

PROPOSED AGENDA

**CHARTER TOWNSHIP OF BRIGHTON
PLANNING COMMISSION
4363 BUNO ROAD
BRIGHTON, MI 48114**

**JANUARY 14, 2019
REGULAR MEETING
7:00 P.M.
(810) 229.0562**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. CALL TO THE PUBLIC**
- E. AGENDA**
- F. MINUTES**

1. DECEMBER 10, 2018 REGULAR MEETING

G. BUSINESS

- 1. ELECTION OF 2019 OFFICERS AND RECOMMENDATION TO TOWNSHIP BOARD ON LIAISON TO ZONING BOARD OF APPEALS**
- 2. PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT - *ARTICLE 2, SEC. 2-06* - RECREATIONAL MARIHUANA**
- 3. REVIEW OF 2018 ANNUAL REPORT AND REVIEW OF 2019 POTENTIAL PROJECTS**

- H. REPORTS AND CORRESPONDENCE**
- I. CALL TO THE PUBLIC**
- J. ADJOURNMENT**

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail at.....planner@brightontwp.com.

PROPOSED MINUTES

**CHARTER TOWNSHIP OF BRIGHTON
PLANNING COMMISSION
4363 BUNO ROAD
BRIGHTON, MI 48114**

**DECEMBER 10, 2018
REGULAR MEETING
7:00 P.M.
(810) 229.0562**

Chairman S. Holden called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.
Present: M. Slaton, J. Stinedurf, D. Schifko, B. Prine, S. Holden, L. Herzinger
Absent: G. Mitsopoulos

CALL TO THE PUBLIC

Ba. Potocki, 8420 Woodland Shore Drive - LCPC Master Plan - No cell tower pictures; Woodland Lake - beautiful area - cell tower was approved; good that Township is not entertaining recreational marihuana.

AGENDA

J. Stinedurf moved and B. Prine seconded to approve the agenda as presented.

Motion carried.

MINUTES

B. Prine moved and L. Herzinger seconded to approve the minutes of the November 13, 2018 regular meeting as presented.

Motion carried.

BUSINESS

PRESENTATION BY LIVINGSTON COUNTY PLANNING COMMISSION

Rob Stanford, Livingston County Planning Department, and Matt Ikle, Livingston County Planning Commission (LCPC), were in attendance. Mr. Stanford overviewed the master plan process that was recently completed and stated it had been since 2006 since they'd conducted a master plan. They wanted an interactive master plan with links within the document. He stated they compiled all of the communities' information regarding land use maps to develop a land use map. He stated that the LCPC Master Plan's recommendations are suggestions and best practices; they can't regulate. He stated other items that the County is doing include brown bag luncheons with speakers; a county recreation plan; Filmore Park Phase I; high quality natural features plan; and assisting with a transportation master plan.

PUBLIC HEARING FOR SPECIAL LAND USE SU #18/03 FOR VERIZON; ADDRESS: COMMERCE RD.; APPLICANT: VERIZON C/O JONATHAN CRANE; OWNER: GENERAL MOTORS; TAX ID # 12-01-100-001; ZONING: I-1 (INDUSTRIAL)

Chairman Holden overviewed the public comment rules. K. Mathews, Township Planner, overviewed her special land use permit letter dated October 9, 2018 and the additional information provided since last month's meeting.

Applicant representatives Jonathon Crane and Mike Avery, radio frequency engineer, were in attendance. Mr. Crane overviewed the material he provided in response to the questions and comments from the last meeting including GM's response to moving the cell tower into the site further and determining whether the tower(s) at the Old 23/ Hyne Fire station could be utilized and some additional information on cell towers adjacent to residential was provided.

PUBLIC HEARING

The public hearing opened at 7:35 p.m.

The e-mails were acknowledged as follows:

Russell and Shelby Johnson e-mail dated 12/9/18 - opposed.

Donna Janke e-mail dated 12/10/18 - opposed.

Joe Cunningham e-mail dated 12/10/18 - opposed.

Arthur Jeffrey e-mail dated 12/9/18 - opposed.

Camrion Grabowski e-mail dated 12/10/18 - opposed.

Gary Grabowski e-mail dated 12/9/18 - opposed.

Nancy Muscato e-mails dated 11/26/18 and 11/18/18 - Milford Township and security.
Joshua Niemi e-mail dated 12/2/18 - opposed.
Mark Williams e-mail dated 11/29/18 - opposed.
Kyle Millay e-mail dated 12/6/18 - opposed.
Jim Morningstar e-mail dated 12/6/18 - opposed.
Thomas Russano e-mail dated 12/6/18 - opposed.

Nancy Muscato, 1440 Pleasant Valley - Happy the PC reviewed the e-mails and had time to review the information; aesthetics; information in Applicant's packet regarding cell towers near residential is not the same as this scenario; EMF's; tried to get ahold of GM to no avail; need 3rd party outside review of coverage needs; security for site shouldn't be a problem - Verizon could access the old water tower site; need enhancement of landscaping to complement the area; can't screen cell towers.

Gray Grabowski, 12577 Harvest Drive - Agreed with what's been said.

Gentleman, Wilderness Ct. - Called Verizon stores in the area and there's no issue with coverage.

Kyle Millay, 13961 Commerce - Milford Township site was much more internal to GM Proving Grounds site than this site; need to show that due diligence has occurred on locations; quality of Applicant's information is poor; need 3rd party verification; sites selected due to convenience.

Devin Millay, 13961 Commerce - Limited information on health risks but EMF's can cause cancer and other issues; there's a perception of home values decreasing with cell towers; appraisers must take cell towers into consideration in valuing homes.

Gary Sebestyen, 12556 Harvest Drive - Opposed - property values; no one wants to live by a tower.

Jim Caldwell, representing Kyle Caldwell, 4246 W. Commerce - Aesthetics; property values; emotional.

Ted Lupu, 12621 Harvest Drive - Why are 3 towers needed; eye sore; decreased property values.

Charles Russano, 12516 Ridgecrest - Doesn't believe what Applicant has to say.

Ellen Russano, 12516 Ridgecrest - Milford put the "kibosh" on the cell tower and got a different interior site.

Karen Adams, 1300 Hemphill - Same as previous speaker - concerned about health issues; property values.

The public hearing closed at 8:13 p.m.

The PC had a discussion including the difference between 5G and 4G and that Verizon needs these 2 sites. Coverage is OK but data capacity needs are required. The 90-day review period start date was questioned and whether it would start tonight with the new information that was presented. Township Attorney Widmaier stated that the 90 days had started after the 2-week submittal period to the Township which was the beginning of October and was ending in early January. The applicant was asked whether he would extend the 90-day period a few days until the January PC meeting but he stated that Verizon did not want to do that. It was discussed that GM needs this bandwidth for their use. One additional carrier is planned for the towers at this time. It was stated these towers will enhance the coverage; they're not for a gap in coverage. Small cells were discussed and why they wouldn't work at these sites. They are typically located on utility poles/etc. which are 40 to 50 ft. in height in dense residential areas that need high capacity. Additionally, satellite service does not work for the coverage needs. The ball field site further west of the site on Commerce was suggested which hadn't been reviewed but Verizon stated that site might be too close to the Pleasant Valley site. S. Holden read the November 28, 2018 letter from GM into the record. The Applicant stated each tower costs about \$600,000. The Applicant mentioned that existing Verizon towers at US 23 and I 96 and the Fire station at Old 23/Hyne are closer to residential than these sites.

D. Schiffko moved and S. Holden seconded **to approve the Special Land Use Permit, SLUP #18/01; Address: Commerce Rd.; Applicant: Verizon c/o Jonathan Crane; Owner: General Motors; Tax ID #12-01-100-001; Zoning: I-1 (industrial).**

Ayes: Schiffko, Holden

Nays: Prine, Herzinger, Stinedurf, Slaton

Motion failed.

J. Stinedurf moved and B. Prine seconded **to deny the special land use permit, SLUP #18/01; Address: Commerce Rd.; Applicant: Verizon c/o Jonathan Crane; Owner: General Motors; Tax ID #12-01-100-001; Zoning: I-1 (industrial) because the proposed use, with its highly visible mechanical equipment, is incompatible with the residential character of the adjacent property, and consequently will likely have an adverse impact on the value of adjacent property for residential purposes; the special land use permit is also denied because the use will not complement or enhance the surrounding environment, as the nature of the proposed project, and its**

proximity to residential zoned districts, precludes adequate buffering or the effective use of landscaping to mitigate the adverse impacts.

Ayes: Herzinger, Prine, Slaton, Stinedurf

Nayes: Schifko, Holden

Motion carried.

PRELIMINARY SITE PLAN SP #18/02 FOR VERIZON; ADDRESS: COMMERCE RD.; APPLICANT: VERIZON C/O JONATHAN CRANE; OWNER: GENERAL MOTORS; TAX ID # 12-01-100-001; ZONING: I-1 (INDUSTRIAL)

This matter was not acted on because the Special Land Use permit (SLUP) was not approved.

PUBLIC HEARING FOR SPECIAL LAND USE SU #18/02 FOR VERIZON; ADDRESS: PLEASANT VALLEY RD.; APPLICANT: VERIZON C/O JONATHAN CRANE; OWNER: GENERAL MOTORS; TAX ID # 12-11-200-001; ZONING: I-1 (INDUSTRIAL)

This matter was briefly discussed since it was relatively the same as the last site. Jonathan Crane overviewed this site.

PUBLIC HEARING

The public hearing opened at 9:05 p.m.

Nancy Muscato, 1440 Pleasant Valley - Security is not a problem; the current site requires security; Milford cell use v. data use GM has other site locations.

Gary Grabowski, 12577 Harvest Drive - Opposed.

Kyle Millay, 13971 Harvest Drive - GM security - can access grounds fairly easily.

Devin Millay, 13961 Commerce - Ditto all before; security with 2-4 cars per month shouldn't be a problem.

Gentleman, 4246 Commerce - Questioned the decibels of the generator.

Gary Sebestyen, 12556 Harvest Drive - No holes in service - this is for future growth - no new residential growth in this area.

Ted Lupu, 12621 Harvest Drive - Opposed - don't want to see the tower.

The public hearing closed at 9:16 p.m.

Discussion included that the generator is 65 dba measured twenty (20) ft. away on a concrete pad and is only used when required i.e. power outages. GM has exhausted all of their sites. It was acknowledged that the Pleasant Valley site is serving a larger residential area than the Commerce site.

J. Stinedurf moved and B. Prine seconded to deny the Special Land Use Permit SLUP #18/02 for Verizon; Address: Pleasant Valley Rd.; Applicant: Verizon c/o Jonathan Crane; Owner: General Motors; Tax ID #12-11-200-001; Zoning: I-1 (industrial) for Verizon because the proposed use, with its highly visible mechanical equipment, is incompatible with the residential character of the adjacent property, and consequently will likely have an adverse impact on the value of adjacent property for residential purposes; the special land use permit is also denied because the use will not complement or enhance the surrounding environment, as the nature of the proposed project, and its proximity to residential zoned districts, precludes adequate buffering or the effective use of landscaping to mitigate the adverse impacts.

Ayes: Stinedurf, Prine, Slaton, Herzinger

Nayes: Schifko, Holden

Motion carried.

PRELIMINARY SITE PLAN SP #18/03 FOR VERIZON; ADDRESS: PLEASANT VALLEY RD.; APPLICANT: VERIZON C/O JONATHAN CRANE; OWNER: GENERAL MOTORS; TAX ID # 12-11-200-001; ZONING: I-1 (INDUSTRIAL)

This matter was not acted on because the Special Land Use permit (SLUP) was not approved.

DISCUSSION ON RECREATIONAL MARIHUANA GENERAL AND ZONING ORDINANCES

K. Mathews overviewed the general ordinance language which was before the TB on December 3rd for a 1st reading and said the TB will have a 2nd reading/public hearing next Monday, December 17th. She stated that an attorney had suggested also including language in the Zoning Ordinance and that John Harris had reviewed the language and

suggested some changes and that the new language was at the table. She stated that the proposed language would be coming back in January for a public hearing to start the zoning ordinance amendment process.

REPORTS AND CORRESPONDENCE

M. Slaton - Township Board update - Clerk's position.

J. Stinedurf - Zoning Board of Appeals update.

CALL TO THE PUBLIC

Kyle Millay, 13961 Commerce - Thanked the PC for reviewing the applications thoroughly.

ADJOURNMENT

D. Schifko moved and L. Herzinger seconded **to adjourn**.

Motion carried.

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Steve Holden, Chairperson

Jeff Stinedurf, Secretary

Kelly Mathews, Recording Secretary

~~Ann M. Bollin, CMC, CMMC, Clerk~~
Joseph Riker, Clerk

CHARTER TOWNSHIP OF BRIGHTON
ORDINANCE NO. _____ ARTICLE 2, SECTION 2-06
RECREATIONAL MARIHUANA

_____ moved and _____ seconded the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF BRIGHTON BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 2-06 OF ARTICLE 2 OF SAID ZONING ORDINANCE

THE CHARTER TOWNSHIP OF BRIGHTON ORDAINS:

Section 1. Addition of Section 2-06 of Article 2, “Prohibition of Recreational Marihuana Establishments,” is added to the Zoning Ordinance of the Charter Township of Brighton to read as follows:

SECTION 2-06, PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

- (a) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “Act”), are prohibited in all zoning districts, and shall not be permitted as home occupations under *Section 3-07* of this Zoning Ordinance.
- (b) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the Charter Township of Brighton Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- (c) Violations of this section are considered a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs, and are subject to the violations and penalties pursuant to *Section 23-09* of this Zoning Ordinance and if provided for separately may be abated as nuisances pursuant to *Section 23-09*.
- (d) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the Charter Township of Brighton to the extent provided by the Act, and the consumption of marihuana on private property to the extent authorized by the person who owns, occupies, or operates such property and does not supersede rights and the regulations under *Section 2-06* of this *Article 2* with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.

(e) In conformance with Sections 4.1(e) and 6.2(b) of the Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the Charter Township of Brighton.

Section 2. Conflict and Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication following its adoption. Made and passed by the Township Board of the Charter Township of Brighton, Livingston County, Michigan on the ____ day of _____, 2019.

Ayes:
Nays:
Absent:

The Supervisor declared the Ordinance adopted and ordered to take effect upon publication in a newspaper of general circulation within the Township.

Patrick Michel, Supervisor

_____, Clerk

FIRST READING:
SECOND READING/PUBLIC HEARING:
ADOPTED:
PUBLISHED:
EFFECTIVE:

CERTIFICATION:

I, _____, Clerk of the Charter Township of Brighton, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Charter Township of Brighton Board of Trustees on the ____ day of _____, 2019.

In witness hereof, I have hereunto affixed my official seal this ____ day of _____, 2018.

_____, Clerk

To: Planning Commission
From: Kelly Mathews
Re: 2018 Planning Commission Annual Report
Date: December 26, 2018

Per the Michigan Zoning Enabling Act P.A. 110 of 2006, the Planning Commission must submit a report on the administration and enforcement of the Zoning Ordinance and any recommendations for amendments or supplements at least once a year. Attached is the report which the Planning Commission should review and forward to the Township Board.

Site Plans:

Verizon - Hilton - Approved
10547/10561 Grand River Extension - Approved
Samona Retail/Restaurant Building - Approved
Verizon - Pleasant Valley - Denied
Verizon Commerce - Denied

Special Land Use Permits:

Verizon - Hilton - Approved
Kensington Day Care - Denied
Samona Retail/Restaurant Building - Approved
Verizon - Pleasant Valley - Denied
Verizon - Commerce - Denied

JONATHAN R. CRANE P.C.
ATTORNEYS & COUNSELORS
1126 N. MAIN ST.
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JONATHAN R. CRANE

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January 7, 2019

Planning Commission
Charter Township of Brighton
4363 Buno Road
Brighton, MI 48114

Re: Request For Reconsideration of Special Use Applications
2018-01 New Par (Verizon 4031)
2018-02 New Par (Verizon 4020)

Dear Planning Commission Members:

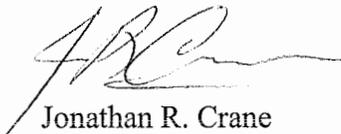
This letter is written to request reconsideration of the Planning Commission's denial of Special Land Use at two industrially zoned sites on the General Motors Proving Grounds.

The additional information forming the basis of this request is a proposed reduction of monopole height from 195' to 170'.

Thank you for your considerations.

Very truly yours,

JONATHAN R. CRANE P.C.

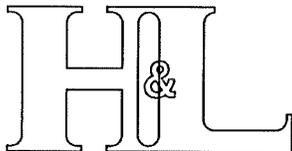


Jonathan R. Crane

RECEIVED

JAN 08 2019

BRIGHTON TOWNSHIP


HARRIS & LITERSKI
ATTORNEYS and COUNSELORS

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Melanie Klark Szawara
Matthew J. Harris
Matthew J. Literski

January 10, 2019

Jonathan R. Crane
1126 N. main Street
Rochester, Michigan 48307

VIA EMAIL ONLY JRCPC@SBCGLOBAL.NET

RE: VERIZON TOWNER AT GM PROVING GROUNDS

Dear Mr. Crane:

I have reviewed your letter dated January 7, 2019, *Roberts Rules of Order* and the Township's applicable ordinances. Your January 7, 2019 letter requesting reconsideration of the planning commission's denial of Verizon's special land use request will be provided to the planning commission before its next meeting. *Roberts Rules of Order* provides that only a member having voted with the majority on the issue may motion for reconsideration.

Complicating things, the applicants request for reconsideration indicates that the applicant seeks reconsideration because it is proposing to reduce the height of the monopole. The Township considers the proposal with a reduction of the monopole height as a new plan requiring resubmission of a new application and public hearings. While the planning commission may elect to reconsider Verizon's original request for special land use, it will not reconsider based upon a new proposed monopole height. A new application would have to be submitted.

If you have any questions, please feel free to contact me.

Very truly yours,
HARRIS & LITERSKI
Charles W. Widmaier
Charles W. Widmaier

CWW