

**PLANNING COMMISSION OF THE
CHARTER TOWNSHIP OF GRAND RAPIDS
Minutes of the June 26, 2008 Meeting**

A regular meeting of the Planning Commission of Grand Rapids Charter Township was held at the Township Hall on Tuesday, June 26, 2008 at 7:00 p.m.

Present were Chair Susan Molhoek, Vice Chair Stephen C. Fry, Secretary Wayne Harrall, Commissioners Michael J. Fuller, Edward J. Robinette, David VanDyke, and Beverly Wall. Also present were Township Planning Director Richard Sprague Jr. and substitute Clerical Jill Rau.

1. Approve minutes of the regular meeting of May 27, 2008.

- Page 1, Secretary Wayne Harrall was present at the meeting.
- Page 5, #4- “explained that the Township Attorney
- Page 6, #3, 2nd paragraph, “buildings converting to condominiums.”
- Page 6, 1st paragraph, “addressing the ordinance is to bring it all....”

Wayne Harrall, supported by **Beverly Wall**, moved to approve the minutes with the above mentioned changes. **Motion passed unanimously.**

2. Tabled: Special Land Use Amendment-Orchard Hills Athletic Club.

Stephen Fry, supported by Michael Fuller, to remove tabled item.

Due to a conflict of interest, Wayne Harrall excused himself.

Richard Sprague, Planning Director, explains to the Commission that after last month’s public hearing there are a few items needing to be addressed: Landscaping, lighting, parking and fencing.

There will be 15 five-foot evergreen trees added to the north boundary. New lighting plans have been submitted, complying with the ordinance. Parking plans have been submitted and will discuss tonight. Fencing plans have been submitted and will discuss tonight. There is a resolution enclosed prepared by the Township Attorney.

Chair Sue Molhoek finds that the pool alarm issue has been corrected from eight minutes to four minutes per letter sent to Planner Sprague.

David asks Steve Witte, Nederveld, out of the 282 parking spaces if that included the 70 in the front lot?

Mr. Witte responds yes.

David states that the parking numbers do not add up, because the chart does not

show the existing lot. 282 spaces including existing.

Stephen states that per ordinance "outdoor tennis requires one space per 1000", and also Commission should take into account the stadium seating.

Mr. Witte responds that this isn't true stadium seating, its basically two steps up. One space per three seats.

Mr. Witte refers to the bottom of the sheet that there is more room for parking to the West of the building but they would like to keep it lawn.

Ed questioned the lighting.

Rick responded that they provided the photometric plan. The lights will not be projecting out, just down. The Beltline requirements do not apply to this applicant.

Ed points out that the existing lighting is a nuisance to the neighbors.

Mr. Witte responds that the fixture has been changed with the timer set for 11:00 p.m. The plans show six poles and adding three poles in the center lot for more lighting. Will Commission consider nine poles?

Ed finds that the light times will be the center lot until 11:00 p.m. and the other lights will run with the facility until 9:00 p.m.

David brings up parking for discussion with the Commission: the parking is less than required; can we add a stipulation that if there is a parking problem can we add something so it has to be amended later? Stephen states that the lawn still can be used, but the actual car counts are low according to code.

Chair Molhoek asks if the stadium seating is similar to Fredrick Meijer Gardens, Planner Sprague indicated that he would have to check their file to verify.

Stephen states that the parking needs to be onsite.

Molhoek asks Commission how much hard surface do we want to require?

David asks once this is set, can it be changed?

Molhoek states that because of the pool, parking has spilled over into the subdivision across the road.

David is concerned that if Commission approves, can we go back and amend if needed? Planner Sprague states that they can stipulate that now, but wording must be added now in the approval.

Stephen Fry, seconded by **Michael Fuller**, recommends approving changes per plans dated 5/27/08 using the resolution prepared by the Township Attorney with the following Conditions:

- 1.) Applicant changes out lights to existing lights - either six or nine poles acceptable on the main courts.
- 2.) Lighting additional courts is not acceptable.
- 3.) Maintain remaining open space, with reserve to resolve any future parking issues.
- 4.) Applicant shall schedule events to have parking on their property only, no parking on adjacent streets, public or private.
- 5.) Can review or reopen if any parking complaints received. At that time, the lacking 24 spaces will be required at the least.
- 6.) The applicant agreed to change the alarm time from eight minutes to four minutes.
- 7.) Everything must meet the Township Engineer's requirements.

Motion passed unanimously.

Secretary Wayne Harrell rejoined meeting.

(Because no applicant in attendance Chair Molhoek moved item 3 to the bottom of agenda).

3. Public Hearing-1200 East Paris Ave. Special Land Use Outdoor Dining:

Chair Molhoek introduces item. Owner Cliff Gully addresses the Commission:

Gully is requesting to add four tables - two seats per table for dining. Molhoek finds that two tables would be in front of Gully's business and two tables would be in front of Creative Learning Center. Molhoek asks applicant what happens with the two tables if the owner of Creative Learning Center sells her business?

Gully responds that if a new owner took over and did not want the tables there, he would remove them.

Molhoek suggests a sunset clause - if she sells, tables go. Molhoek asks applicant about the extended hours.

Gully responded that they were considering a game night where people come in and try out new demos from the toy store. Gully tells Commission that this is doubtful.

Harrell states that the five tables requested seems too crowded to him, and the chart is showing four tables, again two in front of his business and two in front of Creative Learning Center.

Ed asks applicant of chances of more hours?

Applicant responds that they will never be open past 9:00 p.m., even if they do a game night.

Mike finds they open at 7:00 a.m.

Gully tells Commission that 50% of their business is the café and 50% meal assembly.

Planner Sprague tells Commission that given the location, the request fits the use. There is enough space for pedestrian/handicap traffic as well as tables.

Stephen Fry, supported by **Wayne Harrell**, to open the Public Hearing at 8:42 p.m.

No one wished to comment.

Wayne Harrell, supported by **Edward Robinette**, to close the Public Hearing.

David VanDyke, supported by **Beverly Wall**, to approve Attorney Jim Brown's Resolution with hours of operation 7:00 a.m. - 9:00 p.m., and if Creative Learning Center changes Owner/Lessee changes, then the tables in front of that building shall be removed. Harrell added that they are only approving four tables.

Motion passed unanimously.

4. Public Hearing - 4021 Cascade Road Special Land Use Outdoor Dining -

The applicant, Zoups!, is requesting permission for outdoor dining. Grant Winkleman, owner, indicated that there is a lot of space for tables. The area could fit 12 tables, but they are only requesting six. The tables will be located on the east side of the building.

Planner Sprague noted that there is enough sidewalk area for pedestrians and the tables. The ordinance states 36" minimum. The hours of operation must be stipulated in the resolution.

Stephen asks if there is room for circulation? Will pedestrians have to walk through the tables/people dining to get through?

Mr. Winkleman responds that the tables will be further away from the building.

Sue finds that that the tables will hold four people each table, the larger tables have umbrellas.

Hours of operation will be Monday - Saturday, 11:00 a.m. - 8:00 p.m. and Sundays, 12:00 p.m. - 5:00 p.m.

Edward Robinette, supported by **David VanDyke** to open the Public Hearing at 7:52 p.m.

No one wished to comment.

David VanDyke, supported by **Wayne Harrell** to close the Public Hearing.

Secretary Wayne Harrell expressed his concern with the walkway vs. the tables. He asked if one of the tables could be moved to the North to allow more walk space for the pedestrians.

Mr. Winkleman responded that there would be 48" of clearance if tables were moved.

Stephen stated that they could set the tables and not get closer than four feet from the sidewalk.

Wayne stated that he would be more comfortable with five feet from the sidewalk. Just move one table to the north and do not double the tables, allowing for plenty of pedestrian walking space.

David VanDyke, supported by **Edward Robinette** to approve the request, allowing up to seven tables, must be five feet from the east curb line.

Motion passed unanimously.

6. Public Hearing - 4081 Cascade Road - Request to Rezone Property from Suburban Office (C-2) to General Commercial (C).

Chair Molhoek introduces owner, Rick Schumar, to address the Commission. Schumar is requesting to rezone his property at 4081 Cascade Road to fit with the other surrounding properties. As development in the area has grown, so have the surrounding commercial buildings.

Stephen finds that Schumar has owned this property since 2006. Currently 40% is lease to Sona-Med Spa; 60% has been vacant for approximately 1.5 years.

Stephen asks applicant his reason for the rezone.

Schumar responded that the rezoning would broaden the appeal for more tenants, as in an office environment.

Staff Report: Planner Sprague shows Commissioners the property, as well as

the surrounding properties. Sprague stated that this rezoning complies with the Future Land Use Plan. Adjacent properties all are zoned General Commercial. Staff recommends approval, receiving only one complaint with the concern of traffic.

Stephen Fry, supported by **Wayne Harrell**, to open the Public Hearing at 8:07 p.m.

No one wished to comment.

Edward Robinette, supported by **Michael Fuller**, to close the Public Hearing.

Discussion:

Harrell stated that the request is consistent with surrounding properties as well as the Future Land Use Plan.

VanDyke stated that he is hesitant with rezoning, of setting precedence, but this would be zoning consistent.

Harrell stated that the applicant is doing the best he can with what he has to work with.

Wayne Harrell, supported by **Edward Robinette**, to approve the Cascade Road Rezoning Request.

Motion passed unanimously.

7. Public Hearing - 1144 East Paris Ave. PUD Amendment for Outdoor Dining:

Representative Witte introduced himself and presented the request. This PUD was approved two years ago. Naya is requesting an amendment for outdoor seating to the north of the building. There is currently sidewalk to the north; there will be a seven foot elevated extension with a handrail provided. Hours of operation will be Monday - Saturday, 11:00 a.m. - 11:00 p.m. There would be six to ten seats in the outdoor area.

Harrell asked about the fencing, stating that it angled to the NE of building, cutting off the sidewalk, preventing people from going to other businesses.

Witte stated that most of the employees park to the east of the building.

VanDyke stated that the area needs to be gated.

Harrell asked with one sidewalk there and being a one way drive, how will the

trucks turn with the sidewalk change?

Witte responded that there is south side angle parking, and they have thought of that but do not feel as though it will be an issue.

Molhoek asks if the north side to enter into the Plaza is a two way with 26' wide.

Sprague responds that is wetlands to the north of the building. Sprague refers to the Staff Report: Naya currently has an agreement with East Paris Medical building to allow their patrons to park there when their office is closed at 5:00 p.m. Parking has been an issue at many of the Site Plan Review Committee meetings. No additional lighting submitted on plan.

David VanDyke, supported by **Edward Robinette**, to open the Public Hearing at 8:22 p.m.

Daniel Hurwitz owner of 1100 East Paris: He has concerns about parking. Their lot is very under-parked; Naya has not complied with the restrictions/rules set for them. The resident watches and there are never many cars parked at the Med building, the employees are not parking over there, they are parking at Naya and shared parking lot. He states that there is no long term parking agreement with the medical building and Naya; it's currently a month by month agreement. With the current parking issues, there can't be more seating offered. Applicant is not doing what the Commission told them to do". The resident stated that trucks do in fact have difficulty getting in/out for delivery. The resident asks the Planning Commission to deny the request, and if approved, Naya needs to follow the requirements set forth by the Site Plan Review Committee. Resident also stated that he has been a good neighbor, and Naya has not been a good neighbor in return.

Rimple Nayyar from Naya addresses the Planning Commission:

They do offer valet parking every Friday night as well as special events. The bottom lot seems to always be half empty. Nayyar states that he has tried to be a good neighbor communicating via email of special events. Deliveries are an every day occurrence, not sure what 1100 East Paris is referring to, no difficulty there. Naya's employees do park on the other side of building, other than the early kitchen staff. Naya has four to nine servers per day. Nayyar states that they are only requesting the outdoor seating only for summer, from May - September. Nayyar states that they have only had three parking issues since July of last year. This request is to bring in more business to Naya.

Chair Molhoek asks what requirements the Site Plan Review Committee stated that Naya is not complying with.

Planner Sprague responded that the parking agreement, there is supposed to be a sign on the door stating "No Parking" leading to the Terrazzo Plaza.

Edward Robinette, supported by **Wayne Harrell**, to close the Public Hearing at 8:32 p.m.

Discussion:

Harrell expressed concern with the fencing off the sidewalk; there are two parking spaces to the north where the sidewalk expansion is located. It would be hard to get a car out of there. Harrell asked if they could round off the NE corner.

Witte stated they could, but this plan is correct per ordinance.

Fry states that he is not concerned - the lane is half wide. Asks if a truck template was laid on the plans to verify proper turning radius?

Witte stated that they could angle it, but still stated that there is sufficient room.

Fry stated that he drove over there and a lot of those spaces aren't even used. He also stated that there is currently a sign stating no parking. Fry feels applicant is trying to follow the guidelines. Slow times should be considered. This request really doesn't change much to the current approved PUD.

VanDyke stated that while it may offset current patrons, he doesn't see this request bringing in more business. If a car hits the fence, it would be that person's problem.

Harrell asked when was the last meeting with the Site Plan Review Committee- February. Harrell asked if a valet log has been provided, it has not. There is not a sign stating do not park at Terrazzo Plaza. Harrell wants this added to the approval-valet log and signed agreement with the medical building.

Robinette stated that they could add these as 'pre conditions' to be completed prior to approval.

Stephen Fry, supported by **David VanDyke**, to approve the request from Naya, with the following conditions:

1. The outside corners must be curved radiuses, not points.
2. All prior conditions of the Site Plan Review Committee must be complied with prior to occupancy of the outdoor dining area.
3. The railing must be removed during winter months.
4. A sketch verifying that delivery trucks can make the radius must be submitted to the Township Planning Director and approved.
5. A signed parking agreement for shared parking must be provided to the Township Planning Director.

Ayes: Stephen Fry, Edward Robinette, David VanDyke and Beverly Wall

Nays: Chair Susan Molhoek, Wayne Harrell and Michael Fuller

Motion Passed.

Discussion regarding #3 - **884 Forest Hills Avenue**. Planner Sprague stated that the applicant is not present, but it is an extension of last approval. The Sunset clause has expired for outdoor seating. Staff stated that their office has never received a complaint in the four years they have been in occupancy. The area has changed quite a bit, many more rentals now. All surrounding neighbors had been noticed, no one had any comment. Nothing in this request changes anything. It's the same seating, lighting, hours, etc.

Molhoek asks if they were still serving although the Sunset Clause has expired.

Planner Sprague stated that Staff allowed because they had applied prior to the expiration and not hearing any complaints.

Stephen Fry, supported by **Michael Fuller**, to open the Public Hearing at 8:50 p.m.

No one wished to comment.

Wayne Harrell, supported by **Edward Robinette**, to close the Public Hearing.

Wayne Harrell, supported by **Edward Robinette**, to approve the request.

Motion passed unanimously.

8. Update from the Township Planning Director:

Planner Sprague told the Commission that the Township Board denied their recommendation to amend the Master Plan at the corner of Forest Hill Avenue and Cascade Road. Sprague has talked with the Township Supervisor and they believe that it would be a good idea to form a committee, with three Planning Commissioners and two Township Board members, to discuss issues prior to going to the Board.

Chair Molhoek stated that she is in favor of this committee.

Edward Robinette stated that due to lack of information, he was unable to translate info to the Board. The applicant since then has withdrawn their request. David VanDyke questioned if now they were forming the committee. Planner Sprague stated not at this time, but he will get with Supervisor DeVries and work

it out. Edward Robinette suggested that they get two more Board members on this committee, aside from the current Trustee serving on the Planning Commission.

Planner Sprague passed out Rural Connection flyers.

Planner Sprague tells Planning Commission that next month's meeting does not have any requests so they will be working on ordinance updates. It was suggested this next meeting be a work session and a regular Planning Commission next month.

Michael Fuller, supported by **Wayne Harrall**, to adjourn the meeting at 8:58 p.m.

All in favor.

Tuesday, June 26, 2008