



August 13, 2025

Ms. Andrea Hendrick  
Community Planning & Development Director  
Cascade Charter Township  
5920 Tahoe Drive SE  
Grand Rapids, Michigan 49546-7123

**RE: Proposed Cascade Charter Township Zoning Ordinance; Airport Manager  
Comments Submitted Pursuant to MCL 125.3203(3)(b)**

Dear Ms. Hendrick:

I am writing to you in my capacity as the Airport Manager of the Gerald R. Ford International Airport Authority (the "Authority") to submit these comments pursuant to Section 203(3)(b) of the Michigan Zoning Enabling Act ("MZEA") in advance of the public hearing noticed for August 18, 2025 on Cascade Charter Township's proposal to amend and restate its entire Zoning Ordinance (the "2025 Ordinance"). The Authority respectfully requests that these comments be forwarded to the Planning Commission and Township Board and made part of the record of the public hearing.

For the reasons summarized below—and consistent with the Authority's prior written objections, including, without limitation, those dated August 4, 2023, and June 13, 2025, as well as the Kent County Circuit Court's Order dated October 11, 2024—the Township's wholesale readoption of its Zoning Ordinance remains unlawful and unenforceable as it relates to the Airport. The 2025 Ordinance: (i) continues to rely upon a Master Plan that is void for failure to incorporate the Airport Layout Plan ("ALP") and Airport Approach Plan ("AAP" and together with the ALP the "Airport Plans") as mandated by Section 203(2) of the MZEA; (ii) perpetuates and expands inconsistencies between Township zoning regulations on the one hand, and the Airport's zoning regulations and Airport Plans on the other, in direct violation of Section 203(4) of the MZEA; and (iii) infringes upon the Authority's statutory powers and zoning immunity under the Regional Airport Authority Act, 2015 PA 95 ("Act 95").

Because the legal deficiencies identified by the Court and by the Authority have not been cured, any readoption of the Zoning Ordinance, no matter how styled, would be void ab initio and contrary to the Court's order. We therefore urge the Township to postpone action on the 2025 Ordinance and instead undertake the corrective steps outlined in this letter.

## I. The Township Still Lacks a Valid Master Plan

Section 203(1) of the MZEA requires every zoning ordinance to be “based upon a plan.” Section 203(2) of the MZEA further mandates that, once an ALP or AAP has been filed with a local unit of government, the municipality “shall incorporate” those airport plans into its Master Plan.

The Court has already ruled that both the Township’s 2023 and 2024 Master Plans are void because neither meaningfully incorporated the Airport Plans. The Township’s current Master Plan remains unchanged in this regard, rendering the 2025 Ordinance unsupportable as a matter of law.

Until the Township amends its Master Plan **to expressly adopt, reference, and integrate the ALP and AAP**, and until the future land-use designations for airport-adjacent property are aligned with the Airport Plans, any zoning ordinance adopted or readopted by the Township is invalid as a matter of law.

## II. The 2025 Ordinance Increases, Rather Than Reduces, Inconsistencies with the Airport Plans

Under Section 203(4) of the MZEA, no zoning amendment may “increase any inconsistency” with an ALP or AAP. Yet the 2025 Ordinance not only preserves the incompatibilities embedded in the 2023 amendment and its 2025 “ratification,” it introduces additional conflicts that jeopardize aviation safety, promote incompatible land uses, and impair the Authority’s federally mandated obligations.

By way of example (and without limitation) the 2025 Ordinance:

- Retains recreation, schools, and churches as permitted land uses within 3 runway protection zones in Overlay A. Such uses are inconsistent with the ALP and AAP in that they can (i) increase population densities in areas that the FAA requires and Authority desires to restrict to low population density for safety concerns, and (ii) may encourage the establishment and long-term habitation of wildlife, increasing the risk of bird impacts.
- Continues to require site plan approvals for non-aeronautical uses in the AC District, Overlay A, and Overlay B, despite such uses being necessary for generation of revenue to support aeronautical activities and for the Authority to comply with its grant assurances.
- Now requires special land use permits for hotels, motels, and parking structures within the AC District, which, as above, limits the Authority’s ability to support aeronautical activities and comply with its federal obligations.

Each of these provisions directly conflicts with one or more of the ALP, the AAP, FAA Advisory Circular 150/5190-6, and/or the Airport’s Wildlife Hazard Management Plan, thereby violating Section 203(4).

### III. The Township’s Attempt to Regulate Airport Property Continues to Contravene Act 95

Section 143 of Act 95 confers upon the Authority “all the powers of a political subdivision,” including exclusive jurisdiction over “landing fields and other aeronautical facilities” and the authority to develop “all aspects of the Airport and the Airport Facilities.” The Court has determined that this statutory grant of power immunizes the Authority from Township zoning with respect to property “under the Airport’s control.” We have intentionally limited our comments in this section, as this issue has been repeatedly explained to the Township, thoroughly addressed in prior correspondence, and definitively confirmed by the Court’s order. Nonetheless, we reemphasize the Authority’s earlier comments and the Court’s clear directive: by continuing to require Township site-plan review, special-use approval, overlay restrictions, and stormwater narratives for various uses wholly within Airport boundaries, the 2025 Ordinance unlawfully infringes upon the Authority’s exclusive statutory domain as a matter of law.

### IV. Requested Action

Consistent with the Authority’s prior correspondence and the Court’s October 11, 2024 Order, we respectfully request that the Township take the following steps **before** proceeding with any further action on the 2025 Ordinance:

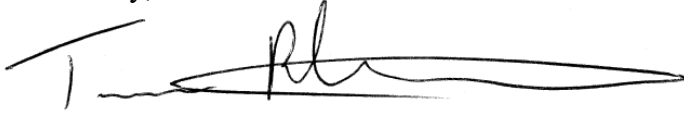
1. **Master Plan Amendment:** Adopt an amendment that fully incorporates the ALP and AAP and aligns all future-land-use designations with those plans. The Authority stands ready to provide all supporting documentation and technical assistance necessary to accomplish this task; and
2. **Ordinance Revision:** Revise the zoning text and map to eliminate every provision that conflicts with the Airport Plans or that purports to regulate Airport property in violation of Act 95; and
3. **Stakeholder Collaboration:** Re-engage with Airport staff and MDOT Aeronautics to develop an airport-compatible zoning framework that satisfies federal and state safety guidance while respecting the Authority’s statutory prerogatives.

### V. Conclusion

The Authority values its longstanding partnership with Cascade Charter Township and remains committed to fostering safe, compatible, and mutually beneficial development. Nevertheless, it cannot acquiesce in the Township’s continued disregard of controlling state law and the Court’s binding Order. We therefore urge the Planning Commission **not to recommend** the 2025 Ordinance for adoption and to direct Township staff to work cooperatively with Authority staff to correct the deficiencies outlined above.

Please include this letter in the official public-hearing record and provide copies to the Planning Commission and Township Board. Should you have any questions or wish to discuss these matters further, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Richardson', written over a horizontal line.

Torrance Richardson, A.A.E.  
President & CEO  
Gerald R. Ford International Airport Authority

Hi Andrea,

It was a pleasure to meet with you on August 6 to discuss the proposed zoning, our neighborhood concerns, and the township's response. At that meeting, I committed to sending written feedback after reviewing the updated zoning ordinance draft, which corrected a formatting error in the Schedule of Regulations Table. I have reviewed the updated draft with corrected pages 6-77 and 6-78. Although all of the original concerns are detailed below, those affected by the corrected draft are noted. Page references are to the updated draft unless otherwise stated.

Our concerns are in 4 areas.

1. The draft proposal is out of alignment with the Strategic Plan adopted in 2022 and the Master Plan adopted in 2024. The 2022 Strategic Plan (page 13) identifies prime parts of the village around Cascade Road and Thornapple River Drive as proposed park acquisition area. The 2024 Master Plan (page 83) identifies that same land as park or green space target area. The draft zoning ordinance is inconsistent with those because it proposes to zone much of it as Form Based Code (FBC). Because these locations are prime village area and near the river, **we request that the township prioritize buying these locations to benefit all Cascade residents** instead of changing them to FBC which could make these prime spots irresistible to developers.
2. The proposals do not seem supported by objective data and ignore the obvious traffic and speed problems along Cascade Rd, Thornapple River Drive, Old and New 28<sup>th</sup> Streets. They do not address impacts to the environment, surrounding residential neighborhoods, parking congestion, and additional costs of increasing village density. No data has been presented on projected increased revenue and forecasting. No data has been presented on FBC. Cascade is not in financial trouble, and these extreme changes are not justified with any objective data. **Additional data should be collected and presented before proposed changes are made. The data should support any recommendations.**
3. The proposals could benefit developers, outsiders, and others looking to profit at the expense of current residents. This is not the mission of the township. OHM Advisors, the contractor at the April 17, 2025, meeting mentioned "attracting investment" to the village and marketing Cascade throughout their presentation. This is an inappropriate objective. **We ask that the township prioritize the residents and taxpayers who have already invested in Cascade and appreciate the natural beauty and tranquility of the village over attracting new investment.**
4. Residents will lose some things that are hard to measure such as the quaint residential feel of a bedroom community that sets it apart from more densely developed areas. We will lose open spaces and some wildlife. Residents that border zones being changed to FBC will lose privacy and views while bearing the costs of increased noise, congestion, and traffic. Some residents bear a greater burden than others. The residential neighborhoods that border zones being changed to FBC bear the burden of:
  - a) Developments much closer to lot lines than under existing code - The table on page 83 of the first draft shows the minimum setbacks in F-VF, F-O28 and F-VC districts to be as little as 0 and 3 feet for side yards and 10 feet from rear lot lines. The updated draft on page 84 shows different setbacks but alarmingly seems to show no side yard or rear yard minimums in several areas of the FBC. This would be a significant change that would harm neighbors bordering FBC. **We ask that the township include restrictions that provide the same buffer zone currently in place between residential neighborhoods and areas being proposed to be changed to FBC.**

- b) Buildings of potentially unlimited height as neighbors – Page 112 specifically “encourages the use of vertical mixed-use development” and Section 8.2 on page 113 states “the maximum building height may be expanded to allow for additional housing units or other permitted uses”. **We ask that a clear and firm limit on vertical development be included in the zoning ordinance for FBC districts.**
- c) Blocked views - Section 8.2 on page 113 states “the maximum building height may be expanded to allow for additional housing units or other permitted uses”. **We ask that a clear and firm limit on vertical development be included in the zoning ordinance for FBC districts.**
- d) Increased noise – Section 8.2 on page 113 provides that as long as new construction meets the Building Envelope and Design requirements there is “no limit” on the residential density. **We ask that a clear and firm limit on residential density be included in the zoning ordinance for FBC districts.**
- e) Increased congestion - Section 8.2 on page 113 provides that as long as new construction meets the Building Envelope and Design requirements there is “no limit” on the residential density. Page 83 of the original draft allowed a “Minimum Dwelling Unit” of 500 square feet and 150 feet per bedroom for the areas to be rezoned as FBC. The updated draft on page 85 changes the “Minimum Dwelling Unit” to 650 square feet and 150 feet per bedroom. This is still a concern unless minimal dwelling units are allowed. **We ask that a clear and firm limit on residential density be included in the zoning ordinance for FBC districts.**
- f) Decreased wildlife and nature - The table on page 83 of the first draft shows the minimum setbacks in F-VF, F-O28 and F-VC districts to be as little as 0 and 3 feet for side yards and 10 feet from rear lot lines. The updated draft on page 84 shows different setbacks but alarmingly seems to show no side yard or rear yard minimums in several areas of the FBC. Wildlife needs setbacks to move between buildings. **We ask that existing B-1 side yard and rear yard setbacks be retained as FBC district setbacks to allow for free movement of deer, turkeys, and other wildlife in Cascade.** These are in Table 8-A on page 59 of the current ordinance.

Summary:

Even though change is inevitable, careful consideration must be given to prevent unintended consequences. Decisions should be data driven. More data needs to be collected to determine the impact of the recommended changes. If FBC is ultimately adopted after the collection and analysis of objective data, the language should be changed to include thoughtful restrictions that protect current taxpayers, residents and business owners who have already invested in Cascade and appreciate its existing village charm and character. We propose this can be accomplished by the following roadmap:

1. Prioritize acquisition of prime village area as park or green space as outlined in the Strategic Plan and Master Plan to benefit all Cascade residents.
2. Collect, analyze, and present additional data regarding proposed changes before adoption.
3. If Form Based Code and the accompanying zoning changes are adopted, the new ordinance should
  - a. Prioritize the residents and taxpayers who have already invested in Cascade and appreciate the natural beauty and tranquility of the village over attracting new investment.
  - b. Include restrictions that provide the same buffer zone currently in place between residential neighborhoods and areas being proposed to be changed to FBC.
  - c. Provide a clear and firm limit on vertical development for FBC districts.
  - d. Provide a clear and firm limit on residential density for FBC districts.

- e. Retain existing B-1 side yard and rear yard setbacks as FBC district setbacks to allow for free movement of wildlife.

Thank you for the opportunity to share our concerns and collaborate on effective solutions. We appreciate your dedication to public service and all that you do to benefit the residents and taxpayers of Cascade.

Sincerely,

Michelle and Dan Lauer  
2992 Overlook Summit Dr. SE  
Grand Rapids, MI 49546  
(616)430-6905