

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE AUGUST 17, 2017 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, August 17, 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

Present: Commissioners Leisman, Burton, Easter, Lunn, Jacobs, and new commissioner Dan Carter

Absent: Butterfield

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

III. APPROVAL OF AGENDA

Moved by Jacobs, supported by Easter, to approve the agenda as presented. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF JULY 20, 2017

Moved by Easter, supported by Burton, to approve the July 20, 2017 Meeting minutes as presented.

Motion passed unanimously.

V. PUBLIC HEARINGS

None.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

Final PUD Plan, 56,070 sq. ft. Commercial Development in 11 Buildings on 4.5 Acre Site, 4920 E. Fulton St., Parcel No. 41-15-30-300-020, The Caves, LLC

Ferro summarized the Final PUD Plan, as revised, which included grading, landscaping, and elevations, and explained the proposed phasing plans. Also, he stated the Health Department indicated they will issue the permits for the private water and sewer systems. The Township engineer has provided written comments on the storm water management plan, and he's not yet ready to sign off on the plan. Regarding the landscaping plan the size of plant materials shown on the plan doesn't meet the minimum size standards contained in the zoning rules, so this will be a condition of approval to modify the landscape plan. The site lighting is a down light fixture that has some horizontal spread of light, and it is recommended that a full cutoff shield be installed on the fixture to make it acceptable, or an alternative fixture be used.

Tom Reed, The Caves, stated his engineer has explained to him that the site will handle the storm water issue. He stated it's a huge expense to install the second phase of the storm water management system, and we want to get a building up and get Phase 1 going, and then start addressing the storm water issue. Reed stated as long as you build it in the right order you just push the water where it needs to go.

Ferro stated in Steve Groenenboom's April 19th memo he states he has not gotten satisfactory responses to items 1 and 2 in his memo.

Leisman commented that recommended approval condition number 2 in the recommended motion should read identically to condition number 2 as contained in the minutes from the July meeting. Leisman asked whether condition number 7 regarding landscaping shouldn't address the required timing of landscape completion. His concern is that the landscaping closest to Fulton might not be postponed until the last phase of the development.

Ferro stated there is not much grading proposed in the vicinity of the proposed tree plantings along the north property boundary and northwest corner of the property, which should allow landscaping to be installed early in the development phasing in these locations.

Easter stated shouldn't we say "if the storm water management system is to be phased in, it should be phased in with each phase?"

Ferro stated we'll review phasing as part of the storm water permit process, making sure that whatever is installed in Phase 1 is suitable storm water management for that first phase.

Motion by Jacobs, supported by Burton, to approve the Final PUD Plan for The Caves, subject to the following conditions:

1. The approved PUD Plan shall be carried out in substantial conformance with the plans prepared by Callen Engineering, Inc., Sheets C0.1, C1.0, C2.0, C3.0, C4.0 and landscape plan drawn on Sheet C1.0, all dated 07/25/2017.
2. Approval is contingent upon the approval of a Resolution by the Township Board granting an exemption from the provisions of Sec. 74-324(b) of the Code of Ordinances requiring connection of the premises to the public sanitary sewer system.
3. That the uses permitted in the PUD shall be limited to uses permitted by right in the Industrial (I) district, with the exception of the following uses, which shall be prohibited:
 1. Any manufacturing, fabrication or processing of goods
 2. Professional and administrative offices, including legal, architectural, engineering, accounting, data processing, insurance, real estate, securities brokerage, financial planning and investment advisory services, provided each unit may have an office space not to exceed 225 sq. ft.
 3. Vehicle fleet storage, maintenance and fueling facilities
 4. Offset printing, including ancillary activities such as photocopying and facsimile transmittal services
 5. Commercial photographers' studios, including ancillary portrait photography services as a secondary activity
 6. Churches
 7. Day care centers
 8. Public and private use heliports.
4. The phasing of the project shall be as depicted in the "phase plan" drawing received 8/16/17, and as described in the applicant's email dated 8/16/17, provided that the storm water management system shall be installed as part of Phase 1.
5. A maximum limit of five (5) units permitted to have bathrooms in the development, which includes any common shared bathrooms.
6. With the exception of the proposed extension of overhead electrical service to a point located northeast of the storm water detention area, all public and private utilities serving the development shall be underground.

7. The landscape plan shall be modified to provide a minimum size of 2 ½ inch caliper for deciduous trees and a minimum size of 7 foot height for evergreen trees. Landscaping shall be completed and maintained with each phase, except the trees in the northwest corner shall be completed with Phase 1.
8. A storm water permit application shall be submitted by the applicant, and a storm water permit shall be issued by the Township, prior to installation of the storm water management system and prior to issuance of any building permits.
9. Permits for on-site potable well and on-site waste disposal system shall be issued by the Kent County Health Department, prior to issuance of any building permits.
10. Building wall-mounted exterior lighting shall be limited to one fixture per unit service entry door, plus one fixture each on the north side walls of Unit 1 and the community building, and shall be either the Lithonia OLW14 with the optional “full cutoff shield” installed, or the Lithonia OLWX1 fixture with a maximum of 20 watts, all mounted in a vertical downward position.

Motion passed unanimously.

Site Plan Review, 9 Unit Commercial Site Condominium and Shared Parking Area, River Street Commons, Portion of 400, 490, 496, and 498 Ada Dr. SE, and 7373 Thornapple River Dr. SE, Parcel No.'s 41-15-34-126-017, 010, 024, 023, 026, Geld, LLC

Steve Teitsma, Progressive AE, showed the layout of the proposed building sites and parking area, and stated the project is for a 9 unit site condominium, with a north boundary of Ada Drive, west is the Headley extension, east is Settlers Drive, and south will be River Street. He stated the building sites would be individually sold and developed.

Jacobs asked whether development on Unit 7, which shows one large building, could be developed as multiple buildings. Teitsma stated only if it confirmed with the PVM District regulations.

Teitsma stated the parking areas adjacent to or internal to the site will provide 189 parking spaces. He showed the grading and utilities plan, stating water and sewer were provided for with the redevelopment of Ada Drive, Headley Street, and Settlers. He stated the four units along River Street will be served from a public utility easement and utility mains in the parking area. There are a series of catch basins along parking bays, which discharge storm water into Settlers St.

Teitsma described the landscape plan.

Ferro stated it appears units 3 and 4 have existing sanitary sewer on their River Street frontage, and asked why they are proposing to serve them from a new sewer in the parking area. Teitsma stated that appears to be the case, and he will look into revising the plan.

Leisman asked for an overview of the development proposed on Unit 1, which is the next agenda item.

Teitsma showed the site plan for Unit 1. He stated the building has a two foot setback on the front to allow for awnings that would not encroach into the right-of-way. He stated there is a pedestrian corridor to the south of the building with a 20-foot width.

Ken Dixon, Dixon Architecture, stated the A-1 Building is at the corner of Settlers and Ada Drive, with 137 feet along Settlers. He stated the architectural treatment gives the impression of the building being two or three buildings. There is a 20 foot gap between buildings due to the cost of using fire-rated glass

in windows on walls that are closer than 20 feet to another building. The upper level allows for office space; the lower level will be retail space. He stated they are asking for two departures:

1. The transparency required is 75%, and they are at 74%., and
2. The frontage requirement is 90%, and they are at 84.5%.

Tom Cronkright stated he and his wife are property owners in Rockford, and they have a vision of a multi-dimensional walkable district with recreational features. He stated they would be owner/occupants of the building, and plan to fill the other two spaces; we'll have two units of retail, and the ability to service one large or a few office tenants.

Dixon stated the school house building will be located at the south end of Settlers. It will be refurbished as an ice cream shop; there will be pavers around the perimeter of the building. There is a 5 to 6-1/2 foot fall in grade, so there will be a retaining wall with a stone veneer separating the building plaza from the riverfront park. There will be landscaping around the perimeter. He stated the departures from PVM district standards requested are:

1. The lot area is 2,994 square feet, less than the 4,000 square feet minimum for a Village Shop Lot.
2. The frontage requirement is 60-80%, and we want a small footprint on this plaza which makes it difficult to meet that requirement.
3. A departure from the 2-story minimum building height in the PVM district.

Leisman returned to the Site Plan Review for the 9 Unit Commercial Site Condominium, and requested staff comments.

Bajdek stated the development on each condominium unit will be subject to review and approval by the Planning Commission. The building footprint, square footage, number of stories, and uses that are shown on the site layout plan are speculative, except for the two units before us. It is anticipated that all the units will be developed under the PVM District regulations as Village Blockfront lots, except for the School-house lot, which would be developed under the Village Shop Lot standard. He then gave a summary of the development.

Bajdek stated staff is recommending a sidewalk connection as described in the staff report for accessibility and safety. Leisman stated a photometric plan of the parking lot lighting has not been provided at this time. In regards to storm water management, the consulting engineer is suggesting additional pre-treatment methods be included, such as a rain garden or perforated storm sewer under the parking area. For water and sewer the Township engineer is suggesting that consideration be given to widening the common area between Units 6 and 7 to at least 20 feet, to accommodate looping of a water main. Bajdek reviewed recommended conditions of approval listed in the staff report.

Also, there were two additional conditions based on the Township engineer's suggestions.

Teitsma stated storm water will be handled by a perforated pipe with an infiltration trench, and draining it into the landscape island. He stated it makes more sense to run the water main between Units 5 and 6 as there is 20 feet between them. As far as pedestrian access, we should connect the sidewalk by Unit 3 to try to help funnel people through to the park to try to give it a little bit more connectivity.

Leisman suggested modifying the condition pertaining to water main looping to state "utility plan shall be revised to provide for water main looping approved by the Township engineer."

Motion by Jacobs, supported by Burton, to approve the site condominium plan, subject to the following conditions:

1. The site condominium Master Deed and Bylaws shall be submitted to the Township for review and approval, prior to being recorded with the Kent County Register of Deeds, and prior to issuance of building permits on the subject property.
2. A Township storm water permit application shall be submitted and approved, prior to issuance of any building permits for construction on individual units, and prior to construction of the shared parking area.
3. The plan shall be modified to provide the following sidewalks connections to increase pedestrian accessibility and safety:
 - The extension of the sidewalk located along the north side of unit 3 westward to the north/south sidewalk located between units 3 & 4;
 - The placement of sidewalk along the northeastern portion of unit 6 (allowing for a connection between units 6 and 7).
4. Pole-mounted light fixtures shall qualify as “full-cutoff” control of light emission, subject to approval of the Planning Department. A lighting plan (which includes Village decorative lighting) and fixture specifications shall be submitted for approval, prior to construction of the shared parking area.
5. Approval of the site condominium survey plan does not constitute approval of conceptual building footprints and building uses depicted on each condominium unit on the Site Grading and Utility Plan, Sheet C300 and the Site Layout/Parking Plan, Sheet C200.
6. Additional pre-treatment method, including rain gardens and perforated storm sewers be used under the parking area in Block A.
7. Utility plan shall be revised to provide for water main looping approved by the Township engineer.

Motion passed unanimously.

Ferro stated that the unit layout plan shows a 10 foot gap between the boundaries of Units 3 and 4, and 5 and 6, but it doesn't show up on the site layout plan. He asked for clarification on this inconsistency.

Teitsma stated they removed the 10-foot wide common area between the units, and would have an easement for the water main. He stated he would clear up the inconsistency and double check the condominium documents.

Leisman stated we should add a seventh condition: “The plan shall be revised to document gaps between Units 3 and 4, and 5 and 6, subject to approval of the Planning Department.”

Revised motion by Jacobs, supported by Burton, to approve the Site Condominium plan, with a seventh condition that: “The plan shall be revised to document gaps between Units 3 and 4, and 5 and 6, subject to approval of the Planning Department.”

Motion passed unanimously.

PVM District Development Plan, 910 sq. ft. Commercial Building on a Village Shop Lot, Unit A9, River Street Commons Site Condominium, 400 Ada Dr., Portion of 41-15-34-126-017, CDV5 Properties, LLC

Motion by Easter, supported by Lunn, to approved the PVM District Development Plan and departures for the Ada Schoolhouse.

Motion passed unanimously.

PVM District Development Plan, 11,795 sq. ft. two-story Commercial Building, Unit A1, River Street Commons Site Condominium, 400 Ada Dr., portion of Parcel No. 41-15-34-126-017, Pinnacle Construction

Bajdek gave an overview of the proposed building, which will be located at the southwest corner of Ada Drive and Settlers Street. He stated the site layout and building design conform with nearly all of the PVM standards with two minor departures:

1. The frontage percentage proposed along Settlers is 84.5%, required is 90%.
2. The ground story's primary façade is less than the required 75% transparency, with 74% proposed.

Bajdek stated approval of the departures is recommended, as well as the plan subject to the conditions listed in his memo.

Leisman stated as far as parking, the parking study, adopted by the Township, proposes that the Township develop additional public parking in the vicinity.

Ferro stated between the two condominium units on Settlers Street there is a six foot common area between the two units, and the connecting sidewalk between the parking area and Settlers Street is within the six foot common area, so that maintenance of the walkway is clearly the responsibility of the condo association. However, the landscaping on either side of that walkway is within the adjacent unit boundaries, with potentially different owners being responsible for the maintenance of landscaping on either side of the walkway. Ferro stated the unit boundaries and common area width should be adjusted so that landscaped areas on either side of the walkway are under common management, maintenance and control along with the walkway.

Ferro asked the architect if any consideration was given to having the emergency egress double back at the landing so it goes to the rear of the building, as opposed to running entirely toward the front of the building.

Dixon stated he thinks they could do that. The exterior metal stair on the side of the building cascades down, trying to add a little bit of ornamental style to the historic character of it.

The engineer stated we're going to have the 20 foot gaps between the buildings whether it's common area or split and shared, the end result is going to be the same. He stated we'll take a look at it and if there are advantages for spilling into the parking lot as opposed to the sidewalk, maybe a switchback might make more sense.

Motion by Burton, supported by Easter, to approve the PVM District Development Plan for Unit A1, subject to the following findings and conditions:

1. The Planning Commission hereby makes the following findings:

- a. The proposed development plan, as modified by the conditions of approval listed below, requires the following “departures” from the standards of the PVM district, which are hereby approved:
 - 1) Sec. 78-476(a) – Minimum frontage percentage.
 - 2) Sec. 78-476(g) – Windows on primary facades.
 - b. The above departures result in a plan that complies with the spirit and intent of the PVM District to a greater degree than would be the case without authorization of the departures.
 - c. The proposed alternative is consistent with the purpose and intent of the PVM District.
 - d. The proposed alternative, in comparison to conformance with the PVM district standards, will not have a detrimental impact on adjacent property or the surrounding neighborhood.
 - e. The proposed alternative is necessary and appropriate to accommodate a superior design of the proposed development.
2. The proposed development plan for a 7,952 sq. ft. commercial building is hereby approved, subject to the following conditions:
- a. The building and site improvements shall be completed substantially as shown on the plan set titled “River Street Commons A1 Building,” (civil drawings) dated August 10, 2017 and “River Street Commons – A1 Building” (architectural drawings) dated July 20, 2017, except as modified in accordance with these conditions of approval.
 - b. Any exterior building mounted light fixtures shall qualify as “full-cutoff” control of light emission or of a low light intensity non-glaring style, subject to approval of the Planning Department. Fixture specifications shall be submitted for approval, prior to building permit issuance.
 - c. Floodplain development permits shall be issued by the Michigan DEQ and Ada Township, prior to issuance of a building permit.

Motion passed unanimously.

VIII. COMMISSION MEMBER/STAFF REPORTS

Review of Proposed Regulations for Short Term Rentals, as drafted by John Baar

Ferro stated the draft ordinance is a licensing and registration ordinance that would permit nightly rentals of residential property anywhere in the Township, regardless of lot size, and proximity of neighbors; it would be permitted in areas of varying character and density, ranging from Adacroft Commons to Four Mile Road. The draft ordinance prepared by Mr. Baar represents the most permissive type of approach that could be taken. The ordinance does have performance standards on excessive noise.

Leisman asked if the issue is that the Township has prohibited all short term rentals.

Bajdek stated yes, based on our definition of motels.

Ferro stated legislation has been introduced at the State level that would preempt local government restrictions on nightly rentals of residential property.

Leisman stated the Michigan Townships Association is opposed to this legislation. Maybe some leases can be allowed in some places. We need to have a sub-committee on behalf of the Township come up with that, or the Planning Department come up with a draft based on this, or the Township attorney come up with a draft. Does the Planning Department think that we should do something or is the ordinance fine as is; maybe you'd like to give us a memo on that.

Ferro stated one idea Brent suggested is a standard that short-term rental use be permitted only in a dwelling that is owner occupied. Ferro also suggested some type of geographic restriction, or lot size restriction for minimum lot size; separation distance from adjoining residences might be a standard to consider.

Lunn asked if we are going to consider this, how we take the neighbors into account. If neighbors say they don't want nightly rentals, then what happens?

Ferro stated we need to be responsible for our decisions and evaluate things according to some standards, and not place every individual who seeks approval for something at the mercy of what one neighbor might say no to.

Jacobs stated part of my feeling is this is not going to be a wide spread use among Township residents, especially if it's something that requires you to pay a fee, get a permit, have inspections. She stated she doesn't feel there are going to be all these one night rentals; secondly, the few people who might want to take advantage of it, allows us the opportunity to make sure we have put in place the protections for those neighbors, for the Township to maintain some standards. It's a use that we can't stop and it puts us at risk of potential lawsuits.

Leisman stated he is in favor of allowing it on a limited basis.

Burton asked who is going to enforce it; who is going to be in charge of inspections, and the permit?

Ferro stated the draft ordinance requires payment of a license fee, and the intent would be for the license fee revenue to pay for the cost of administration and enforcement.

Leisman stated somebody could do a short-term rental as an accessory use to the ownership of their home no more than 14 days a year, as the IRS does.

Todd Craffey, representing John Baar, stated as far as the 14 days go, that would not be worth any of our time. A limitation as far as the time, we'd be open to that, but with more of a 50% or 60%. The fees that are involved, we'd be open to \$1,000 a year. For limiting the geographic size, the lot size, in our situation we would pass most of the square footage without requirements that would be associated with that.

Jacobs stated she is not in favor of a ban; not in favor of a wide-spread you can have this anywhere all the time without some specific regulations and parameters.

Leisman stated he would rather hear from our Planning Department on just limited options that other communities like ours are doing; but the one proposed is too broad for Ada Township.

Ferro stated the applicant is stating that the demand goes beyond resort communities. He asked how they felt about having someone on site who is the owner or representing the owner, that this draft simply requires a designated local agent. He stated we would want some language that says we're okay with a designated local agent and we would want to have name and contact information on file with the Township.

Lunn suggested the local agent should be located within Ada Township.

Leisman stated we should refer it to the Planning Department, and if you need a vote to recommend it to the Township Board it's got to be pretty limited. He stated he would like to see a written analysis from the Planning Department with a proposal or a couple of alternate proposals.

Motion by Lunn, supported by Jacobs, that the Planning Department present a proposal or a couple of alternate proposals regarding short-term rentals within 60 days. Motion passed unanimously.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Lunn, supported by Easter, to adjourn at 9:30 p.m.

Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

JS/dr