

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE NOVEMBER 20, 2014 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, November 20, 2014 at 7:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

**I. CALL TO ORDER**

Meeting was called to order by Commissioner Korth 7:00 p.m.

**II. ROLL CALL**

Present: Korth, Lowry, Jacobs, Lunn, Leisman, Butterfield

Absent: Easter

Staff Present: Planning Director Ferro.

**III. APPROVAL OF AGENDA**

Motion by Lowry, supported by Jacobs, to approve the Agenda.

Motion passed unanimously.

**IV. APPROVAL OF MINUTES OF SEPTEMBER 18, 2014 MEETING**

Motion by Butterfield, supported by Jacobs, to approve the minutes as presented.

Motion passed unanimously.

**V. PUBLIC HEARINGS**

**Site Plan Review, Single Family Site Condominium Development of 18 Condominium Lots and 1 Single Family Exception Parcel on 43.75 acres, 8295 and 8405 Bailey Dr. SE, Parcel No's 41-15-26-300-031 and 41-15-26-400-022, Revado Hills, LLC**

Mike Baker, Nederveld, thanked Commission members for visiting the site. He stated based on concerns expressed by Ferro regarding irregularly shaped lots and conformance with lot width standards, a revised plan has been prepared. He stated that revised storm water design calculations were prepared and provided to Steve Groenenboom, the Township's engineering consultant, to show there is not a detrimental impact downstream from the development. He stated the storm water ordinance criteria are met, and that final construction plans will provide additional details.

Ferro stated last month the Commission postponed action and scheduled a public hearing for this meeting. Ferro stated that on the revised plan, Unit 16 has a more rectangular shape, while maintaining 2 acres in area. He stated the plan revisions also include addition of the riparian "no-disturb zone" adjacent to the pond and the downstream drainage corridor.

Ferro stated he still has some concern with the ability to access a home on Unit 4 with a driveway access meeting our 10% grade limit. Ferro noted that the likely home site would take a 300 foot long driveway at a consistent 10% grade. He stated the concerns he had with driveway access to Lot 13 have been addressed by a change in the lot boundary between Unit 12 and 13. Ferro also noted that revisions were made prior to last month's meeting to the storm sewer layout parallel to Bailey Drive, to place it further from the road and maintain undisturbed vegetation between the road and storm sewer.

Korth asked if there had been any communications received.

Ferro stated no written communications have been received; three or four parties have come in to look at the site plans.

Korth opened the public hearing.

Dave Gorman, 8275 Bailey, expressed concern with the potential impact of the development on the small stream corridors that extend through his property and under his driveway. He is concerned with the potential for runoff during a heavy storm overwhelming the culverts under his driveway and washing out his driveway. He stated he talked with Brad Rottschafer about the possibility of increasing the tile size for all the properties along that valley as a means to capture whatever water accumulates there, and perhaps running it down to Bailey Creek.

Rick Hirt, 8608 Bailey Drive, stated he has four and one-half acres where the pond is, and I would just like to know more about what is going on with the property.

Korth closed the public hearing.

Korth asked Ferro to provide an overview of the Township's storm water management requirements and procedures.

Ferro stated the storm water ordinance is based on a county-wide model prepared by the drain commissioner's office in an effort to have some consistency across all communities. The ordinance divides the Township into three different zones with different performance standards for each zone. He noted that the proposed development is in the zone with the most stringent performance standard.

Ferro stated the ordinance establishes a maximum peak discharge rate that may be released from a development site during a storm event of an intensity that has a predicted one in twenty-five chance of occurring in any year, and that the peak discharge rate cannot exceed the pre-development rate. Ferro stated that the addition of impervious pavement and rooftops creates the need for management measures such as storm water detention to keep the discharge rate from exceeding the historical discharge rate.

Ferro added there is also a standard for peak discharge rate during a low intensity, 2-year storm event, that is intended to protect stream banks from the adverse bank scouring impacts of relatively frequently occurring storms.

Ferro stated there is also a requirement for the initial flush of storm water that comes off impervious areas to be totally retained and infiltrated into the ground to protect water quality in the small streams. He stated the concern exists with respect to storm events that exceed the designed storm event, and we've asked the applicant to look into the capacity of downstream created structures like the culverts under the driveway to insure that problems are not created in the downstream area during a storm event that exceeds the 25 year design standard in the ordinance.

Baker stated he did walk the downstream drainage course and did find exactly what Mr. Gorman described. There are a series of culverts that are 24 to 30 inch, and the one under Bailey is either 30 or 36 inch; and all of those are appropriate for either a 25 or 30 year storm event. Baker stated one of the drainage pipes under Mr. Gorman's driveways is a 12 inch diameter, and he could not determine the size of the second culvert with the standpipe. Baker stated he is sure that under existing conditions there are storm events that exceed the capacity of those existing pipes. He stated he would be surprised if they handle a 10-year event, so they are currently under-sized. He stated with the proposed development they will be managing the storm water and meeting the ordinance requirements.

Korth asked if the amount of water that can come off of this site is no more than currently coming off this site, during a 25-year storm event.

Ferro stated yes, the design storm that the no peak discharge increase applies to is a 25-year storm. He stated that we do have more intense storms than that, and that we have had a number of them in the past five years.

Ferro noted that Mr. Groenenboom stated in his original October 16 letter that we needed confirmation that there will be no adverse downstream impact from the flows off of the site, and that “before” and “after-development” flow calculations must be submitted. Ferro added that in his letter today, Groenenboom states that the revised calculations submitted address this comment from his previous letter, and that the calculations show that post-development runoff rates exiting the site are less than the existing rates from the site.

Ferro asked Baker if these projections are based on a 25-year storm event intensity.

Baker stated they actually are for the 100-year event. Baker stated that during a 100-year storm event intensity, they wouldn't be increasing the peak flow rate from the site.

Ferro stated there is a requirement in the storm water ordinance for a storm water permit and final design drawings to be submitted prior to construction of the storm water system, and the additional detail will be submitted prior to construction and would be required as a condition of approval. He stated it appears Mr. Baker's analysis is that the downstream structures are currently under-sized for existing conditions, and that seems to be verified by Mr. Gorman's experience in having his driveway over-topped on occasion, and it sounds like that condition would continue to exist in the future. Ferro stated the applicant is under no obligation to correct existing condition deficiencies downstream.

Korth stated so if it's designed in such a way that regardless of his current situation in a 100-year storm event it's never going to be worse than what he currently has.

Baker stated we can't exceed the peak. The duration may be longer, effectively creating more volume, but the peak rates can never be higher.

Leisman asked what the impact would be on the development if the Commission did not authorize having more than 15 units accessing from the private road.

Ferro stated the developer would have the following options: 1) decrease the number of units to 15; 2) modify the plan to install a second access or 3) have some of the lots with direct driveway access off Bailey Drive. Ferro stated that adding another road access to Bailey Dr. or having lots with driveway accesses to Bailey Dr. would have impacts on the natural, wooded corridor along Bailey Dr. He stated there may be some rationale for the Planning Commission to waive the 15 unit limit as provided in the ordinance language to avoid any adverse aesthetic impacts of having additional driveway accesses or a second private road access on Bailey Drive.

Ferro also pointed out that the site plan shows a street light at the private road entry, and the Planning Commission might want to consider whether or not there should be a street light there. He stated he is not aware of any existing entry lighting along that stretch of natural beauty road.

Butterfield asked if we would also want to prohibit illuminated signage. Ferro stated he has not discussed details of the proposed entry sign with the applicant. Butterfield asked if prohibiting lighting at the entry would create any safety or emergency response issues. Ferro stated he didn't believe there would be any issues created that would be any greater than any other unlit driveway or private road entry in the Township.

Ferro stated that to address his concerns about possible driveway access problems he has suggested that the Planning Commission make a finding and statement to the effect that the topographic conditions on several of the home sites may make it difficult to install driveway access in compliance with the zoning standards, and the Commission believes that any difficulty there may be is self-created by the developer in his design of the lot layout. That would thereby fail to satisfy the conditions for granting any zoning variances because one of the standards that the Zoning Board of Appeal uses in determining whether to approve a variance is whether the conditions creating the need for the variance are self-created. If they are self-created then the standard for granting a variance isn't met. The suggested finding goes on to state "in the event any future variance applications are submitted it's the intent of the Planning Commission that the position expressed in this finding be communicated to the Zoning Board of Appeals."

Mike Baker stated they did carry out driveway grade studies on several of the sites. He stated it is a steep site, and it will require some steeper drives, but they are comfortable they can achieve a 10% grade.

Baker stated each lot will have to be studied architecturally, and what can be done with the home itself, and look at the individual tree locations to try to cut the driveway in so its impact is as little as possible.

Ferro stated all of the other conditions of approval suggested are fairly routine, pertaining to submitting final road construction plans for a private road permit; final storm water plans for a storm water permit; driveway access permit from the Kent County Road Commission; a condition that utilities must be under ground, which is already a requirement in the Zoning Rules; a requirement that the private road be completed or a financial guarantee provided to the Township prior to the issuance of building permits.

Ferro stated he also recommended a condition that the street light adjacent to the entry be deleted from the plan.

Korth asked whether the applicant had any objection to a lighting restriction. Brad Rottschafer, Mosaic Properties, stated he would like to be able to use some low voltage landscape lighting.

Butterfield stated she prefers having all of the lots accessed from the private drive. Butterfield asked if the easement drive that provides access to the exception parcel was going to be left unimproved.

Ferro stated he doesn't know if there's any type of shared maintenance agreement among the property owners that currently use that shared driveway or not. He stated from our standpoint the number of home owners using that drive isn't being changed.

Butterfield asked if there is a reason to exclude the piece of pie on Lot 16 from around the pond.

Ferro stated that triangle has been taken care of in the revised lot layout.

Butterfield asked in the future what remedial, if any, action can be taken by the Township in the event that the runoff volumes do not comply with our requirements.

Ferro stated the design will determine whether the requirements of the ordinance are satisfied. We have no control over what kind of future storm events we might have. A 25-year event is a certain amount of rainfall over so many hours, and the design calculations document whether the discharge rate from a certain size pipe will handle that intensity of a storm event.

Korth stated to put the question another way, when we measure what's being discharged and it exceeds the projections, what is the mechanism to force the developer to go back and retrofit it because the people downstream have a problem.

Ferro stated there are some assumptions in the design concerning what the existing discharge rate is based on soil type and slope, but no one has gone out there and measured what the flow rate is that comes off the site during a storm event of a given intensity. So that's based on assumptions the engineers have to agree on. If there is a future storm event that causes downstream damage, I don't know whether we have any recourse or whether it's a civil matter between property owners.

Lunn asked if the storm water design is based off the soils map or is it based off actual soil borings.

Ferro stated the applicant has done some hand borings there, and I'm sure has looked at the county soil mapping, which shows that the predominant soil type is highly permeable.

Lunn stated the unseen problem with that is when they assume one soil type and infiltration rate, and it's actually significantly different.

Korth asked whether, given that there will be septic systems, have soil studies been performed by the applicant.

Baker stated they have done a few soil borings, and will likely be doing more in the future for the Health Department.

Lunn asked what the plan is for the old drive that runs through the property – will the existing pavement be removed?

Rottschafer stated most of it is very deteriorated, and they would probably remove it during home construction.

Lunn stated so if we make that a condition that the unused drive be removed that would not be a problem.

Rottschafer stated they would have no problem if it is tied to home construction on each lot.

Leisman asked what size range is anticipated for the homes.

Rottschafer stated homes would likely be smaller than what was built in his earlier development – Darby Farms. He stated he anticipates home in a range from 2,700 to 3,700 square feet.

Leisman stated he appreciates the revisions made to the lot layout to correct the irregular-shaped lots.

In response to Butterfield's earlier question regarding the Township's options in the event there are storm water issues in the future, Ferro stated there is language in the storm water ordinance that says "a discharger of storm water runoff shall provide and operate equipment or devices for monitoring of storm water runoff so as to provide for inspection, sampling, and flow measurement to a water body, when directed in writing to do so by the Township. The Township may require a discharger provide and operate such equipment if it is necessary or appropriate in order to determine whether adverse effects from or as a result of such discharges may occur."

Further, he stated "the Township may inspect and/or obtain storm water samples from storm water runoff facilities to determine compliance with the requirements of this article. The Township or its properly identified representative may place on the dischargers property equipment or devices used for such sampling or inspection."

Leisman stated he did not necessarily share Ferro's concern regarding the possibility of driveway grade variance applications being submitted on individual lots.

Korth stated if someone is going to want to live in one of these houses they need to understand what they're buying. He agrees with Leisman that condition number 7 shouldn't be in there. He stated he would leave it up to the owners to decide if they need to come to the Board of Appeals. He stated he doesn't think we should throw stones in the path by saying that it's a self-created problem because they are already dealing with a very complicated, beautiful piece of land.

Ferro stated another one of the reasons for our private road standards and the 10% grade limit is not just the owners dealing with the driveway, but emergency response vehicles as well.

Jacobs asked if the 10% grading is tied in any way to the emergency vehicle issue with respect to the homeowners ability to get insurance.

Ferro stated he doesn't believe that driveway grade has any bearing on insurance premiums, and that those are based primarily on availability of public water and fire hydrants and distance from a fire station.

Moved by Leisman, supported by Lunn, to approve the site plan subject to the following conditions:

1. The Commission hereby determines that the criteria for approving a private road cul-de-sac accessing more than 15 dwelling units are satisfied, and that the construction of a second access to Bailey Drive would be detrimental to the desired character of the road corridor and its "Natural Beauty Road" designation.
2. Prior to construction of the private road, the following requirements shall be satisfied:
  - a. a private road construction permit application and final construction drawings shall be submitted to the Township for review and approval.
  - b. a driveway access permit shall be issued by the Kent County Road Commission.
  - c. a stormwater permit application and final construction drawings for the storm water management system shall be submitted to the Township for review and approval.
3. Prior to installation of the storm sewer and storm water detention area adjacent to Bailey Drive, a landscape restoration plan shall be submitted for review and approval by the Planning Director, and the restoration plans shall be carried out as part of the storm water management system installation.
4. The street light shown at the private street entry adjacent to Bailey Dr. shall be deleted from the plan, and any illuminated signage along Bailey Dr. shall be subject to approval by the Planning Director.
5. The private roads shall either be completed, or a financial guarantee equal to the cost of construction deposited with the Township, prior to issuance of any building permits for each phase of the development.
6. Electrical service, telephone service and other private utilities serving the condominium shall be placed underground.
7. Design of storm water facilities shall be subject to approval of the Township engineer, and shall address the items stated in the engineer's letters of October 16, 2014 and November 20, 2014.
8. The existing driveway pavement that will no longer be used shall be removed and the area restored to a natural condition.

Motion passed unanimously.

## **VI. UNFINISHED BUSINESS**

None.

## **VII. NEW BUSINESS**

None.

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

### **Update on Village Plan Implementation**

Ferro stated a meeting was held this week with The Community Church leadership regarding steps needed to implement shared parking between the church and adjacent properties. Meetings with additional property owners are also needed.

Korth asked Ferro whether there were plans for Amway to make a presentation to the Township Board regarding the proposed Envision Ada nonprofit organization. Ferro stated there is nothing scheduled at this time, and he has heard that the role of the organization may be scaled back from the initial concept that was presented to the DDA Board.

Korth stated at the last DDA Board meeting the Envision Ada project was discussed at length. Korth stated that the role of a potential new organization was discussed. He stated that Amway's proposal to create some type of review process to screen development proposals before they are submitted for zoning approval would be limited to properties they own and control, and would be a useful process. He stated the role of the organization in creating special events and marketing the Village is an overall community function.

Ferro stated he believes there is a need for some overall coordination for all of the different organizations that sponsor events in the village to collectively develop more events for the village. If a nonprofit Envision Ada organization isn't created to fill this role, it could be carried out by the DDA.

## **IX. PUBLIC COMMENT**

None.

## **X. ADJOURNMENT**

Motion by Lunn, supported by Easter, to adjourn the meeting at 8:22 p.m.

Motion passed unanimously.

Respectfully submitted,

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Susan Burton, Township Clerk

SB/dr