

MINUTES

Cascade Charter Township Planning Commission
Monday, August 7, 2006
7:00 p.m.

ARTICLE 1. Chairman Goldberg called the meeting to order at 7:02 p.m.
Members Present: Goldberg, Koessel, Lewis, Logue, McDonald, Postma, Robinson.
Members Absent: MacAllister (excused), Richards (excused)
Others Present: Planning Director Peterson, Planner Deem, Admin. Assistant Hern, Intern Lievense and Members of the Public.

ARTICLE 2. Chairman Goldberg led the Pledge of Allegiance to the Flag.

ARTICLE 3. Chairman Goldberg requested motion for approval of the August 7th agenda.

Member Robinson motioned for approval of the agenda, supported by Member Lewis. All in favor with none opposed, the motion carried.

ARTICLE 4. Chairman Goldberg requested motion for approval of the July 17, 2006 Planning Commission Meeting Minutes.

Member Lewis motioned for approval of the minutes as presented, supported by Member Robinson. July 17, 2006 Minutes approved as presented. All in favor with none opposed, the motion carried.

ARTICLE 5. **Case #06-2822: Brent Clover, 8608 52nd Street SE, Ada (PUBLIC HEARING)**

The Applicant is requesting a Type I Special Use Permit to construct an 1,800-square foot accessory building.

Planning Director Peterson reviewed the property's location on the south side of 52nd Street, east of Whitneyville Road and west of McCords.

The Applicant is requesting a Type I Special Use Permit to construct a 30 x 60-square foot accessory building of 1,800-square feet total. Because the building is larger than the Township's ordinance of 832-square feet, he needs to go through this approval process.

The parcel is a five (5) acre parcel and has a single home on it. The building is proposed to be built in the front of the house,

which is permitted provided they are meeting setback requirement of at least two hundred (200) feet from the road right-of-way.

The building is measured as just over fourteen (14) feet tall to the midpoint and as such requires the minimum of forty (40) foot side yard setback and also to the rear. The plan meets these requirements.

The parcel is on five (5) acres of property and could have up to two (2) accessory buildings.

The building's intended use is for personal storage. The building is proposed with steel siding with asphalt shingles and the colors will match the house.

The proposed size of the building is 1,800-square feet and the house size is approximately 2,000-square feet with an attached garage of approximately 640-square feet. The size of the accessory building is not out of line with others the Township has approved over the years in terms of acreage, house size, etc.

The neighborhood is made up of older homes and older accessory buildings, some of which are traditional barns. There are some metal buildings in the area that are either for agricultural purposes or personal storage and are located behind the homes. The parcel west of this one does have a metal storage building and the building is located behind the home but the home is set closer to the road.

The area is generally wooded but with the newly constructed house on this lot, the woods have been removed and the building will easily be seen from the road but have no affect on the light and air circulations of surrounding property lines and should not have an adverse affect impacting the views of the neighbors.

The building will be accessed from the existing driveway and will not require a new curb cut for the property.

Staff's comments note that due to the proposed location of the building in the front yard, the fact that the building will be so predominant on the lot and to stay consistent with the other buildings in the neighborhood, Staff would recommend that the building either be located behind the house since the other metal buildings are located to the rear of the other properties, or that the siding is changed to wood siding to be consistent with the other buildings in the area.

Staff has sent notices of the Public Hearing for this case and have received a couple of comments but no one has sent any objections regarding the proposed building.

Chairman Goldberg invited the Applicant to approach the Planning Commission.

Applicant Brent Clover of 8608 52nd Street SE, Ada, said his reasoning for the building's construction in the front yard is this location would require less fill and he would not have to install a new driveway to access the building; meaning for budgetary reasons.

The building will resemble that of a Morton Building and will be two-toned in color to match the house. He will be installing windows on the building and plans to have two (2) windows facing 52nd Street and two (2) windows on the east side.

He also noted that he does have enough space in the rear yard to construct the building to accommodate any neighbors who might have a complaint. One thing he noted to the current building's proposed site is that there is a house just to the west of the structure but is a ranch-styled house and if sitting on his deck, he would have to look to the side to see the building. The other possible site for the proposed building would be to the area just south of the turn-around of the driveway, where it is now, and if the building were placed there, the houses, there are two (2) to the west and the furthest one (1) back would face the building from his deck. These are also part of his reasoning for keeping the building more towards the front so not to obstruct views from his neighbors.

Chairman Goldberg asked Applicant Clover if he would prefer to construct the building as the site plan shows and Applicant Clover said he would because of the lay of the land and the fact that he is not trying to obstruct anyone's view or vision from their deck.

Applicant Clover showed the Commission the building design he plans to construct and has also shown the plans to his surrounding neighbors who have not raised any objections.

Member Lewis asked where the Applicant's septic is located and Applicant Clover said the septic and drain field are directly behind the house about one hundred (100) feet back. Member Lewis questioned that if the accessory building were constructed in the rear yard, would this interfere with the drainage and septic system?

Applicant Clover said he would need extra fill for the rear yard to meet the grades. The backyard has natural drainage away from the house and if he were to put it back there; he would have to do a lot more filling and would impede the natural drainage that falls towards the train tracks and the other property he noted on the site plan.

Member Koessel noted the way the building is proposed now it does not appear that the Applicant is going to do anything with the existing drive, he will be accessing the building from the existing drive, is this correct? Applicant Clover said that is correct. Member Koessel referred to the building's rendering and said it looks like it has two (2) sets of double doors facing the house, is this correct? Applicant Clover said they would face to the south. Member Koessel said, then, that the backside of the building then would actually face 52nd Street and the windows would be installed on that side? Applicant Clover said he could put the windows wherever the Commission would like but he would prefer two (2) windows towards 52nd Street and two (2) towards the east, the existing driveway.

Member Koessel noted the Applicant is planning for a metal building, Applicant Clover confirmed that to be true and Member Koessel asked if the metal would be painted to match the house colors. Applicant Clover said the metal comes pre-painted that way and he does have samples for the Commission's review. Member Koessel asked if the building is being designed to match the house and Applicant Clover said that is correct.

Member McDonald asked if the building is being constructed where the swing set is? Applicant Clover said yes, that is the area. Member McDonald noted that if the building were constructed in this area, the backside of the building is facing trees on the west and Applicant Clover said that is correct.

Member Lewis asked the Applicant if he showed the neighbors that this building would be a pole barn with metal siding, they are aware of this? Applicant Clover said he has shown them the same information the Commission is currently reviewing, they are all aware of the building and its materials.

Chairman Goldberg requested from the Commission any other questions for the Applicant, being none, Chairman Goldberg requested a motion to open the Public Hearing.

Member Koessel motioned to open the Public Hearing, supported by Member Lewis. All in favor to open the Public Hearing with none opposed. Public Hearing opened.

Chairman Goldberg invited public members to speak regarding the case and being no members asked Staff if any letters or phone calls were received at the Township Office. Planning Director Peterson said a couple of phone calls were received by no objections.

Member Lewis motioned to close the Public Hearing supported by Member McDonald. All in favor to close the Public Hearing with none opposed. Public Hearing closed.

Member McDonald questioned Staff that considering Applicant Clover discussing the natural drainage, the possible additional fill and the neighbors' considerations, as one of the things the Commission considers is what the neighbors' think, does Staff believe these items could warrant placing the building where the Applicant has shown on the drawing? Planning Director Peterson said that Staff has provided a couple of options for the building, one (1) being the building be constructed as presented but in the rear yard or the other being that the building is constructed in the front yard but with siding, such as vinyl or wood, to be more consistent with the house.

Member Lewis asked if the Township has other pole barns like these in the front yards? Planning Director Peterson said yes, there are other metal pole barns in the Township but the ones in this area are behind the homes. Member Lewis asked if there are other pole barns located in the front yards of homes within the Township and Planning Director Peterson said that is true, there are, but in this particular area, the pole barns are located in the rear yards.

Member Logue noted the setting is a rural setting with a railroad in back and not sure if upgraded siding is that critical given this location and the Applicant is attempting to match the house in regards to color. Applicant Clover showed the Commission the color samples of the siding and Member Logue noted the building is architecturally pleasing.

