

MINUTES

Cascade Charter Township
Planning Commission
Monday, July 12, 2021
7:00 P.M.
2870 Jacksmith Ave SE

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

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Deering to approve the current Agenda. Supported by Member Katsma. Motion carried 8 to 0.

ARTICLE 4. Disclosed Any Conflict of Interest

No Member Disclosed any Conflicts of Interest

ARTICLE 5. Approve the Minutes of the June 21, 2021 Meeting.

Motion was made by Member Katsma to approve the Minutes of June 21, 2021. Supported by Member Noordyke. Motion carried 8 to 0.

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

There were no comments made.

ARTICLE 7. Case #21-3644/Thornapple Pines LLC Public Hearing Property

Address: 7650 Timber Bluff

Requested Action: The applicant is requesting approval to add a lot (7650 Timber Bluff) to the Timber Bluff private street. The public hearing is to consider exceptions to the private street regulations in order to accommodate the additional access to the private street.

Planner Hilbrands stated the applicant is requesting an exemption from the private street ordinance to allow 7650 Timber Bluff to be added to the private street for access. Timber Bluff was created in the late 70's and most of the road meets the private road design standards with the exception of the most southern portion, approximately the last 200 feet.

There was a lot split in 1996 and 7670 Timber Bluff was allowed to be split to create a 3 acre parcel and the remaining property (7650 Timber Bluff) was to be added to the adjacent parcel. The owner at the time did not complete the combination and so 7670

Timber Bluff does not have access to the existing Timber Bluff private road easement. This results in the addition of a lot to the non-conforming road.

After an inspection, Timber Bluff is considered non-conforming, at the southern end, for a variety of reasons:

- a. The width of easement is less than 66 feet
- b. Lack of a turnaround
- c. Road width – less than 18 feet
- d. There are no shoulders
- e. The grade is greater than 6%
- f. The maintenance agreement does not include the required disclosure statement.

Timber Bluff currently serves 14 parcels up to the original end of the road and another two (2301 Buttrick and 7670 Timber Bluff) for a total of 16 parcels. Adding 7650 Timber Bluff would increase the number of parcels to 17 and 19 parcels is the limit for dead end private streets.

One of the reasons an existing non-conforming private road is required to be brought up to standards is when a lot is added to the road. There are opportunities for design modifications to be requested so the property owner does not have to meet all the standards.

The Township Board has granted several exceptions over the years and generally attach conditions requiring some type of improvement. The applicant stated they have no plans to build on or develop the lot at this time.

Private road exception requires a public hearing at the Planning Commission who then make a recommendation to the Township Board for final consideration.

Planner Hilbrands stated that staff recommends approval of the private street exception based on the memo from the Fire Chief with the following conditions:

1. Provide a recorded deed restriction that requires the property owner to upgrade the road or request another exception before the property can be built on or split.
2. The deed restriction must be approved by the township prior to it being recorded.

(Member Meurlin joined the meeting).

The applicant spoke with Planner Hilbrands and stated after the public hearing they would like the decision tabled in order to put together the deed restriction and then have the Planning Commission consider the request with the deed restriction. Legal counsel was okay with that request.

Member Noordyke asked if the request is tabled after the public hearing, will another public hearing be required with the addendum? Planner Hilbrands stated one public hearing is required but staff can inform the homeowners association of the follow up meeting but another public hearing is not required. Member Noordyke stated due to the amount of public at the meeting for this case, he would like notices sent out again for the next meeting.

Member Meurlin apologized for being delayed and requested to recuse himself from the case due to his history with Amway and the families.

Chair Rissi asked the applicant for comments. Attorney David Smith stated he is representing the applicant along with Katie Donaldson. Attorney Smith stated the reason this is coming up now is because there is a private sale in the works. The two lots with adjacent acreage are intended to be sold but with no development. The purchaser wants to make sure there is access to the parcels. The Township design standards, as interpreted by the township, states Timber Bluff must conform to the current standards, but there can be an exception. The Fire Chief has raised concerns, which the attorney and applicant understand, that when the parcel (Parcel I(R)) is built upon, the fire chief would like to make sure there is emergency access and a turnaround for access. The attorney did not have time to prepare a deed restriction before the meeting. That is why they are asking for the item to be tabled. Attorney Smith states the township ordinance requires a maintenance agreement, which does exist for the rest of the private road but a maintenance agreement would have to be developed for the Parcel H & I. They also understand that any other construction would have to satisfy any other ordinance requirements and the township would be deemed as a party in the document. However, there is no intention to develop this property but simply trying to implement the easement that was established in 1979.

Motion was made by Member Noordyke to open Public Hearing. Supported by Member Rapin. Motion carried 8 to 0.

Chairman Rissi asked for comments from the public. Stacy Beauford is the President of the Timber Bluff Architectural Committee. He had a chance to meet with Planner Hilbrands. A lot of residents on Timber Bluff felt communication has been a little sparse. They received the notice but did not have a lot of the details. The concern is that although the applicant's attorney states the lot will not be developed, they want to know what the cost will be to the neighborhood and what is the neighborhood's obligation? Mr. Beauford does not know who the purchaser is but they were concerned about whether the lot would be developed, safety concerns, cost to existing residents on the street and the future of the property.

David Overholt, 7673 Timber Bluff Dr., requested that the deed restriction refer to the Timber Bluff architectural committee covenants to make sure any future development be in line with the existing covenants.

Bill Mills, 2161 Hearthside, was inquiring where Parcel I(remainder) is and asked which parcel is being sold. Chairman Rissi indicated parcel I(R) is being sold. Mr. Mills asked even though they are stating the parcel will not be built on there is no guarantee that won't happen. Chair Rissi stated the applicant would like to leave their options open for the future. Mr. Mills asked why access wasn't considered when these were previously split. Chairman Rissi stated the information is available on the township website regarding the case.

Scott VanLente, 2154 Hearthside Dr., asked that part of the easement seems to be part of the driveway. Is there a deed restriction regarding the driveway? Why would the applicant want special consideration not to create the regular road but no consideration to not develop the road into an addition to the road? Member Noordyke stated they are asking to

extend the road that is existing and should they decide to do some improvements, they must follow the Fire Chief recommendations. Mr. VanLente then asked about the purchase of the property and the road not accessing other properties. He wants some real information and does not want a house behind him.

Motion was made by Member Deering to close the Public Hearing. Supported by Member Rapin. Motion carried 8 to 0.

Chairman Rissi asked is Fire Chief Magers would like to address the Planning Commission. Chief Magers asked for questions from the board. Member Noordyke asked the Chief to give a summary of what he would request if the property were developed. Chief Magers stated the fire department doesn't give an option on whether a property is developed but offers information on emergency access. With this request, the fire department felt without a house or plan, there wasn't a lot to offer but was concerned about access for emergency trucks on this road if it were to develop.

Member Moxley asked what the slope is on the road? Chief Magers believes its about 10% and that is the max they like to handle.

Chair Rissi asked about the distance of the area. He felt it was around 250'. Chief Magers agreed and stated he spent some time back there looking at the area.

Attorney Smith returned to the podium to answer questions. He stated the communication wasn't great and Katie will meet with the architectural committee to discuss issues like cost and safety. Attorney Smith said the buyer has no intention to develop the property but the buyer has every right to develop the property. Attorney Smith offered information about the other private roads in the area. Member Rissi asked if all three parcels have access or just Parcels I&H? Attorney Smith stated, to his knowledge, just I&H.

Member Noordyke asked if the buyer can be disclosed. Attorney Smith said No, he represents the seller.

Member Korstange asked if the three parcels are owned by the same entity and if they paid for road maintenance? Attorney Smith indicated yes, they are owned by the same entity but he doesn't know if they contribute to the road maintenance.

Motion made by Member Noordyke to table to allow Attorney Smith to come back with a recommendation on the deed restrictions. Supported by Member Rapin. Motion carried 8 to 0.

Chairman Rissi stated this item will be on a future meeting and requested staff to send out notices to the neighbors. The notice should make a reference to the website.

**ARTICLE 8. Case #21-3640 Cascade Township
Public Hearing**

Requested Action: To amend the zoning ordinance to allow Temporary Outdoor uses as a use permitted by right and permitted by administrative site plan approval with certain criteria.

Planner Hilbrands stated at the June 7 Planning Commission meeting, a public hearing was scheduled for a potential zoning amendment. The Township has been doing this during COVID to allow businesses a streamlined approval for temporary outdoor uses with administrative site plan approval.

Member Meurlin inquired about the timeframe for approval and questioned whether a year is temporary.

Chairman Rissi was concerned about the 12-month timeframe. Member Meurlin felt a different outdoor structure is needed if it goes for the entire year and thought it was more seasonal.

Planner Hilbrands states some of the businesses have been using these regulations year around.

Chairman Rissi asked how many businesses have been using these regulations? Planner Hilbrands stated 5 or 6.

Member Meurlin asked if the fire department would have to approve any heating element that is used? Planner Hilbrands stated approval from the building inspector and fire department is required.

Motion was made by Member Rapin to open Public Hearing. Supported by Member Noordyke. Motion carried 9 to 0.

No public comments were made.

Motion was made by Member Meurlin to close the Public Hearing. Supported by Member Korstange. Motion carried 9 to 0.

Chairman Rissi mentioned timing and electrical concerns seemed to be the biggest concerns but feels that needs to be left to the building official and fire department.

Member Katsma asked if the use can be approved by the building official for a 3 season or 4 season use.

Member Korstange stated maybe we need to look at this in a couple different ways, either as an emergency temporary use or something more permanent.

Member Meurlin stated the site plan should be specific. This requires a little more careful thought due to aesthetics, etc.

Planner Hilbrands stated he felt this was a general benefit for all businesses in the township and it has been well received by the business community.

Member Noorkhoek stated pre-pandemic we had restaurants using outdoor seating. During the pandemic these regulations were fine but now that the pandemic is over, the township should go back to the pre-pandemic regulations.

Member Rissi asked if there is a difference between the igloos and wooden structures. Planner Hilbrands stated pre-pandemic these could be used on an existing patio but could not spill out into the sidewalk or parking lots.

Member Deering stated as fall or winter approach there may be people not comfortable with indoor seating and she is supportive to offer the ability for restaurants to provide outdoor seating. It also lends to the vibrancy of the business community.

Chairman Rissi stated if the timeframe were shorter that may discourage some businesses from putting up temporary structures. Member Rapin indicated there is a cost for businesses to put these up and a longer timeframe may produce a nicer product.

Member Deering stated the pandemic is not over for the business community.

Member Noordyke asked if the Planning Commission can recommend this with structures removed by December, 2022 and then it can be considered during the master plan discussion.

Member Noordhoek stated that this hasn't been a problem and the businesses that have requested it have received approval.

Member Katsma likes the idea of the extension but with a review of every 6 months.

Member Korstange asked staff what other communities are doing with these temporary, outdoor structures.

Chairman Rissi asked staff to reach out to businesses and inquire whether they want these and how long is reasonable to have these structures.

Member Noordyke stated he see's more than 5 or 6 businesses with these structures and asked if staff is looking the other way.

**Motion made by Member Meurlin to table. Supported by Member Noordyke.
Motion carried 9 to 0.**

ARTICLE 9. Review 2021 Work Plan

Chairman Rissi stated his intent was not to get into a long discussion about editing the work plan. There are a lot of new Planning Commission members and he wanted the commission to see the plan and review it.

Member Meurlin asked whose work plan it is since there are a variety of projects included.

Chairman Rissi stated the work plan was developed after a joint meeting with boards/commissions. The topics were received from community surveys.

Member Meurlin stated he does not understand why the Gathering Space is number one on the work plan due to comments from the board meeting. The township website has problems and does not reflect Cascade. The work plan should be PFAS focused. We know we are not getting into potential projects with the airport. If this work plan is from 2019, the work plan is dated and provides irrelevant information.

Member Noordhoek stated a current line of questions is being developed for the strategic plan.

ARTICLE 11. Old Business

Barrier at Library property along south property line – Planner Hilbrands stated he spoke with Manager Swayze regarding this request. Manager Swayze spoke with the library and they had no concerns and did not feel a barrier was needed.

Member Meurlin stated this is Township property and not library property so the township would be liable for incidents.

Member Moxley stated they have filled the slope in but it's still a 45-degree slope out there and he considers it dangerous.

Member Meurlin stated we are not doing anything about it because of the library.

Assistant Manager Fast reiterated Manager Swayze made the decision on the barrier.

Chairman Rissi suggested it gets reviewed again and if it's still a concern they reach out to Manager Swayze.

Member Moxley suggested there is a line of trees that a person could walk through and roll down the hill. He believes we need barriers with orange tape.

Member Meurlin asked if the property is in compliance with the approved grading plan.

Member List – Chairman Rissi believes Cassie sent a member list but commission members have not received one. Planner Hilbrands stated he can send a member list out.

Assistant Manager Fast stated if any member needs a picture taken, either Katie (Human Resource Generalist) or Assistant Manager Fast could help with that.

Rules of Conduct – Chairman Rissi stated this has been discussed quite a bit and

Member Meurlin worked on it and presented it to Chairman Rissi. The information in the packet is for introduction and Member Meurlin will highlight some items. The members will take it home and review it further and bring it back for additional discussion.

Member Meurlin stated this addresses the policy issues and allows input from the Planning Commission at the next meeting. After they are approved by the P.C., it will be presented to the Township Board. He questioned whether these rules of conducts only for legal compliance or transparency. He asked if Cascade has some general ethical principles of behavior?

Assistant Manager Fast stated there is a personnel manual.

Member Meurlin continued to discuss the rules of conduct.

Member Rissi commented on the Disclosure of Conflict and stated that there is a fine line when a member should recuse themselves from an agenda item.

Member Korstange stated she thought the Planning Commission was going to put together Rules of Conflict but this seems more like a survey and she was not sure how to respond to it.

There was discussion on what information the attorney needs to put a document together.

Chairman Rissi stated the Planning Commission needs to bring this back at the next meeting before discussing with legal counsel. This is a document to get the members thinking.

ARTICLE 12. Any Other Business

Strategic Plan

Member Noordhoek stated the Strategic Plan is going to be very detailed and labor intensive and the Planning Commission is going to be very involved in the process. He stated Member Meurlin is going to write a document about how the Planning Commission will be involved.

Member Meurlin stated the Township Board agenda has an agenda item to discuss the Strategic Plan. This process will help align citizens, government, staff and board of trustees and commissions. The goal is to front load the process to get input from the citizens.

Member Rissi asked if the members had an opportunity to read the letter and resolution Member Meurlin put together for the township board.

Member Meurlin stated the Strategic Plan must come to the Planning Commission for approval before it goes to the board.

Member Noordyke stated he thinks the letter and resolution are well written and there is nothing controversial in the document.

Member Moxley stated he thinks it is a great document and questioned what CIP (Capital Improvement Plan) is? He had a few other changes.

Motion made by Member Noordyke to adopt the resolution with removing the Charlevoix median strips, fixing the vision typo and defining the CIP acronym. Supported by Member Moxley.

Member Rapin stated he has not read the document and asked if he should abstain from the vote. He was told to abstain.

Motion approved 8 to 0 with Member Rapin abstaining.

Roundhill Development

Member Moxley stated he was at the Roundhill Development and he is very concerned about the retaining wall constructed by the developer as well as the slope. He spoke with Brian Wilson at the Township Building Department to inquire about code issues. Brian Wilson stated the 2015 Building Code does not make provision to putting some type of guard rail in place unless there is some type of sidewalk, etc. in place. Member Moxley stated he feels a letter should be sent to Brian Wilson regarding this concern and that a fence/barrier must be in place before building permits are issued for units 5 & 6. He read the letter to the Planning Commission that he would like to submit to the Building Department on behalf of the Planning Commission.

Discussion followed about making this request. It was decided to accept the letter with the addition that this is looked at on a township wide basis.

It should be sent to Brian Wilson and copy the Supervisor.

ARTICLE 13. Adjournment

Motion was made by Member Meurlin to adjourn. Supported by Member Katsma. Motion carried 9 to 0. The meeting was adjourned at 9:34 p.m.

Respectfully submitted,
Brett Katsma, Secretary