

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION  
SAGINAW CHARTER TOWNSHIP HALL  
DECEMBER 19, 2007**

Members Present

J. Anderson  
A. Seaver  
C. Nolan  
B. Nelson  
P. Brucker  
E. Majask  
D. Emmenecker

Members Absent

Others Present

B. Smith, Planner  
C. Edlinger, Recording Secretary  
M. Mahlberg, Attorney

Mr. Brucker called the meeting to order at 7:00 p.m.

**Approval of Minutes:**

Motion by Mr. Anderson, supported by Mr. Nelson, to approve the minutes of December 5, 2007.

VOTE:                    7 YEAS            0 NAYS            0 ABSENT            MOTION CARRIED

**New Business:**

- A.    SUP-2007-09 and S-2007-40** –Nextel West Corporation of Grand Rapids, Michigan is requesting a special use permit and site plan approval to construct a telecommunications tower and related group equipment located at 3175 Westbay. (12-4-03-1054-001)

Ms. Smith stated the applicant is proposing construction of a new 110' foot monopole wireless communications facility to be located to the rear of the existing Burlington Coat Factory. The project includes a 1,475 square foot leased area that will be enclosed by an eight foot (8') tall vinyl fence. Two pre-fabricated equipment buildings are shown within the leased area.

The applicant has met or exceeded all of the requirements of the zoning ordinance and the special land use requirements, including engineering review. Staff recommends approval of SUP-2007-09 with the three conditions in the report.

Mark Morris, on behalf of Nextel West Corporation, was present to answer any questions. Mr. Morris stated Nextel West Corporation felt there was a gap in coverage for this area of the Township and worked with the Township staff on a location for the new tower.

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION**  
**SAGINAW CHARTER TOWNSHIP HALL**  
**DECEMBER 19, 2007**  
**PAGE 2 of 5**

Mr. Nelson was concerned with the proposed tower interfering with the 911 radio system in Saginaw County and Mr. Morris stated if there was interference, Nextel would work with the County 911 office to make sure it didn't interfere.

The Planning Commission agreed that the requirement for a bond for the proposed cell tower be a condition for approval.

Mr. Brucker then asked for public comments in favor or in opposition to the proposed special use and site plan.

There being no comments, Mr. Brucker closed the public hearing portion of this proposed special use and site plan.

Discussion followed among the Planning Commission members.

Motion by Mr. Nelson, supported by Mr. Emmenecker, to recommend approval of the proposed special use permit (SUP-2007-09) upon the four (4) conditions listed below:

1. Although a Storm Water Management Plan was not required for the original site plan, the applicant is advised not to alter the natural drainage patterns and will be financially responsible for any changes in drainage patterns that create an adverse situation on the site or neighboring sites. Such corrections and/or improvements must be completed within a timeframe established by the Township and the Township engineer.
2. The applicant must also follow all the applicable conditions and standards from the Township Personal Wireless Communication Ordinance, Section 2219.
3. The tower and/or its signal and/or future carriers shall not interfere with the function and transmission of public safety equipment.
4. The tower shall be removed by the property owner or lessee within six months of being abandoned. The Township is requiring a performance bond to ensure its removal.

VOTE:            7 YEAS            0 NAYS            0 ABSENT            MOTION CARRIED

Motion by Mr. Nelson, supported by Ms. Seaver, to recommend approval of the proposed site plan (2-2007-40) upon the same four (4) conditions listed in the special use permit (SUP-2007-09).

VOTE:            7 YEAS            0 NAYS            0 ABSENT            MOTION CARRIED

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION**  
**SAGINAW CHARTER TOWNSHIP HALL**  
**DECEMBER 19, 2007**  
**PAGE 3 of 5**

- B. SUP-2007-06 and S-2007-15** –T-Mobile Central LLC of Livonia, Michigan is requesting a special use permit and site plan approval to construct a telecommunications tower and related group equipment located at 5155 State Street. (12-4-20-1001-000)

Ms. Smith stated this particular request has been circulating in one form or another since March of 2007. Initially, we determined that the proposed location did not meet the standards of the ordinance, relating to required setbacks from residential property lines.

Once the applicant was informed of the required setbacks adjacent to residential zoning district, the proposed project was put on hold. In October 2007, the applicant applied to the Zoning Board of Appeals for relief from the required setback. In October of 2007, the case was heard before the Zoning Board of Appeals. At that time, the Board determined there was no extenuating circumstance that would provide specific justification for a deviation from the 150 foot zoning separation distance. After a denial was issued, the property owner met with staff to discuss various reasons the appeal was denied. During this discussion, a proffer was made by the property owner to restrict a portion of the property that is currently zoned R-2 (the wooded area) so as to ensure that no residential dwelling could be constructed within one hundred and fifty feet (150') of the proposed cell tower.

In November of 2007, the Board of Appeals reheard this request, based on the additional information regarding the restricted use of the adjacent residential property owned by McDonald. Based on this information, the Zoning Board of Appeals approved the request with the following conditions:

- a. An area, equivalent in width to the proposed lease space associated with the wireless communication facility and for a depth of at least 150' from the actual tower location, be preserved in its present state.
- b. That the Planning Commission and Township Board review and approve the special use permit and site plan associated with the use.
- c. A restriction shall be placed on the deed of the property detailing the area to be preserved for the life of the tower.

T-Mobile is proposing to locate a new tower on property at 5155 State Street, which is owned and occupied by McDonald Pontiac. The tower is proposed to be 150 feet in height. Staff recommends approval of the plan with the conditions contained in the report.

Ken Kuszpit, on behalf of T-Mobile, was present to answer any questions. Mr. Kuszpit stated T-Mobile is willing to work with the Township and agrees with the conditions in the report.

Mr. Brucker then asked for public comments in favor or in opposition to the proposed special use and site plan. Mr. Peter Ramah, on behalf of State Center Association (Arbor Plaza), stated the Association was concerned with the proposed location of the proposed tower, the beautification of State Street and with the future obsolescence of cell towers.

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION**  
**SAGINAW CHARTER TOWNSHIP HALL**  
**DECEMBER 19, 2007**  
**PAGE 4 of 5**

The State Center Association would prefer the location of the proposed cell tower to be further west where it would be located outside of public view of other commercial properties. Mr. Brucker stated the applicant has met all the Township requirements as laid out in the Township's zoning ordinance and the Township would have to change the code in order to comply with the State Center Association's wishes.

Ms. Smith stated the compound area will be surrounded by an eight (8') foot tall vinyl fence along with the required landscaping. There is a requirement of .5 miles between cell towers and in order to co-locate as required the taller the tower the easier it will be for collocation.

Mr. McDonald stated the location of the proposed cell tower was coordinated between the Township and T-Mobile.

There being no further comments, Mr. Brucker closed the public hearing portion of this proposed special use and site plan.

Discussion followed among the Planning Commission members. The Planning Commission agreed that the requirement for a bond for the proposed cell tower be a condition for approval.

Motion by Mr. Majask, supported by Mr. Nolan, to recommend approval of the proposed special use permit (SUP-2007-06) upon the seven (7) conditions listed below:

1. Although a Storm Water Management Plan was not required for the original site plan, the applicant is advised not to alter the natural drainage patterns and will be financially responsible for any changes in drainage patterns that create an adverse situation on the site or neighboring sites. Such corrections and/or improvements must be completed within a timeframe established by the Township and the Township engineer.
2. The proposed lease area must be altered and/or reasonably demonstrated that co-location can occur and meet the setbacks associated with the ordinance.
3. A landscaped buffer and plantings be installed around the perimeter of the fence.
4. The applicant must also follow all the applicable required conditions from the Township Personal Wireless Communication Ordinance, Section 2219.
5. The applicant and/or owner must fulfill the requirements of the Zoning Board of Appeals prior to issuance of a building permit, specifically:
  - A. An area, equivalent in width to the proposed lease space associated with the wireless communication facility and for a depth of at least 150' from the actual tower location, be preserved in its present state.

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION  
SAGINAW CHARTER TOWNSHIP HALL  
DECEMBER 19, 2007  
PAGE 5 of 5**

B. A restriction shall be placed on the deed of the property detailing the area to be preserved for the life of the tower.

6. Approval of a final site plan by the Community Development Department, the Building Department, the Fire Department and the Department of Public Services.

7. The tower shall be removed by the property owner or lessee within six months of being abandoned. The Township is requiring a performance bond to ensure its removal.

VOTE:        7 YEAS        0 NAYS        0 ABSENT        MOTION CARRIED

Motion by Mr. Majask, supported by Mr. Anderson, to recommend approval of the proposed site plan (2-2007-15) upon the same seven (7) conditions listed in the special use permit (SUP-2007-06).

VOTE:        7 YEAS        0 NAYS        0 ABSENT        MOTION CARRIED

**Receive and File All Correspondence:**

A. A copy of the November 2007 Planning & Zoning News publication.

**Other New Business:**

**Old Business:**

A. The master plan's public hearing has been scheduled for January 14, 2008.

**Adjournment:**

Motion by Ms. Seaver, supported by Mr. Nelson, to adjourn the meeting at 8:02 p.m.

VOTE:                7 YEAS        0 NAYS        0 ABSENT        MOTION CARRIED