



CHEBOYGAN COUNTY PLANNING COMMISSION

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**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JULY 17, 2019 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

SCHEDULED PUBLIC HEARINGS

UNFINISHED BUSINESS

- 1.) Zoning Ordinance Amendment #153 -- Amendment of Subsection 18.7.e. -- Standards for Special Land Use Approval.
- 2.) Continued Discussion Regarding Amending Zoning Ordinance No. 200 to Permit Home Occupations and Bathroom Facilities in Private Storage Buildings.

NEW BUSINESS

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



Revised 07/17/19

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JULY 3, 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: Jen Merk, Mike Turisk
GUESTS: Eric Boyd, John F. Brown, Carl Muscott, John Moore, Bob Lyon, Amber Howard, Craig Knaffle Dustine Mecham

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, 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 June 5, 2019 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Johnson, 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

Terry Knaffle - Requests an amendment of a Special Use Permit to construct three Indoor Storage Facilities, per Sections 9.3.24 (Indoor Storage Facilities) and 18.11 (Amendment of Special Use Permit) of the Zoning Ordinance. The subject property is zoned Agriculture and Forestry Management (M-AF) and is located at 12106 Inverness Trail, Beaugrand Twp., Section 35, Parcel #041-035-300-008-08.

Ms. Merk reviewed the background information contained in the staff report.

Board held discussion. Ms. Lyon asked if there will be a holding area for the water from the roofs. Mr. Knaffle explained that he would dig down to the sand and put in gravel. Mr. Knaffle stated that he is requesting three buildings, but he is unsure that he will build all three buildings. Mr. Freese explained that Mr. Knaffle owns the property that drops off towards Woiderski Road. Mr. Freese stated that Mr. Knaffle will have to comply with DEQ requirements as there are possible wetlands on the south edge of the building site.

Mr. MacArthur stated that he is representing Mr. Knaffle. Mr. MacArthur stated the property is L shaped and if all three buildings are constructed they would all drain onto Mr. Knaffle’s property. Mr. MacArthur stated that property owners to the south had concerns, but the three proposed buildings are remote and there wouldn’t be an impact. Discussion was held. Mr. Kavanaugh stated that he talked with the Department of Building Safety and the Zoning Department and no complaints have been filed since Mr. Knaffle has started this business. Discussion was held regarding letters of support and letters of opposition that have been submitted in regards to the application.

Ms. Croft asked for public comments. Ms. Rocheleau stated that the issue with the ditch has been an ongoing issue. Ms. Rocheleau stated that the ditch has been drained. Ms. Rocheleau noted that there is water in the ditch by her house. Ms. Rocheleau stated that Mr. Knaffle’s place is very neat and tidy. Ms. Rocheleau stated that existing fence is substantial. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Bartlett, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

The Planning Commission reviewed and approved the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit amendment based on the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27 with the following conditions:

1. Meet Department of Building Safety requirements
2. Meet Cheboygan County Road Commission requirement
3. Screening on north side in accordance with Zoning Ordinance #200
4. Meet DEQ requirements

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

Nicolas Bunker/Pat Schultz – Requests a Special Use Permit to construct an Indoor Storage Facility, per Section 6.3.16 (Indoor Storage Facilities) of the Zoning Ordinance. The subject property is zoned Commercial Development (D-CM) and is located at 4901 Webb Road, Nunda Twp., Section 8, Parcel #251-008-106-051-00.

Ms. Croft declared a conflict of interest based on a business relationship with Nicolas Bunker and Pat Schultz.

Ms. Merk reviewed the background information contained in the staff report.

Mr. Kavanaugh stated that he believes that other indoor storage facilities in Commercial Development were not allowed 24 hour access. Ms. Lyon stated that it does not make sense to allow 24 hour access when there is no lighting proposed. Mr. Borowicz questioned the purpose of the chain link fence if there is 24 hour access. Mr. Bunker stated the chain link fence is for security. Mr. Freese asked if access will be through the restaurant parking area. Mr. Bunker stated yes. Mr. Kavanaugh and Ms. Lyon noted that no lighting or signs are proposed. Discussion was held.

Mr. Borowicz asked for public comments. Mr. Muscott suggested keeping the self storage buildings toward the rear of the lot and preserving the more valuable commercial frontage on Webb Road. Mr. Freese noted that it is the property owner's choice. Mr. Moore stated that the township does not have any concerns. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 7Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

The Planning Commission reviewed and approved the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27 with the following conditions:

1. Meet Department of Building Safety requirements
2. Meet Cheboygan County Road Commission requirement
3. Hours of operation limited to 6:00am to 10:00pm

Motion carried. 7Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

UNFINISHED BUSINESS

Continuing Discussion Regarding Zoning for Tiny Homes and Accessory Dwelling Units.

Mr. Turisk stated that a discussion was held on 06/05/19 regarding tiny home land uses with the intent of determining if the Planning Commission wanted to proceed. Mr. Turisk explained that the six questions that were mentioned in the "Practice Tiny Houses" manual should assist the Planning Commission in determining if they want to proceed. Mr. Turisk stated that there are allowances for tiny homes such as a guest house in the Zoning Ordinance. Mr. Turisk stated that guest homes are not a stand-alone principal uses. Mr. Turisk stated that guest homes are allowed up to 600sf and this is a tiny home. Mr. Turisk asked if we want to identify areas where we would allow these types of uses. Mr. Freese stated that he prefers not to use the term tiny home. Mr. Freese noted that if it is an accessory dwelling on a property with a principal dwelling, there is an incentive on the part of the home owner to prevent having a less than acceptable dwelling on his property. Mr. Freese suggested allowing guest houses in more districts than just the Lake and Stream Protection Zoning District. Mr. Freese stated that tiny homes could be authorized in PUD's. Mr. Kavanaugh stated that this will be going backwards if tiny homes are allowed. Mr. Kavanaugh stated that the Zoning Ordinance requires 720sf and the average new house being constructed is 2100sf. Mr. Kavanaugh stated that he would like to see tiny homes authorized in a PUD. Mr. Bartlett asked if we are getting

requests for tiny homes. Mr. Turisk stated he has not received any recent inquiries, but staff has received inquiries. Mr. Turisk stated that we have not received a great number of inquiries over the past 6-8 months. Mr. Kavanaugh stated that interest was prompted due to a recent enforcement issue. Mr. Kavanaugh stated that tiny homes should be authorized in a PUD since there is not a lot of interest at this time. Ms. Lyon stated that tiny homes should be a stand-alone use, according to Building Code regulation. Discussion was held regarding Mr. Turisk reviewing aesthetic standards with legal counsel.

NEW BUSINESS

City of Cheboygan – Draft Master Plan Discussion

Ms. Croft stated that the Planning Commission has received a copy of the City of Cheboygan's draft Master Plan. Ms. Croft asked if there are any comments. Ms. Croft stated that she reviewed the Master Plan and she does not have any comments. Mr. Turisk stated he will continue to review the draft Master Plan and if he has any questions or points to consider he will bring them up at the next meeting. Mr. Turisk stated that the Planning Commission members can submit questions and comments to the Planning and Zoning Department.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

Mr. Turisk stated that the expansion of guest house uses or accessory dwelling units was identified in the 2014 update. Mr. Turisk stated PUD's and allowing for home occupations in a private storage building was also discussed. Mr. Turisk provided an example of an owner of a private storage building allowing someone to rent space in the private storage building for a fee. Mr. Turisk stated that currently this is considered commercial storage. Mr. Borowicz stated that this is unenforceable. Mr. Turisk noted that our enforcement is complaint driven. Mr. Turisk asked if this is something that the Planning Commission would like to consider. Discussion was held. Mr. Freese stated that this is not something that the Planning Commission should condone as it is saying that private storage buildings are allowed to be used as commercial storage buildings. Mr. Freese stated that the Planning Commission should authorize home occupations in a private storage building. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Borowicz stated that the Michigan Department of Agriculture has changed their standards for the location of new and expanded animal agricultural operations. Mr. Borowicz stated that zoning is no longer referred to in GAAMP's. Mr. Borowicz stated that it should not be a problem as permits are based on residential density within certain distances.

Ms. Johnson stated that it has come to her attention that the Zoning Enforcement Officer is not only doing zoning enforcement but he is also responsible 50% of the time for soil and sedimentation. Ms. Johnson stated that this Planning Commission voted in August 2018 that a full time Zoning Enforcement Officer is necessary to carry out the duties that are required. Ms. Johnson proposed that the Planning Commission come together again and support a letter to the Cheboygan County Board of Commissioners to let them know that a full time Zoning Enforcement Officer is needed and not someone who is also responsible for soil and sedimentation. Mr. Borowicz and Mr. Kavanaugh agreed that this is a good point. **Motion** by Ms. Johnson, seconded by Mr. Freese, to compose a letter and send it to the Cheboygan County Board of Commissioners stating the Planning Commission's concerns regarding the lack of enforcement. Board held discussion. Mr. Borowicz stated that if we do not have enforcement, we may as well not have zoning. Mr. Freese stated that we are finally making progress on enforcement and if Mr. Peltier is spending 50% of his time on anything else, then we are defeating the primary purpose of this job. Ms. Johnson stated that this was brought to her attention by a concerned citizen and she talked with Mike Peltier last week. Ms. Johnson stated that last week he spent 30 hours doing Soil and Sedimentation inspections. Ms. Croft asked if Mr. Peltier has completed the Soil and Sedimentation training. Mr. Turisk stated that Mr. Peltier has completed the first phase of the certification which allows him to inspect and document. Mr. Turisk stated that he does not have the full certification. Mr. Turisk explained that Mr. Peltier is doing a lot of the "repeat" soil inspections. Ms. Croft asked who is fully certified for Soil and Sedimentation. Mr. Turisk stated Matt Cronk and Paul Morse are fully certified. Mr. Turisk stated that he has the SESC certification, which is the same certification that Mr. Peltier has obtained. Mr. Turisk stated he intends to obtain the full certification to help out. Mr. Turisk stated that he is aware of the Planning Commission's concern of a lack of enforcement in the past. Mr. Turisk stated that Mr. Peltier has done an admirable job cleaning up a lot of the enforcement issues and there is still a lot of work to be done. Ms. Johnson stated her concerns regarding the enforcement going back to the way it was in the past. Ms. Johnson stated that this is a failure of our responsibilities to the general public. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

Mr. Kavanaugh stated that there is new legislation regarding control by local planning and zoning regarding short term rentals. Mr. Kavanaugh stated that he saw on the news that Charlevoix is not allowing short term rentals. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that there is a new solar array at the corner of Woodmansee and Straits Highway and it appears that it complies with Zoning and Department of Building Safety requirements. Mr. Muscott stated that it sticks out like a sore thumb. Mr. Muscott stated at the corner of Elmwood and Westway there is a private storage building that is an engineered steel building with no wood structure and no eaves. Mr. Muscott stated this is what Cheboygan County allows but he prefers a nicely sided small house rather than a private storage building.

Mr. Muscott stated that there is a tiny home under 500sf built on the Cheboygan River across the road from VFW Road. Mr. Muscott stated that he talked to Mr. Peltier about this enforcement issue. Mr. Muscott does not believe that a variance would be approved for this small home.

Mr. Muscott believes that 3 previous employees who have left Cheboygan County also received the soil certification. Mr. Muscott stated he talked with the person at the state level who looks after soil erosion and Cheboygan County is lacking in a lot of areas. Mr. Muscott stated that there may be a need for a full time Soil Erosion Officer.

Mr. Muscott stated that section 3.5. has been identified by other county planning officers as a blight ordinance that deals with inoperable and unlicensed vehicles. Mr. Muscott stated that Mr. Peltier is not allowing an unlicensed vehicle with a trail permit on it. Mr. Muscott stated that a plow truck may be unlicensed and it is not allowed by Mr. Peltier based on Section 3.5.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:37pm.

Charles Freese
Planning Commission Secretary



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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MEMORANDUM

Date: July 11, 2019
To: Planning Commissioners
From: Michael Turisk, Planning Director
Re: **Zoning Ordinance Amendment #153 -- -- Amendment of Subsection 18.7.e.
(List of Standards for Special Land Use Approval)**

Planning Commissioners,

Recall that at our regular meeting on June 5, 2019 the Planning Commission considered an amendment to the Zoning Ordinance that would delete in its entirety Subsection 18.7.e. from the list of Special Use approval standards under Section 18.7.

Subsection 18.7.e. currently reads as follows:

e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

However, after brief discussion on June 5, rather than delete Subsection 18.7.e., staff was directed to amend the language to help ensure, in part, that proposed Special Uses would be provided fire, police and other emergency services. Therefore, staff, along with guidance from legal counsel, proposes the following possible amendments to replace the current text as noted above:

18.7.e. The proposed special land use will be covered by existing public fire, police, and emergency medical services and will not substantially increase hazards to the subject property or adjacent properties from fire, wind, and/or surface water runoff.

OR

18.7.e. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, or the party responsible for the establishment of the proposed special land use shall be able to provide adequately any such service. The special land use will not increase hazards from fire or other dangers to the subject property or adjacent properties.

OR

18.7.e. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, and will not increase hazards from fire or other dangers to the subject property or adjacent properties.

We will continue to discuss this proposed text amendment at our regular meeting on July 17 whereby I anticipate we will schedule a formal public hearing on this matter for the near future.

Enclosures



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Date: July 11, 2019

To: Planning Commission

From: Michael Turisk, Planning Director

Re: Proposed Zoning Ordinance Amendments Regarding Permitting Home Occupations and Bathroom Facilities in Private Storage Buildings.

Commissioners,

Sporadically over the last number of months, we have engaged in informal, “exploratory” discussion regarding comparatively low-impact text amendments to our Zoning Ordinance to make for a more small business friendly regulatory environment in Cheboygan County. To this point, we have touched upon the possibility of permitting Home Occupation activities in stand-alone private storage buildings as a relief mechanism for enhancing small business opportunities in the County. Given the tone of discussion on this matter, it is suggested that there is at least a collective willingness on the part of the Planning Commission to consider amending the Zoning Ordinance to facilitate the expansion of Home Occupation opportunities in this manner.

Furthermore, as a sidebar we have discussed permitting bathroom facilities installation/use in private storage buildings. Again, our brief discussion on this matter suggests that at least several Planning Commissioners feel this is reasonable and should at least be considered.

This memorandum serves as an outline of sorts of possible text amendments that intend to facilitate the aforementioned intent. Proposed added text is shown in red while proposed deleted text is shown as strikethrough.

In Article 2 (Definitions):

- Provides an amended definition for Private Storage Building:

Private Storage Building

A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping and/or cooking ~~and/or sanitation including but not limited to a toilet facility.~~

- Provides an amended definition for Private Storage/Workshop Building:
Private Storage/Workshop Building
 A building that is used for private, non-commercial storage or home workshop purposes **or home occupation purposes** with no provisions for overnight living or sleeping areas.
- Provides an amended definition for Agricultural/Private Storage/Workshop Building:
Agricultural/Private Storage/Workshop Building
 A building that is used for both agricultural and private non-commercial storage, home workshop purposes **or home occupation purposes** with no provisions for overnight living or sleeping areas.
- Provides an amended definition for Contractor:
Contractor
 General builders engaged in the construction or modification of residential, commercial, and industrial structures and/or involved in activities such as masonry, paving, highway construction, and utility construction ~~and excluding home occupations as defined in the ordinance.~~
- Provides an amended definition for Home Occupation:
Home Occupation
 Any commercial business operation on a residential use parcel by the residents thereof **or within a stand-alone private storage building** and that does not conflict with or operate out of character with any surrounding land uses.
- 17.21.3.A. (Home Occupation Standards), the term “private storage building” has been included:
 Home occupations must be conducted within the principal residential structure ~~and~~, permitted accessory structures **or private storage building**.
- Subsection 17.23.1.b. indicates that no home occupations or home occupation related activity can occur on the property or within the building. This text is proposed to be deleted in its entirety.
- Includes home occupations as permitted under Subsection 17.23.1.c:
 17.23.1.c. Only goods, ~~and~~ material storage **and/or approved home occupations are** ~~is~~ permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- Currently, Subsection 17.23.1.h. indicates that no bathroom facilities are permitted in private storage structures; therefore, staff is simply proposing to delete said text.
- Subsection 17.23.1.j. includes the text in **red**:
 17.23.1.j. **Except for approved home occupations**, the structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

I look forward to further discussion on this matter with the Planning Commission next week.
Please contact me should you have questions.