

**CASCADE CHARTER TOWNSHIP**

**Ordinance # 4 of 2017**

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

**Cascade Charter Township Ordains:**

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

The application received from Cascade Trails Senior Living LLC, or its assigns (hereinafter referred to as the "Developer"), to amend the Planned Unit Development designation for the Leisure Living Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on June 5, 2017. The Project is recommended for amendment to the Planned Unit Development permitting 138 units for independent living, assisted living and memory care. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on June 28, 2017.

**Section II. Legal Description.**

The legal description of the Project is as follows:

**5042 Cascade Rd**

PART OF NWFR 1/4 COM 1402.50 FT S 86D 50M 47S W ALONG N SEC LINE FROM N 1/4 COR TO NE COR OF EASTMONT MEADOWS NO.2 TH S 1D 56M 02S E ALONG E LINE OF SD PLAT 577.87 FT TO SE COR OF SD PLAT TH S 85D 46M 24S W ALONG S LINE OF SD PLAT 842.28 FT TH S 7D 05M 47S E 76.60 FT TH N 85D 46M 24S E 835.38 FT TO A LINE WHICH IF EXT SLY WOULD INT S LINE OF NWFR 1/4 AT A PT 1365.0 FT WLY ALONG SD S LINE FROM CEN OF SEC TH S 1D 56M 02S E ALONG SD LINE 165.29 FT TH S 85D 08M 54S E 435.23 FT TH N 1D 16M 48S W 234.05 FT TH N 85D 46M 26S E 235.81 FT TO W LINE OF E 40 A. OF NWFR 1/4 TH N 1D 06M 27S W ALONG SD W LINE 433.42 FT TO S LINE OF N 208.71 FT OF NWFR 1/4 TH S 86D 50M 47S W ALONG SD S LINE 208.71 FT TH N 1D 06M 27S W 208.71 FT TO N SEC LINE TH S 86D 50M 47S W ALONG N SEC LINE 471.18 FT TO BEG \* SEC 6 T6N R10W 12.51 A.

**5044 Cascade Rd**

PART NWFR 1/4 COM AT NW COR OF E 40 A. OF NWFR 1/4 TH W ALONG N SEC LINE 208.71 FT TH S PAR WITH W LINE OF SD E 40 A. 208.71 FT TH E PAR WITH N SEC LINE TO W LINE OF SD E 40 A. TH N TO BEG \* SEC 6 T6N R10W 1.00 A.

1225 Spaulding Ave

N 220 FT OF E 40 A. OF NWRL 1/4 ALSO N 220 FT OF THAT PART OF NEFL 1/4 LYING W OF CL OF SPAULDING AVE \* SEC 6 T6N R10W 4.31 A.

**Section III. General Provisions.**

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

**Section IV. Purpose.**

The Project occupies approximately 18 acres of land. The project is proposed to be developed containing a total of 138 new units for independent living, assisted living and memory care. The regulations contained herein are established to define the procedures necessary to insure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

**Section V. Approval Limitations.**

- A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.
- B. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for construction, operation or use.
- C. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- D. If constructed, the Project must be constructed and operated, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the final approved site plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur unilaterally by the Developer or its successors,

tenants or assigns but may be authorized by the Township in accordance with Section 16.12 and Section 21.04 of the Zoning Ordinance. 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 before any construction occurs on site.**

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:

Cascade Trails Senior Living LLC, has fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

**H. The Gerald R. Ford International Airport.**

The Developer shall expressly disclose to the tenants of the project 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 VI. Documents and Plans.**

A. The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each unit will be located and provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning Ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting the requirements of Section 16.11(4) of the Zoning Ordinance and meeting recognized, acceptable engineering standards and practices. Once it has been determined that the plans have met Township requirements, the Township Engineer shall sign and mark these plan documents as "Approved", and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.

- B. The number of building sites may be reduced or consolidated within the Project upon review and approval of the Township Planning Department. The proposed changes to the site / survey plan to reduce or consolidate building sites shall be reviewed by the Planning Department to insure compliance with the Cascade Charter Township Zoning Ordinance and this PUD Ordinance. Once approved by the Planning Department, the amended site / survey shall then be recorded with the Kent County Register of Deeds Office and the appropriate State agencies by the Developer at his cost. A copy of the recorded site / survey plan shall be forwarded to the Planning Department, so that accurate files regarding the development can be maintained.
- C. The Project shall be limited to a maximum of 138 units. The number of building sites within the Project shall not be increased by the Township Board.

**Section VII. Permitted Uses.**

The permitted uses for the Leisure Living PUD as approved by the Township Board on June 28, 2017 are as follows:

- A. Assisted Living – 50 units
- B. Memory Care – 28 units
- C. Independent Living - 60 units
- D. Signs. Provided all signs for the Project shall conform with this ordinance or Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).
- E. Exterior Lighting. Lighting shall be consistent with the approved lighting plan dated 5/17/17.

**Section VIII. Design Guidelines, Requirements and Limitations.**

The Project shall be developed in accordance with the site plan approved by the Township dated June 28, 2017. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

- A. The Project shall be limited to a maximum of 138 units.
- B. Maximum Building or Structure Height; no more than 35 feet from grade to midpoint.
- C. Setback Requirements- All buildings and structures shall meet the following minimum setback requirements:
  - a. Front - 35 feet
  - b. Rear – 25 feet

- c. Side 25 feet total no one side less than 10 feet
- D. Minimum Parking Requirements
  - a. A minimum of 152 parking spaces
    - i. 104 standard
    - ii. 48 garage parking.
- E. Landscaping shall be consistent with the approved landscape plan dated August 2016.
- F. If the developer chooses to install two ground mounted entry signs on the Spaulding entrance, each sign will be limited to 32 sq ft as shown on the sign plan dated 5/23/17.

**Section IX. Private Street Development.**

- A. The Developer has elected to 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. All grades shall be as required by the Cascade Charter Township Engineering Design Requirements and Standards for Private Streets and shall not exceed the grades shown on the approved site plan.
  - 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. A clear vision triangle shall be established by the Developer to insure safe turning movements from the private streets onto the public roads. This clear vision triangle shall be developed to the specifications established by the Kent County Road Commission.
  - 4. Any private street shall intersect any public road at a 90 degree angle.
  - 5. 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. The Developer shall submit a street construction inspection report to ensure that the roads are built according to the approved plans. These reports are required prior to occupancy of any apartment buildings. The developer has

also agreed to establish a private escrow account for the long term maintenance of the private roads. Developer shall draft a maintenance plan for the private roads and record it after approval of such provisions by the Cascade Charter Township Planning Department.

- 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 to fully maintain and keep the private access 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 combustible building materials may be erected on 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 X. Temporary Buildings.**

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction of any building or infrastructure improvement.

#### **Section XI. Utilities.**

- A. Sewer and Water – This project will be served by municipal water and municipal Sanitary Sewer.
- B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer, and the Kent County Drain Commissioner's office, and the Michigan Department of Environmental Quality (if it has jurisdiction) prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner and the Michigan Department of Environmental Quality regarding stormwater disposal.
- C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

#### **Section 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 and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to insure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads, and utilities. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem necessary to ensure completion of the improvements. If a guarantee is required, the amount shall be based on an engineer's estimate of cost prepared by the Project Engineer, and approved by the Township. Said guarantee(s) may include a bank letter of credit, loan holdback, or other such instrument. Guarantee(s) shall be partially released upon completion, inspection, and approval of required site improvements. Said release shall be issued by the Township within 10 days of a request to modify by the Developer.

**Section XIV. 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 planned development.

In relation to the underlying zoning (ARC and R1) 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 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 transition 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.

Finally, the Township recognizes the Project is under single ownership or control.

**Section XV. Effective Date.**

This Ordinance shall become effective upon publication of the ordinance, or a summary thereof, in The Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

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

YEAS: McDonald, Lewis, Slater Beahan, Peirce, Koessel, Shipley  
NAYS: None  
ABSENT: None

\_\_\_\_\_  
Cascade Charter Township Clerk

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 28<sup>th</sup> day of June, 2017.

\_\_\_\_\_  
Cascade Charter Township Clerk

**DEVELOPER'S CERTIFICATION**

"I, \_\_\_\_\_, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

\_\_\_\_\_  
Cascade Trails Senior Living LLC