

AGENDA
CASCADE CHARTER TOWNSHIP PLANNING COMMISSION
MONDAY, FEBRUARY 26, 2024
7:00 PM
2870 JACKSMITH AVE SE

Public may access the meeting via video conference software Zoom

Webinar ID: 841 0379 0598

<https://us02web.zoom.us/j/84103790598>

- 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. Disclose any Conflict of Interest**
- ARTICLE 5. Approve the Minutes of the February 5, 2024 Meeting**
- ARTICLE 6. Acknowledge visitors and those wishing to speak.**
(Comments are limited to five minutes per speaker)
- ARTICLE 7. Case #24-3811 Public Hearing**
Property Address: 1601 Galbraith Avenue SE
Parcel Number: 41-19-06-403-001
Requested Action: PUD Amendment to allow Childcare Centers as a permitted use.
- ARTICLE 8. Master Plan Update**
- ARTICLE 9. Ordinance Amendment – Chapter 23 Public Hearing**
Rescheduled from February 5, 2024
- ARTICLE 10. Planning Commission Bylaws**
- ARTICLE 11. Acknowledge visitors and those wishing to speak.**
(Comments are limited to five minutes per speaker)
- ARTICLE 12. Planning Commission Training Schedule 2024**
- ARTICLE 13. Any other business**
- ARTICLE 14. Adjourn**

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. Postpone the decision**
 - b. Deny**
 - c. Approve**
 - d. Approve with conditions**
 - e. Recommendation to Township Board**

Minutes

Cascade Charter Township
Planning Commission
Monday, February 5, 2024
7:00 pm
2870 Jacksmith Ave SE

- ARTICLE 1.** Chair Moxley called the meeting to order at 7:00 pm.
Members Present: Noordhoek, Richardson, Bruneau, Moxley, Rissi, Engel
Members Absent: Rowland (absent) and Noordyke (excused)
Others Present: Planning Director Andrea Hendrick, Zoning Administrator (ZA) Madison Smith-Jacoby, and others listed on the sign-in sheet. Supervisor Grace Lesperance, Manager Jade Smith, and Leslie Abdoo-Dickinson with Foster Swift attended via Zoom.
- ARTICLE 2. Pledge of Allegiance**
- ARTICLE 3. Approve the current Agenda**
Motion was made by Member Engel to approve the current agenda. Supported by Member Noordhoek. Motion carried 7 to 0.
- ARTICLE 4. Disclose any conflict of interest**
There were no conflicts of interest disclosed.
- ARTICLE 5. Approve the Minutes of the January 22, 2024 Meeting**
Member Bruneau revised Article 5 to remove "inspired the" from the second to last sentence. In the last sentence, "Planning Department" should be changed to "Farmland Preservation Subcommittee". For Article 11 he wanted it clarified that the Bylaws, Code of Conduct, and other documents should be included in the first meeting packet of the year.
Motion was made by Member Rissi to approve the January 22, 2024 meeting minutes with the proposed changes. Supported by Member Engel. Motion carried 6 to 0.
- ARTICLE 6. Acknowledge visitors and those wishing to speak**
There was no one wishing to speak.
- ARTICLE 7. Ordinance Amendment – Chapter 23**
- Reschedule Public Hearing for February 26, 2024
Member Bruneau expressed frustration with the initial scheduling of the public hearing since he anticipated more progress to have been made.
Member Rissi stated that he did not prefer scheduling a public hearing without having any materials available for people to review.

Member Engel sought clarification regarding the lack of documentation regarding the ordinance amendment to Chapter 23. ZA Smith-Jacoby said the documents have not been included in the meeting packet since members have simply been asked to schedule a public hearing.

Members of the Planning Commission, Staff, and Legal Counsel discussed various questions pertaining to the Bylaws, Police Power Ordinance, Michigan Planning and Enabling Act, and the Zoning Enabling Act.

Legal Counsel Abdoo-Dickinson explained that the Zoning Ordinance amendment that's being considered for a public hearing is to make changes to the existing ordinance that would be in conflict or be inconsistent with the new Police Power Ordinance. She further explained that Planning Commissions are established by Police Power Ordinances, not by Zoning Ordinance.

Member Bruneau suggested postponing the public hearing until the Bylaws, Police Power Ordinance, and amended Chapter 23 Zoning Ordinance are better aligned. He also expressed discontent with the Legal Counsel's review of the Bylaws and wished to have a meeting with the attorney.

Motion was made by Member Noordhoek to schedule a public hearing for February 26, 2024, for a Zoning Ordinance Amendment of Chapter 23. Supported by Member Engel. Motion carried 4 to 2 by roll call vote. In favor: Noordhoek, Richardson, Moxley, Engel; Opposed: Bruneau, Engel

ARTICLE 8. Planning Commission Bylaws

Member Rissi questioned where ex parte communication was defined either in the Bylaws or Code of Conduct. Legal Counsel Abdoo-Dickinson was under the assumption this would be placed in the Conflict of Interest provisions being considered by the Township Board.

Member Bruneau thought section 3.1 in Article 3 of the Bylaws stating "Except for members of the Planning Commission first appointed under the MCL 125.3815" should be removed. Section 2.2 regarding the number of members of the Planning Commission should also be removed since that will be a part of the Police Power Ordinance and pertain to the Board of Trustees. In Article 5 he was under the impression that information and documents were distributed by the Chair as opposed to the Secretary. In Section 2.3 he noticed conflicting information on how vacancies are handled and on eligibility for reelection.

Member Rissi mentioned that when he became a Planning Commission member, he was given binders, maps, and training that newer members have not yet received. He also noticed in Section 3.2 that the previous planning director had suggestions that were not included in the Bylaws.

Member Bruneau wanted the standard meeting format in the Bylaws instead of the Police Power Ordinance.

STAFF REPORT

STAFF REPORT: Case #24-3811
REPORT DATE: February 20, 2024
PREPARED FOR: Cascade Charter Township Planning Commission
MEETING DATE: February 26, 2024
PREPARED BY: Madison Smith-Jacoby, Zoning Administrator

APPLICANT:

Golf View Office Park
1601 Galbraith Avenue, Suite 302
Grand Rapids, MI 49546

STATUS
OF APPLICANT: Owner Representative, Kerri Johnson

REQUESTED ACTION: Preliminary Plan Review for an amendment to the PUD Ordinance to allow for a daycare as a permitted use.

EXISTING ZONING OF
SUBJECT PARCEL(S): PUD 02 – Golfview Office Park

PROPERTY ADDRESS: 1601 Galbraith Ave

GENERAL LOCATION: Southern terminus of Galbraith Ave, south of Cascade Rd

PARCEL SIZE: Approximately 4.3 acres

EXISTING LAND USE
ON THE PROPERTY: Mixed Use Offices

ADJACENT AREA
LAND USES: N- Mixed office uses within the PUD
W – Consumer’s utility easement, Bos Greenhouse
S – Watermark’s clubhouse, pool & fitness center,
E -- Golf course

ZONING ON
ADJOINING PARCELS: N – Golfview PUD 2
W—R1 and ARC
S,E – Watermark PUD 15

STAFF COMMENTS:

1. The applicant is requesting Preliminary Plan Review to amend the existing Planned Unit Development to allow for a daycare as a permitted use.
2. The property is part of a Planned Unit Development that regulates, among other things, the uses that are permitted. The PUD was approved in 1999 and amended 4 times since then. This building is part of Phase I or 'Building A' of the approved site plan. The permitted uses for Phase I building are listed as follows:
 - Computer design and service business
 - Health/sports club
 - Professional Office
 - Church
 - Executive Administrative offices, data processing centers, and business offices such as real estate, insurance, and non-profit organizations.
 - The amount of square footage devoted to office uses shall be allowed to a maximum of 92,000 sf. A minimum of 35,000 sf shall be devoted to Health/Sports Club.
3. Since the PUD ordinance lists a number of specific uses for the different building and phases, and no uses relating to a childcare/daycare facility are mentioned, it was determined that an amendment to the existing ordinance would be required to allow for an additional permitted use.
4. The applicant has submitted a floor plan for the building showing what space the daycare will occupy. This would be a tenant build-out, and not require the expansion of any existing buildings. There would be 3,600 sf dedicated to a daycare.
5. Pursuant to Chapter 3 of the Cascade Township Zoning Ordinance, the proposed use is defined as a Child Care Center under the Child Care Organization definition.
6. In addition to Cascade Charter Township regulations, Child Care Centers are defined and regulated by the Michigan Department of Licensing and Regulatory Affairs.

7. Child Care Center Zoning Ordinance requirements:

REQUIREMENTS	FINDINGS
Minimum lot size of 40,000 sf	The proposed Child Care Center will operate in a portion of the existing building on a 4.3 acres (187,308 sf) lot
Dormitory facilities are not permitted	The proposed operation does not include dormitory facilities. Proposed hours of operation are 7:30 am to 6:30 pm.
150 sf per child/ minimum 5,000 sf outdoor play area	Existing green space to be utilized is approximately 19,645 sf.
The outdoor play area shall be enclosed by a chain link fence not less than four (4) feet in height, and screened by natural or planted or planted vegetation to a height of at least five feet.	The applicant has indicated this standard will be met on the finalized site plan. Planning staff recommends that Planning Director Approval is a condition of approval.
Signs shall be subject to the regulations relative to signs for the district in which the use is to be located.	The applicant has indicated any and all proposed signage will follow the standards here today.
Such facilities must be registered with the Township and licensed state.	State licensing will be pursued after Township approval is given. Proof of registration will be provided upon receipt.
Table 19.B Parking Requirements one (1) parking space /1,000 sf fa -OR- two (2) parking spaces/ 3 employees	The applicant has indicated that there will be six (6) employees. Therefore, four (4) parking spaces are required. The current site has hundreds of parking spaces. The proposed entrance to the operation would be located on the southwest façade of the building. Directly adjacent to the proposed entrance, there is a parking lot with 74 parking spaces. The current site is overparked.

8. If the Zoning Ordinance Amendment is recommended for approval, the site will require Administrative Site Plan Review. Staff has requested a basic site plan be provided to the Planning Department in advance of operation. The applicant is preparing appropriate documentation.

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 – 02. The proposed use would fit into the existing PUD’s uses and would complement existing businesses.
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 place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.	The proposed use would not result in an increase in the need of public services as they are already available on site.
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.	This district of the Township is mainly office and commercial uses mixed with some residential. While the zoning is mainly planned unit developments, the use is compatible to an office district.
In relation to the underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.	The proposed use will provide optional services for working families in the Township. The location of the proposed use within the development is such that it will have minimal impact on surrounding land uses. The use would result in prohibiting Adult Oriented Businesses within 1,000-foot radius of this parcel, if approved.
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.	While the current site is overparked, the proposed use will utilize existing recreational green space and provide more trees on the property.
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.	The PUD was previously established, which makes this standard unapplicable. However, attestation from the existing owner has been provided.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the Golfview Office Park PUD-02 Amendment.

Motion:

To recommend approval by the Township Board of Trustees to amend the Golf View Office Park PUD to allow for a Day Care Center with the following condition:

1. All necessary state, county, and local permits and approvals are obtained.
2. All required fencing and landscaping for the proposed outdoor play area must be approved by the Planning Director.
3. The applicant must obtain a sign permit in advance of erecting any signage.
4. Prior to operation, the applicant must submit a site plan to the Planning Department for review and inspection.

ATTACHMENTS

1. Application
2. PUD Ordinance – Draft Amendment
3. Floor plan
4. Owner’s letter of support

Member Engel questioned if section 3.3 regarding removing a member from the Planning Commission due to misfeasance, malfeasance, or nonfeasance should be better defined. Legal Counsel Abdoo-Dickinson did not see that as necessary. He also mentioned that some members have abstained from voting and questioned the need for permission from the Planning Commission to do so. Legal Counsel Abdoo-Dickinson stated there could be issues with quorum if members routinely choose to not vote. Typically, members should only abstain if there is a conflict of interest.

Member Bruneau was directed to email Staff regarding concerns related to the Bylaws and will discuss them with Legal Counsel.

Manager Smith said to ensure everything is appropriately scheduled, Member Bruneau should send an email detailing concerns to Staff since they are overseeing the budget, contractors, and consultants.

ARTICLE 9. Acknowledge visitors and those wishing to speak

Manager Smith clarified conversations held regarding the number of members of the Planning Commission. He stated it was not his recommendation to shift the commission from 9 to 7 members, but since the process had already started, he was in support. Based on the other communities he had been a part of he had not seen a 9-member Planning Commission. Manager Smith also encouraged members to report any discrepancies or inconsistencies in policies to Staff. Additionally, regarding onboarding new members to boards and commissions, they will be implementing a consistent enrollment process with training. Onboarding will be unique to each board, commission, and committee.

ARTICLE 10. Any Other Business

Chair Moxley said they have received the updated Master Plan and stated it's very well done. He requested members to submit comments to Danielle Bouchard by Thursday so she could make revisions. He also welcomed Planning Director Hendrick to Cascade Township.

ARTICLE 11. Adjournment

Motion was made by Member Engel to adjourn the meeting. Supported by Member Rissi. Motion carried 6 to 0. The meeting adjourned at 8:51 pm.

Respectfully submitted,

Joe Engel, Secretary



CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids,
Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Kerri Johnson
Address: 1601 Galbraith Ave, Ste 301
City & Zip Code Grand Rapids, MI 49546
Telephone: 616-975-2992
Email Address: kerri@grgymnastics.com

OWNER: * (If different from Applicant)
Name: Mark DeWaal
Address: 1601 Galbraith Ave, Ste 302
City & Zip Code: Grand Rapids, MI 49546
Telephone: 616-334-8425
Email Address: mtdewaal@gmail.com

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

- | | |
|--|---|
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Administrative Site Plan Review |
| <input type="checkbox"/> Deferred Parking | <input type="checkbox"/> P.U.D. – Rezoning * |
| <input type="checkbox"/> P.U.D. – Site Condominium * | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Site Plan Review * | <input type="checkbox"/> Sign Variance Subdivision |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Plat Review * |
| <input type="checkbox"/> Zoning Variance | <input checked="" type="checkbox"/> Other: Amendment to PUD |

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

BRIEFLY DESCRIBE YOUR REQUEST:**

Request an amendment to the ordinance for Ste 302 at 1601 Galbraith Ave SE, Grand Rapids
to allow Daycare use

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY**:

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 _____

ADDRESS OF PROPERTY: 1601 Galbraith Ave, Ste 302, Grand Rapids, MI 49546

PRESENT USE OF THE PROPERTY: Office Space

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

Name(s)
deWaal Properties LLC

Address(es)
1601 Galbraith Ave, Ste 302
Grand Rapids, MI 49546

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.)

Mark de Waal
Owner – Print or Type Name *MARK de WAAL*
(*If different from Applicant)
Mark de Waal 1/3/24
Owner’s Signature & Date
(*If different from Applicant)

Herri Johnson
Applicant – Print or Type Name
Herri Johnson 1/3/24
Applicant’s Signature & Date

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

CASCADE CHARTER TOWNSHIP

recodified

Ordinance # 9 of 1999

As amended by Ord 18 of 2000; 10/18/2000

As amended by Ord 19 of 2000; 10/18/2000

As amended by Ord 6 of 2003; 5/28/03

As amended by Ord 4 of 2015; 12/16/15

As amended by Ord 4 of 2018; 3/28/18

As amended by Ordinance #__ of 2024; Date

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP
ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE
GOLF VIEW OFFICE PARK
PLANNED UNIT DEVELOPMENT PROJECT.**

Cascade Charter Township Ordains:

Section I. An Amendment to The Cascade Charter Township Zoning Ordinance.

The application received from Sports Plex Properties of Cascade or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Golf View Office Park Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on September 7, 1999. The Project is recommended for rezoning from an existing Health Plex PUD, Planned Unit Development, to PUD, Planned Unit Development permitting an office complex. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on September 30, 1999.

Section II. Legal Description.

The legal description of the Project is as follows:

Lots 17 through 32, inclusive, Cascade Gardens (Liber 35 of Plats, Page 17) and part of the Northeast one-quarter of Section 6, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, and all being described as: COMMENCING at the East one-quarter corner of said Section 6; thence North 88 degrees 31'00" West 1322.96 feet along the East - West one-quarter line to the Southeast corner of the West one-half of the Northeast one-quarter of said section; thence North 88 degrees 31'00" West 500.00 feet along the East - West one-quarter line to the TRUE PLACE OF BEGINNING; thence North 00 degrees 25'44" West 2093.28 feet along a line which goes through a point being 101.65 feet Northwesterly (as measured along a line being parallel with and 70.00 feet Southwesterly of the centerline of Cascade Road) of the West line of the East 500.00 feet of the West one-half of the Northeast one-quarter of said section; thence South 47 degrees 00'53" East 129.84 feet along a line being parallel with and 50.00 feet Southwesterly of the centerline of Cascade Road; thence Southeasterly 466.35 feet parallel with said centerline on a 17238.73 foot radius curve to the left, the chord of which bears South 47 degrees 47'23" East 466.34 feet; thence South 48 degrees 33'53" East 728.99 feet parallel with said centerline; thence Southeasterly 109.15 feet along the

Northeasterly line of Lot 17 of Cascade Gardens on a 105.69 foot radius curve to the right, the chord of which bears South 18 degrees 58'48" East 104.36 feet; thence South 10 degrees 36'16" West 986.00 feet along the West right of way line of Galbraith Avenue; thence Southerly 178.04 feet along said right of way line on a 1265.02 foot radius curve to the left, the chord of which bears South 06 degrees 34'21" West 177.89 feet to the Southeast corner of Lot 32 of said plat; thence South 85 degrees 43'51" East 44.90 feet along the South line of Lot 32 extended Easterly; thence South 11 degrees 01'00" West 170.38 feet; thence North 88 degrees 31'00" West 380.00 feet parallel with and 185.00 feet South of the East - West one-quarter line; thence South 01 degrees 16'48" West 315.84 feet along the West line of the East 60.00 feet of the West one-half of the Southeast one-quarter of said section; thence North 88 degrees 22'52" West 440.00 feet along the North line of the South 824.53 feet of the North - West one-quarter of the Southeast one-quarter of said section; thence North 01 degrees 16'48" East 499.80 feet to the place of beginning. (41.7529 acres excluding right of way)

As amended by ordinance 18 of 2000; 10/18/2000

Section II. Legal Description. The following described property shall be deleted from the Golfview Office Park PUD

Part of the Northwest one-quarter of the Southeast one-quarter of Section 6, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as follows: Beginning North 88 degrees 31 minutes 00 seconds West 1382.97 feet (as measured along the East-West one-quarter line) and South 01 degrees 16 minutes 48 seconds West 185.1 feet (as measured along the West line of the East 60.00 feet of the Northwest one-quarter of the Southeast one-quarter of said section) from the East one-quarter corner of said Section 6; thence South 01 degrees 16 minutes 48 seconds West 315.84 feet; thence North 88 degrees 22 minutes 52 seconds West 440.00 feet along the North line of the South 824.53 feet of the Northwest one-quarter of the Southeast one-quarter of said section; thence North 01 degrees 16 minutes 47 seconds East 297.80 feet; thence South 88 degrees 31 minutes 00 seconds East 140.00 feet; thence South 01 degrees 29 minutes 00 seconds West 16.00 feet; thence South 88 degrees, 31 minutes 00 seconds East 163.00 feet; thence North 01 degrees 29 minutes 00 seconds East 21 feet; thence South 88 degrees 31 minutes 00 seconds East 47.00 feet; thence North 83 degrees 53 minutes 00 seconds East 90.73 feet to the place of beginning.

2.9815 acres

The developer shall have eighteen (18) months to exercise one of the following options:

1. The Golfview Office Park PUD Project shall continue as approved as Ordinance #9 of 1999.
2. The Golfview Office Park PUD Project shall convert 15,000 square feet of health club use to office use in the existing Lack's building. In conjunction, Phase V (labeled as Office building "C" on the approved site plan, consisting of 10,000 square feet) shall be deleted from the project.

Section III. General Provisions.

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

Section IV. Purpose.

The Project occupies approximately 42 acres of land that presently contains an office building, manufacturing facility, wetlands, and vacant property. The Project is proposed to be developed into an office complex. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations and develop the project in a unified manner.

The regulations contained herein are established to define the procedures necessary to ensure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section V. Approval Limitations. As amended by Ord 6 of 2003:5/28/03

- A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced.
- B. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.
- C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- D. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.

- E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.
- F. Failure to comply with the site plan or any condition of approval herein shall be deemed a violation of the Cascade Charter Township Zoning Ordinance.
- G. The developer shall have approved and recorded the Declaration of Building and Use restrictions for the entire PUD as submitted to the Township Board. These restrictions shall be for the purpose of ensuring the use of the parcels for the purposes as stated in the approved PUD and for the purpose of preserving the attractiveness and future maintenance of the PUD. Finally, the Township shall be notified and must approve any amendments to the declaration. (Ord 6 of 2003; 5/28/03)

Section VI. Permitted Uses.

The permitted uses for the Golf View Office Park PUD do not include any retail sales operations, the following uses are allowed:

EXISTING (amended by Ord 4 of 2015) (amended by Ord 4 of 2018)

- A. One (1) 44,670 square foot corporate office building. As shown on the approved site plan 9-25-15.
- B One (1) 4,370 square foot corporate lodging facility. As shown on the approved site plan 1-10-18.

PHASE 1

- B. The renovation of the existing Lack's manufacturing and warehousing facility will be broken down into three (3) multi-use office buildings, each building is separated by an open atrium. The maximum square footage of all three buildings is 127,000 square feet. Uses permitted within this building shall be limited to those listed below:

- 1. Computer design and service business
- 2. Health/Sports Club
- 3. Professional Office
- 4. Church
- 5. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
- 6. The amount of square footage devoted to office uses shall be allowed to a maximum of 92,000 square feet. The total square footage of the building will not exceed 127,000 square feet. A minimum of 35,000 square feet shall be devoted to the Health/Sports Club.

7. Child Day Care Center – 3,600 square feet devoted to a Child Day Care Center, pursuant to the standards in the Cascade Township Zoning Ordinance.

PHASE 2

- C. One (1) professional office building containing a maximum of 60,000 square feet, labeled building “D” on the approved site plan. This building may be developed

originally as one 40,000 square foot office, with a maximum addition in the future of 20,000 square feet. The building is intended to be used as an office facility for an engineering firm.

PHASE 3

- D. Two (2) office buildings containing a maximum of 10,000 square feet each. These are buildings labeled “A” and “B” on the approved site plan and are subject to the design requirements of the Cascade Road Spaulding Avenue Corridor Study.

PHASE 4

- A. Two (2) professional office buildings containing a maximum of 30,000 square feet each located toward the rear of the property and labeled buildings “E” and “F” on the approved site plan. These buildings are intended to be used for the future development of the same engineering firm.

PHASE 5

- B. One (1) office building containing a maximum of 10,000 square feet. This building is labeled “C” on the approved site plan and is subject to the design requirements of the Cascade Road Spaulding Avenue Corridor Study.

Section VII. Master Development Plan - Phasing.

The project shall conform in as much as reasonably possible to the master development plan approved by the Township Board and signed by the Township Supervisor on September 30, 1999. The Developer will develop the project in five (5) separate and distinct phases, and will be required to submit site plans for each phase, building, or site improvement. This includes the plans for Phase 1. This will also allow the Township to ensure that only those areas needed to be disturbed for each phase, are the areas planned to be disturbed. The Planning Commission shall review and approve all building or site improvement plans prior to the construction of each phase to insure consistency with the master development plan.

All phases of the Project shall comply with the Permitted Uses listed in Section VI and the Specific Development Regulations in Section VIII of this Ordinance. Site plan approval of each phase, building, or site improvement shall only be granted in accordance with Chapters 16 and 21 of the Zoning Ordinance, as may be amended.

Each phase shall be considered complete with the issuance of the required occupancy permit granted by the Township. Phase 1, 2 and 3 can occur concurrently and must be completed in entirety prior to the commencement of any site work or construction of Phase 4 and 5.

Section VIII. Specific Development Regulations.

The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each building will be located and provide appropriate measurements demonstrating compliance with this ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer.

Approval of these documents shall be based upon their meeting recognized, acceptable engineering standards and practices. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

A. Design Guidelines, Requirements and Limitations.

With the exceptions listed below, all of the requirements of the Cascade Township Zoning Ordinance, as may be amended, must be complied with for site plan review for any new construction within the Project. Landscaping shall be provided within each Phase consistent with the approved landscape plans for each site as their individual site plans are considered for approval.

- **Phase 1 (existing Lack’s manufacturing building) (amended by Ord 4 of 2015)**
 - a. Maximum Building Square Footage – 44,670 square feet.
 - b. Maximum Building Height - 30 feet
 - c. Parking - The total amount of parking for the Existing phase shall be a maximum of 121 parking spaces.
 - d. Setback Requirements –
 - 1) Front 50 feet
 - 2) Rear 25 feet
 - 3) Side 25 feet
 - e. The buildings must be constructed using a sloped or pitched roof as shown on the approved elevation plan dated 8-14-15.
 - f. No access directly to Cascade Road from the building. Access to be gained from either Galbraith and/or Arboretum Dr.
 - g. Landscaping to be developed as shown on the approved landscape plan dated 8-17-15.
 - h. Site to be developed in accordance with the approved site plan dated 9-25-15. Owner to sign and record the storm water maintenance agreement prior to commencing construction.
 - i. One (1) freestanding ground mounted development identification sign along Galbraith Avenue. Such sign shall contain no more than 60 square feet. The sign shall be setback a minimum of 25 feet from the right-of-way. The sign is limited to no more than 7 feet tall with the allowance for a decorative feature up to 8’6”.
 - j. Wall signage or marquee, not to exceed fifty (50) square feet in total sign area.
 - k. One directional sign shall be allowed. The total size of the directional sign shall be no larger than 10 square feet. The directional shall be limited to no more than 4 feet high and may be placed up to the right-of-way line.
- **Phase 2 (One Building, marked Building “D” on the approved site plan)**
 - a. Maximum Building Square footage – 60,000 square feet
 - b. Maximum Building Height – 32 feet
 - c. Parking – The total amount of parking for Phase 2 shall be a maximum of 231 parking spaces.
 - d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
 - e. The material of the roof to be considered at the time of site plan review.

- f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.
- **Phase 3 (Two Buildings, marked Buildings “A” and “B” on the approved site plan). (Amended by Ord 6 of 2003; 5/28/03)**
 - a. Maximum Building Square footage – 20,000 square feet, with a maximum building size of 10,000 square feet for each building.
 - b. Maximum Building Height – 25 feet
 - c. Parking – The total amount of parking for Phase 3 shall be a maximum of 82 parking spaces. Due to the topography near buildings “A” and “B” parking to be allowed in the front yard provided it is well screened from Cascade Road. This will be assured during site plan review. The berm along Cascade Road to remain.
 - d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
 - e. The material of the roof to be considered at the time of site plan review.
 - f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.
 - g. The building must be at least 50% owner occupied for a period of at least 5 years after the first owner occupant purchases the building. The existing recorded restrictive covenant concerning owner occupancy shall be amended to reflect the changes made by this amendment to the PUD. (Amended by Ord 6 of 2003; 5/28/03)
 - h. Increased landscaping where necessary.
 - **Phase 4 (Two Buildings, marked “E” and “F” on the approved site plan)**
 - a. Maximum Building Square footage – 60,000 square feet
 - Two 30,000 square foot buildings
 - b. Maximum Building Height – 32 feet
 - c. Parking – The total amount of parking for Phase 2 shall be a maximum of 232 parking spaces
 - d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
 - e. The material of the roof to be considered at the time of site plan review.
 - f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.
 - **Phase 5 (One Building, marked “C” on the approved site plan)**
 - a. Maximum Building Square footage – 10,000 square feet.
 - b. Maximum Building Height – 25 feet
 - c. Parking – The total amount of parking for Phase 5 shall be a maximum of 42 parking spaces. Parking to be located as shown on the approved site plan. This will be assured during site plan review.

- d. The buildings must be constructed of an actual sloped or pitched roof on all sides of the building.
- e. The material of the roof to be considered at the time of site plan review.
- f. No access directly to Cascade Road, access to come from the one and only curb cut on Cascade Road for the development, and the one and only curb cut on Galbraith.
- g. The buildings must be at least 50% owner occupied.
- h. Increased landscaping where necessary.

Section IX. Setbacks.

The setbacks for each phase and building shall comply with the approved PUD site plan dated September 30, 1999, in as much as possible. This will be assured when each phase submits for site plan approval.

Section X. Signs. The following signs shall be permitted for Phase 1, 2, 3, 4 and 5:
Amended by Ord 19 of 2000; 10/18/2000

- 1. One (1) freestanding ground mounted development identification sign along Cascade Road. Such sign shall contain no more than 50 square feet and shall not be lighted in any manner. Subject to the provisions of the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1988, as amended).
- 2. One (1) freestanding ground mounted development identification sign along Galbraith Avenue. Such sign shall contain no more than 50 square feet and shall not be lighted in any manner. Subject to the provisions of the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1988, as amended).
- 3. One (1) wall sign or marquee per building, not to exceed fifty (50) square feet in total sign area. Or, one (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area. In the event the building has multiple tenants, each tenant space will be allowed a sign area equal to one square foot for each linear foot of building frontage that each respective tenant occupies, not to exceed a sign length of more than two-thirds the subject frontage and a height of 24 inches.
- 4. ~~The non-conforming Billboard sign located on the property must be removed before the start of phase four or five. (As amended by Ord 19 of 2000)~~
- 5. One directional sign shall be allowed for each building in the project. The total size of each directional sign shall be no larger than 10 square feet. The placement for the signs shall be regulated by the Sign Ordinance for directional signs and shall be placed to avoid seeing the directional signs from Cascade Road.

Section XI. Temporary Buildings.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction/ renovation of buildings or infrastructure improvements.

Section XII. Land Splits

The entire premises shall be under the control of one owner. Should the developer request smaller lots, permission to perform a Land Division must be granted by the Planning Department. The Planning Department will review the proposed land division under the criteria of the Land Division Act and the Cascade Charter Township Zoning Ordinance. In no case shall any lot be smaller than 2 Acres in size.

Section XIII. Utilities.

A. Public Water and Sanitary Sewer - All buildings within the Project shall be served by public sanitary sewer and water at the developer's expense. No building permits will be issued for any construction within the Project until final approval of the public utility system is approved by the City of Grand Rapids and Cascade Township. This does not preclude the applicant from starting on Phase 1. However, no Occupancy permit will be granted for Phase 1 until the utilities are approved.

B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commissioner's office prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner and Michigan Department of Environmental Quality regarding stormwater disposal and wetland issues.

C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XIV. Lighting

The required lighting section of the Zoning Ordinance as amended shall regulate lighting for the entire project. Furthermore, the total height of individual light poles shall be limited to a maximum of 20 feet high. The use of wall pack and/or unshielded lights is discouraged unless in areas not viewed by the public or passerby.

Section XV. Soil Erosion Control Requirements.

Prior to each phase of construction, the Developer shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

Section XVI. Performance Guarantee.

To ensure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to ensure completion of improvements such as, but not limited to,

landscaping, drainage, lighting, roads, and utilities. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section XVII. Reimbursement of Review Fees.

The Developer shall re-imburse the Township for all fees associated with the review of the Project. These fees may include, but not be limited to, legal, engineering, publishing, and planning review fees.

Section XVIII. Consistency With Planned Unit Development (PUD) Standards.

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. The conversion of a manufacturing building to an office complex is viewed as a more compatible use to adjacent residential and recreational land uses.

In relation to the underlying zoning (R1, Residential and PUD, Planned Unit Development) the Township finds the Project will not result in a material increase in the need for public services. Utility extensions and construction will be the responsibility of the Developer and will not place a material burden upon the subject property or the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies. All stormwater created by this development will be maintained on site.

The Project has been determined by the Township to be compatible with the General Development Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project is also consistent with the standards recommended in the Cascade Road Spaulding Avenue Corridor Study.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties.

The Township finds the Project to have more wetlands, green areas, and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the project until some of the buildings may be sold to other parties.

Section XIX. Effective Date.

This Ordinance shall become effective upon publication of the ordinance, or a summary thereof, in The Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township. All prior Planned Unit Development ordinances that were previously approved for this property shall become null and void.

The foregoing Ordinance was offered by Board Member Timmons, supported by Board Member Kleinheksel. The roll call vote being as follows:

YEAS: Timmons, Kleinheksel, Goodyke, and Julien
NAYS: Johnson, Carpenter, and Parrish
ABSENT: None

Marlene Kleinheksel
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 30th day of September, 1999.

Marlene Kleinheksel
Cascade Charter Township Clerk

1601 Galbraith, Suite 302 (proposed location)

3600 SQ FOOT open office/class rooms, activity rooms, Kitchens, bathrooms

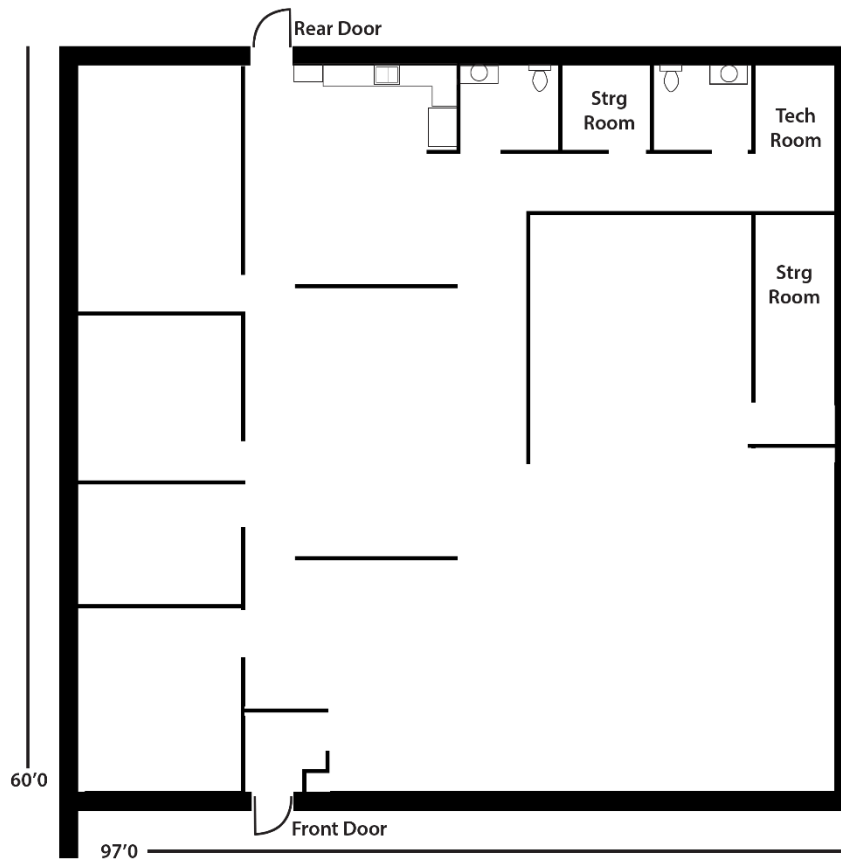
Overview



Street level



Preliminary Floor Plan – Suite 302



Architectural drawing of 1601 Galbraith, Suite 302. Approx 60x60 ft, no load bearing walls, Front entrance (airlock), rear exit, open to patio.

Hours of Operation: 7:30am – 6:30pm

Day of the week open: To be determined.

Number of employees: 6

Capacity: # of Children to be served, not provided by the applicant.

January 2, 2024

To whom it may concern:

I, Mark de Waal, am the managing member of de Waal Properties LLC. de Waal Properties owns 1601 Galbraith Ave, Suite 302, Grand Rapids, MI 49546.

We have been approached by an entity who would like to explore the use of Suite 302 as a day care/school. I am a proponent of this use.

Please feel free to contact me @ 616.334.8425 (cell) or mtdewaal@gmail.com if you need add'l information.

Sincerely -

Mark de Waal

Mark de Waal
1601 Galbraith SE, Ste 302
Grand Rapids, 49546

Cascade Township Master Plan Comments from Planning Commission (as of 2-13-24)

PAGE #	WHO	COMMENT
83 (Table, under Airport)	Scott Rissi	References AC commerce but says committee.
40 (Picture)	Scott	Picture of a house in Lowell Township, it would be nice to have a picture in Cascade.
Starr Glenwood (Future Land Use)	Scott	Seems like we have just about everything in that area listed from residential to industrial, should we divide that into two? Almost seems like it's catch all right now.
50	Scott	We talked about this being an area where height bonuses would be allowed. But maybe that's not in there because Timmy and Alan didn't like it, can't remember how we settled on that.
31 (Community input, number 4)	Scott	Number 4, rated fairly high by our community, recognized the lack of any river preservation efforts. Would be nice to find a way to incorporate that emphasis into the master plan with more detail. More referencing our lakes and rivers. Ex: the Township could do better to put more emphasis on maintenance of our Dam, which creates the largest reservoir and recreational area we have and is also a safety component. Funding for that needs to increase. Tricky topic but need more emphasis on promoting efforts to preserve rivers and lakes. Maybe that means the township should work closer with neighborhood associations and waterfront property owners.
General	Scott	Overall lack of commitment and upkeep of list of board members of all the neighborhood associations within the township. "A township with close ties and communication to its residence is a Township that is in tune with what they're looking for. That's how you make good neighborhoods, and a thriving, fun, community."
Farmland Preservation	Ralph Moxley	Liked what I saw focusing on Farmland Preservation and trying to keep existing farms in that zone (not allowing them to become high-density neighborhoods)
Farmland	Ralph	Dropped off 9 copies of a third site plan concept showing a realistic option for an 8-acre farm. Save 6 acres of open space (farmland), keep the farm home, and add one new house accessed from the public road. The new home and farm home would each have a one-acre parcel. This saves most of the land for open space, farming, or horse pastures. Like what he saw in Ireland last fall. All new homes face a public road, no private roads leading into subdivisions. Green pastures behind the homes were pasture spaces with stone walls. Most had sheep, some cattle, a few horses, some crops, and some just open grass. Older stone houses in Ireland were very close to the public road. Newer homes were set back further. Many new homes in rural areas. Ireland is about 90% rural.
Farmland	Ralph	If we can develop a TDR (Transfer of Development Rights) program here in Cascade Twp., a farmer could sell one acre for the new home next to his and still seek financial assistance for the other 6 undeveloped acres. Low density approach similar to Grattan Twp, very popular with local farmers according to Dennis Heffron.
Acknowledgements	Ryan Bruneau	Reorganize Planning Commission acknowledgements list
Table of Contents	Ryan	Rename Section heading to just "Goals"
Table of Contents	Ryan	Rename the Existing Land Uses Chapter (duplicated in ToC)
Pg. 1	Ryan	Edit Master Plan overview to match ToC
Pg. 2	Ryan	Typo & merge the first paragraph into one
Pg. 3	Ryan	Add reference to MZEA
Pg. 4	Ryan	Remove references to the word "transportation" change to roads

Pg 5. (tree diagram)	Ryan	While this graphic is beautiful and quite likely very costly for the Township in terms of the graphic artist's time... there is no title and it's a giant dangler that's not woven into the supporting text at all. Therefore I'm not sure what it's supposed to communicate. Is it supposed to be a Venn Diagram? If so it doesn't capture the logical relation between sets as "Parks & Trails" should overlap/intersect "Land Use," no? As drawn there's a very little difference between the circles of growth, so again what's the goal of the graphic? It lacks parallelism as where are the other committees like Architectural Review? And communicates us taxpayers are dirt??? Strange visual that IMHO distracts more than adds value.
Pg. 6	Ryan	Seems like last sentence should be first, the first sentence should be scrapped (run-on with no clear fit to heading), and a new 2nd sentence should be written to cover "Strategies."
Pg. 6		Why aren't these Chapter Numbers in the Table of Contents? They are used nicely on the graphical chapter breaks, but are kinda the elephant in the room.
Pg. 6	Ryan	Awfully close to previous section's heading... should "Public Input" therefore come first so it waterfalls into "Goals, Objectives, & Strategies?" If not, perhaps move last sentence to be first, e.g. "In order to develop the goals, objectives, and strategies, public input is crucial. Public engagement was undertaken through the Strategic Plan process..."
Pg. 6	Ryan	WOW - lotsa plans in that one gigantic sentence... can we break that apart into more of a paragraph a layperson can follow?
Pg. 6	Ryan	Why do we end with where we are now? Don't we want to present a baseline of where we are and conclude with where we want to go so that we inspire???
Pg. 10	Ryan	Wrong verbe tense of "is" vs "are," but in bigger picture a "tell" that sentence too complex inc the order of values (big->small or small-big but not six of one and a half dozen of another). Please deconstruct into two sentences to get point across.
Pg. 10	Ryan	Run-on sentence... the colon doesn't work IMHO. Appears to be the same sentence before & after colon but simply reversed!
Pg. 10	Ryan	Just "maintain?" I don't personally view a \$10M fire station is maintaining, isn't it more enhancement? So perhaps like with previous goal we state "maintain and enhance"?
Pg. 117	Ryan	Do not see any "Minor Collector" roads... and is this map current? At earlier 2023 PC Mtg collector roads were updated, e.g. Kraft stub north of airport

CASCADE CHARTER TOWNSHIP

ORDINANCE NO. 23-_____

**AN ORDINANCE TO AMEND CHAPTER 23 OF THE TOWNSHIP ZONING
ORDINANCE TO DELETE REFERENCES TO, AND REGULATION OF,
TOWNSHIP PLANNING COMMISSION**

THE CHARTER TOWNSHIP OF CASCADE ORDAINS:

Section 1. Amendment of Chapter 23 of the Township Zoning Ordinance

Chapter 23 of the Township Zoning Ordinance is amended in its entirety to read as follows:

Section 23.01. Title

Administrative Procedures of the Zoning Board of Appeals

Section 23.02. Establishment of the Zoning Board of Appeals

The Zoning Board of Appeals is hereby established in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to act upon all questions as they may arise in the administration of this Zoning Ordinance, including the interpretation of the Cascade Charter Township Zoning Map.

Section 23.03. Membership and Terms of Office

1. **Membership.** The Zoning Board of Appeals shall consist of five (5) members and two (2) alternate members who shall be representative of Township population and of the major interests present in the Township. All members shall be residents and qualified voters within Cascade Charter Township. One (1) member of the Township Board may be a member of the Zoning Board of Appeals and one (1) member of the Planning Commission shall be a member of the Zoning Board of Appeals, with their term of service running concurrent with his/her service on their respective board (i.e., other than the Zoning Board of Appeals). The Township Supervisor may appoint up to two (2) alternate members for the same term as regular members to the Zoning Board of Appeals, upon approval by the Township Board. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
2. **Terms.**
 - a. Members of the Zoning Board of Appeals shall be appointed by the Township Supervisor with approval by the Township Board.

- b. The term of each member shall be for three (3) years.
 - c. Zoning Board of Appeals members shall be appointed with staggered terms, but members may continue to serve until their successors have been appointed.
3. **Vacancies.** In the event that a member of the Zoning Board of Appeals can no longer serve because of health or any other reason, the Township Supervisor may appoint, upon Township Board approval, another person to the Zoning Board of Appeals that unexpired term. Should the unexpired term be two (2) years or longer, it shall be considered as a full term.

If a Zoning Board of Appeals member moves outside of the jurisdictional boundaries of the Township, such event constitutes an automatic resignation from the Zoning Board of Appeals, effective upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board.

4. **Member Absence.** In the event that a member cannot attend a meeting, they shall call and inform the Recording Secretary before 5:00 p.m. the day of the meeting, so that they can be excused from the meeting.

Should a member have three (3) or more consecutive unexcused absences from regularly scheduled meetings or miss at least fifty (50) percent or more of all meetings within any twelve (12) month period, it shall constitute a reasonable ground for removal. To initiate this action, the chairman shall prepare a memorandum requesting that member to resign. The memorandum of attendance or a letter of resignation shall be forwarded to the Township Supervisor, with a request that an appointment be made to fill the vacancy.

5. **Removal:**

- a. **Reason for Removal.** Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- b. **Conflict of Interest.** A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of a conflict of interest if:
 - i. The member has a direct financial interest in the outcome of the matter at issue;
 - ii. The matter at issue involves the member's business or place of employment;
 - iii. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility;

- iv. The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
- v. Participation would violate a rule or regulation adopted by the body involved.

Section 23.04. Officers, Procedural Matters, Quorum, Voting, and Records

1. **Officers and Duties.** The Zoning Board of Appeals shall elect a chairman, vice- chairman, and a secretary from its members. No member of the Township Board shall be an officer of the Zoning Board of Appeals.

The term of each officer shall be one (1) year or until their successor(s) are selected and assume office. The term of each officer shall not extend for more than two (2) consecutive one-year terms. The election of officers shall take place at the first meeting in January. The Zoning Board of Appeals shall elect its officers by a majority vote of the members present at the time of election at a meeting where a quorum is present.

The chairman shall preside at all meetings, appoint committees subject to Zoning Board of Appeals approval, retain voting and discussion privileges, and perform such other duties as may be ordered by the Zoning Board of Appeals.

The vice-chairman shall act in the capacity of the chairman in his/her absence. In the event the office of the chairman becomes vacant, the vice-chairman shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of vice-chairman for the unexpired term. The vice-chairman may also serve as the secretary.

The secretary shall execute documents in the name of the Zoning Board of Appeals and perform such other duties as the Zoning Board of Appeals may determine. The Planning Director shall serve as the recording secretary, shall be responsible for the minutes of each meeting, and shall have them recorded in suitable volumes available at the Cascade Charter Township Hall.

2. **Procedural Matters.**

- a. The Recording Secretary shall prepare an agenda for each meeting and whenever feasible, the agenda for each meeting shall be made available to the public in advance of the meeting.
- b. Parliamentary procedure at Zoning Board of Appeals meetings shall be governed by Robert's Rules of Order.

3. **Meetings.** Meetings of the Zoning Board of Appeals shall be held on the second Tuesday of each month at a time and place to be determined by the Recording Secretary, unless canceled or rescheduled by the Zoning Board of Appeals. When the regular meeting day falls on a legal holiday, the Zoning Board of Appeals may select a suitable alternate day in accordance with the Michigan Open Meetings Act. At the Zoning Board of Appeals

meeting in December, the Recording Secretary shall submit to the Zoning Board of Appeals a proposed meeting schedule for the upcoming year. At this meeting, the schedule shall be approved as submitted or amended to reflect the changes directed by the Zoning Board of Appeals.

Special meetings may be called at the request of any member or upon request by the Recording Secretary.

All meetings, subcommittee meetings, hearings, records and accounts shall be open to the public in accordance with the Michigan Freedom of Information Act and the Michigan Open Meetings Act.

4. **Quorum.** A quorum shall consist of at least (3) members. Official action of all matters before the Zoning Board of Appeals shall be taken by a concurring vote of three (3) or more members of the Zoning Board of Appeals.
5. **Voting.**
 - a. **Decisions.** The concurring vote of at least three (3) members of the Zoning Board of Appeals shall be required to reverse any requirement, decision or determination made by the Planning Director, or grant a variance from the requirements of this Ordinance.
 - b. **Voting Procedures.**
 - i. Motions before the Zoning Board of Appeals may be restated by the chairman before a vote is taken. The name of the person making the motion and its supporter shall be recorded.
 - ii. Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest, as noted in Section 23.03(5)(b).
 - iii. Action by the Zoning Board of Appeals or Zoning Board of Appeals on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Zoning Board of Appeals or Zoning Board of Appeals.
 - iv. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

Section 23.05. Functions, Considerations, Decisions, and Authority of the Zoning Board of Appeals.

1. Appeals from Administrative Action:

- a. **Function.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any requirement, decision, interpretation, determination or action of any administrative official charged with the administration and enforcement of the provisions of this Ordinance, provided that:
 - i. No appeal to the Zoning Board of Appeals shall lie from any act by such administrative official pursuant to:
 1. A resolution or directive of the Township Board directing him/her to perform such act; or
 2. Any procedure or other requirement of this Ordinance.
 - ii. The appeal to the Zoning Board of Appeals shall be in writing on forms provided by the Township, and shall be duly filed with the Planning Department within thirty (30) calendar days (but not thereafter) of such act or decision by the administrative official. The appeal shall specify the grounds for the appeal.
 - iii. No appeal shall be considered by the Zoning Board of Appeals where it appears to be a circumvention of an established or required procedure.
- b. **Considerations**
 - i. In reaching its decision and in addition to any standards specified in this Ordinance, the Zoning Board of Appeals shall consider the following criteria as well as any other issues which are pertinent and reasonable:
 1. Whether or not the appeal is of a nature properly brought to them for decision, or whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or Special Use, etc.).
 2. The intent of the Ordinance.
 3. The effect the ruling will have when applied generally to this Ordinance.
 - ii. The Zoning Board of Appeals shall consider Staff recommendations, the testimony of the applicant and testimony of the general public.
- c. **Decision and Authority.** The Zoning Board of Appeals may reverse, affirm, or modify any decision or action of any administrative official charged with the administration or enforcement of this Ordinance. In order to reverse any decision or action of such administrative official, the concurring vote of at least three (3) members of the Board shall be necessary.

2. Variances:

- a. **Function.** The Zoning Board of Appeals shall hear and decide all requests for variances (except use variances) from the terms of the regulations or restrictions of this Ordinance.
- b. Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, or permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for granting a variance.
- c. **Findings.** Before granting any variance, the Zoning Board of Appeals must find that all of the following standards are met:
 - i. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
 - ii. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant (or the applicant's predecessors) taken subsequent to the adoption of this Ordinance;
 - iii. That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - iv. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
 - v. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance; and
 - vi. That complying with the Ordinance presents practical difficulty.

d. Decisions and Authority

- i. The Zoning Board of Appeals may grant or deny, wholly or partly, any request for a variance from the regulations or restrictions of this Ordinance; provided, however, that no use variance shall be applied for, heard, or granted.
- ii. The Zoning Board of Appeals shall have the authority to attach such conditions and requirements to the granting of a variance as are reasonably necessary for the protection of the health, safety, comfort, convenience, and welfare of the general public. Such conditions or requirements shall be reasonably related to the variance granted.
- iii. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear by statute and this Ordinance and decide as provided herein.

- iv. The Zoning Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the definitions or terms of this Ordinance, and shall not take any action which results, in effect, in making such legislative changes.

e. Voiding of a Reapplication for a Variance

- i. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy or other actions authorized by such variance have substantially commenced within one (1) year of granting such variances, and is pursued diligently to completion. For the purpose of this Section, the commencement of construction for a building shall be the time at which a building foundation is installed.
 - ii. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted, except on grounds of new evidence of proof of changed conditions found.
3. **Appeal of Variances.** A decision of the Zoning Board of Appeals shall be final. However, an aggrieved party may appeal to the circuit court.
 4. **Temporary Uses.** Pursuance to Section 4.18(4) of this Ordinance, the Zoning Board of Appeals shall have the authority to review and approve requests for temporary uses.

Section 23.06. Public Hearing Notice Requirements for the Zoning Board of Appeals

1. **Mailed or Delivered Notices** – The Planning Department shall send by mail or personal delivery a notice of public hearing for a variance or zoning ordinance interpretation request as specified in Section 23.07.
2. **Publication of Public Hearing Notices:** The publication of a notice for a public hearing for a variance or zoning ordinance interpretation as specified in Section 23.07.

Section 23.07. Public Notices- Publication, Mailing, and Delivery

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

1. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
2. For applications involving the rezoning of ten (10) or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:

- a. The applicant;
 - b. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application; and
 - c. The occupants of all structures within 300 feet of the property that is the subject of the application. If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.
3. The notice of the public hearing shall include the following information:
- a. A description of the nature of the application or request.
 - b. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
 - c. A statement of where and when the application or request will be considered.
 - d. Indicate where and when written comments will be received concerning the application or request.

Section 2. Severability.

If a court determines that any provision of this Chapter is invalid, the remaining provisions of this Chapter shall remain in full force and effect.

Section 3. Repealer.

Any ordinances in conflict with this ordinance are repealed to the extent necessary to give this ordinance full force and effect.

Section 4. Effective Date.

This ordinance takes effect upon the expiration of seven (7) days after publication.



CASCADE CHARTER TOWNSHIP

5920 Tahoe Drive SE • Grand Rapids, MI 49546

PLANNING STAFF MEMORANDUM

TO: Cascade Charter Township Planning Commission
FROM: Andrea Hendrick, Planning Director
SUBJECT: Planning Commission Bylaws
MEETING DATE: February 26, 2024

Planning Commissioners,

In your packet is the most recent updates of the Cascade Charter Township Bylaws. As well as the associated documents to allow the Planning Commission to clearly understand the progression of the updates. Chairman Moxley intends to walk through each of the Bylaw changes with the Planning Commission and after each change is briefly discussed, take a role call vote on implementing each change. At the end of the process, he will entertain a motion to APPROVE or DENY the bylaws as amended.

HISTORY

At the February 5, 2024, the Planning Commission reviewed a draft update of the Bylaws provided by the Township Attorney, Michael D. Homier. The Planning Commission had multiple concerns about the content and the format of the Bylaws. Chairman Moxley appointed Commissioner Bruneau to request a meeting with the Township Attorney's designee Leslie Abdoo, to review and discuss potential edits to the provided draft bylaws.

