

**CHARTER TOWNSHIP OF CALEDONIA
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Caledonia, held at the Township Hall, 8196 Broadmoor Avenue, Caledonia, Michigan on the ____ day of _____, 2021, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following ordinance was offered by _____ and supported by _____.

ORDINANCE NO. 21-__Z

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CHARTER TOWNSHIP OF CALEDONIA**

**[Valley Point South Industrial Park PUD – Amendment No. 4 – Uses of Parcel No. 7 for
Health Facility]
(FCC Construction, Inc. – Max Effort Fieldhouse, 8280 Broadmoor Avenue)**

WHEREAS, on October 16, 1996, the Township Board adopted Township Ordinance No. 96-10Z, establishing the Valley Point South Industrial Park Planned Unit Development (PUD);

WHEREAS, on May 16, 2001 the Township Board adopted an ordinance to amend the Valley Point South Industrial Park PUD, to add additional lands to the PUD; and,

WHEREAS, on or about August 18, 2004, the Township Board adopted an ordinance further amending the Valley Point South Industrial Park PUD, to provide that the south half of Parcel 5 thereof could be developed and used for one restaurant and one additional commercial building, with the remainder of Parcel 5 to be available for the permitted uses stated in the original PUD ordinance; and,

WHEREAS, on November 16, 2011 the Township Board adopted an ordinance, “Amendment No. 3” authorizing C-1 permitted uses on Parcel 8 of the PUD; and,

WHEREAS, Valley Point Industrial Park, LLC as owner and FCC Construction, Inc. as applicant have requested Amendment No. 4 to authorize the C-1 permitted use of a health and physical fitness establishment as an additional use on Parcel 7 of the PUD; and,

WHEREAS, on June 21, 2021 the Planning Commission held a public hearing and considered the request and recommended that the Township Board adopt proposed Amendment No. 4 in the PUD, upon certain terms and conditions.

THE CHARTER TOWNSHIP OF CALEDONIA ORDAINS:

Section 1. The lands comprising the Valley Point South Industrial Park PUD are the following:

All that part of the Southeast 1/4 of Section 17, Town 5 North, Range 10 West, more particularly described as follows: Commencing at the Southeast corner of Section 17, thence North 00°44'06" West 181.5 feet along the East line of said Section to the Point of Beginning of this description; thence South 88°24'20" West 363.00 feet; thence South 00°44'06" East 181.50 feet; thence South 88°24'20" West 330.84 feet; along the South line of Section 17; thence North 27°40'56" West 1391.97 feet along the centerline of Broadmoor Avenue; thence South 82°46'07" East 312.48 feet; thence South 72°00'00" East 445.58 feet; thence North 89°15'54" East 153.12 feet; thence South 00°44'06" East 71.43 feet; thence North 89°15'54" East 440.00 feet; thence South 00°44'06" East 791.07 feet along the East line of said Section to the Point of Beginning; and also the South 181.50 feet of the East 363 feet of the Southeast 1/4 of said Section 17, Caledonia Township, Kent County, Michigan.

Section 2. The lands comprising Parcel 7 of the PUD, being the lands which are the subject of this amending ordinance, are the following:

Parcel 41-23-17-400-075 (8280 Broadmoor)

PART OF SE ¼ COM 249.0 FT N 0D 44M 06S W ALONG E SEC LINE FROM SE COR OF SEC TH S 88D 24M 20S W 456.81 FT TH S 4D 34M 50S E 317.89 FT TH N 88D 24M 20S E 478.14 FT TO E SEC LINE TH S OD 44M 06S E ALONG E SEC LINE 317.50 FT TO BEG * SEC 17 T5N R10W 3.41 A. SPLIT ON 06/24/2005 FROM 41-23-17-400-012, 41-23-17-400-068

Section 3. Section 2(2) of Township Ordinance No. 96-10Z, adopted October 16, 1996, and as it has been amended as identified above, is hereby amended to add a subsection (b) to provide the following additional land uses as follows:

(2) Nature of Development. The lands comprising the PUD may be developed and used as stated in the original PUD ordinance and in Amendments Nos. 1, 2, and also as follows:

(a) Parcel 8 (8270 Broadmoor Avenue) may be developed and used for the permitted land uses in the C-1 Neighborhood Business District as stated in Section 11.2 of the Township Zoning Ordinance, and such other permitted land uses as may be included in Section 11.2 (or its successor section), by means of subsequent amendment.

(b) In addition to the original uses stated in Ordinance No. 96-10Z, Parcel 7 (8280 Broadmoor Avenue) may be developed and used for the permitted use in the C-1 Neighborhood Business District of a health and physical fitness establishment subject to the conditions in this ordinance.

Section 4. In addition to the terms, conditions and limitations of the original PUD Ordinance and the above-stated amendments in the PUD Ordinance, the following additional terms and conditions shall be complied with respect to the lands comprising the PUD:

(a) *Other Approvals.* Any future use and development of Parcel 7₅ shall be subject to review and approval by the Caledonia Township Fire Department, by its Fire Chief, the Michigan Department of Transportation and the Kent County Road Commission, as to those aspects or effects of such development and uses as are within their respective jurisdictions.

(b) *Site Plan Review.* The development and use of the parcel within the PUD shall be subject to site plan review and approval by the Township Planning Commission, consistent with the terms of this Ordinance and the original and previous amending PUD Ordinances.

(c) *Material Standards.* Any future use and development of Parcel 7 shall comply with all bulk, placement, and material standards from Ordinance No. 96-10Z, as amended, and the Broadmoor/Cherry Valley Overlay.

(b)(d) Sporting Events. Absent a further amendment to the PUD supported by a traffic study, no sporting events or tournaments may be held on Parcel 7 which increase the parking needs or traffic congestion in the PUD as such activities would constitute “indoor sports business, including court games”, a use only permitted in the C-2 District and not permitted in the C-1 District.

Section 5. This Ordinance amends Ordinance No. 96-10Z and the previous PUD amending ordinances only in the respects specifically stated in this Ordinance. All other terms and provisions of such ordinances remain in full force and effect.

Section 6. Other than a health and physical fitness establishment other uses permitted in the C-1 District are not permitted without further amendment of the PUD ordinance. Alternatively, the property may continue to be used as provided in the original ordinance No. 96-10Z.

Section 7. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Bryan Harrison, Supervisor
Charter Township of Caledonia

Joni Henry, Clerk
Charter Township of Caledonia

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Caledonia at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Joni Henry, Clerk
Charter Township of Caledonia

First Reading: _____

Second Reading: _____

Ordinance becomes effective: _____