

CASCADE CHARTER TOWNSHIP
recodified
Ordinance # 9 of 1999
As amended by Ord 18 of 2000; 10/18/2000
As amended by Ord 19 of 2000; 10/18/2000
As amended by Ord 6 of 2003; 5/28/03
As amended by Ord 4 of 2015; 12/16/15

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP
ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE
GOLF VIEW OFFICE PARK
PLANNED UNIT DEVELOPMENT PROJECT.**

Cascade Charter Township Ordains:

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

The application received from Sports Plex Properties of Cascade or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Golf View Office Park Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on September 7, 1999. The Project is recommended for rezoning from an existing Health Plex PUD, Planned Unit Development, to PUD, Planned Unit Development permitting an office complex. 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 September 30, 1999.

Section II. Legal Description.

The legal description of the Project is as follows:

Lots 17 through 32, inclusive, Cascade Gardens (Liber 35 of Plats, Page 17) and part of the Northeast one-quarter of Section 6, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, and all being described as: COMMENCING at the East one-quarter corner of said Section 6; thence North 88 degrees 31'00" West 1322.96 feet along the East - West one-quarter line to the Southeast corner of the West one-half of the Northeast one-quarter of said section; thence North 88 degrees 31'00" West 500.00 feet along the East - West one-quarter line to the TRUE PLACE OF BEGINNING; thence North 00 degrees 25'44" West 2093.28 feet along a line which goes through a point being 101.65 feet Northwesterly (as measured along a line being parallel with and 70.00 feet Southwesterly of the centerline of Cascade Road) of the West line of the East 500.00 feet of the West one-half of the Northeast one-quarter of said section; thence South 47 degrees 00'53" East 129.84 feet along a line being parallel with and 50.00 feet Southwesterly of the centerline of Cascade Road; thence Southeasterly 466.35 feet parallel with said centerline on a 17238.73 foot radius curve to the left, the chord of which bears South 47 degrees 47'23" East 466.34 feet; thence South 48 degrees 33'53" East 728.99 feet parallel with said centerline; thence Southeasterly 109.15 feet along the Northeasterly line of Lot 17 of Cascade Gardens on a 105.69 foot radius curve to the

right, the chord of which bears South 18 degrees 58'48" East 104.36 feet; thence South 10 degrees 36'16" West 986.00 feet along the West right of way line of Galbraith Avenue; thence Southerly 178.04 feet along said right of way line on a 1265.02 foot radius curve to the left, the chord of which bears South 06 degrees 34'21" West 177.89 feet to the Southeast corner of Lot 32 of said plat; thence South 85 degrees 43'51" East 44.90 feet along the South line of Lot 32 extended Easterly; thence South 11 degrees 01'00" West 170.38 feet; thence North 88 degrees 31'00" West 380.00 feet parallel with and 185.00 feet South of the East - West one-quarter line; thence South 01 degrees 16'48" West 315.84 feet along the West line of the East 60.00 feet of the West one-half of the Southeast one-quarter of said section; thence North 88 degrees 22'52" West 440.00 feet along the North line of the South 824.53 feet of the North - West one-quarter of the Southeast one-quarter of said section; thence North 01 degrees 16'48" East 499.80 feet to the place of beginning. (41.7529 acres excluding right of way)

As amended by ordinance 18 of 2000; 10/18/2000

Section II. Legal Description. The following described property shall be deleted from the Golfview Office Park PUD

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

2.9815 acres

The developer shall have eighteen (18) months to exercise one of the following options:

1. The Golfview Office Park PUD Project shall continue as approved as Ordinance #9 of 1999.
2. The Golfview Office Park PUD Project shall convert 15,000 square feet of health club use to office use in the existing Lack's building. In conjunction, Phase V (labeled as Office building "C" on the approved site plan, consisting of 10,000 square feet) shall be deleted from the project.

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 42 acres of land that presently contains an office building, manufacturing facility, wetlands, and vacant property. The Project is proposed to be developed into an office complex. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations and develop the project in a unified manner.

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

Section V. Approval Limitations. As amended by Ord 6 of 2003;5/28/03

- 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.
- G. The developer shall have approved and recorded the Declaration of Building and Use restrictions for the entire PUD as submitted to the Township Board. These restrictions shall be for the purpose of insuring the use of the parcels for the purposes as stated in the approved PUD and for the purpose of preserving the attractiveness and future maintenance of the PUD. Finally the Township shall be notified and must approve any amendments to the declaration. (Ord 6 of 2003; 5/28/03)

Section VI. Permitted Uses.

The permitted uses for the Golf View Office Park PUD do not include any retail sales operations, the following uses are allowed:

EXISTING (amended by Ord 4 of 2015)

- A. One (1) 44,670 square foot corporate office building. As shown on the approved site plan 9-25-15

PHASE 1

- B. The renovation of the existing Lack's manufacturing and warehousing facility will be broken down into three (3) multi-use office buildings, each building is separated by an open atrium. The maximum square footage of all three buildings is 127,000 square feet. Uses permitted within this building shall be limited to those listed below:

1. Computer design and service business
2. Health/Sports Club
3. Professional Office
4. Church
5. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
6. The amount of square footage devoted to office uses shall be allowed to a maximum of 92,000 square feet. The total square footage of the building will not exceed 127,000 square feet. A minimum of 35,000 square feet shall be devoted to the Health/Sports Club.

PHASE 2

- C. One (1) professional office building containing a maximum of 60,000 square feet, labeled building "D" on the approved site plan. This building may be developed originally as one 40,000 square foot office, with a maximum addition in the future of 20,000 square feet. The building is intended to be used as an office facility for an engineering firm.

PHASE 3

- D. Two (2) office buildings containing a maximum of 10,000 square feet each. These are buildings labeled “A” and “B” on the approved site plan and are subject to the design requirements of the Cascade Road Spaulding Avenue Corridor Study.

PHASE 4

- A. Two (2) professional office buildings containing a maximum of 30,000 square feet each located toward the rear of the property and labeled buildings “E” and “F” on the approved site plan. These buildings are intended to be used for the future development of the same engineering firm.

PHASE 5

- B. One (1) office building containing a maximum of 10,000 square feet. This building is labeled “C” on the approved site plan and is subject to the design requirements of the Cascade Road Spaulding Avenue Corridor Study.

Section VII. Master Development Plan - Phasing.

The project shall conform in as much as reasonably possible to the master development plan approved by the Township Board and signed by the Township Supervisor on September 30, 1999. The Developer will develop the project in five (5) separate and distinct phases, and will be required to submit site plans for each phase, building, or site improvement. This includes the plans for Phase 1. This will also allow the Township to ensure that only those areas needed to be disturbed for each phase, are the areas planned to be disturbed. The Planning Commission shall review and approve all building or site improvement plans prior to the construction of each phase to insure consistency with the master development plan.

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

Each phase shall be considered complete with the issuance of the required occupancy permit granted by the Township. Phase 1, 2 and 3 can occur concurrently and must be completed in entirety prior to the commencement of any site work or construction of Phase 4 and 5.

Section VIII. Specific Development Regulations.

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

A. Design Guidelines, Requirements and Limitations.

With the exceptions listed below, all of the requirements of the Cascade Township Zoning Ordinance, as may be amended, must be complied with for site plan review for any new construction within the Project. Landscaping shall be provided within each Phase consistent with the approved landscape plans for each site as their individual site plans are considered for approval.

- **Phase 1 (existing Lack’s manufacturing building) (amended by Ord 4 of 2015)**
 - a. Maximum Building Square Footage – 44,670 square feet.
 - b. Maximum Building Height - 30 feet
 - c. Parking - The total amount of parking for the Existing phase shall be a maximum of 121 parking spaces.
 - d. Setback Requirements –
 - 1) Front 50 feet
 - 2) Rear 25 feet
 - 3) Side 25 feet
 - e. The buildings must be constructed using a sloped or pitched roof as shown on the approved elevation plan dated 8-14-15.
 - f. No access directly to Cascade Road from the building. Access to be gained from either Galbraith and/or Arboretum Dr.
 - g. Landscaping to be developed as shown on the approved landscape plan dated 8-17-15.
 - h. Site to be developed in accordance with the approved site plan dated 9-25-15. Owner to sign and record the storm water maintenance agreement prior to commencing construction.
 - i. One (1) freestanding ground mounted development identification sign along Galbraith Avenue. Such sign shall contain no more than 60 square feet. The sign shall be setback a minimum of 25 feet from the right-of-way. The sign is limited to no more than 7 feet tall with the allowance for a decorative feature up to 8’6”.
 - j. Wall signage or marquee, not to exceed fifty (50) square feet in total sign area.
 - k. One directional sign shall be allowed. The total size of the directional sign shall be no larger than 10 square feet. The directional shall be limited to no more than 4 feet high and may be placed up to the right-of-way line.

- **Phase 2 (One Building, marked Building “D” on the approved site plan)**
 - a. Maximum Building Square footage – 60,000 square feet
 - b. Maximum Building Height – 32 feet
 - c. Parking – The total amount of parking for Phase 2 shall be a maximum of 231 parking spaces.
 - d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
 - e. The material of the roof to be considered at the time of site plan review.
 - f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.

- **Phase 3 (Two Buildings, marked Buildings “A” and “B” on the approved site plan). (Amended by ord 6 of 2003; 5/28/03)**

- a. Maximum Building Square footage – 20,000 square feet, with a maximum building size of 10,000 square feet for each building.
 - b. Maximum Building Height – 25 feet
 - c. Parking – The total amount of parking for Phase 3 shall be a maximum of 82 parking spaces. Due to the topography near buildings “A” and “B” parking to be allowed in the front yard provided it is well screened from Cascade Road. This will be assured during site plan review. The berm along Cascade Road to remain.
 - d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
 - e. The material of the roof to be considered at the time of site plan review.
 - f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.
 - g. The building must be at least 50% owner occupied for a period of at least 5 years after the first owner occupant purchases the building. The existing recorded restrictive covenant concerning owner occupancy shall be amended to reflect the changes made by this amendment to the PUD. (Amended by ord 6 of 2003; 5/28/03)
 - h. Increased landscaping where necessary.
- **Phase 4 (Two Buildings, marked “E” and “F” on the approved site plan)**
 - a. Maximum Building Square footage – 60,000 square feet
 - Two 30,000 square foot buildings
 - b. Maximum Building Height – 32 feet
 - c. Parking – The total amount of parking for Phase 2 shall be a maximum of 232 parking spaces
 - d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
 - e. The material of the roof to be considered at the time of site plan review.
 - f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.
- **Phase 5 (One Building, marked “C” on the approved site plan)**
 - a. Maximum Building Square footage – 10,000 square feet.
 - b. Maximum Building Height – 25 feet
 - c. Parking – The total amount of parking for Phase 5 shall be a maximum of 42 parking spaces. Parking to be located as shown on the approved site plan. This will be assured during site plan review.
 - d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
 - e. The material of the roof to be considered at the time of site plan review.
 - f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.

- g. The buildings must be at least 50% owner occupied.
- h. Increased landscaping where necessary.

Section IX. Setbacks.

The setbacks for each phase and building shall comply with the approved PUD site plan dated September 30, 1999, in as much as possible. This will be assured when each phase submits for site plan approval.

Section X. Signs. The following signs shall be permitted for Phase 1, 2, 3, 4 and 5:
Amended by Ord 19 of 2000; 10/18/2000

1. One (1) freestanding ground mounted development identification sign along Cascade Road. Such sign shall contain no more than 50 square feet and shall not be lighted in any manner. Subject to the provisions of the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1988, as amended).
2. One (1) freestanding ground mounted development identification sign along Galbraith Avenue. Such sign shall contain no more than 50 square feet and shall not be lighted in any manner. Subject to the provisions of the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1988, as amended).
3. One (1) wall sign or marquee per building, not to exceed fifty (50) square feet in total sign area. Or, one (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area. In the event the building has multiple tenants, each tenant space will be allowed a sign area equal to one square foot for each linear foot of building frontage that each respective tenant occupies, not to exceed a sign length of more than two-thirds the subject frontage and a height of 24 inches.
4. ~~The non-conforming Billboard sign located on the property must be removed before the start of phase four or five. (As amended by Ord 19 of 2000)~~
5. One directional sign shall be allowed for each building in the project. The total size of each directional sign shall be no larger than 10 square feet. The placement for the signs shall be regulated by the Sign Ordinance for directional signs and shall be placed to avoid seeing the directional signs from Cascade Road.

Section XI. Temporary Buildings.

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

Section XII. Land Splits

The entire premises shall be under the control of one owner. Should the developer request smaller lots, permission to perform a Land Division must be granted by the

Planning Department. The Planning Department will review the proposed land division under the criteria of the Land Division Act and the Cascade Charter Township Zoning Ordinance. In no case shall any lot be smaller than 2 Acres in size.

Section XIII. Utilities.

- A. Public Water and Sanitary Sewer - All buildings within the Project shall be served by public sanitary sewer and water at the developer's expense. No building permits will be issued for any construction within the Project until final approval of the public utility system is approved by the City of Grand Rapids and Cascade Township. This does not preclude the applicant from starting on Phase 1. However, no Occupancy permit will be granted for Phase 1 until the utilities are approved.

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

- C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XIV. Lighting

The required lighting section of the Zoning Ordinance as amended shall regulate lighting for the entire project. Furthermore, the total height of individual light poles shall be limited to a maximum of 20 feet high. The use of wall pack and/or unshielded lights is discouraged unless in areas not viewed by the public or passerby.

Section XV. Soil Erosion Control Requirements.

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

Section XVI. Performance Guarantee.

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

Section XVII. Reimbursement of Review Fees.

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

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

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

In relation to the underlying zoning (R1, Residential and PUD, Planned Unit Development) the Township finds the Project will not result in a material increase in the need for public services. Utility extensions and construction will be the responsibility of the Developer and will not place a material burden upon the subject property or the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies. All stormwater created by this development will be maintained on site.

The Project has been determined by the Township to be compatible with the General Development Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project is also consistent with the standards recommended in the Cascade Road Spaulding Avenue Corridor Study.

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

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

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

Section XIX. Effective Date.

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

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

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

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 30th day of September, 1999.

Marlene Kleinheksel
Cascade Charter Township Clerk