

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE APRIL 19, 2012 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, April 19, 2012 at 7:30 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 7:30 p.m.

II. ROLL CALL

Present: Chairperson Korth, Commissioners Lowry, Butterfield, Jacobs, and Easter, Planning Director Ferro and Treasurer Rhoades. Absent: Commissioner Lunn.

III. APPROVAL OF AGENDA

Motion by Lowry, second by Rhoades, to approve the Agenda. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF MARCH 15, 2012 MEETING

Motion by Easter, second by Jacobs, to approve the March 15, 2012 meeting minutes. Motion passed unanimously.

V. PUBLIC HEARING

Request for Special Use Permit for a 2,447 Square Foot Accessory Building with a sidewall height of 17 feet, 1-5/8 inches, 3050 Pettis Ave NE, Parcel No. 41-15-05-300-027, Mike and Donna Bieker

Scott Blough, builder representing the applicants, stated the proposed accessory building would have a maximum height of slightly over 17 feet, and the footprint area is just over 2,400 square feet. Blough reviewed the ordinance standards for approval of special use permits, and stated that the proposed building complies with those standards. Blough noted the proposed building would be immediately adjacent to the home, and is on a 100 acre parcel that is wooded on all sides, so it is very unlikely any of the neighboring properties would even see these structures. He stated in case they do the accessory structure will be built very similar to the new home with like kind of materials with somewhat of a barn type of look.

Blough stated the building and home will be located in the northeast corner of the parcel, 490 feet from the east property line, and 465 feet from the north property line. Blough stated the building is to be used as a family recreation area, and there will be no additional traffic generated, and it is serviced by its own well and septic.

Jim Ferro, Planning Director, stated the Planning Commission is authorized to approve accessory building height and area larger than what is permitted by right, if it determines that the size, height, placement, design and appearance of the accessory building will be compatible with the character of the surrounding area.

Korth asked if there is already an accessory building on the property.

Ferro stated there is a large barn that was built as an agricultural building for the home constructed on the property. He stated the owner considers it an agricultural building, and we questioned whether it was used for agricultural purposes or whether it was really an accessory building. Ferro stated there are a couple acres of old apple orchards on the property. He stated if it is considered an accessory building its area is taken into account along with the area of the proposed building because that 1,800 square foot

limit is an aggregate limit for all accessory buildings on a property. Ferro stated he does not think it has a big bearing on evaluation of this request.

Korth asked how many square feet in the farm building, and how far away it is from the new home.

Blough stated about ¼ mile, and actually you can't see the building from the home.

Korth opened the public hearing. There was no public comment, and the hearing was closed.

Easter asked if there is a lighting issue involved in this.

Ferro stated there are no other homes close, with the nearest home being probably 1,000 feet away.

Blough stated there are no exterior lights other than what you normally have on a garage type structure.

Lowry asked if there would be any vegetation.

Blough stated any vegetation will be landscaped all around the building and the home so it is all contiguous, the grass will all be seeded.

Motion by Easter, second by Rhoades, to approve the Special Use Permit for the proposed accessory Building at 3050 Pettis Avenue NE, Parcel No. 41-15-300-027.

Motion passed unanimously.

VI. UNFINISHED BUSINESS

Request for Special Use Permit, Replacement of Existing 72-Foot Athletic Field Light Pole with a 150-Foot Wireless Communications Tower at Forest Hills Eastern Campus, 5688 Knapp St. NE, Parcel No. 41-15-08-300-012, AT&T Mobility

Steve Wells, Attorney for AT&T Mobility, stated subsequent to the public hearing they were requested to provide additional information, and the information provided also supports their application. He stated additional sites that were recommended to AT&T were not feasible for their use, and there is no evidence that the presence of other cellular towers in the Township has reduced property values. Wells stated there has been significant residential development that has occurred in Ada Township in close proximity to pre-existing cellular towers. In addition, he stated the tax assessor has advised that no one in Ada Township has ever appealed their tax assessment on the basis of an alleged drop in value of property due to the presence of a wireless tower. Wells stated we believe AT&T has met every requirement under the zoning ordinance for approval of the application and ask the commission to approve the application and grant the special land use permit.

Ferro stated after the public hearing last month there was a three member subcommittee appointed to follow up on some issues that were raised during the public hearing. He stated the subcommittee consisting of Rhoades, Jacobs, and Easter met on March 29th. Ferro stated Rhoades had previously made a site visit, and after the March 29th meeting the other members made a site visit. He stated questions raised at the hearing were: (1) whether the photo simulations of the appearance of the tower that were submitted by the applicant were accurate; (2) there were suggestions of alternative sites that members of the public at the hearing felt should be considered, and (3) an inventory map of existing towers and the carriers on them was requested. Ferro stated this information was compiled and is included in the Commission's packets.

Ferro stated as a result of the meeting the committee compiled a report, which states: (1) the photo simulations submitted by the applicant are accurate, and also the CAD generated drawings submitted on behalf of the Ditonto's tended to greatly exaggerate the width and bulk of the proposed tower, which made it appear to be four to five times larger in diameter than the light tower it would replace; (3) in looking at the alternative sites that were suggested, the Reith Riley Construction Co. property and the Pettis Concrete recycling site are too close to the existing tower at the Amway property and would provide overlapping coverage; the site owned by the Kent County Road Commission on the north side of Knapp Street is not available, based on documentation of correspondence with the Road Commission submitted by the applicant, and the committee does not believe that this site would satisfy the zoning ordinance standards to any greater degree than the proposed site; the committee concluded the small target shooting range located north of the Egypt Creek development would also not satisfy the Township's zoning standards to any greater degree than the proposed site.

Ferro also stated that he agrees with the applicant's statement that there is nothing in the Township's zoning rules that requires a comparison of the proposed site to alternative sites. Ferro stated the charge of the planning commission is to review the application against our ordinance standards, not against other sites. He stated another finding of the committee is that the Forest Hills Eastern campus is already substantially developed with a lot of man-made structures and buildings, a whole athletic complex with a football stadium and light poles that are over 70 feet tall. The committee concluded that the introduction of the proposed cell tower is an incremental, modest change in that visual context, and would not have a significant impact on the visual character of the area.

Ferro stated his staff report contains proposed findings regarding the application, as well as recommended conditions of approval, which he reviewed.

Ferro stated that both public hearing comments by the public and information submitted by the applicant addressed impact of the proposal on property values. Ferro stated that neither of these sources of information provided any solid documentation on whether the presence of a tower had an adverse impact on property values in the area. He stated the information submitted by the applicant documents that there have been homes constructed in the vicinity of existing towers, which proves the presence of the tower hasn't deterred home construction, but it does not provide any documentation of impact on property values. Ferro stated that he did not believe there was any basis for a conclusion to be reached regarding impact on property values, and that such an evaluation was beyond the scope of the Commission's process.

Ferro stated at the public hearing the subject came up as to whether the tower height could be lowered below 150 feet, and the effectiveness of the tower in serving the surrounding area depends in some degree on the height of the tower, and the lower the tower there is the risk of potentially losing the ability to co-locate four carriers.

Andy Felde, from Drew Wireless, the Township's wireless consultant, stated he has been contacted by Metro PCS, who stated they desire something in that location, and for some of the carriers it is just a matter of time, and budgets which are a big influence on when and where the carriers are deployed. He stated the more complaints from customers received moves that spot further up the priority list.

Felde stated the height of the proposed tower is for four carriers and if the height is lowered, still trying to keep four carriers, that lowest carrier would probably be struggling to overcome the terrain issues that we have in the valley. He stated there are other possibilities that have been talked about such as 140 feet with the potential to have it engineered to have an extension on it, but the problem with that is the dimension at top is larger, so if it is engineered and built at 150 feet the diameter of the pole itself is smaller at the top.

Korth asked if the diameter at 140 feet is the same.

Felde stated pretty close, not that it's engineered to take an extension because then it has to be a lot larger and heavy duty. He stated they did work diligently with the applicant on slimming up the visual appearance of the platform with a design that should work not only for AT&T but will also work with the other carriers as well and still keep the overall appearance.

Lowry asked if it is set at 150 feet from the ground with four carriers would that block it out from adding to that height after the fact.

Felde stated no, there are costly modifications that can be done to a steel mono-pole to add height and strength to it if that need ever comes up, but it's costly.

