

AGENDA
SUTTONS BAY TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
95 W 4th Street, Suttons Bay
Tuesday, September 19, 2023
6:00 PM

THE MEETING WILL BE HELD AT SUTTONS BAY TOWNSHIP OFFICE at 95 W 4th Street, Suttons Bay. The public may participate in person or by remote access through Zoom access by computer and smart phone using the following link:

Join Zoom Meeting

<https://us02web.zoom.us/j/87123172806?pwd=VG1GMkhleFQwV0RBNm9tTjZiRnRNQT09>

Meeting ID: 871 2317 2806 Passcode: 573206 +1 312 626 6799

Call to Order and Notation of Quorum

Approval of Agenda

Conflict of Interest

Items of Discussion/Consideration:

1. Public Hearing and Discussion regarding a Request from TeleSite/Verizon Wireless, Inc., for a Special Land Use Permit to construct a proposed 197 foot tall monopole Wireless Communication, proposed driveway, and associated equipment within a 100 foot by 100 foot leased area on property number 45-011-019-014-00, E. Bahle Rd., Suttons Bay Township owned by the Gerald and Evelyn Brandt Trust.
2. Zoning Ordinance Overhaul Project-Continued Review of Article 14

Commissioners' Comments

Public Comment

Next Regular Meeting – October 3, 2023

Adjournment (8:00 PM unless extended by a motion.)

Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>

This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.

Decision

Suttons Bay Township Planning Commission
September 5, 2023

DRAFT -
FOR COMMENTS/
CORRECTIONS
WILL BE
PART OF
MINUTES to
be approved

On Tuesday, September 5, 2023, the Suttons Bay Township Planning Commission approved the issuance of a Special Land Use Permit to 9 Bean Rows, LLC, Aurora Cellars [2015], Inc., and Harbor Hill Fruit Farms, Inc., to operate an Off-Premise Tasting Room at 9000 E. Duck Lake Rd, Suttons Bay Michigan, 49682.

This approval was based upon the amended Site Plan received and discussed on September 5, 2023, including the proposed overflow parking area.

Motion by McClure to approve with conditions, as modified tonight and listed below, the request from 9 Bean Rows, LLC, Aurora Cellars [2015], Inc., and Harbor Hill Fruit Farms, Inc., for a Special Land Use Permit to operate an Off-Premise Tasting Room at 9 Bean Rows, 9000 E. Duck Lake Road, Suttons Bay, MI, and authorize the Zoning Administrator to issue the Special Land Use Permit.

Conditions of Approval:

1. Subject to issuance and continuance of the Off-Premise Tasting Room Permit by the State of Michigan.
2. This Approval covers an Off-Premise Tasting Room for products manufactured by Aurora Cellars [2015], Inc. and Harbor Hill Fruit Farms, Inc. which are the licenses held by the Applicants. The serving of Harbor Hill Fruit Farm, Inc. products will be subject to a new licensing Resolution from the Suttons Bay Township Board.
3. A minimum of two (2) acres of planted farm crops that support the production of products produced by the licensee shall be planted and maintained on this property. The planting of these farm products shall be completed no later than December 31, 2025.
4. No parking for the Special Land Use shall be allowed on M-204, or in the driveway interfering with emergency access.
5. Access for emergency vehicles shall be maintained at all times on the site.
6. Parking for three (3) oversize vehicles shall be provided, which was planned to be west of the commercial building.
7. Signage shall be provided to guide guests to the overflow parking area.
8. Provide at least one (1) paved handicapped accessible parking space.
9. The Planning Commission reserves the right to review this permit if Condition #4 and #5 are not being met, and, after a Hearing, may revoke this permit.
10. Subject to approvals/permits from MDOT, the Benzie/Leelanau District Health Dept., and Soil Erosion, if necessary.

11. Retail sales of wine products limited to items manufactured by the Applicants and incidental items.
12. Limited to 1500 square feet of tasting and retail area.
13. This approval shall expire in two (2) years if an Off-Premise Tasting Room is not established at this location. Thereafter, the permit shall expire if the Tasting Room is not in operation for a continuous two (2) -year period.

DRAFT - FOR COMMENTS

Steven W. Patmore
Zoning Administrator
Suttons Bay Township
PO Box 457
Suttons Bay, MI 49682

DRAFT

**TeleSite Wireless / Verizon Wireless Communication Tower
Verizon Wireless Project #3250 "Lake Leelanau"**

Special Land Use Permit

**September 19, 2023 Special Meeting
SUTTONS BAY TOWNSHIP PLANNING COMMISSION**

Introduction / Public Hearing / Preliminary Discussion

Applicant: TeleSite Wireless / Verizon

Existing Zoning: Agricultural

**Project Location: NW Corner of Herman Rd @ Bahle Rd.
Property No. 45-011-019-014-00**

This meeting will be an introduction, opportunity for Public Comment, and an opportunity for the PC to ask questions of the Applicant.

A complete Staff Report with findings will not be prepared for this meeting, however, I am in process of preparing a list of preliminary questions/ comments that I have for this meeting.

Enclosures:

- 1. Original Application**
- 2. Correspondence/Preliminary Reviews.**
- 3. Updated Application and supplements.**
- 4. Updated Site Plan**
- 5. Updated Propagation Maps.**

Our Township Attorney, Tim Figura, has been involved in the application process, and will be available on Tuesday. We have also retained attorney Marc Daneman, who specializes in communication towers, to assist the township during the review. He will be available via Zoom for Tuesday's meeting.

We are also retaining a technical consultant to review the propagation maps.

Steve Patmore, Zoning Administrator

Original

Application

SUTTONS BAY TOWNSHIP



APPLICATION FOR SITE PLAN REVIEW

OFFICE USE ONLY

DATE RECEIVED:
DATE APPLICATION DETERMINED COMPLETE:
DATE(S) REVIEWED BY PLANNING COMMISSION:
DATE APPROVED:

FILE NUMBER
BY:
FEE:
RECEIPT NO:

4/10
NO FEE

Project/Applicant Information:

Project Title: Verizon Wireless Project #3250 "Lake Leelanau"

Applicant: TeleSite Wireless, Inc.

Address: 1015 South Lake Drive
Novi, Michigan 48377

Phone: 248-798-4429 Fax:

Applicant's Interest / Relationship in the property (circle one): OWNER PURCHASER AGENT

Owner (If other than the Applicant)

Name: Gerald and Evelyn Brandt Trust

Address: PO Box 626
Suttons Bay, MI 49682

Authorized Agent or Representative:

Name: David Antoun

Company: TeleSite Wireless, Inc.

Address: 1015 South Lake Drive
Novi, MI 48377

Phone: 248-798-4429 Fax:

Location of Property:

Property (Tax) Number: 45-011- 019-014-00

Street Address of Parcel: Non-Addressed parcel

Current Zoning of Parcel: AG

Acreage of Parcel: 40

Existing Structures on Parcel:

Attach copy of Legal Description of Property

Description of Proposed Project:

To establish a new wireless communications tower with access drive and fenced site
compound.

Project Completion Schedule / Description of Phasing:

Construction to be completed before the end of the 2023 construction season.

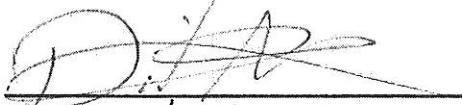
Describe prior Site Plan Reviews, Variances, and Permits related to subject property, including dates:

N/A

I certify that the above information is true and authorize officials of Suttons Bay Township to enter the property during Site Plan Review.

Signature:

By:



Name:

David Antoun

Title:

agent

Attachments Required:

- Legal Description of Property
- Application Fee - \$250.00
- Hazardous Materials Checklist

Verizon Wireless Tower Project #3250 (“Lake Leelanau”) Zoning Ordinance Responses

SECTION 15.2.5 - WIRELESS EQUIPMENT AS A PERMITTED USE WITH SPECIAL LAND USE APPROVAL

Wireless Equipment that meets the requirements of Section 15.2.4 A.1. but does not meet the requirements of Section 15.2.4. A.2. shall be a permitted use as long as it receives special land use approval under the following provisions:

A. An application for special land use approval of wireless communications equipment described in this Section 15.2.5 shall include all of the following:

1. A site plan as required under Section 15.2.13 including a map of the property and existing and proposed buildings and other facilities.

Please see the attached site plan for review purposes.

2. Any additional relevant information that is specifically required by other Subsections.

Understood by the Applicant.

B. After an application for a special land use approval is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (C) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

Understood by the Applicant.

C. If, before the expiration of the fourteen (14) day period under subsection (D), the Zoning Administrator notifies the Applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the Applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection (D) is tolled until the Applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township’s actual, reasonable costs to review and process the application or one thousand (1,000) dollars, whichever is less.

Understood by the Applicant.

D. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

Understood by the Applicant.

SECTION 15.2.8 - GENERAL SPECIAL LAND USE STANDARDS FOR WIRELESS TOWERS

A new wireless tower shall not be approved unless it can be demonstrated by the Applicant that there is a need for the new wireless tower which cannot be met by placing an antenna on an existing wireless tower, or on

another structure, or through the replacement of an existing wireless tower. Information concerning the following factors shall be considered in determining that such need exists:

- A. Insufficient structural capacity of existing wireless towers or other suitable structures and infeasibility of reinforcing or replacing an existing wireless tower.
- B. Unavailability of suitable locations to accommodate system design or engineering on an existing wireless tower or other structures.
- C. Radio frequency interference or other signal interference problems at existing wireless towers or others structures.
- D. The refusal of owners or parties who control wireless towers or other structures to permit an antenna to be attached to such wireless towers or structures.
- E. Other factors which demonstrate the reasonable need for the new wireless tower.

See attached propagation maps showing the existence of a gap in wireless communication coverage and capacity in this vicinity (the "target coverage area"). The proposed site is the only site which will reliably and completely cover the target coverage area. While Verizon always first seeks to collocate on existing structures (if, for no other reason, it is usually less expensive than building an entirely new tower), it is only required by federal and state law to seek out competitively-priced structures. Applicant has inquired about the Leelanau County Tower on Government Drive, which is significantly over-market by several factors. Verizon's RF Engineers and attorneys will attend all zoning hearings for this project and further explain the desirability and justification of this site.

SECTION 15.2.9 - SPECIFIC WIRELESS TOWER SPECIAL LAND USE STANDARDS

The following standards apply to all Wireless Towers requiring a special use permit.

A. A Wireless Tower may be located on a zoning lot containing other principal uses. The wireless tower may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legally established nonconforming lot. The area within which the wireless tower is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
The tower parcel itself is a 100' x 100' fenced compound, set back from East Bahle Road more than 300'. The zoning lot in which the tower parcel is located meets minimum lots size for its zoning classification and use.

B. The Wireless Tower shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum setback requirements shall be measured from the boundary of the zoning lot to the closest portion of the wireless tower, or the accessory equipment or storage area, whichever is closer.

The proposed tower and tower parcel meet all such zoning district requirements.

C. The minimum distance between a Wireless Tower and any property line shall be equal to the height of the proposed tower, unless engineering specifications provided dictate otherwise, as determined through a certification by a licensed and registered professional engineer.

The proposed tower meets setback requirements. The nearest the proposed Tower would be to any property line is 240 feet. The proposed Tower height is 199 feet AGL. See also attached tower structural report by a licensed and registered professional engineer.

D. Wireless Towers shall be constructed and maintained in compliance with all applicable construction codes, which include the Electronics Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.

The proposed Tower will be built and maintained in compliance with applicable codes and Verizon's exacting standards. Detailed construction plans, including electrical and mechanical plans, will be submitted at the time of application for the building permit.

E. Wireless Towers shall not be used for advertising purposes.

The proposed Tower is not used for advertising purposes, having only identification signage required by the Federal Communications Commission.

F. Fencing shall be required to ensure security and safety of a Wireless Tower with accessory equipment structure or storage area. Fences shall consist of durable wood, vinyl, metal or other similar materials and shall not contain barbed wire, razor wire, electric current, or charge of electricity. Fences shall not exceed a height of eight (8) feet.

Metal security 6' high fencing will be established around the perimeter of the tower compound in compliance with this section. Verizon would prefer to use barbed wire atop the fence for added security, but will not install it if the Township prefers it not to.

G. The Wireless Tower shall have a landscaped buffer so that the base of the wireless tower and accessory equipment structure or storage area shall be screened from any right-of-way or residential use. Such landscaped buffer shall be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the equipment storage area. Quality and composition of landscape elements shall be of generally acceptable evergreen varieties and species of trees and shrubs hardy to Leelanau County. The buffering requirements outlined herein may be waived by the Zoning Administrator or Planning Commission where existing vegetation to be maintained on the site generally accomplishes the same effect.

The Applicant requests waiver of the landscaping requirement of this Section. With the tower set back more than 350' from the Road, existing trees and vegetation should be adequate to screen the compound as contemplated by this Section.

H. Wireless Towers shall not have a shiny or reflective finish.

The proposed Tower will have a flat, galvanized steel finish.

I. Wireless Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

Understood by the Applicant.

J. Not less than one off-street parking space shall be provided on-site for use by service and public safety vehicles.

A parking space with turnaround space will be provided (please see attached Site Plan).

K. Adequate ingress and egress to the Wireless Tower shall be provided by means of an all-weather durable driveway not less than twelve (12) feet in width.

Please see details on attached Site Plan.

L. No Wireless Tower shall be placed within a public right-of-way or within a road easement.

Not applicable.

M. All Wireless Towers over one hundred (100) feet in height shall be designed for collocation. If collocation is not part of the application, then the Applicant must demonstrate in the application as to why collocation is not possible.

The proposed Tower will be designed to accommodate a minimum of two (2) additional collocators.

N. All Wireless Towers that utilize guy wires shall have those guy wires clearly marked by a colored sleeve.

Not applicable. The proposed monopole is a self-supporting tower.

O. A Wireless Tower proposed to be located on a National or State registered historic landmark or in a local historic district established in conformance with the Local Historic Districts Act, Public Act 169 or 1970, as amended, may be denied if the antenna would detract from the historic character of the historic landmark or district.

Not applicable.

SECTION 15.2.10 - SPECIAL LAND USE CONDITIONS OF APPROVAL AND DECISIONS BASED ON SUBSTANTIAL EVIDENCE

A. Conditions may be added that are:

1. Designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

All of the above is understood by the Applicant.

B. The Decision to grant or to deny a special land use shall be in writing and shall be based upon substantial evidence in the record.

SECTION 15.2.14 - CO-LOCATION COMMITMENT

The Applicant must include a statement in the application of its good faith intent to allow the collocation of Antennae and of other wireless equipment of other entities, provided that the cost of modifying the wireless tower to accommodate the co-location is borne by the co-locating entity.

Verizon has both a long history and a legal obligation under federal law of constructing multiple-user towers and providing for market-rate collocations, even for competitors. The proposed tower will be designed to allow for a minimum of two (2) additional users with similar loading requirements. Applicant will provide a signed letter committing to collocation.

SECTION 15.2.15 - REMOVAL OF ABANDONED COMMUNICATION TOWERS

Any wireless tower which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no antenna or other commercial antenna has been operational and located on the wireless tower for one hundred eighty (180) days or more. Where the removal or demolition of an abandoned wireless tower has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof. The Township may place a lien on the property to cover costs for the removal of the wireless tower. A lien on the property shall be superior to all other liens except taxes.

Understood by the Applicant.

Correspondence -
Preliminary Reviews

Suttons Bay Township
Office of Planning & Zoning
95 W. Fourth Street
P.O. Box 457
Suttons Bay, MI 49682

(231) 271-2722 ext. 3
zoningadmin@suttonsbaytwp.com

May 8, 2023

David Antoun
TeleSite Wireless, Inc.
1015 South Lake Drive
Novi, MI 48377
Via email to: dantoun@telesitewireless.com

Re: Application for Special Land Use Permit
Suttons Bay Township
Verizon Wireless Project #3250 "Lake Leelanau"

Mr. Antoun,

Suttons Bay Township, in coordination with our Township Attorney, Timothy Figura, and Consultant, Marc Daneman, have reviewed your Application for Special Land Use Permit for a proposed Wireless Communications Tower on E. Bahle Road in Suttons Bay Township. The Application Fee was received on Monday, April 24, 2023.

We have found that the following information needs to be clarified before the Application can be found to be administratively complete.

1. Clarity of Propagation Maps: We received four pages of propagation maps on April 18, 2023, however, the maps do not contain data sufficient to discern the purposes of and differences between the maps. We request that the propagation maps include further illustrations and/or explanation of what they mean, in a manner that can be understood by the planning commission. We ask that the explanation and maps include the target area in which you are attempting to improve wireless service.
2. Existing Tower in Vicinity: The propagation maps submitted on April 18, 2023 do not include the tower constructed by Leelanau County that is within one mile of the proposed structure. Section 15.2.8 of the Suttons Bay Township Zoning Ordinance (SBTZO) states "A new wireless tower shall not be approved unless it can be demonstrated by the applicant that there is a need for the new wireless tower which cannot be met by placing an antenna on an existing wireless tower, or on another structure,...". The Application references the Leelanau County Tower, by stating that this tower "is significantly over-market by several factors." This statement does not adequately explain or address the need for a new tower, and we request a more complete response to the above referenced section of the SBTZO. If

communications were conducted with Leelanau County with regard to potential use of the tower, we ask that you provide a copy of said communications.

3. Additional Escrow: In accordance with Section 15.2.12 of the SBTZO, the Suttons Bay Township Board approved by resolution the requirement of an additional escrow amount of \$500.00 be established. (see attached resolution)
4. Stormwater Run-Off: Section 20.8.G of the SBTZO states that the Site Plan shall demonstrate that there will be sufficient protection to ensure that there will be no additional storm water runoff created by the proposed special land use, as determined by the County Drain Commissioner. The site plan does not include measures to prevent storm water runoff.
5. County Road Commission Approval: Section 20.8.D of the SBTZO states that the special land use be adequately served by public facilities including highways and streets. It is noted that the proposed tower access road is shown to be substantially constructed within the E. Bahle Road right-of-way, a Leelanau County maintained local road. Approval from the Leelanau County Road Commission will be required to show that the road access is adequate.

Once the above items are satisfactorily addressed, Suttons Bay Township will consider the application to be administratively complete.

Thank-you,

Sincerely,



Steve Patmore,
Suttons Bay Township
(231) 271-2722 ext 3, mornings

Marc Daneman

DANEMAN & Associates
marc@marcdaneman.com
www.marcdaneman.com

2557 Forest Bluff Drive, SE
Grand Rapids, MI 49546
(616) 450-0110

ATTORNEY & CONSULTANT

Attorney with extensive experience in wireless telecommunications, energy, municipal, real estate, and land use law. Serving the telecommunications and energy industry, public sector and private clients. Public administrator in municipal and county governments. Proven track record of resolving complex matters with conflicting priorities. Authored numerous plans and transactional documents, ordinances, professional articles, and as a lecturer.

Specific Areas of Expertise

- | | | |
|---|--|---|
| <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Site Acquisition & Leasing Solutions | <input type="checkbox"/> Real Estate & Land Use Law |
| <input type="checkbox"/> Lease Negotiations | <input type="checkbox"/> Project and Municipal Management | <input type="checkbox"/> Contract Administration |
| <input type="checkbox"/> Land Development | <input type="checkbox"/> Organizational Analysis & Development | <input type="checkbox"/> Solar & Wind Development |
-

Career History

Attorney / Community Development Consultant

2020 - Current

Daneman & Associates • Grand Rapids, Michigan

1986 - 2012

- Provide legal services (since 1990), as a solo transactional attorney concentrating in telecommunications, solar and wind, land use and zoning, real estate, property, municipal, and administrative law.
- Consultant to the wireless & solar industry, municipalities, developers, and private entities and individuals.
- Municipal planning consultant providing community development, project planning, and strategic services.
- Township Attorney to Ferry and Hart Townships (Oceana Co) and Lake Township (Lake Co).

AT&T Mobility Corp – Sr. Real Estate & Construction Manager

2012 - 2019

- Lease Administration Manager for MI/IN Market – managing and coordinating leasing matters for the market; approving documents; advising on and negotiating difficult leasing & landlord issues; creating leasing solutions.
- Managed MI/IN's Site Acquisition Relocation program with RF, Construction, and Turf and their vendors.
- Provided site acquisition, leasing solutions, zoning and related training for all AT&T staff and our vendors.

Wireless Telecommunications Industry -- Independent Contractor / Employee

1999 - 2012

Velocitel Inc. • Irvine, California (2007-2012) – Site Acquisition & Leasing Manager; AT&T real estate consultant

Fortune Wireless, Inc. • Indianapolis, Indiana (2005-2007) – Leasing Manager

Wireless Facilities Inc. (WFI) • San Diego, California (1999-2003) – Site Acquisition Manager

- Leasing Consultant to AT&T Mobility, specializing in correcting problem leasing arrangements; resolving landlord and party disputes; high profile lease negotiations; coordinating real estate transactions.
- Leasing and Zoning Manager for wireless clients; managing their site acquisition development; reviewing and negotiating hundreds of leases; and performing zoning analysis and presentations.
- Delivered in-house training on leasing, negotiations and telecommunication issues, and municipal relations.

Staff Associate Attorney

1992 - 1997

Varnum LLP (fmr Varnum Riddering Schmidt & Howlett, LLP) • Grand Rapids, Michigan

- Staff attorney in their Real Estate, Municipal and Telecommunications practice groups, focusing on land use and zoning matters, telecommunications & cable law, transactional real estate, and municipal prosecutions.
- Responsible for civil matters and criminal prosecution on behalf of city, township, and county clients.
- Assistant Grandville City Attorney, Township Attorney for Orleans, Lake, Ferry, and other townships.

Career History *(continued)*

Adjunct Professor / Consultant – School of Public Administration / Facilities Management 1987 - 1992
Grand Valley State University • Allendale, Michigan

- Special consultant to VP on their Grand Rapids campus construction; taught Local Government.

Township Manager 1983 - 1986

Cascade Charter Township • Grand Rapids, Michigan

- Managed governmental affairs and policy development for rapidly growing suburb.
- Oversaw operational and fiscal areas including budgeting, personnel, purchasing, and grants administration and planning. Represented the community in municipal matters and to the public.

County Development Director 1981 - 1983

Midland County Development Department • Midland, Michigan

- Managed the Planning Department, Parks & Recreation programs, and other special projects.

Planning & Zoning Coordinator / Director 1976 - 1981

Mecosta County Planning & Zoning Department • Big Rapids, Michigan

- Developed the County's planning and zoning programs; and was the County's Zoning Administrator.

Community Planner 1974 - 1977

Central Upper Peninsula Planning & Development Region • Escanaba, Michigan

Community Design Center – VISTA Volunteer • Lansing, Michigan

- Community planner and grants writer for communities on land use, economic development and historic preservation projects. Drafted various county and township land use plans and zoning ordinances.
- Community organizer for North Lansing Organization; and developed North Lansing Historic District.

Education

Juris Doctor, with Distinction 1990

Thomas M. Cooley Law School • Lansing, Michigan

Master of Public Administration, with High Honors 1982

Central Michigan University • Mount Pleasant, Michigan

Bachelor of Arts, with Honors 1974

Michigan State University • East Lansing, Michigan

- Major: James Madison College's Urban Studies program
- Minor: Urban Planning

Professional Affiliations

- | | |
|--|--|
| <input type="checkbox"/> Michigan & American Bar Association | <input type="checkbox"/> Michigan Wireless Association |
| <input type="checkbox"/> Kent County Bar Association | <input type="checkbox"/> American Planning Association |
| <input type="checkbox"/> Real Estate & Municipal Sections | <input type="checkbox"/> Michigan Planning Association |

Related Activities

- Lectures on the law, wireless telecommunications, land use planning and development, zoning enforcement, municipal management, land division and other areas to organizations, municipalities, and associations.
- Regularly publishes case law summaries for *Michigan Planning and Zoning News*.
- Composes articles for professional publications on planning and community development and the law.
- Actively pursues professional and personal development; cycling and regular exercising; and family involvement.
- Participates in community affairs and Board Member of Forest Meadows Condominium Association.

TOWNSHIP OF SUTTONS BAY, LEELANAU COUNTY

RESOLUTION NO. 7 of 2023

At a Special Suttons Bay Township Board Meeting held on Thursday, April 27, 2023 at 9:00 a.m. at the Suttons Bay Township Offices, 95 W. Fourth Street, Suttons Bay, MI 49682, the following Resolution was offered by Petroskey, and supported by VanHuystee:

WHEREAS, Suttons Bay Township received an Application for a Special Land Use Permit submitted by Tele-Site Wireless, Inc, for a proposed Wireless Telecommunications Tower to be located on Bahle Road in Suttons Bay Township; and,

WHEREAS, Review of this Application will require professional and legal review in excess of the \$500.00 application fee; and

WHEREAS, Section 15.2.12 (Escrow Fee Required) of the Suttons Bay Township Zoning Ordinance allows for the establishment of an escrow deposit to reimburse the township for the costs of reviewing an application for a Wireless Telecommunication Tower in an amount established by resolution of the Suttons Bay Township Board; and,

WHEREAS, Section 20.5.D (Application, Fee, and Possible Escrow) of the Suttons Bay Township Zoning Ordinance also provides for the establishment of an escrow deposit when the basic zoning fees do not cover the actual costs of the application review, to be deposited with the Township Treasurer; and,

THEREFORE, BE IT RESOLVED that the Suttons Bay Township Board hereby establishes an initial amount of \$500.00 for the escrow account for Applicant Tele-Site Wireless, Inc., for the review of their Application for a Wireless Telecommunication Tower on Bahle Road. This amount shall be deposited with the Suttons Bay Township Treasurer. In the event that the review costs will exceed \$500.00, the Treasurer shall be authorized to request additional escrow upon consultation with the Township Attorney. In addition, any excess escrow funds will be returned to the Applicant.

ROLL CALL VOTE:

AYES: Periard, Petroskey, Slocombe, Nixon, VanHuystee

NAYS: None

ABSENT: None

RESOLUTION APPROVED 5-0

I hereby certify that the foregoing is a true copy of a Resolution duly made and passed by the Suttons Bay Township Board at a special meeting at 9:00 a.m. on April 27, 2023 at the Suttons Bay Township Offices, 95 W. Fourth Street, Suttons Bay, MI 49682

By: *Sandra VanHuystee*

Date: 4-27-2023

Sandra VanHuystee
Suttons Bay Township Clerk

Suttons Bay Township
Office of Planning & Zoning
95 W. Fourth Street
P.O. Box 457
Suttons Bay, MI 49682

(231) 271-2722 ext. 3
zoningadmin@suttonsbaytwp.com

August 18, 2023

Robert A. LaBelle, Esq.
Williams Williams Rattner & Plunkett, P.C.
380 North Old Woodward Avenue, Suite 300
Birmingham, MI 48009
Via email only to: ral@wwrplaw.com

Re: Application for Special Land Use Permit
Suttons Bay Township
Verizon Wireless Project #3250 "Lake Leelanau"

Mr. LaBelle,

We received your revised Application Packet including the escrow fee on August 14, 2023, and we now consider the Application to be Administratively Complete as of August 14, 2023 and will now proceed through the Special Land Use Permit review process.

We have the following comments/requests regarding your August 14, 2023 submittal:

1. We want to note that being deemed Administratively Complete does not infer that the project meets Suttons Bay Township Standards, or that the Planning Commission will not request additional information or documentation to complete their review of the project.
2. In your response letter and zoning ordinance responses, you indicate that you would like the township to approve the Special Land Use Permit subject to permits from the Road Commission and Soil Erosion Office. We want to note that, while the Suttons Bay Township Planning Commission has typically conditioned their approval on the acquisition and submittal of final agency permits or approvals, any changes to the approved Site Plan required by such agencies may result in the need for a re-review and approval of the Site Plan by the township. Applicants for Special Land Use Permits in Leelanau County will typically conduct a preliminary review with these agencies prior to submitting an application, and submit a summary of this review with their application.
3. Your zoning ordinance responses include a quote from Section 15.2.5(D) referencing a sixty (60) day review period. It should be noted that Section 15.2.7 actually provides for a ninety (90) day review period for new towers.

4. The package that we received on August 14, 2023 included only four sets of color copies of the propagation maps. We do not have a color copier, so we are requesting an additional eight (8) sets of color copies of the maps.
5. We are requesting a digital (pdf) version of the revised Site Plan (dated 8/09/23) that was recently submitted.
6. The original submitted application listed TeleSite Wireless, Inc. as the Applicant, with David Antoun as the Authorized Agent or Representative.
 - Is this still correct?
 - Are you now the Authorized Agent or Representative?
 - If approved, who would the Special Land Use Permit be issued to? TeleSite Wireless, or Verizon?
 - We would like a note for our files from the Gerald and Evelyn Brandt Trust authorizing you to apply for the Special Land Use Permit on their property.
7. Review Schedule: Your letter requests that notices be provided to place the Application on the September 5, 2023 Planning Commission Meeting Agenda. Per our conversation last week:
 - There is inadequate time to publish a proper notice in our local weekly newspaper for the September 5, 2023 Regular Meeting. There is also inadequate time for township staff to perform a thorough review in that timeframe.
 - There is already a Public Hearing and consideration scheduled for the September 5, 2023 Regular PC Meeting on a Winery Tasting Room. This Hearing and review will take up the majority of the meeting.
 - It may be possible to include on the September 5th agenda a brief introduction of your Application, however;
 - The Suttons Bay Township Planning Commission has a policy that no agenda item may be opened after the meeting has lasted two hours. It is anticipated that the Public Hearing already scheduled for September 5th will take most, if not all, of the two hours. We would hate to have you show up for an introduction at the September 5th meeting and run out of time.
 - We would prefer to schedule the Public Hearing for the October 3, 2023 PC Meeting. We intend on performing a thorough review, and will not be pressured into making a quick decision on this matter.
 - It may be possible to schedule a Special Meeting at your expense, if we can find a date and time where we can get a majority of the PC members to attend. The Special meeting Fee established by the Suttons Bay Township Board on their Fee Schedule is \$500.

8. If and when the current escrow fund amount for review is expended, Suttons Bay Township may request additional escrow funds as may be allowed by law.

With the Application being deemed Administratively Complete, we are starting our review process, and I'm sure that we will be conversing further about the schedule and details of this review.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Steve W. Patmore". The signature is written in dark ink and is positioned above the typed name.

Steve Patmore,
Suttons Bay Township
(231) 271-2722 ext 3, mornings

Copy: Tim Figura, Esq.
Marc Daneman, Esq.

NOTICE OF SPECIAL MEETING AND PUBLIC HEARING
SUTTONS BAY TOWNSHIP

The Suttons Bay Township Planning Commission will conduct a Public Hearing and begin consideration of the following request at a Special Meeting to be held on Tuesday, September 19, 2023 at 6:00 p.m. at the Suttons Bay Township Offices, 95 W. Fourth Street, Suttons Bay, MI 49682:

The Public Hearing is on a request from TeleSite Wireless, Inc., 1015 South Lake Drive, Novi, MI 48377, for a Special Land Use Permit to construct a proposed 197 foot tall monopole Wireless Communications Tower (Verizon Wireless Project #3250 "Lake Leelanau"), proposed driveway, and associated equipment within a 100 foot by 100 foot leased area on property number 45-011-019-014-00, E. Bahle Rd., Suttons Bay Township owned by the Gerald and Evelyn Brandt Trust. The subject parcel is currently primarily orchard property and is at the northwest corner of the Herman Road and Bahle Road intersection, and is across Bahle Road from the address 8822 E. Bahle Rd., Suttons Bay, MI 49682.

The application and site plan may be reviewed at the Suttons Bay Township Office, 95 W. Fourth Street (Hansen's Plaza), Suttons Bay during regular office hours, or on-line at <https://www.leelanau.gov/suttonsbaytwp.asp>

Comments will be received at the Public Hearing in person or in writing. In addition, written comments will be received until 3 pm the day of the hearing by mail to Suttons Bay Township, P.O. Box 457, 95 W. Fourth Street, Suttons Bay, MI 49682, or by email to zoningadmin@suttonsbaytwp.com

If time allows, the Special Meeting will also include discussion on the township Zoning Ordinance Overhaul Project.

If you are planning to attend this meeting and are handicapped and require special assistance, please notify the Township Clerk, at 231-271-2722, ext. 2.

SUTTONS BAY TOWNSHIP
Office of Planning & Zoning
P.O. Box 457
95 W. Fourth Street
Suttons Bay, MI 49682
231-271-2722

September 4, 2023

To: Property Owner / Occupant

Re: Public Hearing on Application for 197 foot monopole Wireless Communication Tower
Submitted by Telesite Wireless on behalf of Verizon
Northwest corner - Herman Road at Bahle Road
Property Number 45-011-019-014-00
Suttons Bay Township

As a Property Owner or Occupant within 300' of the subject property, you are being notified of the following Public Hearing.

The Suttons Bay Township Planning Commission will start the Public Hearing process and begin review for a Special Land Use Permit to construct and operate a 197 foot monopole Wireless Communication Tower near the northwest corner of the Herman Road and Bahle Road.

It is likely that the review and deliberation will take additional meetings.

Included is a copy of the official Public Notice and Site Plan

The date, time, and location of this hearing is as follows:

Date: Tuesday, September 19, 2023
Time: 6:00 p.m.
Location: Suttons Bay Township Offices
95 W. Fourth Street (Hansen's Plaza)
Suttons Bay, MI 49682

The public may also view and participate in the Hearing via Zoom remote electronic access. The link, Meeting ID, and Passcode will be listed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>

The complete application may be reviewed during normal office hours at the Planning & Zoning Office located at the Suttons Bay Township Office, 95 W. Fourth Street (Hansen's Plaza), Suttons Bay, MI 49682, phone 271-2722, and on the township website:
<https://www.leelanau.gov/suttonsbaytwp.asp>

Refer to the Public Notice for guidance on submitting written comments.

Questions may be directed to the Zoning Administrator at (231) 271-2722 ext. 3, mornings.

Updated Application

Steve Patmore

From: Steve Patmore <zoningadmin@suttonsbaytwp.com>
Sent: Thursday, August 10, 2023 2:14 PM
To: 'Steve Patmore'
Subject: FW: Application for Special Land Use permit and Site Plan Approval - Verizon Wireless Site no.: MI-3250 (Lake Leelanau) - Amended and Supplemented Application
Attachments: 03 CURR - 04 Zoning - Propagation Maps (curr- 08-09-23) - Site 3250 (Lake Leelanau) (01739499x7AF06).pptx

From: Robert LaBelle <RALaBelle@WWRPLaw.com>
Sent: Wednesday, August 9, 2023 3:46 PM
To: Patmore, Steve <zoningadmin@suttonsbaytwp.com>; tfigura@figuralaw.com
Cc: Marc Daneman (MarcDaneman@cs.com) <MarcDaneman@cs.com>
Subject: Application for Special Land Use permit and Site Plan Approval - Verizon Wireless Site no.: MI-3250 (Lake Leelanau) - Amended and Supplemented Application

Gentlemen: Thank you very much for speaking with me the last couple of days regarding Verizon's interest in improving cell service in Suttons Bay Twp with a new tower on the Brandt Orchard property. I've gone over with you Steve's May 8 letter requesting additional information for this project. As I mentioned, I'm sending this email as a kind-of draft for discussion to the end of delivering to you tomorrow the full response. I'll follow the numbering from Steve's letter:

1. Clarity of Propagation Maps. Attached is an updated version of the original Prop Maps, intending to clarify it further. Page 1 is the current coverage, now with the target improvement area highlighted. Page 2 is the coverage that will be achieved with our proposed tower. Page 3 is the coverage that would be achieved on the County's tower. Pages 4 and 5 are descriptions of the measurements used and how the graphs show people's actual service and improvements.
2. Existing Tower in Vicinity. Below is how I propose to revise the answer to 15.2.8:
See attached propagation maps showing the existence of the gap in wireless communication coverage and capacity and the "target coverage area" (highlighted oval). The proposed tower is the only available site which will reliably and more completely cover the target coverage area. The existing Leelanau County tower on Government Drive ("County tower") cannot meet the need to cover the target coverage area for at least two reasons. First, the County tower does not adequately cover the gap in the target coverage area. Comparing pages 2 and 3 of the Propagation Maps shows that the County tower will not cover the southern portion of the target coverage area as well, due to its farther north location and its surrounding topography. The County tower also will not effectively offload capacity issues with existing VzW Tower No. 6527. Second, the County tower is priced out of market based on the belief that it is a monopoly. Verizon's master leases with the major tower operators provide for rents in the \$1200 to \$2000 per month range with 1-2% annual escalation, while the County is demanding almost \$4000 per month with 7% annual escalation. Federal and state caselaw under the superseding federal Telecommunications Act (47 USC §332(c)(7)) require only seeking out competitively-priced structures, rather than accepting predatory monopoly pricing. Verizon's engineers, attorneys and site consultants will attend the hearings to answer questions in this area.
3. Additional Escrow. A \$500 check will be sent tomorrow.
4. Stormwater Runoff. We're adding a note to the site plan that there is negligible impermeable surface in a tower site, so the existing Property will accommodate the extremely minor storm water runoff from the proposed site. In addition to the zoning approval, each tower requires up to 24 different approvals and permits, so we will

obtain any required permits from the Drain Commissioner, including soil erosion permits, which, in an approval motion, can be a condition to issuance of a building permit.

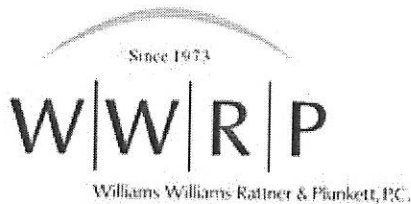
5. County Road Commission Approval. In accordance with Section 20.8.D's that the Site be served by public facilities, including roads, like the other 24 approvals and permits, we will obtain any required permits from the Road Commission, including curb cut permits. Like before, in an approval motion, Road Commission permits would be a condition to issuance of a building permit.

If I could talk with you folks tomorrow briefly, I would be able to deliver tomorrow to the Township this supplemental and revised information in order to get on the 09-05 Planning Commission meeting agenda.

Again, thank you very much for your help.

Thanks

-Rob



Robert A. LaBelle, Esq.

380 North Old Woodward Avenue, Suite 300

Birmingham, Michigan 48009

Office: (248) 530-0717 • Mobile: (734) 748-5401 • Fax: (248) 642-0856

ral@wwrplaw.com



[Bio](#) [vCard](#) wwrplaw.com

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Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300

Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

ROBERT A. LABELLE
Direct: (248) 530-0717
ral@wwrplaw.com

August 10, 2023

Mr. Steve Patmore
Suttons Bay Township
95 4th Street
Suttons Bay, Michigan 49682

by email and hand delivery

Re: Applications for Special Land Use and Site Plan Approval
Verizon Wireless Site No. MI-3250 (Lake Leelanau)

Dear Steve:

Thank you for your assistance the past week. This letter is both in response to your May 8, 2023 letter and a supplement and amendment to the referenced Application previously sent to the Township. Following the numbering from your letter:

1. Enclosed are updated Propagation Map pages, for further clarification, as requested. The enclosed replaces the prior Propagation Maps delivered with the original Application. Page 1 is the current coverage, now with the target improvement area highlighted, as requested. Page 2 is the coverage that will be achieved with the proposed tower. Page 3 is the coverage that would be achieved on the County's tower. Pages 4 and 5 are explanations of the graphs, depictions and measurements used in the Propagation Maps.

2. Also enclosed is a replacement Ordinance Response memo, revised as requested as to the answer to 15.2.8, providing more detail as to the inadequacy of the existing County tower. The enclosed replaces the prior Ordinance Response memo delivered with the original Application.

3. As required, overnighted for delivery to you by tomorrow will be a \$500 check payable to the Township to fund the additional escrow.

4. Also overnighted for delivery to you by tomorrow will be eighteen copies of the revised Site Plan, adding a note regarding stormwater runoff. (A reduced sized copy is enclosed.) The enclosed replaces the prior Site Plans delivered with the original Application. As requested, the Site Plan addresses that there is negligible amount of impermeable surface at a tower site, and that the existing Property will accommodate on-site any minor storm water runoff. Verizon will obtain any required permits from the County Drain Commissioner, which can be included as a condition in an approval motion.

Mr. Steve Patmore
Suttons Bay Township
August 10, 2023
Page Two

5. Similarly as with the Drain Commissioner, Verizon will obtain any required permits from the County Road Commission to comply, as requested, with Zoning Ordinance Section 20.8.D's specific requirements. Road Commission permits can also be included as a condition in an approval motion.

As now complete, please provide notices as necessary to have our Application placed on the September 5, 2023 Planning Commission meeting. Please contact me as soon as possible if there are any issues.

Again, thank you very much for your help.

Very Truly Yours,



Robert A. LaBelle

Enclosures

cc: Timothy Figura, Esq.
Mr. Mark Daneman
Mr. David Antoun
Mr. Thomas Antoun

Verizon Wireless Tower Project #3250 (“Lake Leelanau”) Zoning Ordinance Responses

SECTION 15.2.5 - WIRELESS EQUIPMENT AS A PERMITTED USE WITH SPECIAL LAND USE APPROVAL

Wireless Equipment that meets the requirements of Section 15.2.4 A.1. but does not meet the requirements of Section 15.2.4. A.2. shall be a permitted use as long as it receives special land use approval under the following provisions:

A. An application for special land use approval of wireless communications equipment described in this Section 15.2.5 shall include all of the following:

1. A site plan as required under Section 15.2.13 including a map of the property and existing and proposed buildings and other facilities.

Please see the attached site plan for review purposes.

2. Any additional relevant information that is specifically required by other Subsections.
Understood by the Applicant.

B. After an application for a special land use approval is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (C) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

Understood by the Applicant.

C. If, before the expiration of the fourteen (14) day period under subsection (D), the Zoning Administrator notifies the Applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the Applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection (D) is tolled until the Applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township’s actual, reasonable costs to review and process the application or one thousand (1,000) dollars, whichever is less.

Understood by the Applicant.

D. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

Understood by the Applicant.

SECTION 15.2.8 - GENERAL SPECIAL LAND USE STANDARDS FOR WIRELESS TOWERS

A new wireless tower shall not be approved unless it can be demonstrated by the Applicant that there is a need for the new wireless tower which cannot be met by placing an antenna on an existing wireless tower, or on another structure, or through the replacement of an existing wireless tower. Information concerning the following factors shall be considered in determining that such need exists:

- A. Insufficient structural capacity of existing wireless towers or other suitable structures and infeasibility of reinforcing or replacing an existing wireless tower.
- B. Unavailability of suitable locations to accommodate system design or engineering on an existing wireless tower or other structures.
- C. Radio frequency interference or other signal interference problems at existing wireless towers or other structures.
- D. The refusal of owners or parties who control wireless towers or other structures to permit an antenna to be attached to such wireless towers or structures.
- E. Other factors which demonstrate the reasonable need for the new wireless tower.

See attached propagation maps showing the existence of the gap in wireless communication coverage and capacity and the "target coverage area" (highlighted oval). The proposed tower is the only available site which will reliably and more completely cover the target coverage area. The existing Leelanau County tower on Government Drive ("County tower") cannot meet the need to cover the target coverage area for at least two reasons. First, the County tower does not adequately cover the gap in the target coverage area. Comparing pages 2 and 3 of the Propagation Maps shows that the County tower will not cover the southern portion of the target coverage area as well, due to its further north location and its surrounding topography. The County tower also will not effectively offload capacity issues with the Applicant's existing Tower No. 6527. Second, the County tower is priced out-of-market based on the belief that it is a monopoly. Verizon's master leases with the major tower operators provide for rents in the \$1200 to \$2000 per month range with 1-2% annual escalation, while the County is demanding almost \$4000 per month with 7% annual escalation. Federal and state caselaw under the superseding federal Telecommunications Act (47 USC §332(c)(7)) require only seeking out competitively-priced structures, rather than accepting predatory monopoly pricing. Verizon's engineers, attorneys and site consultants will attend the hearings to answer questions in this area.

SECTION 15.2.9 - SPECIFIC WIRELESS TOWER SPECIAL LAND USE STANDARDS

The following standards apply to all Wireless Towers requiring a special use permit.

A. A Wireless Tower may be located on a zoning lot containing other principal uses. The wireless tower may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legally established nonconforming lot. The area within which the wireless tower is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.

The tower parcel itself is a 100' x 100' fenced compound, set back from East Bahle Road more than 300'. The zoning lot in which the tower parcel is located meets minimum lots size for its zoning classification and use.

B. The Wireless Tower shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum setback requirements shall be measured from the boundary of the zoning lot to the closest portion of the wireless tower, or the accessory equipment or storage area, whichever is closer.

The proposed tower and tower parcel meet all such zoning district requirements.

C. The minimum distance between a Wireless Tower and any property line shall be equal to the height of the proposed tower, unless engineering specifications provided dictate otherwise, as determined through a certification by a licensed and registered professional engineer.

The proposed tower meets setback requirements. The nearest the proposed Tower would be to any property line is 240 feet. The proposed Tower height is 199 feet AGL. See also attached tower structural report by a licensed and registered professional engineer.

D. Wireless Towers shall be constructed and maintained in compliance with all applicable construction codes, which include the Electronics Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.

The proposed Tower will be built and maintained in compliance with applicable codes and Verizon's exacting standards. Detailed construction plans, including electrical and mechanical plans, will be submitted at the time of application for the building permit.

E. Wireless Towers shall not be used for advertising purposes.

The proposed Tower is not used for advertising purposes, having only identification signage required by the Federal Communications Commission.

F. Fencing shall be required to ensure security and safety of a Wireless Tower with accessory equipment structure or storage area. Fences shall consist of durable wood, vinyl, metal or other similar materials and shall not contain barbed wire, razor wire, electric current, or charge of electricity. Fences shall not exceed a height of eight (8) feet.

Metal security 6' high fencing will be established around the perimeter of the tower compound in compliance with this section. Verizon would prefer to use barbed wire atop the fence for added security, but will not install it if the Township prefers it not to.

G. The Wireless Tower shall have a landscaped buffer so that the base of the wireless tower and accessory equipment structure or storage area shall be screened from any right-of-way or residential use. Such landscaped buffer shall be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the equipment storage area. Quality and composition of landscape elements shall be of generally acceptable evergreen varieties and species of trees and shrubs hardy to Leelanau County. The buffering requirements outlined herein may be waived by the Zoning Administrator or Planning Commission where existing vegetation to be maintained on the site generally accomplishes the same effect.

The Applicant requests waiver of the landscaping requirement of this Section. With the tower set back more than 350' from the Road, existing trees and vegetation should be adequate to screen the compound as contemplated by this Section.

H. Wireless Towers shall not have a shiny or reflective finish.

The proposed Tower will have a flat, galvanized steel finish.

I. Wireless Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

Understood by the Applicant.

J. Not less than one off-street parking space shall be provided on-site for use by service and public safety vehicles.

A parking space with turnaround space will be provided (please see attached Site Plan).

K. Adequate ingress and egress to the Wireless Tower shall be provided by means of an all-weather durable driveway not less than twelve (12) feet in width.

Please see details on attached Site Plan.

L. No Wireless Tower shall be placed within a public right-of-way or within a road easement.

Not applicable.

M. All Wireless Towers over one hundred (100) feet in height shall be designed for colocation. If colocation is not part of the application, then the Applicant must demonstrate in the application as to why colocation is not possible.

The proposed Tower will be designed to accommodate a minimum of two (2) additional collocators.

N. All Wireless Towers that utilize guy wires shall have those guy wires clearly marked by a colored sleeve.

Not applicable. The proposed monopole is a self-supporting tower.

O. A Wireless Tower proposed to be located on a National or State registered historic landmark or in a local historic district established in conformance with the Local Historic Districts Act, Public Act 169 or 1970, as amended, may be denied if the antenna would detract from the historic character of the historic landmark or district.

Not applicable.

SECTION 15.2.10 - SPECIAL LAND USE CONDITIONS OF APPROVAL AND DECISIONS BASED ON SUBSTANTIAL EVIDENCE

A. Conditions may be added that are:

1. Designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

All of the above is understood by the Applicant.

B. The Decision to grant or to deny a special land use shall be in writing and shall be based upon substantial evidence in the record.

SECTION 15.2.14 - CO-LOCATION COMMITMENT

The Applicant must include a statement in the application of its good faith intent to allow the collocation of Antennae and of other wireless equipment of other entities, provided that the cost of modifying the wireless tower to accommodate the co-location is borne by the co-locating entity.

Verizon has both a long history and a legal obligation under federal law of constructing multiple-user towers and providing for market-rate collocations, even for competitors. The proposed tower will be designed to allow for a minimum of two (2) additional users with similar loading requirements. Applicant will provide a signed letter committing to collocation.

SECTION 15.2.15 - REMOVAL OF ABANDONED COMMUNICATION TOWERS

Any wireless tower which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no antenna or other commercial antenna has been operational and located on the wireless tower for one hundred eighty (180) days or more. Where the removal or demolition of an abandoned wireless tower has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof. The Township may place a lien on the property to cover costs for the removal of the wireless tower. A lien on the property shall be superior to all other liens except taxes.

Understood by the Applicant.



LETTER OF TRANSMITTAL

DATE:	08/10/23	JOB NO.	05268-3250
ATTN:	Mr. Steve Patmore		
RE:	Verizon Wireless Site #3250 "Lake Leelanau"		

TO: Suttons Bay Township
95 4th Street
Suttons Bay, MI 49682

- WE ARE SENDING YOU Attached Under separate cover via UPS Next Day the following items:
- Shop drawings Prints Plans Samples Specifications
- Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
18	08/09/23	3	Site Plan Drawings (24x36)

THESE ARE TRANSMITTED (as checked below):

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____
- FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

As requested by Mr. Robert LaBelle/Mr. David Antoun, enclosed please find site plan drawings for the application for a proposed cell tower on East Bahle Road. The application will be submitted separately by Mr. LaBelle or Mr. Antoun. If you should require any additional copies or information, please contact Mr. LaBelle at 248-642-0333.

COPY TO: _____

SIGNED: 
Scott G. Fisher, PE

From: Robert LaBelle <RALaBelle@WWRPLaw.com>
Sent: Friday, September 8, 2023 4:28 PM
To: zoningadmin@suttonsbaytwp.com
Cc: 'Marc Daneman'; 'Tim Figura'; David Antoun; thomasantoun@telesitewireless.com
Subject: RE: Suttons Bay Township - Letter of Administratively Complete Application
Attachments: 03 CURR - 04 Zoning - Propagation Maps (curr- 08-09-23) - Site 3250 (Lake Leelanau) (01739499x7AF06).pptx; 03 CURR - 04 Zoning - Site Plan (curr- 08-09-23) - Site 3250 (Lake Leelanau) (01739750x7AF06).pdf; 03 CURR - 03 Leasing - Memo of Land Lease (FEA- signed) - Site 3250 (Lake Leelanau) (01718541x7AF06).pdf; 03 CURR - 03 Leasing - Redacted Lease (fully-executed), p1 - Site 3250 (Lake Leelanau) (01755645x7AF06).pdf; 03 CURR - 03 Leasing - Redacted Lease (fully-executed), p2 - Site 3250 (Lake Leelanau) (01755652x7AF06).pdf; 03 CURR - 03 Leasing - Redacted Lease (fully-executed), p-exec1 - Site 3250 (Lake Leelanau) (01755653x7AF06).pdf; 03 CURR - 03 Leasing - Redacted Lease (fully-executed), p-exec2 - Site 3250 (Lake Leelanau) (01755649x7AF06).pdf

Mr. Patmore: Per the requests of your 08-18-23 letter, please find attached the following:

- PDF of the Propagation Map
- PDF of updated site plan, dated 08-09-23
- As evidence of authority for the Application: (1) recorded Memorandum of Lease, showing Verizon Wireless as the current owner Tenant of our premises, and (2) redacted Lease (pages 1, 2, 9 & 10), signed by Brandt Trusts. In Section 8 of the Lease (on p.2), the Brandt Trusts authorize and agree to assist with zoning approvals.

Also, per the 08-18 letter, by separate package which you should receive by Tuesday, we have sent the following:

- 8 additional color copies of the Propagation Maps
- \$500 check, as the fee for the Special Meeting

Finally, responding to some items in the 08-18 letter:

- Item 2: We appreciate your suggestion to seek preliminary review from other agencies, but given the sheer number of "other agencies" for each tower (23 others in total), experience has taught us to coordinate our process as we are now doing. However, we do understand that if one of those other agencies results in changes to the site plan that re-approval from the Township may be necessary.
- Item 3: As noted in a prior email, state law provides for review to be completed within 90 days after the application is administratively complete.
- Item 6: Although it was admittedly unclear, TeleSite Wireless submitted the original Application as agent for Alltel Corporation d/b/a Verizon Wireless. Verizon Wireless remains the Applicant and the party to whom the Special Land Use Permit should be issued. David Antoun is an officer of TeleSite and Thomas Antoun is an employee of TeleSite; I am attorney for Verizon Wireless. Going forward, the contact persons for the Applicant Verizon Wireless should be me and David Antoun.

Again, we wish to express our appreciation for scheduling the 09-19 special hearing.

Thanks
-Rob



Williams, Williams, Ratner & Plunkett, PC

380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009

ROBERT A. LABELLE
Direct: (248) 530-0717
ral@wwrplaw.com

September 11, 2023

Mr. Steve Patmore
Suttons Bay Township
95 4th Street
Suttons Bay, Michigan 49682

by overnight delivery

Re: Applications for Special Land Use and Site Plan Approval
Verizon Wireless Site No. MI-3250 (Lake Leelanau)

Dear Steve:

Both following up on my email last Thursday and your August 18, 2023 letter, enclosed please find (1) \$500 check, payable to Suttons Bay Township, and (2) 8 color copies of the updated Propagation Maps.

Thank you for your assistance. We look forward to making our presentation at the September 19, 2023 Planning Commission meeting.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'RAL', is written over a horizontal line.

Robert A. LaBelle

Enclosures

cc: Timothy Figura, Esq.
Mr. Mark Daneman
Mr. David Antoun
Mr. Thomas Antoun

EXCERPT FROM LEASE - RECEIVED 9/8/2023 VIA EMAIL
SP

31. **MISCELLANEOUS.** This Agreement contains all agreements, promises and understandings between the LESSOR and the LESSEE regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the LESSOR or the LESSEE in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all Parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either Party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such Party shall have the right to enforce such rights at any time. The performance of this Agreement shall be governed, interpreted, construed and regulated by the laws of the state in which the Premises is located without reference to its choice of law rules. Except as expressly set forth in this Agreement, nothing in this Agreement shall grant, suggest or imply any authority for one Party to use the name, trademarks, service marks or trade names of the other for any purpose whatsoever. LESSOR agrees to execute a Memorandum of this Agreement, which LESSEE may record with the appropriate recording officer. The provisions of the Agreement relating to indemnification from one Party to the other Party shall survive any termination or expiration of this Agreement.

IN AGREEMENT WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LESSORS:

Evelyn M. Brandt
EVELYN M. BRANDT, personally

Date: March 15, 2023

THE GERALD H. BRANDT TRUST,
under agreement, dated September 7, 2012

By: Evelyn M. Brandt, Trustee
EVELYN M. BRANDT, Trustee

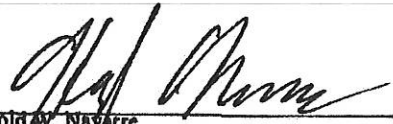
Date: March 15, 2023

THE EVELYN M. BRANDT TRUST,
under agreement, dated September 7, 2012

By: Evelyn M. Brandt, Trustee
EVELYN M. BRANDT, Trustee

Date: March 15, 2023

LESSEE:
ALLTEL CORPORATION, d/b/a Verizon Wireless

By: 

Harold W. Navarre
Executive Director Network Field Engineering

Its: _____

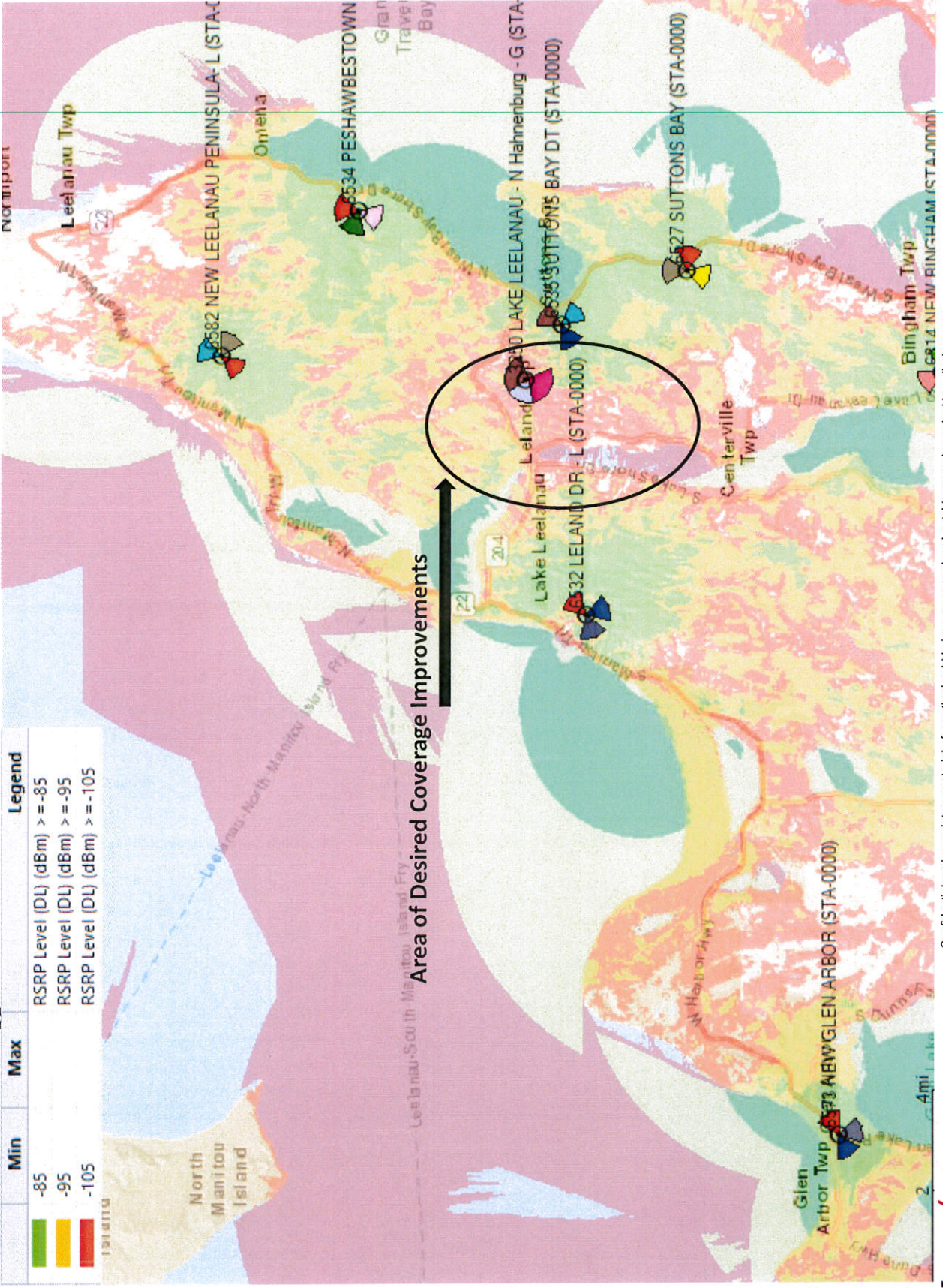
Date: June 13, 2023

RALV3

Updated Propagation Maps

Current Coverage

Min	Max	Legend
-85	RSRP Level (DL) (dBm) > = -85	
-95	RSRP Level (DL) (dBm) > = -95	
-105	RSRP Level (DL) (dBm) > = -105	



Area of Desired Coverage Improvements

Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.



Proposed Tower Coverage

Min	Max	Legend
-85	RSRP Level (DL) (dBm) >= -85	Green
-95	RSRP Level (DL) (dBm) >= -95	Yellow
-105	RSRP Level (DL) (dBm) >= -105	Red

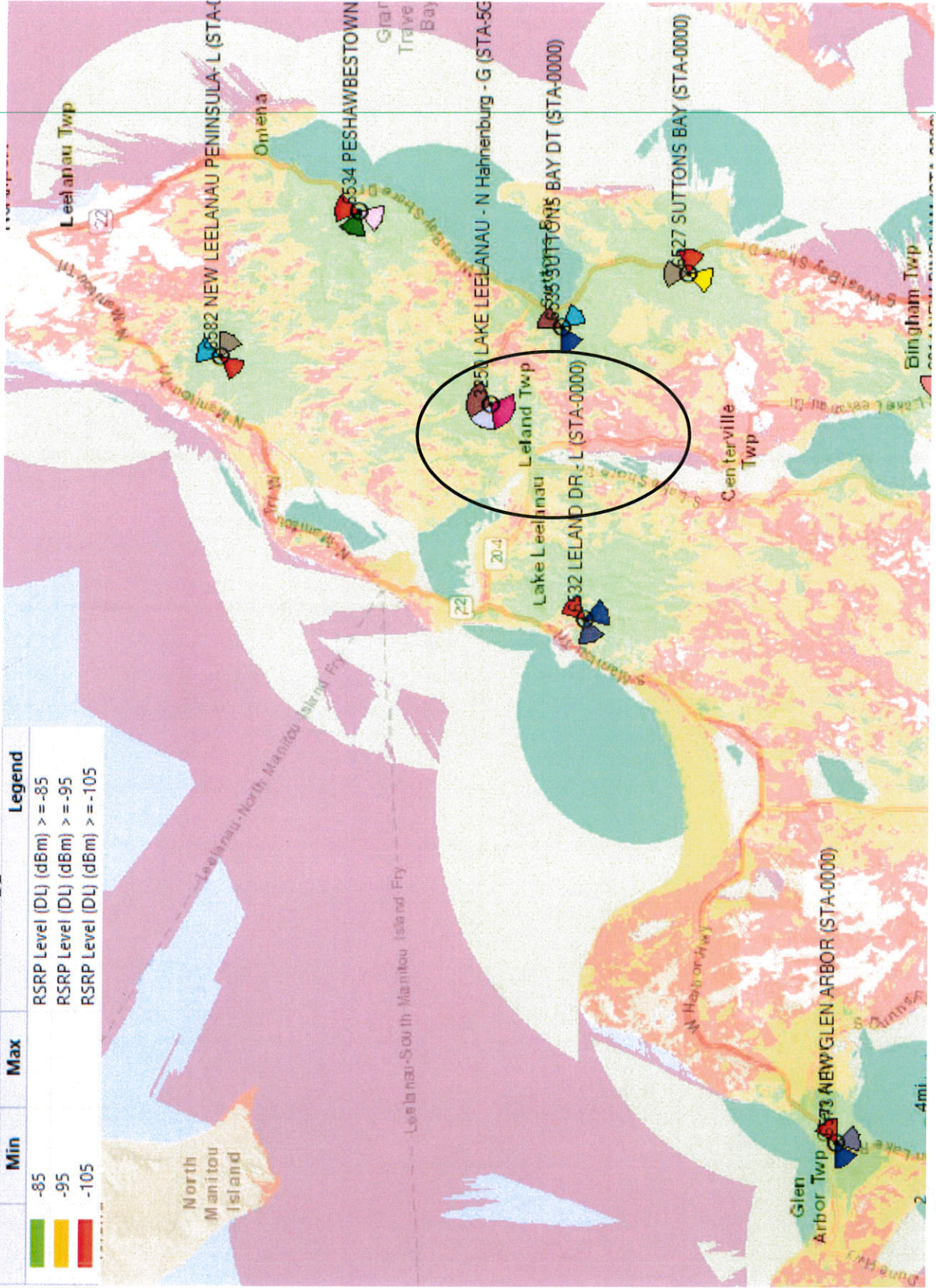


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County Tower Coverage




Min	Max	Legend
-85	RSRP Level (DL) (dBm) > = -85	Green
-95	RSRP Level (DL) (dBm) > = -95	Yellow
-105	RSRP Level (DL) (dBm) > = -105	Red



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Legend Explanation

	Min	Max	Legend
	-85		RSRP Level (DL) (dBm) > = -85
	-95		RSRP Level (DL) (dBm) > = -95
	-105		RSRP Level (DL) (dBm) > = -105

-85 dBm represents areas where mobile users can expect good residential (home) coverage

-95 dBm represents areas where mobile users can expect good outdoor coverage, but poor residential service

-105 dBm represents areas where mobile users may experience poor coverage and connectivity

dBm vs Watts Explanation

	Min	Max	Legend
	-85		RSRP Level (DL) (dBm) > = -85
	-95		RSRP Level (DL) (dBm) > = -95
	-105		RSRP Level (DL) (dBm) > = -105

Decibel units, dBm being an example of such, provide a more intuitive measure of some properties that respond logarithmically, like power frequently does.

Consider, if you are transmitting now with 1W, and you add 1W more, you have *doubled* your transmit power.

If you are transmitting with 100W, and you add 1W more, your transmit power is 101W. This is only 1% more power.

Decibels account for this. From 1W to 2W is a +3dB change. From 100W to 101W is a +0.043dB change. If you were to increase +3dB from 100W, the result would be 200W, which is the same degree of improvement as 1W to 2W.

Decibel units allow losses and gains to be added and subtracted mathematically.

Negative decibel units denote values less than 1mW (1/1000) of a Watt.

Every 10dB increase is a ten-fold increase in watts.

10dBm = 0.01W. 20dBm = 0.1 W. 30dBm = 1W.

-85dBm = .0000000000000316 Watts

-95dBm = .00000000000000316 Watts