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Date: July 14, 2010
Revised: August 11, 2010

Special Land Use Review For Augusta Charter Township, Michigan

GENERAL INFORMATION

Applicant: Judd Chaille
AT&T Mobility
28602 CR 50
Napanee, IN 46550

Project Name: AT&T Tower SLU

Plan Date: June 7, 2010

Revised Plan Date: N/A

Location: 11650 Butler Road - West side of Butler, between Willow and Czinski Roads

Zoning: AR, Agriculture/Residential

Action Requested: Special Land Use approval

Required Information: As may be indicated in the following sections of this analysis.

PROJECT AND SITE DESCRIPTION

The applicant is requesting special land use approval to construct a 220-foot self-supporting lattice cellular tower and accessory equipment structures. The subject parcels are located on the west side of Butler Road, between Willow and Czinski Roads, and has an existing residential structure and seven (7) accessory buildings. Access to the proposed lease area, containing the proposed tower and equipment structures, would be by way of a proposed twenty (20) foot wide gravel drive 130 feet north of the on-site residence's drive and 33 feet south of the northern neighbors existing gravel drive. AT&T will be leasing a 100'x100' area of land northeast of the

existing structures. As proposed, the tower is located on portions of two (2) contiguous properties under the same ownership. This location has been modified since our initial review.

The subject site is zoned AR, Agriculture/Residential. Wireless communication facilities are considered Special Uses in the AR zoning district, and are subject to the standards provided in Section 6.24 of the Zoning Ordinance. A complete site plan review will be conducted after special use approval has been granted.

An aerial photo depicting the location of the site and its surroundings is shown in Figure 1, below:

Figure 1
Aerial Photo and Site Location



SPECIAL USE CONSIDERATIONS

The Zoning Ordinance permits wireless communication facilities on properties zoned AR, Agriculture Residential as a special land use. Special land uses are those that call for special consideration to prevent potential impacts to the natural environment, the character of the surrounding area, public services and facilities, and adjacent land uses. Section 4.4 of the Zoning Ordinance provides criteria by which special land uses are to be reviewed. The criteria are as follows:

1. Will the proposal be harmonious and in accordance with the general objectives or any specific objectives of the Augusta Township Master Plan?

COMMENT: While the proliferation of cellular towers is generally inconsistent with the Master Plan's goal to maintain the rural/agricultural character of the Township, the construction of towers capable of multiple co-locations to limit their proliferation is desirable.

2. Will the proposal be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and not change the essential character of the area?

COMMENT: The applicant has provided a statement that the tower is setback greater than the proposed height of the structure; however, the drawings provided are not to scale. We are unable to verify whether the tower meets the dimensional requirements of the ordinance. A six (6)-foot chain link fence with three (3) strands of barbed wire (total 7-feet in height) is proposed. These items will be reviewed further during the site plan review process.

3. Will the proposal be hazardous or disturbing to existing or future neighboring uses?

COMMENT: The proposed tower is not expected to pose a hazard to current or future neighboring uses; however, due to the reduced scale of the provided drawings we are unable to determine whether the fall zone of the tower is contained within the subject property.

4. Will the proposal be an improvement in relation to property in the immediate vicinity and to the Township as a whole?

COMMENT: The applicant has indicated that the resulting cellular service coverage would be an improvement over current conditions.

5. Will the proposal be served adequately by essential public services and facilities or will the individuals responsible for the establishment of the proposed use provide adequately any such service or facility?

COMMENT: The proposal will not require public utilities beyond the electrical and telecommunication lines shown.

6. Will the proposal create excessive additional requirements or public costs for public facilities and services, and will it be detrimental to the economic welfare of the Township?

COMMENT: The proposal is not anticipated to create excessive additional cost to the public. A removal bond should be secured to ensure that no public funds are necessary to remove the structures should they fall into disuse.

7. Will the proposal be consistent with and in accordance with the spirit and intent of the Zoning Ordinance?

COMMENT: The spirit and intent of the Zoning Ordinance can be insured by addressing those issues raised in our site plan review provided under separate cover.

Items to be Addressed: 1) Provide adequately scaled drawings for site plan review; 2) Post a removal bond in an amount acceptable to the Township.

WIRELESS COMMUNICATION FACILITIES STANDARDS

Section 6.24 of the Zoning Ordinance provides additional standards of review specifically for the purpose of locating and designing wireless communication facilities in the Township. This section states, *All applications for wireless communication facilities shall be reviewed, construction and maintained in accordance with the following standards and conditions.*

1. Conditions:

a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

COMMENT: The applicant has provided that the proposed tower will not be harmful to the health, safety, public convenience and/or general welfare of the community.

b. Facilities shall be located and designed to be harmonious with the surrounding areas.

COMMENT: While the applicant states that AT&T Mobility takes great care in trying to position towers so as to minimize the effects on the public's viewshed. We have concerns regarding the proximity of the tower and its appurtenances to the northern neighbor's property line and existing residential structure.

Further, the tower is currently proposed to be located on portions of two (2) separate parcels of common ownership. The tower location should be relocated so that the site is contained on one (1) parcel or the owner should consider combining the properties into a single parcel. As the site is currently configured it is difficult to determine whether applicable setbacks have been met.

- c. Facilities shall comply with applicable Federal and State standards relative to the environmental effects of radio frequency emissions.**

COMMENT: The applicant states that AT&T will comply with all FCC and FAA rules governing construction requirements, technical standards, lighting, interference protection, power and height limitations, and radio frequency standards.

- d. The applicant shall demonstrate the need for the proposed facility to be located as proposed, based upon the presence of one or more of the following factors:**

- i. Proximity to a major thoroughfare.**
- ii. Areas of population concentration.**
- iii. Concentrations of commercial, industrial and/or other business centers.**
- iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.**
- v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.**
- vi. Other specifically identified reasons creating facility need.**

COMMENT: The applicant provides that their need for the tower is due to exacting coverage objectives. They have provided a demonstration of current coverage and coverage if the existing T-Mobile tower was utilized (see propagation maps included with application). Further, the applicant has stated that the distance from the T-Mobile tower was too far, and would not allow adequate coverage within their target area. The applicant has not provided any alternative sites that may adequately meet coverage needs.

2. The following additional standards shall be met:

- a. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.**

COMMENT: The applicant has provided additional propagation maps demonstrating the 220' option (in comparison to 150') provides 5% more coverage or 4.6 square miles of better in-building and in-car coverage.

- b. A proposed accessory building to enclose switching equipment shall be limited to maximum height in direct relation to the amount and type of screening being proposed to be implemented.**

COMMENT: This will be further reviewed as part of the site plan review process. The applicant has provided a landscaped buffer comprised of sixty-three (63) arborvitae plantings surrounding the fenced area.

c. Setbacks.

- i. Residential Dwellings:** The setback of a proposed new support structure shall be 150 feet or the height of the support structure, whichever is greater. The required setback shall be measured from the property line of any adjacent zoning district that permits residential dwellings, or from the property line of any adjacent property, in any non-residential district, containing a residential building.

COMMENT: The applicant has provided a “fall zone” letter signed and sealed by a licensed professional engineer which states the tower is designed to “collapse within a radius of 160 feet”. One hundred and sixty (160) feet however, does not meet the required residential structure setback. Further, while the drawing was not provided to scale, it appears that the neither the property owner’s residence nor the northern property line meet the 220-foot setback requirement. The applicant may consider applying for a dimensional setback variance if the site plan is not modified to meet the standards of the ordinance.

- ii. Public Right-of-Way:** The setback of a proposed support structure shall be 150 feet, or the height of the support structure, whichever is greater.

COMMENT: Again, we cannot determine from the unscaled drawings submitted whether this criteria has been met.

- iii. From Non-Residential Parcels:** Where a proposed new support structure abuts a parcel of land planned, zoned or used for a non-residential use (commercial or industrial), and does not contain a residential dwelling, the minimum setback of the structure shall be fifty (50) percent of the height of the support structure.

COMMENT: This criterion does not apply, as there are no non-residential parcels in the vicinity of the proposed tower.

- d. Where an existing structure will serve as an attached wireless communication facility, setbacks of the existing structure shall not be materially changed or altered, based upon a determination by the Planning Commission and Township Board.**

COMMENT: This criterion does not apply, as the applicant is requesting a new communication structure.

- e. There shall be an access drive to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of 14 feet in width.**

COMMENT: A fourteen (14)-foot wide driveway is proposed within the twenty (20)-foot wide access easement.

- f. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.**

COMMENT: This criterion does not apply. AT&T is leasing the property not purchasing.

- g. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with or enclosed within the principal building.**

COMMENT: This criterion does not apply.

- h. The Planning Commission and Township Board shall review and approve the color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.**

COMMENT: Detail of the tower and accessory structures will be required for site plan review.

- i. The support structure system shall be constructed in accordance with federal, state and local codes, including all applicable building codes. Submission for building permit shall include the submission of a soil report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil boring so and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communications Commission and Michigan Aeronautics Commission shall be noted.**

COMMENTS: The applicant indicates that they will provide this information prior to requesting a building permit.

- j. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonable prudent standard.**

COMMENTS: The applicant indicates that a maintenance plan will be submitted as part of the site plan application.

- k. An open weave wire fence at least 6 feet in height shall be constructed and set away from the base of the tower at least 10 feet in all directions.**

COMMENTS: The drawings provided indicate a seven (7)-foot chain link and barbed wire fence will surround the structure and accessory buildings.

- l. Advertising signs are prohibited on tower structures.**

COMMENTS: The applicant has indicated that no signs other than warning placards will be displayed.

- m. Only the minimum lighting standards required by the FAA shall be placed on the tower structure.**

COMMENTS: The applicant indicated that they will only provide lighting based upon FAA standards.

- n. The proposal shall be reviewed in conformity with the Collocation requirements of sub-section D.**

COMMENTS: See section on collocation below.

Items to be Addressed: 1) Consider modifying location of structure in order to meet setback requirements. 2) Combine parcels or relocated tower onto one (1) property. 3) Provide scaled drawings for site plan review.

COLLOCATION

The tower is proposed to hold four (4) antennas. Therefore, three (3) additional carriers could collocate on the tower in the future. This should be included as a condition of approval.

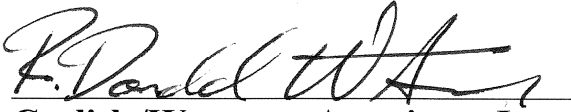
Items to be Addressed: *None.*

CONCLUSION

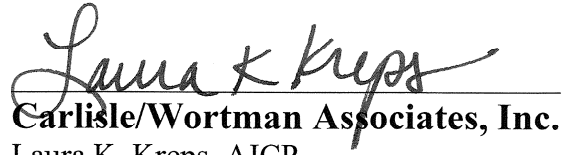
The Planning Commission must determine if the proposed Special Land Use meets the criteria of Section 4.4. We suggest the applicant consider lowering the height of the proposed tower and utilize a monopole structure. This review provides an analysis and comment regarding compliance with those established criteria. If the Planning Commission finds the proposal meets those criteria, they may wish to consider the following conditions of approval, pursuant to Section 6.24:

1. Relocate tower onto one (1) parcel or combine parcels into one.
2. Provide appropriately scaled drawings for site plan review, specifically to determine whether minimum setback standards have been met.
3. Address the concerns identified in our initial review of the site plan.
4. Post a removal bond in an amount acceptable to the Township.
5. Allow a minimum of three (3) additional co-locations on the tower (as shown on the proposed site plan)

We look forward to discussing this matter with you further at the next available Planning Commission meeting.



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