

# CHEBOYGAN COUNTY PLANNING COMMISSION

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

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk  
**ABSENT:** Churchill  
**STAFF:** Mike Turisk  
**GUESTS:** Eric Boyd, Bob Lyon, Charles Veneros, Carl Muscott, John F. Brown, Ed Delana, Russell Crawford, Cheryl Crawford, Bob Andrews, David Hockey, John Moore, Mark Elliott

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. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

### APPROVAL OF MINUTES

The February 6, 2019 Planning Commission minutes were presented. Mr. Kavanaugh revised the second sentence of the second paragraph on page two, "Mr. Kavanaugh noted that there are requirements for on-site sewage." **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the meeting minutes as amended. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

### PUBLIC HEARING AND ACTION ON REQUESTS

**TeleSite Wireless on behalf of Verizon Wireless and TowerCo and Michael O' Grady** – A request for an extension of an approved Special Use Permit for a wireless communications facility. 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 permit expiration or the property owner applies to the Planning Commission for an extension prior to expiration. The subject property is zoned Agriculture and Forestry Management (M-AF) and located at 130 W. Devereaux Lake Rd., Mullett Twp., Section 24, Parcel # 130-024-400-002-03.

Mr. Turisk reviewed the background information contained in the staff report.

Ms. Croft asked for public comments. Mr. Brown stated that he is a contiguous land owner and stated that he doesn't understand why there hasn't been any progress in the past year on this tower. Mr. Brown asked if the Planning Commission can have a condition that they don't keep renewing the permit. Ms. Croft explained that the ordinance only allows for one extension of the zoning permit. Public comment closed.

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.b, Conditions, And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to approve the extension of 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.b, Conditions, And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting the screening requirements and meeting FAA & FCC requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

**Team Andrews Enterprises/ Bob Andrews** - Requests an amendment of a Special Use Permit to construct a 30-ft. x 130-ft. Indoor Storage Facility, per Sections 6.3.16 and 18.11 of the Zoning Ordinance. The subject property is zoned Commercial Development (D-CM) and is located at 6123 North Straits Highway, Inverness Twp., Section 34, Parcel #091-034-400-006-03.

Mr. Turisk reviewed the background information contained in the staff report.

Ms. Croft asked for public comments. Mr. Muscott referred to the item f in the Findings of Fact Under Section 20.10 and stated that North Straits Highway is a state highway. Mr. Elliott stated that he received a notification in the mail regarding this request and he doesn't have any problems with this request. Public comment closed.

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

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. Borowicz, 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 Department of Building Safety requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

**Sunrise Structures** - Requests Site Plan Review approval for outdoor retail sales of storage sheds, gazebos, livestock shelters and small cabins in a Commercial Development (D-CM) zoning district, per Section 6.2.19 (of the Zoning Ordinance (Retail Sales, Specialty). The 2.4-acre subject property is zoned Commercial Development (D-CM), is currently unaddressed, but located just east of the junction of State Highways 27 and 33 in Inverness Township.

Mr. Turisk reviewed the background information contained in the staff report.

Mr. Kavanaugh asked if this application is the result of an enforcement action. Mr. Turisk stated yes.

Mr. Freese stated his issues over the site plan being inadequate. Mr. Turisk stated that staff was unhappy with the site plan as well. Mr. Freese stated that the applicant and owner are capable of coming up with a better site plan and in the future the site plan should be sent back to the applicant/owner and state that it will not be accepted.

Ms. Lyon asked where the business will take place. Ms. Lyon questioned if the storage buildings will be sold from this site and is there an office somewhere else and this will be for display only. Mr. Freese stated that there is a telephone number posted at the site and they are selling at an office down state. Mr. Turisk noted that customers do visit the site.

Discussion was held regarding whether this site is on a state highway. Mr. Turisk noted that the property has access from an unnamed road off of Pine Ridge Trail. Mr. Turisk stated that the unnamed road will have to be addressed for emergency purposes.

Mr. Storr explained that the storage sheds are on display at the site and there is a phone number to call. Mr. Storr stated that there is no one on site and there will never be someone at the site to man it. Ms. Lyon asked if these buildings are examples of storage buildings and if the purchased storage buildings will be shipped from where Mr. Storr lives. Mr. Storr stated that he ships from where he lives, but he also sells the buildings at this site. Mr. Storr stated that the buildings on this site will not stay for more than a year. Discussion was held. Mr. Bartlett asked if deliveries will be made from this site. Mr. Storr stated that he does not let a customer pick up a shed. Mr. Storr stated that he delivers the sheds for safety reasons and to keep the structure sound.

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

Mr. Freese asked Mr. Storr what is the maximum number of units that will be kept on site. Mr. Storr stated between 12-20 units. Mr. Freese asked if being limited to 15 units would be acceptable. Mr. Storr stated he would probably not put more than 15-20 units. Mr. Freese stated that it can be limited to 20 units.

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

The Planning Commission reviewed and approved the General Findings 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 and the Specific Findings of Fact Under Section 20.10 subject to the following:

1. Limited to 20 units on site
2. Prior to operation, an address must be obtained from the Cheboygan County GIS/Address Coordinator
3. All structures on site shall comply with minimum setback requirements for the Commercial Development Zoning District.
4. Any future expansion shall require submittal and approval of a site plan review amendment application per standards set forth in Section 20.14.

Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

##### **Discussion Regarding Possible Amendment to Zoning Ordinance No. 200 to Permit Home Occupations and/or Bathrooms in Private Storage Buildings.**

Mr. Turisk and the Planning Commission discussed permitting home occupations and bathrooms in private storage buildings. Mr. Turisk stated that tiny homes, guest homes, and accessory dwelling units should also be discussed, but they may require a fair amount of discussion and should be separate topics. Mr. Turisk stated that home occupations are limited by design to prevent them from growing beyond a traditional business to ensure that residential character is not compromised by excessive traffic or signage. Discussion was held regarding contractor's office/yard, number of employees, repair services, home occupations on adjoining parcel and storage. Mr. Turisk stated that he is looking for guidance from the Planning Commission on what they would want when creating the language for the proposed amendment. Discussion was held regarding small engine repair. Mr. Freese suggested adding "Repair of any equipment which would create excessive noise, dust and odors will not be allowed in Lake and Stream Protection and Residential Zoning Districts."

Mr. Turisk asked if the Planning Commission would consider permitting bathrooms in private storage. Mr. Turisk stated that the intent behind this was to preclude these buildings becoming dwellings. Mr. Turisk stated that the only way we are aware of private storage being used as a dwelling is if we receive a complaint and then it is difficult to enforce. Discussion was held regarding allowing bathrooms with a toilet and a hand wash sink. Mr. Kavanaugh stated that this would require Health Department review and a plumbing permit and inspection by the Department of Building Safety. Mr. Kavanaugh stated people will be living in the structure if you allow showers, bathtubs, and hot tubs. Discussion was held regarding including this same restriction for private storage workshop.

#### **STAFF REPORT**

Mr. Turisk stated that on February 12, 2019, the Cheboygan County Board of Commissioners approved amendments #150, #151 and #152. Mr. Turisk noted that these amendments will be published in the Tribune on February 21, 2019, and will be effective 8 days after being published.

Mr. Turisk stated that the bylaws will be on the next Planning Commission agenda. Mr. Turisk stated that an enforcement report is scheduled for the second meeting in March.

#### **PLANNING COMMISSION COMMENTS**

Mr. Borowicz noted that he will not be available for the March 6, 2019 Planning Commission meeting.

Mr. Kavanaugh and Ms. Croft stated that site plans that are inadequate should not be accepted. Discussion was held regarding when a stamped plan should be required and also regarding requiring an applicant to submit a site plan drawn with a straight edge and drawn to scale. Mr. Jazdyk suggested requiring a stamped plan but allowing it to be waived at the discretion of the Zoning Administrator. Mr. Borowicz stated that all site plan requirements should be included on the site plan. Discussion was held.

Ms. Lyon asked if staff is able to approve a special use permit one-year extension request if there are no changes. Ms. Lyon noted that this is redundant. Mr. Kavanaugh stated that sometimes there are changes such as a new house within 300 feet, a pond or a gravel pit. Discussion was held. Mr. Turisk stated that special use permit amendments that fall within a certain size can be approved by the Zoning Administrator and is comparatively limited. Mr. Turisk asked the Planning Commission how much, if anything, they want to allot the Zoning Administrator to review and approve. Mr. Turisk stated that special use

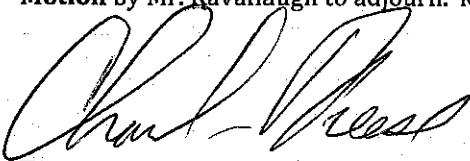
permit extensions could be changed to allow Zoning Administrator approval under certain circumstances. Mr. Turisk stated that another example would be the special use permit amendment for the storage building for Waterways Campground. Mr. Turisk stated that this requires an applicant to wait 4-6 weeks for a Planning Commission approval for this type of request. Mr. Turisk asked if the Planning Commission prefers to have everything receive Planning Commission approval or do we want to allow certain things to be approved by the Zoning Administrator to be more business friendly. Mr. Freese asked Mr. Turisk to come up with items that he feels are appropriate to be approved by the Zoning Administrator and present that to the Planning Commission. Mr. Borowicz stated that it should be included in the amendment that the Zoning Administrator submits a report of administrative approvals on a monthly basis. Mr. Bartlett stated that he believes that the special use permit amendment request for an indoor storage facility for Bob Andrews is something that should have been approved by the Zoning Administrator. Discussion was held.

#### **PUBLIC COMMENTS**

Mr. Muscott stated that the special use permit amendment for Telesite does warrant another public hearing. Mr. Muscott stated that the request was approved last February and someone could have bought property last summer not knowing that the tower was going to be built and if there wasn't a public hearing advertised they would not be aware of the proposed tower. Mr. Muscott stated that the Planning Commission should consider the PUD amendment in case another big developer decides to come to Cheboygan. Mr. Muscott stated that the Planning Commission should also consider readdressing the wind turbine ordinance. Discussion was held.

#### **ADJOURN**

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:33pm.



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Charles Freese  
Planning Commission Secretary