

CASCADE CHARTER TOWNSHIP

Ordinance #2 of 2021

AN ORDINANCE TO AMEND ORDINANCE #2 OF 2005, THE
RIEBEL DEVELOPMENT
PLANNED UNIT DEVELOPMENT PROJECT

CASCADE CHARTER TOWNSHIP ORDAINS:

Section 1. Amendment to the Riebel Development PUD Ordinance

Section II. Legal Description.

Section II is amended to include the additional legal descriptions:

41-19-16-101-012

Lots 20 and 21 of Arden Hills Plat, part of the NW ¼ of Section 16, Cascade Township, T6N, R10W, Kent County, Michigan, according to the recorded plat thereof.

Also, that part of the NW ¼ of Section 16, T6N, R10W, Cascade Township, Kent County, Michigan, described as:

Commencing at the NW Corner of said Section 16; thence S00°39'08"W 207.20 feet along the West line of the NW ¼ of said Section 16 to the Southwest corner of Arden Hills Plat and the PLACE OF BEGINNING of this description; thence S00°39'08"W 50.00 feet along said West line; thence S88°19'04"E 182.01 feet along a line 50 feet South of and parallel with the South line of Arden Hills Plat to a point which intersects the East line of Lot 20, Arden Hills Plat, as extended; thence N01°47'50"E 50.00 feet along said extended line of Lot 20 to the Southeast corner of Lot 20, thence N88°19'04"W 183.00 feet along Arden Hills Plat to the Place of Beginning.

Portion of Arden Hills Plat Sought to be Vacated

A 33 foot wide Street, West of and adjacent to Lot 21, Part of Arden Hills Plat, Section 16, Cascade Township, Town 6 North, Range 10 West, Kent County, Michigan according to the recorded plat thereof.

Section IV. Purpose.

The first paragraph of the section shall be deleted and replaced with:

The Project occupies approximately 15.3 acres of land, that formally was the site of a legal non-conforming industrial operation as well as a previously existing Pizza Hut restaurant. The Project is comprised of two separate areas: "Area A" and "Area B" which may be developed by separate Developers. Area A is located upon land currently comprised of Units 2, 3 and 4 in the Cascade Market Place Condominium (the "Condominium") identified in the Master Deed of Cascade Market Place recorded June 14, 2005 as Instrument No. 20050614-0069327 and amended by Amendment No. 1 to Master Deed of Cascade Market Place recorded January 2, 2007 as Instrument No. 20070102-0000046 (together, the "Master Deed"), and is proposed to be developed into a mix of different uses involving general retail, restaurant, offices, a bank, a car wash, and

a drive-up coffee shop. Area B is approximately 9.968 acres in size, located upon land currently comprised of Unit 1 of the Condominium identified in the Master Deed, and is proposed to be developed into a single story 61 unit multi-family residential apartment development. Due to its size, magnitude, mixture of land uses and the timing of development over a period of years, in which market conditions may change, special land use regulations are deemed necessary by Cascade Township to establish this Planned Unit Development (PUD) District for the Project.

Section VI. Permitted Uses.

This section shall be deleted and replaced with:

For land and buildings, the permitted uses for the Riebel PUD within Area A are as follows:

- A. Retail Uses;
- B. Offices/Fitness
- C. One stand alone bank identified as building F (Macatawa Bank).
- D. Restaurants, not to include fast food. This includes the stand-alone restaurants identified as Building E (Culver's) on the approved PUD site plan, and the drive-up coffee shop as shown on the seven-page approved and stamped civil plan set dated 8/11/21.
- E. Drive up window service for the restaurants shall be limited to Building E (Culver's) and the drive-up coffee shop. This use will be reviewed through the Special Land Use procedures of the Township. The use will only be permitted provided that the applicant can demonstrate, to the Township's satisfaction, that the user of the drive up window will be low impact user that will not result in creating any traffic problems with the rest of the development. The Drive up window and any of its infrastructure shall only be constructed after the approval of the Special Use.
- F. Carwash

For land and buildings, the permitted uses for the Riebel PUD within Area B are as follows:

- G. 61 unit apartment complex with one manager residence

Section VII. Master Development Plan.

The first paragraph of this section shall be deleted and replaced with:

The Project shall conform in as much as reasonably possible to the master development plan approved by the Township Board and signed by the Township on November 7, 2007, and the updated seven-page approved and stamped civil plan set dated August 11, 2021. The intent of the Developers is to develop the Project as 4 buildings within Area A and a 61 unit apartment project within Area B. Each building and its associated parking,

landscaping, etc., will be required to submit site plans prior to any site work for each building, or site improvement, provided, however, that the Developer of Area B may submit one site plan for all buildings within Area B. This will allow the Township to ensure that all required infrastructure is constructed with the appropriate phase and that only those areas needed to be disturbed for each phase, are the areas planned to be disturbed. The Planning Commission shall review and approve all building or site improvement plans prior to the construction of each building or site improvement.

Section VIII. Specific Development Regulations.

Paragraphs C, E, and G shall be deleted and replaced with:

C. Elevation Plan – The elevations for the commercial buildings shall be consistent with the elevation plans dated 10/14/07 and 1/14/21 within Area A and with the elevation plan dated 7/27/17 within Area B. This will be ensured at the time of site plan approval for each building.

E. Cross Access

- i. The Developer of Area A shall be responsible to provide and record irrevocable cross access easements for this Project within Area A. Cross access shall be provided in two locations on the Project within and adjacent to Area A, including common area of the Condominium Project, sufficient to allow the Project within Area B to obtain access to 28th Street. These cross access easement areas must be constructed so they can easily be connected to the adjoining properties (i.e. grade and location). They must also be constructed and must be open and ready for any possible connection before a building permit is issued for the third building in the Project within Area A.
- ii. On the west side of the Project within Area A, the Riebel PUD Project shall allow for an irrevocable cross access to the Cascade Centre parcel (PPN 41-19-8-17-226- 002, 6250 - 28th Street) as shown on the approved site plan.
- iii. On the east side of the Project within Area A, the Riebel PUD Project shall allow for an irrevocable cross access to (PPN 41-19-8-16-101-014, 2845 Thornhills) as shown on the approved site plan.
- iv. Once the irrevocable 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. These cross access agreements shall be recorded

prior to the occupancy of any portion of the Riebel PUD Project. 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.

- v. On the east side of the Project with Area A, the Riebel PUD project shall allow for an irrevocable cross access to (PPN 41-19-16-101-016, 6444 28th Street) as shown on the approved site plan.

G. 28th Street Access – Limit the number of drives to the site to a total of three. These drives to be reconstructed to meet the KCRC requirements as well as providing a deceleration lane that meets the KCRC standards for both drive entrances.

Section IX. Design Guidelines, Requirements and Limitations.

A paragraph 5 shall be added, and paragraph 4 will be deleted and replaced with:

- 4. Building G (Proposed Tommy's Carwash)
 - a. Maximum Building Height – 35 feet.
 - b. Setbacks – No part of the building shall extend closer to any lot line than shown on the seven-page approved and stamped civil plan set dated 8/11/21.
 - c. Parking – The total amount of parking for building G shall not exceed the spaces shown on the seven-page approved and stamped civil plan set dated 8/11/21.
 - d. Lighting – shall meet Section 19.19 of the Zoning Ordinance as amended.
- 5. Proposed Drive-Up Coffee Shop
 - a. Maximum Building Height – 25 feet.
 - b. Setbacks – No part of the building shall extend closer to any lot line than shown on the seven-page approved and stamped civil plan set dated 8/11/21.
 - c. Parking – The total amount of parking for building G shall not exceed the spaces shown on the seven-page approved and stamped civil plan set dated 8/11/21.
 - d. Lighting – shall meet Section 19.19 of the Zoning Ordinance as amended.
 - e. This building shall be removed if it is vacated for a period of 18 months or longer.

Section X. Signs.

Paragraphs 2 and 3 shall be deleted and replaced with:

2. Culver's, Macatawa, the carwash and the drive-up coffee shop shall be limited to the following:
 - a. Wall signage or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area, or;
 - c. 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 and no sign shall have a length of more than two-thirds of the subject frontage.
 - d. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
 - e. Directory wall signage per commercial establishment, not to exceed twenty (20) square feet in total sign area.
3. In exchange for not placing a second pylon sign out by 28th St the four buildings closest to 28th St also identified as buildings E, F, G and the drive-up coffee shop, shall be permitted one ground sign limited to the following:
 - a. Setback at least 80 feet from the edge of the pavement of 28th Street.
 - b. No taller than 5 feet high, measured from the grade to the top of the tallest part of the sign structure.
 - c. Sign area limited to a maximum of 40 sq.ft.

Section XIII. Stormwater.

Paragraph B shall be deleted and replaced with:

- B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received regarding any stormwater disposal and/or wetland issues. Due to the design of the detention basin the developer shall be responsible to place guardrail along the entire perimeter of any above ground basin.

Section 2. Effective Date

This PUD Ordinance amendment shall become effective upon publication in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

Section 3. Effect

The Cascade Charter Township Zoning Ordinance, as amended, and the remainder of Ordinance #2 of 2005, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

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

YEAS: Lesperance, Slater, Peirce, Koessel, McDonald, Shipley, Noordhoek

NAYS:

ABSENT:

ABSTAIN:

ORDINANCE DECLARED ADOPTED.



Sue Slater

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 22nd day of September 2021.



Sue Slater

Cascade Charter Township Clerk