

MINUTES

Cascade Charter Township Planning Commission
Monday, December 3, 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, Postma,
Richards, Robinson, Waalkes
Members Absent: MacAllister (excused)
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
December 3rd Agenda.

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

ARTICLE 4. Approve the Minutes of the November 12, 2007.

Chairman McDonald opened the meeting for revisions, corrections or a motion for approval of the November 12th minutes.

Member Lewis motioned for approval of the November 12, 2007 minutes as presented, supported by Member Robinson. All in favor with none opposed: November 12, 2007 Planning Commission Meeting Minutes were approved as submitted.

Chairman McDonald requested corrections, revisions or a motion for approval of the November 19, 2007 minutes.

Member Koessel said that he gave Staff a couple of spelling corrections.

Chairman McDonald requested on Page 3, in the 2nd paragraph, the 1st sentence should read as: "Chairman McDonald asked Staff if there were any complaints about the other fence heights that were granted and did those particular fences heights block any views?"

Member Lewis motioned for approval of the November 19, 2007 minutes as corrected, supported by Member Waalkes. All in favor with none opposed: November 19, 2007 Planning Commission Meeting Minutes were approved as corrected.

ARTICLE 5.

Case # 07-2915: Todd Olin

Address of Property: 1544 Macnider

(PUBLIC HEARING)

Requested Action: The Applicant is requesting a Special Use Permit to construct a child day care facility.

Planning Director Peterson said the property is located on the northeast corner of Macnider and Cascade Road just north and west from the Watermark entrance and south and east from the entrance into the Golfview Development.

The property is zoned Residential and a daycare use on the property is a Type II Special Use Permit that requires review by the Planning Commission with a recommendation of the Special Use to the Township Board.

This project also requires review by the Zoning Board of Appeals (ZBA) as well.

Planning Director Peterson referred to the Site Plan for the proposed daycare facility. The Site Plan shows a 10,000-sf center with the capacity for approximately 154 children ranging in age from 6-weeks to 6-years. The daycare would be open from 7 a.m. to 6 p.m.

This property has been the subject of other attempts to be redeveloped. The most recent was for an office headquarters of a construction company. The Planning Commission recommended this for denial and the applicant then withdrew his application. The difference between the two requests is that this project is a permitted residential use and would not require re-zoning.

One of the criteria for a daycare is to have primary access to a major street and for this project, Cascade Road would be defined as the major street to meet that criteria. As indicated in the Site Plan, the Applicant plans to access off of Macnider Road and this is the aspect that requires a variance from the ZBA. Speaking with the Kent County Road Commission (KCRC), they have indicated that they would not allow the Applicant to have access to Cascade Road because of the property's limited amount of frontage on Cascade Road. In order for the Applicant to have Cascade Road access, they would have to purchase additional property. Staff would prefer the access to the daycare be off of Macnider that falls in line with some of the Township's Corridor Studies.

The property does have an irregular shape to it and Planning Director Peterson noted applicant is proposing to give some of this property to the adjoining property owners in an attempt to cleanup

some of the property lines. If the agreements were made, Staff would need record of the property agreements.

The Township Fire Department has reviewed and approved the plan.

The Township Engineer has reviewed the plan and his comments are provided within the Commissions' packets. The Engineer has noted a few minor engineering issues and would not change the Site Plan in anyway.

Regarding projects on Cascade Road, center turn lanes have been required and Staff does not believe this project is an exception. The Township's Attorney has noted that the Township cannot place the sole financial burden on the developer. The applicant is requesting that the Township and KCRC share in the cost of the center turn lane. The Township Board still needs to approve financial support for the center turn lane and this would be done as part of their review. The center turn lane for this particular project may need to be longer than the previous lane that has been installed in order to connect to two (2) that are currently there: one for Watermark and the other for Golfview.

The Applicant has submitted a Lighting Plan that is in compliance with the Township however it does not appear that the plan takes into account the wallpack lights. This should be verified and the plan revised if it does not.

Staff has included in their report the general Special Use Standards, Special Use Standards for Daycare and the Cascade Corridor Standards.

Also included in Staff's report is the Cascade Road Corridor Office Development Standards.

Staff recommends that this project receive a positive recommendation to the Township Board under the following conditions.

1. Provide a landscape bond in the amount of \$5,000.
2. Revise the lighting plan to accommodate the wallpack lights.
3. Revise the landscape plan to include a minimum of 5-foot tall plantings around the playground fencing.
4. Provide a center turn lane in Cascade Road meeting the KCRC standards. The amount and agreement to be worked out by the Township Board after review by the Township Attorney. The daycare would also be responsible for any improvements to the path and any easements that might be necessary due to the construction of a center turn lane.

5. Obtain the Variance from the ZBA for access to Macnider.
6. Provide their permit from the State of Michigan before a building permit is issued.
7. Compliance with the comments from the Township Engineer.
8. Provide evidence from the neighboring property owners that they have accepted the additional property to allow for reconfiguration. The Applicant is doing this as a goodwill intention and will confer with Staff.
9. Revise the plans to meet the KCRC standards, get the driveway permit from KCRC.

After the Commissions' recommendation, the Zoning Board of Appeals will hear the case on Tuesday, December 11th relative to the driveway location and then the Township Board will consider the request and make a decision on the project.

Member Koessel asked Staff regarding Item # 8, providing evidence from the neighboring property owners that they have accepted the additional property. Why is this needed since the project meets requirements without the properties and meets the requirement with them? Planning Director Peterson said that the Applicant approached Staff with cleaning up the property lines in this area and Staff does not object to doing that but is requiring the information so islands of land do not develop and to ensure they remain connected. Member Koessel asked if the parcels connect now and Planning Director Peterson said they do and the Township is looking for the neighbor's formal acceptance of adding the property to theirs or formal decline of adding the property.

Member Lewis asked for clarification regarding the driveway going before the ZBA, is the variance request going to be to having the driveway off of Macnider versus Cascade Road or is the request going to be lining it up across from the office driveway on Macnider? Planning Director Peterson said the request is going to be for having the driveway off of Macnider versus Cascade Road. Member Lewis said the ordinance says it should come off of Cascade Road and Planning Director Peterson said the ordinance states the primary access for a daycare should come off the larger road, in this case Cascade Road, and this is what the variance request is for. The Road Commission has already indicated the developer does not have enough Cascade Road frontage to have access to Cascade Road right now.

Chairman McDonald asked how large the office building is across from the proposed daycare on Macnider and Planning Director Peterson believes it is 10,000-s.f. and is typical of the size built on Cascade Road.

Member Robinson asked what happens if the ZBA denies the Macnider access for the project? Planning Director Peterson said the developer would not be allowed to do the project since they do not have enough Cascade Road frontage to have access to Cascade Road according to the Road Commission. Member Robinson said that the Planning Commission's recommendation is dependent upon the ZBA granting the variance for access off of Macnider and Planning Director Peterson said that is correct.

Member Robinson asked if there is enough room on the site to have the driveways line up off of Macnider and Planning Director Peterson believes there is enough space to do so but the driveway would have to be located at the end of the parking lot.

Member Lewis noted that when reviewing the Cascade Corridor Office Development Standards, it says the owner will occupy half of the building. He remembers a developer who ended up renting his building and did not occupy 50% of it, would this happen to this building? Planning Director Peterson noted that the developer would be occupying 100% of the building. Member Lewis noted that conditions do change and maybe the need for a daycare would not be in demand in time and the building could change ownership. Planning Director Peterson noted that ownership changes could be possible but the Planning Commission would focus on the building's use. If someone bought it and opened another daycare, that would be permitted, but if a different use was intended for the facility, then the developer would have to come before the Planning Commission prior to using the facility for office or any other use.

Todd Olin representing Kellie Olson believes the daycare is appropriate use of the property.

The developer does not have a problem increasing the plantings along the fencing from 4-feet to the required 5-feet.

Regarding the added parcels in the rear of the property, the developer would like to clean up the unconventional property lines and appreciates Member Koessel's observation that if one of the adjacent property owners declines the additional property, the project still meets requirements.

The developer is willing to work with Staff to clean up the unconventional property lines and is willing to do whatever is best. Chairman McDonald asked the Applicant if they have talked to any of the adjacent property owners and Mr. Olin said they have gone door-to-door speaking with folks and one neighbor said he was not sure if he wanted more property.

Member Koessel asked the Applicant what the process is for the State license. The Applicant said that they do not need a permit from the State to pull the building permit to start construction. Before the facility opens, however, the State needs to go through the building with their inspections of the site. The process for the developer is to begin submitting their plans to begin construction but will need to have State approval prior to opening the doors for business. Member Koessel asked if the State requires to see a need for a daycare prior to granting a license and the Applicant said that the State does not require a need be shown to open a daycare but the developer has conducted their own study that does indicate a need in the area. Other quality daycare facilities in the area have a waiting list.

Member Postma noted that Staff is requiring the developer to obtain the State Permit prior to building and the Applicant has indicated they need the Building Permit first to build the facility so the State can approve it. Mr. Olin said that Staff may be aware of new regulations that he is not but his past processes have been to pull the Building Permit first and the plans need to meet State requirements regarding exit locations and how many, room temperature, etc. Member Postma asked if the local inspectors would inspect the building and Mr. Olin said that the plumbing, etc. would be inspected by local inspectors and the facility would be inspected by both State inspectors and Federal daycare inspectors. Planning Director Peterson noted that the requirement could be changed to requiring an Occupancy Permit.

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

Chairman McDonald asked Staff if any phone calls or letters were received at the Township Offices. Planning Director Peterson said a few phone calls were received expressing concern regarding the building's size.

Mark Rocca of 1594 Macnider said he and his wife are strongly opposed to the daycare center. Their house has been listed for sale for the past year and they do not feel that granting the Special Use for a daycare would add value to their home. Staff has stated that the daycare would not be an obnoxious use of the area and they somewhat disagree since Macnider is a dead end road. The facility could potentially host 154 cars that would increase the traffic on their street using it as a turn-around.

Mr. and Mrs. Rocca have also considered de-listing their home and building in the area and potentially buying the property that is for sale next to them to build a home that would fit the Watermark Development and do not feel a daycare of 154 children is good use for the property in the quaint residential neighborhood.

Mark Bremer who owns property at 5630 and 5632 Cascade Road and supports this project. This area has been a lost area with the Golfview and Watermark Developments.

He further expressed his support in granting the developer the variance for accessing off of Macnider. He is unable to attend the ZBA Meeting next week but supports the variance request. Member Lewis said he serves on the Zoning Board and will pass Mr. Bremer's support of the project onto them at next week's meeting.

Mr. Bremer noted that there is no monetary gain for him if this daycare is developed and he believes this project is best for the area.

Member Robinson motioned to close the Public Hearing, supported by Member Koessel. All in favor with none opposed, the Public Hearing was closed.

Chairman McDonald opened the meeting for discussion of the Planning Commission.

Member Koessel asked Staff if these types of buildings, such as churches, etc., are allowed by right, correct? Planning Director Peterson said they are allowed by right with special use. Member Koessel asked on what basis would the Planning Commission be able to turn this project down and Planning Director Peterson said that if the Planning Commission felt it did not meet the requirements from the Special Use Standards both the General Standards and Daycare Use Standards. Member Koessel noted that Staff has already shown that this project does meet the standards with the exception of the variance that needs to be granted by the ZBA and if the Commission is comfortable granting a recommendation without knowing if the ZBA will grant the variance. It seems to him that access on Cascade Road is not feasible and accessing the site off of Macnider is a better access point, Staff agreed. Member Koessel does not see a reason not to grant the Special Use request.

Chairman McDonald asked Staff if Macnider is a public road and Planning Director Peterson said it is and part of the road is dirt, it is not all paved.

Member Logue noted that some of the neighbors may consider this a “scary” project that is being developed but at least they know what the project is and can tell potential homebuyers what is going in and seems like a harmless use to him versus not knowing if the property would be re-zoned. The daycare use seems like a good buffer between Cascade Road and residential.

Chairman McDonald recalled a couple of years ago when office development was being proposed for the property, the Public opposed the office and requested the property be kept Residential and the Planning Commission did. With the daycare facility, the property is still zoned Residential and requires a Special Use Permit.

Member Logue also noted that once the clients of the daycare facility are familiar with the facility and its driveway, the traffic down Macnider would not be a problem.

Member Lewis commented that childcare is one thing needed in today’s society. The State says childcare and churches are allowed in Residential Zoning.

Member Lewis motioned to make a favorable recommendation to the Township Board with the conditions set forth by the Planning Department that have to be met.

Member Koessel supported Member Lewis’ motion and asked him if Staff’s Condition # 6 be amended to require an Occupancy Permit instead of the Building Permit.

Member Koessel also noted that Staff’s Condition # 8 does not concern him since the Applicant has made a gesture to provide additional land to the adjoining property owners but is not sure why the Township would want to uphold this item if the neighbors do not want the additional land.

An amendment to the motion to include that Condition # 6: The developer is provide their State of Michigan Permit prior to receiving an Occupancy Permit.

Member Koessel also requested removing Staff’s Condition # 8. Member Postma expressed concern regarding a parcel becoming land-locked if some of the neighbors accepted additional property and some did not.

Member Koessel proposed the amendment to Condition # 8 to read as: To allow for the reconfiguration of the properties that is subject to Staff’s approval.

Member Lewis accepted the two (2) amendments to his motion. All in favor with none opposed, motion carried.

ARTICLE 6.

Overview of the Work Plan for the Master Plan

Planning Director Peterson introduced Larry Nix and Lynee Wells from Williams & Works.

Mr. Nix noted that the Township has a good foundation in their current Master Plan that their firm will be working from.

Ms. Wells said the process will take approximately 15-months and is scheduled to conclude in the spring of 2009.

They will be reviewing the existing Master Plan, gathering data of the Township, studying the Township's demographics and will develop a Community Profile Report from the compiled data.

Visioning workshops will be conducted to identify key issues along with focus group development. Development of the future land use map and implementation and strategies will also be reviewed.

Williams & Works first task is to create a Advisory Committee consisting of 25 people. Member Lewis said he would like to see the Advisory Committee be composed of a larger group and Planning Director Peterson noted there will still be a need for people to participate in the Focus Groups that will be established.

Ms. Wells said the Advisory Committee would work with her and she is seeking input from the Commission as to who those involved should be.

ARTICLE 7.

Any Other Business

Chairman McDonald opened the meeting for any other business.

Planning Director Peterson noted that the 2008 Calendar is included within the Commissions' packets.

ARTICLE 8.

Adjournment

Chairman McDonald requested a motion for adjournment.

Member Robinson supported by Member Postma moved to adjourn. The motion carried and the meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Jack Lewis, Secretary

Lisa Hern, Recording Secretary