



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, AUGUST 19, 2020 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana  
**ABSENT:** Kavanaugh  
**STAFF:** Mike Turisk, Jen Merk  
**GUESTS:** Jamie Huber, Bruce Brandt, John Moore, Eric Boyd

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

### APPROVAL OF MINUTES

The August 11, 2020 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Delana, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

### PUBLIC HEARING AND ACTION ON REQUESTS

**BRANDT/BRANDT'S SPORTS CENTER** - A special use permit application for an Indoor Storage Facility, per Section 9.3.24 of the zoning ordinance. The subject property is zoned Agriculture and Forestry Management (M-AF) and located at 6530 N. M-33 Hwy. in Benton Twp., parcel ID 104-033-100-008-01, Section 33.

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

Mr. Freese stated that the site plan is inadequate. Mr. Freese then reviewed the site plan requirement checklist and indicated items that were missing, incomplete or inaccurate. Mr. Borowicz agreed with Mr. Freese's comments.

Ms. Johnson asked if this is being brought to the Planning Commission as the result of an enforcement action. Ms. Johnson stated that there is a special use permit for a motor vehicle sales and repair facility but not for indoor storage. Ms. Johnson stated that a building is currently being utilized for indoor storage and this is an enforcement issue. Ms. Johnson stated that she believes that the site plan and the special use question should come before the Planning Commission with what is existing to bring Mr. Brandt into compliance. Ms. Johnson stated that he could then move forward, if he chooses, with an application for the addition of the other two buildings. Ms. Johnson noted that there could be hazardous materials on site. Ms. Johnson asked if the previous special use permit has been approved. Mr. Turisk stated that the special use permit was approved. Mr. Freese stated that there isn't an enforcement action for this property, but there should be. Mr. Turisk stated that he spoke with Mr. Brandt and explained that this is a distinct land use that requires another special use permit and is not related to the approval he received in 2018 for motor vehicle sales and repair facility.

Mr. Delana agreed with Mr. Freese's site plan deficiency comments. Mr. Delana stated that the information that the Planning Commission needs to make a decision is not included in the application and site plan. Mr. Delana stated that he does not feel the need to separate the enforcement portion of the request and review that separately. Mr. Delana stated it can all be dealt with at once, but the Planning Commission will need all the required information.

Mr. Freese stated that the site appears to be a junk yard. Mr. Freese stated that a motor vehicle repair facility does have the authority to have inoperable vehicles on site, however, the vehicles are required to have a work order on them or have the title recorded in the police book of the repair facility. Mr. Freese stated it will not take much work to clean up the site. Mr. Freese stated the approval of the existing storage building and the approval of the proposed storage buildings does not have to be separate approvals.

Mr. Brandt stated that he did not have an architect draw the site plan. Mr. Brandt stated that when Mr. Turisk visited the site, he changed the size of one building from 40ft. x 100ft. to 40ft. x 160ft. Mr. Brandt explained that there would be 32ft. between the buildings. Mr. Brandt stated that Mr. Freese is welcome to visit the site and check the police book. Mr. Brandt stated that all the atv's, motorcycles and off road vehicles are listed in the police book. Mr. Brandt stated that this business has been in this location for 49 years and there have never been any complaints. Mr. Brandt stated that after the fire, his 2018 special use permit application had retail/storage on the top of the application. Mr. Brandt stated the 30ft. x 200ft. storage building was built in 2019. Mr. Brandt stated that the initial building that is 30ft. x 200ft. was built in August 2018 and was also labeled retail/storage. Mr. Brandt stated he thought it was fine. Mr. Brandt stated that he has paid \$4300 to the County in permits and has paid over \$10,000 in permits since 2018. Mr. Brandt stated that he runs a good business and is trying to keep it clean and neat. Mr. Brandt stated that there is an existing fence for the house that is adjacent to this property. Mr. Brandt stated that a wooden fence would look nice next to the cemetery.

