



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, APRIL 19, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk
ABSENT: None
STAFF: Scott McNeil
GUESTS: Carl Muscott, Eric Boyd, Cal Gouine, Bob Lyon, Raymond P. Rocco, John F. Brown, John Moore, Russell Crawford, Cheryl Crawford, Chris Brown, Tom Redman, Bob Elliott, Debbie Elliott, Richard Bacon, Travis Babcock, Edward Jeannotte, Sandy Jeannotte, Charles Maziasz, Karen Johnson, Brian Fullford, Ed Shovan, Toni Linn, Harold Winchell, Scott Kelley, Andy Stempky, Dana Stempky

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. Kavanaugh, seconded by Mr. Churchill, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The April 5, 2017 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to amend the definition of dwelling and family to allow short term rental of dwellings.

Mr. McNeil stated this amendment will allow for short term rental of dwelling units. Mr. McNeil stated that currently the Zoning Ordinance defines a dwelling and a family and provides for that use as a permanent use. Mr. McNeil stated that there has been a lot of activity in the county where dwellings have been rented out for the week or weekend during the summer months. Mr. McNeil stated that an ordinance amendment is needed to make this use legal. Mr. McNeil stated that the Planning Commission is amending the definition of dwelling to take the reference of permanent use away and allow for the temporary use and the use by more than one family. Mr. McNeil stated that the new definition of family and the new definition of dwelling will allow the short term rental of a dwelling to be legal.

Ms. Croft asked for public comments.

Ms. Linn stated that she has owned a home in Beaugrand Estates for 20 years. Ms. Linn explained that Beaugrand Estates is a quiet and safe subdivision and that she and her neighbors would like to keep it that way. Ms. Linn stated it is not appropriate for the Planning Commission to change the ordinance to allow weekly rentals in residential areas and subdivisions. Ms. Linn purchased her home in this subdivision because it was quiet and safe. Ms. Linn stated that allowing short term rentals will allow anyone to rent their home, which will bring strangers who are possibly dangerous into the small community. Ms. Linn stated, as they have experienced in the past, this use has brought in strangers who are loud and boisterous and disregard the rights of the residents who own property and pay property taxes. Ms. Linn stated that in the past renters have driven through the subdivision at a high rate of speed and put the safety of the children riding their bikes at risk. Ms. Linn stated that she has been told that renters have walked onto the adjacent property and stolen firewood. Ms. Linn stated she was also told that the renters had a bonfire and put a log against a neighbor's tree that was still burning and it burned the tree. Ms. Linn stated that the tree had to be cut down. Ms. Linn stated that changing this ordinance may result in higher insurance rates for property owners. Ms. Linn stated that changing this ordinance will discourage future buyers from buying a home in

this subdivision as no one wants to live in a community with weekly rentals. Ms. Linn stated that weekly rentals will decrease the values of the existing homes, which is not fair to those who believed they were purchasing a home in a residential location and not a commercial location. Ms. Linn stated that Cheboygan offers numerous hotels for those that want to visit the beautiful community. Ms. Linn stated it is unjust to allow strangers to come into the subdivision in order for a small minority to prosper financially at the cost of the safety of the majority who want nothing more than to enjoy their home and feel safe in their community. Ms. Linn stated that many of those who want to rent their homes on a weekly basis do not live in Cheboygan or even in Michigan. Ms. Linn stated that they want to force their desire for financial gain on those who do live here. Ms. Linn questioned how this is fair to the homeowners of Cheboygan County who contribute to this community in so many ways including payment of taxes and spending money in Cheboygan County. Ms. Linn stated that a home may be the most important and expensive purchase that is made. Ms. Linn stated that she wants to maintain the property values for the safety of the communities. Ms. Linn stated that if the Planning Commission votes to allow weekly rentals, they are voting to put the financial desires of the minority above the interest and welfare of the majority which is not right. Ms. Linn stated that the Planning Commission is appointed to this commission to represent those who live in Cheboygan County and to do so in the best interest of all. Ms. Linn asked that the Planning Commission vote against changing the ordinance that allows weekly rentals and continue to make weekly rentals against county ordinance.

Mr. Winchell stated that he lives in Beaugrand Estates and agrees with Ms. Linn completely. Mr. Winchell stated that he has lived there for 50 years and they work hard to keep this as a quiet neighborhood. Mr. Winchell stated that he lives next to the access lot and he does not want to see a situation where people use this access lot and are noisy and stay into the night.

Mr. Jeannotte stated that he has lived in Beaugrand Estates for over 30 years. Mr. Jeannotte noted that Ms. Linn has stated many of his feelings and concerns regarding this proposed amendment. Mr. Jeannotte stated that their community is quiet and safe and that he has raised his family here. Mr. Jeannotte stated that they purchased this property because of the quiet atmosphere and because it is close to town. Mr. Jeannotte stated that weekly rentals bring a whole other element to their community. Mr. Jeannotte stated that he is not in favor of weekly rentals as their home is the biggest asset that they own. Mr. Jeannotte stated that they have been in this community for a long time. Mr. Jeannotte stated that they spent a lot of time thinking about where they wanted to live and they want to protect their home. Mr. Jeannotte stated that he and his wife are adamantly opposed to allowing rentals on weekly or weekend basis.

Mr. Kelley stated that he has lived in Beaugrand Estates for 24 years. Mr. Kelley stated that this is a quiet and peaceful community and a place where you can play street hockey in the road. Mr. Kelley stated that he understands this is a beautiful place and that is why they live there. Mr. Kelley stated that there are issues with long term rentals and landlords had to be contacted. Mr. Kelley stated that with short term rentals you can run into issues also. Mr. Kelley stated that these are individuals who are not necessarily invested in the community as they do not live in this area. Mr. Kelley stated that this community is important and a whole different world is opened up when short term rentals are allowed.

Mr. Muscott stated he appreciates the residents of Beaugrand Estates and the issues that they have regarding rentals. Mr. Muscott stated that there are hundreds of people who are looking for economic relief under lake shore properties by using short term rentals. Mr. Muscott stated it is a growing economic factor in Cheboygan County. Mr. Muscott stated that issues within Beaugrand Estates may be better controlled with homeowner association or covenants or restrictions within the neighborhood. Mr. Muscott stated that hopefully, we would not have a county wide planning that would be controlled by one or two neighborhoods that want more restrictions.

Ms. Linn appreciates Mr. Muscott's comments, but this situation not only affects Beaugrand Estates. Ms. Linn stated that they purchased their home thinking that they were in a residential area. Ms. Linn stated that weekly renters will have no regard for the neighborhood. Ms. Linn stated that the property owners may be out of the county or out of the state and they only care about the money. Ms. Linn stated that by allowing weekly rentals would be punishing the people who are here and who pay their taxes. Ms. Linn stated that Beaugrand Estates does have articles of incorporation that are legally enforceable and it does restrict the use of homes to single family dwelling homes. Ms. Linn provided an example of a property owner who lives in Florida and bought the residence in Beaugrand Estates just to rent. Ms. Linn stated that the only reason they were able to prevent this short term rental was because of the Zoning Ordinance. Ms. Linn stated that in the past they have had problems with three rental properties. Ms. Linn stated that she is talking about Beaugrand Estates but this amendment will affect everyone in the county. Ms. Linn stated that no one wants to live next to a weekly rental property because the renters do not care that it is your property or belongings. Ms. Linn stated this will allow anyone to rent a house and others will end up dealing with the same problems that they have dealt with in Beaugrand Estates.

Mr. Stempky stated that not all owners are out of state. Mr. Stempky stated that we live in a beautiful area that tourists love to come to. Mr. Stempky stated that there are hotels, but families like to come and stay at a lake location because it gives

them a unique experience. Mr. Stempky stated that some families move to this area. Mr. Stempky stated that the families spend money in the area. Mr. Stempky stated that it is not all out of state owners. Mr. Stempky stated that he tries to be a good landlord. Mr. Stempky stated that he provides his phone number and tell them to call if there are any issues. Mr. Stempky stated that the neighbors have his number and can call if there are any issues. Mr. Stempky stated that the lake association has been in support of them. Mr. Stempky stated that they provide service to people who have family members visiting. Mr. Stempky stated that he supports this amendment.

Ms. Jeannotte stated that she is adamantly opposed to this zoning ordinance amendment. Ms. Jeannotte stated that her concerns are regarding safety and security. Ms. Jeannotte stated that she does not know how people are vetted in order to rent these homes. Ms. Jeannotte stated that this is a huge concern. Ms. Jeannotte stated that when she and her husband travel and they rent places they are vetted quite extensively. Ms. Jeannotte stated that they have experienced first hand weekly rentals in Beaugrand Estates and it was disturbing when her children were home and they could not play in the yard. Ms. Jeannotte stated that many of the people who purchase these homes are not neighbors to the homes that they rent. Ms. Jeannotte stated that she is against this amendment.

Ms. Elliott asked if it is possible for this to go on a ballot for the community to vote on as opposed to being decided at this level. Ms. Elliott stated that something this significant should get a community vote.

Mr. Maziasz (Aloha Township) stated that short term rentals are an important factor in our community and around the lake. Mr. Maziasz stated that are a lot of cottages that are short term rentals and cause no issues at all. Mr. Maziasz stated that they are family oriented. Mr. Maziasz stated that if there are any issues the Sheriff's Department can be contacted. Mr. Maziasz stated that short term rentals are being categorized as having bad people. Mr. Maziasz stated that they are not bad people. Mr. Maziasz stated that they have an extensive amount short term rentals and they do not have any issues. Mr. Maziasz stated that if there are any issues, it is dealt with through enforcement. Mr. Maziasz stated that you must consider what these people bring into the community as they spend money in the area. Mr. Maziasz stated that it is a great economic growth for our community. Mr. Maziasz stated that if there are any issues there is enforcement to take care of it.

Mr. Elliott stated that there are five cabins in his association and they have rules and regulations that they give to the renters. Mr. Elliott stated that the subdivision should have rules also and the rules should be enforced. Mr. Elliott stated that if they have any issues they will talk to the homeowner and get the matter resolved. Mr. Elliott stated that short term rentals should be allowed. Mr. Elliott stated that their cabin area is nice and it encourages families to get together and rent.

Ms. Stempky stated that she is in favor of short term rentals. Ms. Stempky stated that she lives next door to her rentals that she owns. Ms. Stempky stated that in the past 17 years she has never had an issue. Ms. Stempky stated she has quite a few people that returned numerous times. Ms. Stempky stated that they buy groceries and gas. Ms. Stempky stated that they have not had any problems and this helps Cheboygan.

Public comment closed.

Mr. Kavanaugh stated that these rentals have been going on for many years in Cheboygan County with only several incidents that needed enforcement by zoning. Mr. Kavanaugh stated that this is an economic boost. Mr. Kavanaugh stated that subdivisions can have their own ordinance against short term rentals. Mr. Kavanaugh stated that the Planning Commission has heard a lot of comments (verbal and written) from both sides. Mr. Kavanaugh believes that with proper enforcement these rentals should be allowed in all areas of Cheboygan County. Mr. Kavanaugh stated that there hasn't been a large number of complaints and police activities regarding short term rentals. Mr. Kavanaugh stated Mr. Maziasz is a township supervisor with a lake in his township and he believes this is good for the economy. Mr. Kavanaugh stated this is a good economic boost and there are ways to regulate the concerns that have been discussed.

Mr. Freese stated the taxes are astronomical for people with lake property. Mr. Freese stated that a lot of people can't afford to keep their homes and they are only able to do so by renting the home in the summer. Mr. Freese stated that the county is going down hill and we have to do something to prop it back up again. Mr. Freese stated that we have closed 3 out of the 4 primary schools in Cheboygan because the population is decreasing. Mr. Freese stated that these rentals bring a lot of money into the county. Mr. Freese stated if this money doesn't come into the county there are a lot of people who will not be able to keep these houses. Mr. Freese stated that he believes we should do anything we can to prop up Cheboygan County. Mr. Freese stated this is a good way to do it.

Mr. Jazdyk stated that he was a property owner on Mullett Lake and rented by the week and month for 16 years. Mr. Jazdyk stated that in all the time that he rented he did not have any problems. Mr. Jazdyk stated that any time he received a

complaint there was immediate follow up and he did not rent to the people again. Mr. Jazdyk stated he understands the issues in Beaugrand Estates. Mr. Jazdyk stated that he knows of four families that depend on rental income to stay in the area. Mr. Jazdyk stated that he believes that people can responsible rent and take care of properties. Mr. Jazdyk stated that the problems can be taken care of on an individual basis.

Mr. Borowicz stated that in some respect we may have more complaints if this amendment is approved. Mr. Borowicz stated that if this amendment is not passed, we will have a bigger enforcement problem because we will have to try to identify all the homes that are being rented illegally now. Mr. Borowicz stated that it is short sighted to have a regulation that you are not able to enforce.

Mr. Freese stated that the population in Cheboygan County is aging, according to the census. Mr. Freese stated that the number of young people staying in the county is decreasing and the number being produced is decreasing also. Mr. Freese stated that older people die and leave their property to their children who can't afford the taxes. Mr. Freese stated that these rentals are producing jobs. Mr. Freese stated that he owned a business for 40 years in Cheboygan County and the City of Cheboygan is happy with the way things were and they didn't want to make any changes. Mr. Freese stated that they want to become a retirement community.

Ms. Lyon stated if this amendment is approved, the rules for the rentals will not be made by the Planning Commission. Ms. Lyon stated that the rules have to be developed by the association. Ms. Lyon stated that members of the association will have to contact the association to request that rules are developed to make sure that they feel safe.

Mr. Kavanaugh stated that if there are issues the Planning Commission can reevaluate in the future.

Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval.

Board held discussion. Mr. Jazdyk asked is the definition of family elsewhere in the Zoning Ordinance. Mr. McNeil stated that we have two family dwelling, multi-family dwelling and the term family is used in other sections of the Zoning Ordinance. Discussion was held.

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdyk), 1 Nay (Borowicz), 0 Absent

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 Light Industrial Development (D-LI).

Mr. McNeil stated that the applicant is proposing a waste hauling business. Mr. McNeil stated that this is not a waste disposal business and there is to be no waste on the site. Mr. McNeil stated that the only waste that would be on the site would be in a truck parked on the site overnight. Mr. McNeil referred to the site plan and noted the location of the existing office and proposed office addition. Mr. McNeil noted the location of where trucks will park and where empty dumpsters will be stored. Mr. McNeil stated that there isn't a use listing in the Zoning Ordinance for a waste hauler. Mr. McNeil stated that under section 7.3.13, the Planning Commission can make a determination that the proposed use is of the same general character as other uses allowed in Light Industrial. Mr. McNeil stated that parking is indicated on the site plan and there are two existing driveways; one on Levering Road and one on Inverness Trail Road. Mr. McNeil stated that there is also a residence on the property that the applicant is proposing to use.

Mr. Dixon stated that leachate stays in the truck and does not leak out as there is a seal. Mr. Dixon stated that they are dumping every other day and the trash is gone every two days. Mr. Dixon stated that there are five trucks. Mr. Dixon stated that he does not have as many dumpsters as he noted in the application and that he used a high number. Mr. Dixon stated that it is nice to keep everything in one area to keep an eye on. Mr. Kavanaugh asked how many dumpsters will there be on the site. Mr. Dixon stated that 100 were put on the plan, but he actually has 25. Mr. Jazdyk asked if maintenance of the trucks will be done at this site. Mr. Dixon stated that they have a garage with a drain. Mr. Dixon stated that they talked DEQ and they are able to haul their own water. Mr. Jazdyk asked if the trucks will be cleaned out on a regular basis. Mr. Dixon stated that they will clean the trucks out at the landfill and power wash the trucks at the car wash. Mr. Bartlett asked if the dumpsters will be cleaned on site. Mr. Dixon stated that they are not normally cleaned because they are empty. Mr. Dixon stated that there will not be any full dumpsters. Mr. Kavanaugh asked if the dumpsters are always clean. Mr. Dixon stated that usually, they are clean. Mr. Kavanaugh asked what is done with the dumpsters that are not clean. Mr. Kavanaugh asked if a closed system will be put in to pick up the leachate. Mr. Dixon stated that when they have had to wash one or two, they

were washed in the back of a truck with hot water with Dawn dish soap. Mr. Dixon stated that when the dumpster was picked up the water went into the truck and was then taken to the landfill.

Mr. Ostwald asked if there will be loading from one truck to another truck on site. Mr. Dixon stated no they are not allowed to transport it from one truck to another truck. Mr. Ostwald asked what was wrong with the other site. Mr. Dixon stated that there is more property at this location. Mr. McNeil stated that the last application reviewed was for a waste disposal facility which allowed transfer of waste on site. Mr. McNeil stated that this application does not propose the transfer of waste on site.

Mr. Jazdyk asked how long a truck will stay on site with waste in it. Mr. Dixon stated it would be two days and then they would go to the landfill. Mr. Ostwald asked what will happen on the weekend. Mr. Dixon stated that they work on Saturdays and they try to dump on Saturday.

Mr. Kavanaugh stated that historically there have been problems with waste handlers and waste haulers, so questions are being asked regarding leachate, odors, and flies. Mr. Dixon stated that he has stayed in contact with John Ozoga from the DEQ and they are meeting all the regulations.

Ms. Croft asked for public comments. Ms. Rocheleau stated that she is the Beaugrand Township Supervisor. Ms. Rocheleau stated that she submitted a letter for the Planning Commission to review. Ms. Rocheleau stated that her biggest concern is that even though waste haulers are not defined in the Solid Waste Management Plan they are mentioned in the plan. Ms. Rocheleau stated that the township board believes that this should be addressed by the Solid Waste Management Plan instead of the applicant applying for a special use permit. Ms. Rocheleau stated that there is a lot of detail in the Solid Waste Management Plan but the plan must be amended. Ms. Rocheleau stated that the Board of Commissioners is looking at amending the plan at this time. Ms. Rocheleau asked that the Planning Commission postpone any decision on this application until the plan is amended. Ms. Rocheleau stated that waste haulers are not defined in the Zoning Ordinance and after she talked to John Ozoga (DEQ) there is no DEQ oversight on waste haulers at all unless it is a type A transfer station then they have to be licensed through the DEQ. Ms. Rocheleau stated that these issues should be addressed by the Solid Waste Management Plan. Discussion was held. Ms. Rocheleau stated that the Solid Waste Management Plan was adopted by the county in 2000 and it had to be supported by all the municipalities in Cheboygan County. Ms. Rocheleau stated that the plan addresses a lot of issues with solid waste. Ms. Rocheleau stated that when the business was located on Stoney Pointe Road it was in violation of the Solid Waste Management Plan. Ms. Rocheleau stated that the Cheboygan County Board of Commissioners are aware of this and they are proposing to put together a committee to amend the Solid Waste Management Plan. Ms. Rocheleau stated that some of the surrounding counties have either adopted or amended their plans and they have included waste haulers and have cited specific criteria. Ms. Rocheleau stated that the Planning Commission should let this request go through the process it should have gone through in the first place. Mr. Jazdyk stated asked what is a reasonable timeline. Ms. Rocheleau stated that the Cheboygan County Board of Commissioners will address this issue at their meeting the end of this month and hopefully by the first part of May they will look for committee members. Ms. Rocheleau stated that the township has a cleanup day on pavement every year. Ms. Rocheleau stated that the roll offs and packers leak something onto the ground. Mr. Jazdyk asked if the applicant is required to meet the current Solid Waste Management Plan standards that are in place. Ms. Rocheleau stated that waste haulers are only mentioned in the Solid Waste Management Plan and there is nothing specifically defined. Ms. Rocheleau stated that there is ambiguity in the plan itself, but the plan is there. Ms. Rocheleau stated that civil counsel has advised the Cheboygan County Board of Commissioners abide by the adopted Solid Waste Management Plan. Mr. Freese stated that we do not know what the proposed Solid Waste Management Plan will cover. Mr. Churchill asked if they will still need a special use permit. Ms. Rocheleau stated that the Solid Waste Management Plan will replace the special use permit process and the applicant's plan will be reviewed by the committee appointed by the Cheboygan County Board of Commissioners. Mr. Kavanaugh asked if the committee or the Cheboygan County Board of Commissioners will have the final authority. Ms. Rocheleau stated that it will have to be approved by each of the townships.

Mr. Churchill stated that this should be postponed to allow legal counsel to provide an opinion to the Planning Commission. Mr. McNeil stated that legal counsel has reviewed the Solid Waste Management Plan and advised that the plan deals with type a and type b facilities and not waste haulers. Mr. McNeil stated that the request could be tabled to the next meeting if the Planning Commission wants legal counsels opinion on reviewing the application. Mr. Churchill and Mr. Kavanaugh are in favor of tabling the request.

Mr. Kavanaugh asked Commissioner Gouine and Commissioner Brown if the committee will be established in the next month or so. Commissioner Brown stated that it is on their planning agenda for April 25, 2017. Mr. McNeil stated that this will not be a quick process.

Ms. Rocheleau stated that there are a lot of issues with this location. Ms. Rocheleau stated that it is located next to the airport and there will be issues with birds. Ms. Rocheleau stated that there are issues with drainage ditches and the watershed. Ms. Rocheleau stated that most of the criteria in the Solid Waste Management Plan describe a location like an industrial park with sewer and water.

Mr. Freese stated that the action taken on the Stoney Pointe Road site was probably not legal and the Planning Commission should not have approved the application. Mr. Freese stated that there were things that were covered by the Solid Waste Management Plan, which we didn't know about at that time. Mr. Freese stated that ignorance is no excuse. Mr. Freese stated that the site was approved. Mr. Freese stated that it caused problems for a long period of time. Mr. Freese stated that a lot of the things causing problems at the Stoney Point location are not in this application but there are potential problems. Mr. Freese stated that our regulation does not cover this use so the Planning Commission must come up with a finding that the use is similar to another use. Mr. Freese stated that we cannot exclude this use and the Planning Commission must find a place for the use. Mr. Freese stated that despite the applicant saying that the trucks are sealed, the fact is that they leak. Mr. Freese stated that this may be a violation that the DEQ can cover. Mr. Freese stated that he does not want to take any action on this request until legal counsel is at the meeting. Mr. Freese stated that if the Planning Commission approves this request there will have to be many restrictions to ensure that it doesn't become another mess like Stoney Pointe Road. Mr. McNeil stated that the Planning Commission has the findings of facts, recommendations, and standards that can address concerns. Mr. McNeil stated that if the application does not meet the standards, then the application is denied. Mr. McNeil stated that if the Planning Commission wants an opinion from legal counsel regarding the Solid Waste Management Plan then the request can be tabled. Mr. McNeil stated that legal counsel has helped to put together the different responses for the Planning Commissions for each of the standards. Mr. McNeil stated that legal counsel has also reviewed the recommended conditions of approval. Mr. Freese stated that he does not like to see the applicant put off to allow the Cheboygan County Board of Commissioners time to form a committee and then come up with a plan and then get 60% of the municipality's approval. Mr. Freese stated that this will take a considerable length of time to complete this process. Mr. Borowicz stated this could take six months. Discussion was held.

Ms. Johnson stated that she lives at the corner of Levering Road and Inverness Trail Road. Ms. Johnson stated that her well is within 10 feet of the property line. Ms. Johnson stated that these trucks do leak and questioned what will happen to her well if this request is approved. Ms. Johnson asked what will happen to her property as the depreciation value of what happens in this area is significant. Ms. Johnson stated that she purchased her property hoping that it would appreciate and she would eventually sell. Ms. Johnson stated this would not be the case if this request is approved for this site. Ms. Johnson stated that the applicant does not address other buildings that are on the site plan. Ms. Johnson stated that the applicant has received a certificate of occupancy from the Department of Building Safety. Ms. Johnson questioned what is the current legal use of this property and if the buildings are being used for what has been approved. Ms. Johnson stated that a certificate of occupancy is required, it needs to go through a correct process which is through an architectural firm. Ms. Johnson stated that this process was not followed. Ms. Johnson questioned how this use that is detrimental can be put in this area.

Mr. Rocco stated he has known the applicant and his family for a long time. Mr. Rocco stated that he has owned a home on Inverness Trail Road for 7 years. Mr. Rocco stated that he has 4 children. Mr. Rocco stated that he has picked up numerous bags of garage from the ditches. Mr. Rocco stated he has found scrap metal (derby car door and bicycle) in the ditch. Mr. Rocco stated he is trying to clean up the neighborhood. Mr. Rocco stated he is not disputing that there is some sort of containment and it will not leak, but questioned what will happen if it does leak. Mr. Rocco stated that regarding the airport, he is concerned about birds being around due to the garbage. Mr. Rocco stated he does not believe this will be good for the community.

Public comment closed.

Board held discussion. Mr. Kavanaugh stated that it is reasonable to table this request until questions have been answered by legal counsel. Mr. Jazdyk stated that he would like to know what specifically the Planning Commission will be asking legal counsel. Mr. Kavanaugh stated that the questions will be: 1. How the Planning Commission can review the request, 2. What can be done for bonds, 3. What can be done for leachate.

Mr. Kavanaugh stated that it will give us time to talk to John Ozogga (DEQ) regarding collecting and hauling. Mr. Kavanaugh stated that they were not allowed to do this at the other site. Mr. Kavanaugh stated that it will allow Mr. McNeil time to check with the DEQ to see if there is any oversight. Mr. Jazdyk requested that the list of questions be provided to the Planning Commission in the next packet. Mr. Freese stated that it is up to the Planning Commission to come up with questions that need to be answered. Mr. Freese stated that by the next meeting each Planning Commission member should provide a list of

questions that they feel are pertinent to this request. Mr. Freese stated that the list of questions will be put together and presented at the next meeting to the applicant and legal counsel. Discussion was held.

Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to table the request until the May 17, 2017 Planning Commission meeting to allow Planning Commission members and the public to have questions ready for the May 3, 2017 meeting. Motion carried unanimously.

RACC Enterprises, LLC and Griswold Mountain Properties, LLC - Requests a Special Use Permit for a wireless communication facility (Section 17.13.). The property is located at 6444 Griswold Mountain Drive, Tuscarora Twp., section 12, parcel #161-012-300-003-01 and #161-012-300-003-01, and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil referred to the proposed site plan and noted the proposed location for the 120 foot communication facility for internet. Mr. McNeil noted that this is the same site plan that was submitted to the Planning Commission for another communication facility that was going to be put on a reconstructed lookout tower. Mr. McNeil noted that this is two parcels with over 190 acres.

Mr. Babcock stated that he is a wireless engineer for RACC Enterprises LLC. Mr. Babcock stated that they are trying to fill a need of the county. Mr. Babcock stated that a lot of people are looking to move to Cheboygan and one of the criteria is internet being available at their house. Mr. Babcock stated that the tower will cover a good area and it will allow them to branch out to Afton. Mr. Babcock explained that people who work from home and people who home school need the internet. Mr. Babcock stated that access to the internet is an issue and they are trying to help address this issue. Mr. Babcock stated that this is not a huge tower and is hidden in the trees. Mr. Babcock stated that the tower is short and there are no lights at the top and there are no problems with the FAA.

Mr. Churchill asked what is the frequency of this tower. Mr. Babcock stated that this tower will be using the 3.65 gigahertz band. Mr. Churchill asked how far out is the radiation pattern. Mr. Babcock stated that this one will reach about 8 miles.

Ms. Croft asked for public comments. There were no public comments. 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, Findings of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2b, 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 General Findings, Findings of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2b, the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.

Edward Shovan - Requests a Special Use Permit for Boat Storage and Indoor Storage Facility (50 ft. x 144 ft.) and a change of use for an existing structure from Private Storage to Indoor Storage Facility (40 ft. x 144 ft.) (Sections 6.3.14. and 6.3.16.). The property is located at 1771 and 1829 South Straits Highway, Tuscarora Twp., section 7, parcel #161-007-300-010-01 and #161-012-300-010-02, and is zoned Commercial Development (D-CM).

Mr. McNeil referred to the site plan and stated the building to the north represents the existing structure that is 40 feet x 144 feet and is proposed for the change of use to indoor storage. Mr. McNeil stated that the area to rear is proposed for outdoor boat storage. Mr. McNeil stated that to the south is the location of a proposed building that will be 50 feet x 144 feet. Mr. McNeil stated that this building is proposed for indoor storage.

Mr. Fullford stated that the property is zoned Commercial Development and there is a need for commercial storage buildings. Mr. Fullford stated that Mr. Shovan has done a good job with the grading on the site. Mr. Fullford stated that there is an adequate storm retention area. Mr. Fullford stated that Mr. Shovan has put in the approaches per county requirements. Mr. Kavanaugh asked if the only outside storage is behind the building. Mr. Fullford stated yes. Mr. Fullford stated that he understands that someone may bring a boat to the site to be stored and Mr. Shovan will have it put away within one or two days. Mr. Fullford stated that he understands outside storage is limited to boats. Mr. Fullford stated that the site will be kept orderly. Mr. Fullford stated that Mr. Shovan does a good job at keeping the sites clean.

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

Mr. Borowicz stated that there were a couple of waiver requests and based on the site plan they are not necessary.

The Planning Commission reviewed and approved the General Findings, the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, 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. Outside storage is for boats only.
2. Department of Building Safety requirements must be met.
3. Signs must meet the requirements of Section 17.19.
4. All outdoor lighting must be notated on the site plan.

Motion carried unanimously.

Robert Andrews - Requests a Special Use Permit for an Indoor Storage Facility (30 ft. x 140 ft.) (Section 6.3.16.). The property is located at 6123 North Straits Highway, Inverness Twp., section 34, parcel #091-034-400-006-03, and is zoned Commercial Development (D-CM).

Mr. McNeil referred to the proposed site plan and stated there are existing mini storage structures currently on the site that are parallel to North Straits Highway. Mr. McNeil stated that a new structure, just like the existing structure, is proposed as indicated on the site plan. Mr. McNeil stated that the size of the proposed structure is 30 feet x 140 feet.

Ms. Croft asked for public comments. Mr. Pond stated that he is a neighbor and has lived at this location for 26 years. Mr. Pond stated that Mr. Andrews has been a good neighbor and has kept the place up. Mr. Pond stated that the site is landscaped nicely and there are no loud noises. Mr. Pond stated that this has not bothered him and he lives next door. Public comment closed.

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

The Planning Commission reviewed and approved the General Findings, 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 meeting Soil and Sedimentation requirements and Department of Building Safety requirements. Motion carried unanimously.

Thomas Redman / Exodus 33:13, LLC - Requests a rezoning from Agriculture and Forestry Management District (M-AF) to Light Industrial Development District (D-LI). The property proposed to be rezoned is located in Walker Township, Section 5 and described as follows; Parcel #220-005-200-001-01 described as, COM NE COR OF NW1/4 OF NE1/4, SEC 5, T34N,R1W; TH WLY 250FT ALG N SEC LI; TH S 300FT; TH E 250FT TO E LI OF NW1/4 OF NE1/4; TH N 300FT TO POB, PT OF NW1/4 OF NE1/4. Also Parcel #220-005-200-002-00 described as, COM AT NE COR OF NW1/4 OF NE1/4, SEC 5, T34N,R1W; TH W 325FT TO POB; TH S 300FT; TH W 200FT; TH N 300FT TO N. SEC LI; TH E TO POB, PT OF NW1/4 OF NE1/4

Mr. McNeil stated that Mr. Redman is requesting rezoning of two parcels from Agriculture and Forestry Management to Light Industrial. Mr. McNeil stated that the size of the parcels together is 3.2 acres. Mr. McNeil stated that Mr. Redman has plans to expand the facilities for his business which lies on the north side of M-68. Mr. McNeil stated that this area is projected for Light Industrial on the Future Land Use Map.

Mr. Redman stated that he is the President of Tube Fab which is located on the north side of M-68. Mr. Redman stated that there is also a manufacturing facility located on the south side of M-68. Mr. Redman stated that he would like to build a storage facility. Mr. Redman stated that he is getting more work and it is filling up his floor space in the main factory on the north side of the road. Mr. Redman stated that machines that are used for service work periodically are pulled every six months or every two years. Mr. Redman stated that these machines must be stored when they are not being used. Mr. Redman stated that this will be the primary use. Mr. Redman stated that the front part of the building will be used as a training center. Mr. Redman stated that he wants to be the employer of choice in Cheboygan County.

Ms. Croft asked for public comments. Mr. Muscott congratulated Mr. Redman on expanding. Mr. Muscott stated that more of this is needed in Cheboygan County. Public comment closed.

The Planning Commission reviewed and approved the General Findings:

1. The Planning Commission finds that the application for rezoning is made by Thomas Redman. See exhibit 4

2. Thomas Redman is the property owner.
3. The Planning Commission finds that the applicant proposes rezoning of the property, as provided in the application, from Agricultural and Forestry Management District (M-AF) to Light Industrial Development District (D-LI). See exhibit 4.
4. The Planning Commission finds that the legal description of the property, proposed to be rezoned, is included with the application. See exhibit 4.
5. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the area where the proposed rezoning is being proposed as Light Industrial, Forestry/Agriculture and Rural Commercial Node and the parcels proposed to be rezoned Forestry/Agriculture. See exhibit 11
6. The Planning Commission finds that the lots neighboring the property are currently zoned Light Industrial Development District (D-LI) and Agriculture and Forestry Management District (M-AF)

The Planning Commission reviewed and approved the Rezoning Factors:

1. Is the proposed rezoning reasonably consistent with surrounding uses?
 - A. The Planning Commission finds that based upon the information provided in the staff report, which includes the subject area located on the Cheboygan County Master Plan Future Land Use Map, that the property is surrounded on north, south and west by land in the Light Industrial future land use category. See exhibit 7 figure 2.
 - B. The Planning Commission finds that the neighboring property to the west and north contains industrial uses.
 - C. The Planning Commission finds that the Cheboygan County Master Plan states that actual land use goals may be better described by an adjacent Future Land Use category and the surrounding properties are mostly designated as a Light Industrial future land use category.
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. Activities which could occur if the subject property is rezoned would not physically disturb the properties surrounding the land proposed for the rezoning. See exhibit 1 and 4.
 - B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, the future land use categories for land surrounding the property on the north, south and west is Light Industrial and an area to the east Rural Commercial Node. 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.
This standard has been met.
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 Future Land Use Map designates an area to the east of the property as Rural Commercial Node and area to the north, west and south of the property as Light Industrial. See exhibit 2 and 11
 - B. The Planning Commission finds that the industry on the neighboring property has expanded and there is a need for jobs in the region and demand for this industry is a community need.
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 light industrial uses currently exist to the west and to the north of the property and 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 11.
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 neighboring property to the north south and west is currently zoned Light Industrial Development District (D-LI). As such, the proposed rezoning does not create a special privilege or result in spot zoning. See exhibit 11.
 - B. The Planning Commission finds that the rezoning of these properties would improve consistency of the zoning scheme for this area.
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 light industrial uses to the west and north of the property. See exhibit 11.
 - B. The Planning Commission finds that given the Master Plan and Future Land Use Map, the rezoning would be more in line with uses allowed under the future land use designation for the area. See exhibit 2.
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 Future Land Use Map designates an area to the north, west and south of the property as Light Industrial. See exhibit 2 and 11.
 - 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 for the property 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.
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 property 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. See exhibit 3.
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 there is little land area with road frontage on sites nearby for zoned for light industrial uses. See exhibit 11.
This standard has been met.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to recommend approval of the rezoning to the Cheboygan County Board of Commissioners based on General Findings and the Rezoning Factors. Motion carried unanimously.

Colony Beach Association – Requests a Site Plan Review for a proposed condominium (Section 20.3.d). The property is located at 7491 McDonald Rd., 738 Colony Beach Ln., 694 Colony Beach Ln., 700 Colony Beach Ln., 693 Colony Beach Ln., 715 Colony Beach Ln., Benton Township, Section 29, parcel #104-029-100-056-01, #104-029-100-056-02, #104-029-100-056-03, #104-029-100-056-04, #104-029-100-056-05, and is zoned Lake and Stream Protection (P-LS).

Mr. McNeil stated that the Zoning Ordinance requires site plan review for condominiums. Mr. McNeil stated that this is a condominium conversion from a current association. Mr. McNeil stated that there are no changes being proposed to any of the structures or uses. Mr. McNeil stated that he has noted in the findings that there are a couple of non-conforming structures relative to side setback and front setback.

Mr. Fullford stated that based on the history, the original bylaws were executed in 1988 and the articles of incorporation were filed in 1989. Mr. Fullford stated that there have been many changes since this time. Mr. Fullford stated that they are nice residential units that are kept up well. Mr. Fullford stated that the reason for the conversion is for ease of ownership. Mr. Fullford stated that the units are owned with a stock certificate with undivided interest. Mr. Fullford stated that by creating a condominium each one can be fee simple ownership. Mr. Fullford stated that with the conversion, additional condominium bylaws will be created and will be more stringent to make changes. Mr. Fullford stated that 2/3 of property owners will have to agree to any changes. Mr. Fullford stated that all septic facilities and water facilities are up to code, but he is doing more homework on the water system. Mr. Fullford asked if the Planning Commission can approve the request and he will work with the Health Department as it is part of the statute.

Mr. Kavanaugh stated that the Health Department will require an inventory of what exists for sewage systems and water. Mr. Kavanaugh stated that Mr. Fullford will have to provide a schedule for sampling and maintenance of the septic systems. Mr. Kavanaugh stated that he has worked with Mr. Fullford before on other conversions.

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

The Planning Commission reviewed and approved the General Findings and the Specific Finding of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan review based on the General Findings and Specific Findings of Fact Under Section 20.10 subject to legal approval of the master deed and Health Department approval. Motion carried unanimously.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

No comments.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

Mr. Freese provided an update on Commissioner Matelski.

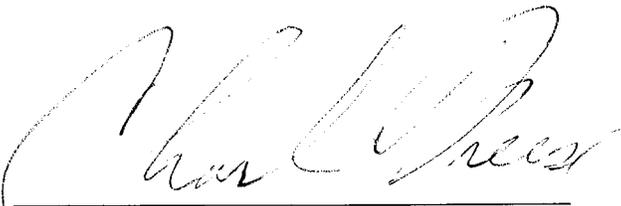
PUBLIC COMMENTS

Mr. Muscott stated that he talked with Tom Eustice (City of Cheboygan). Mr. Muscott stated that Mr. Eustice has waited approximately a month to hear back from Meijer if they are interested in participating in funding the waterline which would be required with the 425 agreement as the city does not have the funds to pay for it. Mr. Muscott stated that Mr. Jones (Meijer) conveyed that they are booked out through 2017-2018 and they may look at some progress in 2019. Discussion was held.

Mr. Kavanaugh asked if there are any permits for construction on the lakeshore in Topinabee across from the cabins by the public boat launch. Mr. Kavanaugh stated that the Soil Erosion Officer should look at this work that is being done. Mr. Muscott stated that a DEQ permit has not been issued for this project.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:00pm.



Charles Freese
Planning Commission Secretary