

saMINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, July 9, 2013
7:00 P.M.
Cascade Library Wisner Center
2870 Jackson Avenue SE

ARTICLE 1. Chairman Tom McDonald called the meeting to order at 7:00 P.M.
Members Present: Tom McDonald, Richard Vaughn, Mel Casey.
Members Absent: Fred Goldberg, Jeff Hammond.
Alternate Absent: Jack Neal.
Others Present: Planning Director Steve Peterson

ARTICLE 2. Chairman McDonald led the Pledge of Allegiance to the flag.

ARTICLE 3. Approve the Agenda

Motion was made by Member Richard Vaughn Support by Member Mel Casey.
Motion carried 3-0.

ARTICLE 4. Approve the Minutes of the June 11, 2013 Meeting.

Motion was made by Member Casey to approve the Minutes as presented, with the exception of the need to correct the footer on June 11, 2013. Support by Member Vaughn.
Motion carried 3-0.

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

No visitors present wished to speak about non-agenda items.

ARTICLE 6. Case # 13-3138
(Public Hearing)

Property Address: 2600 Horizon

Requested Action: The applicant is requesting a variance to allow an expansion of the parking lot that does not include the required bufferyard.

Planning Director Peterson introduced the case. He stated that the applicant wants to add a parking lot on the east side of their building. The applicant does not yet own the property but they are proposing to buy it to develop that additional parking on the site. Along the north side of the property they have a five foot bufferyard and along the east property line they are combining it with property they own and have no bufferyard. They are asking to continue the existing 5 foot buffer on the north and to have no buffer on the East

There is a non-conforming situation where where their existing parking lot does not meet the requirement of the bufferyard and the north side has parking that is too close.

This development was done in the mid 80's. There is a mix of use uses allowed there – office and industrial. These are the only uses allowed in the PUD.

The majority of these sites are all planned at the same time and parking does crisscross property lines but this site, at 2600 Horizon, wasn't included in the overall plan from the 80's. The new sites need to meet the new requirements.

The reason for this parking expansion is because they have a user for this building at 2680 which is a call center where they're trying to expand some parking. They are doing some work on the parking lot now as well as some detention pond work.

The engineer has looked at the plan and approved the work on the detention pond as well as the added parking.

In the cases where expectations were made they were slight reductions and could still accommodate the required plantings.

Peterson's recommendation is not to grant the applicant's variance and to stipulate that they meet the requirements of the bufferyard

Chairman Casey asked if there were any questions of Staff.

Chairman Casey invited owner, Andy Wenzel to come forward to address his request. Mr. Wenzel represents the Hinman Company as well as the the property owner at 2600 Horizon. They are under contract to purchase this property. Mr. Wendel asserts that the company has upgraded the property with increased office occupany, repairs to the existing property and landscaping. They are finding that they need additional parking and because the original Ordinance did not stipulate buffer zones they feel that Ordinance should prevail. Some sides of the building have two to three times the buffer zone. Mr. Wenzel does not understand why they have to adhere to the Ordinance when several other businesses have bought into the development in recent years and they were not required to adhere to the Ordinance.

Mr. Wenzel stipulates that this site is up on a hill, has new landscaping already put in, upgrades have done to the building, and this will create 400 new jobs to be phased in over the next two years. There will be a valve installed to retrieve storm water and use it more appropriately as the Ordinance stipulates. The Four Wheel drive area will be cleared in the coming year. Signage has been installed. The Hinman Company stipulates that the property has improved.

Chairman Casey asked staff had seen all of these plans before this meeting. Steve had seen the plans with the exception of the landscaping plan.

The initial problem with this property remains. This variance appeal increases non-compliance on this property.

Discussion of non-compliance and the reasons other property owners did not have to adhere to the Ordinance occurred.

Discussion occurred reducing parking spaces to conform to the Ordinance. Mr. Wenzel offered to install the required bufferyard if they ever sell the property.

Discussion occurred regarding detention pond. Mr. Wenzel stated that it served this site only.

Motion made by Member Casey to open public hearing. Second by Member Vaughn. Motion carried.

No one from the public spoke to this case.

Member Casey made a motion to close public hearing. Support by Member.Vaughn. Motion carried.

Member McDonald stated that while Hinman Company is a great company and will be providing more jobs to the area (which everyone wants to do), the property is in non-compliance.

Member Casey made a motion to approve the variance under the following conditions.

- Install the required bufferyards if the property is sold.
- Property must come under Ordinance if sold.
- Eliminate 17 parking spaces to increase the buffer on the north.
- Keep buffer along north property line.

Support by Member Vaughn with the four stipulations. Motion carried 3-0.

Article 7

Case #13-3135 Flagstaff Bank (Public Hearing)

Property Address: 2851 Charlevoix Drive SE

Requested Action: The applicant is requesting a variance to allow a smaller lot size, reduced setbacks and a new driveway off from 28th Street.

Planning Director Peterson introduced this case.

There are two instances where the request has been granted for a new driveway. In both cases the driveways have been rather difficult.

The Hinman Company wants to parcel off a piece of the lot to make a bank. There's not much setback from the property for this bank. Centennial Park is governed by an old PUD which did not have a lot of well-written rules. In a study with the DDA and the property owners it was found that some of the properties were overparked. In the new Ordinance there were opportunities to re-develop this area which would not involve taking down buildings. This is one area that appears to be suitable for that.

When we developed those rules for the Centennial Park Overlay Zoning District we used some of the things we have in place for some different areas. We followed the Office Zoning Guidelines so the rules that we developed were already on the books in terms of Cascade Township. We didn't follow the Commercial District but the Office District which is a little bit less in terms of lot size and allows for re-development to occur. New lots in the Centennial Park Overlay Zoning District are 50,000 and setbacks of 20 square feet. Hinman Company is asking for 20,000 square feet and 10 square feet for minimum lot setbacks. Does this mesh with the Building Code? Does this affect the building fire walls, etc?

The other variance is the new drive coming in from 28th Street on the corner of Charlevoix and 28th Street. Where it is proposed lines up well with their existing access aisle. Where we measure that requirement from is based on minimum speed of the road. We measure that from the right of way 300 feet back from the center line of the new drive. This one is 260 feet so it would have to move 40 feet to the west to comply with that requirement.

We do have other right ins and right outs. One is just east of this intersection with very dramatic movements which makes it very difficult to turn left out of. We did approve one for Meijer very similar to this where they actually had a right in and right out, but it's within the right turn lane as you're going northbound on Kraft turning right onto 28th Street. We permitted that one at 270 feet from the 28th Street right of way.

There doesn't seem to be anything unique on this site. Changing the lot plan does not change the site plan. Recent rules were developed for the Centennial Park Overlay involving property owners, DDA, Township Board, Planning Commission. This could cause other issues down the road when there really isn't anything exceptional about this site plan.

Hinman Company is putting a new driveway off of Charlevoix. There is an existing curb cut that does meet the requirements based on the speed limits of the road. There is plenty of access to the site using the existing access sites.

There seems to be nothing unique or extraordinary about this request.

Peterson's recommendation is not to grant the variance due to the smaller lot size, smaller setbacks and the shorter distance for the drive.

Discussion occurred regarding Township parking requirements for this lot. Flagstar Bank could buy a bigger lot and that would avoid the lot size and setback variance.

Andy Wenzel was invited to come forward to address the request. Hinman Company does own this property. They neglected to realize the Ordinance requirements at the time of purchase. The Hinman Company does feel they should be allowed the variance because of lot sizes of several businesses on 28th Street. Some of which are not within the same zoning jurisdiction. Hinman Company feels that their request for a right in should be allowed because of precedent set by other business in the area.

Architect for Flagstar Bank, Mike Boggon, spoke of other concerns regarding the site. The proposed setbacks do not not impact the fire code. Similar Flagstar banks throughout Michigan have the same lot size and setbacks.

Applicant is requesting right in to minimize circulation within the development, minimize traffic on 28th Street.

Discussion occurred regarding where the right in would begin.

Member Casey raised discussion regarding the Township allowing a smaller lot size to go forward. Would other businesses expect this in the future?

Member McDonald discussed the study completed on the Centennial Plaza completed in 2008. It was very extensive and expensive. There have been no variance requests since then.

Motion made by Member Casey to open Public Hearing. Support by Member Vaughn
Motion granted.

No one from the public spoke to this case.

Member Vaughn made motion to close public hearing. Support by Member Casey.
Motion carried.

Member Casey made motion to deny variance. Discussion occurred about splitting the request into two requests. One for lot size and setbacks. The other for the right in drive.

Member Casey made motion to deny the variance for lot size and setback. Support by Vaughn. Motion carried.

Member Casey made motion to approve the variance for the right in drive from 300 feet to 260 feet from the right of way at the intersection as it exists and is a required distance from the corner. Support by Member Vaughn. Motion carried.

Article 8. Any other business.

Article 9. Adjournment.

Motion made by Member Casey to adjourn. Support by Vaughn. Motion carried. The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Mel Casey, Secretary
Kelli Hults, Planning Administrative Assistant