

AGENDA
Cascade Charter Township Planning Commission
Monday, February 01, 2016
7:00 pm
Cascade Library Wisner Center
2870 Jacksmith Ave. SE

- ARTICLE 1. Call the meeting to order
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Approve the Minutes of the January 11, 2016 meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.
(Comments are limited to five minutes per speaker.)**
- ARTICLE 6. Case # 15-3229 RJ Ventures
Property Address: 3000 Thornhills Ave SE
Requested Action: The Township Board has remanded this project back to
the Planning Commission for further review.**
- ARTICLE 7. Case # 16-3293 John Slagboom
Property Address: 5210 52nd Street
Requested Action: The Applicant is requesting site plan approval for a 4,800
sq. ft. warehouse addition.**
- ARTICLE 8. Case #16-3295 Cascade Township
Accessory Building Zoning Requirements Discussion**
- ARTICLE 9. Any other business**
- ARTICLE 10. Adjournment**

Meeting format

- 1. Staff Presentation** *Staff report and recommendation*
- 2. Project presentation-** *Applicant presentation and explanation of project*
 - a. PUBLIC HEARINGS**
 - i. Open Public Hearing.** *Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. Close public hearing**
- 3. Commission discussion – May ask for clarification from applicant, staff or public**
- 4. Commission decision - Options**
 - a. Table the decision** *d. Approve with conditions*
 - b. Deny** *e. Recommendation to Township Board*
 - c. Approve**

MINUTES

Cascade Charter Township Planning Commission
Monday, January 11, 2016
7:00 P.M.

ARTICLE 1. Chairman Pennington called the meeting to order at 7:00 PM.
Members Present: Katsma, Lewis, Pennington, Rissi, Sperla, Williams
Members Absent: Mead (Excused) Robinson (Excused) Waalkes (Excused)
Others Present: Community Development Director, Steve Peterson, and others listed on the sign in sheet.

ARTICLE 2. Pledge of Allegiance to the flag.

ARTICLE 3. Approve the current Agenda.

Motion by Member Lewis to approve the Agenda. Support by Member Williams. Motion carried 6-0.

ARTICLE 4. Approve the Minutes of the December 07, 2015 meeting.

Motion by Member Sperla to approve the minutes of the December 07, 2015 meeting as written. Support by Member Rissi. Motion carried 6-0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items (Comments are limited to five minutes per speaker.)

No one wished to speak on a non-agenda item.

ARTICLE 6. Case #15-3290 David Hockstra

Property Address: 1350 Briarcliff Drive

Requested Action: The Applicant is requesting a Type I special use permit to construct an accessory building over 832 sq. ft.

Director Peterson presented the case. The location is on Briarcliff and it is a river lot. The accessory building is just over 1200 sq. ft. and is located in the front yard. For lots on the river we do allow accessory buildings to be in the front yard as long as they meet the front yard setback requirements. The front setback from Briarcliff is 35' and this building is 85' from the right of way and about 100' from the actual road. It has a 40' setback from the nearest side property line which would allow up to an 18' tall building. This building will be 12.5' to the mid-point. It meets all of our setback requirements. They are remodeling the house and the accessory building will have the same architecture as the house. In our Findings of Fact, we gauge the accessory building based on the size of the house and lot size. The house itself will be about 4,000 sq. ft. and the lot is about an acre. There are not a lot of accessory buildings in the area and is larger in size than

those in the area but certainly well within reason based on the lot size and the size of the home. The roof of the structure is low and will look much smaller than a taller building and will not look out of place. I am recommending approval of their accessory building as they have proposed it. There are a couple of comments from neighbors stating that the structure is a little bit big and would prefer they stick with the 832 sq. ft. Another letter from a neighbor states it is fine as proposed.

Member Katsma asked for clarification if the neighbors got a notice of the proposed project. Director Peterson stated that all the neighbors within 300' receive a Public Notice and could respond in writing, by phone or in person. Member Katsma asked if the neighbors received a rendering of the plans. Director Peterson stated that the renderings are not mailed but they are welcome to view the plans at the Township Offices.

Member Mead arrived at 7:12 PM.

Member Sperla stated that the accessory building will match the house and look nice. Member Lewis stated that he viewed the property and I think it will fit in fine without stressing any of our rules or any of the neighbors.

Member Katsma asked if the Applicant talked to the neighbors or were these letters a result of the Public Hearing Notice. Director Peterson stated that he believed the Applicant talked to his immediate neighbors and the letters were generated from the notices the Township sent. The Applicant stated that he talked to the neighbors on both sides.

Chairman Pennington asked the Applicant to come forward with any comments.

Chris Van Hees, the builder on the project came forward on behalf of the Applicant. The accessory building will be architecturally the exact same as the house.

Member Williams stated that the structure is basically a detached garage. The Applicant stated that this was correct.

Member Sperla asked if electrical or plumbing was being added to the space. The Applicant stated that electrical would be needed for lights and garage door openers.

Member Lewis asked if the homeowner was aware that the space could not be used for a business or living space. The Applicant stated that this would not be a problem.

Member Mead stated that the house has a two car garage and they are adding a three car garage. Is there a purpose for all the space? The Applicant stated that they have a boat that will be stored as well as an additional vehicle and yard equipment.

Member Mead asked why the garage is set to be in front of the house blocking some of the view of the house. The Applicant stated that it was plotted there based on some trees that the owner is wishing to save and to not disturb anyone else's view.

Member Lewis made a motion to open the Public Hearing. Support by Member Mead. Motion carried 7-0.

William Lott, 1310 Briarcliff came forward with comments. How close is he to the lot line closest to my property? Chairman Pennington stated 40'. Mr. Lott asked if any of the white pine trees were going to be removed. The Applicant stated that none of the large trees will be removed.

Member Mead asked if there were any feature trees that would be removed. The Applicant stated that as few trees as possible would be removed.

Member Lewis made a motion to close the Public Hearing. Support by Member Williams. Motion carried 7-0.

Member Sperla made a motion for to approve a Type I Special Use Permit for Case 15:3290 David Hockstra with two conditions:

- The accessory building may not be used for living space
- The accessory building may not be used to run a business

Support by Member Mead. Motion carried 7-0.

ARTICLE 7. Proposed Work Plan for 2016

Director Peterson presented the Proposed Work Plan for 2016.

- Access Management
- Food Truck Regulations
- Sign Ordinance
- Accessory Building Updates
- Coast to Coast Rail Initiative Study

Director Peterson stated that he will add the joint meeting with the DDA, per the suggestion of Member Lewis. Member Sperla applauded the Storm Water efforts.

ARTICLE 8. Planning Department 2015 Annual Report

Director Peterson stated that the numbers are up.

Member Lewis stated that the De-Icing System runoff at the Gerald R. Ford International Airport is huge and impressive. It is an awesome undertaking.

ARTICLE 9. Election of Officers

Member Lewis made a motion to elect the current officers to their positions.

- * **Member Waalkes – Chairman**
- * **Member Sperla - Vice Chair/VDRC**
- * **Member Rissi – Secretary**

Support by Member Mead. Motion carried 6-0.

Member Lewis made a motion to elect the current officers to their positions.

- **Member Pennington – Zoning board of Appeals/Village Architectural Review Committee**

Support by Member Mead. Motion carried 6-0.

ARTICLE 10. Planning Principles

Director Peterson handed out the Community Planning Principles that we have previously adopted as a reminder.

ARTICLE 11. Rules of Conduct

Director Peterson handed out the Rules of Conduct and Communication as a reminder. Member Sperla commented on the importance of following these rules.

ARTICLE 12. Any other business

ARTICLE 13. Adjournment

**Motion made by Member Mead to Adjourn. Support by Member Rissi. Motion carried 6-0.
Meeting adjourned at 7:56 PM.**

Respectfully submitted,
Aaron Mead, Secretary
Ann Seykora/Julie Kutchins – Planning Administrative Assistant

Memorandum

To: Cascade Charter Township Planning Commission
From: Steve Peterson, Community Development Director
Subject: Case 15-3229 RJ Ventures
Meeting date: February 1, 2016

The Cascade Charter Township Board has remanded this project back to the Planning Commission for further review and a recommendation on the following items:

1. Landscape Plan around the perimeter of the site.
2. Evaluate the current storm water maintenance agreement to see if it needs to be improved.
3. Review the need for a performance bond for the project during construction.

1. The applicant has now supplied you with a new landscape plan, dated 1/22/16, showing landscaping around the perimeter of the site. I would suggest that if you approve of the landscape plan that we obtain a landscape bond in the amount of \$8,200 and include a provision in the PUD Ordinance. I have included a revised PUD Ordinance that includes a provision for the landscape plan.

2. Our attorney has made revisions to the storm water maintenance agreement in an attempt to improve upon it.

3. We have also confirmed that the KCRC has reviewed the SESC control plan and is agreeable to it. The KCRC will also require a SESC bond in the amount of \$5,000. The applicant has also agreed to supply the Township with a \$50,000 performance bond during the construction of the project (this would be released once the site has been stabilized, it would not be held indefinitely or for individual home site construction).

Mr. Rhode has also sent you another packet of information. While he is entitled to his opinion I don't believe that his packet accurately reflects the decision of the Township Board. His attorney has also sent you a letter stated objection to the approval of the project.

I believe the items in the packet address the issues that the Township Board has asked you to review. I recommend that you forward a positive recommendation to the Township Board for approval of the PUD rezoning with the following conditions:

1. Approval of the landscape plan dated 1/22/16 and a landscape bond of \$8,200

2. **Execute the revised storm water maintenance agreement.**
3. **Include a provision in the PUD Ordinance to reference the approved landscape plan.**
4. **Provide the township with a \$50,000 performance bond for the construction of the site. To be released once the site has been stabilized to the satisfaction of the Township.**

Although this is not a public hearing I did send notice to the neighbors about this meeting.

After your recommendation, the Township Board will consider this matter at their first available meeting.

Attachments: Landscape plan
 Revised Storm water maintenance agreement
 Revised PUD Ordinance
 KCRC letter re: SESC
 Rhode packet dated 1/25/16
 Letter from Rhode's attorney Tim Newhouse dated 1/27/16

**SITE DEVELOPMENT AND STORM WATER RUNOFF FACILITY
MAINTENANCE AGREEMENT**

This Site Development and Storm Water Runoff Facility Maintenance Agreement (the “Agreement”) is executed on this ___ day of _____, 2016, between Cascade Charter Township, a Michigan charter township, whose address is 2865 Thornhills Ave, Grand Rapids Michigan 49546 (the “Township”); and _____ a Michigan _____, whose address is _____ (the “Developer”).

Background

WHEREAS, the Developer has obtained a storm water permit from the Township for the development of the real property described on the attached Exhibit A (the “Property”) (the “Storm Water Ordinance”) pursuant to the Cascade Charter Township Storm Water Ordinance, Ordinance #7 of 2002, as amended, as a single-family residential condominium project; and

WHEREAS, the Storm Water Ordinance requires the Developer to maintain storm water runoff facilities on the Property and to enter into a maintenance agreement with the Township; and

WHEREAS, the Developer agrees that the construction, operation and maintenance of the storm water runoff facilities on the Property are necessary to protect the public health, safety and welfare.

Agreement

NOW, THEREFORE, in consideration of the Developer’s development of the Property (the “Project”), the parties enter into this Agreement as follows:

1. **Storm Water Drainage.** The 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 Storm Water Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances) and this Agreement. Accordingly, the Project is required to always ensure the proper installation, permanent maintenance and repair of any and all storm drainage and water retention systems, pipes, ponds,

and facilities for the Project and on the Property (collectively, the “Facilities”) shown on the approved site plan or as otherwise required by the Storm Water Ordinance (as that ordinance may be amended from time to time, as well as any successor ordinance or ordinances) and this Agreement. Such requirements and obligations include, but are not necessarily limited to, the following:

(a) 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 reasonably and properly at all times: (i) Sediment removal; (ii) Erosion control; (iii) Ensuring constant structural integrity of the physical systems; (iv) Designated access to the facilities and (v) such other work as is reasonably necessary to ensure that the Facilities are functioning properly and in full compliance with the Storm Water Ordinance and this Agreement.

(b) 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.

(c) 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.

(d) The Developer shall supply the Township with a permanent recordable easement (in a form acceptable to the Township) regarding the following after installation of the Facilities and within 60 days of the date requested by the Township for the following: (i) Storm sewer pipes; (ii) Basins; (iii) Spillways; (iv) Waterways; and (iv) Designated access routes.

(e) The Township shall be supplied by the Developer 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.

(f) The Township shall also be supplied by the Developer 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.

2. Enforcement.

(a) Should the Facilities not be properly installed, maintained, and/or repaired in compliance with all of the requirements of the approved site plan, this Agreement and/or the Storm Water Ordinance (whether due to the fault or neglect of the Developer, the condominium association or any Unit 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 to the Developer and the condominium association, 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 Developer and the condominium association together with reasonable

administrative costs and legal fees. Such costs and expenses shall also be a lien on the common areas and individual Units of the condominium until any and all such costs and expenses have been paid to or reimbursed to the Township in full (and the Township is hereby authorized to record a written lien or liens to that effect with the Kent County Register of Deeds records).

(b) Should the Township be involved in any lawsuit, litigation or legal proceedings with regards to the enforcement, interpretation or otherwise involving this Agreement (or any matters pertaining to or arising out of this Agreement), and the Township prevails in whole or in part in any such litigation or legal proceeding, the Developer and the condominium association shall be jointly and severally responsible for reimbursing the Township for the Township's reasonable attorney fees and costs involved in any such litigation, legal proceedings and appeals.

(c) All of the remedies for the Township pursuant to this Agreement shall be deemed to be cumulative and non-exclusive, including the special assessment district specified in Section 3 hereof.

3. Special Assessment District. In addition to the remedies available to the Township pursuant to Section 2 of this Agreement (and potentially in furtherance thereof), all of the Unit owners within the condominium on the Property agree and consent by the acceptance of title to their respective condominium Unit to the automatic creation of a special assessment district by the Township for the Property to cover any and all costs to the Township should the Facilities not be properly installed, maintained and/or repaired in compliance with all of the requirements in the approved site plan, this Agreement and the Storm Water Ordinance and should such non-compliance or deficiency not be cured within the time limit specified in be Section 2(a) hereof. All Unit owners are hereby deemed to consent and agree to the creation of a special assessment district pursuant to Public Act 188 of 1954, as amended, as well as any and all other applicable Michigan statutes.

4. Disclosure. This Agreement (as well as any and all of the obligations and requirements contained herein) binds not only the Developer and the condominium association, but also the individual Units in the condominium on the Property. Accordingly, should the Developer and/or the condominium association fail to comply with the requirements of this Agreement and/or the Storm Water Ordinance with regard to the Facilities (or be unable to do so), the owners of the individual Units in the condominium shall also be responsible for ensuring and effectuating compliance with this Agreement, as well as the Storm Water Ordinance, with regard to the Facilities.

5. Other Laws. This Agreement does not negate the requirement that the Developer, condominium association and individual Unit owners comply with the PUD zoning approval for the project on the Property, as well as any and all other applicable Cascade Charter Township, Kent County, State of Michigan and federal laws, requirements and regulations with regards to the Facilities. Given the location of the Facilities and the slopes involved, the maintenance and repair of the Facilities could potentially prove difficult in the future, but such maintenance and repair will nevertheless have to occur.

6. Recording. The obligations under this Agreement are deed restrictions/covenants that permanently run with the land, and bind the successors in title of the Developer (including the condominium association and the individual Unit owners). This Agreement shall be recorded with the Kent County Register of Deeds at the Developer's sole expense and a copy of the recorded Agreement shall be supplied to the Township.

This Agreement shall be deemed effective as of the ____ day of _____ 2016.

TOWNSHIP:

Cascade Charter Township

By: _____

Rob Beahan
Its Supervisor

State of Michigan)
) ss.
County of Kent)

On this ____ day of _____, 2016, before me a Notary Public, personally appeared Rob Beahan, the Supervisor of Cascade Charter Township (and on behalf of the Township) who, being first duly sworn did say they signed this document on behalf of the Township.

Notary Public, Kent County, Michigan
Acting in Kent County, Michigan
My commission expires: _____

DEVELOPER:

_____, LLC

By: _____

Its: _____

State of Michigan)

)ss.

County of Kent)

On this ____ day of _____, 2016, before me a Notary Public, personally appeared _____ the _____ of _____, a Michigan limited liability company who being first duly sworn, did say they signed this document on behalf of said _____.

Notary Public, Kent County, Michigan
Acting in Kent County, Michigan
My commission expires: _____

Drafted by/After Recording, Return to:

Mr. Steve Peterson
Planning Director
2865 Thornhills SE
Grand Rapids MI 49546

EXHIBIT A

Description of the Property

CASCADE CHARTER TOWNSHIP

Ordinance of 2016

AN ORDINANCE TO Amend the
Sentinel Pointe
Ordinance #1 of 1980
as amended by Ord No 6 of 1984
PLANNED UNIT DEVELOPMENT PROJECT.

CASCADE CHARTER TOWNSHIP ORDAINS:

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

The application received from Driftwood Ventures or its assigns (hereafter referred to as the “Developer”) is to amend the Sentinel Pointe Planned Unit Development to replace the 40 unit elderly housing facility with a ten unit single family residential development called Roundhill (hereinafter referred to as the “Project”). The existing 154 unit retirement facility is not part of this amendment. The project was recommended by the Cascade Charter Township Planning Commission for approval on _____, to amend the current PUD, Planned Unit Development. Approval of the proposed PUD amendment 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 _____.

SECTION II. LEGAL DESCRIPTION.

1. Ten unit condominium project - Roundhill

PART OF NW 1/4 COM AT NW COR OF SEC TH 90D 00M 00S E ALONG N SEC LINE 1475.51 FT TO E LINE OF LOT 7 OF ARDEN HILLS PLAT EXT N TH S 0D 08M 00S E ALONG SD EXT E LOT LINE & SD E LOT LINE & SD E LOT LINE EXT S 0D 08M 00S E 1125.46 FT TO BEG OF THIS DESC - TH S 78D 30M 00S W 212.73 FT TH N 85D 00M 00S W 759.30 FT TO ELY LINE OF THORNHILLS AVE /100 FT WIDE/ TH NLY ALONG ELY LINE OF SD AVE TO A PT 895 FT S FROM N SEC LINE TH E PAR WITH N SEC LINE TO E LINE OF SD LOT 7 EXT S TH S 0D 08M 00S E ALONG SD EXT E LOT LINE TO BEG * SEC 16 T6N R10W 5.24 A.

2. Existing 154 unit retirement home

411916103012 PART OF NW 1/4 COM AT NW COR OF SEC TH 90D 00M E ALONG N SEC LINE 1475.51 FT TO E LINE OF LOT 7 OF ARDEN HILLS EXT N TH S 00D 08M E ALONG SD EXT E LOT LINE TO CL OF THORNAPPLE RIVER DR TH S 63D 15M 32S W 234.98 FT TH S 46D 34M 38S W 129.5 FT

TO BEG OF THIS DESC- TH N 45D 00M W 275.0 FT TH N 49D 00M E 175.0 FT TH N 57D 00M E 187.47 FT TH N 85D 00M W 759.30 FT TO ELY LINE OF THORNHILLS AVE /100 FT WIDE/ TH SWLY ALONG SD ELY LINE TO A PT 288.21 FT N FROM E&W 1/4 LINE TH E 10 FT TH S 24.21 FT TO N LINE OF S 264 FT OF NW 1/4 TH E ALONG SD N LINE TO CL OF THORNAPPLE RIVER DR TH NELY ALONG SD CL TO BEG * SEC 16 T6N R10W 18.25 A.

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 5.24 acres of land that is proposed to be developed as a 10 unit single family residential condominium development. 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:

“Driftwood Ventures 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 Sentinel Pointe PUD are as follows:

- A. 10 Single Family Residences - Roundhill
- B. The Existing 154 unit retirement facility – Sentinel Pointe
- C. Signs. All signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

Section VII. Design Guidelines, Requirements and Limitations.

The Project shall be developed in exact accordance with the site plan approved by the Township. No alterations, expansions or additions may occur as to the Project without a formal amendment to this Ordinance, unless expressly otherwise authorized herein.

- A. Maximum Number of Residential Units
 - 1. Roundhill – Ten (10) single-family detached condominium units.
 - 2. Existing retirement facility - 154
- B. Maximum Building or Structure Height
 - 1. Roundhill – 35 feet or two and a half stories whichever is less
 - 2. Existing retirement facility – as constructed
- C. Setback Requirements
 - 1. Roundhill - All condominium buildings and structures shall be placed within the building footprint area as shown on the final approved site plan dated _____.
 - 2. Existing retirement facility – as constructed
- D. Minimum Floor Area
 - 1. Roundhill -Each dwelling on a condominium unit shall contain a minimum of:
 - (a) One Story: 1300 square feet on the main floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
 - (b) Two Story: 1600 square feet, with a minimum of 800 square feet on the first floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
 - 2. Existing retirement facility
 - (a) As constructed

Section VIII. Private Street Development - Roundhill.

- A. The Developer shall submit to the Township a street construction, maintenance, and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance. The Developer may establish private streets to serve the Project provided the roads are constructed in accordance with the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets” and the following specifications:
1. The road grades shall not exceed a six percent (6%) grade. All grades shall be sufficient to allow safe ingress/egress of emergency vehicles.
 2. The private streets shall be posted with signs stating the street names. These signs shall be consistent with Kent County Road Commission standards and requirements and shall be installed at the Developer’s cost.
 3. Any private street shall intersect any public road at a 90 degree angle.
 4. Copies of any permits required by the Kent County Road Commission to connect the private street to any public road shall be provided to the Township Planning Department by the Developer.
- B. In accordance with Section G of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” the Developer of the Project shall provide a disclosure statement on all property deeds to all owners of the private street, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, stating that by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the Township (and its employees, officials, and agents) shall not be responsible for any aspect of the private street.
- C. In accordance with Section I of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” it shall be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the private streets in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.
- D. No building may be erected within the Project until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum 18 feet wide and be able to support 20 tons on a single axle with dual wheels and standard road tires.

Section IX. Temporary Buildings.

No structure of a temporary nature, including, but not limited to, any trailer, tent or construction shack shall be constructed, placed or maintained within the Project except lawfully accessory to and during construction of any building or infrastructure improvement.

Section X. Utilities.

A. Water and Sewer – The individual units in the Project will be served by public water and sewer. Such systems shall be designed, installed, and approved by Cascade Township and the City of Grand Rapids.

B. 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 owner’s association (the “Association”) and all landowners within the Project (“Co-Owners”) are 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 of the Association and Co-Owners include, but are not necessarily limited to, the following:

1. 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:
 - (a) Sediment removal;
 - (b) Erosion control;
 - (c) Ensuring constant structural integrity of the physical systems; and
 - (d) Designate access to the facilities.
 - (e) Cleaning of catch basin sumps
 - (f) Sediment and debris removal from the infiltration basin
 - (g) Landscape maintenance of the infiltration basin to maintain the design volume and ensure the system is operating as designed.
 - (h) Other maintenance procedures as outlined by the applicant’s engineer in their letter dated June 4, 2015.

2. 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.
3. 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.
4. 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.
5. 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.
6. Should the Facilities not be properly installed, maintained, and/or repaired, in compliance with all of the requirements of this Section XII.B, the approved site plan, and the Stormwater Ordinance (whether due to the fault or neglect of the developer, the Association, and/or the Co-Owners), and any such noncompliance or deficiency shall not have been fully remedied within 30 days of the date when the Township has given the Association 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 Association and Co-Owners (together with reasonable administrative costs and legal fees). Should any challenge occur regarding the Township's actions, the following shall be applicable:
 - (a) Establishment of a Special Assessment District. The Township may establish a special assessment district for the Project to pay for or reimburse the Township for any and all such costs (as well as to ensure future required repairs and maintenance) pursuant to whichever state statute the Township desires to utilize. In such event, all of the Co-Owners and the Association shall be deemed to have consented to the establishment of such a special assessment district.
 - (b) Proceeding to Collect Pursuant to the Master Deed and Condominium Documents. Alternately, the Township shall also have the authority to collect or seek reimbursement for any and all

such costs from the Association and Co-Owners as if such obligations of the Association and Co-Owners were in the form of a permanent deed restriction or covenant on the Project. Should the Township pursue this remedy, the Township would have any and all rights attributable to the Association when collecting dues or assessments from Co-Owners. Additionally, such costs shall be a lien on each of the Units, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the Township Treasurer, who shall enter the lien on the next tax roll against the applicable Unit, and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll in the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

The above alternate remedies (being (a) and (b)) shall be deemed to be in addition to any and all other remedies provided for elsewhere in the Master Deed or condominium documents or at law or equity. The Township shall have the sole authority and discretion to determine whether or not to proceed pursuant to (a) or (b), above.

- C. Before construction commences, the Developer shall provide to the Township (and any other applicable governmental units and utilities) all necessary permanent easements within the Project for telephone, telecommunications, 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 XI. Landscape Plan

The landscaping along the perimeter of the site shall be installed and maintained and shall include at a minimum the plantings that are shown on the approved landscaping plan dated 1/22/16.

Section XII. 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. Developer shall comply with any and all licenses, approvals, or permits issued regarding soil erosion control requirements and measures.

Section XIII. Performance Guarantee.

To ensure compliance with this Ordinance, the Cascade Township Zoning Ordinance, and any conditions and requirements herein, the 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 Department may require such guarantees at any time they deem reasonably necessary to ensure completion of the improvements. The form (including the bank or surety involved), duration, and amount of the performance guarantee as shall be approved by the Township.

Section XIV. The Gerald R. Ford International Airport.

Within the recorded Master Deed, the Developer shall expressly disclose in writing that the Project is located in the vicinity of the Gerald R. Ford International Airport and that there may be noise, vibration, and property valuation impacts associated with such location.

Section XV. Consistency of the Master Deed and/or Deed Restrictions/Covenants with the PUD Approval.

If the Project will be a condominium project (in whole or in part), the Master Deed (and attachments) shall be reviewed and approved by the Township Attorney prior to final recording to ensure consistency with this Ordinance. If some or all of the Project will be governed by deed restrictions/restrictive covenants apart from a condominium master deed, such deed restrictions/restrictive covenants shall also be reviewed and approved by the Township Attorney before recording to ensure consistency with this Ordinance.

Section XVI. 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. Current and future residents will recognize the benefits of a residential development that offers a low-density land use.

In relation to the underlying zoning (PUD), 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 2009 Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a "Residential" use, which is consistent with the Cascade Township Comprehensive Plan.

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.

This Ordinance also incorporates and adopts the staff comments and conclusions on pages 3-4 of the staff report dated January 7, 2016 as additional findings by the Township Board.

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 Premises until a majority of the site condominium units are purchased for single family residential purposes.

SECTION XVII. EFFECTIVE DATE.

This Ordinance/Ordinance amendment shall become effective upon the expiration of 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 , supported by Board Member . The roll call vote being as follows:

YEAS:

NAYS:

ABSENT:

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 ___th day of _____, 2016.

Ron Goodyke
Cascade Charter Township Clerk

Applicant Statement:

“Driftwood Ventures 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.”

Signature _____

Printed Name _____

Date _____



**Kent County
Road Commission**

JANUARY 14, 2016

TO : STEVE PETERSON
CASCADE TOWNSHIP

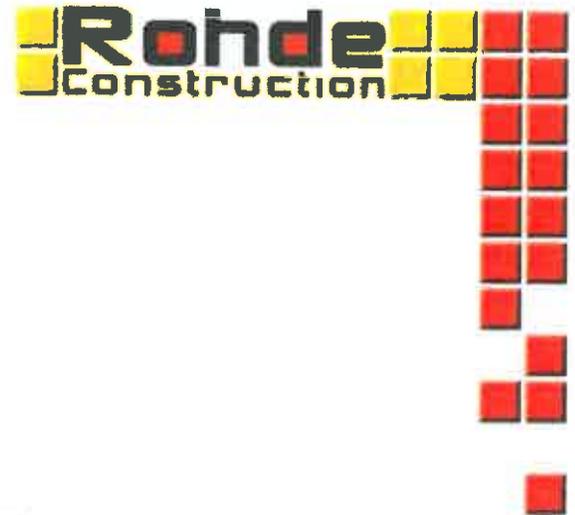
REF: 3000 THORNHILLS

THE KENT COUNTY ROAD COMMISSION HAS PERFORMED A CURSORY REVIEW OF THE PROPOSED SESC PLAN AND FEEL IF ADEQUATELY MAINTAINED WILL BE SUFFICIENT FOR THE PROPOSED GRADING ASSOCIATED WITH THE PROPOSED DEVELOPMENT.

BASED ON A 5 ACRE DISTURBANCE KCRC WILL REQUIRE \$5000 SURETY IN THE FORM OF CASH OR LETTER OF CREDIT.

PLEASE CALL IF YOU HAVE QUESTIONS.

Wayne A. Hnall
Deputy Managing Director
616-262-0668



Monday
January 25, 2016

Mr. Steve Peterson
Planning Director
Cascade Township Planning Commission
2865 Thornhills Ave. SE
Grand Rapids, MI 49546-7192

Re: **Proposed Round Hill Amended PUD**
CASE # 15-3229 DRIFTWOOD VENTURES
Board Public Hearing: January 13, 2016
Tabling of Proposal for Further Planning Commission Review
Review of Issues with Documentation

Members of the Planning Commission;

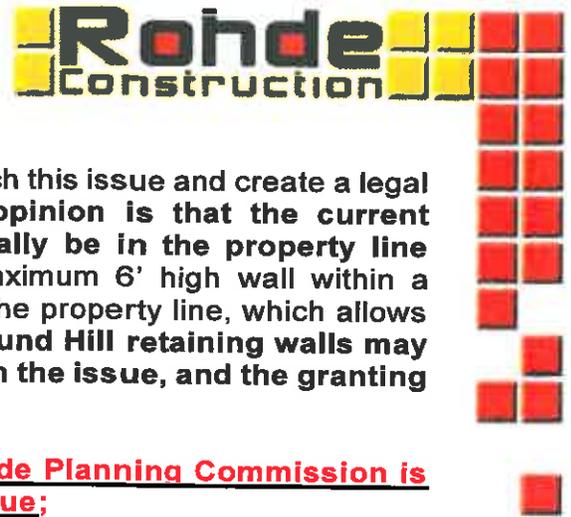
As you are aware, the Cascade Board tabled the above proposal at the public hearing on Wednesday, January 13. There was considerable discussion and concern voiced on three issues in the proposal, both from the Trustees and other knowledgeable speakers. In my presentation to the Board, I represented not only myself as an adjacent land owner but the interests of Sentinel Pointe Investors LLC and added our concern on the issues. The three issues are;

1. High concrete retaining walls are located in the middle of 15' Property Setbacks and there is a body of opinion that this may be against Cascade Ordinances.
2. There was concern that a landscape plan should have been required, but the Board specifically wanted the Applicant to create a landscape buffer plan to screen adjacent property owners from the considerable grade change and retaining walls at the property perimeter.
3. The retention pond design has many potential flaws, especially that the pond is virtually inaccessible. The Board wanted a review of the design and maintainability issues by the Township Engineer, and confirmation that the pond design was correct and could be reasonably maintained.

To assist the Planners to make an informed review and decision regarding these issues, I have created this presentation, with appropriate documentation, to allow the Planners to understand the Board's concerns, as well as affected Cascade area residents.

1. HIGH CONCRETE RETAINING WALLS ARE LOCATED IN THE MIDDLE OF 15' PROPERTY SETBACKS AND MAY BE AGAINST CASCADE ORDINANCES.

There is approximately 600'+ of concrete retaining walls located in the middle of the perimeter 15' property line setback. Most of the retaining walls exceed 10' in height and are shown in either the middle [centerline 7.5' from property line] or 6' from the property line. Assuming a wall thickness of at least 1', the concrete retaining walls are within 5.5'-7' from the property line. These walls could not be constructed without trespassing on adjacent properties.



I engaged Varnum Law [Randy Kraker] to research this issue and create a legal opinion [See attached pages 5-6]. Varnum's opinion is that the current retaining wall design and height cannot legally be in the property line setback. Cascade ordinances allow only a maximum 6' high wall within a setback, and the wall must be at least 10' from the property line, which allows for access to construct the wall. The higher Round Hill retaining walls may not be constructed without a public hearing on the issue, and the granting of a Cascade Township Special Use Permit.

With this legal opinion, it appears the Cascade Planning Commission is left with one of two options regarding this issue;

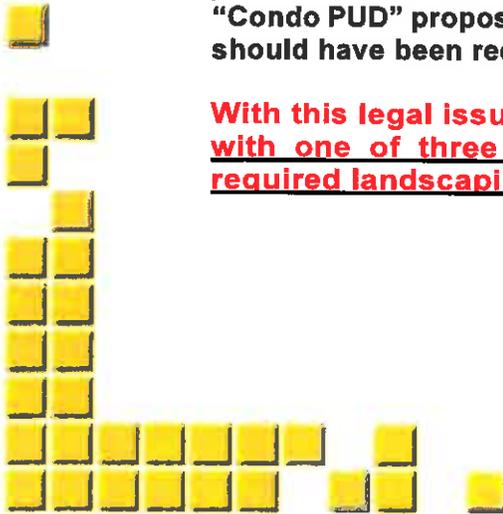
- A. It must direct the Applicant to revise his site plan to relocate the retaining walls outside the 15' property line setback. or;**
- B. The Planners may give the Applicant the option of relocating the walls 10' from the property lines, and attach a condition of approval by the Board to be that the Applicant must first obtain a special use permit allowing the walls within the property line setback.**

2. THERE WAS CONCERN THAT A LANDSCAPE PLAN SHOULD HAVE BEEN REQUIRED, BUT THE BOARD SPECIFICALLY WANTED THE APPLICANT TO CREATE A LANDSCAPE BUFFER PLAN TO SCREEN ADJACENT PROPERTY OWNERS FROM THE CONSIDERABLE GRADE CHANGE AND RETAINING WALLS AT THE PROPERTY PERIMETER.

Before the Planners can give proper instructions to the Applicant to prepare a landscape buffer plan for the Planners' review, there must be some clarification on whether a full landscape plan is also required, or only the screening and buffer landscaping. In his presentation to the Planners at the Planning Public Hearing on August 17, 2016. In giving his directions to the Planners, Director Peterson stated "(Round Hill) is being treated as a "Residential" development and does not require a landscape plan". He also stated "(Round Hill) meets all Ordinances". [See Page 7 for August 17, 2015 Minutes]. In accepting Director Peterson's interpretation of the type of development in the proposal, the Planners recommended the proposal for approval.

In our legal review of the Round Hill Amended PUD Proposal, it is self-evidently a Condo PUD proposal, which affirmatively requires a landscape plan. We firmly request a written legal opinion from Township Counsel, which offers a justification for this unusual "Residential" interpretation of what appears to be a "Condo PUD" proposal, so the Planners may determine whether a landscape plan should have been required in the initial recommendation.

With this legal issue, it appears the Cascade Planning Commission is left with one of three options regarding a direction on the extent of the required landscaping;



- A. If a written legal opinion by Township counsel provides a logical justification for classifying Round Hill as a “Residential” proposal, the Planners may direct the Applicant to only provide a screening and buffering landscape design for Planning review.
- B. If, as we believe, this project is correctly classified as a “Condo PUD” proposal, then the Round Hill Proposal does not comply with the Landscape Ordinance requirements and Planners must direct the Applicant to provide a full landscape plan as well as a screening/buffering plan. It should again be noted that, at a May 15, 2015 Planning meeting, “*The Applicant stated the he would replace what is taken out and they want it nicely landscaped and dense.*” [See attached Page 8 for May 15, 2015 Planning Minutes] or;
- C. If this project is correctly classified as a “Condo PUD” proposal, and a landscape plan is required, the Planners may vote to eliminate the Landscape Ordinance landscape plan requirement for this proposal. Then, the Applicant would again have to only provide a screening/buffering plan.
3. THE RETENTION POND DESIGN HAS MANY POTENTIAL FLAWS, ESPECIALLY THAT THE POND IS VIRTUALLY INACCESSIBLE. THE BOARD WANTED A REVIEW OF THE DESIGN AND MAINTAINABILITY ISSUES BY THE TOWNSHIP ENGINEER, AND CONFIRMATION THAT THE POND DESIGN WAS CORRECT AND COULD BE REASONABLY MAINTAINED.

Amongst the issues that were discussed at the Board Public Hearing, regarding the retention pond design and location, are;

- ◆ Fishbeck required, in writing, that the Applicant take two soil borings [KCDC 10’ deep required] to confirm that the retention pond design would function properly. The Applicant confirmed, also in writing, that he would do so, but only dug two shallow test pits at unknown locations. The Board and speakers all were concerned about the possibility the pond would not function properly.
- ◆ The retention pond is at the bottom of a 30’ deep steep and wooded drop-off against the property line with Sentinel Pointe. The drawings show no access to maintain the retention pond. The Board and speakers all speculated on what type of equipment and cost would be involved to maintain this pond in such a remote location. [See attached retention pond plan Page 9].
- ◆ There was concern that the retention pond design had an overflow which would direct storm water onto Sentinel Pointe land without an easement. Director Peterson opined that an easement agreement shall not be required, and temporary Cascade Township Counsel Bloom thought that if there were an overflow it would be a “Civil suit” matter. I noted that the idea was to prevent “civil problems” like the ones The Summit has only 200 yards away” and prevent the potential problem by requiring an easement with Sentinel Pointe. [See attached MDEQ drawing with overflow issues onto Sentinel Pointe property, Page 10].

At the end of the discussion, my notes indicated that the Board was going to require the Township engineer to look into the design and issues and report back to the planners with any changes or requirements that the Planners should request from the Applicant.

I believe it is appropriate, in fulfilling the request from the Board on this issue, that the Planners should direct the following occur;

- A. The Planners should direct the Township Engineer to review and report to the planners on the following issues, along with suggested actions the Planners should take, regarding the proposal;
- 1) Should the Planners require the Applicant to take two soil borings and follow-up analysis to confirm the retention pond design will function properly? If Fishbeck does not require these borings, will Fishbeck and the Applicant jointly guarantee the pond performance in the absence of such borings?
 - 2) Fishbeck should provide the Planners with a *ways and means* narrative on what type of equipment and methods would be used to maintain a pond in such a remote location, and an estimated cost for dredging the pond and removal of sediment.
 - 3) Fishbeck should give a written opinion on a recommendation to obtain a storm water easement for overflow storm water run-off on to Sentinel Pointe property, and if the MDEW would likely require any rip-rap or other structures to handle such run-off before it goes into the Thornapple Hills Drain. As part of this opinion, it should be asked of Fishbeck as to the likelihood that an overflow runoff of storm water would occur.

In concluding this presentation, I will note that I have retained a new attorney to represent the interests of Sentinel Pointe and myself in any matters going forward. Both Cascade Township and I lost our attorneys as a result of the merger of Varnum & Law/Weathers, because of conflict-of-interest issues. Our new attorney is Timothy Newhouse, of Byron Center, MI. Tim has represented Rohde Construction for a number of years and has a good understanding of the issues involved herein. Tim may be making a separate presentation, regarding the issues above, after he finishes his own legal review of the still unresolved problems.

I look forward to being at the Planning meeting in which Round Hill is discussed, and would be happy to answer any of questions addressed to me by the Planners.

Respectfully Submitted;

MARK DOUGLAS ROHDE PE
HOME ADDRESS: 3087 THORNAPPLE RIVER DR. SE
GRAND RAPIDS, MI 49546

SENTINEL POINTE RETIREMENT COMMUNITY
2900 THORNHILLS AVE.
GRAND RAPIDS, MI 49546

Bridgewater Place • Post Office Box 352
Grand Rapids, Michigan 49501-0352

Telephone 616 / 336-6000 • Fax 616 / 336-7000 • www.varnumlaw.com

John W. Allen
Nyal D. Beeman
Richard A. Hinkley
Randall W. Krabeer
Peter A. Smit
Robert D. Melhagen
Marilyn A. Lanflet
Joseph J. Vogan
Thomas J. Kenny
Lawrence J. Murphy
Teresa S. Decker
Lawrence P. Burns
Thomas H. Bergh
Matthew D. Zimmerman
William E. Rubin
John Patrick White
Jonathan W. Anderson
Jelley A. DeVree
Susan M. Wyngaarden
Kapin S. Jones
David L. Whaley
Michael G. Woodridge
Perrin Rynders
Maria S. Allard
Timothy Z. Esple
Michael S. McElwaine

Jeffrey W. Beswick
Jagan Scheef
Scott A. Nuzenga
Richard B. Symons
Eric M. Nemeth
Ronald G. DeWaard
James M. Farley
Eric J. Guenn
Steven J. Moran
Thomas G. Nyros
Alfred L. Schubkegel, Jr.
Pamela J. Tyler
Jon M. Blyzma
Joseph B. Levan
Harvey Koning
Scott D. Alfrey
Stephanie S. Setterington
Bryan R. Walters
Dean F. Reznar
Kimberly A. Clarke
Mark E. Huis
Peter G. Roth
Mary Kay Shaver
Jude W. Ferrara
Kimberly Baber
Adam J. Brady

Matthew B. Eugster
Charyn K. Han
Elizabeth Wells Skaggs
Melissa B. Papke
Timothy J. Lundgren
Aaron M. Phelan
Brett A. Rendonra
Steven T. Buquertina
Christopher J. Caldwell
Scott J. Hill
Rhon B. Doyle
Seth W. Ashby
Gary J. Moww
Richard T. Hewlett
Bradley S. DeFoe
Nina Thekdi
Michael J. Romayo
Toni L. Newell
Peter A. Schmidt
Dennis M. Devaney
Richard P. Manzrak
Matthew W. Bower
Lindsay A. Gleason
Timothy P. Mensma
Laura E. Radie
Zachary J. Meyer

John D. Arendshorst
Eric R. Post
Luis E. Avila
Kyle P. Konwinski
Kristen M. Veresh
Jacob A. Droppers
Kathenne K. Wilbur
Mallory A. Field
Matthew T. Anderson
Jeffrey D. Koelzer
Nicholas C. Heitz
John W. Sturges
Janice A. Downes
Fernan M. Mendez
Maureen E. O'Brien
William L. Thompson
Dena H. Shuayto
Kathenne L. O'Connor

Counsel
Stephen P. Alendoulis
Christopher P. Baker
Barbara E. Buchanan
Laura A. Chappellie
Kristiana M. Couty
Kevin M. D-Dio

William A. Dornbos
Elizabeth Joy Fassel
Richard D. Fens
Bruce Goodman
Paul J. Greenwald
Randall J. Greenzdyk
Bruce P. Grubb
Dirk Hoffus
Timothy K. Krueger
Paul L. B. McKeemey
David K. McLeod
Teresa J. Mighl
Jul M. Miller
Michael J. Mulcahy
Deborah L. Omdersma
Deborah K. Palmer
Jack M. Panitch
John W. Peatie
Richard D. Rathburn
Dale R. Rietberg
Wayne D. Roberts
Robert C. Rutgers, Jr.
Jack D. Sage
Bonnie Y. Sawusch
Jeffrey L. Schab
Scott R. Sikkenga

Donald Snide
Harold M. Sorndan II
Bethany S. Sweerny
Fredric A. Sytsma
Steven H. Weston

Of Course!
Peter Armstrong
Terrance R. Bacon
Bease A. Barnhart
Timothy J. Curtin
Jon F. DeWitt
Donald L. Johnson
William J. Lawrence III
Thomas L. Lockhart
Daniel C. Moirbet
David E. Preston
Eric J. Schneidewind
Hilary F. Snell
Larry J. Tisley
Kent J. Vana
Carl F. Van Beek

December 30, 2015

Mark D. Rohde
3087 Thornapple River Drive SE
Grand Rapids, MI 49546

Re: *Round Hill PUD/Retaining Wall Issue*

Dear Mr. Rohde:

Based on the drawings describing the proposed Round Hill Condominium PUD project proposed in Cascade Township, it appears that there are significant retaining walls that are a necessary part of this project. The precise location of those retaining walls is not apparent from the drawings submitted to the Township. More precise drawings, especially since the Township property on the north side of the project is also affected, would appear to be in order. The construction process for these retaining walls will not only affect your property but will also have significant impact on the Township property to the north.

It's clear under the zoning ordinance that the retaining walls are structures. The definition of structures includes fences, but the definition of fence specifically excludes retaining walls. So, the net result is that a retaining wall is, in fact, a structure.

The location of structures is governed by various definitions and regulations in the zoning ordinance. Required yards are not to be occupied or obstructed by encroachments such as structures unless specifically permitted by the zoning ordinance. No part of a structure may be located within the building setback line unless specifically provided by the ordinance. Section 4.08.4.b provides that structures that are not buildings (such as a retaining wall) may project no

closer than 10 feet to any side or rear property line. Section 4.30 does permit a wall to be erected along a property line.

Thus, it appears from various provisions of the zoning ordinance that the wall must be located either on the property line or at least 10 feet from the property line. It appears from the drawings that the property retaining wall fits neither of those categories in that it is three or four feet off from the property line. I assume you will refuse to provide them with a temporary easement to construct the wall along your property line thereby forcing them to either attempt to construct it on the property line from their property without trespassing on yours or place the wall at least 10 feet from your property line, which appears to be a more reasonable solution.

In addition and importantly, Section 4.30.2 places specific limits on the height of such retaining wall. The proposed residential PUD would appear to be limited to a height of six feet without the issuance of a special use permit.

Even assuming that the location of the wall complies with the zoning ordinance (which it may not), the project still cannot be built without the issuance of a special use permit to allow the extreme height of the proposed walls. There are very specific standards that must be met to justify a special use permit and you will have an opportunity to be heard through a special land use public hearing process.

In summary, you have legitimate objections and challenges to both the location of the walls and the height of the retaining walls, if a rezoning is granted for the proposed project.

Very truly yours,

VARNUM



Randall W. Kraker

RWK/bjs

ROUND HILL RETAINING WALLS, WHICH ARE MUCH HIGHER THAN 6', ARE ILEGALLY LOCATED WITHIN PROPERTY LINE SETBACKS AND MUST BE RELOCATED. WALLS CANNOT BE SHOWN IN CURRENT LOCATION DURING PLANNING AND CAN ONLY BE SHOWN THERE IF A SPECIAL USE PERMIT HAS BEEN GRANTED.

The Applicant stated that for clarification they have designed their retention basin to accommodate the 100 year storm and we have the emergency spillway. We are very comfortable with what we have presented.

Member Williams asked about all of the trees that would be removed. Director Peterson stated that with all of the construction and grading that would occur he could not dispute the trees being removed. It would be a similar impact to any other residential site in the area.

Member Sperla asked if there was a detailed landscaping plan. Director Peterson stated that we typically do not require landscaping plans for residential developments. There are some street trees being placed out front. There are no plans to landscape the perimeter of the site.

A Landscaping Plan is Required, as well as a Bond and Applicant promised dense landscaping

Member Williams asked why the developer dropped back to 10 sites rather than the 15 that were originally proposed. The Applicant stated this is a better fit for the site. Member Williams asked if this then increased the price of the units. The Applicant stated that this was the price point that was originally planned.

Member Mead asked if it was the Applicants intention to get 100% of the site developed and stabilized prior to construction or are you going incrementally build the site. The Applicant stated that they will build the road and the infrastructure and the site will be completely build ready. Member Mead asked what the time frame for this project would be to be absorbed by the market. The Applicant stated that it would most likely be a two-year build out.

A Landscaping Bond is Often Required by Cascade Township

Member Mead asked what the typical bond amount that is given on a project such as this. Director Peterson stated that there typically is not a bond.

Member Lewis stated that everyone has a right to proceed as long as they meet all the requirements. The Applicant meets all of our Ordinances. In that regard, I would support any favorable motion.

Round Hill Violates 11 PUD and 3 Subdivision Variance Ordinances and Should be Rejected by Member Lewis

Member Lewis made a motion that Case 15:3229 RJV Venture request to amend PUD #55 to permit 10 single family detached homes be approved with the conditions by Staff.

1. Sign the Storm Water Maintenance Agreement
2. Review and approval of condominium documents to ensure compliance with Township requirements.
3. Add swale around south side of project as discussed.

Support by Member Robinson. Motion carried 7-0.

Member Sperla asked if these would be considered retirement living and would there be an affiliation with Sentinel Pointe. The Applicant stated the apartments would not be retirement living but more for empty nesters.

Member Lewis asked the proposed square footage of the units. The Applicant stated the units would be approximately 2,500 sq. ft. of living space plus the basement.

We want the residents to be able to access the library and other Township amenities. It may not be from the rear of the site but there will be access. Member Sperla asked if there would be sidewalks within the site. The Applicant stated they are open to suggestions.

Member Mead stated that some of the units will not have any additional parking available at the unit and asked if there would be an area for overflow parking for these units. The Applicant stated the layout of the buildings is not set in stone and we are really not in that part of the planning phase at this point. That being said, we do want the units to be well done and these types of ideas will be considered.

Member Waalkes asked if the 15 units was their critical mass or density needed for the project. The Applicant stated they were looking to see what would work best on the site with the land that is available.

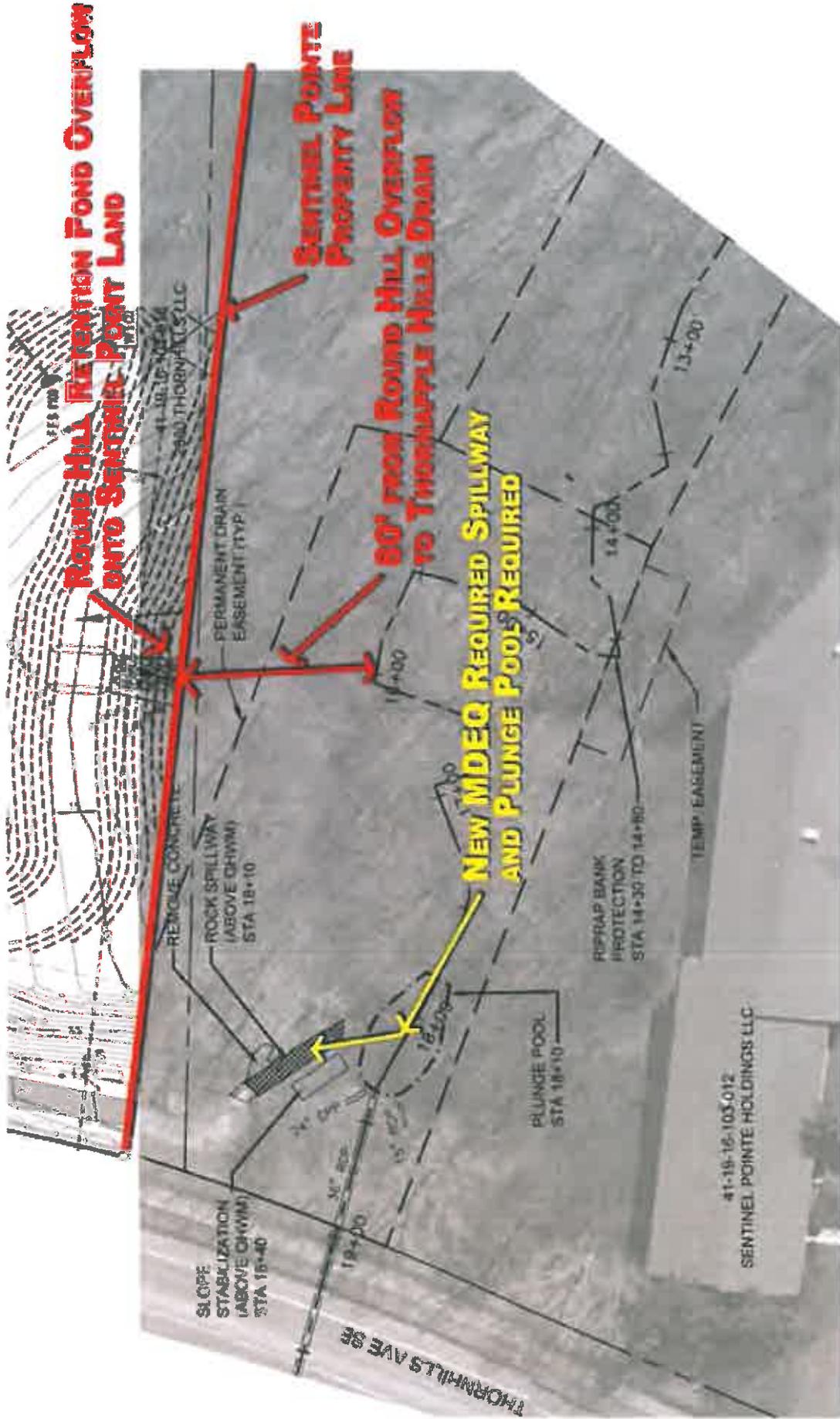
Dense Landscaping Promised But Planners Required NO Commitment

Member Sperla stated the site had a lot of trees and were they planning on replacing the trees with landscaping. The Applicant stated they would replace what is taken out and they do want it to be nicely landscaped and dense.

Member Sperla asked the Applicant if they were in favor of the connector to the library. The Applicant stated they were very open to it. They want people to be able to walk to the library and surrounding businesses. The Commissioners would prefer the connector be placed on the Township property rather than trespassing through someone's back yard to cut the corner to the library.

Member Waalkes asked the Applicant if they were planning to market this community as a zero step or minimal step community. The Applicant stated they were thinking the units would be a typical ranch with a step down.

Member Hammond asked the Applicant if they were planning on having these be 2 unit homes. The Applicant stated they had thought about that, but felt that would have a duplex feel which is not what they want. The price point they're anticipating is \$500,000 - \$600,000 because of the amenities inside which they'll



RECEIVED
 September 30, 2015
 Water Resources Division
 Grand Rapids

PLAN
 STA 12+50 - 19+50
 SCALE 1" = 50'
 NORTH

fitch
 engineers
 scientists
 architects
 constructors

Michigan Engineers
 License No. 10000
 www.fitch.com

Cascade Township
 Cascade Township, Kent County, Michigan
 Thornapple Hills Drain Restoration

9/30/2015
 MDEQ
 PERMIT

PROJECT NO.
 G130842

FIGURE NO.
 7

TIMOTHY R. NEWHOUSE
ATTORNEY AT LAW, P.C.

2465 BYRON STATION • SUITE A
BYRON CENTER, MI 49315

Phone (616) 366-1000

Email: tim@newouselaw.com

Facsimile (616) 366-1003

January 27, 2016

Cascade Township Planning Commission
2865 Thornhills Avenue SE,
Grand Rapids, MI 49546-7192

Dear Commissioners:

I represent Mark and Gail Rohde ("Rohde") regarding the proposed amendment to Sentinel Pointe Ordinance #1, 1980 as amended by Ordinance #6 of 1984. ("PUD"). The applicant, RJV Ventures (now Driftwood) is seeking to amend the existing PUD and replace the senior living facility of that PUD with a 10 unit Residential site condominium. Rohde, as well as Sentinel Pointe Investors, LLC (SP), being the owners of a portion of the property included in the original PUD, are adamantly opposed to this project as being violative of various requirements contained in the Cascade Township ordinances which govern development in Cascade Township.

PUD development is governed by Section 16 of the Cascade Township Zoning Ordinance. This proposed development and the procedures used to attempt approval violate numerous provisions of Cascade Township's Zoning Ordinances as more fully set forth below.

STANDARDS

The intent of the PUD Ordinance is set forth in Section 16.02. The proposed amendment does not meet the standards of Sections 16.02 (1), (2) and (5).

1. Chapter 16, PUD Planned Unit Development District, Section 16.02 (1):

"To encourage the use of land in accordance with its character and adaptability."

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

The proposal will require substantial alteration to the site.

2. Chapter 16, PUD Planned Unit Development District, Section 16.02 (2):

"To promote the conservation of natural features and resources."

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

The plan will require that the developer basically clear out all of the mature trees on this property. The Developer will also have to remove a substantial amount of dirt in order to make the project remotely viable-engineering wise. This project will also alter the natural water flow in the area.

3. Chapter 16, PUD Planned Unit Development District, Section 16.02 (5):

"To promote and ensure greater compatibility of design and use between neighboring properties."

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

The design of this plan requires numerous variations from normal site plan standards including retaining walls, which violate other ordinances, lack of buffers in accordance with other zoning laws, and lack of landscaping.

REGULATIONS

Section 16.03 sets forth the regulations that must be met in order to approve this Amendment to the PUD.

Chapter 16, PUD Planned Unit Development District, Section 16.03 (2) (a) requires that this PUD amendment will:

"result in a recognizable and substantial benefit to the ultimate users of the project and to the community."

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

Nowhere in the records and minutes of the Planning Commission or the Board has there been a determination or definition of the recognizable and substantial benefit which this 10 unit residential site condominium provides. Blanket statements of a recognizable benefit do not define what that benefit actually is.

Chapter 16, PUD Planned Unit Development District, Section 16.03 (2) (b) requires that the proposed development:

"not place a material burden upon the subject or surrounding land or property owners and occupants, or the natural environment."

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

This development does exactly the opposite. It creates a material burden on the surrounding property and the natural environment. The proposed development will create storm water drainage issues which cannot be overcome.

Chapter 16, PUD Planned Unit Development District, Section 16.03 (2) (f) requires that the proposed development:

"shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance."

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

The development is under the control of separate entities-one of which opposes the development (SP). While Section 16.03(f) allows the transfer of ownership upon due notice to the Planning Director of the Township, the fact that there are two separate owners of the land in this PUD creates issues which preclude the approval of this amendment and show why this single ownership requirement is included in the ordinance.

SP is the owner of a portion of the property contained in this PUD. SP does not approve of this development. This development requires that there be a storm water plan approved in accordance with the Cascade Township Storm Water Ordinance (Ordinance #7, 2002 as amended by Ordinance #7 of 2008) ("SWOr"). The SWOr requires all easements necessary to implement the approved drainage plan (SWOr Section 2.02 (6) and Section 7.02). The amendment, as proposed, requires that drainage from the proposed development transverse over the SP property to the county drain. There is no easement for such drainage across SP's property. As such, this plan is in violation of Cascade Township's own specific ordinances and cannot be approved. The proposed amendment does not meet this standard.

On February 20, 2015, the Planning Director authored a staff report which read in part:

"Given that they are amending an existing PUD, we will need to get the signature of the Sentinel Pointe property since we are amending a portion of the project they are in."

However, the same Planning Director stated at the Planning Commission meeting August 17, 2015, in response to a specific inquiry from Commissioner Mead:

"We have never gotten signatures from those that are impacted by the changes. Since this change does not impact the existing Retirement facility we would not require them to sign off."

The Planning Director was correct in his initial staff report: there must be approval from SP. SP's property is part of this development. It is directly affected by this proposed amendment since this new development completely changes the approved PUD. It changes the storm water drainage and directs it over SP's property. The storm water drainage plan as approved in 1980 is not the same as this proposed plan. The storm water under this new plan is now diverted to run over the land and discharge in the county drains to the South. How will it get there? Only by transversing SP's property. SP does not-and has not-granted an easement for such drainage.

This example is the exact reason why property in a PUD must be under one ownership. The applicant and SP now control parcels contained in this PUD. However, their interests differ. SP does not approve of this amendment, and specifically does not approve of the negative impacts that it will suffer if this drainage plan-which diverts substantially more water onto its property-is approved.

The Township cannot simply approve the diversion of storm water over another's property without the proper and necessary permissions, including appropriate easements. The proposed ordinance approving this plan requires such easements (Section X Utilities). That proposed ordinance further requires the property owners to agree that, should they fail to maintain these "facilities", then the Township has the right to do so and assess the residents and owners. Common sense would dictate that SP must agree to that in writing before it could be enforceable as they are not part of this proposed amendment and do not approve of it.

This storm water drainage issue involves other concerns which prevent the approval of this project. The retention pond is located on the property line. This project requires a retention pond. The amended plan proposes the use of the retention pond. However, there is no way that the required maintenance agreement can be complied with since there is no viable access to this pond. There simply is no way to maintain this pond as required by the zoning ordinances. The applicant's statement that it intends to use bobcats to maintain the retention pond is not sufficient.

PROJECT DESIGN STANDARDS

Section 16.04 sets forth the Project design standards required for PUD.

Chapter 16, PUD Planned Unit Development District, Section 16.04 Mixed Uses

(2) requires compliance with Chapter 20 (Landscape and Buffer Regulations) of Cascade Township Zoning Ordinance.

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

There is no landscape plan.

Chapter 16, PUD Planned Unit Development District, Section 16.04 (3) Applicable Regulations

(a) requires compliance with all regulations regarding lot size, setbacks, landscaping, general provisions and to other improvements and facilities shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this ordinance under which each non-residential use would otherwise be permitted.

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

The drawings of this Plan propose significant retaining walls as a necessary part of the project. The proposed retaining walls violate the setback requirements of the township's ordinances. These retaining walls are within 10 feet of the property line-a clear violation. Moreover, these walls also violate Section 4.30 of the Cascade Township Zoning Ordinance regarding their location and height as set forth in attorney Kraker's correspondence.

Chapter 16, PUD Planned Unit Development District, Section 16.04 Natural Resources and Features

(4) requires the preservation of natural resources and natural features unless it is in the public interest to destroy or impair them.

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

The proposal specifies removal of dirt in excess of 30,000 cubic yards, basically leveling the site and removing 3 acres of vegetation.

Chapter 16, PUD Planned Unit Development District, Section 16.04 (5) Compatibility

(a) Perimeter setbacks

THE PROPOSED AMENDMENT DOES NOT MEET THIS STANDARD.

The retaining wall structures are within the setbacks and violate the Zoning Ordinance.

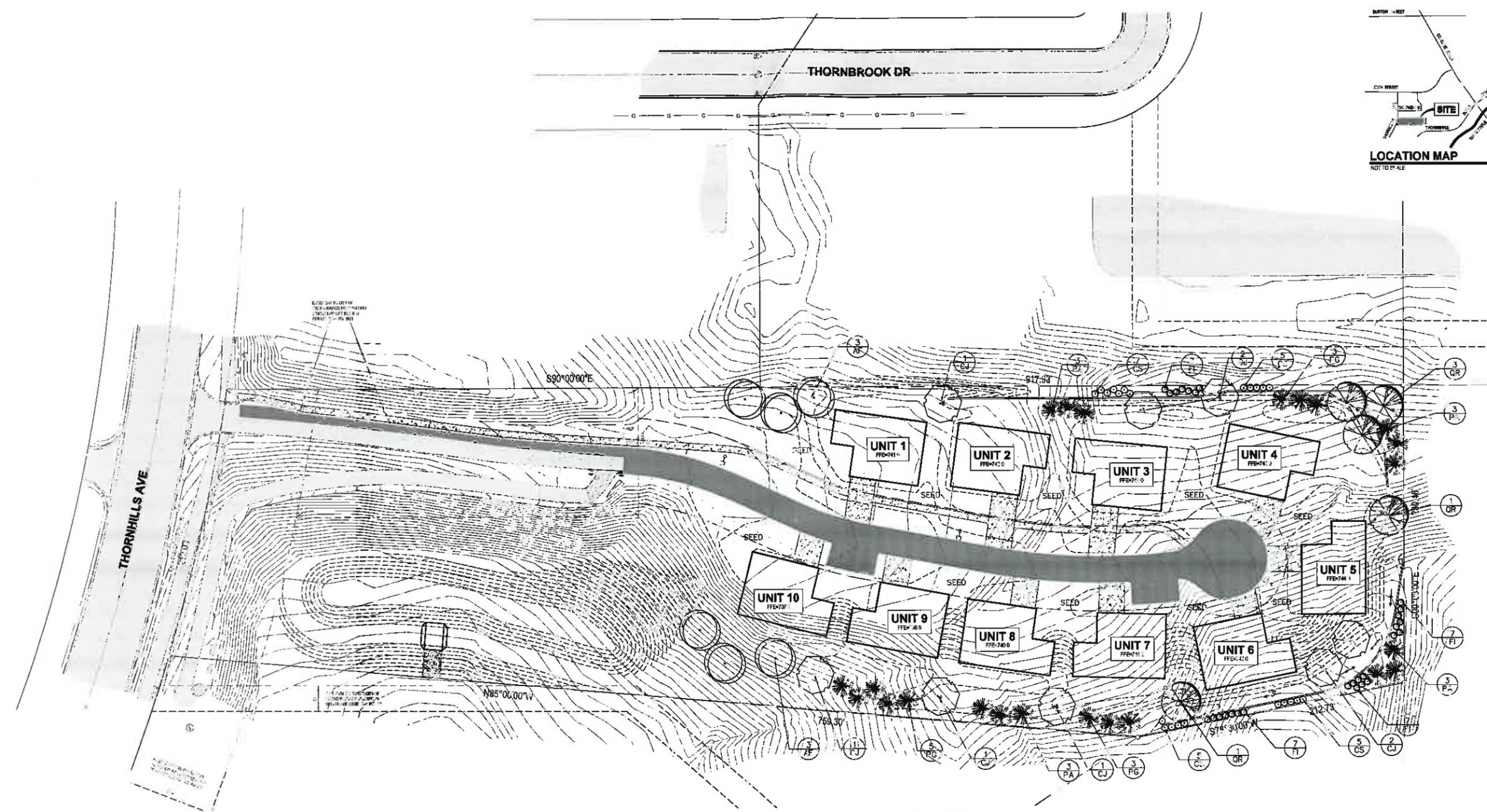
This Amendment is tantamount to a taking. It will also cause irreparable harm should any storm water be diverted. The first shovel which alters in any way the storm water drainage will cause irreparable harm to SP. This proposed plan does not meet the standards and regulations of the Cascade Township Zoning Ordinance and should not be approved.

I respectfully request that this proposed amendment be denied, or at the very least, tabled until such time as all of these concerns are addressed and corrected.

Very truly yours,



Timothy R. Newhouse



LANDSCAPE PLAN

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	COMMENTS
DECIDUOUS CANOPY TREES					
AF	ACER FRIEMANNI 'CELEBRATION'	CELEBRATION MAPLE	8	2 1/2" CAL.	B. & B.
CI	CERCIDIPHYLLUM JAPONICUM	KATSURATREE	8	2 1/2" CAL.	B. & B.
OR	QUERCUS RUBRA	RED OAK	5	2 1/2" CAL.	B. & B.
EVERGREEN TREES					
PA	PICEA ABIES	NORWAY SPRUCE	12	6" HT.	B. & B.
PG	PICEA PUNGENS GLAUCA	COLORADO BLUE SPRUCE	11	6" HT.	B. & B.
SHRUBS					
CS	CORNUS BERCEA	RED OSIER DOGWOOD	22	3" HT.	49 GAL. CONTAINER
FI	FORSYTHIA X INTERMEDIA 'LYNWOOD GOLD'	LYNWOOD GOLD FORSYTHIA	28	3" HT.	49 GAL. CONTAINER

- PLANTING NOTES**
- LANDSCAPING SHALL BE INSTALLED WITH NINETY (90) DAYS OF COMPLETION OF THE ROAD
 - CONTRACTOR SHALL NOTIFY MISS DIG TO LOCATE ANY UNDERGROUND UTILITY LINE OR STRUCTURES PRIOR TO STARTING CONSTRUCTION.
 - CONTRACTOR SHALL PROVIDE SPECIFIED SHRUBS AND OTHER PLANT MATERIALS THAT COMPLY WITH ALL RECOMMENDATIONS AND REQUIREMENTS OF ANCI 260.1 "AMERICAN STANDARD FOR NURSERY STOCK". PLANT MATERIAL SHALL BE HEALTHY, MATURE STOCK, GROWN WITH GOOD HORTICULTURAL PRACTICE AND INSTALLED IN ACCORDANCE WITH METHODS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERMEN.
 - ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH UNDERGROUND AUTOMATIC IRRIGATION SYSTEM. TREES AND SHRUBS WILL BE IRRIGATED BY A SEPARATE ZONE FROM SOOD GRASS. THIS INCLUDES TREES PLANTED IN SOOD/GRASS AREA. THE IRRIGATION SYSTEM IS TO HAVE A RUN SENSOR SHUTOFF INSTALLED.
 - ALL PLANTINGS AND LANDSCAPE IMPROVEMENTS SHALL BE CONSISTENT WITH CASCADE TOWNSHIP ZONING REQUIREMENTS.
 - SEED SHALL BE PLACED OVER 4" TOPSOIL IN ALL PROPOSED SEED AREAS AND ALL AREAS DISTURBED BY CONSTRUCTION. SEED MIXES SHALL BE AS FOLLOWS:
SEED:
 10% TALL FESCUE
 20% PERENNIAL RYE GRASS
 30% CREEPING RED FESCUE
 40% KENTUCKY BLUEGRASS
 10% LBS. PER 1000 S.F.

RJM Design
 Land Planning & Landscape Architecture
 1071 E. Main St. Suite 217
 Portland, OR 97214
 Phone: (503) 254-6011
 Fax: (503) 254-6012
 www.rjmdesign.com



Landscape Plan
Round Hill
 Cascade Township, Kent County, Mi

DATE	ISSUED FOR:
1/22/2016	TOWNSHIP REVIEW
P.I.C.	R. JAMES MORGAN
P.M.	C. MARKHAM
DESIGN	C. MARKHAM

RJM PROJECT NUMBER
16004
 SHEET NAME
LANDSCAPE PLAN
 SHEET NUMBER
L100

STAFF REPORT: Case # 16-3293
REPORT DATE: January 25, 2016
PREPARED FOR: Cascade Charter Township Planning Commission
MEETING DATE: February 1, 2016
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
John Slagboom
5210 52nd St
Grand Rapids MI 49512

STATUS

OF APPLICANT: Owner

REQUESTED ACTION: Site plan approval for 4,800 sq ft warehouse addition.

EXISTING ZONING OF
SUBJECT PARCEL: TI

GENERAL LOCATION: South side of 52nd St between Kraft and Paterson.

PARCEL SIZE: approximately 7 acres

EXISTING LAND USE
ON THE PARCEL: Industrial

ADJACENT AREA
LAND USES: Industrial

ZONING ON ADJOINING
PARCELS: E – TI
W – PUD 50
N – I
S- PUD 50

STAFF COMMENTS:

1. The applicant is requesting site plan approval in order to construct a new 4,800 sq ft building.
2. Site plan review is required since they have already built an addition to the project under administrative approval. With the cumulative amount over 5,000 sq ft they are required to receive site plan approval.
3. The building will be used for storage and light maintenance and repair.



January 21, 2016
Project No. G080322

Mr. Steve Peterson
Cascade Charter Township
2865 Thornhills Avenue, SE
Grand Rapids, MI 49546-7192

Re: 52nd Street Self Storage
Site Plan Review

Dear Steve:

We reviewed the site plan for 52nd Street Self Storage, located at 5210 52nd Street, prepared by Exxel Engineering, Inc. The current site plan and the basis of this review are dated January 13, 2016. The site is currently a self-storage facility and was previously reviewed and approved in early 2002. The site plan was revised and approved again in 2013 to include an additional building. The proposed site work being reviewed at this time is a new 4,800-square-foot building located at the rear of the property.

Stormwater and Drainage

The proposed building will be placed within the boundaries of the existing asphalt millings parking lot. The current site drains to the south to an existing detention pond. We researched our previous review of this site and found the drainage calculations accounted for this area as being an impervious surface. As such, what is currently being proposed does not result in an increase in runoff or a change in the drainage characteristics when compared to the original design. Additional detention or stormwater improvements are not required beyond what was originally approved and required to be constructed in 2002.

Utilities

The site plan does not include any new utilities for the proposed building.

Soil Erosion and Sedimentation Control

Soil Erosion and Sedimentation Control (SESC) measures were not included on the site plan. SESC falls under the review and approval of the Kent County Road Commission and a permit is required before construction can begin.

Summary

The proposed stormwater design meets the Township SWO requirements for new developments. The applicant will need to apply for and obtain an SESC permit prior to beginning construction. We recommend approval of the site plan from an engineering standpoint.

Mr. Steve Peterson
Page 2
January 21, 2016



If you have any questions or require additional information, please contact me at 616.464.3786 or nrtorrey@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.

A handwritten signature in black ink, appearing to read "N. Torrey", is positioned above the name of the sender.

Nathan R. Torrey, PE, CFM

jlk
Attachment
By email



Cascade Charter Township

2865 Thornhills SE Grand Rapids, Michigan 49546-7192

PLANNING & ZONING APPLICATION

APPLICANT: Name: JOHN SLAGBOOM

Address: 5210 - 52ND STREET, SE, GRAND RAPIDS, MI 49512

Telephone: (616) 554-2002

Facsimile: (616) 554-2004

OWNER*: Name: SAME AS APPLICANT

Address: _____

Telephone: _____

Facsimile: _____

(* If different from the Applicant)

Nature of the Request: (Please check the appropriate box or boxes)

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. - Rezoning*
<input type="checkbox"/> P.U.D. - Site Condominium	<input type="checkbox"/> Rezoning
<input checked="" type="checkbox"/> Site Plan Review*	<input type="checkbox"/> Sign Variance
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Subdivision Plat Review
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other:

* - Requires an initial submission of 5 copies of the completed site plan.

BRIEFLY DESCRIBE YOUR REQUEST**: _____

CONSTRUCT NEW 60' X 80' STORAGE BUILDING FOR TRAILER
STORAGE, LIGHT MAINTENANCE AND REPAIR.

(**Use Attachments if Necessary)

LEGAL DESCRIPTION OF PROPERTY**: SEE SITE PLAN

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19- 31-200-019

ADDRESS OF PROPERTY: 5210 - 52ND STREET SE, GRAND RAPIDS, MI 49512

PRESENT USE OF THE PROPERTY: SELF STORAGE

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

<u>Name(s)</u>	<u>Address(es)</u>
52nd Street Self Storage LLC	5210 52nd Street GRAND RAPIDS, MI 49512

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

JOHN SLAGBOOM
Owner - Print or Type Name

JOHN SLAGBOOM
Applicant - Print or Type Name

(If different from Applicant)

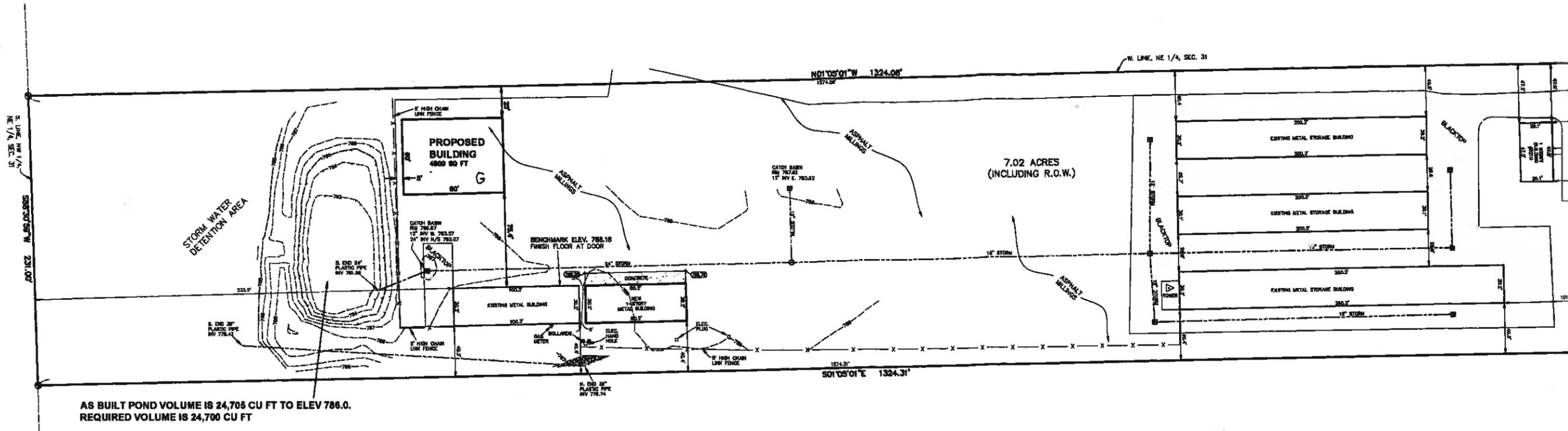
John Slagboom 1/13/16
Applicant's Signature & Date

* Owner's Signature & Date
(If different from Applicant)

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS

REVIEW SHEET - THANK YOU

Revised 03/26/02

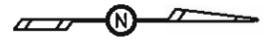


Know what's below.
Call before you dig.



Description:
The West 231.00 feet of the NW 1/4 of the NE 1/4, Section 31, T8N, R10W, Cascade Township, Kent County, Michigan.

- NOTES:
1. Utility structures visible on the ground surface have been located and shown per actual measurements.
 2. Underground utility lines have been shown per available records and should not be interpreted as the exact location nor the only utilities in this area.
 3. No title work was furnished for this survey. A commitment for title insurance should be obtained in order to determine easements, restrictions and other covenants which may affect this property.



SCALE: 1" = 40'

LEGEND

- = IRON STAKE FOUND
- = IRON STAKE SET
- ⊙ = MONUMENT
- ⊕ = UTILITY POLE & GUY WIRE
- ⋆ = LIGHT POLE
- ⊥ = SIGN
- ⊕ = HYDRANT
- ⊕ = VALVE
- ⊕ = CATCH BASIN
- = MANHOLE
- = FENCE LINE
- = OVERHEAD WRES

SITE DEVELOPMENT PLAN
52ND STREET SELF STORAGE

FOR: JOHN SLAGBOOM
5210 52ND STREET
GRAND RAPIDS, MI 49505

IN: PART OF THE NE 1/4, SECTION 31, T8N, CASCADE TOWNSHIP, KENT COUNTY, MI

REVISIONS	

DRAWN BY: NK
APPROVED BY: DJS
FILE NO.: 131-002

Township Planning Commission Memorandum

To: Cascade Township Planning Commission
From: Steve Peterson, Community Development Director
Subject: Accessory Building zoning requirements
Date: February 1, 2016

One of our goals this year is to evaluate the need for any changes to our accessory building regulations. Specifically, the need to update when an accessory building needs to be reviewed by the planning commission.

Historically we have required the need for PC review of an accessory building for a long time. We have updated the threshold a couple of times. Originally the threshold was 200 sq ft, then 400 sq ft and finally to the current requirement of 832 sq ft in.

While 832 sq ft may seem random, it was selected because it correlates with the size of the allowed attached garage. We allow larger buildings both attached and detached to be expanded. Attached buildings can be increased provide the house is larger than 1300 sq ft and the detached building must go through the public hearing process.

I have provided you with an inventory of the accessory buildings that we have approved since 2010. My review of the inventory indicates that the average size of the accessory building we are seeing is well over the 832 sqft. Only two accessory buildings we approved were less than 1,000 sq ft. to make any changes that would affect the planning commission workload would mean that we would have to substantially increase the threshold for PC review.

I am uncomfortable in approving such large building on a staff level given our history of how we have processed such buildings in the past. I see no benefit to the public by increasing the threshold.

Attachments:
Accessory building inventory 2010-2015

CHAPTER 4 General Provisions

permitted, except that boat houses may be permitted at or near the water's edge provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to construction.

- b. Those not classified as buildings, and buildings containing 200 square feet or less, may not project closer than 10 feet to any side or rear property line. Notwithstanding the foregoing, boat docks, patios and pump houses may be located at or near the water's edge, provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to their erection and placement. (Section amended by Ordinance #1 of 1992)
5. The distance between accessory buildings in excess of 200 square feet and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous breezeway, portico, covered colonnade, or similar architectural device.

Section 4.09 Accessory Buildings - Residential:

Accessory buildings or structures on residential lots shall not directly or indirectly involve any business, trade, occupation or profession. In addition the following regulations shall apply: (Amended by Ordinance #6 of 2002)

- 1. **Special Use Permits Required:** Except as provided in Subsection 2, the following Table 4-1 shall be used to determine whether accessory buildings shall be approved under the provisions of Chapter 17, Special Use.

Maximum Height to Midpoint of Roof	Min. Bldg. Side Yard Setback	Min. Bldg. Rear Yard Setback	Special Use Permit Required
Up to 14'	10'	Min. – 25'	Over 832 sq. ft.
15'- 18'	40'	Min. – 40'	Over 832 sq. ft.
19'- 22'	60'	Min. – 60'	Over 832 sq. ft.

The following Table 4-2 shall be used to determine the number of accessory buildings permitted on a parcel.

Acreage	Number of Buildings Allowed*
Up to three (3) acres	1
3-6 acres	2
6+ acres	3

*The number of buildings allowed is in addition to an attached or detached private garage. (Amended by Ordinance #12 of 2000)

- 2. **Private Garage - Customary:** A customary private garage shall consist of any one (1) private garage attached to a principal dwelling unit, or in its place, any one (1) detached private garage. Subject to the following limitations, one such accessory building is permitted by right on any lot or parcel occupied for residential purposes, upon approval of the building inspector.
 - a. The maximum size of a detached private garage permitted by right shall be limited to 832 square feet of floor area. Detached private garages exceeding 832 square feet shall only be approved under the provisions of Chapter 15, Special Use.
 - b. The maximum size of a private garage attached to a dwelling unit shall be limited to 832 square feet for the first 1300 square feet of habitable floor area contained in the dwelling. In addition, for each whole increment of five (5) square feet that the floor area of the dwelling unit exceeds 1300 square feet, the floor area of the attached garage may be increased by one (1) square foot. **Section 4.09(3) has been deleted** (Amended by Ordinance #6 of 2002). (New Section added by Ordinance #1 of 1992)



Accessory Building Inventory 2010-2015

Case	Name	address	Zoning	accessory building sq.ft	acres	home (FLS)
15-3239	Chad Weldy	9575 52nd St	ARC	1,728	2.3	2,400
15-3256	Robert Harmon	4150 Cherry Lane	ARC	1,536	7.8	3,100
15-3260	Jay Nehls	3100 Foxfire Lane	ARC	1,575	5	4,000
15-3267	Paul Kucharczyk	9150 52nd St	ARC	1,728	2.9	1,500
14-3216	Gary Jehnke	5766 Buttrick Ave	ARC	1,920	7.6	1,800
13-3145	harold Cornelisse	8773 Running Deer Lane	ARC	1,440	10	2,200
12-3070	Thornapple Pointe GC	7211 48th St	ARC			
12-3073	Burd	5630 Buttrick Ave	ARC	1,200	4.9	2,700
12-3077	Morris	5225 Buttrick Ave	ARC	2,432	5	2,000
12-3101	Hilbrands	6482 52nd St	ARC	1,536	80	1,500
11-3029	Korhorn	3480 Buttrick Ave	ARC	900	2.5	1,800
11-3052	Buckius	4900 Streamside Point	ARC	2,304	4.5	3,500
10 2999	Downing	1400 Windy Ridge	ARC	1,728	5.6	2,600
10 3010	Pepin	5640 McCords	ARC	2,400	10	3,000
10 3017	Halfmann	4590 Quiggle Ave	ARC	1,020	3.6	3,000
15-3265	Randy Gaskin	3505 Snow Ave	FP	1,536	2	1,400
12-3076	Lash	8951 Cascade Rd	FP	1,680	2.4	1,800
13-3161	Epique Homes	1415 Ballyunion Dr	PUD	4,500	6	6,600
10 3008	Koetje/Proos	8091 Ashwood Dr	PUD 89	1,120	2.5	4,520
15-3241	John Borisch	5200 Dayenu Dr	R1	3,000	9	6,000
15-3253	Derek Benedict	1961 Steketee Woods Lane	R1	1,936	2.9	6,900
15-3257	Jeff Shull	7500 Buttrick Park Dr	R1	1,440	3.03	3,600
15-3290	Hockstra	1350 Briarcliff	R1	1,232	1	4,000
14-3184	Jon DeGraff	6960 Thornview	R1	1,520	4.6	3,500
14-3185	James Hackett	1547 Briarcliff Dr	R1	1,400	2.2	7,500
14-3190	Aaron Schaaap	1910 Laraway Lake Dr	R1	2,604	13	8,200
14-3197	John Shipley	7373 Biscayne Way	R1	1,000	2.6	3,200
12-3082	DeVos	2020 Devonwood Lane	R1	8,500	35	17,000
10 3001	Ike	4390 Whitreyville	R1	1,200	3.8	1,000
10 3014	Borisch	5333/5200 Dayenu	R1	2,304	44	6,000
11-3028	Slauer	3824 Goodwood Dr	R2	900	0.88	3,500
AVG				1,977	9.5537	3,994
AVG ARC				1,675	10.836	2,507
AVG FP				1,608	2.2	1,600
AVG PUD				2,810	4.25	5,560
AVG R1				2,376	11.012	6,082