

MINUTES
Cascade Charter Township Planning Commission
Monday, April 4, 2005
7:00 pm

ARTICLE 1. Vice Chair Robinson called the meeting to order.
Members Present: Koessel, Lewis, Logue, MacAllister, McDonald, Postma, Richards, Robinson
Members Absent: Goldberg (unexcused).
Others Present: Planning Director Peterson, Planner Deem, Admin. Assistant Thompson and those listed on Supplement #1 (an audience of approximately 40 people).
In the absence of Chairman Goldberg, Vice Chair Robinson acted as Chairman for the meeting.

ARTICLE 2. Vice Chair Robinson led the Pledge of Allegiance to the Flag.

ARTICLE 3. **The agenda was approved on motion by Member Lewis and supported by Member MacAllister. The motion carried.**

ARTICLE 4. **The Minutes of the March 21, 2005 meeting were approved on motion by Member Koessel and supported by Member Richards. The motion carried.**

ARTICLE 5. The Township Board Minutes of February 23, 2005 were received and filed.

ARTICLE 6. **Case #05-2706: Goodwood Plat Owners**
(PUBLIC HEARING)

The applicants are requesting a Type II Special Use Permit to allow for the construction of a boat launch to be used for members of the Plat Owners Association on the east side of Goodwood Drive, just north of Placita Court.

Planning Director Peterson pointed out the location on the map. The plat owners are made up of 43 lots in the platted subdivision. This is a request for a Type II Special Use Permit for a recommendation to the Township Board. The Special Use Permit is required because the regulations we have for keyhole developments require a Special Use Permit or a PUD rezoning anytime you allow for more than one property owner to have access to the river. This plat was approved in 1950 and had a total of 52 lots at that time. Since that time, some lots have been combined. There are 22 lots which have direct frontage on the Thornapple River. Originally the plat allowed this lot to be used

by all plat owners for access to the river. It did not provide for a ramp. All of those owners could use that parcel to get down to the river. The lot where they want to do this is same one that was deeded when the plat was originally approved. In the last couple of years, the Association did work with the Township to secure an easement for drilling under the river for the water line. During those negotiations the township did allow for the ability to construct a launch on the site. You may remember the entire Cascade/Thornapple River Association applied for a ramp last year at Cascade Road. That request never made it to the Township Board. It was tabled at the request of the applicant. This request is just for the Goodwood plat owners. The association submitted a plan to launch boats, copies of the photos are in your packet. This site does allow room for vehicles to turn around inside the fenced in area. The association would provide keys to members and change them annually to help provide security. The association has submitted a list of rules which have been approved although they are marked "draft" in your packet. They have also received a permit from the DEQ. The Fire Department would like two keys to the site. There are other ramps on the river such as the one at Maracaibo Shores. People with rights to the water are not finding a way to get their boats in the water even though they have deeded rights. The property has adequate room to maneuver cars and boat trailers on the site. There will be no additional costs to the public for this project. The ramp would only be used for the 43 lots in the Goodwood Plat. We have to assume people with river frontage would not use the ramp. The Kent County Road Commission has approved the location of the drive.

Planning Director Peterson recommended the Planning Commission forward a positive recommendation to the Township Board with the condition that the plat owners add a rule to notify the Township Board of any rule changes and comply with the Fire Department's request for keys and other governmental agencies to access the ramp.

Member Lewis asked if there is any major difference between the proposal and the one proposed last year on Cascade Road. Planning Director Peterson responded he did not think so. This request has attempted to address several of those previous concerns such as how to police access to it. Annual keys will limit the ability of unauthorized people to get in.

Member McDonald related it is different in that the Cascade Road ramp was to put the boat in and leave it for the season. In this case only 22 of the owners live on the river. It is a little different.

Planning Director Peterson related the other request did not make it to the Township Board.

Member McDonald related there is not a significant amount of people with this request that do not live on the river.

Member Robinson related the concern in the previous request was the fear of people passing keys around because of the amount of people involved. This request involves very few people. This is a different set of circumstances.

Member Richards related she believes that is a valid issue of when they are using the ramp on a day basis. She asked where do the cars and trailers go? They have to sit there all day. They will park up and down Goodwood. Planning Director Peterson related let the applicant explain how the site will work.

Member MacAllister related last time we discussed there are no regulations for anchoring boats in the river. They could potentially anchor boats out there. Planning Director Peterson related they could do that today.

Member MacAllister asked did they have a ramp prior to this? Planning Director Peterson responded no.

Member Robinson asked if they are asking for a ramp and not a dock? Planning Director Peterson responded yes.

Member Robinson asked if utilities are under the site? Planning Director Peterson responded yes.

Member MacAllister asked is this a buildable piece of property? Planning Director Peterson responded no.

Member MacAllister related she is trying to understand where the neighbors are in relation to this. Planning Director Peterson referred to the aerial photos.

Member MacAllister asked what is the nearest setback to the house? Planning Director Peterson responded 25 feet from the rear property line. The Goodwood side property line is ten feet.

John Briggs, President of the plat, lives at 3475 Goodwood was present on behalf of the Association. He related Staff did a good job presenting their request. He addressed the issue of parking. The rule is if you get a key you agree not to park your vehicles on

the site. There is no one in the neighborhood that could not walk to the property in five minutes or less.

Member Richards asked what about the street. Mr. Briggs related they agree they will not park on the street. The association does not want the boat trailers and vehicles left on the street. They can do that right now. It is not uncommon to see that now with grass cutting trucks, etc.

Member Koessel related in the rules it states guests are to be accompanied by an active member at all times. He related explain what your intent is. Mr. Briggs responded if it is a guest, they must be accompanied by a member. Boats have to be registered with the plat. You cannot take your key and give it to somebody else to gain access.

Member Koessel suggested the language be cleaned up and clarified.

Member Koessel asked if the site will be gated? Mr. Briggs responded yes. If we find anybody giving a key out they will lose their privilege.

Member McDonald related only the Goodwood Plat Owners may launch a boat.

Member Robinson asked Mr. Briggs if he would accept the language change regarding guests. Mr. Briggs responded yes.

Member MacAllister asked the applicant to explain the site plan and what type of landscaping and gate will be installed. Mr. Briggs related the property will be fenced on the property lines. The gate will be sixty feet from the front property line to allow for a car and boat trailer to come in and get off the street. The site will be fenced across the front. The fence will be chain link four feet high.

Member MacAllister asked how close is the nearest house? Mr. Briggs responded whatever the setback is which Staff gave you. The other side is closer because they received a zoning variance. That house is five feet from the property line. The landscaping will be terraced and have vegetation on it. The fence will be on the property line. The ramp will be in the direct center of the property. There is approximately 40 feet from the center of the ramp to the property line.

Member MacAllister asked will you be providing this landscaping on the property? Mr. Briggs related they will try to maintain as many trees as possible along the fence line. There will be landscaping in the retaining wall area.

Member McDonald asked the closest house to the ramp is where. Mr. Briggs related 40 feet. Mr. Briggs then presented a model of the ramp area. The scale of the model is one inch equals five feet. The grade starts at the turn around.

Member Richards related she is a little troubled by the policing of this. She asked who is going to be there in the evening. The rules say you have to be in by dusk. She asked who is the next door neighbor going to call if they saw a boat come in at midnight. Mr. Briggs related they would call a board member. The names and phone numbers will be posted on the site.

Member Richards asked what legal recourse do you have if someone breaks the rules. Mr. Briggs responded the board members would meet and take away their privileges. We don't anticipate that being an issue.

Member Koessel asked if the fence is going to run the whole length of both sides? Mr. Briggs responded yes, we have to do that for insurance purposes.

Member Logue asked who are the Goodwood Plat Owners. Mr. Briggs responded they are a corporation. The plat owners are share holders whether they pay their dues or not. You have to live in the Goodwood Plat and own property there. You can't lease or rent property and be a member of the organization.

Member Lewis supported by Member McDonald moved to open the public hearing. The motion carried and the public hearing was opened.

Planning Director Peterson related two letters that are in your packet were received.

Attorney Bill Napieralski was present representing Mary Elizabeth Gillespie, the owner of property to the north. He submitted a written letter on her behalf objecting to the granting of this Special Use Permit. Mr. Napieralski related Ms. Gillespie does not want this boat ramp to happen. The facts of this case are not in dispute. The plat was established in 1950 and Lot 25 was set aside for the benefit of all of the members. The property has never been used as

a boat ramp. Because of the topography they would have a difficult time carrying a boat and getting it down to the river. He related in November 1995 the Township passed a keyhole ordinance trying to prohibit exactly what is going on here. At least 22-25 lots are not on the river and an additional 20 which are on the river, several of which could not get a boat in easily. All of these lots will now have access over a 75 foot wide lot. The Zoning Ordinance prohibits that. If you tried to plat that lot today, it would never happen. Granting the Special Use Permits would violate the intent of that particular statute. Mr. Napieralski then outlined what he considers to be key provisions of the Special Use Permit section of the Zoning Ordinance: 1) it is very special and should be granted on a limited basis; 2) consider the affect of the special use on the adjacent property owners. The adjacent property owners don't want this. They know the members would like to put their boats in. He does not feel the association has the ability to police this area. Section 1706.1d considers the affect on traffic congestion. This will allow 40 households and their guests access to this lot. On weekends and holidays the whole area will be littered with cars and boat trailers. One of the more specific objections is in addition to the general standards and limits of Special Use Permits there are specific requirements for specific uses. Section 1706.1d states any property used for outdoor recreation use has to be at least three acres in size. This property is 75' x 300'. Legally, it does not meet the standards and therefore you don't have the authority to grant this.

Mr. Napieralski then referred to Attorney Fulkerson's letter. As a matter matter, neighbors will be subjected to jet skis, boats and noise. That isn't what they bought their property for. The special use would diminish the value of the adjacent properties. Ms. Gillespie opposes it.

Member Robinson questioned the three acre property size. Planning Director Peterson responded Mr. Napieralski was referring to the special use design standards for outdoor recreational uses. If you were to follow in that same logic as a use permitted by right, the residential zoning district is allowed to have a neighborhood park. It could be argued this is allowed by right then. The reason why it goes through the Special Use Permit process is because it is not prohibited to do this but there is a mechanism to have it go through which is either the PUD process or a Special Use Permit. The Planning Commission is the recommending body to the Township Board and they make the final decision.

Howard Tinkham of 3539 Goodwood related we are a quiet residential neighborhood. He related Mr. Napieralski brought up several scare tactics. We are a quiet residential neighborhood with not even a full 20 households there. Some people own two lots. There are probably 18 houses which don't have frontage on the river except through this lot. Mr. Tinkham related he won't be putting a boat in there every day. Additional river traffic will probably be two boats in a weekend. Mrs. Gillespie she just moved in about six months ago. She should have known about this. She claims she was not aware of it. The gentleman to the south is also a fairly recent neighbor. Mrs. Goodwood when she did the plat 50 years ago intended this lot to be used as a marina. Most people who are going to use it are people on the river that don't have any kind of access. It was deeded to the association 50 years ago.

Mrs. VanFarowe of 7157 Placita Ct. related her property borders on the south side of the lot and have been there for six years. The noise is really loud in summer months we can't sleep with the doors open. The kids cannot take a nap in the day time due to the noise. Now, with a boat ramp next to our bedrooms is very close to lot. With the Township restrictions we can't extend our house. Mr.s VanFarowe related she personally objects to this proposal.

Vice Chair Robinson asked when you bought the property were you aware of what the could be used for. Mrs. VanFarowe related her husband bought the property before he met her. Afterwards we got married.

Bud Poe of 3462 Goodwood clarified there are 22 river frontage lots. Of those 22, probably seven or eight have access to the river with their own private docks. Because of topography I do not. I have to rely on a place to put my boat in. The majority of people who have access bring the boats in in the spring and take them out in the fall. A number of people on the river took alternate means to keep boats in the water during the winter – they got bubblers. My neighbor happens to be one of them. To say there is going to be lots more boat traffic or a lot of day use is not going to happen. It is a very small development. It is a five minute walk from the furthest house to the river access. Because of sleeping children was one of the reasons we put in the dawn to dusk clause. We did not want people to be coming in at midnight. With fencing and gating and access to keys there should not be any concern on this Commission's part.

Member Robinson asked Mr. Poe where his boat is anchored. Mr. Poe responded he ties it up at his property.

Brian VanFarowe related he borders the property on the south side. He followed the process for the request on Cascade Road from the other river association. There was an interesting comment made in process when it goes to Township Board that members brought up the fact that when these people bought their homes there was no guarantee of developing a boat ramp. They bought their homes with a high bank and they didn't have access and that's the way their homes were purchased. This is coming as a development after the fact. The keyhole ordinance should be the township's main concern. If this is fought in Circuit Court the neighbors have a very good position. Mr. VanFarowe related when he bought his property the keyhole ordinance protected him from this type of development. Another important point to consider is the monitoring of this. Almost rules in life get broken. In this situation the only people who are going to care is us who live next door. Mr. VanFarowe related he had a meeting about six months ago with the Goodwood association at his house and one of the members brought up the fact that one of the people who lives on Goodwood, who is not on the river, has already been approached by people in Grand Rapids asking to use the ramp. She does not want a key because she does not want people pressuring her. Mr. VanFarowe then addressed the dawn to dusk hours of operation. He related that does not cover young children who go to bed at 8:00 pm. His children's bedroom is 30 feet away from the proposed ramp. He is also a little concerned too knowing the Township had a strong desire to get an easement here for the water line. He wondered if the negotiations that went on were completely kosher. His attorney brought up the activity that is going on here may require a marina permit. He asked if the Township Attorney has been aware of the situation.

Member Robinson asked has the Township Attorney looked at this? Planning Director Peterson related yes, he has seen all the letters in regard to this. He has the same opinion that this is the proper procedure for us to go through.

Member McDonald asked do you have a boat or a launch on your property. Mr. VanFarowe responded no.

Member McDonald asked do you have a boat you put in elsewhere? Mr. VanFarowe responded yes.

Linda Fitzgerald of 3467 Goodwood related she is the mother of seven and bought her house 30 years ago. She has 16 grandchildren that she would like to take on the river. That was part of their deed when they bought the property to have access to the river. She related they do not have a boat either. The point is this is grandfathered and she understand the neighbors concerns. This is what this property was meant to do and they hope to see the dream realized after 30 years. That was part of the deed when the home was bought.

Member McDonald asked why didn't it happen? Mrs. Fitzgerald responded money. This is the dream of Mrs. Good to come true.

Sandy Collins of 3468 Goodwood related she has also been there 30 years. They left their boat in the river this winter with a bubbler. Most of the residents have been there a long time. People that she knows do not break rules. She would like to see the ramp there.

Member MacAllister supported by Member Koessel moved to close the public hearing. The motion carried and the public hearing was closed.

Member Lewis asked for clarification of boat ramp. Is that where you back your trailer in on cement. The audience responded there is too much of a drop just to do that. Member Lewis related so you will push some dirt it and make it more of a gentle slope and then put the boats in. The audience clarified yes.

Member Koessel asked Staff to go quickly over this keyhole provision as it relates to this development. He related he is part of the other river association with 125 members and it is not crowded. Planning Director Peterson responded when the keyhole ordinance was drafted it would limit access to the river to those people on the river. If any new property was to be created with access to the river, would be certain limitations. One of those would be the lot would have to be 100 feet wide. These regulations were drafted as a result of the desire of the river property owners. At the same time, the document tries to recognize those who had grant existing rights to get to the river. There are several subdivisions that have deeded rights to the river and they were permitted to continue that right. The access points to the river are allowed to continue as they always have. If you wanted to improve it, it would require a Special Use Permit.

Member Koessel asked originally there were 50 lots and all 50 were deeded access through this parcel. Planning Director Peterson responded correct.

Member Koessel related we are not creating additional rights but decreasing the rights to 43. Planning Director Peterson responded yes. Or, it was for new projects on the southern part of the river with a large parcel could develop. That was the intent to limit the amount of new access or funneling without going through this Special Use Permit process.

