

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE FEBRUARY 16, 2006 MEETING**

Draft

A regular meeting of the Ada Township Planning Commission was held on Thursday, February 16, 2006, at the Ada Township Offices, 7330 Thornapple River Dr., Ada, Michigan.

I. CALL TO ORDER

Meeting was called to order by Korth at 7:30 p.m.

II. ROLL CALL

Present: Chairperson Korth, Commissioners Burton, Butterfield, Hoeks, Lowry and Sytsma. Absent: Commissioners Gutierrez. Also Present: Planning Director Ferro.

III. APPROVAL OF MINUTES

Motion by Hoeks, second by Sytsma, to approve the January 12, 2006 special meeting minutes (with the revision on page 1, 8th line from the bottom, of the word "off" to "of"), the January 16, 2006 regular meeting minutes, and the February 2, 2006 special meeting minutes as presented. Motion passed unanimously.

IV. APPROVAL OF AGENDA

Motion by Burton, second by Lowry, to approve the agenda as presented. Motion passed unanimously.

V. PUBLIC HEARINGS

1. Proposed Zoning Ordinance Amendment - Dog Day Care and Boarding in Industrial District

Ferro stated that last month the Commission reviewed draft ordinance language to permit dog day care and boarding in the Industrial district by special use permit. Some minor changes were made in the draft, based on Commission feedback. If the ordinance amendment is approved, it would allow this use by special use permit anywhere in the industrial district. He noted that there is not a specific application before the Commission at this time. Ferro went over the changes from the initial draft – minor changes made to the ratio of floor area per dog, removal of prohibition on location in a multi-tenant building, increase in allowable area devoted to retail sales from 5% of total floor space to 10% of total floor space, and removal of minimum and maximum size requirements for outdoor exercise area. Ferro stated he also added a minimum separation distance of 200 feet between an outdoor exercise area and a residential zoning district.

Ferro added that he recently visited a Camp Bow Wow in Troy. The dogs were not outside at the time of his visit.

Korth opened the public hearing. The following comments were made:

Jamie Ladd, 6300 E. Fulton, commented that he is concerned about the soil and runoff impacts of dog waste deposited in the outdoor exercise area, and noted that he has a wetland area on his property that is downstream from the site that is proposed for a dog day care facility.

Wendy Caldwell, Denver, Colorado, representative from Camp Bow Wow corporate office, spoke about waste disposal measures that are taken at their facilities. The outdoor exercise area has an asphalt surface with pea gravel over the pavement, so that waste does not soak into the soil. Fecal waste is picked up and bagged as soon as it occurs. An enzyme spray product is used to neutralize and break down urine and urine odor. She stated that dogs barking excessively are taken inside and the barking would be controlled.

David Leonard, 6383 Redington Dr., stated their property backs up to the railroad tracks and the industrial district. They moved to Ada almost 5 years ago for the quiet residential feel of the community. He stated that had they known there might be a dog kennel or dog day care proposed behind their property, they would not have purchased here. He said he is also concerned with the sleep of their young children being disturbed, as well as the impacts of barking dogs on the barking behavior of their own dog.

Terry Leathers, 6369 Redington Dr., stated she recently purchased her home and would not have done so if she knew there was a possibility of a kennel located nearby. With 20-40 dogs out at a time there is no way it is not going to be noisy.

Mike Lunn, 6361 Redington Dr., believes there should be more standards and better restrictions in the ordinance regarding noise. There should also be specific language regarding odors and hours of operation, etc.

The public hearing was closed.

Hoeks asked about the use of classical music to help maintain a calming effect, thus lessening the barking.

Caldwell stated they do play music at night for this reason.

Ferro spoke a little further regarding his observations during his visit to the Camp Bow Wow in Troy. The facility there is located in a strictly industrial area with no nearby residences. He stated that he was able to see the outdoor exercise area, and it was very clean with no odor. Inside the facility, there was considerable dog barking. The building was a concrete block building. While standing outside the building, he did hear noise from inside the building come through a metal overhead door, but not through the block walls.

Ferro noted that there is a standard in the proposed ordinance that requires all dogs in the facility to be kept in an enclosed building, with the exception of being outside for a limited time under staff supervision. Dogs boarded overnight would be kept totally indoors, with no access to outdoor areas.

There was next discussion regarding having a noise study conducted to get further and accurate information. Lowry suggested contacting the Kent County Animal Control or Humane Society for information also.

Motion by Lowry, second by Hoeks, to postpone action on the proposed amendment, in order to conduct a more thorough study of possible noise impacts. Motion carried unanimously.

2. Proposed Zoning Ordinance Amendment – Temporary Use Permits

Ferro stated the zoning rules do not currently include provisions for short term temporary land use activities. This amendment establishes procedures and standards for issuing permits for temporary uses of land by the Zoning Administrator – outdoor sales, temporary sales of produce, flowers, Christmas trees, etc. Ferro pointed out some changes from the earlier draft. The earlier draft allowed temporary uses in the office and industrial district – this has been cut back to C-1 and C-2 zoning districts only. He also changed the language regarding signs to say that temporary uses are permitted to have one or more signs with a total area of 72 square feet for all signs combined. The time limit for seasonal sales of produce and bedding plants allows this use from May 15 to November 15. Korth suggested starting May 1st.

The public hearing was opened, with the following comment:

Bill Bos, 1674 Spaulding, stated he believes this amendment is very workable and he appreciates this effort.

The hearing was then closed.

It was moved by Sytsma and seconded by Lowry to recommend approval of the proposed amendment to the Township Board, with the revision of changing the seasonal dates for produce and bedding plant sales from "May 15 to November 15" to "May 1 to November 1". Motion passed unanimously.

VI. UNFINISHED BUSINESS:

1. Revised PUD Plan, Lots 26 and 27, Ada Moorings North, Eastbrook Homes

Dale Kraker of Eastbrook Development Company presented the revised plan. He noted that the total number of dwelling units in the entire development in both Ada and Cascade townships has been reduced from 315 to 228 units. The two lots for which approval of minor layout changes is requested meet the requirements of the existing R-3 zoning.

Ferro gave a brief background noting that in December 2005, Eastbrook presented a revised plan for the 32-lot Ada Moorings North Development, proposing slight changes in the boundaries of 7 lots. The Planning Commission in December approved the revised configuration of 5 of the 7 lots. Action on two of the lots was postponed, based on concerns that these two lots are partially within and partially outside the .43 acres of land that is the subject of the upcoming zoning referendum election, in which the electorate will vote on whether the .43 acres should be rezoned to the PUD district.

Ferro noted that legal counsel input has been obtained, in a confidential attorney-client letter that has been given to the Commission members. Ferro noted that the change in the lot boundaries Eastbrook proposed was done in order to make the 2 lots with split zoning conform to the existing R-3 zoning that applies to a portion of the 2 lots. Eastbrook now has submitted a letter requesting to withdraw the original rezoning request that was submitted for the .43 acre, approved by the Township Board, but which has been held in abeyance by the referendum petition. They are no longer requesting the rezoning, so the referendum really doesn't matter anymore and should not influence Commission decisions.

The question is whether to permit 2 lots with split zoning. The existing private road system in Ada Moorings currently serves more lots than the Township rules permit. Ferro stated this is complicated with a long history behind it, including a court order mandating that the Township permit 209 homes in the development, with a single access plus an emergency access to Fase St.

Korth stated the choices are to approve the two lots as presented, or if not approving, state reasons why not. The Commission spent some time discussing options for approval. Ferro stated there is a committee consisting of representatives from the neighborhood, the Township, County Sheriff's Department and Eastbrook to discuss traffic issues and traffic control sign needs.

Hoeks asked if this approval by the Planning Commission would constitute final PUD approval. Ferro stated that this would be final action. Hoeks also asked about landscaping, on the line of sight from Fulton Street. Ferro mentioned there is a substantial grade decline at the back of the lots, which means it will be tough to screen the homes. Korth stated this is a PUD and there is room for discussion and conditions. There was further discussion regarding landscaping.

It was moved by Hoeks, and seconded by Burton, to approve the revised final PUD Plan for Lots 26 and 27 of Ada Moorings North, based upon a finding that the revised plan conforms with the standards

for approval contained in Sec. 78-459 of the zoning regulations, and subject to all of the same conditions of approval imposed on the original approval of the Ada Moorings North development, and subject to the additional condition that 10 Evergreen Trees, with a minimum height of 8 feet, are to be planted in a location between Lots 20 through 25 and Fulton Street to screen the homes from the view of Fulton Street/M-21.

