

# MINUTES BIG RAPIDS CHARTER TOWNSHIP PLANNING COMMISSION

Tuesday, April 10, 2018 --- 7:30 p.m.

Big Rapids Township Hall, 14212 Northland Drive, Big Rapids, MI 49307

## I. CALL TO ORDER: 7:30 P.M.

Chairman Phil Keating called the regular meeting of the Big Rapids Charter Township Planning Commission to order at the township hall on Tuesday, April 10, 2018 at 7:30 p.m.

## II. ROLL CALL:

Present: Zach Cook, Mary Davis, Gordon Oliver, Mark Sweppenheiser, Amanda Wethington, Philip Keating and Carman Bean are present. The record shows a quorum is present. Also Present: Zoning Administrator and Recording Secretary, Brent Mason and Supervisor Bill Stanek.

## III. CONFLICTS OF INTEREST:

Mr. Keating asked if any of the Commission members had known conflicts of interest with first item on the agenda for this meeting, the site plan review for D.P. Tire and Car care. No one indicated that a conflict existed.

## IV. PUBLIC COMMENT:

Mr. Keating asked Mr. Mason if there was any public comment in written form. Mr. Mason explained that he received 2 envelopes that included packets of information delivered from Victoria Jackson and another packet of information from Rebecca Williams Jackson regarding the Verizon Tower Application. Mr. Keating advised that those items would not be read into the minutes as the public hearing was held at the last meeting and we would not be holding another public hearing. Mr. Pat Klarecki of 21030 Madison presented a document to the Commission. Mr. Klarecki mentioned that his document had findings of fact from the public hearing that occurred last month. Mr. Keating advised that the Planning Commission was not accepting any new information since the public hearing was held last month. There was no further public comment.

## V. SITE PLAN REVIEW:

PZ18-0011 – Site Plan review for D.P. Tire and Car Care, PPN 5405 021 006 002 at 14740 – 220<sup>th</sup> Avenue. Mr. Keating invited Peter Ruttan, of D.P. Tire, to inform the Commission about the project. Mr. Ruttan advised the commission that currently, his business is operating in 5 buildings in the City of Big Rapids and Green Township. This project would bring his operation under one roof and would make his operation more efficient, as well as provide for business growth and provide more jobs to Big Rapids. He is proposing an approximately 40,000 sq. ft. on the 16-acre parcel. Mr. Mason took some time to explain the site plan to the Commission members. He did advise the Commissioner's that there were a few concerns that had been brought up by the township engineer and had been forwarded to the project coordinator. Some of the items have been address on the plan that was presented this evening, but there are still landscaping, site lighting and storm water issues that need to be addressed. They did increase that available parking on site to an acceptable level for this size building have address pavement grade concerns. There

are no provisions for exterior storage. Mr. Keating asked where the wetlands were located on the property, and Mr. Mason showed the Commission members on the map the area to the south of the proposed building on the property and southwest along 220<sup>th</sup> Avenue. Mr. Keating asked what was planned for the southeast corner of the property, and Mr. Mason advised that the detention pond is shown in that area. Mr. Mason also mentioned that the storm water calculations for the project were also just presented and had not been reviewed by the Township engineer. Mr. Keating asked if a copy of Progressive AE's letter reviewing the project has been provided to Mid-Michigan. Mr. Mason replied that it had. Mr. Mason explained that the photometric data and site lighting plan is in progress. Mr. Bean asked if this is the final site plan, and Mr. Mason stated that there are still a few details that need to be worked out. Mr. Keating asked about building elevations, and Mr. Mason stated that architectural drawings are reviewed by the Building Official. Mrs. Davis asked about the landscaping plan, and Mr. Mason stated that we do require a landscape plan, but since we don't have any landscape specifications in our ordinance, it is usually ~~is~~ just a basic plan that shows there will be landscaping and is usually separate from the site plan. Mr. Keating asked the D.P. Tire representatives if there was anything in the review letter that they took object to, and they responded that there was nothing they objected to. Mr. Bean made a comment about making the approval provisional based on D.P. Tire meeting the rest of the requirements for the site plan per the ordinance. Mr. Bean made the motion to conditionally approve application # PZ18-0011, The D.P. Tire site plan. MMES Project # 18029 Revised April 10, 2018 with further changes that need to be made to meet the requirements of the ordinance and Mr. Oliver supported it. There was no further discussion. Mr. Stanek made a comment on the Progressive AE report, that the site is a standalone drainage district, that it is in fact in the Tonkin Drain District. Mr. Mason replied that Mr. Oezer was advised when the initial request for review was sent to Progressive AE. The motion was approved unanimously with seven ayes and no nays. The motion passed. Mr. Keating thanked Mr. Ruttan for the presentation.

## **VI. OLD BUSINESS – CHAILLE TOWER CONSULTANTS FOR VERIZON WIRELESS APPLICATION FOR SUP18-001**

Mr. Keating asked if any of the Commission members had known conflicts of interest with next item on the agenda. Mr. Bean recused himself regarding the Verizon Tower discussion because he lives directly across the street from the property in question. Mr. Bean left the meeting room.

Mr. Keating asked if there were any comments or questions before they get started on the review for the SUP.

Mrs. Davis asked if the members were going to discuss the application. Mr. Keating answered that they were. Mr. Keating explained to the public that there are certain requirements that have to be met and have to be discussed by the members of the Planning Commission in determining whether the SUP will be granted or if it will not be granted. He stated that they will start going through that process by reading the requirements. All uses by special permit shall comply with each of the following standards and requirements.

(A). The nature, location, and size of the special use shall not change the essential character of the surroundings area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with or discourage the adjacent or neighboring lands or buildings.

Mrs. Davis said that this question is the one that concerns her most, and she spent time driving along Madison both directions, sitting in driveways looking at the proposed site, and from the lots in the sub-division. She stated the proposed site is very low, very hard to see while you are driving and there are a lot of trees. She did state that the vacant lots in the sub-division are a concern because some of them will be looking straight at the tower, which she feels does change the character of the surrounding area. She feels that along Madison it is very tree covered.

Mr. Keating asked if there were other comments. No one indicated that there were any other comments. Mrs. Wethington asked for a copy of the questions, which were provided to her. Mr. Keating read the question again.

A. The nature, location, and size of the special use shall not change the essential character of the surroundings area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with or discourage the adjacent or neighboring lands or buildings.

Mr. Keating asked the members if this use meets that requirement. No one responded and Mr. Keating stated that he understands yes or no but doesn't understand silence.

Mr. Sweppenheiser said that he feels that instead of starting in the requirements for special use, the requirements for a communications tower should be addressed first.

Mrs. Davis asked Mr. Sweppenheiser for clarification. Mr. Sweppenheiser said that there are 22 other bullet points for consideration under tower construction. Mr. Keating replied that Progressive AE has addressed that for the Commission and provided a response for those issues. Mr. Keating asked Mr. Sweppenheiser if he would like to go over those items, and Mr. Sweppenheiser answered that he would.

Mr. Keating referenced the application packet presented to the Commission and the response provided by Mr. Chaille and Mr. Estey. Mr. Keating asked if the members needed him to read through each of the items. Mr. Sweppenheiser mentioned that he has a concern with just one item, but as a part of fact finding, all of these items have to be met, not just the Special Uses standards.

Mr. Keating said they could go through each one of them. He started with 153.246 Communications Tower Qualifying Conditions.

(A) The following site and developmental requirements shall apply.

- (1) All tower sites shall have a minimum area sufficient to contain the tower and its accessory uses. The site shall have permanent deeded access to a public road.

Mr. Keating stated that he felt that it did meet both issues. He asked if Mr. Mason is the township had received the land division application. Mr. Mason responded that the assessor has not received that land division application but does have a proposed survey

for the land split. Mr. Keating asked if the resulting parcels will be adequate in size for the tower, and that access will be provided by deeded easement, and Mr. Mason replied that there will be.

(2) The use of guy wires is prohibited within residential districts.

Mr. Keating replied that this is not applicable, the tower is a monopole and doesn't use guy wires.

(3) The base of the tower and wire cable supports shall be fenced with a minimum five-foot high fence.

Mr. Keating replied that the tower will be fenced.

Mr. Sweppenheiser asked Mr. Mason if once the splits happen, will the setbacks for the tower be met. Mr. Mason replied that to the best of his knowledge, they would be met. Mr. Keating interjected that they are dealing with a smaller setback because the set back doesn't have to be the height of the pole due to its monopole design. Mr. Sweppenheiser stated that he doesn't believe he ever received a copy of the proposed split, and Mr. Mason responded by acknowledging that there is a proposed split that he did not send it out because it had not been filed. He did share the proposed land division. Mr. Keating referenced the

(B) Special performance standards.

(1) The tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the tower will withstand high winds and icing impacts and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with township engineering review.

Mr. Keating advised that we have a letter from the engineer to that effect.

Mrs. Wethington asked if they were splitting the parcel and running an easement on the existing parcel. Mr. Mason replied that was correct.

Mr. Sweppenheiser stated that we haven't received that from the engineer's yet. Mr. Keating replied that we ~~de~~have received it. Mr. Sweppenheiser asked for it to be read to him. Mr. Keating replied by reading the info from the report. Mr. Chaille assisted Mr. Keating in getting the report so he could read the information.

Mr. Keating read (2) All tower, wire cable supports, equipment and accessory structures associated with the operation of the tower shall not be located any closer than 30 feet to any property line or within the zoning district setback. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance. He said this is met.

(3) Accessory structures shall not exceed 600 square feet of gross building area. Mr. Keating read the applicant's answer: The proposed ground equipment will be outdoor cabinets on a 12' x 20' concrete slab (no building).

(4) No new tower shall be approved unless the applicant can document that the co-utilization of an existing tower or utilization of an existing structure is not available. Mr.

Keating read the response: Verizon first looked for existing structures they could use for this facility location. No structures were available that met the objectives of this proposed project. The nearest structure is 1.87 miles to the SW. There were maps provided regarding that. Mr. Keating continued on with a concern regarding the Perry Street Water Tower, and it was determined to be much further away than originally anticipated.

Mr. Sweppenheiser agreed and added that it is just over a mile. His issue is that they showed the areas that each tower would meet, then didn't show us any of the data for what was existing and the standard stated that requirement is on them, to prove to the Commission that co-utilization doesn't exist. He knows they drew a circle and said that it isn't within the circle, but they didn't show whether that tower would affect this area 5% or 95% and that burden is on them to provide that information. Mr. Keating acknowledged Mr. Sweppenheiser's concern. Mr. Sweppenheiser further stated that he is a little disappointed that it wasn't provided. He continued that it would make his job a lot easier if he knew what the influence of that tower was, such as 5%, 40%, 60% or 80%. There would have been an effect of other towers in that red circle. Mr. Sweppenheiser believes that information would have been extremely helpful and he maintains that they haven't met that standard.

Mrs. Davis asked Mr. Sweppenheiser if the applicant had shown what a co-location would have looked like on the closest tower, compared with the proposed site's projected coverage, if that would have answered his concern. Mr. Sweppenheiser answered our ordinance requires that, and that it would have been extremely helpful.

Mr. Steve Perialas mentioned that he had a proposed site plan for the property if that would help. Mr. Keating did not require that information, as it is already provided.

Mr. Sweppenheiser said that we could move on. Mr. Mason mentioned information that was provided by Verizon regarding propagation studies for the Perry Street Water Tower. Mr. Sweppenheiser felt that study did not show that tower "lit up" like it should have been.

Mr. Keating continued on. (5) All towers shall have all ladder or climbing rungs removed within 20 feet of the ground to prevent unauthorized access. – Verizon will comply with this standard.

(6) The tower construction plans shall be prepared by a professional engineer qualified in structural engineering practices. – Verizon Wireless will comply with this standard and always uses professional engineers from the tower company they purchase the tower structures from.

(7) The applicant shall provide verification that the antenna mounts and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes. – As mentioned above, Verizon will provide signed and sealed (engineer reviewed) plans along with the building permit application.

(8) All towers and antennas must meet the standards of the Federal Aviation Administration and Federal Communications Commission. – Verizon Wireless obtains and follows all standards mandated by the FAA and FCC in regards to wireless communication facility operation. I think we have a letter referencing the FAA's attitude towards the tower, that it is ok and that it doesn't require lighting.

(9) All steel towers must meet the requirements of the current revision of the Telecommunications Industries Association/Electronic Industries Association (T.I.A./E.I.A.)

222 titled *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*. - This standard will be followed. Following these guidelines is standard practice on all tower sites constructed by Verizon Wireless.

(10) All signals and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground. – There will be no substantial horizontal run of conductors between the ground equipment cabinet and the tower. The ground equipment will be only 10 to 12 feet apart and supported by an ice bridge (a steel frame with a metal grate protecting the cables from falling ice should some become dislodged from the tower structure during melting. Burying the cables creates a number of problems as it creates 4 right angle turns the cable has to make (turning down to the ground, turning towards the tower underground, turning up out of the ground by the tower base and turning into the tower port). The cables used are not designed to be bent anymore that possible. Some of the cables have fiber optic glass in them and are susceptible to damage. The best way to minimize this is a direct run from the ground equipment cabinet and the tower port with one gradual curve towards the tower top as it enters the tower tube.

(11) Towers shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas. – Verizon Wireless (and all other licensed broadcasters) use only the frequencies issued to them by the FCC. In doing so, no broadcasting should impact or disturb any broadcasting in the area.

(12) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant. – Verizon is leasing a 55' x 30' square and there will be adequate room for maintenance around the tower structure and ground equipment by utilizing the designated parking area by the compound gates.

(13) Minimum spacing between tower locations shall be one mile in order to prevent a concentration of towers in one area, except when permitted by special use permit (153.130). - As mentioned above, the nearest tower structure available at the time of the site search is 1.87 miles to the SW by the highway exit to Big Rapids.

(14) Towers shall not be artificially lighted unless required by the FAA. – Verizon will not light the tower with express direction by the FAA, and the FAA is not requiring it to be lit.

(15) There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes. – Verizon Wireless has a standard practice of only utilizing two small signs at a communication facility. They go on to indicate that the signs are 8" x 12" and 12" x 18".

(16) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna. – The tower color will be galvanized grey in color and the antennas are an off white plastic to blend in with the sky.

(17) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation.– Verizon will always follow mandates from the FCC at all times. Should standards change, Verizon will adopt those changes to remain in compliance.

(18) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. – Verizon personnel visit all of their facilities 2-3 times per month for only an hour or so.

(19) Where the property adjoins any residentially zoned property or land use, the tower owner shall provide and maintain appropriate screening harmonious to the area. – Verizon’s facility is proposed on a parcel zoned Agriculture. The facility was carefully designed and located as to utilize existing trees as natural screening from existing homes in the area. It was further positioned well back from the road beside an existing barn.

(20) The tower shall be removed by the property owner or lessee within six months of being abandoned. – Verizon wireless has removal language in the lease they sign with the landowner that address removal. This language legally binds Verizon Wireless to the landowner with the commitment to remove the tower should a situation arise where the structure is not required or is not viable for some other reason in the future. The language remains binding with any future tower owner or assignee that Verizon should sell to or name in the future.

(21) All steel towers and structures must be inspected at least every three years in compliance with the T.I.A./E.I.A. standards and such inspection compliance certified to the township. – Verizon understands this standard and will follow with inspection results delivered to the township offices at least every three years.

(22) (a) All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structure and/or existing buildings or other alternative antenna support structures. – Verizon is mandated by the FCC regulations to allow co-location on any structure licensed to them for operation and to only charge fair market value for the co-location of others equipment. This standard will be followed by adherence to this Federal regulation.

Mr. Keating wondered if the members were in agreement that this proposal does meet the Tower specifications. Mr. Sweppenheiser stated his position. Mr. Keating replied, so your answer is no. Mr. Sweppenheiser answered correct. Mr. Keating stated that we will have a vote on that. As he was preparing to ask who agreed, Mr. Sweppenheiser stated that he didn’t feel that a vote was required on that issue, as it was part of fact finding. Mr. Stanek advised Mr. Keating that he could have a vote if he wanted, and Mr. Keating stated that he would like to know. Mr. Keating asked everyone who feels that this proposal meets all the requirements for a communications tower within the zoning ordinance say yes. There were three yes answers. All those who feel it doesn’t say no. There were three no answers.

Mr. Keating stated that he wanted to move on to the considerations for SUP standards. He asked if anybody objected to that. There was no answer. Mr. Keating said they were moving back to item (A) and asked if anyone had any comments on item (A). He then asked if anyone felt that item (A) was an objectionable issue. Mrs. Wethington said she felt that it would discourage the use of adjacent or neighboring lands or buildings. Mr. Keating asked if there were any other comments. Mr. Sweppenheiser said that he personally felt that the zoning was incorrect on this parcel. Mrs. Wethington agreed because it is classed residential even though it is zoned agricultural. Mr. Mason commented that A-Residential uses are allowed by right in the AG district. Mr. Sweppenheiser asked if a tower would be permitted in the A-Residential, and Mr. Mason replied that it would not. Mr. Sweppenheiser continued on and suggested that the zoning on this particular parcel appears to be incorrect. It has two residential properties with no ag use, directly adjacent to residential properties. Mr. Mason replied that it is adjacent to AG also. Mr. Sweppenheiser stated that he was just making a comment, and Mr. Mason continued with the comment that use and zoning are two different ways to look at properties, and A-residential uses have been allowed in the AG district as long as Big

Rapids Township has had zoning. Mrs. Davis interjected that they have to look at this in the way that it is currently zoned, and many members answered in the affirmative, not in the way that we wish it to be zoned.

Mr. Keating moved on to item (B) - The special use shall not diminish the value of the land, buildings or structures in the neighborhood. Mr. Keating asked for comments, and Mrs. Wethington said as the County Equalization commercial/industrial appraiser and a certified assessor for the State of Michigan, her opinion is that the tower would highly diminish the value of the land, and would affect the properties in the area. Mr. Oliver commented that he would agree with Mrs. Wethington. Mrs. Davis stated that she has read things on both sides, studies ~~the that~~ present both points of view and she thinks it depends on which study you read as to whether a communication tower would affect anything or not.

Item (C) - The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished. – Mr. Keating asked if the proposed use meets this. Mr. Sweppenheiser answered yes. Mr. Keating asked for other comments, and there were none.

Item (D) - The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to State and County Health Department requirements, and the special use shall not over-burden any existing services or facilities. Mr. Keating and Mr. Sweppenheiser both stated that they did not think this question was applicable.

Item (E) - Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property. – Mr. Keating asked if it met this requirement, and Mr. Sweppenheiser stated that if it's not lighted it does.

Item (F) - The Planning Commission may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light, etc., created by the special use. – Mr. Keating asked if there were any comments on this item. There were none.

Item (G) - The special use shall be consistent with the intent and purpose of this Ordinance and with the intent of the Land Use Plan for Big Rapids Township. The special use shall be compatible with the natural environment and shall not be inimical to the public health, safety and general welfare. - Mr. Keating asked for comments on this item. Mrs. Davis stated that we are back to being compatible with the natural environment. She stated that is where she is stuck.

Mr. Keating state he would like to make a few comments. He said, Number 1, he was concerned about the essential character of the surrounding area, Number 2, he is concerned about the diminishment of the value of the land, building or structures in the neighborhood and Number 3, Item (E) dangers to the property or other properties. Realizing that his opinion may not be the same as everyone else's, he contacted a local appraiser who is very knowledgeable of the properties in the area and he contacted two

realtors that are competent and well known in the area. He asked that if this would materially affect the value of the land and structures in the immediate area. While none of them gave a resounding acclaim for the tower being put there, none of them stated with any certainty that it would make any material difference it-in the value of the property. He asked them if there would be a difference in the appraisal of the properties with a cell tower present and without a cell tower, and they said there would basically be no difference. Mr. Keating stated that he was just passing on the information that was given to him. The next issue, dangers to the property or adjacent properties. Mr. Keating mentioned that he talked to Mark Van Allsburg, an attorney from Mika Meyers, who deals with towers, and specifically asked about Mr. Bailey, the use of his ultralights and concerns for safety taking off and landing at his property that were raised at last month's meeting. Mr. Keating also met with Mr. Bailey and we walked his runway and the proposed site, then back to Mr. Bailey's home with the knowledge where the tower would actually be located, Mr. Bailey then stated to Mr. Keating that he didn't think it was going to be a major problem for him. Mr. Keating was hoping that Mr. Bailey would be at the meeting tonight. In addition to that information, the attorney for Mika Meyer said that it is a private runway, if it was sanctioned by the FAA the concern might be different, but as a private runway, there is no claim for a safety concern for the special use. That brings us back to the essential character of the surrounding area and it is kind of like beauty, it is in the eye of the beholder. Mr. Keating spent some time looking over the area and feels that the area would be affected. The attorney mentioned that he has been doing this a long time, and initially towers were very objectionable, but now there is not as much negativity, in fact sometimes it is considered a positive thing because it improves coverage for those that want better coverage. Mr. Keating asked if anyone had any further comments or observations or questions.

Mr. Cook shared concerning the essential character of the area. Last week while he was driving in the Toledo area, he noticed a tower that had been covered to make it look like a spruce tree, and it caused him to turn around and look at it again. He asked if it would be an option to change the look of the tower to help with the essential character of the area. Mr. Mason pointed Mr. Cook to Item number 6 (F) on the SUP standards, to determine if it might fit the desired result for the tower.

Mr. Keating asked if there were any other questions or comments regarding the issue. Not hearing anymore comments, he asked if the members were ready to vote. He then stated that he would entertain a motion. The Commission members were silent for a few moments, and Mr. Keating stated that you can't vote without a motion.

Mr. Oliver made a motion to accept SUP18-001 (PZ18-0003) for the Verizon Tower. Mrs. Davis seconded the motion. Mr. Keating stated that we have a motion and a second. He asked if there were any comments or questions. Mr. Keating asked for a roll call vote. Mr. Mason polled the members:

Mrs. Davis	Yes
Mr. Keating	Yes
Mr. Oliver	Yes
Mr. Sweppenheiser	No
Mrs. Wethington	No
Mr. Cook	Yes

Mr. Mason advised Mr. Keating the results of the vote were four in favor and two opposed. Mr. Keating advised that the motion for the SUP has passed.

## VII. OTHER BUSINESS:

Mr. Keating requested Mr. Bean to return to the meeting. Mr. Keating asked if there was any other business to be considered by the Planning Commission this evening. Mr. Mason advised that he did have some information about solar farms that he would like to share with the members. Mr. Sweppenheiser mentioned that it could be another controversial issue, and Mr. Mason said it is not time sensitive and could be presented at another time. Mr. Sweppenheiser mentioned that because this issue is hot off the presses, he feels that maybe the Commission should look at the ordinance and just where communications towers should be placed. Mr. Mason suggested that we should look at the districts and the parcels that are appropriate for communications towers while we still can pick where we want the towers. There were several conversations occurring on this and other subjects. Mrs. Davis asked if we could choose the parcel size. Mr. Mason explained that the Planning Commission can set the requirement for the use, and currently communications towers are allowed in the AG district by special use permit. At the present time, many of the existing towers are non-conforming because they are in the Commercial or Highway Interchange district, where they are no longer allowed. Mr. Sweppenheiser asked if there was a way for them to get an exemption for their non-conformity that would allow them to continue to grow and upgrade their use if they desired. Mr. Mason said that it would be possible if we had language that provided for that. He further went on to say that with the review of the Master Plan in the next two years, it will be a great opportunity to develop language that better fits the direction the Commission members would like that township to grow. Mr. Mason and Mr. Sweppenheiser continued with discussion about the use of the property as residential as opposed to agricultural, and Mr. Mason mentioned that on his large parcel, he wouldn't be opposed to having a tower and Mr. Sweppenheiser agreed. Mrs. Sue Bean stated that the tower use is appropriate in an agricultural area, and Mr. Mason mentioned that his property is being used as residential also, because he lives there, so it really isn't much different than this proposal was. Mr. Mason reiterated that use is different than zoning, and many uses may be allowed in a zoning district. In Big Rapids Township, we allow residential uses in all districts. Mr. Sweppenheiser mentioned that he would have been in favor of the request if Verizon had presented data regarding co-location on the Perry Street Water Tower site. Mr. and Mrs. Bean both echoed the concern that they believe Verizon didn't provide the data required. Mr. Pat Klarecki asked a question about setbacks, and when the property is split, will there still be enough setback for the tower to be the correct distance from the property line. Many people answered that this site is exempt from that issue because an engineer certified that it will collapse and fall back on itself. Mr. Bean is concerned whether it can be built that close to existing structures because if it falls, it will hit the barn or the garage. The design that allows it to collapse back on itself was mentioned again as the reason that is not a concern. Mr. Klarecki mentioned that he appreciated the due diligence and the hard decision that had to be made, but he commented on the property split and that the parcel has been used for student rentals for the past 20 years against the township's ordinance. Mrs. Bean asked if they would need to put a new driveway in, if they could use one driveway for two houses and access to the communication tower. Mr. Mason stated that if there is deeded access for both parcels and the tower with the easement, they won't need another driveway. Many of the members agreed that this will need to be looked at again so that decisions can be made in the best interest of the township residents. There was informal discussion about

what a farm is, what AG is, what size a parcel needs to be for various uses. Mr. Bean did say that he thinks these discussions should occur before we have to update the Master Plan. Mr. Sweppenheiser made a comment that he noticed that cell towers are everywhere. Mrs. Davis agreed and said that she hasn't noticed so many cell towers until we started having this tower permit issue. Most members agreed. Mr. Mason mentioned that the new trend is for mini-towers on utility poles in utility easements or right-of ways. It was also mentioned that the State is trying to remove that local decision-making process regarding these towers. Mr. Klarecki wondered if that would negate anything that was done her tonight, and he was told that it would not.

Mr. Keating asked if there was any other discussion. Not hearing any, Mr. Stanek thanked everyone for their hard work on this issue. This was no an easy one. Mr. Stanek mentioned that even after talking with the attorney, he still had mixed feelings and could see both sides of it. Mr. Keating mentioned that everyone voted the way they thought was appropriate, and that is what it is all about. Mr. Keating stated that talking to the attorney was very valuable for his decision-making process. Mr. Stanek mentioned that the attorney we consulted with specialized in cellular communications towers. Mr. Bean asked what the attorney said and Mr. Stanek read the response from Mark Van Allsburg. I have reviewed the materials you provided. At this point, the materials submitted by the application confirm our preliminary conclusion. The application meets the zoning ordinance requirements and should be permitted as a special land use. I have not identified any specific basis upon which the Planning Commission could reasonably say the application should be denied.

Mr. Bean asked about the co-location issue, because the ordinance says they have to provide that information. Mr. Keating said that the attorney said we would have a hard time preventing them from putting their tower up. Mr. Bean said we should probably change our zoning because that is what our zoning says. Mr. Bean stated that he just doesn't want this to happen to someone else. Mr. Keating said that we are certainly not going to say that you can't put cell towers on properties zoned AG. Mr. Bean replied that he didn't say that. Mr. Keating questioned if we want to look at rezoning certain area based on the residential construction that is occurring in the township. Mr. Bean said we should look at the use. Mr. Sweppenheiser wondered if we wanted to limit the height of the towers. Mr. Mason mentioned that very little of the agricultural property in the township is used for purposes other than residential. There was a brief discussion about agricultural versus residential uses, and Mr. Bean concluded that perhaps this area shouldn't be zoned ag. Almost everyone seemed to agree with that conclusion. Mr. Sweppenheiser mentioned that other places are fighting to save their ag districts, and we are talking about turning it into residential. Mr. Mason interjected that the Master Plan states a need to maintain the rural character of the community, so maybe we need to look at the what goal we have for the different areas of the township and adjust the plan. Mr. Sweppenheiser mentioned property size, total height of towers. There was some informal discussion and speculation about property values among the members and the audience.

## **VIII. ADJOURNMENT:**

Hearing no further business for the Planning Commission, Mr. Keating announced that the meeting was adjourned at 8:55 p.m.

Motion to approve the Planning Commission minutes of April 10, 2018 by: Mr. Sweppenheiser, Seconded by: Mrs. Davis. Roll call vote carried with six ayes.

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Philip Keating, Chairman  
BIG RAPIDS CHARTER TOWNSHIP  
PLANNING COMMISSION

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Date Approved