

Pine Grove Township

Planning Commission

Regular Meeting/Public Hearing

26520 CR 388, Gobles, MI 49055

September 19, 2022 6:00 p.m.

1. **Call to Order:** Meeting called to order at 6:00 p.m. by Chair Kehoe
2. **Roll Call: Present:** Kehoe, Hill, D. Marculis, Brown, Richardson, Yaple, K. Marculis.
3. **Approval of Agenda for September 19, 2022:** *Motion by Brown, supported by Hill to approve the agenda. All yes, motion carried.*
4. **Approval of Minutes for July 11, 2022:** *Motion by Hill, supported by Kehoe to approve the Minutes as presented. All yes, motion carried.*
5. **Public Comment on Non-Agenda Items:** None
6. **New Business:**
 1. **Drobny SLU Modification Request Public Hearing:** Kehoe gave instructions on how the Public Hearing will take place.

OPEN PUBLIC HEARING: 6:02 PM

Bear Priest gave a short summary of the Drobny SLU which had been approved by the board on a 5-acre parcel that had an existing dwelling and then added the Cell Tower Site. The Drobny estate is now asking to split the 5 acres parcel into two separate parcels, each with over 2 acres, with the dwelling on one parcel and the cell tower site on the other parcel. Priest stated that the applicant would still need to get a variance for the tower setback to the new parcel where the dwelling is. Priest stated that it would be very hard to get a 201 ft. setback, which is the tower height, away from the new side property line. Priest also stated that another Lease Agreement would have to be obtained if the parcel was split as each parcel would have a new parcel #. Priest stated that the ordinance reads, “the tower height is the set back to any property zoned that can be used for residential purposes.” Priest stated that currently the way the plans are drawn up in the application, the base of the tower would be 50 ft from the side property line. Priest stated that that is what the would be the decision of the ZBA to give a 151 variance to the 201 ft. set back requirement.

Rebecca Harvey stated that PC’s function is not to approve or disapprove the land division, even though it is the land division that it making the SLU come back before the PC. Harvey stated that what the PC is being asked to do is review the facts of the conditions under which the PC approved the SLU, stating that all the SLU criteria we being met. Harvey stated that you do not want to create a land division that is going to place some element of this use in a non-conforming status, which the land division would be doing. Harvey stated that the PC has to look at whether or not by virtue of them being 50 ft. from a property line instead of 200 ft., is that then going to meet the SLU criteria.

The applicant, Mr. Drobny, stated that nothing is changing, other than instead of having a renter in the dwelling, the idea is to split the property and then sell the parcel that the dwelling is on.

Hearing no other public comment, Kehoe closed the public hearing.

CLOSE PUBLIC HEARING: 6:16 P.M.

Review Criteria: ZO. 8.24 C Wireless Communication Facilities; Standards and Conditions:

1. **Public Health and Safety:** Kehoe stated that originally, the PC found that the tower was not detrimental to the public health, safety and welfare and does not see how this proposed modification would change that. Kehoe ask for comments, hearing none, move to #2.
2. **Harmony with Surroundings:** Would continue to be met.
3. **Compliance with Federal, State and Local Standards:** Would continue to be met.
4. **Maximum Height:** Would continue to be met.
5. **Minimum Setbacks:** Kehoe stated that the original SLU required with a 205 ft. tower, that there be at least the 205 ft. set back to the property line which was just met with the way it was cited. Kehoe stated that the proposed land division would reduce that substantially by $\frac{3}{4}$ and the wording in the standard states “wireless minimum setbacks shall be no less than the total height of the structure and attachments as well. Kehoe stated that clearly there isn’t so there could be no other finding that this application would not be in compliance with this standard and condition. Kehoe asked for comments. Hearing none, moved on the #7
6. **Access:** Would continue to be met.
7. **Division of Property:** Kehoe stated that if the proposed lot division were to take place the, then that lot size and width requirement would all be met. Priest stated that it would be important to remember that the division would create a non-conforming parcel if approved by the ZBA.
8. **Equipment Enclosure:** Would continue to be met.
9. **Design Objectives:** Would continue to be met.
10. **Fencing:** Would continue to be met.
11. **Structural Integrity:** Would continue to be met.
12. **Maintenance:** Would continue to be met.

Kehoe stated that after a review of the Standards and Conditions, they were all met with the exception of the standard for the setbacks in #5 and #7.

Review Criteria: ZO 7.03 Special Land Use Review Criteria:

After a review of Criteria #1 through #9, the PC found that all criteria would continue to be met, with the exception of:

#5, finding that the proposed modification is found to be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood as it does not meet all the setback requirements.

#9 finding that it cannot be met given that the standard states that there has to be a setback of 201 ft. and this modification would drop that set back to only 50 ft.

Motion made by Kehoe, supported by D. Marculis to deny the application for the special land use permit modification based on the finding of this Planning Commission from the evidence produced at the hearing and review of the standards that the project does not meet the standards, specifically the Special Land Use Review Criteria 7.03, #5, and #9. Hearing no discussion, Kehoe asked for a Roll Call vote: Roll Call: Hill – yes, D. Marculis – yes, Brown – yes, Richardson – yes, Yapple – yes, K. Marculis – yes, Kehoe – yes. All yes, motion carried. The application is denied.

2. **Solar and Wind Discussion:** Kehoe stated that it is his opinion after attending some recent training pertaining to wind and solar fields that the Zoning Ordinance should be review to determine what the township zoning ordinance would cover and how the township would respond if Consumers or a private entity came in and stated that they wanted to establish a 200, 400, 1000 acres solar or wind farm. Kehoe also stated that the Master Plan for the township has a reference to renewable energy and states that the township should be fostering a sustainable community, includes cultivating renewable energy utilization of wind, solar and other alternative energy systems should be encourage, additionally, the township should study wind and solar power and consider policy and zoning ordinance provisions that address the installation and use of wind energy systems and solar panels to insure they are located and designed so as to minimize any negative

impacts on neighboring properties. Kehoe stated that when this last review was completed, he was not contemplating 1000 acres solar farms that are now happening across the state and thinks this particular township with the major power lines that go through is a prime location for it and based on the training that he attended, it's not a matter if it's going to happen but rather when it happens. Kehoe suggested that the PC ask Rebecca Harvey to review the ordinances specifically as to what the impact would be if a large-scale system came in. D. Marculis stated that the board has a mandatory meeting for October 17th and she will contact Rebecca Harvey and ask her to make that review and present it at the October meeting.

Kehoe also asked Priest if the township should be looking at a scaled escrow fee depending on the size of future projects that come in and Priest stated absolutely, however, that is a Township Board issue

7. **Public Comment on Agenda Items: None**

8. **Old Business:**

1. **Vintage Rose Barn:** Priest gave an update on the Vintage Rose Barn.

9. **Commission Comments:** Kehoe stated that the Master Plan was last done in 2017 and is to be reviewed every 5 years. Kehoe asked that the Master Plan be put on the October agenda.

10. **Adjournment: Motion made by Hill, supported by Brown to adjourn. All yes, motion carried.**
Adjourned at 7:11 p.m.

Next Meeting(s): For 2022: Oct 17th Nov 21st Dec 19th

All meetings: 6:00 p.m.

Respectfully,

Deborah Marculis

Deborah Marculis, Secretary, Pine Grove Twp. Planning Commission