



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, OCTOBER 16, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: Bartlett
STAFF: Mike Turisk, Jen Merk
GUESTS: Eric Boyd, Bob Lyon, Carl Muscott, Cal Gouine, Russell Crawford, Cheryl Crawford, Marcia Rocheleau, John Moore, Vince Rogala

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. Kavanaugh, seconded by Ms. Johnson, to approve the agenda as presented. Motion carried. 8 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Bartlett)

APPROVAL OF MINUTES

The October 2, 2019 Planning Commission minutes were presented. Ms. Johnson stated that she would like to see more of the discussion regarding zoning enforcement under Unfinished Business included in the minutes. **Motion** by Ms. Johnson, seconded by Mr. Kavanaugh, to not approve the meeting minutes and to have the section with Unfinished Business regarding zoning enforcement amended. Motion carried. 8 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Bartlett)

PUBLIC HEARING AND ACTION ON REQUESTS

Mackinaw Mill Creek Campground/FCVE, LLC – Requests an Amendment of a Special Use Permit per Sections 18.11 (Amendment of a Special Use Permit) and 9.3.4 (Public parks and recreational areas, playgrounds and campgrounds) of the Zoning Ordinance for construction of a restroom and shower building. The property is located at 9982 W. US-23 Hwy., Mackinaw Township, section 21, parcel # 011-021-300-003-00 and is zoned Agriculture and Forestry Management (M-AF).

Ms. Merk reviewed the background information contained in the staff report.

Ms. Johnson stated that this site plan is missing items that are required in the Zoning Ordinance. Ms. Johnson stated that the Planning Commission has thrown out site plans that are more detailed than this site plan and asked for the applicant to come back with a site plan that is more in line with the requirements. Ms. Johnson stated that the Building Department will require more information than what is on the site plan. Ms. Johnson does not believe that the site plan is sufficient. Mr. Kavanaugh stated that even though the ordinance requires a scaled site plan, the Planning Commission has not required it as it can be expensive. Mr. Borowicz stated that it depends on the size of the parcel. Mr. Borowicz stated the Planning Commission may want a plan that is more exact for a one acre parcel. Mr. Borowicz stated that this site is 36 acres and a scaled drawing is not necessary. Discussion was held.

Mr. Freese stated that Bryan Graham has advised that the applicant is required to comply with what is on the site plan and that discussions during the meeting are only discussions. Mr. Freese stated that the applicant must comply with the motion and any conditions that are placed on the approval. Mr. Freese stated that a scaled drawing is not necessary for this request, but stated that the point at which the Planning Commission should require a scaled drawing is still open to question. Mr. Freese stated that the Planning Commission has approved site plans subject to additional information being added at a later date. Mr. Freese stated that this can be done if there is enforcement to ensure the additional information is submitted at a later date. Mr. Freese stated that including in the minutes the conversations where an applicant agreed to certain items will

not necessarily be sufficient to stand up in court. Mr. Freese stated that the Planning Commission has to be more careful on the conditions when approving a site plan.

Mr. Turisk stated that staff has drafted an acceptance of conditions form that will convey the specific conditions that were approved by the Planning Commission. Mr. Turisk stated that the applicant will receive a copy of the form and will have to sign the form as an acknowledgement of the conditions.

Mr. Turisk stated that a scaled drawing is required in the ordinance and we have been flexible with this requirement. Mr. Turisk stated that if that is a requirement it should be left in the ordinance, but the ordinance should be amended if we are going to exercise flexibility and not require it for all site plans. Mr. Turisk asked the Planning Commission to help staff formulate clear guidelines as to when they would want a better standard for a site plan. Discussion was held. Mr. Freese explained that the only thing that will stand up in court is the Planning Commission's approval with conditions. Mr. Freese stated that the acceptance of conditions form that the applicant will sign will ensure that the applicant is aware of the conditions and acknowledges the conditions.

Ms. Croft asked for public comments. No public comments. Public comment closed.

Motion by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the waiver for the sealed plan requirement and the topography requirements. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 1 Nay (Johnson), 1 Absent (Bartlett)

The Planning Commission reviewed and approved the General Findings, the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions:

1. Department of Building Safety requirements be met
2. District Health Department #4 requirements be met
3. Environment, Great Lakes & Energy requirements be met

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

UNFINISHED BUSINESS

Zoning Ordinance Amendment #154 - A Proposed Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Home Occupations and Private Storage Buildings.

