

**MINUTES**  
Cascade Charter Township Planning Commission  
Tuesday, February 22, 2005  
7:00 pm

**ARTICLE 1.** Chairman Goldberg called the meeting to order.  
Members Present: Goldberg, Koessel, Lewis, Logue, MacAllister, Postma  
Members Absent: McDonald; Richards, Robinson, all excused.  
Others Present: Planning Director Peterson, Planner Deem, Admin. Assistant Thompson, Reporter Wilson and those listed on Supplement #1.

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

**ARTICLE 3.** **The agenda was approved on motion by Member MacAllister and supported by Member Lewis. The motion carried.**

**ARTICLE 4.** Member Lewis corrected the Minutes on Page 7 to reflect his reason for voting against the subcommittee. With that correction, **Member Lewis supported by Member MacAllister moved to approve the Minutes of February 7, 2005. The motion carried.**

**ARTICLE 5.** The Township Board Minutes of January 26, 2005 were received and filed.

**ARTICLE 6.** **Case #05-2699: Faulk & Foster**  
*(PUBLIC HEARING)*

The applicant requested a Type I Special Use Permit to co-locate a communication antenna on a small equipment structure at an existing cellular tower site at 4700 Quiggle, S.E.

Planning Director Peterson related the tower is existing and is located at the end of Quiggle near the expressway. He pointed out the location on the map. There are already some co-locators on the tower and co-location is what we encourage. The applicant has submitted the materials as we required. The only change from the existing tower would be a small antenna as well as an equipment shed on the ground. Planning Director Peterson recommended approval of the request.

Chairman Goldberg asked how many co-locators will the tower support. Planning Director Peterson related the township consultant will answer that question.

Member MacAllister asked for the “bridge” to be explained. Planning Director Peterson related it is a piece of equipment that powers the equipment to the cabinet. Andy Felde, the township consultant, related it is a piece of galvanized steel that supports the co-axles. It is elevated in the air at a height of six to eight feet.

Member MacAllister asked if other units have the same thing. Mr. Felde responded yes. It is a piece of steel used to protect the cables.

Chairman Goldberg asked if the tower is maxed out. Planning Director Peterson related that would depend on the type of structures on the tower.

Beth of Faulk & Foster was present on behalf of Dave Marvin. She submitted a structural analysis.

Mr. Felde related the existing antennas are relatively light loading and will leave room for more co-locations depending on the weight and size of them and their location on the structure.

Member MacAllister asked about ground space for each antenna on the pole. She asked if there is a maximum open space that needs to be maintained on the ground. Planning Director Peterson responded no.

Mr. Felde related they just have to make sure the landlord is aware of the additional lease area. It should not be too tight for the people to work in the ground area.

Member MacAllister asked does the Fire Department look at access to this property. Planning Director Peterson responded they look at access to the site but not inside the fenced area.

Beth of Faulk & Foster related the equipment cabinets will be very similar to these at the site already.

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

Planning Director Peterson related no comments were received, either in writing, by phone or in person.

**Member Lewis supported by Member Koessel moved to close the public hearing. The motion carried and the public hearing was closed.**

**Member Koessel supported by Member Logue moved to grant the request for a Type I Special Use Permit to co-locate a communication antenna and a small equipment structure at an existing cellular tower site at 4700 Quiggle, S.E. The motion carried.**

**ARTICLE 7.**

**Case #03-2566: Meijer, Inc.**

One year review of the Type II Special Use Permit to allow a temporary garden center in the parking lot at 5531 – 28<sup>th</sup> Street, S.E.

Planner Deem related the applicant is present for a one year review to allow the garden center in the parking lot. This came before the Planning Commission and Township Board for approval in 2003 and was approved with six conditions. Last year the applicant came back for review and asked for a location change. This year they are asking to extend the sale period to twelve weeks. Planner Deem recommended approval using the same standards as before with a ten week sale period with one week for set up and one week for tear down. The applicant is also asking that the annual review be removed. Staff related no complaints have been received and recommended that the annual review by the Planning Commission be abolished and that Staff do the review.

