

# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, DECEMBER 02, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana, Thompson  
**ABSENT:** None  
**STAFF:** Mike Turisk  
**GUESTS:** Eric Boyd, John Moore, Laz Surabian, Louis Valentine

The meeting was called to order by Vice-Chairperson Borowicz at 7:00pm.

### **PLEDGE OF ALLEGIANCE**

Vice-Chairperson Borowicz led the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

*Ms. Croft entered the meeting.*

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the agenda as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Delana, Thompson), 0 Nays, 1 Absent (Ostwald)

### **APPROVAL OF MINUTES**

There were no minutes to be reviewed.

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

*Mr. Ostwald and Mr. Turisk entered the meeting.*

### **Review of Draft 2021 Capital Improvement Plan**

Mr. Turisk noted that the November 18, 2020 discussion revolved around the Planning Commission’s scope of authority with respect to determining which projects should be deemed needed or desired. Mr. Turisk stated that the Planning Commission’s authority is in an advisory capacity to the Board of Commissioners and it is the Board of Commissioners that have the ultimate approval authority. Mr. Turisk stated that the Michigan Planning Enabling Act requires that the Planning Commission play an advisory role in the development of the annual Capital Improvement Plan.

Mr. Turisk stated that a memo from legal counsel has been included in the packet for the Planning Commission to review. Mr. Turisk stated a significant component of Mr. Graham’s memo is that the Planning Commission doesn’t have legal authority to include Road Commission or Airport Authority related projects in their analysis. Mr. Turisk stated that the Planning Commission’s charge does include categorizing the project as “needed” or “desirable” with the understanding that this determination is not necessarily binding for the Board of Commissioners.

Mr. Turisk stated that there has been a long standing desire for certain projects at the County complex and one of the projects is a structural issue as one of the walls has not been completely addressed but has been worked on periodically over the last year. Mr. Turisk stated that it is considered a “needed” project simply by virtue of the fact that it poses a danger if left unresolved.

Mr. Turisk stated that the parking lot at the County complex for several years has been listed as a future capital improvement project and is classified as “needed”. Mr. Turisk stated that this discussion could involve a more detailed discussion about whether an infrastructure issue or elevator replacement is truly needed or desired. Discussion was held regarding all projects being classified as “needed”. Mr. Turisk stated that these projects are carry over projects and some were classified as “desired” last year. Mr. Turisk stated that County Administration has told staff that these projects have been changed to

"needed". Mr. Turisk stated that even though County Administration has classified these projects as "needed" the Planning Commission reviews and makes a recommendation that the project is "needed" or "desired".

Mr. Freese stated that Mr. Lawson presented these projects last year to the Planning Commission. Mr. Freese stated that he does see the sense in changing these if he is saying that they are "needed" projects. Mr. Freese stated that if Mr. Lawson was attending this meeting he would question whether some projects are actually needed in view of budget constraints. Mr. Freese stated that whether there will be money to fund these projects will be up to the Board of Commissioners. Mr. Freese stated that in the future, the Planning Commission should limit their review to the projects that are under Administrator Lawson's responsibility and have him present the information for the Capital Improvement Plan. Mr. Freese stated that the Planning Commission should determine whether they are "needed" or "desired".

Mr. Kavanaugh stated that he agrees with Mr. Freese and noted that Mr. Lawson probably didn't realize that the Planning Commission is responsible for classifying the projects. Mr. Kavanaugh believes the parking lot should be classified as "desired" and the wall repair and elevator repair should be classified as "needed".

Ms. Lyon believes that the Planning Commission should prioritize the projects as some projects are desirable but some projects should be higher on the list. Ms. Lyon stated that it may help if the Planning Commission prioritizes the projects.

Mr. Thompson stated that if the words "hazard" or "safety" are applicable to a project it should be classified as "needed". Mr. Thompson stated that any project with the words "hazard" and "safety" should be at the top of the list. Mr. Freese agreed with Mr. Thompson and noted that if the blacktop on the parking lot is crumbling it should be classified as "needed". Mr. Freese stated that according to Mr. Graham's memo, Administrator Lawson is supposed to be providing the Planning Commission with financial information and budgetary estimates. Mr. Freese stated that without Administrator Lawson being available for this meeting, the Planning Commission can either postpone the decision to prioritize the projects or accept it as it has been submitted. Mr. Bartlett agreed with Mr. Freese. Ms. Croft asked if this subject is on the Board of Commissioner's next agenda. Mr. Turisk stated that if it is not on the Board of Commissioner's December 8, 2020 agenda, it will be on the December 22, 2020 agenda.

Mr. Kavanaugh stated that there are only a few projects and only one or two would be classified as "desired". Mr. Kavanaugh stated that Administrator Lawson reviewed these projects during the last Capital Improvement Plan review. Mr. Kavanaugh suggested that the Planning Commission review the Capital Improvement Plan instead of requesting Administrator Lawson attend a future meeting and present the projects again. Mr. Kavanaugh stated that the Board of Commissioners will then be able to review the Capital Improvement Plan. Ms. Croft noted that Administrator Lawson is the one that changed the projects to "needed".

Mr. Delana noted that the Planning Commission's role is an advisory role. Mr. Delana asked what is the Planning Commission role in terms of projects that are not in the plan but should be included in the plan such as an upgraded GIS mapping system. Mr. Delana stated that there are flaws that lead the Planning Commission to make questionable decisions. Mr. Delana stated that if the Planning Commission doesn't ask, it will not be addressed. Discussion was held. Ms. Lyon agreed with Mr. Delana and stated that the Planning Commission should have a way to introduce other projects or suggestions. Mr. Freese suggested sending a memo to the Board of Commissioners to have that issue addressed. Mr. Freese noted that the GIS issue has been a problem for years and the only way to resolve it is to upgrade the system or by saying that the GIS maps are not the official zoning maps. Mr. Freese stated that this could be done right now and it doesn't cost anything. Discussion was held.

Ms. Croft stated that the Planning Commission will classify each project. Ms. Croft stated that a letter can be written to the Board of Commissioners if needed.

Discussion was held regarding the Cheboygan County Marina's Fuel Tank And Fuel Dock Replacement project. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that the Cheboygan County Marina's Fuel Tank And Fuel Dock Replacement be classified as "needed". Motion carried unanimously.

Discussion was held regarding the Cheboygan County Building Trim Panel And Window Replacement project. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the Cheboygan County Trim Panel And Window Replacement project be classified as "desirable". Motion carried unanimously.

Discussion was held regarding the Cheboygan County Building Elevator Replacement project. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, that the Cheboygan County Building Elevator Replacement project be classified as "needed". Motion carried unanimously.

Discussion was held regarding the Cheboygan County Building Parking Lot Seal Coating project. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the Cheboygan County Building Parking Lot Seal Coating project be classified as "desirable". Motion carried unanimously.

Discussion was held regarding the Cheboygan County Building Drive project. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the Cheboygan County Building project be classified as "desirable". Motion carried unanimously.

Discussion was held regarding the Sand Road Senior Center Parking Lot Repair project. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the Sand Road Senior Center Parking Lot Repair project be classified as "desirable". Motion carried unanimously.

Discussion was held regarding the County Building Energy Efficiency Upgrades project. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that the County Building Energy Efficiency Upgrades project be classified as "needed". Motion carried unanimously.

Discussion was held regarding the South River Road Rehabilitation project. Mr. Freese referred to Mr. Graham's memo and stated that the Planning Commission should not be considering Road Commission or Airport projects. Ms. Croft stated that this information was included for the Planning Commission as a FYI. Ms. Lyon stated that the Planning Commission should still receive information on Road Commission and Airport Authority projects as it may affect some of the decisions that are made. Ms. Lyon stated that these projects would not be classified by the Planning Commission and would not be included in the Capital Improvement Plan. Mr. Turisk stated that this information would serve the Planning Commission well but noted that the Road Commission and Airport are separate legal entities and completely independent of Cheboygan County. **Motion** by Mr. Freese, seconded by Mr. Thompson, to forward the first seven projects in the Capital Improvement Plan to the Cheboygan County Board of Commissioners with the recommendations of "needed" or "desirable" and to not include the Road Commission projects and Airport Authority projects in the Capital Improvement Plan. Motion carried unanimously. Ms. Lyon, Ms. Croft and Mr. Freese discussed the Road Commission projects and Airport Authority projects being included in a separate document from the Capital Improvement Plan for the Planning Commission members to review. Mr. Freese noted that only the Capital Improvement Plan would be forwarded to the Board of Commissioners. Ms. Croft stated that this separate document would be a list of projects with descriptions for the Planning Commission to review but not categorized as "needed" or "desired" or forwarded to the Board of Commissioners.

#### **UNFINISHED BUSINESS**

##### **Review of Draft Amendment #160 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Sign Regulations and Standards, including for Electronic Signs and Freestanding Sign**

Mr. Turisk stated that this proposed amendment was last discussed on November 18, 2020. Mr. Turisk stated that at this meeting the Planning Commission discussed reformatting, condensing and eliminating some items and reducing footnotes. Mr. Turisk stated that all the tables have been labeled and the zoning categories have been alphabetized by name in Table 1. Mr. Turisk reviewed the sign types that are defined in Section 17.19 that were not listed in the table. Mr. Turisk stated that he added these to the table but questioned if these definitions should be eliminated. Mr. Turisk noted that a double face sign is a subset of a principal sign. Mr. Turisk stated that it is not a distinct sign type that would need to be formally identified in the Zoning Ordinance. Mr. Turisk stated that a neon sign would be a subcategory of an electronic sign and questioned if these subcategories are even needed. Mr. Turisk stated that legal counsel has requested that this section of the Zoning Ordinance be addressed.

Ms. Croft stated that double faced signs, governmental signs, incidental signs, neon signs, pennant signs and v signs should not be included. Mr. Freese agreed with Ms. Croft and stated that the double faced sign is a description of a sub type of another type of sign and a freestanding sign is normally a double faced sign and should not be treated as a separate category. Mr. Freese stated that the definition of governmental sign is not content neutral as it is describing the content of the sign but this was a recommendation from Bryan Graham. Mr. Freese suggested allowing governmental signs in only the Resource Conservation Zoning District (P-RC) as there is no privately owned land in this zoning district. Mr. Freese stated this is state owned land and if there is going to be a sign in this zoning district it will be put up by the DNR and will most likely be a trail sign or something similar. Mr. Freese stated that governmental could be a category of signs but there should be a footnote that any sign in the Resource Conservation Zoning District (P-RC) is at the discretion of the State of Michigan. Mr. Freese stated incidental sign should be deleted. Mr. Freese stated that neon is a subcategory of a wall sign, canopy sign or electronic sign and should be deleted. Mr. Freese suggested including a sandwich board sign and including v sign on the diagram. Mr. Turisk stated the signs that are defined in the Zoning Ordinance are included in the table and according to legal counsel these signs should be addressed or eliminated.

Mr. Freese stated that the zoning districts in Table 1 should be organized numerically by article number instead of being organized alphabetically by zoning district. Mr. Turisk stated that this can be addressed during the reformatting of the Zoning Ordinance. Mr. Kavanaugh agreed with Mr. Freese. Discussion was held. Mr. Turisk suggested including the name of the district with the acronym. Mr. Freese suggested listing the zoning district with the acronym in parentheses. Mr. Freese stated that it could then be sorted alphabetically by zoning district. Discussion was held regarding formatting changes.

Discussion was held regarding neon signs. Mr. Thompson stated that a neon sign is an electronic sign that uses a neon gas. Mr. Turisk and Mr. Kavanaugh agreed with Mr. Thompson. Mr. Turisk stated a neon sign is a subcategory of an electronic sign and should be embedded into our current definition of electronic sign.

Mr. Freese stated that a double faced sign is a subcategory of other signs such as a freestanding sign. Mr. Freese stated that incidental signs if continued as a category should be permitted in all zoning districts.

Mr. Freese stated that there are eight foot tall signs that are on a post that are anchored at the top and at the bottom and approximately two feet wide that are, supposedly authorized as temporary signs. Mr. Freese stated that they are supposed to be taken down after a certain length of time but they are not being taken down. Mr. Freese believes these types of signs should be addressed. Discussion was held regarding enforcement. Mr. Turisk suggested embedding this type of sign into the definition of temporary sign. Mr. Freese suggested embedding this type of sign into the definition of banner sign or pennant sign as it will limit the size. Mr. Turisk stated he will make this change.

Mr. Turisk noted that formatting changes were made to Table 2 regarding freestanding signs and also noted that footnotes that did not regard any other section of the Zoning Ordinance were deleted.

Mr. Turisk stated that Table 3 is labeled Building Sign Type Regulations. Mr. Turisk questioned if this table should have a different label as some signs in this table may not be considered building signs. Mr. Turisk suggested labeling the table Dimensional Regulations For Sign Types. Mr. Turisk explained that window signs have been included in Table 3.

Mr. Turisk reviewed terminology changes in Section 17.19.8.4 and Section 17.19.8.5. Mr. Freese suggested that the word "calculated" be changed to "measured" in Section 17.19.8.5.A.

Mr. Turisk stated in the last discussion regarding freestanding signs in the Commercial Development Zoning District, Ms. Lyon stated her concern regarding the possibility of two freestanding signs on separate lots, each being 10ft. off of a side property line and essentially being 20ft. apart. Mr. Turisk stated that Section 17.19.8.5.E.2.a was added to the amendment to address this issue. Mr. Turisk stated this section requires freestanding signs in the Commercial Development Zoning District to be located no less than 100ft. from any other freestanding sign on the same lot or any contiguous lot on the same side of the right of way. Mr. Turisk stated that there will be an 80sf maximum on the sign surface area for lots with one freestanding sign. Mr. Turisk stated where multiple freestanding signs are allowed the aggregate sign square footage shall not exceed 80sf. Mr. Freese questioned if Cheboygan County can require that a proposed freestanding sign maintain 100ft. from an existing sign on an adjacent parcel regardless of who owns the parcel. Mr. Freese stated that he doesn't believe this language is legal as it is currently written. Mr. Freese stated you can't preclude someone from putting a freestanding sign on his parcel if he maintains the required side setback and he has no other freestanding sign on it just because he is not 100ft. from the sign on the adjacent parcel. Mr. Turisk stated that Mr. Graham did not want to make a property boundary setback distinction for freestanding signs. Mr. Turisk stated that Mr. Graham preferred the existing setback requirement which is a 10ft. side setback. Mr. Turisk stated that Mr. Graham does not feel it is legal to impose a distinct separate property boundary setback for freestanding signs and that this will address the overcrowding concern. Mr. Turisk stated he understands that we are imposing a requirement that can have significant impact on a separate adjacent property owner. Mr. Freese suggested including "on the same lot or any contiguous lot under the same ownership." Mr. Thompson stated it is not equitable and you can not require a property owner to do one thing when his neighbor doesn't have to do it. Discussion was held.

Mr. Freese referred to Section 17.19.8.4.A and stated this should be changed to "The electronic sign surface shall only be allowed within a freestanding sign or a wall sign."

Mr. Freese noted that legal counsel has directed that gas station electronic sign price be deleted as we are specifying the content of the sign. Mr. Turisk stated that the Planning Commission had discussed making a distinct exception for electronic signs that advertised fuel pricing. Mr. Graham stated that this goes against the Reed vs. Town of Gilbert decision regarding content neutrality. Mr. Turisk stated that we will have to find a work around to make that distinction. Mr. Freese stated that he agrees with Mr. Graham but does not believe it will end up in court. Discussion was held regarding variance applications being reviewed by the Zoning Board of Appeals for an electronic portion of a freestanding sign at a gas station.

Mr. Turisk stated that staff will make these edits for the Planning Commission to review.

**NEW BUSINESS**

No comments.

**STAFF REPORT**

No comments.

**PLANNING COMMISSION COMMENTS**

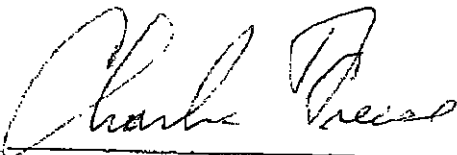
Mr. Thompson stated that he would like to thank the Board of Commissioners for appointing him to the Planning Commission.  
Mr. Thompson stated that he is looking forward to working with the Planning Commission members.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:5pm.



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Charles Freese  
Planning Commission Secretary