EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY APRIL 5, 2012
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770

MEMBERS PRESENT: Paul Hramiec, Dan Plasencia, Jack Jones, Kelly Alexander, John Eby, James Scott,
Paul Desy, David Laughbaum

MEMBERS ABSENT: Steve Neal

STAFF: Tammy Doernenburg, Monica Linehan, Kathy Abbott-Civil Counsel

I Call to Order and Attendance
The meeting was called to order at 7:30 PM by Eby. All members were present except Neal.

II Minutes of March 1, 2012
Alexander made a motion, supported by Plasencia, to approve the minutes of the March 1, 2012
meeting as presented. The motion passed by a unanimous voice vote of the members present.

III Cases
1. Case #22A-05 Bradley Dale Willey, SPECIAL USE PERMIT-Contractor's Use,
6506 N US-31 Hwy, Section 34, Carp Lake Township

Legal Notice: A request by Bradley Dale Willey for a Special Use Permit for a contractor's use at 6506 N US-31 Hwy in
Section 34 of Carp Lake Township. The property is tax parcel 24-03-06-34-200-014, is zoned FF-2 Farm and Forest and is
owned by Litzner Farms, Gary Litzner, and Kirk Sanders. The request is to allow the existing storage buildings and the
property located on the south side of US-31 to be used as a contractor's use per Section 801-8 of the Zoning Ordinance.

Packet Information: Township recommendation

This is the second review of this case. The three buildings already exist on the property. They are on a
10 acre split from a larger piece and were approved by the Planning Commission in 2005 as accessory
buildings as a main use. The proposal is to use the existing buildings for a contractor's use with a
modification because the property owner doesn't live on the property. This will be interior storage
only, no exterior storage or display requested. Doernenburg noted that the parcel is less than the
required 600' width. Carp Lake Township unanimously recommended approval. The site plan was
shown.

The applicant was present. There was no public comment on this case.

Scott made a motion to approve Case #22A-05, Special Use Permit for a Contractor’s Use, for Bradley
Dale Willey at property located at 6506 N. US 31 in Section 34 of Carp Lake Township for tax parcel
24-03-06-34-200-014 as shown on the site plan dated received February 6, 2012 because the proposed
use meets the standards of the Zoning Ordinance with a modification to the SUP for a Contractor’s Use
as the owner does not reside on the property, because the modification will not cause a nuisance to the
neighboring property owners, and because the township recommended approval. The motion was
supported by Desy and passed on the following roll-call vote: Yes: Eby, Jones, Scott, Hramiec,
Laughbaum, Desy, Plasencia, Alexander. No: None. Absent: Neal.
2. Case #85D-98 Great Lakes Plumbing & Heating, SPECIAL USE PERMIT, 1799 & 1807 North US-31 Hwy, Section 26, Bear Creek Township

Legal Notice: A request by Great Lakes Plumbing & Heating for Special Use Permit for an office and showroom of plumbers, and similar trades at 1799 & 1807 North US-31 Hwy in Section 26 of Bear Creek Township. The property is zoned B-2 General Business, includes tax parcels 24-01-16-26-300-040 and 042, and is owned by Marshall Real Estate Investments. The request is to allow occupancy of the existing building of a Plumbing and Heating business per Section 901-2 and 1001-6 of the Zoning Ordinance.

Packet Information: 3/28/12 email from Jim Musselman. B-1 district ordinance section, 3/2/12 Bear Creek Township minutes

Doernenburg explained that the applicant has withdrawn the Special Use Permit request. They now plan to use the building as office space only. The previous approved use was for an office; the building will be occupied for a satellite administrative office. An enforcement issue is still being worked through with the driveway on Shaw Road meeting the 10' setback. This will continue to be worked on with the property owner. The ordinance requires the Zoning Administrator to report administrative approvals to the Planning Commission. The site was administratively approved when the buildings were removed in 2011.

3. Case #1-12 Dan & Kathy Bowers, SPECIAL USE PERMIT-Accessory building as main use, 9472 Middle Village Drive, Section 36, Readmond Township

Legal Notice: A request by Dan and Kathy Bowers for a Special Use Permit for an accessory building as a main use at 9472 Middle Village Dr., located in Section 36 of Readmond Township. The property is tax parcel 24-12-07-36-400-014 and is zoned FF-2 Farm and Forest. The request is per Section 2201-2 of the Zoning Ordinance.

Packet Information: Request & location map, tax parcel map, application, 2/13/12 site plan, photos, zoning evaluation Passed out at meeting: Readmond Twp Board minutes

This property is zoned FF-2. Originally the property owner applied for both the accessory building and a mobile home. The mobile home will not be placed on the property now and the owner would like the accessory building to be permitted to exist as is. The property is primarily wooded. An affidavit of use would be required. The township recommended approval. The site plan was shown. There is room for a future residence on the site.

The applicant was not present. There was no public comment on this case.

Alexander asked if there was a time frame for residential construction. There is not, the applicant does not plan to build a residence on site. Eby explained that they are applying for the special use permit in order to just have the accessory building on the property. They originally had the two year stipulation but it was not built in that time frame. Plasencia asked about the mobile home shown on the site plan. It was the originally proposed mobile home; it will not be placed on the property. There is a small out building on the property that is under 200sf. Desy asked if this is a glitch in the ordinance that should be fixed. Doernenburg explained the current procedure. She stated that we have seen a number of these accessory buildings as a main use over the last few years. Desy asked what happens if it is denied. The building could be required to be removed; this has happened once.

Bill Sutton, Readmond Township Planning Commission, stated that they heard the case at their meeting. The adjoining neighbor was there and had no issues. Their members inspected the property. The applicant has a home on M-119. They originally planned to build this building for a relative but...
circumstances have changed. It is a nice parcel. The approval vote was unanimous.

Jones stated that he would hate to see the ordinance changed because it does allow people to use their property and still comply with the zoning ordinance. Doernenburg added that applicants are advised of both options when they come in for an application. If they apply for both a residence and accessory building, building the residence within two years or applying for the special use permit is a condition of approval on their zoning permit.

Jones made a motion to approve Case #1-12, Dan and Kathy Bowers for a Special Use Permit for an Accessory Building as a Main Use on property located at 9472 Middle Village Road, Section 36, Readmond Township, tax parcel 24-12-07-36-400-014, as shown on the site plan dated “Received Feb 13, 2012” because the standards for allowing an Accessory Building as a Main Use have been met, a residence could be constructed on the property in the future and on condition that an affidavit of use be filed with the Emmet County Register of Deeds and because the township has recommended approval. The motion was supported by Plasencia and passed on the following roll-call vote: Yes: Eby, Jones, Scott, Hramiec, Laughbaum, Desy, Plasencia, Alexander. No: None. Absent: Neal.

4. Case #2-12  Robert J. Hofbauer, SITE PLAN REVIEW-Institutional use/Daycare, 9689 Pickerel Lake Rd, Section 34, Springvale Township

Legal Notice: A request by Robert J. Hofbauer for Site Plan Review for an institutional use at 9689 Pickerel Lake Road, Section 34, Springvale Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-14-17-34-400-005. The request is to allow the operation of a group child day care facility per Section 800-9 of the Zoning Ordinance.

Packet Information: Request & Location map, application, impact statement, 3/5/12 site plan, zoning evaluation, 3/26/12 site plan, 3/27/12 email from Emmet County Road Commission, Springvale Township 3/26/12 minutes

Passed out at meeting: 3/30/12 revised site plan

This site is on the northwest corner of North Ellsworth Road and Pickerel Lake Road. The request is for a group daycare for over six children in an existing residence. The building is non-conforming as per setback requirements. The township recommended approval on the condition that an improved site plan including parking and fencing be submitted. This has been done (latest revision 3/30/12). Doernenburg explained that the applicant has requested the review under institutional use rather than home occupation both because of the allowed sign size and because there will be outside employees. There has been a zoning permit applied for which includes a request for new decks on both the west and south sides of the building. The west side deck can be approved but the south side deck cannot be approved due to setbacks. Photos of the site and the site plan were shown. The Road Commission will require a revised drive with a hard surface.

The property owner asked about the Road Commission requirements. They were advised to contact the Road Commission for further information.

There was no public comment on this case.

Scott stated that the township asked the applicant to discuss improving the site plan with staff. They were looking for a turnaround/drop off area. He is not sure that the site plan revision does everything that they discussed at the township meeting. Have the potential construction code issues been discussed? Doernenburg stated that the property owners have been advised to discuss their plans with
the building official for further information on construction code issues. The more stringent requirements in the building code kick in at five children. Desy asked if the sign will be reviewed by the Sign & Lighting Committee. Doernenburg stated that the application will have to be submitted, if the sign is to be lit, the committee will review it, if it is to be unlit, it can be administratively reviewed.

Scott made a motion to approve the Site Plan dated 03/30/12 for Case #2-12, Robert J. Hofbauer for parcel 24-14-17-34-400-005, 9689 Pickerel Lake Rd., Section 34, Springvale Township based on the facts presented in the case, the plan meets the standards of the Zoning Ordinance, the township has recommended approval and on condition that the signs and/or lighting be reviewed prior to installation. The motion was supported by Plasencia and passed on the following roll-call vote: Yes: Eby, Jones, Scott, Hramiec, Laughbaum, Desy, Plasencia, Alexander. No: None. Absent: Neal.

5. Case #3-12 Lakeland Tower Leasing, SPECIAL USE PERMIT-480' tower, 1182 Johnston Rd, Section 29, Readmond Township

Legal Notice: A request by Lakeland Tower Leasing for a Special Use Permit for a 480 ft. guy tower facility on property located at 1182 Johnston Road, Section 29, Readmond Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-12-08-29-300-003. The request is on property owned by Patrick and Myrna Proctor and the review will be per Section 2102-2 of the Zoning Ordinance.

Packet Information: Request & location map, tax parcel map, application, letter rec 3/12/12 from Sondee, Racine, & Doren PLC, 3/12/12 supporting materials index, impact statement, letter rec 3/12/12 from Interlochen Public Radio regarding need, MDOT Tall Structure permit, FAA Determination of no hazard to air navigation, FCC notice of application filing, FCC NEPA summary report excerpts, Nello Corporation certification of tower safety fall hazard safety, site plan review checklist, Emmet County Master Plan-FLU excerpt, 3/23/12 letter from Interlochen Public Radio regarding no co-location opportunities, zoning evaluation, 3/12/12 plans, 3/27/12 email from Emmet County Road Commission, 3/27/12 letter with photos from John & Una Clear, 3/26/12 email from Marie Clear with IPR propagation maps, 3/27/12 cover letter from Sondee, Racine, & Doren, 3/26/12 letter from MiSpot regarding co-location, 3/27/12 letter from Chain O’ Lakes Internet regarding co-location, 3/27/12 letter from Chain O’ Lakes Internet regarding co-location, 3/27/12 response to zoning evaluation from Sondee, Racine, & Doren including engineering information from NelloCorp regarding co-location and easement excerpt.


Passed out at meeting by applicant: Revised plans dated 4/5/12, proposed vs. current service contour studies for both radio frequencies, contour projection toward WLJN-FM, WBLW-FM, report from RESCOM regarding biological assessment, Northern Tower company information sheet

Passed out at meeting by public: Binder of information from Joel Moore representing Paul & Sara Matthews

Doernenburg presented this case. This is a 34 acre parcel on the northeast corner of Robinson and Johnston Road. Johnston Road is a seasonal road. The proposed location of the 480' tower is in a 600 x600' section in the northeast corner of the parcel. The tower would be setback over 300' from all property lines. An engineer has provided information regarding the 50% reduction in setback as per ordinance standards. The guy wires will meet the setback requirements of 20' on the side and 35’ on the rear. An aerial view was shown and the uses of surrounding properties were pointed out. The property was originally a farm, there is a contractor’s use across the street, and the other surrounding parcels are either private residential properties or conservancy land. There have been many letters received regarding this case. The proposed location of the tower is an open field area of the property. A blown up view of the base of the tower was shown showing the buildings for mechanical use.
elevation with guy wires and antennas was shown. There will be a 6’ barbed wire topped fence around
the tower, all buildings, and the guy wires. Enclosed in the packet sent was an extensive staff report.
No co-location details were submitted but a document stating that it was researched and no viable
options were found. An original informational packet was sent to the Planning Commission members,
along with a subsequent packet, emails of documents to those who have email, along with additional
handouts tonight. Readmond Township Planning Commission reviewed this case and recommended
postponement of 90 days. The Township Board recommended rejection of the application.

Doernenburg showed photos of views of the vicinity from different angles. She noted that a 180’ tower
for the Readmond Fire Department is within site distance from this property. The Proctors live on this
property; their residence can be seen and accessed only from Johnston Road. The standards of the
ordinance were listed and addressed item by item in the staff report to indicate whether or not they
were met. Doernenburg showed the Future Land Use-View shed overlay from the Emmet County
Master Plan. Most of the areas shown have arrows that indicate the direction of the view; this area is
shown as a view shed but does not have an arrow indicator. There was a discrepancy on the site plan
in reference to the height of the tower. The original plans showed 483’. The applicant did provide a
statement that it should be 480’ and revised plans have been drawn up that reflect the correct height.
These were passed out tonight. Doernenburg stated that there has been a lot of public input on this
request. Doernenburg listed the letters that had been received from neighbors. She stated that she
wanted to clarify the legal procedure for case review as the issue of many people being out of the area
on spring break was brought up by the township and others in their letters. The applicant is required to
apply 24 days prior to the Planning Commission meeting. We are required by the Zoning Enabling Act
to notify property owners/occupants within 300’ of the subject parcel boundaries and advertise in the
Petoskey News Review 15 days prior to the Emmet County Planning Commission meeting date. We
cannot arbitrarily cancel the meeting at the request of the township when the applicant has specifically
followed all of the rules of the Emmet County Zoning Ordinance. We do recognize that there is a lot
of information to review and probably a lot of public input as well.

Peter Doren, the attorney for the applicant introduced those with him including Terry & June Martin-
owners of Lakeland Leasing & Northern Tower Construction. June Martin passed out a company
information sheet and Doren explained that their company has been in existence since the 1950s and
they own many towers and are well respected in the industry. They carry many carriers which are
ultimately planned for this tower as well. Thom Paulson-director of Interlochen Public Radio (IPR),
Jack Connors-Chief Engineer for IPR, and Bernard Yantz-Real Estate consultant. Doren explained
that IPR is a non-profit company that delivers two free uninterrupted radio signals. There is a
tremendous need for this service. Contributions for this facility from Emmet County residents are in
the hundreds of thousands of dollars to improve tower locations and increase signal strength. Doren
asked if he would be given the opportunity to speak and respond after the public comment as he wasn’t
able to do so at the township and felt that was an unfair situation. Eby explained that he would have an
opportunity to respond as long as the comments were directed toward the Planning Commissioners and
not the public. Doren passed out the revised plans that show the correct tower height on them of 480’.
He explained that the request is for a 480’ telecommunications tower designed for radio, broadband,
and personal wireless facilities (cell phones). The tower location on the property will not be a lease, it
is an easement. The Proctors can continue to use their land as a hayfield. Doren noted that a visual of
available co-location points on the tower is shown on page Z-3 of the revised plans. This was added
according to the ordinance that requires co-location. There was criticism at the township level
regarding the amount of possible antennas. Doren stated that they would be willing to be limited on
the amount of co-located antennas if the Planning Commission chooses to do so. On page Z-1, the
tower is shown and there is a line that shows the approximate view area of the future land use overlay from the Master Plan. The tower is outside of this area. Doren stated that he feels that all of the ordinance standards have been met. There is no standard for popularity and it is not a popular project. The Zoning Ordinance has a list of standards for a special use permit, if the standards are met, the permit should be issued. All of the setbacks are met, there will be no strobe lights and will have the minimum FAA lighting with red lights at night. The FCC and FAA approvals have been received. There is no threat to wildlife as stated in their environmental report (passed out copies). The tower has been engineered for co-location and will have protective fencing. There is no reasonable opportunity for IPR to be located on another tower and get the coverage that is needed to serve the people of Emmet County. The tower is needed by thousands of people.

Thom Paulson, General Manager of Interlochen Public Radio explained that many years have gone into looking for a location that would reach Emmet County completely. He explained that there are currently two radio stations now, neither of which cover Emmet County completely. With the proposed tower location, they would reach 33,000 more residents than their current signals. IPR is a non-profit organization that exists to serve the people of northern Michigan with public radio, world information, and northwest lower Michigan information. They have been very involved in the last few days with the news information on the closure of Cheboygan Hospital. Money is not part of their mission but they do need to find a way to deliver their services in a cost effective way; this tower would help that.

Jack Conners passed out maps showing how the coverage would be increased on each of the radio frequencies. Both stations are proposed to be located on the new tower. Currently the 90.1FM station is registered to Harbor Springs and the 88.5FM station is registered to Mackinaw City. The Harbor Springs tower is severely limited in power and would increase by moving to the new tower almost ten times. Conners stated that many have asked why the location for the tower was chosen. He stated that Lakeland Tower has been searching for a location for over two years. They found a place that could be zoned for tower use. There are limitations on where a tower can be in order to protect other stations which is required by the FCC; adjacent stations signals are required to be protected so that channels don't interfere with each other. Maps were passed out that show these limitations. Desy asked if the present locations will be kept. Conners stated that they would not, they would be on the new tower and coverage would shift a bit. Desy stated that some would lose coverage then. Alexander asked how many would lose coverage. Conners stated that the numbers are a net gain, many more people would be served by public radio. He stated that the engineering criteria of the ordinance has been met. The objections that were made at the township meeting did not address any of the ordinance issues. Eby asked if the towers can be shielded to protect the other stations. Conners stated that they are directional signals and radiate in a single direction. Eby asked where the current tower is in regards to jurisdiction. The Stutsmanville Tower is in Friendship Township.

Doren stated that the signal at the current tower locations cannot be increased because it would interfere with other stations. It is very complicated to meet all local and federal requirements but they have obtained all of the required permits. Does the tower conflict with the Emmet County Master Plan? Doren stated that it does not. The only part that it may conflict with is the view sheds. He stated that really, a tower doesn't block the view. You can see what is behind it from any side. The focus of any public body should be the public's view from public areas not protecting an individual's private views. If they want to purchase a view easement, they can. It is only if you get to the subjective level that you do not like to look at towers that you can say that a tower hurts the view. Towers are allowed in agricultural zones in Emmet County. That aesthetic decision has already been
made. If the decision is made on aesthetics alone it would be on shaky ground. The state statute requires that standards for a special use permit be specified. Doren read the definition of the word specified (to explicitly describe in detail). The view shed content of the Master Plan is vague and ambiguous; that is the way master plans are. To deny the request based on master plan violations would be a precarious decision. Can't say that the use is in conflict with the master plan. The tower, fall area, and all parts of the tower project are outside of the view shed shape. This project promotes the Master Plan goals of broadband and also of agriculture as it keeps this land in agricultural use except the small area for the tower.

Jones asked about the line on their plans. Doernenburg stated that the view shed line shown on the map is not an exact area, but a representation. The tower location is on top of a hill. According to the applicant's map the tower would be outside of the view shed. Laughbaum asked if the study of the increase in people is based on land, residences, or number of people? The applicant stated that it is based on US Census figures based on where people live in the location of the coverage area. Laughbaum stated that according to their maps, they seem to pick up a lot of extra water and not much land. In his opinion, the Planning Commission isn't going to keep approving tower after tower for no reason. This is not the intent of the ordinance. If a cell phone company co-locates on the tower, where does that money go? Doren stated that they would be charged rent. Laughbaum asked if the project would stand on its own; if the Planning Commission did not want to see anything else on the tower, would they be willing to stand alone? Doren stated that he thinks so; if co-locations were prohibited and someone else comes in and asks to be allowed to co-locate on their tower they would not be able to allow it. Laughbaum stated that he can understand the need for the height of the tower if there will be multiple antennas underneath it but if not, why does it need to be so high? Conners stated that the height is necessary for the FM signal regardless of what else may be underneath them. Desy asked if this is the highest ground elevation in the County? Yes. Plasencia asked what kind of output they would have on a 250' tower? Conners stated that it would be practically useless. Plasencia stated that it seems that most of the additional coverage area would not be in Emmet County, rather Cheboygan and Charlevoix Counties and the U.P. The other issue is that Emmet County has spent a lot of time and money to promote and support dark skies in the County. This is just another distraction to the dark skies. Conners stated that there is a lot of increase in Emmet County and the regional benefit should be considered as well. The tower is lit at the minimum required lighting for that tower. Alexander noted that so much is covering water area instead of land. If the tower were more centrally located it seems it could cover more land. Conners stated that Lakeland Tower has done a lot of work to find the site. This site and the State Police tower site are the only options that they came up with. Bernard Yantz stated that they looked for a friendly land owner with a site that worked for this project for three years. He searched a seven square mile area near the current tower and this is the only site with the proper elevation that had a friendly land owner. Paulson added that because the station is licensed to Harbor Springs, they are obligated to have a strong signal in Harbor Springs. The other station is licensed to Mackinaw City and can still put out a strong enough signal at the new tower location. Hramiec asked why they cannot change the licensing city. Paulson stated that these are the channels available from the FCC.

Eby opened the floor up to public comment after explaining the public comment procedure to the audience.

Margo Sutton stated that she lives at 7881 W Robinson Road, Good Hart Farms, to the south of the proposed tower location. She read the letter that she wrote and submitted to the Planning Commission members (received 4/3/12).
Joel Moore, representing Paul & Sara Matthews, stated that he has submitted a letter and supplemental information already but passed out a hard copy of this information to each member as well. He stated that the view shed is the main issue in this case. There are two criteria for a special use permit that he does not believe the applicant has met. One is that the use does not conflict with the principles, goals, or objectives of the Master Plan. Moore stated that the view shed areas on the Future Land Use plan is a general area for reference only. This area encompasses part of the tower area. On his documentation, he had Benchmark Engineering place a yellow line on his aerial (exhibit 4) that shows the location of the view shed line. Moore pointed out that it is very close to the easement area. It is an open farm field; the view is the same on either side of the line. If the view is important there, it is also important right next to it. There is a direct view to the lake over the Proctor's property from the Matthews property located to the north and east. Moore stated that it clearly conflicts with the Master Plan. There are very few places in Emmet County that you can see the lake from this far away. Moore stated that Section 2102 of the Zoning Ordinance requires that 'all reasonable measures are taken to blend the tower into the landscape, including greenbelt plating and/or screening, paint, and/or concealing the tower in a "stealth" design'. There is nothing to screen the view of this tower. It contrasts greatly with the State Police tower which you cannot see for several miles due to the woods surrounding it. The ideal location for a tower is in a wooded area not in an open field. The highest concentration of Little Traverse Conservancy preserves in Emmet County are in this area. There are over 1,000 acres that are protected by the Little Traverse Conservancy surrounding this area. Most of this land was donated to the Conservancy from family members of the owners of the neighboring properties while some was purchased. Moore stated that the five primary committee members and the utilities sub-committee members, including Tom Bailey from the Little Traverse Conservancy, supported the view shed plan in the Master Plan. Moore stated that there is a provision in the Zoning Ordinance, Section 2102 2A states that 'in order to protect the rural dark sky environment and reduce lighting confusion for approaching aircraft, all towers shall be designed or painted to be without lighting.' Moore stated that since towers over 200' require lighting, the ordinance essentially prohibits towers over 200'.

The use cannot be detrimental to surrounding uses. Paul Matthews' property has the view and applied for and was approved to have his property turned into a five unit site condo. Moore stated that Matthews did not proceed with this because it seemed inappropriate to continue with development when others were donating property around him. The Readmond Township Master Plan was updated in 2005 noting that real estate dramatically increased with aesthetically pleasing views. Moore stated that the Township has recognized that there is a financial value associated with views and the converse of that a tower blocking the view would decline property values. He stated that he is surprised at the impression of the need for this project. Moore stated that he is a big supporter of public radio but that he listens to WCMU. He can get IPR in his house in Friendship Township just fine. It seems that they are redundant stations and that there is no real need to expand. It is a question of commercial feasibility or desirability. Is it the Planning Commission's place to help service their area more efficiently? A smaller tower could be put up to service more residents, perhaps further inland.

Catherine Reindel stated that she lives on M-119 north of Good Hart. She sees room for a lot more review for the public of the documents in the case. There has been a lot of new information passed out tonight that no one has seen yet. It seems that a lot of the additional people that this tower would service aren't even in Emmet County. There was talk about IPR being a nonprofit organization; it seems that the applicant Lakeland Leasing is a for profit organization. Are they providing a free service to the nonprofit group or will they make money off of it? The applicants have stated that they
have looked at many properties. Has this been documented? Perhaps other properties would make more sense than a property in a view shed area and surrounded by 1,000 acres of conservancy property.

Alfred LaCount stated that it seems that a private company is trying to use a public radio station to get a tower put in. He would also like to see the materials that were handed out. The applicant says they need a high piece of property. Since the 1950s the Stutsmanville Road property and Emmet Heights have had towers at the highest pieces of property in the County. This is an extremely high radio tower. There is a public radio station on that tower that was moved from St. Ignace and he sees no reason that they cannot co-locate on this tower. LaCount stated that he would like the board to postpone their decision until the people can get answers and information on where they are broadcasting now.

Tim Maylone stated that he lives in Grand Traverse County. He does business in Readmond Township. He has 35 years of technical experience in the broadband field. Lakeland Leasing is a professional company and have been around a long time. Maylone stated that he was at the township meeting and was somewhat disturbed at the justification of a tower for high speed internet. His business is not affected by it. When evaluating an application, it should be evaluated on its own merits. Ask if the project would be allowed on its own merits and don't get caught up in the emotion of public radio or high speed internet. Maylone stated that he thinks it is fair to mention that the state has a bill that proposes opening up state police towers for persons to use; today's language limits the use to another public entity. He encouraged IPR to re-visit the state police tower site as it is in the same area and is much higher. It may not be an option, but they should look into it. Maylone stated that his company utilizes existing homes, barns, etc. rather than high towers for their broadband services. They can deliver high speed internet to Cross Village, 225 homes by summer. Maylone encouraged this project to be evaluated on its own merits.

Patricia Sears, daughter of Una and Jon Clear, stated that her parents' property is directly behind the tower. The tower will be seen from every area of their property. At the township meeting there were flat screen antennas mentioned. How big will they be, how many will be on the tower? Sears stated that they reject having this in their back yard. The proposed tower access drive would be 37' off of the well line and the driveway would be right off of her parents' property line.

James Cook stated that he supports IPR and their tower project. He thinks that their station offers a unique difference in news and talk to our area. He financially supports the station and the tower project. He cannot receive their signal on School Road but can get the signal in town. This tower would improve his reception. He doesn't like strobe lights and is happy that the applicant will be painting and using the red lights. He's not sure that he would like the tower in his back yard but he would live across the street from it.

Bill Sutton stated that he recused himself at the township level as he is a neighbor. He is only here on a reporting capacity for the township. At the township meeting, they didn't get past the land use issue. The township planning commission felt that the use is in violation of the zoning ordinance and it is not possible to cure this problem. It didn't make sense to table when the ordinance criteria isn't met. Sutton read the motion of rejection. The reasons stated were that the proposed location has a detrimental impact on adjacent properties, it is in a view preservation area as designated by the Emmet County Master Plan and the Readmond Township Master Plan, and that the applicant does not comply with Emmet County Zoning Section 2100 paragraphs 1 and 5. It was unanimous on the township board level to reject the application.
Pat Proctor stated that he can see the State Police tower from his house and it doesn't bother him. They want the police departments to have good communication so that tower was put up. Proctor explained that they live in a gray area; nothing works at his house, cell phones, laptops, etc. He was trying to make it easy for the tower company when they proposed the driveway location but would be willing to move it. Proctor stated that there used to be seven or eight small barns on the neighboring properties; now there are huge barns on those properties. He doesn't understand how the neighbors can complain about the view. He feels that the barns obstruct the view not the tower.

Bob Cardinal, Readmond Township, stated that several times during the (township) meeting the applicant stated that their first choice was the State Police tower. It would be worth tabling this case if it is true that tower may be an option for them now. He apologized if the applicant felt that they didn't have time to respond to the comments made at the meeting. Cardinal stated that he asked for additional comments many times although he didn't ask the applicant specifically.

Chuck Scott stated that he is a 40 year broadcast engineer in the broadband field. He likes towers and antennas and he and his wife drive around the county often and don't even notice the towers. He stated that the proposed bill has yet to be approved. The State Police towers aren't available unless they are for public safety. There is an eligibility process and requires the full recovery of the cost to the State which could be quite expensive. Scott stated that he is the Vice-President of Charlevoix, Cheboygan, Emmet County Public Service Communications organization and if this tower does go up, it could be a good location for them as well. He addressed exposure levels and safety stating that the levels are much less the higher the antennas as it spreads the energy out more. It is not a hazard. The red lights on the tower are similar to lights used by astronomers to illuminate their maps. It is much less of a distraction to the dark sky. This tower would be a good location for broadband antennas for his company as well.

Alfred LaCount stated that the weather service broadcasts off of the Good Hart State Police tower.

Peter Doren stated that the purpose of zoning is to meet the needs of the residents. That is a statutory provision that gives the boards the right to look at the needs of the residents of the region. It is not necessarily to look at the need of the neighboring property owners. The only lighting regulations for towers are contained in the special use permit section for towers. The lights on a tower are for public safety. They have to be there. There is no height requirement for towers in the ordinance. Doren stated that he feels smarter when listening to IPR and believes it benefits the public. This is not a popularity contest. The ordinance requirements have been satisfied. The tower is not 480' because of broadband; co-location is not the drive for the height. It is 480' to meet the needs of IPR.

Terry Martin, Lakeland Tower Leasing, stated that they will own the tower and are leasing to IPR. He stated that Lakeland Tower Leasing is not a nonprofit group. They were approached by IPR and a few others who would like to be on the proposed tower. Extensive research was done on this and they do have documentation. If the tower was moved to the east they would lose shoreline coverage and towards Harbor Springs which are vital coverage areas. The tower is not intended to be obtrusive to properties or views. Martin stated that he has grown up around towers all of his life. He has a 600' tower in his back yard that is 300' from his home. There are towers over 400' within a mile from him. Once they are there, you don't register that they are there anymore because they have been there for so long. They are using red lights and paint. They could have used strobe lights which would have been more economical and less maintenance but they want to be a good neighbor. Red lights don't affect the irises at night. Martin stated that if this is approved, they will be a good neighbor.
Peter Doren listed off the materials that have been submitted for this case.

Desy stated that there were several questions brought up regarding view shed. There seems to be a difference in opinion on whether we protect the view from public or private property. Which is it? What is our obligation? Eby stated that our obligation is to enforce the Master Plan and the code. Alexander asked if this project is against the comprehensive plan, with the comprehensive plan, or somewhere in between. There have been differences in opinion stated supporting each option. Alexander asked Abbott what her interpretation is. Abbott stated that the evidence has been given, documents have been submitted for review and the members should take that information in conjunction with the Master Plan and Zoning Ordinance to determine what they believe. Doernenburg added that the view shed was brought up but the Master Plan also states that broadband communications would be encouraged as would the dark sky initiative. Different parts of the plan support different things. It is up to the Planning Commission to determine which way to go.

Alexander asked if the new possibility of using the State Police tower is a reason to postpone the case as the applicant had said that was their first location choice. Eby stated that it is up to the applicant if they want to do that.

Eby stated that he has been on the Planning Commission for 20 years, Scott for 14 years, and Jones for many years as well. He asked Scott and Jones to state how they recall the code and the Master Plan being interpreted in past cases. Eby stated that he believes that a 480’ lattice tower would be directed to two spots; the tower farm southeast of Petoskey and the area immediately west of Levering. Others have been encouraged to go to those locations or to be less than 200’ and a monopole design. If this were approved, would it destroy that precedent? Scott and Jones both agreed that that is how they were acted on in the past. Scott stated that the difference is that most of the past requests were for cell phone towers. When the height is restricted it also decreases the ability of co-location. This has been done. Cell phone towers are a different animal than a radio tower. Jones stated that radio stations can operate with two towers like what some of the cell companies do. Eby stated that there have been some tower applications that shortened their requested towers. Is this precedent based on our interpretation of the Master Plan? Scott stated that it was mostly based on the Zoning Ordinance which specifically said that it was our preference to have towers 200’ or less. He stated that he is not saying the Master Plan wasn't part of the decision but it was more the Zoning Ordinance. Eby asked if the two specific areas were given more leeway for height? Scott stated that they were and feels that was specifically due to the Master Plan. Jones stated that we have always fought tall towers and doesn't remember ever approving anything this tall. The State had jurisdiction over the police tower and the 911 tower were exempt from zoning. Radio and cellular towers we have tried to keep as low as possible. He stated that he doesn't see the difference between using two radio towers or two cellular towers. Eby asked Jones if his recollection was that lit towers have been allowed in the two locations he mentioned. Yes. Laughbaum stated that he doesn't think that the tower blocks the view, however he could see how you would turn away from the tower if you are taking a photo of your property. It is an aesthetic issue in some sense. Towers aren't put up for the beauty of it. Airplanes flying by don't block the view. It is not a huge factory. Buildings have a height limit of 30’ to avoid potential blocking of view. This tower potentially sticks out and becomes more of a statement than an 80’ tree. People come to look at and build within trees. Laughbaum stated that this is not a police tower which protects us. News can protect us but there are other outlets to get news 24 hours a day. How many of these 30,000 additional people are listening? It will have a negative impact on the neighbors and he'd like more time to think about the case. A lot of information has been handed out tonight and in the last
couple weeks. It is the obligation of the Planning Commission to review it all.

Plasencia stated that he agrees with Mr. Moore's interpretation of a view shed; it is a general area. He believes that it is located more in the hilly area. The needs of the people when the Master Plan was put together were dark skies, view sheds, etc. The Board of Commissioners have put in a lot of time, effort, and money into preserving our views and dark skies. This would be one more intrusion on both. The neighbors need not to see this tower. The Master Plan wants to keep views which are going away faster and faster. The economy has slowed this down a bit but the Master Plan can help preserve the views for coming generations.

Hramiec stated that the view is subjective. It doesn't necessarily need to be a billboard blocking everything to interrupt the view. The simple fact that it is there and not a tree can spoil the view. He stated that we shouldn't be too caught up in defining the view shed area in the Master Plan as it is purposefully vague. This is to allow for leeway in order for decisions to be made so that the goals of the Master Plan can be met not to open the door for the widest interpretation of the ordinance.

Alexander noted that both sides have rights. In looking at both sides of the issues, the potential benefits as well as potential harm on both sides. If there is a way to minimize problems and still gain the ultimate goal, such as a possible alternate site, it should be looked into further especially if they considered the site at one time.

Hramiec asked about the height limit on towers. Who decides the limits? Doernenburg explained that in some zoning districts there is no height limit, it is up to the Planning Commission to decide and is only limited by the fall zone setback requirements. There is a limit on height in residential zones. Alexander asked about the engineering. Eby explained that they are engineered to limit the fall zone and collapse within itself.

Eby stated that it was his recollection that the businesses rather than the board determined the two sites that he had previously mentioned for tall towers. He is not convinced that the north site isn't viable. Desy noted that it would be nice to keep towers of this size together. The experts say that they won't be able to get coverage along the lakeshore. How many people would be listening there? How much of an impact would this actually be? Jones stated that people come here for the views. We don't have industry to survive. Our views are how we promote the area. This is why our views are so strongly protected. There would be an economic impact on the County if the views are destroyed.

Jones made a motion to postpone until the next regular Planning Commission meeting Case #3-12, Lakeland Tower Company for a Special Use Permit for a 480 ft. tower facility on property located at 1182 Johnston Road, Section 29, Readmond Township, tax parcel 24-12-08-29-300-003. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Jones, Scott, Hramiec, Laughbaum, Desy, Plasencia, Alexander. No: Eby. Absent: Neal.

A break was taken.

IV Public Comment: Alfred LaCount stated that many forget how many years radio towers go back. The Stutsmanville Road tower is very tall and he thinks there are fiber optics ran up to that point as well.

V Other Business:
• **Wal-Mart-US Postal Box:** Doernenburg stated that the PUD limits outdoor sales at this site. They have asked to allow a collection box for the US Postal Service to be placed between Wal-Mart and Office Max. After discussion, the consensus is that there would be no issue with this as long as it was collection only and no retail sales.

• **Zoning Coordinating Committee-Case #4-11 Little Traverse Twp Recreation & Master Plan:** Doernenburg gave a brief summary. There were minor additions that were addressed in the memo to the Township. Scott made a motion supported by Plasencia to authorize the chair to sign the memo supporting the recreation plan. All in favor. Scott made a motion supported by Jones to authorize the chair to sign the memo supporting the master plan. All in favor.

• **Zoning Coordinating Committee-Case #5-11 Village of Alanson/Littlefield Twp Recreation Plan:** Doernenburg gave a brief summary. There were some minor suggestions in the memo. Alexander made a motion supported by Scott to authorize the chair to sign the memo supporting the recreation plan. All in favor.

• **2011 Annual Report:** Doernenburg briefly discussed the annual report and asked for approval to present it to the Board of Commissioners. Jones made a motion to authorize staff to submit report to the Board of Commissioners supported by Plasencia. All in favor.

• **Enforcement Report:** There was some discussion on various enforcement issues.

### VI Adjournment
There being no other business, and no additional public comment, Eby called the meeting adjourned at 10:16 p.m.

James Scott, Secretary

________________________________________   __________________________
Date