



CHEBOYGAN COUNTY PLANNING COMMISSION

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

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Jazdyk
ABSENT: Borowicz, Churchill
STAFF: Scott McNeil
GUESTS: Cal Gouine, John Moore, Eric Boyd, Mike Bieniek, Russell Crawford, Cheryl Crawford, Bob Lyon, Karen Johnson, Carl Muscott

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. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Borowicz, Churchill)

APPROVAL OF MINUTES

The February 21, 2018 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdyk, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Borowicz, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

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).

Mr. Lawson stated that this is a special use permit application for a wireless communication facility from Tillman Infrastructure. Mr. Lawson stated that the owners of the property are Kevin and Terrie Brooks and the property is located at 2951 South Straits Highway. Mr. Lawson stated that the applicant is requesting approval for a special use permit under section 17.13 for a wireless communication tower. Mr. Lawson stated that the applicant is seeking to construct a new 190ft. tower and related facilities on the property. Mr. Lawson noted the location of 100ft. x 100ft. leased area and stated that this is the proposed location for the facilities. Mr. Lawson stated that this parcel is located in the Agriculture and Forestry Management District and wireless communication facilities are permitted by special use permit under section 17.13. Mr. Lawson stated that the applicant is also seeking a reduction in the overall setback of the tower height. Mr. Lawson stated that a 1:1 setback is required and with an engineer report, which has been provided, it can be reduced by 50%. Mr. Lawson stated that the applicant has provided a coverage map for the area and also has answered questions under the special use permit requirements.

Mr. Bieniek stated that he is representing LCC Telecom Services. Mr. Bieniek stated that LCC Telecom Services represents Tillman Infrastructures and they are proposing to construct a 190ft. monopole. Mr. Bieniek stated that Tillman Infrastructures is constructing this tower on behalf of AT&T Mobility. Mr. Bieniek stated that there is an existing wood pole that is 80ft. tall and AT&T is currently using this tower. Mr. Bieniek stated that the existing tower is outdated and the equipment can't be updated. Mr. Bieniek stated that the existing tower does not provide adequate coverage. Mr. Bieniek stated that the proposed tower will be located within the 100ft. x 100ft. leased area on the Brooks property. Mr. Bieniek stated that within the 100ft. x 100ft. leased area there will be equipment for AT&T initially and then more carriers later. Mr. Bieniek reviewed the propagation maps for the area and noted existing areas of poor coverage. Mr. Bieniek explained that this tower is acceptable if there are only phones calls, but due to the additional demands of data, the signal has been diminished significantly. Mr.

Bieniek stated that with this wood pole, AT&T can't upgrade their equipment to accommodate for all the data that goes through the antennas. Mr. Bieniek stated that because of this issue, this cell site is at a disadvantage over a regular cell site. Mr. Bieniek stated that most ordinances require a 1:1 fall zone, but Mr. Bieniek explained that towers do not tip over. Mr. Bieniek stated that for a tower to tip over you would have to have a complete failure of the foundation. Mr. Bieniek explained that a tower will collapse onto itself. Ms. Lyon asked if guy wires are needed for this to work properly. Mr. Bieniek stated that a monopole tower can go up to 199ft. and if a tower is under 200ft. it does not have to be lit. Mr. Bieniek stated that a self-support lattice tower is between 200-300ft. and these are the three legged towers. Mr. Bieniek stated that guy towers are over 300ft.

Mr. Kavanaugh stated there is Woodmansee Road and a home located nearby and noted that there are screening requirements. Mr. Bieniek stated that the minimum amount of tree required for the compound will be taken down. Mr. Bieniek stated that trees will not be taken out to the north, west or the south. Mr. Bieniek stated that it will only be from the leased compound back from the front of the property. Mr. Bieniek stated that screening will be maintained to the adjoining properties. Mr. Bieniek stated that they would be willing to provide screening on the front side. Mr. Freese stated that the existing trees are deciduous and provide no screening during the winter months. Discussion was held. Mr. Bieniek stated that they can amend their plan to include evergreens for screening.

Ms. Croft asked for public comments. Mr. Muscott stated that the General Findings reference a 190ft. tower but the Findings of Fact reference a 245ft. Discussion was held regarding this being a typographical error. Mr. Lawson explained that the Planning Commission received the updated General Findings and Findings of Fact with this change, but it was not uploaded to the website. Mr. Lawson stated that this was information from a previous special use permit for a tower. Public comment closed.

Mr. Kavanaugh stated that this is a reasonable request and proposed the tower will provide better coverage.

The Planning Commission reviewed and approved the General Findings, Findings of Fact Under Section 17.13.1., Findings of Fact Under Section 17.13.2b., Conditions and Standards Under Subsections 17.13.2.b.1. through 17.13.2.b.6, Findings of Fact Under Section 18.7 and 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 17.13.2b., Conditions and Standards Under Subsections 17.13.2.b.1. through 17.13.2.b.6, Findings of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10 subject to meeting FCC and FAA regulatory requirements, MDOT requirements and screening requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Borowicz, Churchill)

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment For Planned Unit Development

Mr. Lawson stated that Mr. McNeil received recommended changes from legal counsel and Mr. Freese has discussed certain topics with legal counsel.

Mr. Freese stated that Mr. Graham's original memo and copies of all the zoning districts have been distributed to the Planning Commission. Mr. Freese stated that he does not see any problems with Mr. Graham's first comment which was an introduction for section 19.2.2.

Mr. Freese stated that he does not see any problems with Mr. Graham's second comment which is regarding section 19.2.4. Discussion was held regarding changing the fourth sentence of section 19.2.4 to "Each phase of a proposed PUD development shall be self-sufficient and not reliant on other phases of a proposed PUD." Mr. Lawson stated that it was not intended that every area had to have independent roads or utilities. Mr. Lawson stated that utilities and road could be built in the first phase. Mr. Lawson stated that Mr. Graham asked for him to clarify this issue. Mr. Kavanaugh stated that his concern was the order that it would be done and this does not help. Mr. Kavanaugh stated that we may want to add that the Planning Commission has the right to review the order of the phases. Mr. Kavanaugh stated that previously there was acceptable language and it is not there now. Mr. Lawson stated that Mr. Graham thought that this language tackled that issue. Mr. Lawson stated that if the applicant needs to have the requirements in the first phase, they will have to be in place before they move on to the second phase. Mr. Freese referred to section 19.7.h and stated that the Planning Commission can review the order of the phases under this section.

Mr. Freese referred to section 19.3 and stated that the way it was previously written, the Planning Commission could approve any use from any zoning district to any other zoning district with the qualifications. Mr. Freese noted that this does not include Lighting Industrial and General Industrial. Mr. Freese stated that uses in the Residential district include uses in the

Agriculture and Forestry Management zoning district and this includes a junk yard. Mr. Freese stated that a sexually oriented business is authorized in Commercial so it could also be allowed in Residential and Agriculture and Forestry Management. Mr. Freese suggested taking all zoning districts and review each of the allowed uses and determine what districts it would be allowed in for the PUD amendment.

Mr. Freese stated that he does not see any problems with Mr. Graham's fourth, fifth, sixth and seventh comments.

Mr. Kavanaugh stated that the Planning Commission decided that PUD's would not be allowed in Natural Rivers and Resource Protection but they are included in section 19.3. Mr. Freese stated that there will be a master chart and these two districts will be included in the chart but will not have any permitted uses. Mr. Freese stated that he is also proposing not allowing PUD's in Village Center Indian River or Village Center Topinabee. Mr. Kavanaugh stated that he believes it is easier to not include these districts in the chart. Discussion was held.

Mr. Kavanaugh referred to section 19.7.3 and stated that this is the section where the Planning Commission can waive any standard. Mr. Kavanaugh stated that the Planning Commission decided that it would not be allowed in Lake and Stream Protection. Ms. Croft read section 19.7.3.e, "Not located in the Lake and Stream Protection Zoning District." Discussion was held.

Mr. Lawson referred to section 19.8 and stated that Mr. Graham indicated that in the general sections of the ordinance there are existing standards and he did not believe it should be duplicated into two sections of the ordinance. Mr. Lawson stated that the primary language should be deferred to and a reference should be made that it is required under a PUD.

Ms. Croft stated that we should be including what is recommended by legal counsel. Mr. Kavanaugh agreed with Ms. Croft. Ms. Croft stated that the next step would be to schedule a public hearing and she would like to see the amendment revised before scheduling the public hearing. Mr. Freese stated that everyone should review the information that has been provided on all the uses by right and uses by special use permit for each zoning district. Mr. Freese stated that a chart will be created with each of the zoning districts and all of the uses. Mr. Freese stated that the definitions that are currently being changed should also be included. Discussion was held.

NEW BUSINESS

Discussion was held regarding zoning enforcement.

STAFF REPORT

Mr. Lawson stated that next week he will be scheduling an interview for the Planning and Zoning Director position.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:39pm.



Charles Freese
Planning Commission Secretary