AGENDA
Cascade Charter Township Planning Commission
Monday, August 19, 2019
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 August 12, 2019 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 #19-3527 Roundhill**
Property Address: 3000 Thornhills Ave SE
Requested Action: Update report from developer on requested changes.

ARTICLE 7. **Case #19-3542 Watermark Property LLC**
Public Hearing
Property Address: 1611 Gailbraith Ave SE
Requested Action: The Applicant is requesting a Preliminary Plan Approval to amend the P.U.D. to allow for an expansion of the pool equipment building and build an additional building to accommodate the restaurant/bar at the Swim Center building.

ARTICLE 8. **Any other business**

ARTICLE 9. **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*
   b. *Deny*
   c. *Approve*
   d. *Approve with conditions*
   e. *Recommendation to Township Board*

MINUTES
Cascade Charter Township
Planning Commission
Monday, August 12, 2019
7:00 P.M.

ARTICLE 1. Chairman Sperla called the meeting to order at 7:00 P.M.
Members Present: Johnson, Krieter, Lewis, Pennington, Moxley, Rissi and Sperla
Members Absent: Noordyke, Katsma
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. **Pledge of Allegiance.**

ARTICLE 3. **Approve the current Agenda.**

Motion was made by Member Rissi to approve the Agenda. Supported by Member Krieter. Motion carried 7 to 0.

ARTICLE 4. **Approve the Minutes of the July 15, 2019 meeting.**

Motion was made by Member Lewis to approve the revised minutes of July 15, 2019. Supported by Member Johnson. Motion carried 7 to 0.

ARTICLE 5. **Acknowledge visitors and those wishing to speak to non-agenda items.**

No visitors came forward.

ARTICLE 6. **Case #18-3450 Dykema LP**
Public Hearing
Property Address: 4862 and 4870 Buttrick Ave SE
Requested Action: The Applicant is requesting to rezone approximately 17 acres to PUD to allow for 13 single family home sites.

Director Peterson stated the Applicant originally requested to develop seven of the lots as a PUD, and six of the lots as land divisions. Director Peterson stated that the Township suggested they develop this as one project, using the Applicants first plan as a test plan to show how many units they can develop while meeting all required rules and regulations. PUD rezoning is needed for two lots that back up to the railroad where the stormwater detention system is. As a result of the stormwater system being located near those lots and being in the common area of the development, the said lots do not meet the minimum lot size requirement. Director Peterson sated that this property is currently zoned R1 Residential, and it is Master Planned under the Suburban Residential

category. This will be an open space type development, with a minimum lot size being 40,000 sq ft. The lots will range in size from 35,000 sq ft. (these being the two that do not meet the minimum lot size requirement) to 50,000 sq ft.

Director Peterson stated that this area will be serviced by well and septic, and the Health Department has already given their approval. There will be a new curb cut for a private street off of Buttrick; none of the parcels will have access to Buttrick or 48th St. individually. That location and road has been approved by the Township Engineer, as well as the Kent County Road Commission. There will be no sidewalks or streetlights planned for this subdivision, Director Peterson suggests not requiring either based on the location in the Township. Minimum home size for the Township is 1,300 sq ft for a one story, 1,600 sq ft for a two story; Director Peterson states the Applicant has not indicated minimum home size for their development yet.
Traffic count information was provided; Director Peterson stated that the addition of 13 single family homes in this area is projected to add 130 trips per day to Buttrick and 48th St., both of which have a capacity of 10,000 trips per day.

With the exception of the two lots that are under the minimum lot size requirement, Director Peterson states that the plan meets all of the Township subdivision regulations, and recommends approval.

Chairman Sperla invited the Applicant to come forward with any comments.

Mr. Mike Berg from Dykema Excavators came forward to state that he will be happy to answer any questions.

Motion was made by Member Rissi to open public hearing. Supported by Member Krieter. Motion carried 7 to 0.

Ms. Marie Wilson (4939 Whitneyville Ave SE) came forward to express her concern that there is very little green space planned between her property and the planned development. Another concern from Ms. Wilson is the number of subdivisions being developed in this area at this time.

Mr. Andy Marsman (4849 Whitneyville Ave SE) came forward and stated that this area is zoned R1, and stated that people like himself that enjoy having open/wooded space near their homes have moved here for a reason. He does not agree with the zoning being changed to allow for more homes to be built in this R1 area.

Ms. Margaret Smith (4855 Whitney Pines Dr SE) came forward to express her concerns about traffic safety. Ms. Smith states that even though the speed limit is posted 35mph, vehicles regularly exceed that speed and do not slow down near the Private Road sign. Ms. Smith is also concerned for the safety of children boarding and exiting school buses on 48th St.

Mr. Bill Boike (4790 Buttrick Ave SE) came forward to express his concern about rezoning to accommodate home builders, and states that he would also like to see the current green/open spaces near the proposed site stay intact.

Motion was made by Member Rissi to close public hearing. Supported by Member Krieter. Motion carried 7 to 0.

Chairman Sperla defined what a PUD is, and gave examples for those present who may not be familiar with why PUDs are requested.

Member Rissi asked the Applicant if lots 7, 8, and 9 will be completely cleared, or what the intent with those lots will be. Mr. Berg stated that it is their intent to leave a (tree/green) buffer at the rear of those lots, as it will be easier for them to sell without having potential buyers looking at the rear of other nearby homes. Mr. Berg stated that they do not intend to do any more clearing than what it takes to build a structure on the property. The SW corner near the railroad will get clear-cut and cleared in order to construct the storm water detention basin required by the Township.

Motion was made by Member Pennington to approve the plan as presented. Supported by Member Moxley. Motion carried 7 to 0.

ARTICLE 7. **Case #19-3538 Scott Geerlings**
Property Address: 5784 Kraft Ave SE
Requested Action: The Applicant is requesting a Site Plan Review for a new 65,000 sq ft tire distribution warehouse.

Director Peterson stated that will be an industrial building on the east side of Kraft Ave, across from the Lacks buildings. This project involves a couple pieces of property, and will not be built directly on Kraft Ave. The Applicant will be installing a small, private street to open their properties to future development. Director Peterson stated that the Applicant will need to get State of Michigan and City of Grand Rapids approval for the sewer and water extension. Director Peterson stated that the Applicant has recorded easement agreements already, as their private road will come in on property with a different owner. The private road location and name has been approved by the Kent County Road Commission These agreements were needed for utilities, and storm water detention as well. Director Peterson stated that if the parking category "Other Industrial Uses" is used for this plan, they will meet parking lot requirements based on the number of employees.

Director Peterson noted that there will not be a sign/signage for this development on Kraft Ave. Director Peterson stated that a revised photometric plan is needed, as there are a couple of locations on that plan that are over the five-foot candles permitted. The Township Fire Department has reviewed the plan, and gave comment on one private fire hydrant that will need to be accommodated, the Airport has been made aware of the plan, and returned no comment.

Director Peterson recommends approval of the site plan with the following conditions:

1. A revised photometric plan be provided
2. A storm water maintenance plan be provided
3. Provide approval from the neighboring property for private road access
4. Provide documents for the provide road compliance
5. Comply with the Township Engineers letter, following through with items for public sewer and water

Chairman Sperla invited the Applicant to come forward with any comment.

Mr. Jack Barr (from Nederveld) came forward representing the Applicant. Mr. Barr stated that there will be a projected 20 employees, so the 30 parking spots in the current site plan will cover what they need, even with growth. This is a distribution warehouse, so there will not be customers visiting. Mr. Barr accepted staff comments.

Motion was made by Member Pennington to approve Applicants request to approve the Site Plan for this case, with the conditions stated by Director Peterson above. Supported by Member Moxley. Motion carried 7 to 0.

ARTICLE 8. **Case #19-3542 Steve Plakmeyer**

Property Address: 1611 Gailbraith Ave SE

Requested Action: The Applicant is requesting a Basic Plan Review to amend the P.U.D. to allow for an expansion of the pool equipment building and build an additional building to accommodate the restaurant/bar at the Swim Center building.

Director Peterson stated there were recent approvals for this property/Swim Center, these are additional requests being made for the same property by the Applicant. There will be a public hearing for this case August 19th. Director Peterson sated that they would like to add a building to the rear/west of the current Swim Center, and add on to a current building.

Chairman Sperla invited the Applicant to come forward with any comment.

Ms. Kelly Kuiper (from Nederveld) came forward representing the Applicant. Ms. Kuiper showed images of the current building footprint, and new building footprint, adding that the new building will be smaller by 118 sq ft. Ms. Kuiper explained that after further examining plans, the architect on the project suggested moving the projected kitchen facility that will serve beverages and food away from the entrance to the kiddie pool. The kitchen spaced is proposed to be moved to the rear of the site, near an existing mechanical building. It would be 635 sq ft, and attached to the mechanical building by a roof structure with an overhang for outdoor seating.

Chairman Sperla asked if the liquor license would still be valid, or would need to be reapplied for. Ms. Kuiper said that she was not certain, but if it did not transfer the Applicant would still go forward with moving the kitchen facility as it does serve food to pool members.

No action on this case is needed to be made at this time.

ARTICE 9. **Any other business**

Discussion was held by Members on the format of Meetings, and the allowance of public comment before or after agenda items.

ARTICLE 10. **Adjournment**

Motion was made by Member Rissi to adjourn. Supported by Member Pennington. Motion carried 7 to 0. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,
Phil Johnson, Secretary

Memorandum

To:	Cascade Charter Township Planning Commission
From:	Steve Peterson, Community Development Director
Subject:	#19-3527/Roundhill PUD Amendments
Meeting date:	August 19, 2019

At the Public hearing on May 20, 2019 the Planning Commission considered a request from the developer to allow for decks to encroach outside of the building envelope. What we learned was that the developer may have already encroached outside of the approved building envelopes and was considering making other changes including the removal of the retaining walls. The result was that the matter was tabled to allow the developer time to put together all of the changes he discussed at the meeting.

While we await his final plan, the developer has provided a summary of the changes, including a survey. The plan shows how he would like to change the building envelopes to not only to address the building violation but the future buildings as well.

Our engineer is still reviewing the engineering changes they would like to make including the removal of the retaining walls.

Therefore, the Township attorney and I thought it would be helpful to allow the developer to explain what they have done and his plans to address the changes.

This is not the public hearing. That will come after the engineering plans have been reviewed and approved by the Township engineer.

Attachments: Proposed site plan
Survey showing violations of approved building envelope
Memo from Hula Engineering outlining the changes from the original plan
Township attorney letters dated 8/6/19 and 6/17/19
Neighbor attorney letter dated 8/6/19

Hula Engineering
17 West Oak Street
(616) 204-5204 Sand Lake, Michigan 49343-0194 Hulaengineering@Charter.net

MEMORANDUM

Date: August 13, 2019

To: Steve Peterson

From: Dan Hula

Subject: Round Hill Condos

Attached is a revised PUD Amendment Preliminary Plan for the Round Hill site. It should be understood that the preliminary PUD site plan is the foundation for approval, and not a construction document. Approval from the Township is necessary prior to preparation of construction documents and permit issuance. Through the process of design and development of construction plans, several agencies along with your engineer are all involved in the process. It is through this iterative process that final approval from the agencies, and your engineer working on behalf of the Township is obtained. Also some modifications are made during construction, usually with the approval of the agency responsible for the item modified. Therefore, it is not un-common to find the final constructed project is not exactly the same as the original preliminary plan.

Deviations from the original plan include:

1. A security gate has been added. The City of Grand Rapids considers gates in their easements as structures which are addressed in their standard easement document. The gate was presented to, and approved by, the Fire Chief before installation and meets the requirements of the Fire Department.

2. The retention basin configuration has changed. And the spillway was changed from concrete to reinforced turf as approved by your engineer in October 2017. The area above the basin was filled with spoil from the construction rather than hauling it off-site at the expense of trucking and street infrastructure. The basin shape was changed slightly to accommodate the fill. An as-built survey was prepared and volumes were calculated to ensure the new pond configuration exceeded the planned configuration. The fact that the plan was prepared leads me to believe that the plan was prepared to satisfy your engineer that the basin is in fact in conformance with the ordinance. Concrete spillways are rigid, and are prone to wash-outs around them. Reinforced turf spillways tend to be more flexible and conform to the earthen surface.

3. The storm sewer configuration changed from the PUD Plan, but is in conformance with the approved construction drawings. This change was made during the design process as it appears on the construction drawings prepared during the design phase of the project. The change results in the reduction of a drainage structure and only one road crossing.

4. The proposed building footprints have changed, see the attached survey from Chris Gower. This was done to allow a third garage stall. The market indicates a demand for that, and the change was in response to that market shift. The configuration of unit 5 will be addressed by the architect so the unit can be constructed within the approved setbacks.

5. The watermain loop was changed to just outside the easterly property Boundary. This change was dictated by the City of Grand Rapids as it is their system.

6. The retaining walls were not constructed. The original design intent was not to impact the neighboring properties with the construction of this project. During construction, permission was acquired to grade over the property lines in order to form a slope rather than a wall. The slopes are now constructed and have been stabilized with mulch blankets and there is substantial growth on the southwest slope. The slopes provide the same topographic elevation change as the planned walls would have, without the inherent dangers associated with retaining walls.

