

MINUTES
Cascade Charter Township Planning Commission
Monday, December 6, 2010
7:00 P.M.

- ARTICLE 1.** Vice Chair Sperla called the meeting to order at 7:00 p.m.
Members Present: Hammond, Lewis, Logue, Pennington, Robinson, Sperla, Williams
Members Absent: McCarthy, excused and Waalkes, excused.
Others Present: Planning Director Peterson, Members of the Public
- ARTICLE 2.** Vice Chair Sperla led the Pledge of Allegiance to the Flag.
- ARTICLE 3.** **Approve the Agenda for the December 6, 2010 Planning Commission Meeting.**

Motion was made by Member Lewis and supported by Member Robinson to approve the Agenda. Motion carried unanimously.
- ARTICLE 4.** **Approve the Minutes of the November 15, 2010 Meeting.**
Member Lewis said that he had communications from Chairperson Waalkes stating that there were two words misspelled in the Minutes draft. With corrections made, Vice Chair Sperla requested a motion for approval of the corrected Meeting Minutes.

Motion was made by Member Lewis and supported by Member Pennington to approve the corrected November 15, 2010 Minutes. Motion carried unanimously.
- ARTICLE 5.** **Case #10-3007 Meritage Hospitality Group**
Public Hearing
Property Address: 5595 28th St.
Requested Action: The applicant is requesting to amend the existing PUD to add two buildings and reconfigure the approved PUD Plan.

Planning Director Peterson noted that there had previously been a glitch in the noticing for the Public Hearing. There was a notice in the newspaper, but no notices had gone out to the neighbors, therefore we have noticed this again for public hearing. To refresh the details, the property is on the corner of 28th and Kraft. The Meijer Store is to the north. We have already approved a project at this location for a large strip mall in the back with a bank on the corner. What they are asking for now is to make some changes to that plan. Changes that are being requested are going from the large building in the back to three small buildings. There is less building square footage and more landscaping. The traffic flow will work a little bit better. The bank corner is all staying the same. There are two users identified at this point; Wendy's Restaurant and Qdoba Restaurant. The curb cuts will not be modified. When this was originally done it incorporated the entire Meijer property as well as the Macaroni Grill; those sites are not changing. The only changes will be directly on this corner. The amendments being requested are pretty minor.

What is a little unusual is that they are also asking for Site Plan Approval for the two buildings that have identified users at this point.

There are a few items that the applicant will need to address tonight. In order to get Site Plan Approval they will need to have a soil erosion plan plus making sure their plan is in compliance with the Fire Department and Township Engineer. Two items I specifically want to point out is a lighting plan and landscaping. They are still working on building lights. What landscaping will be done with this portion of the plan impacts the amount of the bond.

Vice Chair Sperla asked if any Members had questions for the Planner. Member Hammond wanted to clarify if the bank was a part of the request. The Planner replied that there are no changes being requested for the bank site. Member Pennington wanted to clarify if they were approving the preliminary plan or making a recommendation to the board. The Planner said that they needed to hold the Public Hearing first before the preliminary plan can be approved and a recommendation made to the Township Board.

With no additional questions Vice Chair Sperla asked for a Motion to open the Public Hearing.

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

Chair Person Sperla asked if anyone had any comments regarding this project. Matt O'Connor of 128 Mayfield NE in Grand Rapids came forward. He represents Consumers Credit Union who owns the corner. They are in support of the plan, however they need clarification regarding the common sign for Meijer and if it will be modified. Also, he said, the site plan shown was not their site plan. Their site plan shows a 3,100 sq. ft. bank with an additional drive thru. This plan shows a 4,100 sq ft bank. They would like to see their approved site plan going forward on that plan. The Planner replied that when we did the PUD, the PUD owners were given options regarding the sign. They chose the one option that allowed for a larger sign, eliminating one of Meijer's, and consolidated them all on the sign that is out there. That has not changed.

Sharon Yentsch of 2527 Chatham Woods has a concern about the traffic. Getting out of Chatham Woods onto Kraft can be very challenging.

With no other comments from the public, Vice Chair Sperla requested a Motion to close Public Hearing.

Member Hammond made a Motion to close Public Hearing. Support was made by Member Logue. Motion carried unanimously. Public Hearing was closed.

Vice Chair Sperla asked if anyone had anything they wished to discuss further.

Member Hammond wanted to understand the Planners staff comments. Do the Members need to have a conversation regarding the amount of landscaping that is

done? Planner Peterson replied that we need to hear from the applicant as to what they plan to do for landscaping.

Cheryl Scales was there to represent Progressive AE. She explained that the landscaping plan was for the two properties on the west side of the corner. The east side of the corner property will be taken care of by the credit union and will be considered for approval at a later date. Member Hammond commented that he would like to see the whole perimeter of the property completed now, not just part of the site. He is concerned that the site would become an eyesore. Mark McDowell of Meritage Hospitality Group responded to Member Hammond by saying that right now it is a proposed building footprint. The person that they are marketing to may have different needs for the property.

Cheryl Scales commented to the concerns of Ms. Yentsch about traffic coming out of Chatham Drive. She said that the exit drive coming out on Kraft will only allow a right turn to the south toward 28th street.

Member Lewis made a Motion to approve the applicants request to amend the existing PUD to add the two buildings and to reconfigure the approved PUD Plan. The Motion includes the four items listed in the Staff Report, which are: 1. An updated Site Plan per the Fire Dept., 2. SESC plan and permit, 3. Landscaping Bond, and 4. Lighting plan, including the building lighting.

Vice Chair Sperla brought attention to the 5th item listed in the Staff Comments, being: **Sign off from other PUD owners. Member Lewis agreed to add that to his Motion. The Motion was supported by Member Pennington.**

Member Hammond made an Amendment to the Motion that the landscaping would be based on the drawing that is in front of them that shows the west half of the site being landscaped. Member Lewis wanted to know if Member Hammond was talking about his previous concern in regards to landscaping the whole perimeter. Member Hammond verified that he was only talking about the west half. Member Lewis said that he would accept the Friendly Amendment to his Motion. Member Pennington supported that as well. The Motion with the Amendment carried unanimously.

**ARTICLE 6: Case #10-3015 John Halland – Anderson Woods
Public Hearing**

Property address: 5375 Buttrick Ave.

Requested Action: The applicant is requesting to amend the existing PUD to modify the lots size and open space around units 20 and 21 and to modify the storm water easements on lots 27 through 29.

Planner Peterson opened stating that Anderson Woods is a residential development on the southern end of the Township. There were two phases to this project, the first on the north and the second on the south. This was originally approved in 2006. Then it came to us again with a couple small changes in 2007. The request is regarding the second phase of Anderson Woods. In 2007 the grading on lots 27-29 was changed to the current site plan along with the addition of the swimming pool and a boulevard

entrance. Earlier this year the applicants reconfigured three of the lots on the river and made them into two lots. This was approved administratively.

The request now being sought is to reconfigure Lots 20 and 21 taking out the detention pond from both lots and making it part of the open space. This is a good idea since we have always tried to keep the storm water improvements off from lots when we can to avoid future issues. The lot sizes will change somewhat but are roughly the same size by incorporating some other common space into the lots.

The grading on lots 27-29 was changed to its current format in 2007. The applicant is not changing the grading but would like to amend the easement so the lots are not encumbered by as much of an easement. One of the reasons for the larger easement is to ensure that the drainage system is not accidentally changed since it crosses the lot. The applicant has provided little rationale for the change and nothing indicating how they would protect that area from being inadvertently changed. The Township Engineer has reviewed and approved the changes with concern about amending the storm water easement on lots 27-29. Planner Peterson recommends that you approve the request to reconfigure lots 20 and 21 and that no changes occur to the easements on lots 27-29.

There were no questions for the Planner, so Vice Chair Sperla asked the applicant if he wished to comment. The applicant identified himself as John Halland of Kirkwood Land Development. Mr. Halland wanted to point out that at the back of 27, 28, and 29 the easement is about 75 ft. wide. To clarify, we're asking to change where the easement is to accurately reflect where the water goes. From the back lot line to that easement is a steep hill. The water is not traveling there, so why have a drainage easement? Using a water hose, we figured out where the water was going to travel, and we went 10 ft. on either side of that. It didn't make sense to have a 75 ft. wide easement at the back of that lot when 55 ft. of it; there's no way water is ever going to travel up there. Lot 30 is dumping water on 29, 29 is dumping water onto 28, etc. At the back of 25 and 26 there is a pond that's kind of V shaped that goes around that little piece of wetland there and it's more or less a pre-treatment basin. Those lots have not been sold yet. All the homes are set back (the front of them) at 50-55 feet off the road. The homes are out by the road. Member Hammond asked for the location of the septic systems. Applicant Halland said they were approved in the front yard. Member Hammond was concerned that between the septic tanks and the easements you start to limit where the house could be placed in the envelope. We want to make sure that we are not restricting where the house can sit. The applicant replied that it is not going to change anything like that. All he is asking for is, instead of that easement being 75 ft. wide it's now going to be 20 ft. wide.

Vice Chair Sperla asked for a Motion to open the Public Hearing.

Member Lewis made a Motion to open the Public Hearing. Support by Member Robinson. Motion carried.

There was no one present from the public to comment.

Member Hammond made a Motion to close the Public Hearing. Support by Member Williams. Motion carried.

Vice Chair Sperla asked if anyone had more questions or discussion by the Members. Member Lewis made the suggestion that since there were different recommendations by Staff for the applicants' two-fold request, possibly they should have two different Motions.

Member Lewis made a Motion to approve the applicants' request to amend the existing PUD to modify the lots size and open space around units 20 and 21. The Motion was supported by Member Robinson.

Vice Chair Sperla asked if anyone wished to discuss anything before a vote. Member Pennington asked to be excused from the vote because a company that he has worked for did work on this project and it would be a conflict of interest. Vice Chair Sperla accepted the refusal to vote offered by Member Pennington. **Member Lewis made a Motion to approve Member Pennington's request to be removed from voting. Support was made by Member Hammond. Motion Carried.**

The Motion to approve the applicants request to amend the existing PUD to modify the lots size and open space around units 20 and 21 was approved unanimously by the remaining six Members.

Vice Chair Sperla asked if anyone wanted to make a Motion regarding the second portion of the applicants' requested amendment.

Member Logue made a Motion to approve the applicants request to modify the storm water easements on lots 27 – 29. There was no support for the Motion.

Member Lewis made a Motion to deny the applicants request to modify the storm water easements on lots 27-29. The Motion was supported by Member Robinson.

Vice Chair Sperla stated that there had been a report from the Township Engineer in a letter dated November 29, 2010 expressing his concerns in the event of a modification of the storm water easements. Member Sperla could see a reason not to disrupt the area that the Township Engineer had pointed out, and suggested that they respect the Engineers concern.

Member Lewis commented that he understood why the applicant made the request, but it does deal with more than just one lot as the water flows down toward the pond. It seems like having the easement there would protect lots 26 and 27 from the interference from lots 28 and 29. As soon as you make a change, allowing the elimination of the easement, then it is a possibility that can affect somebody down water from them.

Member Logue commented that in a normal economy, erring on the side of caution would make sense, but in this economy, if this constraint is causing a lack of the sale of these lots, then I think the developer could be harmed.

Member Hammond commented that the developer has indicated that the sites are large enough, regardless of the easement, for proper development and he did not see a hardship here.

Vice Chair Sperla asked for the Members to vote on the Motion to deny the second portion of the applicants' request. Aye: 5, Nay: 1

**ARTICLE 7: Case #10-3016 Cascade Charter Township
Public Hearing
Property Address: 2870 Jacksmith Ave.
Requested Action: The applicant is requesting a Type I Special Use Permit to construct a solar/wind tower.**

Planning Director Peterson indicated that Cascade Township is seeking approval to install a wind/solar tower for education purposes at the Cascade Library. It will have a kiosk inside the library showing the power output. We're reviewing this like we would for a cellular tower. The other project we had similar to this was when Cascade Engineering put up their wind tower over by 36th street. There are pictures in your packet to show what it would look like. The tower itself is about 40 feet tall and the turbine on top is about 6 or 7 feet in diameter so overall it might be about 48 or 49 feet to the top. The tower would be placed on the south side of the library, making it more difficult to see from 28th St. The building would hide most of the tower. The tower would be easiest to see from the south and west. The closest homes are to the south and east about 500 feet away, with heavy landscaping in between. The PUD that was done for this building as well as for Noto's is all one project. Noto's building had an allowance for 46 feet and this library building was allowed to be 43 feet with the top of the cupola.

The underlying zoning of this property is village office which does allow for antennas and towers. I am recommending approval of the request for the Type I Special Use Permit to allow the wind/solar tower as requested.

Vice Chair Sperla asked how tall the flagpole at the library is. The Planner did not know, but he thought that the normal flagpole is 30 – 35 feet.

Vice Chair Sperla asked if any of the Members had any questions for the Planner. Member Lewis asked what dictated the location of the tower. The applicant is Ronald Goodyke of 1945 Forest Shores Dr. Mr. Goodyke stated that the Cascade Library has become the busiest branch in the KDL system. He went on to say that when residents enter the library building in the main entrance they will come to the circulation desk. At the pole right there will be a kiosk that will show them the results of what is produced in this very site by wind and by solar. The Township has provided a lot of enhancements which has attracted people to this library. This is one more enhancement. When listening to the news you often hear about renewable energy and what it can do for us. We have an opportunity now to show the people of Cascade Township what wind and solar will do right here in our neighborhood. Mr. Goodyke believes that schools will participate in this, and everyone will have an opportunity to see, in terms that everyone can understand, what amount of energy is being produced here. It will add to our

energy production here at the Township in this library. Two schools have expressed interest in following the progress of what wind and solar will do here in Cascade. That's the reason that I want to add another educational component to what folks can find when they come to our library. This has been supported by the Township Board, but financially, it has also been supported by the Cascade Community Foundation and by The Friends of the Cascade Library. Both have committed \$5000. Cascade Engineering has also committed in-kind services of the installations.

Jim Burke from Cascade Engineering was present to answer any technical questions. Mr. Burke said that there are two reasons why it will be located where it is proposed. The path of the sun is in the south so you don't want to put the solar panels anywhere on the back side of the building or anywhere close to the building because there's shadow for that and it reduces energy potentially coming from the solar panels. So we put it on the front side of the building or the southernmost side of the building. The functional side of the wind turbine; we always want that on the front side of the wind; the prevailing wind comes out of the south-west. We always want the wind turbine to be in front of that in order to give the most potential and produce the most energy. It is placement based on performance as well as aesthetics.

Vice Chair Sperla asked if they will be capturing any of the wind or solar energy by utilizing it at the library, or is it strictly an educational instrument? Applicant Goodyke replied that we would definitely get energy production out of this. It will contribute to the cost of operating this building.

Vice Chair Sperla asked if there were any other comments or questions for the applicant that any of the Members would like to address. Member Logue was curious about the power output in a number of kilowatts and a possible cost savings. Mr. Burke gave an estimated number of 2,000 – 3,000 kilowatt hours per year; which he said would be a conservative estimate. Mr. Goodyke added that it will be shown in different ways to the people who come in to the library. It will say how many kilowatt hours it produces, but it will also say, 'this will run your computer for this many hours', or 'this will run your coffee pot for this many hours'. This will put it in practical terms, other than just kilowatt hours.

Vice Chair Sperla asked for a Motion to move into Public Hearing.

Member Hammond made the Motion to move into Public Hearing. Support by member Pennington. Motion carried unanimously.

Vice Chair Sperla asked if any member of the Public would like to address the Planning Commission.

Gary Palmer of 2980 Overlook Summit was there to represent his neighborhood association as the President. He stated that there were some concerns as to the location of the tower. He felt there were alternative sites to consider. He also mentioned the noise factor. Mr. Burke answered that there is not much noise associated with this type of wind turbine and explained that in a high wind you will hear more from the wind than from the turbine.

With no other comments or questions Vice Chair Sperla asked for a Motion to close Public Hearing.

Member Lewis made a Motion to close Public Hearing. The Motion was supported by Member Williams. The Motion carried unanimously.

Member Robinson made a Motion to approve the request of the applicant for a Special Use Permit to install a wind/solar tower. Member Pennington supported the Motion.

Member Hammond wanted to make a Friendly Amendment based on the Staff recommendation. Staff had recommended a condition; that the applicant receives approval from the Gerald R. Ford Airport before it is constructed. The Friendly Amendment was accepted by Member Robinson and Member Pennington.

Member Lewis wanted to know if there would be any outside sign location to explain what the item is and how it works. The applicant replied that there were no plans at this time. Member Lewis said that he would urge the library to at least have an explanation of what it is in the near future.

The Motion and Condition were approved by all Members.

ARTICLE 8: Any other business

ARTICLE 9: Adjournment

Vice Chair Sperla requested a Motion to adjourn.

Motion was made by Member Lewis and supported by Member Robinson to adjourn. Motion carried unanimously and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Al Pennington, Secretary

Carol M. Meyer, Planning Administrative Assistant