

Minutes

Cascade Charter Township
Planning Commission
Monday January 17, 2022
7:00 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chairman Noordyke called the meeting to order at 7:00 P.M.
Members Present: Noordhoek, Moxley, Deering, Rissi, Rapin, Noordyke, Korstange, and Rowland
Members Absent: None
Others Present: Interim Planning Director Brian Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Noordhoek to add a second article of public comment to take place between the ‘Any Other Business’ article and ‘Adjournment’ article of the agenda, from this meeting, going forward through all future meetings. Supported by Member Korstange. Motion carried 8 to 0.

Chair Noordyke acknowledged the resignation of Craig Meurlin, since the last meeting, and thanked him for his time on the Planning Commission.

Motion was made by Member Rissi to approve the current Agenda with the addition of the second public comment article. Supported by Member Rapin. Motion carried 8 to 0.

ARTICLE 4. Disclose any Conflicts of Interest

There weren't any conflicts of interest disclosed.

ARTICLE 5. Approve the Minutes of the January 3, 2022 Meeting

Motion was made by Member Rissi to approve the January 3, 2022 meeting minutes as written. Supported by Member Moxley. Motion carried 8 to 0.

ARTICLE 6. Acknowledge visitors and those wishing to speak on non-agenda items.

Craig Meurlin-6333 Thornhills Dr: Meurlin Did not believe the Planning Department report's attendance section painted an accurate picture of member attendance throughout the year because it did not acknowledge when some members left or joined the commission mid-year. He also did not believe ZBA information should be included in the report as he does not believe the Planning Commission is part of the Community Development department, rather the Planning Commission helps the Community Development department and sets up cases for them to review. He believes the department vision is closer to where the commission wants to be now than they were a

year ago, but the Roundhill case shows that they have far to go. Finally, he believed that the PUD section at the end of the report needs more information as there isn't explanation included as to their status.

Chair Noordyke agreed with Meurlin on that the summary is less descriptive than he would like and that is something they will want to work on for next year.

ARTICLE 7. Case #21-3681/Patterson Ice Center, LLC

Property Address: 2550 Patterson Ave

Requested Action: Preliminary Plan Review for an amendment to the PUD Ordinance to lift a number of existing use and development restrictions.

Interim Planning Director Hilbrands presented the case. The applicant is requesting a Preliminary Plan Review for the amendment of 12 parts of the PUD that focus on increasing the allowed capacity of the project, removing restrictions on what kind of groups and teams can use the facilities, and allowing for the sale of alcohol.

The basic plan review was conducted at the November 15, 2021, meeting and the additional requested information was brought to this meeting. They included a table showing that the average number of parking spaces for local ice centers that have two sheets of ice is 364 while the applicant shows they currently have 391 spaces.

Interim Planning Director Hilbrands also included a report from Deputy Omar Dieppa showing that, of the 32 incidents tagged with the Patterson Ice Center's address in the last five years, most calls were for incidents like traffic stops or suspicious persons that just happened to occur on the Ice Center property. There have not been any complaints that involve the use of Ice Center that have been brought to the Sheriff's Department or to the Township.

Finally, the one change to this request since the November 15, 2021, meeting was to change the number of attendees required to be considered a Special Event. The ordinance currently states that an event with attendance exceeding 1,184 would be considered a Special Event and the applicant was previously requesting that number to be increased to 2,000 persons. Since the previous meeting, the applicant met with Building Inspectors and the Fire Marshall to determine the maximum occupancy of the facility which they set at 1,640 persons. The applicant has revised their request to consider an event involving over 1,640 people in the building as a Special Event.

If approved, staff will prepare the PUD Ordinance for Planning Commission review before the Planning Commission makes a recommendation to the Township Board. Staff recommends approval of the preliminary plan.

Chuck Hoyt-Nederveld on behalf of applicants: The majority of the requested amendments are in line with Patterson Ice Center's operations over the last 30 years. In the 1994 ordinance they did note that Staff recommended these restrictions but were open to an amendment in the future to allow things like semi-pro hockey or further uses. One of the major sticking points in 1994 seemed to come from Patterson Rd being

unable to handle the capacity it would require for some of the desired events. That was when Patterson was a small, two-lane road but it has since been expanded and can now support that capacity and intensity of use.

He said the only major change is the allowance of alcohol sales. These would be for adults only and served only by trained staff. They are not looking to make the Ice Center a party spot or nightclub, just to keep the profits from alcohol sales in house rather than sending patrons next door.

Member Moxley calculated that the ratio is approximately 1:4 people per vehicle for parking and asked what the alcohol license consisted of: just beer and wine or liquor as well. Hoyt said that he believed it was a full bar license that also included liquor.

Tom Mehney-General Manager of Patterson Ice Center: Mehney stated they would only use hard alcohol (liquor) at Special Events such as wedding receptions. He doesn't believe hard liquor and hockey go well together.

Member Rowland stated that the total seats available with a 1:4 person to car ratio would include 1564 seats, not the 1,640 they are requesting. He asked if alcohol sales would occur during high school games. Hoyt said that they would have to look at the rules, but they won't allow alcohol in the stands at high school games. Member Rowland asked if there would be a designated area that patrons can't take the alcohol out of, and Mehney replied in the affirmative.

Kevin Wood-Facilities Manager of Patterson Ice Center: Wood shared that other similar ice facilities that sell beer and wine don't let patrons bring it into the arena, but they can buy it at the concessions stand and drink it before going into the arena.

Member Rissi asked where the 1,640 capacity came from and Hoyt said it was from the code section that the Building Inspector and Fire Marshall wanted used, based on the square footage and number of seats housed in the arena. Member Rissi clarified that there hadn't been any current complaints about parking problems and that they were only increasing the capacity so that it matched the numbers they had already been supporting. Mehney said that their biggest games were the high school ones, and they aren't bringing in anywhere near 1,600. Member Korstange said that there is sometimes an issue with parking at busy high school games but Wood and Mehney attributed that to scheduling big games back-to-back and people coming in for the next game before the first has left. They said they are working on leaving a larger time gap between those type of games in the future to mitigate this problem; these big rivalry games only consist of approximately 3% of their games. Member Rapin asked if they had talked to any neighbors about shared parking and Mehney stated that he spoke with one of their neighboring businesses since the last meeting and they have around 50 parking spaces they are willing to share.

Member Deering clarified that, in the Nederveld information, it defines a Special Event as over 2,000 persons and that conflicts with staff comment number 6 with the change of request to the 1,640 persons. Hoyt stated that this is one of the spots that they were amending to 1,640 since the meeting with the Fire Marshall and Building Inspector.

Member Rowland asked if the comparable arenas in the area that have alcohol licenses have just beer and wine or if they have full liquor. Wood stated that the arena north of town has just beer and wine and the one down in Kalamazoo has full liquor, and they serve out of their concession stand at all times.

Member Rowland asked if alcohol would be sold at college games. Mehney said that it is not allowed in the stands at college games, but they would sell it for consumption outside the stands. Member Deering asked about youth hockey and Wood said that if you go to any youth game in the state at an arena that serves beer and wine, they will have it in the stands. Wood shared that he is Secretary of the Michigan Amateur Hockey Association, and they don't get any reports of problems with people drinking in the stands.

Hoyt pointed out a viewing area, outside of the stands, where people could walk around or sit and watch both games. Member Noordhoek asked if there were tables or chairs in the viewing lounge. Mehney explained that there are 10-12 tables that can each seat 6 as well as seats along the edge of the windows where they can sit and watch the games.

Motion was made by Member Rissi to move to public hearing. Supported by Member Rapin. Motion carried 8 to 0.

Bill Zoellmer-4870 Burton St: Zoellmer was concerned that the other statutes of the ordinance weren't followed in the past, so he was concerned that there won't be anything to keep alcohol from creeping into the stands at Patterson Ice Center.

Craig Meurlin-6333 Thornhills Dr: Meurlin asked if the alcoholic beverages were able to be sold at any time the facility is open, stating that they may be used all day long, so they could be, in essence, creating another bar in Cascade. Mehney said that the beer and wine would only be served when the concession stand is open which is when something is happening on the ice. Chair Noordyke asked if the applicant would be willing to agree to that stipulation as part of the PUD amendment and Mehney said they would. Mehney said that they have things going on almost all day on Saturdays and Sundays but, during the week, they don't start until 3:30pm. They have some people coming out for college practice and open skate during the day, but their concession stand doesn't open until 5:00pm Monday through Friday and at 8:00am on Saturday and Sunday.

Bill Zoellmer-4870 Burton St: Zoellmer shared his concern that college students would want to have the viewing lounge open for drinking after practice and there wasn't anyone checking to make sure that wasn't happening. Chair Noordyke said that is handled by the Liquor Control Board and that board would hold them to their posted times. Members Korstange and Deering stated that, from their experience, no one is sticking around after the hockey games at any of the arenas they've frequented.

Motion was made by Member Rissi to end public hearing. Supported by Member Moxley. Motion carried 8 to 0.

Member Rissi said that these amendments were something he could get behind because it lets the facility gain more income and sustain itself. The part he finds difficult is that there is some distrust in that the PUD wasn't being followed for years and he doesn't want this type of change to be the standard. Member Deering agreed with Member Rissi and said she totally supports what they're asking for, but she also has the same concern about being attentive to the PUD and setting standards. Member Rapin also agreed with Member Rissi and said that these haven't been changes made over the last few years but most likely over the last 20 years and there have been quite a few changes in both Ice Center managers and township staff.

Member Noordhoek says he's open to the addition of other teams that can use the rink because that was specifically mentioned in the original PUD, he can agree with the 1,640 because the Fire Marshall and Building Inspector have approved that, but his concern is with the liquor. He can get behind the beer and wine, but he thinks liquor should still require a special use permit, though he is okay with lowering the capacity required to be considered a Special Event.

Mehney stated that there were five General Managers of the Ice Center within the first four years of its opening. Mehney took over as General Manager about 15 years ago and he wasn't aware there even was a PUD, let alone that he was breaking its rules. He and the Facilities Manager only found out about the PUD when they hired a lawyer to look into getting a beer and wine license.

Member Korstange asked how the Ice Center monitors how many people are coming into games, especially big games. Mehney said that they don't generally count but they can; they wouldn't have a problem starting to. He also said that they would be willing to put in writing that they will only use the liquor for Special Events. Wood explained a NACHA championship hockey event that they had to keep track of how many people were there, due to how big of an event it was, and they used wristbands to keep track. He said being able to sell beer and wine will allow them to bring in some tournaments that they currently can't.

Member Rissi asked Interim Planning Director Hilbrands if there was anywhere in the PUD that said alcohol was only permitted in specific areas of the facility. Interim Planning Director Hilbrands said that their current proposed amendment is only striking the portion of the text in the PUD that says, "alcohol sales are prohibited" so this is the time to specify if the commission wants anything to that effect added; the wording would also need to be changed if the trigger for a Special Event is based on something other than attendance.

Members Rowland and Rapin were also concerned about the 1,640 parking spaces not being equivalent to the 1:4 space to capacity ratio and the neighbor's volunteered lot of 50 spaces only brings the supported capacity up to 1,614 persons.

There was much discussion around how to determine what events could be considered Special Events for the purpose of allowing the sale of liquor.

Motion was made by Member Rissi to approve the preliminary plan amendment to the PUD following staff recommendations with added language that specifies that alcoholic beverages cannot be served in the lobby or, for high school and college games, in the arena. Events where they wish to serve liquor must be approved by the township board and this manner can be revisited in two years if Patterson Ice Center would like to revisit the rule, at that time. Supported by Member Korstange. Motion carried 8 to 0.

ARTICLE 8. Case #21-3688/Chick-fil-A

Property Address: 5528 28th St

Requested Action: The applicant is requesting site plan review for a new 4,997 sq ft restaurant.

Interim Planning Director Hilbrands presented the case. The applicant is requesting site plan approval to construct a 4,997 sq ft Chick-fil-A restaurant at the site of the previous Macaroni Grill on a Meijer out lot on 28th St. The site plan was originally approved in 2018 as part of a PUD amendment but, since it has been longer than one year since the plans have been approved, the site plan approval has expired. The applicant never recorded the PUD amendment when it was approved in 2019, so the applicant will need to do this before a building permit can be issued. The new site plan is very similar to the 2019 site plan with a few changes including reconfiguration of parking spaces (without altering the number of parking spaces), drive-through lane expanding to two lanes in the southeast corner, and increased drive through stacking capacity.

Currently, the detached canopy to be located on the south side of the site extends into a Consumers Power Co. easement so, it must either be moved, or the applicant will need to provide evidence that Consumers Energy has released the easement before a building permit can be issued. The building is also currently approved in the PUD ordinance to be 4,988 sq ft and the applicant is requesting a 4,997 sq ft building due to the standard restaurant model changing. This is a small enough difference (9 sq ft) that it could even be attributed to a rounding error but, since the exact square footage is listed in the PUD, the Planning Commission will have to determine if they see that as an issue. If they do, the applicant will either need to go through a full PUD amendment to change the PUD ordinance, or reduce the size of the building so that it does not exceed 4,988 sq ft.

A comprehensive landscaping plan was included but there were three tree species that are on the uncredited species list in the zoning ordinance so the applicant will need to revise the plan to not include these three species. They will need to provide a \$9,000 landscaping bond. They submitted a current photometric plan on the day of the meeting, and it complies with Township regulations.

Staff is recommending Site Plan Approval with the following seven conditions. (There were eight, but the photometric plan was submitted between the creation of the Planning Commission meeting packet and the Planning Commission Meeting.):

1. The applicant complies with the Township Engineer letter dated January 10, 2022, and all necessary permits are obtained before construction begins.
2. Record the stormwater maintenance agreement.
3. Record the PUD ordinance amendment that was approved in 2019.
4. Provide evidence that Consumers Energy has released the easement or revise the site plan to move the detached canopy so that it is no longer located within the easement.
5. Receive approval and a permit from the Kent County Drain Commissioner.
6. Submit a revised landscape plan that meets Township regulations.
7. Submit a landscape bond in the amount of \$9,000.

Member Rissi asked if the PUD could have the square footage changed in the amendment to allow for 4,997 sq ft since the amendment wasn't ever filed in 2019. Interim Planning Director Hilbrands said that the PUD amendment was approved by both the Planning Commission and Township Board and was published, so it has already gone into effect. The final step is recording the document and they would have to restart the PUD amendment process to change the size constraint.

Member Noordhoek was concerned that the number of curb cuts in the PUD is too low in relation to the amount of traffic the Chick-Fil-A will generate. Members Korstange, Moxley, and Rissi didn't believe that adding additional curb cuts was feasible due to the layout of the streets and surrounding businesses. Chair Noordyke asked if the Planning Commission could request the Road Commission review the site plan to make sure there are an adequate number of curb cuts for the projected traffic quantity.

Leslie Accardo-Chick-Fil-A Engineer: The parking lot has been redesigned into a looping pattern since the last site plan in order to accommodate excessive stacking, so they don't spill into the road.

Member Rissi shared that he was torn because he has no problem at all with the additional 9 sq ft but it isn't right to approve something the PUD says can't exist. Accardo said that, if they were required to go through the full PUD amendment process, they wouldn't be able to open at the beginning of 2023, like they planned, it would instead get pushed to the end of 2023. She said that it's difficult to just make the building 9 sq ft smaller due to everything in their kitchens being designed to fit their standard building; the reason the sq ft changed is because they were originally going to include a play structure but have since reconfigured that.

Member Deering asked who will be checking to make sure all the recommendations are fulfilled before building begins and Interim Planning Director Hilbrands said that he would be the one verifying everything is complete and signing off on it.

Motion was made by Member Rissi to approve the Site Plan Review following Staff recommendations. Supported by Member Rapin. Motion carried 8 to 0.

ARTICLE 9. 2021 Planning Department Annual Report

Interim Planning Director Hilbrands included the Planning Department's annual report in the packet so that the Commission could see what went on throughout the year, how many cases have come to the Planning Commission and Zoning Board, what has been completed, and administrative items. This year showed an increase in activity over the last two years.

Member Korstange asked that the timeframes members served on the commission be noted with the attendance chart as it looks like some members didn't attend many meetings when what really happened was, they left the commission or joined it mid-year. Member Rissi agreed and suggested adding a paragraph or notes of when the members served. He also noted that it looks much more variable this year than in normal years as there aren't generally so many members that leave the commission mid-year.

ARTICLE 10. Old Business

There was not any old business to discuss.

ARTICLE 11. Any Other Business

Email Address Update: Chair Noordyke shared that Manager Swayze identified extra email addresses for Planning Commission members to use until the township switches over to the new server. There will be more information to come on this.

Trustee Communication from Planning Commission: Chair Noordyke clarified that any communication that comes from the Planning Commission needs to reflect who has approved and who is sending the documents. For example, clarifying if a document is coming from an individual member, a subcommittee, or the entire Planning Commission.

If any documents are talked about in the meeting but aren't in the packet, the Planning Commission would like the document to be added to the published minutes.

Roundhill Committee Meeting Minutes: Member Rissi brought up the minutes from the Roundhill Committee that are not currently available on the website. He said they are missing the September 13, 2021, September 20, 2021, and December 10, 2021, meeting minutes. He said that he could come up with minutes from the September 20 and December 10 meetings, but he thought previous Member Craig Meurlin may have notes from the September 13 meeting. He said he had notes from Member Moxley for the December 10 meeting but asked, if all three sets of minutes are submitted to the website as drafts, would they have to hold another Roundhill Committee meeting to approve the minutes, creating a cycle of minutes that can't be approved. Chair Noordyke and Member Korstange clarified that the Planning Commission can accept the minutes (but not approve them as the full commission wasn't there) to be placed on the township website. The members of the previous Roundhill subcommittee will write up minutes to be submitted to the Planning Commission for acceptance at a future meeting.

Chair Noordyke pointed out that the Roundhill subcommittee has completed its first step and he will be meeting with Manager Swayze and Interim Planning Director Hilbrands to talk through next steps. He will also be forming a new Roundhill subcommittee for the next phase; members who are interested in being on this new subcommittee should contact him. They are looking for four members for the subcommittee. Member Korstange confirmed that the meetings are generally during the day and Chair Noordyke stated that meetings are whenever the subcommittee members agree to have them. They have a bit of flexibility because he believes meetings can be shared via Zoom and still comply with the Open Meetings Act because it is a subcommittee, not a full board meeting; Interim Planning Director Hilbrands agreed to verify this.

Zoning Maps: Interim Planning Director Hilbrands indicated that the maps have been ordered and Cascade Printing is sending over a test case to make sure their product fits what the Planning Commission is looking for.

Strategic Planning Committee Joint Meeting: Interim Planning Director Hilbrands was told by Manager Swayze that the Strategic Planning consultant wants to have a workshop with the Planning Commission that they were hoping to take place at the March 7, 2022, Planning Commission meeting. The members agreed that if there is a busy agenda that night, they will hold the workshop before the meeting, at 6:00pm, but if there wasn't much on the agenda, they would hold the workshop during the meeting.

APA Classes: Interim Planning Director Hilbrands said that he received a pamphlet from the Michigan Association of Planning on classes they offer to elected and appointed officials. He said that there is money in the township budget if members would like to attend these classes and he will send out the pamphlet after the meeting.

Chair Noordyke and Member Rapin strongly encouraged members to take this opportunity as the classes they had attended were very helpful.

ARTICLE 12. Acknowledge visitors and those wishing to speak.

Craig Meurlin-6333 Thornhills Dr: Meurlin pointed out that he kept hearing 'prior to construction' mentioned when talking about Chick-Fil-A and construction is never defined; this is one of the underlying causes for the difficulties in the Roundhill case. There also needs to be a time limit on the landscaping bond as that caused the difficulties with the retaining wall in relation to the Roundhill case. Secondly, he believes it should be defined as to who has the responsibility to make sure developments are built according to their ordinances. Thirdly, regarding the Roundhill report, it was a preliminary report when it was submitted to the Planning Commission and 'got all jumbled up' when Supervisor Lesperance wanted it quickly brought to the Township Board. He said he will have to look at the minutes, but the report was created, the Roundhill Subcommittee met, changed some things, softened some of the language, and the Roundhill Subcommittee unanimously approved the November 8th report. Neither Member Rissi nor Member Noordhoek remember the Roundhill subcommittee approving the report. Meurlin said that, whether Trustee Noordhoek put

the letter into the record or not, he would have put it into the record as the recommendations that came from the Planning Commission lack context, even though members Rissi and Moxley did a great job trying to give examples at the Township Board Meeting. He believes that one must “read the report entirely to get a sense of the failure of the township government on that project. It was horrendous, actually.” He stated that he believed the failure was at least in part intentional as so many things that the lawyers worked out at the beginning of the project were forgotten even though they were such impactful changes.

Thank You: Chair Noordyke thanked Staff for their time and willingness to stay late for these meetings.

ARTICLE 13. Adjournment

Motion was made by Member Rissi to adjourn. Supported by Member Rapin. Motion carried 8 to 0. The meeting was adjourned at 8:46 p.m.

Respectfully submitted,

Diedre Deering, Secretary