Vice Chair Robinson related as he understands it, the original Goodwood plat granted these people the right to access the river through this property. Planning Director Peterson responded yes.

Vice Chair Robinson clarified the Township attorney has reviewed all of this and he says no problem. Planning Director Peterson responded he agrees this is the proper procedure for this type of request. He has seen all the documents.

Member McDonald related he is not saying that access to the river equates to a boat launch but he is saying there is nothing that says it does not prevent a boat launch. Planning Director Peterson responded right, he says the access is a way to get down to the river. The way to do the improved access requires this approval process.

Member MacAllister related she is having a hard time with the site plan and concerns of neighbors. She would like a clear understanding of the landscaping and buffer and how close it really is to the neighbors.

Vice Chair Robinson asked do we have the authority to ask them to landscape a certain way or are we only considering the issue of the ramp. Planning Director Peterson responded you can attach conditions to a Special Use Permit. If you feel they need landscaping, you can make that a recommendation to the Township Board.

Member McDonald related everybody who spoke tonight were correct. He feels there would be enforcement issues and it could be a burden on neighbors. On the other hand, there are very few members in this plat. He does not think will be 18 boats going in and out of there per day. On the other hand, if the association were to have tighter restrictions and as a compromise promote a better landscape buffer with the neighbors, and tighten up the rules in

terms of entry and exit such as an hour after sunrise and an hour before sunset. That would make it easier for the adjacent neighbors. The rules could be changed to say it plat owners could launch a boat and the boat must be registered on the association. If the boat has to be registered with the association that would not permit guests to bring in boats. Member McDonald would like it to come back to the Planning Commission in a year for review. He is very concerned for the neighbors but does understand the initial intent of the plat.

Member Lewis related we went through this before and it is not possible to make everybody happy. He is going to vote for it again. There are not that many boats involved this time. This property was already deeded for this use. The property has been there. He feels pretty comfortable on this one. He does feel very sorry for the neighbors who have children. He does like the idea of having it come back for review to see how bad it is. The property owners along the river pay extra taxes because they live on the river and they can't get to the river. They bought with the understanding they could get to the river. The keyhole law does not prevent them from using that part of the river. He will vote for the Special Use Permit. He would like to see better landscaping on either side. There are certain factors which make it not perfect. This is a small group of citizens that want to improve their property and control their own rules. Member Lewis related he is comfortable with it.

Member Richards related she agrees with a lot of things Member Lewis said. She also agrees with Member McDonald. She can't believe it would be just two or three more boats. She believes there are a lot more people who have boats than what we think. If this is approved, it goes for a select group of people who have lived there a very long time. When new people move in you don't know what they are going to do. Their friends will bring in jet skies and attached them to the back of your boat. She feels very sorry for the people who border property. Policing is a problem. It sounds good that we will review it a year from now but how do we stop this once we allow it.

Member McDonald relate have will have a review to see if people have abused it. Enforcement is a problem but the boats have to be registered with the neighborhood association.

Member Koessel supported by Member Lewis moved that the property is deeded they have a right to use this land for this purpose. Township Board has to make the ultimate decision.

He then moved to approve the Special Use Permit to allow for a boat launch to be used by members of the association subject to: 1) Goodwood Plat Owners registered boats only take but referring to guests out of there. 2) no fueling on site. 3) Association will work with neighbors on both sides to provide adequate buffer of trees to shield those homes from the actual ramp itself. 4) the Goodwood Plat Owners association add a rule that would require the Association to notify the Township Board of any proposed rule changes to the use and restriction for the launch site. 5) compliance with the Fire Department request to be given two keys and to allow other government agencies access to boat launch. 6) Come back in two years for review.

Member Lewis supported the amendments.

Member Logue related he was against the previous boat launch because it is on residential property. But this is grandfathered in. Member Logue related he feels a little uncomfortable about getting involved beyond point this for a review. It is sort of like holding a hatchet over them. He does not believe we have the right to do that for private property owners.

Planning Director Peterson related we have used that in the past to make sure the conditions have been met.

Member Logue then related he supports the motion but does not believe the Planning Commission should be policing this.

The motion carried.

Member Robinson related the matter will be heard in front of the Township Board on April 13.

ARTICLE 7.

Case #05-2712: Barnes Management

The applicant requested Basic Plan Review for a PUD rezoning of approximately two acres at 1544 MacNider Avenue, SE, to allow for the conversion of the residential property for a new office building.

Planning Director Peterson related the property is located at 1544 MacNider on the corner of Cascade Road and MacNider. The request is to rezone two acres of property on the corner. The request is to rezone two acres on the corner of Cascade Road and MacNider. This request is the result of their desire to acquire two acres to try to rezone it. They are attempting to split off a small leg

of an existing lot and add it to this property. The two acre parcel size is critical from the Cascade Road Corridor Study. The whole area is about six acres. If the applicant's request were to go through there would be about four acres left over. Planning Director Peterson has stated to the applicant that all the properties should be included in the rezoning request. The applicant is proposing a 10,000 s.f. building that the owner would own and occupy half the building. Half of the building would be rented. Staff related there are several major flaws to the plan, one of those being setbacks. The red line on the plan is the 100 foot setback from Cascade Road and MacNider. If we are going to follow the logic of redevelopment down Cascade Road we should continue to meet the same standards that have been established. The applicant has shown some parking and landscaping. Once the minimum parking has been shown, additional internal parking landscaping must be provided. There are several site plan items that need to be addressed: 1) need a complete set of site plans before any final issues could be resolved. 2) the applicants have provided for a brief history of this site and their attempts to develop it. They indicate Staff's opinion is the whole six acres should come in as one project. Planning Director suggested the entire six acres should be included as one project and a set of complete site plans be developed for review by the Planning, Fire, Building and Engineering Departments.

Vice Chair Robinson asked should this Commission be taking this up at this time as it seems we don't have sufficient information. Planning Director Peterson responded their application meets the requirements for basic plan review. Staff then pointed out the area on the Master Plan map and it's designation as mixed use PUD.

Member MacAllister related after hearing Staff's comments and based on that information, she agrees the Planning Commission cannot review anything further without a clear direction.

Planning Director Peterson related the applicant is present to hear feedback from the Planning Commission that you agree the setbacks that have been established should be applied as well as our over all philosophy of one project.

Vice Chair Robinson related he would like to see the three lots combined and would like to see plans. Planning Director Peterson responded the applicant has given us what the ordinance requires at this stage of application.

Member Lewis related normally at basic plan review we talk to the applicant and they make their presentation. What Staff has said makes sense to add property and use the established setbacks as Staff has suggested.

Member McDonald related he is still having a difficult time because this is planned as residential. It is not fair to the people who border it. Planning Director Peterson responded it is planned as part of mixed use PUD. That does give it some basis for a change in zoning.

Jeff Barnes, the applicant, of 945 Forest Hills Avenue related he has been a resident and in business for 17 years in Cascade Township. Roger Lamer, his engineer, and Glenn Turek are also present. They have been working on this for over a year and understand the ideal way this project would be developed. They would like to talk about how the corner can be done for future development.

Mr. Lamer of W.L. Perry Associates, related he received Staff's comments on Friday morning. He has now eliminated the major flaw. He has revised the plan to show a 100 foot setback for both roads. There is 50 feet between the east property line and more than 50 feet to the residential property to the south. The setbacks can be met and still build the building. There are 40 parking spaces with ten in reserve. They plan a rain garden along Cascade Road for storm water detention. There is an easement along the south property line for a private drive. The neighbors have been approached but they have not accomplished purchasing the parcels. After a year they decided to go ahead. They exceeded the twenty foot buffer along MacNider. The revised plan shows the same building but rotated 90 degrees and slid to the south. The building is fifty feet off the west property line. There are proposing blue spruce 15 feet from the building to the tree line. Storm water utilities are to the site. The site will be served with public sewer and water. An additional drive has been provided off MacNider that could be extended for the properties to the east. The adjacent properties who want to stay residential will stay residential. There is a house on the property now.

Glenn Turek of Silveri Company related they approached the property owners in the immediate vicinity and tried to negotiate market prices to purchase the land. There is a restriction from the Township that limits the size of office buildings you could put there. A 10,000 s.f. building requires two acres. Normally you could put 16,000-18,000 s.f. on two acres. These property owners

wants about 1.2 million dollars to purchase the remaining four acres which would be about \$60 per square foot for an office building which is almost double the market.

Vice Chair Robinson asked if the parcel as shown is less than two acres? Mr. Turek responded it is 2.1 acres.

Member McDonald asked if the neighbors want to sell. Mr. Turek responded yes, at a certain price, that far exceeds the market. Mr. Turek related when they first met with Planning Staff they wanted to see ingress/egress off MacNider. The plan does show a solution to that. On the south end of the property they have included an easement for that purpose.

Mr. Barnes related he has been in the area for 17 years and their major client is Forest Hills Public Schools. The concern was getting the parcel size which is now nearly two acres. The property owner is here tonight. They made a land swap to get it up to two acres.

Member MacAllister asked will Barnes be occupying one-half of the building. Mr. Barnes responded yes. They will lease the other 5,000 s.f.

Planning Director Peterson related this is the first he has seen the new plan. He would like to review it. There is some parking in the front yard. Planning Director Peterson related he is still suggesting that the entire project should be planned out as an entire project. He continued to request a subcommittee review with all the departments. He is still recommending one big project.

Member Lewis related less than a mile away we had another building of 10,000 s.f. built. They could not find another tenant. We waived the rule on the 50% ownership for that property owner. Member Lewis asked are we waiving the 50% ownership of this on situation as well. Planning Director Peterson responded that requirement is not being waived. In that other situation, the building was allowed to be constructed without having the owner occupant in hand.

Mr. Barnes related we are going to build there and own and occupy the building whether or not we lease half of it out.

Member MacAllister related she would like to see continual landscaping along the buffer.

Mr. Lamer related they will fill in the voids.

Member Richards related she has a general comment. She is pleased to see they have made a lot of changes from the plan in the packet. She also really likes the idea of an existing member of the community wanting to re-locate and stay in the community.

Mr. Barnes related they are a high end custom builder type of company. The building will be first class and really nice. It will be out corporate headquarters.

Vice Chair Robinson related Staff would like to see the three lots combined from the 7.4 acres.

Planning Director Peterson related the problem isn't the Planning Commission's to fix. It is a matter of timing and economics for them. If the Planning Commission would like to allow the applicant to go forward, Staff recommends we at least have some sort of layout for the rest of the properties to see how everything would work.

Mr. Barnes related they talked about a mixed use PUD with four office buildings and keeping the residential there. Planning Director Peterson related that is not what you are proposing now.

Member McDonald asked aren't we making a decision right now that the properties have to be combined into one project. Planning Director Peterson responded yes, he is asking the Planning Commission to make the decision that it be one project.

Mr. Barnes related he hopes it isn't coming across that the owners are asking confiscatory amounts of money for their property. At this time it works economically to put the building there. This plan gave an opportunity to enhance the area. There is an office building across the street and this would be the mirror image of that.

Mr. Lamer presented building elevations.

Mike Johnson, the property owner, related we thought about tearing down our existing house and building another one there. We are renting it out now. The property is across from the office building. He was pleased when the office building came down the road. Logically his property would be the next piece. He would not build a new house there. He could have but he bought a bigger home somewhere else. Mr. Johnson related he does not want to

live on that corner. He recommended treating this as a stand alone project. He asked the Commissioner's to look at the merits of what the applicant is attempting to build.

Vice Chair Robinson related he agrees with Staff with putting all the parcels together into one project.

Member McDonald asked does this need to be tabled since Staff was given a plan tonight.

Vice Chair Robinson related all we are doing is giving the applicant ideas before they come back for a public hearing.

Planning Director Peterson related that is typically how we have done it. We have an opportunity to review the entire new site plan. We can go basic plan review again on the new plan or have the departments come in for a subcommittee review and then go back to the Planning Commission.

