**ADA TOWNSHIP PLANNING COMMISSION**

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

A meeting of the Ada Township Planning Commission was held on Thursday, December 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, Lunn, Carter, Easter, Burton, and Butterfield

Absent: Commissioner Jacobs

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

**III. APPROVAL OF AGENDA**

Moved by Easter, supported by Burton, to approve the agenda as presented. Motion passed unanimously.

**IV. APPROVAL OF MINUTES OF NOVEMBER 16, 2017**

Moved by Carter, supported by Easter, to approve the November 16, 2017 meeting minutes as presented. Motion carried.

**V. PUBLIC HEARINGS**

**Request for Special Use Permit, Accessory Building with its highest Sidewall Height being at 32 feet and 7/8 inches at the Walkout Level, in the RP-1 Zoning District, 8951 E. Fulton St., Parcel No. 41-19-01-100-037, Design Build Concepts, for Timothy & Christina Forell**

Tim Forell, 8951 E. Fulton St., stated he has 20 acres, and he would like to put an accessory building next to his home. He understands the sidewall height exceeds the existing ordinance and is asking for a variance. He stated there has always been an open meadow at the top of the hill. Where the accessory building will be placed there’s at least 200 feet of woods between the building and the driveway, and there is substantial wooded land between the proposed building and the properties to the east. The sidewall height can only be seen from the north.

Dan Venema, Design Build Concepts, stated this is a natural depression of the land so it’s natural for a walkout.

Brent Bajdek stated per the zoning ordinance 14 feet is allowable for an accessory building at grade at all sides. A two-story building is 20 feet providing the upper floor level is at grade on at least one side. The Planning Commission may authorize floor area or height of an accessory building greater than what is permitted by right, with approval of a special use permit, if the Commission determines that the size, height, design, and appearance of the accessory building will be compatible with the character of the surrounding area. Based on that language, a special use permit may be sought for the proposed two-story walkout accessory building.

Leisman opened the Public Hearing.

Linda Douglass, 1443 Sargent Ave, read a letter sent to the Planning Commission stating she objects to the proposal as it will adversely affect the view, and negatively impact their property values. She asked that the request be denied.

Perry Brown, 9089 E. Fulton, stated he has no objection to the building.

Joan Woodfield, 1463 Sargent Ave, stated they are disappointed in the lumber clearing that was done; they won’t see much of the building, but it has changed the whole environment, and it will affect their property values.

Bajdek stated the footprint of the building is planned at 2,052 square feet, ground level floor area. Per the zoning ordinance, properties that are greater than three acres are allowed up to 4,000 square feet. The building size and setback requirements have been satisfied.

Leisman closed the Public Hearing.

Bajdek summarized the Special Use Permit request for the accessory building. He stated staff is recommending approval with two conditions:

1. Use of the accessory building shall be restricted to a private residential storage and recreational use. No commercial storage or activities shall be permitted within the accessory building.
2. Exterior lighting on the building shall be of the non-glaring style, subject to approval by the Planning Department.

Leisman suggested postponing action, to allow a site visit and time for the applicant to discuss with the neighbors.

Easter stated it is a wonderfully-designed building and is compatible, but she believes the main reason for the objections is the number of trees that were removed.

Butterfield stated that considering the amount of acreage there could be multiple homes on the property.

Burton stated the Township is becoming more populated, and anyone who buys property within the confines of the zoning ordinance is free to build the kind of house they want as well as the out buildings. She agrees the plan looks very nice, and too many trees were taken down.

Lunn agreed with postponing action to conduct a site visit, and stated we can’t restrict tree removal.

Carter stated a site visit is appropriate in order to evaluate the compatibility standard.

Moved by Carter, supported by Lunn, to postpone action for one month. Motion passed unanimously.

**PUD Plan Amendment, the addition of a 4,050 sq. ft. School Age Classroom Building to the Big Steps Little Feet Child Care Center campus, 7030 E. Fulton St., Parcel No. 41-15-28-477-046, 7030 Fulton, LLC**

Steve Witte, Nederveld, stated Big Steps Little Feet is proposing construction of a 4,050 sq. ft. building to the east of their existing building. This is property gained by Big Steps Little Feet in a three-way land-swap with AGO and Bronson Residences. There will be two additional classrooms for school age children, plus an activity room and a storage room. The classrooms will result in an increase of 36 children and four employees, and 13 additional parking spaces will be needed. An eight foot bike path is proposed along Fulton St., and they are working with MDOT on the exact location of the bike path. Additional landscaping will match what is there; and the building will match the character of the existing building as far as materials and color.

Bajdek stated the plan provides a five foot building setback from the east property line. He then summarized the addition of the classroom building.

Leisman opened the Public Hearing; with no comments the Public Hearing was closed.

Carter stated he is concerned about the five foot setback.

Burton stated she saw no problem with the five foot setback.

Butterfield stated she saw no concern with the five foot setback, but is concerned with the potential future conversion of space to classroom space.

Easter asked about the purpose for including school age kids. Rob Young stated families currently enrolled want their older kids there before and after school and in the summer.

Moved by Easter, supported by Butterfield, to approve the Preliminary and Final PUD Plan for the Big Steps Little Feet Child Care Center classroom building, subject to the following conditions:

1. The submittal of a detailed landscape plan for the proposed landscape improvements to the site, subject to review and approval of the Planning Department.
2. A revised site plan showing the final location of the planned eight (8) foot wide bituminous bike path within the E. Fulton Street right-of-way, as approved by MDOT.
3. The ‘future’ proposed conversion of the ‘activity room’ of the subject building into two (2) additional classrooms, as depicted on the building floorplan, is not included in the subject approval.

Motion passed unanimously.

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

**Review of PVM District Development Plan for Three (3) “Village House” Lots on .48 Acres in the Village Proper 2 (VP-2) Transect Zone of the PVM District, 7177 Bronson St. SE, Parcel No. 41-15-33-230-006, Let Us Development, LLC**

Steve Witte, Nederveld, representing Let Us Development, LLC, stated Joel Harner is the owner of the property. He stated the proposal is to demolish the existing building and create three lots with each having a single family home, and a garage and parking area to the rear of the property. All the PVM standards have been met. Each of the lots will have an individual drive entrance with a three-stall detached garage, which includes a potential apartment above the garage. There will be public water and sewer service.

Bajdek stated the PVM district standards have been satisfied. All the lots will include a two-story custom design single-family dwelling with a detached three-stall garage with living quarters above. Access will be from private driveways from Bronson Street. Driveway permits from the Kent County Road Commission shall be required. The sidewalk on Bronson Street is proposed to be removed and replaced with a new concrete sidewalk. Canopy trees are proposed for each one of the lots.

Easter stated it looks like a nice addition to the village, but hates to see the big tree at the front of the property be removed.

Moved by Lunn, supported by Burton, to approve the proposed PVM District Development Plan subject to the following conditions:

1. The submission of a Land Division Application and subsequent approval by Township Staff.
2. A determination by the Planning Department, prior to issuance of a building permit for each new home, that PVM District Architectural Standards have been met.
3. Wall-mounted exterior lighting shall be of a non-glaring style, subject to approval of the Planning Department.

Motion passed unanimously.

**VIII. COMMISSION MEMBER/STAFF REPORTS**

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

Ferro stated the Township legal counsel made some pretty substantial edits to the draft of the regulatory ordinance changes that would require issuance of a permit for short-term rental use; he also made some changes to the draft accompanying the zoning ordinance amendment. Ferro stated the draft framework we’ve been looking at for regulating short-term use encompasses two separate ordinances:

1. We would regulate it as a special land use under the zoning ordinance, so short-term rental use would require a special use permit application, and review and approval by the Planning Commission after a public hearing.

2. A regulatory ordinance that requires issuance of a permit by the Township Clerk after an inspection by the Fire Department.

The regulatory ordinance requires submittal of a permit application, and the ordinance specifies what must be included in the application, including a certification from the Fire Chief that the building complies with all applicable building and fire codes, and that the posting requirements in the approval standards are satisfied.

Ferro stated he had asked legal counsel to add a provision that specifically requires the owner/operator to consent to having an inspection done upon reasonable notice by the Fire Department. The conditions in Section 6 of the ordinance that must be satisfied include requirements for the address to be posted in a couple of places within the short-term rental unit, as well as posting of contact information for the owner’s representative. The standards also have a maximum occupancy limit of no more than six persons or less if limited by bedroom egress requirement standards; and there’s also a prohibition on unreasonable outdoor noise, odors, or other disturbances.

Ferro stated he asked legal counsel to make a minor change to the definition of “short-term rental” unit, as his draft included “while the operator does not reside in the unit”. We want to include within the scope of our regulations and permit requirements situations where a property owner and occupant rents out a portion of their home for short-term rental use while they are still residing on the premises. The deletion of that phrase is needed to include that type of situation within the scope of the ordinance.

The Zoning Ordinance amendment defines the term short-term rental unit and it includes short-term rental units as a permitted use in multiple residential zoning districts with approval of a special land-use permit. It establishes same standards for approval in all the zoning districts.

The uniform set of standards in the draft includes a maximum lot size of two acres; a minimum dwelling unit setback from all property lines of 50 feet; access to a public road on a driveway that’s exclusively serving that dwelling unit. A short-term rental would not be permitted on a private road that’s serving multiple properties, or on any type of shared driveway. The dwelling unit must be the principal residence of the owner as shown in the tax assessment records, and also has the same occupancy limit and prohibition on noise, odors, or other disturbances as contained in the regulatory ordinance.

Ferro stated one aspect not addressed is any limit on number of days per year that a dwelling may be used for short-term rental. If we’ve established standards that protect surrounding neighbors from any objectionable impact, we shouldn’t care how frequent that use occurs. He gave some scenarios with corresponding number of nights but did not make a recommendation.

Easter asked what the advantages are of a limit on frequency of rentals. Ferro stated that to allow short term rental every weekend might be viewed as objectionable by neighbors. Leisman commented that a limit gives neighbors relief from having a non-residential activity in their residential neighborhood.

Easter stated having new people coming in and out of a neighborhood might be unsettling.

Butterfield stated she considers issues such as concern with potential crime and lack of knowledge regarding the background of persons in your neighborhood.

Leisman suggested that on Page 3, Condition 6 after “outdoor areas…” a condition should be added that reads “and any other use of the short-term rental.” He stated the limit on objectionable noise should apply whether the noise is generated from indoors or outdoors.

Butterfield suggested adding a vehicle limit.

Leisman suggested adding a zoning standard that if there’s a violation of the noise prohibition, that is grounds for revocation of the special use permit. He also stated he believes there should be some limit on number of rental nights, so that there is some quiet time.

Ferro stated there could be a requirement in the regulatory ordinance for the owner to maintain a log and agree to provide to the Township upon request, as a means of monitoring the frequency of short-term rentals.

Ferro stated that he had distributed these drafts to people who had attended meetings in the past. Todd Craffey stated his client’s concerns include the two acre minimum lot size, the six person occupant limit is too restrictive and they would like to be able to accommodate two families.

Leisman stated he would like to have a response from legal counsel on Butterfield’s request; and the Planning Department incorporate some limit on number of vehicles.

Robert Baar, brother of John Baar, stated AirBNB has more listings than any other lodging company in the country.

Leisman stated he would like to hear from legal counsel about ingress and egress issues.

There was discussion about the total number of guests allowed and maybe including a limit per bedroom.

Burton asked if there was anything pending in the State regarding these regulations. Ferro stated legislation to pre-empt local government restrictions was introduced, but he doesn’t believe it has moved far.

**Ada Township Strategic Plan Final Report**

Ferro stated the Township Board had a consultant-facilitated strategic planning process. It involved interviews with stakeholders outside the Township, an online survey for Township staff to complete, and a couple of day long sessions by Township Board members who came up with a Mission Statement and some action strategies to address specific targeted goals to achieve. Ferro stated he would email the final report to Commission members.

**IX. PUBLIC COMMENT**

Robert Baar stated regarding the short-term rental ordinance, that several townships state that if you do use your home as a short-term rental then you no longer get your homestead deduction. Also, AirBNB does collect the Use tax of 11% specifically on behalf of the townships. Most places allow two persons per bedroom, and one vehicle per bedroom, and they have to be legal bedrooms meeting egress standards. He stated the provisions in the Township’s draft ordinance are too restrictive. He stated this process has been very slow.

Noelle DiVozzo asked if the Joel Harner plan was a “done deal.” Ferro stated the Planning Commission has the final approval authority. DiVozzo stated it’s a shame a developer can take down a historic house. She asked what protection there is against any homes in the Village being torn down.

Leisman asked if there is any kind of historic preservation in the village. Ferro stated there isn’t. There was some discussion about 15 years ago about creating a formal historic district, but there was no follow-through.

Leisman suggested looking into including some historic preservation considerations in the zoning regulations, as a part of the PVM district.

**X. ADJOURNMENT**

Motion by Easter, supported by Carter, to adjourn at 8:57 p.m. Motion passed unanimously.

Respectfully submitted,

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Jacqueline Smith

Ada Township Clerk

JS/dr