

MINUTES

Cascade Charter Township Planning Commission
Monday, March 20, 2006
7:00 p.m.

ARTICLE 1. Vice-Chairman McDonald called the meeting to order at 7:00 p.m.
Members Present: Koessel, Lewis, Logue, MacAllister, McDonald, Postma, Richards, Robinson.
Members Absent: Goldberg (unexcused)
Others Present: Planning Director Peterson, Planner Deem, Admin. Assistant Hern and Members of the Public.

ARTICLE 2. Vice-Chairman McDonald led the Pledge of Allegiance to the Flag.

ARTICLE 3. Vice-Chairman McDonald requested motion for approval of the March 20th agenda.

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

ARTICLE 4. Vice-Chairman McDonald requested motion for approval of the March 6, 2006 Planning Commission Meeting Minutes.

Member Lewis motioned for approval of the minutes, supported by Member Richards. March 6, 2006 Minutes approved as submitted. All in favor with none opposed, the motion carried.

ARTICLE 5. **Case #03-2566: Meijer** (Tabled from March 6th)
One-year review of Special Use Permit to allow a garden center in the parking lot of Meijer.

Vice-Chairman McDonald requested a motion from the Commission to remove this article from the table.

Member Robinson, with support from Member MacAllister, motioned to remove Case #03-2566: Meijer from the table. All in favor with none opposed. Motion carried.

Planner Deem noted this item was tabled at the last Planning Commission Meeting due to the applicant not being present, he is here this evening.

Meijer is seeking their One Year Review of their Special Use Permit to allow a Garden Center in the parking lot.

The case was reviewed in detail at the last Planning Commission and Staff's recommendation was to approve the Special Use request for a temporary Garden Center with the following four (4) conditions:

1. 10-week sale period.
2. All material in the parking lot garden center should be limited to peat moss, sand, garden soil, mulch, gravel, lava rock and similar garden supplies.
3. The set up and take down of the parking lot garden center be limited to one (1) week prior to its opening and one (1) week after it is closed. Before and after that it shall be available for parking as approved on the original site plan.
4. The outdoor sales area is limited to the parking lot north of the middle driveway along Kraft Avenue, east of the former pharmacy drive thru as shown on the provided site plan.

Staff's recommendation due to Meijer meeting the conditions above for over the past three (3) years, Meijer would be able to submit plans to Staff for its annual review barring any changes to the plan. If changes to the plan are submitted, the changes would come before the Planning Commission for approval.

Vice-Chairman McDonald opened the meeting for any Commission questions of Staff.

Member MacAllister asked if an additional condition could be set forth regarding the blocking current driveways or the pharmacy drive-thru and Planner Deem does not believe the Applicant has any plans to do that. He also noted this could be a condition but would also be considered a change to the Annual Review and would, therefore, have to come before the Planning Commission if the Applicant would wish to do that. Planner Deem noted he does not foresee this becoming a potential problem and the Applicant would have to come back if they were to change the traffic flow-through on the property.

Being no other questions of Staff by the Commission, Vice-Chairman McDonald invited the Applicant to approach the Commission.

Applicant Phil Snyder, Team Leader at Meijer, introduced himself and Vice-Chairman McDonald clarified the reason this item was

not passed at the last meeting is the Applicant needs to have a representative present in case the Commission has any questions or comments.

Applicant Snyder asked if there were any Commission questions or comments regarding their request of the Special Use Permit.

Member Lewis asked if the driveway was opened or close and Applicant Snyder noted people utilize the old pharmacy driveway and it is not blocked off when the garden center is established. He also noted there are no plans to block it off; it will remain open. Member Koessel asked if the drive was divided and Applicant Snyder confirmed there is a boulevard and the only thing to stop traffic is opposing traffic.

Member Koessel asked the Applicant if the location of the garden center approved in the past is acceptable. Applicant Snyder noted they prefer this location and is a perfect location for Meijer.

Vice-Chairman McDonald asked Staff if any concerns or complaints were received last year or the year prior when the new pharmacy drive was installed. Planning Director Peterson noted the site and location of the garden center was reviewed two (2) years ago and everything seems to be working fine over there.

Vice-Chairman McDonald noted last year went very well and thanked Applicant Snyder.

Vice-Chairman McDonald opened for any other Commission discussion. Being no further discussion, he requested a motion from the Commission.

Member Robinson motioned for approval of the Special Use Permit for a temporary Garden Center with the four (4) conditions listed and add a fifth condition that:

5) Meijer does not have to come before the Planning Commission if there are no changes to the site plan from what they have had in the past three (3) years, including the stipulation that if anything changes regarding the driveway into the pharmacy, the request must come before the Planning Commission.

Member MacAllister supported the motion, including the fifth condition. All in favor with none opposed. Motion carried.

BDR

ARTICLE 6.

Case #06-2793: ~~DBR~~ Inc./Kevin Einfeld
(PUBLIC HEARING)

The applicant is requesting a Type I Special Use Permit to construct a 1,015 square-foot accessory building.

Planning Director Peterson noted the property is located on Cascade Road on the Thornapple River side just past Leyton Drive and is zoned R-2, Residential. He further noted three (3) lots with river frontage and a fourth lot with an existing home.

This property was created from splits that were done last year; these properties were originally a couple of different properties and Mr. Renucci bought them, split them up and the BDR has purchased these parcels. Planning Director Peterson noted this request before the Commission is for permission to build this accessory building. He noted their plans to build a house along side the ridgeline, by the river, and the permission to build an accessory building. Planning Director Peterson said ultimately what would be seen out there would be three (3) new homes on the river and what the Commission is approving this evening is just the accessory building on the one (1) lot prior to the home's construction.

Planning Director Peterson noted the accessory building is just over 1,000 square-feet, Township requires Public Hearings for accessory buildings over 832 square-feet. The Applicant is requesting a Type I Special Use Permit to construct an accessory building of 1,015 square feet.

Typically the Township does not allow accessory buildings between the road and the house although for lots with water frontage, the front is defined as the area between the water and the home and allowed to put a building between the home and the road.

Planning Director Peterson further noted another unique thing about this request is that is no home currently on the property. The Applicant has recently submitted the plans for the home but they have not been reviewed nor approved. The Township does require at least fifty-percent (50%) of the home be completed before allowing an accessory building to be built. He noted that any permission granted tonight for the accessory building would not grant permission to actually start building it until at least fifty-percent (50%) of the home is completed.

Planning Director Peterson referred to the plans and showed the building is measured as 19-feet tall due to the second story dormer. With this height, the building is required to be setback 60-feet from the property lines and the Applicant meets the minimum setback requirement.

Planning Director Peterson then referred to the Findings of Fact although since the house is not currently there, there are a couple of items for the Commission to consider.

The intended use of the building, Staff, at this time, does not know the intended use. We all assume personal garage storage.

The proposed location, this location is acceptable between the road and the home provided the Applicant could meet the 60-foot setback distance. The building is proposed to have cedar siding and asphalt shingles.

Planning Director Peterson suggested that the request for an approximate 1,000 square-foot accessory building is pretty normal on parcels of two (2) acres. One of the other factors considering the size of the accessory building is its relation in size to the home. There is no home there but the Applicant has indicated the home is approximately 4,000 square-feet. This is pretty consistent with other requests the Commission has seen and approved.

The site is generally wooded and slopes towards the river; some of the trees will be removed to make room for the home and accessory building and remains consistent with other lots in the river valley area.

Planning Director Peterson noted due to the 60-foot setback requirements, this building should not affect the light and air circulation of the adjoining properties nor adversely affect the view of any adjoining property.

Site access is off of Cascade Road and Staff is not quite sure how they plan to access the site. He noted in the site plan there is indication of a circular drive and the idea of creating a private drive serving the three home sites instead of individual curb cuts. Planning Director Peterson further stated each site could be allowed an individual curb cut, that is allowed, and Staff would view the circular drive as a positive because it would help eliminate the number of curb cuts along Cascade Road. He does suggest that if this building is approved, that no additional access granted other than what is there for the home and not a second curb

cut onto Cascade Road for this building nor additional access be granted to Jeanlin Drive that also dead-ends into the property. Planning Director Peterson noted that if the Applicant does want additional access, the Applicant should come before the Commission for approval.

Planning Director Peterson referred to his Staff report and does not remember ever doing a pre-approval for an accessory building. The Applicant is seeking the ability to market this property with approval of this accessory building so any future owner would not have to come before the Planning Commission. One drawback of pre-approval is the new owner may want to make a small adjustment to the current site plan it would have to come before the Planning Commission anyway. He noted Staff does not see this as something that we cannot allow; it is just a little different. Staff feels it is appropriate to the size of the property and would suggest that the building be pre-approved with appropriate conditions:

1. The building will not be involved, directly or indirectly, with any business, trade, occupation or profession.
2. The building is to be used for personal storage.
3. Any lighting to the building would be reviewed by Staff prior to installation.
4. If the size or location of the building is changed, it would have to come back to the Planning Commission for review.
5. No additional access will be made for the accessory building. The only access for this site will be that which is allowed for the new home. Any other access will need to come back for review by the Planning Commission.

Planning Director Peterson noted the Applicant is present if the Commission has any questions for him as well.

Vice-Chairman McDonald questioned a couple of items. On the report, item number four (4) noting the ZBA has granted variances for construction with the home provided a bond or other performance security, Staff is not recommending this? Planning Director Peterson said no because they would need a variance to build the building prior to fifty-percent (50%) of the home's completion. The Applicant is seeking pre-approval so an accessory building could be built if the new owners choose to do so. Vice-Chairman McDonald noted this request is just for the approval of the accessory building, not to actually start building it. Planning Director Peterson confirmed that is correct and if the Applicant wanted to do that, he would recommend they approach the Zoning Board of Appeals for approval.

