

MINUTES

Cascade Charter Township Planning Commission
Monday, May 14, 2012
7:00 P.M.

- ARTICLE 1.** Chairman Sperla called the meeting to order at 7:02 p.m.
Members Present: Lewis, McCarthy, Pennington, Robinson, Sperla, Waalkes, Williams
Members Absent: Hammond- excused, Mead- unexcused
Others Present: Planning Director Steve Peterson and members of the public.
- ARTICLE 2.** Chairman Sperla led the Pledge of Allegiance.
- ARTICLE 3. Approve the current Agenda.**
- Motion was made by Member Williams to approve the Agenda. Support by Member Waalkes. Motion carried.
- ARTICLE 4. Approve the Minutes of the April 16, 2012 meeting.**
- Motion was made by Member Lewis to approve the Minutes as presented. Support by Member Robinson. Motion carried.
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items**
- Chairman Sperla welcomed the visitors and asked for comments.
- No one present wished to speak to non-agenda items.
- ARTICLE 6. Case #12-3080 Jeff Dionne**
(Public Hearing)
Property Address: 2984 Thornapple River Dr.
Requested Action: The applicant is requesting a Special Use Permit to allow the construction of a 6 foot tall fence in the front yard.
- Chairman Sperla introduced the case and then turned it over to Staff for comments.
- Planner Peterson explained the property location as being on the south side of Thornapple River Drive and just west of the Leslie E Tassell Park.
- The applicant and his wife had applied for a similar permit in 2007 but were denied because they wanted to install a portion of the 8' fence in the road ROW. They have now changed their application and are asking for a 6' fence on the ROW line.

The fence that is west of the driveway was approved in 2007.

KCRC has no issue with the fence at the ROW line; if approved, they are willing to stake the ROW for the applicant.

Peterson said he spoke with one neighbor who indicated that as long as the fence was outside of the road ROW and limited to 6 feet that he was ok with it.

Staff recommends approval of a fence up to 6 feet high, outside of the road ROW, as measured from the existing grade beneath the fence.

Chairman Sperla expressed concern as to the staking of the ROW. Peterson felt it was best that the road commission did the staking.

After some discussion Chairman Sperla asked the applicant to come forward to offer more information or to answer questions.

Jeff and Lisa Dionne were both present. After technical difficulties prior to their presentation, Member Lewis suggested they move into Public Hearing.

Member Lewis made a Motion to move into Public Hearing. Support by Member Robinson. Motion carried.

Donald Visser of 2480 44th St was present as the Atty. for a neighbor of the Dionne's, Dr. Lawton. Atty. Visser said that at this time Dr. Lawton does not agree with the request. He wants it staked out for a visual. He may no longer object after seeing the stakes, but at present he is not in agreement. Atty. Visser gave his own interpretation of Section 4.30.5 of the Zoning Ordinance.

The Dionne's proceeded to give their presentation. Their goal is to complete the fencing project started in 2008. They want the fence to facilitate the safety of their family, their belongings, and the public at large. Mr. Dionne spoke about common trespassing situations they have experienced. He pointed out that there are other fences along this section of Thornapple River Drive that are 6' tall. Mr. Dionne is in agreement with the Kent County Road Commission staking the ROW.

Public Hearing resumed:

Atty. Visser returned to the podium to comment for his client, Dr. Lawton. He suggested the case be tabled to give his client ample time to see where the fence would actually be after it has been staked. He believes that the fence request cannot be approved if a neighbor does not approve.

Ken Clapp of 6800 Tricklewood Ct. was present to comment. He owns a small portion of property on the other side of the street. He does not object to a wooden dog eared fence and does not have a problem with the case.

Chairman Sperla asked if any Board Members had questions of the applicant.

With no questions, Member Lewis made a Motion to close Public Hearing. Support by Member Waalkes. Motion carried.

Member Waalkes stated that he feels a property owner should be able to erect a fence on their property. He pointed out that almost every neighbor to the west has a 6' tall fence. Because they are riverfront properties we assume this fence would be in their back yard; a front yard is essentially the river side. He believes that the KCRC should do the staking of the ROW and the applicant should be able to have a 6' fence east of their driveway.

Member Lewis reported that he has walked in that area. Sound, lights, nuisance, and danger are all very important factors for this parcel. He is in favor of approving the applicant's request.

Member Lewis made a Motion to approve the applicants request for a Type I Special Use Permit to construct a 6 foot tall fence in the front yard. Support by Member Robinson.

Comments followed in regards to the staking of the ROW and whether one neighbor's objection should rule over the owner's request.

Member McCarthy requested a friendly amendment to add that the fence should be outside of the ROW, to be determined by the KCRC for placement. Member Lewis and Member Robinson agreed to the friendly amendment.

Motion and friendly amendment carried unanimously.

ARTICLE 7. Case #12-3079 Westview Development

(Public Hearing)

Property Address: Summerset Site Condo

Requested Action: The applicant is requesting an amendment to the Summerset Planned Unit Development Ordinance that would allow the construction of a four car attached garage.

Planner Peterson said this is a PUD Amendment. This PUD was done several years ago. The current wording says a minimum of 2 and a maximum of 3 garages are allowed. They would like to change it to a maximum of 4.

Due to the small nature of the request staff has moved this project to the public hearing portion of the request.

Staff recommends approval of the amendment using the existing language from the Zoning Ordinance. This will make it consistent and will prevent a large garage on a small house.

Discussion followed.

Chairman Sperla asked the applicant if they wanted to come forward to make comments.

Tom Larabel representing G Allen Homes and Westview Development, 795 Clyde Ct. in Byron Center came forward. He explained that they want something unique to offer prospective buyers. The lots, homes, and garages are large with most of the garages being 3 stall.

Member Robinson made a Motion to Move into Public Hearing. Support by Member Lewis. Motion carried.

With no one from the public to comment, Member Lewis made a Motion to close Public Hearing. Support by Member Robinson. Motion carried.

Member Williams commented that she agrees with the Planner that they stay consistent with the current regulations for garages based on the home size.

Robinson and Sperla are in agreement with the Planner as well.

Member Waalkes made a Motion to approve the request for an amendment to the Summerset PUD, but using the language suggested by Planner Peterson from the existing Zoning Ordinance as opposed to simply allowing a four car garage. Support by Member Williams.

Peterson clarified that it would be a recommendation to the Board for a PUD Amendment. The language could be worked out between Staff and the applicant and then presented to the Board without coming back to the Planning Commission.

Chairman Sperla asked Member Waalkes if that could be part of the Motion as a friendly amendment. Waalkes agreed. Motion carried.

**ARTICLE 8. Case #12-3077 Erik Morris
(Public Hearing)**

Property Address: 5225 Buttrick Ave.

Requested Action: The applicant is requesting a Special Use Permit to construct an accessory building larger than 832 sq ft.

Peterson described the location and setting for this home as being hidden from view. The proposed building will be over 2,400 sq ft and will be located in front of the home. This is allowed when they are at least 200 feet back from the road. This building is approximately 270 feet back. The proposed setbacks comply with the requirements.

With 5 acres of property they are allowed 2 accessory buildings; this is their first.

The building is larger than the home on the property; however, we have permitted other larger buildings like this in the agricultural area.

Staff recommends approval as requested.

With no questions for the Planner, Chairman Sperla asked if the applicant would like to come forward to offer comments. The applicant/homeowner came forward to speak. He stated that the house does not have a garage, it only has a carport. It also does not have a basement so there is little space for storage. There will be electric in the building. The building will not be for living quarters; it will be for storage and a garage.

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

Present was Todd Schultz of 7946 Anders Trail. He is on the board of the Anderson Woods Condo Assoc. He has no objections, but would like more information as to the location and if trees will be removed.

Member Lewis made a Motion to close Public Hearing. Support by Member McCarthy. Motion carried.

Member Pennington made a Motion to approve the Special Use Permit as presented. Support by Member McCarthy. Motion carried.

ARTICLE 9. Case #12-3078 Paragon Die & Engineering

Property Address: 5225 33rd St.

Requested Action: The applicant is requesting Site Plan Approval for several additions to the building. The total amount of additional space is approximately 26,000 sq ft.

Chairman Sperla introduced the case then turned it over to the Planner.

Peterson said that the applicant has already received a variance in December of 2011 to accommodate the additions. The variance was for a reduced rear yard setback and was awarded due to the Consumers property it is adjacent with.

The addition is planned in 3 different locations on the building.

In order to accommodate the addition they are working with Consumers on some easement issues for utilities near the rear of the site.

The site has reduced parking according to our standards, but they have additional property to expand in the future if needed.

The Township Fire Dept. has reviewed and approved the plans. The Township Engineer has reviewed and approved the plans with a note that they needed approval from Kent County Drain Commission, which has been given.

Future phases are not pre approved.

Chairman Sperla asked the applicant to come forward for comments.

Byrne Harmon was present representing FCC, Inc. He is a contractor for Paragon Die and Engineering.

Dave Muir was present. He is President of Paragon Die and Engineering which is located at 5225 33rd St.

Mr. Harmon and Mr. Muir explained the phases of the expansion process and a little bit about the manufacturing company itself.

Member Robinson made a Motion to approve the applicants' request, subject to the 3 conditions in the Staff Recommendation. Support by Member Pennington. Motion carried.

ARTICLE 10. Any other business:

Next Michigan Development Corporation letter.

Peterson explained this economic development report/letter and how the subject matter relates to the Planning Commission.

ARTICLE 11. Adjournment

Motion was made by Member Lewis to adjourn. Support by Member Robinson. Motion carried. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Karen McCarthy, Secretary

Carol M. Meyer, Planning Administrative Assistant