

**CASCADE CHARTER TOWNSHIP**

**Ordinance # 1 of 2004**

**Amended by Ordinance #6 of 2004**

**Amended by Ordinance #1 of 2009**

**Amended by Ordinance #5 of 2014**

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

**Cascade Charter Township Ordains:**

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

The application received from Green Castle Properties (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed East Imports Automotive Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on December 1, 2003. The Project is recommended to repeal the existing Zoom Automotive PUD and replace it with a new Planned Unit Development that will also permit new and used car sales and service. 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 January 14, 2004.

**Section II. Legal Description.** (amended by Ord #5 of 2014)

Part of the SE ¼ of Section 8, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan described as: Beginning at the S ¼ corner of said Section 8; thence N 00°43'11" W, 706.63 feet along the North and South ¼ line to the South line of Charlevoix Woods Court (66 wide private); thence 139.08 feet on a 233.00 foot radius curve to left, the long chord which bears N 64°24'45" E, 137.00 feet along said South line of Charlevoix Woods Court; thence continuing along said South line of Charlevoix Woods Court N 47°18'57" E, 196.63 feet; thence 28.52 feet on a 167.00 foot radius curve to the right, the long chord bears N 52°12'31" E, 28.48 feet; thence S 00°29'57" W, 918.76 feet to said South line of Section 8; thence N 89°32'03" W 273.75 feet along said South line of Section 8 to the POINT OF BEGINNING. This parcel contains 5.07 acres more or less. Subject to easements, restrictions and rights-of-way of record.

Subaru Site Legal Description – 6045 28<sup>th</sup> Street

That part of the SE 1/4, Section 8 T6N, R10W, Cascade Township, Kent County, Michigan described as: Commencing at the South 1/4 corner of said Section; thence N00°43'11"W 641.99 feet along the West line of said SE 1/4; thence S89°32'03"E 287.65 feet to the point of beginning; thence N00°29'57"E 276.90 feet; thence 95.90 feet along a 167.00 foot radius curve to the right the chord of which bears N73°32'51"E 94.59 feet; thence N90°00'00"E 101.02 feet; thence 57.59 feet along a 50.00 foot radius curve to the right the chord of which bears S57°00'05"E 54.46 feet; thence 60.40 feet along a 68.00 foot radius curve to the left the chord of which bears S49°26'56"E 58.43 feet (the previous four calls being along the South line of Charlevoix Woods Court); thence S05°24'08"W 239.23 feet along the West line of an easement as recorded in Liber 4383 Page 825 Kent County; thence N89°32'03"W 81.21 feet; thence S00°29'57"W 641.86 feet perpendicular to the centerline of 28th street; thence N89°32'03"W 180.50 feet along the South line of said SE 1/4 to a point which is S89°32'03"E 273.75 from said South 1/4 corner; thence N00°29'57"E 641.86 feet to the point of beginning. Subject to a right of way for 28th Street.

**Section III. General Provisions.**

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

**Section IV. Purpose.** (amended by Ord #5 of 2014)

The Project occupies approximately 9.7 acres of land. The Project is proposed to be expanded to allow for a new (Subaru) new and used automobile sales and related uses. 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 with the existing East Imports PUD (Porsche and Audi) new and used automobile dealership.

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. Permitted Uses.** (amended by Ord #5 of 2014 )

The permitted uses for the East Imports PUD include the following uses:

- 1. **New and Used Car sales.**
  - A. One (1) 34,600 square foot building. This building will be constructed as shown on the approved site plan dated 12/23/03 as drawn by Concept Design Group (the approved site plan).
  - B. One (1) 20,000 square foot building. This building will be constructed as shown on the approved site plan dated 1/2/14.

- C. One (1) 3,200 square foot single story detail building as shown on the approved site plan dated 1/2/14.
- This site will also be able to utilize the following uses associated with the new and used automobile sale business on site:
- Normal repair and servicing associated with automotive sales
  - Display of vehicles outside the building.
  - The display of vehicles for sale or lease inside and outside the building for periods in excess of 72 hrs.
  - Normal retail sales of parts as related to new and used automotive vehicle brands sold on-site.
  - Washing and detailing of vehicles both inside and outside the building.

**Section VII. Site Plans & Design Guidelines, Requirements and Limitations.**

The Project shall be developed in accordance with the site plans approved and signed by the Township. The site plan shall indicate where the building will be located and provide appropriate measurements demonstrating compliance with this ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting recognized, acceptable engineering standards and practices. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, other than those changes allowed to be review by staff as stated in Section 21.04 of the Zoning Ordinance or unless authorized otherwise herein.

- A. Maximum Building Height
1. Commercial retail building – 33 feet.

B. Parking (amended by Ord #5 of 2014)

1. A total of 446 parking spaces are provided. With at least an additional 60 spaces being deferred until needed for a total of 496 if all parking is constructed. A minimum of 50 spaces must be reserved for customer parking with the rest of the parking allowed to be used for display of vehicles for sale. No vehicles are allowed to be displayed anywhere on the site except for an approved parking space as shown on the approved site plan.

B. Building Setback Requirements

1. These measurements include the following minimum setbacks:
  - a. Minimum of 100 feet from the 28<sup>th</sup> Street right-of-way line.
  - b. Minimum of 50 feet from the proposed North boundary line.
  - c. Minimum of 25 feet on the sides. With the exception of the Subaru building (6045 28<sup>th</sup> St) may have a 10 foot setback as shown on the approved site plan.

D. Bufferyards

Parking setbacks shall be provided as indicated on the approved site plan.

