

**ADA TOWNSHIP PLANNING COMMISSION MEETING
MINUTES OF THE SEPTEMBER 16, 2021 REGULAR MEETING**

A regular meeting of the Ada Township Planning Commission was held on Thursday, September 16, 2021, at 7:00 p.m., at the Ada Township Hall, Assembly Room, 7330 Thornapple River Dr., Ada MI.

I. CALL TO ORDER

Chair, Korth, called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Burton, Butterfield, Carter, Easter, Jacobs, Korth

Absent: Heglund

Staff Present: Bajdek, Said, Suchy

Others Present: 9

III. APPROVAL OF REVISED AGENDA

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

Motion carried.

IV. APPROVAL OF MINUTES OF MEETING OF THE AUGUST 19, 2021 MEETING

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

Motion carried.

V. PUBLIC HEARING - none

VI. CLOSED SESSION

1. To Consider Written Legal Opinion

Korth explained that the commissioners would go into a closed session for legal counsel.

Moved by Easter, supported by Carter, to go into a closed executive session to discuss a privileged and confidential opinion letter from the township's attorney dated September 15, 2021, regarding the Wheeler Development request for time extension for the approved PUD site plan pursuant to MCL15.26H.

Motion carried by roll call vote 6-0, with 1 absent.

The closed session was approximately 30 minutes; from 7:04 p.m. to 7:36 p.m.

Moved by Carter, supported by Burton, to go back into their regular meeting session.

Motion carried by roll call vote 6-0, with 1 absent.

VI. UNFINISHED BUSINESS

1. Request for Extension of Final PUD Plan Approval, 92 Multifamily Residential Units on a 9.64-acre site in the (C-1) Village Business Zoning District, 7590 E. Fulton St., Parcel No. 41-15-34-127-003, Wheeler Development Group

Jim Bruinsma, Lawyer at McShane & Bowie, 99 Monroe Ave, Grand Rapids 49503, spoke on behalf of the applicant, Wheeler Development Group. Mr. Bruinsma stated that he considers the question before the commission is not a legal one but a factual one in that whether the applicant has met the standard in the ordinance for the requested extension that requires either good cause or unforeseen circumstances beyond the reasonable control.

Mr. Bruinsma said there are two factors for the delay; Covid 19 and the historic spike in construction costs and he went over the details on the effect of Covid 19 and the extraordinary increase in construction material costs. He explained that the Wheeler Group did everything they could to cut costs to be able to proceed, but was only successful within the past couple months thus their request for the extension in May.

Mr. Bruinsma gave a project update and said the Wheeler Group is waiting for the soil and sedimentation control permit and if given the authority from the planning commission, the goal is to have 92 units ready for occupancy in March 2023.

Referring to the letter provided by McShane & Bowie dated September 1, 2021, there was board discussion regarding the chronology of the steps following the approval, whether permits have been applied for, and concerns on overall project completion.

Ryan Wheeler, Wheeler Development Group, explained details of the processes that took place during the timeframe June, 2020 – February, 2021.

There was further discussion between the board and Mr. Wheeler to satisfy concerns from the board regarding: the quality of materials that plan to be used, the timeframes of when drawings will be completed, whether there has been engineering/soil/environmental work done at the site, and details of applicant's financial/lender background.

Mr. Wheeler stated that their proforma is pretty much complete and have established all the hard costs and soft costs and if extension is approved, are ready to begin the project, and thanked the board for their consideration.

Korth opened up for public comment. There was no public comment and public comment was closed.

Korth spoke to the board commissioners and said that the attorney letter indicated the board would need to make their decision based on the merits of their (Wheeler Group) reasons and logic behind applying the language of our ordinance.

Moved by Carter, supported by Easter, to approve request by Wheeler Development Group to have a one-year time extension for the approved multifamily residential Planned Unit Development-PUD site plan pursuant to sub-section 78-453(b) (1) and (2) of the Ada Township ordinance as follows:

1. Sub-section 78-453(b) of the zoning ordinance indicates that the planning commission may grant a site plan time extension if certain requirements or standards are met.
2. The planning commission finds that both one and two of sub-section 78-453(b) will be met by the applicant's time extension request for the reasons advocated by the applicant. Therefore, the PUD site plan for the Wheeler Development Group for its multifamily residential development is valid for one additional year, until June 18, 2022. The developed end project shall fully comply with the approved PUD site plan and all conditions and requirements attached to the PUD approval by the township.

The Final PUD approval again be subject to the following 6 conditions as contained in the commission's June 18, 2020 approval motion:

1. The approved PUD Plan shall be carried out in substantial conformance with the following documents submitted by the applicant, except as modified by these conditions of approval: Plan sheets C-101, C- 201, C-301, C-401, L-101 and L-102, all dated 5/21/20 and prepared by Progressive AE, and Plan sheet AE1-01, AE1-02, AE1-03 (undated), AE2-01, AE2-02, AE2-03 and AE2-04, all dated 1/23/20 and prepared by Ghafari.
2. The proposed development shall consist of a maximum of 92 residential dwelling units, with the following unit mix by number of bedrooms: 1-bedroom units: 32, 2-bedroom units: 56, 3-bedroom units: 4.
3. A storm water permit application and accompanying construction plans for the storm water management system shall be submitted, subject to review and approval of a permit by the Planning Department, prior to initiation of site improvements.
4. Construction plans for public water and sewer main extensions shall be subject to issuance of required State permits and approval by the Utilities Director, prior to initiation of site improvements, and prior to issuance of building permits.
5. Floodplain development permits shall be issued by the Michigan EGLE and Ada Township prior to initiation of site improvements and prior to issuance of building permits.
6. Construction plans for the non-motorized trail through the property shall be subject to approval by the Township, prior to construction. The non-motorized trail through the site shall be completed within one year of issuance of any occupancy permits for dwelling units in the PUD. Upon completion of trail construction, the applicant shall grant to Ada Township an easement for public use of the non-motorized trail through the property, in a recordable form acceptable to the Township.

Cliff Bloom, Ada Township Attorney, stated that giving some of the concerns shared by the commissioners, he would like to ask the applicant/applicant's attorney whether they acknowledge and agree that if this extension is granted, they have to comply with all of the conditions of approval before them and go on record.

Attorney Bruinsma, representing the applicant, replied to Mr. Bloom and said absolutely, there is no question about that.

Korth shared that he thinks this project is incongruous with the Envision Ada that was part of our master plan, however, he said this planning commission approved it in 2020 and that tonight we are considering the specific ramification that is related to this extension. Korth stated after hearing everything and understanding the attorney's input, he was going to vote to approve the extension.

Motion carried by roll call vote 6-0, with 1 absent.

VII. NEW BUSINESS

- 1. Site Plan Review, a proposed increase in square footage of an existing building, which was previously approved to be converted into a Preschool Building for Classroom Space for Canterbury Creek Farm Preschool, from 2,114 sq. ft. to 2,986 sq. ft. (with no increase in student occupancy), as well as the addition of a new storage barn/accessory building and animal shelter, 6555 Grand River Dr. NE, Parcel No. 41-15-28-100-021, Riley Turchetti, on behalf of CCFPS Holdings, LLC**

Riley Turchetti, owner of the Canterbury Creek Farm Preschool, shared the history of his request. He said that in January 2020 he requested the initial approval of the site plan with some changes to the driveway and an increase in occupancy by 36 students, which was approved. Since then he has worked with Dixon Architecture for detailed plans to convert the existing residence which was the caretakers unit, into a preschool of 2,986 sq. ft. to allow for ample space for their students, as well as the addition of an animal shelter and additional storage barn.

Butterfield mentioned concern of the location of the animal shelter said it had a flooding history. Mr. Turchetti referred to his plans included in the packet and explained where the 100-year floodplain was and assured the commission the proposed buildings were on a higher ground and were not threatened.

There was board discussion about the type of architecture/style/aesthetics of pole barn and animal shelter, possible lighting options, and commissioners shared that they appreciated the design and quality of the plans observed.

Moved by Carter, supported by Jacobs, to approved the site plan as presented with the following conditions:

1. Floodplain development permits shall be issued by the Michigan EGLE and Ada Township, prior to construction of the 3-sided animal shelter structure or correspondence from Michigan EGLE stating that they are not required.
2. The proposed additions, storage building/barn, and 3-sided animal shelter structure, as depicted on the site plan, conform with the I Industrial zoning district standards, including minimum set back requirements and building height limits.
3. Any exterior light fixtures shall qualify as “full cut-off” control of light emission.

Motion carried 6-0, with 1 absent.

VIII. COMMISSION MEMBER / STAFF REPORTS

Planning Director, John Said, shared that he was looking forward to working with the commission and the township overall and he appreciated the extensive deliberation at tonight’s meeting.

Said stated that there was an upcoming Michigan American Planning Association conference on October 27-29, via on-line, and offered to sign up anyone interested to attend. There was interest from commissioners and Said is going to look into the session timeframes and fees.

Easter brought up that she would like to see the planning commission revisit the Envision Ada plan. Easter said it would be beneficial, together as a commission, that we are all understanding of what their intention is to help and revisit their perspective on some past and future projects; so they can go back to the promise that was made to the community and do it with integrity and consistency.

Korth agreed with Easter's idea and said it would be a good time for John to be involved and do a work session.

There was discussion on some of the upcoming projects; the concepts of PVM, PUD, residential needs vs. retail needs/ratio, and the demand/needs of filling the currently vacant buildings.

Said stated he would put together some dates to share with the commissioners and that this gives him a chance to really engage in the Envision Ada plan as well.

IX. PUBLIC COMMENT

Suchy shared with the commission that Ada Township purchased the building next door at 7351 Bronson Street. He said that the plan is to use it as office space and that it gives the township offices the opportunity to expand use of the extra space.

VII. ADJOURNMENT

Moved by Easter, supported by Burton, to adjourn the meeting at 9:05 p.m. Motion carried.

Respectfully submitted,

Jacqueline Smith, Ada Township Clerk

rs:eb