



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
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**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JANUARY 20, 2016 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

- 1.) **Air North Communications and Alice Arnett** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 6773 North M-33, Benton Twp., section 32, parcel #104-032-200-002-20, and is zoned Agriculture and Forestry Management (M-AF).

UNFINISHED BUSINESS

- 1.) Discussion regarding PUD Ordinance Amendment

NEW BUSINESS

- 1.) Discussion with attorney Bryan Graham regarding U.S. Supreme Court Decision in Reed vs. Gilbert and impact on the sign ordinance
- 2.) Annual Meeting Election of Officers & Verification of Regular Meeting Schedule
- 3.) 2017 Capital Improvement Program Timeline

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721
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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, JANUARY 6, 2016 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, Steve Schnell, Peter Wendling
GUESTS: Charlie Hague, Russell Crawford, Cheryl Crawford, Deborah Kidder, David Kidder Alice Arnett, Dave Rossman, Ruth Bennett, Martha Sheerin, Brady Hebert, Karyn Rogers, Ron Rogers, John Wallace, Charles M. Maziasz, Tony Matelski, John F. Brown, Carl Muscott, Larry Hanson, R. Lincoln, Anne P. Couture, Pat Lynch, John Moore, Cal Gouine, Eric Boyd, Chris Liegl, Betsy Hanson, Doug Kubiecek, Jim Leh, Mike Wesley, Madeleine Naylor, Tony Naylor, Dr. Dan Weaver, Linda Weaver, Earl Parsons, Lori Parsons Henry Herpel, Dave Southwell, Patti Richardson Henige, Stan Henige, Dave Lurie, Jill Lutz

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

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The December 16, 2015 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdyk, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Air North Communications and Alice Arnett - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 6773 North M-33, Benton Twp., section 32, parcel #104-032-200-002-20, and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil reviewed an aerial photo of the parcel. Mr. McNeil stated this parcel is located at the southwest corner of the intersection at Orchard Beach Road and M-33. Mr. McNeil stated this parcel is 39 acres and is zoned Agriculture and Forestry Management. Mr. McNeil stated the facility is taking the form of a 60ft. high wood pole with antennas that extend another 10ft above the pole for a total height of 70ft. Mr. McNeil referred to the detail drawing and noted the location of the driveway and existing structures. Mr. McNeil stated the proposed pole will be 300ft. from the road right-of-way and 90ft. from the driveway. Mr. McNeil stated there will be a 70ft. fall zone as noted on the detail drawing.

Mr. Freese asked if the applicant submitted any information showing that they investigated collocation on other towers in the area. Mr. Hague stated he does not have any documentation, but they have had facilities on this property for several years. Mr. Hague stated that Air North acquired MI Lakes who already had services at this location. Mr. Hague explained that there are approximately 130 customers coming off of this location. Mr. Hague stated that the property owner asked if the equipment could be removed from the home and installed on a pole on the parcel. Mr. Hague explained that by moving the equipment to another location could potentially affect access to the existing customers. Mr. Freese asked Mr. Hague if Air North could provide access to the same customers by collocating on the tower to the south of the parcel. Mr. Hague states yes, that is correct based on where the tower is located. Mr. Hague stated this is a beautiful location that sits on top of a hill that shoots across to an access point and also further to a couple of other access points. Mr. Freese asked if Air North could collocate on a

cellular tower in the area. Mr. Hague stated the location is not ideal for the current customers. Mr. Hague explained that they already have the existing location with access points that are tied into this location. Mr. Hague stated he did not know if he could lease space on that cell tower. Mr. McNeil reviewed the coverage map provided in the staff report. Mr. McNeil stated this comes from our database of cell towers. Mr. Freese stated that one was just approved on Carter Road. Mr. McNeil stated that the tower has not been constructed yet and this is a map of existing towers. Mr. Freese stated there is an existing tower and one that has been approved and they are within 4 miles of each other. Mr. Freese stated this one will be located in the middle of these two towers. Mr. Freese asked if the customers could be serviced by either of these two towers. Mr. Hague stated he can do the research if they would be able to communicate with the other access points further out in the country from either one of these locations. Mr. Freese stated the Planning Commission can't approve this unless they know that they are not able to collocate on the existing towers or that the proposed coverage can't be covered from the other two towers.

Mr. Wendling asked how the ordinance treats towers that are approved but unbuilt. Mr. Wendling asked if an unbuilt tower is considered a collocation under the ordinance. Mr. McNeil stated that the unbuilt tower is not a collocation option and we do not know at this time if it will be built as approved. Mr. Wendling stated that it would have to be based upon propagation tables as they exist. Mr. Freese stated the map still shows 5 other towers in the area. Mr. Kavanaugh stated it is reasonable to ask the applicant to verify if they are able to collocate on the proposed and existing towers. Mr. Freese stated he does not have any problem with the application other than the ordinance requiring the applicant to verify that they are not able to collocate on existing towers in the area. A discussion was held regarding tabling the request until the next Planning Commission meeting.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to table this request until the January 20, 2016 Planning Commission meeting. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

UNFINISHED BUSINESS

Lawrence Hanson and Heritage Cove Farm, Inc. – Request a Special Use Permit and approval of the submitted site plan. A Special Use Permit is requested under the following sections of the Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 9.3.22. (Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district.), Section 10.3.2. Club, Section 10.3.3. Cabin colonies, Section 10.3.6. County club, Section 10.3.8. Duplex or multi-family buildings, and Section 10.3.14. Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Mr. Schnell explained that this is a complicated application and read special land use approval standard 18.7.a. "The property subject to the application is located in a zoning district in which the proposed land use is allowed." Mr. Schnell stated there was a discussion at the last meeting whether or not this is a convalescent home. Mr. Schnell stated there was a discussion whether this was a cabin colony and club in the Agriculture and Forestry Management zoning district. Mr. Schnell stated he has proposed three questions for the Planning Commission members to review. Mr. Schnell stated the first question is "In the Agriculture and Forestry Management zoning district, does the proposed use meet the definition of a convalescent home?" Mr. Schnell stated if you can get a resolution to this question you will be able to move on to address the uses in the Lake and Stream Protection zoning district. Mr. Schnell stated another memo has been provided to the Planning Commission members with a proposed General Finding to add. Mr. Schnell stated that section 9.3.14 which is the nursing or convalescent homes section of the Zoning Ordinance states that in the Agriculture and Forestry Management zoning district you can have a nursing or convalescent home. Mr. Schnell stated at the last meeting there was a discussion regarding the definition of infirm. Mr. Schnell stated there were questions regarding whether the definition included mental or just physical. Mr. Schnell stated he looked at the past history of the Planning Commission and Zoning Commission. Mr. Schnell stated in 2001 there was an approval for an adult foster care home for the developmentally disabled. Mr. Schnell stated it was approved under section 9.3.14 which is the convalescent home section. Mr. Schnell stated that this is how the Planning Commission has ruled in the past and it should be looked at similarly this time based on the previous approval and based on the way the definition is written. Mr. Schnell stated this has been reviewed by legal counsel and the precedent is strong. Mr. Wendling stated this doesn't require the Planning Commission to make an interpretation. Mr. Wendling stated the Planning Commission has already utilized the ordinance in a manner which includes, as part of the infirmity argument, approval under the convalescent use section which included a group home for people with a mental disability. Mr. Kavanaugh asked Mr. Wendling if the

Planning Commission finds that they have made an error on a past decision, will they have to continue to make the same error in the future. Mr. Wendling stated no. Mr. Wendling stated you have to look at whether the decision does or does not make sense. Mr. Wendling stated the Planning Commission has to look at past practice to see how it has been applied and consider if the past practice is contrary to logic and reason. Mr. Jazdzyk explained there are conflicting definitions and the job of the Planning Commission is to try and make sense of it. Mr. Jazdzyk stated there is room for some differences of opinion sometimes. Mr. Jazdzyk believes this application is complicated. Mr. Freese stated the Planning Commission is looking at two different levels. Mr. Freese stated the Planning Commission is looking at the regulation itself and what the term used in the regulation actually means. Mr. Freese stated this is the foundation that we have to work on. Mr. Freese stated if the Planning Commission doesn't agree on an interpretation of the terms used in the regulation then there is a real problem in applying the regulation and the definitions of terms must be agreed upon to proceed with the application of the regulation. Mr. Freese further stated that if there is a question of interpretation, then the regulation fully states the resolution of these issues should be resolved by the ZBA. Mr. Wendling stated the Planning Commission will have different views on how the regulation applies. Mr. Wendling stated a status conference with a judge in Bay City is scheduled for January 22, 2016. Mr. Wendling stated Haider Kazim is the attorney in that case. Mr. Wendling stated if Mr. Freese is suggesting sending a request for a determination to the Zoning Board of Appeals, we are out of time to be able to do that. Mr. Kavanaugh explained that if the Planning Commission members do not agree, then they have to decide with a vote. Discussion was held. Mr. Kavanaugh stated the all of the Planning Commission members do not have to agree exactly, but the majority will have to agree before continuing. Mr. Kavanaugh stated he has done research and looked at different dictionaries and he feels that the definition of infirm should include mental as well as physical. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to include the three definitions of infirm as listed in the General Findings. Discussion was held. Mr. Jazdzyk noted that these definitions infer that mental is directly or somehow indirectly related to the element of age. Mr. Schnell stated that is already included in the proposed definition "A home, qualified for a license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients." Mr. Jazdzyk stated that the vast majority of definitions that he reviewed included some inference to the term infirmity as it relates to age. Mr. Jazdzyk stated it is one that you will have to sort out in your own mind and he believes it will affect the decision. Mr. Freese proposed also using the definition provided on the desk. Motion carried. 7 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Lyon), 1 Nay (Jazdzyk), 1 Absent (Churchill)

Ms. Croft asked does the proposed use meet the definition of convalescent home in the Agriculture and Forestry Management zoning district. Mr. Freese stated yes. Mr. Jazdzyk stated yes if infirm is as described.

Ms. Croft asked does the proposed use meet the definition of cabin colony in the Lake and Stream Protection zoning district. Mr. Freese stated yes. Mr. Jazdzyk stated this is difficult because the same use is in the two zoning districts, but it is being called two different uses. Mr. Jazdzyk stated this sets a dilemma of how the Planning Commission will proceed with zoning. Mr. Freese stated cabin colony is an allowed use in the Lake and Stream Protection zoning district. Mr. Freese asked if the housing use in the Lake and Stream Protection zoning district is the same as the housing use in the Agriculture and Forestry Management zoning district. Mr. Jazdzyk stated yes. Mr. Freese stated they can be called two different uses if they are a use that is authorized under that terminology in that district. Mr. Freese stated this can't be turned down based on the Anchor Steel case because that use (cabin colony) is an authorized use in the Lake and Stream Protection zoning district. Mr. Jazdzyk stated his concerns about the uses in on zoning district being considered analogies to other uses in another zoning district. Mr. Jazdzyk stated this creates havoc for the Planning Commission and other people will have the door wide open to do this also. Mr. Jazdzyk stated this seems to be a circumvention of a standard, straightforward way to do zoning. Mr. Freese stated it does make it very difficult, but you have to look at the actual use in the district. Mr. Freese stated it does matter what it is called. Mr. Freese stated you have to look at whether or not the use is an authorized use in the district. Discussion was held.

Ms. Croft asked does the proposed use meet the definition of a club in the Lake and Stream Protection zoning district. The Planning Commission stated no.

Ms. Croft asked does the proposed use meet the definition of a country club in the Lake and Stream Protection zoning district. The Planning Commission stated no.

Ms. Croft asked does the proposed use meet the definition of a restaurant in the Lake and Stream Protection zoning district. The Planning Commission stated no.

Ms. Croft asked does the proposed use meet the definition of a multi-family, duplex in the Lake and Stream Protection zoning district. The Planning Commission stated no. Discussion was held. Mr. Freese stated yes because there are two units under the same roof or in the same building. Mr. McNeil stated he researched the definition of duplex in other dictionaries as it is not defined in the Zoning Ordinance. Mr. McNeil stated that according to the Merriam-Webster Dictionary the definition of duplex is having two principal elements or parts. Mr. McNeil stated that according to the Oxford Advanced American Dictionary the

definition of duplex is a residential building divided into two apartments. Mr. McNeil stated that according to the Cambridge Academic Content Dictionary, the definition of duplex is a house having two separate apartments each with its own entrance. Mr. Freese stated that it would meet two of these definitions. Mr. Jazdyk asked if there are any other requirements for a duplex such as a stand-alone living environment which may include a kitchen or other items. Mr. Wendling stated it must meet the definition of a cabin or cabin colony. Ms. Croft read the definition of cabin, "Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters....". Mr. McNeil stated that floor plans are available for the duplex. Mr. Borowicz stated that the floor plans do not show a duplex floor plan. Mr. Borowicz stated these floor plans show two bedrooms suitable for a residence for two individuals, but they are not separate living quarters so, therefore the multi-family duplex does not apply. The Planning Commission members agreed that the proposed use does not meet the definition of a multi-family, duplex in the Lake and Stream Protection zoning district.

Ms. Croft asked does the therapy accessory use, as described, meet the definition of accessory use to cabin colony and dining/restaurant in the Lake and Stream Protection zoning district. Mr. Freese and Mr. Kavanaugh stated no.

Ms. Croft asked if there are any changes to the General Findings with the exception of the one change that was presented tonight.

Mr. Freese referred to General Finding 7 and proposed adding, "There has been no information furnished which indicated the necessity of hundreds of acres to accomplish the stated purposes of therapeutic farms of this type." Mr. Kavanaugh stated the only reason to include General Finding 7 is to show that other therapeutic farms are larger. Mr. Kavanaugh stated there is no reason to include it or not include it. Mr. Freese stated this finding tries to lead you in one direction which is not a valid way to go. Mr. Jazdyk stated the size was included to compare a small facility to a large facility. Mr. Freese stated that this has nothing to do with the size as there is no requirement that the facility must be 500ft. or 1000ft. away from other parcels. Mr. Jazdyk stated that there was information regarding the large buffer zones that Gould's had between their farm and the population around them. Mr. Jazdyk stated there is a much smaller footprint and the community seems to be at odds at supporting this request because of the nearness of this community as different from these bigger communities. Mr. Freese stated that no information has been furnished to show that the extra hundreds of acres are necessary. Discussion was held. Mr. Jazdyk stated he does not have a problem with what Mr. Freese said. Mr. Kavanaugh stated he does not have a problem including it as we do not know whether 300 acres or 450 acres are better. Mr. Kavanaugh stated that Mr. Freese is saying that there is no evidence that the 300 acres is any better and it is presumed by the people who testified that larger parcels provide better isolation and protection. Mr. Kavanaugh stated that he is not certain that what Mr. Freese wants to insert would be a problem because we could have the testimony of the public included. Mr. Kavanaugh stated the impact is negative either way. Mr. Borowicz stated these are General Findings and it is a fact that people are concerned about the possibilities that could arise from this and it is a fact that nobody has proven that the size makes any difference. Mr. Kavanaugh supports Mr. Freese in including the statement. Mr. Jazdyk stated he does not have a problem with it either.

