

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, July 5, 2017
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Jack Cady, John Lazet, Chris Lewis, Pattie McNeilly, and Al Winters.

Members absent: Jim Minster and Bruce Walker.

Other Persons present: Supervisor Jesse Ramey, and Legal Counsel David Revore.

I. Call to Order: The meeting was called to order at 7:00 p.m. by Chair McNeilly.

II. Pledge of Allegiance

The audience joined the Commission in reciting the Pledge of Allegiance.

III. Set/Amend Agenda

The agenda was accepted as submitted.

IV. Approval of Minutes: Regular/Public Hearing Meeting 6-7-17

Amend page 1, under “Approval of Minutes”, second amendment, correct the spelling of “page”.

MOTION Cady, seconded by Winters, to approve the June 7, 2017, Regular Meeting minutes as amended.

CARRIED 5-0.

V. Brief Public Comment

There was no public comment.

VI. Reports

June, 2017, AGS Building/Zoning Report

The written report indicated that there were 17 building/zoning permit actions, involving: two pole barns, 12 new mobile homes in Mason Manor, a roof repair, a new pavilion, and a new modular home on a parcel. There were no outstanding authorizations to enforce the Zoning Ordinance.

VII. Pending Business

- A. SLU Application for Cell Tower by TeleSite Wireless, Inc., for Ron Launstein at 1796 Hawley Road, Leslie, MI

Present on behalf of the applicant were David Antoun, Robert LaBelle, and Jun Yu. In response to questions and comments:

- The scale on page 4 scale will be corrected.
- Barbed wire is prohibited by the Ordinance, Sec. 3-10(C); it was agreed to not use barbed wire, and to remove all references from the site plan.
- The new parcel number assigned by the Township will be obtained and added to the site plan and SLU permit application.
- Motion sensors will be installed around the perimeter of the leased area, connected to both light and sound alarms, and will alert the firm that there is an intruder inside the fenced area.
- The vacant house will be razed.
- The fall zone is roughly one third of the height of the tower due to its construction design to collapse by roughly thirds.
- About 24 permits need to be obtained from various governmental agencies. They will provide to the Township the pertinent permits from Ingham County Road Department (ICRD), the DEQ, the County Drain Commissioner, and the Federal Aviation Administration (FAA).
- The location was chosen based on maximizing coverage and ability to increase bandwidth capacity. The Township was given maps showing coverage before and after construction of the tower.
- Capacity is limited by the equipment, wavelength and frequency. Newer antennae are periodically installed to keep up with technology as appropriate.
- Co-location includes any other provider, and the Federal Communications Commission requires towers to allow co-location. This also raises revenue to pay for TowerCo to actually construct and own towers.
- Verizon's competitors follow the tower construction. The first locator gets the top position on the tower and therefore the best coverage, and Verizon has generally chosen to construct towers before other carriers do so.
- Specifications are for a 30-year life of a tower, but no towers have yet been replaced. The foundation is 20 to 40 feet deep, to securely anchor the tower.
- They are willing to post a bond for removal if future use is not needed. National experience is that towers are not removed, but infrequently they are moved.
- A corrected site plan can be submitted within several business days.

Section 16.02 of the Zoning Ordinance contains the following requirements for review of an SLU permit application:

2. An application for a Special Land Use shall consist of the following:
 - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 14. – Condition met.
 - b. A completed Township application form. – Condition met
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the Zoning Administrator. – Condition met.
 - d. A legal description of the entire property that is the subject of the Special Land Use. – Condition met.
 - e. A statement with regard to compliance with the criteria required for approval in Section 16.03. A.1-5, and other specific criteria imposed by this Ordinance affecting the Special

Land Use under consideration. – Condition met.

f. Other materials as may be required by the Planning Commission or Township Board. – The applicant was asked to provide an electronic copy of the coverage maps, and once obtained, copies of the pertinent permits from the ICRD, the Drain Commissioner, the DEQ, and the FAA.

Section 16.06PP of the Zoning Ordinance contains the following requirements for review of an SLU permit application:

1. It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township. – Condition met. There is no existing cell tower in this portion of the Township. Applicant stated during the June 7, 2017, public hearing that federal law requires them to allow for the co-location of other carriers.

2. The applicant shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas that are either within the Township or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower. The Planning Commission may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the Township, provided, however that the Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. – Condition met.

3. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference. – Condition met, according to the information provided by the firm's engineer.

4. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower. A permit for the construction and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs. – Condition met. Applicant noted there is no other tower or tall building that meets the requirements for coverage.

5. No communication tower or antenna shall be located closer than five hundred (500) feet from the boundary of an existing residential use or district. This requirement may be waived by the planning commission if one of the following conditions are met:
a. The proposed communication facility is located on an existing communication tower.
b. The communication tower is to serve solely a governmental or educational institution. – Condition NOT met. Two parcels with a residential use are within 500 feet of the property line of the property.

6. No communication tower and antenna shall be greater than two hundred (200) feet in

height, except if in the opinion of the planning commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area. – Condition met. As noted on page 1, proposed is a 195-foot tower topped with a four-foot lightning rod.

7. The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes. – Condition met, as noted on all pages of the site plan.

8. The applicant shall provide the legal description of the parent parcel and any leased portion thereof. – Condition met, page 1.

9. A security fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the tower and any other related apparatuses (i.e. ground antennas, satellite dishes, accessory structures). – Condition met. Page 3 indicates a 6-foot cyclone fence.

10. The Planning Commission may require a buffer zone in compliance with Section 15.05(D) of the ordinance. – No buffer zone was required.

11. All communication towers shall be equipped with an anti-climbing device to prevent unauthorized access. – Condition met, as noted during the June 7, 2017 public hearing. Removable pegs are used for climbing, the pegs being brought by the technicians when they service the tower.

12. No signs shall be permitted on site, except for warning, or other cautionary signs, which shall not exceed two (2) square feet in area. – Condition met, noted on page 2. Only contact information and cautionary signs will be installed.

13. All new communication towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness. – Condition met. The monopole will be constructed using grey, galvanized steel.

14. No new communication tower shall be located within three (3) miles of an existing communication tower unless the applicant can demonstrate to the satisfaction of the Planning Commission that there exists no other feasible and practical locations for a new tower to address documented gaps in wireless service. - Condition met. The applicant provided maps showing coverage both before and after construction of the proposed tower.

15. The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on-site security. – Condition met. Page 2 indicates no tower lighting is needed, and lighting for use by technicians working on the ground level equipment will be on a two-hour timer.

16. All communication tower permits issued by the Township shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication

Commission, State Bureau of Aeronautics – Tall Structures Act and any other applicable state or federal acts. – Applicant agreed to provide copies of these permits once they are obtained.

17. The applicant shall submit a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of the Township. - Applicant agreed to provide copies of these documents once they are obtained.

18. Communication towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities. – Condition met.

19. Any communication tower that is abandoned or its use discontinued for a period of twelve (12) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings, or grounds that have fallen into disrepair or the removal of all antennas or support structures. – This provision was noted to the applicant who agreed to comply with this section of the Ordinance.

20. The application shall include a description of security to be posed at the time of receiving a building permit for the communication tower to ensure removal of the communication tower when it has been abandoned or is no longer needed. – Condition met. The applicant noted they are willing to post a bond to ensure removal. An estimated \$20,000 would cover all costs.

21. All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities. – Condition met, as noted on page 2.

22. Towers shall be of monopole construction, and not rely on guy wires for stability, except where the applicant can demonstrate to the satisfaction of the Planning Commission that there exists no other feasible and practical options. – Condition met. Page 2 indicates a monopole tower with no guy wires.

23. Special Application Review Provisions:

a. After a special land use application for a communication tower is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first. – After input from the Zoning Administrator, the application was revised and re-submitted on May 23, 2017.

b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under

subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less. - Supervisor Ramey advised that the required fee has been paid.

c. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval. – The revised and complete SLU application and site plan were received on May 23, 2017. The Zoning Administrator had no further input after re-submission. The ninety days will have run on August 28.

SITE PLAN REVIEW

Section 14.03 – Site Plan Review

- A general location sketch showing at minimum, properties, streets and use of land within 1/2 mile of the area. – Condition met, page 4.
- Legal description of the subject property. – Condition met, page 1.
- The date, north arrow, and scale. – Condition met, all pages.
- Name and address of the property owner or petitioner. – Condition met, page 1.
- Existing zoning and use of all properties abutting the subject property. - Condition met, page 1.
- All buildings, parking and driveways within 100 feet of all property lines. – Condition met, page 1.
- The overall objectives of the proposed development. – Condition met, in the SLU permit application and on pages 1, 2, and 5 of the site plan. During Commission consideration, the applicant indicated that the overall purpose is to construct a wireless communications tower, with appropriate telephone switching equipment. The overall purpose is to improve cell phone service in this portion of the Township.
- Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space. – Condition met, page 1.
- Dwelling unit densities by type, if applicable. – Not applicable
- Proposed method of providing sewer and water service, as well as other public and private utilities. – Condition met. Page 3 indicates no sewer or water service will be needed. Page 2 indicates the location of the underground conduit for electric and telephone line service.
- Proposed method of providing storm drainage. – Condition met. Based on the small footprint, no additional work is needed.
- Seal, name, and firm address of the professional individual responsible for the preparation of the site plan. – Condition met, provided on each page of the site plan.
- Property lines and required setbacks shown and dimensioned. - Conditions met, provided on pages 2 and 4.
- Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable. – Conditions met, new structures noted on pages 2, 3, and 5

- Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems. – Conditions met, noted on pages 1 and 2.
- Any signs not attached to the building(s). – Condition met, as noted on page 2.
- All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas. For projects on a collector or arterial road, see also Section 12.04. – Conditions met, on pages 1, 2, and 3. A gravel extension of an existing driveway is noted. The one parking spot is noted on page 3.
- Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property. – Conditions met, on page 1.
- Location and size of all surface water drainage facilities. – Not applicable.
- Location of all solid waste disposal facilities, including recycling, and screening. – Not applicable.
- Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials. – Not applicable.
- All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. - Conditions met, with proposed cyclone fencing noted on page 3, existing vegetation on the various pages, and proposed new vegetative plantings noted on page 3.
- Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose. – Not applicable.
- Exterior lighting showing area of illumination and indicating the type and height of fixture to be used. – Conditions met, on pages 2 and 5.
- Elevation drawings of proposed buildings – Condition met, as noted on page 5.

D. Additional Information

The scale on page 4 needs to be corrected, and pursuant to Sec. 3.10(C) of the Ordinance, the initially proposed use of barbed wire on the fence will be removed from the entire site plan.

Section 14.04 – Application and Review: Supervisor Ramey confirmed that all required copies and fees have been submitted.

Section 14.06– Review Standards: the Commission made the following findings:

B. Site Development Standards

1. The uses proposed will not adversely affect the public health, safety, or welfare. – Conditions met. The proposed leased land is zoned Agricultural, with few surrounding residents or other uses. No undue noise, odors, fire, smoke, vibrations, glare, or other negative impacts are anticipated. The proposed use will entail a minimum of traffic, human presence, and activity. As there should be no foreseeable negative impact on the parcel itself, the Commission determined that the proposed use would not adversely affect the public health, safety, or welfare.
2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. –

3. Conditions met. While the parcel currently has a vacant residence, this is planned to be removed. Traffic at any given time should be a single vehicle, and should not impede the normal and orderly development or improvement of surrounding properties.
4. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments.
– Conditions met. There is no residential use on the parcel. Vegetative barriers are proposed to diminish ground level visual issues. Six-foot high cyclone fencing around the area of use should adequately discourage trespassing. Given the single vehicle nature of any new traffic, this impact was found to present an insignificant effect on nearby uses. There is no feasible means of screening the tower itself.
5. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission. – Not applicable. The proposed use is not in a pedestrian path, nor are any proposed. Business should be almost exclusively by a single motorized vehicle.
6. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department. – Condition met. All areas likely to need such access will be accessible via the driveway.
7. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 15.04. – Conditions met. The lights, proposed installation, and use, are in compliance with Chapter 15, as noted below.
8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened in accordance with the requirements of Section 15.02. – Condition met, as noted on page 3 and further detailed during the Sec. 15.05 consideration.
9. Site plans shall conform to all applicable requirements of Township, County, State, Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted. – Conditions met. The applicant is applying to the ICRD, the County Drain Commissioner for a soil erosion permit, the DEQ for wetlands and endangered species determination, and the FAA, among other agencies.
10. The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained. – Condition met. The proposed use is allowable and encouraged on rural parcels such as this one. As the proposed use should have minimal impact on

surrounding parcels, the spirit of the Zoning Ordinance and the Master Plan are considered to have been met.

C. Vehicular and Pedestrian Standards

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. – Condition met.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township. – Condition met. The anticipated level of single vehicle traffic should be adequately accommodated by the proposed access driveway.
3. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. – Conditions met. The applicant will verify with the ICRD that the existing driveway may still be used, and given the anticipated level of traffic, this requirement was deemed to be sufficiently addressed.
4. Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary. – Condition met. Given the limited number of maintenance vehicles expected to access the property, traffic control was deemed to not need any improvement.
5. Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee. – Not applicable. There are no sidewalks currently on the property or surrounding parcels, and none planned. No known trails or pathways for public use are needed, given the nature of the district and the proposed use.
6. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate. – Not applicable.

D. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. – Not applicable.
2. Landmark trees and significant vegetation slated for protection shall be marked on site to prevent their damage during construction. – Condition met, as noted on pages 2 and 3.

3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system. – Not applicable. Existing storm water drainage is not anticipated to be affected by the development.
4. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system. – Not applicable.
5. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. – Not applicable.
6. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land. – Not applicable.
7. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
 - a. Limit land disturbance and grading.
 - b. Maintain vegetated buffers and significant vegetation.
 - c. Minimize impervious surfaces.
 - d. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
 - e. Use infiltration devices.- Not applicable.

SECTION 15.02 - LOADING REQUIREMENTS

A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise. – Condition met, as noted on pages 2 and 3.

B. Loading, unloading or parking of delivery vehicles and trailers in a Nonresidential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours. – This condition was noted to the applicant, who publicly agreed to comply with this provision.

C. At least one (1) loading space per commercial or service establishment shall be provided in the B1 and B-2 Districts in addition to any required off-street parking area. Required spaces shall be provided in the rear yard. The Planning Commission may permit the side yard to be used for loading spaces, provided adequate screening is provided. – Condition met. Given the lack of public access and the single vehicle and infrequent traffic due to maintenance, the single parking space was deemed to provide adequate parking.

D. All loading spaces in the Industrial District shall be at least ten (10) by fifty (50) feet, or other dimensions totaling at least five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder. – Not applicable.

SECTION 15.04 - LIGHTING

A. The following lighting standards shall apply to all uses requiring site plan review:

1. Off-street parking areas shall be adequately lit to ensure security and safety. Ground lighting and wall pack lighting is encouraged in small developments over pole lighting to prevent unnecessary glare and sky glow which inhibits the view of the night sky and, therefore, negatively effects rural character. – Conditions met, as noted on pages 2 and 5. All lights will be linked to a two-hour timer to be turned on as needed by technicians for maintenance. No off-street parking is to be constructed.
2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally. – Conditions met, as noted on page 5. As required, the lights will be directed downward, and to only light the cabinets and immediately surrounding areas.
3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission. – Condition met, as noted on page 2. The tower itself will not have lights, pursuant to federal standards.
4. Site lighting fixtures shall be limited to thirty (30) feet in height. – Condition met, pages 2 and 5. The cabinets to be lighted as needed are only eight feet tall, and the lighting is to illuminate only the cabinets. Tower lights are regulated by federal law, and not required.
5. Canopy lighting shall be mounted flush with the canopy surface. – Not applicable.
6. No light fixture shall protrude below the underside (facia) of any canopy. – Not applicable.

SECTION 15.05 - LANDSCAPING REQUIREMENTS

C. General Requirements: 1. For all uses requiring site plan review a landscape/screening plan shall be submitted to the Township for review and approval. The plan shall contain the following:

- a. All applicable information listed in Chapter 14. – Condition met, as noted previously.
 - b. All applicable information listed in this Section pertaining to plant materials. – Condition met, as noted below. See especially page 3.
 - c. The location, general size, and type of existing vegetation to be retained. – Conditions met, as noted below, see especially revised page 3.
 - d. A planting schedule and plan providing the following information: (1) The botanical and common name of each plant used. (2) The size of each plant to be used at the time of planting. (3) The quantity of each plant to be used. (4) Whether plants to be used are balled and burlapped container grown or bare root. (5) The spacing and location of all proposed trees, shrubs and ground cover. (6) The percentage of landscaped area to be provided on site.
- Conditions met, as noted on page 3. The entire area to be leased and developed is roughly one quarter of an acre. The percentage of landscaped area was deemed to be too insignificant for accurate measurement.

3. Trees Not Permitted: For the purposes of this Section, the following trees shall not be permitted because they split easily, their wood is brittle and breaks easily, their roots clog drains, or they are invasive species or unusually susceptible to disease or insect pests. (prohibited trees listed). – Condition met, as noted on page 3.
4. Mixing of Species: The overall landscape plan shall not contain more than thirty-three (33%) of any single plant species. The use of trees native to the area and Mid- Michigan, and mixture of trees from the same species association, is encouraged. – Condition met, as noted on page 3.
5. Species selection: landscaping materials shall be chosen which are best adapted to the solar exposure, soil, moisture and other site conditions which influence plant health and longevity. – Condition met, as noted on page 3.
6. Plant material spacing: At planting, materials shall be spaced so as to ensure their survival over the length of their growing period. – Condition met, as noted on page 3.
7. Installation
 - a. Whenever a landscape planting screen or other plantings are required under this Section, it shall be installed according to accepted planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen. – Conditions met, as noted on page 3.
 - b. The Planning Commission may require that landscaped areas be irrigated. – No irrigation is required of the applicant.
 - c. All required plantings shall be installed within six (6) months of their approval by the Township. An extension of this time may be granted by the Planning Commission. - This condition was noted to the applicant, who publicly agreed to comply with this provision. They noted that construction may not start for several months, maybe even not in 2017.
MOTION Cady, seconded by Winters, that the time frame for the required plantings is extended to the completion phase of the actual development of the site.
CARRIED 5-0.
 - d. Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties. – Conditions met, as placement of vegetation and driveways/roads are noted on page 3.
 - e. Landscaped areas shall be covered by grass or other living ground cover. – Not applicable.
 - f. Trees and shrubs shall be setback a minimum of ten (10) feet from a vehicular access or pathway. - Condition met, as noted on page 3.

8. Maintenance

a. Maintenance of plantings shall be done with regularity to ensure a healthy and neat appearance. – Condition met, as noted on page 3. The Launsteins have agreed to maintain the vegetation.

b. Required landscaping (including buffer strips, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance free of disease and insect infestations as well as clear of weeds and debris. - Condition met, as noted on page 3. The Launsteins have agreed to maintain the vegetation.

c. All unhealthy and dead plant material shall be replaced in the earliest appropriate planting period. - Condition met, as noted on page 3. The Launsteins have agreed to maintain the vegetation.

d. The landscape plan shall indicate all individuals or businesses that will be responsible for continued maintenance of the landscaping, including a method of contacting them. – Condition met, as noted on page 3. The Launsteins have agreed to maintain the vegetation.

9. Existing vegetation:

a. Where healthy plant material exists on a site prior to its development or redevelopment variations from the landscape requirements may be approved to allow credit for the existing plant material if the adjustment is keeping with the intent of this Section. – Condition met, with all existing and proposed trees noted on pages 1, 2, and 3.

b. All existing live trees in excess of twelve (12) inches in diameter at four and one half (4 ½) feet above the ground shall be preserved as much as practical. – Condition met, as noted on page 3.

c. Should any tree required by this Ordinance to be preserved die, it shall be the responsibility of the owner/developer to replace the dead tree. – Condition met. The Launsteins have agreed to maintain the vegetation.

d. A means of protecting site trees against injury during construction or injury from mowing equipment and vehicles shall be provided. – Condition met.

D. Landscape Buffer Zones

1. Where landscape buffer zones are required:

a. A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect throughout the calendar year. – Not applicable.

b. Additional screening may be required by the Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity. – Proposed screening was deemed to be adequate.

2. Landscaping may be required to serve as windbreaks. – Not applicable.

3. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. – Not applicable.

E. Parking Lot Landscaping

1. All off-street parking areas shall provide the following landscaping within the parking lot (in above ground or sunken landscape islands, bump-outs near the perimeter of the parking lot, as boulevards, etc.):

- a. One (1) deciduous shade tree shall be required for each ten (10) parking spaces, provided that in no case shall less than two (2) trees be provided. – Not applicable,
- b. Three (3) under story shrubs shall be required for each ten (10) parking spaces. –Not applicable.
- c. Parking lot islands shall be at least one hundred (100) square feet in area, ten (10) feet in width and two (2) feet shorter than adjacent parking space. Rain gardens with rolled curb and/or curbing with drainage gaps are encouraged to help manage storm water runoff. – Not applicable.

2. When off-street parking and loading of a non-residential use abuts a residential use or district, the parking lot and loading area shall be screened from the residential use or district by a solid, ornamental fence or masonry wall at least six (6) feet high. In lieu of a fence or wall, the Planning Commission may permit a sculpted berm and landscaping of a minimum of one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary. – Condition met, as noted on page 3. The one parking space will be screened from the road.

F. Site Landscaping

1. Perimeter plantings shall be provided a rate of two (2) deciduous shade, ornamental, or evergreen trees for every ten (10) feet of road frontage; ten (10) shrubs per fifty (50) linear feet of property frontage and twenty perennials per fifty (50) linear feet of frontage. Plant materials shall be creatively and functionally dispersed around the perimeter of the property. Clustering and staggering of materials is recommended to maintain the rural character of the Township. – Not applicable, as there is no road frontage.

2. The required side and rear setbacks shall be landscaped to: a. Define cross-connections between properties for both pedestrian and vehicles; b. Define internal access ways for vehicles and pedestrians; c. Provide shade and lawn areas for outdoor activities; d. Provide appropriate outdoor amenities including seating, trash receptacles, etc., depending on the nature of the land use; e. Serve as windbreaks where warranted; f. To break up long expanses of building without windows. – Conditions met, though the leased area is so small as to have an insignificant impact. The fencing should meet the pertinent listed purposes.

G. Detention and Retention Ponds:

1. Plantings shall be provided a rate of one (1) deciduous shade or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank. – Not applicable.

2. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a

naturally formed depression and shall be part of the natural landscape and open space system of the site. – Not applicable.

3. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material. – Not applicable.

H. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

1. For utility buildings, stations, and/or substations, screening shall be provided consisting of a six (6) foot high wall, berm or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential buildings in the surrounding area. – Conditions met, as noted on page 3. A six-foot cyclone fence will surround the leased area.

2. Any trash receptacle or trash storage area shall be contained within an enclosure which is at least six (6) feet in height, or the minimum height of the trash collection or storage receptacle. The location of the trash receptacle or storage area shall be approved by the Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission. – Not applicable.

3. When located outside of a building, support equipment including air conditioning and heating devices, and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment. – Not applicable.

4. Outdoor open storage of any equipment, vehicles and materials, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback. Commercial uses do not need to screen from one another and industrial uses do not have to screen from one another. – Conditions met, as noted on page 3.

Section 16.03 – Basis of Determination: While this is the responsibility of the Board of Trustees, the Commission opted to incorporate their site plan findings and other testimony into a format to assist the Board in making these determinations.

A (1) - The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The application meets this condition. The parcel is in a largely agricultural area, currently surrounded by parcels used for agricultural and large acreage residential purposes. Traffic will be only a single vehicle, 2 to 4 times per month. No noise, smoke, fumes, vibrations, or pedestrian traffic is proposed or expected; and there would be no need for any expanded or new public services. Given the need to locate this type of tower within relatively close proximity to users of cell phone services, and the need to maximize coverage by a tower, the proposed use must be located in areas like this. Screening of the cabinetry helps to minimize the visual impact at the ground level.

A (2) – The Special Land Use shall not change the essential character of the surrounding area.

The application meets this condition. The development of 10,000 square feet for a tower, in the midst of agricultural and large acreage residential use, does not affect the essential character of the surrounding area. The height of the tower cannot be avoided if coverage is to be provided, and towers, whether for communications or electrical transmission, have come to be an accepted part of much of the Township. Almost no vegetation would be removed. No other natural features would be changed or affected by the proposed use.

A (3) – The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.

The application meets this condition. The proposal does not include any hazardous activity, nor would it create hazardous situations. There will be no outside storage, burning, additional noises, odors, smoke, dust, vibration, glare, or fumes. Any new traffic would amount to merely two to four vehicles per month. No pedestrian traffic will occur. Site drainage has been adequate to date, and should continue to be so. There should be no new negative impacts on the parcel itself, and thus none to surrounding parcels or persons.

A (4) – The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

The application meets this condition. No public road work is needed, and no significantly increased traffic is expected to be generated. No new public storm water drainage system or public water supply or sewer system will be needed. No activities are planned that would increase the potential need for enhanced law enforcement oversight or presence, fire services, or emergency medical services.

A (5) – The Special Land Use shall be in general agreement with the Township Master Plan.

As the Master Plan is currently written, major goals include protection of the Agriculture District, and orderly development that fits the rural character of the Township. The proposed use meets these goals and is in general agreement with the Master Plan.

A (6) – The Special Land Use shall comply with all site plan review standards.

The required site plan review process was completed by the Commission earlier this evening, and the site plan was unanimously approved.

MOTION Cady, seconded by Lewis, that the site plan with revised pages 3, 4, and 5, for a wireless communication tower with supporting switching equipment on parcel 26-400-024, as considered June 7, 2017, and July 5, 2017, and as amended to include an accurate scale on page 4, and amended to remove of all references to barbed wire on the fence, and to include the new parcel number assigned by the Township, be approved as it meets the requirements of Chapters 14 and 15 of the Zoning Ordinance as determined by the Commission as reflected in the meeting minutes above. This approval is contingent upon receipt by the Township of the amended site plan by August 9, 2017.

CARRIED 5-0.

**MOTION Lewis, seconded by Cady, to conditionally recommend the Board of Trustees approve issuance of Special Land Use Permit #17-02, wireless communication tower, on parcel 26-400-024 on Hawley Road, Mason, MI, contingent upon the Board approving a proposed amendment to Chapter 16 of the Zoning Ordinance, amending the distance from the boundaries of the affected parcels with residential uses to the parcel proposed to have the tower, and contingent upon all appropriate permits being obtained before a building permit is issued. Recommended approval is based on compliance with the Township Zoning Ordinance, and Commission approval of the proposed Site Plan. The Commission further recommends the Board require a reclamation bond in the amount of \$20,000 to ensure the tower is properly removed if it's use is no longer needed.
CARRIED 5-0.**

VIII. Any Other Business

COMMISSION – discussed adding to the list of possible Zoning Ordinance amendments:

- Allowing the Commission more flexibility in waiving various conditions for site plans, including landscaping, canopy lighting, and other current determinate requirements.
- Sec. 3.10, fencing and the use of barbed wire.
- An amendment to have more flexibility in Sec. 16.06 PP (5), the distance to nearby residential uses. Perhaps address eventual removal of towers.
- Sec. 3.9, accessory structures, especially as it relates to amateur radio towers.

**MOTION McNeilly, seconded by Cady, to schedule a public hearing during the regular August 9, 2017, Commission meeting, on a proposed amendment to Sec. 16.06PP that would address the distance from a wireless communication tower to residential uses.
CARRIED 5-0.**

IX. Additional Public Comment

There was no additional public comment.

X. Adjournment

There being no further business, the meeting was adjourned at 10:14 p.m.

John Lazet, Secretary