

# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, SEPTEMBER 19, 2018 AT 7:00 PM ROOM 135 – COMMISSIONER’S ROOM – CHEBOYGAN COUNTY BUILDING

- PRESENT:** Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Lyon
- ABSENT:** Churchill, Bartlett
- STAFF:** Michael Turisk
- GUESTS:** Roberta Matelski, John F. Brown, Cal Gouine, Russell Crawford, Cheryl Crawford, Eric Boyd, Bob Lyon, John Moore, Karen Johnson, Carl Muscott, C. Maziasz, Leslie Taylor

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Lyon), 0 Nays, 2 Absent (Churchill, Bartlett)

### APPROVAL OF MINUTES

The September 5, 2018 Planning Commission minutes were presented. Mr. Kavanaugh stated that both he and Mr. Jazdzyk felt that the impact statement was more of a compilation of the information they already had, and that that fact should be shown in the minutes somewhere. He didn't feel it was a perfect impact study. He acknowledged that it had been discussed and found acceptable but he still didn't feel it was perfect. He also didn't feel that the health, safety and welfare issue contained in the second half of the question raised by section 18.7e was fully addressed and was a concern to several Planning Commission members. He also stated that somewhere in the material considered there was discussion of the 13.8% crime increase, and that the paper which contained that figure should be referenced in the minutes. Ms. Lyon stated that she thought this was covered on page 3. Mr. Kavanaugh stated that his comments were different than those of Mr. Freese but all that was needed was to refer to the paper that Mr. Freese has used. Mr. Kavanaugh stated that he also had concern with the comments from the audience, after but seeing how that has no impact maybe that is not an important issue. He felt that the comments might have made a difference if they were made before the final decision. Mr. Freese stated that he had added those comments he felt were relevant but that he had not been able to get the name of one of the individuals as he has not signed in. Mr. Muscott stated the name of that individual is Mr. Lurie. Mr. Kavanaugh stated that Mrs. Hansen stated that no one had worked with them or had gotten back with them and that was disputed by a member of the audience. Discussion of these comments ensued and Mr. Kavanaugh stated that he felt it was important to the members of the audience that the comments made by Mrs. Hansen as well as the answering comments by the audience member were important but since it was after the fact it couldn't be considered.

Mr. Jazdzyk stated that he had some comments and referred to page 4 which stated that "he wishes to see a more comprehensive security plan" but that his recollection is that he had asked for someone to make up a security plan to be brought back for review by the groups involved but that Mr. Wendling has stated this was not proper. Ms. Croft stated that was correct in that it might prevent them from getting the necessary licenses from the State. Mr. Jazdzyk stated that he just felt a more comprehensive presentation of this subject should have been included rather than just a brief summary. Mr. Freese asked Mr. Jazdzyk to prepare the comments in writing and he would see that they were included. Mr. Freese asked whether the commission would accept the minutes with the comments from Mr. Kavanaugh and Mr. Jazdzyk included. Ms. Lyon stated that she felt they should see the actual comments before they are accepted. Mr. Kavanaugh asked if there is a time limit within which the minutes may be approved. Mr. Freese stated that the 30 day period in which the final decision could be appealed begins the day the minutes are approved and signed. Mr. Kavanaugh questioned whether the additions were important enough to make a difference and asked whether any of them were controversial enough to make any difference

since he didn't want to hold up any actions on the matter if it were not necessary. Mr. Turisk stated that Mr. Wendling has indicated that the material in the minutes did not have to be all encompassing but could be summarized. Mr. Turisk stated, with that in mind, he felt the comments discussed would not be substantive. Mr. Kavanaugh stated that with that with that consideration, he makes a motion that the minutes be approved as would be amended. Mr. Freese stated Mr. Kavanaugh and Mr. Jazdzyk would have to provide their written comments. Ms. Lyon asked whether the minutes with the proposed changes could be voted upon in the next meeting and disapproved if the changes were not agreeable. Mr. Freese stated that they were trying to get them finally approved as quickly as possible. Ms. Lyon stated that she was not comfortable without seeing the actual wording of what would be added. Mr. Freese stated that they would be relying upon the discussion of what Mr. Kavanaugh and Mr. Jazdzyk stated that they wanted to put in. Mr. Kavanaugh stated the remarks he wanted added, he didn't feel would make any difference to the final decision made by the Commission. Ms. Lyon asked if Mr. Kavanaugh was only trying to show that they had discussed the subjects. Mr. Kavanaugh stated that was the case and that he understood that many things had to be summarized but that they felt that it was important to include these comments so that anyone reading them could understand what happened. Mr. Freese said that Mr. Wendling stated that only minutes recorded by a court reporter had to be exact and that anything done by other means was determined to be whatever was contained in the minutes as approved. Mr. Freese asked Mr. Kavanaugh if he felt anything in the minutes was incorrect. Mr. Kavanaugh stated he didn't think anything was incorrect, but that there were just a few things that could be added to show that they were discussed. Ms. Lyon asked if this were only to clarify and show that the subject was discussed. Mr. Jazdzyk stated that he didn't feel an additional couple of weeks delay would make any difference. Mr. Freese reiterated that the delay of approval of the minutes would delay the start of the 30 day appeal period. Mr. Jazdzyk agreed that they should then continue with the approval. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to approve the minutes with the additional written comments to be provided later. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Lyon), 0 Nays, 2 Absent (Churchill, Bartlett)

#### **PUBLIC HEARING AND ACTION ON REQUESTS**

**Burt Lake Christian Church** - The applicant has requested approval of a Special Use amendment pursuant to Section 18.11.b. to place an accessory storage building on the subject property that is zoned Lake and Stream Protection (P-LS) and located at 10989 W. M-68, Tuscarora Township, Section 8, Parcel 161-008-300-001-01.

Mr. Turisk reviewed the background information contained in the staff report.

Mr. Freese pointed out that the location shown on the site plan was incorrect as shown and should be shown further to the east.

Ms. Croft asked for public comments. Mr. Muscott stated that screening would normally be required and that a waiver should be given if this is not a requirement in this case. Public comment closed.

Ms. Croft stated a number of waivers were shown on the request. Mr. Turisk stated that these were actually covered by the original site plan. Ms. Lyon asked what use would be served by any screening required. Mr. Freese stated that it would only provide screening on the road side since those trees had been removed and the existing trees to the south provided adequate screening on that side. Discussion was held and found that it was directly across the street from a house. Ms. Taylor asked if the location of the building could be relocated to be on the basketball court and turned 90°. Discussion was held and agreed that approval could be granted, conditioned upon submission of a revised site plan and obtaining a zoning permit. Screening was discussed. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to waive screening. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Lyon), 0 Nays, 2 Absent (Churchill, Bartlett).

The Planning Commission added "The applicant requests to change the location of the storage building further to the east and rotated 90° so the axis is east/west rather than north/south." as General Finding #4. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings and Finding of Fact Under Section 18.7 subject to the following conditions:

1. Meet Department of Building Safety requirements
2. Submission of a revised site plan
3. Obtaining a Building Permit
4. Obtaining a Soil and Sedimentation Permit

Discussion held on the need of a Soil and Sedimentation permit and it was decided on was not necessary. Mr. Freese revised his motion to delete the soil and sedimentation permit requirement. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz,

Croft, Ostwald, Jazdyk, Lyon), 0 Nays, 2 Absent (Churchill, Bartlett).

## **UNFINISHED BUSINESS**

### **Review of draft amendment to the Zoning Ordinance relative to Motor Vehicle and Fuel Sales Uses**

Mr. Turisk stated this is a discussion of an old business item concerning the motor vehicle and fuel sales ordinance amendment. Mr. Turisk suggested the possibility of limiting motor vehicle repair services to county primary roads and State trunk lines in the Agriculture and Forestry Management Zoning District and also eliminated motor vehicle repair from the Village Center Topinabee Overlay Zoning District. Mr. Turisk reviewed the rest of the proposed amendment. Mr. Turisk stated that the movement of the motor vehicle repair facility from a permitted use to one requiring a special use permit necessitated the amendment be re-advertised. Mr. Freese explained how the proposed changes simplify the regulation by reducing the terminology for the uses covered from 9 to 3. Mr. Freese explained how limiting motor vehicle repair facility to only certain roads might have the unintended consequence of forcing them onto roads not suitable for the use and not allowing them in other locations where they would be acceptable. Mr. Freese stated that eliminating motor vehicle repair from the Village Center Topinabee Overlay Zoning District would also not be a good idea since it would eliminate possible uses falling into this category, such as a possible motor sales service shop from being permitted in the vacant hardware store in Topinabee. Mr. Borowicz stated that only a detailed reading of the definition would allow anyone from determining "sales" was authorized under the definition. It was agreed to leave the term "motor vehicle sales and/or repair facility" and add the terminology in the definition "This definition shall include minor". It was agreed that leaving the use motor vehicle sales and/or repair facility in the Village Center Topinabee Overlay Zoning District. Mr. Kavanaugh stated that the amendment should be forwarded to Topinabee and Indian River for comment.

