



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, DECEMBER 16, 2009 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Matelski, Kavanaugh, Borowicz, Croft, Moore, Behm, Ostwald  
**ABSENT:** None  
**STAFF:** Steve Schnell  
**GUESTS:** Benjamin Meredith, Anthony Amine, Bill Morgan, Susan Blasius, Linda Socha, John Moore, Russell Crawford

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

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to approve the agenda as presented. Motion carried unanimously.

### APPROVAL OF MINUTES

The November 18, 2009 Planning Commission minutes were presented. **Motion** by Mr. Matelski, seconded by Mr. Kavanaugh, to approve the minutes as presented. Motion carried unanimously.

The December 2, 2009 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the minutes as presented. Motion carried unanimously.

### PUBLIC HEARING AND ACTION ON REQUESTS

**Cellere / Otis & Janice Hoffman** – Requests a Special Use Permit for a 184’ telecommunications tower (section 17.13). The property is located on M-68, Koehler Twp., section 33, parcel #171-033-300-001-00 and is zoned Agriculture and Forestry Management (M-AF).

Mr. Meredith explained this is a re-application from 2008. Mr. Meredith stated the project is to replace an existing 100ft. wood pole communications facility. Mr. Meredith stated this project was put on hold due to economic conditions. Mr. Meredith stated there are a number of these types of wood pole structures that are in northern Michigan that cannot accommodate current technology and Global Towers has asked Cellere to prioritize which ones should be replaced. Mr. Meredith stated there is interest for this site again. Mr. Meredith stated the application that was submitted in 2008 is the same application that the Planning Commission received for this re-application. Mr. Meredith stated nothing has changed with the site plan and the use. Mr. Meredith stated that all setbacks and all special use permit standards will be met.

Ms. Croft asked for public comment. Ms. Blasius stated she has visited this property and her husband submitted a letter in opposition to this request. Ms. Blasius believes that she was not informed of this request in 2008. Discussion was held. Public comment closed.

Board held discussion. Mr. Freese stated the Planning Commission reviewed this request before and all of the standards were met.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Findings of Fact under section 17.13. The Planning Commission reviewed and approved the Findings of Fact under section 18.7. The Planning Commission reviewed and approved the Findings of Fact under section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Moore, to approve the special use permit based on the General Findings and the Findings of Fact under section 17.13, 18.7 and 20.10. Motion carried unanimously.

**AT&T Wireless Mobility / Barrington Traverse City LLC** – Requests a Special Use Permit for a 12ft. x 20' equipment shelter and the addition of six antennas to an existing 240ft. guyed tower (section 17.13). The property is located at 2454 M-68/33, Walker Township, section 4, parcel #220-004-100-006-00 and is zoned Agriculture and Forestry Management (M-AF).

Mr. Schnell stated this is an existing tower and there is no change to the height of the tower. Mr. Schnell stated the applicant is proposing an equipment shelter. Mr. Schnell explained this is an older tower and guyed wires are used. Mr. Schnell reviewed the site plan with the Planning Commission members. Mr. Schnell stated the request was changed from 3 antenna arrays to 6 antenna arrays. Mr. Schnell stated the changes were done by a registered engineer to show that they are within allowable engineering specifications for the tower. Mr. Schnell stated this change does not affect the public notice.

Mr. Amine stated that AT&T identified this as an area that needs service improvement. Mr. Amine stated the existing tower is 240ft. and AT&T is proposing to install their antennas at the 225ft. level. Mr. Amine stated they are also proposing to construct a 12ft. x 20ft. equipment shelter to house communications equipment. Mr. Amine stated there is an existing road and the only change to the tower is to install the AT&T antennas.

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

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Findings of Fact under section 17.13. The Planning Commission reviewed and approved the Findings of Fact under section 18.7. The Planning Commission reviewed and approved the Findings of Fact under section 20.10. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings and the Findings of Fact under section 17.13, 18.7 and 20.10. Motion carried unanimously.

## **UNFINISHED BUSINESS**

### **Discussion of Zoning for Child Caring Institutions**

Mr. Schnell stated at the last Planning Commission meeting there was a discussion regarding the various terms used for the youth who would be treated and the various ages of the residents that would be permitted. Mr. Schnell provided language for definitions of minor child and school aged child. Mr. Kavanaugh asked if these definitions are definitions use by the State. Mr. Schnell stated it is not exactly the same wording but it is the same terminology. Discussion was held.

Mr. Schnell stated legal counsel does not believe that lot size should be kept small. Mr. Schnell stated that it should be large enough without eliminating it from the district. Mr. Schnell stated there are many large lots within the three permitted districts. Mr. Schnell stated the lot size requirements could be doubled and there would still be plenty of land area for these types of facilities. Mr. Moore stated it could be more than doubled. Discussion was held. The Planning Commission agreed that doubling the requirements is reasonable.

Mr. Moore asked if the Planning Commission has defined juvenile correctional facility which is referenced in the definition of child caring institution. Discussion was held. Mr. Borowicz and Mr. Moore suggested language "A child caring institution is not a juvenile correctional facility as defined by Public Act #116 of 1973."

Mr. Schnell asked if the Planning Commission members have considered doubling the minimum lot size requirements. Mr. Moore and Mr. Kavanaugh agreed the minimum lot size requirements should be doubled.

Mr. Schnell stated that a requirement was added for a loading/unloading zone for public transit vehicles. Mr. Schnell reviewed some of Mike Couture's (Straits Area Regional Ride) concerns regarding adequate drive entrances. Discussion was held.

Mr. Schnell stated there have been questions as to whether these types of facilities would be used for substance abuse treatment. Mr. Schnell stated the inspector who reviews these facilities explained to him that they can permit drug treatment at these child caring institutions. Mr. Schnell stated the Department of Community Health can license these facilities for drug treatment but it is not usually the main program.

Mr. Kavanaugh believes there should be two special use permit categories. Mr. Kavanaugh stated the Planning Commission should differentiate between a child caring facility and a drug treatment facility. Mr. Schnell stated that substance abuse treatment can be listed as an accessory use. Mr. Schnell noted that this does not allow it as a primary use but only as an accessory use. Discussion was held.

Mr. Morgan asked if the townships will have any input regarding this amendment. Mr. Morgan stated he has knowledge of these types of institutions. Mr. Morgan stated he is not sure that his township would want one of these institutions in the Mixed Residential zoning district. Mr. Kavanaugh stated Benton Township notified over 100 property owners of a meeting to

review a proposed child caring institution. Mr. Kavanaugh stated only 4 property owners attended the meeting. Mr. Morgan stated this may be fine for Benton Township but he is concerned that someone may want this type of facility in Topinabee. Mr. Schnell stated that townships, villages and cities are notified by the institution when they apply for a license. Mr. Schnell stated a township would then have the right to petition to challenge their licensing. Mr. Schnell noted that the county is not able to challenge the license. Mr. Kavanaugh suggested that the applicant meet with the township prior to submitting a special use application to the county. Discussion was held. Mr. Schnell stated there is sample language where the applicant is required to hold a public meeting and the applicant must document who was notified and document the meeting. Mr. Borowicz stated the Planning Commission does not want to hold up an application for 8 or 10 months but this is not the type of application that should be reviewed quickly. Mr. Kavanaugh stated there should be a certified notice sent to the township by the applicant prior to applying for a special use permit.

Mr. Moore questioned if 1 parking space per 4 beds would be adequate. Ms. Croft questioned if visitation would be allowed. Mr. Morgan explained that visitation by family members is encouraged. Discussion was held. Mr. Kavanaugh stated 5 spaces for 20 beds plus 1 parking space for each 2 employees would be required based on the proposed language. Mr. Borowicz suggested 1 space per employee on site. Mr. Schnell suggested 1 space per employee on shift.

Mr. Moore questioned if 3,000sf per resident is a large enough minimum lot size requirement for Mixed Residential. Discussion was held.

Ms. Behm asked if Mr. Schnell reviewed lot size requirements for other jurisdictions. Ms. Behm stated she is concerned about the minimum requirement being doubled for Mixed Residential. Mr. Schnell stated he will find language from other rural communities similar to Cheboygan. Mr. Schnell stated he has two books that all planners use for parking information and there is no reference to child care institution. Mr. Schnell stated that we may have to look at something similar such as assisted living facilities. Mr. Freese stated his concerns about the minimum lot size requirement being increased too much. Mr. Freese stated this would be an authorized use permitted by zoning that would be excluded if the minimum lot size requirement increased too much and would therefore not be legal. Discussion was held.

#### **NEW BUSINESS**

No comments.

#### **STAFF REPORT**

Mr. Schnell updated the Planning Commission members on a Small Wind and Renewable Energy Workshop that he attended with Mr. Borowicz. Discussion was held.

#### **PLANNING COMMISSIONER'S COMMENTS**

No comments.

#### **PUBLIC COMMENTS**

No comments.

#### **ADJOURN**

**Motion** by Mr. Matelski to adjourn. Motion carried. Meeting was adjourned at 8:05pm.



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Charles Freese  
Planning Commission Secretary