



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, NOVEMBER 20, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana
ABSENT: Johnson
STAFF: Mike Turisk, Jen Merk
GUESTS: Eric Boyd, John F. Brown, Carl Muscott, Russell Crawford, Cheryl Crawford, Cal Gouine, John Moore, Charles Maziasz, Amy Rodriguez

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. Borowicz, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0Nays, 1 Absent (Johnson)

APPROVAL OF MINUTES

The October 2, 2019 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0Nays, 1 Absent (Johnson)

The October 16, 2019 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0Nays, 1 Absent (Johnson)

PUBLIC HEARING AND ACTION ON REQUESTS

TeleCAD Wireless Site Design, Inc. on behalf of Verizon Wireless and Chuck and Carol Underwood - A special use permit request for a wireless communication facility, per Section 17.13 of the Zoning Ordinance. The proposed wireless communication facility's address is 4802 Carlson Rd. The property address is 4981 Riggsville Rd., located in Inverness Twp., Section 20, Parcel # 091-020-300-002-00 and zoned Agriculture and Forestry Management (M-AF). A special use permit was approved in October 2017; however, per Section 18.12., an approved special use permit shall expire one year following approval by the Planning Commission unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit.

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

Ms. Rodriguez stated that she represents Telecad Wireless. Ms. Rodriguez stated that she originally obtained the special use permit, building permit and driveway permit and then the project was put on hold. Ms. Rodriguez stated that if she received Planning Commission approval tonight, she will update the construction drawings and resubmit the applications for the building permit and driveway permit. Mr. Borowicz asked if there were any substantial changes. Ms. Rodriguez stated that the only change is to the driveway and is due to the line of sight issue identified by the Road Commission.

Mr. Freese noted that the applicant has requested five waivers. Mr. Freese referred to the waiver request for item e and noted that the ditches are shown on the site plan. Mr. Freese referred to the waiver request for item j and noted that there are no sidewalks proposed so this is not applicable. Mr. Freese referred to the waiver request for item n and noted that this is

covered in the narrative. Mr. Freese referred to the waiver request for item p and noted that there are no trash receptacles proposed so this is not applicable. Mr. Freese referred to the waiver request for item r and noted that there are no storage facilities for hazardous materials proposed so this is not applicable. Mr. Freese stated that the applicant does not have to request any waivers.

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

Board held discussion. The Planning Commission reviewed and approved the General Findings, Findings Of Fact Under Section 17.13.1, Findings Of Fact Under Section 17.13.2, Finding of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Findings Of Fact Under Section 17.13.1, Findings Of Fact Under Section 17.13.2, Finding of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10 subject to:

1. Meet FCC/FAA standards
2. Meet Road Commission standards
3. Meet Department of Building Safety standards

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

UNFINISHED BUSINESS

Continued discussion regarding proposed Zoning Ordinance Amendment #154 relative to Home Occupations, Limited Commercial Enterprises and Private Storage Buildings.

Mr. Turisk explained that proposed Zoning Ordinance Amendment #154 will expand small business opportunities by allowing for an expansion of Home Occupation businesses specifically allowing them in standalone private storage buildings/workshops. Mr. Turisk stated that the Planning Commission previously discussed a definition for Limited Commercial Enterprise that makes a distinction between home occupations and the expanded home occupation small business type uses in standalone private storage buildings, agricultural buildings and private storage/workshop buildings. Mr. Turisk stated that the proposed changes to the amendment are highlighted in yellow. Mr. Turisk noted that the changes highlighted in green are the latest additions per legal counsel's recent direction. Mr. Turisk noted that legal counsel suggested identifying in the amendment the structures (Agricultural/Private Storage/Workshop Building, Private Storage Building and Private Storage/Workshop Building) where Limited Commercial Enterprises will be conducted. Mr. Turisk stated that the amendment had to be renumbered due to these changes. Mr. Turisk noted that the application shall include "Additional information as may be determined necessary." was added to the amendment. Mr. Turisk stated this was added to quell any concerns about Limited Commercial Enterprise uses going beyond what is considered small scale non-residential use. Mr. Turisk stated that there were concerns regarding whether a contractor's yard would be allowed under this amendment and this is not the case. Mr. Turisk stated that currently offices related to contractors or contractor's yards are allowed as a Home Occupation. Mr. Turisk stated that a contractor's yard would not be allowed as a Home Occupation or a Limited Commercial Enterprise use. Mr. Turisk stated that an office related to this use would likely be approved. Mr. Turisk noted that permitted uses for Home Occupations and Limited Commercial Enterprise were included together in section 17.21.2. Mr. Turisk stated that staff did leave the language in the proposed amendment regarding restricting the types of bathroom fixtures. Mr. Turisk stated that this proposed amendment will fulfill an identified goal in the 2014 Master Plan.

Mr. Freese referred to section 17.21.1 and stated that this section states that a zoning permit is not necessary unless all of the items listed apply. Mr. Freese stated that this is a change from requiring a zoning permit if any one or more of the items apply. Mr. Turisk stated that legal counsel felt that this section was misleading and that it said that Home Occupations are limited to those items listed. Mr. Freese stated that he does not read it this way at all. Mr. Freese stated that the way it is proposed to read is that Home Occupations and Limited Commercial Enterprise uses shall not require a zoning permit unless all of the conditions listed apply. Mr. Turisk stated that this may not have been fully considered by legal counsel. Mr. Borowicz referred to section 17.21.1B and read "No Home Occupation or Limited Commercial Development shall be conducted until a zoning application has been approved...". Mr. Borowicz questioned if a zoning permit is or is not required. Mr. Freese stated that work is needed on section 17.21.1A and 17.21.1B.

Mr. Freese referred to the definition of private storage/workshop building and questioned why Home Occupation was deleted from this definition. Mr. Turisk stated that we are allowing the Limited Commercial Enterprise use in standalone private storage buildings and Home Occupation is not an appropriate term. Mr. Freese noted that private storage/workshop building is not part of the Limited Commercial Enterprise definition. Mr. Turisk stated that Home Occupation can be added back in this definition.

Discussion was held regarding section 17.21.1A and section 17.21.1B. Mr. Borowicz suggested replacing the work "all" with "any" in section 17.21.1. Mr. Borowicz suggested "No Home Occupation or Limited Commercial Enterprise requiring a permit shall be conducted...." for the first sentence of section 17.21.1B.

Mr. Turisk referred to section 17.21.3G and stated that this section limits Limited Commercial Enterprise uses to one on the same lot of record or one or more contiguous lots of record. Mr. Turisk stated that the intent is to preclude multiple Limited Commercial Enterprises on the same lot. Discussion was held.

Mr. Kavanaugh stated that most of the Planning Commission agreed on limiting the toilet facilities. Mr. Kavanaugh stated that he would like to see the language regarding bathtub and shower facilities being prohibited from section 17.23.1h included in the each of the definitions.

Mr. Freese and Mr. Kavanaugh agreed that this amendment is ready after these minor changes. Discussion was held regarding retail activities in Home Occupations and Limited Commercial Enterprises. Mr. Turisk noted that it is staff's discretion to determine if there are ancillary sales. Mr. Freese stated that this should be included in the amendment. Mr. Kavanaugh stated that legal counsel can come up with language to cover the minor retail sale.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing on Amendment #154 for December 18, 2019. Motion carried. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0Nays, 1 Absent (Johnson)

NEW BUSINESS

Mr. Turisk stated that staff distributed a calendar for Planning Commission meetings in 2020. Discussion was held regarding the first Planning Commission meeting in 2020 being scheduled for January 1, 2020. Mr. Freese proposed changing the meeting date to January 8, 2020. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to move the January 1, 2020 meeting to January 8, 2020. Motion carried. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Delana), 0Nays, 1 Absent (Johnson)

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

Mr. Turisk stated that the Planning Commission has received copies of the adopted Cheboygan County Recreation Plan. Mr. Turisk stated that the Planning Commission will be updating the Recreation Plan during the first quarter of 2020. Mr. Turisk stated that copies were distributed to allow the Planning Commission members time to review the Cheboygan County Recreation Plan. Mr. Turisk stated that completed plans are due to the Department of Natural Resources on February 1st of the year that you apply for grant funding. Discussion was held.

Mr. Turisk stated that the Planning Commission talked about the Master Plan revision in January. Mr. Turisk asked the Planning Commission if now is a good time to begin the Master Plan revision. Mr. Freese stated that there were two pages of Master Plan goals and he believes the Planning Commission should review this list of goals to identify which are important. Mr. Turisk stated that the Planning Commission discussed PUD's, Home Occupations and tiny homes at the January meeting. Mr. Turisk stated that the Planning Commission decided to consider tiny homes as part of the PUD and will be discussed when the PUD amendment is discussed. Mr. Turisk stated that Home Occupations are currently being addressed. Mr. Turisk stated that Article 22 of the Zoning Ordinance regarding non-conforming uses and structures is in desperate need of revision. Mr. Turisk stated that legal counsel has reviewed Article 22 and agreed that it needs to be revised. Mr. Turisk asked if Article 22 is something that the Planning Commission would like to discuss. Mr. Turisk stated that we are looking to get a budget appropriation for 2020 to at least revise the format of the Zoning Ordinance. Mr. Turisk stated that this would speak in part to the matrix that Mr. Freese created. Mr. Turisk stated that this would be most appropriate to undertake in 2021 when we take on a comprehensive revision to the Zoning Ordinance. Mr. Freese explained that the matrix was created with the goal of satisfying legal counsel's direction on the PUD amendment. Mr. Freese stated that the definitions and uses listed in the Zoning Ordinance must be consolidated. Mr. Freese explained that there are multiple uses listed for all the same use. Mr. Freese stated that there are definitions within the text of the Zoning Ordinance. Mr. Freese stated there are uses authorized in sections of the Zoning Ordinance in which you would not think to look for them. Mr. Freese stated that parts of Article 22 are illegal and can't be enforced. Mr. Freese stated Article 22 needs to be revised and this is something that the Zoning Board of Appeals runs in almost every meeting. Mr. Freese stated that the Zoning Board of Appeals is not following Article 22. Mr. Freese stated there is no other way around it if the problem keeps coming to the Zoning Board of Appeals. Mr. Freese stated if the problem keeps coming to the Zoning Board of Appeals, they solve the problem. Discussion was held regarding revising Article 22.

Mr. Turisk stated that staff is starting review of previous site plan reviews and special use permits. Mr. Turisk stated that the

special use permits and site plan reviews are being reviewed for compliance with the approved conditions. Mr. Turisk stated that the next enforcement report in January will provide information on how this process is working in terms of time and difficulty.

PLANNING COMMISSION COMMENTS

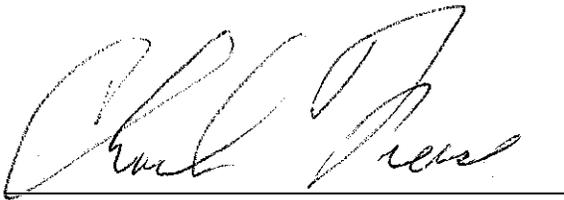
Mr. Freese provided an update on the Charlevoix County Planner's Forum that he attended on October 30th 2019. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that Emmet County Planning Commission is considering a rezoning of 25 parcels from business resort to residential. Mr. Muscott stated that Emmet County Planning Commission is proposing reducing the minimum floor area for a dwelling from 720sf to 560sf. Mr. Muscott stated that they are also considering reducing the minimum lot width requirement to 60ft. Mr. Muscott stated that a second hearing has been scheduled for amendment #154 and questioned why the Planning Commission would make the same mistake again. Mr. Muscott stated his concerns regarding the wording of the amendment. Mr. Muscott stated that he has not found any planning documents that reference the term Limited Commercial Enterprise. Mr. Muscott stated that the term Limited Commercial Enterprise is ambiguous and vague. Discussion was held. Mr. Muscott stated his concerns regarding the fact that these types of businesses located in residential areas are now competing with commercial and industrial properties. Mr. Muscott stated that Limited Commercial Enterprise uses can be established on any parcel in the Agriculture and Forestry Management zoning district and noted that no one will want to purchase a commercial parcel and build a commercial building.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:43pm.



Charles Freese
Planning Commission Secretary