



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, JULY 17, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson
ABSENT: Delana
STAFF: Mike Turisk
GUESTS: Carl Muscott, Eric Boyd, Cal Gouine, Carl Muscott, Russell Crawford, Cheryl Crawford, Bob Lyon, John Moore, C. Maziasz

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. Ms. Johnson stated that she would like to add 18.7g under item 1 under Unfinished Business. Ms. Johnson stated she would also like to add the letter regarding zoning enforcement to go to the Board of Commissioners. **Motion** by Mr. Kavanaugh, seconded by Ms. Johnson, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

APPROVAL OF MINUTES

The July 3, 2019 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. . 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Zoning Ordinance Amendment #153 -- Amendment of Subsection 18.7.e. -- Standards for Special Land Use Approval.

Mr. Turisk stated that on 06/05/19, staff presented a proposed amendment that sought to delete 18.7e from the list of special use permit approval factors. Mr. Turisk stated that the Planning Commission decided that rather than delete 18.7e that staff look at amending 18.7e so that it is retained to review special use proposals for the availability of emergency services. Mr. Turisk presented three options to amend 18.7e and stated that these options have been reviewed by legal counsel.

Mr. Freese stated that he prefers to delete this section entirely; however, he would pick the first proposal. Discussion was held. Ms. Johnson suggested "The proposed special land use will be serviced by fire, police and public resources." Ms. Johnson stated that the Planning Commission then has the ability to go to the emergency services to get their feedback. Mr. Kavanaugh stated that the Planning Commission needs the feedback from the emergency services and if the Sheriff doesn't respond the Planning Commission will go the Cheboygan County Board of Commissioners and ask have them ask the Sheriff to respond. Mr. Kavanaugh stated that the Planning Commission and the property owners need this protection. Discussion was held. Mr. Borowicz suggested changing the language to say that these services are available. Mr. Kavanaugh suggested talking with the different agencies and asking for their input on the language for the amendment. Mr. Kavanaugh suggested staff talk to the emergency services.

Zoning Ordinance Amendment #153 -- Amendment of Subsection 18.7g -- Standards for Special Land Use Approval.

Ms. Johnson read Section 18.7g, "The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services." and stated that "adequately" should be removed. Mr. Kavanaugh stated that if someone is putting in a dwelling they want to know that it is adequately served by these services. Ms. Johnson stated that it is

not the Planning Commission's responsibility to determine if a parcel is adequately served by water and sewer facilities. Ms. Johnson noted that this would be the Health Department's responsibility. Discussion was held. Ms. Croft stated that the applicant could change from one company to another for a particular service. Mr. Freese stated that he doesn't even have a refuse service. Mr. Turisk stated it may be best to put the burden of proof on the applicant as they sign the application and sign that to the best of their knowledge it is truthful and accurate. Ms. Johnson stated that this is for the special use permit process and noted that this is not for residential projects. Mr. Kavanaugh stated why fix it if it is not broken.

Letter Regarding Enforcement Officer

Discussion was held regarding a resolution that was never sent to the Cheboygan County Board of Commissioners. Mr. Kavanaugh and Ms. Croft stated that the Board of Commissioners should receive a copy of the motion from August 1, 2018. Ms. Johnson stated that the resolution was not sent to the Board of Commissioners and that she discussed this issue with the Board of Commissioners. Mr. Kavanaugh asked that the date of the meeting and the motion be included at the beginning of the letter. Discussion was held. Ms. Johnson asked if this letter should be presented by the Planning Commission as a group or if a representative from the Planning Commission should present or it at a Board of Commissioners meeting. Ms. Johnson asked if staff should submit the letter. Mr. Kavanaugh stated that staff should submit the letter. Ms. Johnson stated that she volunteers to present the letter. Mr. Freese stated the proper way is for staff to submit the letter. Ms. Johnson stated that this is a request from the Planning Commission and does not have anything to do with staff. Mr. Kavanaugh stated that this is the second request from the Planning Commission and that Ms. Johnson may be nominated to go to a future Cheboygan County Board of Commissioners meeting. Mr. Turisk stated that the final letter will be included the next packet for the Board of Commissioners and will be presented by Jeff Lawson. Ms. Croft asked that it not be included in the consent agenda. Mr. Freese requested that this issue be on the Planning Commission agenda (with a revised letter) for the first meeting in August.

Continued Discussion Regarding Amending Zoning Ordinance No. 200 to Permit Home Occupations and Bathroom Facilities in Private Storage Buildings.

Mr. Turisk stated that the Planning Commission has discussed the possibility of expanding small business opportunities in the county by expanding home occupations in private storage buildings. Mr. Turisk stated that the Planning Commission has also discussed allowing bathroom facilities to be constructed in private storage buildings. Mr. Turisk stated that a property owner who is constructing a private storage building may want a place to wash up and have a toilet available. Mr. Turisk stated that he has talked with property owners who have noted that they will have to drive home or drive to the nearest gas station. Mr. Turisk stated that this provision was included to preclude these structures from being used as dwellings. Mr. Turisk noted that this is an enforcement issue. Mr. Turisk asked if the Planning Commission wants to allow all home occupations in all private storage buildings in all zoning districts. Mr. Turisk asked if it should only be allowed in Agriculture and Forestry Management Zoning District.

Mr. Kavanaugh stated that bathroom facilities in private storage buildings are a good idea in most cases. Mr. Kavanaugh stated that it should be restricted to a toilet and sink only. Mr. Kavanaugh stated that we have to be careful that people do not start living in these facilities. Mr. Freese stated the Planning Commission made provisions to allow space for a residence, septic and well if a private storage building is put on a lot. Mr. Freese stated that these bathroom facilities in private storage buildings should be allowed. Discussion was held regarding enforcement. Mr. Borowicz stated that sanitary facilities should be allowed if the Planning Commission is expanding the use of a private storage building to include home occupations. Discussion was held regarding the definition of home occupation. Mr. Turisk stated that the proposed amendment was drafted by staff and has not been reviewed by legal counsel.

NEW BUSINESS

No comments.

STAFF REPORT WITH AN UPDATE ON MASTER PLAN

Mr. Turisk stated that in June Mr. Kavanaugh asked about Burt Township's recent amendment banning shipping containers and if it was an outright ban or if they would be allowed as part of a construction site. Mr. Turisk stated that Mr. Koviak, Burt Township Supervisor, stated that it is an outright ban.

Mr. Turisk stated that Mr. Kavanaugh asked about Charlevoix's regulation regarding short term rentals. Mr. Turisk stated that House Bill #4046 regarding short term rentals has stalled. Mr. Turisk stated that he reached out to the Charlevoix Zoning Administrator and the council passed a moratorium on short term rentals. Discussion was held. Mr. Kavanaugh asked if the bill did not include cities, villages and townships. Mr. Turisk stated he will do additional research.

Mr. Turisk reminded the Planning Commission that 4 hours of training is required for each Planning Commission member per year. Discussion was held. Mr. Kavanaugh stated that trainings should be held during Planning Commission meetings as it is

beneficial to the Planning Commission and the public. Mr. Bartlett suggested training on master plans.

Mr. Turisk stated that as we move forward we will continue to focus on those items that were identified in January 2019 as priorities. Mr. Turisk stated that a few Planning Commission members have noted that PUDs are a priority. Mr. Turisk asked the Planning Commission to contact him to discuss identifying Master Plan goals. Mr. Turisk stated that a lot of what we do will be geared toward achieving the identified goals in the 2014 Master Plan.

PLANNING COMMISSION COMMENTS

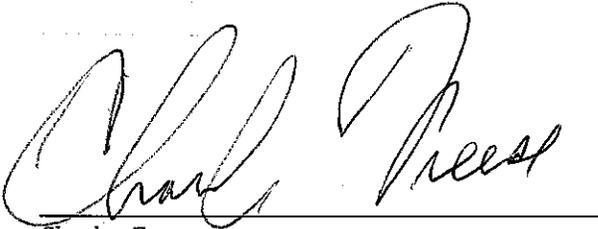
Mr. Freese stated that the shipping container at the Summer Store was approved by the Planning Commission and later bought by the next door neighbor. Mr. Freese stated that the neighbor received a notice that that this was a violation. Mr. Freese advised him that it was approved at the Summer Store and may possibly be approved at this new location but would require approval of an amendment to his special use permit. Mr. Turisk stated he talked to the property owner and he has decided not to move forward with the application. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott referred to Section 18.7e and stated that there should be something that protects the people from special use that may negatively impact emergency services. Mr. Muscott stated that Tuscarora Township has a lot of time on their hands. Mr. Muscott stated that he recently received a ticket for having grass longer than 6 inches. Mr. Muscott stated that he talked with Chief Gordon Temple and this was driven by enforcement and there have been hundreds of these tickets issued since they passed this ordinance last year. Discussion was held. Mr. Muscott noted that private storage buildings are being built in the front of the property and not allowing for a future dwelling.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:22pm.



Charles Freese
Planning Commission Secretary