

AGENDA
SUTTONS BAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
95 W 4th Street, Suttons Bay
Tuesday, December 5, 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/87901134736?pwd=WjZyNUNKb3RKcXp4NU1wekRodTVVdz09>

Meeting ID: 879 0113 4736 Passcode: 949046 +1 312 626 6799

Call to Order and Notation of Quorum

Approval of Agenda

Public Comment

Conflict of Interest

Approval of Minutes: September 19, 2023 Meeting Minutes
 October 3, 2023 Meeting Minutes
 October 17, 2023
 November 7, 2023

Items of Discussion/Consideration:

1. 2024 Meeting Schedule (Adopt By Resolution)
2. Zoom Meeting Procedure
3. Zoning Ordinance Overhaul Project-Review (If time allows)
 - Status & Schedule
 - Continue Ordinance Review (Starting with Article 14)
 - Further Steps

Reports:

Zoning Administrator	Steve Patmore
Planner:	Mathew Cooke, Networks Northwest
Township Board:	Doug Periard
Chair Comments:	Tom Koernke

Commissioners' Comments

Public Comment

Next Regular Meeting – January 2, 2024

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.

DRAFT
Suttons Bay Township Planning Commission
2024 Schedule of Regular Meetings

The regular meetings of the Suttons Bay Township Planning Commission will normally be held at the Suttons Bay Township Offices, 95 W. Fourth Street, Suttons Bay, MI 49682 on the first Tuesday of each month as shown below, unless rescheduled or re-located. Additional meetings, cancellations, meeting locations, Draft Agendas, and meeting packets will be properly noticed and included on the township website: (www.leelanau.gov/suttonsbaytwp.asp).

Any changes to meeting dates or locations will be posted on the township website.

Planning Commission Meetings may be postponed due to weather advisories or hazardous travel conditions and will generally be announced by 3:00 P.M. the day of the meeting on the township website and posted at the meeting location. Any Public Hearings postponed by weather will automatically be re-scheduled for the next Regular Meeting, unless a Special Meeting is scheduled by the Commission.

<u>Day</u>	<u>Meeting Date</u>	<u>Time</u>	
Tuesday	January 2, 2024	6:00 PM	- DAY AFTER NEW YEARS DAY
Tuesday	February 6, 2024	6:00 PM	(consider JAN 9th ?)
Tuesday	March 5, 2024	6:00 PM	
Tuesday	April 2, 2024	6:00 PM	
Tuesday	May 7, 2024	6:00 PM	
Tuesday	June 4, 2024	6:00 PM	
Tuesday	Traditionally No July P.C. Meeting		
Tuesday	August 6, 2024	6:00 PM	(*Primary Election)
Tuesday	September 3, 2024	6:00 PM	
Tuesday	October 1, 2024	6:00 PM	(*General Election)
Tuesday	November 5, 2024	6:00 PM	
Tuesday	December 3, 2024	6:00 PM	

General items for submittal to the Planning Commission need to be submitted at least ten (10) days prior to the meeting.

Refer to the Suttons Bay Township Zoning Ordinance for submittal requirements on Site Plan Review, Special Use Permits, and Zoning Amendments.

Items should be submitted to:

Suttons Bay / Bingham Planning Office
 95 W. Fourth Street, PO Box 457
 Suttons Bay, MI 49682
 (231) 271-2722 Ext 3
zoningadmin@suttonsbaytwp.com

*Township Office Not Available *on these days*

DRAFT MINUTES

SUTTONS BAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING - NOVEMBER 07, 2023

CALL TO ORDER AND NOTATION OF QUORUM

Tom Koernke Chair Regular Meeting of the Suttons Bay Township Planning Commission to order on Tuesday, November 7, 2023, at 6:00 p.m. at the Suttons Bay Township Office, 95 W. 4th St., Suttons Bay, MI.

Present: Tom Koernke, Andy Brandt, John Clark, Don Gregory, Rhoda Johnson, Patti Miller

Absent: Dee McClure, Doug Periard, Dennis Rathnaw

Staff: Steve Patmore, Mary Kuznicki

Via Zoom: Attorney Timothy Figura, Mr. Danemon, RF consultant

APPROVAL OF THE AGENDA

John Clark/moved, Patti Miller/supported, to approve the Agenda as submitted, carried

CONFLICT OF INTEREST: *Andy Brandt recused himself from discussion from agenda item #1*

APPROVAL OF MINUTES

Minutes from 9/19/23 and 10/03/23 tabled by chair, Tom Koernke to allow more discussion time for item #1 on the agenda.

PUBLIC COMMENT: None

ITEMS OF DISCUSSION/CONSIDERATION

1. Continued discussion and consideration for Verizon's request for a Special Land Use Permit to build a 197' monopole wireless communications tower structure at Bahle Road property

Verizon Rep, Mr. LaBelle spoke to Planning Commissioner panel:

State law requires limited time to vote on the special Land Use Permit requested by Verizon to construct the monopole structure. The expiration date is November 16th, 2023. Mr. LaBelle commented on the number of commissioners in attendance to vote. Full board consists of 9 commissioners on the panel. With Doug Periard being excused, there are only eight on the panel. Majority vote means the vote would require five affirmatives for approval, with two absent at this evening's meeting and one being recused from voting on item #1, this means a five out of five affirmative votes to grant the permit, which may be more difficult to achieve.

Mr. LaBelle is reserving his rights to table the vote and waive the expiration so that a full board of the remaining eight commissioners are in attendance to receive the full vote.

He spoke about the two legal standards:

#1 The Ordinance 15.2.8

Collocating on existing tower

#C the RF interference- Reviewed new coverage maps as requested at the last meeting. Topographical map shows ridge on the map where county coverage ends, county tower only offers north coverage, the Verizon tower would allow for coverage both North and South.

#E Other Items Factors

1. It does not reduce the number of towers. Verizon feels we will need a second or possibly a third tower to achieve good coverage in the rural/undeserved areas.
2. The second tower location is in a very populated area, it's a great location, and it avoids residential areas.
3. Capacity issues and offloading- tower location will help with overcapacity issues but is not too close to interfere and not too far to have gaps in coverage
4. County tower is too far north and does not provide service to southern areas.

#2 Telecom Communications Act - owner of the tower cannot prohibit other vendors from using their tower.

Verizon has proven that there is a gap in coverage/service and the necessity for an additional tower in the county. Verizon can offer is less intrusive of a tower and less obtrusive goal, if another provider chooses to build a tower, the tower would be placed in a residential area which means it would be intrusive.

Regarding the county tower- it is an inferior tower

#1 Cost has a very high increase and a very high rent rate, way above market costs.

#2 tower has been there for two years and no other vendors have collocated on the tower. AT&T has its own 40-foot wooden pole and Verizon can't get to the steep location of the site.

#3 it's a better site, it's ideal property; both location and coverage are better.

#4 bad location and doesn't serve the gap

If allowed - would be able to collocate with other cell services, they cannot say no, they have to allow competitors on their site, would put a master leasing agreement in place.

Mark Daneman (via Zoom):

It is his formal recommendation to accept the Special Land Use Permit requested by Verizon.

Tim Figura (via Zoom):

The deadline cannot be tabled without 90 day deadline, the voting would be more difficult to get five votes out of five commissioners, versus five out of nine if all commissioners were in attendance. He's leaning with Mark that the new tower will be very valuable. Stated that it is his formal recommendation is to grant the Special Land Use Permit requested by Verizon

Steve Patmore commented that the township is in compliance with the Federal Telecommunications Act.

Discussion of granting Special Land Use Permit 15.2.8, point by point.

A. Insufficient structural capacity of existing wireless towers or other suitable structures and infeasibility of reinforcing or replacing an existing wireless tower.

On the basis of written submissions and testimonies received by the commission, it appears that the existing wireless communications tower located at the Leelanau County Governmental Center has adequate structural capacity for collocation of wireless communication equipment.

B. Unavailability of suitable locations to accommodate system design or engineering on an existing wireless tower or other structures.

On the basis of written submissions and testimonies received by the commission, it appears that the existing wireless communications tower located at the Leelanau County Governmental Center has available locations for colocation of wireless communication equipment.

The commission determines that this section is not the section to address the capability of the signal from the existing tower.

C. Radio frequency interference or other signal interference problems at existing wireless towers or others structures.

The commission finds that, while both the existing county tower and the proposed Verizon tower would improve to some extent the wireless coverage for the Lake Leelanau Narrows and South Lake Leelanau areas, the township's RF Engineering consultant Andrew Felde, Drew Wireless, concluded that the proposed Bahle Road site would be "of greater benefit to all carriers: first responders, residents, and visitors."

The proposed Verizon tower would provide better wireless coverage both within the referenced target area and for much of the township and parts of the adjacent governmental entities.

The major factor in this service coverage area stems from the topographical limitations of the county tower location and the approximate 235-foot elevation difference between the county tower and the Bahle Road tower site.

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.

The commission finds that, on the basis of written submissions and testimonies received by the commission, the owner of the existing tower would permit colocation on that tower.

Economic factors were not considered to be a refusal.

E. Other factors which demonstrate the reasonable need for the new wireless tower.

The commission finds that approval of the Verizon Bahle Road Site would benefit Suttons Bay Township to a much greater extent than would be by requiring Verizon to collocate on the existing county tower. As the Drew Wireless report to the commission concluded "the Bahle site (1010' AMSL) is situated almost at the peak (1069 AMSL) of the ridge which divides the peninsula." This fact affords the Bahle Site a very generous coverage capacity to many different frequency band and service providers.

As agricultural uses of wireless services continue to expand, and as wireless residential and cell phone usage generally expands within the township, the significant additional coverage afforded by the Bahle Road site

will benefit large portions of the township which would have otherwise received limited or no coverage from the existing tower location.

For the reasons listed above, the commission finds that the Applicant has demonstrated that there is a need for the new wireless tower which cannot be met by the existing tower. As stated in Section 15.2.1 of the zoning ordinance, recognizes that "the public need and demand for advanced telecommunications and information technologies" be balanced against potential intrusion on neighboring properties. The Bahle Road site is relatively remote and not intrusive on neighboring properties.

The proposed Verizon tower would service the areas which would have been serviced by the existing tower and will more effectively extend wireless technology to substantial portions of the township that would not be serviced by the existing tower.

Key points for discussion

High Ridge - is it currently residential or for future residential areas? Verizon: Both. We have to serve the underserved areas as well as the limited services areas which means areas that have potential to build new housing or new subdivisions. There's a potential for a 70-acre farm on Stony Point that is for sale. When sold, the property could be modified to residential use in the future.

Pricing is negotiable based on the county. Did they try to negotiate with Verizon? Verizon said the county would not accept current pricing. They would have to reduce by 50% and 70% and Verizon doesn't feel the county would come down in price, county never responded with a new pricing.

History shows that Verizon considered the county site originally but then the county took it after all Verizon's research. Verizon looked at the Brandt site and then that got turned down, then they looked at the ATT site which was unattainable, and now they're back to the Brandt site. Verizon has made four attempts to build their own tower or join a second tower.

Rhoda Johnson - Ordinance does not say that all requirements need to be met, only considered and if yes, then the commissioners can vote.

*Tom Koernke said 15.2.8 has been fulfilled and answered by Verizon
Steve determined that if there is a need, that the county tower cannot meet A through E by placing an antenna on the existing tower.*

*Based on testimony, chair Koernke took a roll call vote on section 15.2.8:
John Clark, Rhoda, Johnson, Patti Miller, Don Gregory & Tom Koernke, all Ayes. 5 yes votes with one abstaining is a majority. Motion passed.*

- Subsection A- Sufficient
- Subsection B- Sufficient
- Subsection C- RF Interference
- Subsection D- Not a factor
- Subsection E- Other Factors presented

Tom Koernke read statement of agreement for 15.2.8.

Tom Koernke read items A - K under this section regard to the proposed site plan issued by Verizon to construct the new tower. It was determined that all standards were met in site plan proposal.

**APPLICABLE PARTS OF SECTIONS 15 AND 20
SUTTONS BAY TOWNSHIP ZONING ORDINANCE
TELESITE WIRELESS / VERIZON WIRELESS SITE PLAN REVIEW
NOVEMBER 7, 2023**

SECTION 15.2.1 INTENT

The general purpose and intent of these regulations is to regulate the establishment of Wireless Towers and Wireless Equipment in accordance with MCL 125.3514 of the Michigan Zoning Enabling Act ("ZEA") and the Federal Telecommunications Act of 1996 ("FTA") and in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is further the purpose and intent of these regulations to:

- A. Provide for the appropriate location and development criteria for Wireless Towers and Wireless Equipment within the Township.
- B. Minimize the adverse effects of such facilities through careful design and siting; maximize the use of existing and future communication Wireless Towers and encourage the multiple uses of such facilities and protect the character of residential areas throughout the Township by limiting Wireless Towers to non-residential zoning districts.
- C. Promote the public health, safety, and welfare of the Township.

SECTION 15.2.3 Zoning District Restrictions

Wireless Towers and Wireless Equipment, whether classified as a permitted use, or as a special land use, under the following provisions of this Zoning Ordinance, shall be allowed in all zoning districts in the Township, except for the Residential District.

Application meets this restriction

SECTION 15.2.7 New Wireless Towers and Wireless Equipment Applications

Wireless Towers to be newly approved, and Wireless Equipment that do not qualify for co-location or for use in an existing Equipment Envelope under Section 15.2.4, and Section 15.2.5 shall require an application for approval under a special land use permit under the procedures in Section 15.2.5 except that the period for approval or denial is ninety (90) days.

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:

PC STARTED REVIEWING THESE STANDARDS ON OCTOBER 17, 2023

- 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.

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.

Meets

- 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.

Should be a condition of approval

- 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.

Setbacks shown on the Site Plan: North: 950' East: 500' South: 380' West: 240'

- 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.

Should be a condition of approval.

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

Should be a condition of approval.

- 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.

Fencing is shown on the Site Plan meeting this standard.

- G. The Wireless Tower shall have a landscape 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 landscape 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. The 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 Site Plan shows that the proposed tower would have existing wooded vegetation on the west and south sides, and orchards on the east and north sides.

As proposed, the equipment enclosure should not be visible from public roads or adjacent properties.

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

The Application indicates that the proposed tower would not have a shiny or reflective finish.

- I. Wireless Towers shall not be artificially lit, 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.

Not Applicable – no tower lighting proposed.

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

Site Plan shows more than one off-street parking spaces.

- 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.

Site Plan shows a 12-foot-wide gravel driveway access from Bahle Road.

The Leelanau County Road Commission Engineer was sent a copy of the Site Plan and he indicated that they would not approve the driveway as shown.

The Applicant was warned by the Zoning Administrator in writing in April 2023 of concerns with the proposed driveway location.

The Special Use Permit could be approved with a condition that Road Commission approval be obtained and submitted to the township along with any Site Plan revisions. In the event that significant Site Plan changes are required to comply with Road Commission requirements, the township may require an amendment to this Special Land Use Permit.

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

The proposed tower is not located within a public road right-of-way or road easement.

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

Applicant submitted a statement of intent to allow colocation with the Application.

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

Not Applicable - Application is for a monopole 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 Specific Wireless Equipment Shelter Special Land Use Standards

- A. Wireless Equipment Shelters in the Agricultural, Rural Residential and Commercial zoning districts shall comply with the following requirements:

- 1. Shelter Size. The shelter structure shall not contain more than sixteen (16) square feet of gross floor area or be more than six (6) feet in height.

No shelter shown on the Site Plan.

2. Equipment storage buildings or cabinets shall comply with all applicable building codes.

Condition of Approval

3. The Shelter may be located:
 - a. In a front or side yard provided the Shelter is no greater than four (4) feet in height or sixteen (16) square feet of gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42-48) inches and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.
 - b. In a rear yard, provided the Shelter is no greater than six (6) feet in height or sixteen (16) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.

No shelter shown on the Site Plan.

SPECIAL LAND USE PERMIT SECTION 20.8 - GOVERNING STANDARDS

In deciding to grant or to deny a special land use application, the Commission shall establish that the following standards shall have been satisfied, together with all other requirements of the Ordinance. The standards enumerated herein are intended to promote the intent and purpose of the Ordinance and to ensure that the land use or activity authorized shall be compatible with the zoning district, the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed land use. These standards shall ensure that the proposed land use or activity is consistent with the public health, safety and welfare of the Township.

Each of the proposed special land uses on the proposed location shall:

- A. Meet all the specific requirements of the particular special land use contained in the zoning district for which the special land use is proposed.

Reviewed Above

- B. Be designed, constructed, operated and maintained so that such use will not change the essential character of the zoning district and surrounding vicinity in which it is proposed.

Section 15.2.8 covers this standard – the intent of Article 15 references character.

D. Be served adequately by essential public facilities and services, including but not limited to highways, streets, off-street parking, police, fire protection, drainage district, refuse disposal, water and sewage facilities, schools, etc.

The Leelanau County Road Commission Engineer was sent a copy of the Site Plan and he indicated that they would not approve the driveway as shown.

The Special Use Permit could be approved with a condition that Road Commission approval be obtained and submitted to the township along with any Site Plan revisions. In the event that significant Site Plan changes are required to comply with Road Commission requirements, the township may require an amendment to this Special Land Use Permit.

E. Not unduly burden the capacities, or negatively impact public services and facilities affected by the proposed special land use, nor result in excessive additional public cost for the creation of facilities and services not otherwise available.

There was no evidence submitted to indicate that the use would negatively impact public services. The proposed use would increase the availability of emergency calls.

F. Not adversely affect the natural environment, especially any creek, stream, lake, pond, wetlands area, floodplain or the groundwater.

There was no evidence submitted to indicate that the use would adversely impact the environment.

G. Not adversely affect farmland or farming operations, but to the extent practicable preserve it as open space or provide adequate buffering between the special land use and farmland.

Although the site would require the removal of part of an existing orchard, the presence of the tower would prevent residential development of the property.

H. Demonstrate in the site plan that there exists sufficient protection to ensure that there will be no additional storm water runoff created by the proposed special land use; or that adequate and full measures have been taken to accommodate such storm water runoff on the proposed site location. For purposes of this standard the receipt of a Soil Erosion permit or Drain Commissioner's review shall satisfy this requirement.

The Application did not include any stormwater design or calculations; however, it did include a statement that they would comply with this requirement.

The Leelanau County Drain Commissioner was sent the Site Plan, and replied that a drainage plan would be required.

The Special Use Permit could be approved with a condition that Drain Commissioner / Soil Erosion approval be obtained and submitted to the township along with any Site Plan revisions. In the event that significant Site Plan changes are required to comply with their requirements, the township may require an amendment to this Special Land Use Permit.

I. Provide that the special land use including off-street parking, loading and unloading areas, outside storage areas, and areas for the storage of trash, which face or are visible from neighboring property or public thoroughfares, shall be screened in accordance with Section 3.12 Landscaping, Greenbelts, Buffers, Screen, and Fences.

Reviewed in 15.2.9.G

J. Conform to the requirements of Section 3.18 Outdoor Lighting Standards.

No outdoor lighting is shown on the Site Plan, however, should be a condition of approval.

K. Not be hazardous to adjacent or neighboring properties, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or to adjacent and neighboring properties, through the excessive production of traffic, noise, smoke, odor, fumes, or glare.

There was no evidence submitted to indicate that the use would be hazardous to neighboring properties.

L. Be in compliance with the requirements of the district in which it is proposed and with all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Leelanau County Soil Erosion Control Officer, Suttons Bay/Bingham Fire Department, DNR, and other applicable Township, County, State, and Federal statutes.

Motion to (approve with conditions / deny) the Application and Site Plan for a Special Land Use Permit for a 197-foot monopole Wireless Communications Tower submitted by Telesite Wireless / Verizon Wireless on property at the northwest corner of Herman Road and Bahle Road in Suttons Bay Township. Property Number 45-011-019-014-00. Property Owner: Evelyn Brandt Trust. This decision is based upon the Application, Site Plan dated 08/09/23, propagation maps, staff and consultant reports, public comment, and findings of fact.

If Approval – add:

- ***The Zoning Administrator is authorized to execute this permit based upon the conditions approved below.***
- ***Add the conditions as discussed.***

If denied – add the reasons for denial in writing

15.2.10 Standards for Shelters

The proposed site plan by Verizon meets shelter standards but must make a condition that all collocators have to meet the same standards.

POSSIBLE CONDITIONS IF APPROVED – By Steve Patmore

1. Special Land Use shall be in compliance with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Leelanau County Soil Erosion Control Officer, Suttons Bay/Bingham Fire Department, DNR, and other applicable Township, County, State, and Federal statutes, including Federal Communication and Aviation Agencies.
2. Prior to execution and issuance of the Special Land Use Permit, a permit or approval from the Leelanau County Road Commission shall be submitted to Suttons Bay Township. In the event that significant Site Plan changes are required to comply with their requirements, the township may require an amendment to this Special Land Use Permit.
3. Prior to execution and issuance of the Special Land Use Permit, a permit or approval from the Leelanau County Drain Commissioner/Soil Erosion Office shall be submitted to Suttons Bay Township. In the event that significant Site Plan changes are required to comply with their requirements, the township may require an amendment to this Special Land Use Permit.
4. Electric, telephone, coaxial cable and other lines shall be located underground per Section 19.13.
5. Wireless Tower shall not be used for advertising purposes.
6. 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.
7. Equipment storage buildings or cabinets shall comply with all applicable building codes. Any future Wireless Equipment Shelters, including any future co-locators, shall comply with Section 15.2.10
8. 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.
9. 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.
10. Payment of any applicable escrow fees.

Steve Patmore submitted a sample motion which he read to commissioners. Motion was approved with conditions 1- 10 as listed above as amended with the application and site plan.

Motion by Rhoda Johnson, support by Patty Miller, all Ayes, motion approved to grant the Special Land Use Permit to Verizon. Record vote as a roll call vote, with Andy Brandt abstaining due to conflict of interest.

Verizon's Mr. LaBelle asked if the site plan is approved as well. This was confirmed.

Chair Koernke submitted that remaining time does not allow for discussion of item #2 on the agenda.

REPORTS:

Zoning Administrator - Steve Patmore submitted his Report.

Planner – Township Planner Mathew Cooke will prepare items 4 through 12 for the new zoning ordinance overhaul. He suggested that commissioners review articles in reference to the agricultural district.

Township Board – Short Term Rental is going to the Township Board for their review, public comments are welcomed but not required, process to nominate a new trustee to the Township Board is underway, letters of interest for a new trustee have been received by Clerk, Jean Moe, Doug Periard is absent from the this meeting due to being voted in as Township Board chairperson, fulfilling Tom Nixon's term.

Chair Comments – Chair Tom Koernke agreed with Steve Patmore to complete the overhaul of zoning ordinance, with suggestion of making the end of year (2023) as a deadline. Make revisions as needed. Possibly set time limit for discussion, 20 minutes or 30 minutes suggested to discuss portions of the ordinance during regular meetings so that regular business could be conducted during regular meetings and no special meetings would be required to finish overhaul. Tom asked commissioners to read previous minutes for approval at the December meeting. Also read sections on Zoning Ordinance and be prepared to discuss and comment.

Commissioner's Comments - None

PUBLIC COMMENT:

None

NEXT MEETING: Regular Meeting scheduled for Tuesday, December 5, 2023 @ 6:00pm

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

Mary Kuznicki Recording Secretary
Dee McClure, Secretary

DRAFT MINUTES

Suttons Bay Township Planning Commission

Special Meeting

Tuesday, October 17, 2023

6:00 p.m.

Suttons Bay Township Offices

95 W. Fourth Street

Meeting called to order by Chair Koernke at 6:00pm

Call to Order, Quorum noted.

Present:

Chair Tom Koernke

Commissioners Present:

Andy Brandt, John Clark, Don Gregory, Rhoda Johnson, Dee McClure, Patti Miller, Doug Periard, and Dennis Rathnaw

Absent: None

Staff: Steve Patmore, Zoning Administrator

Guests in-person: Robert LaBelle – Verizon Wireless; Thomas Antoun- TeleSite Wireless,

Approval of Agenda:

Motion: John Clark, 2nd Dee McClure, approval of Agenda as submitted/ Edits: None

Conflict of Interest: Andy Brandt removed himself from discussion on Item #2 on the agenda

Public Comment: Steve Patmore introduced a letter that was sent via email to all commissioners from Doug Whitley regarding the proposed new monopole tower construction in Suttons Bay Township.

Tom Koernke suggested the Planning Committee skip Item #1, and move to discussion on #2: Continued discussion and deliberation regarding the Special Land Use Permit Request from Verizon for construction of a 197-foot monopole on Parcel # 45-011-019-014-00, located at E. Bahle Rd, Suttons Bay Township owned by the Gerald & Evelyn Brandt Trust. All agreed.

Public Introduction- Guests via Zoom

Attorney Timothy Figura, RF Engineer Andy Felde, Attorney Marc Daneman, Matt Cooke- Networks Northwest.

Discussion Collection: Commission has 90 days to review all information, expiration date is up next month, November 16, 2023.

Verizon Rep, Mr. LaBelle spoke to commission panel. He reiterated points from his September presentation:

- County tower (built in 2022) will not close coverage gaps

- View comparison without all interference, both topography and elevation
- County tower is 235' shorter than the proposed Verizon tower
- Location is poor. County tower is in a gully, behind a hill
- If an antenna I added to the county tower, it's ability would still not cover the gaps. Inadequacies in coverage will still require another tower

History on previous options:

- Option discussed to replace current pole with a new monopole at intersection of St Mary & St Joseph Streets. Issue is the hill is too steep for equipment, no way to install. Gave up on site.
- 5 years ago, proposal made at Brandt site. Wooden pole was very feasible. Mr. Brandt passed away, family was not able to discuss proposal further. Gave up on site option.
- Looked at option to collocate on County Tower, costs are considerably higher. Discrepancy on Verizon and County (Mr. Ansorge) contacting each other to discuss contract, terms, to possibly negotiate rates.
- Returned to Brandt property to revisit original tower proposal
- Disappointed County took all research and information from Verizon to build their own tower.

Points of interest:

- County has no collocation on current tower
- County Tower has poor coverage
- County Tower collocation price is very high
- IF/WHEN Verizon builds their tower, AT&T & T-Mobile will collocate. They will not join County Tower due to poor location and price
- Per FED Regulations, owners of communications towers have to allow competitors on their towers.
- Finally, Verizon wants to build ONE tower to give better service to everyone in Leelanau County.

Steve Patmore gave history of timeline

- 2017 application from Fortune Wireless on County Route 641 at Hahnenberg property to build a 450' lighted tower (next to AT&T tower)

Residence on Stony Point & the ridge on Donnybrook have received letters from companies requesting tower usage on their property, but are there other interests?

Commission needs to consider and look at the interest of the whole township, not individual roads/neighborhoods

Robert LaBelle - Contact was made by Northport Twp Supervisor. Shared that at the last event in Northport, Leelanau Uncaged, on September 30, both visitors and vendors complained they had very poor service

Tom Koernke reiterated that there is a Zoning Ordinance on the books regarding collocation. Ordinance # 15.2.1 speaks to overall intent of wireless communication provision. Special Land Use Standards for Wireless Towers, Ordinance # 15.2.8, was reviewed in depth by our attorney. All reviewed the attached letter from Tim Figura regarding items A. through E.

Tim Figura (via Zoom) highlighted points of letter:

- A. The County tower has capacity to accommodate collocation
- B. Per consultation with Mr. Daneman, RF factor could mean the County Tower is unsatisfactory. Two towers could supply better service to the whole County depending on community needs.

- C. Per the county's consultation with RF Engineer Andrew, proposed Bahle site would be better
- D. Price Consideration- Negotiations need to be done to bring pricing in line with other towers
- E. Other factors- proposed tower would offer coverage to a greater area than existing County Tower

Comment on target area- referred to all 3 maps. 9-Bean Row does not have service but is in the circled target area on maps. County as a whole, how is that being met?

LaBelle to Tim-

- Feels attorney focused solely on Item C
- Target Area was chosen before pole location was decided
- Under Federal Telecommunications Act – in terms of Planning Commissions denial- Twp Board cannot prohibit or affect the prohibiting of the tower
- Verizon or other communications company has authority to find & choose gap and then place pole in affected area.

Mark (Via Zoom)

- See memo- Intent of Ordinance, policy standpoint, no clear-cut position, sees some difficulties. Focused on sub-section A.
- B. is more geographic in regards to the gap. Look at it from a broader perspective. Consider what areas can overall be served in short term or long term
- Re: Financial Position- If reported as true, the escalating 7% is much too high

Don Gregory requested an overlap of towers to show if any lagging areas and coverage.

Andy, Drew wireless, LLC, Grand Rapids, RF engineer (Via Zoom)

- Consider service for more than just residents, public safety, 1st responders, visitors.
- Proposed site -coverage is huge, its an awesome site, surprised a tower is not already at location.
- Bahle site tower will be 235' taller than county tower
- Tower coverage vs Optimal Coverage map versions- Verizon may not use optimal map option because it would interfere/block current services

Michael Avery, Verizon Wireless rep

- Optimal is just technology specific/general, optimal on map refers to best location, best position when turned to your own application
- There is too much data on original maps
- If tower is built, Verizon can set more geographical focus on surrounding towers, keeping service local, not focusing on outlying areas
- These are options for Verizon customers, not ATT or T-Mobile

Discussed difference between small cell additions to telephone poles vs adding a whole new tower

Small cells are fiber-fed

Small cells have coverage of up to ¾ mile

Small cells are not covered under the Metro Act, generally they are under state regulations

Discussion of granting Spec Land Use Permit 15.2.8

A-Good Tower at County Site with ample room – not a viable reason

B- Unavailability on Tower – There is space, not a viable reason

C- Other Signal Problems - Topographical issue, refer not only to the coverage area but additional parts of township

- D- Refusal of Tower Owner, Monopoly/Charges – not a viable reason, contact negotiations are needed
- E- Other Factors: reasonable need in other/adjourning township?

Commissioner comments:

What is the intent of the new tower?

Globally, is the township better with 2 towers or just one. Ordinance states we must use existing tower if available.

Per map coverage, Bahle tower and LL county tower offer same coverage.

Map with proposed coverage area is unpopulated, no houses, no roads.

Is there a downside to having a second tower? Most neighbors don't want it in their yard, however, with the proposed Bahle site, not as much of an issue.

County Tower is not visible. How much site effect will new tower have?

Visual effect: What is the impact? Most concern is immediate neighbors. From the proposed site, people will not see the base from Herman Road, Trees surround the base. Height is 199', single pole structure, not guide wires, no lattice and no lighting. Towers over the 200' do require lattice, wires and lighting.

LaBelle: Circle on map is due to weak/dropped call reported to Verizon.

3 factors why area was chosen:

- 1- Customer complaint, lack of signal strength
- 2- Dropped calls
- 3- Limited or no coverage/ service gaps

Reasons for this could be because of capacity issues, off load to other signals

ATT & T-Mobile have same issues. If Verizon uses county tower to collocate, will that help other towers?

Not near as much as new tower and only to the north. Won't reach/help South towers at all.

LaBelle: Per the Telecom Act - they (Verizon) get to define gaps, now, existing and future (as housing develops and businesses get built). New tower will also help existing towers improve their performance. Other towers will have greater capability to get to other rural areas. They (Verizon) have an obligation to get/give better communication. Factor 'C' is the focus. In reference to 15.2.8, RF Interference- the County Tower ends at the hill. The additional 235' in height will avoid interference.

Due to time constraints, Chair Tom Koernke made a motion to extend the meeting by 15 minutes, all agreed.

What additional information would commissioners like to see in order to move forward at the next meeting? Better maps, w/ roads/ Ag users, residential & commercial sites

Tom K: A formal vote of the Special Land Use Permit to construct a monopole on the Brandt property at Bahle Rd. will take place at the next meeting, slated for November 7th, 2023 at 6:00pm. Deadline for final discussion and vote on permit is November 16, 2023.

All guests departed from meeting; Commissioners moved on the item #1 from Agenda.

Draft of minutes from Regular Planning Commission Meeting September 5, 2023:

Typo for correction:

Under reports: Chair recognized Matt Cooke named under 40 Best (not west)

Motion by Periard to approve minutes with edit, 2nd by Miller, 7 ayes, 1 nay

Periard brought up topic from Township Board meetings as to whether other committees were continuing with Zoom at their meetings. All agreed that tonight's meeting was a prime example to keep Zoom. Attorneys, contracted specialists & invited guests can join when not in town. Also allows summer residents to join in off-season. Can offer 2-3 ways. Open full Zoom link for comments, mute for listen-only options, record and post on website. Item will be brought up at next board meeting whether or not to continue Zoom at SB Township Planning Commission Meetings.

Next Regular Meeting, Tuesday, November 7, 2023 @ 6:00pm

Adjournment Time: 8:20pm
Recording Secretary Mary Kuznicki
Dee McClure, Secretary

DRAFT

DRAFT MINUTES

Suttons Bay Township Planning Commission
Regular Meeting
Tuesday, October 3, 2023
6:00 p.m.
Suttons Bay Township Offices
95 W. Fourth Street

Meeting called to order at 6:02pm

Call to Order, Quorum noted.

Present:

Chair Tom Koernke

Commissioners:

Andy Brandt, Tom Clark, Don Gregory, Doug Periard, Dennis Rathnaw

Excused: Patti Miller, Dee McClure (Joined via zoom)

Staff: Steve Patmore and Mathew Cooke

Approval of Minutes: 1st Doug P, 2nd Dennis R, approved as submitted

Conflict of Interest: None

Public comment: (moved to beginning of meeting)

Larry Mawby and Lois Bahle

- 1- Peninsula Housing, planning grants applied for and received
- 2- Waiting for legal documents, not sure how quickly & able to send, within 6 weeks
- 3- Goal to completion is one year
- 4- Twp board to designate one member to oversee in planning
- 5- zoning and permits: please resolve amendments so that the planning can move forward

Minutes

Commissioner Comments: Recording Secretary Marge Johnson

Marge resigned early last week, prior to the weekend

Marge passed away early Saturday morning, September 30, she will be greatly missed

Sept 5th decision rewarding the SBT Planning Commission's motion on 9 Bean Row from previous meeting:

Ratify so we can get to the applicants

-changes made by Steve due to loss of Margie

-regarding handicap parking: provided as many as needed

Additional comments- none

Motion by Andy, 2nd by Rhoda, all in favor

The motion passed and was approved, "as part of the minutes" from Sept 5 Meeting

Zoning Overhaul Review

Summary:

Per Mathew:

Attorney reviewing / focusing on articles 15-24, not making edits

Mat will get Articles 2 & 14 after changes are made

Have a public hearing on articles

Submit to County Planning Commission, put on their agenda for review

Return to SBT for comments, then approve

Notice of adoption- 8 days, then will take effect

Working Document

Make edits / grammatical corrections later

Steve: Hopefully the next draft will go to the county, Articles 15-24 have been reviewed.

Article 2- Definitions

Comments have been made, all need to review and identify corrections and send to Steve & Matt. No standards in the definitions.

Article 4- Final review is done.

Article 14

Discussed Use chart, Building Site Map & Out Building Chart.

If charts are edited, they need to be changed in other areas of the document.

14a- we agreed to eliminate a, but retain b & c. If changes are made in the districts, then changes must be made in charts.

Tom: new 14a, stays, delete 14b, c & d

Page 14

Section 14.4 Conditional Uses- issue allowed without permit but in chart shows permitted use. Can take out, just list uses & conditions.

14.32 - the difference is they require a permit. If using a chart, no need to explain it again. Resolved to cut a paragraph. Suggested Matt & Steve make recommendations and bring them to the next meeting. Information should be explained in a chart not buried in text.

14.10 Small Wind Energy Systems-

(also in Article 15) Only need information in one place. Consolidate. Keep in utilities section, reduce duplication of information. Stay in Use Chart, reference Article 15.

14.28 Multi-family & Rural Ag

C1 & C2 Density based on Gross Lot Area (2 acres) vs Buildable Area

Increases # of units on property- Reference Baldwin project/ based on gross acreage to utilize the maximum

Home Business & Home Occupation

Review after adoption, Amendments will come 6 months after adoption

New Ordinance-

In Ag: Guest Houses
Vacation rental currently at attorney
Short Term Rental will solve parking on roads

Bed n Breakfast- discussed parking provision, on property or roadside. Could guests be ticketed for parking on the road?

Zoning- no ticket for parking, falls under traffic control

Special Use permit can allow for parking

No resolution to enforce / regulate parking

Page 14-6

Height of natural fences, grammatical error (XX's)

Needs defining, potential regulating, is 4' high enough? Etc.

Problem area is shoreline when homeowner plants a shrubby fence

Suggested to delete "D" to relieve potential problems. Or suggested moving to article 3. Should be in Landscaping & Buffering. Remains vague as defined by the planning commission

More discussion on buffer yard / not fencing. Suggested to add the phrase "or equivalent"

Generally- if a use isn't listed, it is not allowed.

Article 3.3.5 through 3.9 & 3.10

Planting fences is already defined.

Page 14.12 J Home Business

Shouldn't be a requirement for all, not just home businesses.

It isn't under low impact food processing, why is it there and not anywhere else? Suggested to move to the general area to include all and place at beginning of article.

Discussion on Outdoor Dining

@ end: Outdoor Dining

Discussed limitations being too restrictive, change verbiage, keep volume low, impact if too noisy

A - 3rd line typo must be "enclosed"

Noise issue, food truck, all outdoor only, 9 Bean row corridor, remove table capacity language or modify ruling, when near a street

Commercial district - 9 Bean changing sales, offering a variety of packaged, misc. goods, wine...needs to be watched.

Recommendation to Steve & Mat- C1 district only, however we don't want to preclude from serving food in other areas.

Furniture Storage rules discussed: Hop lot igloos, 45 Parallel & chairs, North's outdoor seating

Take "C" out, all agreed. Find storage offsite/out of site "in off season", NOT including Ag. Go back to original verbiage, add "off season"

Article 20- Special Land Use- Do we need more standards?

#2 Definitions

What - if anything- do we need definitions for?

- Day Care add "adult"

- If quotes around " " means it needs to be added to list

- Build, see "erect" Not defined, do we need definition?

- Agricultural Based (Article 14.9)- reword instead of redefining, possibly "agricultural operations" or "agricultural use"

- See 14. 8 thru 14.10 - remove the word "based",,, move to 14 with? then make a note to come back to this issue
Per Steve- OK to remove the term "Agricultural Based Uses". Covered in 14 under Uses

- Delete A? Of Section 14.3 - Special Land Use- it is covered twice. Pg 14-8 duplication
- See "contiguous parcel", move to 14A
- Under Ag Support - 10 acres or more in size
- Anything in the Ag - has a special use in A
- Item 3- Other Uses
 - Returning to original use- convert farm into the "original" barn for venues to rent out? That is not its original use.

Page 4.5- Do we delete?

- C4- no "non-agriculture" - remove from there on . .
- Pg 14.9F -Under No Ag support - belongs here

Roof Pitch

- Slope vs Rise
- Section 3.10 - not to exceed three to one
- Item O - hv= height to vertical, needs to be defined in the same section (which is not currently defined)

2.5 Child Care:

- Center:
 - Preschool- Day Nursery is not defined, in capitals. Remove last sentence? Nursery and Day Nursery are not defined, leave as "Preschool."

2.5 Commercial Activity

- Does that include any other commercial activity other than farms? Does it need to read "Farm Operation"? Document may not need it, not necessary.

Cottage Rental

- May not use this term any longer. SBT has Short Term Rental which sounds the same. Matt asked to check into it, if it is not used, do not define it.

High Intensity Food Processing

- Typo, add space, remove the last line "and the like", Fruit processing station is defined.
- Recommended to leave Home Business and Home Occupation alone or now.

Steve & Tom recommended sending in definition or individual items so Steve and Mat can have some answers and solve verbiage issues on the Zoning Ordinance

Mat asked to print a couple of sections of Articles 3 & 4 (shoreline residential) for the next meeting & complete definitions.

Tom Koernke asked for special reports

Zoning Administrator Steve Patmore- sent report in packet.

Mat- No report

Doug P- Dog Park (inside Herman Park) had a soft opening. Small dogs vs large dogs sharing the site on opposite days seems to be working well. Pickle Ball court in use, parking lot looks good.

Mat to circulate articles 3, 4 & 6 to commissioners- Rural Residential

Commissioners made personal comments on Marge Johnson, she will be missed. Contact her husband, Jim.

Public Comment- None (completed at the beginning of meeting)

Special Meeting October 17 @ 6:00pm. Bring Site Plan from the proposed tower, had a hearing, plan to vote. Attorney to determine if county is overcharging Verizon. Homeowners Leasing land for towers.

Next Regular Meeting, Tuesday, November 7, 2023 @ 6:00pm

Adjournment Time: 7:56pm

Recording Secretary Mary Kuznicki
Dee McClure, Secretary

DRAFT

DRAFT MINUTES

**SUTTONS BAY TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING - SEPTEMBER 19, 2023
SUTTONS BAY TOWNSHIP OFFICES
95 W. 4TH St., Suttons Bay, MI**

1. CALL TO ORDER AND NOTATION OF QUORUM

Chair Tom Koernke called the Special Meeting to order at 6:00 pm.

Roll call of Planning Commissioners -

Present: Tom Koernke, Patti Miller, Andy Brandt, Don Gregory, Tom Clark

Absent: Dee McClure, Dennis Rathnaw, Doug Periard

Staff Present: Steve Patmore, Mathew Cooke

Also Present: Tim Figura, Township Attorney, Marc Danemen, Attorney (via Zoom),

Audience:

2. APPROVAL OF AGENDA

Chair Koernke asked if there were any additions or changes to the Draft Agenda.

Patti Miller/moved, Tom Clark/supported, to approve the Agenda as submitted, passed.

3. CONFLICT OF INTEREST

Chair Koernke asked if there were any Conflicts of Interest.

Commissioner Brandt stated that he believes that he has a Conflict of Interest in the tower permit review, as his family owns the property where the tower is proposed. He offered to step from the table when this item is discussed. It was the consensus of the Commission that the property ownership was a Conflict of Interest for Andy Brandt.

4. ITEMS OF DISCUSSION/CONSIDERATION:

- A. 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 Tower, proposed driveway, and associated equipment within a 100 foot leased area on property

number 45-022-019-014-00, E. Bahle Rd. Suttons Bay Township owned by the Gerald and Evelyn Brandt Trust.

Commissioner Brandt excused himself from the Commission table at this time.

Chair Koernke asked ZA Patmore to give an introduction of the Application.

Applicant: TeleSite Wireless/Verizon
Existing Zoning: Agricultural
Project Location: NW Corner of Herman Rd. at Bahle Rd.

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 the process of preparing a list of preliminary questions/comments.

Enclosures:

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

From Steve Patmore -

Our Township Attorney, Tim Figura, has been involved in the application process, and will be available for the meeting. We have also retained Attorney Marc Daneman, who specializes in communication towers, to assist the township during the review. We are also retaining a technical consultant to review the propagation maps.

Brief Introduction by Steve Patmore -

We received an Application for a Special Use Uer Permit in April of this year for a communications tower off of Bahle Rd. in the township. A new communications tower is a Special Use Permit in the agricultural district.

I reviewed the application, sent a letter noting there were several items that needed to be satisfied to be administratively complete on May 8th. In August of this year we received the response with the items that I had asked for to make it administratively complete. Administratively complete does not mean that it meets the ordinance, it just means that everything was there to start the review process. We need to review it for our ordinance, and can ask for more information if we need it to make our decision. Communication towers have been given some special treatment by Federal and State laws, for instance this is the only thing that I know in the ordinance where we have a 90 day review period to approve or deny. In the standards there are other differences in special uses. We will talk about that later when we get to the nitty gritty of the review. This is an introduction by the applicant, an opportunity for you as a Planning Commission to ask questions. This is a public hearing which was noticed to the neighboring property owners and was published in the paper. The review and decision will happen at subsequent meetings. We will do a review and findings of fact, and the public, even though tonite is a public hearing, we have public comment during every meeting. There will be more opportunities to speak. We have our Township Attorney, Tim Figura, and a Communications Attorney, Marc Daneman, who has been very helpful with this process, and we also will be working with somebody in the engineering part of that.

Applicant's Introduction of the Project

Rob LaBelle, Attorney, said Verizon Wireless is proposing a 197 foot tower, a monopole telephone pole of galvanized grey metal and will not require lighting at the top so there will be no strobe lights, no guide wires of any sort and is a self-support tower, has limited profile because it is telescoping, gets smaller as it gets higher. The compound is 100 foot by 100 foot, only a portion of it has been fenced in right now which is secured. The tower is accessed by a gravel drive and will be improved with compacted soils. The site is visited once or twice a month by our engineers for the purpose of checking the equipment to make sure it is working. The tower at ground is assisted by an ancillary cabinet base. There is a propane tank and a generator is there in the event of a power outage. Ninety-three percent (93%) of calls that go to 911 come from cell phones. A map shows where the tower is located in the orchard. The propagation maps were reviewed which show the hole, the target we are trying to cover and improve the coverage within that area.

Locating a tower involves a search ring where the tower has to be located. Verizon has 24 other agencies that have to get approval from. We have to make sure the soils around the tower are sufficient because it is a self-support tower.

Michael Avery, 24242 Northwestern Highway, Southfield, MI. discussed the need to have the tower on property described and not on the county tower. Avery described the current coverage area where there are a lot of lost calls. It was decided this was one of the top 10 sites that we wanted to building a tower. Proposed tower coverage was reviewed which fulfills the coverage and capacity needs. Page 3 shows the county tower coverage which doesn't provide very good coverage.

Rob LaBelle said Verizon's coverage will be better than the county tower. Part of reason not locating on the county tower, not meeting coverage We were actually thinking about building somewhere near that area. The county decided to build its own tower and said Verizon could come on its tower. The problem is the county is charging 2 to 2-1/2 times market rent and triple the annual increases that are available in the market out there in terms of how to do co-location. The county tower is empty except for a whip antenna that they put on there which operates some of the county equipment. Verizon is not going to pay those kinds of expenses because it would result in you paying higher prices for your cell phone use, and Verizon can't make a profit in the area if it has to pay those kinds of numbers. It is lousy coverage to go along with it. So that's the reason for not going on the county tower. AT&T would have the same problem going on the county tower when they see the prices and would go with the Verizon tower. Capacity issue is important and is solved by putting in new towers and making them do double duty.

Mr. LaBelle answered questions about interference if the towers are too close together, just the right distance apart to not create a gap and not so close as to create construction interference.

Michael Avery also answered questions about interference if the towers are too close.

Rob LaBelle said the proposed site provides service to the area and that is the reason for asking for a special land use permit.

Marc Danamen said he does not have any specific question, knows there are questions about the rent issues between the two locations, and that's proprietary. My question is what time did Verizon get those requests, were discussions had, who did they discuss it with.

Rob Lewis said it was a more current discussion as we got the numbers. We started at the time because the Brandt's were interested in having a tower on their property from that time period. We had to make the best of bad situation at that point so we talked to the county about the possibility of building a tower on their property and they would take down their existing tower which they didn't do and just let them locate their equipment on our tower, and we would operate our own equipment. The county decided to building its own tower, at first said would go on it, asked about their numbers and they said what Mark is referencing. Their numbers were almost \$4,000 per month as a comparison on other existing towers would pay \$1,500 to \$2,200, highest would do is \$2,500 in a no choice opportunity situation. More important they wanted a 7 percent annual escalate, the rent would go up to 7 percent per year. We have never paid more than 2 percent any where and actually tried to get it down.

Mark Avery said the greatest expense is monthly bills to lease the cell sites. Looking at \$4,000 a month, not something would even consider, and part of reason to look for better locations.

A former lease administration manager for AT&T said a 7% escalator even under this year's terms would be unreasonable. Cell companies are looking at 2% at this time. If the county is charging at 7%, it is clearly is unreasonable.

Rob Lewis said there is documentation of what the county charges on its tower.

Steve Patmore said he sent a packet to the County Emergency Services and expects to hear from back them.

Mark Avery answered questions about having sufficient cell coverage throughout

the year which drives cell site selection.

Chair Koernke closed the public comment portion of the public hearing noting there was no public comment. Members of the public will have an opportunity to make comments by sending them to township offices.

Steve Patmore said the next meeting of the Planning Commission is October 3, 2023.

2. Zoning Ordinance Overhaul

Discussion was held on the Zoning Ordinance Overhaul which included adult day care, adding clustered housing to neighborhood residential. Building types chart Article 14.4 was reviewed. Mathew Cooke and Steve Patmore will discuss Article 8.6.

Commissioner Comments -

The Draft Minutes regarding 9 Bean Rows Special Land Use Permit Conditions was discussed - what type of wine would be allowed, is loop area going to be done on the ancilliary parking lot. Handicapped parking space must be paved. Should an extension for approval be placed on the permit if the project is not completed in 2 years.

A Special Meeting is scheduled for October 17th to work on the Zoning Ordinance Overhaul and the Planning Commission will be provided with a list of articles to work on.

ADJOURNMENT - Chair Koernke adjourned the meeting at 8:07 p.m.

Minutes by Marge Johnson, Recording Secretary
Dee McClure, Secretary

November 8, 2023

Suttons Bay Township
Supervisor Doug Periard
95 West Fourth Street
Suttons Bay, MI 49682

Mr. Doug Periard,

Per conversations that Mathew Cooke, Community Planner has had with the Suttons Bay Township Planning Commission Chairman and the Zoning Administrator. Please consider this as the thirty (30) day notice of Networks Northwest right to activate termination of the contracted agreement, under "Section VI: Termination" for planning services with Suttons Bay Township.

The contract will cease at the end of the day on Friday, December 15th, 2023. By the end of the agreement, Networks Northwest will turn over digital files relating to the Suttons Bay Township Planning Commission.

We have enjoyed working with you, and please reach out if you have any questions,

Respectfully,



Rob Carson, AICP, Regional Director of Community Development

231-929-5057
rob.carson@networksnorthwest.org