

MINUTES
Cascade Charter Township Planning Commission
Monday, May 18, 2020
7:00 P.M.

ARTICLE 1. Chairman Rissi called the meeting to order at 7:00 P.M via online Zoom Meeting.
Members Present: Rissi, Johnson, Katsma, Moxley, Slater, Krieter, Noordyke, Deering, and Rapin
Members Absent: None
Others Present: Community Development Director Steve Peterson, Planner Brian Hilbrands, Township Attorney Cliff Bloom and Township Engineer Mike Berrevoets

ARTICLE 2. Pledge of Allegiance.

ARTICLE 3. Approve the Current Agenda.

Motion was made by Member Katsma to approve the Agenda. Supported by Member Moxley. Motion carried 9 to 0.

ARTICLE 4. Approve the Minutes of the March 16, 2020 Meeting.

Motion was made by Member Johnson to approve the minutes of March 16, 2020 with noted correction. Supported by Member Krieter. Motion carried 9 to 0.

ARTICLE 5. Acknowledge those wishing to speak to non-agenda items.

Members of the general public are invited to comment via telephone.

**ARTICLE 6. Case # 19-3527 Roundhill PUD Amendments - Sentinel Pointe
Property Address: 3000 Thornhills**

Requested Action: Amend various parts of the Roundhill portion of the Sentinel Pointe P.U.D. including, but not limited to, modifying building envelopes and changes to the storm water system.

Director Peterson stated that at the last meeting in December of 2019, the Planning Commission gave Roundhill a list of items that needed to be addressed before they came back to the Planning Commission. Director Peterson states that all of the listed items have been addressed, and that there is a letter included in tonights packet from him (Director Peterson) to Tom Giusti that outlines the items.

Director Peterson states there is a letter in the packet from the Township Engineer dated May 12th, 2020 that outlines a lot of the same things that were talked about at the December meeting such as review comments and conditions of items they want addressed moving forward. There is also a review letter and report from Materials Testing Consultants. This is the engineering firm that was hired to specifically look at the retaining wall. Their review includes a report of multiple plans submitted for review on multiple dates until a plan was submitted in late March that MTC could approve. It was asked that the developer meet with the property owner to discuss what the retaining wall would be like, that was an item on the list that did take place. Also included in the

packet is a copy of the PUD ordinance that outlines all of the conditions if these changes are approved. Director Peterson stated that Members normally would not have this ordinance until the preliminary plan is approved, however given current circumstances, he thought it was best to craft this ordinance now rather than have to wait until after approval. This ordinance incorporates comments and input from the developer, the developer's attorney, the neighbor, and the neighbor's attorney.

Director Peterson highlighted a couple of specifics in the ordinance including going to a more traditional type of development by measuring setbacks from property lines instead of using building envelopes (which was original to the project), requiring a site survey for every building permit to ensure buildings are being placed in compliance with setback requirements, and requiring written verification from a certified engineer that the detention pond has been cleaned and is functioning according to the Township engineers requirements prior to every building permit. Director Peterson stated that the intention of that requirement is to make sure cleaning the detention pond is an ongoing compliance matter moving forward. More specifics of the packet include completing the swale near units 9 and 10 to the Township engineers satisfaction prior to those units being permitted, and the sidewalk will be completed. There are a few requirements that do not have deadline dates yet as they will have to go in front of the Township Board if recommended by the Planning Commission.

Director Peterson states that there is a \$30,000 escrow that will pay for the Township engineer to inspect the site during construction. This includes MTC inspecting the retaining wall. There is a \$100,000 performance guarantee letter of credit, and an \$8,200 landscape guarantee that have both been submitted by the applicant. There is also a suggested remediation letter of credit suggested by the Township due to the damage that was done to the neighbors property. Director Peterson stated there is a letter from Gayle Rohde that references increasing the escrow account for the remediation section to \$122,000. This is the estimated cost based on submitted material by the Rohdes to remediate the area that has been damaged. Director Peterson stated that he and the Township attorney thought a \$50,000 letter of credit would suffice for remediation, however that amount can be increased if desired by the Planning Commission.

Director Peterson stated any recommendation by the Planning Commission will go to the Township Board for their consideration.

Member Moxley asked Director Peterson what the status of unit 8 is. This was the first unit built and had a deck outside of the building envelope. Director Peterson stated that if the proposed traditional setbacks are approved, the deck will then be in compliance.

Mr. Bloom states that the original approval in 2016 had a number of conditions that were violated. Once this happened, the Township could have pursued legal proceedings against the developer or required the unit(s) be removed, or the developer could request a formal amendment to the original PUD, which is what they did. If/when the Township Board approves the suggested amendments, the violations will go away. If all of the amendments are not approved, the violations will need to be corrected.

Member Rapin asked why a letter of credit is recommended versus escrow. Mr. Bloom replied that it is more often easier for auditing and accounting purposes, and states that an irrevocable letter of credit is easier to collect on if need be.

Chairman Rissi asked Director Peterson how possible cleanup of the site would be paid for if needed in the future. Director Peterson stated that there are some guarantees that don't expire until 2-3 years after the last house is constructed, so some of the provisions will be around for a while. Erosion control will be enforced by Kent County.

Chairman Rissi invited the Applicant to comment.

The Applicant (Mr. Tom Giusti) stated that he believes they have finally come to a satisfactory conclusion with the retaining wall on the Rohde property, and having Cascade Township and the township engineer satisfied with the performance of this project.

The Applicants attorney (Mr. Jason Schnelker) stated they do have some questions with the PUD ordinance amendment. Mr. Schnelker asked about changing the language of the requirement that stormwater runoff not exceed intensity and velocity rates of the area that existed prior to January 1st, 2016. Mr. Schnelker states that the baseline for that provision (or how it would be established) is unclear. Mr. Schnelker proposes that they follow the language included in the proceedings that state they (Applicant) need to follow the storm water ordinance and do things in accordance with their permits. He believes the addition of the velocity rates reference could cause problems down the road as it will be hard to establish or be measured.

Mr. Schnelker then stated the requirement of obtaining an easement to the Rohde property for purposes of building the retaining wall may not be needed as they believe the wall can be built from the Roundhill property. Mr. Schnelker expressed his concern that if the easement is required, the Rohdes may further hold up the project by refusing to grant the easement. Mr. Schnelker states that they would like to see the easement a requirement only if the access is needed, not as an outright requirement that it be obtained no matter what.

Mr. Schnelker stated that they do not want the remediation to the Rohde property to be included in the ordinance as there is currently a lawsuit that was filed by the Rohdes against the Applicant alleging significant damage to their property as a result of this development. Mr. Schnelker states the alleged estimate of damage is over \$200,000, which has been disputed (both the extent and cause of damage) by the Applicant from the beginning. Mr. Schnelker states the Rohdes have said they will reduce their damage claim by \$100,000 to have this matter settled, but as part of a compromise they would still require over 100 trees and other vegetation be planted, as well as remediation of oriental bittersweet the Rohdes claim has infested the area. From his perspective, Mr. Schnelker believes that a requirement of remediation included in the ordinance that is tied to a \$50,000 letter of credit is depriving the developer of due process by requiring

that the developer do something before a court of law has established is their obligation. Mr. Schnelker states that some remediation may need to be done, but the extent, cost, and responsibility should not be included in the ordinance and be determined independently by the court of law through litigation.

Member Noordyke asks Mr. Schnelker if the developer acknowledges causing any damage to the Rohdes property. Mr. Schnelker stated that they do acknowledge there were issues with silt, and there are photographs that are dated in the Rohdes material of when that occurred. Mr. Schnelker stated that a lot of silt that was on the Rohde property was cleaned up at the time as the Road Commission shut the site down when that happened. Mr. Schnelker also states that there is a culvert under Thornapple River drive that has been there for a long time, and that this area has always been a naturally wet, low-lying drainage area. Mr. Schnelker states that he believes the Rohdes are trying to take advantage of the situation to have the property remediated to a condition that would be far different than before the developer started building.

Chairman Rissi invited the Rohdes attorney to comment, and then will accept public comment.

Mr. Chris Nyenhuis stated that he represents the Rohdes. Mr. Nyenhuis stated that he believes the developer needs to clean up their mess before moving forward and selling homes, and that his comments will focus on the \$50,000 letter of credit for remediation Mr. Nyenhuis stated that the cleanup will cost more than \$50,000, and believes that will cause a disincentive to clean it up the right way. Mr. Nyenhuis says that the estimated \$122,000 cost of cleanup that the Rohdes have agreed to in order to move this along comes from Vic Forrester of West Michigan Tree Services and Arbor Consultants. Mr. Nyenhuis states that to guarantee cleanup is done the right way, he believes the letter of credit should be the actual amount that the cleanup will cost, not \$50,000. Mr. Nyenhuis does not believe this is a due process issue, and believes the Township has the authority to clean up the property, back charge the developer, and then put a lean on the property if it is not paid. Mr. Nyenhuis acknowledges the lawsuit, but believes this would be a more efficient process to achieve proper clean up. Mr. Nyenhuis states that he believes remediation is a critical component, and simply the right thing to do.

Member Rapin asks Mr. Nyenhuis if any of the estimates are fixed, or estimated until the projects are started. Mr. Nyenhuis replied that they are not fixed quotes, but are more than just a “best guess” estimate as Mr. Forrester has walked the property to obtain his estimate.

Ms. Aileen Leipprandt introduced herself as representing the Rohdes, and Mr. Nyenhuis’ colleague. Ms. Leipprandt replies to Mr. Schnelkers comment regarding the language used to prevent storm water drainage, and states that she believes the language to come very directly from the storm water ordinance itself in terms of what the storm water ordinance requires. Ms. Leipprandt suggests that the language should remain as it is now.

Ms. Leipprandt states that the development did not go according to the approved site plan, and now that the drainage design and retaining wall have been redesigned to what was originally anticipated, the site is getting back to what was originally approved, including the protections that were originally required. Ms. Leipprandt states that she does not think that it is fair or appropriate to ignore the fact that the Road Commission and the Township tried repeatedly to get the developer to follow the site plan and to do the grading and install the retaining wall during the course of construction. Ms. Leipprandt stated that she believes that if the Planning Commission approves the developers request to amend the PUD without any requirement to restore the property, it excuses the developers blatant non-compliance. Ms. Leipprandt believes it to be appropriate and reasonable to impose a condition in the PUD that a restoration letter of credit in the amount of \$122,000 (or greater) be provided for security that things are done correctly.

Member Moxley asked if the developer stated why the retaining wall was taken out of the original plan. Mr. Giusti replied that the retaining wall was originally approved roughly 3 feet from the Rohde property, and that Mr. Rohde was not ok with that. Mr. Schnelker stated that Mr. Rohde questioned the retaining wall being put in the setback area, and that it was offered to Mr. Rohde that the wall be replaced with a more natural step grading that is in place now. Mr. Schnelker states that the retaining wall will now be built as originally approved. Mr. Schnelker states that he believes a letter of credit for damages that allegedly occurred will give the Rohdes leverage and make it difficult to get anything done. Mr. Schnelker states that if the court finds them responsible for damages, it will be cleaned up at that point.

Chairman Rissi opened Public Comment

Mr. Mark Rohde (3087 Thornapple River Drive) stated that according to Kent County Drain Commission standards, all water in this area goes downhill to the Thornapple River. Because of this, a Type A retention system was required to keep all storm water on site. Mr. Rohde states that this is what was designed, approved, and supposed to be put on the site. Mr. Rohde states that the retaining wall not being built left a 45 to 55 degree slope that drained water directly onto his property, and none was supposed to be there. Mr. Rohde states that he has provided date stamped photographs showing storm water and silt coming down onto his property and then into the Thornapple Hills drain. Mr. Rohde states that he disputed the location of the wall, not its existence. Mr. Rohde states that the proposed location of the retaining wall is now 3 feet from his property line and requires an easement onto his property to be built.

Mr. Tim Noordhook (3174 Hayward Drive) states that he believes this developer has not been held to the same standards as other developers, and believes the Planning Commission should put the letters of credit in place for the project and Rohde property.

Ms. Grace Lesperance (2573 Cascade Springs Drive) stated that she does not believe the Rohdes are the only residents impacted by the water and silt runoff, and that the Rohdes dollar amount for cleanup should be accepted to have this wrapped up.

Mr. Kerry Gorsuch (3044 Thornapple River Drive) stated that he is downstream from the Rohdes, and believes that sand and silt has been draining down, crossing under the road and settling under his boat lift. Mr. Gorsuch states that it would be nice to have help keeping the area clean as it is a lot of work.

Mr. Giusti stated that the soil and sediment has been draining downhill since before Roundhill began developing their site. Mr. Giusti states that the Township and Kent County Road Commission were on site every rain event, and when there was sediment on Mr. Rohdes property, his project was stopped. Mr. Giusti states that he cleaned the sediment up, and has not received anything from the Kent County Road Commission since then.

Chairman Rissi closed public comment.

Member Slater stated that she agrees with Mr. Schnelker that the requirement to get an easement from the neighbor should be only if needed, and not included in the PUD as an absolute. Member Slater also states that she does not believe exact dollar amounts should be used in the ordinance in order to avoid being boxed in to an exact amount.

Mr. Bloom stated that Township engineers believe that in order to install the retaining wall, builders will have to go onto the adjoining property. Mike Berrevoets (FTC&H Township engineer) states that with the wall and landscaping that is shown close to the property line, it will be difficult to avoid getting on the neighboring parcel. Mr. Bloom stated that "if needed for retention wall installation" can be added to the end of the paragraph in the ordinance, and believes it will be highly likely that access will be needed.

Mr. Bloom asked Chairman Rissi if he would like him to walk through the clauses in the ordinance. Chairman Rissi said yes.

Mr. Bloom walked the Planning Commission through the different sections of the ordinance that have been discussed.

Mr. Bloom states that the last clause of the PUD requires the developer to sign it, but believes it reasonable to add exceptions to subsections as to not have the developer sign an admission that they did something that is still being disputed in court.

Member Noordyke asked if the subsection exceptions in the clause will allow the developer to not agree to causing damage, are they still going to be responsible for remediation. Mr. Bloom stated that even though they object, that does not mean the clause is invalid. Member Noordyke asked if that can be researched to find language that is specific and prescriptive, and has to be followed. Mr. Bloom stated that language can be added to say something to the extent of "for purposes of litigation, this is not an admission". Member Noordyke then stated that in order to support this, he would need to see page 13, number 4 have the amount raised to \$122,000 as this developer has made many violations and admitted to causing damage.

Member Moxley stated that he believes the remediation clause should remain in, and that the amount of \$50,000 is too small and should be increased to a \$150,000 letter of credit for that purpose.

Member Deering stated that she believes the remediation clause should stay in, and that the amount should increase to \$122,000 or \$150,000 as Member Moxley suggested.

Chairman Rissi states that the performance bond of \$100,000 should be extended until two years after occupancy of the last building. Mr. Bloom stated that if there is a vacant lot for a number of years, it may be hard getting a letter of credit to extend that long.

Member Slater asked for clarification that the remediation amount is different and in addition to the \$100,000 performance bond. Mr. Bloom confirmed that it is in addition to the performance bond. Member Slater also states that she agrees with increasing the remediation amount.

Chairman Rissi asked Mr. Bloom if the remediation amount would be solely for the Rohde property, or if would be available for other properties that may have been damaged. Mr. Bloom states that the way it is drafted, it will be solely for the Rohde property. Chairman Rissi asked Mr. Bloom if the \$100,000 performance bond would be available if needed for something off of the Rohde property. Mr. Bloom said that would be used for the detention pond or retention wall if something happened with those.

Member Katsma asked for clarification that the developer will be responsible for the entire remediation cost even if it is written in as \$50,000, for example. Mr. Bloom stated that if the clause is left in, the developer will be responsible for the entire amount regardless of cost.

Member Johnson stated that he agrees with keeping the remediation clause, and states that he believes the amount should be no more than \$122,000 as that is what the Rohdes estimate is.

Member Rapin states that he is in favor of raising the remediation estimate to \$122,000 to \$150,000.

Chairman Rissi states that the estimate given in the packet is near \$230,000, and that the Rohdes are asking for \$122,000.

Member Johnson asked why the Township chose the low remediation number of \$50,000. Director Peterson stated that the developer didn't want that clause at all, and the Rohdes are asking for \$122,000, so the Township attorney and I felt that \$50,000 was a good compromise.

Member Katsma asked who the determine if the the remediation was completed process. Mr. Bloom stated that it would be the Zoning Board Administrator, Director Peterson. Director Peterson would consult with the Township engineer, and any other experts to determine remediation.

Member Rapin acknowledges that the Home Owners Association will be responsible for maintenance of the retention wall and detention pond, however believes a HOA Assessment of no less than \$300 per home per year with the number of lots will not be adequate to cover ongoing maintenance. Mr. Bloom states that this fee is in addition to other dues and assessments. Director Peterson states that regardless of the amount in a HOA maintenance fund, ordinances will still need to be complied with even years down the road.

Mr. Bloom stated that it is written in that homeowners will be personally liable if the Association does not act, and that when amendments are made to condominium documents, those will be reviewed by Mr. Bloom and Director Peterson to make sure all of this is referenced in those documents.

Chairman Rissi stated that he would like to keep the remediation clause, with the letter of credit amount increased to wither \$122,000 or \$150,000, and would like to have the performance bond of \$100,000 extended until 2 years after occupancy of the last home, or capped at 10 years if a lot/s sit vacant.

Mr. Bloom reviewed the wording change to be incorporated into a motion.

Member Noordyke asked for it to be written that even though there is an exception to not accept guilt, the developer will still be responsible to accept remediation. Mr. Bloom wrote the exception as follows: "except that this shall not be deemed an admission as to the contents of subsection **XIVB4** but Finko, LLC, shall still comply with subsection **XIVB4**."

Member Katsma asked what will be gained by adding extra time to the performance bond. Director Peterson stated the site will be watched for any malfunction after the last home is occupied. Member Katsma also asked about the possible landscape near the retaining wall, and if access would need to be gained on the neighbors property for that. Mr. Bloom stated that the language can be changed to include the addition of landscaping as the retention wall is built.

Chairman Rissi asked Director Peterson if the Township engineers inspect the level of detail such as downspouts on homes being tied directly into the stormwater system. Director Peterson replied that yes, they do inspect that level of detail. Mr. Bloom stated that several engineer letters and requirements have been incorporated into the ordinance.

Mr. Rohde stated that temporary access easements will be needed to do work on his property, and he is willing to agree to the temporary easements to do the work with larger letter of credit in the remediation section that they asked for as he expects to work cooperatively with the developer.

Motion was made by Member Moxley to approve Case #19-3527 Roundhill PUD Amendments for Sentinel Pointe with all of the changes that Mr. Clifford Bloom has outlined previously and with the addition of the developer filing an irrevocable letter of credit with the Township in the amount of \$150,000 for remediation purposes. Supported by Member Noordyke. Motion carried 7 to 2.

**ARTICLE 7. Case #20-3581 Christian Korstange
Property Address: 7561 Whispering Ridge
Public Hearing**

Requested Action: The Applicant is requesting a Type I special use permit to allow a 6-foot tall fence in the front yard.

Director Peterson introduced Brian Hilbrands as a new Planner for Cascade Township. Mr. Hilbrands stated the Township standard for front yard fences is a height of 4 feet. Mr. Hilbrands stated that the Applicant is making this request because the tree line that used to provide a screen along Cascade Road was removed to accommodate an extension of the pathway, and the Applicant would like to reestablish their privacy with a taller fence. Mr. Hilbrands stated that the taller portion of the fence would only be along the portion of the front yard along Cascade Road, not Whispering Ridge, and would run parallel to Cascade road from the north property line until approximately 40 feet short of the intersection with Whispering Ridge. The Applicant does appear to meet the standards for a taller fence in the front yard.

Mr. Hilbrands is recommending approval of the 6-foot-tall fence in the front yard as proposed by the Applicant.

Member Moxley asked why there is a 6-foot-tall fence on the north property line along Cascade Road drawn onto the Applicants proposal. Mr. Hilbrands stated that the Applicant will be installing a fence along there as well, but a special use permit is not needed as that is a side lot and is allowed a 6-foot-tall fence.

Chairman Rissi invited the Applicant to comment.

Mr. Korstange confirmed that Mr. Hilbrands explained the reason he would like to have the fence installed.

Motion was made by Member Johnson to move into public hearing. Supported by Member Moxley. Motion carried 9 to 0.

Chairman Rissi invited the public to comment.

Mr. Jeremiah Gruchow (lives on the corner of Leyton and Cascade Road) asked if there needs to be a circumstance to apply for a special use permit versus just a want. Mr. Hilbrands stated that the Applicants circumstance or reason for requesting the special use permit is that there used to be a screen of trees along Cascade Road that was eliminated for the pathway in that area. Director Peterson stated that anyone can apply

for a special use permit, however there are standards that will be used to evaluate a request.

Mr. Hilbrands stated there was a letter received from the neighbor at 7550 Cascade Road in support of the Applicants special use permit.

Motion was made by Member Johnson to close public hearing. Supported by Member Deering. Motion carried 9 to 0.

Motion was made by Member Moxley to approve the Applicants special use permit as requested. Supported by Member Katsma. Motion carried 9 to 0.

ARTICLE 8. Case #20-3582 Michigan Fine Wine and Spirits, LLC

Property Address: 4923 28th St SE

Public Hearing

Requested Action: This is a Type I special use permit to request a change in tenant from Babies R Us (retail) to Total Wine Spirits Beer and More (retail) and a tenant improvement project.

Mr. Hilbrands stated that this is an interior tenant improvement project, so there should be no changes to the existing exterior of the building. The Applicant is located in PUD 30, and the PUD ordinance requires that any future retailer be reviewed by the Planning Commission. Mr. Hilbrands stated that after review and comparisons, the Applicant meets standards for special use.

Mr. Hilbrands is recommending approval of the Applicants request.

Member Katsma asked if this applies to the entire building, Mr. Hilbrands stated that this is for the east side portion of the building.

Member Moxley stated that there was an email received from Rishi Makkar shortly before tonights meeting with many concerns in it, and believes this case needs more time for review before action is taken.

Chairman Rissi invited the Applicant to comment.

Mr. Edward Cooper (representing Total Wine and More) introduced himself, Mr. Matt Bala (the senior project manager for store design and construction), and the architect for this project.

Member Krieter asked what criteria was used to choose Cascade for their location. Mr. Cooper stated that 28th Street is a high traffic commercial location, and the size and shape of the store fits their needs well. Mr. Bala stated that the location and building footprint is prototypical of Total Wine and More, and will support products they wish to bring to the public.

Member Noordyke asked the Applicant if they have a history of not following prescribed laws of a local Township and/or state that they operate in as alleged by a received email. Mr. Cooper states that they have encountered these allegations in the past, and adhere to all of the laws in all of the states they operate in. Member Noordyke asked

the Applicant if they are aware of an allegation that they purchased an ad in Connecticut advertising that they would sell below the state liquor price. Mr. Cooper stated that he is aware of that allegation. Member Noordyke asked the Applicant if that happened, Mr. Cooper replied that he is not sure how this is applicable to a special use permit hearing, but answered that Connecticut has a pricing scheme that is unfair, and have been engaged in discussions with the state of Connecticut to protest that pricing scheme.

Member Slater stated that Total Wine and More has lawsuits against them for undercutting state level prices, and that she does have concerns about that history. Member Slater states that she is in support of approving their special use permit, while approval of their liquor license will go through the State of Michigan.

Motion was made by Member Johnson to open public hearing. Supported by Member Rapin. Motion carried 9 to 0.

Chairman Rissi invited the public to comment.

Mr. Mark Rohde stated that he has been to many Total Wine locations, and believes they would be a good fit for the benefit of Cascade.

Mr. Kevin Einfield stated that he has been to Total Wine in Washington State, and believes them to be knowledgeable, professional, and competitive, and thinks they would be an asset to the community.

Motion made by Member Johnson to close public hearing. Supported by Member Moxley. Motion carried 9 to 0.

Member Johnson stated that he agrees with Staff in their comments regarding the email received from a competitor that this is not an issue for the Planning Commission, rather the Liquor Control Commission. Member Johnson is supportive of Staffs decision to approve the Applicants special use request. Chairman Rissi states that he agrees with Member Johnsons comments.

Motion was made by Member Johnson to approve the special use permit for Case # 20-3582. Supported by Member Katsma. Motion carried 9 to 0.

ARTICLE 9. Case # 20-3579 BDR Executive Custom Homes

Property Address: 5510 Cascade Road SE Ste. 220

Requested Action: Develop into a 19 detached single-family site condominium project.

Mr. Hilbrands stated that this property is zoned R1 residential, and that the Applicant is attempting to do a subdivision by right. The subdivision will consist of 19 single family homes on approximately 23 acres, and will have a 25% open space park project with public sewer provided. The subdivision will have sanitary sewer serviced by Ada Township, and private wells for water. Mr. Hilbrands states that their plan does include an extension of the Townships pathway system, including an easement for future pathway extensions. There are no exceptions being asked for by the Applicant at this

time. A tentative preliminary approval will guarantee a lot layout for the developer for one year. Mr. Hilbrands states that he still needs an airport recognition statement, and the master deed. If tentative preliminary approval is provided tonight, the plan will go to the Township Board for the same approval before coming back to the Planning Commission for a final preliminary approval.

Member Krieter asked if there has been any discussion about building location placement in relation to the Summerville Airport usage. Mr. Hilbrands states that he has not heard anything.

Member Rapin asked for clarification about the bike path easement. Mr. Hilbrands stated that the bike path extension is included in the plan from Buttrick to the private drive that will be put in, along with an easement to continue it further in the future if desired.

Member Slater asked how far the new private drive will be from Old Elm. Director Peterson stated that it is approximately 800 feet from Old Elm, and the Road Commission will have to approve that location.

Chairman Rissi invited the Applicant to comment.

Mr. David Contant (BDR Custom Homes) stated that the Kent County Road Commission has reviewed the plan, and provided preliminary commitment for the curb cut. Mr. Contant stated that there will be an airport recognition statement incorporated into their documents.

Member Krieter asked if there has been discussion about the location of the buildings in relation to maintaining current visibility of the 13 pilots who have authorization to use the Summerville Airport, or if the Applicant would be open to discussion with those pilots moving forward. Mr. Contant states that there is nothing in the title for the property that restricts placement and that the Summerville Airport operates independently; however, they have been in communication with and are familiar with the bylaws of the Summerville Airport.

Chairman Rissi invited the public to comment.

Mr. Jeremiah Gruchow (7061 Cascade Road) asked if there is any chance of the well changing to city water. Director Peterson stated that there is no water available in that area, and it would be quite a large project to extend it that far.

Mr. Nick Bartlett (1400 Buttrick) asked if any of the future items do not get approved, what BDRs intention with the property will be. Mr. Contant stated that if approvals are not granted, they will be reviewing other options.

Member Johnson stated that he was appreciative to the developer for the extension of the Cascade Township Path being included in their plan.

Chairman Rissi asked for clarification behind one of the lots, Mr. Hilbrands clarified it to be standing water.

Motion was made by Member Moxley to approve the Applicants request to develop into a 19 detached single-family site condominium project. Supported by Member Deering. Motion carried 9 to 0.

Article 10. Any Other Business

Director Peterson stated that there are a couple of items for the June 1st Meeting, and that it will likely be held virtually again.

Article 11. Adjournment

Motion was made by Member Slater to adjourn. Supported by Member Moxley. Motion carried 9 to 0. The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

Brett Katsma, Secretary