Korth asked if there have been any inquiries regarding the towers that are maxed out.

Ferro stated for increased tower height of existing towers, no.

Rhoades stated at the last meeting there was a comment that he was retired from AT&T. Rhoades stated that he was employed on the network side and this is the mobility side so they are like two separate companies and do not come together. He stated he was on the subcommittee and the members came to the conclusion that if you move the tower some place else you're still going to have citizens complaining that they don't like it; but at the campus location there are already tall structures, the school building, the water tower, and the light poles so you already have a visual impact. Rhoades stated the height is going to be different, but when you look at some of the drawings the difference is not that much from what you see today. Rhoades suggested adding a condition that air conditioning units be located on the west walls of equipment buildings, to lessen noise impacts to the east. He also suggested that the fence around the equipment compound be 8 feet high, to match the height of the existing perimeter fence around the stadium.

Steve Carr, 2894 Aldersgate Drive, Greenwood, Indiana, representing AT&T Mobility, stated they are in agreement with matching the eight feet.

Rhoades asked about the coloration of the building and if they could match it to the existing building on the school property.

Carr responded they could match any color.

Rhoades asked if the lights over the door would be floodlights or motion sensor.

Carr stated they would adapt to the motion sensor request, as stated in the report.

Korth stated two additional conditions to be added are that the HVAC units shall be oriented to the west to reduce the noise to the east, and that the equipment compound fence shall be eight feet high.

Rhoades suggested an additional condition that all future equipment buildings match the same color and masonry style of the AT&T Mobility equipment building.

Jacobs suggested addition of language to proposed condition No. 7 to the obligation to remove the tower shall be "at the sole cost of the tower owner or its successors or assignees," and that "if the owner fails to remove the tower within the time specified the Township shall have the right to have the tower removed and the owner shall be liable for all costs incurred by the Township".

Ferro stated referring to the owner probably makes sense because the ownership of these towers can change.

Rhoades stated that in regard to the comment regarding lightning strikes, we have high ground moisture content so 12 ground rods that are 8 feet deep will be sufficient; and that radio frequency radiation exposure is not going to be any higher from the tower than what you get in your home or from using your cell phone.

Ferro stated the FCC rules say a denial decision cannot be based on consideration of radiation.

Following discussion, it was moved by Rhoades, seconded by Easter, to approve the special use permit for replacement of an existing 72-foot athletic field light pole with a 150-foot wireless communications tower at the Forest Hills Eastern campus, based upon the following findings and subject to the following conditions:

Planning Commission Findings:

1. The visual impact analysis prepared and submitted by the applicant accurately depicts the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis have been reviewed and approved by the zoning administrator.
2. The proposed tower height and location address the overall goals and recommendations for wireless infrastructure in the Township contained in the September, 2005 report titled "Ada Township Wireless Communications Report," prepared by Drew Wireless, which is referenced in the 2007 Ada Township Master Plan.
3. The proposed 150-foot tower is the minimum height necessary to serve its intended function. The computer modeling and graphic depiction of radio frequency signal propagation and coverage submitted by the applicant have been reviewed by the Township's wireless communications consultant, who has concurred that there is a need for improved wireless coverage in the area and that the proposed tower addresses that need.
4. It is not feasible to provide equivalent service by locating the antenna on another existing structure in the township, such as the municipal water tower located on the Forest Hills Eastern High School property. The height and size of the water tower are insufficient to accommodate 4 wireless carriers without significant modification to the existing structure.
5. The tower will not have an adverse impact on significant views, as defined in the zoning regulations, from properties within one-quarter mile of the tower site.
6. The tower and ancillary buildings housing equipment will be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible.
7. The tower is of a height that is not required by FAA regulations to have tower-mounted lighting.
8. The applicant has provided documentation of conformance with the county international airport zoning ordinance.
9. The applicant has expressed its agreement to permit use of the tower by other communications services providers on reasonable terms, so long as such use does not conflict with the owner/operator's use of the tower.
10. The applicant has expressed its agreement to remove the tower if, for any reason, the tower ceases operation or is abandoned, within three months of notification by the township.

11. The applicant has expressed its agreement to reduce the height of the tower, if the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors.
12. The subject property on which the proposed tower would be located has significant existing development which includes a large middle school/high school building, paved parking areas and athletic stadium with athletic field lights mounted on poles that are over 70-feet in height. These man-made features are highly visible from surrounding properties. The replacement of one of the athletic field light poles with a 150-foot monopole will be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
13. The proposed use will not change the essential character of the surrounding area.
14. The use will not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
15. The use will not place demands on public services and facilities in excess of capacity.

Conditions of Approval:

1. The construction of the tower and associated site improvements shall be carried out substantially as shown in the plans prepared by Landtech Professional Surveying & Engineering, consisting of 30 plan sheets, with a most-recent revision date of March 6, 2012, except as modified herein.
2. The tower and equipment compound shall be designed to accommodate up to 4 wireless carriers' equipment.
3. Co-location installations by individual carriers shall be subject to submittal of a site plan application for administrative review and approval by the Planning Director.
4. Wireless antenna installations on the tower shall use a "low profile" mounting, subject to review and approval by the Planning Director.
5. Any exterior site lighting installed on the site shall be motion sensor activated and shall be fully-shielded "cutoff" style fixtures.
6. There shall be no lighting on the tower, with the exception of athletic field lighting.
7. All equipment buildings installed within the equipment compound shall have exterior materials and color that match the predominant exterior materials used on existing buildings on the school campus.
8. Any wall-mounted air conditioning units on equipment buildings shall be located on west-facing building walls.
9. The perimeter fence around the equipment compound shall have a height of eight (8) feet.
10. If, for any reason, the tower ceases operation or is abandoned, the township may order its removal from the site by the tower owner, its successors or assigns, within three months of notification by the township. If the owner fails to remove the tower within the time specified by the Township,

the Township shall have the right to remove the tower, and the owner shall be liable for all costs incurred by the Township.

11. If the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum height.
12. Each co-locating carrier's equipment shelter/cabinet shall be labeled with contact information for the carrier. The entry gate to the equipment compound shall be labeled with the facility owner's name, phone number and site ID number.

Motion passed unanimously.

Korth thanked the subcommittee members for all their work.

VII. NEW BUSINESS

Revised Final PUD Plan, Increase in Size of Building Footprint for Units 37A and 37B, Villas of Ada, Phase 2, 1047 and 1049 Bridge Walk Ct., Parcel No. 41-15-31-429-127 and 128, Covenant Developments

Peter Engles, Covenant Development, stated the request relating to Unit 37A is to add an additional four feet extension to the garage, and Unit 37B is to add a third bay as well as to pull the garage forward an additional four feet. He stated in order to accommodate that, two things need to happen:

1. The original configuration shows the garages running north and south; however the Unit 37A garage needs to be rotated to the east and the driveway then would come off the cul-de-sac as opposed to the shared drive; and
2. The building itself would move five feet to the west.

Easter asked what the reason was for this.

Engles responded that it is to address the specific requests from the potential buyers of these two units.

Ferro displayed the grading plan around the perimeter of Building 37, and pointed out that the proposed change does not require any change in the grading around the building.

Korth asked how many homes have been sold.

Engles stated Phase II has 48 units, of which 24 are sold, with 3 occupied.

Korth asked Engles if many additional changes were anticipated in Phase II.

Engles stated they have had some potential buyers that were lost because of their garage space needs. He added they believe they will only use five of the six three-stall garages that were approved as an option in the PUD approval, and that there will not be any units built using the free-standing unit option that was included in the approval. Engles stated that many buyers are only interested in a specific unit location in the development, and will not accept another unit location.

Engles stated that with only 5 of the allowed 6 3-stall garages being built, they would end up with less overall square feet of garage, even with the proposed change to Building 37.

If was moved by Easter, seconded by Lowry, to approve the Revised Final PUD Plan for Increase in Size of Building Footprint for Units 37A and 37B, Villas of Ada, Phase 2, as proposed by the applicant.

Motion passed unanimously.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Proposed Zoning Ordinance Text Amendment – Farm Markets

Ferro stated there is very little in the current zoning rules addressing farm markets. The only language we have currently is a term called “road side stands”, which are permitted on agricultural property provided the only products sold must be grown and raised on the property where the market stand is located. He stated there has been a lot of growth in direct farm-to-consumer sales, of fresh produce and other agricultural products, a growing agri-tourism industry, and a growing winery and fermented cider industry. Ferro stated there is a need in our zoning rules to accommodate more than just a 10 x 10 stand by the road selling things from the home vegetable garden.

Ferro presented a draft of farm market regulations that address this need, and are also intended to respond to the “Generally Accepted Agricultural and Management Practices for Farm Markets” document adopted by the State in March, 2011.

Ferro stated one of the key provisions in the Right To Farm Act is that a local government is prohibited from imposing rules that are more stringent than what is contained in the General Agricultural and Management Practices documents that are adopted by the State Agricultural Department, and these management practices for farm markets state that a farm market can market things that are raised on the farm property as well as other farm products, provided at least 50% of the products marketed are produced on the affiliated farm. He stated the rules also state that “a farm market can include, subject to local regulation, marketing activities and services to attract and entertainment customers and facilitate retail business transactions when allowed by applicable local, State and Federal regulations.”

Ferro stated that the Sietsema family on Two Mile Road would like to undertake additional activities to attract customers and make their farm market more successful. He stated last year in addition to selling apples and peaches, they had a corn maze and have installed a new cider press. Ferro stated they would also like to add hard cider, which requires a winery license from the State. Ferro added a license allows both the operation of a tasting room where the product can be sampled and purchased, and they can also sell farm-produced wine or cider by the glass. He stated the rules he drafted allow other ancillary activities other than just selling produce raised on the premises, with certain activities allowed by right, and special events allowed by special use permit with limits on special events that draw a large number of people. Ferro stated the rules are in draft form and requested the Commission to schedule a public hearing on the proposed rules.

Easter expressed concern that the proposed rules may be overly-restrictive.

Lowry stated he is against having a distillery next to a school, and expressed concern with young adults being overly-exposed to promotion of alcohol consumption.

Rhoades asked sales of pre-cut or cut-your-own Christmas trees would be permitted. Ferro stated it would.

Korth suggested appointment of a subcommittee to work with Ferro in finalizing draft regulations. Committee members appointed were Korth, Easter and Jacobs.

Andy Sietsema, Sietsema Orchards, introduced his father, Jerry Sietsema. Andy Sietsema stated that last year they added about 6,000 square feet to their farm market, including a cooler and cider press room. He stated their main objective is to diversify so they can make money during the current off-season, when they are closed. He stated they want to be smaller and more intimate and more of a boutique-type setting than many other markets. He stated that hard cider production has experienced a 25% growth in the last couple of years. Sietsema stated their vision is to create a setting like the Leelanau Peninsula and the Fennville wineries; it is not a bar, not a distillery, not a brewery, it's a place where people can come and sit next to apple trees and drink a glass of hard cider and buy a bottle. Sietsema stated they have a good relationship with Goodwillie School and we do not foresee there being a problem. He stated that the State liquor license investigator has already measured separation distance from the school, and Sietsema stated he does not anticipate a problem with this. He invited Commission members to visit the property to see what they are envisioning.

Jerry Sietsema stated he respected Mr. Lowry's viewpoint on the hard cider. He stated one of the reasons they are getting into hard cider is because their sweet cider took first place in a statewide contest this year. Sietsema stated he loves telling people that there are more apple varieties in the world than the terrible 10 at Meijer.

Review/Revision of Planning/Zoning Project Priorities

The Commission reviewed the results of the project priority ranking recently completed by the Commission members.

2011 Master Plan Citizen Opinion Survey Analysis Report

The Commission discussed the draft analysis report prepared by Ferro for the Citizen Survey conducted last year.

Communication from Grand Rapids Township, Notice of Proposed Master Plan Amendment Communication from Vergennes Township, Notice of Master Plan Update Process

Ferro stated Grand Rapids Township is proposing a Master Plan change which involves the former "lifestyle" center site at East Beltline and 3 Mile Rd. He also reported that Vergennes Township is just beginning a Master Plan update process.

Korth asked whether we have notified surrounding communities regarding our Plan update process. Ferro stated this was done last year when the citizen survey was conducted.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Easter, second by Butterfield, to adjourn the meeting at 9:21 p.m. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr