



## City of Hamtramck Meeting

Department of Community and Economic Development

Regular Plan Commission Meeting

April 6, 2022

6:30 P.M.

City Hall – Council Chambers 2<sup>nd</sup> Floor

313.800.5233 ext. 332

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### Minutes

1. **Call to Order**

Chair Collins called the meeting to order at 6:32pm.

2. **Pledge of Allegiance**

3. **Roll Call**

**Present:** Mayor Amer Ghalib, Tom Habitz, Councilmember Mohamed Alsomiri, Alana Paluszek, Nasr Hussain, Abu Musa, Scott Collins (chair)

**Absent:** Farhana Islam

**Also present:** Paul Urbiel, Planning Consultant; Mike Long, Applicant

4. **Approval of Minutes:** March 3, 2022

Action was postponed on these minutes until the next Planning Commission meeting.

5. **Public Comment** (3 Minutes per Person)

No public comment

6. **Public Hearings**

- A. The subject of the hearing is: A application by CitySwitch LLC for special land use approval to allow a new wireless communications device at 3901 Christopher Street, Hamtramck MI 48212. Parcel ID: 41005990007000. Hamtramck Zoning Ordinance 155.185 – 155.188.

Public hearing was opened at 6:40pm.

No public was present to comment in the hearing.

The Commission was provided with a letter from Hamtramck resident Abby Ali, received by email in advance of the hearing, expressing concerns about the tower's proximity to existing houses, the effects of radiation as a result of the proposal.

Staff presented facts of the special land use approval request, namely to place a communication tower on a 4.62-acre parcel on the north side of Christopher Street, east of Conant Street and the abutting rail yard. The parcel is owned by WCG Omni, LLC and contains manufacturing and commercial uses. The applicant proposes to construct a 2,260 SF concrete slab, a fenced equipment compound, and a 155-foot-tall communication monopole tower in the northern portion of the parcel. Wireless communication towers are a special land use in the Industrial district.

Special land uses may be permitted in Hamtramck if certain standards as described in the Zoning Ordinance are met. Staff believes that all the general special land use standards may be met by the proposal, given the relatively remote location and the fact that surrounding property is currently zoned Industrial, currently used for industrial purposes, and the City Master Plan's Future Land Use map calls for a continuation of industrial use.

The proposal does not meet the Ordinance standard for setback of a wireless communications tower, namely one foot of setback to existing buildings required for each foot of tower height. As proposed, the tower would require variances for the setbacks to existing buildings.

For this project to proceed, several reviews and approvals from City entities are necessary:

- The Planning Commission must approve the request for Special Land Use Approval for a wireless communication tower in the Industrial District.
- The City Council must approve the site plan application.
- Because this proposal does not meet Zoning Ordinance setback requirements, the Zoning Board of Appeals must grant variances for a noncompliant setback.

Applicant provided further details of the proposal. The applicant is proposing to build this tower initially for one carrier, Dish Network, but believes that this is a very advantageous location for a tower and the tower will be an attractive lease space for additional carriers. The tower is engineered for three additional carriers, and the applicant believes it is likely that if the project is approved, additional carriers will lease space on the tower even in advance of construction.

The applicant also presented a letter from the proposed monopole tower manufacturer (dated 3/22/22) which describes the design standards to which the tower will be manufactured. The letter asserts that in the unlikely event of a structural failure of the tower, the tower is likely to be deformed in a manner that limits the fall radius at ground level of 17'. The applicant asserts that this ameliorates the danger to surrounding buildings, which he believes is the purpose for the Ordinance setback requirement.

Chairperson Collins asked the applicant to describe the nature and appearance of the structures in the proposed equipment yard. The applicant stated that the structures will be no more than 3-4 feet high, and if it was built presently, the equipment compound would only contain a structure for the Dish equipment.

Commissioner Paluszek asked about the nature of the proposed fence. The applicant stated that the fence will be 8 feet tall with barbed wire facing and will comply with ordinance requirements. He also stated that the fence matches fences existing adjacent and proximate to the property.

Commissioner Husain asked the applicant to address the concerns voiced by a resident about radiation. The applicant stated that the tower is bound by FCC regulations, and that federal statutes regulating wireless equipment state that radiation is not a concern nor a valid reason for rejecting the placement of a tower.

Commissioner Musa inquired if there will be additional public hearings about this matter. Staff responded that there will be a public hearing, at a minimum, for the variance hearing at the Zoning Board of Appeals.

Mayor Ghalib inquired whether these variances, if granted, would set a precedent for other variances for more minor matters. Discussion ensued; considerations of variances are required to take into account only the facts of the particular property for which the variance is requested.

Commissioner Habitz inquired about other existing communications facilities in the city, and whether this tower represents a new competitor entering the market, or could allow for the consolidation of existing facilities, or the prevention of additional facilities being requested elsewhere. The applicant responded that Dish is a new entity entering the market, but since there will be colocation opportunities this location could theoretically allow for new carriers to address coverage gaps or improve service without establishing new locations.

Commissioner Musa inquired about the financial benefits to the city if the proposal was approved, or any other benefits residents stood to gain. The applicant responded that there will be additional tax revenue with the improvement of the property, as well as the potential to improve wireless service and competition between carriers.

Commissioner Paluszek inquired as to whether the City will validate the claims made in the manufacturer's letter, and whether there will be additional review of structural drawings that did not exist in the site plan application. Staff responded that the construction drawings are subject to review and approval by the City in advance of the issuance of a permit.

Public hearing was closed at 7:10pm.

**MOTION by Hussain, Seconded by Alsomari: To approve the application by CitySwitch LLC for special land use approval to allow a new wireless communications device at 3901 Christopher Street, Hamtramck MI 48212.**

**VOTE: 7 AYE - 0 NAY, Motion carried.**

#### **7. Old Business**

- A. The Hamtramck DDA is open to working with the Plan Commission on updated design guidelines for the DDA. Existing guidelines are from 2005. This would be a joint committee and would be open to the public (subject to the Open Meetings Act) and would be spearheaded by the DDA. Timeline: Summer 2022.

Chair Collins will be providing a copy of the old design guidelines as a starting point.

Commissioner Habitz stated that he informed the CED department that he was interested in participating in the process.

Commissioner Paluszek expressed an interest in participating also.

#### **8. New Business –**

- A. Discuss creating a Plan Commission subcommittee to modify the sign ordinance and other items in the zoning ordinance (Nasr Hussain)
- B. Review attached garage ordinance in light of driveway amendment (Accessory Buildings 155.111)

Commissioner Hussain is interested in studying portions of the ordinance for which he hears resident complaints and/or generate variance requests.

Discussion ensued regarding how the PC has handled Ordinance amendments in the past. The Commission agreed to generate a list of potential problem points to discuss at future meetings.

Staff presented the issue of a lack of clarity regarding attached garages in the Zoning Ordinance. Commissioner Hussain inquired about new curb cuts and the requirements for variances. Commissioner Habitz expressed that the driveway amendments were intended to be narrowly written for some cases where a driveway was feasible, and the Ordinance should not be amended to allow for attached garages if it currently prohibits them.

Chair Collins requested that staff provide the text in question for discussion at a future meeting.

**10. Commission Announcements**

No announcements were made.

**11. Staff Announcements**

No announcements were made.

**12. Public Comment (3 Minutes per Person)**

No public was present to be heard.

**13. Adjournment**

Motion by Commissioner Musa, seconded by Chair Collins to adjourn at 7:26 pm.

PLEASE NOTE: This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act), MCLA 41.71 a (2)(3) and the Americans with Disabilities Act (ADA). City of Hamtramck will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the Meeting to individuals with disabilities at the Meeting or Public Hearing upon 10-day notice to the City Clerk's Office. Individuals with disabilities requiring auxiliary aids or services should contact the Hamtramck City Clerk by writing or calling the Clerk's Office at (313) 800-5233 x821.