

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE APRIL 17, 2014 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, April 17, 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: Easter, Korth, Lowry, Lunn, Leisman.
Absent: Butterfield (arrived at 7:05 pm), Jacobs.
Staff Present: Planning Director Ferro

III. APPROVAL OF AGENDA

Korth requested that the agenda be modified to add approval of the special meeting minutes from April 14, 2014, which was the site visit and flight demonstration at the Bieker site.

Motion by Lunn, supported by Easter, to approve the Agenda as revised.

Motion passed unanimously.

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

Motion by Easter supported by Lowry to approve both sets of minutes.

Motion passed unanimously.

V. PUBLIC HEARINGS

Request for Special Use Permit to allow re-construction of a destroyed non-conforming accessory building of 1,536 square feet in size in the R-2 district, 5701 Ada Dr. SE, Parcel No. 41-15-32-101-060, Tom Yost

(Note: Butterfield arrived at the meeting at this time, at 7:05 pm.)

Tom Yost stated his existing accessory building was destroyed by heavy snow in February, and he discovered zoning ordinances had been changed since the building was erected in 1978 so it doesn't conform. The building is used extensively as a garage for vehicles and a workshop, and he needs the room very badly. Yost noted the presence of other similar pole barns in the surrounding area, and pointed out his building would not be visible from the street.

Jim Ferro stated the zoning rules state if a building that does not conform with current zoning rules is damaged to the extent that the cost of repair exceeds one-half the value of the building, any re-construction must conform to current zoning rules. Current regulations state the maximum size of all detached accessory buildings on a lot of less than 3 acres in size is 1,200 square feet, with a maximum sidewall height limit of 10 feet.

Ferro stated the original application requested approval of 12 foot side walls, but that the drawings submitted by the applicant this evening show a 14 foot side wall height.

Yost stated the builder that he asked to prepare the elevation sketches proposed a 14 foot side wall height. He stated if 14 feet is needed to accommodate his recreational vehicle, and if he can obtain approval of 14

feet, he would go with that. He added if 14 feet isn't approved, he is willing to live with 12 feet, as he believes a truss design can be used that will allow sufficient clearance for his recreational vehicle.

Ferro then described the subject property and surrounding area. He stated the standard to be used by the Commission is whether the proposed building size and height are compatible with the character of the surrounding area. Ferro stated staff has recommended approval, with the suggestion that the planning commission may want to place a condition requiring the building color to be dark brown or green. He stated this was advertised as a public hearing and neighbors were notified, with no written comments received.

Korth then opened the public hearing; with no discussion the public hearing was closed.

Easter asked the applicant if he was fine with a 12 foot side wall height.

Yost stated he would be, if it will work to accommodate his vehicle.

Leisman questioned whether 14 feet was needed to accommodate a motor home. He stated that a higher side wall would tend to result in a less attractive shallower roof pitch.

Ferro stated he believed that there is a truss system available to allow a higher clearance

Butterfield asked whether the accessory building on the property to the east of the applicant's was conforming, and what the height of the building is.

Ferro stated he didn't know what the height was. The applicant pointed out that the photos he distributed included the neighbor's building.

Butterfield asked the applicant whether there would be any exterior lighting.

Yost stated fluorescent lights inside, and motion sensor lights outside.

Ferro stated the setback variance approval by the Zoning Board was subject to the requirement that the building be placed on the same footprint as the existing building.

The applicant confirmed the building will be dark green in color.

Korth stated we have a sketch everyone is in agreement with; green will be the color; the Board of Appeals has approved the location of the footprint; and the lighting will be motion activated facing the applicant's home.

Motion by Butterfield, supported by Easter to approve the proposed 1,536 square foot accessory building with a 14 foot side wall height, per the sketch submitted, subject to the following conditions:

1. The building shall be dark green in color.
2. Any exterior lighting shall be motion sensor activated and facing the applicant's house.

Motion passed unanimously.

Request for Special Use Permit to allow a 240 square foot accessory building with a side wall height of 17 feet, 7653 Fase St. SE, Parcel No. 41-15-34-401-011, Del and Betsy Ratzsch

Del Ratzsch stated his existing garage is decrepit and needs to be replaced. It has a number of issues. It is 6 inches too close to the property line, and does not have a 1-hour fire wall. They would like to remove

the existing building and build a new garage 10 feet closer to the street as there is a tree behind the garage that they wish to protect.

Ratzsch stated they are asking for the higher side wall height in order to have a second level on the back portion of the building, to be available for studio and storage space. One possible change might be extending the footprint of the lower level three or four feet toward the street, if the zoning ordinance is amended to permit this. Ratzsch stated the larger building has been discussed with the neighbors and they do not have any difficulty with it.

Ferro stated the applicant is requesting a side wall height higher than the limit for a property that's less than three acres. He noted the aerial photo included in Commission members' packets shows the surrounding buildings and area.

Korth opened the public hearing, and with no public comment, he closed the public hearing.

Korth asked if the applicant's house is a two-story.

Ratzsch stated no; it does have about a two and one-half foot high foundation. He stated the neighboring houses are 2 story and 1 story. He stated he doesn't believe the peak of the new building would be above the peak of the adjacent residence to the west.

Ferro reviewed the applicable zoning standards.

Leisman suggested the possibility of approving a size limit that would allow the 5-foot expansion of the footprint mentioned by the applicant, subject to the zoning rules being amended to allow this without a larger setback.

Korth asked the applicant if the commission approved a zoning ordinance change that would allow increasing the size of the footprint, would the applicant be interested in making the second story five feet larger as well.

Betsy Ratzsch stated it would be nice to have it as an option, but they want to be careful to have the proportions proper in relation to the house, yet maintain the carriage house look they now have in the drawing.

Korth noted Ferro's recommendation was to approve the special use permit, based on a determination that the size, height, placement, and design of the accessory building will be compatible with the character of the surrounding area.

Motion by Leisman, supported by Lowry, to approve the application for the 240 square foot accessory building, with a second floor consistent with the drawings submitted by the applicant, with the option to expand the first floor square footage to 300 square feet, and a corresponding increase in the second floor space, contingent on the zoning ordinance being amended to permit the larger square footage with the setback as proposed.

Motion passed unanimously.

Revised Preliminary PUD Plan for Ada Hillside Center, to remove the approval condition imposing a 5,000 square foot limit on floor area of restaurant uses in the PUD

Dan Burns, Attorney, representing Rob Aldridge, stated this is a request to remove the PUD approval condition that limits the allowable square footage of restaurant space in the PUD. He stated the owners of the center have an opportunity to bring in a restaurant, which would bring traffic to the Hillside Center.

However, the current 5,000 square foot limit on restaurant space makes it impossible to accommodate this restaurant. Burns stated the parking area is greatly underutilized. He noted the hours of traffic flow for the restaurant would be different than the times at the existing businesses located in the center. He stated both owners of the center are requesting that the square footage limit be eliminated completely.

Ferro stated the 5,000 square foot limit was placed as a condition on the approval for the overall center, out of concern as to whether the parking supply would be adequate to serve more than 5,000 square feet of restaurant space. Ferro stated he agrees that the parking area is very under-utilized now, because the center is not totally built out, and there is currently a very high vacancy rate. Ferro stated the occupied square footage is only about one-third of the total approved floor space, but 86% of the parking space has been installed.

Ferro stated at build-out the total center would have 4.3 spaces per 1,000 square feet of floor area overall, and the general accepted standard for a mixed-use commercial center is 5 spaces per 1,000 square feet. Ferro stated that in a shared parking, mixed use environment, parking is used more efficiently. Ferro stated as long as the center is not built-out, there is probably sufficient space there to serve more than 7,500 square feet of restaurant space. He stated that given the center is not totally built, he is reluctant to totally remove the limit on restaurant space. He stated his recommendation is to increase the limit from 5,000 square feet to 7,500 square feet.

Korth opened the public hearing.

Dan Burns, 1475 Shadyview, representing the owners of the center, suggested the possibility of raising the limit to 8,000-10,000 square feet, so that there would be a cushion of more than 300 square feet after the addition of their new tenant.

Korth closed the public hearing.

Lowry stated it can be burdensome sometimes getting in and out of that area.

Burns stated it is manageable, and there should be no more concerns than the normal ingress and egress at that location.

Korth stated this center was designed and approved so that we had full expectation there would be a certain volume of traffic, and the ingress-egress had entered his mind. Korth asked if there have been any significant traffic incidents related to this center.

Ferro stated he is not aware of any, and does not have any concerns related to allowing more restaurant space.

Easter stated because there is no place else to put the traffic, she believes it is good to be cautious about it, and supports increasing the limit to 7,500 square feet, but not removing the limit entirely.

Butterfield asked what type of establishment the restaurant would be.

Rob Aldridge, 3720 Oaktree Dr., the proposed tenant, stated the proposed style of the restaurant is a gastropub; a liquor license needs to be secured; hours would be 11:00 a.m.- 11:00 p.m. or 12:00 p.m.; more of a community style restaurant, gathering place, not a sports bar.

Easter asked Ferro what he thought of a 10,000 square foot limit.

Ferro stated the space they would be occupying is 3 currently vacant spaces of about 4,370 square feet, which would result in total restaurant space, including the Subway and Chinese restaurant, of about 8,200 square feet.

Burns clarified that the proposed new restaurant would only occupy two currently-vacant tenant spaces, totaling 2,700 square feet,

Ferro stated along with the two existing restaurant uses, this would bring the total existing restaurant space to 5,482 square feet, leaving slightly over 2,000 square feet to get to a 7,500 square foot limit.

It was pointed out that this limit would permit addition of a future restaurant occupying 1 tenant space.

Motion by Easter, supported by Lunn, to approve the revised Preliminary PUD Plan for Ada Hillside Center, to increase the limit on total square footage of restaurant use in the PUD from 5,000 square feet to 7,500 square feet.

Motion passed unanimously.

Public Hearing, Amendment to Accessory Building Regulations, to permit Caretaker Residential Units in Non-Residential Districts

Korth opened the public hearing on the proposed amendment. There was no public comment.

Korth closed the public hearing, and suggested postponing discussion and action to later in the meeting, to Unfinished Business.

Public Hearing, Amendment to Accessory Building Regulations, to revise minimum setback standards, maximum height limits and maximum combined ground floor area limits for accessory buildings in residential districts

Korth opened the public hearing.

Tom Yost, 5701 Ada Drive, stated he strongly supports loosening the regulation regarding height of the side walls, and amount of square footage allowed, to make it more open.

Korth stated with no further comment, this subject will also be moved to Unfinished Business.

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 action was postponed at the March meeting, after a public hearing was held on this request in January. Ferro stated there were three areas the commission wished to explore further: having a demonstration flight conducted for observation by commission members; looking into additional limits on frequency of flights beyond that proposed by the applicant; and considering possible adjustment to the preferred approach and departure paths.

Ferro stated he also followed up on the suggestion that the commission consider obtaining its own consultant for guidance on the above matters. Ferro stated he contacted several parties in regards to acting as a consultant to offer expertise on heliport design. He stated he sent a request for a proposal to an individual in Albion, MI, but did not receive a response from this individual.

Korth stated he had suggested looking into the availability of a consultant, but did not feel it was absolutely necessary in order for the commission to proceed with action on the application.

Ferro also commented on correspondence received from Nevin Zolenski, 3 Mile Road, which stated the applicant should be denied a Special Use Permit due to incompatibility of the heliport with the Master Plan and rural character of the area, but if it is approved there should be restrictions in four areas: the preferred approach path should follow a curved route, moving it to the north of the neighborhood his home is located in; if there are multiple landings and takeoffs on an individual day, the applicant should be required to take varying approach and departure paths, if wind condition allow, to avoid overflying the same area; there be a limit on the number of flights per month to reduce concentration over any particular season; and restrict the approval to the specific make and model of helicopter that the applicant has.

Korth asked the applicant's consultant, Kevin Nelson, to comment on the flexibility of modifying the approach/departure path, in relation to the wind data that was presented by the Planning Director.

Nelson stated that the wind rose data does not seem to reflect his experience in the area for the last 9 years. Nelson stated several factors influenced the selected flight path, including predominant northwesterly winds, maximizing flying over the applicant's own property, and minimizing overflights of homes. Nelson stated after the demonstration flight that was conducted, it has been determined that we can avoid homes using the preferred flight path. He stated the preferred flight path can be modified, within the limits of safe operation. He questioned whether the Township should take on liability by becoming involved in the determination of the preferred flight paths. This has been designed as per the FAA standards, however modifications can be made. He then commented that the "fly neighborly" program developed by the International Helicopter Association is also being followed by the applicant, which states they not fly over homes when not necessary, and to alternate approach/departure routes.

Korth asked if they are required to communicate with the Grand Rapids Airport tower each time there is a takeoff and landing.

Nelson stated there is no requirement to contact the airport until about an elevation of 2,200 feet; when they are within 30 miles typically there is communication with Grand Rapids Airport Control, as well as going in and out, as it's about nine and one-half miles from the airport and they control air space out to 10 miles. He stated the Airport Control would probably have a really close estimate on how many landing operations were made; it would be a good corroboration to the logs maintained by the aircraft owner.

Ferro reviewed changes in the conditions of approval that he has recommended for consideration by the commission. He stated he has proposed reducing the maximum number of days on which there may be five takeoff and landing cycles from 5 days per year to 3 days per year; adding a limit of no more than 10 landing and takeoff cycles per any consecutive seven-day period of 10. Ferro noted he has also included in the conditions of approval requirements for compliance with standards that are set forth in the zoning regulations that are applicable to all heliports. He noted these are conditions 3 through 7. He added that the commission might consider the suggestion made by Mr. Zolenski to limit the approval to the EC120 aircraft that is currently owned by the applicant, and strike the language that permits any other gas turbine powered helicopter that has the Grand Canyon quiet aircraft technology certification.

Leisman suggested possible rewording of condition number 2, to require the quiet aircraft technology, limiting the approval to the EC120, and requiring that a request for a different helicopter shall be subject to an amendment to the Special Use Permit, subject to approval by the Planning Commission. He also suggested language stating that to the extent reasonably possible, all helicopters using the heliport shall follow the proposed access routes on the site plan, and, to the extent reasonably possible, shall avoid flying directly over homes on adjacent or nearby lands, and to require the owner to submit his flight log upon request from the Township within 14 days of being requested.

Nelson stated the applicant is agreeable to provide flight logs. Nelson stated he believed limiting the approval to the EC120 would be over-limiting, considering we have approved a heliport with an EC130 helicopter in an area that is more densely populated than the area around the current site. He suggested it state there be nothing greater than an EC130 sound level, which has already been approved in the township, to make it more general language.

In response to a question from Easter, Nelson provided information concerning the relative noise emission levels of a Eurocopter EC120 versus the EC130 approved elsewhere in the Township.

Brad Formsma, 1561 Lookout Farm Dr., stated he hears FedEx planes fly over every morning. Formsma questioned whether the applicant should be required to seek approval for a change in the helicopter, and suggested there should be a general standard established.

Easter stated she agreed that we should not be overly restrictive, but it shouldn't be left open. She stated she was comfortable using the EC130 noise standard.

With regard to the Grand Canyon standard, Nelson pointed out the noise limit varies by passenger capacity of the helicopter.

Korth suggested referencing a certain decibel level at a certain distance.

Leisman stated he was not familiar enough with the details of noise standards to be comfortable with this. He suggested requiring an administrative approval of any aircraft substitution as a possibility.

Lunn commented that he wouldn't support a decibel standard because of the variety of different specifications and scales for measuring noise.

Ferro stated he shared Lunn's concern, and would not want to reference a noise level without further study.

The Commission discussed potential limits on the aircraft that can use the site.

Nelson questioned why the limits established should be more strict than that which was approved in a more densely-populated area.

Several commission members commented that given the more rural and quiet nature of the northern portion of the township, it was appropriate to consider a more stringent standard.

Motion by Leisman, supported by Easter, to approve the Special Use Permit for a private use heliport and related accessory building at 3050 Pettis Ave NE, subject to the following conditions:

1. The private heliport facilities and proposed accessory building shall be located, designed and constructed substantially as depicted on the plans submitted by the applicant.
2. All helicopters utilizing the heliport shall comply with "GCNP Quiet Aircraft Technology, pursuant to FAA regulations in 14CFR Part 93, "Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park." The helicopter that is based at and stored at the site shall be the Eurocopter EC120. A request for substitution of a different aircraft shall be subject to administrative approval by staff, upon a determination that the aircraft complies with the above standard and the special use permit standards.
3. The proposed heliport and all appurtenant facilities and equipment shall be constructed, operated

and maintained in accordance with the published rules, regulations and guidelines of the Federal Aviation Administration and the Michigan Bureau of Aeronautics.

4. The proposed heliport and all appurtenant facilities and equipment shall conform to National Fire Protection Association Standard 418, Standards for Heliports, 2006 Edition, with the exception that Sec. 9.1.2, exempting certain heliports from the requirement to be equipped with portable fire extinguishers, shall not apply. Portable fire extinguishers shall be required at all heliports, at a location and stored in a manner approved by the fire chief.
5. The facility shall not be used for arrival or departure of a helicopter between the hours of 10:00 p.m. and 7:00 a.m.
6. The facility shall be limited to private, not-for-hire personal use, and shall not be used for any commercial or business use.
7. A helicopter shall not remain in operation on the ground at the site for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than five minutes). To the extent reasonably possible, all helicopters using the heliport shall follow the proposed access/departure routes depicted on the approved site plan, and, to the extent reasonably possible, shall avoid flying directly over homes on adjacent and nearby lands.
8. The frequency of aircraft operations at the site, inclusive of any takeoffs/landings by aircraft other than the aircraft that is based and stored at the site, shall conform with all of the following limitations:
 - a. There shall be a maximum of 125 takeoff/landing cycles per calendar year.
 - b. There shall be a maximum of 3 takeoff/landing cycles per day, except for 3 days per year when there may be no more than 5 takeoff/landing cycles.
 - c. There shall be a maximum of 10 takeoff/landing cycles in any consecutive 7-day period.
9. Landing area approach and perimeter lighting shall be remotely activated and shall only be used during aircraft approach and departure operations.
10. Access drive bollard lighting, if installed, shall be activated only at times the site is in use.
11. The use and operation of the facility shall in all respects comply with the standards for approval contained in the zoning regulations.
12. The applicant shall submit flight log information within 14 days of a written request for such information by the Township.

Motion passed unanimously.

Amendment to Accessory Building Regulations, to permit Caretaker Residential Units in Non-Residential Districts

Ferro stated these amendments amend the same section of zoning rules; and in entertaining the idea of having a Caretaker Residential Unit in the Township it should be limited to non-residential districts so it doesn't deal with secondary dwelling units, residential properties, at all. It allows them as an accessory use in the office, commercial, and industrial districts, with six standards that must be met: occupancy limited to no more than two employed persons who provide services; services must be for 24-hour per day on the premises; dwelling unit must meet the normal standards in our zoning rules regarding

minimum square footage; a maximum of one on any lot or adjacent lots occupied by one principal use; the residential corridors may be located either in the same building or in a detached accessory building; and if located in a detached building site plan approval by the planning commission is required, with a maximum size limit of 1,500 square feet. He stated he needed to get the comments from the owner of the Canterbury Creek Farm Pre-School on those standards.

Korth stated at the DDA Board meeting there was a conversation related to the village plan, etc., and the consensus was to develop a sub-committee between members of the Planning Commission and the DDA to work to specifically decide the issue of the scale and structure of the road layout as part of the plan, anything related to the public infrastructure that would be built related to green development of this area. The DDA feels they have taken it as far as the Board wants to take it, and they're looking for input from the Planning Commission of the nature of our role in terms of the Master Plan. He stated I would like a couple of people to consider being sub-committee members.

Lunn stated he would be interested, but with his schedule he would need two to three weeks notice.

Easter asked what the time frame was, a three-year venture.

Korth stated this will be a May-June time frame, and maybe July. The intent is to take what has been done and fine tune the plan, and end up with the best possible compromise.

Ferro returned with the preliminary drawing that Canterbury Creek is interested in, which is about 1,600 square feet.

Korth stated you're suggesting we tweak it up a bit.

Ferro stated, yes, maybe 1,800 square feet.

Korth stated maybe the 1,500 is not such a bad idea, and they just have to tweak their plan a little bit. He stated that he would prefer to leave it small.

Easter stated she was in agreement.

Motion by Lunn, support by Easter, to approve the Amendment to Accessory Building Regulations, to permit Caretaker Residential Units in Non-Residential districts, as presented by Planning Director Jim Ferro, subject to the Ada Township Board approval.

Motion passed unanimously.

Amendment to Accessory Building Regulations, to revise minimum setback standards, maximum height limits and maximum combined ground floor area limits for accessory buildings in residential districts

Motion by Easter, supported by Lunn, to postpone for one month. Motion passed unanimously.

VII. NEW BUSINESS

Korth asked for volunteers to serve on a joint subcommittee with DDA Board members to review the Village Design Plan and the preliminary construction plans for Headley St. Easter and Lunn volunteered to serve on this subcommittee with Korth.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

None.

IX. PUBLIC COMMENT

Richard Marmion, asked whether the Planning Commission was in charge of road repairs.

Ferro stated the Planning Commission is responsible for preparing the annual Capital Improvements Plan, and we annually budget \$250,000 per year to match the County money for road repairs in the Township. He stated that specific roads designated for repair annually are selected in consultation with County Road Commission maintenance staff.

Marmion asked what the procedure is for filing complaints about helicopter noise.

Korth stated it's really as simple as communicating directly with the Planning and Zoning Department that you have an issue and be specific enough that he can look into it.

Marmion stated he provided Ferro with information on the fracking issue, including handout material from the recent Ottawa County series of information meetings. He stated he also provided Ferro with an analysis of Michigan DEQ High Volume Hydraulic Fracturing Well Completions and Applications, prepared by a non-profit group from northern Michigan.

Ferro asked if Marmion was familiar with where Cannon Township was in their ordinance development process.

Marmion stated he thought they were still working on it.

X. ADJOURNMENT

Motion by Butterfield, supported by Lunn to adjourn the meeting at 9:28 p.m.

Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr