

MINUTES

Cascade Charter Township Planning Commission

Monday, December 18, 2006

7:00 p.m.

ARTICLE 1. Chairman Goldberg called the meeting to order at 7:04 p.m.
Members Present: Goldberg, Koessel, Lewis, Logue, MacAllister, McDonald, Postma, Richards, Robinson
Members Absent: McDonald (excused), Postma (unexcused)
Others Present: Planning Director Peterson, Admin. Assistant Hern, and Members of the Public.

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

ARTICLE 3. Chairman Goldberg requested motion for approval of the December 18th agenda.

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

ARTICLE 4. Chairman Goldberg requested motion for approval or if there were any corrections to the December 4, 2006 Planning Commission Meeting Minutes.

Being no corrections to the minutes, **Member Lewis motioned for approval of the December 4, 2006 minutes, supported by Member Richards.** Chairman Goldberg called to question. **All in favor with none opposed, the motion carried. December 4, 2006 Minutes approved.**

ARTICLE 5. **Case #06-2820: James Russell**
Address of Property: 6010 28th Street SE
The Applicant is requesting rezoning to Planned Unit Development (P.U.D.) for retail and restaurant. This is the planning review stage and the Commission is being asked for their input in the development of the parcel being presented tonight. Chairman Goldberg said that the Commission would hear a presentation, have a discussion and assuming the procedural requirements are complied with, move this project to the next stage that would entail consideration of the proposal.

Planning Director Peterson noted this piece of property is located on the south side of 28th Street between Lucerne and Charlevoix Drive across from Delta Imports.

The rezoning is to develop this piece for commercial uses. In the mid-70's, the frontage along 28th Street became B2 and the property is now shown on the zoning map as all B2 Commercial. It does appear that this is an error, as it should still be split zoned between Centennial Park in the rear of the property and B2, the front of the property. If split zoned, the Township would be treating this parcel as all commercial based on the Centennial Park P.U.D. We would do this because the Centennial Park P.U.D. lists the frontage properties along 28th Street as Commercial.

Unlike some of the other recent projects this site is limited to its design based on the long narrow lot, presenting some challenges in order to maximize the site.

Since it was still operating as industrial use until 2004 the site was considered a legal non-conforming use because it was an industrial operation in the commercial zone.

The Applicant is proposing approximately 25,000-square feet of retail along the west side of the property and 5,200-square feet of restaurant use. The buildings are set up to appear to be two (2) total buildings. The restaurant and retail strip are set up as one (1) building connected by a courtyard area, with a second retail building in the rear of the site. The applicant is seeking input on whether or not you agree that this is two building.

The current B2 Zoning allows for one (1) building per three (3) acres. Under that regulation, this site would be limited to one (1) building. In order to justify this, Staff has had them prepare a Test Plan showing what the site plan would look like if they met all zoning requirements (i.e. buffer yards, parking, etc.). The plan the Applicant is proposing is actually less retail square footage than the Test Plan. If the Commission does not agree with this concept, the applicant will have to change their plans before proceeding.

Two (2) other recent projects have also seen minor modifications to the "three acre" rule. They were the Reibel development and Kraft Street Partners projects. The Reibel project was the Old Laser Alignment site and had 14.5 acres and ended up with five (5) buildings, this was due in large part to the Pizza Hut site that was included in the project. That site was seen as very advantageous to be included in the project from the Township's perspective but is also had a very small lot size. If Pizza Hut was not included in the project, it would have been left to develop on its own and the Township would still have ended up with the same number of total buildings. The Kraft Street project, the Developer ended up with a

total of three (3) buildings on approximately 8.5-acres. This was due mainly to the fact that by adding the third building the Township would gain the appropriate location for access to Kraft Street. This was seen as a small deviation to make for such a gain given the fact the 8.5-acres was closer to the “three acre” rule. For this project, the Applicant is developing a little over five (5) acres.

Planning Director Peterson noted we do have some examples in the township. A good example within the Township is Esplanade that has two (2) structures connected by a glass roof and appears as one (1) building. He also noted a couple of poor examples, noting Cascade Center and Cascade East that are connected with small façade connections.

Planning Director Peterson said the Applicant is proposing a couple of cross connections with one being to the retail center to the east. The other connection that is planned is at the rear and connects to the Centennial Office Park.

Planning Director Peterson said that he believes the Applicant has provided what is needed for the Basic Plan and believes that due to the unique history of the zoning of this site, Staff is comfortable using the Test Plan for determining the correct amount of retail/restaurant use allowed at this site. Unless the Planning Commission feels this is out of line, Staff suggests that the Commission allows the Applicant to move forward with their multiple building layout. Prior to proceeding to a Public Hearing, Staff recommends the Applicant address the following items:

1. Have FTCH review the storm water and utility plans.
2. Have the Developer provide a photometric lighting plan.
3. Provide a completed landscaping plan.
4. Provide site signage plan.
5. Provide cross access agreements for both adjacent properties and provide a copy of the agreement that allows sidewalk connection to the west.

Chairman Goldberg clarified that under the Township’s Ordinance, if strictly complied with, would only allow for one (1) building on this site. Planning Director Peterson said that is correct unless the Planning Commission feels the back half of this project falls inside the office portion of Centennial Park. Chairman Goldberg clarified that a developer could have two (2) buildings but not two (2) retail buildings and Planning Director Peterson said that is correct. Chairman Goldberg said you could conceivably have two (2) buildings, one (1) retail and one (1) office and be compliant. Conceivably there could be one (1) large retail building meeting

compliance. What is being proposed are either two (2) or three (3) buildings, depending on how you look at the one, sort of a stretch where otherwise one (1) would be permitted of retail.

Member Robinson asked if he understood correctly in Staff saying that the Basic Plan does not conform for parking and buffer zone? Planning Director Peterson said the Site Plan conforms with those and referred to Page 30 in the Commissions' packets, noting it meets all those requirements.

Member MacAllister asked for Staff's clarification if the Commission were being asked to rezone both pieces into a P.U.D. or just one? Planning Director Peterson said it is one (1) piece of property and Member MacAllister noted the property has two (2) different zonings. Planning Director Peterson agreed, it has two (2) zonings, and the entire parcel would be rezoned to an entire new Planned Unit Development. Member MacAllister asked why would we be opposed to having just a B2 zoning for the property and Planning Director Peterson believes that some of the changes the Applicant is requesting would require some flexibility within a P.U.D. Member MacAllister asked if the Commission is providing direction and Chairman Goldberg clarified that this is a Basic Plan review and what the Applicant requesting are the Commissions' feelings regarding the project, do we prefer the Applicant come back with a different plan that is more within compliance or is the Commission content with this plan; the Applicant is looking for the Commissions' reaction. Member MacAllister asked why the Applicant is before the Commission as opposed to the Zoning Board of Appeals (ZBA) and Chairman Goldberg noted these cases come before the Planning Commission unless it were zoned B2, then it would go before the ZBA to seek variances but P.U.D.s come before the Planning Commission.

Member Lewis asked if he understood Staff correctly in saying that under the Test Plan, the rear connection to the next lot in the back could not be achieved due to the grading and construction to the land? Planning Director Peterson believes that in order to meet the parking and other things, they would not be able to provide that connection. Member Lewis noted that the proposed plan still has the construction and grading and is trying to find the reason why the Test Plan is not as favorable as the proposed plan presented tonight. He noted that one (1) advantage to the proposed plan is the Township would achieve connectivity between the two (2) lots in the back. He believes there could be connections done in the Test Plan without too much trouble. Planning Director Peterson

said he would let the Applicant expound on that but he does not believe it could be done within the Test Plan.

Member Koessel clarified that the Test Plan assumes the retail buildings as one (1) and is accurate if counted as one (1) building and Planning Director Peterson said yes. Member Koessel also noted Staff's comments of good examples and bad examples of connectivity within the Township and is not totally in agreement that the Test Plan is accurate, it is only accurate if counted as one (1) building. Planning Director Peterson agreed and asked the Applicant to bring renderings for the Commissions' review.

Chairman Goldberg noted that one of the questions he is looking for the Applicant to address is the whole idea of why we need to have a separate building and a connector. He can understand the rear building being separate and looking for the Applicant to provide some insight.

Member Logue asked if under the current split zoning, the Applicant would be allowed to have two (2) buildings on the site approximately the size they are proposing? Planning Director Peterson said that depends on how you interpret the zoning for Centennial Park, but it is possible.

There were no other questions of Staff and Chairman Goldberg invited the Applicant to approach the Commission.

Applicant Russell Spees of James Russell Company LLC introduced Jim and John Spees and Mike Baker of Exxel Engineering.

Applicant Spees said the development of this property began approximately 1 ½-years ago when Rapid Packaging moved their site to 52nd Street and possible with a lot of help from the Township and appreciate their cooperation and assistance.

He referred to the timeline inside the Commissions' packets to 1962 when the property was originally purchased and was 30-acres. In 1977, they were approached by Foremost for a sale of a portion of the parcel to Foremost. He noted the odd slice on the side of the property that was sold and said after the sale, they did not realize they need some of the land for the drive for truck access and purchased the small strip for the drive.

He noted their first desire, having left the property and spending number of years thinking of its development, their first concern is

how to maximize the property, realizing its an awkward piece of property. Secondly, they chose not to sell the property outright and would rather consider retaining the property in the family who has been here a long time, and create a developed use that would create a lasting value to the family and serving as something useful to the community as well.

Applicant Spees noted the deep, narrow site characteristics of the property and this presents the greatest obstacle for retail development. They have been contacted by numerous real estate developers and developers over the past years and have consulted with approximately five (5) real estate people and everyone notes the front portion of the property would be best used for retail. Once past the mid-point of the property it becomes more difficult to develop retail. An appraisal was done in 2004 and included highest and best use and differentiated the front portion of the property from the rear portion, along with a discounted value for the rear portion of the property.

Applicant Spees said that Staff suggested they do a Test Plan and they did do a couple of them. He referred to one (1) plan that showed one long building towards the rear and this would have presented a more single use building but the consulted realtors' biggest objection was the ability to lease anything towards the rear, therefore they did not consider this option.

The Applicant's proposed plan was developed with a couple of the realtors and if they were able to divide the rear portion, one or two possibilities would present themselves. The rear building could be suitable for a destination retailer, someone who wanted a 28th Street address but would not have to pay the high 28th Street price. They had plans to sign with such a retailer who had to back out due to health reasons and now this concept is speculative.

They have also received twenty (20) to thirty (30) inquiries regarding the property but because the parcel's zoning has not been approved, the interest is low because these retailers would like to move in soon, hence the request to rezone to P.U.D.

The vision for the project is to have the front property be an upscale retail center with banks, boutiques, soft goods. The realtors were very favorable with an outside eating area that would connect the buildings. This layout, the Applicant feels, provides a much more marketable retail space and also provides better use of an awkward piece of property.

Applicant Spees said to address the question earlier of why on the Test Plan do they not show the rear area, if the Applicant were to do a project closer to the Test Plan then the farthest rear areas of the building would have to be deeply discounted to attract any retailers and changes the financial scope of the project and potentially eliminating some of the cross easement work. He noted that one of the things they worked hard on developing was the cross flow on the site to the adjoining properties. Applicant Spees has seen non-stop foot traffic across his property to access Panera Bread and Wendy's and sees the need for connectivity.

Applicant Spees showed the Planning Commission an architectural drawing of the proposed project noting the curb cut for traffic flow around the buildings or to enter parking. He indicated the two (2) most difficult areas to lease due to proximity and in both cases they felt they were close to a good example of noting the structure that ties the two together and its functionality.

Chairman Goldberg opened the meeting for Commissions' comments or questions of the Applicant.

Member Lewis noted the Applicant's references to a restaurant makes him cautious because Applicants have said a specific business is going to go in, it gets approved by the Commission, and then that business does not end up in the building because it does not work, however, this is a building and if a restaurant does not go in, then the Applicant may take it to a different form of retail. In the Applicant's comment regarding a destination business in the back, what better destination than a restaurant? Applicant Spees said he agrees with Member Lewis' comment about a restaurant being a destination but according to Commerce, who has placed numerous restaurants (i.e. Longhorn and other chains) suggested restaurant location be where it is in the plans because the closer proximity to 28th Street would better assist the restaurant and if there is the right mix with the restaurant and retail, the retail up front that would allow for a different destination retailer to the back side, such as J.B. Russo, Fresh Market, etc. The Applicant did consider a restaurant in the rear but that posed parking issues and the plan based on the advice of their realtor.

Member Postma asked if the Applicant has considered office use for the rear building and Applicant Spees said yes and if they were to go to a single building, there is a good chance a lot of it would become office. He also said they are joining the Centennial Park Association and has been attending their meetings over the past

few years. He realizes there is a glut of office space within the Park and is trying not to add to it.

There were no other questions for the Applicant and Chairman Goldberg opened the meeting to the Planning Commission for discussion.

Member Robinson said he is having a hard time connecting the two (2) buildings into one (1) building when one (1) is restaurant and one (1) is retail. If the two (2) buildings had similar uses, both retail, he could understand it; but this is retail and a restaurant. He has to consider this as two (2) separate buildings.

Chairman Goldberg said that was a good concern to raise and noted he also has concerns regarding the proposed project. He said there seems to be two or three points, not just one that seem to be stretching in this project. Typically when trying to accommodate something like this, it has been close and the Township can get over the closeness with some compensating advantages. When discussion is held regarding turning two (2) buildings into one (1), stretching the point that they have two (2) different uses. Secondly, the project could go into as much as three (3) buildings on a site that can only accommodate one (1) retail building and potentially one (1) office building, but office is surplus these days. It seems like we are stretching a number of points and the project does propose picking up the connections, that would be a positive, but not sure if the connections warrant such a stretch as the Commission is being asked for this evening.

Chairman Goldberg said the site plan is very attractive and would also like to look back at the underlying basis for the Township's Zoning rule, which is the number of buildings matters on a parcel as contrasted with the number of square feet. He referred to the Township's signage ordinance that keys on so much square footage per building for signage but the number of buildings is significant here. Chairman Goldberg asked if there is an underlying reason it makes sense from a planning perspective to why the number of buildings on a site matters in contrast to the square footage of the development? Planning Director Peterson is not sure and believes it relates to the density issue and referred to the Babys R Us parcel that has nine (9) acres and three (3) buildings and each of the sites can meet some of the requirements for buffer yards and cross connections for parking but believes the overall issue is the number was used to determine commercial density. When done per building, it dictates more buffer yards than per square footage and believes just as a residential aspect, it

is used to determine the type of commercial density the Township will have.

Member Koessel noted that when the residential application is applied for development, the test plan comes in based on the acreage that is there. Often the Applicant for this type of case will not favor the smaller lots of a test plan for a residential development based on the Test Plan and increases the lot sizes and the trade off is green space in the development. In this case, the parcel is approximately 5.2 acres and only allowed one (1) building and there really is not a trade off. He believes the Applicant is perhaps close enough to two (2) buildings on the site. Member Koessel agrees the site plan is attractive but is wondering if architecturally if the restaurant could be tied in with the rest of the retail. He wondered if one building could provide both the retail and restaurant to try to get around the restaurant as a separate building. He referred to the previous development mentioned with three (3) building on 8.5 acres that is pretty close to the required 9-acres for three (3) buildings; currently, this project is requesting three (3) buildings on 5.2 acres and that is a stretch. Member Koessel believes that two (2) buildings on 5.2 acres may work if the Applicant can somehow design the restaurant as part of the retail.

As far as the back space, Member Koessel noted that he understands what is being said about the abundance of office space available in Centennial Park and is probably better as retail noting, however, that the Applicant was correct in stating it would be very difficult to lease the buildings as retail unless it is a destination point.

Member Koessel said the plan is nice, very attractive and the Applicant did a great job in presenting but really believes the Applicant has three (3) buildings on 5.2 acres and does not believe this will work in its current design.

Chairman Goldberg noted it seems the Applicant is stretching to make two (2) buildings into one (1) and is stretching to add the other building and does not believe the Commission has stretched this far in the past. Member Koessel commented that when P.U.D.s are developed, there is a trade off: an advantage to the Applicant and an advantage to the Township. He definitely sees the advantage to the developer but does not necessarily see the advantage to the Township with rezoning the P.U.D. and allowing for three (3) buildings, noting the Township is getting more density than what the Ordinance calls for.

Member Lewis noted some of the problems are being created by the Applicant and when he hears the reason is for profitability and make it financially feasible to do the project, he is not sure if it is the responsibility of this board or the Zoning Board to ensure the financial success or failure of the project. The boards are more concerned with the ordinance and maintaining the ordinance as it is stated. This project, as proposed, is a stretch to do because it is driven by some of these financial situations. He understands the property is long and narrow but on the other hand it does not have the tax obligation of a wider piece of property along 28th Street. The reason for the tax not being as high is because the back property is not as valuable being further away from 28th Street. Member Lewis said it is a good plan but seems to be asking a lot in asking the Commission to go against the current ordinance without some type of consideration given.

Member Logue asked that given the longevity of the parcel and many zoning changes, if an L-shaped center the Commission would consider that included/roofed the eating area and make it more as one (1) building? Chairman Goldberg said it would be more of one (1) building but there would still be two (2) distinct uses and noted that if the archway were replaced with a roof, there would still be two (2) distinct uses in two (2) distinct structures. Chairman Goldberg noted, personally, a more distinct connection would be helpful but it is still stretching the number of buildings. Member Logue noted this is a Planned Unit Development, however, that does focus on synergistic purposes of the land use and feed off of each other. Member Logue also commented that the rear building being office use, he agrees there is a surplus of office space but there is not a glut of new office space and a new building may still bring in a favorable price.

Member MacAllister questioned if open area could be more of a public plaza, like Esplanade's and provide more of a common use could be more of a benefit if it were brought to the plan, thus removing the restaurant designated use and show as common space. Planning Director Peterson noted that the Commission could designate the use of the area they have done so with other projects.

Chairman Goldberg asked if the archway is to provide visibility to the back of the site to help the destination retailer? Applicant Spees said that is correct.

Member Richards commented that she would love to see a high-end restaurant in Cascade other than Tuscan Express and believes that would be an advantage to the Township. She said she has frequented very nice restaurants at the end of strip malls in Atlanta. She loves the idea of eating outside but acknowledges that Michigan's weather is not always favorable to do so and would love to see the archway area enclosed for diners and believes it could be very doable as part of the retail building. She has concerns regarding the rear building but believes the retail and restaurant could co-exist under one (1) building.

Chairman Goldberg asked the Applicant for his feedback regarding the solarium suggestion and Applicant Spees said it is a great idea and has potential. They have had several drawings made of the project and one drawing showed the L-shaped totally connected with a 2-story restaurant with one end containing an open patio and involved one (1) roofline that connected the L. It is a speculative design but seems closer to compliance.

