

MINUTES

Cascade Charter Township Planning Commission
Monday, July 16, 2012
7:00 P.M.

ARTICLE 1. Chairman Sperla called the meeting to order at 7:00 p.m.
Members Present: Hammond, Lewis, McCarthy, Mead, Pennington, Robinson, Sperla, Williams
Members Absent: Waalkes, excused
Others Present: Planning Director Steve Peterson and members of the public.

ARTICLE 2. Chairman Sperla led the Pledge of Allegiance.

ARTICLE 3. Approve the current Agenda.

Motion was made by Member Robinson to approve the Agenda. Support by Member Mead. Motion carried.

ARTICLE 4. Approve the Minutes of the June 18, 2012 meeting.

Motion was made by Member Pennington to approve the Minutes. Support by Member Mead. Motion carried.

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

Chairman Sperla welcomed the visitors and asked if anyone wished to speak to non-agenda items. No visitors present spoke.

ARTICLE 6. Case #11-3043 Covenant Development LLC

(The Villas of Laraway Lake)

Public Hearing

Property Address: 1910 & 1960 Laraway Lake Dr.

Requested Action: The applicant is requesting to rezone 1910 and 1960 Laraway Lake Dr to Planned Unit Development (P.U.D.) to accommodate a new attached unit development with 27 units.

Planning Director Peterson described the location of the properties and stated that there are about 11 acres and is zoned R1 Residential. It is Master Planned Suburban Residential which combines R1 and R2. The developer would like to accommodate 27 condominiums in 9 buildings. It would be served by public sewer and water. They have proposed a new private road through the development.

The plan was introduced originally in August of 2011. At that meeting the Planning Commission gave the applicant several items to address in order to hold a Public Hearing.

- **Review and approval by the KCRC.**

The KCRC will not permit the 16 drives as indicated on the test plan; they will only permit 5 driveway openings. The planned road access is acceptable.

- **Plans indicating that the private road meets our standards.**

The plans do not meet all our standards. The ROW is less than 66 feet and it is a dead end street with more than 19 units. They do propose an emergency access only to accommodate the larger number of units.

- **Approval from the Township Engineer.**

The plans have been reviewed and the township engineer has provided a lengthy report detailing several concerns.

- **Have the plans reviewed by the City of Grand Rapids for comments on the acceptability of this project for sewer and water.**

This should be feasible.

- **Provide a "test plan" that meets our subdivision ordinance to determine the allowed number of lots.**

They have provided two test plans. There are some challenges to the first plan; too many driveways, the number of units, and setbacks, just to name a few. The second test plan is a little bit more realistic on how it could be developed, however there are challenges with this plan as well. In both cases it appears that 13 units would be possible.

- **Plan indicating the home size and elevation drawings.**

The homes range from about 1700 to 2000 sq ft.

- **Completed plans with all of the required details.**

This has been completed.

The plan introduced in August of 2011 had 28 units and they are now proposing 27.

The applicants indicated that they would provide an easement along Laraway Lake to relocate the pathway. They do not plan to build it, and there is no plan or funding set aside by the Township to build it. The plan indicates that they would be preserving the hill along Laraway Lake Dr as "preservation/rural restoration". This is misleading because if the path were to be built, the hill would be gone along with the tree buffer due to the grade needed to accommodate the path.

None of the other buildings meet our standard 35 foot front setback and many of them have a setback of zero (0) from the new road ROW.

The fire dept. provided a letter with the usual comments. They discussed the

emergency exit and do not have issues with the plan.

There seems to be some confusion by the applicant on how we calculate the allowed number of units. Peterson explained how this is determined. Staff calculates that 13.56 total units are allowed.

The applicant has calculated a larger amount of open space seemingly because they have double counted the areas around the buildings as open space when indeed these are already calculated as a part of the lot when determining number of units allowed. The open space is mainly on the south side of the project which accounts for about 3 acres. If a path were to be built the open space would be gone. The open spaces along the east side of the perimeter are essentially backyards.

Another concern is the proposed attached units for this development. When looking at the Master Plan for that area, this is not a direction we want to go.

The developer has requested more density than allowed. Staff cannot recall when we have allowed more density than what the underlying zoning allows for in any development.

The proposed selling price for the units starts at \$250,000 which is average for that neighborhood.

The current road system has plenty of capacity to handle the traffic from this development, per the KCRC.

The township engineer has reviewed the revised plans and provided a report outlining several outstanding issues that need to be addressed. While some of the items are engineering detail, several outstanding issues have big impacts on the design/layout of the project. To highlight, one item is the retaining walls over 4 feet high. This would require review by the building department in order to be permitted.

The Planner went over the Standard for P.U.D. rezoning in his Staff Report as to Section 16.03 of the Zoning Ordinance. Comments include the following:

- While the use and some of the characteristics of this project are desirable, this designation of PUD and density would be of no benefit, nor is it what the area is zoned or planned for.
- The project does not follow the underlying zoning and therefore would result in a negative impact to the surrounding land and property owners.

- The proposed plan is not consistent with either the intent or spirit of the Master Plan or the Zoning Ordinance.
- While the development may be using high quality materials and have a selling price similar to the surrounding area, it would have an unreasonable negative impact due to the fact that they have ignored the underlying zoning.
- The open space that is being provided is insufficient for the number of units being proposed.
- As to single ownership or control of the proposed development, the standard is met.

For this project Staff recommends denial given the fact that the developer has essentially ignored the underlying zoning, provided less than the required amount of open space for the density requested, has less than the required ROW, does not meet any setbacks for the new units, is proposing a project almost entirely made up of attached units in an area of detached single family homes, and meets almost none of the standards used to consider a P.U.D. rezoning. Staff strongly suggests that a denial be recommended to the Township Board for this project.

Chairman Sperla asked if any Planning Board Members had any questions for Planner Peterson. No one had questions.

Chairman Sperla invited the applicant or spokesperson to make a presentation. Present was Peter Engles, owner of Covenant Development. He also introduced Rick Pulaski of Nederveld Engineering and Dave Smith, who is their counsel from McShane and Bowie.

Mr. Engles expressed thankfulness for all who attended the meeting and the opportunity to accurately present the facts about the proposed project. He stated that he would be discussing the conservation cluster project proposed and some of its key benefits that go above and beyond the underlying zoning.

The developers had sent information to the neighbors to provide preliminary information about the project prior to this public hearing. Neighbors were given different ways to become aware of this project, such as contact names and numbers, an opportunity to meet with the developer, or to attend a meeting with the developer. They were also offered the opportunity to visit one of the already developed properties in a neighboring community.

The project offers single level ranch condominiums and is a ZeroStep Community. Mr. Engles went into detail about the project and also what they will do to satisfy the adjacent neighbors. He talked about the pathway easement and a letter he had received from the Township Manager.

The proposed Villas of Laraway Lakes enhances the housing opportunities of the area by providing empty nesters an opportunity to stay in the town they love and enjoy a maintenance-free lifestyle. There is a demand and need for senior housing for the 50+ resident in the suburban residential area of Cascade Township.

Dave Smith of McShane and Bowie was in attendance to present his interpretation of the Township Zoning Ordinance and Master Plan, which differs from that of Planning Director Peterson.

Rick Pulaski of Nederveld Engineering was present to explain ZeroStep homes and what Covenant Development is all about. The property they wish to develop has about 11.3 acres. It is wooded on the south side and a few trees line the perimeter. They will be preserving as many trees as possible or replacing those taken down by necessity. Rick shared photos/drawings of the typical subdivision vs. what The Villas of Laraway Lake will look like. He explained their 4-step tree preservation process and how they actually design a site.

Since the project is primarily geared for empty nesters, the number of people living in the community would be fewer per household than family homes.

Mr. Pulaski also touched on density, open space, an easement, and the conservation cluster idea. He concluded by stating the numerous "over and above" items in the project.

Chairman Sperla asked if there were any questions of Planning Members for the developer or his representatives.

Member Hammond asked the Planner to clarify front yard setbacks. He then pointed out to the developer/representatives that they had not complied with the front yard setback explained in the PUD requirements. He stated that they had also failed some of the other fundamental issues with the Zoning Ordinance.

Mr. Pulaski explained their understanding of the Zoning Ordinance from 16.03B in reference to flexibility and creativity in development. Discussion followed.

Chairman Sperla requested that someone open Public Hearing. Member Lewis made a Motion to open Public Hearing. Support by Member Robinson. Motion carried.

Amanda Scarlett of 1859 Cascade Farms came forward to speak. She was present to represent over 360 residents who had signed a petition to express their concerns and strong opposition to this project. Their main concerns are the negative effects on the surrounding property values, population density, and the

environment. They also wished to show their support for the 2009 Master Plan, for the growth of their community which identifies their area as suburban residential and zoned as R1 single family detached homes. The residents who signed the petition were mostly from the neighborhoods surrounding the proposed property development.

Jim Aidala of 6840 Sunrise Ct. agreed with Amanda and also wanted to bring attention to remarks in the Staff Report; particularly the staff summery. He is in agreement with Staff's concerns. From the Staff Report he pointed out words or phrases used such as "the developer has basically ignored the underlying zoning, provides less than the required right-of-way, does not meet any setbacks of the new units, is proposing a project almost entirely made up of attached units in areas of detached single family homes, meets almost none of the standards used to consider a PUD rezoning". There are also words in the text such as "misleading, does not meet our private road standards, does not meet setbacks, some confusion by the applicant on how to calculate units, two test plans were provided...one is invalid, they have double counted areas behind the buildings as open space". These words and others in the report catch your attention. The key concern for Mr. Aidala is density.

Gary Vandenberg of 6484 Tammarron Ct. is an accredited land consultant and has been so for about 30 years. He is not speaking either for or against the project, but wanted to share some of his observations. He does like some of the ideas of the project but voiced caution in setting precedence if allowing this project.

Fred Gore of 1875 Cascade Farms Dr. had attended both informational meetings put on by the developer and has reviewed the packet of information. He echoes some of the comments by the previous speaker. He would primarily wish to say that the test cases; whether or not this case is approved, another development might come along and propose what is portrayed here as the test cases. He would hope that it could be looked at in a PUD approach and looked at holistically, looking at preservation of trained landscape and amenities on the site.

John Postma of 1301 Royal County Down is a real estate professional of 33 years. He has developed or helped develop homes in the Cascade area. He said this site is narrow and the cluster development makes sense. He does not believe it will affect values. He believes in balance and would recommend this project.

Kevin Dimeglio resides at 6664 Cascade Farms Ct. He does not see the value in trying to sell a cluster home for \$285,000 when larger homes in the area are not selling, even for less than that. He said zero step homes with steep slopes do not add up. He added that the entrance would be at a dangerous curve. Considering

many factors, he does not believe it is a good location for a person's aging parents.

Jeff Dionne owns a home at 1955 Laraway Lake Dr. He attended a meeting conducted by Covenant Development and in his opinion, they build an excellent product. Jeff is a licensed Michigan lender and licensed Michigan builder working for a competitor in this market and can attest to the need with which they fill. The project offers many valid points and the community has valid concerns about the development.

Steve Ringler of 1475 Tammarron Ave. has lived in this neighborhood for 31 years. He says that the concept is excellent but it is in the wrong location. It is not a place for a PUD project; it is a setting for 3 or 4 homes with one driveway. Property values and density are major issues. Traffic is dangerous in the area. The issue of the bike path is also concerning.

Abby Dilley at 6840 Sunrise Ct. would like to know what the plan is for water run-off. She is concerned with the density issue and also referred to some of the Planners comments regarding non-compliance. She feels the developers are asking the Planning committee and the community to go against the Zoning Ordinance and the Master Plan.

Todd Craffey of 1891 Cascade Farms Dr. wants to remind the developer of the importance of the 2009 Master Plan. He was surprised and disappointed that some have completely disregarded the Master Plan and recommendations from the township and Steve Peterson. The proposals are not even close to the township requirements. They are viewed to him as a threat and they have used scare tactics in many ways. There were both positives and negatives in the applicants' presentation. He is against this type of development for this property.

Kevin Murphy of 1866 Cascade Farms Dr. agrees with the previous speaker. He is skeptical of this developer and his impression is that there is some deceit, misrepresentation, a lot of marketing skill put to play here to try to win over people that are opposed to this and to sway opinion.

Evelyn Vanderveen of 1866 Cascade Farms Dr. has been here for 27 years and loves the area and wants to preserve it. She would suggest that this property become a nature preserve like was done with the Tassell Property. She would be happy to financially support whatever is required rather than have this type of a development. She feels the project would destroy the environment and atmosphere.

Duke Suwyn of 6570 Ada Dr in Ada Township is speaking on behalf of the owners of the property. He lives just down the street from Ada Villas and states that it is

really a beautiful development. He feels this project would be an asset and enhancement to this community just like the Ada Villas development. He went on to say that if this project is rejected the owners intent is to maximize this site and get it developed with as many homes as possible meeting the minimum township requirements. This is not a threat; it's just trying to do the right thing. He added that the township has already stated that they are not interested in this property for a park or as a preserve.

Scott Barron at 2429 Cascade Springs Dr. says this is not in his back yard and it does not affect him. He says that this is a nice development but he does not want this to turn into a Kentwood scenario where you turn into Rentwood. If you change your zoning laws for one project, it sets precedence for the next project. He does not want to see the community change.

Chairman Sperla thanked all those who spoke.

Member Lewis made a Motion to close Public Hearing. Support by Member Robinson. Motion carried.

Member Lewis commented that this is a good project but the wrong location and the density is too high. Density influences all the rest of the factors involved in developing. Member Lewis believes in a strong ordinance, plus he helped make the Master Plan. The concept is good but the location could be improved upon.

Member Lewis made a Motion that the request for this property to be rezoned and developed as presented be denied and sent to the Township Board with that denial from the Planning Commission based on the recommendations in the Staff Report. Support by Member Robinson.

Member Mead said he has worked in government for 15 years and has sat on various Planning Commissions for 5 years. He has heard many developers say, "If this doesn't happen, this will". He believes the market will dictate that. He agrees with Member Lewis in that there has been too much time put into the ordinance that this does not fit this spot. It is a great concept, but there is too much density.

Member Williams recalls when this was first presented last August. It was obvious that the density was necessary for it to be financially viable. We were hoping that the developers would come back with something that fit into the existing requirements and it really hasn't done that. We do have areas in the township where this would be readily accepted. This is a neighborhood and it's not a very big parcel. It's a nice project, but it's not the right spot, in my opinion. Chairman Sperla also had comments. He said that he is a big fan of the PUD process as it provides a level of flexibility that you don't get sometimes with block

housing, etc. We are required to follow the dictates of the underlying zoning. You can do some trade-offs and diversions but that is usually done when there is something given back. In this case, there is a lot of non-compliance and you are asking us to do a lot of “blinking” with regards to setbacks, road ROW, and density. There aren’t enough give-backs. I like the project and the concept but we need to find the right location.

With no further comments, Motion carried to deny the project as presented. (8-0)

This will be forwarded to the Township Board and there will be another Public Hearing.

The Planning Meeting then took a break.

After a short break the meeting resumed.

**ARTICLE 7. Case #12-3091 Brad Rottschafer
Public Hearing**

Property Address: 7939 Tannenbaum

Requested Action: The applicant is requesting approval to split his property for one additional lot. The Public Hearing is to consider exceptions to the private street regulations in order to accommodate the additional split.

Planer Peterson explained that this is actually a private road exception that is triggered because of a lot split request.

As history, this property and road were subject to a private road exception in 2000 (Case 00-2291) and an exception was awarded that allowed for a reduced easement and reduced clear area. Unfortunately, the owner at that time backed out of the agreement after obtaining a building permit. The owner never improved the road after getting the benefit of the split.

The new owner is willing to complete what was required to be done in order to build, but is asking to make a modification of the exception. The modification is that the road get extended so it could access one more split; however the road would stop approximately 200 feet short of where it is technically supposed to end. The rest of it would be in compliance with our Private Road Requirements. They have indicated that they may not split that but they want the ability to do so by getting this Private Road Exception.

This design meets our requirements and Staff recommends that we approve. It will go to the Township Board and they will make the final decision. There will be no Public Hearing there.

Staff received a couple comments; one from a neighbor who is in favor of the request. The other person did not object to the request.

Discussion followed.

Member Mead asked how we got to this point without the enforcement. Staff said there is a timing problem with lot splits and building permits. Because the owner pulled building permits the lot split was approved. The owner then left town after splitting the lot, and then ignored the building permit.

Discussion followed.

Chairman Sperla asked if the applicant wished to make any comments. Mr. Rottschaffer is the contractor for the property owner. He said they are just trying to clean up what did not happen in 2000. He has been in contact with Planner Peterson and also the fire dept.

Discussion followed.

Member Lewis made a Motion to open Public Hearing. Support by Member Hammond. Motion carried.

With no one from the public wishing to speak, Member McCarthy made a Motion to close public hearing. Support by Member Williams. Motion carried.

