

MINUTES
Cascade Charter Township Planning Commission
Tuesday, February 16, 2010
7:00 p.m.

ARTICLE 1. Chairman Waalkes called the meeting to order at 7:00 p.m.
Members Present: Hammond, Logue, McCarthy, Pennington, Sperla, Williams.
Members Absent: Lewis (excused) and Robinson (excused).
Others Present: Township Planning Director Peterson, Recording Secretary Hern and Members of the Public.

ARTICLE 2. Chairman Waalkes led the Pledge of Allegiance to the Flag.

ARTICLE 3. Approve the Agenda for the February 16, 2010 Planning Commission Meeting.
Chairman Waalkes requested a motion for the approval of the February 16, 2010 Agenda.

Motion was made by Member Logue and supported by Member Pennington to approve the Agenda as presented. Motion carried unanimously.

ARTICLE 4. Approve the Minutes of the January 25, 2010 Meeting.
Chairman Waalkes requested if there were any corrections to the January 25th Minutes.

Member Williams asked that her last name be corrected in the attending members (noted as Wilson should read as Williams).

Motion was made by Member McCarthy and supported by Member Sperla to approve the January 25, 2010 Minutes as corrected. All in favor with none opposed. Motion carried.

ARTICLE 5. Approve the Minutes of the February 1, 2010 Meeting.
Chairman Waalkes requested if there were any corrections to the February 1st Minutes.

Motion was made by Member McCarthy and supported by Member Sperla to approve the February 1, 2010 Minutes as presented. All in favor with none opposed. Motion carried.

ARTICLE 6. Case # 10-2986: Forest Hills Public Schools – Pine Ridge Elementary
Requested Action: The Applicant is requesting a Type II Special Use Permit to construct a new driveway in order for the school to have access to Cascade Road.

(PUBLIC HEARING)

Planning Director Peterson clarified that the Planning Commission is to send their recommendation to the Township Board for their approval.

He noted that the drive is located on the north side of Cascade Road approximately ¼-mile north of 36th Street. This property is owned by Forest Hills Schools and the school has owned the property since 1971.

Currently, the only access to the school is from Redford Street, a local subdivision road.

The reason for the new drive is to separate bus traffic from parents and employee traffic. The school sent notice; a copy is included within the Commissions' packets, noting that this project is part of the bond drive from a couple of years ago.

Although the school has been there a long time, the Township's ordinance requires schools to have Direct Primary Access to a collector or arterial street. Cascade Road is the only option for such access. In this sense, the new drive would actually make the school conforming to the Township's ordinance with this driveway.

Staff's report also notes that Cascade Road has been improved in the last couple of years and now includes a center turn lane. The Applicant also notes acceleration and de-acceleration lanes into this drive.

KCRC has reviewed the plans and has approved of the location of the access and is working with the Applicant on its design.

The Township Engineer has reviewed the plans and the plans have been modified to address his concerns. Some issues were identified for storm water and they have been corrected as well by use of some infiltration and underground storage by Cascade Road that will meet the Township's standards.

The school will have to pull a permit to cut the pedestrian path on Cascade Road and it should be noted that the pathway could not be closed for more than three (3) days per the ordinance. This may require that the Applicant build a temporary path or at least some sort of passable surface while the drive is under construction.

The Applicant does show a new sign on Cascade Road and this will require a separate sign permit from the Planning Office prior to it being installed.

Planning Director Peterson reviewed the standards for a Type II Special Use Permit as outlined in the staff report and gave his comments relative to each standard.

Staff recommends that the Planning Commission forward a favorable recommendation to the Township Board to approve the special land use under the following conditions:

- 1) Receive a pathway-cutting permit for the drive.
- 2) Permit from the KCRC.
- 3) Sign permit prior to its installation.
- 4) Soil erosion and sedimentation control permit.

Member Williams asked if the road would be fully serviced and compliant to KCRC standards and will it be maintained with snow plowing, etc.? Planning Director Peterson noted that this is a driveway, not a road, and would be maintained by the school. KCRC will oversee the access where it connects to Cascade Road and everything from the pathway to the school is the school's driveway.

Member Williams asked if there would be a gate that closes when the drive is not in use and Planning Director Peterson does not believe the Applicant is proposing to install a gate.

Member Logue asked if a traffic study has been done and Staff has not received one.

Member McCarthy asked that if there was signage to be placed on Cascade Road, would the signage follow the school district's signage standards or would it be a Road Commission issue? Planning Director Peterson said that the school would be allowed to have signage on their property and they could work with the Road Commission for additional signage in Cascade Road right-of-way.

Member Sperla asked if the road would be constructed to meet the County's standards and Planning Director Peterson said only the portion within the road right-of-way as this is a driveway and the private road ordinance does not apply to this project since it is a driveway.

Planning Director Peterson noted the Township does not set a standard for the grade of a driveway, he understands there were some comments from the engineers in the reports noting that the driveway has a 9% grade and the Township has driveways over 9%. Member Sperla noted that the grade would affect the water runoff and Planning Director Peterson said the water runoff has

already been factored into the construction of the drive and referred to Fishbeck's report that notes some of the circumstances of the land.

Member Sperla asked Staff if they have reviewed a letter received from Attorney William DeHoek who represents the resident at 7300 Cascade Road SE, and asked if Staff has reviewed the letter. Planning Director Peterson has not seen the letter submitted. Member Sperla noted that the letter raises five (5) issues and wants to ensure that Staff has reviewed the letter to address the concerns that have been expressed and believes the school should also have an opportunity to review the letter. Planning Director Peterson reminded the Commission they are to use the Standards provided when making a decision on this project.

Tom Walters from Forest Hills Public Schools said that he and a team from the district are present tonight to answer any questions.

He noted that in 2007 a bond was passed to renovate the district's buildings and address separate traffic issues from buses and parents/staff along with security issues to the buildings. This project is part of the 2007 bond.

Mr. Walters noted that GMB has been working with KCRC regarding the design of the entry way and the driveway will be a cul-d-sac to be utilized by school buses and parents throughout the day for drop off and pick up of students from various doctor appointments, etc. They are proposing signage on the drive to read "bus traffic only" and are not planning to install gates.

Matt Levandoski from GMB showed the existing site plan and the new site plan. He noted that the cul-d-sac would have twelve (12) parking spaces for parents to utilize while dropping off or picking up their children. Currently buses, staff and parents utilize the existing bus loop and parking lot for the students and students are flowing into the parking area and their safety is at risk.

The proposed plan shows a reconstructed playground that is currently outdated. The drive would be primarily for the school buses and the parents would utilize the current street to access the school. The open green space would remain.

Mr. Levandoski noted that school staff would be able to monitor the students leaving school and the current parking would be utilized for staff and event parking.

He also noted that there would be plantings to discourage drivers in crossing from the current parking into the cul-d-sac.

Member Sperla asked if a sidewalk was considered for the driveway and Mr. Levandoski said that the students would be directed to utilize the sidewalks to the buses that are the safest route possible. Member Sperla's concerns are for children that might attempt to walk up the drive to get to school or when they go home. Mr. Levandoski said a walkway is not being proposed as it might encourage students to use the driveway and they do not intend for students to utilize the drive for pedestrian and bike traffic. Member Pennington said that most of the pedestrian traffic comes from the residential area along Redford St. and does not see the need for a walkway from Cascade Road.

Member McCarthy asked if there was another area the drive could be installed due to bus safety when entering Cascade Road. Mr. Levandoski said that other areas have been reviewed by the KCRC and this entry point provides the best location for the driveway as it is along the straightest portion of Cascade Road in that area.

Chairman Waalkes asked if Cascade Road has a center turn lane in this area and Mr. Levandoski said it does.

Member Sperla asked if any sight distance analysis has been done for drivers coming off the proposed drive and Planning Director Peterson said the Road Commission has and they have approved this location for the drive.

Member Hammond asked how many buses does the school have and wondered if stacking on Cascade Road would be an issue. Mr. Walters noted nine (9) buses but they are staggered as to when they arrive and depart from the school and it is unlikely that the bus traffic would stack up entering or departing from the school.

Member Hammond asked how close to the houses would the driveway come and Mr. Levandoski said the closest is a 40-foot distance from the drive to the closest house's property line.

Member Hammond asked if any other areas were reviewed for the driveway and Mr. Levandoski said they did review other areas on site but this is the best solution for the school.

Member Hammond asked if studies were done on traffic noise or fumes from the buses in the area and Mr. Levandoski said that studies were not conducted and they do not believe they would be any adverse affects from noise or bus fumes to the residents.

Member McCarthy noted that there appears to be additional greenery along the driveway adjacent to the houses and asked if

these are plantings that the school intends to do? Mr. Levandoski said that their intention is to minimize the tree loss as much as possible and are investigating ways to add additional landscaping to beautify the entrance and meet any additional needs. Mr. Walters noted that their school buildings are located in residential areas and they plan to provide additional screening if needed.

Member Logue asked what is the primary reason for adding this driveway and Mr. Walters said that it is for the safety of the school children that are filtering into the current parking lot to meet their parents or get to a bus. They intend to separate some of the traffic making it safer for the children.

Member Logue asked if the school investigated other solutions without the installation of the new drive and Mr. Walters said other options were reviewed and the new drive is the safest solution.

Member Hammond noted that the Applicants refer to this drive as a 'bus drive' but won't parents be allowed to utilize it during the day? Mr. Walters said parents could use the drive during the day.

Member McCarthy asked if the buses would utilize this driveway when they come to pick up or drop off students for field trips and Mr. Walters said it would be.

Mr. Walters addressed the concern for bus fumes in the residential area and noted that currently diesel fuel emissions have been greatly reduced by the Federal regulations and he would be very surprised if there was any impact to the residents.

Member Sperla motioned to open the Public Hearing, supported by Member Hammond. All in favor with none opposed. Public Hearing was opened.

Al Darznik of 7237 Cascade Road asked how the school plans to control keeping the parents out of the driveway and Mr. Walters noted the parents would be informed and educated regarding the driveway's use. The bus drivers are also very proactive in notifying the school of parent traffic problems so the problems can be corrected.

Mr. Darznik asked how the traffic would be controlled during off-hours as people could access the property as they please and Mr. Walters said that they do not foresee any issues with the driveway and do not intend to install a gate at this time.

Glen Myers of 7287 Cascade Road SE said he is concerned about the aesthetics of the project and the steep incline and his property.

He is concerned that this project would take away from the natural beauty in the area. He also noted that there is a sliding hill in the area and this driveway might pose as a new area for the children to play on. The steep grade of the road also proposes risk to the school buses sliding onto Cascade Road in slippery conditions.

Attorney William DeHoek representing Shawn Landman of 7300 Cascade Road SE asked if the project is grandfathered into the site and he has not heard how wide the driveway would be. He also expressed concern for children playing on the driveway during off-hours and a vehicle using the driveway at that time, this could pose a serious hazard for the child and who would be responsible if an accident should occur? He believes a sidewalk should be installed to help alleviate potential accidents. He also noted that the area seems to attract teens as a 'party spot' and adding another entrance to the property could bring more problems.

Attorney DeHoek also asked if the school's enrollment has increased or if there is more congestion with the current entrance onto the school's property and why is this a big issue now?

He also noted that the new landscaping would need to be maintained and questioned who would be responsible for the plantings need to be watered and trimmed.

His overall concern is that a sidewalk is not being installed, as the public will utilize shortcuts and sees this driveway as a potential hazard if a sidewalk is not installed along the driveway.

Jerry Ellinger of 7253 Cascade Road said he is concerned about the water runoff. He noted that his mother lives at this address and she could not attend this evening. His mother's house is on a low plain and is concerned with the water coming onto her property. He also said that he has not heard how wide the driveway would be. He asked what happens to the driveway and the property when it is not in use, will the driveway be lit and would there be any police patrols surveying the area from intruders? He also asked if the driveway would lower his mother's property value.

Mr. Levandowski said the drive would be lit and he expects sheriff patrols to be made during off-hours.

Amy Myers of 7287 Cascade Road SE said she would prefer that a gate be installed to keep unwanted traffic off of the school premises.

Mr. Levandoski said that the drive way is to be 26-feet wide with a 100-foot wide entrance off of Cascade Road.

The water run off would be captured off the road per the Township's requirements and the school would be responsible for maintaining any plantings on the property.

Member Sperla asked if there is any traffic control being planned and Mr. Levandoski said that is up to KCRC.

Member McCarthy asked where the storm water goes after it is collected. Mr. Levandoski said the water would go into underground tanks that would slowly meter water out onto Cascade Road. The tanks are approximately 120-feet long, 25-feet wide and have the capacity to hold 1100 cubic feet for storage.

Chairman Waalkes asked if permeable pavement was considered to alleviate the need for underground water runoff storage and Mr. Levandoski said that the storage tanks is the best solution.

Member McCarthy asked if any of the overhead utility wires and utility poles would have to be moved and Mr. Waters noted that one Consumers Energy pole would be moved.

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

Member Logue said that he sees the new driveway as impeding traffic flow on Cascade Road and believes the plan could be re-evaluated and the school should have a controlled entrance.

Member Sperla sees the school's need for a separate driveway for the buses and favors regulating the hours of use of the new driveway. He supports the project.

Chairman Waalkes said he supported the project and would like the plan to be revised based on Public comments heard this evening especially regarding the concerns for landscaping and screening.

Member Hammond said he does not support the project and believes the driveway is too close to the houses and the drive is too long and steep.

Member Pennington said he supports the project.

Member McCarthy said she favors the project as long as the school is sensitive to the neighbors' concerns and hopes that they will

work with them. She also encouraged the applicant to install a gate at the driveway.

Motion was made by Member Sperla, supported by Member Pennington, to forward to the Township Board a favorable recommendation to approve the Applicant's request for a Type II Special Use Permit to construct a new driveway in order for the school to have access to Cascade Road with the conditions:

- 1) Receive a pathway-cutting permit for the drive.**
- 2) Permit from the KCRC.**
- 3) Sign permit prior to installation.**
- 4) Soil erosion and sedimentation control.**

Chairman Waalkes requested a roll call vote:

Member Hammond – nay

Member Sperla – yeah

Member McCarthy – yeah

Member Waalkes – yeah

Member Pennington – yeah

Member Logue – nay

Member Williams – nay

Motion passed with a 4:3 favorable recommendation.

ARTICLE 7.

Case # 10-2985: 5225 52nd Street LLC

Requested Action: The Applicant is requesting a Type II Special Use Permit to establish a contractor's equipment yard in order to run their landscape business.

(PUBLIC HEARING)

Planning Director Peterson noted the property is located on the north side of 52nd Street between Patterson Avenue and Kraft Avenue.

The Applicant is seeking Special Use Permit to establish their lawn care business and the Township is treating this as a contractor equipment yard.

The Applicant has been to the Zoning Board of Appeals (ZBA) for a couple of variances. These variances are the allowances for some reduced landscaping along the entry drive and in the front of the building. They also received a variance for the location of the drive. The variance does require the drive to be closed when the Township can get a similar agreement with one of the neighbors.

There is no outdoor lighting being proposed and if any were proposed in the future, the Applicant would have to submit a lighting plan.

The Airport has reviewed the plan.

The Applicant has an existing building so no new construction would take place. They do plan to renovate the existing building and parking lot.

Since this is a new use, it does require the Township Board's approval.

The site plan shows a sign, this will require a separate permit from the Planning Office.

Planning Director Peterson reviewed the Findings of Fact noting the project is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed. The area is all industrial and has a similar use nearby.

The project be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities and schools. The area is adequately served. The KCRC does plan on making improvements to 52nd Street in 2013.

The result of this project does not create excessive additional requirements at Public cost for public facilities and services.

The project does not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district. The driveway location may create some conflict that would not be happening if it were done meeting Township requirements, however, the drive would be closed when an agreement can be reached with one of the neighbors.

Planning Director Peterson noted that in regards to the standards specific for an equipment yard:

The lot should have a minimum size of three (3) acres and this site has 15-acres.

The minimum setback for use and structures other than employee and customer parking shall be 100-feet from the street right-of-way and 50-feet from side or rear property line. This standard is met.

A buffer strip shall be required along all property lines and the Applicant has met this standard with some exception for the

number of plantings and the width of the buffer strip that have been granted by the ZBA.

The repair of vehicles shall be done within a totally enclosed building and the Applicant meets this standard and will have to be continually monitored to ensure compliance.

The storage of vehicle parts or inoperable vehicles shall be done within an enclosed building and the Applicant meets this standard and will have to be continually monitored to ensure compliance.

Except for visitor parking, operable vehicle parking and storage and all material storage shall be within a fenced area and this standard has been met.

Staff recommends approval of the site plan and recommendation to approve the special land use to the Township Board under the following conditions:

- 1) Landscape bond of \$5,000.
- 2) SESC permit prior to any work on site.
- 3) Fire Department conditions per letter dated January 25, 2010 are addressed.
- 4) Compliance with the February 9, 2010 ZBA decision.
- 5) KCRC permit.
- 6) Sign permit prior to installation of any signage.

Applicant Don DeGroot of Exxel Engineering said they plan to renovate the existing building and improve the current driveway. They will meet the Township's requirements for any storm water needs.

Member Pennington asked how much traffic would be utilizing the site and Mr. DeGroot said approximately eighteen (18) vehicles and the site would allow for future growth.

Member Sperla asked if any large trucks would be accessing the site and Mr. DeGroot said approximately one (1) per week at this location.

Member Williams said it is wonderful that the Applicant plans to restore a dilapidated building and will be improving the site.

Motion was made by Member McCarthy and supported by Member Sperla to open the Public Hearing. Motion carried unanimously and the Public Hearing was opened.

Planning Director Peterson said that the Township Office has not received any phone calls or letters regarding the project.

Motion was made by Member McCarthy and supported by Member Hammond to close the Public Hearing. Motion carried unanimously and the Public Hearing was closed.

Motion was made by Member Pennington, supported by Member Logue, for a favorable recommendation to the Township Board to grant the Applicant's request for a Type II Special Use Permit to establish a contractor's equipment yard in order to run their landscape business with the following conditions:

- 1) Landscape bond of \$5,000**
- 2) SESC permit prior to any work on site.**
- 3) Fire Department conditions per letter dated January 25, 2010.**
- 4) Compliance with the February 10, 2010 ZBA decision.**
- 5) KCRC permit.**
- 6) Sign permit before installation.**

Motion carried unanimously.

Planning Director Peterson noted the case would go before the Township Board at the February 24, 2010 meeting.

ARTICLE 6.

Any Other Business

Planning Director Peterson noted that the Industrial Transition and Farmland Preservation zoning districts would be presented to the Township Board at their March 10, 2010 meeting.

ARTICLE 7.

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 8:55 p.m.

Respectfully submitted,

Al Pennington, Secretary

Lisa Hern, Recording Secretary