MINUTES
Cascade Charter Township
Planning Commission
Monday, December 7, 2020
7:00 P.M.

ARTICLE 1. Chairman Rissi called the meeting to order at 7:00 P.M.
Members Present: Rissi, Slater, Noordyke, Krieter, Deering, Moxley, Rapin, Katsma, Johnson
Members Absent:
Others Present: Community Development Director Steve Peterson and Planner Brian Hilbrands

ARTICLE 2. Pledge of Allegiance.

ARTICLE 3. Approve the current Agenda.

Motion was made by Member Johnson to approve the Agenda. Supported by Member Deering. Motion carried 9 to 0.

ARTICLE 4. Approve the Minutes of the November 9, 2020 meeting.

Motion was made by Member Katsma to approve the Minutes of the November 9, 2020 meeting. Supported by Member Slater. Motion carried 9 to 0.

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

No visitors came forward.

Member Rapin joined the meeting at this time.

ARTICLE 6. **<u>Case #20-3614/Hayes, Sue</u>**
Public Hearing
Property Address: 4872 Sequoia Dr SE
Requested Action: The applicant is requesting a Type I special use permit to allow a six-foot-tall fence in the front yard and a section of fence above 6 feet tall in a side yard.

Planner Brian Hilbrands stated that the Township standard for the height of front yard fences is 4 feet, and rear and side yard fences is a height of 6 feet. Mr. Hilbrands stated that this fence has already been installed, and is a double-sided wooden fence in the side and rear yard along the north property line, and along the south property line in the front yard. The fence was constructed in late summer 2020, and the Township was contacted about the excessive height of the fence a short time later. The Township notified the property owner that they either needed to bring the fence into compliance, or apply for a special use permit for the excessive height.

Mr. Hilbrands stated that a special use permit was applied for in October, however it was incomplete. A completed application was then submitted in November. Mr. Hilbrands stated that the fence in the front yard is 6 feet tall, is 22 feet long, and is located in a landscape bed along the south property line. The fence begins near the corner of the garage, and ends approximately 25 feet from the edge of the pavement of Sequoia Drive, which is about 9 feet short of the property line. The fence along the north property line is six feet tall, and has an approximate 15-foot-long section in the side yard, with the double-sided panels on the neighbor's side ranging in height from 6'3-6'6 due to slight elevation changes and tree roots. The panels on the property owners' side of the fence have a height of 6 feet.

Mr. Hilbrands stated that other permits for taller fences have been granted in the past for side and rear yards due to differences in topography, and taller fences have been permitted in front yards when they do not create a vision problem. Mr. Hilbrands stated that his inspection did not find the applicants fence to create a vision problem in the front yard.

Mr. Hilbrands states that the applicant appears to meet Township standards for a taller fence. Staff is recommending approval for the six-foot-tall fence in the front yard, and the section of fence that is above six feet tall in the side yard as proposed.

Member Moxley asked if the lot property line was surveyed before the fence was installed, Mr. Hilbrands stated that he has not seen a survey.

Chairman Rissi stated that he has typically only seen tall fences approved in a front yard under "unique circumstances", such as a corner lot or busy street, and asked if this would set a precedence going forward by establishing opinions of landscaping as unique circumstances. Mr. Hilbrands stated that the majority of approvals do tend to be due to a unique circumstances of some sort, and that he based his recommendation of approval for this fence on Township standards.

Member Noordyke asked what the setback of the fence is from the water. Mr. Hilbrands stated that the fence stops near a shed that is 10-15 feet back from the contour line of the water. Member Noordyke asked if this request is similar to permits granted in the past, and consistent with the exceptions that have been given. Director Peterson stated that common practice has been to use the five standards that are in the ordinance, and that the ordinance does allow for this process to be held no matter what the fence height requested is. Director Peterson stated the five standards in the ordinance are:

1. Whether or not it has an impact on the adjoining property
2. Whether or not it creates a light or ventilation problem
3. Whether it creates a traffic hazard
4. Whether it creates a fire hazard
5. Whether or not it violates any known property or deed restrictions

Director Peterson stated that these are the criteria that are used to evaluate a fence request each time, and it is then up to Members to approve or deny that request.

Member Johnson asked if there are standards or restrictions on the height of vegetation in landscape beds. Mr. Hilbrands stated there are not.

Member Noordyke asked if the material of the fence makes a difference when considering it fencing, or landscaping (such as lattice). Mr. Hilbrands stated that support posts and panels typically consider something to be a fence.

Member Slater stated that she drove by to look at the fence, and believes the neighbor to the north to have a severely restricted view of the river from their walkout area in their backyard due to the applicant's fence.

Chairman Rissi invited the applicant to come forward with comments.

Mr. Gabriel Stulp (from Exterior Refresh; the company that installed the fence) stated that the majority of the fence is in compliance, and the permit was applied for to address the few areas that are taller than normal due to the contour of the land. Mr. Stulp states that the fence in front was put there as a barrier in between the applicants landscaping, and the landscaping of the neighbors to the south.

Chairman Rissi asked if a survey was conducted to verify placement of the fence, or if there has been any disagreement about where the fence is located. Mr. Stulp states that he was given a survey by the homeowner last summer when his company installed landscaping, and that he used those measurements. Mr. Stulp stated that the neighbor to the north had a survey completed to ensure all new landscaping was on the correct property; it was.

Motion was made by Member Johnson to open public hearing. Supported by Member Moxley. Motion carried 9 to 0.

Chairman Rissi invited the pubic to comment.

Mrs. Diane Cutler (6882 Alaska Ave, Caledonia) stated that she is speaking on behalf of her father, Darwin Cutler, and the Cutler Family who live at 4884 Sequoia Drive. This property is adjacent to the applicants property on the south. Mrs. Cutler states that she and her family are against the height of the applicants fence, and do not think this is an unusual or unique circumstance, or that the fence is needed to "hide the neighbors mess". Mrs. Cutler states that she believes all other fences in the neighborhood meet ordinance requirements, and asks that the fences at 4872 Sequoia comply with the ordinance requirements as well. Mrs. Cutler states that her family would have been happy to address any concern of the homeowner had the she made them aware before having a fence installed.

Member Moxley asked if the backyard fencing is as much of a concern to the Cutler family as the front yard one is; Mrs. Cutler replied yes, and that because of the fence line, they can no longer see the river to the north when they exit the walkout in the backyard.

Mr. Jim VanHoven (4864 Sequoia) stated that the applicants fence is now blocking most of their view to the south of the river, and has caused a "tunnel vision" effect for them. Mr. VanHoven added that there is a shed that starts at the end of the fence in the backyard that adds another 10-15 feet of blocked view. Mr. VanHoven states that if they fence stays up, he would like to have it bought into compliance.

Mr. Jeff Carpenter (5016 Sequoia) stated that he believes the fence requirements of Cascade Township are clearly stated and established, and can be easily found when looking for them. Mr. Carpenter believes that there is no unusual circumstance for the allowance of this fence, and believes that this fences' impact on neighboring properties is subjective. Mr. Carpenter believes the applicants request should be denied.

Mr. John Clark (4875 Sequoia) sates that he believes the allowance of this fence to stay as it is will set a precedence for fence requests in the future.

Motion was made by Member Krieter to close public hearing. Supported by Member Noordyke. Motion carried 9 to 0.

Member Noordyke stated that he believes the contractor should have been aware of fence requirements before the fence was installed, and should not be submitting a permit request months after installation. Member Noordyke also believes approval of this request will set a precedence for the future.

Member Moxley asked the applicant where the homeowner is, and why she is not addressing this situation. Mr. Stulp stated that Sue Hayes, the homeowner, chose not to attend.

Member Slater stated that she drove by to see the fence, and believes it to not fit into the neighborhood, and that the rear fence does impede the neighbors view of the river. Member Slater states that she believes the fence should be brought into compliance.

Member Krieter stated that as the fence does not serve a purpose (such as containing an animal), the front yard fence would be more reasonable at four feet in height. Member Krieter also believes that the fence does not fit into the neighborhood.

Member Johnson asked Mr. Hilbrands if the side yard fence goes into the front yard, Mr. Hilbrands stated that it does not.

Chairman Rissi invited members of the public to speak again.

Mr. VanHoven stated that the fence on the north side extends beyond the applicants house, up to where the garage starts.

Mr. Stulp stated the fence is flush with the house on the north side of the property.

Member Deering asked Mr. Hilbrands asked if the height of the fence is from the berm or the ground, Mr. Hilbrands stated that it is from the ground, and that the fence is on the side of the berm.

Director Peterson stated that height is measured by average grade, which is averaged by a six-foot distance on both sides.

Director Peterson stated that a back and side yard fence are allowed to be six feet tall, and a paneled fence.

Director Peterson does not believe that a decision ether way will set a precedence for fence request in the future as they are all heard on their own circumstance with the same set criteria used to evaluate.

Member Rapin asked if there could be action on one section of the fence and not the other, Chairman Rissi stated that conditions can be applied to any Motion.

Member Katsma asked for clarification on fence height for each location of the fence, Chairman Rissi clarified.

Director Peterson requested that a time period be given for any request of the fence being brought into compliance.

Chairman Rissi stated that he drove around to look at fences in the area, and typically only saw six-foot fences in the front yards of homes when they are on a busy street, corner lot, or with a unique circumstance such as a ravine in the rear of the home. Chairman Rissi believes a four-foot fence would be more acceptable in the front yard of the applicants home, and that the rear and side yard fences to be allowed per the ordinance with the exception of the few inches in one area.

Motion was made by Member Noordyke to reject the applicants special use permit request and have the current fence brought into compliance within 30 days. Supported by Member Slater. Motion carried 9 to 0.

ARTICLE 7. **Case #20-3599/Green Castle Properties**
Public Hearing
Property Address: 6095, 6115, 6143 28th St
Requested Action: The applicant is requesting preliminary plan approval to amend the existing PUD to accommodate a new car dealership.

Mr. Hilbrands stated that this plan was introduced for a basic plan review in September, and the applicant has requested that PUD 67 be amended to include this new development. Since the basic plan review, the applicant has submitted additional required information, leading to review at this public hearing. Mr. Hilbrands stated that Staff gave a requirement to combine this property into one parcel since this will be one site, and that applicant has stated they will combine the three parcels along 28th St, but is unsure if they'll be able to include 6120 Charlevoix Woods Ct, which is an existing standalone parking lot. Mr. Hilbrands stated that he did request the applicant include that parcel with the other three.

Mr. Hilbrands stated there are still revisions that need to be made, such as moving the eastern driveway to line up with Lucerne Drive (across 28th St.) per the Road

Commission, the Township Engineer has asked for revisions to the detention system, and an updated photometric plan needs to be submitted as the original one had illumination levels above what is allowed.

Mr. Hilbrands stated that Staff is asking that any decision made on the application be tabled until the additional requested submittals are received.

Chairman Rissi invited the applicant to comment.

Mr. Brandon Simon (Nederveld) stated that they have been working with the Road Commission, Consumers Energy, and the City of Grand Rapids Water Department regarding moving the eastern driveway. The detention system will have additional stone added to account for the extra volume that is needed, and the footprint should remain the same. Photometric adjustments are being made based on the dealerships next doors lighting, and the applicant is working on being able to combine all parcels in question.

Member Moxley asks about the dog park addition to the plan. Mr. Simon stated that it is part of brand identity for Subaru to provide a place for owners to being their pets while at the dealership.

Mr. Colin Schiefler (DP Fox/Fox Motors Group) stated that they are actively working to resolve all requested revisions. Mr. Schiefler added that dog park areas being added to dealership across the country, and have been very well received.

Motion was made by Member Johnson to open public hearing. Supported by Member Moxley. Motion carried 9 to 0.

No members of the public came forward with comment.

Motion was made by Member Johnson to close public hearing. Supported by Member Katsma. Motion carried 9 to 0.

Member Moxley expressed his concern in moving the eastern entrance to line up with Lucerne as there is a lot involved such as moving telephone poles, fire hydrants, eliminating curb cuts, etc., Chairman Rissi states his agreeance.

Member Johnson asked Mr. Hilbrands if this case will be brought back to the Planning Commission for their consideration without another public hearing once all revisions are made, Mr. Hilbrands stated that is correct.

Motion was made by Member Noordyke to table this approval. Supported by Member Krieter. Motion carried 9 to 0.

ARTICLE 8. Any other business

Member Katsma asked about the future of the Tuffy property. Director Peterson stated that additional public input will be gathered, but overall response has been positive.

Member Slater stated that the Tuffy business owner still has a couple of years left on their current lease, and then two, five-year renewal options.

Conversation was held about current and future pathways, sidewalks, intersections, and how speed limits are set by the Road Commission in response to a previous request for a crosswalk near Thornhills and Tahoe.

Director Peterson stated there will be a meeting on December 21st.

ARTICLE 9. Adjournment

Motion was made by Member Johnson to adjourn. Supported by Member Deering. Motion carried 9 to 0. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,
Brett Katsma, Secretary