



**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MEETING MAY 16, 2024, REGULAR MEETING**

A regular meeting of the Ada Township Planning Commission was held on Thursday, May 16, 2024, at 5:30 p.m., at the Ada Township Hall, 7330 Thornapple River Drive, Ada, Michigan.

I. CALL TO ORDER

Chair Korth called the meeting to order at 5:30 p.m.

II. ROLL CALL

Members Present: Burton, Butterfield, Kluting, Korth, Moyer, VanderVennen
Members Absent: Jacobs
Staff Present: Bajdek, Buckley, Said, Assessor Boerman, Treasurer Moran
Others Present: 3 members of the public

III. APPROVAL OF AGENDA

Moved by Moyer, supported by Kluting, to approve the agenda as presented. Motion carried.

IV. APPROVAL OF MINUTES OF APRIL 18, 2024, REGULAR MEETING

Moved by Burton, supported by Kluting, to approve the April 18, 2024, Regular Meeting minutes as presented. Motion carried.

V. PUBLIC HEARING - none

VI. UNFINISHED BUSINESS

- 1. Request for Planned Unit Development (PUD) Amendment for expansion and amendment of an existing PUD for a commercial warehouse/storage facility (The Caves) to contain a total of 15 buildings (existing and proposed) on a total of +/- 6.75 acres in the I Industrial District, The Caves LLC, Tom Reed, 4900 and 4920 Fulton Street East, Parcel Nos. 41-15-30-300-019 and 41-15-30-300-020 (Tabled March 21 & April 18, 2024)**

Korth announced the application before recusing himself due to a long-term contract with the owner of the facility. Korth stepped out of the room at 5:32 p.m., Vice-Chair Butterfield then presided over the meeting.

Butterfield referred to Staff for their report. Planning Director Said summarized that the project review was tabled at the March and April meetings. Said recapped that at the last meeting (April 18) there were two main topics of concern; allowed uses and outdoor storage. At that time,

differences between the applicant's wishes and the recommendations of Staff and the Commission arose, so the applicant asked that the request be tabled to allow him to consult with his attorney.

Said stated that Planning Staff spoke with the applicant on May 2 to discuss the differences in recommendations regarding the project, specifically regarding the applicant's request for outside parking/storage and on-site fabrication, which Staff does not support. The conversation was amicable but did not result in any agreement on these two matters. Said noted that the applicant has provided written correspondence in an effort to support the request to allow outside parking/storage and fabrication.

Staff concluded that we are still where we were prior in that our recommendations and what we support have not changed. Said referred to the PUD standards and conditions and said part of the challenge is trying to match up the desires of the applicant with the standards and conditions in the zoning ordinance. He said that Staff is supportive of the idea of this project maintaining its original concept.

Tom Reed, applicant, The Caves at 4900-4920 Fulton, shared some of the history of the project going back to 2015 and that it took two years to get something off the ground.

Mr. Reed said we are down to the two issues (outdoor parking/storage and fabrication) that he has requested to be allowed. Mr. Reed referred to Planning Director Said saying that a PUD is a 'right' and a 'privilege', but he said from his standpoint he doesn't see any rights or privileges, only things being taken away. He explained when he bought the property it was zoned Industrial and he didn't really understand why a PUD was recommended and he compared allowed uses in Industrial vs. PUD.

Mr. Reed continued to request relief regarding the uses and outdoor parking. He said in regards to allowed uses, he was not looking to manufacture anything. To help support his request for fabrication, he said he can provide limited restrictions on the use of power. He noted that he wants to meet his tenants requests and mentioned that all the other facilities on Fulton Street allow outdoor parking.

Mr. Reed stated he has a Plan A and Plan B. Plan A - would be to approve the uses, approve the parking, and approve the building layouts. If that is not done, he will have to go with Plan B - which he said he would not allow the 4900 be merged into the PUD, because of the restricted nature of the PUD. Mr. Reed requested the Planning Commission approve his proposal.

Butterfield moved to Board discussion. There was Board discussion regarding options and/or concerns to consider: Commissioners appreciate the applicant/Planning Staff attempt to unify the parcels at 4900 and 4920 and the complications of the zoning, reviewed other allowed parking options, reviewed other options for the definition of uses, and shared concerns about the long-term precedent if the uses and parking is allowed.

Moyer asked that if Mr. Reed does not combine the property, then there is no site plan to consider. Planning Staff confirmed that Mr. Reed would have to revert back to plans of the original approved PUD. VanderVennen said, as previously stated, he feels the no manufacturing and no outdoor use is a good path forward. Butterfield said there may be some grey areas in PUD regulations, but what is permitted by use in the PUD is very black and white and as a Planning Commissioner

she does not feel that she can allow exceptions to the standards. Burton agreed with Butterfield and said that she did not feel the Township Board would approve either. Butterfield said based on what is currently before us, she did not feel they have any other way to vote on this.

Following discussion of Mr. Reed's options, Reed informed the Commission if they were going to recommend denial of his proposal to the Township Board, then he would withdraw his request.

Moved by VanderVennen, supported by Burton, to recommend denial, to the Township Board, of the proposal. Motion carried.

Korth reentered the meeting at 6:21 p.m.

2. Proposed Text Amendments to the Zoning Ordinance to: (1) Create provisions for public art and murals (Tabled April 18, 2024)

Said summarized that at the April 18 meeting, two separate amendments to the Zoning Ordinance were presented for review. The amendment regarding Zoning Compliance Permits was reviewed, and the Commission recommended approval of this amendment, which proceeded to the Township Board and was approved at the May 13 Township Meeting.

Said explained that the other amendment, regarding murals and public art, resulted in more extensive discussion by the Commission and Staff, primarily concerning mural content. Said reached out to the Township Attorney and confirmed that the Township cannot regulate content of murals and artwork on private property. Local governments may regulate the time, place, and manner of signs (including murals/artwork on private property), including through a local review process. However, apart from sexually obscene materials, the Township cannot regulate the content of murals/artwork on private property.

There was Commissioner discussion about: concerns with what can and what cannot be regulated or enforced, Butterfield mentioned she would like to see mural research within other communities, Commissioners liked the idea of engaging the Ada Arts Council, and had further discussion defining a mural.

Moved by Butterfield, supported by Burton, to table this request to allow Planning Staff time to seek additional research on murals and provide an update to the Planning Commission. Motion carried.

VII. NEW BUSINESS

1. Zoning Ordinance Rewrite - Update

Said noted that Staff has initiated early action on the zoning rewrite project. He said Planning Commissioners Tom Korth and James Moyer, and ZBA member Bruce Courtade, are working with Staff as the Zoning Ordinance Rewrite Steering Committee. He referred to his memo included in the packet and went over the process for the rewrite, initial steps, and anticipated framework (consisting of a total reorganization).

Said stated an equally important component is to address recommendations from the Township's 2023 Master Plan and went over details on Staff recommendations.

There was Board discussion regarding the importance of public awareness/communication about the rewrite project. VanderVennen shared a concern about the recommendation on combining R1-R4 and said he was hesitant to reduce minimum acreage requirements. Korth mentioned interest in accessing deed restrictions. The Commissioners concurred that Said's rewrite process was a good plan.

VIII. COMMISSION MEMBER / STAFF REPORTS

Said provided information on Forest Hills Eastern Middle/High School campus proposed alterations. He said the Township Board is going to send a letter to school officials requesting the courtesy to review the project at the Planning Commission level.

Said shared information on the Connecting Community Campaign and encouraged Commissioners to review proposals/renderings on the campaign's web page.

Said stated that the state-wide Planning Conference (Michigan Association of Planning) is in Grand Rapids this year, September 25-27. Said noted that he is lobbying to have a mobile workshop in Ada.

IX. PUBLIC COMMENT - none

X. ADJOURNMENT

Moved by Moyer, supported by VanderVennen, to adjourn the meeting at 7:12 p.m. Motion carried.

Respectfully submitted,

Jacqueline Smith, Ada Township Clerk

rs:eb