

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MARCH 18, 2021 MEETING**

A regular meeting of the Ada Township Planning Commission was held on Thursday, March 18, 2021, at 7:00 p.m., via video/audio-conferencing, in conformance with Public Act 228 of 2020 concerning temporary authorization of remote participation in public meetings.

I. CALL TO ORDER

II. ROLL CALL

Present: Butterfield, Carter, Easter, Jacobs, Korth

Absent: Burton, Heglund

Staff Present: Bajdek, Buckley, Ferro, Moran, Suchy

Others Present: 13

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES OF THE MARCH 2, 2021 SPECIAL MEETING

Moved by Carter, supported by Easter, to approve the minutes as presented.

Motion passed by roll call vote 5-0, with 2 absent.

V. PUBLIC HEARINGS

1. Proposed Amendment to Secs. 78-448 (1) and 78-449 (3) of the Zoning Regulations, to revise provisions concerning uses permitted in a PUD Plan in residential zoning districts, and maximum gross density limits in a planned unit development; Proposed by Ada Township

Bajdek summarized the request as provided in the staff memo. Bajdek stated the subject amendment to PUD zoning regulations would allow for the submittal and consideration of a PUD plan in the VR, Village Residential, zoning district. Bajdek stated that two sections of the zoning ordinance conflict with each other in regards to the VR district and the PUD regulations.

Bajdek stated that per Sec. 78-292 Use regulations for the VR zoning district, residential uses permitted by right are limited to single family homes. The subject section also states, “uses in a planned unit development, approved pursuant to the provisions of article XIX of this chapter” are also allowed. Multiple family residential can be considered for approval through the Planned Unit Development district, which requires rezoning to the PUD district and approval of Preliminary and Final PUD Plans.

Bajdek stated that Sec. 78-448 (1) of the PUD regulations allows a variety of housing types in all residential districts, except for the VR district. Bajdek said that staff believes this may be an oversight at the time the VR district was added to the zoning regulations in 1999.

Bajdek stated there is also a table in the PUD regulations regarding “variations from other zoning standards” that does not list/identify the VR district. The amendment is proposing a maximum density of 12 dwelling units per acre for VR district, which would match the permitted density for the R4 district.

Bajdek stated staff is recommending the Planning Commission consider recommending the amendment for approval by the Township Board.

Korth asked for an explanation of the R4 to the VR district. Bajdek stated the R4 district is zoned multiple-family and VR is zoned single-family.

Ferro stated that currently there are no R4 zoned properties in the village. Ferro presented a zoning map and pointed out the locations of the different areas and how they are zoned.

Chair Korth opened the public hearing at 7:15 p.m.

Ken Dixon, 523 Ada Drive, stated he has been involved with the Envision Ada process since it began and always felt that one of the most important components is to provide a residential density that would support the businesses in the village. Dixon stated that with the history he has with the developments of Ada, he supports this version of density increase for the periphery of the village.

Georgie Roth and Brenda Kain at 7504 Thornapple River Dr., owners of Georgie's Consignment Store, stated she would like to support the density concept, but she expressed concerns with traffic, pedestrian safety, and overall congestion on Fase Street.

Nevin Zolenski, 6151 3 Mile Road, stated that zoning regulations should not be changed. Mr. Zolenski expressed his concerns and stated the zoning regulations currently serve the interest of Ada Township and that the traffic and density of the current village is overdone.

Bernie Veldkamp, 5580 Hall Street, stated he feels the PUD was left out of the Village Residential zoning district by intention and it was meant for the Village Residential area to remain single-family homes. He shared some of the same concerns and said we could change the whole character of the village if we are not careful.

There was no other public comment and the public hearing was closed at 7:31 p.m.

Ferro stated that when he realized that the PUD regulations addressed all of our zoning districts, except the VR district, he did some research on whether that was by an oversight. After his research he found that when the VR district was created in 1999 it was listed that the permitted uses include uses in a Planned Development, however, there is a conflict within the rules between the VR district (where Planned Unit Development are permitted) and the section of the PUD regulations that are proposed to be amended, there was no mention regarding the VR district. Ferro stated that he sees no evidence that the omission of mentioning the VR district in the PUD rules was intentional. Korth summarized that when the VR district was created, the PUD chapter was not amended to reflect the change.

Ferro stated in regards to traffic concerns, the idea of providing opportunities for higher density in the village is more of a response to traffic limitations than it is a cause of traffic problems. Providing opportunity for more dense housing in the village allows people to live within walking distance of commercial services, civic facilities and parks, thereby lessening traffic. Carter stated he agrees with the view expressed by Ferro and that the increased density will help resolve the traffic issues.

Ferro presented the zoning map and there was board discussion regarding the PUD regulations, the different zoned districts and their locations, and traffic concerns.

Easter left meeting at approximately 7:54 p.m.

Moved by Carter, supported by Jacobs, to recommend to the Township Board to approve the amendment. Motion passed by roll call vote 4-0, with 3 absent.

2. Preliminary PUD Plan, 3 2-Family Dwellings and 1 1-Family Dwelling on .6 Acre Site; Request for Rezoning from Village Residential (VR) Zoning District to Village Residential/Planned Unit Development (VR/PUD) Zoning District, Parcel Nos. 41-15-34-179-002 & 003, Ufuk Turan

Ken Dixon, Dixon Architecture, spoke on behalf of Ufuk Turan. Mr. Dixon presented his slightly revised project design that proposes 4 separate buildings, 3 2-family townhomes and 1 1-family single dwelling. Dixon stated he retooled the first proposal to align with the proposed VR/PUD amendment and he feels the changes reflect good efforts to fit the community while providing the density.

Dixon stated he hired Nederveld to survey and grade the project to meet the stormwater requirements. Dixon went over details regarding stormwater management and how the system will work.

Dixon presented renderings of the exterior design and explained that each home is individually designed with a unique style and different details, windows and styles, providing a variety of details that blend in well with Fase Street.

Bajdek summarized the request as provided in the staff memo. Bajdek stated the 2-story townhomes would be 4-5 bedroom townhomes ranging in size from 2,655 sq. ft. to 2,791 sq. ft. with a distinctive style for each front façade and the 2-story 5-bedroom single family home is 3,030 sq. ft.

Bajdek stated the .6-acre site is located on the southwest side of Fase Street, immediately southeast of the Georgie's Consignment property. The elevated grade of the Grand Rapids Railroad runs along the rear of the property and an existing single-family home is located southeast of the site. The total combined property has 198 feet of frontage on Fase Street and a depth of 132 feet with access to the site from Fase Street.

Bajdek went over details on the density, area regulations, public utilities, and stormwater management. He said the proposed density of the site is 11.67 units per acre which would satisfy the proposed PUD text amendment of 12 units per acre maximum in the VR zoning district.

Bajdek stated that landscape plans have not been provided yet and are not required for a Preliminary PUD. Bajdek stated the staff is recommending that all healthy/viable mature trees outside of the proposed fill area be identified on the landscape plan and be shown to remain.

Bajdek referred to comments in his staff memo regarding conformance of the plan with the ordinance standards for approval.

There was board discussion regarding the total number of proposed parcels (4), property management/ownership, and the property access with individual easements.

Ferro asked the applicant about the 50-inch caliper oak tree on the proposed site and whether it could be preserved. Dixon stated that given the flexibility of the location they could push the home back to give room to allow the tree to remain.

Korth opened the public hearing at 8:21 p.m.

Mark LaCroix, 7551 Fase Street, expressed concern about saving as many trees as possible. He emphasized that the 50-inch oak tree on the lot is about 100-150 years old and said anything needs to be done to retain as many trees as possible.

Bernie Veldkamp, 5580 Hall Street, said he didn't understand why we had to change the zoning and

thought a variance for 6" on each lot width could be done. Ferro explained a variance from lot width would permit 4 single-family lots but would not permit the 3 2-family and 1 1-family homes.

Nevin Zolenski, 6151 3 Mile Road, expressed concern for the needs of the township, including budget, infrastructure cost the township is bearing, and said he does not feel it was properly addressed. Mr. Zolenski shared concerns about the increased density and the increased number of cars/traffic in the village. He also said that the PUD zoning regulations are in effect and should be adhered to.

There was no other public comment and the public hearing was closed at 8:30 p.m.

Carter stated that he sees this proposal as a better alternative to allowing 3 or 4 houses by right, since the PUD process allows the township the opportunity to have some input on the design, and based on what Ken has presented it looks attractive.

Korth expressed concerns about the concept of a single owner with 7 occupancies. He suggested the Township look into whether approval conditions could be imposed requiring owner occupancy of a certain number of dwelling units.

Ferro pointed out we do not currently regulate type of occupancy in the zoning regulations, and suggested that we would need to obtain legal counsel input on whether we have the authority to do so in a PUD. He also pointed out that there are already a number of rental properties on Fase St. and elsewhere in the village area.

Korth suggested the possibility of postponing action to obtain legal counsel input on this question.

Carter stated he did not share this concern. Jacobs stated that 4 homes is one thing, but 7 occupancies is another.

Korth stated that the minimal presence of a quorum contributes to his suggestion to postpone action.

Ken Dixon, on behalf of the applicant, asked if the Planning Commission could move forward with action today and address the occupancy issue as part of the Final PUD review.

Ferro stated that he did not believe that would be advisable, and that the Planning Commission's recommendation to the Township Board should be based on legal counsel input.

Mr. Turan stated an owner occupancy requirement would force him to sell individual lots and buildings, and that is not his intent. He stated he has never seen such a requirement, and is not sure it would be legal.

Korth stated he likes the project design and the proposed density, but believes the issue of whether type of occupancy can be regulated should be addressed.

Following board discussion, it was moved by Carter, supported by Jacobs, to postpone action on the rezoning request and Preliminary PUD Plan, with direction to staff to obtain legal counsel input regarding whether it is within the purview of the Township to impose any constraints on occupancy of dwelling units as to owner occupancy or rental occupancy.

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

VI. UNFINISHED BUSINESS - none

VII. NEW BUSINESS

1. PVM District Development Plan, 3,940 Square Foot Restaurant on a Village Shop Lot, 518 Ada Dr SE, Parcel No. 41-15-34-126-007, Ada Garage Bar & Grill, LLC

Brad Rosely, Ada Garage Bar & Grill, LLC, stated he resides at 5739 Preservation Court, and is owner of 3 Garage Bars in the Grand Rapids area. Mr. Rosely stated that his philosophy is to own his own real estate which enables him to cut rent or be able to do different things with the real estate so that he has a viable business.

Mr. Rosely stated we are a family-oriented restaurant, committed to the communities that we go in, have excellent food, and pride ourselves on the diverse group of patrons in our restaurants.

Mr. Rosely presented the design of the building and described it as “a garage type feel.” He explained there would be 3 garage doors on Headley Street, and there is an outdoor patio along Ada Drive. Mr. Rosely stated that there is inside seating for 126, a private room that holds 6, outdoor seating for 32, and 4 individual bathrooms.

Mr. Rosely went over the details of the ways in which the plan departs from PVM district standards.

Ferro summarized the request as provided in the staff memo. Ferro stated that this plan has been submitted as a PVM District plan using the optional form base zoning rules. Ferro said the PVM District has a number of different lot types and what is proposed in this plan is using the Village Shop Lot zone. Ferro shared the definition of a Village Shop Lot in the PVM regulations and said this proposal fits the characteristics of a Village Shop Lot.

Ferro stated that he identified several departures (not referred to as a variance) that would need to be approved in order to approve the plan and noted there are several pre-existing conditions that do not conform with Village Shop Lot standards. Ferro went over the details of the conditions not met and the standards that have been satisfied. Ferro stated the story height standard that the applicant referred to only applies to Village Blockfront Lot and not Village Shop Lots so there is no departure needed for the story height.

Ferro presented details on conformance with standards for: architecture, driveway access & parking, signs, refuse containers, landscaping, and stormwater management.

Ferro stated that the site does not meet parking needs on the site. In relying on public parking, the plan is consistent with past zoning approvals for restaurants in the village, and with recommendations in parking studies that have been conducted for the village, which is that future parking needs in the village should be met with shared public parking.

Ferro added that this property is located in an area that is currently lacking in pedestrian interest and activity. He stated the proposed plan and use will help correct this void that exists between the historic core of the village business district and the redeveloped commercial area to the east, and will serve as a unifying element linking the two areas.

Ferro also added that the signs shown on the plan are not within the scope of an approval by the Planning Commission and should be subject to issuance of sign permits.

Jacobs stated that overall, it looks like a beautiful project and it fits in nicely with what our residents are looking for. She stated that the availability of public parking is something we need to keep in mind that we have. She is somewhat concerned with the tightness of driveway on the site.

Butterfield stated that she thinks it is a great use for the location, likes the lower profile on the corner, and feels it would be an asset to the community.

Carter expressed concerns about the parking and the architecture.

Korth presented landscape photos of some suggestions he would like to see in the outdoor area. Korth stated that he thinks the plan is a good transition for the community between the old village and the new village.

Moved by Jacobs, supported by Butterfield, 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) – Maximum lot area
 - 2) Sec. 78-476(a) – Maximum lot width
 - 3) Sec. 78-476(a) – Maximum lot coverage
 - 4) Sec. 78-476(a) – Minimum side setback
 - 5) Sec. 78-479(c)(2)b.2. – Use of a parapet roof on a Village Shop lot
 - 6) Sec. 78-479(e)(2)b.3. – Shopfront (ground floor) windows and doors
 - 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 3,940 square foot restaurant 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 “Garage Bar, 518 Ada Drive,” dated February 22, 2021, Sheets V-101, C-101, L-101, AS-02, A1-01, A5-01 and A5-02, except as modified in accordance with these conditions of approval.
 - b. The landscape plan shall be modified to provide a deciduous shade tree with a minimum 2 ½” caliper size in the open space area located behind the Ada Drive sidewalk, east of the access driveway and west of the sidewalk leading to the building entry.
 - c. 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.

- d. Signs shall be subject to issuance of sign and building permits, in conformance with the sign regulations.
- e. The landscape shall include the installation of not less than 4 columnar deciduous trees.

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

Dixon expressed his support in public comment and said he is excited for the restaurant concept. Dixon stated that being the immediate neighbor to the location he has a few concerns about the parking, location of the dumpsters, and his office looking out onto a flat roof top.

Applicant Rosely stated that they are potentially planning for a rooftop deck that will have an enclosure and he described the design concept details.

2. Re-consideration of Proposed Zoning Ordinance Text Amendment regarding keeping of poultry in residential zoning districts.

Korth suggested postponing discussion on the proposed zoning ordinance amendment regarding keeping of poultry to a special meeting. The consensus of those present was to hold a special meeting for Tuesday, March 30, at 3:00 p.m., at which time the proposed zoning ordinance amendment regarding poultry and the Turan PUD rezoning and Preliminary PUD Plan will be considered.

VIII. COMMISSION MEMBER / STAFF REPORTS – none

Ferro reported that beginning April 1, all board and commission meetings will be physical meetings, likely held at the Roselle Park building.

IX. PUBLIC COMMENT - none

X. ADJOURNMENT

Moved by Carter, supported by Jacobs, to adjourn meeting at 10:00 p.m. Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith, Ada Township Clerk

rs:eb