

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MAY 16, 2013 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, April 16, 2013 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 Commissioner Lunn at 7:00 p.m.

II. ROLL CALL

Present: Commissioners Lunn, Leisman, Lowry, Easter, and Planning Director Ferro. Absent: Chairperson Korth (arrived at 7:15 p.m.), Commissioners Butterfield, and Jacobs.

III. APPROVAL OF AGENDA

Motion by Leisman, supported by Easter, to approve the Agenda. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF APRIL 18, 2013 MEETING

Motion by Lowry, supported by Easter, to approve the minutes of April 18, 2013. Motion passed unanimously.

V. PUBLIC HEARING

Request for Special Use Permit, 150-foot tall Wireless Communications Tower, 6390 Knapp St. NE, Parcel No. 41-15-08-426-007, AT&T Mobility

Ruth Gaudard, Director of Internal Affairs for AT&T Michigan, gave an overview of the actions that have taken place since they first presented their proposal.

Steve Carr, 2894 Aldersgate Drive, Greenwood, Indiana, representing AT&T Mobility, stated the proposed location of the new facility will be at the corner of Egypt Valley and Knapp Street. He then showed photo simulations and gave explanations of the area involved. Also he stated, after talking with the Kent County Road Commission they went out and viewed the access drive and stated they had no problem with the location. He stated there will be a fenced compound on the site, and it will be surrounded by trees.

AT&T legal counsel Monaghan, introduced Daniel Robacin, Senior Design Engineer, AT&T Mobility, and asked him to explain what he was showing on the map.

Daniel Robacin stated the first map is an overview map which shows the area that is covered by AT&T. He stated the colors show the different signal strength levels: the green around the cell towers is the strongest coverage where the signal is the strongest; the blue is the weaker band; the yellow and white are no coverage, and AT&T does not provide service there. He also showed a map showing the coverage that would be gained with a tower at the proposed location. He stated if the cell tower at the proposed site was only 150 feet the signal would be blocked by the hills in the area, so the ultimate height needed would be 180 to 200 feet tall.

Steve Wells, Attorney for AT&T Mobility, stated previously our towers were kind of out in the middle of nowhere, and with our proposal we have hidden the tower in the trees as much as we can. He then presented a new option of a canister tower with the antennas inside the tower not outside, so it would be a straight up and down pole. He stated this is another attempt by AT&T to work with the planning commission. Also he stated this canister type tower is used in Lansing, Detroit Metro area, and Southfield. He asked that the canister tower be considered as a proposed compromise.

Korth asked how tall this tower was.

Wells stated I believe it is 120 feet tall.

Easter asked why this is being proposed now when it seems like it would have been a good option to begin with.

Wells stated it is newer, it is three times more expensive than a regular tower, and there is some performance evaluation with the antennas. He stated this site is all high trees, 60-70 foot trees, and these trees would probably hide most of it except the very top.

Ferro stated this application was noticed for a public hearing this evening, and noted correspondence that was received after packet distribution along with the correspondence that was already in the packets.

Lunn noted that he works for the city of Grand Rapids, and there is a letter from Mayor Heartwell.

Korth opened the Public Hearing.

Herman Sullivan, 6450 Bridlewood Ct., stated he is opposed to the cell tower as he is concerned that it will affect property values. He stated he is only about 800 feet from the proposed site, and is certain this is going to have a negative effect on their property values.

Dawn Sobleskey, 6340 Knapp, stated the property values will probably plummet with this; and she is very concerned with the transmissions from living so close to the tower. She stated the trees will not hide it as they are only 50 to 60 feet tall; and hopes that it will be turned down.

Ron Hoogmoed, 6475 Bridlewood Dt., stated his property is 900 feet from the tower, and they will see the tower directly from the back of their house. He pointed out that the regulations state the towers shall not have an adverse impact on significant property within ¼ mile of the tower space. Also, he stated we will lose our privacy; this is a high elevation and it will be seen from many areas in Ada; and there are a large amount of homes in the area as it is a high density area.

April Snow, 1901 Grand River Drive, stated she is there representing the medical side of this issue.

Korth stated the Federal Communications Act is what dictates whether or not the main issue is medical, we have no jurisdiction, and we have an absolute responsibility to ignore comments related to medical because if we made a decision based on that it would be considered biased and would subject our township and this body to possible litigation. He stated with that in mind you may talk about it but I would advise our board members that we really have to disregard comments regarding health impacts.

Gwen Chirico, 6464 Bridlewood Ct., stated in September 2008 she asked Jim Ferro about AT&T's search for a new tower site in the area, and her interest was in income potential. She stated she was told a tower in a residential area such as ours would not be a suitable environment and would not be approved. How things have changed.

Korth stated I'm not sure anything has changed; we have a responsibility to take any application.

Krista Haines, 6421 Bridlewood Ct., stated the proposed tower would be seen all seasons of the year, and it would have an impact on our environment.

Jeff Styf, 6369 Drumlin Ct., stated he is speaking in support of the tower, and in his traveling has found Ada has the worst coverage; has concern about his children and being able to receive a call from them that they are safe.

Denny Madden, 6468 Bridlewood Ct., stated people don't move to Ada for this kind of environment, and it should be a hardship for a cell tower to be built; in 10 years cell towers may be obsolete but the tower will still be there. He stated they keep coming back at you over and over.

Brian West, Area Sales Manager for AT&T, stated every day there are concerns from customers that do not have coverage. He stated please consider this proposal.

Gaudard recapped all the comments made and stated AT&T Mobility wireless does have a gap in this area that other carriers do not because of different technology. She stated no structure at all is without visual impact, but we believe using the canister type tower offers the least visual impact. She stated the world is going wireless, landlines are being disconnected every day; the infrastructure has to be available to meet technologies demands. Gaudard stated the planning commission needs to plan for today and the future and what is happening in the world of technology, and approve the permit.

Hoogmoed commented that house values will go down with the tower nearby. He invited everyone on the planning commission to come to their property to see for themselves. He stated maybe they need to follow the regulations that are already on the books.

Korth closed the public hearing.

Ferro stated there is a written report in the packets from the Township's wireless consultant who has been retained to review AT&T's application materials and verify that the graphical depictions of coverage that were submitted are accurate, and to verify some of the other statements made by the applicant.

Andy Felde, Drew Wireless, stated AT&T has been searching for a location since 2004 and has analyzed every square mile of the river bed looking at numerous site acquisitions. He stated the prime location was in the area of Knapp and Pettis but that didn't work out. He then explained the differences in using the new canister type tower.

Korth asked if this is the ideal location given the history of trying to find a location, and whether it would make a difference if the height were lowered.

Felde stated because of the distance from the proposed site to the crest of the valley, additional height is needed in order to provide coverage in the river valley; the closer the tower is to the crest of the valley the shorter the tower can be.

Korth asked if there was other technology they could advise us to be aware of.

Felde stated in dense urban environments you can have smaller towers, in rural areas they will always be taller. Felde stated AT&T follows a worldwide standard that they have invested all their infrastructure in, and that technology allows customers to have data access at the same time that they have voice mail communication, where as with other carriers it's just one or the other.

Easter stated so it is possible that AT&T has a marketing advantage that other carriers don't have because they don't have the towers?

Felde stated they want to offer their worldwide standard; there are other carriers that have the same issues.

Korth commented on the letter received from Drew Wireless and stated it will be on the web site. Following commission discussion Korth stated we have to make a decision within 90 days, by the July meeting. He stated one of the most important issues tonight is the visual impact on neighbors, and asked how the pictures were created.

Ferro stated they are very similar to locations that were used in a previous application that was being prepared for that site that didn't get submitted several years ago. He commented on language that is in the Federal Telecommunications Law that states "any denial of a wireless facility request must be supported by substantial evidence contained in a written record; potential and environmental effects from radio frequency emissions may not be used as the basis for denial." Ferro also stated it says "a local government regulation of wireless communication facilities shall not unreasonably discriminate among providers of functionally equivalent services, and shall not prohibit or have the effect of prohibiting the provision of personal wireless services." He stated it might be advisable for the commission to obtain some legal counsel input on how these provisions should be read and to what affect our discretion on the application. Also, in addition to the canister option that was presented, there are also more camouflaged tower options that are out there that have been used in some communities that have the appearance of an evergreen tree that we might consider. Ferro stated they could also do the balloon flight again and notify residents in advance so they have the opportunity to see it, to give all of us a better idea of what the visual impact would be from some private vantage points.

Wells stated they can do another balloon float and would be happy to work with Jim Ferro, and would also submit other stealth designs.

Korth suggested postponing this until after they see a balloon flight and the stealth ideas, and also would like an opinion letter from the Township attorney based on the history of the number of times this applicant has been here. He stated we will meet for a work session on June 13th at 5:30 p.m., and it will be a public meeting also.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

Site Plan Review, 30,000 Square Foot Warehouse Building in Industrial District, 4850 East Fulton Street, Parcel No. 41-15-30-300-016, Omega Architects for PTI II, LLC

Joe Grochawalski, Architect for Omega Architects, stated this building will be a warehouse that will manufacture steel products. It will be designed very similar to the present building, and will have one small office, a small bathroom, and a sanitary drainage field on the left side of the building; will only need six spots for parking; the driveway is between the two properties; and the building will be about the same height as the other building. He stated we have made changes after Jim Ferro reviewed and made recommendations. He stated there is a large leaching pond, which the engineering firm will go out and confirm the size of; it is on nine acres, and is a very sandy sight. Also, he stated they have given Jim Ferro the grading plans; it does not need sewer, and needs very little water; and there are trees along the property line.

Ferro stated this is an industrial use on property that has been zoned industrial for over 20 years; surrounded on three sides by industrial zone, and the fourth side is railroad tracks with industrial zoning on the other side of the tracks. He stated the table in his report summarized the industrial standards for the industrial district, and the proposed building and layout meet all those dimensional standards. He stated the building will be over 350 feet away from Fulton Street, and will be largely screened from view from the highway by existing vegetation which will be retained; it is only 28 feet high so it's relatively

low profile, single story; has a wooded area at the north end of the property. Ferro stated he is waiting for verification that the existing storm retention pond conforms to the current storm water ordinance which was put in place after the first building was put in. He stated the site is within the planned utility service area for water and sewer, but the area does not currently have service. Ferro stated the Township engineer suggested we might want to look at developing an overall plan for possibly extending public water and sewer mains to serve this area, and do it in a coordinated way with other property owners who would be willing to connect to the system and financially contribute toward the cost of the water and sewer mains. He stated the sight is accessed through an easement on the driveway that also serves the current building and adjacent schematic cleaning service building, and a copy of the schematic is in the file.

Ferro stated there is some landscape proposed, shrubs in front of the glass-walled portion of the building, and ornamental grasses in the elliptical island that is surrounded by the new truck access driveway; the lighting will be shoebox cutoff type fixtures, with one on each wall of the building, and will still need to have a fixture specification submitted. He stated he suggested to the owner, and the architect the possibility of shifting the building and site improvements slightly to the west to see if the trees that are there could be protected and retained; and in order to do that, because of the 50 foot setback requirement to move the building to the west, the property boundary would need to be shifted to the west. He then noted the five approval conditions suggested in his memo: one related to required permits before a building permit can be issued: water and septic permits, and storm water permit from the Township that's pending the storm water design calculations; providing light fixture spec before a building permit is issued; adding some notes on the plan to indicate what the restoration ground surface will be around the building perimeter; and future grading that would address the grading for the future parking area.

Korth asked if they have considered shifting the boundary.

David Doezema stated he would like to keep it like it is, has no intention of selling, but does not have a problem with moving the building.

Joe stated he would like to have a nursery come out and look at the trees.

Korth stated number six would be have the planner work with Jim Ferro to change the boundary.

Motion by Lunn, supported by Easter, to approve the Site Plan Review, 30,000 Square Foot Warehouse Building in Industrial District, 4850 East Fulton Street, subject to the following conditions:

1. Permits for on-site waste disposal system and on-site potable water well shall be issued by the Kent County Health Department, prior to issuance of a building permit.
2. A storm water permit application shall be submitted and a permit issued by the Township, in compliance with the storm water ordinance, prior to issuance of a building permit.
3. A light fixture specification for a "full-cutoff" exterior, building-mounted light fixture shall be provided, prior to issuance of a building permit.
4. Notes shall be added to the plan indicating proposed ground cover of disturbed areas on the site.
5. The Planning Director, in consultation with the applicant, shall determine whether the location of the proposed building can be shifted to the west in order to preserve existing mature trees on the eastern property boundary.

Motion passed unanimously.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Status of Ada Village Urban Design Plan

Ferro stated the DDA Board approved the contract with the consultant that has been selected to help with the village design plan. He stated an open design workshop will be held sometime in July in the basement of the community church, and the consultants will meet with interested members of the public and other stakeholders.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Easter, second by Lunn to adjourn the meeting at 9:15 p.m. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk
SB/dr