

AGENDA
Cascade Charter Township Planning Commission
Monday, May 14, 2018
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 April 16, 2018 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 # 18:3454 Mark Stachowiak
PUBLIC HEARING
Property Address: 7871 Shadybrook
Requested Action: The Applicant is requesting a Type 1 special use permit to allow for a 6 ft tall fence in the front yard.**
- ARTICLE 7. Any other business**
- ARTICLE 8. Adjournment**

Meeting Format

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

MINUTES
Cascade Charter Township
Planning Commission
Monday, April 16, 2018
7:00 P.M.

ARTICLE 1. Chairman Sperla called the meeting to order at 7:00 P.M.
Members Present: Johnson, Katsma, Krieter, Lewis, Noordyke, Pennington, Rissi, Robinson and Sperla
Members Absent: None
Others Present: Community Development Director, Steve Peterson and those 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 Agenda. Supported by Member Johnson. Motion carried 9 to 0.

ARTICLE 4. Approve the Minutes of the March 19, 2018 meeting.

Motion was made by Member Robinson to approve the minutes of March 19, 2018 (with noted corrections). Supported by Member Pennington. Motion carried 9 to 0.

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

No visitors came forward.

ARTICLE 6. Case #18:3448 Lynn Vannote

Public Hearing

Property Address: 8233 28th Street

Requested Action: The Applicant is requesting a special use permit to construct an accessory building over 832 sq. ft.

Director Peterson stated that Applicant is requesting permission to construct an accessory building that would be 30' x 60' (1,800 sq. ft.) and 17 feet tall as measured to the midpoint, requiring a minimum setback of 40 feet from the side and rear property lines. The building will be used for RV and car storage and will have metal siding and roofing. The building is located behind the front of the home and meets all required setbacks.

Director Peterson recommends approval of the special use permit to construct an accessory building over 832 sq. ft., with the following conditions:

1. The building is not used for living space or to run a business; and
2. Any outdoor lighting meets township regulations.

Chairman Sperla invited the Applicant to come forward with any comments.

Mr. Vannote came forward to briefly explain the need for the building and that the neighbors had been notified and had no comments.

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

No members of the public wish to speak on this manner.

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

Motion was made by Member Rissi to approve the special use permit to construct an accessory building over 832 sq. ft., with the conditions stated above by Director Peterson. Supported by Member Noordyke. Motion carried 9 to 0.

ARTICLE 7. Case #18:3452 John Kortman

Public Hearing

Property Address: 4555 Little Harbor Drive

Requested Action: The Applicant is requesting a Special Use Permit to construct an accessory building over 832 sq. ft.

Director Peterson stated that Applicant is requesting permission to construct an accessory building that would be 36' x 36' (1,296 sq. ft.) and 18 feet tall as measured to the midpoint, requiring a minimum setback of 40 feet from the side and rear property lines. The building will be used for boat storage and will have wood and metal siding and metal roofing. The parcel is on the river, so they can have a building in the front yard provided setbacks requirements are met.

Director Peterson recommends approval of the special use permit as requested with the following conditions:

1. The building is not used as living space or to run a business; and
2. Any outdoor lighting meets township regulations.

Chairman Sperla invited the Applicant to come forward with any comment.

Mr. Kortman came forward to briefly explain the need for the building and that they had spoken with neighbors, who did not oppose it.

Motion was made by Member Rissi to open public hearing. Supported by Member Lewis. Motion carried 9 to 0.

No members of the public came forward with any comments on this matter.

Motion was made by Member Rissi to close public hearing. Supported by Member Robinson. Motion carried 9 to 0.

Motion was made by Member Noordyke to approve the special use permit to construct an accessory building over 832 sq. ft., with the conditions stated above by Director Peterson. Supported by Member Pennington. Motion carried 9 to 0.

ARTICLE 8. Case #18-3446 Kent County Road Commission ("KCRC")

Property Address: 4949 South Complex Drive

Requested Action: The Applicant is requesting Site Plan approval in order to add another building.

Director Peterson stated that Applicant is requesting site plan approval in order to add another building, which would be 150 x 60 and used for storage. The PUD was approved in 1988 and included a number of different uses. The new building would meet all setback and height requirements of the existing P.U.D.

The Township Engineer has reviewed and approved this project, while the Fire Department had no comments.

Director Peterson recommends the site plan be approved for the new building.

Chairman Sperla invited the Applicant to come forward with any comment.

