



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JANUARY 3, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk  
**ABSENT:** Churchill  
**STAFF:** Scott McNeil  
**GUESTS:** Timothy Maylone, John F. Brown, Eric Boyd, Bob Lyon, Cal Gouine, Russell Crawford, Cheryl Crawford, Carl Muscott, Jane Boleen, John Moore

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES

The December 6, 2017 Planning Commission minutes were presented. Ms. Croft noted that the pledge was led by Vice Chairperson Borowicz and that Mr. Borowicz asked for public comments for the Dave Fernelius site plan review. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as amended. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

### PUBLIC HEARING AND ACTION ON REQUESTS

**Cherry Capital Connection LLC and Larry and Suzanne Barton** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 4168 Orchard Road, Benton Twp., section 14, parcel #104-014-100-001-01, and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that this is a request for a special use permit for a wireless communication facility and the property is located in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that a 57ft. tower is proposed for the lot on the corner of Ridge Run Road and Orchard Road. Mr. McNeil stated that the lot is 300ft. x 300ft. Mr. McNeil stated that the fall setback requirement will be met.

Mr. Maylone stated that this will be similar to the tower on Wartella Road that was recently approved by the Planning Commission. Mr. Maylone stated that all the special use permit requirements will be met. Mr. Maylone stated that the proposed tower will not go above the tree height and allows for a closer signal to service the areas where the tower on Wartella Road was not able to service well. Mr. Freese stated that a lot of people have a problem due to trees blocking the signal. Mr. Maylone stated that there has also an increase in demand by consumers. Mr. Maylone stated that was acceptable 2-3 years ago, but it is not acceptable today. Mr. Maylone stated that the closer they can get the service to the consumer the more capacity they can create. Mr. Maylone stated that this design is called a micro-neighborhood. Mr. Maylone explained that a micro-neighborhood has small towers that feed off of the larger towers. Mr. Freese asked if the smaller tower has to be within line of sight to the major tower. Mr. Maylone stated yes and stated that this tower will take care of Ridge Run Road and Orchard Road. Mr. Freese asked what kind of signal will be transmitted since this tower will not be above the trees. Mr. Maylone stated that although the tower does not go above the trees, the trees are behind the tower. Mr. Maylone stated that this allows for enough clearance at 60ft. Mr. Freese asked how many additional customers will be picked up at this new location. Mr. Maylone stated that there are 20 households that would be satisfied by this tower. Mr. Maylone stated that of the 20, there are 7 that are already on a frequency that goes through the trees and this promises a better service once the tower is in place. Mr. Maylone stated that they have done 3-4 of these towers in Emmet County and this design is working fairly well. Mr. Jazdyk asked what is the effective

area that can be serviced with one of these towers. Mr. Maylone stated that generally, it would cover ½ – ¾ mile. Mr. Maylone stated that a 120ft. tower would cover 3-6 miles. Mr. Freese asked how many towers does Cherry Capital Connection have in Cheboygan County currently. Mr. Maylone stated 2 in Cheboygan County. Mr. Maylone stated there are 2 near Mackinaw City that they purchased. Mr. Maylone stated that they have 2 towers proposed for Grant Township. Discussion was held. Mr. Jazdyk asked if Cherry Capital Connection's business plan includes collocation. Mr. Maylone stated that he can't say that they don't do collocation but noted that these towers are engineered and designed for rural nature. Mr. Maylone noted that this location on Orchard Road is more residential in nature than 80% of what he does which is in the middle of nowhere.

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

Mr. Kavanaugh stated that there was a letter of opposition submitted in regards to this request. Mr. Borowicz noted that the person who wrote the letter is located on Orchard Beach Road, not on Orchard Road. Mr. Freese stated that they believe the request to be a rezoning request when this is actually a request for a special use permit.

**Motion** by Mr. Freese, seconded by Mr. Jazdyk, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

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

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

Mr. McNeil stated that this overlay district is proposed to allow boat shelters over boat wells along the Cheboygan River, Indian River and the Lower Black River and any canals that extend off of these rivers. Mr. McNeil stated that it will allow construction within the 40ft. front setback. Mr. McNeil stated that there are conditions in this amendment relative to the placement of the boat shelter. Mr. McNeil stated that a public hearing was held in 2017 and the Planning Commission forwarded the amendment with a recommendation for approval to the Board of Commissioners. Mr. McNeil stated that the Board of Commissioners remanded the proposed amendment back to the Planning Commission for consideration of one provision. Mr. McNeil stated that the provision was relative to the limitation on the width of a boat shelter. Mr. McNeil stated that previously there was a limitation that the boat shelter would not exceed 20% of the lot width or 16ft. whichever is lesser. Mr. McNeil stated that it has now been changed to limit it to 16ft. which the Planning Commission found acceptable. Mr. McNeil stated that this is a zoning overlay and will allow the construction of boat shelters within the setback and also provides for all the other use approvals that are allowed in the underlying Lake and Stream Protection zoning district.

Ms. Croft asked for public comments. An audience asked how this proposed amendment will affect an existing boat shelter that has side walls. Ms. Croft stated that it doesn't affect an existing boat shelter. Public comment closed.

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

**Steven Vohs/Stanley Family Trust** - Requests site plan review for an accessory storage structure at an existing retail business (section 6.2.19). The property is located at 3927 S. Straits Hwy., Tuscarora Twp., section 24, parcel #161-024-400-573-00, and is zoned Commercial Development (D-CM).

Mr. McNeil stated that this is a request for a site plan review in a Commercial zoning district where a storage container has been placed on the site as an accessory storage structure to an existing commercial building with a retail commercial use on the site. Mr. McNeil stated that the site plan indicates that it meets all the setback requirements. Mr. McNeil stated that the existing building is non-conforming relative to front setback as well as parking that extends in to the right of way area. Mr. McNeil noted that this is an 8ft. x 40' accessory storage structure.

Mr. Vohs explained that he was told that this was an acceptable use by a commissioner and if he had known that he needed a permit he would have applied for a permit.

Ms. Croft asked for public comments. Mr. Muscott stated that he would appreciate it if this type of use was permitted at the administrative level. Mr. Muscott stated that there are no building safety issues and it meets setback requirements. Mr. Muscott stated that most jurisdictions where he has lived, the 8ft. x 20ft. storage containers are permitted if it is commercial, agriculture/forestry, rural and sometimes residential. Mr. Muscott stated that in Arizona he owned between 10-12 storage containers over the years and they are ideal or temporary secure storage. Mr. Muscott stated that this storage container is behind the building and is screened. Mr. Muscott stated noted that he was told by Mr. Schnell that an 8ft. x 20ft. storage container was not permitted. Mr. Muscott stated that this is a generally accepted use for storage and as long as it is not an eyesore he would like to see the process simplified so that an applicant does not have to go through site plan review. Public comments closed.

Mr. Freese asked Mr. McNeil why the comment was made that this is not an allowed use. Mr. McNeil stated that Mr. Muscott may be referring to a section in the ordinance that doesn't allow semi-trailers for uses such as this. Mr. Freese stated that if the container is off of the trailer it is not a semi-trailer anymore. Mr. McNeil stated that this is clearly not a semi-trailer. Mr. Vohs stated that this storage container will only be on the site for 2-3 years as he will be building a pole barn. Mr. Muscott stated that the structure was interpreted as a trailer, even though it was not on wheels and he was told it would not meet Department of Building Safety requirements. Mr. Freese stated that if a question comes up in the future, he suggests sending it to the Zoning Board of Appeals for an interpretation. Mr. McNeil stated that these types of structures meet building code depending on the type of use. Mr. McNeil stated that as the Zoning Administrator, he believes that this meets the definition of structure and is consistent with use.

**Motion** by Mr. Freese, seconded by Mr. Jazdyk, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the elevation drawing waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

The Planning Commission revised General Finding #2, "The applicant is seeking site plan review approval to add an accessory storage structure measuring 40 feet long, 8 feet wide and 9 feet high to a Retail, specialty use." The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

## **UNFINISHED BUSINESS**

### **Draft Zoning Ordinance Amendment For Planned Unit Development**

Mr. McNeil referred to section 19.2.2 of the amendment document and stated this sentence was added to allow the Planning Commission to waive the size requirement with regards to minimum lot size if deemed warranted due to site conditions or unique character. Mr. McNeil referred to section 19.2.4 and stated that if a PUD is proposed in phases it required to have phase descriptions and estimated time frames. Mr. McNeil stated that section 19.6 has been revised to include when the Planning Commission review starts. Mr. McNeil stated referred to section 19.7.3 and stated that this language has been added regarding Planning Commission waiving any standards for approval. Mr. McNeil stated referred to section 19.8 and stated that there is expanded language regarding the performance guarantee. Mr. McNeil stated that language is included regarding the type of costs that could be included in the performance guarantee and how deposits will be paid out as a project proceeds.

Mr. Freese suggested changing section 19.2.2 to "Minimum lot size for a PUD shall be five (5) acres with a minimum of 350 lineal feet measured along the front lot line. Any PUD with proposed industrial use shall contain a minimum of ten (10) acres with a minimum of 500 front feet." Mr. Freese suggested changing 19.4.2.B to 19.4.3 as there are no B footnotes in the table under section 19.4. Mr. Freese stated that 19.4.3 would then be renumbered to 19.4.4. Mr. Freese referred to the minimum lot size of 9,900sf for a single family or two family residence in the table in Section 19.4.2 and suggested reducing this number because the minimum width requirement is 70ft. which means the lot would be 70ft. wide x 141.5ft. long. Mr. Freese asked if we really need 9,900sf per dwelling for a PUD. Mr. McNeil noted that the current requirement for the Residential zoning district is 12,500sf. Mr. McNeil stated that this is something that the Planning Commission can review. Mr. Jazdyk stated that this would not be real conducive to a small home development. Mr. Freese referred to section 19.5.1 and suggested adding "The liaison representative from the Board of Commissioners shall be invited to attend this conference and present any relevant views of the Board of Commissioners." Mr. Freese referred to section 19.5.2.1.a.6 and stated that Lake and Stream Protection zoning district has been excluded and this reference to bodies of water is immaterial. Mr. McNeil stated that there may be small bodies of water that are included in that zoning district. Mr. Freese questioned if Lake and Stream Protection zoning district should or should not be excluded. Mr. Freese stated that one of the best features that could be included in a PUD is access to water. Mr. Freese stated that we could protect the water resources by giving a larger setback for any uses other

than residential. Mr. McNeil stated that we can review the Master Plan language in regards to Lake and Stream Protection.

#### **NEW BUSINESS**

##### **2018 Annual Meeting**

Mr. McNeil stated that a regular meeting date falls on the 4th of July and the Planning Commission should select another date for that first meeting in July.

**Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to maintain the existing Chairperson, Vice-Chairperson, and Secretary. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule all meetings for 2018 on the first and third Wednesday of each with the exception of the first meeting in July which will be on the second Wednesday of the month. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

Mr. Freese suggested adding mini homes to the Planning Commission's calendar.

#### **STAFF REPORT**

No comments.

#### **PLANNING COMMISSION COMMENTS**

Mr. Kavanaugh stated that in regards to Mr. Vohs request, everyone should be cautious when a property owner asks questions of the Planning Commission members.

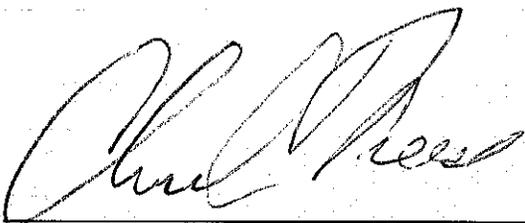
#### **PUBLIC COMMENTS**

Mr. Maylone asked the Planning Commission if they would consider allowing the Zoning Administrator to have signature authority for towers that are less than 60ft. in height so that the process will move faster. Mr. Maylone stated that these towers are less visible. Mr. Maylone stated that this lowers fees because of the administrative approval. Mr. Maylone stated that a simple process will encourage more companies to apply for a zoning permit for smaller towers. Mr. Freese stated that Planning Commission review is not required for towers up to 35ft. Mr. McNeil stated if it is placed on an existing structure and it is less than 35ft., it can be administratively approved. Mr. Maylone stated it is better to have 60ft. and below. Mr. Freese stated that this can be added to the list of items that would require an amendment to the regulation. Mr. Jazdyk stated that most of these requests are easily approved as long as they work the items through with Mr. McNeil. Mr. Kavanaugh stated that there are towers that require variances and that is worthwhile reviewing. Mr. McNeil stated if they are able to meet all the standards it may be something that can be approved administratively.

Mr. Crawford asked who enforces the zoning laws. Mr. Crawford stated that he has reported 3-4 complaints and there has not been any action. Mr. McNeil explained that administration is looking at hiring an Enforcement Officer. Mr. McNeil explained that currently there is a ½ time Enforcement Officer and himself as the Director of Planning and Zoning that are undertaking enforcement. Mr. Crawford asked if he should call Mr. McNeil. Mr. McNeil stated yes.

#### **ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:54pm.



Charles Freese  
Planning Commission Secretary