



# CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ TDD: (800)649-3777

## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MAY 16, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill  
**ABSENT:** Jazdyk  
**STAFF:** Mr. Lawson  
**GUESTS:** Mike Bieniek, Carl Muscott, Andrew Makee, Raymond Mushier, Roberta Matelski, Eric Boyd, Cal Gouine, Bob Lyon, Russell Crawford, Cheryl Crawford, Karen Johnson, John Moore, K.P. Neuman, Bill Beethem, Andy Beethem, Christina Beethem

The meeting was called to order by Chairperson Mattson at 7:00pm.

### PLEDGE OF ALLEGIANCE

Chairperson Mattson led the Pledge of Allegiance.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

### APPROVAL OF MINUTES

The April 18, 2018 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

### PUBLIC HEARING AND ACTION ON REQUESTS

**Mr. Bieniek, Agent on behalf of Tillman Infrastructure and Todd and Tammi Gall** - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 1980 S. Extension Road, Mullett Twp., sections 19 and 30, parcel #130-030-100-001-02, # 130-019-300-002-01 and #130-030-100-001-01, and is zoned Agriculture and Forestry Management (M-AF).

Mr. Lawson reviewed the background information contained in the staff report covering the application. Mr. Bieniek explained that the proposed Tower is a replacement for a wood monopole tower which is obsolete. The proposed tower will provide additional height and capacity and allow collocation of other communication providers.

Mr. Freese provided information on who has the final approval on communication towers. Mr. Freese states that the Planning Commission had previously been requiring FAA approval, but he indicated that he had recently found that MDOT has been designated as final authority under Section 203 of the zoning enabling act to grant a Michigan Tall Structures Permit which supersedes FAA Authority.

Ms. Lyon questioned whether the tower was actually 199 feet or 190 feet and it was explained that the tower was 190 feet with a 9 foot lightning rod for a total of 199 feet.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

The Planning Commission reviewed and approved the General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section

17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to MDOT approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

**Mike Bieniek, Agent on behalf of Tillman Infrastructure and David and Carolyn Sackett** - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 3616 Bowman Dr., Tuscarora Twp., section 21, parcel #161-021-300-002-03, and is zoned Agriculture and Forestry Management (M-AF).

Mr. Lawson reviewed the background information contained in the staff report covering the application.

Mr. Bieniek explained that the proposed tower is a replacement for a wood monopole tower which is obsolete. The proposed tower will provide additional height and capacity and allow collocation of other communication providers.

Mr. Lawson explained that from the drawing provided it was difficult to determine the actual distance of the Tower from the property line. Mr. Bieniek agreed and stipulated that they would agree to meet any setback required.

Mr. Freese indicated he had calculated the distance from the base of the tower to the South property line to be approximately 92 feet. Mr. Freese indicated the tower could be moved to the north within the 100 foot square leased area without any problem since a 25 foot wide area to the north side of the leased area is not being utilized and therefore would allow the 97 foot setback to be met.

Mr. Mushier stated that he owns a parcel immediately to the south of the proposed tower location. He provided a packet of information concerning safety, noise, aesthetics, and property value decline, which he feels should be considered and support a disapproval of the special use permit. Discussion was held.

Mr. Bieniek agreed to provide a monopole Tower located 25 feet to the north within the 100 foot least area and provide screening in accordance with the regulation.

The Planning Commission added the following to the General Findings:

5. The 75 foot square foot area is moving 25 foot north within the 100 foot least area.
6. Monopole antenna is to be provided.
7. Screening is to be provided in accordance with the regulation.

The Planning Commission reviewed and approved Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the revised General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to screening in accordance with the regulation and MDOT approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

**K.P. Neuman and Dave Fernelius/Fernelius Land II, LLC** - Requests a Site Plan Review for an auto detail shop addition (section 6.2.2). The property is located at 11165 North Straits Highway, Inverness Township, section 6, parcel # 092-006-300-012-01 and is zoned Commercial Development (D-CM).

Mr. Lawson reviewed the background information contained in the staff report covering the application. Mr. Freese questioned whether strong cleaning agents would be used in the detailing operation. The applicant stated only steam cleaning would be used. Mr. Kavanaugh questioned the disposal of wastewater and whether the applicant had contacted the Michigan Department of Environmental Quality with regard to grease separation. Mr. Kavanaugh stated that the applicant would have to coordinate with District Health Department # 4 in regards to permits for the two wells.

Motion by Mr. Freese, seconded by Churchill, to grant the topography waiver. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to District Health Department #4 approval, MDEQ approval of wastewater disposal and Department of Building of Safety. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzyk)

*Mr. Jazdzyk entered the meeting.*

**UNFINISHED BUSINESS**

**Discussion Regarding Planned Unit Development Draft Language**

Discussion was held on the matrix to be used for the PUD amendment. Mr. Freese stated he had prepared a condensed matrix of three pages that covers the five districts that the Planning Commission is considering for cross district utilization of uses under the PUD. This matrix is only 3 pages long rather than 20 pages and actually allows for more detailed consideration of uses best able to be cross shared and others which are either already allowed in each district or for one reason or another should not be considered. Additional matrixes are scheduled and information to follow later.

**NEW BUSINESS**

No comments.

**STAFF REPORT**

No comments.

**PLANNING COMMISSION COMMENTS**

Mr. Beethem questioned the levels on the solar regulation. Mr. Muscott commented on the solar regulation. Mr. Boyd discussed his views against the solar farm establishment in Grant Township. Mr. Makee congratulated the Planning Commission on the progress of the solar regulation.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:30pm.



---

Charles Freese  
Planning Commission Secretary