

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday, May 20, 2019

1. The meeting was called to order by Chairperson Kilgore at 7:00 p.m. at the Township Hall.
2. Present: Bryan Finkbeiner, Jim French, Linda Gasper, Elizabeth Hansson, Tom Kilgore, Sandra Rairigh and Craig Wandrie. Also present: Frank Brown, Sr., Rob Dykstra, TJ Garrett, Catherine Getty, Melissa Hermenitt, William Hermenitt, Ryan Martin, Jason Poort, Jen Poort, Chip Roodvoets, and Stephanie Skidmore.
3. **MOTION** by Gasper, support by French to approve the Agenda, as printed. **MOTION CARRIED** with 7 yes voice votes.
4. **MOTION** by Rairigh, support by Wandrie to approve the April 22, 2019 Minutes as written. **MOTION CARRIED** with 7 yes voice votes.
5. Citizen Comments: None.
6. New Business:
 - i. **Special Use #142 – Accessory Building closer to road than the house, Parcel #08-14-195-009-00:** Staff Introduction: Getty stated that applicant, Chip Roodvoets of Closer Properties, seeks approval to build a 32'x40' detached accessory building closer to the road than the house on parcel 9, Havens Way Court. The parcel is in the Rural Residential (RR) Zoning District within a common open space residential development. Getty stated that Mr. Roodvoets has a buyer interested in building a house on the rear of parcel 9 to take advantage of the views on the ridgeline. Mr. Roodvoets' buyer would like to build the accessory building 127' from the front ROW line and approximately 10 feet closer to the road than the house. The applicant has plans to use metal siding to match the color of the vinyl siding on the house.
 - ii. Site Plan committee report: The Site Plan Committee (Finkbeiner, Wandrie and French) visited the site on May 7th and recommends approval of the applicant's request as presented.
 - iii. Applicant Presentation: Applicant did not have any additional information to add to the presentation except that Mr. Roodvoets stated that the proposed accessory building will not be seen by the road due to the foliage and placement in a heavily wooded area. In addition, the buyer will only purchase this lot if the accessory building is built in this proposed location.

Kilgore opened the Public Hearing 7:04 p.m.

- iv. Public Comments: None.

Kilgore closed the Public Hearing at 7:04 p.m.

- v. Commission questions and deliberation: **MOTION** by Rairigh, support by French to approve the Special Use #142 - Accessory Building closer to road than the house, Parcel #08-14-195-009-00. Rairigh inquired as to the measurements of the accessory building and the house. Roodvoets stated that the accessory building was 32 x 40 while the house is 54 x 41. Finkbeiner and Roodvoets discussed that the siding and shingles of the accessory building will match the house. In addition, Mr. Martin stated that the tree line will be a buffer for the driveway and pole barn. Finkbeiner and Roodvoets discussed the number of available plots within the subdivision. In addition, Roodvoets stated that the buyer does not want to see the accessory building from the windows at the back of the house. Roll Call Vote: Gasper, Yes; French, Yes; Finkbeiner, Yes; Hansson, Yes; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes. **MOTION CARRIED.**

B. Special Use #141 – Commercial Communications Tower, Parcel #05-14-08-14-061, 10197 Garbow Road.

- i. Staff Introduction: Getty stated that the proposed site sits behind Creekside Greenhouse. The proposed Communications Tower will be 192 feet high; not be illuminated and will be enclosed within a fence. Finkbeiner stated that it was his understanding that there would be a six-foot vinyl fence and anti-climb around the tower. Rairigh indicated that the property owner would like a fence on all sides of the tower.
- ii. Site Plan committee report: Getty stated that Township Engineer Todd Boerman had concern with the fall zone and indicated that the applicant was willing to have an engineering letter stating it would crumple. Boerman stated in a letter that he would prefer a fall zone. Getty also indicated that there is significant erosion on the bank, however, the applicant and the property owner will ensure the bank is stabilized. Getty stated that a performance bond is recommended to ensure the tower is removed if it is no longer used, however, the applicant would prefer to have an agreement filed with the Barry County Registrar of Deeds that binds the applicant to remove the tower if no longer utilized.
- iii. Applicant Presentation: TJ Garrett on behalf of the Applicant provided an overview of the proposed plan to build the Communications Tower and stated that the cell phone coverage along M-37 Highway will increase with the installation of this Communications Tower. In addition, Ms. Garrett stated that the applicant would prefer a removal agreement but

will provide a Performance Bond if requested to ensure removal of the Communications Tower if no longer utilized. Further, Ms. Garrett stated that the Township's Ordinance allows for crumple zones within the tower rather than the fall zone.

Kilgore opened the Public Hearing 7:25 p.m.

iv. Public Comments:

1. Jennifer Poort, 10200 W. Garbow Road, inquired whether this Communications Tower will provide 4G or 5G cellular service. Garret stated that the level of service has not been decided. Poort asked whether there will be damage or closure to Garbow Road with the construction of the tower. Garret assured Poort that the damage will be minimal and that homeowners will be allowed access to their property during construction. Poort asked whether there are environmental concerns with 'turning' up the antenna. Garret stated that the antenna is just shifted or turned and does not require a change of power or increased emissions.
2. Rob Dykstra, 10345 Garbow Road, stated that he would prefer to have the Tower crumple than deal with an easement with a fall zone.
3. Poort was concerned about how high the tower will go above the existing tree line.

Kilgore closed the Public Hearing at 7:32 p.m.

- v. Commission questions and deliberation: **MOTION** by Rairigh, support by Gasper to approve Special Use #141 – Commercial Communications Tower, Parcel #05-14-08-14-061 with the following conditions: 1) AT&T will install a 6-foot vinyl fence around the Communications Tower base compound.; 2) Applicant will provide a grading plan that will direct storm water around the cell tower lease area and down the slope without creating erosion. A slope restoration plan should also be submitted for the areas on the slope that are currently damaged.; 3) AT&T must provide for future users to co-locate on the proposed tower. Additional "co-locators" must apply for site plan approval per Sec. 20.10. AT&T must notify future co-locators of this Township requirement in writing with a copy sent to the Thornapple Township Zoning Administrator.; 4) AT&T will provide an Agreement to Remove Wireless Communication Facilities to the Township for review and approval. Once the Township

has approved the Agreement, AT&T will record the Agreement with the Barry County Register of Deeds.; and 5) In lieu of the setback requirement, AT&T will submit a tower and foundation report for the crimping design of the tower. Wandrie inquired whether this a permanent Special Use permit or a two-year version. Getty stated that it is permanent and since the tower can be sold to others, it might cause a tracking nightmare with the performance bond, so she was in favor of a recorded agreement with the Barry County Register of Deeds. Rairigh asked in the event the communications tower is sold would the removal agreement be applicable to the new owner. Garret stated that the removal agreement would be binding to all future owners. Hansson stated that typically 5G towers need to be located close together and was wondering where additional towers would be located. Garret stated that additional towers are not planned at this time. Rairigh asked the board members for their input about the setback while Garret provided facts about what other cities have done regarding the setback. Kilgore doesn't feel that its an issue as long as the tower crumples as it was designed. Roll Call Vote: Gasper, Yes; French, Yes; Finkbeiner, Yes; Hansson, No; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes. **MOTION CARRIED.**

7. Unfinished Business: None.

8. Committee Reports:

- A. Ordinance Committee – Getty stated the Ordinance Committee met on May 7, 2019 and reviewed a number of items including: 1) Private Road Permits (no recommended changes); 2) Pool fencing requirements vs. automatic pool covers (allow for automatic pool covers in lieu of pool fencing requirements); 3) Recreational Vehicle Parking (removal of the exemption of Rural Residential in the Recreational Vehicle Parking in All Residential Zoning Districts); and 4) Outdoor furnaces (Regardless of size, outdoor furnaces will require a permit in addition to lot size requirements and adherence to setback requirements). Board recommends holding public hearings on these potential ordinance changes when sufficient material exists to hold a Planning Commission Meeting.
- B. Site Plan Committee – No report.
- C. Joint Planning Committee – Getty provided an overview of the Joint Planning Open House that was held on May 14, 2019. Getty stated that at least 54 residents attended the Open House and felt that it was a great opportunity to discuss future land use with the residents. The majority of the residents in attendance appreciated the meeting and comments from the residents will be shared with the Joint Planning Committee.

9. **Administrator's Report:**

- A. Zoning Activity Report: Report included in meeting packet.
- B. Enforcement Report: Report included in meeting packet.

10. **Commissioner Comments:** None.

11. **Adjournment: MOTION** by French, support by Finkbeiner to adjourn the meeting at 8:15 p.m. **MOTION CARRIED** with 7 yes voice votes.

12. Chairperson Kilgore adjourned the meeting at 8:15 p.m.

Sandra Rairigh, Secretary

Stephanie Skidmore, Recording Secretary

Approved 6/24/2019