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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

7525 Highland Road
White Lake, MI 48383
DECEMBER 6, 2018 @ 7:00 p.m.

Mr. Fine called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called:
Ms. Dehart was excused.

ROLL CALL: Steve Anderson - Chairperson - Excused
Merrie Carlock
Debby Dehart - Excused
Mark Fine
Rhonda Grubb – Secretary
Anthony Noble
Peter Meagher
Scott Ruggles, Board Liaison
Joe Seward

Also Present: Sean O'Neil, Planning Director
Aaron Potter, DPS Director
Sherri Ward, Recording Secretary
Mike Leuffgen, Johnson & Anderson
Greg Elliott, McKenna Associates

Visitors: 14

Approval of Agenda

Mr. Ruggles moved to approve the agenda as presented. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Approval of Minutes

a. October 4, 2018

Mr. Seward moved to approve the minutes of October 4, 2018, as presented. Mr. Ruggles supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Call to the Public (for items not on the agenda)

There was no discussion from the public for items that were not on the agenda.

Public Hearing:

6. Public Hearing:

- a. File No: **18-024, Verizon Cell Tower**
Location: Property is located at 1240 Bogie Lake Road, described under parcel number 12-29-476-004, located on the west side of Bogie Lake Road, between Cedar Island Road and M-59, consisting of approximately 11.88 acres, and currently zoned AG (Agricultural District).
Request: **1) Special Land Use (SLU) Wireless Communication Antenna. 2) Preliminary and Final Site Plan.**
Applicant: Bob Przybylo, RJP Consulting, PI Telecom Infrastructure V
Deed holder is Sunshine Management Services, LLC.

Mr. O'Neil wanted to say that tonight there was information that came in after the packets went out. The applicant was taken off the agenda in November, and added back on tonight's agenda. They have exhausted their review fees, so this additional report did not go out for another review. Cell towers aren't something we go over very often at the Township.

Mr. Elliott from McKenna Associates went over the report that he prepared for this project. There are quite a number of standards that apply, and some special specific conditions. The applicant is preparing to put the tower there because there is a gap in the coverage.

The board received some visual simulations of what the project would look like. Mr. Elliott would encourage additional screening besides the single row of arborvitae, more substantial landscaping. The first option is to try for co-location. They could not find a place to collocate, and they will provide for collocation on their tower. The condition for removal has not been addressed and should be if you plan for approval. They were not able to make a recommendation for approval to the plan for the reasons that were discussed based on the plans they had prior to the meeting.

Ms. Grubb asked if the property to the south will have development prohibited from the cell tower. Mr. O'Neil doesn't think it would hamper future development. Mr. Ruggles doesn't feel the cell tower would affect development. Mr. O'Neil wanted to pass along that Debby Dehart was not contacted about the cell tower being placed on her property which is in the area. She is in the red circle in Exhibit B.

Mr. Leuffgen went over his review. He shares some concerns with Mr. Elliott about the setbacks for the tower based on the fall requirement.

Bob Przybylo wanted to explain to the Planning Commission why they picked this location. There is a gap in coverage in the area, and a capacity issue. Mr. Przybylo showed a map of current coverage and where coverage is lacking. They immediately look for existing structures and the only ones were the transmission towers (no longer viable, they are only 120' tall and not structurally sound enough for the equipment) and a water tower on school property (this wasn't tall enough at 150 feet and the school district didn't want to move forward with a lease agreement).

There were a few sites that they tried to development that didn't quite make it to the end. They have shifted the tower so it's at least 100 feet away from setback lines in the new plans and updated the plans to meet some of the concerns from the reviews.

An FAA determination has come in as no hazard. They are open to additional landscaping if it is necessary.

Robert LaBelle (Williams Williams Rattner & Plunkett PC) represents both companies. The tower owner and constructor is Parallel. Regarding the propagation maps, he explained the coverage of the cell towers, the desired effect is a honeycomb effect. Because of increasing demand in this area that it is exceeding the capacity of the existing towers. The tower they are proposing has to do double duty. Verizon would prefer to collocate but are unable to here. The residential use is exploding, especially with data use, so they need to build coverage in a residential area. More people have cell phones than land lines and that keeps increasing. The majority of 911 calls come from cell phones.

Mr. LaBelle explained that they interpreted the setback ordinances differently, but will move it to the middle if necessary. They feel the property to the South will not be impacted by the tower. Connectivity is extremely important to homeowners, especially younger homeowners. They do their best to place it in an area that is the least intrusive. They would have preferred a higher tower, they are proposing 199 feet, 200 feet or higher would be required to be lit. The new site plan addresses the access road and parking. Mr. LaBelle stated that monopoles built to Verizon standards have never fallen despite being subject to hurricanes, etc.

