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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

Regular Meeting
7525 Highland Road
White Lake, MI 48383
January 15, 2015 @ 7:00 p.m.

Mr. Meagher called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Lewsley and Mr. Kowall were excused.

ROLL CALL: Steve Anderson
Matt Carr
Debby Dehart, Secretary
Mark Fine
Rhonda Grubb
Rik Kowall, Board Liaison - Excused
David Lewsley - Excused
Peter Meagher, Chairperson
Gail Novak-Phelps – Vice Chairperson

Also Present: Sean O'Neill, AICP, Community Development Director
Greg Gucwa, Township Engineer
Lynn Hinton, Recording Secretary

Visitors: 5

Approval of Agenda

Mr. Anderson moved to approve the agenda as presented. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Approval of Minutes

a. December 18, 2014

Mr. Anderson moved to approve the minutes of December 18, 2014 as corrected. Mr. Carr supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Call to the Public (for items not on the agenda)

Mr. Meagher opened the discussion for public comment on items not listed on the agenda, but none was offered.

Public Hearing:

a. File No. 14-009 Verizon Communication Tower
Location: Located on the south side of White Lake Road between Orr Road and Cross,

58 currently zoned (LM) Light Manufacturing District, identified as parcel number
59 12-01-176-003, consisting of approximately 73.28 acres.
60 Request: 1) Special Land Use
61 2) Preliminary Site Plan Approval
62 Applicant: Pyramid Network Services
63 Mr. Ben Varney
64 4700 Hunt St.
65 Cass City, MI 48726
66

67 Mr. Gucwa commented on his report and noted that the potential issues with wetlands have been
68 addressed by Mike McAdams. He is recommending approval with conditions, that drawings for the
69 foundations be provided. Also, he would like to see fresh lines going through the concrete rather than the
70 material they are proposing, however, these lines can be tested for contaminants and the Planning
71 Commission could approve based on those test results. He added that building plans will be supplied to
72 the building department.
73

74 Mr. O'Neil reviewed Mr. Birchler's report. Clearzoning is recommending conditional approval subject to
75 elevations, location of doors and exterior lights, and the applicant demonstrating the need for the tower in
76 this location. The township wants fewer towers and more co-locations. Also, a stipulation should be
77 included for the removal and abandonment of the tower and restoration of the property. This is 75 acre
78 site with few neighbors, not a highly dense residential area, which makes this use more adequate in this
79 location. The proposal is for a 175 ft. tall pole, which is inconsistent with their written plan and should be
80 corrected. They are also proposing a fenced compound and they need to submit elevation of height and
81 materials, and a lighting plan, which will be reviewed by the building department. The proposed barbed
82 wire cradles will need special approval by the Planning Commission. The tower and site shall provide
83 future co-location, and the applicant needs to provide a letter of intent to lease space on tower. Further,
84 the Planning Commission needs to determine whether the standard to locate the tower on public land is
85 met based on the needs of the township. Mr. O'Neil noted that this would be adjacent to the state park.
86 Oakland County Airport has indicated that the applicant also has to submit an Airport Airspace Analysis
87 since the tower will be 221 ft. above the airport elevation.
88

89 Mr. Carr questioned whether it was necessary to have barbed wire. Mr. O'Neil responded that the
90 Planning Commission has to determine whether it is necessary, i.e., protecting the water system, etc. Mr.
91 Carr stated he would rather see a 10 ft. tall fence with barbed wire versus the proposed 6 ft. fence. A 6 ft.
92 height will not deter people from getting over it.
93

94 Rick Ratner, representing Verizon, indicated they would comply with all recommendations as stated in
95 Clearzoning's review letter, and he already has a letter of guarantee for co-location. He explained that
96 equipment is changing, which makes upgrading more complex. The tower will be built to modern
97 standards, without overloading the poles.
98

99 He viewed graphic coverage maps and noted that when crossing coverages, disruption in service occurs.
100 The capacity has to be adequate to service the area and locating the poles is an extremely precise
101 engineering decision, which is why the proposed location is the best location for this tower. It would be
102 located several feet from the road in a non-intrusive area.
103

104 With regard to all other concerns and physical matters, he feels this can all be resolved. He will go back
105 to his client, Mr. Varney, with Mr. Carr's suggestion for a 10 ft. fence.
106

107 Ms. Dehart referenced the map and the "white", or "no coverage" areas and questioned whether that was
108 Indian Springs Metro Park. It was assumed by the group that it was. Mr. Ratner stated that the goal of
109 Verizon is to get everyone serviced, and they are working on filling those white gaps. Ms. Dehart asked
110 whether the 2 co-locations have been filled and Mr. Ratner stated they have. He added that have master
111 leases and the capacity of the tower has to be respected. Ms. Dehart asked why they wouldn't put a 3rd
112 platform on the pole. Mr. Ratner responded that they didn't want the pole to go to maximum capacity and
113 it has to be safe. They also have to plan for future change in equipment on existing platforms.
114

115 Mr. O'Neil wanted to make the commission aware of a state law that requires a decision be made within
116 90 days of submitting their application or it will otherwise be granted by the state. The 90 day rule is

usually when the municipality is stalling or wants to revoke the proposal. He stated White Lake Township will go past the 90 days, but in good faith, this should be done by March 5, and he wanted verbal concurrence from Mr. Ratner that he is also on the same page. Mr. Ratner agreed. This will go to board at their regular meeting on February 17 and come back to the Planning Commission for final approval on March 5.

Mr. Ratner asked that if the Planning Commission elected to approve this tonight, and if they meet all conditions discussed, whether they could skip the final review here and go right to the Board of Trustees. Mr. O'Neil stated that anything requiring a Special Land Use must go through the 3-step process. Most issues will be resolved when he comes back again in March. After tonight, Mr. Ratner can start putting the final plan together and submit it for review prior to the Board meeting, however, the board will receive the information presented tonight. The only thing that could change is if the Board has a special meeting and agreed to put this on their agenda.

Mr. Meagher opened the public hearing at 7:54 pm. With no comments, the public hearing was closed at 7:55 pm.

Ms. Novak-Phelps moved in File 14-009 Verizon Communication Tower, to recommend to the Township Board that the applicant be permitted Special Land Use for a communication tower, subject to conditions and recommendations from consultants and staff; correcting the height of the tower to 175 ft.; that this commission understands the applicant has demonstrated a need for a tower in this location; and it approve the 2 additional co-locations on the tower; and the commission also considered preferences for proximity to public land. Mr. Anderson supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Grubb – yes; Carr – yes; Novak-Phelps – yes; Meagher – yes; Dehart – yes; Fine – yes. (7 yes votes)

Ms. Novak-Phelps moved in File 14-009 Verizon Communication Tower, to recommend to the Township Board approval of the Preliminary Site Plan, as well as working with the consultant on the composition of the road, subject to compliance with the recommendation from the airport that an Airport Airspace Analysis be done; approval of a fence with barbed wire of up to 10 ft.; and including all recommendations from staff and consultants. Mr. Fine supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Novak-Phelps – yes; Grubb – yes; Meagher – yes; Carr – yes; Fine – yes; Dehart – yes. (7 yes votes)

Other Business:

a. Discussion on Kroger's Special Land Use Request

Mr. O'Neil referenced Mr. Birchler's letter dated January 5, 2015. They are recommending approval of the Preliminary Site Plan subject to the following: That the Planning Commission determine whether the display units are appropriate and whether one on each fuel row is appropriate; dimensions on the outdoor display units are not given and should be included on future submittals; and some other minor issues that can be resolved by final review.

Matt Pisco of Kroger stated he would take Mr. Birchler's recommendations with regard to the ice machine having only the word "ICE" and a price. He showed renderings of where the gas station would be located. He noted that public demand is what drives outdoor sales. The nesting cages, which would house washer fluid, salt, etc., are lockable when the store is closed. They are proposing (2) short vending machines for beverages, and (1) ice machine.

Mr. Anderson asked if the reason for duplication is so the staff doesn't have to replenish, or for customer convenience? Mr. Pisco responded for both reasons. Mr. Anderson stated he would rather see this type of layout rather than have someone get hit by crossing lanes.

Mr. Carr noted that customers who get a beverage still have to walk to the building to pay for it. He asked if there was a higher percentage of drive-offs with this type of set up. Mr. Pisco stated there is a very low number of drive-offs and the set up open and airy, which makes it difficult for anyone to hide. There is no access to the building by the customers, only a walk up transaction counter.

Mr. Carr asked if the material has changed in the pumps. He would like to see 316L stainless used on the flat edge that the pump sits on because he doesn't want to see rust covered bases in approximately 3 years. Mr. Pisco stated that other companies have used stainless for less maintenance and the material is available. He will propose this to his client.

Mr. O'Neil noted that every end cap will have something in it, in addition to 2 coolers, and an ice chest. His opinion is to build a bigger store and let people come in. He doesn't like the kiosk, which turns a store inside out. Some Kroger stores don't allow half of all that is being proposed for this site. Mr. Pisco noted that Kroger will not consider a walk-in store for this site, and added that Kroger maintains their properties very well.

When this file comes back for final site plan approval, Mr. O'Neil would like Mr. Pisco to locate on the plan what has been acceptable to the Planning Commission. Mr. Anderson indicated that Mr. Pisco has addressed the idea for customer convenience as to why they are proposing so many storage cages, but he feels half the amount would be acceptable. He suggested putting end caps and two pumps in middle aisles, rather than 4. People will still have to walk to the building to pay for their items. Ms. Grubb feels there is a lot going on here, more so with vending rather than end caps. Mr. Anderson would like to see the end caps and vending machines reduced to half, and he is ok with the ice machine.

It was asked whether Kroger runs the kiosk or if it is leased. Mr. Pisco stated this is a category of the store. The POS is tied to the store and is part of Kroger, and the gas station will be closed when the store is closed.

Mr. Carr stated the biggest point for him is if you have to pay for it you have to walk to the store. He feels something more creative can be done, perhaps putting the solvent up near building. He thinks the metal screening will rust and the cages will become an eyesore. He'd rather see less or none.

Mr. Meagher feels Kroger is concerned with their image and he doesn't think they will let the building go down or things get rusty. He'd like Mr. Pisco to come back with an option of smaller amount.

Mr. Meagher allowed a comment from the public.

Greg Finn, 120 Teggerdine, questioned why the station would be set behind the Kroger store and not out front on M-59.

Mr. O'Neil responded that the township wanted it back there and not on M-59. There are 2 large basins that can be hid with landscaping, so it is mainly for aesthetics.

Mr. Finn stated that he is an engineer, and he is appealing to the board to consider the function of this station. A gas station's function is to get in, get gas, and get out. He asked what data the township has collected to warrant this location. By placing it in the back, people will have to cross with the retailer's traffic. There will be a congestion issue at the 4-way stop.

Mr. O'Neil stated that the whole site will have an increase of traffic. This gas station allows drivers to get out on Elizabeth Lake Road or Town Center Blvd. Wherever it is, it doesn't open any more or fewer possibilities for getting on the site, just how the traffic is circulated. MDOT may want intersection improvements, but at the end of the day, this is something that goes beyond. The township wants the whole corridor to function and be aesthetically pleasing. The Planning Commission did not want or have an interest to have the station out front on M-59.

Mr. Finn would like to have data collected to support the opinion. He thinks customers will be aggravated by this configuration and feels this is the wrong spot for the function.

Ms. Grubb agreed that the 4-way stop will be congested, but her thought was that people will exit off Elizabeth Lake Road.

Mr. Carr stated he can appreciate Mr. Finn's point if this was a different brand or store, but this is Kroger and the station is a secondary service to their customers.

235 b. Election of Officers
236

237 Mr. Anderson moved to nominate Ms. Novak-Phelps as Chairperson, Mr. Anderson as Vice
238 Chairperson, and Ms. Dehart as Secretary. Mr. Fine supported and the MOTION CARRIED with a
239 unanimous voice vote. (7 yes votes)
240

241 c. Selection of ZBA and Parks & Rec Committee Liaisons for 2015
242

243 Mr. Anderson moved to appoint Ms. Novak-Phelps to ZBA as liaison, and Ms. Grubbs to the Parks
244 and Rec. as liaison. Mr. Meagher supported and the MOTION CARRIED with a unanimous voice
245 vote. (7 yes votes)
246

247 **Liaison's Report**
248

249 Mr. Kowall was not present to report.
250

251 Mr. Carr reported that the Parks and Rec meeting for December was cancelled due to the holiday, but
252 that the Fisk Farm Steering Committee selected Beckett and Raeder to assist with the site. The Master
253 Plan will be reviewed by the Township Board this Tuesday.
254

255 The December ZBA meeting was cancelled.
256

257 **Consultant's Report**
258

259 Mr. Birchler not present to report.
260

261 **Director's Report**
262

263 Mr. O'Neil had no other comments.
264

265 **Communications:**
266

267 **Next meeting dates:**

- 268 • Regular Meeting – February 5, 2015 – Meagher excused
- 269 • Regular Meeting – February 19, 2015 – Meagher excused
270

271 **Adjournment**
272

273 Ms. Novak-Phelps moved to adjourn the meeting at 8:55 p.m. Mr. Anderson supported and the
274 MOTION CARRIED with a unanimous voice vote. (7 yes votes)