**ADA TOWNSHIP PLANNING COMMISSION**

**MINUTES OF THE OCTOBER 19, 2017 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, October 19, 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, Jacobs, and Carter

Absent: Lunn, Butterfield, and Easter

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

**III. APPROVAL OF AGENDA**

Moved by Jacobs, supported by Carter, to approve the agenda as presented. Motion passed unanimously.

**IV. APPROVAL OF MINUTES OF SEPTEMBER 21, 2017**

Carter noted that condition 2.g. on page 4 should be clarified to reflect the fact that, as shown on the proposed plan, the driveway access to the garages serving the 4 apartments is partially in common element of the condominium, and partially within the condo unit boundary, thereby dividing maintenance responsibility for the driveway; the condo unit owner would be responsible to maintain a portion of the driveway, and a portion would be a common element maintained by the condominium association.

Moved by Carter, supported by Jacobs, to approve the September 21, 2017 Meeting minutes as amended. Motion passed unanimously.

**V. PUBLIC HEARINGS**

None.

**VI. UNFINISHED BUSINESS**

**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**

Brent Bajdek stated we met with the applicant to further review the business operations, which resulted in the formulation of conditions to address concerns that were discussed at the September meeting. Staff is recommending 8 conditions:

1. The dwelling shall be occupied at all times as the principal residence of a person with an employee relationship to the landscape contracting business use of the property.
2. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday thru Saturday from April– January and 7:00 a.m. to 7:00 p.m. Monday thru Friday from February thru March.
3. All commercial vehicles and trailers associated with the business shall be stored indoors and limited to the maximum number of twelve (12).
4. The demolition of the existing buildings/structures depicted on the site plan as “To Be Removed,” prior to the occupancy of the new building.
5. The site plan shall be revised to show an off-street parking area/spaces for employee vehicles to be approved the Planning Department, prior to building permit issuance.
6. 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.
7. Compliance with building code requirements and obtaining of all necessary building related permits.
8. Any business sign shall be a maximum of 12 square feet, non-illuminated, and located outside of the right-of-way.

James Sears, owner of Enchanted Gardener, stated he disagrees with No. 3, which states the number of all commercial vehicles and trailers shall be limited to a maximum number of 12, and all vehicles and trailers must be stored indoors. He further stated this is unreasonable and is contrary to the Zoning Ordinance, and landscaping will be provided to minimize the view of vehicles and trailers.

Leisman stated if the applicant is not willing to accept the conditions, then we can deny it, or we table it.

Carter stated he agrees with the 12 vehicles, but storing them all inside a building of this size would probably not work.

Ferro reviewed the Zoning Ordinance standards that apply to a Special Use. He stated the State Zoning Statute states that reasonable conditions may be required with the approval of a special land use and must meet specific requirements.

Leisman explained to the applicant that either the request can be tabled to further discuss with the Planning Department, at his request, or the Commission will vote it on.

Sears stated he would request tabling of the application.

Moved by Carter, supported by Jacobs, to table the Special Use Permit until November.

Motion passed unanimously.

**VII. NEW BUSINESS**

**Pre-Application Conference, Zoning Ordinance Amendment Request to permit Commercial Recreation Facilities, including Gymnastic Training, in the Industrial (I) District, Harold Brander**

Olga Hallstedt, Berkshire Hathaway Real Estate, explained that her clients are interested in Harold Brander’s building located at 6790 E. Fulton Street, which works well for gymnastics because of its high ceiling height.

Bajdek stated the use regulations of the I Industrial District do not allow gymnastics training studios/businesses as a permitted use by right or by special use. Commercial recreational facilities, such as bowling alley, indoor theaters, skating rinks, or racquet clubs are currently only permitted by right in the C-2 General Business Zoning District.

Leisman suggested that uses along the corridor be looked at in a broader scope.

Ferro suggested a subcommittee be formed.

Leisman stated the subcommittee will be made up of Carter, Jacobs, Leisman, and the Planning Department.

Hallstedt noted that Ada Dance Company located at 6906 E. Fulton Street and in the I Industrial district is very similar in use to the gymnastics training studio/business proposed by her clients. She further stated that the gymnastics training studio/business would not have a high impact on traffic with a very low ratio of students to teachers.

Leisman stated that changes to the district regulations will be looked by the subcommittee and suggested that the Planning Department be contacted with input and finding out when the subcommittee meetings will be held.

Ferro stated one provision in the Industrial District that the subcommittee needs to look at is there is a provision that states that uses that are not specifically listed but are of the same nature or class as uses that are listed may be approved by Special Use Permit. The legality of that provision has been questioned by a Michigan Court of Appeals decision that was issued within the last few years, so we have been reluctant to use that provision any longer, and we need to look at removing that provision from the Industrial District.

**VIII. COMMISSION MEMBER/STAFF REPORTS**

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

Ferro stated that revisions to the draft regulations to address feedback from the Planning Commission are being worked on. He explained that the limit on the maximum number of occupants in a short-term rental in the zoning regulations was lowered to match provisions in the draft licensing ordinance; has not addressed the inspection provisions for frequency of inspections to be conducted on a nightly rental; standards for different zoning districts have not been fine-tuned; and the review of the draft by the Township attorney is necessary.

Ferro stated an article regarding short-term rental regulations in New Orleans was found, which stated from an affordable housing perspective, there are two regulations that really matter, whether the owner is required to live on the property, and the number of nights per year a rental can be available. He explained that those subjects are being addressed in the proposed Township rules.

Ferro stated the Township is working on the annual Capital Improvements Plan update, and that two representatives from the Planning Commission are needed to serve on the CIP committee.

Leisman suggested asking Easter.

Ferro stated he and Carter represented Ada Township at the Annual Michigan Association of Planning Conference. Carter completed the Michigan Citizen Planner Program during the conference.

Carter stated it was very interesting, very helpful.

Jacobs inquired about the zoning violation letter regarding site improvement that was sent to Vitale’s, and whether there had been any feedback.

Ferro stated he and Bajdek recently attended a meeting with one of the owners and their architect, where it was made to clear to them that conformance with their approved plan is expected and that any deviations from the approved would require both Zoning Board of Appeals and Planning Commission approvals.

Burton asked about the lane closure signs on Ada Drive.

Ferro explained a traffic lane will be closed on Ada Drive for the installation of sewer services for the four new homes that will be on the west side of Ada Drive at Bradfield Street. He stated there will also be a lane closure on Thornapple River Drive near Leonard Field for water main installation.

**IX. PUBLIC COMMENT**

Todd Craffey, representing John Baar, 8081 Fulton, expressed that discussions regarding short-term rental regulations have been ongoing for ten (10) months and that it should be the goal of the Commission to work more quickly in addressing the subject item.

Harvey Nuttall questioned the purpose of limiting the number of nights per year for short-term rentals.

**X. ADJOURNMENT**

Motion by Burton, supported by Carter, to adjourn at 7:43 p.m.

Motion passed unanimously.

Respectfully submitted,

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Jacqueline Smith

Ada Township Clerk

JS/dr