

MINUTES

Cascade Charter Township Planning Commission
Monday, October 18, 2010
7:00 P.M.

- ARTICLE 1.** Chairman Waalkes called the meeting to order at 7:00 p.m.
Members Present: Hammond, Lewis, Logue, Pennington, Waalkes, Williams
Members Absent: McCarthy, Robinson, Sperla, all excused
Others Present: Planning Director Peterson, Members of the Public
- ARTICLE 2.** Chairman Waalkes led the Pledge of Allegiance to the Flag.
- ARTICLE 3.** **Approve the Agenda for the October 18, 2010 Planning Commission Meeting.**
Motion was made by Member Lewis and supported by Member Pennington to approve the Agenda. Motion carried unanimously.

- ARTICLE 4.** **Approve the Minutes of the October 4, 2010 Meeting.**
Chairman Waalkes stated that there was a spelling error. Also a Members name needed to be inserted where missing. With corrections made, Chairman Waalkes requested a motion for approval of the corrected Meeting Minutes.
Motion was made by Member Williams and supported by Member Lewis to approve the corrected October 4, 2010 Minutes. Motion carried unanimously.

- ARTICLE 5.** **Case #10-3004 Wally Boelkins**
Public Hearing
Property Address: 7101 Hidden Ridge
Requested Action: The applicant is requesting an exception from the Private Street Regulations in order to split the property at 7101 Hidden Ridge.

Planning Director Peterson stated that this is a process that has been on our books for quite some time. The property that we're talking about on Hidden Ridge is listed on our tax roll as being owned by Margaret Boelkins Trust. It's about 10 acres. It has frontage on Hidden Drive. It is just off from Thornapple River Dr. There is another private street, Hawthorn Ridge Dr. just to its north that the applicant would also be accessing. The way our regulations are written, if you use a private road you would have to upgrade that road. We have one new house, parcel A with access to Hidden Ridge and two new homes that would have access to Hawthorn Ridge through a new private drive. The streets themselves; Hidden Ridge is about 900 feet and Hawthorn Ridge is about 400 feet long. It serves two homes, one on Hawthorn and one on Thornapple River Dr as well as Hawthorn. Those homes do not have Hawthorn Ridge addresses. Hidden Ridge serves 11 homes. We would be adding 1 to that. Both roads have been out there for quite some time. The property that's being split would essentially "build out" this neighborhood. There really wouldn't be any opportunity to have any more homes built, at least not without some property owners reconfiguring. Our requirement for two access points is 19 homes. We are well under the total number of homes that you can have on a dead end road.

The new road would be built to all our standards. One of the things that you'll note is this new road that's coming in; it does actually provide access to parcel A, but because of some topography challenges, accessing it from the new road really isn't practical. For the roads themselves, the reason why we call both of these roads noncompliant private roads is that they are lacking a few things. They are probably a couple of our better older private roads. They are a little bit shorter and they don't have as many homes on them as others. Hidden Ridge is 18 feet wide. It has an approved turn-around that meets our standards. This first 900 feet of the road isn't that bad, but the last couple hundred feet is lacking where the road might be a little narrow. It may be 16 or 17 feet. It also does not have a normal turn-around at the end. It does have an easement where you would normally have that cul-de-sac; it's just never been built. For this road, that's really the area where this street lacks our requirements. The clear area is pretty good. Hawthorn Ridge is about 17 feet wide. A couple spots may be about 14 feet wide. It is a little bit narrower than what we would typically see. Neither of the roads have shoulders. The turn-around is good and meets all our requirements. The clear area is a little bit lacking; the trees are a little bit tighter to the road so you don't have some of the openness that you have on Hidden Ridge. We do not have on record any kind of maintenance agreement for Hawthorn Ridge. We do have one for Hidden Ridge. Again, the requirement is if you do a split on some of these older private roads you are required to upgrade them. The applicant is asking that they not be required to make any improvements on Hidden Ridge. If you turn it down they would have to widen the end of the road and provide a turn a round at the end.

On Hawthorn Ridge, they will be improving this first 200 feet, leaving the last 200 feet. Improving the first 200 would make the road compliant to our standards in terms of road width, shoulders, and clear area. The exception is not having to make the improvements for the rest of the road. I don't have any cross sections for Hawthorn Ridge to know how steep it is. If you went out there you saw that it is a little steep. I don't know what that grade is, but again they would be asking to not have to make any improvements past where they will be coming in with the new road. For the maintenance agreement they have agreed to put the burden of the maintenance for the existing Hawthorne Ridge, as well as their new road, on their new parcels, B and C. We would have to have our attorney look at that maintenance agreement to make sure it meets our requirements.

The parcels themselves are in the R1 Zoning district. Minimum 40,000 sq ft. They will be from about 2 - 3 acres. They meet our requirements for lot size. Our Fire Chief reports that his requirement was some tree clearing for width as well as some of the low hanging trees. Street signs should be posted on Thornapple River Dr. as well as the new intersection that would be created. I talked to one of the homeowners who came in with a concern about addresses. These aren't Hawthorn Ridge addresses so a home that doesn't have any frontage on Thornapple River Dr. has a Thornapple River Dr. address. The home we are talking about would have to change their address to be able to make that system work. Again, the Fire Chief wants to make sure that the road meets the required 18 feet width and also meet our requirements for a turnaround.

My sense of it was, given the short roads we're talking about, the number of homes, and the fact that the roads aren't really that bad, to limit some of the impact of extra tree cutting and clearing, I would suggest that you recommend approval of their request. That would be with the offer that the applicants are making and all the things they are doing. Not having them make any improvements at that west end of Hidden Ridge and at that west end of Hawthorn Ridge.

Chairman Waalkes: I understand the piece of Hawthorn Ridge past where Hawthorn Ridge Ct comes in and there is no proposal to expand or improve that; where is the line drawn for not making any upgrades to Hidden Ridge? Are there no upgrades to Hidden Ridge whatsoever, Planner Peterson stated that no upgrades are proposed for Hidden Ridge, because the first 900 feet of the road is fine, it's west of the original turnaround that the road is maybe a foot or two short and it does not have the cul-de-sac.

Chairman Waalkes: They would just put a driveway to parcel A off of that. Planner

Peterson: Yes, they really wouldn't be using any part of the road west of the original cul-de-sac.

Member Pennington asked if there was an existing easement off of the Hawthorn Ridge access or are they crossing neighboring property? Planner Peterson: There are actually two existing easements that make up the 66 easement. Planner Peterson added that we've had our Attorneys look at that already to make sure, that it was a legitimate access. Member Pennington: On Hidden Ridge Dr., it did appear wide enough but the actual approach area where the curb came in seemed pretty narrow compared to the actual road itself. I wonder if that should be improved if it's not the correct width. The Planner replied that we could have the Road Commission take a look at that; that's something out in the public road right of way so that wouldn't be part of our private road regulations. Member Lewis said that when he went out of there (exiting to Thornapple River Dr.) that there were trees blocking his view. With cars coming around the corner, that concerned him more than anything else. Chairman Waalkes said he had the same concern.

Member Lewis asked Planner Peterson if he had any concerns about future lot splits. The Planner answered that he didn't see that happening without property owners reconfiguring property due to how the area has developed. The Planner went on to say that we have granted exceptions before. Typically the Board has asked for some sort of improvement.

Member Pennington wanted to clarify: It's all one parcel now and it's being split into a total of four parcels; the existing home on one and three new parcels? The Planner replied that was correct. Member Pennington went on to ask if the one that is labeled "remainder" that has the existing home on it, could that be split so that a portion of it would have frontage on Hawthorn Ridge and the other on Hidden Ridge? Planner Peterson replied that he thought that would be tough, give the location of well, septic and the low area but it may be possible.

Chairman Waalkes asked if the applicant wanted to add anything to what the Planner had presented. Don DeGroot of Excel Engineering was present to represent the applicant, Wally Boelkins, who was also present. Mr. DeGroot wanted to review the

request to not make the improvements west of the turnaround of Hidden Ridge Dr. He stated that essentially their proposal is to share the existing driveway with the remaining parcel. That driveway is a very functional driveway and is in good shape. The alternative to that would be to develop a driveway off of the westerly portion of Hidden Ridge Dr. That frontage is nicely wooded and it would require some extensive grading to place a driveway in there. It makes a lot of sense to do it that way and also we're not adding an additional driveway onto the portion of the driveway that doesn't meet the standards right now. As it relates to the sight distance out at the street, I would agree that there is a discomfort level as you go out toward Thornapple River Dr., but they do have generous decel lanes. As you gain a little experience coming in and out of those driveways you can edge out, and then your sight distance improves dramatically. Care does need to be taken. Mr. DeGroot then asked if there were any questions that the Planning Commission had.

Member Logue wanted to know if they had spoken with any of the neighbors about their proposal. Applicant Representative DeGroot said that he thought Wally had spoken to a few of them. He went on to say that there have been some general discussions, but no formal meetings to introduce the project. They had been looking at doing this development over a number of years, but because of various circumstances, it had not moved forward.

Chairman Waalkes requested a motion to open the Public Hearing.

Motion was made by Member Lewis and supported by Member Hammond to open the Public Hearing. Motion carried unanimously.

Planner Peterson opened by saying that he had answered some questions residents had who came in to the Township office. He talked to one neighbor who was concerned about the name of the street.

The neighbors in attendance of the meeting were invited to express their concerns or to ask questions. Ryan Bruneau of 7109 Hidden Ridge Dr. commented that he hoped Wally's legal obligations trumped his legal rights. He wants the Township to follow the letter of the law and not grant exceptions or design modifications. He believes that there are a lot of non-conformities on Hidden Ridge. He mentioned that there is no signage. The widths are nowhere near the minimums except at the gutter pan and the grade is over the amount allowed. He said that the turnaround does not meet the code. There are no provisions for drainage or run-off, no gutters, or other gutter pans than the gutter pan the neighbors added when they had the road replaced 3 years ago. There is great erosion. He said there are 5 non-conformities just in the lower section of Hidden Ridge. He wants the road brought up to code in order to split. Member Pennington asked Ryan if there is a neighborhood association. Ryan replied there is none. They do have a private drive road maintenance agreement. He said that Wally had not approached any neighbors regarding this project. Member Lewis wanted to confirm that Ryan was speaking only for Hidden Ridge. Ryan affirmed and went on to say that residents have issues every winter with the grade. He wanted to be shown what is conforming on the first stretch of Hidden Ridge. He asked the Planner if our Engineer had looked at the drive. Planner Peterson replied that he had, and that the grade meets

the Township requirement. Member Lewis commented that many of the Commissioners had visited the site and that Ryan was making some good points.

Sandy Harrison, residing at 7200 Hidden Ridge: She said the grade is not an issue; she lives on it and admits that it has a little bit of steepness to it, but she feels it would not be as much of an issue if they were allowed to salt. Member Hammond asked about her statement that they don't salt. Sandy replied that they do some salting on their own but they do not hire someone to salt because Ryan has an issue with salt running into his well.

Robert Fitzgerald, residing at 7103 Hidden Ridge: He wanted to state that grade is definitely an issue. He was never approached by the applicant. He said that the easement was never mentioned that it would be access to three new homes. It will completely destroy his back yard. He currently has a beautiful ravine with trees, but with the driveway, it will all be gone. His well and septic system are down there. Member Pennington asked if Robert was aware of the easement when he purchased the property. Robert said it was pointed out, but he didn't remember.

Member Hammond had a question for Staff: He wanted to know if there was any information on the easement, a legal description, or usage. Staff replied that we have had our attorneys look at that document already. They had verified that it was legitimate.

Resident Nick Hrnyak of 2169 Thornapple River Drive: Per the diagram, his address would be called Hawthorn Ridge Dr. He said it is a non street, non issue. The road is a private drive to two houses and was established 20 years ago. There is an easement for ingress and egress. He believes that Hawthorn Ridge is more compliant than Hidden Ridge, he is concerned about construction traffic and the damage that will be caused by it. He is concerned that the best use of the natural environment has not been taken into consideration by the applicant. He is also concerned about future split activities. He mentioned that several parcels in the area are for sale and are not moving in the marketplace. He's concerned that we would destroy a natural habitat in this current market environment.

Mary Anne Olsen, living at 7100 Hidden Ridge: She said she had heard staff mention that there probably wouldn't be any more splits. She stated that people may want to split in the future, as the lots are technically big enough to split. She said people move there because of the atmosphere, the woods; she wants it to remain that way. She's not against development, but says this is not smart development to her. She said that they do have a driveway maintenance agreement. She said it states that if anyone is to split or develop a new home that their construction is responsible for any repair to the road. She read a quote from the private street ordinance which states thatall such persons using the private street do so at their own risk, and the Township shall not be responsible for any aspect of that private street. She doesn't understand how the Township can say that they are not responsible for anything that takes place on the street yet legally they have the right to dictate to them how the street should be. The Planner replied that the Township chose to allow private streets and to develop the standards that were acceptable. Some Communities have chosen to not allow them.

Kathy Howard, 7103 Hidden Ridge: She stated that the private road to be built is on her property. When she bought the house the realtor that she spoke to told her that there were no easements on the property. In regards to Hidden Ridge, it is very steep and very icy. She's also concerned about construction vehicles and her property.

Richard Gottlieb, 7100 Hidden Ridge: He just wanted to submit his complete opposition to the split of any of the lots that are in the area. Member Lewis stated that as long as Wally stays within the law, he can split. Chairman Waalkes added that the property owner has the right to split if they meet all the requirements.

Greg Cammell, 7046 Riverwood Lane: Greg stated that an area of land, (which he pointed out on the map), is just a huge ditch. After about 2" of rain a significant portion is under water or has water running into it. He feels that anyone who would buy there would be a fool, as it is the bottom of a deep natural ravine. He is also concerned about the forestry that would have to take place, the extent of erosion that would occur, and how it would affect everyone else. Ryan Bruneau wondered how one would put a home there.

Brenda Smith, 7105 Hidden Ridge: She is also concerned about the area where the applicant wants to put the new drive. It is full of very mature trees and is an absolutely beautiful view. She would hate to see the tree line destroyed. She commented on the unsure market and the fact that the applicants own house is for sale. She presented a plan for an optional drive location.

With no other comments from the public, Member Lewis made a motion to close Public Hearing. Support by Member Pennington. Motion carried unanimously. Public Hearing was closed.

Chairman Waalkes asked if anyone had any comments or discussion.

The Planning Director asked the applicant to address some of the concerns that have been expressed before making your recommendation. Mr. DeGroot wanted to talk first about the natural features of the property. He agreed that it is wooded and is a nice area. Wally owns 10 acres and he is looking to develop the parcels so others can enjoy the same things. They are asking for some variances to the streets. He understands the difficulty to maneuver during certain times of the year on Hidden Ridge, but that is part of that type of property. Only one additional parcel will be added to that drive. The road is in good shape. For the proposed Hawthorn Ridge they are meeting all the Township requirements with the exception of the portion of Hawthorn Ridge Dr that they are not proposing to use as part of access to B and C. Any portion of Hawthorn Drive that is damaged by construction and traffic will be repaired by the applicant as part of the improvements made. Mr. DeGroot talked about drainage. The impact to the drainage would be taken care of for the portion of the street that they will be building. The new street will be placed as far north as possible to allow for some drainage considerations. He stated that the Township Engineer has reviewed the plans for the street. The street name of Hawthorn Ridge has been on both the Township and County records. Relating to the issues brought up on Hidden Ridge Drive; to try to adjust the topography wouldn't make sense for everyone's sake. The comment of trying to access

B and C through parcel A is not possible. They are building an extensive amount of street to access two of the lots and are keeping in mind the characteristics of the property. Member Pennington asked if all of the grading would take place within the easement area and asked where the slopes would be. Mr. DeGroot answered correct to the first part of the question then stated that they had a grading plan that had been submitted. He explained the plan using the presentation map. One on three slope at a maximum steepness. The majority of the water will drain to the ponding easement. It meets the current Stormwater Ordinance.

Member Logue asked how the utilities would be serving the parcels. Mr. DeGroot said that there are existing utilities on Hidden Ridge Drive but they would construct whatever utilities are required within the 66 foot easement of Hawthorn Ridge Ct. City water would not be supplied. There would be natural gas, electric, cable.

Drainage was a big concern of many residents; however Planner Peterson said that the drainage plan had been reviewed by the Township Engineer.

Member Logue asked if the DNR had been contacted for wetlands. Mr. DeGroot said that the DNR had not been contacted because the vegetation did not support wetlands. He said there may be some wetland features in the ravines, but he had never seen standing water there. The sandy soils are in their favor for runoff, however if the soils can't take a large amount of rain it will eventually run across the road. They would be controlling the additional runoff they would generate as part of constructing that street.

Member Williams asked if the easement followed the property line or does it cut through someone's property? Mr. DeGroot: Forty Six feet is on the Fitzgeralds with the balance on the other parcel, 20 feet.

A member of the public was allowed to ask a couple questions, one being the location of the house that would be built on parcel A; secondly, would the Township be requiring an escrow account for repairs to the 2 roads because of construction. Mr. DeGroot answered the first question by stating that it would probably be somewhat in line between Wally's house and the house to the west. The Planner addressed the second question stating that the Township would not be requiring an escrow. Any improvements that are required would either be made prior to the split or we would get a Performance Guarantee to make sure it's done within a certain period of time.

After a couple more questions were asked by the public, Chairman Waalkes said that their job is to address the exception or lack thereof to the Private Street Ordinance for this lot split. He asked for discussion or Motions that any Planning Commission Member would like to make be presented. He said that personally the existing drives, for the most part, meet the Township regulations. The new street will be built to our regulations. He stated that they should rely on the assessment of Staff and the Township Consultants that have looked at the project. Based on that, he would tend to agree with the Planners recommendation that some of the exceptions be approved and that there are certain conditions suggested to the Township Board.

Member Logue was concerned about the way the storm water was being addresses. Chairman Waalkes replied that it should be covered under the Storm Water Ordinance. It's not a Planning Commission matter as long as they are meeting all the requirements of the Stormwater Ordinance. Member Logue answered that this is the point at which they are either granting exceptions or making requirements (for the Private Street Ordinance) and if the private street needs to have additional handling of storm water, it is relevant to the issue. Planner Peterson said that the Engineer has addressed these issues and the plan had already been modified a couple times. From the stormwater perspective of the new road, it's meeting our requirements.

Member Williams said that she feels for both sides. The beautiful setting the property owners bought into vs. the rights of the applicant to split his property if the rules are followed. It's a really hard balance to achieve. There is available land on the market that would be easier to develop than this property. Member Lewis commented that he had served on the Zoning Board of Appeals for years. The ZBA determines the minimum amount that you can require and still serve the Township ordinance. A balance is difficult to achieve between what the public wants and without overstepping, causing more damage than good. He's concerned about the slope of a hill when it comes to emergency situations, but if the Fire Chief says he can get a vehicle up the hill and it meets our requirements, we have to depend on what the Fire Chief says. There are so many things that are involved in a decision like this that you have to rely on somebody. Not everyone will be satisfied. I feel for those who will lose some view, but by granting the exceptions it will disturb less area and remove less trees. Member Hammond commented that he also struggles with this. We are here to rule on what happens to the drives regardless of what the audience is looking for. We are only here tonight to rule about the drives. You have an opportunity to attend the Township Board Meeting and to do the same thing then as tonight.

Member Pennington made a motion for a positive recommendation to the Township Board that the exceptions the applicant has requested be approved. The motion was supported by Member Lewis.

With no further discussion, there was a roll-call vote:

Lewis: Yes

Hammond: No

Waalkes: Yes

Pennington: Yes

Williams: No

Logue: No

The recommendation to the Board is 3 to 3.

ARTICLE 6: Case #10-3007 Meritage Hospitality Group
Property address: 5595 28th Street (Kraft Ave and 28th St.)
Requested Action: Basic Plan Review for an amendment to add two buildings and reconfigure approved PUD plan.

Planning Director Peterson stated that this site covers the whole Meijer property; the Meijer store, the gas station, Macaroni Grill as well as the corner. They are modifying

just the corner. The PUD was originally approved in 2002 and was amended in 2008 to accommodate this corner. When amended, it allowed for two buildings at the corner of Kraft and 28th St. There are 37 acres. Up to 12 buildings are allowed. They would like to redesign the site, accommodating a total of 4 buildings. The bank site would remain the same and the larger retail center would be divided into three building sites. Through this redevelopment plan the building square footage is a little bit lower than what was previously approved. From the building square footage, parking, and traffic flow it probably works a little bit better than what we had before. Traffic flow was the biggest item that most of the work was spent on. The site work is essentially there with the exception of the bank property. They will have to do some reconfiguration. There will be a Wendy's building and a Qdoba Restaurant; the third building has not been identified. The applicant would like to obtain site plan approval for those two buildings as part of this amendment process. The proposed elevations do indicate too many wall signs and will have to be modified.

This meeting is just to introduce the project, invite discussion, and then it will go to a public hearing next month. We already have the landscape plan and it meets our requirements. They've already submitted a lighting plan. The curb cuts are there.

Member Lewis asked the Planner if the previous building accommodated a drive-thru window for food. Staff replied that it did. Member Lewis went on to ask if this property could withstand the traffic volume for a drive thru window for food and also drive thru windows for a bank. Staff replied that the use is allowed in the B2 Zoning district. The traffic flow and the stacking is the biggest concern. There is enough room to stack. Mark McDowell from Meritage Hospitality Group explained that the drive thru will come around the front of the building and you pick up on the other side.

Member Pennington had a concern about the parking on the south side of Qdoba. He observed that they would be backing in, pulling out on the main access road through this site. He wondered if that could be re-configured so the parking would be in a different location. Cheryl Scales, Progressive A&E, explained that they were trying to meet the parking requirements of the Township and the Retailers desires, so they would need to keep the parking the same as the current plan.

Member Hammond commented, relating to the traffic coming in off from 28th street, the internal intersection on the site where the cross drives come together right now is kind of a funky stop sign situation. With the addition of this traffic coming in off from 28th street, is there any way that the 3 way stop could be changed to a 4 way stop? Chairman Waalkes stated that a 4 way may stack up traffic on 28th street; the Road Commission would like it to stay the way it is.

Member Logue asked if the road that bisects the 28th street side from the rear portion changed in width. Cheryl Scales, Progressive A&E said they had kept it the same as before. Member Logue inquired that since there would be increase in traffic and it would be two-way traffic, could the width be increased? Ms Scales said they would take a look at that. The Planner mentioned that when you make it too wide nobody knows where to go. Ms Scales pointed out on a map where a few stop signs could possibly be installed to better guide the traffic. Member Logue mentioned that on the

Wendy's site it looks like it might be tough for a truck to maneuver for deliveries. That issue will be looked into by the developer.

ARTICLE 7: Any other business
No other business at this time.

ARTICLE 8: Adjournment
Chairman Waalkes requested a motion for adjournment.

**Motion was made by Member Hammond and supported by Member Lewis to adjourn.
Motion carried unanimously and the meeting was adjourned at 9:00 p.m.**

Respectfully submitted,

Al Pennington, Secretary

Carol M. Meyer, Planning Administrative Assistant