

**/MINUTES**  
Cascade Charter Township Planning Commission  
Monday, May 2, 2005  
7:00 pm

- ARTICLE 1.** Chairman Goldberg called the meeting to order.  
Members Present: Goldberg, Koessel, Logue, MacAllister, McDonald, Postma, Richards, Robinson  
Members Absent: Lewis (excused).  
Others Present: Planner Deem, Admin. Assistant Thompson and those listed on Supplement #1.
- ARTICLE 2.** Chairman Goldberg led the Pledge of Allegiance to the Flag.
- ARTICLE 3.** **The agenda was approved on motion by Member Robinson and supported by Member MacAllister. The motion carried.**
- ARTICLE 4.** **The Minutes of the April 18, 2005 meeting were approved as written on motion by Member Robinson and supported by Member MacAllister. The motion carried.**
- ARTICLE 5.** The Township Board Minutes of March 9, March 23 and April 13, 2005 were received and filed.
- ARTICLE 6.** **Case #05-2721: Jack Snyder**  
*(PUBLIC HEARING)*  
The applicant requested a Type I Special Use Permit to build a 32' x 40' accessory building at 5550 Whispering Timbers.
- Planner Deem related the applicant is present to request a Type I Special Use Permit. The Zoning Ordinance requires a Special Use Permit for accessory buildings over 832 square feet in size. The applicant is proposing to build a 1,280 s.f. accessory building. The property is located off of Kilmer Drive and is 9.82 acres in size. The proposed building will be located 120 feet from the side yard and 320 feet from the rear yard, where the requirement is a 10' foot side yard and 25' rear yard. The proposed height is 12.5 feet to the midpoint. With the setbacks the building would be allowed to go to 22 feet high at the midpoint and meet the height requirements.
- Planner Deem then went through the findings of fact.  
*Factor 1: the intended use of the building.* Comment: Storage and workshop.  
*Factor 2: The proposed location, type and kind of construction, and general architectural character of the building.* Comment:

the accessory building will be placed in the side yard. It will be a pole barn with vinyl siding and look similar to the existing home. The neighborhood is single family homes.

*Factor 3: The size of the building in relation to the house, lot and zoning district.* Comment: the existing home is 2,100 s.f. with a 510 s.f. attached garage. The proposed accessory building is 1,280 square feet.

*Factor 4: The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the general area.* Comment: the neighboring lots have single family homes. They do not have accessory buildings.

*Factor 5: The topography and vegetation in the area.* Comment: The lot is wooded to the south and to the east. The property slopes away from the building site to the east and to the south.

*Factor 6: Whether the proposed building will affect the light and air circulation of any adjoining properties.* Comment: The proposed building will not affect the light and air circulation of the adjoining properties. It is being placed on the far side of the property away from the neighboring homes.

*Factor 7: Whether the proposed building will adversely affect the view of any adjoining property owner or occupant.* Comment: The proposed building will not affect the views of the adjoining buildings.

*Factor 8: Points of access to the proposed building and their relationship to adjoining properties and the view from adjacent streets.* There will be no new curb cut to access this building.

Planner Deem recommended approval with the conditions listed in the Staff Report.

Chairman Goldberg asked if the building would have plumbing. Planner Deem responded he did not know.

Member MacAllister asked if there are any other structures on the property. Planner Deem responded just the house.

Mr. Snyder, the applicant, was present. He related the building would be used for a hobby workshop, lawn equipment and cars. There will be no plumbing in the building.

Chairman Goldberg asked if the building would be heated. Mr. Snyder responded yes.

Member Robinson asked if there is an existing building on the property. Mr. Snyder related there is an old shed. It has been

moved and located back in the woods to the south of the house. It is on skids.

Planner Deem related with the acreage the applicant has, he would be allowed three accessory buildings.

Member Robinson asked Mr. Snyder if he has an existing garage. Mr. Snyder responded yes, it is attached to the house. It will continue to be a garage.

**Member Koessel supported by Member Logue moved to open the public hearing. The motion carried and the public hearing was opened.**

Planner Deem related no comments were received.

**Member Robinson supported by Member MacAllister moved to close the public hearing. The motion carried and the public hearing was closed.**

Member MacAllister related she is a neighbor of this property and does not think this will impact the area. The building is well sited and has a nice facade.

**Member McDonald supported by Member Robinson moved to approve the Type I Special Use Permit with the following conditions: 1) the building not be involved, directly or indirectly with any business, trade, occupation or profession; and 2) any lighting for the building be downcast. The motion carried.**

## **ARTICLE 7.**

### **Case #05-2719: John Halland/Buttrick Point**

The applicant requested Basic Plan Review for a proposed Planned Unit Development rezoning of 35.91 acres to allow for 16 single family homes at 5225 Buttrick Avenue, S.E.

Planner Deem related the property is located on the southwest corner of 52<sup>nd</sup> Street and Buttrick Avenue. The property is zoned ARC and is approximately 36.19 acres. The neighboring properties are all single family homes. The property to the north is zoned R-1. The applicant is seeking basic plan review for 16 units. The Subdivision Ordinance allows a project in the ARC with 50% of open space to have lots that have a minimum lot width of 115 feet and a minimum lot size of 50,000 square feet. During the review of this plan, Staff calculated the number of units as 12 using the following factors: Acres of 35.91 less 2.5 acres of

wetlands and 5.0 acres of right of way with 50% of open space the total number of lots would be 12. If the entire parcel also included Parcel A it would add an additional five acres. Then 14 lots would be allowed. Either way, the applicant will have to remove some lots to comply with the Zoning Ordinance. A total number of 12 lots would be allowed by ordinance. The applicant has submitted a test plan tonight which has a total number of 16 lots including the original house parcel. To get 16 lots, the applicant would have to do land divisions with four splits allowed for the first ten acres and then one split for a total of seven lots in the first ten years. If the lot splits were approved by Staff, the applicant would get seven splits. After ten years, another set of splits could be done. This project will not be served by sewer and water. The project will be accessed by private roads with one proposed entrance off Buttrick Avenue. The Township would like to see an easement to the properties to the north and south. There is a stubbed street from the Sandy Hollow project from the north. Staff would like to see an easement to connect to the property to the north and south to allow for cross access. The Fire Department has reviewed the plan and asked that the street names be changed. The Township Engineer will have to review the plans. The property is zoned ARC and is identified in the Master Plan for rural residential. The recommended lot size is 1-1/2 acres per unit.

Chairman Goldberg asked Staff if he reviewed the new material presented tonight. Planner Deem responded just briefly. There are five lots up front now and the common area is moved. The new plan still shows 16 lots. Planner Deem related he would like the Planning Commission to make a decision on the number of lots.

Chairman Goldberg asked if there is an issue of too many houses on a street with only one ingress and egress. He asked the maximum number of houses allowed. Planner Deem responded a private road with one access would be allowed 19 homes.

Member McDonald asked if the easement is mandatory or if it is a request. Planner Deem related it is a request. Connectivity is what we strive for. There is one parcel of property between Sandy Hollow and this project. That parcel may be developed soon.

Member Koessel related he would like to go back to the parcels to the north that are zoned R-1. Member Koessel asked how many lots would be allowed if it was R-1. Planner Deem responded about 24.

Member Koessel related the Subdivision Ordinance was created after the most recent Master Plan. The Planning Commission should take everything together. These are fairly large lots compared to Manchester Woods. Planner Deem related they are just over an acre.

John Halland of Halland Homes was present. Mr. Halland related he will be developing the project under the name of Laurel Ridge Development Company. He just sold the last lot in Laurel Ridge and is looking for the next project. He is looking to do the same thing here as he did there. He would like to round up the density. The site perks well. The soil borings are shown on the plan. A parallel plan shows 15 lots. The following calculation used was: 35.91 acres times 43,560 s.f. equals 1,564,000 s.f. equals 15.64 lots. Rounding up would be 16 lots. The new plan differs from previous plan.

Mr. Halland related he does not have a problem providing an easement to the property to the north and south. He is trying to buy the south property. The existing house is on the five acre piece and has been sold to a nephew of the estate. Mr. Halland related he will give that buyer an easement over the common area to the north of the front entrance to get back to the house. The Road Commission has looked at the front entrance and they are fine with it. There is no problem with keeping the grades under eight percent. Neighboring wells in the area are 180 feet deep with excellent water quality. The Health Department will require a test well be put in.

Chairman Goldberg asked who did the wetland determination. Mr. Halland responded King and MacGregor. Mr. Halland related the wetlands were flagged generously.

Planner Deem related the minimum lot size under the Subdivision Ordinance is 50,000 s.f. Nine of these lots are under that. The minimum lot size if it were R-1 would be have been 40,000 s.f. of which five would not meet that minimum lot size. Mr. Halland related that is why he is going PUD. Planner Deem related even with R-1 it has to be the minimum lot size. We can't just throw out the ordinance and do what we want. It looks like the real open space is the portion adjacent to the five acres and the back southwest corner of the property. This looks like more than 2.5 acres of wetland on the new plan. Wetlands are not credited for open space.

Mr. Halland showed on the plan where the creek runs through the property.

Member Logue related the reason for clustering is to keep open space.

Member MacAllister related it looks like it needs more open space for the number of lots. Staff agreed.

Member McDonald related Staff did their homework.

Member Postma related the applicant could move some lot lines around to get the minimum. Mr. Halland related Lots 7, 8, 9 and 10 could easily be reduced in size.

Member MacAllister related the Planning Commission does not need to be designing the layout.

Planner Deem related adding open space is not addressing the minimum lot size. The minimum lot size is 50,000 s.f. Some of these lots need 9,000 s.f. added to them.

Chairman Goldberg related we try and make the PUD adhere as nearly as possible to the underlying zoning. The underlying zoning is a reference point.

Member MacAllister related she would like to see the adjacent driveways from across the street drawn on the plan.

Chairman Goldberg related they can have 12 lots under the Subdivision Ordinance. That is not necessarily going to be a hard and fast rule but if you want more than 12 lots, we need to see more open space or by way of other amenities to off set the number of lots.

Mr. Halland asked if the easements to the north and south would be necessary. Chairman Goldberg responded that would be part of it.

Member Koessel asked for a clarification on the R-1 zoning issue. We have been talking about ARC and R-1 that at least 50% has to be either public or private open space. He read in the Zoning Ordinance lot sizes could be 21,000 s.f. Planner Deem related that is with water and sewer. There is no 50% bonus for open space with well and septic for R-1 and R-2.

Member Koessel related he is bringing this up because of the easement if we propose that be provided. If this were R-1 with public water and sewer it would allow lot sizes of 21,000 s.f. and that would be around 20 lots. Planner Deem related that's correct.

Member Koessel related he does not have an issue with 50% open space and 16 lots.

Chairman Goldberg related he does have an issue with it. The issue is we have an ARC zone and an R-1 zone, they are two separate zoning districts. We have a Master Plan that basically says we are going to look with favor on rezoning requests within reason that seek to take property from one zoning classification into another that is more consistent with the Master Plan. But R-1 allowing 20 lots to his way of thinking is not more consistent with Master Plan than the existing ARC zoning. If I follow the Master Plan I wouldn't look with favor on a rezoning. When we talk about connectivity that is mixing apples and oranges. Every zoning district has a boundary. We can't always be rezoning at the boundary because we are creating another boundary and another possible rezoning. Chairman Goldberg related he is not necessarily looking at it as an R-1 property. He does look at it as a property where he could get comfortable with more than 12 lots with the things that could be done here such as extra open space, providing access to the creek area, walking paths, etc.

Member Koessel related he did not mean to say it should be rezoned to R-1. It's a matter of calculations. He is not in favor of connecting an ARC parcel to an R-1 parcel either. If we can get more open space, the lots are large and meet the density requirement of the Master Plan, he wouldn't be uncomfortable with what we see here.

Mr. Halland asked what is the Master Plan. Supposedly it is for future land use.

Chairman Goldberg related the Master Plan is the Township's goal for long term land use of property within the township. The Zoning Map shows what it is zoned now. It is our vision for the future and attempts to give the Planning Commission and the Township Board guidance as they consider applications to rezone.

Mr. Halland asked if he could ask for a rezoning to Rural Residential. Chairman Goldberg responded no, Rural Residential is not a zoning classification, it is a concept. It means we are looking at this as homes on larger lot sizes and not as farm land.

Chairman Goldberg related he does not think anyone on the Commission would be in favor of greater density than the Master Plan provides.

Member Robinson related he does not have any concerns about the 16 lots. He goes along with what Chairman Goldberg and Member Koessel said for more open space. For the property he has it is a fairly good layout. He does not see how it can be changed to a great degree.

Planner Deem related he could remove a couple of units.

Member Robinson asked what would that accomplish. Planner Deem responded it follows the ordinance that we have developed for developing a property in this zoning classification. This was just done in 2003 with taking everything in mind that has been going on in the township. The increasing sprawl that has been occurring in the township and where we want to stimulate growth. The object wasn't to allow higher density in ARC but to allow it where water and sewer are available on the west side of the river. The ideas here are right but looking at the location this is a property where we should be following the ordinance. Any bonuses that you are giving here the township is not benefiting from them. We are just increasing sprawl and moving out from where development should be. If this were on water and sewer, this would be a different conversation. This is not the right project for the additional lots.

Member McDonald related he agrees with Staff and it is also the reason why we should not force them to provide an easement. There is a reason for ARC and R-1 zoning. We do not need to link the two. That does away with even more open space.

Member MacAllister related she supports Staff's comments. She would like to challenge to say since there is another piece of property to south that may be developed, she would like to see the connectivity to the south as opposed to the north.

Member Postma asked what does the township require for a wetlands delineation before a plat is approved. Chairman Goldberg responded there are DEQ criteria. King and MacGregor is a recognized firm that does wetlands delineations. They apply the DEQ criteria to the land and then certify the delineation.



Member Postma related he just did a wetlands delineation on a piece of property and was told by King and MacGregor that less than one-third of an acre the DEQ will say it can go way.

Member Koessel related if that has to happen before final approval.

Mr. Halland related when he met King and MacGregor out there, there was snow on the ground. The engineer marked the wetlands by following the trees. They flagged it March 23. They will come back and look at it again now that the snow is gone.

Member MacAllister related the test plan shows power lines. Mr. Halland related those will get moved. They put those in without an easement.

Chairman Goldberg related he is hearing in terms of a consensus something in between 13-16 lots is thought viable depending on the concessions we get. We will be looking for increased open space, increased amenities for people to enjoy the open space and try and gauge the extent of that against the number of extra lots the applicant is looking for.

Member Koessel related it would be helpful to have Staff's calculation of the density issue.

## **ARTICLE 8.**

### **Any Other Business**

Member MacAllister related in reading the March 9 Township Board meeting minutes regarding the sidewalks along 28<sup>th</sup> Street will be installed in a range from 2008 to 2020. She asked is there any possibility of moving that up. Member Koessel responded he does not remember discussing the 2020 dates. When we were looking at the Riebel development we asked them to put the sidewalks in. Those will be torn up by sewer development in 2008. It has something to do with that.

Planner Deem believes it is being paid for in 2006 and will start in 2007. The sidewalks are being projected as a 2008 project after all the construction is done. That is for the south side of 28<sup>th</sup> Street. The north side would not be affected by the construction project.

Member Robinson asked if there is anything new on the Goodwood boat launch. Planner Deem related the Township Board did approve it at their previous meeting and last week the Findings of Fact statement was read into the record.

Member McDonald thanked everyone for the cards and flowers.

**ARTICLE 9.           Adjournment**

**Member McDonald supported by Member McAllister moved to adjourn. The motion carried and the meeting was adjourned at 8:10 pm.**

Respectfully submitted,

Tom McDonald, Secretary

TMD:MJT