



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, APRIL 5, 2017 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.) **Cherry Capital Connection and Robert and Patsy Knaffle** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 3044 Gilpin Road, Benton Twp., section 10, parcel #104-010-100-002-01, and is zoned Agriculture and Forestry Management (M-AF).
- 2.) **ERS Telecom Properties and Bernard Jankoviak** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located on South Extension Road, Mullett Twp., section 7, parcel #130-007-100-001-00, and is zoned Agriculture and Forestry Management (M-AF).
- 3.) **Toni Wilson** – Requests a Site Plan Review Amendment for a change of use from Restaurant, Salon (Office) and Retail Use with outdoor seating and outdoor display to Bar Use with outdoor seating (Sections 13B.2.2). The property is located at 3499 South M-27, Tuscarora Township, section 24, parcel #161-024-200-006-00 and is zoned Village Center Indian River Overlay (VC-IR-O).

UNFINISHED BUSINESS

- 1.) 2018 Capital Improvement Program – Program Summary and Project Descriptions
- 2.) Draft Zoning Ordinance Amendment Relating To Assembly Halls

NEW BUSINESS

STAFF REPORT

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, MARCH 15, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon,
ABSENT: Borowicz, Jazdyk, Churchill
STAFF: Scott McNeil
GUESTS: Cal Gouine, Carl Muscott, John Moore, 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. Kavanaugh, seconded by Mr. Freese, to approve the agenda as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdyk, Churchill)

APPROVAL OF MINUTES

The February 15, 2017, Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdyk, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Elizabeth Stevens (Camp Walden Inc.) / Michelle Kruzel AIA - Requests an amendment to a Special Use Permit for a deck addition to a mess hall at a Camp (Section 10.3.2.) The property is located at 5607 South River Rd, Aloha Township, parcel #140-002-200-006-00 and is zoned Lake and Stream (P-LS) and Agriculture and Forestry Management (M-AF). The portion of the lot where the mess hall is located and the deck addition is proposed is located in the Lake and Stream Protection (P-LS) zoning district.

Mr. McNeil referred to the site plan and noted the location of the proposed deck addition to the mess hall. Mr. McNeil stated that two additions to the mess hall were approved administratively. Mr. McNeil stated that Camp Walden has exhausted their administrative approvals as there is a maximum of 2 administrative approvals allowed. Mr. McNeil stated that the only change proposed on this site plan is the deck addition. Mr. McNeil stated that the applicant has requested a series of waivers from the site plan requirements due to the minimal nature of the work. Mr. McNeil noted that the waivers requested are for plan scale, topography, parking areas, loading and unloading areas and location of utilities.

Mr. Kavanaugh stated that the Health Department has been working with the applicant on a new septic system, kitchen, and other buildings. Mr. Kavanaugh stated that they are in compliance with the Health Department requirements.

Mr. Freese stated his concerns regarding the number of waiver requests, but having been to the site he does not have a problem with the waiver requests if they are better addressed.

Ms. Kruzel stated that the number of waiver requests is due to the size of the property and the scope of the work being done. Ms. Kruzel stated that the building is isolated and understands that these requirements are in place in case there are any neighbors that may be affected. Ms. Kruzel stated it would cost thousands of dollars to provide topography for this site. Ms. Kruzel stated that a lot of money is being invested in the safety of the building by upgrading the kitchen, septic and fire alarms. Ms. Kruzel stated that Camp Walden is dedicated to hiring local for the work that will be done.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant all the requested waivers. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdyk, Churchill)

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the 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 subject to Department of Building Safety approval and Health Department approval. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdyk, Churchill)

UNFINISHED BUSINESS

Use Terminology Review

Mr. McNeil asked for the Planning Commission's direction on which use categories should be addressed next. Mr. Freese stated that Single family, Two family, Multi-family and Tourist/Travel Lodging (cabins, hotel, motel, lodging houses etc.) could be treated as one. Mr. McNeil stated that given the recent review of the definition of Dwelling, these could fit in the same category. Mr. Freese and Ms. Croft agreed with Mr. McNeil. Mr. Freese stated that Campgrounds and Commercial Recreation/Outdoor Recreation could be one category.

Zoning Ordinance Amendment Relative To Definition Of A Dwelling

Mr. McNeil stated that the amendment document provides new definitions for Dwelling/Dwelling Unit and Family. Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. Freese stated his concerns regarding the new definition of Dwelling and Dwelling Unit. Mr. Freese stated this definition includes anything except the ones that we list that it doesn't include. Mr. Freese stated that we used to treat sororities and fraternities differently, but they would now fall under the definition of Dwelling and Dwelling Unit. Mr. McNeil stated that he believes they would fall under the definition of Dwelling now. Mr. Freese stated that they were treated differently because they were excluded from family, but now they would be considered a family. Mr. McNeil questioned how sororities and fraternities could be excepted. Ms. Croft read from the current definition of Family, "This definition shall not include any society, club, fraternity, sorority....". Mr. Kavanaugh suggested including this language to exclude sororities and fraternities in the proposed definition. Mr. Freese agreed with Mr. Kavanaugh. Mr. Kavanaugh stated that associations and lodges should also be included. Mr. McNeil stated the language could be included and forwarded to legal counsel again for review. Mr. Kavanaugh asked would the Planning Commission have to address sororities and fraternities if they are not included. Mr. McNeil stated that they could be tied to an educational facility. Mr. Freese stated that sororities and fraternities can be addressed at a later time if there is a problem. Mr. McNeil stated that he does not see a big exposure to risk. Mr. McNeil stated that he believes this is ready for a public hearing as it has been reviewed by legal counsel. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for the definitions of dwelling and family for April 19, 2017. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdyk, Churchill)

Zoning Ordinance Amendment Relative To Assembly Halls

Mr. McNeil referred to section 4.2.4 and stated that Public, Parochial And Private Schools, Libraries and Municipal Structures And Uses and Churches in the Residential District will be removed. Mr. McNeil stated that the new use will be Assembly, Educational or Social Event Facility and will require a special use permit. Mr. Freese asked if Private Clubs and Lodges could be included in the definition of Assembly, Educational or Social Event Facility. Mr. McNeil stated that this is something that the Planning Commission can talk about. Mr. McNeil stated this is a lesser impact use as a private club does not draw as many people as a school, hall or church may draw. Mr. Freese stated that they are included in the same section so the requirements should be the same. Mr. Freese stated they are similar uses even though one may be more intense than the other and the requirements are the same. Mr. McNeil asked if the Planning Commission wants them included under the same definition. Mr. Freese stated that if they are subject to the same review so they should be included under the same definition. Mr. McNeil noted that they are private, not public. Mr. Freese stated that the definition of Assembly, Educational or Social Event Facility does not differentiate between public and private.

Mr. McNeil referred to section 6.2.5 and noted that Clubs have been removed from this section and Arcades have been added to this section. Mr. McNeil stated that this is a permitted use, requiring site plan review. Mr. McNeil referred to section 6.2.22 and noted that Theaters is being replaced by Assembly, Educational or Social Even Facility. Mr. McNeil stated that this use will require site plan review.

Mr. McNeil referred to section 9.3.3 and stated Churches and Parish Houses, Schools and Educational Institutions and Other Municipal Buildings, Structures and Uses will be replaced with Assembly, Educational or Social Event Facility. Mr. McNeil

noted that Community Buildings will be removed from section 9.3.4. Mr. McNeil stated that Public Parks and Recreation Areas, Playgrounds and Campgrounds will remain in section 9.3.4. Mr. McNeil stated these are uses requiring a special use permit.

Mr. McNeil stated that Schools, Libraries, Churches and Municipal Structures will be replaced with Assembly, Educational or Social Event Facility in section 10.3.10 and a special use permit will be required.

Mr. McNeil stated that Clubs will be removed in section 13.2.4 and Arcades will be included in section 13.2.4.

Mr. McNeil stated that Educational, Municipal and Religious Institutions will be replaced with Assembly, Educational or Social Event Facility in section 13.3.4.

Mr. McNeil stated that Clubs will be removed in section 13A.2.1.

Mr. McNeil stated that Educational, Municipal and Religious Institutions will be replaced with Assembly, Educational or Social Event Facility in section 10.3.10 and a special use permit will be required.

Mr. McNeil stated that Clubs will be removed from section 13B.3.1., 13C.2.1. and 13D.3.1.

Mr. McNeil stated that Educational, Municipal, Religious Institutions and Private Clubs will be replaced with Assembly, Educational or Social Event Facility in section 13C.3.6.

Mr. McNeil stated that Public, Parochial, Private Schools, Libraries, Municipal Structures and Uses (section 13E.2.4.) will be deleted. Mr. McNeil stated that Churches (section 13E.2.5.) will be deleted.

Mr. McNeil stated that Community Buildings will be removed from section 14.3.5. Mr. McNeil stated that Educational, Municipal and Religious Institutions will be replaced with Assembly, Educational or Social Event Facility in section 14.3.7.

Mr. McNeil noted that in this proposed amendment sections 17.13 and 21.9.2 will be repealed.

Zoning Ordinance Amendment Relative To Convalescent Homes

Mr. McNeil reviewed the proposed definitions of Adult Day Care Center, Assisted Living Center and Healthcare Living Center. Mr. McNeil stated that Elderly Housing and Convalescent Homes will be replaced with Assisted Living Center in section 4.3.3. Mr. McNeil stated that Elderly Housing and Convalescent Homes will be replaced with Adult Daycare Center, Assisted Living Center or Health Care Living Center in section 6.2.26. Mr. McNeil stated that Nursing or Convalescent Homes will be replaced with Adult Daycare Center, Assisted Living Center or Health Care Living Center in section 9.3.14. Mr. McNeil stated that Assisted Living Facility/Convalescent Home will be replaced with Assisted Living Center or Adult Daycare Center in sections 13A.3.1. and 13C.3.1. Mr. McNeil stated that Elderly Housing and Convalescent Homes will be replaced with Assisted Living Center or Adult Daycare Center in section 13E.3.2. Mr. McNeil stated that Nursing or Convalescent Homes will be replaced with Adult Daycare Center, Assisted Living Center or Health Care Living Center in section 14.3.13.

Mr. Freese asked if the state mandates if an Adult Group Home be allowed in residential areas. Mr. Freese stated that an Adult Group Home has been excluded from the definition. Mr. McNeil stated that the Zoning Enabling Act requires us to deal with them as a residential use. Mr. Freese noted that Health Care Living Center is being authorized in Agriculture/Forestry Management Zoning District, Commercial Development Zoning District and Rural Character Country Living Zoning District. Mr. Freese stated that this regulation would not have addressed the issue in Indian River. Mr. McNeil stated it would have eliminated it from the section of property that was zoned Lake and Stream Protection. Mr. Freese stated that it would have allowed it in the Agricultural Forestry Management Zoning District. Discussion was held.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward the proposed amendment to legal counsel. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdzzyk, Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that he discussed the PUD amendment with the Cheboygan County Board of Commissioners. Mr. McNeil stated that it was the consensus of the board that they would like to be involved with the way the amendment is written. Mr.

McNeil stated that there is not too much more that will need to be done based on the comments from the board. Mr. McNeil stated that the board will discuss this further with legal counsel at their next meeting.

Mr. McNeil stated that there has been further discussion with legal counsel regarding content neutral signs. Mr. McNeil stated that we accomplished content neutral on its face, but we need to be content neutral by purpose. Mr. McNeil stated that legal counsel is still reviewing this amendment. Mr. McNeil stated that we may need to allow more temporary signage.

Mr. McNeil stated that a copy of the Solid Waste Plan was included in the last Planning Commission packet. Mr. McNeil stated that some waste transfer facilities and waste sites are to be approved under the Solid Waste Plan. Mr. McNeil stated that it is not clear that type B facilities is allowed under the Solid Waste Plan. Mr. McNeil noted that Triple D Sanitation is a type B facility. Mr. McNeil stated that the Cheboygan County Board of Commissioners will consider amending the Solid Waste Plan. Mr. Kavanaugh asked if Triple D Sanitation will be able to apply if there is an amendment to the Solid Waste Plan. Mr. McNeil stated that they may come back as a waste hauler which means there will be no waste transferred on the site. Mr. McNeil stated that the only waste that would be on the site would be overnight inside of a truck. Mr. McNeil stated that he expects that it may come back for Planning Commission review as a waste hauling business as opposed to a transfer facility.

Mr. Freese stated that at the Board of Commissioners meeting they had the same question as the Planning Commission regarding PUD's. Mr. Freese stated that the Planning Commission followed the guidance from legal counsel. Mr. McNeil stated that the guidance from legal counsel was more on how the ordinance was structured and some of the content of the ordinance. Mr. McNeil stated that legal counsel is still of the opinion that if the law allows the Planning Commission to make those decisions solely then that is the way it should be done. Discussion was held. Mr. Kavanaugh asked if legal counsel prefers that the Planning Commission review PUD's instead of the Cheboygan County Board of Commissioners. Mr. McNeil stated that he recommended a review by the Board of Commissioners in conjunction with Planning Commission review as the Zoning Enabling Act allows this to happen. Mr. McNeil believes that this should be done as a rezoning. Mr. Freese agreed with Mr. McNeil that this should be a rezoning and the final approval should be by the Board of Commissioners.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott referred to section 4.2.4 of the proposed amendment regarding Assembly Hall and noted that Public, Parochial And Private Schools, Libraries And Municipal Structures and Uses and Churches in the Residential District will be removed as a permitted use. Mr. Muscott stated the new use will be Assembly, Educational or Social Event Facility and will require a special use permit. Mr. Muscott questioned why a special use permit will be required instead of a site plan review. Mr. McNeil stated if there is a school or church that is proposed, the effect on land should be handled by special use permit so notices are sent to property owners in the area. Mr. McNeil stated that this is consistent with the way it is handled in other zoning districts. Mr. Muscott asked if a special use permit is required due to the broader definition. Mr. McNeil stated yes and it is his recommendation for a special use permit so the property owners in the area are notified.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. The meeting was adjourned at 7:57 pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Cherry Capital Connection

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 (6 Pages)
5. Undated Letter From Tim Maylone (10 Pages)
6. Site Plan (2 Pages)
7. Aeronautical Study #2017-WTE-1131-OE (1 Page)
8. Property Search and Tax Record (1 Page)
9. Typical Tower Installation Drawing (1 Page)
10. Typical Tower Base Drawing (1 Page)
11. Typical Anchor Turnbuckle Guy Wire Assembly Drawing (1 Page)
12. Anchor Treatment Drawing When Eye Is Not At Ground Level (1 Page)
13. Typical Guy Attachment On Tower Drawing (1 Page)
14. Typical Anti-Climbing Barrier Drawing (1 Page)
15. Mailing List (2 Pages)

The following item was added to the exhibit list on 03/20/17:

16. Email message from Tim Maylone to Scott McNeil dated February 27, 2017 re; co-location
- 17.
- 18.
- 19.
- 20.

Note: Planning Commission members have exhibits 1 and 2.

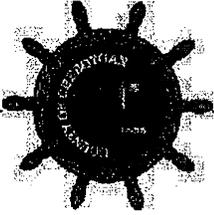
NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING
WEDNESDAY, APRIL 5, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **Cherry Capital Connection and Robert and Patsy Knaffle** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 3044 Gilpin Road, Benton Twp., section 10, parcel #104-010-100-002-01, and is zoned Agriculture and Forestry Management (M-AF).

- 2.) **ERS Telecom Properties and Bernard Jankoviak** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located on South Extension Road, Mullett Twp., section 7, parcel #130-007-100-001-00, and is zoned Agriculture and Forestry Management (M-AF).

Please visit the Planning and Zoning office or visit our website to see the proposed ordinance amendment and special use permit 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 Community Development Director at the above address one week in advance to request mobility, visual, hearing or other assistance.



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PROPERTY LOCATION

Address 3044 Gilpin Rd	City / Village Cheboyan	Twp / Sec. Benton	Zoning District M-AF
Property Tax I.D. Number 104-010-100-002-01	Plat or Condo Name / Lot or Unit No.		

APPLICANT

Name Cherry Capital Connection (Tim Maylone)		Telephone 231-735-0451 (231-264-9970)	Fax 231-264-9945
Address P.O.Box 866	City, State & Zip Elk Rapids, MI 49629	E-Mail tim@cherrycapitalconnection.com	

OWNER (If different from applicant)

Name Kanfle, Robert and Patsy		Telephone 231-627-9568	Fax
Address 3044 Gilpin Rd	City, State & Zip Cheboygan, MI 49721	E-Mail N/A	

PROPOSED WORK

<p>Type (check all that apply)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> New Building</td> <td><input type="checkbox"/> Reconstruction</td> </tr> <tr> <td><input type="checkbox"/> Addition</td> <td><input type="checkbox"/> Relocated Building</td> </tr> <tr> <td><input type="checkbox"/> Change in Use or Additional Use</td> <td><input type="checkbox"/> Sign, Type: _____</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> Other: Personal wireless tower</td> </tr> </table>	<input type="checkbox"/> New Building	<input type="checkbox"/> Reconstruction	<input type="checkbox"/> Addition	<input type="checkbox"/> Relocated Building	<input type="checkbox"/> Change in Use or Additional Use	<input type="checkbox"/> Sign, Type: _____		<input checked="" type="checkbox"/> Other: Personal wireless tower	<p>Building/Sign Information</p> <p>Overall Length: ¹ _____ feet</p> <p>Overall Width: ¹ _____ feet</p> <p>Floor Area: ³ _____ sq. feet</p> <p>Overall Building Height: ¹²⁸ _____ feet</p> <p>Sign Area: _____ sq. feet</p> <p>Sign Height _____ feet</p>
<input type="checkbox"/> New Building	<input type="checkbox"/> Reconstruction								
<input type="checkbox"/> Addition	<input type="checkbox"/> Relocated Building								
<input type="checkbox"/> Change in Use or Additional Use	<input type="checkbox"/> Sign, Type: _____								
	<input checked="" type="checkbox"/> Other: Personal wireless tower								

PROPOSED USE (check all that apply)

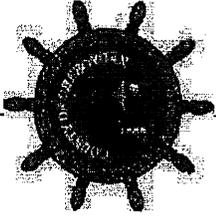
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Utility
			<input checked="" type="checkbox"/> Other: Internet

Has there been a Site Plan or Special Use Permit approved for this parcel before? YES NO

If YES, date of approval: _____ Approved Use: _____

Directions to site: SEE SITE PLAN (SOUTH SIDE OF PROPERTY)

SPECIAL LAND USE PERMIT APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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SPECIAL LAND USE PERMIT APPLICATION

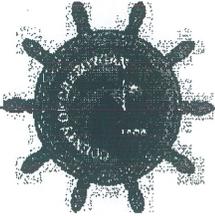
1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

Dark operations - SEE ATTACHED SECTION 17.13 COMMENTS AND RESPONSE
AND INTRODUCTION LETTER

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.
Yes.
- 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.
Minimal impact on environment
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
No drainage
- 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.
Yes
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
N/A
- 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. N/A
 - ii. It does not impede the vision of traffic along adjacent streets. N/A
 - iii. It does not unnecessarily illuminate night skies. N/A



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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

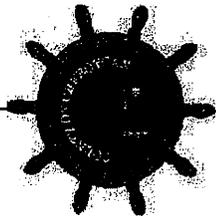
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

3. Size of property in sq. ft. or acres: 24.03

4. Present use of property:
Farm

5. SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?
Yes
- 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.** No
- 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.** No
- 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.** Yes
- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**
No
- 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.** Yes



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SPECIAL LAND USE PERMIT APPLICATION

g. 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. SITE PLAN

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 *Jimmie Mayton* Date 2-27-17

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

Yes No *Patsy Knaffle*
Owner's Signature *Robert Knaffle* Date 2-25-2017

Date Received:	<u>2/28/17</u>	Notes:
Fee Amount Received:	<u>\$725.00</u>	
Receipt Number:	<u>#5455</u>	
Public Hearing Date:	<u>4/13/17</u>	
Planning/Zoning Administrator Approval:		
<u><i>[Signature]</i></u>	<u>2/28/17</u>	
Signature	Date	

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
Yes		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.
Yes		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.
Yes		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
Yes		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.
Yes		f. Location of existing and proposed buildings and intended uses thereof.
N/A		g. Details of entryway and sign locations should be separately depicted with an elevation view.
N/A		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
N/A		i. Location, size, and characteristics of all loading and unloading areas.
N/A		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
Yes		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
Yes		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.
No Lights		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.
Yes		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/A		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
N/A		s. Floor plans, when needed to determine the number of parking spaces required.

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

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.

Ann Mayhew

SIGNATURE

2-27-17

DATE



Cherry Capital Connection, LLC
Northern Michigan's Telecommunication Provider
www.cherrycapitalconnection.com

P.O. Box 866
Elk Rapids, MI 49629
855-674-4159

Cheboygan County Zoning and Planning,

Cherry Capital Connection is a Wireless and Fiber based High Speed Internet Service provider. We are working with neighbors in Benton Township on developing infrastructure that will improve current High Speed Internet Access service levels and will address gaps in High Speed Internet Access service.

We propose construction a 128 foot "Rohn-25" style guy tower at 3044 Gilpin Rd. Parcel: 104-010-100-002-01 Property owners are Robert and Patsy Knaffle. We understand that this is an acceptable use for the property and requires a Special Use Permit.

We have included the following documents in support of the Special Use Permit process:

1. A site plan.
 - a. One to scale hardcopy
 - b. One PDF for distribution to board members
 - c. Thank You for the prereview and comments for clarification.
2. An ordinance over view of section 17.1, section 17.13, section 18.7
 - a. One PDF for distribution to board members
3. A special Use Permit application
 - a. One hardcopy
 - b. One PDF for distribution
4. FAA results (currently waiting)
 - a. One PDF for distribution (application on the third page of site plan)
5. 1 set of sealed engineering documents (usually one is placed on file at the county level)
 - a. One Zip file with multiple PDF documents.
 - b. We ask that this be placed on file.
 - i. All guy towers will be constructed using these documents

Cherry Capital Connection delivers High Speed Internet Access, telephone and point to point transport. Our primary transport is Fixed Point wireless using licensed and unlicensed frequencies. Additionally, we are in the early stages of developing a Fiber to the Home delivery model.

This project appears to be described in your ordinance as a "WIRELESS COMMUNICATION FACILITIES" with the following definition (also referred to as a personal wireless facility):

Includes transmitters, antenna structures, towers and other types of equipment necessary for providing wireless services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which gives subscribers the ability to access or receive calls from the public switched telephone network. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, paging, and wireless internet. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers.



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The site, is best approached from Wartella Rd. The closest neighbor is Mike Sova with an address of 3265 Wartella Rd Cheboygan MI. Since we have not participated in the Special Use and Site review process in Cheboygan County we are asking that you review our documents for completeness and respond with any clarification or additions. We own and operate 138 towers in a 13 county region of Northern Michigan.

Our goal is to be on the earliest agenda. Based on this letter and materials being submitted February 28, 2017 we anticipate the first public meeting to be held in early April.

Additionally, your site plan review does mention a possible pre-meeting site visit or review. Please let us know if a pre-site review is required and we appreciate knowing if the documents are complete. Over the next few weeks we will place markers and flags at the site to aid neighbors and officials to visualize the construction site. Although we do not have a building permit we will place onsite the building documents. Construction will not start until after we receive the building permit.

Construction details as related to ordinance:

1. 128 foot tower (full set of engineered documents provided – 500 pound tower)
 - a. Base of tower closest point to property line 150 feet
2. Guys wires held at ground level using earth anchors (4,200 pound pull per anchor 6 anchors)
 - a. Earth anchor closest point to property line 40 feet.
3. Power pedestal 50 feet from center line of road
 - a. Will host fiber pedestal
4. Cabinet 3 x 4 x 6 (plastic formed garden shed attached to tower)
5. 10 x 10 x 6 dog kennel fencing
6. Sign placed in space to provide contact information
7. Yellow guy markers installed
8. Climb prevention mounted to tower 8 feet panel top at 10 foot mark
9. No current utilities
10. 24 acre parcel agriculture
11. See additional details in the site plan.

We understand that 15 copies are not required if good quality PDF documents are provided. Those scalable PDF's have been provided. We have sent one copy hard copy form and will pay the Special Use permit and site review fees online.

We are requesting a franchise agreement with the Township to enable the construction of Fiber to the Home. The permitting, easement, and design process for Fiber to the Home is estimated to require 3-4 years.

Cherry Capital Connection
Tim Maylone – General Manager



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(Rev. 08/2001, Amendment #20). **Cherry Capital Connection comments and response included in red**

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.
 - a. **Tower is engineered for 128 feet. See site plan for specific position. Tower base exceeds all set back requirements. Anchors exceed set back requirements.**
 - b. **M-AF district**
- 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.
 - a. **FAA approved. No Lights required. No paint required.**
- 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.
 - a. **Engineered for 7 square 100mph winds ice and snow conditions.**

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)**
M-AF district N/A
- 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.
 - i. **FAA has verified and approved location. MDOT not required to be verified.**
 - ii. **Site submission to FAA included in Site plan**
 - iii. **There are no colocation opportunities available in this neighborhood within 1 mile**



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1. There is a tower 1.7 miles south, already has tenants that are using the same frequencies we use so colocation is not viable.
 2. We have approached the tenant to purchase their rights but they do not want to sell
 3. Additionally, to distribute fiber to the area we require the tower to be located in the service area
2. Towers must be equipped with devices to prevent unauthorized climbing.
 - i. Dog kennel style fencing is installed. 10 x 10 x 6 feet high
 - ii. 8 foot climbing barrier is attached to tower at 2 feet and extends to 10 feet
 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."
 - i. Yes, landscape is flat with a small amount of vegetation. Tower placed to one side of property and set back off road to mitigate direct view while driving down the road.
 4. New towers should be engineered as appropriate for co-location of other antennae.
 - i. This is a low profile, light weight design. The tower is designed for 7 square feet of wind load.
 5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 - i. 8 foot yellow warning tubes are added for each set of guy wires.
 6. All new towers must meet the applicable requirements for a commercial tower, per [Article 17.13.1](#) of this Ordinance.
 - i. Yes
- 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).
 - a. Yes.
 - d. Visible damage must be repaired within 90 days of occurrence.
 - a. Yes

17.13.3. Wireless communication facilities may be permitted after a public hearing by special use permit, approved for locations in D-RS and D-MR Residential Districts, subject to the following conditions and findings:

Location in M-AF district so 17.13.3 does not apply

- 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.



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- 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 tall 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.

Understood

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)

Understood

17.13.6. Advertising is prohibited on towers or antennas.

Understood. Only signage is attached to cabinet, fencing or tower to provide contact information

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.
 - i. **Yes**
- 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.
 - i. **No impact on environment**
- 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.
 - i. **Dark operations**

Cheboygan County	97 Lake Street
Zoning 17.13 and	Elk Rapids, MI 49629
Zoning 18.7	231-264-9970

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VoIP (dial tone), Wireless Hotspots, Fixed Point Internet,
Network Design & Management, In-Building Wireless



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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.

i. Enhances the neighborhood by enabling High Speed Internet Access

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.

i. No demands

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.

i. No traffic impact

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

i. No water and sewer requirements required

h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.

i. It is our understanding that we meet all requirements

SECTION 17.1. AREA, WIDTH, LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS

NOTES: (Rev. 05/17/06, Amendment #57) (Rev. 02/23/11, Amendment #90) (Rev. 09/28/11, Amendment #92) (Rev. 11/20/11, Amendment #102) (Rev. 01/13/12, Amendment #105), (Rev. 05/25/12, Amendment #111), Rev. 06/28/12, Amendment #112), (Rev. 06/28/12, Amendment #113)

A. The minimum front setback for non waterfront lots in the P-LS and P-NR Districts shall be thirty (30) feet.

i. N/A

B. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.

i. N/A



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- B. Minimum; Duplex, 100ft.; Multi-family, 50ft. per family.
 - i. N/A
- C. Required minimum measured per dwelling unit.
 - i. N/A
- E. Notwithstanding any other provision of this Section, no single family dwelling(s) shall be permitted on a waterfront lot that provides shared waterfront access under Section 10.4.4. of this Ordinance, unless such single family dwelling(s) meets the dwelling unit requirements of this Section independent of the requirements of the shared water front access.
 - i. N/A
- F. See Section 13B.4.3.b.for setback requirements for residential uses in Village Center Indian River Overlay (VCIR-O) district.
 - ii. N/A
- G. See Section 13C.4.7. for setback requirements for residential uses in Village Center Topinabee (VC-T) district.
 - iii. N/A
- H. See Section 13D.4.3.b. for setback requirements for residential uses in Village Center Topinabee Overlay (VC-TO) district..
 - iv. N/A
- I. Antennas and Flag Poles which are accessory to a main use shall be allowed a maximum height of fifty (50) feet.
 - i. N/A
- J. If the lot is less than 80 feet in width, then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater.
 - i. N/A
- K. A lot in the P-NR District shall meet the definition of lot width within this Ordinance and lots on a Main Stream shall have a minimum lot width of 200 feet as measured between the side lot lines at the front setback line, and lots on a Tributary shall have a minimum lot width of 150 feet as measured between the side lot lines at the front setback line.
 - i. N/A
- L. Commercial Farm Buildings are exempt from maximum structure height requirements. (Rev. 10/24/13, Amendment #120) In addition, be sure to check the sections of this ordinance pertinent to the particular land use for exceptions to the above or for special requirements
 - i. N/A



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Cheboygan County discussion

1. MSU Land Use Pamphlet outlines the interrelated changes of the following

- (1) the Federal Telecommunication Act,
- (2) Middle Class Tax Relief and Job Creation Act of 2012
- (3) the 2014 FCC ruling, and
- (4) the Michigan Zoning Enabling Act
- <http://lu.msue.msu.edu/pamphlets.htm#Wireless>

2. Metropolitan Extension Telecommunications Rights-of-Way Oversight Act

- <http://www.michigan.gov/lcsa/0,5798,7-333-23676---,00.html>

3. MICHIGAN TELECOMMUNICATIONS ACT - Act 179 of 1991

- <http://www.dleg.state.mi.us/mpsc/comm/telecom/pa179.pdf>

4. MICHIGAN BROADBAND DEVELOPMENT AUTHORITY ACT Act 49 of 2002

- http://www.dleg.state.mi.us/mpsc/comm/broadband/mcl_act_49_of_2002.pdf

5. FCC OTARD

- <https://www.fcc.gov/media/over-air-reception-devices-rule>
- <https://www.fcc.gov/media/over-air-reception-devices-rule#links>
- <https://www.gpo.gov/fdsys/pkg/CFR-2005-title47-vol1/xml/CFR-2005-title47-vol1-sec1-4000.xml>

“multichannel multipoint distribution services” has been modified in 2010 to included fixed point wireless

- https://apps.fcc.gov/edocs_public/attachmatch/DA-16-190A1.pdf
2-2016 prohibiting antenna mounting on property controlled by owner of property

Section 1-4000 is so important to all discussions

Code of Federal Regulations

Title 47 – Telecommunication

Volume: 1 Date: 2005-10-01 Original Date: 2005-10-01 Title: Section 1.4000 - Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

Context: Title 47 - Telecommunication. CHAPTER I - FEDERAL COMMUNICATIONS COMMISSION. SUBCHAPTER A - GENERAL. PART 1 - PRACTICE AND PROCEDURE. Subpart S - Preemption of Restrictions That Impair the Ability to Receive Television Broadcast Signals, Direct Broadcast Satellite Services, or Multichannel Multipoint Distribution Services or the Ability To Receive or Transmit Fixed Wireless Communications Signals.

§ 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.(a)(1) Any restriction, including but not limited to any state or local law or regulation, including zoning, land-use, or building regulations, or any private covenant, contract provision, lease provision, homeowners' association rule or similar restriction, on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property that impairs the installation, maintenance, or use of:(i) An antenna that is:(A) Used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, and(B) One meter or less in diameter or is located in Alaska;(ii) An antenna that is:(A) Used to receive video programming services via multipoint distribution

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services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite, and(B) That is one meter or less in diameter or diagonal measurement;(iii) An antenna that is used to receive television broadcast signals; or(iv) A mast supporting an antenna described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this section; is prohibited to the extent it so impairs, subject to paragraph (b) of this section.(2) For purposes of this section, "fixed wireless signals" means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals.(3) For purposes of this section, a law, regulation, or restriction impairs installation, maintenance, or use of an antenna if it:(i) Unreasonably delays or prevents installation, maintenance, or use;(ii) Unreasonably increases the cost of installation, maintenance, or use; or(iii) Precludes reception or transmission of an acceptable quality signal.(4) Any fee or cost imposed on a user by a rule, law, regulation or restriction must be reasonable in light of the cost of the equipment or services and the rule, law, regulation or restriction's treatment of comparable devices. No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any restriction or regulation prohibited by this section except pursuant to paragraph (d) or (e) of this section. In addition, except with respect to restrictions pertaining to safety and historic preservation as described in paragraph (b) of this section, if a proceeding is initiated pursuant to paragraph (d) or (e) of this section, the entity seeking to enforce the antenna restrictions in question must suspend all enforcement efforts pending completion of review. No attorney's fees shall be collected or assessed and no fine or other penalties shall accrue against an antenna user while a proceeding is pending to determine the validity of any restriction. If a ruling is issued adverse to a user, the user shall be granted at least a 21-day grace period in which to comply with the adverse ruling; and neither a fine nor a penalty may be collected from the user if the user complies with the adverse ruling during this grace period, unless the proponent of the restriction demonstrates, in the same proceeding which resulted in the adverse ruling, that the user's claim in the proceeding was frivolous.(b) Any restriction otherwise prohibited by paragraph (a) of this section is permitted if:(1) It is necessary to accomplish a clearly defined, legitimate safety objective that is either stated in the text, preamble, or legislative history of the restriction or described as applying to that restriction in a document that is readily available to antenna users, and would be applied to the extent practicable in a non-discriminatory manner to other appurtenances, devices, or fixtures that are comparable in size and weight and pose a similar or greater safety risk as these antennas and to which local regulation would normally apply; or(2) It is necessary to preserve a prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion on, the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470, and imposes no greater restrictions on antennas covered by this rule than are imposed on the installation, maintenance, or use of other modern appurtenances, devices, or fixtures that are comparable in size, weight, and appearance to these antennas; and(3) It is no more burdensome to affected antenna users than is necessary to achieve the objectives described in paragraphs (b)(1) or (b)(2) of this section.(c) In the case of an antenna that is used to transmit fixed wireless signals, the provisions of this section shall apply only if a label is affixed to the antenna that:(1) Provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and(2) References the applicable FCC-adopted limits for radiofrequency exposure specified in § 1.1310 of this chapter.(d) Local governments or associations may apply to the Commission for a waiver of this section under § 1.3 of this chapter. Waiver requests must comply with the procedures in paragraphs (f) and (h) of this section and will be put on public notice. The Commission may grant a waiver upon a showing by the applicant of local concerns of a highly specialized or unusual nature. No petition for waiver shall be considered unless it specifies the restriction at issue. Waivers granted in accordance with this section shall not apply to restrictions amended or enacted after the waiver is granted. Any responsive pleadings must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies must be filed within 15 days thereafter.(e) Parties may petition the Commission for a declaratory ruling under § 1.2 of this chapter, or a court of competent jurisdiction, to determine whether a particular restriction is permissible or prohibited under this section. Petitions to the Commission must comply with the procedures in paragraphs (f) and (h) of this section and will be put on public notice. Any responsive pleadings in a Commission proceeding must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies in a Commission proceeding must be served on all parties and filed within 15 days thereafter.(f) Copies of petitions for declaratory rulings and waivers must be served on interested parties, including parties against whom the petitioner seeks to enforce the restriction or parties whose restrictions the petitioner seeks to prohibit. A certificate of service stating on whom the petition was served must be filed with the petition. In addition, in a Commission proceeding brought by an association or a local government, constructive notice of the proceeding must be given to

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855-674-4159

members of the association or to the citizens under the local government's jurisdiction. In a court proceeding brought by an association, an association must give constructive notice of the proceeding to its members. Where constructive notice is required, the petitioner or plaintiff must file with the Commission or the court overseeing the proceeding a copy of the constructive notice with a statement explaining where the notice was placed and why such placement was reasonable.(g) In any proceeding regarding the scope or interpretation of any provision of this section, the burden of demonstrating that a particular governmental or nongovernmental restriction complies with this section and does not impair the installation, maintenance, or use of devices used for over-the-air reception of video programming services or devices used to receive or transmit fixed wireless signals shall be on the party that seeks to impose or maintain the restriction.(h) All allegations of fact contained in petitions and related pleadings before the Commission must be supported by affidavit of a person or persons with actual knowledge thereof. An original and two copies of all petitions and pleadings should be addressed to the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies of the petitions and related pleadings will be available for public inspection in the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies will be available for purchase from the Commission's contract copy center, and the Commission decisions will be available on the Internet.

[66 FR 2333, Jan. 11, 2001, as amended at 67 FR 13224, Mar. 21, 2002]

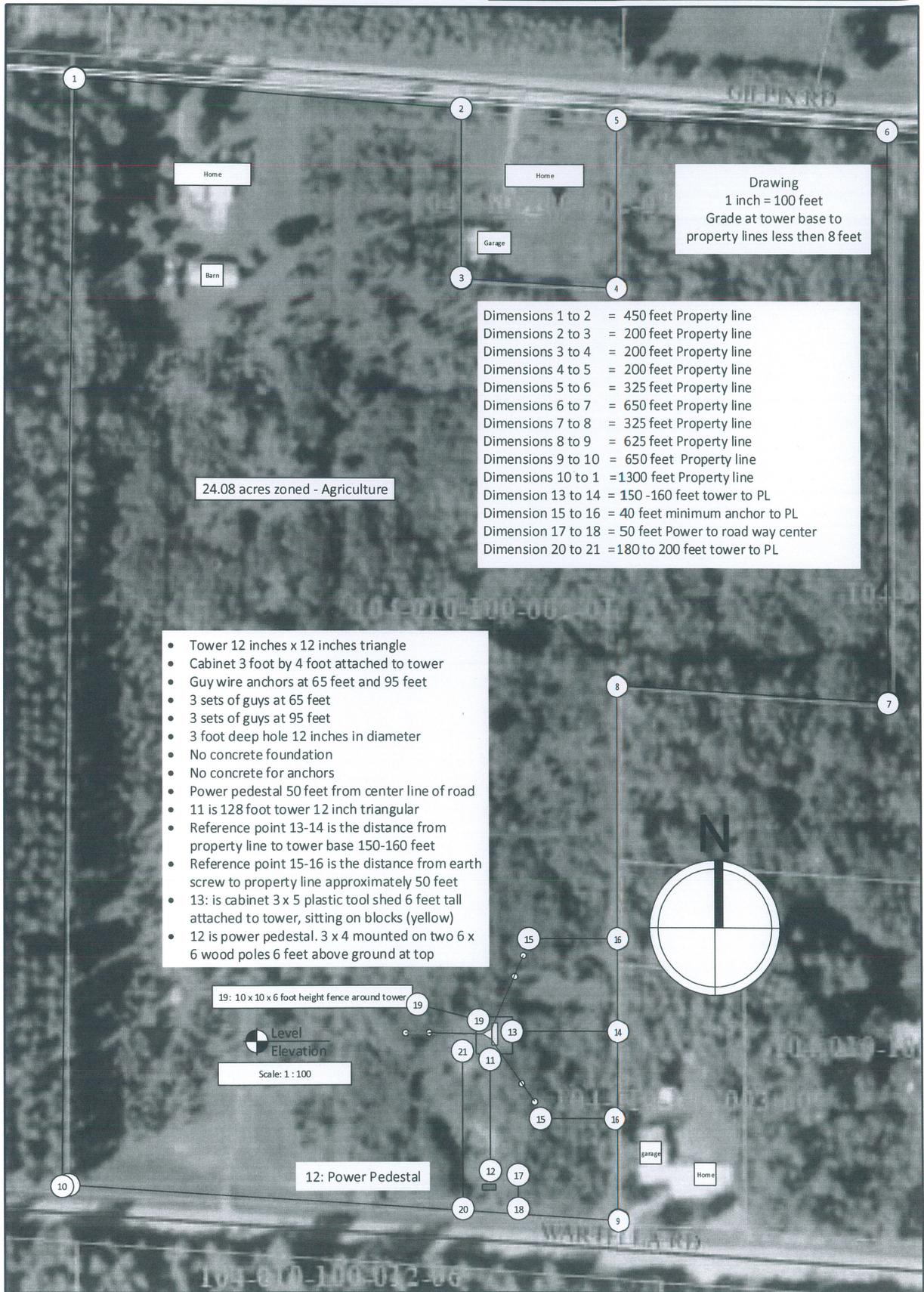
Low Profile
Environmentally Friendly
High Capacity

97 Lake Street
Elk Rapids, MI 49629
231-264-9970

Page 3 of 3
Wireless Hotspots, Fixed Point Internet,
Network Design & Management, In-Building Wireless

Property: 104-010-100-002-01
 Property Owners: Knaffle, Robert and Patsy
 Address: 3044 Gilpin Rd
 Township: Benton
 County: Cheboygan
 Contractor: Cherry Capital Connection
 Address: 97 Lake Street
 P.O.Box 866
 Elk Rapids Mi, 49629

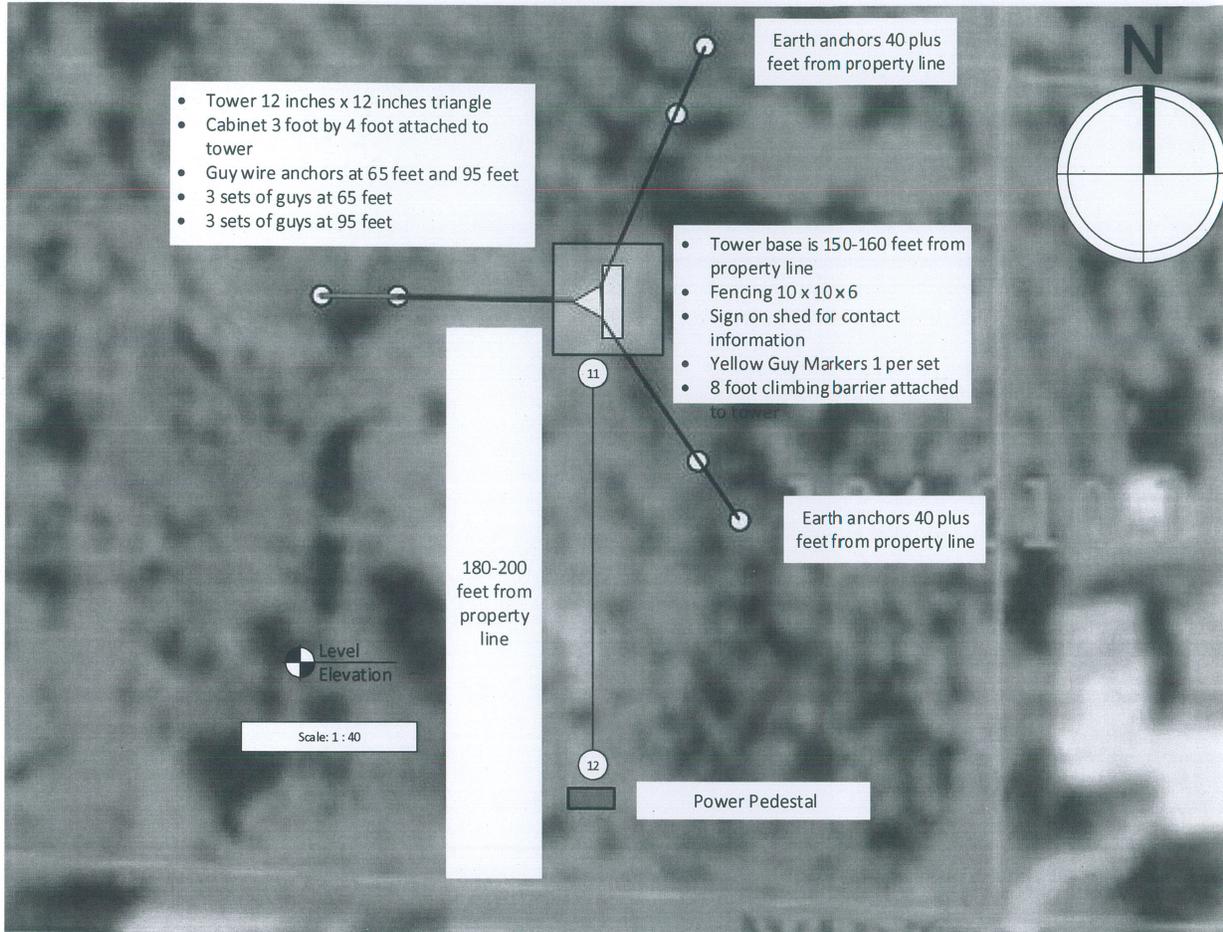
Prepared by: Tim Maylone – General Manager
 Description: construction of a guy tower, rohn 25 style, 128 feet
 Purpose: Personal wireless, in support of High Speed Internet Access and Telephone.
 Initial delivery: Fixed Point wireless
 Future deliver: Fiber from the tower to the home (FTTH)
 Date: 02-28-2017
 Proposed Construction: Middle of April – May 2017
 Engineering 231-735-0451 office 231-264-9970



4

Property: 104-010-100-002-01
 Property Owners: Knaffle, Robert and Patsy
 Address: 3044 Gilpin Rd
 Township: Benton
 County: Cheboygan
 Contractor: Cherry Capital Connection
 Address: 97 Lake Street
 P.O.Box 866
 Elk Rapids Mi, 49629

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 Future deliver: Fiber from the tower to the home (FTTH)
 Date: 02-28-2017
 Proposed Construction: Middle of April – May 2017



Property: 104-010-100-002-01
Property Owners: Knaffle, Robert and Patsy
Address: 3044 Gilpin Rd
Township: Benton
County: Cheboygan
Contractor: Cherry Capital Connection
Address: 97 Lake Street
P.O.Box 866
Elk Rapids Mi, 49629

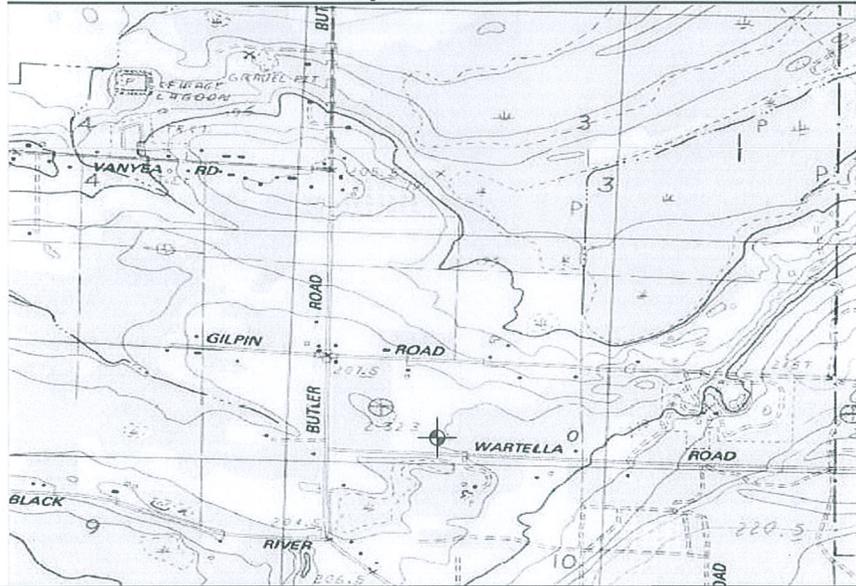
Prepared by: Tim Maylone – General Manager
Description: construction of a guy tower, rohn 25 style, 128 feet
Purpose: Personal wireless, in support of High Speed Internet Access and Telephone.
Initial delivery: Fixed Point wireless
Future deliver: Fiber from the tower to the home (FTTH)
Date: 02-28-2017
Proposed Construction: Middle of April – May 2017

Project Name: CHERR-000404666-17

Structure	City, State	Lat/Long	Map
Gilpin Draft	Cheboygan, MI	45° 36' 49.00" N 84° 25' 44.19" W	! View Map to verify

To submit this project you must verify the coordinates of e

Structure Name: Gilpin
Latitude: 45° 36' 49.00" N
Longitude: 84° 25' 44.19" W



Project Submission Success
Project Name: CHERR-000404666-17

Project CHERR-000404666-17 has been submitted successfully to the FAA.

Your filing is assigned Aeronautical Study Number (ASN):
2017-WTE-1131-OE

Please refer to the assigned ASN on all future inquiries regarding this filing.

Please return to the system at a later date for status updates.

It is the responsibility of each e-filer to exercise due diligence to determine if coordination of the proposed construction or alteration is necessary with their state aviation department. Please use the link below to contact your state aviation department to determine their requirements:

State Aviation Contacts

To ensure e-mail notifications are delivered to your inbox please add noreply@faa.gov to your address book. Notifications sent from this address are system generated FAA e-mail read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.

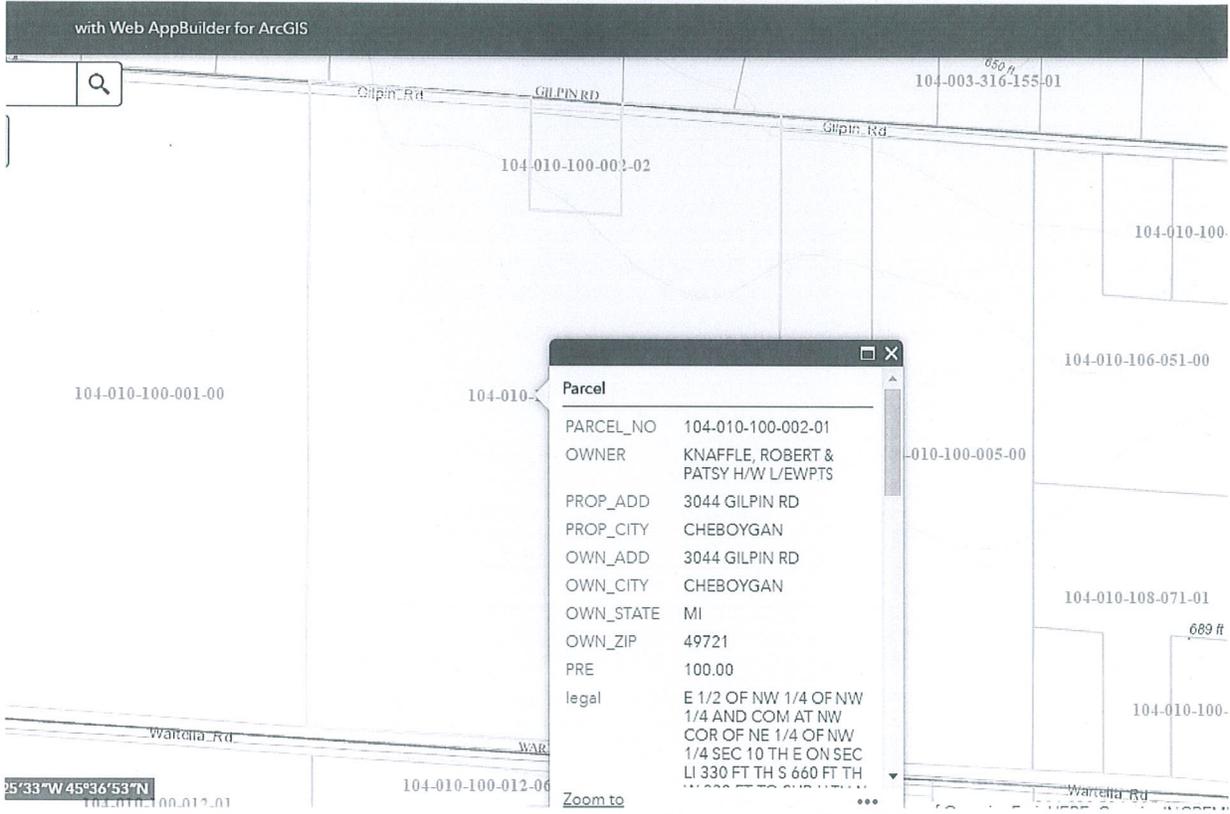
[Return to Portal](#)

7

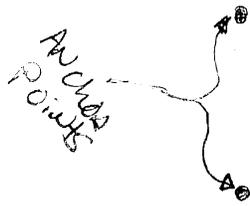
Property: 104-010-100-002-01
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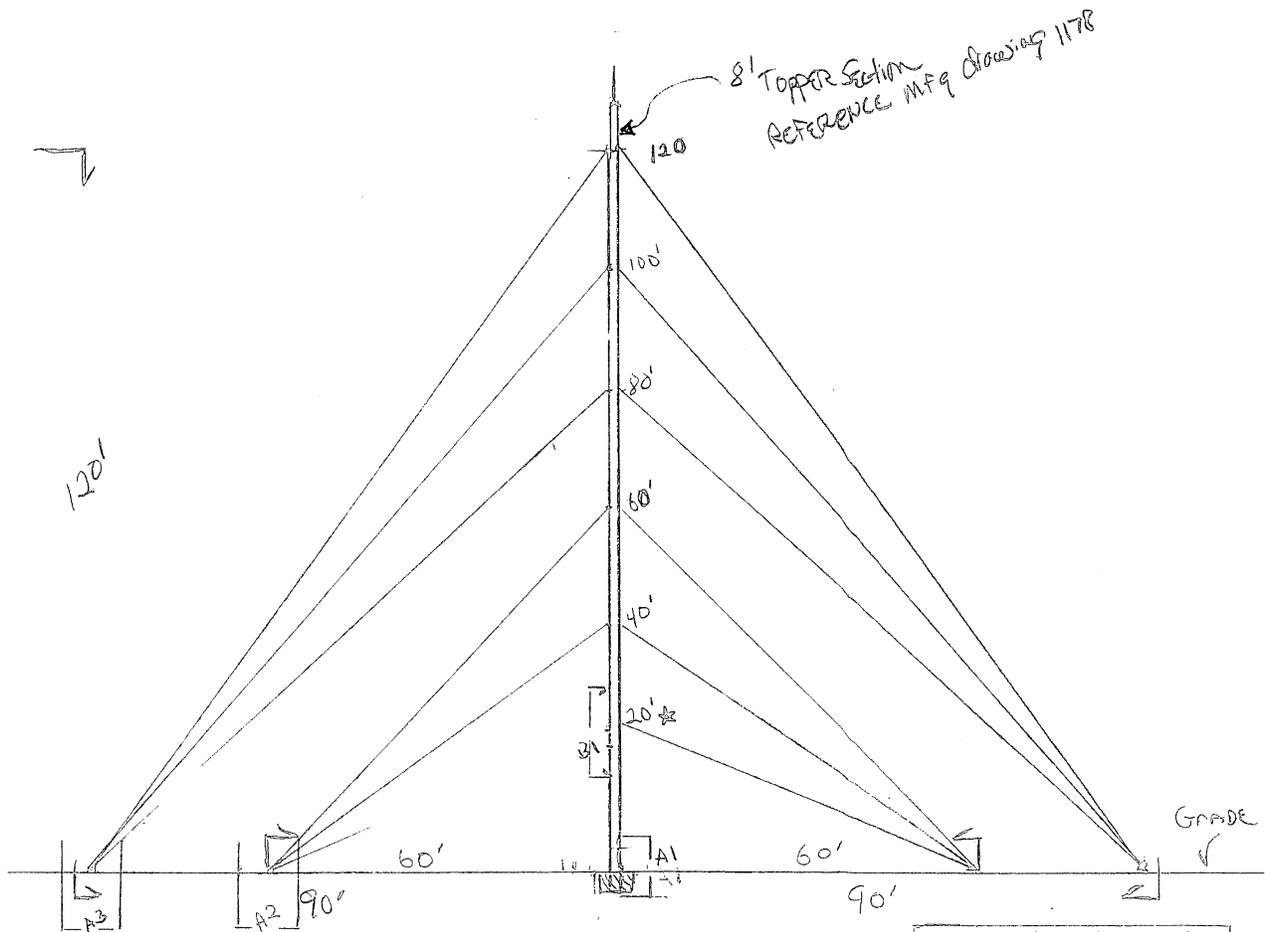
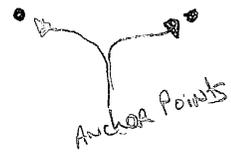
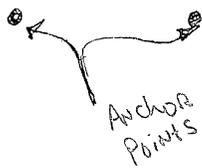
Property search and tax record



8



OVERHEAD VIEW



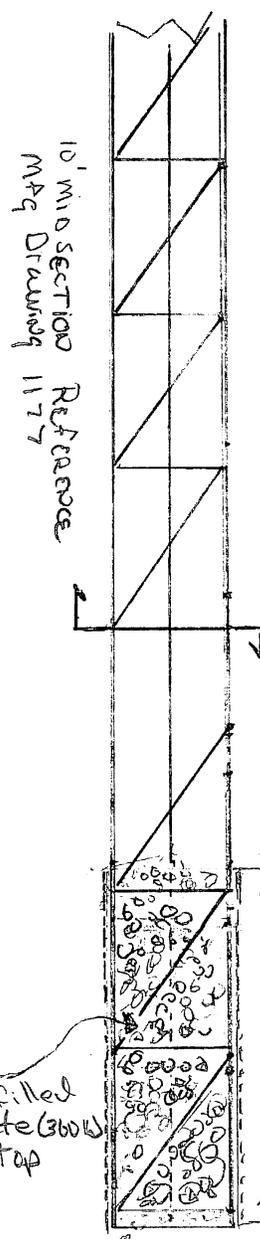
* If a 10' midsection is used as the base section the guy points on the tower will be approximately 7' higher

Note: The tower is guyed at all 3 Axis
 Note: The distance of the anchors from the tower shall not be less than 50% of the height of the guy wire on the tower

PG 1

(9)

CHERRY CAPITAL CONNECTION
 TYPICAL TOWER
 INSTALLATION
 Scale 1/2" = 10'



10' MID SECTION REFERENCE
MFG Drawing 1177

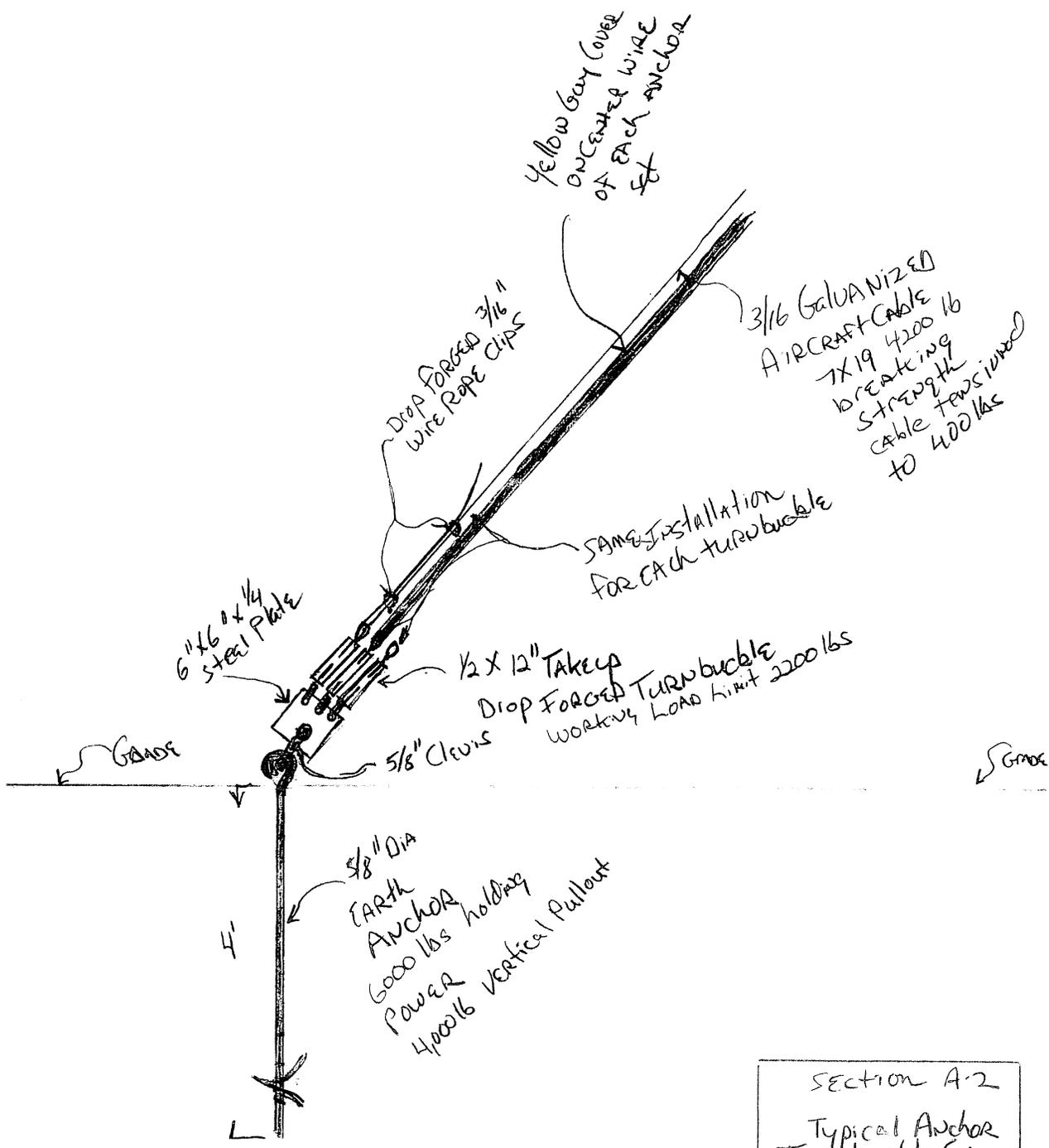
5' BASE SECTION
Refer MFG Drawing 1236
* A 10' MID SECTION MAY BE USED *
IN PLACE OF THE BASE SECTION
REFER TO MFG Drawing 1177

EXCAVATION filled
w/ dry concrete (300%)
TAPERED AT TOP

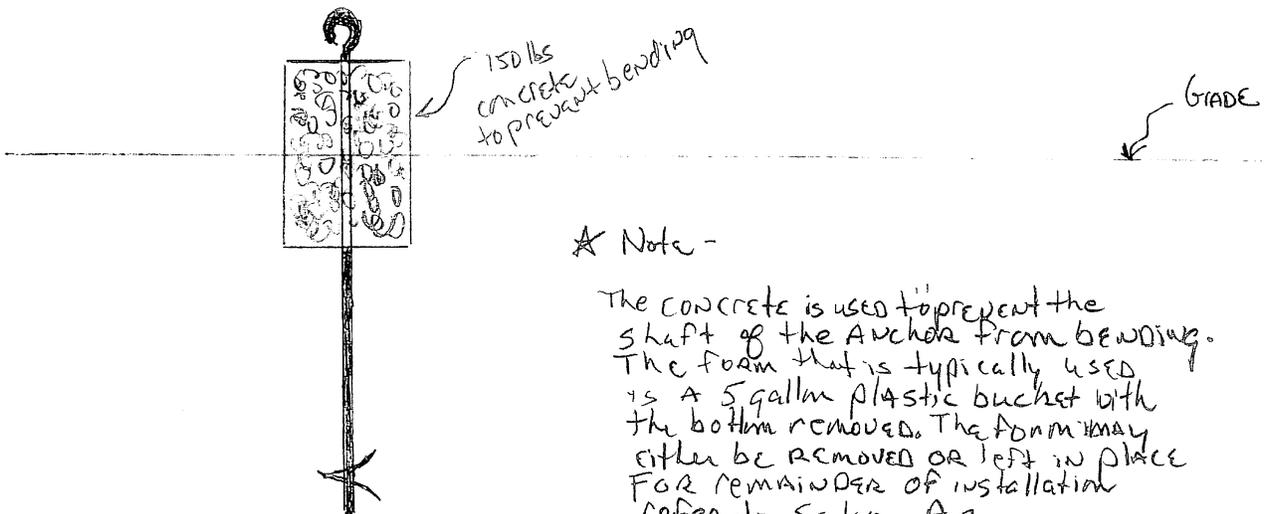
Excavation 3' in depth
Approximately 1' in diameter
PG 2

10

SECTION A-1
TOWER BASE
TYPICAL
Scale = 1" = 1'



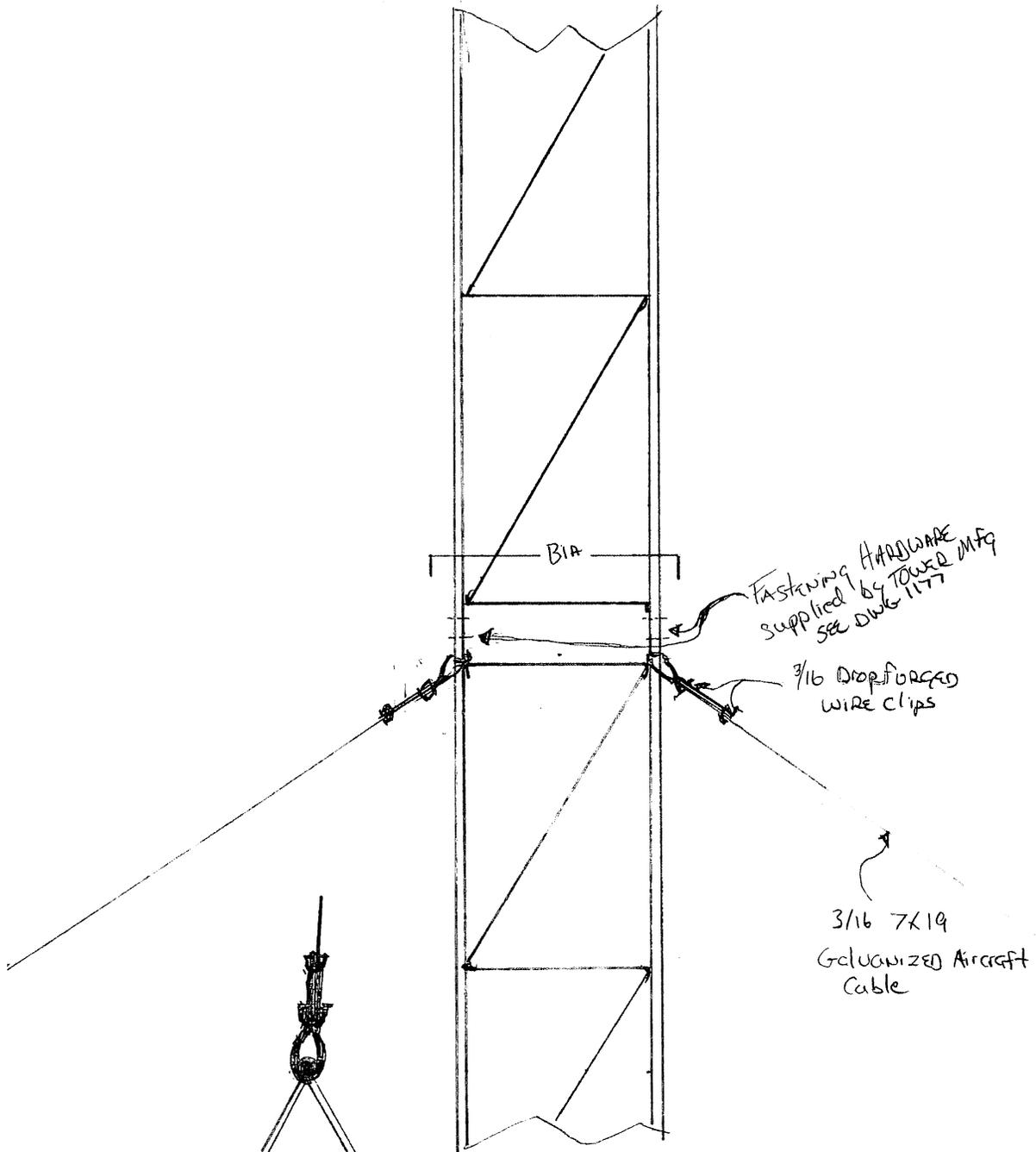
SECTION A-2
 Typical Anchor Turnbuckle, Guy Wire Assembly
 w/ Guy Cover
 Scale 1" = 1'



* Note -

The concrete is used to prevent the shaft of the Anchor from bending. The form that is typically used is a 5 gallon plastic bucket with the bottom removed. The form may either be removed or left in place for remainder of installation refer to Section A 2

Section: A-3
 Anchor Treatment
 When eye is not
 at ground level
 Scale - 1" = 1'



Fastening Hardware
 supplied by TOWER MFG
 see DWG 1177

3/16 Drop-forged
 wire clips

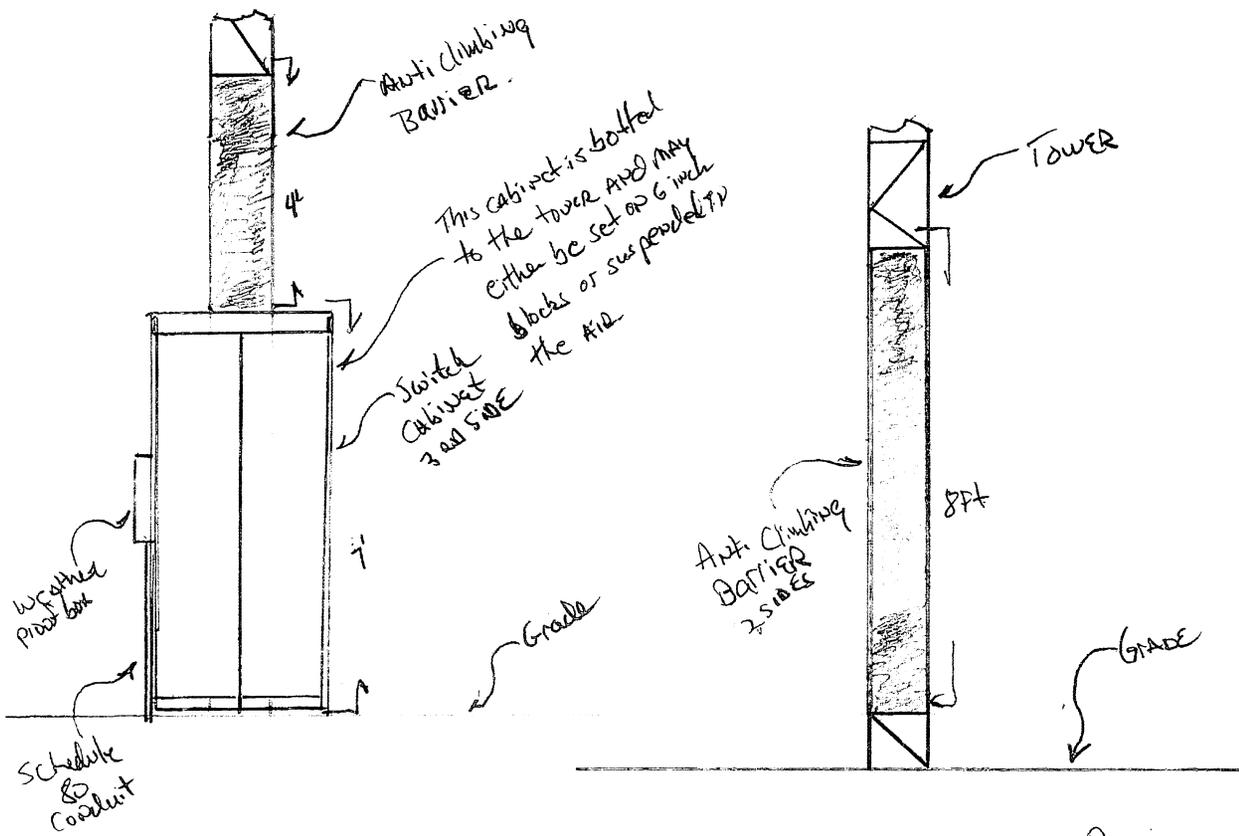
3/16 7X19
 Galvanized Aircraft
 Cable

SECTION B-1
 Typical Guy
 Attachment
 on Tower
 Scale - None

BIA
 Top View Typical Cable
 Guy Point

P65

(17)



Anti-climbing barrier is constructed with 1/2" MARINE GRADE PLYWOOD that is cut to fit between the vertical supports of the tower. Each 8' panel is fastened to the tower in 8 separate places.

Anti-climbing Barrier
 Typical
 Check Capital
 Connection
 10-20-14
 Bruce Vaughn

16-104-003-200-001-02
STELLMAN, LILLIAN E L/EWPTS A
3310 GILPIN RD
CHEBOYGAN MI 49721

16-104-010-100-004-01
HART, RONALD J ET UX
3285 WARTELLA RD
CHEBOYGAN MI 49721

16-104-003-300-003-05
DOYLE, BECKY & WILLIAM III W/H
3098 GILPIN RD
CHEBOYGAN MI 49721

16-104-010-100-005-00
CRAWFORD, RICHARD W
3378 GILPIN RD
CHEBOYGAN MI 49721

16-104-003-300-004-00
DOYLE, BECKY & WILLIAM III W/H
3098 GILPIN RD
CHEBOYGAN MI 49721

16-104-010-100-012-01
VIEAU, BRUCE AND EST OF
10712 BUTLER RD
CHEBOYGAN MI 49721

16-104-003-300-005-00
JEWELL, DENNIS L
3020 GILPIN RD
CHEBOYGAN MI 49721

16-104-010-100-012-02
ARCHAMBO, ANDREW & SARAH H/
10674 BUTLER RD
CHEBOYGAN MI 49721

16-104-003-400-002-00
STELLMAN, ALBERT H
3598 GILPIN RD
CHEBOYGAN MI 49721

16-104-010-100-012-06
WENGER, DAVID W AND
3260 WARTELLA RD
CHEBOYGAN MI 49721

16-104-010-100-001-00
WOIDERSKI, INGA P L/EWPTS AN
1717 WOIDERSKI RD
CHEBOYGAN MI 49721

16-104-010-113-121-00
GEYER, JAY E & KAREN
3280 WARTELLA RD
CHEBOYGAN MI 49721

16-104-010-100-002-01
KNAFFLE, ROBERT & PATSY H/W L
3044 GILPIN RD
CHEBOYGAN MI 49721

16-104-010-100-002-02
KNAFFLE, ROBERT & PATSY H/W L
3144 GILPIN RD EAST
CHEBOYGAN MI 49721

16-104-010-100-003-00
SOVA, MICHAEL G JR & TANYA M
3265 WARTELLA RD
CHEBOYGAN MI 49721

16-104-010-100-004-00
TELLEFSEN, LYNN M
3326 GILPIN RD
CHEBOYGAN MI 49721

16-104-003-300-004-00
OCCUPANT
3098 GILPIN RD
CHEBOYGAN, MI 49721

16-104-010-100-012-01
OCCUPANT
10712 BUTLER RD
CHEBOYGAN, MI 49721

16-104-003-300-005-00
OCCUPANT
3020 GILPIN RD
CHEBOYGAN, MI 49721

16-104-010-100-012-02
OCCUPANT
10674 BUTLER RD
CHEBOYGAN, MI 49721

16-104-003-400-002-00
OCCUPANT
3598 GILPIN RD
CHEBOYGAN, MI 49721

16-104-010-100-012-06
OCCUPANT
3260 WARTELLA RD
CHEBOYGAN, MI 49721

16-104-010-100-001-00
OCCUPANT
10988 BUTLER RD
CHEBOYGAN, MI 49721

16-104-010-113-121-00
OCCUPANT
3280 WARTELLA RD
,

16-104-010-100-002-01
OCCUPANT
3044 GILPIN RD
CHEBOYGAN, MI 49721

16-104-010-100-002-02
OCCUPANT
3144 GILPIN RD
CHEBOYGAN, MI 49721

16-104-010-100-003-00
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CHEBOYGAN, MI 49721

16-104-010-100-004-00
OCCUPANT
3326 GILPIN RD
CHEBOYGAN, MI 49721

16-104-010-100-004-01
OCCUPANT
3285 WARTELLA RD
,

16-104-010-100-005-00
OCCUPANT
3378 GILPIN RD
CHEBOYGAN, MI 49721

Scott McNeil

From: Taction <taction@cherrycapitalconnection.com>
Sent: Monday, February 27, 2017 6:28 PM
To: Scott McNeil
Subject: RE: Site plan pre review
Attachments: restriction on zoning or any permit.doc; MSU Land use series - limits on state and local regulations - towers.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Understood.

Based on our engineering proximity requirements we have verified and there are no colocation opportunities in the region. There is a tower within 1.7 miles, however:

1. tenant on that tower is using our frequencies and this would create interference
2. We have approached this tenant with no success to purchase
3. Additionally our FTTH business model requires a feeder location in this neighborhood
4. We require at least 128 feet to reach our Fiber enabled towers
5. The lease terms are not within our budget \$500 plus per month

There are a number of federal rulings that restrict such items as colocation. Attached is a pdf that may assist. However since there is no available options this should not be an issue.

Note please be aware that under new federal rules 14 days after permit submission the application is considered complete. We ask that you review the application and make sure it is complete to your requirements.

Tim

From: Scott McNeil [mailto:scott@cheboygancounty.net]
Sent: Monday, February 27, 2017 1:19 PM
To: Taction <taction@cherrycapitalconnection.com>
Subject: RE: Site plan pre review

Tim,

I thought I would point out language in Section 17. 13.2.b. of the attachment I sent that requires the planning commission to make a determination that there is no opportunity to co locate on another facility. This will need to be addressed.

Please contact me with questions.

Best regards,
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646



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 (Communication tower. Section 17.13.).	Prepared by: Scott McNeil
Date: March 10, 2017	Expected Meeting Date: April 5, 2017

GENERAL INFORMATION

Applicant: Cherry Capital Connection

Location: Wartella Road (parcel address – 3044 Gilpin Rd.)

Contact person: Tim Maylone

Phone: 231-735-0451

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

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of a special use permit for construction of a new communication tower 128 ft. in height. The tower is proposed to be placed at the rear portion of parcel off Wartella Road. The parcel address is 3044 Gilpin Rd.

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 has provided a site plan indicating that the tower is proposed to be located 180 feet from the right of way of Wartella Road. The proposed location of the tower meets the isolation standard required under section 17.13.1.a. which reads as follows;

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.

The applicant has provided written responses to requirements of section 17.13. which are included with the application as exhibit 5.

Please note that I have provided proposed findings relative to isolation, co-location and specific standards for communication facilities under sections 17.13.1.a.,17.13.2.b. and 17.13.2.b.1. through 17.13.2.b. in addition to standards for special use permits under section 18.7. and site plans under section. 20.7.

Also you will find attached a map produced by the GIS department indicating the known existing communication towers within the county along with a location map of the subject lot and proposed tower location.

Current Zoning:

Agriculture and Forestry Management District (M-AF)

Surrounding Land Uses:

Parcels surrounding the subject lot are zoned Agriculture Forestry Management District (M-AF) with vacant and residential uses.

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 from Wartella Rd.

Signs

No signs are proposed for the site.

Fence/Hedge/Buffer

A chain link fence is located around the tower.

Lighting

No lighting is proposed

Stormwater management

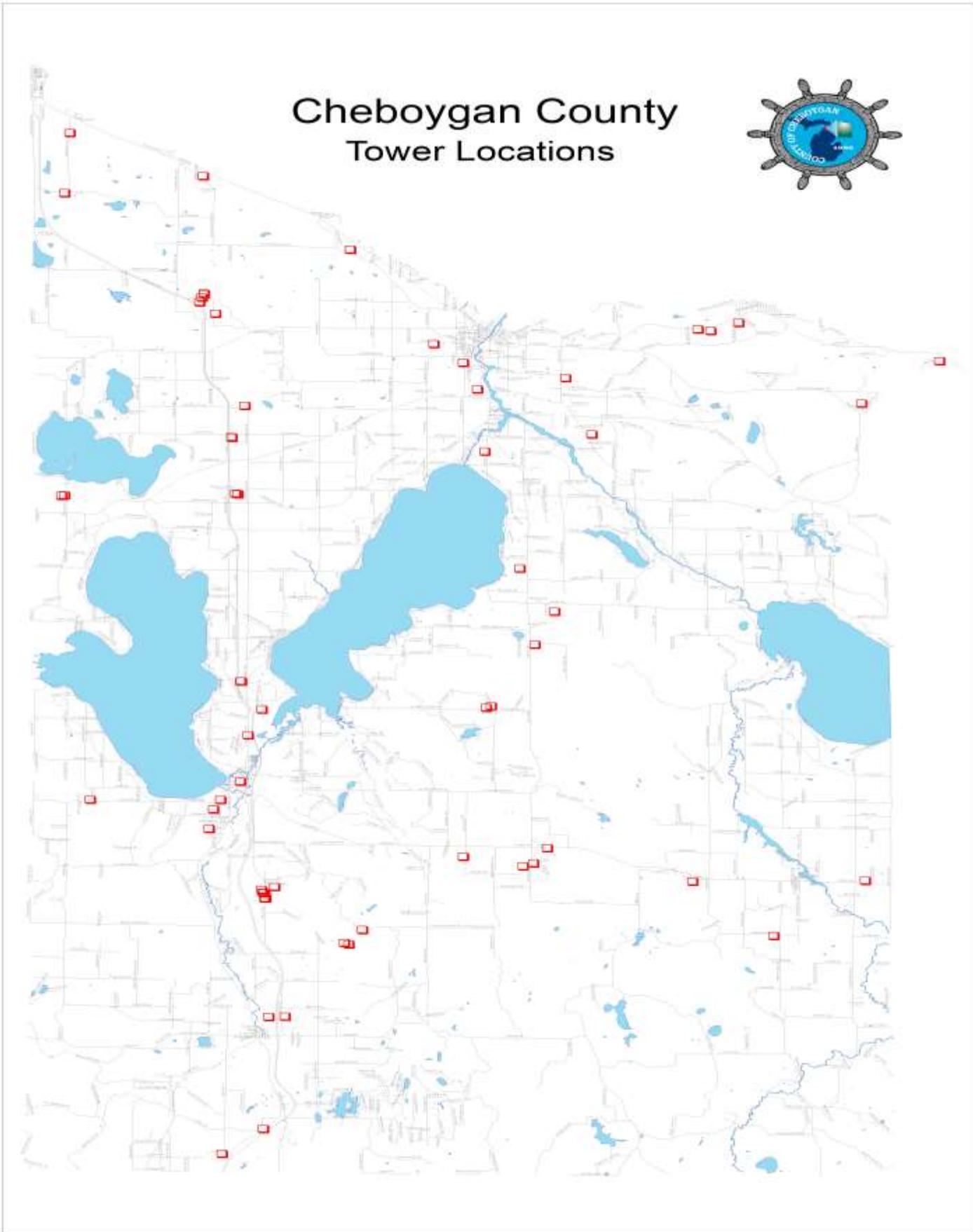
There is no change to stormwater management.

Review or permits from other government entities:

Applicable permits from the Department of Building Safety will be required.

Communication Tower Locations

Cheboygan County Tower Locations



Subject lot and proposed tower location



CHEBOYGAN COUNTY PLANNING COMMISSION
SPECIAL USE PERMIT REQUEST
Wednesday, April 5, 2017, 7:00 PM

Applicant

Cherry Capital Connection
P.O. Box 866
Elk Rapids, Mi. 49629

Property Owner

Robert and Patsy Kanffle
3044 Gilpin Rd.
Cheboygan, Mi. 49721

Parcel

3044 Gilpin Rd.
Benton Township
104-010-100-002-01

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 128 feet above ground level.
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.
- 5.

Findings of Fact under Section 17.13.1.a 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, 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.

- The tower is proposed to be 128 feet tall and located 180 feet from the closest property line. (see exhibit 6)
- The tower meets the isolation standard.

Findings 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.

1. The Planning Commission finds that the documentation has been submitted to show that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing structure (See Exhibit 4, 5 and 16).

Or

- 1 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. The proposed tower will be 128 feet high. (see exhibit 9)
 - b. The applicant states that FAA requirements are met. (See exhibit 5)
 - c. The tower shall meet applicable requirement of the FCC and FAA
 - d.
 - e. Standard has been met.Or.
 - a. The applicant has not provided information regarding applicable FCC requirements
 - b.
 - c. Standard has not been met.

2. Towers must be equipped with devices to prevent unauthorized climbing.
 - a. A 6 foot high fence is placed around the entire perimeter of the tower. (see exhibit 5)
 - 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 an area of trees which will blend into landscape. (see exhibit 6)
 - b.
 - c. Standard has not been metOr.
 - a. The proposed facilities 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 applicant states that the subject tower is a low profile, lightweight design. (see exhibit 5)
 - b. The Planning Commission finds that this tower and the purpose it serves is not appropriate for co-location of other antennae. (see exhibit 5 and 16)
 - c.
 - d. Standard has been met.Or.
 - a. The applicant has not adequately addressed appropriate engineering for co-location of other antennae.
 - 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. Fencing is proposed to be placed around the tower facilities and guy wire anchor points. (see exhibit 5)
 - 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. 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 is an unmanned standalone facility and no evidence is presented that the proposed wireless communication facility will 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, 5 & 6)
 - 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 communication facility in an unmanned standalone facility 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 & 5)
 - 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 180ft. from the closest property line a will not diminish the opportunity for surrounding properties to be used and developed as zoned.(see exhibit 4)
 - 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 with fencing. (see exhibit 4 & 5)
 - 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 Wartella Rd. (see exhibit 5 and 6)
 - 2.
 - 3. 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 & 5)
 - 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 and 4)
 - 2.
 - 3. Standard has been met.Or.
 - 1. 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. As a result the proposed construction will not impede normal and orderly development or improvement of the surrounding property. (see exhibit 4 and 5)
 - 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. Minimal tree removal is proposed to erect the tower. (See exhibit 5 and 6)
 - 2. The landscape shall be preserved in its natural state, insofar as practical.
 - 3.
 - 4. Standard has been metOr.
 - 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 to site drainage are proposed. (See exhibit 5)
 - 2.
 - 3. Standard has been met.Or.
 - 1. 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. A dwelling is located on the subject lot. approximately 900 feet from the proposed location of the tower.
 - 2. There are several trees on the subject lot between the location of the dwelling and proposed location of the tower which will remain.
 - 3. The site plan provides for reasonable visual and sound privacy for the dwelling.
 - 4.
 - 5. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- 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 Waterilla Rd. (see exhibit 6)
 - 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 Wartella Rd. (see exhibit 4, 5 & 6)
 - 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. No outdoor lighting is proposed. (see exhibit 4)
 - 2.
 - 3. Standard has been metOr.
 - 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 metOr.
 - 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, April 5, 2017

Patty Croft, Chairperson

Charles Freese, Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

ERS Telecom Properties – Rev 03/17/17

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 (6 Pages)
5. 3155 Mullet Creek Summary (1 Page)
6. 3155 Mullet Creek Candidate Current (1 Page)
7. 3155 Mullet Creek Candidate 290' Proposed (1 Page)
8. Letter Dated 01/19/17 From William R. Heiden III to Steve Woody (1 Page)
9. Quit Claim Deed Dated 02/22/06 L1022 P509 (2 Pages)
10. Mailing List (2 Pages)
11. Project Information, Location Maps and Drawing Index (1 Page)
12. Site Survey (2 Pages)
13. Site Location Plan (1 Page)
14. Developed Site Plan (1 Page)
15. Enlarged Site Plan (1 Page)
16. Tower Elevation (1 Page)

The following items were added to the exhibit list on 03/17/17:

17. Email dated 03/17/17 from Austin Babich to Scott McNeil (1 Page)
- 18.
- 19.
- 20.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING
WEDNESDAY, APRIL 5, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

- 1.) **Cherry Capital Connection and Robert and Patsy Knaffle** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 3044 Gilpin Road, Benton Twp., section 10, parcel #104-010-100-002-01, and is zoned Agriculture and Forestry Management (M-AF).

- 2.) **ERS Telecom Properties and Bernard Jankoviak** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located on South Extension Road, Mullett Twp., section 7, parcel #130-007-100-001-00, and is zoned Agriculture and Forestry Management (M-AF).

Please visit the Planning and Zoning office or visit our website to see the proposed ordinance amendment and special use permit 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 Community Development 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

PROPERTY LOCATION

<i>Address</i> South Extension Road	<i>City / Village</i> Cheboygan	<i>Twp / Sec.</i> Mullett	<i>Zoning District</i> Agriculture & Forestry Management
<i>Property Tax I.D. Number</i> 130-007-100-001-00	<i>Plat or Condo Name / Lot or Unit No.</i>		

APPLICANT

<i>Name</i> Brent Doerr on Behalf of ERS Telecom Properties		<i>Telephone</i> (989) 289-7629	<i>Fax</i> (989) 872-3651
<i>Address</i> 4700 Hunt Street	<i>City, State & Zip</i> Cass City, MI 48726	<i>E-Mail</i> bdoerr@pyramidns.com	

OWNER (If different from applicant)

<i>Name</i> Bernard Jankoviak		<i>Telephone</i> (231) 238-7770	<i>Fax</i>
<i>Address</i> 4989 South Extension Road	<i>City, State & Zip</i> Cheboygan, MI 49721	<i>E-Mail</i>	

PROPOSED WORK

<i>Type (check all that apply)</i> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input checked="" type="checkbox"/> Other: <u>Guyed Tower</u>	<i>Building/Sign Information</i> Overall Length: <u>60</u> feet Overall Width: <u>60</u> feet Floor Area: <u>3,364</u> sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height _____ feet
---	--

PROPOSED USE (check all that apply)

<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility
<input checked="" type="checkbox"/> Other: <u>250' Guyed Tower</u>			

Has there been a Site Plan or Special Use Permit approved for this parcel before? YES NO

If YES, date of approval: _____ Approved Use: _____

Directions to site: Head southeast on M-27 S / S Main St toward County Rd (1.3 mi), Turn right onto E VFW Rd (1.7 mi), Continue onto Riggsville Rd (5.4 mi), Turn left onto S Extension Rd (3 mi)

SPECIAL LAND USE PERMIT APPLICATION



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.

Self-operating communications tower and supporting equipment. Site is not occupied; no employees on site; no hours of operation. There will be infrequent maintenance visits, approximately once or twice a month per colocator.

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.
The communications site proposed is an extremely small portion of the overall property and will be developed consistent with the surrounding area.
- 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.
No tree and minimal soil removal, and very limited grade change as shown on attached plans.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
Site has very little hard-surfaced area and will affect storm water drainage negligibly as shown on plans.
- 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.
Six foot (6') tall chain-link fence around sixty foot by sixty foot (6' x 6') compound.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
There will be emergency vehicle access via an existing access road off of S Extension Rd.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
There is an existing access road from tower to S Extension Rd.
- 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. Yes
 - ii. It does not impede the vision of traffic along adjacent streets. Yes
 - iii. It does not unnecessarily illuminate night skies. Yes

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

- 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.

Site is not occupied with only maintenance visits, approximately once or twice a month. Traffic will thus not be materially affected by the site. No new streets are needed or 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 communications site will comply with all legal requirements. Applicant acknowledges that permit approval may be contingent on obtaining post-approval the required approvals.

3. Size of property in sq. ft. or acres: 3,364 square feet

4. Present use of property:
Agricultural

5. SUP Standards:

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

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.** No

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.** No

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.** Yes

e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**
No

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.** Yes



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 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 Brett Payne Date 2/27/2017

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

Yes No

Owner's Signature Art Jubert Date 2/28/17

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>3/2/17</u>	Notes:
Fee Amount Received:	<u>\$ 225.00</u>	
Receipt Number:	<u>#5453</u>	
Public Hearing Date:	<u>4/5/17</u>	

Planning/Zoning Administrator Approval:

[Signature]
Signature

3/3/17
Date

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
X		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
X		d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
X		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
X		f. Location of existing and proposed buildings and intended uses thereof.
X		g. Details of entryway and sign locations should be separately depicted with an elevation view.
X		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carpools, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
N/A	N/A	i. Location, size, and characteristics of all loading and unloading areas.
N/A	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	N/A	l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

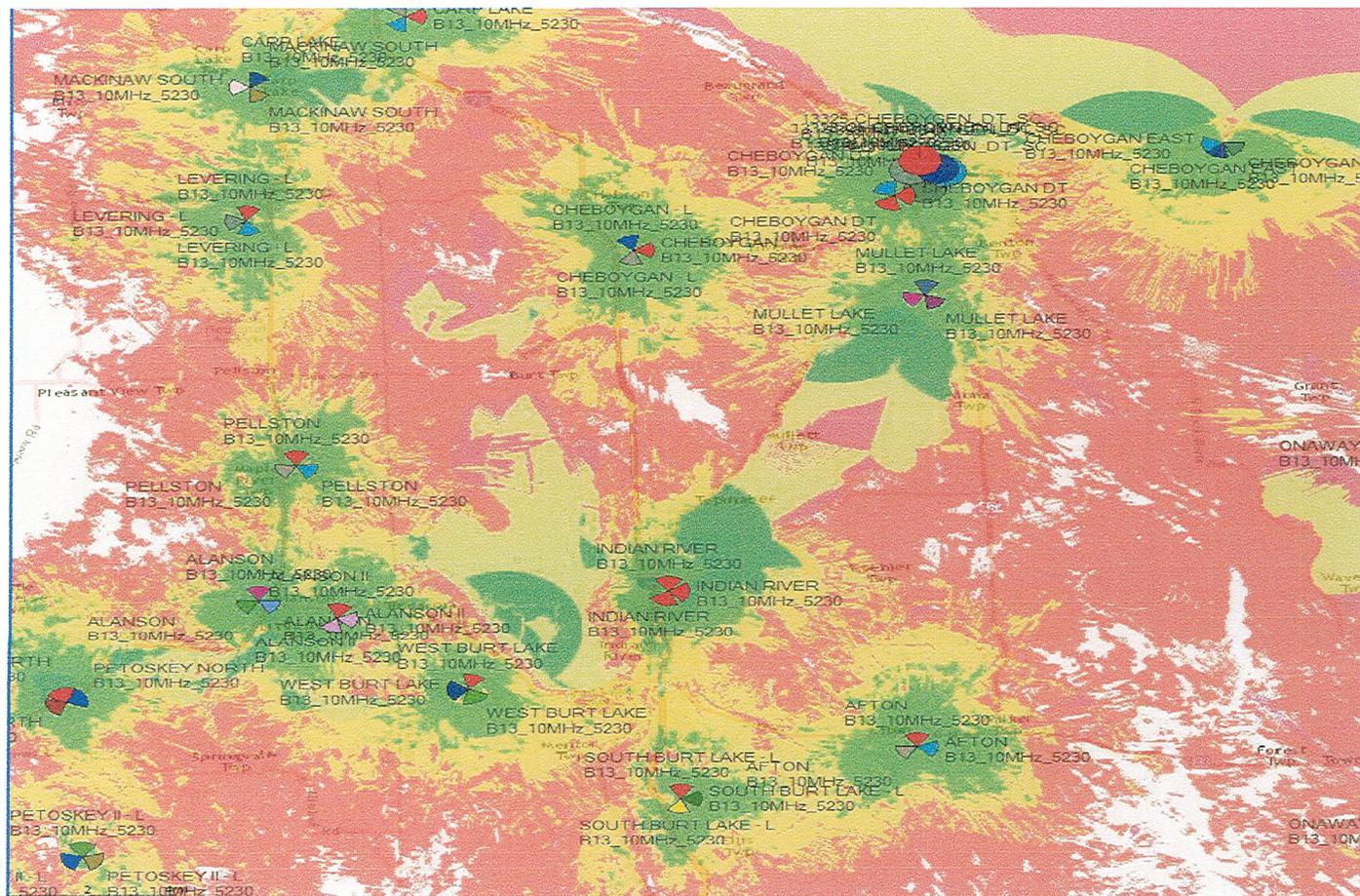
Butt
SIGNATURE

3/3/17
DATE

3155 Mullet Creek Summary

- The following maps were produced through a VZW in-house Radio Frequency (RF) prediction analysis tool called GeoPlan.
- GeoPlan is used for planning new cell sites as well as optimizing the existing network.
- The measurement of RSRP on the 4G LTE network, displayed on the maps, represents the receive signal strength of the UE, or cell device.
- The Green areas represent what we would consider a good robust signal where we would have optimal service; Yellow represents a generally useable indoor signal; Red would be considered more of an in-car level of service; while White represents more marginal areas where customers would be subject to weak signal, potential dropped calls, and poor call quality.

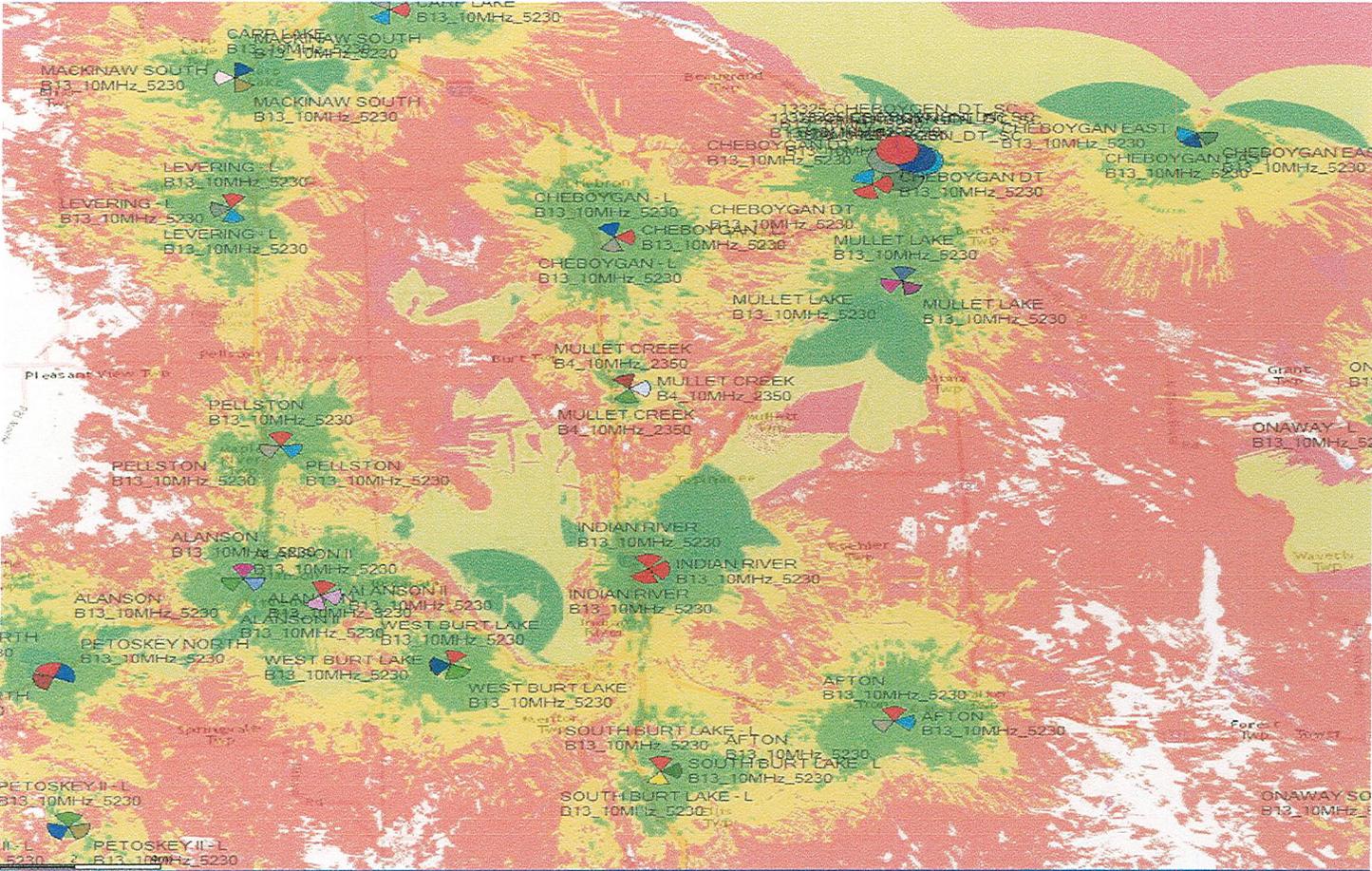
3155 Mullet Creek Candidate Current



Copy of LTE: RSRP - Coverage (0)

- Green RSRP Level (DL) (dBm) >= -85
- Yellow RSRP Level (DL) (dBm) >= -95
- Red RSRP Level (DL) (dBm) >= -110

3155 Mullet Creek Candidate 290' Proposed



Copy of LTE: RSRP - Coverage (0)

- RSRP Level (DL) (dBm) >= -85
- RSRP Level (DL) (dBm) >= -95
- RSRP Level (DL) (dBm) >= -110



STRUCTURES

January 19, 2017

Ers Telecom Properties

Attn: Steve Woody

SUBJECT: Valmont File # 358334
Type: 250' Guyed Tower
Site: # 3155
Site Name: Mullet Creek, MI

Thank you for your inquiry concerning tower design codes and practices as they relate to your requested tower designs.

Valmont Structures has been designing and building guyed and self-supporting towers and monopoles since the early 1950's. During this time, we have sold thousands of towers ranging in height from as little as 50' high to in excess of 1400'. These towers were individually engineered to accommodate the loading requirements imparted by the design wind speed, ice considerations, antenna loading, and other factors dictated by the national code requirements existing at the time the tower was built.

The ANSI/TIA-222-G-05 Standard represents the latest refinement of specific minimum requirements for tower engineers and manufacturers to follow to help assure that the tower structure and its foundations are designed to meet the most realistic conditions for local weather while assuring that the tower is designed to stringent factors of safety. This tower is designed to 90 MPH (no ice) and 40 MPH (1/2" ice) per ANSI/TIA-222-G-05 with Class II, Topographical category 1, Exposure criteria C. The topographical and exposure category have been assumed, due to not having site specific information. The structure could change, once site specific information is provided.

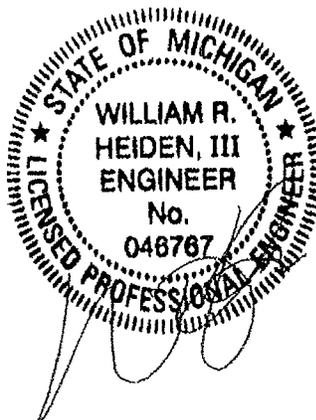
Guyed towers are typically designed to ensure failure of the tower column before failure of the wires. Structural failure would therefore be predicted to result in collapse of the tower like a "carpenter's rule" in the general area of the base of the tower. This would occur because the still-intact guy system would tend to hold the tower column in the vertical orientation during collapse. Therefore, based on this scenario this particular proposed structure will be designed with a theoretical 125 feet fall zone around the tower, containing the tower in the rare event of tower failure.

Our communications engineering group has licensed Professional Engineers covering a total of 48 states. Valmont Structures is an AISC certified manufacturing facility that employs both AWS and CWB certified welders. In addition, our design, engineering and build processes have been quality audited by our customers including public utilities, telephone companies, government agencies, and of course AISC.

We trust the above and the attached will be helpful to you. If you should need anything else, please let us know at your convenience.

Sincerely,

William R. Heiden III
Chief Engineer
574-936-4221- ext 5243



JAN 19 2017



Communications Division, Valmont Industries, Inc.
1545 Pidco Drive Plymouth, Indiana 46563-4005 USA
574-936-4221 Fax 574-936-6796 www.valmont.com

9



RECEIVED FOR RECORD
MARY ELLEN TRYBAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
02/24/2006 10:08:27 AM

RECEIPT# 15670, STATION 1
\$17.00 QUIT CLAIM DEED



LIBER 1022 PAGE 509

QUIT CLAIM DEED

The Grantor, **BERNARD JANKOVIAK**, a single man, survivor of himself and **ANGELINE JANKOVIAK**, (a/k/a ANGELINE P. MacDONALD) and **GEORGE JANKOVIAK**, a single man, (Certificates of Death recorded at Liber 1020 Page 858 and Liber 1020, Page 857, respectively) whose address is 4989 S. Extension Road, Cheboygan, Michigan, 49721;

Quitclaims to **HENRY L. JANKOVIAK**, a married man, whose address is 4795 Polish Line Road, Cheboygan, Michigan, 49721; as Tenants in Common;

The following described premises situated in the **Township of Mullett, County of Cheboygan**, and State of Michigan, to-wit:

North ½ of the Northwest frl ¼ Section 7, Town 36 North, Range 2 West

RESERVING TO THE GRANTOR A LIFE ESTATE COUPLED WITH AN UNRESTRICTED POWER TO SELL, CONVEY, MORTGAGE, LEASE, OR OTHERWISE DISPOSE OF THE PROPERTY DESCRIBED ABOVE IN FEE SIMPLE DURING THE LIFETIME OF THE GRANTOR WITHOUT JOINDER BY THE REMAINDERMEN, AND TO KEEP ANY AND ALL PROCEEDS DERIVED THEREFROM.

Subject to all applicable building and use restrictions and easements, if any, affecting the premises.

The above-described premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to make all divisions under Section 109(3) of the Subdivision Control Act of 1967, as amended.

This Deed is exempt from the Michigan County Transfer Tax pursuant to MCLA 207.505(a) and from the Michigan State Transfer Tax pursuant to MCLA 207.526(a) because the value of consideration for said Deed is less than One Hundred Dollars.

Dated this 22nd day of February 2006.

BERNARD JANKOVIAK



STATE OF MICHIGAN)
) ss.
COUNTY OF CHEBOYGAN)

The foregoing instrument was acknowledged before me this 22nd day of February 2006, by **BERNARD JANKOVIAK**.

Mary Margaret Jarnac
Mary Margaret Jarnac
Notary Public
Cheboygan County, State of Michigan
My commission expires: 07/30/07
Acting in Cheboygan County

3
When recorded return &
Send subsequent tax bills to:

Bernard Jankoviak
4989 S. Extension Road
Cheboygan, Michigan, 49721

Drafted by:

Sharon R. Stack ✓
520 North Main, Suite 305
Cheboygan, Michigan 49721

16-120-001-400-003-01
OCCUPANT
5075 S EXTENSION RD
CHEBOYGAN, MI 49721

16-120-012-200-003-01
OCCUPANT
4989 S EXTENSION RD
CHEBOYGAN, MI 49721

16-120-012-213-121-00
OCCUPANT
4707 S EXTENSION RD
CHEBOYGAN, MI 49721

16-120-012-213-125-00
OCCUPANT
4627 S EXTENSION RD
CHEBOYGAN, MI 49721

16-130-006-300-002-00
OCCUPANT
5651 BIRCHWOOD RD
CHEBOYGAN, MI 49721

16-130-006-300-003-00
OCCUPANT
5102 S EXTENSION RD
CHEBOYGAN, MI 49721

16-130-007-100-002-00
OCCUPANT
4576 S EXTENSION RD
CHEBOYGAN, MI 49721

16-120-001-400-003-01
BOROWICZ, LOUIS W
14275 STONEY POINT RD
CHEBOYGAN MI 49721

16-120-012-200-003-01
JANKOVIK, BERNARD L/EWPTS A
4989 S EXTENSION RD
CHEBOYGAN MI 49721

16-120-012-213-121-00
REIMANN, SCOTT A
4707 S EXTENSION RD
CHEBOYGAN MI 49721

16-120-012-213-125-00
CANZE, GERALD R
9889 DITCH RD
CHESANING MI 48616

16-130-006-300-002-00
LARSON, WILBER D
5651 BIRCHWOOD RD
CHEBOYGAN MI 49721

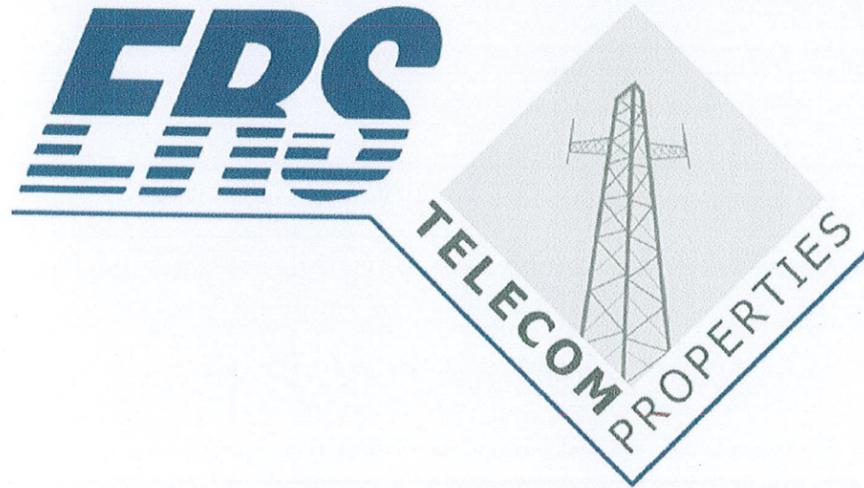
16-130-006-300-003-00
VANDOORN, BRUCE & LILLIAN H/
2401 BARRETT
ROYAL OAK MI 48067

16-130-006-400-003-00
WEJROWSKI, EUGENE R, TTEE OF
1077 E STEWART RD
MIDLAND MI 48640

16-130-007-100-001-00
JANKOVIK, BERNARD L/E AND
4989 S EXTENSION RD
CHEBOYGAN MI 49721

16-130-007-100-002-00
WEJROWSKI, EUGENE R, TTEE OF
1077 E STEWART RD
MIDLAND MI 48640

16-130-007-100-003-00
DRUSKINS, CRAIG D
PO BOX 1055
INDIAN RIVER MI 49749



MULLET CREEK

CELL SITE

SITE NO. 3155

S EXTENSION RD
CHEBOYGAN, MI 49721
CHEBOYGAN COUNTY

250' GUYED TOWER
WITH COMMUNICATIONS EQUIPMENT



DATE	RELEASE
08-11-16	PRELIMINARY SITE PLAN
10-09-16	PRELIMINARY SITE PLAN
10-20-16	PRELIMINARY SITE PLAN
10-30-16	90% CD's
02-15-17	ZONING

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DRAWN BY: MLM
CHECKED BY: MJA

SITE NAME:

**MULLET CREEK
CELL SITE**

SITE ADDRESS:

S EXTENSION RD
CHEBOYGAN, MI 49721

SHEET TITLE:

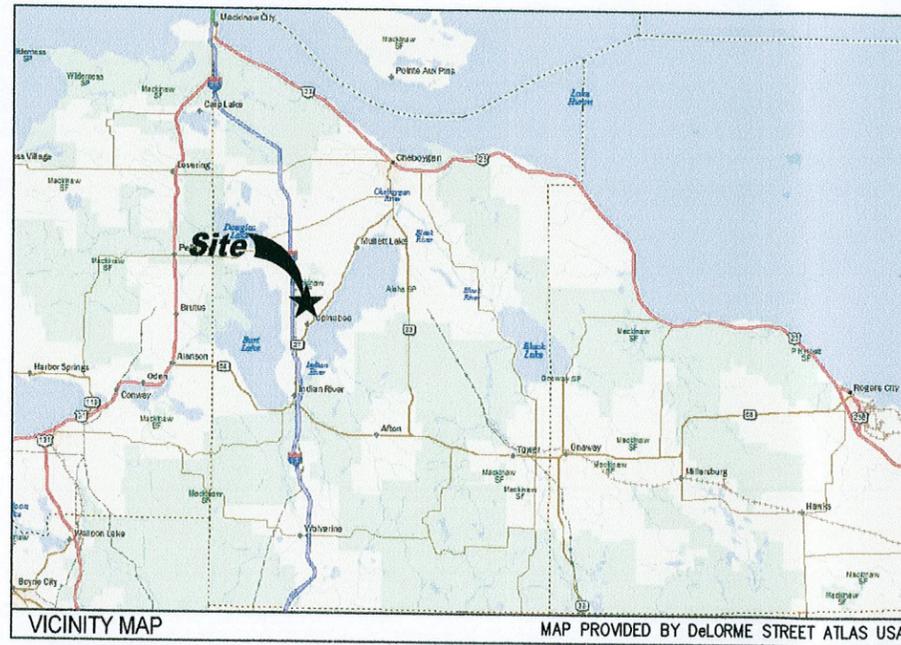
PROJECT INFORMATION,
LOCATION MAPS,
AND DRAWING INDEX

A&E PROJECT NO.:

SHEET NO.:

DRAWING INDEX

- T-1 PROJECT INFORMATION, LOCATION MAPS, AND DRAWING INDEX
- 1 OF 2 SITE SURVEY
- 2 OF 2 SITE SURVEY
- GN-1 GENERAL CONSTRUCTION NOTES
- C-1 SITE LOCATION PLAN
- C-2 DEVELOPED SITE PLAN
- C-3 ENLARGED SITE PLAN
- C-4 SITE CIVIL AND ICE BRIDGE DETAILS
- C-5 TYPICAL FENCE DETAILS
- A-1 TOWER ELEVATION AND ANTENNA INFORMATION
- E-1 UTILITY SITE PLAN, AND NOTES
- E-2 ENLARGED UTILITY PLAN
- E-3 ELECTRIC AND TELCO UTILITY DETAILS
- E-4 ENLARGED GROUNDING PLAN
- E-5 GROUNDING DETAILS
- E-6 GROUNDING DETAILS
- SP-1 SPECIFICATIONS
- SP-2 SPECIFICATIONS



APPLICANT
ERS TELECOM PROPERTIES
STEVE WOODY
497 RIDGE POINT DRIVE
HEATH, TX 75126
PH: (214) 771-1040
EMAIL: SWOODY@ERSTOWERS.COM

UTILITIES - ELECTRIC
CONSUMERS
BILL KEISER
PH: (231) 582-8303

UTILITIES - TELEPHONE
TBA
FIBER PROVIDER NOT SELECTED AT THE TIME OF RELEASE

SITE ACQUISITION
PYRAMID NETWORK SERVICES, LLC
AUSTIN BABICH
PH: (989) 395-1518
EMAIL: ABABICH@PYRAMIDNS.COM

POLICE DEPARTMENT
TUSCARORA TOWNSHIP
POLICE DEPT
3546 S STRAITS HWY,
INDIAN RIVER, MI 49749
PH: (231) 238-9481

FIRE DEPARTMENT
MULLET TOPINABEE FIRE DEPT
1491 N STRAITS HWY,
TOPINABEE, MI 49791
PH: (231) 238-4812

LANDLORD
ERS TELECOM PROPERTIES
9144 N. 900 W., P.O. BOX 110
LIGONIER, IN 46767

SURVEYOR
WILLIAMS & WORKS
BILL McCLURE
549 OTTOWA AVE NW
GRAND RAPIDS, MI 49503
PH: (616) 224-1500
EMAIL: MCCLURE@WILLIAMS-WORKS.COM

ARCHITECTURAL AND ENGINEERING
MISSION 1 COMMUNICATIONS
MARK ALLEN
6355 CONSTITUTION DRIVE, SUITE A
FORT WAYNE, IN 46804
PH: (260) 436-3922
EMAIL: M.ALLEN@M1COMM.COM

CONSULTANT TEAM

PROJECT DESCRIPTION
INSTALLATION OF PANEL ANTENNA, ASSOCIATED APPLIANCES, COAXIAL CABLE AND MOUNTS ON A NEW 250' GUYED TOWER.
INSTALLATION OF A 11'-6"x19'-6" UNMANNED EQUIPMENT PLATFORM ON CONCRETE FOUNDATION.
NEW TELEPHONE (FIBER) SERVICE TO SITE AND EQUIPMENT PLATFORM. NO WATER SUPPLY OR SEWAGE TO/FROM THE SITE.

SITE COORDINATES AND ELEVATION
LATITUDE - N45° 32' 02.57"
LONGITUDE - W84° 36' 25.40"
GRD ELEV. - ±634' AMSL ±3'

PROJECT DESCRIPTION



DIRECTIONS TO SITE

SURVEYOR'S NOTE

THE PARENT PARCEL BOUNDARY OF THIS DRAWING IS ILLUSTRATED FROM RECORD INFORMATION AND IS APPROXIMATE.

THE TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED ON OCTOBER 11, 2016.

NOT TO BE USED AS CONSTRUCTION DRAWINGS.

ELEVATION DATUM

ALL ELEVATIONS ARE BASED ON NAVD 88 DATUM. CONTOURS ARE ILLUSTRATED AT 1.0' INTERVALS.

BM#1) ELEVATION: 640.96'
RAILROAD SPIKE IN THE SOUTHEAST SIDE OF POWER POLE 30 FEET ± WEST OF THE WESTERLY LINE OF S. EXTENSION ROAD PAVEMENT.

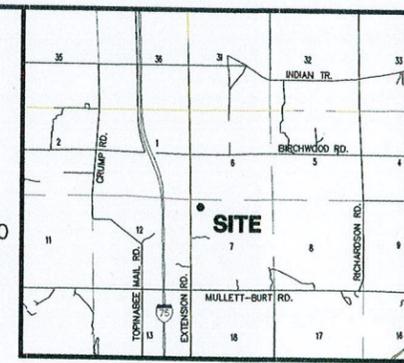
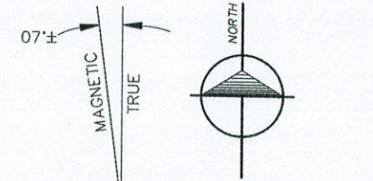
PROPRIETOR

BERNARD JANKOVIAC
4989 S. EXTENSION ROAD
CHEBOYGAN, MI 49721

ZONING DATA

NO ZONING DATA PROVIDED AT TIME OF SURVEY.

SETBACKS:
FRONT: NOT PROVIDED
REAR: NOT PROVIDED
SIDE: NOT PROVIDED



3155 MULLET CREEK

Survey Prepared for:
Mission 1 Communications
6355 Constitution Drive
Suite A
Fort Wayne, IN
(260) 436-3922
Project Manager: Mark J. Allen

REVISIONS

NO.	DESCRIPTION	DATE
1	ADDED TITLE COMMITMENT	02/15/17

williams&works
engineers | surveyors | planners

616.224.1500 phone
http://williams-works.com
549 Ottawa Ave NW
Grand Rapids, MI 49503

SURVEYED BY:

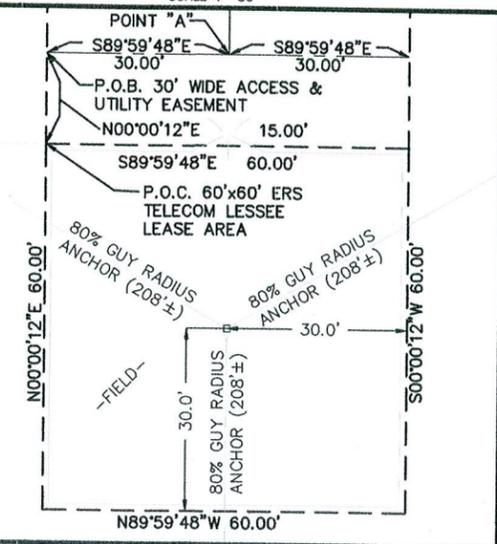
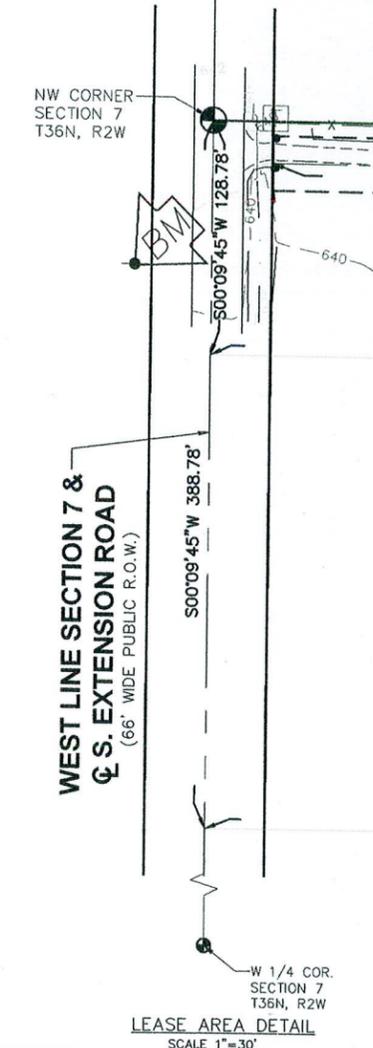
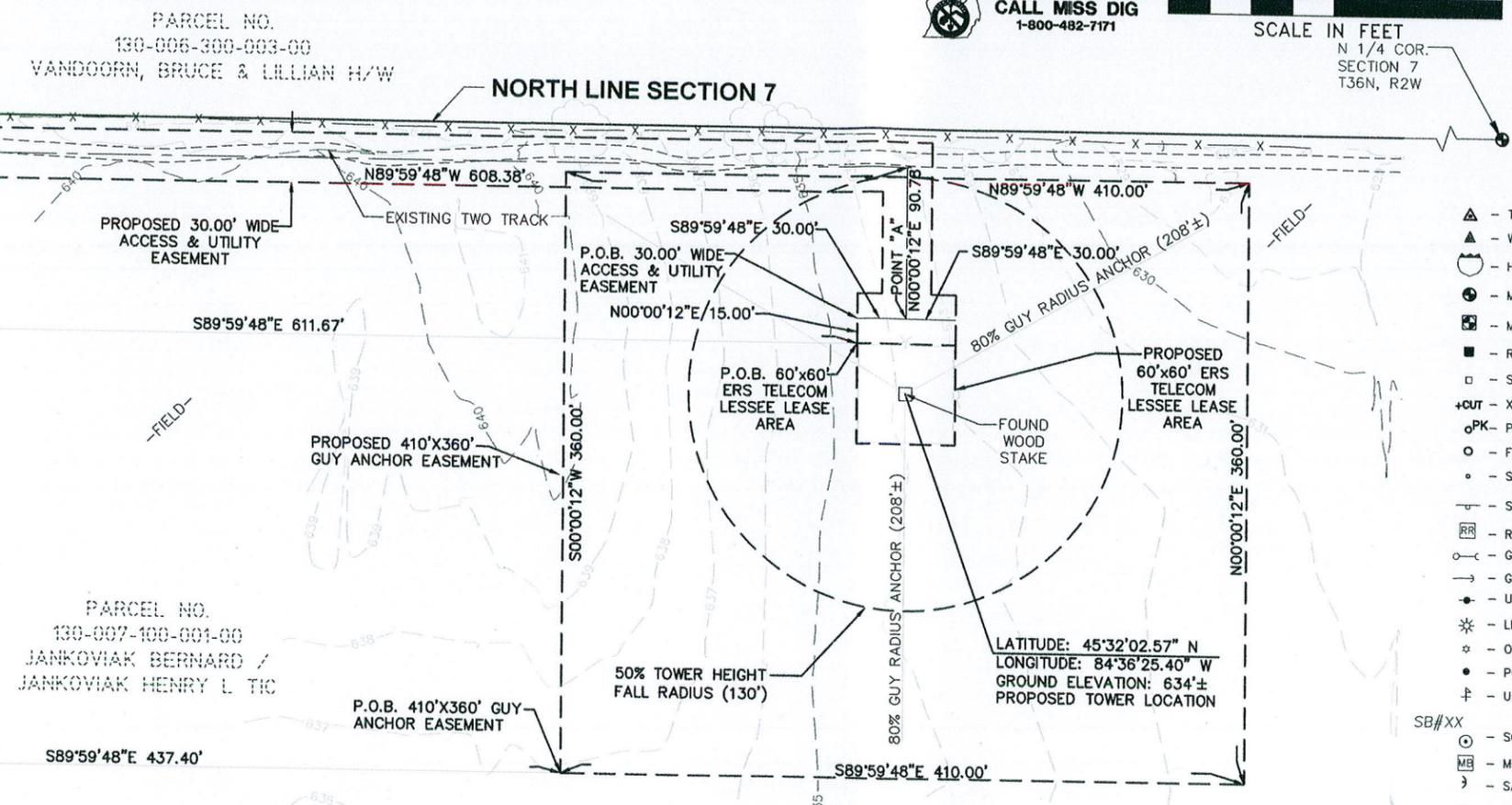
SITE NAME: **MULLET CREEK**

SITE NUMBER: **3115**

SITE ADDRESS: **S EXTENSION RD. CHEBOYGAN, MI 49721**

SHEET TITLE: **S1**

SHEET 1 OF 2



EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS

THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY AS FILE NO. NCS-815634-MICH, DATED SEPTEMBER 29, 2016 LISTS THE FOLLOWING EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS, THAT ARE MATTERS OF SURVEY, AFFECTING THE PARENT PARCEL UNDER "SCHEDULE B II - EXCEPTIONS":

NO EASEMENTS LISTED.

LEGAL DESCRIPTION

PARENT PARCEL
North 1/2 of the Northwest 1/4 Section 7, Town 36 North, Range 2 West.

This map was made from the above legal description which was given to us as a complete description of the property. Both map and description should be compared with the Abstract of Title or Title Policy for any exceptions, easements or differences in description.

LEGAL DESCRIPTION

PROPOSED 60'x60' ERS TELECOM LESSEE LEASE AREA
All that part of the Northwest 1/4 of Section 7, Township 36 North, Range 2 West, Mullet Township, Cheboygan County, Michigan, described as; Commencing at the Northwest corner of said Section 7; thence South 00°09'45" West 128.78 feet along the west line of said Section 7; thence South 89°59'48" East 611.67 feet TO THE PLACE OF BEGINNING THIS DESCRIPTION; thence South 89°59'48" East 60.00 feet; thence South 00°00'12" West 60.00 feet; thence North 89°59'48" West 60.00 feet; thence North 00°00'12" East 60.00 feet to the place of beginning of this description.

FLOOD PLAIN INFORMATION

WE HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE MAP AS PREPARED FOR THE CHEBOYGAN COUNTY, MICHIGAN, COMMUNITY PANEL NUMBER 26031C0225C DATED AUGUST 16, 2012, AND FIND THAT THE PROJECT SITE IS IN ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOODPLAIN).

BASIS OF BEARINGS

LATITUDE AND LONGITUDE OF SITE REFERENCE POINT ARE BASED ON THE HARN (HIGH ACCURACY REFERENCE NETWORK) NAD83 (CORS 96) BEARINGS ARE BASED ON MICHIGAN STATE PLANE, CENTRAL 2112. TO ORIENT DRAWING TO TRUE NORTH, ROTATE COUNTERCLOCKWISE 00°10'12.45".

LEGAL DESCRIPTION

PROPOSED 30.00' WIDE ACCESS & UTILITY EASEMENT
A 30.00 foot wide easement for access and utilities in that part of the Northwest 1/4 of Section 7, Township 36 North, Range 2 West, Mullet Township, Cheboygan County, Michigan, the centerline of which is described as; Commencing at the Northwest corner of said Section 7; thence South 00°09'45" West 128.78 feet along the west line of said Section 7; thence South 89°59'48" East 611.67 feet; thence North 00°00'12" East 15.00 feet TO THE PLACE OF BEGINNING THIS CENTERLINE DESCRIPTION; thence South 89°59'48" East 30.00 feet to point "A"; thence North 00°00'12" East 90.78 feet; thence North 89°59'48" West 608.38 feet to the easterly right of way line of S. Extension Road (66' wide) for the place of ending of this centerline description; thence recommencing at the aforesaid point "A" FOR THE PLACE OF BEGINNING OF THIS CENTERLINE DESCRIPTION; thence South 89°59'48" East 30.00 feet to the place of ending of this centerline description. Sidelines should be lengthened or shortened to intersect at angle points and the easterly right of way line of S. Extension Road.

LEGAL DESCRIPTION

PROPOSED 410'x360' GUY ANCHOR EASEMENT
SEE SHEET 2 OF 2



L. W. Albaugh
LAWRENCE W. ALBAUGH P.S. 30073

DATE: 10/11/16	DWG. BY: J.M.F.
SCALE: 1"=100'	SURVEYED: C.Z.
UPDATE: WBM021517	CHKD BY: R.J.K.
PROJECT NO.: 215249.006	



RELEASE DATE	DESCRIPTION
08-11-16	PRELIMINARY SITE PLAN
10-09-16	PRELIMINARY SITE PLAN
10-20-16	PRELIMINARY SITE PLAN
10-30-16	90% CD's
02-15-17	ZONING

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DRAWN BY: MLM
CHECKED BY: MJA

SITE NAME: _____

MULLET CREEK CELL SITE

SITE ADDRESS: _____

S EXTENSION RD
CHEBOYGAN, MI 49721

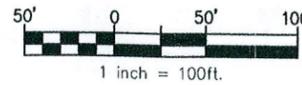
SHEET TITLE: _____

SITE LOCATION PLAN

A&E PROJECT NO.: _____

SHEET NO.: _____

Site Location Plan

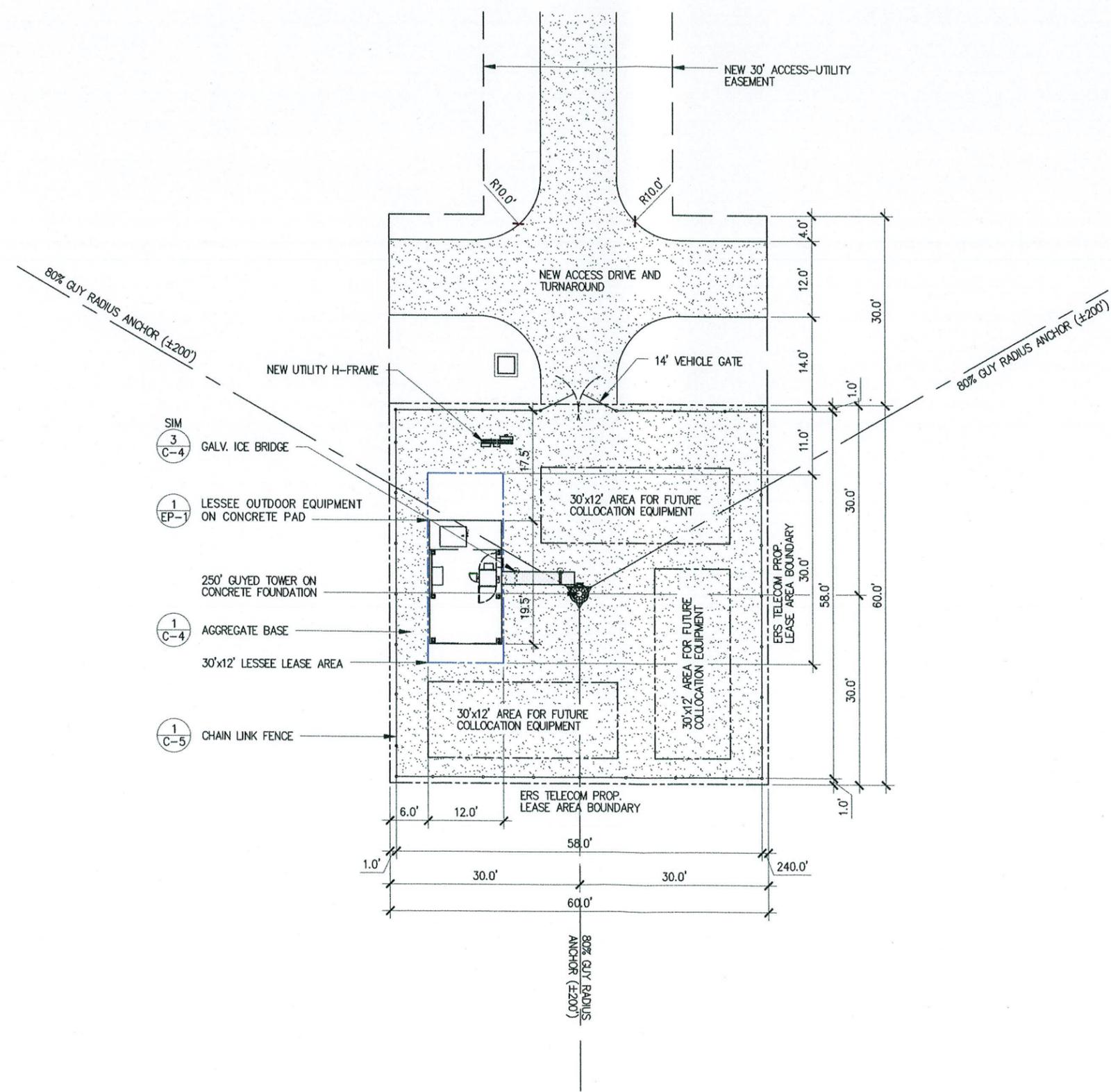
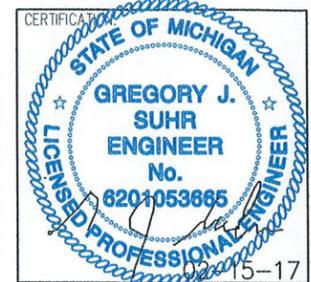


13

C-1



MISSION 1
COMMUNICATIONS
6355 Constitution Drive, Suite A
Fort Wayne, IN 46804



- SIM 3 C-4 GALV. ICE BRIDGE
- 1 EP-1 LESSEE OUTDOOR EQUIPMENT ON CONCRETE PAD
- 250' GUYED TOWER ON CONCRETE FOUNDATION
- 1 C-4 AGGREGATE BASE
- 30'x12' LESSEE LEASE AREA
- 1 C-5 CHAIN LINK FENCE

RELEASE DATE	DESCRIPTION
08-11-16	PRELIMINARY SITE PLAN
10-09-16	PRELIMINARY SITE PLAN
10-20-16	PRELIMINARY SITE PLAN
10-30-16	90% CD's
02-15-17	ZONING

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DRAWN BY: MLM
CHECKED BY: MJA

SITE NAME:

MULLET CREEK CELL SITE

SITE ADDRESS:

S EXTENSION RD
CHEBOYGAN, MI 49721

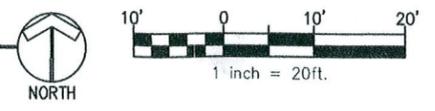
SHEET TITLE:

ENLARGED SITE PLAN

A&E PROJECT NO.:

SHEET NO.:

Enlarged Site Plan

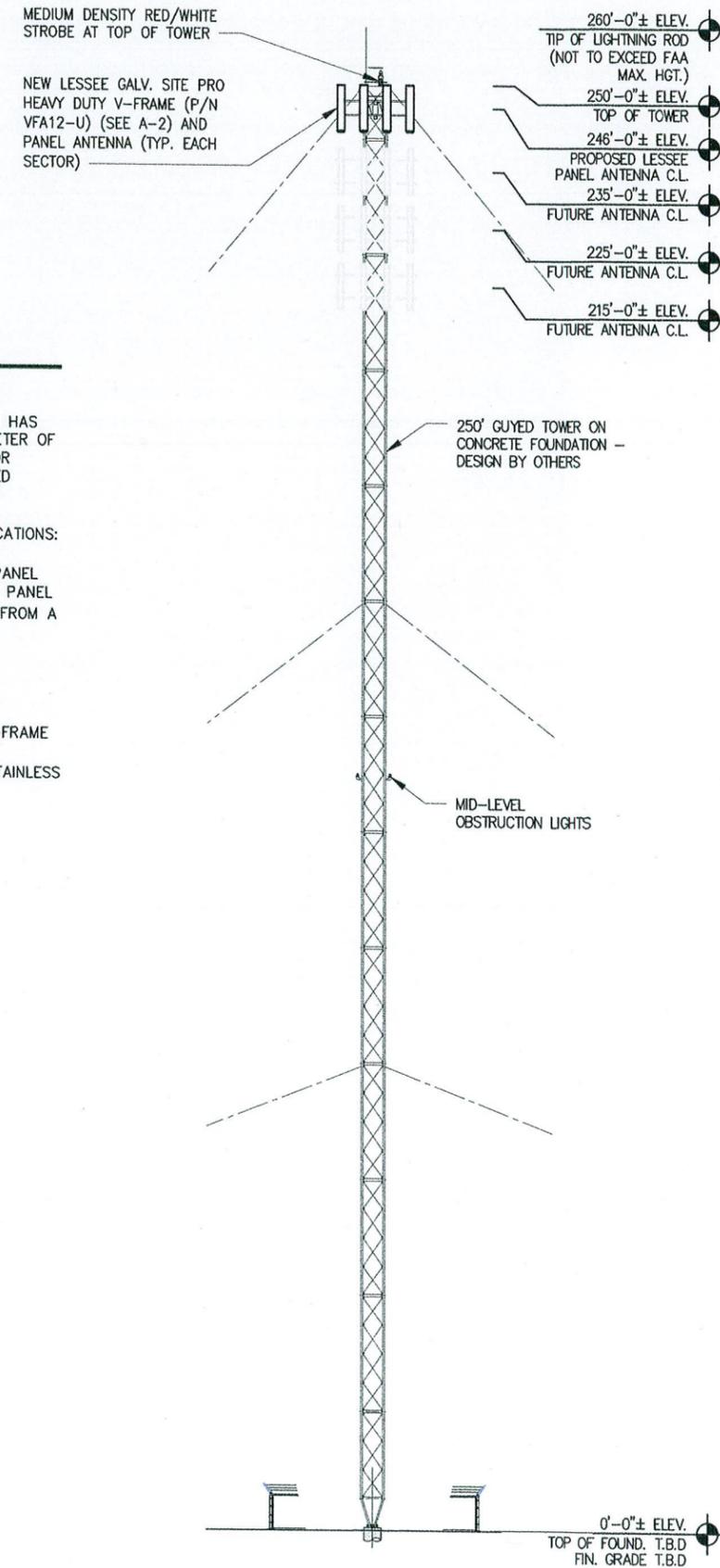


**Lessee Antenna Equipment
Schedule Not Available at Time
of Publishment**

ECR

General Notes

1. VERIFY EACH COAXIAL CABLE LENGTH, ROUTING, AND ALL MOUNTING APPURTENANCES WITH OWNER PRIOR TO ORDERING.
2. THE MAXIMUM COAXIAL CABLE AND DC-FIBER HYBRID CABLE LENGTH HAS BEEN ESTIMATED AT 263 FEET WITH A CORRESPONDING CABLE DIAMETER OF 1 5/8". THIS CABLE LENGTH IS APPROXIMATE AND IS NOT USED FOR CONSTRUCTION. ACTUAL CABLE LENGTHS MAY VARY FROM ESTIMATED MAXIMUM LENGTH AND MUST BE VERIFIED.
3. COLOR CODE ALL MAIN CABLES, VERIFY COLOR CODES WITH VERIZON CONSTRUCTION MANAGER. CABLES TO BE TAGGED IN THREE (3) LOCATIONS:
 - A. TOP OF TOWER AT ANTENNA
 - B. INSIDE EQUIPMENT SHELTER NEAR THE COAX BUILDING ENTRY PANEL
 - C. OUTSIDE EQUIPMENT SHELTER NEAR THE COAX BUILDING ENTRY PANEL
4. EACH COAX CABLE SHALL BE SUPPORTED WITH COLUMN GRIP HUNG FROM A J-HOOK AT THE TOP OF THE TOWER.
5. EACH COAX CABLE SHALL BE GROUNDED AT THREE (3) LOCATIONS:
 - A. TOWER PLATFORM OR T-FRAME
 - B. TOWER BASE
 - C. OUTSIDE EQUIPMENT SHELTER AT COAX BUILDING ENTRY PANEL
6. COAX CABLE TO BE SUPPORTED EVERY 3' O.C. ON PLATFORM OR T-FRAME WITH STAINLESS STEEL HANGERS.
7. COAX CABLES TO BE SUPPORTED ON THE TOWER EVERY 18" WITH STAINLESS STEEL HANGERS.



Tower Elevation

SCALE: N.T.S.



RELEASE DATE	
08-11-16	PRELIMINARY SITE PLAN
10-09-16	PRELIMINARY SITE PLAN
10-20-16	PRELIMINARY SITE PLAN
10-30-16	90% CD's
02-15-17	ZONING

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DRAWN BY: MLM
CHECKED BY: MJA

SITE NAME:

**MULLET CREEK
CELL SITE**

SITE ADDRESS:

S EXTENSION RD
CHEBOYGAN, MI 49721

SHEET TITLE:

TOWER ELEVATION,
ANTENNA INFORMATION,
NOTES AND DETAILS

A&E PROJECT NO.:

SHEET NO.:

A-1

14

Scott McNeil

From: Austin Babich <ababich@pyramidns.com>
Sent: Friday, March 17, 2017 11:33 AM
To: Scott McNeil
Cc: 'Ben Varney '; Brent Doerr
Subject: Cheboygan County Special Use Permit _ Verizon/ERS site #3155 "Mullet Creek"
Attachments: SECTION 17.13. Wireless Communication Facilities.pdf; MI3155 Determination of No Hazard 11.30.17.pdf; MI-3155 ASR 1.29.17.pdf

Hello Scott,

It was a pleasure speaking with you today. As discussed please see below the answers to questions 1-6 of section 17.13.2 regarding wireless communication facilities.

- 1.) I have attached the FAA study that confirms that there is no hazard to air navigation and the FCC ASR that confirms we have registered with the FCC.
- 2.) We will have a 6' high chain link security fence with barbed wire surrounding the equipment at the base of the tower. The guy wire anchors will also be fenced.
- 3.) The tower will be of a galvanized grey color which has been found to be most aesthetically pleasing as it blends in the best. As far as landscaping, we worked with the land owner to reduce the compound size as much as possible in order to disrupt the lease amount of the land owners crop. Adding landscaping would take up more crop and is very difficult to maintain. It is also surrounded by forest. If the planning commission still deems in necessary to use some type of buffer I would like to propose a type of fenced webbing, if absolutely necessary.
- 4.) The proposed tower is designed for 3 additional co-locators antennae.
- 5.) Fencing is proposed around all guy wire anchor points.
- 6.) Check.

Let me know if you need any additional information or have any questions and I will be glad to help.

Have a great weekend.

Best regards,
Austin

Austin Babich
Site Acquisition Specialist
Phone: (989) 395-1518
Fax: (989) 872-3651
ababich@pyramidns.com



4202 E Gilford Rd. Deford, Michigan 48729
www.pyramidnetworkservices.com



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: March 9, 2017	Expected Meeting Date: April 5, 2017

GENERAL INFORMATION

Applicant: ERS Telecom Properties

Location: South Extension Road

Contact person: Brent Doerr

Phone: 989-289-7629

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 250 ft. in height with an additional 10 ft. in height for a lighting rod which include an equipment cabinet and generator to be located in a fenced area platform measuring 12 ft. wide, 19.5 ft. long. The tower and facilities are to be placed on a leased parcel of land measuring 360 ft. x 410 ft. with an access easement from South Extension Road in Mullett Township.

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

The applicant has provided a site plan indicating that the tower is proposed to be located 158.8 feet from the property line. An isolation standard required under section 17.13.1.a. and reads as follows;

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.

The location of the tower will not meet the isolation standard of 1 times the height of the tower. The applicant has provided a letter from an engineer relative to reducing the isolation standard as required in the aforementioned section 17.13.1a.

The applicant has also provided a coverage map for the proposed site and other tower locations and information regarding colocation on existing towers in order to address co-location requirements under section 17.13.2.

Also you will find attached a map produced by the GIS department indicating the existing communication towers within the county. A location map is also included.

Please note that I have provided proposed findings relative to isolation, co-location and specific standards for communication facilities under sections 17.13.1.a., 17.13.2.b. and 17.13.2.b.1. through 17.13.2.b. in addition to standards for special use permits under section 18.7. and site plans under section. 20.7.

Current Zoning:

Agriculture and Forestry Management District (M-AF)

Surrounding Land Uses:

Parcels located to the south and west are zoned Agriculture Forestry Management District (M-AF). The parcel to the north and east is zoned M-AF and Lake and Stream Protection (P-LS)

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 and driveway to the least area from South Extension Rd.

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 6 ft. high fence is proposed to be located around the tower and facilities.

Lighting

A strobe light is proposed at the top of the tower. No other lighting is proposed.

Stormwater management

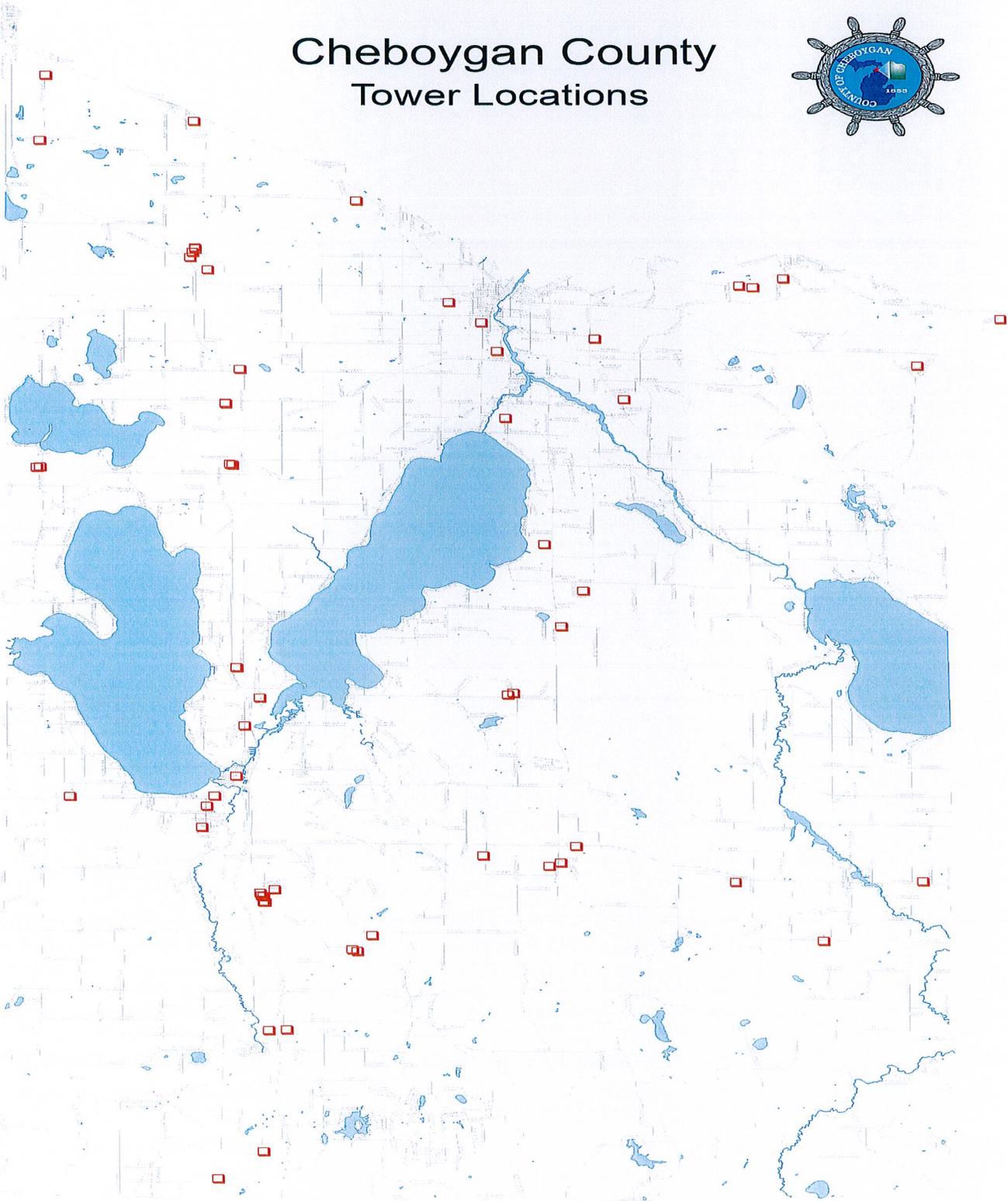
There is no change to stormwater management.

Review or permits from other government entities:

Applicable permits from the Department of Building Safety will be required.

Communication Tower Locations

Cheboygan County Tower Locations





Subject location



South Extension Rd.

Mullett Burt Rd.

N. Straths Hwy.

CHEBOYGAN COUNTY PLANNING COMMISSION
SPECIAL USE PERMIT REQUEST
Wednesday, April 5, 2017, 7:00 PM

Applicant

ERS Telecom Properties
4700 Hunt Street
Cass City, Mi. 48726

Property Owner

Bernard Jankoviak
4989 South Extension Rd.
Cheboygan, Mi. 49721

Parcel

South Extension Rd.
Mullett Township
130-007-100-001-00

GENERAL FINDINGS

1. The property is located in an Agriculture and Forestry management Zoning District (M-AF)
2. The Applicant is seeking approval of a special use permit for location of a wireless communications facility which includes tower up to 250 feet above ground level and an equipment facilities. 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.
- 5.
- 6.
- 7.

Findings of Fact under Section 17.13.1.a 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, 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.

- The applicant is seeking a reduction in the isolation standard. The tower is proposed to be 250 feet tall and located 158.8 feet from the closest property line. A reduction in the isolation standard of 63.5% requested.
- The Planning Commission finds that a letter dated 1/19/17 is provided from William R Heiden III, Chief Engineer for Valmont Industries Inc. stating that the proposed tower is designed with a theoretical 125 foot fall zone.
- The Planning Commission hereby allows a reduction in the isolation standard to 63.5%

Or

-

Findings 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.
1. The applicant is proposing a new communication tower.
 2. The Planning Commission finds that the documentation has been submitted to show that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing structure (See exhibits 5, 6 and 17)

Or

- 1 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. The applicant has received approvals from the FCC and FAA (see exhibits 17, 18 and 19)
 - b.
 - c. Standard has been met.Or.
 - a. The applicant has not provided information regarding applicable FAA requirements
 - b.
 - c. Standard has not been met.
2. Towers must be equipped with devices to prevent unauthorized climbing.
 - a. A chain link fence is placed around the entire perimeter of the facilities and around the guy wire anchors. (see exhibits 13, 14 and 17)
 - 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 field with a thin stealth design. (see exhibit 17)
 - b.
 - c. Standard has been metOr.
 - a. The proposed facilities are proposed to be placed in a manner which will not blend with the landscape. (see exhibit 11)
 - 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 provides for 3 additional co-located antennae. (see exhibit 17)
 - 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. Protective fencing is proposed to be placed around the tower facilities and guy wire anchor points. (see exhibits 13, 14 and 17)
 - b.
 - c. Standard has been met.
 Or.
 - a.
 - b. Standard has not been met.
6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.
 1. See applicable findings above.
 2. Requirements have been met.
 Or.
 1. See applicable findings above
 2. 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 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)
 - 2.
 3. Standard has been met.
 Or.
 - 1.
 2. Standard has not been met.
 - 3.

- 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 noise⁴ 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 611ft. from South Extension Rd. right of way on a parcel of leased land measuring 360 ft. x 410. ft. and will not diminish the opportunity for surrounding properties to be used and developed as zoned.(see exhibit 12)
 - 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 fencing. (see exhibits 4, 13 and 14)
 - 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 South Extension Rd. (see exhibit 4 and 11)
 2. The entrance roadway is not within 25 feet of an intersection. (see exhibit 11)
 - 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 3 and 9)
 - 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. 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. The leased area is relatively level. Changes to the overall natural features of the site will be minimal. (see exhibit 9) As a result the proposed construction will not impede normal and orderly development or improvement of the surrounding property.
 - 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 3)
 - 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 3 & 9)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - 1. Not applicable. No dwellings are proposed.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
 - 1. Emergency vehicle access is provided via South Extension Rd. and connecting roadway to existing structures. (see exhibit 12)
 - 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 South Extension Rd. (see exhibit 12)
 - 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 16)
 - 2. No additional outdoor lighting is proposed. (see exhibit 4)
 - 3.
 - 4. Standard has been metOr.
 - 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 metOr.
 - 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, April 5, 2017

Patty Croft, Chairperson

Charles Freese, Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Toni Wilson – Revised 03/30/17

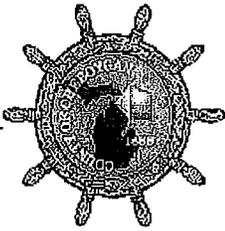
Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Site Plan (1 Page)

The following items were added to the exhibit list on 03/30/17:

5. Floor Plan (1 Page)
- 6.
- 7.
- 8.

Note: Planning Commission members have exhibits 1 and 2.



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

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

BAR + LIWA Food Service 1 EMPLOYEES
NOON TO 2:30 AM DAILY - ENTERTAINMENT FROM TIME TO TIME

2. 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 change

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.

No change

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

No change

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.

No change

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

access driveway from South St. Hwy.

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

SAME AS E.

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

N/A

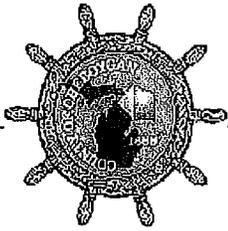
h. Exterior lighting shall be arranged as follows:

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

ii. It does not impede the vision of traffic along adjacent streets. NO.

iii. It does not unnecessarily illuminate night skies. NO

SITE PLAN REVIEW APPLICATION



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

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.

NA

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.

yes

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

4. Present use of property: _____

Retail

5. 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.

6. Attach a copy of Warranty Deed or other proof of ownership.

7. 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 _____

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

Yes No

Owner's Signature Joni A. Wilson Date 3-13-17

SITE PLAN REVIEW APPLICATION

SITE PLAN REVIEW 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 = 100 ft. 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.
NA		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.
X		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carpools, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
X		i. Location, size, and characteristics of all loading and unloading areas.
NA		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.
NA		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW 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.
NA		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.
N/A		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/A		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
N/A		s. Floor plans, when needed to determine the number of parking spaces required.

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

SECTION

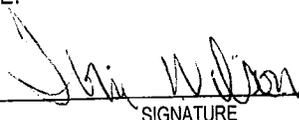
REASON FOR WAIVER REQUEST

a

Reasoning for - No Changes

AFFIDAVIT

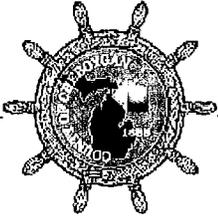
I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



SIGNATURE

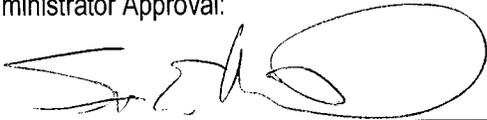
3.13.17

DATE



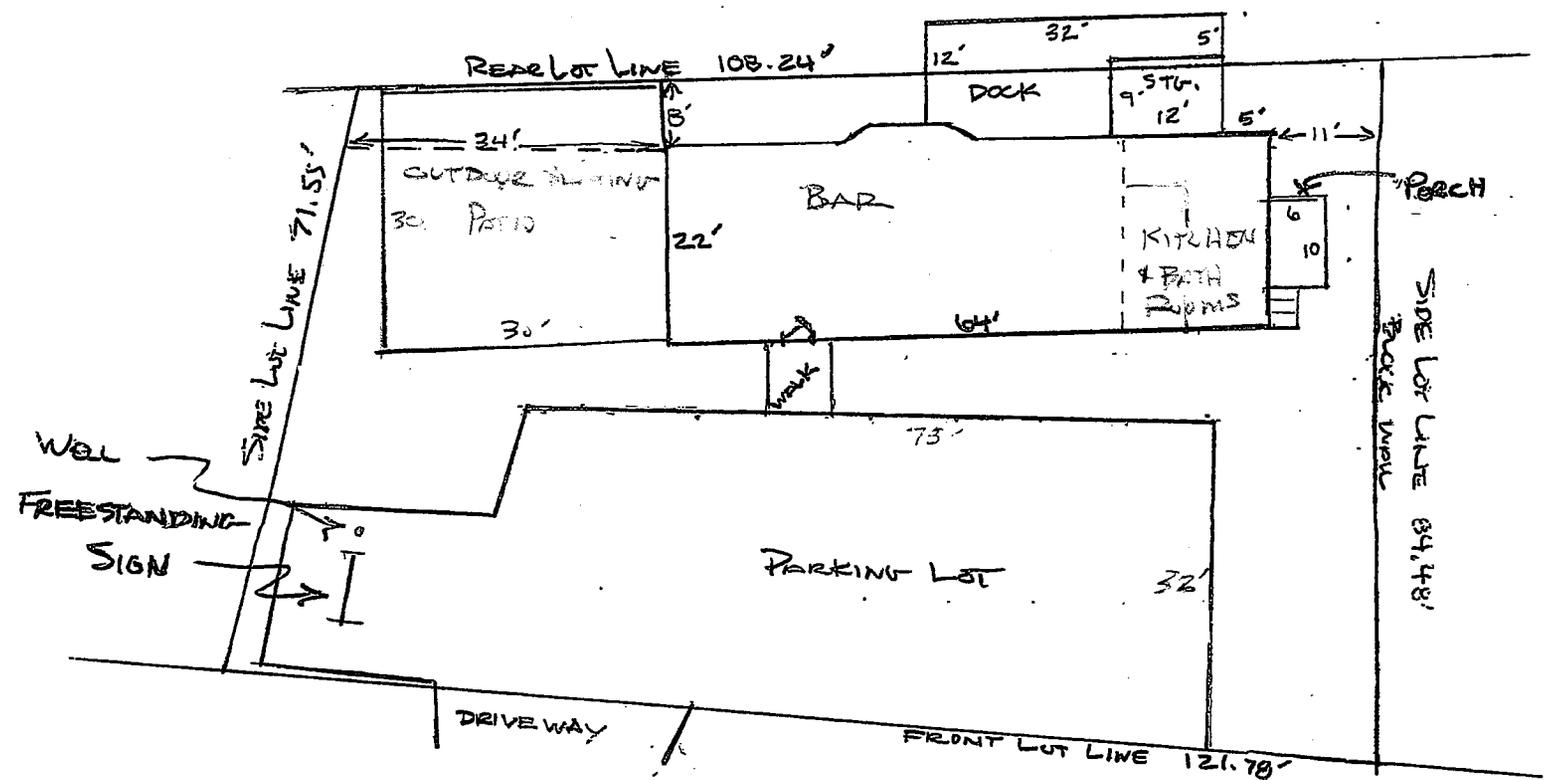
CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

PLANNING & ZONING DEPARTMENT		
Date Received:	3/13/17	Notes:
Fee Amount Received:	110 ⁰⁰	
Receipt Number:	5468	
Public Hearing Date:	4-5-17	
Planning/Zoning Administrator Approval:		
		3/13/17
Signature		Date

SITE PLAN REVIEW APPLICATION

NORTH CENTRAL STATE TRAIL



← NORTH
SCALE 1" = 20'
TONI WILSON
3-13-17

SOUTH STRATTS HIGHWAY

3499 M 27

I R. MI.

1450 sq.

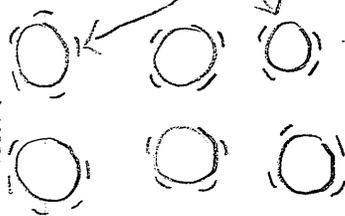
Tom Wilson 231 420 8006 - Bar/Res

All Enclosed
Lrg controlled.

Gated
Steps

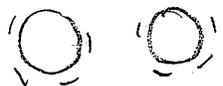
Rail Food Station

34 seats



30X30

Cement
Deck, 4 in



Rail

Yard

Window

Non opening window

EXIT
locked
staff door

Garage door

Bar

Entrance to bar
From Deck

Garage door

Bar

Garage door

Main
Entrance

Garage door

25 seats
at Bar

41
Seats
total
with Bar

open

Karaoke

Dance
Floor

open with code rail

All open

25 seats

to Kitchen

Kix
Area

Prep table
Women
Bath

Men
Bath
Men
Bath

Staff
door
Back

Staff
door

Rail, walk way to deck
Not raised flat.

Main
Exit

parking



5



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: Consideration of site plan review amendment for a Change of use from Restaurant, Salon (office) and Retail use with outdoor seating and outdoor display to Bar use with outdoor seating in the Indian River Village Center Overlay zoning district.	Prepared by: Scott McNeil
Date: March 20, 2017	Expected Meeting Date: April 5, 2017

GENERAL INFORMATION

Applicant: Toni Wilson

Contact person: Toni Wilson

Phone: 231-420-8446

Requested Action: Consideration of site plan review for a Change of use from Restaurant, Salon (office) and Retail use with outdoor seating and outdoor display to Bar with outdoor seating in the Indian River Village Center Overlay zoning district.

BACKGROUND INFORMATION

Introduction:

The subject property is known as the former rail road depot building and is located in the Village Center Indian River Overlay (VC-IR-O) district. The most recent use of the building was retail and salon. The applicant received site plan review approval in June 1, 2016 for retail and salon businesses along with a restaurant business serving sandwiches and salads with outdoor seating. The applicant is now seeking a change of use to Bar with outdoor seating. Bars and taverns are permitted uses which are allowed in the VC-IR-O district per section 13B.2.2.

The applicant is also seeking site plan review approval outdoor seating area in conjunction with the bar use. The proposed outdoor seating location is indicated on the site plan.

By review of the site plan you will note that a portion of the dock structure located on the rear of the building encroaches into property associated with the North Central State Trail. This portion of the trail is under control of Tuscarora Township.

Current Zoning: Indian River Village Center Overlay (VC-IR-O)

Surrounding Land Uses: Commercial uses to the west and south. North Central State Trail to the east. Public parking to the north.

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

Historic buildings/features:

There are no buildings or historic features on this site.

Traffic Implications:

The site is located on River Street in the Village Center Indian River Overlay district (VC-IR-O). The applicant is seeking an approval of a site plan review amendment for a Bar and outdoor customer seating. This project will have minimal effect on current traffic conditions in this downtown type zoning district.

Parking:

The applicant is seeking an approval of a site plan review for a Bar with outdoor seating and in the Indian River Village Center Overlay zoning district. No onsite parking spaces are required pursuant to Section 13B.4.1. which states as follows:

There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-IR-O zoning district except residential uses, which must comply with the following:

- a. Two (2) off-street parking spaces shall be required for each dwelling unit.
- b. The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.
- c. The required parking spaces shall be maintained as long as each dwelling unit is occupied.

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

The site has access to, and is located on South Straits Highway in Tuscarora Twp.

Signs.

The site plan provides for an existing single free standing sign. A permit has been issued for the sign.

Fence/Hedge/Buffer

A 3.5 ft. high wall exists on the south lot line. No new fence, hedge or other type of buffer is proposed nor required.

Lighting: No new lighting is proposed.

Stormwater management;

No changes to existing stormwater management are proposed.

Review or permits from other government entities

Permits from the Department of Building Safety and Health Department will be required.

Recommendations (proposed conditions)

- Compliance with applicable Building Code Requirements.
- Compliance with Health Department Requirements.

CHEBOYGAN COUNTY PLANNING COMMISSION

SITE PLAN REVIEW

Wednesday, April 5, 2017, 7:00 PM

Applicant

Toni Wilson
4928 Modoc Road
Indian River, Mi. 49749

Owner

Toni Wilson
4928 Modoc Road
Indian River, Mi. 49749

Parcel

3499 South Straits Hwy.
Tuscarora Township
161-024-200-006-00

GENERAL FINDINGS

1. The subject property is zoned Village Center Indian River Overlay District (VC-IR-O).
2. The applicant is seeking a site plan review amendment for a change of use to Bar from Retail, Restaurant and office uses.
3. Bars and taverns are permitted uses in the VC-IR-O zoning district pursuant to section 13B.2.2.
4. The applicant received site plan review approval for retail, restaurant and office uses with outdoor display and outdoor seating on June 1, 2016.
5. The applicant is seeking site plan approval for outdoor seating for the Bar use.
6. The applicant requests a waiver from the topography survey requirement.
- 7.
- 8.

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. The site plan provides and application provides for no change in the overall natural counters of the site. (see exhibit 3 and 4)
 2. The site is developed to allow use of surrounding property as permitted by the zoning ordinance. (see exhibit 3 and 4)
 - 3.
 4. 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. The site plan provides and application provides for no change relative to tree and soil removal or topographic modifications at the site. (see exhibit 3 and 4)
 - 2.
 3. Standard has been met.

Or,

- 1.
- 2.
3. 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 are proposed for storm water removal.(see exhibit 3 and 4)
 - 2.
 3. Standard has been met.

Or,

1. The applicant has not demonstrated in the application or on the site plan that proper site drainage will be maintained. (see exhibits 3 and 4)
- 2.
3. 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 dwelling units are proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means
1. The site plan provides for a practical means of access for emergency vehicles from South Straits Highway (see exhibit 3 and 4)
 - 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. The site is located on, and has access to South Straits Highway. (see exhibit 3 and 4)
 - 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. This is not applicable. No subdivision plats and 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. The lights shall be deflected away from adjacent properties, shall not impede the vision of traffic along adjacent streets and shall not unnecessarily illuminate night skies. (see exhibit 3)
2. No new lighting is proposed (see exhibits 3 and 4)
3. 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 public 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.
 - 1. This site plan will conform to the Master Plan, zoning ordinance, and any applicable state and federal laws. (see exhibit 1,2, 4 and 5)
 - 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, April 5, 2017

Patty Croft, Chairperson

Charles Freese, Secretary



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: March 23, 2017

To: Planning Commissioners

From: Scott McNeil

Re: 2018 Capital Improvement Program. Program Summary and Project Descriptions

Included with this memo please find a Capital Improvement Program (CIP) Draft Summary dated 3/22/17. Also attached are Project Descriptions placed in the order they appear on the Summary as submitted by the various departments and agencies of the County.

These are submitted pursuant to the approved timeline for development of the 2018 CIP (copy also included).

The timeline provides for the Planning Commission to review the projects and hear reports from the variance departments and agencies as they may desire between April 5 and June 7.

There is (1) new proposed project. The new project has been submitted by the Cheboygan County Road Commission for Levering Road. The remaining project descriptions were included in the current CIP and have been reviewed and assigned a priority category previously by the Planning Commission as noted on the project summary.

Please do not hesitate to contact me with questions or comments.

Proposed Cheboygan County Planning Commission 2018 Capital Improvement Program Development Timeline.

January 19, 2017

January 20, 2017 to March 24, 2017. The staff of the Community Development Department will gather project information from the agencies and departments within the county and other government entities for inclusion in the CIP and present the same for review by the Cheboygan County Planning Commission.

April 5, 2017 to June 7, 2017. The proposed projects are reviewed by the Planning Commission. Agency and department representatives may provide a report to the Planning Commission by request.

June 21, 2017. The Planning Commission will review the project information and elect which projects should be included in the CIP and place such projects in a general order of priority in needed and desirable categories.

July 5, 2017. The staff of the Community Development Department will present a draft CIP document to the Planning Commission for review.

August 2, 2017. The Planning Commission holds a public hearing on the draft CIP and may make changes to the draft CIP accordingly.

August 15, 2017. The Planning Commission will forward the final draft CIP, along with a recommendation, to the Cheboygan County Board of Commissioners.

November 1, 2017 to December 6, 2017. The Planning Commission will review any proposed changes from Board of Commissioners or the County Administrators office as a result of the county budget review process.

Cheboygan County Capital Improvement Program

Project Description

Project Title: Cheboygan County Airport Maintenance Building

Agency: Cheboygan Airport Authority

Project Type: New Facility

Project Description: The proposed maintenance building would provide additional storage area for existing equipment and other materials used in the airport operation as well as provide need space for year around maintenance activity. The building is proposed to be 60 ft. wide and 100 ft. long with 16 ft. high walls. The building is proposed to be improved with adequate overhead doors with fully insulated walls and ceiling. Proposed utilities include space heaters and adequate electric service.

Year(s) of Project: 2018

Estimated Cost: \$360,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Terminal Renovation and Expansion

Agency: Cheboygan Airport Authority

Project Type: Facility Addition and Maintenance

Project Description: The terminal renovation project is proposed to expand and upgrade the existing facility as well as incorporate maintenance items. Maintenance items include carpet, windows, heating and doors. The project also proposes to add office and meeting space as well as a pilot lounge area.

Year(s) of Project: 2020

Estimated Cost: \$240,000

Planning Commission Priority Category: Desirable

Cheboygan County Capital Improvement Program

Project Description

Project Title: Terminal Ramp Rehabilitation

Agency: Cheboygan Airport Authority

Project Type: Facility maintenance

Project Description: This project entails the asphalt paved portion of the airport lying between the Terminal and the runway. The Terminal Ramp is used for reception of arriving flights, staging departing flights, parking, and fueling. Rehabilitation of this portion of the paved area of the airport has been identified as a priority as a result of a detailed review of all asphalt surfaces.

Year(s) of Project: 2022

Estimated Cost: \$635,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: County Building Energy Efficiency Upgrades

Agency: County Building Maintenance

Project Type: Facility Improvement

Project Description: Several energy efficiency upgrades are planned over a three year period. The upgrades include new energy efficient valves and fixtures in the restrooms, automatic light switches were practical throughout the building, energy efficient hot water heating systems, lighting and electrical upgrades. The upgrades will reduce energy costs which will pay for the cost of improvements over time.

Est. Project Year 2018 to 2021.

Estimated Cost: \$15,000 each year

Planning Commission Priority Category: Desirable

Cheboygan County Capital Improvement Program

Project Description

Project Title: County Building trim panel /window replacement.

Agency: County Building Maintenance Department

Project Type: Facility Maintenance

Project Description: Replacement of panels and windows which face the interior parking lot on the north side of the County Building. The panels were installed with the original construction of the county building. Smaller energy efficient windows with new wall replacement are planned.

Year(s) of Project: 2018

Estimated Cost: \$65,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: County Building Record Storage Building Remodel

Agency: County Building Maintenance

Project Type: Facility Improvement

Project Description: The County Building is running out of space for storage of important files and documents. Improvements planed the Records Storage Building is a heated addition, steel roof replacement and outside remodeling to match the new addition.

Est. Project Year 2018

Estimated Cost: \$60,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Orchard Beach Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: M-33 to South River Road. Project scope includes; bituminous base crush, shape and resurface, subgrade correction, drainage corrections, ditching and restoration.

Year(s) of Project: 2018

Estimated Cost: \$560,000

Planning Commission Priority Category: Desirable

Cheboygan County Capital Improvement Program

Project Description

Project Title: Townline Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: M-27 to VFW Road. Project scope includes; bituminous base crush, shape and resurface, drainage corrections, ditching and restoration.

Year(s) of Project: 2018

Estimated Cost: \$420,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Mann Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: M-33 to Pallister Road. Project scope includes; bituminous base crush, shape and resurface, drainage corrections, ditching and restoration.

Year(s) of Project: 2019

Estimated Cost: \$561,300

Planning Commission Priority Category: Desirable

Cheboygan County Capital Improvement Program

Project Description

Project Title: Levering Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: Hill Road to Inverness Trail. Project includes; base crushing, shaping and resurfacing, drainage corrections, gravel shoulders and restoration.

Year(s) of Project: 2020

Estimated Cost: \$560,000

Planning Commission Priority Category:

Cheboygan County Capital Improvements Program

Project Description

Project Title: Sand Road Senior Center Parking lot resurfacing

Agency: Cheboygan County Council on Aging

Project Type: Facility Maintenance

Project Description: The current paved parking area needs to be resurfaced and striped. Additionally, the area in front of the small garage has no paving and is soft and difficult to plow. Repairs to cracked areas are also needed to prevent trips/falls from unsteady seniors.

Year of Project: 2018

Estimated Cost: \$85,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvements Program

Project Description

Project Title: Wolverine Senior Center Parking lot resurfacing

Agency: Cheboygan County Council on Aging

Project Type: Facility Improvement

Project Description: The current paved parking area needs to be resurfaced and striped. Repairs to cracked areas are also needed to prevent trips/falls from unsteady seniors.

Year of Project: 2019

Estimated Cost: \$45,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Fuel Tank and Fuel Dock Replacement and Upgrade

Agency: Cheboygan County Marina

Project Type: Facility Replacement

Project Description: Existing fuel dock and fuel tank at the Marina was constructed and installed in 1988. A new wood dock is proposed to replace the existing dock. Replacement of the existing fuel storage tank is also proposed.

Year(s) of Project: Contingent on Obtaining Funding - 2018

Estimated Cost: \$800,000

Planning Commission Priority Category: Needed

**2018 Cheboygan County Capital Improvements Program
Program Summary**

DRAFT 3/22/2017

	2018	2019	2020	2021	2022	2023
Cheboygan County Airport						
N Maintenance Building	360,000					
D Terminal Renovation/Expansion			240,000			
N Terminal Ramp Rehabilitation					635,000	
Department Total	360,000	0	240,000	0	635,000	0
Cheboygan Building Maintenance						
D County Bldg. Energy Efficiency Imp:	15,000	15,000	15,000			
N County Bldg. Panel/Window Replacement	65,000					
N County Bldg. Record Storage	60,000					
Department Total	145,000	15,000	15,000	0	0	0
Cheboygan Co. Rd. Commission						
D Orchard Beach Rd.	560,000					
N Townline Rd.	420,000					
D Mann Rd.		561,300				
Levering Road			560,000			
Department Total	980,000	561,000	560,000	0	0	0
Cheboygan County Marina						
N Fuel Tank and Fuel Dock Replacement	800,000					
Department Total	800,000	0	0	0	0	0
Cheboygan County Council on Aging						
N Sand Road Center Parking Lot Resurfacing	85,000					
N Wolverine Center Parking Lot Resurfacing		45,000				
Department Total	85,000	45,000	0	0	0	0
Capital Improvement Program Total	2017	2018	2019	2020	2021	2022
	2,370,000	621,000	815,000	0	635,000	0



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: March 27, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Draft zoning ordinance amendment relating to Assembly halls.

Included with this memo is a draft ordinance amendment relative to the subject dated 3/17/17.

Also included is a report with the proposed use listing changes to the current zoning ordinance as discussed in this memo annotated in red print.

As discussed at the regular meeting of March 19 the attached amendment proposes to delete current use listings relating to private clubs in sections 4.3.10, 14.3.14. and replaced with the new use listing of Assembly, Educational or Social Event Facility proposed under sections 4.3.12 and 14.3.7 in the Residential Development and Rural Character zoning districts. Also, the current use listing relating to private clubs under section 13E.3.9. in the Village Center Topinabee Residential Overlay district is proposed to be deleted.

Also as a matter of review and in addition to the proposed changes mentioned above you will find following proposed in the attached amendment document;

Section 1 provides a new proposed use listing of Assembly, Educational or Social Event Facility is proposed with a new definition. This is proposed to replace the former proposed use listing of Assembly hall. You will find the new proposed use listing under section 1 of the amendment document with the same definition as previously proposed.

Section 2 of the amendment document removes the club use with *arcades, bowling alleys, pool or billiard parlors* remaining as uses which require site plan review in the Commercial Development, Village Center Indian River and Village Center Topinabee zoning districts and uses which a special use permit in the Village Center Indian River Overlay, Village Center Topinabee Overlay zoning districts and Village Center zoning districts.

Section 3 removes the current use listings of *Churches and Public, parochial and private schools, libraries and municipal structures and uses* from the permitted use listings within the Residential Development and Topinabee Village Center Residential Overlay zoning districts

Section 4 removes the Community buildings use listing with *Public parks and recreational areas playgrounds and campgrounds* remaining as a use which requires a special use permit in the Agriculture and Forestry Management zoning district and *Public parks and recreational areas and playgrounds* as use which requires a special use permit in the Rural Character/Country Living zoning district.

Section 5 provides as follows:

Establishes Assembly, Educational or Social Event Facility, as proposed to be defined, as a use which requires a special use permit in the Residential Development zoning district.

Removes the current use listing of *Theaters (excluding drive in theaters)* and provides for Assembly, Educational or Social Event Facility as proposed to be defined as a use which requires site plan review in the Commercial Development zoning district. This will also allow Assembly, Educational or Social Event Facility as a use to be approved by site plan review in the Light Industrial and General Industrial zoning districts pursuant to sections 7.2.1 and 8.2.1.

Replaces the current use listing of *Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses* with Assembly, Educational or Social Event Facility as a use which requires a special use permit in the Agriculture and Forestry Management zoning district.

Replaces the current use listing of *Schools, libraries, churches and municipal structures* with Assembly, Educational or Social Event Facility as proposed to be defined as a use which requires a special use permit in the Lake and Stream Protection zoning district

Replaces the current use listing of *Educational, municipal, and religious institutions* with Assembly, Educational or Social Event Facility as a use which requires a special use permit in the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts.

Section 6 repeals section 17.3. This section provides dwelling standards which are otherwise covered under the building code as previously discussed.

Section 7 repeals section 21.9.2. This section provides for charging a double fee for a zoning permit when a construction of a structure commenced without a permit. This type of penalty for construction without a permit is contrary to recommendations of our legal counsel as previously discussed.

As noted in this memo, there are provisions in the amendment which affect the Indian River and Topinabee Village Center districts. Consideration to provide for review and comment by Mullett and Tuscarora township officials would be in order.

3/17/17
CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT # _____
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definition in its appropriate alphabetical location which shall read in its entirety as follows:

ASSEMBLY, EDUCATIONAL or SOCIAL EVENT FACILITY

A building or portion thereof which is used for civic, educational, entertainment, governmental, political, religious or social purposes.

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal following definition which reads as follows:

CLUB

A non-profit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

Section 3. Amendment of Sections 6.2.5., 13.2.4., 13A.2.1., 13B.3.1., 13C.2.1 and 13D.3.1.

Sections 6.2.5., 13.2.4., 13A.2.1., 13B.3.1., 13C.2.1. and 13D.3.1. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

6.2.5. Arcades, bowling alleys, pool or billiard parlors

13.2.4. Arcades, bowling alleys, pool or billiard parlors

13A.2.1. Arcades, bowling alleys, pool or billiard parlors

13B.3.1. Arcades, bowling alleys, pool or billiard parlors

13C.2.1. Arcades, bowling alleys, pool or billiard parlors

13D.3.1. Arcades, bowling alleys, pool or billiard parlors

Section 4. Repeal of Sections 4.2.4. 4.2.5, 4.3.10, 13E.2.4., 13E.2.5., 13E.3.9. and 14.3.14

Sections 4.2.4. 4.2.5, 4.3.10, 13E.2.4., 13E.2.5., 13E.3.9. and 14.3.14 of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

Section 5. Amendment of Sections 9.3.4. and 14.3.5.

Section 9.3.4. and 14.3.5. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

9.3.4. Public parks and recreational areas, playgrounds and campgrounds.

14.3.5. Public parks and recreational areas and playgrounds.

Section 6. Amendment of Sections 4.3.12., 6.2.22., 9.3.3., 10.3.10., 13.3.4. 13A.3.4., 13C.3.6. and 14.3.7.

Sections 4.3.12., 6.2.22., 9.3.3., 10.3.10., 13.3.4., 13A.3.4., 13C.3.6. and 14.3.7. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to the read in their entirety as follows:

4.3.12. Assembly, Educational or Social Event Facility
6.2.22. Assembly, Educational or Social Event Facility
9.3.3. Assembly, Educational or Social Event Facility
10.3.10. Assembly, Educational or Social Event Facility
13.3.4. Assembly, Educational or Social Event Facility
13A.3.4. Assembly, Educational or Social Event Facility
13C.3.6. Assembly, Educational or Social Event Facility
14.3.7. Assembly, Educational or Social Event Facility

Section 7. Repeal of Section 17.3.

Section 17.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed and reserved for future use.

Section 8. Repeal of Section 21.9.2.

Section 21.9.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed.

Section 9. 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 10. 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:
Anthony M. Matelski
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>Under ARTICLE 4 – RESIDENTIAL DEVELOPMENT DISTRICT (D-RS)</p> <p>SECTION 4.2. PERMITTED USES</p> <p>4.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).</p> <p>4.2.2. Gardening</p> <p>4.2.3. Existing farms and agricultural uses.</p> <p>4.2.4. Public, parochial and private schools, libraries and municipal structures and uses.</p> <p>4.2.5. Churches</p> <p>4.2.6. Home occupations subject to the limitations as defined.</p> <p>4.2.7. Office or studio of a physician, dentist or other professional person residing on the premises.</p> <p>4.2.8. Essential public utility services, excluding buildings and regulator stations.</p> <p>4.2.9. <i>(reserved for future use)</i></p> <p>4.2.10. State licensed residential facilities (6 or less persons).</p> <p>4.2.11. Private storage buildings, subject to the requirements of Section 17.23 (Rev. 11/06/08, Amendment #77)</p> <p>SECTION 4.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>4.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.</p> <p>4.3.2. Nurseries and day care centers for children.</p> <p>4.3.3. Elderly housing and convalescent homes.</p> <p>4.3.4. Multi-family housing.</p> <p>4.3.5. Patio homes, townhouses, apartment buildings, condominiums.</p> <p>4.3.6. Parks, playgrounds, golf courses, and other recreational facilities.</p> <p>4.3.7. Cemeteries.</p> <p>4.3.8. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards).</p> <p>4.3.9. Private non-commercial recreation camps.</p> <p>4.3.10. Private clubs and lodges.</p> <p>4.3.11. Marinas.</p> <p>4.3.12 Assembly, Educational or Social Event Facility.</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>Under ARTICLE 6 – COMMERCIAL DEVELOPMENT DISTRICT (D-CM)</p> <p>SECTION 6.2. PERMITTED USES</p> <p>6.2.1. Any use permitted in the D-RS, Residential Development District. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.2. Automobile, boat, equipment, and farm machinery sales, repair, rental and washing establishments.</p> <p>6.2.3. Bars and taverns.</p> <p>6.2.4. Bed and Breakfast (Rev. 10/25/09, Amendment #80)</p> <p>6.2.5. <u>Arcades</u>, Bowling alleys, pool or billiard parlors and clubs.</p> <p>6.2.6. Cabinet making shops.</p> <p>6.2.7. Dance, music, voice studios.</p> <p>6.2.8. Dress making, millinery, clothing stores.</p> <p>6.2.9. Drive in eating establishments, fast food establishments, and restaurants. (Rev. 04/12/07, Amendment #67)</p> <p>6.2.10. Farm product stands.</p> <p>6.2.11. Funeral homes, undertaking establishments.</p> <p>6.2.12. Hotels, motels.</p> <p>6.2.13. Laboratories.</p> <p>6.2.14. Nurseries for flowers and plants.</p> <p>6.2.15. Offices.</p> <p>6.2.16. Parking lots, buildings and garages.</p> <p>6.2.17. Retail sales establishment, General</p> <p>6.2.18. Retail sales establishment, Household</p> <p>6.2.19. Retail sales establishment, Specialty</p> <p>6.2.20. Retail lumber yards.</p> <p>6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.22. Theaters (excluding drive in theaters). (Rev. 09/28/11, Amendment #92) <u>Assembly, Educational or Social Event Facility</u></p> <p>6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.26. Elderly housing, nursing and convalescent homes. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.28. Medical clinics and doctor’s offices. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.29. Private storage buildings, subject to the requirements of Section 17.23. Rev. 05/23/15, Amendment #127)</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>Under ARTICLE 9 – M-AF AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT</p> <p>SECTION 9.3.</p> <p>USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>9.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE (SLU) PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.</p> <p>9.3.2. Automobile repair and service and gasoline stations.</p> <p>9.3.3. Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses. <u>Assembly, Educational or Social Event Facility</u></p> <p>9.3.4. Community buildings, <u>Public parks and recreational areas, playgrounds and campgrounds.</u></p> <p>9.3.5. Entertainment and eating establishments.</p> <p>9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)</p> <p>9.3.7. Golf courses, country clubs and sportsmen’s associations or clubs.</p> <p>9.3.8. Grocery and party stores.</p> <p>9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.</p> <p>9.3.10. Slaughter houses and meat packing plants.</p> <p>9.3.11. Travel trailer courts, tenting areas and general camping grounds.</p> <p>9.3.12. Public airports and landing fields, with appurtenant facilities.</p> <p>9.3.13. Non-essential public utility and service buildings.</p> <p>9.3.14. Nursing or convalescent homes.</p> <p>9.3.15. Animal feedlots or piggeries.</p> <p>9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.</p> <p>9.3.17. Commercial kennels, pet shops, and veterinary hospitals according to Section 17.16. (Rev.11/23/09, Amendment #81)</p> <p>9.3.18. Junk yards, salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)</p> <p>9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)</p> <p>9.3.20. Contractor’s Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)</p> <p>9.3.20.1. Minimum 10 acre parcel.</p> <p>9.3.20.2. Minimum 330’ of road frontage / lot width.</p> <p>9.3.20.3. Minimum Setbacks: 100’ front; 75’ side; 100’ rear.</p> <p>9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.</p> <p>9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner’s primary residence.</p> <p>9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)</p> <p>9.3.22. Uses which are not expressly authorized in any zoning district, either by right or By special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS (Continued) 9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85) 9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev.05/25/13, Amendment #116)</p>
	<p>Under ARTICLE 10 – P-LS LAKE AND STREAM PROTECTION DISTRICT</p> <p>SECTION 10.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>10.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special land uses and ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS for instructions on applying for special land use permits.</p> <p>10.3.2. Campgrounds, camps and clubs for recreational use. (Rev. 09/20/03, Amendment #23)</p> <p>10.3.3. <i>(reserved for future use)</i></p> <p>10.3.4. Retail stores and shops.</p> <p>10.3.5. Boat liveries, marinas and launching ramps.</p> <p>10.3.6. Golf courses, driving ranges and country clubs. (Rev. 09/20/03, Amendment #23)</p> <p>10.3.7. Motels and hotels.</p> <p>10.3.8. Duplexes, multi-family and apartment buildings.</p> <p>10.3.10. Schools, libraries, churches and municipal structures. <u>Assembly, Educational or Social Event Facility.</u></p> <p>10.3.11. Housing of any animals other than pet dogs and/or cats.</p> <p>10.3.12. Use of any parcel of waterfront property as a common use area for access to the water by one (1) or more non-waterfront single family dwelling(s). (See Section 10.4.4) (Rev. 02/23/11, Amendment #90)</p> <p>10.3.13. Public access sites.</p> <p>10.3.14. Restaurant/Bar (Rev. 04/28/00, Amendment #14)</p> <p>10.3.15. Bed & Breakfasts (Rev. 05/17/06, Amendment #57)</p>
	<p>Under ARTICLE 13 – D-VC VILLAGE CENTER</p> <p>SECTION 13.2. PERMITTED USES</p> <p>13.2.1 Any use permitted in the D-RS District.</p> <p>13.2.2 Bars and taverns.</p> <p>13.2.3 Bed and Breakfasts.</p> <p>13.2.4 <u>Arcades.</u> Bowling alleys, pool or billiard parlors. and clubs.</p> <p>13.2.5 Chambers of Commerce.</p> <p>13.2.6 Day care centers.</p> <p>13.2.7 Farm product stands.</p> <p>13.2.8 Grocery and party stores.</p> <p>13.2.9 Offices</p> <p>13.2.10 Parking lots and garages.</p> <p>13.2.11 Restaurants.</p> <p>13.2.12 Retail sales establishments, General.</p> <p>13.2.13 Retail sales establishments, Household.</p> <p>13.2.14 Retail sales establishments, Specialty.</p> <p>13.2.15 Theaters, excluding drive-in theaters. (Rev. 09/28/11, Amendment #92)</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>Under ARTICLE 13 – D-VC VILLAGE CENTER (Continued) SECTION 13.3.</p> <p>USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>13.3.1 Automobile repair and washing establishments.</p> <p>13.3.2 Bus terminals.</p> <p>13.3.3 Dry cleaning and laundry establishments.</p> <p>13.3.4 Educational, municipal, and religious institutions. <u>Assembly, Educational or Social Event Facility</u></p> <p>13.3.5 Gasoline service stations and garages.</p> <p>13.3.6 Hotels and motels.</p> <p>13.3.7 Multiple-family housing.</p> <p>13.3.8 Outdoor recreation activities.</p> <p>13.3.9 Veterinary hospitals.</p> <p>13.3.10 Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p>
	<p>Under ARITCLE 13A – VC-IR VILLAGE CENTER INDIAN RIVER DISTRICT</p> <p>SECTION 13A.2.</p> <p>PERMITTED USES</p> <p>13A.2.1. Arcades, bowling alleys, pool or billiard parlors and clubs.</p> <p>13A.2.2. Artisan workshop which may include an artisan residence</p> <p>13A.2.3. Bakeries</p> <p>13A.2.4. Bars and taverns.</p> <p>13A.2.5. Bed and Breakfasts.</p> <p>13A.2.6. Day care centers.</p> <p>13A.2.7. Farm product stands, farmers markets</p> <p>13A.2.8. Grocery and party stores.</p> <p>13A.2.9. Home occupations subject to Section</p> <p>13A.2.10. Hotels and motels</p> <p>13A.2.11. Multiple-family housing</p> <p>13A.2.12. Offices</p> <p>13A.2.13. Restaurants</p> <p>13A.2.14. Retail sales establishments, General</p> <p>13A.2.15. Retail sales establishments, Household</p> <p>13A.2.16. Retail sales establishments, Specialty</p> <p>13A.2.17. Single-family, two-family dwellings.</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>Under ARTICLE 13A – VC-IR VILLAGE CENTER INDIAN RIVER DISTRICT (Cont.) SECTION 13A.3.</p> <p>USES REQUIRING SPECIAL LAND USE PERMITS.</p> <p>13A.3.1. Assisted Living Facility/Convalescent Home 13A.3.2. Automobile repair and washing establishments 13A.3.3. Dry cleaning and laundry establishments 13A.3.4. Educational, municipal, and religious institutions, private clubs <u>Assembly, Educational or Social Event Facility</u> 13A.3.5. Gasoline service stations and garages 13A.3.6. Outdoor recreation activities 13A.3.7. Veterinary hospitals 13A.3.8. Visitor Center</p>
	<p>Under ARTICLE 13B VC-IR-O VILLAGE CENTER INDIAN RIVER OVERLAY DISTRICT</p> <p>SECTION 13B.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>13B.3.1. Arcades, bowling alleys, pool or billiard parlors, and clubs. 13B.3.2. Artisan workshop which may include an artisan residence 13B.3.3. Farm product stands, farmers markets 13B.3.4. Grocery and party stores. 13B.3.5. Visitor Center</p>
	<p>Under ARTICLE 13C VC-T VILLAGE CENTER TOPINABEE DISTRICT</p> <p>SECTION 13C.2. PERMITTED USES</p> <p>13C.2.1. Arcades, bowling alleys, pool or billiard parlors, and clubs. 13C.2.2. Artisan workshop which may include an artisan residence 13C.2.3. Bakeries 13C.2.4. Bars and taverns 13C.2.5. Detached single family dwellings 13C.2.6. Farm product stands, farmers markets 13C.2.7. Grocery and party stores 13C.2.8. Home occupations subject to Section 17.21 13C.2.9. Hotels and Motels 13C.2.10. Multi-family housing 13C.2.11. Offices 13C.2.12. Restaurants 13C.2.13. Retail sales establishments, General 13C.2.14. Retail sales establishments, Household 13C.2.15. Retail sales establishments, Specialty 13C.2.16. Two family dwellings according to Section</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>Under ARTICLE 13C VC-T VILLAGE CENTER TOPINABEE DISTRICT (Cont.)</p> <p>SECTION 13C.3 USES REQUIREING SPECIAL LAND USE PERMIT</p> <p>13C.3.1. Assisted Living Facility/Convalescent Home 13C.3.2. Automobile repair and washing establishments 13C.3.3. Bed and Breakfasts 13C.3.4. Day Care Centers 13C.3.5. Dry cleaning and laundry establishments 13C.3.6. Educational, municipal, and religious institutions, private club <u>Assembly, Educational or Social Event Facility</u> 13C.3.7. Gasoline service stations and garages 13C.3.8. Outdoor recreation activities 13C.3.9. Veterinary hospitals</p> <hr/> <p>Under ARTICLE 13D VC-T VILLAGE CENTER TOPINABEE OVERLAY DISTRICT</p> <p>SECTION 13D.3. USES REQUIREING SPECIAL LAND USE PERMITS</p> <p>13D.3.1. Arcades, bowling alleys, pool or billiard parlors, and clubs. 13D.3.2. Artisan workshop which may include an artisan residence 13D.3.3. Bed and Breakfasts 13D.3.4. Grocery and party stores. 13D.3.5. Municipal uses 13D.3.6. Offices, according to Section 13D.4.2. 13D.3.7. Two Family and Multi-Family Housing, according to Section 13D.4.1.a.</p> <hr/> <p>Under ARTICLE 13E VC-T VILLAGE CENTER TOPINABEE RESIDENTIAL OVERLAY DISTRICT</p> <p>SECTION 13E.2. PERMITTED USES</p> <p>13E.2.1. Single family and two family dwellings. 13E.2.2. Gardening 13E.2.3. Existing farms and agricultural uses. 13E.2.4. Public, parochial and private schools, libraries and municipal structures and uses. 13E.2.5. Churches 13E.2.6. Home occupations subject to the limitations as defined. 13E.2.7. Office or studio of a physician, dentist or other professional person residing on the premises. 13E.2.8. Essential public utility services, excluding buildings and regulator stations. 13E.2.9. <i>(reserved for future use)</i> 13E.2.10. State licensed residential facilities (6 or less persons) 13E.2.11. Private storage buildings, subject to the requirements of Section 17.23</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Assembly Halls
	<p>Under ARTICLE 13E VC-T VILLAGE CENTER TOPINABEE RESIDENTIAL OVERLAY DISTRICT (Cont.) SECTION 13D.3. USES REQUIREING SPECIAL LAND USE PERMITS</p> <p>13E.3.1. Nurseries and day care centers for children. 13E.3.2. Elderly housing and convalescent homes. 13E.3.3. Multi-family housing. 13E.3.4. Patio homes, townhouses, apartment buildings, condominiums. 13E.3.5. Parks, playgrounds, golf courses, and other recreational facilities. 13E.3.6. Cemeteries. 13E.3.7. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards). 13E.3.8. Private non-commercial recreation camps. 13E.3.9. Private clubs and lodges. 13E.3.10. Marinas.</p>
	<p>Under ARTICLE 14 D-RC RURAL CHARACTER/COUNTRY LIVING SECTION 14.3. USES REQUIREING SPECIAL LAND USE PERMITS</p> <p>14.3.1 Automobile repair businesses. 14.3.2 Bed & Breakfasts. 14.3.3 Cemeteries. 14.3.4 Commercial greenhouses and nurseries. 14.3.5 Community buildings, Public parks and recreational areas and playgrounds. 14.3.6 Day care centers. 14.3.7 Educational, municipal, and religious institutions. <u>Assembly, Educational or Social Event Facility.</u> 14.3.8 Gas stations. 14.3.9 Golf courses, country clubs and sportsmen’s associations or clubs. 14.3.10 Grocery and party stores. 14.3.11 Multiple family housing. 14.3.12 Non-essential public utility and service buildings. 14.3.13 Nursing or convalescent homes. 14.3.14 Private and commercial clubs and lodges with activities in completely enclosed buildings. 14.3.15 Public greenhouses and nurseries. 14.3.16 Offices (Rev. 09/28/11, Amendment #92) 14.3.17 Veterinary hospitals. 14.3.18 Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p>

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March 23, 2017

Steve Schnell
Cheboygan County Planning Commission
PO Box 70
Cheboygan, MI 49721

Dear Steve:

The Village of Mackinaw City has begun working with the Northeast Michigan Council of Governments to update the Village's current Master Plan.

As required by Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, notification of the intent to update the plan is being sent to all adjacent governmental entities, public utilities, and public transportation agencies to request cooperation and comment.

ADJACENT GOVERNMENTAL UNITS: Prior to and after adoption of the Master Plan, draft and final copies of the plan will be sent to all adjacent governmental units, as defined in the Michigan Planning Enabling Act, for review and comment. The plan will be transmitted via CD or email unless the governmental unit requests a printed copy (send request for a printed copy to Denise Cline at NEMCOG at dmcline@nemcog.org).

UTILITIES & PUBLIC TRANSPORTATION AGENCIES: Utilities and public transportation agencies that would like to review the plan must request copies of the draft and final plan and may be charged for photo copies and postage. There will be no charge to utilities and public transportation agencies that choose to receive the plan on CD or via email. Please send request for draft and final plans to Denise Cline at NEMCOG at dmcline@nemcog.org.

Thank you for your cooperation and we look forward to your participation in this important project.

Sincerely,



Denise Cline
Chief Planner/Deputy Director

Regional
Cooperation
Since
1968

Alcona * Alpena * Cheboygan * Crawford * Emmet * Montmorency * Oscoda * Otsego * Presque Isle

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