

**PLANNING COMMISSION MEETING  
ESCANABA, MICHIGAN  
July 12, 2018**

A meeting of the Escanaba Planning Commission was held on Thursday, July 12, 2018, at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

**PRESENT:** Chairperson Kel Smyth, Vice-Chairperson Christine Williams, Deputy Secretary James Hellerman, Commissioners Paul Caswell, Richard Clark, Craig Gierke, and Dominic Benetti

**ALSO PRESENT:** Planning and Zoning Administrator Blaine DeGrave, Confidential Secretary Roxanne Spencer, City Clerk Lisa Glish, Acquisitions Agent for PI Tower & Verizon Peter Schau, and City Council Liaison Ronald Beauchamp

**ABSENT:** Secretary Brian Black

Chairperson Smyth called the meeting to order at 6:00 p.m.

**ROLL CALL**

Confidential Secretary Roxanne Spencer conducted roll call.

**APPROVAL/CORRECTION OF THE APRIL 12, 2018 PLANNING COMMISSION MEETING MINUTES**

**A motion was made by Vice Chairperson Williams, seconded by Commissioner Caswell to approve the April 12, 2018 Planning Commission meeting minutes as submitted, with the adjustment of one misspelled word. Ayes were unanimous.**

**APPROVAL/ADJUSTMENTS TO THE APRIL 12, 2018 PLANNING COMMISSION REGULAR MEETING AGENDA**

Under New Business Item 1, discussion will take place regarding adjusting the zoning uses in for commercial buildings. Additional discussion will also take place regarding addressing storage units as an allowed use in specified districts under New Business Item 2, moving Project Updates to New Business Item 3. A motion was made by Commissioner Gierke, seconded by Deputy Secretary Hellerman to amend the agenda as stated above. Ayes were unanimous.

**CONFLICT OF INTEREST DECLARATIONS**

Vice Chairperson Christine Williams asked for clarification on whether the Commission would be taking action on Public Hearing #1 regarding the Communications Tower. If so, she would have a conflict of interest. If not, she does not have a conflict of interest.

**UNFINISHED BUSINESS**

None.

## PUBLIC HEARINGS

### 1. Public Hearing – Proposed Communications Tower Facility at Ness Field – 1619 18<sup>th</sup> Avenue South.

Planning and Zoning Administrator Blaine DeGrave explained that a Public Hearing was going to be held tonight, but information was just recently brought to his attention by Patti Menard (owner of 1710 18th Avenue South) that highlighted an established ordinance which states that wireless communication towers should not be brought before the Planning Commission as an essential service. He apologized for the initial oversight of this ordinance and asked the item be tabled/postponed for one month.

Chairperson Smyth further explained that the Public Hearing was scheduled and brought to the Commission under Ordinance 1028, but that there is another ordinance that deals specifically with wireless telecommunication facilities, and that any action must be done under that part of the ordinance.

Blaine DeGrave added that the tower was initially going to be presented as an essential service as the City was looking at attaching communications to the tower also to communicate with City vehicles. However, under Section 7-95 (b) (7) – Essential Services and Public Utilities, it states “Wireless telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the city’s ordinance and regulations. Siting for telecommunications facilities is a use of land and subject to the city’s zoning ordinance and all other applicable ordinances and regulations”, which does not give authority to bring the tower before the Planning Commission. He asks for the issue to be tabled and allow for the company to determine its next steps, including the right to ask for a variance through the Board of Appeals. He commented that a representative for the Verizon and PI Tower Development, Peter Schau, is present and available for discussion, but it is not appropriate for the Planning Commission to approve or deny the request.

Chairperson Smyth recommended that a motion be considered first to table the item, then to allow for Peter Schau to speak. Commissioner Caswell asked for a point of clarification that the issue would now go to the Board of Appeals for a variance if the developer requests it, but would not come back to the Planning Commission. Blaine confirmed that statement and noted that the public will still have a voice and would be invited to attend the Board of Appeals meeting.

Commissioner Clark addressed the public attendees giving them information on where to find the applicable ordinance for Wireless Telecommunication Facilities on the City’s website, encouraging them to read and review Section 7-95. On behalf of the Planning Commission, Chairperson Smyth thanked the public attendees for coming and apologized for not being able to notify them in advance of the change due the information being received only in the last few days.

**A motion was made by Vice-Chairperson Williams to table the Public Hearing on the Proposed Communications Tower Facility at Ness Field, seconded by Commissioner Hellerman, and approved with unanimous ayes.**

Chairperson Smyth invited Peter Schau to speak about the tower project. Mr. Schau stated he was present of behalf of the applicants PI Tower Development and Verizon. Regarding the location of the tower, research had indicated that in 2003, the City had approved a different company to build a tower there which was never built, signaling the potential of using that location now for a similar project. Taking into consideration general community concerns such

as aesthetics, a 95' tower was proposed in the recreation field area where other poles similar in height already exist. It is to be a shared tower, allowing companies to use the structure as well, decreasing the potential need for other such towers to be built in the future. Regarding the need for the tower, Mr. Schau explained how cell coverage works and that demand has gone up for wireless service necessitating additional coverage, specifically in the south area of the city where few non-residential areas are available to construct a tower. The floor was opened for questions.

Commissioner Hellerman questioned whether the property in the airport area would be a possible and less controversial location. Mr. Schau responded that being closer to the airport would not be possible due to FAA regulations. Additionally, the designer has indicated that to get the proper coverage, the tower would need to be placed east of M-35.

Margo Phalen, owner of 1719 20<sup>st</sup> Avenue South and 1720 21<sup>st</sup> Avenue South, questioned whether there were any alternative sites planned. Mr. Schau indicated that there were no other possible locations in the target area because it is mostly residential.

Patti Derouin, owner of 1700 21st Avenue South, raised the issue of health dangers of cell towers due to electromagnetic radiation. Peter Schau responded that these types of facilities are highly regulated by the FCC and will be monitored for compliance. Commissioner Clark advised that Congress passed an act in 1996 that prohibits local governments from basing their decisions on health reasons in these types of projects; they may consider criteria such as aesthetics and property values, but cannot take health into consideration because it has already been deemed acceptable by the FCC. Commissioner Hellerman stated that since 2015 the FCC has been re-evaluating their levels because previous tests had possibly been contaminated. He further explained that he has personally researched and taken measures against electromagnetic radiation, but also affirmed that health reasons cannot be a consideration of local government decisions. Commissioner Gierke added that power levels of devices have decreased over time due to improved technology, thereby decreasing radiation emissions.

Dan Phalen, owner of 1719 20<sup>st</sup> Avenue South and 1720 21<sup>st</sup> Avenue South, raised four issues that concern him: 1) property values, 2) aesthetics 3) migratory bird routes, and 4) interference with other air signals such as television reception. Mr. Schau responded as follows: Regarding interference, the FCC regulates all frequencies to reduce or eliminate interference. Since power levels drop off past 10-12 feet, unless you were near antennae at the top of the tower, there should be no interference. Regarding migratory birds, because the project is a federal undertaking and under the FCC licensing, a complete work-up of environmental, historical preservation, and other federal concerns was conducted. It was determined that the height and structure of this type of monopole tower would not be a detriment to migratory birds that other taller towers with guywires might be. Regarding aesthetics, the project was designed to get separation distance. Regarding property values, research has shown that homebuyers want to make sure they have good coverage in their homes.

Matt Snyder, representing the Kenneth Marvic Trust which owns 2108 South 18th Street & 2100 South 18th Street, is concerned with falling property values.

Cheryl Jardis, owner of 1612 18th Avenue South, stated that she disagrees with the notion that the tower would negatively affect property values, adding that other things in the neighborhood such as athletic field lights and increased noise and traffic during athletic events are more problematic to property values than a cell tower. She added that their cell service frequently drops in their home, so she is in support of the tower.

Vice-Chairperson Williams asked if the tower will be lit and if so, with a strobe or continuous light. Mr. Schau responded because of proximity to the airport, the FAA requires it to be lit with a white strobe during the day, and red pulsating at night.

Closing the discussion, Chairperson Smyth re-iterated that the Planning Commission would not be taking any action and that if the applicants wished to proceed, the item would be submitted to the Board of Appeals and the public could raise further questions, concerns, and support at that time.

## **NEW BUSINESS**

### **1. Discussion on Adjusting Zoning Ordinances for Unused Commercial Buildings**

Commissioner Gierke expressed the need to expand allowed uses in certain zoning districts so that more businesses could potentially use current vacant commercial buildings, such as wholesale and warehousing, without significantly impacting neighboring businesses. Expanding the allowed uses in the zoning ordinance would enable City administration to approve these types of projects without having to bring them before the Planning Commission.

Vice-Chairperson Williams commented that other uses for these types of buildings she has encountered include senior housing, libraries, and museums (in addition to previously mentioned light manufacturing uses). Commissioner Gierke added he has seen re-use of commercial buildings as car dealerships.

Vice-Chairperson Williams recommended that any changes should be as broad as possible to allow multiple uses. Commissioner Hellerman noted concern about being too broad as to discourage the initial use of those buildings as retail establishments again in the future.

Commissioner Benetti asked for clarification on whether this was referring only to areas along North Lincoln Road, or also on Ludington Street. Blaine DeGrave clarified that it was in reference to Light Manufacturing districts, wherever they may be located in the City, a majority of which are along North Lincoln Road.

Vice-Chairperson Williams raised the issue of making sure the Commission researches what other communities have done well in this regard, with wording specific to certain styles of buildings, primarily the "big box" structures. Their changes to expand allowable uses have complemented their downtown areas and highway areas. Commissioner Gierke suggested that Blaine DeGrave contact the Michigan Municipal League to find out which communities have been successful in this regard, and then contact those communities. Vice-Chairperson Williams commented that she has a list of some of these successful communities, but that they are not necessarily in Michigan. Chairperson Smyth referenced the article sent out by City Manager Patrick Jordan to the Planning Commission this week regarding work the MML has done in this regard.

Commissioner Clark asked if there was anything the Planning Commission does policy-wise to more pro-actively promote filling vacant buildings in light manufacturing districts. Blaine DeGrave responded that there are programs in place for promoting usage in the downtown area, but it does not extend areas outside of downtown. Commissioner Clark asked if CUPPAD is possible source of assistance and Blaine DeGrave agreed that it would be. Commissioner Benetti asked if there were façade-type programs available for areas outside of downtown. Blaine DeGrave said there are not any to his knowledge.

Chairperson Smyth asked Blaine DeGrave to check with MML and CUPPAD to research the issue and make it an agenda item for the next meeting. Commissioner Gierke commented that the Commission should take time to research and deliberate the issue well.

## **2. Discussion on Including Storage Units as Allowed Uses**

Commissioner Hellerman explained that a case recently came to his attention regarding a proposed use of a storage unit to be built in a residential zone. Upon researching, he found that storage units are not mentioned specifically in any section of the ordinance, but with the increasing use of them should be addressed.

Blaine DeGrave stated that currently storage units would not be an allowed use by right in any zoning district and would have to be brought before the Planning Commission as a special land use permit on a case-by-case basis and would require a public hearing. He agrees that more specific language regarding storage units would be helpful in determining which in which districts they would be allowed and which they would not.

Commissioner Hellerman asked if it were requested to place storage units in a non-allowed district, would they then be able to ask for a variance. Blaine DeGrave noted that variances are very difficult to get, since it is required to show hardship, not simply financial benefit. He doesn't recommend that storage units be allowed in Residential A districts, but possibly in multi-family Residential C districts by way of special land use permit.

Vice-Chairperson Williams asked about the proper procedure to make an amendment. Blaine DeGrave believes that a proposal for wording would be presented to the Planning Commission and discussed. The Planning Commission would make a recommendation to the City Council. The City Council would make a final determination.

Commissioner Hellerman volunteered to write a proposal for discussion at the next Planning Commission meeting.

## **3. Project Updates**

- a. **Zoning Board of Appeals Hearings/Decisions:** Blaine DeGrave stated there was nothing new to report.
- b. **Delta County Planning Commission Update:** Vice-Chairperson Williams reported that the Commission is recommending that the Delta County Master Plan be updated and that they will be working with CUPPAD to do so.
- c. **Zoning/Land Use Permit Update:** Blaine DeGrave updated the Planning Commission with the following information:

# **ZONING PERMITS REPORT**

**January 01, 2018 thru July 12, 2018**

4	NEW RESIDENTIAL HOME	\$	1,282,000
10	RESIDENTIAL REMODEL	\$	189,789

2	NEW COMMERCIAL	\$ 1,735,000
3	COMMERCIAL REMODEL	\$ 260,000
1	CHANGE OF USE	\$ -
1	HOME OCCUPATION	\$ -
1	LAND USE PERMIT	\$ -
3	DEMOLITION PERMIT	\$ 21,200
<b>25</b>	<b>TOTAL</b>	<b>\$ 3,487,989</b>

d. **Various:** Commissioner Gierke asked about the status of a property project at the corner of 8<sup>th</sup> Avenue South and South 10<sup>th</sup> Street that has been ongoing for a long period of time. Blaine DeGrave stated he will talk to the owner about his proposed timeline.

Vice-Chairperson Williams asked if there was any update on the MDOT park-and-ride project. Blaine DeGrave does not have any new information. Commissioner Caswell addressed Craig Woerpel who indicated that an alternative location at Meijer had been accepted.

**GENERAL PUBLIC COMMENT**

None.

**COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS**

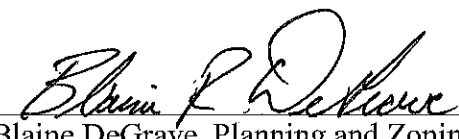
None.

**ADJOURNMENT**

**A motion was made by Vice-Chairperson Williams, seconded by Commissioner Caswell, to adjourn the meeting. Ayes were unanimous.**

The meeting adjourned at 7:05 p.m.

  
 Kel Smyth, Chairperson  
 Escanaba Planning Commission

  
 Blaine DeGrave, Planning and Zoning Admin  
 City of Escanaba

\_\_\_\_\_  
 Christine Williams, Vice-Chairperson  
 Escanaba Planning Commission