Mr. Freese referred to General Finding 9 and General Finding 10 and stated that there are generally the same until the last yellow sentence. Mr. Freese stated General Finding 9 should be kept and General Finding 10 should be deleted.

Mr. Freese referred to General Finding 11 and proposed adding, "The Planning Commission finds that cabins proposed in the Agriculture and Forestry Management zoning district are in fact the residential component (accessory use) of the convalescent home as authorized by the special use permit in this district." Mr. Freese stated this addresses Mr. Jazdyk's concerns regarding cabins versus cabin colonies being the same use. Mr. Freese stated he is saying that the use in the Agriculture and Forestry Management zoning district for these cabins is the residential component of the convalescent home. Mr. Schnell stated this is an accessory use to the convalescent home.

Mr. Freese proposed replacing General Finding 14 with General Finding 16 and add the following, "The Planning Commission further finds that a convalescent or nursing home under this definition does not require it to be contained in a single structure." Mr. Kavanaugh asked Mr. Freese what is his intent by including this statement. Mr. Freese stated this will establish the fact that the housing units don't have to be contained in a single structure. Mr. Schnell suggested using language from 18.7.a.4, "The Planning Commission finds that the CCZO does not restrict the number of structures which are part of a convalescent home, a use allowed by special use in the M-AF District. (See exhibit 154)". Mr. Freese agreed that this will be acceptable.

Mr. Freese proposed deleting General Finding 17. Mr. Borowicz stated that General Finding 17 is covered in General Finding 18.

Mr. Borowicz referred to General Finding 18 and stated that 9.3.4 should be changed to 9.3.14.

Mr. Freese proposed keeping General Finding 19 and adding the following, "A. The Planning Commission finds that Tuscarora Township has developed its own Master Plan and that this plan has been recommended to be utilized as a guide for rezoning amendments pertaining to Tuscarora Township under the Cheboygan County Master Plan. (See exhibit 155, page 20 – 21). The Planning Commission further finds that the application under consideration proposed no rezoning but rather questions of appropriate land use under the current regulation as written." Mr. Jazdyk stated that part of this may come up during the reasonable accommodation discussion as the Planning Commission will make a lot of reasonable accommodations as they go through the findings and make decisions about the expansions of some of the definitions to allow the applicant to use these similar to what was talked about across the two zoning districts. Mr. Freese stated the contention is that we should be following the Tuscarora Township Master Plan and their Planning Commission's recommendation that this be turned down but the Master Plan refers to rezoning matters. Mr. Freese stated if we are going to rezone something then he agrees that we should be following the Master Plan but we are not rezoning anything. Mr. Freese stated we are trying to apply the regulation as it is currently written to the situation we have at hand. Mr. Freese stated if you don't agree with the regulation, then we will have to change the regulation at some point (in the future). Mr. Freese stated the Master Plan has nothing to do with the decisions that are being made here. Mr. Jazdyk stated he does have a little bit of difference with Mr. Freese. Mr. Jazdyk stated that during the Master Plan process, there were meetings all over the community, there was community involvement, groups of citizens and all of their input. Mr. Jazdyk stated that the people in Tuscarora Township are the closest people to this problem. Mr. Jazdyk stated he is once removed, he is not an elected official and he does not have a horse in this race. Mr. Jazdyk stated there are approximately 150 people in this community that are opposed to this request. Mr. Jazdyk stated this is part of the Master Plan that they talked about at the meetings and decisions were made around that and now the Planning Commission tosses that out. Mr. Jazdyk stated that it was not too long ago that the Planning Commission tossed one of these out. Mr. Jazdyk stated that he believes that the Master Plan has some credence and he doesn't think that is the only thing that should be used. Mr. Jazdyk stated he doesn't believe that we should take the input of a community and then say forget you people. Mr. Jazdyk stated we should get rid of the Master Plan. Mr. Jazdyk stated he doesn't care how it is done, but we wasted money on the Master Plan. Mr. Kavanaugh stated he felt the same way when Mr. Schnell read from the Master Plan. Mr. Kavanaugh stated that he believes Tuscarora Township's Master Plan should carry some weight. Mr. Wendling stated the language is clear and the way that Mr. Freese presented it, is the way it is written. Mr. Wendling stated that is why it was very important with the Griswold Mountain issue because it was a request for a conditional rezoning. Mr. Wendling stated this is an administrative process so you are administering your ordinance as written and you have to follow the rules and regulations contained in the ordinance. Mr. Schnell stated at this stage when we get feedback it is very important and is weighed very heavily as it says in the Master Plan. Mr. Schnell stated that typically what we do in a situation like this is we would receive the comment and it would not necessarily change the plan but it is a good indication to follow up with them. Mr. Schnell stated that we do not have a lot of details as to why they do not feel that it doesn't meet their future land use goals. Mr. Schnell stated that maybe the goals are not appropriate for that area or maybe the goals are appropriate but the ordinance isn't appropriate. Mr. Schnell stated so this is a matter to go back and look at this as a zoning amendment. Mr. Kavanaugh stated that is not to be used in administrative decisions. Mr. Kavanaugh asked where this wording can be found. Mr. Schnell read from the Township Level Land Use Planning section of the Master Plan, "While Tuscarora Township has formed a Township Planning Commission and adopted a township-level master plan, Tuscarora has not adopted its own zoning ordinance. County zoning is, therefore, still in effect for Tuscarora Township. According to Michigan statute, zoning must be based on a plan in order to be legally valid. Because Tuscarora Township has undertaken its own master plan, it is recommended that the Tuscarora Township master plan be utilized by Cheboygan County for developing land use and zoning recommendations for that community. The most recently adopted Township future land use map should take the place of more general recommendations developed for the County as a whole...." Mr. Kavanaugh asked who went to them with a request to review that plan. Mr. McNeil stated the township is notified of the request. Mr. Jazdyk stated this is confusing. Mr. Jazdyk stated that the Master Plan does really have to do with the way we administer planning and so we should not reference the Master Plan in the Findings of Fact that give people the illusion that their input will be used in this process because it doesn't sound like it is used. Mr. Freese stated the Master Plan guides any rezoning that is done and if the people are not happy with the zoning the way it is then they can propose a rezoning or that the ordinance be changed. Mr. Schnell stated the Master Plan is the policy document that you look at when you set the law which is the Zoning Ordinance. Mr. Schnell stated the ordinance doesn't change without it being supported by the Master Plan. Mr. Freese stated the key to this is that you have to go by the way the regulation is written at that point and time. Mr. Schnell stated the future land use map and plan are set for 20 years in the future. Mr. Schnell explained that the Master Plan is not a regulatory document as it is actually a 20-year policy document.

Mr. Freese referred to General Finding 22 and stated that "these uses are permitted in the ordinance under section 10.2.2 and supported by the Right to Farm Act and" (text in black) should be included. Mr. Freese suggested including, "On December 16, 2015 the Planning Commission recognized the applicability of the Right To Farm Act in this case also." Ms. Lyon asked if the statement "The Planning Commission further finds that neither "cabins" nor "cabin colonies" are permitted by right or by special land-use permit within the M-AF District." is true. Mr. Freese stated that technically it is not true as cabins are authorized if they are a hunting or fishing cabin. Mr. Freese stated we should change the cabins to hunting and fishing cabins.

Mr. Freese stated hunting and fishing cabins are authorized but cabin colonies are not authorized in the Agriculture and Forestry Management zoning district. Mr. Kavanaugh noted that no one is looking at hunting and fishing cabins for this request. Mr. Freese referred to the definition of cabin and stated that hunting and fishing cabins do qualify as cabins so if you are saying that cabins aren't authorized then hunting and fishing is not authorized either. Mr. Freese suggested including "The Planning Commission further finds that hunting and fishing cabins are allowed within the M-AF District but cabin colonies are not." Mr. Jazdyk stated his concerns that this is very confusing and he does not think this is a good way to go as it creates a substantial problem in people understanding the zoning. Mr. Freese stated there are major problems in the way the regulation is written and hopefully someday it will be straightened out.

Mr. Freese proposed deleting General Finding 23 and using General Finding 24.

Mr. Freese referred to General Finding 25 and stated that "5.3.8" should be deleted as this section was deleted from the regulation. Mr. Freese noted that exhibit 154 (Zoning Ordinance) is not an updated copy. Mr. Freese noted that the amendments that are not included in the exhibit 154 copy of the Zoning Ordinance do not pertain to the subject at hand. Mr. Freese stated this (General Finding 25) is where the terms "restaurant/bar" and "restaurant" come in. Mr. Freese stated that "entertainment and eating establishments" is the use in Agriculture and Forestry Management zoning district under Section 9.3.5 that is synonymous. Mr. Freese stated there are three different terms to consider. Mr. Borowicz stated that there are language problems in the Zoning Ordinance. Discussion was held.

Mr. Freese referred to General Finding 33 and stated that "condition" should be changed to "location".

Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the General Findings as amended. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed the Specific Findings of Fact Under Section 18.7 of the Cheboygan County Zoning Ordinance. Discussion was held regarding the Planning Commission reviewing some of the Findings of Fact to make sure they were factual. Mr. Schnell stated that the Planning Commission has approved some of the Findings of Fact with their answers to some of the initial questions.

The Planning Commission reviewed standard 18.7.a. **Motion** by Mr. Kavanaugh that this standard has not been met based on findings 1, 3, 4 and 5. Mr. Freese stated that the General Findings do not support finding 1. Mr. Freese stated he would agree on finding 3. Mr. Freese stated he would not agree on finding 4. Mr. Freese stated that finding 5 is thrown out by the Anchor Steel case. Mr. Jazdyk seconded Mr. Kavanaugh's motion. Mr. Freese stated that only finding 3 doesn't support the standard. Mr. Freese asked Mr. Wendling if the Planning Commission can be looking at any particular uses that we don't feel are supported and treat them separately. Mr. Wendling stated the Planning Commission has already made a decision that this is a convalescent home and also on the accessory uses that go along with the housing. Mr. Wendling stated this decision has already been made as far as the General Findings. Mr. Wendling stated the point is now to keep it consistent all the way through with what has already been done in the General Findings. Mr. Freese stated he doesn't agree with Mr. Kavanaugh's motion. Mr. Freese stated the findings 1-8 support the standard. Mr. Wendling stated that he doesn't see it as being consistent with what was done on the General Findings. Mr. Wendling stated that having a negative finding, other than the therapy issue, would be a problem given the General Findings. Mr. Schnell stated that a motion not in support of 18.7a isn't supported by the General Findings and the discussion that was held. Mr. Freese stated he has a problem with finding 3 which is the therapeutic use in the Lake and Stream Protection zoning district. Mr. Kavanaugh revised his motion to only include finding 3. Mr. Schnell stated that a lot of the General Findings that were adopted do not agree with a negative finding on 18.7.a. The motion failed for lack of support. **Motion** by Mr. Freese, seconded by Ms. Lyon, that findings 1-8 will support standard 18.7.a. Discussion was held. Mr. Jazdyk stated that we are not providing credence to the people who presented the findings that will not support the standard. Mr. Jazdyk stated that there is enough information here to make a legitimate case for several findings that will not support the standard. Mr. Borowicz suggested not including finding 7 as it states that the applicant makes the analogy part of the argument. Mr. Freese stated he agrees with deleting finding 7. Mr. Freese revised his motion to only include findings 1-6 and 8. Ms. Lyon supported the amended motion. Motion carried. 6 Ayes (Croft, Borowicz, Freese, Ostwald, Bartlett, Lyon), 2 Nays (Kavanaugh, Jazdyk), 1 Absent (Churchill)

The Planning Commission reviewed standard 18.7.b. **Motion** by Mr. Kavanaugh, seconded by Ms. Freese, that findings 1-2 will support standard 18.7.b. Discussion was held. Mr. Jazdyk stated he agrees with the motion but noted he did not understand the comments regarding the Bald Eagle in 1c as he does not have a lot of information on this issue. Mr. Freese stated that if the Bald Eagles are going to be bothered, it will be by boat traffic going up and down the river (which borders the property to the east) all summer long. Mr. Freese stated the boat traffic will bother the Bald Eagles more than this facility will ever bother them. Mr. Freese stated that no information has been presented to the Planning Commission on any nesting sites on this

parcel. Discussion was held. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 18.7.c. Mr. Freese stated that the increased traffic in the area would be due to the 13 employees and 3 staff members and there will be a couple of small delivery trucks a week. Mr. Freese stated this information was provided during the testimony of the applicant and this will not constitute much of an increase in traffic. Mr. Freese stated the Planning Commission has approved other facilities with ten times the amount of traffic and ten times the number of employees without any consideration for traffic congestion problems or a traffic study. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that findings 1-4 will support standard 18.7.c. Discussion was held. Mr. Jazdyk asked if a traffic study will be discussed later. Mr. Freese stated that traffic problems are part of this standard. Ms. Croft asked if there are any traffic problems. Mr. Jazdyk stated he is not concerned about this standard, but he will address his concern when reviewing standard 18.7.f. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 18.7.d. Discussion was held. Mr. Kavanaugh proposed adding as a finding that will not support the standard "During the public comment many people spoke that safety issues, property values, use of people's property now and after this facility is established would be diminished." Mr. Kavanaugh stated there were numerous comments on the use of the property and how children will not be able to use the trail any longer due to the facility. Mr. Kavanaugh stated that property owners were concerned about not being able to sell their property. Mr. Kavanaugh stated that there was a pending sale and if this request was approved the sale would not happen. Mr. Kavanaugh stated a person in the business indicated that this could happen. **Motion** by Mr. Freese, seconded Mr. Kavanaugh, that findings 1-4 will support standard 18.7.d. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 18.7.e. Discussion was held. Mr. Kavanaugh proposed adding finding 2 under will not support the standard "Testimony from a retired police officer indicated that there will be an increase in safety hazards and emergency room visits. Chris Blake, Clinical Psychologist, stated safety issues are a matter of concern. There was general public testimony where numerous people testified that there would be additional demands on fire, police and other resources." **Motion** by Mr. Kavanaugh, seconded by Ms. Freese, that findings 1-2 will not support standard 18.7.e. Motion carried. 7 Ayes (Croft, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 1 Nay (Borowicz), 1 Absent (Churchill). Mr. Wendling stated that in this case this Planning Commission will have to look at the analysis on the accommodation issue.