Member Mead made a Motion to send a positive recommendation to the Township Board for the private road exception at 7939 Tannenbaum Dr. along with the conditions made by Staff. Support by Member Hammond. Motion carried.

ARTICLE 8. Case #12-3087 Craig Baker

Property Address: 5465 International Parkway – Lot 12, Meadowbrooke

Requested Action: Site Plan Approval for pallet storage/manufacturer.

Chairman Sperla introduced the case by stating that the applicant is requesting site plan approval in order to construct a new 85,000 sq. ft. building on lot 12 of Meadowbrooke Business Park. It is an 18 acre site.

Planner Peterson pointed out the location of the site. It is industrial use. It meets the zoning requirements for Meadowbrooke in terms of setbacks and landscaping. Staff recommends a \$5000 landscape bond.

- The Road Commission has approved their driveway access.
- The Township Fire Dept. has reviewed and approved the plans.

- The Township Engineer has reviewed and approved the plans with only a few “normal” engineering issues.
- The Meadowbrooke Review Board reviewed this project on June 1 and approved with only a few comments. There were some adjustments to the facade requirements.
- The applicant will need to obtain a soil erosion permit from KC prior to construction.
- They do have plans for an addition which would require additional review when needed.

Staff recommends approval for the site plan along with 4 conditions mentioned in the Staff Report and a 5th to update the elevation drawings.

Member Pennington made a Motion to approve Case #12-3087 for lot 12 of Meadowbrooke; approving the site plan with Staff recommendations. Support by Member Robinson.

Member Hammond asked if that would include the discussed 5th condition in regards to the updated elevations. Member Pennington agreed to the Friendly Amendment. Motion carried.

ARTICLE 9. Case #12-3084 Cascade Charter Township

Public Hearing

Requested Action: To consider amending Section 4.30.5 of the Zoning Ordinance. This section of the Zoning Ordinance provides the criteria for allowance of taller fences.

Chairman Sperla introduced the case and turned it over to the Planner.

Planner Peterson has put together a Zoning Ordinance Amendment to address concerns relative to the standard Section 4.30.5.a that states, “The additional height meets with the approval of the affected adjoining property owners”. The concern from our township attorney is that this could be construed to require 100 % consent by adjoining property owners. Staff does not believe that was ever the intent of this section and, according to our attorney, would not withstand a challenge.

The amendments take into consideration the impact on the adjoining property owners.

This has been reviewed and approved by the Township Attorney and we recommend these zoning amendments be forwarded to the Township Board for approval after holding the public hearing.

Discussion followed regarding the proposed wording for 4.30.5.a. Member McCarthy thought the proposed wording in section 4.30.5.e also needed a little clean-up.

Member Lewis made a Motion to open Public Hearing. Support by Member Robinson. Motion carried.

With no one from the public wishing to speak Member Robinson made a Motion to close Public Hearing. Support by Member McCarthy. Motion carried.

Member Pennington made a Motion to amend Section 4.30.5 of the Zoning Ordinance as presented with the changes discussed earlier. Support by Member Mead. Motion carried.

**ARTICLE 10. Case #12-3083 Cascade Charter Township
Public Hearing**

Requested Action: To consider amending the Sign Ordinance to allow for multiple wall signs.

Planner Peterson has drafted some amendments to the Sign Ordinance relative to wall signage. These amendments were initiated based on some recent variances the ZBA has awarded. Essentially, these variances allow for multiple wall signs, provided the total amount of square footage does not increase.

The changes are small but it impacts several sections of the sign ordinance. The intent of the amendments is to update all sections of the sign ordinance to allow for multiple wall signs without exceeding the allowed square footage.

Staff recommends that we forward a positive recommendation to the Township Board after holding the public hearing.

Discussion followed.

Member Lewis made a Motion to open Public Hearing. Support by member Robinson. Motion carried.

With no one from the public wishing to speak Member Robinson made a Motion to close Public Hearing. Support by Member Hammond. Motion carried.

Member Robinson made a Motion with support by Member McCarthy that the proposed amendments to the Sign Ordinance be adopted. Motion carried.

ARTICLE 11. Any other business

Our next meeting is August 13, 2012.

ARTICLE 12. Adjournment

Motion was made by Member McCarthy to adjourn. Support by Member Hammond. Motion carried. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Karen McCarthy, Secretary

Carol M. Meyer, Planning Administrative Assistant