

# RJP CONSULTING

January 26, 2024

Kasson Township  
ATTN: Planning Commission  
c/o Zoning Administrator  
10988 S. Newman Road  
Maple City, MI 49664

Re: *TAG Towers and Verizon Wireless' Application for Special Use Permit ("Application") for 255' Wireless Telecommunication Facility at 2488 W. Empire Hwy, Empire, MI 49630 – Tax Parcel #007-020-008-00 ("Property")*

Dear Planning Commission:

We represent TAG Towers and Verizon Wireless ("Applicant") with respect to the above referenced matter. Enclosed with this correspondence are the following:

1. Completed Signed Application for Special Use Permit (**Exhibit A**).
2. Signed and Certified Site Plan (**Exhibit B**).
3. Radio Frequency Maps demonstrating gap/need for coverage (**Exhibit C**).
4. Map of Existing Nearby Towers (**Exhibit D**).

In addition to the foregoing attachments, set forth below is a description of the criteria of Section 7.7 of the Kasson Township Ordinance ("Ordinance") and a response as to how TAG Towers and Verizon Wireless has met each of these respective requirements under the Ordinance. We respectfully ask that the Applicant's Application be considered by the Planning Commission at the first available date.

## INTRODUCTION

As reflected in the Applicant's responses below, it is necessary for the Applicant to erect a 255' self-support lattice tower (with 4' maximum lighting rod on top) and accompanying equipment ("Proposed Facility") at the property located at 2488 W. Empire Hwy, Empire, MI 49630 ("Site"), so it can remediate an existing gap in network coverage in the area surrounding the Site and improve its network reliability.

It is always Verizon's preference to collocate on existing structures whenever possible. Unfortunately, in this case, there are no existing structures in the area, so Verizon Wireless has no choice but to propose a new tower. Please see exhibit D, which shows that Verizon Wireless is already on the nearest existing towers to this location.

Verizon Wireless desires to provide Kasson Township with dependable wireless service. It is essential that Verizon Wireless be allowed to develop their network in such a way that enables them to provide adequate coverage

to their existing and future customers in and through this area. Verizon Wireless has a Radio Frequency License from the FCC for the State of Michigan. The FCC requires its licensees to provide adequate and reliable service in the licensed area as specified in Title 47, Part 24.103 of the Code of Federal Regulations. To fulfill this requirement for their FCC license, Verizon Wireless needs to provide continuous, uninterrupted wireless communication service in the area that is the subject of this Application. Without the proposed site, Verizon Wireless will suffer several hardships: 1.) disruption of the network design; 2.) compromising needed coverage; and 3.) Verizon Wireless' inability to provide adequate and reliable coverage to the public, among others. The Proposed Facility will allow Verizon Wireless to provide the quality of service required by the FCC and demanded by the public.

The Proposed Facility will be designed and constructed to meet applicable governmental, health and industry safety standards. Specifically, the Applicant will comply with all FCC and FAA rules governing construction requirements, technical standards, lighting, interference protection, power and height limitations and radio frequency standards.

## **ORDINANCE ANALYSIS**

### **Section 7.7 Basis For Determination:**

- A. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.

**RESPONSE: Wireless Communication Towers (WCT) are a permitted use in the GR District at 90'. There is no provision for a taller height but under Section 5.11, an SUP can be obtained for a height taller than 90'. The fact that the ordinance allows a "Point to Point Telecommunication Tower" to be taller than 90' with an SUP and does not allow that for a WCT, effectively makes the ordinance prohibitive against WCT which is illegal under the 1996 Telecommunication Act. A 90' height limit is arbitrary and capricious in the fact that such a low height would require multiple towers to cover the same geographic area as one taller tower. And with the rural nature of the township along with the existing extensive foliage, render the shorter towers ineffective, again a violation of the 1996 Telecommunication Act. Towers such as the Proposed Facility are consistent with such districts especially along major state highways. It is not uncommon to find much larger structures, such as High Voltage Transmission Lines or Wind Turbines in many agricultural areas such as this. The Proposed Facility has been placed behind a large berm and away from neighboring parcels, it is also located within an active gravel mining operation.**

- B. Not be hazardous or disturbing to existing uses in the same general vicinity and will not have adverse effects on the market value of surrounding property and to the community as a whole.

**RESPONSE: The Proposed Facility meets this requirement because it is located within an active gravel mining operation and is screened from adjacent parcels by berms and tree lines. The Proposed Facility will not have a negative impact on property values.**

- C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.

**RESPONSE: The small, unmanned facility will not generate demand for drainage structures, refuse disposal, schools, police, or fire protection. In fact, the Proposed Facility will enhance public safety by providing wireless service to residents so they can call 911 in emergency situations.**

- D. Will not create excessive additional requirements at public cost for public facilities and services.

**RESPONSE:** The small, unmanned facility will not generate demand for additional public services and will not increase demand for existing energy sources. The equipment will connect to and use utility systems (electrical and fiber optic lines) that are already present on the subject parcel. The proposed facility will not require the use of services such as water or sewer. Electrical power and fiber optic services are the only necessary utilities.

- E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes, glare, noise odors or dust.

**RESPONSE:** The Proposed Facility will operate within all federal, state, and local rules and regulations. It will not generate any dust, fumes, or odors. The Proposed Facility will operate within the township's noise ordinance. The tower will be lit at the top and midway point and will utilize a minimal impact halogen lighting system. The lights will blink red at night and white during the day. The lighting system utilizes horizontal beam technology that significantly limits visual pollution to the surrounding area.

- F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.

**RESPONSE:** The Proposed Facility meets this requirement because it is located within an active gravel mining operation, this is a very industrial land use, and the Proposed Facility will fit harmoniously with the existing use.

- G. Will not directly or indirectly have a substantial adverse effect upon the natural resources of the Township. Including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas, and major sand, gravel, or mineral deposits.

**RESPONSE:** The Proposed Facility will be located in an existing active gravel mining operation. It will have no impact on agricultural lands, water recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas, and major sand, gravel, or mineral deposits.

- H. Structures, landscaping, or other land uses will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Leelanau County Drainage Commission requirements.

**RESPONSE:** The Proposed Facility will request an SESC permit from the Drain Commission upon SUP approval. The Proposed Facility footprint is so small in nature, it will not have a negative impact on the current water drainage system.

- I. Phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

**RESPONSE:** The Proposed Facility will be built efficiently with multiple phases and tasks being done at once to maximize the process and reduce the timeline for completion.

- J. Phases of development must also be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, Agricultural Soil Conservation Service, area fire departments, the DNR and other applicable township state and federal statutes.

**RESPONSE:** The Proposed Facility will comply with this requirement.

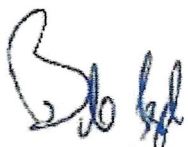
## OTHER LEGAL CONSIDERATIONS

### A. Applicable Federal Law

The Telecommunications Act of 1996, 47 USC §§151-614 (2001) (effective Feb. 8, 1996) (“TCA”) provides certain limitations on the powers of local zoning authorities with respect to the regulation, placement, and construction of wireless service facilities. Specifically, the TCA provides that any regulation by the Township with respect to decisions involving wireless telecommunication towers “shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 USC 332(c)(7)(B)(i)(I), emphasis added. The TCA further provides that “any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence.” 47 USC 332(c)(7)(B)(iii), emphasis added.

It is the Applicant’s position that its Application for Special Use Permit to construct the Proposed Facility, as demonstrated herein, meets and/or exceeds all the review standards set forth in the Ordinance. Therefore, the Applicant respectfully requests that its requested Special Use Permit be approved by the Planning Commission.

Sincerely,



Bob Przybylo  
RJP Consulting, Inc. o/b/o TAG Towers and Verizon Wireless

# **EXHIBIT A**

# KASSON TOWNSHIP PLANNING/ZONING APPLICATION

- CONCEPTUAL DEVELOPMENT PLAN REVIEW (PLANNED DEVELOPMENT)
- DEVELOPMENT SITE PLAN REVIEW
- SPECIAL USE PERMIT - EARTH REMOVAL, QUARRYING, GRAVEL PROCESSING, MINING OP'S
- SPECIAL USE PERMIT - ALL OTHERS
- SPECIAL USE PERMIT RENEWAL
- REZONING PETITION
- ZONING BOARD OF APPEALS PETITION

In addition to this application form, you must submit one or more addenda, corresponding to the box(es) you checked above.

**APPLICANT INFORMATION:**

Name(s) CERCO PARTNERSHIP DBA VEMZON WINDLESS & T&H TOWERS Phone 248-613-4399  
 Street 24242 NORTHWESTERN HWY  
 City SOUTHFIELD State MI Zip 48075  
 Relationship of Applicant to Owner (If different) LESSOR

**OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):**

Name(s) BLUMENS REAL ESTATE COMPANY LLC Phone 231-642-1935  
 Street PO BOX 6150  
 City TRAVLST CITY State MI Zip 49685

**OTHER CONTACT INFORMATION (IF NECESSARY):**

Name(s) BOB PRZYBYLO RJP CONSULTING Phone 248-613-4399  
 Street 3300 BURNING BUSH RD.  
 City BLOOMFIELD HILLS State MI Zip 48301

**PROPERTY INFORMATION:**

Address or Description 2488 W. EMPINE HWY, EMPINE, MI 49630  
 Tax Parcel Number 007-020-008-00 (Also attach full legal description. A copy of the deed or land contract is acceptable)

- Current Zoning:  Ag  Forest  Commercial  Gravel  HD Village  PD  SPD
- Proposed Zoning:  Ag  Forest  Commercial  Gravel  HD Village  PD  SPD

# KASSON TOWNSHIP PLANNING/ZONING APPLICATION

**ACKNOWLEDGEMENT AND CERTIFICATION:**

It is hereby acknowledged by the undersigned, that all information provided on this application, any addendum, and other supporting documentation is true and correct to the best of my(our) knowledge. In the case of a Zoning Board of Appeals Petition, it is further acknowledged that any approval of the ZBA involving site improvement, use, and/or construction does not relieve the applicant from obtaining other applicable authorizations and permits

**SIGNATURES:**

Applicant(s) or By OBO Vernon Winross & TAH TOWNS Date 1/26/24  
 Authorized \_\_\_\_\_  
 Corporate Officer(s)

Owner(s) or By OBO Vernon Winross & TAH TOWNS Date 1/26/24  
 Authorized \_\_\_\_\_  
 Corporate Officer(s)

**REMINDER: SUBMIT THIS APPLICATION, THE APPROPRIATE ADDENDUM, THE REQUIRED FEE, ALL ATTACHMENTS AND DRAWINGS TO EITHER THE KASSON TOWNSHIP ZONING ADMINISTRATOR OR KASSON TOWNSHIP CLERK (SEE YOUR PARTICULAR ADDENDUM).**

**ZONING ADMINISTRATOR AND CLERK USE ONLY**

Application ID \_\_\_\_\_  
 Date and Time of Application Receipt \_\_\_\_\_ Received By \_\_\_\_\_  
 Date Fee Received \_\_\_\_\_ Amount Received \_\_\_\_\_  
 Date of Letter of Credit Received \_\_\_\_\_ Letter of Credit Amt \_\_\_\_\_  
 Date of Letter of Credit Expiration \_\_\_\_\_

**KASSON TOWNSHIP  
PLANNING/ZONING APPLICATION  
ADDENDUM – SPECIAL USE PERMIT – ALL OTHERS**

Prior to completing this petition, the Applicant(s) should review the Kasson Township Zoning Ordinance, in particular Chapter 7, and any other section that applies to your petition. A copy of the Ordinance may be obtained from the Kasson Township Clerk.

Applicant Name(s) \_\_\_\_\_

\_\_\_\_\_ Tax Parcel Number

**RESOURCES**

In preparing the Development Plan, the project applicant should review and become familiar with the Kasson Township Zoning Ordinance, Chapter 7 which outlines the complete process for requesting a Special Use Permit. The applicant may also use the resources available from the Township Zoning Administrator.

**REQUIRED SUBMISSION**

In addition to this application form, the applicant must submit to the Zoning Administrator the following required information:

- A detailed description of the proposed special use for which the permit is requested.
- A project schedule and development plans.
- A vicinity map:
  - With north point indicated
  - Showing land uses and existing structures on the subject parcel
  - Showing land uses, tax parcel numbers, and existing structures on all adjoining parcels within 500 feet of the subject parcel.
- A written statement detailing how the special use will impact on existing infrastructure, including, but not limited to, traffic, capacity of roads, schools, existing utilities, and the natural environment.
- A site plan, prepared in accordance with the Kasson Township Zoning Ordinance, Chapter 8 – Development Site Plan Review.

**SUBMIT THIS APPLICATION, THE REQUIRED FEE AND ALL  
ATTACHMENTS, AND DRAWINGS TO THE KASSON TOWNSHIP ZONING  
ADMINISTRATOR**



# **EXHIBIT B**





VICINITY MAP

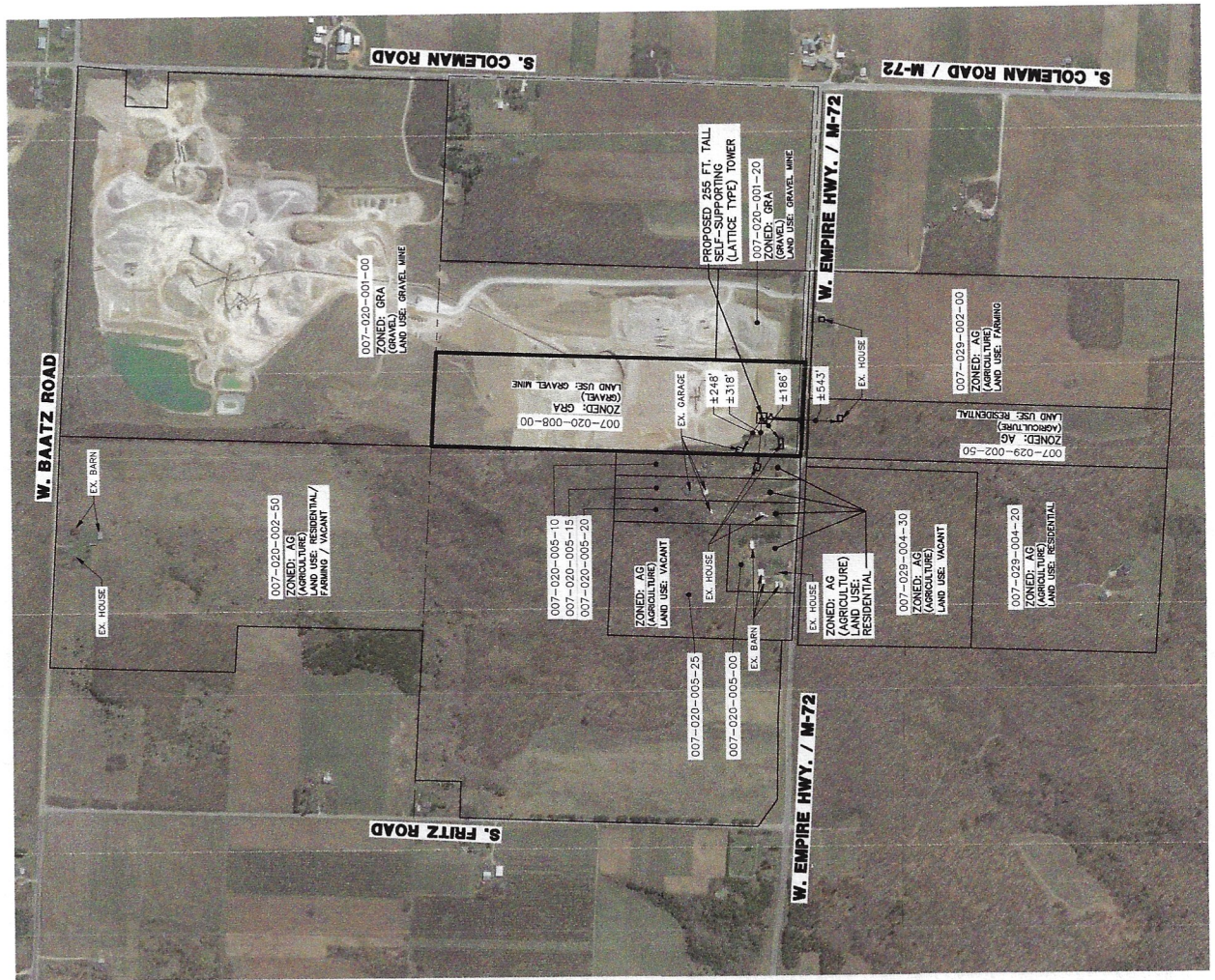
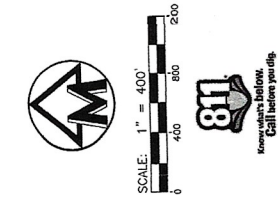
JOB NO. 23034-MI-2007  
 DATE: 10/14/23  
 Dwg. BY: PJD  
 Dwg. CHK: PJD  
 FILE: 23034\_MI-2007-SP1  
 TECH: KMW, CSD  
 REF: 306  
 REF#: 95219

**MIDWESTERN CONSULTING**  
 315 Plaza Drive  
 Ann Arbor, Michigan 48106  
 (734) 993-2000  
 www.midwesternconsulting.com  
 Land Development • Land Survey  
 Professional • Managerial  
 Services  
 Transportation • Utility Services

REV. DATE: 01/22/24  
 1: ADD SHEET  
 TAG SITE MI-2007  
 W. EMPIRE HWY.  
 KASSON TOWNSHIP  
 LELANAU COUNTY, MICHIGAN

**vertzon**  
 TOWERS  
 TAC  
 108 CHURCH STREET, SUITE 1  
 INDIANAPOLIS, IN 46204  
 858-822-5013 PHONE  
 858-822-5213 FAX  
 TAC TOWERS LLC  
 1520 KANTERSHIP  
 SUITE 200  
 INDIANAPOLIS, IN 46204  
 858-822-5013 PHONE  
 858-822-5213 FAX

APPLICANTS:



# **EXHIBIT C**

# Zoning Presentation Map Color Legend

- Maps are plotted with Atoll using Reference Signal Received Power (Down Link) propagation coverage predictions.
- Values are in dBm
- Propagation Maps were created by Verizon Wireless Radio Frequency Engineer Jin Tang

## **Green:** $\geq -85$ dBm

- Represents excellent outdoor coverage and good in-building coverage. The user should expect to make and maintain a quality wireless connection both inside and outside residential buildings and most commercial buildings

## **Yellow:** between -85 dBm and -95 dBm

- Represents fair outdoor coverage which means an inconsistent customer experience with random dropped or missed calls and intermittent to slow data speeds. It is even worse inside buildings.
- 

## **Red:** between -95dBm and -105dBm

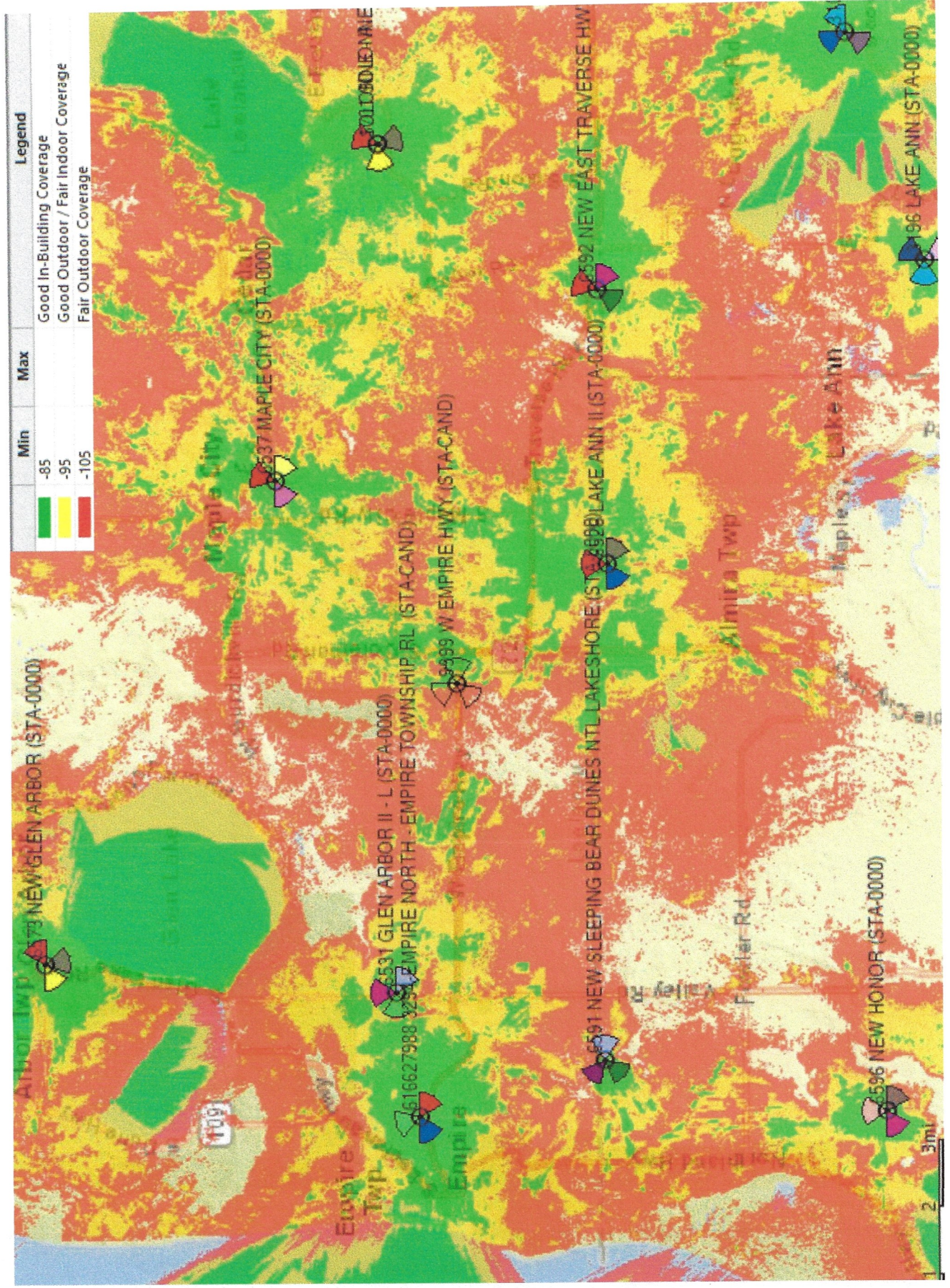
- Represents poor to nonexistent outdoor coverage resulting in increased uncertainty in acceptable performance of voice calls and data usage with in-building service being very poor to non-existent.

## **No color(Beige):** worse than -105dBm

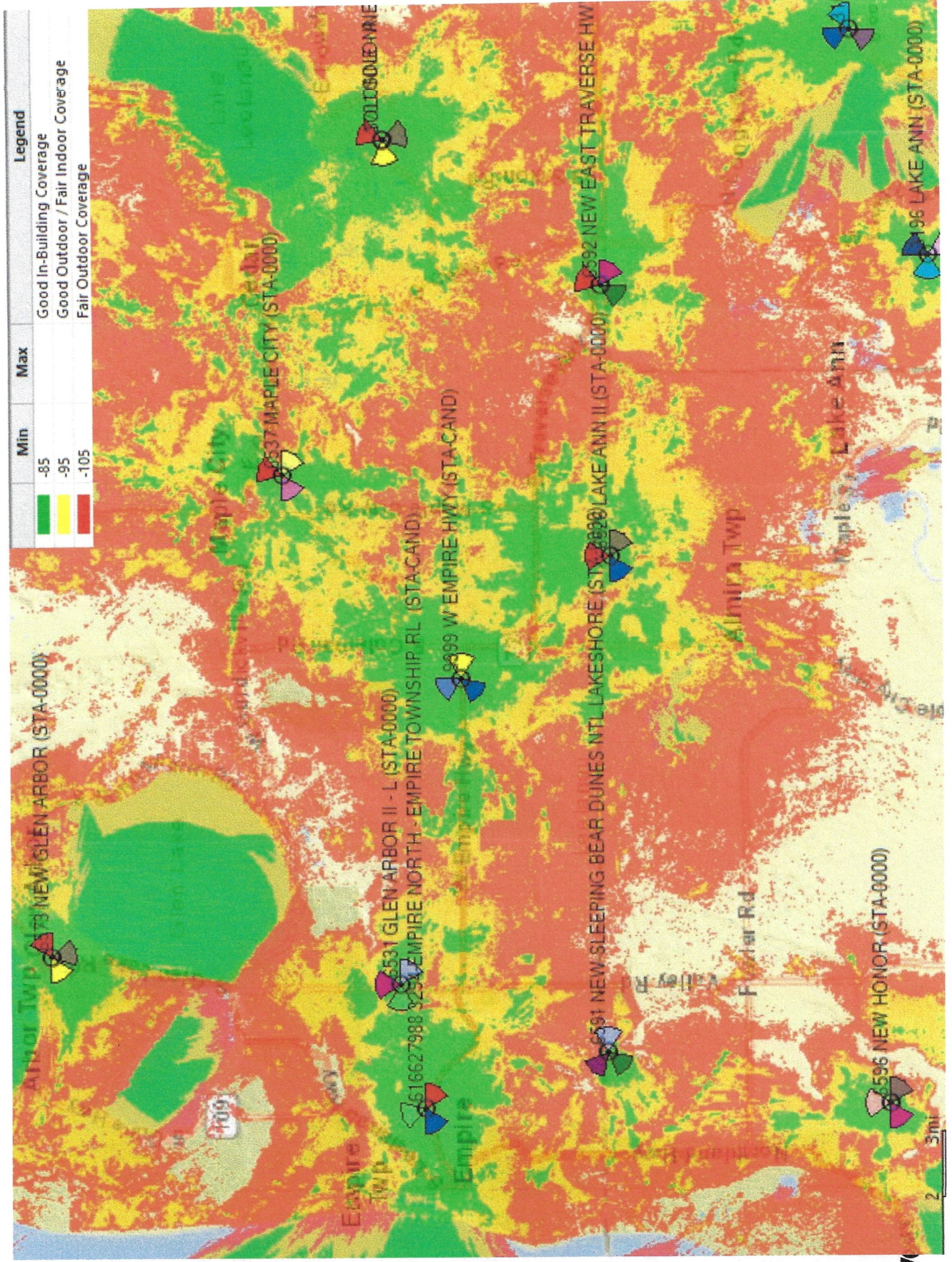
- Represents no service and the user's phone does not work.

**North Arrow:** The top of the page is always North.

# Current Coverage



# Coverage at 250'





# **EXHIBIT D**

