



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 2, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill
ABSENT: Jazdyk
STAFF: Scott McNeil
GUESTS: Bob Lyon, Karen Johnson, Russell Crawford, Cheryl Crawford, Carl Muscott, John Miller, Carrie May, David Hill, John Moore, Roger Jacobs

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, Churchill), 0 Nays, 1 Absent (Jazdyk)

APPROVAL OF MINUTES

The July 19, 2017 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

PUBLIC HEARING AND ACTION ON REQUESTS

Indian River Golf Club - Requests an amendment to a Special Use Permit for construction of a golf cart barn (44 ft. x 112 ft.) at an existing golf course and restaurant (Sections 6.3.7., 9.3.5. and 9.3.7.) The property is located at 3301 Chippewa Beach Road, Tuscarora Township, parcel #161-024-200-001-00. The proposed building is located in the Agriculture and Forestry Management (M-AF) zoning district. Other parts of the property are zoned Commercial Development (D-CM), Residential Development (D-RS) and Lake & Stream Protection (P-LS).

Mr. McNeil stated that the applicant is seeking approval of an amendment to a Special Use Permit to allow the construction of a 44ft. x 112ft. accessory cart barn building at the Indian River Golf Club. Mr. McNeil stated that the Planning Commission approved a special use permit for a new club house on September 13, 1994. Mr. McNeil stated that the proposed building will be located in the Agriculture and Forestry Management zoning district and golf courses are allowed in the Agriculture and Forestry Management zoning district by special use permit. Mr. McNeil stated that additional parking is being proposed in the area of the existing cart barn. Mr. McNeil stated that drainage is proposed to be taken care of as it is now, although there will be augmentation of that with ditching along the road right of way. Mr. McNeil stated that if this request is approved he recommends approval from the Road Commission.

Mr. Fullford stated that Carrie May has done a good job engineering this plan regarding the stormwater management. Mr. Fullford stated that there will not be a huge increase in stormwater concentration as the impermeable surfaces will not be increased. Mr. Fullford stated that Brent Shank from the Cheboygan County Road Commission has approved the tentative location. Mr. Fullford stated that the existing drainfield location is on the easterly end of the proposed drainfield. Mr. Fullford stated that they couldn't find the septic permit. Mr. Fullford stated that they are adding ADA parking. Mr. Fullford stated that stormwater is being addressed. Mr. Fullford noted that most of the site has remained unchanged.

Mr. Freese stated his concerns regarding the entrance and exit to the parking area on the west end at the intersection of the two roads. Mr. Freese questioned if this has been reviewed by the Road Commission. Ms. Croft asked if there were any

comments from the Road Commission. Mr. McNeil stated no. Mr. Freese stated his concerns about the driveways being close to an intersection. Discussion was held. Ms. May stated that the entryway off of the parking lot is existing and is not new to this project. Ms. May stated that she has talked with Brent Shank at the Road Commission regarding where the new gravel entryway will be located. Ms. May stated that they have also discussed stormwater with Mr. Shank. Ms. May stated that the golf course has agreed to put in ditching as shown on the site plan next to Oak Ridge Road. Ms. May stated that this will handle the water that is a wash out problem on the existing gravel road. Ms. May stated that they are working with the Road Commission on these issues. Ms. May stated that the Road Commission is talking about putting ditching on both sides of the road. Ms. May stated there are a couple of reasons to put in a new access road by the cart barn. Ms. May stated this is a gravel access road and is not as high impact as if there were new roads within the site which would lead to a lot more earth work. Ms. May stated that this will keep the garbage truck and the fuel delivery truck out of the parking lot and in a more wooded area where it will look good aesthetically. Ms. May stated that there is plenty of room to get into the right lane of Oak Ridge Road and if people are not doing it, it is because it is a gravel road and not striped. Ms. May stated that Mr. Shank did not have any problem with where it is located. Ms. May noted that it is an existing driveway and not part of this project. Mr. Freese stated that he agrees with moving the dumpster and fuel tank up so it is out of the lower area but if this request is approved there should be a condition that it is approved by the Road Commission.

Mr. Kavanaugh stated that if a replacement drain field is ever needed, this site has plenty of acreage and good soil. Mr. Kavanaugh stated that the dumpster should be screened with a fence. Mr. Kavanaugh stated that there should be an alarm system because of the fuel and carts. Mr. Kavanaugh stated that the road will have to be worked out between the Road Commission and the golf course. Mr. Kavanaugh stated that if this request is approved it should be subject to approval from the Road Commission.

Ms. Croft asked for public comment. Mr. Muscott explained that he uses Oak Ridge Road and there is not a lot of traffic from that end of the parking lot. Mr. Muscott stated that exit could be lost with no negative effect to the golf course. Mr. Muscott stated that people do come out of that access road and they do come out on the left hand side of the paved drive. Mr. Muscott stated that typically they are heading toward Indian River. Mr. Muscott stated that if you do not watch you can be head to head with someone. Mr. Muscott stated that he spoke with Mr. Shank and he said that the service drive will be addressed as a service drive. Mr. Muscott stated that Mr. Shank was concerned about the turn radius for a garbage truck and thought that they would have to pull in, dump and then back out on the road. Mr. Muscott stated that Mr. Shank didn't think it was a very large area. Mr. Muscott stated an alarm system would be ideal to protect the assets of the golf course. Mr. Muscott stated that this is a great asset to the community. Mr. Muscott stated that he is supportive of this request as long as these issues are addressed.

Public comment closed.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Cheboygan County Road Commission approval, privacy fence or screening be installed around the dumpster and fuel tank, screening of evergreens is to be maintained and a fire alarm within the building. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzyk)

Public Hearing on 2018 Capital Improvement Plan.

Mr. McNeil stated that the Planning Enabling Act of 2008 requires the Planning Commission to annually prepare a capital improvement plan to show projects proposed for the next 6 years. Mr. McNeil stated that the Planning Commission has interjected a public hearing into the process of developing the capital improvement plan although it is not required under the law. Mr. McNeil stated that the copies of the proposed Capital Improvement Plan are available for review. Mr. McNeil stated that if approved, the Capital Improvement Plan will go to the Cheboygan County Board of Commissioners for their final consideration in conjunction with their budgeting process.

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

Motion by Mr. Freese, seconded by Mr. Churchill, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzyk)

UNFINISHED BUSINESS

Discussion Regarding Sign Ordinance Amendment Relative To Content Based Regulation

Mr. McNeil stated that the last meeting was a public hearing on the draft amendment. Mr. McNeil asked the Planning Commission what other areas of the amendment need work or can be addressed. Ms. Croft asked if Mr. McNeil discussed this amendment with legal counsel. Mr. McNeil stated no. Discussion was held. Mr. McNeil suggested discussing the areas where the Planning Commission has concerns and draft new language before reviewing with legal counsel.

Ms. Lyon stated her concerns regarding the requirement that each sign shall be removed from the lot within 60 days of its original placement. Ms. Lyon questioned how someone would be able to put up a sign 90 days before the election. Ms. Lyon questioned how this will be monitored. Ms. Lyon stated that when the event is over it would be easier to monitor. Ms. Lyon stated that this section should be removed. Mr. Freese agreed with Ms. Lyon.

Mr. Freese stated that Marcia Rocheleau has a valid comment on the 32sf per lot. Mr. Freese stated that 32sf is not reasonable if someone has a mile of road frontage. Mr. Freese proposed 32sf per 100ft. or 32sf per 200ft. Mr. Churchill suggested limiting the number of signs. Mr. McNeil noted that these are temporary signs. Mr. McNeil noted that if the 60 day limit is removed, it may not be temporary anymore. Mr. Freese noted that farm markets put up signs that exceed 32sf and they will be up for the season. Mr. Freese stated that there are business that are putting up 4-5 vertical flags that are 18in. x 8ft. and now they will only be allowed 3 of the flags.

Mr. Churchill stated that we need to look at what we are attempting to accomplish with this amendment. Mr. Churchill asked are we trying to restrict what we have today. Mr. Churchill stated that what we have in the proposed amendment and what is reality are two different things. Mr. Churchill stated that he would like to have the document reflect what is happening in the community. Discussion was held. Mr. McNeil stated that this is a great idea and will take a little more study. Mr. McNeil stated that we should come up with an amendment based on the recent Court of Appeals decision. Discussion was held. Mr. Kavanaugh suggested looking at the Agriculture and Forestry Management zoning district and allowing 1 sign for every 150ft. of frontage.

Ms. Lyon read section 17.19.3.F, "Signs with concrete foundations or other solid anchoring devices that project above the surface of the ground and located as to constitute a safety hazard to vehicular traffic." Ms. Lyon stated that businesses are going to have signs that look like this and rather than prohibit these types of signs there should be a setback off of the road. Mr. McNeil stated that there is a zero front setback in Commercial and Industrial zoning districts for signs. Mr. Borowicz referred to 17.19.3.c and questioned if this covers 17.19.3.f. Mr. Borowicz stated that permission is required from whoever regulates the right of way. Ms. Lyon asked if 17.19.3.f is still needed. Ms. Lyon stated if the sign is not in the right of way it should be okay. Mr. McNeil stated that he doesn't know that it is hurting anything and it would be a decision for the zoning administrator to make. Mr. Borowicz stated that this language is too specific and suggested "Signs constructed and/or located as to constitute a safety hazard to vehicular traffic would be prohibited." Mr. McNeil stated that it makes things a little more subjective on behalf of the zoning administrator to apply that section. Discussion was held. Mr. Borowicz and Mr. Freese stated that they are in favor of simplifying this requirement. Mr. McNeil noted that this has not been an in issue for the past 8-9 years.

Mr. McNeil stated that under prohibited signs he will remove the reference to the concrete foundations. Mr. McNeil stated under item b he will clarify governmental utility structures and public utility structures. Mr. McNeil stated that the 60 day time period will be removed regarding temporary signs. Mr. McNeil stated that he will come up with a minimum and maximum number of signs allowed based on road frontage.

Ms. Croft asked for public comments. Mr. Jacobs stated that he would like to see the signage divided up politically for people trying to make a living such as those trying to sell farm products. Ms. Croft explained that there was a Supreme Court decision that does not allow this to be done. Mr. McNeil explained that signs can't be regulated based on the content of the sign.

Draft Zoning Ordinance Amendment Regarding Lake and Stream Protection Shelter Overlay District

Mr. McNeil stated that this proposed amendment provides an overlay district for the Lake and Stream Protection Zoning District with properties that front on the Cheboygan River, Indian River and the Lower Black River. Mr. McNeil stated that in Section 10A.3 there are conditions and requirements for the boat shelters. Mr. McNeil stated that there is also language for the supports for the roof and you must be able to see through the shelter from all angles at all times. Mr. McNeil stated that there is also a depth limit based on 30ft. or 20% of the depth of the lot. Mr. McNeil stated that there is a frontage limit of 16ft. or 20% of the width of the lot, whichever is greater. Mr. McNeil stated that the boat shelter can't be extended any more than 2ft. from the edge or wall of the boat well. Mr. McNeil stated that the shelter is to have a pitch roof with no greater than 4/12 pitch so it can't be used as a deck. Mr. McNeil stated that the boat shelter can't exceed a height of 12 feet.

Mr. Freese stated that the diagram of the boat shelter used in the survey should be included in the proposed amendment also. Mr. Freese referred to 10A.4.2.B and stated that "above ground level" should be added to the 12 feet. Mr. McNeil stated that he will check this against the structure height definition.

Mr. Muscott stated that staff has made an excellent start on the amendment. Mr. Muscott stated that some of his concerns were regarding design conditions and this is excellent. Mr. Muscott read section 10A.3.1.C, "No part of the boat shelter structure shall exceed a total length equal to 20% of the depth of the lot or thirty (30) feet, whichever is lesser." Mr. Muscott stated that in one of the Zoning Board of Appeals requests the applicant had lengthened the boat well to handle a cigarette boat. Mr. Muscott stated that if the DEQ and Army Corps of Engineers are okay with a certain length of a boat well the property owner should be able to put up a boat shelter as long as the boat well. Mr. Freese stated that the property owner would need the permits for the boat well and he does not see a problem with the boat shelter. Mr. McNeil stated that it is a matter of how much structure you want above ground in the waterfront setback. Mr. McNeil stated that it is subject to review and to the extent that it does not come within 25ft. of a structure. Mr. McNeil stated that limitation can be taken out. Mr. Freese stated that it should be limited to the depth of the boat well. Mr. McNeil stated that there is language that says that it can't be extended 2ft. beyond the boat well. Mr. McNeil stated that if you do not want to limit the depth of the structure, then it can just be taken out. Mr. Freese agreed with Mr. McNeil.

Mr. Muscott asked if a gambrel roof, that doesn't exceed the height limit, could be considered so it could fit in architecturally with the rest of the property. Mr. McNeil stated that this was about trying to maintain a level of viewscape. Mr. Borowicz stated that a gambrel roof would block more view of the water due to the additional height. Mr. Borowicz stated that we need to protect the viewscape for the neighbors. Mr. Freese stated that the way it is written is fine and wouldn't change it. Mr. Muscott stated that it is simple and utilitarian and he agrees with it.

Mr. Jacobs asked if the amendment regarding Lake and Stream Protection Shelter Overlay District will apply to the canals on Burt Lake and Mullett Lake as well. Mr. McNeil stated that it would be any of the canals connected to the rivers listed in the amendment. Mr. McNeil stated that it would not apply to the canals on the lakes. Discussion was held.

NEW BUSINESS

Mr. Freese stated at the last Zoning Board of Appeals meeting there was a discussion regarding the little boat houses along Mullett Lake's west shore in the Topinabee area. Mr. Freese stated that this topic keeps coming up and needs to be addressed. Mr. Freese explained that the buildings are storage buildings. Ms. Croft explained that the buildings have baths and kitchens. Mr. Freese explained that household items are "stored" in these buildings. Mr. Freese stated that the lots are all very small. Mr. Freese stated that this is not a housing issue. Mr. Freese stated that this should be an overlay district from the shoreline park in Topinabee going south and would end north of the cottages with the shared waterfront. Mr. Freese stated that there was a second variance request for the same lot recently. Mr. Freese stated that side setbacks have already been addressed on narrow waterfront lots by reducing the side setbacks to a minimum of 5 feet. Mr. Freese stated that it should be reduced further for these lots. Mr. Freese suggested 2.5 feet, which would allow someone to paint a shed or put up new siding. Mr. McNeil and the Planning Commission reviewed a survey of the Oak Park Subdivision, Lake View Summer Resort Grounds Subdivision and Robert Patterson's First Addition to the Village of Topinabee.

Mr. McNeil stated that he agrees with Mr. Freese. Mr. McNeil stated that this issue should be dealt with as it is a unique use. Mr. McNeil stated that he refers to these buildings as "daytime cabanas." Mr. Freese stated that these buildings are being addressed as storage buildings as we do not have any definitions to address the actual present use of these buildings. Ms. Lyon stated that she has a concern regarding sewage. Mr. Freese stated that some have porta-jons on site. Mr. Churchill stated that he is concerned that if one building is on fire, then all of the buildings will be on fire.

Mr. Kavanaugh asked if Mr. Freese plans to allow more and larger structures that there have been many complaints about in the past. Mr. Kavanaugh stated he does not understand as we are trying to protect the waterfront. Mr. Kavanaugh stated that this is a use that we shouldn't have at all. Mr. Freese stated that he believes that most of the lots already have a structure on them already. Mr. Kavanaugh stated that these are existing structures and questioned why we should make them larger and have more problems than we have right now just because someone applied for a variance to the Zoning Board of Appeals. Mr. Kavanaugh stated that these structures are terrible. Mr. Kavanaugh stated that he receives a lot of complaints about these structures. Mr. Kavanaugh stated that people live in these structures and there are parking issues. Mr. Kavanaugh stated we should put up with the ones we already have and not allow them at all. Discussion was held.

Ms. Lyon asked wouldn't it be better to allow tiny houses with regulations that could be enforced. Mr. Kavanaugh stated that a tiny house wouldn't work because you have to have water and sewage. Mr. Kavanaugh stated that there is no construction

standard for structures that are under 200sf. Mr. Kavanaugh stated that if the structure is over 200sf then a building permit and zoning permit are required.

Mr. McNeil stated that the Planning Commission will want to have a regulation that will mirror some decisions of the Zoning Board of Appeals and allow construction/reconstruction of some that are dwellings now and come up with definitions for some of the other uses. Mr. McNeil stated that this would provide zoning regulations for a unique area.

Mr. Freese stated that the taxes for some of these parcels can be as much as \$2,000 a year. Mr. Freese stated that the property owners should get some use out of these lots.

Mr. Borowicz stated that the discussion of tiny houses is a whole a different issue. Discussion was held. Mr. McNeil suggested an overlay district that would support the existing uses and existing conditions.

Mr. Churchill stated he is in favor of addressing this because of what is being reviewed by the Zoning Board of Appeals.

Mr. Muscott stated that there are a lot of issues to address. Mr. Muscott stated that there is another extensive section with these shed lots that starts north of Woodruff. Mr. Muscott stated that you may want to talk with Topinabee Fire Department as the big trucks would not be able to access these areas. Mr. Muscott stated there are historic buildings in this area that were boathouses that have become cottages. Mr. Muscott stated that this is sort of unique. Mr. Muscott stated that you will have more of these issues as the lake front becomes more expensive and there will be more issues with people trying to maximize lake frontages.

Mr. McNeil asked if he should go forward with an existing conditions study in this area. The Planning Commission members agreed that Mr. McNeil should go forward with the study.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh asked for an update on Triple D Disposal. Mr. McNeil stated that he provided an estimate on the bond to Triple D Disposal.

PUBLIC COMMENTS

An audience member stated that Triple D Disposal has put in Charter Communications to their new site and they are currently working on the building. Mr. McNeil stated that we will check into these concerns. Mr. McNeil stated that Mr. Schnell visits the site frequently. Mr. Kavanaugh asked what type of work is being done. The audience member stated that lumber is coming in and out of the small concrete building. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:10pm.



Charles Freese
Planning Commission Secretary