

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE JANUARY 17, 2008 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, January 17, 2008, at the Ada Township Offices, 7330 Thornapple River Dr., Ada, Michigan.

I. CALL TO ORDER

Meeting was called to order by Korth at 7:30 p.m.

II. ROLL CALL

Present: Chairperson Korth, Commissioners Burton, Butterfield, Gutierrez, Hoeks, Lowry and Sytsma.
Also Present: Planning Director Ferro.

III. APPROVAL OF AGENDA

Motion by Sytsma, second by Hoeks, to approve the agenda as presented. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF DECEMBER 20, 2007 MEETING.

Motion by Lowry, second by Hoeks, to postpone action on the December 20, 2007 meeting minutes to the February meeting, to allow adequate time for review. Motion passed unanimously.

V. PUBLIC HEARINGS

1. Request for Amendment to Zoning Regulations, to Add Provisions for Heliports, Paradigm Design

Ferro stated that the matter being considered by the Planning Commission is a request submitted by Paradigm Design, on behalf of Dick DeVos, to amend the zoning rules to include provisions for heliports in the Township. The draft ordinance would allow heliports to be considered on an individual basis as a special use, and all applications would be reviewed by the Planning Commission, along with a public hearing held, prior to any action. He pointed out that there is no specific application on a specific site before the Commission tonight.

Kevin Nelson of Nelson Aerodynamics, working in conjunction with Paradigm Design, gave a slide presentation on the request. He noted they recently conducted an open house for Commissioners, neighbors of Mr. DeVos, etc., using the helicopter Mr. DeVos would use, so that all could see what is being considered. Nelson began by going over the history of helicopters. He spoke about safely landing at a heliport, taking into consideration weather conditions and other conditions. He stated that helicopters are one of the safest forms of transportation, and that helicopter operations are extensively regulated by the Federal Aviation Administration and the National Transportation Safety Board. Nelson stated that nationally, there are fewer than 2.5 helicopter accidents per 100,000 flights, and that if an engine quits, a helicopter can safely glide to a landing spot. Nelson pointed out that the Township can also establish local controls. Nelson spoke about nearby communities that have heliport regulations in place.

Ferro next summarized ordinances in other townships, including the City of Grand Rapids, Plainfield Township, Comstock Township near Kalamazoo and Milford Township in Southeast Michigan. He noted that some revisions have been made to the proposed ordinance since the original draft. The overall approach taken is to try to balance the desire of a property owner to use his or her land in reasonable ways against the overall well-being of the neighborhood and community at large. Many standards have been added addressing concerns of residents regarding hours of operation, allowing the Commission to place specific limits on frequency of trips on a daily, weekly or monthly basis, and placing limits on the size and type of helicopter permitted for use at a specific facility.

Hoeks stated he would like clarification between a heliport and a helipad.

The public hearing was opened, with the following comments being made:

Robert Sacha, police liaison for Kent County RACES, stated part of their organization's mission is assistance in search and rescue operations of law enforcement agencies. He noted that the use of a helicopter for them is very important, and noted that Mr. DeVos has made his helicopter available for use to assist law enforcement, and by their search and rescue group.

Doug Landman, 1062 Greenwood Forest, stated that in a worst case scenario, it is no more than a 15 mile drive from the most remote point in the Township to the Kent County airport. What is being considered here is strictly to serve personal use, and saving individuals a 15 mile drive each way. We already have a heliport in the Township available at Alticor. Decisions made on a case-by-case basis open the Township up to legal liability. He also stated that the Township would have difficulty making a distinction between personal versus corporate use of an aircraft, which the IRS already has difficulty with. Enforcement of such a provision by the Township would be difficult.

Katherine Smith Kennedy, stated she submitted a letter and her property is adjacent to the proposed site. She stated the master plan does not have any discussion of heliports. Spot zoning for heliports would seem to be contrary to the intentions for low density residential areas.

Tim Bosma, 6160 Hall Street, commented that his research shows that a heliport ordinance is a good thing to have. When researching other ordinances, he found the ordinances deal mostly with safety and noise issues. Other ordinances were used to regulate the use of the land. He believes this use should only be allowed in commercial and industrial areas, and other areas should be by special use. The proximity to schools and residential needs to be considered. He also researched noise ordinances and suggested the Commission look at these noise ordinances, and consider adding provisions that prohibit noise that disrupts daily living of others. He suggested a fence enclosure around any heliport facility should be required. He noted that the area under consideration by Mr. DeVos is a wildlife transition area.

Corky Paul, 1268 Pettis, compared this to looking back at the billboard issue in front of the Township and how getting an ordinance in place is the best direction to go. He commended the Commission for trying to get in front of this issue. He suggested limiting hours of use to dawn-to-dusk timeframe. He also questioned whether 20 acres of land would be needed for a heliport.

Ed Curnow, 6173 Hall Street, SE, commended the Commission on starting an ordinance on this. He stated it seems inconceivable we would consider allowing a heliport in such a fragile area with extensive wildlife and birds. He noted that although helicopters are safe, there are sometimes crashes and the flight proposed is over residential and a school. He believes this belongs in an industrial zone. He stated that when Mr. DeVos contacted him, he described the location as being in the wetland. Mr. Curnow stated that the 3 schools, 2 churches and neighborhoods in the area need to be considered.

John Eck, 7187 Thornapple Club Drive, submitted information from the internet from the US Department of Transportation Federal Aviation Administration which covered safety issues, preferred path of flight, and approach and departure paths and surfaces. He noted that the departure path required by the FAA would extend to Clements Mill. He recited distances between the proposed heliport site and various institutional uses and neighborhoods in the surrounding area. He stated there should be a minimum setback from property lines, not just a minimum setback from a building on adjoining property. He believes that the distraction of helicopter flights in the area alone would create a safety hazard. It appears to him that the draft language has been drafted to fit the DeVos proposal.

John Westra, 6127 Winthrop Court, encouraged the Commission to consider aviation in general in drafting the regulations, not just helicopters. He stated that the 20 acre minimum lot area requirement is

very large. He feels the language needs to be clear in distinguishing between a helipad and a heliport, and not discriminate against those interested in private aviation but who do not have 20 acres of land.

Robert Stead, 6530 Ada Drive, pointed out that hundreds of thousands of dollars were spent buying property to avoid a billboard and yet this proposal before the Commission seems inconsistent. He believes this belongs in an industrial area.

Jim Burke, 5270 Connemara Ct., stated he lives in the flight path of the Alticor helicopter and asked what the restrictions are on this. Korth stated there are no restrictions and that is part of why this ordinance is before the Commission. Ferro stated that pre-existing heliports would be considered legal, nonconforming uses, and their operations would not be subject to the proposed regulations. Burke spoke about how dishes, etc. rattle in his home due to the close proximity of the Alticor helicopter.

Christie Burke, 5270 Connemara, hopes the Commission will consider who will be monitoring this personal use. She stated she has called the airport many times to complain and nothing ever happens. She noted there is personal use happening on Sunday nights. She questioned whether use of a helicopter during a political campaign would be considered "personal" or "business" use.

Bruce Deiphouse, 1961 Hillsboro, stated his main concern is the noise. He feels the noise is unreasonable, especially after 8:00 p.m.

Jerry Johnson, Lowell resident (past Ada resident), asked the Commission to look into other Township ordinances – have there been any crashes wherein a Township was sued? He stated that liability to the Township should be a concern.

Michael Julien, 1650 Tammaron, Cascade Township Supervisor, feels they need to deal with the specific instance to understand the ordinance. He stated residents asked him to come tonight to comment. He believes there needs to be due concern for neighbors and have standards that protect the neighbors. He stated he feels the draft ordinance does not do this. He talked about proximity of the helipad/heliport to homes. He put out the suggestion of partnering with Cascade Township to develop ordinances on this. Julien suggested that an appropriate standard might be to require a minimum setback for a heliport from a residence on adjoining property that is no less than two times the distance between the landing spot and the owner/operator's residence.

Debbie Glover, 7879 Thornapple Club Drive, stated she is not in the direct path of this, but she does hear the Alticor helicopter. She believes Dick DeVos gives a lot to the community and this should be considered, but she does not believe we owe him or should reward him by compromising the schools and the community. She stated she supports this to be in a commercially-zoned area.

John Sarb, 590 River Street, stated he has a train go by his house 80 feet away, and helicopters and large passenger jets fly over his house several times a week, and they are all loud. He asked the Commission if they have gathered together on the property and had them fly the helicopter in, so that you can see just how loud it is. He stated he has no opinion either way on the proposed ordinance; he just wants to make sure we have heard the concerns of the citizens. He also feels that Mr. DeVos' property is very large on which to land a helicopter, which should prevent flying low over homes.

Korth asked the applicants' whether they wished to respond to any of the comments made.

Bill Brunner, Paradigm Design, spoke on behalf of the applicant. He noted the proposed landing site is not in the wetlands. He stated that their preferred approach path actually is directly over the DeVos property and home on the east side of Fox Hollow. He stated this information would all be presented as part of a specific application.

Korth summarized written correspondence received as follows:

1. Roger Nicely, 6270 Hall Street, states a heliport should not be in a residential area.
2. Ronald and Kathy Richter, 6301 Hall Street, stated they strongly oppose their peace and quiet being altered by this.
3. Katherine Smith Kennedy, cannot go along with this idea of a heliport in her back yard.
4. Barbara Sue Damore, Westside Connection Neighbor Association, supports the application.
5. Dean Agee, member of Kent County Board of Aeronautics, supports the request.
6. Scott Gerow, Sanctuary Condo. Association, believes this does not belong in a residential area.
7. Email from "leitmeyer@aol.com", does not think this is safe in a residential area.
8. Bruce and Rika Diephouse, 1961 Hillsboro, state this can be acceptable as long as the rules are specific and it is handled properly.
9. Pamela Lee, notes that as a tax paying citizen, private heliports anywhere in the Township are inappropriate.

The public hearing was closed.

Korth stated that in his opinion this should be postponed for further work, possibly hold a work session meeting. Hoeks agreed with Korth, noting they should decide which of the three strategies they should take on this. Butterfield noted she is also in favor of a work session to further come up with points for the ordinance, etc. Lowry stated this is very involved and there is no question that this should be postponed. Sytsma noted she agrees. Hoeks suggested Ferro provide them with the ordinance on accessory buildings at the work session meeting.

Motion by Sytsma, second by Lowry, to postpone action on the proposed ordinance, to a public work session meeting on January 22, 2008 at 11:00 a.m. Motion passed unanimously.

2. Proposed M-21 Bridge Replacement Project

Ferro gave an overview of the project. The State Department of Transportation plans to totally replace the M-21 bridge over the Grand River starting in the Spring of 2009. The proposed replacement bridge is to be a 4-traffic lane structure with a separate 10-12 foot wide pedestrian bicycle lane. The Department of Transportation held a public information session recently, to obtain public input on various aesthetic treatment options, and to provide information on the construction schedule and traffic control. He noted that the Planning Commission has decided to hold its own public hearing on the project, to obtain public input on the design of the structure.

The public hearing was opened and the following comments were made:

Corky Paul, Pettis Ave., stated he would encourage the Commission to consider bringing the turnaround back to its original position which may help with the back-up of traffic. He stated he does not believe the new, indirect left turn is any safer, and that it has not been an asset. He stated that to add a 5th lane to the bridge for left turns would seem to be common sense.

Jim Todd, Fulton St., stated he lives across from the intersection. He stated that \$1.2 million was spent on the new configuration, and he believes it is more safe than the old left turn, even though it is an inconvenience for him. He stated he believes that MDOT is adept at what they are doing.

Deb Glover, Thornapple Club Drive, stated there are no new white crosses at the intersection, and she agrees that the intersection is safer. She stated she is a proponent of doing something to make the bridge something special, and more than it is.

Margaret Lancaster, speaking on behalf of the Skyvale Condominium Association, stated that someone should be able to come up with a safe, environmentally acceptable bridge and turn-around. The current arrangement is not environmentally friendly.

John Eck, Thornapple Club Dr., stated that the indirect left turn is truly a safer traffic configuration. He stated the chances of having an extra lane added to the bridge are next to none.

Dan Carlson, Carlson Design, stated he and Penny Jane have talked to Jim Ferro about ways to enhance the bridge, and they have come up with some ideas to present. Carlson presented graphic renderings of a pier concept topped by ornamental light fixtures, designed to have the appearance of a covered bridge.

The public hearing was closed.

There was some discussion on the bridge design. Korth stated the sketch that was produced during the Charrette process showed it looking like the Camelback Bridge and he believes this should be checked into.

Hoeks recalled the Context Sensitive Design conference session attended by Planning Commission members last year, during which the MDOT Director had promoted the context-sensitive design concept; therefore, he believes that MDOT should show some flexibility to respond to local desires, and we should be able to have our input heard.

Butterfield stated she is conflicted; she does not like the long Michigan turn and questioned whether there could be a compromise and believes this needs to be discussed further.

Lowry stated he also has a problem with the left turn issue, but does not have a satisfactory resolution. He believes they should have a say in the design. Lowry stated he does like the light design.

Gutierrez stated he is not convinced we will be able to persuade MDOT to see it our way and we will be forced to have it MDOT's way. He believes the simplest approach is to do another Camelback, and have them compliment each other. He questions whether we should spend a lot of time working on the design, only to have it rejected.

Sytsma spoke regarding guardrails. She stated she loves the design. She is concerned about the Camelback Bridge design as shown in the rendering produced during the Charrette blocking the view of the river.

Korth stated the Master Plan expresses concern over how to move the citizens over only two access points across the river, and the need for a study of river crossing needs. MDOT is choosing to replace a structure built in the 1960's with virtually the exact same structure. With the growth of Ada, and all other adjacent townships and Lowell, the bridge design does not accommodate the need to move additional traffic to the northeast side of the Township. He believes a proper dual-left turn should have been put in at the Pettis/M-21 intersection. We need to ask whether the bridge being design will accommodate future traffic growth and a future left turn. For MDOT to say 50 years have gone by, forget the growth, and build the same bridge does not make sense. The Township has a responsibility to listen to the citizens and to plan for the future. He stated he has heard from many citizens about the need to do something else with this intersection. The MDOT Director at the conference we attended expressed the Department's intent to listen to local needs. Korth stated his intent is to take the information and move it up the ranks on behalf of the public to end up with a higher level of quality for this bridge.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

1. Proposed Amendment to C-1 Zoning District Regulations, to Allow Sale of Motor Scooters of 125 cc Displacement or Less as a Permitted Use in the C-1 District.

Korth recused himself from this agenda item because the amendment addresses the C-1 district in which he is a property owner. Commissioner Gutierrez will chair this agenda item.

Ferro gave a review of the request. Jim Ippel, Ada Bike Shop, has approached the Township about selling motor scooters at his shop in the Village. Ferro stated ordinarily there is no issue with a retailer deciding to sell a different type of product, but in the case of motor vehicles it is different, because the zoning rules specifically state that sales of motor vehicles is only permitted by special use permit in the C-2 district. Ferro noted he doesn't have any concerns with Jim's request, other than the need to amend the zoning rules. He stated he has drafted an amendment modifying the rules in the C-1 district to allow sales of motor scooters of 150 cc engine size or less in the C-1 district. Ferro submitted a brochure setting forth the line of scooters which could be sold.

Jim Ippel, owner of Ada Bike Shop, spoke regarding the scooters he plans to sell and the popularity of these scooters. He said they would probably have a maximum of 10 scooters in stock at a time. Their policy would be to only service what they sell.

Hoeks spoke about bicycling as a sport. Burton stated she thinks this is great to sell the scooters. Lowry stated his concern with the motorbikes exiting onto Ada Drive and the safety issues.

Sytsma stated that Ada Bike Shop is a great addition to Ada. She does not feel Jim Ippel would allow any problems with the motorbikes. Gutierrez stated the scooters can create noise and go at high speeds, with the average driver being under age 25. Burton stated the point is he is just selling -- if a customer does not buy from Ada Bike Shop, they will buy from someone else. Ippel clarified that the average speed is 30 mph.

Motion by Sytsma, second by Lowry, to schedule the proposed amendment to C-1 Zoning District Regulations, to allow the sale of motor scooters of 150 cc displacement or less as a permitted use in the C-1 District, for a public hearing at the February 21, 2008 Planning Commission meeting. Motion passed unanimously.

VIII. REPORTS FROM COMMISSION MEMBERS/STAFF

None.

IX. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

John Eck, Thornapple Club Dr., spoke about concerns regarding the repair of deteriorated roads in the Ada Moorings Development. He stated that he pulled up the Planning Commission minutes from the April 21, 2005 meeting, which contain requirements for Eastbrook Homes to be responsible for some repair costs. He asked the Commission that when they set restrictions on a PUD approval, what are the methods for enforcement. Korth suggested pulling this file and addressing this at the next meeting.

John Westra, Winthrop Ct. stated that the Township has a lot of items that need to be tracked, and that he

would encourage the Commission to work with the Township to put off-the-shelf software tools in place, so that there is a lot of visibility for these projects, their milestones, and their responsibilities.

Ferro responded that there seem to be implications in the comments made that something has fallen through the cracks regarding the Eastbrook Development, and that is not the case. The requirements imposed on Eastbrook have not been forgotten or overlooked by anyone, and Ferro does not believe the time for enforcement of the condition has come yet. There are still a number of homes to be built and concrete trucks to be driven through the development, and we only have one shot at the apple in getting any damage repaired.

A meeting of the Riparian Protection Subcommittee was scheduled for Monday, January 21st at 12:30 p.m.

X. ADJOURNMENT

Motion by Sytsma, second by Burton, to adjourn the meeting at 10:02 p.m. Motion passed unanimously.

Respectfully submitted,

Deborah Ensing Millhuff, CMC
Ada Township Clerk
rs:lm