

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE JANUARY 21, 2016, MEETING**

A regular meeting of the Ada Township Planning Commission was held on Thursday, January 21, 2016, 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 Butterfield, Easter, Heglund, Jacobs, Leisman, Lowry, Lunn

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

III. APPROVAL OF AGENDA

Moved by Jacobs, supported by Easter, to approve the agenda. Motion carried.

IV. APPROVAL OF MINUTES OF DECEMBER 17, 2015 MEETING

Moved by Easter, supported by Jacobs, to approve the minutes from the December 17, 2015 meeting. Motion carried.

V. PUBLIC HEARINGS

1. Development Plan Review, Riverpoint of Ada, 50 Attached and Detached Condominium Units on 16.17 acres, 626, 634, 640, 660, 680, 690 Ada Dr., 7358, 7384 Bradfield St., 7245, 7325 High St., 630, 636, 638, 646 Mars Ave, 7390 Rix St., Thornapple Pines Development, LLC

Leisman noted that the applicant presented this proposal to the Commission at the December meeting, and action was postponed pending holding of a public hearing. Leisman asked Ferro to provide a brief overview of the project.

Ferro stated the application proposes a mixed-use residential development consisting of 25 attached townhome units and 25 single-family site condominium lots, on a 16.17 acre parcel (including private road right-of-way). He stated the site is challenging, with very hilly, wooded terrain, and a grade change of 100 feet from the high point at the south property boundary to the low point near the rail line. Review of the project using the PVM district provisions of the zoning ordinance is proposed by the applicant. He stated the development layout is intended to replicate the type of character that currently exists in the Village, using turn-of-the-century architecture and traditional urban form.

Ferro stated access is proposed to be from private roads, with the access to Ada Drive at the same location as current Rix Street. Ferro noted this access location was preferred by the Road Commission. Ferro added that the applicant proposes to add several on street parking spaces on Ada Drive, to provide guest parking.

The Chairman opened the public hearing. There was no public comment, and the hearing was closed.

Leisman asked Ferro to present his staff comments and recommendation.

Ferro reviewed conformance of the proposed plan with the PVM district standards. He noted that several of the small single family lots have site coverage by buildings and pavement that slightly exceeds the maximum 50% standard. He noted we have had several previous plans that also exceeded this standard by

a small amount, and departures from this standard have been approved. He stated this standard may need to be reviewed for a possible amendment.

Ferro stated the 3 large lots at the end of the private road (Lots 48-50), referred to as "Executive Estate" lots do not conform with any of the standards for the "Village House" lot type in the PVM District, except for minimum side and rear setbacks. He stated it may be preferable to apply the underlying R-3 zoning standards to these 3 lots, since they conform with all of those standards, with the possible exception of rear setback.

Ferro stated the proposed townhomes would not have individual lot boundaries for each unit, since all land outside the buildings would be condominium common area. Ferro stated if imaginary lot boundaries are drawn around townhome units, extending from back edge of sidewalk at the front of the units to back edge of sidewalk at the rear of the units, the maximum lot coverage standard is slightly exceeded.

Ferro noted the proposed townhomes also do not conform with the architectural standard that permits flat roofs only on Village Blockfront lots. He stated the applicant's justification for a departure from this standard is that the use of flat roofs on the townhomes replicates the existing character on the former school house, establishing a consistent character on the Ada Drive frontage. Ferro noted that the statement of intent in the zoning rules for the roof standards states that they are intended to provide visual coherence for the PVM district, and that a case can be made that the proposed flat roofs and masonry on the townhomes accomplishes that intent.

Ferro stated that the access location at existing Rix St. appears to be the best of the available alternatives. He noted that the east side of the Rix St. intersection has better visibility than the west side of the intersection.

Ferro stated the total number of units accessed by the private road exceeds the limits contained in the private road standards. He noted that the Zoning Board of Appeals has approved a variance from those standards, based in part on the fact that the river and the railroad create a practical difficulty in providing a second access.

Ferro stated the development plan provides a sidewalk network through the development. Ferro suggested that the sidewalk on the private road that ends at Unit 45 should be extended across Units 46 and 47.

Ferro stated the applicant has offered to enter into an easement agreement to permit public access on a portion of the sidewalk network through the development, extending to a point that could be extended in the future to connect to a public pedestrian access underneath the railroad trestle installed by the Township, thereby providing a through route for pedestrians from the Ada Dr. entry to Bronson St. near the covered bridge.

Ferro stated the applicant has also offered to place a restrictive covenant in place that would prohibit the future installation of an access control gate at the Ada Dr. entry to the development. An exception to this prohibition is provided that would allow an access control gate at the beginning of the shared driveway access that serves Units 48-50.

Ferro stated he has suggested a possible revision to the proposed sanitary sewer layout, that would avoid the need for a long section of very deep sewer.

Ferro stated that the private roads will have catch basins and storm sewers, discharging at two locations to the wetland area on the site, which will require a DEQ permit. He stated that runoff that is detained in the wetland would be discharged at a controlled rate to the existing ditch along the rail line through a replacement culvert that will be installed under the bermed area at the north end of the wetland.

Ferro reviewed conformance with the riparian protection standards in the zoning regulations. He stated minor changes to the grading plan are needed to avoid vegetation disturbance in small areas of the required natural vegetation zone around the large wetland area.

Ferro stated that the 75-foot width of natural vegetation zone shown on the plan adjacent to the Thornapple River overstates what is required by the riparian protection rules, and also should be modified.

Ferro stated the proposed landscaping plan needs revision to provide quantities of plant materials. He stated the plan demonstrates a high quality treatment and an appropriate approach to transitioning from manicured areas to natural areas on the site.

Ferro stated according to the application narrative, decorative street lighting is proposed along the Ada Drive frontage and within the development of the same design as the decorative lighting existing in the Village. However, a site lighting layout plan is not provided. He stated if the Commission believes that the use of decorative street lighting matching the existing Village lighting should be required to reinforce the development being an extension of the Village neighborhood, submittal of a site lighting layout plan and pole/fixture specification should be a condition of approval.

Ferro stated the proposed plan effectively creates Village character to the extent that is practical on a site with the challenging site features on the property.

Ferro recommended approval subject to a list of 15 conditions set forth in his staff report.

He stated that his recommended wording regarding the granting of a departure from the prohibition on flat roofs makes the approval of this departure conditioned on use of masonry and cement board siding as proposed by the applicant.

Chuck Hoyt, Thornapple Pines Development, stated this plan is very similar to the previously-submitted one. He stated they have tried to be responsive to the intent of the PVM district and the Envision Ada Plan. He added they have reviewed the conditions and all seemed acceptable and reasonable. He asked if there was an answer on the direction regarding the zoning rules that should be applied to the 3 large lots at the end of the private road.

Leisman stated that recommended condition 3 states that the area around the 3 lots is to be excluded from the area where the PVM district standards are applied. Hoyt stated their only concern is whether the R-3 minimum rear yard standard could be met. Hoyt stated he also wished to confirm that the more detailed landscape plan requested in the conditions would not be needed until they are ready to start landscaping work. Ferro stated that was correct.

Ferro commented on the traffic impact analysis that was submitted by the applicant, and noted that traffic counts on Ada Drive and at the Bradfield intersection were carried out in March, while school was in session, and the analysis evaluated traffic impacts during the peak afternoon time period, which is when school lets out. He stated the analysis showed no reduction in the "level of service" at the Bradfield intersection.

Hoyt asked and Ferro confirmed that a revised plan showing extension of the sidewalk to Units 46 and 47 was previously submitted.

Jay Rosloniec, legal counsel for the applicant, stated they were not aware that the prohibition on gated access would apply to pedestrian access. He noted they have no gates proposed at this time, but there is language in the draft easement agreement that would allow the applicant to install a pedestrian barrier to ensure that pedestrians stay on the portion of the sidewalk system that is subject to the public access

easement. He asked whether the condition could be modified to not apply the gate prohibition to the sidewalk outside of the access easement.

Ferro stated he believes the applicant has stated in the past that there is no intent by the applicant to make an issue of pedestrians walking on any portion of the sidewalk system in the development, and that a gate across a sidewalk is not something you would ordinarily find in any neighborhood.

Jacobs stated the applicant's narrative states there would be two condominium associations, with a master association. She wonders how that would work.

Hoyt stated that the condominium documents would vary significantly between the townhomes and single family homes, in that the single family home owners will be responsible for yard maintenance and exterior building maintenance, while the townhome owners will have no exterior maintenance responsibility. He stated a master agreement would provide for sharing of common costs such as private road maintenance.

Lowry asked what would be used for riverbank stabilization.

Rick Pulsaski, Nederveld Inc., stated the steep river bank will be graded back to lessen the grade, will have topsoil placed, and will be seeded and treated with erosion control matting.

Hoyt stated the intent is to not look structural, but to have a natural appearance.

Easter and Butterfield both stated pedestrian gates weren't contemplated in their discussions and the applicant's presentation. Lunn stated he did not support allowing a gate on a sidewalk. Jacobs stated that in her review of minutes from last month's meeting, she stated it was clear that the intent was not for this development to be a private enclave. She stated she understands the desire to direct the public to the designated public pedestrian route, but she does not believe it was intended this to be accomplished with a gate.

Easter stated she also did not support allowing use of a pedestrian access gate, and believes that any problems with pedestrian access can be remedied through other means.

Butterfield stated the applicant has worked well with the Township, and she is happy to see the plan move forward.

Lunn asked how the slope stabilization fits with the riparian protection rules. Ferro stated that the scope of work that is authorized in a State permit is exempt from the riparian protections standards.

Leisman stated the applicant had been cooperative with the Planning Commission, and he was in favor of approval, subject to the conditions proposed, and with the three departures that have been discussed. He stated he agrees with other subcommittee members regarding not permitting gating of sidewalks in the development.

Moved by Easter, supported by Jacobs, to approve the development plan as submitted by Thornapple Pines, 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 maximum lot coverage standard for Village House Lots on Units 14-18 and Units 38-40.

- b. Departure from all of the dimensional standards for Rowhouse Lots, applicable to Units 1-13 and Units 19-30.
 - c. Departure from the provision allowing use of “parapet roofs” only on Village Blockfront lot types, provided that the townhome building exterior materials shall be masonry and fiber cement board siding as depicted on the renderings submitted by the applicant.
2. The approved development shall consist of 25 attached townhome condominium units in 7 buildings and 25 detached single-family home condominium units and associated private road, sidewalk and utility improvements, substantially as shown on the plan sheets C-102 and C103, dated November 25, 2015, as modified by these conditions.
3. Proposed Units 48-50 shall be excluded from the land area subject to the application of the PVM overlay district, and shall remain subject to the standards of the R-3 zoning district.
4. 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.
5. 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.
6. A permit shall be issued by the Michigan DEQ authorizing discharge of storm water to the regulated wetland on the site, prior to initiation of private road construction.
7. A complete landscape plan, consistent with the character, level and quality of treatment depicted in the renderings submitted by the applicant, shall be submitted, subject to review and approval of the Planning Department, prior to issuance of any building permits.
8. Consideration shall be given to revising the routing of the sanitary sewer serving Units 19-40, to avoid construction of an excessively deep sewer main. Final construction plans for public water and sewer facilities shall be subject to review and approval of the Utilities Director.
9. The 5-foot wide sidewalk adjacent to the private road shall be extended across the frontage of Units 46 and 47.
10. A driveway access permit shall be issued by the Kent County Road Commission, prior to issuance of the private road permit.
11. Condominium unit boundaries of all of the detached single-family home sites shall be modified to place the front unit boundary at the back edge of the sidewalk.
12. 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 being recorded with the Register of Deeds.
13. The plan shall be modified to provide that Unit 50 has a minimum of 30 feet of frontage on the private drive.
14. Documentation shall be provided that the first floor elevation of single-family homes will be a minimum of 2 ½ feet above the adjacent sidewalk grade, as required by Sec. 78-476 (i).
15. Riverbank slope stabilization and erosion control measures, consistent with the graphical depiction contained in the plan sheet submitted by the applicant titled “River Overlook,” shall be

carried out, as authorized in a permit issued by the Michigan DEQ, and completed prior to issuance of building permits for Units 31-37.

16. The grading plan shall be revised to eliminate encroachment of grading into the “natural vegetation zone” adjacent to the large wetland area at the northern portion of the site.
17. The proposed “Easement Agreement” allowing public pedestrian access on a portion of the walkway system in the development and the proposed “Declaration of Restrictive Covenants” prohibiting installation of gates or other barriers that would impair vehicular or pedestrian access within the development shall be approved by the Township Board, executed by the parties and recorded, prior to recording of a condominium master deed for the subject property.
18. A plan and fixture specification shall be provided for any exterior site lighting proposed, prior to installation, for review and approval by the Planning Director.

Motion carried.

2. Request for Zoning Ordinance Text Amendment, to Allow Storage Buildings for Property Maintenance on Vacant Parcels not Otherwise Occupied by a Principal Use, Requested by David Clay

Dave Clay stated he owns 69 acres of land on Honey Creek Ave., and he uses it for hunting and game food plots. He stated he has contacted a forester about preparing a forest stewardship plan for the property. He stated he would also like to plant some fruit trees on the property. He stated he spends an inordinate amount of time transporting equipment to and from the property, compared to the time he is able to spend working on the property. He stated he has been told the zoning rules do not allow him to construct a building on the property for storage of equipment used in maintaining the property, without having a house on the property. He stated he is requesting a change to the zoning rules to permit such a building.

Planner Brent Bajdek presented a proposed draft of zoning ordinance language that would allow construction of a utility building on large parcels, subject to a number of restrictions. Bajdek stated this subject was discussed by the Commission previously, in December 2014. He stated at that time the Commission consensus was to not move the draft amendment forward. He stated since that time Mr. Clay has continued to express his desire to construct a utility storage building on his property, and has now submitted a formal application for a zoning ordinance text amendment.

Bajdek described the proposed restrictions contained in the draft ordinance amendment. He pointed out that the current draft rules would apply only to land in the AGP district, and the minimum acreage requirement has been increased compared to the 2014 draft.

The Chairman opened the public hearing.

There was no public comment, and the hearing was closed.

Lunn stated a concern he has is how sanitary facilities are provided on a site such as this. He is also concerned with possible accumulation of items stored outdoors.

Ferro stated there are probably existing buildings on otherwise vacant land in the Township that were originally agricultural buildings, but that are now used for other purposes, which we have no knowledge of.

Jacobs stated we should consider the fact that there is apparently no public outcry against what is proposed in the amendment, and that gives her some pause in considering the amendment.

Leisman stated he is aware of only two townships that have similar rules, and that it is a very uncommon type of provision.

Ferro stated he agreed that there are not many communities that have rules that permit an outbuilding without having a home on the property.

Jacobs asked whether Ferro knows how many parcels in the Township that would be eligible for a building under these rules. Ferro stated he didn't have that number, but could obtain that information.

Ferro suggested another possible approach to these rules would be to permit storage buildings only with approval of a special use permit, which would require evaluation of compatibility of the proposal with the character of the surrounding area.

Butterfield asked how the 4,000 square foot size limit was determined. She asked whether someone could build a small home and put up a large accessory building. Ferro stated a 4,000 square foot accessory building is already permitted for accessory buildings on large parcels in the Township.

Jacobs asked whether a variance application would be an alternative for the applicant. Ferro stated it would, but it would be unlikely to satisfy the legal criteria for granting a variance, and would likely not have a favorable recommendation from staff.

Jacobs asked what is the definition of a principal building. Ferro stated the ordinance definition is "the primary or predominant use of a lot."

Ferro stated in the AGP district, a principal use would need to be either a farm building or a residence.

Following discussion, it was moved by Lunn, supported by Easter, to recommend denial of the request, for the reasons stated previously. Motion carried 6-1, with Jacobs voting no.

VI. UNFINISHED BUSINESS

1. Development Plan for Removal of 15 Existing Parking Spaces and Relocation to a New 14-Space Parking Area, 640 and 600 Ada Drive, Thornapple Pines Development, LLC

Bajdek stated the departure provisions of the PVM district allow the possibility for approval of a departure to allow use of a lot type in a transect zone where it is not permitted. The applicant is requesting a departure to allow the Civic Building lot type which was designated for the 660 Ada Drive building to be expanded to include land in the Village Edge subzone, for installation of parking spaces for the 660 building.

Leisman stated that the applicant is also asking for approval of a modified plan for the 660 Ada Drive building, to remove the land area that will be part of the Riverpoint of Ada townhomes, and add additional land for replacement parking.

Easter stated she wished to step down from participation in the deliberations on this request, as she did previously for consideration of the parking lot expansion, based on her being a tenant in the building.

Lunn asked how storm water from the added parking is handled. Rick Pulaski stated leaching basins are proposed in the parking area, with an overflow outlet to the storm sewer system in the Riverpoint of Ada development, eventually discharging to the wetland on the Riverpoint of Ada site. Lunn asked who would

be responsible for future maintenance of the system. Pulaski stated the 660 Ada Dr. building owner would be responsible for maintenance of the facilities on their property, and the Riverpoint condo association would be responsible for the system on their property.

It was moved by Lunn, supported by Lowry, to approve the revised development plan for 660 and 640 Ada Drive and approve a departure to permit a portion of a Civic Building lot to be located in the Village Edge transect zone, subject to the condition that the parking lot layout plan is modified to conform with parking lot landscape standards contained in the zoning rules.

Motion carried by 6-0 vote, with Easter abstaining.

VII. NEW BUSINESS

1. Pre-Application Conference, PUD Plan, Redevelopment of AGO gas station/convenience store site, to replace the existing convenience store building with an 8,046 sf building containing a 3,504 square foot convenience store, a 1,200 square foot retail store and a 3,342 square foot fast food restaurant with drive-through service window, 7100 E. Fulton St., Parcel No. 41-15-28-477-035, American Gas & Oil, Inc.

Steve Witte, Nederveld, presented the proposed plan on behalf of American Gas & Oil. He noted the plan proposes a property line adjustment with the Big Steps Little Feet site to the west, and Amway-owned property to the south, to convey some additional land to the day care site, and obtain additional land for the subject site from the Amway-owned site. He noted they have talked to the Road Commission and MDOT regarding proposed modification of the existing Fulton St. driveway access, to convert it to a full directional driveway access, and that this is currently being reviewed by those agencies. He also noted the existing southerly access to the north-south service drive would be relocated to the south.

Witte stated the plan provides 90 parking spaces, compared to a requirement per ordinance standards of 85 spaces. He stated the plan proposes a second free-standing sign on the property, and they are seeking feedback on that proposal.

Witte stated the drive-through lane would have 2 ordering stations, to lessen stacking of vehicles.

Ferro stated the purpose of a pre-application conference is to provide general feedback regarding the appropriateness, general content and design approach of a potential PUD application, to provide early feedback to the applicant, before a full application is prepared.

Ferro stated the plan proposes a significant increase in the square footage of building area on the site and the intensity of use on the site. He stated it would have a significant impact on traffic volumes to and from the site.

Ferro stated that the zoning rules do not currently permit restaurants with drive-through service windows, and that a PUD Plan may not include uses that are not otherwise permitted in the zoning rules. Therefore, he believes that a zoning ordinance text amendment to allow restaurants with drive-through service windows needs to be considered and enacted before the proposed PUD Plan can be considered.

Ferro stated that re-construction of the Fulton St. driveway as proposed needs to be evaluated, as well as the alternative of re-constructing the driveway with restricted turn movements. He also stated that the existing northerly access driveway to the north-south service drive is currently too close to Fulton Street, and consideration should be given to moving it further from Fulton St. In addition, he noted that the proposed re-location of the southerly access drive to the north-south service drive would result in the current 4-way intersection becoming a pair of offset driveway accesses.

Ferro stated the subject property is adjacent to property across the north-south service drive that is likely to be proposed for a 20,000 square foot medical office building. He stated he believes there is a need for a traffic impact analysis to be prepared jointly by the two property owners for the two sites combined, to evaluate traffic impacts on the north-south service drive and its intersection with Fulton St.

Ferro stated that the conceptual architectural renderings submitted provide a character that is less prototypical for the fast food restaurant, and more in keeping with the character of the Village, but that he believes the Commission needs to consider whether the zoning rules should be amended to permit a restaurant with drive-through facilities in this location.

Leisman asked how restaurants are addressed in the Envision Ada plan. Ferro stated the Envision Ada plan did not address the subject site at all, and also does not specifically identify or target locations for restaurants, either with or without drive-through facilities.

Ferro stated another thing lacking on the site is the absence of any accommodation for any pedestrian access to the site. He stated the plan should address pedestrian access to the site.

Ferro stated he saw no reason why the Township should permit a second freestanding sign on the property. He suggested that the existing nonconforming signage on the site should be replaced by a conforming monument-style sign identifying all of the uses on the property.

Butterfield commented that we should take a look at the entire C-2 district in considering any zoning ordinance amendment. She also suggested outdoor seating area be provided on the site.

Easter stated we have had conversations about eliminating drive-through banking, so why would be consider allowing drive-through restaurants.

Butterfield pointed out that drive-through service does reduce the need for parking.

Easter asked whether the proposed restaurant would have a limited menu like the McDonald's Express, or whether it would have a full menu. Witte stated he did not know the answer to this question.

Witte stated he reads the ordinance provisions to allow use flexibility in a PUD Plan.

Leisman stated that the ordinance explicitly prohibits restaurants with drive-through facilities. He stated he does not see a compelling reason to change this. Lunn concurred with Leisman's comments, and stated he agreed the plan should provide for pedestrian connections to the surrounding area.

Witte stated they would address the need for pedestrian facilities.

Jacobs stated her impression of the proposed plan is that it has the appearance of an island that is disconnected from its surroundings.

Leisman stated he would like to know how the Envision Ada consultants would view the addition of drive-through facilities in the Village.

2. Pre-Application Conference, PUD Plan Amendment, 1,990 square foot addition to Big Steps Little Feet Child Care Center, 7030 E Fulton St., Parcel No. 41-15-28-477-042, 7030 Fulton, LLC

Steve Witte, Nederveld, presented the proposed plan, along with Rob Young, owner of Big Steps Little Feet. Witte noted that the proposed plan involves acquiring additional land from the property owner to the

east, for additional parking. He stated the building addition would be for 3 classrooms, adding capacity for 40-45 additional children, and 2-3 staff members. He stated access to the site would be unchanged.

Ferro stated the proposed addition displaces a portion of the outdoor play area. Butterfield asked whether the lost playground space would be replaced. Rob Young stated they already exceed the minimum outdoor play area required, and the lost space would not need to be replaced.

Ferro suggested the possibility of making the added parking an angle layout with one-way drive, to reduce the added pavement area, and provide more pavement setback from the east property line.

Lunn stated he would like to see minutes from the original approval, to see how the play area provided was addressed.

Ferro commented that the sidewalk on the east side of the driveway was intended to eventually be connected to a similar walkway along the east-west service drive that runs through the adjacent property, which has implications for the plan on the property to the east.

VIII. COMMISSION MEMBER/STAFF REPORTS

Ferro stated the memo on behalf of the Planning Commission to the DDA Board and Township Board regarding parking in the Village was reviewed by the DDA Board on Monday, and is in the Township Board packet for the Board meeting next Monday.

Ferro stated there would be a public presentation on the Parking Study scheduled in the future, and he would invite Commission members to that presentation when the date is set.

The Commission reviewed and concurred with the proposed meeting schedule for Fiscal Year 2016-17.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Jacobs, second by Lunn, to adjourn the meeting at 9:50 p.m.

Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith, Township Clerk