

MINUTES

Cascade Charter Township Planning Commission
Tuesday, September 6, 2005
7:00 p.m.

- ARTICLE 1.** Chairman Goldberg called the meeting to order at 7:00 p.m.
Members Present: Goldberg, Koessel, Lewis, Logue, McDonald, Postma, Richards.
Members Absent: MacAllister (excused), Robinson (excused)
Others Present: Planner Deem, Admin. Assistant Hern
- ARTICLE 2.** Chairman Goldberg led the Pledge of Allegiance to the Flag.
- ARTICLE 3.** Chairman Goldberg requested motion for approval of the September 6th agenda. **Member Lewis motioned for approval of the agenda, supported by Member McDonald. The motion carried.**
- ARTICLE 4.** **Member McDonald requested a correction on page seven (7), in the last sentence on the page change “could review” to “would adhere”.**
- Member Lewis moved to accept the Minutes of August 16, 2005 with the noted correction, supported by Member Richards. The motion carried.**
- ARTICLE 5.** **Case #05-2754: Ken Watkins/Architectural Concepts**
Site plan approval for the Budget Rental Car site at Ford International Airport.
- Planner Deem began by stating the project has been before the Commission and the plan is designed for pre-approved sites. The Fire Department has reviewed the plans and requested the following:
- 1) The address be visible from Pederson Court
 - 2) Pads must be installed on the exterior motorized gates
 - 3) A lock box must be installed on the front exterior of the building.
- Planner Deem said the Airport has reviewed the plans and has passed them to F.A.A.
- Staff recommends that the Planning Commission approve the Site Plan with the following items to be handed in prior to a building permit is issued:
- 1) A soil erosion control permit be obtained

- 2) A landscaping bond for \$6,200.00
- 3) A lighting plan that meets Township Ordinance of a maximum of 5.0 foot candles
- 4) Approval from the Township Engineer

Member Lewis noted Item 5 should be added that the applicant shall remain in compliance with the Special Land Use conditions, there will be no car sales on site.

Member Koessel questioned if the Fire Department had a new requirement regarding the lock boxes and Planner Deem does not believe this is a new requirement. Chairman Goldberg clarified the lock box is located in the masonry of the building and allows Fire Department access instead of breaking windows and doors. He also noted the gated area into the facility will have key pads that Fire Departments can override.

Ken Watkins, Architectural Concepts, noted the plans have been sent to the Kent County Aeronautic division. He also noted the exterior lighting followed airport recommendations. The Airport is currently working on a lighting plan for rental car sites that meets the Township lighting ordinance.

Member Lewis motioned approval for the site plan with the four (4) conditions set by Staff, supported by Member McDonald.

All in favor with none opposed, site plan approved for the Budget Rental Car site at Ford International.

ARTICLE 6.

Case #05-2755: Waterfall Shoppes, LLC

Site plan approval for East pad of Phase III for an approximate 5,800 square foot restaurant.

Planning Director Peterson related this project is located on the East pad of area adjacent to 28th Street and west of Bob Evans, with Costco located north and Starbucks located west of the site.

The applicant is requesting site plan approval for the construction of a new restaurant, Longhorn Steakhouse in Phase III of the Waterfall Shoppes. The pad for this site is approximately 9,500 sq. ft. and is being built to accommodate two (2) additional tenants in the building that would connect to the restaurant.

Planning Director Peterson also related the site engineering and layout were largely developed and approved as a part of the west outlot when it was developed, though some details needed to be

reviewed as a part of this building. He also said the PUD for this project was reviewed by the Waterfall Shoppes Review Board prior to the Planning Commission's review. The Review Board recommended approval of the site plan as presented to the Planning Commission. Planning Director Peterson also related the Review Board spent much of their discussion around the dumpsters, the alley between the two (2) buildings and pedestrian access.

He reviewed the plans noting where the Review Board has located the dumpster and the storage doors will mimic roll-up doors vs. gated entrance.

The alleyway will have a gate at the front and some landscaping will be added to shield the area from pedestrians and the sidewalks will have dubbed-down curbs as well.

Planning Director Peterson reviewed the site plans noting the inclusion of pedestrian connections to the rest of the interior walks and an outdoor seating/waiting area to accommodate them.

The signage on the site plan is in compliance with the PUD and the building conforms to the set back regulations of the PUD zoning district and no new access is being developed as a result of the project.

Planning Director Peterson said the Township Fire Department has reviewed and approved the plans with following comments:

- 1) The address must be posted on the building so that it is visible from 28th Street.
- 2) The Fire Department connection for the fire suppression system must be visible and accessible.
- 3) A lock box shall be installed on the building with a master key in the box for emergency access.

Planning Director Peterson also reported the Township Engineer has approved the site plan as a part of the west outlot and the landscaping complies with the recommendations of the Review Board and Staff recommends a \$20,000 bond that would cover landscaping of the site as shown on site plan.

The applicant has submitted a photometric site plan in compliance with Township regulations and plan takes into account the other lights in the development.

Planning Director Peterson noted the applicant is aware that they will need to obtain a soil erosion control permit prior to the issuance of the building permit.

Staff recommends that the Planning Commission approve the Site Plan for this portion of Phase III under the following conditions:

- 1) Submit a landscape band in the amount of \$20,000 for landscaping.
- 2) Apply for and receive a soil erosion permit prior to construction.

Member McDonald asked if the photometric plan for this project meets Township requirements and Planning Director Peterson confirmed the lighting does meet Township requirements.

Member Lewis questioned what dubbed-down curbs are and Planning Director Peterson explained it's the smooth transition between the sidewalk and the street.

Jeff Hundley, Owner of Waterfall Shoppes, said they are entering into a land-lease with Longhorn Restaurant who is now requesting signage, along with others, along the east side of the building. Hundley noted he was just made aware of this request and it has not been brought to the sub-committee level.

Member Lewis noted they could shrink their sign down. Planning Director Peterson noted this is a new request and would remind the Commission that the sign package submitted and approved was for the entire project any changes would have to go through an amendment process. Chairman Goldberg stated the PUD calls for signage on one (1) wall per tenant per building. One (1) side or the other, the sign is not to wrap around a corner going from one wall side to another side. Hundley noted he was not seeking approval for the signage, he was sharing the information with the Planning Commission and he just learned of the new signage request. Hundley said he could understand their request; they're trying to pick up traffic from Target.

Member Koessel motioned to approve the Site Plan for the East pad of Phase III for an approximately 5,800 sq. ft. restaurant as presented in the packet subject to the two (2) Staff recommendations with support from Member McDonald.

Member Lewis asked if a variance could be applied for and Planning Director Peterson said yes but may be difficult to get.

All were in favor, with none opposed. The motion carried.

ARTICLE 7.

Case #05-2761: Waterfall Shoppes LLC

The applicant is requesting Site Plan approval for an approximate 3,000 square feet addition to the East pad of Phase III.

Planning Director Peterson noted this is the East pad of area adjacent to 28th Street immediately west of the existing Bob Evans Restaurant. This site plan approval is being requested to construct a new addition to the Longhorn Steakhouse restaurant building in Phase III of the Waterfall Shoppes and the only known tenant, at this time, is Stone Cold Creamery, an ice cream shop. The other suite would be available for lease for another business next to the restaurant.

Planning Director Peterson noted the site engineering and layout were largely developed and approved as part of the west outlot when it was developed though some detail needs to be reviewed as part of this building.

The PUD for this project requires that it be reviewed by the Waterfall Shoppes Review Board prior to coming before the Planning Commission. The Review Board has seen this project and is recommending approval of the site plan as presented to the Planning Commission. The majority of discussion centered on the dumpsters and the pedestrian area in front of the building. Planning Director Peterson said extra landscaping would be done to help soften some of the areas and the plans include pedestrian connections to the rest of the interior walks.

Planning Director Peterson noted the buildings are being developed to allow for outdoor seating and waiting areas that would be consistent with the Longhorn site. As shown on the plans, there is a large front sidewalk that can accommodate pedestrians. It appears this area can be enlarged and Staff suggested the outdoor sidewalk area extend north to connect to the sidewalk along the front parking area.

The signage shown is in compliance with the PUD and the building conforms to the setback regulations of the PUD zoning district. No new access is being developed as a result of this project.

Planning Director Peterson also commented that the Township's Fire Department reviewed the site as part of the restaurant plan and are forwarding the same comments for the restaurant site plan for

this site plan in their letter dated August 12, 2005. The Township Engineer has approved the site plan as part of the west outlot.

Planning Director Peterson also said the landscaping complies with the recommendations of the Review Board and Staff would suggest that they obtain a \$5,000 bond that would cover landscaping of the site as shown on the site plan.

A photometric site plan has been submitted and is in compliance with the Township's regulations; this plan takes into account the other lights in the development.

Staff recommends that the Planning Commission approve the Site Plan for this portion of Phase III under the following conditions:

- 1) Submit a landscape bond in the amount of \$5,000 for landscaping.
- 2) Revise the site plan to extend the outdoor seating/waiting area north to the parking spaces.
- 3) Apply for and receive a soil erosion permit prior to construction.

Member Koessel asked if the addition includes the two (2) suites and Planning Director Peterson confirmed, yes, with one already leased to Stone Cold Creamery.

Jeff Hundley, Owner of Waterfall Shoppes, thanked the Commission for their feedback regarding signage.

Member Koessel asked if these two (2) suites were being built all at one (1) time, Hundley stated yes.

Member Lewis asked if Waterfall has designed their signage for the sites yet and Hundley confirmed they have just received the proposed signage and will appear before the Planning Commission on another date.

Member Lewis motioned for approval of the Site Plan submitted for the 3,000 square foot addition to the East Pad of Phase III with Staff's conditions, with support from Member Koessel.

All in favor of approval; with none opposed. Motion carried.

ARTICLE 8.

Case #05-2700: Kraft Street Partners

Consider recommendation to Township Board for PUD Rezoning and PUD text review.

Planning Director Peterson stated the site is located behind Burger King on 28th Street. He also noted the applicant has addressed all of the conditions listed in the memorandum dated September 6, 2005 but is asking for one (1) change and that is the signage along 28th Street. As approved, the project was allowed a 60-square foot sign a maximum of 5-feet high along 28th St. After the approval, the applicant provided a photo analysis of the sign and due to the topography in the area; it may be hard to see a 5-foot sign. The applicant is asking for a sign 9-feet high and will reduce the sign area to 40-square feet. Staff believes this is a reasonable trade-off allowing a 9-foot sign that is reduced to 40-feet.

Planning Director Peterson also clarified that the fencing along the North side of the property will be installed along Phase I of the project at this time. Chatwick Hills Condominium Association has submitted a letter noting that Kraft Street Partners will install and maintain a wooden privacy fence along the shared property line between their association and the applicant's property on Kraft.

Some unique features of the proposed PUD ordinance to include:

- 1) Require the PUD to be amended for Phase II or a Phase III.
- 2) Allow for a Phase III with additional land purchased.
- 3) Limit the uses in the entire project to only some of the uses normally allowed in the B2 zoning district to help buffer the residential use to the north.
- 4) Require a larger setback from the residential use to the north for Phase I and give the Planning Commission the ability to increase the setbacks in Phase II or III to help buffer the residential use due to the design of the site.
- 5) Limit the signs on the individual site to no more than 15-feet high.
- 6) Allow for a small direction sign on Kraft Avenue.

Planning Director Peterson said he has drafted a PUD Ordinance that incorporates the Planning Commission's approval and have shared it with the applicant and have agreed on the language in the document. The Township Engineer has reviewed and is generally satisfied with the response to the engineering issues.

Staff recommends a positive recommendation to the Township Board for approval of the PUD rezoning with the PUD Ordinance with the condition that the Engineering items are addressed prior to the Township Board hearing. The Township Board will hold an additional public hearing to consider the Planning Commission's recommendation.

Member McDonald noted in Section IV the language “allow limited number of uses...” and expressed concerns regarding future usage for a vet clinic and barking dogs or a drive-thru and headlights disturbing the residents along the north side of the site. Planning Director Peterson stated that that was the reason why some of the more intense uses allowed in the B2 zoning district were not allowed in this PUD.

Member Koessel asked if the fence noted by Chatwick Association will extend all the way to Kraft or just extending to Phase I of the project.

Applicant, Mark Harmsen of Kraft Street Partners said their theory for the fencing is to install fencing almost to Kraft Avenue but haven't discussed when it would be installed. Harmsen noted they'll be meeting with Chatwick Association and will agree to install the entire fencing now if they so request. He also said that Betten Imports owns a section of the north property and Kraft Street Partners has no right to fence behind Betten. Harmsen also said that if a sign were to be installed it would be on the site's south side and one (1) by Wal-Mart to help attract the public.

Member Lewis asked if the purchase of the property has been finalized and Harmsen stated no, not yet. Member Lewis expressed his concerns if the property is not acquired and Harmsen noted they couldn't close on the sale of the property until the lawsuit is settled. Planning Director Peterson also noted the site could not be rezoned if the applicant does not control the property.

Member Lewis motioned for recommendation to the Township Board for PUD Rezoning and PUD text review on the condition:

1) Applicant has acquired the property prior to the Township Board's review.

Harmsen noted he has a settlement agreement and the record is in place but the agreement needs to be signed-off. Planning Director Peterson asked what the timeframe is for closing as it should have been in July. Harmsen noted he is seeking signatures on the document and involves four (4) lenders and their attorneys.

Chairman Goldberg requested that before this goes before the Township Board, the Planning Commission is requesting the clear title be reviewed by the Township's Attorney.

Member McDonald asked if these items should be listed as part of the conditions and Planning Director Peterson said it was not necessary.

Member Koessel supported Member Lewis' motion for recommendation to the Township Board for PUD Rezoning and PUD text review on the condition:

1) Applicant has acquired the property prior to the Township Board's review.

All in favor of approval, none opposed. Motion carried.

ARTICLE 9.

Case #04-2610: Turnberry

Consider recommendation to Township Board for PUD Rezoning and PUD text review.

Planner Deem noted the proposed text is in the Commission's packet noting the main changes in language are within:

- The easements to the adjoining properties
- The pedestrian pathway
- Storm Water Agreement.

Planner Deem said Staff recommends the Planning Commission pass on a favorable recommendation to the Township Board.

Member Lewis noted on Page Three (3), Item B in the second sentence the reference to apartment buildings needs to be removed and any other references to apartment buildings.

Planner Deem also noted a correction on Page 3, Item D, last sentence change the number of total units to one hundred six (106).

Member Lewis also asked about the Fire Department's request for access in the rear of the residences. Planner Deem noted a representative from Turnberry was not present and believes dates of events may have been miss-communicated.

Member Lewis motioned to table this item until the applicant could be present to answer questions from the Planning Commission.

Member Koessel noted the language talks a great deal regarding who does the work but where will it appear that the Township will manage the project, it's not in the PUD; where should it be listed?

Planning Director Peterson believes the details will be listed in the agreement and Chairman Goldberg suggested in the application of the rezoning in order to bring utilities onto the site. Planning Director Peterson supports the language in the PUD because it's referred to the most.

Member Postma noted the developer pays for the sewer to the site and once on-site, developer contracts for sewer on the project site and could be noted in the Developer Agreement.

Member Koessel supported Member Lewis' motion to table this item until the applicant could be present to answer questions.

All were in favor, none opposed. Item tabled.

ARTICLE 10.

Case #05-2719: Anderson Woods (*formally Buttrick Pointe*)
Consider recommendation to Township Board for PUD Rezoning and PUD text review.

Planner Deem noted current information within the meeting's packet includes the square footage for homes. The project is located on a 35.91-acre parcel located at the southwest corner of Buttrick Ave. and 52nd Street for a fourteen (14) unit residential development. The Planning Commission directed Staff to work with the Applicants to create the text for the PUD and the text contains language regarding:

- The easements to the adjoining properties
- Storm Water Agreement

Planner Deem noted Staff recommends the Planning Commission to pass on a favorable recommendation to the Township Board.

Member McDonald requested for consistency purposes, the favor specification of percentages of open space/acreage be included.

Applicant John Halland of Anderson Woods questioned the condition regarding part of the storm water drain and he would have to clear 20-feet wide and install a swale for four (4) lots on the south side and questioned if he really had to; it seems too big. Planning Director Peterson said these were the Township Engineer's conditions and he would have to ask him; maybe have the project engineer speak with the Township's Engineer.

Halland noted they are investing moving the entrance driveway North to accommodate the resident's concerns.

Member McDonald motioned for a favorable recommendation to the Township Board and to add the purpose of open space percentage and acreage with support from Member Koessel.

All were in favor; none were opposed. Motion carried.

ARTICLE 11.

Case #05-2729: Term Limit Amendment

Discussion of possible amendment to zoning ordinance regarding Planning Commission and Zoning Board Term Limits.

Planning Director Peterson noted the information within the packets and he provided copies and the highlighted areas noting the Township Board did not approve the proposed amendment. He reviewed the items and terms noting:

b) The appointment shall be for a maximum of three (3) terms.

c) The appointment to either board will require the appointee meet with the Planning Director for an orientation session within six (6) months from the beginning of the term.

d) When a member has reached the service limitation for either board, they shall be eligible to be reappointed on that same board after a minimum of a 12-months has passed from the end of their term; or they can become immediately eligible to serve on the board which they did not serve.

Member McDonald noted that the appointment should be for three (3) consecutive terms should be clearer in the first paragraph.

Member Lewis noted this is a great example of compromise and a step in the right direction and supports the Township Board's comments amendment.

Member Goldberg stated he is pleased with what the Township Board has presented and also in support of the amendment.

Member Koessel said he doesn't believe the Planning Commission will receive more than this and is a fair compromise and allows everyone who wants to serve an office.

Chairman Goldberg also noted the amendment provides clarity to long-standing practice and clarifies the terms and is spelled-out clearly now.

Member Lewis motioned the Term Limit Amendment be sent to the Township Board with the modification as Member McDonald noted: "Appointment should be for three (3) consecutive terms" supported by Member McDonald.

All were in favor; with none opposed. Motion carried.

ARTICLE 12.

Case #05-2725: Lighting Regulations

Discussion of possible amendments to Lighting regulations.

Planner Deem noted a lighting subcommittee has met with Staff and Steve Kam, Lighting Engineer from FTC&H, to review the Township's lighting ordinance. Language has been added to the proposed lighting ordinance to require downcast lighting for all lighting except:

- 1) Flags
- 2) Uplit lighting is allowed for structures to not exceed five (5) feet in height.

Planner Deem noted the subcommittee felt these two (2) changes addressed the concerns of both the Planning Commission and the Township Board.

Staff recommends that the Planning Commission pass on a favorable recommendation to the Township Board to approve the proposed lighting changes.

Member McDonald supported by Member Koessel motioned to send to the Township Board for their approval of the Lighting Regulations.

All in favor; none opposed. Motion carried.

ARTICLE 13.

Other Business

Chairman Goldberg opened the meeting for other business.

Planning Director Peterson said the Township Board would be holding its next joint meeting on October 20th and that Chairman Goldberg will chair. Invitations will be sent inviting other the other advisory boards to attend. Chairman Goldberg requested any items to be discussed at the meeting be submitted to him.

ARTICLE 14.

Member Lewis supported by Member McDonald moved to adjourn. The motion carried and the meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Tom McDonald, Secretary
Lisa Hern, Recording Secretary