

MINUTES
Cascade Charter Township Planning Commission
Monday, June 4, 2007
7:00 p.m.

ARTICLE 1. Chairman McDonald called the meeting to order at 7:01 p.m.
Members Present: Koessel, Lewis, Logue, MacAllister, McDonald,
Postma, Richards, Robinson
Members Absent: Waalkes (excused)
Others Present: Planning Director Peterson, Admin. Assistant
Hern, and Members of the Public.

ARTICLE 2. Chairman McDonald led the Pledge of Allegiance to the Flag.

ARTICLE 3. Chairman McDonald requested motion for approval of the June 4th
Agenda.

Member Robinson motioned for approval of the agenda as presented, supported by Member Lewis. All in favor with none opposed, the motion carried.

ARTICLE 4. Approve the Minutes of the May 14, 2007 and May 21, 2007 Meetings.

Chairman McDonald noted there are two (2) sets of Planning Commission Meeting Minutes that need approval and opened the meeting for revisions, corrections or a motion for approval of the minutes.

Member Robinson noted a correction in the May 14, 2007 Minutes under Article 4, Chairman McDonald should be listed as Chairman, not Vice-Chairman.

Member Lewis motioned for approval of the May 14, 2007 Minutes with the correction and the May 21, 2007 Minutes as presented, supported by Member Richards. All in favor with none opposed, motion carried.

ARTICLE 5. Case # 07-2874: Julia Teerling
Address of Property: 8081 45th Street, Ada
(PUBLIC HEARING)
Requested Action: The Applicant is requesting a Type 1 Special Use Permit to construct a 1,200-square foot accessory building.

Planning Director Peterson showed the aerial photo of the property located on the north side of 45th Street between Whitneyville and Cherry Lane.

The property is approximately 3-acres in size and the Applicant's request is to construct a 1,200-square foot building in the northwest corner of the property. The building is 40-feet by 30-feet and the Township requires a Public Hearing for all accessory buildings over 832-square feet.

The building measures approximately 12.5-feet tall to the midpoint. This requires a minimum setback of 10-feet on the side and 25-feet in the rear. The setbacks proposed are in compliance.

The size of this property would allow for two (2) accessory buildings. The building being proposed this evening is the only accessory building on the property.

The Applicant does not indicate any outdoor lighting on the building and the home was built in 2004.

The building will be used for personal storage and will have steel siding with asphalt shingles.

The proposed building is 1,200-square feet and the house is approximately 3,200-square feet. In looking around the neighborhood, there are not many other accessory buildings but would consider this type and size of accessory building to be consistent with this area of the Township. There is one (1) accessory building a couple of lots down from this one that is comparable to what the Applicant is proposing.

The land is generally flat and open with the north side of the property heavily wooded. Planning Director Peterson did drive the north end along Cascade Road and could not see any of the homes from the road due to the trees.

The Applicant will not be adding any new access and the building should be difficult to see from adjoining streets.

Staff recommends approval of the accessory building with the following conditions:

1. The building will not be involved, directly or indirectly, with any business, trade, occupation or profession.
2. Any outdoor lighting for the building will be shielded or downcast.

Planning Director Peterson said that one (1) letter was received from one of the neighbors inquiring as to what the building would look like in relation to the property and concerned they would be able to see the building from their place. The letter indicated the neighbors would prefer the building be located in the far northwest corner, as the Applicant has indicated on their site plan. Planning Director Peterson does not believe these neighbors would be able to see the building due to the existing vegetation. This is the only correspondence received from the public notices.

Chairman McDonald asked if the Applicant is proposing to construct the building in the northwest corner and Planning Director Peterson reviewed the site plan with the Commission indicating that is the proposed area with a 27-foot setback off the rear and 72-feet from the side yard.

Chairman McDonald also questioned the second condition listed by Staff does not the Township typically say that the exterior lighting would be shielded and downcast? Planning Director Peterson said Staff could specify that the lighting be shielded and downcast, typically it has been stated as shielded or downcast. Chairman McDonald noted that, technically speaking, it should be “shielded and downcast” so no one misinterprets it to mean the lighting could be shielded to the left or right, it must be downcast.

There were no other questions of Staff by the Planning Commission and Chairman McDonald invited the Applicant to approach the Planning Commission.

Julia Teerling, 8081 45th Street, and her son, Ethan Teerling approached the Planning Commission. Mrs. Teerling said that Staff summarized their project well. She said she will be adding exterior lighting and agreed that it will be downcast.

There were no further questions of the Applicant by the Planning Commission.

Member Robinson motioned to open the Public Hearing, supported by Member Lewis. Chairman McDonald called the motion to question. **All in favor with none opposed, the Public Hearing was opened.**

There were no members of the Public who wished to speak. **Member Lewis motioned to close the Public Hearing, supported by Member MacAlliser.** Chairman McDonald called

the motion to question. **All in favor with none opposed, the Public Hearing was closed.**

Member Lewis noted that only one (1) letter from the Public was received and the Planning Commission recognizes that. The Applicant has met the requests of the Township's Ordinance regarding setbacks and other requirements.

Member Lewis motioned to approve the Applicant's request for a Type I Special Use Permit to construct a 1,200-square foot accessory building at 8081 45th Street, Ada, with the conditions set forth by Staff, supported by Member MacAllister.

Chairman McDonald called the motion to question. **All in favor with none opposed, motion carried.**

ARTICLE 6.

Case # 07-2877: Faulk and Foster

Address of Property: 5231 Burton Street

(PUBLIC HEARING)

Requested Action: The Applicant is requesting a Type I Special Use Permit to co-locate a communication antenna with a small equipment structure at the existing Consumers Energy lattice tower site.

Planning Director Peterson said that the Planning Commission has approved several of these requests in the past but this is the first case of a collocation in the residential zone. This particular antenna is located in an R1 District just north of Burton Street, east of Spaulding Avenue and runs through this area of the Township. This is the first request that falls under the newly amended ordinance.

Planning Director Peterson showed the lattice tower and the pole that will run up the middle of the tower. He noted the equipment shelter inside the base of the tower.

Planning Director Peterson reviewed the site and the tower is similar to what the residents view at Burton Pointe.

In Staff's report it is requested that the Applicant shall provide documentation for access onto the site from the antenna company for the rights to go through the area. The subdivision is there and the Applicant will need to gain access either through the subdivision streets or through the Consumers Power property.

Staff would like the written documentation regarding the access to the antenna.

Staff is recommending approval of the Type I Special Use Permit to allow the co-location of the antenna at the tower at 5231 Burton Street provided they provide documentation that access to the site has been approved.

Chairman McDonald opened the meeting for questions from the Planning Commission of Staff.

Member Lewis noted that poles with a small top antenna is not too offensive but he is curious if they start hanging more than just their antenna on the pole, can this happen with this particular issue? Planning Director Peterson said that nothing else can be hung on the pole going up the middle of the lattice tower since the antenna would be inside the lattice. Member Lewis asked if they could go higher and Planning Director Peterson said they would have to come before the Planning Commission for the request to increase the height.

There were no other questions of Staff. Chairman McDonald invited the Applicant to add any comments.

Applicant Jamie Abby, Zoning Specialist from Faulk & Foster showed an aerial photo noting Consumers Power's property. He showed Burton Street on the map and its relation to Consumers' property and they have permission to go across the property in this area. They are also working with Consumers regarding an easement at Spaulding Road involving the condominium association. They will provide the proper easement documentation as requested by the Township.

Applicant Abby also said that there will not be any other co-locations on the tower. Their co-location is right at the top of the tower itself and if someone were to co-locate any lower, they would be too close to the power lines.

There were no questions of the Applicant. Chairman McDonald requested a motion to open the Public Hearing.

Member Lewis motioned to open the Public Hearing, Member Robinson supported the motion. Chairman McDonald called the motion to question. All in favor with none opposed, the Public Hearing was opened.

Chairman McDonald asked Staff if they had received any phone calls or letters regarding the project. Planning Director Peterson said he did receive a couple of phone calls and believes they are in attendance at the meeting. Chairman McDonald invited the Public to approach the Planning Commission.

David Branch, 2214 Christine Court, said his property is directly behind the existing tower. He noted that there is another lattice tower that is closer to Burton Street and does not understand why the Applicant has chosen this tower that is surrounded by homes and backyards.

He also noted a picture he received at the meeting of the structure and asked why it is taller even though the Applicant says it is not taller. As a resident in the area, he is opposed to the co-location in his neighborhood. To service the antenna, they have to drive past the first lattice tower to get to this one and does not understand why the co-location is not on the first structure.

Applicant Abbggy said that he is the one who supplied the photo to Mr. Branch as a general idea of what the structure will look like. The drawing represents exactly what their co-location will look like. The photo shows a building and the co-location does not require a building but a small cabinet that will be housed inside the lattice tower.

The top of the antenna will not extend above the tower as shown in the photo; the drawing reflects what the tower will look like. The antenna will act as a "top" to the tower. In the photograph, the antenna sits approximately 15-feet above the tower, in the drawings the antenna sits on top of the antenna like a "T".

Mr. Branch asked why the co-location cannot be moved to one of the other structures near this antenna. Applicant Abbggy said this project involves more than one tower as an entire network is being built for wireless service for the entire Grand Rapids area. The service ring of each antenna is one-quarter of a mile. Each site chosen is linked to the next site that is chosen and all depend on the main site that each communicates to and is an interdependent structure. There are approximately fifty (50) sites over Grand Rapids and the radio frequency engineer selected the locations based on the one-quarter mile frequency.

ClearWire prefers to co-located their antennas and are not looking to build any new ones. There are engineering reasons why certain sites are chosen.

Member MacAllister asked what other sites does Faulk & Foster have within Cascade Township and Applicant Abby said there is one located at the Township Hall. The project will be built in phases as the customer base expands. Member MacAllister said it would be nice to review ClearWater's vision for the wireless coverage and review their phases of wireless coverage. Applicant Abby does not believe that the other phases have been developed yet as their goal is to get phase one up and running and to obtain customers. He did say that he will supply the Township with a map of the Greater Grand Rapids area coverage for phase one in hopes that may help provide some clarity and understanding for what ClearWater is trying to accomplish.

Member Koessel asked if the difference in coverage is that great if the other tower closer to Burton St. were utilized. Applicant Abby said that though he is not an engineer, he does know that the ClearWater engineers placed the co-location on this particular site for a reason as they do not wish to enrage anyone with their co-locations but they do have their reasons for placing them where they do and they choose the locations carefully. Member Koessel wondered what the distance is between the two antennas and Member Postma noted it is over one-quarter mile. He also noted that the current location for the antenna would service Watermark and other surrounding communities and can understand why they selected the Consumer's tower.

Chairman McDonald asked how tall the lattice tower is and Applicant Abby showed him the photograph picture presented earlier noting that the antenna on the top is not how theirs will look but the lattice tower is the same. Applicant Abby said that the pole will run up the center of the lattice tower and the antenna will sit on top of the lattice tower like a "T", it will not be elevated on top of the tower.

The cabinet for the equipment will be a small three-foot by three-foot cabinet that will be housed in the base of the tower.

Maria VanTil, 2239 Burton Pointe Boulevard, the distance from the two towers is approximately 600-feet and the distance should not be a question. Private streets would have to be used either by Burton Pointe or by Watermark to service this antenna and if there is an alternative to placing it elsewhere, without using private streets, that should be preferred. She would prefer the Applicant use one of the other towers.

There were no other comments from the public.

Member Lewis motioned to close the Public Hearing with support from Member Koessel. Chairman McDonald called the motion to question. **All in favor with none opposed, the Public Hearing was closed.**

Member Koessel noted that they have dealt with this issue with towers in the neighborhoods and the Township cannot do much about antennas. The Township wrote into their ordinance that towers and antennas are not allowed in front yards or structures, no new towers and no equipment housing located in front yards. This site does not have any of the antenna, tower or housing in the front yards of the residential area. He is not sure if tabling the case so Faulk & Foster can see if the other tower would work would solve the problem since it may destroy the rest of the network they are trying to construct.

Member MacAllister supported tabling the item to see if the six-hundred feet in difference would make a difference for the co-location.

Member Lewis supported finding out if the other tower may serve ClearWire wireless network.

Applicant Abby noted that ClearWire has been pushing to get this project up and running and neighboring cities have been very excited over the project. He feels they have met the standards of the Ordinance and have gone out of their way to build onto an existing structure instead of building on a raw land site. He can request the information if needed but feels that they have met all the requirements to gain approval tonight.

Chairman McDonald said that knowing if the other tower could hold the co-location would be beneficial since none of the residents mind it on that tower. There is still the easement issue that needs to be documented. If the item were tabled, this would allow the Applicant time to resolve both issues.

Applicant Abby is confident that the engineers planned for this site to work in conjunction with the others around Grand Rapids and is not sure if the other tower would work or not.

Member Robinson asked the Applicant if the antenna covers one-quarter mile and the Applicant said that is correct. Member Robinson noted that is equivalent to approximately 1300-feet and

if this antenna were moved to the tower closer to Burton Street, the antenna would be moved by fifty-percent out of where ClearWire wants it.

Planning Director Peterson noted that if the case is tabled for consideration of moving the antenna's location, the public should be notified since there were residents with comments tonight the residents of the other potential co-location sites should be notified if the antenna is re-located and another Public Hearing should be held. Planning Director Peterson also noted that if ClearWire does not co-locate on this tower, it is likely that someone else will eventually co-locate on the tower as well since we do not allow new towers in the residential zone.

Member Richards believes that if ClearWire's antenna is not co-located on this tower, another will go up eventually. She also acknowledged the excellent point Member Robinson brought up regarding the fifty-percent movement of the antenna if moved closer to Burton Street and does not believe ClearWire will be able to move it. The public wants the cell phone coverage, wireless and unfortunately the antennas come with providing those services.

Chairman McDonald asked if there are any lights on the antenna and the Applicant said no, there is not.

Member Logue asked if the center pole is currently existing and the Applicant said it is not, that is what they are constructing. Member Logue asked if the mast would be free-standing if the tower were not there. Applicant Abby said it would not be a free-standing pole and Member Logue asked what would happen if Consumers removed the lattice tower. Applicant Abby believes that Consumers will not be taking the tower down any time soon but said that if the Consumers tower is removed, they would remove theirs as well. Member Koessel noted that this is part of the Township's Ordinance.

Member Koessel noted to the Public Members at the meeting that if the case is tabled, the antennas are allowed by the Township. Cascade Township will be receiving additional cellular and wireless coverage, the services will be coming in the near future and if ClearWire does not put an antenna on this particular tower, someone else will.

Member Richards clarified that the Township wrote an ordinance to help control the antennas but a Township cannot ban antennas.

Chairman McDonald clarified that the co-location for the antenna is allowed and Staff has listed a condition regarding easement onto the property.

Member Robinson motioned to approve the request for a Type I Special Use Permit to co-locate a communication antenna with a small equipment structure at the existing Consumers Energy lattice tower site at 5231 Burton Street providing documentation to access the site, supported by Member Richards.

Chairman McDonald called the motion to question. **All in favor with none opposed, motion carried.**

ARTICLE 7.

Case # 07-2863: Esplanade Shopping Center

Address of Property: 5755 28th Street

(PUBLIC HEARING)

Requested Action: Amending the existing Planned Unit Development (P.U.D.) to revise wall signage to comply with current sign code.

Planning Director Peterson said the owner of the Esplanade Center has asked to amend the sign portion of the existing PUD Ordinance to match the current Township Sign Code and the amended language is included within the Commissions' packet.

Staff does not have a problem with this and recommends approving the changes and having taken the liberty of providing a copy of the ordinance for the Commissions consideration.

Member MacAllister asked if the additional signage they have placed on Kraft Ave is included in this amendment and Planning Director Peterson said no and staff has asked them to remove those signs.

Member MacAllister asked if all of these store owners would still be within compliance and Planning Director Peterson said that this amendment will allow them to fall in line with the current sign regulations.

Chairman McDonald invited the Applicant to approach the Planning Commission.

Applicant Brian Burmana, representing the Applicant, said that Staff presented an accurate report. He supports the plan to help

regulate the signage within the Township and the new conformity will help make it easier for everyone going forward.

There were no questions of the Applicant and Chairman McDonald requested a motion to open Public Hearing.

Member Robinson motioned to open the Public Hearing, supported by Member MacAllister. Chairman McDonald called the motion to question. **All in favor with none opposed, the Public Hearing was opened.**

There were no comments from the Public. Planning Director Peterson said that no letters or phone calls were received.

Member Lewis, supported by Member MacAllister, motioned to close the Public Hearing. Chairman McDonald called the motion to question. **All in favor with none opposed, Public Hearing was closed.**

Member Koessel motioned to recommend to the Township Board a favorable recommendation for adoption of the amended P.U.D. supported by Member Logue.

Chairman McDonald called the motion to question. **All in favor with none opposed, motion carried.**

ARTICLE 8.

Any Other Business: Chairman McDonald opened the meeting for any other business.

Planning Director Peterson said that the Township has received a correspondence from Sheldon Cleaners that is included in the Commissions' packets.

Planning Director Peterson also spoke with the micro-brewery on Patterson and they are aware that they are to keep their patrons inside the facility with their beverages unless he would like to expand his license. He does not believe that the shop has been expanded.

ARTICLE 9.

Adjournment

Chairman McDonald requested a motion for adjournment.

Member Robinson supported by Member Lewis moved to adjourn. The motion carried and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Jack Lewis, Secretary

Lisa Hern, Recording Secretary