

MINUTES

Cascade Charter Township Planning Commission
Monday, April 18, 2016
7:00 P.M.

ARTICLE 1. Chairman Waalkes called the meeting to order at 7:00 PM.
Members Present: Katmsa, Lewis, Mead, Pennington, Rissi, Robinson, Sperla, Williams
Members Absent: All were present.
Others Present: Community Development Director, Steve Peterson, and others listed on the sign in sheet.

ARTICLE 2. Pledge of Allegiance to the flag.

ARTICLE 3. Approve the current Agenda.

**Motion by Mmember Lewis to approve the Agenda. Support by Member Sperla.
Motion carried 9-0.**

ARTICLE 4. Approve the Minutes of the March 21, 2016 meeting.

Motion by Member Lewis to approve the minutes of the March 21, 2016 as written. Support by Member Pennington. Motion carried 9-0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items (Comments are limited to five minutes per speaker.)

No one wished to speak on a non-agenda item.

ARTICLE 6. Case # 16:3299 Dan Kampuis

Public Hearing

Property Address: 5800 Thornapple River Drive SE

Requested Action: The applicant is requesting the rezoning of 5800 Thornapple River Drive.

Director Peterson stated that this is a rezoning request from Agricultural to R1 Residential. It is important to remember this is a straight rezoning request from Agricultural to Residential, there are no development plans. The property is in the southern middle of the Township at Thornapple River Drive and 60th Street. The Future Land Use Plan has it in the category of Suburban Residential. We rely on this Master Plan to decide whether the change makes sense. In terms of the Future Land Use Plan, what they are proposing is actually what the Master Plan foresees as that area changing. This property used to be zoned R1 Residential

and they rezoned it to Agricultural to accommodate tree farming activity and to take advantage of some agricultural exemptions. Now they would like to change this back to Residential. A couple of the main differences between Agricultural and Residential are:

- Minimum Lot Size
 - Agricultural is 2.2 acres
 - Residential is 40,000 sq. ft.
 - Subdivision lots are smaller but utilities must be available and while it is in our Utility Service Boundary there are not any available nearby and nothing is planned.

Currently they have a tree farm and if it is rezoned back to Residential the tree farm would have to be grandfathered in.

The state law asks you to take a look at these cases as a straight rezoning request with no conditions attached. I included a copy of the rezoning standards and I ask that you take into consideration with the R1 rezoning request.

I asked the Applicant why he was requesting the rezoning and he stated he felt the land would be better valued at Residential than Agricultural.

The Planning Commission is holding the Public Hearing and will forward your recommendation to the Township Board. Staff is recommending approval of the rezoning request from Agricultural to R1-Residential.

Member Sperla asked if any residents came forward with questions. Director Peterson stated that a couple people did it. Member Sperla stated that if it is a 75 acre site it would allow up to 75 homes to be built there in the future if it were developed. Director Peterson stated there would not be that many as you would have to take out for roads and greenspace but certainly there could be a large number of homes. It would be no different than the other subdivisions in the area.

Member Mead asked if there were any concerns about this being a non-conforming use. Director Peterson stated that he is not.

Member Rissi asked if we have had similar requests in the past that are non-conforming. Director Peterson stated that it is not unusual.

Member Lewis asked if the runways with planes taking off and landing is an issue for the people that live near there? Director Peterson stated that there are noise contours around the runways.

Chairman Waalkes asked the Applicant to come forward with comments.

The Applicant did not have any further comments.

Member Robinson made a motion to open the Public Hearing. Support by Member Rissi. Motion carried 9-0.

Doug Bush, 5805 Thornapple River Drive, stated that on the concern for airport noise the planes are not an issue. I am not here to be a nimby, they have done an excellent job of maintaining the property across the street. My question is that Thornapple River Drive seems to be an arbitrary boundary between 40,000 sq. ft. lots and 100,000 sq. ft. lots. It is not a geographical or physical division and I am curious why it is used as such. Member Sperla stated that you have to draw a line somewhere and there is nothing that says that it can't be rezoned across the street.

Member Pennington stated that it looks like the Master Plan states it is more industrial around the airport.

Emory Stouffer, 6947 60th Street, stated that the property used to be his grandparents farm. I am not opposed to rezoning but it shows it is agricultural, it was residential, then they changed it to agricultural for one reason only, tax structure-dollars and cents. Now, they are coming back to rezone it to residential. There is only one reason to rezone it and that is for it to be developed, whether Mr. Kamphuis states it or not. I am not opposed to it, but I think it is in Cascade Township's best interest to look really hard at this.

Mr. Stouffer stated he could have grown trees on that parcel without the rezoning. Director Peterson stated changing it to Agricultural was viewed as a positive from the Township and the use and zoning coincided with each other and he would not have any issues from the zoning side of things. As non-conforming properties go you are a little more limited in what you can do. If people want to flip flop so to speak, if it makes sense and is consistent with the Townships goals and objectives than we would not see it as a bad thing. Chairman Waalkes stated that he was on the Planning Commission in 2007 at the time of the first rezoning and everyone agreed that it made sense to zone it according to use. I don't know if it made a difference in the tax bills. It was decided based on use only. I am in support of farming and promoting that is fine. We have those areas where we want to preserve farmland. As a Township we have to be aware of the use of the landowners and the use of the land. Mr. Stouffer stated that Mr. Kamphuis has been a good neighbor, I just think the Township has to look closer at the situation.

Bruce Caukin, 7100 Thornview Drive SE, stated he is an adjacent neighbor on the north side. I don't really have a huge concern for what the property might be turned into. My bigger concern is what is going to happen to the roads that service that area. It is a very hilly area both on Thornapple and 60th Street with a lot of blind hills and so forth and it's not real wide. With the advent of the University and the Insurance Company the amount of traffic that goes thru there is unbelievably different than it was ten years ago. To have a residential area in there with people pulling in and out of two or three service roads is only going to add to the congestion and liability and dangers and safety of the area. I do think we need to think about what we do to the servicing roads to make it safer as it is not adequate for the traffic that is already on it.

Chairman Waalkes stated that if a plan came before the Planning Commission to subdivide this parcel, the issue of traffic would be discussed. The Township does not own the roads but we would definitely convey our concerns to the Kent County Road Commission. When we have something specific in front of us we can determine requirements. Mr. Caukins stated that it would be more than just curb cuts as its very hilly and there are blind spots.

Member Rissi stated that he concurs with Mr. Caukins assessment with the traffic from Foremost if you are trying to make a turn on 48th Street at 5:00.

Director Peterson stated that part of the Master Plan studies where growth can occur and if areas can accommodate that. 60th Street and Thornapple are both major arterial roads. Those are some of the factors we use when we look at the Master Plan map. We look at the capacity of the road system and if it the road has the capacity to accommodate.

Mathew Baron, 6064 Songbird Lane SE, stated that the traffic is very heavy in the area. Thornapple is a highway during parts of the day. I am assuming it will become a development and where would the road come out of? Considering the traffic implications should be a huge factor in the decision.

Jon DeGraff, 6960 Thornview Drive SE, stated that he bought the property three years ago and was aware that there could be future residential development. When you move in you have a view and it's a rural area and you assume that your view of the ravine and beautiful old growth trees will continue. The tree farm is up on the hill and it's beautiful and I can see the reason to redevelop the area. My concern is for the buffering or how much is this going to change what we bought in to when we purchased there. My other concern is the traffic. Also the airport, as far as the sound waves go it is very quiet. M6 on the other hand is very different as far as sound, the weekends are far quieter than weekdays.

Chairman Waalkes asked Director Peterson if the R1 zoning has any requirement for open space preservation like we have seen in other developments in the past. Director Peterson replied that it would depend on what type of subdivision they were to do and that would dictate what the minimum parcel size would be. There is some component of open space with every subdivision whether they provide that with larger lots or by actual common area. It is too premature to even guess what type. For the setback questions those won't be any different than they are today, then what any of the neighbors have. We do not and never have required buffering from residential to residential. The only time I can think of was when new roads came in and there were lights shining on existing neighbors, so some trees were put up to block the lights. There are a lot of detail questions, but they are not part of this. Depending on what type of subdivision comes in we would expect that they would meet Township regulations. I think we have very good tough regulations, so if someone comes in and can meet those they may not have to go through a public hearing process because we know we are going to get a really good subdivision. The process would be dictated by what they would want to do.

Dan Kamphuis, 5800 Thornapple River Dr SE, would like to speak on Emory Stouffer's thought that he would save on taxes. I spoke to Director Peterson about this before we even did this in 2007. I asked him if I would save any money by having that be agricultural over the R1 and he said they treated the R1 as agricultural because it was being farmed as agricultural. So the tax consequence would not change. Just wanted to make it clear that I was not trying to get a break on taxes. As far as the traffic, I have the same concerns with the traffic because it is horrible. It is not our traffic or the traffic that will come out of the subdivision, it is the traffic from Farmers Insurance and the other businesses that come around that corner.

Member Rissi made a motion to close the Public Hearing. Second by Member Robinson. Motion passes 9-0.

Member Rissi made the comment that in previous minutes when this was converted to the current zoning and it was thoroughly discussed that in the future that it may get switched back. I would be in support of this.

Member Lewis states that he wrote down two words, growth and traffic and since I have been on this board these go hand in hand. When the growth comes which everyone likes to see happen, you are also going to get the traffic and it needs to be tolerated. Your comments are well received. Tonight we just have to deal with this property and the gentleman has every right to follow the ordinance, as written, to do what he wants with the property as he is paying for it.

Member Mead made the motion to forward Planning Commission approval to the Cascade Township Board on Case #16:3299 to approve the rezoning of the property at 5800 Thornapple River Drive from Agricultural Rural Conservation to R1-Residential. Second by Member Rissi. Motion passes 9-0.

ARTICLE 7. Any other business

Member Mead stated that he had a concern with the County Drain Commission office. It has been brought up on numerous developments about the amount of water flow into the design system. Now having seen first-hand the failure of the system at the detention pond at Santiago and Burton, a log got into the system without any shielding and backed the system up in excess of 3.5 feet of the outlet. The volume of water was a huge issues. When it was brought to the Drain Commissions attention, they sent out a subcontractor who pulled the log out which then immediately flooded the Forest Hills Parking lot for over 24 hours. It took about 28 hours to drain the system. The exiting of the emergency flow outlet was under in excess of 12 inches of debris. When I talked to the Deputy Drain Commissioner he stated that they review their ponds quarterly. Which I find a joke to say the least. Knowing that my basement did not flood, but my sump pump was on every 30 seconds and continues to pump non-stop today a week later. My neighbor did have his basement flood and another neighbor spent over \$7,000 on a back-up system because they did have a flood in their basement. My concern is that the Drain Commission is not maintaining their properties adequately. My concern is with any future developments spilling into that system, not to penalize any developers from using a system that has been bought and paid for, but because of the lack of maintenance on the part of the Drain Commission. Having said that, I would like to ask the Planning Commission to make a recommendation to the Township Board that the Board send notification to the Drain Commissioner that this is a big concern of the Cascade Township Planning Commission. This notification should state that we expect the County Drain system to be maintained accordingly and properly.

Member Rissi stated that he would support the motion. He stated that he recently had to contact the KCRC on a clogged drain that clearly has not been maintained in years. It took them about a week to look at it and another two weeks to act on it. There is clearly a maintenance issue.

Director Peterson stated that we are updating our Storm Water Maintenance Plan and we did receive an update as to the maintenance that they are doing.

Member Lewis stated that he feels that due to lack of money that government reacts to the situations as they occur rather than being proactive in some situations. I think a letter would be fine but I don't really think that much change will come of it.

Member Pennington asked if it was overreaching by the Planning Commission to tell the Drain Commission how to do their jobs. Director Peterson stated that it is not unusual to send a letter stating maintenance concerns. Member Sperla stated that a letter may make them pay attention more than a phone call. I think a letter is just a formal way to make sure we have their attention.

Member Mead made a motion to recommend to the Township Board to send a letter to the Drain Commission detailing our concerns as we continue to have new developments that flows into their system that it be maintained properly. Support by Member Rissi. Motion carried 9.

ARTICLE 10. Adjournment

Motion made by Member Mead to Adjourn. Support by Member Rissi. Motion carried 9-0. Meeting adjourned at 8:29 PM.

Respectfully submitted,
Scott Rissi, Secretary
Ann Seykora/Julie Kutchins – Planning Administrative Assistant