

MINUTES
Cascade Charter Township Planning Commission
Monday, August 20, 2007
7:00 p.m.

ARTICLE 1. Chairman McDonald called the meeting to order at 7:00 p.m.
Members Present: Koessel, Lewis, Logue, McDonald, Richards, Robinson, Waalkes
Members Absent: MacAllister (excused), Postma (unexcused)
Others Present: Planning Director Peterson, Recording Secretary Hern, and Members of the Public.

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

ARTICLE 3. Chairman McDonald requested motion for approval of the August 20th Agenda.

Member Robinson motioned for approval of the agenda as presented, supported by Member Richards. All in favor with none opposed, the motion carried.

ARTICLE 4. **Case # 07-2880: Spruce Meadows / Main St. Developers**
Aka: C & O Land Co. / Antrim Associates
Address of Property: 5375 28th Street Court SE
(PUBLIC HEARING)
Requested Action: Amend existing P.U.D. to allow for Hotel use.

Chairman McDonald noted this is a Public Hearing and the process for the case will proceed with Staff's report first followed by questions from the Planning Commission of Staff. The meeting will then be opened for the Applicant to make any comments and answer questions. After that, the Public Hearing will be opened and at that time, the public may speak. After hearing public comments the Planning Commission will review and consider the presentations heard and make their decision.

Planning Director Peterson said the Applicant is requesting Preliminary Plan Review in order to amend the current P.U.D. to allow for a hotel.

The Applicant was last before the Planning Commission in June of 2007 and referred to the location of the property on the video screen.

This project was developed as the Spruce Meadows project many years ago, there is one (1) office building in the project right now.

The land to the east is now a part of the MVP project. Meijer is to the south of the property. The current Spruce Meadows zoning does not allow for hotels and the Applicant is currently seeking an amendment.

Conversation at the June Planning Commission Meeting included that if the hotel were to proceed, the Applicant should follow the property's underlying zoning which is B-2. The Applicant has now prepared the plan using the B-2 requirements. Staff believes the Applicant has met the requirements with a couple issues the Commission will need to resolve.

If the Commission recalls, the site was rather tight to accommodate the proposed hotel and the Applicant has reached an agreement with the property owners to the west to purchase some of the land to meet the parking requirements and setbacks. The parking lot for the project to the West (Home Design Center P.U.D.) would be taken and added to this project. The design of the parking lot meets the Township's requirements and buffer yards. This will also allow the Applicant more room to fit this size of a hotel on the site. The Home Design Center will lose approximately thirty-seven (37) parking spaces as a result of this reconfiguration and it does not put them into any adverse consequences.

The Applicant has reconfigured the building slightly. One of the things discussed at the previous meeting was the front setback. Staff had instructed the Applicant meet at least the setback that MVP has at 90-feet, the minimum requirement is 100-feet for the front yard setback. The current design of the site shows the front yard setback at 82-feet and the Applicant has indicated that this is to allow for a glass airlock entry at the main lobby. Staff's position is that a 90-foot setback is already less than a 100-foot setback and the building could be moved 8-feet back to meet the setback. Staff does not believe this is a large issue and is trying to maintain consistency in the development of the project with the surrounding areas.

The Applicant has provided their sign package and is only proposing one (1) wall sign, that cannot be larger than 100-square feet, the ground sign is being proposed at 4-feet high and 120-square feet. The proposed signage is in compliance with the Township. Staff has also indicated that the Applicant may want to take advantage of the MVP directional signage that is located at Kraft and 28th Street. Staff noted the size of the sign should not be increased but another panel may be added to allow for this project directional signage.

Staff has provided the Standards for the rezoning and does not have a problem with the amendments to the Spruce Meadows project. At a different meeting, Home Design Center's P.U.D. will also need to be amended to reflect the sale of the property to Spruce Meadows, if the Planning Commission approves this case tonight.

Staff is recommending the approval of hotel use for this site provided the Applicant shifts the building north by 8-feet. Staff would also recommend that the allowance for the off-site signage provided it does not increase the size of the current signs. The Applicant would be responsible to get approvals from the sign owners.

If approved, Staff can begin to write a draft P.U.D. Ordinance for the Planning Commissions' review. The Applicant for the Planning Commissions' consideration for a recommendation would then present that document after review to the Township Board. This would also allow the Developer time to address any other detail item the Commission to review before the recommendation is made.

Staff has been working with the Applicant regarding the site's photometric plan that has not been submitted yet. The site will not change but the Applicant will have to design their lighting to meet the Township's requirements and should be available at the next meeting.

Chairman McDonald opened the meeting for any questions of Staff by the Planning Commission.

Member Koessel noted Staff's reference to the property to the west, Home Design Center, and the revision that would need to be made in a P.U.D., other than the parking indicated, is the lot size different? Planning Director Peterson noted that the lot size would be slightly reduced but the lot will remain in compliance with the Township.

Member Koessel clarified that this is an actual purchase of the property and not a lease and Planning Director Peterson confirmed that is correct, it is a purchase of the property. There is a letter with in the Commissions' packets from the owners of the Home Design Center property that they do not have any objections in selling the property.

Chairman McDonald asked if a Public Hearing would be held once the Home Design Center P.U.D. amendment was presented and Planning Director Peterson said yes, a Public Hearing would be held for the amendments to the P.U.D.

Member Lewis asked if he understands that there are 110 parking spaces for a 100-room hotel, these 110-spaces include the 37-spaces from Home Design Center? Planning Director Peterson clarified that Home Design Center is losing 37-spaces but some of the space will account for green space and re-design of the hotel's lot. Member Lewis clarified that there are 110 parking spaces being planned for a 100-room hotel and Planning Director Peterson said that is correct. Member Lewis noted that the Commission was told there would be two (2) employees on-site and 110 parking spaces do not seem like a lot for this size of a hotel. Planning Director Peterson noted the Township's parking ordinance for a hotel reads as one (1) parking space per room plus any other on-site uses (i.e. restaurant, etc.) and this meets the requirements.

Member Lewis also noted that Staff mentioned adding another panel to the directional sign but the sign is not to increase in size due to the additional panel, is that correct? Planning Director Peterson said that is correct noting that the current panels could be re-configured to allow for an additional panel for this project.

No further questions. Chairman McDonald invited the Applicant to provide any additional comments to Staff's report.

Randy Feenstra of Feenstra & Associates, Inc., referred to the site plan on the video screen noting the glass entryway into the hotel. Mr. Feenstra said that the entry that is glass enclosed is an airlock and will not be used by the hotel as a lobby or anything similar. He noted that the wall of the hotel is setback enough, it is just the airlock entry that is 82-feet from the setback. The hotel can be moved 8-feet back to meet the 90-foot setback though the site plan shows the 82-feet. He noted the hill in the rear of the property and the outdoor gathering area located in the rear. He also showed the R-1 property in the rear and prefers to keep the building where it is to help provide more room away from the R-1 zoning. He thought it would be best to keep the building forward; it is just an airlock entry but leaves the decision to the Planning Commissions' discretion.

Mr. Feenstra clarified for the Planning Commission the property containing the 37-parking spaces being purchased from Home Design Center. He referred to the site plan and showed how the

property line would change and not the added green space within the parking lot design.

A photometric plan was done but unfortunately, the contractor that did it did not refer to the Township's lighting ordinance and therefore, the plan cannot be submitted. A new photometric plan should be forthcoming.

Chairman McDonald opened the meeting for any questions or comments to the Applicant from the Planning Commission. No comments or questions.

Member Lewis motioned to open the Public Hearing, supported by Member Robinson. Chairman McDonald called the motion to question. **All in favor with none opposed, the Public Hearing was opened.**

There were no members of the Public who wished to speak. Chairman McDonald asked Staff if they received any phone calls or letters concerning the case. Planning Director Peterson said the Township received a couple of phone calls from one of the neighboring businesses calling in general but nothing opposing the project.

Member Robinson motioned to close the Public Hearing, supported by Member Richards. Chairman McDonald called the motion to question. **All in favor with none opposed, the Public Hearing was closed.**

Member Robinson asked how far is the rear of the building from the property line at the present time? Mr. Feenstra said 58-feet.

Member Lewis noted that the decision that needs to be made is if the building should be moved 8-feet back to meet the 90-foot front yard setback as earlier required by the Planning Commission. He also recognizes Staff's comment recognizing that this project was already granted a 90-foot front yard setback instead of the minimum requirement of a 100-foot yard setback. Though the Applicant notes the 8-feet is only for the door lock portion, it still sets precedence with other businesses or developers. If this allowance is made it may come back to the Planning Commission in the future and present problems for the next case.

Member Richards agreed with Member Lewis' in allowances coming back before the Planning Commission, however, this is only 8-feet for just the glass portion of the building, the rest is in

compliance and she would prefer the building take up more parking lot. Member Lewis would agree if this was flat property but there is landscaping and a Public Hearing held but none of the residents attend to voice their comments regarding the building's placement and rear setback.

Chairman McDonald noted that the Planning Commission is always very conscientious of setting precedence and fall to the side of prior precedence. Member Lewis noted that when looking at precedence you look at the hardship placed upon the person who is causing you to set up a new precedent and in this case the front lot line. The Applicant has stated that he can move the building back 8-feet, the land is there and recognizes this is just a door but some of the precedence setting is done based upon the hardship on a particular applicant. In this particular case, it appears that there is not much of a hardship since there is room to move it back. There is something about the ordinance that should be maintained, though he will not go to war over 8-feet.

Member Robinson asked Staff how the 90-feet was established and Planning Director Peterson said that when MVP came in, the Township tried to get them to meet the 100-foot minimum requirement and due to the way the site worked, the Township ended up with 90-feet. He further noted that the big difference is that site is not directly against residential.

Planning Director Peterson noted that when measuring setbacks the Township measures to the closest vertical structure. For this project it measures to the little 8-foot by approximately 20-foot airlock structure.

Member Lewis asked if Staff measured to the green area in the front or directly across? Planning Director Peterson showed the area the measurement was taken from.

Member Koessel noted the portions of the building that is further back and Planning Director Peterson noted that portion of the building is probably 96-feet back from the front setback and indicated another portion of the building that is 90-feet back. Planning Director Peterson then pointed out that beginning at the door lock, the setback is 82-feet, to 90-feet, to 92-feet and then 96-feet along the front wall of the building.

Member Koessel referred to one plan within the Commissions' packets that shows the storage facility to the north, correct? Planning Director Peterson confirmed that is correct. Member

Koessel noted that in that area between the storage facility and the property that is wooded, is that zoned R-1? Planning Director Peterson said it is and that is the residential property being discussed. Member Koessel asked if the property is build-able and Planning Director Peterson said that is build-able even with the grade difference.

Member Koessel asked if Staff could recall any setback issues in recent P.U.D.s where the Township granted some discretionary setback less than 100-feet other than MVP? Planning Director Peterson could not recall one particular project but said that the Township has varied them in the past but does not recall any requesting an 82-foot setback. Planning Director Peterson also noted that in these other particular cases it was for the front of the building where in this case it is just for a door lock. Member Koessel noted he could go either way on this case, the residents are behind this building. There are three hotels in this area already and acknowledges Member Lewis' and Member Richards' comments. He noted it would be nice to keep the back buffer from the residential since only the door lock area is 82-feet and the rest of the building is either 92-feet to 96-feet setback from the front. He also agrees that once you make an exception, the next Applicant will want 10-feet. From a practical standpoint the door encroaches into the parking lot and is not making the building itself any closer to the front right-of-way line.

Chairman McDonald asked how much of a precedent does it set if it is just this small air lock area and not the whole face of the building? Planning Director Peterson noted that it could be documented that the reason for the 82-foot deviation is only for the small door lock area and noting the residential property in the rear of the building. The Planning Commission could establish the precedent almost like a variance in determining those findings so if the request is made in a future case, these two (2) conditions could be noted. Chairman McDonald asked if the P.U.D. would be written noting that only because of certain specifications the 82-foot was allowed and Planning Director Peterson said the language could be specific as to the reasons it was allowed.

Member Robinson asked the Applicant if the air lock could be moved inside the wall into the lobby area and Mr. Feenstra said the hotel does not approve of that architectural design and will not allow it.

Member Logue asked the height and width of the air lock and Mr. Feenstra said it was 9-feet high, 14-feet wide and 8-feet deep.

Planning Director Peterson noted that if the Planning Commission were to approve at 82-feet, they might want to site the reasons for the allowance and allowed for specific reasons noting why this project is different than others that may come in the future and what set it apart from the rest.

Member Lewis asked if this is the same as those that have come before the Township with a small portion of the house encroaching on the setback and Planning Director Peterson said it is the same type of case with this small air lock entry.

Chairman McDonald requested a motion that either includes or excludes Staff's recommendation with any modifications the Commission would like to add to the motion.

Member Koessel motioned to amend the existing P.U.D. to allow for the hotel use as requested and to also allow for the 9-foot by 14-foot airlock in the front without the requiring the Applicant to move the building back an additional 8-feet because the primary intent of the ordinance has been met and at least 90% of the building is 90-feet or more setback, some of which is 96-feet which is consistent with the MVP Sports and to go on record that the reason the motion is being made is not to set precedent on building setback but for a small entryway situation as presented on this site plan. The Township will also allow the Applicant the offsite signage as recommended by Staff so long as it does not increase the overall square footage of the existing signage on 28th Street and Kraft Avenue.

Member Robinson asked if Member Koessel meant to say that the area is 8-feet instead of 9-feet, it is 9-feet high but extends only 8-feet?

Member Koessel amended the dimensions to 9-feet high, 8-feet deep and 14-feet wide. Member Richards supported the motion.

Having a motion and support, Chairman McDonald opened for comments and Member Logue noted that even though this is only a small area being requested for an additional 8-feet, it may be used for other things in the future.

Member Koessel also noted that one other thing the Township has done in the past is to try to create as big of a buffer as possible between residential and zoned properties. He agrees that the

terrain is not as such that most of the hotel will not be visible but the extra 8-foot encroachment into the parking lot is not as big of an issue since the entire building is not encroaching by 8-feet.

Member Lewis commented that the ordinance takes precedence in his thinking and understands there are exceptions. It seems to him that every time a precedent has been set the exceptional reasons never appear and the precedent weakens the ordinance. He feels strongly to uphold the Ordinance.

Member Waalkes noted that R-1 zoning is to the north and moving away from other type of other types of business zoning if the Applicant is made to move it back 8-feet. The elevation lines also indicate that the finished grade of the floor of their hotel is already one (1) story or more below the elevation of the R-1 zone parcel, there is about a 12-foot drop. This hotel would not only be setback from the R-1 but set down as well. He supports moving it away from the R-1.

Chairman McDonald asked Staff if there would be any problem in the P.U.D. specifying Member Koessel's comments he made within his motion and Planning Director Peterson said it is not a problem.

Member Robinson noted there are many hotels around the country that have their airlock inside the building and believes this hotel could do the same.

Chairman McDonald requested Recording Secretary Hern to take a roll call vote:

Commissioner Koessel, yes
Commissioner Richards, yes
Commissioner Robinson, no
Chairman McDonald, yes
Commissioner Lewis, no
Commissioner Waalkes, yes
Commission Logue, no

The Planning Commission's vote was four (4) in favor with three (3) opposed, motion carried.

Planning Director Peterson said that Staff would write the P.U.D. with the Applicant and bring it back before the Planning Commission for their recommendation to the Township Board.

ARTICLE 5.

Review of Master Land Use Plan – Request for Proposal (Revised)

Chairman McDonald noted that Staff has the proposal for the consultants on this. Planning Director Peterson noted the Planning Commission comments at last week's meeting and those items have been included within the revised document included in the Commissions' packets.

Planning Director Peterson noted that Member MacAllister requested some additions to the documentation and he did meet with her after she felt her requests were met within the revision.

Member Lewis asked where density is covered within the document and Planning Director Peterson pointed out where in the document it was placed. Member Lewis said he would like to see the word "zoning" be used and Planning Director Peterson would make the revision.

Chairman McDonald noted the document looks good and very thorough. He asked when Staff would be sending out the document and Planning Director Peterson said they would like to distribute at the end of the month to provide the candidates a month to develop and submit to the Township by the first of October, then review as a group to narrow down interviews.

Chairman McDonald asked how many will be sent out and Planning Director Peterson believes approximately ten (10). Member Richards said ten (10) sounds about right and remembers there were quite a few unprofessional submissions, hard to follow, no page numbers for referencing during interviewing and she was very surprised by that. Chairman McDonald asked if the Township should request a standard format for the submissions and Member Waalkes noted that a well-prepared proposal reflects the work of the contractor.

Planning Director Peterson said he would make the final corrections and proceed.

ARTICLE 6.

Any Other Business: Chairman McDonald opened the meeting for any other business.

Member Koessel provided a quick update that at the last Board Meeting a criterion was established for the Township Manager and that is the manager must reside in Cascade Township. The Board agreed to allow a timeframe to allow for the new manager to relocate into the Township. The process has been moving quite well and the goal is to have the new manager in place by October

15, 2007. There are eight (8) applicants who have responded and the consulting group has two (2) more for approximately ten (10) applicants total.

Member Lewis asked how the final decision would be made and Member Koessel said that the entire board is very much interested in being apart of the final selection process. Approximately three to five potentials would go before the whole board for a public interview by early October.

Chairman McDonald wanted to ask the sub-committee for the Riebel project for an update. This is the project that had three (3) buildings were designed but the ordinance only allowed two (2) for a lifestyle center. Member Robinson said they would be holding their fourth meeting and their concerns lie primarily with the density and the traffic flow on the property.

Open discussion was held regarding the development and Chairman McDonald asked the Task Force to communicate all the positive and negative aspects of the project and to do so early with the developer and Member Robinson noted the sub-committee has yet to see a site plan for the project and will also make that request at the next meeting.

ARTICLE 7.

Adjournment

Chairman McDonald requested a motion for adjournment.

Member Robinson supported by Member Waalkes moved to adjourn. The motion carried and the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Jack Lewis, Secretary

Lisa Hern, Recording Secretary