Member McDonald related he would like to see it again before public hearing.

Planning Director Peterson responded at a minimum we should have the entire six acres to show exactly how it would work and make the determination of whether or not it can stand alone.

Fay Johnson of 1596 MacNider related there are six parcels you are talking about.

Vice Chair Robinson related we are not in public hearing. This is a discussion between the Commissioners.

Mr. Johnson related it is unfair for the Township to say all six property owners of us have to agree. He has been talking to the other property owners about it. They do not agree on anything. Mr. Johnson related if you are going to hold the project up, all the property owners will be dead. There are seven parcels. Planning Director Peterson related we talking about how all the parcels have to be combined to do anything with them. It would be better to do it now instead of years down the road. The plan should be laid out to see how it could work.

Vice Chair Robinson agreed.

Member MacAllister agreed and stated this is appropriate at this time.

Member Postma related he would not like to see Mr. Johnson being held up trying to sell his property by people who don't want to sell.

Member Logue related the applicant is concerned about speaking for the other property owners.

Member MacAllister asked if there was a sidewalk plan. Planning Director Peterson responded not on this side of Cascade Road.

Mr. Barnes related they will do a double diagram to show what it would take to put the other parcels together.

ARTICLE 8.

Case #05-2715: Waterfall Shoppes

The applicant requested a public hearing be set regarding a PUD amendment for height of buildings in Phase 5.

Planning Director Peterson related the review board already met and didn't have a problem with the proposal. Industrial zoning would allow 45 foot tall buildings. This is the site where a hotel is anticipated. Staff would like to schedule the public hearing for the April 18 meeting.

Vice Chair Robinson related he has no problem with that and asked the reason for the change in height. Planning Director Peterson related it is for the roof treatment which is a minor issue. A hotel has been anticipated there. The original zoning allowed for 45 foot tall building.

ARTICLE 9.

2005 Work Plan

Planner Deem presented the proposed regulations. He related it seems for Special Use Permits we have been specifying downcast lighting and the Planning Commission feels we should change the ordinance. He has created some language to reflect that change. Another issue is façade lighting. The language written would require downcast for all lighting with the exception of façade lighting. He also addressed lighting for recreational areas such as a soccer field or football field. Our ordinance specifies .5 foot candles which wouldn't be enough to light a field. Staff is asking for the Planning Commission to: 1) review the proposed ordinance changes and focus on where downcast lighting should be required; and 2) the proper time restriction of lighting of a park. The Costco

gas station is allowed to be lit until 11:00 pm. Staff would also like to set a May 2 public hearing.

Vice Chair Robinson related on the lighting issue we had three flags in the neighborhood all lit up at night for all night long. He asked what is going to be permitted for that situation. Planner Deem related directional luminaries are allowed as long as the lights only illuminate the object. We would still allow flags to be lit. What is written here has been the practice of the Planning Commission for the last several years.

Member MacAllister related she hesitates to base regulations on the time the Costco lights are on. Planner Deem related that was an example, he has also researched other municipal codes and time frames.

Member McDonald related he would downcast lightings to be required as well in R-1 and R-2 and ARC zoning districts.

A short discussion ensued regarding 60 watts or incandescent lamps.

Member McDonald related he is more concerned about lumens than wattage.

ARTICLE 10.

Discussion of Term Limit Amendment

Vice Chair Robinson related he would like to hold off on discussion of this until Chairman Goldberg is present. He related the amendment limits years of service to a total of 18. He asked how would that be interpreted for someone who is serving on one board or commission and then is a representative to a second board or commission. He asked would that time count double. Planning Director Peterson responded no. Being appointed as a liaison to the second board or commission comes as a duty from the first one.

Member Lewis related the assumption of limiting service to 18 years is going to be in the final proposal.

Planning Director Peterson related there are two amendments proposed. The objective is getting more people involved and more people educated to serve.

ARTICLE 12. Adjournment

Member McDonald supported by Member Lewis moved to adjourn. The motion carried and the meeting was adjourned at 9:36 pm.

Respectfully submitted,

Tom McDonald, Secretary

TMD:MJT