

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE NOVEMBER 20, 2008 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, November 20, 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**

Korth stated the Commission is short two members at tonight's meeting -- Susan Burton has taken office as Township Clerk, and is no longer on the Commission. Regarding Commissioner Sytsma, as a result of the Township Board's postponement of action on appointments, her term has expired, so technically there is no liaison at this time. Korth stated there is a quorum, so the meeting can go forward.

Hoeks called the roll. Present: Chairperson Korth, Commissioners Butterfield, Gutierrez, Hoeks, and Lowry. Also present: Planning Director Ferro.

**III. APPROVAL OF AGENDA**

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

**IV. APPROVAL OF MINUTES OF THE OCTOBER 16, OCTOBER 23 AND OCTOBER 30 MEETINGS**

Motion by Hoeks, second by Gutierrez, to approve the October 16, October 23 and October 30, 2008 meeting minutes as presented. Motion passed unanimously.

**V. PUBLIC HEARINGS**

**1. Request for Special Use Permit for a 2,000 Square Foot Accessory Building in the Rural Residential Zoning District, 5355 East Fulton St. (Parcel No. 41-15-30-226-012), Jamie and Susan Foote**

Dave Morren of Insignia Homes presented the request on behalf of Jamie and Susan Foote. The request is to build a 40' x 50' detached accessory building with a side wall height of 15 feet on an adjacent parcel they own. The building would be used for storage, and would substitute for their existing storage building, which is being converted to a recreation building associated with their swimming pool.

(Commissioner Butterfield joined the meeting at this point -- at 7:36 p.m.)

The public hearing was opened, with no comments being made. The hearing was then closed.

Hoeks asked if the house to the north and east would have a view of this structure. Morren stated there will be no view in the summertime, but in the winter the building might be visible through the trees from the side of the neighboring house. Korth suggested a condition could be to require additional evergreen screening between the building and the neighbor's home. A question was asked whether the building would have exterior lighting. Morren stated they intend to have recessed soffit lighting above the garage doors.

It was moved by Hoeks, and seconded by Lowry, to approve Jamie and Susan Foote's request for special use permit for a 2,000 square foot accessory building in the Rural Residential Zoning District, at 5355 East Fulton St. (Parcel No. 41-15-30-226-012), subject to the following two conditions:

- (1) The two parcels in question (41-15-30-226-012 and 013) must be combined before a permit for an accessory building is issued.
- (2) Evergreen plantings shall be put on the North and East side facing the closest neighbor, subject to Township Planner review.

Motion passed unanimously.

**2. Request for Rezoning from R-3 - Single Family Residential District to PO/PUD – Professional Office/Planned Unit Development District; Preliminary PUD Plan for a 38,800 Square Foot Medical Office Building and a 6-Unit Adult Foster Care Home, 5018 and 5038 Cascade Rd, Parcel No. 41-15-31-376-001 and 002, Cascade 5038 LLC**

Dan Hendrickson of True North Architecture presented the request for rezoning and PUD Plan approval. He noted he represents Brian Sikma and is the founder of Olivia's Gift. He stated they are making significant progress on capital and operational funding and are getting a lot of positive support on the site location. Korth asked what the material changes are from the plan presented last month. Steve Witte of Nederveld Associates spoke regarding the changes to the plan. He noted the layout and concept are similar to the last plan. There are changes to the buffer from the wetland and from the neighbors located to the west. Witte next explained the deviations from the zoning proposed which include the office building front setback, the location of the patio and sidewalk in the riparian transitional zone, and the building height related to the office building. They have also rotated the office building slightly so that it is parallel to the buildings to the east. He stated he met with the Road Commission and they are very supportive of the proposed plan, which improves one existing driveway, and eliminates one existing driveway.

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

1. John Logan, 1084 Huckleberry Lane, stated he is concerned over maintaining the greenery along the west property line. He would also like to see a fence erected to provide visual screening. He also stated he was concerned with lighting impacts, and believes that parking lot lighting should be shielded. He asked about the location of the dumpster. It was noted the plan has already been revised to move the trash containers away from the west property line. He also asked where the water runoff will flow to. (Korth stated there is a retention area that will be discussed below.)
2. Tom Vandenbosch, 5020 Luxenburg, stated his main concern is the access to the site and concern for the children's safety. He would recommend there be limited access. He spoke about eliminating the common path that is currently being used by bikers and runners.
3. Michelle Sytsma, 7365 Bronson Street, stated she would suggest reducing the number of medical office parking spaces by approximately 10. She also suggested shifting the parking on Olivia's Gift site to move it further away from the wetland area.

The public hearing was closed.

Korth spoke about the proposed height of the office building exceeding the 30 foot office district height limit. He stated he is reluctant to approve this without having any information about the architectural character of the building. Ferro noted that one of the recommended conditions of approval requires that the office building have design elements that mimic residential design. He took this from discussion and statements by the applicant at a previous meeting. Hendrickson stated the style would be residential in architecture. Ferro commented on his proposed conditions regarding maximum height of the office building, noting he would like to add the language, "or 35 feet from the grade at the front side of the building facing Cascade Road, whichever is less." The most important visual relationship is the view

facing the road frontage.

Korth talked about his concerns over the parking and the building in relation to the neighbors' homes. He believes this plan needs to be refined more before he would be ready to vote on it. Ferro stated the normal PUD process does not require submittal of elevation sketches at the preliminary PUD stage. This is a two step process. The preliminary approval does lock in the zoning, including building envelope, size and height. Korth reiterated that he is not comfortable with this plan at this point. Ferro stated one suggestion would be to separate the zoning approval for the two portions of the property. Witte agreed that all of the details will need to be worked out. Korth suggested they present some elevations so the Commission can understand what is going to potentially be the largest building on the site and to get a visual from the neighboring homes. Butterfield asked if it would be possible to put the maximum height aside at this point and go back to it after the elevations are presented. Ferro stated the preliminary approval needs to identify what deviations from the normal zoning requirements are permitted. It was discussed that it could be brought before the Commission later as a revised preliminary PUD to change the height.

Ferro spoke about the requirement for phasing of the parking, wherein initially-installed office building parking shall not exceed 124 parking spaces.

Motion by Butterfield, second by Lowry, to approve the request for rezoning from R-3 - Single Family Residential District to PO/PUD – Professional Office/Planned Unit Development District and Preliminary PUD plan for a 38,800 square foot medical office building and a 6-unit adult foster care home, at 5018 and 5038 Cascade Rd (Parcel Nos. 41-15-31-376-001 and 002), for Cascade 5038 LLC, subject to the following conditions:

- a. The PUD shall consist of 2 lots, one of which will be occupied by a 6-unit adult foster care condominium building of 7,500 gross square feet, and one of which is to be occupied by a 3-level, 38,800 gross square foot office building, substantially as shown on the plans titled "Cascade Trail, Phase II," Sheets 1-3, with a revision date of 11-19-08.
- b. It is acknowledged that the building footprint for the office building as shown on the Preliminary PUD Plan is subject to change, provided that it shall fall within the allowable building setback limits as shown on the PUD Plan, and shall not exceed 38,800 gross square feet in floor area.
- c. The office building shall have a maximum height of 30 feet, measured as specified in the zoning regulations.
- d. Allowable uses in the office building shall be limited to those uses permitted in the Professional Office district.
- e. A signed cross-access agreement with the adjoining property owner to the east, authorizing the shared use of the existing driveway to the east of the PUD site, shall be submitted to the Township prior to issuance of a building permit.
- f. The installation of parking serving the office building shall be phased, with the initial parking construction not to exceed 124 spaces, excluding parking under the building.
- g. The Final PUD Plan for the office building shall incorporate the following additions to the plan:
  1. The floor plan of the office building shall incorporate a building entry on the north side of the building (facing Cascade Road), and a sidewalk connection from the existing sidewalk in the Cascade Rd. right-of-way to this entrance to the building.

2. Plans for maintaining the existing vegetation along the west property line shall be provided.
  3. Plans for installation of solid screen fencing along the west property line adjoining residentially-zoned property.
  4. Plans for a pedestrian foot trail through the site between the Olde Rhoades Meadows development and the property to the east shall be provided, taking into consideration neighborhood input.
- h. The architectural design of the office building shall provide a building form and materials that mimic elements of residential building design, such as, by way of example only, pitched roof, dormers, exterior façade cladding that mimics wood siding, double-hung or casement windows with vertical orientation. Plans submitted shall include depiction of the relationship between the proposed building and the nearest residence, including existing conditions..

Motion passed unanimously.

**3. Proposed Zoning Ordinance Text Amendments, Repeal of Miscellaneous Provisions Regarding Storage of Commercial and Recreational Vehicles, Proposed by Ada Township Planning Commission**

Ferro presented the amendments and passed out two different draft ordinances. He noted the first removes some current language from the zoning rules. The second ordinance modifies the regulations concerning storage of commercial and recreational vehicles, adds some language pertaining to storage and screening of household refuse containers in residential districts, and addresses parking of vehicles in front lawns. The rules concerning parking and storage of recreational vehicles have been changed to specify storage in the front lawn for 72 hours. Ferro spoke about the wording for screening of recreational vehicles – any unscreened storage is prohibited with the new language. Currently there is only a size limit on storage of commercial vehicles. The language now states that no more than one commercial vehicle can be stored on residential property. There is one other standard stating commercial vehicles cannot be parked on a vacant lot. There is also new language regarding storage of household refuse containers and screening.

A public hearing was opened on items 3 and 4:

1. Michelle Sytsma stated they have been dealing with this property maintenance code well over a year and she feels these two items need to be addressed as one.

The public hearing was closed.

Motion by Hoeks, second by Lowry, to recommend that the Township Board adopt the Zoning Ordinance Amendment deleting language concerning commercial vehicle storage and recreational vehicle storage, and that the Board include the proposed new regulations governing such activities in the new property maintenance regulations.

Motion passed unanimously.

**4. Advisory Hearing on Adoption of International Property Maintenance Code, 2003 Edition, and Regulations Regarding Storage of Commercial Vehicles, Recreational and Utility Vehicles and Equipment on Residential Property, and Storage and Screening of Household Refuse Storage Containers on Residential Property**

Korth stated the Township has been working on this internally for over a year or so. Commissioners offered their comments on the proposed regulations.

Hoeks stated he would be supportive of this – it will be lightly handled and the means of enforcement are in place already.

Butterfield stated she would much rather have the neighbors work together, but feels this property maintenance code is very well written.

Lowry stated he is in favor of the zoning adjustments and the property maintenance code.

Gutierrez also believes it is well written and he is very much in support of this.

Korth pointed out there are a number of close-knit subdivisions in the community and upkeep and maintenance is key to protect the overall value of the community. He believes the timing is good and feels this is very important.

## **VI. UNFINISHED BUSINESS**

### **1. Special Use Permit, for 180-Foot Wireless Telecommunications Tower in the AG District, 1970 Pettis Ave., NE (Parcel No. 41-15-17-100-007), AT&T Wireless**

Marc Daneman gave a brief history of this application on behalf of AT&T. He commented on the two alternate resolutions which have been prepared for tonight's meeting. He said they are asking to put the tower up at this location because they cannot go to another location. The school district has made it clear to him that they are not interested. He noted this is not unharmonious to the neighborhood and wireless service is a critical infrastructure need. He said if they are required to do something other than a standard design, they would lose Centennial as a carrier. He also noted that they could possibly go with a pole height of 150', but not any lower in order to stay above the ridge height.

Ferro summarized the two resolutions – one for approval and one for denial, noting that both contain findings concerning the application and its conformity with standards for approval. Ferro stated he believes the Commission's concerns with the proposal are due in part to the nature of the terrain and vegetative cover in the vicinity of the tower site, rendering this location not compatible with the character of the surrounding area. Ferro presented topographical contour maps of the proposed tower site, along with similar maps of existing telecommunications tower sites in the Township. He noted that the proposed tower site lacks the steep nearby terrain and heavy woodland vegetative cover that are present in the vicinity of the existing wireless tower sites in the Township. Hoeks asked if there were any other meetings held with the school regarding this. Ferro stated not at this point, but they do intend to communicate with the school district to keep them apprised of developments regarding this application.

The following public comment was made:

1. Susan Burton, 7690 3 Mile Rd., commented that the Commission has worked very hard on this issue and has worked with Forest Hills Schools to try to come up with an alternative. She finds it hard to believe that there is no other alternative location. She asked about co-locating on the Michigan State Police Tower which is located near her property. Daneman stated it is not legally possible to use this tower.

Korth stated he was at the FHE high school site recently and was able to receive a call and connect to the internet there. He feels there is service out there provided by AT&T and he does not believe they are precluding AT&T from providing service in the area.

Motion by Hoeks, second by Gutierrez, to adopt the Resolution to deny AT&T Wireless' special use permit request for a 180-foot wireless telecommunications tower in the AG District at 1970 Pettis Ave., NE (Parcel No. 41-15-17-100-007). Motion passed unanimously

Korth stated that the applicant had asked the Commission to assist them in providing input regarding quality of service and input on broadening the search for possible locations. He believes there is a location out there that will likely suit AT&T's needs. Hoeks stated the property to the east of the water tower may be a possibility.

**2. Request for Amendment to Zoning Regulations, to Add Provisions for Heliports, Paradigm Design – Status Report from Subcommittee**

Hoeks presented a report from the subcommittee following its meeting. He stated they have received correspondence from legal counsel. A sound study was also submitted which contains a tremendous amount of data. He also stated they have tallied the written input received and concluded that 25 statements of support were received and 27 statements in opposition. Hoeks noted that the subcommittee plans to meet one final time prior to the December meeting. The fundamental issue continues to be that of proposed use of a heliport in residentially-zoned areas. The subcommittee will work on refining the provisional points.

Public input was taken as follow:

1. Roger Nicely, 3270 Hall Street, SE, stated he is very close to the site. He did a little research on his own through the internet. He believes heliports are a risk to the community. He went over some statistics he found from the National Transportation Safety Board, referring to a written summary that he presented to the Board, along with a large binder of materials related to helicopter safety..
2. Bob Stead, 6530 Ada Drive, stated he is opposed to the heliport ordinance and questioned enforcement measures regarding the unimproved property.
3. Michelle Sytsma spoke about how the Commission's job is to approve an ordinance, not a site-specific site. She stated she believes the site minimum should be 30 acres and the issue should be acreage, not zoning.

Korth spoke about the safety issues in regard to the comments made by Mr. Nicely. He is concerned that if the Commission dictates what is and is not safe, they are setting the Township up for a potential lawsuit if they are not restrictive enough. We need to go by the FAA regulations regarding safety. The ordinance can be broad as far as special use standards, with conditions and latitude. The goal for the Commission is to come back with a strong recommendation to the Township Board -- the more consensus this Board can have, the better it will be for the Board of Trustees to feel comfortable with what the Commission comes up with.

**VII. NEW BUSINESS**

**1. Review of Proposed Conservation Easement Donation to Ada Township, on Property at 3201 Egypt Valley Ave., NE**

Ferro stated that both this item and item 2 are being considered by the Open Space Advisory Board. The property owner is offering to donate a conservation easement on this property. The property involved is a 60-acre site located on the west side of Egypt Valley Avenue, north of 3 Mile Road. The easement would

establish permanent restrictions on the land labeled open space area. The owner plans to build his home on the property and is reserving an area that could be developed in the future, but he is proposing to restrict future development to no more than 10 sites, compared to about 17 sites that could be established under the current zoning.

Motion by Hoeks, second by Gutierrez, to recommend to the Open Space Advisory Board to pursue the proposed conservation easement on the Agrawal property located at 3201 Egypt Valley Avenue, N.E. Motion passed unanimously.

**2. Review of Proposed Conservation Easement Acquisition on Property at 2025 and 2200 Honey Creek Ave.**

This property is located on Honey Creek Avenue, north of 2 Mile Road, consisting of 70 acres on one side of the road and 33 acres on the other side of the road. In this case, the Open Space Advisory Board is considering whether to purchase a conservation easement. The restrictions would be no development except for 1 or 2 home sites on each side of the road.

Motion by Lowry, second by Butterfield, to recommend to the Open Space Advisory Board acceptance of the conservation easement acquisition on the VanderWarf property located at 2025 and 2200 Honey Creek Avenue. Motion passed unanimously.

**VIII. REPORTS FROM COMMISSION MEMBERS/STAFF**

None.

**IX. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

**X. ADJOURNMENT**

Motion by Gutierrez, second by Lowry, to adjourn the meeting at 10:30 p.m. Motion passed unanimously.

Respectfully submitted,

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Susan Burton  
Ada Township Clerk  
rs:lm