



ZONING BOARD MINUTES OF MEETING HELD JANUARY 25, 2000

A regular meeting of the Charter Township of Texas Zoning Board was held on Tuesday, January 25, 2000 commencing at 7:00 p.m. at the Texas Township Hall. Members present: Steve Bosch, Chairman, George Sprau, Barbara Huber, Bryan Lewis, Suzzette Deaux, Tom Hamming. Members absent: Steve Woollam. Building Official Bruce Derby, Zoning Administrator Jeff Mais, Planning Consultant Jay Kilpatrick, Township Attorney Lynda E. Thomsen, and 5 interested persons were also present.

1. **CALL TO ORDER and ROLL CALL**

Chairman Bosch called the meeting to order at approximately 7:00 p.m. Roll was called with the results shown above.

2. **SET AGENDA**

Chairman Bosch reviewed the agenda.

3. **APPROVAL OF MINUTES and MISCELLANEOUS**

Mr. Sprau **moved** to approve the minutes of the January 11, 2000 meeting, with corrections on page one to add Barbara Huber as present and to correct the spelling of the names of Ms. Deaux and Mr. Lewis. Ms. Huber **supported** the motion, and it carried.

4. **Fiskars, Inc.**

Item No. ZB99-09-121

Property: 6805 Beatrice Dr. (02-155-015)

Request: Site Plan Review - Addition.

Nothing new has been received. Mr. Derby reported that by letter, the applicant had asked the Board to leave this item on the table until March or April. That letter was not provided to the Zoning Board, but Ms. Huber made a **motion** to leave this item on the agenda, for action no later than April. Ms. Deaux **supported** the motion, and it **carried**.

5. **Tamara Ricketts**

Item ZB99-10-121

Property: 5030 South 9th Street

Request: Site plan amendment

Mr. Mais reported that the applicant did not submit a special exception use application in time for consideration at this meeting. A warning citation has been issued. This matter was left on the table, for consideration at the February 22, 2000 meeting.

6. **Message Express Company**

Item 00-100

Property: Consumers Power Right-of-way (03-401-010)

Request: Special Exception Use: Replacement of Consumer's Pole with higher pole

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Ken Bobo addressed the Board for the applicant. Three items were to be addressed at this meeting: the coverage area of existing towers; EBT zoning; and paved access. The zoning of the subject property has been confirmed as EBT. Mr. Bobo submitted two maps to the Zoning Board, showing the coverage area of planned towers, with and without this tower. He stated that the applicant will request a variance from the paved access. If it is not granted, the applicant will provide the paved access.

The Zoning Board reviewed the coverage maps. Mr. Sprau suggested that if the pole were placed farther south, better coverage could be provided. Mr. Bobo explained that the ordinance does not permit a telecommunications tower in the zoning classifications that are located south of this site. The Consumers pole is located near the south boundary of the EBT zoning. Mr. Sprau suggested that the tower could be constructed more toward the east and south boundaries of the KVCC property. Mr. Bobo responded that there are covenants on that land that restrict its use. A tower is not permitted. Mr. Sprau asked why Message Express does not place a tower north and east of I-94 and 9th, on land zoned for industrial use. Mr. Bobo said that the company needs to provide coverage south of I-94.

Chairman Bosch commented that the applicant has provided the coverage information that was requested. The applicant has confirmed the zoning. This tower will fill a hole in the coverage area. Mr. Lewis asked about the paved access issue. Chairman Bosch said that approval would have to be conditional on a variance, or on compliance with the paving requirement.

Chairman Bosch informed those present that he has investigated the issue of providing service to phones outside buildings and to those inside buildings. His investigation confirms Mr. Bobo's representations that it is more difficult to provide service inside buildings. It is Chairman Bosch's opinion that people want the service indoors. Mr. Lewis asked what ordinance provisions apply. There was discussion of the telecommunications tower ordinance amendment, and the attorney also gave a brief recap of the federal law concerning limitations on local authority to regulate these towers.

Mr. Ron Verleger asked whether approval would give Message Express exclusive rights. The Zoning Board explained that exclusive rights are not being given. Mr. Verleger asked whether reception problems are the result of the towers or the signal or the phones. The Zoning Board discussed the federal restrictions on the wattage of the handheld phones, as compared to in-car phones with antennas.

There being no further comments, Mr. Lewis made a **motion** to grant the Special Exception Use Permit, subject to site plan review requirements, and also subject to a paved access or a variance from that requirement. Ms. Huber **supported** the motion, and it **carried** 6-0.

7. Message Express

Item: 00-101

Property: Consumers Power Right-of-way (03-401-010)

Request: Site plan review

This site plan was submitted at an earlier meeting. Mr. Bobo appeared for the applicant. The Zoning Board reviewed the plans for compliance with the standards of the ordinance.

Mr. Lewis noted that the ordinance requires that a registered, professional engineer in the State of Michigan must certify the safety of the structure. That has not been done. The Zoning Board does not have authority to waive that requirement.

Mr. Sprau commented that the ordinance authorizes the Zoning Board to reduce the setbacks. Chairman Bosch noted that the Right of Way is 100 feet wide, and the pole is 125 feet in height. Mr. Lewis commented that once a P.E. has certified the safety of the pole, the fall zone issue will be moot. There are no buildings in the immediately adjacent areas, but Mr. Sprau commented that it would be helpful, and consistent with past practice of the Zoning Board, if KVCC provides a letter stating that it does not object to the tower. Ms. Huber mentioned that in previous cases, the towers were collapsible structures, so the fall zone was smaller. She would like to have information about the collapse characteristics of this structure.