

**I. CALL TO ORDER.**

Chairman Werth called the meeting to order at 4:31 PM.

**II. ROLL CALL.**

Present: Chairman Sandra Werth, Vice-Chairman Steve Reno, Secretary Matt Ray, Commissioners Bette O'Shea, Dennis Griffin, Ted Taylor, and Scott Sintkowski

Absent: none  
Quorum Present.

Also Present: Larry Lockwood, Planning Division Head, Lori Beeson, Stenographer, Township Attorney Gary Dovre

General Public: 12

**Chairman Werth** stated that on behalf of the Planning Commission and staff, she welcomed new Commissioner Scott Sintkowski to the Planning Commission.

**III. APPROVAL OF THE MINUTES:**

**MOTION AND VOTE:**

**MOVED BY GRIFFIN,**

**SUPPORTED BY RENO; RESOLVED TO APPROVE THE MINUTES OF THE JUNE 21, 2011 PLANNING COMMISSION MEETING.**

**MOTION CARRIED UNANIMOUSLY (7-0).**

**V. Public Hearing**

**Case No. 11-07-01, T-Mobile Central LLC (Staff Reviewer – Larry Lockwood)**

**Location:** 6105 – 6125 Elizabeth Lake Road

**Parcel I.D. No.:** 13-29-200-022

**Request:** Requesting Special Approval under Section 2-600.5 of the Waterford Township Zoning Ordinance to establish a wireless communications facility in the R-1, Single Family Residential Zoning District.

**Property Owner:** James Worthington

**Applicant:** Wallace Haley, Haley Law Firm PLC

**Mr. Lockwood** referenced and reviewed the contents of the attached case memo and displayed maps depicting the current zoning, master plan, & aerial maps of the subject property.

**Mr. Haley** introduced Heidi Zimmerman, Xi Hao, and Mohan Chidabamaram from T-Mobile. Mr. Haley provided a summary of the previous wireless communications facility request presented as Case #08-04-01 at the August 26, 2008 Planning Commission meeting. Mr. Haley then described how they have revised their request to accommodate the concerns of the neighboring property owners. He particularly explained how they moved the proposed wireless communications facility further to the north on the subject property to take it out of the Clinton River floodplain area and move it further from the adjoining residential properties. He also showed the design change from the metallic monopole design to a mono-pine design.

**Commissioner Reno** wondered if the collocations would be of the same configuration and height as proposed in 2008.

**Mr. Haley** replied that they would be, but concealed by the mono-pine branches.

**Chairman Werth** asked how many collocators would be utilizing the facility.

**Mr. Haley** stated that there would be three (3), plus T-Mobile.

**Commissioner Taylor** asked if the proposed pole height would still be 100 ft. and this was confirmed.

**Chairman Werth** opened up the Public Hearing at 4:47 p.m.

**Mary Stevens** of 6035 Eldridge wondered why the proposed wireless communication facility could not be collocated on the Elizabeth Lake/Cooley Lake tower. She does not feel that the subject property is appropriate for the proposed use because it is not large enough. She stated that it is her opinion that the applicant has failed to explore all alternatives for their cell tower.

**Rick Bellamo** of 6042 Eldridge is concerned that the proposed wireless communications facility will interfere with the flight paths and nesting areas of waterfowl. Mr. Bellamo is concerned about following the ordinance requirements, and how the Crescent Lake cell tower was approved. Mr. Bellamo also would like the property owners to consider allowing school classes to hike through the subject property, and does he not want a cell tower to affect this possibility.

**Eve Pickman** of 315 Rivard stated that she is concerned about living near a cell tower. She was not convinced there was any need for a cell tower. She believes that having a cell tower on the subject property will restrict her from running her bird dogs on the subject property.

**Debbie Bellamo** of 6042 Eldridge stated that she has not had an opportunity to review a geotechnical report or a NEPA environmental report on the effects of the proposed wireless communications facility.

**James Stevens** of 6035 Eldridge stated that he is concerned with property values and that the proposed tower conforms to all ordinances.

Hearing no further comments, Chairman Werth closed the public hearing at 5:07 p.m.

**Chairperson Werth** asked Mr. Haley whether a geotechnical report and a NEPA environmental report were completed for the subject property.

**Mr. Haley** stated that a geotechnical report was completed and a NEPA checklist was completed by an environmental consultant as required by Federal Communications Commission.

**MOTION AND VOTE:**

**MOVED BY RENO,**

**SUPPORTED BY GRIFFIN;**

**RESOLVED TO GRANT SPECIAL APPROVAL UNDER WATERFORD TOWNSHIP ZONING ORDINANCE SECTION 2-600.5 FOR CASE # 11-07-01 TO ESTABLISH A WIRELESS COMMUNICATIONS FACILITY ON PARCEL 13-29-200-022, PROVIDED THAT THE APPLICANT COMPLIES WITH ALL OF THE FOLLOWING STIPULATIONS:**

- A new access easement is to be provided for review and approval by staff and the Fire Marshal. Once the easement is finalized, it must be indicated on the final site plan and recorded with the Oakland County Register of Deeds office prior to the issuance of a building permit.
- The applicant, T-Mobile shall prepare a maintenance agreement for review and approval by the Township attorney.
- The applicant must provide detailed information on the proposed Mono-pine construction in order to be reviewed and approved prior to the issuance of a building permit.
- The applicant shall provide:
  - Full scale drawings of site plan sheets S-1 & S-2 for final review and approval.
  - Coordinate the landscape installation around the perimeter of the ground lease area with township staff to insure adequate long term screening is achieved.
- Upon receiving Special Approval and prior to the issuance of a building permit, the applicant shall provide a facility removal agreement acceptable to the Township attorney to insure that the facility is properly removed at the time the facility is abandoned or no longer needed.
- Upon receiving Special Approval and prior to the issuance of a building permit, the applicant shall submit the required FAA form 7460 in accordance with the Tall Structures Act to the Oakland County Airport authority for review comment and recommendations.

This Motion and Special Approval is based on the evidence received at this hearing, T-Mobile's Application and Project Summary with Exhibits A through G,, the Supplemental Response of T-Mobile with Exhibits H, I and J, T-Mobile's proposed Landscape Plan, the August 18, 2011 Staff Review and Analysis of those submittals, which confirmed that all Ordinance application requirements have been satisfied and that all Ordinance approval standards have been addressed, and the Planning Commission's finding from that evidence and subject to the stated conditions, that the Applicant has made the demonstrations required by the Ordinance to receive this approval.

**MOTION CARRIED WITH RAY OPPOSING.**

**(6-1)**

## **VI. Development Reviews**

### **Site Plan No. 576-B, Liberty Hyundai (Staff Reviewer – Larry Lockwood)**

<b>Location:</b>	5300 Highland Road
<b>Parcel I.D. No.:</b>	13-16-451-007
<b>Request:</b>	Planning Commission review and approval to allow American Flags to be displayed on existing light poles in accordance with Section 3-702.3,E(2) of the Waterford Township Zoning Ordinance
<b>Property Owner:</b>	Liberty Hyundai
<b>Applicant:</b>	Liberty Hyundai

**Mr. Lockwood** referenced and reviewed the contents of the attached case memo and displayed maps depicting the current zoning, master plan, & aerial maps of the subject property.

**Keith Wilson** of Feldman Hyundai shared the reason and scope of the request. He stated that the flags would be American Flags only.

**Chairman Werth** questioned the need for the number of locations contained in this request. Mr. Wilson stated that there were more flags than really needed and would be willing to lower the request.

**Commissioner Reno** was concerned that with the proposed 26 locations, focus would be lost on the fact they were U.S. flags and this would become more an advertising tool.

**Mr. Wilson** stated that the flags are kept clean and they would be lighted.

**Commissioner Ray** asked about the size of the flags and how they would be attached.

**Mr. Wilson** stated the flags would be 4'x6' and they would be banded to the poles.

**MOTION AND VOTE:**

**MOVED BY RENO,**

**SUPPORTED BY GRIFFIN;**

**RESOLVED TO APPROVE THE DISPLAY OF ONE AMERICAN FLAG EACH ON TEN (10) LIGHT POLES FOR SITE PLAN # 576-B, IN ACCORDANCE WITH SECTION 3-702.3, E(2) OF THE WATERFORD TOWNSHIP ZONING ORDINANCE. ALONG WITH THIS APPROVAL COMES THE STIPULATION THAT IF THE FLAGS ARE FOUND TO BE IN A CONTINUAL STATE OF TATTERED CONDITION, THIS REQUEST WOULD COME BACK BEFORE THE PLANNING COMMISSION FOR RECONSIDERATION.**

**MOTION CARRIED WITH TAYLOR OPPOSING.**

**(6-1)**

VII. Adjourn the Meeting

The meeting was adjourned at 5:15 P.M.

**DATE:** August 18, 2011  
**TO:** Planning Commissioners  
**FROM:** Community Planning and Development Staff  
**RE:** Case Scheduled for the Tuesday, August 23, 2011  
 Planning Commission Public Hearing Meeting

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**Case No. 11-07-01, T-Mobile Central (Staff Reviewer – Larry Lockwood)**

**Applicant:** T-Mobile Central LLC  
 C/O Wallace R. Haley Esq.  
 Haley Law Firm, PLC  
 8065 Grand River  
 Brighton, MI 48114  
 810-772-1275

**Status of Applicant:** Lessee

**Property Owner:** James Worthington  
 6105 - 6125 Elizabeth Lake Road  
 Waterford, MI 48327

**Property Location:** 6105 - 6125 Elizabeth Lake Road

**Parcel I.D. No.:** 13-29-200-022

**Requested Action:** Special Approval under Section 2-600.5 of the Waterford Township Zoning Ordinance to allow the construction of a wireless communication facility.

**Existing Zoning:** R-1, Single Family Residential District

**Master Plan:** Single Family Residential

**Parcel Size:** 8.09 Acres

**Lease Area:** The proposed ground lease area is shown as 60'X 60' (3,600 sq. ft.)

**Tower Height:** 100 ft. tall mono-pine tower structure

**Surrounding Zoning and Land Use:**

**North:** (Across Elizabeth Lake Rd.) R-1A, Single Family Residential District. The properties in the immediate area along the north side of Elizabeth Lake Rd. are currently used for single family residential purposes.

**South:** R-1, Single Family Residential District. The Clinton River borders the rear of the subject property. There is one single family residential home (6042 Eldridge) on the south the side of the Clinton River which abuts the subject property.

**East:** R-1, Single Family Residential District. (6053 Elizabeth Lake Rd).

**West:** R-1, Single Family Residential District. (6137 Elizabeth Lake Rd.).

<b>Zoning History:</b>	1950-1963:	Residential I
	1963-1981:	AG-2, Small Farm
	1981-2010:	S-F, Suburban Farm
	2010 – Present:	R-1, Single Family Residential District

**Township Utilities:** Water and Sewer Services are available to the site.

**Staff Analysis**

This case by T-Mobile Central requests Special Approval under Section 2-600.5 of the Waterford Township Zoning Ordinance in order to construct a 100 ft. tall monopole / monopine wireless communications tower in the R-1, Single Family Residential District. As you may recall T-Mobile initially filed a Special Approval application in 2008 at the same location for this land use but due to financial circumstances, the case was withdrawn (please see attached meeting minutes).

Under this section of the Zoning Ordinance, the applicant must demonstrate that there is no reasonable difference of opinion that the proposed Wireless Communications Facility may not reasonably be established as a permitted use under Section 2-600.3, Permitted Uses. If the Planning Commission determines that collocated or attached wireless facilities may not reasonably be established, Wireless Communications facilities may be permitted after Special Approval in certain specified zoning districts, including the R-1, Single Family Residential District, subject to meeting the *Standards and Conditions – All Facilities* set forth in Section 2-600.6.

As part of the discussion that occurred during the previous case, the Planning Commission made several recommendations which were part of a tabling motion at their August 26, 2008 meeting. The applicant has now prepared a summary attachment intended to address these issues along with the requirement criteria outlined in Section 2-600.6

Staff has reviewed the application material provided and offers the following comments based on the ordinance requirements for the Planning Commission's consideration of this case:

**A. Standards and Conditions Applicable to All Facilities****(1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.**

Staff Response: During the previous case, residents of the area were concerned that the proposed tower structure and overall facility would be located too close to the Clinton River corridor. The applicant is now proposing to shift the proposed location over 800 feet away from the river; this is over 560 ft. north of the location proposed in 2008.

**(2) Facilities shall be located and designed to be harmonious with the surrounding areas.**

Staff Response: This statement was discussed during the previous review and made part of the Planning Commission's motion of items to be addressed. The applicant is now proposing a more stealth tower design. The applicant's are now proposing to erect a tower in the form of a monopine which attempts to disguise the tower to more of a tree like design. (please see attached plan details).

**(3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.**

Staff Response: The applicant has provided an affidavit labeled as **Exhibit H** attached confirming that they shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

**(4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.**

Staff Response: The affidavit labeled **Exhibit H** along with associated propagation maps have been presented showing coverage gaps and solutions provided with the new tower location. Addendum H also serves to address and justify that even with using all three (3) existing facilities, the coverage requirements for T-Mobile would not be met.

**(5) Applicants shall obtain or document approval from the F.A.A. (Federal Aeronautics Administration) and the Michigan Aeronautics Commission for the height of a proposed tower structure.**

Staff Response: The applicant has stated that the required FAA and MAC forms for air space approval have been submitted and are pending. The Oakland County International Airport Manager, Karl Randall has indicated that their office was not aware of this filing and since the proposed tower location has now changed, the applicant would be required to resubmit the required FAA form 7460 in accordance with the State of Michigan's Tall Structures Act for further air space review purposes when considering the tower's close proximity to airport circulation patterns.

***Item to be addressed: If Special Approval is granted in this case, the applicant must submit the required FAA 7460 form (Michigan Tall Structures Act) to the Oakland County International Airport for review, comment and recommendations prior to the issuance of a building permit.***

**(6) Notwithstanding SECTION 2-100, the maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures or buildings within the respective district.**

Staff Response: Per attached **Exhibit H**, the applicant's radio frequency engineer indicates that the proposed 100 ft. monopole tower is the minimum height necessary in order to provide adequate coverage for this area of the Township.

**(7) The setback of the support structure from any residential district shall be at least the height of the highest point of any structures or buildings on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.**

Staff Response: The applicant's are now proposing a revised tower location with the following setbacks (See Sht. S-2):

North Front (Elizabeth Lake Rd.):	100 ft. measured from the southern R.O.W. line of Elizabeth Lake Rd.
South Rear (Clinton River):	800 ft. +/- to the Clinton River.
East Side:	122 ft. measured to east side property line.
West side:	232 ft. +/- to the west side property line.

**(8) Where the proposed new or modified support structure abuts a parcel of land zoned for other than R-1, R-1A, R-1B, R-1C, R-1D, R-1E, R-M1, R-M2 or R-MH, the minimum setback from that parcel to the structure, and accessory structures or buildings, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located (See Subsection 6C.)**

Staff Response: Since the properties surrounding the subject property are zoned either R-1 or R-1A, this criteria is not applicable.

**(9) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.**

Staff Response: Since the applicants have now revised their proposed location for the tower and ground level appurtenant equipment, a revised access easement will be required. It has been noted in the applicant's supplemental response that this information will be provided for staff's review upon receiving Special Approval and at the building permit stage. It should be noted that the Township Fire Marshall will also review the proposed access easement to insure that safe and adequate turning ability can be provided for emergency vehicles.

***Item to be addressed: If Special Approval is considered in this case, it is required that a new access easement be provided for review and approval by staff and the Fire Marshall. Once the easement is finalized, it must be indicated on the final site plan and recorded with the Oakland County Register of Deeds office prior to the issuance of a building permit.***

**(10) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.**

Staff Response: This application request does not propose a parcel split, therefore this requirement is not applicable to this application.

**(11) Where an Attached Wireless Communication Facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.**

Staff Response: This requirement is not applicable to this application.

**(12) The Planning Commission shall, with respect to the design and appearance of the support structure and all accessory buildings, review and approve of as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.**

Staff Response: As part of the motion to table the previous case (on August 26, 2008) the Planning Commission requested that the applicant was asked to investigate alternative tower designs that would enable a cell tower to blend in more effectively with the surrounding area. The applicants are now proposing a tower to be constructed to appear more as an artificial tree or *monopine* that would serve to blend in more harmoniously with the surrounding landscape. A landscape plan has also been provided with this new proposal. The plan indicates where the existing vegetation in and around the proposed lease area will be removed in preparation for the proposed construction. The plan shows White Fir trees and Arborvitae to be planted around the lease area perimeter to enhance screening of the facility.

**(13) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.**

Staff Response: Staff has reviewed the applicant's response to this question and finds it acceptable for meeting the requirements of this section.

**(14) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.**

Staff Response: **On page No. 5 of the Project Summary**, the applicant indicates that if approved, they will maintain the site in a commercially agreeable manner consistent with conditions imposed by the Township. If Special approval is considered for this case, it is staff's recommendation that a maintenance agreement is prepared and submitted for review and approval by the Township attorney.

***Item to be addressed: If Special Approval is granted for this case, the applicant, T-Mobile shall prepare a maintenance agreement for review and approval by the Township attorney.***

**(15) Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.**

Staff Response: Staff has reviewed the applicant's statement and finds it acceptable for meeting the requirements of this section.

**(16) The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.**

Staff Response: **Note: Please see response noted for question No. 17 in the applicant's project summary (page No. 5).** Since the applicants have now revised their plans in order to propose a more stealth / monopine tower design, staff requests more detailed information on the monopine construction. If Special Approval is granted for this case, it is recommended that detailed plans be provided for all aspects of the proposed tower (monopine) construction for review and finalization prior to the issuance of a building permit.

***Item to be addressed: If Special Approval is granted for this case, the applicant must provide detailed information on the proposed Monopine construction in order to be reviewed and approved prior to the issuance of a building permit.***

#### **B. Standards and Conditions Applicable to Special Approval Use Facilities**

Applications for wireless communication facilities which may be approved as special approval uses under Subsection 3, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in Subsection 6.A, and the following additional standards.

**(1) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:**

- (A). Proximity to a major arterial street.**
- (B). Areas of population concentration.**
- (C). Concentration of commercial, industrial, and/or other business centers.**
- (D). Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.**
- (E). Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.**
- (F). Other specifically identified reason(s) creating facility need.**

Staff Response: The applicant has provided the required propagation maps that demonstrate T-Mobile's service coverage needs for this area of the Township (Please see attached Exhibit B). Please also see **I. The need for the site and II. The Township's Zoning Ordinance** for further explanation by the applicant on T-Mobile's need for the site at this location.

However, referencing item "A", the site location is more than one (1) mile away from Highland Road, a major arterial or thoroughfare which provides for several existing cell tower locations in the immediate vicinity along this corridor. The applicant has responded to this criteria stating that Elizabeth Lake Rd. is considered a major thoroughfare through the Township and that capacity needs have been the main objective in trying to gain additional coverage for this area of the Township. Although SEMCOG statistics show higher traffic volumes at peak periods, Elizabeth Lake Rd, a county road is considered a secondary road having only two lanes and providing local service to the residential neighborhoods. There is not a high concentration of population in the area as referenced in item "B" and there is no concentration of commercial or industrial development in this area of the Township as referenced in item "C".

It should be noted that the applicant has provided other specific reasons that create facility need as required under Section 2-600.6, B (1)(F) that may be considered in this request for Special Approval.

**(2) The proposal shall be reviewed in conformity with the collocation requirements of this Section.**

Staff Response: The applicant has indicated that there are presently no collocation opportunities available within this proposed coverage area that would allow T-Mobile to take advantage of an existing wireless communications facility. T-Mobile has provided an **Existing Tower Utilization Map** of the Waterford area in order to demonstrate the need for additional network coverage.

**C. Special Requirements for Facilities in Non-permitted Districts or Zones**

**For facilities which are not permitted uses under Subsection 2, proposed to be located outside of a district identified in Subsection 3, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the standards and conditions in Subsections 6A and B along with the following additional standards and requirements:**

- (1) At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in Subsection 3, cannot reasonably meet the coverage and/or capacity needs of the applicant.**
- (2) Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.**
- (3) In single-family residential neighborhoods, site locations outside of a district identified in Subsection 3 and shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:**
  - (A). Municipally owned site.**
  - (B). Other governmentally owned site.**
  - (C). Religious or other institutional site.**
  - (D). Public Park and other large permanent open space areas when compatible.**
  - (E). Public or private school site.**
  - (F). Other locations if none of the above is available.**

Staff Response: The applicant has conducted further investigation into locating their facility on a site containing the above criteria and provided their response on page 8 of the project summary. Based on T-Mobile's search ring requirements for network coverage, no sites were found to be suitable when considering the above criteria.

**Application Requirements**

**A. Application for all new wireless communication facilities shall be made for review through Section 4-004.3. No new wireless communication facility shall be approved until all procedural steps have been followed and a final site plan is produced.**

Staff Response: The applicant has submitted the associated application and materials for this review process.

**Application for all attached wireless communication facilities shall be made for review through Section 4-004.2. No attached wireless communication facility shall be approved until all procedural steps have been followed and a final site plan is produced. Application for collocations shall be made in accordance with subsection 8 below.**

Staff Response: This section is not applicable at this time.

**B. Applications for all new wireless communication facilities and attached wireless communication facilities shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.**

Staff Response: The applicant has submitted the required documentation as Addendum I.

**C. Applications for all new wireless communication facilities and attached wireless communication facilities shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection 7.F below. In this regard, the security shall, at the election of the applicant, be in the form of: cash; surety bond; letter of credit; or, an agreement in a form approved by the Township Attorney and recordable at the Oakland County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section of the Zoning Ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.**

Staff Response: The applicant has indicated that if Special Approval is granted in this case, T-Mobile will work with the Township attorney in order to provide a satisfactory removal agreement should the tower / facility become abandoned or no longer needed.

***Item to be addressed: Upon receiving Special Approval and prior to the issuance of a building permit, the applicant shall provide a facility removal agreement acceptable to the Township attorney to insure that the facility is properly removed at the time the facility is abandoned or no longer needed.***

**D. Applications for all new wireless communication facilities and attached wireless communication facilities shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy, MCL 15.243(1)(g). This Zoning Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.**

Staff Response: The application includes a map prepared by T-Mobiles radio frequency engineers (Exhibit B) demonstrating existing cell tower locations within the immediate area of the subject location.

**E. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.**

Staff Response: If Special Approval is granted, this will be required.

**F. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in subsection 6 above.**

Staff Response: This requirement has been met.

### **Planning Commission Review and Approval Criteria**

The Planning Commission, in conducting its review of any proposed Special Approval use, shall determine whether such use shall:

- A. Be in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission.
- B. Be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, compliance with the performance standards required under **ARTICLE II, Divison 2-2**, and will have no adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, natural resources and/or the public trust therein.
- C. Be in compliance with such Special Approval use service areas identified and adopted by the Planning Commission.
- D. Be a use that does not impose an unreasonable burden upon public services and utilities.
- E. Be in compliance with the regulations of the zoning district in which it is located.

Before approving any Special Approval use, the Planning Commission shall consider the following:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent zoning lots, pedestrian circulation will not be hindered, outdoor operations and display will not burden and/or disrupt uses on adjacent properties, and/or the natural and surrounding environment will not be negatively impacted.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.
- C. The scope of the land use or activity under consideration is conducive to fulfilling a gap in the geographic coverage of such services to Township residents.
- D. The Planning Commission may stipulate reasonable restrictions on the hours of operations, an increase of setback requirements to that of a more intensive zoning district, additional screening and barriers, and authorizing future review to ensure that such use does not violate the performance standards established in this Zoning Ordinance.

### **Recommendation**

**Following the tabling of T-Mobile's former Case 08-04-01 and the subsequent recommendations by the Planning Commission for further information, it is staff's opinion that T-Mobile has provided the Planning Commission with the information requested. Staff is aware of the Wireless Communication industry's ever changing needs and requirements for increased coverage and capacity to meet consumer demands. T-Mobile's application documents the fact that alternate locations have been explored and subsequently do not meet their network coverage needs. Therefore, staff is satisfied that the applicant has addressed all Special Approval standards and requirements so as to be eligible for approval. If the Planning Commission, in its discretion, grants approval, staff recommends that the approval be subject to the following conditions:**

- *A new access easement is to be provided for review and approval by staff and the Fire Marshall. Once the easement is finalized, it must be indicated on the final site plan and recorded with the Oakland County Register of Deeds office prior to the issuance of a building permit.*
- *The applicant, T-Mobile shall prepare a maintenance agreement for review and approval by the Township attorney.*
- *The applicant must provide detailed information on the proposed Monopine construction in order to be reviewed and approved prior to the issuance of a building permit.*
- *The applicant shall provide: 1.) Full scale drawings of site plan sheets S-1 & S-2 for final review and approval.  
2.) Coordinate the landscape installation around the perimeter of the ground lease area with township staff to insure adequate long term screening is achieved.*
- *Upon receiving Special Approval and prior to the issuance of a building permit, the applicant shall provide a facility removal agreement acceptable to the Township attorney to insure that the facility is properly removed at the time the facility is abandoned or no longer needed.*
- *Upon receiving Special Approval and prior to the issuance of a building permit, the applicant shall submit the required FAA form 7460 in accordance with the Tall Structures Act to the Oakland County Airport authority for review comment and recommendations.*

**Staff, along with Township legal counsel will be in attendance at Tuesday's meeting to make a brief presentation on this case. As always, if you have any questions or require additional information in advance of Tuesday's meeting, please contact this office.**



### **Site Plan No. 576-B, Liberty Hyundai (Staff Reviewer – Larry Lockwood)**

**Applicant:** Liberty Hyundai C/O Jay Feldman  
5300 Highland Road  
Waterford, MI 48327  
248-264-5102

**Location:** 5300 Highland Road

**Parcel I.D. No.:** 13-16-451-007

**Request:** Planning Commission review and approval to allow American Flags to be displayed on existing light poles in accordance with Section 3-702.3,E(2) of the Waterford Township Zoning Ordinance

**Zoning:** C-4, Extensive Business District

**Master Plan:** Central Community District

**Site Area:** 4.29 Acres (186,872 Sq. Ft.)

#### **Staff Analysis**

In this case, Liberty Hyundai is requesting Planning Commission approval to allow the placement of American Flags on up to twenty six (26) existing light poles at their new location in Waterford Township. As you may recall the site plan for this project was reviewed and approved administratively by staff in July of 2010. At that time, this request was not presented as part of the Liberty Hyundai site plan submittal.

SECTION 3-702, REGULATIONS APPLICABLE TO PROPERTIES IN THE C-1, C-2, C-3, C-4, C-UB AND C-UL ZONING DISTRICTS provides for the installation of banners/flags on onsite light poles within parking areas on zoning lots possessing a lot area of 43,560 sq. ft. or more and governed by an approved site plan which may be permitted by the Planning Commission in accordance with Section 4-004.1. The applicant has provided a site electrical plan along with a short cover letter that further explains the request. The flags are dimensioned as 4' x 6' (24 sq. ft.).

**Surrounding Zoning and Land Use**

North: O-2, General Office District – vacant undeveloped  
South: (Across Highland Rd.) R-M2, Multiple Family Residential District – Nancywood apartments and Embassy West Apartments  
East: O-1, Local Office District – Roach Dental Office  
O-2, General Office District – Medical offices  
West: C-3, General Business District – Cedar Plaza and Oakland Yard Athletics

Per the attached site electrical plan, the light pole heights measure twenty five (25) feet from grade to the bottom of the light fixture. There are three (3) light poles in the front parking lot area, seven (7) light poles along the east side of the building and thirteen (16) light poles in the rear parking/inventory storage area. The ordinance further states that the Planning Commission may regulate the dimensions and number of such banners/flags on a qualified zoning lot, as part of its decision.

**Recommendation**

The overall character of the area is considered community business. The residentially zoned property south and across Highland Rd. would not be negatively impacted by the limited number of flags proposed for the front portion of the Hyundai dealership.

Although staff does not object to the applicants overall concept and scope, please bear in mind that the Planning Commission does have the authority to regulate the flag dimensions and number of flags to be installed if Special Approval is considered in this case. The decision in this case will result in a standard to be applied to future requests under this section of the Zoning Ordinance.

Staff will be present at Tuesday's meeting to review the proposal. However, if have any questions or require additional information in advance of the meeting, please contact this office.