

CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 • PO Box 70 • CHEBOYGAN, MI 49721
PHONE: (231)627-8489 • TDD: (800)649-3777

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, OCTOBER 21, 2020 AT 7:00 P.M.
ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: None
STAFF: Mike Turisk, Jen Merk
GUESTS: John Moore

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. Freese, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The October 7, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried unanimously.

SCHEDULED PUBLIC HEARINGS

There were no scheduled public hearings.

NEW BUSINESS

Discussion on future amendment to Zoning Ordinance No. 200 that would provide specific zoning and development standards for waste hauler land uses.

Mr. Turisk stated that the waste hauler land use is not formally identified in the Zoning Ordinance. Mr. Turisk stated that this initial discussion will establish the zoning districts where this use should be located and then specific site standards can be crafted. Mr. Turisk stated that this is a type of land use that can have some significant off site impacts and relegating these types of uses to our industrial districts should be a beginning point of discussion. Mr. Turisk referred to the Zoning Map and Future Land Use Map and reviewed the location and size of Light Industrial Zoning Districts and General Industrial Zoning Districts in Cheboygan County. Mr. Turisk asked the Planning Commission if this is a use that they feel would be appropriate, under certain circumstances (minimum acreage and minimum separation from residential land uses), in the Agriculture and Forestry Management Zoning District.

Mr. Delana asked if there is any data on how many we have now and where they are located currently. Mr. Turisk stated that he has heard that there is one operating in Forest Township and one in Nunda Township. Mr. Delana stated that if this is restricted to Commercial and Light Industrial, it would be helpful to know how many nonconformities will be created. Ms. Johnson stated that there are three in Cheboygan that are currently operating; Republic Waste, Local Sanitation and Triple D Sanitation. Mr. Freese stated that he believes the waste hauler land use should be located in General Industrial or Light Industrial.

Discussion was held regarding the restrictions placed on special use permits not being enforced. Ms. Johnson stated her concerns regarding many restrictions being placed on a special use permit in a Light Industrial and General Industrial District. Ms. Johnson stated that the use is not a good fit for the environment if there are many restrictions. Ms. Johnson believes that the waste hauler use should be restricted to industrial parks only and noted that the two that are operating legally are located in industrial parks. Ms. Johnson stated this is an essential service and the Board of Commissioners has

indicated that they would agree that the waste hauler use should be located in an industrial park. Mr. Kavanaugh agreed with Ms. Johnson and stated that the city industrial park has sewer and water. Mr. Kavanaugh stated that there is only one industrial park in the County and he believes the Board of Commissioners would agree. Mr. Kavanaugh stated that the Planning Commission will need to decide if the waste hauler use should be allowed and the next step would be to review definitions.

Ms. Lyon asked if there are enough areas zoned Light Industrial and General Industrial within travel distance for the waste haulers. Ms. Johnson stated that the Light Industrial Zoning District and General Industrial Zoning District are not set up for industrial uses (storm water control, containment areas, blacktop surfaces) in her mind and the waste hauler use is not a good fit for the environment if there are many restrictions.

Mr. Freese stated that there are two industrial parks in Cheboygan County. Mr. Freese stated that one is not under our jurisdiction and the other is in Indian River. Mr. Freese stated that we need to find out if there are restrictions in the industrial park in Indian River that would preclude this type of operation. Discussion was held regarding the Solid Waste Management Plan being the purview of the Cheboygan County Board of Commissioners. Mr. Turisk stated that there was a discussion about the Board of Commissioners forming a subcommittee on a new Solid Waste Management Plan. Mr. Turisk stated that Administrator Lawson encouraged the Planning Commission to move forward with drafting exclusive standards for waste haulers, even in the absence of the Board of Commissioners moving forward with a Solid Waste Management Plan. Mr. Turisk stated that there should be some coordination so that both documents are in harmony to some degree. Mr. Turisk stated that staff will be in continued discussion with county administration.

Ms. Johnson stated that she has put a PowerPoint presentation together that shows how the progression works when you get rid of your household garbage, how it becomes hazardous material and how it is transported through the system. Mr. Kavanaugh stated that it would be nice if Ms. Johnson gave a presentation or if she would provide the information to the Planning Commission. Mr. Turisk stated that despite Ms. Johnson's departure from the Planning Commission, she would be welcome to remain an engaged citizen, given her history and knowledge base on this subject matter. Discussion was held.

UNFINISHED BUSINESS

Draft Amendment #160 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Standards for Freestanding Signs and Electronic Sign Surface

Mr. Turisk stated that this amendment regards standards for freestanding signs, particularly in the Commercial Development Zoning District and also electronic sign surface related standards. Mr. Turisk stated that legal counsel has suggested formatting and terminology changes to section 17.19 and provided a document to reflect the changes. Mr. Turisk stated that this amendment was initiated due to a dimensional variance application that was denied for a freestanding sign in the Commercial Development Zoning District. Mr. Turisk stated that the Planning Commission was directed by the Cheboygan County Board of Commissioners to take a look at the standards for freestanding signs in the Commercial Development Zoning District. Mr. Turisk reviewed Mr. Graham's changes to section 17.19.8.1. Mr. Turisk stated that Village Center Indian River Overlay should be included in the sign type and permit requirements table. Mr. Turisk stated that there should be a discussion about what signage should be allowed in the Village Center Indian River Overlay Zoning District. Mr. Turisk stated that staff took the liberty of duplicating what is allowed in Village Center Topinabee and Village Center Topinabee Overlay Zoning Districts. Mr. Freese stated that Indian River and Topinabee wanted different rules and that this should be discussed with the townships. Discussion was held regarding the public meetings that were held regarding Village Center and Village Center Overlay Districts.

Mr. Turisk stated that Mr. Graham has suggested that window sign requirements be identified by specific subsections and that the language be reworked. Mr. Turisk stated that what is being proposed is no maximum number and no maximum sign surface area for non-illuminated window signs. Mr. Turisk stated that a maximum of two per structure and a maximum of 10sf of sign surface area for illuminated window signs is also being proposed. Mr. Turisk stated that Mr. Graham has suggested that the tables be labeled.

Mr. Turisk stated that section 17.19.8.4 regarding electronic sign surface is new terminology and is born of the last discussion on this proposed amendment. Mr. Turisk reviewed the proposed definition for electronic sign surface and noted that it references LCD.

Mr. Turisk noted that there is a table regarding freestanding signs in the Ordinance. Mr. Turisk referred to Section 17.9.8.3 and stated that this indicates that all freestanding signs shall be subject to the regulations noted in the table. Mr. Turisk stated that a table has been added regarding electronic sign surface area. Mr. Turisk stated that one sign will be permitted per parcel and there will be a maximum sign surface of 32 square feet. Mr. Turisk read superscript 7 below the table and noted

that signs that include electronic science surface areas dedicated to fuel prices and associated with an on-site fueling station are permitted in the Agriculture and Forestry Management Zoning District, Light Industrial Zoning District and General Industrial Zoning District. Mr. Freese believes this should not be limited to any particular district.

Discussion was held regarding legal counsel recommending deleting the term "area". Mr. Borowicz noted that the term "area" is a pretty well understood term. Mr. Kavanaugh agreed and stated that area is a common term that everyone understands. Mr. Delana asked if Mr. Graham shared his reason for recommending the term area be deleted. Mr. Turisk stated that he will discuss this concern with Mr. Graham. Mr. Turisk stated that Mr. Graham's sole concern is to keep us out of court and if we end up in court, winning whatever litigation is brought forth. Mr. Turisk stated that Mr. Graham looks at every term, and for whatever reason, in this case, he feels that we should avoid it.

Ms. Johnson stated that since we are breaking out each one of these tables separately, should the subsections be renumbered. Mr. Turisk stated that this is a formatting issue and the entire Ordinance needs to be reformatted. Mr. Turisk stated that as this is being reviewed, we should consider structuring it and tailoring it to what is a more readable and user-friendly format. Ms. Johnson explained that In Village Center there is a reference to subsection 3 which does not exist and questioned if this is user-friendly. Mr. Turisk stated that he recently attended a Cheboygan County Board of Commissioners meeting and Commissioner Wallace inquired about updating the Zoning Ordinance as he feels that it is not user friendly. Mr. Freese stated that the sign ordinance should be reformatted to make it user friendly. Discussion was held regarding reformatting the Zoning Ordinance.

Mr. Turisk referred to section 17.19.8.6.h and stated that the Planning Commission did not feel that increasing the sign surface area for freestanding signs in Commercial Development to 100 square feet is appropriate. Mr. Turisk stated that the Planning Commission would like to keep it at 80 square feet and allow for flexibility for additional freestanding signs based on right of way frontage. Mr. Turisk stated that this was discussed with Mr. Graham and has been changed extensively. Mr. Turisk stated that Mr. Graham provided drawings for the Planning Commission to review that would illustrate the intent of this language.

Mr. Turisk reviewed drawings (See attachment A) provided by Mr. Graham showing examples of properties and number of signs that would be allowed based on the road frontage of the property. Mr. Turisk reviewed spacing requirements and setback requirements for signs. Discussion was held. Mr. Turisk stated that it appears that the Planning Commission feels that the idea of incorporating some additional flexibility is more appropriate than increasing the size of the sign surface area. Mr. Kavanaugh referred to Section 17.19.8.1 and stated that the term permitted should be used instead of allowed. Mr. Turisk stated that he will make the changes and bring it back for the Planning Commission to review at a future meeting.

STAFF REPORT

Mr. Turisk stated that staff has been involved with the Cheboygan County Economic Development Corporation regarding a broadband internet access survey for Cheboygan County. Mr. Turisk stated that as part of an effort to try to enhance broadband access, this survey has been sent to the school district, libraries, township officials, etc. Mr. Turisk reviewed the questions in the survey. Mr. Turisk stated that broadband internet access is a planning issue, economic development issue, quality of life issue and an educational issue in rural areas. Mr. Turisk stated the survey will be sent to the Planning Commission members.

Mr. Turisk stated that mobile food units are only allowed in the Commercial Development Zoning District currently and he is receiving an increased number of requests for this use in the Lake and Stream Protection Zoning Districts. Mr. Turisk stated that we currently allow restaurants and bars in Lake and Stream Protection Zoning District. Mr. Turisk stated that there is an individual who owns waterfront property and would like to apply for a special use permit for a canoeing and kayak rental business. Mr. Turisk stated that she would also like to offer the availability of a food truck on site. Mr. Turisk asked the Planning Commission if they would consider allowing mobile food units in the Lake and Stream Protection Zoning District or should this use be precluded from this district. Mr. Turisk stated that the property owner has considered applying for a zoning amendment to amend the Zoning Ordinance to allow this use in the Lake and Stream Protection Zoning District. Mr. Kavanaugh stated that the Planning Commission will have to be careful with this since they will have to look at sizes, parking, sewage and access. Mr. Kavanaugh stated that if it is the only request then there isn't enough interest to make a change to the Zoning Ordinance. Mr. Turisk stated that there are specific standards for mobile food units in the Zoning Ordinance and the use is only allowed in Commercial Development Zoning District. Mr. Turisk stated that the standards would be mirrored in the Lake and Stream Protection Zoning District. Discussion was held.

