a proposed land use change meets or exceeds all performance and location standards set forth for the proposed use	The area requested to be rezoned would be comparable to the minimum size requirements of the ARC zone even if all of the new splits for the new parcel are used.
Whether a proposed land use change is consistent with the densities, intensities, and general uses set forth in the Cascade Township General Development Plan	The land use is not changing, and it would still be comparable to the density requirements of the Comprehensive plan. It will also be consistent with the zoning and the use of the area.
Whether a proposed land use change will protect, conserve or preserve environmentally critical areas and natural resources	The rezoning would not appear to have a significant change on the use of the area.
Whether a proposed land use change will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property	The proposed rezoning is compatible with the surrounding uses.
Whether the location of a proposed land use change places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development	The rezoning itself would not place an undue burden on existing transportation facilities. If the applicant intends to add additional parcels the existing private street will need to be reviewed.
Whether a requested use will be in compliance with all applicable General Provisions and Special Use Regulations pertaining to the use, as set forth elsewhere in this Ordinance; and	Any future use would have to meet Township regulations.
Whether a change is proposed in order to rectify errors on the Official Zoning Map.	This is not being done to rectify any errors

STAFF RECOMMENDATION:

Staff is recommending that the Planning Commission recommend Approval of the rezoning of approximately 10.4 acres from PUD to R-1 Residential.

ATTACHMENTS:

Location Map  
Application  
PUD 51 Ordinance  
“R-1” zoning district





# CASCADE CHARTER TOWNSHIP

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

## PLANNING & ZONING APPLICATION

**APPLICANT:** Robert Vanderveen - Ridgewood Creek PUD - UNIT 2  
 Name: MARGIE H. BACH TRUST - Ridgewood Creek PUD - UNIT 1  
 Address: 7540 AND 7550 ALASKA Ridge SE  
 City & Zip Code: ALTO, MT 49302  
 Telephone: 416-644-8784  
 Email Address: rsvanderveen@icloud.com

### OWNER: \* (If different from Applicant)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City & Zip Code: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

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

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

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

### BRIEFLY DESCRIBE YOUR REQUEST:\*\*

Requesting the PUD Ridgewood Creek Condominium be  
reverted back to R1 residential.

(\*\*Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY\*\*:

Ridgewood Creek Condominium UNIT 1 Prop# 41-19-34-327-001

UNIT 2 Prop# 41-19-34-327-002

CLASSIFIED AS : 401 (residential-improved)

(\*\*Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 34-327-001 and 34-327-002

ADDRESS OF PROPERTY: 7540 and 7550 ALASKA Ridge SE

PRESENT USE OF THE PROPERTY: Personal residence

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

Name(s)

Address(es)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES**

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

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

MARGIE H. BACH

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

Margie Bach 5-10-23

Applicant – Print or Type Name

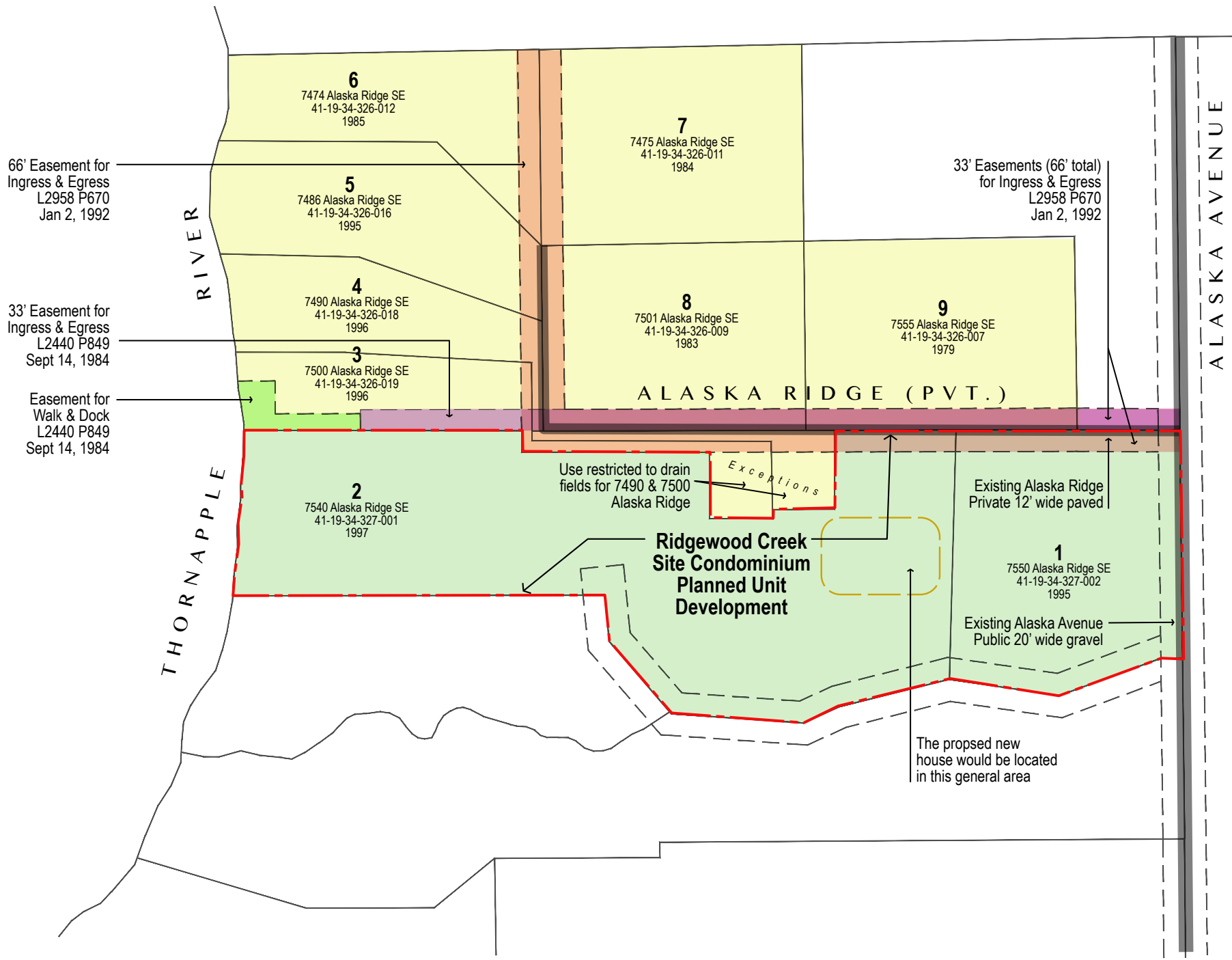
\* Robert Vanderveen

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

[Signature] 5-10-23

Applicant's Signature & Date

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



Ridgewood Creek Site Condominium PUD - Rezoning to R1

## HISTORY:

- In 1984 a 33' ingress and egress easement, along with an easement for walk and dock, was established to allow access to properties and the Thornapple River.
- In 1992 a 66' wide easement for Alaska Ridge Pvt. was established.
- Houses accessing Alaska Ridge Pvt. were built between 1979 and 1997. 9 properties access Alaska Ridge Pvt.
- In 1995, Cascade Township approved the Ridgewood Creek Site Condominium Planned Unit Development with two site condominium units. The 2 houses were built in 1995 and 1997.
- In 2002, Cascade Township adopted a Private Street Ordinance, making Alaska Ridge Pvt. A legal non-conforming street.

## SUMMARY of REQUEST:

Ridgewood Creek Site Condominium units are owned by family members. Families grow, and there is a current desire to accommodate 1 more family member on the 10.5 acre property. Although the condominium documents allow for additional units, the PUD language prevents it. Therefore:

1. We request Rezoning the site from PUD to R1. This request is consistent with the existing neighborhood which is zoned R1 north and south of the site.
2. The Ridgewood Creek Condominium will be dissolved concurrent with the rezoning.
3. 3 parcels will be described and recorded concurrent with the rezoning. Minimum parcel size in R1 is 40,000 SF. 3 lots from 10.5 acres averages 3.5 acres per parcel. The proposed new parcel will be located near Alaska Avenue (just east of 7550 Alaska Ridge).

## PRIVATE STREET ORDINANCE:

Cascade Township's Private Street Ordinance was adopted in 2002, making Alaska Ridge Pvt. (1995) a legal non-conforming street. The ordinance requires that a non-conforming street be brought into full compliance with the ordinance if, among other things, a single parcel is added to the street. The proposed new parcel triggers the requirement.

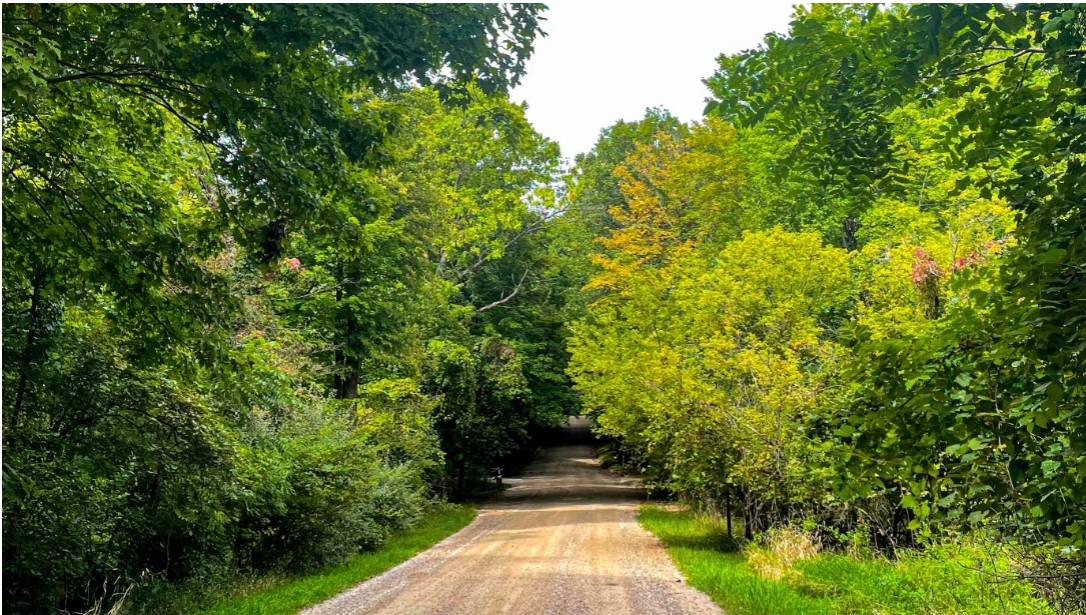
The ordinance allows relief: *"For situations involving existing non-conforming private roads the Township Board may grant Design Modifications should they determine that the design requirements and standards deny the property owner reasonable use of his property."* Therefore:

4. We request 'Design Modifications' that waive the requirement to improve the street to the standards in the Private Street Ordinance. We claim the following hardships:
  - The existing street is within a 66' easement which complies with the ordinance. It connects to the public street and allows for utilities. The existing 12' paved street will require widening to paved 18' and the addition of 2' wide gravel shoulders on each side (22' total).
  - The attached photos show the existing natural beauty and the high level of maintenance. The property owners using Alaska Ridge are strongly opposed to the negative impacts of widening the corridor and widening the street. They will not agree to cost sharing to accommodate a new parcel.
  - Engineer's initial estimate for expanding the existing street per code is approximately \$100,000, not including tree clearing and drainage adjustments. The existing street was repaved a few years ago, including asphalt gutters and drainage improvements as required. It is a significant hardship for the new parcel to carry the cost of improving the total street for more than \$100,000.
  - The existing street has adequately served the existing 9 homes for 30 years without concerns. It would be a travesty for one new parcel to be used to leverage compliance for the whole street, thereby destroying the natural beauty of the existing corridor.

## Executive Summary:



Looking north on Alaska Avenue at the point where the paved street becomes gravel. The gravel cross-section is about 20' wide.

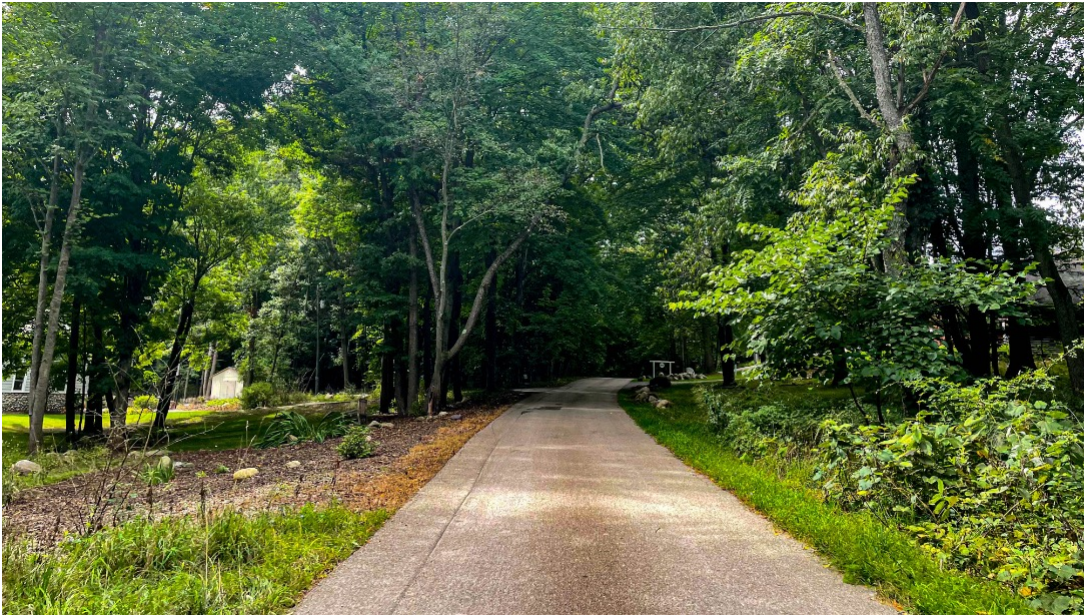


Looking north on Alaska Avenue nearing the intersection of Alaska Ridge Pvt. The gravel cross-section is about 20' wide.

Alaskas Avenue - Public



Looking west on Alaska Avenue at the intersection of Alaska Ridge Pvt. Note the wide, sweeping radius.



Looking west on Alaska Ridge a little east of the location where the new driveway will be located (left side). The recently repaved cross-section is 12' wide with adequate bypass opportunities. Note the beautiful tree canopy.

## Alaskas Ridge - Private



Looking west on Alaska Ridge near the bend where the road turns north. Note the stable shoulder areas allowing Y-turnarounds.



Looking north on Alaska Ridge at the bend. The paved cross-section is 12' wide. The homes on the left are on the Thornapple River. Note the beautiful and mature landscaping.

## Alaskas Ridge - Private



Existing Conditions

## PUD Ordinance - Ridgewood Creek #2 of 1995

CASCADE CHARTER TOWNSHIP

Ordinance #2 of 1995

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE **RIDGEWOOD CREEK SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT PROJECT**

Cascade Charter Township Ordains:

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

The application received from Margie Bach or her assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Ridgewood Creek Project (hereinafter referred to as the "Project" or the "Premises") was recommended by the Cascade Charter Township Planning Commission for approval on February 6, 1995. The Project is recommended for rezoning from R-1, Residential to PUD, Planned Unit Development permitting a site condominium development. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on February 22, 1995.

### Section II. Legal Description

The legal description of the Project is as follows:

That part of the SW ¼, Section 34, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the SE corner of said SW ¼; thence N 0 degrees 00' 00" E 1699.00 feet along the East line of said SW ¼ to the point of beginning; thence S 89 degrees 57'55" W 33.00 feet; thence S 70 degrees 00'00"W 163.64 feet; thence N 82 degrees 00'00" W 171.01 feet; thence S 76 degrees 00'00"W 170.00 feet; thence S 66 degrees 00'00"W 61.79 feet; thence N 86 degrees 00'00"W 202.23 feet; thence N 40 degrees 53'43"W 144.12 feet; thence N 06 degrees 00'00" W 72.07 feet; thence S 89 degrees 57'10"W 564 feet, more or less to the water's edge of the Thornapple River; thence Northerly 250 feet, more or less along said water's edge to the North line of the South 2046.00 feet of said SW ¼; thence N 89 degrees 57'10"E 432 feet, more or less along said North line of the South 2046.00 feet; thence S 0 degrees 00'00" W 33.00 feet along the West line of the East 1003.00 feet, said SW ¼; thence N 89 degrees 57'10"E 286.50 feet; thence S 0 degrees 02'50"E 102.00 feet; thence N 89 degrees 57'10": E 95.00 feet; thence N 0 degrees 02'50" W 15.00 feet; thence N 89 degrees 57'10": E 95.00 feet; thence N 0 degrees 02'50" W 120.00 feet; thence N 89 degrees 57'10"E 526.50 feet; thence S 0 degrees 00'00" W 347.00 feet to the point of beginning. Subject to an easement for highway purposes over the East 33.0 feet thereof.

### 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 10.7 acres of land that contains an existing residential structure (cabin) and is otherwise vacant and wooded. The Project is proposed to be developed into a site

condominium development containing 2 building sites. The site condominium technique has been chosen by the Developer and the eventual owners of each condominium unit to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations where more traditional mechanisms such as creating land subdivision plats do not.

The regulations contained herein are established to define the procedures necessary to insure high quality development on 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.

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.

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.

This approval document shall be recorded with the Kent County Register of Deeds by the Developer 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

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. Site Condominium Documents and Plans

Specific controls relating to architectural elements, common elements of the site condominium project, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium bylaws and mater deed. These restrictions shall become part of this Ordinance with the documents labeled and attached in the following manner:

"Exhibit A – Bylaws"

"Exhibit B – Master Deed"

The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each condominium 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.

The Project shall be limited to two (2) building sites for single family detached condominium units. 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 Ridgewood Creek PUD are as follows:

Single Family Residences

Accessory buildings customarily incidental to a single family residence, subject to the provisions of Section 4.08 and 4.09 of the Cascade Charter Township Zoning Ordinance, as may be amended.

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

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

**Maximum Number of Residential Units** – The maximum number of single family detached site condominium units within the Project shall be limited to two (2) units.

**Maximum Building or Structure Heights** – 35 feet or 2-1/2 stories whichever is the lesser.

**Setback Requirements** – All buildings and structures shall meet the following minimum setback requirements:

1. **Front Yard Setback:** 35 feet from the front yard area line.
2. **Side Yard Setback:** 10 feet minimum from the side yard area line for one and 25 feet minimum with both sides combined.

3. Rear Yard Setback: 25 feet from the rear yard area line.

Minimum Floor Area – Each new site condominium unit shall contain a minimum of 1,600 square feet of finished livable area above grade level, exclusive of the garage, decks, porches and breezeways.

Minimum Parking Requirements – Each new site condominium dwelling unit shall have a minimum of two (2) enclosed off-street parking spaces.

#### Section IX. Access Provisions

The project has access onto Alaska Avenue as well as the opportunity to utilize an existing access easement along the north boundary line of this project. This access easement presently serves the existing structure on this property as well as several other parcels that are not a part of this PUD.

The Developer shall submit copies of any permits required by the Kent County Road Commission to connect the private street/driveway to any public or private road to the Township Planning Department.

The Developer shall be responsible to fully maintain and keep their portion of the private access street in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

#### 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 building expansions or infrastructure improvements.

#### Section XI. Utilities

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.

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 XII. Soil Erosion Control Requirements

Prior to 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 prior to commencing any building on the site.

#### 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, 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 XIV. 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 residential development which offers a low density land use pattern.

In relation to the underlying zoning (R-1, Residential) 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 plans have been approved by the Township Engineer and the appropriate County and State agencies. The requirements contained herein should provide adequate and safe access provided that the private streets are diligently maintained.

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 Project has been determined to allow low density residential use, which is consistent with the Cascade Township General Development 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 as much green and usable open space as would be required by the Township Zoning Ordinance. Due to the large site condominium unit sizes, the amount of open space may be more in this type of development than a more typical subdivision plat.

Finally, the Township recognizes the Project will be under single ownership or control.

#### Section XV. 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 Carpenter, supported by Board Member Hansen. The roll call vote being as follows:

YEAS: Carpenter, Hansen, Henning, Johnson, Julien, Timmons, VanStrien

NAYS: None

ABSTAIN: None

ABSENT: None

Brenda J. Henning

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 22<sup>nd</sup> day of February, 1995.

Brenda J. Henning

Cascade Charter Township Clerk

# CHAPTER 6

## R-1 & R-2 Single Family Residential District

### Section 6.01 Title:

Use Regulations Relating to the "R-1" and "R-2" Single Family Residential Districts

### Section 6.02 Intent:

These districts are intended to encourage a suitable environment for residential and compatible supportive uses. To this end they are the most restrictive residential districts permitting low density single family homes and uses and a controlled degree of recreational, religious and educational facilities.

### Section 6.03 Uses Permitted by Right:

In any "R-1" or "R-2" single family residential district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Single family detached homes except mobile homes and earth sheltered dwellings.
2. Home occupations, as provided for in Section 4.20.
3. Accessory buildings, structures and uses as provided in Section 4.09.
4. Parks, playgrounds and related facilities, provided such facilities are owned and operated by the public or non-profit groups, but excluding those such facilities intended to serve areas beyond the immediate neighborhood, and outdoor facilities which are designed and intended for use after natural daylight hours.
5. Signs as provided in the Cascade Charter Township Sign Ordinance.
6. Temporary buildings, structures and uses, as provided in Section 4.18.
7. Essential Public Services, as provided in Section 4.25. (Section renumbered as a result of Ord. No. #10 of 2001)

### Section 6.04 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. Public, parochial and other private elementary, intermediate and high schools not operated for profit excluding colleges and universities.
2. Child or adult day care centers, as defined in Chapter 3, whether free standing or in conjunction with a principal permitted use.
3. Public or private non-profit parks and recreation and activity centers including swimming pools, tennis courts, baseball fields, community centers, libraries and similar facilities intended to serve areas beyond the immediate neighborhood and outdoor facilities designed and intended for use after natural daylight hours.
4. Churches and associated facilities normally incidental thereto. Any use associated with the church use that is further regulated by this ordinance shall also require the church use to comply with any such regulations as well. This would include but need not be limited to uses such as child day care, adult day care and group day care home facilities.  
Notwithstanding the provisions of this Section, churches which lawfully existed before the effective date of this Ordinance shall for the purpose of this Ordinance be considered conforming. Expansion of such facilities shall however be subject to this ordinance. (Ord. #10 of 2001)
5. Bed and Breakfast establishments.
6. Transitional uses.
7. Model units, temporary real estate offices, as provided in Section 4.23.
8. The keeping of domestic animals and fowl may only be permitted by Special Use Permit in the R-1, Residential zoning district, as provided in Section 4.11. (This Section amended by Ordinance No. 12 of 1997)
9. Other uses determined by the Planning Commission to be similar to the uses listed in Section 6.04 hereof and for which a special use permit maybe approved by the Township. (Section added by Ord. #3 of 2006; 5/10/06)



Definitions

General Provisions

Development Review

Zoning Districts

Special Uses

Planned Unit Development

Height, Area, & Placement

Parking & Access

Landscaping

MEMORANDUM

To: Cascade Charter Township Planning Commission  
From: Brian Hilbrands, Planning Director  
Subject: 23-3765/Redwater Group  
Meeting Date: July 10, 2023

After holding a public hearing at the meeting on June 19, 2023, the Planning Commission awarded preliminary approval of the proposed amendments to allow for an indoor cigar bar, and instructed staff to write the PUD amendment for the project.

The PUD Ordinance Amendments have been reviewed by the applicant and address the approval from the June 19 meeting. I believe that the ordinance amendments accurately reflect your decision from the June 19 meeting. If you agree you should forward a positive recommendation to the Township Board for approval of the PUD amendment.

The Township Board will hold an additional public hearing to consider your recommendation.

Attachments: Proposed PUD Ordinance Amendment  
Current PUD Ordinance – Forest Hills Golf Course/Watermark  
Condominium  
PC Preliminary Plan Approval Letter  
Floor Plan of Clubhouse

CASCADE CHARTER TOWNSHIP  
**Ordinance #\_ of 2023**  
AN ORDINANCE TO AMEND ORDINANCE #10 OF 1997, THE  
**FOREST HILLS GOLF COURSE/WATERMARK CONDOMINIUMS**  
PLANNED UNIT DEVELOPMENT PROJECT

CASCADE CHARTER TOWNSHIP ORDAINS:

**Section 1.** Amendment to the Forest Hills Golf Course/Watermark Condominiums PUD Ordinance

**Section VII. Permitted Uses.**

The paragraph D of this section shall be deleted:

One (1) clubhouse/restaurant/pro shop/cart storage building with a maximum size of 30,000 square feet.

Add a new paragraph D as follows:

One (1) clubhouse/restaurant/pro shop/cart storage/indoor cigar bar building with a maximum size of 30,000 square feet.

**Section 2.** Effective Date

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

**Section 3.** Effect

The Cascade Charter Township Zoning Ordinance, as amended, and the remainder of Ordinance #10 of 1997, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

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

YEAS:

NAYS:

ABSENT:

ABSTAIN:

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Sue Slater  
Cascade Charter Township Clerk

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2023.

---

Sue Slater  
Cascade Charter Township Clerk

DRAFT

## CASCADE CHARTER TOWNSHIP

### Ordinance #10 of 1997

As amended by Ord No 8 of 2000; May 31, 2000  
As amended by Ord No 17 of 2000; October 18, 2000  
As amended by Ord No 8 of 2003; June 11, 2003  
As amended by Ord No 11 of 2010; August 11, 2010  
As amended by Ord No 3 of 2019; May 22, 2019  
As amended by Ord No 6 of 2019; October 9, 2019

### AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE FOREST HILLS GOLF COURSE/WATERMARK CONDOMINIUMS PLANNED UNIT DEVELOPMENT PROJECT

Cascade Charter Township Ordains:

#### Section I. An Amendment to the Cascade Charter Township Zoning Ordinance.

The application received from Forest Hills Development, L.L.C. or their assigns (hereinafter referred to as the “Developer”), for Planned Unit Development designation for the proposed Forest Hills Golf Course/Watermark Condominiums Planned Unit Development Project (herein after referred to as the “Project”) was recommended by the Cascade Charter Township Planning Commission for approval on July 7, 1997. The Project is recommended for rezoning from PUD, Planned Unit Development and R1, Residential to PUD, Planned Unit Development permitting a golf course, clubhouse, office buildings, condominiums and site condominiums. 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 August 27, 1997.

#### Section II. Legal Description.

The legal description of the Project is as follows:

Part of Section 5, 6 and 7, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: BEGINNING at the Northeast corner of said Section 7; thence South 89 degrees 38’ 08” West 1265.00 feet along the North line of said Section 7; thence south 00 degrees 52’09” East 1025.20 feet to a point being South 00 degrees 52’ 11” East 1023.75 feet (as measured along the East section line) and south 89 degrees 07’49” West 165.00 feet from said Northeast one-quarter of Section 7; thence North 80 degrees 49’ 21” West 253.58 feet; thence south 55 degrees 40’39” West 160.00 feet; thence south 18 degrees 19’21” East 276.02 feet to the South line of the North one-half of the Northeast one-quarter of said Section 7; thence South 89 degrees 09’24” West 1973.76 feet along said line; thence North 01 degrees 11’44” West 208.71 feet; thence south 89 degrees 09’24” West 208.71 feet; thence North 01 degrees 11’44” West 1144.75

feet along the North – South one-quarter line of said Section 7 to the North one-quarter corner; thence North 00 degrees 44'02" West 200.00 feet along the North – South one-quarter line of said Section 6; thence North 89 degrees 38'08" East 827.47 feet; thence North 00 degrees 50'19" West 549.43 feet; thence North 89 degrees 30'01" East 499.99 feet; thence North 00 degrees 50'19" West 574.90 feet along the West line of the East one-half of the southeast one-quarter of Section 6; thence South 89 degrees 30'01" West 500.00 feet along the South line of the Northwest one-quarter of the Southwest one-quarter of Section 6; thence North 00 degrees 50'19" West 824.53 feet; thence North 89 degrees 30'01" East 440.00' thence North 00 degrees 50'19" West 315.84 feet to a point being 185.00 feet South 00 degrees 50'19" East from the East – West one-quarter line; thence North 89 degrees 21'53" East 60.00 feet to a point being south 00 degrees 50'19" East 185.00 feet from the Southwest corner of Lot 32 of Cascade Gardens; thence continuing North 89 degrees 21'53" East 320.00 feet parallel with the East – West one-quarter line; thence North 08 degrees 53'53" East 170.38 feet to the extended south line of Lot 32; thence south 87 degrees 50'58" East 15.13 feet along said line to the East right of way line of Galbraith Avenue (as platted); thence Northerly along said Avenue 171.40 feet on a 1205.02 foot radius curve to the right, the chord of which bears North 04 degrees 24'39" East 171.26 feet; thence North 08 degrees 29'09" East 950.26 feet along said Avenue; thence Northeasterly 71.28 feet along said Avenue on a 33.80 foot radius curve to the right, the chord of which bears North 68 degrees 54'05" East 58.79 feet; thence south 50 degrees 41'00" East 769.59 feet along the South right of way line of Cascade Road; thence southeasterly 47.12 feet along said right of way on a 30.00 foot radius curve to the right, the chord of which bears South 05 degrees 41'00" East 42.42 feet; thence South 39 degrees 19'00" West 337.99 feet along the Westerly right of way line of MacNider Avenue (as platted); thence South 00 degrees 56'34" East 262.72 feet along said right of way and extension thereof; thence south 00 degrees 52'59" East 150.00 feet to a point being 360.00 feet West of the East line of Section 6; thence South 44 degrees 08'34" East 138.78 feet to a point being 250.00 feet South of the South line of Lot 154 Cascade Gardens and 265.00 feet West of the East line of Section 6;p thence North 89 degrees 44'58" East 265.02 feet parallel with the South line of said Lot 154; thence North 00 degrees 56'34" West 83.52 feet along the East line of Section 5 to a point being 115.50 feet South of the East one-quarter corner of Section 5; thence North 89 degrees 03'26" East 300.00 feet; thence North 00 degrees 56'34" West 107.05 feet of the East – West one-quarter line; thence North 00 degrees 56'01" West 315.42 feet parallel with the West line of Section 5 to the centerline of Cascade Road (100.00 foot wide public right of way); thence South 50 degrees 41'00" East 475.91 feet along said centerline; thence south 00 degrees 51'02" East 2080.73 feet along the East line of the West one-half of the West one-half of the Southwest one-quarter of Section 5 to a meander line for Walden Lake; thence North 89 degrees 29'54" West 69.27 feet along said meander line; thence South 48 degrees 37'43" West 66.03 feet along said meander line; thence south 03 degrees 53'41" East 75.27 feet along said meander line; thence south 24 degrees 07'03" East 95.98 feet along said meander line for Walden Lake; thence South 19 degrees 25'50" West 196.07 feet along a line which if extended would intersect the South line of Section 5 at a point being North 89 degrees 34'10" West 218.87 feet (as measured along the South section line) from the Southeast corner of the West one-half of the Southwest one-quarter of said Section 5p thence North 89 degrees

34'10" West 100.00 feet; thence South 00 degrees 25'50" West 200.00 feet to a point being 250.00 feet West of the Southeast corner of the West one-quarter of the Southwest one-quarter of Section 5; thence North 89 degrees 34'10" West 409.11 feet along the South line of Section 5 to the place of beginning. Also including all land lying between the shore line of Walden Lake and the meander line for said lake.

(225 acres more or less including right of way and Consumers Energy Parcel)

The following described property shall be amended into the Watermark Condominium PUD As amended by Ord No 17 of 2000; October 18, 2000

Part of the Northwest one-quarter of the Southeast one-quarter of Section 6, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as follows: Beginning North 88 degrees 31 minutes 00 seconds West 1382.97 feet (as measured along the East-West one-quarter line) and south 01 degrees 16 minutes 48 seconds West 185.00 feet (as measured along the West line of the East 60.00 feet of the Northwest one-quarter of the Southeast one-quarter of said section) from the East one-quarter corner of said Section 6; thence South 01 degrees 16 minutes 48 seconds West 315.84 feet; thence North 88 degrees 22 minutes 52 seconds West 440.00 feet along the North line of the South 824.53 feet of the Northwest one-quarter of the Southeast one-quarter of said section; thence North 01 degrees 16 minutes 47 seconds East 297.80 feet; thence South 88 degrees 31 minutes 00 seconds East 140.00 feet; thence South 01 degrees 29 minutes 00 seconds West 16.00 feet; thence South 88 degrees, 31 minutes 00 seconds East 163.00 feet; thence North 01 degrees 29 minutes 00 seconds East 21 feet; thence South 88 degrees 31 minutes 00 seconds East 47.00 feet; thence North 83 degrees 53 minutes 00 seconds East 90.73 feet to the place of beginning.

2.9815 acres

The following legal description describes a parcel to be leased from Consumers Energy

Part of the Northwest one-quarter of the Southeast one-quarter and part of the Southwest one-quarter of the Northeast one-quarter of Section 6, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as follows: Beginning on the East-West one-quarter line at a point being North 88 degrees 31 minutes 00 seconds West 1822.96 feet from the East one-quarter corner of said Section 6; thence South 01 degrees 16 minutes 47 seconds West 270.00 feet along the West line of the East 500.00 feet of the Northwest one-quarter of the Southeast one-quarter of said section; thence North 88 degrees 31 minutes 00 seconds West 230.00 feet; thence North 01 degrees 16 minutes 47 seconds East 409.92 feet; thence South 88 degrees 31 minutes 00 seconds East 225.83 feet; thence South 00 degrees 25 minutes 43 seconds East 140.00 feet (along a line which goes through a point being 101.65 feet Northwesterly (as measured along a line being parallel with and 70.00 feet Southwesterly of the centerline of Cascade Road) of the West line of the East 500.00 feet of the West one-half of the Northeast one-quarter of said section) to the place of beginning.

2.1577 acres

The following described properties shall be added into the Watermark Condominium PUD: As amended by Ord No 8 of 2003; June 11, 2003

The North Project Site:

Part of the Northwest one-quarter of the Southwest one-quarter of Section 5 and part of the Northeast one-quarter of the southeast one-quarter of Section 6, all being in Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Beginning on the West section line at a point being south 00 degrees 56 minutes, 34 seconds East 15.50 feet from the West one-quarter corner of said Section 5; thence North 89 degrees, 03 minutes, 26 seconds, East 300.00 feet; thence south 00 degrees, 56 minutes, 34 seconds East 83.52 feet along aforesaid West section line; thence south 89 degrees, 44 minutes, 58 seconds West 100.00 feet along a line being parallel with and south 250.00 feet of the south line of Lot 154, Cascade Gardens; thence North aforesaid West section line to the place of beginning.

36,375 square feet

The South Project Site:

The East 500.00 feet of the South 246.40 feet of the North 574.90 feet of the Southwest one-quarter of the Southeast one-quarter of Section 6, Town 6 North, Range 10 West, Township of Cascade, Kent County, Michigan.

2.828 Acres.

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 225 acres of land that presently contains a golf course, club house, and a few single family residential homes. The project is proposed to be developed into a revised golf course, a new club house and restaurant building, two office buildings, and condominium units around some of the golf holes. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations and develop the project in a unified manner.

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.

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 VI. Development Areas. (amended by Ord #3 of 2019)

The Project consists of three different development areas as follows:

- |                      |  |
|----------------------|--|
| Development Area A”  | Condominiums, site condominiums, and golf course.  |
| Development Area “B” | Clubhouse, restaurant, driving range, office building, swim center/health club, and other associated facilities. |
| Development Area “C” | Office buildings along Cascade Road frontage.  |

These three development areas shall be governed by specific regulations contained within this PUD Ordinance as described in Section VIII in addition to the regulations found in the other Sections of this Ordinance which apply to the development in its entirety.

Section VII. Permitted Uses.

The permitted uses for the Forest Hills “Golf Course/Watermark Condominium PUD are as follows:

- A. Single Family Residences.
- B. Accessory buildings customarily incidental to a single family residence, subject to the provisions of Section 4.08 and 4.09 of the Cascade Charter Township Zoning Ordinance, as may be amended.
- C. Signs. Subject to the provisions of the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1988, as amended) and this Ordinance.
- D. One (1) clubhouse/restaurant/pro shop/cart storage building with a maximum size of 30,000 square feet.**
- E. One combined office building located west of the clubhouse with a maximum size of 14,000 sq ft. The building shall be consistent with the approved elevation plan approved dated 8/14/09.(Amended by of #3 of 2019)
- F. Two (2) office buildings. No individual building shall contain more than 10,000 square feet.
- G. One (1) 18 hole golf course with associated practice, maintenance, and accessory facilities no larger than 1,000 square feet.
- H. Swim Center/Healthclub (Amended by Ord #3 of 2019)

Section VIII. Specific Development Regulations.

The Project shall be developed in accordance with the site plan approved 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. Development Area “A”  
Condominiums, Site Condominiums, Golf Course**

1. Site Condominium/Condominium Documents and Plans.

- a. Specific controls relating to architectural elements, common elements of the site condominium and condominium projects, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium and condominium

bylaws and master deeds. These restrictions shall become part of this Ordinance by reference.

b. The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each condominium 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.

c. The number of building sites may be reduced or consolidated with 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.

2. Design Guidelines, Requirements and Limitations (As amended by Ord No 8 of 2000; May 31, 2000) and (As amended by Ord No 8 of 2003; June 11, 2003)

a. Maximum Number of Residential Units – The Project shall be limited to 91 building sites for single-family detached condominium units, 50 sites for traditional condominiums and 24 sites for Estate Homes, which will contain a maximum of three (3) units per building. The number of building sites within the Project shall not be increased by the Township Board. (As amended by Ord No 8 of 2003; June 11, 2003)

b. Maximum Building Height – 35 feet or 2-1/2 stories whichever is the lesser.

c. Setback Requirements – All site condominiums shall meet the following minimum setback requirements:

1. Front Yard Setback: 35 feet from the front yard area line. The following site condominium units shall maintain a minimum setback of 25

feet from the front yard area line: Sites 17 through 25, 45 through 51, and 93 through 97.

Front Yard Averaging – where the average front yard setback of two (2) or more condominium units within two-hundred (200) feet of the site in question and on the same side of the street is greater than the minimum front yard setback prescribed above, then the required front yard setback of such unit shall not be less than the average existing front yard setback of such condominium units.

2. Side Yard Setback – 10 feet minimum from the side yard area line for one side and 25 feet minimum with both sides combined.

3. Rear Yard Setback – 25 feet from the rear yard area line.

d. All clubhouse condominium units shall be separated from each other by at least 25 feet. All Estate Homes shall be setback and separated from each other as shown on the site plan dated 5-31-00. (As amended by Ord No 8 of 2000; May 31, 2000)

e. Minimum Floor Area – Each site condominium unit shall contain a minimum of 2,000 square feet of finished livable area above grade level, exclusive of the garage, decks, porches and breezeways. Each club home condominium shall contain a minimum of 1,600 square feet of livable area above grade level, exclusive of the garage, decks, porches and breezeways. Each estate home shall contain a maximum of three (3) units per building, with one unit containing a minimum of 1,200 square feet of livable area above grade level, exclusive of the garage, decks, porches and breezeways. The remaining two units shall contain a minimum of 1,800 square feet of livable area above grade level, exclusive of the garage, decks, porches and breezeways. (As amended by Ord No 8 of 2000; May 31, 2000)

f. Minimum Parking Requirements – Each site condominium dwelling unit shall have a minimum of two (2) enclosed off-street parking spaces.

g. Signs. The following signs shall be permitted for the residential and golf course development:

1. One (1) freestanding ground mounted development identification sign for each public street frontage of the development. One along Cascade Road and one along Spaulding Avenue. Such signs shall contain no more than 32 square feet and shall not be lighted in any manner.

2. Within the development each of the club home developments shall be permitted one ground mounted freestanding sign with a maximum sign area of 32 square feet.

3. The golf course shall be permitted one ground mounted freestanding identification sign with a maximum sign area of 50 square feet. This sign may be used to advertise the golf course, clubhouse, and restaurant. This sign may be installed in lieu of the existing sign that must be removed from the site. If the Developer desires to light this sign, he must first bring the proposed sign to the Planning Commission for final review and approval.

## **B. DEVELOPMENT AREA “B”**

**Clubhouse, Restaurant, Driving Range, office building, Swim center/healthclub and other associated facilities.** Amended by Ord No 3 of 2019 & No 6 of 2019

### Design Guidelines, Requirements and Limitations

1. All of the requirements of the Cascade Township Zoning Ordinance, as may be amended, must be complied with for site plan review for any redevelopment within the Project. Those associated facilities that are existing on site may remain and are considered acceptable (maintenance buildings).

2. The maximum size of the clubhouse/restaurant facility shall be limited to 30,000 square feet.

3. The maximum size of the professional office shall be 14,000 sq ft. as shown on the approved floor plans dated 9.3.09. This building is not to be used for any tenant or third party other than Watermark employees with the exception that the existing tenant space of no more than 3,100 sq ft may be leased out for professional office use. Examples of professional office include: attorney, engineer, accountant or other low impact type offices as determined by the Planning Commission.

The swim center building shall be built consistent with the approved site plan/elevation plan dated 7/12/19 and the approved engineering plan dated 8/7/19.

(Amended by Ord 6 of 2019)

#### 4. Signs Amended by Ord No 11 of 2010

a. The existing Forest Hills Golf Course and Club East Restaurant identification sign along Cascade Road shall be permanently removed from its existing location by the time any building permits are issued for the clubhouse/restaurant.

b. The clubhouse/restaurant building shall be permitted 50 square feet of wall sign area. This sign area may be divided into multiple signs.

c. The office building shall be permitted 50 square feet of wall sign. In lieu of the 50 sq ft wall sign the owner can choose to install a 30 sq ft wall sign and a 20 sq ft ground sign in the location shown on the approved site plan dated 1/13/10. (Amended by Ord 3 of 2019)

d. A 12 sq ft directional sign at the south end of Galbraith is permitted in the location shown on the approved site plan dated 1/13/10.

**C. DEVELOPMENT AREA “C”  
Office Buildings along Cascade Road**

In addition to meeting the criteria found in the Cascade Township Zoning Ordinance, as may be amended, the development of any offices within the Project must comply with the following design criteria. Some of these criteria were derived from the Cascade Road/Spaulding Avenue Corridor Study.

1. Maximum Building size of 10,000 square feet.
2. The building must be constructed with an actual sloped or pitched roof.
3. The building must be at least 50% owner occupied.
4. Parking shall not be permitted in the front yard between the building and Cascade Road.
5. Maximum building height of 25 feet.
6. Increased landscaping where necessary.
7. Low profile freestanding monument sign with no lighting of any kind.
8. Controlled access to site.
9. Front yard setback of 100 feet from any public right of way line.
10. One office building shall be permitted to be constructed during Phase I of the residential development. The second office building can not be constructed until the Phase I residential development is complete and/or Phase II has commenced.

**Section XIX. Private Street Development As amended by Ord No 8 of 2003; June 11, 2003**

A. The Developer shall submit a street construction, maintenance and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance. The Developer may establish private streets to serve 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. The road grades shall not exceed an 8 percent grade. All grades shall be sufficient to allow safe ingress/egress of emergency vehicles.
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 to and from the Project onto Cascade Road and Spaulding Avenue. 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.
6. Street lighting within the Project shall be provided at the developer's expense. Street lighting shall not extend more than 20 feet in height. Luminaires shall be shrouded to minimize the emission of light rays.
7. All condominium units shall be served by the internal private roads. No direct access shall be permitted to Spaulding Avenue or Cascade Road by any individual condominium unit.
8. The use of speed bumps on the private road shall be prohibited.
9. Sidewalks shall be provided on one side of the private road within the Project at the Developer's expense. The sidewalks in Phase I, II and III must be completed within thirty-six (36) months after the date on which a Master Deed for each phase of Watermark is recorded. The sidewalk along Watermark Drive within the Project shall be open for public use at all times. **As amended by Ord No 8 of 2000; May 31, 2000**
10. Overhead street lights shall be placed at the existing Cascade Road and Watermark Drive intersection and at the proposed Spaulding Road and Watermark Drive intersection, at the developer's expense, by December 2000. **As amended by Ord No 8 of 2000; May 31, 2000**
11. The Developer, at their expense, shall install a left turn lane on Spaulding Road, at the Spaulding Road and Watermark Drive intersection and shall install a deceleration lane on Spaulding Road. The Developer shall also install a deceleration lane 12 feet wide for 125 feet on Cascade Road. **As amended by Ord No 8 of 2000; May 31, 2000**
12. The North Project site of Phase IV occupies approximately 36,375 square feet of land that presently contains vacant property. This will create three new lots. The Project is proposed to be developed into single-family site condominiums. This will create an additional private street to be named Sunnybank Court. This road must comply with VIX (B). **As amended by Ord No 8 of 2003; June 11, 2003**
13. The South Project site of Phase IV occupies approximately 2.828 acres of land that presently contains a single-family residence and vacant property. This will create 5 new lots and will extend Talamore Court north to service these new lots. The dead end portion of Talamore Court is not to service more than 21 units and no new secondary access to Spaulding Road is to be constructed. **As amended by Ord No 8 of 2003; June 11, 2003**

B. In accordance with Section G of the “Cascade Charter Township engineering design Requirements and Standards for Private Streets”, the Developer of the Project shall provide a disclosure statement on all property deeds to all owners of the private street, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the township shall not be responsible for any aspect of the private street.

C. In accordance with Section I of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets”, it shall be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the private access street 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 the 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 buildings or infrastructure improvements.

**Section XI. 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 occupancy permits will be issued for any construction within the Project until the public utility system is approved and accepted by the City of Grand Rapids and Cascade Township.

B. Stormwater Drainage – All proposed stormwater drainage facilities shall be reviewed and approved by the township engineer 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. All stormwater drainage with the Project shall be continuously monitored by the Developer and Township Engineer to insure that there are no adverse impacts on the watersheds or adjacent properties as a result of this development. The Developer shall be responsible for any necessary improvements that are needed to control stormwater within this Project area that are caused as a result of this development.

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 XII. 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 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.

**Section XI. 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 Supervisor on August 27, 1997. In the event that the developer elects to develop the project in separate and distinct phases, he shall be required to submit site plans of each phase. The Planning Commission shall review and approve these plans prior to the construction of the intended phase to insure consistency with the master development plan.

All phases of the Project shall comply with the Permitted Uses listed in section II and the Specific Development Regulations in Section VIII of this Ordinance. Site plan approval of each phase shall only be granted in accordance with Chapters 16 and 21 of the Zoning Ordinance, as may be amended.

**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 residential/golf development which offers a low density land use pattern while preserving open space and wetland areas around the golf course.

In relation to the underlying zoning (R1, Residential and PUD, Planned Unit Development) 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. This

project should help improve the handling of stormwater within the Schoolhouse Creek Watershed.

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. The golf course will remain as open space in the development.

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 condominium portion of the Premises until a majority of the site condominium and condominium units are purchased for single family residential purposes.

**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 Carpenter, supported by Board Member Timmons. The roll call vote being as follows:

YEAS: Carpenter, Goodyke, Julien, Kleinheksel, Timmons, Van Strien

NAYS:

ABSENT: Johnson

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 27<sup>th</sup> day of August, 1997.

Marlene Kleinheksel  
Cascade Charter Township Clerk



# CASCADE CHARTER TOWNSHIP

5920 Tahoe Drive SE Grand Rapids, Michigan 49546

June 22, 2023

Craig Smith  
Redwater Group  
5500 Cascade Rd SE, Suite 100  
Grand Rapids, MI 49546

RE: Case 23-3765/Redwater Group

Dear Craig,

This is your notice of the Cascade Township Planning Commission decision to approve your preliminary plan for the **indoor portion** of the cigar bar at their June 19, 2023 meeting. At that meeting the Planning Commission approved the preliminary plan with the following conditions:

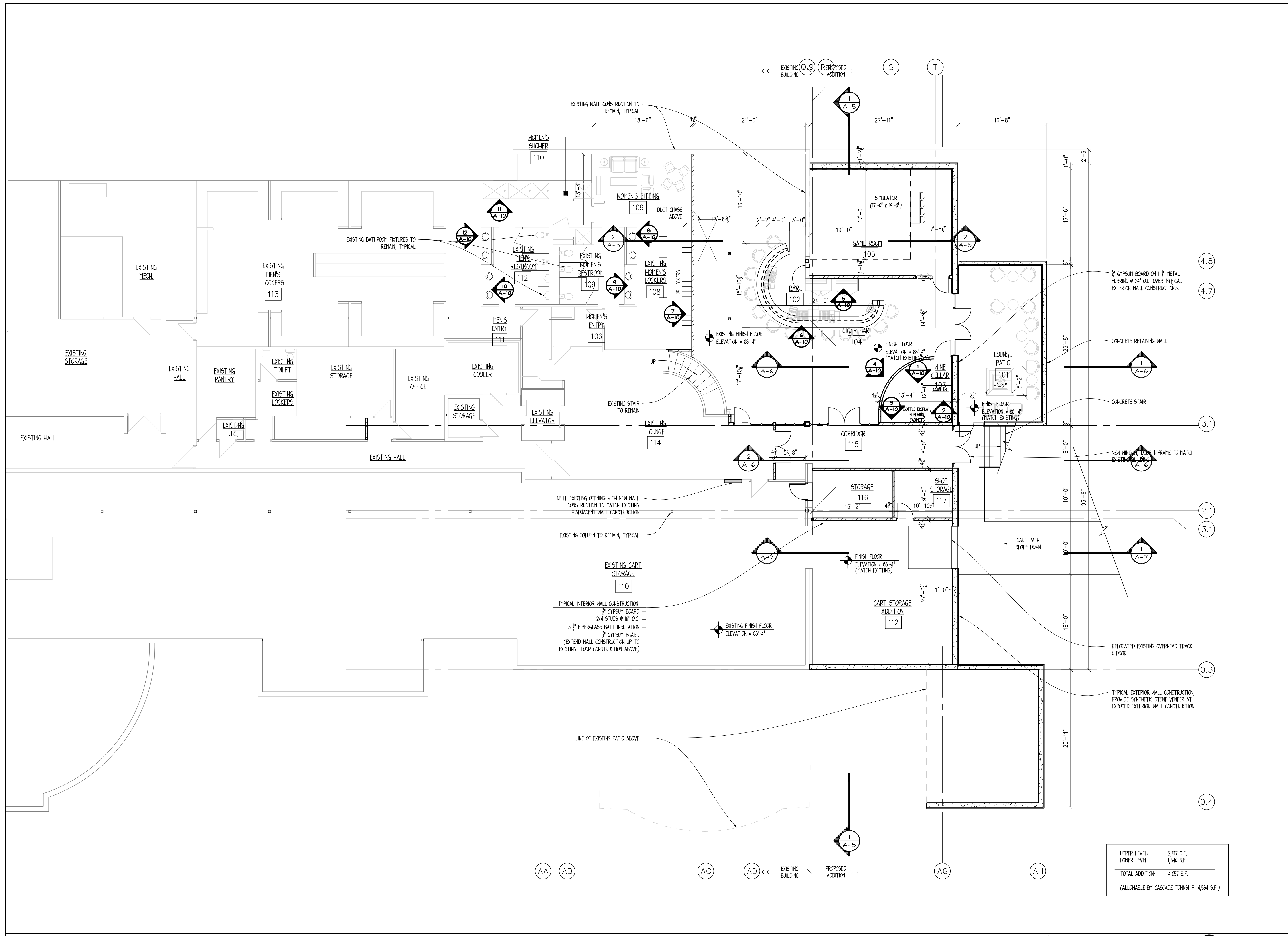
1. That it is consistent with the conditions of the March 6, 2023 site plan approval.
2. All necessary state, county, and local permits and approvals are obtained.
3. The preliminary plan is approved with the exception of the area designated as the outdoor lounge. The applicant is free to come back with additional verification of state approval and adequate ventilation to address concerns stated by the Planning Commission.

The next step is for the Planning Commission to review an amendment to the PUD Ordinance and make a recommendation to the Township Board. Once the changes to the ordinance have been made, we will schedule the review for the next available Planning Commission meeting. If you have any questions or would like to discuss this matter, please do not hesitate to call me at 616-949-0224 or email at [bhilbrands@cascadetwp.com](mailto:bhilbrands@cascadetwp.com).

Sincerely,  
CASCADE CHARTER TOWNSHIP

Brian Hilbrands,  
Planning Director

Cc: Ken Watkins  
Steve Plakmeyer



UPPER LEVEL:	2,517 S.F.
LOWER LEVEL:	1,540 S.F.
<b>TOTAL ADDITION:</b>	<b>4,057 S.F.</b>
(ALLOWABLE BY CASCADE TOWNSHIP: 4,584 S.F.)	

**PRELIMINARY  
NOT FOR CONSTRUCTION**

THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN ARE THE SOLE, CONFIDENTIAL AND EXCLUSIVE PROPERTY OF ARCHITECTURAL CONCEPTS. PUBLICATION OF THIS DRAWING IS LIMITED SOLELY TO THE SPECIFIC PROJECT AND/OR SITE NOTED HEREIN. REPRODUCTION, PUBLICATION, REUSE OR MODIFICATION OF THIS DOCUMENT IN WHOLE OR IN PART IS EXPRESSLY PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF ARCHITECTURAL CONCEPTS.

DATE	REVISION
01-30-2023	FOR SITE PLAN REVIEW
05-19-2023	FOR REVIEW
05-24-2023	FOR REVIEW

**PROPOSED BUILDING  
ADDITION FOR:**

**WATERMARK  
COUNTRY CLUB**

5500 CASCADE ROAD S.E.  
GRAND RAPIDS, MI 49546

**ARCHITECTURE  
PLANNING  
ENGINEERING**

6650 CROSSING DRIVE, S.E.  
GRAND RAPIDS, MI 49508  
(616) 554-1222

**ARCHITECTURAL  
CONCEPTS**

DATE MAY 19, 2023	PROJECT No. 22-10
	SHEET No. <b>A-1</b>

**1 LOWER LEVEL FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

## MEMORANDUM

To: Cascade Charter Township Planning Commission  
From: Brian Hilbrands, Planning Director  
Subject: Proposal from McKenna for Assistance with Master Plan Update  
Meeting Date: July 10, 2023

Township leadership has stated that there is a desire to review the current Master Plan in light of the recently approved Strategic Plan. As a result, McKenna Associates has provided the attached Scope of Work to help assist the Township with a review and update of the Master Plan.

Work began on the current Master Plan in 2018, and the plan was approved in 2019. Since then, the Township has seen major changes in both leadership and staff, and has also completed a new Strategic Plan that was approved in 2022. McKenna was the consultant that assisted the Township with the creation of the Strategic Plan, and has continued to assist with a few of the implementation items. The Strategic Plan was developed over the course of a year and included extensive public outreach and input from a variety of stakeholders. A number of the priorities and tasks outlined in the Strategic Plan involved updating the Master Plan to better reflect the vision of the Strategic Plan.

The attached scope of work details what McKenna will be assisting with. Their proposed fee is \$11,500, but it is important to note that this does not include fees for meeting attendance, which would be billed hourly. This provides the Township with the ability to have McKenna attend additional meetings if needed without requiring an amendment to the contract, and it is how the contract for their work on the Strategic Plan was written. The Township budgeted \$25,000 for assistance with the Master Plan review, so even with the additional meeting fees we will be well under the budgeted amount.

Since the contract is less than \$25,000 and we have budgeted for it, it does not need to go to the Township Board for approval. If the Planning Commission is comfortable with the proposed scope of work, then I will have Supervisor Lesperance sign the contract and we can begin to move forward.

Attachments: McKenna Proposed Scope of Work



# MCKENNA

June 30, 2023

Grace Lesperance, Supervisor  
Cascade Township  
5920 Tahoe Drive SE  
Grand Rapids, MI, 49546

**Subject: Scope of Work for Master Plan Update**

Dear Supervisor Lesperance,

Cascade Township is now in the implementation phase of the Townshipwide Strategic Plan, which was adopted in Summer 2022. The Strategic Plan outlines the Township's biggest priorities for the short, mid, and long term. Some of the priorities and tasks outlined in the Strategic Plan (supported by residents, business owners, stakeholders, and Township Boards/Commissions), involve updating the Master Plan to better reflect the Townshipwide Vision. McKenna has provided this Scope of Work to complete the update to the Master Plan.

## **TASK 1: MASTER PLAN CONTENT REVIEW**

McKenna will review the current Master Plan and identify items that may not be consistent with the Township's vision, or perhaps information that may be outdated or no longer relevant to the Township. This initial review will flag any additional items above and beyond the following specific scope items described further in this proposal.

This task will also include collaboration with Township Staff, Officials, and other applicable stakeholders to identify areas of the Master Plan that require updates for consistency, or to reflect evolving goals and priorities more accurately.

In summary, this task will consist of a full review of the current Master Plan in its entirety to ensure that all components accurately reflect the Strategic Plan and community conversations.

*Deliverable: Written memorandum outlining recommended Master Plan amendments.*

*Proposed fee for Task #1: \$2,500*

## **TASK 2: FUTURE LAND USE PLAN**

Following the overall content and consistency analysis of the Master Plan, we proposed to take a "deeper dive" into the future land use designations, content, and visions for the following specific areas of the Township:

- "Lower Village" area (e.g., Thornapple Plaza and Old 28<sup>th</sup> Street)
- Centennial Office Park
- Cascade Office Park
- Utility service area
- Other areas of interest as identified by Township Staff and/or Officials and amendments noted in the Strategic Plan

This analysis may result in the creation of new future land use designations, or a reorganization of current future land use designations. The Future Land Use Plan update will consider the following implications on the areas noted above (but not limited to):

### **GRAND RAPIDS**

124 East Fulton Street  
6th Floor, Suite B  
Grand Rapids, Michigan 49503

☎ 616.226.6375  
☎ 248.596.0930  
[MCKA.COM](http://MCKA.COM)

**Communities for real life.**



- General intent and purpose of each new designation, or amended designation language
- Appropriate densities
- Appropriate land uses
- Recommended enhancements (e.g., sidewalks, nonmotorized connections, placemaking initiatives, etc.)
- Relates directly to the DDA's Lower Village and Thornapple Plaza vision

*Deliverable: Updated Future Land Use Map and Chapter content.*

*Proposed fee for Task #2: \$4,500 (additional tasks not outlined above as authorized or requested by the Township may be billed hourly according to the current contract)*

### **TASK 3: ZONING PLAN**

McKenna will review the 2019 Zoning Plan to determine the various zoning recommendations that will need to occur to implement the updated Future Land Use Plan. Consideration will be given to the following areas (but not limited to):

- Density maximums
- Minimum lot size recommendations
- Types of development
- Road connection recommendations and connectivity
- General architectural recommendations

*Deliverable: Updated and comprehensive Zoning Plan to incorporate into the Master Plan*

*Proposed fee for Task #3: \$3,000*

### **TASK #4: PUBLIC OPEN HOUSE**

With the proposed amendments to the Master Plan, Future Land Use Plan, and Zoning Plan, we propose to host one open house to inform the public of the changes. This public open house will be held in-person (and also a virtual hybrid option at the Township's request) at the most appropriate location desired by the Township.

The purpose of the public open house toward the end of the process is to provide a transparent opportunity for the public to ask questions about the proposed changes and provide comments on the direction of the Plan. This Task #4 is also designed to inform Cascade residents, taxpayers, and business owners that their voices were heard during the Strategic Plan process.

*Deliverable: Public open house*

*Proposed fee for Task #4: \$1,500*

### **MEETINGS**

The Scope of Work described above includes the following meetings:

- 4 working meetings with Township Staff to discuss key updates to be made and other important items.
- 4 Regularly Scheduled Planning Commission Meetings:
  - 1 general overview and kickoff discussion
  - 1 Future Land Use Map and Zoning Plan update discussion



- 1 discussion for Master Plan revisions and draft review
- 1 Recommendation for distribution and public comment period
- 2 Township Board of Trustees Meetings
  - 1 Future Land Use Map and Zoning Plan update discussion
  - Final Adoption

Given the complexity of the amendments as noted above, and to be compliant with State laws, McKenna is prepared to assist with the type of adoption process that is most appropriate for the Township. This may involve simple Future Land Use Plan amendments, or a more involved “in-depth” revision process.

We are available to attend any additional meetings beyond what is outlined above, per the Township’s request.

*Proposed fee for meetings: Hourly per McKenna’s fee schedule for Principal Planner (\$130 per hour) and Senior Principal Planner/Manager (\$135 per hour). It is not anticipated that all McKenna professionals listed in this proposal will attend all meetings.*

### **PROPOSED FEE**

We propose to complete the Base Scope of Work described above for a lump sum fee of **\$11,500**. This does *not* include hourly fees for meeting attendance.

If additional public engagement activities, or other services, are requested by Township staff, Planning Commission, and/or Township Board, McKenna agrees to develop a contract addendum outlining additional project tasks and associated costs to Cascade Township for review and approval.

### **PROFESSIONAL TEAM**

**Danielle Bouchard, AICP, Principal Planner** will serve as the primary professional completing the Master Plan update and day-to-day contact with the Township. **Chris Khorey, AICP, West Michigan Manager**, will assist with the Master Plan update and oversee the process.

Our team is available to start immediately upon approval by the Township Administration. Thank you.

Respectfully submitted,

**McKENNA**

Danielle Bouchard, AICP  
Principal Planner

Chris Khorey, AICP  
West Michigan Manager

**AUTHORIZATION TO PROCEED  
CASCADE TOWNSHIP, KENT COUNTY, MICHIGAN**



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Signature

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Title

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Date

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Name (printed)

## MEMORANDUM

To: Cascade Charter Township Planning Commission  
From: Brian Hilbrands, Planning Director  
Subject: Draft of Possible AC District Zoning Ordinance Amendments  
Meeting Date: July 10, 2023

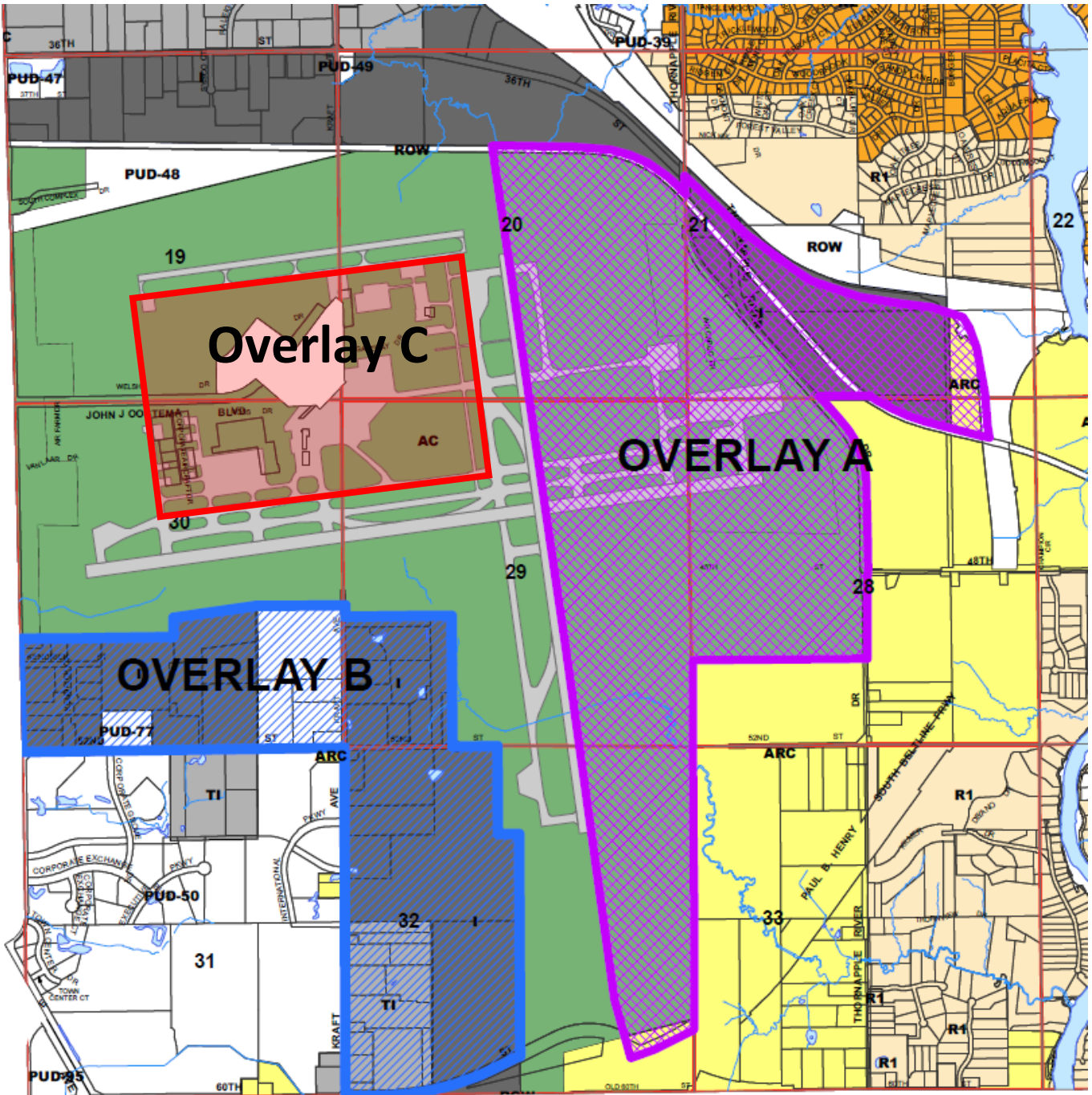
Attached is a draft of possible amendments to the AC (Airport Commerce) zoning district that were developed by the Planning Commission AC Airport Commerce District Zoning Review Subcommittee. The subcommittee held a total of 25 meetings beginning in July of 2022, with staff and legal counsel present at most meetings.

Currently Chapter 14 of the Zoning Ordinance includes two subzones around the airport. Subzone 1 includes all areas around the runways and the majority of the airport area, and allows for a variety of uses by right with little to no Township review. Subzone 2 includes the outlying areas adjacent to public streets and requires site plan review for non-aeronautical uses.

The amendments touch on a number of items within Chapter 14 of the zoning ordinance and replace the subzones with new overlay districts to help regulate permitted uses in the area around the airport. Overlay A restricts the uses that are permitted on the east side of the airport, while Overlay B allows for aeronautical uses to be located within a larger area on the southwest side of the airport. Site plan review will now be required for all non-aeronautical uses, except those located within Overlay C, which is at the center of the airport. Non-aeronautical uses located within Overlay C will still be required to meet the requirements of the Township Stormwater Ordinance.

At this time the Planning Commission is requested to review the draft ordinance amendments and be prepared to discuss them. The next step would be for the Planning Commission to hold a public hearing to review the ordinance amendments, at which time you would make a recommendation to the Township Board.

Attachments: Draft Zoning Map with Overlay Districts  
Draft Ordinance Amendments – Clean version  
Draft Ordinance Amendments – Redlined version  
AC Zoning District Subcommittee Meeting Minutes (separate pdf)



CLEAN

CASCADE CHARTER TOWNSHIP  
ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AMEND ZONING ORDINANCE REGARDING AIRPORT ZONING

**Section 1. Amendment to Chapter 14**

Chapter 14 of the Township's Zoning Ordinance is hereby amended to read, in its entirety, as follows:

**CHAPTER 14**

**AC Airport – Commerce District & Overlays A and B**

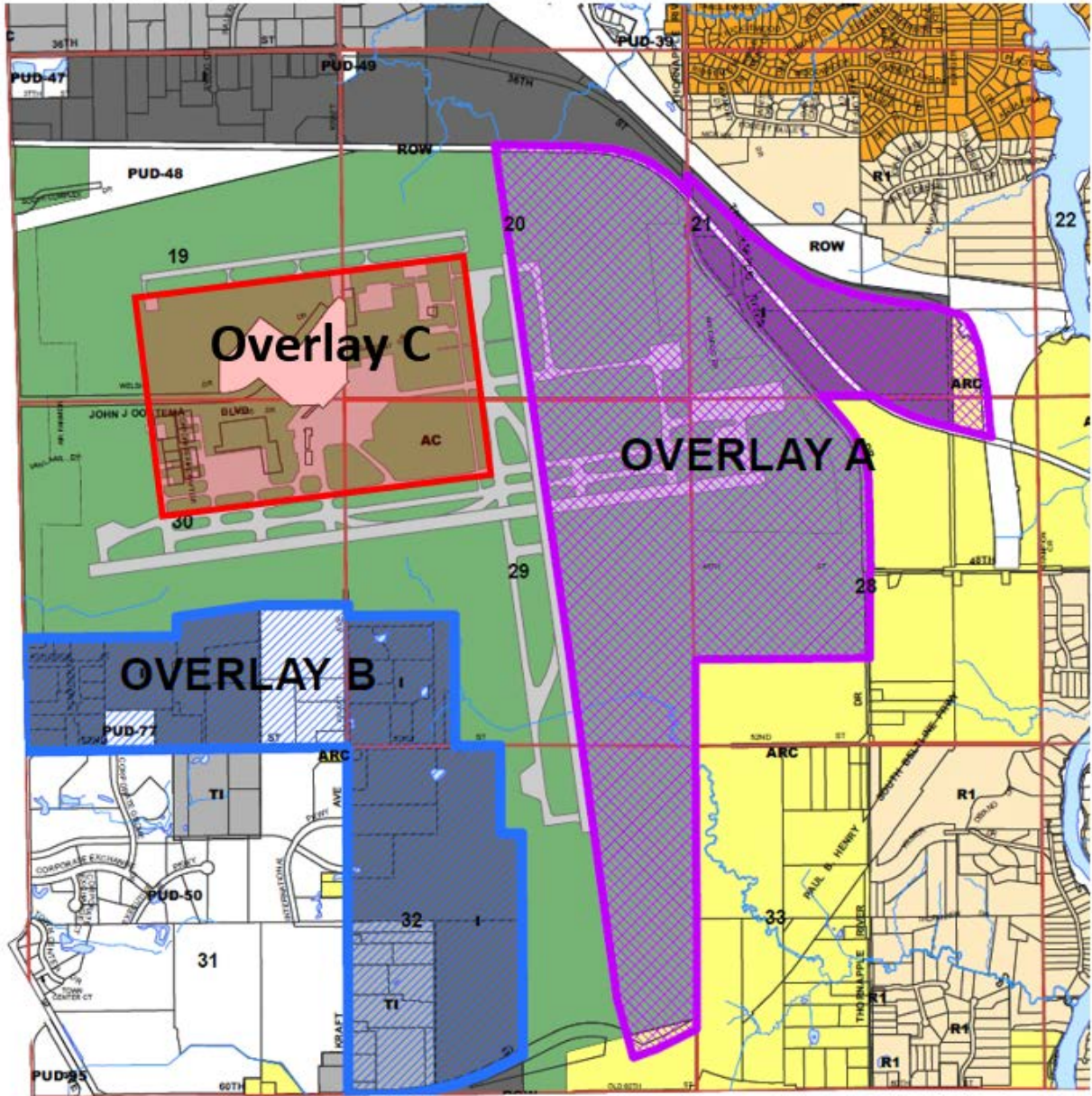
**Section 14.01 Title:**

Use Regulations Relating to the "AC" Airport-Commerce District

**Section 14.02 Intent:**

This district recognizes that the Gerald R. Ford International Airport Authority (the "Authority") is a regional airport authority formed and existing pursuant to the Regional Airport Authority Act (PA 95 of 2015, as amended) ("Act 95"), being Chapter VIIA of the Aeronautics Code of the State of Michigan (PA 327 of 1945, as amended) ("Act 327"). This district also recognizes that a portion of the Gerald R. Ford International Airport is located within the City of Grand Rapids. This district is intended to accommodate and promote aeronautical progress for the public good, and to facilitate adequate provision for a system of transportation pursuant to MCL 125.3203(1), while protecting the public health and welfare of the citizens in the Township. The provisions of this Chapter shall, however, be in compliance with the regulations of the Michigan Aeronautics Code (MAC), the Federal Aviation Administrations (FAA), the Michigan Zoning Enabling Act (MZEA), airport zoning ordinances, relevant case law and ordinances of Cascade Township. The regulations of the Airport-Commerce District are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulation Part 77), the State of Michigan or the Authority from time to time, which are incorporated herein.

This district shall be divided into three zones, each of which shall be subject to the provisions of Section 14.18. The AC District shall be described as, the area generally surrounding the runways, hangars and control tower and shall be considered a separate zoning district. Overlays A and B shall be described as the area further removed from the airport than the AC District. Overlays A and B are overlay districts that implement additional regulations layered on top of the regulations in the properties' underlying zoning district(s). The following figure (Figure 14-1) further depicts each overlay:



## **AC DISTRICT**

### **Section 14.03 Uses Permitted by Right in AC District:**

Subject to Section 14.18, in the “Airport Commerce” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities, which are limited to:
  - a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).

- b. Aircraft cleaning and janitorial services
  - c. Aircraft flight training and flying clubs
  - d. Aircraft landing facilities
  - e. Aircraft refueling and fuel storage facilities
  - f. Aircraft/aviation related servicing, repair, painting and restoration facilities
  - g. Aircraft sales
  - h. Air freight handling facilities
  - i. Airline reservation centers
  - j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.
  - k. U.S. Customs clearance offices
  - l. Flying charter services
  - m. Hangar operations and aircraft storage
  - n. Sightseeing airplane service
  - o. Aeronautical and other administrative offices
  - p. Airport maintenance facilities
  - q. Any facility required by Federal, State or Local permits.
2. Airport museum
  3. Airport viewing areas
  4. Hotels/Motels
  5. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
  6. Restaurants
  7. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)
  8. Used car sales engaged only in the sale of car rental fleet on the premises. Said activity shall also have the approval of the property owner
  9. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services
  10. Automobile Service Stations
  11. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc.)
  12. Specialty retail shops
  13. Freight terminals
  14. Parking, surface and structures
  15. Warehousing and general storage
  16. Intermodal transportation facilities
  17. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities
  18. Any public utility buildings, structures or facilities
  19. Any building, structure or facility used in the abatement/mitigation of environmental issues including the capture, storage and treatment of de-icing/anti-icing or other agents used for aviation purposes, including facilities/structures required for environmental compliance

20. Any use or activity incidental to or related to “Aeronautics” as defined in Section 2 of the Michigan Aeronautics Code (MCL 259.2)

21. Recreational uses

22. Schools

#### **Section 14.04 Uses Permitted by Special Use Approval in AC District.**

The following uses may be permitted as a special use in the AC District:

Subject to Section 14.18, and notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 of this Ordinance. Major Mineral Resource Extraction in this zone will not require Planned Unit Development rezoning pursuant to Chapter 16.

#### **Section 14.05 AC District Regulations**

Except as otherwise provided for non-aeronautical facilities within this Zoning Ordinance, all uses shall meet the requirements of the MAC and the regulations of the FAA.

There may be more than one principal building permitted on parcels within the AC District, including that area of the district covered by Overlay A.

Subject to Section 14.18, and with the exception of Overlay A, any new development or construction (including parking lots) located within 200’ of Patterson Avenue, John J. Oostema Boulevard or any non-AC District zoned parcel is required to meet the bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter. Notwithstanding the foregoing, plantings shall not bear seeds or fruit and shall conform to the Airport’s Wildlife Hazard Mitigation Plan, as it may be amended, which is incorporated herein by reference.

### **OVERLAY A DISTRICT**

#### **Section 14.06 Intent**

Subject to Section 14.18, “Overlay A” District is established in addition to the AC District and applies to the area shown on the map in Figure 14-1. The intent of Overlay A is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.
6. Providing a transitional area between the Airport and neighboring agricultural and residential uses.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with

respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

**Section 14.07 Uses Permitted by Right in Overlay A:**

Subject to Section 14.18, in the “Overlay A” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Recreation
2. Schools
3. Churches
4. Aeronautical uses permitted in the AC zoning district

**Section 14.08 Uses permitted by Special Use Approval in Overlay A**

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.

**Section 14.09 Overlay A Standards (only applicable to non-aeronautical facilities):**

Subject to Section 14.18, any property that an Overlay A District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zoning district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

Subject to Section 14.18, Any parcels within the Overlay A adjacent to Thornapple River Drive shall be subject to the following requirements:

1. 100’ setback and landscape buffer from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
2. Any new development or construction (including parking lots) located within 300’ of Thornapple River Drive or any non-AC District zoned parcel is required to meet the bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter.
3. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Chapter 22 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Chapter 22, the use shall lose its legal non-conforming status.

**OVERLAY B DISTRICT**

**Section 14.10 Intent**

Subject to Section 14.18, the “Overlay B” District is established in addition to the AC District and Overlay A and applies to the area shown on the map in Figure 14-1. The intent of Overlay B is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

#### **Section 14.11 Uses Permitted by Right in Overlay B:**

Subject to Section 14.18, in the “Overlay B” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities permitted in the AC zoning district
2. Airport viewing areas
3. Airport museum
4. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
5. Freight terminals
6. Parking, surface and structures
7. Warehousing and general storage
8. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.
9. Within a foreign trade zone as established pursuant to the Foreign Trade Zone Act (19 USCA §81a et seq.), any use permitted in a foreign trade zone by Federal law including, without limitation, the storage, sale, exhibition, repacking, assembly, distribution, or manufacture of goods or merchandise.
10. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
11. Any other uses permitted in the underlying zoning district.

#### **Section 14.12 Uses permitted by Special Use Approval in Overlay B**

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Hotels/Motels
2. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
3. Automobile Service Stations
4. Intermodal transportation facilities
5. Restaurants
6. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)
7. Specialty retail shops
8. Notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 (Mineral Resource Extraction of this Ordinance. Mineral Resource Extraction in this zone will not require Planned Unit Development rezoning as regulated in Chapter 16 of this Ordinance).
9. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h).
10. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc.)
11. Any other uses permitted by special use in the underlying zoning district

**Section 14.13 Overlay B Standards (only applicable to non-aeronautical facilities):**

Subject to Section 14.18, any property that an Overlay B District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zoning district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

**OVERLAY C DISTRICT**

**Section 14.14 Intent**

Subject to Section 14.18, the "Overlay C" District is established in addition to the AC District, Overlay A, and Overlay B and applies to the area shown on the map in Figure 14-1. The intent of Overlay C is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

**Section 14.15 Uses Permitted by Right in Overlay C:**

Subject to Section 14.18, in the “Overlay C” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Those uses permitted by right in the AC zoning district.

**Section 14.16 Uses permitted by Special Use Approval in Overlay C**

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Those uses permitted by special use permit in the AC zoning district.

**Section 14.17 Site Plan Review:**

Due to the unique nature of the airport, the level of review by the Township within the Airport Commerce Zoning District shall be limited to non-aeronautical facilities.

All the uses in section 14.03 that fall within the AC District, that are aeronautical facilities shall be permitted as of right and shall not require Township Site Plan review approvals. However, the applicant shall be responsible to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.

For those areas in Overlays A and B, aeronautical facilities in Sections 14.07 and 14.11 are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.

All other uses listed in the AC District and Overlays A and B shall require site plan review per Chapter 21 of this Ordinance. All uses permitted by Special Use Permit in Section 14.06 shall require site plan review per chapters 4, 17 and 21 as applicable.

All the uses that fall within Overlay C, non-aeronautical or otherwise, shall be permitted as of right and shall not require Township Site Plan review approvals. However, for non-aeronautical uses the applicant shall be responsible to submit a stormwater narrative and calculations demonstrating how

the stormwater system meets the Township Stormwater Ordinance. The stormwater narrative and calculations will be required to be approved by the Township Engineer before a building permit can be issued. The applicant shall also be responsible to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.

For a non-Airport use that crosses the jurisdictional boundary between the City of Grand Rapids and Cascade Township, a site plan review shall not be required if the City of Grand Rapids Building Department is permitting the project.

If at any time any use is proposed and the location of which crosses from one sub-zone to another, the more stringent regulations shall apply.

#### **Section 14.18 Exemption.**

It is acknowledged that, to the extent provided in Act 95, the Authority has all the powers of a political subdivision, which are public and governmental functions. Relative to this Chapter, such powers include, without limitation, (a) having and exercising exclusive responsibility to study and plan any improvements, expansion, or enhancements that affect the Airport, and to commission planning, engineering, economic, and other studies to provide information for making decisions about the location, design, management, and other features of the Airport or Airport Facilities, and (b) exercising responsibility for developing all aspects of the Airport and the Airport Facilities, including, but not limited to: (i) the location of terminals, hangars, aids to air navigation, parking lots and structures, cargo facilities, and all other facilities and services necessary to serve passengers and other customers of the Airport; and (ii) street and highway access and egress with the objective of minimizing, to the extent practicable, traffic congestion on access routes in the vicinity of the Airport.

### **Section 2. Amendment to Chapter 3**

Chapter 3 of the Township's Zoning Ordinance is hereby amended to amend the definitions for "Aeronautical Facility," "Aeronautics," and "Airport" as follows:

**Aeronautical Facility:** Any device, physical or otherwise, that is an object of nature or that is human-made, that aids and is used in aeronautics.

**Aeronautics:** Any act or matter that treats or deals with flight in the airspace.

**Airport:** A publicly owned airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of Act 327 and includes all Airport Facilities at an airport. An airport is publicly owned if the portion used for the landing and taking off of aircraft is owned, operated, controlled, leased to, or leased by the United States or an agency or department of the United States, this state, a local government, or another public corporation. The Gerald R. Ford International Airport is an Airport located within the Township.

**Section 3. Amendment to Chapter 18**

Section 18.13(5) is hereby amended to read, in its entirety, as follows:

- 5. The following apply to the AC zone and Overlay A in Chapter 14:
  - a. Maximum Stories/Height: The maximum height in the AC District shall be limited to the maximum height permitted by the FAA. The maximum height in Overlay A shall be 45 feet.
  - b. Minimum Lot Width: There shall be no minimum lot width in the AC District. The Overlay A area shall have a minimum lot width of 200 feet.
  - c. Setbacks: There shall be no minimum setback requirement along the jurisdictional boundary between Cascade Township and the City of Grand Rapids as the boundary is located on the date of adoption. The table on the following page setbacks shall apply to the AC District and Overlay A (in addition to any other setbacks required in Chapter 14).

<b>Setback Requirements for AC District and Overlay A</b>	
<b>Front Road</b> Oostema Blvd or any other public or private street	35'
60th	43'
Patterson	50'
Thornapple River Dr	100'
<b>Side Yard</b>	25'
<b>Rear Yard</b>	50'
<b>Between Buildings</b>	50'

**Section 4. Amendment to Section 13.02a**

Section 13.02a of the Zoning Ordinance shall be amended to revise the last sentence as follows:

The TI District is designed specifically for two potential redevelopment areas within Cascade Township: north of 36<sup>th</sup> Street and west of I-96; and the Meadowbrook industrial area southwest of 52<sup>nd</sup> Street and Kraft Avenue.

**Section 5. VALIDITY.**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 6. REPEALER.**

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

**Section 7. EFFECTIVE DATE.**

This Ordinance shall take effect seven (7) days after publication of a notice of adoption as provided by law.

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REDLINED

CASCADE CHARTER TOWNSHIP  
ORDINANCE NO. \_\_\_\_\_

ORDINANCE TO AMEND ZONING ORDINANCE REGARDING AIRPORT ZONING

**Section 1. Amendment to Chapter 14**

Chapter 14 of the Township's Zoning Ordinance is hereby amended to read, in its entirety, as follows:

**CHAPTER 14**

**AC Airport – Commerce District & Overlays A and B**

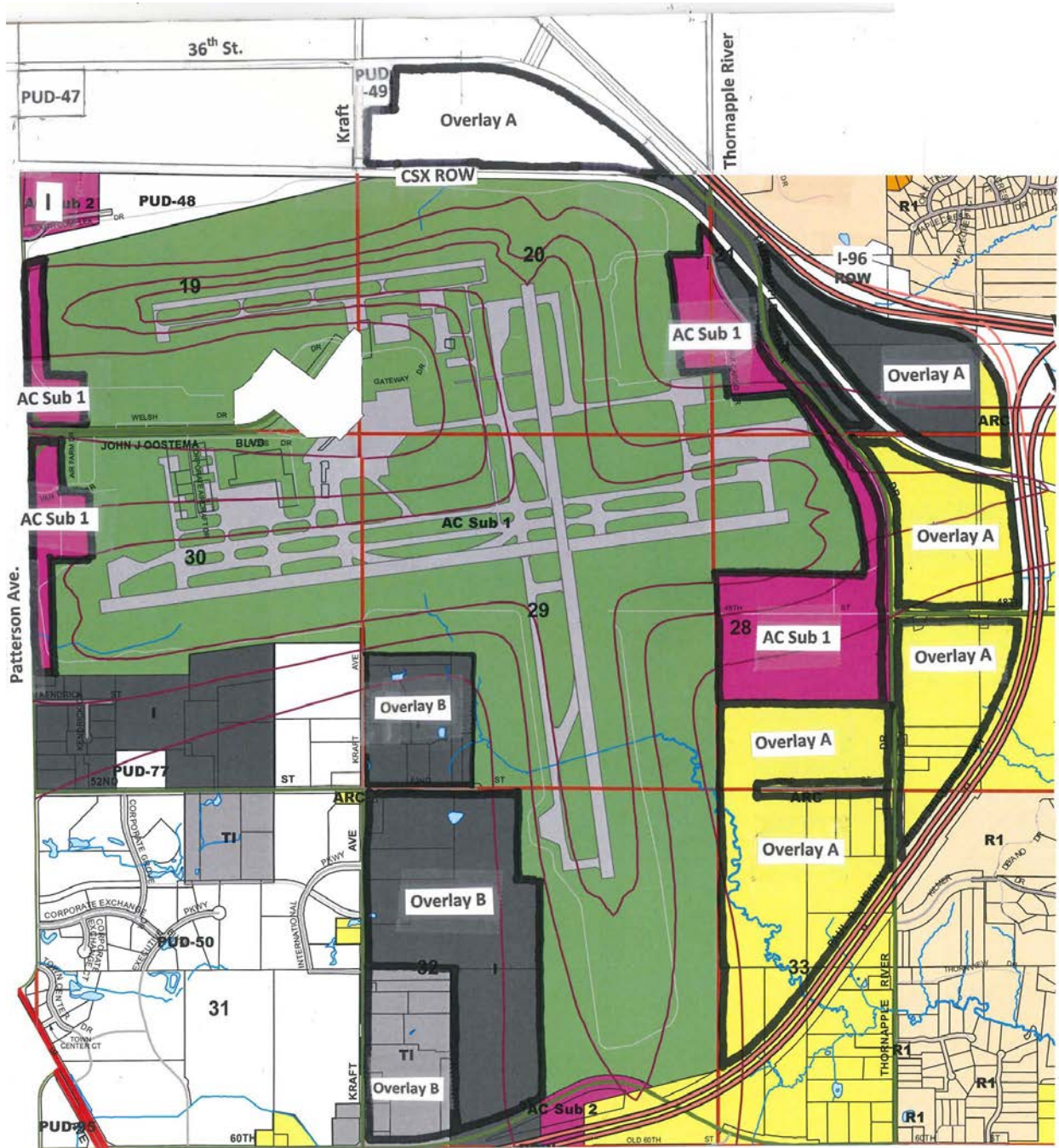
**Section 14.01 Title:–**

Use Regulations Relating to the "AC" Airport-Commerce District

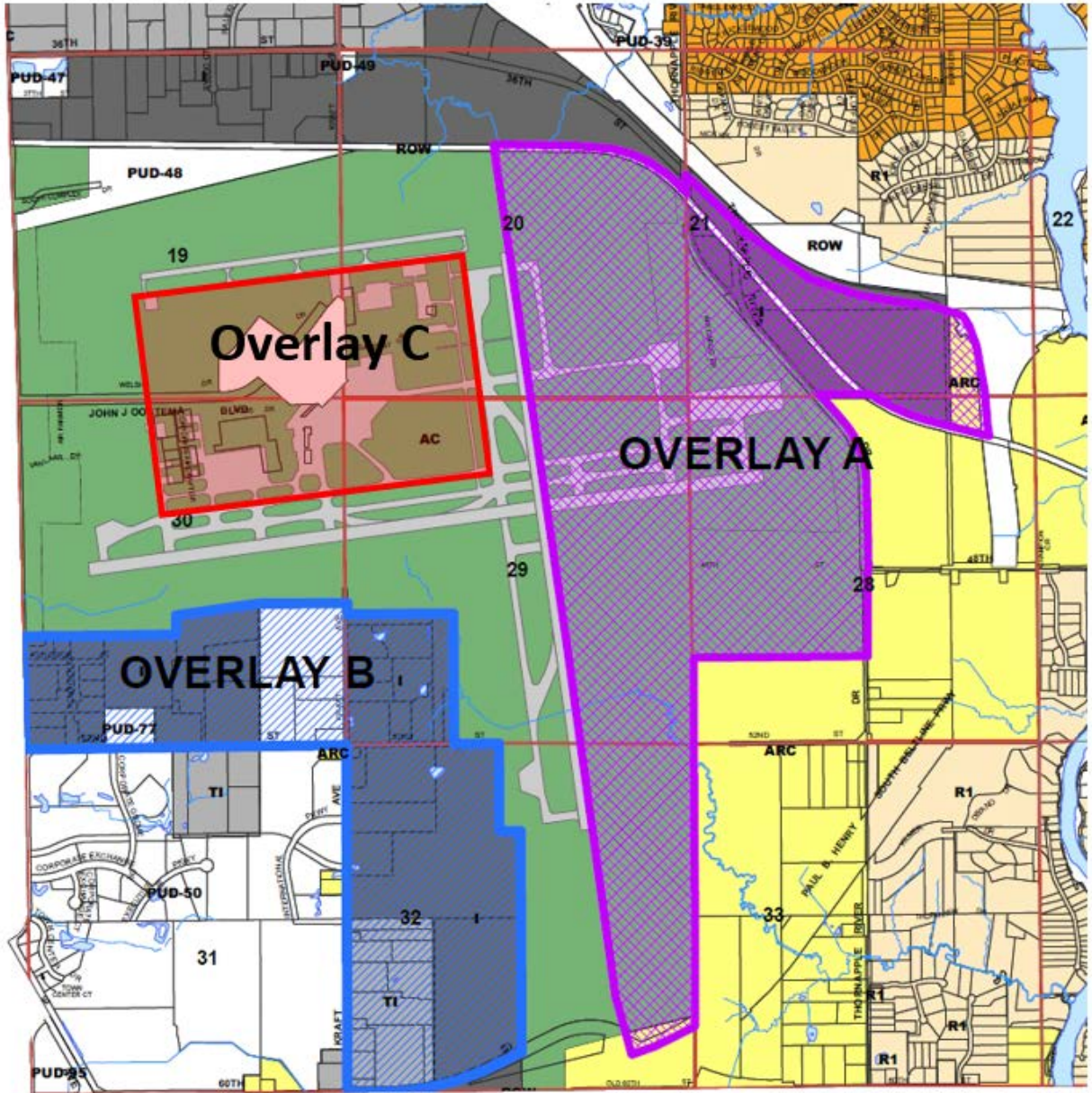
**Section 14.02 Intent:**

This district recognizes that ~~certain aeronautical facilities are exempt from Township zoning under current state law,~~ the Gerald R. Ford International Airport Authority (the "Authority") is a regional airport authority formed and existing pursuant to the Regional Airport Authority Act (PA 95 of 2015, as amended) ("Act 95"), being Chapter VIIA of the Aeronautics Code of the State of Michigan (PA 327 of 1945, as amended) ("Act 327"). This district also recognizes that a portion of the ~~airport property~~ Gerald R. Ford International Airport is ~~under the jurisdiction of~~ located within the City of Grand Rapids.— This district is intended to accommodate and promote aeronautical progress for the public good, and to facilitate adequate provision for a system of transportation pursuant to MCL 125.3203(1), while protecting the public health and welfare of the citizens in the ~~Cascade Charter Township.~~ ~~All uses should~~ The provisions of this Chapter shall, however, be in compliance with the regulations of the Michigan Aeronautics Code (MAC), the Federal Aviation Administrations (FAA), the Michigan Zoning Enabling Act (MZEA), airport zoning ordinances, relevant case law and ordinances of Cascade Township. The regulations of the Airport-Commerce District are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulation Part 77), the State of Michigan (~~P.A. 23 of 1950 as amended by P.A. 158 of 1976~~), or any agencies thereof. ~~Because of the intensity of existing aeronautical uses and uses located directly adjacent to aeronautical facilities, this district permits non-aeronautical facilities within the district both to compliment airport operations, and in recognition that aeronautical activities already taking place in the district tend to be more consistent with commercial than with non-commercial uses. This district shall be divided into three subzones. Subzone 1 shall~~ or the Authority from time to time, which are incorporated herein.

This district shall be divided into three zones, each of which shall be subject to the provisions of Section 14.18. The AC District shall be described as, the area generally surrounding the runways, hangars and control tower and shall be considered a separate zoning district. Subzones Overlays A and B shall be described as the area further removed from the airport than Subzone 1. Subzones the AC District. Overlays A and B are overlay districts that implement additional regulations layered on top of the regulations in the properties' underlying zoning district(s) ~~as necessary and reasonable for their vicinity to the airport.~~ ). The following figure (Figure 14-1) further depicts each subzone overlay:



**SUBZONE 1**



**AC DISTRICT**

**Section 14.03 Uses Permitted by Right in Subzone 1AC District:**

Subject to Section 14.18, in the “Airport Commerce-~~subzone 1~~” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinanceOrdinance:

1. Airport Operations Facilities, which are limited to:

a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).

b. Aircraft cleaning and janitorial services

c. Aircraft flight training and flying clubs

d. Aircraft landing facilities

e. Aircraft refueling and fuel storage facilities

f. Aircraft/aviation related servicing, repair, painting and restoration facilities

g. Aircraft sales

h. Air freight handling facilities

i. Airline reservation centers

j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.

~~k. Airport parking facilities~~

~~l.~~ U.S. Customs clearance offices

~~m.~~ Flying charter services

~~n.~~ Hangar operations and aircraft storage

~~o.~~ Sightseeing airplane service

~~p.~~ Aeronautical and other administrative offices

~~q.~~ Airport maintenance facilities

~~r.~~ Any facility required by Federal, State, or Local permits.

2. Airport museum

3. Airport viewing areas

4. Hotels/Motels

5. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles

6. Restaurants

7. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)

8. Used car sales engaged only in the sale of car rental fleet on the premises. Said activity shall also have the approval of the property owner.

9. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.

10. Automobile Service Stations

11. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc).

12. Specialty retail shops

13. Freight terminals

14. Parking ~~Structures,~~ surface and structures

15. Warehousing and general storage.

16. Intermodal transportation facilities.

17. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.

18. Any public utility buildings, structures or facilities.

19. Any building, structure or facility used in the abatement/mitigation of environmental issues including the capture, storage and treatment of de-icing/anti-icing or other agents used for aviation purposes, including facilities/structures required for environmental compliance-

20. Any use or activity incidental to or related to "Aeronautics" as defined in Section 2 of the Michigan Aeronautics Code (MCL 259.2)

21. Recreational uses

22. Schools

#### **Section 14.04 Uses Permitted by Special Use Approval in ~~Subzone 1~~ AC District.**

The following uses may be permitted as a special use in ~~subzone 1~~ the AC District:

~~Notwithstanding~~ Subject to Section 14.18, and notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 of this Ordinance. Major Mineral Resource Extraction in this ~~subzone~~ zone will not require Planned Unit Development rezoning pursuant to Chapter 16.

### **SUBZONE 2**

#### **~~Section 14.05 Uses Permitted by Right in Subzone 2:~~ AC District Regulations**

~~In the "Airport Commerce subzone 2~~ Except as otherwise provided for non-aeronautical facilities within this Zoning Ordinance, all uses shall meet the requirements of the MAC and the regulations of the FAA.

~~There may be more than one principal building permitted on parcels within the AC District, including that area of the district covered by Overlay A.~~

Subject to Section 14.18, and with the exception of Overlay A, any new development or construction (including parking lots) located within 200' of Patterson Avenue, John J. Oostema Boulevard or any non-AC District zoned parcel is required to meet the bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter. Notwithstanding the foregoing, plantings shall not bear seeds or fruit and shall conform to the Airport's Wildlife Hazard Mitigation Plan, as it may be amended, which is incorporated herein by reference.

### **OVERLAY A DISTRICT**

#### **Section 14.06 Intent**

Subject to Section 14.18, "Overlay A" District is established in addition to the AC District and applies to the area shown on the map in Figure 14-1. The intent of Overlay A is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.

4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.
6. Providing a transitional area between the Airport and neighboring agricultural and residential uses.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

#### **Section 14.07 Uses Permitted by Right in Overlay A:**

Subject to Section 14.18, in the "Overlay A" District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinanceOrdinance:

##### 1. Airport Operations Facilities:

a. Any

1. Recreation

2. Schools

3. Churches

4. Aeronautical Facility as defined uses permitted in the AC zoning district

#### **Section 3 of the Michigan Aeronautics Code (MCL 259.3). b. Aircraft cleaning14.08 Uses permitted by Special Use Approval in Overlay A**

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and janitorial services conditions outlined in Chapter 17.

- c. Aircraft flight training and flying club
- d. Aircraft landing facilities
- e. Aircraft refueling and fuel storage
- Any governmental buildings, offices, or other facilities
- f. Aircraft/aviation related servicing, repair, painting and restoration facilities
- g. Aircraft sales
- h. Air freight handling facilities
- i. Airline reservation centers
1. j. Airport terminal, and all uses within the terminal building, including including, but not limited to restaurants, cocktail lounges, etc., law enforcement facilities and County Road Commission facilities.
- k. Airport parking facilities
- l. U.S. Customs clearance offices
- m. Flying charter services
- n. Hangar operations and aircraft storage

- ~~o. Sightseeing airplane service~~
- ~~p. Aeronautical and other administrative offices~~
- ~~q. Airport maintenance facilities~~
- ~~r. Any facility required by Federal, State, or Local permits.~~

**Section 14.09 Overlay A Standards (only applicable to non-aeronautical facilities):**

Subject to Section 14.18, any property that an Overlay A District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zoning district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

Subject to Section 14.18, Any parcels within the Overlay A adjacent to Thornapple River Drive shall be subject to the following requirements:

1. 100' setback and landscape buffer from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
2. Any new development or construction (including parking lots) located within 300' of Thornapple River Drive or any non-AC District zoned parcel is required to meet the bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter.
3. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Chapter 22 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Chapter 22, the use shall lose its legal non-conforming status.

**OVERLAY B DISTRICT**

**Section 14.10 Intent**

Subject to Section 14.18, the "Overlay B" District is established in addition to the AC District and Overlay A and applies to the area shown on the map in Figure 14-1. The intent of Overlay B is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

**Section 14.11 Uses Permitted by Right in Overlay B:**

Subject to Section 14.18, in the “Overlay B” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities permitted in the AC zoning district

2. Airport viewing areas
3. Airport museum
4. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
5. Freight terminals
6. Parking ~~Structures, surface and structures~~
7. Warehousing and general storage
8. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.
9. Within a foreign trade zone as established pursuant to the Foreign Trade Zone Act (19 USCA §81a et seq.), any use permitted in a foreign trade zone by Federal law including, without limitation, the storage, sale, exhibition, repacking, assembly, distribution, or manufacture of goods or merchandise.
10. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
11. Any other uses permitted in the underlying zoning district.

**Section 14.0612 Uses permitted by Special Use Approval in ~~Subzone 2~~Overlay B**

~~The~~Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Hotels/Motels
2. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
3. Automobile Service Stations-
4. Intermodal transportation facilities
5. Restaurants
6. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)
7. Specialty retail shops
8. Notwithstanding any other provision of this ~~Zoning~~ Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only ~~subsections~~subsections 3 through 10 of Section 4.28 (Mineral Resource Extraction of this Ordinance. ~~Mineral Resource Extraction in this ~~Subzone~~zone will not require Planned Unit Development rezoning as regulated in Chapter 16 of this Ordinance.}).~~
9. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h).

10. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc).)

11. Any other uses permitted by special use in the underlying zoning district

**Section 14.0713 Overlay B Standards (only applicable to non-aeronautical facilities):**

Subject to Section 14.18, any property that an Overlay B District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zoning district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

**OVERLAY C DISTRICT**

**Section 14.14 Intent**

Subject to Section 14.18, the “Overlay C” District is established in addition to the AC District, Overlay A, and Overlay B and applies to the area shown on the map in Figure 14-1. The intent of Overlay C is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

**Section 14.15 Uses Permitted by Right in Overlay C:**

Subject to Section 14.18, in the “Overlay C” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Those uses permitted by right in the AC zoning district.

**Section 14.16 Uses permitted by Special Use Approval in Overlay C**

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Those uses permitted by special use permit in the AC zoning district.

**Section 14.17 Site Plan Review:**

Due to the unique nature of the airport, the level of review by the Township within both subzones of \_\_\_\_\_ the Airport Commerce Zoning District shall be limited to certain uses in Subzone 2. Furthermore the se subzones shall also be used for determining the level of review needed by the Township. to non-aeronautical facilities.

All the uses in section 14.03 that fall within Subzone 1, whether non-the AC District, that are aeronautical or not facilities shall be permitted as of right and shall not require Township Site Plan review approvals. However, the applicant shall be responsible to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.

For those areas in Subzone 2, the uses Overlays A and B, aeronautical facilities in Sections 14.05-107 and 14.11 are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.

All other uses listed in Subzone 2 (Section 14.05-2 thru 9) the AC District and Overlays A and B shall require site plan review per Chapter 21 of this Ordinance. All uses permitted by Special Use Permit in Section 14.06 shall require site plan review per chapters 4, 17 and 21 as applicable.

All the uses that fall within Overlay C, non-aeronautical or otherwise, shall be permitted as of right and shall not require Township Site Plan review approvals. However, for non-aeronautical uses the applicant shall be responsible to submit a stormwater narrative and calculations demonstrating how the stormwater system meets the Township Stormwater Ordinance. The stormwater narrative and calculations will be required to be approved by the Township Engineer before a building permit can be issued. The applicant shall also be responsible to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.

For a non-Airport use that crosses the jurisdictional boundary between the City of Grand Rapids and Cascade Township, a site plan review shall not be required if the City of Grand Rapids Building Department is permitting the project.

If at any time any use is proposed and the location of which crosses from one sub-zone to another, the more stringent regulations shall apply.

**Section 14.18 Exemption.**

It is acknowledged that, to the extent provided in Act 95, the Authority has all the powers of a political subdivision, which are public and governmental functions. Relative to this Chapter, such powers include, without limitation, (a) having and exercising exclusive responsibility to study and plan any improvements, expansion, or enhancements that affect the Airport, and to commission planning, engineering, economic, and other studies to provide information for making decisions about the location, design, management, and other features of the Airport or Airport Facilities, and (b) exercising responsibility for developing all aspects of the Airport and the Airport Facilities, including, but not limited to: (i) the location of terminals, hangars, aids to air navigation, parking lots and structures, cargo facilities, and all other facilities and services necessary to serve passengers and other customers of the Airport; and (ii) street and highway access and egress with the objective of minimizing, to the extent practicable, traffic congestion on access routes in the vicinity of the Airport.

### **Section 2. Amendment to Chapter 3**

Chapter 3 of the Township's Zoning Ordinance is hereby amended to amend the definitions for "Aeronautical Facility," "Aeronautics," and "Airport" as follows:

Aeronautical Facility: Any ~~and all acts~~ device, physical or matters which treat otherwise, that is an object of nature or deal that is human-made, that aids and is used in aeronautics.

Aeronautics: Any act or matter that treats or deals with flight in ~~space~~—the airspace.

Airport: A publicly owned airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of Act 327 and includes all Airport Facilities at an airport. An airport is publicly owned if the portion used for the landing and taking off of aircraft is owned, operated, controlled, leased to, or leased by the United States or an agency or department of the United States, this state, a local government, or another public corporation. The Gerald R. Ford International Airport is an Airport located within the Township.

### **Section 3. Amendment to Chapter 18**

Section 18.13(5) is hereby amended to read, in its entirety, as follows:

5. The following apply to the AC zone and Overlay A in Chapter 14:

- a. Maximum Stories/Height: The maximum height in the Subzone 1AC District shall be limited to the maximum height permitted by the FAA. The maximum height in Subzone 2Overlay A shall be 45 feet.
- b. Minimum Lot Width: There shall be no minimum lot width in the Subzone 1AC District. The Subzone 2Overlay A area shall have a minimum lot width of 200 feet.

c. Setbacks: There shall be no minimum setback requirement ~~in Subzone 1, along the jurisdictional boundary between Cascade Township and the City of Grand Rapids as the boundary is located on the date of adoption.~~ The table on the following page setbacks shall apply to ~~Subzone 2, the AC District and Overlay A (in addition to any other setbacks required in Chapter 14).~~

<b>Setback Requirements for <del>AZ Zone: Subzone 2</del> AC District and Overlay A</b>	
<b>Front Road</b> Oostema Blvd or any other public or private street	35'
60th	43'
<u>Patterson</u>	<u>50'</u>
<del>Patterson and</del> Thornapple River <del>Drive</del> Dr	<u>50'100'</u>
<b>Side Yard</b>	25'
<b>Rear Yard</b>	50'
<b><u>Between Buildings</u></b>	<u>50'</u>

**Section 4. Amendment to Section 13.02a**

Section 13.02a of the Zoning Ordinance shall be amended to revise the last sentence as follows:

The TI District is designed specifically for ~~three~~two potential redevelopment areas within Cascade Township: north of 36<sup>th</sup> Street and west of I-96; and the Meadowbrook industrial area southwest of 52<sup>nd</sup> Street and Kraft Avenue; ~~and south of 48<sup>th</sup> street and west of M-6.~~

**Section 5. VALIDITY.**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 6. REPEALER.**

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

**Section 7. EFFECTIVE DATE.**

This Ordinance shall take effect seven (7) days after publication of a notice of adoption as provided by law.