

CASCADE CHARTER TOWNSHIP

**Ordinance #11 of 2002
Amended by Ordinance # 1 of 2008
Amended by Ordinance # 2 of 2011**

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING
ORDINANCE AND ZONING MAP TO ESTABLISH THE
MEIJER'S, INC./ROMANO'S
PLANNED UNIT DEVELOPMENT PROJECT.**

Cascade Charter Township Ordains:

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

The application received from Greg Heath, as a member of Meijer Realty Co. or his assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Meijer/Romano Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval to the Township Board on June 17, 2002. The Project is recommended for rezoning from B2, General Business to PUD, Planned Unit Development. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on July 10, 2002.

Section II. Legal Description.

The legal description of the Project is as follows:

5525 28th St:

PART SE 1/4 COM AT SE COR OF SEC TH S 88D 05M 02S W ALONG S SEC LINE 277.97 FT TH N 1D 39M 55S W 56.93 FT TO N LINE OF 28TH ST TH S 88D 20M 05S W ALONG SD N LINE 161.82 FT TO NE LINE OF HWY I-96 TH N 1D 39M 55S W ALONG SD NELY LINE 25.0 FT TH S 88D 20M 05S W ALONG SD NELY LINE 300.0 FT TH N 1D 39M 55S W ALONG SD NELY LINE 20.0 FT TO BEG OF THIS DESC - TH S 88D 20M 05S W ALONG SD NELY LINE 155.40 FT N 47D 05M 25S W ALONG SD NELY LINE 246.98 FT TH N 1D 39M 55S W 121.08 FT TH N 88D 20M 05S E 300.93 FT TH S 32D 50M 09S E 23.80 FT TH S 12D 41M 15S E 195.0 FT TH S 1D 39M 55S E 82.66 FT TH S 88D 20M 05S W 19.20 TO BEG * SEC 7 T6N R10W 1.92 A.

5531 28th St:

PART SE 1/4 COM 525.70 FT N 1D 37M 57S W ALONG E SEC LINE & 43.0 FT S 88D 22M 03S W FROM SE COR OF SEC TH S 88D 22M 03S W 205.04 FT TH S 63D 03M 53S W 180.63 FT TH S 88D 20M 05S W 643.86 FT TH N 1D 39M 55S W 966.68 FT TH N 88D 20M 05S E 855.78 FT TO W LINE OF E 200 FT OF NE 1/4 SE 1/4 TH SLY ALONG SD W LINE TO S 1/8 LINE TH E ALONG S 1/8 LINE TO W LINE OF KRAFT AVE /86 FT WIDE/ TH S TO BEG * SEC 7 T6N R10W 21.68 A.

5555 28th St:

PART SE 1/4 COM 525.70 FT N 1D 37M 57S W ALONG E SEC LINE & 43.0 FT S 88D 00M 48S W FROM SE COR OF SEC TH S 88D 22M 03S W 205.04 FT TH S 63D 03M 53S W 180.63 FT TH S 88D 20M 05S W 643.86 FT TH S 1D 39M 55S E 53.60 FT TH N 88D 20M 05S E 285.10 FT TH TH S 32D 50M 09S E 23.80 FT TH S 12D 41M 15S E 195.0 FT TH S 1D 39M 55S E 82.66 FT TH S 88D 20M 05S W 19.20 TH S 1D 39M 55S E 20.0 FT TH N 88D 20M 05S E 300.0 FT TH S 1D 39M 55S E 25.0 FT TH

N 88D 20M 05S E 161.82 FT TH N 1D 39M 55S W 225.0 FT TH N 88D 22M 03S E 45.0 FT TH N 1D 39M 55S W 179.15 FT TH N 88D 22M 03S E 190.23 FT TH N 1D 39M 55S W 66.0 FT TO BEG * SEC 7 T6N R10W 4.99 A.

5595 28th St:

PART SE 1/4 COM AT SE COR OF SEC TH S 88D 05M 02S W ALONG S SEC LINE 277.97 FT TH N 1D 39M 55S W 281.93 FT TH N 88D 22M 03S E 45.0 FT TH N 1D 39M 55S W 179.15 FT TH N 88D 22M 03S E TO E SEC LINE TH S 1D 37M 57S E TO BEG EX E 40.0 FT * SEC 7 T6N R10W 2.33 A.

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 30.92 acres of land that currently contains a Meijer retail store, Meijer Gas Station, and a restaurant. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance.

The regulations contained herein are established to define the procedures necessary to insure high quality development of 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 to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.

Section VI. Permitted Uses (as amended by Ord No 2 of 2011; 1/12/11)

The permitted uses for the Meijer/Romano's PUD are limited to the following:

1. Retail store
2. A Gas Station and any ancillary uses
3. A 6,400 sq. ft. Restaurant.
4. general retail/restaurant uses consistent with site plan dated 12/16/10
5. Bank/credit union with drive thru

Section VII. Design Guidelines, Requirements and Limitations.

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

A. Maximum Height – 35 feet

B. Parking –

Per schedule 19-D of the Zoning Ordinance as amended.

C. Setbacks –

1. Minimum for Gas Station and Restaurant

Front Yard – 100 ft.

Side Yard – 25 ft.

Rear Yard – 50 ft.

2. Minimum for Retail center (as amended by Ord No 2 of 2011; 1/12/11)

100 feet from 28th St

73 feet from Kraft Ave

Side Yard – 50 ft.

Rear Yard – 20 ft.

3. Minimum for Bank site

90 feet from 28th St

73 feet from Kraft Ave

Side Yard – 40 ft.

Rear Yard – 50 ft.

4. Minimum for The Meijer Retail Store

Front Yard – 100 ft.

Side Yard – 25 ft.

Rear Yard – 50 ft.

D. Signs –

A. The following signs are permitted for the restaurant site:

1. One (1) freestanding sign, with a maximum height of 30 feet and a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.
2. One of the following signs are permitted:
 - a. One (1) wall sign or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Or, one (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area , or;
3. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
4. One (1) incidental sign not to exceed twelve (12) square feet.
5. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

B. The following signs are permitted for the gas station:

1. All signs as permitted in Section 6.01 of this Ordinance.
2. One (1) freestanding sign, one (1) point-of-sale sign, or one (1) development/building identification sign per building. Such sign shall not exceed a height of 30 feet and a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign. A freestanding sign may be a consolidated tenant sign identifying each tenants name.
3. One of the following signs are permitted:
 - a. One (1) wall sign or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Or, one (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area , or;
 - c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted a sign area equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.

4. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
5. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
6. Directional signs up to two (2) square feet in sign area. Each zone lot or development shall not have more than two (2) directional signs.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

C. The following signs are permitted for the Retail Center and Bank site:

1. The following pylon sign is permitted:
 - i. (1) freestanding sign, with a maximum height of 30 feet and one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.
 - ii. Or, in lieu of placing a pylon sign on this site, they may consolidate free standing signs with the Meijer freestanding sign (Section VII D.D.1) and have one 250 sq ft sign.
2. One of the following signs are permitted:
 - a. One (1) wall sign or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Or, one (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area , or;
 - c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted a sign area equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.
3. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
4. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
5. Directional signs up to two (2) square feet in sign area. Each zone lot or development shall not have more than two (2) directional signs.
6. One (1) incidental sign not to exceed twelve (12) square feet.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

D. The following signs are permitted for the Meijer Retail Store site.

1. The following freestanding sign is permitted:
 - i. (1) freestanding sign, with a maximum height of 30 feet and one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign.
 - ii. Or, in lieu of placing a pylon sign on this site, they may consolidate free standing signs with the Retail center and bank site sign (Section VII D.C.1) and have one 250 sq ft sign.
2. Wall signs totaling no more than 544.5 sq ft. They may be divided between multiple wall signs.
3. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
4. The existing directional signs at Kraft and 28th St are permitted provided they do not change their total sign area. The sign areas for these signs are approximately 21 and 24 sq ft respectively. These signs may remain
5. The existing large triangular sign located in the southwest area of the Meijer site is permitted to be used as an off premise sign for the businesses to the north and west of Meijer. The panels on this sign are approximately 75 sq ft on each side and may be changed for new or different businesses from time to time. The sign area of the triangular sign may not be expanded as a result of the changing of any panels.
6. On site directional signs no more than 2 sq ft each.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

Section VIII. Lighting

Any new lighting that is installed in this project shall be in compliance with Section 19.19 of the Zoning Ordinance as amended. Furthermore, the total height of individual light poles shall be limited to a maximum height of 35 feet for any new light pole installed in this project..

Section IX. Sidewalks

The developer shall be responsible for the construction of a 7 foot sidewalk along Kraft Ave in the location shown on the approved site plan. This sidewalk shall connect the 28th St sidewalk to the sidewalks at the MVP project (PUD 24). The developer shall be responsible for the entire cost of this sidewalk. Once the sidewalk is installed the developer shall furnish the Township with any and all easements for sidewalk that is outside of the public right of way. This sidewalk shall be completed before occupancy of any new buildings is permitted.

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 any building or infrastructure improvement.

Section XI. Landscaping

Landscaping shall be provided according to the approved landscape plans that are a part of the approved site plans.

Section XII. Utilities

- A. The Project shall be served with public water and public sewer 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.
- 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 XIII. Soil Erosion Control Requirements.

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 excavation on the site.

Section XIV. Performance Guarantee.

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township 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 XV. Consistency With Planned Unit Development (PUD) Standards.

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community.

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, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater 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 General Development Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

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

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 XV. Effective Date.

This Ordinance shall become effective seven (7) days after the publication of this 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 Parrish, supported by Board Member Kleinheksel. The roll call vote being as follows:

YEAS: Timmons, Carpenter, Goodyke, Kleinheksel, Parrish

NAYS: None

ABSENT: Jones

ABSTAIN: Julien

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 10th day of July, 2002 .

Marlene Kleinheksel
Cascade Charter Township Clerk