Mr. Borowicz asked Mr. Brandt for the depth of the property. Mr. Brandt stated the depth is 441ft. Discussion was held.

Mr. Delana stated that Mr. Brandt can submit a statement addressing how lubricants and cleaning chemicals are stored. Mr. Delana stated that a scaled drawing would be appropriate for a commercial application. Mr. Delana stated that it does not have to be drawn by an architect but it can be drawn by a surveyor. Mr. Brandt stated that he can have the surveyor include the existing and proposed buildings on the survey.

Mr. Delana suggested tabling the request to allow Mr. Brandt time to provide an updated site plan and to answer the Planning Commission's questions. **Motion** by Mr. Delana, seconded by Mr. Borowicz to table the request until September 2, 2020 at 7:00pm in the Commissioner's Room #135. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

**CHEBOYGAN, OTSEGO, PRESQUE ISLE EDUCATIONAL SCHOOL DISTRICT (COPESD)** – A site plan review application under Section 6.2.15 (Offices) of the Zoning Ordinance. The subject property is located at 6065 Learning Lane in Tuscarora Twp., parcel ID 161-001-200-003-00, Section 1.

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

Mr. Delana asked Mr. Turisk if the Department of Building Safety is supervising construction at this time. Mr. Turisk stated yes. Mr. Delana stated that construction has begun without a zoning permit. Mr. Turisk stated that the Department of Building Safety reviewed and approved the building permit application in late May and the Planning and Zoning Department was not notified of the project until July. Discussion was held.

Mr. Freese stated that the GIS map showing the demarcation line between Agriculture and Forestry Management and Commercial Zoning District was not correct and can't be used to determine where the boundary line actually is located. Mr. Freese stated that he would expand upon this further in the rezoning application discussion.

Mr. Huber stated that he was surprised that the property would have to be rezoned as he thought it was already commercially zoned property. Mr. Huber stated that rezoning the property resulted in a two week delay, but he understands that these types of things happen. Mr. Huber stated that they want to continue with moving forward as much as possible and he understands that this is the first concrete step in rebuilding after the tragic fire from last September. Mr. Huber stated that the architects and construction manager are available to answer any of the Planning Commission questions. Mr. Huber stated that they do not leave any stone unturned. Mr. Huber stated he was a former building trades instructor and teacher before this and this is his wheelhouse. Mr. Huber stated that with the Planning Commission's approval, they are planning to pour concrete tomorrow morning.

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

The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:

1. The applicant shall obtain permits, as applicable, from the Department of Building Safety and District Health Department No. 4.
2. Any changes to the approved site plan shall be subject to review by the Planning and Zoning Department and may require submittal of a site plan review amendment application for review and approval by the Planning and Zoning Department or the Planning Commission.
3. It is the applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the land use pursuant to other federal, state, or local laws or regulations.
4. Submittal of the signed Acceptance of Conditions form within 30 days.

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

**CHEBOYGAN, OTSEGO, PRESQUE ISLE EDUCATIONAL SCHOOL DISTRICT (COPESD)** - An application to rezone property from Agriculture and Forestry Management (M-AF) and Commercial Development (D-CM) to entirely Commercial Development (D-CM). The subject property is located at 6065 Learning Lane in Tuscarora Twp., parcel ID 161-001-200-003-00, Section 1.

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

Ms. Johnson stated that it's not that she disagrees with the rezoning of this parcel if it truly needs to be done. Ms. Johnson stated that her issue is that we have forced something upon a customer that's not even necessary. Ms. Johnson asked why a customer has to pay for this service when it's not a benefit to them. Mr. Turisk stated that the fee will be reimbursed because this is a staff driven request. Mr. Turisk stated that the applicant simply needs site plan review approval to continue with the project. Mr. Turisk stated that this is a house cleaning effort. Mr. Turisk stated that given that we have the site plan review application, staff in consultation with legal counsel figured this would be a good time to get another property in this area uniform. Mr. Turisk stated that it is not creating a delay for the applicant as it was the site plan review that was driving it and not the rezoning application.

