

MINUTES

Cascade Charter Township Planning Commission
Tuesday, January 4, 2005
7:00 pm

ARTICLE 1. Secretary Goldberg called the meeting to order.
Members Present: Goldberg, Koessel, Lewis, Logue, MacAllister,
McDonald, Postma, Diane Richards, Robinson.
Members Absent: None
Others Present: Planning Director Peterson, Planner Deem,
Admin. Assistant Thompson and those listed on Supplement #1.

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

ARTICLE 3. **Member Lewis moved to modify the agenda and take Article 8 Election of Officers as Article 6 so the new officers can run the meeting. Member McDonald supported the motion. The motion carried.**

Member Robinson supported by Member McDonald moved to approve the agenda as modified. The motion carried.

ARTICLE 4. **The Minutes of the December 20, 2004 Planning Commission meeting were approved as presented on motion by Member Lewis and supported by Member Robinson. The motion carried.**

ARTICLE 5. The Township Board Minutes of November 29 and December 1, 2004 were received and filed.

ARTICLE 6. **Election of Officers**

Member Lewis supported by Member MacAllister moved to nominate Fred Goldberg as Chairman, Claude Robinson as Vice-Chair, and Tom McDonald as Secretary. There were no other nominations presented. The motion carried.

ARTICLE 7. **Case #04-2692: Steven Whitbeck
(PUBLIC HEARING)**

The applicant requested a Type I Special Use Permit to construct a 30' x 40' accessory building at 7750 Sandy Hollow Drive, SE.

Planning Director Peterson related the applicant is requesting a Type I Special Use Permit to construct a 30' x 40' accessory building. This would be the only accessory building on the

property. The house is fairly new and built this year. Planning Director Peterson presented the site plan. Sandy Hollow is a public road. There is a private street that continues on from the end of Sandy Hollow to serve several additional parcels. The property is 2.1 acres and is limited to one accessory building for that size of parcel. The proposed height of the building is 18 feet at the mid-point which requires a forty foot setback from the property lines. The existing drive would serve the site.

Planning Director Peterson then went through the factors to be considered before granting a Special Use Permit as found in the Staff Report. The building would be used for storage. The applicant has received approval from the subdivision's home owners' association. The building is planned to match the house and does include two windows on either side of the building. The site is heavily wooded and quite a distance back from the road. The home is 2,100 s.f. of finished living space. Planning Director Peterson related he would categorize the accessory building as average or smaller than average than most accessory buildings and not out of line with sizes of other accessory buildings in the area. There are no other accessory buildings in the subdivision. The site is wooded and hilly making it difficult to see the building.

Planning Director Peterson recommended approval of the Special Use Permit with the conditions listed in the Staff Report. He related two letters from neighbors opposed to the Special Use Permit were received today. One neighbor lives in the subdivision and one lives outside of the subdivision. Planning Director Peterson related the situation is similar to one we had a couple of years ago on Tannon Trail which was a violation of the subdivision's deed restrictions. The Township does not enforce deed restrictions, that is something between the homeowners and the association. The Planning Commission did approve the request on Tannon Trail.

Member MacAllister asked that the property lines be clarified for those neighbors who sent in letters. Planning Director Peterson pointed out the parcels. Neither parcel is adjacent to the applicant.

Member Robinson asked what is the maximum height of the accessory building. Planning Director Peterson related it would be 22 feet high. There is a step increase for accessory buildings. The higher they are the farther they have to be setback from the property line. A 22 foot high building would be setback 60 feet from the property line.

The applicant, Steven Whitbeck, of 5292 East Woodmeade Ct., in Ada, was present. Mr. Whitbeck related he was surprised about the opposition. The one neighbor who is opposed has an accessory building of his own.

Chairman Goldberg asked if Mr. Whitbeck's property is part of the plat. Mr. Whitbeck responded yes, it is. His understanding is the lots on the river are also part of the association.

Chairman Goldberg asked the intended use of the building. Mr. Whitbeck responded storage for his work van, boat and tools. Mr. Whitbeck related he owns Beltline Heating as a sole proprietor.

Chairman Goldberg asked Mr. Whitbeck if he would conduct any business out of the building. Mr. Whitbeck responded no. He would have his tools there and a small amount of inventory. Some parts have to be purchased in lots of 10 or 12 and he may use only eight for a specific job. At present he stores them in his basement and home garage. No customers will come to his building or home. He runs the business out of the house with only a telephone line. He loads his tools and leaves every morning and comes back at night.

Member Lewis asked do you have a truck that you use. Mr. Whitbeck responded yes. He loads tools and inventory into the van each morning. The tools and inventory would fit into an 8' x 10' building. He just keeps tools there.

Patti Whitbeck, the applicant's wife, added he does not have hot water heaters or furnaces in the building.

Chairman Goldberg asked will the building have heat and electricity. Mr. Whitbeck responded yes. He will also have water but no restroom facility. One side of the building will have a large door for his boat. The length of the building has to be that long because of the length of the boat and trailer. The door will be 12' x 12'. The boat is currently parked in the side yard next to the house. He would like to get it inside.

Member McDonald asked if there would be outdoor lighting. Mr. Whitbeck responded he would have a motion detector.

Member McDonald asked if it would be downcast. Mr. Whitbeck responded yes. He would also like some lighting along the driveway.

Member McDonald asked if the association does more than just approve architectural buildings. Mr. Whitbeck related they have their own restrictions. Approval from the committee is needed and this building has been approved already.

Member MacAllister asked if an additional curb cut would be added. Mr. Whitbeck responded no. The drive is 300 feet long and near the house, at 230 feet, there is going to be a "T" off of it that will go to the barn. The barn will be built back from the drive 50-60 feet in the woods as far as possible.

Member MacAllister asked if the building would be built into the hill. Mr. Whitbeck responded maybe 2-3 feet as there is a grade difference there.

Member MacAllister asked about the exterior. Mr. Whitbeck related there will be two windows on each side of the barn. The left hand side and part of the front will be able to be seen from the driveway. Placement of the building will be to remove the least amount of big trees as possible. He intends to leave the woods around it and not add landscaping. The building will be sided similar to the house with vinyl siding. The building will be stick built with foundations and footings. It will not be a pole building.

Member Lewis asked if the building would have a second story. Mr. Whitbeck responded it will have an attic and he may put some plywood down on the trusses for additional storage with a pull-down ladder for access.

Member Robinson related the neighbors imply you are going to be using the building for a repair shop. Mr. Whitbeck responded he does do repair work on his own stuff – not for anyone else.

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

Staff entered the two letters in opposition to the request into the record.

There being no one else to speak on the matter, **Member McDonald supported by Member Lewis moved to close the public hearing. The motion carried and the public hearing was closed.**

Chairman Goldberg related there does appear to be an issue in regard to the intended use of the building being one involving a business.

Member Koessel related he does not see it as a business use. He related we have dealt with many of these before with people who remove snow and keep their trucks in their garage. This applicant is going to store parts there. He has a truck that he goes out with each day and comes back each night. Member Koessel related he does not think he is conducting a business. He is just using the building for storage of extra parts and a vehicle.

Member McDonald concurred. The applicant has been very honest with us. He does not think it is an actual business in terms of operating a business.

Member MacAllister related she feels differently. He is receiving parts and materials there. And, conducting a work use out of their home also. Part of her feels it is a business.

Member Lewis related he feels very strong both ways. The association has approved the building which means some of the neighbors have looked at the situation. Member Lewis recommended that if approved, the applicant understand there are some stipulations that the building not be used directly or indirectly for business.

Member MacAllister related perhaps we should define directly or indirectly.

Member Koessel related a good point is with snow plowing. The determining factor seems to be do customers come to the applicant's house to have work done.

Member MacAllister related the applicant is having deliveries and stuff stored there.

Member Logue related it is not as if he is getting inventory. He stores left over parts from jobs in case he needs them in the future. It is a one person operation and he orders materials per job. He does not stock a warehouse.

Member Koessel asked if the parts are delivered to the applicant's home or if he picks them up at a supplier. Mr. Whitbeck responded he goes to the suppliers daily. One time he had a delivery by UPS and it was a very small box.

Member Koessel asked if the applicant if he would go to a commercial site and pick up an air conditioning unit and repair it at home. Mr. Whitbeck responded no, any repair he would be doing would be for his own personal vehicle such as for a flat tire, etc. He did repair a boat for a friend last summer but that happened only once. The only part of the business is his phone in the house. He goes to the customer's place of business and does the repair and then goes back home at the end of the day. Only necessary parts from jobs will be in the barn. His tools and parts would fit into an 8' x 10' storage building. The main reason for the building is he wants his boat inside and his work van inside. The storage is a plus.

Member Richards stated the house is new construction. He asked why not just make a bigger garage.

Planning Director Peterson related the applicant has a purchase agreement to buy this house. This isn't really unlike a plumbing contractor in the township who stores their stuff in their garage or accessory building. It is more of an enforcement action to see if they cross the line. It is a gray area.

Chairman Goldberg related what he tripped over was the inventory. At first it sounded like using a parts warehouse. What is being described is not that. This is a situation where there is an order but parts are left over and he does not want to throw them away because they might be used in the future. That is not really inventory as he perceives inventory. He is not really operating a business.

Planning Director Peterson related that condition regarding accessory buildings not being involved directly or indirectly with a business is for everyone who is approved for a special use permit.

Member MacAllister asked what are the legal ramifications on this as apparently the applicant will be in a lawsuit over the building if we approve it. Chairman Goldberg related the person or association would have to enjoin construction of the accessory building based on whatever the person perceives to be a violation of the plat restrictions.

Member Lewis supported by Member McDonald moved to approve the applicant's request for a Type I Special Use Permit to construct a 30' x 40' accessory building as the applicant has met the standards in as much as the applicant

has received approval from the association and the property is a 2.1 acre parcel of land which would minimize the difficulty it may cause the neighbors versus a smaller sized lot and the size of the building is dictated by the size of the boat.

Member McDonald related he would like to add any outdoor lighting be downcast. Member Lewis responded that is fine and he will add Staff's stipulations also that the building not be involved directly or indirectly with any business, trade, occupation or profession.

Member Koessel related this body does not enforce plat restrictions and he believes one of the persons objecting said it was in violation of the plat restrictions. It is important to know our decision is based on the Zoning Ordinance itself and not on any threat that the building violates the plat restrictions.

The motion carried.

ARTICLE 8.

Case #04-2645: William Papke

The applicant requested final preliminary approval to create a site condominium with 13 lots in the R-1 zone on Thornapple River Drive, south of Lions Park.

Planner Deem related this is the third step in the process of Garden Homes at Storeybook. This would be a 13 lot subdivision being created at 1224 Thornapple River Drive. This has been in front of the Planning Commission which passed a recommendation to the Township Board for tentative preliminary approval. The Township Board granted tentative preliminary approval with a small change of location of the drainage easement running along the north part of the property. The site plan presented addresses the engineer's and Drain Commissioner's comments. The Road Commission has reviewed the plans and will require installation of a left turn lane along Thornapple River Drive. The Health Department has also reviewed the plans. Staff related he reviewed the site plan with the Township Engineer and believes the Drain Commission requirements have been met. There are two items not noted on the site plan. Those are something that the engineers felt could be corrected or added before the Township Board meeting.

Planner Deem recommended the Planning Commission forward a favorable recommendation to the Township Board for final preliminary approval with the conditions listed in the Staff Report.

Member McDonald asked why a left turn lane is required. Planner Deem related he is not sure. He has not personally spoken with anyone from the Road Commission.

Member McDonald asked where the left turn lane would go. He then pointed out the area on the map and showed the small buffer between the road and the pedestrian pathway.

Member Robinson asked do we have approval from the Township Engineer at this point. Planner Deem read the letter from the Township Engineer and related there are two items outstanding. 1) spillway for erosion flow and 2) stormwater easement over the swale and detention area. He has spoken with the Township Engineer and that might have been included on page 7 which the township has not received yet.

Member Robinson related before final approval we ought to have the full recommendation of the Township Engineer.

Member MacAllister related Section 5.5 of the Subdivision Ordinance says any proposed open space area should be connected. She is questioned why this development is not connecting to Lions Park and why the standards are not be enforced as written. Planner Deem responded the development is adjacent to the park property. At the Township Board meeting they felt the present layout is the best layout.

Member MacAllister asked because?

Planner Deem responded he does at know.

Member McDonald asked if this is a gated community. Planner Deem related there is no decision on that yet. At this point it is not gated.

Member Lewis related at the last meeting when we saw this we discussed the fence along the southern portion adjoining the airport. He asked what happened to that at Township Board level. Planner Deem related it is noted on the site plan the fence is to be up-graded.

Member Lewis related he is having a difficult time. The site plan does not have engineering approval and he is getting nervous.

Planner Deem related the plan has not changed dramatically since you last saw it.

Member Lewis related he is in favor of the left turn lane.

Member Koessel related at Township Board meeting Mr. Papke presented some drawings of existing trees and the open space. Mr. Papke related he would make an easement between the two lots to get to the open space. It was agreed that would be marked accordingly to indicate the path.

Mr. Papke, the applicant, related he has some photos of the fencing with him.

Member Koessel related the other issue is the open space is there. It is a tree line and did not make sense to have the developer make a formal connection to the park.

Member MacAllister asked there is no connection at all to that open space? Member Koessel responded no. You can walk through there.

Planning Director Peterson related the pedestrian pathway does connect to the ball park.

The applicant, Bill Papke, was present. He related the left turn lane requirement was a huge surprise to him. The Road Commission dictates what we can do. The road has a fairly wide shoulder there. They require tapers 75 – 100 feet long in both directions. The dark area on the site plan is additional blacktop. Four feet of black top is being added and striped differently. The power pole will be re-located. That should provide a safer entrance. The big tree will be coming down as a recommendation from the Road Commission.

Chairman Goldberg asked the applicant to describe the additional conditions of the Township Engineer. Mr. Papke related that is noted on sheet #4. That was submitted to the Township and the Township Engineer. It shows a drainage easement behind the lots. The drainage easement is pretty well defined and the water goes to Thornapple River Drive. There is a note about using fabric on sloped areas. The notes are on Sheets 4 and 6 or 7. Mr. Papke then handed out photographs of the entranceway and noted there are quite a few existing trees along the south property line.

Member McDonald asked if the development would be gated. Mr. Papke responded it may be. He is not sure the residents will want it gated.

Member Lewis asked how far does the southward fence run? Mr. Papke responded the whole length of the property.

Member MacAllister related it looks as though you are going to be re-doing a portion of the pedestrian pathway. Mr. Papke responded correct.

Member MacAllister asked if there is a way we could move a portion of the pathway in a little bit. Mr. Papke responded it could be moved a little bit. It would cause a little kink in the pathway. We will have to tear up about sixty feet of it anyway for the entrance.

Member McDonald related the left turn lanes become more of a safety factor. He related the new left turn lanes on Thornapple River Drive are being used as passing lanes instead of left turn lanes. It causes more speed problems and encourages people to drive faster. Mr. Papke related moving the pathway is a good suggestion.

Member Koessel asked the applicant to address the fence issue. Mr. Papke responded there is a note on the drawing that says the fence will be upgraded. He is considering putting some sort of metal mesh on it. Mr. Papke related the photograph shows what is there now. The fence will be improved where necessary. It is a three rail fence now.

Member MacAllister related plantings would be aesthetically better than mesh.

Member Lewis related he is wondering if this development is approved, it could be sold to another developer and then they will build it. Mr. Papke responded different builders will be building the homes. He is currently going out for bids on the road work and demolition of the house as soon as next week. He believes he has met all the rules and more. Mr. Papke related he has a question about bonds and when they actually occur. Planner Deem related you can get a building permit for the first house next to the road. Mr. Papke related he would like to get a parade home in and start construction on it prior to the road being put in. He can access that lot from Thornapple River Drive.

Planner Deem related if you want to have building permits before the site improvements such as streets installed, then we need the

bonds and letters of credit first. A discussion of the bonds then took place.

Member Koessel asked have the engineer's comments been met or not? Planner Deem related he does not feel any of the items would change or affect the plan. They just need to be labeled on the plan.

Mr. Papke related this is the third of three reviews by the Township Engineer.

Member Postma related what do we have to say about keeping the roads clear? Who is responsible for that? Planner Deem related a soil erosion permit for the road construction is required.

Member Postma stated his concern about tracking dirt onto Thornapple River Drive.

Mr. Papke related there is a note on the plan that Thornapple River Drive has to be kept swept and free from dirt.

Planning Director Peterson related at the entrance the applicant well have to have some sort of crushed concrete down to help knock off dirt before the trucks go out to Thornapple River Drive.

Member MacAllister recalled the construction on Cascade Road had an issue with the pedestrian pathway being maintained during the construction process. Planning Director Peterson related the Township Board adopted an ordinance for keeping the pathway open. There is a three day maximum that it can be out of service.

Member McDonald asked if the applicant moves the pathway back, will they have to maintain the three day limit. Planning Director Peterson responded they may have to build a temporary path in the meantime. But they have just three days to do that. The bond is to keep the path open at all times.

Member McDonald related we have been mandating sidewalks along 28th Street. He realizes this development is small, but if in the future we are going to make people put in a sidewalk we should require them for residential developments as well. This project is adjacent to the path and we are allowing new developments to go in without sidewalks. We should have been mandating sidewalks. He feels there was a lack of foresight on the part of the Planning Commission 20-25 years ago to know the community would evolve into a suburban community.

Planning Director Peterson related we have a sidewalk plan for 28th Street. Not all people are required to put them in. Sidewalks have come up so much that we developed the sidewalk plan. We amended the whole section about sidewalks. Installation of sidewalks are a case by case decision. The Planning Commission members could not even agree on the whole issue. Sidewalks are not a requirement, they are a case by case recommendation to the Township Board.

Member McDonald related he feels the Township should start mandating installation of sidewalks. This is an excellent development but he finds sidewalks are inconsistent. Twenty years from now when people run and walk in the street, someone will say why weren't sidewalks put in. Member McDonald stated his opposition to the left turn lane as he believes it will cause more problems than it cures.

Mr. Papke related the Township street ordinance requires an 18 foot wide road and we widened it by four feet. That will give people room to run and walk within the development.

Member Lewis supported by Member Koessel moved to approve the applicant's request for final preliminary plan to create a site condominium development with the following conditions of Staff: 1) that the Township Engineer approve the site plan before going to the Township Board; 2) the Township receive a copy of the Master Deed with notices stating that the Gerald R. Ford Airport and the Sommerville Airport are nearby; and 3) a landscaping bond be provided for the street trees.

Member Koessel asked are we satisfied with the fence issue or do you want it addressed further? Member Lewis related he is not comfortable with it but is satisfied.

Member Koessel related the Planning Commission had an issue with the fence at the last meeting. He recalls the Planning Commission wanted it to be reinforced.

Member Robinson related he agreed.

Member Lewis asked the applicant his intent for the fence. Mr. Papke responded he will add wire mesh the entire length of the fence.

Member Lewis moved to add condition #4 on the motion: the fence shall be up-graded to prevent children from crawling under or through it.

Member McDonald asked what is the purpose of the fence.
Member Lewis responded to keep kids from going onto the airport.

Member McDonald stated there is no protection for children from Thornapple River Drive. There are only three airplanes a week that land there. He is trying to balance safety and common sense.

Member Robinson related we do not know how busy the airport will be in the future.

Member MacAllister asked to add the moving of the pathway to the motion.

Member Lewis added a condition #5: that the pedestrian pathway across the entrance to Storeybrook will be moved in by four feet.

The motion carried.

Mr. Papke questioned the Master Deed having to disclose that the Gerald R. Ford Airport is nearby. Planning Director Peterson responded that has to be in all Master Deeds for Cascade Township.

ARTICLE 6.

Election of Officers

Planning Director Peterson related the Township Board requires the Planning Commission to appoint a member as a representative to the Zoning Board of Appeals.

Member Robinson nominated Jack Lewis for that position. Member Lewis accepted the nomination. There were no other nominations. The motion carried.

Planning Director Peterson related the Planning Commission also appoints a representative to serve on the Village Design Review Committee.

Member Koessel nominated Lorissa MacAllister. Member Robinson supported the nomination. The motion carried.

ARTICLE 10. Any Other Business

Planning Director Peterson related repairs to the sewer lift station at Thornapple River Drive and Shagbark have been going on since December 31. The lift station experienced a failure and is being entirely re-built.

Member Koessel asked the new members to introduce themselves. Diane Richards related she previously served two terms on the Planning Commission and worked on the Master Plan during that time. She related Cascade Township is a wonderful place to live and it is an honor to serve the Township again.

Gary Postema related this is his first term on the Planning Commission.

ARTICLE 11. Adjournment

Member Lewis supported by Member McDonald moved to adjourn. The motion carried and the meeting was adjourned at 8:37 pm.

Respectfully submitted,

Tom McDonald, Secretary

TMD:MJT