

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, May 12, 2015
7:00 pm
Cascade Library Wisner Center
2870 Jacksmith Ave. SE

- ARTICLE 1. Call the meeting to order
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Approve the Minutes of the March 10, 2015 meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.
(Comments are limited to five minutes per speaker.)**
- ARTICLE 6. Case #15:3242 Patterson Ice Arena
Public Hearing
Property Address: 2550 Patterson Avenue SE
Requested Action: The applicant is seeking a variance that would allow alcohol to be served on the premises. This is a temporary use variance, as the applicant is seeking this approval for only this event.**
- ARTICLE 7. Any other business**
- ARTICLE 8. Adjournment**

***Meeting format**

1. **Staff Presentation** *Staff report and recommendation*
2. **Project presentation-** *Applicant presentation and explanation of project*
 - a. **PUBLIC HEARINGS**
 - i. *Open Public Hearing. Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. *Close public hearing*
3. **Commission discussion –** *May ask for clarification from applicant, staff or public*
4. **Commission decision - Options**
 - a. *Table the decision*
 - b. *Deny*
 - c. *Approve*
 - d. *Approve with conditions*
 - e. *Recommendation to Township Board*

ZONING MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, March 10, 2014
7:00 P.M.
Cascade Library Wisner Center
2870 Jackson Avenue SE

ARTICLE 1. Chairman Casey called the meeting to order at 7:00 P.M.
Members Present: Berra, Casey, McDonald, Neal
Members Absent: Cousins, Hammond (Excused)
Others Present: Community Development Director Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Chairman Casey led the Pledge of Allegiance to the flag.

ARTICLE 3. Approve the Agenda.

Motion made to approve the Agenda as printed by Member McDonald. Support by Member Berra. Motion carried 4-0.

ARTICLE 4. Approve the Minutes of the December 09, 2014 Meeting.

Motion made by Member McDonald to approve the Minutes of the December 09, 2014 Meeting as written. Support by Member Berra. Motion carried 4-0.

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

No visitors present wished to speak to non-agenda items.

ARTICLE 6. Case #15:3230 Harvest Health

Public Hearing

Property Address: 6807 Cascade Road SE

Requested Action: The Applicant is seeking a variance to modify the amount of wall signage permitted.

Community Development Director Peterson introduced the case. The Thornapple Center PUD is on the corner of Cascade Road and 28th Street. It is a total of seven buildings that were developed in the early 90's. This development is unique in that it has a uniform look and each building has a rectangle above the store that has been allowed for wall signage. They are simply allowed to fill the rectangle as best they can. The Applicant is requesting to eliminate the rectangles and to install normal wall signs. Harvest Health occupies three store fronts. When you add up all of those rectangles, there are three on the front, three on the back and one on the north elevation which allows them 840 sq. ft. of wall signage for the building. This square footage is devised of: (6) x 120 sq. ft. in the large rectangles and (1) x 72 sq. ft. on the north elevation. In order to do this there would be 170 sq. ft. each on the east and west (the parking lot side and the Cascade Road side) and on the north side they would have an additional 90 sq. ft. This total is 430 sq. ft. They are also asking for approval of an additional 90 sq. ft. sign on the south elevation if they acquire the last tenant space and occupy the entire

building. This would give them a total of 530 sq. ft. Single tenant buildings are allowed to have 50 square feet in the B1 Zone. It makes sense in theory, but I do have some concerns. The Township plan has always been to make cohesive changes within the Village and I foresee problems if we begin to allow individual sign changes. I think that the intention has always been that if this area was redeveloped that it would be a comprehensive package, not based on individual cases. It would be better suited as a PUD Amendment where the mall would come in and ask for comprehensive changes. My recommendation would be to deny the variance as it does not meet the Finding in Fact in granting a variance.

Member McDonald asked for clarification that if they used all the rectangles they would have 840 sq. ft. and they are requesting to go down to 520 sq. ft. This variance request is being driven by the PUD not by our Sign Ordinance. Director Peterson stated that this was correct. The size of the rectangles are probably very similar to the sign size that we currently allow. They are part of the development and if we begin allowing signs individually then we will be unable to keep the area cohesive. A PUD Amendment is really the more comprehensive and correct way to make any changes or adjustments to keep the development cohesive.

Chairman Casey asked the Applicant to come forward with any comments.

Howard Atsma, Harvest Health Foods, (home address 7080 Glencreek Drive, Caledonia) stated Harvest Health Foods has been in the Grand Rapids area for 63 years, the last 17 years in Cascade Township. Mr. Atsma feels Harvest Health is a big asset and a huge draw for the Township. Their goal is to draw more people to their store. However, they feel their visibility to Cascade Road is very poor. In 2014 Harvest Health hired a Secret Shopper Service thinking they'd get feedback on customer service, cleanliness, etc. The comments they received were that Harvest Health was not visible from the street nor was it easy to find once in the strip mall because it blended in with the entire strip mall. Mr. Atsma feels that an updated look would help the community. In the last six years they've expanded twice at this location. Their logo doesn't fit the rectangular areas. If the variance is granted they'll take the rectangles out, redo the sign face, reduce the sign footage, and utilize their logo better to identify who they are. Mr. Atsma feels the PUD variance the Commissioners have talked about would be a hardship for Harvest Health because of the vacancies in the PUD currently.

Member McDonald stated Harvest Health Foods is a destination location which attracts people. However, he feels Director Peterson made good points regarding the PUD Amendment route although it would be a more difficult process for Harvest Health Foods. When asked, Director Peterson stated a PUD Amendment would take at least 3 months. The DDA Director has indicated a willingness to help with this because it's a good idea overall for this PUD development. Member McDonald indicated Sandra Korhorn, DDA Director, works on economic development and issues that Mr. Atsma is facing. The Township is in favor of getting better signage and attracting more people. Member Berra asked if Mr. Atsma has had any conversations with other leasers in the strip mall and he indicated he had not. Mr. Atsma indicated hesitation regarding the PUD Amendment process and stated he'd need to see what was involved in that process before he committed to it.

Chairman Casey stated the Commissioners need to be careful in how this PUD Amendment would work so that it would work for others within the PUD development.

Member McDonald made a motion to open the Public Hearing. Second by Member Berra. Motion passes 4-0.

There was no one present who wished to speak at the public hearing. Director Peterson stated he hadn't received any phone calls or visits from the public regarding this public hearing.

Member McDonald made a motion to close the Public Hearing. Second by Member Berra. Motion passes 4-0.

Member McDonald made a motion to deny the variance to modify the amount of wall signage permitted, but strongly recommends that Harvest Health Foods work with the DDA Director, Sandra Korhorn, and the Township in pursuing the PUD Amendment with the development of a new sign package that they present. Second by Member Berra. Motion passes 4-0.

**ARTICLE 7. Case #15:3231 Lake Michigan Credit Union
Public Hearing**

Property Address: 5701 28th Street SE

Requested Action: The Applicant is requesting approval to use a building where a non-conforming situation exists where the use is changing.

Community Development Director Peterson introduced the case stating that not all of the non-conformities are being fixed. The site is the old Burger King on 28th Street. The original PUD was from the early 1980's and was not very comprehensive. We did find some variances that were awarded that approved the lot size and lot width. When we talk about non-conformities we are referring to things that do not meet today's requirements. Some of the non-conformities on this site are:

- The buffer yards that we require are typically 25 feet and this property has 8 or 9 feet on the east and west sides.
- Lot size requirement in our 28th Street Zoning District is typically a 3 acre minimum with a 200 foot width and this site is non-conforming.
- The lighting far exceeds our current Lighting Ordinance.
- The parking lot design with the number of spaces is more parking than what we allow. We require more landscaping and less parking. We would also require more islands in the parking lot today than what they currently have.

What we are talking about in allowing the change of use without fixing these non-conformities are really the buffer yard width and the parking lot design. They are making adjustments to the lighting and that is expected to come into compliance. The building itself does not need a variance as they are reusing the existing building with a slight remodel. The drive-thru is being expanded to a normal bank drive-thru. They are trying to get cross access to a neighboring property. I am recommending approval of the variance as they are bringing the site into more compliance and the use itself will be less intense than the prior use.

Member McDonald asked if the Planning Commission would have to approve the Site Plan. Director Peterson stated that as the changes are minor it would only require Administrative Site Plan approval.

Chairman Casey asked who owned the service drive. Director Peterson stated that it is owned by several individual property owners who are responsible for the upkeep of the road.

Chairman Casey asked the Applicant to come forward with any comments.

Steve Witte, Nederveld came forward on behalf of the Applicant. The improvements will include reducing the hard surface by about 6,000 sq. ft. Currently, there are 111 parking spaces and after this is done there will be 53. The lighting will be redone to bring the lighting up to standards and be conforming. The building will be dressed up and improved in appearance. We are asking for some of the non-conformities to be grandfathered in to make the project feasible.

Member McDonald made a motion to open the Public Hearing. Support from Member Berra. Motion passed 4-0.

No one wished to speak on the case. Director Peterson stated he hadn't received any phone calls or visits from the public regarding this public hearing.

Member McDonald made a motion to close the Public Hearing. Support from Member Berra. Motion passed 4-0.

Member McDonald made a motion to approve the variance for Case #15-3231 Lake Michigan Credit Union as proposed as per Staff's Finding of Fact. Support by Member Neal. Motion passed 4-0.

ARTICLE 8. Any other business.

- Election of Officers – tabled until all members are present.

ARTICLE 9. Adjournment

Motion by Member McDonald to adjourn the meeting. Support by Member Berra. Motion Passed 5-0. Meeting adjourned at 7:54 PM.

Respectfully submitted,
Bill Cousins, Secretary

Ann Seykora/Debra Groendyk
Planning Administrative Assistant

STAFF REPORT

TO: Cascade Township Zoning Board of Appeals
FROM: Steve Peterson, Planning Director
REPORT DATE: April 29, 2015
MEETING DATE: May 12, 2015
CASE: #15-3242/ Patterson Ice Arena

GENERAL INFORMATION

STATUS
OF APPLICANT: Owner

REQUESTED ACTION: The applicant is seeking a variance that would allow Alcohol to be served on the premises. This is a Temporary Use variance, as the applicant is seeking this approval for only this event.

EXISTING ZONING OF
SUBJECT PARCEL: PUD, Planned Unit Development

GENERAL LOCATION: East side of Patterson approximately ¼ mile north of 28th Street.

PARCEL SIZE: 10 Acres

EXISTING LAND USE
ON THE PARCEL: Ice Arena

ADJACENT AREA
LAND USES: N- Residential
S- Industrial
E – Industrial
W- Residential (City of Kentwood)

ZONING ON ADJOINING
PARCELS: N- R1, Residential
S- Industrial
E – Industrial PUD
W – R4 Residential (City of Kentwood)

STAFF COMMENTS:

A. The request would allow Lisa Sheldon to serve alcohol at her wedding reception at the ice arena. The event would be inside and would be from 4pm-9 pm.

- B. We have had two similar requests (2002 and 2012) at this facility. Both were approved with no incident.
- C. The Clerk has already reviewed the temporary liquor license and has not objected to it.
- D. Currently the PUD Ordinance that regulates the project specifically prohibits the sale or consumption of alcohol at the site. I have copied the page from the PUD Ordinance that pertains to this situation.
- E. According to section 23.07.4 of the Zoning Ordinance the ZBA has the authority to review and approve all temporary uses provided it complies with section 4.18(4) of the Zoning Ordinance.

Section 4.18(4) states, "Other temporary structures not permitted or regulated above or by other provisions of this Ordinance may be permitted by the Zoning Board of Appeals. An application for such temporary structure shall set forth the purposes of the construction. The Zoning Board of Appeals shall determine whether such structure is intended as a temporary building and that its use thereof shall be terminated at a specified time. The application shall not be granted if the structure is not served with a sufficient and healthful water supply and toilet facilities. The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health, and general public welfare and for the prevention of fire hazards as provided by the terms of this Ordinance or any other ordinance of the Township, not in conflict herewith for such districts in which the temporary structure shall be located. The temporary building shall not be injurious to the value of the surrounding property or neighborhood".

- F. You are most familiar with this section when we have dealt with temporary buildings on sites. In those cases we have granted several variances allowing the temporary building or use provided that the end date was set when the temporary building or use would be terminated.
- G. After reviewing the file and talking to others that were involved in the original approval of the Patterson Ice Arena project, the reason for the prohibition of alcohol was something that staff suggested and the developers agreed to. It was not the case that the citizens attending the hearings wanted to be assured that no alcohol would be served at the ice arena.

STAFF RECOMMENDATIONS

Given the fact that this is a one-time event for a wedding and that the applicant can satisfy the standards of section 4.18.4 of the zoning ordinance staff would recommend approval of the temporary use, allowing alcohol to be served at the ice arena for this one event only provided they are also successful in obtaining their temporary liquor license.

Attachments: Application
 Location Map
 Excerpt from PUD Ordinance



May 12 meeting

CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT:

Name: Lisa Sheldon

Address: 889 Silverleaf St SE

City & Zip Code: Kentwood, MI 49508

Telephone: 616-822-4175

Email Address: L9sheldon@hotmail.com

OWNER: * (if different from Applicant)

Name: Tom Melney

Address: 3200 Hill St SE

City & Zip Code: Grand Rapids, MI 49506

Telephone: 616 862-4066

Email Address: tmelney@PattersonIceCenter.com

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Administrative Site Plan Review |
| <input type="checkbox"/> Deferred Parking | <input type="checkbox"/> P.U.D. - Rezoning * |
| <input type="checkbox"/> P.U.D. - Site Condominium * | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Site Plan Review * | <input type="checkbox"/> Sign Variance |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision Plat Review * |
| <input checked="" type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other: _____ * |

** Requires an initial submission of 5 copies of the completed site plan*

BRIEFLY DESCRIBE YOUR REQUEST:**

We would like to have our wedding reception at
Patterson Ice Center and serve alcohol there. Only
drinking dinner so will be there from 4-9pm. Also, will be
inside the building!

****Use Attachments if Necessary)**

-SEE OTHER SIDE-

Assessing
949-6176

Building
949-3765

Buildings & Grounds
682-4836

Clerk
949-1508

Fire
949-1320

Manager
949-1500

Planning
949-0224

Treasurer
949-6944

LEGAL DESCRIPTION OF PROPERTY:**

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 _____

ADDRESS OF PROPERTY: 2550 Patton Avenue SE, Grand Rapids, MI 49546

PRESENT USE OF THE PROPERTY: _____

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

Tom Mehney

Owner – Print or Type Name
(*If different from Applicant)

Tom Mehney 3-30-15

Owner's Signature & Date
(*If different from Applicant)

Lisa Sheldon

Applicant – Print or Type Name

Lisa Sheldon 3-31-15

Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

Rev. 7/24/14

1. The sale or consumption of alcoholic beverages shall be prohibited within the Project.
2. The Project shall be open for public admission as follows:
 - a. Sunday – 6:00 am to 11:00 pm
 - b. Monday through Saturday – 6:00 am – 12:00 midnight.

No permitted use may begin after 11:00 pm on Sunday and 12:00 midnight on all other days. All patrons of the Project shall leave the premises no later than one (1) hour after the closing of public admission.

3. Security guards shall be provided at all high school hockey games and at any other time the attendance is expected to exceed 500 or more persons. Security shall be at the expense of the developer and shall be provided until one (1) hour after the last hockey game or until the closing of the ice center, whichever is the lesser time period.
4. No audio speakers or other sound amplification equipment shall be located, placed or installed outside of the ice center building.

Section IX. Design Guidelines, Requirements and Limitations

The Project shall be developed in accordance with the site plan approved by the Township Planning Commission. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance.

A. Site Development Standards:

1. Maximum Height – 35 feet or 2 stories whichever is the lesser.
2. Setback Requirements:
 - Front: 225 feet
 - Side: 25 feet
 - Rear: 50 feet
3. Maximum Building Size – 74,975 square feet.
4. Minimum Number of Parking Spaces – The Project shall provide a minimum of 396 on site parking spaces. In the event the Project shall increase in size additional parking shall be installed consistent with Section 19.21 of the Zoning Ordinance.

B. Signs:

