

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE JANUARY 19, 2017 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, January 19, 2017, 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 Leisman at 7:00 p.m.

II. ROLL CALL

It was noted that Commission member Lowry recently submitted his resignation, due to his recent move out of the Township.

Present: Commissioners Butterfield, Easter, Heglund, Jacobs, Leisman, Lunn

Absent: None

Staff Present: Planning Director Ferro, Planner/Zoning Administrator Brent Bajdek

III. APPROVAL OF AGENDA

Moved by Lunn, supported by Jacobs, to approve the agenda, with Election of Officers added to the agenda as Item IX.5. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF DECEMBER 15, 2016 MEETING

Moved by Jacobs, supported by Easter, to approve the December 15, 2016 meeting minutes. Motion passed unanimously.

V. PUBLIC HEARING

1. Preliminary PUD Plan, Redevelopment of AGO gas station/convenience store site, to replace the existing convenience store building with a combined convenience store/fast food restaurant with drive-through facilities, 7100 E. Fulton St., Parcel No. 41-15-28-477-035, American Gas & Oil, Inc.

Steve Witte, Nederveld, representing American Gas and Oil introduced Jason Berris, from AGO, Ken Dixon, project architect and Ken Berg, McDonalds franchise owner.

Witte described the proposed plan for changes to the AGO site, including demolition of the existing convenience store building and its replacement with a new building, re-construction of the Fulton St. driveway to be a right-in/right-out only design, relocation of gas pump island from behind the current building to a location adjacent to the existing front pump islands, construction of an 8-foot path along the Fulton St. frontage, addition of a 5-foot sidewalk along the north-south service drive, and revisions to the landscape plan.

Witte stated AGO would prefer to retain the existing free-standing sign as-is, with modified sign faces. He noted additional signs proposed include wall signs for McDonalds and AGO and directional signage on the site. He stated they are willing to come back at a future meeting with additional sign details. He pointed out he just received this afternoon additional details regarding proposed signage he is willing to present at tonight's meeting. He stated the applicant is comfortable with the approval conditions recommended by staff.

Leisman noted that the recently enacted zoning ordinance amendment specifically states that the application material submitted shall include details concerning proposed signs. He stated this information was requested at the December meeting. He asked why this information wasn't submitted previously.

Witte noted he had just received the proposed sign information today.

Leisman stated it could be distributed for review.

Witte presented the information developed for proposed signs, including two wall signs for McDonalds, and a single wall sign for the AGO convenience store.

Witte also presented renderings of the proposed new building, showing exterior materials and proposed wall signs.

Witte stated that after conferring with the property owner to the south, the two adjacent property owners are in agreement that they would prefer not to have a solid fence installed along their common property boundary.

Leisman opened the public hearing.

Ken Berg, McDonalds franchise owner, stated his lease ends in mid-July. He stated he appreciates the efforts of the Township to help him keep his business in the community.

Daniel Blough stated he is not a Township resident, and he is present at the meeting with regard to a different agenda item. He stated he works with a lot of people with disabilities, and he believes that drive-through restaurant service is important to the disabled community.

Noelle DiVozzo, resident at 7115 Bronson St., expressed concern with potential food cooking odors reaching her residence, and potential negative impact on her property value. She stated she also wished the same consideration regarding a drive-through window had been given to River Valley Credit Union as is being given to McDonalds.

Leisman closed the public hearing.

Brent Bajdek, Planner/Zoning Administrator presented staff comments on the application. He reviewed conformance of the proposed plan with the standards for approval contained in the zoning regulations. He also reviewed a recommended approval motion and summarized recommended conditions of approval.

Leisman asked for Commission member comment.

Jacobs stated based on the recent amendments to the sign rules, shouldn't those be applied in this case. Commission members discussed what the applicable sign rules would be in this case, and whether a variance would be required.

Ferro noted that the PUD zoning rules specifically require proposed sign information to be submitted. Ferro noted we permit nonconforming signs to have panel changes made. He noted in this case there was a past variance approved to permit the existing sign. He stated he is seeking legal input regarding whether the previous variance approval governs the allowed signage, or whether the Commission has discretion through the PUD process to establish what the allowable signage will be for this site.

Easter noted she would favor having the profile of the free-standing sign on the site reduced.

Jacobs stated she would like to see signage that is more in conformance with signage in the rest of the Village.

Jacobs asked where a low hedge would be placed on the site. Ferro stated between the edge of pavement and the property line along Fulton St, which is a 9-foot wide green space.

Jacobs noted she was concerned with a 5:00 a.m. opening time being disruptive to nearby residents, and stated she would prefer to see a 6:00 a.m. opening time.

Easter stated she had concerns with retaining the existing nonconforming freestanding sign, and shared concern with a 5:00 a.m. opening time. She stated she supports the project overall and the location along M-21. She also believes there is a lot of public support for the project.

Butterfield stated she believes that changing the Fulton St. driveway to a right-in/right-out only access makes sense. Butterfield asked whether the trail crossing of the Fulton St. driveway was to be striped, and why several of the parking spaces are proposed to not be striped at this time.

Witte stated the applicant doesn't believe they will be needed, but is showing the spaces on the plan and the striping can be added in the future if these spaces are deemed necessary.

Witte noted that if the fence between the two properties is required, they would prefer it be moved off the property boundary, and placed to the north, closer to the edge of pavement on the AGO property.

Witte noted there was an error on placement of a couple traffic directional arrows shown on the plans, which should be reversed. He stated they would prefer not to have a greenbelt hedge along the front property line, so as not to diminish visibility of the site.

With regard to hours of operation, Ken Berg stated their current hours are 6:00 a.m. to 10:00 p.m. He stated they proposed 5:00 a.m. in the new location in response to input they have heard from customers. With regard to food odors, Berg noted that they have kitchen exhaust vent stacks with grease traps that are cleaned twice per day by staff. He noted they also use a professional cleaning periodically, to control odors and reduce fire hazard. He also stated that if you stand outside his existing restaurant, he doesn't believe there are any odors.

Witte stated that the plan does show striping of the trail crossing across the driveway on Fulton St.

Lunn asked what was the purpose of the 4-foot diameter catch basin shown located on a sloped area on the grading plan. Witte stated it was a precautionary measure to catch runoff coming down the slope. It also provides access to the perforated pipe which connects to the manhole.

Heglund commented on raised manhole lids over the underground fuel tanks that are not flush with the pavement. Jason Berris, AGO, stated they are raised to prevent water infiltrating into the tank lids. Heglund asked whether there would be ample room for fuel delivery trucks considering the added drive-through traffic. Berris stated they would be adjusting delivery times to minimize conflicts.

Leisman asked whether the median in the Fulton St. driveway design was being proposed by the applicant or whether it is being required by the Township or another agency. Ferro stated MDOT stated they will not allow left turns in, and that they would permit either a right-in only access or right-in/right out.

Leisman stated he thought the triangular median would be an obstacle to truck movements. Ferro stated the right-in lane has fairly generous dimensions to accommodate trucks. Steve Witte, Nederveld, clarified that MDOT left open the possibility of a left turn into the site, if documentation was provided that left turn stacking would not interfere with the north-south access drive intersection to the east. He stated the median would have roll curb that can be mounted by truck tires, and that the design is based on truck turning needs. He noted the preliminary design of the driveway geometry is based on applying MDOT standards, but has not been approved by MDOT yet.

Leisman stated he wasn't inclined to require the fence along the south property line if neither of the adjoining property owners wanted it. Ferro stated that he believed a fence placed north of the property

line, closer to the edge of the AGO parking, would meet the intent of the fence requirement to a greater degree than if the fence were placed on the property line, because of the terrain.

Leisman noted the ordinance standards require submittal of a sign plan, we asked for one last month, and it wasn't provided. He stated this posed problems with taking action on the Plan tonight.

It was noted in discussion that outstanding issues with regard to the plan include whether the fence should be required and in what location, and sign details.

Following discussion, it was moved by Jacobs, seconded by Easter to postpone action on the application to a special meeting, to be held on January 26, 2017 at 6:30 p.m., at The Community Church, 7239 Thornapple River Dr.

Motion passed unanimously.

2. Amendment to PVM District Regulations, to Revise the Regulating Plan to Conform with the Ada Township Master Plan, 2016 Amendments

Ferro presented the proposed amendments to the PVM district regulating plan and related tables.

Leisman opened the public hearing.

Bernie Veldkamp, 5580 Hall St., asked whether apartment houses were added to the allowable lot types in the Village Proper 1 area in order to attract the interest of a developer for the vacant site east of Kingma's, and posed the question whether apartments would be appropriate in the Village.

Ferro stated he believed it was important to provide opportunities for a variety of housing types in the Village. He stated the proposed changes in the regulating plan did not have any impact on the area east of Kingma's, and that the current regulating plan allows apartments in that area.

Following discussion, it was moved by Jacobs, seconded by Lunn, to recommend approval of the proposed amendments to the PVM district regulating plan and tables.

Motion passed unanimously.

VI. UNFINISHED BUSINESS

PVM District Development Plan, 25 Dwelling Units in 16 Buildings on 1.72 Acres, part of 7075 Headley St., part of Parcel No. 41-15-28-477-043, J. Visser Design

Bajdek stated action was postponed on this request at last month's meeting, pending further analysis of the extent of departures that are proposed from PVM district standards, based on applying imaginary lot lines to the proposed site layout. Bajdek identified the specific departures that were proposed in the plan, as identified in his staff report. Bajdek reviewed proposed conditions contained in a recommended approval motion.

Leisman asked the applicant if there was any comment on the proposed conditions of approval.

Steve Witte, Nederveld, stated the applicant's one objection is to the recommended condition requiring the first floor elevations of the buildings along the street frontage to be a minimum of 2 ½ feet above the sidewalk grade. Witte stated he believed a case could be made that the PVM district regulations permit a departure to be granted from this standard, contrary to Bajdek's conclusion that a departure from this standard is not allowed by the rules.

Ferro stated he thought the applicant's interpretation was a stretch in reading the rules.

Witte explained the topographic conditions that make it impossible to comply with the standard unless the ground floor height of the affected units is increased further, from its already high 11 feet to a higher floor-to-ceiling height. He stated this would create challenges with the layout of stairwells within the units.

Butterfield asked where this standard originated. He stated he believes it is a common form-based zoning standard, and he believes the intent is to provide greater privacy for living space by raising the floor elevation and window sills above sidewalk level.

Ferro stated that unless the Commission accepts the applicant's reading of the ordinance, the recourse for the applicant would be to petition the Zoning Board of Appeals for a variance from the standard.

Leisman suggested modifying recommended condition 2 to grant a departure from the floor elevation standard.

Following discussion, it was moved by Easter, seconded by Butterfield, to approve the proposed development plan, based upon the following findings and subject to the following conditions:

1. The Commission hereby finds that the following proposed departures from the PVM district standards satisfy the criteria for granting of a departure contained in Sec. 78-481 of the zoning regulations:
 - a. Departure from the minimum lot width standard for Village House Lots on Units 17-20.
 - b. Departure from maximum lot coverage standard for Village House Lots on Units 17-21.
 - c. Departure from the minimum lot area standard for Duplex Lots on Unit 15/16.
 - d. Departure from the minimum lot width standard for Duplex Lots on Unit 15/16.
 - e. Departure from the maximum lot width standard for Duplex Lots on Unit 24/25.
 - f. Departure from the minimum lot frontage percentage standard for Duplex Lots on Unit 1/2 & 24/25.
 - g. Departure from the architectural standards contained in Sec. 78-479 to allow the use of fiber cement shingle siding in addition to fiber cement lap siding as a predominant exterior building material.
 - h. Departure from the architectural standards contained in Sec. 78-749 to allow the use of windows framed with a single pane of glass for units located north of the 'alleyway.'
 - i. Departure from the architectural standards contained in Sec. 78-749 to allow the use of wood fencing for the ground level patios/courtyards of the duplex buildings fronting Bronson Street/Headley Street.
 - j. Departure from the standard contained in Sec. 78-476 (i) requiring elevation of the first floor of the duplex buildings (5/6, 7/8, 9/10, & 11/12) along Bronson Street/Headley Street to be a minimum of 2 ½ feet above the adjacent sidewalk grade.
2. A private road permit application and private road construction plans shall be submitted, subject to review and approval of the Planning Department, prior to initiation of site improvements.
3. A storm water permit application and accompanying construction plans for the storm water management system shall be submitted, subject to review and approval of the Planning Department, prior to initiation of site improvements.
4. A complete landscape plan shall be submitted, subject to review and approval of the Planning Department, prior to issuance of any building permits.
5. A permit shall be issued by the MDOT authorizing discharge of storm water to its Fulton Street

storm sewer.

6. Construction plans and specifications for public water and service shall be subject to review and approval by the Township Utilities Director, and issuance of a DEQ permit, prior to initiation of construction.
7. Wall-mounted exterior lighting shall be of a non-glaring style, subject to approval of the Planning Department.
8. The condominium master deed, condominium subdivision plan and condominium bylaws shall be submitted to the Planning Director for review and determination that they are consistent with the approved plan and these conditions, prior to their recorded with the Register of Deeds.

VII. NEW BUSINESS

Request for Special Use Permit to allow a Foster Care Group Home in the R-3 and VR Districts, 7133, 7147 and 7164 Rix St. SE, Parcel Nos. 41-15-33-231-019, 011 and 012, AMDG Architects, for Thornapple Homes, LLC

Ferro stated this project was originally approved in 2010. He stated the applicant, a non-profit entity, requested annual extensions of the approval while it was fund-raising until 2015, when the plan approval expired. He stated the current application and site plan are identical to the originally-approved plan. Ferro stated the proposed facility provides individual living units and shared common areas for adults with developmental disabilities.

Dan Blough, Thornapple Homes, and Tom Sinke, architect from AMDG Architects, presented the proposed plan. Blough stated the proposed project is similar to the Olivia's Gift facility on Cascade Rd. He stated that the intent of the project is to provide a supportive living environment for persons with disabilities. He stated they are now proposing to establish the project as a condominium, in which individual families would purchase living units. He stated there is also an upstairs staff apartment on the second level that would also be a condominium unit.

Sinke summarized the design of the proposed building and site layout.

Butterfield asked why the facility does not require licensing by the State as a foster care facility. Blough stated you can coordinate staff without having to be a formal foster care facility. He stated they would probably contract for coordinated staff services, and as long as the units are owned by individual families, licensure is not required.

Blough stated the staff residence condo unit would be owned by Thornapple Homes, and most of the rest would be sold to families. He stated when a family no longer needs the home, the condominium documents will give Thornapple Homes the right-of-first-refusal to purchase the unit back, and it could be resold to another family. Blough stated they hope to have the units priced at approximately \$125,000.

Following discussion, it was moved by Jacobs, seconded by Easter, to schedule a public hearing on the proposed special use permit for the February meeting.

Motion passed unanimously.

VIII. COMMISSION MEMBER/STAFF REPORTS

Approval of Meeting Schedule for Fiscal Year 2017-18

Ferro noted that all of the meetings in the proposed schedule are on the 3rd Thursday.

Motion by Easter, seconded by Jacobs, to approve the proposed meeting schedule for FY 2017-18.

Motion approved unanimously.

Leisman asked whether we are supposed to prepare an annual report summarizing activities in the prior year. Ferro stated he believed that was the case. Leisman suggested that be pursued.

IX. PUBLIC COMMENT

Todd Kerafe, representing John Baar, at 8081 E. Fulton St., stated Mr. Baar would like to be able to rent his home out for temporary periods while he is out-of-town for work using web sites such AirBNB or VRBO. He is interested in getting the process started on developing regulations for this use.

He stated he thought his previous email to the staff was going to be forwarded to Commission members.

Leisman stated Mr. Baar has the right to submit an application for a zoning ordinance amendment.

Leisman stated that previously-submitted zoning ordinance text amendments have been turned down. He encouraged Mr. Baar to work with staff in developing possible rules.

Ferro stated the current rules define the term “motel or hotel,” and the term is defined broadly to include any building providing lodging for compensation to transient or resident guests, and currently that use is only permitted in commercial zoning districts. Ferro stated that there are very few communities that have addressed this use, and most of them are resort communities. He stated case law has supported local government discretion to either allow or not allow this type of rental use of homes.

Easter commented that since this is an emerging trend, it should probably be looked at. Jacobs asked if example ordinances from other communities could be provided. Leisman asked for a preliminary report from staff regarding regulating this type of use. Ferro stated that could be provided at the March meeting.

Election of Officers:

Ferro reported elections are supposed to take place in October, and he believes this was overlooked.

It was moved by Jacobs, seconded by Lunn, to reelect the following officers, for terms through September, 2017: Leisman, Chair, Butterfield, Vice-Chair, Easter, Secretary.

Motion passed unanimously.

X. ADJOURNMENT

Motion by Jacobs, supported by Heglund, to adjourn at 9:08 p.m. Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk
JS/jf