



TOWNSHIP

**ADA TOWNSHIP PLANNING COMMISSION
AGENDA
THURSDAY, NOVEMBER 19, 2020 MEETING, 7:00 P.M.**

PURSUANT TO PUBLIC ACT 228 OF 2020, IN ORDER TO PROTECT THE PUBLIC HEALTH, THIS MEETING WILL BE CONDUCTED VIA ELECTRONIC COMMUNICATIONS. ANY MEMBER OF THE PUBLIC WISHING TO LISTEN AND/OR WATCH THE PROCEEDINGS OR PROVIDE PUBLIC COMMENT MAY DO SO BY USING THE FOLLOWING INTERNET LINK OR PHONE NUMBER, MEETING ID NUMBER AND PASSCODE:

Click below to join by videoconference:

<https://us02web.zoom.us/j/88931122847>

Meeting ID: 889 3112 2847

Passcode: 704337

One tap mobile:

+13126266799,,88931122847#,,,,,0#,,704337# or

+16468769923,,88931122847#,,,,,0#,,704337#

Dial-in phone audio:

+1 312 626 6799 or

+1 646 876 9923

Meeting ID: 889 3112 2847

Passcode: 704337

Members of the public with disabilities may utilize the Michigan Relay System (7-1-1) to participate in the meeting. If other aids or services are needed for individuals with disabilities please contact the Township Clerk, Jackie Smith, at jsmith@adatownshipmi.com or 616-676-9191 at least 24 hours prior to the meeting

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES OF AUGUST 20, 2020 MEETING**
- V. PUBLIC HEARINGS - None**
- VI. UNFINISHED BUSINESS**
 1. Review draft zoning ordinance amendment concerning keeping of poultry
- VII. NEW BUSINESS - None**
- VIII. COMMISSION MEMBER / STAFF REPORTS**
- IX. PUBLIC COMMENT**
- X. ADJOURNMENT**

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE AUGUST 20, 2020 MEETING**

DRAFT

A meeting of the Ada Township Planning Commission was held on Thursday, August 20, 2020, at 7:00 p.m., via video/audio-conferencing, in conformance with the Michigan Governor's Executive Order authorizing electronic meetings.

I. CALL TO ORDER

II. ROLL CALL

Present: Carter, Easter, Jacobs, Leisman
Absent: Burton, Butterfield, Heglund
Staff Present: Bajdek, Buckley, Ferro
Public Present: 11

III. APPROVAL OF AGENDA

Moved by Jacobs, supported by Carter, to approve the agenda as written. Motion passed by roll call vote 4-0, with 3 absent

IV. APPROVAL OF MINUTES OF MEETING OF THE JULY 16, 2020 MEETING

Moved by Jacobs, supported by Easter, to approve the minutes as written. Motion passed by roll call vote 4-0, with 3 absent.

V. PUBLIC HEARINGS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

1. PVM District Development Plan, Renovation and addition to current structure and parking, 555 Ada Drive SE., Parcel No. 41-15-34-101-045, Erhardt Construction, on behalf of Orchard Hills Properties, LLC

Steven Spandle, architect, presented the proposed plan. Spandle summarized existing conditions and described the proposed changes to the site and the building, including removal and replacement of existing parking and driveways, and replacement of the existing roof structure. He described proposed landscaping and exterior building materials, which will include fiber cement board siding, new windows and roofing that will include slate tile and standing seam metal.

Ferro stated the proposed site is the former location of Peninsular Oil and Gas, and was the former Township Hall and Fire Station about 25 years ago. He noted the site has high visibility at the corner of Ada Drive and Thornapple River Drive.

Ferro stated the applicant has proposed this site be reviewed under the optional PVM District regulations as a "Civil Building" site. The PVM District has a lot type called "Civic Building Lot" which is defined in the code as "a lot located and designed to accommodate or which has accommodated a building which contains or has contained public or civic uses...". Ferro stated that the redevelopment of the former school house at 660 Ada Dr. was reviewed under the same lot type designation.

Ferro reviewed the dimensional standards contained in the PVM District rules for civic building lots. The site plan proposes to remove the asphalt areas to an attractive garden space area. Ferro added that the proposed exterior materials conform with the PVM district standards.

Ferro stated the parking area will continue to be accessed from Thornapple River Dr. and the setback of parking will be increased from 13 feet to 20 feet. The total number of parking spaces proposed is 25 which meets the standard for office use.

Ferro went over the landscape proposal and which trees are proposed to stay or go. He said the demolition plan does not identify trees to be removed and suggests an adjustment should be evaluated by the applicants. The landscape plans are mostly conceptual right now and doesn't identify species or sizes, but does display an impression of extensive plantings to dress up the site. Ferro stated a more detailed landscape plan will need to be submitted prior to building permit issuance.

Ferro also went over the storm water plans in detail. The grading and drainage plan add a short, 1 foot, retaining wall that keeps the runoff on the property and directs it to the catch basins to discharge off the site. The township engineer has reviewed the storm water plan and said there is plenty of capacity in the detention pond installed by the Township as part of the Headley St. reconstruction to accommodate runoff from the site.

Ferro summarized that for this existing developed site, the plan proposes incremental changes that bring the property closer to conformance with PVM district standards than the existing conditions.

Ferro stated he recommends approval of the plan, subject to 6 conditions contained in his staff report.

Commission members discussed possible conditions of approval and modifying language to restate the conditions.

Leisman stated the PVM district architectural standards call for architectural that is representative of 1870-1940's style, and questioned whether the proposal requires approval of a departure from this standard. Jacobs, Easter and Carter agreed that there was a need for a departure, and supported granting one.

It was moved by Easter, supported by Carter, to approve the PVM district development plan for 555 Ada Drive, subject to the following conditions:

1. The site shall be developed substantially in conformance with the plans titled "555 Ada Drive SE," Plan Sheets C-201, C-203, C-205, C-300, C-400 and C-500, all dated 8/18/20, prepared by Nederveld, and plans titled "555 Ada Drive SE," Plan Sheets A201, A202, A203, A500, all dated 7/23/2020, Sheet A-103 and L101, both dated 8/5/20, prepared by Steven W. Spandle, except as modified below.
2. A right-of-way permit shall be issued by the Kent County Road Commission and provided to the Township, prior to initiation of driveway replacement work on Thornapple River Dr. and removal of the driveway access on Ada Dr.
3. Consideration shall be given to shifting the location of the large landscape island at the west edge of the proposed parking area to the south, in order to preserve an existing maple tree on the site.
4. A revised demolition plan shall be submitted for review and approval by planning and zoning staff that identifies trees to be removed.
5. The landscape plan shall be revised to identify quantities, sizes and species of plant materials, for review and approval by Township staff prior to initiation of landscape improvements.
6. Specifications and locations for exterior light fixtures and mounting height for pole-mounted fixtures shall be provided, prior to issuance of a building permit.

7. The Planning Commission hereby approves a departure from the building character timeframe specified in Sec. 78-749(a)(1) of the PVM District regulations, based on a finding that the standards for granting a departure contained in Sec. 78-481 are satisfied.

Motion passed by a roll call vote 4-0, with 3 absent.

2. Site Plan Review, Land Division Creating 13 Parcels on 100 acres and served by a private road in the RP-1 Rural Preservation 1 Zoning District, 3050 & 3046 Pettis Ave. NE, 41-15-05-300-028 & 029, Michael C. Bieker on behalf of Michael C. Bieker Trust & Stephen A. Bartz

Jacobs pointed out that Warner, Norcross & Judd (the firm she works for) has represented Mr. Bieker in different matters and that Jacobs herself has not represented him personally and wanted the board to know that. Leisman asked Jacobs if she believes she can be fair and impartial. Jacobs replied yes. Leisman thanked her for the disclosure.

Michael Bieker, applicant, presented his request. He stated he has owned the property for 13 years and when he purchased it it was a vacant field. Mr. Bieker gave an overview of his 100-acre property and the proposed land division request from 2 lots to 13 lots; 11 new lots. He stated he hired Peter Faber and Exxel Engineering to manage the process of the development standards to allow for 13 parcels.

Mr. Bieker stated he had a pre-conference meeting about two months ago for a site condo PUD Pre-application for a land division of 18 or 19 lots. He said that he gained enough information from the council to review and adjust his request for fewer parcels and resubmit.

Mr. Bieker stated in addition to the private home there are 3 other structures on the property. By doing the division, 2 of the 13 lots will have a barn; Lot 'B' and Lot 'J'. He said he will be requesting a variance for the 2 parcels because the zoning ordinance prohibits an accessory building on a site without a primary residence. Leisman asked to clarify that the variance would be to allow the accessory building on the lot temporarily until the primary residence would be built. Bieker replied correct.

Doug Stalsonburg, Exxel Engineering, stated the main east/west road will need to be reconstructed to meet the private drive requirements and also reconstruct the entry at Pettis to meet the Kent County Road Commission requirements. The plans will need to be approved by the township engineer and planner. The Kent County Health Dept have approved all the sites for septic and well. Bieker stated he did extensive storm water drainage improvements and referred to the site drawing.

Leisman asked Ferro if the township engineer has gone over the site plan and approved storm water. Ferro stated the township engineer has reviewed the site plan but nothing in writing has been received yet.

Bajdek summarized comments in his written staff report. Bajdek stated 13 parcels from the subject properties are proposed to be created. The two (2) parcels that are included in the land division are a 95.2 acre parcel and a five (5) acre parcel; both parcels are occupied by existing homes and accessed by the existing shared private driveway on the property. As the applicant stated, the 95-acre parcel is also occupied by several accessory buildings, including one previously granted zoning approval as a private heliport and a large red barn. All of these existing improvements are shown as being retained on the proposed land division plan.

The property contains a mix of open, mowed meadows, as well as several woodlots and 3 ponds.

Bajdek stated all parcels are planned to be accessed via a private road network from Pettis Avenue. The

existing private driveway is proposed to be upgraded to meet all private road standards of the Zoning Ordinance. There is also an extension proposed that will meet all private road standards.

Bajdek stated all parcels created meet or exceed the five (5) acre lot size and 270-foot lot width minimums for the RP-1 Zoning District. Setback requirements for the subject zoning district have been stated and shown on the site plan. There are also recommended building envelopes shown.

The two (2) accessory buildings that are located on the 95-acre parcel are desired to remain on proposed Parcel 'B' and Parcel 'J' by the applicant. The splitting of proposed Parcels 'B' and 'J', with the existing accessory buildings remaining, shall only be permitted if a variance to permit this condition is granted by the Zoning Board of Appeals.

Bajdek stated the Township's land division regulations include several standards that must be met by a land division plan. As stated in the staff memo, the standards have been met.

The parcels and private road layout conform to all applicable zoning regulations. Staff recommends the approval of the land division plan subject to the six (6) conditions stated in the staff report.

There was some discussion of the Planning Commission reviewing this request for a land division vs. site plan review and concern for the protection of the do-not-disturb areas/landscape disruptions.

Bajdek stated all the land division approval standards are within the site plan section of the zoning ordinance and all those items are what are required to review a land division plan.

Ferro stated the landscape standards in the landscape section of the Zoning Ordinance for a single family residential development adjacent to a single family residential development; there are no landscaping requirements for buffer yards a long side and rear lot lines. Greenbelt standards are only required in certain circumstances along any lot line which abuts a public right-of-way in the multi-family residential, office, commercial or industrial, zoning districts. There are no standards in the ordinance to apply.

Carter stated he is ok with the conditions that are in the recommendation from Brent's staff memo and was in favor of approving the request.

Easter asked to confirm the parcels 'B' and 'J' request for variance would be just until a primary residence is built. Ferro stated the decision on whether a variance should be granted rests with the Zoning Board of Appeals, not the Planning Commission. Carter asked what if the Zoning Board doesn't allow the variance; would they have to tear down the buildings. Ferro stated that would be a condition of the commissioner's approval if variances are not approved.

Commission members discussed concern regarding a variance approval subject to specific conditions and whether the conditions stated above need to be clarified and restated.

It was moved by Jacobs, supported by Carter, to approve the site plan as presented subject to the following conditions:

1. A Township Private Road Permit application, complying with Kent County Road Commission driveway access requirements, shall be submitted and issued, prior to recording of the land division.
2. Required private road and driveway access improvements shall be completed prior to issuance of building permits on all parcels, except for proposed Parcels 'E' and 'M.'

3. The splitting of proposed Parcels 'B' and 'J,' with the existing accessory buildings remaining, shall only be permitted if a variance to permit this condition is granted by the Zoning Board of Appeals, and a principal building shall be commenced within two (2) years.
4. Private driveway access for Parcels 'C' and 'G' shall be from the proposed 66' wide private road only.
5. A stormwater permit application shall be submitted and a permit issued and approved by Township Engineer, in compliance with the storm water ordinance, prior to the construction of any site improvements.
6. The zoning approval for the private heliport on the current 95-acre parcel is terminated and shall become null and void with the approval of the subject land division and site plan by the Planning Commission.

Motion carried with roll call vote 4-0, with 3 absent.

VIII. COMMISSION MEMBER / STAFF REPORTS

Ferro introduced the incoming Township Manager, Julius Suchy. Ferro shared that Julius is to start September 14, 2020. Julius said he is looking forward to getting started and appreciates participating in the Planning Commission Meeting tonight. Easter shared she had an opportunity to speak with Julius and is very impressed with the experience he brings to this position; he is a really nice addition to our community.

IX. PUBLIC COMMENT

Chris Barlow, resident at 3000 Mela Via Ct., stated he lives adjacent to the south of the Bieker property. He questioned whether a home could be built in conformance with the setback requirements and requirement that the home be placed closer to the road, on the lot with the large red barn, as there is an existing drainfield shown on the plan in this area. He asked why there is not a variance required for this. Ferro stated there is no need for a variance with respect to placement of a home on the site at this time, and that the Township's expectations are that a home on the site will be located in conformance with the zoning standards. He stated the building envelope shown on the plan is a large area, and could either accommodate placement of a home in a location that does not conflict with the existing drain field, or the drain field could be re-located.

Charles Hively, via chat, asked whether all of the lots proposed for the Bieker property comply with the maximum length to width ratio standard. Bajdek stated the standard has been satisfied.

X. ADJOURNMENT

Moved by Carter, supported by Easter, to adjourn meeting at 8:37 p.m. Motion accepted unanimously.

Respectfully submitted,

Jacqueline Smith, Ada Township Clerk

rs:eb



MEMORANDUM

Date: 11/17/20

TO: Ada Township Planning Commission
FROM: Brent M. Bajdek, Planner/Zoning Administrator
RE: Review Draft Zoning Ordinance Amendment Concerning Keeping of Poultry

(Please be reminded that a previous draft amendment was reviewed by the Planning Commission at the February 20, 2020 meeting; the current draft amendment addresses comments/concerns regarding the previous draft.)

Due to an increased interest in the keeping of small flocks of chickens/poultry in the Residential zoning districts, an amendment to Section 78-17. – Keeping of pet and livestock has been drafted to permit such keeping.

The proposed amendment (*attached*) would permit the keeping of poultry in the Residential zoning districts subject to several regulating items, which include a limitation on the amount of poultry kept, required setback of henhouses/poultry coops and poultry runs/pens from dwellings on adjacent properties and property lines, and square footage limits for such henhouses/poultry coops and poultry runs/pens, as well as, other regulating items. The subject amendment also adds provisions related to the keeping of poultry not in a *farm building* in the Rural/Agricultural zoning districts, as well as adding poultry related definitions.

Please refer to the attached Zoning Ordinance Amendment draft for details.

The Planning Commission should consider setting a public hearing for the December 17, 2020 meeting.

**ADA TOWNSHIP
ORDINANCE NO. O-_____**

**AN ORDINANCE TO AMEND THE ADA TOWNSHIP ZONING REGULATIONS
(CHAPTER 78 OF THE ADA TOWNSHIP CODE OF ORDINANCES, AS AMENDED)**

THE TOWNSHIP OF ADA ORDAINS:

Section 1. Amendment to Article II, Definitions:

Paragraph (b) Definitions, of Sec. 78-51, is hereby amended by the addition of the following defined terms, to read as follows:

Henhouse or poultry coop means a structure providing shelter for poultry which is completely enclosed.

Poultry means domesticated birds kept for eggs or meat.

Poultry run or pen means a fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing poultry to leave the henhouse or coop while remaining in a predator-safe environment. The poultry run or pen is typically attached to the henhouse or poultry coop.

Section 2. Amendment of Section 78-17. - Keeping of pets and livestock:

Section 78-17 of the Ada Township Code of Ordinances is hereby amended to read as follows:

Sec. 78-17. Keeping of pets and livestock.

~~The keeping of more than three dogs and/or cats or the keeping of poultry, hogs, horses or other livestock is prohibited within any district except the AGP, RP-1, RP-2 and RR districts; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of four months after birth.~~

A. AGP, RP-1, RP-2, and RR zoning districts:

On any lot/parcel in the AGP, RP-1, RP-2, and RR zoning districts:

- (1) The keeping of poultry, hogs, horses and other livestock shall be permitted.
 - (a) On a lot/parcel of land less than five (5) acres, the keeping of poultry in a henhouse or poultry coop 80 square feet or less shall not be subject to the required 150-foot setback from all property lines for farm buildings housing animals and poultry in the subject zoning districts and shall be permitted as follows:
 1. A maximum of six (6) poultry may be kept.
 2. Roosters shall not be permitted.
 3. The slaughtering of poultry shall only be permitted within a fully enclosed building.
 4. Poultry shall be provided with a henhouse or poultry coop and must be kept in the henhouse or poultry coop or an adjoining fully fenced

(sides and top) poultry run or pen at all times. Poultry shall not be allowed to roam freely on any lot/parcel of land.

5. The henhouse or poultry coop and/or poultry run or pen shall be located in the rear yard and shall be located at least 40 feet from any dwelling on adjacent property and at least ten (10) feet from any property line.
6. The total square footage of any hen house or poultry coop and adjoining fully fenced (sides and top) poultry run or pen shall not exceed 80 square feet and shall be a maximum of eight (8) feet in height.
7. Materials used to construct enclosed areas shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.
8. Henhouses or poultry coops and poultry runs or pens shall be kept clean so as not to create a nuisance and prevent noxious odors.
9. All feed and other items associated with the keeping of poultry likely to attract insects, rodents, and other vermin shall be secured and protected in sealed containers.

(b) On a lot/parcel of land greater than five (5) acres, the keeping of poultry in a henhouse or poultry coop 200 square feet or less shall not be subject to the required 150-foot setback from all property lines for farm buildings housing animals and poultry in the subject zoning districts.

- (2) The keeping of more than three (3) dogs and/or cats is prohibited; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth. This limit on the number of dogs shall not apply to a person who has a valid kennel license issued by the county if the kennel complies with existing county regulations and state laws.

B. R-1, R-2, R-3, V-R, and Single-Family Residential PUD zoning districts:

On any lot/parcel in the R-1, R-2, R-3, V-R, and Single-Family Residential PUD zoning districts:

- (1) The keeping of hogs, horses, or other livestock, other than poultry, is prohibited.
- (2) The keeping of more than three (3) dogs and/or cats is prohibited; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth.
- (3) The keeping of poultry shall be permitted as follows:
 - (a) A maximum of six (6) poultry may be kept on any lot/parcel of land.
 - (b) Roosters shall not be permitted.
 - (c) The slaughtering of poultry shall only be permitted within a fully enclosed building.

- (d) Poultry shall be provided with a henhouse or poultry coop and must be kept in the henhouse or poultry coop or an adjoining fully fenced (sides and top) poultry run or pen at all times. Poultry shall not be allowed to roam freely on any lot/parcel of land.
- (e) The henhouse or poultry coop and/or poultry run or pen shall be located in the rear yard and shall be located at least 40 feet from any dwelling on adjacent property and at least ten (10) feet from any property line.
- (f) The total square footage of any henhouse or poultry coop and adjoining fully fenced (sides and top) poultry run or pen shall not exceed 80 square feet and shall be a maximum of eight (8) feet in height.
- (g) Materials used to construct enclosed areas shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.
- (h) Henhouses or poultry coops and poultry runs or pens shall be kept clean so as not to create a nuisance and prevent noxious odors.
- (i) All feed and other items associated with the keeping of poultry likely to attract insects, rodents, and other vermin shall be secured and protected in sealed containers.

Cross reference – Animals, ch. 14.

Section 3. Severability.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4. Effective Date.

This Ordinance shall become effective upon the expiration of 7 days after publication in a newspaper of general circulation in the Township.

Jaqueline Smith, Township Clerk

Ross Leisman, Township Supervisor

I hereby certify that this ordinance was adopted by the Ada Township Board in regular session held on _____, 2020, and that it was published in the _____ on _____, 2020.

Jaqueline Smith, Township Clerk
Township Clerk