

**IDA TOWNSHIP PLANNING COMMISSION**  
**Minutes of Meeting**  
**Tuesday, November 11<sup>th</sup>, 2008**  
**7:30 p.m.**

**Members:**

Ron Zabawa  
Kevin Miller  
Scott Desbrough  
Larry Kreps, Jr.  
Brian Angerer  
Brad Kamprath  
Elmer Bowman (absent)

**Others Present:**

Bryan Powers, Carlisle Wortman, Planner  
Steve M. Petty, Mannik & Smith, Engineer  
Marty Kamprath, Lennard, Graham, & Goldsmith Attorney  
Karen Jo Lieb, Recording Secretary

**Call to Order:** Chairperson R. Zabawa called the meeting called to order at 7:32 p.m.

**Roll Call:** E. Bowman – absent, K. Miller - present, Scott Desbrough, - present, L. Kreps, Jr. - present, B. Angerer - present, B. Kamprath - present, R. Zabawa - present.

**Public Comment:**

1. Erle Carey – 3350 Wells Rd. lives across from proposed park. Addressed concerns about noise levels with proposed private park.
2. Harvey Roscoe – 3332 Wells Rd., lives across fence from proposed park. Mr. Roscoe stated that now that applicants are riding bikes, noise is really loud. Because he is far enough away, dust is not a big issue, just that peace and quiet is disturbed. Also expressed concern about the wildlife and rules not being followed.
3. Tim Tatar – 14301 Ida West Rd. Spoke about the need for a noise ordinance and requests that “teeth” be put into a noise ordinance.
4. Sally Shaefer – 14057 Ida West Rd. Made a statement: “I would like to remind the Planning Commission of a few key points in consideration of the final proposal. I refer to the Mannik & Smith report dated July 25, 2008 which required specific criteria for approval of this proposal such as: An asphalt or concrete driveway per the Ida Zoning Ordinance Article 13.00 Section 13.04; a request for a list of the volunteer workers’ names and their respective contact information for the use and operation of this park; and the requirement of a certified noise study that follows established noise study guidelines and procedures including ASTM Standards. None of these conditions have been met. Ms. Shaefer also referred to the Ida Township Zoning Ordinance Article 16.00 Section 16.07, subsection 7, that in addition to specific standards, which may be applicable, the following standards shall serve the Commission as the basis for decisions involving Special Land Use. That each proposed use or activity shall be compatible with adjacent uses of land in the nature and location of the use, be a harmonious part of the district in which it is situated and in the size, intensity and site layout be such that

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operations will not be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights. These are your standards (Ida Township) found on page 16-14 of the current Ida Township Zoning Ordinance. See attached. After a recent confrontation with one of the neighbors over a property dispute, the investors were quoted as saying, "we're sick and tired of the people in this neighborhood." It is so refreshing to hear these investors finally admit that this is a neighborhood that they chose a plot of land zoned agricultural for a commercial venture within a long established residential neighborhood and now your surprised at the outcome. I didn't ask for this job, but I was asked to represent a contingency of over 200 people opposed to this project who asked me to speak for them. This isn't just me objecting. I'm representing all of the citizens opposed to this including those unable to speak for themselves. These citizens also have rights, freedoms and protections guaranteed by the Constitution: the right to petition, the right to assemble, and the right to protect the area that these families have worked for their entire lives. No group, no organization, and no government is going to take that away from the people of Ida Township."

5. Mike Way – 2655 Wells Rd. Spoke about his concern related to noise. He stated that he lives  $\frac{3}{4}$  of a mile away and how the neighborhood will change.
6. Mike Perkins – lives on Secor Rd. Stated that although he lives far away from the track on Secor Rd., he believes the track is a good idea for kids to have something to do. He asked if the special land use request could be put to a vote of the people. R. Zabawa replied that he did not believe it could be put to referendum. R. Zabawa explained that the final approval is from the Ida Township Board.
7. Chad Perkins – 4375 Secor Rd. Stated his concern about the implementation of a noise ordinance and his farm (logging) and is concerned about the noise ordinance affecting his operation. Also stated that hayrides at the applicant's property, in his opinion, are not an issue.
8. JoAnn Moore – 3434 Wells Rd. (Summerfield Township) Stated that she lives directly across from proposed track, approximately  $\frac{1}{4}$  mile away, and says motorcycles are very loud. She also stated that it's a bad idea and could disturb wildlife.
9. Phil Monaza - 2867 Wells Rd. asked a question to the Planning Commission members whether or not any planning members live by the proposed track. He also stated that noise would be a big concern. Also voiced dislike regarding time restriction on public comment section.
10. Tony Ramano – 13335 Lulu Rd. Stated that, due to the number of people at the meeting, it is his opinion that people are concerned and very opposed to this project and he is also against the park.
11. Kari Koraleski. – property owner in Ida stated that she is concerned about the noise. She said it used to be peaceful and she used to be able to sit in the yard and cannot do that any longer because neighbors are harassing her and she believes it goes along with this track and that they (applicants) are going to do what they want anyway.

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12. Chuck Mudge - Applicant Special Land Use - 8935 Ida West Rd. – Addressed the public stating that “your concerns are our concerns. There are currently no noise barriers in place.” He further stated that they are the owners of the property, it is private property, and the property owners and their children have been going out to ride, “as property owners, just like you.” He stated his position regarding their willingness to work with the township to address the noise issues by putting noise barriers into place and he further stated that “if it doesn’t pass, we are willing to go out and do more and more until everyone is satisfied.” He stated that his objective was not to bring in a bunch of people for or against. He further stated that they are not breaking any laws or ordinances or they would have been stopped long ago. In addition, Mr. Mudge stated that the hayride didn’t break any ordinances. Accusations made in local newspapers about not having permission or that they refuse to submit a site plan are untrue.

### **PUBLIC COMMENT SECTION CLOSED.**

#### **Reports:**

Ida Township Fire Chief , Paul Metz. Mr. Metz stated that his position is neither for nor against this project. His report is as follows:

1. The dry hydrant in place is fine and will work for the fire department. Since the track is so far back in, they would be unable to get a pumper truck to the back of the property. The pumper is a 25-ton vehicle and normally stays on the road. Access to that would be for grass fires. Same response throughout the county. For the dry pump situation, it would help out if a fire was being fought in the back, however, there are hydrants along Ida West Road that could be used and they would not need nor would they use pond water in the current trucks. Depending on the time of year, specs for driveway would not hold up regardless of 6” grade stone with pavement or concrete, it will not hold up that vehicle. However, a rescue vehicle will handle it fine.
2. Fire Chief Metz asked applicant about a driveway around track number 3. Whether or not a driveway presently around the mounds is in the plans and if so, will it be in the final track. Mr. Mudge replied that the road would be there for the use of rescue/emergency vehicles and that the road does go all the way around the whole outside perimeter.

#### **Approval of Minutes:**

Minutes of the October 14<sup>th</sup>, 2008 meeting were reviewed. A motion was made by K. Miller and supported by B. Kamprath to approve the minutes as written. All in favor. Motion carried.

#### **New Business: None.**

**Old Business:**

**A. Special Land Use Application #SLU2008-01/Site Plan Review Application #SP2008-01 – Applicant: Charles E. Mudge. Project name: Ida West Track & Trail (Private Park).**

**ENGINEERING REPORT:** (Note: Mannik & Smith Group, Inc. report dated November 3, 2008 was submitted for the record and made an official part of these minutes.)

Steven M. Petty of Mannik & Smith Group, Inc. gave a brief oral summary of Mannik & Smith's review as follows:

Mr. Petty stated that as noted in prior reviews, their plan review is primarily focused on the engineering aspects of the site development as a private park in accordance with the Ida Township Zoning Ordinance as well as general engineering design principles.

In general, the applicant and their engineers have addressed a substantial number of deficiencies noted in their previous review and added additional information relative to floodplain, soil boring information, grading and drainage information, and easement and/or property ownership.

The most significant deviations from the Township Ordinance requirements still remains the roadway into the site and the parking area:

- The Ida Township Zoning Ordinance Article 13.00 Section 13.04 clearly stipulates the parking lot is to provide bumper stops, curbs or wheel chocks.
- The parking lot is to be drained to eliminate the standing water.
- The surface of the lot, including drives and aisles are to be constructed of concrete or bituminous surface.
- The number of parking spaces and space size for the anticipated vehicles using the spaces shall be acceptable to the Township.

The entranceway as proposed will be a Monroe County Road Commission paved driveway constructed to the standards of that agency.

Upon driving into the site there is a 200 foot length of roadway referred to as a mud mat constructed of 2" to 3" diameter rock intended to remove debris from the vehicles exiting onto Ida West Rd. In theory, this mud mat should not be needed if vehicles and trailers were parked on paved driving and parking surfaces. The applicant has changed the plans from a wood chip roadway to a sand surface roadway using existing site materials.

This is not the hard surface roadway and would require constant maintenance and dust control if approved by the Township. In addition, as noted in the review, the parking area is proposed to remain a grass area. With repetitive use during various weather conditions, this area could become rutted and muddy. There is no practical way to maintain parking stall striping as shown on the site plan.

The other item that has not been addressed in more detail is the noise consideration. The applicant previously stated that they did not intend to provide additional noise studies for this site. They have provided the detailed layout for the track courses with detailed grading information. A new earthen berm is provided adjacent to Track A, which is six feet higher than the existing grade with plantings proposed along the top of the berm. Tracks B and C have an existing wooded area immediately to the west. An earthen berm is not proposed in this area, thereby relying on the natural vegetation to buffer noise. The elevations of the jumps in Track A are very close in height of the proposed earthen berm. This will have an impact for the sound levels given the configuration of the tracks, height of jumps and direction of travel around the tracks.

No specific detail was provided to indicate type, size, height and spacing of plantings on the berms to give an indication of whether the plants will aid in noise control.

The fire chief previously submitted their report as requested by Mannik & Smith.

A copy of the wetland's report delineating the jurisdictional wetlands has not yet been provided as previously requested. However, the MDEQ letter of August 13, 2008 indicates, provided the site is developed as proposed, that no permit is required. This particular letter referenced is from MDEQ and is the result of an on-site pre-application meeting that they held with the applicant. They did note that Soil Erosion/Sedimentation Control Permits are required and notice of coverage from storm water discharge from construction sites would be required. This doesn't waive any consideration that the township Planning Commission would have, should a site plan be approved, that a stipulation of site plan approval be re-submitted to MDEQ to assure that there are no wetland issues as a final approval requirement.

As a result of the information supplied in the July 14<sup>th</sup>, 2008 MDEQ letter, this letter stipulated that there was no specific study determinations as to what the 100 year floodplain is in the area. However, they gave a guideline of using 5 feet above low summer water levels of Otter Creek as the control for the 100-year flood elevation. The designers did build into the plan and show where this flood plain was and as proposed there are no improvements being proposed in the flood plain.

Mr. Petty noted and addressed Fire Chief Metz if he had further concerns regarding the locked gate and concerns regarding access and entry for Fire Department.

The Zoning Ordinance requires 13 safety stations around the pond each equipped with 100' of rope, life ring and 10' pole. The designers indicate that they are proposing to deviate from that plan and provide 8 stations, 5 of which will be provided 100' rope and 3 stations will be provided 200' rope. Each station will be provided all other equipment except the rope lengths. The township will need to assess whether the proposed plan meets the intended criteria safety station requirements established for ponds.

One other issue raised in their last letter was a concern about hazardous material on the site. It has been noted by a new plan note that as far as vehicle refueling, this is to be done in the parking lot areas and with spill proof fuel cans. Further, there is to be no oil changing on site which somewhat takes care of some of the concerns the engineers have, however, there is an issue that the applicant will have to require their volunteer staff to police to make sure that all these activities are followed in compliance with what they are stating as proposed.

**PLANNER REPORT:** (Note: Carlisle/Wortman report dated November 7, 2008 was submitted for the record and made an official part of these minutes.)

Bryan Powers of Carlisle/Wortman Associates gave a brief oral summary of their review as follows:

He reported that they had previously unofficially reviewed the proposal in a letter dated August 12, 2008. At such time applicant still lacked several key pieces of information, which was designated as an official site plan submittal. Since that time, information has since been obtained and as a result, this is considered Carlisle/Wortman's first official review of the plan.

The applicant is requesting Special Approval for this site to allow a private motorcycle/ATV park. The proposed park will require a club membership and consist of three (3) practice tracks for dirt bikes and all terrain vehicles. Additionally, a 3.4 acre pond is proposed for the dual purpose of recreation (picnic area with beach volleyball courts) and dust control for the tracks. The excavated soils from the pond will also be used for the track and berm construction.

With regards to the Master Plan, the Master Plan for this area is Agricultural II, which proposes a 2.5-acre per dwelling unit standard. Although not considered prime agricultural land by the U.S. Department of Agricultural, AG II areas still stress the continued use of these areas for agricultural purposes.

Because this requires Special Approval from the township, Mr. Powers reviewed and read special approval procedures as indicated in his report. Private Park

Facilities are permitted uses after special approval subject to the standards of Section 7.03 and Section 16.07. Per Section 16.07 of the Ida Township Zoning

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Ordinance, there are several requirements that must be met in order to permit special uses.

In addition to specific standards, which may be applicable, the following standards shall serve the Commission as the basis for decisions involving special land uses and other discretionary decisions contained in this ordinance. Each proposed use or activity shall:

- a. In location, size and intensity of the principal and/or accessory operations, be compatible with adjacent uses and zoning of land;
- b. Be consistent with and promote the intent and purpose of this ordinance.
- c. Be compatible with the natural environment and conserve natural resources and energy.
- d. Be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
- e. Protect the public health, safety, and welfare as well as the social and economic well being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the Township as the whole.
- f. Promote the use of land in a socially and economically desirable manner.
- g. Not be in conflict with convenient, safe and normal neighborhood vehicular and pedestrian traffic routes, flows, intersections, and general character and intensity of neighborhood development.
- h. Be of such a design and impact that the location and height of buildings, the location, nature and height of walls or fences and the nature and extent of landscaping on the site, shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- i. In the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of said district.
- j. In the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.

Mr. Powers stated that what he believes still appears to be a serious concern is whether this use can be considered harmonious with the surrounding uses. There are several potentially negative impacts, which the Planning Commission must take into consideration on this topic: noise, dust, traffic, surrounding natural environmental issues and surrounding land values.

This proposal does meet all of the required area width, height setbacks with regards to the existing natural resources. There are 8 separate wetlands approximately 13 acres, and MDEQ did supply a letter stating that a permit is not

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required unless changes to the proposed plan are made. This will have to be monitored, as the plan has to be sent back to MDEQ.

At this time no tree survey has been provided with the submitted plans. The aerial photo indicates the site has heavily wooded on the east half of the site. As indicated, all construction activity has occurred on the outside of the wooded areas. Also indicated in the plans is that all wooded areas will remain as they are and should trails be created within them at a later date, they will inform the township and petition DEQ for a permit. Hunting will not be allowed for any of the club members as this time.

Mr. Powers briefly addressed the number of restrooms and location on the buildings proposed on the site. The locations of these buildings are acceptable. Additionally, a fence is proposed at the entrance of the park, which will be locked. One item mentioned in the previous review by the planner is adding a fence between the parking area and the pond area to prevent any riding upon those areas.

The parking lot area is located centrally on the site directly adjacent to the pond/recreation area and mini-bikes track C. The site plan indicates that the pervious parking area is to be seeded with grass seed and mowed to a height of three (3) inches; the Township Ordinance requires that the surface of a parking lot shall be constructed of a concrete or bituminous surfacing. The applicant will need to address this issue. It should be noted that, however, section 13.02 allows the Planning Commission to permit deviations from the requirements of Section 13.00 whenever it finds that such deviations are appropriate to accommodate the specific characteristics of the use in question.

The Township Ordinance (Section 5.35) also requires landscaping trees within parking lot areas. Specifically, there shall be a minimum of one (1) tree for every eight (8) parking spaces arranged in curbed islands (not less than 50 square feet in area) within the parking lot area.

Finally, this office has serious concerns about the on-site maintenance and repair of the machines. This was brought up in the previous review and the township engineer has also addressed it. There are notes on the site plan, which indicate that there will be no oil changes and that any fuel will be coming in from the drivers themselves and they are going to be using spill proof caps. The policing of these issues are something to be looked at. Obviously with no pavement and no safe zones where maintenance can be performed, any spilling, any contamination is going to go directly into the soil and contaminate.

The site plan does indicate that fuel must be done with spill-proof containers and that no oil changes will be allowed on site. Enforcement of these regulations could be perceived to be an issue however. Other sites similar to this proposal include areas where maintenance can be done.

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As indicated earlier, the Township Ordinance requires that the surface of a parking lot (including drives and aisles) shall be constructed of a concrete or bituminous surfacing.

The site plan indicates that the Monroe County Road Commission does not believe that a traffic study will be necessary for this proposal, and that on days of business this site will generate a traffic increase of approximately three (3) percent.

Landscaping elements of this site plan must meet or exceed the requirements of Section 5.35. The Ordinance states that "Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries..." The applicant is proposing six (6) foot high berms with evergreen and/or bush plantings placed intermittently around Track C and the recreation area. We questioned the need for the breaks between the berms and the applicants responded that they did not want to cut that down, however, we need to make sure that in the areas where there is vegetation that it does meet or exceed the required buffering standards.

It should also be noted that the ordinance does allow the Planning Commission to provide a greater noise or dust barrier for more intense development such as a wall or fence at a minimum of six (6) feet in height.

The Ordinance also requires that a greenbelt be provided, established at a depth of the required front yard setback. The greenbelt shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet of frontage abutting a public road right-of-way. Approximately twenty-one (21) trees will be required to fulfill this obligation.

At this point the site plan does not include the required landscape plan as the applicant has indicated that he would like to negotiate some of these issues with the township.

No lighting is proposed for this site. They have indicated there will be a sign. The location of the sign meets the requirements. The applicant has not provided any sign detail. It is assumed it will be provided at a later date.

The applicant has provided notes with regard to air quality, dust control, and noise control. The site plan indicates that any ATV's not equipped with a stock exhaust system approved by the EPA will not be allowed on site. Again, that comes down to policing.

To control dust, the site plan notes that either an underground sprinkler system will be installed or a portable holding tank mounted on an ATV will be utilized.

With regards to noise control, the applicant has provided a noise analysis conducted by their engineer, which indicates that the site will have minimal impact. The applicant is proposing the use of strategically placed earthen berms,

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track configurations, and operational hours to minimize impacts to the surrounding community. Additionally, a noise meter will be kept on site for inspection of any violations of noise levels. As previously stated, the Planning Commission is given the chance to ask for a greater noise/dust barrier.

In summary, there are still a number of concerns, with a bunch of minor ones. However, the concerns that the Planning Commission are going to have to look at with a microscope, and are considered major concerns by the Planner, are the noise, dust, traffic considerations, the surrounding natural environment, the parking lot/driveway surfacing and whether this proposal will be considered to be harmonious in nature with the surrounding uses.

Question from Planning member K. Miller to Mr. Powers: Planning member K. Miller asked about a statement made earlier that there will be no hunting for members. Mr. Powers responded that there is a note on the plans stating that only the “owners” of the property not members will be allowed.

Discussion held regarding the proposed layout now that the house has been split off the property. Planning member K. Miller questioned the effect of this change. Mr. Powers responded that proposal still meets the lot width and therefore is not an issue and doesn't change anything.

K. Miller – questioned the well being used and the conflicting engineer/planning reports stating “use” or “non use.” Engineer S. Petty responded that information was supplied by the designer indicating that the well has been tested and further indicated that the well will not be used for any of the public use. After brief discussion and review of proposal, it was determined and clarified that the well will be capped and not used for any public use at this time.

Planning member K. Miller also questioned the zoning requirements for the pond now that the house has been split from the parcel and whether it will be an issue. Planner B. Powers and Engineer S. Petty both responded “no.”

**APPLICANT'S ENGINEER REPORT/RESPONSE:** Keith Gere, Intec Engineering, Inc. – prepared the plans on behalf of the applicant.

Mr. Gere addressed the Township Planner and Engineer's comments and concerns line item by line item, as follows:

Starting with the Planner's comments:

Essential facilities and services and verification from the County. Mr. Gere stated that they do have a letter from the Monroe County Health Department Sanitarian, Chris Westover, that he did review the plans and can provide a copy of the letter to the Planning Commission. Discussion briefly held regarding number of people submitted on the original site plan. Mr. Gere stated he would resubmit information to the County for another more up-to-date letter.

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The building locations and decorative fence. The developer agrees to install a decorative fence. It will probably be a split rail along the road to segregate the parking area from the pond/recreation area. They will install it and put that on the plans.

Separation of the parking areas. Mr. Gere believes that is a good idea. Handed out illustration/plans, which also addresses some of the internal landscaping issues. It separates single car traffic out of truck and trailer traffic and therefore the handicap accessibility lanes can be marked with signs because there will be an internal landscape sign there. There will not be any striping. The striping on the drawing exists to illustrate where the parking spaces will be proposed. They still plan on using grassed area for parking and sand for the access drive. The applicants state that throughout their experience with other tracks, this is how it is operated and run without any issues with mud. Mr. Gere stated that the use is a fair-weather use. They don't use it when it rains. If it rains significantly 3 or 4 days in a row, the track is wet and will not be used. It will be used mainly in dry conditions and therefore the mudding and rutting should not be an issue. And if it is, it will be a maintenance issue and the applicant will keep up with the maintenance by adding sand or gravel to keep the road and parking lot in the order that it needs to be.

Parking - Mr. Gere stated that parking would be just like the fairgrounds. Everyone can figure out how to park, following suit, along with people in the parking lot instructing people where to park. Mr. Gere stated that the main reason for not creating asphalt or concrete is the green aspect. The applicant wants to eliminate any kind of runoff, especially with asphalt, the oils that come off the asphalt and the rain discharging it into the ground. They want to recharge the ground water with the rainwater. Mr. Gere stated that a lot of the problems with aquifers in this area is that the ground water does not have time to discharge with all the pavement that has been put in place in the past 15 to 20 years. Everyone wanted to put pavement in, get the water into storm sewers, get it into a detention basin, and put it into a ditch. There is no time for the rain to recharge the ground water. That is another main reason for not having asphalt in the parking lot and the driveway.

An additional reason for not having asphalt is that if this endeavor does not succeed or if they decide to change uses, placing asphalt in the middle of a farm field in the event that they want to revert it back to a farm field is very difficult for removal as well as additional burden and expense.

Site access and circulation – Fire Chief addressed that there are no issues.

Grading – comments made regarding track grading in respects to the berm. The kiddy track's highest jump is 5 feet and the highest berm will be 6 foot with trees of 5 to 6 feet. The mini bikes do not jump, they just ride over the jumps, and therefore, there is no gain in elevation of those vehicles that would occur with the larger track and the larger riders. With the larger riders in the back, Mr. Gere has been informed by the applicants that as the bikes hit the jumps, they are on the

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accelerator, however, once they are in the air release the throttle and, therefore, are “idle” in the air. Once returning to the ground, they again use the throttle. In that regard, the amount of elevated noise should not affect the noise levels.

Greenbelt area, regarding reduction in the road frontage from approximately 600 to 285, resulting in about 7 or 8 trees. What they do not want to do is to eliminate a ¼ of an acre of farmland and are proposing to place the trees at the right of way in order to recoup the farmland for the greenbelt.

Track configuration – earthen berms have been placed at all the sharp turns, 6 foot high with 5 to 6 foot Arborvitae and/or pine trees in order to allow for when the bikes point or turn, or change of direction for the exhaust, as they come out of the turn they increase the gas which could increase the noise level and therefore, would be pointed right at that berm and the additional trees to knock down that noise level. On sheet 7 of the plans, it shows all the earth berms and landscaping on the tight turns.

Mr. Gere addressed the township Engineer’s comments – which as he stated are similar to the planner’s comments.

Mr. Gere addressed the lack of another noise study by applicant. He explained that the reluctance to do another noise study was not that they just “didn’t want to.” It is that they did not want to do another noise study as stated because of the concern of the Township Engineer and the Township Attorney that the current noise studies are based on existing conditions and do not match proposed conditions. Mr. Gere further stated that the applicant’s intent was if the special use was granted and constructed according to plans, then a baseline could be performed in order to determine noise levels at that time. The baseline study could include adjacent neighbors, township officials out to the property to determine acceptability and establish a baseline at that time. If a baseline could not be reached, then modifications would be made to bring noise levels within acceptable standards to the township and adjacent neighbors.

Pond – Mr. Gere stated they would make changes according to the Planner and Engineer comments and resubmit for final approval.

Planning member K. Miller asked that, due to the number of new people present, to restate the approval procedures for site plan use. Planning Chairman R. Zabawa informed all present that the Planning Commission only makes a recommendation to the Township Board as an advisory committee to advise the board based on the information supplied.

Tim Churchill, attorney for applicant, made a brief presentation. He spoke about misinformation previously submitted and his concerns. He gave a description of what the proposed use actually consist of. He further stated that the applicant is proposing all possible avenues to make this a harmonious use. He gave reference to goals and objectives in the Master Plan regarding recreational use, stating that currently Ida does not have such a facility for recreation, and how this use as proposed does preserve

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agricultural land, environmental lands and wetlands. He also stated that the noise study currently on file with the township states that the noise levels generated by the bikes are the same or slightly higher than everyday noise levels and did not impose an environmental health or safety issue for adjacent property owners. He also made

reference to agricultural noise use. A list of rules and regulations for the membership use has been submitted to the township, which contain rules and regulations regarding environmental use. He asked that it is noted that throughout the public hearing process, there have been people expressing their approval of this project and, further, that the applicants do have in their possession a petition containing over 120 signatures of people who are in favor of this project. He also stated that it is not the intent of the petitioner to come in and destroy the township with this project. The applicant believes it is a good recreational project.

Chairman R. Zabawa commented on Mr. Churchill's statements that the Planning Commission does not approve this project and that the Planning Commission only makes a recommendation.

Discussion held on procedures for recommendation. Planning member K. Miller asked what the Planning Commission options were at this point. R. Zabawa stated that the final site plan has been submitted. The Planning Commission can proceed to make a recommendation to the Township Board and the Township Board can make a determination at that point.

Township Attorney M. Kamprath explained the choices for special approval as mandated by the Zoning Ordinance and Michigan Law to the Planning Commission:

1. Recommendation to deny;
2. Recommendation to approve;
3. Recommendation to approve with conditions.

Planning Members then discussed the special approval request.

### **A MOTION was made by planning member L. Kreps:**

**MOTION** to recommend denial to the Township Board of the applicant Charles D. Mudge's Special Land Use Application and Site Plan (#SLU2008-01) for a private park on tax parcel #5808-006-020-00 in the AG2 zoning district based on the findings, determinations, conclusions, requirements and standards as stated in the Township Planner Carlisle Wortman's reviews dated 8-12-2008 and 11-7-2008 and the Township Engineer Mannik & Smith's reviews dated 7-25-2008 and 11-3-2008, and further that:

1. The location, size and intensity of the principal and/or accessory operations will not be compatible with adjacent uses and zoning of the land, because of the number of residential homes in the nearby and surrounding areas.

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2. The proposed use is not compatible with the natural environment and does not conserve natural resources and energy.
3. The proposed use does not protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land or activity, and the residents, businesses, and landowners immediately adjacent to the proposed land in the Township as a whole.
4. The proposed use does not promote the use of the land in a socially and economically desirable manner, because of the dust and noise produced by such a venture to the detriment of residents in the area.
5. The location, size, intensity and site layout of the operations will be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.

Discussion followed:

Planning Member K. Miller stated that we have a list of items that were addressed by the professional consultants that question whether the proposed use is the proper use of the land. One of K. Miller's concerns is the driveway requirement to access the property and setting precedent for all future developments and applications if not required with this use. Attorney M. Kamprath stated that this use is special and unique to this project and precedent should not be a major issue.

S. Desbrough asked M. Kamprath to define "harmonious." Mr. Kamprath replied that "harmonious" to some degree is a subjective term, which related to what is harmonious with the neighborhood.

Discussion briefly held regarding motion procedure.

Discussion further included a question by S. Desbrough regarding the option of approval with conditions or specific requirements.

**MOTION SECONDED:** Brian Angerer seconded the motion currently on the floor with the supporting reasons listed in the motion.

**AMENDMENT TO MOTION:** K. Miller made a motion to amend the current motion, to add conclusions that no sufficient noise management and suppression controls have been provided, to prevent detrimental impact to area properties and to guarantee harmonious use with neighboring lands.

**AMENDMENT TO MOTION SECONDED:** B. Kamprath supported Amendment to motion.

**ROLL CALL VOTE FOR AMENDMENT TO MOTION:**

**Ida Township Planning Commission**

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- K. Miller – Yes
- L. Kreps – Yes
- B. Kamprath – Yes
- B. Angerer – Yes
- S. Desbrough – No
- R. Zabawa – Yes
- E. Bowman – absent

**AMENDMENT TO MOTION CARRIED.** 5 to 1 with 1 absent.

A vote was then taken on the following **MOTION** as amended:

**MOTION** to recommend denial to the Township Board of the applicant Charles D. Mudge's Special Land Use Application and Site Plan (#SLU2008-01) for a private park on tax parcel #5808-006-020-00 in the AG2 zoning district based on the findings, determinations, conclusions, requirements and standards as stated in the Township Planner Carlisle Wortman's reviews dated 8-12-2008 and 11-7-2008 and the Township Engineer Mannik & Smith's reviews dated 7-25-2008 and 11-3-2008, and further that:

1. The location, size and intensity of the principal and/or accessory operations will not be compatible with adjacent uses and zoning of the land, because of the number of residential homes in the nearby and surrounding areas.
2. The proposed use is not compatible with the natural environment and does not conserve natural resources and energy.
3. The proposed use does not protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land or activity, and the residents, businesses, and landowners immediately adjacent to the proposed land in the Township as a whole.
4. The proposed use does not promote the use of the land in a socially and economically desirable manner, because of the dust and noise produced by such a venture to the detriment of residents in the area.
5. The location, size, intensity and site layout be such that the operations will be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.
6. No sufficient noise management and suppression controls have been provided, to prevent detrimental impact to area properties and to guarantee harmonious use with neighboring lands.

**ROLL CALL VOTE:**

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- K. Miller – Yes
- S. Desbrough – No
- L. Kreps – Yes
- B. Angerer – Yes
- B. Kamprath – Yes
- R. Zabawa – Yes
- E. Bowman – absent

**MOTION CARRIED.** 5 to 1 with 1 absent.

**Old Business: cont.**

**B. Review of Master Plan/Existing Land Use Map:** A brief discussion was held regarding the status of the Land Use Map and the Master Plan. B. Powers will submit a final to the Planning Commission for both.

**C. Blight Ordinance:** A brief discussion was held regarding what changes were needed to the blight ordinance. Planner B. Powers stated the enforcement is always the biggest issue for townships. B. Powers also stated that Carlisle/Wortman offers "Code Enforcement Services."

R. Zabawa informed the planning members that the election of officers will be held in December.

**Adjournment:**

Motion to adjourn was made by S. Desbrough and seconded by L. Kreps. All in support. Motion carried. Meeting adjourned at 9:43 p.m.

Submitted by:

Karen Jo Lieb, Recording Secretary

Approved by Planning Commission: \_\_\_\_\_