

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE DECEMBER 19, 2013 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, December 19, 2013 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 Chairperson Korth at 7:00 p.m.

**II. ROLL CALL**

Present: Chairperson Korth, Commissioners Lunn, Leisman, Jacobs, Lowry, Butterfield, Easter, and Planning Director Ferro.

**III. APPROVAL OF AGENDA**

Motion by Jacobs, supported by Lowry, to approve the Agenda as presented. Motion passed unanimously.

**IV. APPROVAL OF MINUTES OF NOVEMBER 19, 2013 MEETING**

Motion by Easter, supported by Jacobs, to approve the Minutes of November 19, 2013. Motion passed unanimously.

**V. PUBLIC HEARING:**

None.

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

**Final PUD Plan, 15,000 SF Medical Office Bldg, 5030 Cascade Rd., Parcel No. 41-15-31-376-015, Retina Specialists of Michigan**

Mike Baker, Nederveld Inc. presented the proposed plan on behalf of Retina Specialists of Michigan. Baker noted that the owners, Dr. Tom Aaberg and Dr. Scott Westhouse were present. Baker stated they propose to build a one-story 15,500 square foot office building with associated parking on the final site in the Cascade Trails PUD. He stated the medical practice is planning to occupy the greater portion of the building, with some space leased to a tenant until the medical practice is ready to expand in the future.

Jim Ferro, Planning Director, stated the preliminary PUD for this site was approved in late 2011. He stated the 2011 approval resolution passed by the Township Board contains some conditions of approval that relate to the final PUD submittal for this third site. Ferro stated these include a condition that stated the building footprint for this building shall not exceed 15,370 square feet. Ferro stated the total square footage and height of the building have been reduced significantly from the square footage and height that was shown in the 2011 preliminary plan. It was originally conceived to be a two-story building with a total square footage of 30,740 square feet.

Ferro stated the site has office uses on either side of the Cascade Road frontage, but the west property boundary also adjoins several single family residential homes in the Olde Rhoades Meadows development. He noted the site slopes away from the road as shown on the grading plan, and the main

floor level of the building is set below Cascade Road. He noted the building at the west end of the site sits about 10 feet below Cascade Road and at the east end of the site it's about 5 feet below the grade of the road. Ferro stated the site is served by existing driveways that were built to meet Kent County Road Commission requirements at the time of construction of the second building in the PUD, so there are no driveway improvements proposed or needed at this time.

Ferro stated from a building placement and setback standpoint the building complies with all of the normal requirements of the Professional Office district. There are no variations proposed in the plan from what is normally required if this were not a PUD. Ferro stated even though the building is much smaller in square footage and height from what was proposed originally, he does not believe this change is out of conformance with the preliminary PUD plan approval.

Ferro stated the approval from 2011 contains some requirements for the final PUD submittal, and those include that the building shall have an entry on the north side of the building facing Cascade Road with a sidewalk connection from the existing sidewalk along Cascade Road to that entrance. Ferro noted that the plan layout shows a front entrance at the far west end of the building, with a meandering sidewalk connection from the Cascade Road sidewalk that's basically working its way up the slope between the building entrance and the elevation of the sidewalk up at the top of the hill.

Ferro stated the 2011 approval conditions state that the Final PUD submittal for this site must include plans for maintaining the existing vegetation along the west property line. In addition, the conditions state that the architectural design of the building on this site shall mimic elements of residential building design, through use of, "by way of example only, pitched roof, dormers, exterior façade cladding that mimics wood siding, double-hung or casement windows with vertical orientation." He noted that the conditions also require that the Final PUD Plan submittal include "depiction of the relationship between the proposed building and the nearest residence, including existing conditions."

Ferro stated the elevation sketches that were submitted show a pitched roof with four dormers that face the Cascade Road frontage; it has horizontal siding; it has more of a horizontal window orientation than vertical, but given the use of the building he doesn't see that as a big issue. Ferro stated a cross-section has been submitted which shows a profile of the proposed building in relation to the nearest residence to the west. It demonstrates that the roof line of the proposed building is at a lower elevation than what is found on the two-story homes located to the west. Given the elevation below the road that the building is placed at and the fact that it is only one-story, it has much less mass than was earlier anticipated when the preliminary plan was submitted.

Ferro stated there is a fair amount of vegetation along the west property boundary that provides fairly good screening of the site from the west. One of the neighbors submitted some photos taken from his house, which does demonstrate that there is some visibility through that vegetation of the area along the driveway, and apparently today there was a large number of cars on the site and they were parking along the driveway, so there was an overflow of vehicles on the site.

Ferro stated the site plan shows initial construction of the two main parking lots with 50 plus spaces and an additional 28 spaces that are shown as potential future added parking that would be installed between the access drive and the west property line at a later date if needed. Ferro stated if those spaces are built, there could potentially be headlight glare issues on those homes to the west. Ferro stated one way to address that would be a solid fence. Ferro stated that the construction of the deferred parking could either be authorized in the initial approval of the plan, subject to additional screening requirements, or the approval could be withheld at this time, and be required to be brought back later as a revision to the plan for review and approval by the planning commission, with additional screening requirements determined at that time.

Ferro stated the site is served by both public water and sewer, with both mains on the south side of Cascade Road. The site is already served by storm water pre-treatment and detention facilities that were reviewed as part of the original PUD approval, so no additional work is needed. Storm water runoff from the site will be conveyed by a new storm sewer to tie into the existing system that is already in the PUD. The refuse receptacle, which is surrounded by an enclosure, is located on the east side of the site, furthest from the residential use to the west, and next to the refuse container is also a back-up power generator.

Ferro stated the landscape plan submitted does a pretty good job of providing attractive landscaping across the road frontage, around the building perimeter, and within the parking lot. He stated one exception is that the canopy trees proposed in some of the islands around the parking lot are a fairly narrow columnar maple variety that doesn't fully meet the intent of our internal parking lot landscape standards to provide shade over pavement. A fuller canopy tree variety would be called for in that area to truly be called a canopy tree. Ferro stated his recommended conditions of approval include changing the number of those trees from 7 to 10, based on the numerical formula in the zoning rules. In a couple of those islands, flowering dogwoods are proposed that are definitely not a canopy tree and should be something else. He stated the sizes of plant materials all meet our ordinance standards.

Ferro commented that the location of mechanical equipment for the building should be addressed, and that it should be located furthest from the residential neighborhood. He stated there are four proposed exterior light poles in the parking lot using LED lamps, and as required by our zoning rules for sites next to residential use they are at a mounting height of 20 feet.

Ferro also noted the plan identifies a proposed freestanding sign, with a note stating it will conform with the zoning regulations. Ferro stated that the sign rules treat the entire 3 parcel PUD as a business center, and a business center is only permitted one free-standing sign. Ferro stated the other two users in the PUD should be given an opportunity to come to some agreement with the owner of this site on possibly having all three uses in the PUD identified on a business center sign. He stated he has suggested a condition of approval in his staff report that addresses that.

Leisman asked if there are any signs on the building proposed.

Ferro stated the sign rules permit one wall sign per tenant, in addition to one free-standing sign for the entire business center.

Ferro noted that the notes on the plan also state that the building could possibly be reduced in size to no less than 14,000 square feet, pending final design, and they would like to have that flexibility. There may also be minor adjustments to the building dimensions, the locations of the dormers might shift slightly, and there could be a change in number or location of windows that would increase but not decrease the amount of glass. This flexibility is also sought in the approval. Ferro stated there is language in the PUD rules that allow certain types of minor changes to an approved final PUD plan to be approved by staff without review by the planning commission within certain limits, and one of those limits states that the gross floor area of buildings may be reduced or increased by no more than five percent. Ferro stated any decrease in the size of the building would need to be within the 5% allowance in order to be eligible for administrative approval.

Ferro stated though there is no public hearing required for a final PUD plan since we had a public hearing at the preliminary PUD level, there may be some neighbors here who might want to make some comments. Ferro noted he received one written comment from a neighbor, which was distributed to the Commission members.

Ferro stated he is recommending approval of the plan subject to five conditions as noted in his staff report.

Ferro noted that the applicant made a correction to the plans to note that there are 84 total parking spaces, rather than 83. In addition, building height data has also been added to the plan notes, reflecting a roof peak height of 20 feet above grade on the north side of the building, and 25 feet above grade at the rear. Ferro added that the revised grading plan now shows the minor grade changes that would be required if the additional 28 parking spaces head-in off the driveway were installed, and the grading limits are no more than five feet beyond the edge of the pavement, so it wouldn't substantially affect the vegetation along the west property boundary.

Ferro suggested the Commission may wish to consider adding a sixth condition regarding addition of screen fencing along the west property boundary.

Korth asked if our past practice was to approve potential future expansion parking at the time of original plan approval. Ferro stated yes, we have approved plans before where potential expansion was at the applicants' discretion and there was no further review by the Commission.

Lunn asked if that approval runs out after a year like the other ones.

Ferro stated no, not if they've substantially completed the rest of the project.

Korth asked if any members of the public wanted to speak about this application.

John Logan, 1084 Huckleberry Lane, stated he is speaking on his and his neighbors behalf. He stated there is a need for additional visual screening along the west property boundary. He stated in the past, the church that was there was kind enough to plant a bunch of pine trees that recently provided decent screening. The three trees behind his property all died of disease and it is now wide open. Logan stated he urges the Commission to require some form of a fence that goes from the existing fence down to the playground part of the day care center. He stated a screen is needed so they don't see those cars all the time.

There was no further public comment.

Lowry asked if the applicant has considered soils in relation to the proposed basement, and the need to avoid water problems.

Baker stated the soils are a sandy, silty mix. He stated prior to construction they would have a geotechnical study done, including soil borings, to determine whether the water table comes up into that elevation. He stated that is definitely something we're going to consider in the design of the building.

Lowry stated with a standard building you have to have a sump pump if you have clay soil. He asked whether that is what they are finding with this building.

Baker stated he doesn't know if that's a requirement; they will know that better after the geotechnical study. That would be done as a part of the building design anyway for the foundation design.

Lowry asked what type of small vehicles would use the ramp and overhead door to the basement.

Baker stated he believes the intent there is for a lawn tractor, something like that.

Butterfield asked where the generator would be located.

Baker stated the generator is next to the dumpster enclosure, and would also have some screening that would be on grade.

Korth stated we've seen three variations of buildings on this site over the last six or seven years and each time we see a new plan the building gets smaller. He stated as we work to grapple with issues about urban sprawl, inefficient land use is something he believes we should be aware of. He stated that he is in support of this project, but this is a conceptual concern he has.

Korth asked Commission members what their reaction would be from a straw poll perspective to reducing the building setback to 10 feet, to create an additional 30 feet of usable depth of land on the site.

Butterfield stated she liked the idea, as it could eliminate the need for the head-in parking adjacent to the west property boundary.

Leisman stated the nice thing about the way the Beltline developed is that the buildings were pushed back and there is an attractive green space along the road frontage on a major thoroughfare. He prefers that approach along the corridor.

Lowry stated the growing trend is what you're talking about. The growing trend is to build them closer together. He stated we can't spread out like we once did.

Easter stated she agrees with the idea, but she also likes the expansive feel of the Cascade Rd. corridor.

Commission members discussed whether fencing to tie into the fence at the rear of the day care center should be required.

Ferro stated there is a property boundary at the north side of the daycare parking lot, and we can't require this applicant to construct a fence on the adjoining property.

Ferro stated he has talked to the owner of the daycare center property about whether he would consider adding some screening along the west side of his building to screen the air handling units located on the west side of that building. He stated if that over-flow parking is installed, particularly during this time of the year when it's dark early, just by virtue of headlights alone he thinks there should be a fence along that property boundary.

Baker stated if we're going to talk about a fence, we want to define the extent of what we're talking about because there are some existing fences there.

Ferro stated there is an existing fence on the front residential lot that's the northern most residential lot in Olde Rhoades Meadows. I heard from one of the neighbors he believes there should be a fence.

Butterfield asked if one of the standards is the type of fencing that can be put between commercial and residential areas.

Ferro stated we have two fences in the vicinity, one is the fence Mr. Logan referred to on his neighbor's property, and there's also a wood fence around the outdoor play area at the daycare center which is a typical vertical dog-eared fence. It's a solid six foot fence.

Korth asked if there is a way for us to still make a condition that the applicant would pay for that section that is not controlled by the applicant, assuming that the owner would want it.

Ferro stated I don't think you could do that, it's an off-site improvement.

Baker asked if it is pertinent that there was no fence shown on the approved Preliminary PUD. Baker stated the applicant would prefer not to do the fence based on the existing buffer; He stated the applicant's position is that there is adequate screening there.

Lunn asked if this was a county storm system coming off Cascade Road.

Baker stated there are two storm systems, there is a pipe that comes from Cascade Road that is actually on the neighbors parcel that outlets to the same location that our site water will go; there's a private system also that's in place that goes to the Appletree site. He stated they connect to the private system.

Motion by Leisman, supported by Easter, to approve the Final PUD Plan subject to the following conditions:

1. The site shall be developed substantially as shown on the submitted plan sheets dated November 27, with the exception that the proposed building footprint shall be no greater than 14,610 square feet.
2. The approval shall permit revisions to the final site and building design as described by the applicant in the notes contained on the northeast building elevation dated December 13, 2013, with the exception that the allowable reduction in square footage of the building shall be five percent (5%).
3. Landscaping shall be completed in accordance with the submitted landscape plan dated December 4, 2013, with the exception that the 10 larger canopy trees shall be substituted for the 8 Crimson Sentry and flowering dogwood trees shown within the internal parking lot landscape areas.
4. Public water and sewer connection permits shall be issued the Township Utilities department, prior to issuance of a building permit.
5. Written consent of all 3 site owners in the PUD shall be submitted with any sign permit application that may be submitted for a freestanding sign on the subject property.
6. The final plan shall contain appropriate fencing or another appropriate screening approved by the zoning administrator on the west boundary line, with the fence or other screening installed prior to the issuance of an occupancy permit for the building.
7. Mechanical equipment shall be located in the building except for condensing units may be located outside the southeast corner of the building.
8. Exterior lighting shall all be cut-off lighting and shall be limited to the lighting shown on the plan.

Motion passed unanimously.

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

### **Communication regarding "Caretaker" Unit in Industrial District**

Ferro stated included in your packets is correspondence from Mr. Rick Turchetti regarding the possibility of adding a caretaker residential unit at the Canterbury Creek Farm Preschool. Ferro stated this would require a text amendment to the zoning regulations. He stated it's not uncommon for zoning rules to permit caretaker or watchman quarters in different types of land uses. He stated it is fairly common in industrial areas and for agricultural uses. He noted he has found several examples of such provisions in other communities.

Easter asked where there is a building on that property where it could be done.

Ferro stated a location was described in the correspondence from Mr. Turchetti.

Korth asked, with respect to providing some language to propose for our ordinance on this, would it be strictly related to child care facilities, or would it be broader than that?

Ferro stated he is considering two different approaches: (1) allowing caretaker units in industrial districts, since the Turchetti's property is in an industrial zoning district; (2) allow them in settings involving care of animals.

Ferro stated he wishes to hear from Commission members whether this is something they wish to entertain, and if so, he will prepare a draft amendment for consideration by the Commission. The consensus of the Commission was to consider proposed amendment language.

Ferro stated he would also like to request the planning commission by motion give direction to send a notice of intent to surrounding communities that we intend to amend our Master Plan, as required by state statute, in anticipation of the completed Village Design Plan being incorporated into the Master Plan.

Motion by Easter, seconded by Jacobs, to authorize mailing of notices of intent to amend Master Plan. Motion unanimously approved.

### **Status of Ada Village Urban Design Plan**

Ferro stated the DDA Board has reviewed and given its blessing to the final report for the Village Design Plan. It's undergoing one round of minor grammar and typo corrections before we put it on the web site. There is still a formal adoption process that the DDA and Township Board have to go through that's described in the Downtown Development Authority statute.

Korth commented that he accepts the Plan as a broad conceptual framework for the Village that is likely to undergo revision in the future.

### **X. PUBLIC COMMENT**

Richard Marmion, member of the Kent County Water Conservation, asked for the commission's status on the hydraulic fracking issue in Ada Township.

Ferro stated the planning commission last month received written copies of the Power Point presentation Kent County Water Conservation made to the Township Board, and they also have some information from the MSU Extension from their oil and gas web site. The direction from the commission was basically to do some additional information gathering and bring that information to the Commission in the future in terms of what other communities around the state are doing, and we'll take a look at what Cannon Township has done.

Marmion asked what kind of information they are looking for.

Ferro stated mainly what other communities around the state are doing, and we'll also be looking for some legal input from legal counsel regarding what are the limits of our authority under the preemption that's in the state zoning law. Ferro stated we will look at to what extent our lands in the Township are under lease; we know that a lot of the state game area land is already under lease, and there is at least one private property in the far northeast part of the Township that is under lease. There are also a couple of very old leases that are on the inventory maps that are available.

Stephanie Mabie, member of Kent County Water Conservation, stated we are in the process of updating that right now; there are three planned leases in Ada that are private and those are from 2010 to March 2013. Once we have that updated we can give that to you as well. She stated she would be more than happy to come in and give that presentation that we gave to the Board.

Mabie stated Cannon Township is developing an ordinance package which is going to their planning commission and board. Courtland Township also has an ordinance package and a moratorium drafted, and they are just waiting for Cannon Township to see if there are any additional things that they came up with; and they're in the process of adding things on to their ordinance package and then they'll pass it as well.

Easter asked if the ordinance package is stating a moratorium.

Mabie stated a moratorium was put in place ahead of time to give us time to draft ordinances, basically just building off of ordinances that already existed and then building up what sort of protection we could put in place.

Lowry asked if there was a listing of all the properties that have been drilled.

Mabie stated right now there's no high volume fracking activity in Kent County, so we're looking at prevention right now. She stated in Kent County gas and oil activity has been mainly in the southwest portion of the County, using traditional vertical wells. She stated they are concentrating more on protection against the high volume horizontal wells, most of which have been drilled in Kalkaska County. She stated there has been one high volume fractured well drilled in Ionia County, and one permitted in Muskegon County that has not been drilled yet.

Mabie stated water used for this type of hydraulic fracturing can never return to the water cycle. She stated the DEQ is permitting up to 30 million gallons for a single extraction, and if a well produces it can be processed up to 18 times permitting removing that water forever. She stated there has already been an issue in Kalkaska County in which the water table was dropped 84 feet. She stated the oil and gas industry has exemptions from the Great Lakes compact and the water withdrawal statute in the State of Michigan, both of those are designed to limit high volume water withdrawal.

Lunn asked what chemicals they use.

Mabie stated one of the most toxic is benzene. If there's an oil or gas spill it's an issue as well. There is a chemical disclosure law that is being introduced in Michigan, but the problem is that it doesn't have to include the concentration levels.

Mabie stated water used in hydraulic fracturing must be disposed of by pumping into a deep injection well, into a bedrock formation, and hopefully it will never ever resurface. There is no long term human health or environmental impact study so it's a little scary.

Easter asked what is being done at a high level to ban this all together.

Mabie stated there isn't a ban yet.

Jacobs asked what exempts some companies.

Mabie stated when the Great Lakes compact was renewed in 2008 somehow they got exemptions from key parts. The 2005 Energy Act that was introduced also gave federal exemptions from the Clean Air Act, the Clean Drinking Water Act, and the Clean Water Act.



Jacobs asked, from the federal aspect of it, what are we as a Township going to be able to do as far as prevention if there's federal legislation out there that already is going to trump us, what kind of impact can we even have.

Ferro stated we're pretty much limited to regulating activities that happen off the well heads, the ancillary activities.

Lowry stated the big sales pitch for the other side is the fact that this has made the U.S. independent of oil from Saudi Arabia and the other countries.

Mabie stated that's misleading though because we get less than 12% of our oil from the Middle East, most of it comes from Canada and Venezuela.

Lunn asked how long fracking has been going on.

Mabie stated the high volume horizontal wells have been happening nationally since 2005, in the state of Michigan since 2010. But fracking as a completion process has been used for 50 years in Michigan.

Leisman stated you said there is a well in Ionia, is that being fracked.

Mabie stated yes, it's being drilled, it's called the Christenson well. She stated she would be more than happy to give a presentation for any additional information that you'd like.

## **X. ADJOURNMENT**

Motion by Lunn, second by Easter, to adjourn the meeting at 8:48 p.m. Motion passed unanimously.

Respectfully Submitted,

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Susan Burton, Township Clerk  
SB/dr