

## MINUTES

Cascade Charter Township  
Planning Commission  
Monday, June 21, 2021  
7:00 P.M. Hybrid Meeting  
2870 Jacksmith Ave SE

**ARTICLE 1.** Chairman Rissi called the meeting to order at 7:01 P.M.  
Members Present: Katsma, Noordhoek, Rapin, Deering, Rissi, Moxley, Noordyke, Korstange, and Meurlin  
Members Absent: None  
Others Present: Director Steve Peterson, Planner Brian Hilbrands, and those listed on the sign-in sheet.

**ARTICLE 2. Pledge of Allegiance**

**ARTICLE 3. Approve the current Agenda**

**Motion was made by Member Deering to approve the current Agenda. Supported by Member Noordyke. Motion carried 9 to 0.**

**ARTICLE 4. Approve the Minutes of the June 7, 2021 Meeting.**

**Motion was made by Member Katsma to approve the Minutes of June 7, 2021. Supported by Member Rapin. Motion carried 9 to 0.**

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

There were no comments made.

**ARTICLE 6. Case #21-3637/Seely, Jason**

**Property Address:** 4200 Cherry Lane

**Requested Action:** The applicant is requesting a special use permit to construct an accessory building larger than 832 square feet.

Planner Hilbrands stated that proposed building will be 24x51 feet, for a total of 1,224 square feet, and has a height of 14 feet tall measured to the midpoint of the roof. This height requires a setback of 10 feet to the side property line, and 25 feet to the rear property line. Planner Hilbrands stated that the applicant is showing a setback of 20 feet to the side, and 45 feet to the rear. The building will have to be at least 10 feet from the house, Planner Hilbrands stated the applicant is meeting this requirement as well.

Planner Hilbrands states that the property is under 3 acres in size, so the applicant is allowed to have one accessory building; this will be that one accessory building. The applicant has indicated they plan to use the building for storage for vehicles and a boat, and will have metal roofing and siding. Planner Hilbrands stated this is normal for agricultural areas of the Township.

Planner Hilbrands stated that the applicant appears to meet standards for an accessory building, so Staff is recommending approval of the special use permit with the two conditions listed in the Staff report. Those conditions are that the building is not to be used for living space or to run a business out of, and that any outdoor lighting meet Township regulations.

Member Meurlin asked why there is a special condition for lighting if there are lighting requirements in the general provisions of the zoning ordinances that already need to be met. Planner Hilbrands stated that residential lighting needs to be shielded and downcast, so that condition is included to help make sure the applicant is aware of these requirements. Member Meurlin states his concern should this be left out as a condition for an accessory building approval in the future. Chairman Rissi stated that this condition has always been listed while approving an accessory building for as long as he has been on the Commission.

Member Meurlin asked if applicants are subject to all provisions in the zoning ordinance. Director Peterson stated that yes, applicants are subject to all provisions in the zoning ordinance, and that these conditions are something the Planning Commission has asked for in the past to help people better understand what the rules are.

Member Meurlin asked if these two conditions are more important than the rest of the ordinance. Director Peterson stated that these two conditions are addressed the most. Member Meurlin stated that he believes the language used during an approval should be modified.

Member Noordyke stated that there was a Chairman in the past that wanted these two conditions to be stated, and agrees that language used for approvals can be modified.

Chairman Rissi stated that before anything is changed, he believes legal counsel should be consulted.

Member Noordyke asked if Staff can consult legal counsel before the next meeting with recommended language to review. Chairman Rissi agreed with this, Staff will consult legal counsel.

Member Deering asked if there has been any public comment received by Staff. Planner Hilbrands states there has been none.

Chairman Rissi asked if Staff is aware of where septic is on this site, and if it will conflict with where the building will be built. Planner Hilbrands stated he is not aware of where septic is located, but while looking at aerial images of this site, it appears there was previously a building in/near the same spot. Although that does not definitively mean that septic is not there, Planner Hilbrands does not believe it to be in the location proposed for the accessory building. Member Noordyke asked that septic location be provided as available in the future, Chairman Rissi agrees this would be helpful.

Member Moxley stated that he would like to see a better detailed plan than what was provided by this applicant as it appears hand drawn with very few specifications.

**Motion was made by Member Moxley to open public hearing. Supported by Member Meurlin. Motion carried 9 to 0.**

There was no public comment.

