



# CHEBOYGAN COUNTY PLANNING COMMISSION

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870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, MARCH 7, 2018 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**PUBLIC HEARING AND ACTION ON REQUESTS**

- 1.) **Mike Bieniek, Agent on behalf of Tillman Infrastructure and Kevin and Terrie Brooks** - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 2951 South Straits Highway, Mullett Twp., section 21, parcel #130-021-100-004-00, and is zoned Agriculture and Forestry Management (M-AF).

**UNFINISHED BUSINESS**

- 1.) Draft Zoning Ordinance Amendment For Planned Unit Development

**NEW BUSINESS**

**STAFF REPORT**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**

# CHEBOYGAN COUNTY PLANNING COMMISSION

Mike Bieniek, Agent On Behalf of Tillman Infrastructure / Kevin and Terrie Brooks

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (11 Pages)
5. Mailing List (2 Pages)
6. Letter of Application (1 Page)
7. Site Data Sheet (1 Page)
8. Legal Description (1 Page)
9. Narrative Overview (2 Pages)
10. Standards For Special Use Permit Approval (5 Pages)
11. Fall Zone Letter (2 Pages)
12. AT&T License (2 Pages)
13. Propagation Maps (5 Pages)
14. Title Sheet (1 Page)
15. Overall Site Plan (1 Page)
16. Enlarged Site Plan (1 Page)
17. Elevation Drawing (1 Page)
18. Topographic Site Survey (1 Page)
- 19.
- 20.
- 21.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE  
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING  
WEDNESDAY, MARCH 7, 2018 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

A Public Hearing will be held to receive public input on the following matter:

- 1.) **Mike Bieniek, Agent on behalf of Tillman Infrastructure and Kevin and Terrie Brooks** - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 2951 South Straits Highway, Mullett Twp., section 21, parcel #130-021-100-004-00, and is zoned Agriculture and Forestry Management (M-AF).

Please visit the Planning and Zoning office or visit our website to see the special use permit application and the associated drawings and documents. These documents and staff report may be viewed at [www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/). Comments, questions, and correspondence may be sent to [planning@cheboygancounty.net](mailto:planning@cheboygancounty.net) or Planning & Zoning Department, PO Box 70, 870 South Main St., Rm. 103, Cheboygan, MI 49721, or presented at the meeting.

Persons with disabilities needing accommodations for effective participation in the public hearing should contact the Planning and Zoning Director at the above address one week in advance to request mobility, visual, hearing or other assistance.





# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

Tillman Infrastructure is proposing to erect a 190'-0" monopole tower with a 9'-0" lightening rod to be located within a 100'-0" x 100'-0" lease parcel. AT&T Mobility is proposing to locate on the tower at the 180'-0" level and install cabinets and support equipment on a 8'-0" x 10'-0" platform.

Site Plan Standards.

### PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

See attached narrative

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. \_\_\_\_\_

ii. It does not impede the vision of traffic along adjacent streets. \_\_\_\_\_

iii. It does not unnecessarily illuminate night skies. \_\_\_\_\_



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SPECIAL LAND USE PERMIT APPLICATION

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

\_\_\_\_\_

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

\_\_\_\_\_

3. Size of property in sq. ft. or acres: 2.55

4. Present use of property: RESIDENTIAL

5. SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?  
See attached narrative
- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? **Explain.** \_\_\_\_\_
- c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? **Explain.** \_\_\_\_\_

\_\_\_\_\_

- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? **Explain.** \_\_\_\_\_

\_\_\_\_\_

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**

\_\_\_\_\_

\_\_\_\_\_

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** \_\_\_\_\_

\_\_\_\_\_



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SPECIAL LAND USE PERMIT APPLICATION

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? \_\_\_\_\_
  - h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? \_\_\_\_\_
6. Does the proposed use of the property include or involve either:
- Junk or salvage yard (Section 3.6)  YES  NO
  - Mineral extraction (Section 17.17)  YES  NO
- If YES, this application must include a written plan as described in the Zoning Ordinance.*
- 7. Attach a copy of Warranty Deed or other proof of ownership.
  - 8. Attach a copy of certified Property Survey or dimensioned property land plat.

### AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature  Date 1/28/18

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes  No

Owner's Signature  Date 1-26-18

### FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>2/5/18</u>	Notes:
Fee Amount Received:	<u>\$225.00</u>	
Receipt Number:	<u>6054</u>	
Public Hearing Date:	<u>3/7/18</u>	
Planning/Zoning Administrator Approval:		
<u></u>		<u>2/6/18</u>
Signature		Date

# SPECIAL LAND USE PERMIT APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
X		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
X		d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
X		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
X		f. Location of existing and proposed buildings and intended uses thereof.
N/a		g. Details of entryway and sign locations should be separately depicted with an elevation view.
N/a		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
N/a		i. Location, size, and characteristics of all loading and unloading areas.
N/a		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
X		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
N/a		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SPECIAL LAND USE PERMIT APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		m. Location and specifications for all fences, walls, and other screening features.
X		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
N/a		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
N/a		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
X		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/a		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
N/a		s. Floor plans, when needed to determine the number of parking spaces required.

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>

**AFFIDAVIT**

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

  
 \_\_\_\_\_  
 SIGNATURE

January 30, 2018  
 \_\_\_\_\_  
 DATE

130-017-400-005-00  
OCCUPANT  
4160 WOODMANSEE RD  
CHEBOYGAN, MI 49721

130-021-100-006-00  
OCCUPANT  
2811 N STRAITS HWY  
CHEBOYGAN, MI 49721

130-021-100-002-00  
OCCUPANT  
3981 WOODMANSEE RD  
CHEBOYGAN, MI 49721

130-021-100-004-00  
OCCUPANT  
2951 N STRAITS HWY  
CHEBOYGAN, MI 49721

130-016-300-012-00  
OCCUPANT  
3010 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-016-300-006-08  
OCCUPANT  
4088 WOODMANSEE RD  
CHEBOYGAN, MI 49721

130-021-105-050-01  
OCCUPANT  
2904 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-021-105-044-00  
OCCUPANT  
2936 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-021-105-041-00  
OCCUPANT  
2946 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-021-102-020-02  
OCCUPANT  
2966 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-021-102-015-00  
OCCUPANT  
2974 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-021-102-011-00  
OCCUPANT  
2988 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-016-300-006-02  
OCCUPANT  
4030 WOODMANSEE RD  
CHEBOYGAN, MI 49721

130-016-300-006-05  
OCCUPANT  
3780 WOODMANSEE RD  
CHEBOYGAN, MI 49721

130-021-100-005-00  
OCCUPANT  
2917 N STRAITS HWY  
CHEBOYGAN, MI 49721

130-017-400-005-00  
NAYLOR, ANTHONY LIBERTY POINT TRUST  
3066 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-016-100-009-00  
MICHIGAN DEPT OF NATURAL RESOURCES  
PO BOX 30722  
LANSING, MI 48909

130-021-100-003-00  
SINGLETON, CHRISTOPHER J  
10 WINDHAM LN  
DEARBORN, MI 48120

130-021-100-006-00  
NEWMAN, DAVID & TAMAR H/W  
2811 N STRAITS HWY  
CHEBOYGAN, MI 49721

130-021-100-005-00  
DOMBROSKI, DENNIS & ROGER DOMBROSKI  
4339 MULLETT-BURT RD  
CHEBOYGAN, MI 49721

130-021-100-002-00  
SCHUPP, GRETCHEN W, TRUSTEE  
3981 WOODMANSEE RD  
CHEBOYGAN, MI 49721

130-021-100-004-00  
BROOKS, KEVIN & TERRIE H/W  
2951 N STRAITS HWY  
CHEBOYGAN, MI 49721

130-020-200-004-00  
DOMBROSKI FARMS, INC  
4990 MULLETT-BURT RD  
CHEBOYGAN, MI 49721

130-016-300-012-00  
CRIBLEY, WILMA G TRUSTEE (DECD)  
8325 TROUP RD  
HARBOR SPRINGS, MI 49740

130-016-300-006-08  
RUNYON, JEAN, TRUSTEE  
518 LAKESIDE DR  
MACKINAW CITY, MI 49701

130-021-100-001-00  
MICHIGAN DEPT OF NATURAL RESOURCES  
PO BOX 30722  
LANSING, MI 48909

130-021-105-050-01  
NIEC, DAVID A ET UX  
7253 GILLETT RD  
FLUSHING, MI 48433

130-021-105-044-00  
VISCONTI, MATTHEW L ET UX  
2936 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-021-105-041-00  
BINROTH, MICHAEL & ALMA  
4884 HAWKINS RD  
JACKSON, MI 49201

130-021-102-020-02  
JOHNSTON, JEFFREY & SANDRA H/W  
2966 LIBERTY POINT DR  
CHEBOYGAN, MI 49721

130-021-102-015-00  
LIBERTY POINT PROPERTY, LLC  
1017 YORKSHIRE RD  
GROSSE POINTE PARK, MI 48230

130-021-102-011-00  
RUSINOWSKI, TED & BEVERLY H/W  
50675 CHESTWICK CT  
PLYMOUTH, MI 48170

130-016-300-006-02  
BARBER, JOHN & NANCY REVOCABLE  
4030 WOODMANSEE RD  
CHEBOYGAN, MI 49721

130-016-300-006-05  
KUHLMAN, PAUL & KATHLEEN H/W  
105 OAK ST  
CORUNNA, MI 48817

# Letter of Application

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January 30, 2018

Scott McNeil  
Planner  
870 South Main Street, Room 103  
PO Box 70  
Cheboygan, MI 49721

RE: Tillman/AT&T Site Number: 14293445  
2951 N. Straits Highway  
Cheboygan, MI 49721

Dear Mr. McNeil:

Tillman Infrastructure, on behalf of AT&T Mobility is in the process of finalizing a lease agreement with the landowners of the site referenced above to construct a wireless telecommunications service facility. The proposed facility is designed to house the equipment necessary to provide the technology needed to provide clear and uninterrupted wireless telecommunications services to the residents of the Cheboygan County.

The proposed wireless telecommunications facility will consist of a 190'-0" tall monopole tower to be located within a 100'-0" x 100'-0" lease parcel. The proposed tower will be erected, owned and managed by Tillman Infrastructure and upon construction; AT&T Mobility will locate their equipment on the tower at the 180'-0" level. The facility is unmanned and will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month.

On behalf of Tillman Infrastructure and AT&T Mobility, LCC Telecom Services has submitted all required documentation for the proposed tower in accordance with Cheboygan County's Zoning Ordinance. Should you have any questions please feel free to contact me. I look forward to working with you during the approval process in order to provide the residents of the Cheboygan County the best possible PCS coverage.

Sincerely,



Michael Bieniek, AICP  
Zoning Director

# Site Data Sheet

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**Applicant:** Tillman Infrastructure, LLC  
152 West 57<sup>th</sup> Street  
8<sup>th</sup> Floor  
New York, New York 10019

AT&T Mobility  
475 Morosgo Drive NE  
Atlanta, Georgia 30324

**Agent:** Michael Bieniek, AICP  
LCC Telecom Services  
10700 Higgins Road  
Suite 240  
Rosemont, IL 60018

**Tower Owner:** Tillman Infrastructure, LLC  
152 West 57<sup>th</sup> Street  
8<sup>th</sup> Floor  
New York, New York 10019

**Applicant's Interest in the Property:** Leasehold

**Property Owner:** Kevin and Terrie Brooks  
2951 N. Straits Highway  
Cheboygan, MI 49721

**Address of Property:** 2951 N. Straits Highway  
Cheboygan, MI 49721

**Request:** Application for a Special Use Permit and any other approvals to erect a 190'-0" monopole tower to be located within a 100'-0" x 100'-0" lease parcel.

# Legal Description

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Beginning at the Northwest corner of Section 21, Town 36 North, Range 2 West, thence South 03 degrees 06 minutes West along the West line of Section 21, 33 feet to the South line of the County Road, thence South 86 degrees 23 minutes East along the South line of County Road and parallel to the North line of Section 21, 150 feet, thence South 03 degrees 06 minutes West and parallel to the West line of Section 21, 100 feet for the point of beginning; thence South 86 degrees 23 minutes East and parallel to the South line of County Road 609.27 feet to the Westerly right of way line of Trunkline of U.S. 27 thence South 31 degrees 14 minutes West along the Westerly right of way line of Trunkline of U.S. 27; 225.72 feet, thence North 86 degrees 23 minutes West and parallel to the South line of the County Road 502.85 feet thence North 03 degrees 06 minutes East and parallel to the West line of Section 21; 200 feet to the point of beginning.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

# Narrative Overview

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Tillman Infrastructure, LLC. (“Tillman Infrastructure”) and AT&T Mobility, seeks a Special Use Permit and any other necessary approvals in order to install a wireless telecommunications facility on property located at 2951 N. Straits Highway, Cheboygan, MI 49721. Tillman Infrastructure and its affiliates have acquired the necessary licenses from the Federal Communications Commission (“FCC”) to provide Personal Communications Services (“PCS”) coverage throughout the United States. These licenses include Cheboygan County, Michigan.

The wireless telecommunications facility which Tillman Infrastructure is proposing to install on behalf of AT&T Mobility on the property is necessary in order to provide uninterrupted PCS services to the residents of Cheboygan County, including wireless telephone service, voice paging, messaging and wireless internet and broadband data transmission. All registered wireless provider’s technology operates at various radio frequency bands allocated by the FCC as part of their license.

PCS systems operate on a grid system with overlapping cells mesh together, forming a seamless network. No one site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. Within the Cheboygan area, cell sites are generally located approximately one (1) to three (3) miles apart. Tillman Infrastructure is proposing to erect a 190’-0” monopole within a 100’-0” x 100’-0” lease area. The proposed site at the 2951 N. Straits Highway, Cheboygan, MI 49721, is within the geographic area deemed necessary for AT&T Mobility and various other wireless telecommunications providers in order to provide uninterrupted services.

In accordance with the Cheboygan County Zoning Ordinance, Tillman Infrastructure has made application to install a wireless telecommunications facility. The proposed wireless telecommunications facility will consist of a 190’-0” tall monopole tower to be located within a 100’-0” x 100’-0” lease parcel.

The facility is unmanned and will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. Access will be provided via an

easement and the proposed property entry at 2951 N. Straits Highway, Cheboygan, MI 49721. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. Additionally, there is no impact on any County services such as water, sanitation, police and fire. The only services used in connect with the wireless telecommunications facility are power and land-line telephone.

In accordance with FCC regulations, the wireless telecommunications facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. PCS technology has become a vital part of emergency services, aiding local residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance AT&T's goals of providing the most reliable network possible in this area.

The proposed wireless telecommunications facility will be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, Tillman Infrastructure and AT&T Mobility will comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting or marking issues are subject to the exclusive jurisdiction of the FAA.

LCC Telecom Services, on behalf of Tillman Infrastructure and AT&T Mobility, looks forward to working with Cheboygan County to bring the benefits of the proposed service to the entire Cheboygan County area. The addition of the wireless telecommunications facility will ensure the best uninterrupted wireless services for the citizens of Cheboygan County.

# Standards for Special Use Approval

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In considering a Special Use Permit application, the Planning Commission shall establish that the following standards and/or criteria shall have been satisfied, together with other requirements of the Ordinance. The standards enumerated herein are intended to promote the intent and purpose of the Ordinance and to ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. In addition, these standards shall also ensure that the land use or activity is consistent with the public health, safety, and welfare of the County.

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

**The proposed wireless telecommunications facility has been situated on the lot within a relatively flat, wooded area so as not to require reshaping of the lot. The development of the site was designed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. To the contrary, improved wireless telecommunications services in the area will enhance development in the area while providing enhanced services for the existing residents.**

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

**As stated above, the proposed wireless telecommunications facility has been situated on the lot within a relatively flat, wooded area so as not to require reshaping of the lot. Due to the chosen location, little modifications will result to the sites in relation to slope and vegetation.**

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

**Due to the diminutive size of the proposed wireless telecommunications facility, there will be no adverse effect on the neighboring properties associated with storm water. The proposed 100'-0" x 100'-0" lease parcel will consist of a gravel base which will allow for percolation of storm water.**

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

**The site has been designed to maximize visual and sound privacy for all dwelling units in the area. Wireless telecommunications facilities do not generate noise, other than that of a window air conditioner unit; therefore the sound privacy of this site is maximized. The proposed tower is to be located within an area surrounded by existing trees, approximately 90' from the front property line. There should be minimal impact on surrounding properties due to the location on the site. Additionally, the proposed wireless telecommunications facility is proposed to be 190'-0" and according to FAA guidelines will not require lighting of the tower which will further minimize the visual impact of the site.**

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

**All buildings or groups of buildings will be arranged so as to permit emergency vehicle access. The site will be accessed by a 12'-0" gravel drive which will come off of the existing driveway on the property.**

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

**All structures within the lease area for the proposed tower will have direct access to a public street in the sense that the lease compound has that access. However, the structures will be within a fenced area surrounding the tower.**

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

**The proposed wireless telecommunications facility will not require a subdivision plat. The 100'-0" x 100'-0" parcel will be leased from the existing property owners.**

- h. Exterior lighting shall be arranged as follows:
- i. It is deflected away from adjacent properties.
  - ii. It does not impede the vision of traffic along adjacent streets.
  - iii. It does not unnecessarily illuminate night skies

**The only exterior lighting on this site will include a porch type light that will provide lighting for any technicians needing to visit the site in an emergency. The ground lighting will not impact traffic or any adjacent properties. Additionally, there will be no illumination of the night skies. As stated above, the proposed wireless**

**telecommunications facility is below the 200'-0" threshold, therefore, no lighting of the tower is required.**

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

**Since the proposed wireless telecommunications facility does not have significant vehicular traffic, the existing streets and pedestrian/bicycle pathways will not be impacted. The site is visited by a technician in a van sized vehicle approximately one time per month. The access to the site is through an existing driveway, therefore the traffic pattern will not be impacted.**

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

**Wireless telecommunications facilities are governed by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA). As such, this wireless telecommunications facility will be designed in accordance with all local, state and federal regulations.**

SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?

**The subject parcel is zoned M-AF, which in accordance with section 17.13 of the Cheboygan County Code of Ordinance, wireless communications facilities are permitted as authorized by Special Use Permit.**

- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? Explain.

**The proposed wireless telecommunications facility will not involve any activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the natural environment. The proposed facility will consist of a 100'-0" x 100'-0" lease area which is unmanned. The special land use will enhance wireless telecommunications coverage which will have a positive influence on the area.**

- c. Will the proposed special land use involve uses, activities, processes, materials, or

equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? Explain.

**The proposed wireless telecommunications facility will not involve any activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the natural environment. The proposed wireless telecommunications facility will not affect traffic, noise, smoke, fumes, glare, odor, or the accumulation of scrap material in any way. Other than during construction, no storage of materials will be present on the site. Likewise, a wireless telecommunications facility does not generate traffic, noise, smoke, fumes, glare, or odor.**

- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? Explain.

**The proposed wireless telecommunications facility will be designed, constructed, operated and maintain so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. As stated above, the proposed facility will be situated on a portion of this lot which will minimize the visual impact from ground level. The site does not generate noise or traffic which would be detrimental to surrounding properties. The enhanced wireless signal will enhance the development of the surrounding properties which are all similarly zoned.**

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? Explain.

**The proposed wireless telecommunications facility will not place demands on fire, police or other public resources. A wireless telecommunications facility is unmanned and does not require any public resources for its existence. The proposed wireless telecommunications facility is secured by a 6'-0" fence which is topped with three (3) strands of barbed wire and is connected to a central monitoring station. In the event of a breach of the compound, the monitoring station is alerted. The only public demands would be on police and fire on extremely rare occasions.**

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? Explain.

**The proposed wireless telecommunications facility will be adequately served by public streets. As stated above, the proposed tower will be serviced by a 12'-0" gravel access road which will tie into the existing driveway. Therefore no new curb cuts will be required. The only utilities needed for a wireless telecommunications facility are power and teleco which are readily available to the site. No water, sewer facilities nor refuse**

**collection and disposal is required.**

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services?

**As stated above, the only utilities needed for a wireless telecommunications facility are power and teleco which are readily available to the site. No water, sewer facilities nor refuse collection and disposal is required.**

- h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)?

**The proposed wireless telecommunications facility will be designed with all local, state and federal regulations.**

# Fall Zone Letter

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January 26, 2018

Mr. Michael Vanselow  
Construction Project Manager, Midwest Region  
Tillman Infrastructure  
Schaumburg, IL 60173

RE: Proposed 190' Self-Supporting Tower for 14293445 – Cheboygan, MI

Dear Mr. Vanselow,

Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of 89 mph with no ice (115 mph ultimate per the 2012 International Building Code) and 40 mph with 1/2" radial ice, Structure Class II, Exposure Category D, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

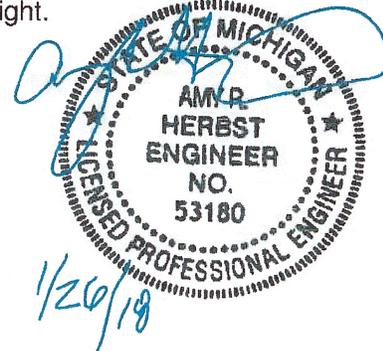
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. ***Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.*** In the unlikely event of total separation, this would result in collapse within a radius less than or equal to 1/3 of the tower height.

Sincerely,

Amy R. Herbst, P.E.  
Senior Design Engineer



# AT&T License

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## ULS License

**Cellular License - KNKN834 - AT&T Mobility Spectrum LLC**

Call Sign	KNKN834	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular
<b>Market</b>			
Market	CMA475 - Michigan 4 - Cheboygan	Channel Block	A
Submarket	0	Phase	2
<b>Dates</b>			
Grant	11/15/2011	Expiration	10/01/2021
Effective	06/08/2017	Cancellation	

**Five Year Buildout Date**

11/27/1996

**Control Points**

**1** 1322 Hayes Road, OTSEGO, GAYLORD, MI  
P: (989)732-7335

**Licensee**

FRN	0014980726	Type	Limited Liability Company
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**Licensee**

AT&T Mobility Spectrum LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

**Contact**

AT&T Mobility LLC Michael P Goggin 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

**Ownership and Qualifications**

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

**Alien Ownership**

The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**

The Applicant answered "No" to each of the Basic Qualification questions.

**Demographics**

Race	
Ethnicity	Gender

# Propagation Maps

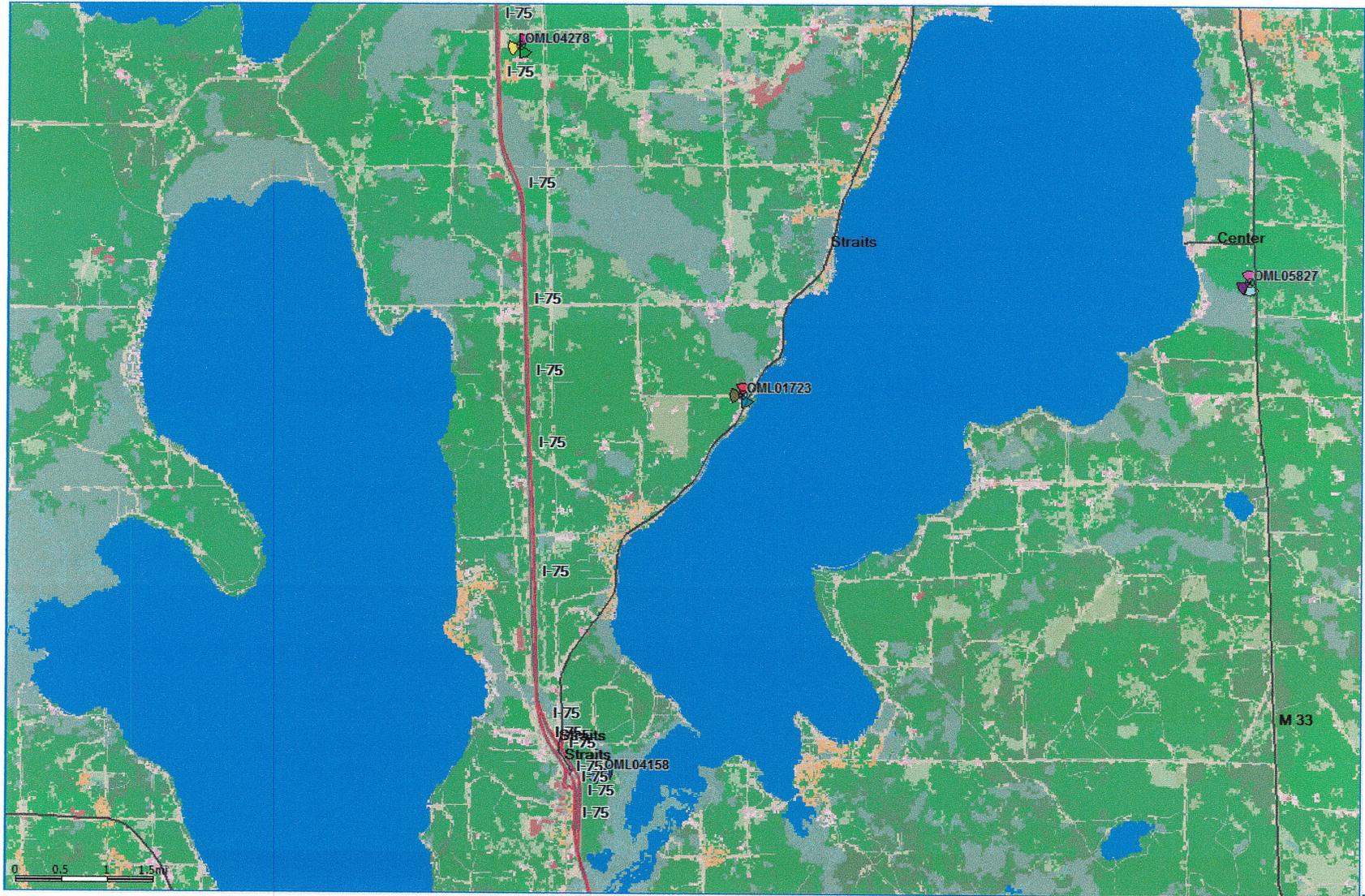
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# AT&T Zoning Maps for OML01723

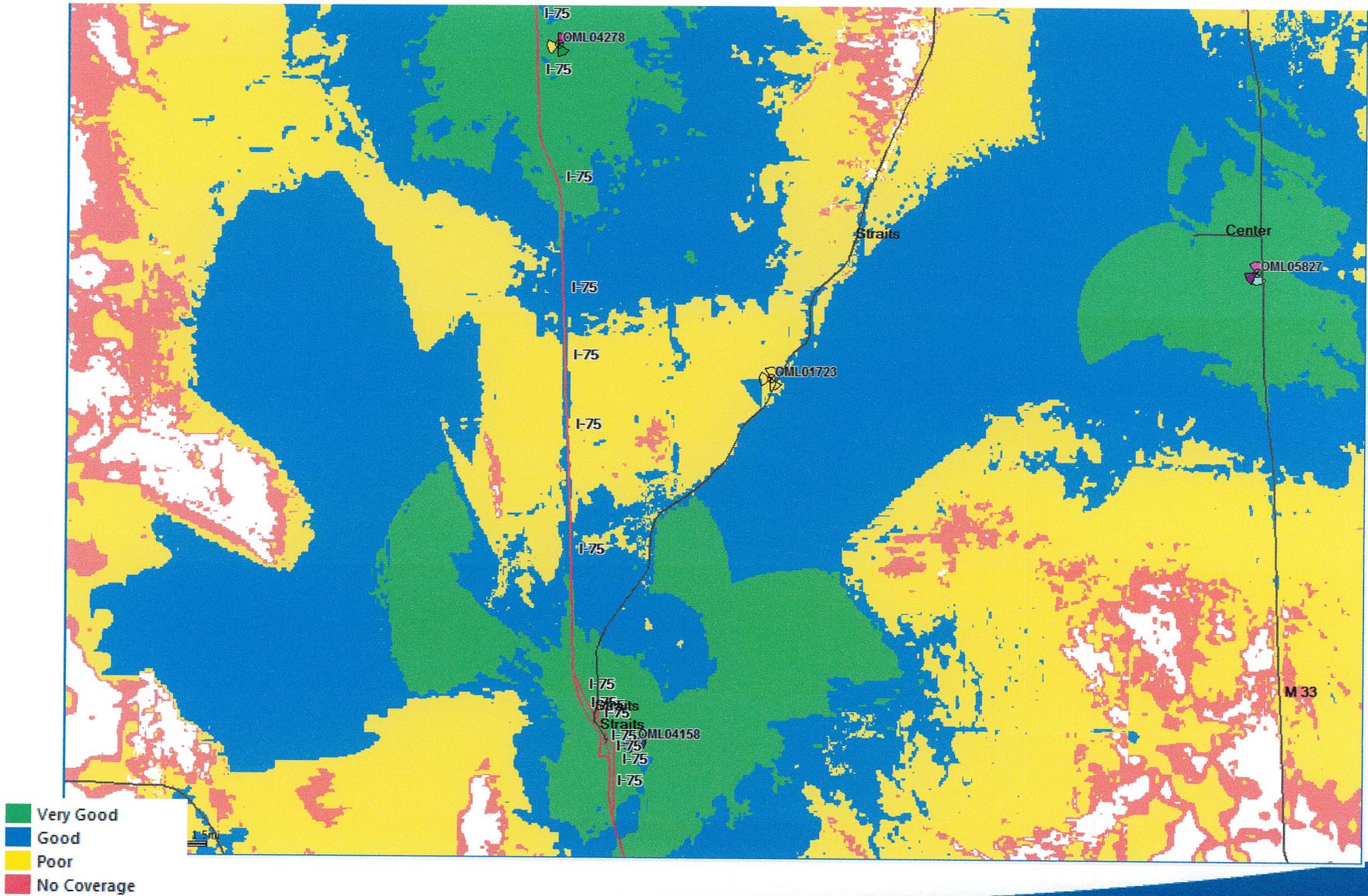
RF Design 01/23/2018



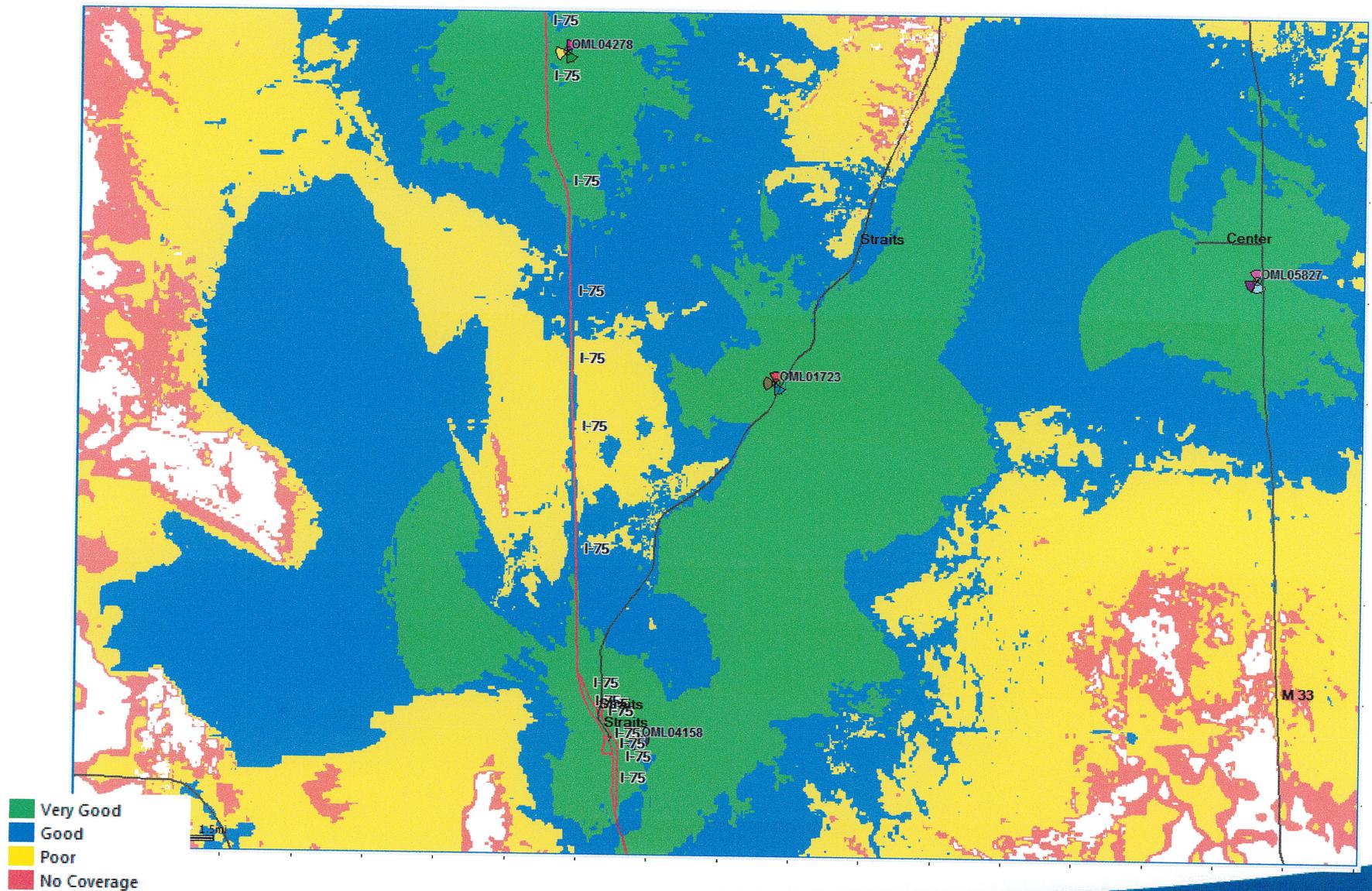
# Surrounding sites and clutter



# AT&T In door LTE 700 MHz Existing Coverage



# AT&T In door LTE 700 MHz Coverage After OML01723 Active





**FA NUMBER: 14293445 / SITE ID: \_\_\_\_\_**  
**PACE NUMBER: \_\_\_\_\_**  
**PROJECT TRACKING #: \_\_\_\_\_**  
**SITE NAME: CHEBOYGAN MI**

2951 N. STRAITS HWY  
 CHEBOYGAN, MI 49721  
 CHEBOYGAN COUNTY

**SITE INFORMATION**

SITE ADDRESS:	2951 N. STRAITS HWY CHEBOYGAN, MI 49721
LATITUDE (NAD 83):	45 30' 16.40"
LONGITUDE (NAD 83):	-84 34' 03.07"
GROUND ELEVATION:	622.20' (AMSL)
JURISDICTION:	CHEBOYGAN COUNTY
ZONING JURISDICTION CONTACT:	CHEBOYGAN COUNTY PLANNING AND ZONING 870 SOUTH MAIN STREET, ROOM 103 PO BOX 70 CHEBOYGAN, MI 49721 PLANNING@CHEBOYGANCOUNTY.NET (231) 627-8489
PARCEL/MAP NUMBER:	130-021-100-004-00
PARCEL OWNER:	BROOKS, KEVIN & TERRIE
TOWER OWNER:	TILLMAN INFRASTRUCTURE LLC 152 WEST 57TH STREET 8TH FLOOR NEW YORK, NY 10019
STRUCTURE TYPE:	MONOPOLE
STRUCTURE HEIGHT:	190' (AGL)
POWER SUPPLIER:	CONSUMERS ENERGY 1 ENERGY PLAZA JACKSON, MI 49201 800-477-5050
TELCO SUPPLIER:	AT&T 444 MICHIGAN AVE DETROIT, MI 48226 877-444-6944
GAS SUPPLIER:	CONSUMERS ENERGY 1 ENERGY PLAZA JACKSON, MI 49201 800-477-5050

**PROJECT TEAM**

APPLICANT:	TILLMAN INFRASTRUCTURE LLC 152 WEST 57TH STREET 8TH FLOOR NEW YORK, NY 10019
PROJECT MANAGEMENT FIRM:	LCC TELECOM SERVICES 10700 HIGGINS ROAD, SUITE 240 ROSEMONT, IL 60018 (847) 608-6300
A+E FIRM:	IRISH TOWER 4603 BERMUDA DR. SUGAR LAND, TX, 77479 JACOB.GORALSKI@IRISHTOWER.COM
ENGINEER:	IRISH TOWER 4603 BERMUDA DR. SUGAR LAND, TX, 77479 JACOB.GORALSKI@IRISHTOWER.COM

**VICINITY MAP**



**DIRECTIONS**

FROM 870 S MAIN ST, CHEBOYGAN, MI 49721  
 1. DEPART M-27 / S MAIN ST TOWARD COUNTY DR 10.5 MI  
 2. ARRIVE AT M-27 / 2951 N STRAITS HWY

**CODE COMPLIANCE**

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 2009 MICHIGAN BUILDING CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2014 NATIONAL ELECTRIC CODE CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2012 MICHIGAN MECHANICAL CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2012 MICHIGAN PLUMBING CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- NFPA 101, LIFE SAFETY CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2012 INTERNATIONAL FUEL GAS CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- AMERICAN CONCRETE INSTITUTE
- ANSITIA-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
- IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANSIT 311
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION

**DRAWING INDEX**

- T-1 TITLE SHEET
- B-1 SURVEY
- C-1 OVERALL SITE PLAN
- C-2 ENLARGED SITE PLAN
- C-3 ELEVATION

**DRAWING SCALE**

THESE DRAWINGS ARE SCALED TO FULL SIZE AT 22"X34" AND HALF SIZE AT 11"X17". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

**SCOPE OF WORK**

- THIS PROJECT CONSISTS OF:
- CONSTRUCTION OF A PROPOSED UNMANNED TELECOMMUNICATIONS FACILITY.
  - SITE WORK: PROPOSED TOWER, UNMANNED EQUIPMENT CABINET ON PLATFORM AND UTILITY INSTALLATIONS.



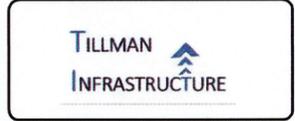
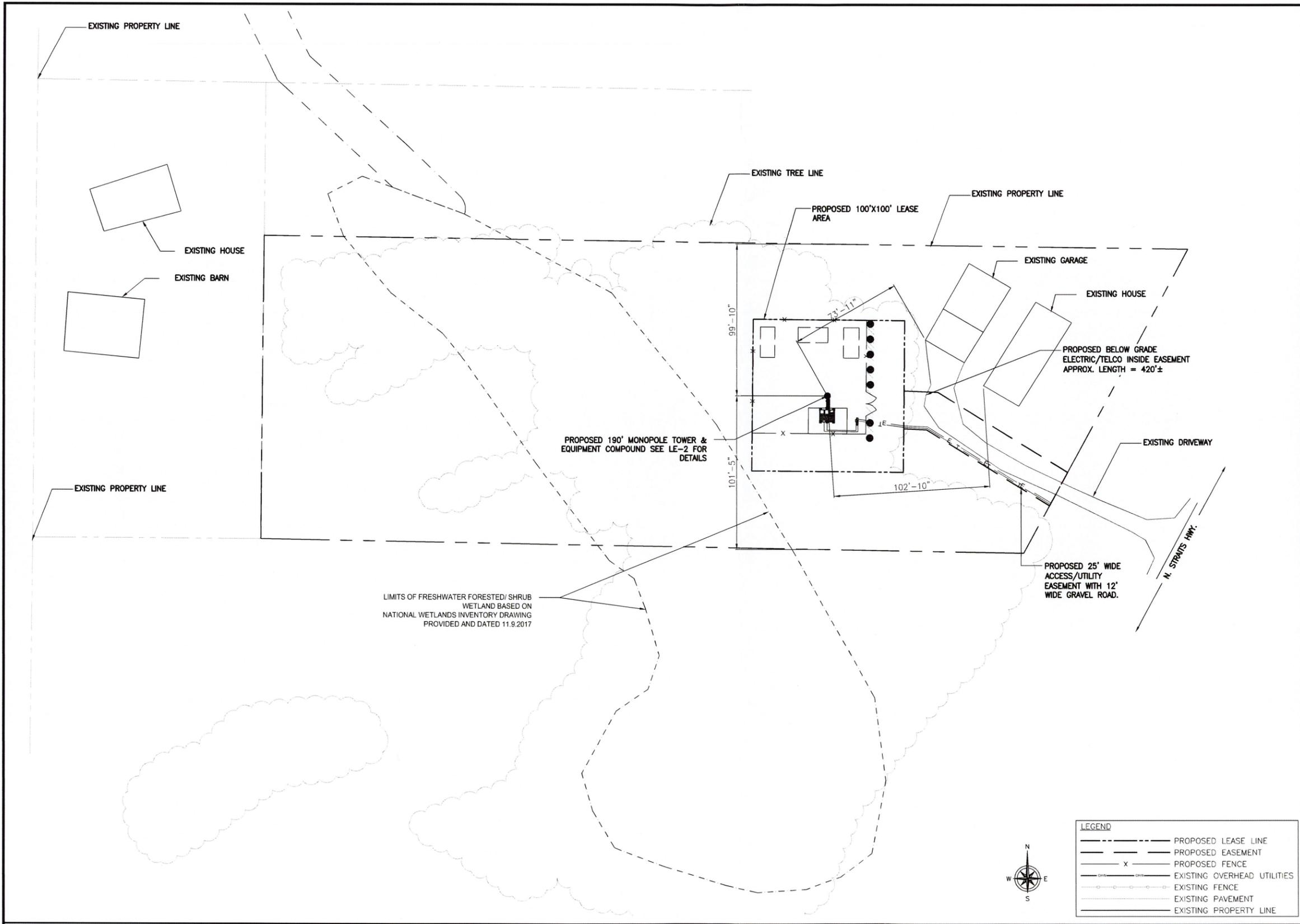
DRAWN BY: DL  
 CHECKED BY: JRG

REV	DATE	DESCRIPTION
A	01/11/2018	ISSUED FOR REVIEW
B	01/17/2018	ISSUED FOR REVIEW

FA #  
 14293445  
 SITE NAME:  
 CHEBOYGAN MI  
 SITE ADDRESS:  
 2951 N. STRAITS HWY  
 CHEBOYGAN, MI 49721

SHEET TITLE  
 OVERALL S

SHEET NUMBER  
 T-1



DRAWN BY: DL  
 CHECKED BY: JRG

REV	DATE	DESCRIPTION
A	01/11/2018	ISSUED FOR REVIEW
B	01/17/2018	ISSUED FOR REVIEW

FA #  
 14293445  
 SITE NAME:  
 CHEBOYGAN MI  
 SITE ADDRESS:  
 2951 N. STRAITS HWY  
 CHEBOYGAN, MI 49721

SHEET TITLE  
 OVERALL SITE PLAN

SHEET NUMBER  
**C-1**

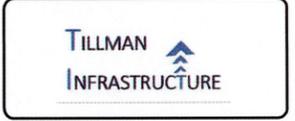
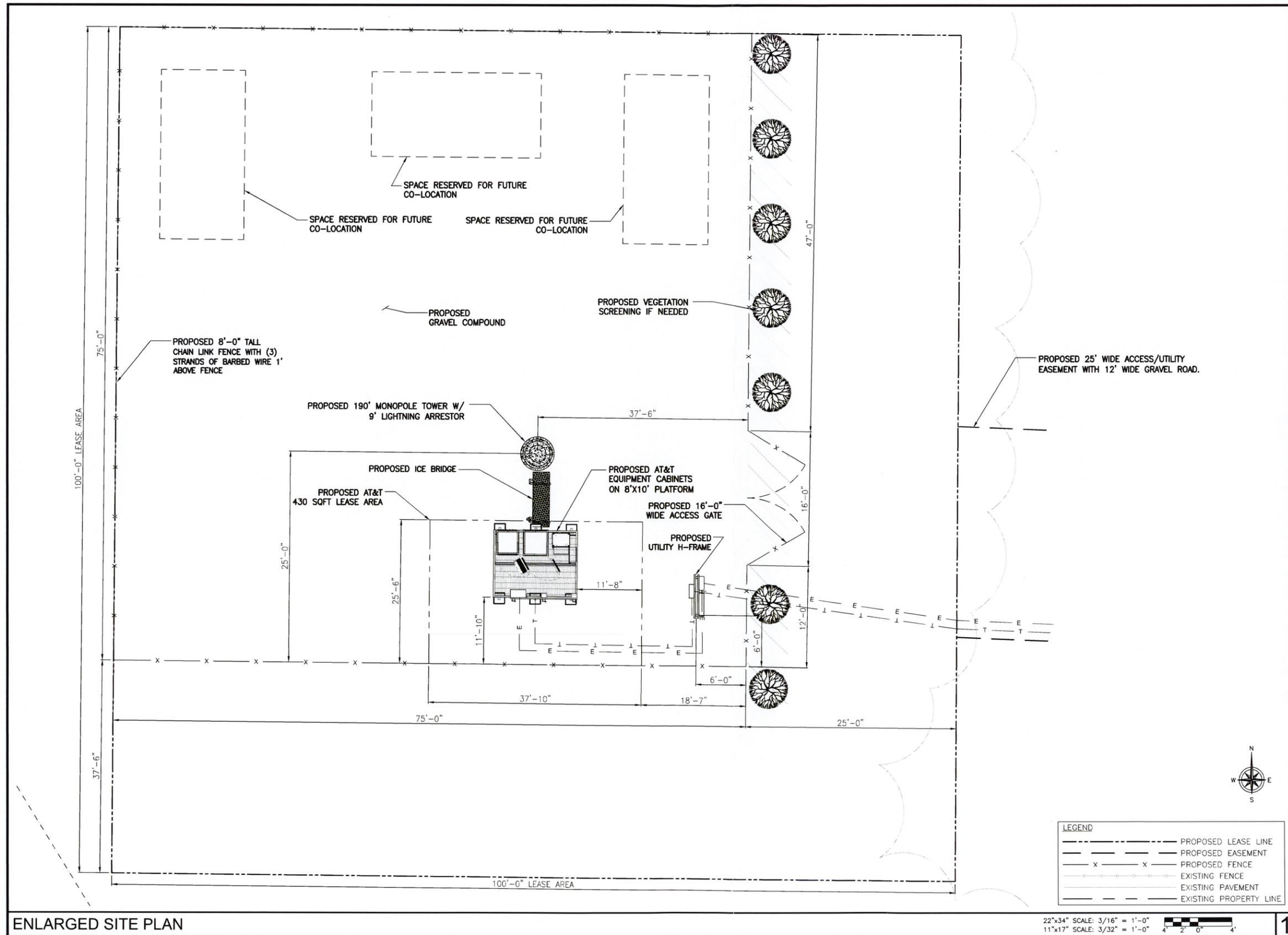
LEGEND

- PROPOSED LEASE LINE
- - - PROPOSED EASEMENT
- x --- PROPOSED FENCE
- EXISTING OVERHEAD UTILITIES
- EXISTING FENCE
- EXISTING PAVEMENT
- EXISTING PROPERTY LINE



22"x34" SCALE: 1" = 30'-0"  
 11"x17" SCALE: 1" = 60'-0"  
 30' 15' 0' 30'

OVERALL SITE PLAN



**DRAWN BY:** DL  
**CHECKED BY:** JRG

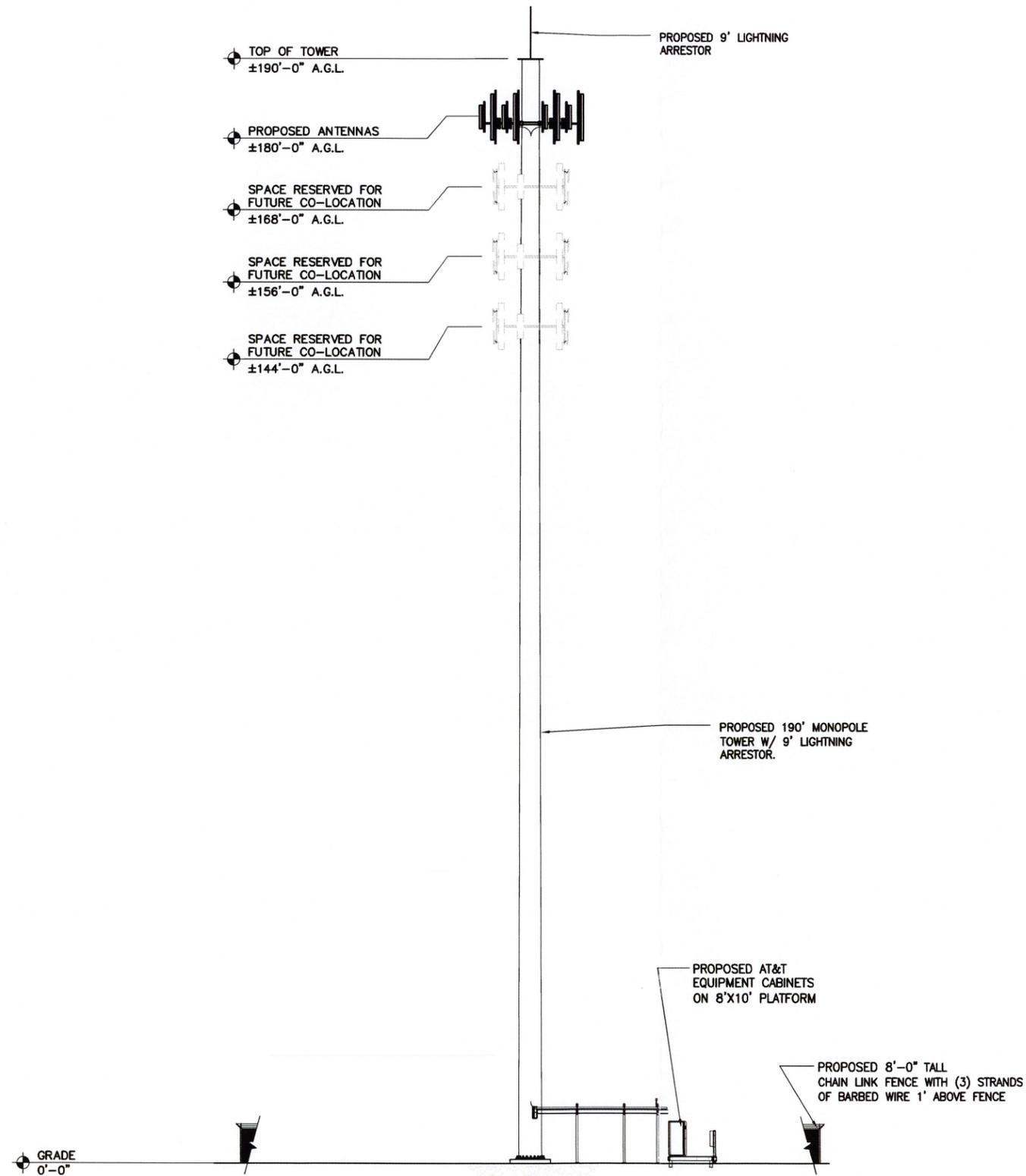
REV	DATE	DESCRIPTION
A	01/11/2018	ISSUED FOR REVIEW
B	01/17/2018	ISSUED FOR REVIEW

**FA #**  
14293445  
**SITE NAME:**  
CHEBOYGAN MI  
**SITE ADDRESS:**  
2951 N. STRAITS HWY  
CHEBOYGAN, MI 49721

**SHEET TITLE**  
ENLARGED SITE PLAN

**SHEET NUMBER**  
**C-2**

ENLARGED SITE PLAN



  
**IRISH TOWER**  
GENERAL CONSTRUCTION | ENGINEERING | PROJECT MANAGEMENT  
 4603 Bermuda Drive, Sugar Land, TX 77479  
 Voice: (281) 796-2551 | Fax: (866) 596-3136  
 irishtower.com

DRAWN BY: DL  
 CHECKED BY: JRC

REV	DATE	DESCRIPTION
A	01/11/2018	ISSUED FOR REVIEW
B	01/17/2018	ISSUED FOR REVIEW

FA #  
 14293445  
 SITE NAME:  
 CHEBOYGAN MI  
 SITE ADDRESS:  
 2951 N. STRAITS HWY  
 CHEBOYGAN, MI 49721

SHEET TITLE  
 ELEVATION

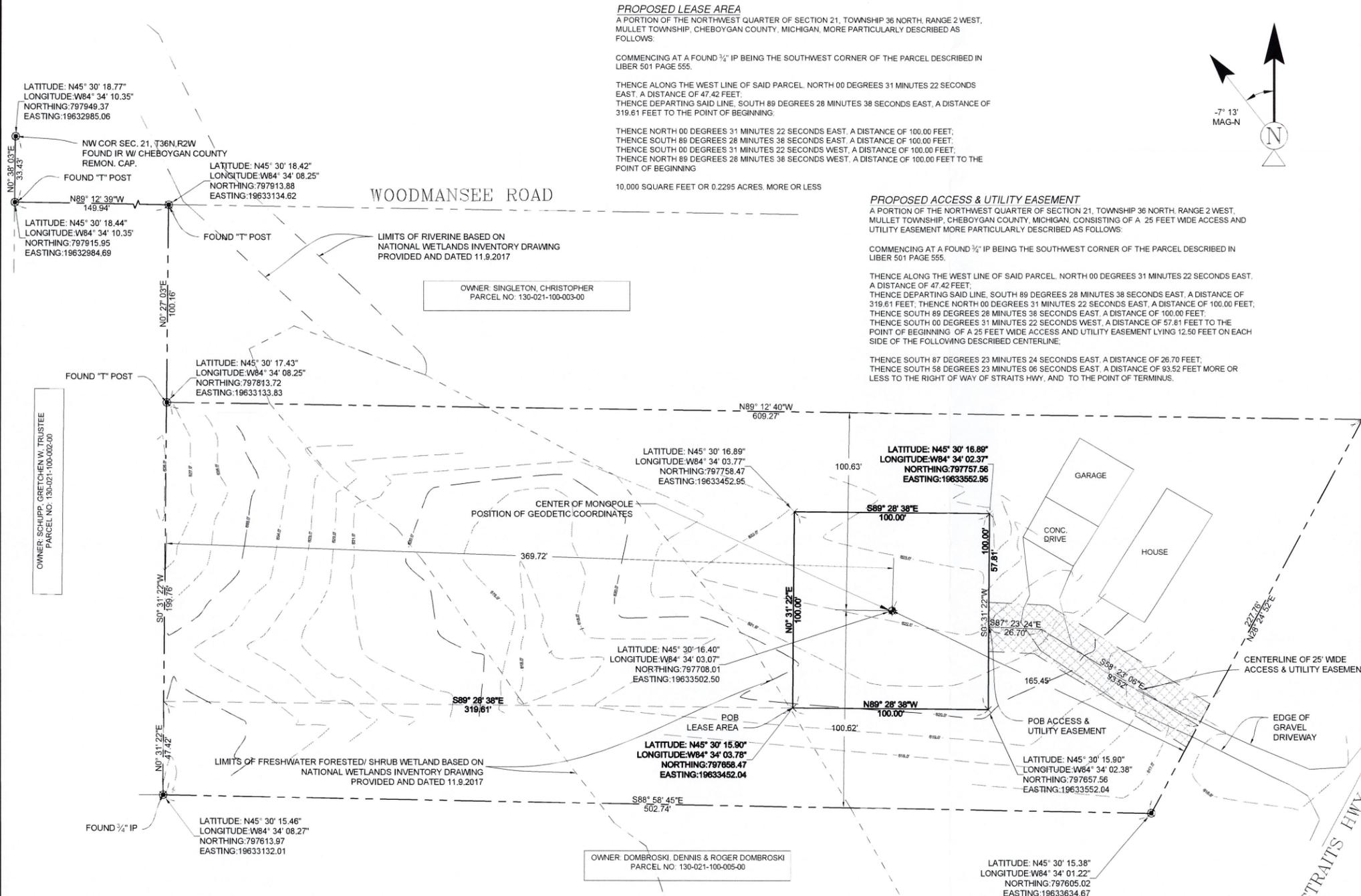
SHEET NUMBER  
**C-3**

ELEVATION

22"x34" SCALE: 3/32" = 1'-0"  
 11"x17" SCALE: 3/64" = 1'-0"

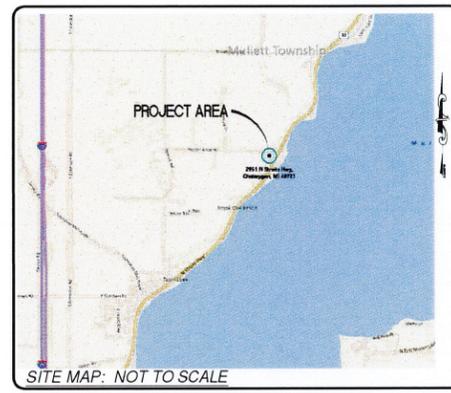
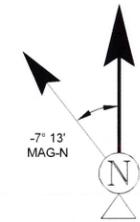


1



**PROPOSED LEASE AREA**  
 A PORTION OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 2 WEST, MULLETT TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT A FOUND 3/4" IP BEING THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN LIBER 501 PAGE 555.  
 THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00 DEGREES 31 MINUTES 22 SECONDS EAST, A DISTANCE OF 47.42 FEET;  
 THENCE DEPARTING SAID LINE, SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST, A DISTANCE OF 319.61 FEET TO THE POINT OF BEGINNING.  
 THENCE NORTH 00 DEGREES 31 MINUTES 22 SECONDS EAST, A DISTANCE OF 100.00 FEET;  
 THENCE SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST, A DISTANCE OF 100.00 FEET;  
 THENCE SOUTH 00 DEGREES 31 MINUTES 22 SECONDS WEST, A DISTANCE OF 100.00 FEET;  
 THENCE NORTH 89 DEGREES 28 MINUTES 38 SECONDS WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.  
 10,000 SQUARE FEET OR 0.2295 ACRES, MORE OR LESS

**PROPOSED ACCESS & UTILITY EASEMENT**  
 A PORTION OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 2 WEST, MULLETT TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN, CONSISTING OF A 25 FEET WIDE ACCESS AND UTILITY EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT A FOUND 3/4" IP BEING THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN LIBER 501 PAGE 555.  
 THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00 DEGREES 31 MINUTES 22 SECONDS EAST, A DISTANCE OF 47.42 FEET;  
 THENCE DEPARTING SAID LINE, SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST, A DISTANCE OF 319.61 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 22 SECONDS EAST, A DISTANCE OF 100.00 FEET;  
 THENCE SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST, A DISTANCE OF 100.00 FEET;  
 THENCE SOUTH 00 DEGREES 31 MINUTES 22 SECONDS WEST, A DISTANCE OF 57.81 FEET TO THE POINT OF BEGINNING OF A 25 FEET WIDE ACCESS AND UTILITY EASEMENT LYING 12.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.  
 THENCE SOUTH 87 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 26.70 FEET;  
 THENCE SOUTH 58 DEGREES 23 MINUTES 06 SECONDS EAST, A DISTANCE OF 93.52 FEET MORE OR LESS TO THE RIGHT OF WAY OF STRAITS HWY, AND TO THE POINT OF TERMINUS.



**BENCHMARK**  
 ELEVATION ESTABLISHED FROM GPS OBSERVATIONS CONSTRAINED TO CPL'S SOLUTIONS, APPLYING GEOD 12A SEPARATIONS NAVD88 DATUM.

**BASIS OF BEARINGS**  
 BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM MICHIGAN, CENTRAL ZONE US FOOT, DETERMINED BY GPS OBSERVATIONS, COMPLETED ON 10.12.17

**UTILITY NOTES**  
 SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT LOCAL 811 AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

**SURVEYOR NOTES**  
 NO SEARCH OF PUBLIC RECORDS HAS BEEN COMPLETED TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE PARENT PARCEL.

THIS SURVEY IS FOR THE PROPOSED LEASE AREA AND THE PROPOSED ACCESS AND UTILITY EASEMENT ONLY, AND ONLY A PARTIAL BOUNDARY SURVEY OF THE PARENT TRACT HAS BEEN PERFORMED.

THIS PROPERTY IS SUBJECT TO ANY RECORD EASEMENTS AND/OR RIGHT OF WAY SHOWN HEREON OR NOT.

THIS SURVEY IS NOT INTENDED FOR LAND TRANSFER.

SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE ISSUED. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

THIS SURVEY PLAN WAS PERFORMED UNDER THE AUTHORITY OF MICHIGAN ACT 132, P.A. 1970, AND IS NOT TO BE CONSIDERED A GENERAL PROPERTY BOUNDARY SURVEY AS DEFINED WITH THE MICHIGAN ACT. DIMENSIONS (F SHOWN) ALONG THE PERIMETER OF THE LANDOWNER'S PROPERTY ARE PROVIDED UNDER THIS SURVEYOR'S SCOPE OF SERVICES WITH AT&T AND ARE TO BE CONSIDERED FOR REFERENCE ONLY. THE EXACT LOCATION OF THE LANDOWNER'S PROPERTY MAY DIFFER UPON THE PREPARATION OF A FULL BOUNDARY SURVEY IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE STATE OF MICHIGAN.



DRAWN BY: MD  
 CHECKED BY: TVN

REV	DATE	DESCRIPTION
A	10.15.17	REVIEW
B	12.06.17	ADDED WETLAND INFO
C	12.19.17	MOVED LEASE AREA



FA #  
 SITE #  
**14293445**  
 SITE NAME:  
**CHEBOYGAN**  
 SITE ADDRESS:  
**2951 N. STRAITS HWY  
 CHEBOYGAN, MI 49721  
 CHEBOYGAN COUNTY**

SHEET TITLE  
**TOPOGRAPHIC  
 SITE  
 SURVEY**

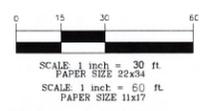
SHEET NUMBER  
**B-1**

**SITE INFO**  
 TAX PARCEL NO: 130-021-100-004-00  
 PROPERTY OWNER: BROOKS, KEVIN & TERRIE  
 SOURCE OF TITLE: LIBER 501 PAGE 555

**LAND SURVEYOR'S CERTIFICATE**  
 I, TRAVIS VAN NESTE, HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF MICHIGAN. I FURTHER CERTIFY THAT THIS PLAT AND THE SURVEY ON THE GROUND WERE PERFORMED BY PERSONS UNDER MY DIRECT SUPERVISION, AND THAT THE DIRECTIONAL AND LINEAR MEASUREMENTS BEING WITNESSED BY MONUMENTS SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED: Travis W. Van Neste DATE: 1.16.18

**TITLE REPORT INFO**  
 A TITLE REPORT WAS NOT PROVIDED AT THE TIME THIS SURVEY WAS PERFORMED. ANY EASEMENTS OR OTHER ITEMS CONTAINED WITHIN THE TITLE REPORT WHICH MAY AFFECT THE LEASE AREA HAVE NOT BEEN PLOTTED.



**FAA COORDINATE POINT**  
 CENTER OF MONOPOLE (NAD83)  
 LATITUDE 45° 30' 16.40" NORTH  
 LONGITUDE 84° 34' 03.07" WEST  
 ELEVATION 622.20' (NAVD88)

**1-A ACCURACY CERTIFICATION**  
 THE HORIZONTAL ACCURACY OF THE LATITUDE AND LONGITUDE OF THE GEODETIC COORDINATES FALL WITHIN TWENTY (20) FEET. THE ELEVATIONS (NAVD88) OF THE GROUND AND FIXTURES FALL WITHIN THREE (3) FEET.



**FLOOD INFORMATION**  
 THE PROPOSED LEASE AREA SHOWN HEREON IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN PER FLOOD HAZARD BOUNDARY MAP, COMMUNITY-PANEL NO. 26031C0225C, DATED 8.16.2012. THE PROPOSED LEASE AREA IS LOCATED IN ZONE "X".

**LEGEND**

POB	POINT OF BEGINNING	SPOT ELEVATION	
POT	POINT OF TERMINUS	POSITION OF GEODETIC COORDINATES	
PUE	PUBLIC UTILITY EASEMENT	WATER CONTROL VALVE	
ROW	RIGHT OF WAY	FIRE HYDRANT	
DW	DRIVEWAY	POWER POLE	
SW	SIDEWALK	ELECTRIC MANHOLE	
●	FOUND AS NOTED	TELCO MANHOLE	
— OHE —	OVERHEAD ELECTRIC	— P —	PROPERTY LINE
— BWF —	BARBED WIRE FENCE		



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646  
[www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/)

## STAFF REPORT

<b>Item:</b> Special Use Permit for a wireless communication facility (Tower and related equipment. section 17.13.).	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> February 13, 2018	<b>Expected Meeting Date:</b> March 7, 2018

### GENERAL INFORMATION

**Applicant:** Tillman Infrastructure.

**Owner:** Kevin and Terrie Brooks

**Location:** 2951 N. Straits Highway

**Contact person:** Mike Bieniek – Tillman Infrastructure

**Phone:** 847-380-5569

**Requested Action:** Special Use Permit per Section 17.13. for construction of a new Wireless Communication Tower and Related Facilities.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking approval of a special use permit for construction of a new cellular tower 190 ft. in height. Tower includes related facilities which include an equipment proposed to be located at the base of the tower. The tower and related facilities are proposed to be placed on a parcel of leased land measuring 100 ft. x 100ft. with access via a driveway from N. Straits Highway in Mullett Township

The subject parcel is zoned Agriculture and Forestry Management (M-AF). Wireless Communication Facilities are authorized by special use permit in M-AF district pursuant to Sections 17.13.1 and 17.13.2. of the Zoning Ordinance.

The applicant is seeking an isolation standard reduction under section 17.13.1. This section requires not less than one (1) times the height of the tower to all points of the property line. This section also provides that the isolation standard may be reduced by up to 50% if the construction plan, the tower, and its guying/anchoring systems are certified by a registered professional engineer as being safe from the hazard of falling onto public roads or adjoining properties. The applicant has provided a letter from a registered engineer (see exhibit 11) relative to this request stating that this standard is met. The height of the proposed tower is 190 ft. The site plan

indicates a lot width of 199.76 feet and is requesting a reduction in the isolation standard accordingly.

The applicant has provided a coverage map for the proposed site along with other information relative to collocation. Please note that I have provided proposed findings in the draft findings of fact document relative to reasonable opportunity for collocation for the proposed facilities on existing structures as required in section 17.13.1.b. The applicant has also provided information relative to all other requirements of section 17.13.1. and requirements under the special use permit approval standards of section 18.7 and site plan review standards of section 20.10.

**Current Zoning:**

Agriculture and Forestry Management District (M-AF)

**Surrounding Land Uses:**

Residential and vacant land uses surround the subject site.

**Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain):** There are no known environmentally sensitive areas.

**Historic buildings**

There are no known historic buildings or historic features on this site.

**Traffic Implications**

This project will have minimal effect on current traffic conditions.

**Parking**

There are no parking requirements for this use.

**Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties)**

Access to the site is provided via N. Straits Highway and an access roadway to the proposed communication facility structures.

**Signs**

No signs are proposed for the site with the exception of emergency contact information, FCC registration number information and FCC call sign on the equipment shelter.

**Fence/Hedge/Buffer**

A locked chain link fence 8ft. high is located around the leased area. No other screening or buffers are proposed.

**Lighting**

Lighting per FAA requirement may prevail. No other exterior lighting is proposed.

**Stormwater management**

There is no significant change to stormwater runoff.

**Review or permits from other government entities:**

FAA requirements may prevail. FCC and Building Code requirements prevail.

**Recommendations (proposed conditions)**

Written confirmation of meeting FAA and FCC requirements before construction.

**CHEBOYGAN COUNTY PLANNING COMMISSION**  
**SPECIAL USE PERMIT REQUEST**  
Wednesday, March 7, 2018, 7:00 PM

Applicant

Tillman Wireless  
10700 W. Higgins Suite 240  
Rosemont, Ill. 60018

Property Owner

Kevin and Terrie Brooks  
2951 N. Straits Highway  
Cheboygan, Mi. 49721

Parcel

2951 N. Straits Highway  
Mullett Township  
130-021-100-004-00

**GENERAL FINDINGS**

1. The property is located in an Agriculture and Forestry management Zoning District (M-AF)
2. The Applicant is seeking approval of a special use permit for location of a wireless communications facility which includes tower up to 190 feet above ground level and related equipment to be located on leased land.
3. New Wireless Communication Facilities are allowed an M-AF zoning district pursuant to Section 17.13.2 by special use permit. (See Exhibit 1)
4. The applicant is seeking reduction in the isolation standard per section 17.13.1.
- 5.

**Findings of Fact Under Section 17.13.1. of the Zoning Ordinance**

17.13.1 Radio and television towers, public utility microwaves and public utility T.V. transmitting towers.

- a. May be permitted by the Planning commission after a Hearing, in D-CM, D-LI, and M-AF Districts provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guy/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling on to public roads or adjoining properties. All guy wires/cables and anchors shall meet zoning setback of the district.

1. The subject property is in an M-AF District.
2. The application and site plan indicates a proposed tower 245ft. tall.
3. An isolation standard of 24 ft. is required pursuant to Section 17.13.1.a..
4. Section 17.13.1.a. also provides that the isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guy/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling on to public roads or adjoining properties.
5. The site plan indicates a fall zone which is less than a 50% reduction in the isolation standard (see exhibit 15 and 17).
6. The applicant has submitted a letter from a registered professional engineer certifying the tower as being safe from the hazard of falling outside of the fall zone indicated on the site plan (see exhibit 11)
7. The Planning Commission finds that the fall zone indicated on a site plan is clear of falling on to the public road and adjoining properties. (see exhibit 15)
- 8.
9. Requirement has been met.

Or.

1. The Planning Commission finds that the construction plan, the tower is not adequately certified by a Registered Professional Engineer as being safe from the hazard of falling on to public roads or adjoining properties.

2.

3. Requirement has not been met.

### **Finding of Fact under Section 17.13.2.b of the Zoning Ordinance**

Wireless Communication Facilities may be permitted by the Planning Commission, after a public hearing, by special use permit if it is found that there is no reasonable opportunity to locate per item 1 above. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. The proposed tower must also meet the following conditions and standards.

- The reference to item 1 in this section states as follows;  
Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building, or if it collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations.

The Planning Commission finds that the documentation has been submitted and/or statements have been made on the record which demonstrates that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing structure. (see exhibit 9 and 17)  
Or

The Planning Commission finds that the applicant has not submitted adequate documentation to show that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing structure.

### **Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6.**

1. The proposed height meets FCC and/or FAA Regulations.
  - a. Evidence of FCC and FAA approval shall be required
  - b. The application indicates that the tower will be subject to all FAA and FCC standards (see exhibit 9)
  - c. Standard has been met.Or.
  - a. The applicant has not provided information regarding applicable FAA and FCC requirements
  - b.
  - c. Standard has not been met.
2. Towers must be equipped with devices to prevent unauthorized climbing.
  - a. The site plan indicates that the tower will be surrounded by an 8 ft. tall locked chain link fence. (see exhibit 15)
  - b.
  - c. Standard has been metOr.
  - a.
  - b. Standard has not been met.
3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing the tower in a "stealth design".
  - a. The tower is to be placed near existing trees.
  - b.
  - c. Standard has not been metOr.
  - a. The facilities are proposed to be placed in clear view and will not blend with the landscape.
  - b.
  - c. Standard has not been met.

4. New towers should be engineered as appropriate for co-location of other antennae.
  - a. The tower design proposes several antennae. (see exhibit 17)
  - b.
  - c. Standard has been met.
 Or.
  - a. No information has been provided regarding future collocation on the subject.
  - b.
  - c. Standard has not been met.
  
5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
  - a. A self-support tower is proposed. (see exhibit 17)
  - b.
  - c. Standard has been met.
 Or.
  - a.
  - b. Standard has not been met.
  
6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.
  1. See applicable findings above.
  2. Requirements have been met.
 Or.
  1. See applicable findings above
  - 2.
  3. Requirements have not been met.

**FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE**

The Planning Commission makes the following findings of fact as required by section 18.7 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
  1. The property is located in an Agriculture and Forest Management District (M-AF) which allows Wireless Communication Facilities by special use permit per Section 17.13. (see exhibit 7)
  - 2.
  3. Standard has been met.
 Or.
  - 1.
  2. Standard has not been met.
  
- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
  1. The proposed tower and related facilities are unmanned stand alone facilities and finds on evidence that proposed wireless communication facilities will not cause the use of materials or involve processes that will create substantially negative impacts on county natural resources or the natural environment. This use is compatible with surrounding land uses. (see exhibit 7, 9 and 15 )
  - 2.
  3. Standard has been met.
 Or.
  - 1.
  2. Standard has not been met.

- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
1. The proposed tower and equipment shelter are unmanned standalone facilities and will not cause the use of materials or involve equipment or processes which would generate noise or traffic which is incompatible with the surrounding land uses. No smoke, glare, fumes or odors will be produced. (see exhibit 7 and 9)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met
- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
1. The proposed tower and facilities are to be placed in the center of the subject property on a parcel of leased land and will not diminish the opportunity for surrounding properties to be used and developed as zoned.(see exhibit 15)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
1. The proposed use will not require public resources greater than current capacity nor increase hazards from fire or other dangers. The facilities are unmanned and secured by locked fencing. (see exhibit 7, 9 and 15)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
1. Adequate access to the site is provided via an access driveway from North Straits Highway. (see exhibit 15 )
  2. The entrance roadway is not within 25 feet of an intersection. (see exhibit 15 )
  - 3.
  4. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.

- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
  - 1. The proposed use is an unmanned stand alone wireless communication facility and will not require a water well, septic facilities or refuse collection. (see exhibit 7)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1.
  - 2. Standard has not been met.
  
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
  - 1. The special use shall comply with all relevant standards required under the ordinance. (see exhibit 1)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1.
  - 2. Standard has not been met.

**SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE**

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  - 1. Changes to the overall natural features of the site will be minimal. (see exhibit 7 and 9)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1.
  - 2. Standard has not been met.
  
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
  - 1. No changes are proposed that would affect the landscape or natural state of the site. (see exhibit 7 & 9)
  - 2.
  - 3. Standard has been met
 Or.
  - 1.
  - 2. Standard has not been met.
  
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 1. No changes in drainage on the site are proposed. (See exhibit 7 and 9)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1.
  - 2. Standard has not been met.

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
1. Not applicable. No dwellings are proposed.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
1. Emergency access is provided via Devereaux Lake Rd. and connecting easement. (see exhibit 7 and 15)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
1. Access is provided via Devereaux Lake Rd. and connecting easement. (see exhibit 7 and 15)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
1. Not applicable. No subdivision plats or subdivision condominiums are proposed.
- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
1. Lighting per applicable FAA requirements shall be required for the tower and will not affect adjacent properties, impede vision of traffic and will not unnecessarily illuminate night skies. (See exhibit 7 and 9)
  2. No additional outdoor lighting is proposed. (see exhibit 7 and 9)
  - 3.
  4. Standard has been met
- Or.
- 1.
  2. Standard has not been met.
- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
1. Not applicable. No common ways are proposed.
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits. The site plan will conform to state and federal statutes and the Cheboygan County Master Plan.)
1. The site plan shall conform to all applicable requirements. (see exhibit 15 and 17)
  - 2.
  3. Standard has been met
- Or.
- 1.
  2. Standard has not been met.

**DECISION**

**TIME PERIOD FOR JUDICIAL REVIEW**

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

**DATE DECISION AND ORDER ADOPTED**

Wednesday, March 7, 2018

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Patty Croft, Chairperson

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Charles Freese, Secretary



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**To: Cheboygan County Planning Commission  
Mr. Jeff Lawson, County Administrator**

**From: Scott McNeil, Planner**

**Subject: Attorney review of draft zoning ordinance amendment for Planned Unit Development**

**Date: February 23, 2018**

Included with this memo please find a copy of a memo from attorney Bryan Graham relative the subject. Also included with this memo please find a copy of draft zoning ordinance amendment dated 2/23/18 (2).

I have interjected language into the draft amendment (printed in bold) to address Mr. Grahams recommendations relative to items 1, 2 and 4 through 7 as listed in his memo.

His concern stated in item 3 of the memo will require further discussion.

# YOUNG, GRAHAM & WENDLING, P.C.

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Peter R. Wendling  
Nicole E. Essad

Eugene W. Smith  
James G. Young, *Of Counsel*

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## MEMORANDUM

**TO:** Jeffery B. Lawson, Administrator  
Cheboygan County **VIA EMAIL**

**FROM:** Bryan E. Graham *BEG*

**DATE:** February 23, 2018

**SUBJECT:** Review of proposed PUD zoning ordinance amendment

Scott sent to me for review the proposed PUD zoning ordinance amendment. Scott requested that I responded to you concerning the results of my review, since today was his last day prior to his retirement.

The following are my comments concerning this proposed amendment.

1. Concerning Section 19.2.2, the phrase "Except as provided herein, the minimum . . ." should added at the beginning of the subsection.
2. Concerning Section 19.2.4, there needs to be language added that requires each phase of the PUD to be self-sufficient and not reliant on other phases of the development. It is always theoretically possible that a developer will propose a multi-phased development, but not followed through on subsequent phases. If you would like me to assist in developing this type of language, please let me know.
3. Concerning Section 19.3, I have concerns that the provision as written allows within a PUD uses authorized "in any zoning district," as opposed to limiting the uses within the PUD to the uses authorized in the zoning district in which the PUD will be located. The current language attempts to place restrictions on these permitted uses based on the county master plan. A master plan is used to provide guidance concerning land uses. Typically, a master plan is not specific as to permitted uses. Relying on the general nature of the county master plan to limit proposed uses in a PUD invites litigation concerning what uses are in fact authorized within the PUD.

4. Concerning Section 19.5.2.1.a.9, the phrase “that is relevant to the standards for PUD approval specified in Section 19.7” should be added at the end of the subsection. Zoning staff and the planning commission should not have uncontrolled discretion to require any information. The information required to be submitted should relate to the approval standards.
5. Concerning Section 19.5.2.2, this subsection should be rewritten as follows:

The Zoning Administrator shall review the PUD application and PUD site plans to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the PUD cannot proceed until all required information has been supplied. Once all required information is submitted, the Zoning Administrator shall present the final plan to the Planning Commission for its review under the procedures of this Article at the next regular Planning Commission meeting which occurs at least thirty (30) days after the date of submission of a complete PUD application and PUD site plan.
6. Concerning Section 19.6, the phrase “30 days” should be replaced with the phrase “a reasonable time.” It is not advisable to place an artificial deadline on the planning commission. A complex PUD may require additional time to hold the public hearing. While it is a good idea to attempt to hold a public hearing within 30 days, that requirement should not be included in the ordinance itself.
7. Concerning Section 19.7.1.j, this standard requires that the function and design of a proposed PUD be consistent with the purpose set forth in Section 19.1. It has been my experience that standards that relate to the intent and purpose of a zoning regulation is difficult for a planning commission to apply. As a result, it is my recommendation that this standard be deleted.

If you have questions concerning any of my comments, please do not hesitate to contact.

BEG

cc: Scott McNeil, Planner (via email)

Draft 2/23/18 (2)

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING  
ORDINANCE #200 TO PROVIDE STANDARDS AND APPROVAL  
REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD).

**Section 1. Amendment of Article 19.**

Article 19 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**ARTICLE 19. PLANNED UNIT DEVELOPMENT (PUD)**

**SECTION 19.1. Purpose** The purpose of these provisions is to permit and encourage design flexibility, encourage innovation in land development and variety in design, layout, and type of structures constructed, achieve economy and efficiency with uses of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities. This ordinance will enable both developers and Cheboygan County officials to propose and review site plans which integrate housing, circulation networks, commercial facilities, open space and recreational areas which are compatible with the surrounding area and natural environment.

**SECTION 19.2. Eligibility Requirements.** To be eligible for a PUD, a parcel shall meet all of the following:

1. A PUD may be applied for in any zoning district except Resource Protection (P-RC) and Natural Rivers Protection (P-NR).
2. **Except as provided herein**, the minimum lot size for a PUD shall be five (5) acres with a minimum of 350 lineal feet measured along the front property line. Any PUD with proposed industrial use shall contain a minimum of ten (10) acres with a minimum of 500 lineal feet measured along the front property line. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.
3. The entire lot being considered for a PUD must be under single or unified ownership.
4. The site submitted for a PUD shall be developed as a single integrated design entity even though it may be developed in phases and contains a variety of uses. A PUD proposed to be developed in phases shall require approval of each phase by the Planning Commission. A PUD proposed to be developed in phases shall include development phase descriptions indicating phases in which the project is proposed to be built with events and/or estimated time frames for beginning and completion of each phase. **Each phase of a proposed PUD development shall be self-sufficient and not reliant on any of phase of a proposed PUD.** The phase descriptions shall also include specific details about the items constructed at the completion of each phase including but not limited to; the buildings to be built, the amount of parking to be constructed, the site amenities that will be completed, any open space, fencing and/or greenbelt to be installed.

5. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction.

**SECTION 19.3. Permitted Uses.** Except as provided herein, the permitted uses within a PUD may consist of any use authorized in any zoning district. Any proposed use, however, shall be consistent with the Cheboygan County Master Plan and its land use goals for the location in which the use will be developed. In addition, any use that is authorized exclusively in the Light Industrial Development (D-LI) district and/or the General Industrial Development (D-GI) district shall only be permitted in a PUD located in that respective district. Also, only common open space, water access facilities, single family, two family and multi-family dwelling uses shall be allowed within three hundred and fifty (350) feet of the highwater mark of any lake, river or perineal stream for a PUD proposed in a Lake and Stream Protection (P-LS) zoning district.

**SECTION 19.4. Development standards for Planned Unit Development (PUD)** In addition to eligibility standards under Section 19.2. and general requirements under Section 19.3., the site submitted for PUD shall adhere to the following standards:

1. The development standards for the uses proposed in the PUD shall be consistent with the corresponding standards within this ordinance for those uses except as provided in this section.
2. Minimum lot size, minimum yard setbacks and minimum structure height based on use type:

USES	Min. Lot Size		Min. Yard Setbacks (ft.)			Max. Structure Height (ft.)
	Area (sq. ft.)	Width (ft.)	Front (ft.)	Sides (ft.)	Rear (ft.)	
Single Family or Two Family Residential	9,900 <sup>b</sup> per dwelling	70 <sup>b</sup>	25 <sup>b</sup>	8 <sup>b</sup>	10 <sup>b</sup>	35
Multi-Family Residential and/or Non-Residential	Submit with plan		25 <sup>b</sup>	10 <sup>b</sup>	15 <sup>b</sup>	35
Industrial	Submit with plan		40 <sup>a</sup>	25 <sup>a</sup>	25 <sup>a</sup>	35

a. Buildings with industrial uses shall be setback from buildings with other uses a minimum of seventy five (75) feet.

b. Uses proposed in a Lake and Stream Protection (P-LS) zoning district shall comply with all applicable minimum yard setbacks and minimum lot size per dwelling as required under section 17.1. and Shared Waterfront Access provisions as required in section 10.4.4.

3. Any portion of a PUD with a non-residential or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which contains a residential use.

4. A minimum of fifteen (15) percent of the land developed on any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Any required perimeter setback area shall not be used to compute area for required open space. The required amount of open space shall be held in common ownership by each owner of property with the development. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final plan. Common open space provided along a lake or river shall contain a minimum average depth from the high water mark of fifty (50) feet.

**SECTION 19.5. Application and approval standards.** The following procedures shall be used for the review and approval of a Planned Unit Development (PUD)

**19.5.1. Pre-application Conference.** A pre-application conference shall be held with the Planning Commission. The goals of the pre-application conference are to acquaint the Planning Commission with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement, approval, or denial of the PUD.

2. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit a copy of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use(s) for the entire site.

3. The liaison representative to the Planning Commission from the Board of Commissioners shall be invited to the pre-application conference to present any relevant input on behalf of the Board of Commissioners.

**19.5.2. Submission of Application and PUD Plan.** Following a pre-application conference, if the applicant desires to proceed, they must submit a complete PUD application which shall include an explanation of the PUD, proposed phases of development, PUD site plans, and application fee to the Zoning Administrator.

1. The PUD site plans shall include:

- a. Site plan of existing conditions which shall include the following:
  1. Existing buildings.
  2. Existing parcel boundaries with tax parcel identification numbers.
  3. Existing streets.
  4. Existing woodlands.
  5. Topography with minimum 5-foot contours.

6. Bodies of water and other significant natural features.
7. Surrounding land uses and zoning.
8. Existing utilities, wells and septic systems.
9. Other information as may be requested by staff or the Planning Commission **that is relevant to the standards for PUD approval specified in Section 19.7.**

b. Site plan for the proposed development which shall include the following:

1. Boundary of the proposed PUD with legal description.
2. Footprint, dimensions and elevations of proposed buildings.
3. Proposed uses and their general locations.
4. Layout of streets, drives, parking areas and pedestrian paths.
5. Proposed parcel boundaries.
6. Minimum setbacks for district perimeters and individual buildings within the development.
7. Proposed perimeter buffer zones and screening.
8. Conceptual landscape plan.
9. Development phases.
10. Type, estimated number and density range for residential uses within the development.
11. Proposed open space and acreage thereof.
12. Table of required and provided parking for all proposed uses.
13. Proposed location of water and sewer/septic system facilities including easements.
14. Proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
15. Drainage plan and final topography plan with minimum 5 foot contours.
16. Location of all public utilities including easements.
17. Signage plan.
18. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
19. Other information as may be requested by staff or the Planning Commission.

**2. The Zoning Administrator shall review the PUD application and PUD site plans to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the PUD cannot proceed until all required information has been supplied. Once all required information is submitted, the Zoning Administrator shall present the final plan to the Planning Commission for its review under the procedures of this Article at the next regular Planning Commission meeting which occurs at least thirty (30) days after the date of submission of a complete PUD application and PUD site plan.**

**SECTION 19.6. Review by the Planning Commission.** The Planning Commission shall hold a public hearing on the PUD application and PUD site plans **within a reasonable time** of the regular meeting at which it is first reviewed. Notice of the public hearing shall be provided as required in Section 24.2. The Planning Commission shall make findings of fact on the standards for approval and shall approve, approve with conditions or deny the PUD.

**19.7. Standards for PUD approval; Conditions; Waiver of PUD Standards; Reapplication of a denied PUD.**

1. In addition to standards and requirements under Sections 19.2., 19.3. and 19.4., the application and site plans for a PUD shall comply with the following standards:

- a. The PUD shall be consistent with master plan.
- b. The PUD is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- c. The PUD will not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance.
- d. The PUD will provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets.
- e. The PUD will have safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.
- f. The PUD will not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced
- g. The design of the PUD will ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- h. The PUD will be designed such that 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. The PUD shall meet the standards of other governmental agencies, where applicable.
- j. Proposed section 19.7.1.j. is recommended to be deleted**

2. The Planning Commission may impose reasonable conditions to insure that public services and facilities affected by a PUD will be capable of accommodating increased service and facility loads, protect the natural environment, conserve natural resources and energy and insure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social well-being of those who will use the PUD under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.

- b. Be related to the valid exercise of the police power and purposes which are affected by the PUD.
  - c. Be necessary to meet the intent and purpose of the requirements and standards established for the PUD under consideration and be necessary to insure compliance with those standards.
3. The Planning Commission may waive any standard for approval, with the exception of minimum lot size and minimum floor area, upon a finding that all of the following exist:
- a. Presence of limiting conditions related to soils, topography, unusual shape or dimension of the site, or other natural conditions that would inhibit good design.
  - b. No good public purpose will be achieved by requiring conformance with the standard(s) to be waived.
  - c. The spirit and intent of the PUD provisions will still be achieved.
  - d. No nuisance will be created.
  - e. Not located in the Lake and Stream Protection Zoning District
4. The Planning Commission may modify minimum dwelling size requirements in all zoning districts except the Lake and Stream Protection district (P-LS), if it can be shown that the design of the dwellings and/or the layout of the lot are either adequately isolated by greenbelts, distance, or topography from neighboring dwelling units or shown to be architecturally similar to neighboring dwelling units.
5. The Planning Commission may modify minimum lot size requirements in all zoning districts except the Lake and Stream Protection district (P-LS), if it can be shown that the design and/or the layout of the lots are either augmented by and/or adequately isolated by greenbelts, distance, additional open space, topography or other buffers from neighboring conforming lots.
6. Modifications shall not be granted if they are found to be contrary to the spirit and intent of the zoning ordinance or would be contrary to the County's Future Land Use goals.
7. No application for a PUD which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county's civil counsel by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedures used in the matter were clearly erroneous. A reapplication shall be processed in the same manner as the original application.

**SECTION 19.8. Performance Guarantee.**

In connection with the approval of a PUD, the Planning Commission may require the Applicant to furnish Cheboygan County with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the site on which the PUD will be located or which the Applicant has agreed to construct even though located outside the site. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the site on which the special land use will be located. For purposes of this subsection, the costs covered by the

performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the County Treasurer at or before the time the PUD is issued. The performance guarantee shall ensure completion of the public and site improvements in accordance with the PUD approved by the Planning Commission. Any cash deposit or certified funds shall be refunded in the following manner:

- a. One-third of the cash deposit after completion of one-third of the public and site improvements;
- b. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
- c. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If an Applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the County as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

#### **SECTION 19.9. Expiration, Development and Maintenance of approved PUD.**

1. An approved PUD application and site plans shall expire two (2) years following the date of approval by the Planning Commission, unless construction has begun on the development, or the property owner applies to the Planning Commission for an extension of the approved PUD prior to the expiration of the PUD. The Planning Commission may grant no more than two (2) extensions of an approved PUD for additional one (1) year periods each if it finds both of the following:

- a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
- b. The requirements and standards for PUD approval that are reasonably related to the development have not changed.

2. If the PUD expires pursuant to subsection 1 above, no work may be undertaken until a new PUD approval is obtained following the procedures for a new PUD.

3. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application, site plan and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

#### **SECTION 19.10. Amendments to Approved PUD site Plan.** Amendments to an approved PUD site plan shall be permitted only under the following circumstances:

1. The owner of property for which a PUD site plan has been approved shall notify the zoning administrator of any desired change. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the final plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- a. Reduction of the size of any building and/or sign.

- b. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.
- c. Landscaping approved in the final plan that is replaced by similar landscaping to an equal or greater extent.
- d. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after approval of the final plan.
- e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- f. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
- g. All amendments to final plan by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

2. An amendment to an approved final plan that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original PUD application by the Planning Commission as required under section 19.7.

**Section 2. Severability.**

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 3. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:  
John B. Wallace  
Its: Chairperson

By:  
Karen L. Brewster  
Its: Clerk