Mr. Freese stated that the zoning boundary showed by the GIS map was not correct and in fact was off approximately 80ft. on the north property line and 180ft. on the south property line as it can easily be seen on the zoning map shown. The boundary between Agriculture and Forestry Management and Commercial should parallel the center line of M-27 and in fact diverges markedly. Mr. Freese stated that the zoning maps shown as appendixes to Zoning Ordinance #200 indicate that they can't be used for an accurate determination of the boundary lines between zoning districts and in fact refer questions on zoning boundaries to the Planning and Zoning Department. Mr. Turisk stated that there is a long range plan effort to clean this up to minimize any concerns or confusion. Discussion was held.

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

The Planning Commission revised General Findings #2, "The Planning Commission finds that the zoning amendment application is made by the Cheboygan County Planning Commission."

The Planning Commission reviewed the Rezoning Factor#1. The Planning Commission added "The Planning Commission finds that surrounding land uses are zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF), with a mix of non-residential and residential land uses interspersed with vacant lands; therefore, the proposed rezoning is reasonably consistent with surrounding land uses. (See Exhibits 4, 5 and 11)" as C under Will Support The Factor. **Motion** by Mr. Freese, seconded by Mr. Borowicz, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#2. **Motion** by Mr. Freese, seconded by Ms. Johnson, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#3. **Motion** by Mr. Freese, seconded by Ms. Johnson, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#4. **Motion** by Mr. Borowicz, seconded by Mr. Freese, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#5. **Motion** by Mr. Freese, seconded by Ms. Johnson, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#6. **Motion** by Mr. Borowicz, seconded by Mr. Freese, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#7. **Motion** by Mr. Freese, seconded by Ms. Johnson, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#8. **Motion** by Mr. Borowicz, seconded by Mr. Freese, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#9. **Motion** by Mr. Borowicz, seconded by Mr. Freese, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

The Planning Commission reviewed the Rezoning Factor#10. **Motion** by Mr. Freese, seconded by Ms. Johnson, that the standard has been met. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

**Motion** by Mr. Borowicz, seconded by Mr. Freese, that based upon the General Findings of Fact and the Rezoning Factors that the rezoning request be forwarded to the Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Kavanaugh)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

No comments.

#### **STAFF REPORT**

Mr. Turisk stated that amendments regarding nonconformances and signs will be reviewed at the September 2, 2020 meeting. Mr. Turisk stated that Mr. Kavanaugh asked if there is still a need for the sign amendment since Mr. LaPrairie installed a sign that is in compliance with the Zoning Ordinance. Mr. Turisk stated that the County Administrator believes the Planning Commission should review amendment Section 17.19 if only to close the loophole that will allow up to 3 freestanding signs up to 80sf each in the Commercial Development Zoning District. Mr. Turisk stated that the Planning Commission may decide they do not want to look at increasing the sign face area that was proposed to be 100sf. Mr. Turisk stated that Mr. Brandt's special use permit application request will be on the September 2, 2020 agenda. Mr. Turisk stated that he will distribute material on short term rentals for the September 2, 2020 meeting. Discussion was held.

Mr. Turisk stated that a press release has been drafted regarding the Orion Renewable Energy project. Mr. Turisk stated that he worked with Sharon Lange from the Economic Development Group on the press release. Mr. Turisk stated that the Planning Commission is mentioned as being a crucial component in the process. Mr. Turisk stated that they thanked Orion for their flexibility in design and addressing neighbor's concerns and their willingness to provide amended site plans and supplementary documents.

#### **PLANNING COMMISSION COMMENTS**

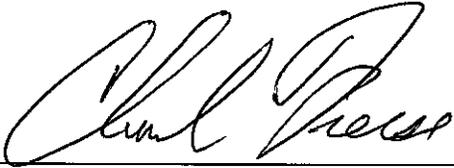
No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:52pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written in black ink. The signature is positioned above a horizontal line.

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Charles Freese  
Planning Commission Secretary