



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, APRIL 5, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk
ABSENT: Churchill
STAFF: Scott McNeil
GUESTS: Eric Boyd, Bob Lyon, John Moore, Cal Gouine, Carl Muscott, John F. Brown, Tim Maylone, Austin Babich, Rob LaBelle

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

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

Mr. Freese asked the Planning Commission for a moment of silence for Tony Matelski, Cheboygan County Board of Commissioners Chairman.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The March 15, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdyk, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Cherry Capital Connection and Robert and Patsy Knaffle

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

Mr. McNeil stated there is a residential dwelling at the north of the property with an address on Gilpin Road. Mr. McNeil stated that the location of the proposed tower could be better identified as Wartella Road. Mr. McNeil stated that the tower is proposed to be 128 feet tall and meets the 1:1 ratio for setbacks from the lot lines. Mr. McNeil stated that the applicant has responded to the specific requirements under section 17.13 that the Planning Commission will review.

Mr. Maylone stated that he is the General Manager for Cherry Capital Connection. Mr. Maylone stated that they currently provide high-speed internet service and telephone service to 12 counties in Northern Michigan. Mr. Maylone stated that Cherry Capital Connection is a wireless internet service provider (WISP). Mr. Maylone stated that the wireless internet service provider (WISP) industry addresses telephone needs and internet needs in rural areas. Mr. Maylone stated that there are approximately 67 WISP's in Michigan and approximately 700 WISP's in the United States. Mr. Maylone stated that Cherry Capital Connection builds small 128 foot towers wherever there is a demand in their region. Mr. Maylone stated that they use licensed and unlicensed frequencies for the high-speed internet. Mr. Maylone explained that the towers are a distribution point for fiber to the home. Mr. Maylone stated that they received approval from Benton Township for a franchise agreement which is planned for 3-7 years in the future. Mr. Maylone stated that the location is suited to the demand. Mr. Maylone stated that they have 16 reservations on file for this neighborhood who are waiting for the tower to be erected. Mr. Maylone stated that this will be the first of 20-30 more towers that they plan to build in Cheboygan County over the next 4-5 years. Mr. Maylone stated this is an agricultural property that is no longer being used for agricultural purposes. Mr. Maylone stated that the tower will be located on Wartella Road and will be set back off of the road so it will not be in the direct line of sight. Mr.

Maylone stated that this is a relatively small tower with a triangular cross section 12 inches on a side and at ½ mile away the visual impact is reduced. Mr. Maylone stated that collocation is not an option because this will be a light weight tower and will only hold 7 square wind load at 100 miles per hour, which is a State of Michigan requirement. Mr. Maylone stated that they do not use commercial towers due to the cost factor. Mr. Maylone stated that generally, a lease on a commercial tower is \$500 - \$1000 per month. Mr. Maylone stated that these towers are built for under \$5,000. Mr. Maylone stated that he has not heard back from the FFA yet about this location. Mr. Maylone stated that the FFA is doing a survey which will also go to MDOT for approval. Mr. Maylone stated that the FFA has 45 days to make a determination. Mr. Maylone stated that Patsy Knaffle is attending this meeting. Mr. Maylone stated that Mrs. Knaffle and her husband own the property and they believe this tower is good for the neighborhood.

Mr. Ostwald asked how far will one tower will provide service. Mr. Maylone stated that they have a tower at the Grand Hotel on Mackinaw Island, which reaches 11-12 miles. Mr. Maylone stated that they are building a tower in Levering on Hare Road, which is a 13 mile link. Mr. Maylone stated that this tower is engineered for 6 miles (3 mile radius). Mr. Maylone stated that they have towers that go as far as 28 – 29 miles. Mr. Maylone stated that it depends on the terrain and tree coverage.

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

The Planning Commission reviewed and approved the General Findings, Finding of Fact Under Section 17.13.1.a, Finding of Fact Under Section 17.13.2.b, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1.a, Finding of Fact Under Section 17.13.2.b, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to FAA letter of approval is to be submitted to Planning & Zoning Department and Department of Building Department Safety requirements are to be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

ERS Telecom Properties and Bernard Jankoviak

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

Mr. McNeil stated that this is a request for a special use permit for a tower and this property is zoned Agriculture and Forestry Management. Mr. McNeil stated that the proposed height of this tower is 250 feet and it does not meet the isolation standard from the lot line. Mr. McNeil stated that section 17.3.1 does allow the Planning Commission to reduce the isolation standard up to 50% if they can show the structure is built to collapse within that 50% reduction. Mr. McNeil stated that the applicant has provided a letter from an engineer which would set the isolation standard at 60%. Mr. McNeil stated that the applicant has addressed section 17.13.

Ms. Croft referred to the application and noted that site plan standard d states that there will be a 6 foot tall chain link fence around the “sixty foot by sixty foot (6’ x 6’) compound”. Ms. Croft asked if this is 60 foot x 60 foot or 6 foot x 6 foot. Mr. McNeil stated that this will be verified with the applicant.

Mr. Jazdyk asked Mr. McNeil to review the variances that the applicant can receive through use of a professional engineer. Mr. McNeil stated that the ordinance requires that the tower is set back from property lines the same distance as the height of the tower. Mr. McNeil stated that the ordinance also allows the Planning Commission to reduce that requirement up to 50% if they can show that the tower will collapse within the area provided for the setback. Mr. McNeil stated that the applicant has provided this information and based on his calculations it is approximately 60%. Mr. Kavanaugh asked if it could be reduced to 50%. Mr. McNeil stated that it can be reduced to 50%.

Mr. Babich stated that he is with Pyramid Network Services and he is representing ERS Telecom Properties. Mr. Babich introduced Rob LaBelle, who is with Williams, Williams, Rattner & Plunkett, PC. Mr. Babich stated that ERS Telecom Properties is requesting a special use permit for a wireless telecommunication facility in an Agriculture and Forestry Management Zoning District in Mullett Township on property that is owned by Bernard Jankoviak. Mr. Babich stated that the communication facility is designed for Verizon Wireless. Mr. Babich stated that ERS Telecom Properties will provide support for emergency services by providing wireless communications to paramedics, firefighters and law enforcement agencies. Mr. Babich stated that ERS Telecom Properties has determined this location based on thorough computerized studies. Mr. Babich stated the technical criteria for establishing cell sites is very exacting as to the height and location of the communications facility. Mr. Babich stated that based on computerized patterns and topography, engineers have identified the necessary location for this personal communication service. Mr. Babich referred to the propagation maps and explained the existing

coverage and the proposed coverage. Mr. Babich clarified that the barbed wire fence compound will be 60' x 60'. Mr. Babich stated that they will be utilizing an existing drive. Mr. Babich stated that this will be a 250 foot guyed tower. Mr. Babich stated that this tower is designed for collocation for three additional carriers. Mr. Babich stated that ERS Telecom Properties requests that the Planning Commission approve this special use permit and site plan.

Mr. LaBelle stated this tower will be owned by ERS Telecom Properties and the first entity on the tower will be Verizon Wireless. Mr. LaBelle stated that the data on the propagation map is Verizon Wireless data. Mr. LaBelle explained that Verizon Wireless has the biggest network in the state. Mr. LaBelle stated that this tower is being built to Verizon Wireless engineering specifications and as a result, the fall zone certificate is from an engineer that has been hired by Verizon Wireless. Mr. LaBelle stated that these towers are extremely stable and there are no Verizon Wireless towers that have ever collapsed. Mr. LaBelle stated that if the tower ever did fall it would collapse on itself. Mr. LaBelle stated that they already have FAA approval and a copy of the FAA letter is included in the Planning Commission packet. Mr. LaBelle explained that this tower will cover a 3 mile radius. Mr. LaBelle stated this tower will cover a coverage gap in the area and it will also help to off-load capacity or take up slack on existing Verizon Wireless towers as there is so much demand that it is exceeding the capacity of the antennas. Mr. LaBelle stated that they meet all of the requirements for the special use permit and request that the Planning Commission's approval for this request.

Ms. Croft asked for public comment. There was no public comment. Public comment closed.

Mr. Kavanaugh asked if the proposed tower will affect Mr. VanDoorn's plans to build in the future. Mr. McNeil stated that there are no concerns from a zoning stand point. Mr. McNeil stated that he forwarded the email to Mr. Babich so he is aware of Mr. VanDoorn's concerns. Mr. Babich stated that Mr. VanDoorn is concerned about apple trees being removed. Mr. Babich stated that the trees are on Mr. VanDoorn's property and will not be removed.

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

Toni Wilson

Requests a Site Plan Review Amendment for a change of use from Restaurant, Salon (Office) and Retail Use with outdoor seating and outdoor display to Bar Use with outdoor seating (Sections 13B.2.2). The property is located at 3499 South M-27, Tuscarora Township, section 24, parcel #161-024-200-006-00 and is zoned Village Center Indian River Overlay (VC-IR-0).

Mr. McNeil stated that it was brought to his attention yesterday that Ms. Wilson's site plan amendment approval could be approved as an administrative amendment which is approved by staff. Mr. McNeil provided a copy of section 20.14 that sets forth the provisions for administrative approval of site plan review amendments. Mr. McNeil stated that Ms. Wilson's site plan amendment application was approved under section 20.14.7. Mr. McNeil reviewed that the four conditions that must be met under this section when there is an administrative approval. Mr. McNeil stated that he notified Ms. Wilson that this application was approved administratively.

UNFINISHED BUSINESS

2018 Capital Improvement Program – Program Summary and Project Descriptions

Mr. McNeil stated that the Planning Commission has received the project descriptions and the summary sheet for their review. Mr. McNeil stated there is only one new project by the Road Commission relative to Levering Road. Mr. McNeil stated he was notified that there will probably be changes to the Cheboygan County Maintenance Department. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the Cheboygan County Road Commission Levering Road project be classified as a needed project. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

Draft Zoning Ordinance Amendment Relating To Assembly Halls

Mr. McNeil stated that he has reviewed private clubs and lodges and he recommends that those uses can also be placed under the Assembly, Educational or Social Event Facility definition. Mr. McNeil stated that the amendment document has been amended accordingly. The Planning Commission asked that Mr. McNeil forwards the proposed amendment to legal counsel for review.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that there are four special use permit applications, one site plan review application, a public hearing for the ordinance amendment on the dwellings and a rezoning application scheduled for the April 19, 2017 Planning Commission meeting. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Freese provided an update on Commissioner Tony Matelski. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that he talked with Mr. McNeil regarding the boathouse amendment that was discussed last year. Mr. Muscott stated he does not know that it needs a survey or if it will just require being properly noticed that an amendment is being discussed. Mr. Muscott stated he would like to see this amendment moving forward in case someone would like to build a boat house before the end of summer.

Mr. Brown asked if the Capital Improvement Plan only includes 2018 or does it also include 2017. Ms. Croft stated that it is for the next year. Mr. Brown stated that the 2016 Capital Improvement Plan included money for the Humane Society expansion which was not done. Mr. Brown asked if this project should have been included in the 2017 Capital Improvement Plan. Mr. McNeil stated that the Capital Improvement Plan is a plan for the next year. Mr. McNeil stated that it is a forward proposed document. Mr. McNeil stated that many places use it as a budgeting document for the upcoming year. Mr. McNeil stated that the current year is not included in the document. Mr. McNeil stated that if the project was not completed it may be appropriated for the current year or it may be deemed complete. Mr. Kavanaugh asked if a project is automatically added to the next Capital Improvement Plan if it is not completed. Mr. McNeil stated no. Mr. McNeil stated that just because a project is included in the Capital Improvement Plan does not mean that it will be done. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:51 pm.



Charles Freese
Planning Commission Secretary