



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, MAY 3, 2017 AT 7:00 P.M.

ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdzyk
ABSENT: None
STAFF: Scott McNeil, Steve Schnell
GUESTS: Louis Vassilakos, Gary Painter, Bob Lyon, Eric Boyd, Dawn Drolshagen, Chad Lyons, John F. Brown, Cal Gouine, Chris Brown, Russell Crawford, Cheryl Crawford, Tom Redman, Carl Muscott, Roger Jacobs, Chuck Brew, Dian Lissfelt, Marcia Rocheleau, Terri Sarrault, John Moore, Karen Johnson

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. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The April 19, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Triple D Disposal / Erica Wheelock/ Bonnie Nagy - Requests a Special Use Permit for Waste Hauling (Section 7.3.13.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned General Industrial Development (D-GI). (This item was tabled at the 04/19/17 Planning Commission meeting.)

Ms. Croft stated that this item was tabled to allow time for questions to be submitted. Ms. Croft stated that questions submitted will be forwarded to legal counsel. Ms. Croft stated that legal counsel will be at the next meeting with answers to all the questions. Ms. Croft asked for questions regarding Triple D Disposal to be submitted. Mr. Kavanaugh stated that he submitted his to Mr. McNeil. Mr. Churchill stated that he expressed his concerns and questions to Mr. McNeil. Ms. Croft stated that letters were submitted from Beaugrand Township and Karen Johnson that should be forwarded to legal counsel.

Motion by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to forward the letters to legal counsel and ask for answers to the questions. Motion carried unanimously.

Mr. Vassilakos stated that he is the chairman of the Aeronautics Airport Authority Board. Mr. Vassilakos stated that they are concerned about the site not being kept clean and attracting birds. Mr. Vassilakos stated that this will be a hazard to aviation if seagulls are flying around trash bins. Mr. Vassilakos stated this is a serious concern because of angel flights.

Mr. Painter stated that he is the airport manager for Cheboygan County Airport. Mr. Painter stated that he wrote a letter to the Planning Commission. Mr. Painter stated that previously Triple D Disposal was going to be a waste transferor and now they are going to be considered a waste hauler. Mr. Painter stated that there are some differences, but if it isn't kept clean it will attract birds. Mr. Painter stated that birds and airplanes do not mix.

Ms. Rocheleau asked if her questions, as she has written them, will be presented to legal counsel. Ms. Croft stated yes a copy of her letter will be sent to legal counsel.

Ms. Croft stated that this request will be on the next Planning Commission agenda and legal counsel will attend the meeting.

Mike Sturgill / Precision Forestry Inc. – Requests a Special Use Permit Amendment for relocation of a truck maintenance building (80 ft. x 160 ft.), construction of two (2) storage buildings (36 ft. x 72 ft. each) and placement of a fuel tank and fuel pump facility. (Section 7.3.10.) The property is located at 5708 Commerce Blvd., Tuscarora Township, section 30, parcel #162-030-300-001-04, 162-030-300-001-05, 162-030-300-001-06 and 162-030-300-001-07 and is zoned Light Industrial Development (D-LI).

Mr. McNeil stated that Mr. Sturgill has received a special use permit for a warehousing use. Mr. McNeil stated that Mr. Sturgill received a special use permit for a maintenance building in December 2016. Mr. McNeil referred to the site plan from December 2016 and noted the location of the sanitary sewer easement and the proposed location of the maintenance building at the rear of the property. Mr. McNeil referred to the proposed site plan and noted that the truck maintenance building is proposed in a location farther to the front and is under construction at this location. Mr. McNeil stated that it does extend over the sanitary sewer easement as indicated on the previous site plan. Mr. McNeil stated that there are other easements on the property that were not reflected previously. Mr. McNeil stated that on the north side there is a 20ft. water and sanitary sewer easement and on the south side there is a 10ft. water easement. Mr. McNeil stated that there has been an indication that the easement can be abandoned by Tuscarora Township. Mr. McNeil stated that if this request is approved, he recommends that it be approved upon the abandonment of the easement by the township. Mr. McNeil stated that Mr. Sturgill is also seeking a pump facility. Mr. McNeil stated that details are included in the application. Mr. McNeil stated that two storage buildings are indicated on the site plan. Mr. McNeil stated that the remainder of the site plan and employee parking area remains as indicated previously.

Mr. Freese stated that there is a building that was not included in the original site plan or on this site plan. Mr. Freese stated that it should be included on the site plan.

Mr. Kavanaugh asked Mr. Ridley if there will be any problems with the abandonment of the easement. Mr. Ridley stated that the township does not have to file any legal documents and the township can just vote to abandon the easement. Mr. Ridley stated that he can't speak for the board, but there will be a special meeting on Thursday, May 4, 2017 to address this issue.

Mr. Kavanaugh asked Mr. Sturgill if he plans to connect to the township water supply because of the fuel tanks or will there be isolation for his well. Mr. Sturgill stated he will talk to the township. Mr. Sturgill stated that he hasn't decided. Mr. Kavanaugh stated that if approved it will be subject to Health Department review.

Ms. Croft asked for public comments.

Mr. Muscott thanked Mr. Sturgill for making a huge investment in Tuscarora Township. Mr. Muscott stated that industrial jobs are the best paying jobs. Mr. Muscott stated that he is not sure how the two lots to the left ended up as part of the Commerce Park Subdivision. Mr. Muscott stated that these two parcels are land locked. Mr. Muscott stated that if these lots were not all contiguous parcels, as Mr. Sturgill plans to do, those two left lots would be land locked with no road access. Mr. Muscott stated that they should have been two lots that are served off of the end of the cul-de-sac. Mr. Muscott stated that this will be solved by Mr. Sturgill incorporating all the lots together. Mr. Muscott stated that Mr. Sturgill has all kinds of easements available for whatever kind of utilities he needs.

Ms. Croft asked if the parcel goes all the way through to Brudy Road. Mr. Sturgill stated that there is a gas line back there and there would be a significant cost to build a bridge across it. Mr. Sturgill stated that is why the building was moved forward because it would not work with turning trucks around and getting out with the gas line. Mr. Sturgill stated he will leave the back wooded as a barricade for the expressway and Brudy Road.

Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved 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 amended site plan be approved based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to:

1. Department of Building Safety approval
2. Health Department approval
3. Revised site plan be submitted showing the existing building
4. Tuscarora Township approval of abandonment of easement

Motion carried unanimously.

Thomas Redman / Exodus 33:13 LLC – Requests a Special Use Permit for a warehouse contingent upon approval of a rezoning request from Agriculture and Forestry Management District (M-AF) to Light Industrial Development (D-LI). (Section 7.3.11) The property is located at 1716 East M-68 Highway, Walker Township, section 5, parcel 220-005-200-001-01.

Mr. McNeil stated that the Planning Commission reviewed a rezoning application to rezone two parcels from Agriculture and Forestry Management to Light Industrial. Mr. McNeil stated that the Planning Commission made a recommendation for approval of the rezoning to the Cheboygan County Board of Commissioners. Mr. McNeil stated that this special use permit application will be contingent upon the approval of the rezoning by the Cheboygan County Board of Commissioners. Mr. McNeil stated that Mr. Redman is seeking approval for warehouse use. Mr. McNeil stated that Mr. Redman is also seeking site plan review for office use and school use for the training facility. Mr. McNeil stated that the floor plan for the larger building will show the warehouse use in the rear section, the training/conference facility in the front and an office on the second floor. Mr. McNeil stated that the second building is proposed for warehouse use. Mr. McNeil stated that the parking is adequate. Mr. McNeil stated that Mr. Redman indicates that setbacks will be met. Mr. McNeil noted that the applicant did not submit an elevation drawing for the storage building.

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

Mr. Kavanaugh stated that the Health Department has talked with the excavator regarding the septic and the well.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved 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 subject to:

1. Department of Building Safety approval
2. Health Department approval
3. Approval of the rezoning by Cheboygan County Board of Commissioners
4. Submission of elevation drawings for the storage building

Motion carried unanimously.

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment Relating To Assembly Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that there were minor changes recommended by legal counsel. Mr. McNeil stated that the reference to pool parlors should be removed in the Arcades, bowling alleys, pool or billiard parlors use listing. Mr. McNeil stated that the use listing for Assembly, Educational or Social Event Facility should be changed to Assembly, Educational or Social Event Facilities. Mr. McNeil stated that some changes affect the Village Center. Mr. McNeil asked the Planning Commission if they would like to seek comments from the townships where Village Centers are located. Mr. McNeil stated that this proposed amendment is ready for a public hearing.

Mr. Freese suggested sending this amendment to the two townships involved and ask them for comments with the stipulation that a public hearing will be held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for June 7, 2017 for proposed amendment relating to Assembly Uses. Motion carried unanimously.

Draft Zoning Ordinance Amendment Relating To Convalescent Home Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that if we are deleting a definition from the ordinance we do not need to list the whole definition. Mr. McNeil stated that this proposed amendment is ready for a public hearing. **Motion** by Mr. Freese, seconded by Mr. Churchill, to schedule a public hearing for June 7, 2017 for proposed amendment relating to Assembly Uses. Motion carried unanimously.

Mr. McNeil stated that he will include this amendment in his memo regarding Village Center to the townships.

NEW BUSINESS

Mr. Kavanaugh asked if Tuscarora Township has submitted any comments on the food changes. Mr. McNeil stated no, but he has been assured that they will be holding a meeting.

Mr. Kavanaugh asked for an update on Heritage Cove Farm. Mr. Schnell stated that dates are being set for when they will start hearing oral arguments on the appeal. Mr. Schnell stated that the dates will be set in another 14 days.

Mr. Freese stated that we have Commercial, General Industrial and Light Industrial zoning districts and we have tight controls in Light Industrial but they do not carry over into the General Industrial. Mr. Freese stated that it would be simple to pick up some of those controls and put it into the General Industrial by just referring back to Light Industrial. Mr. Freese stated that this is something that should be reviewed. Mr. Borowicz noted that this is the reason for having two industrial districts. Mr. Borowicz asked what is the point of having two districts if you make General Industrial as restrictive as Light Industrial. Mr. Freese referred to section 7.4 and stated that it gives controls that can be used if needed. Mr. Schnell asked if this is similar to section 8.4. Mr. Freese stated they are different and there is more control under section 7.4. Mr. Freese stated that there are controls in section 7.4 that should be in section 8.4 such as restrictions on lake, stream, and wetland setbacks, dredging, filling and landfills. Mr. Freese stated that this requires looking at the General Industrial areas and seeing which requirements in section 7.4 we would want to see available to use in this zoning district. Mr. Freese stated that this would provide controls for the Triple D situation that the Planning Commission is facing. Mr. McNeil stated that he can scan the existing General Industrial areas and review the supplemental requirements to see if they are applicable. Mr. McNeil stated he will then be able to make recommendations to the Planning Commission. Discussion was held.

STAFF REPORT

Mr. McNeil stated that he distributed a letter from Peter Wendling who helped the Planning Commission with the language for the change in the definitions of dwelling and family. Mr. McNeil stated that there has been concern expressed that the definition of family does not include a single individual. Mr. McNeil noted that Mr. Wendling stated in the letter that there is no intent or purpose to keep a single person from having a dwelling. Mr. McNeil stated that this letter will be taken to the Cheboygan County Board of Commissioners for their consideration.

Mr. McNeil stated that House Bill 4503 makes it a law that short term rental is allowed in a dwelling. Mr. McNeil stated that takes this out of the hands of the local jurisdiction. Mr. Freese stated that this is similar to what the Planning Commission has already proposed.

Mr. Schnell stated that the Cheboygan County Board of Commissioners recently held a planning session. Mr. Schnell stated that the Board of Commissioners discussed updating the zoning ordinance. Mr. Schnell stated that Cheboygan County has incrementally been achieving the zoning plan by approving individual amendments. Mr. Schnell stated that the Commissioners considered that this could be done at once by looking at the whole Zoning Ordinance. Mr. Schnell stated that this has been discussed before and whether we want to take on a larger task. Mr. Schnell stated that he recommends Denise Cline from NEMCOG as she has a method of taking the ordinance and including hyperlinks as an easy way to navigate. Mr. Schnell stated that we are including some of this in the most recent Zoning Ordinance. Commissioner Brown stated that we want to show that we are progressive in our County. Commissioner Brown stated that the Zoning Ordinance has a date of 1983 with 140 amendments. Commissioner Brown stated that this is not progressive. Commissioner Brown stated that the ordinances are much newer in counties that are more progressive and they have more development. Mr. Schnell stated that they would look at the definitions to make sure they are good and they would also look at the list of land uses to make sure they are updated. Discussion was held.

Mr. Schnell stated that we want to accommodate the public and their input no matter when it is submitted. Mr. Schnell stated that when a lot of items are submitted at the last minute it can be confusing. Mr. Schnell stated that he would like to come up with a better process such as updating the packet on Friday at the end of the day. Mr. Schnell stated that we need to determine the best way to get the information to the Planning Commission if anything comes in after Friday. Mr. Schnell stated that the Planning Commission should contact him if they have any input or they want additional training.

PLANNING COMMISSION COMMENTS

Mr. Freese provided an update on Commissioner Matelski.

Mr. Jazdyk thanked Mr. McNeil for putting together all the materials for Triple D Disposal.

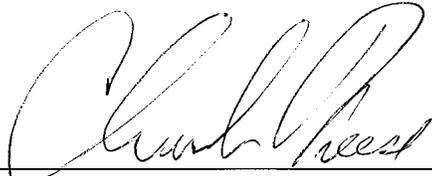
PUBLIC COMMENTS

Mr. Muscott thanked the Planning Commission for their efforts. Mr. Muscott stated that he appreciates Mr. Schnell and Mr. Brown's input to move ahead of the technology with an interactive ordinance. Mr. Muscott stated that the software that NEMCOG is using is the same as what Clear Zoning is using. Mr. Muscott stated that everything you need to decide what can be done in a zoning district is available in one location. Mr. Muscott stated that you do not need to go back to other tables and charts. Mr. Muscott stated that this is more user-friendly and he encourages the Commissioners and Planning Commission to be proactive.

Mr. Muscott stated that there have been appeals for boat houses to the Zoning Board of Appeals. Mr. Muscott stated that Mr. Andrews went through all of the hoops for a longer boat house. Mr. Muscott stated that Cheboygan County's hands were tied that they couldn't approve a longer boat house. Mr. Muscott stated this would be a great asset for the community. Mr. Muscott stated that if new boat wells or enlargement of boat wells is allowed, it might take off with lakeshore property owners, and it may get them away from their seasonal docks. Mr. Muscott stated that a boat house is ideal for a pontoon boat. Mr. Muscott stated that a boat house is more aesthetic than a seasonal dock. Mr. Muscott stated that he would like to see this on a Planning Commission agenda soon. Mr. McNeil noted that he is putting this information together and it will be on the next agenda.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:52 pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written over a horizontal line.

Charles Freese
Planning Commission Secretary