

CASCADE CHARTER TOWNSHIP  
Ordinance 2 of 2007  
(amended by Ordinance #4 of 2008)  
(amended by Ordinance #2 of 2017)

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING  
ORDINANCE AND ZONING MAP TO ESTABLISH THE  
The Cascade Rapids LLC Planned Unit Development.  
PLANNED UNIT DEVELOPMENT PROJECT.

CASCADE CHARTER TOWNSHIP ORDAINS:

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

The application received from James Russell Company or its assigns (hereafter referred to as the “Developer”) for Planned Unit Development designation for the proposed James Russell 6010 28<sup>TH</sup> St Project (hereinafter referred to as the “Project”) was recommended by the Cascade Charter Township Planning Commission for approval on April 16, 2007. The Project is recommended by the Planning Commission for rezoning from the existing B2 zoning to PUD designation allowing a retail, office and restaurant mix development. Approval of the proposed PUD requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission’s recommendations and the final actions of the Cascade Charter Township Board. On May 9, 2007, the Cascade Charter Township Board approved the PUD as specified in this document.

SECTION II. LEGAL DESCRIPTION. (amended by Ordinance #4 of 2008)

W 250 FT OF N 871.2 FT OF W 1/2 NE 1/4 \* SEC 17 T6N R10W 5.00 A. ALSO W 30 FT OF  
LOT 12 \* FOREMOST CENTENNIAL PARK NO.1

LOT 12 EX W 30 FT & EX SLY 45 FT OF REMAINDER \* FOREMOST CENTENNIAL  
PARK NO.1

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

SECTION IV. PURPOSE. (amended by Ordinance #2 of 2017)

The Project occupies approximately 9 acres of land that is proposed to be developed with a retail center, two fast food restaurants and a future office building. The Planned Unit Development technique has been chosen by the Developer to provide more control over the development's aesthetics and appearance.

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 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 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:

“James Russell 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.** (amended by Ordinance #2 of 2017)

The permitted uses for the James Russell 6010 28<sup>th</sup> St Project are as follows:

**1. Three Commercial Buildings**

- A. One (1) 2,400 square foot building – (proposed Taco Bell restaurant)
  - B. One (1) 21,000 square foot building –(currently retail center)
  - C. One (1) 3,600 square foot building. – (proposed Freddy’s Steakburger restaurant)
- As shown on the approved site plan dated January 30,2017 as drawn by JVB engineering.
- Any use as listed in the underlying B-2 general business-zoning district as amended shall be permitted in the building. Any use that requires a special use permit, according to the Cascade Charter Township Zoning Ordinance as amended must go through the special use permit process before occupying the space.

**SECTION VII. DESIGN GUIDELINES AND REQUIREMENTS:** (amended by Ordinance #2 of 2017)

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

development of all permitted uses within the Project shall conform to the following design standards:

- A. Height – The Building shall be limited to a maximum of 35 feet
- B. Setbacks – The following setback requirements shall apply to the project:
  - 1. The buildings shall be setback a minimum of:
    - 100 feet from the street right of way
    - 25 feet from the west property line
    - 16 feet from the east property line
    - 50 feet from the rear south property line
- C. Parking – There shall be a total of at least 232 parking spaces provided for the Project.
- D. Stormwater Drainage – All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer prior to the development of the Premises.
- E. Signs – The following signs are permitted in the Project:
  - 1. Two pylon signs along 28<sup>th</sup> St are permitted as follows:
    - a. The sign in front of 6010 28<sup>th</sup> St is limited to a maximum square footage of 70 sq.ft and a maximum height of 15 feet.
    - b. The sign in front of 6080 28<sup>th</sup> St is limited to 125 sq ft and 30 feet tall.
  - 2. Wall signage or marquee signage, not to exceed one-hundred eight (108) square feet in total sign area,
  - 3. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted a sign area equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.
  - 4. All other signage shall be regulated by the 1997 Sign Ordinance as amended.

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

G. Landscaping - The landscaping at 6010 28<sup>th</sup> St shall be done in accordance with the approved landscape plan dated January 30<sup>th</sup>, 2017 as drawn by JVB. The landscaping at 6080 28<sup>th</sup> St shall be in compliance with the original approval of the site (case 00-2300).

**Section VIII. Cross Access**(amended by Ordinance #4 of 2008)

- i. Cross access shall be allowed for on the site. Any cross access areas must be constructed so it can easily be connected to the adjoining properties (i.e. grade and location). It must also be constructed and must be open and ready for any possible connection before an occupancy permit is issued for the third building.
- ii. On the west side of the project the Cascade Rapids PUD project shall allow for cross access to (PPN 41-19-17-126-006, 5979 Tahoe Dr) as shown on the approved site plan.
- iii. On the east side of the project the Cascade Rapids PUD project shall allow for cross access to (PPN 41-19-17-201-007, 6080 28<sup>th</sup> St ) as shown on the approved site plan.
- iv. Once the access drives are constructed they shall remain open at all times, including the winter months and shall be free of snow and ice for clear passage. This PUD Ordinance will provide the legal means to allow cross-access with these other parcels if and when the adjoining parcels are ever required to obtain township approval

**SECTION VIII. LANDSCAPING BUFFERYARD REQUIREMENTS.**

A. The landscaping shall be done in accordance with the approved landscape plan dated February 2007 as drawn by Harder and Warner. This landscaping shall be installed along with the development of each site.

SECTION IX. TEMPORARY BUILDINGS.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except where approved by the Township and if accessory to and necessary during construction of a permanent building or infrastructure improvement.

SECTION X. SITE PLAN. (amended by Ordinance #4 of 2008)

A. The Project shall be developed in exact accordance with the site plan approved by the Township Board. The site plan shall provide appropriate measurements demonstrating compliance with Chapter 14 of the Zoning Ordinance. Engineering plans and/or documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting Township ordinance requirements and recognized, acceptable engineering standards and practices.

SECTION XI. UTILITIES.

A. The Project shall be served with public water and public sewer at the Developer's expense. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plan(s) for Cascade Township.

B. The Developer shall provide all necessary recorded easements within the Project for telephone, electricity, gas, and cable television to the Township and the appropriate utility provider(s) without cost. In the event that the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations without cost to the Township. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

SECTION XII. MISCELLANEOUS DEVELOPMENT REQUIREMENTS. (amended by Ordinance #4 of 2008)

**A. SOIL EROSION**

The Developer shall submit to the Township a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

**B. STORM WATER**

The Township Planning Department shall receive all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal.

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

The Developer has agreed to reimburse the Township for the cost of the concrete sidewalk that has been installed in front of the 6010 28<sup>th</sup> St parcel (currently 6010 28<sup>th</sup> makes up the west 280 feet of frontage along 28<sup>th</sup> St). If an easement is necessary in order to construct the walk on private property the Developer shall grant a permanent easement to the Township for such sidewalk in a written recordable document with language which is acceptable to the Township. That easement shall be at least 10 feet wide and shall be given to the Township without cost to the Township. The walk will be maintained by the Township.

Section XIII. Land Splits(amended by Ordinance #4 of 2008)

The entire premises shall be under the control of one owner. Should the developer request to split off one of the buildings , permission to perform a Land Division to split off the site must be granted by the Planning Department. This split shall be approved if it is consistent with the approved site plan dated 9/30/08, and is in compliance with all other applicable regulations.

SECTION XIV. CONSISTENCY WITH PLANNED UNIT DEVELOPMENT (PUD) STANDARDS.

The approved Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future area residents will recognize the benefits of the development.

The Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Project is not anticipated to cause unreasonable impacts to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans will be approved by the Township Engineer and the appropriate county and state agencies.

The Project has been determined by the Township to be compatible with the 1999 Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

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

The Township finds the Project to have at least the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance.

**SECTION XV. PERFORMANCE GUARANTEE.**

To ensure compliance with this Ordinance/Ordinance amendment and any conditions herein, Cascade Charter Township may require reasonable performance guarantees to ensure completion of improvements such as, but not limited to: landscaping, drainage, lighting, roads and utilities. The Township Board, Engineer, or Planning Director may require such guarantees at any time they deem it necessary to ensure completion of the improvements.

**SECTION XVI. EFFECTIVE DATE.**

This Ordinance/Ordinance amendment shall become effective seven (7) days after publication of this documents (or a summary) in the *Grand Rapids Press*, a newspaper of general circulation within Cascade Charter Township.

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

YEAS: Fox, Goodyke, Julien, Carpenter, Beahan, Koessel

NAYS: None

ABSENT: Goldberg

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Ron Goodyke  
Cascade Charter Township Clerk

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance/Ordinance amendment adopted at a Regular Meeting of the Cascade Charter Township Board on the 9<sup>th</sup> day of May, 2007.

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Ron Goodyke  
Cascade Charter Township Clerk