

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MAY 15, 2008 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, May 15, 2008, 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, Gutierrez, Hoeks Lowry and Sytsma.
~~Absent: Commissioners Butterfield and Sytsma.~~ Also present: Planning Director Ferro.

III. APPROVAL OF AGENDA

Motion by Hoeks, second by Gutierrez, to approve the agenda, with the addition of Review of Site Plan for the Riverbend Bar & Grill. Motion passed unanimously.

(Commissioner Butterfield joined the meeting at this time.)

IV. APPROVAL OF MINUTES OF APRIL 17 AND MAY 5, 2008 MEETINGS.

Motion by Hoeks, second by Lowry, to approve the April 17, 2008 and May 5, 2008 meeting minutes. Motion passed unanimously.

V. PUBLIC HEARINGS

1. Request for Special Use Permit , to Allow an Accessory Building with a Side Wall Height of 20 Feet in the Agricultural (AG) District, 9000 McCabe Ct, NE, Parcel No. 41-15-01-300-016, Kevin Higgins

Kevin Higgins presented his request for special use permit wherein he wants to construct a 2-level accessory building, with a partial lower level of 728 square feet, and an upper level of 1,680 square feet, within the 1,800 square foot footprint permitted. The accessory building will be used for storage of a classic car, hobby woodworking shop, etc.

Ferro stated the property is located in a rural setting, at the back end of a private road. The building is set into the side of a hill. The building has an upper floor level of 28' x 60', and a lower level of 28' x 26'. The side wall height from the finished lower level floor is 20 feet, which is in excess of the 14-foot height permitted.

The public hearing was opened. There were no comments. The hearing was then closed.

Hoeks asked who the tallest wall would be visible to. Ferro stated it faces to the east and he is unsure if this is visible to the neighboring property. Higgins stated it is completely wooded – there would be slight visibility to the neighbors to the east in the winter.

Lowry asked what the use of the building would be. Higgins replied that it would be used for typical residential activities.

Butterfield asked if there would be outdoor lighting. Higgins said no.

Korth stated he visited the site and saw that there was a car being worked on there and questioned where that is in relationship to the footprint of the building. The applicant stated he plays around with old cars,

but this would be moved into the building.

Burton asked if there will be any servicing of vehicles in the building. Higgins said yes, occasionally on the upper level. He added that he disposes of fluids by taking them to Auto Zone.

Hoeks asked if the appearance of the building will match the house. Higgins replied the building is a barn style. Ferro noted that accessory buildings that are not in the front yard are not subject to a standard requiring architectural compatibility with the residence, so this is not a standard that has to be met here.

Motion by Butterfield, second by Lowry to approve the request for special use permit, subject to the condition that any hazardous materials generated must be properly disposed of.

Motion passed unanimously.

2. Request for Special Use Permit for “Type 2” Home Occupation in the AG Zoning District, to Permit Storage of Landscape Maintenance Equipment as a Home Occupation, 2511 and 2557 Honey Creek Ave. NE., Parcel No.’s 41-15-10-200-046 and 047, Rob Hayden

Rob Hayden presented his request for special use permit for a Type 2 home occupation. Korth noted the application is self-explanatory. Ferro stated the property is on the west side of Honey Creek Avenue and there are two parcels owned in common, one with the house and the other with an accessory building that is very close or on the property line. In this case, the business owner does not reside on the property. The owner’s son, who is an employee of the business, does reside on the property. Ferro stated that this situation appears to fall within the definition of a home occupation according to the zoning rules, which state that a home occupation is “an occupation or profession carried on by an occupant of a dwelling unit.” The language does not require that the occupant own the business, or be the owner of the property. Ferro stated he has identified a couple of issues with the request. One is that there is a fairly large quantity of yard waste that has been deposited on the site, and there is also a second driveway access to Honey Creek Ave. that was installed without a county driveway permit. One other problem is that two commercial vehicles are being stored at the property, and the home occupation rules limit the number of commercial vehicles permitted to one.

The public hearing was opened. The following comments were made:

1. Jim Springer, 7683 Knapp, stated that as of right now, there has been very little disruption from the business, but he has concerns of what happens down the road if the business expands.
2. Jane White, 2627 Honey Creek Ave., spoke in opposition to the request. She stated there has been noise disruption later in the night, as late as 11:00 p.m.. She also has concerns over what happens if the business expands.
3. Karen Organ, 2597 Honey Creek Ave., stated she works out of her home and the noise is a problem with the dump trucks coming and going, etc. She also believes the look and feel of the property has changed.

The public hearing was then closed.

(Ferro stated that several letters of support were submitted by neighbors.)

Hayden responded to the above comments, noting they have made huge steps in improving the property. He stated that the yard waste was brought in to be composted and used on the property. The property was overgrown when he bought it. He noted he has improved the site by installing spruce trees and

ornamental grasses. He also stated their practice is to quit working at 6:00 p.m. every night, and there has never been any traffic or activity related to the business at 11:00 p.m. He stated that their business activity involves leaving the site once in the morning, and coming back at the end of the day to drop off equipment and close the doors. He stated he will commit to removing the yard waste and the driveway. Hayden also noted that he does not provide fertilizing or weed control services, so there are no chemicals stored on the property. He conducts no retail sales, and no customers come to the site. He added that he has no plans for expansion and he would welcome a condition placed on the approval that no business expansion is allowed. Hayden also noted that there is only 1 employee vehicle that comes to the site in the morning, and that there is only 1 vehicle that is used exclusively for the business that is stored there. His son has a truck in his own name that he uses for both personal and business use.

Hoeks read from the zoning rules in relation to clarifying occupancy issues for home occupations, and he believes this needs to be looked at. He suggested Ferro's proposed conditions of approval should state that the driveway must (instead of should) be removed, and add that there shall be no business expansion without approval from the Township Planner.

Ferro asked about equipment maintenance work and the potential noise generated from that. Hayden stated with the door closed, there would hardly be any noise. He also stated he has his vehicle service work performed at a service business, as he does not have time to do this himself. He noted he does power wash equipment on the site.

Gutierrez spoke about the uniqueness of this request because the business owner does not reside on the property. Ferro said the definition states it is an occupation carried on by an occupant of a dwelling unit. Ferro suggested the Commission give some general direction on appropriate conditions and postpone action until next month, rather than attempt to draft conditions on the spot. The following conditions were suggested:

- Time limits should be placed on the time of day specified for maintenance activity, power washing, blade sharpening, etc.
- The property shall remain in its current size, with no parcel divisions, so long as the home occupation is conducted.
- Yard waste should be removed and taken to an authorized disposal location and no additional landscape materials can be brought onto the property.
- The recently-installed driveway must be removed and the area restored with ground cover.
- The trailer stored behind the barn should be screened around the perimeter either by evergreens or fence.
- There shall be no servicing of vehicles on the site.

Motion by Hoeks, second by Lowry, to postpone action to the June 2008 Planning Commission meeting. Motion passed unanimously.

3. Request for Rezoning from R-3 - Single Family Residential District to PO/PUD – Professional Office/Planned Unit Development District, 5018 and 5038 Cascade Rd, 41-15-31-376-001 and 002, Ada Township Planning Commission / Highpoint Real Estate, for Forest Hills Baptist Church

Brian Sikma presented the rezoning request on behalf of Forest Hills Baptist Church. He noted they have now revised their request to office zoning with a PUD overlay. They are exploring the possibility for a small office building on the rear of the site, with a larger office use near the road. They have obtained a wetlands determination per the Planning Commission's request. He spoke about the reasons why office use is best for this site. He stated that residential use is not economically feasible for this site. Lowry asked for clarification on the size of an office that would be located at the rear of the site. Sikma stated

the size would be 6,000 foot maximum.

Ferro briefly went over the six different criteria that should be considered in evaluating a rezoning request. He stated the Master Plan does discourage retail use along the Cascade corridor, and points out the need to ensure that office use is compatible with the adjacent residential neighborhoods. Ferro noted that the applicant originally requested normal office zoning. The Master Plan has language that states that new office development in this corridor should be done under PUD zoning.

The public hearing was opened. The following comments were made:

1. John Logan, 1084 Huckleberry Lane, stated his back yard backs up to the church property and they have always been a great neighbor. He feels if a building is going in there, it should be as far away from them as possible. He doesn't believe there is that much demand for office space. He encouraged a buffer be placed between the commercial and residential.
2. Brian Conrad, 5042 Luxemburg, stated he is concerned about what will happen in this area, and encouraged that screening and landscaping be put in.
3. Jeff Burr, 5783 Ada Drive (Pastor of Forest Hills Baptist Church), stated they have had a good relationship with the neighbors. The congregation is at a point where they either need to move or make considerable changes to their property to accommodate growth, and they have made the decision to move, independent of the sale of their property. He asked the Commission to think in terms of how the property is going to be developed, not if it is going to be developed. What is the appropriate use?

Pastor Burr noted that in some ways, this is an opportunity for the neighborhood to be safeguarded, compared to potential expansion of the church. He also pointed out that there is already office use of their site, through a shared parking agreement with the adjacent office park.

4. Joe Grabenstein, 1080 Greenwood Forest, stated there have to be restrictions on this.
5. Marie Parzych, 1070 Huckleberry Lane, also stated the church has been a great neighbor. She has concerns with any new development that comes in and how it affects their view.
6. Bernie Veldkamp, 5580 Hall Street, stated that wetlands can be conducive to residential and can be an attraction to those wishing to live there. He believes they should keep this at its current zoning.
7. Cornelius Smit, 5613 Far Hill Drive, spoke about how the buildings are built with no basements in relation to the risk of tornados.
8. Jackie Smith, 5829 Ada Drive, stated the church has grown tremendously over the last few years. The opportunity to relocate came up and now this is a matter of what is going to happen to the property now. She spoke in favor of this PUD and the benefits of it.

The public hearing was closed and Board discussion commenced.

Ferro stated that an important criterion to consider is whether the property can be reasonably developed under its current zoning. He has evaluated potential residential layouts for the property, and it does not appear to have sufficient width to install an access road with lots on both sides of the road. If this were developed office use by right, an office building could be 25 feet off the residential lots. Ferro believes the best protection for the neighborhood and to allow reasonable use of the property is this office PUD

type of approach. The only feasible residential use is if permission could be obtained to access a few residential lots at the rear of the property, through the Olde Rhoades Meadows development.

Burton stated she believes the Commission has the power to make sure whatever is developed is not objectionable, to the greatest degree, to the neighbors. Lowry states he agrees with Burton that the PO/PUD is the best option. Gutierrez stated this really is the only use available for this site.

Sytsma asked if they have had a wetland survey done. Sytsma asked if the church has ever considered using "purchase of development rights" to preserve the land as open space. The pastor stated they have considered a lot of things, but it would not be feasible to donate this property and then try to build a \$2 million new facility.

Korth stated he does not believe the Commission is ready at this point to make any recommendation on this. Korth stated he is inclined to do nothing and let the groups get together and come up with something that is conducive. Korth suggested that the possibility of another church purchasing the property should not be ruled out.

Sikma stated the site does lay out very well for a smaller office site in the back. He is not sure if it is fair to request the applicant to request to work this issue out with the neighbors. Korth stated the Master Plan is clear and there is nothing compelling the Commission to make any changes. If this is postponed with the request that some communication occur and it does not, then the Commission should have a work session to explore issue of the access, easements, walk the property, explore possible other non-residential uses, etc.

Ferro stated another option is to deny the request and then any development proposal in the future would need to have a plan before the Commission.

It was moved by Hoeks, and seconded by Sytsma, to recommend denial of the request for rezoning.

Motion passed unanimously.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

1. Site Plan Review, 12' x 20' Outdoor Patio Addition and Parking Lot Improvements, Riverbend Bar & Grill, 8124 East Fulton St., Parcel No. 41-15-35-100-026, Bob Debri

Bob Debri, owner of the Riverbend Bar & Grill, presented his plan for the outdoor patio addition. He stated the deck will be to the east of the building entry, with a green area immediately connected to the deck and a walkway with an additional area of greenery to define the walkway. The deck would also be surrounded by a 3-foot wide row of hedges/shrubs.

Ferro stated the original proposal was to put in a new exit door and have a patio built as soon as possible to take advantage of the seasonal use. Ferro stated that he had indicated to the applicant that any plan for a patio must also address how it relates to the parking lot, with a long-term plan for upgrading of the parking area and landscaping prepared. Such a plan has been prepared. Due to budget constraints, the applicant is not prepared to implement this all at once. Ferro noted that Mr. Debri had indicated a desire to pave the gravel parking area, but before this can be approved, Debri would need to get grading and storm water information. Ferro stated he recommends approval of the plan for the outdoor patio addition,

along with the immediately surrounding landscaping, and suggests having a potential timeframe condition placed on completion of the project.

Motion by Sytsma, second by Burton, to approve the site plan for a 12' x 20' outdoor patio addition and parking lot improvements, subject to review in April 2009 regarding the status of implementation of the plan for improvements to the parking area and landscaping. Motion passed unanimously.

VIII. REPORTS FROM COMMISSION MEMBERS/STAFF

Korth asked Ferro for an update on the status of (1) revised zoning language for the Riparian Protection, (2) language for the Master Plan zoning changes outside the Village, and (3) Form Base Code zoning language. Ferro responded that all three are high priorities. Revised language for the Riparian Protection is the easiest. Ferro handed out a draft of the Form Base Code draft. No work has been done yet on the Master Plan zoning changes. Both the Master Plan and the Form Base Code are major projects. It was decided to address the issues of the Riparian Protection language and Form Base Code language at next month's meeting.

IX. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

X. ADJOURNMENT

Motion by Sytsma, second by Burton, to adjourn the meeting at 9:45 p.m. Motion passed unanimously.

(Note: Underlining/ overstriking indicate revisions to draft minutes approved by the Commission).

Respectfully submitted,

Deborah Ensing Millhuff, CMC
Ada Township Clerk
rs:lm