

WEXFORD COUNTY PLANNING COMMISSION
Regular Meeting Agenda: Wednesday April 10, 2013, 7:00 PM
Wexford County Services Building, 401 N. Lake St.
Cadillac MI 49601

1. **Call to Order:** Chairperson Osborne called the meeting to order at 7:00 PM.
2. **Roll Call:** Mix, Monroe, Middaugh, Stoutenburg, Mitchell, Wiggins, and Osborne were present. Zoning Administrator Green was also present.
3. **Approval of the Agenda:** Motion was made by Middaugh, with support by Mitchell, to approve the agenda as presented. Motion carried with all in favor.
4. **Approval of Minutes:**
 - (a) **March 6, 2013 Minutes:** Motion was made by Mix, with support by Middaugh, to approve the March 6, 2013 Minutes as presented. Motion carried with all in favor.
 - (b) **March 13, 2013 Minutes:** Motion was made by Mitchell, with support by Monroe, to approve the March 13, 2013 Minutes as presented. Motion carried with all in favor.
5. **Correspondence [not related to public hearing(s)]:** *[None]*
6. **Old Business:** *[None]*
7. **New Business:**
 - (a) **Public Hearing – Special Use Permit #13-002:** Request by Verizon for a special use permit to construct a new wireless communications tower on property located at 6466 W. 8 Road, Mesick Michigan and generally located along the north side of W. 8 Road, approximately ½ mile west of N. M-37 Highway in Section 13, Wexford Township. Parcel Tax Identification #: 2412-13-4201 Property Owner: Henry Mason Jr. Equity Trust Company. *(This is a re-hearing of Special Use Permit #13-001, as requested by the applicant)*
 - i. **Opening announcement by Chairperson describing nature of request:** Prior to opening the public hearing, Green observed that there may be conflicts of interest by Planning commission members. Green recommended that each member declare any possible conflicts and allowing the remaining members to vote on the question. Wiggins declared a possible conflict due to Verizon being a one-time client through the law firm in which he is a partner. The Planning Commission determined by a 6-0 roll call vote that Wiggins doesn't have a conflict of interest. Osborne declared a conflict of interest due to his employment with Ace Communications, which provides land-line phone services, but also provides equipment for wireless communications towers. The Planning Commission determined by a 5-1 roll call vote that Osborne doesn't have a conflict of interest; with Mix voting against.
 - ii. **Explanation of facts and related correspondence by staff:** Green explained that this is a request for a re-hearing of the same request brought before the Planning Commission at their March 6, 2013 Meeting. Green also acknowledged that a packet was provided to Commission members for the March meeting, along with additional correspondence provided.
 - iii. **Public Comments**

