



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, SEPTEMBER 18, 2019 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: Borowicz
STAFF: Jen Merk, Mike Turisk
GUESTS: Carl Muscott, Eric Boyd, Cal Gouine, Brad Butcher, Jerry Reis, Bob Lyon, John F. Brown, John Moore, Betsy Hansen, R. Lincoln

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

APPROVAL OF MINUTES

The September 4, 2019 Planning Commission minutes were presented. **Motion** by Ms. Lyon, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

PUBLIC HEARING AND ACTION ON REQUESTS

Sidock Group, Inc. / Gerard Reis – A Special Use Permit, per Section 7.3.14 (Storage facility for building materials, sand, gravel stone, lumber, storage of contractor's equipment and supplies.) to construct a building for indoor storage of landscape equipment and boat docks. The property is located at 5475 Commerce Blvd., Tuscarora Township, section 30, parcel # 162-030-300-001-11 and is zoned Light Industrial Development (D-LI).

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

Ms. Johnson, stated that the master deed for the industrial park requires the site plan be reviewed by the Tuscarora Township Commercial Development Committee prior to submittal to the Planning and Zoning Department. Mr. Turisk stated that he had contacted Mr. Ridley, Tuscarora Township Supervisor, and that he stated this committee does not presently exist but stated that he had approved of this application. Mr. Kavanaugh asked whether other requirements of the master deed such as screening should be made conditions of the approval of the special use permit. Mr. Freese stated that the only conditions which should be placed on the approval of the special use permit should be based on the requirements of the zoning regulation and not the conditions placed on the parcel by the master deed although the property owner would have to abide by both sets of conditions.

Ms. Croft asked for public comments. Mr. Muscott stated that any use permitted in the Commercial Development District which does not require a special use permit is permitted in the Light Industrial Zoning District. Mr. Muscott stated that there are 37 permitted uses identified in the Commercial Development District. Mr. Muscott stated that it states on the application that the structure will be a garage to store landscaping materials and boat docks. Mr. Muscott stated that this could have been reviewed under section 6.2.16 (Parking lots, buildings, garages), section 6.2.19 (Retail sales establishment, specialty) and section 6.2.23 (Wholesale sales and Storage when in completely enclosed buildings). Mr. Muscott stated that this should have been a permitted use to avoid the hassle of a special use permit. Mr. Muscott stated that there is no committee for the park. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 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. Freese, seconded by Mr. Kavanaugh 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. Cheboygan County Road Commission requirements be met

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

Zoning Ordinance Amendment #153 – An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Special Land Use Permit Procedures and Standards.

Mr. Turisk explained the background on this proposed amendment. Discussion was held. Mr. Freese stated that he has recommended several times previously that Section 18.7.e be revoked and that he continues to recommend this course of action. He stated that rewording this section still requires the Planning Commission to make a subjective determination as to the extent of the demands that any proposed project places on County resources and that any such determination invites potential litigation. Mr. Freese stated that language proposed by legal counsel in his 06/13/19 memo is the best option short of deletion of the section that is open for consideration. Mr. Freese recommended that consideration of this amendment be tabled until such time as the Heritage Cove Farm case is resolved. Mr. Kavanaugh stated that he feels it is the responsibility of the Planning Commission to protect those property owners in the vicinity of any proposed project and the population of the County as a whole by insuring that the proposed project does not place a burden on the County's resources beyond their capacity but that the term "substantially increase" could be considered. Mr. Kavanaugh further stated that he agreed with Mr. Freese that the proposed amendment consideration should be delayed until resolution of the Heritage Cove Farm case.

Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to table proposed amendment #153 until Heritage Cove Farm legal case is resolved. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

Zoning Ordinance Amendment #154 – An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Home Occupations and Private Storage Buildings.

Mr. Turisk explained the background on the amendment and reviewed material in his memo of 09/12/19. Discussion was held.

Ms. Croft asked for public comment. Mr. Muscott stated that amendment #153 should not be touched until the court case is resolved. Mr. Muscott stated that the language for private storage buildings currently reads "does have permanent facilities for living, sleeping, cooking..." Mr. Muscott stated that it had toilets in the language, but by taking toilets out it does not stop them from going in. Mr. Muscott stated that we have permissive zoning. Mr. Muscott stated that because private storage buildings can be built as stand-alone rather than on property with a house. Mr. Muscott stated the Planning Commission is attempting to allow someone to use a stand-alone private storage building as a home occupation, even though they do not live on the property and it is not contiguous property. Public comment closed.

Discussion was held concerning whether storage buildings on noncontiguous parcels should be considered. Mr. Freese stated that this use should be allowed, however, some other term that "home occupation" would be more appropriate. Mr. Turisk was directed to provide appropriate terminology. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to table proposed amendment #154 to the first meeting in November. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

UNFINISHED BUSINESS

Discussion was held regarding zoning enforcement.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Turisk stated that the October 2, 2019 Planning Commission meeting would be presented by Mr. Graham covering the subject of legal nonconforming and recreational marijuana. Mr. Turisk stated that he also knows of someone who would like to present information on tiny homes. Discussion was held.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott stated that he is able to provide the Planning Commission with the billable hours for legal counsel. Mr. Turisk stated that staff will provide this information to the Planning Commission.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:09pm.



Charles Freese
Planning Commission Secretary