The Planning Commission reviewed standard 18.7.f. Discussion was held. Mr. Freese proposed adding as finding 6 under will support the standard "6. The Planning Commission finds that testimony indicates that traffic from the facility will consist of point of beginning traffic of 13 employees, 3 permanent staff and commercial vehicle deliveries by regular delivery trucks, not semis, 2-3 times per week." Mr. Jazdyk stated he believes that there was information provided that there was a snowmobile accident there. Mr. Jazdyk explained that as you drive in it is a difficult area as you are coming straight in there is the snowmobile trail. Mr. Jazdyk noted that there should be proper traffic signage along the front. Mr. Freese noted that the trail has a stop sign. Mr. Freese stated that speaking from personal experience, four days ago, he almost hit a snowmobile and he was only traveling 20mph down the road. Mr. Freese stated there is no way to prevent this as the snowmobilers do not pay attention to stop signs. Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that findings 1,2,3,4 and 6 will support standard 18.7.f. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 18.7.g. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that findings 1-5 will support standard 18.7.g. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 18.7.h. Discussion was held. Mr. Wendling stated that this is more of a requirement than a standard and this has been talked about in the past. Mr. Wendling stated this is more of a statement saying that you have to comply with the laws and regulations as applicable under the ordinance and under federal and state law. Mr. Jazdyk asked what happens under the guideline if the applicant has a certain type of clientele and then they find that there is no licensing required. Mr. Wendling stated if it is allowed under the law, then they are meeting the standard. Mr. Jazdyk asked what will happen if this is approved for patients with mental issues and then it is actually a homeless shelter. Mr. Wendling stated other agencies start from the bottom and zoning approval is the bottom. Mr. Wendling explained that the State will not give a commitment on the licensing requirement until there is zoning approval. Mr. Jazdyk stated his concerns regarding the applicant not knowing the type of client that they will have. Mr. Wendling stated that the applicant did describe the type of client that they will have. Mr. Freese stated the applicant stated they will apply for any licenses that are necessary

and they will try for accreditation over and above the licensing. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that finding 1 will support standard 18.7.h. Discussion was held. Mr. Borowicz suggested including finding 2 also. Mr. Freese revised his motion to include finding 2. Mr. Kavanaugh seconded the revised motion. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed the standards under the Additional Standards for Reasonable Accommodation under the Americans with Disabilities Act, The Federal Fair Housing Act and the Persons with Disabilities Civil Rights Act.

Mr. Wendling stated the Planning Commission made a finding under 18.7.e that the standard had not been met. Mr. Wendling stated the finding was based upon the testimony from a police officer, mental health expert and general public. Mr. Wendling stated the comments were directly based upon the disability of the parties which brings us into the accommodation phase. Mr. Wendling reviewed standard c under the Additional Standards for Reasonable Accommodation under the Americans with Disabilities Act as amended, The Federal Fair Housing Act, and the Persons with Disabilities Civil Rights Act. Mr. Wendling stated it is a risk if this is the reason it is turned down and it is fodder for the federal case and under the ADA as amended in 2008 as well as the Federal Fair Housing Act. Mr. Wendling stated the Planning Commission already determined that there is a disability to begin with. Mr. Wendling read standard a under the Additional Standards for Reasonable Accommodation under the Americans with Disabilities Act, The Federal Fair Housing Act, And The Persons With Disabilities Civil Rights Act. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that finding 1 supports standard a. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzzyk, Lyon), 0 Nays, 1 Absent (Churchill)

Mr. Wendling reviewed standard b and suggested that the Planning Commission finds that the applicant is making a request for reasonable accommodations and modifications of the standard under section 18.7.e and that modification results in the standard being met because of the disability of the residents. Mr. Kavanaugh asked if it will rule out the chance to put conditions on a special use permit since there are accommodations being made. Mr. Wendling stated not at all unless they are conditions that are contrary to the rules of the reasonable accommodation. Mr. Wendling explained that land based conditions are acceptable. Mr. Kavanaugh asked if it will affect licensing or screening. Mr. Wendling stated no. **Motion** by Mr. Borowicz, seconded by Mr. Ostwald, that finding 1 supports standard b. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzzyk, Lyon), 0 Nays, 1 Absent (Churchill)

Mr. Wendling reviewed standard c and suggested that the Planning Commission revise finding 1, "The Planning Commission finds that the requested modification is reasonable and necessary with respect to the uses proposed in the P-LS District attributable to the proposed development as a whole. Because the sole reason for not meeting standard 18.7.e is because of the mental disability of the residents, a modification allowing this use is reasonable and necessary under the Americans with Disabilities Act as amended and the Federal Fair Housing Act." Mr. Freese stated he agrees with Mr. Wendling's suggested language for finding 1. **Motion** by Mr. Freese, seconded by Mr. Ostwald, that finding 1, as modified per civil counsel, supports standard c. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzzyk, Lyon), 0 Nays, 1 Absent (Churchill)

Mr. Wendling reviewed standard d and suggested that the Planning Commission revise finding 1, "The Planning Commission finds that the mentally disabled residents of Heritage Cove Farm should have an equal opportunity to use the dwellings located in both the M-AF and P-LS zoning districts as a reasonable accommodation under the Americans With Disabilities Act as amended and the Federal Fair Housing Act." **Motion** by Mr. Borowicz, seconded by Mr. Freese, that finding 1, as modified per civil counsel, supports standard d. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzzyk, Lyon), 0 Nays, 1 Absent (Churchill)

Mr. Wendling reviewed standard e. Mr. Wendling stated that the issue is that 18.7.e as determined not to meet the ordinance solely based upon concerns related to the mentally disabled occupants of the property. Mr. Wendling asked if this alone would fundamentally alter the Cheboygan County Zoning Ordinance. Mr. Wendling reminded the Planning Commission members that we are addressing land use issues. Mr. Jazdzzyk stated he is not sure that he understands this but he thought back and in terms of accommodations there have already been significant accommodations throughout the process. Mr. Jazdzzyk stated definitions have been used and expanded to accommodate the request such as nursing, convalescent home, infirmity, animal pasture, barn, workshop, and greenhouse. Mr. Jazdzzyk stated that the Planning Commission has looked at the definitions and made accommodations to allow this to happen. Mr. Jazdzzyk stated this has not been an inflexible, unaccommodating process. Mr. Jazdzzyk stated there was a discussion regarding the housing units being called one use in the Lake and Stream Protection zoning district and another use in the Agriculture and Forestry Management zoning district. Mr. Jazdzzyk stated the Planning Commission allowed this also. Mr. Jazdzzyk stated this is confusing to people. Mr. Jazdzzyk stated his concerns regarding the menu of possible uses that may fit that the applicant submitted. Mr. Jazdzzyk stated this is a significant administrative burden for the Planning Commission. Mr. Jazdzzyk stated so from that aspect some of these issues

have the potential to create significant work for the Planning Commission and there is merit in saying there will be a substantial effect on the community. Mr. Jazdyk stated he does not know whether this is a result of the disability or not but the work may be substantial to straighten this out. Mr. Jazdyk stated that other applicants may apply this approach with future requests. Mr. Borowicz stated that the only reason the applicant used the menu approach is because they were asking for a use that wasn't specifically allowed anywhere. Discussion was held. Mr. Schnell noted that the reasonable accommodation is just referring to the accommodations under the Fair Housing Act and the ADA for only 18.7.e. Mr. Schnell stated a decision has already been made on a lot of what is being discussed right now. Mr. Schnell stated 18.7.e is about fire, police and other public resources and the applicant is asking for an accommodation for that. Mr. Wendling suggested that the Planning Commission revise finding 1 "The Planning Commission finds that based upon the general findings of fact and the specific findings of fact for both the special land use, that approval of the accommodation under 18.7.e of this project even if it requires an increased burden on law enforcement does not fundamentally alter the Cheboygan County Zoning Ordinance." Mr. Kavanaugh asked Mr. Wendling if he could suggest a finding to show that there will be a significant impact on administration, police, fire, safety and the future of our planning and zoning process. Mr. Kavanaugh stated that by trying to put a round peg in a square hole in all of these situations, we have stretched everything to the max. Mr. Kavanaugh stated he thinks we will have a burden. Mr. Kavanaugh stated he doesn't believe there is a reason to make an accommodation if there are other easy solutions. Mr. Wendling asked what statistical evidence we have. Mr. Wendling explained the evidence that you have can be something more than a scintilla but less than a preponderance. Mr. Wendling stated the best description would be beyond a reasonable doubt which is used in criminal standards and is a very high level of proof. Mr. Wendling explained what is considered clear and convincing evidence and a preponderance of the evidence. Mr. Wendling stated anything less can be used but may be insufficient evidence. Mr. Wendling stated you don't have to accept insufficient evidence. Mr. Wendling stated you can look to see if there has been any evidence regarding a financial administrative burden on the County. Mr. Wendling stated you can look to see if there is a letter from the Sheriff or Prosecutor's Office advising that there will be a financial administrative burden on the County. Mr. Wendling stated he has to consider the possibility that this may end up in court. Mr. Wendling asked whether this particular section fundamentally alters the Zoning Ordinance. Mr. Wendling stated not really. Mr. Wendling stated that the undue financial administrative burden is what the Planning Commission is concentrating on. Mr. Wendling stated he does not think that there is enough evidence to not be able to use that. Mr. Wendling stated it would be difficult for him to come up with a finding. Discussion was held. Mr. Wendling stated that staff consults with other county agencies and this has not come up. Mr. Kavanaugh asked if a notice was sent to Tuscarora Township Police and if they just didn't respond. Mr. Kavanaugh stated that just because they didn't respond doesn't mean that they don't have a comment. Mr. Kavanaugh stated that a man who had been a policeman for 28 years and a well-recognized psychologist talk about these issues. Mr. Kavanaugh stated if we don't have anything else to go on and we can't use our own thoughts on this and there is a case that showed that there were additional utilization of ambulances and emergency rooms. Mr. Kavanaugh stated that because those people didn't respond and others did, we should be able to sort that out by common sense. Mr. Freese stated there was one exhibit that stated 7-10% of the emergency room visits were by people with psychiatric problems but there was testimony that provided information that 25% of the people either have had or will have psychiatric problems. Mr. Freese stated that it really isn't a problem if only 7-10% of the emergency room visits are due to psychiatric problems when 25% of the population may have psychiatric issues. Mr. Jazdyk stated when you put groups of people in urban populations in closer proximity there will be a higher crime rate. Mr. Freese stated there were a number of exhibits that spoke to these types of facilities being located in urban centers and they universally said there weren't problems. Mr. Jazdyk stated he did research on the internet and he found, at least, five facilities where the communities are in dire trouble. Mr. Jazdyk stated that there is a number where you can call the mayor and talk to him. Mr. Jazdyk stated if this turns out as it has been described by the applicants, it will be a value to our community. Mr. Jazdyk stated the facilities that were a disaster started out with the same discussion as we had and it changed because they didn't have to get licensing. Mr. Jazdyk stated the facilities turned into a homeless shelter or drug center. Mr. Freese stated that one of the conditions on the approval that he will suggest is that the licensing be reviewed and if any licenses are necessary that they are obtained. Discussion was held. **Motion** by Mr. Freese, seconded by Ms. Lyon, that finding 1, as modified per civil counsel, supports standard e. Motion carried. 6 Ayes (Croft, Borowicz, Freese, Bartlett, Ostwald, Lyon), 2 Nays (Kavanaugh, Jazdyk), 1 Absent (Churchill)

The Planning Commission reviewed the Specific Findings Of Fact Under Section 20.10 Of The Cheboygan County Zoning Ordinance.

The Planning Commission reviewed standard 20.10.a. **Motion** by Mr. Freese, seconded by Mr. Bartlett, that findings 1 and 2 will support standard 20.10.a. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.b. Mr. Freese stated that the findings that will not support the standard indicates that the survey is outdated. Mr. Freese noted that the survey is dated April 14, 2015. Mr. Kavanaugh stated that

finding will not be included. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that finding 1 will support standard 20.10.b. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.c. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, that finding 1 will support standard 20.10.c. Mr. Freese suggested including “2. The Planning Commission finds that review has been made by the Soil and Sedimentation Officer under the provisions of the Cheboygan County Soil Erosion Sedimentation and Stormwater Runoff Ordinance.” as finding 2. Ms. Croft asked if finding 2 should be included. The Planning Commission agreed that finding 2 should be included. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent

The Planning Commission reviewed standard 20.10.d. Mr. Jazdzyk stated the only area with any visibility is the northeast corner where the workhouse and greenhouse are located. Mr. Jazdzyk stated an elderly neighbor is concerned about this particular area. Discussion was held. Mr. Jazdzyk suggested that a hedge or buffer should be required for this area. Mr. Freese stated he would have no problem making this a condition. Discussion was regarding this being a condition of approval and not a response to this standard. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that finding 1 will support standard 20.10.d. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.e. **Motion** by Mr. Borowicz, seconded by Mr. Freese, that finding 1 will support standard 20.10.e. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.f. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, that findings 1 and 2 will support standard 20.10.f. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

Ms. Croft stated that standard 20.10.g. is not applicable.

The Planning Commission reviewed standard 20.10.h.a. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that finding 1 will support standard 20.10.h.a. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.h.b. **Motion** by Mr. Freese, seconded by Ms. Lyon, that finding 1 will support standard 20.10.h.b. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.h.c. **Motion** by Mr. Freese, seconded by Mr. Bartlett, that finding 1 will support standard 20.10.h.c. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.i. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that findings 1 and 2 will support standard 20.10.i. Motion carried. 8 Ayes (Croft, Borowicz, Freese, Kavanaugh, Bartlett, Ostwald, Jazdzyk, Lyon), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed standard 20.10.j. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that finding 1 will support standard 20.10.j. Motion carried. 6 Ayes (Croft, Borowicz, Freese, Bartlett, Ostwald, Lyon), 2 Nays (Kavanaugh, Jazdzyk), 1 Absent (Churchill)

Mr. Borowicz recommended including proposed conditions 1-3 on pages 28-29. Mr. Kavanaugh and Mr. Freese discussed revising condition 2 “Obtain any and all licenses for the operation of Heritage Cove Farm from the State of Michigan and/or the federal government and either provide copies of the licenses to Planning and Zoning staff or provide letters or other written documentation from state and federal agencies that license facilities caring for the mentally ill or infirm that Heritage Cove Farm’s proposed use does not require a license or licenses normally issued to facilities that care for the mentally ill and/or infirm.” Discussion was held regarding staff reviewing the letters or written documentation that will be provided by Heritage Cove Farm.

Ms. Lyon asked if a buffer will be required. Mr. Freese stated that a buffer should be required along the northeast property line between the buildings on the east end of the grouping. Ms. Lyon asked if there should be a stipulation regarding the distance from the property line. Mr. Freese explained that spacing is already specified in the regulation and they will have to

meet the standard for screening. Mr. Schnell reviewed the requirements of section 17.18.4 and read “...plant material shall not be closer than 4ft. from the fence line or property line...” Mr. Freese stated that screening would be more appropriate if kept within 20ft. along the building. Mr. Freese suggested screening along the north/south line between the buildings and the next property over.

Mr. Kavanaugh suggested a review by Tuscarora Township Police to see if they have any recommendations for the roadway and trail and to see if they have any safety issues with this site. Discussion was held. Mr. Kavanaugh suggested requesting comments on the roadway, trail and safety issues from Tuscarora Township Police, Cheboygan County Sheriff, and Cheboygan County Road Commission.

Mr. Kavanaugh stated licensing will cover medical supply storage and disposal and any security that might be required. Discussion was held. Mr. Freese stated it is dependent upon what services they provide but if they are providing that type of service then the licensing will govern such activities.

Mr. Borowicz and Mr. Freese suggested shielded lighting down to the path from the top of the bluff to the dock and any interior lighting should be directed downward and shielded from any glare toward adjacent properties.

Ms. Croft asked if Soil and Sedimentation/Stormwater review has been completed. Mr. McNeil stated that it has been reviewed but a permit has not been issued yet. Mr. Freese and Ms. Croft agreed that the permit must be issued.

Mr. Kavanaugh suggested requiring that the conditions be met prior to operation.

Motion by Mr. Borowicz, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Findings of Fact Under 18.7 and 20.10, and Additional Standards for Reasonable Accommodation with the following conditions:

1. Obtain all building code and health department permits for construction and file the same with Cheboygan County Planning and Zoning staff.
2. Obtain any and all licenses for the operation of Heritage Cove Farm from the State of Michigan and/or the federal government and either provide copies of the licenses to Planning and Zoning staff or provide letters or other written documentation from state and federal agencies that license facilities caring for the mentally ill or infirm that Heritage Cove Farm’s proposed use does not require a license or licenses normally issued to facilities that care for the mentally ill and/or infirm.
3. All agricultural practices will follow Generally Accepted Agricultural Management Practices (GAAMPS) with GAAMPS certification through the Michigan State University Agricultural Extension being supplied to Planning and Zoning staff for all farming activities on the property prior to the commencement of farming activities.
4. Screening within 20ft. of the buildings along the north/south line along the back of the buildings and the next property over.
5. Request comment on roadway, trail and safety issues from Tuscarora Township Police, Cheboygan County Sheriff and Cheboygan County Road Commission.
6. Shielded lighting down to the path from the top of the bluff to the dock. Any interior lighting should be directed downward and shielded from any glare toward adjacent properties.
7. All conditions must be met prior to operation.
8. Obtain Soil and Sedimentation/Stormwater Permit.

Motion carried. 6 Ayes (Croft, Borowicz, Freese, Bartlett, Ostwald, Lyon), 2 Nays (Kavanaugh, Jazdyk), 1 Absent (Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated there have been discussions regarding the duplicate use descriptions that are listed in the ordinance. Mr. McNeil stated the Planning Commission made it a priority to review all of the uses. Mr. McNeil stated staff has been working

on the duplicate use descriptions and identifying the ones that are the most problematic. Mr. McNeil stated he hopes to present this to the Planning Commission either the end of February or the beginning of March.

Mr. McNeil stated that Bryan Graham will be attending the next Planning Commission meeting to discuss the implications of the recent Supreme Court decision regarding signage.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh stated that during this process the Planning Commission members learned a lot. Ms. Croft thanked Mr. Wendling for his time and efforts. Mr. Jazdyk stated the Planning Commission is a great group to work with and noted that there are a lot of good spirited discussions. Mr. Freese stated he started out going one direction with the Heritage Cove Farm application and ended up doing a 180 degree turnaround on some of the major premises. Mr. Freese stated he is not exactly happy with everything but the Planning Commission has done the best job they could to make sure that the regulation is followed as it is written.

PUBLIC COMMENTS

Mr. Lurie stated that he is the Vice President of the Grandview Beach Association. Mr. Lurie stated that they strongly object to the Planning Commission's decision. Mr. Lurie stated it is unthinkable and irresponsible to put a 24/7 commercial, medical facility in a single-family residential community. Mr. Lurie stated that by approving this request the Planning Commission has opened the floodgates for any of these commercial, medical facilities in any residential beachfront community, such as Columbus Beach, Aloha Beach, Orchard Beach and Mullett Lake Village. Mr. Lurie stated that it is clear to those that live on Grandview Beach that the federal lawsuit has biased this process. Mr. Lurie stated he can't prove it, but it came up today when Mr. Wending referred to a January 22nd meeting with Mr. Kazim that can't be missed because of going to the Zoning Board of Appeals. Mr. Lurie stated that Grandview Beach has been changed for the worse and they have been violated. Mr. Lurie stated their rights as homeowners and taxpayers have been violated. Mr. Lurie stated that if you hire litigious attorneys they are likely to get their way. Mr. Lurie stated the Planning Commission did the best they could with what they had to work with but there were many arguments against approving this request. Mr. Lurie stated he didn't understand how a dwelling can be 320sf when the standard requires 720sf without a variance.

Ms. Lutz stated that she has done research and noted that psychiatric patients came under adult foster care in the 1960's when psychiatric hospitals were closed and patients were put into adult foster care homes. Ms. Lutz stated there are problems and they are increasing because mental health problems are increasing. Ms. Lutz stated when you congregate all of these people into one home you have more problems. Ms. Lutz stated that the mental health associations, assisted living associations and the nursing home associations are getting together and trying to change the laws. Ms. Lutz stated this request should have been tabled. Ms. Lutz stated the Planning Commission is important as they make the zoning laws. Ms. Lutz stated that the Planning Commission is now saying that a nursing home is not required to be one structure. Ms. Lutz stated that all nursing homes are required to be one structure. Ms. Lutz stated the beds, cafeteria, office and all of the housing are supposed to be contained in one structure. Ms. Lutz stated that the Planning Commission is saying that it can be four or five structures. Ms. Lutz stated that the Planning Commission has set a precedent.

Ms. Liegl stated it was her understanding that the Planning Commission was here to protect the people and their property values. Ms. Liegl stated this decision may have been enhanced by the threat of legal problems. Ms. Liegl stated that the Planning Commission has enhanced the value of one property at an extreme cost to the rest of the property owners. Ms. Liegl noted that there was a discussion regarding the traffic consisting of 2 trucks per week. Ms. Liegl stated that additional traffic from friends and family was not considered. Ms. Liegl asked if there is sufficient parking for friends and family that visit. Ms. Liegl stated she has worked with mentally ill people and the group dynamics are enormous. Ms. Liegl stated there is no way to predict what will happen. Ms. Liegl stated she worked with kids and there was one kid who didn't like the way another kid was eating so he stabbed him in the back 5 times. Ms. Liegl stated there were 10 staff members at this facility. Ms. Liegl stated her concerns about there not being any containment and the residents walking to the Breakers for drinks. Ms. Liegl stated her concerns that the residents will be able to bring in drugs and alcohol.

Mr. Lynch stated that he owns property on Grandview Beach. Mr. Lynch asked if there is a number of residents below which Heritage Cove Farm will not require a license. Mr. Schnell stated this will be a question for the State. Mr. Freese stated one type of license is required for below 20 and another type of license is required for above 20. An audience member stated a license is required for an adult foster care, but a license will not be required if they rent cottages. Mr. Lynch stated there that a license will not be required and all of the conditions on the approval mean nothing. Mr. Lynch stated he had lunch with the founder and chairman of Rose Hill, who was asked by the applicants to testify in their behalf. Mr. Lynch stated that the founder/chairman refused because he felt it was a bad idea from his experience. Mr. Lynch stated he shared the differences during public comment and most of the public comments have been ignored. Mr. Lynch questioned if the public comments

were part of the record. Ms. Croft states yes. Mr. Lynch stated that is absolutely governmental malfeasance based upon the fear of litigation pushed by the attorney and other board members to shoehorn an inappropriate facility in the community. Mr. Lynch stated the Planning Commission is not representing the County, Township or the people. Mr. Lynch stated that the Planning Commission should be ready to respond when something bad happens.

Ms. Couture stated she lives at 55 Grandview Beach and agrees with the previous public comments. Ms. Couture stated she has been involved in planning and zoning for a township. Ms. Couture stated she feels that what has been done tonight completely ignores the whole concept of planning and zoning and master planning. Ms. Couture stated the Planning Commission did not provide any specific information as to where the Master Plan states you can only look at the Master Plan in a zoning change. Ms. Couture stated it is for use in land use changes as well as zoning changes or any consideration of land use. Ms. Couture stated one of the first goals of the Master Plan is that the Planning Commission wants to cooperate with other local units of government. Ms. Couture stated this facility is a commercial operation in a residential community. Ms. Couture stated that the Planning Commission has made findings that are not supported by data. Ms. Couture stated the Planning Commission does not have hydrogeological information and updated wetlands information. Ms. Couture referred to Section 18.7.c and she was going to build a cottage when she retires. Ms. Couture stated she will not do that now with this commercial use. Ms. Couture referred to Section 18.7.d and stated the Planning Commission has created a situation where the standard can't be supported. Ms. Couture stated she is extremely disappointed in this process.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 10:04pm.

Charles Freese
Planning Commission Secretary

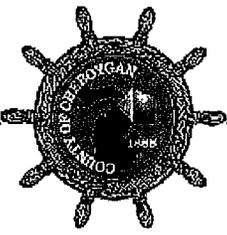
CHEBOYGAN COUNTY PLANNING COMMISSION

AirNorth / Alice Arnett

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Special Use Permit Application (6 Pages)
4. Property Access Agreement (1 Page)
5. Mailing List (7 Pages)
6. Site Plan (1 Page)
7. Detail Site Plan (1 Page)
- 8.
- 9.
- 10.
- 11.
- 12.

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

Address 6773 N. M-33	City / Village CHEBOYGAN	Twp / Sec. PENTON / 32	Zoning District M-AF
Property Tax I.D. Number 104-032-200-002-00	Plat or Condo Name / Lot or Unit No. N/A		

APPLICANT

Name Air North Communications	Telephone 231-933-3104	Fax
Address 218 N. Main St. Suite 102A	City, State & Zip Cheboygan, MI 49721	E-Mail INFO@AIRNORTH.NET

OWNER (If different from applicant)

Name ALICE ARNETT	Telephone 231-445-2406	Fax
Address 6773 N. M33 Hwy	City, State & Zip Cheboygan, MI 49721	E-Mail

PROPOSED WORK

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

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 type="checkbox"/> Utility
<input checked="" type="checkbox"/> Other: <u>TELECOMMUNICATION</u>			

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

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

Directions to site: 1/4 mi. South of Orchard Beach Road on M-33

SITE PLAN REVIEW APPLICATION

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	X	a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
X		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	X	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
N/A		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
X		f. Location of existing and proposed buildings and intended uses thereof.
N/A		g. Details of entryway and sign locations should be separately depicted with an elevation view.
X		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
N/A		i. Location, size, and characteristics of all loading and unloading areas.
N/A		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
X		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
N/A		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

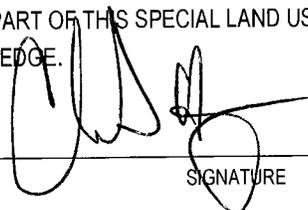
SECTION

REASON FOR WAIVER REQUEST

a	Large Property
d	Flat Property

AFFIDAVIT

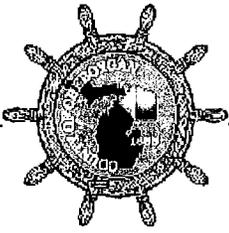
I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



 SIGNATURE

Dec 4, 2015

 DATE



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

Install Utility Pole to support Wireless ^{Internet} Equipment to be used for Broadcasting Wireless internet to Residential Users

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.

Requesting a special Land Use permit to place a 70 ft Utility Pole on the North East of Parcel 104-032700002-20

- 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.

Land should not be affected outside of where the pole is placed and electric run to it

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

N/A

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

N/A

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

N/A

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

yes

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

N/A

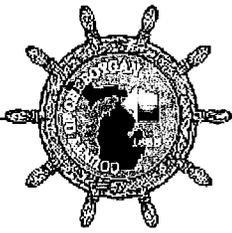
- h. Exterior lighting shall be arranged as follows: *No lights -*

i. It is deflected away from adjacent properties. *N/A*

ii. It does not impede the vision of traffic along adjacent streets. *N/A*

iii. It does not unnecessarily illuminate night skies. *N/A*

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.

P/A

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

yes

3. Size of property in sq. ft. or acres: 39 Acres

4. Present use of property: Residence

5. SUP Standards:

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

yes

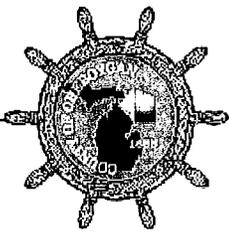
- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? **Explain.** NO - See item 1

- 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 - See item 1

- 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 - See item 1

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.** NO - See item 1

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** yes, will not need ANY special Access - use existing driveway.



