



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JUNE 20, 2018 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Churchill
ABSENT: Lyon
STAFF: Michael Turisk
GUESTS: Eric Boyd, Roberta Matelski, Mary Durfey, Cal Gouine, Russell Crawford, Cheryl Crawford, Mike Bieniek, John Moore, Karen Johnson, Carl Muscott, Jeff Jocks, Dan Slanec

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

APPROVAL OF MINUTES

The June 6, 2018 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Churchill), 0 Nays, 1 Absent (Lyon)

PUBLIC HEARING AND ACTION ON REQUESTS

Dan Slanec/Slanec Family Living Trust & Skrubas Family Living Trust - Requests a rezoning from Agriculture and Forestry Management District (M-AF) and Commercial Development (D-CM) to Commercial Development (D-CM). The property proposed to be rezoned is located in Tuscarora Township, Section 1 and described as follows: Parcel #161-001-200-005-04, BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S 0D 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHR D BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHR D BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S 0D 14M 30S W 396.44FT TO POB. *EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S 0D 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 200.23FT TO POB; TH CONT S0D 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHR D BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

Mr. Turisk presented the information contained in the staff report pertaining to the rezoning application for parcel 161-001-200-005-04.

Ms. Croft asked for public comments. Mr. Muscott approves of the rezoning and noted most parcels east of this parcel are commercially zoned. Public comment closed.

Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to revoke prior motion to send this request to the Zoning Board of Appeals. Motion carried.

The Planning Commission reviewed the General Findings of Fact:

1. The Planning Commission finds that the applicant proposes rezoning of certain real property in the application from Agricultural and Forest Management District (M-AF) Commercial Development District (D-CM). See exhibit 4.

2. The Planning Commission finds that the application is made by Dan Slanec, See exhibit 4.
3. The Planning Commission finds that the legal description of the property at issue, including the proposed property to be rezoned, is attached to the application (noted above). See exhibit 4.
4. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the area with the proposed rezoning as being offered as General Commercial and Single Family Residential. See exhibit 2 and Future Land Use Map.

The Planning Commission reviewed the rezoning factors:

1. Is the proposed rezoning reasonably consistent with surrounding uses?

- A. The Planning Commission finds that the property is directly contiguous to an area already located in the D-CM District, such that adding the subject property as proposed by the applicant for rezoning would not result in an isolated, detached area of land rezoned D-CM. See exhibit 7.
- B. The Planning Commission finds that based upon the information provided in the staff report which includes the Cheboygan County Master Plan Future Land Use Map which indicates that the property is in the General Commercial land use category. See exhibit 2 and Future Land Use Map.
- C. The Planning Commission finds that upon review of the specific nature of the Property, which includes a portion of the existing parcel already zoned D-CM containing an approved commercial special use permit that the rezoning would not create a negative impact on surrounding property.

This standard has been met.

2. Will there be an adverse physical impact on surrounding properties?

- A. The Planning Commission finds that there is no evidence that the proposed rezoning would result in an adverse physical impact on surrounding properties as Commercial uses currently exist in the area. Activities which could occur if the subject property is rezoned would not physically disturb the properties surrounding the land proposed for the rezoning. See exhibits 1 and 2.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel, there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2.

This standard has been met.

3. Will there be an adverse effect on property values in the adjacent area?

- A. The Planning Commission finds that there is no evidence in the form of an appraisal or other document study which shows, that if the rezoning is granted, there would be an adverse effect on property values in the area.

4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

- A. The Planning Commission finds that development in the area is slowly increasing and that the parcels in close proximity to I-75 provide an opportunity to attract additional viable business that will result in the investment of additional dollars in the area and that these factors are viable justifications for the rezoning.

This standard has been met.

5. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

- A. The Planning Commission finds that given the size of the property as well as surrounding properties which are not subject to the rezoning application, there is no evidence that the rezoning would deter the improvement or development of adjacent property in accordance with existing regulations, much less future land use plans as proposed in Cheboygan County's future land use map. See exhibits 1, 2 and 6.

This standard has been met.

6. **Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?**

- A. The Planning Commission finds that half of the subject parcel is currently zoned D-CM and has been issued a commercial special land use permit for Premade Storage Building Sales (section 6.3.16) and is also adjacent to property to the south and east which is zoned D-CM and contains commercial land uses. As such, if the property is rezoned to D-CM, it would be contiguous with already existing D-CM zoned property. As such, the proposed rezoning does not create a special privilege or result in spot zoning. See exhibit 1 and 7.

This standard has been met.

7. **Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?**

- A. The Planning Commission finds that the front half of the property is currently zoned D-CM and was issued a special land use permit for Premade Storage Building Sales (section 6.3.16). The Planning Commission further finds that given the Master Plan and future land use map, rezoning would be more in line with uses allowed under the future land use designation for the area. See exhibit 2 and Future Land Use Map.

This standard has been met.

8. **Is the rezoning in conflict with the planned use for the property as reflected in the master plan?**

- A. The Planning Commission finds that the County's Master Plan depicts the future use of the property as being in the General Commercial and Single Family Residential category. See exhibit 2 and Future Land Use Map.
B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, and Future Land Use Map, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel and there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2 and Future Land Use Map.

This standard has been met.

9. **Is the site served by adequate public facilities or is the applicant able to provide them?**

- A. The Planning Commission finds that the site is or will be served by adequate public and private facilities by the applicant considering the type of uses which may be permitted on the property.

This standard has been met.

10. **Are there sites nearby already properly zoned that can be used for the intended purposes?**

- A. The Planning Commission finds that although a portion of property is zoned D-CM that the rezoning of the remaining portion of the parcel adjacent to I-75 provides maximum utilization of property for the display and sale of pre-made storage buildings. See exhibit 7.

This standard has not been met.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzzyk, Churchill), 0 Nays, 1 Absent (Lyon)

Tillman Infrastructure/CG & KW Enterprises - Requests a Special Use Permit for a wireless telecommunications facility (section 17.13). The property is located at 7934 North Straits Highway, InvernessTwp., section 26, parcel #091-026-200-018-00, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).

Mr. Turisk presented the information contained in the staff report pertaining to the proposed tower to be constructed by Tillman Infrastructure.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

Discussion was held regarding the fenced area being moved to the south west to allow screening between the fenced area and parking lot and this change was agreed to by the applicant.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the reduction of the fall zone by 50% in accordance with section 17.13.1a. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Churchill), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed and approved the General Findings, Findings of Fact Under Section 17.13.1, Finding of Fact under Section 17.13.2.b., Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6. Findings of Fact Under Section 18.7 and 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, Findings of Fact Under Section 17.13.1, Finding of Fact under Section 17.13.2.b., Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6. Findings of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10. subject to Department of Building Safety requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Churchill), 0 Nays, 1 Absent (Lyon)

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Review and discussion of draft Zoning Ordinance language for solar arrays.

Mr. Freese reviewed the draft solar regulation paragraph by paragraph discussing each item. There were five items that were identified as needing further discussion. Discussion was held.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott thanked Mr. Freese for his work on the solar array amendment.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:30pm.



Charles Freese
Planning Commission Secretary