

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MARCH 20, 2014 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, March 20, 2014 at 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 Chairperson Korth at 7:00 p.m.

II. ROLL CALL

Present: Commissioners Butterfield (arrived at 8:00 pm) Jacobs, Easter (arrived at 8:00 pm) Korth, Lunn and Leisman

Absent: Lowry.

Staff Present: Planning Director Ferro

III. APPROVAL OF AGENDA

Korth asked for the Public Hearing to be moved after Unfinished Business.

Motion by Lunn, supported by Jacobs, to approve the Agenda as revised. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF FEBRUARY 20, MARCH 7 AND MARCH 14, 2014 MEETINGS

Motion by Leisman, supported by Lunn to approve all three sets of minutes. Motion passed unanimously.

VI. UNFINISHED BUSINESS

Request for Special Use Permit for a private use heliport and related accessory building, in the Rural Preservation – 1 (RP-1) zoning district, 3050 Pettis Ave NE, Parcel No. 41-15-05-300-028, Christian E. Meyer, for Michael and Donna Bieker

Jim Ferro stated a public hearing was held at the January meeting, and action was postponed, to provide opportunity for commission members to conduct site visits. Ferro stated that since then, all members have been to the site and gotten a feel for what the property and surrounding conditions are like, and where the proposed heliport building and landing area would be placed on the site.

Ferro summarized information in his staff report regarding the ordinance standards for heliports and the conformance of the proposal with those standards. Ferro noted one change in the applicant's proposal is an increase in the size of the hanger building from 3,040 square feet to 3,562 square feet. The building is a very low profile agricultural type looking building with a barn character, located about 1,000 feet from Pettis Avenue.

Ferro stated there is additional information in his staff report regarding the approach and departure paths that are delineated on the overall site plan, which are required by FAA guidance on the design of heliports, and they are intended to identify the predominant approach and takeoff paths as they are dictated by the prevailing wind patterns in the area, as well as any vertical obstacles such as tall trees or tall structures. Ferro stated in his staff report he recommended approval with 11 different conditions of approval.

Leisman stated he would like to hear thoughts from the neighbors on the proposed limitations of 125 landing/takeoff cycles per year, and three per day.

Ferro stated at the February meeting there were several people who came to that meeting specifically interested in this item who were not present at the January public hearing. He noted some of those individuals may be here tonight with an interest in commenting on the proposal.

Nevin Zolenski, 6151 Three Mile Road, stated he lives along the proposed approach path. Zolenski asked whether the applicant is required by this ordinance to circle around to get to that particular takeoff and landing flight path.

Ferro stated the Township does not regulate the operations of an aircraft in the air. He stated he believes one of the important operations that a pilot conducts before landing is to visually see the landing site and make sure there is nothing interfering with the ability to land.

Zolenski stated let's suppose he had a headwind and he's approaching from Holland, is he going to come in and come across the Grand River and across Pettis.

Ferro stated he can't answer that.

Zolenski stated that needs to be answered by this ordinance doesn't it.

Ferro stated he does not believe we have the authority to regulate flight operations in the air.

Zolenski stated so the answer is that proposed flight zone for landing and takeoff is not concrete.

Ferro stated his understanding is the landing and takeoff approach are a function of the wind conditions at the time you're conducting your operations because it takes into consideration the predominant winds.

Zolenski stated in speaking with the applicant he was told the predominant winds come from the southwest. Zolenski stated if that was the case it would seem the preferred landing approach would be from the northeast, rather than from the southeast as proposed. Zolenski stated he would like to see the preferred landing approach be from the northeast.

Korth stated the FAA regulates this, and he would be happy to ask the commission to entertain putting in specifically the references that Jim has already cited that specifically address the FAA heliport regulations.

Zolenski stated he would like to see the application tabled until the questions regarding the preferred takeoff and landing approach paths are answered.

Ron Isbeque, 681 Abbey Mill Drive, stated he kind of agrees with this gentleman and wonders if a nuisance ordinance would be applicable in this kind of situation.

Korth noted that he did not believe that the noise generated would rise to the level of a nuisance, given that it is no louder than many other common noises in our environment.

Pam Bush, 6222 Three Mile, stated she has children who are in bed by 9:00 p.m., and she understands people wanting hobbies, but questions whether one person's hobby is more important than happiness of the people in the neighborhood.

Ferro stated these paths which were shown on the plan by the applicant were not dictated by the FAA. He stated it is required that the applicant follows the FAA guidance, and that guidance says that "preferred approach departure paths should be aligned with the predominant wind direction so that downwind operations are avoided and crosswind operations are kept to a minimum." He then referred to "wind rose" diagrams he obtained from the National Weather Service for wind data at the Grand Rapids airport,

which show predominant winds in this area. He stated he believes the applicant's representative, his helicopter consultant, at the public hearing in January may have said that they also took into account maximizing the amount of distance that the approach and departure paths are over the applicants own property, as opposed to property owned by others. Ferro stated he does not believe we should suggest that the approach paths should be shifted somewhere else to where there's a large block of vacant property, unless it is permanent open space, because we have no assurance that property is going to be vacant in the future.

Lunn asked how many complaints we had from the last heliport we approved a couple of years ago.

Ferro stated he doesn't believe there have been any complaints since it was approved.

Lunn stated he recalls we had a similar discussion about these flight paths, and it seems they said they pretty much stuck to those paths when they could.

Ferro stated when you're landing in a 30 mile per hour wind you have no choice but to land straight up wind, so the lower the wind speed the more freedom you have to use an approach path that's offset from directly upwind. So, under low wind conditions the applicant would have the latitude to avoid flying over areas of concentrated homes, and the fly-over approach could be over undeveloped land.

Korth suggested it may be advisable for the Township to retain its own source of outside expertise regarding heliport design to review this proposal, much as we use a telecommunications consultant to review proposed cell tower locations.

Lunn pointed out that the takeoff and landing paths shown on the plan are just "preferred," but that the actual paths used will depend on the wind direction.

Leisman stated that if the paths shown on the plan are based on the predominant wind pattern, that is the path that should be used the majority of the time.

Korth stated an outside consultant could give us some advice that takes into account the FAA design guidance as well as ground conditions in terms of neighboring residents. He stated he doesn't feel we have enough expertise without some outside expert. Korth noted that although no one tonight addressed it directly, it appears that there is some neighbor concern with the number of landings and takeoffs proposed.

Leisman stated he was not on the Planning Commission when the other heliport was approved, so at the first meeting he stated it's hard for him to make a determination on the compatibility issues and noise issues since he has never heard one of these fly. He stated he is not necessarily opposed to a heliport at this location, but he doesn't know that he is ready to vote in favor of it because he doesn't have any idea how loud this is going to be; when one of the neighbors says I'm concerned about it waking up my children, he has no way to judge whether that's true or not. If we actually had a demonstration of some sort we could actually find out, is that a loud noise or not.

Leisman stated overall his impression from looking at this site is that it's a pretty big site that might accommodate this type of use without frequency and noise issues. He then referred to a recent helicopter crash and stated the helicopter crashed within 150 feet of the landing pad; if that's the case here that would put it all on the applicant's own vacant land.

Bieker stated most helicopter crashes occur at the landing site, and he pointed out that helicopters actually have the ability to fly without their engine. He stated a helicopter has what is called a free wheel, and that is that if the engine stops the rotor continues to spin; so if he was at 500 feet at the southeast property line, or even higher, he would be able to fly to the landing zone. He stated we are directly under the flight path

of AeroMed and they fly over his house every single day, and it's a disadvantage to him in this position because that helicopter generates about five times the amount of noise that his does. Bieker stated he does not fly for business purposes or travel; it is a hobby. He stated he did bring his log book, and to give use an idea of his flight activity, in the past year he flew 44 days, and he doesn't anticipate that to change dramatically.

Zolenski asked if there is anything that prevents him from buying a helicopter that's bigger or does he have to come back to the board to get approval.

Ferro stated there's language in the conditions that says any other gas turbine helicopter which qualifies for the Grand Canyon over-flight noise standard is permitted at the site; so the wording does not restrict it only to the EC120, but to any other gas turbine that has the same Grand Canyon certification. It could be restricted, if you so chose, to this specific model. Ferro noted that the restrictions proposed by the applicant are the same that were placed on the DeVos helicopter.

Leisman suggested the possibility of imposing a monthly limit on total flights in addition to the proposed daily and annual limits, to avoid over-concentration of the total annual flights into a short period of the year.

(Note: Butterfield and Easter arrived at the meeting at this time, at 8:00 pm.)

Jacobs if the identical restrictions on flight activity between the current proposal and the DeVos approval are due to the ordinance restrictions.

Ferro stated it is not based on the ordinance. The applicant proposed the same limits that were put on the DeVos approval.

Lunn asked if we have problems with this after an approval can we revoke the special use permit.

Ferro stated there would have to be some documented lack of compliance with the approval standards or conditions, and we would have to hold a public hearing, in order to revoke the permit.

Korth suggested the possibility of postponing action, to provide time to consider whether to retain our own source of heliport design expertise, consider developing some additional limits on takeoff/landing frequency and concentration, and provide an opportunity for a demonstration flight.

Ferro asked Bieker if he had the latitude to make some adjustments to the preferred approach and departure paths, and is that something that you would want to discuss with your own consultant. Bieker stated he would be comfortable doing that, provided it meets the FAA guidance for having a minimum 135 degree offset between the two paths.

Leisman asked if the applicant is willing to conduct a demonstration flight for observation by Planning Commissioners. Bieker stated he would be more than willing to do that.

Jacobs stated given the short duration of the noise generated, she questioned whether this was an area of concern.

Easter pointed out that the heliport we previously approved is a larger, louder helicopter, in a more densely populated area.

Leisman stated when you do have special land use and you allow one special land use in your municipality, you don't just allow special land use on any other parcel or any other type of similar use without looking at it. It's not precedent, it's what does the ordinance allow, does the proposed use

comply with the ordinance and is it compatible with the area. He stated if a neighbor is expressing concern with noise waking up her children, the Planning Commission should consider whether that is true or not.

Korth stated we need to consider the overall sense of the invasion of space as well, and he doesn't think we have enough information to do that at this point.

Zolenski asked if the approach path could be adjusted to be over the Shurlow property, and stated his biggest concern is the over-flights of his home.

Bieker summarized the predominant wind data displayed on the wind rose diagrams. He stated that his consultant recommended the flight paths based on the wind data as well as maximizing the use of the applicant's own property for the approach/departure paths. He stated the FAA does allow is a curvature to the flight path, and that if his expert feels that is advisable, he will consider that.

Korth stated it sounds like there's an opportunity to accomplish what is needed and clearly that needs to be worked on. Korth suggested pursuing a demonstration flight, looking into the services of a consultant on the Township's behalf, and refining the limits on flight frequency.

Motion by Jacobs, supported by Leisman, to postpone action on the special use permit in order to address the items cited by Korth.

Motion passed unanimously.

Final PUD Plan, Clements Mill West Condominiums, 33 Detached and Attached 2-Family Condominium Units, 372 Spaulding Ave SE, Parcel No. 41-15-31-201-056, West Michigan Development Company

Mick McGraw, Eastbrook Homes, stated this site was originally approved for apartments, and in 2007 we had a PUD approved for 57 condominium units. He stated at that time they were proposing two-story townhome units. He noted the current proposal is for 34 units, not 33 as listed on the agenda, and that the homes would be a mix of duplex ranch condominiums and single family ranch condominiums, with a mix of single-story and 1-story with walkout level.

Ferro summarized changes to the plan since last month's meeting. Ferro stated 33 is the number of units listed on the plan notes, but it appears the applicant's engineer miscounted. Ferro stated the sewer conflict has been resolved by relocating a portion of the existing sanitary sewer. A sidewalk route through the site has been added, between the emergency access lane at the west end of the site and the existing sidewalk at the east end of the site that connects to the rest of the Clements Mill development. Ferro stated the short sub street that's used for access to these units is shown widened from 18 to 22 feet.

Ferro added that the conflict between the building separation distance shown on the plan and the original settlement agreement has been resolved by approval of an amendment to the settlement agreement by the Township Board, although the amendment has not yet been fully signed and recorded

Ferro stated he does not see any note on the plans concerning no parking signs along the fire lane, but that can be addressed in the conditions of approval.

Ferro stated some additional information the applicant has provided him is that on the rear of the buildings along the west property line, the applicant wishes to have the option of converting space that on the plans appeared to be at-grade decks or patios into fully enclosed sunroom additions to the homes. Ferro stated sunrooms would be extensions of the building, and would conflict would the 20 foot setback line, which is delineated on the plan. He stated he didn't identify this as a conflict in his initial review

because they were not labeled as being potential sunrooms. Ferro stated to permit the sunrooms as an option would require another amendment to the settlement agreement.

Easter asked if the units are allowed to have stand-alone sheds and other structures on the property. Ferro stated no, there are no lot boundaries planned, and all area outside the units would be common area, with no other structures.

Korth stated he doesn't think the sunroom issue precludes us from making a decision, since as solution appears to exist.

Ferro stated he recommended approval with nine conditions as listed in his staff report.

Easter asked what is the width of the concrete walk.

Korth asked whether a landscape plan was submitted.

Ferro stated a landscape plan was included in the original submittal, which included typical unit foundation plantings, as well as mass plantings around the entire site.

Korth asked McGraw whether the landscaping would be similar to that seen in other Eastbrook communities.

McGraw stated yes, that is something he feels strongly about. It will be commensurate with what they have done previously.

Ferro asked if the sidewalk would be installed all at once, or would the portion in front of each unit be done as those units are completed.

McGraw stated typically the portion in front of a unit would be done with the unit. He added this is a little unique in that it's right next to the street, and for the sake of not breaking it, it would be done at the time that those units are constructed. He stated the section between building #11 and #12 and the portion located inside the cul-de-sac would be completed with the underground contracting and the asphalt work.

Ferro asked if there is a reason why the sidewalk is directly adjacent to the valley gutter rather than having a tree lawn separation from the street.

McGraw stated it's a setback issue; with condos you particularly have a tighter setback to the road. He stated you want that green space to be big enough to where it makes sense, if it's too narrow between the sidewalk and the road then it starts to look incorrect.

Ferro stated his thought was that having no separation could create a snow windrow on the sidewalk from plowing of the street.

McGraw stated if we found a different layout that worked and looked correct, he would consider it.

Ferro stated the garages are about 23 feet from the sidewalk, so you don't have a whole lot of room to push the sidewalk back without having vehicles block the walk.

Ferro suggested a 10th condition of approval that the sunroom additions are contingent on another amendment to the settlement agreement being approved by the Township Board.

Motion by Easter, supported by Butterfield, to approve the Final PUD Plan for 34 condominium units, subject to the following conditions:

1. The development shall consist of 34 residential condominium units in a mix of single-family and two-family buildings, private access drive, emergency access drive, public utilities, landscaping and sidewalk substantially as shown on the plans submitted with a revision date of 3-17-14.
2. The Amendment to Settlement Agreement approved by the Township Board on March 10, 2014 shall be fully-executed and recorded with the Register of Deeds, prior to issuance of any building permits.
3. Construction plans for public water and sewer utility extensions, including resolution of the conflict between building location and the existing deep sanitary sewer shall be submitted by the applicant and approved by the Utility Director, prior to issuance of any building permits.
4. Construction plans for the access drive, including widening of the existing private drive to 22 feet, and a private road permit application shall be submitted by the applicant, and a private road permit issued by the Township, prior to issuance of any building permits.
5. The private road and fire lane improvements shall be completed prior to issuance of any occupancy permits, or a financial guarantee for their completion provided.
6. Sidewalks as shown on the plan shall be installed across the frontage of the affected condominium building prior to issuance of an occupancy permit for the building. The sidewalk extension between the end of the existing sidewalk and the access drive shall be completed as part of the private road construction.
7. The recorded condominium documents shall provide a public access easement on the public sidewalk route through the condominium, as well as public utility easements as shown the plans dated 3-17-14.
8. The extension of the fire lane to connect to the existing fire lane on the Consumers Energy property, including the fire lane access gate, shall be installed with the construction of the access driveway and utilities.
9. An erosion and sediment control permit shall be issued by the Kent County Road Commission, prior to initiation of any excavation on the site.
10. The option of converting at grade patios or decks to enclosed sunroom additions shall be contingent upon an amendment to the settlement agreement to modify setback requirements being approved by the Township Board.

