

PLANNING COMMISSION
09/24/13 – 028

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, SEPTEMBER 24, 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, Hamborsky, Rozycki, Stapleton, Vaughn, Vitale

Absent: None

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

Motion by Vitale, seconded by Rozycki, 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 Planning Commission Representative, Council Member Kevin Ketels.

Motion by Vaughn, seconded by Rozycki, regarding **Approval of Minutes**, that the Planning Commission Meeting minutes dated August 27, 2013 be approved.

MOTION CARRIED by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:35 P.M. FOR A PUBLIC HEARING **UNDER THE PROVISIONS OF MICHIGAN COMPILED LAWS, SECTIONS 125.3101 THROUGH 125.3702 AS AMENDED, AND IN ACCORDANCE WITH GROSSE POINTE WOODS CITY ORDINANCE SECTIONS 50-32, 50-34 AND 50-615, TO CONSIDER THE APPLICATION OF HALEY LAW FIRM PLC ON BEHALF OF AT&T REQUESTING SPECIAL LAND USE AND SITE PLAN REVIEW TO CONSTRUCT A STEALTH WIRELESS FACILITY AT THE MILK RIVER PUMP STATION, ALSO KNOWN AS THE MILK RIVER LIFT STATION, LOCATED AT THE MILK RIVER FACILITIES AT 1190 PARKWAY DRIVE, GROSSE POINTE WOODS.**

PLANNING COMMISSION
09/24/13 – 029

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

- A. Letter – 08/05/13 – Hadley Law Firm PLC
- B. Site Plan Review/Special Land Use Application – Rec'd 08/07/13 – Wallace R. Haley on behalf of AT&T Mobility
- C. Project Summary – Rec'd 08/07/13 – AT&T Mobility by Haley Law Firm PLC
- D. 10 Project Site Plan Sheets (MI-1040-01, LSI, MI-1040-01A, MI-1040-02, MI-1040-03, MI-1040-04, MI-1040-06, MI-1040-07, MI-1040-08 & MI-1040-09)
- E. Planning Commission Excerpt – 08/27/13
- F. Memo – 09/17/13 – Building Official (Tutag)
- G. GPW Ordinance, Article VI, Wireless Communications Facilities, Sections 50-615 through 50-625
- H. Letter – 09/19/13 – City Attorney (C. Berschback)
 - 1. Resolution Recommending Approval - City Attorney (C. Berschback)
 - 2. Resolution Recommending Denial - City Attorney (C. Berschback)
- I. Affidavit of Property Owners Notified – 09/05/13
- J. Overhead Map & Photo of 1000' Notification - 09/05/13
- K. Notice of Legal Publication – 09/05/13 *(NOTE: Affidavit of Legal Publication will be presented at meeting)*

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 and distributed photos to the Commission Members for their review.

Motion by Stapleton, seconded by Rozycki, that the six (6) photos distributed by Building Official Tutag be received and placed on file as item L.

MOTION CARRIED by the following vote:

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

City Attorney Berschback clarified that Milk River Pump Station and Milk River Lift Station are interchangeable terms and explained that the Planning Commission will make a recommendation to City Council regarding the application and outlined the procedure.

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

PLANNING COMMISSION
09/24/13 – 030

Wallace Haley, on behalf of AT&T
10059 Bergin Rd
Howell, MI 48843

Kathryn Oska
21640 Eastbrook

Michael Moore
21885 River Rd

George McMullen
1382 Hollywood

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

Maryanne Darca
1242 Edmundton

Edward Szandzik
21671 River Rd

Dorothy Lilly
1232 Edmundton

Judith Sheehy
941 Woods Ln

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

Stanley Oska
21640 Eastbrook

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

Dorothy Bejin
970 Woods Ln

Judith Sheehy
941 Woods Ln

Tomas Darca
1242 Edmundton

Motion by Gilezan, seconded by Rozycki, that the public hearing be closed at 8:30 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 Vaughn, seconded by Vitale, that the Planning Commission table this matter to the next meeting and request that AT&T submit information regarding the feasibility of co-locating on the Crossepointe Christian Church steeple.

PLANNING COMMISSION
09/24/13 – 031

Motion failed by the following ROLL CALL vote:

Evola	No	Stapleton	No
Fuller	No	Rozycki	Yes
Gilezan	No	Vaughn	Yes
Hamborsky	No	Vitale	Yes

Motion by Hamborsky, seconded by Fuller, regarding the **Special Land Use and Site Plan Approval to Construct a Stealth Wireless Facility at the Milk River Pump Station, also known as the Milk River Lift Station, located at the Milk River Facilities at 1190 Parkway Drive**, that the Planning Commission adopt the following resolution recommending that City Council approve the AT&T Stealth Wireless Facility:

**THE CITY OF GROSSE POINTE WOODS
PLANNING COMMISSION RESOLUTION
RECOMMENDING APPROVAL OF
AT&T COMMUNICATION FACILITY**

WHEREAS, AT&T has filed an application under the Wireless Communication Facilities (WCF) ordinance to construct a WCF at 1190 Parkway Drive, Grosse Pointe Woods; and,

WHEREAS, AT&T'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 September 24, 2013 the Planning Commission reviewed AT&T'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 AT&T'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;

PLANNING COMMISSION
09/24/13 – 032

- (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 AT&T's application to the City Council.

The factual findings and reasons for these recommendations are based on the record and supporting documentation submitted as of this date including the agenda items received and placed on file, as well as the comments and representations made at the public hearing before this body on September 24, 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 building is consistent with Section 50-618(e)(2)b.
3. That the installation of the WCF is compatible with the Wayne County Milk River Pump Station 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, Stapleton, Vitale
NO: Rozycki, Vaughn
ABSENT: None

Chair Evola declared a recess at 9:16 p.m., and reconvened at 9:21 p.m.

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

- SEMCOG is offering the Placemaking Tools Workshop on October 15, 2013 in Detroit if any Commission Members are interested.
 - Commission Members Fuller and Vitale will attend the workshop.
- Rivers project is moving at a fast pace with sod and green space being installed.
- Two new businesses are opening; a second Grosse Pointe Dance Studio and ATI Physical Therapy.

PLANNING COMMISSION
09/24/13 – 033

- Will have an appeal next month from Biggby Coffee for their corporate installed awning that is not in compliance with the Code. The owners are doing a phenomenal job with the renovations.

Commission Member Gilezan did not attend the September 9th Council Meeting; Council Member Ketels indicated that there was nothing of interest to the Planning Commission.

Commission Member Vaughn reported the September 16th Council Meeting, stating that the Council approved the Stealth Wireless Facility at Crosspointe Christian Church.

Commission Member Rozycki will attend the October Council meetings.

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**:

- Commission Member Hamborsky inquired about the format of Public Hearings and asked if our process is a requirement. City Attorney Berschback stated that there are no official rules, only common practices within the City and the Chair may use discretion.

Motion by Hamborsky, seconded by Vaughn, to adjourn at 9:43 p.m. Passed unanimously.