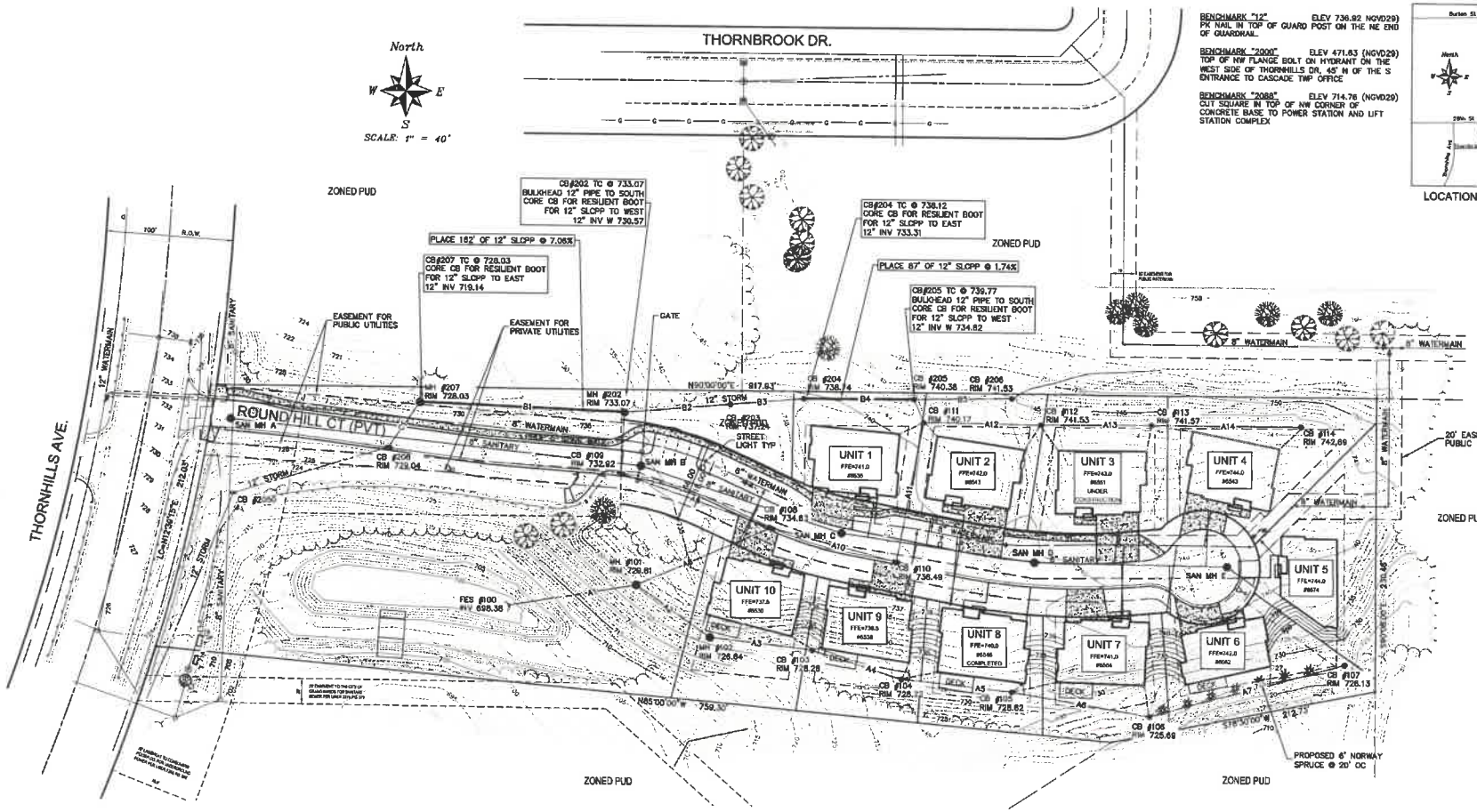
7. The visitor parking location was changed to just west of Unit one. There were two visitor parking locations on the preliminary plan, each with four spaces. On the advice of our attorney, we changed to only one visitor parking location with four spaces further away from the units. With the addition of a third stall at each unit, and anticipated visitor traffic, the number of visitor spaces is adequate.

8. The Legal description has changed. The Condominium documents have been recorded; therefore, the new description describes the original parcel.

9. The Authorized Vehicle Only signs have yet to be installed. These signs will be installed.

10. A line of Norway spruce trees has been added at the top of the bank behind unit 6. Most of the landscaping outside of the units themselves has been installed. Landscaping and sidewalks within the units will be installed as the units are built out. The added spruce trees were added as a psychological barrier at the top of the slope. This will help define the unit boundaries and provide additional screening.

Storm Sewer as-builts and revised calculations have been sent to your engineer for review and approval. There are many minor differences between the original preliminary PUD plan and the final as-built project, as evidenced by the above discussion. The calculations are now based on the project as it was constructed, and the calculations show there is not a substantial difference between the original plan and the as-built project. The design intent has been met and the system will function as planned. However, confirmation of my professional opinion by your engineer is currently being sought.



LAND USE SUMMARY

SIZE OF SITE=5.244 AC
USE=SINGLE FAMILY RESIDENTIAL
NUMBER OF UNITS=10
TOTAL OPEN SPACE=1.2 AC
APPROVED TOTAL BUILDING FOOTPRINT=0.732 AC
PROPOSED TOTAL BUILDING FOOTPRINT=0.729 AC

DEVIATION FROM APPROVED PUD
1. EASTERLY WATERMAIN TAP LOCATION
2. REMOVED RETAINING WALLS
3. ADDED GATE
4. CHANGED BUILDING FOOTPRINT (SEE SURVEY BY GOWER PROFESSIONAL SURVEYING PC, FILE #2019-26, DATED JUNE 26, 2019 FOR DETAILED INFORMATION)

NOTE

INFORMATION DEPICTED HEREON IS TAKEN FROM "ROUND HILL PUD AMENDMENT PRELIMINARY PLAN". NEDERVELD PROJECT NO. 14401335, DATED SEPTEMBER 9, 2015.

AND FROM CITY OF GRAND RAPIDS AS-BUILT PLANS FOR SANITARY SEWER & WATER MAIN IN PUBLIC EASEMENT (SE) ROUND HILL COURT (PVT.) (ROUND HILL CONDOMINIUMS) DATED SEPTEMBER 2017.

AND FROM A PARTIAL SITE SURVEY BY GOWER PROFESSIONAL SURVEYING PC, FILE #2019-26, DATED JUNE 26, 2019.

PUBLIC WATER AND SEWER CONSTRUCTION IS COMPLETE AND ACCEPTED BY THE CITY OF GRAND RAPIDS

STORM WATER CONTROL FACILITIES HAVE BEEN COMPLETED, ALL ROOF DRAINS SHALL BE CONNECTED TO THE STORMWATER COLLECTION SYSTEM.

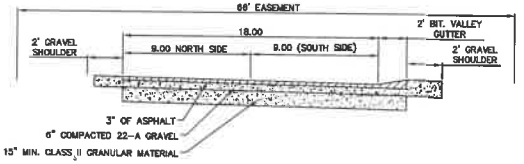
PRIVATE UTILITIES HAVE BEEN INSTALLED.

ALL LIGHTING SHALL BE SHIELDED AWAY FROM ADJACENT PROPERTIES AND SHALL CONFORM TO CASCADE TOWNSHIP REQUIREMENTS.

DESCRIPTION:
ROUND HILL CONDOMINIUM KENT COUNTY CONDOMINIUM SUBDIVISION PLAN NO.1053 INSTRUMENT NO.20180427-0032560 AS AMENDED BY REPLAT NO.1 INSTRUMENT NO.20190415-0024668 SPLIT/COMBINED ON 06/27/2018 FROM 41-19-15-103-013; SPLIT/COMBINED ON 05/23/2019 FROM 41-19-15-120-006, 41-19-15-120-008, 41-19-15-120-008, 41-19-15-120-007, 41-19-15-120-009, 41-19-15-120-010

TYPICAL UNIT
SCALE: 1"=20'

EX CONTOUR MINOR
EX CONTOUR MAJOR
AS-BUILT CONTOUR MINOR
AS-BUILT CONTOUR MAJOR
PROPOSED CONTOUR MINOR
PROPOSED CONTOUR MAJOR



18' WIDE PRIVATE ROAD CROSS SECTION
NOT TO SCALE

STATE OF MICHIGAN
DANIEL L. HULA
ENGINEER
No. 33542
REGISTERED PROFESSIONAL

FINKO LLC
Tom Giusti
P.O. Box 441
Ada, MI 49301
616 581-8744

Hula Engineering
17 West Oak
Sand Lake, MI 49343-0194
HulaEngineering@charter.net
(616) 894-8284 (616) 636-8284

ROUND HILL
PUD Amendment Preliminary Plan
PART OF THE NORTHWEST 1/4 OF SECTION 15, T8N, R10W, CASCADE TOWNSHIP, KENT COUNTY MICHIGAN

Issue Date
July 15, 2019
July 17, 2019
August 12, 2019

Sheet
1 of 2

SB#1
SURFACE ELEVATION ~ 734.4
0.0' – 0.3' TOPSOIL
0.3' – 5.5' BROWN SAND CLAY WITH GRAVEL; MOSTLY CLAYEY FINES, SOME COARSE TO FINE SAND, LITTLE FINE GRAVEL, MOIST
5.5' – 12.0' POORLY GRADED GRAVEL WITH CLAY AND SAND; MOSTLY FINE TO COARSE GRAVEL, SOME FINE TO COARSE SAND, FEW CLAYEY FINES, MOIST
12.0' – 20.0' BROWN POORLY GRADED SAND; MOSTLY FINE SAND, TRACE SILTY FINES, MOIST WITH SANDY SILT SEAMS
20.0' END OF BORING
GROUNDWATER NOT ENCOUNTERED

SB#2
SURFACE ELEVATION ~ 738.8
0.0' – 0.3' TOPSOIL
0.3' – 20.0' BROWN LEAN CLAY WITH SAND; MOSTLY CLAYEY FINES, SOME COARSE TO FINE SAND, MOIST
20.0' END OF BORING
GROUNDWATER NOTE ENCOUNTERED

SB#3
SURFACE ELEVATION ~ 738.8
0.0' – 0.5' TOPSOIL
0.5' – 5.5' BROWN POORLY GRADED SAND WITH SILT; MOSTLY MEDIUM TO FINE SAND, FEW SILTY FINES, MOIST; GRADES WITH TRACE SILTY FINES
5.5' – 8.0' BROWN POORLY GRADED SAND WITH SILT AND GRAVEL; MOSTLY COARSE TO FINE SAND, LITTLE FINE GRAVEL, FEW SILTY FINES, WET
8.0' – 15.0' BROWN LEAN CLAY WITH SAND; MOSTLY CLAYEY FINES, LITTLE COARSE TO FINE SANDY, MOIST; GRADES WITH SOME COARSE TO FINE SAND
15.0' END OF BORING
8.9' GROUNDWATER ENCOUNTERED

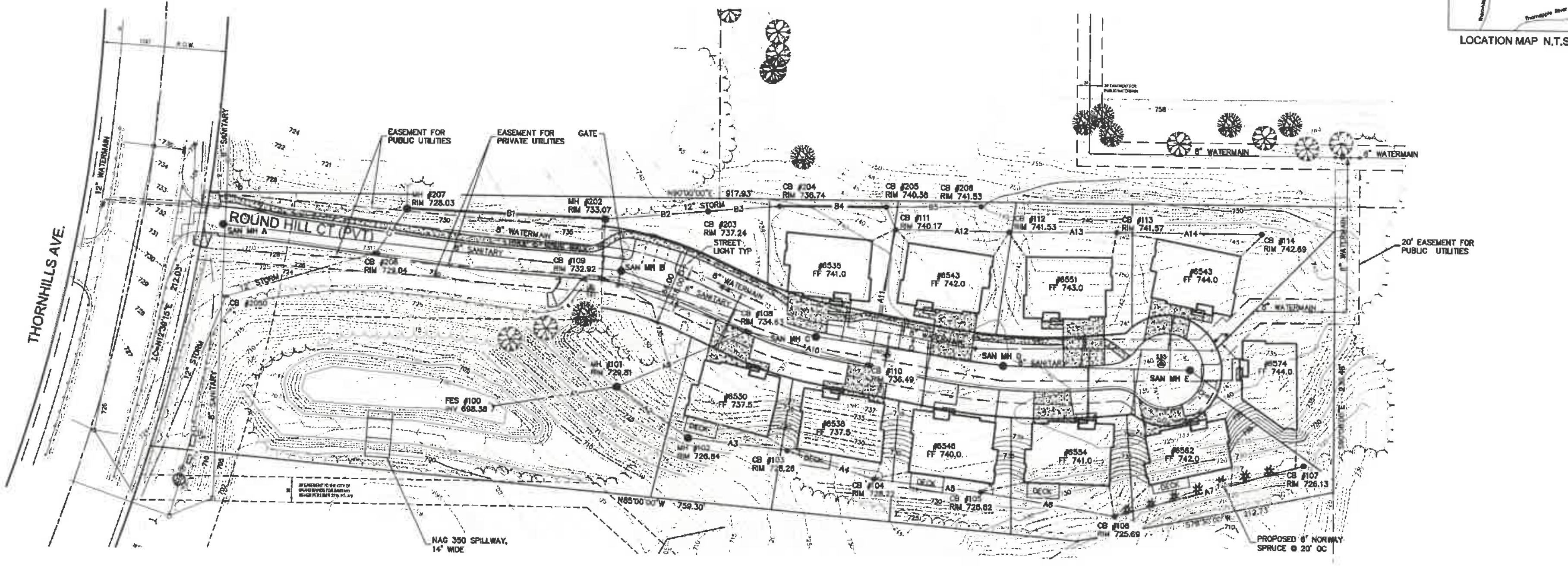
BENCHMARK "12" ELEV 736.92 (NGVD29)
PK NAIL IN TOP OF GUARD POST ON THE NE END OF GUARDRAIL

BENCHMARK "2000" ELEV 471.63 (NGVD29)
TOP OF NW FLANGE BOLT ON HYDRANT ON THE WEST SIDE OF THORNHILLS DR, 45' N OF THE S ENTRANCE TO CASCADE TWP OFFICE

BENCHMARK "2058" ELEV 714.76 (NGVD29)
CUT SQUARE IN TOP OF NW CORNER OF CONCRETE BASE TO POWER STATION AND LIFT STATION COMPLEX

North
W E S
SCALE: 1" = 40'

LOCATION MAP N.T.S.



STORM SEWER DRAINAGE STRUCTURES				
PROP.	RIM	INVERTS	DIA.	TYPE
100		12" NE. INV.=698.38		CONC. F.E.S.
101	729.51	12" NE. INV.=720.83 12" SW. INV.=720.72 12" SE. INV.=720.83	4'	E.J.I.W. #1040 W/ SOLID COVER
102	[illegible]	12" NW. INV.=721.10 12" E. INV.=721.28	4'	E.J.I.W. #1040 W/ SOLID COVER
103	[illegible]	12" W. INV.=721.72 12" E. INV.=721.81	4'	E.J.I.W. #1040 TYPE N
104	[illegible]	12" W. INV.=721.90 12" E. INV.=721.98	4'	E.J.I.W. #1040 TYPE N
105	[illegible]	12" W. INV.=722.07 12" E. INV.=722.25	4'	E.J.I.W. #1040 TYPE N
106	[illegible]	12" W. INV.=722.30 12" E. INV.=722.44	4'	E.J.I.W. #1040 TYPE N
107	[illegible]	12" W. INV.=723.36	4'	E.J.I.W. #1040 TYPE N
108	734.63	12" SE. INV.=726.98 12" SW. INV.=726.35 12" NW. INV.=726.63	4'	E.J.I.W. #7030
109	[illegible]	12" SE. INV.=729.14 12" N. INV.=729.80	4'	E.J.I.W. #7030
110	[illegible]	12" N. INV.=732.06 12" W. INV.=731.85	4'	E.J.I.W. #7030
111	738.35	12" E. INV.=734.90 12" SW. INV.=734.40 12" NW. INV.=734.70	4'	E.J.I.W. #1040 TYPE N

STORM SEWER DRAINAGE STRUCTURES				
PROP.	RIM	INVERTS	DIA.	TYPE
112	740.91	12" E. INV.=735.78 12" W. INV.=736.82	4'	E.J.I.W. #1040 TYPE N
113	740.56	12" E. INV.=736.75 12" W. INV.=736.70	4'	E.J.I.W. #1040 TYPE N
114	742.07	12" W. INV.=738.26	4'	E.J.I.W. #1040 TYPE N
202	733.07	12" NE. INV.=730.67 12" S. INV.=730.47	4'	E.J.I.W. #1040 W/ SOLID COVER
203	736.62	12" E. INV.=731.90 12" W. INV.=731.63	4'	E.J.I.W. #1040 TYPE N
204	738.12	12" W. INV.=733.41	4'	E.J.I.W. #1040 TYPE N
205	739.77	12" S. INV.=734.82 12" E. INV.=734.72	4'	E.J.I.W. #1040 TYPE N
206	744.22	12" W. INV.=738.67	4'	E.J.I.W. #1040 TYPE N
207	728.60	12" SW. INV.=719.03 12" N. INV.=719.23	4'	E.J.I.W. #1040 W/ SOLID COVER
208	728.04	12" SW. INV.=717.78 12" NE. INV.=718.88	4'	E.J.I.W. #7030
Z Ex 2050 (2)	719.87	12" E. INV.=710.82	4'	Concentric Cylindrical Structure

STORM SEWER DRAINAGE PIPES				
#	LENGTH	DIA.	SLOPE	MATERIAL
A1	107'	12"	22.34%	SLCPP
A2	72'	12"	0.85%	SLCPP
A3	82'	12"	0.80%	SLCPP
A4	74'	12"	0.24%	SLCPP
A5	86'	12"	0.09%	SLCPP
A6	111'	12"	0.12%	SLCPP
A7	158'	12"	0.90%	SLCPP
A8	114'	12"	5.54%	SLCPP
A9	127'	12"	1.00%	SLCPP
A10	102'	12"	2.63%	SLCPP
A11	112'	12"	2.11%	SLCPP
A12	93'	12"	0.92%	SLCPP
A13	96'	12"	1.00%	SLCPP
A14	118'	12"	1.28%	SLCPP
B1	142'	12"	7.09%	SLCPP
B2	84'	12"	1.37%	SLCPP
B3	68'	12"	2.43%	SLCPP
B4	87'	12"	1.61%	SLCPP
B5	77'	12"	6.17%	SLCPP
C1	44'	12"	1.60%	SLCPP
Z-2058	128'	12"	5.30%	Concrete Pipe
Z-OUTLET	18'	12"	1.30%	Concrete Pipe

NOTE

INFORMATION DEPICTED HEREON IS TAKEN FROM "ROUND HILL PUD AMENDMENT PRELIMINARY PLAN". NEDERVELD PROJECT NO. 14401335, DATED SEPTEMBER 9, 2015.

AND FROM CITY OF GRAND RAPIDS AS-BUILT PLANS FOR SANITARY SEWER & WATER MAIN IN PUBLIC EASEMENT (SE) ROUND HILL COURT (PVT.) (ROUND HILL CONDOMINIUMS) DATED SEPTEMBER 2017.

AND FROM A PARTIAL SITE SURVEY BY GOWER PROFESSIONAL SURVEYING PC. FILE #2019-26, DATED JUNE 26, 2019.

PUBLIC WATER AND SEWER CONSTRUCTION IS COMPLETE AND ACCEPTED BY THE CITY OF GRAND RAPIDS

STORM WATER CONTROL FACILITIES HAVE BEEN COMPLETED, ALL ROOF DRAINS SHALL BE CONNECTED TO THE STORMWATER COLLECTION SYSTEM.

PRIVATE UTILITIES HAVE BEEN INSTALLED.

ALL LIGHTING SHALL BE SHIELDED AWAY FROM ADJACENT PROPERTIES AND SHALL CONFORM TO CASCADE TOWNSHIP REQUIREMENTS.

DESCRIPTION:
ROUND HILL CONDOMINIUM KENT COUNTY CONDOMINIUM SUBDIVISION PLAN NO.1053 INSTRUMENT NO.20160427-0032560 AS AMENDED BY REPLAT NO.1 INSTRUMENT NO.20190415-0024958 SPLIT/COMBINED ON 06/27/2018 FROM 41-19-16-103-013; SPLIT/COMBINED ON 05/23/2019 FROM 41-19-16-120-005, 41-19-16-120-006, 41-19-16-120-008, 41-19-16-120-007, 41-19-16-120-009, 41-19-16-120-010

AS-BUILT 08/12/2019
CONTRACTOR:NAGEL
CONSTRUCTION
COMPLETED 2017

EX CONTOUR MINOR
EX CONTOUR MAJOR
AS-BUILT CONTOUR MINOR
AS-BUILT CONTOUR MAJOR
PROPOSED CONTOUR MINOR
PROPOSED CONTOUR MAJOR

STATE OF MICHIGAN
DANIEL L. HULA
ENGINEER
No.
35543
PROFESSIONAL ENGINEER

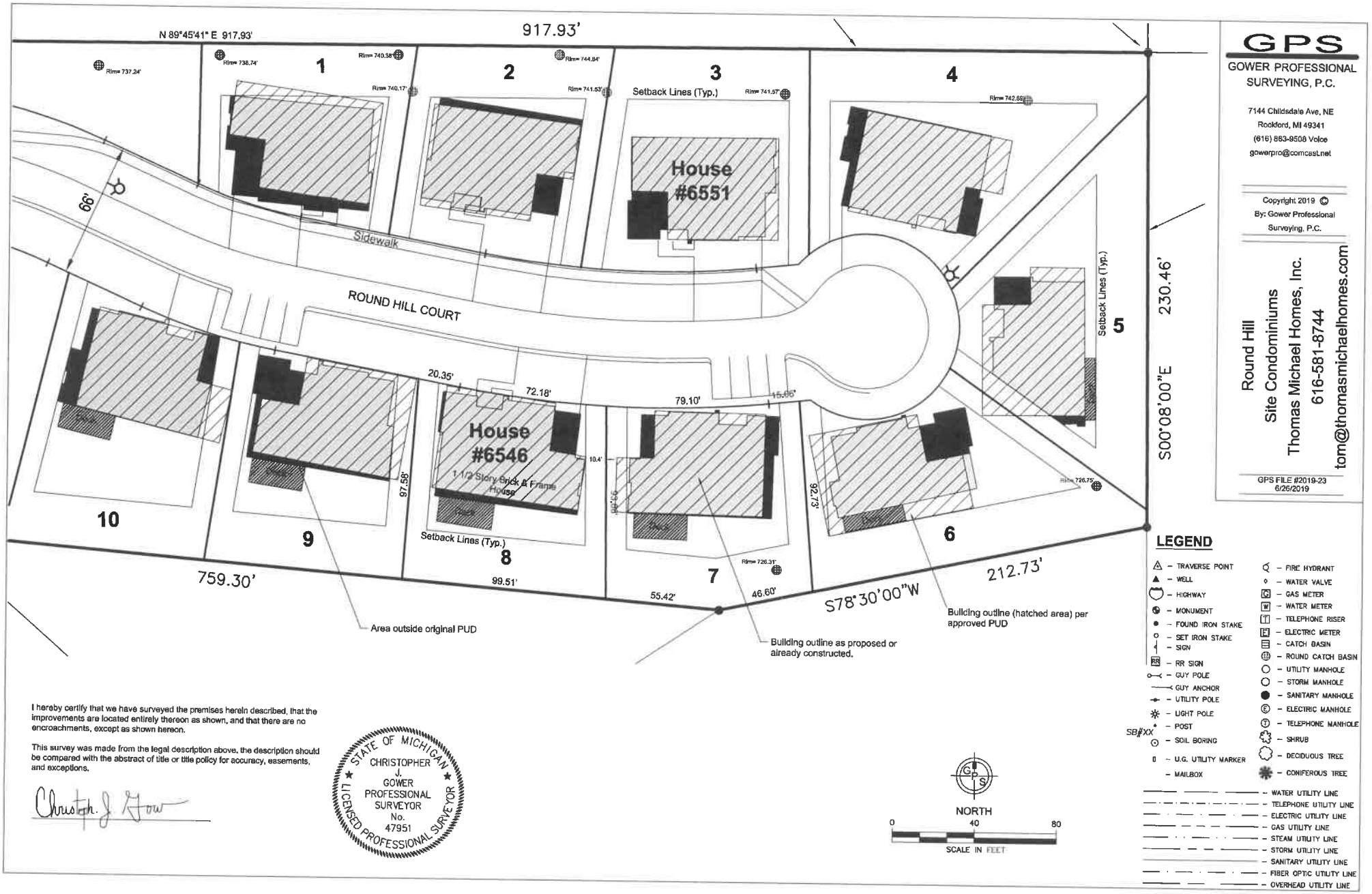
FINKO LLC
Tom Giusti
P.O. Box 441
Ada, MI 49301
616 581-8744

Hula Engineering
17 West Oak
Sand Lake, MI 49343-0194
HulaEngineering@charter.net
(616) 204-6204 (616) 636-6204

ROUND HILL
PUD Amendment Preliminary Plan
PART OF THE NORTHWEST 1/4 OF SECTION 16, T6N, R10W, CASCADE TOWNSHIP, KENT COUNTY MICHIGAN

Issue Date
August 12, 2019

Sheet
2 of 2



I hereby certify that we have surveyed the premises herein described, that the improvements are located entirely thereon as shown, and that there are no encroachments, except as shown hereon.

This survey was made from the legal description above, the description should be compared with the abstract of title or title policy for accuracy, easements, and exceptions.

Christopher J. Gower

STATE OF MICHIGAN
CHRISTOPHER J. GOWER
PROFESSIONAL SURVEYOR
No. 47951
LICENSED PROFESSIONAL SURVEYOR

NORTH

0 40 80

SCALE IN FEET

LEGEND

- TRAVERSE POINT
- WELL
- HIGHWAY
- MONUMENT
- FOUND IRON STAKE
- SET IRON STAKE
- SIGN
- RR SIGN
- GUY POLE
- GUY ANCHOR
- UTILITY POLE
- LIGHT POLE
- POST
- SOIL BORING
- U.G. UTILITY MARKER
- MAILBOX
- FIRE HYDRANT
- WATER VALVE
- GAS METER
- WATER METER
- TELEPHONE RISER
- ELECTRIC METER
- CATCH BASIN
- ROUND CATCH BASIN
- UTILITY MANHOLE
- STORM MANHOLE
- SANITARY MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- SHRUB
- DECIDUOUS TREE
- CONIFEROUS TREE
- WATER UTILITY LINE
- TELEPHONE UTILITY LINE
- ELECTRIC UTILITY LINE
- GAS UTILITY LINE
- STEAM UTILITY LINE
- STORM UTILITY LINE
- SANITARY UTILITY LINE
- FIBER OPTIC UTILITY LINE
- OVERHEAD UTILITY LINE

GPS
GOWER PROFESSIONAL SURVEYING, P.C.
7144 Childsdale Ave, NE
Rockford, MI 49341
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Round Hill
Site Condominiums
Thomas Michael Homes, Inc.
616-581-8744
tom@thomasmichaelhomes.com

GPS FILE #2019-23
6/26/2019

Bloom Sluggett, PC

COUNSELORS & ATTORNEYS

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cliff@bloomsluggett.com

June 17, 2019

Mr. Steve Peterson
Community Development Director
Cascade Charter Township
2865 Thornhills Avenue SE
Grand Rapids, Michigan 49546

Re: Cascade Charter Township
Roundhill PUD Development
Proposed Modifications

Dear Steve,

This letter is in response to several legal inquiries by Cascade Charter Township (the "Township") regarding the Roundhill – Sentenel Pointe development (the "Development") located to the south of the Township library.[1]

FACTS

Tom Guisti (the "Developer") owns a 5.3 acre property (the "Property") located within the existing Sentinel Pointe PUD zoning district pursuant to the Cascade Charter Zoning Ordinance (the "Zoning Ordinance"). In 2016, the Township amended the existing PUD to allow for the single family development ("PUD"). The Development was approved as a site condominium with 10 single family residential units.

The Development is subject to a number of requirements and conditions as evidenced by a written PUD Ordinance dated March 9, 2016, the approved site plan, a recorded storm water agreement and various other documents.

Pursuant to the approved PUD site plan, all houses within the Development must be built and contained within the "building envelopes." That includes any and all portions of a house, including any decks or similar structures. Unfortunately, the first house built in the Development, which is on Unit 8, has a deck which extends outside of the allowed building envelope by approximately 10 feet. The deck still meets the required general setback of 25 feet. It also appears that the northwest portion of the newly-constructed house on Unit 8 might also extend beyond or outside of the allowed building envelope. The Township has required that the

[1] The Township's general legal counsel, Mr. John Huff of Varnum, LLP, had a potential conflict of interest regarding this matter and Bloom Sluggett, PC has been retained by the Township as special legal counsel for this case.

Developer verify whether or not the house extends beyond the allowable building envelope through the Developer's surveyor/engineer.

Recently, the Developer applied for a formal amendment to the 2016 PUD and approved site plan to allow decks on houses within the Development to extend beyond the building envelope so long as all applicable property line setbacks are met. The Cascade Charter Township Planning Commission (the "Planning Commission") held a public hearing on the PUD amendment request on May 20, 2019 but tabled the matter pending the Developer providing more information to the Township. In addition, the Developer may also request an amendment to the PUD and approved site plan to allow the omission of the two retaining walls at the eastern portions of the Development or some modification thereof. However, to date, the Developer has not applied for that amendment.

Some of the neighbors to the Development are opposed to any amendment by the Township to the approved PUD or site plan. Those neighbors are concerned about several matters, including whether the condominium was varied unilaterally by the Developer, possibly increasing the allowed building envelopes for decks and storm water runoff problems associated with the Development.

DISCUSSION

1. Condominium Status.

There appears to be some confusion regarding the condominium status of the Development and what constitutes a "site condominium." MCL 559.101 *et seq.* (the "Michigan Condominium Act") regulates all condominium development within Michigan.

Until 30 or 40 years ago, most condominiums in Michigan were multi-family residences. Those condominiums involved duplexes, fourplexes, high-rises and other multi-family buildings. The units consisted of air space only – the owners of the units typically did not own any lot, yard, etc. All of those areas were common areas, whether limited common areas or general common areas.

A few decades ago, a new type of condominium arrangement arose called a "site condominium." In most cases, site condominiums resemble a conventional single-family residential development or plat, whereby the unit owned by a property owner resembles a lot or parcel. Common elements are typically limited to common or joint properties such as private roads, parks, walkways, clubhouses or similar amenities. A landowner owns not only his or her house, but also the "lot" that comprises the overall unit.

It appears that the Development started out as a specific type of site condominium, whereby the unit was comprised of the building envelope only, with the spaces between building envelopes and the road constituting common areas. It appears that at some point in time, the

Developer converted the Development into a more conventional site condominium whereby the units appear to be more like conventional lots. Nevertheless, the building envelope contained in the PUD and approved site plan still remain intact and govern where houses can be located.

It is our legal opinion that the Developer's conversion of the Development from a smaller unit approximating the building envelope to a more conventional "lot" type site condominium does not violate the Zoning Ordinance or the approved site plan. To the extent that it does, it would constitute a minor amendment that could be approved by Township staff pursuant to Section 16.12 of the Zoning Ordinance. Furthermore, Michigan law makes it clear that a municipality cannot discriminate against a site condominium owner based on ownership. Please see MCL 559.241.

2. The Requested Amendments.

The Cascade Township Board (the "Township Board") has the authority to amend or change an approved PUD and site plan after a recommendation from the Planning Commission. Please see Section 16.12 of the Zoning Ordinance. For major amendments, a public hearing must occur. See Section 16.05 of the Zoning Ordinance.

In this situation, the Township Board clearly has the authority to amend the PUD and approved site plan as requested by the Developer. However, the Township Board has great discretion regarding whether or not it should do so.

3. Discovering Zoning Setback Violations.

Virtually every municipality in Michigan employs the "honor system" with regard to zoning setbacks once a building or structure is built. Although theoretically, a municipality could have a clause in its zoning ordinance that a professional surveyor must verify in writing that all portions of a newly completed building or structure meet all local zoning setback requirements, that is rarely done. We are not aware of any municipality with such an ordinance requirement. Furthermore, it would add a significant expense to new home owners.

Municipalities in Michigan are not guarantors of zoning or code compliance. Municipal budgets are limited and further raising zoning fees, building code fees, inspection fees and other fees (to fund additional municipal inspections and enforcement efforts) is often not an option for local municipalities.

To the extent that a developer or homeowner violates a zoning setback requirement, they proceed at their own risk. In such a situation, there is always a high probability that the developer or homeowner will either have to obtain a variance from the zoning setback requirement or remove the portion of the building or structure in violation of the zoning ordinance.

Please do not hesitate to contact us should you or any other Township official have any question regarding these matters.

Very truly,

Clifford H. Bloom
Special Legal Counsel

cc: Township Manager
Chairperson of Planning Commission

HILGER HAMMOND
ATTORNEYS

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*Also admitted in Florida
**Also admitted in Wisconsin

August 6, 2019

Via Hand Delivery and Email

Cascade Township Board
c/o Robert Beahan
Cascade Township Supervisor
2865 Thornhills SE
Grand Rapids, Michigan 49546-7140

REQUEST FOR TOWNSHIP ACTION

Re: Round Hill Development
Our File No. 2284.01

Dear Mr. Beahan:

We have been retained to represent the interests of Mr. and Mrs. Rohde, property owners adjacent to an ongoing PUD development called Round Hill. Because of the developer's and contractor's failure to adhere to requirements of Cascade Township Ordinances, failure to construct the development in compliance with the site plan approved by the Township, and consequent ongoing damages to the Rohdes, we request that the Township Board immediately place consideration of the Round Hill development on its next meeting agenda, withdraw approval of Ordinance No. 1 of 2016 amending the Sentinel Pointe PUD, direct the Planning Director to issue a Cease and Desist Order halting activity on the site, and direct the Building Inspector to revoke the Building Permit for Unit 3 and revoke the Occupancy Permit for Unit 8.

Introduction

In 2016, the Township Board approved an amendment to Sentinel Pointe Ordinance #1 of 1980 to allow the construction of a traditional condominium, commonly called Round Hill located at 3000 Thornhills Avenue, just south of the Township offices. (**Attachment A,** Ordinance 1 of 2016). The project consists of ten single-family residential units and is part of the existing Sentinel Pointe PUD.[1] Following the Township's amendment of the Sentinel Pointe PUD, the developer, Finko LLC, and the contractor building units in the development, Thomas Michael Homes, LLC (Tom Giusti)[2], failed to comply with requirements of the PUD and deviated from the approved site

[1] Tom Giusti, on behalf of RJV Ventures, applied for the PUD Amendment. At the time, 2880 Thornhills, LLC owned the property subject to the proposed amendment. After the Township approved the amendment, 2800 Thornhills sold the property to Finko, LLC. Finko, sold Unit 8 to Lexton, LLC (owned by Giusti), who in turn sold Unit 8 to a third party.

[2] Tom Giusti is the Qualifying Officer for Thomas Michael Homes, LLC and self identifies as a spokesperson for Finko LLC.

plan (Site Plan) without prior written approval of the Township. Per the express provisions of the PUD, Finko and Giusti's failure to comply with the Site Plan and failure to comply with conditions of approval "shall" be deemed a nuisance *per se* and a violation of the Cascade Township Ordinances.[3] Examples of Finko and Giusti's violations are briefly summarized below.

1.
Regulatory Non-Compliance

Finko/Giusti have not complied with regulatory requirements to ensure the project is constructed in accordance with the amended PUD and in accordance with the approved Site Plan.[4] For example:

- Finko must sign and date the PUD and affirm a statement that Finko read, understood, and agreed to abide by all requirements of PUD.[5] Cascade Township's response to FOIA requests confirm that the Developer never signed the PUD, nor did its assigns.

- Finko must record the PUD with the Kent County Register of Deeds (KCRD) and provide a copy of the recorded document to Cascade Township. [6] A review of the KCRD records confirms the Developer never recorded the Ordinance. The Township's response to FOIA requests confirms the Township does not have a signed, recorded copy of the amended PUD.

These regulatory requirements are critical for control of the development, enforcement of ordinance requirements, and protection of purchasers and adjoining landowners. The amended PUD expressly states that failure to comply with each of these conditions of approval "shall be deemed to be both a nuisance *per se* and a violation of the Cascade Charter Township Zoning ordinance." Consequently, the Township Board should withdraw approval of the Amendment to Sentinel Pointe PUD. In the alternative, the Board should direct the Planning Director to issue a Cease and Desist Order, halting all work on the site.

2
Earth Retention System Not Constructed

The amended PUD and the Township Ordinance require Finko and Giusti to construct the project in "exact accordance" with the approved site plan (Site Plan) with all "buildings and structures" to be "placed within the building footprint area as shown on the final approved site plan..."[7]

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[3] Ordinance 1 of 2016, §V.F.
[4] The PUD identifies the Developer as Driftwood Ventures, LLC or its assigns. The members of Driftwood Ventures, LLC include Tom Giusti and Amy Giusti.
[5] Ordinance 1 of 2016, §V.G and p. 10; Ordinance, §16.09.
[6] Ordinance 1 of 2016, §V.E.
[7] Ordinance 1 of 2016, §V(D); VII; VII(C)1; Ordinance, §21. 03(2).

During the site plan approval process, Township staff noted that the property had "interesting challenges," including the "topography of the site."[8] The Township's engineer noted that the property had challenging topography, as the site sloped "severely from north to south towards the Thornapple Hills County Drain. Several of the proposed lots have grade differences from front to back of 15 ft to 20+ ft."[9] Because the site has "several areas of moderately steep slopes (3:1)," "[c]are should be taken following construction to properly stabilize these areas."[10] The Amended PUD required Finko show all temporary and permanent soil erosion control measures to be taken before, during and after construction.[11]

Importantly, the Site Plan approved by the Township showed massive earth retention walls around half of the units. (**Attachment B** – Site Plan). The earth retention system required by the PUD, Site Plan, and Sediment, Erosion & Soil Control Plan was a critical element, designed to secure the severe grades on the property. These retaining walls border Units 2, 3, and 4 on the north side of the property, Unit 5 on the east side of the property, and Unit 6 and a portion of Unit 7 on the south side of the property. The walls total approximately 700 linear feet with a top height of 10+ feet.[12] Giusti submitted photographs to the Township Board of the typical concrete walls it intended to construct.[13] (**Attachment C** – Photos). The height and breadth of the required retaining walls underscores the magnitude of the concern.

To date, neither Finko nor Giusti have constructed any of the earth retention walls, despite multiple demands from the Kent County Road Commission to install the walls to address severe drainage problems.[14] (**Attachment D** – KCRC reports). In the fall of 2018, the Kent County Road Commission strongly recommended that an engineer visit the site and revise the soil erosion plans.[15] Giusti represented to the KCRC that the retaining walls would be started by November 15, 2018 and completed by December 15, 2018. (See Attachment D). Giusti never did the work. As constructed, the steep slopes at the south and east property lines, made steeper through unapproved changes in the Site Plan, have created an unreasonable and negative impact and burden on adjacent property owners. The massive erosion on the steep slopes created a series of ravines that direct a significant quantity of water and silt down the slopes, overwhelming the silt fences in multiple locations.

The absence of the earth retention system and proper SESC measures has had a significant impact upon the Rohdes' as large mature trees on the condominium toppled onto the Rohdes' property and soil erosion damaged the established root systems of large Red Maples, Sugar Maples, Elms, and Walnut trees on the Rohde property. (**Attachment E** – Photos). Facing no response from Giusti, at the request of the Kent County Road Commission, the Township issued

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[8] 2-20-15, Township Staff Report.
[9] 2-12-15, Fishbeck Thompson, Carr, & Huber (FTCH) Correspondence, February 12, 2015.
[10] 7-16-15, FTCH Correspondence.
[11] Ordinance 1 of 2016, §XII.
[12] 8-17-15, Comments, Steve Peterson, Planning Commission (PC) Mtg. Minutes; Drawing, C-205.
[13] Photographs, attached to Township Board Agenda, for 1-13-16 Township Board Meeting.
[14] Kent County Road Commission inspection notes document KCRC's urgent requests that the permanent retaining walls be built, per plan, as soon as possible. (May 15, 2018, June 11, 2018, June 15, 2018, July 19, 2018, August 1, 2018, August 9, 2018, September 18, 2018).
[15] See Kent County Road Commission correspondence to Tom Giusti, October 5, 2018.

a Stop Work Order on the project. The Road Commission also fined Giusti's company, Thomas Michael Homes, LLC. Meanwhile, adjoining property owners, the Rohdes, are left with an ongoing maintenance problem.

The most recent grading and soil erosion control plan submitted by Giusti in the Fall of 2018 identifies all the retaining walls "to be installed." However, at a Planning Commission meeting on May 20, 2019, Giusti informed the Planning Commission that he was "opting to probably not do [install]" the earth retention system. When questioned by the Commission about all the complaints from neighbors about erosion and whether the retaining walls would help, Giusti admitted, "yeah, we could put a dent in it; we are talking about a big retaining wall." Yes, we are.

Retaining walls are not optional. Finko/Giusti must install them per the approved Site Plan and per the approved Soil Erosion and Sedimentation Control Plan. Furthermore, the Ordinances require that all provisions of the site condominium plan approved by the Board be incorporated into the Master Deed.[16] Finko failed to incorporate any earth retention system into Exhibit B of the Master Deed, another significant violation.

Finally, because of the change in grades on the site and the steep slopes on the south boundary of this development, sediment continues to pile up against silt fences. Some of the fill / silt is so deep at the property line, and with steep grades extending right to the property line, two rows of silt fences are located on the adjacent Rohde property to properly situate the fencing away from the toe of the slopes. This is not a permanent solution!

The amended PUD and the Township Ordinances require Finko and Giusti to construct the project in "exact accordance" with the approved Site Plan.[17] Finko's and Giusti's failure to comply with the Site Plan "shall be deemed to be both a nuisance *per se* and a violation of the Cascade Charter Township Zoning Ordinance."[18] Consequently, the Township Board should withdraw approval of the Amendment to Sentinel Pointe PUD.[19] In the alternative, the Board should direct the Planning Director to Issue a Cease and Desist Order, [20] halting all work on the Round Hill development, compelling Finko/Giusti to submit an engineer-stamped drawing setting forth the permanent earth retention system as shown on the approved Site Plan, including all required structural treatments to address steep slopes, and compelling completion of the earth retention system within the next 90 days.

3.

Unapproved Expansion of Building Envelopes

The amended PUD and the Township Ordinance require Finko and Giusti to construct the project in "exact accordance" with the approved Site Plan with all "buildings and structures" to be "placed within the building footprint area as shown on the final approved site plan....".[21] The Site Plan showed L-shaped units, with a front yard for each unit, and a two-stall garage, which

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[16] Ordinance, §16.11(9).
[17] Ordinance 1 of 2016, §V(D); VII; Ordinance, §21. 03(2).
[18] Ordinance 1 of 2016, §V(D).
[19] Ordinance 1 of 2016, §V(C).
[20] Ordinance, 24.02(4).
[21] Ordinance 1 of 2016, §V(D); VII; VII(C)1; Ordinance, §21. 03(2).

Giusti represented would be 477 square feet.[22] Giusti represented to the Township that the units would be constructed as typical ranch-style homes, approximately 2,700 square feet (plus a garage), with a price point of $500,000 to $600,000.[23]

Contrary to requirements of the PUD, Finko and Giusti have deviated substantially from the Site Plan and deviated substantially from representations to the Township about the project. A recent survey confirms that every unit will be expanded beyond the building envelopes approved by the Township. (**Attachment F**). The first unit built (Unit 8)[24] is rectangular in shape, the building envelope has been expanded to include a three-stall garage, a portion of the front yard and side yard are eliminated, and there is substantially more concrete surface attendant to the additional driveway necessitated by the expanded garage. These unauthorized changes reduce what limited green space there was on the street. Now, one will encounter a sea of concrete driveway for units that are located, at the most, 20' from the road. Unit 3, the second house currently under construction, likewise deviates from the Site Plan in similar ways.

Finko and Giusti made these deviations from the Site Plan without Township approval.[25] These unauthorized expansions all but eliminate front yards, impact side yards of the units, and impact the setback between the unit building envelopes. Six of the ten units, now differently configured from the approved L-shape units, violate side yard setback requirements. The building envelope for Unit 5 now actually extends to the Unit 6 property line. Expanded building envelopes on the south side of the project call into question whether developer can even install the street tree landscaping as represented in its plans submitted to the Planning Commission.[26]

Aside from the blatant deviations from the Site Plan, Finko and Giusti are developing this project substantially different from their representations to the Township, nearly doubling the square footage of the units and doubling the sale price. Giusti is now advertising units of up to 5118 square feet, priced at $1.3 million, not 2,700 square feet and $500,00-$600,000 as represented. This changes the entire look and feel of the project.

In May 2019, Mr. Giusti approached the Planning Commission requesting amendment to the PUD to permit further expansion beyond the building envelopes to allow for construction of outdoor decks on all the units, claiming he "forgot" to include a deck when he submitted plans for a building permit for Unit 8, a $1M+ house. Contrary to Giusti's representations to the Planning Commission, Giusti submitted building plans for Unit 8 showing a main floor level with an exterior slider exiting to a slab on grade concrete porch, not a deck. The plans also showed a lower level with daylight windows. Instead of building according to the plans submitted, Giusti changed the design to a walkout basement. That is, Giusti did not build the unit in accordance with the drawings submitted to the Township, without permission built a deck at least 27' long and 13' wide, and

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[22] Undated Developer Narrative in response to Steve Peterson, March 3, 2015 Review Letter.
[23] Comments by Tom Giusti at PC Meetings March 2, 2015 and August 17, 2015, as documented in PC Meeting Minutes.
[24] Finko, sold Unit 8 to Lexton, LLC (owned by Giusti), who in turn sold Unit 8 to a third party.
[25] Cascade Township's response to FOIA requests confirm no approval of these deviations from the Site Plan.
[26] See Street Tree Landscape Plan, submitted by Giusti to Township per Township's written request of March 3, 2015.

now claims a mistake for which Giusti seeks the Township to excuse through amendment of the PUD. It appears Giusti did an end run around the Planning Commission deeming it better to ask forgiveness than seek permission. For now, the Planning Commission has tabled the requested amendment.

The amended PUD and the Ordinance require that the project be developed in exact accordance with the approved Site Plan. Finko and Giusti's failure to comply with the Site Plan "shall be deemed to be both a nuisance *per se* and a violation of the Cascade Charter Township Zoning Ordinance."[27] Consequently, the Township Board should withdraw approval of the Amendment to the Sentinel Pointe PUD, direct the Planning Director to issue a Cease and Desist Order on all construction operations, and direct the Building Inspector to revoke the Building Permit for Unit 3, and revoke the Occupancy Permit for Unit 8.

4.
Round Hill Condominium Subdivision Plan (Exhibit B) Does Not Conform to the Approved Site Plan

Round Hill was conceived and approved as a traditional condominium, without separate lots.[28] The Staff Analysis presented to the Board for its consideration stated:

> The new project is being developed as a condominium project, which basically means that they will not have individual lots for each unit. Essentially the property [has] common areas outside of each structure."[29]

Under a traditional condominium, each owner owns its unit only (the enclosed space within their structure) and is responsible for the maintenance of that unit. Generally, the remainder of the property is "shared," and all owners contribute to the maintenance of the shared property. Under this method of development, the association, not the individual owner, has responsibility to maintain common areas, collect assessments, and administer the common affairs of the development.

On April 27, 2018, Finko recorded the Master Deed of Round Hill Condominium with the Kent County Register of Deeds.[30] Exhibit B to the Master Deed is the Condominium Subdivision Plan. That subdivision plan deviates substantially from the approved Site Plan in numerous respects.

First, Finko altered the Site Plan to divide the single parcel subject to the amended PUD into several parcels, creating site condominiums with lot lines, placing the common area land surrounding the units within the lot lines, thereby removing the surrounding land as a common element or limited common element. Consequently, it is left to the individual unit owner to insure and maintain those areas within its lot lines.

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[27] Ordinance 1 of 2016, §V(D).
[28] 3-2-15, PC Mtg. Minutes, summary of Township Staff Comments; Undated Township Staff Analysis, attached to PC Agenda for 8-17-15 PC Meeting.
[29] Undated Staff Analysis, attached to Township Board Agenda for 1-13-16 Township Board Meeting.
[30] Master Deed.

Second, the Master Deed fails to include earth retention structures that are required by the Site Plan. As described above, the Site Plan requires installation of more than 700 feet of linear retaining walls. As previously conceived and approved as a traditional condominium, the condominium association would have the power to repair and maintain these structures. The condominium association would be required to establish a reserve fund for major repairs and replacement of these and other common elements.[31] As developed, the association no longer has responsibility to maintain, repair, or insure these areas within the individual lots, placing this burden on the individual lot/unit owner.

Third, on April 15, 2019, Finko recorded an amendment to the Master Deed modifying the boundaries and lot sizes of six of the ten lots, dramatically decreasing the size of at least one lot, and dramatically increasing the size of another lot. Several of these new lots are affected by retaining walls. On Unit 5, Finko reduced the lot width dimension at the road from 52.92 feet, to 39.68 feet, calling into question the ability to install anything in the front yard, other than concrete driveways. The developer's most recent survey confirms that the building envelope for Unit 5 extends significantly beyond the building envelope approved by the Township.

Fourth, the amended PUD contemplated that "the Project will be under single ownership or control." By converting the project to a site condominium, Finko is relinquishing single ownership and control over certain areas of the project formally shown as common areas. This lack of single ownership and control is a deviation from the amended PUD.[32] Furthermore, since the property has been subdivided without Township approval and is now no longer under single ownership or control as required by the Township, given the proximity of the multiple new lots to the Thornapple Drain and Thornapple River, each Unit/Lot requires a Soil Erosion and Sedimentation Control permit.

5.
Failure to Account for Landscaping Plan

The Township Board required the developer to install a landscape buffer as part of the approved PUD.[33] Changes in the site grades on the south boundary of Round Hill have not taken into account the required Landscape Plan. Instead of grades tapering to a level area where landscaping could be installed, the grades on the south and east property lines extend down to the property line itself, preventing the installation of the required landscape buffer. The Planning Commission further required Finko to post a $8,200 Landscaping Bond,[34] however, Township records produced in response to FOIA requests did not produce a copy of this bond. Given the substantial grade changes and lack of earth retention system, the required bond appears woefully

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[31] The Michigan Administrative Code further requires that the reserve fund, at a minimum, be equal to 10% of the condominium association's annual budget on a non-cumulative basis.
[32] There are other obvious inconsistencies between the Master Deed and PUD requirements. For instance, the Master Deed states that the number of units may not exceed twenty, whereas, the approved Site Plan only allows 10 units. Master Deed, IX(b). Similarly, the Master Deed reserves a right to the Developer to subdivide units; subdivision of units is not permitted by the PUD. Master Deed, X(a)1.
[33] 1-13-16 Township Board Meeting Minutes; 2-1-16 P.C. Meeting Minutes; Ordinance 1 of 2016, §XI.
[34] 2-1-16 P.C. Meeting Minutes.

inadequate to protect adjoining landowners. Unit 8 has been sold twice, and still Finko/Giusti have not installed the landscape buffer at the south property line of Unit 8 as required by the approved Landscape Plan.[35]

6.
Site Engineering Changes Requiring Amendment of PUD

Finko/Giusti started construction without submitting revised site engineering drawings depicting significant changes in the approved site engineering plan and without the required amendment to the PUD. Specifically, Finko/Giusti changed the detention pond to a retention pond, changed the height and depth of the retention pond, and eliminated a spillway from the plan. These changes are not "minor" and require amendment of the PUD.

Summary

This correspondence summarizes only some of the challenges and violations involving Round Hill development. In light of the multiple violations of PUD 1 of 2016 and multiple violations of Cascade Township Ordinances, the Rhodes request that the Township Board immediately rescind approval of the amendment to Sentinel Pointe (Ordinance 1 of 2016),[36] direct the Planning Administrator to immediately issue a Cease & Desist Order halting all work on the project,[37] direct the Building Inspector to revoke the Building Permit for Unit 3 and revoke the Occupancy Permit for Unit 8.[38] In lieu of this requested action, the Rohdes are willing to meet with the Township within the next seven days to discuss options to address multiple violations by Finko, Thomas Michael Homes, LLC, and Tom Giusti.

Very truly yours,

HILGER HAMMOND

Aileen M. Leipprandt

Enclosures
AML/slm
c: Trustee Tom M Donald (w/enc. via email to tmcdonald@cascadetwp.com)
Trustee Jim Koessel (w/enc. via email to jkoessel@cascadetwp.com)
Trustee Jack Lewis (w/enc. via email to jlewis@cascadetwp.com)
Trustee John Shipley (w/enc. via email to jshipley@cascadetwp.com)
Clerk Sue Slater (w/enc. via email to sslater@cascadetwp.com)
Treasurer Ken Peirce (w/enc. via email to kpeirce@cascadetwp.com)
Ben Swayze, Cascade Twp Manager (w/enc. via email to bswayze@cascadetwp.com)
Attorney Clifford Bloom (w/enc. via email to cliff@bloomsluggett.com)

[35] Finko sold Unit 8 to Lexton, LLC (owned by Giusti), who in turn sold Unit 8 to a third party.
[36] Ordinance 1 of 2016, §V(C).
[37] Ordinance, 24.02(4).
[38] Ordinance, 24.02(4)(b)(3).

Bloom Sluggett, PC

COUNSELORS & ATTORNEYS

Clifford H. Bloom
Direct Dial: (616) 965-9342
Direct Fax: (616) 965-9352
cliff@bloomsluggett.com

August 15, 2019

Ms. Aileen M. Leipprandt
Hilger Hammond
220 Lyon Street NW, Suite 410
Grand Rapids, Michigan 49503

Re: Cascade Charter Township
RoundHill - PUD - possible violation

Dear Ms. Leipprandt:

This is a follow up of our discussion of last week regarding your letter to Cascade Charter Township (the "Township") officials of August 6, 2019 (and the supplemental letter of August 14, 2019), which contains a number of claimed violations of the Cascade Charter Township Zoning Ordinance (the "Zoning Ordinance"), and specifically, of the Planned Unit Development ("PUD") conditions and requirements for the RoundHill PUD approval ("RoundHill"). As we discussed, Township staff has reviewed the alleged violations and has determined that all of the purported violations would be violations of the conditions of approval for the PUD, not specific regulations or requirements contained in the Zoning Ordinance. As such, the Township Board (upon a recommendation by the Planning Commission) does have the option and authority to formally amend one or more of the conditions of the PUD approval. To the extent that one or more of the alleged violations involve conditions that are ultimately amended by the Township Board, some or all of the purported violation would likely be "cured."

Your clients have strongly asserted that the Township should take enforcement action immediately regarding what appear to be violations of the PUD conditions of approval for RoundHill. As we discussed, with a PUD or similar other zoning approval by the Township with conditions, the Township typically does not commence legal enforcement proceedings if there is a pending or imminent amendment request by the developer or landowner to modify one or more of the conditions that are apparently being violated. That is the current situation. Once the amendment request by the developer of RoundHill has completed its journey through the legal process and the Township Board has made a final decision regarding the requested amendments, the Township will revisit the issue of whether or not RoundHill remains in violations of any of the modified or unmodified conditions of the PUD approval. In the meantime, the developer continues to work on the development and individual houses at his or its own risk.

Why doesn't the Township take immediate enforcement action now, such as issuing municipal civil infraction ticket/citations or filing a Kent County Circuit Court lawsuit? There

are essentially two reasons. First, depending upon what the Township Board ultimately decides regarding the requested amendments to the PUD conditions of approval, any violations may be "cured" and the matter would be moot. Either the District Court or Kent County Circuit Court could view any interim enforcement proceedings as being premature, moot or wasting the Court's time and resources. Second, the Township is reluctant to incur significant attorney fees and costs regarding an interim enforcement effort, only to have the matter become moot after the Township Board acts.

The Township has been very transparent and forthcoming with you and your clients regarding the apparent violations of some of the conditions of the PUD approval for RoundHill. Part of the reason that the RoundHill matter is being put on the agenda for the Planning Commission's upcoming August 19, 2019 meeting is so that members of the Planning Commission can be made aware of the alleged violations, seek input from Township staff, the developer and the public (to the extent determined by the Planning Commission) and to discuss the Township's options going forward.

Please do not hesitate to contact me should you or your clients have any questions in the interim.

Very truly,

Clifford H. Bloom
Special Township Legal Counsel

cc: Township Supervisor
Township Manager
Community Development Director
Chairperson of the Planning Commission

STAFF REPORT:	Case # 19-3542
REPORT DATE:	August 13, 2019
PREPARED FOR:	Cascade Charter Township Planning Commission
MEETING DATE:	August 19, 2019
PREPARED BY:	Steve Peterson, Planning Director

APPLICANT:
Steve Plakmeyer
Watermark Property LLC
5500 Cascade Rd
Cascade MI 49546

STATUS OF APPLICANT:	Developer
REQUESTED ACTION:	Basic Plan Review to amend the P.U.D. to allow for an expansion of the pool equipment building and build an additional building to accommodate the restaurant/bar at the Swim Center building.
EXISTING ZONING OF SUBJECT PARCEL:	P.U.D. 15
GENERAL LOCATION:	Southern terminus of Gailbraith
PARCEL SIZE:	Approximately 2.8 acres.
EXISTING LAND USE ON THE PARCEL:	Swim Center for Golf Course/Country Club
ADJACENT AREA LAND USES:	N – Office S – Clubhouse E- Golf course W – Farm
ZONING ON ADJOINING PARCELS:	N – Golfview PUD 2 S – Watermark PUD 15 E- Watermark PUD 15 W – R1

STAFF COMMENTS:

A. The applicant is requesting Preliminary Plan Approval in order to amend the existing Planned Unit Development to put an addition on to the pool equipment building and to add an additional bar/restaurant building.

B. After the Township approved the most recent changes, the applicant came back with some additional changes they would like to make. Essentially, they would like to remove the restaurant/bar area from where the kids play in the pool. In order to do so they would like to add this bar/restaurant area to the west end of the pool.

C. The result in doing so does add some additional impervious area that will need to be accommodated from a storm water perspective. This has been reviewed and approved by the Township Engineer.

D. The result of the changes reduces the newly approved swim center slightly but adds an additional building as well as an addition to the pool equipment building.

E. Its important to remember that we measure to the outside wall or posts of a building when we talk about building size. In total it is about a 2,000 sq ft enlargement of the previous approved plans.

F. This is considered a major amendment and requires it to go through the normal approval process.

G. **Standards**

Section 16.03 of the Zoning Ordinance requires that a Planned Unit Development must demonstrate that:

Standard	Staff Comment
Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.	The property is already zoned PUD. The most recent changes in 2019 already permitted the enlarged swim center building.
In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not	This change would not result in an increase in the need of public service.

place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment	
The proposed development shall be compatible with the General Development Plan of the Township, and shall be consistent with the intent and spirit of this Chapter	The amendment would be consistent with the master plan
In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties	The reallocation of space for the swim center building should not result in an unreasonable negative economic impact. However, there was some concern from the previous amendment from a neighbor about noise from the swim center.
The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development	met.
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. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Planning Director of the Township	met

Staff would recommend that the proposal be approved.

NEDERVELD

July 23, 2019

Mr. Steve Peterson
Community Development Director
Cascade Township
2865 Thornhills Avenue SE
Grand Rapids, MI 49546

RE: *REVISED SUBMITTAL*
Ordinance #10 of 1997, The Forest Hills Golf Course/Watermark Condominiums PUD
1611 Galbraith Avenue SE (41-19-06-402-003)

Dear Mr. Peterson:

Included with this cover letter, please find five (5) copies of the submittal package for the planned unit development amendment for the pool building site at the Watermark Country Club at 1611 Galbraith Avenue SE, permanent parcel number 41-19-06-402-003. The applicant is seeking a major PUD amendment at the determination of staff to decrease the size of the pool building (removing the kitchen and bar/eating area) and to add a small building to house the food and beverage at the rear of the property. Each application package includes the following:

1. Application
2. Project description *(revised)*
3. Existing parking summary
4. Proposed parking summary
5. Architectural elevations
6. Architectural floorplan
7. Site plan set (to scale, 24x36) *(revised)*

These items are being submitted for basic plan review at the August 12, 2019 Planning Commission meeting and a public hearing at the August 19, 2019 Planning Commission meeting. A separate submittal will be provided to the Township Engineer including revised drainage calculations. Should you have any questions or need additional information, please do not hesitate to contact me at (616) 575-5190.

Sincerely,

Kelly Kuiper
Project Manager

217 Grandville Ave. SW | STE. 302 | Grand Rapids, MI 49503
P: 616.575.5190 | www.nederveld.com | F: 616.575.6644

CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: **Watermark Property LLC**

Address: **1611 Galbraith Avenue SE**

City & Zip Code **Grand Rapids 49546**

Telephone: **(616) 698-1100**

Email Address: **splaykmeyer@centuryg.com**

OWNER: * (If different from Applicant)

Name: _____

Address: _____

City & Zip Code: _____

Telephone: _____

Email Address: _____

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

☐	Administrative Appeal	☐	Administrative Site Plan Review
☐	Deferred Parking	☐	P.U.D. – Rezoning *
☐	P.U.D. – Site Condominium *	☐	Rezoning
☐	Site Plan Review *	☐	Sign Variance
☐	Special Use Permit	☐	Subdivision Plat Review *
☐	Zoning Variance	☒	Other: **PUD Amendment**

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

BRIEFLY DESCRIBE YOUR REQUEST:**

See attached.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

See attached.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 **06-402-003**

ADDRESS OF PROPERTY: **1611 Galbraith Avenue SE, Grand Rapids, MI 49546**

PRESENT USE OF THE PROPERTY: **201- Commercial Improved 201**

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

Name(s)	**Address(es)**
Watermark Property LLC	**5555 Corporate Exchange Ct**
	SE, 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.)

Owner – Print or Type Name
(*If different from Applicant)

Applicant – Print or Type Name

*

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

Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

Rev. 7/24/14

PROJECT DESCRIPTION
1611 Galbraith Avenue SE PUD Amendment

The proposed PUD amendment to the recently amended Forest Hills Golf Course/Watermark Condominiums PUD (Ordinance #10 of 1997) is minor in nature. As you are all aware, the recent PUD amendment proposed to physically expand the building from 1,695 square feet to 6,563 square feet. In addition, the setbacks changed slightly for the front setback (adjacent to the interior parking lot) and the north side setback. The approved PUD amendment primarily focused on the change in use for two (2) of the buildings associated with the PUD. The expanded pool building provided for a larger kitchen and associated bar/eating area, the restrooms and changing/locker rooms to increase in size and the SNAP Fitness facility to move into the pool building (from the Watermark office building). The recently approved pool building was proposed to include 1,300 square feet of kitchen space, 700 square feet of locker room space and 4,563 square feet of fitness space.

APPROVED SETBACKS:

Front	15.0 ft (8.1 ft from entry overhang)
Rear	Unchanged from original
North Side	21.3 ft
South Side	Unchanged from original

PROPOSED SETBACKS:

Front	11.4 ft from entry overhang
Rear	69.3 ft
North Side Acc. Build.	20 ft (17.2 ft from overhang) 14.9 ft (13.5 ft from overhang) *Unchanged from original
South Side	Unchanging

After additional discussion with the architectural consultant and Watermark staff, it was determined that the proposed kitchen and bar/eating facility created potential danger due to the proximity to the zero entry kid's pool area. Therefore, it is now being proposed to remove the kitchen and bar/eating area completely from the main pool building and construct a new, small 635 square foot building at the rear of the property next to the existing pool maintenance building. The building will include an overhang, therefore, the total square footage to the outside of the posts is 1,717 square feet and the total square footage of the entire overhang area is 2,177 square feet. The removal of this use from the main building allows the main building to slightly decrease in size (by 118 square feet). The adjacent mechanical building footprint is unchanging. Therefore, there is proposed to be a net increase of building square footage of 517 square feet, and an overall footprint increase of 2,059 square feet.

As approved with the previous PUD amendment, a traditional stormwater detention system will still be added to the site. Due to the increase in impervious surface on the site, a separate revised plan will be submitted to the Township Engineer for review and approval.

Also noted in the previous PUD amendment, it is important to point out that although the square footage of the pool building is still increasing (and increasing 517 square feet greater), parking calculations for recreational sites are primarily determined by occupancy. Although an increased square footage could potentially mean a greater occupancy, the overall membership of the Country Club and pool are not increasing congruently. In addition, although the fitness facility is moving to this building from the existing office building, the square footages of the previous fitness facility to the proposed are equivalent. Additional office space for Watermark Country Club is proposed where the previous fitness facility was located. Therefore, the approved uses from the original Watermark Planned Unit Development are not changing and the current shared parking facilities will continue to exceed the necessary required. The parking calculations previously submitted are still accurate and have been submitted again to be a part of the record of this new request.

Last, the discussion regarding the uses on site and the expansion of the Watermark offices still hold true from the recent PUD amendment. No amendments to the decision by the Planning Commission regarding this is being request and as before, no additional users, lease space, new tenants, etc. are included with the proposed expansion.

Existing Parking Summary

Existing Watermark Pool Building Information

Tenant	Use	Area (square feet)	Parking Ratio Req'd	Parking Spaces Req'd
Watermark Pool Building and Deck (capacity = 500 people)	Recreational Uses	1,695	1 space / 4 persons capacity	125.0

Existing Buidling to the South Information

Tenant	Use	Area (square feet)	Parking Ratio Req'd	Parking Spaces Req'd
Snap Fitness (capacity = 127 people)	Recreational Uses	6,349	1 space / 4 persons capacity	31.8
Highpoint/Prop Resources	General Office	2,155	3 spaces / 1,000 sf	6.5
Visser Dessign	General Office	1,339	3 spaces / 1,000 sf	4.0
Reliable Energy	General Office	1,407	3 spaces / 1,000 sf	4.2
Watermark/RedWater	General Office	2,155	3 spaces / 1,000 sf	6.5

Existing Buidling to the Southeast Information

Tenant	Use	Area (square feet)	Parking Ratio Req'd	Parking Spaces Req'd
Watermark Pro Shop	Low Intensity Retail/Repair/Workshop	666	2 spaces / 1,000 sf	1.3
Watermark Restaurant	Restaurant	4,344	10 spaces / 1,000 sf	43.4
Watermark Banquet A	Restaurant	1,046	10 spaces / 1,000 sf	10.5
Watermark Banquet B	Restaurant	4,779	10 spaces / 1,000 sf	47.8
Watermark Banquet C	Restaurant	735	10 spaces / 1,000 sf	7.4

TOTAL PARKING REQUIRED	**288**
PARKING PROVIDED ON SITE	**297**
PARKING PROVIDED BY CROSS PARKING EASEMENT (SEE NOTE 3 BELOW)	**50**
TOTAL PARKING PROVIDED	**347**

Notes:

1. Capacity of Snap Fitness is based on International Building Code occupancy use group A-3 with a minimum of 50sf/person at maximum occupancy load.
2. Capacity of Watermark Pool & Deck Area is based on International Building Code requirements for 50sf/person for the pool deck area at maximum occupancy load.
3. A cross parking easement (Liber 5628 Page 919-928) exists for the benefit of Watermark pool for a total of 50 spaces from the property owner to the north.

Proposed Parking Summary

Proposed Watermark Pool and Fitness Building Information

Tenant	Use	Area (square feet)	Parking Ratio Req'd	Parking Spaces Req'd
Snap Fitness (capacity = 91 people)	Recreational Uses	4,563	1 space / 4 persons capacity	22.8
Watermark Pool Building & Deck Area (capacity = 500 people) ❖	Recreational Uses	25,000	1 space / 4 persons capacity	125.0

❖Although the pool building is being modified, the capacity of the pool building and deck are still limited to 500 people

Existing Buidling to the South Information

Tenant	Use	Area (square feet)	Parking Ratio Req'd	Parking Spaces Req'd
Watermark Offices*	General Office	6,349	3 spaces / 1,000 sf	19.0
Highpoint/Prop Resources	General Office	2,155	3 spaces / 1,000 sf	6.5
Visser Dessign	General Office	1,339	3 spaces / 1,000 sf	4.0
Reliable Energy	General Office	1,407	3 spaces / 1,000 sf	4.2
Watermark/RedWater	General Office	2,155	3 spaces / 1,000 sf	6.5

* *Existing Snap Fitness portion of existing southerly building will be used for Watermark office space following Snap Fitness relocation to the proposed building*

Existing Buidling to the Southeast Information

Tenant	Use	Area (square feet)	Parking Ratio Req'd	Parking Spaces Req'd
Watermark Pro Shop	Low Intensity Retail/Repair/Workshop	666	2 spaces / 1,000 sf	1.3
Watermark Restaurant	Restaurant	4,344	10 spaces / 1,000 sf	43.4
Watermark Banquet A	Restaurant	1,046	10 spaces / 1,000 sf	10.5
Watermark Banquet B	Restaurant	4,779	10 spaces / 1,000 sf	47.8
Watermark Banquet C	Restaurant	735	10 spaces / 1,000 sf	7.4

TOTAL PARKING REQUIRED	298

PARKING PROVIDED ON SITE	297
PARKING PROVIDED BY CROSS PARKING EASEMENT (SEE NOTE 3 BELOW)	50
TOTAL PARKING PROVIDED	347

Notes:

1. Capacity of Snap Fitness is based on International Building Code occupancy use group A-3 with a minimum of 50sf/person at maximum occupancy load.
2. Capacity of Watermark Pool & Deck Area is based on International Building Code requirements for 50sf/person for the pool deck area at maximum occupancy load.
3. A cross parking easement (Liber 5628 Page 919-928) exists for the benefit of Watermark pool for a total of 50 spaces from the property owner to the north.

4 NORTHELEVATION
AE2-01

3 WEST ELEVATION
AE2-01

2 SOUTH ELEVATION
AE2-01

1 EAST ELEVATION
AE2-01

-W-

Watermark Properties
1616 Galbraith Ave SE
Grand Rapids MI 49546
616.285.9666
watermarkcc.com

WATERMARK POOL BLDG
Galbraith Ave SE

GHAFARI
CONCEPT DESIGN
99 MONROE CENTER
SUITE 400
GRAND RAPIDS, MI 49503 USA
TEL +1.616.771.0909
www.ghafari.com

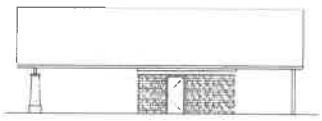
REGISTRATION SEAL

NOT FOR CONSTRUCTION

PROJECT #
PROJECT MANAGER
DESIGNED BY
DRAWN BY
QUALITY CTL
SHEET TITLE

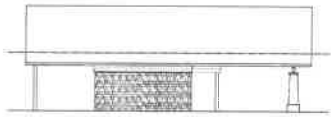
EXTERIOR ELEVATIONS

AE2-01
SHEET NUMBER



4 AE2-01 **EAST ELEVATION**
SCALE: 1/8"=1'-0"

3 AE2-01 **NORTH ELEVATION**
SCALE: 1/8"=1'-0"



2 AE2-01 **WEST ELEVATION**
SCALE: 1/8"=1'-0"

1 AE2-01 **SOUTH ELEVATION**
SCALE: 1/8"=1'-0"

-W-

Watermark Properties
1616 Gelbraith Ave SE
Grand Rapids MI 49546
616.258.9898
watermarkcc.com

