

## Cellular Tower at M-5 and Twelve Mile Road SP 08-40D

### CELLULAR TOWER AT M-5 AND TWELVE MILE ROAD, SITE PLAN 08-40D

Public hearing on the request of SBA Towers, LLC, for Planning Commission's recommendation to the City Council for Special Land Use Permit, and Preliminary Site Plan. The subject property is located at the southwest corner of Twelve Mile Road and the M-5 connector, in Section 13. The subject property is approximately 2 acres and the applicant is proposing to build a 150-foot tall cellular phone monopole tower, associated equipment shelters and accessory structures.

#### Required Action

Recommend approval/denial of the Special Land Use Permit and Preliminary Site Plan to the City Council.

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval Not Recommended	3/29/10	<ul style="list-style-type: none"> <li>• Substantial information demonstrating the location is essential for service or desirable for the public welfare or convenience not provided</li> <li>• Substantial data demonstrating that it is not feasible to co-locate on existing sites or structures not provided</li> <li>• ZBA variance for gravel drive and parking space (staff supports)</li> <li>• Equipment screening requires waiver from City Council</li> <li>• Relocate or obtain ZBA variance to place structures in right-of-way</li> </ul>
Landscaping	Approval Recommended	3/29/10	<ul style="list-style-type: none"> <li>• ROW berm waiver</li> <li>• Additional understory trees or shrubs</li> <li>• Street tree waiver</li> <li>• Irrigation requirement waiver</li> <li>• Minor items to be addressed at time of Final Site Plan submittal</li> </ul>
Traffic	Approval Not Recommended	6/30/10	<ul style="list-style-type: none"> <li>• Pave driveway approach</li> <li>• Planning Commission approval of one parking space recommendation</li> <li>• Minor items to be addressed at time of Final Site Plan submittal</li> </ul>
Engineering	Approval Recommended	4/8/10	<ul style="list-style-type: none"> <li>• Minor items to be addressed at time of Final Site Plan submittal</li> </ul>
Fire	Approval Recommended	3/31/10	

8/11/10

## Motions

### Recommend Approval – Special Land Use Permit

In the matter of Cellular Tower at M-5 and Twelve Mile Road, SP08-40D, motion to recommend City Council **approval** of a Special Land Use Permit for a cell phone monopole tower, associated equipment structures and accessory structures subject to the following:

- a. Site Plan approval by City Council; and
- b. *(additional conditions here)*

For the reasons that the Planning Commission finds that the proposed tower meets the requirements of Section 2508.1 of the Zoning Ordinance as follows:

- a. The use is essential or desirable to the public convenience or welfare;
- b. The use is compatible with the orderly development of the OST, Planned Office Service Technology, zoning district and will not be detrimental to the orderly development, environment or use of adjacent properties and/or zoning districts;
- c. Denial of the request will prohibit or have the effect of prohibiting the provision of wireless services;
- d. The applicant has provided sufficient information demonstrating that it is not feasible to co-locate on existing facilities; and
- e. *(additional findings here if any)*

for the reasons that the Planning Commission finds that relative to other feasible uses of the site, the proposed use:

- a. Will not cause any detrimental impact on existing thoroughfares or the capabilities of public services and facilities;
- b. Is compatible with the natural features and characteristics of the land and adjacent uses of land;
- c. Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
- d. Will promote the use of land in a socially and economically desirable manner;
- e. Is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; and
- f. *(additional findings here if any)*

**Recommend Denial- Special Land Use Permit**

In the matter of Cellular Tower at M-5 and Twelve Mile Road, SP08-40D, motion to recommend City Council **denial** of the Special Land Use Permit for a cell phone monopole tower, associated equipment structures and accessory structure for the following reasons:

1. The tower, shelter buildings and parking are located in MDOT right-of-way and therefore do not meet the setback requirements of the Zoning District;
2. The Planning Commission finds that the proposed tower and accessory structures does not meet the requirements of Section 2508.1. of the Zoning Ordinance as follows:
  - a. The proposed tower location is not in the I-1 or I-2 Districts, and the applicant has not demonstrated that the denial of the request would prohibit or have the effect of prohibiting the provision of personal wireless services, so as to contravene the provisions of 47 U.S.C. § 332(c)(7)(B)(i) because the provided propagation maps from two tentative cell phone carriers do not provide enough information to determine that if the proposed facility was not constructed, personal wireless service would be prohibited;;
  - b. The applicant has not demonstrated that the use is essential or desirable to the public convenience or welfare because the provided propagation maps from two tentative cell phone carriers do not provide enough information to determine that if the proposed facility was not constructed, personal wireless service would be prohibited;;
  - c. The highly visible location and the lack of stealth design of the proposed tower is not aesthetically compatible with the OST district;
  - d. The applicant has not provided sufficient information demonstrating that it is not feasible to co-locate on existing ITC/DTE facilities; and

*(additional reasons here if any)*

**Approval – Preliminary Site Plan**

In the matter of Cellular Tower at M-5 and Twelve Mile Road, SP 08-40D, motion to recommend City Council **approval** of the Preliminary Site Plan, subject to the following:

- a. Obtaining a variance from the ZBA for a gravel driveway except that for first 25 feet adjacent to Twelve Mile Road ;
- b. Obtaining a ZBA variance to permit structures in the MDOT right-of-way;
- c. Providing additional landscape screening or obtain a waiver from City Council;
- d. Planning Commission waiver of the right-of-way berm, street tree, understory trees or shrubs and irrigation requirements;
- e. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; and
- f. *(additional conditions here if any)*

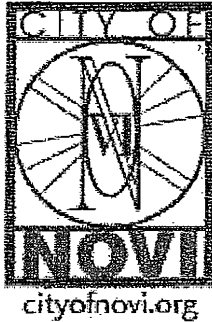
for the following reasons...*(because it is otherwise in compliance with Article 23A, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance).*

**Denial Preliminary Site Plan**

In the matter of Cellular Tower at M-5 and Twelve Mile Road, SP 08-40D, motion to recommend City Council **denial** of the Preliminary Site Plan, for the following reasons:

because it is not in compliance with the setback requirements of Section 2400 of the Zoning Ordinance.

## PLANNING REVIEW



## PLAN REVIEW CENTER REPORT

March 29, 2010

### Planning Review

Cellular Tower at M-5 and Twelve Mile (SBA Towers)  
SP08-40D

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#### Petitioner

SBA Towers, LLC

#### Review Type

Revised Preliminary Site Plan and Special Land Use Permit

#### Property Characteristics

- Site Location: Southwest corner of Twelve Mile Road and M-5
- Site Size: Less than 2 acres
- Zoning: OST, Planned Office Service Technology
- Surrounding Zoning: North: RA, Residential Acreage; and East, South and West: OST
- Surrounding Land Uses: North: Vacant residential and M-5 interchange; and East, South, and West: M-5 and interchange
- School District: Walled Lake Consolidated
- Proposed: 150 foot cellular phone tower and accessory structures
- Plan Date: March 16, 2010

#### Project Summary

The applicant proposes to build a 150 foot tall monopole cellular phone tower and attach one MDOT CCTV camera to the pole and provide room for future cellular phone antenna arrays. The site is leased State of Michigan right-of-way property located at the southwest corner of Twelve Mile Road and M-5 between the south bound M-5 entrance ramp and the southbound M-5 highway. The applicant has indicated that associated equipment shelters, accessory structures and antennas for specific carriers will be submitted at a later date under separate permit. The proposed tower is designed to accommodate six cell phone carriers and antenna arrays. The applicant proposes some landscape screening on all sides of the site outside of the leased area. In addition to the tower, a ground mounted electrical transformer, electrical meter equipment, landscaping, driveway improvements and fencing is proposed at this time. The applicant is proposing to complete the driveway improvements after MDOT closes a cement batch plant that it has permitted just south of the site.

#### Recommendation

At this time the Planning Staff **does not recommend approval** because the submitted application does not meet the standards of the Zoning Ordinance, specifically:

- **Substantial information demonstrating the location is essential for service or desirable for the public welfare or convenience was not provided;**

- **Substantial data demonstrating that it is not feasible to co-locate on existing sites or structures was not provided;**
- The proposed gravel parking spaces and access aisles are required to be paved and thus a **variance is required from the Zoning Board of Appeals** for a gravel drive and parking space (staff could support this variance);
- The proposed equipment screening is not adequate and would **require a waiver from City Council;** and
- The proposed future accessory structures and parking do not meet setback requirements because if they are located in the right-of-way and thus a **variance is required from the Zoning Board of Appeals** to locate the proposed facilities at this site.

The applicant was asked to provide additional application material demonstrating the location is essential for service or desirable for the public welfare or convenience and that it is not feasible to co-locate on existing sites or structures prior to the matter proceeding to the Planning Commission. The revised Site Plan now includes a MDOT camera mounted near the top of the tower. No material was provided demonstrating that this location is needed for the camera or that co-location on existing facilities is not possible. The current revised submittal also included additional narrative regarding cell phone coverage for two potential carriers, neither of whom are part of this application. Technical details explaining the maps was not provided. The applicant previously provided an affidavit stating that DTE controlled the lease of the ITC towers and the ITC headquarters building was not available co-location. The City has not received anything from ITC or DTE stating the ITC towers could not be used for co-location. Currently, four of the sixteen ITC towers located within 2¼ miles north of the site have communication antennas attached. A detailed discussion follows below.

### **Comments:**

Preliminary Site Plans and Special Land Use Permits for new communications towers require approval from the City Council after a public hearing, review and recommendation from the Planning Commission. The Zoning Ordinance recognizes that communication towers service an area beyond the City but they also can create potential control problems as they relate to adjacent land uses and appearance.

Section 2508.1. of the Zoning Ordinance states

*a. The City Council may permit a communication antenna or pole in non-industrial zoning districts when it finds that such restrictions would prohibit or have the effect of prohibiting the provision of personal wireless services, so as to contravene the provisions of 47 U.S.C. § 332(c)(7)(B)(i). The relief granted shall be the minimum necessary to eliminate such an effect."*

*b. The following criteria shall be considered in the recommendation of the Planning Commission, and decision of the City Council:*

*(1) Whether the requested use is essential or desirable to the public convenience or welfare;*

*(2) Whether the proposed antenna tower or pole is of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly development, environment or use of adjacent properties and/or zoning districts. Consideration will be given to applications which present a creative solution to proliferation of antennas.*

*(3) Whether denial of the request will prohibit or have the effect of prohibiting the provision of personal wireless services.*

The Zoning Ordinance sets these high standards of review in order to protect the public from a proliferation of towers and poles in undesirable locations.

Federal law cited above, specifically preserves local zoning authority over wireless communications facilities provided the local ordinance:

- (1) Does not discriminate among providers; functionally equivalent services,
- (2) Does not prohibit wireless services;
- (3) The local government acts within a reasonable time; and
- (4) If the application is denied, the local government provides its denial in writing supported by substantial evidence contained in the written record.

In staff's opinion, the application is not supportable because the applicant has failed to provide the following information:

- **Substantial information demonstrating the location is essential for cellular phone service or desirable for the public welfare or convenience was not provided; and**
- **Substantial data demonstrating that it is not feasible to co-locate on existing sites or structures was not provided.**

The Preliminary Site Plan and Special Land Use request was reviewed under the general requirements of Article 23, Planned Office Service Technology (OST) District, and Section 2400, the Schedule of Regulations of the Zoning Ordinance, and other sections of the ordinance, as noted. Items in **bold** below must be addressed by the applicant or City Council before Site Plan approval may be granted. Items underlined may be addressed at the time of Final Site Plan review. Please see the attached Planning Review Summary Chart for information pertaining to ordinance requirements.

- 1. Schedule of Regulations** The future shelter buildings (to be applied for later) and parking areas are required to meet the setback and height requirements listed in Section 2400 for the OST district. The proposal does not demonstrate compliance with the minimum setback requirements for buildings and parking. The site compound is within the M-5 road right-of-way and thus the shelters and parking area do not meet the setback requirements for buildings and parking. The applicant is asked to **relocate the proposal to a place where they can meet the set back requirements of the zoning district or obtain a variance from the Zoning Board of Appeals for the location of the shelter building and parking in the right-of-way.**
- 2. Parking Spaces** (Section 2505 and 2506) The Zoning Ordinance does not specify a parking requirement for this use. One parking space is provided and should be adequate to serve the site. The Planning Commission may determine the parking requirement for an unlisted use with a recommendation from the City's Traffic Consultant. The City's Traffic Consultant's review of October 22, 2009 recommends one parking space. The Zoning Ordinance requires all commercial parking spaces and drives to be paved with asphalt or concrete. The applicant is proposing gravel drive and parking space. The applicant is asked to **pave the drive and parking space or seek a Zoning Board of Appeals variance**



**from the paving requirement.** Staff supports this variance since cell tower sites typically generate little traffic and because the City's Design and Construction Standards permits the City Engineer to allow non-paved access and parking for private utility facilities.

- 3. Special Requirements** (Section 2508.1.) City Council may waive any of the requirements of Section 2508.1 regarding communication towers if the Council finds that the requested use is essential or desirable to the public convenience or welfare, or whether the denial of the facility, as proposed, would prohibit, or in effect prohibit, wireless services and whether the size, location and character of the proposal is compatible with the orderly development of the district, environment and use of adjacent properties.

- **Essentiality and Compatibility** (Section 2508.1.a. and b.) The applicant proposes a standard style 150 foot tall (including appurtenances) gray painted monopole communications tower. Communication towers are permitted in the I-1 and I-2 industrial districts and may be permitted in all other districts if the City Council determines that the requested use is essential or desirable to the public convenience or welfare, or whether the denial of the facility would prohibit or in effect prohibit wireless services and whether the size, location and character of the proposal is compatible with the orderly development of the district, environment and use of adjacent properties. Section 2508.1.a states that City Council may vary the standards of Section 2508 if they determine the proposal meets the above requirements. The applicant provided some information to demonstrate these items.

Only an MDOT camera is proposed on the tower at this time. No information was provided by MDOT requesting this location or demonstrating that they need a camera mounted at the proposed 145 feet. A camera mounted at 145 feet could view objects on the horizon about 14 miles distance. M-5 ends 4 miles north of this site. About  $\frac{3}{4}$  miles south of the proposed tower site, two 90 foot tall ITC transmission line towers exist within the MDOT right-of-way. Cameras mounted on either of these structures could be able to see objects on the horizon about 11 miles away.

The applicant provided completed SBA applications from T-Mobile and Verizon to locate on the proposed tower. The applicant has provided an "indoor coverage" propagation map for T-Mobile demonstrating existing and expanded indoor coverage with a facility on the proposed tower and existing and proposed propagation maps for Verizon showing an increase in RSSI (dBm) demonstrating expanded coverage with a facility on the proposed tower. The applicant has stated that the maps show an increase in "green" areas that demonstrate best coverage areas. Technical details explaining the maps was not provided.

The applicant provided a short narrative stating that the proposed tower is compatible with the district and existing uses. The applicant has stated that due to the MDOT cameras a stealth design could not be considered. The color mock-up provided with the application shows two antenna arrays and an MDOT camera on the proposed tower although the proposed tower is designed to carry up to six antenna arrays.

The Planning Staff notes that the proposed tower would be highly visible to traffic travelling down Twelve Mile Road or M-5. Locations further from the roadways would be aesthetically more appealing. A shorter tower or a stealth tower design with flush mounted antennas would also be aesthetically more appealing. Co-locating on existing structures would even be more appealing.

**The applicant is asked to provide additional information demonstrating that the location is essential for service or desirable for the public welfare or convenience or seek a City Council determination that the proposed tower is essential for service or desirable for the public welfare or convenience.**

- **Co-location** (Section 2508.1.c) Applicants seeking approval of a new communications tower are required to provide information that demonstrates that it is not feasible to locate the proposed antennas on any existing structures. The applicant states that due to the proposed MDOT CCTV camera, they can not collocate on another facility. No information was provided by MDOT expressing a preference for this location or that other locations would not provide similar service. The applicant provided a map indicating the location of other towers. The applicant's previously submitted "Other Towers Map" did not depict all of the several ITC electrical transmission towers located within two miles of the site but did provide a note on the map indicating the location of a "string of ITC towers." The applicant provided an e-mail from T-Mobile (a potential carrier) stating that ITC would not permit co-location on their nearby 90-foot plus electrical transmission line towers or their headquarters building. The applicant also provided an affidavit stating that they contacted ITC and they were informed by ITC that they were unlikely to grant permission to locate on their headquarters building and that DTE Energy and not ITC had the authority to grant leases on the ITC transmission line towers. The applicant did not provide a statement from ITC or DTE on this matter. Currently, four of the sixteen ITC towers within 2¼ miles north of the site have communication antennas. **The applicant is asked to provide additional information from MDOT regarding camera locations, an inventory of tall structures in the vicinity and additional information that demonstrates that locating in these locations is not feasible or provide evidence supporting a waiver and request a waiver of the requirement from City Council**

Further, Section 2508.1.c. of the Zoning Ordinance requires applicants to provide a letter of intent to lease excess space and commit itself to the following:

- Respond to any requests for information from another potential shared use applicant;
- Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically feasible, and
- Make no more than a reasonable charge for a shared use lease.

The applicant has provided an affidavit of intent that meets the requirements of Section 2508.1.c.

- **Required Notes** (Section 2508.1.d., f. and j. All required notes are on the Site Plan (see attached Summary Chart for details).
- **Equipment Structures** (Section 2508.1.g.) All equipment shelters must be constructed of face brick on all sides and have gabled roofs unless City Council waives the requirement. The applicant has depicted "future" equipment structures that meet the requirements of the Ordinance and provided notes on the plan states that details for a specific provider will be submitted separately and "Future equipment shelters to be clad in brick or panel brick with a gabled roof."
- **Outdoor Equipment** (Section 2508.1.h.) All equipment must be placed in equipment buildings unless the City Council finds that due to site conditions or due to equipment design it is impractical to place the equipment in a building and that all outdoor equipment is screened from view on public roads and neighboring properties. The proposed outdoor equipment includes a transformer cabinet, a telco "H" frame structure, ice bridges and wave guide structures. In addition, the Verizon and T-Mobile applications to SBA indicate a desire to have a generator and three equipment cabinets outside of the equipment shelters. Along with a note stating that the carriers will apply for separate permits, the site plan depicts all proposed carrier specific equipment to be placed in brick faced equipment buildings. The applicant proposes to place all the equipment and buildings inside of a six foot chain link fence with some landscaping outside of the leased compound along the west and south side of the fenced area. Although the road surface of M-5 at the Twelve Mile Road overpass is over 10 feet higher than the compound and it will be difficult to screen the equipment from the view of the south bound motorist on M-5, the **applicant is asked to increase the screening or seek a waiver from City Council.**
- **Tower Height** (Section 2508.1.j.) The applicant proposes a 150 foot tall tower and antenna array and the maximum height permitted is 150 feet.
- **Fall Zone** (Section 2508.1.d.) Towers located on a site containing another use are required to be setback from all structures, driveways and parking areas by at least 40% of the height of the tower (63.2 feet). When the structure is setback less than 100% of the tower height, data must be provided showing that the tower is designed to keep from falling outside of the 40% fall zone. Roads (including freeway ramps) are considered structures and thus the above tower setbacks pertain. Setbacks are measured from all road surfaces, including the maintained shoulder. The proposed tower meets these requirements. The applicant has submitted data demonstrating that if the tower fails it will only fall within a distance equal to or less than 40% of its height and place the tower at least 40% of the height of the tower from all road surfaces. This is in the form of an engineer's evaluation.
- **Outdoor Lighting** (Section 2511) If the applicant is proposing any outdoor lighting, the applicant is asked to submit fixture details, including any fixtures used to illuminate the tower, and a photometric plan as required by Section 2511.

- **Future antennas, equipment shelters and accessory equipment** (Section 2509.1.k.) If the proposed tower is approved and constructed, site plan approval for future antennas, equipment shelters and accessory equipment may be granted administratively if all other conditions of the Zoning Ordinance are met.

**4. Special Land Use Considerations** Communications towers require Special Land Use approval and thus are subject to meeting the requirements of Section 2516.2(c). The City Council in exercising its discretion over site plan approval should consider the following factors relative to other feasible uses of the site:

- Whether the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
- Whether the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- Whether the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- Whether the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- Whether the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- Whether the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

**5. Other Issues**

- **Pre-Construction Meeting** Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. Contact Sarah Marconi for a sample checklist or to schedule a Pre-Construction Meeting at 248-347-043 vrfv0 or smarchioni@cityofnovi.org.
- **Address** An **address must be assigned** before a building permit is issued. Recommend filing an address application (available at <http://www.cityofnovi.org/Resources/Library/Forms/Bldg-AddressesApplication.pdf>) to the Community Development Department, at the time of submitting a Final Site Plan.

- 6. Response Letters** A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested with any subsequent submittal and prior to the matter being reviewed by the Planning Commission. The letter must highlight all changes made to the plans and address each of the comments listed in all review letters and with any conditions of City Council approval.

Please contact Mark Spencer at (248) 735-5607 or [mspencer@cityofnovi.org](mailto:m Spencer@cityofnovi.org) with any questions or concerns.



Prepared by Mark Spencer, AICP, Planner

Attachment: Planning Review Chart

## PLANNING REVIEW SUMMARY CHART

**Review Date:** 3/29/10  
**Project Name:** Cellular Tower at M-5 and Twelve Mile (SBA Towers)  
**Project Number:** SP 08-40D  
**Plan Date:** 3/16/10

Items in **Bold** need to be addressed by the applicant and/or the Planning Commission before approval of the Preliminary Site Plan. Underlined items need to be addressed on the Final Site Plan.

Item	Required	Proposed	Meets Requirements ?	Comments
Master Plan	Public (adjacent)	No change Proposed	Yes	
Zoning (Article 23A)	OST, Office Service Technology	No change proposed	Yes	
Uses Not Otherwise Included Within a Specific District (Sec. 2508.1.a)	Communication Antennas and Poles  Permitted use subject to conditions	150 foot (total height) monopole – located on MDOT right-of-way – public road principal use on property	Yes?	<u>Special Land Use Permit Public Hearing at Planning Commission</u>  <b>Requires Planning Commission recommendation and City Council Approval</b>
Criteria considered for Planning Commission recommendation and City Council Approval (Sec. 2508.1.a.)	City Council it finds that such restriction would prohibit or have the effect of prohibiting the provision of wireless services	Some information provided – <u>Use of ITC towers considered</u> – E-mail from one potential provider indicates ITC will not grant permission to use towers or headquarters building – SBA affidavit states leasing on towers is controlled by DTE – No response from DTE  Applicant states that <u>provided propagation maps showing coverage gaps and filling of gaps for T-Mobile (indoor coverage) and Verizon (from RSSI (dBm) of &gt;= .95 and .85 to &gt;= .75) demonstrate that not having this tower prohibits service</u>	Yes/No	<u>Requires City Council determination and approval</u>  <b>Applicant asked to provide additional information from DTE denying access to their towers (4 of the 16 towers within 2¼ miles north of this site have cellular antennas) –</b>  Although propagation maps provided, <u>applicant asked to provide details of the terms “inside coverage” and “RSSI (dMb)” that were not included</u>  <u>Planning Commission should note that this application now includes an MDOT antenna but does not include any cell phone antennas or shelters for any specific carrier – All references to cell antennas, equipment and shelters are for future facilities to be submitted with a separate application</u>

Item	Required	Proposed	Meets Requirements ?	Comments
<b>Note: Applicant may provide evidence supporting and requesting a waiver of any of the requirements of Section 2508.1 from City Council.</b>				
Criteria considered for Planning Commission recommendation and City Council Approval (Sec. 2508.1.b. & c.)	<p>(1) Whether the requested use is essential or desirable to the public convenience or welfare;</p> <p>(2) Whether the proposed antenna tower or pole is of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly development, environment or use of adjacent properties and/or zoning districts. Consideration will be given to applications which present a creative solution to proliferation of antennas.</p> <p>(3) Whether denial of the request will prohibit or have the effect of prohibiting the provision of personal wireless services.</p> <p>(4) An applicant seeking to establish a new antenna or pole for the providing of wireless services shall be required to <u>provide information regarding the feasibility of co-location at existing sites.</u> Before approval</p>	<p>Some information provided – Applicant provided general statements that public wants good cell service and Police &amp; Fire need service</p> <p>Applicant provided narrative to support their position</p> <p><u>Applicant propagation maps indicate reduced service without new location</u></p> <p><u>Use of ITC towers considered – E-mail from one potential provider indicates ITC will not grant permission to use towers or headquarters building – SBA affidavit states leasing on towers is</u></p>	Yes/No	<p>Although propagation maps provided, applicant asked to provide details of the terms “inside coverage” and RSSI (dMb) that were not included Applicant does not explain how signals in areas not covered by T-Mobile or Verizon get picked up by other carriers? – <u>Planning Commission should note that this application does not include a cell phone antenna or shelter for any specific carrier</u></p> <p>Applicant asked to provide additional supporting material from DTE on co-location on ITC facilities or provide information from their RF engineer demonstrating why co-locating on ITC towers</p>

Item	Required	Proposed	Meets Requirements ?	Comments
	is granted for a new facility, the applicant shall demonstrate that it is not possible to co-locate at an existing site.	controlled by DTE – <u>No response from DTE –</u>  Nothing from RF engineers stating that if they did locate on an ITC tower, they would not be providing adequate service		would not provide desired coverage
Co-Location Provisions (2508.1.c.)	Provide for co-location	Space for 6 carriers provided	Yes	
Removal Note (2508.1.d)	Commitment to remove tower (if tower ceases to be utilized must be removed within 90 days)	Provided on plan	Yes	
Utility transmission lines underground (2508.1.f.)	All utility transmission lines must be underground	All underground not on plan	Yes	
Equipment Structure Requirements (Sec. 2508.1.g)	All equipment must be placed in an equipment building(s) unless the approving body permits the installation per Section 2508.1.h. and the buildings shall be constructed of face brick on all sides with gable roof in addition to compliance with standards at Section 2520	Note on sheet C-1 states "all equipment shelters to be brick with gabled roof" – "Elevations provided are a guide only." – "...shelter <u>design to be supplied by future carrier at the time of each individual permit application</u> " Sheet ANT-1 indicates Verizon shelter and antenna as proposed and T-Mobile as future Sheet C-1 indicates future Verizon and T-mobile shelters  <u>No application for a carrier at this time</u>	Yes	<u>Planning Commission may want to discuss why no specific carriers are part of this application</u>
Outdoor Equipment (Section 2508.1.h.)	Outdoor equipment may be permitted if approving body finds that it is not practical due to site constraints or due to the type of	Equipment in shelters and only transformer outside – Compound fenced with chain link fence with some screening plants	Yes	<b>Increase screening of compound or seek waiver from City Council</b>



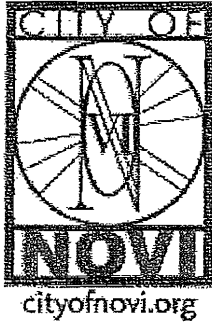
Item	Required	Proposed	Meets Requirements ?	Comments
	equipment and the equipment compound is adequately screened from public roads and neighboring properties. Equipment may not exceed height of screening and masonry or vegetation screening permitted.			
Tower Height (Section 2508.1.j.)	150 feet	150 feet including antenna	Yes	
Annual Inspection (Section 2508.1.n.)	Commitment to provide to the City of Novi Building Department on an annual basis, beginning the first July 1st after erection of the tower, an inspection report from a licensed engineer confirming: (1) the continued structural integrity of the facility in accordance with applicable standards; and (2) that the facility meets those standards imposed by the Federal Communications Commission for radio frequency emissions.	Note provided on plan	Yes	
<b>Tower and Equipment Buildings Setback</b>				
Front north (building 2400, tower 2508.1.d., e. & i.)	Buildings 50 feet Tower 40% of height from other uses (fall zone) 63.2 ft.  If less than 100% of height provide data showing tower designed to keep from falling outside of fall zone	<u>located in right-of-way</u> – over 500 ft. to Twelve Mile Rd.	No	<b>Relocate building outside of right-of-way or obtain a variance from the ZBA</b>
Side east (building 2400, tower 2508.1.d., e. & h.)	Buildings 50 feet Tower 40% of height from other uses (fall zone) 63.2 ft.	<u>located in right-of-way</u>  tower 157+ ft. and cabinets 130+ ft. from	No	<b>Relocate building outside of right-of-way or obtain a variance from the ZBA</b>

Item	Required	Proposed	Meets Requirements ?	Comments
	If less than 100% of height provide data showing tower designed to keep from falling outside of fall zone	M-5 road surface		
Side west (building 2400, tower 2508.1.d., e. & h.)	Buildings 50 feet Tower 40% of height from other uses (fall zone)  If less than 100% of height provide data showing tower designed to keep from falling outside of fall zone	<u>located in right-of-way</u>  tower 220+ ft. and cabinets 200+ ft. from M-5 ramp surface	No	Relocate building outside of right-of-way or obtain a variance from the ZBA
Rear (building 2400, tower 2508.1.d., e. & h.)	Buildings 50 feet Tower 40% of height from other uses (fall zone)  If less than 100% of height provide data showing tower designed to keep from falling outside of fall zone	<u>located in right-of-way</u>  tower 250+ ft. and cabinets 250+ ft. from M-5 ramp surface	No	Relocate building outside of right-of-way or obtain a variance from the ZBA
<b>Parking Setback</b>				
Front (2400 h)	20 feet	<u>located in right-of-way</u>	No	Relocate outside of right-of-way obtain a variance from the ZBA
Side east exterior (2400 h and c)	20 feet	<u>located in right-of-way</u>	No	Relocate outside of right-of-way or obtain a variance from the ZBA
Side west interior(2400)	20 feet	<u>located in right-of-way</u>	No	Relocate outside of right-of-way or obtain a variance from the ZBA
Rear (2400)	20 feet	<u>located in right-of-way</u>	No	Relocate outside of right-of-way or obtain a variance from the ZBA
Number of Parking Spaces (2505.10)	For uses not listed Planning Commission may accept Traffic Consultant recommendation	Traffic Consultant recommends one parking space - One space provided	Yes	<u>Planning Commission acceptance of Traffic consultant recommendation for one parking space</u>
Parking Space Dimensions and Maneuvering Lanes (2506)	9 ft. x 19 ft. parking space dimensions and required fire lanes must be min. 18 ft. wide	Space provided and 18 ft. gravel access drive	Yes	

Item	Required	Proposed	Meets Requirements ?	Comments
Parking Lot Surface (2506.8)	Parking spaces and maneuvering lanes shall be paved of asphalt or concrete to City Design & Construction Standards (standards permit exceptions for private utility service driveways)	Gravel	No	Pave or obtain ZBA variance – Staff supports variance due to low use –
Barrier Free Parking Spaces	None per Sec. 1103.2.9 2006 Mich. Building Code	None	Yes	Not accessible for public
Exterior lighting (Section 2511)	Photometric plan and exterior lighting details needed at time of final site plan submittal	No outdoor lighting depicted	Yes	<u>If outdoor lighting proposed must comply with Section 2511</u>
Design and Construction Standards Manual	Land description, Sidwell number (metes and bounds for acreage parcel, lot number(s), Liber, and page for subdivisions).	Items provided	Yes	
	General layout and dimension of proposed physical improvements, showing the following: <u>Location of all existing and proposed buildings, proposed building heights, building layouts, (floor area in square feet),</u> location of proposed parking and parking layout, streets and drives, and indicate square footage of pavement area (indicate public or private).	Concept building elevations and façade calculations provided – <u>Each co-locator will apply with separate permit</u>	Yes	<u>Only MDOT camera proposed at this time</u>

Prepared by Mark Spencer, AICP (248) 735-5607

**LANDSCAPE REVIEW**



## PLAN REVIEW CENTER REPORT

March 29, 2010

### **Revised Preliminary Landscape Review** Cellular Tower M-5/ Twelve Mile SP#08-40C

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#### **Review Type**

Revised Preliminary Landscape Review / Special Land Use

#### **Property Characteristics**

- Site Location: M-5
- Site Zoning: OST
- Plan Date: 2/26/10

#### **Recommendation**

**Approval of the Preliminary Site Plan for 08-40D Cellular Tower is recommended provided the applicant receives the necessary waivers from the Planning Commission.**

The project is unique in both due to its use and placement within the right-of-way. The Planning Commission is asked to consider the Staff comments listed below in light of the unique project purpose and location and in regard to typical requirements within OST zoning districts. The Applicant is asked to please address all other minor comments upon Final Site Plan Submittal. Please note that the City of Novi recently cooperated with the Michigan Department of Transportation on a joint effort tree planting project for all 4 quadrants of this interchange. A total of 150 deciduous and evergreen trees of mixed species have been planted.

#### **Ordinance Considerations**

##### **Adjacent to Residential – Buffer (Sec. 2509.3.a.)**

1. The project site is not directly adjacent to residential properties.

##### **Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)**

1. The entirety of the project is within the right-of-way. The tower itself cannot be buffered through the use of landscape. Typically development on properties zoned OST would be required to install a 3' high berm or wall along right-of-ways. This is not practical on this site. Site grades do not allow for the installation of a berm over much of the surrounding area due to the presence and grades of the freeway ramps and existing pond. Installation of a berm would require the removal of numerous existing mature trees that are proposed to be preserved. The southbound M-5 ramp connecting to other freeways is elevated over the facility, making any berm along the ramp ineffective for effective screening. Given the site circumstances, **Staff supports a Planning Commission waiver for a berm along the right-of-way frontage.**
2. Outdoor service structures such as those proposed are required to be screened. **The Applicant should add additional understory trees or large shrubs to further buffer the fenced are. Alternately, the Applicant could seek a Planning Commission waiver for the screening. Staff would not support the waiver.**

**Street Tree Requirements (Sec. 2509.3.b.)**

1. One Canopy Street Tree per 35 LF is typically required between any proposed bike path / sidewalk and roadway. No walkways are proposed due to the project location. Further, MDOT and transportation safety issues preclude the planting of street trees along these right-of-ways. **Staff supports a Planning Commission waiver for the required street trees.**

**Parking Landscape (Sec. 2509.3.c.)**

1. No formal parking area is proposed for the project.

**Building Foundation Landscape (Sec. 2509.3.d.)**

1. A 4' wide landscape bed is typically required along all building foundations with the exception of access points. An area 8' wide multiplied by the length of building foundations is typically required as foundation landscape area. Due to the nature of the facility and the need for continued access, a landscape bed is not practical for the small building proposed. **Staff supports a Planning Commission waiver for the required building foundation landscape.**

**Plant List (LDM)**

1. A Plant List has been provided per Ordinance requirements.

**Planting Details & Notations (LDM)**

1. Plan Details and Notations have been provided.

**Irrigation (Sec. 2509 3.f.(6)(b))**

1. All landscape areas are typically required to be irrigated. It would be cost prohibitive to provide irrigation to this site, and the applicant has proposed the use of native plants with relatively low water requirements. **Staff would support a Planning Commission waiver for the site irrigation.**

**General Notes**

1. There appear to be several trees shown to be removed on the north side of the proposed access road that do not seem to be affected by any aspect of the development. The Applicant should clarify the reason for the proposed removal with the City's Landscape Architect.

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification. Also see the Woodland and Wetland review comments.



Reviewed by: David R. Beschke, RLA

**TRAFFIC REVIEW**

June 30, 2010

Barbara McBeth, AICP  
Deputy Director of Community Development  
City of Novi  
45175 W. Ten Mile Rd.  
Novi, MI 48375



**SUBJECT: SBA Cellular Tower (M-5 and 12 Mile), SP#08-40E**  
**Traffic Review of Fifth Revised Preliminary Site Plan**

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

### Recommendation

We can not recommend approval of the fifth revised preliminary site plan, since the driveway apron adjacent to 12 Mile Road is now proposed to be "stone" rather than asphalt as it was on the fourth revised preliminary site plan.

### Project Description

What is the applicant proposing?

1. The applicant, SBA Towers LLC, proposes to construct a 145-foot monopole cellular communications tower within the property bounded by eastbound 12 Mile Road, the on-ramp to southbound M-5, and southbound M-5. A gated access drive is proposed on the south side of eastbound 12 Mile Road. Six cellular providers are planned collocate on the tower.

### Traffic Study

Was a study submitted and is it acceptable?

2. No traffic study was submitted. The proposed facility would not generate enough new trips to warrant a study, based on the City's Procedures Manual.

### Trip Generation

How much traffic would the proposed development generate?

3. Typically we would provide a trip generation table for the proposed land use within our traffic review, but no data is available from the Institute of Transportation Engineers (ITE) for the proposed communications tower. In our discussion with the applicant's engineer in 2009, a facility such as the one proposed generates approximately six visits per month by a



single vehicle (one monthly maintenance check by each of the approximately six providers that would collocate on the proposed tower).

## Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

4. A gated access drive is proposed on the south side of eastbound 12 Mile Road, and would follow the same general path as the existing gravel drive, which serves the MDOT construction staging area and temporary batch plant. One new curb cut and curbed driveway is proposed on the south side of eastbound 12 Mile, approximately 110 feet (measured center-to-center) east of the southbound M-5 on-ramp. We do not believe that the City's commercial driveway spacing standards (DCS Section 11-216.d.1.d) apply because the proposed driveway should not be considered a commercial driveway. Given the very limited volume of traffic to be generated by the proposed facility (approximately six vehicles per month), the location and visibility of the proposed gate, and the proposed signage (two "Authorized Vehicles Only" signs, one on either side of the driveway), we have minimal concern for the potential of traffic conflicts created by the proposed drive.
5. **The driveway is now proposed to include a "stone" apron immediately behind the curb line of 12 Mile Road. This represents a significant change from the prior proposal of an asphalt apron, one we can not support due to its traffic safety implications. The absence of a paved driveway surface adjacent to 12 Mile will result in loose stones being occasionally thrown back onto the road, and could also result in less frequent and/or effective snow removal. The previously proposed 25-ft deep asphalt apron should be restored to the plan.** (Note: The Design and Construction Standards, Sec 11-216(e)(9), authorizes the City to require the paving of such approaches "in a given location.")
6. The proposed utility structure driveway meets all of the Design Considerations included within Section 11.216.e of the City's Design and Construction Standards.
7. The revised plan includes a note on Page LP (Location Plan) stating that City emergency services will have access to the locked gate.

## Vehicular Access Improvements

Will there be any improvements to the public road(s) at the proposed driveway(s)?

8. No improvements are proposed to eastbound 12 Mile Road. The proposed use is not expected to generate sufficient traffic to warrant a turn lane or taper.
9. The existing gravel drive is now accessible from the southbound M-5 on-ramp (via a gravel service area adjacent to the east shoulder of the ramp). This will be modified so that the sole point of access to the site will be via a new gated driveway on the south side of 12 Mile Road. Sheet C-2 (Site Grading Plan) provides a detail describing how this area would be cleared of aggregate and seeded. No change is proposed to the existing flat topography.

## Driveway Design and Control

Are the driveways acceptably designed and signed?

10. The design standards for a Utility Structure Driveway (DCS Figure IX.6) have been met. Two "Authorized Vehicles Only" signs are proposed on either side of the new entrance, to deter motorists from mistaking it for a ramp onto M-5. Two "Turn Right Only" signs are proposed to deter authorized vehicles exiting the site from turning left into one-way traffic. The revised plan provides height and dimensions of proposed regulatory signs. Sign height has been reduced to the 5-ft rural standard, per our request.

## Pedestrian Access

Are pedestrians safely and reasonably accommodated?

11. The proposed facility is not intended to accommodate pedestrians.

## Circulation

Can vehicles safely and conveniently maneuver through the site?

12. The applicant has provided a turnaround at the east end of the driveway. No further improvements are necessary.

## Parking Requirements

Is adequate on-site parking provided?


13. Section 2505.10 of the City's Zoning Ordinance states that for uses which do not have an off-street parking requirement listed in the Ordinance, the City's traffic consultant may make a recommendation to the Planning Commission. Birchler Arroyo recommends that the single parking space proposed on the east side of the service pad be deemed adequate off-street parking for the use proposed.

Sincerely,

BIRCHLER ARROYO ASSOCIATES, INC.

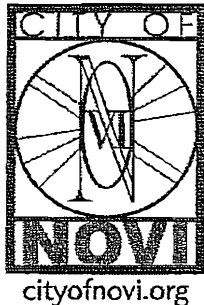


Rodney L. Arroyo, AICP  
Vice President



William A. Stimpson, P.E.  
Director of Traffic Engineering

## ENGINEERING REVIEW



## PLAN REVIEW CENTER REPORT

April 8, 2010

### Engineering Review

Cellular Tower M-5  
SP08-40D

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#### Petitioner

SBA Towers, LLC

#### Review Type

Revised Preliminary Site Plan

#### Property Characteristics

- Site Location: Southwest corner of 12 Mile and M-5
- Site Size: 2 acres
- Plan Date: 3-16-10

#### Project Summary

- Construction of a 150-foot tall monopole cellular tower on property owned by MDOT. Site access would be provided from 12 Mile at an existing access point currently used for a staging area.
- The access drive would be an 18-foot wide, gated access drive within a proposed 30-foot wide access and utility easement. An aggregate access drive is proposed over the existing gravel access drive, with a vehicle turn around area near the end. The drive would be paved from 12 Mile to the gate (~25 feet).

#### Recommendation

**Approval of the Revised Preliminary Site Plan is recommended, with items to be addressed at Final Site Plan submittal.**

#### Comments:

The Revised Preliminary Site Plan meets the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and the Engineering Design Manual with the following exceptions, which can be addressed at Stamping Set submittal:

General

1. As previously stated, a right-of-way permit will be required from the City of Novi and the Road Commission for Oakland County. Traffic signs in the RCOC right-of-way will be installed by RCOC.

**The following must be submitted with the Stamping Set:**

(Please note that all documents must be submitted together as a package with the Stamping Set submittal. Partial submittals will not be accepted).

2. An executed copy of the 30-foot access easement must be submitted to the Community Development Department.

**The following must be addressed prior to construction:**

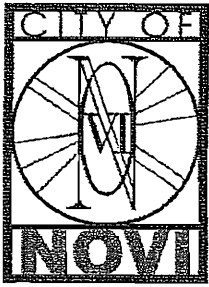
3. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting (no application required). A grading permit fee in the amount of \$ 201.25 must be paid to the City Treasurer's Office.
4. Construction inspection fees in the amount of \$ 1,375.00 must be paid to the City Treasurer's Office.
5. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.
6. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the City of Novi. The application is available from the City Engineering Department or on the City website and may be filed once the Final Site Plan has been submitted. Please contact the Engineering Department at 248-347-0454 for further information. Only submit the cover sheet, standard details and plan sheets applicable to the permit.
7. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City.

Please contact Lindon Ivezaj at (248) 735-5694 with any questions.



cc: Ben Croy, Engineering  
Brian Coburn, Engineering  
Kristen Kapelanski, Community Development Department  
Tina Glenn, Water & Sewer Dept.  
Sheila Weber, Treasurer's  
T. Meadows, B. Hanson, T. Reynolds; Spalding DeDecker

## FIRE REVIEW



**CITY COUNCIL**

Mayor  
David B. Landry

Mayor Pro Tem  
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Brian Burke

**City Manager**  
Clay J. Pearson

**Director of Public Safety**  
David Molloy

**Director of EMS & Fire**  
Jeffrey Johnson

March 31, 2010

TO: Barbara McBeth, Deputy Director  
Community Development, City of Novi

RE: Cellular Tower @ M-5 and Twelve Mile Rd., SP08-40D  
4<sup>th</sup> Revised Preliminary Site Plan  
Fire Department Review

Dear Ms. McBeth,

The above plan has been reviewed and it is **Recommended for Approval.**

Sincerely,

Michael W. Evans  
Fire Marshal

cc: file

**Novi Fire Department**  
42975 Grand River Ave.  
Novi, Michigan 48375  
248.349-2162  
248.349-1724 fax

cityofnovi.org

**APPLICANT RESPONSE LETTER(S)**





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**SBA TOWERS II, LLC (SBA)**

**PLANNING REVIEW REPORT RESPONSE  
LANDSCAPE REVIEW REPORT RESPONSE  
ENGINEERING REVIEW REPORT RESPONSE  
TRAFFIC REPORT RESPONSE**

**PROPOSED CELLULAR TOWER  
M-5 AND 12 MILE ROAD  
NOVI, MICHIGAN**

# PLAN REVIEW CENTER REPORT

March 29, 2010

## Planning Review

Cellular tower at M-5 and Twelve Mile (SBA Towers)  
SP08-40D

### **1. Schedule of Regulations.**

The proposal does not demonstrate compliance with the minimum setback requirements for buildings and parking.

The applicant is asked to **relocate the proposal to a place where they can meet the setback requirements of the zoning district or obtain a variance from the Zoning Board of Appeals for the location of the shelter building and parking in the right-of-way.**

Per Mark Spencer's letter dated 5/18/2010, the zoning district boundaries "...do extend to the center of any public right-of-way." Under this analysis, the proposal is zoned OST. The OST setback requirements are 50 feet for buildings and 40% of the height of the tower from other uses, which is 63.2 feet in this case.

SBA's drawings show the setback distances to the edge of the pavement for the proposed buildings are:

North- +500 feet

West- +200 feet

East- +130 feet

South- +700 feet to where the 12 Mile ramp and M-5 intersect

SBA's drawings show the setback distances to the edge of the pavement for the proposed tower are:

North- 582 feet

West- 224 feet

East- 185 feet

South- +700 feet to where the 12 Mile ramp and M-5 intersect

SBA's proposed location greatly exceeds both the tower and building setback requirements for the OST district, and therefore, no variance is required.

Under the analysis that imposes the OST zoning district requirements on the proposed location, the proposed parking space would also be zoned OST and not Right-of-Way. Therefore, the regulations are satisfied and no variance is required.

### **2. Parking Spaces (Section 2505 and 2506)**

The City's Traffic Consultant's review of October 22, 2009 recommends one parking space. The Zoning Ordinance requires all commercial parking spaces and drives to be paved with asphalt or concrete. The applicant is proposing gravel drive and parking

space. The applicant is asked to **pave the drive and parking space or seek a Zoning Board of Appeals variance from the paving requirement.** Staff supports this variance.

### **3. Special Requirements (Section 2508.1)**

- **Essentiality and Compatibility (Section 2508.1.a. and b.)**  
Communication towers are permitted in the I-1 and I-2 industrial districts and may be permitted in all other districts if the City Council determines that the requested use is essential or desirable to the public convenience or welfare, or whether the denial of the facility would prohibit or in effect prohibit wireless services and whether the size, location and character of the proposal is compatible with the orderly development of the district, environment and use of adjacent properties. Section 2508.1.a states that City Council may vary the standards of Section 2508 if they determine the proposal meets the above requirements. The applicant provided some information to demonstrate these items.

Only an MDOT camera is proposed on the tower at this time. No information was provided by MDOT requesting this location or demonstrating that they need a camera mounted at the proposed 145 feet.

**Please see enclosed e-mail from Michele Mueller, Traffic Signals Engineer with the Michigan Department of Transportation (MDOT). This e-mail confirms that MDOT would like to add a Closed Circuit TV (CCTV) camera to the proposed tower location.**

**The proposed site is both essential and desirable to the public convenience and welfare. MDOT intends to utilize this proposed site as part of their expansion, which will include coverage along I-96 from Novi to the Livingston County line. The proposed CCTV camera will provide the public with real time traffic information, which in turn facilitates better traffic incident management, along with freeway courtesy patrol dispatches. The CCTV camera will relay information back to the Michigan Intelligent Transportation Systems center which is the hub for surface transportation communications in the Metro Detroit area.**

**As previously stated, SBA has current applications for collocation on the proposed site from both Verizon and T-Mobile. Significant information was previously provided demonstrating the carriers' desire to collocate antennas on the proposed monopole tower facility. This proposed site is a high volume traffic area and is intended to improve and maintain continuous, uninterrupted voice and data services to customers living, working and traveling in the area. Both Verizon and T-Mobile have provided coverage maps, along with backup documentation, demonstrating how the proposed site will fill**

and enhance current coverage gaps, and allow for greater call volume in the area, especially during peak travel times.

- **Outdoor Equipment** (Section 2508.1.h)  
Although the road surface of M-5 at the Twelve Mile Road overpass is over 10 feet higher than the compound and it will be difficult to screen the equipment from the view of the south bound motorist on M-5, the applicant is asked to increase the screening or seek a waiver from City Council.

Please see enclosed Landscape Affidavit from SBA. SBA agrees to install, at a minimum, 15 *Viburnum lantana* (Mohican Viburnum) or *Viburnum dentatum* (Arrowwood Viburnum) at a height of 5 feet to provide supplementary understory screening. The proposed compound is fully screened on all sides, and SBA is willing to install additional landscaping, subject to MDOT's list of approved plantings, that the City of Novi deems reasonably necessary.

- **Outdoor Lighting** (Section 2511)  
If the applicant is proposing any outdoor lighting, the applicant is asked to submit fixture details, including any fixtures used to illuminate the tower, and a photometric plan as required by Section 2511.

As previously stated, there is no proposed outdoor lighting at the site.

**4. Special Land Use Considerations** (Sec. 2508.1.b. & c.) Communications towers require Special Land Use approval and thus are subject to meeting the requirements of Section 2516.2(c). The City Council in exercising its discretion over site plan approval should consider the following factors relative to other feasible uses of the site:

- Whether the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.

A wireless facility is unstaffed, and accordingly, there will be no impact to the existing traffic patterns. The facility will not generate any traffic hazards or nuisances. This site will be visited on the average of once a month by maintenance personnel, and thus, the safety and efficiency of public streets will be maintained. Access will be provided via the existing driveway off of Twelve Mile Road. A gate is provided at the driveway entrance to avoid any trespassing into the proposed site. Site plans for this site show that adequate parking is provided. Off-street parking and off-street loading/unloading will not be necessary at this proposed site.

- Whether the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.

**The only utilities necessary for this facility are electricity and telephone, both of which are SBA's and the carriers' responsibility. Site plans submitted together with this application, reflect that provisions have been made for utilities and access. As this facility is unstaffed, no drainage, sanitation, refuse disposal, water and sewer will be necessary. The facility is electronically monitored and connected to a sophisticated central computer system which will detect any breach of security or other danger. Existing police and fire protection is more than adequate to provide security for this facility.**

- Whether the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.

**SBA proposes to construct a 150' monopole antenna structure within the MDOT right-of-way at M-5 and Twelve Mile Road. The monopole antenna structure is similar to a light standard comparable to those currently located on M-5 and will have little or no aesthetic impact on the surroundings. With such a small footprint and the nature of surrounding uses, there will be little or no impact on the character of the locality, with no adverse effect on existing woodlands, wetlands, watercourses and wildlife habitats. In fact, enhanced wireless communications will have a positive influence on the development of this area. Due to the fact that SBA has been sensitive in selecting a site that will minimize the impact on the surrounding properties, the proposed facility will be compatible with the existing environment and will not result in the destruction, loss, or damage of any natural or scenic feature.**

- Whether the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.

**The monopole antenna structure is similar to a light standard. Due to the fact that SBA has been sensitive in selecting a site that will minimize the impact on the surrounding property, its facility will be compatible with the adjacent uses, existing environment and will not disrupt future development of the area. This facility will not have an adverse effect on the property values within the neighborhood but rather, enhanced wireless communications will have a positive**

influence in the development of this area. Due to the minimal size of the lease parcel and the nature of the surrounding uses, there will be little or no impact on the character of the locality, and in turn will provide much needed essential communications, including traffic monitoring.

- Whether the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.

The special use will be in harmony with the general and specific purposes of the City of Novi's zoning ordinance and with the regulations of the OST (Office Service Technology) District. The facility will also support the policies, goals and objectives of the City of Novi's Master Plan for Land Use.

- Whether the proposed use will promote the use of land in a socially and economically desirable manner.

SBA's small lease parcel site with approximate dimensions of 120' x 40' will be located on vacant MDOT property which could not feasibly be used for other (business, industrial, etc.) uses. Additionally, the current and future demands for quality wireless communications in industry, business, safety and emergency services are becoming increasingly important factors in the prosperous growth of communities. The MDOT CCTV camera will also provide critical traffic information to the City of Novi and the Metro Detroit area, making this a socially and economically desirable use of the property.

- Whether the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

(1) Communications towers are listed as one of the uses requiring special land use review in the OST district. Preliminary Site Plans and Special Land Use Permits for new communications towers outside of the Industrial districts require approval from the City Council after a review and recommendation from the Planning Commission.

(2) The establishment, maintenance and operation of this facility will be wholly contained within the fenced lease compound (120' x 40'). The proposed facility will be built to conform to the applicable site design regulations of the OST zoning district including the regulations concerning height and setbacks. Therefore, the special use will be in

harmony with the general and specific purposes and the regulations of the OST zoning district.

6. **Response Letters** A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested with any subsequent submittal and prior to the matter being reviewed by the Planning Commission. The letter must highlight all changes made to the plans and address each of the comments listed in all review letters and with any conditions of City Council approval.

## Joy Tiemeyer

---

**From:** Michele Mueller [Muellerm2@michigan.gov]  
**Sent:** Friday, February 12, 2010 8:28 AM  
**To:** Rick Kramer; Joe Rios; Matt Smith; Joy Tiemeyer  
**Subject:** RE: Southwest M5

Yes, we would like to add a CCTV to this tower location. I need to do some research at how high we need to be to get good images which I am working on....

Michele

Michele R. Mueller  
Traffic Signals Engineer  
Michigan Dept of Transportation  
Metro Region Office  
248-483-5133 (Office)  
248-431-1443 (Cell)  
248-569-3103 (Fax)

>>> Joy Tiemeyer <[JTiemeyer@sbsite.com](mailto:JTiemeyer@sbsite.com)> 2/11/2010 9:21AM >>>  
Michele,

I put together a small set of information for you that I hope helps. You will see that there is a batch plant at the site temporarily but last fall we met with the batch plant operations and MDOT on site and worked out a plan that is going to allow us to both move forward. I am just in the process of making some slight modification to my plan so I can make any changes that I need to. Even if you need more height on the tower I can change that. Right now it is only 150 ft but that is because the City likes it that way and the applications that I have require 140' and 120 ft. I have no problem making it higher. It would be helpful if I knew fairly soon however.

Let me know if there is anything else that you need - I will be happy to send it.

Thanks  
Joy  
(517)622-8448



**SBA's contractor will pay the permit fee in the amount of \$201.25 for the grading permit at the pre-construction meeting.**

6. Construction inspection fees in the amount of \$1,375.00 must be paid to the City Treasurer's Office.

**The construction inspection fees in the amount of \$1,375.00 will be paid to the City Treasurer's office.**

7. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.

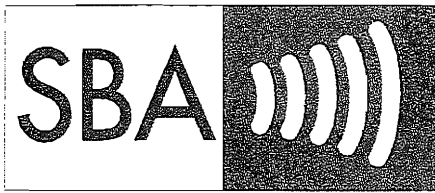
**SBA's contractor will apply for the soil erosion control permit from the City of Novi prior to the start of construction.**

8. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the City of Novi. The application is available from the City Engineering Department or on the City website and may be filed once the Final Site Plan has been submitted. Please contact the Engineering Department at 248-347-0454 for further information. Only submit the cover sheet, standard details and plan sheets applicable to the permit.

**SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the City of Novi's City Engineering Department once the final site plan has been submitted.**

9. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City.

**SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the Road Commission for Oakland County. SBA's contractor will forward a copy of this permit to the City.**



June 22, 2010

SBA Towers II, LLC. – Landscape Affidavit  
SBA site # MI11404-S SW M-5  
Subject Location: SW corner of M-5 and Twelve Mile Road

To Whom It May Concern,

In response to comments received by David Beshke, landscape review dated March 29, 2010.

As a condition of approval, SBA Towers II, LLC agrees to install additional landscaping and understory trees to the proposed facility.

Per the suggestion of SBA’s landscape consultant, Katheryn Maxwell Talty, ASLA of KM Talty Design, Inc., SBA proposes to install at a minimum 15 Viburnum lantana (Mohican Viburnum) or Viburnum dentatum (Arrowwood Viburnum) at a height of 5 feet to provide additional supplementary screening. It is estimated that the cost of the additional landscaping will be \$140 per planting.

The plant materials specified above are approved for use in right-of-ways by MDOT.

This affidavit is signed by a representative of the company authorized to commit the company.

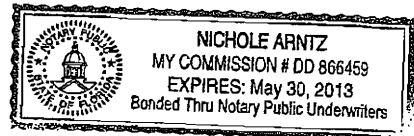
SBA Towers II, LLC

By:   
Name: Jason Laskey  
Title: Site Development Manager  
Date: 6/22/2010

State of Florida, County of Palm Beach, to-wit:  
Sworn to and acknowledged before me this June 22, 2010, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC

Notary Public

My commission expires: 5/30/2013



# PLAN REVIEW CENTER REPORT

March 29, 2010

## Revised Preliminary Landscape Review

Cellular Tower at M-5 / Twelve Mile (SBA Towers)

SP#08-40C

### Revised Preliminary landscape review/Special Land Use dated March 29, 2010

#### Adjacent to Residential – Buffer (Sec. 2509.3.b.)

1. The project site is not directly adjacent to residential properties.

#### Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. The entirety of the project is within the right-of-way. The tower itself cannot be buffered through the use of landscape. Typically development on properties zoned OST would be required to install a 3' high berm or wall along right-of-ways. This is not practical on this site. Site grades do not allow for the installation of a berm over much of the surrounding area due to the presence and grades of the freeway ramps and existing pond. Installation of a berm would require the removal of numerous existing mature trees that are proposed to be preserved. The southbound M-5 ramp connecting to other freeways is elevated over the facility, making any berm along the ramp ineffective for effective screening. Given the site circumstances, **Staff supports a Planning Commission waiver for a berm along the right-of-way frontage.**

SBA will request a Planning Commission waiver from the required berm along the right-of-way frontage of the proposed site.

2. Outdoor service structures such as those proposed are required to be screened. **The Applicant should add additional understory trees or large shrubs to further buffer the fenced area. Alternately, the Applicant could seek a Planning Commission waiver for the screening. Staff would not support the waiver.**

Please see enclosed Landscape Affidavit from SBA. SBA agrees to install, at a minimum, 15 Viburnum lantana (Mohican Viburnum) or Viburnum dentatum (Arrowwood Viburnum) at a height of 5 feet to provide supplementary understory screening. The proposed compound is fully screened on all sides, and SBA is willing to install additional landscaping, subject to MDOT's list of approved plantings, that the City of Novi deems reasonably necessary.

#### Street Tree Requirements (Sec. 2509.3.b.)

1. One Canopy Street tree per 35 LF is typically required between any proposed bike path/sidewalk and roadway. No walkways are proposed due to the project location. Further, MDOT and transportation safety issues preclude the planting of street trees along these right-of-ways. **Staff supports a Planning Commission waiver for the required street trees.**

---

SBA will request a Planning Commission waiver from the requirement that street trees be planted along the right-of-way.

**Parking Landscape (Sec. 2509.3.d.)**

1. No formal parking area is proposed for the project.

**Building Foundation Landscape (Sec. 2509.3.c.)**

1. A 4' wide landscape bed is typically required along all building foundations with the exception of access points. An area 8' wide multiplied by the length of building foundations is typically required as foundation landscape area. Due to the nature of the facility and the need for continued access, a landscape bed is not practical for the small building proposed. However, the Applicant should consider the addition of massing of large native shrubs along the exterior of the proposed fencing to further buffer the visual impact of the facility. **Staff supports a Planning Commission waiver for the required building foundation landscape.**

Additional landscaping has been added to the east and to the north of the compound. Please see site plan pages LP, C-1 and L-1. SBA will request a Planning Commission waiver from the building foundation landscaping requirement. SBA has also agreed to install an additional 15 understory trees at 5 feet tall, per the City's request.

**Plant List (LDM)**

1. A Plant List has been provided per Ordinance requirements.

**Planting Details & Notations (LDM)**

1. Plan Details and Notations have been provided.

**Irrigation (Sec. 2509 3.f.(6)(b))**

1. All landscape areas are typically required to be irrigated. It would be cost prohibitive to provide irrigation to this site, and the applicant has proposed the use of native plants with relatively low water requirements. **Staff would support a Planning Commission waiver for the site irrigation.**

SBA will request a Planning Commission waiver from the irrigation requirement at the proposed site.

### **General Notes**

1. There appear to be several trees shown to be removed on the north side of the proposed access road that do not seem to be affected by any aspect of the development. The Applicant should clarify the reason for the proposed removal with the City's Landscape Architect.

**It is the opinion of SBA's Landscape Architect that the 4 trees to the north of the drive were too close in proximity to the proposed construction to be reasonably saved. The tree to the northwest is the furthest from the access road and will still be stressed, so it is also proposed to be removed. During the original evaluation in 2008, the trees were shown as 2" caliper and nothing special in variety. The plan is to replace them with larger, 2.5" caliper trees.**

# PLAN REVIEW CENTER REPORT

April 8, 2010

## Engineering Review

Cellular tower at M-5 and Twelve Mile (SBA Towers)  
SP08-40D

### Comments:

The Revised Preliminary Site Plan meets the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and the Engineering Design Manual with the following exceptions, which can be addressed at Stamping Set submittal:

#### General

1. As previously stated, a right-of-way permit will be required from the City of Novi and the Road Commission for Oakland County. Traffic signs in the RCOC right-of-way will be installed by RCOC.

**SBA will apply for a right-of-way permit from the City of Novi and the Road Commission for Oakland County prior to start of construction.**

#### **The following must be submitted with the Stamping Set:**

(Please note that all documents must be submitted together as a package with the Stamping Set submittal. Partial submittals will not be accepted).

2. An executed copy of the 30-foot access easement must be submitted to the Community Development Department.

**A fully executed copy of SBA's 30 foot access easement was contained within the Memorandum of License as Exhibit 3, which was previously submitted as Exhibit M. SBA has enclosed the document again, for reference.**

#### **The following must be addressed prior to construction:**

3. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting (no application required). A grading permit fee in the amount of \$201.25 must be paid to the City Treasurer's Office.

**SBA's contractor will pay the permit fee in the amount of \$201.25 for the grading permit at the pre-construction meeting.**

4. Construction inspection fees in the amount of \$1,375.00 must be paid to the City Treasurer's Office.

**The construction inspection fees in the amount of \$1,375.00 will be paid to the City Treasurer's office.**

5. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.

**SBA's contractor will apply for the soil erosion control permit from the City of Novi prior to the start of construction.**

6. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the City of Novi. The application is available from the City Engineering Department or on the City website and may be filed once the Final Site Plan has been submitted. Please contact the Engineering Department at 248-347-0454 for further information. Only submit the cover sheet, standard details and plan sheets applicable to the permit.

**SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the City of Novi's City Engineering Department once the final site plan has been submitted.**

7. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City.

**SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the Road Commission for Oakland County. SBA's contractor will forward a copy of this permit to the City.**

**EXHIBIT 3  
MEMORANDUM OF LICENSE**

A. The State of Michigan, by its Department of Transportation ("the State"), having an address of 7050 West Saginaw Highway, Lansing, Michigan 48909, owns certain property located at 12 Mile Road/M-5, City of Novi, County of Oakland, and State of Michigan, and known on the tax map for said \_\_\_\_\_ as \_\_\_\_\_ (the "Property").

B. By way of that certain License Agreement dated \_\_\_\_\_, the State granted to SBA Towers II LLC ("SBA"), a Florida limited liability company having an address of 5900 Broken Sound Parkway N.W., Boca Raton, Florida 33487, the right to use a certain portion of the Property (the "Licensed Site") for the construction and operation of a communications tower and equipment shelters.

C. The State and SBA have agreed that SBA may, at its option, record a Memorandum giving notice as to SBA's interest in the Licensed Site.

Now, Therefore, the State and SBA represent as follows:

1. The Licensed Site is in the location as set forth on the plan attached hereto as Attachment "A".
2. The initial term of the License is 20 yrs years, commencing on \_\_\_\_\_ and ending on \_\_\_\_\_. SBA may, at its option, renew the term of the License for 2 additional 5 year periods.

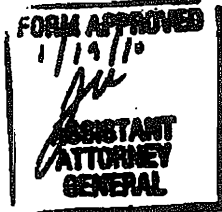
Accepted by: The State  
State of Michigan Department of Transportation

By: [Signature]

Print Name: Leon E. Hank

Title: Chief Admin. Officer

Date: 1/19/10



Accepted by: SBA  
SBA Towers II LLC

By: [Signature]

Print Name: Alyssa Houlihan

Title: Director of Leasing

Date: 12/21/09





STATE OF Michigan

COUNTY OF Ingham

On January 19, 2010, before me, Maria Katharina Bowerman, Notary Public, personally appeared Leon E. Hank, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Maria Katharina Bowerman (SEAL)

Notary Public

My Commission expires: 9/6/14

MARIA KATHARINA BOWERMAN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF EATON  
MY COMMISSION EXPIRES Sep 6, 2014  
ACTING IN COUNTY OF INGHAM

STATE OF FLORIDA

COUNTY OF PALM BEACH

On December 21, 2009, before me, Wendy Carrick, Notary Public, personally appeared ALYSSA HOULIHAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Wendy Carrick (SEAL)

Notary Public

My Commission expires: 11/30/2013

NOTARY PUBLIC-STATE OF FLORIDA  
Wendy Carrick  
Commission # DD933314  
Expires: NOV. 30, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

Witnesses

[Signature]

[Signature]

Dated: 12/21/09

ATTACHMENT "A" TO MEMORANDUM OF LICENSE PLAN

See Exhibit 1

LEGAL DESCRIPTION

That part of the Southeast 1/4 of Section 18, Township 1 North, Range 5 East, that contains, contains certain changes, described as follows: ...

LEGAL DESCRIPTION

A 1/4 section of the Southeast 1/4 of Section 18, Township 1 North, Range 5 East, that contains, contains certain changes, described as follows: ...

LEGAL DESCRIPTION

A 1/4 section of the Southeast 1/4 of Section 18, Township 1 North, Range 5 East, that contains, contains certain changes, described as follows: ...



**PLAN REVIEW CENTER REPORT**  
**March 31, 2010**  
**Traffic Review of Fourth Revised Preliminary Site Plan**  
**Cellular tower at M-5 and Twelve Mile (SBA Towers)**  
**SP08-40D**

**Recommendation**

We recommend approval of the fourth revised preliminary site plan.

**Project Description**

What is the applicant proposing?

1. The applicant, SBA Towers LLC, proposes to construct a 145-foot monopole cellular communications tower within the property bounded by eastbound 12 Mile Road, the onramp to southbound M-5, and the southbound M-5. A gated access drive is proposed on the south side of eastbound 12 Mile Road. Six cellular providers are planned collocate on the tower.

**Traffic Study**

Was a study submitted and is it acceptable?

2. No traffic study was submitted. The proposed facility would not generate enough new trips to warrant a study, based on the City's Procedures Manual.

**Trip Generation**

How much traffic would the proposed development generate?

3. Typically we would provide a trip generation table for the proposed land use within our traffic review, but no data is available from the Institute of Transportation Engineers (ITE) for the proposed communications tower. In our discussion with the applicant's engineer earlier this year, a facility such as the one proposed generates approximately six visits per month by a single vehicle (one monthly maintenance check by each of the approximately six providers that would collocate on the proposed tower).

**Vehicular Access Locations**

Do the proposed driveway locations meet City spacing standards?

4. A gated access drive is proposed on the south side of eastbound 12 Mile Road, and would follow the same general path as the existing gravel drive, which serves the MDOT construction staging area and temporary batch plant. One new curb-cut and curbed driveway is proposed on the south side of eastbound 12 Mile, approximately 110 feet (measured center-to-center) east of the southbound M-5 on-ramp. The currently proposed driveway location has been shifted further west from its previously proposed location,

presumably to avoid the potential for conflicts with the nearby gap in the median of 12 Mile Road. We do not feel that the City's commercial driveway spacing standards (DCS Section 11-216.d.1.d) apply because the proposed driveway should not be considered a commercial driveway. Given the very limited volume of traffic to be generated by the proposed facility (approximately 6 vehicles per month), the location and visibility of the proposed gate, and the proposed signage (two "Authorized Vehicles Only" signs, on either side of the driveway), we have minimal concern for the potential for traffic conflicts created by the proposed driveway.

5. Driveway is proposed to include an asphalt approach extending 25 feet south of the back of curb of 12 Mile Road, with the remainder of the driveway to be compacted aggregate.

6. Proposed utility structure driveway meets all of the Design Considerations included within Section 11.216.e of the City's Design and Construction Standards.

7. Revised plan includes a note on Page LP (Location Plan) stating that City emergency services will have access to the locked gate.

#### **Vehicular Access Improvements**

Will there be any improvements to the public road(s) at the proposed driveway(s)?

8. No improvements are proposed to eastbound 12 Mile Road. The proposed use is not expected to generate sufficient traffic to warrant a turn lane or taper.

9. The existing gravel drive is currently accessible from the southbound M-5 on-ramp (via a gravel service area adjacent to the east shoulder of the ramp). We previously recommended that the gravel service area be modified so that the sole point of access to the site would be via the new gated driveway on the south side of 12 Mile Road. Sheet C-2 (Site Grading Plan) provides a detail describing how this area would be cleared of aggregate and seeded. No change is proposed to the existing flat topography.

#### **Driveway Design and Control**

Are the driveways acceptably designed and signed?

10. The design standards for a Utility Structure Driveway (DCS Figure IX.6) have been met. Two "Authorized Vehicles Only" signs are proposed on either side of the new entrance, to deter motorists from mistaking it for a ramp onto M-5. Two "Turn Right Only" signs are proposed to deter authorized vehicles exiting the site from turning left into one-way traffic. The revised plan provides height and dimensions of proposed regulatory signs. Sign height has been reduced to the 5-ft rural standard, per our request.

#### **Pedestrian Access**

Are pedestrians safely and reasonably accommodated?

11. The proposed facility is not intended to accommodate pedestrians.

**Circulation**

Can vehicles safely and conveniently maneuver through the site?

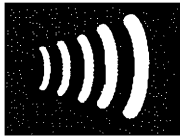
12. The applicant has provided a turnaround at the east end of the driveway. No further improvements are necessary.

**Parking Requirements**

Is adequate on-site parking provided?

13. Section 2505.10 of the City's Zoning Ordinance states that for uses which do not have an off-street parking requirement listed in the Ordinance, the City's traffic consultant may make a recommendation to the Planning Commission. Birchler Arroyo recommends that the single parking space proposed on the east side of the service pad be deemed adequate off-street parking for the use proposed.

**Collocation Applications**

**SBA**

# Collocation Application

**3900 Broken Sound Pkwy NW**
**Boca Raton, FL 33487**
**Attention: Property Management**
**Main Tel: 561-995-7670 / 800-487-7483**
**Fax: 561-226-3577**
**e-mail: towers@sbasite.com**

(Tab through the fields to enter info; if at anytime you need to unlock to manually add something, go to View, Toolbars, Forms and click the "padlock" to Unprotect the form)

## Site Information

Date: 1/11/2010	SBA Site ID: MI11404-S	SBA Site Name: Southwest M-5
Latitude: 42° 29' 39.768"	Longitude: -83° 26' 53.52"	Source of Coordinates: SBA
AGL: 907	City: Novi	State: MI

## Tenant Information

Site ID: 107	Site Name: Meadowbrook & 12 Mile
Company Name: C&W Consultants	Company Representing: New Par d/b/a Verizon Wireless <i>(if consultant)</i>
Contact Name: Jon Crane	Contact Address: 1126 N. Main Street Rochester, MI 48307
Contact Phone: (248) 650-8000	
Contact Fax: (248) 650-9239	Contact e-mail: jrcpc@sbcglobal.net

## Leasing Information

Contact Name: <i>(if different)</i>	Phone: (    )    -	
Name of Company to Appear on Lease: New Par, a Delaware partnership d/b/a Verizon Wireless By: Verizon Wireless (VAW) LLC, its general partner	State Incorporated: DE	Tax ID #:    -
Signatory Name: Beth Ann Drohan	Signatory Title: Area Vice President Network	
Corporate Address: One Verizon Way, Mailstop 4AW100, Basking Ridge, NJ 07920	Notice Address: 180 Washington Valley Drive, Bedminster NJ 07921, Attn: Network Real Estate	
	With Copies to: N/A	
Name / Phone & Address to Send Leases For Execution: <i>(if different)</i> Please send to C&W Consultants address listed above	# of Original Leases Required (for Tenant only): 1	Special Instructions:

## Construction Information

Contact Name: Bill Buck	Phone: (248) 915-3597
Fax: (    )    -	e-mail:    @    .

Mobile: (      ) -	Projected Installation Date: 05/01/2010
--------------------	---

**Tenant 24 Hour Emergency Contact (NOC)**

Name:	Phone: (800) 852-2671
-------	-----------------------



NOTE: PLEASE USE AMERICAN STANDARD MEASUREMENTS, NOT METRIC

<b>Equipment Specifications</b>	
<b>ANTENNA:</b>	<b>GROUND SPACE REQUIREMENTS:</b>
Quantity: 12	Tenant Provided Shelter or Pad? Tenant Provided Shelter
Type (panel, omni, receive, transmit, etc.): Panel	Exact Dimensions: 11'6"x26'
Mfg: Antel	Type Shelter / Pad: Fibrebond Shelter / Concrete Pad
Model: 3 different types - see attached	Generator Size: Inside shelterx
Length: varies' "	<b>EQUIPMENT SPECIFICATIONS:</b>
Weight: varies lbs.	(SBA's) Shelter Space Dimensions Needed: 'x 'x 'x
<b>Mounting (list for each antenna if different)</b>	<b>Transmitter:</b>
Height at <b>base</b> of the antenna: varies'	Quantity:
Height at <b>centerline</b> of the antenna: 120'	Manufacturer:
Height at <b>tip</b> of the antenna: varies'	Model:
Down Tilt: 0	Power Output (Watts):
Orientation: 60, 180, 300	Model:
Mount Make/Model: /	Quantity:
Mount Weight: lbs.	Manufacturer:
<b>CABLE:</b>	Model:
Number of Lines: 12	Dimensions: x x
Type: Andrew	Weight: lbs.
Size: 1 5/8"	<b>FREQUENCIES:</b>
<b>DISH:</b>	Transmit: 777-787, 869-894, 1945-1950
Quantity:	Receive: 746-756, 824-849, 1865-1870
Mfg / Model: /	<b>POWER:</b>
Dimensions / Weight: / lbs.	ERP:
Mounting Height: ' "	Transmitter Operating Power: 500
Orientation:	<b>GENERATOR:</b>

Cable / Type Mount: /	Mfg / Model: Generac / SD060
<b>GPS / TTA / TMA:</b>	Type: Propane <input type="checkbox"/> Diesel <input checked="" type="checkbox"/>
Type (GPS, MHA, etc.): Diplexers	Power: 60 kw Capacity: 295 gallons
Quantity: 6	<b>IS SBA AN APPROVED CONTRACTOR:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
Mfg / Model: CSS / DBC-750	<b>SPECIAL REQUIREMENTS:</b>
Dimensions / Weight: 7.8" x 6.6" x 1.25" / 4.88lbs	
Mount Location: 120'	
Cable / Type Mount: n/a /	



# Collocation Application

SBA Towers, Inc.  
 5900 Broken Pkwy NW  
 Boca Raton, FL 33486-1010  
 Attention: Property Management

Phone: (630) 605-7630  
 Fax: (509) 752-5913  
 e-mail: [towers@sbsite.com](mailto:towers@sbsite.com)

## Site Information

Date: 7/15/08	SBA Site ID: MI11404-S	SBA Site Name: SW M-5
Latitude: 42-29-39.77 N	Longitude: 83-26-53.52 W	Source of Coordinates: SBA
AGL: 150'	City: Novi	State: MI

## Tenant Information

Site ID: DE01341I	Site Name: SBA Novi - NB
Company Name: T-Mobile Central LLC, A Delaware limited liability company	Company Representing: N/A <i>(if consultant)</i>
Contact Name: John Stoliker	Contact Address: 12170 Merriman Road Livonia, Mich. 48150
Contact Phone: 734-367-7255 (desk) / 810-394-0148 (mobile)	
Contact Fax: 734-367-7242	Contact e-mail: <a href="mailto:john.stoliker@t-mobile.com">john.stoliker@t-mobile.com</a>

## Leasing Information

Contact Name: Same <i>(if different)</i>	Phone: Same	
Name of Company to Appear on Lease: Same	State Incorporated: DE	Tax ID #: 91-1973799
Signatory Name: Ankur Kapoor	Signatory Title: Director, Engineering	
Corporate Address: 12920 SE 38 <sup>th</sup> Street Bellevue, WA 98006	Notice Address: 2001 Butterfield, Ste 1900 Downers Grove, IL 60515 With Copies to: 12170 Merriman Road Livonia, MI 48150	
Name / Phone & Address to Send Leases For Execution: 12170 Merriman Road Livonia, MI 48150	# of Original Leases Required: Two (2)	Special Instructions:

## Construction Information

Contact Name: John Nalepa	Phone: 734-223-1896
Fax: 734-367-7242	e-mail: <a href="mailto:john.nalepa@t-mobile.com">john.nalepa@t-mobile.com</a>
Mobile:	Projected Installation Date:

## Tenant Emergency Contact

Name: Dave Chludzinski, Field Ops Mgr	Phone: 586-344-9936
---------------------------------------	---------------------

## Equipment Specifications

<b>ANTENNA:</b>			<b>GROUND SPACE REQUIREMENTS:</b>
Quantity: 3/sector (9 total)			Total Lease Size Needed: 15' x 20'
Type (panel, omni, receive, transmit, etc.): panel			Tenant Provided Shelter / Pad: N/A
Manufacturer: Andrew			Dimensions: N/A
Model: TMBX-6517-R2M			Type Shelter / Pad: N/A
Length: 82.9'			<b>IF EXISTING SPACE IN OWNER'S SHELTER IS BEING USED, PLEASE PROVIDE EQUIPMENT SPECIFICATIONS:</b>
Weight: 15.4 lbs			Shelter Space Dimensions Needed: N/A
Mounting Height: (list for each antenna)			Transmitter: N/A
At <b>base</b> of the antenna: 136.5'			Quantity: N/A
At <b>centerline</b> of the antenna: 140.0'			Manufacturer: N/A
At <b>tip</b> of the antenna: 143.5'			Model: N/A
Down Tilt: 0°			Power Output (Watts): N/A
Orientation	45°	150°	330°
<b>CABLE:</b>			<b>Transmitter Cabinet:</b>
Number of Lines: 2/antenna (18 total)			Quantity: up to 3
Type: LDF6-50			Manufacturer: Nortel
Size: 1-1/4"			Model: S-12000
			Dimensions: 62" x 53" x 25"
<b>DISH:</b>			Weight: 326 lbs.
Quantity: 0			<b>FREQUENCIES:</b>
Manufacturer: N/A			Transmit: 1930 – 1990 MHz / 2110 – 2155 MHz
Model: N/A			Receive: 1850 – 1910 MHz / 1710m – 1755 MHz
Dimensions: N/A			<b>POWER:</b>
Weight: N/A			ERP: 60
Mounting Height: N/A			Transmitter Operating Power: 240 volts / 100 amps
Orientation: N/A			<b>GENERATOR REQUIRED: Yes or No</b>
Cable / Type Mount: N/A			If Yes, describe requirements in detail:
<b>GPS / TTA / TMA:</b>			
Quantity: 6 (TMA's)			<b>IS SBA AN APPROVED CONTRACTOR: Yes or No</b>
Manufacturer / Model: Andrew / ETT190VS12UB (3) ETT200VS12UB (3)			
Dimensions / Weight: 10.2" x 6.7" x 3.7" / 14.8 lbs			<b>SPECIAL REQUIREMENTS:</b>
Mount Location: 140'			
Cable / Mount: N/A			

K M Talty DESIGN  
345 Glendale Avenue  
Winnetka, Illinois 60093  
847.446.0226  
kmtalty@sbcglobal.net

## Opinion of Cost

February 26, 2010

Mr. Tony Puljic, PE  
Terra Consulting Group, Ltd.  
600 Busse Highway  
Park Ridge, IL 60068

Re: Site MI 11404-S  
Novi, MI

Dear Tony:

Please find below my opinion of the costs that would be incurred for the landscape work at the SW 5 Mile, Site MI 11404-S in Novi, MI.

Planting (excluding site preparation)– Labor and materials (Planting mix, Plant material, Mulch & 200sy of turf repair)	\$23,060.00
---	-------------

Please note that all pricing information is conservatively estimated based on the revised landscape plan dated February 26, 2010 and may be subject to change. The cost also reflects a 5% contingency to accommodate for inflation in labor and materials.

I hope this Opinion of Cost is helpful. Please let me know if you have any questions or comments.

Sincerely-



Kathryn Maxwell Talty, ASLA  
Principal  
K M Talty DESIGN

**MDOT and USDOT Approvals**



**STATE OF MICHIGAN**  
**Commercial Wireless Telecommunications**  
**FORMAL APPLICATION**

Application Number: 76		Site Name: Southwest M5	
Company Name: SIA Network Services		Date: February 10, 2009	
Address: 7402 Westshire Dr. Ste. 120		Phone #: 517.622.8448	
City: Lansing	State: MI	Zip: 48917-8976	Fax #: 517.622.8438
E-Mail Address: jtiemeyer@sbasire.com			
Department: MDOT			
(Check One)		<input type="checkbox"/> Existing Tower	<input type="checkbox"/> Existing Structure
		<input checked="" type="checkbox"/> Raw Land	
Latitude 42 29 40.22		Longitude 83 26 53.32	
Elevation			
Approximate Address: M5 and 12 Mile Road			
Town, Range, Section, Quarter-Quarter: T1N, R8E, NE 1/4, NW 1/4, Sec 13			
Municipality: Novi		County: Oakland	
Preliminary Application Approval (Date): 4/25/08			

SBA Network Services, Inc.

Comments:	
Name: Joy E. Tiemeyer	Signature: <i>Joy E. Tiemeyer</i>
Title: Project Director	Date: 2/13/09

<i>One Stop Shop</i>		STATE OF MICHIGAN		<i>Managing Agency</i>	
Date Received:	2/13/2009	Return By:	6/9/2009	Name/Title:	ACTING Section Head
Name/Title:	Rick Kramer, Statewide Contract Manager	Signature:	<i>Robert D. Beckler</i>	Signature Date:	9/24/09
Signature:	<i>Rick Kramer</i>				
Signature Date:	3/9/2009				

(Check One)

APPROVED

\*DENIED

\*If denial, please specify why.

**ATTACH COMMENTS**



OFFICE MEMORANDUM

DATE: March 11, 2009
TO: Stacey Gough, Permit/Drainage Engineer
FROM: Mark A. Dionise, P.E.
SUBJECT: Commercial Wireless Communication - Formal Application

Please review the attached wireless communication installation request. This site was previously given preliminary approval by the Oakland Transportation Service Center (TSC) in April 17, 2008.

If this formal application package is denied, please summarize the reason(s) why and provide them as an attachment to this memo when responding.

The permit application and complete package will be attached to the standard cell tower contract, and become part of the agreement between SBA/AAT and the State of Michigan.

The agreement between the State of Michigan and SBA/AAT communication states specific time allowances for preliminary and formal wireless communication installation reviews.

If you have any questions or need additional information, please feel free to contact either me or Joe Rios, Statewide Construction Permit Coordinator at (517) 241-2103.

Approve: [Signature] Deny: [Signature]
Mark A. Dionise, Section Manager
Utility Permit's Engineer
Date: 3/11/09

Attachment
MAD/kil
cc: M. DeLong R. Ranck J. Schwensen S. Ferman
R. Beckon P. Ajcoba J. Rios





U.S. Department  
of Transportation  
Federal Highway  
Administration

Michigan Division

September 16, 2009

315 W. Allegan Street, Room 201  
Lansing, MI 48933  
517-377-1844 (office)  
517-377-1804 (fax)  
Michigan.FHWA@dot.gov

In Reply Refer To:  
HAD-MI

Mr. Matthew W. DeLong, Administrator  
Real Estate Support Area (E050)  
Michigan Department of Transportation  
Lansing, Michigan 48909

Dear Mr. DeLong:

Commercial Wireless Communications Site Development Application  
Cell Tower Installation in Limited Access Right-of-Way  
M-5 at 12 Mile Road  
Novi, Oakland County

This is in response to your July 24, 2009, e-mail requesting FHWA approval of the subject cell tower installation. It is our understanding that the access drive location has been reviewed by MDOT's traffic and safety staffs to assure traffic conflicts are minimized between the ramp traffic and 12 Mile Road traffic. Also, it has been determined that the concerns in the FHWA May 8, 2008 letter have been addressed.

Please accept this reply as FHWA approval to proceed with the installation as per plan.

Please feel free to contact me for any additional information you may need.

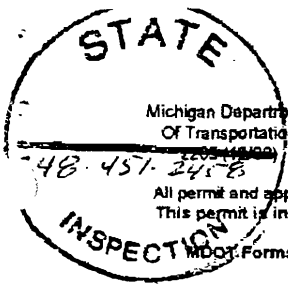
Sincerely,

Ronald L. Krauss, P.E.  
Realty Officer and Special Programs Manager

For: James J. Steele  
Division Administrator



cc: Mark Dionise, MDOT (E050)    Joe Rios, MDOT (E050)    Rob Beckon, MDOT (E050)  
Amanda Borgman, MDOT    Kathy Fulton, MDOT    Dave Calabrese, FHWA  
Bob Conway, FHWA    Profile No. S-100972



Michigan Department  
Of Transportation  
2209 (10/00)

**INDIVIDUAL APPLICATION  
AND PERMIT**

FOR USE OF STATE TRUNKLINE RIGHT OF WAY  
All permit and application fees are non-refundable based on P.A. 561 of 2002.  
This permit is incomplete without "General Conditions and Supplemental Specifications."

MDOT Forms at: <http://mdotwas1.mdot.state.mi.us/public/webforms/>  
PRINT IN INK OR TYPE

PERMIT NO. <b>63192-0023-09-0113 ME</b>		
ISSUE DATE <b>7/13/09</b>	EXPIRATION DATE <b>7/13/2010</b>	
FEE: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Billable BY <b>JS</b>		
DEPT. BOND NO. <b>EXEMPT</b> SURETY TYPE <b>EXEMPT</b> BOND AMOUNT \$		

APPLICANT NAME (Property or Facility Owner) SBA Network Services			CONTRACTOR NAME (Individual, Company, etc.)		
MAILING ADDRESS 7402 Westshire Drive Suite 120			MAILING ADDRESS		
CITY Lansing	STATE MI	ZIP CODE 48917	CITY	STATE	ZIP CODE
CONTACT'S NAME Joy E. Tiermeyer		PHONE NUMBER (517) 622-8448	CONTACT'S NAME		PHONE NUMBER
EMAIL ADDRESS jtiermeyer@sbasite.com		CELL PHONE NUMBER (517) 420-2172	EMAIL ADDRESS		CELL PHONE NUMBER

REQUEST: I do hereby make application for a permit to use the right of way of the following state trunkline highway.

STATE ROUTE M5	CITY OR TOWNSHIP Novi	COUNTY Oakland	SECTION 13	TOWN T 1 N	RANGE R 8 E
DISTANCE TO NEAREST INTERSECTION 400 FT	NEAREST INTERSECTION MS/12 Mile Rd	COUNTY Oakland	SECTION 13	TOWN T 1 N	RANGE R 8 E
SIDE OF ROAD (Select all that apply) <input type="checkbox"/> NORTH <input checked="" type="checkbox"/> SOUTH <input type="checkbox"/> EAST <input checked="" type="checkbox"/> WEST			DIRECTION FROM WORKSITE TO NEAREST INTERSECTION ON STATE ROUTE: <input type="checkbox"/> NORTH <input checked="" type="checkbox"/> SOUTH <input type="checkbox"/> EAST <input type="checkbox"/> WEST		
Is a lane closure proposed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A		Mobility Impact Map link <a href="http://mdotwas1.mdot.state.mi.us/public/mobility/">http://mdotwas1.mdot.state.mi.us/public/mobility/</a>		Is the work located on a restricted route? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A (check above link)	
PROPOSED START DATE 6/1/2009		PROPOSED COMPLETION DATE 8/1/2009		PLANS ATTACHED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

PURPOSE (Description of work activities)  
Permit for the construction of a cellular tower, compound area, utilities and access to provide mobile coverage and data in this area.

REQUISITION NO. (if applicable)	WORK ORDER NUMBER (if applicable)	JOB NUMBER (if applicable)
---------------------------------	-----------------------------------	----------------------------

I certify that I accept the following:  
 1. I am the legal owner of this property, the owner's authorized representative, or have statutory authority to work within the right-of-way.  
 2. Commencement of work set forth in the permit application constitutes acceptance of the permit as issued.  
 3. Failure to object within ten (10) days to the permit as issued constitutes acceptance of the permit as issued.  
 4. If this permit is accepted by either of the above methods, I will comply with the provisions of the permit.  
 5. I agree that form 2204 (Advance notice of Permitted Activities) will be submitted 5 days prior to the commencement of the proposed work.  
 Note: No work shall begin until the form has been approved. Failure to submit the form 2204 may result in a stop work order.

APPLICATION/AUTHORIZED AGENT	NAME AND TITLE (PLEASE PRINT OR TYPE) Joy E. Tiermeyer, Project Director	DATE 02/13/2009
If Authorized agent - I hereby certify that I am acting as an authorized agent on behalf of the named applicant. Certificate of Agent attached.	SIGNATURE <i>Joy E. Tiermeyer</i>	FEDERAL TAX ID NUMBER (if applicable) 13-2623598

MDOT USE ONLY - DO NOT WRITE BELOW THIS LINE

CONTROL SECTION	TRUNKLINE	WORK TYPE CODE	WORK METHOD	MI POINT FROM	MI POINT TO	LOCATION
63192	M-5	99		99.999	99.999	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> R <input type="checkbox"/> T
						<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> R <input type="checkbox"/> T

ENDANGERED SPECIES ASSESSMENT NEEDED <input type="checkbox"/> YES (SEE FORM 2008) <input checked="" type="checkbox"/> NO	ENVIRONMENTAL ASSESSMENT <input checked="" type="checkbox"/> CATEGORICAL <input type="checkbox"/> OTHER (SEE FORM 2242)	LIABILITY INSURANCE: <input type="checkbox"/> REQUIRED <input checked="" type="checkbox"/> EXEMPT <input type="checkbox"/> SELF-INSURED	REVIEWED BY C & T Maintenance	INITIAL	DATE
---	---	--	-------------------------------------	---------	------

RECOMMENDED FOR ISSUANCE:		INSPECTION STATUS	
NAME AND TITLE Stacy Bouch - Permit Engineer	DATE 7/13/09	<input type="checkbox"/> ROUTINE <input checked="" type="checkbox"/> BILLABLE	Traffic & Safety Resource Specialist
APPROVED FOR ISSUANCE - U-P Engineer of Region/TSC Engineer		INSPECTION TYPE	
NAME AND TITLE <i>Stacy Bouch</i>	DATE 7/13/09	<input checked="" type="checkbox"/> OTHER <input checked="" type="checkbox"/> DEPARTMENT <input type="checkbox"/> MAIN AGENCY	Design Main Agency Permits
WORK ACCEPTED BY: (SIGNATURE)	DATE	INSPECTED BY:	DATE

**Memorandum of License -- 30 Foot Access Easement**

**EXHIBIT 3  
MEMORANDUM OF LICENSE**

A. The State of Michigan, by its Department of Transportation ("the State"), having an address of 7050 West Saginaw Highway, Lansing, Michigan 48909, owns certain property located at 12 Mile Road/M-5, City of Novi, County of Oakland, and State of Michigan, and known on the tax map for said \_\_\_\_\_ as \_\_\_\_\_ (the "Property").

B. By way of that certain License Agreement dated \_\_\_\_\_, the State granted to SBA Towers II LLC ("SBA"), a Florida limited liability company having an address of 5900 Broken Sound Parkway N.W., Boca Raton, Florida 33487, the right to use a certain portion of the Property (the "Licensed Site") for the construction and operation of a communications tower and equipment shelters.

C. The State and SBA have agreed that SBA may, at its option, record a Memorandum giving notice as to SBA's interest in the Licensed Site.

Now, Therefore, the State and SBA represent as follows:

1. The Licensed Site is in the location as set forth on the plan attached hereto as Attachment "A".
2. The initial term of the License is 20 yrs years, commencing on \_\_\_\_\_ and ending on \_\_\_\_\_. SBA may, at its option, renew the term of the License for 2 additional 5 year periods.

Accepted by: The State  
State of Michigan Department of Transportation

By: [Signature]

Print Name: Leslie E. Hank

Title: Chief Admin. Officer

Date: 1/19/10



Accepted by: SBA  
SBA Towers II LLC

By: [Signature]

Print Name: Alyssa Houlihan

Title: Director of Leasing

Date: 12/21/09

STATE OF Michigan

COUNTY OF Ingham

On January 19, 2010, before me, Maria Katharina Bowerman, Notary Public, personally appeared Leon E. Hank, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Maria Katharina Bowerman (SEAL)

Notary Public

My Commission expires: 9/6/14

MARIA KATHARINA BOWERMAN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF EATON  
MY COMMISSION EXPIRES Sep 6, 2014  
ACTIVE IN COUNTY OF INGHAM

STATE OF FLORIDA

COUNTY OF PALM BEACH

On December 21, 2009, before me, Wendy Carrick, Notary Public, personally appeared ALYSSA HOULIHAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Wendy Carrick (SEAL)

Notary Public

My Commission expires: 11/30/2013

NOTARY PUBLIC-STATE OF FLORIDA  
Wendy Carrick  
Commission #DD933314  
Expires: NOV. 30, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

Witnesses

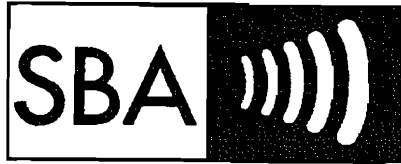
[Signature]  
[Signature]

Dated: 12/21/09





**SBA Letter to MDOT to Eliminate Access Point**



October 1, 2009

Ms. Stacy Gough  
Permit Engineer  
MDOT Oakland TSC  
800 Vanguard Drive  
Pontiac, MI 48341

RE: Permit No.: 63192-0023-09-0113ME

Dear Stacey,

Please consider this SBA's agreement that once the batch plant has been removed (approx late 2010) SBA will come back in and place the field approach off of 12 Mile. We will complete all of the requirements set forth in the original issued permit (seeding, etc. to close of the existing ramp driveway, the driveway, permanent compound, landscaping, etc.) according to the Construction Drawings dated September 23, 2009.

Respectfully,

A handwritten signature in black ink, appearing to read "Joy E. Tiemeyer". The signature is fluid and cursive, with a large initial "J" and "T".

Joy E. Tiemeyer  
Project Director



**Various SBA Affidavits**



February 25, 2009

SBA Towers II, LLC. – Affidavit  
Application for the Construction of a Wireless Services Facility  
SBA site # MI11404-S SW 5 Mile  
Subject Location: SW corner of M-5 and Twelve Mile Road

To Whom It May Concern,

SBA Communications Corporation “SBA” is a leading independent owner and operator of wireless communications towers in the United States.

SBA provides this signed statement indicating its willingness and ability to allow collocation on the proposed tower. SBA will permit collocation and shared use of the facility subject to usual market conditions and rent.

Furthermore, SBA, its affiliates and subsidiaries hereby agree to perform and operate the facility in compliance with the following standards:

- 1.) The proposed communications tower will be designed and constructed to accommodate collocations of a minimum of five (5) wireless service providers.
- 2.) SBA will respond to all requests for information from a potential shared-use applicant in a timely manner;
- 3.) SBA will negotiate in good faith concerning future requests of shared use of the tower by other providers of communications.
- 4.) SBA agrees to operate and maintain the facility in compliance with all local, state and federal regulation and all operational requirements as mandated the FCC.
- 5.) The facility will be maintained in good order, kept free of overgrown vegetation and routinely inspected by a field engineer.

This affidavit is signed by a representative of the company authorized to commit the company.

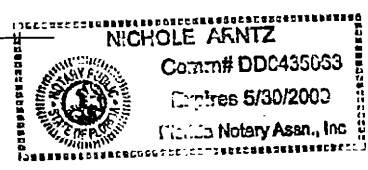
SBA Towers II, LLC

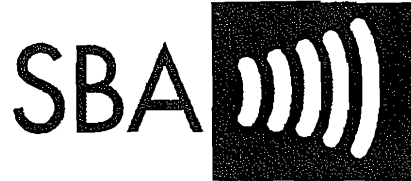
By: [Signature]  
Name: Jason Laskey  
Title: Site Development Manager  
Date: 2/25/2009

State of Florida, County of Palm Beach, to-wit:  
Sworn to and acknowledged before me this 25 day of February, 2009, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC

[Signature]  
Notary Public

My commission expires: 5/30/09





**AFFIDAVIT REGARDING MAINTENANCE AND REMOVAL  
OF TELECOMMUNICATIONS TOWER**

SBA Towers II, LLC. – Affidavit  
Application for the Construction of a Wireless Services Facility  
SBA site # MI11404-S SW 5 Mile  
Subject Location: SW corner of M-5 and Twelve Mile Road

---

SBA Communications Corporation “SBA” is a leading independent owner and operator of wireless communications towers in the United States.

**SBA HEREBY AGREES:**

1. The proposed improvements shall be installed and maintained in compliance with the following standards:
  - a. The wireless facility will be visited and visually inspected on a monthly basis by a field technician.
  - b. SBA shall provide the City of Novi an annual inspection report issued by a licensed engineer attesting to the structural integrity of the tower.
  - c. The tower will be operated and maintained in compliance with all local, state and federal requirements including all requirements mandated by the Federal Communications Commission (FCC).
  - d. All landscaped areas of the Property shall be kept in a vigorous reasonably weed free, growing condition by regularly scheduled maintenance practices (i.e., fertilization, irrigation, and similar measures). Any lawn areas of the Property shall be maintained by regular mowing.
  - e. Drainage systems on the Property shall be maintained free of debris, mud, silt or other unsightly conditions and shall be kept fully operable as designed and built.
  - f. Trees on the Property shall be pruned and maintained according to standard horticulture practices to keep them in a neat and healthy condition. Broken, dead and unsafe branches shall be removed when said condition occurs.
  - g. Litter shall be removed from all areas on the Property on an as needed basis to keep the Property litter free.
  - h. All paved surfaces, curbs, paths, fencing, signs, lighting and other structures and surfaces on the Property shall be maintained in a complete, safe and good

condition, as they were originally designed and constructed. Needed repairs or replacements shall be made which conform to the Site Plan.

- i. The Property shall be secured from unauthorized access and the security fence and entrance gate shall be maintained and kept in repair at all times.
  - j. The Property shall be maintained in compliance with all local ordinances and codes.
  - k. Utility transmission lines servicing the tower facility shall be placed underground.
2. Cessation of operations and removal
- a.) In the event the use of the communications facility is discontinued and operations of the facility end, SBA shall dismantle and decommission the tower within 90 days of said cessation of operations.

This affidavit is signed by a representative of the company authorized to commit the company.

SBA Towers II, LLC

By: *[Signature]*  
 Name: Jason Laskey  
 Title: Site Development Manager

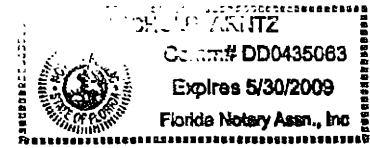
Date: 2/25/2009

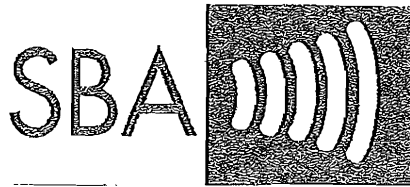
State of Florida  
County of Palm Beach, to-wit:

Sworn to and acknowledged before me this 25 day of February, 2009, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC

*Michelle Umity*  
 Notary Public

My commission expires: 5/30/09  
 (Affix seal)





September 23, 2009

SBA Towers II, LLC. – Affidavit  
SBA site # M111404-S SW 5 Mile  
Subject Location: SW corner of M-5 and Twelve Mile Road

On Wednesday, July 29<sup>th</sup>, 2009, a discussion took place between Jason Laskey, a representative of SBA Towers II, LLC and Fernando Guevara, of ITC Holdings Corp Property Management Department.

Mr. Guevara stated the following:

ITC Building – The six story building located at 27175 Energy Way, Novi, MI houses the corporate offices of ITC. It is unlikely the company will allow the placement of third party antennas on the building because it is a secured limited access facility. Additionally, there are concerns that the addition of antennas could cause interference with ITC’s existing corporate communications system.

Transmission Line Attachments – Per Mr. Guevara, ITC owns transmission tower structures which were acquired through a purchase from DTE Energy. As part of that sale, DTE retained all leasehold rights associated with transmission lines. ITC has no authority to enter into a direct agreement with third party entities.

Contact information for Fernando Guevara is as follows:

Fernando Guevara  
ITC Holdings Corp Property Management Department  
27175 Energy Way  
Novi, MI 48377  
(248) 946-3514 (Direct)  
(248) 946-3515 (Fax)  
E-mail: [fguevara@itctransco.com](mailto:fguevara@itctransco.com)

This affidavit is signed by a representative of the company authorized to commit the company.

SBA Towers II, LLC

By:   
Name: Jason Laskey  
Title: Site Development Manager  
Date: 9/23/2009

State of Florida, County of Palm Beach, to-wit:

Sworn to and acknowledged before me this September 23, 2009, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC

Notary Public

My commission expires: 5/30/13



T-Mobile E-Mail

**From:** [jamieabbqy@smj-llc.com](mailto:jamieabbqy@smj-llc.com)  
**To:** [jamieabbqy@smj-llc.com](mailto:jamieabbqy@smj-llc.com);  
**Subject:** FW: Southwest M5 (Novi) - DE01341  
**Date:** Friday, May 15, 2009 9:52:45 AM

---

**From:** Zimmer, Heidi [<mailto:Heidi.Zimmer@T-Mobile.com>]  
**Sent:** Wednesday, April 29, 2009 4:50 PM  
**To:** Joy Tiemeyer; Kalousek, Kenneth; Sanders, Michelle  
**Cc:** Tim Blandford; Stoliker, John  
**Subject:** RE: Southwest M5 (Novi) - DE01341

Joy, T-Mobile has tried for several years to work with DTE/ITC on getting on either one of their transmission towers in this immediate area, or to collocate on to ITC main building in this area. However, we have been unsuccessful and have been told repeatedly that the ITC building is off limits due to security reasons. The string of transmission towers has also been taken off the list of allowable transmission towers to collocate on due to ITC upgrades to that string. Please feel free to call or email with any questions. I would be happy to speak with anyone at the city of Novi regarding this as well.

Thanks, Heidi

**Heidi Zimmer**

T-Mobile U.S.A. | Development Manager - Michigan | M (734) 645-2252  
| O (734) 367-7292

## Verizon Propagation Maps and Narratives



**JONATHAN R. CRANE, P.C.**

ATTORNEY AND COUNSELOR  
1126 N. MAIN ST.  
ROCHESTER, MI 48307

JONATHAN R. CRANE  
BENJAMIN S. HERRICK

TELEPHONE: (248) 650-8000  
FACSIMILE: (248) 650-9239  
EMAIL: JRCPC@SBCGLOBAL.NET

March 9, 2010

Krysten M. Kitzman  
Black & Veatch Corporation  
30150 Telegraph Road  
Suite 420  
Bingham Farms, MI 48025

*Via Federal Express*

Re: Verizon Wireless #107 – Meadowbrook & 12 Mile  
Our File No. JC2884-09

Dear Ms. Kitzman:

This letter is written on behalf of my client Verizon Wireless to address the immediate need for a new antenna in the northerly quadrant of the I-696/M-5/I-275 interchange area. The additional communications facility is intended to improve and maintain continuous, uninterrupted voice, location and data services to customers living, working and traveling in the area.

The proposed shared use antenna with Michigan Department of Transportation is an ideal public/private cooperative venture that minimizes impacts on homesites while providing much needed essential communications.

Existing antenna in the area include:

<u>Site No.</u>	<u>Address</u>	<u>Type of Structure</u>
155	39990 – 14 Mile Road Commerce Twp.	Monopole
437	3533 W. 12 Mile Road Farmington Hills	Rooftop
1029	27345 Drake Farmington Hills	Monopole
620	27245 Halsted Farmington Hills	Lattice

Krysten M. Kitzman  
March 9, 2010  
Page 2

107	<i>City of Novi – Proposed</i>	
512	27448 Novi Road Novi	Water Tower
631	44170 Grand River Novi	Monopole
455	24062 Taft Novi	Monopole Lightpole
904	42075 – 11 Mile Road Novi	Lattice
733	35200 Haggerty Novi	Monopole
636	24690 Hathaway Farmington Hills	Monopole

The coverage plots showing sector performance are submitted for the Planning Commission and City Staff review. Please be assured that the site is critical and necessary to fulfill continuous, seamless, quality wireless services in the immediate service area.

Very truly yours,

JONATHAN R. CRANE P.C.

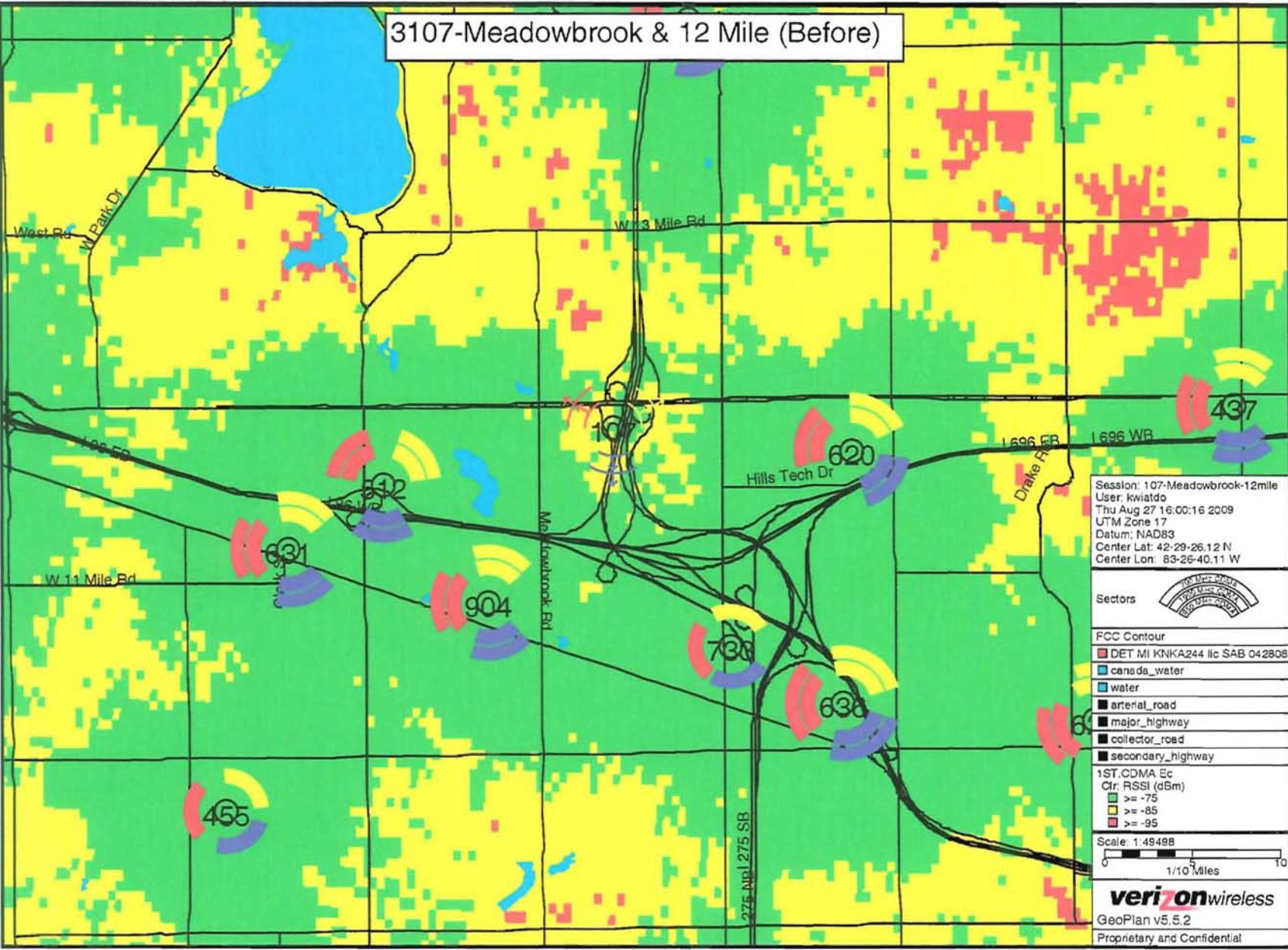


Jonathan R. Crane

## Verizon Wireless #107 – Facility Search Information

Verizon Wireless has had this site in search for approximately 4 years. Sites considered include the Michigan State Agricultural Station at 12 Mile & Meadowbrook, various lower profile offices east of the site and, of course, ITC (Edison Towers). The existing lattice power lines are not satisfactory for Verizon Wireless requirements due to loadings, maintenance, ground space and access.

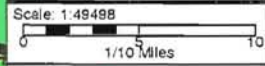
# 3107-Meadowbrook & 12 Mile (Before)



Session: 107-Meadowbrook-12mile  
 User: kwialdo  
 Thu Aug 27 16:00:16 2009  
 UTM Zone 17  
 Datum: NAD83  
 Center Lat: 42-29-26.12 N  
 Center Lon: 83-26-40.11 W



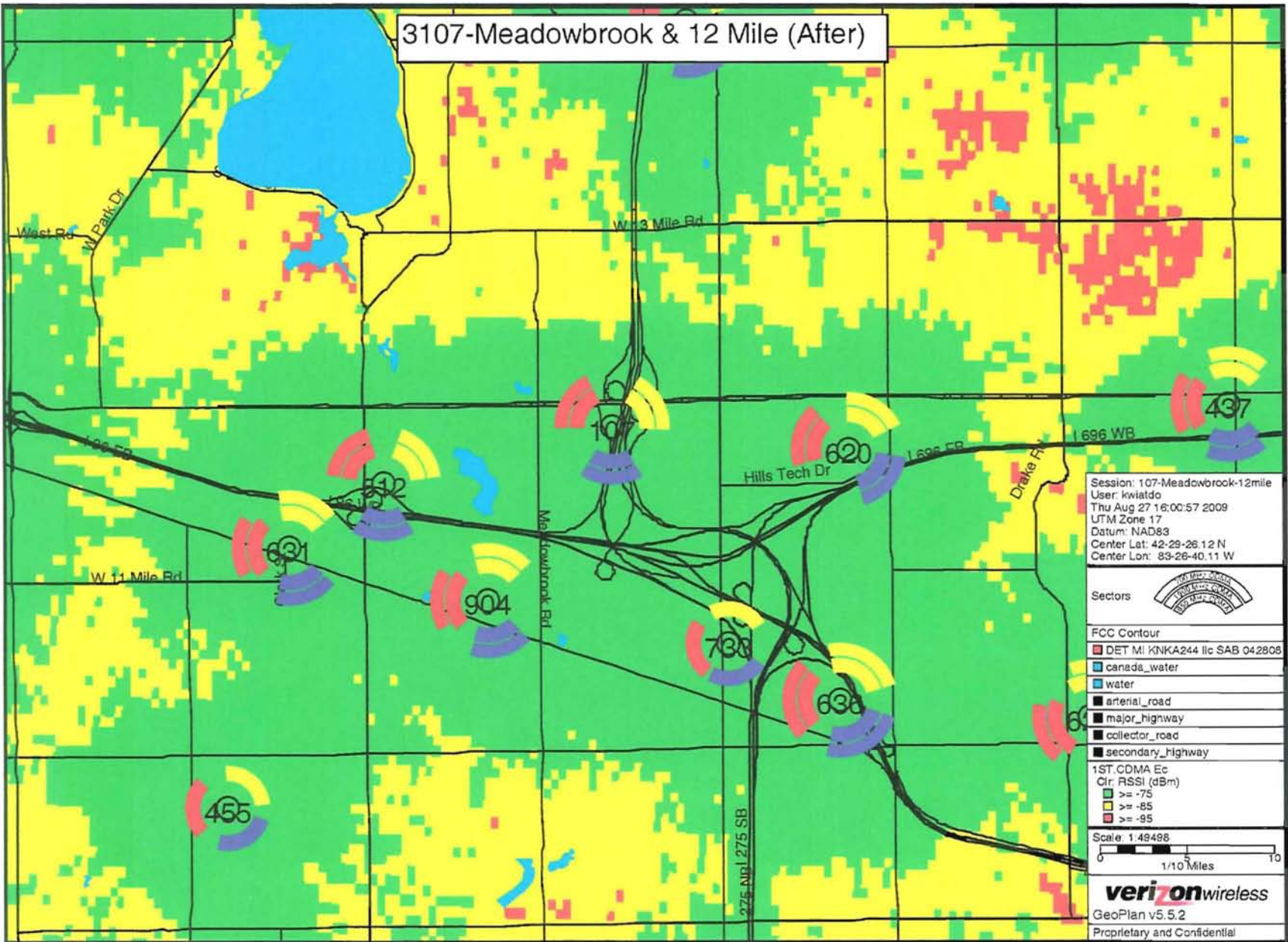
- FCC Contour
- DET MI KNKA244 lic SAB 042808
  - canada\_water
  - water
  - arterial\_road
  - major\_highway
  - collector\_road
  - secondary\_highway
- 1ST CDMA Ec  
 Ctr. RSSI (dBm)
- >= -75
  - >= -85
  - >= -95



**verizon**wireless  
 GeoPlan v5.5.2  
 Proprietary and Confidential



# 3107-Meadowbrook & 12 Mile (After)



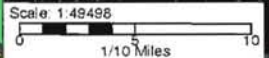
Session: 107-Meadowbrook-12mile  
 User: kwiatdo  
 Thu Aug 27 16:00:57 2009  
 UTM Zone 17  
 Datum: NAD83  
 Center Lat: 42-29-26.12 N  
 Center Lon: 83-28-40.11 W



- FCC Contour
- DET MI KNKA244 lic SAB 042808
  - canada\_water
  - water
  - arterial\_road
  - major\_highway
  - collector\_road
  - secondary\_highway

1ST.CDMA Ec  
 Cir. RSSI (dBm)

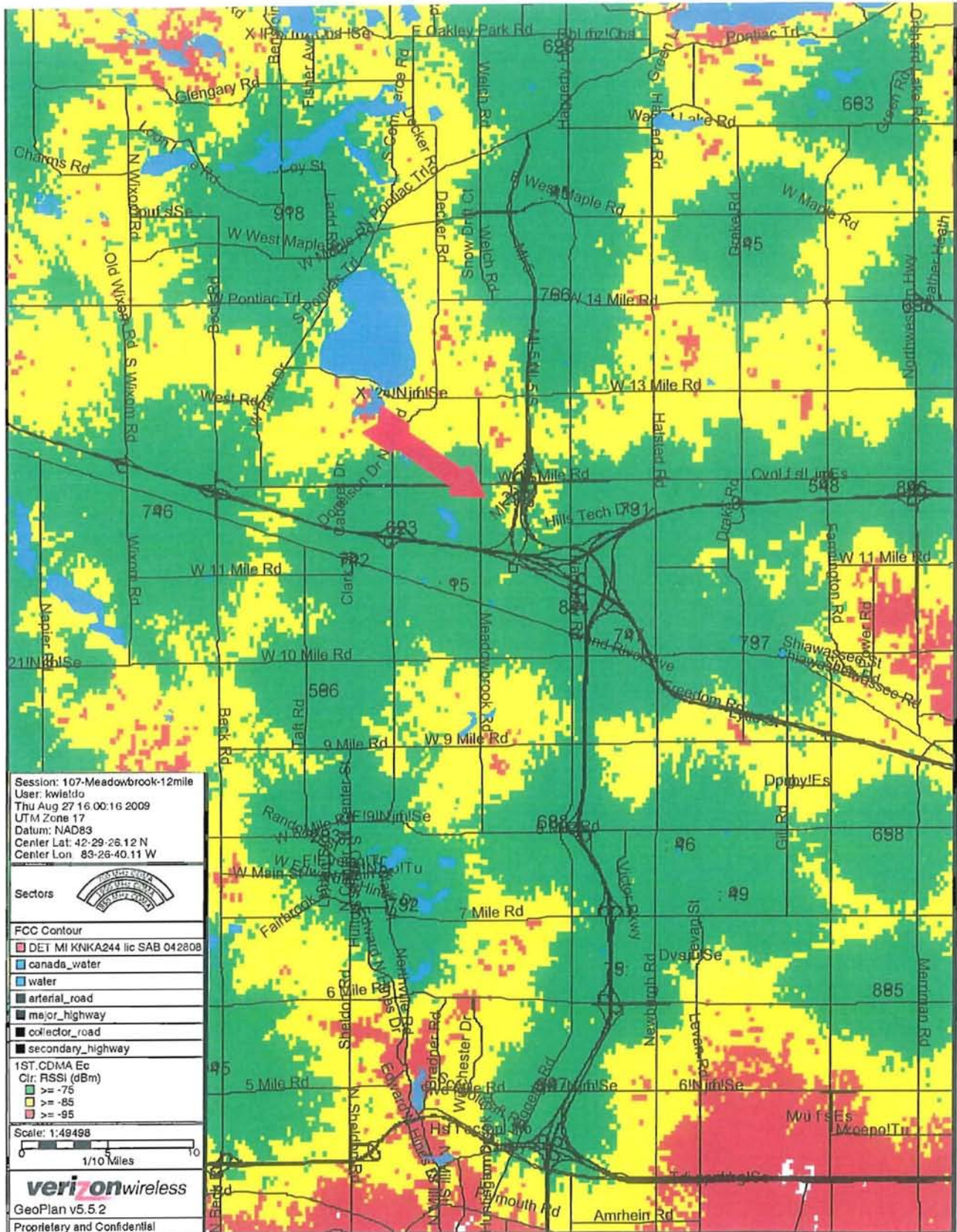
- >= -75
- >= -85
- >= -95



**verizon**wireless  
 GeoPlan v5.5.2  
 Proprietary and Confidential

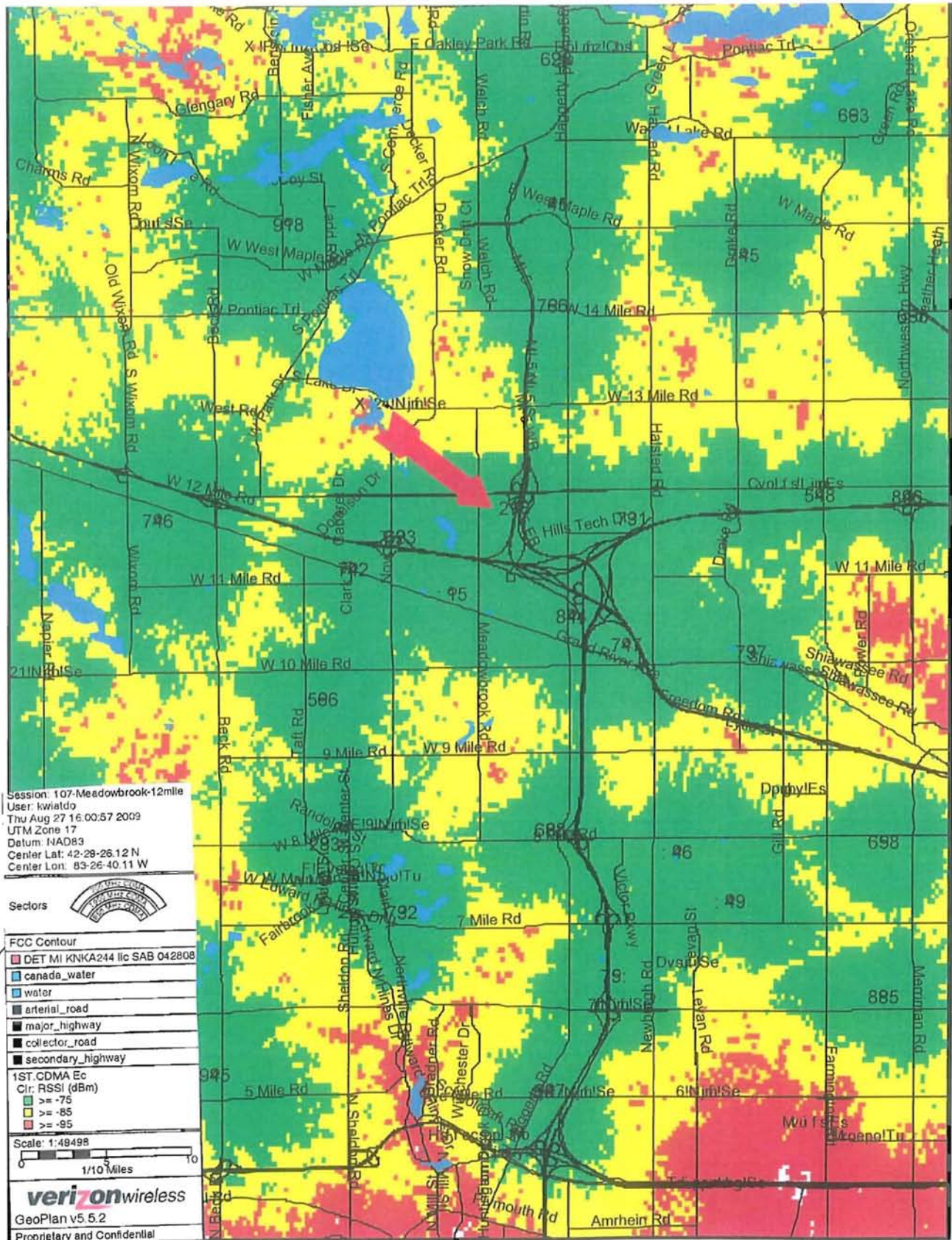


# VERIZON'S CURRENT COVERAGE AS OF MARCH 2010



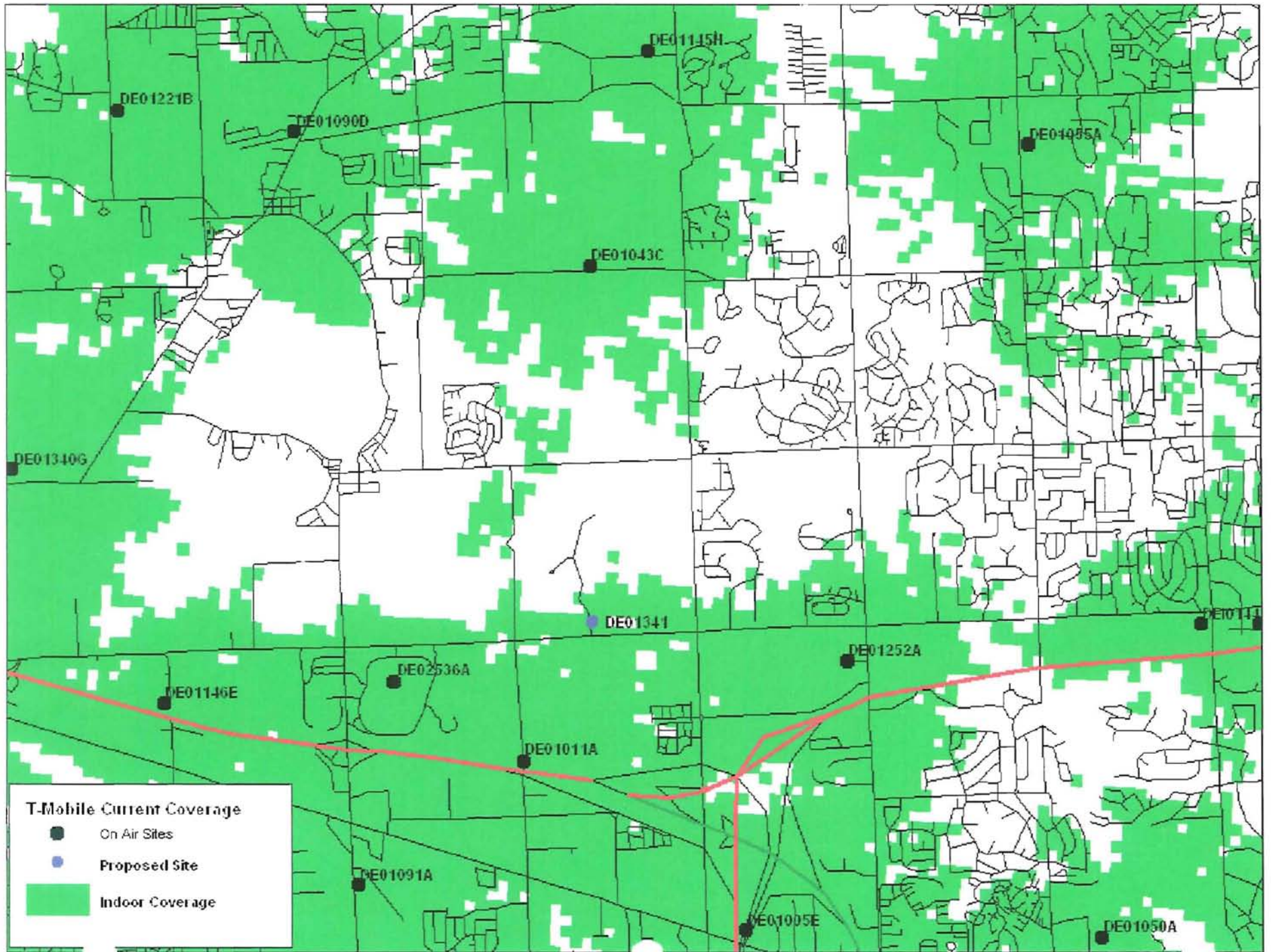


# VERIZON'S COVERAGE WITH THE PROPOSED SITE



## T-Mobile Propagation Maps







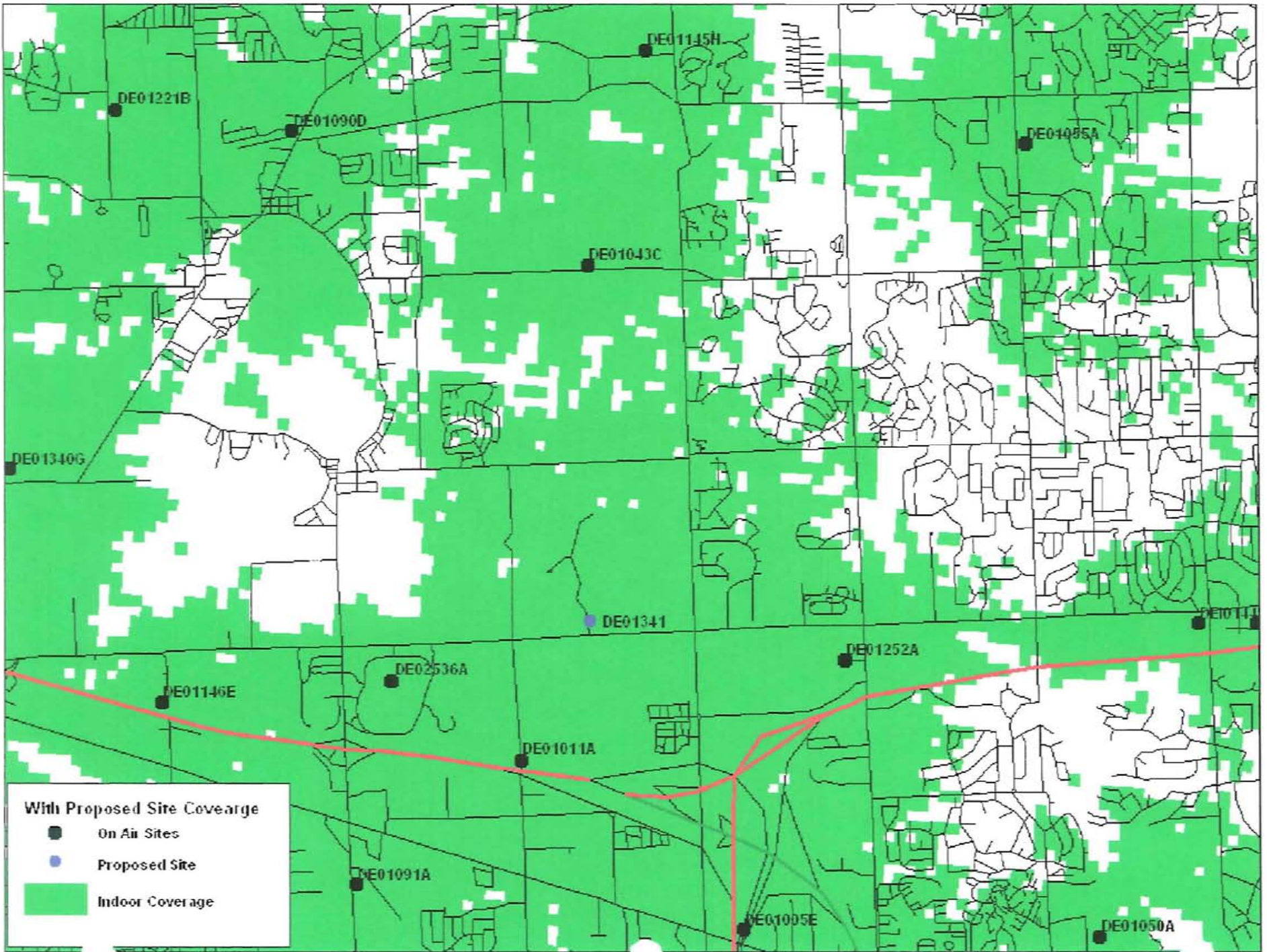


Photo Simulation





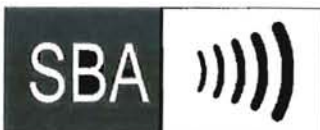
Before



After

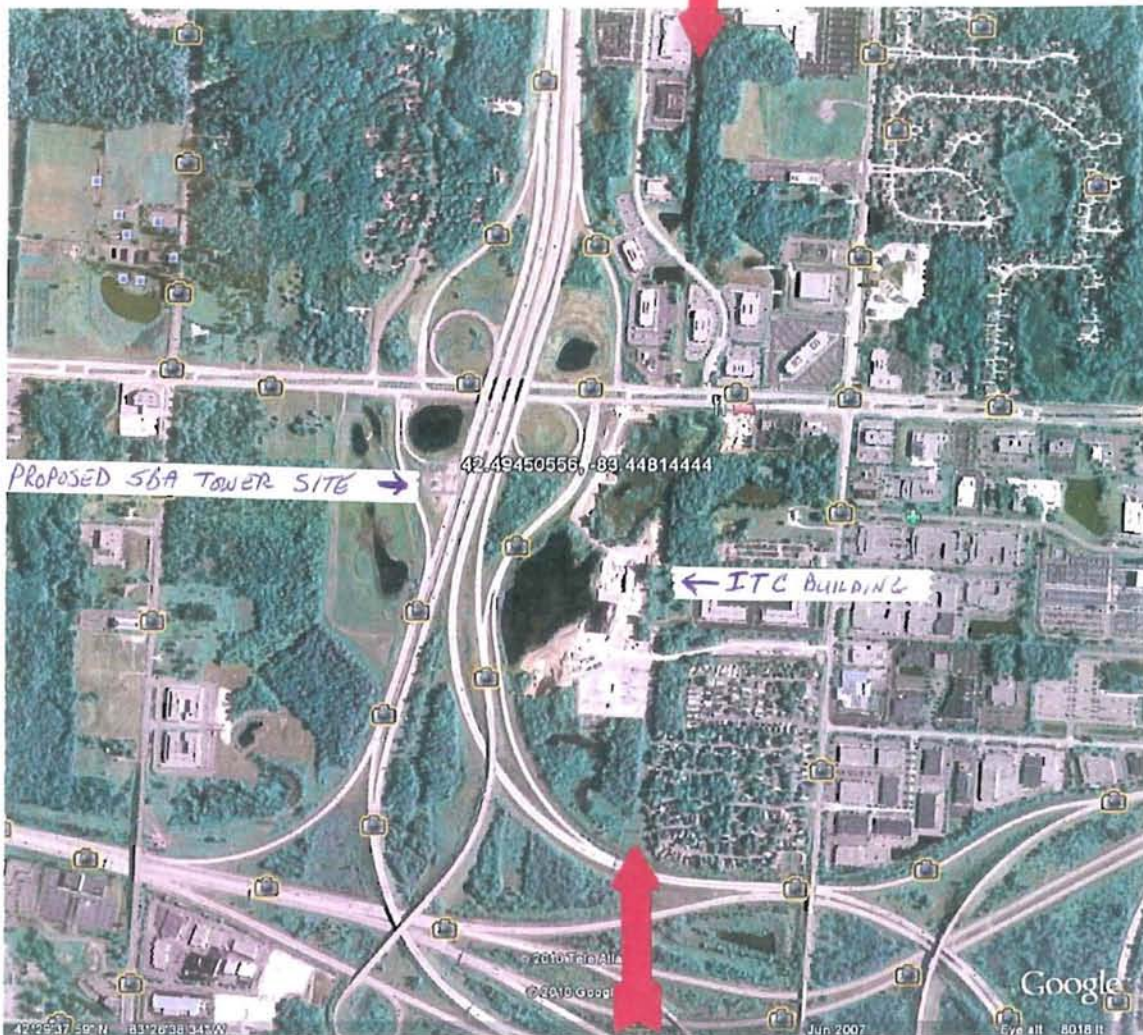
## Southwest M5

View Looking South



Aerial View of ITC Building and Transmission Lines

ITC LINE OF TRANSMISSION TOWERS



ITC TRANSMISSION LINE OF TOWERS

REDUCED SITE PLAN



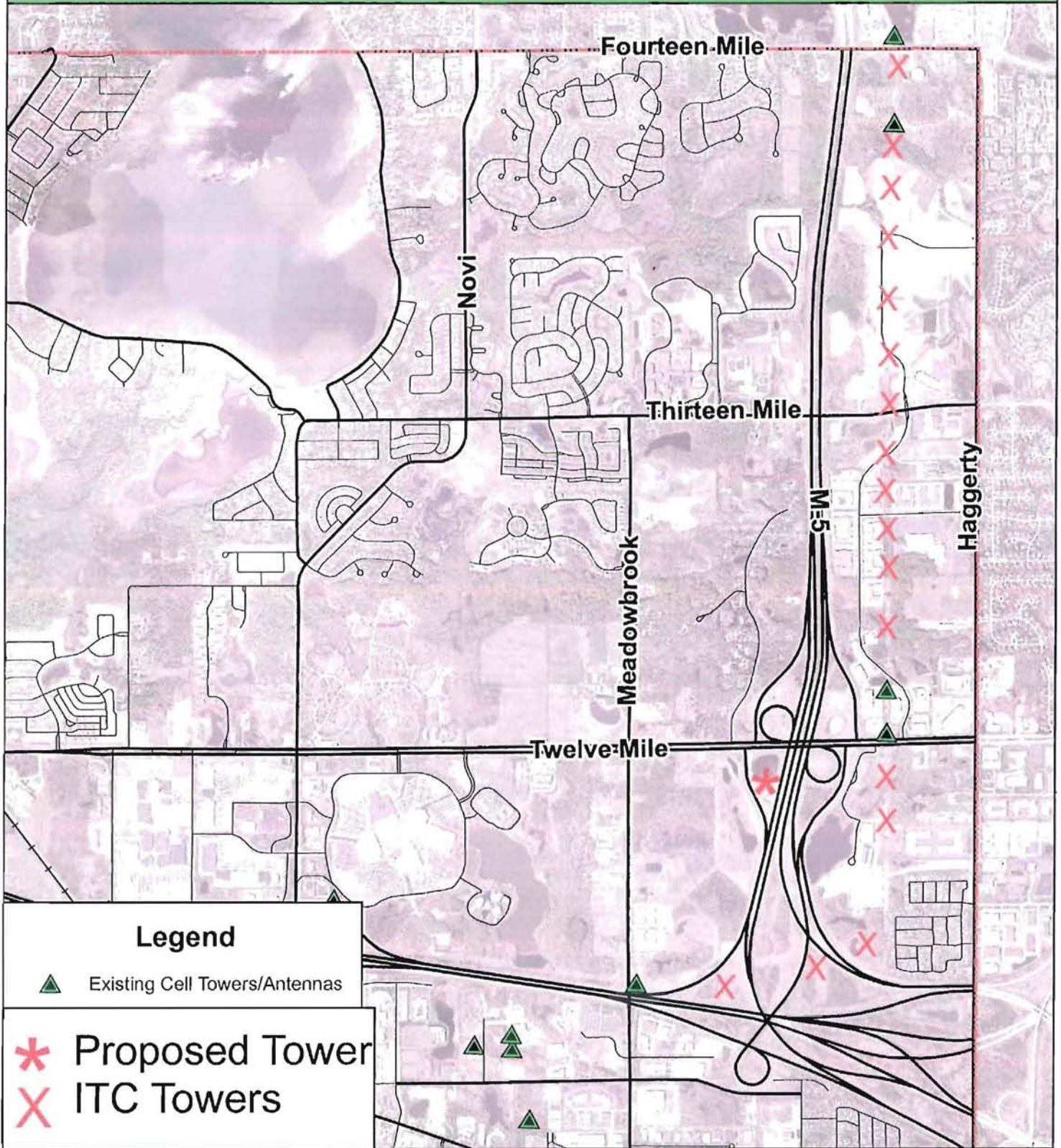




MAPS

Location/Air Photo  
Zoning

# Cellular Tower at M-5 and Twelve Mile Road SP08-40 Location and Neighboring Tower Map



## Legend

 Existing Cell Towers/Antennas

 Proposed Tower

 ITC Towers



### CITY OF NOVI

PLANNING DIVISION

45175 W. TEN MILE ROAD  
NOVI, MI 48375-3024  
(248) 347-0475

MARK SPENCER, AICP, PLANNER

CREATED: 5/28/09



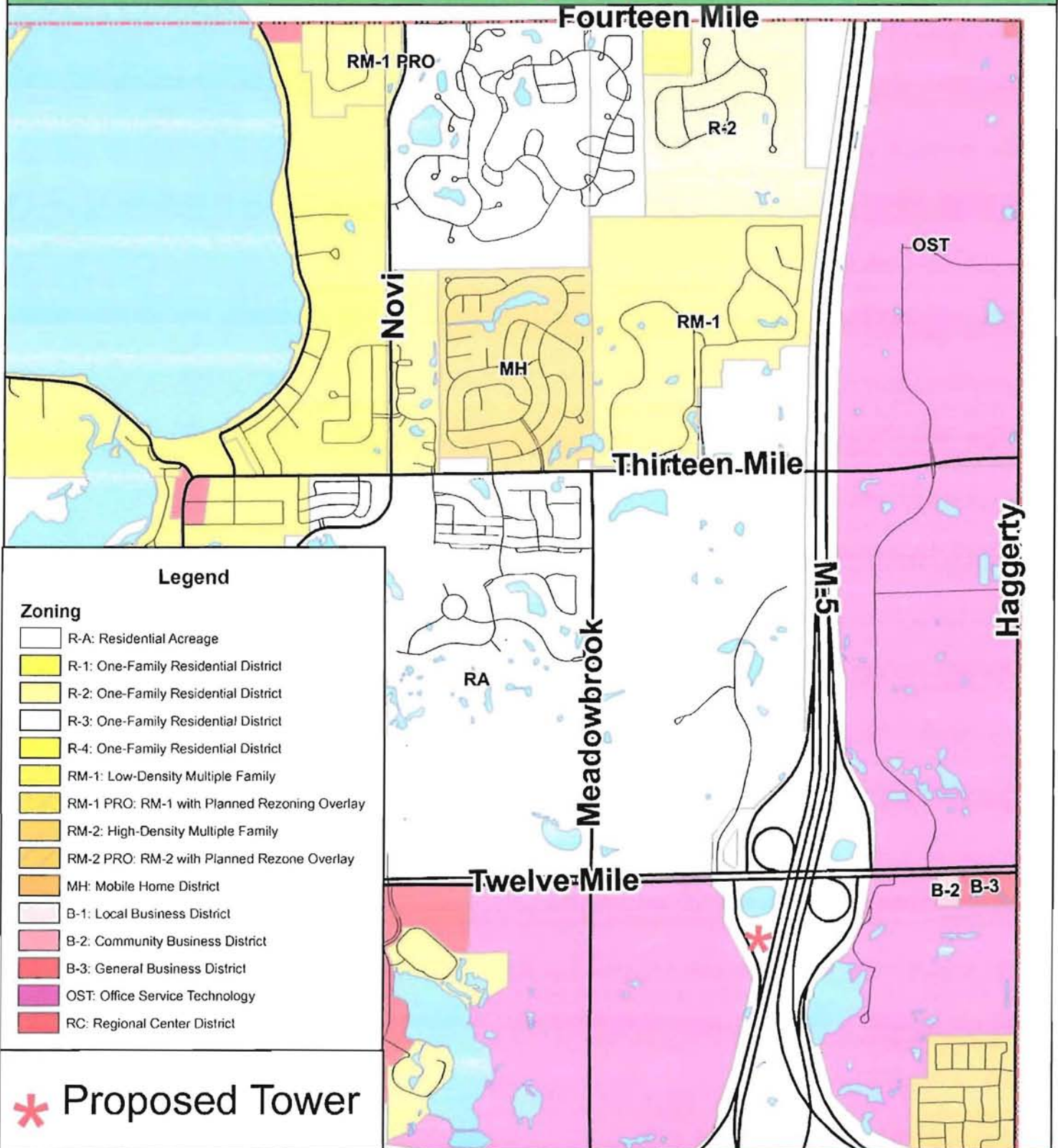
0 600 1,200 2,400 3,600  
FEET

#### MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



# Cellular Tower at M-5 and Twelve Mile Road SP08-40 Zoning Map



## Legend

### Zoning

- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-2: One-Family Residential District
- R-3: One-Family Residential District
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- RM-1 PRO: RM-1 with Planned Rezoning Overlay
- RM-2: High-Density Multiple Family
- RM-2 PRO: RM-2 with Planned Rezone Overlay
- MH: Mobile Home District
- B-1: Local Business District
- B-2: Community Business District
- B-3: General Business District
- OST: Office Service Technology
- RC: Regional Center District

**Proposed Tower**



**CITY OF NOVI**  
 PLANNING DIVISION  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375-3024  
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 MARK SPENCER, AICP, PLANNER  
 CREATED: 6/26/09



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