

**TALLMADGE CHARTER TOWNSHIP
PLANNING COMMISSION MEETING
OF SEPTEMBER 12, 2005**

Chairman Daniel Murray called the meeting to order at 7:30 p.m.

Members present: Lenore Cook, Daniel Murray, Toby Van Ess, Marvin Bennink, Dewey Bultsma, Donald Smith and Matthew Fenske

Also present was Greg Ransford, Township Planner

The minutes of the August 8, 2005 meeting were approved as presented.

1. Public Hearing – Text amendment to the Zoning Ordinance Section 3.02 Accessory Uses and Buildings.

Daniel Murray reviewed the proposed accessory building sizes, which would expand the sizes allowed for most properties.

The meeting opened to the public.

The public was in support of increased sizes. Lenore Cook pointed out that lean-to's are included in the square foot allowances.

The meeting closed to the public.

Donald Smith moved, Marvin Bennink supported, motion CARRIED to recommend APPROVAL of the proposed size changes to the Township Board. Ayes: Lenore Cook, Daniel Murray, Toby Van Ess, Marvin Bennink, Dewey Bultsma, Donald Smith and Matthew Fenske. Nays: none.

2. Special Use – Verizon Wireless is requesting a Special Use Permit to construct a wireless communication facility at 3186 Lake Michigan Drive. This parcel number 70-10-21-300-008 is zoned R-1. This item had been referred to the Township Board; however the Township Board is asking the Planning Commission to reconsider this request.

The attorney representing Verizon said this would be a permitted use in the Commercial District. They are proposing a site which is zoned R-1 at the Grand Valley Baptist Church property, which is 40 feet higher than the commercial district and he feels is more suitable with the ordinance goals as follows: A) To maximize co-locators. In the commercial district they would not be as likely to get co-locators since it is not high enough. B) To limit the amount of effect on surrounding areas. 1. This site is set back well away from the road behind trees. In the commercial district it would be out in the open. The proposed site is more sheltered, and farther away from existing homes than in the commercial district, which is about ¼ mile away. He then presented a map indicating coverage and signal strengths. The FCC requires coverage, and he said that most of Tallmadge has poor coverage. Section 3.35 (b) 3. of the Zoning Ordinance describes religious properties as being permitted as a Special Use under certain circumstances as specified in the Zoning Ordinance. The applicant said they will not have to exceed the 175' requirement and will not need lights if allowed to set the tower at this site, and they will be able to accommodate a large number of co-locators.

The meeting opened to the public.

Lenore Cook said the Township Board wanted to work with the Planning Commission for most of the reasons the applicant pointed out, such as one tower versus four or five, the site is quite well

hidden and no complaints were received from neighbors. The township attorney contacted Andy Felde and leaned toward being in favor of the request.

The applicant pointed out the location of the proposed tower as being in the northeast corner of the property where the elevation climbs. Matthew Fenske asked if other providers were interested in co-locating at this site. The applicant answered that a couple of companies had contacted them. All providers have reciprocal agreements. This proposed tower could hold up to five carriers.

The attorney for Verizon summarized: 1. This location is at a higher elevation than the commercial district by 30-40 feet. 2. The commercial district would be at too low of an elevation for co-locators.

Matthew Fenske questioned why they did not want to go up the hill further for an even greater height advantage. Lenore Cook said then the whole tower would be visible at the higher elevation, this location is more camouflaged. Matthew Fenske feels a higher location would be better to allow for more co-locators.

The attorney for Verizon answered that their engineers sited that point within a search ring. He said that a site further up the hill would be deeper into the residential district, and still would require a Special Use Permit. He feels there would be more opposition from neighbors deeper into the residential district.

A resident in the audience is concerned about health issues. The applicant referred to the FCC web site, and said that a person would have to be within four feet of a tower for one hour for any physical effect. Mike Avery, an engineer from Verizon compared it to radio waves and said that a phone in your hand creates more than the towers.

Matthew Fenske asked if there were any other ways to increase capacity without adding towers. Mike Avery answered they can add multiple bands, which would increase coverage but it would only increase capacity by approximately 10 percent.

Donald Smith asked if they would need additional towers in a few years. Mr. Avery said only if there is a huge population increase. A resident asked about the property of the church at the top of the hill. It is at a higher elevation and is very wooded. He also suggested Motman's property at the top of the hill. The attorney for Verizon answered they already have a tower at Grand Valley State University, and they wouldn't build a tower without a need. They are compelled by the FCC to meet coverage limits, towers are costly, and they would rather co locate also. There is currently one tower approximately four miles to the west, and another about three miles to the east.

Donald Smith asked about the Zoning Ordinance and the effect on the residential area. Daniel Murray said the Zoning Ordinance allows wireless communication facilities as a principal permitted use in C-1, C-2 and I-1 only, however if it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as a principal permitted use and is required to be established outside of a C-1, C-2 or I-1 district then it may be permitted elsewhere in the township by special use approval only subject to certain criteria. The attorney for Verizon said most of the commercial district is in the flood plain. He then went on to say what he feels is reasonable under the Zoning Ordinance is to limit the number of towers. Daniel Murray said the Zoning Ordinance is meant to keep them in the commercial district. The attorney responded that they would then need a variance for the height in the commercial district since it is at a lower elevation, and the tower would need lights. Daniel Murray suggested a 199 foot tower in the commercial district, which would need a variance, but not lights. The attorney countered that a variance would be a total violation of the ordinance; a Special Use is not, and they could put up a bunch of towers in the commercial district up to 175 feet without a variance.

Greg Ransford said they still needed FAA approval. Mike Avery said he has that. A resident said that Verizon coverage is terrible by his house which is near 24th Avenue and Leonard and one tower would be better than several. Gerald Wilcome of 32nd Avenue asked why he had been turned down a few years ago for a request to place a cell tower on his property. Daniel Murray explained that Mr. Wilcome's property is zoned Agricultural.

Matthew Fenske said he is sticking with his position, and believes that it is not the best location. If they are going to approve a Special Use for a tower in residential zoning, they need the best performance. He suggested either putting a tower in the commercial district or in the best possible location in residential. Donald Smith agrees with Mr. Fenske.

Marvin Bennink moved, Matthew Fenske supported, motion CARRIED to recommend DENIAL of the request based on the Planning Commission's earlier stated concerns and due to the fact the applicant has not satisfactorily demonstrated to the Planning Commission that it would be the best location and has not demonstrated that it would be unreasonable to be in the commercial district. Ayes: Daniel Murray, Marvin Bennink, Donald Smith, Matthew Fenske and Dewey Bultsma. Nays: Toby Van Ess and Lenore Cook.

3. Master Plan Discussion - Greg Ransford said the intent now is to outline any thoughts the Planning Commission may have had regarding the last few meeting target areas and what needs to be updated in the text.

Toby Van Ess asked Mr. Ransford to prepare something for the Planning Commission to discuss at the next meeting.

Meeting adjourned at 8:35 pm.

Respectfully submitted,

Denise Lanting, secretary

