

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE SEPTEMBER 20, 2018 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, September 20, 2018, 7:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

I. CALL TO ORDER

II. ROLL CALL

Present: Butterfield, Burton, Carter, Jacobs, Leisman, Lunn
Absent: Easter
Staff Present: Ferro, Bajdek, Winczewski
Public Present: 7 Members

III. APPROVAL OF AGENDA

Chairman Leisman suggested to move the Unfinished Business item to after New Business.
Moved by Jacobs, supported by Carter, to approve the agenda as amended. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF AUGUST 16, 2018 MEETING

Moved by Carter, supported by Jacobs, to approve the minutes of the August 16, 2018 meeting as presented. Motion passed unanimously.

V. PUBLIC HEARINGS

1. Special Use Permit for a “Type 2” Home Occupation in the R-3 Medium Density Single-Family Residential Zoning District, to permit a woodworking operation as a home occupation, 7567 Fase St. SE, 41-15-34-200-036, Bruce G. & Janet M. Fase Trust

Mike Fase spoke on behalf of the applicant, his father, Bruce Fase. Mr. Fase summarized his father’s request to the board. He, his son, and his father are the only three employees of this woodworking business. They bought a CNC mill which is a woodworking routing machine. They mainly make furniture and small wooden items.

Commissioners did not have questions or comments.

Planning Director, Ferro stated Mr. Fase’s property is 12.4 acres on the north side of Fase St. The residence and outbuildings on the property are all located at the south end of the property, with the majority of the acreage as vacant land behind the property along the Thronapple River and ending at the Grand River. The building that would be used for the woodworking shop is 24’ x 36’ (864 sq. ft.), of concrete block construction. The building is located about 55 feet from the nearest home on adjoining property, to the east, and about 155 feet from the adjoining home to the west.

Because the home occupation involves use of an accessory building and may generate customer/client traffic to the residence, the proposed home occupation is classified in the zoning rules as a “Type II” Home Occupation that is subject to a special use permit approval by the Planning Commission.

Leisman opened the public hearing at 7:20 p.m. There were no public comments. The public hearing was closed.

Ferro stated there are certain standards which a “Type II” Home Occupation must adhere to in addition to the general standards for special use permit approval. Those standards are outlined on page 2 in the staff

memo and he believes Mr. Fase's business meets these standards.

Butterfield inquired about what kinds of waste the business generates and how do they dispose of it. Mr. Fase stated the vast majority of their waste is sawdust and they use it for composting. There will not be a need for a dumpster.

Ferro stated he visited the site and had a demonstration of the equipment in operation. Ferro stated that while all of the woodworking equipment was in operation, he walked completely around the outside of the accessory building, and the loudest sound he heard was a small window air conditioner installed on the west wall of the building. Very little sound was coming from the inside of the building, so little that he does not believe that it would be discernable from the adjoining properties.

Moved by Carter, supported by Jacobs, to approve the Special Use Permit for a "Type 2" Home Occupation in the R-3 Medium Density Single Family Residential Zoning District, to permit a woodworking operation as a home occupation, subject to the following four conditions:

1. Customer visits to the premises shall be permitted by appointment only, and there shall not be published or advertised retail business hours in any print or electronic media, such as classified newspaper advertising, handout flyers, web site or social media page.
2. Operation of power woodworking equipment shall only be permitted to take place within the concrete block accessory building. Other outbuildings on the property may only be used for lumber storage and curing.
3. Operation of power woodworking equipment shall be limited to no more than 8 hours per day, and shall be permitted only between the hours of 8 a.m. and 8 p.m.
4. Noise generated shall be maintained at the current level and shall not have any significant adverse effects on neighboring properties.

Motion passed unanimously.

2. Special Use Permit for a veterinary care office, excluding boarding services, in the C-1 PVM Overlay District, Unit 7, Ada West Commercial Condominium, 7163 Headley St. SE, 41-15-28-479-007, All 4 Sallie LLC

Ken Dixon, Dixon Architecture, representing applicant, All 4 Sallie LLC, presented a brief overview of the project. They are proposing a 5,120 sq. ft. 2-story building for the use of veterinary care on the first floor and a business office on the second floor.

Frank Marshall, All 4 Sallie LLC, stated he represents the developers and he is also a tenant. Mr. Marshall stated they requested a special use previously for an existing veterinary business in the township and now they are looking to move to this new location. The veterinarian operation is not really changing other than a little additional square footage. It will be a three-exam room veterinarian practice on the first floor. Mr. Marshall stated the upstairs is a business office and will be leased to his own company, Marshall Associates, which is a provider of environmental and site development services for banking, real estate and development markets. Marshall Associates did the site plan for this project. Mr. Marshall stated the veterinarian tenants have been in Ada for 8 or 9 years. They are a small animal veterinary practice which means there will not be any large animals such as sheep, cows, horses, or other large animals.

Chairman opened the public hearing at 7:37 p.m. There were no comments. Public hearing was closed.

Leisman stated the PVM Development Plan for this project is further on the agenda but can be heard now.

Ken Dixon continued with a summary of the project. Dixon stated the outside of the building will be very similar to other new buildings in that area. There are two part-time veterinarians working in this office which for parking purposes, equates to one full-time veterinarian. Adding in the employees of the vet office and the upstairs tenants, there is a requirement of 20 parking stalls. With the PVM reduction, that brings the requirement down to 8 parking stalls. They meet the parking requirement at 8 stalls.

Dixon stated the canopies on the front and rear of the building protrude slightly into the setback requirements so a departure is being requested. They are also asking for a departure in lot coverage as they will be slightly over the 50% maximum requirement by having lot coverage at 53.6%.

Bajdek gave an overview of his staff memo regarding the subject unit. Bajdek stated the building is being developed as a "Village Shop Lot" under the PVM district provisions. Veterinary care offices, excluding boarding services, are permitted in the C-1 Village Business zoning district, with approval of a special use permit by the Planning Commission, which must comply with the general special use permit standards of the Zoning Ordinance, which were listed in the staff memo. Per Sec. 78-477, Permitted uses by lot type of the Planned Village Mixed-Use Overlay District, all uses in the Village Business district either permitted by right or by special use are allowable for Village Shop Lots; the same special use permit procedure is required to be adhered to. Bajdek stated there are no special use permit standards specific to veterinary care offices.

Bajdek stated it does appear that all the general special use permit standards, which were addressed in the applicant's narrative statement, have been satisfied.

Bajdek stated parking is located in the "common element" of the condominium and shared by all of the condo units in the development. A total of 198 parking spaces are provided in the "common element" parking area of the Ada West Commercial Condo development. 125 were required for the subject development (*based on the PVM reduction provision standards*) at the time of site plan approval for completion of the shared parking area. It should be noted that 7 additional parking spaces are located on the Spectrum Health facility site (*Unit 10 of the development*). At the time of site plan approval for the ten-unit Ada West Commercial Condominium development, the construction of a 4,800 sq. ft. retail/office building was assumed. Based on retail use for the ground level and office use for the upper level, 20 parking spaces were required (*8 parking spaces with the PVM reduction.*)

Bajdek stated approval of the Special Use Permit is recommended subject to the two conditions as outlined in the staff memo.

Bajdek stated, as for the PVM District dimensional standards, there are three departures needed:

- The proposed lot coverage is 53.6%, which is greater than the 50% maximum requirement.
- The proposed front canopy/covered porch varies from 4 feet 2 inches to 5 feet from the street/front property line, which exceeds the minimum 10-foot street/front yard setback requirement.
- The proposed rear canopy/covered porch varies from 4 feet 6 inches to 6 feet 2 inches from the rear property line, which exceeds the minimum 10-foot rear yard setback requirement.

Bajdek stated, per the Zoning Ordinance, front porches may extend up to ten feet into street yards provided they are at least eight feet deep; however, the depth of the proposed front porch does not satisfy this requirement.

Bajdek stated the building elevation drawings depict gooseneck-type lighting. In addition, pendant can lights are planned under the entry canopies/covered porches.

Bajdek stated the landscape plan provides a mix of evergreen and deciduous shrubs, ornamental grasses, and perennials primarily concentrated to the front and rear foundations of the building. However, additional landscaping material is required to screen the mechanical equipment pad, located on the west side of the building, from the view of Headley Street.

Bajdek stated the staff is recommending approval, subject to the three departures & 4 conditions as stated in the staff memo.

Butterfield inquired if there is enough greenspace for the dogs to relieve themselves. Mr. Marshall stated yes, there is actually 10% more greenspace than where their office is currently located.

Carter inquired why this requires a Special Use Permit. Bajdek stated because it is a veterinarian office. Carter wondered if horses may be seen in the future. Leisman stated that language can be added that approval is only for a “small animal” veterinary care office.

Jacobs asked what kinds of pets are typically seen in the vet office. Mr. Marshall stated small companion pets and the occasional “pocket pets” like hamsters, gerbils, etc. Also seen on occasion are birds and snakes.

Moved by Carter, supported by Jacobs, to approve the special use permit for a small-animal veterinary care office, excluding boarding services, subject to the following findings, conditions and departures:

The Planning Commission hereby makes the following findings:

1. a. The proposed development plan, as modified by the conditions of approval listed below, requires the following “departures” from the standards of the PVM district, which are hereby approved:

Departures from:
 - 1) Sec. 78-476(a) – Maximum lot coverage.
 - 2) Sec. 78-476(a) – Minimum street setback.
 - 3) Sec. 78-476(a) – Minimum rear setback.
- b. The above departures result in a plan that complies with the spirit and intent of the PVM District to a greater degree than would be the case without authorization of the departures.
- c. The proposed alternative is consistent with the purpose and intent of the PVM District.
- d. The proposed alternative, in comparison to conformance with the PVM district standards, will not have a detrimental impact on adjacent property or the surrounding neighborhood.
- e. The proposed alternative is necessary and appropriate to accommodate a superior design of the proposed development.

2. Approval of a PVM District Development Plan for the subject unit (*Unit 7 of Ada West Commercial Condominium*).
3. Any onsite 'pet grooming' shall be an ancillary use to the veterinary care office use.

Motion passed unanimously.

Moved by Jacobs, supported by Carter, to approve the PVM Development Plan for a 5,120 sq. ft., two-story, two-tenant building, for small-animal veterinary care and professional offices, subject to the following conditions:

1. The building and site improvements shall be completed substantially as shown on the plan set titled "All 4 Sallie, LLC," (civil drawings) dated August 20, 2018 and "All 4 Sallie Building" (architectural drawings) dated August 23, 2018, except as modified in accordance with these conditions of approval.
2. Any exterior building mounted light fixtures shall qualify as "full-cutoff" control of light emission or of a low light intensity non-glaring style, subject to approval of the Planning Department. Fixture specifications shall be submitted for approval, prior to building permit issuance.
3. The landscape plan shall be modified showing additional landscape plantings to screen the mechanical equipment pad, located on the west side of the building, from the view of Headley Street, subject to review and approval of the Planning Department, prior to issuance of any building permits.
4. A special use permit for a veterinary care office, excluding boarding services, being granted by the Planning Commission.

Motion passed unanimously.

VII. NEW BUSINESS

1. **Review of PVM District Development Plan, Construction of a 5,120 sq. ft., two-story, two-tenant building, for veterinary care and professional offices, Unit 7, Ada West Commercial Condominium, 7163 Headley St. SE, 41-15-28-479-007, All 4 Sallie, LLC**

This item was reviewed and voted on in conjunction with Item 2 under Public Hearing. See above.

2. **Review PVM District Development Plan, Construction of a 6,412 sq. ft., two-story building to be used for retail, service and office uses, Bldg. A8/Unit 8, River Street Commons Condominium, 472 Ada Dr. SE, 41-15-34-129-008, Dixon Architecture on behalf of 460 Ada Drive, LLC**

Ken Dixon, Dixon Architecture, presented the development plan. Dixon stated he was previously here for a project with the A1 building. Since then, the A1 building and the A8 building have become under the same ownership. Building A1 and A8 are being looked at as one building. Dixon reviewed the plans on the overhead projector. Dixon stated he is requesting two departures. The first departure is somewhat nullified since the two buildings are now under one ownership. That departure was for lot area. Unit A8

is only 3,740 sq. ft, and does not meet the minimum required 5,000 sq. ft. Dixon stated another departure being requested is for building frontage. The frontage percentage along Settlers Street is 89.4%, just slightly less than the 90% minimum requirement.

Leisman asked how building A8 became so small. Dixon stated it was a smaller lot from the start but as other buildings were getting planned, more and more square footage needed to be taken from this lot to satisfy the design of the other lots.

Carter asked if these two buildings would combine under one parcel. Dixon stated it is the owner's intent to keep the parcels as-is, just like Heidi Christine's property.

Bajdek stated that approval is recommended based on the two departures and four conditions as outlined in the staff memo.

Bajdek reiterated that lot area at 3,740 is under the minimum required 5,000 sq. ft. Approval of a departure from this standard is recommended.

Moved by Jacobs, supported by Carter, to approve the development plan as recommended, subject to the following departures and conditions:

1. The Planning Commission hereby makes the following findings:
 - a. The proposed development plan, as modified by the conditions of approval listed below, requires the following "departures" from the standards of the PVM district, which are hereby approved:
 - 1) Sec. 78-476(a) – Minimum lot size.
 - 2) Sec. 78-476(a) – Minimum frontage percentage.
 - b. The above departures result in a plan that complies with the spirit and intent of the PVM District to a greater degree than would be the case without authorization of the departures.
 - c. The proposed alternative is consistent with the purpose and intent of the PVM District.
 - d. The proposed alternative, in comparison to conformance with the PVM district standards, will not have a detrimental impact on adjacent property or the surrounding neighborhood.
 - e. The proposed alternative is necessary and appropriate to accommodate a superior design of the proposed development.
2. The proposed development plan for a 6,412 sq. ft. commercial building is hereby approved, subject to the following conditions:
 - a. The building and site improvements shall be completed substantially as shown on the plan set titled "River Street Commons A8 Building," (civil drawings) dated September 13, 2018 and "River Street Commons A8 Building" (architectural drawings) dated September 13, 2018, except as modified in accordance with these conditions of approval.
 - b. Any exterior building mounted light fixtures shall qualify as "full-cutoff" control of light emission or of a low light intensity non-glaring style, subject to approval of the Planning

Department. Fixture specifications shall be submitted for approval, prior to building permit issuance.

- c. Floodplain development permits shall be issued by the Michigan DEQ and Ada Township, prior to issuance of a building permit.
- d. The parking calculations, on the civil drawings, being updated to accurately reflect the planned retail use on the ground level of the subject building.
- e. Buildings A1 & A8 must remain in common ownership, unless waived by the Planning Commission.

Motion passed unanimously.

3. Site Plan Review, Revisions to Marketplace Square Condominium, to add additional land for 43 parking spaces and re-located driveway access to M-21, 7590 East Fulton St., Parcel No. 41-15-34-127-003, Geld, LLC.

Steve Tietsma of Progressive AE presented and gave a brief overview of the revisions. Mr. Tietsma stated they have worked extensively with MDOT and have done traffic studies. This revised plan is approved by MDOT. The driveway changes will allow truck traffic easier access to and from the property, thus keeping them off the village roads. Mr. Tietsma reviewed the utility plan and landscape plan.

Ferro stated a revised landscape plan was submitted today after it was discovered there was a conflict between large canopy trees and overhead power lines. (*Ferro handed out the new landscape plan*).

The driveway and parking plan comply with all applicable zoning regulations, with the exception of the minimum “greenbelt” width of 20 feet between parking and the M-21 right-of-way. The parking area setback proposed ranges from 5 feet to 18 feet, which is greater than the 0-foot setback of the Kingma’s Market building located to the west.

Ferro stated this same issue existed when the plans for the Heidi Christine’s Salon site and the plans for completion of the Ada West Commercial Center parking area were reviewed and approved. In the case of the Heidi Christine’s approval, the Planning Commission approved a 5-foot pavement setback, with the assumption that the greenbelt requirement did not apply to PVM district plans. In the case of the West Commercial Center parking area, a condition of approval stated that:

“The conflict between the parking area setback from the Fulton St. right-of-way and the minimum greenbelt width standard shall be resolved prior to construction through either the approval of a zoning variance or an amendment to the zoning regulations.”

This condition was not addressed or satisfied before the parking area was completed.

To address this procedural issue, Ferro stated he has drafted a potential zoning ordinance text amendment that would resolve this conflict and directed the Commissioners to the last page in their packets. After board discussion, Leisman stated he would be OK with a zoning text amendment for a 5-foot pavement setback in the PVM overlay for this project but, in the future, he would like to see more than 5 feet from the area where this project ends all the way along M-21 going east to the river.

Moved by Burton, supported by Carter, to approve the site plan review, revisions to Marketplace Square Condominium, to add additional land for 43 parking spaces and re-located driveway access to M-21.

Motion passed unanimously.

VI. UNFINISHED BUSINESS

1. Proposed Amendment to Article XX-A – Planned Village Mixed-Use Overlay (PVM) District – Development plan application requirements and review and approval procedure, to add provisions pertaining to duration of development plan approval, expiration of plan approval and extensions of plan approval

Ferro stated the Township Board postponed action on this zoning ordinance text amendment, and referred the amendment back to the Planning Commission due to two concerns: 1.) Concern with potential for granting an unlimited number of approval extensions. 2.) Ambiguity and lack of definition for what is meant by the phrase “diligent progress” as used in the proposed amendment.

Ferro gave an overview of similar provisions from several surrounding communities and a draft of proposed changes to address the concerns.

Moved by Carter, supported by Butterfield, to recommend to the Township Board the following revisions to the proposed ordinance amendment:

1. Reword Par. g(1) to read as follows:

(1) A PVM district development plan approval granted on or after the effective date of the amendment ordinance enacting this Sec. 78-480 (g) shall be valid for a period of eighteen (18) months from the date of approval by the planning commission or zoning administrator, whichever granted the original approval. Plans granted approval prior to the effective date of the amendment ordinance enacting this Sec. 78-480 (g) shall be valid for a period of eighteen (18) months following said effective date.

2. Reword Par. g(2) to read as follows:

(2) If a building permit has been issued within eighteen (18) months from the date of plan approval, the plan approval shall remain valid so long as the building permit remains valid. If no building permit has been issued within eighteen (18) months from the date of plan approval, the development plan approval shall be deemed expired and no longer valid.

3. Reword Par. g(4) to read as follows:

(4) A maximum of two (2) one (1) year extensions of development plan approval may be granted.

Motion passed unanimously.

VIII. COMMISSION MEMBER / STAFF REPORTS

Leisman stated he attended Jim's Michigan Association of Planning Conference presentation regarding village redevelopment held here earlier today. Jim and the others who spoke did a great job.

IX. PUBLIC COMMENT - None

X. ADJOURNMENT

Motion by Jacobs, supported by Butterfield, to adjourn meeting. Motion passed unanimously. Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk