

## MINUTES

Cascade Charter Township Planning Commission  
Monday, February 6, 2006  
7:00 p.m.

**ARTICLE 1.** Chairman Goldberg called the meeting to order at 7:00 p.m.  
Members Present: Goldberg, Koessel, Logue, MacAllister, McDonald, Postma, Richards, Robinson.  
Members Absent: Lewis (excused)  
Others Present: Planning Director Peterson, Admin. Assistant Hern 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 February 6<sup>th</sup> agenda. Member Robinson asked if Article 7 has been removed from tonight's agenda. Planning Director Peterson confirmed the Applicant has requested this Article be tabled for a later meeting.

Chairman Goldberg noted to keep Article 7 on the agenda and the Board can table the item at that time.

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

**ARTICLE 4.** Chairman Goldberg requested motion for approval of the January 23, 2006 Minutes.

**Member McDonald requested clarification on Page 3, second paragraph regarding the Applicant's employment at Thornapple Pointe, add the word "not" to "...has not been at".**

**Member Robinson noted on Page 9 under Article 10 to add the elections of Jack Lewis as representative to the Zoning Board of Appeals and Lorissa MacAllister as representative to the Village Design Review Committee.**

**Member MacAllister requested the correction of a typo on Page 7, last paragraph, first sentence correct "raod" to "road".**

**Member Koessel motioned for approval of the minutes as corrected, supported by Member Robinson. January 23, 2006 Minutes approved as corrected. All in favor with none opposed, the motion carried.**

**ARTICLE 5.**

**Case #05-2770: Burwood**

*(PUBLIC HEARING)*

The applicant is requesting Rezoning of approximately 50 acres to Planned Unit Development to allow for seventeen (17) Site Condominium units. The property is located at 8600 28<sup>th</sup> Street.

Planning Director Peterson noted the property is located on the south side of 28<sup>th</sup> Street east of Buttrick Avenue. The Applicant is requesting Preliminary Plan Review in order to rezone approximately 50 (fifty) acres for a Site Condominium Planned Unit Development. The request is for 17 (seventeen), detached, single-family units. The development will be utilizing private roads that will be maintained by the Condominium Association and the common areas, such as the open space areas and the amenities noted in the plan.

As a result of this project, there would be nothing in the Township's Capital Improvement Plan that would be triggered as a result of this.

The zoning in this location is Agricultural Rural Conservation and with that comes different options the developers may choose in order to develop land. In this particular case, because they are preserving over fifty (50) percent of the developable acreage, this allows them to have minimum lot sizes of 50,000 square feet. The lot sizes are noted within the plans. The plans show they actually have approximately fifty-four (54) percent designated for open space that is developable. This does exceed Township minimum requirements.

The open space that is being provided is located throughout the entire project with a large portion on the west side of the property and along 28<sup>th</sup> Street.

Planning Director Peterson further noted that some of the open space areas are being set aside for soccer, a garden, tennis courts, clubhouse, pool, sledding hill and walking paths. He noted the Applicant has yet to indicate a Phasing Plan for when these amenities would be installed. A phasing plan should be included in the P.U.D. Ordinance to ensure these items are installed and the Township has required other projects to have similar phasing plans.

The Applicant also indicates they would be keeping one (1) of the existing structures along 28<sup>th</sup> Street. There are some old, existing buildings that will be taken down with the exception of the one (1) along 28<sup>th</sup> Street. Unless this building is used only for storage, the building code will require upgrades to the building. The use of this building needs to be identified and indicated in the P.U.D. Ordinance, if approved.

Planning Director Peterson noted the private roads for the development are regulated by Cascade Township. The roads do meet Township's regulations. One of the issues regarding this project was the steepness/grades of the roads. Township requires a grade not to exceed six (6) percent and do allow up to eight (8) percent, with Township Engineer and Fire Department approval. The entrance road does have a road grade of 7.2%, which has been approved by the Engineer and Fire Department. One of the reasons for the steep grade is due to creating a flatter area at the entrance. The Township does have other roads that have exceeded that six (6) percent.

The Fire Department has also expressed some concern over the entrance of the project in regards to the gate, mailboxes and an overhead trellis. The concern is for the fire trucks to have the room to get around these things, these are not objectionable items, but the Fire Department does need to review the final design to ensure they can maneuver around these items. These items need to be addressed prior to the recommendation to the Township Board.

Planning Director Peterson said the project is outside any future utility boundary and will be served by septic and wells. Kent County Health Department has approved the plan with typical conditional items the Applicant will have to incorporate into the final documents. The Township Engineer has approved the storm water plans and the developer has incorporated their comments into the revised site plan included within the Commission's packets. The Applicant will have to enter into an agreement for maintenance of the storm water system.

The Applicant has already obtained the permit from MDEQ for the work on the pond. They have also included written permission from the neighboring properties that share the pond and copies are in the Commission's packets.

Planning Director Peterson also said Staff had learned after the review of the Basic Plan, the Applicant needed to have a Consumers Power easement reduced. They have been working

with Consumers to have this easement reduced and Consumers provided an email to staff indicating that this was being done.

The project does not include any road connection to adjoining properties. This was discussed at the Basic Plan Review and determined that based upon the grades of the areas that a road connection to adjoining properties was not advantageous, however, walking paths have been set up so that a pedestrian connection could be made to adjoining properties should they develop.

Planning Director Peterson said the Applicant is indicating they would like the ability to have up to three (3) accessory buildings per lot. Each lot is a little over 50,000 square feet, equivalent to just over one (1) acre per lot. Township regulations allow for one (1) building per first three (3) acres. Also important to remember is that the Township does not have a maximum size limit for accessory buildings, but the building must fit within the character of the area. The Applicant has proposed a maximum size for each building as 100 square feet, 200 square feet and 800 square feet. This proposal will allow for three (3) buildings but would limit the total square footage to 1,100 square feet, which is about the normal size of most accessory buildings in the rural areas.

The Applicant introduced this project to the Township at the November 7<sup>th</sup> meeting and the Commission requested a list of items be met. All of the items have been met with the exception of the submission of a Phasing Plan for the amenities (i.e. pool, clubhouse, garden, etc.).

Planning Director Peterson further noted the Standards for Approval have been outlined within the packets and believes this project meets the requirements for rezoning to P.U.D. since the project meets the zoning of the Township's subdivision ordinance and is master planned for low density residential. Staff recommends approval of the plan with the following conditions:

1. Obtain soil erosion control permit prior to any site work.
2. Incorporate Phasing Plan for the clubhouse, walking paths and tennis court amenities into the P.U.D. Ordinance.
3. Indicate the permanent use of the existing building on 28<sup>th</sup> Street.
4. Incorporate the stormwater agreement into the P.U.D. Ordinance.
5. Provide an airport recognition statement in Master Deed and P.U.D. Ordinance.
6. Provide a landscaping bond in the amount of \$12,800 for the street trees.

7. Address the concerns of the Fire Department regarding the entrance gates, mailboxes and trellis.

Planning Director Peterson said if the Commission approves the plan, the Applicant would come back to the Commission with the actual P.U.D. Ordinance that would regulate the project for a recommendation to the Township Board, for their final approval.

Chairman Goldberg opened the meeting for Commissioners' comments.

Member McDonald questioned if the term "open space" included the tennis courts, pool and are the yards also considered within the open space. Planning Director Peterson clarified that the open space allocated for the swimming pool and tennis courts is included within the open space since the Township deems these areas as "build-able". Township standards do not reduce the open space because the area is planned for a swimming pool or soccer field. The house yards are not included within the open space and Planning Director Peterson noted the open space designated outside of the lots. Some of the open space does include areas of considered to be unbuildable. These areas are allowed to be included as open space but the developer does not receive any credit towards his required open space.

Member Koessel expressed concern over three (3) accessory buildings per lot and questioned the placement/location of these buildings on each lot.

Member MacAllister asked if there is precedence for setting approvals for accessory buildings. Chairman Goldberg noted there is a different standard for P.U.D. versus underlying zoning and the Commission would not be setting a precedence for underlying zoning. He noted a P.U.D. allows for more give-and-take, for variances in the P.U.D. for things that may not be permitted in the underlying zoning, could be permitted under a P.U.D. because of offsetting things that balance the project out when looking at advantages. His sense of it is, I would not be precluded from approving this and by approving it in the context of a P.U.D. the Commission would not necessarily be setting a precedence for what the Township would allow in the underlying zoning district by the way of variance. The Commission would be setting some sort of precedent if the Commission had not done this before with respect to what may be allowed in a future P.U.D. and believes the two (2) situations are different. Planning Director Peterson confirmed Chairman Goldberg's comment and noted Staff's

thought was by limiting the total size of the buildings to no more than what would normally be done as one building would be a good way to justify the additional buildings.

Member Robinson asked if the Township has ever granted two (2) accessory buildings on a P.U.D. and Planning Director Peterson said no.

Member Richards noted that if three (3) buildings were allowed those coming into the development would know ahead of time that owners are allowed three (3) buildings. Planning Director Peterson said presumably, they should know.

Member MacAllister asked if there is a lighting plan or signage for the project. Planning Director Peterson noted that we were not going to require street lighting since this is in the rural part of the Township, which is typical and that they have not proposed any signage yet but would need a sign permit from staff if the what a sign in the future.

Member MacAllister asked if the Fire Department is having trouble maneuvering around the gates and mailboxes on 28<sup>th</sup> Street or if their concern is the closeness to 28<sup>th</sup> Street. Planning Director Peterson noted the Fire Department's concern lies within maneuvering the trucks into the development. He also noted the Fire Department has requested an exact plan of the dimensions of the gate and trellis.

Applicant Butch TerHorst introduced himself and his family who has helped him develop the project. He lives on the property across the pond, overlooking the development. He has grown up in the area and desires to preserve the natural beauty.

Applicant TerHorst noted all the amenities would be accessible by the walking path or bicycles. The vegetable garden will not be installed until the residents have moved in; he would like the community to decide if they desire a garden. He projected the other amenities (pool, clubhouse, etc) to be installed after the eleventh lot was sold. The other amenities, such as the entrance, soccer field, sledding hill, walking path are all going in now.

Chairman Goldberg asked Applicant TerHorst to share his vision of the three (3) accessory buildings. Applicant TerHorst stated his vision is for small tool storage shed that looks like the house to go in. He noted his intent regarding the outbuildings is to try to accommodate future residents who wish to build a gazebo; some

may not desire three (3) buildings but wants residents to have the ability to expand without going through the approval process. Member Koessel questioned if a gazebo is considered an accessory building and Planning Director Peterson confirmed, yes, an accessory building is any structure with a roof.

Applicant TerHorst noted he is envisioning a community of people who enjoy being outside and the gazebos would allow for visiting.

Member Robinson noted that a gazebo would be noted as one (1) building, one (1) would be a tool shed or storage and what would the third building be considered? Applicant TerHorst noted it could be a garage if a family has more than a couple of vehicles, golf carts or motorcycles.

Member MacAllister asked if the Applicant was looking to be L.E.E.D. Certified Development. Applicant TerHorst noted he is concerned to how green the project is built but it is difficult and is more common in commercial. Member MacAllister noted there is a L.E.E.D. Neighborhood Development standard and believes the project may qualify and the Applicant will consider.

Chairman Goldberg asked the Applicant how the concerns of the Fire Department would be addressed regarding the entrance and the location of the mailboxes and trellis and his intention in working with them. Applicant TerHorst noted he has drawings and noted the area of concern. He has met with the Fire Chief and they have verbally agreed to the heights and widths of the items. Unfortunately, he does not have the written documentation at this time but they have reached a verbal agreement and will adhere to their requirements. Chairman Goldberg noted they would be able to have the documentation available when the ordinance comes before the Commission again, Applicant TerHorst said yes.

Member Robinson questioned if the Commission were to approve two (2) accessory buildings as part of the P.U.D., would that restrict the residents from seeking a future variance or amendment to the P.U.D.? Planning Director Peterson stated that it is always possible for a future owner or owners to seek an amendment or variance from the ordinance.

Applicant TerHorst asked what the biggest concern is over the accessory buildings and Chairman Goldberg noted the Commission has to look at what they do as precedence setting. The Commission has never approved more than one (1) accessory building per lot and it is very possible the Commission could be

faced with the same decision from a different development. In other developments and other contexts, the problem the Township has had with multiple buildings is there is no Township standard for maximum size and the potential of 2,000 square foot buildings. The Commission could move to a concept of saying "total accessory buildings square footage will not exceed" but that does not work well because on a huge lot, a large accessory building would be appropriate and on a small lot a small accessory building would be more desired. It is not one-size-fits-all from that perspective, it becomes an issue of in another project, at another time does two (2) or three (3) accessory buildings generally make sense when we cannot restrict the maximum size in a one-size-fits-all deal. So, something might make sense on the Applicant's project and might not make sense on other projects and yet the Commission has set a precedent that might be hard to distinguish later, that is the concern.

Member MacAllister questioned the size of the gathering huts/gazebos and Applicant TerHorst noted they would be individually sized to accommodate the family's needs. He noted he is not seeking to build a huge development but a small one with high quality and design.

**Member Robinson moved to open the Public Hearing, supported by Member Koessel. All in favor with none opposed, Public Hearing opened.**

Chairman Goldberg invited the public members in attendance to present their comments and concerns to the Planning Commission.

Burleigh Schroeder noted he is not currently a Cascade resident but is planning to purchase one (1) of the lots in this development. He is surprised with the discussion and Township standards regarding the accessory buildings and questioned how many residents really take advantage of more than one (1) if allowed. Chairman Goldberg noted accessory buildings are acceptable within the Township and happens frequently on larger properties where permitted under the Township's ordinance. The ordinance allows for one (1) accessory building on lots less than three (3) acres.

Julie Hackert, 2980 Wood Duck Lane, said she is a neighbor of the Applicant and shares the same vision of the land and preserving it. She noted she is hearing of plans for a soccer field, pool and tennis courts and as a grandmother, supports the plans where a community can thrive but also has concerns over the proposed



three (3) accessory buildings per lot; they are small lots and does not see how they can all fit on the properties. Hackert noted the Applicant has the talent to create a beautiful setting but three (3) accessory buildings seems a bit much and is opposed to them. She also noted that some of the buildings seem redundant to her, having individual gazebos proposed as an accessory building when the development will have a clubhouse.

She also questioned if the Applicant would be making improvements to the pond and if he will be creating a “swimming hole”. Applicant TerHorst responded that he would be improving the pond if the kids want to swim, he will let them. The pond will be 26-feet deep, it will be well fed, treated and he will plant fish. Hackert questioned if the pond would be fenced in like the pool at the clubhouse and Applicant TerHorst noted the pool will be fenced but the pond is not required. Hackert expressed her concern over liability with the children swimming in the pond and her pond would potentially invite the children to swim in the pond located by her property. The Applicant noted he is purchasing a large insurance policy through the Association to cover the development and is confident they will meet the insurance requirements.

**Member McDonald, with support from Member Robinson, moved to close the Public Hearing. All in favor with none opposed, Public Hearing closed.**

Chairman Goldberg asked Staff if they have received any letters or phone calls regarding the project, Planning Director Peterson said they have received a couple of phone calls inquiring about the project but nothing else.

Chairman Goldberg noted this is a lovely project and it will be well done by the Applicant, his concern lies with the request for three (3) accessory buildings on each lot.

Member Robinson supported Chairman Goldberg’s comments and is also concerned with the three (3) buildings.

Member Koessel wondered if the Planning Commission granted the Applicant’s request implementing a maximum size, would residents be able to request a Special Use Permit. Planning Director Peterson stated that Special Use Permit would not be needed since none of the buildings are over 832 sq.ft.

Member Koessel suggested requesting a bond for completion of the amenities. He is considering future residents purchasing the

lots and, for one reason or another, the amenities are not installed as promised. Would it not be wise to require a bond for the completion of the amenities because what if the Applicant sold ten (10) properties but it takes a while to sell the eleventh? People will be buying these properties knowing these amenities will be installed. Applicant TerHorst noted his intention is to construct the clubhouse as soon as possible because the Association Meetings will be held there. He intends to sell the lots first, then start the building process. He also has a list of thirty (30) interested families and does not foresee any problem selling the lots. Member Koessel noted he is trying to look for some protection for the families who will be buying the lots and the Commission approved a beautiful P.U.D. project but the amenities are never put in, for whatever reason. He personally does not believe that will happen but in the event that the development does not sell as planned, he would think the Applicant would want some kind of bond of completion. Member Koessel also noted that as much as the concept of "outdoor living" intrigues him, he is concerned over the request for three (3) accessory buildings on one (1) site and the precedence set for other developments. Chairman Goldberg noted that there are fifty (50) acres and seventeen (17) lots and that comes to about three (3) acres per lot, if two (2) were approved based on the theory the underlying zoning would allow for two (2) accessory buildings on a lot of more than three (3) acres if looked at as an entire development of the P.U.D. and rationale could be established for two (2) accessory buildings as opposed to three (3).

Member Robinson asked for clarification to the Township's ordinance regarding number of acres per accessory building. Planning Director Peterson said that three (3) to six (6) acres could have up to two (2) accessory buildings, over six (6) acres is three (3) and noted the Applicant is willing to limit the largest accessory building to 800 square feet.

Member Richards said she believes this is a lovely project but is also concerned that even if the owners know they are only allowed so many, they will make requests for more as time progresses. She can justify two (2) accessory buildings and cannot support a third structure.

Member McDonald summarized that the Planning Commission seems to be in favor of developing a compromise and the buildings could total up to 1,200 square feet with no single one (1) building over 800 square feet. Chairman Goldberg noted that could be approved.

**Member Robinson motioned for approval of rezoning of approximately 50 (fifty) acres to Planned Unit Development to allow for 17 (seventeen) Site Condominium units on the property at 8600 28<sup>th</sup> Street with:**

- 1) The Applicant meets the seven (7) conditions listed by Staff.**
- 2) A total of no more than two (2) accessory buildings per lot with the largest not to exceed 800 square feet and a total maximum of 1,200 square feet for the two (2) buildings.**
- 3) Confirmation from the Fire Department's acceptance regarding the location and dimensions of the mailboxes, gate and trellis.**

**Member McDonald supported the motion.**

Member Koessel requested:

- 4) The Applicant should seek a bond for the inclusion of completion of amenities, clubhouse, swimming pool and tennis courts.** Applicant TerHorst agreed he would provide a Bond of Insurance for the Amenities or a Letter of Credit.

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

## **ARTICLE 6.**

### **Case #06-2785: Thornapple Pointe Golf Course**

*(Tabled at the January 23, 2006 Meeting)*

The applicant is seeking a Type I Special Use Permit to construct a 104' x 54' accessory structure for the golf course.

**Member Robinson motioned to remove this item from the table, supported by Member Postma. All in favor with none opposed, Case #06-2785: Thornapple Pointe Golf Course removed from tabled items.**

Planning Director Peterson noted that at the January 23<sup>rd</sup> Planning Commission Meeting, the Commission tabled the Applicant's request for a Type I Special Use Permit. Staff was asked to provide some information on the history regarding the landscaping at the golf course.

In 1993 the Township Board approved the Type II Special Use Permit for the golf course. In 1995 the golf course removed trees located below the 666-foot contour line.

The golf course reapplied to the Township with a replacement plan that included planting more trees and the Township Board approved this plan in 1996.

In 2000, the golf course had not installed the landscaping as required and was contacted by Staff and a timeline was developed for the landscaping to be installed.

In 2001 the staff inspected the golf course and verified that the 1996 landscaping plan had been completed. This issue was considered closed by Staff.

The Applicant is seeking to construct the accessory building over the current cement slab where they erect a tent for gatherings.

**Member Koessel motioned for approval of the Type I Special Use Permit to construct a 104' x 54' accessory structure for the golf course, supported by Member Robinson. All in favor with none opposed, motion carried.**

#### **ARTICLE 7.**

##### **Case #06-2790: Anderson Woods Phase II and III**

The Applicant is requesting Basic Plan review to rezone approximately 59 (fifty-nine) acres to Planned Unit Development to allow for 30-site Condominium Units. The property is located at 5375 Buttrick Avenue.

Chairman Goldberg noted the Applicant is not ready to proceed with the request and has asked the article be removed from tonight's agenda.

**Member Robinson motioned to table Case #06-2790: Anderson Woods Phase II and III, supported by Member McDonald. All in favor with none opposed. Case #06-2790: Anderson Woods Phase II and III tabled until the next meeting or when the Applicant is ready.**

#### **ARTICLE 8.**

##### **Any Other Business**

28<sup>th</sup> Street Sidewalk construction schedule.

Planning Director Peterson noted he has included the schedule within the Commission's packets. Member Robinson thanked Staff for providing the information.

Member Robinson noted the issue in East Grand Rapids regarding a Parade Home and asked if there were any issues with Cascade Township. Planning Director Peterson noted the only issue that we hav had with Parade homes has been excessive signage.

Member McDonald asked if Staff could provide visual statistics regarding cases noting one of the cases tonight compared square

feet with percentages of the total project and it was hard to decipher the numbers. Chairman Goldberg suggested a working standard visual for plans noting Burwood had green visual for their open spaces. Member Koessel asked Staff to provide color-coded areas indicating green space, undeveloped land, etc. Member Robinson noted he too was confused with Staff's report regarding acreage versus square footage. Planning Director Peterson agreed to provide the information as requested.

**ARTICLE 9.           Adjournment**

**Member Robinson supported by Member McDonald moved to adjourn. The motion carried and the meeting was adjourned at 8:24 p.m.**

Respectfully submitted,

Claude Robinson, Secretary  
Lisa Hern, Recording Secretary