



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, NOVEMBER 20, 2019 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

SCHEDULED PUBLIC HEARING

1. TeleCAD Wireless Site Design, Inc. on behalf of Verizon Wireless and Chuck and Carol Underwood - A special use permit request for a wireless communication facility, per Section 17.13 of the Zoning Ordinance. The proposed wireless communication facility's address is 4802 Carlson Rd. The property address is 4981 Riggsville Rd., located in Inverness Twp., Section 20, Parcel # 091-020-300-002-00 and zoned Agriculture and Forestry Management (M-AF). A special use permit was approved in October 2017; however, per Section 18.12., an approved special use permit shall expire one year following approval by the Planning Commission unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit.

UNFINISHED BUSINESS

1. Continued discussion regarding proposed Zoning Ordinance Amendment #154 relative to Home Occupations, Limited Commercial Enterprises and Private Storage Buildings.

NEW BUSINESS

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



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, OCTOBER 2, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: None
STAFF: Mike Turisk
GUESTS: Eric Boyd, Carl Muscott, Cal Gouine, Bob Lyon, John Moore, Marcia Rocheleau, Charles Maziasz, Steve Warfield, Bryan Graham, John Thompson, Nini Sherwood

The Planning Commission meeting was called to order by Chairperson Croft at 7:00pm. The Zoning Board of Appeals meeting was called to order by Chairperson Freese at 7:01pm.

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. Delana, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The September 18, 2019 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Report and Continued Discussion on Cheboygan County Zoning Enforcement.

Mr. Turisk stated at a previous Planning Commission meeting that there was a discussion regarding the estimated time it would take to oversee compliance with approved conditions for six year’s worth of authorizations by the Planning Commission. Mr. Turisk noted that the total number of applications is 150 of which there are 91 that have expired, 40 that have been finalized and 19 that have been issued. Mr. Turisk referred to the spreadsheet included in the packet and stated that on the last page is the total number of hours that has been estimated for final inspections and administrative time to contact the different agencies to verify compliance. Mr. Turisk stated that the estimated time equated to 100 days or just over 3 months of staff’s time. Mr. Turisk noted that his estimated time allocated for zoning enforcement related matters is 2 hours per week. Mr. Turisk stated that this has not been tracked in the past. Mr. Turisk stated that the 2 hours per week is based on recent zoning related activities and does not include any recent court time. Mr. Turisk stated that the estimated time of 3 months shows that there is a lot of work to be done and would constitute working an 8 hour day for 3 months straight and only working on zoning enforcement. Mr. Turisk stated that we are going to try to recruit a paid intern for next building season. Mr. Turisk stated that the protocol moving forward is to have enforcement oversight as approvals are granted to stay current rather than let years of approvals build up and find ourselves in the same situation.

Mr. Delana stated that spreadsheet only addresses the time necessary to address 6 year’s worth of Planning Commission approvals and it does not address enforcement time for follow up on complaints. Mr. Kavanaugh stated that this report does not show estimated time spent on new complaints and Mr. Turisk’s time spent on enforcement and on court time. Mr. Turisk stated that it has been demonstrated that this will take a lot of man hours and resources and is unlikely to be completed by spring of 2020. Mr. Turisk stated that this will be an on-going effort with current staffing. Ms. Lyon stated that we can anticipate another 20 Planning Commission approvals that will need to be followed up on. Ms. Lyon stated that this shows that there is a need for a full time position to follow up on these approvals along with following up on the previous approvals.

Ms. Johnson stated that staff may not have enough time to put together the information that the Planning Commission is looking for before going to the Board of Commissioners. Ms. Johnson suggested forming a committee to gather this information. Ms. Johnson stated that the Board of Commissioners is in the middle of the budget negotiations and they need this information to make a decision. Ms. Lyon asked Ms. Johnson if she doesn't feel that the report included in the packet is adequate. Ms. Johnson stated no. Ms. Lyon stated that she does not agree with Ms. Johnson. Ms. Johnson stated that this is a portion of it and there is more to it. Mr. Kavanaugh asked how difficult it will be to come up with the number of pending complaints and court cases. Mr. Turisk stated it should be comparatively easy to get this information. Mr. Turisk stated that it has been suggested to him that the Board of Commissioners has received enough information and there wouldn't be a need for another presentation. Ms. Lyon asked if they have reviewed the spreadsheet that the Planning Commission is reviewing tonight. Mr. Turisk stated that administration has been in continuous discussion with the Board of Commissioners regarding this issue. Ms. Johnson stated that the Planning Commission has no idea what information has been presented to the Board of Commissioners. Ms. Johnson stated that she does not know that the Planning Commission's interests are being protected. Ms. Johnson asked how a paid intern will help with zoning enforcement. Ms. Johnson stated that the intern will be here to learn and to be trained and not to be sent off to handle zoning enforcement. Mr. Turisk stated it was recently indicated to him that this is a likely first step. Mr. Turisk stated that the Board of Commissioners is aware of this situation since it first became a topic of conversation. Mr. Turisk stated that perhaps administration should be included in a future discussion to provide clarification for the Planning Commission. Mr. Turisk stated that administration could provide the scope of the discussions with the Board of Commissioners. Ms. Johnson stated that if staff believes there is enough information, the Planning Commission should write another letter with the information that they believe should be brought to the Board of Commissioners. Ms. Johnson does not know what information was brought to the Board of Commissioners. Mr. Delana asked if the annual report was presented to the Board of Commissioners. Mr. Turisk stated yes it was presented. Mr. Turisk noted that staff is indifferent regarding this issue. Mr. Turisk stated that yes he would like additional staff as there is plenty of work. Mr. Turisk stated he is not biased and that he doesn't have a horse in this race. Mr. Freese asked what will be the scope of work for the intern. Mr. Turisk stated the intern will have to obtain the first level of certification for the Soil Erosion and Sedimentation Program to be able to perform repeat inspections. Mr. Turisk stated this would free up Mr. Peltier to focus on zoning enforcement. Mr. Freese questioned how much of the summer will be taken up with the intern taking an exam and being trained to perform the inspections. Mr. Turisk stated he discussed this with the County Administrator and the recruit process will begin fairly soon by contacting universities and colleges to see if there is anyone with a background and interest in this intern position. Mr. Freese asked Mr. Turisk how he can say that he doesn't have a horse in this race if we can't stay on top of enforcement. Mr. Turisk stated that resources to address the last six years of Planning Commission approvals will be significant. Mr. Turisk stated that it can be done with current staff and the proposed intern. Mr. Turisk stated that he would like additional staff but it is up to the Board of Commissioners to decide whether an additional full time position is necessary. Mr. Turisk stated he will make do with whatever resources he is provided. Discussion was held. Mr. Turisk stated that he shared all of the data and spreadsheets with the County Administrator and he recognizes that this needs attention. Mr. Turisk stated that the County Administrator is conveying this information to the Board of Commissioners. Mr. Turisk stated that there has been recognition from the County Administrator that additional help is needed and the first step is recruitment of an intern. Ms. Johnson stated that this should be presented to the Board of Commissioners from a Planning Commission standpoint and not from staff or administration standpoint as they may look at things differently than the Planning Commission.

Mr. Graham stated that there was a recent court case that lasted four hours due to requirements that the Planning Commission imposed being imbedded throughout the findings of fact. Mr. Graham stated this is problematic and causes confusion to the court. Mr. Graham stated that if there is a requirement that it be in the list of conditions. Mr. Graham read from section 21.9.1.A, "Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits....". Mr. Graham stated this is in essence a civil infraction. Mr. Graham stated it is a much more efficient court process to present a decision that shows that the special use permit was approved and a list of conditions that were imposed. Mr. Graham stated that in this court case the applicant did not comply with a condition imposed by the Planning Commission. Mr. Graham stated that he can supply a form that will help with this in the future. Mr. Graham stated do not include the conditions or requirements in the findings of fact. Mr. Graham stated that findings of fact are intended to establish whether or not the standards have been met. Discussion was held.

NEW BUSINESS

Presentation by Bryan E. Graham from Young, Graham & Wendling, P.C. regarding non-conforming uses and structures and the Michigan Regulation and Taxation of Marihuana Act.

Mr. Graham gave a presentation on Nonconformities and Recreation Marihuana (Copy of presentation attached. See Attachment A).

STAFF REPORT

Mr. Turisk stated that the Recreational Plan and Capital Improvement Plan would be reviewed and updated in the near future.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott presented information on the Emmet County staff, which has the same number as Cheboygan County staff and he feels that it is just a matter of proper utilization of resources at hand in accomplishing the mission.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:47pm.

Charles Freese
Planning Commission Secretary

DRAFT

**CHEBOYGAN COUNTY
PLANNING COMMISSION
and
ZBA**

Nonconformities and Recreation Marihuana

- I. Nonconformities.
 - A. Types: Nonconforming uses, nonconforming structures, nonconforming lots – and any combinations.
 - B. Creation: The use, structure, or lot was lawfully established prior to the enactment of the zoning regulation with which it does not currently meet.
 - C. Right to Continued Use: Once established, the property owner has a vested right to continue use of the nonconformity, but only to the same nature and scope of the nonconformity as it existed when it was created. In other words, the property where does not have the right to change the nature of the nonconformity and does not have the right to change the scope of the nonconformity.
 - D. Abandonment: Under Michigan law the nonconformity is legally abandoned only with the passage of time as specified in the zoning ordinance AND an intent by the property owner to abandon that nonconformity.
 - E. Alterations, Additions, Repairs, and Replacement.
 1. It is the general policy of state law for the gradual elimination of nonconformities, so that development can proceed under the terms and conditions of the zoning ordinance.
 2. Section 208(4) of the zoning enabling act, MCL 125.3208(4), provides:

The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.
 3. Section 208(2) of the zoning enabling act, MCL 125.3208(2), provides:

The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

4. Article 22 of the Cheboygan County Zoning Ordinance specifies the regulations of nonconformities.
 - a. One of the most restrictive nonconforming regulations we deal with.
 - b. Does not recognize classes of nonconformities.
5. See sample nonconformities article.

II. Medical Marihuana Act, MCL 333.26421, *et seq.*

- A. Qualifying Patients.
- B. Primary Caregivers.
- C. New ZO regulations authorizing this new land use. (See Section 17.25 of the zoning ordinance.)
- D. Michigan Supreme Court case pending that will clarify extent of zoning regulations under the MMA.

III. Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*

- A. Requires state licence to operate a marihuana facility.
- B. Definitions of five (5) different facilities.
 1. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

2. "Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
3. "Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
4. "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
5. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

C. Local Control.

1. Cannot operate a facility unless municipality (township, city, village – not the county) adopts an ordinance that authorizes that type of facility.
2. Any such ordinance cannot regulate the purity or price of the marihuana and cannot conflict with the state statute.
3. If a municipality authorizes a medical marihuana facility, then that becomes a new land use for zoning purposes.
 - a. Section 205(4) of the MMFLA, MCL 333.27205(4), provides:

Information a municipality obtains from an applicant under this section is exempt from disclosure under

the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

b. This provision evidences a legislative intent to keep the information confidential.

c. Section 205(1) of the MMFLA provides:

A municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of marihuana or interfering or conflicting with this act or rules for licensing marihuana facilities.

d. Definition of municipality does not include the county. Therefore, does the county have the right to impose zoning regulations? An open question.

e. As a result, it has been my advice to out township and village clients that zoning authorize the land use as a use by right and not by special use permit, which requires a public hearing before the planning commission.

f. To the extent the county desires to impose zoning regulations, it should coordinate the regulations for this land use with the local municipality. In addition, local regulations cannot be in conflict with the statute and with the administrative rules.

D. Fee.

1. Municipal ordinance may establish an annual, nonrefundable fee of not more than \$5,000.00 to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality.

2. Limits under *Bolt*.

IV. Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 (Recreational Marihuana Statute)

A. Requires state licence to operate a marihuana establishment.

B. Definitions of six (6) different establishments.

1. "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
2. "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
3. "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
4. "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
5. "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
6. "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

C. Local control.

1. Can operate an establishment with a state license, **unless** municipality enacts an ordinance that completely prohibits or limits the number of marihuana establishments within its boundaries.
2. Regardless of municipality's action, an individual may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within the municipality or to completely prohibit marihuana establishments within the municipality. (Goes both ways.)
 - a. Petition must be signed qualified electors greater than 5% of the votes cast for governor at the last gubernatorial election.

b. If petition requirements met, then initiated ordinance must be submitted to electors at the next regular election. (There are certain filing deadlines under the election law that must be met.)

3. Zoning implications.

a. Section 9.7 of the Act, MCL 333.27959.7, provides:

Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

b. Act does not mention zoning at all. Unlike the MMFLA, that in Section 205(1) provides: "A municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of marihuana or interfering or conflicting with this act or rules for licensing marihuana facilities."

D. Fee.

1. Municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.

2. Limits under *Bolt*.

ARTICLE 22. - NON-CONFORMING USES, STRUCTURES

SECTION 22.1. Lawful non-conforming uses or structures in existence or under construction at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, addition or alteration is in conformity with the provisions of this ordinance.

SECTION 22.2. If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.

SECTION 22.3. If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of the land and structure shall be in conformity with this ordinance.

SECTION 22.4. If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

SECTION 22.5. Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.

SECTION 22.6. Nothing in this ordinance shall prevent the strengthening of a lawful, non-conforming building or structure, or point thereof, which has been declared unsafe by the Zoning Administrator, building official or public health inspector, nor the requirement to adhere to the lawful orders of such individuals.

SECTION 22.7. No lot or lots, nor yard, court, parking space or any other space shall be so divided, altered or reduced as to provide less than the minimum allowable area and dimensions set forth in this ordinance. If such areas are already less than the minimum allowable area or dimensions set forth in this ordinance, they shall not be divided, altered or reduced further.

SECTION 22.8. (Rev. 04/26/08, Amendment #73)

Any nonconforming lot of record may be used for any purpose authorized within the zoning district in which it is located. Any structure or building constructed on the nonconforming lot of record shall meet all applicable setback and other dimensional regulations of the zoning district, unless a variance is obtained from the Zoning Board of Appeals pursuant to the procedures and standards of this Ordinance.

ARTICLE VI
NONCONFORMING USES, BUILDINGS, STRUCTURES, AND LOTS

Section 6.1 – Purpose

Nonconformities are uses, buildings, structures, and lots that do not conform to one or more of the requirements of this Ordinance, or any subsequent amendment, which were lawfully established prior to the effective date of this Ordinance, or any subsequent amendment. The purpose of this Article is to specify the terms and conditions under which a nonconformity is permitted to continue to exist. A nonconformity shall not be permitted to continue to exist if it was unlawful at the time it was established. To that end nonconforming uses, buildings, and structures shall be placed into two classifications, a Class A nonconformity and a Class B nonconformity. The purpose of this Article is to eliminate Class B nonconformities over a period of time, while permitting Class A nonconformities to be used, repaired, replaced, and enlarged under less stringent regulations.

Section 6.2 – Nonconforming Use Permitted; Completion of Nonconforming Buildings or Structures

- A. If a nonconforming building or structure, a building that contains a nonconforming use, or a nonconforming use of land was lawful at the time of enactment of this Ordinance, or any subsequent amendment, then that nonconformity may be continued although it does not conform to the provisions of this Ordinance, or any subsequent amendment, under the terms and conditions of this Article.
- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of a building or structure on which substantial construction has been lawfully begun prior to the effective date of this Ordinance, or any subsequent amendment.

Section 6.3 – Classification of Nonconformities

- A. All nonconforming uses, buildings, and structures shall be designated either a Class A nonconformity or a Class B nonconformity. Unless designated a Class A nonconformity under subsection B, the nonconforming use, building, or structure shall be deemed a Class B nonconformity. If a Class B nonconformity is damaged or destroyed, the property owner may seek a Class A designation under subsection B after such damage or destruction. The Class B nonconformity shall then be judged for the Class A designation on the nonconformity as it existed prior to the damage or destruction.

- B. A property owner who desires that his or her property be designated a Class A nonconformity shall file an application with the Zoning Administrator requesting the designation. The application shall include the names and addresses of all people and legal entities with an interest in the property, the legal description of the property, the facts that establish the standards for approving a Class A designation have been met, and the fee as provided in Section XXXXX of this Ordinance. After the Zoning Administrator receives a completed application, he or she shall forward the application to the Planning Commission for consideration. The Planning Commission shall then hold at least one (1) public hearing on the application. The notice of the public hearing shall be the same as for a special use permit before the Planning Commission. The Planning Commission's decision whether to grant the Class A designation shall be based on written findings of fact made pursuant to the standards contained in subsection C. The Planning Commission may attach reasonable conditions to the Class A designation to assure compatibility of the nonconforming use, building, or structure with surrounding property uses. The property owner shall receive no vested interest or rights in the Class A designation, since that designation may be revoked by the Planning Commission under subsection D.
- C. The Planning Commission shall grant a Class A designation for a nonconforming use, building, or structure if it finds that all of the following standards are met:
1. The nonconforming use, building, or structure was lawful at the time of its inception.
 2. The continuation of the nonconforming use, building, or structure will not significantly and adversely affect surrounding properties and will not significantly depress property values in the immediate area.
 3. If the nonconforming structure is a sign, the nonconformity is due to dimensional regulations other than the limitation on the area of the sign surface or the limitation on the height of the sign.
 4. The nonconforming use, building, or structure does not significantly and adversely impact on steep slopes as regulated in Section XXX of this Ordinance, is not located within the greenbelt required by Section XXX of this Ordinance (except as otherwise permitted by Section XXX), and is not located within a wetland regulated by the State of Michigan or as regulated in Section XXX of this Ordinance.
 5. The nonconforming use, building, or structure is of economic benefit to the Village.
- D. Upon the filing of a request by the Zoning Administrator or by the Planning Commission's own action, a Class A designation shall be revoked by the

Planning Commission following the same procedures required for the initial designation upon a finding that as a result of any change of conditions or circumstances the standards for the Class A designation under subsection C no longer qualify the nonconforming use, building, or structure for the Class A designation.

Section 6.4 – Regulations concerning Class A Nonconformities

The following regulations shall apply to all Class A nonconforming uses, buildings, and structures:

- A. Normal maintenance and incidental repairs, including repair or replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed on any nonconforming building or structure or on any building containing a nonconforming use.
- B. A nonconforming building or structure or a building that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition.
- C. If a nonconforming building or structure (including a nonconforming sign) or a building that contains a nonconforming use is damaged or destroyed by any means or is removed by the property owner, then such nonconforming building or structure may be restored, rebuilt, or repaired to its original configuration and on its original foundation.
- D. A nonconforming building or structure or a building that contains a nonconforming use may be enlarged or altered in any way, provided such enlargement or alteration does not increase the degree or extent of any nonconformity on both the horizontal and vertical planes.
- E. A nonconforming use shall not be extended to any portion of the lot that was not lawfully occupied by such nonconforming use on the effective date of this Ordinance, or any subsequent amendments, creating such nonconformity, unless in complete conformity with the requirements of this Ordinance. However, a nonconforming use may be extended throughout any part of a building, which was designed for such use, and which existed at the time the use became nonconforming.
- F. A Class A nonconforming use, building, or structure may be replaced by another Class A nonconforming use, building, or structure if the Planning Commission finds, following the procedures of Section 6.3.B, that the new nonconforming use, building, or structure qualifies for a Class A designation and that the new

nonconforming use, building, or structure will not increase the extent or intensity of the nonconformity on the property.