**Section VIII. Landscaping** (amended by Ord #5 of 2014)

The project shall provide landscaping according to the approved landscape plans as drawn by Concept Design Group dated 1/02/14. The developer shall be required to deposit a Performance guarantee for landscaping in the amount of \$40,000 prior to obtaining a building permit.

**Section IX. Signs.** The following signs shall be permitted for the project: (As amended by Ord No 5 of 2014)

<u>Sign</u>	<u>Area (sf)</u>
DELTA IMPORTS (existing dealership at 6025 28 <sup>th</sup> St)	
Porsche Wall Logo	33
Audi Ring Logos	46
Audi Grand Rapids	83
<u>Delta Pylon Sign</u>	<u>48</u>
Total	210 sq ft

DELTA IMPORTS DIRECTIONAL

Porsche Service Sign	6
Audi Service	6
<u>Site Directional</u>	<u>8</u>
Total	20 sq ft

SUBARU (6045 28<sup>th</sup> St)

Oval Logo	16
Subaru Letter Sign	51
“FOX” Dealer Name	17
<u>Pylon Sign</u>	<u>90</u>
Total	174 Sq ft

SUBARU DIRECTIONAL

Subaru Service	10
<u>Site Directional</u>	<u>10</u>
Total	20 sq ft (can be multiple signs provided no more than 20 sq ft total)

1. The developer agrees to comply with all other provisions of the Cascade Charter Township Sign Ordinance as amended.

**SECTION X. Loudspeakers**

No outside loudspeaker shall be permitted with this project.

**Section XI. Land Splits**(As amended by Ord No 5 of 2014)

This project involves a portion of a larger parcel to the north; this parcel is currently identified as (6065 28<sup>th</sup> St. (41-19-08-451-037). Per the approval of the project this land division is already considered approved by Cascade Township provided it is completed as shown on the approved site plan.

This expanded project involves a land split and combination with two different properties to the north and east. The property to the north (6120 Charlevoix Woods Ct) will be split creating two parcels, the western piece will be combined with the Subaru parcel (6045 28<sup>th</sup> St). The eastern half will stand on its own.

In addition, the 6097 28<sup>th</sup> St will be split to create two parcels. The western half will be combined to the Subaru parcel and the eastern half will be combined to 6095 28<sup>th</sup> St

**Section XII. Temporary Buildings.**

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

**Section XII. Sidewalks**

The Developer shall have one of the two options for providing sidewalks along their 28<sup>th</sup> street frontage for this project:

1. Enter into a construction agreement that would require the developer to construct the sidewalk in the future at such time as sidewalks are extended throughout the area. This agreement would need

- to be in place prior to the issuance of a building permit.
- i) The Township shall notify the Owner at least 30 days prior to commencing the sidewalk extension project in this area.
  - ii) The Township shall provide the specifications to which the sidewalk or pedestrian path must be constructed.
  - iii) The location of the sidewalk must be consistent with any sidewalk easement on adjacent property and designed and placed so the sidewalk can be easily connected to by adjacent properties.
  - iv) The sidewalk shall be constructed at the Owner's expense and the Owner shall have up to 12 months to install the sidewalk once required to do so.
2. The Developer pay the Township in the amount that it would cost to engineer and construct the sidewalk at the time of the approval of the project in order for the Township to construct the sidewalk. This amount would need to be submitted to the Township prior to a building permit be issued.

### **Section XIII. Utilities .**

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

### **Section XIV. Lighting** (as amended by Ord #5 of 2014)

The required lighting section of the Zoning Ordinance as amended shall regulate lighting for the project. The lighting at this project is limited to only those lights and those types of lights as indicated on the approved photometric lighting plan as drawn by Concept Design Group dated 11/10/03 and the updated lighting plan dated 12/30/13 for the Subaru site. Furthermore, the total height of individual light poles is limited to the height indicated on the plan as well. All lights on the site are to be downcast or "shielded" type lights. If the developer chooses to utilize LED lights the new plan will be reviewed administratively by the Planning Department for compliance with our lighting regulations

### **Section XV. 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 Engineer prior to commencing any building on the site. The developer shall also be responsible for obtaining a soil erosion permit posting a performance guarantee prior to issuance of any building permit.

### **Section XVI. Performance Guarantee.**

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

### **Section XVII. Reimbursement of Review Fees.**

The Developer shall reimburse the Township for all fees associated with the review of the Project. These fees may include, but not be limited to, legal, engineering, publishing, and planning review fees.

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

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. The conversion of the vacant property to a commercial use along 28<sup>th</sup> Street is consistent with the Township Goals.

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

The Project has been determined by the Township to be compatible with the 1999 Comprehensive 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 a similar amount of green areas, and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the project until this PUD Ordinance is recorded and all provisions that the developer and his assigns are responsible for are complied with. After that time, the property may be sold to other parties.

**Section XIX. Repeal**

The effect of this ordinance shall repeal Ordinance #8 of 2001 and any amendment to it.

**Section XX. Effective Date.**

This Ordinance shall become effective upon publication of the ordinance, or a summary thereof, in The Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township. All prior Planned Unit Development ordinances that were previously approved for this property shall become null and void.

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

YEAS: Carpenter, Goodyke, Julien, Kleinheksel, Parrish, Timmons  
NAYS: None  
ABSENT: Jones

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Marlene Kleinheksel  
Cascade Charter Township Clerk

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 14<sup>th</sup> day of January, 2004.

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Marlene Kleinheksel  
Cascade Charter Township Clerk