

Ishpeming Planning Commission
Meeting Minutes for June 08, 2015 (**Agenda items** are in **bold** text)
7:00 P.M. @ Ishpeming Senior Center

A. Call to Order for the Ishpeming Planning Commission was by Chairperson Gabe Seelen at 7:01 P.M.

B. Roll Call – Present: Planning Commissioners Harry Weikel, Mike Tonkin, Lauren Luce, Gabe Seelen, Glen Lerlie, Jim Bertucci, and Larry Bussone.

Absent: Angelo Bosio and Bruce Houghton.

Public present: Mr. & Mrs. Lindberg, UPEA and ABC-10 representatives, Claudia Demarest, Mike Tall, and Al Pierce, Zoning Administrator.

C. Public Comment – None received, closed at 7:02 P.M.

D. Approval of Agenda – The Agenda was approved unanimously as presented upon a motion by Harry Weikel supported by Jim Bertucci.

E. Approval of Previous Meeting Minutes – Upon a motion by Jim Bertucci supported by Glen Lerlie, the meeting minutes of May 04, 2015 were approved unanimously as presented.

F. Presentations – none.

G. Public Hearing – CU 2015-02 ABC 10 - Conditional Use - Proposed 90' Television Monopole Tower

Gabe opened the hearing and provided a brief introduction covering the changes that occurred from the last meeting which resulted in a denial of a requested higher tower. The tower type has changed from a steel lattice to a monopole and the height request has been lowered 10', with a proposed 90' height. The Ishpeming Zoning Board of Appeals has approved a variance for a 90' tower at the requested location. He opened the meeting for Public Comment.

Stan Lindberg, of 573 Mather, stated that he was a 32 year resident of the Eighth Addition and lived about 300' from the proposed tower site. This site formerly was the Miracle Center and housed a variety of small community businesses, now gone. It is presently a broadcast center for ABC-10 and has 7 satellite dishes on the rooftop and a few business on the ground floor. He indicated that there are currently 7 homes for sale in this vicinity and voiced concern that approval of this tower may result in reduced home values. Stan asked for an explanation of just what is a "Conditional Use" anyways. Gabe, Lauren and Al each provided information that a Conditional Use is one that may have impacts upon an area outside of its site and requires a closer review to assess those potential impacts prior to approval or denial. Jeanette Lindberg, also of 573 Mather, stated they are one of the closest homes to the site, is also opposed to the tower request and furnished a typed letter reiterating their concerns (copy of letter attached to these minutes). Public Comment was closed at 7:12 P.M.

UPEA presented a revised site plan depicting a 90' monopole and large size picture of a visual representation of the tower on this site. Ben said the tower location was slightly different than previous to allow for increased separation from the building and an adjacent truck bay as the tower is proposed to be buried 24 feet in the ground in lieu of a concrete foundation, per manufacturer's procedures.

ABC-10 representatives stated that there will not be a lattice type tower but a galvanized finish monopole, and it is now 10' shorter at 90' above grade with about a 3.5' diameter dish at the top. The pole will be about 34" diameter at grade. They indicated there will be no need for a fence to restrict access as the bottom 10 – 12 feet will have climbing pegs removed.

Jeanette stressed the visibility of the pole and emphasized reduced house valuation concerns. She questioned why the pole is now 114' (90' pole + 24' burial). Height, however, is measured above grade for zoning determinations.

ABC – 10 indicated the pole would be about 10" in diameter at the top, signal quality would be greatly improved, and transmission power would be doubled. The timeline for delivery is presently +/- 12 weeks with late September – early October construction.

Stan and Jeanette again requested that this tower be denied approval.

Larry asked if ABC – 10 had investigated other sites. ABC – 10 responded that they had not, since there would still have to be a tower at this site for reception purposes but just a little shorter.

Jeanette asked ABC – 10 if they had known this in advance when the building was purchased. They responded - No, because at that time years ago they had a lease at the Ely Township tower site.

Al expressed his concerns regarding no access restrictions/ fencing at the base of the tower. A discussion ensued with several comments indicating that it probably wasn't necessary, as the pole would be +/- 25' from the building and access to the food bank truck bay will not be impeded. Concrete bollards placed around the pole base would provide protection from accidental impact, an idea that seemed adequate to all.

The following Findings of Fact for Case Number CU2015-02 were noted.

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the owner of record of Lots 17, 18, 19, & the N'y 20' of Lot 20, Cliffs Eighth Addition, City of Ishpeming, MI. The subject parcel is located in the GC (General Commercial) District where the requested use is similar in nature to a Public Utility Substation, a Conditional Use. The Zoning Administrator considers it important that residents within 300' be notified and have opportunity to ask questions and comment. The current building on the parcel serves All Seasons Floral, Morrison Gift Shop, Straight Line Archery, and other businesses in addition to broadcasting.
3. The building contains 2 stories, with broadcast use on the second floor. The West side is on Ash Street, the North on Jopling, and the East side abuts a 24' wide Public alley. Adjacent buildings off site contain State Farm Insurance, UP Home Health and Hospice, and the R.G. Williams Clinic. The East side of the alley contains significant overhead utility lines and the Southwest portion of the site contains an overhead line for a streetlight.
4. The purpose of the Tower is to improve signal coverage and transmitter power, especially important in the case of an emergency alert situation. If approved, this proposed tower would work in conjunction with the Humboldt Township tower. The tower, as proposed, would be a self-supporting monopole tower 90' high embedded 24' below grade, constructed in sections which decrease in cross sectional size as they ascend and is designed in consideration of a 90 mph wind and ¾" of ice. At the top will be a 3 ½ foot diameter dish. Tower access will be via climbing rungs on the tower. No co-location of other wireless providers is proposed.
5. In a worst case scenario a tower can collapse. In a collapse situation, the only building to be affected would be the ABC 10 studio building, per the furnished Site Plan. Vehicles parked in the collapse zone on-site, at UP Home Health, R.G. Williams Clinic, or in the alley or Ash Street (Ishpeming City ownership) could be damaged along with over-head utility lines.
6. On May 04, 2015 the City of Ishpeming Planning Commission denied a Conditional Use request by ABC-10 for a 100' high steel lattice TV tower on this site.

7. On May 19, 2015 the Ishpeming Zoning Board of Appeals approved a Variance from Section 19.1 E. permitting a 90' monopole tower to be less than 90 feet from the property line on this site **subject to** Planning Commission Conditional Use approval of a 90' tower **and** an Insurance Agreement meeting the requirements of the City of Ishpeming Attorney.

8. Stan and Jeanette Lindberg, residents within 300' of the proposed site and notified via the statutory mailing, spoke against approval of the Conditional Use.

Upon a motion by Larry Bussone supported by Harry Weikel, the Conditional Use request to approve a 90' high monopole tower passed unanimously with 2 conditions attached:

- A. The Applicant is to provide an Indemnification and Insurance Agreement meeting the requirements of the City of Ishpeming Attorney that will defend, indemnify and hold harmless the City of Ishpeming in the event of tower collapse or collateral damage.
- B. Concrete bollards be installed around the pole base to provide protection from accidental impact and be added to the Site Plan.

H. New Business

1. Work Schedule for Zoning Ordinance Update

Al discussed with Commissioners the frequency that they desired in meetings with Richard Smith of CUPPAD in working on updates to the Zoning Ordinance. It is estimated that approximately 6-7 more meetings are required with CUPPAD to complete the process with the timeframe of about 12-13 months total. To date, one meeting has occurred where Definitions were focused upon. Options are monthly or every two - three months. By-laws for the Planning Commission were brought into question and Al informed Commissioners that he personally was not aware of any, nor were any other long time members of the Commission. The possibility of meeting with a sub-quorum group of Commissioners (4 or less) to review proposed Zoning Ordinance revisions and make recommendations to the entire Commission at regular meetings was discussed but no action was taken. Upon discussion, it was decided by consensus opinion to proceed on ordinance updates on an every other month schedule with CUPPAD. Al will relay the desired schedule to Richard.

2. Summer PC Meeting Schedule

Upon discussion, it was decided by consensus opinion to cancel the July Planning Commission meeting and resume the meeting schedule with the August meeting.

I. Old Business

1. Status of Marquette County Resource Management Digital Zoning Map Review

Al stated that he continues to not have time to work on map proofing since October, 2014 and it remains uncompleted.

J. Correspondence – None.

K. Meeting Adjournment was passed unanimously, upon a motion by Jim Bertucci supported by Harry Weikel, at 7:50 P.M.

By:



Alan K. Pierce, Zoning Administrator