

CASCADE CHARTER TOWNSHIP

Ordinance 7 of 2014

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

CASCADE CHARTER TOWNSHIP ORDAINS:

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

The application received from YMCA or its assigns (hereafter referred to as the "Developer") for Planned Unit Development designation for the proposed YMCA Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on June 16, 2014. The Project is recommended by the Planning Commission for rezoning from the existing PUD, Planned Unit Development and R1 residential property to a new PUD designation allowing 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 July 23, 2014, the Cascade Charter Township Board approved the PUD as specified in this document.

SECTION II. LEGAL DESCRIPTION.

A parcel of land located in the Southeast quarter of Section 7, Town 6 North, Range 10 West, Township of Cascade, Kent County, Michigan further described as:

Commencing at the East 1/4 Corner of Section 7, Town 6 North, Range 10 West, thence along the east line of said Section 7, South 00° 50' 11" East, 537.60 feet, to the centerline of Kraft Avenue; thence parallel with the East and West 1/4 line of said Section 7, South 88° 44' 40" West, 60.00 feet to the westerly right of way line of Kraft Avenue and the point of beginning; thence parallel with the East and West 1/4 line of said Section 7, South 88° 44' 40" West, 140.00 feet; thence parallel with said east line, South 00° 50' 11" East, 13.67 feet to the north line of the South 20 Acres of the Northeast 1/4 of the Southeast 1/4 except the East 200 feet thereof; thence along said north line, South 88° 48' 51" West, 1122.12 feet to west line of the East 1/2 of the Southeast 1/4 of said Section 7; thence along said west line, South 00° 38' 00" East, 405.79 feet to the north line of the South 1695.0 feet of the West 1/2 of the Southeast 1/4 of said Section 7; thence along said north line, South 88° 53' 01" West, 913.54 feet to a point which is 410.00 feet

East of the North and South 1/4 line of said Section 7; thence North 05° 37' 46" East, 960.37 feet to a point on the East and West 1/4 line of said Section 7 that is 511.40 feet East of said North and South 1/4 line; thence along said East and West 1/4 line, North 88° 44' 40" East, 102.79 feet to the southerly right of way line of Burton Street; thence Easterly 296.14 feet along said southerly right of way line and the arc of a curve to the left with a radius of 868.51 feet, a central angle of 19° 32' 10", and a chord which bears South 81° 29' 15" East, 294.70 feet; thence along said southerly right of way line, North 88° 44' 40" East, 415.02 feet to said west line of the East 1/2 of the Southeast 1/4 of said Section 7; thence along said west line, North 00° 38' 00" West, 108.19 feet to the centerline of Burton Street; thence along said centerline, North 79° 49' 20" East, 534.42 feet; thence Easterly 566.13 feet along said centerline and the arc of a curve to the right with a radius of 681.92 feet, a central angle of 47° 34' 01", and a chord which bears South 76° 23' 39" East, 550.01 feet; thence South 88° 44' 40" West, 104.73 feet; thence Southeasterly 644.46 feet along said westerly right of way line of Kraft Avenue and the arc of a curve to the right with a radius of 621.92 feet, a central angle of 59° 22' 19", and a chord which bears South 30° 28' 57" East, 616.01 feet to the point of beginning. Containing 35.531 acres, more or less. to the point of beginning.

### 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 XVI of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988).

### SECTION IV. PURPOSE.

The Project occupies approximately 35.53 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, operated and maintained, 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:

“YMCA 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 YMCA Project are as follows:

- 1) Outdoor athletic fields with restroom and storage building as shown on the final approved site plan dated 6/10/14.
- 2) Education and restroom building with garden (farm) as shown on the final approved site plan dated 6/10/14.
- 3) One (1) building to be used for athletic training and competition, including office and education uses, with a maximum building area of 116,200 square feet.
- 4) All outdoor activities or use of fields will be limited to the hours of:
  1. M-F 5 AM- 10 PM
  2. Sat 7 AM – 8PM
  3. Sun 8 AM – 6PM
- 5) Outdoor lighting of the fields is not permitted
- 6) The existing RV storage use will be permitted to continue until 3/31/15 after that date all vehicles or use of the property for RV storage must cease.

**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:
  - 50 feet from road right-of-way
  - 25 from the south property line
  - 10 from the west property line
2. The playing fields shall be setback from the property lines as shown on the approved site plan dated 6/10/14.

C. Parking – There shall be a total of 575 parking spaces provided for the Project. Seventy-Two of those spaces are allowed to be grassed overflow spaces located as shown on the approved site plan dated 6/10/14.

D. Signs – The following signs are permitted in the Project:

1. Two ground mounted identification signs with a maximum size of 40 sq. ft and a maximum height of 5 feet.
2. A total of two wall signs totaling no more than 124 sq ft
3. A naming recognition wall sign of up to 100 sq ft. is permitted but before a naming recognition wall sign is added it must be presented to the Planning Commission to ensure that it is consistent with the existing wall sign.
4. On site directional signage limited to 10 sq. ft. each.
5. Other signs as permitted by the Cascade Sign ordinance as regulated in the R1 zoning district regulations.

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

F. Stormwater Drainage –

In lieu of requiring that an Act 433 agreement or a drainage district be established with the Kent County Drain Commissioner, Cascade Charter Township has agreed to approve the site plan for the Project so long as the Project (and any and all portions thereof) always complies with the Cascade Charter Township Stormwater Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances). Accordingly, the property is required to ensure the proper installation and permanent maintenance of any and all storm drainage and water retention systems, pipes, ponds, and facilities for the Project (collectively, the “Facilities”) shown on the approved site plan or as otherwise required by the Cascade Charter Township Stormwater Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances, all of which shall collectively be referred to hereinafter as the “Stormwater Ordinance”). Such requirements and obligations include, but are not necessarily limited to, the following:

- i. Maintenance and repair regarding the following items shall be done on a regular basis and in such fashion as to ensure that all components of the Facilities function properly at all times:
  1. Sediment removal;
  2. Erosion control;
  3. Ensuring constant structural integrity of the physical systems; and
  4. Designate access to the facilities.

- ii. The Township (including its designated officials, officers, agents, and contractors) shall have the right to physically inspect all aspects of the Facilities at all reasonable times, or any other times if, in the opinion of the Township, there is a threat to the public health, safety, or welfare.
- iii. Buildings, structures, landscaping, trees, or similar items shall not be installed, planted, or placed over any portion of the Facilities without prior written Township approval.
- iv. The YMCA shall supply the Township with a permanent recordable easement (in a form acceptable to the Township) regarding the following after installation and within 60 days of the date requested by the Township for the following:
  - 1. Storm sewer pipes;
  - 2. Basins;
  - 3. Spillways;
  - 4. Waterways; and
  - 5. Designated access routes
- v. The Township shall be supplied with an engineer's "as-built" certification to certify that the Facilities as constructed and installed matches the approved design. The Township shall also be supplied with a reduced copy of the approved site plan graphically showing the Facilities, together with any and all easements therefor.
- vi. The Township shall be supplied with a permanent easement or irrevocable license allowing the Township (as well as its designated officials, officers, agents, and contractors) to have access between the public road right-of-way to any and all portions of the Facilities.
- vii. Should the Facilities not be properly installed, maintained, and/or repaired, in compliance with all of the requirements of the approved site plan, and the Stormwater Ordinance (whether due to the fault or neglect of the developer or owner), and any such noncompliance or deficiency shall not have been fully remedied within 30 days of the date when the Township has given written notice of any such noncompliance or deficiencies, the Township, at its sole option and discretion, shall have the right and authority to perform any and all installations, repairs, and/or maintenance which is reasonably required and charge back the costs thereof to the Owner together with reasonable administrative costs and legal fees.

SECTION VIII. LANDSCAPING BUFFERYARD REQUIREMENTS.

- A. All plantings shall be planted according to the approved landscaping plans.

B. 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.

C. Site irrigation shall be over the areas as shown on drawing DP4A, dated 6/10/2014.

#### 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 400 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 athletic fields, building and drives 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. OUTDOOR FIELD SURFACE**

One baseball/softball field is a hard surface material for handicapped accessible play. All other fields are natural surface, if the Developer chooses to use synthetic turf for any of the outdoor athletic fields, it must be a natural green color.

**C. SIDEWALK/PATHWAY/WALKWAY CONSTRUCTION AND EASEMENT**

The Developer has agreed to provide an easement for the pedestrian pathway along Burton St. This path was originally installed in the road tight-of-way but is now on private property due to the relocation of Burton St. The pathway easement shall be 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.

**D. 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 surrounding properties. The speakers closest to the residential properties must face away from the residential property . Any changes to the Public Address System Plan may be approved by the Planning Director.

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 2009 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 Goodyke . The roll call vote being as follows:

YEAS: Koessel, Lewis, Peirce, Goodyke, Goldberg, McDonald, Beahan

NAYS: None

ABSENT: None

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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 24<sup>th</sup> day of July, 2014.

\_\_\_\_\_  
Ron Goodyke  
Cascade Charter Township Clerk

Applicant Statement:

“YMCA 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.”

YMCA Signature \_\_\_\_\_  
Printed Name \_\_\_\_\_ Date \_\_\_\_\_