



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, FEBRUARY 21, 2018 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon
ABSENT: Borowicz, Churchill, Jazdzyk
STAFF: Scott McNeil
GUESTS: David Antoun, Rob LaBelle, Carl Muscott, Jeff Lawson, Betsy Hanson, Larry Hanson, Cal Gouine, Bob Lyon, Roberta Matelski, Russell Crawford, Cheryl Crawford, Karen Johnson, Carl Muscott, C. Veneros, John Moore, John F. Brown Hobart Kirsch

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. Bartlett, to approve the agenda as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Churchill, Jazdzyk)

APPROVAL OF MINUTES

The February 7, 2018 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Churchill, Jazdzyk)

PUBLIC HEARING AND ACTION ON REQUESTS

TeleSite Wireless on behalf of Verizon Wireless and TowerCo and Michael O'Grady - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 130 West Devereaux Lake Road, Mullett Twp., section 24, parcel #130-024-400-002-03, and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that the applicant is seeking approval for construction of a new cellular tower in the Agriculture and Forestry Management zoning district. Mr. McNeil stated that the facilities are proposed to be located in a 100ft. x 100ft. leased area with easement access via the driveway. Mr. McNeil stated that the applicant is proposing a 245ft. tower. Mr. McNeil stated that there is a 125ft. fall zone indicated on the site plan. Mr. McNeil stated that regarding the isolation standard, the applicant has submitted the letter from an engineer that is required to reduce the standard up to 50%. Mr. McNeil stated that there is an existing 80ft. tower that will be removed before this tower will be constructed.

Mr. Antoun stated that he represents TowerCo and Verizon Wireless. Mr. Antoun introduced Rick Russell, who is counsel for TowerCo and Verizon Wireless. Mr. Antoun introduced Bill Duffy, who is a Verizon Wireless Engineer. Mr. Antoun stated that this is a 245ft. tower (including the lightning rod). Mr. Antoun stated that he did submit a fall zone letter showing that the tower will collapse upon itself. Mr. Antoun stated that the tower and the fencing will be galvanized steel and will not rust. Mr. Antoun stated that all the equipment will be located in cabinets. Mr. Antoun stated that the proposed access drive is the existing access drive that is used by Mullett Tree Services. Mr. Antoun referred to the propagation maps and explained that there are areas with no coverage. Mr. Antoun stated that over 50% of people do not use land lines. Mr. Antoun stated that 97% of 911 calls are made from a cell phone. Mr. Antoun stated that it is very important for our health, safety, and welfare to have coverage in this area. Mr. Antoun stated that the existing tower will be removed and a new tower will be constructed. Mr. Antoun stated that the proposed tower is a much taller tower so that they will be able to achieve Verizon's objectives. Mr. Antoun stated that TowerCo is building this tower for Verizon and TowerCo want co-locators on this tower.

Mr. Freese asked if the dish antennas on the ground will also be removed. Mr. Antoun stated that everything on the existing tower will be removed and if these dishes are not needed he will have them taken down as well. Discussion was held. Mr.

Freese noted that the application states that screening is not needed, however, the adjacent property owners are objecting to the fact that there isn't any screening. Mr. Antoun stated that they could screen around the compound. Mr. Freese stated that the regulation explains what is allowed for screening.

Mr. Kavanaugh stated that there have been several letters of opposition to this request. Mr. Kavanaugh asked how the tower site location is determined. Mr. Antoun stated that it is a science and they use the propagation maps. Mr. Antoun stated that the coverage provided by the towers have to barely touch each other and if they overlap it will cause interference. Mr. Antoun stated that if they are too far away from each other there will be a gap that will never be filled. Discussion was held.

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

Board held discussion. Mr. Kavanaugh stated that there were several letters of opposition submitted regarding this request.

The Planning Commission reviewed and approved the General Findings, Findings 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. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Findings 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 meeting the screening requirements and documentation must be submitted that FAA requirements are met. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Churchill, Jazdyk)

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment For Planned Unit Development

Mr. McNeil stated that he has removed the reference to the PUD zoning district as this is not a zoning district and the review will be based on the standards under the approval of the Planning Commission.

Mr. McNeil stated that the following has been added to section 19.3: "Also, 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 perennial stream for a PUD proposed in a Lake and Stream Protection (P-LS) zoning district." Mr. McNeil stated that the following has been added under a new section 19.4.2.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." Mr. McNeil stated that the following has been added to section 19.4.4: "Common open space provided along a lake or river shall contain a minimum average depth from the high water mark of fifty (50) feet." Mr. McNeil noted that the ability for the Planning Commission to waive any standard is in section 19.7.3. Mr. McNeil stated that in section 19.7.3 there should be language regarding waivers for minimum lot size and minimum dwelling requirements. Mr. Freese requested that the new language in section 19.3 be changed to "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 perennial stream for a PUD proposed in a Lake and Stream Protection (P-LS) zoning district."

Mr. Kavanaugh referred to section 19.7.3 and stated that because this is a protection district he would like to see that any standard can be waived except in the Lake and Stream Protection zoning district. Mr. Kavanaugh stated that this would allow PUD's in the Lake and Stream Protection zoning district but the applicant would have to meet the standards. Mr. McNeil asked if this should also apply to section 19.7.4 and 19.7.5 (minimum dwelling size and minimum lot size). Discussion was held. Mr. Freese stated that we could get by with restricting the waivers in the Lake and Stream Protection zoning district at this time and it is something that can be changed in the future. Mr. Freese stated that waivers should be allowed in the other districts. Mr. Kavanaugh agreed with Mr. Freese. Mr. McNeil stated that he will add language as requested.

Mr. Kavanaugh asked if this proposed amendment has been reviewed by legal counsel. Mr. McNeil stated that it has not been reviewed by legal counsel. Mr. Freese asked Mr. McNeil to add the proposed language before sending it to legal counsel for review. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to make the changes to the proposed amendment and forward to legal counsel for review. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Churchill, Jazdyk)

NEW BUSINESS

No comments.

STAFF REPORT

Work Plan – Remaining Priority Items

Mr. McNeil provided the Planning Commission a document that listed the priority items that have been identified with an update for each priority item. Mr. McNeil stated that regarding the use terminology review he has provided the Planning Commission with information regarding existing definitions, proposed definitions and use listings that can be eliminated.

Mr. Lawson stated that the director position has been open for approximately 2½ months and he is currently talking with a couple of candidates. Mr. Lawson stated that there has not been a lot of response. Mr. Lawson stated that if these candidates do not work out, he may have to hire a planner who will have to be mentored. Mr. Lawson stated that he would like to see a director and support staff. Mr. Lawson stated the clerk has been promoted to the assistant to the director and will continue with the same responsibilities along with approving residential zoning applications. Mr. Lawson explained that there will also be another position that will be for enforcement and possibly soil erosion or planning. Mr. Lawson stated that there will be three people in the office. Mr. Lawson stated that he will be attending the Planning Commission meetings and arrangements have been made with NEMCOG for support on the findings of fact.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh wished Mr. McNeil good luck in his retirement. Mr. Kavanaugh stated that it has been nice working with Mr. McNeil who is very professional, personable and dedicated. Mr. Kavanaugh thanked Mr. McNeil and stated he will be missed. Mr. Freese agreed with Mr. Kavanaugh and stated that Mr. McNeil will be missed. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott thanked Mr. McNeil and stated that he the type of valuable employee that is very rare nowadays.

Ms. Crawford asked if there is something that can be done about the applicant leaving during the meeting and having a conversation outside the door. Ms. Crawford stated that it is very distracting. Ms. Croft stated that this is an open meeting and the door can't be closed. Mr. Kavanaugh stated that the Chairperson should be notified of the disturbance and she will deal with it at that time. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:38pm.



Charles Freese
Planning Commission Secretary