

AGENDA
Cascade Charter Township Planning Commission
Monday, June 6, 2022
7:00 pm
2870 Jacksmith Ave

Public may access the meeting via video conference software Zoom
<https://us02web.zoom.us/j/87044149458>

Meeting ID: 870 4414 9458
By Phone: +1 301 715 8592

- 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 May 9, 2022 Meeting**
- ARTICLE 6. Acknowledge visitors and those wishing to speak.
(Comments are limited to five minutes per speaker)**
- ARTICLE 7. Case #22-3708/Albright
Public Hearing
Property Address: 2970 Thorncrest Dr
Requested Action: The applicant is requesting approval of a Type I Special Use Permit to allow a 6-foot-tall fence in the front yard.**
- ARTICLE 8. Update from Composting Subcommittee and Review of Draft Ordinance Amendment**
- ARTICLE 9. Discussion of Airport Area Zoning**
- ARTICLE 10. Old Business**
- ARTICLE 11. Any Other Business**
- ARTICLE 12. Acknowledge visitors and those wishing to speak.
(Comments are limited to five minutes per speaker)**
- ARTICLE 13. Adjournment**

Meeting format

- 1. **Staff Presentation** *Staff report and recommendation*
- 2. **Project presentation-** *Applicant presentation and explanation of project*
 - a. **PUBLIC HEARINGS**
 - i. **Open Public Hearing.** *Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. **Close public hearing**
- 3. **Commission discussion –** *May ask for clarification from applicant, staff or public*

4. Commission decision - Options

a. *Table the decision*

b. *Deny*

c. *Approve*

d. *Approve with conditions*

e. *Recommendation to Township Board*

Minutes
Cascade Charter Township
Planning Commission
Monday May 9, 2022
7:00 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chair Noordyke called the meeting to order at 7:00 P.M.
Members Present: Noordhoek, Rowland, Rissi, Moxley, Noordyke, Deering, and Engel
Members Absent: Rapin and Korstange, (excused)
Others Present: Planning Director Brian Hilbrands and those listed on the sign-in sheet.

ARTICLE 2. **Pledge of Allegiance**

ARTICLE 3. **Approve the current Agenda**

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

ARTICLE 4. **Disclose any Conflicts of Interest**

There weren't any members with a conflict of interest to disclose.

ARTICLE 5. **Approve the Minutes of the April 18, 2022 Meeting**

Member Deering shared errors she found in the meeting minutes. On page 5, paragraph 2, line 2, she said to change 'planed' to 'planned'. [Note: The word should have been 'planted' so that is what it was changed to after edits.] On page 6, 5th paragraph, second line, strike the word 'for'. On the seventh page, fifth paragraph, right in the middle, insert the word 'is' so that it reads, 'there is an area that is at least'. The next line down on the same page and in the same paragraph, insert the word 'area'. Page eight, last paragraph, fourth line from the bottom, insert the word 'River' to make it read 'Thornapple River Drive'. Page nine, second paragraph from the bottom, change 'meats' to 'meets'.

Member Moxley pointed out page ten, paragraph seven, said 'prevue' should be changed to 'purvue': Note: the correct spelling of the word is 'purview' and that is what it was changed to in the minutes.

Motion was made by Member Rissi to approve the April 18, 2022, meeting minutes with the aforementioned corrections. Supported by Member Engel. Motion carried 7 to 0.

ARTICLE 6. **Acknowledge visitors and those wishing to speak on non-agenda items.**

There weren't any visitors that wished to speak on non-agenda items.

ARTICLE 7. **Case #22-3696/Luminar Technologies, INC**

Property Address: 4300 Thornapple River Dr

Requested Action: The applicant is requesting site plan review for an approximately 26,500 sq ft building.

Planning Director Hilbrands explained that this article was tabled at the April 18, 2022, meeting in order for the applicant to provide renderings of the building and additional information related to the fabric that is to be used for the exterior. There were also questions about potential PFAS contaminants leaving the site. Information on this was included in the meeting packet and the applicant attended the meeting to answer any questions.

**Motion was made by Member Engel to un-table the article. Supported by Rissi.
Motion Carried 7 to 0.**

Brooke Swartzlander, Director of System Tests and Validation for Luminar Tech Inc at their Orlando facility, presented on what Luminar Tech does and why their facility would be a benefit to Cascade Township. She shared that the company produces sensors for autonomous vehicles that help to prevent car accidents. The reason they are looking to build a temporary facility in Cascade Township is that they have a sensor that can see out to 300 meters in Florida, but they want to be able to test the sensors at 500 meters. Partnership with Intertek, a company in Kentwood, is the reason they came to Michigan. They need the space for testing enclosed because any atmospheric interference would compromise the repeatability and reliability of the test. The testing space does not require climate control, but it must be shielded from snow, rain, fog, etc. They could use an industrial building, but that is cost prohibitive when the structure is solely to shield them from the elements. They won a contract with Mercedes and were put on a very rapid schedule. They can only test up to 250 meters at their current facility and needed somewhere they could quickly put up a structure to test at the distance required for the Mercedes project.

Swartzlander explained the reason for the 'ClearSpan' fabric was that it could be set up quickly but was sturdy, modular, and reusable; the industrial fabric has a lifespan of 15-20 years. The building would contain a server but be considered an unmanned facility. The reason they don't see the need for a restroom is due to its unmanned capacity which will require employees to come to the facility for one to two hours at a time, maximum, to gather data and set the equipment up for the next test.

Member Rowland noted that there is an option for Luminar to terminate their lease with the airport at any time, given 60 days' notice, in the lease contract.

Member Noordhoek asked if this business would be bringing any jobs into the community and Swartzlander said it would be no more than two people. She said this is due to the unmanned nature of the site, but they would be employing people through Intertek, a business in Kentwood.

Member Deering said that she felt much better about the fabric exterior now that she had seen renderings and had more information, but she wondered if the fabric would be quickly mended if it were to rip or break. Swartzlander said that it would be quickly

repaired as the equipment in it is essential to their testing and success, costing over one million dollars.

Member Deering asked if Luminar would potentially be extending their lease past five years. Swartzlander said yes, they would hope to eventually build more permanent facilities in Michigan as it makes sense because of all the car manufacturing infrastructure. They would also like to add onto the building an additional 200 meters so they can do testing at 500 meters as well but that would require a separate site approval that they are prepared to come back and request at a later date.

Chair Noordyke asked if Luminar had done any water testing and Swartzlander said they had not; Intertek found the site that was authorized to build on for Industrial use and they took that to mean any required testing had been done.

John Stroo of Prein & Newhof, the engineer working with Luminar, answered Member Noordhoek's question, about if Luminar was planning on performing a Phase 1 Environmental. Stroo said that since it is leased land, it isn't generally required unless the property is transferring owners, so they did not intend to perform a Phase 1 Environmental.

Chair Noordyke asked if the water on site was tested for PFAS; Stroo said that they had not done PFAS testing to his knowledge.

Member Rissi asked how much the grade of the soil would be changing to accommodate this project. Stroo said that the northwest end of the building would be excavated down 3 ft and then extended out over the lower plateau, reaching 20-25 ft of fill at the southeast end of the building.

Member Moxley asked if there would be a gravel drive on both sides of the structure. Stroo said there was a gravel personnel path on the north/northeast side and a wider drive on the opposite side for vehicles with a turnaround down by the southeast end. Member Moxley also asked about the parallel lines shown in the picture and Stroo explained that they are a tile drain to keep water away from the building. There will be fabric over the top with gravel on top of that.

Chair Noordyke asked what wind rating was for the fabric building. Stroo said that even though it is a temporary building it still must meet Michigan building code requirements and the structural integrity of it in windy conditions is part of that. He then asked where the stormwater was being diverted to and Stroo said that was on the northeast and southwest sides of the building. There are two detention basins being created, one at each end; they are to collect and store all water from a two year to a twenty-five-year event. They will be above ground and designed to drain dry within 24 hours.

Member Rissi said that he would like to make sure there is a limit on how long the temporary use lasts and what site restoration they will require when the tenant leaves. He suggested screening or a berm so that the building isn't so visible from Thornapple River Dr and requiring the stormwater plan to accommodate for more than a 25-year

event. He also thought that any changes that were to occur would need to come back to the Planning Commission for approval, not just requiring staff approval.

Member Noordhoek said that he didn't see how Luminar was benefiting the residents of Cascade. Member Rowland agreed and said they would be setting a precedent if they allowed this temporary building. He also said that, if there were any problems with the property or tenant, since the land is being leased, the township would have to go after the airport and would most likely be unsuccessful as the airport currently isn't communicating or addressing concerns from the township.

Chair Noordyke also didn't see the community benefiting from the Luminar project. He said he would like to see remediation as part of the approval and would require extensive landscaping if the project were to go through.

Member Rissi questioned if the groundwater needs to be tested or if the soil that is being disturbed is what should be tested. A well isn't being proposed and the township already knows that PFAS is in the ground water so the disturbed soil runoff is what they would be more concerned with.

Chair Noordyke asked if they would be hooking up to sewer or city water. Planning Director Hilbrands said that they would be required to build a bathroom if they were going to occupy the site longer than five years but that would require another site approval due to other requirements, such as landscaping, changing because they would no longer be considered a temporary use. Member Rissi said that he would not recommend putting in a septic system for a project that would have previously required sewer, under the last Planning Director.

Member Moxley shared that he didn't like the temporary nature of the structure or the large size of the structure.

Motion was made by Member Rissi to approve the Site Plan Review for case 22-3696/Luminar Technologies, Inc. with staff recommendations with additional conditions that the storm retention system must be rated for a 50-year event, rather than a 25-year event, the tenant on-site, the use of the structure, and the size of the structure cannot change without prior Planning Commission approval, a landscaped berm must be installed to minimize the view of the building while creating an acceptable aesthetic from the road, a septic system may not be installed and sanitary sewer must be extended to the site, a SESC plan must be submitted to the township, and upon the tenant's termination of their lease on the site, the tenant must remove all impervious surfaces and reseed the land; this will be certified by a bond to the township. Supported by Member Deering. Motion carried 4 to 3 by roll call vote. In favor- Members Rissi, Moxley, Deering, and Engel. Opposed- Members Noordhoek and Rowland, Chair Noordyke.

ARTICLE 8. Case #22-3703/Matthews

Property Address: 8320 45th St

Requested Action: The applicant is requesting approval of a Special Use Permit for an accessory building over 832 sq ft.

Planning Director Hilbrands presented the case to the Planning Commission. The applicant is looking to build a 1,200 sq ft accessory building with adequate setbacks of 14' to the side property line and 99' to the rear property line. The applicant has less than three acres of property so they are permitted only one accessory building. There is currently an existing shed on the property that would have to be removed before the new building is completed. The applicant intends to use the building for general storage; its size is normal for the zoning district, and is in a more agricultural area of the township. Staff would recommend approval of this Special Use Permit with requirements that any outdoor lighting comply with township regulations, the building cannot be used as living space or to run a business, and the existing shed must be removed before a final inspection of the new accessory building can be scheduled.

The applicant, James Matthews (8320 45th St), came forward to answer questions from the Planning Commission. Member Rissi asked if he knew where his septic was, and he said that he did, and it was not in the path of the new building. Member Rowland asked if he intended to use it to run a business and Matthews said that he would not be.

Member Rissi motioned to open public hearing. Supported by Member Deering. Motion carried 7 to 0.

No one wished to speak.

Member Rissi motioned to close public hearing. Supported by Member Rowland. Motion carried 7 to 0.

Motion was made by Member Rissi to approve the Special Use Permit with staff recommendations including that the building is not used to run a business or as a residence, any outdoor lighting meets township regulations and the existing shed be removed before final inspection of the new accessory building is scheduled. Supported by Member Rowland. Motion carried 7 to 0.

ARTICLE 9. Case #22-3707/Harwood

Property Address: 8189 Ashwood Dr

Requested Action: The applicant is requesting approval of a Special Use Permit for an accessory building over 832 sq ft.

Planning Director Hilbrands presented the case to the Planning Commission. The applicant is requesting to construct a 1,260 sq ft building to store a boat and serve as a pool house as well as include a covered patio. It meets the required setback with 40' to the side property line and approximately 75' to the rear property line. The size of the building is normal for the zoning district, and it will be sided and shingled to match the house. Staff recommend approval of the Special Use Permit with the conditions that outdoor lighting meets township standards, and it is not used as living space or to run a business.

Jeff Harwood (3100 Fuller), the applicant, came forward and said that the building will not be live in.

Member Moxley said that he thought the plan was very well done.

Member Rissi motioned to open public hearing. Supported by Member Moxley. Motion carried 7 to 0.

No one wished to speak.

Member Rissi motioned to close public hearing. Supported by Member Moxley. Motion carried 7 to 0.

Motion was made by Member Rissi to approve the Special Use Permit with staff recommendations including that the building is not used to run a business or as a residence and any outdoor lighting meets township regulations. Supported by Member Deering. Motion carried 7 to 0.

ARTICLE 10. Old Business

Township Email Setup: All members in attendance have successfully logged into their township email address. Member Moxley thanked Katie Murawski, Human Resource Director for Cascade Township, for helping him get his township email address set up.

Educational and Workshop Opportunities: Chair Noordyke encouraged members to look back at the educational workshops in the last meeting packet and sign up for them so that the committee can have more subject matter experts.

Zoning Stormwater Rules: Member Rissi shared that he had seen construction in areas around where the structure related to case 22-3696 is to be built and wondered if the Planning Commission would want to consider implementing stricter stormwater rules going forward. The buildings aren't currently having their stormwater regulated as much as other sites nearby due to the zone they are in. Chair Noordyke said he would add it to a future agenda.

Planning Director Hilbrands will reach out to the township attorney and get an opinion as well as a 10-year lookback. Subzone One is a large area that doesn't require review by the Planning Commission. Chair Noordyke requested Planning Director Hilbrands get the opinion from Mike Homier and request he attend the Planning Commission meeting where this will be discussed.

ARTICLE 11. Any Other Business

Agenda Organization: Member Rowland requested future meetings have the number of items limited so that they are not excessively long and are organized so that companies are not being put before residents. Chair Noordyke requested Planning Director Hilbrands organize it this way in the future. He explained that the reason this agenda was organized with the company before residents is that the first case had been tabled at a previous meeting and it is standard practice to put items that were previously tabled first on the agenda before new items.

Roundhill/Process Implementation Subcommittee: Member Moxley shared that the Roundhill subcommittee will be meeting on Wednesday at 4:00 PM and they are usually done by 5:00 PM.

Vermiculture Subcommittee: Member Rissi shared that the Vermiculture subcommittee had been learning a lot and their next meeting will be Thursday at 7:30 AM. They hope to bring their findings back to the full commission soon and are in the process of crafting an amendment.

Fire Station: Member Moxley shared that the new fire station plan will be presented on Wednesday at 6:00 PM and the community is welcome to attend.

Strategic Planning Workshop: Member Deering said that she and Member Rissi had been attending strategic planning sessions and they look forward to seeing the township's next steps. The next meeting will be on Friday at 10:00 AM, at the Wisner Center, and is open to the public.

ARTICLE 12. Acknowledge visitors and those wishing to speak.

There were not any visitors who wished to speak.

ARTICLE 13. Adjournment

Motion was made by Member Rissi to adjourn. Supported by Member Deering. Motion carried 7 to 0. The meeting was adjourned at 8:31 PM.

Respectfully submitted,
Diedre Deering, Secretary

STAFF REPORT

STAFF REPORT: Case #22-3708/Albright
REPORT DATE: June 1, 2022
PREPARED FOR: Cascade Charter Township Planning Commission
MEETING DATE: June 6, 2022
PREPARED BY: Brian Hilbrands, Planning Director

APPLICANT:
Andy and Kate Albright
2970 Thorncrest Dr SE
Grand Rapids, MI 49546

STATUS OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a Type I special use permit to allow a 6-foot-tall fence in the front yard.

EXISTING ZONING OF SUBJECT PARCEL(S): R-2, Residential

GENERAL LOCATION: West side of Cascade Rd, accessed from a service drive off of Thorncrest.

PARCEL SIZE: 0.7 acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: All Residential

ZONING ON ADJOINING PARCELS: All R-2

STAFF COMMENTS:

1. The applicant is requesting a Type I special use permit to allow for a taller fence in the front yard.
2. They would like to install a 6-foot-tall wooden privacy fence in the front yard along the service drive on the west property line, and also along the southern property line. Fences in the front yard are limited to 4-feet tall unless the Planning Commission approves a special use permit.

3. The lot is technically a through lot, as it has frontage along Cascade Road but is then accessed by a service drive on the west side of the property. Therefore, both the yard facing the service drive and the yard facing Cascade Road are considered front yards, which limits where a privacy fence can be located.
4. The property owner has recently received a variance for a pool to be located in the front yard facing the service drive. Previously they were not aware of the front yard restrictions the property has since it is a through lot. They have indicated that they would like to install the 6-foot-tall fence to maintain some privacy around the pool.
5. The fence is planned to be a solid wood fence.
6. During a site visit to the property, it was noted that there is currently an approximately 6-foot-tall fence located between the house and Cascade Road. The property owner would like to also keep this fence, so the special use permit approval would also cover the existing fences on the property.
7. Fences do not require a building permit but are required to comply with Section 4.30 of the Zoning Ordinance.
8. The properties that are adjacent to where the fence will be located have their rear yard areas abutting the proposed fence, not their front yard areas.
9. We have granted other permits for 6-foot-tall fences in front yards on major streets like Buttrick Ave and Thornapple River Dr when it is not created a vision problem. Special use permits have also been granted for corner or through lots since these properties have two front yard areas.
10. With a Type I special use permit the Planning Commission may allow the height of the fence to increase to 8 feet, however they are only asking to increase to 6 feet. I have copied for you the section from our ordinance that provides the criteria for you to evaluate the taller fence request.

Conditions for Special Use Permit Approval

Amended by Ord No 5 of 2012 (7/25/12)

Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following:

Standard	Comment
To what extent the impact of additional height has on adjoining neighbors.	Little if any for a 6-foot-tall fence. The neighboring properties have their rear yard areas adjacent to the proposed fence.

Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.	I do not believe this would be an issue for a 6-foot-tall fence.
Whether the increased height creates a traffic hazard.	The additional height would not create a traffic hazard.
Whether the increased height creates a fire, safety hazard.	Chief Magers has indicated that the increase in height would not create a fire hazard.
Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.).	The Township is unaware of any deed restrictions that would prohibit this fence.

Staff recommends that the Planning Commission approve the 6-foot-tall fence in the front yard as requested.

Attachments: application package, Section 4.30 of the zoning ordinance



2970 Thorncrest Dr

CASCADE TOWNSHIP CEMETERY

RIVERSHORE PARK

THORNCREST DR

JEANLIN DR

CASCADE RD

WYCLIFF DR

GRAND DR

HAYWARD DR

LEYT

CASC

TITLE



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Printed 6/1/2022 4:51:36 PM



CASCADE CHARTER TOWNSHIP

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

PLANNING & ZONING APPLICATION

APPLICANT:

Name: Andy + Kate Albright
Address: 2970 Thorncrest Dr SE
City & Zip Code Grand Rapids, MI 49546
Telephone: 616 558 9066
Email Address: Katealbright3@hotmail.com

OWNER: * (If different from Applicant)

Name: _____
Address: _____
City & Zip Code: _____
Telephone: _____
Email Address: _____

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

- | | |
|--|--|
| <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 checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Plat Review * |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other: _____ * |

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

BRIEFLY DESCRIBE YOUR REQUEST:**

Request a variance for fence height. Pool variance was granted and now we would like to put a 6' privacy fence up in our front yard which faces the back

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

yard of our Jeaniin neighbors.

This is our primary residence.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 2970 Thorncrest Dr Se

ADDRESS OF PROPERTY: 2970 Thorncrest Dr Se

PRESENT USE OF THE PROPERTY: primary residence

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

Name(s)

Address(es)

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.)

Andrew Albright

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



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

Katrina Albright

Applicant – Print or Type Name

 5.12.22

Applicant's Signature & Date

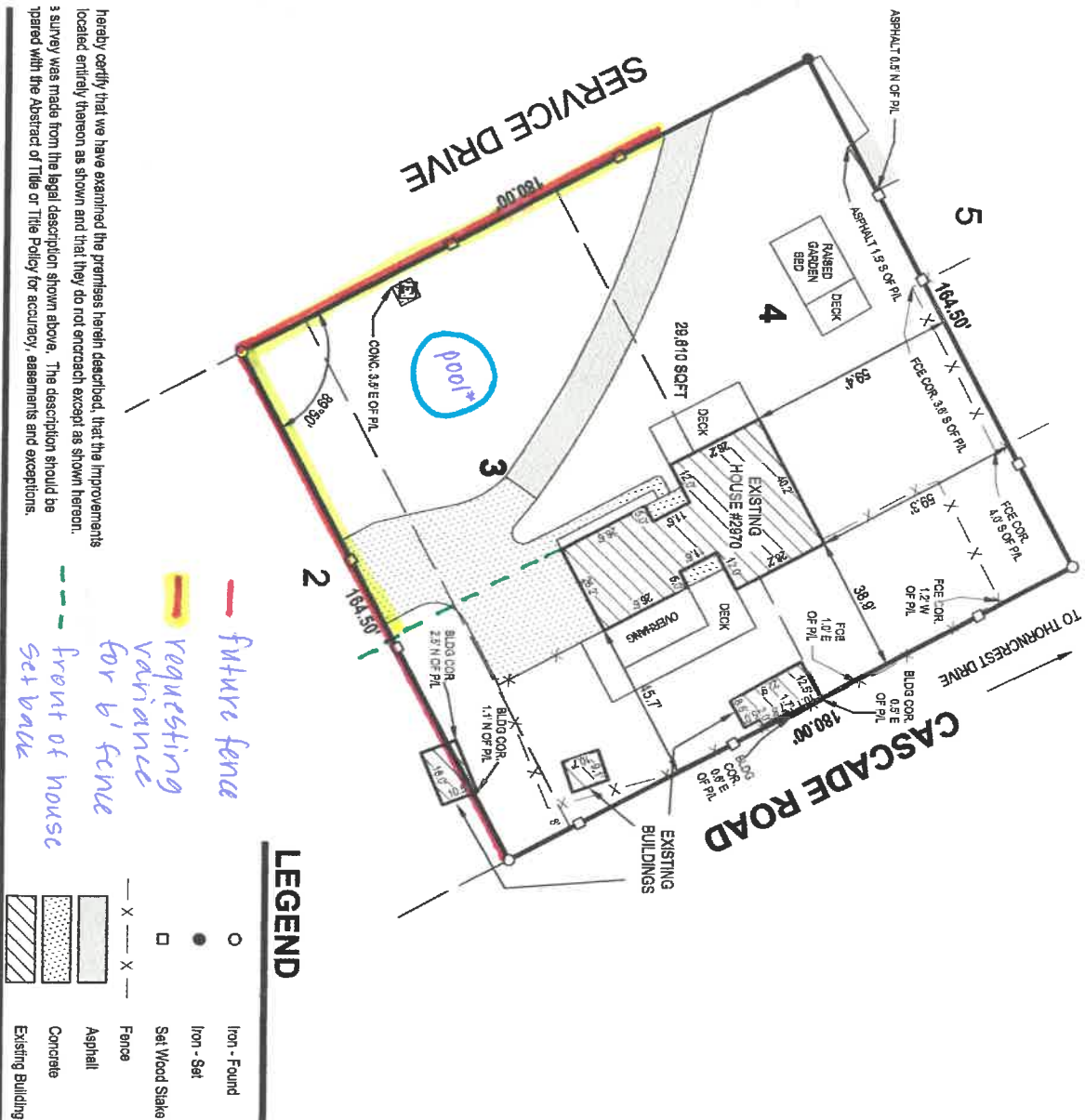
PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

DESCRIPTION

Land situated in the Township of Cascade, County of Kent, State of Michigan

Lots 3 and 4 and the Northwesterly 20 feet of Lot 2, Cascade Riverview Park according to the recorded plat thereof in Liber 44 of Plats, on Page 12, Kent County Records.

(Warranty Deed, dated February 9, 2022, as recorded in Instrument No. 202202180015009, Kent County Register of Deeds)



future fence
requesting variance for b's fence
front of house set back
** pool variance approved by board on 5/10/22*

LEGEND

- Iron - Found
- Iron - Set
- Set Wood Stake
- X — X — Fence
- Asphalt
- Concrete
- Existing Building

By: *Randal J. Vugteveen*
 Randal J. Vugteveen Licensed Professional Surveyor No. 4001028429

SCALE: 1" = 40'

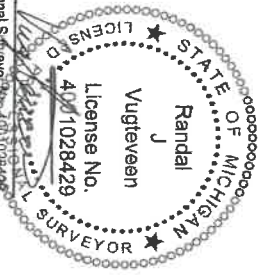
Kate Albright
 2970 Thorncrest Drive SE
 Grand Rapids, MI 49546

2970 Thorncrest Drive SE

DATE: 4.8.22
 REV. DATE:

PRJ #: 22400491
 1 OF 1

NEDERVELD
 217 Grandville Ave., Suite 302
 Grand Rapids, MI 49503
 Ann Arbor, Chicago, Columbus, Holland, Indianapolis, St. Louis





CHAPTER 4 General Provisions

of all excavation sites shall be sloped at a grade of not less than 2.5 feet horizontal to 1 foot vertical.

- b. Complete extent of areas which will be backfilled and depth of backfill shown with spot elevations.
 - c. Areas and depth of areas to be restored with top soil and other overburden.
 - d. Areas which will contain either standing or runoff water and measures which will be taken to avoid stagnation and erosion.
 - e. Phasing diagram(s) for reclamation.
 - f. A complete landscape plan indicating location and type of proposed and existing landscape features.
 - g. Description of the proposed final use of the site, with discussion of how the proposed use relates to the General Development Plan and zoning districts within the vicinity of the property.
 - h. Estimated timetable clearly expressing the maximum time required for various phases of the reclamation plan.
9. **Financial Guarantee** The Township may require the posting of a financial guarantee consistent with Section 21.09 of this Ordinance.
10. **Existing Mineral Resource Extraction Sites-** Mineral Resource Extraction sites which are actively mined or which have been actively mined within 180 days of enactment of this Section shall be limited to the lot on which the activity exists at the date of enactment of this Section. Further, all existing mineral resource extraction sites which are currently being mined shall be required to submit a reclamation plan consistent with the requirements of this Section within one hundred eighty (180) days following the adoption of this Section. (New Section added by Ordinance #19 of 1990)

Section 4.29 Traffic Visibility Across Corners:

In any residential, business, or industrial district on any corner, no fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty foot radius of the corner property lines so as to interfere with traffic visibility across the corner.

Section 4.30 Walls and Fences:

This Section shall apply to all boundary fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

1. Construction

- a. All fences and walls shall be of sound construction.
- b. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any residentially zoned district.
- c. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the ARC, Agricultural Rural Conservation zoning district.
- d. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.

2. Location and Height

- a. Agricultural, Office and Residential Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in the front yard shall be limited to a maximum height of four (4) feet at final grade. The maximum fence or wall height in the side yard or rear yard shall be limited to six (6) feet in height as measured from average grade.
- b. All Other Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in these zoning districts shall be limited to a maximum heights of eight (8) feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six (6) feet from the average grade.
- c. Architectural Features - Fences, walls and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted height wall or fence height. Such features must be compatible with the project and abutting properties.



Definitions

General Provisions

Development Review

Zoning Districts

Special Uses

Planned Unit Development

Height, Area, & Placement

Parking & Access

Landscaping

CHAPTER 4 General Provisions

3. **Location Requirements** - Except as specified below, fences, walls and hedges may be erected, placed and maintained along any property line provided:
 - a. It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement for private roads.
 - b. No wall, fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty (20) foot radius of the corner property lines so as to interfere with traffic visibility across the corner.
4. **Additional Requirements for Commercial, Office and Industrial Areas** - All commercial, office and industrial uses shall provide a continuous visual screen of at least eight (8) feet in height along any lot line abutting a residential use. Such screen shall be installed by the non-residential user and shall be maintained in a sightly manner.
 - a. An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:
 - 1) Not located on a public street or right-of-way; and
 - 2) Located a minimum of one hundred (100) feet back from any public right-of-way or easement; or
 - 3) Designed in such a manner that a minimum of three (3) vehicles can pull safely off the public street while waiting to enter; or
 - 4) The development provides a deceleration-turning lane adjacent to the existing pavement for a minimum distance of three hundred (300) feet leading into the access road, unless more stringent requirements are specified by the Kent County Road Commission.
 - b. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.
5. **Conditions for Special Use Permit Approval**

Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office

and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following:

- a. To what extent the impact of additional height has on adjoining property owners.
- b. Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.
- c. Whether the increased height creates a traffic hazard.
- d. Whether the increased height creates a fire, safety hazard.
- e. Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.). (New Section added by Ordinance #5 of 2012).

Section 4.31 Residential Front Yard Averaging:

In any ARC, R1 or R2 zoning district where the average front yard setback of two (2) or more buildings within two hundred (200) feet of the lot or parcel in question and on the same side of the street is less than, or greater than, the minimum front yard setback prescribed for the specific zoning district, then the required front yard setback of such lot or parcel shall not be less than the average existing front yard setback or such buildings. In any event, the front yard setback on any lot or parcel shall not be less than ten (10) feet. (New Section added by Ordinance #14 of 1989).

Section 4.32 Resubmission of Applications

No application for a rezoning, planned unit development, special use permit, site plan approval, variance or other zoning approval or project shall be submitted to the Township or be formally considered by a Township board or official (i.e. Township Board, Zoning Board of Appeals, Planning Commission or Planning Director) where such application or project has been previously denied or turned down by the Township unless the new application or project is substantially changed from the prior one. With regard to whether or not substantial changes have occurred since the prior application or project was denied, the Planning Director shall make the determination in the first instance. If the applicant disagrees with the Planning Director's determination, the applicant shall have thirty (30) days to appeal the Planning Director's determination



MEMORANDUM

To: Cascade Charter Township Planning Commission
From: Brian Hilbrands, Planning Director
Subject: Draft of Possible Ordinance Amendments regarding Composting
Meeting Date: June 6, 2022

Attached is a draft of possible amendments to the zoning ordinance regarding vermiculture/composting that was developed by the Planning Commission Composting Use Subcommittee. The subcommittee held a total of four meetings in April and May with staff and legal counsel present.

To summarize the amendments, commercial composting would be a use permitted by Special Use Permit in the ARC (Agricultural/Rural Conservation), FP (Farmland Preservation), and I (Industrial) zoning districts, subject to the design standards which would be included in Section 17.07 of the Zoning Ordinance.

At this time the Planning Commission is requested to review the draft ordinance amendments and be prepared to discuss them. The next step would be for the Planning Commission to hold a public hearing to review the ordinance amendments, at which time you would make a recommendation to the Township Board.

Attachments: Draft Ordinance Amendments

Section 3.03 Definitions

The following definitions are added to the Zoning Ordinance:

Commercial Composting Operation:

Composting that collects composting intakes generated off-site for the purpose of creating composted material or compost on the premises. Commercial composting operations shall not include composting accessory to a principal nursery or greenhouse use, which shall be regulated and approved in the same manner as nurseries and greenhouse as set forth in this ordinance.

Composting Intakes:

Any organic biodegradable and compostable material including, but not limited to: lawn clippings and leaves, woodchips, animal or paunch manure, any other plant or food waste or a mixture of any of the above. For the purpose of this ordinance, composting intakes does not include raw sewage or treated sewage sludge.

Personal/On-Site Composting:

Composting that is an accessory use to the primary agricultural or residential use of the property, that uses composting intake materials generated on-site for the purpose of creating composted material or compost that is used for agricultural or residential use. Compost piles located in residential districts must be less than 100 cubic feet in area, located in the rear yard, and set back at least 10 feet from any lot line. Personal/On-Site Composting is permitted only as an accessory use in the R1, R2, ARC and FP zoning districts.

Vermiculture or Vermicomposting:

The controlled and managed process by which live worms convert materials into finished compost product.

Chapter 7 ARC, Agricultural Rural Conservation

Section 7.04 Uses Permitted by Special Use Permit

Section 7.04 is amended to allow for the following use by special use permit:

16. Commercial composting operations involving one (1) cubic yard or less per month of waste from sorting of Composing Intakes. Section 17.07.2.t

Chapter 7a FP, Farmland Preservation

Section 7.04a Uses Permitted by Special Use Permit

Section 7.04a is amended to allow for the following use by special use permit:

16. Commercial composting operations involving one (1) cubic yard or less per month of waste from sorting of Composing Intakes. Section 17.07.2.t

Chapter 13 I, Industrial

Section 13.04 Uses Permitted by Special Use Permit

Section 13.04 is amended to allow for the following use by special use permit:

15. Commercial composting operations. Section 17.07.2.t

Chapter 17 Special Uses

Section 17.07 Type II Special Use Design Standards

Section 17.07 is amended to add the following design standard:

t. Commercial composting operations with associated limited retail and wholesale trade of material created on the premises.

- 1) Minimum parcel size shall be 10 acres in the ARC and FP zoning districts and 2 acres in the I zoning district. Operational areas (buildings, composting areas, material storage, etc.) in the ARC and FP districts shall be located a minimum of 150 feet from property lines and 250 feet from adjacent residential dwellings. Operational areas in the I zoning district must meet the setback requirements of that district and shall also be located a minimum of 250 feet from adjacent residential dwellings.
- 2) Operational areas shall be visually screened from neighboring parcels with a screen consisting of berming, fencing, and/or vegetation buffer if the operational areas are within 400 feet of a residential parcel.
- 3) The operation must be registered with the Michigan Department of Environment, Great Lakes and Energy - Material Management Division (EGLE MMD) within one year of commencing operations. The operation must comply with all other applicable federal, state, and local laws, rules and regulations. The operation must comply with all standards, rules, and regulations of EGLE MMD registered compost operations.
- 4) When located in the ARC or FP districts, operational areas are limited to 30% of the total area of the parcel and 50% of the total area of the parcel must be kept natural, landscaped, or used for agriculture.

- 5) Equipment operation and distribution, including retail/wholesale sales, may only occur between the hours of 7:00am to 9:00pm.
- 6) The use shall comply with all applicable Township and local Ordinances, regulations and standards including, but not limited to, the Township Noise Ordinance, stormwater regulations and lighting regulations.
- 7) The applicant must return to the Planning Commission for an annual review for a minimum of two years after receiving the special land use permit, and, thereafter, at the discretion of the Planning Commission. The applicant shall keep an inventory log showing the amount of Composting Intake and the total composted output, which shall be provided to the Township Planning Commission at the annual review and as otherwise requested by the Township.
- 8) An operation located on a parcel 20 acres or less in size in the ARC or FP districts is limited to 3,000 cubic yards of intake material and 3,000 cubic yards of output material per year. Facilities exceeding 3,000 cubic yards of intake and/or output per year may be permitted at the discretion of the Township, but must be located on a parcel that exceeds 20 acres in size, or in the I district.
- 9) An operation may have a maximum of 4,500 cubic yards of compost/composting intake/finished compost on site at any one time, with no more than 1,000 cubic yards being composting intake. Greater volume may be allowed at the discretion of the Township for operations located in the I district or on parcels 20 acres or more in size in the ARC or FP districts.
- 10) The facility must utilize negative aeration systems to reduce the potential of odor leaving the site. The site shall be kept neat and clean and there shall be no noxious odors or garbage affecting neighboring properties.
- 11) In the case of vermiculture, the species of worms that may be used are limited to red wiggler (*Eisenia fetida*), red worms (*Lumbricus rubellus*), and other species that are native to Michigan, at the discretion of the Township.
- 12) All machinery and equipment, except for motor vehicles and trailers used in the conduct of business, shall be stored within a completely enclosed building. Motor vehicles and trailers shall be stored indoors, out-of-view when not in use for longer than a two-week period.
- 13) Retail and wholesale sales on the premises to the general public shall be limited to material created on the site.
- 14) If waste from sorting exceeds one (1) cubic yard per month, that sorting process must be located in the Industrial (I) zoning district.
- 15) All Composting Intake material must be covered or stored so that it is contained and protected from wildlife and leaving the site.