

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
WORK SESSION
FEBRUARY 12, 2007
6:30 P.M.
AGENDA**

CALL TO ORDER: At 6:30 p.m., the work session of the Genoa Township Planning Commission was called to order. Present constituting a quorum were Chairman Don Pobuda, Dean Tengle, Barbara Figurski, Curt Brown, Jim Mortensen and Steve Morgan. Also present were Mike Archinal, Township Manager, Jeff Purdy of LSL Planning and Tesha Humphriss of Tetra Tech.

APPROVAL OF AGENDA: Upon motion by Barbara Figurski and support by James Mortensen, the agenda was approved as submitted. **Motion carried unanimously.**

DISCUSSION: of Agenda items of the regular meeting of the Planning Commission

DISCUSSION: of general items

ADJOURNMENT: The work session of the Genoa Planning Commission was adjourned at 6:58 p.m.

**GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
FEBRUARY 12, 2007
7:00 P.M.
AGENDA**

CALL TO ORDER: The meeting was called to order at 7:02 p.m. Present constituting a quorum for conducting business were: Chairman Don Pobuda, Dean Tengle, Curt Brown, James Mortensen, Barbara Figurski, and Steve Morgan. Also present were Mike Archinal, Township Manager, Jeff Purdy of LSL Planning and Tesha Humphriss of Tetra Tech.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited, followed by a moment of silence.

APPROVAL OF AGENDA: Upon motion by Barbara Figurski and support by James Mortensen, the agenda was approved as submitted. **Motion carried unanimously.**

CALL TO THE PUBLIC: (*Note: The Board will not begin any new business after 10:00 p.m.*)

OPEN PUBLIC HEARING # 1... Review of impact assessment and site plan for an architectural change to a previously approved site plan located at 7000 W. Grand River, Sec. 14, petitioned by Paul Esposito.

Petitioner was present by Paul Esposito. Bill Johns and Steve Stone, the owners of the property, were present as well. A color concept drawing was presented pursuant to the Planning Commission's previous request. Petitioner indicates colored block is difficult to obtain right now due to weather conditions. Petitioner has an alternative to present – a block that is painted and then sealed. Petitioner shows materials he proposes to use. Chairman Pobuda and Jeff Purdy indicate that the Planning Commission does not generally approve painted surfaces since it does not comply with architectural requirements.

Planning Commission disposition of petition

- A. Recommendation regarding impact assessment
- B. Disposition regarding site plan

Motion by James Mortensen that a recommendation be made to the Township Board regarding the impact assessment provided at the meeting of January 8, 2007 be denied. Support by Barbara Figurski. Motion rescinded by James Mortensen and Barbara Figurski.

Motion by James Mortensen that the recommendation be made to the Township Board to adopt the impact assessment, provided the petitioner use either brick or integrally colored split face block consistent with the color scheme and elevation presented this evening, subject to review by staff. Support by Steve Morgan. **Motion carried unanimously.**

Motion by James Mortensen that a recommendation be made to the Township Board for approval of the site plan changes, subject to the following:

1. The materials as presented this evening will not be painted, but will be a product with a natural color in lieu of the brick;
2. The rendering presented this evening will become property of the township.

Support by Steve Morgan. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2...Review of special use, impact assessment and sketch plan for leasing and rental of truck and trailers, including outdoor storage and display of vehicles and for the outdoor display, sales, and storage of propane, located at 5670 E. Grand River, Sec.10, petitioned by Cedar Investments, L.L.C.

Petitioner present by Robert Akouri and Bill Rains, territorial manager of U-Haul. Petitioner addresses the Planning Commission's concerns regarding parking of vehicles and barriers at the property lines.

Bill Raines suggests that at maximum, 10 U-Haul trucks could be parked at the premises. Inventory could be tracked through the regional office to protect Petitioner from an on-site inventory that exceeds what the Planning Commission permits. The trucks are repaired on-site by a mobile mechanic or at the main repair shop in Inkster, Michigan.

Chairman Pobuda discusses the screening issues. Petitioner has no intent of selling the property that lies between the site and Grand River. It is his intention to develop it.

Petitioner explains that the proposed storage site for the U-Hauls was moved to the front from the back to camouflage the trucks more easily from the neighbors.

Bill Rains suggests that a "minor" repair would be performed within forty-eight hours.

Jeff Purdy addresses the screening and whether it is adequate. He believes that the evergreens could be increased to 1 every 15 feet along the eastern side of the frontage by the driveway. The evergreens would be an additional row in front of the existing evergreens and maples. Petitioner agrees to do that.

Jeff Purdy asks that the impact assessment be corrected to remove reference to propane gas sales.

Tesha Humphriss asks for truck lengths, including cabs, in order to calculate turning radius issues. It would appear that although this is a private parking lot, there could be issues with completing turns without backing up. Tesha Humphriss suggests moving the area east twenty feet. Tesha Humphriss asks about whether there would be difficulty in accessing unit "A". Petitioner indicates there would not.

Planning Commission disposition of petition

- A. Recommendation regarding special use.
- B. Recommendation regarding impact assessment
- C. Recommendation regarding sketch plan

Motion by James Mortensen that a recommendation be made to the Township Board for approval of a special use permit to allow Cedar Closet Storage to rent U-Hauls or similar rental trucks to the general public. The maximum number of trucks or trailers in any combination shall not exceed eight at one time in outside parking and repairs to a vehicle that is inoperative will commence within forty-eight hours of arrival at the site and repairs on-site shall be restricted to minor repairs generally of a maintenance type. Support by Barbara Figurski. **Motion carried unanimously.**

Motion by Barbara Figurski to recommend to the Township Board that the impact assessment be approved subject to the special use permit. Any mention of gas storage tanks is withdrawn by the petitioner. Support by James Mortensen. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the site plan sketch received by Genoa Township on January 22, 2006, subject to the following:

1. That four evergreens with a height of eight feet tall minimally, be added along the northeastern front parking location;
2. The parking row for the truck/trailer rental will be moved twenty feet east for a total of seventy feet.

Support by Steve Morgan. **Motion carried unanimously.**

OPEN PUBLIC HEARING # 3... Review of a special use application, site plan and environmental impact assessment for a 210 foot cellular tower located at 4440 Brighton Road, Sec. 33, petitioned by T Mobile.

There were approximately seventy-five members of the general public present for this meeting.

Ellen Tenser, Attorney for T-Mobile, 3033 Moon Lake Drive, West Bloomfield, Michigan appears on behalf of petitioner. She has met with various officials and now requests that a tower be permitted at a different location on the church property.

Petitioner indicates that with the County's plans of going wi-fi, a tower is extremely beneficial to this area.

She indicates that while a shelter is preferable for the storage of their equipment at the base of the tower, cabinets will most likely be used. The new location is 299 feet to the nearest residential property line. This would take five parking spaces from the church's parking lot. A concrete caisson of about six inches serves as the base for the tower.

Petitioner explains how the tower can be a co-location with other servers. This tower is designed for four carriers, but there could be a fifth. The equipment at the base could be 2' x 2' or a full brick shelter. This would depend on the number of customers they have. This area would be fenced in for T-Mobile initially and it would be expanded to allow for other providers later.

Petitioner explains how towers are placed height-wise and distance-wise. A 100 foot tower will not be sufficient to service the petitioner and co-locators. The other companies would then be seeking their own towers.

Petitioner has co-located on other available towers and has exhausted their ability to co-locate on other resources and serve their customers.

Petitioner indicates that towers cannot be placed too closely to each other or it would create cross talk.

Tesha Humphriss indicates that the radio system that controls water levels on the tower at Oak Pointe may be affected if it is utilized as a tower, but it is something that should be looked at.

Steve Morgan looks at the drawings and indicates that the higher density of population may be covered by utilizing the water tower. This tower is anticipated to cover a four mile radius.

Jeff Purdy indicates that the tower exceeds the ordinance by 70' and a variance would be required. The equipment shelter should be screened with brick walls.

Tesha Humphriss indicates that the petitioner has addressed any concerns satisfactorily.

Mike Archinal talks about compatibility with regard to height and impacts on adjacent properties.

Chairman Pobuda references a letter received by an attorney against the tower.

Mark Adams addresses the Planning Commission. He represents 92 homeowners who oppose this tower. He feels it is inappropriate. He references a memo that was submitted last week. He feels the zoning ordinance restricts granting cell towers. He hopes that this is stopped before the Planning Commission and that it doesn't get to the ZBA. He has not seen any good evidence that attempts to locate on other towers have been made by T-Mobile. Five or six of his clients are within 300 feet of the tower.

Mark Baron, 4180 Timberview, Howell. His property is adjacent to and southwest of the church's parcel. He stresses that the objectors are not interlopers – they've raised families here. They have not historically had bad relations with the church. They feel the church wants this tower for commerce and it's not serving their purposes. The Oak Pointe tower is a quarter of a mile away from the church.

Scott Statement, 4190 Timberview, Howell. He is adjacent to Baron's property. The fire department has not requested a cell tower in this location. He works from home often, carries a blackberry and has no problems with reception. He is an AT&T customer. He requests that maps of other providers' towers be studied for the purposes of co-location.

Bridget Krueger, 4301 Timberview, Howell. She opposes the tower. She believes the church earning a profit while not paying taxes is improper. She has reviewed the zoning maps and growth management plan. She feels this placement is not in keeping with the plan. She believes this is an incompatible land use. She believes this is a nuisance hazard.

Doug Constance, 5204 Pine Hills Circle in Timberview Farms. He has lived here for 29 years. He believes that the assertion that cell phone complaints could be resolved by placement at the church is untrue. He suggests that antenna design could resolve those issues and the antenna could still be placed on the Oak Pointe water tower or Pan Handle tower. If the Chilson valley needs service in and of itself, a micro cell would be a good solution. He has checked the internet and has found articles suggesting decrease in value of approximately 15-20% for homes near towers. He believes the zoning ordinance variances do not apply to this project. He believes this project would cause blight and a decrease in property values.

Sandra Skolnik, 4448 Brighton Road. She resides at the end of the driveway. She gives the history of the church's growth. She suggests that there are merely 87 parking places and the overflow parking often blocks her property. She indicates this is a commercial project and not a necessity for the conducting of church business. She believes there is a medical problem caused by these towers.

Dewey Thomas, 5819 Marshar Lane, Howell. There's a usable piece of property close to Brighton Road and Chilson Road on the corner. T-Mobile didn't exhaust all of their options or plans because he talked to someone from T-mobile and they didn't return his call. A cell tower can be put on that corner among those 100 ft telephone poles that surround that corner and it probably wouldn't be noticed and there's enough room for a 100' tower to be put. The township should know that property is available for a tower

and they didn't exhaust their search. It shouldn't depreciate any home values at Oak Pointe.

Gottfried Schiller, lives 299 feet from tower. He did a neighborhood door-to-door questioning and found nobody was suffering from cell phone problems. He feels it is irrelevant.

Larry Wilkinson, 40175 Timberview Drive. He addresses the T-Mobile myths of black holes, no lights on the towers and no decreases in property value. He has Verizon service and suffers no problems with reception. He believes that any tower would have lights because they're in the medi-vac flight path. It is his believe that there would be a property value decrease caused by a cell tower.

Kathleen Wisser, 5115 Pine Hills Circle. She stresses that co-location should be sought. She believes the pan handle would be a good location.

Carol Doby, 5120 Pine Hills Circle. She has lived here 18 yrs and has great coverage already.

Brent Smith, 4177 Richmond Farms Drive. He was a firefighter for 18 years and they don't use cell phones. They use repeaters, pagers and truck equipment. He has spoken with the two pilots for the life flight between Howell and Ann Arbor. The pilots would request that the tower would be lit due to the height, even though the FAA wouldn't require it. Co-location doesn't work for T-Mobile because it doesn't bring in rental revenue.

Fred Novak, 5105 Pine Hills Circle. He lives within 300 feet of the tower. He bought the property in 1974 or 1975. He recites some paragraphs from something given to him by a former owner which could be viewed as a mission statement.

Mike Kontz, 3225 Outback Trail in Pinckney. His grandfather was the original owner of the property that the church was built on. He is a member of the church. There was a petition circulated by people who do have issues with cell phone service. He spoke with the Brighton fire chief and his issue with the tower is because Nextel won't be on it. He believes that a cell tower will happen at one time or another. He suggests that the church isn't doing this for commerce. The church tries very hard to be a part of the community. There are more than 87 parking spaces – there are some that haven't been painted out yet. There is room for 157 spaces as per the building plan.

David Shirk, 6435 Havenwood. He lives within a mile and a half of the tower where there is a black hole for service. He cannot get an emergency call. He travels the roads near the church at least once a day. He cannot reach 9-1-1 should there be an emergency. This is a big concern for him. The World Health Organization has completed a 15 year study that indicates cell phone towers do not affect health adversely. A handheld phone is 1,000 times more powerful than the tower. The television gives more emittance signals than cell phones or towers.

Donald Barron, 9200 Blueberry Hill, Howell. He is a member of Chilson Hills church. He reads a letter from a Hamburg Township official. Their fire department is dangerously affected by their lack of ability to communicate with residents near the church by cell phone. He has Verizon service and it doesn't work within the church itself.

Beverly Smith, 4390 Timberview. The fire official that the opposing people spoke with was Glen Bailey from the fire station near the Township Hall. There is good coverage on firefighter calls. There is a member of the church who opposes the petition. As it relates to health issues, she has concerns being a person undergoing cancer treatment. She believes that it's impossible to speak definitively on the issue at this point.

Andrew Smith, 4390 Timberview. He is a firefighter for Brighton area. He has no issues with his coverage. Last summer, he was able to reach 9-1-1 in an alleged dead zone. He uses Nextel. The fire service doesn't rely on cell phone service.

Richard Miller, 4400 Brighton Road. He plans to retire in 10 years and his retirement plan includes his home. He fears that a cell tower would adversely affect his property value.

John Delucca, 4365 Timberview. He requests that the church consider its neighbors. He doesn't feel that the church is considering the interests of the neighbors.

Doug Wisser, 5115 Pine Hills Circle. He opposes the tower.

Nancy Merdzinski, Pine Hills Circle. She opposes the tower. The medi-vac flights have used the church parking lot and she'd rather see it used for that.

Jan Barrent, 4180 Timberview. She lives in the Schroeder's home. She supports her neighbors and opposes the tower.

Sandra Skolnik addresses the Planning Commission again. She believes the site is a filled portion of the property.

Doug Constance addresses the Planning Commission again. He is intrigued that the petitioner's map would seem to indicate no necessity for Brighton and Bauer Road towers.

Brent Smith addresses the Planning Commission again. He suggests that T-Mobile's research is inaccurate. He no longer lives in a black hole due to analog versus digital and new equipment advances. He has Cingular service. He suggests complainers get a new provider and that the Board get a study down.

Wallis Kowals, 12385 Wild Oaks Circle. He is chairman of the Planning Commission in Green Oak Township. He uses Nextel and has signal problems. He gets no signal at the church. His wife has Cingular, but cannot receive calls inside of the church. He believes landscaping around their storage cabinets is fine. While the church is making money, it is also being done for the health, safety and welfare of the community. He believes eventually, the government will take over tower placement and provide service, but this should be approved.

Kathleen Wisser addresses the Planning Commission again. She indicates people should not talk on cell phones in their cars. She thinks connectivity isn't a right. She suggests co-location should take care of these issues.

George Osborn, 4122 Timberview. He has lived here 30 years. He has Verizon and has no problems. He asks about the parking spaces and Chairman Pobuda addresses that.

Mr. Novak indicates the neighbors vote in downtown Brighton.

Mr. Barent addresses the Planning Commission again and indicates the neighbors weren't consulted.

Chairman Pobuda closes the call to the public.

Chairman Pobuda asks petitioner about an umbrella effect. She indicates this is not how it works. She explains that micro cells are reduced sized cells. Thirty to forty would make up one tower. It's on a 35-40 foot wooden pole, so it doesn't exceed tree height. This would cause reception for 50 yards in any direction from the utility pole.

Petitioner indicates that the Township's ordinance shows a preference for church property over residential property. The Detroit Edison substation didn't provide for setbacks.

A copy of the Federal Telecommunications Act is provided to each of the commissioners.

Chairman Pobuda inquires if there is a numerical survey of subscribers has been done in that area. She indicates that there has not been any performed. There is no service there at this time.

James Mortensen suggests that a cell tower is incompatible in residential areas and none have been approved by this Commission. He is opposed to putting a cellular tower in a residential area.

Steve Morgan asks if a proposal for the east-west coverage from Bauer Road to Dexter-Pinckney Road has been provided to the Township. She indicates they haven't gotten that far yet.

Planning Commission disposition of petition

- A. Recommendation regarding special use.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding site plan.

Motion by James Mortensen to recommend to the Township Board denial of the special use permit requested for the reason that it is inconsistent and counter to section 19.03 of the zoning ordinance and specifically, is incompatible with surrounding area. Support by Dean Tenge. **Motion carried unanimously.**

OPEN PUBLIC HEARING # 4...Review of a site plan application, impact assessment and site plan for a 7,000 sq. ft. retail auto parts store located at 2797 E. Grand River, Sec. 6, petitioned by WXY Retail Group. (07-07)

Petitioner present by Andy Andre' of Wilcox Professional Service, 37987 Interchange Drive, Farmington Hills, 48835 and Keith Taltow, AHW Consulting, 10191 Meisner, Castco, Michigan. Advanced Auto is the number two chain of auto supply retail stores in the Country.

There is an underground detention system to maximize site and a detention basin is now in the front of the site. That optimizes storm management and provides for the best location, as have many other businesses along Grand River.

The bike path requirements along Grand River are difficult due to the topography of the site. It would be a segmented portion because the surrounding lots do not have one.

The sanitary sewer is in the rear of the property. Because of the elevation change, the existing residents sit higher. Because of slope, the building is raised about as high as can be at this location. Gravity causes a problem with the depth of where the existing sewer is. He proposes a small grinder pump. There are only going to be two bathrooms and not much sewage would be created.

The petitioner discusses the issues involved with the driveway. He has met with MDOT and they see his points. There is an existing driveway and curb cut. A wider drive is necessary to accommodate delivery trucks.

A photograph of the proposed building (like many of their other buildings) is provided. The materials are not brought tonight. Chairman Pobuda requests that they be presented.

Petitioner shows photographs of the materials and indicates the brick is called 'Promenade Blend.' Chairman Pobuda requests a full material board.

Jeff Purdy lists the items that remain in question. The drive aisles should be reduced from 26' to 24' to leave more green space. The offset with the driveway on Grand River is a problem. It creates left turn block ups. Perhaps it should be situated west to be a shared driveway with the adjoining property.

Steve Morgan asks if they've been in contact with the dentist to the west. Petitioner has. Steve Morgan suggests that a shared driveway with him would be appropriate.

The maximum pavement grade is 5% for the Township. Petitioner's drive is at 5%. Steve Morgan suggests looking at a variance for that to 6%.

Jeff Purdy speaks about the requirement for a service drive parallel to Grand River. Perhaps a shared service drive with 2 lots down would be appropriate. At the minimum, provisions should be made for at least connecting parking lots if not a shared service drive. The detention pond is not permitted unless the engineer finds no other alternative. The 8' wide bike path along Grand River is a requirement. The landscape plan is deficient by 6 trees and 60 shrubs for the detention pond. The buffer zone defects are discussed, but Jeff Purdy doesn't foresee a problem. The waste receptacle needs to be enclosed. The signage must be approved.

Tesha Humphriss addresses the petitioner and refers to her letter of February 5th. The drainage and grading has been revised from underground retention. Petitioner now

requests above ground detention in the front of the site. There is a pond to the east of the site and Tesha Humphriss believes that one pond would be visually more pleasing. Perhaps the property owner to the east would agree to a shared retention pond. Petitioner would prefer to have their own due to maintenance issues. Tesha Humphriss thinks a retention pond in back is not a good idea due to the gravity and drainage issues. Tesha Humphriss has five outstanding issues with the new plan.

James Mortensen and Steve Morgan believe petitioner should attempt to align driveways with Dr. MacDonald. Petitioner indicates that may affect site circulation and parking. Petitioner indicates MDOT probably had that in mind when approving the plan.

Planning Commission disposition of petition

- A. Recommendation regarding impact assessment.
- B. Recommendation regarding site plan.

Motion by James Mortensen to table this matter at petitioner's request. Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING #5...Review of a rezoning application, impact assessment, conceptual PUD plan and PUD agreement to rezone .60 acres located on the south side of Grand River Avenue, between Lucy Road and Chilson Road, (11-06-100-004) from GCD (General Commercial District) to RDPUD (Redevelopment Planned Unit Development) to construct a 5,200 sq. ft. retail/office building located at 2160 E. Grand River, petitioned by William Colley Architect. (07-08)

James Mortensen is opposed to begin new business after ten o'clock since Chairman Pobuda announced publicly that no new business would begin after ten o'clock.

Bill Colley present on behalf of the petitioner, John Shurston, Fishbeck Road.

Jeff Purdy reports that setback requirement modifications should be granted. Given the site conditions, it's appropriate. The building should be at the front of the site and parking in the rear. The adjacent driveway is owned by Geo and any future extension of the service drive should be kept in mind. The bike path requirement should be adhered to, despite topography. Petitioner agrees, but indicates west of the viaduct could be problematic. The plan proposes 162% of the minimum parking requirement. The Planning Commission can approve up to 120%. Jeff Purdy would prefer to see parking cut back opposed to a retaining wall. The final site plan can address lighting, plantings, etc.

Tesha Humphriss recommends a phase 1 environmental assessment be completed. Petitioner has done phase 1 and phase 2. Petitioner will submit that to Tesha Humphriss. Access to this site is challenging and the driveway shown is not idea, but the best that can be done for this particular site. Petitioner should address adjacent driveways which should be shown in the final plans. Underground detention is proposed and this fits the ordinance. Public utilities are proposed.

Jeff Purdy indicates that it is preferable to have the PUD and rezoning be connected. Chairman Pobuda indicates these items need to be worked out with planner & engineer and come back with the PUD with the site plan. Petitioner feels the PUD agreement relates to this site. Jeff Purdy feels this can be worked out administratively. Steve Morgan asks if this PUD is a rezoning or an overlay. Jeff Purdy indicates it's a rezoning to an overlay, so we do need to go through the rezoning process. If they're rezoning to a PUV overlay, there must be an agreement. Mike Archinal suggests that in the past, a nearly complete site plan was accompanying PUDs and rezoning applications. Petitioner indicates this is unfair.

Mike Archinal indicates that they are unresolved issues, such as the sidewalk, the easement, etc. He is willing to have a special meeting to keep this moving forward.

James Mortensen indicates he believes this portion of the meeting is outside of the rules.

Planning Commission disposition of petition

- A. Recommendation regarding rezoning application
- B. Recommendation regarding PUD agreement.
- C. Recommendation regarding conceptual PUD plan.
- D. Recommendation regarding impact assessment.

Motion by Steve Morgan on behalf of the petitioner to table this matter. Support by Barbara Figurski. **The motion carries as follows: Ayes: Figurski, Pobuda, Tenge, Morgan, Brown. Nays: Mortensen**

Administrative Business:

- *Planners report presented by LSL Planners*
- *Approval of January 8th, 2007 Planning Commission meeting minutes.* Upon motion of Barbara Figurski and support by Steve Morgan, the minutes of January 8, 2007 are approved as amended.
- *Member Discussion.* Mike Archinal addresses the Planning Commission and asks them to consider whether, in the future, the audience should be informed what the next steps are for the petitioner, such as in the matter of the cell tower.

Meeting Adjourned at 10:36 p.m.

Respectfully submitted,

Kristi Cox
Recording Secretary