Vice-Chairman McDonald asked if he recommends that the Commission make the condition that a single curb cut with the circular drive accessing all three (3) parcels or does Staff believe immaterial? Planning Director Peterson believes it is immaterial and Staff would support if they decide to do that. He noted the plans do appear confusing because it shows all the other properties but, really, the Commission is only reviewing the one (1) property. His only concern is to limit the points of access for the house and his intention is to cover no additional access being made for the accessory building as noted in Condition #5.

Member Robinson noted the conditions do not include that the Applicant must have fifty-percent (50%) of the house completed prior to the accessory building being built. Planning Director Peterson noted this is included in the Zoning Ordinance. Member Robinson asked if this is approved, does it override the Zoning Ordinance and Planning Director Peterson said it does not. Planning Director Peterson further clarified that all the approval would do is approve construction of the accessory building it does not provide them a building permit. The Applicant does run the risk of granting approval, the approval is good for one (1) year and they would have one (1) year to construct that building. If they do not construct the building within the year, they would have to come before the Planning Commission for approval because the permit has expired.

Member Logue asked what the minimum build-able lot size is within that zoning? Planning Director Peterson said 40,000 square-feet, just under an acre. Member Logue noted there could be a possibility this lot could eventually be split into two (2)? Planning Director Peterson does not believe so there are several factors regarding a lot being split and the geometry of the lot, he does not believe it could be split.

Member Logue also asked if the Applicant has plans for an association-style or membership for river access? Planning Director Peterson said he has not heard any plans of this nature from the Applicant. He noted they may form some type of an association for road maintenance but the zoning ordinance does not allow for a ramp, etc., and if they did, they would have to come before the Planning Commission and Township Board as the Goodwood Plat has in the recent past.

Member MacAllister questioned if the Commission had the wrong plans within their information and noted the large facility the plans

indicate. Member Lewis questioned if this is the plan for the carriage house. Planning Director Peterson clarified the plans are for the house and there is not a picture of the accessory building. The Commission reviewed plans of the site.

Vice-Chairman McDonald asked if the Commission had any other questions for Staff, being none, he invited the Applicant to approach the Commission.

Rick Dyke was present and represents BDR, Inc.

Member Robinson noted the application says “carriage house” and that implies there could be living quarters in there or above the garage.

Applicant Dyke said that is not their intent of the building, their intent is to utilize it for storage of a boat or additional vehicles. Member Robinson asked what the upstairs are would be used for and the Applicant responded for storage purposes. Member Lewis asked if the Applicant would be opposed of a restriction noting the building is to be utilized for storage purposes only. Planning Director Peterson noted the Township already does within the Zoning Ordinance.

Member Postma noted the plan calls the building a “community building” and Applicant Dyke said the architect labeled the building as such and is not sure as to why, but it will not be a community building. Member Postma asked if there is a second-story on the building or just a garage or a mezzanine? Applicant Dyke said there could be a mezzanine if the roof height allows for it.

Vice-Chairman McDonald asked if the accessory building is intended just for the owner of that single property or intended for potentially all three (3). Applicant Dyke said just the one (1) property.

Member Lewis asked how this building compares in size to the one at Watermark? Planning Director Peterson’s recollection is that the one at Watermark is larger than this building. Applicant Dyke noted the Watermark carriage house does have a second story and bathroom facilities and this is not the Applicant’s intent with this accessory building.

Vice-Chairman McDonald asked what the Applicant’s timeframe is potentially putting the homes in? The Applicant said they

signed a listing this week with the real estate agent and their intent is to see what happens in the market for the next sixty (60) days. If this particular lot does not sell within that time frame, they will go ahead and spec. the house. They would like to have it framed in this summer so people can understand it. The carriage house, itself, they do not anticipate actually building it unless the new owner requests it. Vice-Chairman McDonald clarified the Applicant is seeking approval tonight just in case the new owners wish to build the building. Applicant Dyke noted they want to market the site as sell-able as possible and, if approved, can add to the marketing of the site that an accessory building is an option for the new owner.

Vice-Chairman McDonald noted Staff's comments regarding the Special Use Permit Application submitted by BDR that said the property owners would agree to install up to six (6) eight-foot tall White Pines as a screen from adjacent properties if requested to do so. He also noted the stipulation this accessory building would be constructed of the same building materials as the principal building on the lot and goes on to say that every effort would be made to preserve trees and vegetation and incorporate any landscaping appropriately. Vice-Chairman McDonald asked if the Applicant would be opposed if those conditions were approved? The Applicant said they would not be opposed.

Member Lewis said he did visit the site and the present driveway goes along the property line? Applicant said that is correct. Member Lewis noted that if the circular drive were installed, many of the trees would be destroyed and isn't it conceivable they could remain on the same driveway that's already there and widen and groove it and then come across and serve the other lots without destroying the trees? Applicant Dyke said they have reviewed a number of options and they weren't appealing and prefer the one (1) access drive. They also want to maintain some privacy in the front yards of these residences.

Vice-Chairman McDonald asked if the Applicant agrees that there would be a big buffer between the road and the homes as it is today, but if you install the circular drive they would remove the whole buffer? Applicant Dyke also consulted with Kent County Road Commission (KCRC) on how to properly install the driveway. Member Lewis noted they are currently cutting trees down out there to make the drive. Applicant Dyke noted that the circular drive is what they would ultimately like to do and now that it is listed with a real estate agent, they want the property to be as understandable as possible to customers.

Member Koessel asked if the building has any proposed plumbing, there is no plumbing in the plans. The Applicant noted that is correct, there are no plumbing plans for the building.

Member Logue questioned if the Applicant already has the location of the septic systems? Applicant Dyke said they are located on the survey and does not interfere with the building. He also noted the septic is located quite a way away from the carriage house and there is no intent to plumb the building.

Member Robinson went back to Commissioner Lewis' comments regarding the trees, wouldn't it be better to have a "T" section come off the drive with one curb cut to the road and have a crossroad across the property. He believes this would save a lot of trees and space, the circular drive does not accomplish too much except for providing a turn around. Applicant Dyke understands Member Robinson's point and Member Robinson further stated they have already started cutting the trees; the Applicant confirmed that is true.

Vice-Chairman McDonald asked where the homes would be located on the plans and Planning Director Peterson noted the ridgeline and the location of the homes. Vice-Chairman McDonald said they would still install the circular drive and Member Richards noted they would almost have to. Planning Director Peterson noted from Staff's perspective, the one, shared curb cut is a good idea. Member Lewis there was a house there with an egress and asked if the house was taken out, the Applicant confirmed that to be true and they are trying to maintain as much privacy as possible from Cascade Drive for the homes.

Planning Director Peterson concluded that one of the things Staff has been concerned about over this idea is they would like this drive to actually become a private drive and have a name. This may be easier and less confusing since the drive serves three (3) homes and maybe it should be a private road.

Member Koessel clarified that since there are three (3) distinctive lots, they could have three (3) distinctive curb cuts, Planning Director Peterson confirmed, correct. Member Koessel asked how many trees would they cut down for individual curb cuts. He questioned also if the Fire Department needs to approve the drive for their equipment? Planning Director Peterson noted you could design a driveway any way you want but a private road, yes, need to be built to Township standards that includes Fire Department accessibility. Member Koessel noted his concern is if they cut

down the trees already, that is the design they want to go with but they really cannot do that until they receive approval, correct? Planning Director Peterson noted that if they were to allow something like this that it be called a private road and not a driveway because it is providing access to more than one (1) home and that is the standard that makes it a private road. You can do it but Staff believes it should at least meet the minimum standards of being a private drive. Member Robinson asked if it is a private drive, doesn't it have to meet the Fire Department's standards of getting equipment around the circle and to the homes. Planning Director Peterson noted they would approve the private road portion, not the driveway portion. He further noted the Applicant could install a small cul-de-sac and that would meet the Private Road Ordinance and have any driveway installed with no control.

Member Lewis asked how long it would take for a road to become a driveway, what is preventing someone from saying this is my driveway and we do not have to meet Township standards? Planning Director Peterson clarified that if it only provides access to one (1) home, as soon as it provides access to more than one (1) it becomes a private road. He also noted the unique thing about this is they all have access to Cascade Road and the argument could be made that each could go out to Cascade Road but the Applicant wants to do something else. Staff noted that if looks like a private road and feels like a private road, then it should be a private road, after that, they can do whatever they want with their driveways.

Being no other questions, **Member Lewis motioned to open Public Hearing, supported by Member Koessel. All in favor with none opposed, Public Hearing opened.**

Vice-Chairman McDonald invited the public to approach the Commission.

Harriet Joyce, lives directly across from the property, questioned if the driveway location would be moving or using the existing drive? Applicant Dyke noted they would be using the existing drive.

Being no other Public comments, Vice-Chairman McDonald asked Staff if any letters or phone calls were received at the Township Offices. Planning Director Peterson noted a few phone calls and visitors but no letters received.

One public attendee noted her questions have already been addressed.

Member Robinson motioned to close the Public Hearing, supported by Member MacAllister. All in favor with none opposed, Public Hearing closed.

Member Lewis noted he is confused as to why this is before the Commission, he knows the ordinance states you cannot do some things and referred to the unknown Findings of Fact. Planning Director Peterson said it is because they want to build an accessory building over 832 square-feet in size. Member Lewis questioned shouldn't the Applicant wait until the house is built; the ordinance says it has to be fifty percent (50%) built? Planning Director Peterson said that is correct and they cannot obtain a building permit until at least fifty-percent (50%) of the house is completed but this would allow them to market their property that they also have permission to build an accessory building. Member Lewis noted he is hesitant to give approval of something that is against what the ordinance says for the sake of the possibility a developer will sell the lot. He hates to see precedence set that the Commission is faced in making decisions that are not in the ordinance with a benefactor of the developer who just maybe has a buyer and wanted to hear other Commissioner's thoughts.

Vice-Chairman McDonald noted two (2) things: first of all he agrees with Member Lewis' comments and second, although any applicant has the right to cut down any trees they want, the purpose for bringing a single home or three (3) homes is to gain input to not only make it better for that individual applicant or potential home owner but everyone else in the neighborhood or within Cascade. Recently the Commission has passed two (2) developments that were complimented for providing a buffer between the home and road, they kept vegetation and complimented for these things; not only for the homeowners themselves but also for those who drove by and fit in the rural character of Cascade.

Member Robinson noted that the Commission is not here tonight to approve the cul-de-sac but for prior approval of the accessory building and agrees with Member Lewis that if giving prior approval on this, it would mean a lot of other things could come before this Commission if the owner or developer wanted to have the pre-approval to help his sale. Planning Director Peterson commented that he cannot recall too many cases that are similar, you can already build an accessory building and are allowed to do that with fifty-percent of the house completed. He does not see

this as an issue with future applications since there are approximately 2.5 acres and the building is 1,000 square-feet those are pretty normal sizes in relationship to everything on the site. He also noted he provided the scenario to the Applicant that he could see the new homeowner coming to the Commission because they changed the plans of the accessory building. He noted the Applicant acknowledged that possibility and this is their attempt to put people at ease that an accessory building is allowed on the site. Planning Director Peterson also noted to the Applicant that if the new owners wanted to erect an accessory building, chances are the Commission would approve it within the ordinances.

Vice-Chairman McDonald noted his general discomfort, along with Member Lewis' comments, is that we don't know where the houses will be built, don't know where the actual driveways will be, don't see any other plan for either the individual lot or all three (3) lots and nothing has been finalized in any type of site plan.

Member Koessel noted the Commission just approved Briarwood Condominiums and was concerned with that project but the Commission was comfortable to approve two (2) accessory buildings on each site, limiting the square footage of one building not to exceed certain square-footage. The Commission has given approval already of site accessory buildings without the homes being fifty-percent (50%) constructed. He also noted, granted, his concerns for pre-approval are not unlike the other Commission Members on this because: one, we know better how that development will lay-out, we know where the roads will be, and knew the proposed location of the house but did approve two (2) accessory buildings on each lot. The assumption, there, is that they have to keep the buildings within the conditions and meet setback requirements otherwise they would have to seek a variance. Member Koessel believes from a precedence standpoint, the difference here is we are talking different individual lots on potentially a private drive as opposed to what the Commission has just approved. He is not quite as concerned with the precedence setting as he is with how this property is going to develop unless the Applicant can say this is definitely what we are going to do and put this in, and we will install the private drive with Fire Department's approval for the Township standards. He further noted the concern should not be for the pre-approval of the accessory building because the ordinance states they cannot construct until fifty-percent (50%) of the house is completed, concern should be in the development of the site plan. Vice-Chairman McDonald agreed with Member Koessel's insight and comments.

Member Logue noted from the standpoint of the circular drive it appears the buyers of these three (3) lots would like to see because it is a more upscale type of entrance and it also removes it from Cascade Road address. The accessory building seems to be prudent to obtain approval before you have a lot of neighbors to lessen the objections of an accessory building. There is no reason to believe there is any other different use of the building and does like the idea of the circular drive and supports this becoming a private road with all of its requirements.

Member Postma does not oppose the pre-approval of the accessory building and believes the circular drive is better than three (3) curb cuts for each house along Cascade Road. He noted the disturbance to the trees for three (3) separate drives would be greater than for the circular drive. He doesn't believe those who would spend the money for these lots would intentionally get rid of all the trees because the trees would help market these types of homes. He does not mind the accessory building ahead of time if the Zoning Ordinance it cannot be built until the home is fifty-percent (50%) complete. He does not think their driveways can come off various ways and they will need easements, shared maintenance agreement on the road if it is a private road, these are the types of things the developer will need to obtain. He should have these agreements in place so the neighbors do not argue who is maintaining the road and the developer should have it made a private road.

Vice-Chairman McDonald referred to Member Logue's comments regarding the neighbors' view of the accessory building and he believes the neighbors will face the river rather than back towards the accessory building. The last page also notes the Applicant is willing to plant six (6), eight-foot tall, White Pines to help screen the building from the other properties.

Member Richards noted she feels the same way Member Koessel does, the Commission did approve future buildings but was on a much more developed site, the Commission knew what was going in there and with this site, the Commission does not really know anything other than they divided the property and maybe that house will be 4,000 square-feet or maybe that is where it will be located. She would assume a buyer would want to have some input as to the home's location, although the Applicant did note they might spec. the house if the property does not sell. She does not understand that if the Commission were to approve the accessory building now, how the owner will not end up before the Commission since they do not know where it will be located, the

Applicant does not know so why do ahead of time? Member Logue noted it is for marketing, it is cheap costs to be able market it with the accessory building.

Member MacAllister agrees with Member Koessel and Member Richards.

Member Koessel questioned the Applicant's feelings about the private drive discussion and would they be able to provide a detailed design versus what the Commission is currently looking at? Applicant Dyke said they could and they do know exactly where the house will be going. Planning Director Peterson noted Staff is currently waiting for the home's site plan and Planner Deem noted they have received the site plan but not the setbacks of the site plan. He confirmed the site plans do represent the home submitted within the packets. Applicant Dyke noted they will begin construction of the home within the next sixty (60) days if the lot does not sell and only one (1) or two (2) other homes on the remaining lots, not sure if lots will be sold separately or if sold as one large lot. Member Koessel noted that the Applicant is suggesting that the Applicant would agree to the private road meeting Township requirements and if these lots were combined, there would be either one drive off from it or potentially two from it. Applicant Dyke noted this is not a problem at all. Member Koessel noted Member Logue asked the question do you feel it is that important to market it with a pre-approved accessory building? Applicant Dyke noted it is being based on how competitive the market is right now and how soft things are for some builders. They are looking for as big of a leg up as possible for the marketing of this property.

Vice-Chairman McDonald summarized that part of the Commission's discomfort is they do not know what is going in or what may even go in, whether one house, two or three houses. Does it make any sense to ask the Applicant to come back in two (2) weeks to indicate definitively this will be the drive and the drive to the house they know they will build with potential indications to indicate other driveways. This would allow the Applicant to research if they really want a private drive, since they are unaware of the Private Drive Ordinance is and come back with more details of what most likely will be there.

Member Koessel noted the Applicant is not sure if they will retain these lots and if they will not retain them, they may not be able to provide that information in two (2) weeks. Assuming the developer is committing to a private drive in this configuration,

with again, the only location of a driveway off the property the Commission is currently reviewing tonight, he is a bit more comfortable because if there are any changes, they would have to be approved. If approved as submitted and anything changes, the Commission would require them to come back for additional review and believes the Commission is okay. Member Koessel believes all the Commission is approving is what is submitted tonight and Planning Director Peterson confirmed this is correct.

Member Logue also noted that two more weeks, right now, would also hurt the Applicant as far as their marketing time.

Member Koessel motioned for approval of the Applicant's request of a Type I Special Use Permit to construct a 1,015 square-foot accessory building as shown on the site plan subject to Staff comments listed on page three (3) of the Staff Report as well as all the items agreeing to the screening of the property line assuming that it is stated it is in the location shown on the site plan. Any change from what is presented tonight, would require future Planning Commission review and approval. Member Postma supported the motion. Since various Commissioners were in favor and opposed, Vice-Chairman McDonald requested roll be taken:

- Commissioner MacAllister – opposed
- Commissioner Koessel – in favor
- Commissioner Logue – in favor
- Commissioner Lewis – opposed
- Commissioner Robinson – opposed
- Commissioner McDonald – in favor
- Commissioner Postma – in favor
- Commissioner Richards – opposed

Planning Director Peterson noted the Commission's vote is split evenly four to four and does not pass and further noted the Commission needs to pass a motion.

Member Lewis motioned to table the item until the next Planning Commission Meeting, supported by Member Robinson. Seven commissioners were in favor of tabling Case #06-2793: BDR Inc. until the next Commission Meeting, one opposed. Motion carried.

Member Koessel asked if the Commission wanted to provide further direction for the applicant. Member Lewis asked the private drive qualifications should be furnished and Vice-Chairman McDonald requested a representative to come before the Commission stating the private drive will be done.

Member MacAllister noted the screening should be shown with the White Pines.

Member Robinson asked if the Applicant should have the Fire Department's approval for the private drive and Planning Director Peterson noted if they design their road to meet the Township's Private Road Ordinance, then that requirement will be met.

ARTICLE 7.

Case #06-2797: Robert Davison

(PUBLIC HEARING)

The applicant is seeking a Type I Special Use Permit to build a 960 square-foot accessory building.

Planner Deem noted the house on this site currently exists and the Applicant is seeking a Special Use Permit to construct an accessory building just over 900 square-feet. The property is zoned ARC and is 3.64 acres and the joint properties are all zoned Residential.

The location of the property is 4560 Quiggle Avenue on the east side of Quiggle and the south side of Cascade Road.

Planner Deem noted the proposed height of the building is fourteen (14) feet tall at the midpoint with a twelve (12) foot setback from the side yard.

The intended use of the building is for a garage and personal storage. The building will not be involved, directly or indirectly with any business, trade, occupation or profession and as per the ordinance, any lighting for the building will be downcast.

Planner Deem also reviewed the Findings of Fact noting the intended use of the accessory building is for a garage and storage. The proposed location meets the setbacks for an accessory building and the building will have vinyl siding with asphalt shingles.

The proposed accessory building would be 960 square-feet, the existing house is 1,814 square-feet with an existing 768-square foot garage. The property is 3.64 acres. This is a residential area and the buildings in the area are consistent with the residential setting.

Planner Deem noted the building would not affect the light and air circulation to any adjoining properties and the proposed building

would obstruct views to adjacent properties. No new curb cut will be needed for this project.

Staff recommends that the Planning Commission approve the Special Use Permit request for the construction of a 960 square-foot building at 4560 Quiggle Avenue.

Vice-Chairman McDonald asked if the Commission had any questions of Staff.

Member Koessel had a comment that the Commission has asked numerous times for the elevation of the accessory building. Planner Deem noted the plan does show the height and the material for the accessory building and Member Koessel noted he has a hard time with the visual. He also noted you cannot tell if there are windows and it would be nice to see what it will look like and if consistent with the house.

Planner Deem noted they are showing one (1) window in the rear and three (3) overhead doors. Member Koessel requested Staff to obtain pictures or drawings for a better understanding.

Member Postma asked where the floor-drain goes to? Planner Deem does not have the answer to that and Planning Director Peterson asked if the Applicant is required to put it into their septic system? Member Postma asked if there is a drain connecting and Planning Director Peterson noted there is probably a pit in the ground with stones. He said it is not that uncommon to have the drain seep into the ground and Member Robinson noted that is correct. He noted there is tile going into the ground and it drains from there.

Vice-Chairman McDonald asked Planner Deem if the Applicant knew they were supposed to attend tonight's meeting? Planner Deem said they were notified.

Member Koessel asked if the Township Office received any phone calls or letters and none were received.

Member Robinson motioned to open Public Hearing with support from Member MacAllister. All in favor with none opposed, Public Hearing opened.

Being no members of the public to come before the Commission, **Member Robinson motioned to close the Public Hearing, supported by Member Koessel. All in favor with none opposed. Public Hearing closed.**

Member Robinson motioned to table the request since the Applicant is not present with support from Member MacAllister. All in favor with none opposed. Case # 06-2797: Robert Davison tabled until the next Planning Commission Meeting.

ARTICLE 8.

Case #06-2798: Zoning Ordinance Amendment, Similar Use Commission to consider setting a Public Hearing for proposed Amendments.

Planning Director Peterson noted some of the Commission may remember some changes made to the B-1 Zoning amendments is the last time they dealt with this particular section. He noted you cannot list every possible use that may occur within a zoning ordinance to define what is the approval process to go through. A lot of zoning ordinances have “catch all” phrases within it and one thing Staff has noticed is that some of the sections do not have a “catch all” phrase and some do and may be in the wrong spot. The best example he can provide is that within the Township’s Zoning Ordinance; do not have a use for permanent asphalt plan. This has been a use that the Commission may be seeing in the near future and what type of a process would that be approved by: special rights, zoning, how would you do it? In the Township’s Industrial Use Section the special use “catch all” phrase is in the middle of the Special Use Section, some of the Office Zoning Districts do not have the phrase along with General Business. Staff simply wants to incorporate the “catch all” phrase so if there is not a use listed to go through the Special Use Permit procedure, so someone does not have the argument that it should only be used by site, or does not require site plan approval that it should be taken through the Special Use Permit process.

Planning Director Peterson noted Staff is recommending to set the Public Hearing date of May 1, 2006 to consider these amendments. These amendments would add the similar use section to the Village Office, General Business, Office and other sections as well as the Residential and Agricultural language although that would only be for the uses allowed in the Special Use Section and not anything allowed as any use by right. Being a Residential District, Staff does not want to mess with the uses permitted by right only the uses permitted by special use.

All Staff is asking for tonight is to set the public hearing, this has been something that was recommended by the Township Attorney and noted the B-1 Section that have already been amended.

Member Robinson questioned that after the Commission sets this, they hold a Public Hearing, it then goes to the Township Board for their approval and then do they have another Public Hearing or is this the only one? Planning Director Peterson noted the statute reads the Township Board may hold a Public Hearing but do not have to have a Public Hearing at the Board level. What has been done in the past is gauge the public interests received at the Planning Commission level and assess if an additional hearing is needed at the Board level. Ultimately, it is the Board's decision if they want to amend the Zoning Ordinance or not and the Planning Commission can offer the report along with the recommendation.

Member Lewis asked if the determination would still come back to the Commission Board and not within the Township Offices. Planning Director Peterson noted that a determination for a use never comes to this board as it is the zoning administrator's job and if someone were to disagree with that, they have a right to take it to the Zoning Board of Appeals. In essence there is never any use determination done by the Planning Commission. Member Lewis asked if when the car wash was put in behind the gas station, there was no place within the ordinance that said it was to be where a car wash should be and the determination was gas stations have it so it should be allowed where there are gas stations. He does not recall that the Planner made that determination as much as the Planning Commission. Planning Director Peterson does not know the details of the case Member Lewis is referring to but Staff makes those decisions every day pertaining where the use fits in, what is the approval process to go through and that is the Zoning Administrator's job. He is not sure if someone brought it before the Planning Commission to obtain comments but he does not want to mix the two to give the impression that the Planning Commission provides some sort of use determination; that is not the case. The Commission can provide the language of the uses permitted or permitted by right or permitted by special use and that recommendation would go to the Township Board. Planning Director Peterson noted an example would be the dog park that went into an agricultural zoning district and the Township does not have a definition within the ordinance for a private dog park. Member Lewis clarified that the Township Office made the determination that the dog park should go into the agricultural zoning. Planning Director Peterson confirmed that to be true noting it fit into the agricultural zone categories since the Township allows for parks and other similar uses and able to make that determination.

Planning Director Peterson noted that Township's Attorney and Staff believe the amendments provide more backbone for someone who may disagree with plans for use by right. Member Lewis clarified that with this, it would go by Special Use, previous to this it could go use by right and Planning Director Peterson confirmed correct.

Vice-Chairman McDonald noted all Staff is seeking at this time is to set the Public Hearing date of May 1st and Planning Director Peterson noted May 1st is the selected date to meet all the statutory requirements for posting to the public.

Vice-Chairman McDonald advised Staff to proceed and schedule the May 1st Public Hearing.

ARTICLE 9.

Any Other Business

Planning Director Peterson noted one item under new business, the Capital Improvement Plan (CIP) process is coming up and the past couple of years have used Member Lewis and Member McDonald as subcommittee members and wants to know if they would like to continue the same process or more involvement from the Planning Commission? Vice-Chairman McDonald said he likes getting the rating system, they tell what it is and submit it, Staff compiles the information and the committee discusses the information.

Planning Director Peterson noted that is correct and is inquiring if they want to continue this process or have Staff bring the whole document and have the entire Planning Commission review?

Planning Director Peterson noted the CIP is a tool the Township uses to plan for capital budget and the five to six year plan. Vice-Chairman McDonald and Member Lewis volunteered to review the plan.

Vice-Chairman McDonald asked about the development where Culver's is located, along with the Pizza Hut and other businesses. He noted they were going to re-do the Pizza Hut and add something else there, where does this stand? Planning Director Peterson said it is the same project with no changes taking place and are considering what will be next. He also noted that when they approached the Planning Commission, they did indicate that Phase II may take another year and are waiting to see. The plan has been approved and would expect would come in next would meet that plan or they will be before the Commission again requesting a change.

Member MacAllister is curious if settlement was reached with Waterfall regarding the water runoff and erosion. Planning Director Peterson believes that was settled some time ago and they paid a fine of approximately \$95,000 and they have made all the corrections, is working properly and cleaned up. It was a big site and the problem has been corrected.

Member Logue asked if Burton Street would be torn up for sewers this year and Planning Director Peterson said Burton Street is project driven and if the Turnberry Development goes but it is scheduled for 2007.

Member Lewis noted the development on Spaulding and Burton in Phase II, Highridge, is a P.U.D., have they done anything in the past year? Planning Director Peterson noted they have built in there, primarily in the back and have met the conditions set. The projects are in the back and they build at a slow rate.

Member Koessel referred to an article in the newspaper regarding paid positions for various government organizations (i.e. Planning Commission, Downtown Development Authority, etc.).

He attended a class and one thing the Michigan Township Association recommends is that Trustees who serve on two (2) boards, ZBA and PC, be paid the same per diem as the other members. This board and the ZBA being the only compensated boards in the Township, Library Board is not and Downtown Development, Parks are not compensated. This was brought up a year ago and was pushed aside. Member Koessel noted that Planning Director Peterson researched surrounding communities and every township, the same that were surveyed for term limitations, pay their trustees in salary, whatever that may be, and pay them a per diem for each DDA or other board they may serve. Another consideration is to have a pool of money and pay the trustees per meeting if they attend all the meetings. Nothing has been passed yet regarding trustee board positions and the focus needs to remain on the people doing things, not the money.

ARTICLE 10.

Adjournment

Member Robinson supported by Member Lewis moved to adjourn. The motion carried and the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Claude Robinson, Secretary
Lisa Hern, Recording Secretary