

Minutes
Cascade Charter Township
Planning Commission
Monday November 15, 2021
7:00 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chairman Rissi called the meeting to order at 7:00 P.M.
Members Present: Noordhoek, Moxley, Deering, Rissi, Rapin, and Meurlin
Members Absent: Noordyke and Korstange
Others Present: Interim Planning Director Brian Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Moxley to approve the current Agenda. Supported by Member Deering. Motion carried 6 to 0.

ARTICLE 4. Disclose any Conflicts of Interest

Member Deering disclosed that, in relation to article 9, her son has been playing hockey at the Patterson Ice Center since he was three years old and he now plays there for Davenport.

No one considered this a concern.

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

There was no one who wished to speak to non-agenda items.

ARTICLE 6. Case #21-3682/Warren

Property Address: 5650 McCords Ave

Requested Action: The applicant is requesting approval of a Special Use Permit for an accessory building over 832 sq ft.

Interim Planning Director Hilbrands presented the case via Zoom. The property is located on McCords Ave between 52nd and 60th St. The building will be 49' x 34' including a 5' bump-out, which totals 1,561 sq ft. It will be 14' tall measured to the midpoint of the roof. This requires a minimum 10' setback to the side property line and 25' to the rear property line as well as being located at least 10' from any other building. The applicant shows a setback of 11' to the closest property line and a setback of nearly 500' to the rear property line. The property is less than 3 acres and that permits the applicant only one accessory building and there is currently an 8' x 10' shed on the property. The applicant has applied for a variance to be able to keep the shed. They want to use the proposed building as a workshop and for general storage. The applicant told Interim Planning Director Hilbrands that he would prefer to access the building

directly from McCords Ave, but any new access would need to be approved by the Kent County Road Commission. The building will have shingled roofing and vinyl siding to match the house and the size of the building is normal for the district.

Staff recommend approval of the Special Use Permit with conditions that the building is not used for purposes of running a business or living space, all outdoor lighting is in compliance with local regulations, and any new access to the street must be approved by the Kent County Road Commission.

Member Moxley asked if the house is still under construction and Interim Planning Director Hilbrands said that he believes the house is complete.

Applicant Justin Warren, 5650 McCords Ave SE, said that the house is finished and has been since last November. He said that the building will be used as a workshop and storage. Member Rapin asked if they would be doing a survey to verify where the property lines were and Warren said that they have a current survey on file from when they did the build and have stakes from the original survey which was only approximately 18 months ago.

Motion was made by Member Rapin to go to public hearing. Supported by Member Moxley.

There was no one who wished to speak.

Member Deering motioned to close public hearing. Supported by Member Rapin.

Member Meurlin asked where the building would be on the site in relation to the site map.

Motion was made by Member Moxley to approve the Special Use Permit with the conditions listed by staff that the building is not used for purposes of running a business or living space, all outdoor lighting is in compliance with local regulations, and any new access to the street must be approved by the Kent County Road Commission. Supported by Member Deering. Motion carried 6 to 0.

ARTICLE 7. Case #21-3669/John Rabideau/Cascade Roadhouse

Property Address: 6817 Cascade Rd

Requested Action: The applicant is requesting approval of a site plan review for a new 480 sq ft covered structure.

Interim Planning Director Hilbrands gave an update on the case. This case was visited at the previous meeting and some committee members had additional questions of the applicant that the applicant was unable to answer at the last meeting as neither he nor anyone on his behalf attended. Interim Planning Director Hilbrands said that he spoke with the property owner and their intention is that the area be usable year-round.

David Graff, 345 Gladstone Dr, spoke to the board. Chair Rissi asked him what they intended to do for walls for the sitting area. The applicant explained that three sides of the area are already walled in as it is a semi-enclosed patio and the fourth side would be

made up of the same clear vinyl curtains that they use for their other patio. These curtains would be unsnapped and the area opened up in the warm months.

Member Moxley asked if new roofing would project out any further than the regular building walls. Graff said it would not, it would line up equally with the walls on each of the two adjacent buildings.

Member Noordhoek asked what they would be doing to prevent carbon monoxide build up from the heaters under the enclosed area and Graff said that they were still unsure if they would be using heaters but, if they did, it would most likely be a gas stove or fireplace that vented up through the roof.

Member Rapin asked if the case was contingent on approval from the Fire Department for safety. Graff responded that that was the case but the problem the Fire Department had originally contested was with the egress where there would be a fence, but the Fire Department did not realize that they had made plans for an exit through the fence.

