

**CASCADE CHARTER TOWNSHIP**

**Ordinance # 10 of 2004**

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP  
ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE  
SPEES REALTY, LLC  
PLANNED UNIT DEVELOPMENT PROJECT.**

**Cascade Charter Township Ordains:**

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

That the application received from Spees Realty, LLC (hereinafter referred to as the “Developer”) for Planned Unit Development designation for their proposed Rapid-Packaging Corporation project (hereinafter referred to as the “Premises”) was recommended by the Cascade Township Planning Commission for approval on May 17, 2004. The Premises is recommended for rezoning from its former zoning classification thereby requiring this amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission’s recommendation and the Cascade Township Board action on June 9, 2004.

**Section II. Legal Description.**

The legal description of the Project is as follows:

S 620 FT OF W 765 FT OF E 1050 FT OF SW 1/4 \* SEC 30 T6N R10W 10.89 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 Premises occupies a 10.892 acre tract of land that is proposed to be developed with a total of three buildings totaling 130,000 sq. ft. as a campus style development, operating as a unified development, rather than as an aggregation of individual developments on separate unrelated parcels. The developer may develop as a whole for a single user or for sale or lease to separate entities.

The regulations contained herein are established to define the procedures necessary to insure high quality development on the Premises. Additionally, they are designed: to achieve integration of the development with adjacent land uses and the natural environment; to permit flexibility in the regulation of land development; to achieve economy and efficiency in the use of land.

This Ordinance is further intended to permit flexibility in the regulation of land development by allowing the Developer to sell or lease portions of the property as the market may dictate in the future. The provisions of this Ordinance are not intended as a

substitute for the Cascade Township Zoning Ordinance and General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township, except as provided herein.

**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.**

The Spees Realty, LLC PUD is proposed to be used as follows:

**BUILDING ONE**

- A. The Construction of an 80,000 sq. ft. industrial building as shown on the approved site plan dated 5/10/04 and signed by the Township. This building may house industrial uses as described in Chapter 13 of the Zoning Ordinance as amended.

**BUILDING TWO**

- B. The Construction of a 30,000 sq. ft. industrial building as shown on the approved site plan dated 5/10/04 and signed by the Township. This building may house industrial uses as described in Chapter 13 of the Zoning Ordinance as amended.

**BUILDING THREE**

- C. The Construction of a 20,000 sq. ft. industrial building as shown on the approved site plan dated 5/10/04 and signed by the Township. This building may house industrial uses as described in Chapter 13 of the Zoning Ordinance as amended.

**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 on 5/10/04. The Developer may either develop the site as one project, constructing all three buildings simultaneously or if the applicant does not have all three buildings under construction under one permit they must receive site plan approval for each individual building at the time they wish to construct.

Each building shall be considered complete with the issuance of the required occupancy permit granted by the Township.

**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.

- **Building 1**
  - a. Building Square Footage – 80,000 square feet
  - b. Maximum Building Height - 24 feet at eaves, 28 feet at the peak
  - c. The building must be constructed using the materials as shown on the approved elevation plan.
  
- **Building 2**
  - a. Building Square footage – 30,000 square feet
  - b. Maximum Building Height – 24 feet at eaves, 28 feet at the peak
  - c. The building must be constructed with the materials as shown on the approved elevation plan.
  
- **Building 3**
  - a. Building Square footage – 20,000 square feet
  - b. Maximum Building Height – 24 feet at eaves, 28 feet at the peak
  - c. The building must be constructed with the materials as shown on the approved elevation plan.

**Section IX. Setbacks.**

The setbacks for each building shall comply with the approved PUD site plan dated 5/10/04. This will be assured when each phase submits for site plan approval.

**Section X. Parking**

Parking for the entire site shall be constructed as shown on the approved site plan. No more than 133 parking spaces shall be provided.

**Section XI. Landscaping.**

Landscaping for the PUD shall be constructed as shown on the approved landscaped plan. The developer shall also be responsible to provide a \$25,000 landscaped bond as a performance guarantee prior to the issuance of any building permit.

**Section XII. Signs.** The following signs shall be permitted for the PUD:

1. One (1) freestanding ground mounted development identification sign along 52<sup>nd</sup> street. Such sign shall contain no more than 80 square feet and shall not be higher than 5 feet high and no closer to the road right-of-way than 25 feet.
  
2. One (1) wall sign or marquee per building not to exceed one hundred (100) square feet in total sign area; or
  
3. One (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area; or

**Section XIII. 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 XIV. Land Splits**

The entire premises shall presently be under the control of one owner. However, the Developer has requested the ability to have the right to sell any of the buildings independently if desired. The Township acknowledges this need.

Should the developer request permission to perform a Land Division an application must be made to the Planning Department for review. The Planning Department will review the proposed land division under the criteria of the Land Division Act and the Cascade Charter Township Zoning Ordinance. The developer shall produce all documents requested by the Township including any necessary new easements or other measures as determined by the Township to ensure that the property will continue to operate as a campus style development. In no case shall any lot be smaller than 2 Acres in size.

**Section XV. 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 XVI. Lighting**

All outdoor lighting shall be constructed and placed in accordance with the approved lighting plan signed by the Township.

**Section XVII. 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 XVIII. 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 XIX. 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 XX. 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 (I, Industrial) 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 developed in a unified plan. 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 XXI. 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 Goodyke, supported by Board Member Jones. The roll call vote being as follows:

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

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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 9<sup>th</sup> day of June, 2004.

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Marlene Kleinheksel  
Cascade Charter Township Clerk