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SPECIAL LAND USE PERMIT APPLICATION

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

AFFIDAVIT

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

Applicant's Signature _____

Date _____

Dec 4, 2015

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? *SEE Attached Property Access Agreement*

Yes No

Owner's Signature _____

Date _____

Date Received:

12/4/15

Fee Amount Received:

\$200.00

Receipt Number:

1655

Public Hearing Date:

1/6/16

Notes:

Planning/Zoning Administrator Approval:

Signature

12/7/15

Date

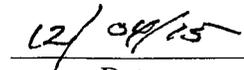
Property Access Agreement

This Relay Location Agreement (“Agreement”) entered into as of the ___ day of December, 2015, by and between AirNorth Communications, Inc., a Michigan corporation with an office at 218 N. Main Street, Ste.102 A, Cheboygan, Michigan 49721 (“AirNorth”) and Alice Arnett, of 6773 N. M-33 Highway, Cheboygan Michigan 49721 (“Land Owner”). AirNorth and Land Owner, desire to enter into this Agreement pursuant to which AirNorth has permission from Land Owner to install/construct a relay point/tower on property located at 6773 N. M-33 Highway, Cheboygan, Michigan 49721, and any related real estate necessary to support AirNorth’s antenna and equipment.

The purpose of this is to allow AirNorth permission to construct either a relay point or a tower and ancillary equipment on the Land Owner’s property to be used by AirNorth in the construction and operation of its wireless broadband internet network.



Alice Arnett, Land Owner



Date

16-104-029-100-001-01
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-104-032-200-002-09
GAPCZYNSKI, JACOB & JAMIE H/W
1868 MULLETT VIEW DR
CHEBOYGAN MI 49721

16-104-032-200-002-19
CLEARY, DAVID & DIANE H/W
6435 HOLLISON DR
KALAMAZOO MI 49009

16-104-029-200-007-04
PRESTON, ROBERT & JUDITH H/W
6741 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-104-032-200-002-10
BRIDGES, MELISSA K
1846 MULLETT VIEW DR
CHEBOYGAN MI 49721

16-104-032-200-002-20
ARNETT, ALICE J TRUSTEE
6773 N M-33 HWY
CHEBOYGAN MI 49721

16-104-029-200-007-09
CRAWFORD, JASON & MINDY H/W
9943 CRAWFORD LN
CHEBOYGAN MI 49721

16-104-032-200-002-11
DRAKE, KIMBERLY J
6764 N M-33 HWY
CHEBOYGAN MI 49721

16-104-032-200-003-00
GAHN, JAMES R III & CHRISTA H/W
1792 ORCHARD BEACH RD
CHEBOYGAN MI 49721

16-104-029-200-007-10
SIMMONS, DAVID
2929 CEDAR BEACH LN
CHEBOYGAN MI 49721

16-104-032-200-002-12
VACCARI, JOSEPH & JEAN H/W
6173 AVOCET CT
DUBLIN OH 43017

16-104-032-200-004-00
DEETER, DOUGLAS & AMY
8949 GARNER LN
FREELAND MI 48623

16-104-032-200-001-01
MICHIGAN DEPT OF NATURAL RES
PO BOX 30722
LANSING MI 48909

16-104-032-200-002-13
DEVINE, CHARLES
PO BOX 837
PERRY MI 48872

16-104-032-400-002-01
LYON, ALYCE & ROGER W/H
1370 MULLETT LAKE WOODS RD
CHEBOYGAN MI 49721

16-104-032-200-002-01
ESLICK, WILLIAM R ET UX
6050 GOFF
STERLING HEIGHTS MI 48314

16-104-032-200-002-14
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-400-002-02
ELWELL, CAROLINE & BONNIE CHI
275 CHERRYLAND
AUBURN HILLS MI 48326

16-104-032-200-002-04
BOUCARD, PAUL F, TRUSTEE
1618 CENTER
CHEBOYGAN MI 49721

16-104-032-200-002-15
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-400-002-03
MELAVEY, EDWARD NEIL & ROBE
6184 WILMER ST
WESTLAND MI 48185

16-104-032-200-002-05
RUNSTROM, RICHARD & DANIELL
1914 ORCHARD BEACH RD
CHEBOYGAN MI 49721-9287

16-104-032-200-002-16
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-400-002-04
MELAVEY, EDWARD NEIL & ROBE
6184 WILMER ST
WESTLAND MI 48185

16-104-032-200-002-07
SKAGGS, MICHAEL & SUSAN, H/W
6501 N M 33
CHEBOYGAN MI 49721

16-104-032-200-002-17
RECKINGER, HAROLD B
10438 HEILMAN RD
LEVERING MI 49755

16-104-032-400-004-01
SKAGGS, MICHAEL & SUSAN H/W L
6501 N M-33 HWY
CHEBOYGAN MI 49721

16-104-032-200-002-08
PARSONS, EARL & LORI ANNE H/W
1890 MULLETT VIEW DR
CHEBOYGAN MI 49721

16-104-032-200-002-18
KILPATRICK, BRIGID 1/2 INT JTWF
72520 ROME RD
ADDISON MI 49220

16-104-032-400-004-02
COURTNEY, REBECCA A
6343 W FILLMORE
ITHACA MI 48847

16-104-032-400-009-00
SMITH, RICHARD A L/EWPTS &
1750 MULLETT LAKE WOODS RD
CHEBOYGAN MI 49721

16-104-032-401-002-00
TAYLOR, DIANNE
1745 MULLETT LAKE WOODS RD
CHEBOYGAN MI 49721

16-104-032-405-045-00
SKAGGS, GARY DEAN L/EWPTS &
212 NW 30TH ST
CAPE CORAL FL 33993

16-104-033-100-001-01
DRAKE, KIMBERLY J
6764 M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-004-00
DONELSON, ALICE
6666 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-005-00
KIEFER, ROBERT & ANN H/W
6662 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-006-00
PIERCE, DORIS
PO BOX 5234
CHEBOYGAN MI 49721

16-104-033-100-007-00
CHARBONEAU, EILEEN LE/WPTS; C
6544 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-008-00
BRANDT, FRED & EILEEN H/W L/E
6530 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-100-009-01
HATT, NICKI (MACZKA)
6516 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-103-025-00
LAFRINERE, ROGER ET UX
6900 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-111-109-00
DRISCOLL, ROBERT & NANCY H/W
606 PURDY LN
MORRICE MI 48857

16-104-033-111-110-00
DRAKE, HOWARD & KIMBERLY H/
6764 N M-33 HWY
CHEBOYGAN MI 49721

16-104-033-300-001-00
ALOHA TOWNSHIP, BENTON TOW
5104 PARADISE TRL
CHEBOYGAN MI 49721

16-105-P41-000-001-00
ROZEK, DOUGLAS & JANET H/W
PO BOX 369
CHEBOYGAN MI 49721

16-105-S59-000-001-00
ADLAM, DORINDA L, TRUSTEE
6187 RIDGE RD
CHEBOYGAN MI 49721

16-105-S59-000-014-00
ADLAM, DARINDA L, TRUSTEE
6187 RIDGE RD
CHEBOYGAN MI 49721

16-105-S63-000-001-00
PRESTON, ROBERT & JUDITH LEE
1680 HOLLYWOOD
GROSSE POINTE MI 48236

16-105-S63-000-002-00
BEDELL, LINDA, TRUSTEE
6505 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-003-00
BEDELL, LINDA, TRUSTEE
6505 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-005-00
PEET, CAROL, TRUSTEE
6561 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-009-00
ASA, DARWIN & BARBARA H/W
6571 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-010-00
SWAN, DUANE & NANCY H/W
6579 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-011-00
NOUSE, DOUGLAS, TTEE DOUGLAS
857 KENNESAW
BIRMINGHAM MI 48009

16-105-S63-000-012-00
CAMPBELL, ANDREW & N J H/W
6695 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-013-00
CAMPBELL, ANDREW & N J H/W
6595 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-014-00
CHIAVARAS, KIMBERLY A TRUST
7505 OLD LANTERN DR SE
CALEDONIA MI 49316

16-105-S63-000-016-00
LAWSON, PETER & SANDRA H/W
6635 ORCHARD BEACH DR
CHEBOYGAN MI 49721

16-105-S63-000-017-00
ARSENAULT, ROBERT & CHRISTIN
11677 NORTON CREEK CT
WIXOM MI 48393

16-105-S63-000-018-00
COOK, HOWARD JR & KATHLEEN
2786 TAMARACK DR
TOLEDO OH 43614

16-105-S63-000-019-00 ARNETT, ALICE J TRUSTEE 6773 N M-33 HWY CHEBOYGAN MI 49721	16-105-S63-000-029-00 GATES, DONNA L/EWPTS AND 6749 ORCHARD BEACH DR CHEBOYGAN MI 49721	16-105-S63-000-044-00 STEVENS, MARK S DECLAR OF TR 600 ARLINGTON AVE NAPERVILLE IL 60565
16-105-S63-000-020-00 DOUT, CAROL; CATHERINE OCONN 6685 ORCHARD BEACH DR CHEBOYGAN MI 49721	16-105-S63-000-030-00 GARVIN, JANET TUFT REVOCABLE 2925 PARKRIDGE DR ANN ARBOR MI 48103	16-105-S63-000-045-00 SHUERT, PETER J, TTEE 2722 RUBY ST TRAVERSE CITY MI 49684
16-105-S63-000-021-00 OCONNOR, CATHERINE; CAROL D 6685 ORCHARD BEACH DR CHEBOYGAN MI 49721	16-105-S63-000-031-00 CHARNEY, JOHN CLARK 1455 SALZBURG RD AUBURN MI 48611	16-105-S63-000-046-00 SHUERT, PETER J, TTEE 2722 RUBY ST TRAVERSE CITY MI 49684
16-105-S63-000-022-00 ORCHARD BEACH, LLC 2592 TARRAGONA WAY TROY MI 48098-4219	16-105-S63-000-032-00 MCINTYRE, TRAVIS & PAM H/W 5633 FOX RIDGE DR CLARKSTON MI 48348	16-105-S63-000-047-00 SHUERT, PETER J, TTEE 2722 RUBY ST TRAVERSE CITY MI 49684
16-105-S63-000-023-00 DOUT, RICHARD & CAROL H/W AN 8828 SARASOTA REDFORD MI 48239	16-105-S63-000-033-00 LINDMAN, DARRELL & SUSAN H/W 6250 WHITEHILLS LAKES DR EAST LANSING MI 48823	16-105-S63-000-048-00 SHUERT, MARK L & KRISTEN H/W 7740 ATHLONE DR BRIGHTON MI 48116
16-105-S63-000-024-00 VANBUREN, RICHARD & ROSE H/W 44392 CONSTELLATION DR STERLING HEIGHTS MI 48314	16-105-S63-000-034-00 LINDMAN, DARRELL & SUSAN H/W 6250 WHITEHILLS LAKES DR EAST LANSING MI 48823	16-105-S63-000-049-00 MORRIS, DANIEL & MARGARET H/ 4675 ASHLAND DR SAGINAW MI 48638
16-105-S63-000-025-00 MAY, PATRICK & NORMA H/W 6715 ORCHARD BEACH DR CHEBOYGAN MI 49721	16-105-S63-000-035-00 HENGSTEBECK, TERESA; MICHAEL 27418 BONNIE WARREN MI 48093	16-105-S63-000-050-00 STEMPKY, ANTHONY & SUE H/W 7951 STONE BARN DR WEST CHESTER OH 45069
16-105-S63-000-026-00 SMITH, CRAIG & ROBIN, TTEES CR 2340 N CORSHAM TOPANGA CA 90290	16-105-S63-000-039-00 ROGERS, MICHAEL & MARLENE H/ 6863 ORCHARD BEACH DR CHEBOYGAN MI 49721	16-105-S63-000-051-00 SCHRYER, TROY & MIKE SHARKEY 6971 ORCHARD BEACH DR CHEBOYGAN MI 49721
16-105-S63-000-027-00 REGLIN, DAVID & PATRICIA H/W 7190 LOMA LINDA ROCKFORD MI 49341	16-105-S63-000-040-00 HECKERT, THOMAS J AND/OR ROS 3498 E ELLSWORTH AVE #1108C DENVER CO 80209	16-105-S63-000-052-00 GEHRKE, ARLIN & JUDY H/W 25815 SURREY COURT FARMINGTON MI 48335
16-105-S63-000-028-00 DEKLEVA, JOHN; MARK DEKLEVA 718 BEEBE ST FREMONT MI 49412	16-105-S63-000-042-00 STEVENS, MARK S DECLAR OF TR 600 ARLINGTON AVE NAPERVILLE IL 60565-6307	16-105-S63-000-053-00 MCGEHEE, KEITH L/EWPTS & CHRI BOX 5245 CHEBOYGAN MI 49721

16-105-S63-000-054-00

CAMPBELL, ANDREW & N J H/W

6595 ORCHARD BEACH DR

CHEBOYGAN MI 49721

16-104-029-200-007-04
OCCUPANT
1775 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-002-13
OCCUPANT
1780 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-033-100-004-00
OCCUPANT
6666 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-029-200-007-10
OCCUPANT
1685 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-002-14
OCCUPANT
1766 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-033-100-005-00
OCCUPANT
6662 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-032-200-002-01
OCCUPANT
1700 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-002-20
OCCUPANT
6773 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-100-006-00
OCCUPANT
6558 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-032-200-002-05
OCCUPANT
1914 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-032-200-003-00
OCCUPANT
1792 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-033-100-007-00
OCCUPANT
6544 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-032-200-002-07
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1912 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-200-004-00
OCCUPANT
1834 ORCHARD BEACH RD
CHEBOYGAN, MI 49721

16-104-033-100-008-00
OCCUPANT
6530 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-032-200-002-08
OCCUPANT
1890 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-400-002-01
OCCUPANT
1595 MULLETT LAKE WOODS RD
CHEBOYGAN, MI 49721

16-104-033-100-009-01
OCCUPANT
6516 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-032-200-002-09
OCCUPANT
1868 MULLETT VIEW DR
CHEBOYGAN, MI 49721

16-104-032-400-004-01
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6501 N M-33 HWY
CHEBOYGAN, MI 49721

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6900 N M-33 HWY
CHEBOYGAN, MI 49721

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CHEBOYGAN, MI 49721

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CHEBOYGAN, MI 49721

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1745 MULLETT LAKE WOODS RD
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1802 MULLETT VIEW DR
CHEBOYGAN, MI 49721

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6497 N M-33 HWY
CHEBOYGAN, MI 49721

16-104-033-300-001-00
OCCUPANT
6490 N M-33 HWY
,

16-105-P41-000-001-00
OCCUPANT
6357 MULLETT LAKE WOODS SHORE
CHEBOYGAN, MI 49721

16-105-S63-000-012-00
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6595 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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1614 MULLETT LAKE WOODS RD
CHEBOYGAN, MI 49721

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OCCUPANT
6605 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-024-00
OCCUPANT
6709 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S59-000-014-00
OCCUPANT
1584 MULLETT LAKE WOODS RD
CHEBOYGAN, MI 49721

16-105-S63-000-014-00
OCCUPANT
6615 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-025-00
OCCUPANT
6715 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-001-00
OCCUPANT
6471 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-016-00
OCCUPANT
6635 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-026-00
OCCUPANT
6721 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-002-00
OCCUPANT
6491 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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6643 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-027-00
OCCUPANT
6727 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-003-00
OCCUPANT
6505 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-018-00
OCCUPANT
6653 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-028-00
OCCUPANT
6735 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-005-00
OCCUPANT
6561 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-019-00
OCCUPANT
6665 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-029-00
OCCUPANT
6749 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-009-00
OCCUPANT
6571 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-020-00
OCCUPANT
6675 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-030-00
OCCUPANT
6761 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-010-00
OCCUPANT
6579 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-021-00
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6685 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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6769 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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6589 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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CHEBOYGAN, MI 49721

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6805 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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OCCUPANT
6957 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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CHEBOYGAN, MI 49721

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6959 ORCHARD BEACH DR
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6961 ORCHARD BEACH DR
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CHEBOYGAN, MI 49721

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OCCUPANT
6883 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

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OCCUPANT
6981 ORCHARD BEACH DR
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6907 ORCHARD BEACH DR
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OCCUPANT
6991 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-044-00
OCCUPANT
6921 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-045-00
OCCUPANT
6929 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-046-00
OCCUPANT
6939 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

16-105-S63-000-047-00
OCCUPANT
6949 ORCHARD BEACH DR
CHEBOYGAN, MI 49721

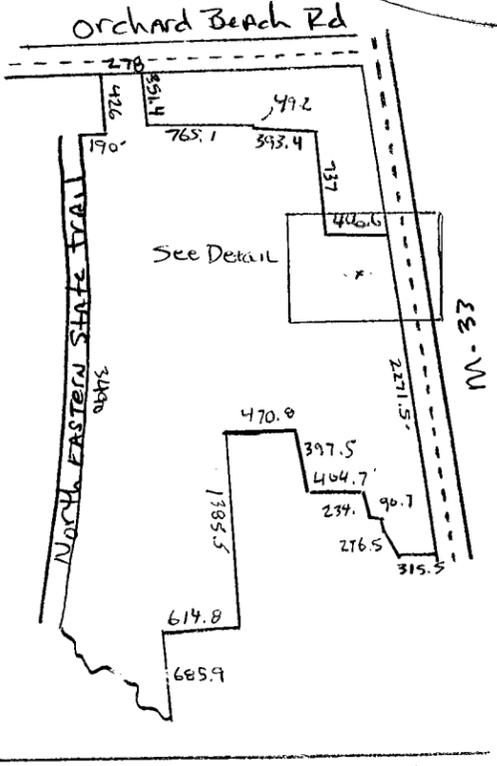
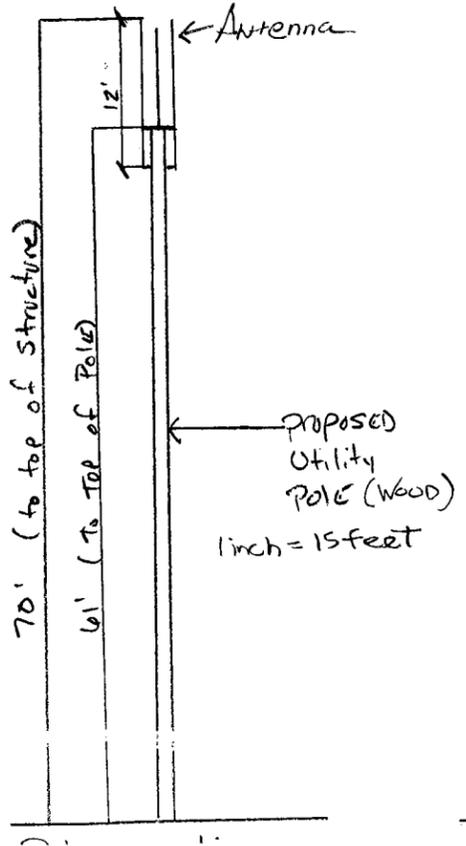
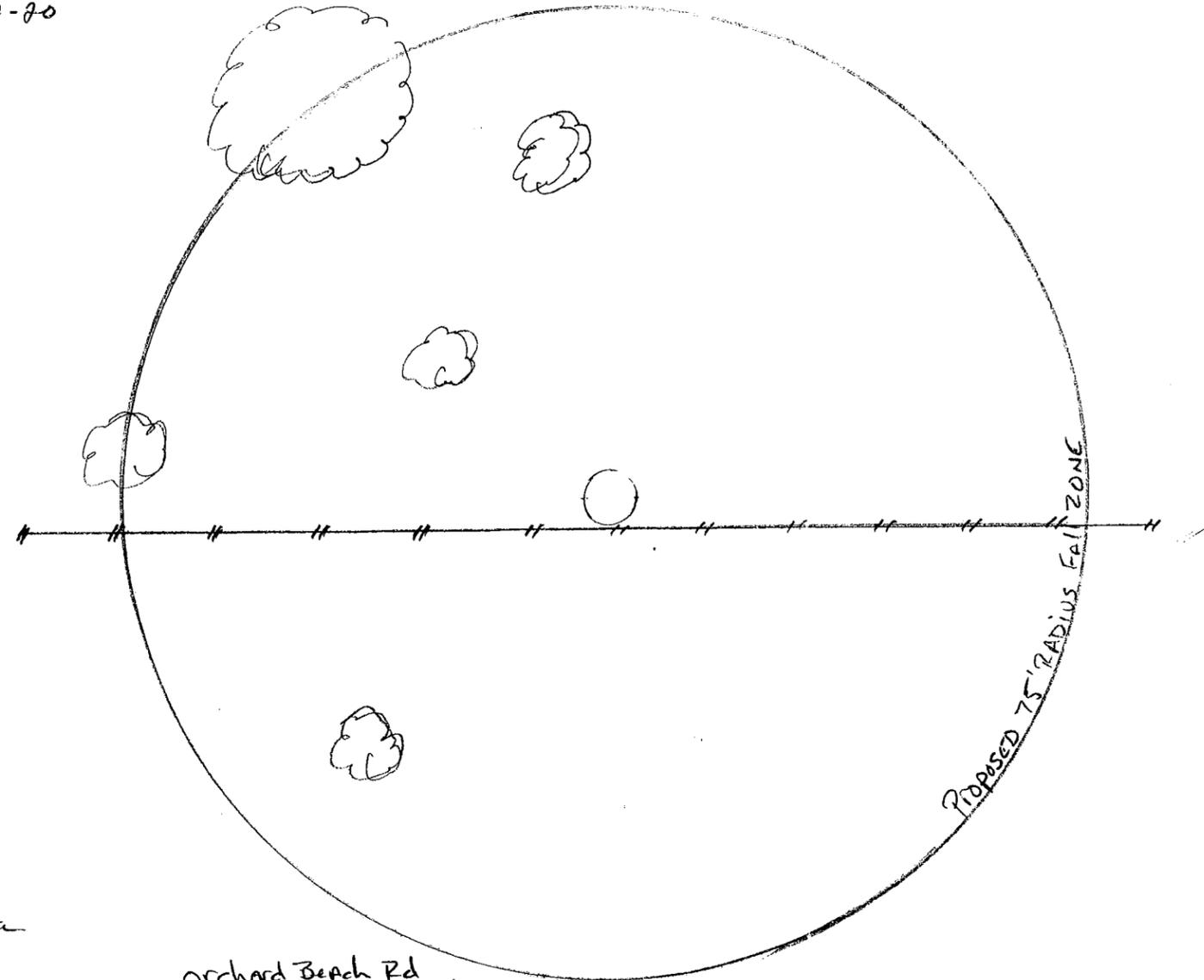
Property Information

Tax Parcel # 104-032-200-002-20

Owner: Alice Arnett
6773 N. M-33 Hwy
Cheboygan, MI 49721

Utility Pole Site Address:
— N. M-33 Hwy
Cheboygan, MI 49721

Drawn on 4, 2015
By: *Charles Hague*
Charles Hague

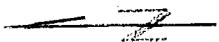
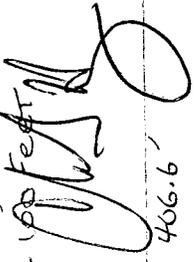


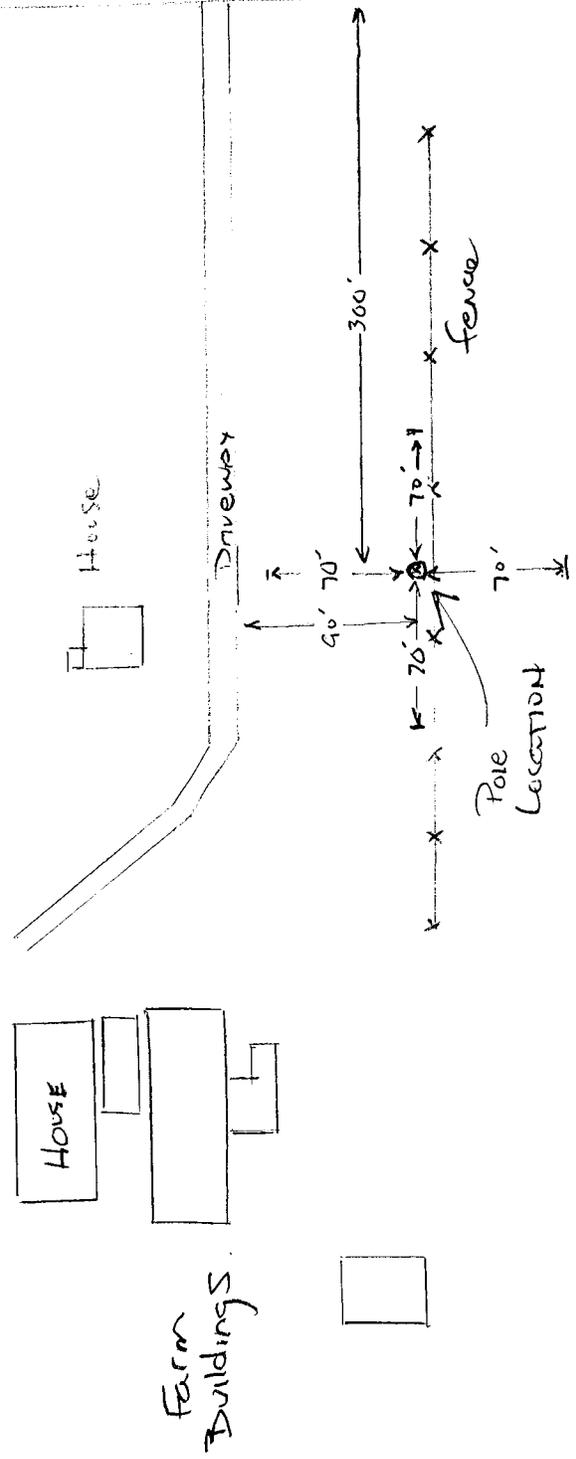
Legend

- — — — — FENCE
 - ☁ EXISTING TREE OR BUSH
- 1 inch = 130 feet

General Information	
Property Class:	400
School District:	10015
Homestead %:	100
Sheet / Page:	1015/397
Total Acres:	39.03
Assessed Value 2015:	81,700
Taxable Value 2015:	66,782
Assessed Value 2014:	77,400
Taxable Value 2014:	65,711

Legal Description
NE 1/4, SEC 32, T37N, R1W "AND" NW1/4 OF SE1/4, SEC 32, T37N, R1W, LYING ELY OF DMRR R/W "EXC: E 42FT OF N 1135FT OF NE1/4 "ALSO EXC: REG RE COR SEC 32; TH S 89D 59M 15S W 443.5FT TO POB; TH COHT S 89D 59M 35S W 1025.2FT; TH S 07D 59M 10S E 352.6FT; TH N 12D 59M 35S E 763.6FT; TH S 11D 16M 20S E 47.24FT; TH N 89D 59M 20S E 377.8FT; TH N 11E 16M 20S W 400FT TO POB "ALSO EXC: REG AT INT OF ELY R/W DMRR & SLY R/W CO RD; TH ELY ALG R/W 200FT; TH SLY PAR TO DMRR R/W 400FT; TH WLY PAR TO SLY R/W 200FT; TH SLY ALG DMRR R/W TO POB "ALSO EXC: E 200FT OF S 400FT OF NW1/4 OF SE1/4, SEC 32, T37N, R1W "ALSO EXC: W 42.8FT ON E 491.3FT OF N 400FT OF NE1/4 OF NE1/4, SEC 32, T37N, R1W "ALSO EXC: COM 1/4 COR SEC 32; TH S 5D 19M 30S E 1327.34FT; TH S 89D 8M 7S W 1357.46FT; TH N 6D 57M 24S W 22.35FT TO NLY R/W OF CO RD; TH S 89D 6M 7S W 200FT TO POB; TH COHT S 89D 6M 7S W 413.4FT; TH N 6D 57M 24S W 775FT; TH N 88D 6M 7S E 613.4FT; TH S 6D 57M 24S E 325FT; TH S 89D 6M 07S W 200FT; TH S 6D 57M 24S W 400 FT TO POB "ALSO EXC: COM 1/4 COR SEC 32; TH S 89D 23M 12S W 320.15FT TO POB; TH COHT S 89D 23M 12S W 1075.99FT; TH N 0D 36D 49S W 266FT; TH N 09D 58M 54S W 600FT; TH N 89D 23M 12S E 522.30FT; TH S 09D 58M 54S E 400FT; TH N 89D 23M 12S E 400FT; TH S 09D 58M 54S E 231.45FT; TH S 27D 36M 48S W 241.10FT TO POB "ALSO EXC: COM 1/4 COR SEC 32; TH S 89D 23' 12" W 1396.14FT; TH S 6D 57' 24" E 1314.65FT; TH S 89D 6' 7" W 854.81FT TO POB; TH S 89D 6' 7" W 700FT; TH N 3D 42' 37" E 821.69FT TO C/L OF A CREEK; TH ALG SD C/L THE FOLLOWING COURSES: S 89D 14' 24" E 70.09FT; TH S 41D 40' 4" E 78.36FT; TH S 16D 48' 21" E 32.96FT; TH S 6D 20' 5" W 39.69FT; TH S 26D 7' 37" E 34.84FT; TH N 83D 40' 6" E 26.69FT; TH S 32D 0' 22" E 68.29FT; TH N 84D 32' 52" E 20.35FT; TH S 44D 9' 13" E 27.54FT; TH S 4D 54' E 66.31FT; TH N 57D 10' 38" E 20.74FT; TH N 11' E 21.98FT; TH N 86D 5' 15" E 25.77FT; TH N 2D 32' 21" W 32.78FT; TH S 86D 41' 38" E 25.94FT; TH S 28D 44' 24" E 71.71FT; TH S 84D 5' 50" E 73.73FT; TH S 44D 37' 39" E 109.34FT; TH S 78D 2' 37" E 30.57FT; TH S 11D 33' 9" E 37.40FT; TH S 52D 30' 27" W 31.51FT; TH S 5D 12' 57" E 42.92FT; TH S 72D 56' 17" E 45.29FT; TH S 30 36' 35" E 35.21FT; TH S 69D 27' 51" E 26.33FT; TH S 3D 42' 37" W 294.511 FT TO POB. 1015/397


 Air North / Arnet
 Communication Pole
 Detail Drawing - Dec. 4, 2015
 Scale 1 inch = 100 Feet
 Drawing by
 Charles H. Arnet

 Property line 406.6'





CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

STAFF REPORT

Item: Special Use Permit for a wireless communication facility (Antenna pole. Section 17.13.)	Prepared by: Scott McNeil
Date: December 21, 2015	Expected Meeting Date: January 6, 2015

GENERAL INFORMATION

Applicant: Air North Communications and Alice Arnett

Location: 6773 N. M-33

Contact person: Charles Hague (Air North)

Phone: 231-333-3104

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

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of a special use permit for construction of a new telecommunication tower 70 ft. which includes the antennas. The tower is to be placed on a parcel of land containing 166.6 acres in Benton Township.

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

The applicant has provided a site plan indicating that the isolation standard under section 17.13.1. is met. This section requires not less than one (1) times the height of the tower to all points of the property line.

Also you will find attached a map produced by the GIS department indicating the proposed tower and one known existing communication tower near Long Lake Road and M-33. The applicant must prove that new antennae cannot be located on these existing towers as per section 17.13.2.

Please note that I have provided proposed findings relative to reasonable opportunity for collocation for the proposed facilities on existing structures as required in section 17.13.1.b.

Current Zoning:

Agriculture and Forestry Management District (M-AF)

Surrounding Land Uses:

Parcels surrounding the subject location are zoned Agriculture Forestry Management District (M-AF).

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

Historic buildings/features:

There are no known historic buildings or historic features on this site.

Traffic Implications

This project will have minimal to no effect on current traffic conditions.

Parking

There are no parking requirements for this use.

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

Access to the site is provided via private driveway from M-33.

Signs

No signs are proposed for the site.

Fence/Hedge/Buffer;

No fence, hedge or buffer is proposed.

Lighting

No lighting is proposed

Stormwater management

There is no change to stormwater runoff.

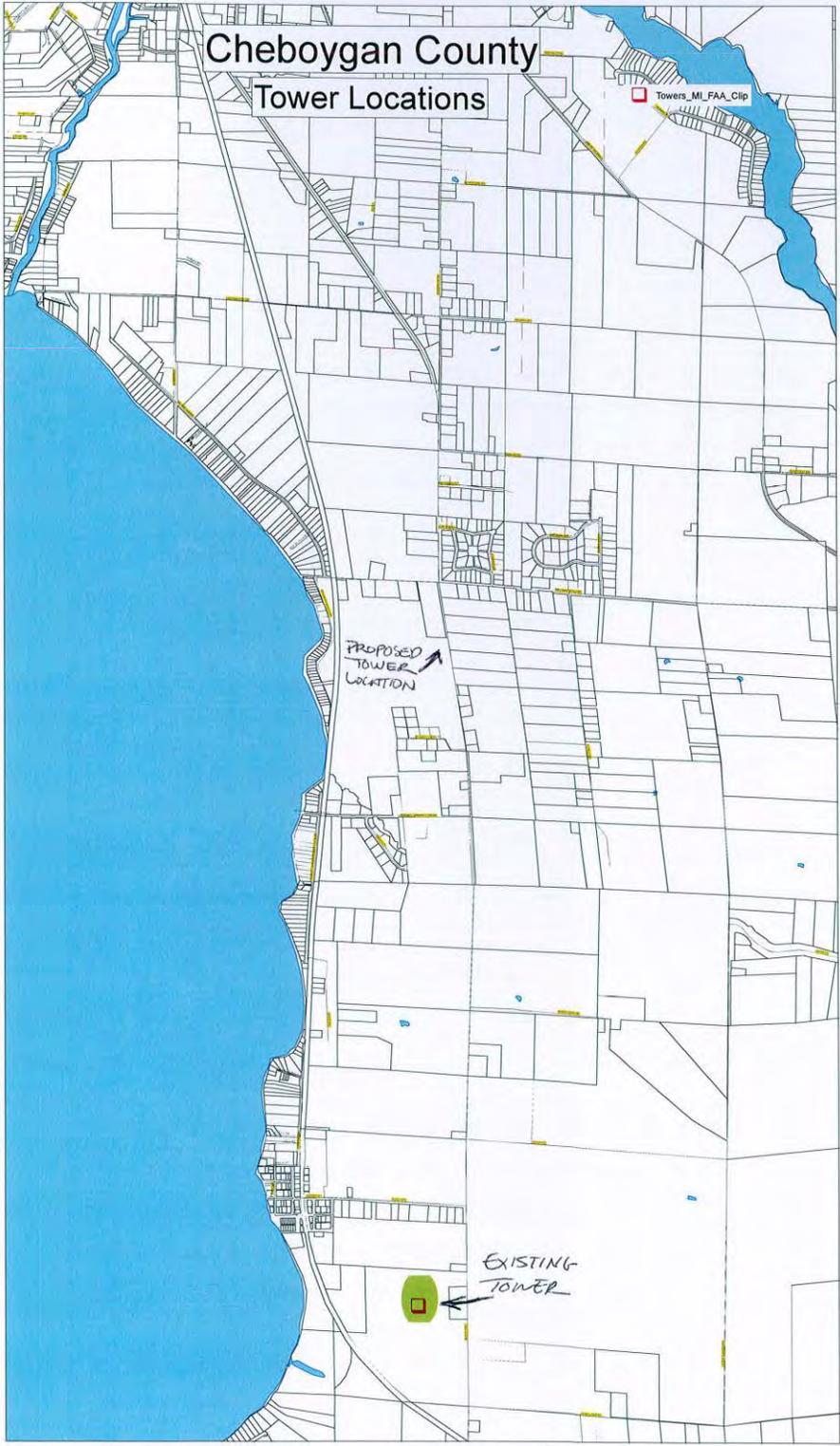
Review or permits from other government entities:

FCC requirements may prevail.

Recommendations (proposed conditions)

Written confirmation of meeting FCC requirements before construction.

Cheboygan County Tower Locations



CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, December 16, 2015, 7:00 PM

Applicant

Air North Communications
218 N. Main
Cheboygan, Mi. 49721

Property Owner

Alice Arnett
6773 N. M-33
Cheboygan, Mi. 49721

Parcel

6773 N. M-33
Benton Township
104-032-200-002-00

GENERAL FINDINGS

1. The property is located in an Agriculture and Forestry management Zoning District (M-AF)
2. The Applicant is seeking approval of a special use permit for location of a wireless communications facility which includes pole and antenna up to 70 feet above ground level.
3. New Wireless Communication Facilities are allowed an M-AF zoning district pursuant to Section 17.13.2 by special use permit.
- 4.
- 5.

Findings of Fact under Section 17.13.2.b of the Zoning Ordinance

Wireless Communication Facilities may be permitted by the Planning Commission, after a public hearing, by special use permit if it is found that there is no reasonable opportunity to locate per item 1 above. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. The proposed tower must also meet the following conditions and standards.

- The reference to item 1 in this section states as follows;
Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building, or if it collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations.

1. The Planning Commission finds that there is no reasonable opportunity for collocation or placement for the type of proposed facility on an existing structure.

Or

- 1 The Planning Commission finds that the applicant has not submitted adequate documentation to show that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing structure.

Conditions and Standards under subsections 17.13.2.b. 1 through 17.13.2.b.6

1. The proposed height meets FCC and/or FAA Regulations.
 - a. The proposed facility will be no higher than 70 feet from ground level
 - b. The applicant shall seek FCC approval and provide evidence of the same.
 - c.
 - d. Standard has been met.Or.
 - a. The applicant has not provided information regarding applicable FCC or FAA requirements
 - b.
 - c. Standard has not been met.

2. Towers must be equipped with devices to prevent unauthorized climbing.
 - a. The facility is comprised of a single round wood pole which cannot be climbed without specific equipment and thus will prevent unauthorized climbing.
 - b.
 - c. Standard has been metOr.
 - a. There are no devices to prevent unauthorized climbing.
 - b.
 - c. 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 facility includes a typical utility type pole which is typically used along many road rights of way.
 - b. The pole is proposed to be placed 300 feet from the road right of way.
 - c.
 - d. Standard has not been metOr.
 - a. The proposed facility is proposed to be placed in clear view and will not blend with the landscape.
 - b.
 - c. Standard has not been met.

4. New towers should be engineered as appropriate for co-location of other antennae.
 - a. The tower design proposes two (2) antennae. (see exhibit 6)
 - b.
 - c. Standard has been met.Or.
 - a. No information has been provided regarding future collocation.
 - b.
 - c. Standard has not been met.

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 - a. The proposed facility does not propose guy wires.
 - b.
 - c. Standard has been met.Or.
 - a.
 - b. Standard has not been met.

6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.
 1. See applicable findings above.
 2. Requirements have been met.
 Or.
 1. See applicable findings above
 2. Requirements have not been met.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 18.7 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
 1. The property is located in an Agriculture and Forest Management District (M-AF) which allows Wireless Communication Facilities by special use permit per Section 17.13. (see exhibit 1)
 - 2.
 3. Standard has been met.
 Or.
 - 1.
 2. Standard has not been met.

- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
 1. The proposed wireless communication facility is unmanned stand alone facility.
 2. The proposed wireless communication facility will not cause the use of materials or involve processes that will create substantially negative impacts on county natural resources or the natural environment. (see exhibit 3, 6 & 7)
 - 3.
 4. Standard has been met.
 Or.
 - 1.
 2. Standard has not been met.

- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
 1. The proposed wireless communication facility is an unmanned standalone facility.
 2. The proposed wireless communication facility will not cause the use of materials or involve equipment or processes which would generate noise or traffic which is incompatible with the surrounding land uses. No smoke, glare, fumes or odors will be produced. (see exhibit 3)
 - 3.
 4. Standard has been met.
 Or.
 - 1.
 2. Standard has not been met

- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
1. The proposed wireless communication facility is to be placed 300ft. from M-33 right of way on a parcel of land containing 166 acres.(see exhibits 3, 6 and 7)
 2. The proposed wireless communication facility will not diminish the opportunity for surrounding properties to be used and developed as zoned.(see exhibit 6)
 - 3.
 4. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
1. The proposed wireless communication facility is an unmanned standalone facility.
 2. The proposed wireless communication facility will not require public resources greater than current capacity nor increase hazards from fire or other dangers.
 - 3.
 4. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
1. Adequate access to the site is provided via private drive and M-33. (see exhibit 7)
 2. The entrance roadway is not within 25 feet of an intersection. (see exhibit 6)
 - 3.
 4. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
1. The proposed use is an unmanned stand alone wireless communication facility and will not require a water well, septic facilities or refuse collection. (see exhibit 3 and 6)
 - 2.
 3. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.

- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
1. The special use will comply with all relevant standards required under the ordinance. (see exhibit 1 3)
 - 2.
 3. Standard has been met.
- Or.
1. Standard has not been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
1. The area where the proposed facility is to be placed is relatively level.
 2. There will be no changes to the overall natural features of the site. (see exhibit 3)
 3. The proposed wireless communication facility is to be placed 300ft. from M-33 right of way on a parcel of land containing 166 acres. (see exhibits 3, 6 and 7)
 4. The proposed construction of the wireless communication facility will not impede normal and orderly development or improvement of the surrounding property.
 - 5.
 6. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
1. No changes are proposed that would affect the landscape or natural state of the site. (see exhibit 3)
 - 2.
 3. Standard has been met
- Or.
- 1.
 2. Standard has not been met.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
1. No changes in drainage on the site are proposed. (See exhibit 3 & 7)
 - 2.
 3. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
1. Not applicable. No dwellings are proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
 - 1. Emergency vehicle access is provided via M-33. (see exhibit 3, 6 and 7)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - 1. Access to the structures is provided via M-33 and private drive. (see exhibit 3 & 9)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
 - 1. Not applicable. No subdivision plats or subdivision condominiums are proposed.

- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
 - 1. The proposed pole structure and antenna making up the communication facility will be a maximum of 70 feet from ground level. (see exhibit 6)
 - 2. No lighting is proposed. (see exhibit 3)
 - 3.
 - 4. Standard has been metOr.
 - 1.
 - 2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 - 1. Not applicable. No common ways are proposed.

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits. The site plan will conform to state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
 - 1. The site plan shall conform to all applicable requirements.
 - 2.
 - 3. Standard has been metOr.
 - 1.
 - 2. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

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

DATE DECISION AND ORDER ADOPTED

Wednesday, January 6, 2016

Patty Croft, Chairperson

Charles Freese, Secretary



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Draft Zoning Ordinance Amendment for Planned Unit Development

Date: December 1, 2015

Attached please find a copy of the draft amendment document dated 11/20/15

Pursuant to the most recent discussion with the Planning Commission regarding this proposed amendment you will find additional proposed language regarding amendments to an approved final plan to the amendment document printed in bold.

By review of section 19.5.2. you will find new proposed language for amendments to a final plan which reflects the same language as currently provided for amendments to a special use permit for your consideration. There are also some changes proposed to language as previously discussed.

All other language in the proposed amendment remain as previously discussed.

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

DRAFT 11/20/15

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

Section 1. Amendment of Section 2.2.

Section 2.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definitions in their appropriate alphabetical locations, which new definitions shall read in their entirety as follows:

Industrial use.

Any use provided in the current Cheboygan County Zoning Ordinance which is allowed within the Light Industrial Development District (D-LI) and the General Industrial Development District (D-GI) and is not allowed in any other zoning district.

Non-Residential use.

Any use allowed in the current Cheboygan County Zoning Ordinance which does not provide for a dwelling.

Residential use.

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

Section 2. Amendment of Article 19.

Article 19 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

ARTICLE 19. PLANNED UNIT DEVELOPMENT (PUD)

SECTION 19.1. PURPOSE The purpose of these provisions is to permit and encourage design flexibility, encourage innovation in land development and variety in design, layout, and type of structures constructed, achieve economy and efficiency with uses of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities. This ordinance will enable both developers and Cheboygan County officials to propose, review and agree upon site plans which integrate housing, circulation networks, commercial facilities, open space and recreational areas which are compatible with the surrounding area and natural environment. A Planned Unit Development district (PUD) is a zoning district, and when applied, changes the zoning district to PUD.

SECTION 19.2. ELIGIBILITY

- a. The entire site being considered for a PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.
- b. The site submitted for a PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contains a variety of uses.
- c. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by the agency with applicable jurisdiction.

19.3. GENERAL REQUIREMENTS AND DEVELOPMENT STANDARDS FOR PLANNED UNIT DEVELOPMENT (PUD) In addition to eligibility standards under Section 19.2. the site submitted for PUD designation shall adhere to the following conditions and standards:

- a. General Requirements.
 1. The establishment of a PUD zoning district includes a zoning map amendment and shall follow the requirements of a rezoning according to Section 24.1. Each PUD that is approved shall become part of the zoning ordinance. Each PUD that is approved shall be assigned a unique identifier.
 2. Compatible residential, public, institutional, and commercial uses may coexist in a PUD provided that the proposed location of the non residential uses will not adversely affect adjacent property, and/or the public health, safety and general welfare.
 3. Minimum lot size for a PUD shall be one (1) acre with a minimum of 150 front feet. Any PUD with proposed industrial use shall be a minimum of five (5) acres. The Planning Commission may waive the size requirement if they find that there are unusual site conditions or a unique character of the proposed development.
 4. Any use which is only allowed in the Light Industrial Development (D-LI) district and/or the General Industrial Development (D-GI) district shall not be allowed in a PUD which is proposed in other zoning districts.
 5. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.
 6. Proposed uses should be designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities relative to vision and/or noise with proposed uses and existing uses. The PUD shall be designed to create a single integrated and controlled development whether completed in whole or in phases.
 7. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.

b. Development Standards.

1. Minimum lot size, Minimum setbacks and Maximum structure height based on use type:

USES	Min. Lot Size		Min. Yard Setbacks (ft.)			Max. Structure Height (ft.)
	Area (sq. ft.)	Width (ft.)	Front (ft.)	Sides (ft.)	Rear (ft.)	
Residential (single or two family)	9,900 per dwelling	70 per dwelling	25	8	10	35
Multi-Family Residential and/or Non-Residential	Submit with plan		25	10	15	35
Industrial	Submit with plan		40 ^A	25 ^A	25 ^A	35

A. Buildings with industrial uses shall be setback from buildings with other uses a minimum of 75 feet.

2. The development standards for the proposed uses in the PUD district shall be consistent with the corresponding standards for those uses except as provided in this section. The Planning Commission may approve deviations from those standards if they find that the deviations proposed are necessary to promote the overall design intent of the PUD without negatively impacting existing uses adjacent to or in the general vicinity of the PUD due to noise, traffic, congestion, view or demand on the transportation system.

c. Open Space.

1. A minimum of fifteen (15) percent of the land developed on any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

2. The required amount of open space shall be held in common ownership by each owner of property with the development. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final plan

SECTION 19.4. APPLICATION AND APPROVAL PROCEDURES The following procedures shall be used for the review and approval of a Planned Unit Development (PUD)

19.4.1. Pre-application Conference. Prior to the submittal of a PUD application, a prospective applicant is encouraged to schedule a pre-application conference with the Zoning Administrator to discuss the purpose and effect of this Ordinance and the criteria and standards herein. At this pre-application conference, the applicant is encouraged to provide the staff with a concept plan. This concept plan should include information on the types and placement of structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. Following this pre-application conference, the Zoning Administrator shall present the concept plan, if any, with a report to the Cheboygan County Planning Commission at their next regular public meeting for their information, review and comment. The applicant may schedule an informal informational meeting with the Planning Commission, but no official action shall be taken at such meeting.

19.4.2. Submission of Preliminary Plan. Following a pre-application conference, if any, the applicant may submit a preliminary plan along with a complete PUD preliminary plan application and application fee to the Zoning Administrator. The preliminary site plan shall include;

- a. Site plan of existing conditions which shall include;
 1. Existing buildings.
 2. Existing parcel boundaries with tax parcel identification numbers
 3. Layout of parking lots, drives, and streets
 4. Existing woodlands
 5. Topography with minimum 5-foot contours
 6. Bodies of water and other significant natural features.
 7. Surrounding land uses and zoning.
 8. Existing utilities, wells and septic systems
 9. Other information as may be requested by staff or the Planning Commission to adequately review the application.
- b. Site plan for the proposed development which shall include;
 1. Boundary of the proposed PUD with legal description.
 2. Footprint of proposed buildings
 3. Proposed uses and their general locations.
 4. Layout of streets, drives, parking areas and pedestrian paths.
 5. Proposed parcel boundaries.
 6. Minimum setbacks for district perimeters and individual buildings within the development.
 7. Proposed perimeter buffer zones and screening.
 8. Conceptual landscape plan.
 9. Development phases and schedule indicating stages in which the project will be built with time frames for beginning and completion of each stage.
 10. Type, estimated number and density range for residential uses within the development.
 11. Proposed open space and acreage thereof.
 12. Table of required and provided parking for all proposed uses.
 13. Proposed location of water and sewer/septic system facilities.
 14. Other information as may be requested by staff or the Planning Commission.

19.4.3. Preliminary Site Plan Review and Approval by the Planning Commission. The PUD preliminary plan application, application fee and preliminary plan shall be submitted to the Zoning Administrator by the applicant. The Zoning Administrator shall deem the application and preliminary plan complete if all requirements of Section 19.4.2. have been met. The Zoning Administrator shall present all material submitted by the applicant to the Planning Commission and shall process the application and preliminary plan and hold a public hearing according to Section 24.2. The Planning Commission shall provide a copy of the application and preliminary plan to, and solicit recommendations from the, County Soil Conservation District, the Township in which the PUD is proposed, the District Health Department, the County Drain Commissioner, the neighboring municipal corporation if adjacent to the subject parcel(s) and the jurisdictions which control the abutting street or road rights of way. The Planning Commission shall review the application and preliminary plan and shall recommend to approve, deny or approve the preliminary plan subject to specified conditions and/or revisions to the Cheboygan County Board of Commissioners within thirty days of the decision.

19.4.4. Waiver of Preliminary Site Plan Review and Approval The Planning Commission may waive the requirement for review and approval of the Board of Commissioners and allow submission of a Final PUD Plan and Final PUD rezoning application upon request of the applicant if it finds that the preliminary plan proposes uses which are allowed in the existing zoning district in which the preliminary plan is proposed and that the preliminary plan requests minimal exceptions from the existing dimensional requirements of the existing zoning district.

19.4.5. Preliminary Site Plan Review and Approval by the Cheboygan County Board of Commissioners. The PUD preliminary plan and application, supporting information including the preliminary plan and the Planning Commission's recommendation shall be forwarded to the Cheboygan County Board of Commissioners if a waiver is not requested by the applicant and approved by the Planning Commission as provided in section 19.4.4. The Board of Commissioners shall deny or approve the preliminary plan following their review. The approval may be with or without conditions. If conditions are imposed, the Board of Commissioners may require resubmission to the Planning Commission for further review. Review shall be based on the criteria as provided in Section 19.2., Section 19.3. and the factors listed in Section 19.4.3.

19.4.6. Expiration of Preliminary Site Plan. Once approved, the preliminary site plan shall expire one (1) year following approval by the Planning Commission. The Planning Commission may approve two (2) extensions of one (1) year each upon request of the applicant if it finds that requirements and standards as provided in Section 19.4.2. and Section 19.4.3. that are reasonably related to the PUD have not changed.

19.5. Final Plan Approval. Upon approval of the PUD application and preliminary plan, a final PUD plan must be submitted to the Planning Commission within the required time frame as provided in section 19.4.3.

19.5.1. Final Plan Requirements. The applicant shall submit a Final PUD Plan rezoning application, final PUD plan and final plan filing fee to the Zoning Administrator. The final plan shall include all modifications and elements from the approved preliminary plan, in addition to the following:

- a. All Site Plan requirements as set forth in Section 20.7.
 - b. A schedule for the development of units to be constructed in progression;
 - c. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
 - d. Building elevations, locations and sizes.
 - e. Current zoning and land uses of adjacent parcels including open space.
 - f. Existing and proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
 - g. Dimensioned existing and proposed drives and parking areas.
 - h. Drainage plan.
 - i. Location of all public utilities, wells, water systems drain fields and septic systems including easements.
 - j. Signage plan
 - k. Other information deemed necessary by the Planning Commission and zoning administrator.

1. The Zoning Administrator shall deem the PUD rezoning application and final PUD plan complete if all requirements of Section 19.5.1. have been met. The Zoning Administrator shall present the final plan to the Planning Commission at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete final plan. The Planning Commission shall hold a public hearing following requirements of Section 24.1. All decisions must be based upon those standards presented in section 19.2. and 19.3.

2. The Planning Commission shall act on the PUD rezoning application and final PUD plan within 30 days of the public hearing and recommend approval or denial of the application with reasons for the approval or denial to the applicant and the Cheboygan County Board of Commissioners. The Planning Commission shall consider the following factors in addition to requirements of Section 19.2., Section 19.3. and Section 19.4.2. in making the recommendation;
 1. Is the proposed rezoning reasonably consistent with surrounding uses?
 2. Will there be an adverse physical impact on surrounding properties?
 3. Will there be an adverse effect on property values in the adjacent area?
 4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 7. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 8. Is the site served by adequate public facilities or is the petitioner able to provide them?
 9. Are there sites nearby already properly zoned that can be used for the intended purposes?

3. The Board of Commissioners shall approve or deny the rezoning to PUD and final site plan. No PUD rezoning application or final plan which has been disapproved by the Cheboygan County Board of Commissioners shall be resubmitted for a period of one (1) year from the date of disapproval except as permitted by the Board of Commissioners after becoming aware of new evidence which may result in approval upon resubmittal.

19.5.2. Amendments to Approved Final Plan for PUD.

Amendments to an approved final plan shall be permitted only under the following circumstances:

- a. The owner of property for which a PUD final plan has been approved shall notify the zoning administrator of any desired change to the approved final plan. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the final plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:**
 - 1. Reduction of the size of any building and/or sign.**
 - 2. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.**
 - 3. Landscaping approved in the final plan that is replaced by similar landscaping to an equal or greater extent.**
 - 4. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after approval of the final plan.**
 - 5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.**
 - 6. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.**
 - 7. All amendments to final plan by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.**
- b. An amendment to an approved final plan that cannot be processed by the zoning administrator under subsection (a) above shall be processed in the same manner as the original PUD application under section 19.4.**

OR,

a. **Minor Amendments.**

1. Amendments, such as relocation of a building, parking lot or other site element do to unforeseen site conditions of fifty (50) feet or less, may be approved by the Planning staff. An adverse decision by staff may be appealed to the Planning Commission.
2. All other amendments, except those as defined in section 19.5.2.b.1. below, shall be referred in writing to the Planning Commission at their next regular meeting. They shall review and approve, reject or modify the proposed changes without a public hearing.

b. **Major Amendments.**

1. Proposed amendments to an approved PUD final plan which changes the land area, changes **or adds** uses or increases the density of use by ten (10) percent or more shall be referred to the Planning Commission in writing for consideration at their next regular meeting.
2. Proposed new use(s) or proposed amendment(s) which constitutes a change, which in the sole discretion of the Planning Commission, should be considered **by the Board of Commissioners as a** new development shall be deemed a new application for review and approval according to Section 19.4.

Section 3. 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 4. 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:

Peter Redmond
Its: Chairperson

By:

Mary Ellen Tryban
Its: Clerk



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

Date: January 12, 2016

To: Planning Commission

From: Scott McNeil

Re: Planning Commission Bylaws; Annual meeting requirements, election of officers and scheduling of regular meetings.

The bylaws of the Planning Commission require that Officers (Chairperson, Vice Chairperson and Secretary) be chosen from its members by the Planning Commission at its annual meeting held in January of each year.

Also, the bylaws require that the regular meetings of the Planning Commission shall be scheduled at the annual meeting held in January each year. The bylaws also provide that if any regularly scheduled meeting falls on a legal holiday, the Planning Commission shall select an alternate date in the same month for the regular meeting. I expect the Planning Commission will desire to schedule regular meetings for 2016 for the first and third Wednesday of each month at 7:00 P.M. as currently scheduled. There are no legal holidays that fall on the first or third Wednesday of each month in 2016.

Please contact me with questions.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

Date: January 12, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed timeline for development of 2017 Capital Improvement Program.

Attached please find a draft timeline for development of the 2017 CIP for your review and consideration of approval.

You will note that review of the narrative portion of the CIP document is included in the first action item. This will allow some more time to review this section including criteria for selection. Otherwise, the attached reflects the same actions and considerations as the previous year.

Please do not hesitate to contact me with questions.

DRAFT

Proposed Cheboygan County Planning Commission 2017 Capital Improvement Program Development Timeline.

January 8, 2016

January 20, 2016 to March 30, 2016. The staff of the Community Development Department will gather project information from the agencies and departments within the county and other government entities for inclusion in the CIP and present the same for review by the Cheboygan County Planning Commission. The Planning Commission shall review the narrative portion of the in the 2016 CIP document and interject proposed changes to the 2017 CIP document and 2017 CIP document development accordingly.

April 6, 2016 to June 1, 2016. The proposed projects are reviewed by the Planning Commission. Agency and department representatives may provide a report to the Planning Commission by request.

June 15, 2016. The Planning Commission will review the project information and elect which projects should be included in the CIP and place such projects in a general order of priority in needed and desirable categories.

July 6, 2016. The staff of the Community Development Department will present a draft CIP document to the Planning Commission for review.

August 3, 2016. The Planning Commission holds a public hearing on the draft CIP and may make changes to the draft CIP accordingly.

August 17, 2016. The Planning Commission will forward the final draft CIP, along with a recommendation, to the Cheboygan County Board of Commissioners.

November 2, 2016 to December 7, 2016. The Planning Commission will review any proposed changes from Board of Commissioners or the County Administrators office as a result of the county budget review process.