

**MINUTES
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION**

Tuesday, July 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, July 10, 2018 at 7:29 p.m.

II. ROLL CALL:

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

III. CONFLICTS OF INTEREST:

Mr. Keating asked if any of the Commission members had known conflicts of interest with any item on the agenda for this meeting. No one indicated that a conflict of interest existed.

IV. MINUTES:

Mr. Keating asked the Commission to review the minutes of the June 12, 2018 regular meeting. Mr. Sweppenheiser made a motion to approve the June 12, 2018 minutes as submitted. Mr. Bean seconded the motion. There was no further discussion. The motion passed unanimously with seven ayes.

Mrs. Wethington asked if the rezoning request (ZOA 18-001) was passed at the Board of Trustees meeting. Mr. Mason advised that the Township Board of Trustees also voted to deny the request.

Mr. Keating then asked the Commission to review an addendum to the April 10, 2018 regular meeting. Mr. Keating advised that this addendum is just to clarify what he did during the meetings he had before the Planning Commission meeting. He paraphrased the context of the addendum to the other members. Mr. Bean made a motion to approve the April 10, 2018 addendum as submitted. Mr. Bean stated that he feels the addendum covers it succinctly and thoroughly. Mr. Cook seconded the motion. Mr. Keating asked if there were any questions or comments. No one indicated that they had any comments. The motion passed unanimously with seven ayes.

V. PUBLIC COMMENT:

There was no public comment.

VI. CORRESPONDENCE:

The Commission members were made aware of an email from Rebecca Williams Jackson dated June 19, 2018. Some members did not have the ability to open attachment containing this email. Mr. Bean recused himself from any discussion about this particular email letter. Mr. Mason read portions of the letter and paraphrased the content so the members were aware of her concern. Mrs. Jackson mentioned that the property at 21050 Madison Avenue is entirely in a federally recognized FEMA Zone A flood plain. She went on to explain that she spoke with Mr. Neal Schock from the Michigan DEQ. Any building, construction or alterations on that site would need to meet FEMA flood plain guidelines. Mrs. Davis asked if that was an issue for the Planning Commission. Mr. Mason advised that the township is not responsible for insuring that the applicant obtain any required permits from the Michigan DEQ. Mr. Keating asked that the email be noted in the record.

VII. REQUEST TO EXTEND SUP 16-002:

Mr. Mason read a written request submitted on June 21, 2018 by Robin and Eric Goodwell to the Planning Commission asking that SUP 16-002 be extended for another year. They have sold their auto repair business across the road from this location and are moving to Florida. They are currently in the process of selling the property to buyers who would like to build a mini-storage facility on this parcel. This would allow the purchaser the opportunity to perform their due diligence and complete the work entailed to begin construction. Mr. Keating asked the Planning Commission members if there was any discussion. Mr. Bean made a motion to approve a one-year extension. Mr. Sweppenheiser seconded the motion. Mr. Keating asked if there were any other questions or comments. Mr. Keating started the discussion by stating that he was not in favor of the request because the Goodwells don't intend to build on the property. He is concerned that while this is what the Goodwells wanted to do, Mr. Keating would prefer that the new owner apply for a Special Use Permit with the Planning Commission. Mr. Keating mentioned that it was approved and extended for another year last summer. Mr. Keating stated that was just his opinion. Mrs. Davis said that this request made her uncomfortable. Robin Goodwell was present in the audience. Mrs. Davis asked if the Goodwells were giving the purchaser the approved plans. Mrs. Goodwell said that they have shown the potential buyers what their building ideas were. Mr. Bean asked why the SUP would need to be extended, and Mr. Mason stated that the SUP had a provision that construction must be permitted and begun before August 9, 2018. Mr. Bean rescinded his original motion and made a motion to extend the construction deadline date to August 8, 2019. Mrs. Davis asked if they would have to come before the commission for a site plan approval, and Mr. Mason advised that there is an approved site plan for the Goodwells from April 2017. Mr. Keating asked Mr. Sweppenheiser if he supported the new motion. Mr. Sweppenheiser stated that he did. Mr. Keating asked if there was any more discussion. Hearing none, he called the question. Voice vote was complete with five ayes (Cook, Oliver, Wethington, Sweppenheiser and Bean), two nays (Keating and Davis). Mr. Keating declared the motion passed. Mr. Keating thanked Mrs. Goodwell, then she thanked the Planning Commission and left the meeting.

VIII. DISCUSSION ON COMMUNICATION TOWER CONCERNS:

Mr. Bean started the discussion by asking Mr. Mason for clarification of the designation "NC" used in the report he presented to the commission. Mr. Mason acknowledged that the NC abbreviation stood for non-conforming. Mr. Mason advised that those two tower sites are listed as non-conforming because they are located in the Commercial District or the Highway Interchange District. Our ordinance doesn't allow for towers anywhere except the Agricultural District. There was discussion about how long the WBRN radio tower had been there, which pre-dates zoning. Mr. Mason shared that Mecosta Township's ordinance allows for communications towers in all zoning districts except their medium density residential district. Mr. Mason continued to provide some further background information about the tower sites in Big Rapids Township and gave some basic information about FCC regulations that require existing towers be eligible for upgrading of antennas and equipment as long as they don't increase the tower height or the foot-print area of the existing buildings doesn't increase by more than 20%. Mr. Bean mentioned that he read some language that suggested that the tower could not be in the fall zone of any other structure, whether it be on the same parcel or any other parcel. Mr. Bean shared the items that he is most concerned about. He feels that communications towers should not be located on parcels of less than ten acres in size. Separation distance for the communication towers should not be less than 500 feet from any residential (single family, two-family, multi-family or mobile home) dwelling. Mr. Sweppenheiser said the only thing he doesn't like about that language is that there will be structures built that don't exist yet. Mr. Bean said that our ordinance already addresses that with our setback distances. Mr. Sweppenheiser replied now that towers are designed to collapse upon themselves, there is no reason for them to be built with a setback distance equal to or greater than its height from the property line. We have language in the ordinance that releases the tower developer from that setback requirement if our engineer approves the provisions of the collapsible design. Mr. Bean and Mr. Sweppenheiser both agreed that they don't like the idea of a communications tower being built next to a dwelling. They discussed minimum setbacks at least equal to the tower height or a minimum of 150 feet from the property line because it is not possible to foresee where future buildings will be constructed. The neighboring parcels will then have a minimum separation from the tower. Mr. Bean stated that he was just sharing his thoughts with the other members. Mrs. Davis asked if we had language related to the removal of the towers once they are no longer used. Mr. Mason replied that our ordinance does have language about removing the tower once it is abandoned. He read the language to the members. The tower shall be removed by the property owner or lessee within six months of being abandoned by all users. Discussion occurred regarding the definition of abandoned "by all users." What if the property owner chooses to use the tower for a television antenna after all the commercial users have vacated the tower? Mr. Keating wanted the members to consider that Mecosta County's ordinance appears to be written with a lot of legal considerations taken into account. He stated that it was very comprehensive and covers a lot of different situations, such as tower height ranges and many other areas. Mr. Keating suggested that the discussion taking place this evening should be ongoing, but, in his opinion, if the township is willing to spend the money to hire an attorney who deals with communications tower issues, that would be very good and it would help the Planning Commission come to a good consensus about what should be in our ordinance. The attorney would most likely be able to consider other situations than those thought of by the Planning Commission. He continued by stating that the tower developers are very experienced in dealing with the various zoning

ordinance provisions and are well versed in the current laws regarding tower construction and siting. The local planning commissions are not that familiar with that information, because we don't do it that often. Mr. Keating thinks that having someone with that kind of knowledge would be valuable to assist us in making our desired changes and to make sure they are legal. Mr. Bean asked about the origin of our current ordinance. Mr. Mason replied that zoning began in Big Rapids Township in 1970. He doesn't have copies of the old ordinances, but the communication tower portion probably was not in place at that time, since commercial radio stations and broadcast television towers were the only towers in existence. Mr. Keating mentioned that the Morton Township language was very similar to ours and wondered if it wasn't some "boiler plate ordinance" that came out of a body like the MTA. Mr. Mason stated that he believed most of the ordinances were some type of "boiler plate" language, even though different sections may be from different sources, such as our sign ordinance language, which isn't similar to any other local entity's ordinance. Mrs. Davis suggested that we make sure we have language that guarantees the towers will be removed when they are abandoned or obsolete. Mr. Bean referenced the language from Morton Township that he thought covered the removal issue well, stating that when the approved use is discontinued, the tower must be removed, so that it can't be converted to another use like amateur radio or television reception antenna tower. Mr. Bean told Mr. Stanek, who was in the audience, that he thought it would be a good idea for someone in the legal profession to take a look at it. Mr. Sweppenheiser mentioned that he was concerned that in the meantime, there isn't anything in place to protect an adjacent property owner. Mr. Bean agreed and said that the minimum 10 acres parcel and minimum 150-foot or the tower height, whichever is greater, setback from all property lines was a good start. Mr. Mason said he could get language changes prepared for next month for a first reading, and then set a public hearing for those changes. He also said he would make sure any proposed changes would comply with the present state and federal legislation regarding communications towers. Mr. Mason mentioned that he would like to get some other typographical and clerical errors that exist in the current ordinance corrected at the same time these proposed changes are considered. Mr. Sweppenheiser asked about the language that states towers need to be separated by one mile unless provided for by special use, and that towers over 30 feet in height need a special use permit. He felt like that language didn't make sense. Mr. Bean asked if the Planning Commission could take action tonight. The discussion suggested that a recommendation be made to the board to seek legal consultation on our tower ordinance language and changes. Mr. Bean made a motion to request the Township Board authorize funds to review and revise our Communication tower zoning ordinance requirements. Mrs. Davis seconded that motion. Mr. Keating asked if there were any questions or comments on the motion. Hearing none, he called the question. The motion passed unanimously with seven ayes and no nays. Mr. Keating presumed that the township would go to Mark Van Allsberg for the review. Mr. Mason agreed and said that would be his recommendation, but that he would leave it to the Board of Trustees to determine. Mr. Keating asked if there were any other comments regarding communication towers. Mr. Sweppenheiser and other members thanked Mr. Mason for the information that was presented.

IX. SOLAR ENERGY FARM DISCUSSION:

Mr. Mason stated that Mr. Stanek has been researching this topic and invited him to present the information he had to the Planning Commission members. Mr. Stanek

shared that a solar farm development company has expressed interest in the township industrial park property. The company has requested confidentiality, but Mr. Stanek is going to take the information to the industrial park committee for further review. They have already requested an option to lease some property in the area. These companies come into an area and secure the options to lease, then go to the local Planning Commissions and assist in developing zoning language. Mr. Stanek has been looking into these operations and also into other areas that have developed zoning language for solar farms and private solar collection situations. He said we should look at language that covers both personal use and commercial farms. Mr. Stanek would like the planning commission to prepare for reviewing language regarding solar energy collection. He did mention that many jurisdictions tie their solar ordinance in with wind energy collection, but he doesn't think we need to do that in this area. Mr. Keating mentioned a community in the Bay City area that had a public meeting regarding a wind turbine plan and there was approximately 500 people at the meeting. Mr. Keating feels that we should have language ready in the event that we would have to deal with this issue. Mr. Sweppenheiser said that he heard the same story and that the township put a moratorium on the wind farm issue until they could prepare language for it. Mr. Keating said that there are places in the township where wind turbines might be feasible, and we should be ready for them. Mr. Sweppenheiser said that we might need to consider the private user with the 30-foot wind mill before a commercial user comes to us. Mr. Keating and Mr. Bean both thought that this subject might be something for Mark Van Allsberg to look at as well. Mr. Stanek agreed that Mr. Van Allsberg would be the attorney that he would recommend the Board use. Mr. Sweppenheiser asked if a zoning ordinance amendment would be required to allow that use. Mr. Stanek and Mr. Mason answered that it would have to be an amendment to the ordinance. There was some conversation about dimensions and locations, etc. Mr. Stanek finished by mentioning that this will be coming up and he is still working on it. Mr. Keating asked Mr. Stanek if he was going to make a presentation to the EDC regarding the industrial park property, since it would impact their ability to market the area for industrial development. Mr. Stanek and Mr. Bean mentioned that Jim Sandy from the Mecosta County EDC sits on our industrial park committee, so he is aware of the situation.

X. OTHER BUSINESS:

Mr. Keating asked if anyone had any other business they wanted to discuss. Mr. Stanek and Mr. Mason answered that they did not have any more business for the commission. Mr. Keating said that he did have some additional business. He told the other members that he was resigning from the Planning Commission and resigning as Chairperson. He stated that he has been thinking about this for a while and that it is the right thing for him to do. He went on to thank each person for the part that they play on the commission. He said that everyone does a good job and everybody brings special talents, and he thinks this is a good board. He continued by saying he was glad he had the opportunity to work with each of them. He has been doing this for eleven years now, has been through a few supervisors and boards. It has been a very worthwhile experience, and he has learned a lot about zoning and that type of thing. He said thank you very much to all the members.

XI. ADJOURNMENT:

Hearing no further business for the Planning Commission, Mr. Keating entertained a motion to adjourn at 8:16 p.m. The motion was made by Mr. Sweppenheiser and seconded by Mrs. Bean. The motion carried unanimously with seven ayes. The members all said thank you to Mr. Keating.

Motion to approve the Planning Commission minutes of July 10, 2018 by: Mr. Bean, Seconded by: Mr. Oliver. Roll call vote carried with five ayes.

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Brent R. Mason, Recording Secretary
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

August 14, 2018
Date Approved