

PLANNING COMMISSION
08/27/13 – 022

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, AUGUST 27, 2013, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:32 p.m. by Chair Evola.

Roll Call: Chair Evola
Fuller, Gilezan (7:33pm), Hamborsky (7:33pm), Rozycki, Stapleton, Vaughn, Vitale

Absent: None

Also Present: Building Official Tutag
City Attorney C. Berschback
Recording Secretary Babij Ryska

Motion by Vaughn, seconded by Vitale, that Commission Members Gilezan and Hamborsky be excused from tonight's meeting.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Rozycki, Stapleton, Vaughn, Vitale
NO: None
ABSENT: Gilezan, Hamborsky

Motion by Stapleton, seconded by Vitale, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Stapleton, Vaughn, Vitale
NO: None
ABSENT: None

Chair Evola welcomed Council Member Shetler Jr to tonight's meeting.

Motion by Vaughn, seconded by Vitale, regarding **Approval of Minutes**, that the Planning Commission Meeting minutes dated July 23, 2013 be approved.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Stapleton, Vaughn, Vitale
NO: None
ABSENT: None

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THE MEETING WAS THEREUPON OPENED AT 7:36 P.M. FOR A PUBLIC HEARING **PUBLIC HEARING UNDER THE PROVISIONS OF MICHIGAN COMPILED LAWS, SECTIONS 125.3101 THROUGH 125.3702 AS AMENDED, AND IN ACCORDANCE WITH GP WOODS CITY ORDINANCE SECTIONS 50-32, 50-34 AND 50-615, TO CONSIDER THE APPLICATION OF HALEY LAW FIRM PLC ON BEHALF OF SPRINT, REQUESTING SPECIAL LAND USE AND SITE PLAN APPROVAL TO CONSTRUCT A STEALTH WIRELESS FACILITY IN THE STEEPLE OF THE CROSSPOINTE CHRISTIAN CHURCH LOCATED AT 21336 MACK AVENUE, GROSSE POINTE WOODS.**

Motion by Rozycki, seconded by Gilezan, that for purposes of the public hearing the following items be received and placed on file:

- A. Application for Site Plan Review/Special Land Use - Hadley Law Firm c/o Sprint – 07/19/13
- B. Project Summary – 07-19-13
- C. 4 Photo Simulation Sheets (PS-1, PS-2, PS-3 & PS-4) – 08/07/13
- D. 21 Project Site Plan Sheets (T-1, N-1, N-2, S-1, S-2, C-1, C-2, C-3, C-4, C-5, C-6, C-7, L-1, RF-1, E-1, E-2, E-3, E-4, E-5, PP-1 and PP-2) – 08/06/13
- E. Planning Commission Excerpt – 07/23/13
- F. Memo – 08/07/13 – Building Official (Tutag)
- G. Resolution Recommending Denial – 08/27/13 - City Atty (C. Berschback)
- H. Resolution Recommending Approval – 08/27/13 - City Atty (C. Berschback)
- I. GPW Ordinance, Article VI, Wireless Communications Facilities, Sections 50-615 through 50-625
- J. Affidavit of Legal Publication – 08/08/13
- K. Affidavit of Property Owners Notified

And additional correspondences distributed prior to tonight's meeting:

- L. Letter/Petitions 08/26/13 – Christopher Hawksley and Lii-miin Hawksley
- M. Letter 08/27/13 – Dugald Cameron

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Stapleton, Vaughn, Vitale
NO: None
ABSENT: None

Building Official Tutag gave an overview of the project. City Attorney Berschback explained that the Planning Commission will make a recommendation to City Council regarding the application and outlined the procedure.

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The Chair asked if anyone wished to speak in favor of the application for a stealth wireless facility. The following individuals were heard:

Wallace Haley, on behalf of Sprint
10059 Bergin Rd
Howell, MI 48843

Jim Johnson, on behalf of Crosspointe Church
21336 Mack Ave

The Chair asked if anyone wished to speak in opposition to the application for a stealth wireless facility. The following individuals were heard:

Christopher Hawksley
21473 Goethe

Timothy Lawlis
1577 Edmundton

Sandra Reid
1544 Aline

Karen Sahadi
1812 Brys

Daniel Forthoffer
1844 Brys

Thomas Sullivan (neutral)
1852 Brys

Wii-miin Hawksley
21473 Goethe

Luigi Chairamonti
22313 Edmundton

Stephen Kent
1686 Aline

Chuck Maniaci
1576 Blairmoor Ct

The following individuals spoke in favor of the application for a stealth wireless facility:

Robert Ihrle
961 N Oxford

Wallace Haley, on behalf of Sprint
10059 Bergin Rd
Howell, MI 48843

The following individuals spoke in opposition to the application for a stealth wireless facility:

Sandra Reid
1544 Aline

Christopher Hawksley
21473 Goethe

Motion by Rozycki, seconded by Vitale, that the public hearing be closed at 8:43 p.m. Passed unanimously.

The Chair opened discussion among Commission Members regarding the proposed special land use and site plan approval. A question and answer session ensued between Commission Members, Building Official, City Attorney, and Mr. Haley regarding the concerns of the public.

Motion by Rozycki, seconded by Stapleton, regarding the **Special Land Use and Site Plan Approval to Construct a Stealth Wireless Facility in the Steeple of Crosspointe Christian Church Located at 21336 Mack Avenue**, that the Planning Commission adopt the following resolution recommending that City Council approve the Sprint Stealth Wireless Facility:

**THE CITY OF GROSSE POINTE WOODS
PLANNING COMMISSION RESOLUTION
RECOMMENDING APPROVAL OF
SPRINT COMMUNICATION FACILITY**

WHEREAS, SPRINT on behalf of owner Cross Pointe Church (hereafter “Sprint”) has filed an application under the Wireless Communication Facilities (WCF) ordinance to construct a WCF at 21336 Mack Avenue, Grosse Pointe Woods; and,

WHEREAS, SPRINT’s application is now before the Planning Commission for a public hearing and consideration of the application under the WCF ordinance; and,

WHEREAS, the WCF ordinance provides that the application shall be reviewed in accordance with the conditions of the WCF ordinance as a special land use; and,

WHEREAS, the WCF ordinance requires written recommendation to the City Council regarding the application; and,

WHEREAS, at a public hearing held on August 27, 2013 the Planning Commission reviewed SPRINT’s application, site plan, and all supporting documents which have been received and placed on file as part of the public hearing.

NOW THEREFORE IT IS HEREBY RESOLVED AS FOLLOWS:

I. Site Plan Resolution. Pursuant to Sec. 50-37, the Planning Commission has reviewed the site plan together with the supporting documents. Since further review is required by the City Council, the Planning Commission recommends approval of the site plan. The findings and reasons for this recommendation are contained further in this Resolution.

II. Special Land Use Resolution. IT IS FURTHER RESOLVED that SPRINT’s application has been reviewed under the terms of the WCF ordinance as a special land use. Pursuant to 50-620, the Planning Commission finds that the application has met the criteria for consideration as a WCF as a special land use as follows:

- a. the applicant has demonstrated that there is no reasonable means of satisfying the service needs of the system through adaptation or addition to facilities inside or outside the City;
- b. there is no feasible alternative or other means of satisfying the service needs;
- c. the WCF is of a form which is compatible with the existing character of the proposed site, neighborhood and general area;

III. WCF Ordinance Resolution. IT FURTHER RESOLVED that pursuant to Sec. 50-619(b)(3), which requires a recommendation on the WCF application as a whole, the Planning Commission recommends approval of SPRINT’s application to the City Council.

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The factual findings and reasons for these recommendations are based on the record and supporting documentation submitted to the City as of this date including the agenda items received and placed on file at the ZBA hearing and this hearing, as well as the comments and representations made at the public hearing before this body on August 27, 2013 including but not limited to the following;

1. That the installation is consistent with Section 50-615(a), which states: It is the general purpose and intent of the city to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems as may be required by law. However, it is the further purpose and intent of the city to provide for such authorization only in a manner which will retain the integrity of neighborhoods and the character, with property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this article, an attempt has been made to balance these potentially competing interests.
2. That the siting of the antenna on an existing church steeple is consistent with Section 50-618(e)(2)b.
3. That the installation of the WCF is compatible with the church and surrounding area.
4. That the installation of the WCF will eliminate any visual intrusion and impact of a typical WCF tower installation.
5. That no other structures or alternative means of satisfying service needs are found in this area of the City.

IV. Immediate Consideration: Having reviewed this Resolution, the Planning Commission moves for immediate adoption of this Resolution.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Stapleton, Vaughn, Vitale

NO: None

ABSENT: None

Chair Evola declared a recess at 9:25 p.m., and reconvened at 9:27 p.m.

Motion by Vaughn, seconded by Rozycki, that the Planning Commission schedule a **Public Hearing for the AT&T Site Plan Review and Site Plan Approval to Construct a Wireless Communications Facility at the Milk River Lift Station, 1190 Parkway Drive on September 24, 2013.**

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Stapleton, Vaughn, Vitale

NO: None

ABSENT: None

The next item on the agenda was the **Building Official's Monthly Report**. Mr. Tutag reported the following:

- Rivers tour cancelled yet again due to inclement weather; project is coming along well.
- New business coming to town, Pet People.

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- Won Kow is reopening, Andiamos bought the business and the former owner will continue to cook.
- Better Health submitted plans for their remodeling project.
- Business is picking up in residential permits.

Commission Member Hamborsky gave the August 2013 Council Reports.

- August 5th: Nothing pertaining to the Planning Commission.
- August 19th: Nothing pertaining to the Planning Commission.

Commission Member Gilezan will attend the September 9th Council meeting.

Commission Member Vaughn will attend the September 16th Council meeting.

The following **Subcommittee Reports** were provided:

2020 Plan – Nothing to report.

Special Sign Ordinance – Nothing to report.

Hearing no objections, the following items were heard under **New Business**:

- Council Member Shetler Jr commended the Commission managing the meeting well.
- Commission Member Fuller advised the Building Official that First Place Bank was acquired by Talmer Bank so that location may close in January.
- Commission Member Vitale informed the Commission that the Mayor's Mack Avenue Business Study Committee is considering upgrading to electronic parking meters and raising rates.

Motion by Rozycki, seconded by Gilezan, to adjourn at 9:44 p.m. Passed unanimously.