

1. On Thursday, January 3, 2008 at 7:00 p.m. Chairman Rodney Carpenter called the Special Use Request Public Hearing of the Algansee Township Planning Commission meeting to order at the Algansee Township Hall, 378 South Ray Quincy Road, Quincy, Michigan. All members were present Rodney Carpenter, Pricilla Dodd, John Shilling, Tom Morgan & Glenn Preston.

2. Special Use Request Public Hearing for Algansee Township on John Shilling's Property- on Wolf Rd. property tax ID# 120-022-200-005-00 and 120-022-100-005-00. Special Use Request under Chapter 4, Section 4.03, subsection M- Wireless Communication Facilities and Support Structure.

3. Opening Statement- Erica Ewers representing Algansee Township, was requesting a special use permit for wireless communication facilities and support structure on John Shilling's property on Wolf Road along the fence row. The lease agreement with the Algansee Township is a 25 year lease for \$1.00 with no hook up at this time, may want one in the future. The site to be leased is 2.91 acres and is 150 feet off the road. Construction could take as little as 6 weeks. FFA approval has been started.

4. Public Comment- none

5. Closing Statement- Erica Ewers hopes to get approval so construction can get started soon.

6. Questions from the Planning Commission- none

7. Facts and Findings- John Shilling abstained from participation with deliberations by the Planning Commission.

Zoning Requirements: Chapter 4- Agricultural Zoning District

Section 4.03- Uses permitted by special use permit- In accordance with requirements of Chapter 18, Section 4.04, and other applicable provisions including Section 17.02.

Section 4.03 (M) - Wireless communication facilities and support structure.

Section 4.04- Development Standards- All lots, building and structures in the AG zoning District shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

A. Minimum Lot Dimensions

A. 1. Lot Area- 251.90 acres with lease agreement for 2.91 acres

A. 2. Lot Width- 340 feet

A. 3. Lot Frontage- 340 feet

B. Minimum Yard Requirements

B. 1. Front Yard- 150 feet setback

B. 2. Rear Yard- 150 feet setback

B. 3. Side Yard- 150 feet, on each side

Building and Structure Standards

C. 1. Height- 150 feet

C. 2. Minimum Floor Area- Not applicable

Chapter 14- Section 14.05- Wireless Communication Facilities

A. Intent- Regulation of commercial wireless communication service towers is necessary to protect the public health, safety, and welfare while meeting the communication needs of the public. The intent of the Ordinance is to minimize adverse visual effects of towers and avoid interference with adjacent property while adequately serving the community.

A.1. It is the intent of the township to construct a wireless internet tower on John Shilling's property located on the Southwest corner of Campbell and Wolf Roads. The township will then contract with DMCI Broadband, LLC (DMCIbb) to install and maintain the wireless equipment necessary to allow customers to connect to the tower. Residents will then have the opportunity to contract with DMCIbb to install the wireless technology in their homes. This will allow all residents the opportunity to have internet services through a second means, other than dial up.

A. 2. In regard to public health, the equipment on the top of the tower is to operate at ½ of a watt. Studies have neither confirmed nor denied health risks associated with this type of service.

A. 3. The tower will have a fall zone equivalent to its height in all directions. The base of the tower may have a chain link fence to protect against anyone accessing the tower. This will depend upon the type of base construction the tower comes with, as it is to have shielding plates. This fall zone will protect the residents should the tower fall down during a storm. There are currently no buildings on the site.

B. Permitted as Principal Use- In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval in accordance with Chapter 17, and subject to the approval of a Special Use permit in accordance with Chapter 18:

B. 1. Sub-item 3- Applies as the wireless tower will be freestanding and will be 150 feet tall within the Agricultural Zoning District.

C. Special Use Permit Application- The application for a Special Use Permit for a wireless communication facility shall contain, in addition to the requirements of Chapter 18, the following information:

C. 1. Demonstration of Need- A. The closest service provider is in the Village of Quincy on the water tower and at the Star of the West and in Kinderhook at Albright Farms. The signal is by line of sight and for individual residences is best between 3-5 miles. Thus neither of these sites is capable of providing service to the township as they are too far away.

C. 1. B. All residents within the township are within the 3-5 mile range of the proposed tower location.

C. 1. C. Doesn't apply

C. 1. D. There are no obstructions located on this property and it is at the highpoint of the property.

C. 2. Service Area & Power-

C. 2. A. The proposed service area is all of Algansee Township and surrounding areas may be able to pick up the service as well depending on line of site. This does not however ensure that every household within the township will be capable of receiving the signal. It is determined by line of site and depends on the number of trees and height changes between point A and the tower.

Attachment F shows a 3 to 5 mile radius that DMCIbb feels very confident will be able to receive the service. Those outside the circle may be able to receive service depending on line of site.

C. 2. B. The support structure will be freestanding with no guy wires and will be 150 feet in height.

C. 2. C. The signal power is effective radiated power (ERP) at ½ (half) a watt.

C. 3. Map of facilities Nearby- A. There are none in the township, thus no map included.

C. 4. Data on Other Facilities Nearby- A. There is a site on the Quincy water tower and Star of the West silos in Quincy and in Kinderhook at Albright Farms. These sites are too far out to be useable for wireless internet service, thus no data has been provided for these locations.

C. 5. Collocation- A. The township is unable to collocate as there are no other towers within the township. As for the township allowing others to collocate on our tower it would depend on the agreement of the township board, John Shilling and DMCIbb with regard to whether the tower was tall and stable enough to attach whatever it is they want to locate and price involved.

D. Demonstrable Need-

D. 1. Currently residents around the lake have access to cable internet service in addition to dial up. However cable internet access is very limited and will not spread to the other township residents due to extreme costs involved and the distance between homes. Wireless internet service will allow a second option to residents of the township and will go by line of sight and thus is more cost effective and faster than dial up.

E. Site Plan Application and Approval Requirements- The application for Site Plan Approval shall include, in addition to the requirements of Chapter 17, the following information:

E. 1. Fall Zone Certification- A. Due to no engineer certificate, the fall zone shall be 150 feet in all directions from the tower as this is the height of the tower.

E. 2. Description of Security for Removal- A. The township shall be responsible for removal of this tower should the service be no longer needed or technology changes such that this service is no longer feasible. frequencies used are referred to as "Public Space" frequencies. The FAA has been contacted and it is not in a glide path and will not require a light on top of the tower.

E. 4. Lot Size and Access- A. Lot shall be 340 feet by 373 feet or 2.91 acres in size with direct access on Wolf Road. Attachment E

E. 5. Landscaping- A. Existing vegetation shall remain at the location and farming shall continue in the drop zone surrounding the tower. Some brush and small trees will need to be removed from the fence row to accommodate the tower.

E. 6. Fencing- A. A chain link fence may be installed around the base of the tower to ensure no access to the tower.

E. 7. Compatibility of Support Structures- A. The freestanding tower will be metal and least restrictive in size as it can be.

E. 8. Maximum Height- 150 feet

E. 9. Compatibility of Accessory Structures- A. A small 4 foot by 4 foot building will be constructed on site to hold the equipment necessary to operate the wireless internet service. This building will be constructed by DMCIbb.

E. 10. Federal and State Requirements- A. Will meet all the requirements due to output being at ½ a watt.

F. Radio Frequency Emission Standards- same as above, item 10.

Chapter 17- Site Plan Review- The purpose of a site plan review is to provide for consultation and cooperation between the land developer and the Township in order to accomplish the developer's objectives in harmony with the existing and prospective use and development of adjacent properties. It shall be further purpose of this Chapter to insure that each proposed development and its components, appearance, and function is in compliance with this Ordinance, other Township ordinances, and State and Federal laws. These purposes apply to development of previously unimproved sites; to the redevelopment, expansion, contraction or alteration of existing sites; and to the alteration or replacement of existing uses.

Section 17.02 Site Plan Required- Submission of a site plan shall be required for any of the following:

A. 1. Development requires Site Plan per provisions of Ordinance

Section 17.04 Application Process Each request for site plan review shall be accompanied by a completed application form furnished by the Township and shall include the following:

A. 1- 4. See application

A. 1. 5. Project description is the installation of 1 wireless internet tower 150 feet tall on a base pad that will be 20 feet x 20 feet. Shielding plates will be installed to prevent someone from climbing the tower without a ladder.

A.1. 6. Total acreage of the parcels

A.1. 7. Existing zoning classification is Agricultural with the existing buildings located on Ray Quincy Road approximately $\frac{3}{4}$ mile from the proposed site and the area is currently being cropped.

A. 1. 8. Not applicable

A. 1. 9. The tower is to be completed within 30 days of the start of the project and once all permits are obtained.

A. 1. 10. There should be little to no impact on traffic or existing utilities. The site will only average one vehicle per month once the tower is completed and the electric pole is already located across from the lease site. The plan is to bring the power up the fence row to the tower. The natural environment shall remain the same, except for the removal of a few small trees and brush in the fence row.

B. Site Plan Information- Each request for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing, showing the entire site and all land within 150 feet of the site. The scale of the site plan shall not be less than 1 inch=50 feet if the subject property is less than 3 acres, and 1 inch= 100 feet if three acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. The following information shall be included, however the Chairperson of the Planning Commission may, upon written request, determine that some of the required information is not necessary due to the scope and nature of the proposed project:

B. 1. See drawing

B. 2. Owner of Tower- Algansee Township, 378 South Ray Quincy Road, Quincy, Michigan 49082, phone 517-639-4871; Owner of Land: John Shilling, 373 South Ray Quincy Road, Quincy, Michigan 49082, phone 517-639-4194; Owner of Wireless Equipment: DMCI Broadband, LLC, PO box 218 Hillsdale, Michigan 49242, phone 877-936-2442; Company Installing Tower: Maplenet Wireless Inc., 4561 Pine Creek Road, Elkhart, Indiana 46528

B. 3. See drawing

B. 4. No architect involved in developing land sketch.

B. 5. Legal Description: Beg in SE Cor of NM $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ N 170 ft th W 373 ft th S 170 ft th E on S prop line 373 ft also beg in NE Cor of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ S 170 ft th W 373 ft th N 170 ft th E on N prop line 373 ft. sec 22 T7S R5W

B. 6. Area in square feet is 126,820 or 2.91 acres

B. 7. The total parcels equal 251.9 acres, see section map for surrounding parcels (Attachment G, H)

B. 8. The height of elevation of this site is: 1044 feet above sea level. We were unable to print off the topographic map with elevation lines.

B. 9. No existing water courses or drains in area.

B. 10. Existing vegetation fence row where actual tower will be placed and surrounding property is cropland and will continue to be.

B. 11. There are no unique characteristics of this property other than its location to the center of the township which will provide a better range of service to township residents.

B. 12. The entire area is zoned agricultural and is farmed and there are 24 homes plus/minus within a $\frac{1}{2}$ mile radius of the property.

B. 13. All four setbacks will be 150 feet.

B. 14. The existing structures on the property are located $\frac{3}{4}$ mile away on Ray Quincy Road and there is one home within 100 feet of the property line to the East.

B. 15. Campbell Road is located to the North of the site, Wolf Road is located to the East and Ray Quincy Road is located to the West, all having 66 foot right of way.

B. 16. Does not apply

B. 17. Does not apply.

B. 18. There will be no parking spaces developed but will have an access point to the property.

B. 19. No proposed streets, etc. to be developed for this site.

B. 20. Does not apply.

B. 21. Finish grade will be exactly the same as starting grade, no changes to be made.

- B. 22.** The entire project will be visible from the exterior.
- B. 23.** No water will be located at the site.
- B. 24.** No sewer facilities located at this site.
- B. 25.** No storm water facilities needed.
- B. 26.** No fire hydrants
- B. 27.** Electrical is the only utility to be on site and it will be coming from the existing power pole located to the east of the site.
- B. 28.** There will be no soil erosion or sedimentation issues.
- B. 29.** No additional landscaping to occur, other than natural vegetation currently in place.
- B. 30.** No proposed screening to occur.
- B. 31.** No signs to be installed.
- B. 32.** No waste facilities needed
- B. 33.** No underground storage needed.
- B. 34.** No easements.
- B. 35.** No variances needed on this site.
- B. 36.** No performance guarantees planned at this time.
- B. 37.** Applicant will comply with state, local and federal laws as they apply to the wireless internet tower.
- B. 38.** This tower should not have any impact on the items listed.
- B. 39.** No hazardous materials will be stored on this site.
- B. 40.** No known contamination to be located on this property.
- B. 41.** No topographic map provided due to not being able to see the lines on printed copies.
- B. 42.** This will not be a phased development project.
- B. 43.** The proposed shed will have a height of 8 feet or less.
- B. 44.** Unknown at this time what other information may be required.

Chapter 18- Special Use Permits

Section 18.02 Application Process

A. The Application. Application for a special use permit shall be made to the Planning Commission by filing ten (10) copies of an application form with the Township Zoning Administrator. Fees are required to be paid in accordance with the fee schedule in effect as established by the Township Board at the time the application is made. The information required below shall be considered a minimum and the Zoning Administrator, in consultation with the Chairman of the Planning Commission, may require additional information, such as a current survey, that they deem necessary in order for the Planning Commission to make a fully informed decision on the application. The application shall include the following:

- A. 1.** See application
- A. 2.** See application and current zoning is Agricultural
- A. 3.** Algansee Township is making application as the leasing party and the owner of the tower.
- A. 4.** The township may enter the property for inspection purposes.
- A. 5.** See application
- A. 6.** There will be no employees, hours of operation, hazardous materials, traffic generation, or water, sewer, or other infrastructure needs. A zoning permit, County building permit, and FAA licenses will be applied for as needed. A metal freestanding pole will be installed.
- A. 7.** See attached site plan- there will be no signs, parking, walls or additional landscaping. The only fence may be around the base of the tower. There is only one home east of the tower that is within 150 feet of the proposed site. There shall be no outdoor storage.

Section 18.04- meets all conditions. No threat to health safety and welfare of the community.

Glenn Preston motioned to accept the special use request for the wireless communication facilities and support structure based on the facts and findings. Support by Tom Morgan. Motion carried.

8. Next Meeting Date – Next meeting will be the Public Hearing on Proposed Amendments to the Zoning Ordinance and proposed zoning map update will be on January 19, 2008 at 9:00 a.m. at the Pine ridge Bible Church, 280 S. Ray Quincy Rd. The next regular meeting will be January 28, 2008 at 7:00 p.m.

9. Adjournment John Shilling motioned to adjourn. Support by Pricilla Dodd. Motion carried. The meeting was adjourned at 7:30 p.m.

Glenn Preston, Secretary