

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
JANUARY 10, 2018
MINUTES**

Chairperson Thompson called the meeting to order at 7:30 p.m.

ROLL CALL:

Present: Kelley, Atchinson, Budd, Jahr, Franzoi and Thompson.

Excused: Boynton.

Staff: Director Akers and Secretary Harman.

Planning Representatives: McKenna Associate, Patrick Sloan.

Audience: Two (2).

APPROVAL OF AGENDA:

Motion Kelley, Budd second to approve the agenda of January 10, 2018 as presented.

Motion Carried.

ELECTION OF OFFICERS:

Motion Franzoi, Atchinson second to keep the same officers in place, nominating Carol Thompson as Chairperson, Donald Boynton as Vice-Chairperson and Bryon Kelley as Secretary. Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Budd second to approve the regular meeting minutes of November 8, 2017 as amended at the table and the special meeting minutes of November 29, 2017 as presented. Motion Carried.

NEW BUSINESS:

ITEM # 1 17-018 – SPECIAL LAND USE APPROVAL

TITLE: THE APPLICANT, PARALLEL INFRASTRUCTURE, IS REQUESTING SPECIAL LAND USE APPROVAL FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATION FACILITY (125 FOOT MONOPOLE CELL TOWER AND ASSOCIATED STRUCTURES) AT 43430 ECORSE ROAD, VAN BUREN TOWNSHIP, MI 48111.

LOCATION: PARCEL TAX ID NUMBER V-125-83-012-99-0028-000 (43430 ECORSE ROAD). THIS PROPERTY IS LOCATED AROUND THE NORTHWEST CORNER OF ECORSE ROAD AND MORTON TAYLOR ROAD AND IS LOCATED IN THE R-1B, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT.

Civil Engineer John Crain gave the presentation. Parallel Infrastructure is requesting special land use approval to construct a 125-foot monopole cell tower for the use of Verizon Wireless to improve service. The applicant is in the final engineering review process, has received Airport Authority approval and has attempted to contact the pastor of the church located to the south.

Patrick Sloan of McKenna Associates presented his review letter dated 12-8-17, recommending special land use approval provided the applicant satisfactorily demonstrates that locating the tower further

west is not feasible due to FAA regulations and that they made bona fide attempts to contact the pastor at the church located to the south of the site and subject to the following conditions:

1. The landscape maintenance agreement be reviewed and approved by the Township Attorney.
2. That the light fixture on Sheet 4 be replaced with a full cutoff fixture only.
3. That the site plan comply with all requirements of the Township Engineer and Fire Department.

Commissioners discussed screening and buffering in the event of future land development to the neighboring vacant land and the contact efforts made by the applicant to the pastor of the church. The applicant agreed to correct the light fixture on sheet 4 to a full cutoff fixture and inquired if the planning department had a standard maintenance agreement. Director Akers will follow up with the applicant regarding the maintenance plan.

Motion Kelley, Atchinson second to grant special land use approval to Parallel Infrastructure to construct a wireless communication facility located at 43430 Ecorse Road, based on the analysis and subject to the conditions in the McKenna Associates review letter dated 12-8-17. Motion Carried. (Letter attached)

GENERAL DISCUSSION:

1. POTENTIAL ACCESSORY STRUCTURE ZONING ORDINANCE CHANGES:

Director Akers presented changes to the potential Accessory Structure Zoning Ordinance that included minimum setback requirements, the approval process for accessory buildings that exceed the lot coverage requirements in non-residential districts, concrete floor and rat wall requirements in agricultural districts and detached shed exemptions.

No comments from the Commission or the audience. Director Akers with the Commission's approval will schedule a public hearing for the Accessory Structure Zoning Ordinance.

2. 2017 PLANNING COMMISSION ANNUAL REPORT:

Director Akers presented the 2017 Planning Commission Annual Report highlighting the 2017 Zoning Ordinance adoption and the Belleville Lakeshore Ordinance.

Motion Kelley, Atchinson second to send the 2017 Planning Commission Annual Report to the Township Board of Trustees to be received and filed. Motion Carried.

ADJOURNMENT:

Motion Kelley, Jahr second to adjourn at 8:05 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



MCKENNA

December 8, 2017

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Subject: Verizon Wireless Telecommunications Tower; Special Land Use Review #3

Location: 43430 Ecorse Road; West side of Morton Taylor Road, north of Ecorse Road

Dear Planning Commissioners:

Plans for a new monopole wireless telecommunications tower, an equipment shelter, and other appurtenances have been submitted for a site located on the west side of Morton Taylor Road, north of Ecorse Road (parcel 83-012-99-0028-000). The applicant, Jonathan R. Crane, on behalf of Verizon Wireless, proposes to construct a monopole tower and other structures within a 75' x 75' leased area in the northwestern portion of the site. Per the site plan, the monopole will have a height of 125 feet to the top antenna platform and lightning rod will add a maximum of 4 feet, resulting in a total height of 129 feet.

The site is zoned R-1B Single Family Residential District, which permits wireless communication facilities [Section 3.106 (C)] via special land use. Further, Section 5.143 (B)(1)(a) allows for WCF's subject to standards noted in Section 5.143 (D).

The applicant appeared for a public hearing before the Planning Commission on September 13, 2017 and was granted preliminary site plan approval subject to all outstanding issues and items being satisfactorily addressed and with the direction that the special land use request will be revisited at the time of final site plan approval. We have reviewed the site plan and special land use applications for compliance with the regulations of Van Buren Township Zoning Ordinance, Planning Commission conditions of preliminary site plan approval, and sound planning and zoning principles. Our site plan comments are addressed in our letter dated December 8, 2017, and we offer the following comments on the special land use application:

Procedure for Reviewing New Wireless Telecommunications Facilities

In 2012, an amendment to the Michigan Zoning Enabling Act was adopted that restricted the ability of local governments to regulate wireless telecommunications facilities (i.e., cellular towers). For new towers, the Act requires the City to act on the application not more than 90 days after the application is deemed administratively complete. The application dated May 13, 2017, was accepted by the Township (subsequent to request for additional information which was submitted) on August 1, 2017. As a result, the Planning Commission would have been required take action by November 1, 2017. However, prior to that date, the applicant submitted a letter permitting this period to be extended because the plans were deficient at that time. Our understanding is that the terms of this letter were accepted by the Township. A public hearing on the special land use application was held at the September 13, 2017 Planning Commission meeting. Because of this 90-day time constraint imposed by the Act, the Planning Commission – not the Township Board of Trustees – is the approving authority for WCF's.

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Special Land Use Review Comments

Section 12.306 of the Zoning Ordinance sets forth nine (9) criteria for the Planning Commission to consider when reviewing special land use proposals. Following is our review of each criterion:

- 1. The special land use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, for landowners and residents who are adjacent thereto, and for the Township as a whole.** The subject site is a large vacant piece of land which appears like an open field. The proposed tower is to be located in the northwest corner of the site with existing tree line to the north and west on abutting parcels.

The application packet includes a letter from the tower manufacturer regarding its stability and possible collapse. The applicant stated at the last Planning Commission meeting that the proposed tower is designed to collapse onto itself, and in the event of a structural failure, the tower will fall within the lease area boundaries. The site and all abutting parcels are zoned R-1B residential and it is anticipated that in the future these properties will be developed for single-family residential uses. The parcels to the north of the subject site are not as large and are significantly long and narrow. While the presence of a wireless tower on the property and its possible fall zone may have an adverse impact on the development potential of these parcels with regard to site design, location of homes, and marketability, the applicant has submitted information indicating that the fall zone is within the lease area. Additionally, the perimeter will be adequately screened.

- 2. The special land use is necessary for public convenience at that location.** In response to a request from the Township for written justification on the need for a tower at this location, the applicant in a letter July 27, 2017 has stated the location of other facilities and locations in the vicinity that would not work for their needs. A map of the proposed location and other facilities shows an ITC transmission tower within half mile and several other towers within a 2+ mile radius. This same ITC corridor includes transmission towers with WCF's built on them (e.g., north of Michigan Ave. and just north of Belleville Lake). However, Mr. Crane stated at the September 13th public hearing that this is not a practice of Verizon due to the structural questions of the transmission towers. Per the propagation maps distributed at the Planning Commission meeting, the location of the proposed tower covers a gap in coverage that is deemed significant by the applicant. The applicant further states that an ideal location would have been further west but they are restricted due to FAA rules and the Willow Run Airport. The applicant should clarify what is the limit further west beyond which a tower cannot be placed.
- 3. The special land use is compatible with adjacent uses of land.** As previously stated, the zoning on all adjacent properties is R-1B. The existing land use is single family residential to the east, vacant residential to the north and west and a church to the south. The subject property has a single-family dwelling with accessory structures at the southeast corner of the property (intersection of Ecorse and Morton Taylor Roads). While the proposed tower at this time is not in close proximity to any dwelling, it may impact future residential development on the subject site and abutting vacant parcels unless properly screened.
- 4. The special land use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.** The proposed tower and accessory structures will be secured by a 6-foot high galvanized chain link fence. Based on the applicant presentation and a letter from the applicant's engineer that the fall zone for the tower will be contained within the lease area boundaries, we don't anticipate any adverse impacts on public health, safety, and welfare. Per the propagation maps distributed at the



Planning Commission meeting, the location of the proposed tower covers a gap in coverage in an area that currently has poor to moderate coverage, and is necessary to provide service to customers in the area that cannot be accommodated elsewhere.

5. **The special land use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.** Such facilities typically do not require the use of water or sewer; however, the site plan indicates a 1,000-gallon propane tank within the lease area. Sheet Z2 notes that the propane tank is to be used for the operation of the emergency generator only.
6. **The special land use will not cause injury to the value of other property in the neighborhood in which it is to be located.** As previously noted, the location of a tower on a vacant developable piece of land may have impacts on their development potential for residential purposes. If properly screened and meeting the requirements of the Zoning Ordinance, we are not aware of any impacts on the value of surrounding properties.
7. **The special land use will consider the natural environment and help conserve natural resources and energy.** The tower is not expected to generate dust, fumes, smoke, odor, vibration, or detectible noise. The equipment shelter canopy is intended to have downward directed and shielded lights on its underside. The tower will not have a light. In our accompanying site plan review letter of December 8, 2017, we recommend replacing the light fixture on Sheet Z4 with a full cutoff fixture. The visual aesthetics of the facility are mitigated by existing wooded areas to the north and west. The revised plan indicates a single row of 6-foot high Arborvitae planted 5 feet on center around the fenced lease area, for a total of 55 Arborvitae surrounding the fenced area. In our accompanying site plan review letter, we recommend approval of the 10-foot wide landscape easement around the lease area, subject to the Township Attorney's approval of a landscape maintenance agreement.
8. **The special land use is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for special approval uses.** These items are addressed throughout this letter and in our accompanying site plan review letter dated December 8, 2017. While issues related to a landscape easement and lighting details requested in this letter and our site plan review letter remain to be addressed, other considerations to determine compliance with the requirements of the Zoning Ordinance as well as sound planning and zoning principles have been submitted and are adequate.
9. **The special land use is related to the valid exercise of the Township's zoning authority and purposes which are affected by the proposed use or activity.** Consideration of a special land use for the location of a new wireless facility to determine its impact upon neighboring property or public facilities is within the purview of the Planning Commission and Township Board of Trustees and a valid exercise of the Township's police power.

Specific Approval Criteria for all WCSF's [Section 5.143 (F)]. A new WCF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCF which cannot be met by placing WCA on an existing WCSF or on other structures, or replacement of an existing WCSF. Information concerning the



following factors shall be provided by the applicant and considered by the Planning Commission in determining that such a need exists:

- (a) Insufficient structural capacity of existing WCSF's or other suitable structures and the feasibility of reinforcing or replacing an existing WCSF;
- (b) Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;
- (c) Radio frequency interference or other signal interference problems at the existing WCSF or other structures.
- (d) Other factors which demonstrate the reasonable need for the new WCSF;
- (e) The denial of the application for the proposed WCF will result in unreasonable discrimination among providers of fundamentally equivalent personal wireless communication or services and/or will have the effect of prohibiting the provision of personal wireless communication services;
- (f) The refusal of owners or parties who control the WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures

As previously noted, the applicant submitted propagation maps at a previous Planning Commission meeting to demonstrate an existing gap in coverage in the area of the proposed tower location. Per the applicant, collocation on any of the available ECF's in the vicinity will not address the gap coverage issue. The applicant has stated that they preferred a location further west but were unable to accommodate that due to FAA regulations for distance. Any documentation to support this statement must be provided. Finally, the applicant has stated that numerous unsuccessful attempts were made to reach the pastor at the church located to the south of the subject site. Any documentation to support this would also be beneficial since a church property is better suited for a new WCF than a vacant single-family residential parcel with future development potential pursuant to the Zoning Ordinance recommendations.

Recommendations

At this time, the conditions of special land use have been met. If the applicant can satisfactorily demonstrate that locating the tower further west is not feasible due to FAA regulations and that they made bona fide attempts to contact the pastor at the church located south of the site, then we recommend approval of the Special Land Use permit subject to the following conditions:

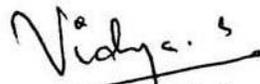
1. The landscape maintenance agreement be reviewed and approved by the Township Attorney.
2. That the light fixture on Sheet 4 be replaced with a full cutoff fixture only.
3. That the site plan comply with all requirements of the Township Engineer and Fire Department.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP
Senior Principal Planner



Vidya Krishnan
Senior Planner





Charter Township of Van Buren

BOARD OF TRUSTEES

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TRUSTEE Sherry A. Frazier	TRUSTEE Kevin Martin	TRUSTEE Reggie Miller	TRUSTEE Paul D. White

December 19, 2017

Township Board of Trustees
Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Subject: Planning Commission Annual Report for 2017

In accordance with P.A. 33 of 2008, as amended, MCL 125.3801 et seq, Michigan Planning Enabling Act, please find the attached annual report regarding Planning Commission activities for 2017. The report is summarized as follows:

Public Hearings: The Planning Commission held ten (10) public hearings.

Preliminary Site Plan Approvals: The Planning Commission granted five (5) preliminary site plan approvals.

Final Site Plan Approvals: The Planning Commission granted four (4) final site plan approvals.

Special Use Recommendations: The Planning Commission recommended two (2) special use approvals to the Township Board.

Site Plan Amendments: The Planning Commission granted seven (7) site plan amendments.

Temporary Land Use Approvals: The Planning Commission granted four (4) temporary land use permits.

Rezoning Recommendations: The Planning Commission made two (2) rezoning recommendations to the Township Board.

Zoning Text Amendment Recommendations: The Planning Commission made three (3) zoning text amendment recommendation to the Township Board.

Tree Removal Permits: The Planning Commission granted one (1) tree removal permit.

Harold Smith Master Plan Amendment: The Planning Commission approved the distribution of the notice of intent to plan for the Master Plan Amendment and they recommended the distribution of the Master Plan Amendment to the Township Board of Trustees. The amendment is to change the future land use designation of the property from single family residential to light industrial.

2017 Zoning Ordinance Adoption: The Planning Commission has been working on a comprehensive update to the Township's Zoning Ordinance since 2014. The final document was drafted and public hearings were conducted in 2017 and the Planning Commission recommended the final document to the Township Board of Trustees for final approval. The new Zoning Ordinance went into effect in June 2017.



Charter Township of Van Buren

BOARD OF TRUSTEES

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Other Items of Note: In addition to the above mentioned items, the Planning Commission has worked on a few other items which are worthy of note. The Township also adopted, for the first time, an ordinance which regulates the placement of structures on the Township owned property adjacent to Belleville Lake. This topic has been under discussion for over twenty (20) years and was only possible due to the work of the residents who live on the lake who volunteered many hours on a workgroup to discuss this issue. Lastly, on November 29, 2017 the Van Buren Township Planning Commission and the City of Belleville Planning Commission conducted a joint meeting to discuss common issues and opportunities. This has provided an opportunity for future dialogue between the Planning Commissions of our two (2) communities.

If there are any additional comments or questions with regards to this report please feel free to contact me.

Respectfully submitted,

Ron Akers, AICP
Director of Planning & Economic Development
Charter Township of Van Buren

2017 Planning Commision Activities

Meeting Date	Case #	Project Name	Action Type	Action
January 25, 2017	N/A	Zoning Ordinance Amendment - Belleville Lake Shoreline District	Public Hearing	N/A
February 8, 2017	N/A	Zoning Ordinance Amendment - Belleville Lake Shoreline District	Recommend to Township Board	Approved
February 22, 2017	14-007	Menards Store - 10010 Belleville Road	Public Hearing	N/A
February 22, 2017	14-007	Menards Store - 10010 Belleville Road	Recommend Special Use to Township Board	Approved
February 22, 2017	14-007	Menards Store - 10010 Belleville Road	Tree Removal Permit	Approved
February 22, 2017	14-007	Menards Store - 10010 Belleville Road	Final Site Plan	Approved
February 22, 2017	17-004	Phantom Fireworks - 2095 Rawsonville Road (Lakewood Shopping Center)	Temporary Land Use	Approved
February 22, 2017	17-005	Allen Edwin Homes - Country Walk Architectural Elevations	Site Plan Amendment	Approved
March 22, 2017	14-022	Townplace Suites Hotel Elevation Modification - 46418 N. I-94 Service Drive	Site Plan Amendment	Approved
March 22, 2017	17-008	Planet Fitness Façade Improvement - 10900 Belleville Road	Site Plan Amendment	Approved
March 22, 2017	17-010	TNT Fireworks - 10562 Belleville Road (Walmart)	Temporary Land Use	Approved
March 22, 2017	17-011	USA Fireworks - 6020 Denton Road (Faith United Methodist)	Temporary Land Use	Approved
April 12, 2017	N/A	2017 New Zoning Ordinance	Public Hearing	N/A
April 12, 2017	17-006	Rezoning - 40631 Alden Drive (C-1 to R1-C)	Public Hearing	N/A
April 12, 2017	17-006	Rezoning - 40631 Alden Drive (C-1 to R1-C)	Recommend Rezoning to Township Board	Approved
April 26, 2017	N/A	2017 New Zoning Ordinance	Recommend to Township Board	Approved
April 26, 2017	16-037	Speedway - Belleville Road	Preliminary Site Plan	Approved
April 26, 2017	17-013	Hampton Inn Exterior Renovation - 46280 N. I 94 Service Drive	Site Plan Amendment	Approved
May 10, 2017	17-007	Continental Canteen Addition - 7850 Haggerty Road	Preliminary Site Plan	Approved
May 24, 2017	17-016	Belleville Yacht Club Accessory Building - 831 E. Huron River Drive	Public Hearing	N/A
May 24, 2017	17-014	Rezoning - 49412 Michigan Avenue (C & C-2 to C-1)	Public Hearing	N/A
May 24, 2017	17-016	Belleville Yacht Club Accessory Building - 831 E. Huron River Drive	Recommend Special Use to Township Board	Approved
May 24, 2017	17-014	Rezoning - 49412 Michigan Avenue (C & C-2 to C-1)	Recommend Rezoning to Township Board	Approved
June 14, 2017	17-020	Angry Tiger Fireworks - 41001 E. Huron River Drive	Temporary Land Use	Approved
June 28, 2017	17-016	Belleville Yacht Club Accessory Building - 831 E. Huron River Drive	Final Site Plan	Approved
July 26, 2017	17-023	Grace Lake Corporate Center New Building - 1 Village Center Drive	Preliminary Site Plan	Approved
July 26, 2017	17-022	Infinity Homes - Country Walk Architechtual Elevations	Site Plan Amendment	Approved
September 13, 2017	17-018	Parallel Infrastructure New Cell Tower - 43430 Ecorse Road	Public Hearing	N/A
September 13, 2017	17-018	Parallel Infrastructure New Cell Tower - 43430 Ecorse Road	Preliminary Site Plan	Approved
October 4, 2017	17-007	Continental Canteen Addition - 7850 Haggerty Road	Final Site Plan	Approved
October 25, 2017	N/A	Zoning Ordinance Amendment - Repeal of Medical Marihuana Cultivation Facilities	Public Hearing	N/A
October 25, 2017	N/A	Zoning Ordinance Amendment - Detention Pond Location, Distribution Pavement Setback	Public Hearing	N/A
October 25, 2017	17-031	Upland Homes - Country Walk Architectural Elevations	Site Plan Amendment	Approved
October 25, 2017	17-024	Harold Smith Farm Master Plan Amendment - 50015 Michigan Avenue	Distribute Notice of Intent to Plan	Approved
October 25, 2017	17-029	DDA Placemaking Project - 10151 Belleville Road	Preliminary Site Plan	Approved
October 25, 2017	N/A	Zoning Ordinance Amendment - Repeal of Medical Marihuana Cultivation Facilities	Recommend to Township Board	Approved
October 25, 2017	N/A	Zoning Ordinance Amendment - Detention Pond Location, Distribution Pavement Setback	Recommend to Township Board	Approved
November 8, 2017	17-030	Ashley Capital Crossroads North - Ecorse Road	Public Hearing	N/A
November 8, 2017	16-037	Speedway - Belleville Road	Final Site Plan	Approved
November 8, 2017	17-024	Harold Smith Farm Master Plan Amendment - 50015 Michigan Avenue	Recommend Distribution to Township Board	Approved
November 8, 2017	17-034	Gilbert Homes - Arlene Arbors Architectural Elevations	Site Plan Amendment	Approved