

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 4, 2007**

The regularly scheduled meeting of the DeWitt Charter Township Planning Commission was called to order at 7:00 p.m. by Chairman Gobbo.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Smelker.

MEMBERS PRESENT: Steve Gobbo, Kim Smelker, Nike Nolen, Jason Flower, Greg White, Terrie Shively, and Trustee Ross.

MEMEBERS ABSENT: Bruce Keilen.

APPROVAL OF AGENDA: **Flower moved to approve the Agenda as presented. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES: **Ross moved to approve the minutes of the regular meeting of August 6, 2007 as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - DeWitt Charter Township Year 2008 Capital Improvement Plan.

A. Open Public Hearing. **Flower moved to open the Public Hearing at 7:04 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments.

Gray briefly reviewed staff's memorandum dated August 29, 2007 providing an overview of the approval process. He advised that Township Manager Rodney Taylor was present to answer any specific questions regarding the Capital Improvement Plan (CIP) for the year 2008, as well as Assistant Planner Harmony Gmazel who was a member of the CIP committee.

Chairman Gobbo invited Manager Taylor to speak.

Rodney Taylor, Township Manager, DeWitt Charter Township, offered to answer any Commissioner questions.

Taylor answered a few questions regarding the future reserve funds, designated reserve funds, status of the 2007 projects, and the general fund priorities list, specifically priority A. involving roadways.

There were no public comments.

- C. Close Public Hearing. **Ross moved to close the Public Hearing at 7:15 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

White moved that the Planning Commission adopt the Resolution approving the DeWitt Charter Township 2008 Capital Improvement Program. Supported.

ROLL CALL vote on motion:

AYES: 7 NAYS: 0 ABSENT: 1 (Keilen) VACANT: 1
MOTION CARRIED.

NEW BUSINESS:

- I. Request for Site Plan Review 07-150003 from Dale Decker** to be allowed to construct a 98 ft. tall ground-mounted communication antenna on property located at 2075 Glenn Street, Lansing, MI, east of Wood Road, south of State Road, north of Lake Lansing Road, in the SW ¼ of Section 35 of DeWitt Charter Township.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated August 31, 2007 pointing out the location of the site. The applicant is requesting site plan approval to allow the construction of a ground-mounted radio communication antenna that would be 98 ft. in height.

The property is located in the IL (Industry, Light) zoning district, surrounded by IL (Industry, Light) zoning to the north, east and west, and IH (Industry, Heavy) to the south. The subject site is planned for I-P (Industrial Park), surrounded by I-P to the east and west, and I-H (Heavy Industrial) to the south. The current surrounding land uses consist of Industrial.

Gmazel went on to review the request for compliance with Section 7.13.31 of the Zoning Ordinance stating the following: should the Commission consider approval of the request, staff recommends the applicant be required to submit a revised site plan of the foundation design to depict the mounting details; the proposed tower does not meet the requirement

stating it must be located from each property line a distance equal to its height; should the Commission move to approve the site plan, staff recommends that the screening be revised to provide a chain link fence with landscaping, or that a solid fence be installed; after submittal of the applicant's request, it was discovered that the tower is actually 98 ft. in height rather than 90 ft. Staff recommends that the site plan be revised to depict the correct height; the proposed tower will not impact parking requirements; landscaping is not required at this time, other than the potential use of landscaping as a screening element around the tower; installation of a public sidewalk is not required at this time; and, no new signs are proposed.

With respect to the setback requirements, Gmazel advised in the event that the tower failed it could infringe 53 ft. to the east, 11 ft. to the north, and 41 ft. to the west (see graphic included on page 5 of staff's report dated August 31, 2007). Staff has been advised by the Township Attorney that an engineering study must be provided that describes the behavior of the tower in the event of a catastrophic failure. The applicant has indicated that he is unwilling to provide such a study. Staff recommends that action be postponed on the site plan until after the Zoning Board of Appeals has had an opportunity to consider the applicant's request for setback variances.

In closing, Gmazel further advised that the reviewing agencies have expressed no objections to the proposed request.

Chairman Gobbo invited the applicant to speak.

Dan Decker, representing the applicant, Dale Decker, P.O. Box 1079, Jackson, MI 49204, stated that Safety Systems have been a security and fire protection contractor for 40 years. The company operates through-out Michigan and Northwest Ohio. They are currently in the process of converting to a new communication system. He pointed out that a fairly large hill exists to the south of their property. Since the majority of Safety System's account base is located in Lansing, this poses a substantial transmitting challenge without constructing the proposed 98 ft. tower. If approved, the tower would hold only two antennas. Decker stated he has spoken with staff regarding their request for an engineering study. After consulting with a leading tower specialist, Bill Davison, from Davison Engineering located in California, he was advised that there will always be a probability that a collapsed tower will not land within the radius of the tower height. Therefore, he feels an engineered study would not be cost effective. In closing, Decker requested that the Planning Commission grant approval of this request, conditioned upon the Zoning Board of Appeals approval of variance request 07-770005.

Gobbo questioned if the applicant would be receptive to posting a surety bond in the event the tower collapsed.

Decker stated he has made that suggestion and it was rejected.

Nolen questioned if the applicant had discussed this request with the neighboring property owners.

Decker advised that he has spoken with surrounding property owners and they have no objections to approval if this request. A 98 ft. tower is considered relatively small. In addition, the proposed tower is engineered to have the least air resistance possible. In his research, Decker stated he has never read about a tower collapsing unless it was in excess of 1,000 ft. in height. Lastly, the current communication system being used will be obsolete by February 2008. This leaves somewhat of a tight timeline since it will take approximately 30 days to construct the new tower and 60 days to convert customer accounts.

Nolen questioned if the applicant's casualty insurance would cover a catastrophe related to the collapse of the tower.

Decker stated he was advised by his insurer that coverage exists for the tower as long as the carrier is aware that it exists.

Flower questioned if the tower had been tested for tolerance to ice build up.

Decker advised that the towers are rated for wind load rather than ice.

Gobbo stated he would be comfortable with the Planning Commission taking action to postpone Site Plan Review 07-150003 until the Zoning Board of Appeals makes a determination on the setback variances for the tower (07-770005).

Brief discussion followed regarding the impact a postponement would have on the applicant's timeline to be converted to the new system by February 2008.

Ross questioned if staff was receptive to the applicant providing a letter of credit or bond to cover damage to surrounding properties.

Planning Director Jeff Gray stated that staff has had discussions with the applicant regarding the possibility of him posting additional insurance in the event of a catastrophic failure and posting a surety for the removal of the tower. Although these are good suggestions, the main intent of the setback requirements in the Ordinance is to assure that the tower does not fall on other peoples' property. Most importantly, that no one would be injured or killed should the tower fail. These issues would be best addressed by the applicant providing an engineering study indicating what would happen should the tower fail. Staff has made it clear to the applicant that a recommendation in support of the variance request is not likely without additional engineering information being provided.

Ross moved that the Planning Commission postpone action until October 1, 2007 on Site Plan Review 07-150003 from Dale Decker to construct one 98' radio tower, to allow the applicant to present his request for setback variances to the Zoning Board of Appeals. Supported.

MOTION VOTED AND CARRIED.

II. Set a Special Meeting Date – South Central Area Plan Community Visioning Session.

Nolen moved that the Planning Commission set a Special Meeting to be held on Wednesday, October 24, 2007 at 7:00 p.m. in the DeWitt Township Community Center for the purpose of conducting a community visioning session for the South Central Area Plan. Supported.

MOTION VOTED AND CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Ross gave a brief report on business conducted and action taken at the August 13, 2007 and August 27, 2007 regularly scheduled meetings of the DeWitt Charter Township Board of Trustees.

II. Zoning Board of Appeals:

Gobbo advised that there was no Zoning Board of Appeals meeting held in the month of August.

III. Committees: None.

IV. Staff:

Gray gave a brief update on various projects that the Planning Department staff is currently working on.

DISCUSSION: None.

ADJOURNMENT: Ross moved to adjourn the meeting at 7:53 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary