

## MINUTES

Cascade Charter Township  
Planning Commission  
Monday, July 19, 2021  
7:00 P.M. Hybrid Meeting  
2870 Jacksmith Ave SE

**ARTICLE 1.** Acting Chairman Noordyke called the meeting to order at 7:00 P.M.  
Members Present: Noordhoek, Moxley, Vice Chairman Noordyke (acting as Chairman), Rapin, Korstange, and Meurlin  
Members Absent: Chairman Rissi, Secretary Katsma, and Deering  
Others Present: Director Steve Peterson, Planner Brian Hilbrands, Assistant Manager Fast, Legal Counsel Anne Seuryneck of Foster Swift, and those listed on the sign-in sheet.

**ARTICLE 2. Pledge of Allegiance**

**ARTICLE 3. Approve the current Agenda**

Motion was made by Member Moxley to approve the current Agenda. Supported by Member Rapin. Motion carried 6 to 0.

**ARTICLE 4. Disclose any Conflict of Interest.**

None disclosed.

**ARTICLE 5. Acknowledge visitors and those wishing to speak.  
(Comments are limited to five minutes per speaker)**

No public comments.

**ARTICLE 6. Case #21-3629/Bob Morse**

**Public Hearing**

**Property Address: 6390 and 6420 28<sup>th</sup> St**

**Requested Action:** The applicant is requesting a preliminary plan approval to amend the existing P.U.D. to allow for the construction of a new car wash and coffee shop.

Planner Hilbrands stated that the Commission saw its last application at the June 7, 2021 meeting for a basic plan review and at that meeting a recommendation was given that the applicant move forward with their basic plan which included the car wash and coffee shop on one parcel. The applicant submitted the additional information required after the basic plan review for the public hearing at this meeting.

Planner Hilbrands stated that the applicant is proposing approximately 5240 square foot car wash, the 550 square foot coffee shop with 32 parking spaces, including vacuum spaces.

Planner Hilbrands noted that the zoning ordinance allows for one building with the primary use on a parcel and adding the coffee shop would be an exception to that. The

PUD could accommodate the 12 vacuums shown on the plan, two of which they are asking for exceptions for since they are within the 50 foot required setback. The two setbacks are smaller than the 100 feet that are required in the V2, but they are in line with the other buildings in the PUD.

Planner Hilbrands stated that the plan does include cross access to the parcel to the east. The Commission is asking for a cross access easement to be recorded for that access, which is coming from the curb cut from 28<sup>th</sup> St, which is being realigned with the curb cut across the street. Road Commission has reviewed that preliminarily, but the applicant will need to apply with the Road Commission for any additional comments.

Planner Hilbrands noted that the plan shows a retaining wall on the south property line by the bay of parking with a maximum height of 6.5 ft, and it will have a railing on top of it. The application is in the process of vacating the right of ways in the portion in between the two pre-existing parcels and combining all of the parcels. The vacation combination will have to be finalized.

Planner Hilbrands stated that the plans show that both buildings are showing signs that exceed the allowed 100 square feet, so a revised signed plan will need to be submitted.

Planner Hilbrands stated that both the Fire Department and Township Engineer have reviewed and approved the plans. The applicant will need to receive a number of permits before beginning construction, such as soil erosion. The applicant will need to submit a storm water maintenance agreement to the Township.

Planner Hilbrands stated that at the last meeting, one of the Planning Commission's requirements was to remove the coffee shop building after a certain amount of time if it becomes vacant. The applicant agreed to remove the building if it is vacated for a period of 18 months or longer. Planner Hilbrands stated that this agreement can be written into the PUD ordinance to codify it.

Planner Hilbrands stated that the applicant has been in ongoing discussions with other members of the PUD, including Culver's and Macatawa Bank, regarding the condo association that exists and the shared areas. The applicant will need to provide a maintenance plan or agreement for the shared private streets and access drives, and that document will need to be recorded.

Planner Hilbrands stated that the zoning ordinance required a 25 foot buffer yard along the property lines. There are a few areas along the south property line that the buffer yard is less than 25 feet. Planner Hilbrands advised that what the applicant is requesting is consistent with the other properties in the PUD. The applicant is providing an extensive landscaping plan. As part of this, the applicant is required to provide a \$20,000 landscaping bond before beginning construction.

Planner Hilbrands stated that if preliminary plan approval is provided, the staff will begin drafting the amendments to the PUD ordinance and bring back to the Planning Commission for final recommendation to the Township Board.

Planner Hilbrands stated that staff are recommending approval of the preliminary plan

with the eight conditions noted in the staff report. He advised that a number of these are some of the typical conditions that need to be addressed before building permits can be issued. The applicant will need to revise signage plans and also a maintenance agreement for the shared private streets and access drives before the application is brought back for final recommendation of the Planning Commission and to the Township Board.

Member Meurlin asked if the applicant will be bringing back a stormwater maintenance agreement. Planner Hilbrands advised that the applicant will be, though it has only been required in the past before building permits are issued. Member Meurlin stated that other recent projects have had difficulties with stormwater. Planner Hilbrands advised that the applicant's engineers would be able to speak more to that.

Member Moxley asked if the plan is acceptable to the property owner to the east. Planner Hilbrands stated that the property owner is present and will likely speak to the question.

Member Rapin asked if Planner Hilbrands had heard from any of the neighbors to the south of the property. Planner Hilbrands stated that he has not heard from the property owners to the south, but the applicant has been in contact with them, as a small parcel was purchased from them. To his knowledge, they are aware of the plan.

Applicant Bob Morris, land planner Jim Morgan from RJM Designs, Doug Stalsonburg from Exxel Engineering were present for questions from the Commission. Applicant Morris thanked Planner Hilbrands for his guidance through the process.

Member Moxley asked the grade difference between the property to the west and the property to the east. Doug Stalsonburg answered that to the east the grade is about 65 and, on the west, it is about 72. Member Moxley stated that this might make grading on the drive a challenge. Doug Stalsonburg advised that the driveway will be rebuilt to connect to the property to the east will be about five feet to grade to the neighbor to the east.

Member Meurlin asked the applicant, land planner, and engineer to talk about the underground stormwater system. Doug Stalsonburg advised that there are a series of catch basins that catch the water and deliver it by pipe to the underground system. The structures are half-mooned shape and they are designed to leach into the soil all of the stormwater. Soil boring and infiltration tests were done that proved that the soil was capable of accepting the water. The system also has an overflow pipe with a connection to a catch basin on 28<sup>th</sup> St which falls into the new driveway. The Kent County Road Commission approved the connection and that is an emergency overflow.

Member Meurlin asked if there are ways that sediment could get into there. Doug Stalsonburg advised that they will be putting sumps in all of the catch basins, and they will lay the connecting pipe system with a perforated pipe so that some of the water will be leached into the soil while traveling through the pipe. The underground system has a collection chamber than can be pumped out to remove any collection of sediment.

Member Noordhoek asked how many lineal feet will be used to construct the

underground stormwater system from the applicant's property into the neighbor's property. Doug Stalsonburg advised that it would be 60 feet from the steepest part of the driveway.

Member Korstange asked what happens to the stormwater in regard to the 60 feet of the driveway to the neighbor's property. She asked if there is an adequate system in place to get rid of the stormwater. Doug Stalsonburg advised that there are a set of catch basins that will bring it back to the underground system 10 feet from the property line.

Member Rapin thanked the applicant for the iterative process and conversations to get to this point. Applicant Bob Morris echoed the comments and complimented the Planning Commission on the collaborative effort.

Member Meurlin asked if the guardrail on top of the retaining wall was part of a zoning ordinance. Doug Stalsonburg advised that there is a rail. Planner Hilbrands advised that it was on the site plan submitted by the applicant because it was good common sense. Member Moxley stated that it could be a fence instead of a guardrail.

**Motion was made by Member Meurlin to open public hearing. Supported by Member Moxley. Motion carried 6 to 0.**

1. John Safapour, Safapour Properties 6444 28<sup>th</sup> Street-Complimented the Planning Commission and colleagues for putting together a plan and he is excited about the beautification of the property. He requests that a cross access easement parcel be required at the corner of Cascade and Thornhills as a condition instead of a recommendation to ensure safety. Applicant Bob Morris is willing to make it a condition.
2. Lee Ott, Macatawa Bank-Asked that the applicant reconsider rerouting their exiting traffic a different way that would not cause more traffic. He is really happy about the new businesses coming to the area. Planner Hilbrands advised that there were safety concerns in other areas where a driveway has been proposed.

**Motion was made by Member Meurlin to close public hearing. Supported by Member Moxley. Motion carried 6 to 0.**

Member Korstange requested further discussion about the driveway and exit of the plan. Jim Morgan from RJM Designs advised the various exits. Member Meurlin noted that the different exits that a person could take away from the bank's exit would not be the easiest exits. Applicant Bob Morris noted that the busy hours of the car wash and the bank would not be at the same times. Member Meurlin suggested that if it became a problem, signage could be put up that directs traffic.

Member Moxley requested information about the rectangular drawings with circles in them on the grading plan. Doug Stalsonburg advised that it is part of the underground carwash system for water reclamation.

**Motion was made by Member Moxley to approve Case # 21-3629 as submitted by the applicant with the conditions recommended by Staff. Supported by Member**

**Korstange. Motion carried 6 to 0.**

**ARTICLE 7. Old Business**

**Rules of Conduct Discussion**

Member Meurlin asked Director Peterson to summarize the additional rules he tells members orally in addition to the Rules of Conduct regarding restrictions on Members communicating with each other. Director Peterson does not recall any restrictions beyond the Rules of Conduct given out annually to Commission Members.

Acting Chairman Noordyke recalled that Director Peterson would go through the Rules of Conduct, and would cite examples that Members should not talk with other Members about upcoming agenda items or make deliberations outside of this meeting. Director Peterson stated that he has advised that the safest thing Members can do is to keep all deliberations in the Board room.

Member Meurlin asked Legal Counsel Anne Seuryneck with Foster Swift, whether this is usual in municipalities in the State of Michigan. Legal Counsel responded that the ordinance is more in-depth in respect to the ex parte communication and site visits. She stated that the zoning ordinance already has defined what a conflict of interest is, and the Planning Commission cannot do anything that is in conflict with that.

Extensive discussion followed regarding conflict of interest and Rules of Conduct.

Acting Chairman Noordyke asked Director Peterson if the email addresses for the Commission had been approved. Director Peterson stated that he notified Manager Swayze. Assistant Manager Fast advised that the decision between analog and cloud servers has to be made before email addresses will be given once it is known what address form they will take.

Member Meurlin asked Director Peterson whether or not site visits should be done by Members. Director Peterson advised that site visits are helpful. Extensive discussion followed.

Acting Chairman Noordyke suggested that legal counsel to write a draft of Rules of Conduct. Member Rapin stated that he thought the Commission was asking legal counsel for feedback on the Commission's current Rules of Conduct, and it was received. He does not agree that the Commission needs to have legal counsel rewrite the Rules of Conduct, as she provided information stating that they are sufficient. Member Korstange stated that the Rules of Conduct also give space for members to police themselves. Member Moxley advised that he would prefer to have an attorney draft the rules to be more efficient, though he believes they will be close to what is already in place. Acting Chairman Noordyke requested that legal counsel draft Rules of Conduct. Legal Counsel Seuryneck asked if the Commission wants to keep the communication out of site visits and the prohibition from talking to others outside of the meetings. Member Korstange would like to hear the legal opinion. It was agreed that there would be a softening of the ex parte communication rules.

Acting Chairman Noordyke asked Brian to send the draft to Chairman Rissi for review and

then to the group for the next meeting in August.

Brian advised that the next meeting on August 2 will include a site plan review and special use permits.

**ARTICLE 8. Any Other Business**

Acting Chairman Noordyke read a message from Manager Swayze regarding the potential barriers and the library property. He asked Vanessa Walstra if she would like to put barriers around the property for their activities next to Roundhill, and she declined at this time. Manager Swayze has contacted the risk management team from the Township's property and liability insurance carrier to do a walk-through and make recommendations from a risk management perspective. It will include the property line from the Roundhill retaining wall to the retention basin area, as well as any other areas of concern. A follow-up report will be provided to the Planning Commission once the property walk is complete. Member Meurlin requested that the walk-through report be added to Old Business. Acting Chairman Noordyke advised that Chairman Rissi will be following up on the report. Members Meurlin and Moxley discussed the Roundhill project, specifically the retaining wall and the slope. Member Noordhoek requested that the Township have MIOSHA do a site visit. Director Peterson advised that he will have staff contact MIOSHA.

Member Meurlin opened a discussion about the 2021 Work Plan that Director Peterson had on the agenda for the last meeting. The community gathering space with ice rink, Buttrick Station outbuilding, purchase of a bobcat for the pathways, and replacing the fire chief's vehicle as part of the Capital Improvement Plan. He noted that the Township Board placed the building of Fire Station Number One, local road maintenance, new phone system, and hose replacement, and LED lighting conversion as the priority projects. PFAS project was added late in the process.

Member Korstange wanted to know staff's part in the CIP process in conjunction with the Township Board. Director Peterson advised that the work plan comes from the master plan. The ranking order was made by a joint meeting between all of the committees and the Board. The CIP process starts with the Township Manager sending out a request for new projects to all of the departments. Once he compiles all of the requests, he presents the CIP to the Planning Commission for approval.

Member Meurlin asked when the public input took place for the Master Plan. Director Peterson advised that it took place in 2018-2019 before the master plan was approved.

Acting Chairman Noordyke asked Director Peterson when the Work Plan will come up for review. Director Peterson stated that it was up for review in January. Member Meurlin asked if money is being spent on the outdoor gathering space. Director Peterson stated that it was a better question for the DDA. Member Meurlin asked if the recent website revision satisfies the Communication/Hot Topic item on the Work Plan. Director Peterson answered yes, that it is on the new website. Member Meurlin asked if any of the members of the Planning Commission present noticed any improvements to the website. Member Korstange answered that she noticed the question portion of the website. She also stated she could not find the Board Meeting

minutes, and Member Meurlin stated he could not find the Comprehensive Plan easily.

Member Meurlin asked Director Peterson if he was be able to bring someone in from Fishbeck to look at the south retaining wall because of a safety issue. Director Peterson advised that our engineer has inspected the site and will provide the reports to the Comission. Member Moxley commented that the toured the site and saw where the catch basin should be, and it was covered with erosion mat. Acting Chairman Noordyke asked Director Peterson to look into the catch basin discussed. Director Peterson said he would do so.

Member Korstange asked if the Township has the ability to prohibit builders from doing projects if they have not followed the rules. Director Peterson stated that legal counsel has advised that the Township cannot stop a builder from doing a new project, even if they have violated rules in other projects. Acting Chairman Noordyke asked staff if they could request a memo from legal counsel regarding the remedies of these situations.

**ARTICLE 9. Adjournment**

**Motion was made by Member Moxley to adjourn. Supported by Member Rapin. Motion carried 6 to 0. The meeting was adjourned at 9:45 p.m.**

Respectfully submitted,  
Krissi Brott, Deputy Clerk