

**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE DECEMBER 18, 2008 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, December 18, 2008, at the Ada Township Offices, 7330 Thornapple River Dr., Ada, Michigan.

**I. CALL TO ORDER**

The meeting was called to order by Korth at 7:30 p.m. Korth welcomed newly-appointed Commission member Sara Easter.

**II. ROLL CALL**

Hoeks called the roll. Present: Chairperson Korth, Commissioners Butterfield, Easter, Gutierrez, Hoeks, Lowry, and Sytsma. Also present: Planning Director Ferro.

**III. APPROVAL OF AGENDA**

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

**IV. APPROVAL OF MINUTES OF THE NOVEMBER 20, 2008 MEETING**

Motion by Hoeks, second by Gutierrez, to approve the November 20, 2008 meeting minutes as presented. Motion passed unanimously.

**V. PUBLIC HEARINGS**

None.

**VI. UNFINISHED BUSINESS**

**1. Request for Amendment to Zoning Regulations, to Add Provisions for Heliports, Report From Subcommittee**

Hoeks spoke on behalf of the Subcommittee. He stated the Subcommittee has had two meetings since the last Planning Commission meeting. The first meeting focused on the results of a detailed sound study that was conducted by an acoustic engineer, which was directed to a very particular situation. It was found that the sound study was not general enough to include in the Subcommittee's recommendations at this time – it was too site specific and not necessarily applicable to the Township as a whole, although it was very informative. Hoeks noted that the sound study report is in the Commission members' packets.

Hoeks stated they next met with Mr. John Van Laar, Chairman of the Kent County Board of Aeronautics, who has been involved with that Board for close to 50 years and is himself a pilot. Hoeks noted that Van Laar provided the Subcommittee with a copy of the FAA rules governing heliport design, and also provided a follow-up letter that is included in Commission members' packets.

Hoeks stated the intent tonight is to focus solely on a Township-wide ordinance. He stated we have been too diverted by a particular request, when we need to be considering the Township as a whole. He stated the Subcommittee has done that, and has made its recommendation. The question before the Commission is whether the Township desires a more restrictive or a less restrictive ordinance. Hoeks suggested the Commission first consider the suggested standards for a special use for a heliport that would apply anywhere in Ada Township, before addressing the question of whether the use should be restricted based on zoning districts. Hoeks concluded that the Subcommittee has finished its work and it is now up to the Planning Commission to make its decision.

The Commission discussed the following aspects of the ordinance, in order, as recommended by the Subcommittee:

- Definitions of public use and private use heliports.
- Use regulations and standards that need to be met.
- Touch down and lift off area (helipad within the heliport) regulations/distance requirements from surrounding area.
- Minimum lot area of 20 acres.
- Hours of use: the facility shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
- Requiring the facility to be located on a lot occupied by the principal dwelling of the owner versus a vacant lot owned by the facility owner. Korth stated he did not believe that the location should necessarily be required to be located on the same lot as the owner's residence. Korth pointed out that in some cases, it may be difficult to determine what the owner's principal residence is, given that many people in the community have second homes. Ferro pointed out that requiring the facility to be on the same lot as the owner's home could result in more surrounding neighbors being impacted rather than fewer. Hoeks stated he recalled that this was the reason for including the term "ordinarily" in the language, and concurred that it should be reinserted.
- Several letters received from residents questioned the impact of the proposed rules on property rights. Hoeks stated that these commenters forget that property rights end at the border of one's property. He noted that when impacts go beyond one's property boundary, that becomes a concern.
- The proposed standard that authorizes the Commission to impose limits on the size and type of rotor craft, the frequency of operations permitted, the location, design, type, size and use of exterior lighting, buildings, fuel storage, etc., associated with the heliport.
- Language exempting emergency operations by law enforcement and public safety agencies.

Hoeks then asked Ferro to review the provisions of the alternative ordinance draft Ferro had prepared.

Ferro stated the provisions of the alternate ordinance are very similar to the subcommittee-recommended ordinance, with the exception that the alternate version would allow heliports by special use permit in all of the residential districts, rather than only in the Agricultural (AG) District. Ferro stated that the alternate ordinance bases the regulations on the characteristics of an individual site as the primary consideration, rather than the zoning district in which the site is located.

Ferro noted that the alternate ordinance provides a standard to determine under what circumstances the locating of a heliport on a site other than the lot occupied by the owner's residence would be approvable. Ferro read these standards, which are the general standards used for reviewing any special use permit application.

Ferro stated that in looking at the question of whether properties in the RR, R-1, R-2, R-3, R-4 and VR residential districts should be eligible for this use to be considered, Ferro referred to the aerial photos from several areas of the Township, in different zoning districts, and noted that one could not tell from the photos which district they were in, and that they all look similar in terms of character and surroundings. He believes this illustrates the point that the character of the area is most important, and zoning district is secondary.

He stated that over the last year, we focused on both safety and noise and other impacts on the surroundings. He stated he hopes we have put the issue of safety to bed, after reviewing data concerning the relative risks of different types of human activities, indicating that helicopter use is a very low risk activity. He passed out a photograph of the rooftop heliport at the Marriott Hotel in downtown Grand Rapids, which is about 600 feet from the Grand Rapids Public Museum to illustrate this point. Ferro also

referenced the noise study that was conducted for the proposed heliport facility on Dick DeVos' property, noting that the study results showed that the momentary noise created was audible, but was not out of the ordinary compared to other common noises monitored during the study, such as noise on surrounding roads.

Ferro concluded that he supports including the residential districts in the areas in which this use could be considered.

Korth next summarized correspondence received regarding this matter, including correspondence from John Van Laar, of the Kent County Aeronautics Board, Debora Glover, John Postma, Clare and Susan DeGraaf, Richard Zaagman Jim Owens, and Anneke van der Westen.

Hoeks stated he is not quite willing to say we have put the issue of safety to rest. He stated that however minimal risk there might be, there is still some risk.

Korth stated that he looks at this issue the same way he looks at auto use. We know there is risk associated with auto travel, but we do not ban cars from our Township, and we look to the Federal government and other agencies to address that risk in their rules. Our government also has an authority to regulate helicopter use, that being the FAA. He noted that we all live with far greater risks, day in and day out.

Ferro stated we have had discussion in the past about the potential maximum number of heliports under various regulation proposals. He feels there should not be any concern with being over-run with heliports in the future if these rules are adopted, considering that we have not regulated the use at all in the past, and we have not been over-run with heliports. He does not feel it is going to become a common activity, under either of the proposed ordinances.

Korth expressed the hope we could come to consensus on a set of regulations, to fill the void we have now with an absence of any regulations.

Sytsma concurred that we need to reach consensus, and give the Board the best product we can.

Hoeks stated he doesn't believe we have consensus. Hoeks stated that for him, the overriding concern is promoting the health, safety and public welfare of all Ada Township residents. He questions whether episodic and non-anticipated helicopter activity, however brief or quiet, promotes or tends to disturb the public health, safety and welfare. He stated that the Subcommittee's view is that to accomplish this, this use should be restricted to areas north and east of the river.

Sytsma stated that the noise of a helicopter is no more disturbing than the nose of a train. Hoeks observed that there is a difference, in that she chose to live close to a railroad line. Korth stated we have to consider what is reasonable noise, and he does not believe helicopter noise is outside the framework of the type of noise we tolerate every day.

Lowry stated that it is not necessarily the noise that is objectionable, it is the apprehension of one's safety the noise creates. He likened the noise from a helicopter to the noise of a nearby gunshot in this respect.

Easter observed that the apprehension may be due to the fact that a certain noise is not common, and people are not used to it.

Korth opened up the meeting for any final public comments. There were no comments.

In discussion of the zoning districts in which the use would be permitted, Korth questioned why the office

and commercial districts weren't included. Ferro stated that he did not think there were any sites in the office or commercial districts that would qualify for the use, based on the minimum acreage required.

Hoeks stated he would be open to inclusion of land in the RR district that is east of the Grand River. He asked Ferro whether this could be accomplished. Ferro stated he did not think the community could be carved up that way.

Motion by Hoeks, second by Sytsma, to recommend to the Township Board approval of the more restrictive ordinance alternative as recommended by the Subcommittee, dated 12/18/08, 4:15 p.m.), with a modification to paragraph 17(f) to include the word "ordinarily".

Korth stated he could not support the motion because it is using an arbitrary and incorrect mechanism, that being zoning districts, to define what is reasonable for this use.

Motion passed 4 to 3 via roll call vote, with Butterfield, Hoeks, Lowry and Sytsma voting yes, and Easter, Gutierrez and Korth voting no.

#### **VII. NEW BUSINESS**

None.

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

Ferro stated that he would like to schedule a general priority session to schedule projects the Commission wants to work on. It was agreed to put this as an agenda item for the January 2009 meeting.

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

None.

#### **X. ADJOURNMENT**

Motion by Sytsma, second by Gutierrez, to adjourn the meeting at 8:54 p.m. Motion passed unanimously.

Respectfully submitted,

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Susan Burton  
Ada Township Clerk  
rs:lm