Planner Deem recommended approval of the request with the sale period being extended to twelve weeks and that Staff do the annual review. All other conditions would remain the same.

Chairman Goldberg asked when we do this Wal-Mart always asks for the same thing. Planner Deem responded Wal-Mart was granted a garden center also last year with the condition that they finish the fence in the garden center by May 1. They did not finish the fence in time. They were approved for an eight week sale period.

Member Koessel related the application that they filled out indicates they are looking for a sixteen week sale period – from March 16 through July 15. Planner Deem responded that was the original application from 2003. They would like the sale period from April to the end of June. Staff is recommending the sale period from April 1 to June 30. The previous approval granted

was for a six week sale period with one week to set up and one week to tear down.

Member MacAllister asked you are asking for Staff to do the annual review instead of the Planning Commission. Planner Deem responded correct.

Member Lewis recalled last year seeing garden items up at the front of the store outside of the garden area which was an expansion of the temporary area. Several Commissioners agreed they had also seen that situation.

Member Lewis related the Planning Commission made that an issue and it was removed. Member Lewis related we are having a situation that they do not follow what was intended last year and now they want to go from the original six weeks to 12 weeks. He is also having a difficult time with the recommendation of not having an annual review by the Planning Commission. He would like them to come back to the Planning Commission. Member Lewis related the location also bothers him as it did last year. The Planning Commission recommended the garden center be placed along the side of the pharmacy. One of the reasons why that didn't happen was the pharmacy drive through window. The pharmacy has been relocated and it seems there would be less traffic and less problems if it were placed in that east area. The location would seem to be ideal.

Scott Nowakowski, Director of Real Estate for Meijer was present. He related the area they designated they have used for two years and it works wonderfully. They would prefer to leave it there.

Member Lewis related you have a different criteria to use than what we do. The area crosses a major traffic lane with all the incoming and outgoing traffic for the store.

Member MacAllister related she supports Member Lewis' statement and related the new pharmacy location is not noted on the site plan. She would like a site plan that shows the direction of the pharmacy traffic and signage through the parking lot. Mr. Nowakowski related he does not recall the signage there. The signage would be adjusted if there is a conflict.

Member MacAllister related the east location is out of the major traffic pattern of and connected to the fenced in garden area.

Member MacAllister asked Staff what is the definition of temporary. Planning Director Peterson responded we don't have one. The Planning Commission has always decided what is temporary. For garden centers, eight weeks has been viewed as temporary.

Planner Deem related eight weeks is what Wal-Mart applied for before Meijer applied in 2003. The Township Board felt it should grant the same amount of time for each application. That is how the eight weeks came about.

Member MacAllister asked why extend the period of time. Mr. Nowakowski responded that is the season. The season is at least three months.

Tim Johnson of Main Street Planning related he has worked with Meijer over the years on many of these projects. The location has a good track record where it is right now and good visibility. It is convenient for Cascade Township residents to come to the front of the store. There haven't been any incidents of traffic or safety over the years. Mr. Johnson related they don't have a problem with coming back next year for review.

Member Koessel related he recalls the applicant's concern last year was that the pharmacy drive through was still there and there would be conflicting traffic movements with the pharmacy. Member Koessel disagreed that there haven't been problems. The area is a mess when you put out the garden center. Last year there were flowers in the sidewalk and patrons had to walk in the traffic lane to get into the store. Other patrons were walking across the traffic lane to get to the fenced in garden center. It was very dangerous. Member Koessel agreed with the other members that it ought to be next to where the pharmacy used to be. It would be more convenient and would not be crossing against the main drive. It is ideal location and very visible. Placing it where it was last year is not the place for it. It was not a good situation. Placing it farther from the front of the store will be better.

Mr. Nowakowski related if you feel that strongly about it we can change it. Member Koessel replied we do.

Chairman Goldberg related twelve weeks is outside the limit of what he would consider a seasonal or temporary display. He would have a problem with going any longer than 12 weeks and believes this is end of the line for the time frame. He also would like the location by the old pharmacy on the east. He also would

like to see it come back next year to the Planning Commission for review. Chairman Goldberg related he does not have a problem with Staff approving this year's site plan for the changed location to the east.

Member Koessel asked if the size of the garden center is the same as last year. Mr. Nowakowski responded yes, it might be even a few feet larger in the new location.

Member MacAllister related she would like some definition to establish what is temporary. Seasonal and temporary have both come up recently. She asked how many times after five years is a use not temporary any more. Also she would like to work toward some type of enclosure that is not as temporary as using the parking lot.

Chairman Goldberg related you draw a good distinction between seasonal and temporary. This is a seasonal use. It happens every spring. We don't want them to move to a permanent type of structure to accommodate a seasonal use.

Planning Director Peterson related a Special Use Permit is needed for outdoor sales.

**Member Lewis supported by Member Koessel moved that the applicant's request for a Type II Special Use Permit to allow for a seasonal temporary garden center at 5531 – 28<sup>th</sup> Street be approved with the following conditions: 1) a ten week sale period from April 1 through June 30; 2) all material in the parking lot garden center 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 week before it is open and one week after it is closed. Before and after that it shall be available for parking as approved on the original site plan; 4) the existing conditions on the fenced in garden center still apply with the exception of this ten week period for the parking lot garden center; 5) the outdoor sales area is limited to a 100' x 132' area and this area should be located to the east of the pharmacy drive through; 6) the applicant will return to the Planning Commission for a review next year; and 7) the location of the temporary area be placed on the east side where the former pharmacy drive through window was. The motion carried.**

**ARTICLE 8.**

**Case #04-2689: AT&T**

*(From the Table of December 20, 2004)*

The applicant requested a Type I Special Use Permit to allow the construction of a wireless communication facility to include a 90 foot monopole within the existing self storage facility at 5210 – 52<sup>nd</sup> Street.

**Member Lewis supported by Member Koessel moved to remove Case #04-2689 from the Table of December 20, 2004. The motion carried.**

Planning Director Peterson related the public hearing on this was held at the December 20, 2004 meeting. Andy Felde, the Township consultant was present. Planning Director Peterson pointed out the area on the map. The area is where the self storage facility is located. The tower would be 94 feet to the top of the antenna. The height will limit co-location opportunities. At the last meeting there was concern about the lease area not being big enough at 25' x 25'. Since that meeting, Mr. Felde, has received the additional information he needed. Two things have changed since the last meeting: 1) the tower is 250 feet farther to the south inside of the self storage facility; and 2) the compound area is larger. The owner of the self storage facility has agreed to rent out a couple of storage units for the equipment as noted in his letter.

Planning Director Peterson recommended approval of the request with the conditions listed in the Staff Report.

Member MacAllister asked if the house on the site is the office and if it has been renovated. Planning Director Peterson responded yes, it is the office for the self storage facility.

Member Koessel asked Mr. Felde, it is your recommendation that the land owner allow for additional storage for up to three cell users. Do you know which units it would be. Mr. Felde related at that height, three users would be as many as could co-locate there.

Member MacAllister asked Mr. Felde if this is the best location for coverage in that area. Mr. Felde responded finding a technically advantageous location really has not much to do with it because of the restrictions from the airport.

Planning Director Peterson related there will probably be multiple antennas in this area because of the airport limitations.

Mr. Felde related given the number of wireless carriers out there, the tower will be a draw for the area. Industrial users are using more and more wireless technology in their operations.

Member Lewis related to Mr. Felde, on your report you say this site offers coverage north to the airport complex. Mr. Felde responded the power fields reach north just into the terminal area. Due to terrain off to the east, that site can't reach as far as M-6 east of Thornapple River Drive.

T.J. Garrett of the Haley law firm related she is present representing the applicant and for questions.

Member MacAllister asked if everything has been completed by the owner of the storage facility. Planning Director Peterson responded there are still some storage units that will be built. The site is not complete at this time, but is in compliance.

**Member Koessel supported by Member MacAllister moved that the applicant's request for a Type I Special Use Permit to allow construction of a wireless communication facility to include a 90 foot monopole within the existing self storage facility at 5210 – 52<sup>nd</sup> Street with Staff's recommendations: a) the height of the tower be limited to 90 feet as approved by the Airport; b) the tower will not have lights; c) if the height required for the tower to serve its function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum height; d) color of the tower is galvanized steel (gray) as shown on the approved plans; e) the applicant address all four conditions of the February 14, 2005 letter from Drew Wireless (Andy Felde, our RF Engineer); and f) the approval is consistent with Section 21.03 of the Zoning Ordinance (1 year time limit, etc.). The motion carried.**

## **ARTICLE 9.**

### **Case #05-2700: Kraft Street Partners**

The applicant requested Basic Plan Review for a PUD rezoning of 2688 & 2700 Kraft and 5703 – 28<sup>th</sup> Street.

Planning Director Peterson related this is a new project and pointed out the area on a map. The property is about 7-1/2 acres in size and is currently vacant. The applicant would like to do a PUD rezoning to develop the property. This is the same site that was approved for a basketball facility a few years ago. That facility was not constructed. This current plan involves one building and



one user at this time. The building is proposed to be 5,800 s.f. The property is currently zoned B-2, commercial. The underlying density is one building for three acres. Staff has discussed with the applicant the possibility of acquiring additional property along Kraft Avenue. An important part of the project is in regard to providing access through to Charlevoix Drive from Kraft Avenue. The Planning Commission will need to discuss the service drive that would connect everything to Kraft Avenue.

Member MacAllister asked if the Road Commission has looked at the plan. Planning Director Peterson related they would be looking at the best spot to line up intersections. The site is bounded by residential use to the north. That is a critical part of the project. The northerly neighbors, during the Betten project, objected to the drive being on the north side of the property. Our Zoning Ordinance requires that within 200 feet of residential property light poles are limited to 20 feet in height. Some of those items will be critical to identify as part of the plan.

Planning Director Peterson related there are some issues with Esplanade with regard to the easement. There is some concern there might be the ability for someone to block a portion of that easement. Another aspect is signage. The proposed sign along 28<sup>th</sup> Street is in the boulevard area and nine feet high. Staff believes it is a good idea to have the sign there along 28<sup>th</sup> Street. We don't know the height of the building and need to clarify that. That would also help with the concerns which the neighbors to the north will have. The township height limitation is 35 feet. The township has an agreement with Design One (the property in front) for a sidewalk along the entire 28<sup>th</sup> Street frontage. Additional information for the site is needed such as: parking lot landscaping and a photometric. The request tonight is for basic plan review and the opportunity for the Planning Commission to give the applicant input on critical items.

Chairman Goldberg asked if the residents to the north have been notified of the project. Planning Director Peterson responded no, not yet. They will be notified for the public hearing.

Member Lewis asked could the applicant sell off Phase Two to someone else. Since Phase One is not three acres would it be impossible to sell off Phase Two. Planning Director Peterson related they need to have six acres for two buildings.

Chairman Goldberg asked if they build Phase One could they draw a boundary line and sell off Phase Two so that the remaining area

could have six acres for two buildings. Planning Director Peterson related the whole project is a PUD with two buildings. If they are able to acquire additional property, they could ask for an amendment to the PUD. That needs to be discussed by the Planning Commission. We have been consistent with other projects. The Riebel project was a little different because it included an existing restaurant.

Member MacAllister asked Staff if the service drive would be extended to Kraft Avenue. Planning Director Peterson related he feels it is important to get the service drive to the Gordon Food Service curb cut. At this time with the ability to extend to Kraft once they make a decision on purchasing additional property on Kraft Avenue.

Member MacAllister related she likes the entrance to 28<sup>th</sup> Street and asked if more landscaping would be installed. Planning Director Peterson related just on the leg out to 28<sup>th</sup> Street. The boulevard is the same as you saw for the Design One project.

Member MacAllister suggested a sidewalk connection into the project from 28<sup>th</sup> Street back to the development. Planning Director Peterson related there isn't really the opportunity for that. There is not enough room.

Member MacAllister asked does the drive need to be two lanes out. Planning Director Peterson responded he does not think there is enough room to install a sidewalk there. Kraft Avenue could possibly be used as a pedestrian access to the site.

Member Koessel asked that the comment about blocking the easement be addressed. Planning Director Peterson responded and pointed the area out on the map. He related on the corner there is a small area which the easement documents are not clear that they may or may not allow the access to be blocked. Member Koessel related that is critical. He related this drive is the only ingress and egress for the project. Planning Director Peterson related they would also have the access out through the service drive behind Betten Automotive.

Member Koessel related it would be logical to extend that roadway behind GFS. If that were done – would it cause us to lose any control about ingress and egress to the potential Phase Two.

Member MacAllister related based on north/south access easement would that stall the construction of road behind Betten

Automotive? Planning Director Peterson responded his recommendation is the road should go all the way through to this point.

Member Lewis asked is there a huge change in elevation between those two properties. Planning Director Peterson responded no, the building elevation change is on the other side of Esplanade.

Member MacAllister asked for the landscaping to be clarified. Planning Director Peterson related the north boundary would have a "Type G" bufferyard which is 40 feet wide.

Member Postma asked is there a maintenance agreement on that road. Planning Director Peterson responded the owners have a maintenance agreement.

Member Postma asked will they need to join with GFS for the maintenance agreement. Planning Director Peterson responded it would be in the owners best interest but that is between the property owners. It will not be a public road but would connect the property as a service drive.

Chairman Goldberg related that was a condition on the GFS project. They have known about this potential.

Mark Harmsen of Kraft Street Partners, was present and related we are aware of the importance of the northerly bufferyard for the condo residents. He sold Betten 120 feet of property and there is 180 feet of that bufferyard with a berm installed now. Mr. Harmsen related he will meet with the residents to the north before the public hearing. He has an easement agreement and road construction agreement for the roadway. Also, he may purchase a property on Kraft Avenue. Gordon Food Service then would abandon their curb cut on Kraft Avenue. He does need an access agreement with Gordon Food. Mr. Harmsen related the other issue is the site is 435 feet off 28<sup>th</sup> Street and for that reason he felt it was important to have a street that looks like an entrance. The plan always was to have safety and presentation with a three lane road - one lane in and two lanes out. The problem is Sundance Restaurant is built on the drive. There was a 16 foot error years ago. We went to court and thought we had it settled but now P & L wants the easement re-written. The issue is P & L is in the process of wanting us to agree to remove another 1-1/2 feet of curb out.

Member Koessel asked is 18" going to destroy your ability to get through? Mr. Harmsen responded what is going to replace it is the issue. Seventeen years ago they built their restaurant into the easement.

Member MacAllister related she still would like a sidewalk along the easement to get pedestrians into the site. She related she did not understand the reason for two lanes out. She suggested the lane be moved five feet for a small sidewalk. Mr. Harmsen responded could do that but there probably would be a gap. The engineers will tell us they want two lanes. They need space for stacking cars. There would be a 35-40 foot gap in the sidewalk to 28<sup>th</sup> Street.

Member Koessel asked who is the tenant. Mr. Harmsen responded a 17 year Cascade Township small business owner. They have been renting for 17 years and want to own. It will be a single tenant building.

Member Koessel asked how many people would park in front and walk to the building in back. Mr. Harmsen related he expects people to drive to the building. It is a destination business.

Member MacAllister related in a well planned community you want to have pedestrian traffic. No matter if this user is a destination. She related the space can't be planned for one user.

Planning Director Peterson related traffic flow can come in from Kraft. There is a possibility of putting a sidewalk connection in there. With any other type of development we would be looking at some type of pedestrian connection. We are trying to get some type of connection there.

Chairman Goldberg asked but how do you handle the capacity along 28<sup>th</sup> Street. Member MacAllister responded maybe it would be a pedestrian flow that happens at Esplanade. Planning Director Peterson related they are not part of this project.

Member MacAllister related she is trying her best to make a connection. A thirty foot gap is better than nothing. She is looking for some type of effort toward that.

Member MacAllister then asked how were the parking calculations based. Mr. Harmsen responded it is based on use at four spaces per 1,000 s.f. of building. That is the requirement. This is about eight spaces per 1,000 s.f. of building.

Member MacAllister related you have double what we require – why. Mr. Harmsen related he will ask the architect.

Chairman Goldberg related it is important to get an answer to that question. If you have a need for that much parking, tell us.

Member Lewis related the entrance drive has one lane in and two out. But according to what I have heard tonight you only own two lanes. Mr. Harmsen responded he has the right today to put the road to the dotted line. He also can eliminate parking spots from the front and back but does not want to do that. We don't own the easement but have the right to use it for a road and utilities. The easement is 49 feet wide.

Planning Director Peterson related the GFS access and parking calculations for the proposed use will be addressed for the public hearing.

Chairman Goldberg related the comment the applicant made regarding contacting residents prior to the public hearing is a very good idea. They are quite an active neighborhood and have always well attended public hearings.

#### **ARTICLE 10.**

##### **Kent County Road Commission**

##### **Review of the Five Year Road Improvement Plans**

Planning Director Peterson related this is the plan that the Road Commission submits every year. It is just for information purposes. The 2005 list is definite. The local street repairs are not listed.

#### **ARTICLE 11.**

##### **2005 Work Plan**

Planning Director Peterson related this is a review of the process as the Planning Commission recommended.

Member Lewis asked why don't we count the peak for height and not the mid-point. Planning Director Peterson responded it mirrors the Building Code and how height is calculated. That's the way it has always been done and is consistent with the building department. Member Lewis responded that doesn't make it right.

Member MacAllister related recently there were two terms that were not defined – drive through restaurants is one. She asked do

we want to try and define that further. Member McAllister related it is not defined in the Special Use Permit process.

Chairman Goldberg related perhaps we should look at other ordinances to see what language might be out there to define drive through and drive up. Planning Director Peterson related he can bring back some definitions for drive through, drive up and fast food restaurants.

Chairman Goldberg suggested getting some definitions.

Member MacAllister also related another term is seasonal temporary garden center. She asked if there is some language we could look at to require something more detailed. There are other businesses that could ask for seasonal temporary garden spaces. Planning Director Peterson responded we could have just as many problems with others. If they did not fit into the definition they would go to the Zoning Board of Appeals for a variance. Now any out door operations go through the Special Use Permit process. That gives the Planning Commission more discretion to review these on a case by case basis.

Member MacAllister related she is looking more for guidance than an open book.

Chairman Goldberg related now we have flexibility on a case by case basis. We can look at the season which is being proposed.

## **ARTICLE 12.**

### **Any Other Business**

Member Lewis thanked the Commissioners for the beautiful flowers sent to his wife today by the Planning Commission and Township Staff. They do appreciate the thoughtfulness of everyone involved.

Chairman Goldberg related he would like a list of topics to discuss at the joint meeting.

Topics suggested were:

- 1) utilities on Burton Street
- 2) water quality
- 3) sidewalks
- 4) Turnberry project and those similar which were approved at Planning Commission level and were turned down by the Township Board.
- 5) Ventura lot split

6) Dry hydrants

Member MacAllister will be absent at the next meeting and asked to be excused.

**ARTICLE 13. Adjournment**

**Member Lewis supported by Member Koessel moved to adjourn. The motion carried and the meeting was adjourned at 9:26 pm.**

Respectfully submitted,

Tom McDonald, Secretary

TMD:MJT