

PLANNING COMMISSION

April 1, 2021 Virtual Meeting

The City of Portage Planning Commission virtual meeting of April 1, 2021 was called to order by Vice-Chairperson Joshi at 7:00 p.m.

IN REMOTE ATTENDANCE

Christopher Forth, Deputy Director of Planning & Neighborhood Services; Catherine Kaufman, City Attorney and Kyle Mucha, Zoning & Codes Administrator.

ROLL CALL

Mr. Forth called the roll: Joshi (yes, Traverse City, Michigan); Fries (yes, Portage); Pezzoli (yes, Portage); Baldwin (yes, Portage); Myer (yes, Portage); Youngs (yes, Portage); Freiman (yes, Portage).
Chairperson Corradini & Commissioner Fawley were excused.

APPROVAL OF MINUTES:

A motion was made by Commissioner Baldwin, seconded by Commissioner Pezzoli to approve the February 18, 2021 meeting minutes. Upon roll call vote, Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Freiman (yes); Youngs (abstained). The motion was approved 6-0-1.

NEW BUSINESS:

Special Land Use Permit for AT&T Wireless Communication Tower, 7813 South 12th Street. Deputy Director Forth summarized the staff report, dated March 26, 2021, related to an application submitted by CelluSite on behalf of AT&T Wireless, to construct a 135-foot tall telecommunications tower and related site improvements at 7813 South 12th Street. Todd Wells, AT&T Wireless Legal Counsel, Derek McGrew and Jason Woodward were present virtually to speak on behalf of the application and supporting documents. Mr. Wells summarized the need for the wireless telecommunications tower and provided an overview of the proposed design. Mr. Wells also expressed the opinion that the crosses located on the proposed tower should not be considered advertisement/signs as defined in the City of Portage's ordinance.

Commissioner Fries commented that the current ordinance seems too restrictive and more flexibility is needed. Deputy Director Forth responded that the ordinance is designed to limit the number of telecommunication towers across the city and to promote shared antenna space on existing telecommunication towers. Commissioner Fries raised concerns with the increase of shadows on adjacent properties if a steeple were to be installed on the proposed tower design. Commissioner Fries also raised concerns with allowing signage on a tower, as proposed in the application, and the precedent it will set for future tower installations. Commissioner Fries inquired about locating the proposed tower on city owner property at 8267 South 12th Street. Deputy Director Forth and Mr. Woodward indicated that the parcel at 8267 South 12th Street did not meet the engineering requirements needed for the installation of a telecommunication tower.

Commissioner Youngs inquired with the applicant about the proposed fence height and utility building. Mr. McGrew responded that the utility building would be more in nature with a prefabrication style design, with a majority of the building being visually hidden by a screening fence.

Commissioner Freiman opinioned that an alternative tower structure looks more appealing than a standard cell tower design.

Vice Chairperson Joshi opened the public hearing. Jacob Horvath, 7876 South 12th Street, spoke in opposition to the proposed tower location, indicating that a residentially zoned property is intended to be the most restrictive in terms of development and as such, a telecommunications tower is not in character with the surrounding area. Mr. Horvath also expressed concerns with having the tower be 135 feet in height and suggested that an alternative location should be sought after.

There being no further public comment, Commissioner Fries motion, supported by Commissioner Freiman to close the public hearing. Upon roll call vote, motion passed 7-0.

Commissioner Baldwin inquired with the applicant about the ability to move the tower further south on the property. Mr. McGrew responded that if the proposed tower location is altered beyond 15 feet of the proposed location, new due diligence would be required and additional approval needed for the new amended location. Commissioner Baldwin inquired if the lease with the property owner of 7813 South 12th Street defines the type of tower required; Mr. Woodward responded in the affirmative.

Commissioner Youngs inquired about the type of the design regarding a classical bell steeple look or if the design can be modernized. Deputy Director Forth responded that if the proposed design is to be considered a bell steeple, then architectural elements commonly found with bell steeples should be supplied. Mr. McGrew responded that the proposed structure is most appropriate, as it is designed to match the existing architectural features of the existing building on site.

City Attorney Kaufman reiterated to the Commission that any sign or advertisement elements would need Zoning Board of Appeals approval prior to installation due to city ordinance prohibiting signs on alternative tower structures.

Commissioner Pezzoli expressed the opinion that the proposed design is more in line with a bell tower and not a bell steeple and that an alternative design, such as a flagpole, seems to be more intrusive than what is being proposed in the application. Mr. McGrew, in response to Commissioner Pezzoli's remarks, indicated that flagpole designs cause the internal equipment to overheat and wear out at a higher rate than the proposed design.

Commissioner Youngs expressed concerns with such a large structure being visible from Angling Road and raised an additional concern with the tower structure shadow being cast over US-131.

Vice Chairperson Joshi commended the applicant for proposed tower design and also indicated the need for enhanced wireless coverage due to the increase in wireless device use.

Commissioner Fries restated his concerns with allowing a cross as a sign/advertisement on the proposed tower.

A motion was made by Commissioner Freiman, supported by Commissioner Pezzoli, to accept the staff report as written and approve the Special Land Use Permit for AT&T Wireless at 7813 South 12th Street to allow construction of a 135-foot tall telecommunications tower subject to the following conditions: 1) the proposed tower incorporate architectural elements characteristic of a bell steeple; 2) Zoning Board of Appeals review and approval of a variance to allow a sign(s) on the tower be granted prior to issuance of the building permit; 3) two evergreen plant types at least 6-feet in height planted in a more staggered manner along the east and south sides of the proposed fence. The proposed tower is in close proximity to US-131 and in a highly visible area. This option would create a more natural appearance and reduce the visual impact of a six-foot high solid fence around the base of the tower; 4) subject to Planning Commission review and approval, and subject further to any public comment received during the public hearing, allow placement of the proposed tower in the front yard area adjacent to US-131.

Upon roll call vote: Joshi (yes); Fries (no); Pezzoli (yes); Baldwin (yes); Myer (yes); Youngs (yes); Freiman (yes). Motion passed 6-1.

A motion was made by Commissioner Baldwin, supported by Commissioner Pezzoli, to incorporate bells into the design of the tower. Upon roll call vote: Joshi (yes); Fries (no); Pezzoli (yes); Baldwin (yes); Myer (no); Youngs (no); Freiman (no). Motion failed 4-3.

Site Plan for AT&T Wireless Communications Tower, 7813 South 12th Street. Deputy Director Forth summarized the staff report dated March 26, 2021. Deputy Director Forth indicated City Administration has reviewed the proposed site plan and recommends approval subject to the conditions outlined in the staff report:

No public comment was received regarding the proposed site plan.

A motion was made by Commissioner Youngs, supported by Commissioner Myer, to approve the site plan subject to the three conditions outlined in the staff report: 1) sheet C02 shows installation of an underground electric utility line within an 8- foot wide easement area along the north and east ends of the existing Berean Baptist Church parking lot. Also along the north and east ends of the parking lot is a row of trees that were required for screening purposes as part of the church expansion project in 2002-03 (see current photo to the right). Given the limited amount of area between the edge of asphalt, staff requested that the applicant clearly delineate the location of the tree line and easement area on the site plan to ensure the required screening trees

would not be impacted (refer to the attached Department of Community Development letter dated March 16, 2021). The applicant provided a response in the attached letter that states "the utility easement runs under the approximate location of the tree canopy and no trees are being removed." Staff consulted the City's contract arborist and he stated any trenching within the critical root zone (generally the drip line) can stress and then damage a tree. In order to ensure the trees are not impacted due to installation of the electrical line, the site plan needs to be revised to clearly show the location of the easement area, trench where the electrical line will be buried and the critical root zone for the existing trees; 2) per the Fire Department, the access drive that leads from the parking lot to the fenced in area must be minimum of 20-feet wide for fire apparatus access. The plans show a 12-foot wide access drive; 3) the landscaping around the perimeter of the solid fence enclosure must be consistent with any Special Land Use Permit conditions of approval.

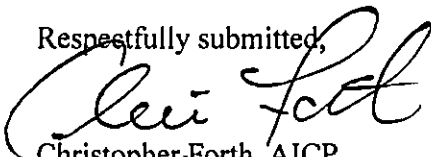
STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Baldwin encouraged citizens to sign up at a vaccination clinic.

ADJOURNMENT:

There being no further business to come before the Commission, a motion was made by Vice Chairperson Joshi, supported by Commissioner Baldwin to adjourn the meeting. Upon roll call vote: Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Youngs (yes); Freiman (yes). The motion passed 7-0. The regularly scheduled meeting was adjourned at 8:24 p.m.

Respectfully submitted,



Christopher Forth, AICP

Deputy Director, Planning, Development & Neighborhood Services