On February 14, 2024, Commissioner Bruneau met with Township Attorney's designee Abdoo, Planning Manager Smith, Township Supervisor Lesperance, Treasurer Korstange, Trustee Noordhoek, Chairman Moxley, and Director Hendrick to review and implement comments addressed at the previous Planning Commission hearing. While Commissioner Bruneau is not in attendance, he deserves credit for the work he has done on reformatting the Bylaws to remove redundancies, and provide flow, and structure. The current draft has been reviewed by Attorney Abdoo.

ATTACHMENTS

- Updated draft Bylaws
- Bylaws reference document

Lastly, please note that the Township does have a Conflict of Interest Policy, however it is currently under review for updates.

Thank you,

Andrea Hendrick, Cascade Charter Township Planning Director

Cascade Charter Township Planning Commission Bylaws Reference Table

DRAFT 2024-02-20 compared to version presented at the February 5, 2024 Planning Commission Hearing

	Proposed Change	Draft 2024-02-20	Goal	PC 2024-02-05	Draft 2024-02-23
1	Remove Creation Section	1 - Par. 1	Move to beginning of doc to determine the "why" of the document.	2.1	
2	Add Language	1 - Par. 1	Different terms are used throughout the document. This ensures that all terms are correctly attributed to the Board .	n/a	
3	Add Language	1 - Par. 1 & 2	Different terms are used throughout the document. This ensures that all terms are correctly attributed to the Planning Commission .	1, Par. 1	
4	Add Language	1 - Par. 2	Reference - Define Bylaw goals	n/a	
5	Remove Language	2.1	Remove number of PC members	2.2	
6	Change header - compile relevant sections	2.3	Remove "January" and replace with "first meeting" - Compliance, Remove quorum language as it is defined in other areas	2.3,	
7	Moved	2.4	Add committee language to Member and Organization	8.1	
8	Moved	2.4		8.3	
9	Moved	2.5		8.4	
10	Removal	2.5	No current Planning Commissioners have been appointed under MCL 125.3815	3.1	
11	Moved	2.5		2.3	
12	Add Language	2.5	No limit on non-consecutive terms, PC discharges committees		
13	Moved	2.6		3.2	
14	Add Language	2.6	Officer language added	n/a	
15	Moved	2.7		3.3	
16	Change Language	2.7			
17	Moved	2.8		6.1	
18	Removal	2.8	Each member has one vote, removal of PC and OMA	6.1	
19	Moved	2.9		2.4	
20	Moved	3.1.a		4.1	
21	Add Language	3.1.a	Added language from the Planning Enabling Act	n/a	
22	Moved	3.1.b.i-iii		2.3.a-c	
23	Remove Language	3.1.b.ii.	Removes replacement of the Chair in case of vacancy with the Chair. Chair is reappointed.	2.3.b	

Cascade Charter Township Planning Commission Bylaws Reference Table

DRAFT 2024-02-20 compared to version presented at the February 5, 2024 Planning Commission Hearing

24	Change Language	3.1.b.iii	Defines roles of appointed secretary vs. staff	n/a	
25	Removed Language	3.1.b.iii	Document storage at City Hall	2.3.c	
26	Moved	3.2.a		6.2	
27	Added Language	3.2.a	Language is added to encompass the process for sub-committies		Clarifying Language
28	Added Language	3.2.b	Meeting preperation	n/a	
29	Added Language	3.2.c	Ex Parte Contact	n/a	
30	Moved	3.2.d		4.4	
31	Moved	4.1		5.1	
32	Change Language	4.1.a	Remove strict day requirements - add MPEA requirments. Establish schedule procedure.		
33	Added Language	4.1.b	Added language from the Planning Enabling Act - 48 hours		
34	Added Language	4.1.c	Committee meetings		
35	Moved	4.2		5.4	
36	Added Language	4.2	Clarifying language about meeting agendas		
37	Added Language	4.3	Format	n/a	
38	Moved	4.4		4.2	
39	Removed Language	4.4	Redefining quorum -redundant	4.2	
40	Added Language	4.4	Example added.		
41	Moved	5.1	OMA - verbatim language add	5.2,5.3	
42	Moved	5.2		5.5	
43	Changed Language	5.2.a	Public comment at the end by default	5.5.a	
44	Added Language	5.2.a.1-5	Public hearing format	5.5.c in part, 5.5.e.	
45	Moved	5.2.c		5.5.c, 5.5.f	
46	Added Language	5.2.d	Public comment limitation		
47	Added Language	5.2.f	Limits on Public Comment		
48	Moved	5.3.a		4.3.c	
49	Moved	5.3.b		4.3.a	
50	Moved	5.3.c		4.3.d, 4.3.b	
51	Moved	5.3.d		4.3.d	
52	Added	5.4	Roberts Rules default		
53	Moved	6		10	
54	Removed			7	

Cascade Charter Township Planning Commission Bylaws Reference Table

DRAFT 2024-02-20 compared to version presented at the February 5, 2024 Planning Commission Hearing

55	Removed	5.1	Section is somewhat replaced, but not fully addressed.	8.2	
56	Removed			9	

DRAFT 2024-02-23 VERSION

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CASCADE CHARTER TOWNSHIP PLANNING COMMISSION

BYLAWS

Adopted on _____, 2024

ARTICLE 1: AUTHORITY AND SCOPE

Pursuant to the Michigan Planning Enabling Act, 2008 Public Act 33 (MCL 125.3801 et seq.), as amended, the Cascade Charter Township Board of Trustees, hereinafter "the Township" and "the Township Board," respectively, continued the Cascade Charter Township Planning Commission, hereinafter "the Planning Commission," by resolution and ordinance with the powers and duties set forth under Michigan law.

Commented [RB1]: RE-organized per the 5 W's (1. Why, 2. Who, 3. What, 4. When/Where, & 5. hoW), where ARTICLE 1: AUTHORITY AND SCOPE = 1. Why

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These bylaws are adopted by the Planning Commission, also known as zoning board or zoning commission, to facilitate the performance of its duties including the duties of the Planning Commission for administration of a zoning ordinance as outlined in the Michigan Zoning Enabling Act, 2006 Public Act 110 (MCL 125.3101 et seq.), as amended. In cases where these bylaws are in conflict with the Township Planning Commission Ordinance, that ordinance shall prevail.

ARTICLE 2: MEMBERSHIP AND ORGANIZATION

Commented [RB2]: ARTICLE 2: MEMBERSHIP AND ORGANIZATION = 2. Who

2.1 Member Appointment. The Planning Commission shall consist of members representing major interests present in the Township. Members shall be appointed by the Township Supervisor of Cascade Charter Township with the approval of the Township Board.

- a. All members must be residents and qualified electors of the Township.
- b. One member of the Township Board must be appointed to the Planning Commission.
- c. One member of the Planning Commission must be appointed to the Township Zoning Board of Appeals. However, the person who is the dual Planning Commission Member-Zoning Board of Appeals member may not vote on the same matter voted on as a Planning Commission member.

- 2.3 Officer Elections.** At the first meeting of the calendar year, the Planning Commission must elect a chairperson, vice chairperson, and secretary from among its members, and must create and fill other offices and committees as it considers advisable. The Township Board member is not eligible to be selected as an officer.
- 2.4 Committees.** The Planning Commission may establish committees to meet the needs and objectives of the Planning Commission and must specify the number of members, terms of appointment, functions, goals, and projected time periods for such committees. The Planning Commission may also appoint advisory committees outside of its membership. Committees must be accountable to the Planning Commission, and all reports and recommendations to the Planning Commission must be submitted in writing.
- 2.5 Terms.** Planning Commission members shall be appointed to three-year terms and shall hold office until his or her successor is appointed (except for the member representing the Township Board, whose term shall expire with his or her term on the Township Board). The term of each commission officer electd pursuant to section 2.3 is 1 year, with eligibility for re-election for no more than one additional consecutive term; there shall be no limitation on non-consecutive terms for officers. A committee may be discharged from its responsibilities by the Planning Commission.
- 2.6 Vacancies.** If a vacancy occurs during a term for reasons including, but not limited to death, disability, resignation or removal, or the member is no longer a resident and registered elector, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment and/or selection as an officer.
- 2.7 Removal.** The Township Board may remove members from the Planning Commission for violating the Township Conflict of Interest Policy, or for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. The Planning Commission may make a recommendation for removal to the Township Board and shall specify the reasons for such recommendation for removal.
- 2.8 Quorum.** A majority of the members of the Planning Commission and/or committee appointed and serving constitute a quorum for purposes of transacting business meetings.

Commented [LA3]: Does this/will this exist?

2.9 **Compensation.** Members of the Planning Commission shall be compensated yearly for their services as provided in the Township Board's annual budget.

Commented [LA4]: The Township Board can determine how frequently the PC is paid. The bylaws shouldn't specify this.

ARTICLE 3: DUTIES AND RESPONSIBILITIES

Commented [RB5]: ARTICLE 3: DUTIES AND RESPONSIBILITIES = 3. What

3.1 Duties

a. **All Members.** The Planning Commission must perform all of the actions required by law which shall include preparation of an annual capital improvements program, an annual Planning Commission status report, and a 5-year review and/or preparation & approval of a Master Plan. Other duties may include, but are not limited to, reviewing special use permits, PUD and/or subdivision documents (preliminary, site plan, etc.), rezoning applications, and/or zoning ordinance recommendations.

Commented [LA6]: Was it determined that the Twp is exempt from this requirement because it does not own or operate a water supply or sewage system?

b. **Officers**

i. Chairperson. The Chairperson presides at the public meetings of the Planning Commission, appoints committees, subject to Planning Commission approval, and performs other duties as may be ordered by the Planning Commission.

ii. Vice Chairperson. The Vice Chairperson is authorized to serve as Chairperson if the Chairperson is absent.

iii. Secretary. The commission Secretary (or a person designated by the Secretary) must execute all documents in the name of the Planning Commission. The Township's chief planning official (or a person designated by the chief planning official), shall serve as the Recording Secretary and is responsible for generation of the minutes for each meeting. All communications, petitions, and reports addressed to the Planning Commission must be delivered or mailed to the Recording Secretary.---

3.2 Responsibilities

a. **Attendance.** High-functioning commissions/committees require active participation on the part of membership. Members of the Planning Commission, or its committees/committees, who are absent from more than three consecutive, regularly-scheduled meetings or more than 50% percent of the regularly-scheduled meetings in a calendar year are subject to review and possible recommendation for removal to the Township Board as provided in the Planning Commission Ordinance

or by the Planning Commission, respectively in the case of committees. Exceptions may be made if absences are due to the conduct of other authorized business or are excused by the respective Chairperson. The following procedures must apply:

- i. A member must notify the Chairperson of an anticipated absence as far in advance of the meeting as possible, stating the reason for such absence.
- ii. The Chairperson may postpone or reschedule a meeting in the event a quorum will not be present.

b. Preparation. Members are expected to pre-read meeting packets and come prepared to discuss pending matters. Site visits may be beneficial as well.

c. Ex Parte Contact. Members shall avoid ex parte contact regarding any pending agenda item before the Planning Commission whenever possible. If it is not possible to avoid ex parte contact, the member shall publicly report to the Planning Commission what was said and by whom, so that other members and interested persons are made aware of the same information.

d. Conflict of Interest. The Planning Commission and its members shall adhere to the conflict of interest provisions in the Township's Planning Commission Ordinance and Township Conflict of Interest Policy.

Commented [LA7]: Need to confirm whether this does/will exist.

ARTICLE 4: MEETINGS

4.1 Meeting Schedule.

Commented [RB8]: ARTICLE 4: MEETINGS = 4. When/Where

a. **Regular Meetings.** The Planning Commission shall hold not less than 4 regular meetings each year and has historically met on the first and third Mondays of each month with a goal of 2 regular meetings per month. At the Planning Commission's first meeting in December, the Recording Secretary shall submit to the Planning Commission a proposed meeting schedule, including time & place, for the upcoming year. At this meeting, the schedule shall be approved by resolution as submitted or amended to reflect the any changes directed by the Planning Commission.

Commented [LA9]: The PC ordinance has different provisions than what is in this section (i.e. specifies date of meetings and different procedures for which special meetings may be called.) It seems more prudent for that information to be in the bylaws, not the ordinance.

b. **Special Meetings.** A special meeting of the Planning Commission may be requested by any Planning Commissioner or the Recording Secretary. The Recording Secretary shall send written notice personally, by mail (if time is

Commented [LA10]: Required under section 21(1) of the MPEA.

sufficient), or any other electronic means, including facsimile, text or email, of a special meeting to Planning Commission members not less than 48 hours before the meeting ~~and to the public not less than 18 hours prior.~~ Notice to the public shall be provided 18 hours in advance in a prominent and conspicuous place at the Township Hall and on the Township's website.-

c. **Committee Meetings.** Schedules for Committees will be determined within the committee

4.2 Agendas. A written agenda outlining the order of business for all regular, special, or committee meetings shall be developed by the Recording Secretary ~~then amended~~ and approved by the Chairperson prior to distribution. The agenda shall be approved as presented or as amended by membership at the respective meeting outset, but may be supplemented or re-ordered by the —Chair during a meeting, provided the same does not violate any applicable law.

4.3 Format. The order of business for all meetings shall generally be as follows, except as determined by the Chairperson:

1. Call the meeting to order/Record the attendance
2. Pledge of Allegiance to the Flag
3. Approve the current Agenda
4. Disclose any Conflict of Interest
5. Approve the Minutes of the Previous Meeting
6. Acknowledge visitors and those wishing to speak, aka Public Participation
7. Actionables (Cases, Amendments, etc., including Public Hearings)
- 8 Acknowledge visitors and those wishing to speak, aka Public Participation
- 9 Any other business
10. Adjourn

4.4 Requirements for Action. All matters under consideration shall be determined by a vote of the majority of the members of the respective commission/committee attending any meeting where a quorum is present, unless Michigan law provides otherwise. For example, a 2/3 roll call of members appointed and serving is required to call a closed session with few exceptions. If a decision of approval is not obtained or ~~in the event that if~~ the vote results in a tie, then the matter being considered shall be deemed to have been denied.

ARTICLE 5: PROCEDURES

Commented [RB11]: ARTICLE 5: PROCEDURES = 5. How

5.1 Open Meetings Act. Planning Commission meetings, committee meetings, and hearings ~~will~~ shall be opened, noticed, and recorded pursuant to the Michigan Open Meetings Act, 1976 Public Act 267 (MCL 15.261 et seq.), as amended. ~~In terms of records, the~~The minutes of each meeting must be filed with the Township Clerk and made available to the public. Minutes of closed sessions must be maintained separately and not disclosed to the public, except upon court order. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission and/or committee in the performance of an official function must be made available to the public except ~~where~~when exempted by the Freedom of Information Act.

5.2 Public Participation. A member of the public may speak at public meetings of the Planning Commission in accordance with the following procedures:

- a. Time for public comment not related to agenda articles will be provided at the beginning and end of each Planning Commission meeting. For agenda articles requiring Public Hearings, time will be provided as shown in the below Public Hearing format.

Public Hearing format:

1. Staff Presentation - Staff report and recommendation
2. Project presentation- Applicant presentation and explanation of project
3. PUBLIC HEARINGS
 - i. Open Public Hearing
 - ii. Public Comments
 - iii. Close public hearing
4. Commission Discussion – May ask for clarification from applicant, staff or public
5. Commission Decision – Voting Options
 - i. Table
 - ii. Deny
 - iii. Approve
 - iv. Approve with conditions
 - v. Recommendation to Township Board

- b. Individuals wishing to speak are requested to provide their ~~person's~~ name and address
- c. Persons ~~must be recognized by and~~ shall direct comments to the Chairperson
- d. Comment will be limited to five minutes per speaker; exceptions may be granted by the chair for representative speakers and applicants or if the public turnout is such that a smaller but equitable period is prudent, e.g. three minutes ~~for highly contested matters~~
- e. No person may speak more than once during any public comment period (per article, public hearing, etc.)

~~f. Notwithstanding the foregoing, whenever circumstances warrant, due to the length of a meeting agenda, the unusual number of people wishing to speak, or other similar reason, the Chairperson shall have the right to limit redundant presentations. In no event, however, shall a person otherwise entitled to speak be deprived of the opportunity to give his or her name and address, whether they are in favor of or opposed to an item, and very briefly their reasons (for the same reasons as a previous identified speaker shall be sufficient).~~

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Commented [LA12]: This is likely unlawful. The chair could ask people to limit their comments accordingly, but cannot require it if they stay within the time limit specified.

Commented [LA13]: There are some conflicts between this section and the PC ordinance (i.e. voting process). It seems more appropriate for this information to be in the bylaws not the ordinance.

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5.3 Voting. The following guidance should be followed prior to approval of any motion, resolution, or recommendation:

- a. Action by the Planning Commission on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Planning Commission.
- b. Motions before the Planning Commission shall be restated by the Chairperson before a vote is taken. The name of the person making the motion and its supporter shall be recorded.
- c. All members present are required to vote unless excused for reasons of a conflict of interest. Voting shall be by voice vote and shall be recorded as the number in support and the number in opposition. Abstentions for conflicts of interest shall be noted. Roll call votes shall only be recorded upon request by a member of the Planning Commission and shall be

recorded by "yes" or "no." Members must be present to cast a vote. Voting by proxy shall not occur.

- d. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

5.4 Other. Parliamentary procedure at Planning Commission meetings will be guided by Robert's Rules of Order, but nothing herein shall be construed to require absolute adherence to such rules. Webster's New World Robert's Rules of Order Simplified and Applied shall be followed for issues not specifically covered by these bylaws. Where these bylaws conflict or are different than Robert's Rules, then these bylaws shall govern.

ARTICLE 6: REVIEW AND AMENDMENT OF BYLAWS

Rules and procedures adopted by the Planning Commission may be reviewed and amended from time to time. Amendments will require an affirmative vote of a majority of the Planning Commission appointed and serving.

STATE OF MICHIGAN)
)
COUNTY OF KENT)

I the undersigned, the duly qualified and acting Secretary of the Planning Commission of Cascade Charter Township, Kent County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the Bylaws adopted by the Planning Commission at a meeting held on the _____, 2024 at _____ p.m.

_____, Planning Commission Secretary

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