



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, FEBRUARY 6, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk
ABSENT: Ostwald, Churchill
STAFF: Mike Turisk
GUESTS: John F. Brown, Eric Boyd, Carl Muscott, Cal Gouine, Bob Lyon, C. Maziasz, Gary Kuhn, Roberta Matelski, Ed Delana, John Moore, Russell Moore, Cheryl Crawford, Marcia Rocheleau, Peter Moritzburke, Chuck Fain, Mary Fain, Karen Johnson, Jennifer Merk,

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. Freese, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

APPROVAL OF MINUTES

The January 16, 2018 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, 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.

Ms. Croft stated that the applicant has asked that the request be tabled until the February 20, 2019 Planning Commission meeting. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to table the request until the February 20, 2019 Planning Commission meeting at 7:00pm in the Commissioner's Room. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

David Frame/Frame Holdings, LLC - The applicant has requested site plan review approval for a proposed site condominium, pursuant to Section 20.3.d. of the Zoning Ordinance for construction of private storage buildings. The property is zoned Agriculture and Forestry Management (M-AF) and located at 1685 Orchard Beach Rd., Benton Township, Section 29, Parcel # 104-029-200-007-12. This public hearing item was tabled to a time uncertain at the September 5, 2018 regular meeting of the Planning Commission.

Mr. Turisk reviewed the background information contained in the staff report covering the application. Mr. Turisk reviewed section 17.23.

Mr. Borowicz stated that there are two different road widths (16ft. and 20ft.) noted in the application. Mr. Turisk stated that this was noted to the applicant and 20ft. is more appropriate for emergency vehicles. Mr. Turisk stated that this discrepancy can be addressed with a revised plan.

Mr. Freese stated that section 17.23.1 does not apply to private storage in Agriculture and Forestry Management. Mr. Freese noted that the sections regarding commercial uses and bathroom facilities do apply. Mr. Freese stated that this should be included in the master deed. Mr. Freese stated that a bathroom facility is not allowed, but a well and/or septic is not prohibited. Mr. Freese reviewed the drainage plan and stated that it is acceptable and his original concerns are addressed

Mr. Kavanaugh stated that under recommended general conditions the Health Department should be included under item 3 as water can't be connected to a storage building that doesn't have on-site sewage and water. Mr. Kavanaugh noted that there are requirements for on-site sewage.

Ms. Croft asked for public comments. Mr. Muscott stated his concern is that the definition of private storage excludes the use of sanitary facilities inside. Mr. Muscott questioned why District Health Department #4 will allow bathroom facilities because this is a condo. Mr. Freese stated that District Health Department #4 did not say a bathroom facility would be allowed. Mr. Turisk stated that any applications for well and septic would be reviewed on a case by case basis. Discussion was held.

Mr. Fain stated that David Frame is unable to attend the meeting tonight, but is available by phone to answer any questions that the Planning Commission may have regarding this request. Mr. Fain stated he understands the concerns regarding this project and explained that this was a way for him and Mr. Frame to have pole buildings and share it with their neighbors. Mr. Fain stated that this is not a huge project of a development company from down state. Mr. Fain stated that it is just a couple of men trying to solve their neighbors' needs. Mr. Fain explained that they will meet the zoning restrictions and they were trying to be more restrictive than what the county required. Mr. Fain explained that their intention was to provide storage for people in the neighborhood who do not have space on their own property to build a storage building.

Mr. Freese stated that the bylaws, as written, describe a contractor's yard as being allowed. A contractor's yard, however, is not authorized under an application for private storage buildings. Mr. Fain stated that is fine. Discussion was held.

Mr. Jazdyk stated that the bylaws will have to be amended. Mr. Turisk stated that changes will have to be reviewed by legal counsel. Discussion was held. Mr. Jazdyk asked if the amended bylaws will come back to the Planning Commission or if it will be reviewed by the Zoning Department. Ms. Croft stated that the amended bylaws will be reviewed by legal counsel. Mr. Freese stated that any substantial change in the bylaws will have to be reviewed by the Planning Commission and legal counsel. Discussion was held.

Mr. Jazdyk stated that there was a note regarding parking for events such as weddings. Mr. Jazdyk asked if this is another use that should be considered or can they proceed with the use. Mr. Fain stated that parking was not in the site plan or discussed and the only parking will be in front of the pole barns for each individual unit. Mr. Fain stated that there will not be a community parking area for community events. Public comment closed.

The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. Discussion was held. **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 with the following conditions:

Amend Master Deed:

1. No amendment to the Master Deed shall be permitted that would result in a violation of any municipal zoning or police power ordinance, or which would allow a co-owner to violate any municipal zoning or police power ordinance.