Section 6.5 – Regulations concerning Class B Nonconformities

The following regulations shall apply to all Class B nonconforming uses, buildings, and structures:

- A. Normal maintenance and incidental repairs, including repair or replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed on any nonconforming building or structure or on any building containing a nonconforming use.
- B. A nonconforming building or structure or a building that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition.
- C. If a nonconforming building or structure (other than a nonconforming sign) or a building that contains a nonconforming use is damaged or destroyed by any means or any portion of the building or structure is removed by the owner to the extent that the cost of necessary repairs or reconstruction will exceed forty percent (40%) of the replacement cost of the entire nonconforming building or structure before the damage, destruction, or removal of any portion thereof, as determined by a qualified appraiser, then such nonconforming building or structure or building that contains a nonconforming use shall only be repaired, remodeled, or reconstructed in complete conformity with the provisions of this Ordinance, unless the cost of such repair, remodeling, or reconstruction exceeds 150% of the replacement cost of the entire nonconforming building or structure before any damage, destruction, or removal as determined by a qualified appraiser. If the cost of any repair, remodeling, or reconstruction exceeds 150% of the replacement cost of the entire nonconforming building or structure as specified above, then the Zoning Administrator shall require the nonconforming building or structure or building that contains a nonconforming use to be repaired, remodeled, or reconstructed in such a manner or in such location as to maximize conformity with the provisions of this Ordinance without exceeding the 150% limitation specified above.
- D. If a nonconforming sign is damaged or destroyed by any means or is removed by the owner to the extent that the cost of necessary repairs will exceed twenty percent (20%) of the replacement cost of the sign, then such nonconforming sign shall only be repaired or reconstructed in complete conformity with the provisions of this Ordinance.

- E. Except for repairs or maintenance authorized under subsections A and B above, a nonconforming building or structure or a building that contains a nonconforming use shall not be enlarged or altered, unless such enlargement or alteration is in complete conformity with the requirements of this Ordinance.
- F. A nonconforming use shall not be extended to any portion of the lot or extended throughout any part of a building in which it is located that was not lawfully occupied by such nonconforming use on the effective date of this Ordinance, or any subsequent amendments, creating such nonconformity, unless such extension is in complete conformity with the requirements of this Ordinance.
- G. A Class B nonconforming use, building, or structure may not be replaced by another Class B nonconforming use, building, or structure. However, a Class B nonconforming use, building, or structure may be replaced with a Class A nonconforming use, building, or structure if the Planning Commission finds, following the procedures of Section 6.3.B, that the new nonconforming use, building, or structure qualifies for a Class A designation and that the new nonconforming use, building, or structure will not increase the extent or intensity of the nonconformity on the property.

Section 6.6 – Change of Nonconforming Use, Building, or Structure

If a nonconforming use, building, or structure is changed to a more conforming use, building, or structure or is replaced by a conforming use, building, or structure, the nonconforming use, building, or structure shall not revert to its original nonconforming status.

Section 6.7 – Nonconforming Lots of Record

The following regulations shall apply to all nonconforming lots of record:

- A. Except as provided in subsection B below, any lot which does not meet the dimensional requirements of the district in which it is located may be used for any purpose authorized within that district. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
- B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

Section 6.8 – Abandonment of a Nonconforming Use, Building, or Structure

If a property owner has an intent to abandon a nonconforming use, building, or structure and in fact abandons this nonconforming use, building, or structure for a period of one (1) year or more, then any subsequent use of the building, structure or property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use, building, or structure, the Zoning Administrator shall consider the following factors:

- A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.
- D. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use, building, or structure.



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, OCTOBER 16, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: Bartlett
STAFF: Mike Turisk, Jen Merk
GUESTS: Eric Boyd, Bob Lyon, Carl Muscott, Cal Gouine, Russell Crawford, Cheryl Crawford, Marcia Rocheleau, John Moore, Vince Rogala

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 Ms. Johnson, to approve the agenda as presented. Motion carried. 8 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Bartlett)

APPROVAL OF MINUTES

The October 2, 2019 Planning Commission minutes were presented. Ms. Johnson stated that she would like to see more of the discussion regarding zoning enforcement under Unfinished Business included in the minutes. **Motion** by Ms. Johnson, seconded by Mr. Kavanaugh, to not approve the meeting minutes and to have the section with Unfinished Business regarding zoning enforcement amended. Motion carried. 8 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Bartlett)

PUBLIC HEARING AND ACTION ON REQUESTS

Mackinaw Mill Creek Campground/FCVE, LLC – Requests an Amendment of a Special Use Permit per Sections 18.11 (Amendment of a Special Use Permit) and 9.3.4 (Public parks and recreational areas, playgrounds and campgrounds) of the Zoning Ordinance for construction of a restroom and shower building. The property is located at 9982 W. US-23 Hwy., Mackinaw Township, section 21, parcel # 011-021-300-003-00 and is zoned Agriculture and Forestry Management (M-AF).

Ms. Merk reviewed the background information contained in the staff report.

Ms. Johnson stated that this site plan is missing items that are required in the Zoning Ordinance. Ms. Johnson stated that the Planning Commission has thrown out site plans that are more detailed than this site plan and asked for the applicant to come back with a site plan that is more in line with the requirements. Ms. Johnson stated that the Building Department will require more information than what is on the site plan. Ms. Johnson does not believe that the site plan is sufficient. Mr. Kavanaugh stated that even though the ordinance requires a scaled site plan, the Planning Commission has not required it as it can be expensive. Mr. Borowicz stated that it depends on the size of the parcel. Mr. Borowicz stated the Planning Commission may want a plan that is more exact for a one acre parcel. Mr. Borowicz stated that this site is 36 acres and a scaled drawing is not necessary. Discussion was held.

Mr. Freese stated that Bryan Graham has advised that the applicant is required to comply with what is on the site plan and that discussions during the meeting are only discussions. Mr. Freese stated that the applicant must comply with the motion and any conditions that are placed on the approval. Mr. Freese stated that a scaled drawing is not necessary for this request, but stated that the point at which the Planning Commission should require a scaled drawing is still open to question. Mr. Freese stated that the Planning Commission has approved site plans subject to additional information being added at a later date. Mr. Freese stated that this can be done if there is enforcement to ensure the additional information is submitted at a later date. Mr. Freese stated that including in the minutes the conversations where an applicant agreed to certain items will

not necessarily be sufficient to stand up in court. Mr. Freese stated that the Planning Commission has to be more careful on the conditions when approving a site plan.

Mr. Turisk stated that staff has drafted an acceptance of conditions form that will convey the specific conditions that were approved by the Planning Commission. Mr. Turisk stated that the applicant will receive a copy of the form and will have to sign the form as an acknowledgement of the conditions.

Mr. Turisk stated that a scaled drawing is required in the ordinance and we have been flexible with this requirement. Mr. Turisk stated that if that is a requirement it should be left in the ordinance, but the ordinance should be amended if we are going to exercise flexibility and not require it for all site plans. Mr. Turisk asked the Planning Commission to help staff formulate clear guidelines as to when they would want a better standard for a site plan. Discussion was held. Mr. Freese explained that the only thing that will stand up in court is the Planning Commission's approval with conditions. Mr. Freese stated that the acceptance of conditions form that the applicant will sign will ensure that the applicant is aware of the conditions and acknowledges the conditions.

Ms. Croft asked for public comments. No public comments. Public comment closed.

Motion by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the waiver for the sealed plan requirement and the topography requirements. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 1 Nay (Johnson), 1 Absent (Bartlett)

The Planning Commission reviewed and approved the General Findings, 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. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions:

1. Department of Building Safety requirements be met
2. District Health Department #4 requirements be met
3. Environment, Great Lakes & Energy requirements be met

Motion carried. 8 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Bartlett)

UNFINISHED BUSINESS

Zoning Ordinance Amendment #154 - A Proposed Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Home Occupations and Private Storage Buildings.

Mr. Turisk stated that at the September 18, 2019 meeting, the Planning Commission directed staff to draft a new definition that would make a distinction between standard home occupations and a business activity in private storage. Mr. Turisk stated that staff worked with legal counsel on the definition of limited commercial enterprise that would make this distinction.

Mr. Turisk stated that some Planning Commission members have stated concerns regarding permitting bathroom facilities in private storage buildings. Mr. Turisk reviewed language that would restrict shower and bathtub facilities in private storage, but would allow toilets, vanities and wash basins. Mr. Turisk stated that the rationale behind these restrictions is to preclude these structures from becoming dwelling units.

Mr. Kavanaugh stated that these restrictions regarding toilets, vanities and wash basins for private storage are reasonable and can be revised if it does not work. Mr. Kavanaugh stated his concerns regarding outside storage and hours of operation for a limited commercial enterprise. Mr. Kavanaugh stated that if the workshop is next to a home, the property owner looks at it differently than if it is located on another parcel. Mr. Kavanaugh stated that the stand-alone buildings are a concern.

Mr. Delana stated that he does not agree with Mr. Kavanaugh and that we do not want to have to list plumbing fixtures. Mr. Delana stated the objective is to prevent these buildings from becoming dwellings and the regulation should so state along with the applicable standards.

Mr. Turisk stated that the scope of the commercial or non-residential use in a storage building would be limited by the current standards or restrictions on home occupations as currently adopted so as not to compromise quality of life for neighboring residents and the neighborhood character. Mr. Turisk stated that a contractor's office would be allowed, but a

contractor's yard would be prohibited. Mr. Turisk stated that as currently proposed, we would not permit on site retail or wholesale sales as this is non-residential commercial use that would be prohibited. Mr. Turisk noted that currently home occupations are allowed in accessory buildings.

Mr. Freese stated the proposed limited commercial enterprise will have the same restrictions as a home occupation. Mr. Freese stated that there would be no difference whether it is attached or accessory to the home or remote from the home. Mr. Freese stated that this is an issue of enforcement. Discussion was held regarding staff making the determination of whether a use conforms with the definition of a limited commercial enterprise which could be administratively approved similar to a home occupation or whether Planning Commission review will be required. Mr. Turisk stated that if the proposed use falls outside the criteria allowed for a home occupation, then the next step would be to apply for site plan review or a special use permit. Mr. Turisk stated that staff does have authority to condition home occupation permits. Mr. Freese reviewed the definition of family and stated his concerns regarding the number of family members associated with a limited commercial enterprise.

Mr. Turisk asked if the Planning Commission agrees to move forward with the proposed restrictions limiting the scope of bathroom facilities. Mr. Kavanaugh would like to see it restricted because we do not have great enforcement. Mr. Freese stated that this is allowing a person to work in a location and not have to go to another location to wash their hands. Mr. Freese stated that he does not have a problem with this being allowed. Mr. Turisk asked if there should be a limit to the number of people involved in the limited commercial enterprise. Mr. Freese stated that a home occupation allows one outside employee and this would be acceptable. Mr. Freese suggested using the home occupation conditions for the new definition of limited commercial enterprise. Mr. Freese stated that if this new use is not an extension of a home occupation, then all of the conditions should be included for the new use of limited commercial enterprise. Mr. Kavanaugh agreed with Mr. Freese.

NEW BUSINESS

2020-25 Capital Improvement Program

Mr. Turisk stated that the Capital Improvement Program is a budgeting tool used for planning the County's capital expenditures. Mr. Turisk stated that it is intended to help facilitate and enhance coordination efforts so that the Capital Improvement Program aligns with the 2014 adopted Master Plan. Mr. Turisk stated that some projects in the Capital Improvement Program were discussed last year. Mr. Turisk stated that the Capital Improvement Program seeks capital expenditures out to a 4-6 year time frame or longer in some cases. Mr. Turisk stated that the Planning Commission must identify projects that are deemed needed and projects that are desired. Mr. Turisk stated that all projects are currently categorized as needed. Mr. Turisk stated that representatives from Cheboygan County Road Commission and from the Cheboygan County Airport are attending this meeting to answer any questions the Planning Commission may have tonight.

Mr. Borowicz stated that the Planning Commission does not have the ability to judge which road projects are necessary and they have to take Mr. Shank's word for what is necessary. Mr. Turisk stated that this is not to decide which projects should or should not be funded. Mr. Turisk stated that this is to make sure the Planning Commission is aware of these projects. Ms. Johnson stated that the Planning Commission is supposed to compare the Capital Improvement Program to the Master Plan to see if they coordinate and to make a recommendation to the Board of Commissioners. Ms. Johnson does not believe there is enough information provided to make a recommendation. Mr. Borowicz stated that this document does not show that there are any significant capital outlays and the county does not have enough money to take on additional projects. Mr. Borowicz stated his concerns regarding spending time on this Capital Improvement Program. Mr. Borowicz noted that the Capital Improvement Program complies with the Master Plan. Mr. Borowicz stated that we do not know what sources of funding is available for these projects. Ms. Johnson stated the sources of funding are not included in the document and this can be a useful document if done properly. Ms. Johnson stated that this is not being done properly and it is being done just to meet the state requirement. Mr. Freese stated that anything included in the Capital Improvement Program would fit into the Master Plan because of its general document. Mr. Freese stated that this document is basically composed of the Road Commission requirements, Airport requirements and County Building requirements. Mr. Borowicz stated there is nothing in the Capital Improvement Program that affects the Master Plan one way or the other. Mr. Freese agreed with Mr. Borowicz. Ms. Johnson stated that the Capital Improvement Program did not mean anything when she sat on the Board of Commissioners but questioned if the Planning Commission should go in a direction to make it a viable document. Ms. Lyon stated that she looks at this an informational document that tells her what is planned and if she doesn't agree with what is planned it gives her an opportunity to ask questions and voice her concerns. Ms. Lyon stated that this is a tool that the State requires letting the rest of the County know what is planned. Mr. Borowicz agreed with Ms. Lyon. Mr. Delana stated that there are no new improvements proposed in the Capital Improvement Program. Mr. Delana stated that there are a lot of maintenance projects included in the Capital Improvement Program. Mr. Delana stated the Planning Commission could offer input on prioritizing if there were new parks, roads, libraries or schools proposed. Discussion was held. **Motion** by Mr. Freese, seconded by Mr.

Kavanaugh, to accept the Capital Improvement Program and forward to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Bartlett)

STAFF REPORT WITH UPDATE ON MASTER PLAN

Mr. Turisk stated that there is a planning workshop educational opportunity on October 30, 2019 at 4:30pm at the Charlevoix Public Library. Mr. Turisk stated that one of the agenda items is short term rentals. Mr. Turisk stated that this workshop provides 4 credits towards maintaining Master Citizen Planner accreditation.

PLANNING COMMISSION COMMENTS

Ms. Johnson stated that the proposed findings of fact should show both options of "standard has been met" and "standard has not been met." Ms. Johnson thanked Ms. Merk for including the comments regarding the Master Plan in the Findings of Fact. Mr. Turisk stated that he will be talking to legal counsel regarding revising the Findings of Fact to encourage clarity. Ms. Croft stated that in the past, staff provided findings of fact that met the standard and findings of fact that did not meet the standard. Mr. Freese stated he held a training exercise with the Zoning Board of Appeals regarding the General Findings and findings of fact. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that when applying for a zoning permit, a private storage affidavit is required to be signed saying that it would be for the owner's private storage and not shared with someone else or renting out space in the building. Mr. Muscott stated that the people he has talked to in the past 3-4 years that constructed private storage buildings are sharing the storage space with friends and neighbors or renting it out as a commercial operation. Mr. Muscott stated that if these buildings are allowed to be used for a limited commercial enterprise, there will be storage buildings all over the county that will be competing with commercial landlords. Mr. Muscott stated his concerns regarding proposed limited commercial enterprise affecting lakefront property values.

Ms. Rocheleau stated that she agrees with Ms. Johnson regarding the Capital Improvement Program being informative, but she would also like to see the funding source since grant programs can be a significant source of funding along with state and federal funding sources.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:56 pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

TeleCAD on behalf of Verizon Wireless – **Updated 11/19/19**

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Special Use Permit Application (6 Pages)
4. Warranty Deed (2 Pages)
5. Letter Dated 08/12/17 From Keith J. Tindall, Sabre Industries, to John Beasley, Verizon Wireless (1 Page)
6. Letter Dated 10/19/17 From Douglas Weber, Verizon Wireless, to Scott McNeil (1 Page)
7. Letter Dated 11/02/17 From Scott McNeil to Daniel Smith, Telecad (1 Page)
8. Closest Tower Location Map (1 Page)
9. Propagation Maps; September 2017 (3 Pages)
 - 9.a. Cover Page
 - 9.b. Current Frequency Map
 - 9.c. New Frequency Map
10. Title Sheet, T1 (1 Page) – **Updated 11/19/19**
11. Survey Plan, S1 (1 Page) – **Updated 11/19/19**
12. Survey Plan, S2 (1 Page) – **Updated 11/19/19**
13. Overall Site Layout Plan, Z1 (1 Page) – **Updated 11/19/19**
14. Equipment Layout Plan, Z2 (1 Page) – **Updated 11/19/19**
15. Site Details, Z3 (1 Page) – **Updated 11/19/19**
16. Fence Details, Z4 (1 Page) – **Updated 11/19/19**
17. Area Map, Z5 (1 Page) – **Updated 11/19/19**
18. Mailing List (2 Pages)
19. Approved Cheboygan County Planning Commission Meeting Minutes dated October 18, 2017 with Public Hearing for Telecad Wireless Site Design Inc. (4 Pages)
20. Email dated 11/06/19 from Brent Shank, Cheboygan County Road Commission (1 Page)
21. Staff Report (5 Pages) – **Updated 11/19/19**
- 22.
- 23.
- 24.

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

PROPERTY LOCATION

<i>Address</i> 4802 Carlson Road	<i>City / Village</i> Cheboygan	<i>Twp / Sec.</i> Inverness/20	<i>Zoning District</i> M-A-F
<i>Property Tax I.D. Number</i> 091-020-300-002-00	<i>Plat or Condo Name / Lot or Unit No.</i>		

APPLICANT

<i>Name</i> Telecad on behalf of Verizon Wireless	<i>Telephone</i> 248-217-0989	<i>Fax</i> 423-843-9509
<i>Address</i> 1961 Northpoint Blvd., St 130	<i>City, State & Zip</i> Hixson, TN 37343	<i>E-Mail</i> amy.rodriquez@telecadsiteacq.com

OWNER (If different from applicant)

<i>Name</i> Chuck and Carol Underwood	<i>Telephone</i> 248-625-0699	<i>Fax</i>
<i>Address</i> 5893 Claypool,	<i>City, State & Zip</i> Davisburg, MI 48350	<i>E-Mail</i> underwoodcarol@gmail.com

PROPOSED WORK

<i>Type (check all that apply)</i>	<i>Building/Sign Information</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>New Cell Tower Facility</u>	Overall Length: _____ feet Overall Width: _____ feet Floor Area: _____ 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 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: <u>Cell Tower</u>			

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

If YES, date of approval: 10-18-2017 Approved Use: Wireless communication facility

Directions to site:	3 h 49 min (268 miles) via I-75 N Fastest route, the usual traffic 24242 Northwestern Hwy Southfield, MI 48075 Get on M-10 N 2 min (0.9 mi) Head northwest on Northwestern Hwy toward Lee Baker Dr 0.7 mi Use the left lane to take the ramp onto M-10 N 0.2 mi Drive from US-23 N and I-75 N to Munro Township. Take exit 322 from I-75 N 3 h 42 min (265 mi) Merge onto M-10 N 2.4 mi Use the left 2 lanes to take exit 18C for Interstate 696 W toward Lansing 0.5 mi Merge onto I-696 W 8.2 mi Merge onto I-96 W 15.4 mi Take the exit toward US-23 N 0.1 mi Keep right at the fork to continue on Exit 148B, follow signs for US-23 N/Flint and merge onto US-23 N 31.1 mi Merge onto I-75 N 207 mi Take exit 322 toward Cheboygan/Peliston/County Rd 64 0.4 mi Continue on County Rd 64/Riggsville Rd. Drive to Church Rd in Inverness Township 2 min (1.6 mi) Turn right onto County Rd 64/Riggsville Rd 1.5 mi Turn right onto Church Rd 0.2 mi 4981 Riggsville Rd Cheboygan, MI 49721
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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

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

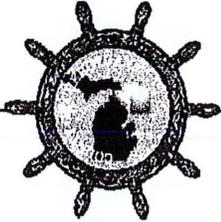
New cell tower, will operate 24 hrs a day, will not require full time on site employees. Site will be visited two times per month by technician.

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.
We chose the shortest driveway route and picked the flattest spot possible to minimize grading and to save the existing trees on the road front.
- 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.
Same as A
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
We will stay within the existing site drainage. The property slopes to the north on same parcel.
- 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.
Site will have green vinyl inserts installed on chain link fence.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
No buildings are being proposed.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
Driveway at Carlson Road.
- 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. pointed down and shielded on a 2 hour timer
 - ii. It does not impede the vision of traffic along adjacent streets. _____
 - iii. It does not unnecessarily illuminate night skies. _____

SPECIAL LAND USE PERMIT APPLICATION



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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.

Unmanned Cell Site with very limited use.

- 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.

VZW will meet all applicable State, Federal and County requirements.

3. Size of property in sq. ft. or acres: 76.42 Acres

4. Present use of property:
Vacant AG

5. SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?
Yes M-AF
- 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 the tower will be gray galvanized to reduce glare
- 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.** ~~No~~ 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.** No site access off of Carlson Road, No disposal services required.



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SPECIAL LAND USE PERMIT APPLICATION

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? No
- h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? Yes
- 6. Does the proposed use of the property include or involve either:
 - Junk or salvage yard (Section 3.6) YES NO
 - Mineral extraction (Section 17.17) YES NO
 If YES, this application must include a written plan as described in the Zoning Ordinance.
- 7. Attach a copy of Warranty Deed or other proof of ownership.
- 8. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature [Signature] Date 10-18-19

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

Yes No

Owner's Signature [Signature] Date 10-21-19

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>10-21-19</u>	Notes:
Fee Amount Received:	<u>\$ 225.00</u>	
Receipt Number:	<u>7079</u>	
Public Hearing Date:	<u>11-20-19</u>	

Planning/Zoning Administrator Approval:

[Signature] Signature 10-24-19 Date

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
x		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
x		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
x		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
x		d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
	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.
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.
x		i. Location, size, and characteristics of all loading and unloading areas.
	x	j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
x		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
N/A		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

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.
	X	p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
X		q. Elevation drawing(s) for proposed commercial and industrial structures.
	X	r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
X		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.

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
<u>E</u>	<u>Manmade ditch at the road, site is not in a flood plain or in wetlands. No bodies of water near site.</u>
<u>J</u>	<u>No sidewalks, walkways, bicycle paths near site location.</u>
<u>P</u>	<u>No trash receptacles or solidwaste disposal proposed.</u>
<u>R</u>	<u>No proposed or existing storage facilities on site.</u>
<u>N</u>	<u>Will install green vinyl inserts installed on chain link fence.</u>

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

10-18-19 _____
 DATE

WARRANTY DEED

The Grantor(s) **GEORGE WOLF**, a single man, of 11602 N. Straits Highway, Cheboygan, MI 49721, **BARBARA ROBYDEK**, a single woman, of 11602 N. Straits Highway, Cheboygan, MI 49721, **HENRY WOLF** and **WINIFRED WOLF**, husband and wife, of 8480 Twin Lakes Road, Cheboygan, MI 49721, and **ELAINE WOLF** Trustee of the Elaine M. Wolf Trust, U/T/A May 21, 1992, of 1808 Cicotte Drive, Lincoln Park, MI 48146,

Conveys and Warrants to **CHARLES W. UNDERWOOD** and **CAROL A. UNDERWOOD**, husband and wife, 7058 Ridgewood Road, Clarkston, MI 48346,

The following described premises situated in the Township of Inverness, County of Cheboygan, State of Michigan, described as follows, to wit:

The West 1/2 of the Southwest 1/4 of Section 20, Town 37 North, Range 2 West, EXCEPT that part lying Northerly of what is now Riggsville Road.

SUBJECT to easements, reservations and building and use restrictions of record, if any, and further

SUBJECT to a Right of Way Agreement with Consumers Power Company as recorded in Liber 151, Page 322, Cheboygan County Records, and further

SUBJECT to a Right of Way to the County of Cheboygan as recorded in Liber 147, Page 149, Cheboygan County Records, and further,

SUBJECT to the rights of the public and of any governmental unit in any portion of subject property taken, used or deeded for street, road or highway purposes.

For the sum of **THIRTY FIVE THOUSAND** and no/100 (\$35,000.00) DOLLARS.

Dated this 5th day of April, 1995.

In the presence of:

Timothy P. MacArthur
*Timothy P. MacArthur

Ethel M. MacArthur
*Ethel M. MacArthur

Signed by:

George Wolf
George Wolf

Barbara Robydek
Barbara Robydek

Henry Wolf
Henry Wolf

Winifred Wolf
Winifred Wolf

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX

CHEBOYGAN 1 JUL 97 1995

30.50-CO*
282.00-81*
810000000*

STATE OF MICHIGAN)
COUNTY OF CHEBOYGAN]

LIBER 671 PAGE 299

The foregoing instrument was acknowledged before me this 5th day of April, 1995, by George Wolf, Barbara Robydek, Henry Wolf and Winifred Wolf.

RECEIVED -
FOR RECORD

Timothy P. MacArthur
Timothy P. MacArthur, Notary Public
Cheboygan County, Michigan
My commission expires: 10/30/95

97 JUL -1 AM 9:43

James Gray
CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN

MacArthur & MacArthur
ATTORNEYS AT LAW
1305 SOUTH MAIN STREET
CHEBOYGAN, MICHIGAN
49721-2221

616-527-3763
414-657-6266

C91-20-300-002-01

25x17

32x10

Dated this 11th day of April, 1995.

In the Presence Of:

Pamela C. Morris
Pamela C. Morris

Elaine M Wolf
Elaine Wolf, Trustee of the
Elaine M. Wolf Trust, U/T/A
May 21, 1992

Larry W. Franz
Larry W. Franz

STATE OF MICHIGAN)
COUNTY OF Wayne)

The foregoing instrument was acknowledged before me this
11th day of April, 1995, by Elaine Wolf.

Larry W. Franz
Notary Public
WAYNE County, Michigan
My Commission Expires: LARRY W. FRANZ
MAY 21 1992 - WAYNE COUNTY, MICH.
MY COMMISSION EXPIRES 05-21-92

Property Tax Code #091-20-300-002-00

* When recorded return to: Send subsequent tax bills: *
* M/M Charles W. Underwood Same *
* 7058 Ridgwood Road *
* Clarkston, MI 48346 *

Drafted by: Timothy P. MacArthur
Attorney at Law
1005 South Main Street
Cheboygan, Michigan 49721
(616) 627-3163

LEER 671 PAGE 300

PAUL & MCFARLAN
Attorneys at Law
1005 South Main Street
Cheboygan, Michigan
49721 2221
616 627 3163
fax 616 627 8558

25x

32x 10

August 12, 2017

Mr. John Beasley
Verizon Wireless

RE: Proposed 220 ft Sabre Self-Supporting Tower for #6749 Riggsville, MI

Dear Mr. Beasley,

Upon receipt of order, we propose to design and supply a 220 ft self-supporting tower for the above referenced project for a Basic Wind Speed of 89 mph (115 mph ultimate per the 2015 International Building Code) with no ice and 40 mph with 1/2" radial ice, Structure Class II, Exposure C, Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

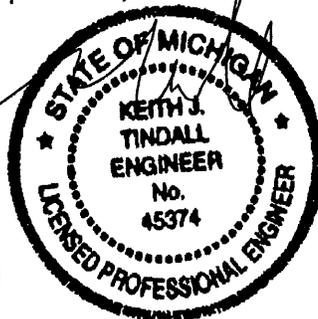
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded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

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

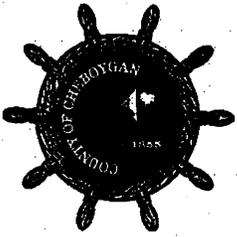
Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. **Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this would result in collapse within a radius of 110 feet.

Sincerely,

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



8/12/17



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

November 2, 2017

Daniel Smith
Telecad
1961 Northpoint Blvd, Ste 130
Hixson, TN 37343

Dear Mr. Smith,

Please be advised that the Planning Commission met on Wednesday, October 18, 2017 and took action on your request for a Special Use Permit for a wireless communication facility (section 17.13.). The proposed wireless communication facility address is 4802 Carlson Road. The property address is 4981 Riggsville Road. The property is located in Inverness Twp., section 20, parcel #091-020-300-002-00, and is zoned Agriculture and Forestry Management (M-AF).

The board voted to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2.b, Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6., Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to receiving the specifications on the beacon.

Cheboygan County Zoning Ordinance # 200 requires a Zoning Certificate of Occupancy be issued before a permitted use of land or building begins. The Zoning Certificate of Occupancy ensures that the proposed use of the property and the site plan are in conformance with the special use permit or site plan review permit that was approved by the Planning Commission. There is no fee for the Certificate of Occupancy application or the Zoning Certificate of Occupancy.

Once your project is complete and before the building is occupied for the approved use, a Certificate of Occupancy must be issued. Please fill out the enclosed Zoning Certificate of Occupancy Application and return it with 2 as built site plans and 2 floor plans. Please note that the Zoning Certificate of Occupancy does not replace the Construction Code Certificate of Occupancy.

If you have any questions, please contact me at (231)627-8489.

Sincerely,

Scott McNeil
Community Development Planner
Cheboygan County Planning & Zoning Department

cc: Township Supervisor
Chuck and Carol Underwood

SM/dt



Ruler [Close]

Line | Path | Polygon | Circle | 3D path | 3D polygon

Measure the circumference or area of a circle on the ground

Radius: 1.85 Miles

Area: 10.64 Square Miles

Circumference: 11.58 Miles

Mouse Navigation

Save Clear

Cavell, Mertz & Associates

1056681 1056681

1209511 1209511

Riggsville

Pells Island

W49EI-D - CP W38FO-D - CP
W27DQ-D - CP

Mullett Lake

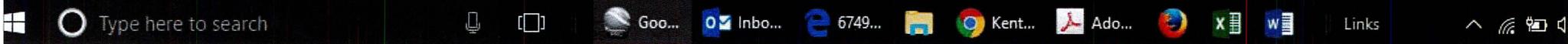
Cheboygan

1301441 1301441

© 2017 Google

Imagery Date: 6/22/2016 45°34'39.54" N 84°35'31.19" W elev 828

Tour Guide



6749-Riggsville

Propagation Maps

September 2017



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9a

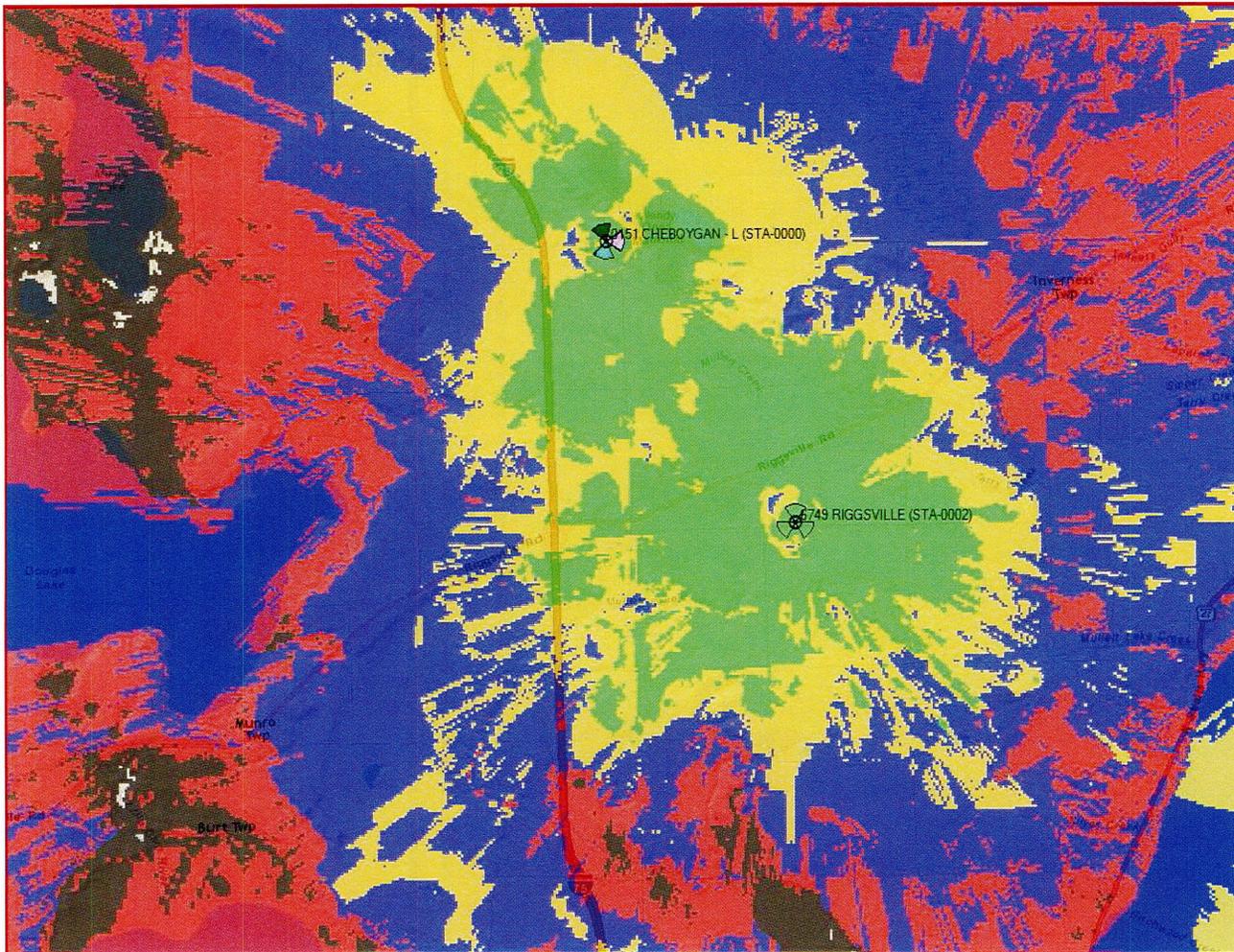
6749 Riggsville coverage plot (current)



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

96

6749 Riggsville Tower with RAD 210'

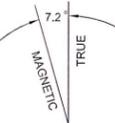


Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

9c

LATITUDE & LONGITUDE

LATITUDE AND LONGITUDE OF SITE ARE BASED ON NAD 83.
 LATITUDE: 45° 34' 41.30"N 45.578138°
 LONGITUDE: 84° 35' 08.25"W -84.585625°
 GROUND ELEVATION AT TOWER BASE: 862' AMSL



SITE INFORMATION

SITE ADDRESS:
 4802 CARLSON ROAD
 CHEBOYGAN, MI 49721

PROPERTY OWNER:
 CHUCK AND CAROL UNDERWOOD
 7058 RIDGEWOOD ROAD
 CLARKSTON, MI 48346

PARCEL ID

091-020-300-002-00

PARENT PARCEL DESCRIPTION (AS PROVIDED)

THE LAND REFERRED TO IN THIS COMMITMENT, SITUATED IN THE COUNTY OF CHEBOYGAN, TOWNSHIP OF INVERNESS, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:
 THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 2 WEST, EXCEPTING THAT PART THEREOF THAT LIES ON THE NORTHERLY SIDE OF WHAT IS NOW RIGGSVILLE ROAD. ALSO ALL THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 20, THAT LIES ON THE SOUTH SIDE OF WHAT IS NOW RIGGSVILLE ROAD.

LEASE AREA DESCRIPTION

PART OF THE SOUTHWEST 1/4 OF SECTION 20, TOWN 37 NORTH, RANGE 02 WEST, INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN DESCRIBED AS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 89°19'42" EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1,267.23 FEET; THENCE NORTH 00°39'53" EAST A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY OF CARLSON ROAD (66' / PUBLIC); THENCE NORTH 22°57'29" WEST A DISTANCE OF 72.08 FEET; THENCE SOUTH 89°59'35" EAST A DISTANCE OF 69.44 FEET; THENCE NORTH 00°00'25" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'25" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 89°59'35" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°00'25" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°59'35" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.
 CONTAINING 10,000 SQUARE FEET OR 0.230 ACRES. DESCRIBED LEASE CONTAINS 10,000 SQUARE FEET OR 0.230 ACRES.

ACCESS/UTILITY EASEMENT DESCRIPTION

AN EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION AND MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 20, TOWN 37 NORTH, RANGE 02 WEST, INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN DESCRIBED AS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE SOUTH 89°19'42" EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1,267.23 FEET; THENCE NORTH 00°39'53" EAST A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY OF CARLSON ROAD (66' / PUBLIC) AND THE POINT OF BEGINNING; THENCE NORTH 22°57'29" WEST A DISTANCE OF 72.08 FEET; THENCE SOUTH 89°59'35" WEST A DISTANCE OF 69.44 FEET; THENCE NORTH 00°00'25" WEST A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED LEASE AREA; THENCE NORTH 89°59'35" EAST ALONG THE SOUTH LINE OF SAID LEASE A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID LEASE; THENCE SOUTH 00°00'25" EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 22°53'50" EAST A DISTANCE OF 72.44 FEET TO SAID RIGHT OF WAY; THENCE NORTH 89°19'42" WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 30.63 FEET TO THE POINT OF BEGINNING. CONTAINING 5,031 SQUARE FEET OR 0.115 ACRES.

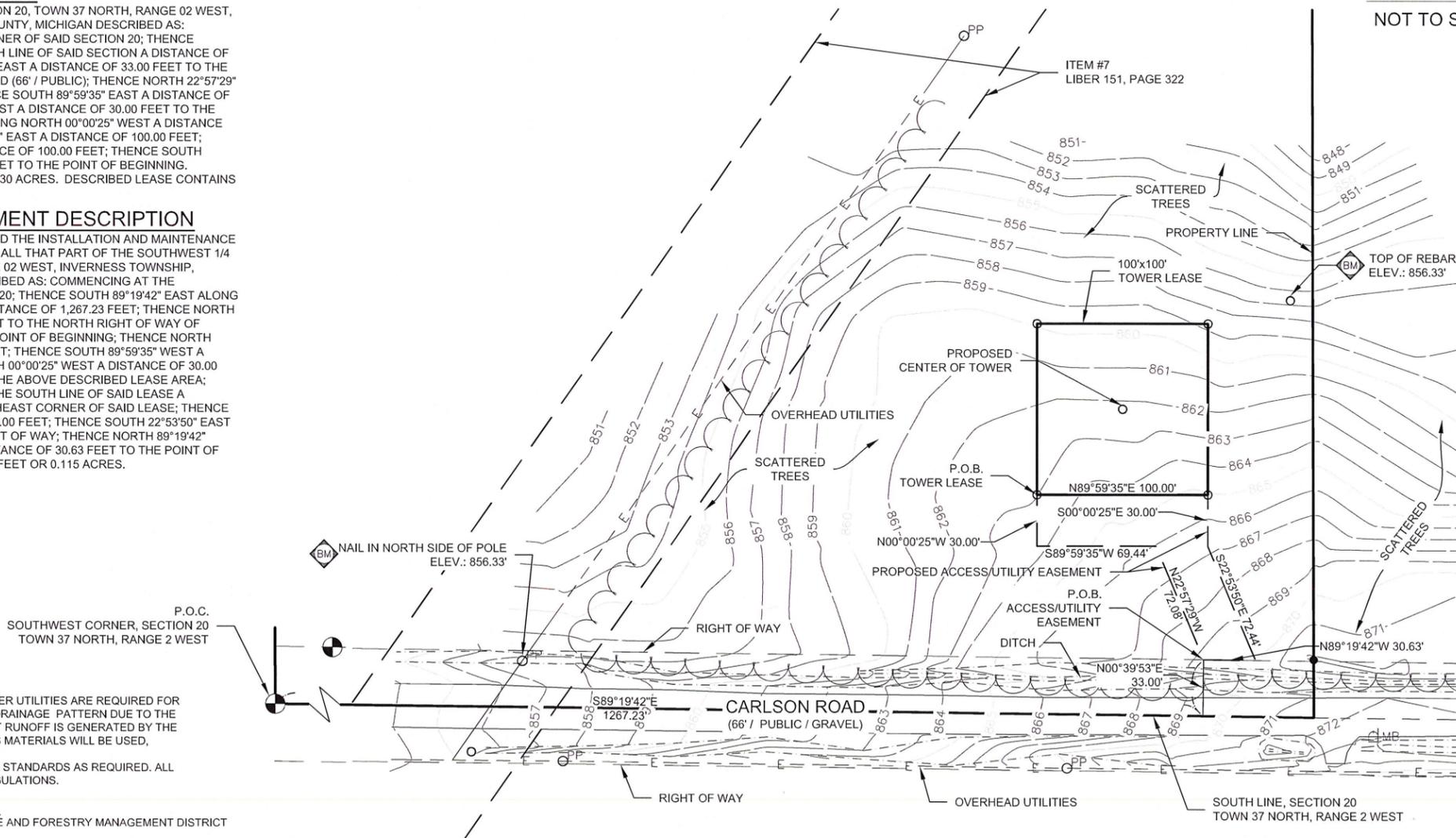
NOTES CORRESPONDING TO SCHEDULE B

THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-848154-MICH WITH AN EFFECTIVE DATE OF MAY 04, 2017 CONTAINS THE FOLLOWING SURVEY RELATED ITEMS:

- RELEASE OF RIGHT OF WAY GRANTED TO THE COUNTY OF CHEBOYGAN DISCLOSED BY INSTRUMENT RECORDED IN LIBER 147, PAGE 149A, CHEBOYGAN COUNTY RECORDS. [AFFECTS PARENT PARCEL, SHOWN HEREON]
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "RIGHT OF WAY" RECORDED APRIL 30, 1953 AS LIBER 151, PAGE 322 OF OFFICIAL RECORDS. [AFFECTS PARENT PARCEL, SHOWN HEREON]
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "CONVEYANCE OF EASEMENT FOR RIGHT OF WAY" RECORDED JULY 24, 1998 AS LIBER 699, PAGE 804 OF OFFICIAL RECORDS. [AFFECTS PARENT PARCEL, SHOWN HEREON]
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "CONVEYANCE OF EASEMENT FOR RIGHT OF WAY" RECORDED AUGUST 2, 2006 AS LIBER 1039, PAGE 295 OF OFFICIAL RECORDS. [BLANKET IN NATURE, AFFECTS ENTIRE PARENT PARCEL, PLOTTED HEREON]



VICINITY MAP
 NOT TO SCALE



- IRON FOUND
- IRON SET
- P.K. NAIL FOUND
- P.K. NAIL SET
- GPS MONUMENT
- MONUMENT BOX FOUND
- MONUMENT FOUND
- MONUMENT SET
- RECORD
- MEASURED
- STORM MANHOLE
- CATCH BASIN
- SQUARE CATCH BASIN
- SANITARY MANHOLE
- SANITARY CLEAN-OUT
- MONITOR WELL
- TELCO. MANHOLE
- POWER POLE
- GUY
- LIGHT POLE
- ELECTRIC TRANSFORMER
- ELECTRIC METER
- ELECTRIC HANDHOLE
- WATER VALVE
- HYDRANT
- GAS METER
- GAS MARKER
- GAS VALVE
- TELEPHONE PEDESTAL
- SIGN POST
- FENCE LINE
- BENCHMARK

LEGEND

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

GENERAL NOTES

NO PROPOSED MUNICIPAL SEWER OR WATER UTILITIES ARE REQUIRED FOR THIS SITE. THERE WILL BE NO CHANGE IN DRAINAGE PATTERN DUE TO THE PROPOSED INSTALLATION. NO SIGNIFICANT RUNOFF IS GENERATED BY THE PROPOSED INSTALLATION. NO HAZARDOUS MATERIALS WILL BE USED, PROCESSED OR STORED AT THE SITE.
 TOWER LIGHTING SHALL CONFORM TO FAA STANDARDS AS REQUIRED. ALL WORK SHALL CONFORM TO FAA & FCC REGULATIONS.

ZONING INFORMATION

SUBJECT SITE ZONING: M-AF-AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT
 ADJACENT ZONING:
 NORTH: M-AF-AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT
 SOUTH: M-AF-AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT
 EAST: M-AF-AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT
 WEST: M-AF-AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT

TOWER SETBACKS:
 FRONT: 1/2 TOWER HEIGHT
 REAR: 1/2 TOWER HEIGHT
 SIDES: 1/2 TOWER HEIGHT

CERTIFICATION :

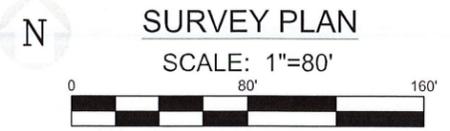
I MATTHEW T. MOKANYK CERTIFY THAT I HAVE LOCATED AND MARKED, THE PROPOSED SITE AND EXISTING FEATURES.

Matthew T. Mokanyk
 Matthew T. Mokanyk, P.S., P.E.
 Michigan P.S. No. 42063

5/25/17
 Date

FLOOD NOTE

By graphic plotting only, this property is in Zone(s) "X" of the Flood Insurance Rate Map, Community Panel No. 26031C0225C, which bears an effective date of 8/16/2012 and is NOT in a Special Flood Hazard Area.



TITLE RESOLUTION

THE PROPOSED LEASE AREA DOES NOT INFRINGE ON, OR IN ANY WAY IMPACT, ANY EASEMENTS, RIGHTS OF WAYS OR OTHER INTERESTS IDENTIFIED ON TITLE COMMITMENT NUMBER NCS-848154-MICH ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY AND BEARING AN EFFECTIVE DATE OF MAY 04, 2017.



LANDTECH PROJECT NUMBER: 1730908

REV.	DATE	DESCRIPTION	REQ. BY	BY
0	05/30/17	PRELIMINARY DRAWINGS	SEH	RJH
1	07/12/17	SPELLING CORRECTION	DS	RJH
2	02/02/18	SITE ADDRESS	DS	RJH
3	07/09/18	EASEMENT MOVE	DS	RJH

DRAWING SCALE NOTE: THE DRAWINGS ARE DESIGNED FOR 11"x17" (TABLOID/LEGAL) SIZED PAPER. WHERE MUNICIPALITIES REQUIRE 24"x36" COPIES OF PRINTS, LANDTECH SHALL PLOT THE DRAWINGS AT A RATIO OF 2:1. ALL SUCH COPIES SHALL HAVE A SCALE 1/2 THE SHOWN SIZE.

1961 NORTHPOINT BLVD, SUITE 130
 HIXSON, TN 37343
 PH: 423-843-9500 FAX: 423-843-9509

PROFESSIONAL SURVEYING & ENGINEERING
 AL, AR, AZ, CO, FL, GA, IL, IA, IN, KS, KY, LA, MI, MN, MO, NE, NC, ND, NJ, NY, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI
 231.943.0050ph 877.820.LAND toll free
 www.landtechps.com www.towersurveyors.com

RIGGSVILLE
 6749

SITE ADDRESS:
 4802 CARLSON ROAD
 CHEBOYGAN, MI 49721

COUNTY: CHEBOYGAN

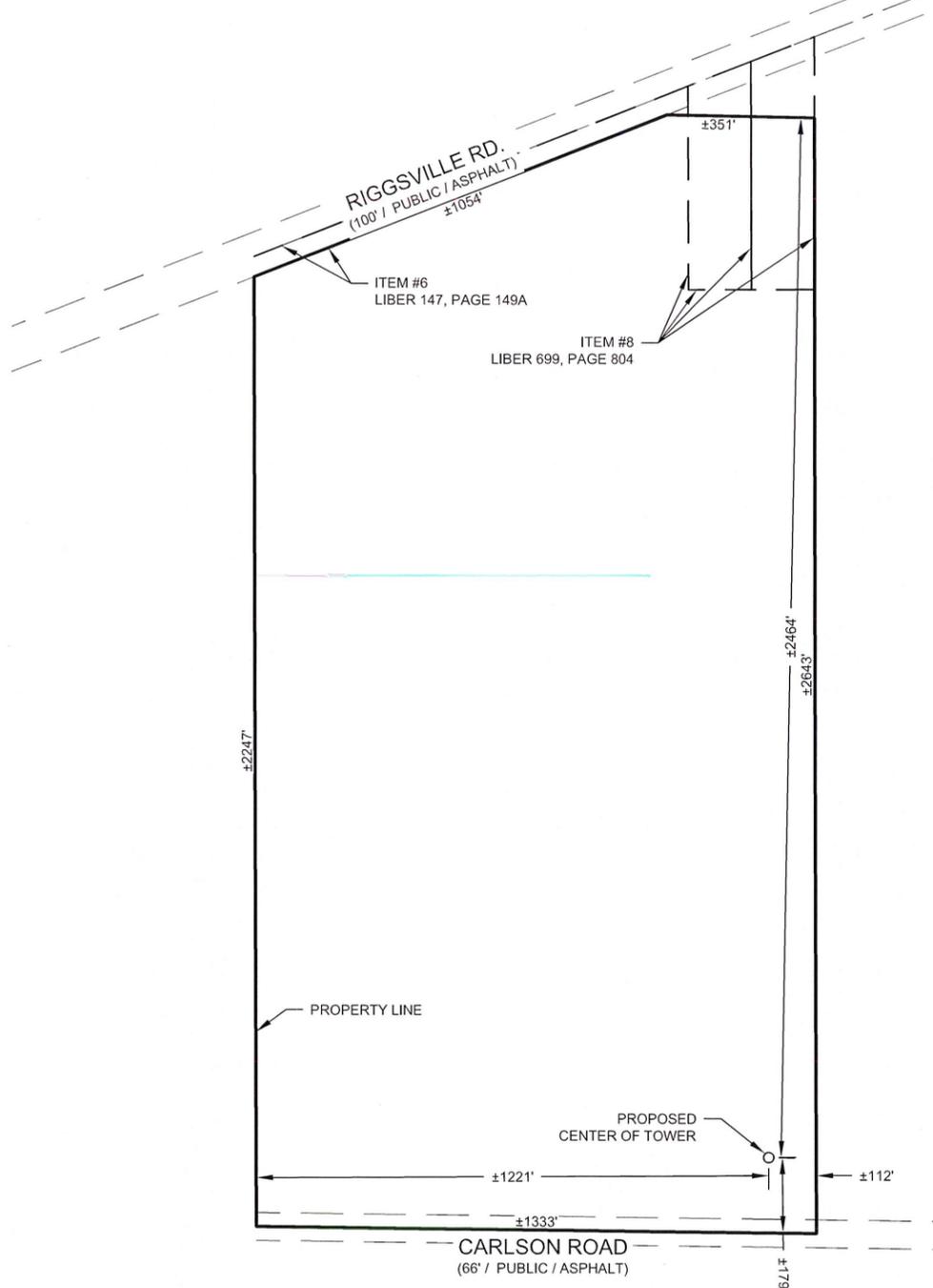
Sheet Title:
SURVEY PLAN

Sheet Number:
S-1

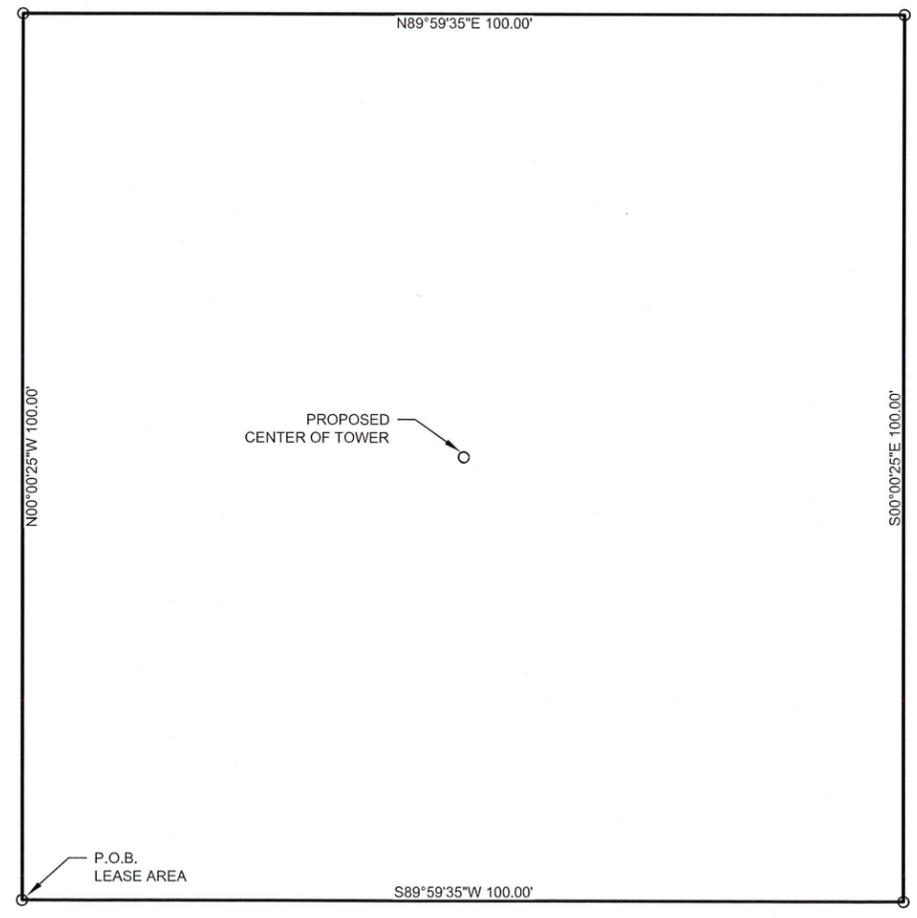
• IRON FOUND	○ SM STORM MANHOLE	⊛ LIGHT POLE	○ SIGN POST
○ IRON SET	⊙ CATCH BASIN	⊞ ELECTRIC TRANSFORMER	— FENCE LINE
• P.K. NAIL FOUND	⊞ SQUARE CATCH BASIN	— POWER POLE	⊞ BENCHMARK
• P.K. NAIL SET	○ SM SANITARY MANHOLE	— GUY	
○ GPS MONUMENT	○ ^{SC} SANITARY CLEAN-OUT	— WATER VALVE	
○ MONUMENT BOX FOUND	⊙ MONITOR WELL	— HYDRANT	
⊙ MONUMENT FOUND	⊙ TELCO, MANHOLE	— GAS METER	
⊙ MONUMENT SET	⊙ ^{EM} ELECTRIC METER	— GAS MARKER	
(R) RECORD	⊙ ^{EH} ELECTRIC HANDHOLE	— GAS VALVE	
(M) MEASURED		— TELEPHONE PEDESTAL	

LEGEND

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.



PARENT PARCEL DETAIL
SCALE: 1"=400'
0 400' 800'



LEASE DETAIL
SCALE: 1"=20'
0 20' 40'



LANDTECH PROJECT NUMBER: 1730908

REV.	DATE	DESCRIPTION	REQ. BY	BY
0	05/30/17	PRELIMINARY DRAWINGS	SEH	RJH
1	07/12/17	SPELLING CORRECTION	DS	RJH
2	02/02/18	SITE ADDRESS	DS	RJH
3	07/09/18	EASEMENT MOVE	DS	RJH

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1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500 FAX: 423-843-9509



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AL, AR, AZ, CO, FL, GA, IL, IA, IN, KS, KY, LA, MI, MN, MO, NE,
NC, ND, NJ, NH, NY, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI
231.943.0050ph 877.820.LAND toll free
www.landtechps.com www.towersurveyors.com

RIGGSVILLE
6749

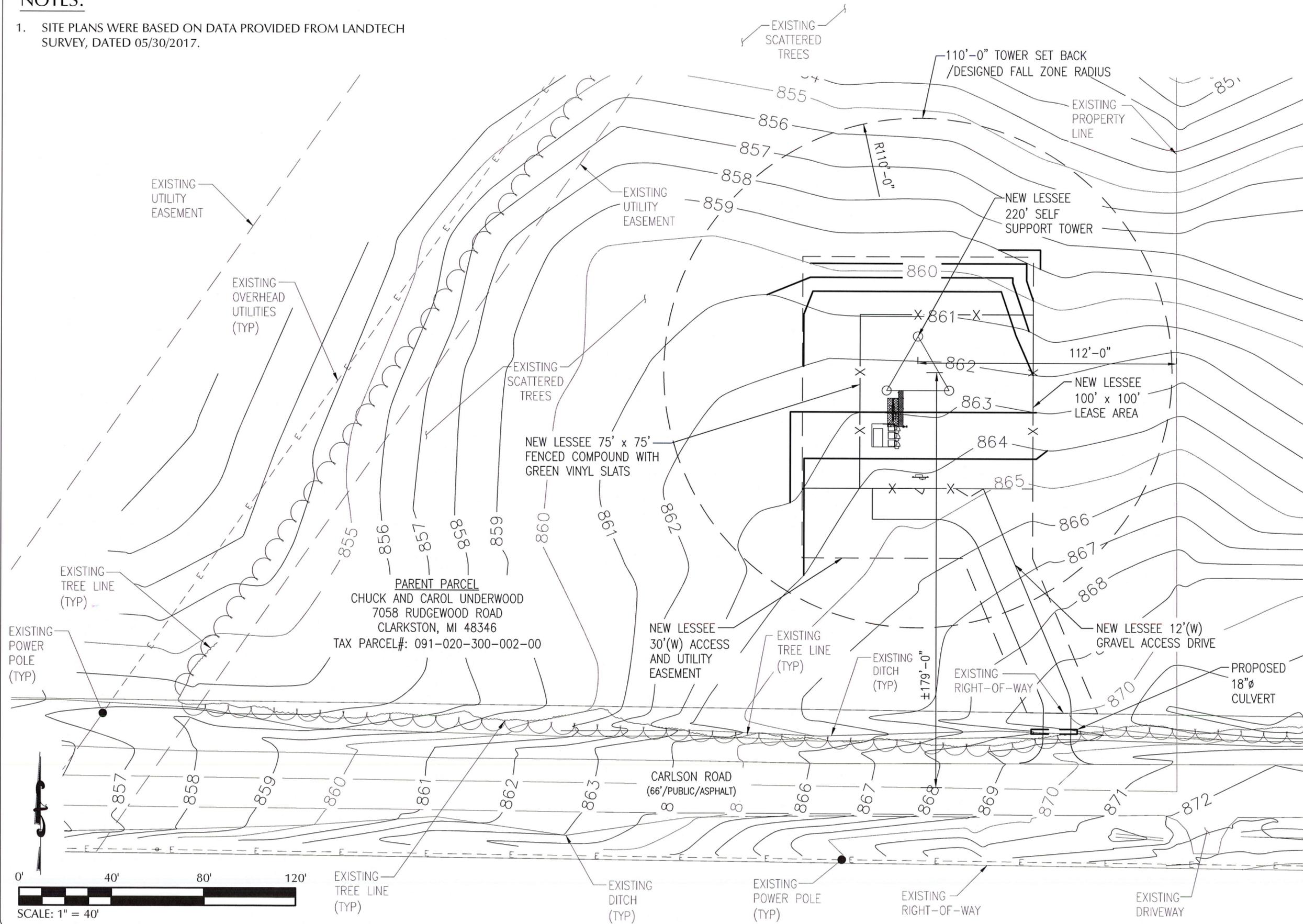
SITE ADDRESS:
4802 CARLSON ROAD
CHEBOYGAN, MI 49721
COUNTY: CHEBOYGAN

Sheet Title:
SURVEY PLAN

Sheet Number:
S-2

NOTES:

1. SITE PLANS WERE BASED ON DATA PROVIDED FROM LANDTECH SURVEY, DATED 05/30/2017.



PREPARED BY:
TeleCAD
 Wireless
 1961 NORTHPOINT BLVD, SUITE 130
 HIXSON, TN 37343
 PH: 423-843-9500
 FAX: 423-843-9509

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

A&E PROJECT #:	N/A
DRAWN BY:	SBW
CHECKED BY:	DLS

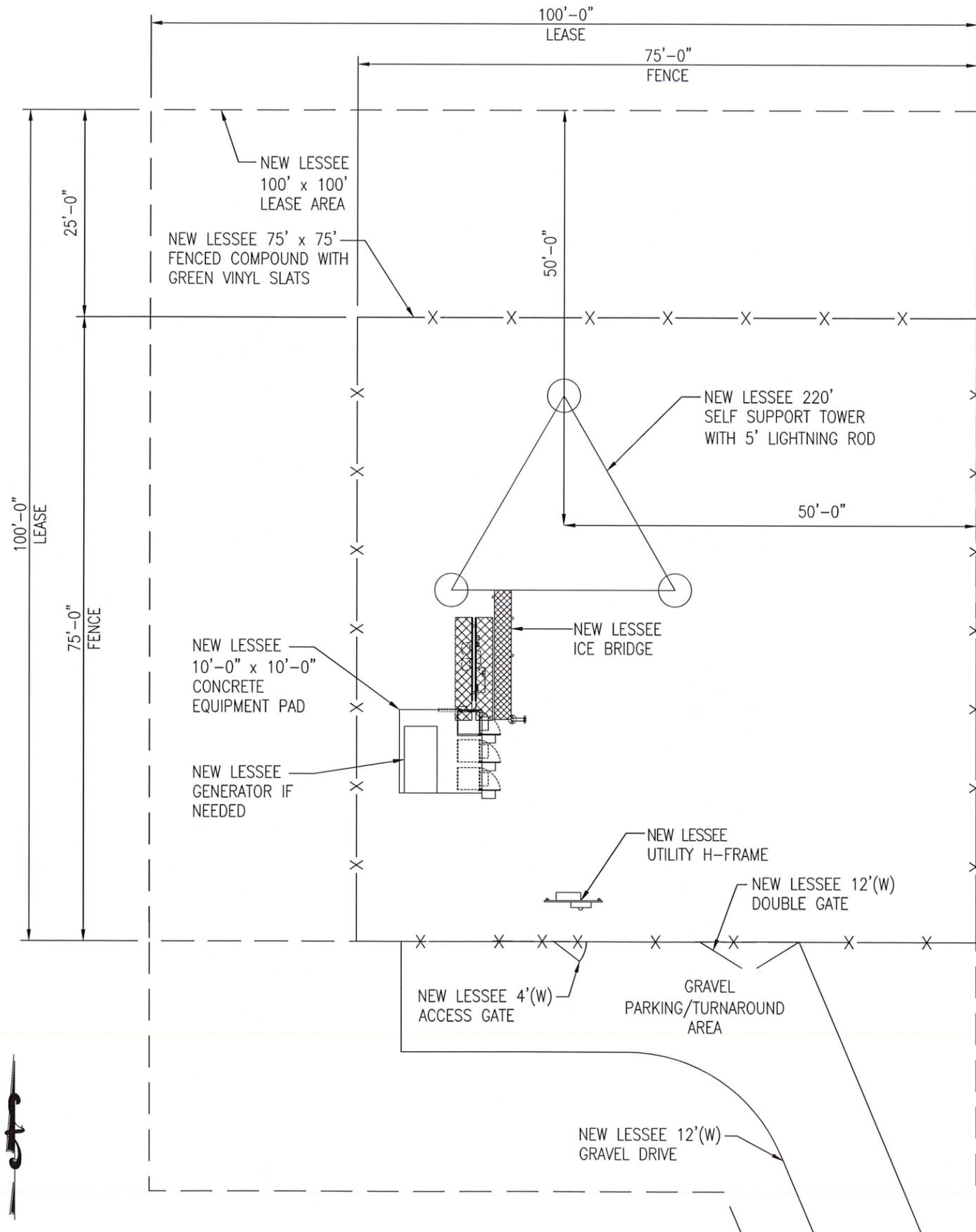
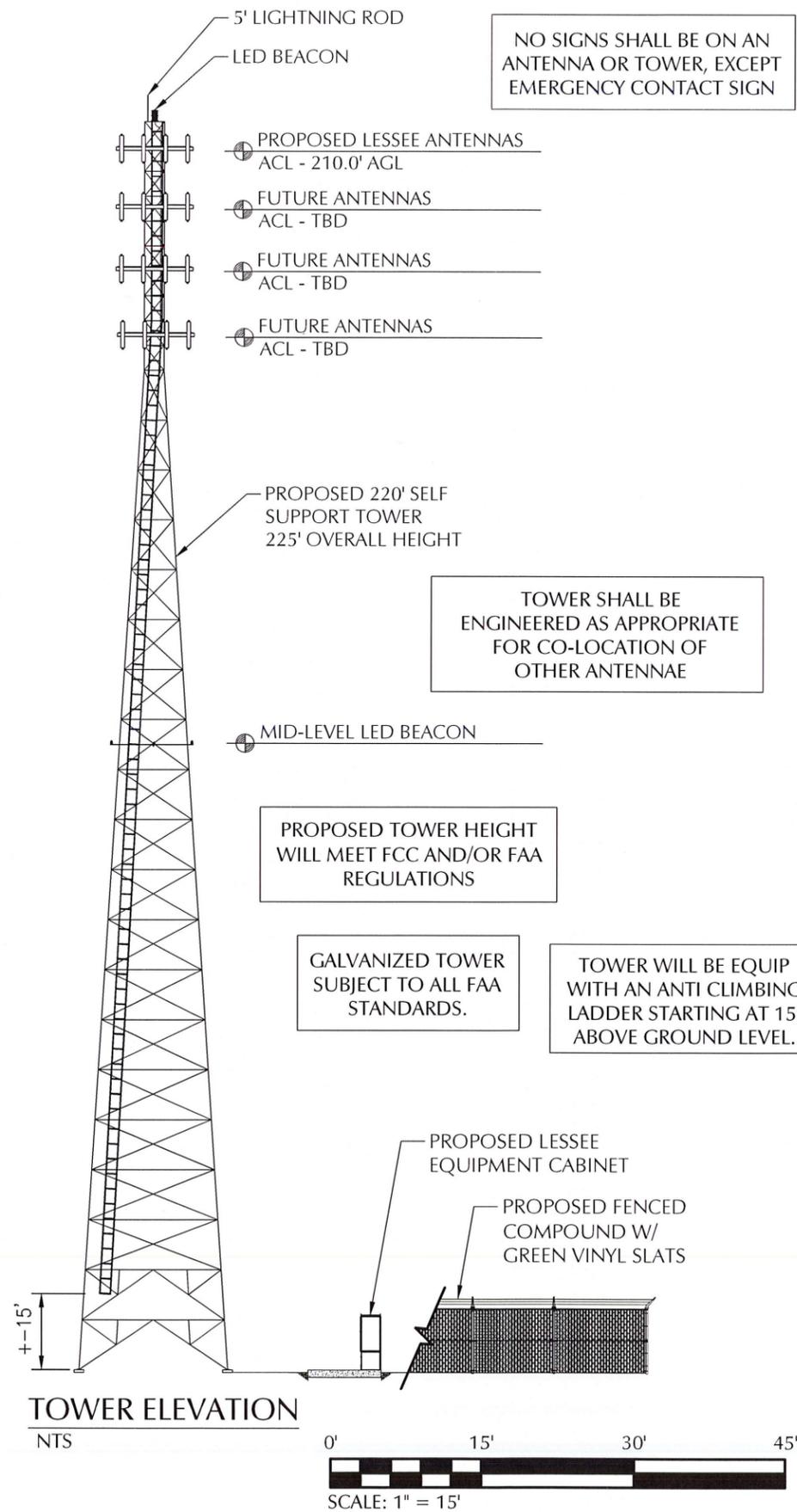
REVISIONS		
NO.	DATE	DESCRIPTION
Δ	11/19/19	ZONING REISSUE
Δ	10/28/19	ZONING REISSUE
Δ	10/10/17	ZONING ISSUE
Δ	09/14/17	ZONING REVIEW



PROJECT No.	N/A
SITE NAME:	RIGGSVILLE
SITE NUMBER:	6749
SITE ADDRESS:	4802 CARLSON ROAD CHEBOYGAN, MI 49721
DESIGN TYPE:	ZONING

SHEET TITLE:
OVERALL SITE LAYOUT PLAN

DRAWING NO.	REVISION:
Z1	D

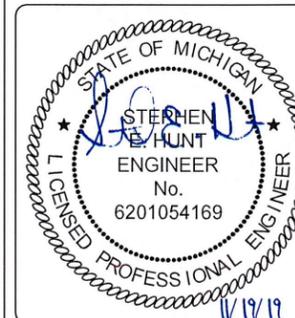


PREPARED BY:
TeleCAD
Wireless
1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

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A&E PROJECT #: N/A
DRAWN BY: SBW
CHECKED BY: DLS

REVISIONS		
NO.	DATE	DESCRIPTION
Δ	11/19/19	ZONING REISSUE
Δ	10/28/19	ZONING REISSUE
Δ	10/10/17	ZONING ISSUE
Δ	09/14/17	ZONING REVIEW



PROJECT No. N/A
SITE NAME: RIGGSVILLE
SITE NUMBER: 6749
SITE ADDRESS: 4802 CARLSON ROAD CHEBOYGAN, MI 49721
DESIGN TYPE: ZONING

SHEET TITLE: EQUIPMENT LAYOUT PLAN

DRAWING NO. **Z2** REVISION: **D**

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A&E PROJECT #:	N/A
DRAWN BY:	SBW
CHECKED BY:	DLS

REVISIONS		
NO.	DATE	DESCRIPTION
Δ	11/19/19	ZONING REISSUE
Δ	10/28/19	ZONING REISSUE
Δ	10/10/17	ZONING ISSUE
Δ	09/14/17	ZONING REVIEW

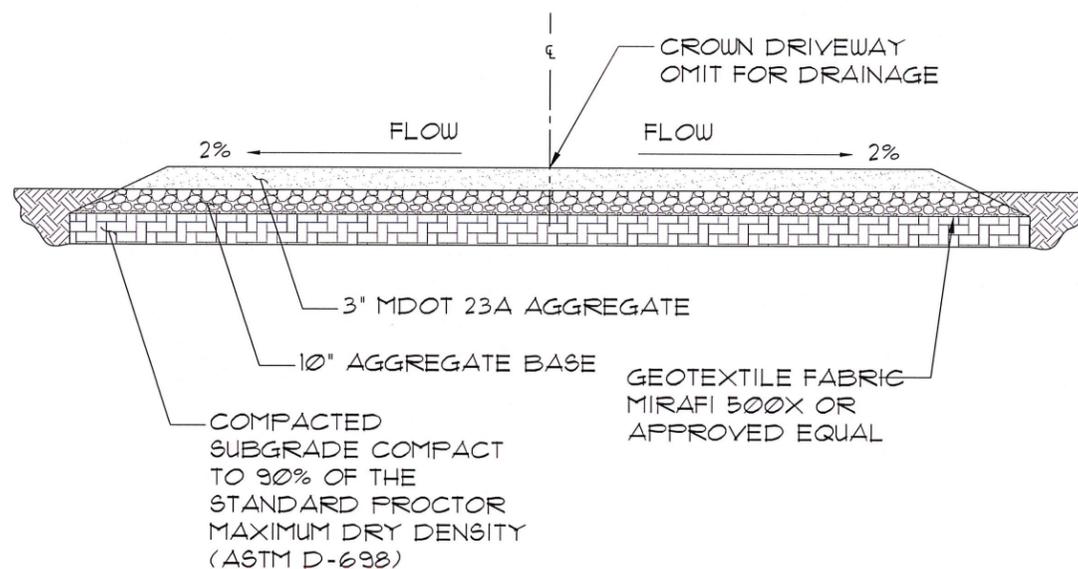


PROJECT No.	N/A
SITE NAME:	RIGGSVILLE
SITE NUMBER:	6749
SITE ADDRESS:	4802 CARLSON ROAD CHEBOYGAN, MI 49721
DESIGN TYPE:	ZONING

SHEET TITLE:
SITE DETAILS

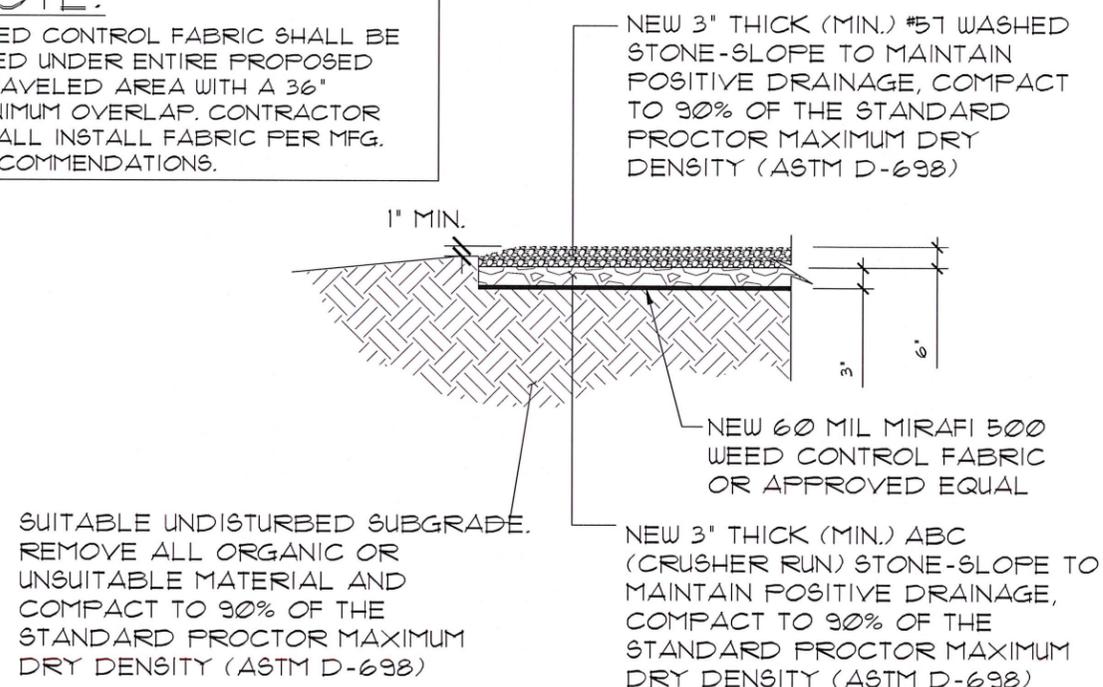
DRAWING NO.	REVISION:
Z3	D

NOTE:
 WEED CONTROL FABRIC SHALL BE USED UNDER ACCESS DRIVE WITH A 36" MINIMUM OVERLAP. CONTRACTOR SHALL INSTALL FABRIC PER MFG. RECOMMENDATIONS.

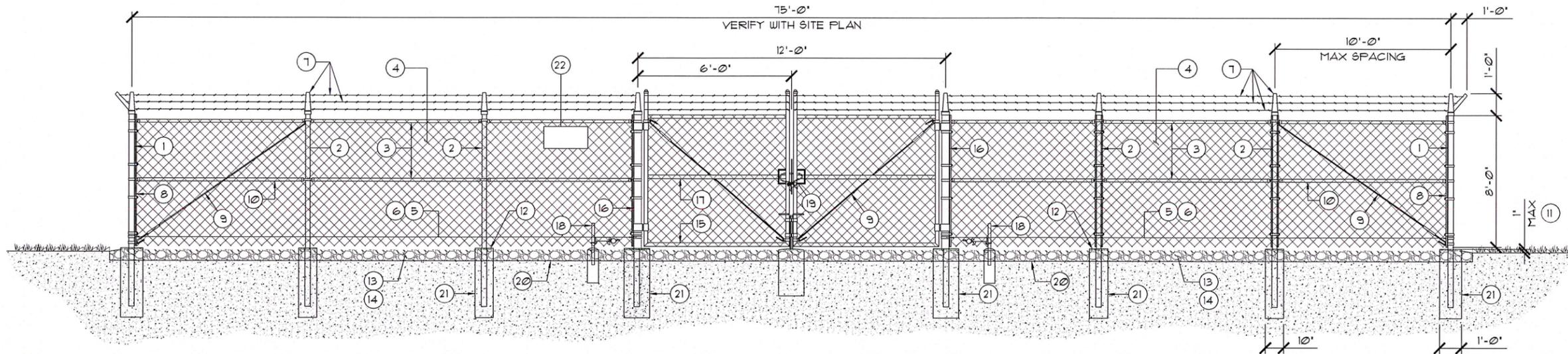


GRAVEL ACCESS DRIVE DETAIL
 NTS

NOTE:
 WEED CONTROL FABRIC SHALL BE USED UNDER ENTIRE PROPOSED GRAVELED AREA WITH A 36" MINIMUM OVERLAP. CONTRACTOR SHALL INSTALL FABRIC PER MFG. RECOMMENDATIONS.

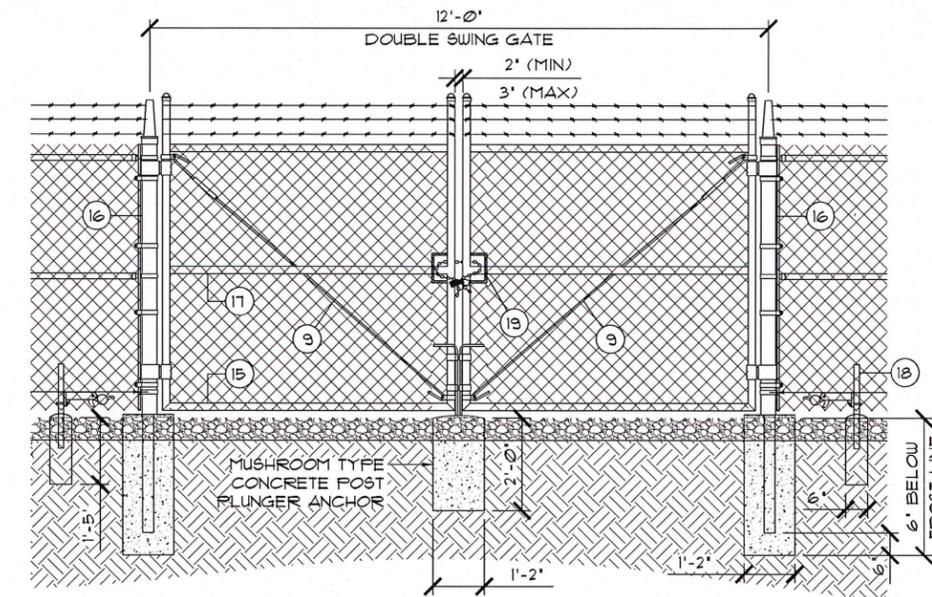


COMPOUND FINISH DETAIL
 NTS



1 TYPICAL FENCING DETAIL

SCALE: N.T.S.



2 DOUBLE-SWING GATE DETAIL

SCALE: N.T.S.

GENERAL NOTES:

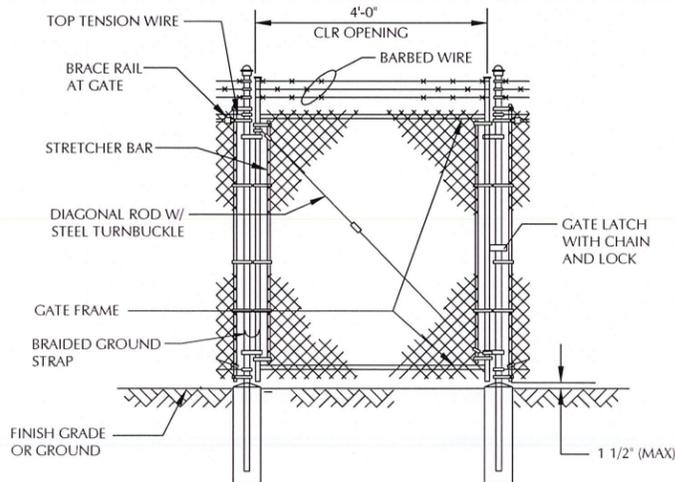
1. INSTALL FENCING PER ASTM F-561
2. INSTALL SWING GATES PER ASTM F- 900
3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED.
4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALVANIZED (HOT DIP, ASTM A120 GRADE 'A' STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUAL).
5. ALL OPEN POSTS SHALL HAVE END-CAPS.
6. USE GALVANIZED HOG-RING WIRE TO MOUNT ALL SIGNS.
7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.
8. MUSHROOM ANCHOR & PLUNGER REQUIRED FOR GATE.
9. G.C. RESPONSIBLE FOR APC TOWERS COMBO GATE LOCK

3 GENERAL NOTES

BALLOON REFERENCE NOTES:

- ① CORNER, END OR FULL POST: 3" O.D. SCHEDULE 40 PIPE.
- ② LINE POST: 2 1/2" NOMINAL SCHEDULE 40 PIPE, PER ASTM-F1083. LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10'-0" O.C.
- ③ TOP RAIL & BRACE RAIL: 1-5/8" O.D. STANDARD ROUND PIPE, PER ASTM-F1083.
- ④ FABRIC: 9 GA CORE WIRE SIZE 2" MESH, CONFORMING TO ASTM-A392 WITH GREEN VINYL SLATS.
- ⑤ TIE WIRE: 9 GA ALUMINUM. A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOG RINGS SPACED 12" O.C. POSTS/GATES AND 24" RAILS/WIRE.
- ⑥ TENSION WIRE: 9 GA ALUMINUM
- ⑦ INSTALL 6 STRAND CORNER BARB WIRE V-ARM ON ALL POSTS. BARBED WIRE: DOUBLE STRAND 12-1/2" O.D. TWISTED WIRE TO MATCH WITH FABRIC. 14 GA, 4 FT. BARBS SPACED ON APPROXIMATELY 5" CENTERS.
- ⑧ 3/16" X 3/4" (MIN) FULL HEIGHT STRETCHER BAR
- ⑨ 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
- ⑩ FENCE CORNER POST BRACE: 1 1/2" NOMINAL PIPE.
- ⑪ 1" MAXIMUM CLEARANCE FROM FINISH GRADE.
- ⑫ FENCE POST FOUNDATION TO BE 1" FINISH ABOVE FINISHED GRADE
- ⑬ 6" COMPACTED BASE MATERIAL
- ⑭ FINISH GRADE SHALL BE UNIFORM AND LEVEL.
- ⑮ WELDED GATE FRAME: 2" O.D., SCHEDULE 40 PIPE, PER ASTM-F1083.
- ⑯ GATE POST 4" O.D., SCHEDULE 40 PIPE, PER ASTM-F1083.
- ⑰ GATE FRAME BRACE RAIL: 1 1/2" NOMINAL PIPE, PER ASTM-F1083.
- ⑱ DUCK BILL OPEN GATE HOLDER. VERIFY LOCATION IN FIELD PRIOR TO INSTALLATION.
- ⑲ CONTRACTOR TO SUPPLY & INSTALL A 3/8" X 36" FORGED ZINC COATED CHAIN W/ A FOUR DIGIT COMBO MASTER LOCK W/ ELONGATED SHAN
- ⑳ GEOTEXTILE FABRIC
- ㉑ CONCRETE FOUNDATION (MIN 3000 PSI). MINIMUM DEPTH: 6" BELOW FROST LINE
- ㉒ 12" X 18" VERIZON WIRELESS SITE INFORMATION SIGN.

GREEN VINYL SLATS TO BE INSTALLED (NOT SHOWN FOR CLARITY)



4 SINGLE ACCESS GATE

SCALE: N.T.S.

5 DETAIL NOT USED

SCALE: N.T.S.

6 FENCING NOTES



PREPARED BY:



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HIXSON, TN 37343
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FAX: 423-843-9509

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A&E PROJECT #:	N/A
DRAWN BY:	SBW
CHECKED BY:	DLS

REVISIONS		
NO.	DATE	DESCRIPTION
△	11/19/19	ZONING REISSUE
△	10/28/19	ZONING REISSUE
△	10/10/17	ZONING ISSUE
△	09/14/17	ZONING REVIEW



PROJECT No.	N/A
SITE NAME:	RIGGSVILLE
SITE NUMBER:	6749
SITE ADDRESS:	4802 CARLSON ROAD CHEBOYGAN, MI 49721
DESIGN TYPE:	ZONING

SHEET TITLE:
FENCE DETAILS

DRAWING NO.	REVISION:
Z4	D

16



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
 HIXSON, TN 37343
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 FAX: 423-843-9509

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A&E PROJECT #:	N/A
DRAWN BY:	SBW
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REVISIONS		
NO.	DATE	DESCRIPTION
△ 11/19/19		ZONING REISSUE
△ 10/28/19		ZONING REISSUE
△ 10/10/17		ZONING ISSUE
△ 09/14/17		ZONING REVIEW

REFERENCE ONLY

PROJECT No.	N/A
SITE NAME:	RIGGSVILLE
SITE NUMBER:	6749
SITE ADDRESS:	4802 CARLSON ROAD CHEBOYGAN, MI 49721
DESIGN TYPE:	ZONING

SHEET TITLE:	AREA MAP
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DRAWING NO.	REVISION:
Z5	D

091-019-200-001-02
PRYKUCKI, GLORIA & JOHN DOTSKI
5114 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-019-400-004-00
AMERICAN LUTHERAN CHURCH AND
CHEBOYGAN, MI 49721

091-019-400-010-01
PRYKUCKI, LAWRENCE & DIANE H/W
6868 28TH MILE RD
WASHINGTON, MI 48094

091-019-400-010-02
PRYKUCKI, LAWRENCE & DIANE H/W
6868 28TH MILE RD
WASHINGTON, MI 48094

091-019-400-010-03
PRYKUCKI, LAWRENCE & DIANE H/W
6868 28TH MILE RD
WASHINGTON, MI 48094

091-019-400-010-06
RODGERS, GREGG & GAIL H/W
5076 CARLSON RD
CHEBOYGAN, MI 49721

091-019-400-010-07
COOK, GORDON & GAIL H/W
8047 CHURCH RD
CHEBOYGAN, MI 49721

091-019-400-011-00
CAMPBELL, DENISE
7738 CHURCH RD
CHEBOYGAN, MI 49721

091-019-400-011-01
CAMPBELL, CARL & DENISE H/W
7738 CHURCH RD
CHEBOYGAN, MI 49721

091-019-408-073-00
EUSTICE, ANTHONY & GINA H/W
5121 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-100-001-00
ROMANIK, CHESTER E, TRUSTEE
4770 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-100-002-00
ROMANIK, CHESTER E, TRUSTEE
4770 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-100-004-02
INGALSBE, SHARON
PO BOX 61
CHEBOYGAN, MI 49721

091-020-109-081-00
ROMANIK, CHESTER E, TRUSTEE
4770 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-112-111-00
ROMANIK, CHESTER E, TRUSTEE
4770 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-001-00
ROMANIK, CHESTER E, TRUSTEE
4770 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-002-00
UNDERWOOD, CHARLES & CAROL H/W
4130 LONG POINT
CHEBOYGAN, MI 49721

091-020-300-003-00
INGALSBE, GABRIELLE
4701 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-029-100-001-01
BASZLER, RICHARD ET AL
4909 CARLSON RD
CHEBOYGAN, MI 49721

091-029-100-002-00
SOCOLOVITCH, DONALD ET UX
4735 CARLSON RD
CHEBOYGAN, MI 49721

091-029-100-003-00
LANDON, MICHAEL
4547 SOUTH EXTENSION RD
CHEBOYGAN, MI 49721

091-030-200-002-00
BASZLER, RICHARD A. ET UX
4909 CARLSON RD
CHEBOYGAN, MI 49721

091-019-400-004-00
American Lutheran Church
5038 Riggsville Road
Cheboygan, MI 49721

091-019-400-004-00
OCCUPANT
5038 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-019-400-010-06
OCCUPANT
5076 CARLSON RD
CHEBOYGAN, MI 49721

091-019-400-010-07
OCCUPANT
8047 CHURCH RD
CHEBOYGAN, MI 49721

091-019-400-011-01
OCCUPANT
8143 CHURCH RD
CHEBOYGAN, MI 49721

091-019-408-073-00
OCCUPANT
5121 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-100-002-00
OCCUPANT
4770 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-100-004-02
OCCUPANT
4700 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-001-00
OCCUPANT
4982 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-002-00
OCCUPANT
4981 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-003-00
OCCUPANT
4701 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-029-100-001-01
OCCUPANT
4909 CARLSON RD
CHEBOYGAN, MI 49721

091-029-100-002-00
OCCUPANT
4735 CARLSON RD
CHEBOYGAN, MI 49721

091-029-100-003-00
OCCUPANT
4637 CARLSON RD
CHEBOYGAN, MI 49721

091-020-300-002-00
OCCUPANT
4843 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-002-00
OCCUPANT
4821 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-002-00
OCCUPANT
4805 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-002-00
OCCUPANT
4775 RIGGSVILLE RD
CHEBOYGAN, MI 49721

091-020-300-002-00
OCCUPANT
4802 CARLSON RD
CHEBOYGAN, MI 49721



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, OCTOBER 18, 2017 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: Rob LaBelle, Andy Webber, Eric Boyd, John F. Brown, Roberta Matelski, Cal Gouine, Russell Crawford, Cheryl Crawford, John Moore, Carl Muscott, Karen Johnson, Marcia Rocheleau

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. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

APPROVAL OF MINUTES

The September 20, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

The October 4, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Telecad Wireless Site Design Inc. on behalf of Verizon Wireless and Chuck and Carol Underwood - Requests a Special Use Permit for a wireless communication facility (section 17.13.). The proposed wireless communication facility address is 4802 Carlson Road. The property address is 4981 Riggsville Road. The property is located in Inverness Twp., section 20, parcel #091-020-300-002-00, and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that the tower is proposed to be located in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that the total parcel is less than 80 acres and located on Riggsville Road with frontage also on Carlson Road. Mr. McNeil stated that the frontage on Carlson Road is where the tower is proposed to be located. Mr. McNeil referred to the detailed drawing and noted the location of the proposed tower. Mr. McNeil stated that there will be a 112ft. setback. Mr. McNeil stated that this tower will be 220ft. tall. Mr. McNeil explained that the standard fall zone requirement is 1:1 ratio, although the Planning Commission is allowed to reduce this requirement up to 50% if it is demonstrated by an engineer that the tower will fall directly down and not on neighboring property. Mr. McNeil stated that the applicant will show that there is no opportunity for co-location. Mr. McNeil stated that an email was received from a neighboring property owner which has been included in the exhibit list.

Mr. Webber stated that he is representing Telecast and Rob LaBelle is representing Verizon. Mr. Webber stated that he is given a 1/4 mile search range to find a proposed location for a tower. Mr. Webber stated that they are proposing a 100ft. leased area, but they will only fence in 75ft. x 75ft. and as other co-locators are added they may expand it if needed. Mr. Webber stated that the fence will be 6ft. tall with green vinyl slats. Mr. Webber stated that they tried not to deal with too many trees along Carlson Road. Mr. Webber stated that there will be a diagonal access road so that the trees can be saved. Mr. Webber stated that this will allow the compound to be less visible from the road. Mr. Webber stated that this will be a 220ft. self-support tower.

Mr. LaBelle explained how siting a location is handled. Mr. LaBelle stated that this is a Verizon Wireless Communications site for the purpose of coverage for a service gap. Mr. LaBelle referred to a propagation map that he distributed to the Planning Commission and stated one element of siting a location is coverage. Mr. LaBelle stated that every tower creates a cell around it and each cell is circular and must hook up with every other circular cell created by a tower. Mr. LaBelle stated that the towers have to be sited so they are not so close to each other that they create an overlap. Mr. LaBelle stated that an area of overlap is an area of destructive interference and there will be lesser coverage. Mr. LaBelle explained that this tower will take care of the coverage problems in this area. Mr. LaBelle explained this area is underserved by coverage and that there is also an issue with capacity. Mr. LaBelle stated that there are 24 state and federal agencies that must approve every tower. Mr. LaBelle explained that this proposed tower must be approved by the DEQ. Mr. LaBelle stated that they also have to consider the Endangered Species Act for which they need the Army Corps of Engineers approval. Mr. LaBelle stated that they have to consider trees as the roosting grounds for the Indiana Bat and the Brown Long Ear Bat. Mr. LaBelle explained that they have to show that there are no bats in the trees and as a result staying away from the trees is important. Mr. LaBelle stated that they also try to site the tower so that it is close to the trees so that they will partially cover the tower. Mr. LaBelle stated that it takes months to site a tower. Mr. LaBelle stated that they also have to consider where the landowner would like to have the tower located. Mr. LaBelle stated that they try to establish the tower in the safest, least obtrusive location possible. Mr. LaBelle stated the closest tower that he could have co-located on is 1.8 miles away and it would not have been able to handle the coverage problems for this zone. Mr. LaBelle stated that a particular site is identified to address coverage and capacity problems as they arise in priority in the system. Mr. LaBelle stated that these problems are called trouble tickets which result from customer complaints, measured lost signal and measurements that are made by engineers in the field. Mr. LaBelle stated that Verizon Wireless is governed by the Federal Telecommunications Act. Mr. LaBelle stated that when Verizon Wireless receives a license to broadcast across a particular bandwidth in a particular area, there is an obligation to serve the entire area that is served by that license. Mr. LaBelle stated that they must fill that area to the extent of need. Mr. LaBelle stated that they have established that there is a need for this area. Mr. LaBelle read from Section 704(a) of the 1996 Act, "The regulation of the placement, construction, and modification of personal wireless service facilities by any state or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services." Mr. LaBelle explained that once they have established a need it can't be the circumstance of "if you can see it, it can't go there." Mr. LaBelle stated this is prohibition.

Mr. LaBelle stated that as of December 2016, cell phones are now the primary means of telephone communication in America. Mr. LaBelle stated that cell phones are safe. Mr. LaBelle stated that 93% of all calls to 911 come from a cell phone. Mr. LaBelle stated that the need for a cell phone is not just along a highway. Mr. LaBelle stated that the need is also from residences and businesses. Mr. LaBelle stated that they try to place the tower in the best location and on the least obtrusive site. Mr. LaBelle explained that they have had towers for 45 years. Mr. LaBelle stated that 30-year leases have been renewed.

Mr. Jazdyk asked if they could co-locate on any existing towers. Mr. LaBelle stated no and noted that the closest tower is 1.8 miles away. Mr. Jazdyk asked if other companies will be able to co-locate on this tower. Mr. LaBelle stated yes and that they have to allow their competitors to co-locate on their tower. Mr. Ostwald asked if there is a limit to the number of companies that co-locate on the tower. Mr. Webber stated that they will allow co-location for up to 4 carriers on this tower.

Mr. Kavanaugh asked if there has been any research completed on property values for parcels adjacent to a tower. Mr. LaBelle stated that studies analyzing property values before and after the existence of a tower have concluded that there is little or no effect. Mr. LaBelle explained that when telephone poles were first put in they were considered obtrusive. Mr. LaBelle explained that if a home had telephone service, even if there are telephone poles to look at, it made the property more valuable.

Ms. Croft asked for public comment. Mr. Muscott asked how this 212ft. Tower compares to other antennas in the county. Mr. LaBelle stated he does not know the specifics, but he guesses that it would be about the same. Mr. LaBelle stated that this is a rural area and as a result, they put up bigger towers. Mr. LaBelle stated that in urban areas there are many impediments to a signal so they locate the tower lower and often on buildings. Mr. LaBelle stated that they put in more towers in urban areas. Mr. Muscott stated that some smaller regional providers claim that they can't afford to co-locate on a particular antenna and they put up a smaller stand-alone antenna. Mr. Muscott asked if Verizon is regulated with a maximum that they can charge for co-location. Mr. LaBelle stated that there isn't an FCC regulation dealing with co-location fees. Mr. LaBelle explained that small internet providers are not covered by the FCC. Mr. LaBelle stated that they charge market rates. Discussion was held.

Mr. LaBelle stated that this tower is impervious to falling over as it is structurally designed to collapse on itself in a catastrophic event. Mr. LaBelle stated that no Verizon Wireless monopole or self-support tower has ever fallen despite being hit by vehicles, hurricanes, tornadoes, and floods.

An audience member stating that the application states that lighting will be according to FAA regulations. The audience member asked what is required by the FAA. Mr. Webber stated that the FAA requires a red flashing beacon for any tower that is over 200ft. Discussion was held regarding whether or not the beacon would be circular or flashing. Mr. Webber stated that he does not have this information and he will provide the specifications for the light. Public comment closed.

The Planning Commission reviewed and approved the General Findings, Finding of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2.b, Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6., Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2.b, Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6., Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to receiving the specifications on the beacon. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 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 is a public hearing for consideration of an overlay zoning district for the Lake and Stream Protection Zoning District that includes properties located on the Cheboygan River, Indian River and the Lower Black River. Mr. McNeil stated that this overlay district is proposed to allow boat shelters within the current waterfront setback. Mr. McNeil stated that there is a current 40ft. setback requirement from the high watermark for any structure within the Lake and Stream Protection Zoning District. Mr. McNeil stated that this overlay district will allow the placement of a boat shelter, with some conditions as stated in the ordinance, to be placed over a boat well. Mr. McNeil stated that one boat shelter will be allowed per parcel. Mr. McNeil stated that the width of the boat shelter can't exceed 20% of the lot width or 16ft. whichever is lesser. Mr. McNeil stated that the boat shelter can't exceed 12 feet in height with a 4:12 pitch containing eaves no greater than 2 feet. Mr. McNeil stated the boat shelter is to have open sides. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott thanked Mr. McNeil for his effort on this amendment and the Planning Commission for recognizing the need for this amendment.