- A. Ralph Wyngarden, applicant, was on hand to re-brief the Planning Commission and members of the audience about the request. Wyngarden explained that Verizon is committed to co-location with other wireless communications providers, whenever possible; he stated that only 9 out of the 23 towers in the county that Verizon is located on are owned by them. Wyngarden also stated that the tower will meet setbacks to property lines and existing homes. Wyngarden pointed out many of the items included in the application, particularly the supporting statements for the standards in Article 3a, being the Wireless Communications Ordinance. Finally, Wyngarden reiterated that Verizon was seeking a waiver to the 10,000 foot separation distance between towers based on the public benefits of having increased coverage area and due to the lack of availability of at least two towers in the immediate vicinity.
- B. Bill and Lorna Mason, 4498 Highland Drive, Beulah MI, stated that they own the property in which the proposed tower would be located and have an interest in seeing the request approved.
- C. Ronald Popp, nearby landowner, stated that there is a tower on his property owned by AT&T and built by Verizon. Popp was told by Verizon when he signed the lease for his tower that they wouldn't need any other towers in the area. Popp also stated that Verizon was asked not to light the tower or install any microwave equipment, which terms he believed were violated.
- D. Ben Fleis, neighboring property owner, also has a communication tower on his property, owned by American Tower Company. Fleis was told by a Verizon representative that they would not co-locate on an existing tower.
- E. Larry Fleis, 5237 Norton Road, Blair Township, owns acreage on N. 11 Road and has a tower about 0.2 miles away from his home and can see the effects of the strobe lighting.
- iv. **Response by applicant to issues raised in staff reports:** Wyngarden responded to public comments and concerns by stating that Verizon has a good track record for co-location on other towers and only builds their own towers where necessary. Wyngarden also stated that light shields are available that direct lighting outward and away from the ground level.
- v. **Questions by Planning Commission/Responses:**
 - A. Mitchell asked if Verizon owned any of the other nearby towers; Wyngarden answered no.
 - B. Monroe asked why other towers in the area couldn't be removed in favor of the one requested; Wyngarden stated that they do not own the other towers.
 - C. Stoutenburg asked Wyngarden what the useful life of the WTCM radio tower was; Wyngarden did not know and deferred to the engineer's report on the tower.
 - D. Wiggins asked if Verizon would leave the WTCM tower; Wyngarden answered yes.
 - E. Osborne asked if other sites in the area, including around Buckley, have been considered; Osborne also suggested that Verizon co-locate on a nearby tower and also co-locate or build a new tower further north to fill in coverage gaps in that direction.
 - F. Wiggins asked if the tower and generator would be fed by natural gas or propane. Wyngarden stated that natural gas is not available to the site, so a propane tank will be

on site.

- vi. **Close Hearing to public comments:** Public Hearing Closed to public comment at 9:15 pm.
- vii. **Deliberation by Planning Commission:** As recommended by staff, the Planning Commission reviewed and voted on the Special Use Permit standards shown on the application and based on the supporting statements made by the applicant in writing. The standards and corresponding roll call votes were as follows:
 - A. **Will be harmonious with and in accordance with the general and specific objectives of any Wexford County development plans, regulations or guidelines.** Passed 6-1, with Stoutenburg voting against.
 - B. **Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.** Passed 4-3, with Monroe, Stoutenburg, and Osborne voting against. Osborne commented that the project changes the character of the area. Wiggins commented that there are already many other towers there. Stoutenburg expressed concern about the proliferation of cell towers in the area.
 - C. **Will not be hazardous or disturbing to existing or future nearby uses. Special consideration shall be given to the issuing of a special use permit within any Agricultural district to assure that such action will not be detrimental to existing or potential farming operations.** Passed 7-0. Middaugh commented that the project won't generate a significant impact. Wiggins stated that the lighting would have some impact. Osborne commented that if the existing trees are removed, additional landscaping should be required.
 - D. **Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.** Passed 7-0.
 - E. **Will not create excessive additional public costs and will not be detrimental to the economic welfare of the County.** Passed 7-0.
 - F. **Will be consistent with the intent and purposes of this Ordinance.** Passed 4-3, with Monroe, Stoutenburg, and Osborne voting against. Osborne stated that Section 3A.1.3 purposes a minimum number of towers necessary to provide coverage.
- viii. **Consider Motion to Approve, approve with conditions/modifications, or deny request:** Motion was made by Mix, with support by Middaugh, to approve Special Use Permit 13-002 with a waiver on the separation distance found in Section 3A.7.B.5, based on the purposes and allowances found in Section 3A.1.7 and 3A.7.B.3 and 3A.7.B.4 of the Wexford County Zoning Ordinance. As a condition of approval, the operation of the generator is restricted to Monday through Friday, 10 am to 3 pm, with the exception of power failures or when emergency maintenance of the generator is required. Motion carried by a 5-2 roll call vote, with Stoutenburg and Osborne voting against.

8. **Other Business:** *[None]*

9. **Public Comment:** *[None]*

10. **Adjournment:** Meeting adjourned at 9:42 pm by Chairperson Osborne.

Respectfully Submitted by:

Michael Green, Zoning Administrator

Paul Osborne, Chairperson