

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE SEPTEMBER 17, 2015 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, September 17, 2015, 7:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

**I. CALL TO ORDER**

Meeting was called to order by Commissioner Butterfield at 7:00 p.m.

**II. ROLL CALL**

Present: Commissioners Easter, Lunn, Lowry, and Leisman

Absent: Commissioners Jacobs

Staff Present: Planning Director Ferro

**III. APPROVAL OF AGENDA**

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

Motion passed unanimously.

**IV. APPROVAL OF MINUTES OF AUGUST 20 MEETING**

Motion by Easter, supported by Lowry, to approve the August 20 minutes as presented.

Motion passed unanimously.

**V. PUBLIC HEARINGS**

**Proposed Amendment to Zoning Regulations, to establish rules for “special event venues” in the AGP and RP-1 zoning districts, with approval of a special use permit by the Planning Commission**

Jim Ferro summarized the ordinance. He stated there has been some written public input submitted, and 7 pieces of email correspondence regarding the proposed ordinance, which are supportive of allowing this use subject to some reasonable regulations.

Butterfield opened the public hearing.

Mike Homier, 2977 Mela Via Court, stated he and his neighbors are not in favor of this proposal. He stated the applicant has held 24 events at his property in violation of the zoning laws, and in violation of the conditions of approval for the heliport building, which state that the building may not be used for business or commercial purposes. He added the proposal should have died months ago.

Thao Lai, 2920 Mela Via Court, stated he plans on building a home soon on his vacant lot on Mela Via Ct. He stated his family love the quietness of the area. He stated he does not want to move to the country to sit next to an event venue.

Pam Toigo, 3011 Mela Via Court, stated we have purchased our land and moved to a country setting, in a residential neighborhood, not a business zoned area, to raise our families in peace, quiet, and safety, and we are getting none of these things right now thanks to Mr. Bieker. She stated her family has been forced to go inside the house because of the noise, which can be heard at the end of the street. It is a disturbance of the peace, and it is unacceptable for the area, even with conditions placed on the activity.

Nathaniel Atkin, 2923 Mela Via Court, stated his house is about 1,100 feet from the Bieker property line, and the events are so loud you can hear it inside our house, and the windows shake. This just doesn't make any sense.

Jay Bayley, 8811 Vergennes, stated they don't live the Bieker property, but there are a lot of 30 acre sites between my home and the high school that could be affected by this; someone could come in and develop this same kind of development, and then all of a sudden he would have the same problem that these people are experiencing. He stated he is surprised the proposal has even come this far, and he would agree this should be struck down.

Matt DeHoeg stated he lives in Forest Hills but not in Ada Township, and is the Director of Young Life that works with adolescents that need a place to get together. This is non-profit and events have been held at the Tubergen barn off Egypt Valley, as well as at the Bieker farm, which has allowed us to have kids come together in a safe place. As an organization there is value in this in order for us to have places and venues in our community for kids to get together.

Chris Barlow, 3000 Mela Via Court, stated his house is closest to the Bieker barn and he is not able to listen to his own music because of the noise from the Bieker property. He stated he is concerned with the amount of potential alcohol consumption and traffic at the 3 Mile Rd./Pettis Ave. intersection.

Andrea Hunsaker, 2945 Mela Via Court, stated it is not just Mela Via that is affected, there are several properties along Pettis and 3 Mile Road. She questioned if the property owner hasn't abided by the law thus far, what will he do in the future.

Barbara Homier, 2977 Mela Via Court, stated what you're hearing from all of the neighbors is defense of their homes and families. At 11:00 at night I have recorded the band playing Jenny Jenny and the chicken dance. Ms. Homier stated the neighborhood was willing to put up with events held for school kids once per year. She added that at that time, the owner lived on the property, but he does not live there now; he lives in California.

Heather Hoexum, 3200 Pettis Avenue, stated she has lived there for a year just to the north of the Bieker property. She stated she and her husband share the same concerns as the others have stated, and asked that this not be passed.

Chris Meyer, Warner, Norcross & Judd, lawyer for Mr. Bieker, stated this is a proposed ordinance of general applicability to the Township, and everyone wants a zoning policy across the board, not just for this amendment, but any part of the zoning policy that preserves the character of Ada Township. Brides want to have a backyard wedding, and as a result outdoor event venues are a growing phenomenon.

Meyer stated a good policy would 1) help preserve large parcels of land and barns, both old and new, and historic, by providing the owners with a stream of income for these particular parcels in Ada Township; 2) regulate this use in an appropriate manner that allows the neighbors not to be put upon; and 3) allow those who wish to have a "backyard wedding" in their own home town, the privilege of doing it in a reasonable manner.

Meyer added the goal is to preserve the rural residential character of Ada for everyone, and that allowing such use, appropriately regulated, lets the community enjoy these spaces for some of the most important events in their lives in a way that remains consistent with the rural residential character of the area, and is respectful of the rights of the residential neighbors. He stated Mr. Bieker supports this amendment.

Rebecca Zam Zam, 2797 Mela Via Court, stated there is a demand for these venues, but that does not mean we need to inconvenience everyone in the surrounding area. This is not for the greater good of the community.

Mike Homier, 2977 Mela Via Court, stated this has everything to do with Mr. Bieker, otherwise why does he hire a lawyer to defend his position on this. He stated Mr. Bieker has done nothing to show that he will comply with your rules or restrictions.

Butterfield closed the public hearing.

Easter stated she has wondered why we are still having this conversation. She stated she has always supported business and private enterprise, but we have never supported a commercial opportunity at the expense of the community that we're here to preserve. She stated she does not support it and would vote against it.

Lowry stated he agreed with Easter.

Butterfield stated she hears wedding parties in her neighborhood occasionally, and stated she does not believe we are asking people to stop having parties or fund raisers for our youth. She stated she would hope people are willing to open their homes for events, but not commercially zoned properties. She stated she believes it is also important to distinguish between some of the century old farms lands and preserve those and in some communities this type of ordinance would make sense.

Easter stated she drove by Sietsema Orchard and there was a wedding being held, but that place is wide open, they don't have neighbors near them. We do have these venues in our community that are not within proximity to neighborhoods.

Lunn stated he looked back at the minutes of 4-17-14 when we approved the heliport special use permit, and we did prohibit the commercial and industrial use of that facility for this type of thing.

Ferro stated if the special use permit approval conditions are being violated that could be grounds for revoking the special use permit, and to do that we would need to schedule another public hearing.

Lunn if we had a permit process where someone could maybe have an event once a month, three times a year - he would look at that, but he is not in favor of this ordinance. He stated he would be willing to look at a permit process after we have addressed the Master Plan amendment.

Leisman stated he concurs with what has been said. We are considering an ordinance amendment with Township-wide applicability. He stated he doesn't see the need for this type of use. He pointed out wedding events can be held at the nearby country club. He stated school-related functions can be held at school facilities. He is concerned with noise and traffic on the roads on our rolling terrain.

It was moved by Leisman, supported by Easter, to not recommend the zoning ordinance be amended to permit special event venues by special use permit in the rural zoning districts in the Township.

Ferro stated that whether to allow this type of use in a residential district is totally a discretionary matter of policy, there's no entitlement by any property owner to this type of use, and there's no mandate in the law that would require the Township to allow this type of use in a rural zoning district. The fact that there appears to be a trend to have weddings in a rural setting doesn't mandate or require that we have to accommodate it with our zoning rules. Ferro provided several examples of potential revisions to the draft regulations that could be considered to address the concerns that have been heard, including greater event venue building setbacks that would restrict which buildings on the Bieker site that could be used for events, and a possible prohibition on amplified music, to address noise concerns. Ferro added that if Mr. Bieker doesn't reside on the premises, then it's all a moot question.

Ferro stated this amendment was initiated by the Planning Commission so if you choose to take no action on it, or not pursue it any further, I don't know that there's any requirement that it move forward to the Township Board.

The Chair called for a vote on the motion on the floor. Motion passed by unanimous vote of 5-0.

## **VI. UNFINISHED BUSINESS**

None.

## **VII. NEW BUSINESS**

None.

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

### **Review Discussion of Projections of Future Commercial Space and Dwelling Units in the Village**

Ferro presented draft projections of future commercial and residential square footage in the Village, and invited comment from Commission members as to whether they believed that the scale and amount of new buildings projected is realistic and appropriate for the character of the Village. Ferro noted that these projections are likely to be revised, but that he wished to obtain Commission input on them.

Ferro stated there is some investigation going on regarding the economic and physical feasibility of having a two-level parking structure underneath a lot of this development. He stated the density with 2 and 3 story buildings with over half being three would probably require a parking structure solution.

Butterfield asked who would incur the cost of that type of structure.

Ferro stated that is to be determined. He stated one thing that affects parking demand a lot is restaurants, and right now restaurants make up about 16% of our commercial floor area. Also, these numbers reflect input from Amway, and inquiries they've gotten.

Lunn stated if you double the density you're going to double the restaurants. He asked if Ada Drive is being raised out of the floodplain.

Ferro stated it is planned to be raised, so that new buildings can be placed close to the street with floor level at the street level.

Lunn stated then the ones closer to the river will have to be built meeting flood zone standards.

Ferro stated, yes, and that's still being studied as to what elevation that road is put at, whether it can be put above flood plain elevation or not, or whether it should stay slightly below flood plain elevation and then have floor elevations raised slightly above the street level.

Ferro stated part of what's driving the density is once you shift from a surface parking solution to a structure parking solution the density has to go up quite a bit to economically support the cost of a parking structure.

Easter asked if there were other parking options that wouldn't necessarily force us into a density of 3-story buildings throughout the village.

## **X. PUBLIC COMMENT**

Jay Bayley, 8811 Vergennes St., commended the Commission for their action on the ordinance amendment.

~~Lowry~~ Lunn stated the helicopter barn being used for events is not consistent with the conditions we put on that structure.

Ferro stated if he's using that as an event venue then it's unlawful in more than one respect.

Lowry stated whenever it could be fit in he would like to discuss the commercial operation of the yard art sales at Knapp and Pettis.

## **X. ADJOURNMENT**

Motion by Easter, second by Lunn, to adjourn the meeting at 8:40 p.m.

Motion passed unanimously.

Respectfully submitted,

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Susan Burton, Township Clerk

SB/dr

(Note: Approved revisions to draft minutes are indicated by underscore and overstrike.)