

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE SEPTEMBER 16, 2010 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday September 16, 2010 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 7:30p.m.

II. ROLL CALL

Members present: Chairperson Korth, Commissioners Butterfield, Easter, Lowry, Paul, Gutierrez and Treasurer Rhoades.

Members absent: None

Also present: Planning Director Ferro.

III. APPROVAL OF AGENDA

Motion by Lowry, second by Rhoades to approve the Agenda as presented. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF THE AUGUST 12, 2010 & AUGUST 19, 2010 MEETINGS

Motion by Easter, second by Rhoades to approve the August 12, 2010 and August 19, 2010 meeting minutes as presented. Motion passed unanimously.

V. PUBLIC HEARINGS

1. Preliminary PUD Plan, 9,300 Square Foot Day Care Center on a 2.51 Acre Site, 7030 Fulton St. and part of 7041 Bronson St., Parcel No. 41-15-28-477-039 and 009, Highpoint Real Estate and Development

Steve Witte of Nederveld, Rick Hapner of Highpoint Real Estate and Rob Young of Big Steps Little Feet Child Care gave an overview of the proposed project. The original size of the building at 11,600 sf has been reduced to 9,300 sf, which reduces the encroachment into wetland area to a very minimal amount.

Fire Chief Jim Duvall commented that the Fire Department doesn't want an access drive connected to the daycare facility.

Witte pointed out that the road commission doesn't want a one-way pair of driveways on Bronson St. In addition, he noted that the auto center doesn't want their service drive to be the only access to the daycare center.

Witte stated that public water and sewer are available, and that storm water detention is provided to meet MDOT requirements.

Witte also noted that the day care center would like to have a directional sign at the intersection of the east-west access easement and the north/south service drive between Headley St. and Fulton St.

Ferro gave a history of the project. A pre-application conference was held at the July meeting regarding this PUD. A preliminary PUD Plan was reviewed at the August meeting, at which time a subcommittee consisting of Korth and Paul was appointed to address site access issues with the applicant. A determination needs to be made on how best to access this site for both vehicles and pedestrians.

Ferro noted that connecting a one-way drive through the site exiting out on to Bronson St. through the Fire Department property has drawbacks, given the close proximity of the driveway access to the M-21 intersection. He stated that the proposed development be designed in a way that makes it function as part of the Village rather than as a highway-oriented site, while having access that meets the needs of the business.

Ferro stated there are legitimate reasons why two accesses to the site are needed, relating to access to the site by large school buses and service vehicles.

Korth commented that there is potential for a second access to the daycare and a public hearing should be held to discuss the issue further. At this point in time he is not satisfied with the plan and that the request for the Preliminary PUD Plan should be carried through to the next meeting.

The public hearing was opened, with the following comments being made:

Brian Sikma/Highpoint Real Estate, presented background info regarding how they determined there was an easement through the auto center site.

Sikma stated he spoke with American Gas & Oil (Auto Center) where they want to work with Highpoint Real Estate for use of their property as access to the daycare center, but this still presents a challenge.

Brian wants the development to be functional to the village, with ease of access to the property in a safe way. He feels as though he is caught between MDOT and the Kent County Road Commission while trying to come up with a good solution to provide access to the daycare.

Korth stated that the Kent County Road Commission doesn't have authority to deny one-way drives.

Rob Young, Big Steps Little Feet, stated that 100% of his clients (parents) would not want to use the service drive as the only access to the daycare center. He doesn't think that the driveway to Bronson St. would take away from the character of the Village of Ada.

Fire Chief DuVall commented that he objects to two-way traffic on the access drive through the Fire Station parking lot, as this would render the parking lot unusable by groups using the Fire Station meeting room.

There was no other public comment. Korth stated that the hearing should be kept open to the next meeting.

Paul wanted clarification on the easement in question to the PUD Plan.

Ferro explains that it is 51.8 feet of existing easement. The easement is designed to access the day care center parcel. Tied to the easement are Fulton and Bronson. The north/south access is for the auto center.

Korth stated that the Planning Commission needs to know what Amway is thinking about the rest of their properties in the Village, and that he isn't prepared to vote for this plan until he knows the answer to this question.

Easter commented that obtaining information from Amway may take months and that we shouldn't hold this applicant up in the meantime.

Korth stated that a written request from the Planning Commission should be sent to Amway, requesting a meeting as soon as possible.

Paul stated timing is putting pressure on the applicant, ~~and also doesn't think there should even be a one-way access on Bronson,~~ and we should direct the applicant to come back with another plan with ~~no access to Bronson. The applicant needs to work out a plan with the Fire Department that the Fire Chief can support.~~ the access easement fully recognized.

Motion made by Paul to postpone the application (with a consensus to ask for a joint session with the Township Board and request in writing a meeting with Amway), seconded by Easter. Motion passed unanimously.

2. Request for Special Use Permit for Type II Home Occupation, for Seasonal Sale of Yard Art and Ornaments, 5451 Knapp St. NE, Parcel No. 41-15-07-276-007, Joe and Stacie Niedzwiecki

Planning Director Ferro gave an overview of the request whereas the applicants are requesting approval of home occupation permit to allow limited retail sales in their residentially-zoned property on the north side of Knapp St., west of Pettis Ave., on a maximum of 7 weekends per year between May and September. The Townships home occupation regulations classify the proposed use as a "Type II" home occupation, and require special use permit approval for any home occupation that involves customers coming to the property for the transaction of business.

Ferro went through each special use standard which must be met for approval and whether the standard has been met.

Ferro stated that the standards which do not appear to be met include the prohibition on outdoor display of merchandise, and the restriction on signs, which are limited to a small sign mounted on the exterior wall of the home.

The public hearing was opened by the Chairman.

Jackie DeWald of 2455 Pettis, requested that no approval be given to this request until she sells her mother's home, which being directly across from the Niedzwiecki's property, a large portion of the items for sale are very noticeable. She believes a view of merchandise displayed for sale on the neighboring property would hinder the sale of her mother's property. She also stated that there is too much activity at the Niedzwiecki's home in May, June & July. She requested that Niedzwiecki's be required to install a fence to screen the activity from her mother's home.

Paul commented that Ada is the epitome of entrepreneurship (Amway) and that he has purchased from the Niedzwiecki's and sees no problem with what they are doing.

Easter agrees with Paul.

Butterfield inquired about the amount of vehicles visiting the Niedzwiecki's property daily, with an answer from Stacie Niedzwiecki' of 4 cars at a time maximum.

Lowry commented that he is not in favor of the request, as this doesn't comply with the rules of the Township, and doesn't fit with the character of the community.

Gutierrez agrees with Lowry, stating he believes that no retail business should be conducted out of a residence. He is worried about setting precedence, and if a problem were to arise if the DeWald's home was sold without the buyer knowing of the Niedzwiecki's retail selling.

Rhoades agrees that this is not the right use of the Niedzwiecki's property.

Ferro commented that the intent of the home occupation rules is that there be no visible evidence of retail business being conducted out the Niedzwiecki's home from the road, and that if this can be achieved with appropriate restrictions on the use, it can potentially be approved.

Stacie Niedzwiecki commented that their displays would be stored inside with the exception of the requested weekends. They enjoy having people come to their home for business, and want to work with Jackie DeWald to come to a mutual agreement.

Ferro will coordinate site visits for Commission members to the Niedzwiecki's and the DeWald's properties to see both sides of the issue. He also notes that there are 2 areas for which the application as proposed doesn't meet the standards of the Township: signs and outdoor displays.

Motion made by Easter to postpone the request until site visits have been made, second by Butterfield. Motion passed unanimously.

VI. NEW BUSINESS

1. PUD Pre-Application Conference, Request for Rezoning from Rural Residential (RR) to General Business/Planned Unit Development (C-2/PUD) for a Custom Woodworking Shop, Pottery Studio, Matting and Framing Shop and Design Studio, 7895 Vergennes St., Parcel No. 41-15-34-200-037, William R. Hayes

Property owner Bill Hayes requested a re-zoning of his property for a commercial woodworking shop and stated that the Master Plan supports his request. He plans to install a 50' fence in which to designate an area for onsite storage of wood and carrying out wood carving work, and will provide a small off-street parking area within the fenced yard that does not require vehicles to back out of spaces across the bike path into the road. A parking area with 3 or 4 graveled spaces would be sufficient.

Motion made by Lowry to set a Public Hearing for re-zoning the Hayes property to PUD/commercial, second by Easter. Motion carried unanimously.

VII. PUBLIC COMMENT

There was no public comment.

Korth commented that Gutierrez has chosen not to request re-appointment to another term on the Commission. However, he has agreed to stay on the Commission until a replacement appointment is made.

VIII. ADJOURNMENT

Motion by Easter, second by Rhoades to adjourn the meeting at 10:40pm. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

Note: Revisions to draft minutes approved by the Planning Commission are delineated with underscore and overstrike marks.