

MINUTES

Cascade Charter Township Planning Commission
Monday, July 17, 2006
7:00 p.m.

ARTICLE 1. Chairman Goldberg called the meeting to order at 7:00 p.m.
Members Present: Goldberg, Koessel, Logue, MacAllister, McDonald, Postma, Richards, Robinson.
Members Absent: Lewis (excused)
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 July 17th agenda.

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

ARTICLE 4. Chairman Goldberg requested motion for approval of the July 10, 2006 Planning Commission Meeting Minutes.

Member MacAllister requested a correction on Page 2, third paragraph in the first sentence. Change the word "nature reserve" to "nature preserve".

Member Robinson motioned for approval of the minutes as corrected, supported by Member MacAllister. July 10, 2006 Minutes approved as corrected. All in favor with none opposed, the motion carried.

ARTICLE 5. **Case #06-2818: Karl Huffman**
(PUBLIC HEARING)

The Applicant is requesting a Type I Special Use Permit to construct a 1,535 square foot accessory building.

Planning Director Peterson said the Applicant is seeking a Type I Special Use Permit to construct a 1,535 square foot accessory building on his property located at 1474 Ballybunion Court, located on the south side of Hall Street and east of Marsman Ave.

The parcel is seven (7) acres and a parcel this size is allowed up to three (3) accessory buildings.

The proposed location of the accessory building is twenty (20) feet from the side yard and approximately 740-feet from the rear yard. The proposed height of the building is fourteen (14) feet to the midpoint and eighteen (18) feet to the peak.

Planning Director Peterson further noted that the intended use of the building is for storage. The building will be placed on the side yard and is brick sided with shingled roofing. The home is approximately 4,200-square feet with a 912-square foot attached garage. There are other similar sized accessory buildings in the neighborhood.

Planning Director Peterson also said that the access to the proposed accessory building would not require a new curb cut and the building would not affect the light, air circulation and views of the adjoining properties.

Chairman Goldberg opened the meeting for other questions of the Planning Commission.

Member McDonald asked if trees would be removed for the building and Planning Director Peterson said the area is pretty flat and there does not appear to be much landscaping the Applicant would need to remove to construct the building.

Being there were no other questions of Staff, Chairman Goldberg opened the meeting for the Applicant's comments. The Applicant was not present for the Public Hearing and Chairman Goldberg requested a motion to table the case until later in the agenda in hopes the applicant would be present. If the applicant does not attend tonight's meeting, the case would remain tabled.

Member MacAllister motioned to table Case #06-2818, Karl Huffman, until later on the agenda, supported by Member Richards. All in favor with none opposed, Case #06-2818, Karl Huffman, tabled.

ARTICLE 6.

Case #06-2815: Sysco Food Services

The Applicant is seeking Site Plan Review for an addition to the existing building.

Chairman Goldberg said that at this point in time, he needs to advise the Commission that Sysco is a client of his firm, Mika, Meyers, Beckett & Jones, and as such, he has a conflict of interest under the Commission's by-laws that require his recusal.

Member McDonald motioned to excuse Chairman Goldberg from this case, supported by Member Koessel. All in favor with none opposed. Motion carried.

Vice-Chairman McDonald opened the meeting for Staff's report.

Planning Director Peterson said the Applicant is seeking a Site Plan Review for a 67,406-square foot cooler/freezer addition to the existing building. The property is located at 3700 Sysco Court, on the south side of 36th Street between Kraft Avenue and Patterson Avenue, on 23.18 acres. Currently, Sysco is working on their parking lot expansion and now coming before the Commission for a building addition that will essentially be built on their existing parking.

The addition meets the setback requirements for the Industrial Zoning District and the ingress and egress for the site will be from the existing curb cut located on Sysco Court.

The existing landscaping plan meets the Township's regulations.

The site plan has been reviewed by the Township's Fire Department and their comments are included within the Commission's packets. They have made a comment regarding the Fire Lane on the west and south side of the addition and are requiring a fire hydrant be installed that was not installed in 1996.

The Township's Engineer has reviewed the site plan and has approved the plan as presented.

Staff recommends that the Planning Commission approve the Applicant's request for site plan approval with the following condition:

- 1) The Applicant is to receive a soil erosion permit before construction begins.
- 2) The Applicant is to comply with the Fire Department's requirements.

Vice-Chairman McDonald opened the meeting for Commissions' questions.

Member Koessel asked why the fire hydrant was never installed in 1996 and Planning Director Peterson said he is not sure; the Fire Department was also unaware that it was never installed.

There being no other questions of Staff, Vice-Chairman McDonald opened the meeting to the Applicant.

Rob Berrens of Exxel Engineering and Jim Ziegler of Wolverine represented the Applicant.

Applicant Berrens said they did not have an explanation for not installing the fire hydrant back in 1996; it was an oversight. He said there are two (2) fire hydrants recommended for installation and he will ensure these hydrants are installed.

The Commission did not have any further questions of the Applicant and Member McDonald opened the meeting to additional discussion or a motion of the plan.

Member Robinson motioned for approval of the Site Plan Review for an addition to the existing building adding, under the condition that the fire hydrant be installed as required in 1996 by the Township Fire Department, add:

A fire hydrant shall be installed in the parking island at the northwest side of the building.

Member MacAllister supported the motion and additional condition. All in favor with none opposed. Motion carried.

Vice-Chairman McDonald turned the meeting back to Chairman Goldberg.

ARTICLE 7.

Case #06-2816: Robert Grooters Development Company
Site Plan approval for an industrial building in the Meadowbrooke Business Park.

Planning Director Peterson indicated the location is on the north side of 52nd Street, west of Kraft Avenue and are requesting to build a 72,000-square foot building. The Applicant approached the Commission in 2004 for a 127,000-square foot building on this site that was approved by the Planning Commission. The site plan approval for that building has lapsed and the Applicant has reapplied for site plan approval with a smaller building.

The site plan meets the requirements for setbacks, parking and ingress/egress.

The Fire Department has also reviewed the plan and their requests are listed under Staff's comments and the Applicant has agreed to their requirements.

Planning Director Peterson noted the Meadowbrooke Business Park Association has had challenges in getting together to review the plan; they are comfortable with the Planning Commission placing the project on their agenda even though the Association has not formally approved the Site Plan. The Association feels that because this plan was approved in 2004 for a larger building, they are comfortable with the Planning Commission reviewing the plan at this time since the Site Plan really has not changed in terms of the building; they were just not able to formally meet as an Association to review the Site Plan. Planning Director Peterson said that this is not a normal process and normally are not placed on the agenda until the Association's approval has been received.

Planning Director Peterson also said the Township Engineer has reviewed the plan and suggests that stronger soil erosion control measures be taken since there have been soil erosion problems in the past. The Township Engineer has approved the water main, sanitary sewer and storm sewer details.

Staff recommends that the Planning Commission approve the Site Plan with the following items to be handed in before a building permit can be issued:

- 1) A soil erosion control permit be obtained.
- 2) A lighting plan be submitted meeting the Township's requirement for lighting.
- 3) The Applicant meet the conditions of the Fire Department
- 4) The Applicant receives Association approval.

Chairman Goldberg expressed his concern in subjecting the Commission's approval prior to the approval of Meadowbrooke. His concern is that the Planning Commission has their set of regulations to be applied as the Commission sees fit and approve or disapprove projects accordingly. He feels the Commission is abdicating some of their authority to a private board if the Commission conditions the approval to Meadowbrooke's approval. The Applicant will have to obtain Meadowbrooke's approval anyway in order to proceed and if approval is not obtained from Meadowbrooke, the Applicant would not be able to proceed in any case. Chairman Goldberg does not believe the Planning Commission needs to condition their approval on the Meadowbrooke Association's approval and is more comfortable not imposing the Association's approval as a condition of the

Commission's approval. Also, if the Association requests any changes, the Site Plan would have to return to the Commission for approval of the changes and prefers to pass the project on its merits. Chairman Goldberg asked Staff if this presents a problem to the case and Planning Director Peterson said Meadowbrooke Association is a review/advisory board and they have no authority and their approval is structured into the Meadowbrooke P.U.D. requiring the Association to review the plans prior to coming before the Planning Commission. Planning Director Peterson said that the Applicant is not really changing anything and the Association is comfortable with their request. The Association would only be reviewing the Site Plan to possibly change minor things on the plan. Chairman Goldberg noted it is the Commission's responsibility to comply with the P.U.D. and may not be in a position to make an exception regarding this particular case.

Member McDonald said he understands what Chairman Goldberg is saying and Site Plans have always been approved by the Meadowbrooke Association prior to the Planning Commissions' approval. Planning Director Peterson clarified that it was not the Applicant's he has spoken to regarding the Site Plan but the Meadowbrooke Association, noting they had not reviewed the plan prior to the Commission's review. Meadowbrooke Association are the ones who are comfortable with the Planning Commission reviewing the plan prior to them. Chairman Goldberg clarified that it was not the official Association board that is comfortable but some of its members. He further said that if Staff says it is within compliance of the ordinance to proceed, then he is fine with that but the Commission must comply with the ordinance.

Member Robinson supported Chairman Goldberg's comments and said that the Commission could approve the Site Plan without the condition that Meadowbrooke Association approve the plan. If the Association changes anything, the Applicant would have to come back before the Planning Commission. Planning Director Peterson said the things the Association may change are not things that would necessitate coming back to the Planning Commission.

Member McDonald questioned that if the Planning Commission were to approve the Site Plan and Meadowbrooke did not, could the Applicant use the Commission's approval and go ahead with the project anyway? Planning Director Peterson said that in theory, the Applicant probably could. Member McDonald asked if it would be more appropriate to word the condition that the Applicant must be in compliance with the Meadowbrooke

Association? Chairman Goldberg said that condition could be added and if added, should be noted that the Association approved the Site Plan as is, without changes.

Member Robinson asked when was the original Site Plan approved and Planning Director Peterson said in 2004. Member Robinson asked if the Association's Review Board has changed at all since 2004 and Planning Director Peterson said that there has been some turnover since then; he believes this is a matter of timing in bringing the review board together since many are gone during the summer.

Member McDonald asked regarding the Fire Department's comments if these were also conditions for the Site Plan? Planning Director Peterson said the Fire Department's comments are also conditions the Applicant must adhere to for the project.

Chairman Goldberg invited the Applicant to make any comments and asked if they are comfortable with the Site Plan the Commission is reviewing.

Applicant Kurt Adams, Robert Grooters Development, noted the building's height has not changed and the footprint is the same but in a smaller scale. The only concern Meadowbrooke expressed over the Site Plan in 2004 was the building's height and that has since been changed per their recommendation.

Chairman Goldberg asked the Applicant if they are comfortable with the Planning Commission approving the plan as submitted and Meadowbrooke not make any changes to the plan; they would be comfortable with that type of approval? Applicant Adams said they are comfortable with that.

Member Koessel read the ordinance that states that no site plan can be forwarded to the Planning Commission without the written approval of the applicable board and he feels the Commission would be in violation of the P.U.D. if they were to proceed forward. He asked what the issue is with this board, have they just not been able to meet together to review the plan? Planning Director Peterson said that members of the board have been able to review the plan but just not have been able to formally meet and discuss it.

Chairman Goldberg said that from a technical standpoint, the Commission's approval could be in violation of the P.U.D. but the Commission could construe the prior approval by the Association's

Board for this project since their approvals do not expire over time as the Township's does after one (1) year and could take the position that it has already been approved by that board.

Member Koessel said that what is also referred to within the ordinance is that the review board has preliminary approval and the Township's Commission has the final approval authority. He suspects Chairman Goldberg is correct in his previous statement and if there has not been any substantial changes to the building, other than downsizing, the Commission could take that approach.

Member McDonald motioned that the Commission recommends approval of the Site Plan as presented with the following items Staff has listed:

- 1) A soil erosion control permit be obtained.**
- 2) A lighting plan be submitted meeting the township's requirement for lighting.**
- 3) The address is visible from 52nd Street.**
- 4) The Fire Department Connection for the fire suppression system must be accessible.**
- 5) The proposed hydrant that is drawn on the print must be moved farther east, approximately 160-feet from the North/South water main.**
- 6) The Applicant to receive approval by the Meadowbrooke Association Review Board.**

Member Robinson questioned if the motion on the table is in violation of the P.U.D. since the condition is to receive Meadowbrooke's approval. Member McDonald noted the Commission could either remove the last condition in his motion or table the case until the Association has approved the Site Plan.

Chairman Goldberg asked the Applicant if the item were tabled until the August 7th Meeting would that setback the project? Applicant Adams does not believe it would push the project back.

Member McDonald asked to withdraw his previous motion and motioned to table this case until the August 7th Planning Commission Meeting, supported by Member Robinson. All were in favor with none opposed, Case #06-2816: Robert Grooters Development tabled until August 7, 2006 Planning Commission Meeting.

Applicant Adams asked the Commission what would happen if the Association is still unable to meet by the August 7th date? Chairman Goldberg said that they would need to come before the

Planning Commission once they have met as the P.U.D. Ordinance states the applicable board must provide approval prior to the Commission's approval.

ARTICLE V.

Case #06-2818: Karl Huffman
(PUBLIC HEARING-Previously tabled)

Chairman Goldberg requested a motion to remove this case from the table.

Member Robinson motioned to remove Case #06-2818: Karl Huffman from the table with support from Member Koessel. All in favor with none opposed. Motion carried.

Chairman Goldberg noted that this is a Public Hearing and requested a motion to open the Public Hearing.

Member Robinson, supported by Member Logue, motioned to open the Public Hearing. All in favor with none opposed, the Public Hearing was opened.

Chairman Goldberg asked if any members of the public wished to make any comments. No comments from the public. Chairman Goldberg asked Staff if they received any letters and/or phone calls regarding the case and Planning Director Peterson said they have not received any comments from the public.

Member MacAllister motioned to close the Public Hearing, supported by Member McDonald. All in favor with none opposed. Motion carried. The Public Hearing for Case #06-2818: Karl Huffman was closed.

Member Koessel asked if there would be two (2) buildings on the property as Planning Director Peterson previously said this is the only building and the site plan shows another. Planning Director Peterson confirmed there is a 10 x 8-foot pool house on the site and this accessory building would be the second accessory building on the property; the ordinance allows for three (3) accessory buildings on a parcel this size.

Member Robinson motioned to table this item, supported by Member MacAllister. All in favor with none opposed, motion carried. Case #06-2818: Karl Huffman tabled until the Applicant can be present before the Planning Commission.

ARTICLE 8.

Other Business

Chairman Goldberg opened the meeting for other business and Member McDonald noted the college painter's signs that have been hung high on utility poles throughout the Township. The signs are becoming a nuisance and would appreciate their removal.

Member MacAllister noted at previous meetings the Commission has talked about the car dealer, Betten, and their parking of new vehicles and questioned if it would be worthwhile to have their parking reviewed and if they are in violation of parking their inventory cars? Planning Director Peterson said that Staff does not see this as a problem of late. They have spoken with them in the past but have not noticed any parking of vehicles on the sidewalks and other areas that are not allowed.

Chairman Goldberg also noted that in light of Ron Goodyke's current situation and Member Lewis is also having surgery, if it might be appropriate to send them cards or flowers on behalf of the Planning Commission. Member Koessel said that flowers to Goodyke have been sent on behalf of the Township, in general, encompassing Township Staff and Boards. He does not believe anything has been sent to Member Lewis. Chairman Goldberg requested that Staff send flowers or a card to Member Lewis on their behalf.

ARTICLE 9.

Adjournment

Member Robinson supported by Member McDonald moved to adjourn. The motion carried and the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Claude Robinson, Secretary

Lisa Hern, Recording Secretary