Mr. Brown asked to be heard in regards to this use in Topinabee and permission was granted by the Chairperson. Mr. Brown stated that the use had been discussed at length by officials of Mullett Township and that they definitely wished this use to be allowed in Topinabee. It was agreed that Mr. Turisk would forward the amendment to the officials of Topinabee and Indian River for further review. Further discussion was held.

### **Continued discussion regarding draft amendment to the Zoning Ordinance regarding solar energy systems**

Mr. Turisk introduced the latest material, including legal comments on the solar ordinance. Mr. Freese asked if everyone has reviewed the September 17 legal comments. Mr. Freese asked if Planning Commission members have any comments, corrections or suggested changes to the draft regulation. Mr. Freese discussed some of legal counsel's comments. Discussion held on requiring the uses of power over and above the limits stated.

## **NEW BUSINESS**

### **Review and discussion of the 2019 draft Capital Improvement Plan.**

Mr. Turisk explained the legal requirements pertaining to the Capital Improvement Program and stated that only a discussion by the Planning Commission and not a public hearing is required. Mr. Turisk stated that additional information could be requested from department heads, including a personal presentation to the Planning Commission. It was agreed that these were only carry over projects and that personal presentations had been made in the past, but that the material in the document as it stands does not provide sufficient reasoning to justify the need for the project. Mr. Freese agreed the document as it stands does not supply enough facts to justify what is being requested, but questioned whether we should request this information be furnished for the current Capital Improvement Plan or whether this would be a requirement for future submissions. Mr. Jazdyk stated that he would like a formal presentation on the marina and airport projects. Mr. Jazdyk questioned what useful role the Planning Commission plays in the review of the Capital Improvement Plan. Discussion held. It was agreed, that in the future, more information would be required at the time of submission and that a representative of the marina and the airport would be requested to personally give a presentation on their current projects. Mr. Jazdyk stated he would provide a list of his questions in advance to allow the representatives to better prepare.

## **STAFF REPORT**

Mr. Turisk reminded everyone of the upcoming planning training.

## **PLANNING COMMISSION COMMENTS**

No comments.

## **PUBLIC COMMENTS**

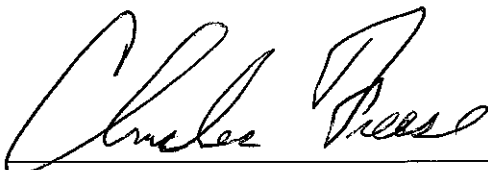
Mr. Brown apologized for making comments in the open meeting at an inappropriate time. Mr. Brown also stated that he did not feel it was proper to approve meeting minutes with additional comments to be added later. Mr. Brown stated that he had visited and already an established Wolverine Power Solar Farm that had major problems with glare. He indicated that the only screening provided was a low fence that really didn't provide any screening. The glare was hitting adjacent homes and

traffic. He felt that this subject should be adequately addressed in the proposed solar ordinance. Mr. Brown stated that the Capital Improvement Plan information should be available to the audience at this meeting. Mr. Brown questions how the motor vehicle regulation would impact uses in the Agriculture and Forestry Management Zoning District. Mr. Freese stated that the screening required by the proposed regulation should mitigate Mr. Brown's glare concerns.

Ms. Johnson supported Mr. Brown's comments and commented on the Capital Improvement Plan and questioned why items contained in it were those which exceeded \$15,000 when the County Administrator had the authority to approve expenditures up to \$25,000. Ms. Johnson also stated that the information provided was ambiguous in that some if not all funding for certain projects may be provided by grant and that all airport funding was through Federal grants and a good portion of the marina funding was through State funding, and that this type information could influence the Planning Commission on how a project is classified. Mr. Muscott apologized for his out of place comments. Mr. Muscott stated that in the past the Capital Improvement Plan had included small projects down to township level improperly.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:29pm.

A handwritten signature in cursive script that reads "Charles Freese". The signature is written in black ink and is positioned above a horizontal line.

Charles Freese  
Planning Commission Secretary