

MINUTES

Cascade Charter Township Planning Commission
Monday, May 10, 2010
7:00 p.m.

- ARTICLE 1.** Chairman Waalkes called the meeting to order at 7:00 p.m.
Members Present: Hammond, Lewis, Logue, McCarthy, Pennington, Sperla, Williams.
Members Absent: Robinson (excused).
Others Present: Township Planning Director Peterson, and Members of the Public.
- ARTICLE 2.** Chairman Waalkes led the Pledge of Allegiance to the Flag.
- ARTICLE 3.** **Approve the Agenda for the May 10, 2010 Planning Commission Meeting.**
Chairman Waalkes requested a motion for the approval of the May 10, 2010 Agenda.
- Motion was made by Member Lewis and supported by Member Sperla to approve the Agenda as presented. Motion carried unanimously.**
- ARTICLE 4.** **Approve the Minutes of the March 15, 2010 Meeting.**
Chairman Waalkes requested if there were any corrections to the March 15th Minutes.
- Member Sperla asked that a correction be made on Page 4, in the third paragraph, last sentence the “w” should read as “we.”
- Motion was made by Member Lewis and supported by Member Pennington to approve the March 15, 2010 Minutes as corrected. All in favor with none opposed. Motion carried.**
- ARTICLE 5.** **Case # 10-2991: Sneller’s Landscaping (PUBLIC HEARING)**
Requested Action: The Applicant is requesting to revise his Type I Special Use Permit to allow a larger 2,094-square foot storage building in place of the existing 960-square foot (s.f.) storage building.
- Planning Director Peterson referred to the aerial photograph of the site. The property is adjacent to I-96 on the north and Quiggle Avenue to the west.
- The 38 x 55-s.f. Building is the new building being discussed in tonight’s hearing, the 24 x 40-s.f. Building is the one the Applicant will be getting rid of.

The building is actually already in place and the Township became aware of it early this year per phone call. The Township contacted the property owner and informed him that the additional building violates the Township Zoning Ordinance (maximum of three (3) accessory buildings) and would have to be corrected. In order to correct the situation, the Applicant has decided to remove the smaller building and in its place, have the newer larger building.

The smaller building was approved in 2000 and at the time the Township informed the Applicant that they could not have any other buildings.

The property is approximately 26-acres and there are other nursery-type businesses in the area.

Staff's report shows that the property was given a Special Use Permit in 1997 for the landscape business. Staff has attached the minutes from the 1997 Planning Commission and Township Board as well as the 2000 Planning Commission minutes. Staff's inspection of the property indicated that the Applicant is in compliance with the Special Use Permit with the exception of the additional building.

Included in the Commissions' packets are pictures of what the building would look like, the same as it does now just bigger. The new building has a proposed height of approximately 16-feet to the midpoint. This requires a minimum setback of 40-feet on the side and 40-feet in the rear. The setbacks proposed are in compliance.

Staff recommends approval of the accessory building with the condition that the smaller building be removed within 30-days.

Planning Director Peterson said that he has spoken with the Applicant who does not foresee any problems in removing the building within 30-days. The Applicant has been very cooperative through this process.

The Township did receive a phone call regarding the condition of Quiggle Ave.

Member Lewis questioned if there was anything in the zoning that would prevent this building being used for vehicle and tractor storage. Planning Director Peterson said there is not and Member Lewis asked if this should be a condition if approved. Planning Director Peterson said that the building must fit in with the area and Staff believes it does, it does not matter what is stored inside the building. Approving this building would not set precedence for

another similar building in another area of the Township as each building must fit in with its surrounding area.

Member Sperla asked if the conditions approved from previous years should be carried onto this possible approval. Planning Director Peterson noted that the conditions that were approved in 1997 for the nursery remain and this request is for a Special Use Permit to have a building over 832-s.f. and the conditions remain.

Member Sperla asked if the building would have a concrete floor Planning Director Peterson said the Applicant could answer this question.

Applicant Duane Sneller, 4900 Quiggle Ave SE, said that in his conversations with Staff is that if there is a roof on it, it is considered a building. At this point, he is intending to take the roof and the structure down with the exception of a 5-6 foot pony wall and cement floor that he does not intend to remove.

Member Sperla asked if the new building has a concrete floor and Applicant Sneller said it does.

Member Pennington asked what the nature was of the phone calls that the Township received and Planning Director Peterson said the main concern from the neighbors was the business being conducted and the number of buildings on the property. The business is operating within its permits.

Applicant Sneller noted that approximately three (3) years ago there was a salt shortage and this is what will be stored in the building. He did not realize that there was a maximum of three (3) buildings allowed on property of his size and the Township did not realize, at the time, that he was talking of a fourth building.

Member Sperla asked if the building is primarily used for salt storage and not insecticides, etc. and Applicant Sneller said the intended use is for salt storage in case there is another shortage.

Member Lewis asked if the Applicant would like to see the road paved and Applicant Sneller said he does not see a need to have the road paved, he enjoys the trees. The road is subject to seasonal weight limits and doubts if the road would be paved to Class A standards.

Member Lewis motioned to open the Public Hearing supported by Member Williams. All in favor, motion carried. The Public Hearing was opened.

Planning Director Peterson noted that only the phone calls received were those previously mentioned; there were no letters received.

Member Pennington motioned to close the Public Hearing supported by Member Sperla. All in favor, motion carried. The Public Hearing was closed.

Member Sperla motioned to approve the Applicant's request to revise his current Type I Special Use Permit to allow for a 2,094-s.f. storage building in the place of the existing 960-s.f. storage building with the condition that the smaller building be removed in 30-days, supported by Member Pennington. All in favor, motion carried.

ARTICLE 6.

Case # 10-2993 Cascade – Thornapple River Association Requested Action: Consider amendments to Section 4.33 of Zoning Ordinance – Keyhole Development.

Planning Director Peterson said that what Staff would like to do this evening is introduce the background and history that is involved. He would like to discuss this project a bit and hold discussions for the Public Hearing. Tonight he would like to answer any questions from the Commission or if additional information needed, he would be able to obtain it. Planning Director Peterson would like to set the Public Hearing for the June 7, 2010 Planning Commission meeting.

Planning Director Peterson showed the Township zoning map and noted that the Cascade Thornapple River Association (CTRA) has been seeking river access for its members for over ten (10) years. Access to the river is allowed through property owners or deed restrictions. The Township has drafted other restrictions that do not allow access to those off the river. There has been an effort by the association over the years to develop a way that their members have access to the river.

A few years ago, the Township allowed for a ramp in the Goodwood Association.

Over the past 6-years, the CTRA has sought out locations for a boat ramp for their members and for one reason or another have been unsuccessful.

The amendments being requested by the CTRA would allow them to ask for a permission to use one or more of the existing ramps on the upper portion of the Thornapple River. In concept, this is something that the Township has supported and has actually

suggested that the CTRA look into. However, until now, the CTRA has not been interested in pursuing this as an option.

The idea with this is that it would only be for those people who have legal access to the river per our ordinance.

The River Association, whether discussing a ramp or shared access, have been involved with this idea and would like the rules enforced as they should be with the Keyhole Regulations still enforced.

Staff has some small corrections to the ordinance and counted approximately thirty (30) ramps in the area that could be potentially used. This amendment would not grant the access but would simply allow them to apply for a Special Use Permit to use one or more of the existing access ramps to the river or any other waterbody in the Township.

Included in the Commissions' packets are drafts of the language along with the review by the Township Attorney.

Member Sperla noted that it does not look as if one must have river frontage to have access and Planning Director Peterson noted that the current ordinance recognizes people who are not on the river but have legal deeded access prior the development of our Keyhole regulations in 1995.

Member Lewis asked if it is possible to include a map with the lots that have access including through deeds. Planning Director Peterson said he would work with the association and try and develop such a map.

Member Logue asked how the county's sheriff's department accesses the river or the Township Fire Department? Planning Director Peterson said he is not sure where the sheriff's department has their agreements but the Township's Fire Department has numerous agreements with the associations along the river for access.

Member Williams noted it might be helpful to have a map to the thirty or so ramps that the Township Staff has observed.

Member Sperla noted his concern in allowing the back property owners river access and potential enforcement issues. Member Pennington believes that most of the associations are self-policing with river access.

Chairman Waalkes believes the association should be able to self-police the river and allow them to work the details out.

CTRA Representative, Ned Quinn, has been the president for four (4) years. He moved onto the river in 2004 on Whispering Ridge. There are twenty-two (22) residents in this subdivision of which eight (8) have waterfront property and also have a 50-foot access strip. The access strip has a deeded right in this neighborhood to the twenty-two (22) residents.

The Association does want a restricted access for safety purposes and would police the access themselves. Their intent is not to broaden this into Caledonia. There is a potential for three hundred forty (340) homeowners that have rights to the water and they have calculated one hundred forty (140) do not have access to ramps. Their goal in doing this is to maintain the beautification of the river so not everyone builds a boat ramp and would like to limit the number and sizes of the ramps.

Member Lewis asked if one ramp could be built for the residents and Representative Quinn said they have tried to do this but have not been successful since no one wants the ramp next to their property.

Member Logue noted that some of the off-water residents have access to a deeded strip and is this not suitable for launching boats? Representative Quinn said that it is in the bayou and often fills up with silt.

Representative Quinn also said their intention is to allow for Spring and Fall use, not for daily launching and pulling out of a boat. This is for long term, seasonal access for neighborhood use.

Scott Rissi who lives on Cascade Road is a member and past president of the association. He said there are approximately six (6) neighborhoods that have back lot deeds allowing river access and those are Goodwood, the Marachibo Shores Association; Whispering Ridge; Sequoia; Kilmer and Little Harbor. Can the back lot owners use the launch, they could but it is not for daily use and it is not a concern of the association.

In 2001 there were fifty-one suitable boat ramps on the river, he is not sure how many are there today.

Chairman Waalkes said he would personally like to see this move forward and be presented at the June 7th meeting.

Member McCarthy asked how the Public Hearing notifications would be distributed and Planning Director Peterson said a notification would be placed in the paper.

ARTICLE 7.

Any Other Business

Member Lewis noted that there were a couple of public open-house meetings regarding the round-a-bout. He attended the residents' meeting and the public should be educated about round-a-bouts.

The Downtown Development Authority holds the funds for the project; the Township would have to approve it along with the Kent County Road Commission. The project is still possible but there are many processes that need to be gone through and is still a viable option.

The next Planning Commission Meeting is scheduled for June 7, 2010.

ARTICLE 8.

Adjournment

Chairman Waalkes requested a motion for adjournment.

Motion was made by Member Sperla and supported by Member Pennington to adjourn. Motion carried unanimously and the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Al Pennington, Secretary

Lisa Hern, Recording Secretary