Applicant Spees asked for clarification regarding zoning to be considered one building an Applicant would have to they had to be connected and was not aware that separate uses was also considered and were considering restaurant as retail though there are different parking requirements for restaurant. Chairman Goldberg noted that he does not believe the ordinance does not read in that regard and refers to two (2) buildings but does not provide specifics for one (1) building or number of buildings per lot. It does not specifically address what is one (1) building, what are two (2) buildings and does use factor into that. He believes over the years, the Commission has gone by "what does it feel like test", considering how it is being used, consider the nature of the connection and consider all of the circumstances presented: does it feel like one (1) building or two (2) buildings and two (2) different distinct uses of the structure can be a factor in that.

Member Koessel does not believe the use is the issue and referred to Member Richards' example of Tuscan Express and the center has a Med Center in it along with other businesses. Sundance Grille has a restaurant and retail within one (1) strip. He personally does not believe there is a problem with the restaurant being where it is as long as the Applicant can figure out a way to include the restaurant as part of the retail building. Member Koessel noted that the proposed site plan clearly shows that the two (2) buildings do not have the same roofline and the ordinance allows for one (1) building on this site based on the acreage. Getting two (2) buildings on 5.2 acres is closer to the required 6

acres and meeting the intent of the ordinance. In looking at the current plan, there looks like three (3) buildings and if the Commission were to allow this, it would leave room for the next developer to request more on less acreage. Member Koessel said he personally does not oppose the restaurant he would like to see a common roofline to include the restaurant into the retail building as one (1) building. He further noted that there would still be two (2) buildings on 5.2 acres and not the required six (6) acres noting there are unique features to the site and the Applicant is providing connectivity to adjoining sites, providing advantages to the Township thus coming closer to a favorable recommendation of development.

Applicant Spees showed a drawing and asked if the rooflines were changed into one and the towers made shorter, would this be more acceptable? Member Koessel asked if the area would still be an open space and Applicant Spees said it would depend on who would want to lease it, if anyone. Member Koessel noted that if it were made into an atrium or walled-in and have a common roofline, it would be closer to one (1) building. The Applicant noted a walk through area so pedestrians would not have to go around the building and said the Township's Engineer did indicate that if they were to do this, different fire ratings would have to be done to the windows, etc.

Member Robinson asked why not move the restaurant onto the end of the retail building. Applicant Spees said they could do that.

Member Richards noted her concern with allowing people to go through that area even if it is a restaurant, unless it is a food court, why would they want pedestrians walking through there. The Applicant noted it is a large space and could have a separate dining area and walk through area and could keep the "village concept" if done this way.

Chairman Goldberg said it is hard to provide a definitive reaction and believes it is safe to say that there is a continuum here, where if the Applicant has a real connection; where it is all glassed in, etc., it to him becomes one (1) building. If there is the atrium between the restaurant and retail and it is glassed in, that is one (1) building. If you move away from the atrium and one roofline and the archways are built, it moves towards two (2) buildings. He said that the more the Applicant can make this as one (1) building, the better chance he will have to make the project look as proposed. Member MacAllister said she would add that with the Test Plan in the maximum utilization of the property there needs to

be an opportunity to give back to the community and develop a public space. The Applicant did a nice job in providing connectivity with the pathways and considers more public space whether that is with a plaza or something else. She is just hesitant in saying add more building. Chairman Goldberg said the concept is right, give back something, and it could be public space as suggested or it could be an above average architectural design, it could also be the connections that are proposed along with the pedestrian walk. He said the give-back could come in various forms.

Planning Director Peterson suggested that the Planning Commission form a sub-committee to come up with a plan to be presented to the full planning commission. Chairman Goldberg appointed Member Lewis, Member MacAllister and Member Robinson on the sub-committee.

ARTICLE 6. Any Other Business

Chairman Goldberg opened the meeting for any other business.

Member Logue noted that the connection is now through behind the auto dealership and that is good to see.

ARTICLE 8. Adjournment

Chairman Goldberg requested a motion for adjournment.

Member Robinson supported by Member MacAllister moved to adjourn. The motion carried and the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Claude Robinson, Secretary

Lisa Hern, Recording Secretary