

Minutes

Cascade Charter Township
Planning Commission
Monday, June 19, 2023
7:00 pm
2870 Jacksmith Ave SE

ARTICLE 1. Vice Chair Moxley called the meeting to order at 7:00 P.M.
Members Present: Noordhoek, Richardson, Moxley, Engel, Rissi, Bruneau, Rowland
Members Absent: Noordyke,
Others Present: Planning Director Hilbrands, Zoning Administrator (ZA) Smith-Jacoby,
and others listed on the sign-in sheet.

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Rissi to approve the current agenda with the revision that Article 7 moves to Article 11 and all the other cases move up by one. Supported by Member Engel. Motion carried 7 to 0.

ARTICLE 4. Disclose any conflict of interest

Member Rissi disclosed he does unrelated work for the applicant in Article 10.

Member Rowland disclosed he is a member of Watermark.

Members had no concerns with either conflict.

ARTICLE 5. Approve the Minutes of the June 5, 2023 Regular Meeting and Closed Session

Member Rissi made a motion to approve the closed session meeting minutes. Supported by Member Bruneau. Motion carried 7 to 0.

Member Bruneau made a correction to the regular meeting minutes in Article 10, paragraph 5, to add clarification that the Michigan Planning and Enabling Act was being discussed by legal counsel.

Motion was made by Member Bruneau to approve the June 5, 2023 meeting minutes with the proposed correction. Supported by Member Rissi. Motion carried 7 to 0.

ARTICLE 6. Acknowledge visitors and those wishing to speak

There was no one that wished to speak.

ARTICLE 7.

Formerly Article 8.

Case #23-3766/Bartlett

Property Address: 1400 Buttrick Ave

Requested Action: Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.

ZA Smith-Jacoby presented the case explaining that the applicants are seeking a Special Use Permit to expand their existing accessory building to exceed 832sqft. They were granted a variance at the June 13 meeting by the Zoning Board of Appeals for the placement of the building. Now they are seeking approval for the size. The parcel size is 2.48 acres so the applicants are only permitted one accessory building. With the existing structure, enclosed add-on, and porch, the total square footage will be 1,574sqft. ZA Smith-Jacoby said this a reasonable request considering the average accessory building size in the R1 District is 1,996sqft with an average lot size of 7 acres.

Staff recommended approval of the accessory building with the conditions listed in the packet.

Motion was made by Member Rissi to open public hearing. Supported by Member Engel. Motion carried 7 to 0.

Kristen Bartlett (1400 Buttrick) is the applicant and attended the meeting to answer any questions. Member Rissi asked if they would be constructing a driveway to the new structure and she said there are no plans to.

Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.

Motion was made by Member Rissi to approve the accessory building with the Staff conditions listed in the packet. Supported by Member Engel. Motion carried 5 to 2.

ARTICLE 8. Case #23-3770/Vanderschaaf

Formerly Article 9.

Property Address: 3671 Cherry Lane

Requested Action: Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.

ZA-Smith-Jacoby presented the case and stated the applicant is seeking a Special Use Permit to expand their accessory building larger than 832sqft in the ARC District. The applicant was granted a variance by the Zoning Board of Appeals for their side yard setback. His property is 3.86 acres allowing for two accessory buildings. The proposed addition and existing structure will equal a total of 1,900sqft and will maintain the required 10ft distance between the other structure. Additionally, two nearby residents have provided comments expressing their support for the addition.

The applicant intends to use this garage for personal storage, and the suggested height is crucial as there will be a hoist employed for additional vehicle storage.

Staff recommended approval of the accessory building with the conditions listed in the packet.

Member Bruneau questioned the size comparison between the house, which is only 1,700sqft, and the accessory building, which will be 1,900sqft. ZA Smith-Jacoby said she used the inventory as a reference for the district.

Dale Vanderschaaf, the applicant, said the structure will be used to store classic cars and could fit about 12.

Motion was made by Member Rissi to open public hearing. Supported by Member Engel. Motion carried 7 to 0.

Jack Holst (3717 Cherry Ln) is a neighbor of the applicant and he did not see any issues with the proposed accessory building.

Motion was made by Member Engel to close public hearing. Supported by Member Rissi. Motion carried 7 to 0.

Motion was made by Member Engel to approve the accessory building with the Staff conditions listed in the packet. Supported by Member Bruneau. Motion carried 7 to 0.

ARTICLE 9. Case #23-3771/Achterhof

Formerly Article 10.

Property Address: 5830 Burton St

Requested Action: Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.

ZA-Smith-Jacoby presented the case and said the applicants are seeking approval to build an accessory building exceeding 832sqft in the R1 district. The applicant received a variance at the April 11 ZBA meeting to build the structure a maximum of 15ft in front of the principal residence. The structure will be a total of 980sqft and the proposed height to midpoint is 16ft which meets the setback standards. There is an existing shed on the property that will be moved to maintain the minimum 10ft distance.

Staff recommended approval for the accessory building with the conditions listed in the packet.

Member Rowland asked if there was a reason for the applicant to build 15ft in front of the house. ZA Smith-Jacoby said the location of the well would interfere with the structure if they were to build further back.

John Achterhof, the applicant, confirmed that building the structure further back would be problematic due to interference from the well.

Motion was made by Member Rissi to open public hearing. Supported by Member Engel. Motion carried 7 to 0.

There was no one that wished to speak.

Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.

Motion was made by Member Rissi to approve the Type I Special Use Permit for an accessory building with the Staff conditions listed in the packet. Supported by Member Bruneau. Motion carried 7 to 0.

ARTICLE 10. Case #23-3765/Redwater Group

Formerly Article 11.

Property Address: 1600 Galbraith Ave

Requested Action: Preliminary plan approval to amend the existing PUD to allow a cigar bar as a permitted use at the clubhouse building.

Planning Director Hilbrands presented the case stating that the applicants are requesting a preliminary plan review to amend the existing PUD to allow for a cigar bar as a permitted use. Currently, the permitted uses include use for one clubhouse, restaurant, pro shop, and a cart storage building. Since the PUD Ordinance does not include a cigar bar, there will need to be an amendment to include one.

Staff recommended approval of the preliminary plan with the condition that all necessary state, county, and local permits and approvals are obtained.

Ken Watkins with Architectural Concepts stated that Redwater Group has received the State of Michigan exemption license for a cigar bar, which would allow for smoking inside the building. Work is in progress on the lot combination and stormwater maintenance agreement, but no official filing has been made yet.

Member Rowland asked if there will be smoking on the outdoor patio. Watkins confirmed that the State of Michigan Health Department does allow for smoking in designated outdoor areas as long as no food is being prepared or served.

Member Bruneau brought up a previous concern about the location of the outdoor smoking area and the proximity of the Goddard School. Watkins explained the patio is approximately 12ft below grade and 60ft away from exterior eating areas. Adjacent properties are also far away from the smoking patio.

Steve Plakmeyer, one of the owners of Red Water Group, expressed excitement about the project and said many of the members will enjoy this amenity. They are ensuring that this area will not detract from the members that do not enjoy cigars, and they are adamant about making this enjoyable for everyone involved. Also incorporated in the plans is a ventilation system required by the State of Michigan.

Member Bruneau proposed implementing a time restriction for smoking outdoors during specific hours of the day.

Member Rissi mentioned that the distance from the northeast side of the building to the southwest side of the Goddard School is 1,300ft.

Motion was made by Member Engel to open public hearing. Supported by Member Rissi. Motion carried 7 to 0.

Laurel Johnson, Whitneyville Rd, expressed concern with the air quality and wondered what the plan is for the colder months.

Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.

Member Rowland read an excerpt from the Michigan Legislature website stating that cigar bars located on the premises must be separated from any areas of the same or adjacent establishment in which smoking is prohibited. Physically separated was defined as areas that are enclosed on all sides by a combination of solid walls, windows, or doors that extend from floor to ceiling. Member Rowland would like to see the preliminary plan approval letter from the state.

Some members agreed they had no issue with the inside cigar bar since that appeared to be very regulated. There were numerous concerns with the allowance of smoking on the patio.

Member Rissi proposed that the State of Michigan should be allowed to make its own determinations based on its ordinances and laws, as it is beyond the control of the Planning Commission.

Member Bruneau said the request being made will have a significant impact on air quality. Even when approving accessory buildings, the effect of air and light on nearby properties is taken into consideration.

Member Richardson expressed concern about the neighboring building's pool being close in proximity.

Motion was made by Member Engel to approve the indoor cigar bar contingent on obtaining all necessary state, county, and local permits along with the other Staff conditions listed in the packet with the exception of the outdoor lounge. The applicant is free to come back with additional verification of state approval and adequate ventilation to address concerns stated by the Planning Commission. Supported by Member Rissi. Motion carried 7 to 0.

ARTICLE 11. Case #23-3746/Chen

Formerly Article 7.

Property Address: 5745 Whitneyville Ave

Requested Action: Type II Special Use Permit to construct a commercial composting operation.

Planning Director Hilbrands presented the case explaining that the applicants are seeking a Type II Special Use Permit to allow for a commercial composting operation on their property in the agricultural and rural conservation zoning district.

The applicants had previously reached out to the township inquiring if their composting operation would be permitted and the former planning director determined that it would be permitted by right. After the operation began the township received a

complaint which made the current staff review and determine that the use would more appropriate as a special use.

The proposed facility will be used to receive composting intakes, mix, and process those intakes to create compost and soil mixes, and prepare finished material for sale and distribution. The property will have a pole barn for storing and processing materials, a hoop house building, an asphalt composting pad, and an area of covered composting rows. The operational area is limited to cover 30% of the parcel and must be set back a minimum of 150ft from property lines and 250ft from residential dwellings. The area meets setbacks and will cover 16% of the parcel. Planning Director Hilbrands also noted the operation will be within 400ft of a vacant property to the northeast, but the owner has indicated they will be building a home in the near future.

The operation is limited to 3,000 cubic yards of intake and output per year and can have no more than 4,500 cubic yards of material on-site at any given time.

The site will be accessed by a curb cut off of Whitneyville Ave, which will need to be approved by the Road Commission along with obtaining a driveway permit. The building and fire departments both reviewed and approved plans. The township engineer has reviewed the plans including a lined collection basin to collect and store runoff from the composting pad and a retention basin to collect additional run-off. There will also be a need for a stormwater maintenance agreement.

The applicant will need to come in for an annual review with the Planning Commission for a minimum of 2 years after receiving a Special Use Permit.

Composting operations are not treated the same as farm operations. Therefore, if there is any kind of nuisance, they are obligated to take measures to eliminate it.

Staff recommended giving a positive recommendation to the Township Board with the 5 conditions listed in the packet.

Member Rowland asked what the initial complaint was. Planning Director Hilbrands said a neighbor saw trash on-site and their dog would get into it.

Member Bruneau wanted to define a few items Wormies had noted. Firstly, he wanted a processing time frame for food waste and a more defined wind speed for mixing days since the applicants indicated they would only mix on low wind speed days.

Luis Chen (5745 Whitneyville) is the applicant and explained the nature of the composting business is to collect food waste from local residents to compost using a 3-step process. The whole process takes around 12 months. The main goal of the company is to compost free from pesticides, plastics, and synthetic chemicals. He empathized that this does not seem attractive to neighbors, but ensured this operation is not very large and they focus on quality over quantity. Further details about the company's science and overall explanation can be found in the packet.

Chen also mentioned staff from his company have planted 100 trees on site and will be developing pollinator habitats. Their mission is to create a place for people to learn, add value to their community, and change the way managing waste is handled.

Member Engel asked what type of initial input is being used. Chen clarified they would be using 100 cubic yards of woodchips, 25 cubic yards of leaves, and 20 cubic yards of food waste per month. They give customers a list of compostable items when they sign-up. He also added when their operation was in a different township, everything went great and there were no complaints.

Member Engel asked if any meat or animal byproducts would be included as inputs for the compost. Mr. Chen clarified that there will not be any included.

Chandler Michalsky (5745 Whitneyville) said they have only had a few neighbors come to the site and ask genuine questions. They were very pleased by what they saw and learned.

Member Bruneau calculated what 3,000 cubic yards would equate to over a year and figured it would be roughly 3 semi-trucks per month.

Member Rowland questioned what their method is to mitigate the smell. Chen stated they create a recipe with wood chips and volatile material (food waste). This mixture occurs within 30 minutes upon delivery of food waste and the woodchips help the odor. The aeration pipe underneath the composting also aids in odor elimination.

Member Rissi asked what the average intake would be. Chen stated they would have 2 truckloads go out 3 days a week.

Member Rissi also thanked the Wormies creators for their patience while the township developed regulations for their company.

Chen also noted in the 6 years Wormies resided at the previous location, which was within a residential neighborhood, they received no complaints from neighbors or people passing by.

Member Richardson agreed that this company sounds beneficial, but said most residents did not anticipate living next to a commercial composting site and it may be difficult for them to resell.

Member Bruneau wanted to clarify that Wormies had purchased this land with a promise from the previous planning director that composting was a permitted use.

The Planning Commission took a 5-minute break.

Motion was made by Member Rissi to open public hearing. Supported by Member Noordhoek. Motion carried 7 to 0.

Davis (5535 Whitneyville) has lived in the neighborhood for over 40 years and asked if they will be utilizing the same road shared by other neighbors. Member Rissi clarified that the applicant's driveway will be at least 600ft south of her property.

Lori Johnson (5640 Whitneyville) said that the Wormies concept is great but not a good fit for the neighborhood since there are million-dollar homes. She expressed concern about water runoff because her property is downhill.

Rudy Klein (5542 Whitneyville) lives across the street and has lived there his whole life. He has worked in the hauling waste business for many years and indicated once the operation starts blending waste together it will smell.

Nicole Cruiz (2300 Buttrick) is a consumer of Wormies and has a bucket in which she disposes of her vegetables. She explained that with the liquid and the closed lid, there is absolutely no smell. Cruize has never had issues with friends coming into her home and the neighbors never complain.

Bill Vanartsen (8650 Lilly Ridge) has lived there for over 20 years and would like the area to remain residential.

Mike Hemmingson (8475 Laurel Ridge) lives off of Whitneyville and is in full support of Wormies, just not the location of the business. He explained that the home values will drastically decrease with a composting facility nearby. Hemmingson would like to see documents and studies on airborne contaminants.

Dr. Pishad (Laurel Drive) explained there are major health and environmental concerns these facilities have in neighboring areas. There are long-term studies showing a correlation with an increased risk of lung disease and possible cancers. The seeping of the bio pollutants could impact residents' well water. Increased smell, traffic, and wildlife were other concerns.

James Knott (8611 Lilly Ridge) stated that this project is not for a residential area. He believes the applicants have been misled through this process.

Sarvesh Srivastava (8668 Lilly Ridge) believed this project is wrong for the neighborhood where there are million-dollar homes. He also has many health concerns relating to composting.

Mary Tallajowski (6624 Jack Ave) has lived in the area for 18 years. Over the years it has become more residential and she believed bringing this facility to the area would create much-needed balance. She looked forward to this beneficial addition.

Daren Steadman (5539 Whitneyville) grew up in the area his whole life and he did not believe this is the right place for Wormies. He did not see the benefit and said the increase in truck traffic will be too much.

Rachel Garnett (7745 Whitburn) said she has lived in Cascade for just over a year and has been composting for many years. She previously relied on a home pick-up service for her composting and really appreciated that service.

Tasha Pacheco (8686 Lilly Ridge) suggested organizing a community event to help neighbors gain a better understanding of the business. She didn't feel that Wormies would ruin the area and she would even utilize their services.

Mark Talbot (5337 Whittneyville) said he appreciated the presentation and all of his questions were answered. He stated that eventually, the United States will run out of topsoil and Wormies has a solution by making very powerful dirt that regenerates farms. Talbot wanted to give this business a chance since it will be extremely beneficial to the environment.

Nathanial Divine (5671 Whitneyville Ave) shares a property line with the applicants and had concerns about what this would do to his property value and the water.

William Tuma (5670 Whitneyville) had concerns with the increase in traffic, health concerns, and the potential smell.

Sean Ford (5672) lives directly across the street from the applicants and he was concerned about the water runoff. He moved here assuming this area to be residential and was worried more commercial companies would be allowed there in the future. In his explanation, Ford pointed out that the applicants were given a promise that should not have been made, and that the township has a responsibility to rectify this matter.

Dr. Sophie Pokhrel (8698 Laurel Ridge) stated it's very apparent there are health and safety concerns with this project. Pokhrel explained that the operation is situated too close to nearby residents, and there is insufficient research to demonstrate the potential environmental consequences.

Tom Baker (8840 Vincent Ave) has property along the southern border of the applicant's parcel. When he bought his home, he wasn't aware that there would be a commercial business in the neighborhood.

John Akins (5666 Whitneyville) has lived here for over 50 years and thanked the township for making this place beautiful. He mentioned that the traffic is terrible and suggested that it may not be wise to pursue this business venture due to the likelihood of increased traffic.

