

MINUTES
CASCADE CHARTER TOWNSHIP PLANNING COMMISSION
MONDAY, October 7, 2024
7:00 pm
2870 Jacksmith Ave SE

ARTICLE 1. Vice Chair Rissi called the meeting to order at 7:00 pm.
Members Present: Bruneau, Rissi, Noordyke, Rowland, Richardson
Members Absent: Chair Moxley (Excused), Noordhoek
Others Present: Community Planning and Development Director (CP&D Director) Andrea Hendrick, Planning Consultant Danielle Bouchard of McKenna, Legal Counsel (LC) Laura Genovich of Foster Swift, Planning Administrative Assistant Nick Govan and others listed on the sign-in sheet.

ARTICLE 2. Pledge of Allegiance to the Flag

ARTICLE 3. Approve the current Agenda

Motion was made by Secretary Noordyke to approve the current agenda. Supported by Member Bruneau. Motion carried 5 to 0.

ARTICLE 4. Disclose any Conflict of Interest

Secretary Noordyke disclosed a possible conflict due to having done business in the past with Mr. Schrader of Case 24-3859 Cascade Carts LLC and father before him. He also noted that he and Mr. Schrader have no outstanding business transactions.

Member Bruneau disclosed that he had a personal home battery system.

ARTICLE 5. Approve the Minutes of the September 16, 2024 Meeting.

Member Bruneau provided a list of clarifications and changes that needed addressing:

1. Article 7. conditions of approval number 6. changing "withing" to "within".
2. Article 8. second paragraph remove repeated word "was".

Motion was made by Secretary Noordyke to approve the minutes of the September 16, 2024 meeting with the edits provided by Member Bruneau. Supported by Member Bruneau. Motion carried 5 to 0.

ARTICLE 6. Acknowledge visitors and those wishing to speak.

There was no one wishing to speak.

ARTICLE 7. Case #24-3859 – Public Hearing

Applicant: Cascade Carts LLC

Property Address: 2756 Kraft Ave

Parcel Number: 41-19-08-351-031

Requested Action: Special Use Permit to store and sell golf carts at a site with an existing principal use, Oneill's Body Shop.

Planning Consultant Danielle Bouchard of McKenna presented the request for special land use approval for Cascade Carts LLC to sell and store golf carts at

2756 Kraft Avenue, currently O'Neill's Body Shop. She explained that the applicant intends to display up to four golf carts outdoors, with six total on-site. Bouchard noted that the current zoning ordinance does not specifically regulate golf carts, so staff interpreted the request as an accessory use with special land use approval for recreational vehicle sales and service. The site is approximately 1.1 acres in the B2 General Business District. Staff found no major concerns regarding character change or essential services and recommended approval with conditions.

The applicant, Scott Schrader, provided additional information about the proposed golf cart sales operation. He stated that they plan to display a maximum of 4 carts in front of the building, but likely only 2 most of the time to avoid cluttering the parking area. Schrader confirmed there is ample room for test driving on the property, indicating a specific unloading area that wouldn't block traffic. He emphasized that the body shop remains the primary business, with golf cart sales being a secondary venture.

During the ensuing discussion, members raised various concerns and sought clarifications. Member Bruneau inquired about the test-driving location, expressing worry about the accident-prone nature of the nearby intersection. Schrader assured the commission that test drives would be contained within the property boundaries.

The topic of licensing requirements for selling golf carts was brought up by Secretary Noordyke. Schrader explained that according to his research and information from the manufacturer, a license might not be required for golf carts without VIN numbers, but he was having his lawyer verify this information.

Member Rowland asked about plans for additional signage. Schrader expressed interest in adding signage to the front building but acknowledged he would need to work with staff on size requirements and approvals.

Community Planning and Development Director Hendrick addressed the licensing concern, suggesting that if any licenses are required by the state, obtaining them could be made a condition of approval. This approach would ensure compliance while allowing the application to move forward.

The potential for future expansion of the business was also discussed, with concerns raised by Member Rowland about the possibility of the operation evolving into car sales. Members agreed to add this as a condition to prevent such expansion without further approval.

Throughout the discussion, Schrader reiterated that the golf cart sales operation would be small-scale, with minimal impact on the existing body shop business and surrounding area. He also confirmed that the golf carts are electric and that no outdoor charging is planned.

Motion was made by Secretary Noordyke to open public hearing. Supported by Member Bruneau. Motion carried 5 to 0.

There was no one wishing to speak.

Motion was made by Secretary Noordyke to close public hearing. Supported by Member Bruneau. Motion carried 5 to 0.

Motion was made by Secretary Noordyke to APPROVE Case Number 24-3859, for a Special Use Permit to store and sell up to six golf carts as an ancillary use to the existing business for 2756 Kraft Avenue with the following conditions:

- 1. The parking lot to be restriped to clearly delineate parking areas.**
- 2. The applicant shall provide the Township with proof of any required license obtained by the State of Michigan for the sale of golf carts.**
- 3. The applicant has no more than four golf carts on display at any one time. The total golf carts on site is limited to six.**
- 4. Test driving of golf carts are limited to the property and do not take place anywhere off site.**

Supported by Member Bruneau. Motion carried 4 to 1.

Yeas: Rissi, Noordyke, Richardson, Bruneau.

Nays: Rowland.

ARTICLE 8.

Case #24-3863

Applicant: Grooters Land Development LC

Property Address: 5400 International Parkway

Parcel Number: 41-19-31-200-044

Requested Action: Site Plan review for a 112,204 sf warehouse distribution facility.

Planning Consultant Bouchard presented the request for site plan approval to construct a 112,204 square foot warehouse and distribution facility. She noted this was the third time the project had come before the Planning Commission due to lapsed approvals, with the original approval dating back to 2019. The site is approximately 7 acres in the Meadowbrook PUD. Bouchard explained that the proposed structure meets setback and height requirements, but parking has been reduced from the previously approved 101 spaces to 79 spaces. She recommended approval with conditions.

Justin Longstreth of Moore & Bruggink Engineers, representing the applicant, addressed questions from the Planning Commission. He explained that the proposed parking reduction from the previously approved 101 spaces to 79 spaces was due to the expected low number of employees, estimating only 5-10 would occupy the building. This sparked a discussion about parking requirements and future flexibility.

Member Rowland expressed concern about the significant reduction in parking spaces, questioning whether it would be sufficient if the building's use changed in the future. Longstreth reassured the commission that the majority of the parking spaces constructed on site would likely never be used, given the nature of the warehousing operation.

The conversation then shifted to the 14 trailer parking spaces shown on the plan. Member Bruneau inquired about their necessity and potential impact. Longstreth clarified that the construction of these spaces would be tenant-driven and may never be built, depending on the eventual occupant's needs.

Member Bruneau raised concerns about the preservation of mature trees,

particularly along International Parkway. He noted a few of these large trees, including 8-inch and 14-inch specimens, and suggested preserving trees over 8 inches in diameter. Longstreth responded positively to this suggestion, expressing willingness to work with the CP&D Director on maintaining existing vegetation where possible.

Member Rowland asked about the existing wooded areas and their potential to screen the trailers from view. Longstreth explained that much of the existing vegetation was within the old railroad right-of-way, providing some natural screening.

CP & D Director Hendrick clarified that they could work administratively on the landscaping plan if the commission communicated their desires clearly. She noted that the administrative flexibility was allowed under the provisions of the PUD. The commission then revisited the parking issue, discussing the need to balance current needs with potential future changes in use. Member Bruneau pointed out that the proposed parking appeared to exceed the PUD's 25% deferral limit. Longstreth assured the commission that they could easily build more of the reserved parking if required, without needing to reduce the building size.

Motion was made by Member Bruneau to APPROVE Case Number 24-3863, for Site Plan approval of the proposed 112,204 square foot warehouse facility located at 5400 International Parkway, revised date of 09-25-2024 with the following provisions:

- 1. The applicant shall construct a total of 57 spaces and the remaining 25% of the required 75 parking spaces may be deferred.**

Furthermore, the following conditions shall be placed on the approval:

- 1. The applicant shall obtain all required permits and approvals from the following entities prior to any improvements taking place.**
 - a. Kent County Drain Commission**
 - b. Kent County Road Commission**
 - c. Cascade Township Building Department**

Supported by Member Rowland. Motion carried 5 to 0.

ARTICLE 9.

Case #24-3864

Zoning Ordinance Amendments for Compatible Renewable Energy Ordinance (CREO)

Requested Action: To consider text amendments to the Zoning Ordinance for Chapter 3 - Definitions, Chapter 14 – AC (Airport Commerce) District, Overlay Districts and Chapter 17 – Special Uses.

Legal Counsel Laura Genovich of Foster Swift presented the proposed ordinance amendments to comply with PA 233 of 2023, which limits local control over certain renewable energy projects. She explained that the amendments create compatible renewable energy ordinances for solar and battery storage systems, but do not include wind energy due to the lack of suitable land in the township. LC Genovich emphasized that the ordinances are structured to provide additional protections while complying with PA 233.

She provided background on the new state law, explaining that it applies to wind projects with a nameplate capacity of 100 megawatts or more, solar energy projects of 50 megawatts or more, and battery energy storage projects of 50 megawatts or more with a discharge capability of 200 megawatt hours or more. LC Genovich stressed that if a municipality does not have a compatible ordinance, developers can bypass local approval and go directly to the Michigan Public Service Commission.

Member Richardson questioned the decision to exclude wind energy, noting that future technological advancements might make smaller wind installations feasible. LC Genovich clarified that the township could adopt wind energy regulations in the future if circumstances changed.

Member Bruneau raised concerns about definitions in the proposed ordinances. He pointed out that the definition of a utility-scale battery energy storage facility seemed broad enough to potentially include residential-scale installations. LC Genovich acknowledged this concern and explained that the language was based on industry standards but could be refined if needed.

Member Bruneau also raised concerns about the definition of energy storage, noting that it seemed to focus solely on battery technology. He pointed out that emerging technologies, such as using elevated weights for potential energy storage, might not be covered by the current definition.

CP & D Director Hendrick acknowledged Bruneau's point, stating, it's similar to pump storage or something that are not necessarily a battery. She said it's something to be noted, and it can be clarified if it's recommended to the Board.

LC Genovich added that while the term "battery" was used, the intent was to cover energy storage more broadly. She explained that they're effectively the same. However, she agreed that the language could be reviewed for clarity.

The discussion then turned to the potential impact on existing small-scale solar installations. Member Bruneau asked about the legal status of current residential solar arrays if the new ordinance was adopted. CP & D Director Hendrick explained that existing installations had been permitted as accessory structures, but the new ordinance might require a closer examination of how these are regulated. LC advised current installation are not necessarily grandfathered in but are to be reviewed on a case by case basis.

Member Bruneau inquired about the concept of a "workable" ordinance versus a "compatible" ordinance. LC Genovich explained that a "workable" ordinance is not a legal term but rather an industry concept for ordinances that are slightly more restrictive than PA 233 requirements but still acceptable to developers. She cautioned that adopting an "workable" ordinance could risk developers bypassing local control entirely.

Member Bruneau expressed interest in pursuing a "workable" ordinance approach, suggesting it might give the township more negotiating power with potential developers. LC Genovich advised against this strategy,

explaining that it could leave the township vulnerable and that the proposed compatible ordinance still included important protections not covered by PA 233.

Motion was made by Secretary Noordyke to open public hearing. Supported by Member Bruneau. Motion carried 5 to 0.

There was no one wishing to speak.

Motion was made by Secretary Noordyke to close public hearing. Supported by Member Bruneau. Motion carried 5 to 0.

Throughout the discussion, LC Genovich emphasized the importance of adopting a compatible ordinance before the November 29, 2024 deadline to ensure the township retained as much local control as possible over future renewable energy projects.

Motion was made by Secretary Noordyke to recommend APPROVAL of the amendments to the Zoning Ordinance to Regulate Utility-Scale Battery Energy Storage Systems and the amendments to the Zoning Ordinance to Regulate Solar Energy Systems Township Board as presented to the Planning Commission.

Supported by Member Rowland. Motion carried 4 to 1.

Yeas: Rissi, Noordyke, Richardson, Rowland.

Nays: Bruneau.

ARTICLE 10. Acknowledge visitors and those wishing to speak.

There was no one wishing to speak.

ARTICLE 11. Other Business

Member Rissi suggested discussion on parking standards when developing the draft for the new Zoning Ordinance due to so many recent requests to defer and the changing norms of parking needs. Member Rowland suggested notifying residents near commercial developments, even when not legally required, to improve community engagement. The commission also requested an update on the Wormies business and its required review, as there had been no complaints but the commission wanted to ensure compliance with previous approval conditions. Concern was raised about smoking cigars on the Watermark's outdoor deck, which may violate previous approval conditions. Questions were also raised about the progress of the new cemetery development, with CP & D Director Hendrick noting they were in the process of reviewing the file.

ARTICLE 12. Adjourn

Motion was made by Secretary Noordyke to adjourn. Supported by Member Bruneau, Motion carried 5 to 0. The meeting adjourned at 8:46 pm.

Respectfully submitted,
Chris Noordyke, Secretary