

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE OCTOBER 15, 2015 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, October 15, 2015, 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~~ Butterfield at 7:00 p.m.

**II. ROLL CALL**

Present: Commissioners Easter, Butterfield, Lunn, Lowry, Jacobs, and Leisman  
Staff Present: Planning Director Ferro

**III. APPROVAL OF AGENDA**

Motion by Easter, supported by Lunn, to approve the agenda as presented.

Motion passed unanimously.

**IV. ELECTION OF OFFICERS**

Butterfield nominated Ross Leisman to serve as Chairperson. Lunn supported this nomination.

It was moved by Lunn, supported by Lowry, to elect Ross Leisman as Chairperson.

Motion passed unanimously.

Easter nominated Angela Butterfield to serve as Vice-Chairperson. Supported by Lunn.

Motion passed unanimously.

Lunn nominated Easter to serve as Secretary. Supported by Butterfield.

Motion passed unanimously.

Leisman assumed chairmanship of the meeting.

**V. APPROVAL OF MINUTES OF SEPTEMBER 17 MEETING**

Motion by Easter, supported by Lunn, to approve the minutes of the September 17 meeting, subject to changing the attribution of the statement in the second paragraph on page 5, concerning the helicopter barn on the Bieker property, from Lowry to Lunn.

Motion passed unanimously.

**V. PUBLIC HEARINGS**

None.

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

**Site Plan Review, 5 Lot Site Condominium Development on 34.46 Acres, 3000 Egypt Valley Ave., Parcel No. 41-15-04-300-003, Keith and Lisa Javery**

Jim Morgan, RJM Design, 1971 East Beltline, Grand Rapids, MI, represented Keith and Lisa Javery, and presented the proposed site plan. Morgan stated the 34 acre parcel is proposed to be split into five parcels, all of which are at least 5 acres in size. Morgan stated the Javery's are in the process of building a home on the easterly parcel, which is 10 acres, and the rest of the property is currently undeveloped. Morgan noted Egypt Creek running through the north side of the site, and there are some wetlands and natural areas along the creek, which they are proposing to protect. Morgan stated an on-site waste water disposal permit has been issued for Unit 4 where the owners are building their home, and the other 4 lots have been tested and are suitable for septic systems. He noted wells in the area have been historically good; electric, gas, telephone and cable, will all be underground. He stated a driveway permit has already been issued by the Kent County Road Commission for vehicular access, and the curb cut has already been constructed on Egypt Valley for access to the Javery home. Morgan added he has no objections to the conditions Mr. Ferro has proposed in his report.

Ferro stated the site has rolling terrain, overgrown fields and woodlands, with moderate slopes. He noted a Consumers Energy easement that runs east/west north of Three Mile Road, and a proposed north/south easement would provide electric service to the home that's under construction. Ferro stated the lot layouts conform with the standards for the RP-1 District, and the private road layout complies with the private road standards. Ferro also pointed out that the plan identifies the riparian protection zones adjacent to the stream that runs along the north property boundary, as required by the zoning rules. He noted that the required natural vegetation zone is shown at its maximum required limits of 75 feet from the banks of the creek, and that width is only required in areas that have slopes greater than 12%, so there are some areas where that boundary could be closer to the creek.

Ferro stated that one correction that needs to be made is adding a 10-foot wide natural vegetation zone adjacent to regulated wetlands on the site. Ferro pointed out that four of the lots, including the home that is under construction, will be accessed from the private road, and lot #5 will be accessed from Three Mile Road.

Ferro stated a landscaped island should be placed in the center of the private road cul-de-sac, with a 40 foot diameter, consistent with our past practice on private roads.

Ferro noted the Township's engineering consultant has reviewed the plan and has recommended that the drainage swales that run down the hill on each side of the private road should have check dams installed at suitable intervals to slow down runoff, encourage infiltration and prevent erosion. These corrections have all been included in recommended conditions of approval.

Ferro stated that depending upon where the driveway access to the first home is located in relation to the private road entry, the portion of the private road that is 22-feet wide could be shortened from what is shown on the plan. He stated that would be a minor change that could potentially be made to the plan in the future, and he has accommodated that possible change in the recommended conditions of approval.

Ferro noted a couple of other recommended conditions are boundaries of the natural vegetation and transition zones should be included in a plan sheet that's part of the recorded condominium documents so property owners are made aware of the existence of those zones. Another condition requires the condominium documents, master deed and bylaws be submitted to the Township for review and approval as to their conformance with the zoning rules and these conditions before they get recorded.

Butterfield asked how many acres are in wetlands, power line easements and riparian protections zones.

Morgan stated he did not have that calculation. He stated he would estimate between 70% and 80% buildable area on the property.

Leisman asked given the power lines and wetlands, where are the possible building sites on Unit 5, and where would the driveway access be?

Morgan stated the access would be off 3 Mile Rd. He stated building site would likely favor the easterly half of that site. There is a gentle slope that goes up to the top of a hill; it's a natural walk-out site, and actually offers views of Egypt Valley Country Club. You could go west from there but then you would lose that view and the slope is a little steeper.

Ferro asked if the location of the power line easement for the service to the Javery home is locked in or is there flexibility.

Morgan stated he believes it is already in place, and that it will service the entire development.

Ferro stated so that's going to serve all four lots, and that is below ground, as is required by our site condo regulations? Morgan stated yes.

Leisman stated since it's a site condominium, has a private road maintenance agreement been submitted.

Ferro stated no, we get that when the private road permit is issued, and it'll be covered in the condominium documents; it won't be a separate agreement.

Butterfield questioned whether Lot 5 had adequate building area, given the area occupied by the riparian protection boundaries, power line easements and steep terrain.

Ferro stated when looking at lot #5 the scale of the drawing is 1 inch equals 100 feet, and there's almost 200 feet between the property boundary and the power line easement that parallels Three Mile Road. Ferro stated that Mr. Morgan indicated to him previously he thought the likely home site would be between the power lines and the road, near the eastern end of the site where the slopes are less.

Leisman questioned whether there was a need for a landscaped island in the cul-de-sac, given the low density of the development and the large lot sizes.

Easter stated isn't that a typical standard that we have.

Ferro stated it's not in the zoning rules, not in the private road standards, but we've routinely required it for a number of years as a condition of approval on developments with private roads.

Morgan stated the applicant has no objection to installing the island.

Motion by Lunn, supported by Butterfield, to approve the site plan subject to the following conditions:

1. The approved site condominium subdivision plan shall consist of 5 site condominium lots and private access road, substantially as shown on the site plan as revised 10-08-18, and as modified by the conditions below, provided that the location of the cul-de-sac turn around area may be revised, based on the location of driveway accesses to Lots 1 through 3, subject to approval by the Planning Director.
2. The boundaries of the riparian protection "natural vegetation zone" and "transition zone" shall be revised to conform with the provisions of the riparian protection standards.

3. The boundaries of the riparian protection zones and reference to the applicable zoning regulations shall be included in the recorded condominium subdivision documents.
4. A private road permit application shall be submitted, and a private road permit issued, prior to issuance of building permits on lots 1 through 3.
5. The private road permit plans shall provide for installation of erosion control check dams at intervals along the private road ditch slope, subject to approval by the Township Engineer.
6. The site plan and private road plans shall provide an unpaved island within the cul-de-sac turnaround area, with a diameter of 40 feet.
7. The condominium Master Deed and Bylaws shall be submitted to the Township for review and approval by the Planner as to conformance with the zoning regulations and conditions of approval, prior to being recorded with the Kent County Register of Deeds.

Motion passed unanimously.

**Development Plan Review, 4,450 Square Foot Building on 4,635 Square Foot Site, portion of 7214 E. Fulton St., Parcel No. 41-15-27-352-001, River Valley Credit Union**

Ferro stated the parcel when the lot is created will have a Headley Street address, but that's technically the current property address.

Steve Tietsma, Progressive AE, 1811 Four Mile Road, Grand Rapids, MI, stated this proposal is for a new building for the River Valley Credit Union on Headley Street. The parcel was set up to be developed through the Heidi Christine site plan approval process we went through in April. Utilities have been extended as part of the Headley reconstruction; parking is through a shared agreement as part of a condo association which will be created for all of the sites that will share the parking area. Teitsma stated the project was designed to conform to the PVM District, so we abided by as much of the form-base code regulations as possible. However, the rear yard setback, proposed at 7.7 feet, is less than the 10 foot minimum required. He noted that the rear yard adjoins the parking lot.

Ken Dixon stated this is a unique situation where the rear of the building adjoins a shared parking area that will serve the proposed building. Dixon stated the space program for the credit union requires the 180 square feet of building space that encroaches into the setback.

Tietsma stated the second proposed departure from the form-based code standards is exceeding the maximum 50% lot coverage by 4%. Those are the two main issues that require departure from the PDM District.

Dixon described the architectural character of the building, and its conformance with the form-based code architectural standards.

Leisman asked if the chimney would be brick. Dixon stated yes.

Dixon stated the building has a completely-usable second floor, which could be used either by a separate tenant or by the credit union.

Tietsma stated there is a primary entrance off Headley Street, but they would acknowledge that the bulk of customer traffic would be from the rear entrance adjoining the parking lot.

Ferro stated the applicant covered all the dimensional aspects of the plan, and the quantitative standards the applicant is seeking approval of departures for, according to the provisions in our form-base code. Ferro noted that with the exception of the two requested departures, all other standards are met. Ferro also commented on the variety of exterior materials used on the building, and its overall residential character.

Ferro noted he has suggested a decorative exterior light pole and fixture, with the same fixture that's being used on Headley Street, be added in a location off the northwest corner of the building between the sidewalk and the building frontage. Ferro stated that use of decorative lighting was also a condition of approval for the Heidi Christine Salon site, between the building and the sidewalk next to the parking lot

Ferro pointed out that Amway's position is that the contemporary parking lot lighting they have proposed is similar to other fixtures found throughout the village in parking lots. Ferro stated that does not justify not complying with the condition that was placed on the Heidi Christine approval.

Ferro stated he is recommending a similar condition regarding decorative lighting be placed on the River Valley Credit Union approval. He stated Heidi Christine representatives asked if their request for removal of the condition concerning parking lot lighting could be placed on tonight's agenda and Ferro told them it could not, as the agenda was closed.

Ferro stated he has also recommended there be screening from the street with either vegetative screening or some type of wall for the pad for mechanical equipment, which is required in the form-base code. The landscape plan submitted includes flowering trees at the front corners of the building on Headley Street and those are appropriate. A planting bed adjacent to the front wall shows juniper shrubs, and it might be an improvement to add some variety to the plantings. The building is served by public water and sewer off Headley Street, and storm water from roof runoff downspouts is piped to the storm sewer system in the parking lot.

Ferro stated the standards for approval of a departure from the dimensional standards of the PVM district are cited in his staff report. The setback variation of 2.3 feet is at the rear of the building, which adjoins only the shared parking lot, doesn't have any impact on surrounding properties or the area at large, nor does it compromise the plan's conformance with the purpose and intent of the PDM District.

Ferro reviewed the conditions of approval he is recommending. He stated a fifth condition to be considered concerns the relationship between getting the building built and getting the condominium documents recorded, to create the separate condo unit for the building, and requiring this either prior to building permit issuance or prior to occupancy of the building.

Leisman asked if the parcel that Heidi Christine's is going up on and this building are all under the same ownership.

Ferro stated currently, yes.

Lunn stated you talk about the parking being expanded when the two buildings are built, and asked when it will be expanded.

Ferro stated at some point the existing building shown to the west of the driveway off Headley Street will be demolished, and the current River Valley Credit Union building shown further to the northwest will also be demolished, and there will be future buildings and additional parking in the area.

Tietsma stated they have prepared an overall Master Plan study for the broader area to make sure there is adequate parking throughout once all the development takes place, and it would continue to expand the parking lot to the west.

Lunn stated so there's a Master Plan for this area some place.

Tietsma stated yes there are sketches ... keeping in mind as development continues the parking is adequate for the development now, and the parking will be addressed as development continues in the future.

Lunn stated he would like to have the condominium documents in place prior to any permits.

Tietsma stated that process is well underway. He stated he doesn't know what occupancy date we're looking at.

There was further discussion regarding the decorative lighting.

Ferro then referred to the discussion at the April 30<sup>th</sup> Planning Commission meeting and the condition that evolved was that there shall be decorative lighting installed on site, with the intent that it establish a pattern to be carried through the rest of the development.

Easter asked who should prepare a lighting plan for the overall development.

Ferro stated the applicant can respond to the condition of approval by preparing a plan. There could be some flexibility in it depending on where buildings and entries are located.

Leisman stated what if we required the document right now provided there could be a way upon presentation approval of a coordinated plan for the site condo parking area. That way it would be there but it could be waived upon presentation of a plan.

Ferro stated through the extensive discussion held when the Heidi Christine's plan was approved, the intent was to establish a pattern of using a decorative light fixture internally in this development that ties together the internal pedestrian circulation system to the external public sidewalk system in the village.

Lunn suggested we make the same lighting requirement here and deal with it when we deal with all the site issues.

Leisman stated we could require it for now with the idea that we're open to waiving it later upon presentation of a plan that addresses the entire area. He stated in condition #1 we should add the dark sky requirements back, and maybe put in that it could be waived upon presentation of a coordinated condo lighting site plan.

Tietsma stated we did develop a site electrical plan and a photometric plan as well, and that was submitted with building permits, and building permits were approved. We developed it so that we have adequate light levels around the perimeter of the site, including the sidewalk and parking lot. We'd be happy to share that photometric plan with everybody.

Lunn asked if that contained the two light poles.

Ferro stated no it didn't, and it was pointed out to the applicant at the time the permit was signed off on that that was an outstanding issue that needed to be addressed.

Leisman asked if he had any idea of how many buildings were coming to us in the very near future on this particular site condo. If this is it then it's not really an issue, but if we have four more buildings coming in the next six months, it needs to be addressed.

Ferro stated he is not aware of when the next one would be.

Butterfield stated it seems like it's just getting passed back and forth, and you had a building permit and you were told that this lighting was an open issue, and now you're taking it a step further in bringing the plan here and still it's an open issue. It would seem to me that is something you would have addressed and taken care of before we got to this point.

Tietsma stated no, not necessarily. From what I understand the lighting system was designed through Highpoint Electric and he submitted that and asked does the township have a lighting ordinance on minimum light levels, and was told no we don't. So at that point he submitted to Cascade, it was approved, and we moved on. It wasn't until six weeks or so ago that we were informed there may be an outstanding issue that had not been addressed with the Heidi Christine submittal, and it was brought up how are you going to address that and it's been in limbo ever since.

Butterfield stated we should be consistent with the Heidi Christine's lighting requirements for now, and whether that is modified in the future remains to be seen, but she thinks we need to be consistent.

Lunn stated he agrees with that. Leisman stated he agrees also, and would be open to modifying the condition later.

It was moved by Jacobs, seconded by Easter, as follows:

Based upon a finding by the Commission that the proposed departures from the PVM District standards for minimum rear building setback and maximum lot coverage meet the standards for granting of departures contained in Sec. 78-481 of the zoning regulations, the development plan is approved, subject to the following conditions:

1. One decorative lamp pole and fixture matching the specifications for the decorative lighting being installed on Headley St. shall be installed 2 feet off the edge of the parking area perimeter sidewalk, in the lawn area between the northwest corner of the building and the sidewalk.
2. The plan shall be modified to provide a 3-foot high visual screen, using either vegetation or a screen wall, between the street frontage and the mechanical equipment pad on the west wall of the building.
3. Provisions for exterior refuse container serving the building shall be clarified prior to building permit issuance, and shall be subject to approval by the Planner.
4. Approval of the development plan does not grant approval of signs shown on the plans, which are subject to issuance of a sign permit.
5. The condominium Master Deed and Bylaws shall be submitted to the Township for review and approval by the Planner as to conformance with the zoning regulations and conditions of approval, prior to being recorded with the Kent County Register of Deeds, and prior to issuance of a building permit.
6. The landscape plan shall be revised to provide a greater variety of plant materials in the foundation planting bed on the Headley Street frontage of the building.

Motion passed unanimously.

**Request for Extension of Special Use Permit Approval for Foster Care Group Home, 7133, 7147 and 7164 Rix St., SE, Parcel Nos. 41-15-33-231-019, 011, and 012, Thornapple Homes**

Jim Ferro stated this plan was originally approved in 2010 and has been given annual extensions since then while the applicant has been working to put together financing for the project; the last approval was in 2014, which extended the approval through August 19, 2015. The applicant had submitted a complete set of construction plans and building permit application on July 10, 2015. However, the building permit was never issued due to Planning Commission conditions of approval not being addressed; the utility connection fees weren't paid, and a driveway permit has not been issued by the County Road Commission. The issue is whether the approval expired as of August 19, 2015. On September 25<sup>th</sup> I received a letter from the applicant requesting another 12-month extension; the wording in the zoning ordinance states that approval of a special use shall expire one year from the date of approval, unless the authorized use or activity has been commenced prior to such expiration.

Leisman asked if any dirt has been moved; has a building permit been issued?

Ferro stated I don't believe so, and no building permit has been issued. The only activity that has taken place is the investment in resources to prepare the final construction plans and submit those with the building permit application. There has been no physical start of construction that would clearly establish that the authorized activity has commenced.

Leisman asked if the applicant could submit a new special use permit application and obtain approval before Spring of 2016.

Ferro stated that could be accomplished. Ferro stated he pointed out in his staff report that given the amount of time that has transpired, there may be people in the area who have no knowledge of the project who could be considered as stakeholders. Irrespective of whether the extension request letter was timely, there's a legitimate question whether another extension should be granted.

Tom Sinke, AMDG Architects, representing Thornapple Homes, stated they do understand they are asking for some grace, and we need an answer on this issue. He stated that until August 19 they felt like it was ready to go and construction was going to start. Since no final contract was issued to any of the subcontractors, no permits were pulled. The plan review was complete and they were good to go. When bids were reviewed in mid-August, the project was within budget and at that meeting Tom Noble gave the first indication that some issues had come up, primarily due to funding from the State of Michigan Department of Mental Health and how they support families with adult children who are disabled and provide for their housing. There was a piece of the fund revenue stream that was lost that had been factored into the operational costs.

Leisman asked if they have the money in place now.

Sinke stated no as of now. The goal is having that in place by next Spring or so. The advantage of having the approval in place now is it's a positive to anyone you're talking to about financially supporting the project. As of the August 19 date they were moving forward and things changed very quickly, which got them beyond the deadline.

Lunn stated we could have a public hearing if they wanted to resubmit this.

Ferro stated we could, and unless the plan has changed it would be relatively inexpensive for the applicant to submit a new application.

Easter stated she believes that a new application should be considered.

Following discussion, it was moved by Easter, supported by Lowry, to postpone action until the November meeting.



Motion passed unanimously.

**Pre-Application Conference, Request for PUD Rezoning, Conceptual Plan for 80-Unit Multiple Family Development on 9.08 Acres, 1040, 1078 and 1090 Spaulding Ave SE, Parcel Nos. 41-15-31-451-008, 009, 010, and 017, Orion Real Estate Solutions**

Mike Corby, with Integrated Architecture, stated the applicant has met with Jim a couple of times to talk about the project, and we want to show you where we're headed with the project and get some feedback. Corby noted the site has a lot of topography, with a lot of natural vegetation. The current two parcels to the southwest are zoned PUD with an office overlay; the balance of the site is zoned R-2, and we're looking at rezoning the balance of the site PUD with a R-4 zoning overlay. Corby stated they propose a cluster of four larger buildings of 18 units each, and two smaller buildings with four units each. He noted the larger buildings would be two-story with a walkout. Corby stated the access drive would circle around the wooded knoll on the property, which creates a walkable loop. He stated the pond is part of a drainage system they have to maintain, which is serving as detention for other sites as well. He stated Nederveld has done some preliminary analysis on the storm water system, and they will have a couple of small retention areas in low points of the site. They are trying to create a community that preserves a lot of green space, and retains a lot of the existing landscape.

Leisman asked if they had looked at the number difference if that were a PUD/R-2; do you know what the difference in units would be?

Ferro stated the maximum density in the R-4 District is 10 units per acre; in a PUD/R-2 District it's six, he believes.

Corby stated there's the open space to the north that buffers it from the nearest R-2. It's in a transitional area that could go either office or residential.

Ferro stated in the R-2 or R-3 District it's a maximum of six units per acre; 12 in the R-4 District. He stated in the packet are a couple of aerial photos of the site, which he proceeded to describe. The site is designated in the Master Plan as being future office and service use, and proposed here is high density residential use. Ferro posed the question whether the Master Plan should be considered for amendment prior to entertaining a formal rezoning request. He stated if we believe a zoning request must be preceded by an amendment to the Master Plan, then it would add some time to the review process for this development. Some of the factors that Mike has identified as making it suitable for multi-family use were also rationale for why we designated the site for office use in 2007.

Ferro pointed out he believes the building footprints shown on the plan might conflict with the storm water management easement held by the Drain District.

Corby stated they believe that Building A is outside of that east/west easement that's running toward Spaulding. He added Nederveld will be doing more survey work to verify this.

Ferro stated a wetland determination on the site will be needed, as well as a traffic impact assessment that is required by the PUD regulations. Ferro also pointed out the zoning rules include riparian area setback requirements. He stated if not tonight then in the near future the commission needs to provide feedback on the concept as well as the issue of whether the Master Plan should be revisited. He then highlighted applicable provisions of the Master Plan as shown in his staff report.

There was further discussion comparing other developments and the amount of units per acre. Ferro noted the density proposed, at 9 units per acre, is the same as the density of the Stone Falls of Ada development at the north end of Spaulding Ave.

Lowry stated he's very concerned about the traffic in the area.

Butterfield stated the location seems to make sense for this type of development, whether 80 units is too high, she doesn't know. She stated she would like to have information on office vacancy rates in the area, and a traffic impact comparison between residential development and office development.

Corby stated that information can be provided. He stated the office market has not been as strong, and the density is a good transitional zone from office to low density.

Lunn stated the proposed use would provide a good transition in uses in the area.

Leisman stated it doesn't seem like we can do this without changing the Master Plan. It would take a little bit longer, but he suggested a work session with the Planner in November to talk about the Master Plan and this area.

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

### **Joint Work Session with DDA Board and Township Board – October 22**

Ferro stated the joint work session will be an opportunity for dialogue between the three groups, making sure everyone is on the same page, identifying any areas where there is disconnect in regard to what the future of the village is, and making sure there is a clear understanding of the relative roles and responsibilities of each body with respect to overall implementation of the Envision Ada Plan.

### **Correspondence regarding Heidi Christine's Conditions of Approval**

Leisman stated we already talked about this, and is there anyone who would like to make any type of motion with respect to this.

Lunn stated don't they have to make a formal request, I doubt we can act on a letter.

Ferro stated regarding the letter, the second item where the letter asks for the conditions to be modified for the east/west walkway through the parking lot aisle, I concur with that request.

Butterfield asked if it's possible to keep it open for the future that a path could be put through the median.

## **X. PUBLIC COMMENT**

None.

## **X. ADJOURNMENT**

Motion by Easter, second by Lowry, to adjourn the meeting at 8:57 p.m.

Motion passed unanimously.

Respectfully submitted,

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Jacqueline Smith, Township Clerk

SB/dr