Mr. Meagher asked about the lease coverage – they are only leasing the size of the cell tower area. Mr. O'Neil noted that it encumbers this parcel. Mr. O'Neil stated that this would be a difficult parcel to develop. Mr. Elliott noted that the difficulty would be with the access, the road would be difficult.

Mr. O'Neil stated that we have the removal agreement, but it hasn't been reviewed by the attorney.

Mr. Fine opened the meeting to the public at 8:16 p.m.

Mr. O'Neil noted that they received emails in opposition from 7 people, but they live in Commerce Township, not in White Lake Township. Mr. O'Neil noted that they also received an email from Tom Tomsma and he's writing on behalf of Stanford holdings and he has concerns about the placement. No one spoke from public.

Mr. Fine closed the meeting to the public at 8:19 p.m.

Ms. Carlock suggested spruce instead of arborvitae, she's a landscape architect. Mr. Przybylo stated that they have no problem with using spruce.

Ms. Grubb asked if it's too late to go back to the setback closer to the South property? Mr. O'Neil stated it does have to meet the setback.

Mr. Noble has a problem with stating that young people come in and want to buy near cell towers.

Jason Cosner (6305 Whispering Meadows) asked if he could still speak at this time. He opposes the tower, he will look directly at it. He doesn't like the RF waves that come off the towers. There are lots of studies that the applicants will try and reference - he thinks the big concern should be the health issues.

Mr. Labelle thinks that the Township can't prohibit the tower based on the Telecommunications Act. He stated that the American Cancer Society doesn't not have any evidence that cell towers cause problems with radiation. Towers produce radio waves, it's non ionizing waves. You can reference this information from the FCC.

Jason Cosner wanted to note that according to the FCC those guidelines are 20 years old. He feels they emit harmful waves. He would not have bought the house by the cell tower.

Mr. Seward is troubled that all the information necessary for Planning Commission review was not provided off the bat. Mr. Noble is as well.

An updated plan will need to be submitted to the Planning Commission in time for preparation for the next available meeting. The plan should include the landscaping too. Mr. O'Neil suggested that they add everything that was required and get it back to the Planning Commission so there is enough time for review.

The applicants are requesting that Agenda Item 6a. 18-024 Verizon Cell Tower, be tabled until the January 3rd meeting. Roll call vote: Carlock – Yes; Fine – Yes; Grubb – Yes; Noble – Yes; Meagher – Yes; Ruggles – Yes; Seward – Yes. (7 yes votes)

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| File No: | <u>18-026, Pope Rezoning</u> |
| Location: | Property is located on the 7755 Highland Road, described under parcel number 12-21-276-020, located on the north side of M-59, between Elizabeth Lake Road and Porter Road, consisting of approximately 1.27 acres, and currently zoned SF (Suburban Farm). |
| Request: | 1) Rezone the property from SF (Suburban Farm) to LB (Local Business). |
| Applicant: | Rob Pope, RSI Holdings LLC.
Deed holder is the Estate of Kenneth Cockin |

Mr. Elliott presented his report. McKenna is comfortable recommending that the Planning Commission recommend this to the Township board.

Mr. Fine opened the meeting to the public at 8:50 p.m.

No one spoke from the public.

Mr. Fine closed the meeting to the public at 8:50 p.m.

Mr. O'Neil is in agreement with Mr. Elliott's report. There is a possibility of a multi-tenant retail center. The water softener building and the home behind will be demolished.

Robert Pope is the applicant and his intention is a small retail plaza.

Mr. Seward asked Mr. O'Neil if they wanted access to M59, would they have to work with MDOT? Yes they would and there is a plan for cross action, they will plan to access along with Auto Zone.

Mr. Seward moved in File No. 18-026 Pope Rezoning to recommend to the Township board approval of the rezoning request from SF (Suburban Farm) to LB (Local Business). Mr. Fine supported and the MOTION CARRIED with a roll call vote: Carlock – Yes; Fine – Yes; Grubb – Yes; Noble – Yes; Meagher – Yes; Ruggles – Yes; Seward – Yes. (7 yes votes)

7. **Old Business:**

a. **Puppy Pirates (File #18-021), Special Land Use modification request**

At the August 2018 meeting, Puppy Pirates was granted day care approval. They are now seeking overnight care. Mr. O'Neil stated that there is no public hearing required for this modification request. The hours of operation are 6 am to 10 pm.

Kathryn Chipman apologized that she did not have all the information presented back in August. Other daycares in the area provide overnight care and they need to do this to be competitive. They also want to specialize in senior care for dogs too. There will be no grooming on site. From 9-10 p.m. the dogs will be taken out one by one to relieve themselves.

Ms. Grubb asked about the August meeting and licensing. There is no licensing required from the State of Michigan for daycare.

There are signs up advertising services at Puppy Pirates and Ms. Carlock asked who monitors signs within the Township. She pointed out that there are many signs popping up in the area. Mr. O'Neil stated that our Ordinance Officer, Jason Hudson, monitors these but they pop up quickly throughout the Township. Puppy Pirates should look into their signage requirements with the Building Department.

Mr. Seward asked with 8-10 dogs, what will you do if they start barking at 2:00 a.m.? Chipman stated that she has a speaker system and can monitor the barking. She has herself and two others than can get there to take care of the barking. Mr. Seward asked if they can limit the number of overnight dogs and Mr. O'Neil stated that the Planning Commission can limit this.

Mr. O'Neil noted that if dogs are barking and there are complaints the special use can be revoked. Mr. O'Neil would recommend that the motion include a number of dogs and that they can be restricted to the front of the building

Mr. Fine moved to approve Puppy Pirates (File #18-021), Special Land Use modification request to allow up to 10 dogs to stay overnight per our original motion in the August 2018 Planning Commission meeting and to restrict the overnight dogs to the southern part of the building. Ms. Carlock supported and the MOTION CARRIED with a roll call vote: Carlock – Yes; Fine – Yes; Grubb – Yes; Noble – Yes; Meagher – Yes; Ruggles – Yes; Seward – Yes. (7 yes votes)

8. **New Business:**

a. **Conceptual Presentation from MI Homes (Elizabeth Lake Road Project)**

Brad Botham was in attendance on behalf of Pinnacle Homes. He manages land acquisition for Pinnacle Homes. They were formed in 2005, and earlier this year they were acquired by MI homes. They have identified White Lake Township to bring a new product in their portfolio. The site is off Elizabeth Lake Road near Williams Lake Road. This site will yield about 2-3 units per acre, almost 200 homes. There will be single family homes and first floor ranch condominium units. He is here to get feedback on the conceptual plan. It will be developed as multi-phase. They would like to put infrastructure in Fall 2019, and homes will be ready for occupancy in the 2nd or 3rd quarter of 2020. There will be sidewalks throughout. They intend to keep buffer vegetation along adjacent property if they can. It's in their best interest because it's more marketable and neighbors prefer it.

Mr. O'Neil noted that we hear a lot of people who want ranch homes or ranch condos. We have a need for ranch style homes in the Township. Mr. Botham said that one of the major reasons ranch style homes are lacking is that 10 years ago most municipalities did not have zoning consistent with ranches. Their business model is incorporating more ranches. They anticipate selling 2 units per month per product with a 4 year total build out. The price points for the homes are high 200,000's to low 300,000's with 1800-2500 square feet. The ranch condos will sell for \$295,000 to \$325,000. with 1500-1800 square feet.

Mr. O'Neil noted that we would prefer County roads within the site and they will be hooking up to Township Water and Sewer. Mr. Ruggles asked if they had any interest in a second entrance on Elizabeth Lake Road, they don't have the width to be able to do that.

Mr. O'Neil suggested creative, aesthetically pleasing markings to designate lot corners and delineate property ownership.

b. **Review and approval of Planning Commission meeting dates for 2019**

Mr. Fine moved to approve the Planning Commission meeting dates for 2019, as presented. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Liaison's Report:

Mr. Ruggles reported that the Township board had a special board meeting for a sewer deferment. The board is hoping to settle the HVS and Commerce Township sewer usage case. Mr. Ruggles also reported that the Fire Department wanted to make changes to the burning ordinance. The board came to an agreement with paid on call Fire Fighters. The 2019 budget was approved. The consent judgement was approved for the pontoon storage on Porter.

Ms. Grubb reported that at the Parks & Recreation board put the Fisk Farm pathway put on hold. They had viewed the staked pathway it was intrusive on property. The board also talked about the Tony Hawk foundation grant for skate parks. The Halloween event was a success except for the rain. The parks millage passed by 661 votes. Representatives from the Planning Department will be going to the MNRTF grant award meeting to see if the Township is awarded the grant. This would be our first acquisition grant.

Mr. Elliott had no report.

Director's Report – Mr. O'Neil reported that the Preserve at Hidden Lake has submitted for final approval. They will probably be back to the Planning Commission in January. The pathway under the ITC corridor will happen in spring. There is a new employee in the Planning Department, her name is Hannah Micaleff and she is the new Executive Secretary.

The meeting was adjourned at 9:59 p.m.

The next meeting is scheduled for January 3rd, 2019.