

MINUTES

Cascade Charter Township Planning Commission
Monday, May 12, 2014
7:00 P.M.

ARTICLE 1. Chairman Pennington called the meeting to order at 7:00 p.m.
Members Present: Hammond, Mead, Pennington, Rissi, Robinson, Sperla,
Williams
Members Absent: Lewis, Waalkes
Others Present: Planning Director Steve Peterson

ARTICLE 2. Pledge of Allegiance to the flag

ARTICLE 3. Approve the current Agenda.

Motion was made by Member Mead to approve the Agenda. Support by Member Hammond. Motion carried 7-0.

ARTICLE 4. Approve the Minutes of the April 21, 2014 meeting.

Motion was made by Member Mead to approve the Minutes as corrected. Support by Member Williams. Motion carried 7-0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items (Comments are limited to five minutes per speaker.)

There was no one present who wished to speak on non-agenda items.

ARTICLE 6. Case #14-3179 – PIT STOP CATERING

From the Table of April 21, 2014

Property Address: 6479-28th Street

Requested Action: Applicant is requesting a Type II Special Use Permit for a use in the commercial zone that is not entirely operated indoors. This permit would allow them to permanently cook outside.

Member Robinson made a motion to remove case #14:3179- Pit Stop Catering from the table. Support from Member Sperla. Motion carried 7-0.

Chairman Pennington stated that since the last Planning meeting we have had the opportunity to witness a test by the Applicant. The Applicant set up his BBQ unit and members of the Planning Commission were given the opportunity to view the operation during the course of the day.

Chairman Pennington asked Planner Peterson if there was anything that he needed to add to the case. Planner Peterson asked that the Planning Commission keep in mind that this is a recommendation to the Township Board and the Township Board will have the final decision on the case. The Planning Commission is asked to simply follow the standards of our Ordinance when you make your recommendation to the Township Board.

Chairman Pennington asked for comments and/or discussion from the Planning Commission.

Member Rissi stated that he visited the site three times during the test. He stated there was a six mph wind and he did not notice any visible smoke. Driving around the site and in Greenlefe, I was unable to detect any odor at the times that I was there.

Member Williams stated that she went to the site twice. Once at 9:00 AM and did not notice any obvious smoke or smell. I stopped again at 4:00 when they were basting the meat and the smokers were open. I expected a strong smell and smoke and did not witness either. I also drove through Greenlefe several times throughout the day with my windows down and did not detect any smell or smoke.

Member Sperla asked Planner Peterson if the Township has a Nuisance Ordinance that could be employed if this becomes an issue. We would have some control if this turns out to be a major problem. We could always mitigate a solution. I think this would motivate the Applicant to limit the smells and be proactive with mitigating solutions not to be charged with a nuisance violation. I believe that there are controls at the Township level and even on the state level if smell becomes an issue. I am not in favor of the one year permit as I understand the investment issues. I think if the Applicant is sensitive to the complaints that have been made and if complaints materialize the Nuisance Ordinance could be employed. This could remedy any problems that could come up. Planner Peterson stated that this would be no different from any other approval that we would give for any case. They could fall out of line with the Fire Department or the Health Code or something could fall into disrepair and so certainly we have all those controls and Ordinances in place. In terms of it being a nuisance with the same operation and someone wanting to revisit the smell/smoke issue it would not be applicable. The Applicant has plenty of motivation to limit the smell/smoke and to continue to minimize the impact on the neighbors.

Member Mead stated that we did touch on it but the problem that we are having is that we need some type of a measuring tool to establish the fine line of

becoming the nuisance. I think we need to put the burden onto Planner Peterson to determine at what point the complaints become a nuisance.

Member Sperla stated that for noise you can go to decibels and it's never spelled out that way in an Ordinance. There has to be a certain amount of objectivity on the part of Planner Peterson and the Township Board. I suspect they would have a site visit and determine if it is overwhelming and if it is a nuisance. Planner Peterson stated that we do site visits to make sure that things are in compliance. There is not going to be a measuring tool that you can use definitively

Chairman Pennington stated that when he walked around the perimeter of the property, he felt the smoke had dissipated and the smell was minimal. I did not find it noticeable or offensive. I would not find it noxious or objectionable.

Member Sperla stated that he would echo what Member Lewis and others have said. It's important to bring good business to the Township. We have looked at a lot of different issues and this seems to be in a transitional zone and appropriate. There's a good set back and smoke typically goes up, not down. I am in favor of bringing this business to town. I also hope that the Applicant has taken notice of the concerns brought up and if it becomes an issue then I would expect Planner Peterson and the Township to take action if it becomes excessive. I don't think there is a barometer that we can use to measure the smoke/smell.

Member Mead made a motion to make a positive recommendation to the Township Board with the request that the Township Board directs staff to monitor the property and to report back any excessive smoke or smell nuisances. Support by Member Sperla. Motion passed 7-0.

ARTICLE 7. Case #14-3183 VANDERWEIDE PROPERTIES LLC

Public Hearing

Property Address: 5449 28th Street Court SE

Requested Action: Applicant is requesting a Type II Special Use Permit for use in the commercial zone that is not entirely operated indoors. This permit would allow them to construct 3 volleyball courts and security fencing outside.

Planner Peterson introduced the case. The property is next to MVP, northwest of Meijer. There's a small building there today. The applicant wants to have three outdoor sand volleyball courts. A business operating outside an enclosed structure requires a Type II Special Use Permit, and a Planning Commission recommendation to the Township Board. When you take a look at what's around here, obviously to the north and to the east you have the MVP facility itself which is basically doing the same thing. To the west you've got the vacant

area, where they started the Hotel years ago, and to the south is Meijer. I would like to point out that they weren't proposing any lighting. They do have some fencing around there. I did make a note to get some details on the fencing itself. I just want some details of that fencing for it to go forward before the Township Board.

Chairman Pennington asked for any questions from the Planning Board.

Member Hammond wondered what the hours of operation would be for this business. Planner Peterson stated this being a commercial district the Township would not necessarily limit that.

Member Sperla asked why the Applicant needs three courts. Is the Applicant looking at competitive volleyball there? Planner Peterson said as he understood it, the Applicant is looking at competitive volleyball training. Because of site size, that may be all the room they have there.

Member Mead asked if the setback was the same as the setback for MVP. Planner Peterson stated he thought so.

Member Mead asked what the distance was between the court itself and the safety zone. Planner Peterson stated there was 20 feet between the courts. From the court to the back line is about 15 feet. Member Mead asked where the fence would be. The fence would be inside the 15 foot line. The Township would actually allow a fence on the property line. Member Mead asked about the height level. Planner Peterson stated that's what he was looking for as well.

Member Sperla asked who the closest residential neighbor would be. Planner Peterson stated a little over 1,000 feet would be Kraft Avenue. Planner Peterson considers this to be a rather small project but being outside it requires your approval.

Member Sperla stated the weather would restrict them because they need warmer weather. The distance doesn't create a problem for him.

Chairman Pennington asked the applicant to step forward.

Brent Dykstra with AMDG Architects on behalf of the applicant, VanderWeide Properties, LLC stepped forward. Mr. Dykstra stated this is driven by the tenant who is MVA or Michigan Volleyball Association, increasing requests and need for instructional training in sand volleyball. These would be sand volleyball courts and not a significant infrastructure to the site. This primarily will be instructional-- not driven by some need for tournament or competition play.

With regard to operational constraints, this is basically a seasonal daylight activity. We are not requesting site lighting based on the summer hours. The applicant would be operating during daylight so lighting is not required.

Member Sperla asked if there would be any structure involved. Mr. Dykstra stated only poles and nets would be used.

Member Mead asked Mr. Dykstra to address the fence height on the back of the property. Mr. Dykstra stated they would be working that out, but plan on eight feet. He stated it was primarily driven less by ball control than it is by just securing the courts when the business is not in operation. It's a matter of controlling perimeter rather than just back stopping play.

Member Sperla asked Planner Peterson if the Township Fencing Ordinance would allow for eight feet. Planner Peterson stated that it would allow for an eight foot fence.

Member Sperla asked if the Applicant anticipated additional parking needs because of people coming and going. Have you done a head count to see if there is sufficient parking? Mr. Dykstra stated the current parking load is based on current office use of about six spaces. They have calculated parking based on a player load of four per side, times three courts at a space of one space per four players. This would yield a demand of about six. We are suggesting that the barrier free spaces that are there would still suffice in terms of two. We are also suggesting that in terms of operational simplicity, that two spaces be designated for drop-off/pick-up too operationally alleviate some of that.

Member Sperla asked if this would be considered some sort of commercial operation. Are there fees being charged for the training that's being offered? Mr. Dykstra suggested that question be directed to Dan Clemo who also represents the owners. Mr. Clemo can address the logistics on the operational side.

Dan Clemo, of VanderWeide Properties, stepped forward. Mr. Clemo stated that they also work closely with Mission Volleyball Academy who does the training services. Yes, it is a commercial operation in which they charge fees for their training services. Their primary business is conducted at MVP Fieldhouse where they rent courts from MVP.

Member Hammond asked if they have a need for this to run outside of daylight hours. Mr. Clemo stated they do not. Seasonally, when you would need lighting just to extend your hours, it's really not beach ball training time.

Member Sperla asked Planner Peterson if this was currently a PUD and what uses are permitted with this PUD. Planner Peterson stated it was a mix of commercial and office.

Member Hammond made a motion to open the public hearing. Support by Member Robinson to open a public hearing. Motion passed 7-0.

Chairman Pennington asked if there was anyone in the audience who would like to comment on this project. There was no one in the audience who would like to comment.

Member Sperla asked if the Township had ever received a complaint about their operation out there. Planner Peterson stated that with it being an office building --no we haven't.

Motion by Sperla to close the Public Hearing. Support by Member Mead. Motion passed 7-0.

Member Sperla made a motion to follow the recommendation of Planner Peterson that we support the requested Special Use Permit Type II. Support by Member Robinson to approve this Type II Special Use Permit with an amendment from Member Mead that outdoor lighting is not permitted. Motion passed 7-0.

ARTICLE 8. Any other business

Planner Peterson reminded commissioners of the Public Hearing for the YMCA next Monday, May 19.

Article 9. Adjournment

Member Hammond made a motion to adjourn. Member Mead supported. Motion carried unanimously 7-0. The meeting was adjourned at 7:42 pm.

Respectfully submitted,
Karen McCarthy, Secretary
Ann T Seykora & Debra Groendyk, Planning Administrative Assistant