

## GRATTAN TOWNSHIP PLANNING COMMISSION

Regular Meeting of August 1, 2007

### Call to Order/Roll Call

Chairperson Alan Rumbaugh called the regular meeting of the Grattan Township Planning Commission to order at the Grattan Township Hall at 12050 Old Belding Road at 7:00 p.m. Members present: J. Proos, A. Berry, A. Rumbaugh and D. Heffron. Members absent: J. Spitler and L. Sostecke. These absences were excused. Township Supervisor Frank Force, Township Treasurer Sabrina Freeman, Township Zoning Administrator Gregg Converse and Township Attorney Jim Brown also attended the meeting.

### Pledge of Allegiance

A. Rumbaugh led the Pledge of Allegiance.

### Approval of Agenda

A. Rumbaugh added a final review of the proposed Excavator Ordinance as item 10 on the agenda. A. Berry moved and D. Heffron seconded to approve the amended agenda. All ayes. The motion carried.

### Approval of Minutes

A. Berry moved and J. Proos seconded to approve the minutes of the July 11, 2007 Planning Commission meeting as written. All ayes. The motion carried.

### Public Comments

There were no public comments.

### Public Hearing- Larry Cone-3901 Elhart Dr. -Adding Basement and Loft to Nonconforming Lot

Mr. Cone briefly reviewed his proposal to raise the existing house at 3901 Elhart Dr. to add a basement and also add a loft area to the first floor. The driveway would be crushed gravel. He said the footprint of the home would remain the same.

A. Rumbaugh asked if the finished height with the added loft area would be within Township guidelines. Mr. Cone said the house would be 19 ½" tall and would be below the maximum height allowed.

D. Heffron said he was supportive of the proposal. He said it was a realistic way to make the existing house more useable. A. Rumbaugh said the driveway appears to be partially

located on Brian Deaver's property. J. Brown said Mr. Cone must provide the Planning Commission a document that shows his right to use Mr. Deaver's driveway to access his property. Mr. Cone said he is buying land from the Rozegnals who own the route of access. Commission members also asked for documents showing the easement to the house and dock. A. Rumbaugh said the Planning Commission could approve the matter with a condition that the applicant supplies required documentation. A. Berry and J. Proos were supportive. D. Heffron moved and A. Berry seconded to open the public hearing. All ayes. The motion carried.

There was a discussion about use of the Condon property for parking at the house Mr. Cone wishes to remodel. It was noted that there are steps going to this parking area. Mr. Cone said he would park in the garage if his proposal is approved and remove the steps. A. Rumbaugh said it would be wise to clear up this issue with Mr. Condon.

Brian Deaver said he was against the proposal. He said the ordinance says a nonconforming lot and nonconforming house can't be improved upon. Mr. Deaver said if approved he was afraid this request would set a bad precedent allowing smaller parcels to be built upon. Mr. Deaver said he was not confident a thorough study was done to check the structural stability of the existing home. He was concerned about erosion of the very steep hill and the probability of construction equipment blocking the road. Mr. Deaver said he plans to rebuild on his property and that new house would be right on top of Mr. Cone's house.

J. Brown said Section 4.04 authorizes the Planning Commission to consider a special land use if the following standards are met. The property owner is unable to purchase any additional land, the house can't be located on the existing lot and meet standards and the proposed structure won't have an adverse effect on adjacent property.

A. Rumbaugh was concerned that this proposal could cause problems in the future. The small lot size could be difficult for construction equipment to work in and could infringe on the neighbors property.

Mr. Deaver asked where the proposed garage entrance would be located. Mr. Cone said it would face the Imhoffs.

A. Berry moved and J. Proos seconded to close the public hearing. All ayes. The motion carried.

J. Proos liked that the applicant would be using the original footprint. He was opposed to any funneling to the lake. A. Berry said there is a 3' walking access to the lake. Mr. Deaver explained specific details regarding use of the beach and dock. J. Brown said those agreements are between property owners and the Township would have no authority in that matter.

A. Rumbaugh suggested the matter be table until the applicant can supply documentation regarding the access to a driveway from the Condon's, a more detailed engineering plan

explaining how construction equipment would get to the property and how it would be stored there. Mr. Cone agreed to table the matter. D. Heffron said he would like to see something from the company or engineer saying the proposed remodel project can be done in the limited lot space. Mr. Deaver said he would like to know how long the road would be blocked with construction equipment.

A. Berry moved and J. Proos seconded to table the matter until the applicant supplies the requested documentation. All ayes. The motion carried.

Public Hearing- Kathy Farr/Steven Leach- 7500 Tiffany- Land Division and Private Road

Todd Mc Queen briefly explained the proposal. He purchased the land and the house on the front portion. Ms. Farr would like to build on the rear portion. Mr. Mc Queen said he has been looking for property in the area for a long time where he could have a barn and pasture land for horses. He said his family is involved with 4-H.

Mr. Rumbaugh said the Planning Commission discussed this matter in great detail at the July meeting. He noted the applicant could not proceed with this proposal if approved until sealed drawings are submitted to the Township.

D. Heffron moved and J. Proos seconded to open the public hearing. All ayes. The motion carried.

There were no public comments.

D. Heffron moved and A. Berry seconded to close the public hearing. All ayes. The motion carried.

D. Heffron asked if the property was originally part of the Gaslow farm. An audience member said it was. She said the property was split before 1979 and the farm was abandoned.

A. Berry moved and D. Heffron seconded to approve the special land use request. D. Timmons read the roll call. All ayes. The motion carried. Commission members told the applicant to bring his private road information and the approved sealed site plan to the Township offices.

Public Hearing- Harp/Czelada- Request to Install 199' Guyed Communication Tower

Jennifer Czelada explained the proposal for a multi-use communications tower that would provide public service and educational broadcasting. The proposed location meets all Federal guidelines. Ed Czelada said the tower would be a stainless tower with a 24" solid rod. He said an engineering study would be done prior to installation. This type tower needs to be able to withstand sustained winds of 75 mph for 3 hours.

Commissioners asked how many co-locators would be on the tower. The applicants said there would be 2 educational broadcasters and 1 independent repeater with room for one additional carrier.

A representative from the non-profit Independent Repeater Association said amateur radio operators use these towers to improve communication. They recently lost a repeater location in the Belding area. This proposed tower would fill that void. The Czelada's said they would donate space on this tower to the repeater organization. The other carriers on the tower would pay a rental to cover the cost of erecting the tower and property taxes.

A. Rumbaugh asked about liability and who would be responsible for removing the tower if it is not used. Mr. Czelada said the proposed solid leg tower has minimal corrosion. It would only need exterior painting. This type tower has a very long life span.

J. Proos asked why the carriers could not be located on an existing tower. Mr. Czelada said the tower must be located 20 miles from Grand Rapids to protect Grand Rapids radio stations. He said he rents towers in 12 other locations across the state and has had experience with this type tower. D. Heffron asked if this is a non-profit tower. Clayton Hewitt explained that the carriers are non-profit, but the tower is for profit.

A. Berry moved and J. Proos seconded to open the public hearing. All ayes. The motion carried.

Jack Amelar, member of the Lowell Amateur Radio Club, said this tower would be a benefit to the ham radio operators in the area. He said he could not imagine this tower at some point in time would not be used. An audience member said Global Tower located in Florida recently purchased 7000 existing towers, 2000 of which are located in Michigan .

A. Berry moved and D. Heffron seconded to close the public hearing. All ayes. The motion carried.

D. Heffron asked the applicants if they have looked at the tower located directly north of this proposed location at Montcalm and 10-Mile Road . Mr. Czelada said that tower is owned by American Tower . He said he has dealt with that company before and they would not let him locate on their towers in the past. D. Heffron asked about locating on the tower at 5-Mile and Lincoln Lake Road . Mr. Czelada said that tower is too close to Grand Rapids . He said he has a construction permit from the FCC for the proposed tower. He said he was denied once, reduced the power and direction of the tower and then was granted a permit. D. Heffron said the Township has looked closely at towers in the Township and are not looking for lots of towers. The applicants said they would allow a wireless ISP on the tower for residents to use.

There was a discussion about fencing and the size of the equipment building. The applicant said a 15' x 20' equipment building would be adequate. Smaller outdoor

cabinets on a cement pad would also work, but working on the equipment in winter weather is harder with those.

J. Proos asked if the applicants have another site. They said they do not at this time. This location is highly suitable for the tower. Mrs. Czelada said the equipment building probably wouldn't be visible from the road due to the elevation of the property.

D. Heffron said he was not ready to make a decision on this matter. He would like documentation stating existing towers in the area were not suitable. Mr. Czelada said he has a map of the existing towers in the Township. An audience member said wireless cell phone towers and FM broadcasters have different requirements for towers. J. Brown said the Planning Commission could apply additional requirements, but Section 13F1D requires proof that the carriers can't co-locate on an existing tower within 3 miles. Commissioners asked for documentation from a registered professional Engineer that there is no other location for this tower within a 3-mile radius of this site, not just within Grattan Township .

A. Rumbaugh asked Commissioners how they would like to proceed. D. Heffron made a motion to table the matter. Larry Harp questioned Mr. Heffron's intentions noting he has adjacent property and suggested he should excuse himself because of a conflict of interest. Mr. Heffron said he is looking out for the Township. His adjacent land is Ag land and the tower will have no effect. A. Berry said the Planning Commission has used the same procedure with other tower applicants. There was a discussion about approving with conditions. The applicants agreed to install an 8' solid vinyl fence around the base of the tower as shown on the site plan. An audience member said a chain link fence would draw less attention to the tower. A. Rumbaugh asked where the access road would be located. The applicant said the road is already there.

A. Rumbaugh moved to approve the special land use request for a tower with the condition that satisfactory documentation according to section F is provided by the applicant at the next meeting for Commissioners to confirm. A. Berry seconded the motion. Ayes: A. Rumbaugh. Nays: D. Heffron, J. Proos and A. Berry. The motion was denied.

A. Berry moved and D. Heffron seconded to table the matter until the Planning Commission receives additional requested information. Ayes: D. Heffron, J. Proos and A. Berry. Nays: A. Rumbaugh. The motion carried.

#### Review-Commercial Use of any Lake in Grattan Township

A. Rumbaugh informed Commission members of a business in the Grand Rapids area using Reeds Lake for wake board classes. He asked if the Township would have any jurisdiction to regulate commercial activities such as this one on Township lakes. Commission members discussed the matter and agreed to see if DNR regulations would cover this issue. Township Attorney J. Brown also suggested that Commissioners see if a lake front property owner could allow this use.

## Final Review- Excavator Ordinance

J. Brown reviewed proposed changes to Section 3.58 of his draft #1 proposed amendment to the Zoning Ordinance. Commission members discussed what date to use for the 2-year deadline for excavators. Brian Johnson said he would like the 2 years to begin when the ordinance is approved. Commissioners said a public hearing is required for this matter. The Planning Commission will then make a recommendation to the Township Board.

A. Rumbaugh moved and D. Heffron seconded to schedule the matter for public hearing at the September 1, 2007 Planning Commission meeting. All ayes. The motion carried.

## Discussion

A. Berry would like Commissioners to further discuss the regulation of portable on demand (POD) storage units in the Township. J. Brown was not aware of any regulations regarding these storage units. Commissioners agreed there were some legitimate uses for these units and to discuss this matter at a later date.

D. Heffron said he recently attended a national Land Use convention in Grand Rapids . Alan Rumbaugh and Township Supervisor Frank Force also attended. Participants from around the country visited the Grattan/Vergennes area and commented that the Townships were "doing things right".

## Adjournment

There being no further business, A. Rumbaugh declared the meeting adjourned at 9:40 p.m. The next regular Planning Commission meeting will be held on September 5, 2007.

Respectfully submitted,

Diane Timmons

Recording Secretary, GTPC

Al Berry, Secretary, GTPC