

**KASSON TOWNSHIP  
SPECIAL USE PERMIT FINDINGS OF FACT  
June 17, 2024**

Applicant Name(s): Cellco Partnership DBA Verizon Wireless & Tag Towers

Owner Name(s): Elmers Real Estate Company, LLC

Tax Parcel Number: 007-020-008-00

Date of Meeting: June 17, 2024

**GENERAL FINDINGS OF FACT**

The property covered by this Special Use Permit Application is described as:

W 1/2 OF W 1/2 OF SE 1/4 SEC 20 T28N R13W 40 A.

Also known as 2488 W. Empire Hwy., Empire, MI 49630

The Commission finds that the site is located in Kasson Township, Leelanau County.

The Commission finds that the site is 40 +/- acres in size.

The Commission finds that the site is located in the Gravel Zoning District (Section 4.)

The Commission finds that the proposed type of use of the property will be Commercial in nature, specifically for the operation of a 255' self-support lattice tower and accompanying equipment.

The Commission finds that the use is permitted with a Special Use Permit in this District (Gravel), that the applicant has requested a Special Use Permit because of the commercial nature of the business including Section 5.11.

The Commission finds that Section 7.3 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit.

The Commission finds that Section 7.5.B of the Zoning Ordinance requires a Special Use Permit Application contain a Development Site Plan prepared in accordance with Chapter 8 of the Zoning Ordinance.

The Commission finds that Section 8.4 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny a Development Site Plan.

The Commission finds that a Notice of Public hearing was published on May 30, 2024 in the *Leelanau Enterprise* as required by Sections 7.6.A.1 and 7.6.A.2 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).

The Commission finds that notice was mailed to all required parties on May 30, 2024 as required by Sections 7.6.A.1 and 7.6.A.3 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).

The Planning Commission makes the following findings of fact as required by Chapter Seven of the Zoning Ordinance for each of the standards and requirements listed in Chapter Seven: Special Uses

ITEM	STD MET?	FINDING(S):
<b>SECTION 7.5.A REQUIRED APPLICATION DATA</b>		
<i>1. The name, address, telephone number and signature of the property owner and applicant;</i>	Yes	An Application containing this information was submitted. Therefore, it is found that this requirement is met.
<i>2. A full legal description of the property on which the proposed special use is to exist or be conducted, including the property tax parcel numbers(s), together with proof of property ownership and applicable options on the property, if any;</i>	Yes	The commission finds that the full legal description of the property was submitted. Ownership information was verified thru Leelanau County Tax Records. Therefore, it is found that this requirement is met.
<i>3. A detailed description of the proposed special use for which the permit is requested</i>	Yes.	The commission finds that information on the applicant's submittal packet, dated January 26, 2024, was determined complete by the ZA on April 15, 2024. Therefore, it is found that this requirement is met.
<i>4. Project schedule and development plans</i>	Not Met	The applicant has not submitted a project schedule.
<i>5. Vicinity map with north point indicated</i>	Yes	The commission finds that the item is found on the Site Plan. Therefore, it is found that this requirement is met.
<i>6. Land uses and existing structures on the subject parcel and adjoining parcels within 300 feet</i>	Yes	The commission finds that the item is found on the Site Plan. Therefore, it is found that this requirement is met.
<i>7. Written statements relative to project impacts on existing infrastructure, including but not limited to, traffic, capacity of roads, schools and existing utilities, and upon the natural environment</i>	Met	The applicant has provided the required written statements. The commission finds that the project has no effect on school attendance. Existing utilities will be utilized for the project, and no additional utilities services are expected to be required. Additional traffic will be minimal. The facility is located within an active gravel mining operation and will be screened from adjacent parcels by existing berms and tree lines.

ITEM	STD MET?	FINDING(S):
<b>SECTION 7.5.B SITE PLAN DATA</b>		
<i>A site plan in accordance with Chapter 8 - Development Site Plan Review.</i>	Yes	Attached. A Site Plan, Dated January 22, 2024 was submitted, containing all the information required by Section 8.7. The checklist for this information is found later in this finding of fact. Therefore, it is found that this requirement is met.
ITEM	STD MET?	FINDING(S):
<b>SECTION 7.7 BASIS FOR DETERMINATION</b>		
<i>Before approval of a Special Use Permit, the Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:</i>		
<i>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.</i>	Yes	The commission finds that the proposed project has been designed, and will be constructed, operated and maintained to be harmonious and appropriate to the existing character of the general vicinity, as the proposed project is located in an existing active gravel mining operation. Therefore, it is found that this requirement is met.
<i>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.</i>	Yes	The commission finds that the proposed project will not be disturbing to existing uses in the general vicinity as there will be <b>screening / buffers</b> along the property line to the adjoining residential uses to the west. Therefore, it is found that this requirement is met.
<i>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.</i>	Yes	The commission finds that the proposed future use will have no impact on schools. No refuse disposal is proposed. No well or septic system is proposed. No additional police or fire protection resources will be needed. The project is accessed from a state highway and will create minimal traffic. Therefore, it is found that this requirement is met.
<i>D. Not create excessive additional requirements at public costs for public facilities and services.</i>	Yes	The commission finds that no need for excessive additional requirements for public costs, facilities and services. Therefore, it is found that this requirement is met.

<p><i>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 or odors.</i></p>	<p>TBD</p>	<p>The proposed project will not create any dust, fumes or odors. The tower will be lit at the top and mid-way points per FCC requirements. The lighting system utilize a minimal impact halogen lighting system with horizontal beam technology to limit visual pollution. The base of the tower will include lighting for the equipment cabinets that will be utilized when technicians are present.</p> <p>PC to Discuss Noise</p>
<p><i>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.</i></p>	<p>Yes</p>	<p>The commission finds that the proposed use will be in general compliance with the land use policies contained in the Township Master plan, to the principles of sound planning, and will not jeopardize the economic welfare of the Township. Therefore, it is found that this requirement is met.</p>
<p><i>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.</i></p>	<p>Yes</p>	<p>The commission finds that these plans are judged sufficient to protect the natural resources of the Township subject to Soil Erosion approval. Therefore, it is found that this requirement is met.</p>
<p><i>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.</i></p>	<p>Yes</p>	<p>The site plan shows sufficient detail to reasonably expect that the soil and ground contour provides for adequate flow of water away from the buildings. Further it is not expected that the proposed use will disrupt any drainage systems necessary for commercial uses. Therefore, it is found that this requirement is met.</p>
<p><i>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.</i></p>	<p>TBD</p>	<p>The applicant states that the project will be built efficiently with multiple phases and tasks being completed at once to reduce the timeline for completion. However, no development schedule has been submitted.</p>

<p><i>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, county, state and federal statutes.</i></p>	<p><b>TBD</b></p>	<p><b>No correspondence has been received from other agencies regarding requirements for this project.</b></p> <p><b>PC to discuss</b></p>
--	-------------------	--

The Planning Commission makes the following findings of fact as required by Chapter Eight, Section Seven that the following required items are included on the detailed site plan review for major projects:

ITEM	STD MET?	FINDING(S):
<b>SECTION 8.7</b>		
<p><i>1 The site plans should be accurately drawn at the scale of at least 1" EQUAL 100' showing the site and all land and structures within five hundred feet (500') of the site. The Planning Commission may require details to be provided in a scale as great as 1" EQUAL 20'. If multiple sheets are used each must be labeled, dated and the preparer identified.</i></p>	Yes.	The commission finds the site plan meets this requirement.
<p><i>2 The location of proposed or existing property lines, dimensions legal descriptions, tax parcel numbers, setback lines, utility easements and monument locations:</i></p>	Yes	The commission finds the required items on the site plan.
<p><i>3 A vicinity map drawn at a scale of a minimum of 1" equal 2000' with north-point indicated.</i></p>	Yes	The commission finds an adequately detailed vicinity map is provided.
<p><i>4 Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flows.</i></p>	Yes	The commission finds elevations are shown as required.
<p><i>5 The location and type of existing soils on the site and any certification of borings. (Site Investigation Report).</i></p>	<b>TBD</b>	<p><b>No information was provided regarding existing soils on site or certificates of boring. The proposed project is located in an existing active gravel mine.</b></p>

<p><i>6 Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within one thousand five hundred (1500') feet of the project site and proposed erosion control measures.</i></p>	<p>N/A</p>	<p>The commission finds that no water features, as detailed in the requirement, exist within 1500 feet of the site. Therefore the commission finds that this requirement is not applicable to this application.</p>
<p><i>7 Location of existing and proposed buildings and intended uses thereof.</i></p>	<p>Yes</p>	<p>The commission finds that the proposed locations and uses of the buildings are specifically indicated on the site plan. Therefore, it is found that this requirement is met.</p>
<p><i>8 Proposed location of accessory structures, buildings and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, docks, storage, sheds, transformers, air conditioners, generators, and similar equipment and the method and details of screening, where applicable. (Commercial)</i></p>	<p>Yes</p>	<p>Location of proposed structures and appurtenances are shown on the site plan. Therefore, it is found that this requirement is met.</p>
<p><i>9 Location of existing public roads and streets that abut or cross the site, plus, rights-of-way and private easements of record.</i></p>	<p>Yes</p>	<p>The commission finds that the location of existing public roads and streets are shown. Location of underground utilities are shown. There are no private rights-of-way. Therefore, it is found that this requirement is met.</p>
<p><i>10 Location of and dimensions of proposed streets, drives, curb cuts, ad access easements, as well as acceleration, deceleration and passing lanes or tapers (if any) serving the development. Details of entryway and entryway sign should be separately depicted with elevations views.</i></p>	<p>Yes</p>	<p>The commission finds that the location of the features required by this section are shown on the site plan. Therefore, it is found that this requirement is met.</p>

<p><i>11 Location, design and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signing thereof. (Especially applicable to commercial).</i></p>	<p>Yes</p>	<p>The commission finds that the location of the features required by this section are shown on the site plan. Therefore, it is found that this requirement is met.</p>
<p><i>12 Location, size and characteristics of all loading and unloading areas. (Commercial)</i></p>	<p>N/A</p>	<p>No loading or unloading areas are proposed for the project, and are therefore not shown on the plan. Therefore the commission finds that this requirement is not applicable to this application.</p>
<p><i>13 Location and design of all trails, walkways, bicycle paths, and other areas for public use.</i></p>	<p>N/A</p>	<p>The commission finds that there are no trails, walkways, bicycle paths, or other public use areas on the site. Therefore, the commission finds that this requirement is not applicable to this application.</p>
<p><i>14 Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems including septic systems, if applicable.</i></p>	<p>Yes</p>	<p>The commission finds that the property owner will not be installing a well or septic system. Other items of this requirement do exist but will be handled through the Soil Erosion Control Health Department offices.</p>
<p><i>15 Location and routing of all other utilities on the site including, but not limited to, natural gas, electric, cable TV, telephone and steam.</i></p>	<p>Yes</p>	<p>The commission finds that the electric will be underground and therefore, it is found that this requirement is met.</p>
<p><i>16 Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools, if applicable.</i></p>	<p>N/A</p>	<p>The commission finds that this requirement is not applicable to this application.</p>
<p><i>17 Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used. (Especially applicable to commercial).</i></p>	<p>Met</p>	<p>The commission finds that there is exterior lighting proposed and will be controlled by manual switches and timers. Therefore, the commission finds that this requirement is met.</p>



<p><i>18 Location and specifications for all fences, walls and screening features with cross sections.</i></p>	<p>TBD</p>	<p>Site plan details existing berm to south, existing tree line to west, and a 6' high fence surrounding the proposal project.</p> <p>PC to discuss whether the proposed screening is adequate to screen/buffer the site from the nearby residential uses.</p>
<p><i>19 General location and type of significant existing vegetation, including the location and size of all existing trees with a trunk of six (6") inches or more in diameter, four and one-half (4 ½') feet above the ground if not located in a forest. Forest and larger vegetation areas to be preserved shall be de-marked and designated so.</i></p>	<p>Yes</p>	<p>The commission finds these features are noted on the site plan. Therefore, it is found that this requirement is met.</p>
<p><i>20 Location and specifications for all proposed perimeter and internal landscaping and other buffering features.</i></p>	<p>TBD</p>	<p>PC to discuss whether the proposed screening is adequate to screen/buffer the site from the nearby residential uses.</p>
<p><i>21 Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. (Especially applicable to commercial).</i></p>	<p>N/A</p>	<p>The commission finds that trash receptacles for the operation are not necessary. Therefore, it is found that this requirement is not applicable.</p>
<p><i>22 Location and specifications for any existing, proposed or required above, or below ground storage facilities for any chemicals, salts, flammable or hazardous materials as well as any containment structures or clear zones required by government regulations and a Pollution Incident Prevention Plan as required by government regulations as required by Act 245 program.</i></p>	<p>Yes</p>	<p>The commission finds that there are no existing, proposed or required above, or below ground storage facilities for any chemicals, salts, flammable or hazardous materials as well as any containment structures or clear zones required by government regulations.</p>
<p><i>23 Identification of any significant or unique site features.</i></p>	<p>N/A</p>	<p>The commission finds that there are no significant or unique site features.</p>
<p><i>24 Indication of any significant views onto or from the site.</i></p>	<p>N/A</p>	<p>The commission finds that there are no significant views onto or from the site.</p>

<p>25 The zoning classification of the site and adjacent properties.</p>	<p>Yes</p>	<p>The commission finds that the zoning classification of the subject property and adjacent properties are shown on the site plan. Therefore, it is found that this requirement is met.</p>
<p>26 North arrow, scale and date of original submittal and all revisions.</p>	<p>Yes</p>	<p>The commission finds that all items are shown on the plan dated January 22, 2024. Therefore, it is found that this requirement is met.</p>
<p><b>CHAPTER 4</b></p> <p><b>Section 4.6.1, Permitted Uses</b></p> <p>C. Wireless telecommunication towers and equipment shelter buildings shall be allowed under the following conditions:</p> <ul style="list-style-type: none"> <li>• Maximum height of ninety (90) feet.</li> <li>• Designed and constructed to be inconspicuous in their intended locations.</li> <li>• Co-location with other services is mandatory.</li> <li>• Provision of a positive environmental assessment.</li> <li>• A statement providing the proof of need for the proposed tower.</li> <li>• Equipment shelter buildings and other accessory structures shall meet all the requirements for similar structures in the district.</li> </ul>		<p>Per Section 5.11, point-to-point telecommunications towers are allowed over 90’ of height with a Special Use Permit. Per the 1996 Telecommunications Act, wireless communications towers must be granted the same allowances, so this application is being considered through the Special Use Permit process.</p> <p>The proposed tower is sited in an active gravel mining operation, with existing screening by berms and vegetation from surrounding properties.</p>
<p><b>Section 5.17 Landscaping, screening, greenbelts, buffers, and fencing</b></p> <p>A. The intent of this section is to promote the public health, safety, and general welfare. Generally, landscaping shall at least equal surrounding landscaping in newer areas and tend toward upgrading older areas. Landscaping needs will be determined by using the standards set</p>	<p>Yes</p>	<p>PC to discuss</p>

<p>forth in this Section, and other applicable sections of this Ordinance.</p>		
<p>B. The following standards shall be followed:</p>	<p>Yes</p>	<p>PC to discuss</p>
<p>1. Additional landscaping shall be added to the retained natural landscaping features, to reduce the apparent mass and height of buildings, to visually break expanses of paving, to reduce the visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.</p>	<p>N/A</p>	
<p>2. Ground cover shall be permeable to prevent erosion.</p>	<p>TBD</p>	<p>PC to discuss</p>
<p>3. Areas that are intended to be landscaped shall be provided with a minimum depth of topsoil of four (4) inches and mulched appropriately.</p>	<p>Met</p>	
<p>4. All plantings shall be maintained in a vigorous, healthy, and weed-free state. Any dead or diseased plants shall be removed and replaced.</p>	<p>TBD</p>	
<p><b>Chapter 6 – Parking</b></p>		
<p><b>Section 6.2 Adequate Off-Street Parking</b></p>	<p>Met</p>	<p>There will be no public/customer access to the site. Employee access is expected to be a single vehicle accessing the site two to four times per month. An off-street parking area has been provided for employee access, located between the existing berm and the tower location.</p>
<p>For all uses, adequate off-street parking shall be required to prevent conflicts with vehicular traffic. Adequate off-street parking shall be provided for each use. Off street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal visitation periods. Direct access to off street parking areas shall be provided from a county street or approved private street. Street rights-of-way shall not be construed as satisfying the requirements of this Chapter except as allowed by specific districts and uses in this Ordinance. Off street parking for commercial uses shall be sufficient to provide parking for the employees of all proposed uses as well as long-term customer parking. Off street parking lots shall be</p>		

<p>prohibited in any front yard setback area, and shall be located at the rear or side of the buildings and shall be accessed by means of common driveways, preferably from side streets or lanes. Such lots shall be small sized (less than 25 parking spaces), where possible, and interconnected with commercial parking lots on adjacent properties. Cross-access easements for adjacent lots with interconnected parking lots shall be required, in language acceptable to the Township. Common, shared parking facilities are encouraged, where possible.</p>		
<p><b>Chapter 9 - Signs</b>  <b>Section 9.3. Administration</b>  A. Unless exempted by Section 9.4 below, any person(s), company, association, and/or corporation with an ownership interest or other authority over land, shall provide the Township a completed sign application, accompanied by the appropriate fee, prior to the installation or any alteration of a sign or signs in the Township. A fee for such application shall be set, from time to time, by Resolution of the Township Board.  B. The Township Zoning Administrator shall only issue a sign permit provided that the sign installation/alteration complies with all provisions of this Chapter, and other applicable sections of the Zoning Ordinance.  C. All signs shall be installed only with the prior approval of the property owner, the Township, and the appropriate county or state agency as applicable.</p> <p><b>Section 10.2 Land Use Permit Required</b>  Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or any use authorized until a permit has been</p>	<p>Met</p>	<p>No signs are proposed for the facility except for those required by the FCC. All signs to meet the requirements set by Chapter 9.</p>

<p>issued by the Zoning Administrator. Once it has been determined by the Zoning Administrator that the proposed building, structure, or use is in conformance with all the provisions of this Ordinance and appropriate fees are paid, a Land Use Permit may be issued. The Land Use Permit shall be non-transferable and shall remain valid for one (1) year from the date of issuance. A Land Use Permit is required for all buildings or structures over one hundred (100) square feet prior to application for a building permit. All buildings or structures, regardless of size, shall meet setback requirements of this Ordinance.</p>		<p style="text-align: center;"><b>PC TO DISCUSS</b></p>
<p><b>Section 10.10 Escrow Deposits For Variable Costs and Expenses</b>  Any applicant for any land use permit may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay the actual professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application. Such applications may include, but are not limited to, site plan approval, special use permit, planned unit development, or conditional use permits.</p>		

NOTE: The Planning Commission may require such other data as may be required to ensure that the purposes of Chapter 8 are satisfied. The Commission shall state for the record its reasons for taking such action. Further, the Planning Commission may wave a requirement or requirements in Section 8.7 if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such action.

**ATTACHMENTS TO FINDINGS OF FACT:**