

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE OCTOBER 17, 2012 MEETING**

A meeting of the Ada Township Planning Commission was held on Wednesday, October 17, 2012 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 Chairperson Korth at 7:30 p.m.

II. ROLL CALL

Present: Commissioners Lowry, Jacobs, Butterfield, and Lunn, Planning Director Ferro and Treasurer Rhoades. Absent: Commissioner Easter.

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES OF SEPTEMBER 20, 2012 MEETINGS

Motion by Jacobs, supported by Lunn, to approve the September 20, 2012 meeting minutes. Motion passed unanimously.

V. PUBLIC HEARING

Request for Special Use Permit for a Landscape Contracting Business in the RP-1 Zoning District, 9430 Vergennes St. SE, Parcel No. 41-15-36-200-065, Deb Sears

Deb Sears, from Enchanted Gardner, stated she and her husband operate their garden maintenance business from the property at 9430 Vergennes St. She stated they have clients, both commercial and residential, whose properties they visit and maintain every week or once every two weeks or once a month from spring through fall. Sears stated they prepare urban planters for spring, summer, winter and fall; they put the garden beds to sleep for the winter, and they do corporate Christmas trees during December. She stated they are a very simple small-time business. Sears stated they do not plow snow or mow lawns, and that their specialty is maintaining landscaping around building perimeters.

Korth asked how long they have been in operation.

Sears stated three years. She stated when we purchased the property they did not realize they needed zoning approval permits.

Ferro stated Deb and Jim's property is a little over 20 acres, in our RP-1 Rural Preservation Zoning District, and in that district we do permit landscape contractors subject to special use permit approval by the Planning Commission. He stated there are a number of standards contained in the zoning rules that must be complied with in order for that use to be approved. He stated his staff report goes through those standards and the extent to which they are met. Ferro stated in regards to their background, it's clear that Deb and Jim bought the property and opened a business out there not realizing what the applicable zoning rules were. He stated he was actually contacted by a realtor about the zoning of the property and had written correspondence with the realtor, in which he stated that among the uses which are permitted in that district are agricultural uses, which include farms and nurseries. Ferro stated there wasn't anything in his communication that conveyed the message that a landscape contractor can move in there without any approvals.

Ferro stated there is an old home on the property, with the upper level occupied as a residence by one of Deb and Jim's employees, and the lower walk-out level used as their office space for the business. Ferro

stated they are also using the pre-existing outbuildings on the property, which are shown on the aerial photo and on the survey that was submitted by the applicants. Ferro stated they use three existing outbuildings for storage of equipment and vehicles used in the business, so the property has changed very little since it was used as a residence by the former owner.

Ferro stated our zoning rules state that "landscape contractors are permitted by special use permit as a use that is "incidental and secondary to agricultural use or single family residential use of the same parcel." He stated that keeping in mind that the home is occupied as a residence, it complies with this requirement. Ferro stated in addition the use is required to meet a number of specific standards in the zoning rules, which Ferro reviewed.

Ferro stated that viewed from surrounding properties or from the road you barely know there is any business activity going on at the property because there is a lot of perimeter vegetation and it is a very low intensity use. Ferro also stated the business uses the same residential driveway that has served the home for years, but that it is not a commercial driveway. He stated one issue is whether the driveway should be improved. He stated Deb told him the business has up to nine seasonal employees, some of whom are part-time, and there's more than one person per crew, so there's not nine crews going out every day, but employees do come to the site and park their vehicles. Ferro stated he did not know if there is any client traffic.

Deb Sears stated, no, there are no retail sales or anything like that.

Ferro stated another issue is the applicability of commercial building code requirements to the commercial use of the structure. He stated he talked about that with Butch Visser, Building Official, who is present this evening. Ferro stated it would probably be a good idea for Butch to go out and look at the property and give the owner some indication of what, if any, types of changes are needed to comply with applicable building code standards.

Ferro stated we don't always like the positions the Road Commission takes on what they see as necessary access improvements, the most recent one being the driveway improvements required for Sietsema's Farm Market. He stated this area of Vergennes Street where Enchanted Gardener is located is very rural in character; there's a lot of road side vegetation that helps screen the business activity from the road, and the concern we have is that requiring a full-blown commercial driveway approach is a big expense to the owners and it would also have a significant visual impact on the road frontage. Ferro stated we also need to consider that we have an obligation to ensure safe conditions.

Ferro stated he has no specific action recommendation at this time, as he thinks we need to determine what direction we're going to go in with respect to access, and the applicant's need to hear from the building department what types of code improvements may need to be made. Therefore, he has recommended postponing action tonight until we can further address these issues.

Korth asked Building Official Visser to give some ideas of the code requirements that may apply as related to the commercial use.

Visser stated it depends on whether it's used as a home occupation, and if it were a home occupation we would treat the building as a residence. He stated it doesn't sound like they have customers that come in, so the thing we would look at is the separation between the residential and office area, and decide if it's a commercial building and then any handicap accessibility standards that would need to be addressed.

Korth asked if there was a restroom in the basement. Deb Sears stated there is but it is definitely not handicap accessible. Korth asked if it could be made that way. Sears stated it could be re-worked. Visser stated pertaining to use, commercial wouldn't require much, it would depend on whether it was a mix-use building or whether it was an office building with the residential portion.

Korth asked Ferro if there has been any input from neighbors. Ferro stated no, but noted that hearing notices were sent to neighbors within 300 feet, and no written comment has been received. Korth then opened the public hearing; with no comments he closed the public hearing.

Jim Sears stated he and his wife began the business almost five years ago. He stated they initially ran it from their home, and as the business grew, they found this property. He noted there was probably some miscommunication but they thought they were good. He stated last year they had one of their signs up, a sign that you pound in the ground, and they gained some notice there, and if it wasn't for their small sign, you'd never know that they ran a business there. Sears stated he talked to all of the neighbors and had one who said he was going to call the Township and offer his support, and other neighbors when they spoke to them had no problem with what they do. He stated the driveway as it stands is very secluded.

Sears stated they are trying to be stewards of the land. He stated they would like to harvest a bunch of red pines on the site, and re-plant cover for deer and grouse and things like that. He stated they have also considered permanently preserving the unused portions of the property. Sears stated they would love to stay in business out there. He stated we're not putting in roads and develop 20 houses in there; we want to keep it in its natural state.

Korth asked for Commission member comments.

Jacobs stated we need to get the questions regarding the driveway access and building code answered.

Butterfield asked whether approval of a special use permit would be transferrable to another owner. Ferro stated yes it would. Korth stated he believed the approval would stay with the land. Ferro confirmed that was the case, that an approval would be transferrable to a new owner.

Ferro stated the sign that they put out is probably not a legal sign location because it's probably in the right-of-way. He stated the first time he saw the sign he thought it was a job site sign, and when he saw it again months afterward, he realized it was either a very long job, or it wasn't a job site sign.

Lowry asked whether the lawn care business that was approved as a home occupation on Honey Creek Ave. had more vehicles than the Enchanted Gardener. Ferro stated no, I believe they have fewer.

Korth stated he had asked Ferro whether the Road Commission made them do anything with their driveway, but since it's a home occupation, nothing was required.

Ferro stated that was correct, and that the property owner on Honey Creek had installed a new driveway without a permit, and we required it to be removed.

Lunn stated we need to move ahead and get the two questions answered.

Ferro reviewed the provisions of the Road Commission's driveway permit rules, and stated that operating a business without having a driveway meeting commercial driveway standards violates the Road Commission rules. Ferro noted that the Township's zoning rules require issuance of a driveway permit prior to a building permit being issued.

Rhoades observed that the traffic levels generated by this small business are not any different than what is generated by a family with several children who drive.

Jim Sears stated we have cars coming in before 8:00, but after 8:00 most people are at work and the heavy traffic has subsided a little bit when their trucks are going out.

Sears stated their traffic is generated only spring, summer and fall, and in late fall they are doing corporate Christmas trees. He stated in January, February and March, depending on the weather, they work from home.

Butterfield asked what their fleet is, what types of trucks or vehicles they have.

Sears stated we have a 1951 GMC pickup used basically for marketing and things like that; a 2006 two-wheel drive pickup, a 2009 two-wheel drive pickup, a 2009 one-ton pickup with a dump box on the back, and we have two trailers, one a dump trailer and one enclosed trailer that's 12 feet long.

Following discussion, it was moved by Butterfield, supported by Rhoades, to postpone action for one month pending further information. Motion passed unanimously.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

Revision to Approved Development Plan Approval for Expansion of Off-Street Parking Area, 640 and 660 Ada Dr., Parcel No. 41-15-34-152-009 and 34-151-009, Thornapple Pines Development, LLC

Rick Pulaski, Nederveld, the engineer for the project stated he is joined by Chuck Hoyt, Locus Development, Project Manager, and also Jay Rosloniec, representing Thornapple Pines. He stated the 660 Ada Dr. project went through the planning commission approval process last year. Pulaski stated the project is well under way, and occupancy is scheduled for late December. He stated parking supply has become an issue based on the anticipated tenants in the building. A travel agency that will occupy the building is anticipated to need about 31 spaces, and the other one is a foundation with a handful of employees, totaling about 35 or 36 employees.

Pulaski stated the existing parking supply is about 29 parking spots, and when we add up the employees and potential visitors or customers we're going to be a little short of parking. He then referred to the site plan showing where the potential parking would be placed on the 640 Ada property, between the two existing rows of trees along the side lot lines. Pulaski stated they plan to retain all storm water on site, in an underground storage chamber. Pulaski stated for a few months they have been looking at a number of optional locations for added parking, which he described.

Hoyt stated along with the numbers Rick had mentioned there is also a first floor space and a small amount of second floor space that is not yet spoken for, which will further place a burden on the parking lot.

Ferro stated his staff report addresses how the proposed parking area conforms to standards in the form based code. He stated the setback requirement is met from the road, and the location conforms with the code provision restricting parking to the side or rear yard. He noted the form base code also encourages parking to be accessed from rear lanes, and in many respects Mars Avenue serves as a rear lane. He stated one question he has regarding the site plan is that it does not show the permeable paver connection to Mars from the main parking lot, and he wanted to ensure it is still planned.

Pulaski stated yes it is.

Ferro stated so this lot could also be accessed indirectly using the main Ada Drive driveway south of the building and coming through main lot and on to Mars Ave. to access the second lot.

Ferro stated one thing that strikes him is the large percentage increase in amount of parking, and why the need for more parking wasn't foreseen when the original plan was put together, and why it is being proposed so late in the development process.

Hoyt stated the users now and who they're going to be weren't really a known quantity at that time. He stated those decisions have been made now and that's the reason why this has become necessary.

Rosloniec stated that's fairly accurate, and now we're getting a better picture of the number of employees that will be there.

Ferro stated one other comment on the site plan is that exterior lighting fixtures that are shown 24 feet above the pavement end up being about 10 feet higher above the level of Ada Drive, and with one light pole at the far left end of that lot it ends up being real high above the adjacent public road and the property across the street. He asked if the pole heights could be lowered given the fact this site is nine feet above the adjacent road. Ferro stated zoning standards for parking lot lighting say the limit for parking lot lighting within or adjacent to residential zoning district or use is 20 feet.

Hoyt stated they are not in yet, so it can be adjusted. He stated one thing he clarified with the electrician was they did want additional parking lot light fixtures to match the lighting in the main parking area.

Ferro stated that the lighting specified on the site plan for the secondary parking area does not match the lighting in the main lot. He also stated also that the 750 watt metal halide specification seems like a very high illumination level. Hoyt stated he talked to the electrician about that as well to see if that can be reduced. Korth stated he would think you would be going with LED in this day and age. Hoyt stated that is probably a good idea.

Ferro stated he also recommended in his staff report that there be some type of pedestrian connection between this parking lot and the sidewalk, is this something you can achieve.

Butterfield asked why that is necessary versus green space or plantings.

Ferro stated if someone came to the village after work it would allow them to walk back up the hill and get to their car without having to go all the way back up to the building sidewalk, and then come all the way down to their car in that parking lot.

Rosloniec stated we prefer the more natural buffer there, keeping the slope and not having that connection, and also keeping Mars a private lot so it doesn't appear to be a public area, which of course it's not. He stated we're willing to go with the planning commission's recommendation on that.

Korth asked what the actual zoning is of the 640 Ada Dr. property. Ferro stated it is Village Residential, with the form base code overlay as an option.

Korth raised the question whether we want to take a village residential lot and turn it into a parking lot.

Ferro stated it's supporting the adjacent use, it's expanding the original development site, as an extension of the already approved development plan it's simply expanding the area that's subject to that development plan.

Korth stated but the intent of that zoning district and that piece of land is to have a house on it, and if we were talking about taking a house down on Bronson Street and turning it into a parking lot, I can tell you it would be a very different discussion than we're having right now. Ferro stated we don't have a house

on this lot. Korth stated we had a house until they tore it down. Ferro stated that was a number of years ago by a different owner.

Rosloniec stated when we were in the original process of working on this building, he thought there was a concept that this building might be sort of a gateway into Ada, and that there may be more future development between this building and the train tracks.

Korth questioned where the parking would go in the future if the site is redeveloped.

Pulaski stated we'll have to work on that in time. He stated since the applicant owns the property down to the train tracks, it may be possible to place buildings in front with the parking behind.

Korth stated he would be interested a little more about what the plan is as opposed to coming in when the building is not even complete and asking for about a 40 percent increase in paved surface area on the project. Korth stated it's very abnormal for parking to be added to a project before it is even demonstrated overtly that the parking is needed.

Pulaski stated that the need for the added parking has been demonstrated. He stated we actually have a number of employees that are slated to be at the building and now we need parking spaces.

Korth stated we as a community are trying to create a framework where the whole community is not a parking lot, but for you to ask us to take additional green space that's zoned residential that had a house on it in the last few years and turn it into a parking lot is diametrically opposed to everything we're trying to accomplish. He stated had he known when we were working on the original plan that the applicant had this kind of parking load, we would have been looking at a lot different plan, such as a garage in the hillside. Korth stated he is not at all supportive of this at this point. He stated he would much rather see added parking hidden behind the building, rather than adding it to a real important piece of land along Ada Dr. as a long-term possibility.

Discussion occurred regarding alternative locations for additional parking in the vicinity of the building, including the possibility of the applicant initiating action to have Mars Ave. abandoned as a public street. Hoyt stated this has been considered as a possibility, but the legal process has not been initiated.

Korth proposed that the Commission to table this at this point. Butterfield she would like to have clear direction provided to the applicant as part of any postponement, so that the applicant knows what is needed and required for us to make a decision next month. Korth stated we should ask the applicant to pursue other alternatives to show different workable plans that they can implement that don't necessarily take a perfectly good buildable piece of land essentially on our main street and turn it into a parking lot.

Rhoades asked if they could show us other plans on the opposite side of Mars Ave. as well.

Commission members discussed the possibility of approving a temporary gravel parking lot for the winter, pending consideration of other alternatives for a permanent solution.

Korth suggested the applicant find a way to create 15 parking places on site within the confines of your existing boundary.

Jacobs asked when the lease was signed with the travel agent, and who the other tenants are.

Hoyt stated it hasn't been signed yet, that it is probably a week away, and we're certain the travel agency is coming, and the other one is the developer of the project, and there's a third tenant we're very close with, too. Jacobs asked what kind of business that is. Hoyt stated the use would be office.

Jacobs asked what caused the need for added parking, if there was an analysis of parking needs that was originally made.

Ferro stated the original parking space number was not premised on any committed residential use, other than the owner's residential unit. He stated it was recognized that the building could be used for residential, some live-work, and some office, but there was never an assumed mix. Ferro stated the analysis that he did, which was premised on all office use, was 31 spaces, which was obviously low. He stated he believes the travel agent does have a high number of people per square foot, so it has a higher demand for parking per square foot than typical office space does.

Following discussion, it was moved by Lunn, supported by Butterfield, to postpone further discussion and action on this until November 1st at 6:30 p.m. in a special meeting.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Re-Consideration of Recommendation to Township Board Regarding Boards and Commissions Term Limit Policy

Ferro stated the Commission needs to re-consider its previous recommendation regarding a change in the policy concerning term limits of members. He stated this is due to provisions of the Planning Enabling Act which state that "terms shall be for three years." Ferro pointed out that the Commission's previous recommendation that for any member who has served 15 or more consecutive years, any new terms for that person thereafter shall be one year terms, would conflict with the statute.

Following discussion, it was moved by Jacobs, supported by Lunn, to recommend to the Township Board that there be no term limits for Planning Commission and Zoning Board of Appeals members.

Motion passed unanimously.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Lowry, seconded by Lunn, to adjourn the meeting at 9:30 p.m. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr