



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

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

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: None
STAFF: Mike Turisk
GUESTS: Eric Boyd, John F. Brown, Cal Gouine, Bob Lyon, Carl Muscott, John Moore, Russell Crawford, Cheryl Crawford

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 unanimously.

APPROVAL OF MINUTES

The July 17, 2019 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Zoning Ordinance Amendment #153 – An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Special Land Use Permit Procedures and Standards

Mr. Turisk stated that at the 07/17/19 meeting the Planning Commission requested that he provide the proposed language to local fire departments and police departments and request feedback. Mr. Turisk stated that two written responses and one verbal response were received. Mr. Turisk stated that the two respondents prefer option one and that Fire Chief Socha called and verbally stated that he prefers option one. Mr. Turisk stated that copies of the email responses were included in the packet. Mr. Kavanaugh stated that he prefers “Upon review by public service agencies with jurisdiction, 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”. Mr. Freese stated that he prefers deleting this section. **Motion** by Ms. Johnson, seconded by Mr. Kavanaugh, to move forward with “Upon review by public service agencies with jurisdiction, 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.” Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 1 Nay (Freese), 0 Nays

Mr. Turisk reminded the Planning Commission that a public hearing will need to be held and the amendment will need to be approved by the Board of Commissioners as well. Ms. Croft stated that a public hearing should be scheduled for the second Planning Commission meeting in September. **Motion** by Mr. Kavanaugh, seconded by Ms. Johnson, to schedule a public hearing for Zoning Ordinance Amendment #153 on September 18, 2019 at 7:00pm in the Commissioner’s Room. Motion carried unanimously.

Zoning Ordinance Amendment #154 – An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Home Occupations and Private Storage Buildings

Mr. Turisk stated that private storage buildings have been discussed previously and the Planning Commission directed staff to have legal counsel review the language. Mr. Turisk stated that the final iteration has been included in the packet.

Discussion was held regarding private storage buildings being allowed in all zoning districts. Mr. Kavanaugh questioned if contractors and excavators should be allowed. Mr. Kavanaugh does not believe that it is similar to the other uses in the same category such as an attorney. Ms. Johnson stated that a private storage building is for private, non-commercial storage. Discussion was held regarding the proposed definition for a contractor. Mr. Kavanaugh stated his concerns regarding a contractor use being allowed as a home occupation. Mr. Borowicz stated that this is not for a contractor's yard and clarified that this is for a home office. Mr. Turisk stated that if a contractor's yard is proposed he would direct the applicant through the right process which would typically require a special use permit. Ms. Croft noted that a public hearing will need to be scheduled for this amendment. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for Zoning Ordinance Amendment #154 on September 18, 2019 at 7:00pm in the Commissioner's Room. Motion carried unanimously.

Discussion on Draft Letter From Planning Commission to Board of Commissioners Regarding Zoning Enforcement

Discussion was held regarding an enforcement letter from the Planning Commission to the Board of Commissioners. Ms. Johnson stated that "Commissions" should be changed to "Commissioners" in the second paragraph. Mr. Freese suggested mentioning in the new letter that the first letter was not sent to the Board of Commissioners as directed by the Planning Commission. Ms. Johnson noted that she discussed this issue with the Board of Commissioners. Ms. Croft suggested adding this comment to the end of the third paragraph. Mr. Turisk stated that the changes will be made and the letter will be forwarded to the Board of Commissioners.

NEW BUSINESS

No comments.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

Mr. Turisk stated that the amendments reviewed tonight and the amendments that will be reviewed in the future speaks to what came out of the 2014 Master Plan update. Mr. Turisk stated that the Planning Commission will continue to work on those topics identified in the 2014 Master Plan update. Mr. Turisk stated that there are a number of amendments that are proposed and will be reviewed by the Planning Commission in the coming months.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh suggested training be held on non-conforming uses. Mr. Turisk suggested discussing Article 22 and how it can be clarified. Ms. Croft stated that the training should be held first before discussing Article 22.

Mr. Borowicz stated that he will not be able to attend the September meetings. Discussion was held.

Mr. Turisk stated that MSU Extension is holding a solar energy open house on August 10, 2019 from 9:00am - 3:00pm in Petoskey.

Ms. Johnson stated that she has asked for an interpretation on Mr. Knaffle's project for a special use permit and why it had to be reviewed by the Zoning Board of Appeals. Ms. Johnson believes that this should not have been reviewed by the Zoning Board of Appeals and that Mr. Knaffle should receive a refund. Mr. Freese stated that it had to go through the Zoning Board of Appeals because the regulation at that time said that he could not have that facility at that location on that road. Mr. Freese stated that the original facility was grandfathered in and the regulation was later changed. Discussion was held.

PUBLIC COMMENTS

Mr. Moore stated that short term rentals have grown into something that no one anticipated. Mr. Moore stated that on one website, there are 154 homes in Cheboygan County that are listed as short term rentals. Mr. Moore stated that in Nunda Township there are homes that are used only as short term rentals. Mr. Moore stated that there are four bedroom homes that sleep thirteen and the sanitary code only requires a 1000 gallon septic tank. Mr. Kavanaugh stated that the sanitary code sizes by bedroom unless it is commercial. Mr. Moore suggested segregating short term rentals into an incidental rental unit and a commercial rental unit.

Mr. Moore stated tiny homes are everywhere. Mr. Moore stated that tiny homes are being built as garages and are not being built to the correct standards.

Mr. Moore stated recreational marijuana should be reviewed by the Planning Commission. Mr. Moore stated that there are two requests that will have to be dealt with at some time. Ms. Croft asked if the township has taken a stand. Mr. Moore stated that the township initially opted out with a 3 to 2 vote. Discussion was held. Mr. Turisk stated that staff has received interest from parties regarding CBD extraction facilities. Mr. Turisk stated that in the absence of specific language in the ordinance,

CBD extraction facilities will be looked at as manufacturing if that is what is solely being done. Discussion was held. Ms. Croft stated that this should be a training session with legal counsel.

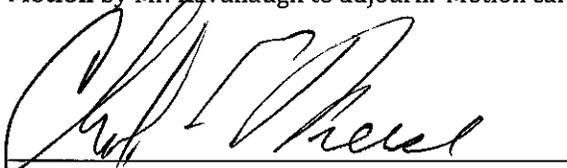
Mr. Muscott referred to amendment #154 and stated that it originally included toilets for private storage buildings and he does not see any mention of it in the amendment. Discussion was held.

Mr. Muscott stated that there is nothing in the amendment that would exclude a contractor from running a home occupation from a private storage building, but a stand-alone private storage building would mean that it is not on the home-owner's property. Mr. Muscott stated that a large construction company could come in and park their trucks. The Planning Commission members stated that it would not be allowed. Mr. Borowicz stated that permitted uses for home occupations include home offices. Mr. Borowicz stated that the home occupation cannot conflict with or operate out of character with any surrounding land uses. Mr. Borowicz stated that there are a lot of land uses that a contractor's yard would conflict with or be out of character. Mr. Muscott stated his concerns regarding private storage buildings not making an allowance for a future home site. Mr. Borowicz stated that this is a requirement only in the Lake and Stream Protection Zoning District. Mr. Borowicz referred to section 17.23 and stated placement of a private storage building on the property "should" support the future placement of a residence. Discussion was held.

Mr. Kavanaugh stated that the Planning Commission should look at contractor, home occupation and section 17.21.2 at the next meeting. Mr. Kavanaugh stated that he wants to make sure that this is clear. Mr. Kavanaugh believes someone could put in a contractor's yard in a stand-alone building based on the proposed language.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:49pm.



Charles Freese
Planning Commission Secretary