Motion passed unanimously.

2. Revised Final PUD Plan, Highlands Cove PUD, Reduction in Number of Lots from 13 to 10, Revisions to Lot and Private Road Layout, Revision to Plans for On-Site Waste Treatment and Disposal, Forte LLC

Rob Cumming was present on behalf of Forte, LLC. He gave a brief history of the request. Cumming spoke about the pasture management plan and stated he was available to answer any questions.

Ferro stated this request was postponed at the October 2005 meeting, with direction from the Commission for the following issues to be addressed:

- reduction in maximum number of horses to be pastured
- development of a management plan for use of pastures of horses
- additional details on pasture shelters
- restrictions on horse use of walking trails
- mandatory septic system maintenance provisions
- revised plans showing any changes made to the plan.

Ferro stated a subcommittee was appointed to work with the applicant on these issues. Ferro noted the applicant originally submitted a Pasture Management Plan that proposed reducing the maximum number of pasture association memberships from 13 to 10, as well as limits and management measures for minimizing the impact of pasturing of horses on the wetlands on the site and on the stream which runs through the site. After the subcommittee expressed the view that 10 horses was still an excessive number, Cumming offered to reduce it further, to 8 horses.

Lowry asked about the potential for using effluent filters on each septic system. This protects the drain field. Butterfield asked if details on the pasture shelters and horse use of the walking trails had been addressed. Ferro stated he does not believe anything was submitted regarding the shelters. There were details submitted regarding feeder and watering locations, as well as an access lane for vehicles to get to the pasture.

Cumming stated the shelter locations are shown on the plan. Cumming stated the trail crossings will be built per the DEQ permits, but it has not been addressed what will and will not be a horse trail. Cumming suggested eliminating the trail behind Lots 2-5. There was discussion regarding appropriate language to restrict grazing of pastures during times of the year when the ground is most susceptible to damage. There was consensus that using soil saturation as a criterion for when pasturing should be prohibited was acceptable.

Motion by Lowry, second by Sytsma, to approve the revised Final PUD Plan for Highlands Cove PUD (reduction in number of lots from 13 to 8, revisions to lot and private road layout, and revision to plans for on-site waste treatment and disposal), for Forte LLC, subject to the following conditions:

1. The Highlands Cove portion of the PUD shall consist of a condominium containing a maximum of 10 single family condominium lots, all substantially as shown on the plans title "The

- Highlands Cover Final PUD,” with a revision date of 9-14-05 by Exxel Engineering.
2. Area designated on the PUD as “Open Space” shall forever remain open space, subject only to uses approved by the Township on the approved Preliminary Development Plan. Further subdivision of open space land or its use for other than recreation or conservation purposes, shall be prohibited.
 3. Areas designated on the PUD as “Open Space” shall be set aside by the applicant through an irrevocable instrument, in a form approved by the Township Attorney and recorded with the Kent County Register of Deeds, that assures that the open space areas will be protected in perpetuity from all forms of development, except as shown on the approved PUD, and will not be changed to another use without the prior approval of Ada Township, according to the provisions of the Zoning Ordinance. The instrument of record shall indicate the allowable uses of the dedicated open space, and shall require that the open space be maintained by the Association of condominium unit owners within the development. Said instrument shall be recorded with the recording of the condominium subdivision plan.
 4. Areas labeled as “no disturb zone” on the PUD plan shall be so identified in the recorded condominium documents. Deed restriction language that provides for preservation of no disturb zones in a substantially natural and undisturbed condition shall be included in the recorded condominium documents.
 5. Landscaping and fencing for visual screening along the eastern boundary of the Highlands Cove, as approved by the Planning Director, shall be completed prior to issuance of a building permit.
 6. Condominium Units shall be subject to front, side and rear yard setbacks for principal buildings as provided on the PUD Plan.
 7. There shall be a maximum building height of 30 feet for all homes on Lots 1-13 of Highlands Cove, measured from average grade to roof midpoint.
 8. The maximum ground area coverage by buildings (dwelling unit, attached garage and accessory building) on any lot shall be 4,000 square feet for all lots in Highland Cove.
 9. Except as modified above, development on all condominium units shall be subject to conformance with all other requirements of the Zoning Ordinance applicable to development in the Rural Residential (RR) District.
 10. A private road permit shall be applied for and issued by the Township, prior to construction of the private roads.
 11. Private road construction shall be completed, or a financial guarantee for their completion provided to the Township, prior to issuance of any building permits within each phase served by the private road.
 12. Electrical service, telephone service and other private utilities serving the condominium shall be placed underground.
 13. The condominium documents shall include provisions requiring periodic maintenance of on-site septic systems, including mandatory reporting of maintenance to the Kent County Health Department.
 14. The reduction in the maximum number of Pasture Association membership to 8 and provisions for management of the pastures and horses described in the February 6, 2006 memo from Robert M. Cumming, Jr. shall be incorporated in the recorded condominium and pasture association documents.
 15. Effluent filters are to be added to the septic systems and cleaning of them shall be part of required maintenance.
 16. The trail system on the east portion of Lots 2-5 shall be removed.
 17. Pastures will not be graded at any time that soils are saturated.

Motion passed unanimously.

3. Request for Special Use Permit for Type II Home Occupation – Outdoor Recreational Vehicle Storage Facility on 3 Acres in AG District, 8381 and 8495 Two Mile Rd., NE, Parcel Nos. 41-15-11-300-010 and 013, Matt Inman and Mary Inman

Matt Inman presented the request for special use permit to operate an outdoor recreational vehicle storage facility on 3 acres of their 160+ acres. The proposed facility would have a capacity to store a maximum of 275 boats/RV's. Inman stated that several Commissioners have visited the site. Inman presented a aerial photo showing location of the site. He stated that he is willing to re-locate the proposed storage area to a rear field to the north of the initial proposed site, that is further from the road and even less likely to be visible from the road.

Lowry asked if there were any other activities planned on the site. Inman stated they pasture cattle and have orchards, etc. Korth asked for clarification on the change in location of the facility. Inman stated there was discussion of moving it back 800 feet. He noted he would have to add a gravel drive to it. L

Lowry stated the further this is removed from Two Mile Road would be a benefit.

Ferro stated he does not believe that stored vehicles on the original proposed site would be visible from the road. Hoeks stated he disagrees after visiting the site. Sytsma stated she also has concerns regarding visibility. Korth stated there appears to be conflict on site location and suggests the Commissioners take another look at the site and re-evaluate the request. Letters were submitted from Tom and Elise Roe, Jamie Ladd and Bette Roberts from the Open Space Advisory Board regarding the proposal.

Motion by Lowry, second by Hoeks, to table the request, in order to evaluate the proposed re-location of the storage area and to allow Commissioners to re-visit the site.

Motion passed unanimously.

Korth requested the Inman's put stakes with bright paint on site boundaries before they re-visit the site.

VII. NEW BUSINESS:

None.

VIII. REPORTS FROM COMMISSION MEMBERS, BOARD LIAISONS, COMMITTEES AND/OR STAFF

1. Discussion of Historic Preservation Ordinance Needs

Ferro stated the Board approved the creation of a Historic Preservation Committee. Motion by Sytsma, second by Burton, to recommend to the Board that a Historic District Committee be formed and actively meeting within two months. Motion passed unanimously.

2. Draft Report – Wireless Infrastructure Study

Ferro stated there has been no change in status to this item.

IX. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Jamie Ladd, 6300 East Fulton, spoke about the Inman's special use permit request noting that he believes we need to look closely at whether the proposed business complies with the home occupation regulations.

In addition, he believes the proposal is inconsistent with our goals of preserving open space.

Ferro stated that we do need to ensure that the proposal complies with the home occupation regulations. He stated he believes that the proposal is consistent with the goal of preserving farmland in the northern part of the Township.

X. WRITTEN COMMUNICATIONS ENTERED ON THE RECORD

Correspondence from the Home Builders Association regarding the East Grand Rapids Parade of Homes was received.

XI. ADJOURNMENT

Motion by Hoeks, second by Lowry, to adjourn the meeting at 10:16 p.m. Motion passed unanimously.