

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

January 6, 2010

ARTICLE I. CALL TO ORDER

Chairman Bob Cook called the Planning Commission meeting to order at 7:00 P.M.

MEMBERS PRESENT: Bob Cook, Ed Stielstra, Linda Howell, Al Dogger

MEMBERS ABSENT: Bob Slikkers

STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the December 2, 2009 meeting. Following discussion, **a motion was made by Ed Stielstra and seconded by Linda Howell to approve the minutes as written. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. ZONING ORDINANCE DISCUSSION

Chairman Cook stated the commissioners have been working to create guidelines for the zoning ordinance. Bob Cook opened discussion on guidelines suggested for the ordinance. The discussion addressed the section on Landscaping and Screening.

The consensus was to remove the specific standards noted under General Standards. Items 1 and 2 were also eliminated in this section.

Groundcover will be defined in more generic language without mentioning specific materials. Bare root stock will be allowed in landscaping materials. There were several changes made to the Plant Material Spacing section. The section on Existing Vegetation generated discussion on the potential need for a tree survey and the requirement to be shown on the site plan. Ron Bultje clarified that the requirement would only come into play if there was a “screen” required. There was discussion on the required tree size. It was agreed that it would be nothing less than 12” in caliper would be required to be shown on the plan. A correction was made to item (e) 3. to clarify that it is “temporary” protective fencing to be used during the construction process. Ron Bultje advised that in other townships there is a requirement to maintain the landscaping. Bob Cook questioned if it would be a good idea to put the maintenance stipulation as a requirement. The replacement requirements were discussed with no changes to paragraph 4.

The Commission will continue the review at the February 3 meeting.

ARTICLE IV. NEW BUSINESS

A. I-2000 INCORPORATED SPECIAL USE REQUEST

Steve Van Wieren of I-2000 Incorporated, owner or agent of property located at 6472 140th Street, also known as Parcel #0311-027-006-00, requests a special use permit to construct a wireless internet tower on this property. Property owner Mr. Derek Meshkin was also present.

Mr. Van Wieren explained where the current DSL installations exist along the lakeshore. He explained how there have been challenges serving the Laketown Township customers with the existing units. The proposed property location serves an adequate location for the additional tower to better serve the Township customers without becoming obtrusive to the topography and beautifully wooded area. The tower is modest in size and height with no outbuildings, light or noise. Mr. Van Wieren explained the need for erecting the tower is to provide better service to the local customers.

Chairman Bob Cook opened for public hearing.

Derek Meshkin of 6472 140th Street spoke in support of this special use request to better serve his internet needs and those of his neighbors.

**A motion was made by Al Dogger and seconded by Linda Howell to close the public hearing.
UNANIMOUS DECISION – MOTION APPROVED**

Chairman Cook expressed that he is in favor of the proposal given the importance of high speed communication in today's society as long as the requirements of the ordinance can be met. He asked if there would be a need for a paved road or path to the structure. Mr. Van Wieren expressed that it would be foot traffic only in compliance with his agreement with the property owner, Mr. Meshkin. Bob Cook asked if there were other towers available in the area. Mr. Van Wieren explained that he had attempted to lease access to towers in the area but to no avail. He does have limited access in some areas of Saugatuck but not within the desired two mile range. There are approximately four resident sites served in Laketown Township at this time. This tower would allow access over the dune level and provide service to more customers.

Chairman Cook spoke to the concerns of the setbacks required in the ordinance. He asked if the location had been measured to the lot-line boundaries. Mr. Van Wieren stated that he believes there is about a 40-foot "window" of space in which to place the structure to achieve a 270' separation distance from the house, but not from the building setback line.

Al Meshkin suggested looking at the definition of "tower" in Section 14.B.(0)(3)(5). When the ordinance was written it implied electrical towers. Ron Bultje stated that the definition does apply to this application. Ron suggested that it would be a relatively easy Zoning Board of Appeals dimension variance exception as the neighbors are anxious for the access. Al questioned the separation distance definition and the intent as described in the ordinance table. Ron Bultje cautioned against making the approval too easy providing precedent for future inquiries and in conjunction with adjoining municipalities.

Linda Howell spoke to language in section 2 of the ordinance.

Al Dogger expressed concern over being able to override the language of the variance. Al asked Steve Van Wieren if it is possible to test the access prior to the actual erection. Steve Van Wieren responded that he has some ability to test but it may lend to the outcome of false negatives. He stated that he is very optimistic that he would be able to provide access within three quarters of a mile from the tower or possibly a full mile. He reviewed the locations of the current structures located in the relevant area.

Ed Stielstra asked if it is possible to construct a 60-foot high tower. Steve Van Wieren explained that it would not make good business sense to build a tower of that height. Ed expressed concern over the language of the ordinance and the potential need for review to meet current demands for service. He asked if other municipalities find issue with the ordinance. Ron explained that due to the unique wooded areas in the Township it is more of an issue for Laketown.

Bob Cook asked if the tower on the Township Office property meets the setback requirements. Al Meshkin responded that because it is Township owned property, it does not apply. This would not

hold true for the site in question. Ron Bultje again cautioned against approving an exception that would set an undesirable precedent for future requests.

Bob Cook asked the applicant if he would be willing to go through the Zoning Board of Appeals process. Mr. Van Wieren responded that he does not have a problem in doing so.

Al Dogger explained his situation concerning his inability to have access to high speed internet with the cable company in the area.

Following discussion, **a motion was made by Linda Howell and seconded by Al Dogger to approve the special use request contingent on it meeting the conditions according to the application submitted, requirements in Sections 14.B.08(b)2 and 17.03, in accordance with all verbal representation made at this meeting and also contingent upon approval from the Zoning Board of Appeals in regard to appropriate variations on separation distance and in compliance with all federal, state, county and township provisions. UNANIMOUS DECISION – MOTION APPROVED**

There was further discussion on the necessity to review the ordinance in the very near future to better address the current technology needs as they continue to increase in today's society.

Bob Cook asked that Al Meshkin represent the Planning Commission's position at the Zoning Board of Appeals meeting in February.

ARTICLE V. CITIZEN COMMENTS - None

ARTICLE VI. ADJOURNMENT

Chairman Bob Cook adjourned the meeting at 8:27 P.M. UNANIMOUS DECISION – MOTION APPROVED