

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

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

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

- ARTICLE 1. Call the meeting to order
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the Flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Disclose any Conflict of Interest**
- ARTICLE 5. Approve the Minutes of the January 17, 2022 Meeting**
- ARTICLE 6. Acknowledge visitors and those wishing to speak.
(Comments are limited to five minutes per speaker)**
- ARTICLE 7. Case #21-3681/Patterson Ice Center, LLC
Property Address: 2550 Patterson Ave
Requested Action: Consider recommendation to Township Board for P.U.D
Ordinance Amendment**
- ARTICLE 8. Closed Session - Pursuant to MCL 15.268 (h) - To consider material exempt from
discussion or disclosure by state or federal statute.**
- ARTICLE 9. Old Business**
- Planning Commission Bylaws Discussion
- ARTICLE 10. Any Other Business**
- ARTICLE 11. Acknowledge visitors and those wishing to speak.
(Comments are limited to five minutes per speaker)**
- ARTICLE 12. Adjournment**

Meeting format

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

Minutes
Cascade Charter Township
Planning Commission
Monday January 17, 2022
7:00 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chairman Noordyke called the meeting to order at 7:00 P.M.
Members Present: Noordhoek, Moxley, Deering, Rissi, Rapin, Noordyke, Korstange, and Rowland
Members Absent: None
Others Present: Interim Planning Director Brian Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Noordhoek to add a second article of public comment to take place between the 'Any Other Business' article and 'Adjournment' article of the agenda, from this meeting, going forward through all future meetings. Supported by Member Korstange. Motion carried 8 to 0.

Chair Noordyke acknowledged the resignation of Craig Meurlin, since the last meeting, and thanked him for his time on the Planning Commission.

Motion was made by Member Rissi to approve the current Agenda with the addition of the second public comment article. Supported by Member Rapin. Motion carried 8 to 0.

ARTICLE 4. Disclose any Conflicts of Interest

There weren't any conflicts of interest disclosed.

ARTICLE 5. Approve the Minutes of the January 3, 2022 Meeting

Motion was made by Member Rissi to approve the January 3, 2022 meeting minutes as written. Supported by Member Moxley. Motion carried 8 to 0.

ARTICLE 6. Acknowledge visitors and those wishing to speak on non-agenda items.

Craig Meurlin-6333 Thornhills Dr: Meurlin Did not believe the Planning Department report's attendance section painted an accurate picture of member attendance throughout the year because it did not acknowledge when some members left or joined the commission mid-year. He also did not believe ZBA information should be included in the report as he does not believe the Planning Commission is part of the Community Development department, rather the Planning Commission helps the Community Development department and sets up cases for them to review. He believes the department vision is closer to where the commission wants to be now than they were a

year ago, but the Roundhill case shows that they have far to go. Finally, he believed that the PUD section at the end of the report needs more information as there isn't explanation included as to their status.

Chair Noordyke agreed with Meurlin on that the summary is less descriptive than he would like and that is something they will want to work on for next year.

ARTICLE 7. Case #21-3681/Patterson Ice Center, LLC

Property Address: 2550 Patterson Ave

Requested Action: Preliminary Plan Review for an amendment to the PUD Ordinance to lift a number of existing use and development restrictions.

Interim Planning Director Hilbrands presented the case. The applicant is requesting a Preliminary Plan Review for the amendment of 12 parts of the PUD that focus on increasing the allowed capacity of the project, removing restrictions on what kind of groups and teams can use the facilities, and allowing for the sale of alcohol.

The basic plan review was conducted at the November 15, 2021, meeting and the additional requested information was brought to this meeting. They included a table showing that the average number of parking spaces for local ice centers that have two sheets of ice is 364 while the applicant shows they currently have 391 spaces.

Interim Planning Director Hilbrands also included a report from Deputy Omar Dieppa showing that, of the 32 incidents tagged with the Patterson Ice Center's address in the last five years, most calls were for incidents like traffic stops or suspicious persons that just happened to occur on the Ice Center property. There have not been any complaints that involve the use of Ice Center that have been brought to the Sheriff's Department or to the Township.

Finally, the one change to this request since the November 15, 2021, meeting was to change the number of attendees required to be considered a Special Event. The ordinance currently states that an event with attendance exceeding 1,184 would be considered a Special Event and the applicant was previously requesting that number to be increased to 2,000 persons. Since the previous meeting, the applicant met with Building Inspectors and the Fire Marshall to determine the maximum occupancy of the facility which they set at 1,640 persons. The applicant has revised their request to consider an event involving over 1,640 people in the building as a Special Event.

If approved, staff will prepare the PUD Ordinance for Planning Commission review before the Planning Commission makes a recommendation to the Township Board. Staff recommends approval of the preliminary plan.

Chuck Hoyt-Nederveld on behalf of applicants: The majority of the requested amendments are in line with Patterson Ice Center's operations over the last 30 years. In the 1994 ordinance they did note that Staff recommended these restrictions but were open to an amendment in the future to allow things like semi-pro hockey or further uses. One of the major sticking points in 1994 seemed to come from Patterson Rd being

unable to handle the capacity it would require for some of the desired events. That was when Patterson was a small, two-lane road but it has since been expanded and can now support that capacity and intensity of use.

He said the only major change is the allowance of alcohol sales. These would be for adults only and served only by trained staff. They are not looking to make the Ice Center a party spot or nightclub, just to keep the profits from alcohol sales in house rather than sending patrons next door.

Member Moxley calculated that the ratio is approximately 1:4 people per vehicle for parking and asked what the alcohol license consisted of: just beer and wine or liquor as well. Hoyt said that he believed it was a full bar license that also included liquor.

Tom Mehney-General Manager of Patterson Ice Center: Mehney stated they would only use hard alcohol (liquor) at Special Events such as wedding receptions. He doesn't believe hard liquor and hockey go well together.

Member Rowland stated that the total seats available with a 1:4 person to car ratio would include 1564 seats, not the 1,640 they are requesting. He asked if alcohol sales would occur during high school games. Hoyt said that they would have to look at the rules, but they won't allow alcohol in the stands at high school games. Member Rowland asked if there would be a designated area that patrons can't take the alcohol out of, and Mehney replied in the affirmative.

Kevin Wood-Facilities Manager of Patterson Ice Center: Wood shared that other similar ice facilities that sell beer and wine don't let patrons bring it into the arena, but they can buy it at the concessions stand and drink it before going into the arena.

Member Rissi asked where the 1,640 capacity came from and Hoyt said it was from the code section that the Building Inspector and Fire Marshall wanted used, based on the square footage and number of seats housed in the arena. Member Rissi clarified that there hadn't been any current complaints about parking problems and that they were only increasing the capacity so that it matched the numbers they had already been supporting. Mehney said that their biggest games were the high school ones, and they aren't bringing in anywhere near 1,600. Member Korstange said that there is sometimes an issue with parking at busy high school games but Wood and Mehney attributed that to scheduling big games back-to-back and people coming in for the next game before the first has left. They said they are working on leaving a larger time gap between those type of games in the future to mitigate this problem; these big rivalry games only consist of approximately 3% of their games. Member Rapin asked if they had talked to any neighbors about shared parking and Mehney stated that he spoke with one of their neighboring businesses since the last meeting and they have around 50 parking spaces they are willing to share.

Member Deering clarified that, in the Nederveld information, it defines a Special Event as over 2,000 persons and that conflicts with staff comment number 6 with the change of request to the 1,640 persons. Hoyt stated that this is one of the spots that they were amending to 1,640 since the meeting with the Fire Marshall and Building Inspector.

Member Rowland asked if the comparable arenas in the area that have alcohol licenses have just beer and wine or if they have full liquor. Wood stated that the arena north of town has just beer and wine and the one down in Kalamazoo has full liquor, and they serve out of their concession stand at all times.

Member Rowland asked if alcohol would be sold at college games. Mehney said that it is not allowed in the stands at college games, but they would sell it for consumption outside the stands. Member Deering asked about youth hockey and Wood said that if you go to any youth game in the state at an arena that serves beer and wine, they will have it in the stands. Wood shared that he is Secretary of the Michigan Amateur Hockey Association, and they don't get any reports of problems with people drinking in the stands.

Hoyt pointed out a viewing area, outside of the stands, where people could walk around or sit and watch both games. Member Noordhoek asked if there were tables or chairs in the viewing lounge. Mehney explained that there are 10-12 tables that can each seat 6 as well as seats along the edge of the windows where they can sit and watch the games.

Motion was made by Member Rissi to move to public hearing. Supported by Member Rapin. Motion carried 8 to 0.

Bill Zoeller-4870 Burton St: Zoeller was concerned that the other statutes of the ordinance weren't followed in the past, so he was concerned that there won't be anything to keep alcohol from creeping into the stands at Patterson Ice Center.

Craig Meurlin-6333 Thornhills Dr: Meurlin asked if the alcoholic beverages were able to be sold at any time the facility is open, stating that they may be used all day long, so they could be, in essence, creating another bar in Cascade. Mehney said that the beer and wine would only be served when the concession stand is open which is when something is happening on the ice. Chair Noordyke asked if the applicant would be willing to agree to that stipulation as part of the PUD amendment and Mehney said they would. Mehney said that they have things going on almost all day on Saturdays and Sundays but, during the week, they don't start until 3:30pm. They have some people coming out for college practice and open skate during the day, but their concession stand doesn't open until 5:00pm Monday through Friday and at 8:00am on Saturday and Sunday.

Bill Zoeller-4870 Burton St: Zoeller shared his concern that college students would want to have the viewing lounge open for drinking after practice and there wasn't anyone checking to make sure that wasn't happening. Chair Noordyke said that is handled by the Liquor Control Board and that board would hold them to their posted times. Members Korstange and Deering stated that, from their experience, no one is sticking around after the hockey games at any of the arenas they've frequented.

Motion was made by Member Rissi to end public hearing. Supported by Member Moxley. Motion carried 8 to 0.

Member Rissi said that these amendments were something he could get behind because it lets the facility gain more income and sustain itself. The part he finds difficult is that there is some distrust in that the PUD wasn't being followed for years and he doesn't want this type of change to be the standard. Member Deering agreed with Member Rissi and said she totally supports what they're asking for, but she also has the same concern about being attentive to the PUD and setting standards. Member Rapin also agreed with Member Rissi and said that these haven't been changes made over the last few years but most likely over the last 20 years and there have been quite a few changes in both Ice Center managers and township staff.

Member Noordhoek says he's open to the addition of other teams that can use the rink because that was specifically mentioned in the original PUD, he can agree with the 1,640 because the Fire Marshall and Building Inspector have approved that, but his concern is with the liquor. He can get behind the beer and wine, but he thinks liquor should still require a special use permit, though he is okay with lowering the capacity required to be considered a Special Event.

Mehney stated that there were five General Managers of the Ice Center within the first four years of it's opening. Mehney took over as General Manager about 15 years ago and he wasn't aware there even was a PUD, let alone that he was breaking its rules. He and the Facilities Manager only found out about the PUD when they hired a lawyer to look into getting a beer and wine license.

Member Korstange asked how the Ice Center monitors how many people are coming into games, especially big games. Mehney said that they don't generally count but they can; they wouldn't have a problem starting to. He also said that they would be willing to put in writing that they will only use the liquor for Special Events. Wood explained a NACHA championship hockey event that they had to keep track of how many people were there, due to how big of an event it was, and they used wristbands to keep track. He said being able to sell beer and wine will allow them to bring in some tournaments that they currently can't.

Member Rissi asked Interim Planning Director Hilbrands if there was anywhere in the PUD that said alcohol was only permitted in specific areas of the facility. Interim Planning Director Hilbrands said that their current proposed amendment is only striking the portion of the text in the PUD that says, "alcohol sales are prohibited" so this is the time to specify if the commission wants anything to that effect added; the wording would also need to be changed if the trigger for a Special Event is based on something other than attendance.

Members Rowland and Rapin were also concerned about the 1,640 parking spaces not being equivalent to the 1:4 space to capacity ratio and the neighbor's volunteered lot of 50 spaces only brings the supported capacity up to 1,614 persons.

There was much discussion around how to determine what events could be considered Special Events for the purpose of allowing the sale of liquor.

Motion was made by Member Rissi to approve the preliminary plan amendment to the PUD following staff recommendations with added language that specifies that alcoholic beverages cannot be served in the lobby or, for high school and college games, in the arena. Events where they wish to serve liquor must be approved by the township board and this manner can be revisited in two years if Patterson Ice Center would like to revisit the rule, at that time. Supported by Member Korstange. Motion carried 8 to 0.

ARTICLE 8. Case #21-3688/Chick-fil-A

Property Address: 5528 28th St

Requested Action: The applicant is requesting site plan review for a new 4,997 sq ft restaurant.

Interim Planning Director Hilbrands presented the case. The applicant is requesting site plan approval to construct a 4,997 sq ft Chick-fil-A restaurant at the site of the previous Macaroni Grill on a Meijer out lot on 28th St. The site plan was originally approved in 2018 as part of a PUD amendment but, since it has been longer than one year since the plans have been approved, the site plan approval has expired. The applicant never recorded the PUD amendment when it was approved in 2019, so the applicant will need to do this before a building permit can be issued. The new site plan is very similar to the 2019 site plan with a few changes including reconfiguration of parking spaces (without altering the number of parking spaces), drive-through lane expanding to two lanes in the southeast corner, and increased drive through stacking capacity.

Currently, the detached canopy to be located on the south side of the site extends into a Consumers Power Co. easement so, it must either be moved, or the applicant will need to provide evidence that Consumers Energy has released the easement before a building permit can be issued. The building is also currently approved in the PUD ordinance to be 4,988 sq ft and the applicant is requesting a 4,997 sq ft building due to the standard restaurant model changing. This is a small enough difference (9 sq ft) that it could even be attributed to a rounding error but, since the exact square footage is listed in the PUD, the Planning Commission will have to determine if they see that as an issue. If they do, the applicant will either need to go through a full PUD amendment to change the PUD ordinance, or reduce the size of the building so that it does not exceed 4,988 sq ft.

A comprehensive landscaping plan was included but there were three tree species that are on the uncredited species list in the zoning ordinance so the applicant will need to revise the plan to not include these three species. They will need to provide a \$9,000 landscaping bond. They submitted a current photometric plan on the day of the meeting, and it complies with Township regulations.

Staff is recommending Site Plan Approval with the following seven conditions. (There were eight, but the photometric plan was submitted between the creation of the Planning Commission meeting packet and the Planning Commission Meeting.):

1. The applicant complies with the Township Engineer letter dated January 10, 2022, and all necessary permits are obtained before construction begins.
2. Record the stormwater maintenance agreement.
3. Record the PUD ordinance amendment that was approved in 2019.
4. Provide evidence that Consumers Energy has released the easement or revise the site plan to move the detached canopy so that it is no longer located within the easement.
5. Receive approval and a permit from the Kent County Drain Commissioner.
6. Submit a revised landscape plan that meets Township regulations.
7. Submit a landscape bond in the amount of \$9,000.

Member Rissi asked if the PUD could have the square footage changed in the amendment to allow for 4,997 sq ft since the amendment wasn't ever filed in 2019. Interim Planning Director Hilbrands said that the PUD amendment was approved by both the Planning Commission and Township Board and was published, so it has already gone into effect. The final step is recording the document and they would have to restart the PUD amendment process to change the size constraint.

Member Noordhoek was concerned that the number of curb cuts in the PUD is too low in relation to the amount of traffic the Chick-Fil-A will generate. Members Korstange, Moxley, and Rissi didn't believe that adding additional curb cuts was feasible due to the layout of the streets and surrounding businesses. Chair Noordyke asked if the Planning Commission could request the Road Commission review the site plan to make sure there are an adequate number of curb cuts for the projected traffic quantity.

Leslie Accardo-Chick-Fil-A Engineer: The parking lot has been redesigned into a looping pattern since the last site plan in order to accommodate excessive stacking, so they don't spill into the road.

Member Rissi shared that he was torn because he has no problem at all with the additional 9 sq ft but it isn't right to approve something the PUD says can't exist. Accardo said that, if they were required to go through the full PUD amendment process, they wouldn't be able to open at the beginning of 2023, like they planned, it would instead get pushed to the end of 2023. She said that it's difficult to just make the building 9 sq ft smaller due to everything in their kitchens being designed to fit their standard building; the reason the sq ft changed is because they were originally going to include a play structure but have since reconfigured that.

Member Deering asked who will be checking to make sure all the recommendations are fulfilled before building begins and Interim Planning Director Hilbrands said that he would be the one verifying everything is complete and signing off on it.

Motion was made by Member Rissi to approve the Site Plan Review following Staff recommendations. Supported by Member Rapin. Motion carried 8 to 0.

ARTICLE 9. 2021 Planning Department Annual Report

Interim Planning Director Hilbrands included the Planning Department's annual report in the packet so that the Commission could see what went on throughout the year, how many cases have come to the Planning Commission and Zoning Board, what has been completed, and administrative items. This year showed an increase in activity over the last two years.

Member Korstange asked that the timeframes members served on the commission be noted with the attendance chart as it looks like some members didn't attend many meetings when what really happened was, they left the commission or joined it mid-year. Member Rissi agreed and suggested adding a paragraph or notes of when the members served. He also noted that it looks much more variable this year than in normal years as there aren't generally so many members that leave the commission mid-year.

ARTICLE 10. Old Business

There was not any old business to discuss.

ARTICLE 11. Any Other Business

Email Address Update: Chair Noordyke shared that Manager Swayze identified extra email addresses for Planning Commission members to use until the township switches over to the new server. There will be more information to come on this.

Trustee Communication from Planning Commission: Chair Noordyke clarified that any communication that comes from the Planning Commission needs to reflect who has approved and who is sending the documents. For example, clarifying if a document is coming from an individual member, a subcommittee, or the entire Planning Commission.

If any documents are talked about in the meeting but aren't in the packet, the Planning Commission would like the document to be added to the published minutes.

Roundhill Committee Meeting Minutes: Member Rissi brought up the minutes from the Roundhill Committee that are not currently available on the website. He said they are missing the September 13, 2021, September 20, 2021, and December 10, 2021, meeting minutes. He said that he could come up with minutes from the September 20 and December 10 meetings, but he thought previous Member Craig Meurlin may have notes from the September 13 meeting. He said he had notes from Member Moxley for the December 10 meeting but asked, if all three sets of minutes are submitted to the website as drafts, would they have to hold another Roundhill Committee meeting to approve the minutes, creating a cycle of minutes that can't be approved. Chair Noordyke and Member Korstange clarified that the Planning Commission can accept the minutes (but not approve them as the full commission wasn't there) to be placed on the township website. The members of the previous Roundhill subcommittee will write up minutes to be submitted to the Planning Commission for acceptance at a future meeting.

Chair Noordyke pointed out that the Roundhill subcommittee has completed its first step and he will be meeting with Manager Swayze and Interim Planning Director Hilbrands to talk through next steps. He will also be forming a new Roundhill subcommittee for the next phase; members who are interested in being on this new subcommittee should contact him. They are looking for four members for the subcommittee. Member Korstange confirmed that the meetings are generally during the day and Chair Noordyke stated that meetings are whenever the subcommittee members agree to have them. They have a bit of flexibility because he believes meetings can be shared via Zoom and still comply with the Open Meetings Act because it is a subcommittee, not a full board meeting; Interim Planning Director Hilbrands agreed to verify this.

Zoning Maps: Interim Planning Director Hilbrands indicated that the maps have been ordered and Cascade Printing is sending over a test case to make sure their product fits what the Planning Commission is looking for.

Strategic Planning Committee Joint Meeting: Interim Planning Director Hilbrands was told by Manager Swayze that the Strategic Planning consultant wants to have a workshop with the Planning Commission that they were hoping to take place at the March 7, 2022, Planning Commission meeting. The members agreed that if there is a busy agenda that night, they will hold the workshop before the meeting, at 6:00pm, but if there wasn't much on the agenda, they would hold the workshop during the meeting.

APA Classes: Interim Planning Director Hilbrands said that he received a pamphlet from the Michigan Association of Planning on classes they offer to elected and appointed officials. He said that there is money in the township budget if members would like to attend these classes and he will send out the pamphlet after the meeting.

Chair Noordyke and Member Rapin strongly encouraged members to take this opportunity as the classes they had attended were very helpful.

ARTICLE 12. Acknowledge visitors and those wishing to speak.

Craig Meurlin-6333 Thornhills Dr: Meurlin pointed out that he kept hearing 'prior to construction' mentioned when talking about Chick-Fil-A and construction is never defined; this is one of the underlying causes for the difficulties in the Roundhill case. There also needs to be a time limit on the landscaping bond as that caused the difficulties with the retaining wall in relation to the Roundhill case. Secondly, he believes it should be defined as to who has the responsibility to make sure developments are built according to their ordinances. Thirdly, regarding the Roundhill report, it was a preliminary report when it was submitted to the Planning Commission and 'got all jumbled up' when Supervisor Lesperance wanted it quickly brought to the Township Board. He said he will have to look at the minutes, but the report was created, the Roundhill Subcommittee met, changed some things, softened some of the language, and the Roundhill Subcommittee unanimously approved the November 8th report. Neither Member Rissi nor Member Noordhoek remember the Roundhill subcommittee approving the report. Meurlin said that, whether Trustee Noordhoek put

the letter into the record or not, he would have put it into the record as the recommendations that came from the Planning Commission lack context, even though members Rissi and Moxley did a great job trying to give examples at the Township Board Meeting. He believes that one must “read the report entirely to get a sense of the failure of the township government on that project. It was horrendous, actually.” He stated that he believed the failure was at least in part intentional as so many things that the lawyers worked out at the beginning of the project were forgotten even though they were such impactful changes.

Thank You: Chair Noordyke thanked Staff for their time and willingness to stay late for these meetings.

ARTICLE 13. Adjournment

Motion was made by Member Rissi to adjourn. Supported by Member Rapin. Motion carried 8 to 0. The meeting was adjourned at 8:46 p.m.

Respectfully submitted,
Diedre Deering, Secretary

MEMORANDUM

To: Cascade Charter Township Planning Commission
From: Brian Hilbrands, Interim Planning Director
Subject: 21-3681/Patterson Ice Center
Meeting Date: February 7, 2022

After holding a public hearing at the meeting on January 17, 2022, the Planning Commission awarded preliminary approval of the proposed amendments 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 January 17 meeting. I believe that the ordinance amendments accurately reflect your decision from the January 17 meeting. If you agree you should forward a positive recommendation to the Township Board for approval of the PUD amendment and site plan.

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

Attachments: Proposed PUD Ordinance Amendments
Current PUD Ordinance Patterson Ice Center #10 of 1994
Applicant Narrative

CASCADE CHARTER TOWNSHIP
Ordinance #_ of 2022
AN ORDINANCE TO AMEND ORDINANCE #10 OF 1994, THE
PATTERSON ICE CENTER
PLANNED UNIT DEVELOPMENT PROJECT

CASCADE CHARTER TOWNSHIP ORDAINS:

Section 1. Amendment to the Patterson Ice Center PUD Ordinance

Section IV. Development Restrictions.

This section shall be amended to read as follows:

The Project shall be limited to a building occupancy of 1,640 persons. Any event with an attendance exceeding 1,640 persons shall be considered a "Special Event". Should the Project choose to host a "Special Event", permission from the Cascade Charter Township Board and the Fire Marshall shall be required. A request for a "Special Event" shall be done in writing and shall be submitted to the office of the Township clerk at least forty-five (45) days prior to the anticipated event. The written request shall include a brief description of the event, the anticipated number of persons attending the event, the anticipated seating arrangement and a map of locations where spill over parking will occur. Should parking be required off site from the Project, written verification shall be provided from the affected property owners stating that permission to use their property has been granted. Any approval from the Township for a "Special Event" can contain reasonable conditions.

Section VII. Permitted Uses.

This section shall be amended to read as follows:

The permitted uses for the Patterson Avenue Ice Center PUD are as follows:

The Project shall be limited to use as a recreation ice center. The ice arena may have a maximum of two (2) ice surfaces. The dimensions of the ice surfaces shall not exceed the interior main floor plan approved by the Planning Commission.

The Project shall be limited to the following uses by right:

1. All forms of public / private ice skating or in-line skating activities, including games, lessons, coaching and other forms of instruction, but excluding those uses listed in Section VIII below.
2. Volleyball, tennis, and soccer games and practices.
3. School and youth group games and practices as needed.

4. Professional / Semi-Professional hockey games and practices as needed.
5. Collegiate hockey club or intramural team games and practices as needed.
6. Food and Drink Concession ancillary to the recreational ice center.
7. Equipment sales and rentals related to the uses permitted above.

Section VIII. Use Restrictions.

This section shall be amended to read as follows:

The following uses are prohibited in the Project:

1. Auctions, Automotive Exhibitions, Close-out Sales, Concerts, Conventions, Flea Markets, Motorized Vehicle Racing, Trade Exhibitions, Trade Shows, or Wholesale Warehouse Sales.
2. Professional, Semi-professional volleyball, tennis and soccer games, practices or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.
3. Collegiate volleyball, tennis and soccer games or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.
4. Outdoor Sales and Events, unless approved by the Township Board as a "Special Event" (see Section VI., above).

Additional Use Restrictions

5. The sale or consumption of alcoholic beverages shall have the following restrictions:
 - a. Alcoholic beverages cannot be consumed in the lobby area.
 - b. Alcoholic beverages cannot be consumed in the rink areas during high school or college games.
 - c. Any event that involves serving liquor requires prior approval from the Township Board in the form of a request for a "Special Event". This provision may be revisited after two years if the property owner would like to revisit it at that time.
6. The Project shall be open for public admission as follows:
 - a. Sunday – 6:00 am to 11:00 pm
 - b. Monday through Saturday – 6:00 am – 12:00 midnight.

No permitted use may begin after 11:00 pm on Sunday and 12:00 midnight on all other days. All patrons of the Project shall leave the premises no later than one (1) hour after the closing of public admission.

7. No audio speakers or other sound amplification equipment shall be located, placed or installed outside of the ice center building.

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 1994, 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 ___th day of _____ 2022.

Sue Slater
Cascade Charter Township Clerk

PUD Ordinance - Patterson Ice Center #10 of 1994

CASCADE CHARTER TOWNSHIP

Ordinance 10 of 1994

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE PATTERSON AVENUE ICE CENTER PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township Ordains:

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

The application received from Continental Development Company or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the Patterson Avenue Ice Center Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on March 10, 1994. The Project is recommended for rezoning from R-1, Residential to PUD, Planned Unit Development permitting the development of a recreational ice center and its ancillary uses. 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 March 23, 1994.

Section II. Legal Description.

The legal description of the Project is as follows:

Parcel A:

That part of the SW fractional $\frac{1}{4}$, Section 7, T6N, R10W, Cascade Township, Kent County, Michigan, commencing 1715 feet North of the SW corner of Section; thence East parallel with the South Section line 640 feet; thence North 524 feet more or less to the centerline of County Drain; thence Southwesterly along said centerline to the West Section line; thence South 293.6 feet to beginning.

Parcel B:

Part of the southwest fractional $\frac{1}{4}$, commencing 1715 feet North of the Southwest corner of the Section, thence East parallel with the South Section line 640 feet, thence South 340 feet to the North line of the South 80 acres of the Southwest fractional quarter, thence West along the North line of said 80 acres, 640 feet to the West Section line, thence North 340 feet to the place of beginning, Section 7, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan.

Total Acres A + B = 11.0 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 11.0 acres of land that is currently being used and occupied by two (2) single family residential homes and their ancillary uses. The purpose of the PUD designation is to allow for the development of an ice center for amateur use (except as otherwise expressly provided herein), that will provide recreational and organized ice sport opportunities to Cascade Township and the greater Grand Rapids metropolitan area.

Section V. Approval Limitations.

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.

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 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.

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 Restrictions.

No occupancy or use of the Project shall occur until and unless Patterson Avenue is widened to at least four (4) lanes from the Project's driveway entrance all the way south to Starr Avenue.

High school hockey games shall be limited to evenings on Friday and Saturday only, with no games commencing after 9:00 pm. This restriction shall be removed when Patterson Avenue is widened to at least four lanes from the Project all the way north to Burton Street.

The Project shall be limited to a building occupancy of 1,184 persons. Any event with an attendance exceeding 1,184 persons shall be considered a "Special Event". Should the Project choose to host a "Special Event", permission from the Cascade Charter Township Board and the Fire Marshall shall be required. A request for a "Special Event" shall be done in writing and shall be submitted to the office of the Township clerk at least forty-five (45) days prior to the anticipated event. The written request shall include a brief description of the event, the anticipated number of persons attending the event, the anticipated seating arrangement and a map of locations where spill over parking will occur. Should parking be required off site from the Project, written verification shall be provided from the affected property owners stating that permission to use their property has been granted. Any approval from the Township for a "Special Event" can contain reasonable conditions.

Section VII. Permitted Uses

The permitted uses for the Patterson Avenue Ice Center PUD are as follows:

The Project shall be limited to use as a recreation ice center. The ice arena may have a maximum of two (2) ice surfaces. The dimensions of the ice surfaces shall not exceed the interior main floor plan approved by the Planning Commission.

The Project shall be limited to the following uses by right:

1. All forms of public / private ice skating or in-line skating activities, including games, lessons, coaching and other forms of instruction, but excluding those uses listed in Section VIII below.
2. Volleyball, tennis, and soccer games and practices.
3. School and youth group practices as needed and as a result of foul or unreasonable weather.
4. Professional / Semi-Professional hockey practices, limited to the operating hours before 1:00 pm.
5. Collegiate hockey clubs or intramural teams, limited to local colleges within the Grand Rapids metropolitan area.
6. Food and Drink Concession ancillary to the recreational ice center.
7. Equipment sales and rentals related to the uses permitted above.

Section VIII. Use Restrictions.

The following uses are prohibited in the Project:

1. Auctions, Automotive Exhibitions, Close-out Sales, Concerts, Conventions, Flea Markets, Motorized Vehicle Racing, Trade Exhibitions, Trade Shows, or Wholesale Warehouse Sales.

2. Uses determined by the Planning Director as being substantially similar to the uses prohibited above.
3. Professional, Semi-professional hockey games or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.
4. Professional, Semi-professional volleyball, tennis and soccer games, practices or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.
5. Professional or semi-professional pageants or ice shows (e.g., Ice Capades, Holiday on Ice or other similar events).
6. Collegiate hockey games or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.

The Project shall be limited to the following uses by right:

7. All forms of public / private ice skating or in-line skating activities, including games, lessons, coaching and other forms of instruction, but excluding those uses listed in Section VIII below.
8. Volleyball, tennis and soccer games and practices.
9. School and youth group practices as needed and as a result of foul or unseasonable weather.
10. Professional / Semi-professional hockey practices, limited to the operating hours before 1:00 pm.
11. Collegiate hockey clubs or intramural teams, limited to local colleges within the Grand Rapids metropolitan area.
12. Food and Drink Concession ancillary to the recreational ice center.
13. Equipment sales and rentals related to the uses permitted above.

Section VIII. Use Restrictions

The following uses are prohibited in the Project:

1. Auctions, Automotive Exhibitions, Close-out Sales, Concerts, Conventions, Flea Markets, Motorized Vehicle Racing, Trade Exhibitions, Trade Shows, or Wholesale Warehouse Sales.
2. Uses determined by the Planning Director as being substantially similar to the uses prohibited above.

3. Professional, Semi-professional hockey games, practices or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.

4. Professional, Semi-professional volleyball, tennis and soccer games, practices or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.

5. Professional or semi-professional pageants or ice shows (e.g., Ice Capades, Holiday on Ice or other similar events).

6. Collegiate hockey games or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.

7. Collegiate volleyball, tennis and soccer games or game exhibitions. Exhibitions does not include instructional demonstrations or seminars.

8. Outdoor Sales and Events, unless approved by the Township Board as a "Special Event" (see Section VI.C, above).

Additional Use Restrictions

9. The sale or consumption of alcoholic beverages shall be prohibited within the Project.

10. The Project shall be open for public admission as follows:

a. Sunday – 6:00 am to 11:00 pm

b. Monday through Saturday – 6:00 am – 12:00 midnight.

No permitted use may begin after 11:00 pm on Sunday and 12:00 midnight on all other days. All patrons of the Project shall leave the premises no later than one (1) hour after the closing of public admission.

11. Security guards shall be provided at all high school hockey games and at any other time the attendance is expected to exceed 500 or more persons. Security shall be at the expense of the developer and shall be provided until one (1) hour after the last hockey game or until the closing of the ice center, whichever is the lesser time period.

12. No audio speakers or other sound amplification equipment shall be located, placed or installed outside of the ice center building.

Section IX. Design Guidelines, Requirements and Limitations

The Project shall be developed in accordance with the site plan approved by the Township Planning Commission. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance.

A. Site Development Standards:

1. Maximum Height – 35 feet or 2 stories whichever is the lesser.

2. Setback Requirements:

Front: 225 feet

Side: 25 feet

Rear: 50 feet

3. Maximum Building Size – 74,975 square feet.

4. Minimum Number of Parking Spaces – The Project shall provide a minimum of 396 on site parking spaces. In the event the Project shall increase in size additional parking shall be installed consistent with Section 19.21 of the Zoning Ordinance.

B. Signs:

1. One (1) monument style sign not to exceed 32 square feet of total sign face area. The sign shall not exceed five (5) feet in height and shall be setback 25 feet from the future right of way line of Patterson Avenue.

2. Directional signs and construction signs consistent with the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1994, as amended).

Landscaping Bufferyard Requirements:

13. The Project shall be required to install a "D" type landscape bufferyard along the east and south property line of the development and a "G" type landscape bufferyard along the west and north property line of the development, in accordance with Chapter 20 of the Cascade Charter Township Zoning Ordinance. Installation of the bufferyard shall be in accordance with the Landscape Plan approved by the Cascade Charter Township Planning Department.

14. Internal landscaping for the Project's parking lots shall be consistent with the requirements set forth in section 20.09 of the Zoning Ordinance.

15. Landscaping shall be installed within ninety (90) days of completion of the Project, unless otherwise permitted in writing by the Planning Director at a later date.

16. Landscaping materials shall be consistent with Section 20.05 of the Zoning Ordinance.

17. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead

plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

Section 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 improvement.

Section XI. Utilities

The Project shall be served with public water and public sewer at the developer's expense. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plans for Cascade Township.

The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. In the event the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XII. Miscellaneous Development 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 site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

The Township Planning Department shall receive copies of all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal.

The Township Planning Department shall receive copies of all correspondence and permits from the Michigan Department of Natural Resources regarding wetlands and wetland mitigation on the Project site.

The Developer shall submit sufficient and reasonable financial and marketing information to the Township Attorney to determine the developer's financial capabilities to fully develop and market the Project. All financial and marketing materials considered private in nature or proprietary shall be confidential between the attorney and the developer.

The Developer has agreed to guarantee the current value of all properties located in the Crickside Plat. This guarantee will be in the form of an irrevocable letter of credit or other similar form of financial guarantee from the developer to the affected property owners of land within the Crickside Plat. The irrevocable letter of credit or other type of financial guarantee hereunder shall be in the amount of \$100,000 and shall be in a form approved by the Township Planning Director and Township Attorney. Current value is considered two (2) times the

1994 SEV plus 12 percent (see attached "Exhibit – A"). It is agreed the developer will pay the difference between the property's current value and the selling price. The guarantee presumes that any sale would be a bona fide sale to an unrelated third party and considered an "arms length" transaction. It also presumes the affected property owner will continue normal repair and maintenance of the property in a manner that will not cause a decrease in the current value. This property value guarantee has been suggested by and agreed to by the developer and will remain in effect for five (5) years after the approval of this PUD. If a property owner proposes to sell his or her property for less than the current value, the property owner shall notify the developer in writing of that fact and the listing price at least ten (10) days before so listing the property for sale such that the developer will have the same opportunity to purchase the property for said amount as any other prospective purchaser. Such notice shall also occur for all re-listings of the property below current value. If a property owner wishes to take advantage of this guarantee and the property owner has not sold his or her property within 4-1/2 years of the date of this approval, the property owner shall list the property for sale during the final six (6) months of the guarantee and shall actively and diligently pursue a sale during said six (6) month time period.

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 Director 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 Township 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 a recreational ice center will have on their physical well being and participate in activities offered at the facility.

In relation to the underlying zoning (R1, 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. Sewer and water service are readily available to the Project. Concerns about the capacity of the road have been alleviated by the Developer agreeing to contribute funds to the widening of Patterson Avenue. Storm water concerns have also been addressed by the Developer providing a storm water detention basin with capacity that meets or exceeds the requirements of the Kent County Drain Commissioner and Township Engineer.

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 by demonstrating that ice centers have been successfully located in residential areas in other communities without a loss in property values. It is also noted that the Patterson Avenue area is in a state of transition, where residential property use may no longer be viable due to the increased amounts of traffic bisecting the neighborhood. The proposed ice center would provide a reasonable transitional use between the industrially zoned properties to its south and east and the residentially zoned properties to the north and west. The proposed ice center also provides recreational benefits to the community, which the General Development Plan advocates.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties as the developer has agreed to guarantee the values of the residential properties in the Crick side Plat.

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. It is noted that a residential development could in fact require more impervious surfaces and few expanses of usable open space than the proposed Project.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that Continental Development or its assigns will retain ownership and shall be responsible for the completion of the Project in compliance with this PUD Ordinance and all other ordinances of Cascade Charter Township.

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 VanStrien, supported by Board Member Johnson. The roll call vote being as follows:

YEAS: Boonenberg, Carpenter, Henning, Johnson, Julien and VanStrien

NAYS: None

ABSTAIN: None

ABSENT: Hansen

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 23rd day of March, 1994.

Brenda J. Henning

Cascade Charter Township Clerk

(see Original PUD Ordinance for attached Exhibit "A".)

2550 Patterson SE

PUD AMENDMENT STATEMENT AND NARRATIVE Patterson Ice Center #10 of 1994 September 28, 2021

41-19-07-301-023

Nature of the project

Patterson Ice Center LLC, is the property owner of the building located at 2550 Patterson Ave SE located within Cascade Township. The subject property is zoned within the Planned Unit Development (PUD) Ordinance #10 of 1994, which was created for the purpose of developing a recreational ice center and ancillary uses. The property is 11 total acres and contains one 65,000sf building with two ice surfaces designed for hockey use. The ice center has been operated successfully under the provisions of the PUD ordinance for over 25 years, hosting countless hockey tournaments, games, clinics, and open skating. After over 25 years of business, Patterson Ice Center LLC has discovered that some operational needs have evolved from what they were in 1994 and hereby requests formal amendment to the PUD Ordinance as required within PUD Ordinance #10 of 1994.

The PUD Ordinance amendments are requested as follows:

Section VI. Development Restrictions

(A) *"No occupancy or use of the Project shall occur until and unless Patterson Avenue is widened to at least four (4) lanes from the Project's driveway entrance all the way south to Starr Avenue."*

Patterson Avenue has been widened to 4 lanes to Starr Avenue to the south and beyond. Request to remove this language from the Ordinance.

(B) *"High school hockey games shall be limited to evenings on Friday and Saturday only with no games commencing after 9:00 pm. This restriction shall be removed when Patterson Avenue is widened to at least four lanes from the Project all the way north to Burton Street."*

Patterson Avenue has been widened to 4 lanes to Burton Street. Request to remove this language from the Ordinance.



2550 Patterson SE

(C) "The Project shall be limited to a building occupancy of 1,184 persons. Any event with an attendance exceeding 1,184 persons shall be considered a "Special Event". Should the Project choose to host a "Special Event", permission from the Cascade Charter Township Board and the Fire Marshall shall be required. A request for a "Special Event" shall be done in writing and shall be submitted to the office of the Township clerk at least forty-five (45) days prior to the anticipated event. The written request shall include a brief description of the event, the anticipated number of persons attending the event, the anticipated seating arrangement and a map of locations where spill over parking will occur. Should parking be required off site from the Project, written verification shall be provided from the affected property owners stating that permission to use their property has been granted. Any approval from the Township for a "Special Event" can contain reasonable conditions."

The capacity of 1,184 persons is for the larger rink at the facility. There is a smaller rink which has a capacity of just over 800. The total maximum capacity, at times when two games are going at once, is 1,984. Request to amend the Ordinance language to consider a "Special Event" as one that involves over 2,000 persons within the building.

Section VII. Permitted Uses

(D) "School and youth group practices as needed and as a result of foul or unreasonable weather."

Request that "and as a result of foul or unreasonable weather" be removed.

(E) "Professional / Semi-Professional hockey practices, limited to the operating hours before 1:00 pm."

Request that the limitation of operating hours before 1:00 pm be removed.

(F) "Collegiate hockey clubs or intramural teams, limited to local colleges within the Grand Rapids metropolitan area."

Request to eliminate the limitation to local colleges within the Grand Rapids metropolitan area.

Section VIII. Use Restrictions

(G) Uses determined by the Planning Director as being substantially similar to the uses prohibited above

Request to remove this section of the Ordinance.

(H) "Professional, Semi-professional hockey games or game exhibitions. Exhibitions does not include instructional demonstrations or seminars."



2550 Patterson SE

Request to remove this section of the Ordinance. Applicant further requests that all references to "amateur use" be revised to "ice center use" allowing for professional or semi-professional use as necessary.

(1) *"Professional or semi-professional pageants or ice shows (e.g., Ice Capades, Holiday on Ice or other similar events)."*

Request to remove this section of the Ordinance. Alternately, applicant requests to allow figure skating competitions.

(2) *"Collegiate hockey games or game exhibitions. Exhibitions does not include instructional demonstrations or seminars."*

Request to remove this section of the Ordinance.

Section VIII. Use Restrictions

Note that some of this section is a repeat of the Use Restrictions listed in the above section, with the exception of added restrictions on collegiate sports and outdoor sales events. Request that these two sections be consolidated in amended PUD Ordinance.

(K) *The sale or consumption of alcoholic beverages shall be prohibited within the Project.*

Request to remove this section of the Ordinance. Patterson Ice Center has secured a Class C liquor license from the MLCC and intends to provide beer and wine within the establishment. Modifications to the existing concession stand have been made to accommodate draft beer service and bottles/cans will be available as well. Class C licenses allow for spirits to be provided, but initially only beer and wine are to be served. A temporary secondary concession area to accommodate larger events is anticipated.

(L) *"Security guards shall be provided at all high school hockey games and at any other time the attendance is expected to exceed 500 or more persons. Security shall be at the expense of the developer and shall be provided until one (1) hour after the last hockey game or until the closing of the ice center, whichever is the lesser time period."*

Request to remove this section of the Ordinance.



2550 Patterson SE

Patterson Ice Center, LLC has continuously fulfilled the Ordinance requirements since 1994. As described in the Site Development Standards, proper landscaping and appropriate signage were installed during site construction. The PUD has also demonstrated a recognizable benefit to the community, providing necessary recreation and hockey-specific competition in a location where those uses are highly desired. Patterson Ice Center continues to be compatible with the Cascade Township Master Plan and the spirit and intentions of the PUD. Approval of this amendment will ensure that Patterson Ice Center will be able to continue as a successful member of the Cascade community.

Attachments: PUD Ordinance #10 1994
PUD Amendment Application

CASCADE CHARTER TOWNSHIP PLANNING COMMISSION

BYLAWS

Adopted on _____, 2022

ARTICLE 1: AUTHORITY AND SCOPE

These bylaws are adopted by the Cascade Charter Township Planning Commission ("Planning Commission") pursuant to the Michigan Planning Enabling Act, 2008 Public Act 33 (MCL 125.3801 et seq.), as amended. In cases where these bylaws are in conflict with the Cascade Charter Township Zoning Ordinance, the Zoning Ordinance shall prevail.

ARTICLE 2: CREATION AND MEMBERSHIP

2.1 Creation. Pursuant to the Michigan Planning Enabling Act (Act 33 of the Public Acts of 2008, as amended) and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended), the Cascade Charter Township Board of Trustees confirmed the establishment of the Cascade Charter Township Planning Commission by resolution and ordinance with the powers and duties set forth in the Michigan Zoning Enabling Act.

2.2 Members. The Planning Commission shall consist of nine (9) members representing major interests present in the Township. Members shall be appointed by the Township Supervisor of Cascade Charter Township with the approval of the Township Board.

- a. All members must be residents and qualified electors of the Township.
- b. One (1) member of the Township Board must be appointed to the Planning Commission.
- c. One member of the Planning Commission must be appointed to the Township Zoning Board of Appeals. However, the person who is the

Planning Commission Member-Zoning Board of Appeals member may not vote on the same matter voted on as a Planning Commission member.

2.3 Chairperson, Vice Chairperson, and Secretary. At the first meeting in January, the Planning Commission must select a chairperson, vice chairperson, and secretary from among its members, and must create and fill other offices and committees as it considers advisable by a majority of the quorum present at the meeting. The term of each office is 1 year, with eligibility for re-election for no more than 2 consecutive terms. The Township Board member is not eligible to be selected as an officer.

- a. Chairperson. The Chairperson presides at the public meetings of the Planning Commission, appoints committees, subject to Planning Commission approval, and performs other duties as may be ordered by the Planning Commission.
- b. Vice Chairperson. The vice chairperson is authorized to serve as chairperson if the chairperson is absent. If there is a vacancy in the office of chairperson, the vice chairperson shall fill the vacancy for the unexpired term and the Planning Commission shall fill the vacancy in the office of the vice chairperson the remainder of the unexpired term.
- c. Secretary. The secretary (or authorized designate) must execute all documents in the name of the Planning Commission. The Planning Director shall serve as the recording secretary and is responsible for the minutes of each meeting and must provide for permanent keeping of all documents of the Planning Commission at the Township Hall. All communications, petitions, and reports addressed to the Planning Commission must be delivered or mailed to the secretary (or the secretary's authorized designate).

2.4 Compensation. Members of the Planning Commission shall be compensated for their services as provided by the Township Board.

ARTICLE 3: TERMS OF OFFICE; VACANCIES

3.1 Terms of Office. Except for members of the Planning Commission first appointed under MCL 125.3815, Planning Commission members shall be appointed to three-year terms and shall hold office until his or her successor is appointed (except for the member representing the Township Board, whose term shall expire with his or her term on the Township Board).

3.2 Vacancies. If a vacancy occurs on the Planning Commission during a term for reasons including, but not limited to death, disability, resignation or removal, or the Planning Commissioner is no longer a resident and registered elector, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.

3.3 Removal from Office. The Township Board may remove members from the Planning Commission for violating the Planning Commission Rules of Conduct, or for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. To initiate this action, the Planning Commission ~~may shall~~ make a recommendation for removal to the Township Board, and shall specify the reasons for removal.

ARTICLE 4: RESPONSIBILITIES AND AUTHORITY

4.1 Responsibilities. The Planning Commission must perform all of the actions required by law, the Township Zoning Ordinance (including but not limited to Chapter 23), and other applicable rules and regulations.

4.2 Requirements for Action. A majority of the Planning Commission shall constitute a quorum for the transaction of ordinary business and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission attending any meeting where a quorum is

present, unless Michigan law provides otherwise. If a decision of approval is not obtained or in the event that the vote results in a tie, then the matter being considered shall be deemed to have been denied.

4.3 Voting Procedure.

- a. Motions before the Planning Commission may be restated by the chairperson before a vote is taken. The name of the person making the motion and its supporter shall be recorded.
- b. Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest, as noted in Section 23.03(5)(b) of the Zoning Ordinance and these Bylaws.
- c. Action by the Planning Commission on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Planning Commission.
- d. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

4.4 Conflict of Interest. A conflict of interest is described in the Planning Commission Rules of Conduct exhibit.

ARTICLE 5: MEETINGS

5.1 Meeting Schedule.

- a. Regular Meetings. Regular meetings of the Planning Commission shall be held on the first and third Mondays of each month at a time and place as determined by the Recording Secretary unless cancelled or rescheduled by the Planning

Commission. When the regular meeting day falls on a legal holiday, the Planning Commission may select a suitable alternate day in accordance with the Michigan Open Meetings Act. At the Planning Commission's first meeting in December, the Recording Secretary shall submit to the Planning Commission a proposed meeting schedule for the upcoming year. At this meeting, the schedule shall be approved as submitted or amended to reflect the changes directed by the Planning Commission.

b. Special Meetings. A special meeting of the Planning Commission may be requested by any Planning Commissioner or the Recording Secretary. The Recording Secretary shall send written notice personally, by mail (if time is sufficient), or any other electronic means, including facsimile, text or email, of a special meeting to Planning Commission members not less than 18 hours before the meeting.

5.2 Meetings. Planning Commission meetings, subcommittee meetings, and hearings will be held in compliance with the Open Meetings Act.

5.3 Notice of Meetings. Notice of all public meetings must be posted pursuant to the Open Meetings Act.

5.4 Agenda. A written agenda outlining the order of business for all regular or special meetings may be developed by the Planning Director then amended and approved by the Planning Commission Chairperson. The agenda may be supplemented or re-ordered by the Planning Commission during a meeting, provided the same does not violate any applicable law.

5.5 Public Participation. A member of the public may speak at public meetings or the public hearing part of a meeting of the Planning Commission in accordance with procedures adopted by the Planning Commission. The following procedures apply:

- a. Time for public comment must be provided at each Planning Commission meeting. Additional time for public comment may be scheduled at the end of any meeting, if necessary, in the discretion of the Planning Commission.
- b. Individuals wishing to speak are requested to provide the person's name and address.
- c. Persons must be recognized by the Chairperson before speaking and may be limited by the rules of the Planning Commission.
- d. No person may speak more than once during public comment (excluding any comments made at a public hearing).
- e. Persons addressing the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the meeting.
- f. Public comments shall be directed to the Chairperson.
- g. The Planning Commission reserves the right in its sole discretion to make inquiries, correct factual errors, respond to questions in a timely manner, or provide any other information it deems appropriate. ~~Where appropriate, The Planning Commission will make a good faith effort to respond to questions in a timely manner, at its discretion.~~

ARTICLE 6: ATTENDANCE AND QUORUM

6.1 Quorum. A majority of the members of the Planning Commission appointed and serving constitute a quorum for purposes of transacting business of the Planning Commission and the Open Meetings Act. Each member of the Planning Commission has one vote.

6.2 Attendance. Members of the Planning Commission who are absent from more than three consecutive, regularly-scheduled Planning Commission meetings or more than 50% percent of the regularly-scheduled Planning Commission meetings in a calendar year are subject to review and possible recommendation for removal to the Township Board. Exceptions may be made if absences are due to

the conduct of other business as authorized by the Planning Commission or are excused by the Planning Commission. The following procedures must apply:

- a. A member of the Planning Commission must notify the Planning Commission Chairperson of an anticipated absence as far in advance of the meeting as possible, stating the reason for such absence.
- b. The Chairperson may postpone or reschedule a meeting in the event a quorum will not be present.

ARTICLE 7: RECORDS

7.1 Meeting Records. Minutes must be maintained for all Planning Commission proceedings, including evidence, information and data relevant to each case under consideration, resolutions, transactions, findings, voting by members, determinations, and final disposition of each case.

7.2 Maintenance of Records. Minutes of each Planning Commission meeting must be filed with the Township Clerk and must be available to the public. Minutes of closed sessions must be maintained separately and not disclosed to the public, except upon court order. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function must be made available to the public except where exempted by the Freedom of Information Act.

ARTICLE 8: COMMITTEES

8.1 Formation of Committees. The Planning Commission may establish committees to meet the needs and objectives of the Planning Commission and must specify the number of members, terms of appointment, functions, goals, and projected time periods for such committees. The Planning Commission may appoint advisory committees outside of its membership.

8.2 Public Notice. Notice of the formation of committees, their purpose, membership, and meeting schedule must be posted at the Cascade Charter

Township Hall. All meetings and meeting records must be open to the public as required by the Open Meetings Act or the Freedom of Information Act.

8.3 Accountability and Records. Committees must be accountable to the Planning Commission. Records must be maintained for all meetings. Reports and recommendations must be submitted to the Planning Commission in writing.

8.4 Discharge of a Committee. A committee may be discharged from its responsibilities by a majority vote of the Planning Commission.

ARTICLE 9: PERSONNEL

The Township Board, in consultation with the Planning Commission, may employ a zoning administrator, planning director or other personnel or consultants, contract for services of planning and other experts and technicians, provide support staff, and pay or authorize payment of expenses within the funds budgeted for planning or zoning purposes by the Township Board.

ARTICLE 10: EX PARTE COMMUNICATION

Ex Parte communication is described in the Planning Commission Rules of Conduct exhibit.

ARTICLE 11: REVIEW AND AMENDMENT OF BYLAWS

Rules and procedures adopted by the Planning Commission may be reviewed and amended from time to time. Amendments will require an affirmative vote of a majority of the Planning Commission appointed and serving.

STATE OF MICHIGAN)
)
COUNTY OF KENT)

I the undersigned, the duly qualified and acting Secretary of the Planning Commission of Cascade Charter Township, Kent County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the Bylaws adopted by the Planning Commission at a meeting held on the _____, 2022 at _____ p.m.

_____, Planning Commission Secretary

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