Jay Keller (8797 Laurel Ridge) was unaware of this potential operation until his neighbors brought it to his attention. He was concerned about his house value, smell, and water contamination.

Kyle Heft (5644 Whitneyville) would have liked more research on the impact a business like this has on health. Heft has three young children and wanted a healthy future for them. He explained the applicants have a responsibility to educate the community and he felt they did not adequately inform residents.

Richard Gable (8464 Laurel Ridge) noticed there was nothing in writing on the specific measures being taken to mitigate odor, the stormwater maintenance agreement is to be determined, and there was no composting site management plan. Gable said approval should not be granted until these issues have been resolved.

Jim Berry (5651 Whitneyville) owns property against the northeast corner of the Wormies site. He explained there is no barrier between his property and the composting site, which raised concerns about the safety of the water supply. Berry mentioned that

there is a 200ft buffer for residences from the composting site. Since his home hasn't been built yet, the close proximity was a major concern for him.

Mike Hemmingson (8475 Laurel Ridge) inquired about ways to inform additional residents and keep them updated on the studies conducted.

Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 7 to 0.

Member Rissi said that Cascade citizens have the ability to check meeting agendas on the website to remain informed.

Member Rowland explained he gained a better understanding after talking with the applicant and doing independent research. He thinks a community event would be a great idea to have residents attend and learn.

Member Bruneau stated he is typically a critical judge of case items and takes his time investigating details. The presentation packet provided by the applicant was very precise with only minor details needing to be better defined. Bruneau also mentioned that this area is zoned for agricultural rural conservation use, not residential. He also expressed reservations about the commercial aspect of the company, but there are guidelines and contingencies in place if they are out of alignment.

Member Rissi inquired how the township would ensure compliance. Planning Director Hilbrands said he or the Zoning Administrator would handle any complaints and they can also do site visits.

Member Engel said this is a very sophisticated, well-thought-out process that's received attention and endorsement from the West Michigan Sustainable Business Foundation.

Member Noordhoek was previously very opposed to the composting business entering Cascade. Through the subcommittee and extensive research for the past year and a half, they have created excellent guidelines and requirements.

Members discussed some additional stipulations to include for approval. There was an adjustment to the 5th Staff condition allowing the Planning Commission to add conditions during the first 2 annual reviews. Additionally, they wanted there to be no more than 3,000 cubic yards of intake inclusive of woodchips. If they are to sell the business, the new owner is under the two-year review period.

Motion was made by Member Engel to make a positive recommendation to the Township Board for the Type II Special Use Permit with the first 4 staff conditions as drafted with additional language to condition 5 giving the Planning Commission ability to add conditions during the first 2 annual reviews. A 6th condition was added requiring the applicant provide an enclosed building for machinery as soon as practicable, and carry through on site improvements, including not limited to, a biodiversity pond, 2 acres of pollinator habitat, 1 acre of total trees, 4 acres of biodynamic accumulator crops, and a ½ acre educational garden and orchard, as soon as practicable, while the 2-acre tree line is to remain intact and managed. A 7th

condition was added requiring that there will be no more than 3,000 cubic yards of compost intakes per year. An 8th condition was added requiring that on sale of the property, the review provisions of condition 5 will be reactivated for the new owner(s). Supported by Member Rissi. Motion carried 5 to 2.

ARTICLE 12. Old Business

Member Bruneau inquired what the Township Board amended from the Master Plan recommendations. Member Noordhoek said they did not like the M-6 exits, among other things, but the amendment was approved as presented.

ARTICLE 13. Any other business

Member Richardson mentioned how part of the newly paved section of Whitneyville, particularly where the fork in the road was, is now very dangerous. Member Rissi concurred.

ARTICLE 14. Acknowledge visitors and those wishing to speak

Lori Johnson (5640 Whitneyville) said the township appeared to be making exceptions for Wormies since the previous planner had allowed them to compost. She does not want this in a residential neighborhood.

Jeff Hines (8590 Lilly Ridge) has an associate's degree in architecture and was impressed with the way the Planning Commission handled the situation, even though the outcome was not what he wished. He appreciated the efforts made.

ARTICLE 15. Adjournment

Motion was made by Engel to adjourn the meeting. Supported by Member Rissi. Motion carried 7 to 0. The meeting adjourned at 11:40 P.M.

Respectfully submitted,

Joe Engel, Secretary