

# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, AUGUST 7, 2013 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk  
**ABSENT:** Kavanaugh, Churchill  
**STAFF:** Scott McNeil  
**GUESTS:** Bob Lyon, Tony Matelski, John Moore, Charles Veneros, Russell Crawford, Cheryl Crawford, Kelly Ashford, Mike Florek, Kathleen Miller Rostin, Margaret G. Walter, Philip Woollcott MD, Edward B. Quant, Linda Socha

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. Ostwald, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Churchill)

### APPROVAL OF MINUTES

The July 17, 2013 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Churchill)

### PUBLIC HEARING AND ACTION ON REQUESTS

**Michael Florek/Wakefire LLC ½ Int. & Griswold Mt. Properties LLC ½ Int.** - Requests a Special Use Permit for an outdoor commercial business for wakeboard and water ski rides. (Section 6.3.7.) The property is located at 1254 S. Straits Hwy., Tuscarora Township, section 12, parcel #161-012-200-004-01 and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF). The business is proposed on the portion of the property that is zoned Commercial Development (D-CM).

Mr. McNeil explained that this parcel is zoned Commercial Development and a special use permit is required for an outdoor commercial business for wakeboard and water ski rides. Mr. McNeil stated all activities will fall within the Commercial Development District. Mr. McNeil and Mr. Florek explained that one of the existing buildings will be torn down and the proposed building will meet setback requirements. Mr. McNeil stated the parking analysis includes the proposed retail sales. Mr. McNeil stated the Planning Commission will need to make a parking determination. Mr. McNeil stated in his analysis he compared this use to the same type use as Big Bear Adventure and Brasswind.

Mr. Florek stated this will be a wakeboard park and will use electrical motors with overhead cables. Mr. Florek presented pictures of a similar wakeboard park in Texas. Mr. Florek explained there will be two ponds. Mr. Florek explained that all of the activities are on the south end by the building and parking area. Mr. Florek stated this use is clean, quiet and eco-friendly because there will be electrical motors and no gasoline or diesel will be used. Mr. Florek stated they will be able to run four people per hour on each pond. Mr. Florek stated these types of parks are all over in the southern states. Mr. Florek stated this wakeboard park is unique to this area.

Mr. Borowicz asked if there will be fencing to limit access to the site. Mr. Florek stated fencing can be installed if it is a recommendation from the Planning Commission. Mr. Freese noted that the insurance company may require fencing.

Discussion was held. Ms. Lyon asked how emergency vehicles will be able to access the ponds. Mr. Florek stated he has talked with Dave Carpenter (Tuscarora Township Fire Chief) who advised a hovercraft will be brought in if there is a serious injury. Ms. Croft stated there are three ponds proposed on the site plan but Mr. Florek is only referring to two ponds. Mr. Florek stated the front pond was included on the site plan in case there is enough business to warrant a third pond. Mr. Borowicz asked if the front pond would be considered the second phase of the project. Mr. Florek stated yes. Mr. Freese stated his concerns regarding the parking. Mr. Florek stated it is his experience that people will come in groups of four in a car and there has not been a lot of parking issues with other parks similar in size. Mr. Florek explained that people will call ahead and schedule a time. Mr. Freese stated if this is done by appointment then there shouldn't be any issues with parking. Discussion was held.

Ms. Croft asked if there will be outside lighting. Mr. Florek stated no. Ms. Croft asked what the hours of operation will be. Mr. Florek stated 11:00am until 6:00pm.

Ms. Croft asked for public comments. An audience member asked if there have been any attempts to remove the gas tanks that exist on this property. Mr. Florek stated the Hollopeter parcel, which is not part of his property, is where the gas station was located. Mr. Florek stated he believes those tanks were taken out. Public comment closed.

Board held discussion regarding a fence being necessary.

**Motion** by Mr. Freese, seconded by Mr. Borowicz, to grant the topography waiver request. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Churchill)

The Planning Commission added "The applicant proposes the hours of operation to be 11:00am - 6:00pm." as 7 to the General Findings. The Planning Commission reviewed the Finding of Fact Under Section 18.7 and revised f1, "The site plan provides for an entrance and exit driveway from S. Straits Hwy which is located more than 25 ft. form a street intersection. (see exhibit 8)". The Planning Commission reviewed the Specific Findings of Fact Under Section 20.10 and revised f1, "The site plan provides for an entrance and exit driveway from S. Straits Hwy which is a County Primary Road. (see exhibit 8)". The Planning Commission approved the revised General Findings, revised Findings of Fact Under Section 18.7 and the revised Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to approve the special use permit based on the revised General Findings, revised Finding of Fact Under Section 18.7 and the revised Specific Findings of Fact Under Section 20.10 with the following stipulations:

1. 4ft. high fence (minimum)
2. Meet Department of Building Safety requirements
3. Meet District Health Department #4 requirements
4. Meet Road Commission requirements

Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Churchill)

#### **UNFINISHED BUSINESS**

##### **Consideration of adoption of an amendment to the Planning Commission Bylaws relative to applicant request to adjourn consideration of a rezoning request or other administrative proceeding.**

Mr. McNeil stated this amendment to the Planning Commission bylaws has been reviewed by legal counsel and is ready for the Planning Commission to adopt. Ms. Croft noted this amendment does not require a public hearing. **Motion** by Mr. Freese, seconded by Mr. Bartlett, to approve the amendment to the Planning Commission bylaws. Discussion was held regarding the Planning Commission being able to table the request as many times as needed. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Churchill)

##### **Consideration of a zoning ordinance amendment relative to use of tents, travel trailers, campers, recreational vehicles and undersized mobile homes.**

Mr. McNeil stated the Planning Commission's requested changes were included in this latest amendment. Ms. Lyon stated if a hunter comes to Cheboygan County for the whole hunting season it is 16 days. Ms. Lyon stated this amendment does not allow for setup time or tear down time. Ms. Lyon suggested 3 periods of 7 days instead of 2 periods of 7 days. Mr. Freese stated this is reasonable as there is also bow hunting and muzzleloading. Mr. Borowicz agreed. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Bartlett, to schedule a public hearing on September 18, 2013. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Churchill)

### **Consideration of a zoning ordinance amendment relative to signs.**

Mr. McNeil stated legal counsel asked that the Planning Commission review temporary signage and consider naming the type of temporary signage specifically. Mr. McNeil provided an example from the Emmet County zoning ordinance and information from the sign guidebook that is used to help develop the regulation. Mr. McNeil stated window signage is currently not included in the ordinance but this is an effort to legitimize window signage. Mr. McNeil stated he is concerned that the proposed amendment may create too many non-conformities. Mr. McNeil suggested allowing window signage on the first floor. Mr. McNeil provided a survey of window signs along M-27 and stated there is a significant amount of non-conformities based on the proposed language. Mr. McNeil suggested discussing window signage with Tuscarora Township and Mullett Township in regards to the Village Center zoning districts.

Mr. Freese stated he does not see having an ordinance that forces the acceptance of non-conformities. Mr. Jazdyk stated there is a rate of 30% non-compliance. Mr. Jazdyk stated he has not received any complaints about signage. Mr. Jazdyk stated if these types of signs are not creating a problem the regulation should be relaxed. Mr. McNeil stated there have not been any issues in regards to window signage. Mr. McNeil stated window signs should be included in the ordinance so they are legitimized. Discussion was held regarding window signs not being included in the ordinance and not allowed. Mr. Freese suggested including language such as "Window signs are allowed without restriction."

Ms. Lyon stated her concern about temporary signage is that it is up for 7 or 8 months or longer. Ms. Lyon also stated her concerns regarding numerous signs in one location. Mr. McNeil suggested separating this amendment into two amendments and for the Planning Commission to continue reviewing window signs and temporary signs. Mr. Freese suggested including window signs in the amendment that will be reviewed first.

### **NEW BUSINESS**

#### **Consideration of a zoning ordinance amendment relative to regulations and standards for fences.**

Mr. McNeil stated at the last Planning Commission meeting there was a suggestion from an audience member to require supporting posts for fences to face toward the applicants property and the finished side of a fence to face toward the neighboring property. Mr. McNeil reviewed the proposed language for Section 17.8.1 which includes this recommendation. Mr. McNeil stated electric fences and barb wire fencing are not allowed within subdivisions. Mr. McNeil suggested allowing electrical and barb wire fencing in the Forestry/Agriculture Management Zoning District and Rural Character Country Living Zoning District. Mr. Borowicz asked if livestock is allowed in any other districts. Mr. McNeil stated according to the Right To Farm Act, commercial farming can be just about anywhere. Mr. Freese stated there could be a restriction that barb wire fencing is not allowed unless in conjunction with animal husbandry or commercial farming. Ms. Lyon questioned if this should be addressed in the ordinance since the Right To Farm Act takes precedence. Mr. McNeil stated that the Right To Farm Act does not address fencing and it is left up to the local jurisdiction. Ms. Croft referred to "Existing Farms and Agricultural Uses" under permitted uses in the Residential Development District and questioned if electrical and barb wire fencing should be allowed. Mr. Freese stated he is aware of hogs and cattle being raised in districts that the use is not authorized in but it is being done under the Right To Farm Act. Ms. Lyon asked if any other type of fencing should be considered. Mr. Borowicz stated he has seen many residential gardens enclosed with woven wire. Discussion was held.

### **STAFF REPORT**

Mr. McNeil stated recently a property owner asked about constructing a 10ft. x 20ft. storage building on a parcel where a special use permit was previously approved. Mr. McNeil explained this type of building would have to be reviewed by the Planning Commission. Mr. McNeil stated there is nothing that would allow administrative approval for buildings of a small size. Mr. McNeil asked if this type of building is something the Planning Commission would consider allowing to be approved administratively. Mr. Borowicz asked if this is bigger than allowed to be built without a permit. Mr. McNeil stated a building permit is not required for this size storage building. Mr. Borowicz asked how big is the site. Mr. McNeil stated this storage building is for the Mullett Lake Golf Course. Discussion was held. Mr. Freese stated in this instance this storage building would not be a problem but other parcels it could be a problem. Mr. Borowicz noted this storage building would be a significant addition on a ½ acre site. Mr. McNeil noted that he would have been able to approve this building the way the language was previously written. Ms. Croft stated that the previous language was not what the Planning Commission intended. Mr. Freese suggested leaving the language as it is currently and see if there are any similar requests in the future. Mr. Freese stated if there are similar requests the Planning Commission can review this regulation.

Mr. McNeil stated a parcel with a small pond is zoned Lake and Stream Protection. Mr. McNeil stated the property owner would like to do hobby farming. Mr. McNeil stated there are quite a few situations like this one. Mr. McNeil stated he discussed this with Mr. Schnell. Mr. Schnell thought he had talked to the Planning Commission regarding considering this type of rezoning being approved administratively. Mr. McNeil asked if the Planning Commission would like to review whether or

not small ponds and intermittent streams should be included in the Lake and Stream Protection District. Ms. Croft stated a rezoning can not be approved administratively as it has to be approved by the Cheboygan County Board of Commissioners. Mr. McNeil stated this rezoning could be initiated by the Planning Commission instead of the property owner. Discussion was held. Mr. Freese stated if small ponds showing up on an aerial photo force a parcel into the Lake and Stream Protection District, the Planning Commission should review this issue. Mr. Borowicz asked how big is the parcel. Mr. McNeil stated approximately 8 acres. Discussion was held.

**PLANNING COMMISSION COMMENTS**

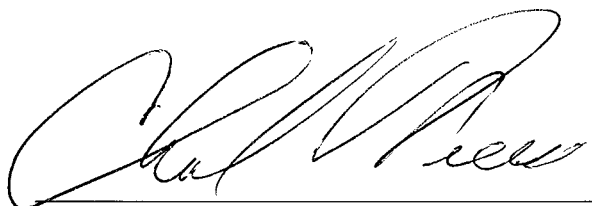
Discussion was held regarding enforcement issues.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 7:56pm.



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Charles Freese  
Planning Commission Secretary