

PUD Ordinance -MVP #10 of 2006

CASCADE CHARTER TOWNSHIP

Ordinance 10 of 2006

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

CASCADE CHARTER TOWNSHIP ORDAINS:

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

The application received from MVP Fieldhouse GR LLC or its assigns (hereafter referred to as the "Developer") for Planned Unit Development designation for the proposed MVP Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on October 2, 2006. The Project is recommended by the Planning Commission for rezoning from the existing PUD, Planned Unit Development to a new PUD designation allowing an outdoor athletic fields and an associated indoor athletic facility. Approval of the proposed PUD requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendations and the final actions of the Cascade Charter Township Board. On October 25, 2006, the Cascade Charter Township Board approved the PUD as specified in this document.

SECTION II. LEGAL DESCRIPTION.

5435 28th St CT.

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5433 28th St Ct

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SECTION III. GENERAL PROVISIONS.

The conditions, requirements, and regulations contained in this document shall apply to the Project in addition to those requirements and regulations contained in Chapter XIV of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988).

SECTION IV. PURPOSE.

The Project occupies approximately 15.86 acres of land that is proposed to be developed as an outdoor and indoor athletic facility. The Planned Unit Development technique has been chosen by the Developer to provide more control over the development's aesthetics and appearance.

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

SECTION V. APPROVAL LIMITATIONS.

A. The provisions of this Ordinance/Ordinance amendment ("this Ordinance") are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the

Township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not expressly addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall apply. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.

B. Except as expressly otherwise provided herein, the Developer and its assigns must meet all applicable provisions, ordinance requirements, and regulations of Cascade Charter Township, as well as federal, county, and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for construction, operation, or use.

C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be invalid, illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if the Township 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 and in the final approved site plan shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval, approved site plan, and ordinance amendment. The Project must be constructed and operated, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the final approved site plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur or be made unilaterally by the Developer or its successors, tenants, or assigns. Any deviation without prior formal written approval by the Township will constitute a violation of this Ordinance and the Cascade Charter Township Zoning Ordinance.

E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.

F. Failure to comply with the site plan or any condition of approval herein shall be deemed to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.

G. Prior to recording a copy of this document as specified in Section V(E) hereof, the Developer shall type the following statement onto the end of this document (or add an additional page to the document) as follows, and shall sign and date the same:

"MVP Filedhouse GR LLC has fully read the above PUD ordinance amendment, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, successors and transferees in and to the property involved."

SECTION VI. PERMITTED USES.

The permitted uses for the Cascade Golf Center Project are as follows:

- 1) 3 full size outdoor athletic fields;
- 2) 1 mid size outdoor athletic field; and
- 3) One (1) building to be used for athletic training and competition with a maximum building footprint of 50,000 square feet.
- 4) All outdoor activities or use of fields will be limited to the hours of 6a.m. to 10.p.m.

SECTION VII. DESIGN GUIDELINES AND REQUIREMENTS.

The Project shall be developed in exact accordance with the site plan approved by the Township. No alterations, expansions, or additions may occur to the Project without a formal amendment to this Ordinance/Ordinance amendment, unless expressly otherwise authorized herein. The development of all permitted uses within the Project shall conform to the following design standards:

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

1. Building 35 feet
2. Parking Lot Lights 20 feet
3. Ball Control Fencing 16 feet
4. Security Fence 8 feet

B. Setbacks - The following setback requirements shall apply to the Project:

1. The building shall be setback a minimum of:

- 90 feet from the 28th Street Ct. right-of-way
- 400 from the north property line
- 100 from the east property line
- 280 from the west property line

2. The playing fields shall be setback a minimum of:

- 30 feet from the north property line (soccer goals allowed inside the setback as shown on approved plan).
- 55 from the east property line
- 35 from the west property line
- 200 from the south property line

C. Parking - There shall be a total of at least 288 parking spaces provided for the Project.

D. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commission prior to the development of the Premises.

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

1. One ground mounted identification sign at the entrance drive with a maximum size of 40 sq. ft and a maximum height of 5 feet.
2. One Wall sign totaling no more than 195 sq. ft.
3. Use of the existing 28th Street off site sign. This allows the MVP project to utilize the existing large triangular sign at 28th Street and I-96, being 2 sign panels with a maximum size of 75 sq. ft. on each panel (150 sq. ft. in total). The area of the triangular sign may not be expanded as a result of changing the panels.
4. Kraft Street Directional sign-maximum of 7 sq. ft.
5. 28th Street directional signage-maximum of 8 sq. ft.
6. On site directional signage limited to 2 sq. ft. each.

F. Outdoor Lighting - Shall be limited to the parking lot and building security lights as shown on the approved lighting plan.

SECTION VIII. LANDSCAPING BUFFERYARD REQUIREMENTS.

A. A North landscape buffer shall be installed by the developers of the Turnberry project to the North, which landscaping shall be on both the Turnberry and the MVP properties. This will allow Turnberry to install the landscaping to achieve the most effective screening as possible. The plantings will be installed using the common bufferyard plan that was approved by Cascade Charter Township and agreed to by MVP and Turnberry. If for any reason the Turnberry developers do not install the landscaping as approved by July 31, 2012, MVP will present a new landscaping plan to the Cascade Township Planning Department for such additional landscaping on the MVP property for review and approval for the MVP property only. The Planning Director may approve the plan if he/she believes it is consistent with the "common landscape buffer" and may also require a landscape bond.

B. The existing East bufferyard shall remain in its current condition with the additional supplemental landscape trees installed as indicated on the approved plans. If for any reason any of the existing vegetation with over a 4" caliper becomes dead, diseased, dying, or is removed for any reason, the Developer shall replace it with a tree of the same or similar type as close to the original location as possible within one growing season from when it is notified by the Township.

C. All other plantings shall be planted according to the approved landscaping plans.

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

SECTION IX. TEMPORARY BUILDINGS.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except where approved by the Township and if accessory to and necessary during construction of a permanent building or infrastructure improvement. Individual tents under 200 sq.ft for use by outdoor athletics are permitted.

SECTION X. SITE PLAN.

A. The Project shall be developed in exact accordance with the site plan approved by the Township Board and signed by the Township Supervisor. The site plan shall provide appropriate measurements demonstrating compliance with Chapter 14 of the Zoning Ordinance. Engineering plans and/or documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting Township ordinance requirements and recognized, acceptable engineering standards and practices.

SECTION XI. UTILITIES.

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

B. The Developer shall provide all necessary recorded easements within the Project for telephone, electricity, gas, and cable television to the Township and the appropriate utility provider(s) without cost. In the event that the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations outside of the turfed athletic fields and/or building without cost to the Township. 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.

A. SOIL EROSION

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

B. STORM WATER

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

C. OUTDOOR FIELD SURFACE

If the Developer chooses to use synthetic turf for any of the outdoor athletic fields, it must be a natural green color. The color to be consistent with the samples provided.

D. SIDEWALK/PATHWAY/WALKWAY CONSTRUCTION AND EASEMENT

The Developer has agreed to construct and install a concrete walkway at its expense on its property along the east side of the site as shown on the approved site plan. The walkway shall be a minimum of 7 feet wide and constructed out of concrete. Prior to any construction occurring on site, Developer shall grant a permanent easement to the Township for such sidewalk/walkway/pathway in a written recordable

document with language which is acceptable to the Township. That easement shall be at least 10 feet wide and shall be given to the Township without cost to the Township. Once the walk has been fully installed by the Developer and it has been connected to the Township's sidewalk system, the walk will be maintained thereafter by the Township. The details for the timing and construction standards for the walk are detailed in the separate sidewalk agreement between the Township and the Developer. No construction shall commence on site regarding the Project until and unless such agreement has been fully executed by both the Township and the Developer and each party has a signed original of that document.

E. PUBLIC ADDRESS SYSTEM

The Developer may install a public address system for use outdoors. The public address system is limited to use for emergencies, field announcements, and playing the national anthem. The system cannot be used for any other purpose. The speakers shall be located no closer than 125 feet to the north property line with Turnberry and 100 feet to the east property line. The speakers closest to the North and East property lines shall be pointed away from the residential use. Speakers to be placed as shown on the Public Address System Plan. Any changes to the Public Address System Plan may be approved by the Planning Director.

F. BLEACHERS

No bleachers shall be allowed east of the easternmost field, nor north of the north boundary of the fields, nor facing east towards the easternmost field.

SECTION XIII. CONSISTENCY WITH PLANNED UNIT DEVELOPMENT (PUD) STANDARDS.

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

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

The Project has been determined by the Township to be compatible with the 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 at least the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance. Finally, the Township recognizes the Project will be under single ownership or control.

SECTION XIV. PERFORMANCE GUARANTEE.

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

SECTION XV. EFFECTIVE DATE.

This Ordinance/Ordinance amendment shall become effective seven (7) days after publication of this documents (or a summary) in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

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

YEAS: Currier, Parrish, Goodyke, Julien, Carpenter, Koessel, Beahan

NAYS: None

ABSENT: None

Ron Goodyke

Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance/Ordinance amendment adopted at a Regular Meeting of the Cascade Charter Township Board on the 25th day of October, 2006.

Ron Goodyke

Cascade Charter Township Clerk