

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE JULY 21, 2011 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, July 21, 2011 at 7:30 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Present: Chairperson Korth, Commissioners Lowry, Hoeks, Easter, Lunn, Butterfield, and Treasurer Rhoades. Also present: Planning Director Ferro.

**III. APPROVAL OF AGENDA**

Motion by Easter, second by Lowry, to approve the Agenda. Motion passed unanimously.

**IV. APPROVAL OF MINUTES OF JUNE 16, 2011 MEETING**

Motion by Hoeks, second by Lunn, to approve the June 16, 2011 meeting minutes. Motion passed unanimously.

**V. PUBLIC HEARING**

**Request for Special Use Permit for a Group Day Care Home, 7922 E. Dogwood Meadows Ct., Parcel No. 41-15-34-479-062, Martha J. Davis**

Martha Davis presented her proposal to expand her existing day care business to become a licensed "group day care home," which allows care for up to 12 children. She noted she is presently licensed to care for up to 6 children.

Planning Director Jim Ferro explained the state licensing system and the zoning regulations classify home day care into two categories: (1) family day care homes that can care for a maximum of 6 children, and (2) group day care homes that can take care of between 7 and 12 children. Ferro stated the zoning rules and the state zoning law both treat family day care homes as a permitted use by right, with no approval required, while group day care homes require special use permit approval by the planning commission, after a public hearing. Ferro noted that all property owners within 300 feet of the applicant's house were notified of the hearing.

Ferro stated the property is located on a private road cul-de-sac in the Ada Moorings development. He stated there are six zoning standards that must be met in order for a group day care home to be approved, and one thing our zoning rules require is a fenced outdoor play area. Ferro stated the applicants are proposing fencing in a portion of the rear yard, around an existing play structure. Ferro stated if the special use permit is approved, he recommends it be subject to the fencing being installed no later than 30 days following issuance of a group day care license by the state.

**Public Comment:**

None.

**Board Comments:**

Hoeks commented that the documentation in the application is very thorough and suggested approval was in order.

Easter asked the applicant whether a lot of the clients come from the Ada Moorings neighborhood, and whether there had been any discussion with neighbors regarding putting up a fence and if there had been any reactions to that.

Martha Davis responded that a lot of her business comes from the Ada Moorings neighborhood, with several children being from the immediate area surrounding her home. She also stated she has had discussions with a couple of the neighbors and they are fine with their proposal.

Rhoades stated it sounds like Martha is doing a very good job of child care as the neighbors are happy with it and are in support of the expansion to 12 children.

Korth asked how many children are currently being cared for, and if Davis expands to 12, how many additional staff would be needed.

Davis stated she currently cares for 6 children, and already has the staffing needed to care for 12. She noted that she has existing client families that are growing, thereby creating the need for additional capacity in her business.

Korth asked what the hours of operation are, and are your own children in the house as well and are they considered part of the count.

Davis replied her hours of care are from 7:15 a.m. to 5:45 p.m. She stated her own child is in school and is not considered part of the count.

Korth asked if she plans to continue to do this in 7 or 8 years.

Davis replied not in this location, she would like to move it to a different area.

Hoeks asked if she had to have a different license for 6 as opposed to 12.

Davis replied she does and that is the next step is to apply for that.

Ferro stated that is one of the ordinance standards.

It was moved by Hoeks, seconded by Lowry, to approve the Special Use Permit subject to the condition that the fence around the playground be installed within 30 days of a State license being issued for the group day care home.

Motion passed unanimously.

**Proposed Zoning Ordinance Amendment, Revision to Riparian Protection Standards, to Remove Exemption for Pre-Existing Lots of Record from the Application of the Regulations, Proposed by Ada Township Planning Commission**

Ferro explained the Riparian Protection Standards establish two different zones within proximity of water features in the Township. There is an inner zone, called the "natural vegetation zone," that is 25 feet in width, measured from the ordinary high water mark of a river, stream or lake. Ferro stated there are a number of restrictions on vegetation removal and placement of structures within that zone. Ferro noted that the width of the natural vegetation zone is expanded up to a maximum of 75 feet when there are steep slopes adjacent to the water features. Ferro stated that beyond the natural vegetation zone there is a

second area called a “transition zone,” which is 15 feet wide. He noted there is a lesser degree of restriction in the transition zone. Alteration of vegetation is permitted but there are also restrictions on placement of structures in the transition zone.

Ferro stated when these rules were adopted there was language included that granted certain exemptions from the regulations. The exemptions include agricultural activities that are conducted in conformance with the Right to Farm Act, and activities that are authorized in a permit issued by the state under the wetland protection regulations, the flood plain regulations or the inland lakes and stream act are exempt.

Ferro noted there is also an exemption for lots that were in existence when the rules were enacted, and the rules only apply when property is split or developed as a site condominium or as a subdivision. Those are the only properties that the rules have applied to since these rules were adopted. Ferro stated there are a large number of parcels that are still exempt from the regulations because they were exempt at the time the rules were adopted and they have retained that exemption. The proposed amendment would remove the exemption for lots of record that were in existence at the time the regulations were adopted. The amendment would simply delete that exemption for lots that existed when these rules were first adopted.

Korth opened the public hearing.

Betty Jo Crosby, Grand River Drive, stated that as a member of the Open Space Preservation Advisory Board, she encourages the Commission to give very serious consideration to the removal of this exemption in the hopes that all of the properties in the township would have equal protection as far as riparian features are concerned. Crosby stated that the lakes, streams, rivers were mentioned by Ferro, but that wetlands are a water body of an entire different nature from surface waters but certainly equally important to our overall environment and in a far more subtle way. She stated she believes there is a set-back reference in the regulations from wetlands as well.

Korth closed the public hearing.

Korth suggested postponing action for one month and hold the public hearing open. He stated he is a proponent of what we are trying to accomplish, but he has reservations about the practicality of monitoring, administering and enforcing the ordinance. Because the public comment was light tonight, he would like to suggest leaving the hearing open to see if we get any more response.

Crosby asked what makes Korth believe it would be better attended next month.

Korth stated a published public notice alone is an ineffective way to make the community understand what can affect many people. Other means of communications in the next month, including in the media, can help inform people of the proposal.

Lowry commented that a lot of people don't even look at their wetlands and they don't fully understand them. He asked if you do put something together that changes the routine, how do you enforce it and do you enforce it. He stated he is in favor of the change, but Tom has raised a good point, and postponement would give people an opportunity to think now what would this do to them.

Butterfield asked if we don't vote tonight, who at the township is going to put together a mass public campaign. It has been on the table for so long.

Korth stated it hasn't previously been in the public hearing forum as we're considering adopting an ordinance. The other thing to keep in mind is if we approve this, the Board of Trustees will then receive it and they need to endorse it. If they look back and see that we were quite thorough in the procedure, then their ability to adopt it as well is much easier.

Butterfield asked if some other means of informing and educating the public could be put together.

Korth stated he does not feel there has been any coverage on this at all except for the newspaper notice, and a lot of times those small notices get overlooked. Korth noted that both the Cadence and Grand Rapids Press reporters were in the audience this evening. He stated there are a couple of questions in the recent survey regarding riparian rights, and by comparing the responses with the survey of 2004 we will get an indication of this issue and whether it is more important or not.

Easter stated she doesn't believe that educating the community is our mission. She stated that this is an important issue, and it isn't a given that this should be adopted or that it is the will of the community. She stated she believes it is prudent to take time to obtain more input from the community.

Korth asked Ferro if the Master Plan survey has questionnaire items relating to riparian protection measure. Ferro responded he believed it did. Korth commented that obtaining some input from the ongoing master plan citizen survey regarding this topic may be prudent.

Hoeks asked if placing a moratorium on new development for at least one month was possible while this issue is decided. He also noted he is aware of only one person that has been vocal in expressing opposition to these rules.

Ferro commented that development activity that would affect the riparian features has been very low. He stated he does not believe the potential threat of changing the rules would result in any people taking significant efforts to avoid the rules, to warrant a moratorium.

Hoeks stated in view of this, he sees no problem in postponement for one month, with the understanding that action will be taken next month. He believes we have spent a lot of time on this, and that we seem to have unanimity on the matter.

Rhoades commented having building permit applications placed on hold would not be well received, and there is not a lot of permit activity or development proposals in any case. Rhoades also asked whether it was our intent to require change in residents' current lawn maintenance practices.

Ferro stated that existing conditions would have legal, nonconforming status, and would be allowed to continue.

Motion by Easter, second by Lowry, to postpone action and hold the public hearing open for one month, with the understanding that action will be taken at the August meeting.

Motion passed unanimously.

## **VI. UNFINISHED BUSINESS**

### **Development Plan for a Proposed Office/Residential Unit Addition of 5,000 Square Feet to an Existing 16,500 Square Foot Building, 660 Ada Dr., Parcel No. 41-15-34-152-009, Integrated Architecture for Thornapple Pines Rental, LLC**

Mike Corby, Integrated Architecture, presented background information on the plan and the changes made to the plan. He also distributed revised renderings showing changes made to the plan in response to recommendations from Planner Ferro.

Ferro commented that a lot of changes are in response to input from commission members provided during review meetings. The revisions give the additions to the building a more traditional appearance

without sacrificing the use of contemporary materials and practical approaches to modifying an existing building.

Ferro stated that, based on the changes proposed by Corby this evening, he recommended approval of the development plan, subject to a number of conditions, which he reviewed.

He also drew the Commission members' attention to a comment letter received from Lisa Keller, who, while she does not live in the Township, is interested in the village and seeing the village become more of a valued center of activity in the community, and expressed an interest in what our plans are for future improvements in the village.

Korth asked if there was any public comment.

Ken Dixon, 8499 Longleaf Drive, stated he is a business owner in Ada and an architect, in addition to being a resident. He stated he is excited to see the building come alive again and be part of the community. He stated he has one issue with the overall plans for the building and that is how it fits into the context of the community. He stated he doesn't see how it fits in with the quaintness and small-Village scale of the community. Dixon referenced his own experience in designing the Norman Dental office building, and the process he went through to revise the plan based on dialogue with the Commission. He stated he hopes the Commission can steer the design a little bit closer to something that is an "Ada" building. Dixon stated he is very pleased that Integrated Architecture is working on the project, and he is confident they can produce a good outcome.

Jay Rosloniec, 5471 Pinewood Court, legal counsel to the applicant, and Township resident, stated he has received nothing but favorable comments on the building. He feels that it fits and works well with Ada.

Hoeks commented it is quite different to deal with a new building versus the renovation of an existing building that's going to be somewhat reasonable in terms of cost. He referred to the suggestion posed in Lisa Keller's comment letter as to whether the entry on Ada Drive could be recessed. He also questioned the choice of etched glass for the roof top railing, as a glaring modern component.

Corby stated they could consider a metal railing. Corby responded that the roof top will be part of the owner's residence. Their goal is both maintaining privacy and complying with building code. Corby stated we could set the railing back more if that is helpful. As far as the entry, the lower sidewalk level is actually a retaining wall, so we can't put columns in front. Maybe we can set the glass next to the doors back, but we can only set the entry back so far because we run into the steps leading up to the first floor level.

Easter commended the changes and cooperative spirit, and feels like this building can be a real asset to the community. Easter also stated that we consider ourselves a quaint, little community, but that's not all we are. She stated she believes it's a beautiful building, and she doesn't believe it takes anything away from the Village on the opposite side of the rail trestle.

Butterfield commented that this area has really been a blight on the community for many years, and she likes the fact it is re-using an existing structure. She stated she is very happy with the changes that have been made. She would like to hear more from the planner regarding the carport structure and whether this has been discussed with the applicant.

Lowry stated that in regard to the whole building, he doesn't think there is anything you could do that would be 100% satisfactory. He stated he understands the desire for privacy on the roof, but questioned if there is some way to intertwine metal in there to complement the rest of it. He stated it is a beautiful job.

Lunn stated he is glad they took the time to respond to the input from last month. He questioned whether vegetation on the front of the building would withstand snow plowing impacts. He stated the plan looks good now, and it's in line with the form-based code. He stated he has no issue with the etched glass railing.

Rhoades stated he does not feel there is really much that can be done with the entryway, due to proximity of the entry doors to the bottom of the stairway. He stated if the fencing is going to be frosted glass, it will not stand out as much as a black iron railing across the top. Rhoades also stated that the Road Commission is planning next Wednesday to put in the curb and gutter at the driveway, and questioned if they can have their work done to meet the Road Commission deadline.

Korth asked if they received approval tonight would that timeline still work so you can get the benefit of what they are doing up there.

Corby responded yes, stating "we've gotten the permit, we've met with the Road Commission, we have a proposal from the same contractor that's doing the road work, but it has not been signed. If we get favorable approval, then Georgetown Construction will have time to make sure everything gets done properly."

Rhoades asked if they are going to be able to remove the slumped earth along the sidewalk to the north of the building, without putting in a retaining wall.

Corby responded yes. There is still enough to get the slope without having it too steep.

Rhoades also stated there is conflict between the proposed driveway to Mars Ave and a tree and utility pole.

Corby responded they would study that further.

Hoeks referred again to the etched glass railing, and questioned why it was needed for privacy at that height. He also stated it could adversely affect air circulation on the roof top.

Easter stated that at the roof top level and recessed from the roof edge, she believed the visual impact of the glass railing would be negligible.

Ferro asked the applicant the height of the railing. Corby responded 42 inches. Ferro stated if it is recessed 3 feet, very little of the railing would be visible from street level.

Korth asked the owner to consider placing planters on the outer side of the recessed glass railing.

Korth asked for input from Ferro regarding the carport issue.

Ferro stated he had not done a detailed analysis as far as what the relative change in parking need is in converting to residential space. He noted that generally, residential parking demand would be less than for office use.

Corby stated that the demand from residential use would be less than for office use. Loss of spaces from converting to carports is only 3 spaces.

Korth asked whether the new entry addition was still planned to have a green roof. Corby confirmed it was, but that it was shown in error on the drawings submitted earlier.

Korth complimented the applicant on all the changes that have been made. He stated he only remains dismayed that the building did not play up to a greater extent the mid-1850's to 1940's vernacular that is called for in the form-based code. He stated that there is room for interpretation in the code, however.

He stated there were two things he was most concerned about, that the applicant addressed in the changes presented this evening – moving the railing back 3 feet from the roof edge, and the breakup of the stair tower with solid panels. He stated that the applicant did a great job in adding the outdoor garden spaces and the balconies. He stated he also views the changes in window alignment and shape favorably. He stated the changes made at the last minute were really important in his decision-making.

Korth asked whether the carports would be open or closed. Corby stated they are still studying the market, and would like the flexibility to use either no parking structures, or the carports, or garages, as shown on the plan alternates.

Korth stated he has no problem with the form of garages as long as substantial vegetation is meant to be preserved to buffer that structure from the road.

Ferro stated the garages would not be visible from the street as they will be set back from the top of the slope adjacent to the sidewalk.

Korth asked if any balconies will definitely be built as part of the plan.

Corby stated the two on the Ada Drive side are probably going to be built. He stated the rear balconies were not certain. Corby added they would not have a problem with the approval being conditional on the two balconies nearest Ada Drive being required to be built.

Korth asked if there will be exterior lighting.

Ferro stated this is the final plan that the Planning Commission will see, and yes, there is parking lot lighting. Ferro referred to the lighting plans and fixture specifications submitted.

Butterfield questioned whether allowable signage was addressed.

Ferro stated there are signage standards in the form-based code. We have not really talked about for this site.

Corby stated if there is a sign on the building it will just be something that designates the building. There is no intention to put business signs on the building. He stated any signs proposed would be brought back for review.

Korth noted that existing vegetation removal is called out on sheet 2 of 4. Corby stated that the plans call for replacement of the existing vegetation at the top of the hill with new plant materials. Korth suggested leaving the existing natural vegetation intact. Ferro noted the landscape plan designates irrigated lawn in this area.

Korth suggested this area should be retained as largely natural, with some clean up permitted. Corby stated he saw no problem with this, and would like to work this out with staff review.

Corby went over the lighting plans, noting that there are two fixture/pole types proposed. Corby stated they are both cutoff fixtures to qualify for LEED credit, with a low-height pole mounted fixture along the driveway, and a shoebox style fixture in the parking lot.

It was noted by Rhoades that the height of the lights along the driveway is shown as 20 feet on the landscape plan. Corby stated he didn't believe this was correct, and that he would look into that. He stated he would be surprised if they were to be higher than 12 feet.

Ferro suggested that we may wish to add a condition of approval regarding the height of the decorative fixtures along the driveway.

Korth stated he would also like to see a condition included about the existing wooded area between the sidewalk and the parking area at the top of the bank being enhanced and preserved. He suggested since they have already satisfied Ferro's recommended conditions 2 and 3 they might want to be replaced with the lighting one and the landscaping one. He also stated one other condition that should be added is that the balconies as shown closest to Ada Drive shall be built.

Following discussion, it was moved by Lowry, seconded by Butterfield, to approve the development plan subject to the following conditions:

1. The site shall be developed substantially as shown on the plan sheets 1 through 4 with a revision date of 07/07/11, and the color rendered elevation sketches, floor plans and 3-dimensional renderings on 26 sheets submitted on 7/19/11 and 7/21/11, except as provided below.
2. Substitution of carports or garages for up to 7 unenclosed parking spaces as shown on the alternate site plans is permitted, at the discretion of the owner.
3. The balconies on the west ends of the north and south building facades as shown on the plans shall be installed. Installation of balconies shown on the east building façade is optional, at the discretion of the owner.
4. A driveway permit issued by the Kent County Road Commission shall be submitted to the Township, prior to issuance of a building permit.
5. A storm water permit application shall be submitted by the applicant, and a storm water permit shall be issued by the Township, prior to issuance of a building permit.
6. The applicant shall replace deteriorated sections of sidewalk and curbing along the Ada Drive frontage of the property, prior to issuance of an occupancy permit.
7. The pole-mounted lighting located along the entry drive shall have a fixture mounting height no greater than twelve (12) feet.
8. The landscape plan shall be revised to be sympathetic to the existing natural vegetation located between the parking area and Ada Drive, and shall retain desirable components of the existing vegetation.

Motion passed unanimously.

## **VII. NEW BUSINESS**

### **Site Plan Review, 9,600 Square Foot Addition to Existing Building and Addition of Rail Siding, 7575 East Fulton St., Parcel No. 41-15-28-401-016, Owen Ames Kimball, for Amway Corp.**

Brad McAvoy, Owen Ames Kimball Construction presented the site plan for the proposed building addition and new rail siding within the Amway plant.



Ferro stated the addition complies with building height and setback requirements. Ferro stated the area between the front of the building and the highway is very heavily landscaped, and the gap where the building will go will be filled in by evergreen trees. Ferro added this is a small addition to the southeast corner of an existing building, and addition of a rail siding for rail car bulk delivery of liquid sorbitol used in manufacture of toothpaste. He stated rail tank cars will be unloaded by a pump system conveying the liquid to holding tanks in the building. Ferro added that the information submitted by the applicant states there will be about three rail cars per month that will deliver this raw material instead of trucking in of that raw material.

McAvoy stated they will be doing some containment of that product within the rail shed, because it would plug up the storm sewer system if there happened to be a spill.

Butterfield asked for further information on the nature of sorbitol.

McAvoy stated where the rail car pulls in there will be a large overhead door on the end and a concrete wall that will match the rest of the building, and the wall will be three feet high, and if there was a spill it wouldn't go into the storm sewer system.

Korth asked when they plan to begin construction.

McAvoy stated probably mid August.

Korth suggested a condition of approval that the trees they plan to remove be spaded and relocated, or replaced if they're not salvageable.

McAvoy stated he didn't think that would be an issue.

Korth asked if there was any exterior lighting proposed on the new building. McAvoy stated no, maybe a couple of wall-packs on the building to match what's out there, but there's not any new parking going in. Korth stated we want to make sure a condition is that it is shielded lighting not wall-pack.

Hoeks suggested a condition of approval be that precautions must be taken to keep liquid sorbitol out of the storm sewer system. McAvoy stated it will be.

Easter asked if 3.3 rail cars a month was an average. McAvoy stated that is what they figured for the volume, so it's a little under once a week.

It was moved by Easter, seconded by Rhoades, to approve the site plan for the addition to the existing building and addition of a rail siding at 7575 East Fulton, subject to the following conditions:

1. Any exterior lighting shall be cutoff fixtures and subject to review/approval by the Planning Director.
2. The small ornamental trees that would be removed for the building addition shall be transplanted elsewhere on the site, or replace if they are not salvageable.
3. Safety precautions shall be taken to keep liquid sorbitol from entering the storm sewer system.

Motion passed unanimously.

Hoeks left the meeting at this time.

## **VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS**

Ferro stated quite a few surveys have come back, and not as many online surveys completed. We've gotten fairly good publicity on it by news media, our web site, and our mailing list that has about 400 people on it.

Ferro also referred Commission members to the correspondence submitted by Fred Wert, clarifying his earlier comments regarding the home occupation request. Ferro stated apparently they have a legal dispute going on as referenced in the letter you received.

**IX. PUBLIC COMMENT**     None

**ADJOURNMENT**

Motion by Rhoades, second by Butterfield, to adjourn the meeting at 9:46 p.m. Motion passed unanimously.

Respectfully Submitted,

---

Susan Burton, Township Clerk

SB/dr