

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE JUNE 20, 2013 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, June 20, 2013 at 7:00 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 7:00 p.m.

II. ROLL CALL

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

III. APPROVAL OF AGENDA

Korth suggested an amendment be made to the Agenda to switch Unfinished Business and New Business

Motion by Butterfield, supported by Lunn, to amend the Agenda by switching Unfinished Business and New Business. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF MAY 16 AND JUNE 13, 2013 MEETINGS

Leisman stated that in the June 13 Work Session Minutes under Public Comment should be added that several members of the public also provided photos of the impact of 150 foot tower at their locations, and these photos were reviewed by commission members.

Motion by Jacobs, supported by Butterfield, to approve the minutes of May 16 and the June 13 work session, including the amendment from Commissioner Leisman. Motion passed unanimously.

V. PUBLIC HEARING

None.

VII. NEW BUSINESS

Request for Revision to Approved PUD Plan, to Reduce Minimum Side Yard Setback from 20 Feet to 13 Feet, Unit 11 Brookside Condominium, 6711 Brookside Woods Ct., Parcel No. 41-15-08-426-007, Forest Hills Homes, LLC

Curt Langley, Forest Hills Homes, presented the request for a change in required side yard setback for a lot on Brookside Woods Ct. He stated the intent of the stated the purpose of the request is to allow the proposed home on the site to be aligned with respect to the road frontage similar to the adjoining home to the west. He stated that changing th 20 foot setback to 13 foot will allow them to adjust the home location so that the two adjoining homes would line up in the front.

Ferro stated there are two different layouts in the packet - one is labeled original plan and the other is proposed revised plan. The original proposal that was presented to the homeowners association for review and approval was not received well and not approved, even though it complied with all the setback requirements contained in the original PUD approval. In the original PUD layout for the entire development nearly all of the lots in the PUD have a minimum side yard setback of 8 feet, which you can see on the adjoining home to the west of Unit 11 where the east end of that home is much closer than 20 feet to the property line. For some reason, the original PUD plan was proposed by the applicant to have a 20 foot setback on this side lot line, even though the normal side yard setback in this zoning district is 10 feet. The second sheet that shows the proposed plan depicting how they would like to rotate the house

slightly so it brings the front of the house more in line with the existing home to the west, with a setback of 13 feet from the corner of the house to the lot line.

Ferro stated the applicant originally talked about applying for a variance and appearing before the Zoning Board of Appeals. Ferro stated that given the strict legal standard that the Zoning Board uses in reviewing variance requests, staff advised the applicant that a variance request would be very unlikely to be approved. Ferro stated he suggested the PUD amendment approach to the applicant as a more appropriate solution to the situation.

Ferro stated he has not been able to find any documentation as to why that large setback was proposed, it's not something that was initiated or requested by us.

Butterfield asked if there are any adjoining homes as to why perhaps it could have been perhaps a 20 foot setback.

Ferro stated not that he was able to find.

Korth opened the public hearing; with no comments he closed the public hearing.

Ferro stated there is one item of written correspondence that was submitted from the Treasurer of the homeowners association in support of the proposed change.

Leisman stated it would be nice to know if the people in the existing home know about this, and what is their response to it because if they built this house thinking it would be a 20 foot setback that would be relevant.

Ferro stated they were sent the public hearing notice.

Leisman asked if the applicant had talked to them at all.

Langley stated the letter from the homeowners association supports this and he's representing that group.

Korth asked if he knew for a fact that these people know about it, has he even talked to them.

Langley stated he did not know that. He stated this is a small neighborhood with only 12 homes, and they told us they gathered everybody together to talk about this.

Korth stated he was out there and that house is for sale.

Motion by Lunn, supported by Leisman, to approve the Request for Revision to Approved PUD Plan, to Reduce Minimum Side Yard Setback from 10 feet to 13 Feet, Unit 11 Brookside Condominium, 6711 Brookside Woods Ct.

Motion passed unanimously.

VI. UNFINISHED BUSINESS

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

Ferro stated at our request AT&T Mobility conducted a second balloon simulation of the proposed tower height, and neighboring residents were notified of that by mail in advance. The purpose was to give residents the opportunity to personally view that simulation of what the height of the proposed tower

would be from different vantage points in the surrounding area. The planning commission held a special work session a week ago and discussed a number of options. At that time information from AT&T was also distributed with revised photo simulations they prepared that depict what the appearance of the tower would be from several vantage points, with two variations: one, use of a unipole or canister tower that has all the antennas enclosed behind an outer skin; second, a simulated pine tree type, which is called a stealth tower. He also passed out original photos from AT&T showing the original monopole application.

Ferro stated there was discussion about possibly approving some lesser height than AT&T has requested; 120 or 130 feet were both mentioned as possibilities. The commission also expressed a desire to make site visits to some of the homes in the surrounding neighborhoods to see the setting that those homes are in, and how those homes are oriented in relation to the proposed tower site. Also, there was a desire for communications to be made from the planning commission to the Township Board as to whether the Board would be willing to entertain hosting a wireless co-location on the water tower at the Forest Hills Eastern High School campus. He also indicated there was some joint control of that tower by the Township and the school district, which he verified by reviewing the written agreement that was entered into between those two parties at the time the tower was constructed. That agreement provides that after construction of the tower was completed by the Township, ownership of the tower was turned over to the school district, and it is operated and maintained by the Township under a 30 year lease agreement. Ferro stated use of the tower for co-location of wireless equipment would undoubtedly require approval by both the school district and the Township.

Ferro stated that he and Supervisor Haga had discussed that interest by the planning commission in pursuing that, and we plan to schedule a meeting with the school district administration to discuss that possibility. He had a brief conversation with Assistant Superintendent Tim Raymer. Raymer indicated he was not very optimistic about the school district being willing to co-locate equipment on the water tower. Ferro stated Raymer told him he would communicate this interest to the Superintendent, and that they would be willing to meet with us to discuss it.

Ferro stated, in view of the fact that we have not done the site visits or the meeting with the school district, and in view of the fact we still have a month in which to deliberate a decision on this, he recommend postponing action.

Korth asked what the actual deadline date for a decision is.

Ferro stated July 22, which is not long after our July 18 meeting.

Korth stated the site visits are the most important step, and your own fact-finding with respect to Township Supervisor Haga and communicating with the school district.

Ferro stated between the 13th work session and now he received some correspondence: a hand written note from Laura Hart-Sternberg in the Wedgefield development; a letter from the officers of the Wedgefield Homeowners Association; a letter from Joe and Elizabeth Parker, who live on Fairway Ridge Court in the Wedgefield development; and a set of photographs that were submitted by Denny Madden, who lives on Bridlewood Court, which is a private road cul-de-sac east of Egypt Valley Avenue.

Butterfield asked if this was because the home was located within ½ mile of where the proposed tower would be located.

Ferro stated they're definitely located within ½ mile; many of them are within ¼ mile. Also, one of the other items that was asked for follow up on was what impact lowering the tower height would have on coverage from this tower, and our wireless consultant from Drew Wireless stated reducing the height to 130 feet may affect AT&T's coverage somewhat, and it would have a substantial impact and would be likely to eliminate the desire of other wireless carriers to locate on the tower at a lower height.

Ferro noted the original 150 foot height was proposed for co-locating four carriers with the lowest located at 120 feet.

Butterfield asked what percentage of coverage they would have at the lower height.

Ferro stated he didn't receive coverage simulation maps from Drew Wireless, or any percentages; he just made those qualitative statements. He did point out that other carriers operate at a higher band width where the signal is more easily affected by foliage, which would make it more difficult for their signal to reach down into the river valley.

Butterfield asked if he had any feedback from internal experts as to which pole would be preferable.

Ferro stated I think that's more a matter of opinion for planning commission and the public as to whether a simulated evergreen tree would be viewed from the neighbors' perspective as a lesser evil.

Butterfield asked if we have any facts or experts from other communities where they have been used in West Michigan.

Ferro stated I don't have much familiarity with them being used in west Michigan, although he believes there is one somewhere on the lake shore in one of the Ottawa County communities.

Jacobs asked if the pictures showing one locator on the pole are representative; is this what it would look like if there were co-locators.

Ferro stated in the unipole there are no exposed elements at all, that picture is with all co-locators on it, there would be no exposed antennas from any carrier. It's not transparent; it's transparent to the wireless signal so there's no loss of signal from the cover.

Steve Carr, 2894 Aldersgate Drive, Greenwood, Indiana, stated you are correct in saying that if we go with the unipole you will not see any antenna even if we had four co-locators on it.

Steve Wells, 280 N. Old Woodward, Suite 250, Birmingham, MI, Attorney for AT&T, stated as you requested at the last work session and in several discussions with our client, AT&T is here in the spirit of compromise and is willing to reduce the height of the tower from 150 to 140 or possibly down to 130 feet. We're willing to reduce the tower so it would be reduced 10 to 20 feet lower; the only thing that does do is we would still have options for the co-locators but it would be at a lower height to get the towers lower.

Wells stated one thing they did do is ask four different wireless carriers whether they would be interested in co-locating: Verizon wireless is not interested in co-locating, Sprint is not interested in co-locating, Metro PCS did not answer us, nor did T-Mobile, however T-Mobile is up on the SBA tower. Wells added the canister tower is way better looking than the mono-pole, we can do either, but when you look at them the canister tower is all encompassed, it's just a straight pole up and down; we would lower that, it would have an impact on co-locators, so you would have a stealth design at the lowest we could go. This is our proposed compromise.

Butterfield asked if they would still get the 80% coverage.

Wells stated no, we'd be down to about 65-69%. He stated the southeastern and the western part would be affected so there would be some degradation of signal, but we would definitely have a presence; we could definitely bring good service to the AT&T customers that are in that area, which we've been desperately trying to do for the past eight years. We ask you to please consider that compromise. We've gone from a standard mono-pole of 150 feet to a stealth canister tower and we would definitely go to 140 feet, and 130 feet if possible.

Butterfield asked if we would see you in a year asking for 150 feet.

Wells stated you won't see us in a year, you might see us in a couple of years, but you definitely will not see us in a year.

Leisman stated it seems that a 150 foot traditional pole on a hill doesn't comply with the standards. It seems like a smaller tower will address most of the gap, and it would probably take care of dropping calls along Knapp for people commuting.

Ruth Gaudard, Director of Internal Affairs for AT&T, stated over the years we have repeatedly contacted the school at this commission's request, and last spoke in 2011-2012 working extensively with them only to ultimately not have them vote on a lease. Gaudard stated they have clearly demonstrated that they are not willing to have us on their property, whether it's on the athletic field, a water tower, or on top of the school.

Wells stated the school district put them through nine months of lease negotiations back and forth, marking it up constantly, and then told them that they were not going to schedule it for a vote.

Ferro provided information to the Commission regarding the provisions of the State zoning law that specify the conditions under which wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other zoning approval. He stated that a proposed increase in the height of an existing tower would not be exempt from zoning approval, and would be subject to special use permit review, if the original tower approval limited the height of the tower to its original height.

Ferro added that to simply hang new antennas on the existing tower does not require any zoning approval.

Korth stated so we are in consensus that we will go ahead and plan for our July meeting with a lot of background stuff we have, and Jim will be reaching out to us in the next few days to schedule some visits, so would someone consider to postpone action until our July meeting.

Leisman stated so Jim is going to contact the school district.

Korth stated given the remarks from AT&T, and I don't understand the situation, it would be nice for us to try to investigate why that went on as if something was going to happen; it would be nice to know why they chose not to bring it to their own board.

Ferro stated so you do want to pursue that question with the school district.

Korth stated yes, it needs to be done.

Butterfield asked if it is fairly typical that when you reach out to other carriers that they would play that game, oh, we're not interested in co-locating at this time and come back later. Is that a typical response?

Carr stated one of the things is budgets aren't in line for them to commit to anything specific that puts them on the hook for committing at that facility.

Leisman asked whether they had concerns about the outside of the other structures.

Korth stated I think we need to define and create an aesthetic environment because it is full of deciduous forest there that's highly visible, and it needs to be more than looking like a penitentiary kind of thing, it

should be surrounded by a decent wall structure that's residential in character. At the same time I'm happy to leave the details of that to the planner if we get to that point.

Ferro stated he talked about that a little in his staff report, and he pointed out that the original plan as submitted show a chain link fence only around AT&T's small equipment compound, but the plans do not specify any fence around the entire 80 foot by 80 foot lease area where three other co-locators could potentially have their equipment located. So the question I had for the applicant was whether there isn't any intent to put an enclosure around the entire lease area.

Butterfield asked what else can be put on that property, is parking going to be put in and do we consider that next.

Ferro stated that's a good comment and good question to bring up. He stated I would think even the fact that there are multiple power lines crossing the property, and this 80 foot by 80 foot lease area is almost in the middle of the one acre site, I think it would be very difficult to ever put anything else on the site. I think that could be addressed in some conditions of approval.

Butterfield stated it could be a natural looking corner, undeveloped, and be contained within natural barriers. She stated there is no lighting on it, right, that is a positive situation, with that land undeveloped there would be no additional lighting on it.

Ferro stated there is about 100 feet of land between the northern boundary of the lease area and the Knapp Street property line. I can't conceive how you would develop anything between front building setback and parking. He stated I think that is an important question whether we consider this a use of the entire one acre parcel that precludes other uses or not, and I have no idea what the property owners feel that might be.

Butterfield asked if we could ask them.

Ferro stated the lease only covers the 80 foot by 80 foot area, plus a driveway and utility easement. One other thing is the grading plan requires removal of some vegetation to the south of the proposed tower between the lease area and the property boundary. In my staff report I suggested that if there is ever any approval here it should be a condition that calls for some replacement landscaping to be put in there. Part of it is already occupied by Consumers Energy power line and easement so it probably already has vegetation being managed, so any additional replacement landscaping would have to be compatible with the utility easement.

Motion by Jacobs, supported by Butterfield, to postpone this matter until July.

Motion approved unanimously.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Status of Ada Village Urban Design Plan

Ferro updated the Commission regarding the status of the Village Design Plan process.

IX. PUBLIC COMMENT

Tammy Prafke, 6240 Knapp, stated she read in the Advance about the balloons going up, and that happened to be her son's birthday. She stated she could see the balloon from her back yard. She stated she has a few concerns, one being health concerns for her family and neighbors; two, the aesthetics of

seeing a cell tower from her backyard; and three, the impact on property values. She stated she would welcome anyone to come to see from her back yard.

Leisman asked if the balloon was lowered 20 feet would it reduce the visibility.

Tammy stated she couldn't judge that. She stated the balloon at 150 feet was over the tree line. She stated she is not against technology, but it worries her.

Korth stated the school has the right to make that choice, but we really don't; the FCC at the National level regulates us and they have made it very clear that commissions like ourselves can't consider health issues as part of the decision making. We're trying to consider all the other issues.

Tammy stated she would appreciate that you consider the residents who can and can't see it and how that impacts all of us.

Randy Prafke, 6240 Knapp, stated as of yesterday the power company came in and told us that they're clearing a swath through our backyard and taking trees out. He stated, so visually from our house with a pool it will now be a bowling alley right to this tower. He stated he doesn't really have any objection to the tower, though he knows that the school district doesn't want to risk the health concern from parents.

Korth stated it looks like behind your house is all pines. Korth asked whether Consumers would remove all of the pines.

Prafke stated the two pines to the east of their house in the neighbor's yard, and they'll clear everything from there through.

Korth stated he is always surprised that we make such a big deal out of cell towers but we don't seem to make a big deal of the fact that the power company comes in and destroys all of our forests.

X. ADJOURNMENT

Motion by Jacobs, second by Butterfield to adjourn the meeting at 8:30 p.m. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr