



CHEBOYGAN COUNTY PLANNING COMMISSION

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, FEBRUARY 21, 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.) **TeleSite Wireless on behalf of Verizon Wireless and Tower Co. 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).

UNFINISHED BUSINESS

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

NEW BUSINESS

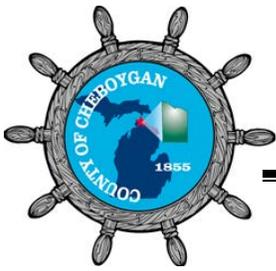
STAFF REPORT

- 1.) Work Plan - Remaining Priority Items

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

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

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

- PRESENT:** Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk
ABSENT: Bartlett, Churchill
STAFF: Scott McNeil
GUESTS: Travis Neuman, Perry Neuman Eric Boyd, Roberta Matelski, Carl Muscott, Cal Gouine, John F. Brown, Bob Lyon, John Moore, Jessie Rapp, Russell Crawford, Cheryl Crawford

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. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

APPROVAL OF MINUTES

The December 20, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

The January 17, 2018 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Travis Neuman - Requests a Special Use Permit for a manufacturing use (roasting coffee for internet sales. Section 6.3.9.) The property is located at 7396 North Straits Highway, Inverness Township, parcel #091-026-305-043-00 and is zoned Commercial Development (D-CM).

Mr. McNeil stated that this request is for a coffee bean roasting and processing operation in a Commercial zoning district. Mr. McNeil stated that this will fall under the definition of manufacturing, which requires a special use permit. Mr. McNeil stated that with this particular use listing, the Planning Commission is required to make an additional finding that the effects are no greater than those with respect to the other uses that are allowed in that district relative to noise, glare, vibrations, smoke, odor or dust. Mr. McNeil stated the existing structure will be used. Mr. McNeil stated that this is an owner operated business and one employee was noted on the application and parking requirements have been met.

Mr. Borowicz referred to the topography waiver request and noted that this is not a flat site. Mr. Freese stated that the question is if the topography waiver is necessary to evaluate this application. Mr. Freese stated that the applicant is not making any changes to the site as the building has existed for approximately 50 years. Mr. Borowicz agreed with Mr. Freese. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to grant the topography waiver request. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

Mr. Kavanaugh stated that the last time he was at this site the building wasn't connected to the septic tank. Mr. Kavanaugh asked if it is connected now and if the water has been sampled. Mr. Neuman stated that zoning approval is required first and then he will apply for the Department of Agriculture licensing and Health Department permits.

Ms. Lyon asked if there is any waste product produced from roasting coffee. Mr. Neuman explained that the skin from the outside of the bean will be recycled and put into the compost. Ms. Lyon asked if there will be any water drainage. Mr. Neuman stated that the water at the site will be for hand washing and cleaning of equipment. Mr. Neuman stated that the State requires a separate bathroom, which is similar to what you would see in a licensed kitchen. Mr. Neuman stated that he plans to roast coffee and once the license is approved, he will be able to sell on-line and mail out coffee. Mr. Neuman stated that under the current Cottage Food law, he is currently allowed to sell face to face which means farmers markets. Ms. Lyon asked if there will be any sales at the site. Mr. Neuman stated that he has delivered to local customers, but it would be nice for customers to be able to stop in to purchase coffee.

Mr. Freese asked how the beans will be delivered. Mr. Neuman stated that it will be delivered to the terminal and will be held until picked up. Mr. Neuman stated that he will go through one pallet (600lbs.) load every 3-4 months. Mr. Freese asked Mr. Neuman how the packages will be sent to the customers. Mr. Neuman stated that he is not mailing any packages at this time because of the Cottage Food law. Mr. Neuman stated that he is not in operation at this time. Mr. Neuman stated that he is roasting at home and delivers to customers. Mr. Neuman stated that his main staple right now is the farmer's market. Mr. Neuman stated this is going from a hobby into a small business.

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

The Planning Commission reviewed and approved the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions:

1. Health Department requirements be met
2. Department of Agriculture requirements be met
3. Department of Building Safety requirements be met
4. Signage requirements be met

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

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment For Planned Unit Development

Mr. McNeil stated that at the last meeting, the Planning Commission discussed allowing a reduction of the minimum structure sizes and dwelling sizes if certain criteria have been met. Mr. McNeil stated that the Planning Commission also discussed language that would allow reduction of lot size. Mr. McNeil noted that he added section 19.7.5 to the proposed amendment.

Mr. McNeil stated that the Planning Commission discussed allowing PUD's in the Lake and Stream Protection zoning district. Mr. McNeil stated he has provided language in section 19.1.2.a. Mr. McNeil stated that the language has been added that would allow PUD's to be proposed in the Lake and Stream Protection zoning district provided that they are at least 250ft. away from any high water mark. Mr. McNeil stated that he included language that the minimum lot size requirement, as currently required in the ordinance be met within that district. Mr. McNeil stated that there is language that would allow the Planning Commission to reduce this requirement. Mr. McNeil stated that there is language in the Master Plan that talks about guarding against higher densities in the Lake and Stream Protection zoning district and that he recommends keeping the minimum lot size for dwelling as they are currently for a typical development.

Mr. Freese referred to 19.2.1.a and stated that he believes residential could be closer to the water and suggested that a greater proportion of the development could be developed as common use areas or park areas. Mr. Freese stated that we have routinely granted developments with a greater density than what the regulation allows in Lake and Stream Protection zoning district such as Pier 33, the site condos on the east side of the Indian River, the site condos on the east side of the entrance to the Cheboygan River and Grand Resort. Mr. McNeil and Mr. Borowicz noted that some of these are existing sites. Mr. Freese stated that traditionally the density of houses in the Lake and Stream Protection zoning district has been much greater than 9,900sf per dwelling. Mr. Freese provided examples of Aloha, Topinabee, Indian River and the west side of Mullett Lake. Mr. Freese stated that the density has been greater than what is allowed in this regulation up until the end of World War II when people were making more money and people in the city could afford to have 2 houses. Mr. Freese stated that this is not happening anymore any many people are not able to afford a second house. Mr. Freese stated that we have gotten away from the historical smaller lot size and are trying to push it toward larger lots and he doesn't believe it will be financially sustainable in the long run. Mr. Borowicz questioned what environmental impact (water quality) will there be due to these types of changes. Mr. Kavanaugh stated that we have to be cautious in the examples that are provided, and he believes that PUD were

taken out of the three zones because they are protection zones. Mr. Kavanaugh stated that if we plan to allow them in these zones, it should be very restrictive. Mr. Kavanaugh stated that the people who have made investments have to be protected. Mr. Freese stated that he doesn't have a problem with restrictions, but he doesn't see the sense in not allowing it in Lake and Stream Protection zoning district at all. Mr. McNeil stated that there are a lot of possible uses in these zoning districts. Mr. McNeil noted that this may be a bigger discussion with regards to language in the Master Plan and the current minimum lot size requirements.

Mr. Kavanaugh stated that there are sections in the amendment that allow variances on the requirements. Mr. Kavanaugh stated that we have to be fair to the people that have already developed their property. Mr. Kavanaugh stated that we want development, but it has to be orderly development. Mr. Kavanaugh stated that a PUD has not been proposed in 20 years and to open this up without any reason does not make sense. Mr. Kavanaugh noted that a future applicant can apply for a conditional rezoning and then the Planning Commission knows what will happen on the parcel. Mr. Kavanaugh stated that the PUD regulation can be revised if there is a trend of PUD applications. Mr. Jazdzyk stated that we want to allow people expanded use and then some areas could be more developed than what they are currently. Mr. Jazdzyk stated that he has property on a lake, and he co-exists with places that are high in density. Mr. Jazdzyk stated that PUD's could be in those areas and be restricted enough so that people could look at it as an option. Mr. Kavanaugh stated that there are a lot of uses that you may not want next to your home and there are other ways to handle it on an individual basis. Mr. Kavanaugh stated that someone who will spend money on a PUD will not complain about a 5-6 week review period for a conditional rezoning which allows good control. Mr. Freese suggested 500ft. from the water, instead of 250ft., for anything but residential. Mr. Freese stated that this will allow the PUD water access. Mr. Kavanaugh asked about side setbacks. Mr. Freese stated that they could stay the same or make a larger side setback for the PUD. Mr. Kavanaugh stated that he would like to see variances not granted and set the setbacks at 250ft. for the front and 100ft. for the side. Mr. Kavanaugh stated that we have to allow PUD's, but we also have to protect the adjacent property owners. Mr. Kavanaugh asked if Mr. McNeil if he can review the side setback and look at residential development. Mr. McNeil asked if the Planning Commission wants to allow this in Natural Rivers as well. Mr. Freese stated no. Mr. McNeil stated that the Planning Commission is looking for a PUD to be built in the Lake and Stream Protection zoning district except if within 250ft. of the high water mark, then residential uses will be allowed. Mr. Freese and Mr. Kavanaugh agreed that 250ft. can be increased to 350ft. Mr. McNeil stated that there should be a water access the PUD. Mr. Freese stated that with a PUD and higher density use, he believes the uses should be restricted similar to the Shared Waterfront regulation. Discussion was held.

Proposed Zoning Ordinance Amendment Relating To Motor Vehicle Repair And Fuel Sales Uses

Mr. McNeil stated that it was decided to allow additional review by Mullett and Tuscarora Township officials as it relates to the respective Village Center zoning districts. Mr. McNeil stated that the use listings and definitions are acceptable to Mullett Township. Mr. McNeil stated that the Tuscarora Township Planning Commission voted to eliminate the current use listing of automobile repair and washing establishment and not have that type of use in the Village Center. Mr. McNeil stated that the remainder of the amendment remains as last reviewed and is ready for a public hearing. Mr. Freese stated that the change that Tuscarora Township has requested makes one of the existing establishments non-conforming and it would preclude that establishment from ever expanding. Mr. Freese stated that about a third of the lot is a parking lot and the parcel is owned by a County Commissioner. Mr. McNeil stated that he advised Tuscarora Township what it means to be a non-conforming parcel. Mr. Freese stated that he has no problem with the change if that is what Tuscarora Township requested. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for March 21, 2018. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

Proposed Zoning Ordinance Amendment Regarding Definition Of Family And Short Term Rentals

Mr. McNeil stated that he presented a proposed zoning ordinance amendment to the Board of Commissioners, which proposed a change in the definition of family. Mr. McNeil stated that the current definition of family references a group of people and does not include a reference to an individual. Mr. McNeil stated that Mr. Graham expressed his concerns with the definition of family, citing his concerns regarding use groups, such as fraternities and sororities, being allowed to use a dwelling. Mr. McNeil stated that the definition of dwelling was changed so that short term rentals (rental of a dwelling unit for less than 30 days) would be allowed. Mr. McNeil stated that the Cheboygan County Board of Commissioners has remanded this amendment back to the Planning Commission and Mr. Graham has provided an amendment document to address this issue. Mr. McNeil stated that Mr. Graham has provided new definitions for family and short term rental. Mr. McNeil referred to the section 3.18 of the proposed amendment and stated that short term rentals shall be permitted uses in all zoning districts. Mr. McNeil stated that this amendment is ready for a public hearing. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for March 21, 2018. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

NEW BUSINESS

Discussion Regarding Zoning Regulation Of Minimum Floor Area For A Dwelling

Mr. McNeil stated that he has provided the Planning Commission with regulation schedules from zoning ordinances of surrounding counties. Mr. McNeil stated that there are no minimum dwelling size requirements in the Commercial Development, Light Industrial Development and General Industrial Development districts. Mr. McNeil stated that the Cheboygan County Zoning Ordinance provides for a minimum floor area requirement of 720 square feet in most all zoning districts with the exception of a 500 square foot floor area minimum requirement in the Village Center Topinabee district. Mr. McNeil stated that Emmet County has one zoning district that does not have a minimum dwelling size and Chippewa County doesn't list minimum dwelling size. Mr. McNeil noted that there are varying degrees of requirements.

Mr. Freese stated that copies of the building code regarding the minimum dwelling size were distributed to the Planning Commission members. Mr. Freese stated that there is no minimum dwelling size noted in the code, but there are certain requirements that have to be met. Mr. Freese stated that there are definitions for what is included and not included. Mr. Freese stated that habitable area is defined as "A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces." Mr. Freese stated that this must be considered when the Planning Commission determines a minimum dwelling size less than 720sf. Mr. Freese stated that heating facilities capable of maintaining a temperature of 68 degrees Fahrenheit in all the habitable areas are required. Mr. Freese stated that habitable rooms are to have a floor area of at least 70sf. Mr. Freese stated that habitable rooms shall have a minimum narrowest dimension of 7ft. Mr. Freese stated that any portion of the room having a ceiling height of less than 5ft. for a furred ceiling height of less than 7ft. shall not be considered a part of the habitable area. Mr. Freese stated that every dwelling must have a water closet, lavatory, bathtub or shower, and clothing washing connection. Discussion was held. Mr. Freese stated that 7ft. x 8ft. would be the minimum size for a kitchen. Mr. Freese stated that 70sf is required for the living area. Mr. Freese stated that 70sf is required for the sleeping area. Mr. Freese stated that you could get by with a minimum size of 400sf-500sf.

Mr. Jazdyk stated that tiny homes are normally on wheels and are not applicable. Mr. Jazdyk stated that small homes are what people would live in for a specific time period (such as a retirement home) and would be anywhere from 400sf-1000sf. Mr. Jazdyk stated that 720sf is in the middle. Mr. Jazdyk stated that this is what is being seen across the United States right now. Mr. Jazdyk noted that this is less than 1% of the overall real estate market so it is not as big as he thought it was originally.

Mr. Kavanaugh believes that 720sf is reasonable. Mr. Kavanaugh stated that he researched minimum dwelling sizes for Emmet County, West Traverse, Roger City, Alpena, Mackinaw, Charlevoix, Grayling, Harrisville, Green Township, Wilson, Village of Empire and Otsego. Mr. Kavanaugh stated that 2 of these municipalities have the same minimum dwelling size as Cheboygan County and the rest have a greater requirement. Mr. Kavanaugh stated that Grand Traverse is 800sf; Roger City is 1500sf in R1 and 900sf in R2. Mr. Kavanaugh stated that Alpena is 960sf, Mackinaw is 800sf, Charlevoix is 1040sf and Grayling is 800sf. Mr. Kavanaugh stated this information comes from NEMCOG. Mr. Kavanaugh stated that all the municipalities are looking at small homes but have not moved forward with it because they are concerned about aesthetics. Mr. Kavanaugh stated if smaller homes are allowed, then 10ft. x 50ft. mobile homes would be allowed as well. Mr. Kavanaugh stated that we would need a minimum width requirement because this could bring back many of the smaller mobile homes. Mr. Kavanaugh stated that there is a television show about these types of homes and some of them are beautiful. Mr. Kavanaugh stated that he can see people living in sheds because they meet the minimum dwelling size with a bathroom. Mr. Kavanaugh questioned what would happen with storage areas and questioned if everything would be stored outside. Mr. Kavanaugh stated his concerns about property values if a small home is put next to a million dollar home in the Lake and Stream Protection zoning district. Mr. Kavanaugh stated that the average square foot of the home in 2007 is 1992sf. Mr. Kavanaugh stated that the average square foot of the home in 2016 is 1886sf. Mr. Kavanaugh stated that the trend is that all the new homes in Cheboygan County are 2.5 times bigger than 720sf. Mr. Kavanaugh stated that there is no real movement, or we would have a lot of 720sf dwellings. Mr. Borowicz noted that Presque Isle County has a minimum floor area requirement of 600sf. Mr. Borowicz noted that Presque Isle County requires 450sf in the Forest Recreation zoning district. Mr. Freese stated that 600sf guest homes have already been authorized in the Lake and Stream Protection zoning district. Discussion was held regarding a minimum dwelling size variance that was denied by the Zoning Board of Appeals.

Ms. Lyon stated that a washer connection is required, but noted laundry mats are available. Mr. Borowicz stated that it does not say that the washer has to be installed. Mr. Borowicz stated that the washer connection must be there in case you decide to install a washer. Ms. Lyon stated that people with small homes may not need storage.

Mr. Freese suggested looking at small homes based on the zoning district. Mr. Freese stated that hunting cabins were allowed in Agriculture and Forestry Management zoning district and some people are living in these structures. Discussion was held.

Mr. Borowicz stated that it would be acceptable to him to allow small homes in forestry, but does not agree with allowing it in Agriculture and Forestry Management. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to investigate separating forestry and agricultural properties. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Bartlett, Churchill)

Mr. Freese stated that communication towers should be authorized in the Lake and Stream Protection zoning district. Mr. Freese stated that the Zoning Board of Appeals recently granted a use variance for a communication tower in the Lake and Stream Protection zoning district. Mr. Freese stated that this tower will cover the Twin Lakes area and will provide internet service to people that otherwise would not have had internet service. Mr. Freese stated that there are other areas of the county that a tower similar to this one would be beneficial. Mr. Kavanaugh stated that he would like towers to be treated as they are currently and if there is a special situation then the Zoning Board of Appeals would review a use variance application. Mr. Kavanaugh stated this is not a trend and there has only been one variance application. Mr. Kavanaugh stated that the Zoning Board of Appeals does a good job of reviewing these applications. Mr. Freese stated that this is the first request, but it will not be the last request. Mr. Freese stated that when you are looking at communication towers you do not want to look at what was historically approved because it has changed rapidly over the last 20 years. Mr. Freese stated that this will continue to accelerate. Mr. Freese stated that granting a use variance each time is not the best way to move forward. Mr. Kavanaugh stated that if this keeps coming up, then the Planning Commission can take a look at it. Ms. Lyon stated that the movement is towards getting better service for the rural area and that would improve our commercial use and education. Ms. Lyon stated this is something that will have to happen. Mr. Freese stated this is one of the stated goals of our Master Plan. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to consider authorizing communication towers in the Lake and Stream Protection zoning district with a special use permit. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Bartlett, Churchill)

STAFF REPORT

Mr. McNeil stated that the next meeting will be his last meeting, and he will have a brief report on the status of priority projects. Mr. McNeil stated that Administrator Lawson will be at the next meeting and will discuss the staffing situation.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott thanked the Planning Commission for discussing small homes. Mr. Muscott stated that the Michigan Building Code is a carbon copy of the International Building Code that is adopted all over the county. Mr. Muscott stated that building codes are to protect our safety and health in a dwelling. Mr. Muscott stated that the argument for bigger homes is the fact that most of our home construction in the past decade in Cheboygan County is due to larger homes in the Lake and Stream Protection zoning district. Mr. Muscott stated that when someone asks about a small home, they are told no by staff. Mr. Muscott stated that this is a growing trend and noted that there is an RV park in Alanson that has a huge number of park models which would meet the definition of a smaller/tiny home. Mr. Muscott stated that many of these are occupied by retirees who would prefer to have their own property at a lower cost. Mr. Muscott stated that there is a desire for people to have smaller homes and this is something that the Planning Commission should address. Mr. Muscott stated that when lake front property owners come in and support communication towers in the Lake and Stream Protection zoning district, it is something that the Planning Commission should address.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:15pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

TeleSite Wireless on behalf of Verizon Wireless and Tower Co. and Michael O'Grady – Revised 02/14/18

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 (12 Pages)
5. Letter from Keith J Tindall (Sabre Industries) to Amanda Fry (TowerCo) (1 Page)
6. Mailing List (2 Pages)
7. Site Survey (1 Page)
8. Site Plan Detail (1 Page)

The following items were added to the exhibit list on 02/06/18:

9. Email dated 02/02/18 From Brent Shank, Cheboygan County Road Commission Engineer Manager (1 Page)

The following items were added to the exhibit list on 02/14/18:

10. Email dated 02/13/18 from Dennis Lund (1 Page)
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.

Note: Planning Commission members have exhibits 1 and 2.

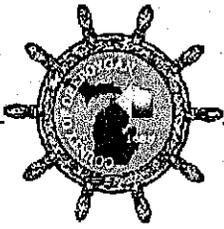
NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING
WEDNESDAY, FEBRUARY 21, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

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

- 1.) **TeleSite Wireless on behalf of Verizon Wireless and Tower Co. 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).

Please visit the Planning and Zoning office or visit our website to see the applications and the associated drawings and documents. These documents and staff report may be viewed at www.cheboygancounty.net/planning/. Comments, questions, and correspondence may be sent to 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

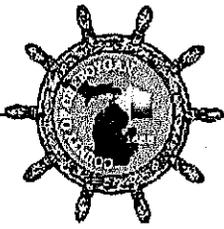
1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

Hours of operation are 24/7. The proposed facility will be un-manned.

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.
No existing environmental features on the subject property will be altered. No additional access points are needed as existing access will be utilized.
- 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.
This is understood by the applicant. All efforts will be made to comply with this section.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
The proposed tower site will not create a change in the existing drainage pattern onsite.
- 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.
N/A
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
Emergency vehicle access has been planned for as it relates to access to the site.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
N/A
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
N/A
- h. Exterior lighting shall be arranged as follows:
 - i. It is deflected away from adjacent properties. Understood by the applicant.
 - ii. It does not impede the vision of traffic along adjacent streets. Understood by the applicant.
 - iii. It does not unnecessarily illuminate night skies. Understood by the applicant.



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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.

N/A

- 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.

Understood and agreed to by the applicant.

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

4. Present use of property:

The space the tower would occupy is currently undeveloped land.

5. SUP Standards:

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

Yes. The M-AF zoning district allows towers to be established as a special land use.

- 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.** Please see attached narrative.

- 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.** Please see attached narrative.

- 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.** _____

Please see the attached narrative

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

Please see the attached narrative

- 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.** Please see the attached narrative.



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

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? Please see the attached narrative.
- h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? Yes
- 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

1/12/18

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

1-23-18

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>01/18/18</u>	Notes:
Fee Amount Received:	<u>\$225.00</u>	
Receipt Number:	<u>6041</u>	
Public Hearing Date:	<u>2/21/18</u>	

Planning/Zoning Administrator Approval:

Signature

1/29/18

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.
	N/A	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.
X		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.
	N/A	n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
X		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.
X		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.

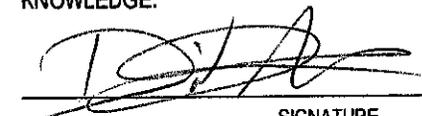
PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

SECTION

REASON FOR WAIVER REQUEST

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

11/12/18

 DATE

Verizon Wireless Site #3263 / TowerCO Site #MI0337

Zoning Ordinance Responses

Section 17.13 Commercial Television and Radio Towers and Public Utility Microwaves and TV Transmitting Towers and Wireless Communication Facilities, Authorized by Special Use Permit (Rev. 08/2001, Amendment #20)

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, D-GI 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 guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback of the district. **Response: The subject parcel is located in the M-AF Zoning District. The proposed tower is 245' in height. A 125' fall zone is labeled on the site plan. In accordance with this section of the ordinance a fall zone letter indicating that the tower, should it ever fail structurally, will collapse upon itself and not fall onto any adjoining properites.**

b. In order to protect the rural dark sky environment and reduce lighting confusion for approaching aircraft, all towers shall be designed or painted to be without lighting. If the FAA requires lighting, the applicant shall apply to the FAA for painting requirements and red lighting. Intermittent strobes shall be a last option and only then with written documentation from the FAA certifying its necessity. **Response: TowerCo has filed with the FAA in December with an expected response from the FAA by February. The FAA determination will be provided to the jurisdiction at that time confirming results. If the Planning Commission hearing is held prior to receiving the FAA determination, TowerCo respectfully requests approval based on the condition of providing a copy of the determination**

c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity. **Response: Understood and agreed to by the applicant.**

17.13.2. The following standards will be required for all Wireless Communication Facilities:

a. 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. (Rev. 02/23/11, Amendment #90). **Response: This section is not applicable to this project.**

b. 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:

1. The proposed height meets FCC and/or FAA regulations. **Response: Understood and agreed to by the applicant.**

2. Towers must be equipped with devices to prevent unauthorized climbing. **Understood and agreed to by the applicant. Details regarding these devices will appear on construction drawings submitted for building permits.**

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. **Response: The applicant has taken measure to place the proposed tower on a parcel of land utilized for a commercial use. It is setback 473' feet from W. Devereaux Lake Road. With respect to landscaping, it is important to note that the landowner has placed landscaping treatments around the perimeter of the subject property, additionally, it is important to note that the base of the tower will not be visible to the public. The applicant respectfully requests that it not have to establish landscaping around the perimeter of the security fence as no one will see it or benefit from its placement. The applicant is proposing to construct a self-supporting style of tower versus a "stealth" design. This type of tower lends itself to maximum collocation opportunities due to its structural capabilities. Since the tower will be located in an area (and on a land parcel) that is not a particularly public zone it is the opinion of the applicant that a stealth design is not appropriate.**

4. New towers should be engineered as appropriate for co-location of other antennae. **Response: This item was addressed, in part, in the previous section. The applicant proposes to construct a 245' tall self-supporting tower which will create a maximum collocation environment for other licensed entities to utilize. Stealth designs drastically limit collocation opportunities as they limit the number of antennas that can be mounted by users. The self-supporting tower will accommodate multiple tenants/colocations, in addition to the anchor tenant, Verizon.**

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site. **Response: A six-foot tall chain link fence with barbed wire treatments is proposed in order to protect the compound and to discourage unauthorized access to the tower facility grounds.**

6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance. **Response: Understood and agreed to by the applicant.**

c. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used). **Response: Understood and agreed to by the applicant.**

d. Visible damage must be repaired within 90 days of occurrence. 1. The proposed height meets FCC and/or FAA regulations. **Response: Understood and agreed to by the applicant.**

2. Towers must be equipped with devices to prevent unauthorized climbing. **Response: Details regarding anti-climbing devices will be shown on the final construction plans.**

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. **Response: The applicant chose the subject property because it hosts a commercial land use, it is not accessible to the public and it features existing landscaping along its east and west property lines.**

4. New towers should be engineered as appropriate for co-location of other antennae. **Response: As explained previously, the proposed self-support tower was chosen in order to maximize collocation potential.**

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site. **Response: There are no guy wire points proposed for this tower. This section is not applicable.**

6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance. **Response: Understood by the applicant.**

c. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used). **Response: Understood and agreed to by the applicant.**

d. Visible damage must be repaired within 90 days of occurrence. **Response: Understood and agreed to by the applicant.**

17.13.3. Wireless communication facilities may be permitted after a public hearing by special use permit, approved for locations in the Residential Development District (D-RS), subject to the following conditions and findings: (Rev. 05/23/15, Amendment #127) **Response: Since the proposed tower is NOT located in the D-RS Zoning District the applicant finds that this section is not applicable to this project.**

a. All reasonable measures to co-locate or locate on or adjacent to an existing structure must be documented; and such location proves feasible.

b. The type of facility is a pole, and not a tower.

c. All reasonable efforts to locate in Commercial or Forestry/Ag zones have been made and are proven to infeasible, unavailable, or not a compatible land use as deemed by the Planning Commission.

d. The structure shall not exceed a height of 115 feet, including the antenna, and no lights are used or required.

e. The applicant must find a location, and/or use construction materials that will blend the pole into the physical or natural landscape in such a manner as to be compatible with the surrounding neighborhood, and so as not to be a dominant structural feature in the neighborhood skyline. The Planning Commission finds that the structure or planned site, does not change the character of the residential area.

f. The applicant proposed, or can incorporate innovative design and construction methods (or materials), and by locating in a Residential District, the applicant uses poles that are lower in height and/or narrower in profile than towers.

g. The Planning Commission finds that a location in a Residential District is the best overall alternative considering all factors of land use, visibility, and satisfactory signal coverage and that the proposed pole complies with the standards of Article 17.13.1, of this ordinance.

h. Four (4) known County Airports to be provided copies of the Special Use Permits.

i. Tower shall not encumber the normal air traffic within the district.

17.13.4. Maximum height of structures recited in tables of 17.1 does not apply. **Response: Understood by the applicant.**

17.13.5. The conditions of this section are in addition to the conditions imposed by Section 18.7. (Rev. 04/26/08, Amendment #73). **Response: Understood by the applicant.**

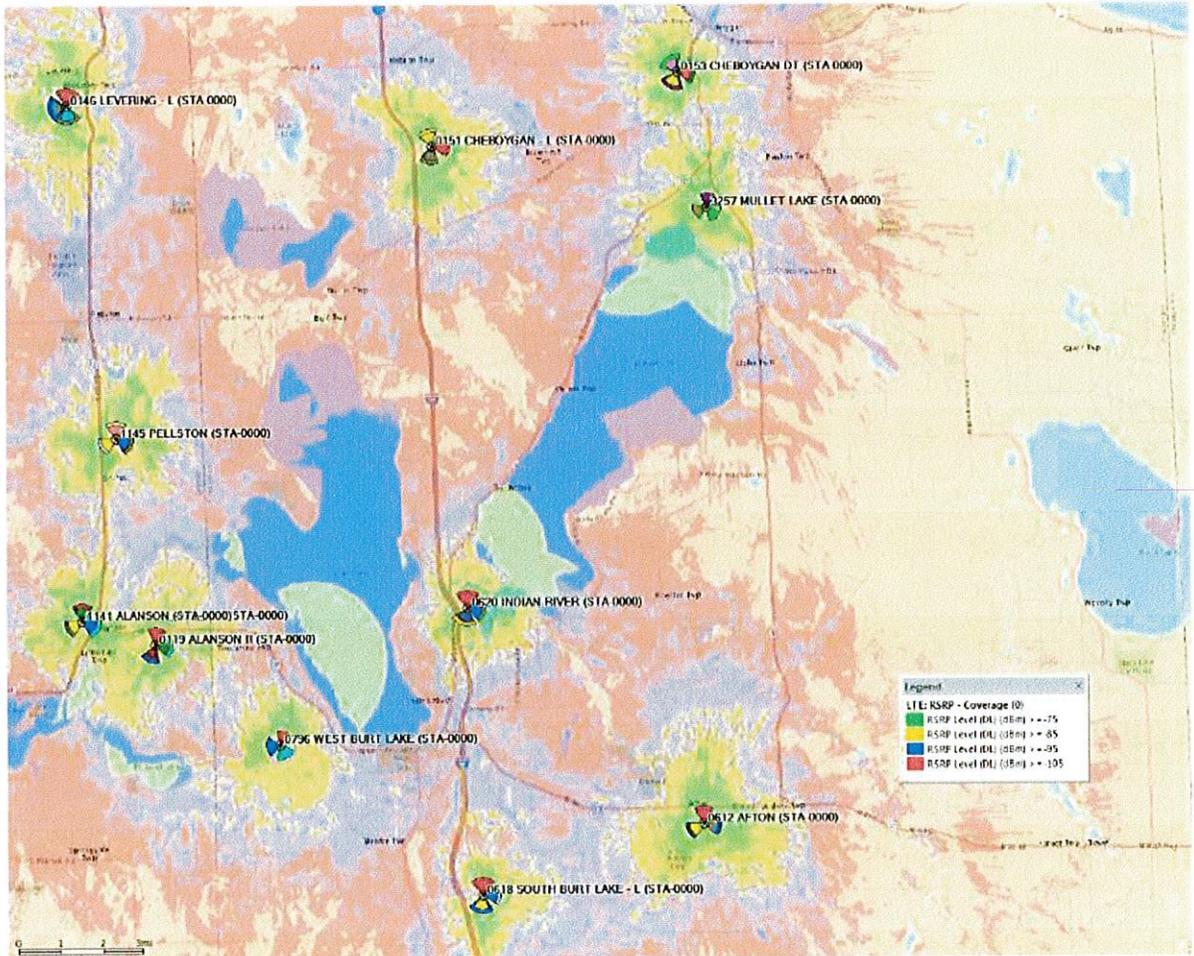
17.13.6. Advertising is prohibited on towers or antennas. **Response: No advertising of any kind shall appear on the tower or within the site compound. Only signage that is required by government regulation and signage identifying ownership of the tower will appear.**

SECTION 18.7. STANDARDS FOR SPECIAL LAND USE APPROVAL (Rev. 04/26/08, Amendment #74)

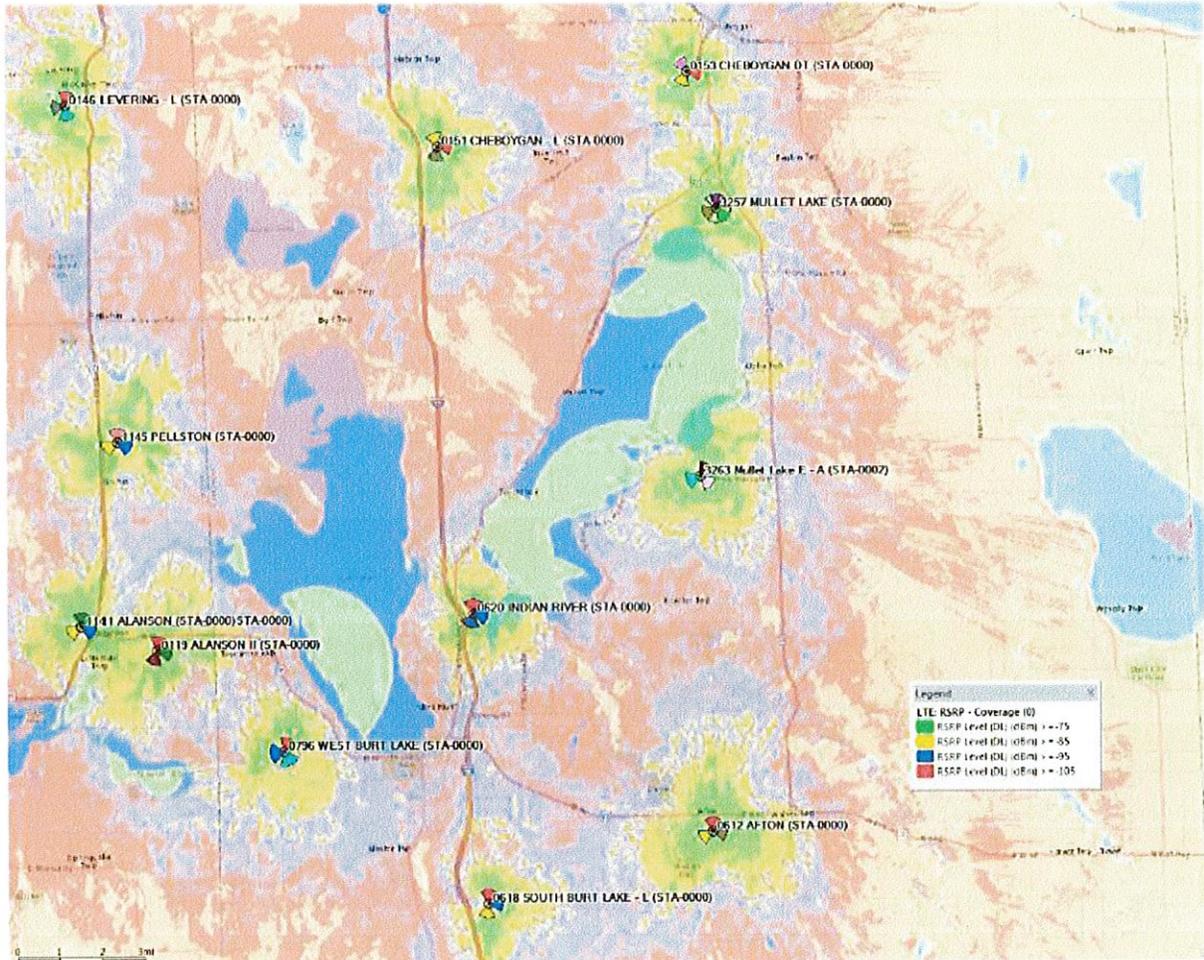
The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following standards:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed. **Response: The proposed tower project is located in the M-AF zoning district. Wireless communications towers are permitted in this district as a special land use.**
- 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. **Response: The proposed tower will no negative impact upon the natural environment. It is an innocuous land use in that it does not generate any fumes, dust, smoke or noise and only requires electricity, telephone and internet services to operate.**
- 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. **Response: As mentioned above, wireless communications tower do not create or generate any of the negative conditions mentioned in this section.**
- 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. **Response: Wireless communications towers do not diminish developmental opportunities for neighboring properties, in fact, it's quite the opposite. Wireless towers of today offer nearby developments an opportunity to be adjacent to high-speed communications systems that offer not only telephone service but many forms of data transmission services as well. In addition, it will enhance E911 communication abilities in the area.**
- 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. **Response: Wireless communications towers are not manned facilities nor do they require hazardous materials to operate. No demands on police or fire services are expected.**
- 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. **Response: It is expected that a wireless communications tower will generate 1-2 vehicle trips per month per user that is located on the tower. These visits are for the purpose of routine maintenance and occasional equipment upgrades. These vehicle trips generally go completely unnoticed.**
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services. **Response: None of the services mentioned in this section are needed.**
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it. **Response: Understood by the applicant.**

Current Verizon Wireless Coverage WITHOUT Proposed Site #3263 Mullett Lake East



Proposed Verizon Wireless Coverage WITH Site #3263 Mullett Lake East



January 2, 2018

Ms. Amanda V. Fry
TowerCo

RE: Proposed 245' Self-Supporting Tower for MI0337 Mullet Lake E, MI

Dear Ms. Fry,

Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of 89 mph (115 mph Ultimate) with no ice and 40 mph + 1/2" 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".

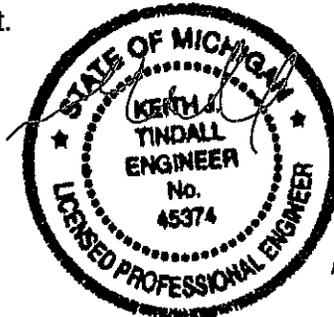
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded 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 of 125 feet.

Sincerely,

Keith J. Tindall, P.E.
Vice President of Engineering



1/2/18

130-025-200-003-00
OCCUPANT
83 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

130-025-200-005-01
OCCUPANT
21 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

130-024-400-002-03
OCCUPANT
130 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

130-024-400-002-00
OCCUPANT
2171 BROWN RD
INDIAN RIVER, MI 49749

130-024-400-002-04
OCCUPANT
218 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

130-024-400-003-01
OCCUPANT
2137 BROWN RD
CHEBOYGAN, MI 49749

130-025-200-004-00
PARROTT, JOHN R ET UX
83 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

130-025-200-005-01
BROWN, JOHN & CARLENE H/W
21 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

130-024-400-002-01
PATRICK, PETER JR & SARAH FURMAN
186 PATRICK DR
INDIAN RIVER, MI 49749

130-024-400-002-00
BROWN, GERALD
2150 BROWN RD
INDIAN RIVER, MI 49749

130-024-400-002-04
LUND, DENNIS CRAIG
1163 W GRAND RIVER
OKEMOS, MI 48864

130-024-400-003-01
BROWN, GERALD A
2150 BROWN RD
INDIAN RIVER, MI 49749

130-024-400-002-03
O'GRADY, MICHAEL
130 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

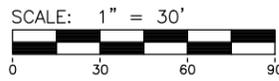
130-024-400-001-02
POWELL, GARY DANA L/EWPTS &
298 RANCH RD
INDIAN RIVER, MI 49749

130-025-200-003-00
PARROTT, JOHN R L/EWPTS;
83 W DEVEREAUX LAKE RD
INDIAN RIVER, MI 49749

R:\15044\3263 (M10337)\CAD\15044_3263-SP1.dwg, 11/22/2017 10:17 AM, Scott G. Fisher, SP-1, None
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LEGEND

- 681 EXIST. CONTOUR
- 681.2 PROP. CONTOUR
- 681.25x EXIST. SPOT ELEVATION
- U.P. PROP. SPOT ELEVATION
- OH EXIST. UTILITY POLE
- GUY WIRE EXIST. UTILITY POLE
- OH EXIST. OVERHEAD UTILITY LINE
- TELEPHONE RISER
- ELECTRIC METER
- GAS METER
- WELL
- POST
- FENCE
- EXIST. TREE OR BRUSH LIMIT
- SECTION CORNER
- FOUND IRON PIPE
- FOUND MONUMENT
- FOUND IRON ROD
- CONTROL PT.
- EXIST. SATELLITE DISH



PROPERTY INFORMATION

TAX PARCEL: 130-024-400-002-03
 OWNER: MICHAEL O'GRADY
 130 W. DEVEREAUX LAKE ROAD
 INDIAN RIVER, MICHIGAN 49749
 CELL SITE ADDRESS:
 W. DEVEREAUX LAKE ROAD
 INDIAN RIVER, MICHIGAN 49749

TREE LEGEND

- BO BOX ELDER
- O OAK
- P PINE

LEGAL DESCRIPTION OF OVERALL PARCEL

(Taken from Title Commitment)
 All that parcel of land in Township of Mullett, Cheboygan County, State of Michigan, as more fully described in Deed Liber 623, Page 805, ID# 130-024-400-002-03, being known and designated as follows:

Commencing at the SE Section 24, T36N, R2W, thence West 773.20 feet to the Point of Beginning; thence continuing West 278.60 feet; thence N 02°38'42" W 599.98 feet; thence S 89°58'38" E 276.33 feet; thence S 02°51'43" E 599.98 feet to the point of beginning all being part of the SE 1/4 of the SE 1/4 of Section 24, T36N, R2W.

Also land situated in the Township of Mullett, County of Cheboygan, Michigan described as follows: Commencing at the SE Corner of Section 24, T36N, R2W; thence N 03°17'42" W 1341.57 feet; thence S 89°47'03" W 866.9 feet to the Point of Beginning; thence S 89°47'03" W 238 feet; thence S 02°25' 44" E 735.5 feet; thence S 89°58'38" E 238 feet; thence N 02°25'44" W 735.5 feet to the Point of Beginning, being part of the SE 1/4 of the SE 1/4, Section 24, T36N, R2W.

Exceptions:

9. Subject to Certificate of Survey No. 31-05, as set forth in Liber 100, Page 423, Recorded 06/09/2008, Cheboygan County Records. **DOES NOT AFFECT LEASE PARCEL OR ACCESS/UTILITY EASEMENT**

Subject to the conveyance of easement for right of way from Mullett Lake Lawn & Tree, Mike O'Grady, president, to Presque Isle Electric Cooperative, Inc., as set forth in Liber 646, Page 398, recorded 04/19/1996, Cheboygan County Records. **BLANKET EASEMENT - DOES NOT AFFECT LEASE PARCEL OR ACCESS/UTILITY EASEMENT**

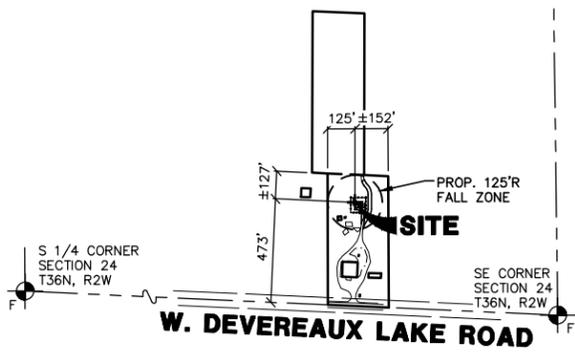
No other recorded exceptions in the vicinity of the proposed project site per AMC Settlement Services Report of Title, File No. 11622485, dated 08/31/2017.

NOTE

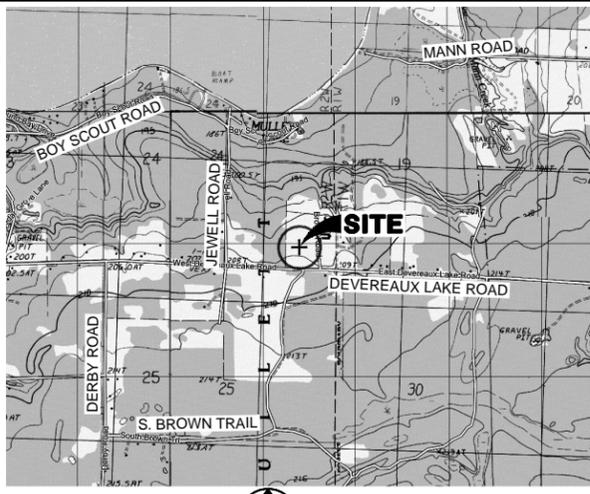
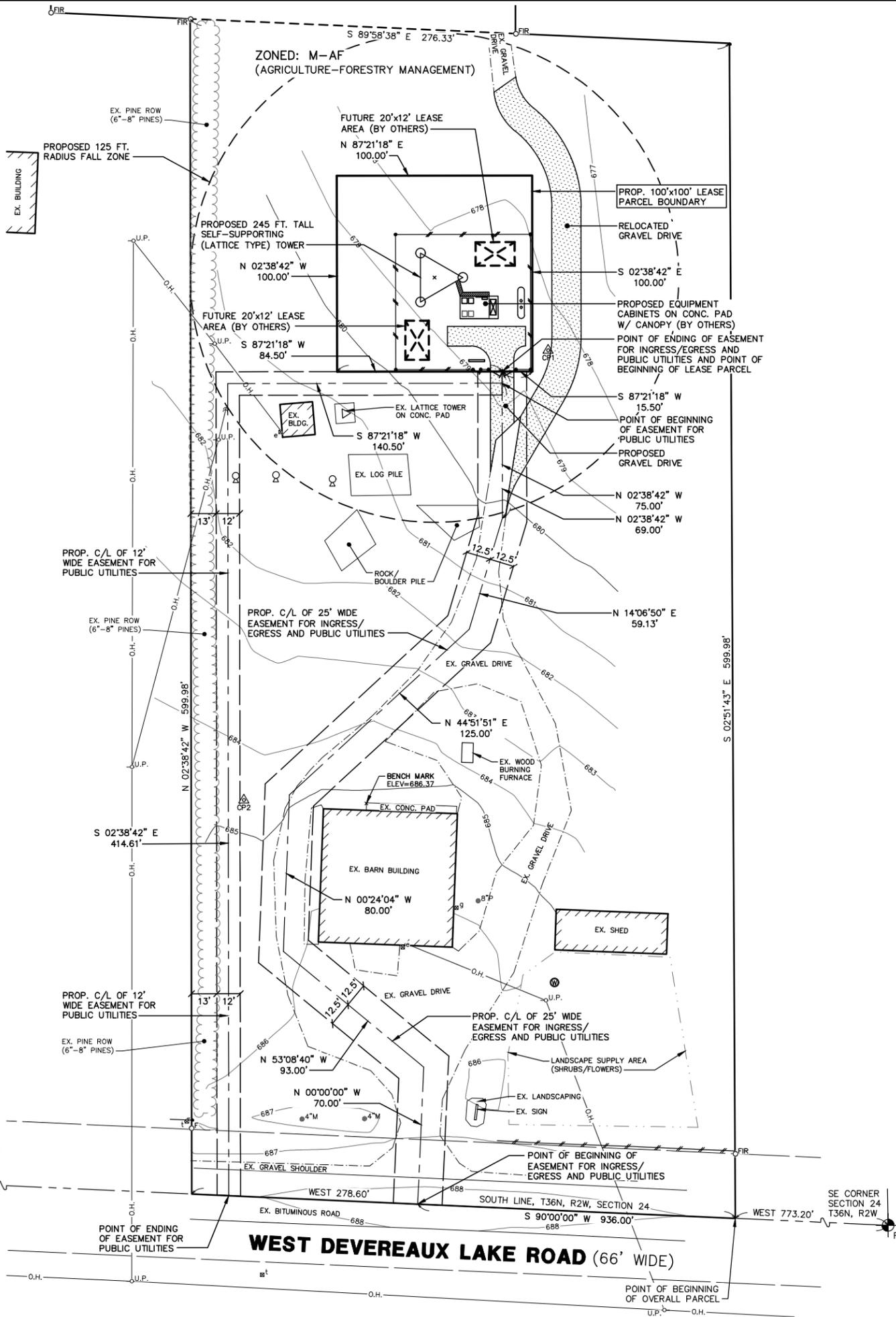
Rotate all bearings 02°28'28" clockwise to obtain bearings based on True North as determined from global positioning system (GPS).

BENCH MARK

Top of the northwest corner of a concrete pad on the north side of the existing barn.
 Elevation: 686.37 (NAVD 88 Datum)



OVERALL PARCEL SKETCH
 SCALE: 1"=400'



VICINITY SKETCH
 SCALE: 1"=2000'

LOCATION
 LONGITUDE 84° 29' 17.7"
 LATITUDE 45° 29' 28.8"
 GROUND ELEV. @ TOWER BASE = 679.80

LEGAL DESCRIPTION OF LEASE PARCEL

Commencing at the Southeast Corner of Section 24, T36N, R2W, Mullett Township, Cheboygan County, Michigan; thence S 90°00'00" W 936.00 feet along the south line of said Section 24 (also being the centerline of West Devereaux Lake Road, 66 feet wide); thence N 00°00'00" W 70.00 feet; thence N 53°08'40" W 93.00 feet; thence N 00°24'04" W 80.00 feet; thence N 44°51'51" E 125.00 feet; thence N 14°06'50" E 59.13 feet; thence N 02°38'42" W 75.00 feet to the POINT OF BEGINNING:

thence S 87°21'18" W 84.50 feet;
 thence N 02°38'42" W 100.00 feet;
 thence N 87°21'18" E 100.00 feet;
 thence S 02°38'42" E 100.00 feet;
 thence S 87°21'18" W 15.50 feet to the POINT OF BEGINNING; being a part of the Southeast 1/4 of Section 24, T36N, R2W, Mullett Township, Cheboygan County, Michigan; containing 10,000 square feet, or 0.230 acres, more or less; subject to easements and restrictions of record, if any;

Together with a 30 foot wide easement for ingress, egress and public utilities, the centerline of said easement is described as follows:

Commencing at the Southeast Corner of Section 24, T36N, R2W, Mullett Township, Cheboygan County, Michigan; thence S 90°00'00" W 936.00 feet along the south line of said Section 24 (also being the centerline of West Devereaux Lake Road, 66 feet wide) to the POINT OF BEGINNING:

thence N 00°00'00" W 70.00 feet;
 thence N 53°08'40" W 93.00 feet;
 thence N 00°24'04" W 80.00 feet;
 thence N 44°51'51" E 125.00 feet;
 thence N 14°06'50" E 59.13 feet;
 thence N 02°38'42" W 75.00 feet to the POINT OF ENDING; being a part of the Southeast 1/4 of Section 24, T36N, R2W, Mullett Township, Cheboygan County, Michigan; except any part taken, deeded or used for public road purposes; subject to easements and restrictions of record, if any;

And together with a 12 foot wide easement for public utilities, the centerline of said easement is described as follows:

Commencing at the Southeast Corner of Section 24, T36N, R2W, Mullett Township, Cheboygan County, Michigan; thence S 90°00'00" W 936.00 feet along the south line of said Section 24 (also being the centerline of West Devereaux Lake Road, 66 feet wide); thence N 00°00'00" W 70.00 feet; thence N 53°08'40" W 93.00 feet; thence N 00°24'04" W 80.00 feet; thence N 44°51'51" E 125.00 feet; thence N 14°06'50" E 59.13 feet; thence N 02°38'42" W 69.00 feet to the POINT OF BEGINNING:

thence S 87°21'18" W 140.50 feet;
 thence S 02°38'42" E 414.61 feet to said south line of Section 24 and the POINT OF ENDING; being a part of the Southeast 1/4 of Section 24, T36N, R2W, Mullett Township, Cheboygan County, Michigan; except any part taken, deeded or used for public road purposes; subject to easements and restrictions of record, if any.

PREPARED BY:
 MIDWESTERN CONSULTING, L.L.C.

SCOTT G. FISHER P.E. #58473

TowerCo
 6000 VALLEYSTONE DRIVE
 CARY, NC 27519
 919-463-6700 PH
 919-469-8690 FAX

**SITE # M10337
 'MULLET LAKE E'**
 MULLET TOWNSHIP
 CHEBOYGAN COUNTY
 MICHIGAN

REV.	DATE	DESCRIPTION
1	10/10/17	CHANGE FALL ZONE RADIUS
2	11/17/17	MOVE TOWER COMPOUND
3	11/21/17	MISC. UPDATES

MIDWESTERN CONSULTING
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 (734) 995-0200
 www.midwesternconsulting.com
 Land Development • Land Survey
 Institutional • Municipal
 Wireless Communications
 Transportation • Landfill Services

JOB No. 15044-3263	DATE: 10/09/17
CADD: GLS	ENG: SGF
PM: JAF	TECH: PEK
FILE: 15044_3263-SP1.dwg	FB#: 55276

SITE SURVEY

Deborah Tomlinson

From: Brent Shank [<mailto:mgr@chcrc.com>]
Sent: Friday, February 02, 2018 8:06 AM
To: Deborah Tomlinson
Subject: Re: Application for TeleSite Wireless

Good Morning,

No comments from the Road Commission.

Thank you,

Brent Shank, P.E.
Engineer/Manager
Cheboygan County Road Commission
mgr@chcrc.com
(231) 238-7775

Deborah Tomlinson

From: dennis lund [<mailto:dennisclund@gmail.com>]

Sent: Tuesday, February 13, 2018 3:59 PM

To: Deborah Tomlinson

Subject: Re: tele site

hi Debbie rebooted this comp and going to try to send my response to the telesite proposal--I am the adjacent property owner on the west side. Mr Ogrady and I purchased our pieces on the same day. I purchased mine as a potential homesite. A few yrs later Mr grady applied for a special use permit. I did not object at the time, but realize now I should have because his property looks like a war zone. But his second special use permit turned out to be a disaster for my investment. I didn't object to the communication facility at the time because he assured me that he would not put it close to me. I didn't want to hurt his chance for the income.Well he put it right on top of me. I had to listen to the roar of a 3 ft square exhaust fan blowing 24-7. I had to look at several 10 diameter micro dishes that are mildewed and ugly not to mention an obtrusive 80 ft tower. So I did what any normal person would do, tried to sell ; but no one wants invest in a home site next to that hideous mess. Now he wants to put the final nail in the coffin of my investment there. I'm paying taxes on property he has rendered useless to me from the guy wires they insisted on installing on my property to support all the new wires added the poles I paid for originally. I strongly object to the proposed spot on Ogradys property for the tower. Its too close to me, it will be offensive, intrusive, and probably very noisy like the last one. Despite what Tellesites support persons will tell you there are no scientific studies on the toxicity of these towers,only anecdotal . They have not been around long enough for conclusive evidence. I ask that you not approve this site on the property since it will impact me so severely, Id never be able to sell They could put that tower on the north line of his propery , have a better spot since its closer to the lake and reception would be better and also not impact all the homes there. These big companies don't care about impacting neighbor,only minimizing their costs thank you Dennis Lund



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/

STAFF REPORT

Item: Special Use Permit for a wireless communication facility (Tower and related equipment. section 17.13.).	Prepared by: Scott McNeil
Date: February 8, 2018	Expected Meeting Date: February 21, 2018

GENERAL INFORMATION

Applicant: TeleSite Wireless on behalf of Verizon Wireless and Tower Co.

Owner: Michael O'Grady

Location: 130 West Devereaux Lake Road

Contact person: David Antoun - Telesite

Phone: 248-798-4429

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

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of a special use permit for construction of a new cellular tower 245 ft. in height. Tower includes related facilities which include an equipment cabinet. The tower and facilities are to be placed on a leased parcel of land measuring 100 ft. x 100 with an access driveway from Devereaux Lake Rd. in Mullett Township.

The subject site is also used for a tree removal business. There is an existing 80 ft. tower with related equipment that is to be removed. The existing communication tower and related facilities was approved by special use permit on July 2, 2008.

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 5) relative to this request stating that this standard is met. The height of the proposed tower is 245 ft. The applicant is indicating a nearest separation distance of 125 ft. on the site plan and is requesting a reduction in the isolation standard accordingly.

The applicant has provided a coverage map for the proposed site and other tower locations along with other information relative to colocation. 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 requirement of this section.

Current Zoning:

Agriculture and Forestry Management District (M-AF)

Surrounding Land Uses:

All surrounding parcels are zoned Agriculture Forestry Management District (M-AF).

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

Historic buildings/features:

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 Devereaux Lake Rd. and an access roadway to the 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 6' high is located around the leased area. No other screening or buffers are proposed.

Lighting

Lighting per FAA requirements is proposed located on the tower. No other exterior lighting is proposed.

Stormwater management

There is no significant change to stormwater runoff.

Review or permits from other government entities:

FAA and FCC requirements prevail.

Recommendations (proposed conditions)

Removal of existing tower and related facilities.

Written confirmation of meeting FAA and FCC requirements before construction.

CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, February 21, 2018, 7:00 PM

Applicant

TeleSite Wireless
1015 S. Lake Dr.
Novi, Mi. 48370

Property Owner

Michael O'Grady
130 W. Devereaux Lake Rd.
Indian River, Mi. 49749

Parcel

130 W. Devereaux Lake Rd.
Mullett Township
130-024-400-005-03

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 245 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. There is an existing 80 ft. communication tower and related communication facilities located on the site.
5. The existing communication tower and facilities was approved by special use permit on July 2, 2008.
6. The exiting communication tower and facilities are to be removed before the subject communication tower and facilities are put into use.
7. The applicant is seeking reduction in the isolation standard per section 17.13.1.
- 8.

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 it 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 125 foot fall zone which is a 49% proposed reduction in the isolation standard (see exhibit 8).
6. The applicant has submitted a letter from a registered professional engineer certifying the tower as being safe form the hazard of falling outside of the fall zone indicated on the site plan (see exhibit 5)
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 8)
- 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 4)

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 4)
 - 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 a 6 ft. tall locked chain link fence. (see exhibit 4 and 8)
 - 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 proposed facilities are to be placed into a location where a previous tower was located.
 - 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 4)
 - b.
 - c. Standard has been met.
 Or.
 - a. No information has been provided regarding future collocation.
 - 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 4)
 - 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 1)
 - 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 4 and 8)
 - 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 4)
 - 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 approximately 500 ft. from Devereaux Lake Rd. right of way on a parcel of leased land and will not diminish the opportunity for surrounding properties to be used and developed as zoned.(see exhibit 8)
 - 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 4 and 8)
 - 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 Devereaux Lake Rd. (see exhibit 8)
 2. The entrance roadway is not within 25 feet of an intersection. (see exhibit 8)
 - 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 4)
 - 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 will 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 4)
 - 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 4 & 8)
 - 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 4)
 - 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 vehicle access is provided via Devereaux Lake Rd. and connecting easement. (see exhibit 8)
 - 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 to the structures is provided via Devereaux Lake Rd. and connecting easement. (see exhibit 8)
 - 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 FAA requirements are proposed for the tower and will not affect adjacent properties, impede vision of traffic and will not unnecessarily illuminate night skies. (See exhibit 4)
 2. No additional outdoor lighting is proposed. (see exhibit 4)
 - 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. (see exhibit 2)
1. The site plan shall conform to all applicable requirements.
 - 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, February 21, 2018

Patty Croft, Chairperson

Charles Freese, Secretary



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

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Draft Zoning Ordinance Amendment for Planned Unit Development

Date: February 12, 2018

Included with this memo please find a copy of the draft amendment document dated 2/212/18.

The Planning Commission discussed the ability to approve PUD's in the Lake and Stream Protection (P-LS) zoning district provided there were residential type uses allowed within a 350 setback from the water front and. The Planning Commission also expressed a desire to allow water access to an entire PUD proposal within a Lake and Stream Protection District. To address this I have added the following sentence under a new section 19.3.1. Permitted Use which reads as follows:

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 perineal stream for a PUD proposed in a Lake and Stream Protection (P-LS) zoning district.

Also, to further address the density language of Lake, River and Stream Protection future land use category description within the Master Plan I have proposed language under new section 19.4.2.b. which requires lot sizes proposed for single family or two family development in a P-LS district meet current standards for area, width and frontage requirements and shared waterfront provisions. This language is proposed to read as follows;

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.

Also, in order to insure that a narrow common open space will not allow setbacks from water to be closer than otherwise provided I have offered the following language with regard to common open space.

Common open space provided along a lake or river shall contain a minimum average depth from the high water mark of fifty (50) feet.

The document remains as last reviewed with the language changes as discussed in this memo typed in bold.

I will look forward to discussing this matter further with the Planning Commission. Please contact me with questions.

Draft 2/12/18

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

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. 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. 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, 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 ^b per dwelling	70 ^b	25 ^b	8 ^b	10 ^b	35
Multi-Family Residential and/or Non-Residential	Submit with plan		25 ^b	10 ^b	15 ^b	35
Industrial	Submit with plan		40 ^a	25 ^a	25 ^a	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.
- 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 deem the PUD application and PUD site plans complete if all requirements of this section have been met. The Zoning Administrator shall present the final plan to the Planning Commission for their review, at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete plans and application.

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 30 days 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. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.

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 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.

4. The Planning Commission may modify minimum dwelling size requirements 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 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:

Its: Chairperson

By:

Its: Clerk



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: February 9, 2018

To: Planning Commissioners

From: Scott McNeil

Re: Remaining Priority Items

In order to provide a single document listing priority items please find below the items which the Planning Commission has identified as priority projects.

- Use Terminology Work Plan (copy included with this memo)
- Amend Article 19 – Planned Unit Development
- Study and consideration of an overlay zoning district regarding small lots in Topinabee area.
- Review requirements of Minimum Floor Area for a Dwelling.
- Review allowing Communication Facilities in the Lake and Stream Protection zoning district.
- Consider establishing separate Agriculture and Forestry land uses and zoning districts.

The Planning Commission is currently undertaking item #3 of the Use Terminology Review Work Plan. Listed below are use categories which have different and related use listings based on my review of the Table of Uses which remain to be addressed pursuant to the work plan.

Campgrounds
Commercial Farms
Commercial Recreation/Outdoor Recreation
Contractors Yard
Essential uses
Farm Markets
Green Houses/Nurseries
Retail
Single family, Two family, Multi-family
Tourist/Travel Lodging (cabins, hotel, motel, lodging houses etc.)

Please note that the Planning Commission has identified Campgrounds and Commercial Recreation/Outdoor Recreation as a single use category and Tourist/Travel Lodging and Single family, Two family, Multi-family as single use category, as the next use listing categories to study under item 3 of the work plan. Included you will find separate folder with reports

providing current definitions, current use listings and related recommendations regarding these use categories.

Items 4 through 7 of the work plan are to be addressed upon completion of item 3 and read as follows:

4. Remove references to permitted uses in other districts by adding those referenced uses to zoning district. (*Propose Amendment*)
5. Review uses by zoning district. Define remaining uses.
6. Identify new uses to be added. Define.
7. Create table of allowable uses by zoning district. (*Propose Amendment from results of steps 5-7*)

Use terminology review work plan.
Adopted by the Planning commission on February 17, 2016

The Planning Commission adopted a project at the July 1, 2015 regular meeting as recommended for future projects In the Master Plan under Zoning Ordinance Changes which is written as follows:

Refine for clarity the allowable uses in each district. Create a table of allowable uses within the ordinance. Create consistent terminology of permitted uses. List all permitted uses in each district rather than referencing allowable uses in other zoning districts.

The following work plan was approved by the Planning Commission on February 17, 2016:

1. Conduct inventory and table of existing allowable uses.
2. Identify redundant and antiquated uses as well as items which are not uses, per se. These items would be recommended for deletion.
3. Identify similarly worded uses to be standardized under common terminology; propose common terminology. Define. (*Propose Amendment from results of steps 2 and 3*)
4. Remove references to permitted uses in other districts by adding those referenced uses to zoning district. (*Propose Amendment*)
5. Review uses by zoning district. Define remaining uses.
6. Identify new uses to be added. Define.
7. Create table of allowable uses by zoning district. (*Propose Amendment from results of steps 5-7*)

Listed uses and definitions relative to Single Family, Two Family or Multi-Family

Current related definitions from the Zoning Ordinance:

BOARDINGHOUSE

A dwelling where lodging or meals or both are provided for compensation to three or more individuals.

CABIN

Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, *or for temporary residence*, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes. (emphases added)

DWELLING: APARTMENT

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING or DWELLING UNIT (Amendment #138)

Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including bed and breakfast, boarding or lodging houses, resorts, resort hotels, recreation farms, vacation lodges, motor inns, hotels, motels and other tourist lodging facilities

DWELLING: APARTMENT

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING, MULTI-FAMILY (Rev. 04/12/07, Amendment #67)

A building, or portion thereof, containing three (3) or more dwellings.

DWELLING, PATIO HOUSE (Rev.01/13/12, Amendment #105)

A single family dwelling that is part of a two-family or multi-family dwelling development and that orients outdoor activities within rear or side yard patio areas.

DWELLING, SINGLE-FAMILY (Rev. 04/12/07, Amendment #67)

A building, or portion thereof, containing one (1) dwelling.

DWELLING: TOWN HOUSE

A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

DWELLING, TWO-FAMILY (Rev. 04/12/07, Amendment #67)

A building, or portion thereof, containing two (2) dwellings.

FAMILY (proposed amendment #138)

A group of individuals, whether related or unrelated, who are occupying a dwelling

MOBILE HOME

A single family dwelling designed for transportation after fabrication on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for

occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like. This does not include travel trailers.

MOBILE HOME PARK

Any parcel or plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes are located.

RESIDENTIAL USE (Rev. 10/13/16, Amendment #136)

Any use allowed in the current Cheboygan County Zoning Ordinance which provides for a dwelling.

TRAVEL TRAILER PARK

Any parcel or plot of ground upon which five (5) or more travel trailers or campers occupied for dwelling or sleeping purposes are located.

New proposed definition:

CABINS

Any building which is maintained or for temporary residence, but shall not include a Motel or Motor Inn

Definitions proposed to be deleted: (covered under Dwelling,- Multi-Family)

DWELLING: APARTMENT

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING, PATIO HOUSE (Rev.01/13/12, Amendment #105)

A single family dwelling that is part of a two-family or multi-family dwelling development and that orients outdoor activities within rear or side yard patio areas

DWELLING: TOWN HOUSE

A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

Current Zoning use listings:

Current listed use

Zoning districts where allowed

Boarding and lodging houses

D-CM (SPR)

Duplexes, multi-family and apartment buildings.

P-LS (SUP)

Detached single family dwellings

VC-T

Multiple family housing

D-CM, VC-T, VC-IR, VC-IR-O (SPR)
D-RS, D-VC, VC-T-RO, D-RC (SUP)

Patio homes, townhouses, apartment buildings,
condominiums.

D-RS, VC-T-RO (SUP)

Private hunting and fishing cabins.

M-AF (permitted use)

Single family dwellings	P-LS, P-NR, VC-T-O
Single family dwellings and Two family dwellings	D-RS, M-AF, D-VC, VC-IR, VC-IR-O, VC-T-RO, D-RC
Two family dwellings	VC-T
Trailer and mobile home parks	D-CM (SUP)

Other related ordinance provision and recommended change:

Section 17.1. note C. Minimum; Duplex, 100ft.; Multi-family, 50ft. per family. (relative to minimum lot width. Change Duplex to Two-family)

Proposed use listing changes:

Duplexes, multi-family and apartment buildings – to – Two family and Multi-family dwellings

Multiple family housing – to – Multi-family dwellings

Patio homes, townhouses, apartment buildings, condominiums - to – Multi-family dwellings

Change Private hunting and fishing cabins to Cabins

Listed uses and definitions relative to Single Family, Two Family or Multi-Family

Current related definitions from the Zoning Ordinance:

BOARDINGHOUSE

A dwelling where lodging or meals or both are provided for compensation to three or more individuals.

CABIN

Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, *or for temporary residence*, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes. (emphases added)

DWELLING: APARTMENT

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING or DWELLING UNIT (Amendment #138)

Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including bed and breakfast, boarding or lodging houses, resorts, resort hotels, recreation farms, vacation lodges, motor inns, hotels, motels and other tourist lodging facilities

DWELLING: APARTMENT

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING, MULTI-FAMILY (Rev. 04/12/07, Amendment #67)

A building, or portion thereof, containing three (3) or more dwellings.

DWELLING, PATIO HOUSE (Rev.01/13/12, Amendment #105)

A single family dwelling that is part of a two-family or multi-family dwelling development and that orients outdoor activities within rear or side yard patio areas.

DWELLING, SINGLE-FAMILY (Rev. 04/12/07, Amendment #67)

A building, or portion thereof, containing one (1) dwelling.

DWELLING: TOWN HOUSE

A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

DWELLING, TWO-FAMILY (Rev. 04/12/07, Amendment #67)

A building, or portion thereof, containing two (2) dwellings.

FAMILY (proposed amendment #138)

A group of individuals, whether related or unrelated, who are occupying a dwelling

MOBILE HOME

A single family dwelling designed for transportation after fabrication on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for

occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like. This does not include travel trailers.

MOBILE HOME PARK

Any parcel or plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes are located.

RESIDENTIAL USE (Rev. 10/13/16, Amendment #136)

Any use allowed in the current Cheboygan County Zoning Ordinance which provides for a dwelling.

TRAVEL TRAILER PARK

Any parcel or plot of ground upon which five (5) or more travel trailers or campers occupied for dwelling or sleeping purposes are located.

New proposed definition:

CABINS

Any building which is maintained or for temporary residence, but shall not include a Motel or Motor Inn

Definitions proposed to be deleted: (covered under Dwelling,- Multi-Family)

DWELLING: APARTMENT

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING, PATIO HOUSE (Rev.01/13/12, Amendment #105)

A single family dwelling that is part of a two-family or multi-family dwelling development and that orients outdoor activities within rear or side yard patio areas

DWELLING: TOWN HOUSE

A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

Current Zoning use listings:

Current listed use

Zoning districts where allowed

Boarding and lodging houses

D-CM (SPR)

Duplexes, multi-family and apartment buildings.

P-LS (SUP)

Detached single family dwellings

VC-T

Multiple family housing

D-CM, VC-T, VC-IR, VC-IR-O (SPR)
D-RS, D-VC, VC-T-RO, D-RC (SUP)

Patio homes, townhouses, apartment buildings,
condominiums.

D-RS, VC-T-RO (SUP)

Private hunting and fishing cabins.

M-AF (permitted use)

Single family dwellings	P-LS, P-NR, VC-T-O
Single family dwellings and Two family dwellings	D-RS, M-AF, D-VC, VC-IR, VC-IR-O, VC-T-RO, D-RC
Two family dwellings	VC-T
Trailer and mobile home parks	D-CM (SUP)

Other related ordinance provision and recommended change:

Section 17.1. note C. Minimum; Duplex, 100ft.; Multi-family, 50ft. per family. (relative to minimum lot width. Change Duplex to Two-family)

Proposed use listing changes:

Duplexes, multi-family and apartment buildings – to – Two family and Multi-family dwellings

Multiple family housing – to – Multi-family dwellings

Patio homes, townhouses, apartment buildings, condominiums - to – Multi-family dwellings

Change Private hunting and fishing cabins to Cabins

Listed uses and definitions relative to Tourist/Travel Lodging facilities

Current related definitions from the Zoning Ordinance:

BED & BREAKFAST (Rev. 03/09/05, Amendment #39) (Rev. 01/28/06, Amendment #53)

An owner-occupied dwelling where lodging and breakfasts are provided for compensation to three or more individuals.

CABIN

Any building, tent or similar structure which is maintained, *offered or used for dwelling or sleeping quarters for transients*, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes. (emphases added)

MOTEL OR MOTOR INN (Rev. 10/13/16, Amendment #135)

A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space to provide lodging for thirty (30) days or less for a fee.

ROOMING HOUSE

A building, or part of a building, other than a hotel, motel, or motor court, where sleeping facilities are provided and meals may be served regularly for remuneration.

Definitions proposed to be changed:

CABIN

Any building which is maintained or for temporary residence, but shall not include a Motel or Motor Inn.

Definitions proposed to be deleted

ROOMING HOUSE (covered under MOTEL OR MOTOR INN)

Proposed new definitions;

RESORT

A place that is a destination for vacations or recreation, or which is frequented for a particular purpose. which may include Motel or Motor Inns, Recreational Facilities, Bars, Restaurants and similar facilities.

Current listed use

Zoning districts where allowed

Bed and Breakfasts.

D-VC, VC-IR, VC-IR-O (SPR)
VC-T, VC-T-O (SUP)

Hotels, motels.

D-CM, VC-IR, VC-T (SPR)
D-VC ,P-LS (SUP)

Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.

M- AF (SUP)

Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements

P-NR (SUP)

Proposed use listing changes:

Replace Hotels motels and Resorts, motels and resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities with Motel or Motor Inn and Resort.