

MINUTES
Cascade Charter Township Planning Commission
Monday, July 13, 2020
7:00 P.M.
Virtual Zoom Meeting

ARTICLE 1. Chairman Rissi called the meeting to order at 7:00 P.M.

Members Present: Rissi, Slater, Johnson, Katsma, Rapin, Noordyke, Krieter, and Moxley

Members Absent (excused): Deering

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 Katsma to approve the Agenda. Supported by Member Slater. Motion carried 8 to 0.

ARTICLE 4. Approve the Minutes of the June 8, 2020 meeting.

Motion was made by Member Katsma to approve the minutes of June 8, 2020. Supported by Member Rapin. Motion carried 8 to 0.

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

Tom McDonald (7287 Dennison) came forward to thank the Planning Commission for their service to the Township, and listed many of his accomplishments as he stated that he is running for local office.

ARTICLE 6. Case # 18-3450 Honeysuckle PUD

Property Address: 4862 Buttrick Ave

Requested Action: Consider recommendation to the Township Board for the PUD.

Director Peterson stated that it has been about a year since this preliminary plan was last approved. After the approval, the PUD ordinance was written, and the developer asked for some time before continuing with the project; they are now ready to proceed.

Director Peterson stated that the Planning Commission's role is to make a recommendation to the Township Board, and the ordinance they have reflects the approval already given. The Township Board will then hold a public hearing to consider the plan and ordinance.

Director Peterson recommends a positive recommendation to the Township Board with the ordinance attached.

(Member Moxley joins the Zoom meeting at this time)

Chairman Rissi invited the Applicant to come forward with comment.

Mr. Mike Burg with Dykema Excavators came forward with a progress update. Mr. Burg states that they have secured approval from the Road Commission for the connection to Buttrick, a soil erosion permit to construct the road, an approval for a connecting storm sewer outlet to the public road, as well as approval from the Township Engineer for construction plans.

Member Slater asked if the developer needs participate in extending sewer and water to their development as outlined on page 6. Director Peterson stated that is an agreement that if water and sewer is ever available in their area, the property owners will be a "yes" vote to do a special assessment district for water. Director Peterson stated that water and sewer will not be available in this area for quite some time.

Chairman Rissi asked if there is erosion or a buildup of sediment due to a storm water event, is this an automatic "yes" vote for the property owners to address this type of issue. Director Peterson stated that the sewer and water agreement does not have anything to do with storm water or sediment, but there is a storm water agreement that requires they maintain and keep their system clean, and operating the way it was originally designed to.

Chairman Rissi invites members of the public to comment.

No one came forward to comment.

Motion was made by Member Johnson to forward a positive recommendation to the Township Board for the PUD of Case #18-3450. Supported by Member Noordyke. Motion carried 8 to 0.

ARTICLE 7. Cascade Township

Requested Action: Consider recommendation to the Township Board regarding off-street riding of motorcycles in residential zones.

Director Peterson stated that the Township Board has asked for the Planning Commissions input regarding a complaint they received about someone riding a motorcycle off of the street in the Goodwood neighborhood. The Board asked if this should be a Zoning ordinance matter. Director Peterson listed a couple of options to consider;

1. Allow the Kent County Sheriffs to continue to enforce things like disorderly conduct and the noise ordinance, both of which are likely to be held up in court.
2. To prohibit motorcycles in the R1 and R2 Zone. This would require a zoning amendment. Director Peterson stated that this would be a difficult method to enforce as the Sheriff's office does not enforce zoning, leaving enforcement up to Township staff.

3. Using decibel levels to enforce noise levels.

4. Only allow motorcycles in residential zones on certain lot sizes.

Director Peterson stated that the Township Attorney believes the best option would be to use the existing ordinances, and to let the Sheriff's Department use their discretion. The Community Policing Officer for Cascade agreed that this would be the most effective method for the Sheriff's Office to get involved. Director Peterson stated that this is not a recurring problem in the Township.

Director Peterson stated that if this is something the Planning Commission wants to pursue, there will need to be at least one public hearing meeting held to make a recommendation to the Board.

Chairman Rissi asks if the definition of motorcycle includes dirt bikes. Director Peterson stated that the complaint was regarding dirt bikes.

Member Moxley asks if the complainant has spoken to the property owner where the dirt bike was being rode, Director Peterson stated that he believes they have had a conversation. Member Moxley asked if Director Peterson knew what that outcome of that conversation was. Director Peterson stated that the property owner said that they were riding dirt bikes that are normally taken up north after being indoors for so long due to the pandemic restrictions. Director Peterson stated that it sounds like the property owner has since taken the dirt bikes up north, and is trying to be responsive to the initial concern.

Chairman Rissi asked if the original complaint was because of the noise, or safety concerns. Director Peterson stated that it was a complaint due to constant noise.

Member Rapin asked if the complaint was during general daytime hours, or during the 11pm to 7am time frame. Director Peterson stated that it was during daytime hours, and would not have been in violation of the noise ordinance.

Chairman Rissi asks if there have been other similar complaints, Director Peterson stated that after talking with Township employees who do code enforcement, there has been only one prior complaint.

Director Peterson reminded Members that the Planning Commissions purpose in this matter at this time is if this should be considered a Zoning matter.

Chairman Rissi stated that he believes making an ordinance to regulate motorcycles with only a couple of complaints is premature, and will open the door to more complaints. Member Katsma agrees that an ordinance would bring more complaints.

Member Rapin also agrees, adding that the noise ordinance is in place to account for general noise complaints, and does not believe this to be a Zoning issue. Member Krieter states that she is not in favor of making it a Zoning issue. Member Slater agrees that allowing the Sheriff's Department to handle noise complaints is the best option, and that as an isolated incident, this should not be a Zoning matter. Member Johnson agrees with the group, and is in favor of handing this back to the Township Board to handle.

Chairman Rissi invites the public to come forward with comment.

Mr. Glenn Smith states that this has been an ongoing issue in his neighborhood, and lists a number of dates that he says he has recorded motorcycles being ridden. Mr. Smith states he believes that general regulation is not being enforced by the Sheriff, and does not believe that this activity should be allowed in a platted community. Mr. Smith stated that the noise of power tools or mowers and such is understandable, generally only used for a short period of time, and will typically enhance property values, whereas the motorcycles and an atv are loud and disruptive, while devaluing properties. Mr. Smith states that he is in favor of amending zoning ordinances to prohibit these activities.

Chairman Rissi asked Mr. Smith what the Sheriffs response was when he reached out to them. Mr. Smith states that the first time he called; the motorcycle was no longer being ridden by the time they arrived. Mr. Smith then states that the neighbor started one of the motorcycles for the Sheriff (he does not believe it to be the same one being rode earlier), and the Sheriff found it not to be in violation of the noise ordinance. The second time Mr. Smith called, he stated that he was told they wouldn't come out because under 264.2b they were allowed to ride between the hours of which they were riding. Mr. Smith states that 264.2b does not allow for the riding of motorcycles, and believes the ordinance to be too discretionary for the Sheriffs to enforce. Another time the Sheriff responded, the motorcycle noise was compared to the owners lawnmower, and the lawnmower was thought to have made more noise.

Mr. David (direct neighbor) stated that most lots in their area are under one acre, and that there are more neighbors that have spoken out about the motorcycle noise, but did not wish to come forward. David stated that he believes the ordinances in place need to be enforced by the Sheriff.

Chairman Rissi asked if this is in an area with an organized neighborhood association, and questioned if they should be the ones to address this situation. Director Peterson stated that he is unsure how active the homeowners association may be. Chairman Rissi asked if this is happening on common property, Director Peterson stated that the area is privately owned.

Mr. Smith stated that there is no homeowners association in their neighborhood, and that he believes motorcycle riding has been reported in at least one other

neighborhood. Stephanie Fast (Township code enforcement) stated she had received a call from a different neighborhood, and in that instance the complainant was seeking information, opted to talk with the neighbor about the complaint, and has heard nothing more from that neighborhood regarding this issue.

Member Slater suggested that it be requested of the Sheriff's Department that they focus more closely on this area to resolve this issue. Chairman Rissi agrees that enforcement in this specific area be attempted first before writing new laws.

Member Moxley agrees that this should be handled by the Sheriffs Department, and suggests that Mr. Smith and other neighbors be able to directly contact the Community Policing Officer assigned to Cascade Township for a faster response.

Member Katsma asked if these incidences are a result of Covid-19 restrictions and are anticipated to resolve on their own once restrictions are lifted, and stated that writing a law may not be necessary if this is the case. Chairman Rissi asked if the family riding the motorcycles has recently moved in or has lived in the area for a while. Stephanie Fast stated that the individual who owns the dirt bikes has lived there for many years, and stated that they normally move the bikes up north in the summer and ride them up there, but were unable to this year due to Covid-19 restrictions.

Member Krieter states that she agrees that this is an isolated incident, and a government injunction isn't necessary for a situation that seems to have resolved itself with the last noise complaint being over 30 days ago, and the motorcycles having been moved per Stephanies comment.

Mr. David (previous public comment) stated that the individual riding the motorcycle has had mini bikes for years in the past, however the noise on those was less than that of a lawnmower. David states that this is the first year the larger bikes and atv have been ridden, so he believes the situation to be escalating.

Member Katsma asked if the Township should recommend a solution in the Township Ordinance (264.2a) to the Sheriff's Department, Director Peterson stated that he believes the ordinance is a tool for them to use at their own discretion.

Motion was made by Member Slater that this is not a Zoning matter, and needs to go back to the Township Board with a request the Township Board ask the Kent County Sheriff's Department to further enforce the ordinance in place. Supported by Member Noordyke. Motion carried 8 to 0.

ARTICLE 8. Any other business

Director Peterson stated there will be a meeting next week Monday, July 20th.

ARTICLE 9. Adjournment

**Motion was made by Member Krieter to adjourn. Supported by Member Rapin.
Motion carried 8 to 0. The meeting was adjourned at 7:53 p.m.**

Respectfully submitted,

Brett Katsma, Secretary