Mr. Brown stated that he believes a wheelchair should be allowed along the edge even if the overhang is reduced so there is a 1ft. overhang. Mr. Muscott and Mr. Freese noted that a sidewalk is allowed anywhere on the property. Mr. McNeil stated that walkways up to 8 feet wide are allowed. Mr. McNeil stated that ADA accessible planks are allowed to the boat. Mr. Brown stated that there should be enough room between the boat well wall and the post for a wheelchair. Discussion was held. Mr. McNeil stated that the Planning Commission is trying to balance the idea of allowing boat shelters and at the same time trying to keep them less obtrusive.

Public comment closed.

Motion by Mr. Freese, 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, Jazdzyk), 0 Nays, 1 Absent (Churchill)

UNFINISHED BUSINESS

Sign Ordinance Amendment Relative To Content Based Regulation

Mr. McNeil stated that this amendment has been reviewed by legal counsel and as a result clarifying language has been added relative to the Village Center Indian River and Village Center Topinabee. Mr. McNeil stated that this amendment is ready for public hearing. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for November 15, 2017. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that he has received a legal review of the pending amendments relating to bars and restaurants, auto repair and fuel stations and office uses and personal care uses. Mr. McNeil stated that these items will be on the next Planning Commission agenda.

Mr. McNeil stated that the Planning Commission has received a copy of the notice from Emmet County that they are intending to plan with regards to the recreation plan.

PLANNING COMMISSION COMMENTS

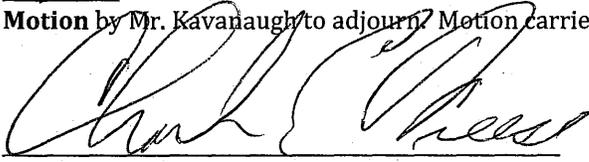
No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:56pm.

A handwritten signature in black ink, appearing to read "Charles Freese", written over a horizontal line.

Charles Freese
Planning Commission Secretary

Deborah Tomlinson

From: Brent Shank <mgr@chcrc.com>
Sent: Wednesday, November 06, 2019 7:18 AM
To: Deborah Tomlinson
Subject: Re: SUP Application for Telecad on behalf of Verizon Wireless
Attachments: mgr.vcf

Good Morning,

A driveway permit will be required by the Road Commission for the project. No other concerns.

Thank you,

Brent Shank, P.E.

Engineer/Manager

Cheboygan County Road Commission

mgr@chcrc.com

(231) 238-7775

On 11/5/2019 8:55 AM, Deborah Tomlinson wrote:

The following is a link to a special use permit application for Telecad on behalf of Verizon Wireless: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. This application will be reviewed by the Planning Commission at their 11/20/19 meeting. Please review the application and site plan and email me any comments prior to Wednesday, November 13, 2019.

Thank you!!

Debbie

Debbie Tomlinson

Assistant to Director of Planning & Zoning

Cheboygan County Planning & Zoning Department

PO Box 70, 870 South Main Street

Cheboygan, MI 49721

(231)627-8489 phone

(231)627-3646 fax

debbiet@cheboygancounty.net

www.cheboygancounty.net/planning



CHEBOYGAN COUNTY PLANNING AND ZONING 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

<p>Item: A request for a Special Use Permit for a wireless communication facility in an Agriculture and Forestry Management (M-AF) zoning district per section 17.13 of the Zoning Ordinance.</p>	<p>Prepared by: Jennifer Merk</p>
<p>Date: November 19, 2019</p>	<p>Expected Meeting Date: November 20, 2019</p>

GENERAL INFORMATION

Property Owner(s): Chuck and Carol Underwood

Applicant: Telecad Wireless (on behalf of Verizon Wireless and Chuck and Carol Underwood)

Property Location(s): 4802 Carlson Road; Inverness Township

Contact Person: Amy Rodriguez

Phone: 248-217-0989

Requested Action: Approval of a Special Use Permit for a wireless communication facility.

BACKGROUND INFORMATION

The applicant requests approval of a special use permit for construction of a new unmanned wireless communication facility to be 220-ft. in height (with an additional 5-ft. for a lightning rod). Wireless communication facilities are authorized by special use permit in the Agriculture and Forestry Management (M-AF) zoning districts pursuant to Sections 17.13.1 and 17.13.2. of the Zoning Ordinance. The address for the tower and related facilities would be 4802 Carlson Rd. located on a vacant 76.42-acre property in Inverness Township addressed as 4981 Riggsville Rd. The wireless communication facility is to be placed on a leased 100-ft. x 100-ft. parcel. Related facilities include an equipment cabinet and generator to be located on a 10-ft. x 10-ft concrete pad to be accessed via Carlson Rd.

A special use permit was approved in October 2017 for the same use of essentially the same scope and size. However, per Section 18.12., approved special use permits expire one (1) year

following Planning Commission approval unless substantial construction has begun (or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit). The applicant did not submit an extension request prior to the expiration date and therefore has submitted a new special use permit application.

Note that the applicant requests an isolation standard reduction under Section 17.13.1. This Section requires no less than one (1) times the height of the tower to all points of the property lines, and also allows for the isolation standard to be reduced by up to 50% if the construction plan, the tower, and its guying/anchoring systems are certified by a registered professional engineer as being safe from the hazard of falling onto public roads or adjoining properties. The applicant has provided a letter from a registered engineer relative to this request stating that this standard is met. As noted, the height of the proposed tower is 220-ft. (plus 5-ft. for lightning rod). The applicant has indicated a nearest separation distance of 112 ft. on the site plan and is requesting a corresponding isolation standard.

Note that five (5) site plan waivers are requested (see attached special use application for specific waivers and rationales for the waiver requests).

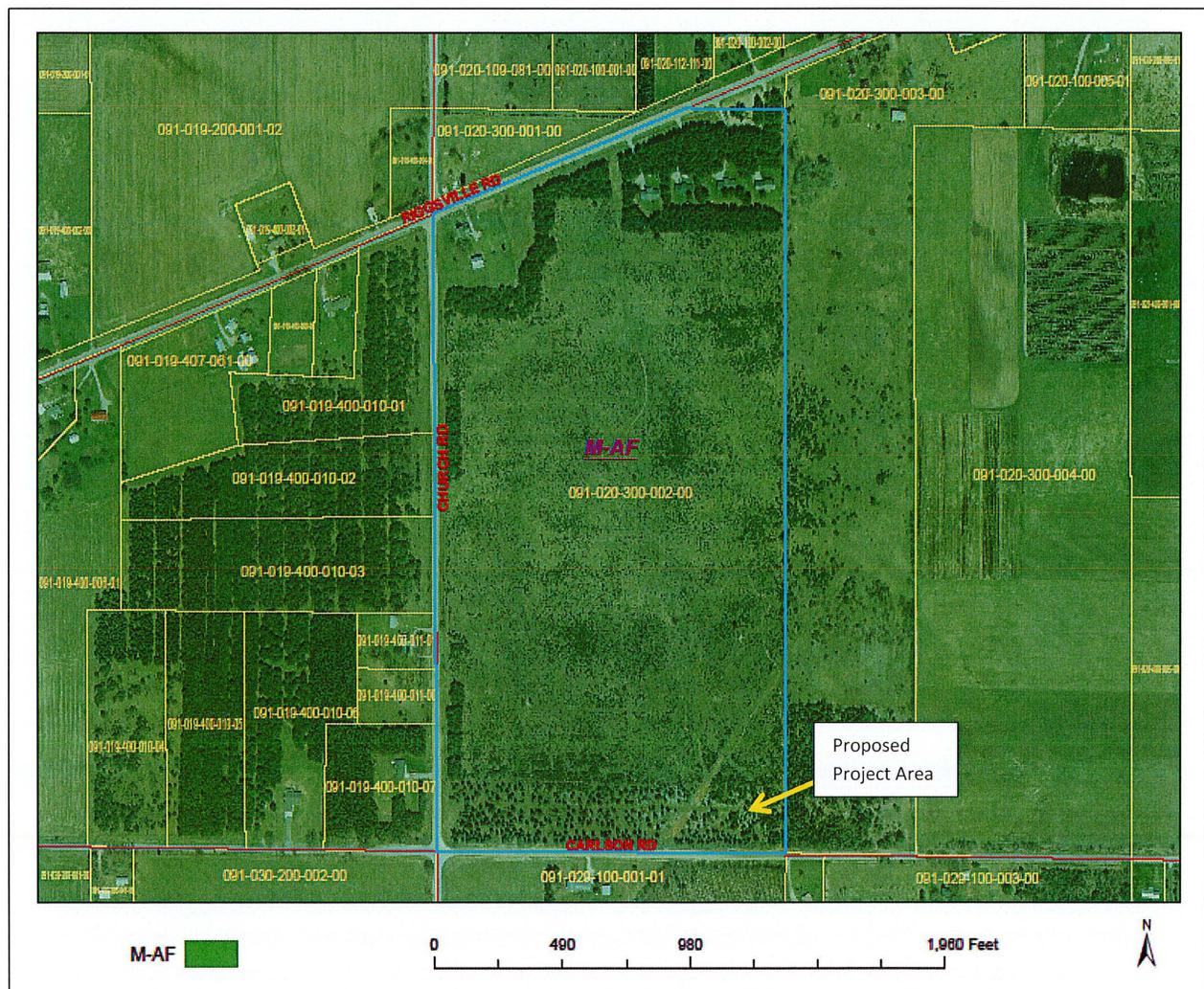


Fig. 1: Location and zoning of the 76-acre subject parcel (at center highlighted in blue) and surrounding properties

Current and Surrounding Zoning:

The current zoning of the subject property and surrounding properties is Agriculture and Forestry Management (M-AF) (see Figure 1 on p. 2).

Surrounding Land Uses:

The land use surrounding the lease area on the subject property consists of “rural residential properties” on large lots and vacant land/farmland.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain):

The proposed project site/leased area is not within 500 feet of a waterbody; therefore, a Soil Sedimentation and Pollution Control Permit is not required.

While wetlands may be present on the subject property according to the Michigan Department of Environment, Great Lakes, and Energy’s (EGLE) Final Wetlands Inventory Database, wetlands are not present on the project site/leased area on the subject property.

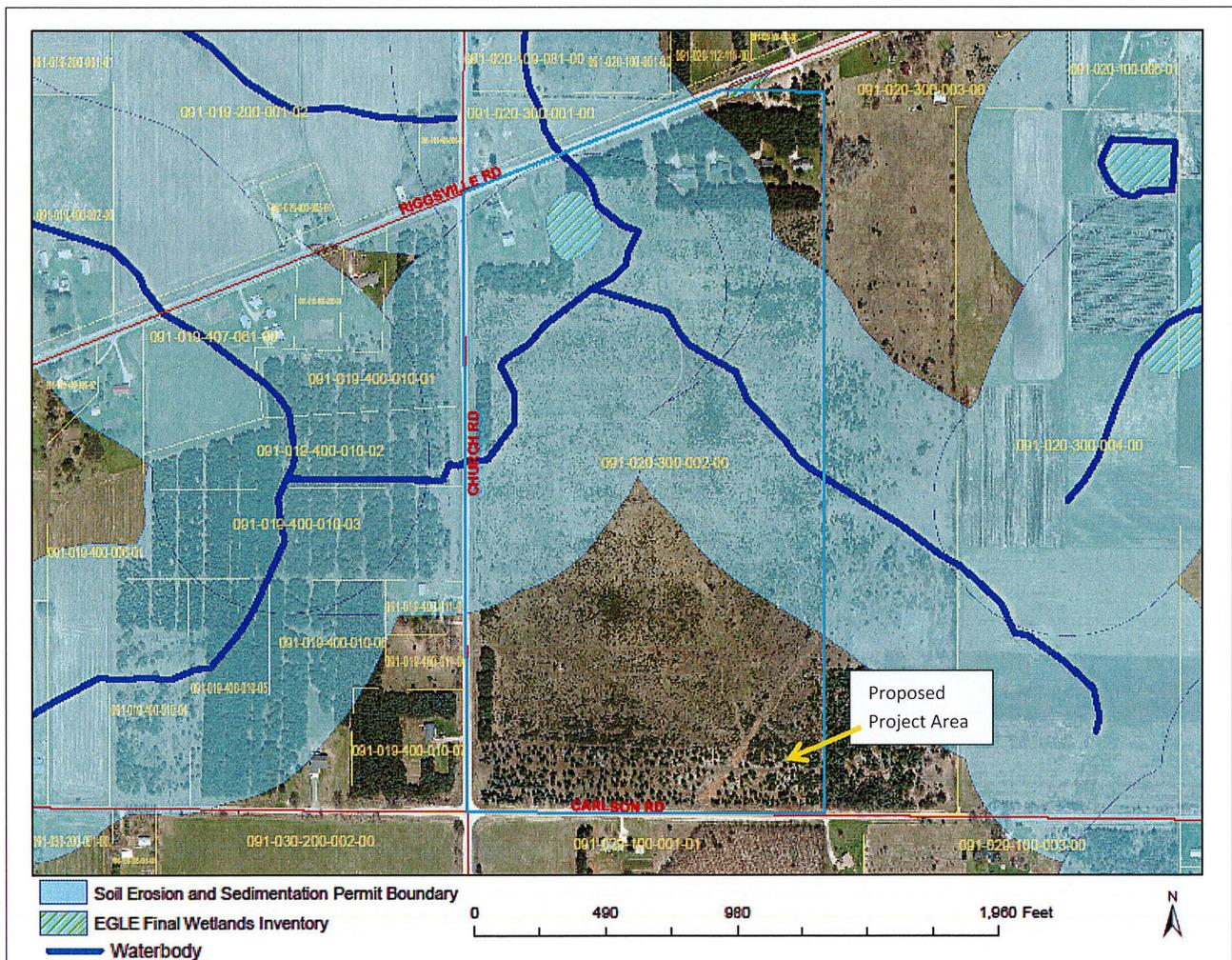


Fig. 2: Final Wetlands Inventory Data on the subject parcel and surrounding properties

Utilities/Disposal Services

No water, sewer or disposal services are necessary and proposed for the use.

Historic Buildings/Features:

There are no known historic buildings or features on the subject property.

Traffic Implications:

This project would have no impact upon current local traffic conditions.

Parking:

There are no parking requirements for this use. However, the Zoning Ordinance requires one space per two employees. It is reasonable to expect one space for service personnel.

A 30-foot access and utility easement area would be located adjacent to the lease area and will contain a gravel parking and turnaround area as depicted on the Site Plan drawing Z2.

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

Access to the site is provided via Carlson Road and with an access roadway to the facility.

Signs:

No sign(s) are proposed with this application.

Fence/Hedge/Buffer:

A locked chain link fence **eight (8) feet** in height with green vinyl slats would be installed around the facility. No other screening or buffers are proposed, nor are required.

Lighting:

Per Federal Aviation Administration (FAA) requirements, lighting would be installed on the tower. In addition, the application states exterior lighting will be pointed downward and shielded on a 2-hour timer. The applicant has clarified that lighting will be installed on the equipment cabinet canopy.

Stormwater management:

There would be no significant changes to stormwater flows.

Master Plan/Future Land Use Map

The project site/leased area within the subject property is designated Forest/Agriculture on the Cheboygan County Future Land Use Map.

Wireless communication facilities are not specifically addressed in the Cheboygan County Master Plan; however, under the general topic heading of Public Services & Infrastructure, broadband implementation throughout the county is a goal that may include expanding wireless communication networks.

Public Comment:

No public comments have been received as of the date of this report.

Review or permits from other government entities:

Federal Communications Commission (FCC) and FAA requirements prevail. Applicable permits from the County's Department of Building Safety and a driveway permit from the County Road Commission would also be required.

Recommendations (proposed condition):

1. Submittal of written confirmation of meeting FCC and/or FAA requirements prior to construction.
2. Prior to construction, the applicant shall obtain all County Department of Building Safety and Road Commission permits as applicable.

CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, November 20, 2019; 7:00 PM

Applicant

TeleCAD Wireless
1961 Northpoint Blvd.; Ste. 130
Hixson, TN 37343

Owner

Chuck and Carol Underwood
758 Ridgewood Rd.
Clarkston, MI 48346

Parcel(s)

4802 Carlson Rd.
Inverness Township
091-020-300-002-00

GENERAL FINDINGS

1. The subject 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 the construction of a Wireless Communications Facility on leased property to include a tower up to 220-feet above ground level, and an equipment cabinet and generator to be located on a platform measuring 10-ft. x 10-ft.
3. New Wireless Communications Facilities are allowed in the M-AF zoning districts pursuant to Section 17.13 by special use permit. (See exhibit 1)
4. An isolation standard of 220-ft. is required pursuant to Section 17.13.1.a. (see exhibit 1)
5. The applicant is seeking a reduced isolation standard pursuant to Section 17.13.1.a. (see exhibit 1)
6. The site plan indicates a 112-ft. fall zone which is a 49.1% proposed reduction in the isolation standard (see exhibit 13).
7. The applicant has submitted a letter from a registered professional engineer certifying the tower as being safe from the hazard of falling outside of the fall zone indicated on the site plan. (see exhibit 5)
8. The applicant is requesting waivers to the Site Plan Requirements under Sections e, j, n, p, and r. (see exhibit 3)
9. A special use permit was approved for the Wireless Communications Facility on October 18, 2017. (see exhibit 19)

FINDINGS OF FACT UNDER SECTION 17.13.1 OF THE ZONING ORDINANCE

17.13.1 Radio and television towers, public utility microwaves and public utility T.V. transmitting towers:

a. May be permitted by the Planning Commission after a Hearing, in the D-CM, D-LI, and M-AF Districts provided said use shall be located centrally, and 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 guy/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling on to public roads or adjoining properties. All guy wires/cables and anchors shall meet zoning setback of the zoning district.

1. The subject property is in an M-AF District.
 2. The site plan indicates a proposed tower 220 ft. in height. (see exhibits 10, 13 and 14)
 3. An isolation standard of 220-ft. is required pursuant to Section 17.13.1.a. (see exhibit 1)
 4. The site plan indicates a 112-ft. fall zone which is a 49.1% proposed reduction in the isolation standard (see exhibit 13).
 5. The applicant has submitted a letter from a registered professional engineer certifying the tower as being safe from the hazard of falling outside of the fall zone indicated on the site plan. (see exhibit 5)
 6. The fall zone indicated on the site plan is clear of falling onto the public road and adjoining properties. (see exhibits 13 and 17)
 7. Standard has been met.
- Or,
8. Standard has not been met.

FINDINGS OF FACT UNDER SECTION 17.13.2. OF THE ZONING ORDINANCE

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

- a. Wireless Communications 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 Communications 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 and/or statements have been made on the record which demonstrates that no reasonable opportunity exists for co-location or placement of the proposed facility on an existing structure. (see exhibits 8, 9 and 19).
 2. Standard has been met.
Or,
 1. Standard has not been met.

- b. Wireless Communications 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.
 - a. Evidence of FCC and/or FAA approval shall be required.
 - b. The site plan indicates the tower will be subject to all FAA standards. (see exhibit 14)
 - c. Standard has been met.
Or,
 - d. Standard has not been met.

 2. Towers must be equipped with devices to prevent unauthorized climbing.
 - a. The site plan indicates the “tower will be equipped with an anticleimbing ladder starting at 15-ft. above ground level.” (see exhibit 14)
 - b. The site plan indicates the tower will be surrounded by a 8-ft. tall locked chain-link fence with barbed wire along the top. (see exhibit 16)
 - c. Standard has been met.
Or,
 - d. 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 Wireless Communications Facility is to be placed within a forested area. (see exhibit 17)
 - b. A fence with green vinyl slats will be installed around the wireless facility. (see exhibits 3, 14 and 16)
 - c. Standard has been met.
Or,
 - d. Standard has not been met.

 4. New towers should be engineered as appropriate for co-location of other antennae.
 - a. The site plan indicates the “tower shall be engineered as appropriate for co-location of other antennae. (see exhibit 14)
 - b. A letter has been submitted by Douglas Weber from Verizon Wireless, stating the Wireless Communications Facility will be designed to accommodate multiple carriers. (see exhibit 6)
 - c. Standard has been met.
Or,

- d. Standard has not been met.
5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 - a. A self-supporting tower is proposed. (see exhibits 5, 10, 13 and 14)
 - b. The site plan indicates the tower will be surrounded by a 8-ft. tall locked chain-link fence with barbed wire along the top. (see exhibit 16)
 - c. Standard has been met.
Or,
 - d. 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.
 - a. See applicable findings above.
 - b. Standard has been met.
Or,
 - c. See applicable findings above.
 - d. Standard has not been met.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE
(STANDARDS FOR SPECIAL LAND USE APPROVAL)

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 Communications Facilities by special use permit per Section 17.13. (see exhibit 1).
 2. Standard has been met.
Or,
 3. 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 would be unmanned, stand-alone facilities and be visited by a service technician two times per month by a technician. (see exhibit 3)
 2. Standard has been met.
Or,
 3. Standard has not been met.
- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
 1. The proposed tower and equipment shelter are unmanned stand-alone facilities to be visited by a service technician two times per month. (see exhibit 3)
 2. The special use permit application indicates the proposed tower “will be gray galvanized to reduce glare. (see exhibit 3)
 3. Standard has been met.
Or,
 4. The proposed tower is stated to be 220-ft. tall and will be visible to surrounding residential properties.

5. 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 wireless tower and facilities are to be placed 146-ft. from the Carlson Rd. right-of-way on a parcel of leased land measuring 100-ft. x 100-ft. and will not diminish the opportunity for surrounding properties to be used and developed as zoned. (see exhibits 11,12,13 and 17)
 2. Standard has been met.
 - Or,
 3. 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 wireless facility would be unmanned and secured by locked fencing, and thus would not require public resources greater than current capacity nor increase hazards from fire or other dangers. (see exhibit 3)
 2. Standard has been met.
 - Or,
 3. 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. 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 Carlson Rd. (see exhibits 3, 11, 13 and 17)
 2. The entrance roadway is not within 25-ft. of an intersection. (see exhibit 11 and 17)
 3. Standard has been met.
 - Or,
 4. 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 communications facility and will not require a water well, septic facilities or refuse collection. (see exhibit 3 and 11)
 2. Standard has been met.
 - Or,
 3. 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 land use will comply with all relevant standards required under the ordinance, per the submitted application and site plan. (see exhibit 1)
 2. Standard has been met.
 - Or,
 3. Standard has not been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE
(STANDARDS FOR GRANTING SITE PLAN APPROVAL)

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 and occur within the access easement and 100-ft. x 100-ft. leased area. (see exhibits 3, 11, 15 and 19)
 2. Standard has been met.
 - Or,
 3. 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 significantly affect the landscape or natural state of the site. (see exhibits 3, 11, 15 and 19)
 2. Standard has been met.
 - Or,
 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 significant changes to the drainage flow or pattern on the site are proposed. (see exhibits 3, 11 and 19)
 2. Standard has been met.
 - Or,
 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. Emergency vehicle access is provided via Carlson Rd. and a connecting access easement. (see exhibits 3, 11, 13 and 14)
 2. Standard has been met.
 - Or,
 3. 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 Carlson Rd. and a connecting access easement. (see exhibits 3, 11, 13 and 14)
 2. Standard has been met.
 - Or,
 3. 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 condominiums or subdivision plats 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 Federal Aviation Administration (FAA) requirements is proposed for the tower and will not affect adjacent properties, impede vision of traffic nor will not unnecessarily illuminate night skies. (see exhibit 14)
 - 2. Lighting is proposed for the equipment cabinet inside the fenced facility. The application indicates lighting will be “pointed down and shielded and on a 2-hour timer.”(see exhibit 3)
 - 3. Standard has been met.Or,
 - 4. 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. The site plan indicates the project will meet with applicable Federal Communications Commission (FCC) and FAA requirements. (see exhibit 14)
 - 2. The subject property is zoned Agriculture and Forestry Management and the Cheboygan County Master Plan/Future Land Use Map (adopted January 15, 2014) depicts the property as Forest/Agricultural, “a designation intended to provide areas where management and production of crops and timber is the predominant land use.” The Master Plan does not specifically address wireless communications facilities; however, under the general topic heading of Public Services & Infrastructure, broadband implementation throughout the county is a goal that may include expanding wireless communications networks. (see exhibit 2)
 - 3. Standard has been met.Or,
 - 4. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

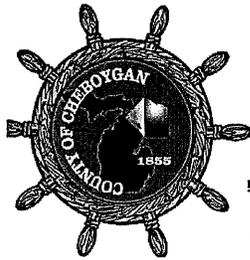
State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, November 20, 2019

Patty Croft, Chairperson

Charles Freese, Secretary



CHEBOYGAN COUNTY

PLANNING AND ZONING 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/

MEMORANDUM

Date: November 13, 2019 (for the November 20, 2019 regular Planning Commission meeting)

To: Planning Commissioners

From: Michael Turisk, Planning Director 

Re: **Proposed Zoning Ordinance Amendment #154 – RE: Home Occupation-type Activities and Bathroom Facilities in Private Storage Buildings**

Planning Commissioners,

During our regular meeting on October 16, our continuing discussion regarding proposed Zoning Ordinance Amendment #154 focused on consideration of a new land use definition that would be included in Article 2 of the Zoning Ordinance – *Limited Commercial Enterprise*. This new definition would offer clarification by establishing a nomenclature distinction between Home Occupation uses and similar activities in type and scope that would be permitted in private storage buildings.

Furthermore, for *Limited Commercial Enterprise* uses we had discussed identifying or listing specific permitted uses and the requirements thereof, much like what the Zoning Ordinance provides for Home Occupations.

Moreover, we discussed the pros and cons of specifying the types of bathroom facilities or fixtures that would be permitted in private storage buildings and general language simply indicating that bathroom facilities are permitted.

Draft Ordinance Amendment #154 is attached to this memorandum and includes proposed revisions borne out of our discussion on October 16. Proposed text deletions are shown in strikethrough and text additions are highlighted. I look forward to our continuing discussion on Wednesday evening.

Please feel free to reach out should you have questions.

Enclosure:



CHEBOYGAN COUNTY PLANNING AND ZONING 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/

MEMORANDUM

Date: November 19, 2019

To: Planning Commissioners

From: Michael Turisk, Planning Director 

Re: **Proposed Zoning Ordinance Amendment #154 – RE: Home Occupation-type Activities and Bathroom Facilities in Private Storage Buildings**

Planning Commissioners,

Attached to this memo is the latest “mark-up” of Draft Ordinance Amendment #154 for our discussion on Wednesday evening. Text highlights in **green** are the latest additions per legal counsel’s recent direction. Note, too, a “clean” draft for your review.

Please feel free to reach out should you have questions.

Enclosures:

“Mark-up” of Draft Ordinance Amendment #154

“Clean” Draft Ordinance #154

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #154

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO HOME OCCUPATIONS, LIMITED COMMERCIAL ENTERPRISE USES AND PRIVATE
STORAGE BUILDINGS

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Ordinance 200 is hereby amended to amend the following Definitions, which shall read in their entirety as follows:

AGRICULTURAL/PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for both agricultural and private non-commercial storage, home workshop purposes, Home Occupation or Limited Commercial Enterprise purposes with no provisions for overnight living or sleeping areas. A toilet facility and/or wash basin/vanity are permitted in an Agricultural/Private Storage/Workshop building.

PRIVATE STORAGE BUILDING

A building or structure that is used for private non-commercial storage of materials, or approved Limited Commercial Enterprise purposes that are is owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping and/or cooking, except that a toilet facility and/or wash basin/vanity are permitted in a Private Storage Building.

PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for private, non-commercial storage or home workshop purposes or Limited Commercial Enterprise purposes with no provisions for overnight living or sleeping areas. A toilet facility and/or wash basin/vanity are permitted in a Private Storage/Workshop Building.

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Ordinance 200 is hereby amended to add the following Definition in its appropriate alphabetical location, which shall read in its entirety as follows:

LIMITED COMMERCIAL ENTERPRISE

Except as provided herein, any commercial business operation conducted within an Agricultural/Private Storage/Workshop Building, Private Storage Building or Private Storage/Workshop Building that does not conflict with nor operate out of character with surrounding land uses and which complies with all of the applicable standards specified in Section 17.21 of the Zoning Ordinance. Limited Commercial Enterprise uses shall not include any industrial uses, on-site retail or wholesale sales activities.

Section 23. Amendment of Section 17.21.

Section 17.21. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 17.21. HOME OCCUPATIONS AND LIMITED COMMERCIAL ENTERPRISES (Rev. __/__/19, Amendment #154)

Cheboygan County recognizes the desire and/or need of some citizens to use their residence, specified accessory building or Private Storage Building for business activities in order to reduce trip generation and

to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

17.21.1 ADMINISTRATION

A. Home Occupations and Limited Commercial Enterprise uses shall not require a zoning permit unless all of the following apply requiring zoning permits are those involving any of the following:

- 1.) Requires an additional on site, non-resident employee.
- 2.) Requires commercial signage.
- 3.) Requires additional parking for or results in additional traffic from customers.
- 4.) Requires commercial deliveries or pick ups of materials or supplies used in the Home Occupation or Limited Commercial Enterprise.

B. No Home Occupation or Limited Commercial Enterprise shall be conducted until a zoning application has been approved by the Zoning Administrator. The application shall include the following:

- 1.) The type of business and business activities.
- 2.) The number of employees.
- 3.) The vehicles used in the Home Occupation.
- 4.) The number of expected customer visits per day.
- 5.) The number of expected deliveries/drop offs.
- 6.) Additional information as may be determined necessary.

17.21.2 PERMITTED USES FOR HOME OCCUPATIONS AND LIMITED COMMERCIAL ENTERPRISES

It is recognized that this list may not be totally inclusive. The Zoning Administrator shall determine whether a request is similar to a following listed use as to approve or deny.

- A. Home offices, including architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors, and accountants
- B. Home studios, including artists, sculptors, musicians, photographers, and authors
- C. Personal services, including barbershops and beauty parlors
- D. Instructional services, including music, dance, art, and craft classes
- E. Repair services, including small appliances, small engines, and computers/electronics
- F. Workrooms, including weaving and woodworking
- G. Day care homes

Section 3. 17.21.3 STANDARDS

A. Home Occupations must be conducted within the principal residential structure or specified, permitted accessory building structures. Limited Commercial Enterprise uses shall be conducted within an Agricultural/Private Storage/Workshop Building, Private Storage Building or Private Storage/Workshop Building ~~private storage building~~.

B. Customer visits and delivery vehicles are limited to the hours of 8am to 7pm.

C. Delivery vehicles are limited to passenger vehicles, mail carriers, and express carriers.

D. Nonresident employees on the premises are limited to one (1) at any one time.

E. Home Occupations and Limited Commercial Enterprises uses shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.

F. Home Occupations and Limited Commercial Enterprise uses shall not generate waste or sewage in volume or type which that is not normally associated with residential use.

G. Limited Commercial Enterprise uses are restricted to one (1) per Agricultural/Private Storage/Workshop Building, Private Storage Building or Private Storage/Workshop Building private storage building on the same lot of record or on one (1) or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds.

17.21.4. CONDITIONAL APPROVALS

The Zoning Administrator may impose reasonable conditions with the approval of an application for a Home Occupation or Limited Commercial Enterprise, pursuant to Section 17.21.3 of this Ordinance.

Section 4. Amendment of Section 17.23.

Section 17.23. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 17.23 PRIVATE STORAGE BUILDINGS AND USES (Rev. __/__/19, Amendment #154)

Cheboygan County recognizes the desire and/or need of some citizens to have a parcel that is used primarily for indoor storage of items that are typically used in a home or to store equipment used for maintenance of a single-family home or enjoyment by the residents of a single-family home. Private storage is a primary use, not subordinate to another use on the same property. Placement of a private storage building on the property should support the future placement of a residence. Limited Commercial Enterprise uses are permitted, pursuant to Section 17.21 of this Ordinance.

Section 3. 17.23.1 STANDARDS

The following standards apply to private storage buildings and uses in the Residential (D-RS), Rural Character/Country Living (D-RC) and Lake and Stream Protection (P-LS) zoning districts. Private storage buildings that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards, and those for approved Limited Commercial Enterprise uses.

- a. The structure shall not serve as a residence or dwelling of any kind.
- b. Only goods and material storage and/or an approved Limited Commercial Enterprise use are permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- c. If within thirty (30) feet of a side property line, all such private storage buildings and Limited Commercial Enterprise uses must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- d. No more than two (2) private storage buildings are allowed per acre of contiguous property under the same ownership as recorded with the office of the register of deeds with a maximum of four (4) storage buildings allowed for all properties under the same ownership.
- e. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements:
 1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.

2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.
 3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.
- f. In the P-LS district, all private storage buildings **and Limited Commercial Enterprise uses** must meet a minimum setback from the water's edge of 50 feet and must meet all other applicable setbacks for the zoning district in which located.
 - g. The structure may not be used to house or support animals of any type.
 - h. **No bathroom facilities are permitted in the private storage structure. A toilet facility and/or washbasin/vanity are permitted in the private storage structure; however, bathtub and shower facilities are prohibited.**
 - i. Except for **an approved Limited Commercial Enterprise use**, the structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

Section 35. 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 46. 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:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster

Its: Clerk

DRAFT 11.20.2019

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #154

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO HOME OCCUPATIONS, LIMITED COMMERCIAL ENTERPRISE USES AND PRIVATE
STORAGE BUILDINGS

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Ordinance 200 is hereby amended to amend the following Definitions, which shall read in their entirety as follows:

AGRICULTURAL/PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for both agricultural and private non-commercial storage, home workshop purposes, Home Occupation or Limited Commercial Enterprise purposes with no provisions for overnight living or sleeping areas. A toilet facility and/or wash basin/vanity are permitted in an Agricultural/Private Storage/Workshop building.

PRIVATE STORAGE BUILDING

A building or structure that is used for private non-commercial storage of materials, or approved Limited Commercial Enterprise purposes that ~~are~~ is owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping and/or cooking, except that a toilet facility and/or wash basin/vanity are permitted in a Private Storage Building.

PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for private, non-commercial storage or home workshop purposes or Limited Commercial Enterprise purposes with no provisions for overnight living or sleeping areas. A toilet facility and/or wash basin/vanity are permitted in a Private Storage/Workshop Building.

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Ordinance 200 is hereby amended to add the following Definition in its appropriate alphabetical location, which shall read in its entirety as follows:

LIMITED COMMERCIAL ENTERPRISE

Except as provided herein, any commercial business operation conducted within an Agricultural/Private Storage/Workshop Building, Private Storage Building or Private Storage/Workshop Building that does not conflict with nor operate out of character with surrounding land uses and which complies with all of the applicable standards specified in Section 17.21 of the Zoning Ordinance. Limited Commercial Enterprise uses shall not include any industrial uses, on-site retail or wholesale sales activities.

Section 3. Amendment of Section 17.21.

Section 17.21. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 17.21. HOME OCCUPATIONS AND LIMITED COMMERCIAL ENTERPRISES (Rev. __/__/19, Amendment #154)

Cheboygan County recognizes the desire and/or need of some citizens to use their residence, specified accessory building or Private Storage Building for business activities in order to reduce trip generation and

to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

17.21.1 ADMINISTRATION

A. Home Occupations and Limited Commercial Enterprise uses shall not require a zoning permit unless all of the following apply:

- 1.) Requires an additional on site, non-resident employee.
- 2.) Requires commercial signage.
- 3.) Requires additional parking for or results in additional traffic from customers.
- 4.) Requires commercial deliveries or pick ups of materials or supplies used in the Home Occupation or Limited Commercial Enterprise.

B. No Home Occupation or Limited Commercial Enterprise shall be conducted until a zoning application has been approved by the Zoning Administrator. The application shall include the following:

- 1.) The type of business and business activities.
- 2.) The number of employees.
- 3.) The vehicles used in the Home Occupation.
- 4.) The number of expected customer visits per day.
- 5.) The number of expected deliveries/drop offs.
- 6.) Additional information as may be determined necessary.

17.21.2 PERMITTED USES FOR HOME OCCUPATIONS AND LIMITED COMMERCIAL ENTERPRISES

It is recognized that this list may not be totally inclusive. The Zoning Administrator shall determine whether a request is similar to a following listed use as to approve or deny.

- A. Home offices, including architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors, and accountants
- B. Home studios, including artists, sculptors, musicians, photographers, and authors
- C. Personal services, including barbershops and beauty parlors
- D. Instructional services, including music, dance, art, and craft classes
- E. Repair services, including small appliances, small engines, and computers/electronics
- F. Workrooms, including weaving and woodworking
- G. Day care homes

17.21.3 STANDARDS

A. Home Occupations must be conducted within the principal residential structure or specified, permitted accessory building. Limited Commercial Enterprise uses shall be conducted within an Agricultural/Private Storage/Workshop Building, Private Storage Building or Private Storage/Workshop Building.

B. Customer visits and delivery vehicles are limited to the hours of 8am to 7pm.

C. Delivery vehicles are limited to passenger vehicles, mail carriers, and express carriers.

D. Nonresident employees on the premises are limited to one (1) at any one time.

E. Home Occupations and Limited Commercial Enterprises uses shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.

F. Home Occupations and Limited Commercial Enterprise uses shall not generate waste or sewage in volume or type that is not normally associated with residential use.

G. Limited Commercial Enterprise uses are restricted to one (1) per Agricultural/Private Storage/Workshop Building, Private Storage Building or Private Storage/Workshop Building on the same lot of record or on one (1) or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds.

17.21.4 CONDITIONAL APPROVALS

The Zoning Administrator may impose reasonable conditions with the approval of an application for a Home Occupation or Limited Commercial Enterprise, pursuant to Section 17.21.3 of this Ordinance.

Section 4. Amendment of Section 17.23.

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17.23.1 STANDARDS

The following standards apply to private storage buildings and uses in the Residential (D-RS), Rural Character/Country Living (D-RC) and Lake and Stream Protection (P-LS) zoning districts. Private storage buildings that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards, and those for approved Limited Commercial Enterprise uses.

- a. The structure shall not serve as a residence or dwelling of any kind.
- b. Only goods and material storage and/or an approved Limited Commercial Enterprise use are permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- c. If within thirty (30) feet of a side property line, all such private storage buildings and Limited Commercial Enterprise uses must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- d. No more than two (2) private storage buildings are allowed per acre of contiguous property under the same ownership as recorded with the office of the register of deeds with a maximum of four (4) storage buildings allowed for all properties under the same ownership.
- e. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements:
 1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.

2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.
 3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.
- f. In the P-LS district, all private storage buildings and Limited Commercial Enterprise uses must meet a minimum setback from the water's edge of 50 feet and must meet all other applicable setbacks for the zoning district in which located.
 - g. The structure may not be used to house or support animals of any type.
 - h. A toilet facility and/or washbasin/vanity are permitted in the private storage structure; however, bathtub and shower facilities are prohibited.
 - i. Except for an approved Limited Commercial Enterprise use, the structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

Section 5. 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 6. 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:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk