

MINUTES

Cascade Charter Township Planning Commission
Monday, December 5, 2005
7:00 p.m.

- ARTICLE 1.** Chairman Goldberg called the meeting to order at 7:00 p.m.
Members Present: Goldberg, Koessel, Lewis, Logue, MacAllister, McDonald, Richards and Robinson.
Members Absent: Postma (excused)
Others Present: Planning Director Peterson, Planner Deem, Township Attorney Bloom, 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 5th agenda. **Member Robinson with support from Member McDonald motioned to approve the December 5, 2005 Agenda. The motion carried.**
- ARTICLE 4.** Chairman Goldberg requested approval of the November 21st Minutes. Member Robinson asked to add at the end of Article 4 that the gavel was transferred to Chairman Goldberg.
- Member Lewis asked that the number of public members who attended be removed from the minutes and to include the words "members of the public".
- Member Lewis motioned for approval of the November 21st Minutes with the corrections, supported by Member Koessel. The motion carried.**
- ARTICLE 5.** **Case #05-2765**
Proposed amendments to the Keyhole Section (4.33) of the Zoning Ordinance.
- Chairman Goldberg noted Cliff Bloom, Township Attorney, is present for the meeting and asked Planning Director Peterson to open discussion.
- Planning Director Peterson commented the amendments were presented before the Commission in early November at a public hearing and with the comments received at that time; the amendments have been modified, particularly in Section 10B.

Both River Associations have reviewed the amendments and support the new language to the Township Board for their approval.

Staff recommends approval of the new language for the Township Board's approval.

Member McDonald asked if the goal behind revising the amendments to the Keyhole Section is to make it less ambiguous and Planning Director Peterson confirmed; that is correct. The clarity was suggested by the Attorney's office.

Chairman Goldberg opened the meeting for the Commission to ask question of Township Attorney Bloom.

Member McDonald asked if Article 5 at the top of Paragraph 2 if this ties in with State laws. Attorney Bloom noted that paragraph is a standard statement and was developed as a severance clause from the rest of the ordinance in case State law becomes unconstitutional; the remainder of the ordinance will stand.

Chairman Goldberg asked if there were any other questions for Planning Director Peterson, being none, Chairman Goldberg asked Attorney Bloom to make any additional comments.

Attorney Bloom noted sections of the amendments that were cleaned up with language for less ambiguity that has come up over the number of years. Only three (3) sections are proposed to change.

Chairman Goldberg questioned if the amendments were due to the lawsuit filed regarding the Goodwood Boat ramp and Attorney Bloom noted these changes would still be recommended even if there were no lawsuits.

Member Lewis requested correction in spelling in the fourth line down in paragraph five (5) in the old section.

Chairman Goldberg noted this item, technically needs to be removed from the table since it was tabled at the last meeting.

Chairman Goldberg requested a motion to remove this item from the table. **Member Lewis motioned for removing the tabled item supported by Member MacAllister. All were in favor, none opposed. Item removed from table.**

Member Koessel motioned for passing on the recommendation to the Township Board to adopt the proposed amendments made to Keyhole Section (4.33) of the Zoning Ordinance as presented and reviewed, with support from Member Robinson. Seven in favor with one opposed. The motion carried.

ARTICLE 6.

Case #05-2768 / West MI Hindu Temple

The Applicants are asking for a Type II Special Use Permit to construct a Hindu Temple at 4870 Whitneyville Rd.

Planner Deem noted this item was tabled at the November Meeting.

Chairman Goldberg requested a motion to remove the item from the table. **Member Koessell, with support from Member MacAllister, motioned to remove the item from the table. All in favor, with none opposed. Item removed from table.**

Planner Deem noted public hearing was held in November and at the time, the site plan elevations were not available. The plans are now before the Commission and the midpoint is showing a proposed elevation of 26-feet high at midpoint and meets Township regulations. The applicant would be allowed to go up to 35-feet at midpoint.

He also noted the Hindu Temple does meet the requirements of the special use permit and Staff recommends a favorable recommendation to the Township Board to approve the request for a Type II Special Use Permit to allow a Hindu Temple at 4870 Whitneyville Avenue.

Member MacAllister asked where in the drawings it shows the mid-point and Planner Deem noted the drawings submitted are to-scale. She also questioned if the building's materials have been decided upon and Planner Deem noted the applicant is present at this meeting and can further explain the exterior plans.

Member Koessel questioned if the Township Engineer and Fire Department have reviewed and approved the plans. Planner Deem noted the Fire Department has approved the plans. The Engineer is working on water storm water calculations and has not completed the calculations but they will not affect the site plans being reviewed.

Member MacAllister noted a lighting plan has not been submitted and will the applicant be submitting one. Planner Deem noted he has received a lighting plan and it is within accordance of the Township ordinance. Member MacAllister asked if any of the adjacent properties would be affected by the temple's lighting and Planner Deem replied no, there are no adjacent properties to the site and the lighting is within the Township Ordinance.

Applicant, Jiten Shah from ??? Housing noted they have been working with the Township regarding a minor change with the proposed water retention pond and they are content with the recommendations from the Township Engineer.

Member MacAllister asked the applicant what materials they would be using for the building's exterior. Shah stated the exterior finishes that would be a stucco-type material and brick on the main wall.

Member MacAllister asked if the site will have exterior signage and Shah noted their signage would comply with Township requirements.

Member McDonald motioned for a favorable recommendation to the Township Board to approve the request for a Type II Special Use Permit to allow a Hindu Temple at 4870 Whitneyville Ave. with Engineer comments to be addressed, supported by Member MacAllister.

Chairman Goldberg opened for discussion of the motion and Member Lewis noted that if Staff were to use the same recommendation as presented, they may want to include the word "Hindu Temple" within the language. No further discussion.

All in favor with none opposed. Motion carried.

ARTICLE 7.

Case #05-2738 / Sunrise Development Sunrise PUD Review

Planner Deem noted the last time the Commission met was in October and Staff was directed to create a P.U.D. Ordinance for the Sunrise Senior Living Development located at Charlevoix Drive and Orchard Vista Drive. Included in this text are the building regulations for both the proposed senior living facility and the two (2) remaining parcels. The remaining parcels are to have the same permitted uses as allowed in the Township's Office

Zoning District. He noted this is the same zoning classification applied to parcels in Centennial Park that are not along 28th Street.

Planner Deem also noted that one (1) thing that is not within the P.U.D. Ordinance is signage along 28th Street. The Centennial Business Park has made an application to have an entrance sign on 28th Street that will have signage for two (2) businesses with the Park. The Zoning Board of Appeals will address this matter on December 13th.

Staff recommends the Planning Commission pass a favorable recommendation to the Township Board for approval of this planning and development.

Chairman Goldberg requested clarification regarding the signage issue and the ordinance noting that if the Planning Commission were to recommend this ordinance and the Township Board were to approve it, the Planning Commission would not be passing judgment one way or the other on the signage issue. The signage issue is something they would not have permission to do under this ordinance and have to seek approval of a variance, if they wish to, from the Zoning Board of Appeals. Planner Deem noted that is correct.

Member Robinson asked what happens if the Zoning Board turns down the variance in the sign ordinance they want, what would the applicant do for signage. Planner Deem noted the applicant would have to comply with the Zoning Ordinance and what it allows. Member Robinson clarified that within the proposed P.U.D. there is no reference to the projects signage and Planner Deem confirmed that is correct.

Member Koessel asked if when the site plans were reviewed in October, was there an issue of the setback difference under the ordinance with Building C. Planner Deem noted the rear yard ordinance is 50-feet and this project has a rear yard setback of 31-feet, nothing has changed. Member Koessel asked if the ordinance changes the setback requirements within the Park or if it relates specifically to this project. Chairman Goldberg noted the variance of the rear setback was allowed for additional green resident space between the two (2) buildings and does not change the Township's 50-foot setback ordinance. Planner Deem also stated that any change in the site plan would have to come before the Planning Commission.

Applicant Laura Hester, Sunrise Development, noted their first application did comply with the 50-foot setback. Upon further review they requested the setback variance in October that was approved, to allow for more garden area for the residents to use. Sunrise is seeking site plan approval and if the Commission has any questions, she will answer those this evening.

Member Koessel noted the applicant confirmed that there have been no changes to the site plan since October's meeting.

Member Robinson asked if the 31-feet should be part of the Sunrise P.U.D. so there are no misunderstandings. Chairman Goldberg requested Staff to update the site plan noting the easement will not be closer than 31-feet on the west side of the property.

Member McDonald requested language and grammar be cleaned up in Section D of the ordinance, last sentence. He suggested adding: "...the conditions may be modified or amended only if pursuant to a P.U.D. approval..." noting either combine the first two (2) sentences or clean-up the sentence structure beginning with "Provided, however, that minor...." Chairman Goldberg requested Staff have the Township Attorney consider this issue for proper structure.

Member Koessel motioned for pass of the recommendation of adopting the P.U.D. language as submitted and recommended corrections by Member McDonald prior to review of the Township Board, supported by Member McDonald. All in favor with none opposed. Motion carried.

ARTICLE 8.

Any Other Business

Chairman Goldberg asked if Staff had any other business and Planning Director Peterson noted none.

Member Robinson asked if the Commission is planning to meet on December 19th. Planning Director Peterson noted there are no public hearings scheduled for the meeting. He doesn't believe the meeting will be held but will notify the Commission once it has been decided.

Member MacAllister noted the renovation being done to the Days Inn on 28th Street and asked how long the storage trucks would be on site. Planning Director Peterson noted he hasn't seen what she is describing and Staff will look into the matter.

ARTICLE 9. Member Robinson supported by Member McDonald moved to adjourn. The motion carried and the meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Tom McDonald, Secretary
Lisa Hern, Recording Secretary