

MINUTES

Cascade Charter Township Planning Commission
Tuesday, May 28, 2013
7:00 P.M.

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

ARTICLE 4. Approve the Minutes of the May 06, 2013 meeting.

Motion was made by Member Pennington to approve the Minutes. Support by Member Mead. Motion carried.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items

There was no one wishing to speak on non-agenda items.

ARTICLE 6. Case #13-3130 Lee Schomberg

Public Hearing

Property Address: 3580 Vinewood Avenue SE

Requested Action: Type I SUP to install a fence in the front yard up to 6 ft. high.

After introducing the case, Chairman Sperla asked Planner Peterson to come forward for staff comments. Residential property owner is requesting a fence for their corner lot at 6ft. instead of 4ft. Planner Peterson recommended approval of their special use permit for the 6 ft. fence.

Member Lewis stated that there are mature trees in the yard and asked if the trees produced the privacy they were looking for.

Schomberg stated that the site line extended beyond the tree line.

Member Hammond asked for clarification on the 10 ft easement. The applicant indicated the easement will be taken into account for fence placement.

Chairman Sperla asked if anyone had any further comment. Member Hammond moved to open the public hearing. Member Lewis supported. Motion carried unanimously.

There were no public comments.

Member Hammond moved to close the public hearing. Member Lewis supported. Motion carried unanimously.

Member Lewis motioned to approve the request for a 6 ft. privacy fence at 3580 Vinewood Avenue SE. Member Williams supported. Motion carried unanimously.

ARTICLE 7. Case #13-3119 Sable Valley

Property Address: 1790 Buttrick Avenue

Requested Action: Rezone approximately 8 acres PUD to allow for 7 Site Condominium Units.

After introducing case, Chairman Sperla asked Planner Peterson to come forward with staff comments. Planner Peterson explained that site condominium developments are for single family, stand-alone homes. The approval that you awarded had several items that needed to be taken care of. That has been done. The only change was the landscape bond was reduced to \$4,000. I am recommending that you forward this to the board for final approval.

Chairman Sperla asked if the applicant would like to make any comments. Applicant was present but had no comment.

Shirley Hoch, 8053 Ginger Brook Court SE, stated that she had talked to neighbors and has a letter with signatures of 40 neighbors that disagree with the proposal due to the devaluation of our properties due to the smaller lot sizes.

Member Lewis motioned that we forward a favorable vote to the Township Board for approval. Member Pennington supported. Carried unanimously.

ARTICLE 8. Case #13-3124 Meadowood Development

Property Address: 3361 Charlevoix Drive

Requested Action: Amend the Centennial Park PUD for the redevelopment of Centennial Country Club.

Member Hammond excused himself from hearing as he has conflict of interest in the case. Member Lewis voted to remove from the table. Mead supported. Motion carried.

After introducing case, Chairman Sperla asked Planner Peterson to come forward with staff comments. Planner Peterson stated that some new information had been added after the packets had been completed including new letters from the DEQ and the City of Grand Rapids.

A public utility system has been designed; the water system is public and sewer is a private system. The sewer system does not have the capacity to handle Phase 2 until some upgrades to the system have been made.

Private roads were discussed to insure that they would be up to our construction standards and would be maintained as appropriate to the township rules. A construction certificate as well as escrow funds for maintenance for the future could be written in to the PUD ordinance if we decide to allow private roads.

Phase 2 was shown as a concept and they have provided some of the information but as I said before there is not capacity for Phase 2 with the sewer system. No approval should be given until the capacity issue has been addressed.

Storm water approval still has some issues that need to be addressed but none seem large to hold up the process.

Walking paths will be provided and grading of the property to accommodate a future walk and to improve site distance. Sidewalks on Charlevoix should be addressed now regardless of Phase 2.

Apartment size has been addressed with units ranging from 700-1600 sq ft. with rental price of units from \$1,400-2,300/month. The single family home price has been set in the \$225-600,000 range.

The proposed deed restriction gives the open space property to each condo association for the single family units as requested.

Unit 10 is planned as a two unit option but the boundary is unclear. I would not approve a two unit as it would not fit on the property with our current lot restrictions.

Meadowood provided a letter from their consultant that addressed the review by the DEQ. The letter from the DEQ indicated the same as the consultant regarding areas that may require permits. The open space and the pond in Area 2 by the apartments would require a permit to fill the pond. This should not alter the plans.

In my opinion the landscaping business should be closed or grandfathered in as legal non-conforming use.

Lot 5 needs to be determined as to whether it is a buildable site with the easement that is requested to allow access to the site.

Some of the detail we would normally have isn't here, but I am comfortable with where we are and would recommend this for approval.

The club house and pool should be required to be in place at occupancy of the 12th building which would be at the end of phase 1.

If you move forward with the approval, the project would come back to you for a final recommendation for the board with all the details and ordinances in place.

Chairman asked for questions

Chairman Sperla requested Mr. Beckering to come forward with any comments. Mr. Beckering stated that the Public Utilities had been addressed by the City of Grand Rapids that Phase 2 can be addressed at that time and that we may be required to increase the capacity of the pumps at a cost of \$20,000. We are fully in agreement that we will need to comply with any of the requirements if and when Phase 2 comes to fruition.

Road design: We have agreed to comply with KCRC standards and provide a roads certificate as well as an escrow fund for road maintenance.

Phase 2 needs to be shown as fully engineered. We feel we have shown this and we have addressed the sewer issues with the City of Grand Rapids.

Storm water approval has some details missing but we are ready to address these issues.

Easements for pathways on Tahoe and Thornhills have been included. We do not feel that we should be required to grade this but will do this to show good faith. We are willing to comply but we disagree in principle.

The 7 ft. sidewalk on Charlevoix in front of the apartments we have in our plan. The sidewalk requested in front of the catering business is a new request that we feel is unnecessary as it would be a sidewalk to nowhere and would require the removal of large mature trees. If phase 2 were to proceed we would be willing to put in a sidewalk at that time.

In Area 10 we are fine with a single family site but we have an agreement with Heathmoor for a two unit site. We are happy with either situation and will accommodate accordingly.

MDEQ review wetlands assessment was addressed. Phase 2 ponds would only be an issue if we proceeded with that site plan. We would apply for proper permits and that time and conform to the MDEQ requirements.

For the landscaping business, we would prefer a special use variance but we are willing to agree to a legal non conforming use.

Lot 5 is a 9.3 acre parcel along 96 and Thornapple River Drive and has a significant elevation change that precludes functional access from the road. We met with the Kent County Road Commission and we did not feel there was a safe entrance. We presented an easement over a former cart path. We are not okay with abandoning this acreage.

In summary, we are agreeing to grade the path on Charlevoix and extending the sidewalk for Phase 2. However, eliminating the Phase 2 apartments, we cannot agree to and will rescind our application if that is the case. We agree to making the landscaping business non- conforming legal. We agree that the water issues are being addressed and we feel we have been showing good faith in working with the township engineer. We believe we have shown how Site 10 can work with the Heathmoor agreement but are willing to have this site be single family as well. We agree to commit to completing the clubhouse and pool before receiving an occupancy permit for building 12.

Chairman Sperla asked if any of Meadowoods experts had any additional comments. None were presented.

The Township Engineer stated that the latest City of Grand Rapids letter has to be reviewed. Beckering stated that they are committed to make any changes that are required by the City of Grand Rapids.

Member Pennington asked if there was any other reason that Phase 2 should be eliminated other than the sewer issues.

Planner Peterson stated there is no other issue other than the sewer issues. Also, if we have the agreement from Heathmoor agreeing to the site 10 - two unit building, we would agree to that as well.

Chairman Sperla requested that the president of the Heathmoor Association clarify the point on Site 10.

Gil Gertz, 3470 Charlevoix - President of Heathmoor Association . We have a purchase agreement for Site 10, but one of the conditions is that we want that to be a two unit site to be consistent with the other units in the area.

Chairman Sperla requested comments.

Dick Wachter, 3154 Gatehouse Drive E SE. The concern that I have is the maintenance of the common properties during this interim time. The grass has not been maintained and is becoming an issue.

Marko Franovic, 3591 Meadowood Trails SE. The access driveway for Site 5 cuts across the back of my property and will devalue my property and cause privacy issues. I have requested that Mr. Beckering move the driveway further to the back along the creek.

Dorothy Messinger, 3500 Charlevoix Drive SE; member of Heathmoor Association. I am concerned about the effect the new builds will have on our sewer system as we have had backups on Charlevoix with the existing homes.

Jane Hesselchwerdt, 6121 Gatehouse Drive N SE. You mentioned that you have had four associations approve, the Gatehouse Association has not had our annual meeting and we have not approved.

Shelly Gordon, 6176 and 6182 Gatehouse Drive S SE. How did this process get to this point with apartments being built instead of condos, devaluing our properties? I am also concerned with sewer and drainage issues in the area as we have had sewer issues. I do not feel this development fits in well with our current lifestyle.

Chairman Sperla requested Mr. Beckering address the issue of Gatehouse not having approved a resolution.

Mr. Beckering stated that the Boards of the Associations have approved the plans on behalf of their associations.

Chairman Sperla stated that for clarification that the Associations may not have met with their members as of yet. Mr. Beckering stated that the Gatehouse Association is meeting on June 3.

Chairman Sperla asked for Member comments.

Member Williams requested the responsibility of maintenance in the interim.

Beckering stated that upon a positive recommendation by the planning department to begin drafting the ordinance they will maintain the common areas.

Member Mead asked for clarification on the access for site 5.

Beckering stated that if they are unwilling to provide the easement than it will nullify the purchase agreement with the Meadowood Trails Condo Association and we would no longer require an easement.

Chairman Sperla requested comments for the Planning Commission Members for any motions.

Member Pennington stated that this is not a typical PUD and is has been a very complex issue. The sewer issue I believe can be worked out and I don't believe the others are showstoppers.

Member Sperla stated that the landscape business is not truly a non conforming use as it was present before the golf course and I think we need to be very direct as to what that business can be. No expansions or material changes can be made.

I am interested in knowing if the storm water is separate on Phase 2, but would be addressed by the city permits that would need to be obtained to continue.

Township Engineer Berrevoets stated that the storm water and sewer would be addressed by city permits at the time of development.

Member Lewis stated that site 10 is consistent with the Heathmoor Association and is acceptable.

Planner Peterson stated that the letter from the Township Engineer should be dated May 22, 2013 not May 15, 2013. It needs to be in writing that the Phase 2 sewer would be addressed with the developer paying 100% of the cost of any upgrades.

Member Pennington motioned to approve the rezoning of Case #13-3124 Meadowood Development with conditions as presented in the document presented by the developer which amends some the conditions in Planner Peterson's report. Member Lewis supported the motion. Motion carried for Preliminary approval subject to the comments made tonight.

ARTICLE 9. Any other business

No new business.

Article 10. Adjournment

Member Lewis made motion to adjourn. Member Mead supported. Motion carried unanimously. The meeting was adjourned at 8:22 pm.

Respectfully submitted,

Karen McCarthy, Secretary

Ann T Seykora, Planning Administrative Assistant