

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE FEBRUARY 16, 2012 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, February 16, 2012 at 7:30 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

I. CALL TO ORDER

Meeting was called to order by Vice-Chairperson Butterfield at 7:30 p.m.

II. ROLL CALL

Present: Commissioners Butterfield, Jacobs, Lunn, and Easter and Treasurer Rhoades.

Absent: Korth and Lowry.

III. APPROVAL OF AGENDA

Motion by Easter, second by Jacobs, to approve the agenda. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF JANUARY 19, 2012 MEETING

Commissioner Butterfield requested correction of statements attributed to her on pages 5 and 7 that should be attributed to Commissioner Easter. Motion by Easter, second by Jacobs, to approve the January 19, 2012 meeting minutes, subject to the corrections as proposed by Butterfield. Motion passed unanimously.

V. PUBLIC HEARINGS

Proposed Amendment to P-1C, Planned Development District – Pertaining to Kent County Conservation League

Planning Director Ferro stated the zoning rules contain a set of regulations unique to the Kent County Conservation League facility on Conservation Street, and these rules have never been amended since they were adopted in 1975. He stated the changes proposed were developed through a cooperative process between the Township and a committee with representation from the Conservation League Board, as well as neighbors from the Winding Brook neighborhood, east of the Conservation League property. Ferro stated this process was started as a result of neighbors from Winding Brook coming to the Township and expressing concern with some aspects of the operation that were adversely impacting the neighborhood, and perceived increased activity over the years. He stated the Club expressed a willingness to entertain changes in the rules that govern the club. Ferro stated the changes are summarized in the handout.

Ferro stated the proposed rules achieve an overall reduction in impact of the club's operations on the surrounding area by making Monday a no shooting day, and Friday no shooting except for 6 days per year for special events. He stated another change made allowed the club to be open for shooting on Wednesday evenings until 10:00 p.m., and increase from 2 nights per week to 3 nights per week. Ferro stated one other change is to add language that restricts structured law enforcement and private security service training to no more than one day per month between noon and 5:00 p.m. on either Tuesday or Thursday, and law enforcement training activities are prohibited from using rapid fire shooting on the rifle range. He stated another change is establishing the sporting clays course as an authorized permitted activity at the club. Ferro stated another significant addition is the provision that requires the club to comply with generally accepted operation practices as defined in the State Sport Shooting Ranges Act, which are adopted and reviewed periodically by the Michigan Department of Natural Resources. He stated the Sport Shooting Ranges Act states that as long as ranges abide by the generally accepted operations practices they are given an exemption from nuisance actions having to do with noise, and the operations practices are contained in a manual developed by the National Rifle Association and adopted

by reference by the State. He stated all other provisions as stated in the original ordinance stay the same, such as required safety zones, minimum building setbacks, and maximum building height.

Ferro stated notice was given of a public hearing tonight, and neighbors within 300 feet of the Conservation League property were notified. He noted he had received one anonymous letter which he had emailed to commission members, and which is part of the hearing record.

Commissioner Lunn asked if all the distances and heights are consistent with the State rules.

Ferro stated yes, the dimension standards come out of the NRA manual that is adopted by reference by the State. He stated there are representatives here tonight from the League and the neighborhood, who participated on the committee that developed the proposed regulations.

Butterfield opened the public hearing.

Pete Lozicki, 575 Honey Creek Ave., stated he was principally in charge of working on behalf of the club in negotiations. He stated when the club was approached by the neighbors their concern was to be good neighbors. He stated the committee sought to come up with a plan that would lessen the impact on the neighbors and still maintain the operations we have. Lozicki stated we've had real good cooperation and a working relationship with the neighbors in putting this together. He also stated that the KCCL Board is committed to doing things on their own, above and beyond what is required in the ordinance, to lessen the impact on the neighbors. He stated the club is in the process of designing and installing some sound abatement structures at the rifle range shooting stations.

Paul Lemley, 8653 Conservation Street, stated he was one of the people from the Winding Brook neighborhood who handled negotiations with the Conservation Club. He stated he found the process to be extremely cooperative, and the ordinance amendment reflects the long and thoughtful process that the committee went through, and the neighborhood association strongly supports it. Lemley stated that taking a comprehensive look at the operations their primary concerns were safety, the increased use and initial noise that was being generated at operational hours that were a surprise to the neighbors, as they deviated from posted hours. He stated that when looking at the ordinance that was adopted in 1975 the club was operating within the ordinance and its charter. He stated the Club sitting down and having the discussions with the neighbors showed a lot of concern for the neighborhood, and they found the process to be very cooperative so we strongly support the changes proposed.

Jamie Ladd, 8800 Conservation, expressed concern regarding the 33 acres which abuts the west side of The Conservancy development. Ladd referenced language in the proposed ordinance that states "archery may be conducted anywhere on the property". He stated there should be more definition to that in terms of what direction, what width, what range, as targets could be set up along the east property line which is contiguous to the open space of The Conservancy and he would be concerned over safety as that area is used by families who reside in The Conservancy.

Bill Holzwarth, 8657 Winding Brook, stated he and his wife are also members of the Club and they want to commend the Township and the Club and the neighborhood association for working together and coming together on a resolution on issues that were bothersome. He stated it has given us as residents the ability to plan because the hours are more established, and the work that is proposed for sound attenuation on the rifle range will be very important. Holzwarth stated we are highly enthusiastic about limiting the hours on the weekend evenings, and overall encourage adoption of the ordinance.

Butterfield closed the public hearing and opened to board discussion. She asked Ferro to explain what the DNR says about archery and the parameters involved.

Ferro stated the State sport shooting range act does not apply to archery, since it only addresses firearms. He stated to some extent the wording in the ordinance that says archery can occur anywhere on the property conflicts with the actual development plan drawing because the development plan identifies a specific area in which archery is permitted, which is located entirely west of the access drive. Ferro stated he would look back at earlier drafts to make sure the wording is correct, but does not see any problem with having the wording state that archery shall only be conducted in the area shown on the development plan. Ferro stated he's not sure what direction they shoot but the travel distance is much shorter than for firearms.

Lunn asked for someone from the club to speak to the archery course and whether it is limited to the area shown on the plan.

KCCL Board member Lozicki stated that's right, what is shown on the plan is really what we do now, and to answer Mr. Lunn's question you have different target ranges probably from 10 yards to maybe 40 yards and really the arrow doesn't travel much further than that, and there's woods behind it as well so it's a very safe setup. He stated the direction of shooting can vary as the course meanders through the property.

Rhoades asked whether archery shooting stations are far enough away so as not to pose a danger to people in Seidman Park.

Lozicki stated there's really not a danger of over shooting.

Butterfield asked whether they had received and read the communication of the anonymous letter. Lozicki stated yes. Butterfield asked if he would address that.

Lozicki stated in terms of bullets leaving the property they have not heard any reports of that. He stated he had talked with the club manager, and they have not gotten any reports from anyone, including law enforcement, telling them that a bullet or anything has left their property. Lozicki stated they take that pretty seriously, and they have set up their structures so that doesn't happen. He stated, getting back to the rifle range, they have the roof lines on the shooting stations set up so that the muzzle of the gun can't come up far enough so that the bullet will shoot over the berms. He noted also that there is about a 100 foot rise in ground elevation to the east of the rifle range, which also protects against bullets leaving the property. He stated it is set up in a very safe fashion. Lozicki stated the letter also claimed that a bullet has left our pistol range, which is on the northwest side of the property, and they have not had any indication of that as well.

Butterfield asked if any formal reports have been filed.

Lozicki stated no, not from anybody, and the county parks department hasn't contacted us on anything along those lines. He stated, in terms of shot going into the creek, we're not aware of that happening. He stated that the sporting clays course was set up by Bob Humphreys who is a retired DNR wildlife biologist, and they did that deliberately so that it would be done so they are good stewards of the land that they occupy. He stated they had a process of developing and adopting a best practices plan for lead management, in accordance with EPA guidelines, including monitoring the pH down through the soil and reclaiming the lead periodically. He stated the club has reclaimed lead in the past and will do it again fairly soon as well.

~~Butterfield~~ Easter stated in the comment by Mr. Lemley he talked about negotiations which would make me think there was some give and take, and could you outline what the gun club had conceded to.

Lozicki stated the way the ordinance was originally written the club could be open seven days a week and only two evenings a week. He stated the club agreed to be quiet on Monday and virtually all but six Fridays of the year. He stated we also agreed to limit some of the activities of law enforcement to one

day of training a month on the rifle range; it may not involve rapid fire shooting as that was a concern to the neighbors. Lozicki stated they also agreed to incorporate the Sport Shooting Ranges Act provisions in the ordinance and this gives the Township the ability to enforce the standards that the DNR established, so now if the club does something wrong the Township has the ability to enforce it. He stated they have listened to the neighborhood concerns and addressed them, and found ways to really meet the needs of both sides.

Commissioner Jacobs asked if the club would be opposed to including language in the ordinance that would limit the archery to that portion of the property that is identified on the plan.

Lozicki stated that would not be a problem, that is what we do now and he does not think they have any desire to go beyond that.

Easter stated she lives in the development that Mr. Ladd was talking about so she lives with this, not happily. She stated she understands the club's rights but she is one of those people who puts the kids to bed early and she hears the gun shots, so she's not sure she should be voting on this. She stated that on the other hand she doesn't know why she would recuse herself because she knows this is certainly within what the club's rights are as far as the law is outlined.

Lozicki stated we are trying to make things quieter for folks like you who live along that property line; we don't want to be bad neighbors so we're doing the best we can to deal with that situation.

Rhoades stated between the residents and the gun club who have come to an agreement, the residents gave up some, the gun club gave up some, and what's left is something that's amicable to both sides and if they're happy then we can enforce what we have as a product.

Jacobs asked if the Commission's action is to recommend this to the Board. Butterfield stated that was correct, and that another option would be to postpone action and consider whether a special meeting needs to be scheduled or a work session.

Easter stated she didn't think we needed any more information.

Jacobs suggested that paragraph H be modified to refer to the plan in describing the archery area.

Ferro stated the language could be the same as is shown on page 3, F 2 that applies to rifle and handgun ranges, which references the development plan.

Jacobs stated that would be great, that would satisfy her concern.

Motion by Jacobs, seconded by Rhoades, to approve the ordinance with the change to Section H so that it reads: archery shall be conducted only in the areas designated as such on the development plan.

Motion passed unanimously.

Proposed Capital Improvement Plan 2012-2018

Ferro stated we are undertaking our third annual update to our Capital Improvements Plan, and the process was easier this year simply because fiscal conditions have improved from last year. He stated the Capital Improvements Plan is a guiding document that sets forth the significant investments in public facility projects which the Township plans to undertake in the next six years. Ferro stated there is nothing binding or definite about it; it's a planning document that helps the Township Board program funds over a multi-year time frame and coordinate expenditures over time. He stated some of the major trends and assumptions in the plan are that even with some significant investment in public facility through the next

six years, the Township in the plan is projected to maintain a healthy fund balance over 60% of the operating budget, which is well above the minimum range that our auditors have suggested we should maintain.

Ferro stated in the last two years we've had over a 2% decline each year in property tax revenue and our assessor has indicated to us that we're likely to see stabilization this year with no growth but no decline; and we're maintaining that assumption of no growth through the entire six years. He stated the Township has benefited from a significant increase in State revenue sharing payments that came about as a result of the 2010 census figures being used for allocating those funds; and since our population increased by 33% there is a very healthy increase in State revenue sharing funds, and that is true of any township that has had a significant population growth.

Ferro stated for purposes of the plan we projected 1-1/2% per year operating expenditures increase over time, which might be a little low. Ferro referenced highlights of the plan in the written summary he distributed to Commission members.

Ferro noted two possible changes that should be considered in the plan. The first is a trail project this coming summer to build a trail along Honey Creek Avenue between Conservation Street going south to Crancreek Drive. He stated the projected funding for that project in the plan was going to be 50% Township funds and 50% funding generated from neighborhood fund raising efforts as a group of neighbors felt confident they could raise over \$180,000 toward this project. Ferro stated the CIP committee felt that if the neighborhood is so strongly committed to the project that they could raise that much money that it would be wise for the Township to use its money to leverage 50% from another source.

Ferro stated that after the draft plan was completed, we received communication from the lead spokesperson from the neighborhood group that the outlook for raising the initially-anticipated 50% match was not good, and that the amount would likely be far less than that. Ferro stated the Township's interest in doing the project this year was pretty much premised on that 50% match, but if that 50% match is not there we probably won't undertake the project, so the planning commission should consider whether we should leave the project in the plan, recognizing we probably won't do the project, or just take it out. Ferro stated the language that is in the plan expresses the Township's expectation that no money will be spent on design or construction until the matching funds are raised.

Ferro stated the second change to consider comes from a DDA Board recommendation that \$100,000 be transferred from the Township's general fund to the DDA fund, not necessarily to be expended this year but to go into a reserve fund for the DDA to use on a future project. The transfer would provide some initial seed money for the DDA to begin building a balance for significant projects in the future.

Commissioner Lunn asked if they have projects identified.

Ferro stated there really are no identified projects yet in the CIP, but there are projects in the DDA's adopted long range development plan.

Easter stated they never had any money so there was never an articulated plan; there was no hope for money for them until just recently.

Ferro stated the expenditure of the money would still need to be included in the annual budget, and it wouldn't be budgeted for expenditure in the coming year.

Butterfield stated this was scheduled for a public hearing and also the proposed plan was published on the Ada Township web site last month that there would be a public hearing. She asked if there were any public comments or questions.

Hearing none the public hearing was closed.

Jacobs stated that based on what Ferro has said she thinks we should delete the Honey Creek Ave. trail from the plan. She stated she would also support allocation of some funding for the DDA, to support implementation of their plans.

Easter stated she is interested in seeing additional development in the Village, but nothing has been able to move forward because there was never the possibility of funding. She stated that with adequate constraints built in to this process, she feels confident that we'll probably get some momentum from this and see some real good things happen in the downtown area in the future.

Butterfield commended the committee, Commissioner Easter and Korth were involved in developing the CIP plan and did a great job for the Township.

Rhoades suggested the possibility of allocating funds from the open space fund beyond the \$150,000 shown in the plan toward the Roselle Park resource building project. He suggested the possibility of increasing this amount to \$300,000-\$400,000. He questioned whether the Township would be successful in obtaining \$500,000 in grant funds toward the project. Rhoades noted that the fund balance in the open space account is a little over \$1 million. He also pointed out that survey results indicate the public is in favor of maintaining what we have, and not buying new. He also noted that when the Township purchases land for open space, we lose tax revenue from that land. Rhoades in his opinion we need to put some more money up front so that the grant people will see that the Township is paying more money into the pot between the open space committee and also the general fund.

Lunn questioned whether the open space millage approval was to purchase open space and not necessarily build a new building.

Rhoades stated that the ballot question didn't specify allocation amounts for parks versus opens space. He stated by Board direction its cut 42% for the parks and 58% for open space to build up the fund. He stated, on the other hand when we buy a piece of property we lose tax revenue, which is not a lot but after awhile it all adds up to lost revenues that we're never going to get back again by the Township owning the property.

Easter stated she would agree that the citizen survey indicated the public doesn't want more parks; she stated Roselle Park is very, very popular, a lot of people use it, a lot of people like it, it is something we can really be proud of, and she thinks it's something that we need. She stated the idea of transferring that money is a great idea, and she thinks we should transfer a little bit more into that project from the open space allocation.

Rhoades stated it's going to be up to the Board; he stated he knows the recommendation came from the open space committee and they approved \$150,000, and that's a recommendation that's going to the Board for the CIP.

Butterfield stated, but aren't we suggesting maybe we change that recommendation.

Rhoades stated that's my opinion, but that's up to the planning commission because we're going to be recommending the CIP.

Butterfield asked Ferro what the process is.

Ferro stated the Planning Commission's action is a recommendation to the Board. He stated that Board approval isn't required by State law, but he believes it is good practice.

Following discussion, it was moved by Easter, seconded by Rhoades, to recommend approval of the Capital Improvements Plan, subject to the following revisions: 1. Remove the Honey Creek Ave. trail project from the Plan, along with the transfer of funds from the General Fund to the Trail Fund for this project; 2. Add a transfer in the coming budget year of \$100,000 from the General Fund to the DDA Fund, to establish a fund balance for future use by the DDA in implementing the DDA Development Plan, and 3. Increase the FY 2013-14 transfer from the Open Space Fund to the Parks Fund from \$150,000 to \$400,000, toward the cost of the planned Roselle Park Resource Building project.

Ferro questioned whether the change should be made in the Open Space fund contribution to the Park Fund without consultation with the Open Space Advisory Board.

Lunn suggested the possibility of recommending that the Open Space Advisory Board consider a larger contribution.

Ferro stated this could be recommended in a separate motion. He also noted that the \$150,000 transfer isn't programmed until two years from now, so that it could also be addressed in next year's CIP update.

After discussion, Easter withdrew her motion, and Rhoades withdrew his second.

It was moved by Easter, seconded by Lunn, to recommend approval of the Capital Improvements Plan, subject to the following revisions: 1. Remove the Honey Creek Ave. trail project from the Plan, along with the transfer of funds from the General Fund to the Trail Fund for this project; 2. Add a transfer in the coming budget year of \$100,000 from the General Fund to the DDA Fund, to establish a fund balance for future use by the DDA in implementing the DDA Development Plan.

Motion passed unanimously.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

Request for Special Use Permit, Location of Wireless Communications Antennas on the site and Lighting at Forest Hills Eastern Campus, 5680 Knapp Street NE, Parcel No. 21-15-08-312-18

Ruth Gaudard, AT&T Michigan, stated she is here along with Steve Carr, Project Manager from PBM Wireless, Steve Wells, Zoning Counsel, AT&T, and Brian Monahan, AT&T, to introduce their proposal, answer any questions, and take any feedback before the public hearing. She stated this has been a very long process and we have tried to find a location that is a win-win that will allow AT&T to provide the much needed improved wireless service in this area while maintaining the integrity of the view shed for the residents. Gaudard stated we feel, and the school also agrees with us, that locating on a light standard pole at the football field is the least intrusive treatment; it's a "stealth" application.

Easter asked if there was just one tower proposed.

Gaudard stated the proposal involves just one light pole, with up to four carriers located on the tower.

FCC requires that it allow at least three, and we have defined that and applied for a site that will allow for four.

Easter asked if there would be carriers on this tower that are not already on the large tower on Two Mile Road, west of McCabe.

Gaudard stated in order to meet their coverage gap they have a search ring, and it may be that that tower is already at capacity or that it was not within the search ring that would allow them to provide the coverage that we need.

Easter asked if they were on that tower now.

Gaudard stated she does not know.

Easter asked where the closest tower is that they are on now.

Gaudard stated she didn't know, but that their engineer could answer that.

Ferro stated the Township has an inventory of where all the different carriers are located.

Steve Wells, AT&T, stated they did have their RF expert here but they were told that this was just to be sent to public hearing tonight, so they dismissed their expert.

Easter stated it would be great for the presentation for the public hearing to see where you have existing towers and what the range is, and any improved coverage needs.

Wells pointed out graphic maps in the application materials that depict signal coverage by existing towers and the proposed tower. He stated they have nothing currently in the area of the proposed tower, and that there are constantly dropped calls out there.

Gaudard summarized the results of a mailed neighborhood survey that was conducted by AT&T last year, using a mailing list provided by the Township. She stated the survey results demonstrated strong neighborhood support for improved service in the area, with 47 out of 53 responses commenting favorably on the need for improved service and some type of tower in the area.

Butterfield asked if there would be lighting on the tower. Gaudard stated no, other than the football field lighting.

Wells stated tower lighting is only required for towers 200 feet and higher. At 150 feet, no lighting is required. He stated that this site would be the 8th high school campus in the area they have done this with. He stated this is something that several other schools have gone along with and are very pleased with.

Easter asked what the time frame is for the project.

Wells stated this one has been on the radar list for five years, and they intend to move on it right away.

Steve Carr, PBM Wireless, referenced maps in the application package that graphically depict coverage by existing sites in the area and the improved coverage that would result from this proposal.

Ferro pointed out that AT&T is located on both the tower on 2 Mile Rd. and on the tower west of the Amway headquarters on Grand River Dr.

Rhoades suggested the area around the proposed monopole should be fenced, and that the color and style of fencing around the equipment compound should match the existing black fencing at the stadium. He also suggested the equipment building siding match existing materials on the campus.

Wells stated they can accommodate these requests, as long as the school agrees, too, as the school is going to be the landlord.

Rhoades stated he doesn't see anything on the easement for any fiber route coming in.

Carr stated that is something they will address at a later time, in terms of locating the nearest source for those services.

Easter stated there is a local company, Vergennes Broadband, providing "Wimax" internet service in rural areas, and asked whether this tower could be used by them. Wells stated that a leasing decision would be up to the school district.

Rhoades questioned whether the access drive width is sufficient for construction equipment access, and whether a retaining wall would be needed. Carr stated this was addressed in earlier staff review comments, and that a revised set of plans was recently submitted.

Motion by Easter, second by Jacobs, to schedule a public hearing on the application for March 15.

Motion passed unanimously.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Proposed Zoning Ordinance Amendment, Article III, Administration and Enforcement

Ferro presented a proposed zoning ordinance text amendment which establishes procedures and requirements for issuance of a certificate of zoning compliance, which he stated is a common administrative tool for making sure that proposed land use activities comply with zoning. He stated the intent is to ensure that someone who is undertaking a land use change makes sure that it complies with zoning before they do it. Ferro stated the need for this amendment is primarily for activities that don't require a building permit. Ferro stated activities that require a building permit are already reviewed for zoning compliance before the building permit is issued. He stated there are certain types of land use changes that don't require a building permit, mainly agricultural buildings that are exempt from the building code by State law, and changes in use of property from one use to another where there is no construction activity. Ferro stated we have had situations where agricultural buildings have been constructed that we didn't know about, and in some cases the assessor's office hasn't known about them and they were not on the tax roll. He stated this amendment is intended to help prevent those types of situations, but it is still dependent on the owner coming to us to apply for a certificate. Ferro stated if the amendment is approved, we will publicize the new requirements.

Rhoades suggested the possibility of the Township adopting a "financial responsibility" ordinance which requires someone who comes in for a permit to be up to date with their taxes. Rhoades provided Ferro with a sample ordinance from another community. He also suggested ordinance language be considered requiring zoning applicants to give written permission to allow property visits by Township representatives. Ferro noted Haga had provided him with information on this.

Easter asked if what recourse a property owner has who is denied a certificate of zoning compliance. Ferro stated an appeal could be filed with the Zoning Board of Appeals.

Ferro stated this will be set for a public hearing at the March meeting.

Review/Revision of Planning/Zoning Project Priorities

Ferro stated he had not yet received priority rating sheets from 2 members. Butterfield stated discussion would be postponed to the March meeting.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Susan Burton, Township Clerk

SB/dr