Member Meurlin confirmed that the back courtyard isn't changing. Graff shared that the purpose of this enclosed area is to act as a waiting area for people to wait and get drinks until there is an available table. They had noticed many people returning to their cars to wait during the pandemic as there wasn't a space for them to stand around comfortably and safely.

Chair Rissi clarified that Graff was aware of the staff requirements laid out in the staff report and Graff responded that he was aware of them but they had yet to get the lighting defined as they are unsure how everything will be laid out at this point but the rest of the requirements were a non-issue.

Member Meurlin asked where the stormwater on the property went. Graff said there is 110 ft of foliage and landscaping that was engineered to collect and utilize the stormwater as well as drainage tubes along the side of the building that direct the water to the foliage and landscaping strip. The original concern was that the stormwater would be flowing over the sidewalk but they don't see that being an issue.

Motion by Member Moxley to approve the application with the following requirements: the applicant complies with the Township Engineer letter dated October 26, 2021 and all necessary permits are obtained before construction begins, the stormwater maintenance agreement is recorded, and all exterior lighting meets township regulations. Supported by Member Rapin.

Motion carried 6 to 0.

ARTICLE 8. Case #21-3632/Gole Dental Properties

Property Address: 3636 Kraft Ave

Requested Action: Consider recommendation to Township Board for PUD Ordinance Amendment.

Interim Planning Director Hilbrands presented the case. He said that the applicant came to the last meeting for the preliminary plan and site plan review. Staff wrote the PUD amendment to the PUD ordinance and the applicant reviewed it. He and the applicant believe this is an accurate representation of what the Planning Commission agreed to at the previous meeting. If the commission agrees with that, they can make a recommendation to the township board and the township board will hold an additional hearing to consider the recommendation.

Motion by Member Rapin to recommend the PUD amendment to the Township Board for approval. Supported by Member Deering.

Motion carried 6 to 0.

ARTICLE 9. Case #21-3681/Patterson Ice Center, LLC

Property Address: 2550 Patterson Ave

Requested Action: Basic Plan Review for an amendment to the PUD Ordinance to lift a number of existing use and development restrictions.

Interim Planning Director Hilbrands presented the case. He said that the applicant is requesting a basic plan review to amend an existing PUD to remove a number of use and development restrictions that are in place since the PUD was created in 1994. There no changes being proposed to the site plan at this time, just amendments to the PUD Ordinance. The lot was rezoned in 1994 to allow for the ice arena and generated a large amount of conversation at that time. The original concerns were traffic and potential devaluation of residences on neighboring properties. At that time, it was a two-lane street and it is now a five-lane street. The applicant is requesting 12 amendments to the PUD focusing on increasing the facility capacity, allowing a larger variety of teams to use the facility, and allowing the sale of alcohol on premises.

The Ice Center has two rinks, one with a capacity just over 1000 and the other with a capacity of just over 800, however the PUD requires that any event with an attendance exceeding 1184 people requires a special event approval from the township. The applicant is requesting this number be increased to 2000 people to accommodate events on both rinks. Since this is such a large increase, he thinks it would be helpful for the applicant to provide information on existing parking and how that will be able to accommodate the increase. Current parking standard is one spot per four seats so the current 391 parking spaces could hold a capacity of 1564 attendees.

There are a number of restrictions on what teams can use the facility that they are looking to have lifted. Currently it is mostly limited to high school and amateur teams and this would open it up to collegiate, semi-professional, and professional teams as well as ice shows. Interim Planning Director Hilbrands said that they would find it helpful to have information as to if the current high school and amateur groups that use the facility would still have enough ice time and what teams they would expect to use the facilities, as well as information on how much traffic is generated during a game and if they see an increase due to the amendments they are requesting.

Finally, they are requesting to be allowed to have alcohol on the premise and not to require a security guard be present at high school games and any event over 500 people. They have received a class C liquor license and received a variance three separate times in the past to serve alcohol at charity events but only for each singular event. Interim Planning Director Hilbrands said they would need to provide information on why the security guards are no longer needed as they are requesting to increase capacity and sell alcohol on the premise.

This was only an introduction to the case and to give the applicant a chance to gather the information requested in the staff report and answer any questions the Planning Commission may have. The next phase would be the public hearing for the preliminary development plan review which would be scheduled once the applicant provides the documents and information that is requested at this meeting.

Member Meurlin asked Interim Planning Director Hilbrands if he would be going through the amendments in the staff report to make sure the wording matched throughout and there weren't any repeating sections. It turned out that the section Member Meurlin was referring to was actually part of the PUD that had previously passed and was on the books, not part of the staff report. Interim Planning Director Hilbrands said that they would be going through the entire ordinance and cleaning it up when there are amendments to insert.

Member Meurlin also wanted to verify that particular questions on compliance with this PUD as a whole should be held off as this is only a review of the amendments the applicant was asking to change. Member Meurlin then asked if Interim Planning Director Hilbrands had reached out to the police about any previous times they had been called out to the rink with respect to this facility. Interim Planning Director Hilbrands shared that he had reached out to Deputy Omar Dieppa, the Community Policing Officer, and he stated that there hadn't really been any calls to them due to the use of the site or major complaints they had heard in the last five years and he didn't have any major concerns about it. There were infractions on site, such as people getting pulled over in the parking lot for speeding or suspicious persons.

Chair Rissi asked Interim Planning Director Hilbrands if he had reached out to the previous Planning Director, Steve Peterson, to see if there were any problems or concerns in the past, to which he replied that he had not gotten a chance for that yet but he can.

The applicants came forward to answer questions: Tom Haney and Kevin Wood who were both associated with the ice center. Currently the schools that utilize the rink are the local high schools, amateur hockey associations, figure skating, and a college club. The high schools are East Grand Rapids, Forest Hills Northern & Eastern (combined team), and Forest Hills Central and cumulatively take up about 13-15 total hours of practice time a week. The meet mostly 3:30-5:00pm and 5:00-6:30pm with sometimes one early morning a week. The college club sport is Davenport University and consists of four teams, three men's teams and one female team) and they tend to practice during the work day with one late night practice, taking about an approximate total of

12 practice hours a week. They are currently booked solid at night with the amateur hockey association and figure skating starting at 3:00pm. They have some open skates and open hockey during the day but they are not busy enough to maximize their profitability.

Chair Rissi asked about shared parking agreements with nearby businesses and the applicants responded, saying that they hadn't had any issues with parking while having two games at the same time. They have 391 striped parking spaces and a decent amount of additional parallel parking and unstriped spaces. They were unaware of some of the provisions in the PUD and have been operating at the capacity they are requesting the amendment to be increased to for years.

Member Meurlin asked why they don't think they need a security guard when there are unruly patrons on both sides of the game with it being a violent sport. The applicants said this is due to staff always being on the lookout and the behavior expectations are set before patrons attend, unlike in the past. If there were to be a problem, the staff or referee kicks the patron out. The staff aren't trained as security guards and there is occasionally an off-duty police officer for special events but there hasn't ever been an issue.

Member Noordhoek asked if there was room to restripe the parking lot and add additional spots and the applicant responded that they believed the lot is at capacity.

Member Moxley expressed concern about parents coming to their child's game or practice, drinking, and then driving home. The applicant clarified that they are not looking to sell liquor, only beer and wine, and there is an establishment next door that currently sells alcoholic beverages that patrons often walk to, drink, and then return.

Member Meurlin asked Interim Planning Director Hilbrands if he had looked into other ice rinks in the area and what they had in terms of capacity, parking, and alcohol restrictions. The applicants shared some information on this that they knew was current. Kalamazoo Wings West has an alcohol license for the building with double the parking spots but they also have a restaurant attached. Rockford has a lounge but that is the only location at their rink with a liquor license; they have approximately the same number of parking spots as Patterson Ice Center and their lounge is constantly crowded and overfilled.

Chair Rissi suggested the rink let their patrons know that they are seeking these amendments, either with a poster on the door or something else to advertise the public meeting, so that people would know they should attend if they want to speak for the amendment of the ordinance rather than just populating the meeting with people who are against the amendments.

Member Meurlin asked Interim Planning Director Hilbrands about the number of disturbances, calls, drunk driving, and related situations the sheriff's department had been called out to related to Patterson Ice Center. Interim Planning Director Hilbrands said that he had already spoken with them and Deputy Dieppa stated that they had not

had situations related to the venue. They had pulled people over in the parking lot and had other situations unrelated to the events at the facility.

Chair Rissi suggested that the applicants prepare for the public hearing. Member Meurlin said that they should prepare content promoting coming to the meeting to their patrons and advertise when they have rink times currently available for use.

Member Rapin asked if the applicants intended to increase security and they replied that they were already working on that and had cameras everywhere inside except for the bathrooms and locker rooms. They are looking to add security cameras to the parking lot.

Chair Rissi clarified that amendments one through three of the ordinances aren't changing anything in how the facility is operating and is rather trying to bring their current and past practices into compliance. The applicants agreed that that was the case.

Member Meurlin asked why they want to increase the attendee limit when they are not increasing the amount of people attending the venue. The applicant responded saying that they are already serving the number of guests we are requesting the number they are requesting it to be changed to; they are just trying to make their current events in compliance with the ordinance by amending the ordinance.

Member Rapin asked how often the rink is going over the number of allowed attendees in relation to the current ordinance. The applicants said this occurred about five to six times a year with high school games.

Member Meurlin asked if they have ever employed a deputy to be at the intersection in front of the rink for traffic control and the applicants said that they haven't ever hired them but sometimes they do show up to help corral traffic.

Chair Rissi said that he doesn't see a problem with these requests as the rink is just looking to match what they were unaware of and change the standards to match what they have been doing successfully in practice for years.

Chair Rissi asked Interim Planning Director Hilbrands if the township will be sending out notices to residents and it was confirmed that they would go out to any neighbor who has a lot line within 300 ft of the rink's nearest lot line.

The public hearing will be tentatively scheduled for the December 20th Planning Commission meeting. The applicants said that they would go door to door, visiting with their neighbors to explain the ordinance amendments they are looking to make and why they would be beneficial.

Member Meurlin asked how many kids come to the rink by bicycle. The applicants said that there are zero children who ride their bike to the rink.

Member Noordhoek shared that his concerns are about the lack of additional parking spaces and the possibility that, if the rink were allowed to sell alcoholic beverages, underage drinking would increase. The applicants agreed that was their original

concern years ago when the ordinance was created but times are different now and they don't believe this is still a concern in the area.

Member Meurlin asked when liquor sales would be allowed. The applicants re-emphasized that they do not intend to sell liquor, only beer and wine, and would sell it through the concession stand, whatever times it was open that day; this would be roughly 4:30-9:00pm on weekdays and 9:00am to 9:00pm on weekends. They may have liquor for wedding receptions and other similar events.

Chair Rissi asked the applicants to gather information about local ice rinks, how many parking spots they have, what times/days they sell alcohol, and any other information that may be useful in the decision-making process.

Member Deering asked if the location had been turned down for tournaments due to their inability to serve alcohol. The applicants we turned down by one just this week since the event was sponsored by Labatt and they couldn't serve it. They need these types of tournaments to stay profitable in the off-season.

The applicants shared that they knew they were going about this sort of backwards as they are trying to change the law so that they're in compliance but it's put them in a unique situation where they won't need to forecast how they think these changes will affect the rink because, other than the alcohol provisions, these they already have the hard data from operating the rink with these standards for years.

ARTICLE 10. Old Business

Thornapple Pointe Stormwater Update: Interim Planning Director Hilbrands reported that the Township Engineer has inspected the site and confirmed that the stormwater improvements that were required have been completed. An email from the Township engineer is included in the meeting packet.

Member Meurlin wanted to know if the neighbor whose septic system got washed out was now 'safe'. Interim Planning Director Hilbrands said that he can't be 100% certain as the vegetation hasn't grown in yet to stabilize the improvements, and water that falls between the subdivision and the neighbor's property may still run towards the neighbor.

Member Noordhoek said that it appears the left side was built up well but the right side not as much so they should pay attention to the next big rain and see what happens. Chair Rissi said that the water would have to go 800 ft to get to the neighbor, so it would take quite a heavy rain event to cause damage to the neighbor's property. Member Meurlin suggested that Interim Planning Director Hilbrands reach out to the neighbor. Interim Planning Director Hilbrands said that he did not have their contact information. Chair Rissi said that he does have the contact information, or at least knows who he can get it from, and will reach out to the neighbor.

ARTICLE 11. Any Other Business

The next meeting will be December 6th and they will be discussing a case for a Special Use Permit for an accessory building.

Members should also bring any examples or additions or changes they think should be made to the committee bylaws as that will be discussed at that meeting as well.

ARTICLE 12. Adjournment

Motion was made by Member Deering to adjourn. Supported by Members Rapin and Meurlin. Motion carried 6 to 0. The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Diedre Deering, Secretary