Member Lewis motioned that the Applicant's request for a Type I Special Use Permit to construct a 1,800-square foot accessory building that would be placed 233-feet from the road with a forty (40) foot side yard setback as presented in the plans be approved as presented. Member McDonald

supported the motion adding the building's exterior siding be changed to wood siding as Staff recommends.

Chairman Goldberg opened for discussion on the motion and Member Koessel noted that since Staff made their recommendations to either leave the building as presented with changing the siding to wood and/or moving the building, as is regarding its materials, and constructing it in the rear yard; there are a couple of other things the Commission needs to address in the motion such as: it cannot be used in conjunction with any business. Member Koessel asked Applicant Clover if the building is being used for storage of vehicles and the Applicant confirmed that is correct. Member Koessel also asked Applicant Clover if any lighting would be installed on the exterior of the building as the Township has an ordinance requiring down cast lighting. Applicant Clover said he does not have any plans in the near future to add lighting though eventually he probably will. He does not have any problems for installing down cast lighting when the time comes. Member Koessel asked if he would be installing any plumbing into the building or just electricity. Applicant Clover said he would not be installing plumbing, just the electricity.

Member Koessel said he supports the motion that was made as long as it fulfills all the other requirements of a Type I Special Use Permit.

Member Lewis added to his motion that the requirements include:

- 1) **No business shall be operated from the accessory building**
- 2) **Any future lighting attached to the building will have a downward cast/direction.**

Member McDonald supported the amended motion. All in favor with none opposed, Case #06-2822: Brent Clover, 8608 52nd Street SE, Ada. Motion carried.

ARTICLE 6.

Case #06-2813: Zoning Act Amendment (PUBLIC HEARING)

Proposed Zoning Ordinance Amendments as a result of PA 110 of 2006-Michigan Zoning Enabling Act.

Planning Director Peterson said Staff has prepared some amendments to the Zoning Ordinance as a result of Public Act 110 of 2006. The changes made to the Ordinance have been primarily procedural type amendments.

Member Lewis noted that the Commission also has the opportunity to provide input put to what they would like to see changed, besides what the law says. He noted he is also a member of the Zoning Board of Appeals as well and there is one criteria that says: the building will not affect the light and air circulation of any adjoining properties. He has yet to see this be utilized and wondered if it is possible to strike this out of the Township's criteria.

Member McDonald stated his support to keep the criteria because a church steeple could impact the view or light but probably not the air circulation. Member Lewis noted this is his point; no one has called to question the air circulation from a project. Chairman Goldberg also commented that he has seen a building in the Grand Traverse area constructed to fifteen (15) stories and would imagine that would block the light and he may complain if something like this were constructed next to his property.

Planning Director Peterson noted a seven (7) story hotel that was proposed for the corner of 28th Street and Kraft and one of the huge concerns at the time is the shadow it would cast over the Chadwick Hills Condos and supported leaving the criteria in place.

Member Lewis noted that the criteria states air and light and everyone provide examples of view and maybe adding view to it would be more practical.

Member McDonald motioned to open Public Hearing, supported by Member Koessel. All in favor with none opposed. Public Hearing opened.

Chairman Goldberg asked if Staff has received any comments regarding the Case, Planning Director Peterson said none have been received. Chairman Goldberg opened the meeting for Public comments.

Being there no members of the public wishing to comment, **Member Koessel motioned to close the Public Hearing, supported by Member McDonald. All in favor with none opposed. Public Hearing Closed.**

Member McDonald motioned to forward a positive recommendation to the Township Board of the proposed Zoning Ordinance Amendments as presented by Staff for their consideration. Member Koessel supported the motion.

Chairman Goldberg opened for discussion of the motion. Being no further discussion, Chairman Goldberg called to question. **Six (6) were in favor of the motion with one (1) opposed. Motion carried.**

Member Lewis questioned if the Zoning Board of Appeals would receive a copy of the amendments and Chairman Goldberg said they would receive the amendments once the Township Board has approved.

ARTICLE 7.

**Case #06-2807: Zoning Ordinance Amendment, Antenna
(PUBLIC HEARING)**

Proposed Amendments for antennas.

Planning Director Peterson said Staff has prepared some amendments dealing with Cellular Antennas in the Residential Zones. As the Commission is aware, the Township does not allow cellular towers or even their antennas in the Residential Zones, however, there are taller structures that could accommodate a cellular antenna in the Residential Zones. These structures range from Consumers Energy lattice towers, church steeples, etc. that are within Cascade Township.

This matter came to Staff's attention after an application was made to place an antenna on one (1) of the Consumers Energy lattice towers along Spaulding Avenue. This area is zoned Residential and under existing zoning it would not be allowed. Staff believes that in order to continue to prohibit cellular towers from being built in the Residential Zones, that it would be prudent to allow antennas on structures of the Commission's choosing in order to accommodate cellular technology. The Township Attorney agrees that these amendments would help the Township in court if someone were to apply for a tower in the Residential Zones.

The amendments as drafted allow for cellular antennas in the residential zone on only the following:

1. Buildings
2. Church Steeples
3. Schools
4. Light poles at schools
5. Water towers
6. Consumers Energy lattice towers

Planning Director Peterson also said the amendment would not allow the cellular antennas to be placed on regular telephone poles in a Residential Zone. In addition the antennas cannot be taller

than an existing structure without being permitted by the Planning Commission and provided several factors the Commission would consider for allowing such an antenna to be taller than an existing structure. He referred to the following items:

- (i) the increase in height does not require the need for any lighting.
- (ii) The increase in height is needed for the antenna to perform its intended function.
- (iii) The height shall not exceed that minimally required to function in accordance with Federal, State and Local requirements.
- (iv) The Township Planning Commission may hire an expert consultant to review the proposed antenna and provide recommendation of proposed height.

Planning Director Peterson also noted that the Commission would be able to review and ensure appropriate screening of ground equipment and proper placement and any structure that becomes unused for its original purpose and intent for a period of more than twelve (12) months shall be considered abandoned and the structure and antenna would be removed.

To date, Staff has not received any public feedback as a result of the public notification of these amendments.

Staff is recommending that the Commission forward a positive recommendation to the Township Board for their consideration.

Member McDonald noted for consistency on the front page noting # 6. Consumers Energy lattice towers and on the second to the last page in grey highlight in the first paragraph it reads Consumers Energy utility towers, should they both refer to the lattice towers? Planning Director Peterson said he would make the correction to Consumers Energy lattice towers.

Member Koessel noted on the same page, paragraph d) sub-paragraph ii) under (iii) to change the language, it should read as: "The height shall not exceed the minimum height required to function in accordance with Federal, State and Local requirements. Planning Director Peterson will make the correction.

Chairman Goldberg also requested that the sequence of the paragraphs and sub-paragraphs be cleaned up.

Member Koessel also referenced a correction within the same paragraph to number (iv) the word "an" be changed to "and". Planning Director Peterson will make this change also.

Chairman Goldberg requested a motion to open Public Hearing.

Member Koessel motioned to open the Public Hearing, supported by Member McDonald. All were in favor with none opposed. Public Hearing opened.

Chairman Goldberg invited any public members to approach the Commission, being there were none, Chairman Goldberg asked if Staff received any written letters or phone calls regarding the issue. Planning Director Peterson said no comments were received from the public notices.

Member McDonald motioned to close the Public Hearing, supported by Member Lewis. All in favor with none opposed, the Public Hearing was closed.

Member Lewis requested grammatical corrections under 4) on the second page where it says: "The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the general area." Member Lewis requested the use of commas in this section. Chairman Goldberg requested Staff and the Township Attorney clean up the grammar and properly word the paragraph.

Member Lewis motioned to forward the amendments to the Zoning Ordinance for Antennas to the Township Board with a favorable recommendation as corrected. Member Robinson supported the motion. All in favor with none opposed. Motion carried.

ARTICLE 8.

Case #06-2818: Karl Huffman, 1474 Ballybunion Ct.

(Tabled from the July 17, 2006 meeting)

The Applicant is seeking a Type I Special Use Permit to allow a 1,535-square foot accessory building.

Chairman Goldberg noted this case was tabled at the July 17th Meeting since the Applicant was not present and requested a motion to remove this article from the table.

Member Robinson motioned to remove Case #06-2818: Karl Huffman from the table, supported by Member Koessel.

Planner Deem noted the Applicant is seeking a Type I Special Use Permit to allow a 1,535-square foot accessory building at 1474 Ballybunion Court.

As mentioned during the previous meeting, an accessory building is allowed to be 832-square feet by right without a Special Use Permit.

The property is seven (7) acres and the existing home is 4,272-square feet with an existing 912-square foot attached garage.

The location of the building meets all setback requirements and per the Ordinance, the building will not be used directly or indirectly with any business, occupation, trade or profession. Also as per the Ordinance, any lighting for the building will be downcast.

At the last meeting, the Findings of Fact were reviewed and it was Staff's recommendation that the proposed accessory building does meet all of the Findings of Fact. It is Staff's recommendation that the Planning Commission approve the Special Use request for the construction of the accessory building.

Chairman Goldberg if there is a drawing of the building for the Commissions' review and Planner Deem provided the drawing.

Member Koessel asked if the parcel allows for three (3) accessory buildings and if this building is the second building on the parcel. Planner Deem noted this is the second building; there is a pool house also on the parcel.

Chairman Goldberg invited the Applicant to speak before the Commission.

Applicant Karl Huffman of 1474 Ballybunion Court apologized for not being at the last meeting and is available for comments and questions from the Commission.

Member Koessel asked Applicant Huffman the intended use of the building and the Applicant said for storing recreational equipment and utility trailers. Member Koessel asked if he would be installing an additional drive to access the building and will be utilizing the current drive with some additional pavement to the building and the Applicant said that is correct. Member Koessel asked if the Applicant plans to have any plumbing and the Applicant said none. Applicant Huffman said he might install propane heat at some time but not for a while. Member Koessel asked if he would be installing any exterior lighting and Applicant Huffman said if he does install lighting, it would match the house with the carriage-style lighting, and there will be indoor lighting.

Member McDonald asked if the exterior is going to be all brick and Applicant Huffman said yes, the house is all brick and he will be matching the aesthetics.

Member Koessel noted that at the previous meeting during Mr. Huffman's absence, the Commission did discuss the project and held the Public Hearing and this is one of the nicer accessory buildings the Commission has seen come before them that meets all the necessary requirements.

Member Koessel motioned for approval of a Type I Special Use Permit to allow a 1,535-square foot at 1474 Ballybunion Court subject to all the conditions placed on this type of permit, supported by Member McDonald. Chairman Goldberg called to question. All in favor with none opposed. Motion carried.

ARTICLE 9.

Case #06-2816: Robert Grooters Development Company, 5505 52nd Street

(Tabled from July 17, 2006 Meeting)

The applicant is seeking a Site Plan Approval to build a 72,000-square foot prefabricated steel building.

Chairman Goldberg noted the case was tabled since the Meadowbrooke Association Board had not formally approved the site plan and requested a motion to remove this case from the table.

Member Lewis motioned to remove Case #06-2816: Robert Grooters Development Company from the table with support from Member Robinson. All in favor with none opposed. Motion carried.

Planner Deem said that prior to the July 17th Meeting, Staff had spoken with Connie Van Middendorp from Meadowbrooke Association and intended to have their letter of the Board's approval. The letter was not received in time and included within the Commissions' packets is an e-mail from Connie stating that Meadowbrooke has reviewed the site plan and has recommended approval contingent upon Township approval.

Planner Deem provided history on the site noting the Applicant received approval in 2004 for a larger steel building on this site and the approval for that site plan has lapsed. This site plan is seeking approval for a smaller building of 72,000-square feet on the same site and location. The original 127,000-square foot building received full approval from both Meadowbrooke Association and the Township.

Planner Deem said that with Meadowbrooke's approval, Staff is recommending approval of the Site Plan with the following items to be handed in before a building permit can be issued:

- 1) A soil erosion control permit be obtained.
- 2) A lighting plan be submitted meeting the Township's requirement for lighting.

Chairman Goldberg clarified that the Meadowbrooke Association Board has formally met and approved this site plan and Planner Deem said it is his understanding they acted as a Board and approved the site plan.

Kurt Adams of Robert Grooters Development Co. said they do have a letter from the Board stating their approval of the site plan and Planner Deem said Staff just received a copy of the letter; it is just not included within the Commissions' packets since it was received late this evening.

Member Koessel noted the e-mail referred to the Association not having any major issues with the site plan and did they provide information regarding any changes? Applicant Adams said he has not heard of any concerns from the Association Board Members. He believes the letter was worded differently. Member Koessel asked Planner Deem to read the letter if he had it available. Planner Deem read the letter received and Member Koessel noted the letter is much clearer.

Member Postma asked if the Applicant is building the full 72,000-square feet or building smaller for future expansion? Applicant Adams said it will be built as drawn at 72,000-square feet and they are allowed to expand as far as 125,000-square feet. Planner Deem noted that when the Applicant is ready to complete the expansion, they will have to come back before the Planning Commission.

Member McDonald motioned for Site Plan approval for a 72,000-square foot steel building at 5505 52nd Street with the following conditions:

- 1) A soil erosion control permit be obtained.**
- 2) A lighting plan be submitted meeting the Township's requirement for lighting.**
- 3) The address be visible from 52nd Street.**
- 4) The Fire Department connection for the fire suppression system must be accessible.**

5) The proposed hydrant that is drawn on the print must be moved farther east, approximately 160-feet from the North/South water main.

Member Koessel supported the motion. Chairman Goldberg called to question. All in favor with none opposed. Motion carried.

ARTICLE 10. Presentation on Residential Building Permits Utility Update Report

Planning Director Peterson said that in conjunction with our goal for Planning Commission education, and as a follow up to Staff's report last year regarding septic systems, Laura Lievense, a planning intern from University of Michigan, has put together a presentation.

He noted that Intern Lievense has been working with the Building Department and the City of Grand Rapids to compile the information related to utility connections for residential units in Cascade.

ARTICLE 11. Proposed Capital Improvement Plan

Planning Director Peterson noted that every year at about this time, the Commission is to review the proposed Capital Improvement Plan and he has included a copy of the plan along with a resolution within the Commissions' packets.

The Capital Improvement Plan is a planning tool used for budgeting public improvement projects that are over \$10,000. The Plan does not address all of the capital expenditures for the Township, but provides for the large, physical improvements that are permanent, including the basic services and installations needed for the functioning of the community.

The Capital Improvement Review Committee, which includes members of the Planning Commission, Member Lewis and Member McDonald, has reviewed the document and is recommending it for approval. After the Planning Commission adopts the Capital Improvement Plan, it is forwarded to the Township Board for their consideration.

Chairman Goldberg asked Laraway Lake pathway is still being planned for 2007? Planning Director Peterson said it is within the five (5) year plan and would be submitted to the Township Board. The Township Board recently asked the Parks Committee to review other pathway extensions within the Township and maybe

Laraway will remained planned for 2007 but something else may take its place. Member McDonald noted these projects are not etched in stone. Chairman Goldberg clarified that what the Commission is recommending is the timing and sequencing of the projects and Planning Director Peterson said that is correct.

Member Robinson motioned to adopt the Resolution to the Capital Improvement Plan with a correction to the spelling of the word “Resolution” and Member McDonald supported the motion.

Chairman Goldberg requested a Roll Call vote:

YEAS: Member Logue, Member Lewis, Member Robinson, Chairman Goldberg, Member McDonald, Member Koessell, Member Postma

NAYS: None

ABSENT: Member MacAllister, Member Richards

Chairman Goldberg declared the Resolution passed and the matter to be forwarded to the Township Board.

ARTICLE 12.

Other Business

Chairman Goldberg opened the meeting for other business.

Member Lewis thanked the Commission for the flowers they set and appreciated them.

Member Logue asked the status of the Burton Street sewer main and if that project was being delayed. Planning Director Peterson said the project is not on hold but they are going through the proper process of receiving approvals and is still expected to be constructed in 2007.

ARTICLE 13.

Adjournment

Member Lewis supported by Member McDonald moved to adjourn. The motion carried and the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Claude Robinson, Secretary

Lisa Hern, Recording Secretary