Mr. Tom Byle of the KCRC came forward and gave a brief overview for the need and location of the building.

Motion was made by Member Lewis to approve the site plan for the new building, as written. Supported by Member Robinson. Motion carried 9 to 0.

ARTICLE 9. Case #3450 Dykema LP/Honeysuckle Hill

Property Address: 4682 and 4870 Buttrick

Requested Action: The Applicant is requesting to rezone approximately 11 acres to P.U.D. to allow for 7 single family home sites and develop an additional 6 single family home sites with unplatted lot splits.

Director Peterson stated that Applicant is requesting Basic Plan Review in order to rezone approximately 11 acres for a Planned Unit Development ("PUD") called Honeysuckle Hill. This request would rezone the 11 acres to PUD for 7 lots and allow for 6 lot splits for a total of 13 single-family home sites. The plan allows for 33% of the acreage to be left as open space and have a minimum lot size of 40,000 sq. ft. Applicant is not asking for any exceptions with the rezoning.

The development will need to provide approval from the Kent County Health Department, as it will be served by wells and septic.

Streets will be private and will need to meet the private street ordinance and look to the KCRC for street names and approval of curb cuts.

The storm water plan will need to be approved by the Township Engineer before the public hearing.

Director Peterson recommends that if the Commission finds that all of the procedural information has been provided, this application should proceed to a public hearing and consideration of a Preliminary Development Plan. It will be at that stage of the review process that the merits of the request will be considered and the detailed site plans will be required and reviewed.

Before proceeding to the Preliminary Development Plan review (Public Hearing), he recommends that the Applicant submit the following information:

1. Review and approval from KCRC for street names and drive locations;
2. Plans indicating the private roads meet township design standards;
3. Approval from the Township Engineer;
4. Revised plans to show entire project as a site condo; and
5. Revised plans removing any storm water detention system from lots and in the common open space.km

Chairman Sperla invited the Applicant to come forward with any comments.

Mr. Berg came forward on behalf of Applicant. Mr. Berg explained it is 2 parcels, but one PUD. He also commented on several aspects of the project, one being the private drive. They will restrict lots on 48th Street (no curb cuts) and there will be no driveways off Buttrick. There will only be the private drive. They will do a test well, which will need to be done to get Health Department approval. A number of issues Mr. Berg touched on will be discussed further at the public hearing.

There was a brief discussion between Applicant and the Commission, with the Planning Commission members feeling confident that Applicant have been very thorough and well prepared with their plans.

No action is required by the Commission at this time and this will proceed to the next step in the process, a public hearing, after all of Director Peterson's recommendations listed above are completed.

ARTICE 10. Any other business

The next meeting of the Planning Commission will be May 14, 2018.

Director Peterson shared that a consultant has been chosen to help update the Master Plan. This choice will be recommended to the Township Board on April 25, 2018.

ARTICLE 11. Adjournment

**Motion was made by Member Rissi to adjourn. Supported by Member Pennington.
Motion carried 9 to 0. The meeting was adjourned at 7:40 p.m.**

Respectfully submitted,
Phil Johnson, Secretary

STAFF REPORT

TO: Cascade Charter Township Planning Commission
FROM: Steve Peterson, Community Development Director
REPORT DATE: April 24, 2018
MEETING DATE: May 14, 2018
CASE: #18-3445/Stachowiak

GENERAL INFORMATION

APPLICANT:

Mark Stachowiak
7871 Shadybrook
Cascade MI 49301

- A. Status of Applicant: Property Owner
- B. Property Location: corner of Buttrick and Shadybrook
- C. Requested Action: Allow a 6-foot-tall fence in the front yard.
- D. Existing Zoning on Subject Parcel: R-1, Residential
- E. Zoning on Adjoining Parcels: All R-1
- F. Existing Land Use on Subject Parcel: Residential.
- G. Adjacent Area Land Uses: All Residential

STAFF ANALYSIS

- A. The applicant is requesting a Type I special use permit to allow for a taller fence in the front yard.
- B. They are only asking for the taller fence along the buttrick ave front of the house. The fence would start at house and then run parallel to Buttrick for about 275 feet.
- C. They need the special use permit to have the 6 foot tall fence since our standard for front yard fences is 4 feet. This is not a zoning variance.
- D. The fence is planned to be a wood, dog eared fence.

- E. They have indicated that the fence would be placed 25-30 feet from the road. It will be important for the owner to make sure that any fence is not placed in the road ROW. Measuring from the road is not always accurate.
- F. My inspection revealed that the taller fence would not cause a vision problem.
- G. We don't have other fences on this section of Buttrick taller than 4 feet. However we do have 6 foot tall fences along other arterial roads in Cascade.
- H. Fences do not require a building permit but are required to comply with Section 4.30 of the Zoning Ordinance.
- I. We have granted other permits for taller fences in the front yards before when it has not created a vision problem.
- J. With a Type I special use permit the Planning Commission may allow the height of the fence to increase to 8 feet. I have copied for you the section from our ordinance that provides the criteria for you to evaluate the taller fence request.

Conditions for Special Use Permit Approval

Amended by Ord No 5 of 2012 (7/25/12)

Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following.

Standard	Comment
To what extent the impact of additional height has on adjoining neighbors.	Little if any for a 6 foot tall fence.
Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.	No impact.
Whether the increased height creates a traffic hazard.	The additional height would not create a traffic hazard.
Whether the increased height creates a fire, safety hazard.	Chief Magers has indicated that the increase in height would not create a fire hazard.
Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.).	The Township is unaware of any deed restrictions that would prohibit this fence.

Staff recommends that the Planning Commission approve the 6 foot tall fence in the front yard as proposed.

Attachments: application package, Section 4.30 of the zoning ordinance



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT:

Name: MARK STACHOWIAK

Address: 7871 Shady brook Dr SE

City & Zip Code Ada MI, 49301

Telephone: (616) 540-6110

Email Address: mark.stachowiak@gmail.com

OWNER: * (If different from Applicant)

Name: _____

Address: _____

City & Zip Code: _____

Telephone: _____

Email Address: _____

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

- | | |
|--|--|
| <input 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 checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision Plat Review * |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other: _____ * |

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

BRIEFLY DESCRIBE YOUR REQUEST:**

request is for a 6' Privacy fence along
Sutrick Ave frontage

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 _____

ADDRESS OF PROPERTY: _____

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.)

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

Applicant – Print or Type Name

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

Applicant’s Signature & Date

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

Mark Stachowiak
7871 Shadybrook Dr SE
Ada, MI 49301
(616)540-6110

To:

Cascade township planning commission

Topic:

Privacy fence along Buttrick Ave SE

What:

I would like to install a 6' Privacy fence along my property frontage on Buttrick Ave SE. The fence would be constructed of 6' dog ear style fence panels (fig A.) and start approximately 100' from the north east corner of Buttrick and Shadybrook. The fence would run parallel to the road for a maximum of 275'(fig B.). The fence would sit approximately 25-30' off from the edge of the road (Fig C.) and would be maintained along Buttrick Ave, improving the current view from the road of my property. This project is to both clean up my property and make it safe for my family to use as well. We have 2 young children and 2 dogs that do not need to be near Buttrick.



Fig A. – 6' Dog ear Privacy fence



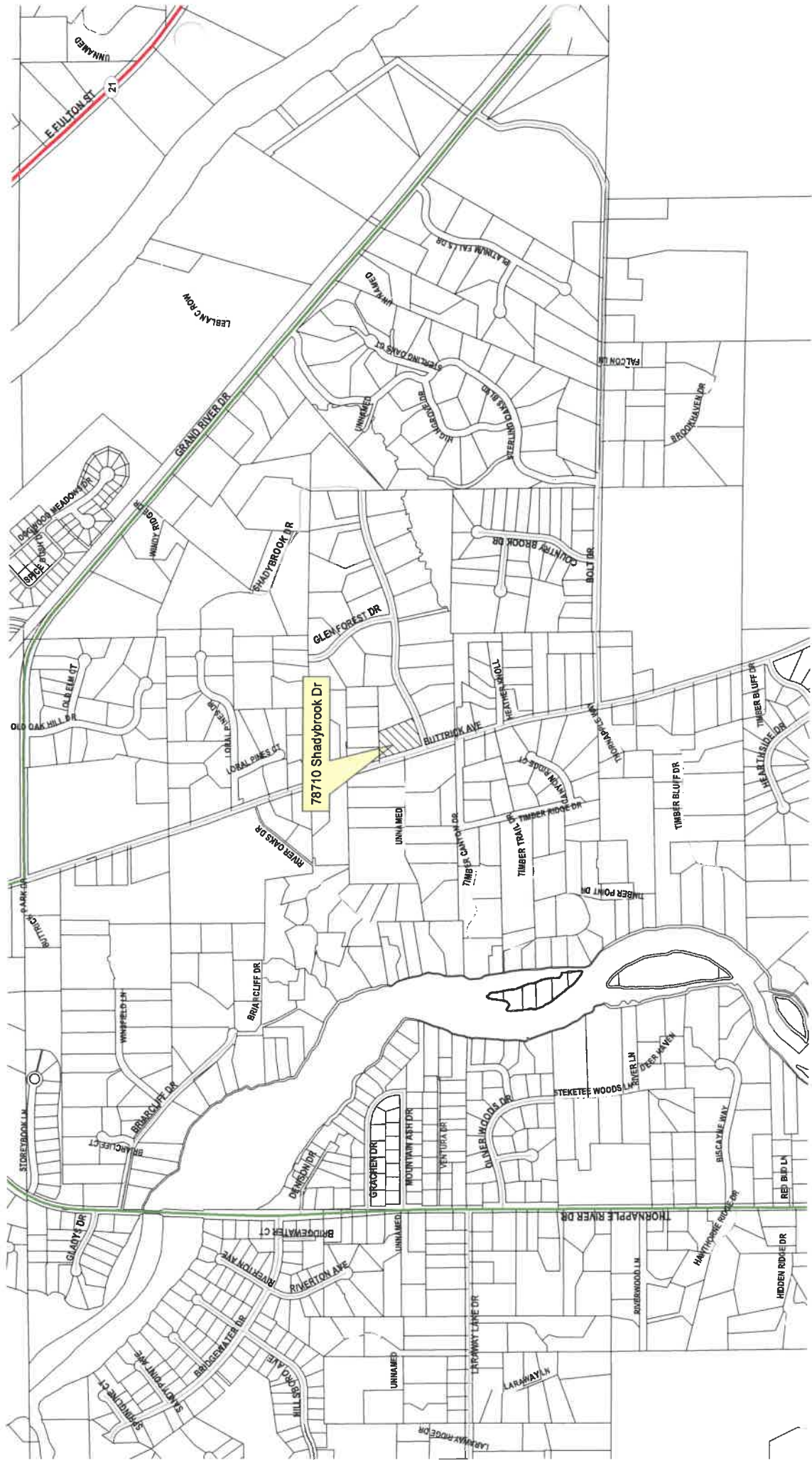
Fig B. – Proposed privacy fence location (in purple).



Fig C. – Approximate start of fence looking SE from Buttrick to Corner of Buttrick and Shadybrook.



Current View from Buttrick – Overgrown and not maintained



78710 Shadybrook Dr

E FULTON ST
21
UNNAMED

LEBLANCK RD
GRAND RIVER DR

WINDING
GRAND RIVER DR
UNNAMED

GLEN FOREST DR

SHADYBROOK DR

COUNTRY BROOK DR
BLVD DR

MEADOWS DR
SHADYBROOK DR
UNNAMED

LOLA BLVD
RIVER OAKS DR

LOVAL PINES DR

BUTTRICK AVE

HEATHER LAKE DR

TIMBER TRAIN DR
TIMBER RIDGE DR

TIMBER BLUFF DR

TIMBER BLUFF DR
HEATHER LAKE DR

BRAD CLIFF DR

WHYFIELD LN

BRAD CLIFF DR
BLANCHETT CT

DEWSON DR

GRACIE DR

MOUNTAIN ASH DR

VENTURA DR

OLIVE HILLS DR

STEKETEE WOODS

RIVER LN

BISCAIWE WAY

RET BLD LN

STOREYBROOK LN

GLADY DR

SHADYBROOK DR

RIVER OAKS DR

BRIDGEWATER CT

UNNAMED

UNNAMED

THORNAPPLE RIVER DR

ROSEWOOD LN

HARTSHORNE RIDGE DR

HIDDEN RIDGE DR

UNNAMED

LARAWAY LN

LARAWAY LN

LARAWAY RIDGE DR

CHAPTER 4 General Provisions



of all excavation sites shall be sloped at a grade of not less than 2.5 feet horizontal to 1 foot vertical.

- b. Complete extent of areas which will be backfilled and depth of backfill shown with spot elevations.
 - c. Areas and depth of areas to be restored with top soil and other overburden.
 - d. Areas which will contain either standing or runoff water and measures which will be taken to avoid stagnation and erosion.
 - e. Phasing diagram(s) for reclamation.
 - f. A complete landscape plan indicating location and type of proposed and existing landscape features.
 - g. Description of the proposed final use of the site, with discussion of how the proposed use relates to the General Development Plan and zoning districts within the vicinity of the property.
 - h. Estimated timetable clearly expressing the maximum time required for various phases of the reclamation plan.
9. **Financial Guarantee** The Township may require the posting of a financial guarantee consistent with Section 21.09 of this Ordinance.
10. **Existing Mineral Resource Extraction Sites-** Mineral Resource Extraction sites which are actively mined or which have been actively mined within 180 days of enactment of this Section shall be limited to the lot on which the activity exists at the date of enactment of this Section. Further, all existing mineral resource extraction sites which are currently being mined shall be required to submit a reclamation plan consistent with the requirements of this Section within one hundred eighty (180) days following the adoption of this Section. (New Section added by Ordinance #19 of 1990)

Section 4.29 Traffic Visibility Across Corners:

In any residential, business, or industrial district on any corner, no fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty foot radius of the corner property lines so as to interfere with traffic visibility across the corner.

Section 4.30 Walls and Fences:

This Section shall apply to all boundary fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

1. Construction

- a. All fences and walls shall be of sound construction.
- b. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any residentially zoned district.
- c. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the ARC, Agricultural Rural Conservation zoning district.
- d. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.

2. Location and Height

- a. Agricultural, Office and Residential Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in the front yard shall be limited to a maximum height of four (4) feet at final grade. The maximum fence or wall height in the side yard or rear yard shall be limited to six (6) feet in height as measured from average grade.
- b. All Other Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in these zoning districts shall be limited to a maximum heights of eight (8) feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six (6) feet from the average grade.
- c. Architectural Features - Fences, walls and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted height wall or fence height. Such features must be compatible with the project and abutting properties.



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Development Review

Zoning Districts
Special Uses
Planned Unit Development

Height, Area, & Placement
Parking & Access
Landscaping

CHAPTER 4 General Provisions

3. **Location Requirements** - Except as specified below, fences, walls and hedges may be erected, placed and maintained along any property line provided:

- a. It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement for private roads.
- b. No wall, fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty (20) foot radius of the corner property lines so as to interfere with traffic visibility across the corner.

4. **Additional Requirements for Commercial, Office and Industrial Areas** - All commercial, office and industrial uses shall provide a continuous visual screen of at least eight (8) feet in height along any lot line abutting a residential use. Such screen shall be installed by the non-residential user and shall be maintained in a sightly manner.

- a. An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:
 - 1) Not located on a public street or right-of-way; and
 - 2) Located a minimum of one hundred (100) feet back from any public right-of-way or easement; or
 - 3) Designed in such a manner that a minimum of three (3) vehicles can pull safely off the public street while waiting to enter; or
 - 4) The development provides a deceleration-turning lane adjacent to the existing pavement for a minimum distance of three hundred (300) feet leading into the access road, unless more stringent requirements are specified by the Kent County Road Commission.
- b. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.



5. **Conditions for Special Use Permit Approval**

Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office

and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following:

- a. To what extent the impact of additional height has on adjoining property owners.
- b. Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.
- c. Whether the increased height creates a traffic hazard.
- d. Whether the increased height creates a fire, safety hazard.
- e. Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.). (New Section added by Ordinance #5 of 2012).

Section 4.31 Residential Front Yard Averaging:

In any ARC, R1 or R2 zoning district where the average front yard setback of two (2) or more buildings within two hundred (200) feet of the lot or parcel in question and on the same side of the street is less than, or greater than, the minimum front yard setback prescribed for the specific zoning district, then the required front yard setback of such lot or parcel shall not be less than the average existing front yard setback or such buildings. In any event, the front yard setback on any lot or parcel shall not be less than ten (10) feet. (New Section added by Ordinance #14 of 1989).

Section 4.32 Resubmission of Applications

No application for a rezoning, planned unit development, special use permit, site plan approval, variance or other zoning approval or project shall be submitted to the Township or be formally considered by a Township board or official (i.e. Township Board, Zoning Board of Appeals, Planning Commission or Planning Director) where such application or project has been previously denied or turned down by the Township unless the new application or project is substantially changed from the prior one. With regard to whether or not substantial changes have occurred since the prior application or project was denied, the Planning Director shall make the determination in the first instance. If the applicant disagrees with the Planning Director's determination, the applicant shall have thirty (30) days to appeal the Planning Director's determination



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