



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, OCTOBER 18, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk
ABSENT: Churchill
STAFF: Scott McNeil
GUESTS: Rob LaBelle, Andy Webber, Eric Boyd, John F. Brown, Roberta Matelski, Cal Gouine, Russell Crawford, Cheryl Crawford, John Moore, Carl Muscott, Karen Johnson, Marcia Rocheleau

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

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The September 20, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

The October 4, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Telecad Wireless Site Design Inc. on behalf of Verizon Wireless and Chuck and Carol Underwood - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The proposed wireless communication facility address is 4802 Carlson Road. The property address is 4981 Riggsville Road. The property is located in Inverness Twp., section 20, parcel #091-020-300-002-00, and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that the tower is proposed to be located in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that the total parcel is less than 80 acres and located on Riggsville Road with frontage also on Carlson Road. Mr. McNeil stated that the frontage on Carlson Road is where the tower is proposed to be located. Mr. McNeil referred to the detailed drawing and noted the location of the proposed tower. Mr. McNeil stated that there will be a 112ft. setback. Mr. McNeil stated that this tower will be 220ft. tall. Mr. McNeil explained that the standard fall zone requirement is 1:1 ratio, although the Planning Commission is allowed to reduce this requirement up to 50% if it is demonstrated by an engineer that the tower will fall directly down and not on neighboring property. Mr. McNeil stated that the applicant will show that there is no opportunity for co-location. Mr. McNeil stated that an email was received from a neighboring property owner which has been included in the exhibit list.

Mr. Webber stated that he is representing Telecast and Rob LaBelle is representing Verizon. Mr. Webber stated that he is given a 1/4 mile search range to find a proposed location for a tower. Mr. Webber stated that they are proposing a 100ft. leased area, but they will only fence in 75ft. x 75ft. and as other co-locators are added they may expand it if needed. Mr. Webber stated that the fence will be 6ft. tall with green vinyl slats. Mr. Webber stated that they tried not to deal with too many trees along Carlson Road. Mr. Webber stated that there will be a diagonal access road so that the trees can be saved. Mr. Webber stated that this will allow the compound to be less visible from the road. Mr. Webber stated that this will be a 220ft. self-support tower.

Mr. LaBelle explained how siting a location is handled. Mr. LaBelle stated that this is a Verizon Wireless Communications site for the purpose of coverage for a service gap. Mr. LaBelle referred to a propagation map that he distributed to the Planning Commission and stated one element of siting a location is coverage. Mr. LaBelle stated that every tower creates a cell around it and each cell is circular and must hook up with every other circular cell created by a tower. Mr. LaBelle stated that the towers have to be sited so they are not so close to each other that they create an overlap. Mr. LaBelle stated that an area of overlap is an area of destructive interference and there will be lesser coverage. Mr. LaBelle explained that this tower will take care of the coverage problems in this area. Mr. LaBelle explained this area is underserved by coverage and that there is also an issue with capacity. Mr. LaBelle stated that there are 24 state and federal agencies that must approve every tower. Mr. LaBelle explained that this proposed tower must be approved by the DEQ. Mr. LaBelle stated that they also have to consider the Endangered Species Act for which they need the Army Corps of Engineers approval. Mr. LaBelle stated that they have to consider trees as the roosting grounds for the Indiana Bat and the Brown Long Ear Bat. Mr. LaBelle explained that they have to show that there are no bats in the trees and as a result staying away from the trees is important. Mr. LaBelle stated that they also try to site the tower so that it is close to the trees so that they will partially cover the tower. Mr. LaBelle stated that it takes months to site a tower. Mr. LaBelle stated that they also have to consider where the landowner would like to have the tower located. Mr. LaBelle stated that they try to establish the tower in the safest, least obtrusive location possible. Mr. LaBelle stated the closest tower that he could have co-located on is 1.8 miles away and it would not have been able to handle the coverage problems for this zone. Mr. LaBelle stated that a particular site is identified to address coverage and capacity problems as they arise in priority in the system. Mr. LaBelle stated that these problems are called trouble tickets which result from customer complaints, measured lost signal and measurements that are made by engineers in the field. Mr. LaBelle stated that Verizon Wireless is governed by the Federal Telecommunications Act. Mr. LaBelle stated that when Verizon Wireless receives a license to broadcast across a particular bandwidth in a particular area, there is an obligation to serve the entire area that is served by that license. Mr. LaBelle stated that they must fill that area to the extent of need. Mr. LaBelle stated that they have established that there is a need for this area. Mr. LaBelle read from Section 704(a) of the 1996 Act, "The regulation of the placement, construction, and modification of personal wireless service facilities by any state or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services." Mr. LaBelle explained that once they have established a need it can't be the circumstance of "if you can see it, it can't go there." Mr. LaBelle stated this is prohibition.

Mr. LaBelle stated that as of December 2016, cell phones are now the primary means of telephone communication in America. Mr. LaBelle stated that cell phones are safe. Mr. LaBelle stated that 93% of all calls to 911 come from a cell phone. Mr. LaBelle stated that the need for a cell phone is not just along a highway. Mr. LaBelle stated that the need is also from residences and businesses. Mr. LaBelle stated that they try to place the tower in the best location and on the least obtrusive site. Mr. LaBelle explained that they have had towers for 45 years. Mr. LaBelle stated that 30-year leases have been renewed.

Mr. Jazdyk asked if they could co-locate on any existing towers. Mr. LaBelle stated no and noted that the closest tower is 1.8 miles away. Mr. Jazdyk asked if other companies will be able to co-locate on this tower. Mr. LaBelle stated yes and that they have to allow their competitors to co-locate on their tower. Mr. Ostwald asked if there is a limit to the number of companies that co-locate on the tower. Mr. Webber stated that they will allow co-location for up to 4 carriers on this tower.

Mr. Kavanaugh asked if there has been any research completed on property values for parcels adjacent to a tower. Mr. LaBelle stated that studies analyzing property values before and after the existence of a tower have concluded that there is little or no effect. Mr. LaBelle explained that when telephone poles were first put in they were considered obtrusive. Mr. LaBelle explained that if a home had telephone service, even if there are telephone poles to look at, it made the property more valuable.

Ms. Croft asked for public comment. Mr. Muscott asked how this 212ft. Tower compares to other antennas in the county. Mr. LaBelle stated he does not know the specifics, but he guesses that it would be about the same. Mr. LaBelle stated that this is a rural area and as a result, they put up bigger towers. Mr. LaBelle stated that in urban areas there are many impediments to a signal so they locate the tower lower and often on buildings. Mr. LaBelle stated that they put in more towers in urban areas. Mr. Muscott stated that some smaller regional providers claim that they can't afford to co-locate on a particular antenna and they put up a smaller stand-alone antenna. Mr. Muscott asked if Verizon is regulated with a maximum that they can charge for co-location. Mr. LaBelle stated that there isn't an FCC regulation dealing with co-location fees. Mr. LaBelle explained that small internet providers are not covered by the FCC. Mr. LaBelle stated that they charge market rates. Discussion was held.

Mr. LaBelle stated that this tower is impervious to falling over as it is structurally designed to collapse on itself in a catastrophic event. Mr. LaBelle stated that no Verizon Wireless monopole or self-support tower has ever fallen despite being hit by vehicles, hurricanes, tornadoes, and floods.

An audience member stating that the application states that lighting will be according to FAA regulations. The audience member asked what is required by the FAA. Mr. Webber stated that the FAA requires a red flashing beacon for any tower that is over 200ft. Discussion was held regarding whether or not the beacon would be circular or flashing. Mr. Webber stated that he does not have this information and he will provide the specifications for the light. Public comment closed.

The Planning Commission reviewed and approved the General Findings, Finding of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2.b, Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6., Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2.b, Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6., Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to receiving the specifications on the beacon. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

An amendment to Cheboygan County Zoning Ordinance #200 to add Article 10A to provide for the Lake and Stream Protection Shelter Overlay (P-LS-SO) zoning district and provide conditions and requirements for boat shelters.

Mr. McNeil stated that this is a public hearing for consideration of an overlay zoning district for the Lake and Stream Protection Zoning District that includes properties located on the Cheboygan River, Indian River and the Lower Black River. Mr. McNeil stated that this overlay district is proposed to allow boat shelters within the current waterfront setback. Mr. McNeil stated that there is a current 40ft. setback requirement from the high watermark for any structure within the Lake and Stream Protection Zoning District. Mr. McNeil stated that this overlay district will allow the placement of a boat shelter, with some conditions as stated in the ordinance, to be placed over a boat well. Mr. McNeil stated that one boat shelter will be allowed per parcel. Mr. McNeil stated that the width of the boat shelter can't exceed 20% of the lot width or 16ft. whichever is lesser. Mr. McNeil stated that the boat shelter can't exceed 12 feet in height with a 4:12 pitch containing eaves no greater than 2 feet. Mr. McNeil stated the boat shelter is to have open sides. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott thanked Mr. McNeil for his effort on this amendment and the Planning Commission for recognizing the need for this amendment.

Mr. Brown stated that he believes a wheelchair should be allowed along the edge even if the overhang is reduced so there is a 1ft. overhang. Mr. Muscott and Mr. Freese noted that a sidewalk is allowed anywhere on the property. Mr. McNeil stated that walkways up to 8 feet wide are allowed. Mr. McNeil stated that ADA accessible planks are allowed to the boat. Mr. Brown stated that there should be enough room between the boat well wall and the post for a wheelchair. Discussion was held. Mr. McNeil stated that the Planning Commission is trying to balance the idea of allowing boat shelters and at the same time trying to keep them less obtrusive.

Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

UNFINISHED BUSINESS

Sign Ordinance Amendment Relative To Content Based Regulation

Mr. McNeil stated that this amendment has been reviewed by legal counsel and as a result clarifying language has been added relative to the Village Center Indian River and Village Center Topinabee. Mr. McNeil stated that this amendment is ready for public hearing. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for November 15, 2017. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that he has received a legal review of the pending amendments relating to bars and restaurants, auto repair and fuel stations and office uses and personal care uses. Mr. McNeil stated that these items will be on the next Planning Commission agenda.

Mr. McNeil stated that the Planning Commission has received a copy of the notice from Emmet County that they are intending to plan with regards to the recreation plan.

PLANNING COMMISSION COMMENTS

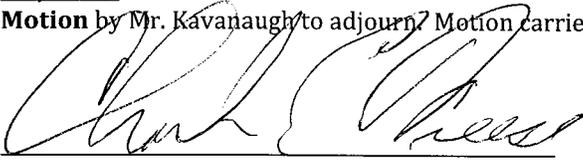
No comments.

PUBLIC COMMENTS

No comments.

ADIURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:56pm.

A handwritten signature in black ink, appearing to read 'Charles Freese', written over a horizontal line.

Charles Freese
Planning Commission Secretary