Mr. Turisk stated that the other use would be cabin colony which is not identified in the Commercial Development Zoning District. Mr. Turisk stated that there have been two inquiries about establishing a cabin colony in the Commercial

Development Zoning District. Mr. Turisk stated that cabin colonies may be most appropriate in the Agriculture and Forestry Management Zoning District. Mr. Turisk stated asked the Planning Commission what would be a rationale for including them or not including such uses in the Commercial Development Zoning District. Mr. Borowicz stated that this use is similar to a hotel or motel. Mr. Turisk stated that the definition of motels and hotels eliminates cabins. Mr. Freese stated that cabin colonies are included in the definition of a motel. Discussion was held. Mr. Kavanaugh stated that the past, there were cabin colonies on small parcels that were being sold with drain fields that didn't work and there was no parking. Mr. Kavanaugh stated that they were being used as dwellings.

PLANNING COMMISSION COMMENTS

Discussion was held regarding broadband in Cheboygan County and the broadband survey.

Discussion was held regarding whether Cheboygan County should hire a consultant to assist in the reformatting the Zoning Ordinance.

PLANNING COMMISSION COMMENTS

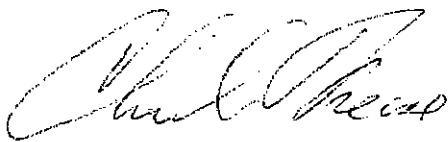
No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh, to adjourn. Motion carried. Meeting was adjourned at 9:30pm.

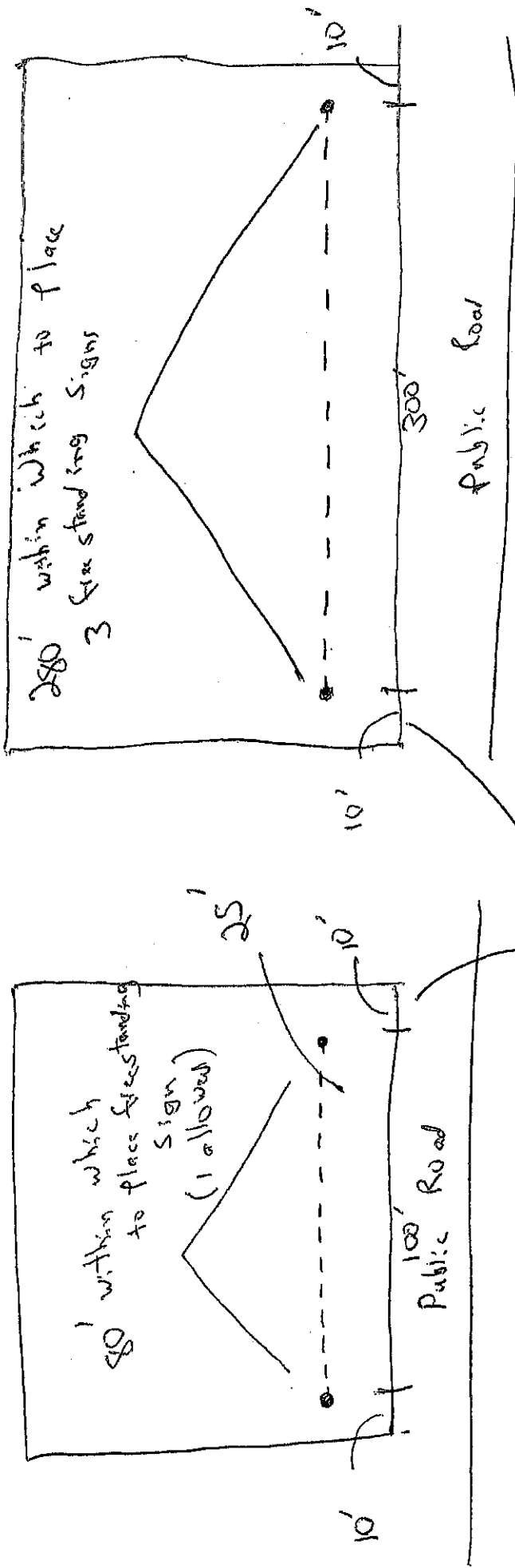


Charles Freese
Planning Commission Secretary

Attachment A

Example 1 - D-CM District

Side Yard Setbacks



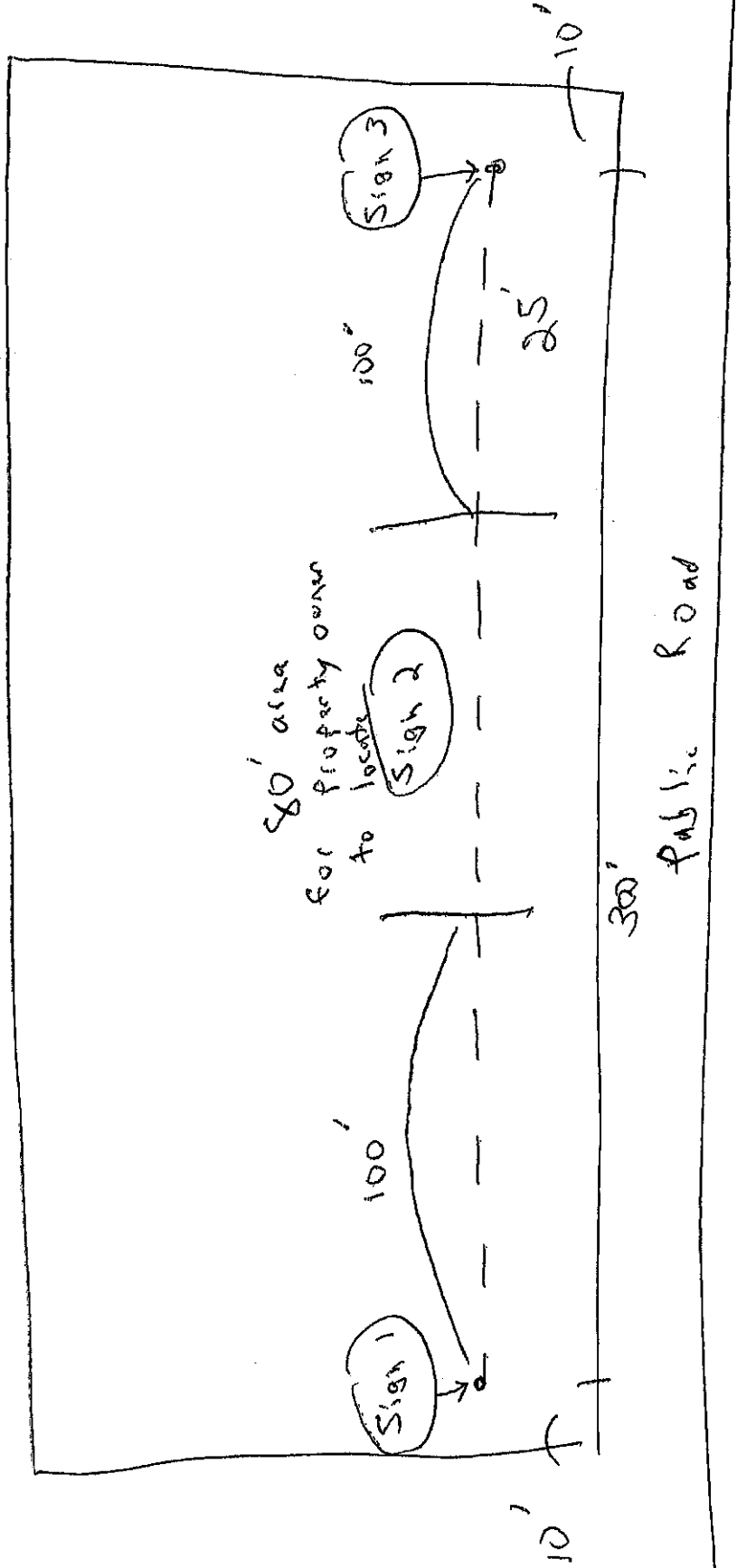
NOTE:

- Some impact of sign on neighboring property owner.
- The amount of signage has no impact on the neighboring property if a sign is placed at the ~~10'~~ 10' setback.
- Therefore, the law requires that there be a very good reason (impact on neighbor) to increase side setback solely based on more signage. (I can think of reasons that would stand up in court.)

Example 2 D-CM District

Spacing Requirements - ~~100 ft spacing~~

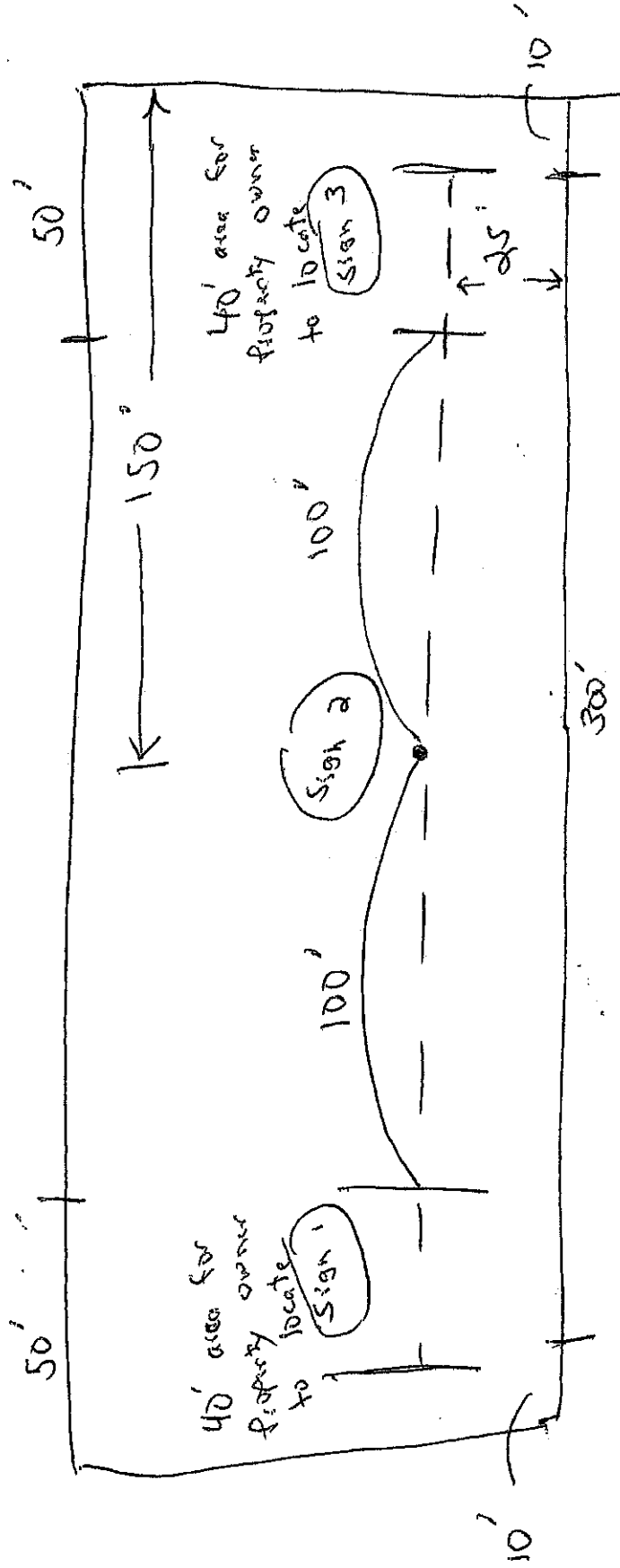
3 freestanding signs allowed - 1 for 1st 100' and 2 additional 100 ft. spacing



Example 3

100' Spacing

Note: a 50' side setback provides no flexibility to property owner to locate the middle sign. This will increase the likelihood for the need for a variance from the 100' spacing requirement.



Example 4

100' Spacing