WATERMARK POOL BLDG
Gelbraith Ave SE

GHAFARI
CONCEPT DESIGN
99 MONROE CENTER
SUITE 400
GRAND RAPIDS, MI 49503 USA
TEL +1.616.771.0909
www.ghafari.com

REGISTRATION SEAL

NOT FOR CONSTRUCTION

PROJECT # 1999029
PROJECT MANAGER A.BOXER
DESIGNED BY
DRAWN BY
CHECKED BY
SHEET TITLE

POOL HOUSE EXTERIOR ELEVATIONS

AE2-02
SHEET NUMBER

GENERAL WALL NOTES

1. ALL PARTITIONS ARE TYPE "XXX" UNLESS NOTED OTHERWISE
2.

PARTITION NOTES

1. CONTRACTOR IS RESPONSIBLE FOR SELECTING THE PROPER GAUGE OF METAL STUD BASED ON WALL HT. & MANUFACTURER USED (ASSUME 5 PSF & L/240 FOR SELECTION). COORDINATE STUD SIZE WITH PLAN / SCHEDULE.
2. MINIMUM METAL STUD THICKNESS SHALL BE 18 MIL (25 GA NOM.) THICKER STUDS MAY BE REQUIRED BY MANUFACTURER'S HEIGHT LIMITATIONS.
3. METAL STUD TRACK SUPPORTING SUSPENDED FRAMING SHALL BE NOT LESS THAN 27 MILS (22 GA).
4. METAL STUDS AT WALLS THAT SUPPORT CERAMIC TILE SHALL BE NOT LESS THAN 33 MILS (20 GA)
5. PROVIDE METAL STUD BRACING TO STRUCTURE ABOVE AS REQUIRED FOR WALLS THAT DO NOT EXTEND TO DECK.
6. MAXIMUM VARIATION IN STUD FRAMING IN WALLS THAT SUPPORT TILE SHALL NOT EXCEED 1/8" IN 10'-0" FROM THE VERTICAL PLANE
7. USE MOISTURE RESISTANT (MR) GYPSUM BOARD AT TOILET ROOMS, JANITOR'S CLOSETS AND OTHER WET AREAS.
8. PROVIDE CEMENTITIOUS TILE BACKER AT AREAS TO RECEIVE WALL TILE. COORDINATE LOCATIONS WITH ELEVATIONS AND FINISH PLAN
9. PROVIDE CONTROL JOINTS IN GYP. WALLBOARD PER MANUF'S SPECIFICATIONS & COORDINATE W/ ARCHITECT (TYPICALLY 20'-30' O.C.)
10. PROVIDE BLOCKING IN WALLS FOR ALL WALL MOUNTED FIXTURES INCLUDING COUNTER TOPS, CABINETS, TACKBOARDS, DENTAL EQUIPMENT, ETC.
11. ALL LUMBER USED IN BLOCKING, FACINGS, NAILERS, FURRING, ETC SHALL BE FIRE RETARDANT TREATED (FRT) IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN BUILDING CODE (MBC) SECTION 2303.2.
12. MEMBRANE AND THROUGH PENETRATIONS IN RATED CONSTRUCTION TO BE PROTECTED BY APPROVED PENETRATION FIRE STOP SYSTEM TESTED IN ACCORDANCE WITH ASTM E814 OR UL 1479.
13. FIRE WALLS, FIRE BARRIERS, FIRE PARTITIONS, OR ANY OTHER WALLS REQUIRED TO HAVE PROTECTED OPENINGS OR PENETRATIONS SHALL BE PERMANENTLY IDENTIFIED WITH SIGNS OR STENCILING A MINIMUM OF 1/2" LETTERING LOCATED WITHIN THE CONCEALED FLOOR OR CEILING SPACE AT INTERVALS NOT EXCEEDING 30'.

FLOOR PLAN KEY NOTES

1

FLOOR PLAN LEGEND

- EXISTING WALL / PARTITION TO REMAIN
- NEW METAL STUD / GYP BOARD PARTITION PER SCHEDULE
- WALL, PARTITION, CEILING, ETC. ABOVE
- NEW MASONRY PARTITION / WALL PER SCHEDULE
- EXISTING PARTITION, DOORS, WINDOWS, ETC. TO BE REMOVED
- FURNITURE, FIXTURES, EQUIPMENT, ETC. FURNISHED BY OWNER- COORDINATE INSTALLATION, BLOCKING AND OTHER REQUIREMENTS W/ EQUIPMENT SUPPLIER
- AREA OF WORK
- AREA NOT IN CONTRACT

DEMOLITION GENERAL NOTES

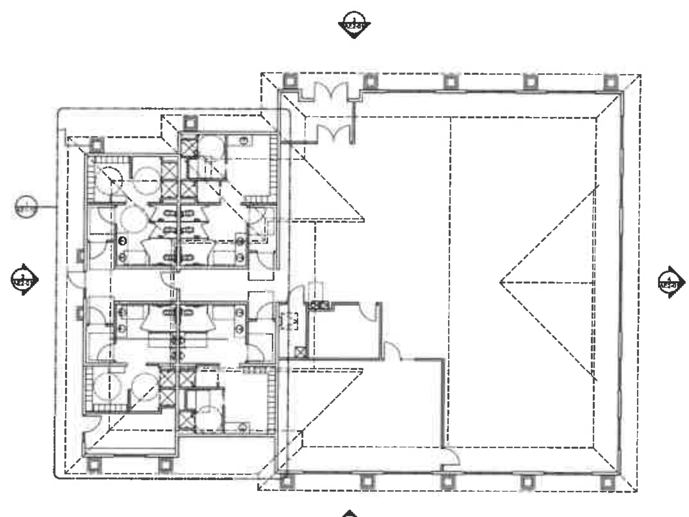
1.

DEMOLITION PLAN KEY NOTES

1

DEMOLITION LEGEND

- AREA OF WORK
- AREA NOT IN CONTRACT
- EXISTING CONSTRUCTION TO BE REMOVED
- EXISTING CONSTRUCTION TO REMAIN



1 FLOOR PLAN
AE1-01
SCALE: 1/8"=1'-0"

BUILDING AREA

POOL/ FITNESS BUILDING	
PREVIOUS DESIGN:	6,642 SQ. FT
NEW DESIGN:	5,434 SQ. FT.
PREVIOUS FITNESS	4,087 SQ. FT
W/ LOCKER ROOMS	4,819 SQ. FT
NEW FITNESS	4,487 SQ. FT
W/ LOCKER ROOMS	5,442 SQ. FT.
CONCESSION BUILDING	535 SQ. FT

-W-

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Grand Rapids MI 49546
616.285.9898
watermarkcc.com

WATERMARK POOL BLDG
Galbraith Ave SE

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GRAND RAPIDS, MI 49503 USA
TEL +1.616.771.0909
www.ghafari.com

REGISTRATION SEAL

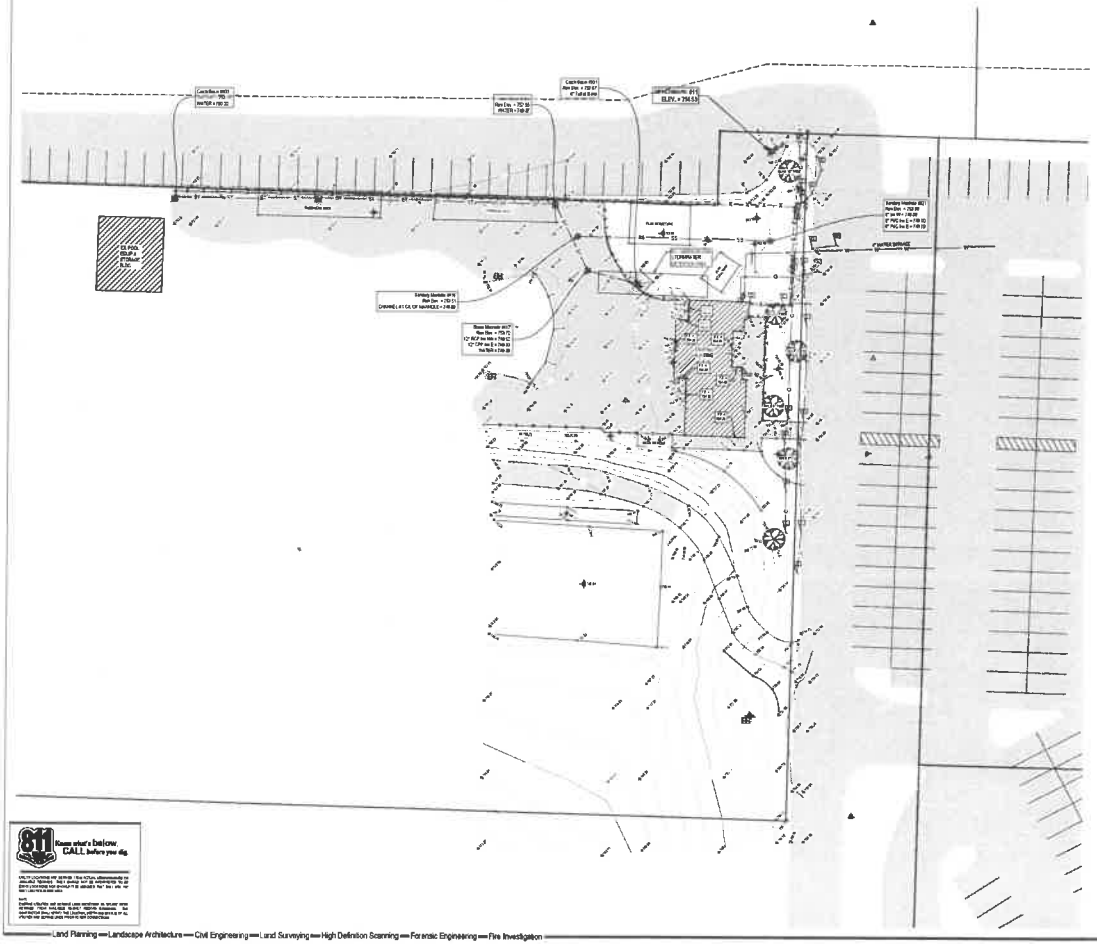
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION

PROJECT # 180028
PROJECT MANAGER
DESIGNED BY
DRAWN BY
QUALCHECK
SHEET TITLE

FLOOR PLAN

AE1-01
SHEET NUMBER



LEGEND

BENCHMARKS

BENCHMARK "T1" ELEV. = 754.30 (NAVD88)

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800.222.1868
GRAND RAPIDS

PREPARED FOR:
Century Technology Group - Widerman Pietmeyer, Steve

1646 Corporate Exchange Ct. SE
Grand Rapids, MI 49512
Phone: 616.866.1100

REVISIONS:

WATERMARK POOL BUILDING

Existing Site Conditions Plan

1911 CALDWATER AVENUE SE
PART OF THE NE 1/4 OF SECTION 9, T6N, R11W
CITY OF GRAND RAPIDS, KENT COUNTY, MICHIGAN

STAMP:

STATE OF MICHIGAN
BRANDON MICHAEL SMITH
ENGINEER
No. 63076
LICENSED PROFESSIONAL ENGINEER

PROJECT NO:
18400396

SHEET NO:
C-201

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LOCATION MAP

SCALE: 1" = 20'

REMOVAL / DEMOLITION NOTES

1. REMOVE EXISTING STORMWATER STORAGE SYSTEM
2. REMOVE EXISTING TREE/SHRUBS
3. REMOVE EXISTING FENCE
4. REMOVE EXISTING PLAYGROUND EQUIPMENT
5. REMOVE EXISTING UTILITY
6. REMOVE EXISTING GAS METER
7. REMOVE EXISTING CONCRETE SIDEWALK
8. REMOVE EXISTING BITUMINOUS PAVEMENT
9. REMOVE EXISTING DECK

LEGEND

EXISTING GRADE CONTOUR

EXISTING BITUMINOUS REMOVAL

EXISTING CONCRETE REMOVAL

EXISTING UTILITY LINE REMOVAL

EXISTING TREE REMOVAL

REMOVAL / DEMOLITION NOTES

1) THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES AT LEAST THREE WEEKS PRIOR TO THE BEGINNING OF CONSTRUCTION OPERATIONS. THERE ARE EXISTING UNDERGROUND UTILITIES WHICH CROSS THE PROPOSED REPLACEMENT WORK AREAS. ALTHOUGH THEIR EXACT LOCATION CANNOT BE DETERMINED IT IS KNOWN THESE UTILITIES ARE LOCATED WHERE DIGGING IS REQUIRED. THE CONTRACTOR SHALL CONDUCT THE REQUIRED EXCAVATION IN THESE AREAS WITH EXTREME CAUTION.

2) ALL EXISTING UTILITY INFORMATION SHOWN IS TAKEN FROM EXISTING RECORDS AND FIELD VERIFIED WHERE ACCESSIBLE [illegible]

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GRAND RAPIDS

PREPARED FOR:

Century Technology Group - Watermark
Pletmeyer, Steve

5550 Corporate Exchange Ct SE
Grand Rapids, MI 49512
Phone: 616.698.1190

REVISIONS:

Title: SITE PLAN SUBMITTAL — Date: 12/05/18
Title: SITE PLAN RE-SUBMITTAL — Date: 01/18/19
Title: SITE PLAN RE-SUBMITTAL — Date: 01/22/19
Title: ADD NEIGHBORING BLOCK — Date: 02/24/19
Title: ADDED PARKING SPACES — Date: 02/28/19
Title: AMENDED BUILDING FOOTPRINT — Date: 07/15/19

WATERMARK POOL BUILDING

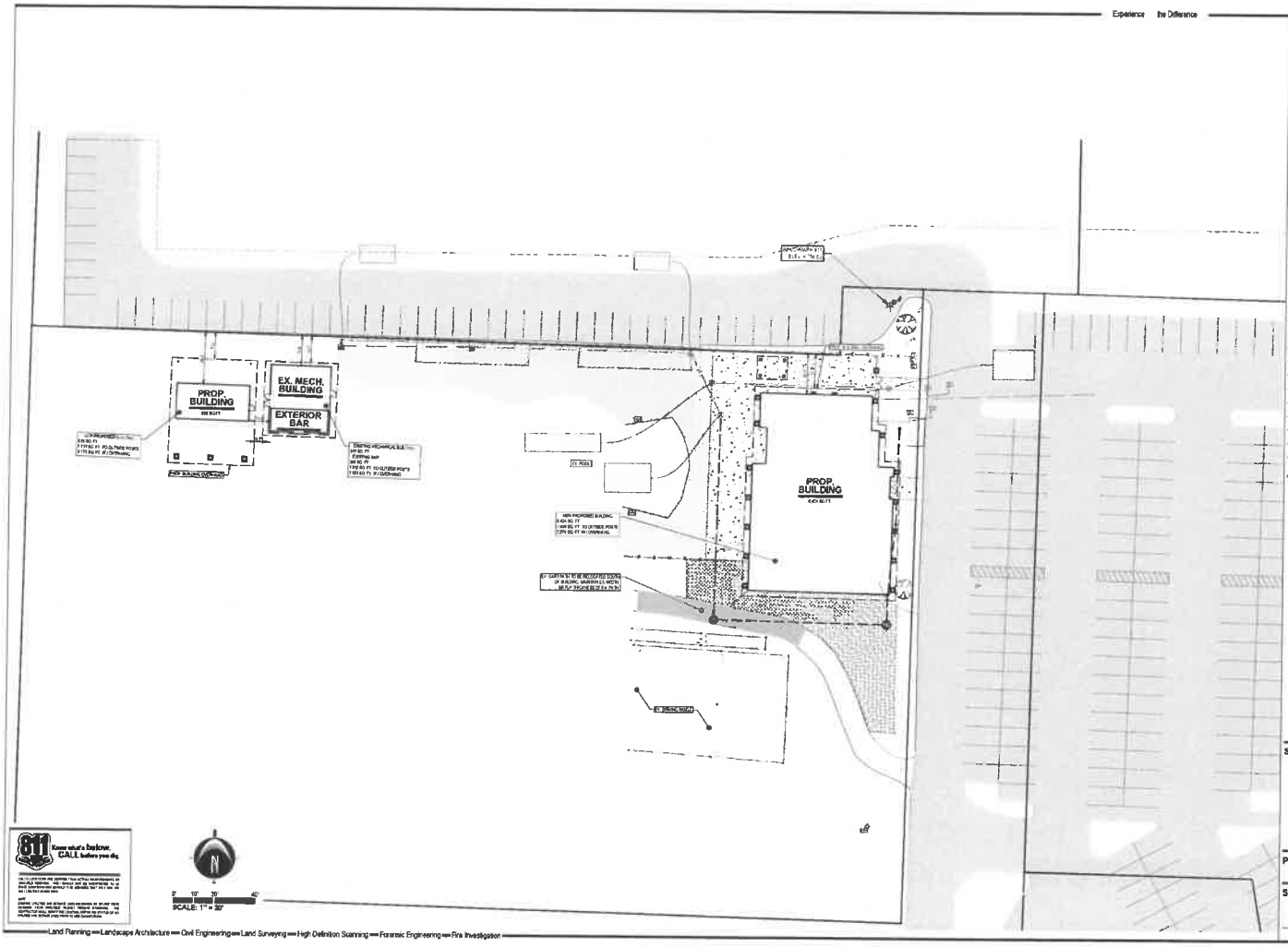
Demolition Plan

1611 GALBRAITH AVENUE SE
PART OF THE NE 1/4 OF SECTION 7 AND PART OF THE SE 1/4 OF SECTION 6, T6N, R10W
CITY OF GRAND RAPIDS, KENT COUNTY, MICHIGAN

STAMP: STATE OF MICHIGAN — BRANDON MICHAEL SIMON — ENGINEER — No. 62076 — LICENSED PROFESSIONAL ENGINEER

PROJECT NO: 18400396

SHEET NO: **C-203**



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NEDERVELD
www.nederveld.com
800.222.1996
GRAND RAPIDS

PREPARED FOR:
Century Technology Group - Watermark Pleasureyor, Steve

5555 Corporate Exchange Ct SE
Grand Rapids, MI 49512
Phone: 616.866.1100

REVISIONS:

WATERMARK POOL BUILDING

Site Layout Plan

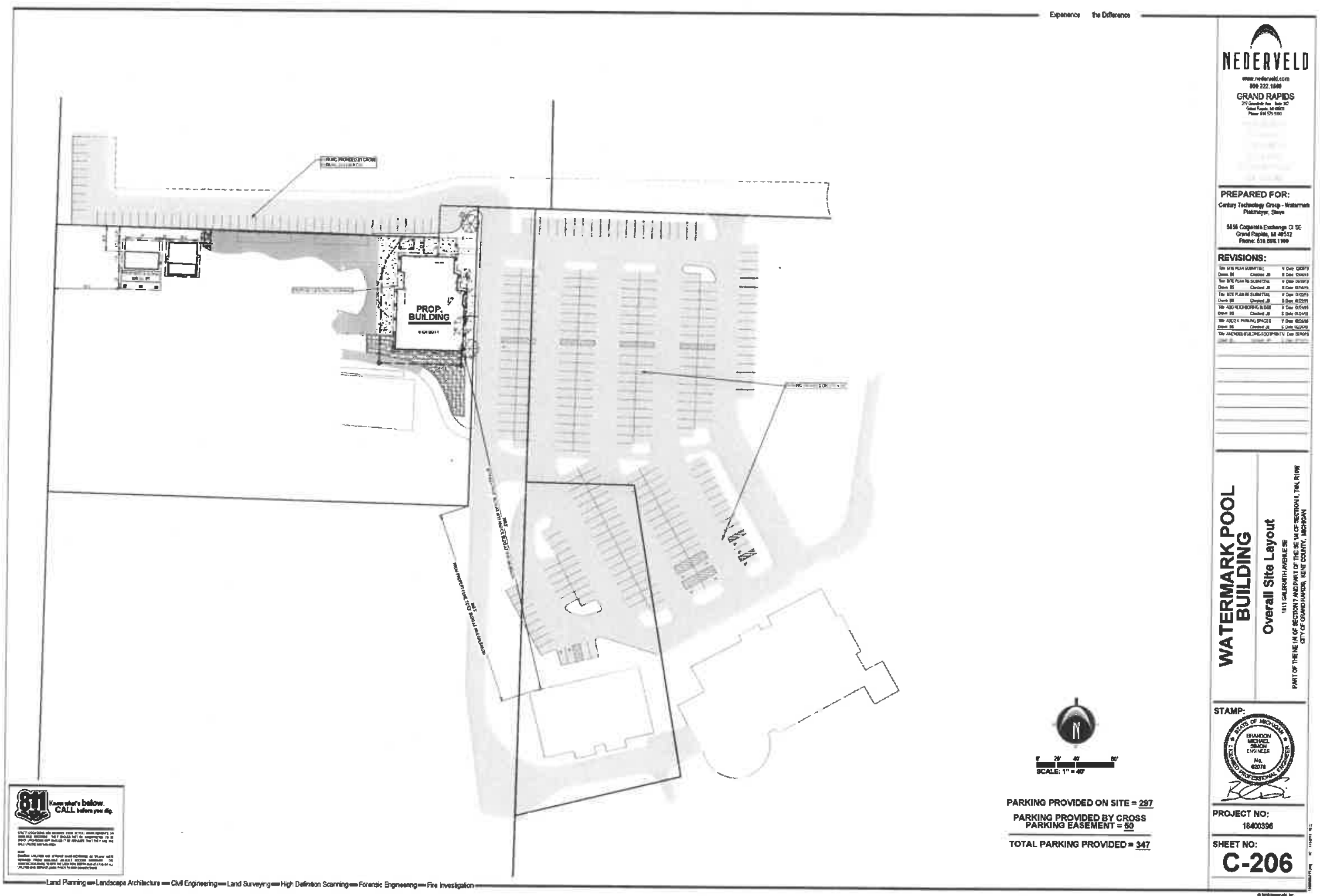
1411 CALDARA H AVENUE SE
PART OF THE NE 1/4 OF SECTION 1 AND PART OF THE NE 1/4 OF SECTION 6, T6N, R10W
CITY OF GRAND RAPIDS, KENT COUNTY, MICHIGAN

STAMP:

STATE OF MICHIGAN
BRANDON MICHAEL BAACH
ENGINEER
No. 60076
PROFESSIONAL ENGINEER

PROJECT NO:
18400396

SHEET NO:
C-205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GRAND RAPIDS
PREPARED FOR:
Century Technology Group - Watermark
Pistmeyer, Steve
5656 Corporate Exchange Ct SE
Grand Rapids, MI 49512
REVISIONS:
WATERMARK POOL BUILDING
Overall Site Layout
1611 GALBRAITH AVENUE SE
PART OF THE NE 1/4 OF SECTION 7 AND PART OF THE SE 1/4 OF SECTION 6, T6N, R11W
CITY OF GRAND RAPIDS, KENT COUNTY, MICHIGAN
STAMP:
STATE OF MICHIGAN
BRANDON MICHAEL SIMON
ENGINEER
No. 62076
LICENSED PROFESSIONAL ENGINEER
PROJECT NO:
18400396
SHEET NO:
C-206
PROP. BUILDING
N
SCALE: 1" = 40'
PARKING PROVIDED ON SITE = 297
PARKING PROVIDED BY CROSS PARKING EASEMENT = 50
TOTAL PARKING PROVIDED = 347
811
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August 14, 2019
Project No. 170168

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

Re: Watermark Pool Building
Site Plan Review

Dear Steve:

We have reviewed the site plan for the Watermark Pool Building, prepared by Nederveld. The current site plan and basis of this review is dated August 7, 2019. The proposed project is the demolition of an existing pool building and construction of a new 6,424 square-foot building in the same location and a 635 square-foot accessory building west of the pool. The site is located in the Thornapple River watershed, sub-drainage district Schoolhouse Creek.

Stormwater and Drainage

Flood Control

The Cascade Charter Township Storm Water Ordinance (SWO), Section 1.04, states the Ordinance shall apply to all development that requires any permit for work which will alter the stormwater drainage characteristics of the development site. The site is located in Stormwater Management Zone A, which requires retention of the 100-year storm event and infiltration to the greatest extent possible. Where soil conditions or other factors do not allow for adequate infiltration, the SWO requires detention of the 25-year storm event with a controlled release and a direct connection for stormwater runoff for the 100-year storm event, or detention of the 100-year storm event. The SWO also requires the first 0.5-inch of stormwater runoff be detained and released over a 24-hour period (Water Quality Control) and the 2-year storm event release rate be limited to 0.05 cfs/acre (Bank Erosion Control).

The proposed stormwater management design is to collect and infiltrate stormwater runoff from the new buildings and adjacent paved areas. Stormwater runoff from the site will be collected by a series of catch basins and conveyed by storm pipe to a new underground infiltration basin located on the south side of the new building. Roof drains will connect directly into the storm sewer system. The underground infiltration basin is sized for the 100-year storm event.

The applicant provided the results of a geotechnical investigation including soil borings and infiltration tests. The soil borings indicated the presence of sand to a minimum depth of 10 feet below the bottom of the underground infiltration basin. Two double-ring infiltrometer tests were performed at the infiltration basin location, 5 feet below existing grade. Infiltration rates were 13.2 and 4.2 inches/hour. The existing soils are favorable for stormwater infiltration. The infiltration basin was sized using an infiltration rate of one-half the average of the two test results, 8.7 inches/hour. The proposed stormwater management design is in accordance with the SWO.

Water Quality Control and Bank Erosion Control

The SWO requires the first 0.5 inch of stormwater runoff be detained and infiltrated where conditions permit, or released over a 24-hour period, and the 2-year storm event release rate be limited to 0.05 cfs/acre. The proposed stormwater management design will infiltrate all stormwater runoff up to the 100-year storm event. The proposed design is in accordance with the SWO.

1515 Arboretum Drive, SE
Grand Rapids, Michigan 49546
616.575.3824
www.ftch.com
Fishbeck, Thompson, Carr & Huber, Inc.
engineers | scientists | architects | constructors

Stormwater Runoff

The applicant provided stormwater calculations to size the underground infiltration basin. All stormwater runoff from the increase in impervious area will be discharged to the basin. Therefore, the site will not see an increase in rate of stormwater leaving the site.

Drainage Plan

The applicant has submitted drawings, calculations, and additional documentation as required in the SWO Section 2.03, Drainage Plan. Please refer to the attached checklist for items and comments on each item. Please note a maintenance agreement is required before construction begins. The agreement should be submitted to the Township for review. The maintenance agreement and plan should include at a minimum cleaning of catch basin sumps and the underground infiltration basin.

Utilities

No new utility services are proposed for the new buildings. The new buildings will tie-in to the previous building's water and sanitary sewer services.

Soil Erosion and Sedimentation Control

Soil Erosion and Sedimentation Control (SESC) measures are provided on the plan drawings. The applicant has included silt fence along the limits of disturbance and silt sacks in catch basins. SESC falls under the review and approval of the Kent County Road Commission and a permit is required before construction can begin. The SESC measures indicated on the drawings appear appropriate given the expected work.

Summary

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

Nathan R. Torrey, PE

jlk
Attachment
By email
cc: Michael L. Berrevoets, PE – FTCH

Cascade Charter Township
Storm Water Ordinance, Ordinance 7 of 2002, as amended by Ordinance No. 2 of 2008, May 14, 2008
Reviewing Engineer Comments are Italicized
OK - Received and Acceptable
NA - Not Applicable
NR - Not Received, Needs Follow-up, See Comments

Watermark Pool Building
Drainage Plan Checklist

OK (1) Location of the development site and water bodies that will receive stormwater runoff
Stormwater runoff from the site discharges to an underground infiltration basin.

OK (2) Existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses, with contours having a maximum interval of one foot (using USGS datum). The information shall be superimposed on the pertinent Kent County soil map.
Existing and proposed contours are indicated on the site drawing. Soil map information is not required for this project.

OK (3) Development tributary area to each point of discharge from the development
Stormwater calculations were provided.

OK (4) Calculations for the final peak discharge rates
Stormwater calculations were provided.

OK (5) Calculations for any facility or structure size and configuration
Stormwater calculations were provided.

OK (6) Drawing showing all proposed storm water runoff facilities with existing and final grades
The applicant provided a utility plan showing all proposed stormwater runoff facilities.

NA (7) The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant offsite and onsite drainage outlet restrictions other than culverts should be noted on the drainage map.
There are no culverts or significant offsite flows indicated on the site plan.

OK (8) An implementation plan for construction and inspection of all stormwater runoff facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the stormwater runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure the stormwater runoff facilities are constructed in accordance with the approved drainage plan.

OK (9) Plan to ensure the effective control of construction site stormwater runoff and sediment track-out onto roadways
Soil Erosion and Sedimentation Control (SESC) measures are included on the site plan. SESC falls under the review and approval of the KCRC, and a permit is needed before construction can begin. The SESC measures shown on the plan appear appropriate given the expected work.

OK (10) Drawings, profiles, and specifications for the construction of the stormwater runoff facilities reasonably necessary to ensure stormwater runoff will be drained, stored, or otherwise controlled in accordance with this ordinance
The site plan includes sufficient detail to ensure compliance with the stormwater ordinance.

NR (11) Maintenance agreement, in form and substance acceptable to the Township, for ensuring maintenance of any privately owned stormwater runoff facilities. The maintenance agreement shall include the developer's written commitment to provide routine, emergency, and long-term maintenance of the facilities and, in the event the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the Township to maintain any onsite stormwater runoff facility as reasonably necessary, at the developer's expense
Maintenance agreement was not provided and is required.

OK (12) Name of the engineering firm and the registered professional engineer who designed the drainage plan and will inspect final construction of the stormwater runoff facilities

NA (13) All design information must be compatible for conversion to Grand Valley Regional Geographic Information System (REGIS)
This is a privately owned system and will not be uploaded to REGIS.

OK (14) Other information necessary for the Township to verify the drainage plan complies with the Township's design and performance standards for drains and stormwater management systems