

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE SEPTEMBER 15, 2016 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, September 15, 2016, 7:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, Michigan.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Commissioners Lunn, Lowry, Leisman, Jacobs, Easter

Arrived at 7:20 p.m.: Butterfield

Absent: Heglund

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

Public Present:

III. APPROVAL OF AGENDA

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

III. APPROVAL OF MINUTES OF AUGUST 18, 2016, MEETING

Moved by Easter, supported by Lunn, to approve the minutes of the August 18, 2016, meeting as presented. Motion passed unanimously.

V. PUBLIC HEARING

1. Proposed amendment to Sec. 78-448 of Article XIX, Planned Unit Development, of the Ada Township Zoning Ordinance, to add temporary provisions applicable during Ada Village redevelopment, allowing inclusion of restaurants having drive-through facilities in a Planned Unit Development in the C-2 zoning district, Requested by JFB Real Estate.

Planning Director Ferro explained that this request has been worked on for several months. It began with a pre-application conference from AGO gas station regarding possible redevelopment of the site with a new convenience store and attached restaurant with drive-through. It was concluded that this could not be considered with a PUD application because the PUD regulations do not permit uses that are not already listed as permitted uses in one of the commercial zoning districts in the zoning regulations. Ferro stated the current prohibition on drive-through restaurants has been in place since 1994. The AGO property owner submitted an application for a zoning text amendment, and submitted potential ordinance amendment language. The Planning Commission was not receptive to that wording, so a subcommittee of the Planning Commission was appointed consisting of chair Leisman, and commissioners Easter and Jacobs, to work on proposed amendment language. The Planning Commission reviewed the proposed amendment developed by the subcommittee at the August meeting, and the public hearing was set for this month. The subcommittee had one subsequent meeting and made a couple of proposed modifications, which are underlined in the draft.

This proposed amendment adds a new temporary provision to the PUD rules, effective for a period of two years, with the express purpose of facilitating orderly relocation of existing businesses displaced within the DDA district to other locations, as a result of implementation of the Envision Ada redevelopment plan for the Village. Ferro stated the temporary provision states that a PUD Plan in the C-2 zoning district may include the following subject to compliance with a number of standards: Restaurants having design feature of one or more drive-through windows.

Ferro summarized the design standards that are contained in the proposed amendment for restaurants with drive-through service windows.

PUBLIC HEARING OPENED

Jason Berris, American Gas & Oil, stated their biggest concern with the proposed regulations is the standard number 3 pertaining to driveway access, and the potential for having to close their access to Fulton Street. He stated their preference would be to see full access to Fulton Street.

Ken Berg, local McDonalds owner, thanked the Planning Commission and subcommittee for their work. He stated he was trying to find a way to help save the family business which he opened 20 years ago with his father. Berg stated he purchased the business from his father who retired four years ago and shortly after that he was notified the property would be redeveloped and he would have to move. He stated the proposed new store would be a state of the art restaurant of which Ada would be proud. He stated the cost will be 15 times more than he paid for the original restaurant, and a drive-through facility will help defray that cost. He stated he works hard to take care of his employees, and he asked to work together to continue what he and his family started 20 years ago.

Jim Lozen, supervisor for Berg Investments. He stated he oversees Ken's 4 restaurants, including the one in Ada. He and his wife moved back to Michigan and Ada two years ago after 20 years working with McDonalds Corporation, to work for Ken Berg. He stated there is a high level of excellence in Ken's restaurants, and in the work that Ken does.

Randy Joppie, owner of Homelife Kitchen and Bath and president of the Ada Business Association, stated the ABA board had reviewed the amendment and unanimously supported of its approval.

Devin Norman, 20-year business owner in the Village and member of the DDA Board, stated he appreciated the efforts of the Planning Commission and supports the proposed amendment. He stated McDonalds did not create the situation they are in. He noted the community and DDA made a commitment to support and help the tenants who are affected by this change, and the DDA is committed to a walkable design and community.

Mike VanderPloeg, a local resident for several years, has known the Berg family for the past eight years and fully supports doing whatever it takes to allow him to relocate his business. He noted Mr. Berg is a supporter of the Roanoke Ranch for Kids nonprofit, of which Mr. VanderPloeg is a board member. It is Mr. Berg's livelihood and he didn't ask for this to happen. The drive-through will be a great convenience for customers, and will meet a need in the community.

Bill Payne, resident and vice-chair of Amway Corporation, stated the Bergs have been here for 24 years and there is a heritage of this restaurant in the community. From Amway's perspective he is very supportive of this amendment. There has been discussion about supporting businesses that are already here and he hopes the commission will see the value of this change. It will enhance the community. He feels the way the amendment has been drafted will make sure to limit the changes resulting from it.

Cameron Young, longtime resident of Ada, spoke in favor of the amendment. He felt for a person with mobility challenges the accessibility and convenience will increase his use of the restaurant and would be a great attribute.

Jennifer Bowman, 841 Dogwood Meadows, stated she is in favor of the amendment. She stated she loves what is happening in downtown Ada. As a busy working mom with busy kids, the balance of having the convenience is currently lacking. She is excited about the walkable aspect of the village but also feels the convenience is important.

Bryan Harrison, Amway employee, Ada Township DDA board member and Caledonia Township Supervisor, stated his biggest concern is condition #3 regarding the access requirement, stating the ordinance assumes that access solely from the secondary street is the best way for access without taking

other things into consideration. Condition #4 is very similar and could replace #3. He was in agreement with the two-year window.

Steve Witte, Nederveld, Inc., representing AGO, expressed thanks for the thorough work on this project. He also felt Condition #3 was not necessary and eliminating it would allow a little more flexibility.

Planning Director Ferro stated correspondence in support of the amendment was received from Susan Burton, 7690 3 Mile Rd., Jane Post, 8050 45th St, Nicole Gunderson, 6480 Redington Dr., and Amanda Wildman, owner of True Media, a business in Ada and township resident. He also noted correspondence in commissioners' packets to the subcommittee from Mr. Berg, from Bryan Harrison, Amway Corp., and a letter from Noelle DiVizzo, 7115 Bronson St., expressing concerns about the proposed McDonald's location on Fulton St.

PUBLIC HEARING CLOSED

Commissioner Jacobs stated in the second subcommittee meeting a lot of time was spent on the access road provision. She asked Planning Director Ferro to explain the rationale for this standard.

Ferro stated the traffic engineer who has provided input regarding this standard has stated that if there was not currently a driveway to Fulton St. at the AGO site, it is unlikely that MDOT would approve a new one, due to the minimum spacing standard between a new driveway and the existing service drive. He stated that imposing this standard on an existing developed site may not work for practical reasons related to internal site circulation. Ferro noted the correspondence from MDOT indicates MDOT would be willing to accept a right-in only driveway, if the driveway can be re-configured in a manner that truly functions in that manner.

Chair Leisman pointed out that the regulations are intended to have general applicability along M-21, not limited to only this one restaurant. He suggested possibly amending the last clause of paragraph 3 to replace the "safe and efficient" wording with "cannot be reasonably accommodated without having access to more than one road." (instead of "safe and efficient").

Planning Director Ferro stated that would better take into account the practical aspects of service delivery access.

Lunn asked who is paying for the traffic study that Ferro referenced. Ferro stated it was commissioned by Amway. He stated Township input was sought regarding the scope of the study, and the scope of work was worded to state that the study was being completed jointly for the Township and Amway. Lunn asked whether the consultant would provide guidance regarding standard #3. Ferro stated the consultant did provide guidance regarding that standard.

Butterfield asked whether the reference in the standards to pedestrian access also includes cyclists. Ferro stated the reference could be changed to "non-motorized" access.

Commissioner Jacobs stated she found it interesting that in review of the Planning Commission public hearing minutes from 1994, when the current prohibition was adopted, that there was no public comment opposing restaurants with drive-through facilities, and there is very little opposition currently as well.

Chair Leisman stated what he heard from the public hasn't changed his view. If the Township Board sends this back, there would be 20 conditions instead of 16.

Moved by Jacobs, supported by Easter, to recommend approval of the proposed amendment as drafted, subject to the following revisions:

1. sub-paragraph a.3. to read “If the restaurant is located on a lot that abuts more than one public road, or abuts and has legal access to both a public road and a shared private road right-of-way, vehicular access shall be obtained only from the public or private road having the lesser traffic volume, as measured by average daily traffic, unless it can be demonstrated that the traffic generated by the uses on the subject property cannot reasonably be accommodated without having access from more than one road.”

2. sub-paragraph a.7. to read “The site design shall provide safe, well-defined sidewalks for non-motorized access to the site, and shall provide connectivity with non-motorized facilities on adjacent properties.”

Motion carried unanimously.

II. Proposed 2016 Amendments to Township Master Plan

Planning Director Ferro summarized the scope of the proposed Master Plan amendments. He stated it focuses on two specific areas – the Ada Village area, and land on the east side of Spaulding Avenue between Ada Drive and Cascade Road. He stated the amendments make changes to only three chapters of the Master Plan – 6, 7, and 8. Chapter 6 deals with the goals and objectives of plans and contains broad statements regarding character and land use makeup of the community that we hope to see in the future. Chapter 7 deals with future land use, and Chapter 8 focuses on public facility needs.

Ferro stated the revision incorporates goals for redevelopment of the village that came out of the Envision Ada planning process, including enhanced walkability, more opportunities for residential development in the village, reinforcing the traditional character found in the core of the village, and extending that existing character along Ada Drive to M-21 in redevelopment of the shopping center, and improving public accessibility and experience of riverfront land in the Village. He stated the residential and office development sections of the vision statement in Chapter 6 are revised to state that vacant land on the east side of Spaulding Avenue is suitable for either multiple family residential use or office use. Ferro referenced a slide in the packet that shows the proposed amendments to the future land use map.

PUBLIC HEARING OPENED

There was no public comment.

PUBLIC HEARING CLOSED

Lunn pointed out that the master plan goals discourage placing fill in the floodplain. He stated we appear to be in conflict with this goal in redevelopment of the Village. Ferro stated it is important to point out that the fill being placed in the floodplain in the Village is being offset by excavation that was carried out on Pettis Ave that enlarged the floodplain by a much larger volume than it is being reduced by as a result of fill in the Village.

Planning Director Ferro stated he realized just prior to the meeting that the planning statute calls for the master plan to be approved by resolution of the Planning Commission. He noted that he has not yet prepared a resolution for the Commission’s consideration.

Leisman suggested postponing action to the October meeting, and that an adoption resolution can be adopted at that time.

It was moved by Lunn and supported by Easter, to postpone action on the proposed master plan amendments to the October meeting, pending preparation of a proposed adoption resolution by the Planning Department. Motion carried unanimously.

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

1. Final PUD Plan, 6,616 Square Foot Commercial Building, Unit 6, Fulton Woods Corporate Park, 6306 E. Fulton St., Parcel No. 41-15-29-444-006, White Birch Builders

Josh Strautz, Dixon Architecture, explained that White Birch Builders is seeking to build a cabinet shop and small office and a little retail space to put some cabinets and work on display. This would be plugging into the existing condo association, and they were looking to maintain the building square footage that was originally planned for Unit 6, and trying to fit within the bounds of parking and other requirements per zoning ordinance. The plan is to remove the existing barn, and make minor site improvements to extend the parking lot and plug into existing stormwater systems already in place. The proposed parking is .9 space insufficient. Only three units have been developed, and a number of other units are planned for the future.

Planning Director Ferro explained the PUD site is where the former E.L. Ladd offices were located. Ferro summarized the history of zoning approvals for the overall PUD Plan and the phases that have been completed to date. Ferro noted the PUD Plan has 8 building sites, several of which are still vacant. He stated the initial PUD Plan approval was for 40,020 square feet, and that a subsequent plan amendment added 2,470 square feet of floor area, subject to the restriction that no more than 50% of the added space could be for office use, with the remainder dedicated to storage.

Ferro stated the unit that's proposed now is identified in the original PUD Plan as having 6,000 gross square feet, and what's being proposed now is 6,391 square feet. Ferro noted the building footprint remains the same, with the exception that the second floor dormer and supporting piers encroach outside the condo unit boundary. He noted this will require an amendment to the condo document, since the building encroaches into the general common element in the condominium.

Ferro stated the 766 square foot amount by which this building exceeds the originally-approved total is not real significant, being less than a 1% increase, with the resulting parking deficit being less than 1 space.

Ferro noted there has been a pattern of successive phases of development in the PUD all having incremental increases in the building square footage, and that if this pattern continues, parking could become an issue. The nature of some of the businesses involve service vehicles and utility trailers and they need a place to be stored and are now in some of the parking spaces. Other than minor encroachment of the roof dormer and piers outside the unit and minor increase in square footage, this plan conforms with the overall preliminary PUD plan, and one of the standards for approval of the final plan is for the Planning Commission to determine that the proposed final plan conforms in all significant respects to the preliminary plan. The preliminary plan is the measuring yardstick.

Ferro summarized the proposed landscaping, noting that it includes evergreen tree plantings as requested, to replace existing vegetation that will be removed between the proposed building and the railroad right-of-way as a result of grading. The plan shows seven six-foot tall evergreens. Ferro noted the nearest homes in Ada Woods located to the south across the rail line are about 250 feet away from the proposed building.

Ferro noted that the completed first phase of the PUD included driveway improvements and public water and sewer extended on to the property. Also a stormwater management plan was approved when the PUD was approved, which provides storm water detention in a preexisting wetland in the southwest corner of the property.

Ferro stated the proposed building will get water and sewer service from services already in place to the building it's attached to and in order to do that and avoid tearing up asphalt and installing separate sewer laterals and water service lines there will be some special billing arrangements that will need approval by the Utilities Director.

Lunn asked what the sewer ordinance requires. Ferro stated he believes the ordinance requires one sanitary sewer later per building, and in this case it depends whether you consider the two attached condo units to be one building or two. What's proposed is installing a second private water meter so water usage can be allocated between the two building owners. He believes the Utility Director will require that one entity be legally responsible for payment of the bill. There is a general condition of approval that makes that arrangement subject to Utility Director approval.

Ferro stated the applicant has stated that the only exterior mechanical equipment will be a small air conditioner unit. The cabinet shop with woodworking equipment would have sawdust collection equipment contained within the building, with no exterior dust collection equipment.

Ferro stated the PUD approval requires any exterior lighting on the south side of the building must be motion sensor activated only. He noted that the PUD approval also requires exterior lighting to be "full-cutoff" fixtures, and that the fixtures shown on the west elevation sketch does not meet this requirement. That needs to be addressed and clarified.

Ferro reviewed the recommended conditions of approval, and suggested adding a condition stating that the condo documents shall be amended prior to construction of the building to permit the expanded unit boundary for Unit Six to accommodate that part of the building which encroaches outside the unit boundary.

Strautz stated he had no objections to the conditions of approval. Strautz stated they may be able to add a parking space on the south side of the proposed building, and mitigate this with added landscaping. Strautz noted that there are existing water and sewer stubs from the adjacent building that were intended to be extended to serve the proposed attached building.

Planning Director Ferro added that the refuse container would be in a little alcove or recess between the two buildings, with a gate enclosure, to avoid putting the refuse container back against the south property line due to noise.

Lunn asked whether there were any limits on hours of operation in the PUD Plan. He noted he hears noise in the area late at night.

Jacobs asked whether there were any code issues related to the fire hazards of wood dust in the building, and ensuring there is no liability for the Township. Ferro was unsure whether there were any code requirements specific to this. He stated this would be addressed as part of review of construction plans by the building department when a building permit application is submitted.

Strautz noted that per building code, the common wall between the existing building and proposed building would have a two-hour fire rating.

Lunn stated he appreciated the requirement for landscape screening. Ferro noted another purpose of the added landscape screening was to preclude use of this area for outdoor storage.

Leisman suggested adding to condition number 3 a phrase stating "in compliance with the sewer ordinance. He also suggested modifying the condition 6 pertaining to the condominium documents to state "the condominium documents shall be amended as necessary, to accommodate the project, subject to Planning

Department approval”, since he is not sure what the exact nature of the solution will be. Leisman also suggested the possibility of adding a condition 7, relating to sound directed toward the residential areas to the south.

Todd Wilde stated the sawdust collection system would be located entirely within the building, with no exhaust fan located on the outside of the building.

Ferro stated that one other noise issue in industrial buildings is having doors open during hot summer weather. It was noted that the proposed building would have overhead doors here face to the left, and having the building air conditioned is conducive to keeping the doors shut. The problem we have exists in non-air conditioned buildings. A condition of approval was suggested requiring doors and windows should be closed while equipment is in use.

Moved by Jacobs, supported by Butterfield, to approve the Final PUD Plan at 6306 East Fulton, subject to the following conditions:

1. The Final PUD Plan shall consist of a 6,391 square foot building and site improvements as shown on the plans titled “White Birch Builders Shop,” civil plan sheets C-100, C-201, C-203, C-205 and C-300, as revised 8/29/16, landscape plan sheet L-1, as revised 8/30/16, and architectural plan sheets A1.1, A2.1, A4.1 and A4.2, as revised 8/3/16.
2. The Final PUD Plan shall be subject to all conditions of approval contained in the Preliminary PUD approval resolution of March 8, 2004.
3. Arrangements for billing and payment of water and sewer user fees shall be subject to approval of the Utilities Director, in compliance with the sewer ordinance.
4. Specifications for exterior light fixtures shall be provided prior to issuance of a building permit.
5. The evergreen tree planting between the building and the south property line shall be completed prior to occupancy of the building.
6. The condominium document shall be modified, as necessary, to accommodate the building encroachment outside the recorded condominium unit boundary, subject to Planning Department approval.
7. Building doors and windows shall be closed while noise-generating equipment is in use in the building, with the exception of incidental short-term durations during shipping and receiving operations.
2. **Request for Modification of Approval Conditions to Permit Issuance of Building Permits Prior to Recording of Condominium Master Deed, Kingma’s Market and Building B-2, Units 1 and 2, Ada Marketplace Square Site Condominium, Geld LLC**

Rob Hunter, Geld, LLC, stated that there are some final refinements to the condominium documents for the Marketplace Square condominium that need to be made, and that these refinements may not be completed prior to the timeframe they would like to get started on construction of the Kingma’s market and the adjoining building. He asked for the approval conditions to be modified to require recording of the documents prior to occupancy of any buildings, rather than prior to issuance of building permits. He stated they anticipate having them recorded prior to the end of the calendar year.

Moved by Easter, supported by Jacobs, to approve modification of the conditions of approval for the Kingma's Market and Building B-2., to require that the condominium documents be recorded prior to occupancy of the buildings or March 1, 2017, whichever occurs first. Motion carried unanimously.

VIII. COMMISSION MEMBER/STAFF REPORTS

Planning Director Ferro stated that the proposed sign ordinance had been presented to the township board, and the Board referred the amendments back to the Planning Commission. He explained the questions and comments from the board, including that the allowable total wall sign area per building is inadequate for large buildings facing M-21, and for large buildings with multiple tenants, and suggesting that the limits should be more proportionate to building area. Ferro suggested the matter be sent back to the sign subcommittee for further review.

Ken Dixon, Dixon Architecture, offered assistance to the committee in preparing graphical representations of various.

Leisman suggested the possibility of some discretionary provisions within the plan approval process that would allow the Planning Commission to approve a sign plan.

Moved by Jacobs, supported by Easter, to refer the sign regulations back to the sign subcommittee. Motion carried unanimously.

IX. PUBLIC COMMENT

Robert Rogers, new Vergennes Township planning commissioner, introduced himself.

Planning Director Ferro explained that one of the conditions of approval on the Kingma's building and B-2 was exterior lighting shall be cut-off fixtures. He noted that on construction plans for both buildings, there are decorative light fixtures proposed that aren't cut-off fixtures. The term cut-off fixtures is more applicable to what are generally called high-intensity discharge lights that are used for area lighting. All of the fixtures proposed on these buildings are not used for area lighting. Some are shaped like fixtures that have a shade on them, some are more open sconce-like fixtures, which for the most part use normal small-wattage incandescent bulbs. Ferro noted there are 29 light fixtures on the B-2 building façade on Ada Drive. Chair Leisman stated it seems like we could work with the applicant. Lunn commented even though the lights are small, there are a lot of them, and their total output could be significant. Planning Director Ferro stated he is not asking for official action by the Commission, but is interested in feedback.

X. ADJOURNMENT

Moved by Easter, and supported, to adjourn at 9:10 p.m. Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith
Ada Township Clerk

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