**ADA TOWNSHIP PLANNING COMMISSION**

**MINUTES OF THE SEPTEMBER 21, 2017 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, September 21, 2017, 7:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

**I.** **CALL TO ORDER**

Meeting was called to order by Commissioner Leisman at 7:00 p.m.

**II. ROLL CALL**

Present: Commissioners Leisman, Burton, Butterfield, Lunn, Jacobs, and Carter

Absent: Easter

Staff Present: Planning Director Ferro, Planner/Zoning Administrator Brent Bajdek

**III. APPROVAL OF AGENDA**

Moved by Lunn, supported by Butterfield, to approve the agenda as presented. Motion passed unanimously.

**IV. APPROVAL OF MINUTES OF AUGUST 17, 2017**

Moved by Lunn, supported by Butterfield, to approve the August 17, 2017 Meeting minutes as presented.

Motion passed unanimously.

**V. PUBLIC HEARINGS**

**Request for Special Use Permit, 4,968 sq. ft. Building for an existing Landscape Contracting Business in the RP-1 Zoning District, 9430 Vergennes St. SE, Parcel No. 41-15-36-200-065, New Urban Home Builders for Enchanted Gardener/Hayden Holdings, LLC**

James Sears, Enchanted Gardener, stated that a new building, just under 5,000 sq. ft., is proposed to be added to the property to house business vehicles/trucks, as well as an office. He summarized the existing business operation and explained the proposed modifications to the subject property, including the removal of some outbuildings that are currently located onsite.

Bajdek explained that landscape contractors are permitted by special use permit approval in the RP-1 Rural Preservation 1 zoning district as a use that is incidental and secondary to agricultural use or single-family residential use of the same parcel. He stated that the existing landscape contracting operation received special use permit approval in 2012 and that the proposed modifications to the site require a ‘new’ special use permit approval.

Bajdek further explained that if the residential use on the property were ceased, a conflict with zoning regulations would be created, the existing lower level of the existing dwelling that currently is used as the office/studio for the business will be converted back into residential space once the new building has been constructed, and that a new driveway access to the site was recently installed, meeting Kent County Road Commission regulations, as required by previous special use permit.

Leisman opened the Public Hearing.

Ed Phelps, lives across the street from the driveway, stated concern about the traffic as it is a very busy road, and doesn’t like having businesses on the street. There are noise issues with the trucks constantly beeping.

Todd Craffey stated that there is more traffic with more development.

Leisman closed the Public Hearing.

Butterfield questioned if there are any other similar uses operating in the Township.

Ferro stated that special use permit was granted for another business with employees living on the property on Honey Creek Avenue.

Leisman questioned at what point is this a commercial business and if there were any conditions on the hours of operation or maximum size of the business.

Bajdek stated that the two conditions in the memo are essentially the same conditions as the conditions of the initial special use permit approval and that they are related to building codes/permits and signage; another initial condition regarding compliance with Kent County Road Commission requirements for driveway access has been satisfied.

Burton questioned if the operation of the business could be limited to five or six days a week instead of seven.

Ferro stated that for a special use, the Planning Commission has the authority to impose reasonable conditions that are necessary to make the use compatible with the area.

Leisman expressed concern that there are no conditions regarding the tearing down of the buildings, as proposed by the applicant, or the hours of operation of the business. He further stated that the Planning Department could come up with conditions on the number of trucks, employees, and cars associated with business operation; there should be a limit on the size of the operation.

Butterfield questioned if signage is proposed.

Deb Sears, Enchanted Gardener, stated that signage is not planned. She also explained that the current office space is around 900 sq. ft. to 950 sq. ft. and that the business employs 15 employees.

Leisman asked how many trucks are going in and out.

Deb Sears responded that the business currently has seven trucks and two trailers.

Carter stated some good points have been brought up, but perhaps looking at conditions might be a good idea.

James Sears stated there are 15 seasonal employees, and four months of the year, the business is quiet.

Leisman suggested that the subject request be tabled in order for the Planning Department to work with the applicant to address issues that were discussed, specifically regarding the existing and proposed scope of the business operation and conditions of approval.

Moved by Jacobs, supported by Lunn, to table the Request for Special Use Permit for 9430 Vergennes St. SE, until the next meeting. Motion passed unanimously

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

**PVM District Development Plan, 11,715 sq. ft. two-story Commercial/Residential Building, Unit B5, Marketplace Square Site Condominium, 400 Ada Dr., Portion of 41-15-34-126-017, CDV5 Properties, LLC**

Ken Dixon, Dixon Architecture, stated proposed is an 11,715 sq. ft. building, two-story, with retail on the first floor, and four private parking garages; the second floor will be four one-bedroom rental units. The proposed frontage along River Street is 84.2%, less than the 90% minimum requirement, and we are asking for a departure on this. The transparency of the storefront windows is proposed at 59.5% instead of the 75% required. Being proposed is artwork/mural on the portion of the wall facing River Street to create liveliness to the pedestrian environment. Lighting will be gooseneck-type wall mounted fixtures.

Leisman stated concern with anyone driving a large SUV getting in and out of the garage.

Dixon explained that the overhead garage door openings will be widened to increase vehicular maneuvering flexibility.

Ferro expressed concern that the proposed physical improvements on the ground do not match up with the legal boundary of the condominium unit and that an amendment to the condominium documents may be necessary. He suggested that the condominium plan be modified to place the access drive to the garages either entirely within the common area or entirely within the condo unit boundary. He stated that another thing to look at would be the heating of the access drive area space so it does not need snow plowing.

Bajdek explained that the proposed site layout and building design conforms to nearly all of the PVM District standards, with the exception of the minimum frontage percentage and the windows on the primary façade standards, in which departures are necessary. He stated that staff recommended the placement of faux windows along the south wall of the building at its eastern extent rather than the proposed mural. Staff also recommended an evergreen tree-planting buffer be placed at the southern extent of the access drive in substitution of the ornamental grass planting to minimize headlight glare into River Street and the park. A parking summary was given. Building lighting will be gooseneck-type wall mounted fixtures along with other decorative fixtures.

Motion by Jacobs, supported by Burton, to approve the development plan, subject to the following findings 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 frontage percentage.

2) Sec. 78-476(g) – Windows on primary facades.

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 an 11,715 sq. ft. 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 “MarketPlace Plaza – B5 Building,” (civil drawings) dated August 7, 2017 with a revision date September 15, 2017 and “Marketplace Square – Building B5,” (architectural drawings) dated August 17, 2017, except as modified in accordance with these conditions of approval.

b. 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 landscape plan shall be modified showing an evergreen tree-planting buffer at the southern extent of the planned access drive, subject to review and approval of the Planning Department, prior to issuance of any building permits.

e. Approval of the windows on primary facades departure is contingent upon the implementation of faux windows and/or artwork and/or living wall, that shall not become signage, on the south wall of the building at its eastern extent.

f. The location of the sidewalk between River Street and the Marketplace Square shared parking area shall be shifted at least two feet to the east on to Unit 6.

g. The condominium documents shall be amended ~~to allow the development of the proposed plan,~~ to ensure that the responsibility for snow removal/maintenance of the driveway access to the garages serving the 4 apartment units is not divided between the condo unit owner and the condo association, preferably by shifting the boundary between the condominium unit and the general common element, subject to approval of the Planning Department.

h. Any reduction in the planned residential area of the building shall be subject to approval by the Planning Department.

Motion passed unanimously.

**Final PUD Plan Review, the Knoll (72 Attached Dwelling Units in 16 Buildings) on a 9.9 Acre Site, 1040, 1050, 1078, and 1090 Spaulding Ave. SE, Parcel Nos. 41-15-31-451-017, 008, 009, and 010, John Wheeler and Michael Maier**

Rob Berends, Nederveld, reviewed the final PUD plan for the Knoll, and summarized the changes that were made from the preliminary plan.

Bajdek stated regarding landscaping, two mature trees will be retained on the “knoll” portion of the site, and there will be new plantings throughout the property. Storm drainage calculations have been submitted and approved by the Township’s consulting engineer. As far as lighting, although six pole-mounted fixtures were indicated on the plans, that applicant expressed that they were not planned for the development, but should they be desired in the future they shall qualify as “full-cutoff” control of light emission, subject to approval of the Planning Department. A conceptual sign plan has been submitted with the ‘face/copy area’ of the sign at 18.75 sq. ft., which exceeds the conventional regulations by 2.75 sq. ft.

Butterfield asked whether there would be sidewalk along the property’s frontage.

Berends stated it would be difficult to put in sidewalk along the entire frontage of the property because of the power line corridor and the wetlands. A sidewalk connection between the existing sidewalk south of the property and the southern entrance is shown on the plans.

Michael Maier stated that the sign plan was conceptual only and that the conventional sign regulations could be met.

Motion by Lunn, supported by Jacobs, to approve the Final PUD Plan for the Knoll, subject to the following conditions:

1. All public and private utilities serving the development shall be underground

2. Construction plans and specifications for public water and sanitary sewer service shall be subject

to review and approval by the Township Utilities Director prior to initiation of construction.

3. DEQ permits for construction of public water and sewer main extensions shall be issued prior to

issuance of any building permits.

4. A storm water permit application shall be submitted by the applicant, and the storm water permit

shall be issued by the Township prior to initiation of site improvements.

5. Wall-mounted exterior light fixtures shall be of a low light intensity style, subject to approval of

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

6. The pole-mounted light fixtures currently indicated on the plans should not be shown on the

construction plans. Any future pole-mounted light fixtures shall qualify as “full-cutoff” control of light emission, subject to approval of the Planning Department with fixture specifications provided.

7. A sign permit application for the development’s identification sign shall be submitted by the applicant for review and approval by the Planning Department prior to its issuance.

8. The condominium master deed, subdivision plan, and bylaws shall be submitted to the Planning

Director for review and determination that they are consistent with the approved plan and these conditions, prior to construction and prior to their being recorded with the Register of Deeds.

9. A private road permit application and private road construction plans shall be submitted, subject

to review and approval of the Planning Department, prior to initiation of site improvements.

Motion passed unanimously.

**VIII. COMMISSION MEMBER/STAFF REPORTS**

**Review of Proposed Regulations for Short Term Rentals**

Ferro reviewed the provisions included in the draft zoning ordinance amendment, as well as the proposed separate licensing ordinance for short-term rentals. He stated legal counsel has not yet had an opportunity to review the documents. Need to decide the term and renewal subject to ascertaining how the dwelling is being used.

Planning Commission member discussion occurred.

Leisman questioned if the license is not used for a certain amount of time has it has been abandoned, and not in compliance with the ordinance. There should be limitations on the total number of weekends. He suggested that the Planning Department work on some concerns that the Planning Commission has and have legal counsel look at it.

Todd Craffey explained that his license in Grand Rapids is for three years along with inspections being required. He stated there should be a vehicle limit, maybe four.

**IX. PUBLIC COMMENT**

None.

**X. ADJOURNMENT**

Motion by Jacobs, supported by Lunn, to adjourn at 9:07 p.m.

Motion passed unanimously.

Respectfully submitted,

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Jacqueline Smith

Ada Township Clerk

JS/dr

(Note: Underlining/overstrike indicates revision to draft minutes approved by Planning Commission.)