

Ishpeming Planning Commission
PRELIMINARY Meeting Minutes for May 04, 2015 (**Agenda items** are in **bold text**) DRAFT
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 Angelo Bosio, Mike Tonkin, Lauren Luce, Gabe Seelen, Glen Lerlie, Jim Bertucci and Bruce Houghton.

Absent: Harry Weikel and Larry Bussone.

Public present: Mr. & Mrs. Lindberg, Brian Savolinen and ABC-10 representatives, Claudia Demarest, Mark Slown, and Al Pierce, Zoning Administrator.

C. Public Comment – None.

D. Approval of Agenda – The Agenda was approved unanimously upon a motion by Bruce Houghton supported by Glen Lerlie.

E. Approval of Previous Meeting Minutes – Upon a motion by Jim Bertucci supported by Angelo Bosio, the meeting minutes of April 06, 2015 were approved unanimously as presented.

F. Presentations – none.

G. Public Hearing – CU 2015-01 ABC 10 - Conditional Use for a Proposed 100' Television Tower

Gabe opened the hearing for Public Comment.

Stan and Jeanette Lindberg, 573 Mather Ave., voiced their opposition to the proposed tower calling it an “abomination”. Stan indicated that not only would they have to view the seven satellite dishes on top of the current building, but now there may be a 100’ tower as well. He stated that this does not belong in the City at this residential location and that the request upsets him greatly. Jeanette agreed with her husband and voiced concerns over stray electricity and radiation at the top of the tower. She is vehemently opposed to the proposed tower.

ABC-10 representatives stated that they have lost their tower lease at the Ely Township location and have constructed a new tower in Humboldt Township. The signal is proposed to come directly from Humboldt to this site and this height is needed to clear a ridgeline in the signal pathway. The existing Range Telecommunications Tower in Ishpeming can’t be utilized due to radiation interference with present signals. This proposal will increase transmitting power, coverage area and improve the emergency warning system. Their construction permit expires July 21, 2015. If this tower is not approved they will need a second site, tower, and license and will incur significant expenses and time delays.

Claudia asked if property values would be lowered if this request is approved, a question no one answered. The station manager discussed the technical difficulties of a “fiber” option and the fact that they have already had several SEC permit extensions. Mark inquired if there was a cost estimate on other options but no data was furnished. Gabe asked if this style and type of tower was recommended for this area and received an affirmative answer.

ABC-10 stated that at present, timing is a problem due to license expiration. This is a preferred solution as all technical aspects will be within their control to address. Any other solution requires the acquiescence of another party with a tower, i.e. Charter or NMU. Mark questioned the benefits to the community and was informed that personal reception would be greatly improved. He also questioned design safety with a response that it was engineered to withstand a 90 mph wind and ¾” of ice.

Gabe stated that this is not a good location as it is too close to existing businesses and a residential area. Jim Bertucci indicated that he would not want this tower in his neighborhood. Mike Tonkin questioned the mailing list with 16 names and why no one else came to the meeting. He also asked the size of the tower and was informed that it was 3.5' in diameter at the base. Angelo Bosio felt that this location is one of the nicer areas in Ishpeming. It was noted that the Church bell tower in the Eighth Addition is about 40' in height.

The Lindberg's both stated that construction of this tower would result in the loss of home value for residences in close proximity and continued to express their concerns.

The following Findings of Fact for Case Number CU 2015-01 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 the 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, presumably 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 triangular steel lattice tower 100' high, constructed in sections which decrease in cross sectional size as they ascend and is designed for a 90 mph wind. At the top will be a 3 ½ foot diameter dish. No co-location of other wireless providers are proposed. It is the opinion of ABC 10 that the open lattice tower will be less of an eyesore than a monopole (tubular) tower and less likely to draw your attention as an open lattice.
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 itself, 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. Section 19.1 E. states *"In no case shall the height of ..., wireless transmission poles, ...exceed the horizontal distance from the placement of such structure to the lot line."* In order to comply with this section a variance from the Zoning Board of Appeals is required to be approved.
6. Two residents within 300' of the proposed site, who were notified via the statutory mailing, spoke against approval of the Conditional Use.

Bruce Houghton made a motion, supported by Glen Lerlie, to approve the applicants' Conditional Use request to construct a 100' high steel lattice tower subject to the following conditions:

- A. Action should be contingent upon future receipt of a Variance from Section 19.1 E of the Zoning Ordinance from the Ishpeming Zoning Board of Appeals;
- B. 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.

Commissioners continued to discuss the pros and cons associated with the request. Gabe called for a roll call vote.

Ayes: Glen Lerlie, Jim Bertucci and Bruce Houghton.

Nays: Angelo Bosio, Mike Tonkin, Lauren Luce, and Gabe Seelen.

Motion failed and the request is denied. Gabe encouraged consideration of an alternative site and tower design.

H. New Business

1. Third St. – On-Street Parking Elimination (Park St. to Bessemer St.)

Mark Slown provided background information for the Planning Commission as they also function as the City of Ishpeming Street Commission. This proposal is driven by the future construction of Two roundabouts slated for 2016. Third Street will not have direct access to US-41 upon completion of construction. Presently parking is allowed on the West side of Third Street and not on the East side. The proposal will be to narrow Third St. in order to slow traffic and provide a greenbelt with trees and grass on each side of Third. On-Street parking on Third St. would be eliminated between Park St. and Bessemer St. Mark stated that the trees will reduce noise and can be dwarf varieties. Citizens have not been notified yet and will be given an opportunity to comment. A high curb can be constructed to prevent parking on lawns in the winter. Mowing would be the public's responsibility. Mark stressed that presently he has no commitment for or against the future extension of this narrowing of Third St. further to the South.

Jim Bertucci stated that trees were removed on Third St. in the past during a sewer construction project.

Upon discussion, a motion was made by Bruce Houghton, supported by Lauren Luce, and unanimously passed to recommend to the City Council that a resolution be adopted to eliminate parking on each side of Third St. between Bessemer St. to Park St.

2. CUPPAD - Richard Smith Zoning Ordinance Update - Definitions

Richard presented 26 pages of existing and proposed changes to Definitions. In the following discussion, definitions are identified by quotes (" "). "Road Side Stand" is a definition to be added. "Auction Facility" was added as parking requirements are often necessary. Richard provided an illustration of "Basement" & "Bed and Breakfast". "Outdoor Wood Boilers" will be added. "Buildable Area" will be removed and replaced with "Zoning Envelope" and an illustration. "Child Care Center" is the State definition. "Church" & "Religious Institution" are new. "Common Open Space" & "Greenbelt" are new. Deed restrictions were discussed. "Floor Area, Useable", "Lot Width", "Membership Organization", and "Membrane Storage Structure" are new. Richard shared his thoughts on how recent State court decisions are usurping longstanding agricultural understandings/ practices. NAICS (North American Industry Classification System) will be used informatively within the ordinance. "Use, Change of" is new. Richard was thanked for his efforts to date and left the meeting.

Bruce Houghton left the meeting at 8:45 P.M.

I. Old Business

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

Al stated that he has not had the availability of any time to work on it since October, 2014 and it remains uncompleted.

J. Correspondence – None.

K. Meeting Adjournment was passed unanimously, upon a motion by Angelo Bosio supported by Lauren Luce, at 9:05 P.M.

By: 
Alan K. Pierce, Zoning Administrator