

## MINUTES

Cascade Charter Township Planning Commission  
Monday, April 21, 2014  
7:00 P.M.

**ARTICLE 1.** Chairman Pennington called the meeting to order at 7:00 p.m.  
Members Present: Hammond, Lewis, McCarthy, Mead, Pennington, Williams, Waalkes  
Members Absent: Robinson, Sperla  
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 Lewis to approve the Agenda. Support by Member Meade. Motion carried 7-0.**

**ARTICLE 4. Approve the Minutes of the February 18, 2014 meeting.**

**Motion was made by Member Lewis to approve the Minutes as corrected. Support by Member Hammond. 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 BBQ  
Public Hearing**

**Property Address: 6479-28<sup>th</sup> 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.

Planner Peterson presented the case. The Applicant is requesting a Type II Special Use Permit. It will be a recommendation to the Board and they will make the final determination.

PUD 22 is the actual zoning designation for the location which is the D&W shopping center. They are located at the NE corner where the old Papa John's Pizza used to be. This is an older P.U.D from the 1970's and there is not a lot of guidance in the old forms. We would typically fall back to our current general business zoning ordinances. This will allow it to follow more current codes. The

Applicant is moving their business from Lowell. The Health Department is aware of the move and the Applicant will have to get their necessary permits. The Fire Chief has a report in the file and they will have to meet those requirements as well. The site itself does not need any construction so it will not need a site plan approval. As the Applicant is meeting the Fire Departments requirements, the Health Department requirements, and the greater setback requirements, I would encourage a positive recommendation to the Township Board.

Member Williams asked if the Applicant was going to be serving on-site dining. Planner Peterson stated that it's his understanding it's only catering out at this point.

Member Mead asked if there were any other similar situations in the Township. One consideration is centered on the smoke and do we have other businesses like this currently? I see barrel smokers occasionally and do these require permits? Planner Peterson stated that the reason we are treating this differently as the others are not a permanent event. If it is a large event they have to get a large gathering permit. This is the only permanent business like this.

Member Hammond asked how close the neighbor to the North was to the facility. Planner Peterson stated to the North the restaurant's closet neighbor is 500 feet. There is a large wooded area between the facility and the nearest residence. There is also a grade difference or elevation change with the D&W site being much higher. The closet neighbor is about 300' further Northeast.

Chairman Pennington requested the Applicant to come forward with any comments.

Matt and Susan Smith came forward as the owners of Pit Stop Catering. They stated theirs is a family- owned business and they have lived in Cascade for over ten years. Our two children attend Pine Ridge Elementary. We plan to stay in Cascade for many years. How we got started in BBQ is in BBQ competitions 15 years ago; and, people started requesting that we cook for them. Our business started with a \$100 investment and word of mouth. We were voted the Number One BBQ in Grand Rapids by MLive. We catered over 150 events and we are booked solid for the summer and fall this year. Giving back to the community is very important to us. We give to the Town and the schools. We will give a lot of exposure to the D&W site and there are currently 10 empty store fronts there. We try to promote local businesses whenever we can. We have developed very stringent standards and maintain them. We have a lot of repeat customers. We donate to Pine Ridge and the Grandville Avenue Arts, Kitchen Sage, Conductive Learning Center, St. Paul the Apostle School, St. Patrick's Schools and many others. We buy locally to support local business. We buy from Gordon's,

Meijer's and Kingsland's Hardware, Cascade Printing and many others. We maintain a professional atmosphere and have high aesthetic standards.

I was taken aback by the opposition to the project. We haven't ever had a complaint and we would like to address the concerns. The concerns were attracting vermin, smoke and fire hazards. We originally were going to go behind the building. After talking to the fire department the smokers will go in on the side and we will fence the area for aesthetic purposes. The wall will block the wind and is better for security. As far as attracting vermin, we have met and exceeded all evaluations by the Health Department. We have been inspected over 10 times and not had any violations. The Health Department has written a letter in support of our business. Smoke is probably the main concern. The way in which we smoke there's a very mild amount of smoke that is emitted. We do not want a lot of smoke. There's a science to it and the smoke is held within the smoker. The one difference to that is when we do cedar plank salmon. This is 5% of our business and cooking time is about 45 minutes. There is smoke when the doors are opened to remove the food. We use wood and dried cherry pits at 225 degrees and there is minimal smoke.

There is an elevation change and a 20-30 foot drop to the condos. There is no fire hazard with the combination of the brick wall and with the fence cutting down on any wind.

Chairman Pennington asked if there were any questions of the Applicant.

Member Waalkes stated that while he is a neighbor to Matt & Sue Smith he will not recuse himself from the case because he has no conflict of interest in the case.

Member Mead asked the size of the fence that would surround the smokers. The Applicant stated that the fence would be 7 ft. high and the dimensions are not specific at this point but it will be approximately 30 feet long.

Member Mead asked how much grilling would be done at any given time and how many smokers would be used at a time. The Applicant stated that he only uses one smoker at a time and the cooking time varies.

Member Williams asked if there was going to be a place to sit down or will it be take-out only? The Applicant stated that they will only offer catering. At some point we will offer two days a week where people will be able to pick-up take-out foods.

Member Williams asked if someone would be on site the entire cooking time or is it possible the smokers could be unattended? The Applicant stated that could happen, but the time would be minimal as some of the cooking processes would include adding wood or water.

Member Hammond asked when the cooking process started. The Applicant stated the process starts about 7 AM and could continue until 12:30 or 1PM.

Member Mead asked if the new location on the side would require any changes from a Planning Perspective. Planner Peterson stated that it would not change anything.

Member Hammond asked if the fence was too tall for our fence requirements. Planner Peterson stated that it is 8 foot fence height in a commercial zone.

**Member Lewis made a motion to open the Public Hearing. Support from Member Waalkes. Motion passed 7-0.**

Comments are limited to five minutes or less and do not restate what others have stated.

Ed Holmes, 6569 Waybridge Drive SE, stated that he has been paying taxes for 30 years and would like to congratulate the Township on the great job they are doing as it is a wonderful place to live. Mr. Holmes stated that he has no problem with entrepreneurship or anyone opening a restaurant, there's even a Pal's restaurant in the location and he enjoys BBQ. That being said he lives very close to the location and is very concerned about the amount of smoke that will enter his home. There is a prevailing wind that will send the smoke his way and he does not want smoke on his furniture and in his home. The odor for hour after hour is not the reason we decided to live here. When Pal's first opened we could smell their cooking but they installed a vent that removed the smell and we no longer smell the food. When the Car Cruise sets up a cooker in the parking lot one day a year we can smell it all day. This business will be running all day and we will smell it. That is my only concern. If they could cook it inside and have some type of smoke arrester I would have no objection. I just can't see living there and having that constant odor. I am asking the Board to not approve this unit as it has been described.

Jason Brinks, 3628 Oak Terrace Court SE. I live across the street from Matt & Sue and I can certainly understand the concerns. If I didn't live across the street from them for 10 years, I may have the same concerns. The smoke has not been a bother and we have our windows open. My children have allergies and they are

not affected by the cooking. It has had a good impact on our neighborhood. Matt is always outside and people stop to talk to him; it's really been a positive experience. How many hours of his total cook time is actual smoke time? You might notice the smell but it would be very temporary and no worse than anyone else having a backyard BBQ.

Jim Knack, 6601 Waybridge Drive SE, stated that he lives in a condo within 300 feet of the smokers. I have looked them up online and I saw all of the customers that love them. They appear to be a tremendous asset to those that are receiving and enjoying their ribs. I have no problem with that; but I do have a problem with the amount of smoke and odor that they must produce. As my neighbor stated, once a year we have the smoke from the Cruisers. But that is once a year. I have concerns about the amount of smoke that would be on a daily basis. I have a picture of the same smoker and look at the amount of smoke coming out of it. I don't see how you can limit the smoke by the type of wood you use. I think the westerly prevailing winds will affect the smoke coming our way. If there is no wind the smoke will settle down and hover over our homes. We know that smoke is a pollutant and people have airborne allergies which affect their quality of life. The Applicant will have rules that they will have to abide by from the Health Department and it is quite clear they will not have any issues. However, the provision under which you will need to approve this, if indeed you are going to, is pretty clear in *Section 1706*. For the life of me I cannot understand how you can grill without having this. We are looking at it as potentially being 7 days a week, morning and night. I have been here for 17 years and this is the first time I have come to a public hearing. I would urge you to vote against this. I would love for them to open a location indoors where they can clean the smoke before it exits the building so that the people surrounding the business do not have to deal with the smells.

Elaine Busse, 6631 Waybridge Drive SE, stated that she has heard a lot of her neighbors speaking out about smoke. I think that if you had a show of hands you would see how many people are concerned about the smoke and odor. When a neighbor grills, everyone can smell it but it doesn't last for five hours. Our condos are situated lower and the westerly winds are an issue. The winds follows the road and the odors remain for some time. I congratulate the Smiths' for a very successful business and would most likely enjoy their product but I do not want to smell it for five hours at a time every day.

Chairman Pennington asked for a show of hands as to how many people in the audience are concerned about the odor and smoke. Chairman Pennington stated that people may still comment but please try and limit it to new topics.

Horst Busse, 6631 Waybridge Drive SE, stated that it is not fair that the Applicant was allowed to speak for 25 minutes and the public is limited to just 5 minutes each. I would like you to reshuffle the presentation so that I may address each point made by the Applicant.

Member Pennington asked if there were certain parts of the presentation that he wanted to comment on in the interest of time. Mr. Busse stated that he wonders what impact the statement "family owned business" has on the case. It is immaterial because if you are a family business or an incorporated business it is immaterial. It has nothing to do with the process. Number 2: The statement that you have lived in Cascade for over 10 years. You have heard some of my neighbor's state that they have lived in Cascade for 20 or 30 years. I have lived here since 1975 which is 39 years. It has no impact. I have five children; what kind of importance do you place on that. It is immaterial. The Applicant started his business with \$100. I started my business with nothing and I employ 45 people. It isn't important. What is important is this is a good steady business and we do not have to find new owners. If he has won awards it is immaterial. If they do a good job they will get business and survive. If they don't they don't. Giving back to the community: all of my neighbors give back to the community, so this is immaterial. Bringing awareness to D&W shopping center: I have lived here for 39 years and if you do not know where it is then I do not know what moon you live under. Promote local business: When you buy BBQ from them you are supporting them; they are not supporting you. When you live in Greenlefe you get wafting from the area businesses. When Pal's went in we protested and they had to stop the smell. We have Donk's and they have very limited smells and have fans to control wafting of the smoke. This business will have wafting all day. The Cascade Library had someone grilling steaks and we could smell it. This is not something that you are charged with. You are charged with providing us as citizens of this Township with a quality of life that we deserve. If this is not a problem, than put the BBQ inside the facility. Why does it have to be outside? Why can't they be outside? Logically because there is exhaust or pollution so it can't be inside. You are charged with giving us quality of life and this will not do that.

Pat Killeen, 6787 Tanglewood Drive SE, stated that everything that was just said causes me to snicker. I think everything they stated has shown they are willing to invest in this community. They are staking their livelihood and their family on this business. They are not coming in from another community. Their family is here and it is extremely pertinent to what they are trying to accomplish. It doesn't matter how many kids you have. It's what they are willing to commit to our community. It's important that they are from here, and they are willing to be from here, and willing to stake that.

James Singer 6587 Waybridge Drive SE. It seems to me in listening to this the Smiths are trying to start a business, but they're trying to circumvent the regulations and requirements for a restaurant. I have been in the commercial business for over 4 years with Consumers Energy and there are strict rules for air exchange and fire suppression. It looks like they don't have money to invest in this business and bring the cooking inside. I believe we have to follow the rules and not make exceptions.

Matt Goska, 2592 Scotch Pine Court, stated that we are also affected by this. Comparable situations in the Industrial arena require a 500 foot setback and this has only a three hundred foot setback. There's a 66% difference in the circumference that the smoke is going to dissipate into. The difference between 300' and 500' is considerable. It is nice that the Applicant wants to give back to the community but before you do that stop taking away our clean air. Planner Peterson stated for clarification that the Industrial setbacks for residential areas are either 400 feet or 200 feet depending on what kind of manufacturing it is.

Harold Schyders, 2649 Wyndham Drive SE, stated this is a major change in what you're doing as a Board and, therefore, requires more study. Perhaps you have this smoker going a couple times next to the building and you measure the effects it's having on the condo association before you make a decision. I don't minimize what we are saying in opposition. I think these are strong oppositions to the air pollution and the things that we have to smell on the expensive properties we bought and are paying taxes on.

Jason Pater, 7314 Thornapple Park, stated in looking at D&W and Family Fare, these commercial centers do not have tenants. If you have the opportunity to fill one of these vacant locations with a valuable tenant like this; I think you should jump at the opportunity and vote in favor of it.

**Member Lewis made a motion to close the Public Hearing. Support from Member Hammond. Motion passed 7-0.**

Member Meade asked The Applicant if he had looked into having the smokers indoors. If so, what was his reasoning for not doing so? The Applicant stated that while they had considered it, there are several reasons for us not do so. First, one of our grills is on a trailer and the other is very mobile. We do go on-site and bringing the grills indoors and out would be prohibitive. In talking with our builder about bringing it indoors he stated an exhaust system would actually produce more odor. The one picture that shows the smoke is the cedar plank cooking. That is minimal and cooks less than one hour. There will be cooking smells occasionally, but limited.

Member Meade asked if he had looked into putting double doors on the back of the building to make it more accessible for moving grills into and out of the building. The Applicant stated they had looked at it but it would require an investor. We have worked really hard on this to do it ourselves and that would change the game plan. It would limit our ability to add two more grills. If I felt this would be detrimental to the people that live close by, I would not want to open a business there.

Member Mead requested that Planner Peterson address the intent of the Special Use Standards pertaining to smoke/odor. Planner Peterson stated that on each individual case you have to evaluate whether you feel the standard is being met or not. The standard isn't if there was smoke, it has to be considered detrimental. That has to be considered in your recommendation to the board. When I look for guidance I try to find something similar. In this case our own 2.0 allows industrial manufacturers to within 200 feet or 400 feet from a residential use depending on the type of manufacturing. It is your judgment to determine if you think the standard is being met.

Member Hammond stated if it were an industrial use, depending on the type of industrial use, it would be either a 200' or 400' setback to a residential area. This is an average of that; it could be a smoke belching factory and it would be allowed. Planner Peterson stated that in that worst case scenario a 400' setback would be required.

Member Mead stated for clarification that we are, on average, where we would allow industrial next to residential anyway. Planner Peterson stated that was correct.

Member Waalkes stated as a neighbor to The Applicant, when we leave our windows open in the summer it does not fill our house with smoke. The little amount that does occur, dissipates very quickly in my personal experience and the odor just makes you hungry.

Member Lewis stated that this is a difficult case and the people that feel strongly against something come to meetings. I am hearing you saying that this is a difficult situation concerning smells. I feel it's a good smell, but it is a smell nonetheless. Can we put a condition on this that states the restaurant can have a permit for one year? We can evaluate the smell to see if it does make a great impact on their ability to enjoy their homes. Planner Peterson stated it's possible to do this but you should ask the Applicant if they would be willing to make the investment based on a conditional approval, knowing that in a year you could pull the permit. Other places that have had conditional approval are

Wal-Mart and Meijer that have plants in the spring. This would be a lot harder to evaluate/

Member Lewis stated he has a lot of faith in people and I think they would be honest about whether or not they were truly bothered by it. We would then know in the future whether to approve the request. I personally look forward to having a BBQ smell, but not 8 hours a day, 5 days a week. I would like to see what the impact of this would be for one summer; if it meets the smell test then we can go forward with it. I am leaning in that direction.

Member Hammond stated that he liked Mr. Schyders idea that if the property owner is willing, the Applicant can set up grills at the location and we can do a smell test without putting undo financial burden on the Applicant. The Applicant could then demonstrate a typical cooking situation to the residents. Planner Peterson stated if you are going to require a conditional approval, it needs to be done prior to recommendation to the Township Board. You should ask Applicant if that's something they are willing to agree to as well.

Chairman Pennington asked the Applicant if he was willing to entertain either to provide answers: a conditional approval or a smell test before granting approval.

Member Mead stated that while he understands where Member Lewis is coming from, you cannot place restrictions on a business when you are trying to grow a business. You cannot grow a business and invest in it when, in one year, if you do not pass a smell test you lose your permit to do business. You cannot grow your business with that kind of restriction; I would not be in favor of a one year limit.

Member Mead stated that we do not currently have rules for this situation. What would our smell criteria be? We would have to come up with a set of rules and I am not in favor of that.

Member Lewis stated he does not see how dastardly the smell could be; I think it could be a very nice smell.

Member Mead stated that he is not in favor of putting a one year time limit on someone who is trying to grow their business.

Member Williams agrees with Member Mead. She stated that a one year time limit is too restrictive. We have a number of testimonials from people who live nearby that do not find it objectionable. They could set up in the parking lot and we could all see how much it smells; but I don't think you can put restrictions on a non-measurable criteria like smell. I would not be in favor.

Member Hammond stated he would be in favor of the smell test or he would vote with Member Lewis that the smell was a nuisance.

Member Mead asked if that then means that other restaurants are a nuisance. All the restaurants have exhaust fans but still emit odor. Does that make all restaurants a nuisance?

**Member Lewis made a motion to table the case #14:3179 Pit Stop BBQ. Support from Member McCarthy.**

**Roll Call Vote: Hammond: No  
Lewis: Yes  
McCarthy: Yes  
Mead: Yes  
Pennington: Yes  
Waalkes: Yes  
Williams: No**

**Motion to table Case #14:3179 Pit Stop BBQ passed 5-2. Chairman Pennington stated that we will set up the smell test. Planner Peterson stated that notices would go out when the Case 14:3179 Pit Stop BBQ was back on the Planning Commission agenda.**

**ARTICLE 7. Case #14-3178 John Ekkens**

**Public Hearing**

**Property Address: 5666 Whitneyville Avenue**

**Requested Action:** Applicant is requesting an exception from the Private Street regulations for their private road in order to split his property at 5666 Whitneyville Road.

Planner Peterson introduced the case. Mr. and Mrs. Ekkens live on a small private street and the street has been there a long time. It is legal non-conforming as it does not meet all of today's requirements. We have around 100 of these streets in our Township presently. The Applicant is here tonight because they want to be able to split their property. This is normally just an administrative function. Mr. and Mrs. Ekkens own about 10 acres on the south side of the road in a zoning district where 2.29 acres is the minimum parcel size. They have enough property to allow the split. This is a private road and the regulations require that you must upgrade the road to meet our current requirements. Today we would require a road name and the width requirement

is 18 feet with a two foot shoulder. We require a maintenance agreement. A turnaround is required. There's a minimum amount of sub-base required and we don't have any idea what that is currently. There is a bridge out there but we don't have any specs on the bridge. The Applicant has submitted a drawing showing the road will be widened and a branch turnaround will be added to meet our requirements. The existing road serves 8 parcels; this would increase that number to 10. The Fire Chief has included comments which he will cover. There really are not any real Planning related items. We have granted these permits in the past and we've always gotten upgrades to a private road.

Fire Chief Sigg stated that currently the road is only 10 feet wide and our fire trucks are 10 feet wide. We have responded to calls on that road and have not had an issue. I did receive a new drawing from Mr. Ekkens where cutout number 2 is extended to 20 ft. They have met what we required of them. Ideally, we would like to see whole road up to current standards as there are no fire hydrants on Whitneyville Avenue. We have to rely on tankers that are 10' wide and 35' long. Tankers carry 3,000-4,000 gallons of water and the bridge is 12' wide. We're not sure that the bridge can be reconfigured. If possible we would like an engineering study. It was built in 1972 and we're not sure of the condition. The road isn't in great condition either. We would like it brought up to current standards but that may be cost prohibitive. They have agreed to everything that we have requested.

Member Mead asked when you had been out to the property what vehicle was used. Chief Sigg stated that the brush truck and an engine were brought out when they responded to a grass fire. We did not have any issues.

Member Hammond stated that he had to drive by several times and it was difficult to find addresses as the mail boxes are all in one location. Will it be a requirement that there are reflective address signs to make it easier to locate the residence in case of an emergency? Chief Sigg stated that reflective signs would be required.

Member Mead asked if the private road was given a name would that make it easier; is that an option? Chief Sigg stated that this would be an option.

Member Lewis asked if the tanker truck was wider than the average fire truck. Chief Sigg stated that the tanker was a little bit wider at 10'4". Member Lewis asked if the truck could currently fit down the road. Chief Sigg stated that it fits but it is extremely tight as it is only 10' wide in some areas. We requested that they cut back all overhang, next to and above the road; and they've agreed to do this. Member Lewis asked if they would continue to keep it trimmed back. Chief

Sigg stated a maintenance agreement would be needed. In the past we've gone back to a location and the area has overgrown again.

Chairman Pennington stated, for clarification, there is an existing bridge at the location but we don't know the bridge rating for loads. That would have to be done before any recommendation. Chief Sigg said he would recommend that if it's possible. He did take a picture and it looks like the bridge is only 4-6" inches thick. They've had garbage trucks going over the bridge since 1972. But we do not know the condition of the bridge.

Chairman Pennington stated your recommendation is that the bridge hold a gross vehicle weight of 60,000 lbs. Chief Sigg stated that is correct. Chairman Pennington stated it would be prudent to have the Applicant do a weight study of the bridge, not only for Fire, but for Construction vehicles.

Member Mead stated he has watched a home burn to the ground because a fire truck could not get down the street. I am not in favor of this unless there are some simple improvements to the road for public safety.

Chairman Pennington requested the Applicant come forward with any comments.

John & Judy Ekkens came forward as the Applicant for Case #14:3178, 5666 Whitneyville Avenue. In 1970 they purchased their property and were the first residents on the Whitneyville Road. Six houses have had 15 owners since then. Change is inevitable. They've had a lot of trouble with Running Deer, Laurel Ridge & Somerset Woods. They've been good neighbors for years. They've plowed and cleared brush from the road, cut trees, maintained the shoulders of the road, repaired the railings on the bridge, painted the bridge and decorated the bridge. They've planted hundreds of trees and created a walking trail that connects the developments. We have one neighbor, the Johnsons, who have worked diligently. Only two of their neighbors have actually paid for the asphalt road. We have had offers from John Halland who developed Laurel Ridge to change our bridge, widen our road and connect us to Laurel Ridge but have chosen not to do it. We've had logging companies who want to come into our back five acres and pull out timber and we've chosen not to do it. We've had opportunity to probably divide our land into four parcels but have chosen to divide it into three.

The first part of the road, which was five acres, has already been split. The second part of the road, which was five acres give or take, has been split. The back part from the creek on is 25 acres. The shaded part at the bottom is our property. What we would like to do is gift the property. We're going to be

taking Parcel 3 which is 4.61 acres, and giving it to our son and daughter-in-law. Both are graduates of Forest Hills and residents who have lived in Forest Hills for 25 years and want to return to Cascade. We're going to take Parcel #2, which is 2.3 acres, and give it to our son. It needs to be 2.29 acres. John & Judy Ekkens will reside on Parcel #1 which is marked House #5. We would have 2.6 acres which includes a house and a barn. We've had the property surveyed, have worked with the Health Department on a perk test during this challenging winter, and have applied for a lot split. The next application that they have is for the Planning and Zoning Board to request an exemption.

We've been working closely with Fire Chief Sigg & Fire Inspector Poolman. With the automatic aid agreement, if we have a fire, Cascade will send four vehicles, Alto will send two vehicles, Caledonia will send one vehicle. A minimum of seven emergency vehicles will come down our road. At present we've had two fires on our road, one at the end and one in the middle.

Currently, the turnaround at the top of the road is filled in. We would like to add a pullout or a cutout. We have one in our driveway. This is a turnaround which we've constructed in our driveway and have done all the maintenance on it. Everyone uses this drive currently. Emergency, septic, cement, propane, and lumber vehicles as well as golf carts and delivery trucks. We would like to construct a branch turn on our driveway, again about 30' into our property. Two of the cutouts (emergency backups) will be on our property. The cost of constructing the cutout and the branch turn will be around \$15,000. We've lived here 44 years and have never had a road agreement. We've tried to get a road agreement in the past but no one would agree on it. We've also tried to name the road but no one would agree on it. There's a speed limit sign on the road which states a 19 mph speed limit. The neighbors don't go 19 mph.

When purchasing a home on the road buyers are aware there is no road maintenance agreement. We have always been proactive with concerns about the bridge in years past. We're not sure that having spent \$15,000 on the improvements that we alone should have to shoulder the cost of having an Engineer out to check the bridge and certify its safety. We're asking for an opportunity to make these changes and have a safer road. We have an outdated and unsafe road. We would like to add the cutout and the branch turn. We want to do this to provide everyone with a wider and safer road. Why would anyone be opposed to this?

John Ekkens stated that the Fire Chief wanted the bridge to be able to carry a load of 60,000 pounds. When the Birds' built their pole barn, I stopped the cement truck and he gave me their signed application that the truck he went

over the bridge on was 70,000 pounds in 2011. You gave him a variance to build this pole building and you didn't give him any restrictions on this bridge.

Judy Ekkens stated that they have tried to gain a road maintenance agreement but if you have one or two people that say no, then you do not have an agreement. We have tried at least twice to come to an agreement but we have not been successful.

Member Mead asked if the roads were plowed to the width of ten feet and who performs the work. Is it individual home owners or a collective agreement? Judy Ekkens responded that someone plows the road but we do our own driveways. This winter was a difficult winter and the roads were plowed to the best of everyone's ability. John Ekkens stated that he has the only turnaround on the street and he plows it but everyone uses it without his permission.

Member Lewis stated that if you have a neighborhood association and you have a couple people refuse to pay for road maintenance, can't you put a lien on their house when they go to sell it? They owe the association and you can collect. John Ekkens stated that there's no such agreement in this neighborhood. We thought that when new houses were built the new homeowners should help upgrade the bridge but that didn't fly.

John Ekkens asked why the Township has an Ordinance that states if you have more than six houses on a private road the road has to be widened to 20 feet but the last two houses did not have to do this?

Chairman Pennington asked for clarification if those two building sites were existing. Planner Peterson stated that the two lots were existing lots and were not lot splits. The requirements for the Private Road Upgrade are not when a home is built, but when a parcel is made. John Ekkens stated that the lot was originally 10 acres and was split into two additional lots.

**Member Lewis made a motion to open the Public Hearing. Support from Member Mead. Motion passed 7-0.**

Arthur Bird, 5644 Whitneyville Road, stated he wants to go on record to state he doesn't oppose Mr. Ekkens splitting his property. It's his right and his privilege, but I do think that a permanent maintenance agreement is important. I worry about the condition of the road, the bridge and adding additional weight is a concern. I understand it is very difficult for Mr. Ekkens to get everyone to agree to a maintenance agreement as half the houses do not rely on the bridge. I would be willing to look at a compromise where the houses east and west of the bridge have a different associations so that people who use the bridge can fairly

and equitably split the expenses. I do worry about the equity of any future expenses and I do believe it's inevitable. Something will happen that will require the bridge to be upgraded. I realize the Township has a provision in the Ordinance that when a split like this occurs that the private road rules are brought into force. I know that they are not always applicable but I do believe the matter of the maintenance agreement is important to me and I want to make sure that we do not lose the opportunity to establish that.

Bill Tuma, 5670 Whitneyville Avenue, stated that he is one of the homeowners that does not cross the bridge. If there is a maintenance agreement necessary, I agree that it should be a maintenance agreement for those that need the bridge for access and those that do not need the bridge. The bridge is going to be expensive and I would never buy a home that had access over a bridge for that reason.

Member Lewis asked if Mr. Tuma would be opposed to a road maintenance agreement that did not include the bridge. Mr. Tuma responded that right now everyone pitches in. As far as an association to maintain the roads he would be fine but the bridge should be a separate issue.

Chairman Pennington asked Planner Peterson if anyone had written any letters in response to the case. Planner Peterson stated that there was one letter and it was in the packet.

Mark Afman, 8717 Laurel Ridge stated that he lives in the Association that abuts this private road. We are also a private road, but we also have an Association and a bridge over the same stream. However, our roads are 25' wide and our bridge is wide and heavily rated which allows emergency vehicles to access. My concern is that my property butts up next to this and if there is a fire and they cannot access this area, it puts my house at risk. Currently if seven trucks go down that road and the right truck wasn't the first vehicle down the road there is no way for any of them to turn around to get the right truck to the fire. The fire could burn out of control and my property is then at risk. The current proposal with the current road conditions, I am opposed to. Other concerns that I have are the types of utilities that are on this road. At this point they do not have tie-ins for certain amenities. They do not have natural gas and that tie-in would have to come off our association. Our bylaws as an Association state we do not allow additional tie-ins to our association by other groups or roads. John Halland wanted to approve that land and he no longer owns any property in the Association so he has no control over trying to expand that road or the bridge for it. My concerns and the concern of members from my association are on how narrow that road is and what can it can potentially do to the surrounding area because of it.

Susan Soon Im, 8695 Laurel Ridge. Our property also abuts the private road in question. I will echo the same sentiments as Mr. Afman. We are governed by an Association and the understanding is that they would need to tie-in for access to natural gas. They would need approval from our Association and that is not going to happen. The other piece is that if they do tie into the utilities, that would require an easement from homeowners in our Association and that is not something that we are legally required to do. That is something that we would need to review. I also have concerns with safety and they echo Mr. Afman's.

**Member Hammond made a motion to close the Public Hearing. Support from Member Waalkes. Motion passed 7-0.**

Member Hammond stated that right now it appears that Chief Sigg is just requesting an Engineering Certification of the bridge rating. Chief Sigg stated that this was correct.

Chairman Pennington asked Chief Sigg if it is safe to say that he is okay with the two proposed upgrades. Chief Sigg stated that if we require the road to meet current standards the Applicant could refuse to proceed and then the road stays in its current condition. At least this way we are getting some improvements. I would approve the drawings that they handed out.

Chairman Pennington stated that when he visited the property, he personally would not build a house on a 10' wide road let alone have 10 houses on it. I think the bridge compounds the issue. The bridge looks like it is in good shape but it is very narrow. I hesitate thinking that they should make some improvements or more concessions to make the road wider than 10'. Planner Peterson stated that the last time we dealt with a bridge at Cascade Springs we did not require an upgrade to that bridge. That was quite narrow as well and may not even have been 10'. The only difference is that there were not quite as many homes that accessed the bridge.

Member Lewis asked if Planner Peterson was content with the "bumps" that were being added that would allow traffic to pass on the road? Planner Peterson stated that Chief Sigg was okay with the upgrade and it is consistent with other private road exceptions that you have done. You can add the condition that they have to widen the bridge or you can require the 60,000 pound weight test on the bridge.

Chairman Pennington stated that widening the road all the way down and not upgrading the bridge just allows for easier passing but does not ease the bridge

problem. Any upgrade is better than none but I do feel strongly that a load rating by a professional engineer is necessary.

Member Hammond stated that it is also good information for the fire chief to have in case of an emergency.

Chairman Pennington stated that he would like to see the road and bridge upgraded but he does understand the constraints.

Member Mead stated that the road maintenance agreement needs to be between the homeowners and not necessarily the Township requiring it. Planner Peterson stated it is one of our requirements. As it has been described here we have not done a very good job of getting agreements on other older private roads because it is so difficult to get people to come to an agreement. It is something we have not traditionally gotten as part of the exception process.

Member Mead would like to encourage the neighbors to come together as it is in everyone's best interest.

Chairman Pennington stated that maybe the solution is having two associations, those that need the bridge and those that do not.

**Member Waalkes made a motion to recommend approval of the request to have an exception to the Private Street Ordinance in order to split their property with the conditions that the Turnout II widening of the passing areas and the branch turnaround at the end of the street are completed. Also, the Engineering Certification of the load rating of the bridge with a minimum load rating of 60,000 pounds. Support from Member Lewis. Motion carried 7-0**

**ARTICLE 8. Case #14-3180 YMCA of Greater Grand Rapids**

**Property Address: 5289 Burton**

**Requested Action:** Basic plan review to rezone property to Planned Unit development for a new 118,500 sq. ft. YMCA facility with outdoor fields.

Member Hammond stated that he has a working relationship with the Concord Group and we are currently working with them but he has no conflict of interest.

Member Mead stated that he is currently a member at the YMCA but has no stake in this project.

Planner Peterson stated that this is the introductory meeting for the development of the YMCA. The property that is being discussed is at the SW

corner of Burton and Kraft. It covers PUD 81 which includes the Turnberry project and the area zoned R-1 which is used for outdoor storage facility for RV's. This is the opportunity for them to introduce the project and for you to see what they have and identify some things that you may want for the public hearing. They have provided a lot of information, more than we would typically receive which is why my requirements are smaller than they would normally be.

At the proposed location just south of Burton and Kraft you have the MVP facility and the Meijer complex. The building will be 118,000 square feet with additional area for outdoor athletic facilities and parking. There is also room for future development. Some background for this area is that it is the site of the Turnberry project which was rezoned in 2005 and approved for 106 condos which were never built. Next to this is the outdoor RV Storage as well which we would consider legal non-conforming. From the aerial photo, I counted about 200 RV's. When they approached us, to locate the YMCA in Cascade, we looked at the Township Master Plan to see if this conforms to the plans for the Township. That map is in your packet and is within the community residential area. That is the area where it is providing the transitional area between commercial and residential. We have several areas within the Township where we have similar designation. The community residential is a mixed use area where we allow for different types of thing. We looked at what the property was originally zoned and the Turnberry location was originally zoned R-1. The R-1 Zoning district allows Cascade public, private or non- profit parks etc. that are intended to serve areas beyond the immediate neighborhood. In comparison, the uses permitted by right is areas that would serve the immediate neighborhood.

As a Special Use Permit we do have some design criteria for those type of park uses that it has to be located on an arterial road or a major collector as defined by our Ordinance and Burton and Kraft meet this requirement. This is compliant with both the existing zoning and our future land use plan. When looking at rezoning a property those are the guidelines we would look at to determine if a project is compatible. This just sets the stage to see if it is compatible for our future plans and in my estimation it is.

The pathway on Burton will remain where it is currently. There will be a bus pull-out added on Burton. We currently do not have busses running on Burton but it is in our Master Plan to someday get bus service in to the Village of Cascade. This may be a catalyst for that. Meijer is a Park and Ride lot with MDOT so there may be some effort here. We have been discussing this with the Rapid and the Road Commission to see if this is even possible. The Road Commission has given us early indication that as long as the tapers are designed properly, they do not have an issue with the plan. I have been in contact with

The Rapid to see if it is a possibility. We had bus pull-outs added to the Waterfall Shops plan in hopes of bus service in the future. I think it is a good idea if this were to go forward to accommodate the possibility of this happening.

There is a report that I requested in your packet on parking generation. It is a unique use and it didn't fit exactly into our Ordinance and we don't want too little parking or too much. They use the same manual we do and the parking they are providing makes sense and it consistent with our Ordinance and is appropriate.

There was a lot of talk when MVP and the apartment project came in in regards to buffering along the north edge of the property. Turnberry stated that they would provide the buffering because it was in their best interests. The landscape plan that the YMCA provided has a large buffer between the two properties and I do not think that it is necessary for this use. I think the two uses are compatible. They do allow for some excellent buffers along Burton and Kraft adjacent to the residential areas.

We discussed the lighting of the athletic fields with the Applicant. They do not intend to light the Athletic Fields. MVP did not light their Athletic Fields either. They will light their parking lot according to our Ordinances and you have a photometric plan that meets our requirements in your packets.

Traffic is always a concern with a large project like this. The Applicant already has their traffic study and we will be studying that along with the Road Commission. Whatever improvements that are identified, I would like an understanding of when the improvements would be taking place and who will be paying for them before the Public Hearing. We are currently looking at this and typically we would ask for this information at this meeting but they have already provided it.

Storm water is always a big issue and we have already received a report from our Township Engineer. A lot of their items are already addressed. Mike has a few follow-up items that he would like addressed but there is nothing in the report that alarms me.

I have given you a short list of items that I would like to see before the Public Hearing.

- The items from the Engineers worked through.
- The hours of operation of the facility and the fields.
- Road improvements identified and who is paying for the improvements.

Member Hammond asked if it was possible to have a member of the Road Commission at the Public Hearing. Planner Peterson stated that he would make that request. We will be able to get comments from the Road Commission regarding this proposal and traffic studies but they may not be able to attend.

Chairman Pennington requested that the Applicant come forward with any comments.

Ron Nelson, 7544 Whispering Ridge SE, and CEO of the YMCA. Cheryl Scales is the Civil Engineer for Progressive and she has been instrumental in guiding us through the process. One of our core values is inclusion. We want to create a one-of-a-kind campus that will serve people of all abilities. It will have all the features of our typical YMCA, but we are going to go a little bit further and implement universal design. You will notice this design as soon as you drive in. We will have parking spaces for the disabled that are more than twice the requirement by the ADA. ADA requires 14 spots and we are going to have 34 spots. The reason for that is that this field will be a hard surface softball field and look like the other fields for wheelchairs. There are quite a few contingents that play wheelchair tennis so we will have spaces around the tennis courts. We have spaces along the perimeter so they may access the building and the gym. We want it accessible for their Wheelchair Sports Associations. There will be wheelchair basketball and wheelchair rugby. This YMCA will be quite different from your father's YMCA.

Some of the other unique features are the automatic doors at the front entrance that will sense wheelchairs and other traffic. They will also be in other high traffic areas throughout the building.

The building will be a walk-out and you will actually enter on the 2<sup>nd</sup> floor. There will be ramp that will serve both architecturally and functionally.

There will be three gymnasiums with one of the gyms being given priority use for wheelchair sports.

There will be two swimming pools. One is a warm water pool and one is a lap pool. The warm water pool will be useful for families and will have play features. The lap pool will be eight lanes instead of the typical six lane. We will have equipment that is wheelchair friendly and users will not need anyone's assistance. We are all about independence and we will have lift stations that will help people be independent.

There will be a large running track along the perimeter of the building that will be five laps to the mile. That five lap track will define the footprint of our

building. The lanes will be of contrasting colors in case someone has a visual impairment they will be able to see what lane they are running in.

We are concerned about healthy living and this will be a one-of-a-kind, pioneer facility that will include a teaching kitchen, a classroom relating to nutrition, a greenhouse and an outdoor farm. The farm to table concept is very important to us. We are one of the most obese states and we are trying to do something about this, particularly with youth obesity. We have a couple of vehicles that we call “veggie vans” that we take into neighborhoods and deliver fresh fruits and vegetables. This will become a Center where we hope to train others that may not be able to start at the same level that we’re at because we have been doing this for about 12 years. How might they be able to take this back into their organization or community to improve this obesity epidemic? The outdoor forum will be such that having raised bed gardens will start to marry together the universal design concept of this. A raised bed garden so that a wheelchair can roll up to it or if they’ll be in the Riverbank Run in the wheelchair division you might like to fuel my body a little bit better to get better performance – so how can I eat differently? Or if you’re new to a chair, heaven forbid, but either one of us could be in one tomorrow, how would your life change? Would you exercise differently or eat differently if you were confined to a chair?

We’ll also have a Rehab Center which will have a physiatrist to assist people, who may not have come through a hospital, but a “boomer” who may have some twinges in their hinges and have some support with a knee or a hip.

The last thing programmatically that I want to mention in addition to this active aging and the baby boomers is in relationship to our youth. We’re going to have some creative programming that will be done after school and in summers will include some proponents that aren’t typically done, for example, global awareness. We now live in a global economy and what is it that kids need to know about that? How can they apply that in their own life? We actually have partnerships with YMCA’s in other countries. Public policy is also something we think will be helpful for kids to learn. How might they strive to be on the Planning Commission of Cascade Township? Learning about philanthropy. We raise money every year to ensure that everyone can participate regardless of their ability to pay. Sometimes people think you’re just another health club. I hope with some of the things you’ve heard tonight that you realize we are a lot different than another health club. The big thing is that we help those people that don’t have the ability to pay the full fee themselves. What we want to do is have some of our youth actually have a portion of some of the funds that we take in annually and have them select programs that they feel deserve funding. They’ll not only listen to staff make appeals for that but they’ll follow it throughout the season that they follow their plan, what were the outcomes of

that and what would we consider to improve that in the future (the evaluation). And the other two things we're looking at is environmental so that today's kids are a lot savvier in that regard. The Huntington YMCA downtown is the first YMCA in the country to have the LEED certification, leadership in energy and environmental design. Our Spartan Stores YMCA got the silver and our intent is for this branch to have the silver certification as well. It became a Board Policy for all of our facilities to maintain that or something that's equivalent to that in the future. So our kids will have the opportunity to learn more about that. And lastly entrepreneurialism. Even if it's just learning to grow some food in our garden and sell that. But trying to get kids to understand the levels of entrepreneurialism and how that can impact them.

We appreciate just the opportunity to present to you and that we will have a public hearing next month and will have an opportunity to share this with the public. Just a couple of questions that were raised about hours, etc. First of all let me talk about traffic. The YMCA is not like a school or a church or a theater where everything starts at one time. Downtown we have almost 17,000 people. So it's about 17,000 households that belong there. But you won't find a traffic jam to get into the YMCA because whether it's law of averages or whatever, but people seem to come and go in flow. So none of our branches really have created problems. What's nice about this site is while there's a light there we will need to accommodate and pay for the light to exit this property to go out onto Kraft and Burton. We also have another entrance which we talked to the neighbor across the street about and he was very enthusiastic about and said if he was needed for any public hearings to contact him. We realize that there will be people who think this will be a terrible burden with traffic, but we have a professional traffic study that's been done in addition to the anecdotal things I can tell you about our other experiences with YMCA's. The earliest the Y will open will be 5 AM and that's a busy time from 5-6AM; 5PM – 6PM in the evenings is also a busy time. Those are the peak times for the Y. Through our traffic studies and what we hear from the KCRC is really what we'll do. When we were presenting at Grand Rapids Township some of the people thought we were turned down because of traffic. That's not the case at all. That was even stated that was not a reason. We just simply did not meet their master plan as we were encouraged to believe in Cascade Township.

The other thing that was mentioned was the running path that goes through here which is fantastic. We're looking at how we can incorporate that onto our property and perhaps bring it around here and maybe move it back up here so it will have a long loop through there. We've mentioned soccer fields and while it looks like there are two soccer fields, the nature of our programs is such that there may be several games going on with small children across those fields.

We've taken into consideration the retention areas in two different spots and this area here that we have reserved in the 36 acre plot there's 3.7 acres that is undetermined at this point and we might use that.

In regards to some of the technical questions that you may have Sheryl will be able to handle that.

Cheryl Scales, Progressive A & E, stated that she would speak to a few things because of the late hour. The YMCA has been working with the Township Engineer about their storm water and they are retaining the water on-site. We have ponds that are big enough for that. We have a little bit of wetlands on the property and we plan on keeping the wetland. We have a little bit of wetland modification here but we want to keep the wetlands. That's a story that we want to help kids learn about. We think they're pretty. They filter. They have a great process and story for us. That's part of our LEED that we want to leave as small a footprint as possible. We have worked with the Fire Chief on the two entry points and he likes them. We've added a loop of water appointments around the building. Sheryl believes the YMCA has all the proper compliance. The radiance in front of the YMCA is large enough that tanker trucks up and can turn around if needed.

Member Hammond asked in regards to the 3.7 acres that's reserved- are the storm water retention basins sized for that? If that were developed would that have to be enhanced or increased in some way? Sheryl will check with the engineer to see if those are sized for green space or not. At this point what the Y will do is assume they are sized for green space and then make sure to leave a reserved area in case it needs to be expanded in the future.

Chairman Pennington stated that on the storm water issue there are properties quite a ways downstream on Schoolhouse Creek. Is there any flow-through water from other sites? Cheryl Scales stated that the drainage district splits the two. The YMCA is taking about two more acres that were going to Schoolhouse Creek and direction it to the Plaster Creek Watershed because of the nature of the property. So they're actually sending a little bit less to Schoolhouse Creek. The idea is to keep as much volume down as possible.

Jack Lewis welcomed the YMCA to Cascade. While they haven't been approved he feels they are on a downhill slide. He thanked Grand Rapids Township for sending the YMCA elsewhere.

Member Williams echoed that as well. It's a wonderful opportunity if all goes as planned and it serves the very, very small to the very elderly and everything in between. The YMCA has wonderful options and she's thrilled.

Member Hammond encouraged the YMCA to talk to the neighbors across the street who are directly affected by the driveway.

Chairman Pennington thanked the representatives from the Y for coming in and presenting to the Planning Commission.

## **Article 9. New Business**

### **A. Consider recommendation to Township Board to support Coast to Coast Passenger Rail Feasibility Study.**

Planner Peterson gave a little bit of background for this project. This is an effort to get passenger rail from Holland to Detroit. Planner Peterson stated in 2011 he brought to your attention the state's State Rail Plan that we participated in. We talked about passenger rail service and some of the things which are consistent with our Master Plan. What I am asking for tonight is that the Planning Commission make a recommendation to the Board to formally support this effort. There are two ways to support this. One is to write a letter supporting the effort and the other is financial to support a Feasibility Study. I think Cascade Township will benefit from this project and I am asking for a recommendation from the Planning Commission to the Board to support the project and to help with the financing of the Feasibility Study. I am going to recommend a \$3,000 target for our monetary support. That is what Experience Grand Rapids gave to the project.

John Langdon, Michigan by Rail, stated that this is a coalition between Michigan by Rail and the Michigan Association of Railroad Passengers. It is a volunteer organization. It is recognized that Rail travel is environmentally sound. Current members are Michigan Environmental Council, Michigan by Rail, Michigan Association of Railroad Passengers, The Land Use Institute and we are working with Michigan Tech. and Friends of Wally. The rail system helps in controlling traffic and the widening of freeways. We have had 16 Public Hearings across the state and we have integrated the things that we learned into our plan.

- We talked about a study to determine if the project is prudent and necessary. This study will cost \$100,000 and he is trying to raise \$20,000.
- Support from politicians. Dave Hildebrand is in support of the project.
- We have identified the G. R. Ford airport as well as the Lansing Airport as stops.
- We are trying to add as many towns as possible to alleviate traffic on many of our highways.

There has been a 78% increase in Amtrak traffic which leads us to believe this is the right time to proceed with this plan. The Wolverine line brings in \$45 million annually in community benefits. The train would run through Cascade at Kraft Avenue and 36<sup>th</sup>. This train system would connect 13 different colleges and universities. We are looking for grant funds to cover some of these costs. We are looking for money and a letter of support of the project.

Member Hammond stated that this plan will generate a benefit for the township, the city and the west side of the state.

John Langdon stated that strip malls, restaurants and hotels pop up around these rail lines and that is a benefit to all communities.

Member Hammond asked what was the likelihood of the 36<sup>th</sup> & Kraft stop with the Rapid already downtown? Planner Peterson stated that the packet shows it is in The Rapid Master Plan for a stop at 36<sup>th</sup> & Kraft.

John Langdon stated it will be at least 10 years before the rail service is available as the studies will take at least two years and many studies will be necessary. The financing will also need to be taken in to account as well. All of this takes time.

Member Lewis stated he feels this is a fantastic idea.

Chairman Pennington stated that if the study is not completed, do you feel there will need to be an additional rail to accommodate passengers in addition to freight? John Langdon stated as frequency increases then yes. Any place there is high frequency we need adequate passing sites.

John Langdon stated they have letters of commitment of \$12,000. We have verbal commitment for more but we can't count on that.

Chairman Pennington stated for clarification purposes that Planner Peterson is looking for a positive recommendation to the Township Board to move forward on the Rail Feasibility Study and a monetary donation to support the project. Planner Peterson stated this was correct. If the Planning Commission is uneasy about setting a dollar amount to ask the Board to contribute financially as well.

**Member Meade made the recommendation for Cascade Charter Township to write a letter of support for the Rail Feasibility Study and to follow it up with a \$5,000 investment in the Feasibility Study. Support by Member Wallkes. Motion passed 7-0.**

**B. Election of Offices due to the resignation of Member Karen McCarthy.**

**Member Lewis made a motion to move Steve Waalkes into Karen McCarthy's position of Vice Chairman, and add Aaron Mead as Secretary. Support by Member Williams. Motion passed 7-0.**

**Article 10. Adjournment**

**Member Waalkes made a motion to adjourn. Member Hammond supported. Motion carried unanimously 7-0. The meeting was adjourned at 9:56 pm.**

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