**Motion was made by Member Meurlin to close public hearing. Supported by Member Katsma. Motion carried 9 to 0.**

**Motion was made by Member Noordyke to approve Case # 21-3637 as submitted by the applicant with the two conditions recommended by Staff. Supported by Member Deering. Motion carried 9 to 0.**

**ARTICLE 7. Case #21-3638/Davis Flia Construction**

**Property Address:** 6541 60<sup>th</sup> St SE

**Requested Action:** The applicant is requesting a special use permit to construct an accessory building larger than 832 square feet.

Planner Hilbrands stated that this building will be 40 feet by 100 feet, for a total of 4,000 square feet, with a height of 16 ½ feet shown. Planner Hilbrands stated that when he was measuring the plans, the building looked like it might be closer to 18 feet at the midpoint, however both of those heights require the same setback of 40 feet to both the side and rear property lines. Planner Hilbrands stated that the applicant shows a setback of over 300 feet to the nearest side property line, and even further to the rear property line. The building will need to be at least 10 feet from any existing building, and there is 12 foot setback shown to the nearest accessory building.

The property is over 6 acres in size, so they are allowed to have three accessory buildings, Planner Hilbrands stated this will be the second building on the property. The applicant has stated they plan to use the building for storage of recreational vehicles and a boat, as well as space to maintain them. Planner Hilbrands stated that the building is normal in appearance for the area, and although the size of the building is larger than what is typically seen, the size of the parcel is also larger than average (over 14 acres in size in an agricultural area).

Planner Hilbrands stated that the applicant appears to meet all standards for an accessory building, so Staff is recommending approval of the special use permit with the conditions that the building is not used for living space or to run a business, and that all outdoor lighting meets Township regulations.

Member Meurlin asked if this property is going to be developed as the applicant is a construction company. Planner Hilbrands stated that he has not been made aware of plans for the property to be developed. Member Meurlin asked if the property becomes developed in the future, will the accessory building then become non-conforming. Planner Hilbrands stated that the parcel will have to remain with a home on it as there cannot be an accessory building on a parcel without a home. The property can be split to create other parcels if desired.

Member Moxley asked if the new building will be immediately adjacent to the existing storage building. Planner Hilbrands stated that it will be 12 feet behind it.

Chairman Rissi invited the applicant to comment.

Mr. Juan Davis stated that he would like to change the height of the midpoint measurement, Chairman Rissi asked Staff for clarification of this request. Planner Hilbrands stated that midpoint height can be up to 22' with a 60 foot setback to the side and rear, Mr. Davis states that he would like to ask for a 22' midpoint height approval.

**Motion was made by Member Meurlin to open public hearing. Supported by Member Rapin. Motion carried 9 to 0.**

There was no public comment.

Chairman Rissi asked is Staff received any comments about this case, Staff stated that they did not.

**Motion was made by Member Meurlin to close public hearing. Supported by Member Rapin. Motion carried 9 to 0.**

Member Deering stated that the original application proposes the new building to be 6 feet from the existing accessory building, and would like to know if that is correct, or if it will be 12 feet as discussed during this hearing. Planner Hilbrands stated that it will be twelve feet from the existing accessory building, and has been noted on a revised site plan.

**Motion was made by Member Rapin to approve the special use permit for Case #21-3638 with the conditions listed by Staff, adding the observation that the height has been adjusted from the original plan, and the setback on the application from the existing accessory building has been changed to 12 feet. Motion supported by Member Moxley. Motion carried 9 to 0.**

## **ARTICLE 8. Old Business**

### **Burton Pathway Update**

Director Peterson stated that the project is still moving forward, and asked if any Members have questions about the Memo that was provided to them.

Member Meurlin asked if the increase in cost is now one million dollars more than the estimate given at the time of the millage. Director Peterson stated that is what the report says. Member Meurlin asked if the Township is obligated to spend that money if it takes away from other pathway projects. Director Peterson stated that would be a question for the Township Board.

Member Korstange asked what the Township Infrastructure Committee is. Director Peterson stated that it is a subcommittee of Board Members that work on different infrastructures throughout the Township. Member Korstange asked who sits on that

Board. Director Peterson stated Supervisor Lesperance, Tom McDonald, and John Shipley are on that committee. Member Korstange asked who they report to since there are no agendas or meeting minutes on the Township website. Director Peterson stated they are a subcommittee of the Township Board.

Member Meurlin stated that he believes all committee meetings are subject to the Open Meetings Act.

Member Moxley asked if there are any options other than building the required retaining wall discussed in Item 3 of the Memo. Director Peterson stated either the retaining wall is built, or an easement is obtained from the property owner who does not want any grading done on his property. Member Moxley asked if there is any other legal recourse. Director Peterson stated the Board could try to take the property from him, however this is not something the Township typically pursues.

Member Meurlin asked if there was a watermain that was included with this project. Director Peterson stated that the engineers did look at that early on in the process and dismissed it as something that was not feasible.

#### **ARTICLE 9. Any Other Business**

Member Noordyke made a request to staff to get Cascade emails for all of the planning commissioners. Director Peterson stated that he did make the Township Manager aware of that request after the last Planning Commission meeting.

Member Noordyke requested if the planning commissioners could get some kind of ID that identified themselves as planning commissioners on site visits. Director Peterson stated that the Township has used name badges, so that shouldn't be a problem.

Member Meurlin asked if planning commissioners have a right to walk onto an applicant's property once an application has been submitted to the planning commission. Director Peterson stated that the Township's previous attorney had the opinion that the applicant is submitting the right for the Township to inspect the property.

Member Noordyke proposed that the planning commission form a committee to review the Roundhill project and the events, permits and enforcement actions, and layout what happened with that project. The committee would then provide a report to the Planning Commission.

Member Meurlin stated that went to view the Roundhill site from the north and he believes that the developer has created a very dangerous condition with excavation creating a very steep slope.

Discussion was held regarding the steep slope and if it is a safety hazard.

Member Noordyke suggested that we ask the building and grounds crew to put up a barrier or caution tape on Township property at the top of the slope. Director Peterson stated that he will ask the Township Manager if that is something that he wants to do.

Member Rapin asked for clarification on what the purpose of the committee would be.

Member Noordyke stated that it would be to have one consolidated report of all the events that have taken place with the Roundhill project.

Member Rapin stated that he is not sure what a committee would achieve that a simple list of questions to the staff would not achieve.

Motion was made by Member Noordyke to form a committee of the Planning Commission to review all facts, timelines, and anything else that is relevant, to the Roundhill project from its inception of a development, and report back to the Planning Commission its findings. The committee would include members Meurlin, Noordhoek and Rissi, with Noordyke being an alternate for Rissi. The committee will give a report to the Planning Commission by the end of the calendar year. Supported by Member Deering.

Member Noordyke amends the motion to include Member Moxley on the committee, and to also include that every 60 days the committee will provide a progress report to the Planning Commission. Supported by Member Deering.

Motion carried 8 to 1.

Member Meurlin requested that the Planning Commission contact the Township attorney regarding the rules of conduct, and how the rules are presented to the Planning Commission. Chairman Rissi stated that Supervisor Lesperence has asked legal counsel to take a look at the rules of conduct, so that has been started already.

Member Meurlin requested that the commissioners develop a list of questions and issues that each of them have regarding the rules of conduct, and bring them to the next meeting. He suggested that the commissioners determine how they feel on a variety of policies, such as how risk averse they are and how tolerable they are on conflicts of interest.

Discussion was held regarding how questions would be developed.

Member Korstange asked if there could be an item on the agenda where commissioners would reveal if they have any potential conflicts of interest with any agenda items.

Chairman Rissi suggested that member Meurlin come up with a template of questions first, and then the Planning Commission can have a discussion about the template and go from there. Member Meurlin will send the template to Chairman Rissi a week and a half before the meeting, and Chairman Rissi will then forward it to the rest of the commissioners to review and develop their own questions.

Member Moxley requested that staff send out an updated Planning Commission roster with contact information.

Member Meurlin stated that he believes there are a number of fundamental flaws in the McKenna proposal for the strategic plan. He stated that the leadership of the strategic plan must be broadly shared and it cannot be viewed as just a Township Board and staff initiative. There should be a leadership group that includes members from each board and committee, led by a Trustee. Member Meurlin requested that Trustee Noordhoek bring these concerns to the Township Board.

Member Meurlin stated that there is currently not an automatic door opener at the new Township Hall building.

Member Korstange requested if staff can put together an orientation packet for new members, or if they can come up with a list of items for orientation. Director Peterson stated that he will look into that, and that there are also orientation opportunities provided by the state that are passed on to commissioners.

Chairman Rissi requested to review the 2021 work plan at the next meeting.

**ARTICLE 10. Adjournment**

**Motion was made by Member Meurlin to adjourn. Supported by Member Noordyke. Motion carried 9 to 0. The meeting was adjourned at 9:14 p.m.**

Respectfully submitted,  
Brett Katsma, Secretary