Amend Bylaws:

1. Similar to aforementioned provision No amendment to the Master Deed shall be permitted that would result in a violation of any municipal zoning or police power ordinance, or which would allow a co-owner to violate any municipal zoning or police power ordinance.
2. To delete all applicable language not in compliance with the requirements of §17.23.1 of the Zoning Ordinance.
3. To include the applicable provisions contained in §17.23.1 of the Zoning Ordinance.

General Conditions:

1. Prior to adoption of all proposed amendments to the Bylaws and/or Master Deed, the developer(s) and the successor association shall provide copies of any proposed amendments to Cheboygan County Planning and Zoning for review to ensure compliance with local, municipal zoning and/or police power ordinances.
2. Contractor's yards, contractor's equipment storage and materials handling operations and other commercial and/or industrial storage activities shall be prohibited.

3. Prior to construction, approval of all applicable permits, including from the Planning and Zoning Department, Department of Building Safety, District Health Department #4 and the County Road Commission regarding curb and gutter.
4. Submit revised site plan noting correct road right of way width on the common road to be 20ft.

Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Churchill)

Cheboygan County Planning Commission - The proposed amendments to the Cheboygan County Zoning Ordinance No. 200 would repeal in its entirety Section 17.27.3. that regards the requirement that indoor storage facilities uses be located on a County Primary Road or State Trunkline. In addition, an amendment to Section 18.7. (Standards for Special Use Permit Approval) that would delete language regarding the use of residential streets to access land uses with larger area-wide patronage.

Mr. Turisk reviewed the background information contained in a memo to the Planning Commission dated 01/29/19.

Ms. Croft asked for public comments. Mr. Muscott stated that the minor residential street is a useless sentence within the Zoning Ordinance and has no bearing to the county roads. Mr. Muscott stated noted that there is one storage facility in Beaugrand Township that is not on a primary road and that the majority of storage units are on primary roads and state roads. Mr. Muscott stated that the individuals who have invested in those facilities paid higher real estate prices because they are on primary roads and state roads and now someone can develop a storage facility on a road that is not a primary road. Mr. Muscott questioned if traffic may be an issue. Mr. Muscott stated that this is a change in the ordinance that allows an uneven playing field. Mr. Muscott stated amendment numbers should be assigned after the amendment has been approved. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Bartlett, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Churchill)

UNFINISHED BUSINESS

Cheboygan County Planning Commission - The proposed ordinance amends the Cheboygan County Zoning Ordinance No. 200 to permit solar energy systems as land uses within the county.

Mr. Turisk reviewed the background information contained in a memo to the Planning Commission dated 01/10/19 and noted that a public hearing was held on 01/16/19. Mr. Turisk stated that legal counsel, Planning Commission, and staff discussed the public's concerns at the 01/16/19 meeting and proposed minor edits to the proposed amendment. Mr. Turisk stated that there isn't a need for another public hearing since the changes are minor changes. Mr. Freese reviewed the minor changes to the proposed amendment that were made at the 01/16/19 Planning Commission meeting. Four additional minor changes were discussed and agreed to by the Planning Commission.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to revise the proposed solar energy systems amendment with the minor changes and forward to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Turisk introduced Jennifer Merk and stated that she has been hired as Planner.

PLANNING COMMISSION COMMENTS

Ms. Lyon asked what goals the Planning Commission will be working on in the future. Mr. Turisk stated that several goals were identified and staff's opinion is that the Planning Commission should look at home occupations in private storage buildings. Discussion was held.

PUBLIC COMMENTS

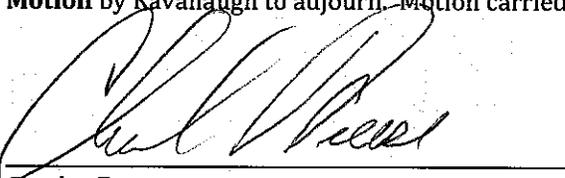
Mr. Moritzburke stated that he is with Orion Renewable Energy Group. Mr. Moritzburke complimented the Planning Commission on putting hard work into creating an ordinance that will bring about good projects which are good for the county, state and the developer.

Mr. Boyd stated that pamphlets should be available for the public to follow along with the Planning Commission. Mr. Boyd asked if his suggestions regarding berms being at road grade were included in the solar amendment. Mr. Freese stated yes. Mr. Boyd asked if the setback will be from the center of the road or the edge of the right of way. Mr. Freese stated from the edge of the right of way.

Mr. Muscott thanked the Planning Commission for their efforts on the solar ordinance. Mr. Muscott updated the Planning Commission on a large solar project by Lapeer. Mr. Muscott stated that there was a lot of opposition to the original TeleSite application. Mr. Muscott asked if this request will be advertised again due to the request being tabled. Ms. Croft stated that the Planning Commission tabled the request to a date and time specific and the request does not have to be advertised again. Discussion was held.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:22pm.



Charles Freese
Planning Commission Secretary