Mr. Turisk stated that at the September 18, 2019 meeting, the Planning Commission directed staff to draft a new definition that would make a distinction between standard home occupations and a business activity in private storage. Mr. Turisk stated that staff worked with legal counsel on the definition of limited commercial enterprise that would make this distinction.

Mr. Turisk stated that some Planning Commission members have stated concerns regarding permitting bathroom facilities in private storage buildings. Mr. Turisk reviewed language that would restrict shower and bathtub facilities in private storage, but would allow toilets, vanities and wash basins. Mr. Turisk stated that the rationale behind these restrictions is to preclude these structures from becoming dwelling units.

Mr. Kavanaugh stated that these restrictions regarding toilets, vanities and wash basins for private storage are reasonable and can be revised if it does not work. Mr. Kavanaugh stated his concerns regarding outside storage and hours of operation for a limited commercial enterprise. Mr. Kavanaugh stated that if the workshop is next to a home, the property owner looks at it differently than if it is located on another parcel. Mr. Kavanaugh stated that the stand-alone buildings are a concern.

Mr. Delana stated that he does not agree with Mr. Kavanaugh and that we do not want to have to list plumbing fixtures. Mr. Delana stated the objective is to prevent these buildings from becoming dwellings and the regulation should so state along with the applicable standards.

Mr. Turisk stated that the scope of the commercial or non-residential use in a storage building would be limited by the current standards or restrictions on home occupations as currently adopted so as not to compromise quality of life for neighboring residents and the neighborhood character. Mr. Turisk stated that a contractor's office would be allowed, but a

contractor's yard would be prohibited. Mr. Turisk stated that as currently proposed, we would not permit on site retail or wholesale sales as this is non-residential commercial use that would be prohibited. Mr. Turisk noted that currently home occupations are allowed in accessory buildings.

Mr. Freese stated the proposed limited commercial enterprise will have the same restrictions as a home occupation. Mr. Freese stated that there would be no difference whether it is attached or accessory to the home or remote from the home. Mr. Freese stated that this is an issue of enforcement. Discussion was held regarding staff making the determination of whether a use conforms with the definition of a limited commercial enterprise which could be administratively approved similar to a home occupation or whether Planning Commission review will be required. Mr. Turisk stated that if the proposed use falls outside the criteria allowed for a home occupation, then the next step would be to apply for site plan review or a special use permit. Mr. Turisk stated that staff does have authority to condition home occupation permits. Mr. Freese reviewed the definition of family and stated his concerns regarding the number of family members associated with a limited commercial enterprise.

Mr. Turisk asked if the Planning Commission agrees to move forward with the proposed restrictions limiting the scope of bathroom facilities. Mr. Kavanaugh would like to see it restricted because we do not have great enforcement. Mr. Freese stated that this is allowing a person to work in a location and not have to go to another location to wash their hands. Mr. Freese stated that he does not have a problem with this being allowed. Mr. Turisk asked if there should be a limit to the number of people involved in the limited commercial enterprise. Mr. Freese stated that a home occupation allows one outside employee and this would be acceptable. Mr. Freese suggested using the home occupation conditions for the new definition of limited commercial enterprise. Mr. Freese stated that if this new use is not an extension of a home occupation, then all of the conditions should be included for the new use of limited commercial enterprise. Mr. Kavanaugh agreed with Mr. Freese.

NEW BUSINESS

2020-25 Capital Improvement Program

Mr. Turisk stated that the Capital Improvement Program is a budgeting tool used for planning the County's capital expenditures. Mr. Turisk stated that it is intended to help facilitate and enhance coordination efforts so that the Capital Improvement Program aligns with the 2014 adopted Master Plan. Mr. Turisk stated that some projects in the Capital Improvement Program were discussed last year. Mr. Turisk stated that the Capital Improvement Program seeks capital expenditures out to a 4-6 year time frame or longer in some cases. Mr. Turisk stated that the Planning Commission must identify projects that are deemed needed and projects that are desired. Mr. Turisk stated that all projects are currently categorized as needed. Mr. Turisk stated that representatives from Cheboygan County Road Commission and from the Cheboygan County Airport are attending this meeting to answer any questions the Planning Commission may have tonight.

Mr. Borowicz stated that the Planning Commission does not have the ability to judge which road projects are necessary and they have to take Mr. Shank's word for what is necessary. Mr. Turisk stated that this is not to decide which projects should or should not be funded. Mr. Turisk stated that this is to make sure the Planning Commission is aware of these projects. Ms. Johnson stated that the Planning Commission is supposed to compare the Capital Improvement Program to the Master Plan to see if they coordinate and to make a recommendation to the Board of Commissioners. Ms. Johnson does not believe there is enough information provided to make a recommendation. Mr. Borowicz stated that this document does not show that there are any significant capital outlays and the county does not have enough money to take on additional projects. Mr. Borowicz stated his concerns regarding spending time on this Capital Improvement Program. Mr. Borowicz noted that the Capital Improvement Program complies with the Master Plan. Mr. Borowicz stated that we do not know what sources of funding is available for these projects. Ms. Johnson stated the sources of funding are not included in the document and this can be a useful document if done properly. Ms. Johnson stated that this is not being done properly and it is being done just to meet the state requirement. Mr. Freese stated that anything included in the Capital Improvement Program would fit into the Master Plan because of its general document. Mr. Freese stated that this document is basically composed of the Road Commission requirements, Airport requirements and County Building requirements. Mr. Borowicz stated there is nothing in the Capital Improvement Program that affects the Master Plan one way or the other. Mr. Freese agreed with Mr. Borowicz. Ms. Johnson stated that the Capital Improvement Program did not mean anything when she sat on the Board of Commissioners but questioned if the Planning Commission should go in a direction to make it a viable document. Ms. Lyon stated that she looks at this an informational document that tells her what is planned and if she doesn't agree with what is planned it gives her an opportunity to ask questions and voice her concerns. Ms. Lyon stated that this is a tool that the State requires letting the rest of the County know what is planned. Mr. Borowicz agreed with Ms. Lyon. Mr. Delana stated that there are no new improvements proposed in the Capital Improvement Program. Mr. Delana stated that there are a lot of maintenance projects included in the Capital Improvement Program. Mr. Delana stated the Planning Commission could offer input on prioritizing if there were new parks, roads, libraries or schools proposed. Discussion was held. **Motion** by Mr. Freese, seconded by Mr.

Kavanaugh, to accept the Capital Improvement Program and forward to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Bartlett)

STAFF REPORT WITH UPDATE ON MASTER PLAN

Mr. Turisk stated that there is a planning workshop educational opportunity on October 30, 2019 at 4:30pm at the Charlevoix Public Library. Mr. Turisk stated that one of the agenda items is short term rentals. Mr. Turisk stated that this workshop provides 4 credits towards maintaining Master Citizen Planner accreditation.

PLANNING COMMISSION COMMENTS

Ms. Johnson stated that the proposed findings of fact should show both options of "standard has been met" and "standard has not been met." Ms. Johnson thanked Ms. Merk for including the comments regarding the Master Plan in the Findings of Fact. Mr. Turisk stated that he will be talking to legal counsel regarding revising the Findings of Fact to encourage clarity. Ms. Croft stated that in the past, staff provided findings of fact that met the standard and findings of fact that did not meet the standard. Mr. Freese stated he held a training exercise with the Zoning Board of Appeals regarding the General Findings and findings of fact. Discussion was held.

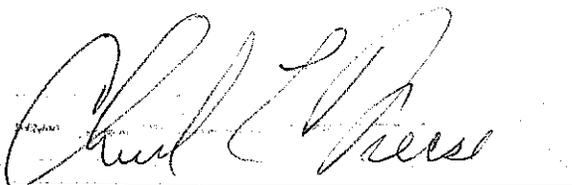
PUBLIC COMMENTS

Mr. Muscott stated that when applying for a zoning permit, a private storage affidavit is required to be signed saying that it would be for the owner's private storage and not shared with someone else or renting out space in the building. Mr. Muscott stated that the people he has talked to in the past 3-4 years that constructed private storage buildings are sharing the storage space with friends and neighbors or renting it out as a commercial operation. Mr. Muscott stated that if these buildings are allowed to be used for a limited commercial enterprise, there will be storage buildings all over the county that will be competing with commercial landlords. Mr. Muscott stated his concerns regarding proposed limited commercial enterprise affecting lakefront property values.

Ms. Rocheleau stated that she agrees with Ms. Johnson regarding the Capital Improvement Program being informative, but she would also like to see the funding source since grant programs can be a significant source of funding along with state and federal funding sources.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:56 pm.



Charles Freese
Planning Commission Secretary