Motion passed unanimously.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Draft Zoning Ordinance Amendment to Permit “Caretaker” Residential Units in Industrial District

Ferro presented a draft zoning ordinance text amendment that would allow a residential caretaker unit as an accessory use on commercial, office and industrial properties in non-residential zoning districts. Ferro stated the owners of Canterbury Creek Farm Preschool, which is located in an industrial zoning district, have inquired as to the possibility of constructing a caretaker dwelling unit on their property. Ferro stated the proposed amendment language places a number of limits on a caretaker unit, including a maximum square footage of 1,500 square feet for the dwelling, restrictions on occupancy to persons employed to provide services on the premises, and a requirement for site plan approval by the Planning Commission, if

the dwelling unit is in a separate building. Ferro stated the only action to be taken this evening would be setting a public hearing date.

Ferro stated he is also proposing a separate amendment to the accessory building rules that pertains to maximum size of accessory buildings. He stated the setback requirements for accessory buildings vary based on the size of the building and zoning district. He noted that in the Village Residential (VR) district, an accessory building of 240 square feet or less may have a 3 foot side and rear setback, while for a building over 240 square feet, the minimum setback increases to 20 feet.

Ferro stated we have had at least two situations where that 20 foot setback requirement really proved to be impractical in the village zoning district where we have small lots with a typical 50-60 foot lot width. Ferro stated the proposed change would allow a typical 2-stall garage to have a 3 foot setback, by increasing the size limit from 240 square feet to 600 square feet. Ferro stated the difference between a 3-foot setback and a 20-foot setback is huge on a lot in the village district.

Leisman stated he is concerned that when people buy property, they design their layouts based on what the zoning requirements are at that time, and he doesn't see a compelling reason to consider changing the setback requirements outside of the village unless there's a good reason. He suggested the amendment be limited to the Village district.

Ferro stated part of his thought process was that the difference between a single-stall garage and a two-stall garage is obviously in the width and not in the depth, so by allowing a two-stall garage to have the same setback as a single-stall garage, it's really the same linear distance along the lot line. So, from that standpoint it's not really impacting the neighbor because the added size is simply added width into the interior of the lot.

Leisman stated the Township has been served by the setback requirements for a long time. If there is a variance history in the Village district, that ought to be looked at, but he sees no compelling reason to make changes in the balance of the township.

Korth asked Jim in anticipation of a public hearing to refresh our memories of the lot sizes of all of the various districts.

Lunn asked if the proposed amendment involves the same section of the ordinance that results in many accessory buildings coming before the Planning Commission for special use permit approval.

Ferro stated that is the case, for accessory buildings that exceed certain size or side wall height limits. Ferro stated we previously discussed the possibility of changing those limits to reduce the number of requests that require special use permit approval.

Lunn suggested addressing this issue in the same amendment process. Korth stated he agreed with this suggestion.

V. PUBLIC HEARING

Proposed Capital Improvements Plan, 2014-2020

Ferro presented a summary of the annual Capital Improvements Plan update.

Ferro noted that one thing that's not taken into consideration in this plan because we do not have financing arrangements in place yet is funding allocated for the public improvement projects that are called for in the village design plan as part of major redevelopment that may be taking place in the village

in the next few years. That is currently being evaluated as to what our fiscal capacity is to make these improvements.

Leisman asked if this will have to be amended.

Ferro stated he believes it will need to be amended; if there are any expenditures this year on public improvements in the village, it will require an amendment to the annual budget, too, because the annual budget is already prepared and scheduled for adoption next Monday; and it doesn't yet address village improvements.

Ferro stated he believes the CIP has been a good planning tool for the township.

Korth opened the public hearing. There were no public comments, and the hearing was closed.

Easter asked what kind of funds are in the DDA account.

Ferro stated there are no capital projects proposed in the DDA Fund because the DDA does not have much money, with a fund balance of about \$250,000.

Korth stated money is going to have to be assigned to it, then it's going to be the dispensary. It's not in the budget at the moment, it's still being worked on.

Ferro stated for the coming fiscal year the DDA is anticipated to have about \$100,000 in tax increment revenue; it's actually declined from last year.

Korth stated that decline is only temporary because it's being affected by the conversion of the Amway distribution center to manufacturing use. He stated this is similar to a Master Plan; it's a rolling six year look at all of the accounts, putting them all in one place, bringing together the parties and things that we need, and suggesting a way that we could accomplish that with the means that we have currently.

Motion by Easter, supported by Leisman, to approve the Capital Improvements Plan as presented.

Motion passed unanimously.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Butterfield, second by Easter to adjourn the meeting at 9:16 p.m.

Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr