

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE OCTOBER 16, 2008 MEETING**

Draft

A meeting of the Ada Township Planning Commission was held on Thursday, October 16, 2008, at the Ada Township Offices, 7330 Thornapple River Dr., Ada, Michigan.

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Present: Chairperson Korth, Commissioners Burton, Butterfield (joined the meeting at 7:33 p.m.), Gutierrez, Hoeks, Lowry and Sytsma. Also present: Planning Director Ferro.

**III. APPROVAL OF AGENDA**

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

**IV. APPROVAL OF MINUTES OF THE SEPTEMBER 18, 2008 REGULAR MEETING**

Motion by Hoeks, second by Sytsma, to approve the September 18, 2008 regular meeting minutes as presented. Motion passed unanimously.

**V. PUBLIC HEARINGS**

None.

**VI. UNFINISHED BUSINESS**

**1. Special Use Permit, for 180-Foot Wireless Telecommunications Tower in the AG District, 1970 Pettis Ave., NE (Parcel No. 41-15-17-100-007), AT&T Wireless**

Ferro stated that a public hearing was held a few months ago on this special use permit request. Since the last meeting, they have received a bit more public input and have put the wheels in motion to have the Township hold an informal public discussion session on Thursday, October 30th at 7:00 p.m. at Forest Hills Eastern school regarding the wireless communication infrastructure. This will not be a meeting taking input on the pending application. Ferro stated that last month he presented the Commission with two alternate sets of findings and conclusions regarding the application. He believes these may need further refinement and review by legal counsel and thus, he recommends action be postponed.

Motion by Burton, second by Lowry, to postpone action on the special use permit, to the November Planning Commission meeting. Motion passed unanimously.

**2. Request for Amendment to Zoning Regulations, to Add Provisions for Heliports, Paradigm Design – Report from Subcommittee**

Hoeks gave a report from the subcommittee. He noted that this report is a “provisional” interim report, not a final report. The subcommittee held a meeting on September 23rd which was an organizational and procedural meeting, looking at several issues from the code of ordinances. A second meeting was held on October 7th with five members of the public present, one of whom was the liaison for Mr. DeVos. Hoeks referenced several chapters of the zoning regulations which pertain to this request. The subcommittee also looked at Ada Township’s Noise Control Ordinance. The subcommittee received a letter at this meeting from Mr. DeVos’ consultant regarding the preliminary results of a noise study being conducted, with the final report anticipated at a later date. Hoeks noted there was no time for the Subcommittee to incorporate this correspondence into its deliberations, due to members not having sufficient time to

review it.

Hoeks provided a detailed verbal report to the Commission, from written notes, on a meeting that he held with Mr. DeVos. Hoeks stated that at the outset of the meeting, he indicated that he wished only to include in their discussions matters pertaining to a township-wide heliport ordinance, and not a specific site proposal from Mr. DeVos.

Ferro stated he received a call from the County Road Commission informing him that Mr. DeVos had applied for a driveway permit for a gravel driveway off of Fox Hollow Drive. Previous to that, they had become aware there was some tree clearing taking place on his property. Ferro then contacted Mr. DeVos' representatives to schedule a meeting regarding these issues. The meeting was held today, between Township legal counsel and counsel for Mr. DeVos. Several different legal scenarios were discussed that bear on the question of what is permitted in terms of landing a helicopter under the current zoning rules. Legal counsel is reviewing what transpired and will set forth their input in the near future. Ferro noted that there is no Township approval or permits needed to install a driveway or pour a concrete pad.

Hoeks stated he also approached DeVos about the tree clearing and driveway installation. DeVos' explanation was he had a schedule with contractors which had to be met.

Ferro added that he does not believe any zoning laws have been violated by installing a driveway or pouring a concrete pad.

Commissioner Lowry, a Subcommittee member, added that the Subcommittee also looked at other communities' ordinances, and that several of them were similar to what we had proposed.

Hoeks noted there have been about the same number of letters submitted in support of the heliport as in opposition of it.

Public comments were taken as follows:

1. Kathleen Richter, 6301 Hall Street, asked if anything was said about why DeVos went ahead with the clearing while this is still under consideration.
2. Bill Miller, 427 Adaway Drive, stated he is a member of the Adacroft Commons Association Board. He stated there are a lot of neighbors concerned about noise issues and would like to learn more about this.
3. Robert Stead, 6530 Ada Drive, asked who legal counsel is for Mr. DeVos. (Ferro responded counsel is through Warner Norcross & Judd). He asked if the pad is actually on the site and why this is represented as a picnic area. (Ferro responded he has not been back into the driveway on the property, so he is not familiar with what has been constructed.) He also asked if the correspondence submitted on this could be made available. (Ferro stated he could email this information to Mr. Stead.) Stead also stated that it would be nice if the Commission could take a look at the flight record. (Mr. Nelson stated he would provide this.)
4. Corky Paul, 1268 Pettis, stated he attended the workshop meeting regarding this and he emphasized this is not the DeVos ordinance, it is the Ada Township Ordinance. He believes this is encroachment on private property rights. He stated he believes the Commission really needs to understand the ramifications for all of the citizens of Ada Township.
5. Kevin Nelson, representative of Mr. DeVos, stated they do honor and respect the process. He

stated they appreciate the effort and time put into this process of generating a good ordinance. He stated they are continuing to land the helicopter on the property, as they have done in the past year or so. Prior to that, landing was at the Ada Congregational Church. The permit for the gravel road was to gain access to the property. Mr. DeVos does desire to work in an open dialogue with the Commission and he is open to meet with any Commissioners, neighbors, or members of the public.

6. Tracy Flanders, 6282 Adacraft Drive, SE, stated she is disappointed that Mr. DeVos has chosen not to appear himself since this is his own personal request for his own personal use.
7. Robert Stead, 6530 Ada Drive, stated again that the flight records for Mr. DeVos' activity should be made available to support the contention that they have been landing in the area for 3 years.

Hoeks noted at this time that one of Mr. DeVos' comments in his meeting was that he has been landing in the area previously, and there had been no complaints filed with the Township until after Mr. DeVos approached the Township, and the ordinance amendment process was initiated.

Korth asked Hoeks if it is his desire to hold off acting on this request to obtain further information. Hoeks agreed more time is needed.

8. Kathleen Richter, 6301 Hall Street, questioned whether there has been landing activity on the DeVos property for over a year. She believes it was January when he brought the helicopter in for the first time. She stated she was assured there was no possibility of his activity being grandfathered, even if he had been landing previously. She questioned whether this was still the case. Korth responded that input from Township legal counsel regarding this question had been requested some time ago and was still pending.

Ferro stated he spoke with the Airport Planning Engineer and a member of the Aeronautics Zoning Board whom offered their resources to come to one of the Committee meetings. Butterfield stated she would like the noise study to come before the full Commission, instead of just the subcommittee. Korth asked that the subcommittee consider the noise study in continuing its work, but he has no problem with the noise study being provided to the full Commission. There was discussion on whether the subcommittee should remain intact. Sytsma stated she would like them to remain intact, but would like the full Commission to review the report. Korth stated the point of a subcommittee is to continue its work to an end result and the noise study results would be set forth when the subcommittee presents its findings. Sytsma brought up the point as an example that the Riparian Protection Committee reported back to the Commission many times throughout the process. Korth stated the Commission has a responsibility to do whatever the subcommittee says they should do, and if the subcommittee says this is salient information, we'd like you to review it in detail, we will. Lowry stated he would be wished to request the Planner to get the Aeronautical Board involved and have them be present at the next subcommittee meeting. Other Commissioners agreed.

It was agreed that the subcommittee would report back at the November Planning Commission meeting.

### **3. Proposed Adoption of Property Maintenance Code and Zoning Ordinance Amendments Concerning Property Maintenance – Set Public Hearing Date**

Korth stated the Township Supervisor has asked the Planning Commission to set a public hearing on this. Butterfield asked if they had ever obtained information on enforcement cases Butch Visser has dealt with in East Grand Rapids and Cascade. Ferro noted this would need to be advertised for public hearing by November 5th, and the proposed language would need to be available at that time also. A special meeting was scheduled for October 23, 2008 at 4:30 p.m. This will be the only item on the agenda.

## **VII. NEW BUSINESS**

### **1. Pre-Application Conference, PUD Plan for 40,000 Square Foot Office Building and 6-Unit Foster Care Family Home, 5018 and 5038 Cascade Rd., Highpoint Real Estate**

Dan Hendrickson of True North, and a founding member of Olivia's Gift, presented the request on behalf of Highpoint Development. He noted the changes which have occurred to the plan over the last two months. He first spoke about the endeavor of creating a home for special needs individuals who are 18 or older, in a classroom-oriented setting. This will be condominium-type ownership of individual living units, with a large common area. He noted this is much smaller than before, now at 7,500 square feet. Hendrickson stated they met with the neighbors recently and there were minimal negative comments – just a few concerns regarding dumpster locations and exterior lighting. Hendrickson stated the front building will have a residential type style.

Hoeks asked if the roof line will have gables. Hendrickson said absolutely. Sytsma stated she supports this project. Hoeks also believes this is a marvelous concept. Hendrickson stated they are expecting just two tenants to utilize the office building and parking need will depend on the type of tenant occupying the space. Sytsma stated there seems to be excessive parking for the foster care family home. Hendrickson stated there will be a need for parking for events and when families come together. Korth suggested using parking space at Hendrickson's office building for these events since they probably will usually take place after office hours. Korth also questioned why the front office building couldn't be pushed closer to Cascade Road, which would allow for the parking needs and allow the riparian buffer to be corrected. Ferro stated the building is set in line with the buildings on both adjacent properties. Korth next asked if the office portion of the project could be phased. Hendrickson stated he would have to defer that to the property owner. Hoeks stated he would encourage porous pavement or grass pavers be used for the foster home parking area. Korth asked that given the fact there will be a lot of parking, could the future storm water area be put under the parking lots to protect disruption. Hendrickson stated they would prefer to use on-site retention due to high cost of the alternative. Hendrickson concluded that Olivia's Gift is going to be used a national model to help families around the country.

A public hearing on this PUD plan will be held at the November 20, 2008 Planning Commission meeting.

## **VIII. REPORTS FROM COMMISSION MEMBERS/STAFF**

Sytsma, as liaison for the Township Board, reported that several members have requested the Commission move on the Riparian Protection regulations, and get revisions finalized.

## **IX. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

## **X. ADJOURNMENT**

Motion by Sytsma, second by Hoeks, to adjourn the meeting at 9:09 p.m. Motion passed unanimously.

Respectfully submitted,

---

Deborah Ensing Millhuff, CMC  
Ada Township Clerk  
rs:lm