



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JANUARY 6, 2021 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Delana, Thompson
ABSENT: None
STAFF: Mike Turisk
GUESTS:

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. Bartlett, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

There were no minutes to be reviewed.

SCHEDULED PUBLIC HEARING

There were no public hearings.

UNFINISHED BUSINESS

Review of Draft Amendment #160 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Sign Regulations and Standards, including for Electronic Signs and Freestanding Signs.

Mr. Turisk stated that suggested changes from legal counsel are not included in this amendment but will be included in the next draft of the amendment that will be reviewed on January 20, 2021. Mr. Turisk reviewed the definitions that will be deleted. Mr. Turisk noted that some sign types are being combined into one definition.

Mr. Turisk stated that the intent of a banner sign is that it is not permanent and that it is a seasonal or temporary sign. Mr. Turisk stated that he reviewed this definition with legal counsel and the recommended language will be "Any sign, seasonally or temporarily displayed, and made of lightweight fabric or similar material, that is mounted outdoors to a pole, building or other structure, national state and municipal flags are not included." Mr. Turisk stated that language was added to the beginning of the definition to articulate the intent of a banner. Mr. Turisk noted that the definition of portable sign is a long definition due to the fact that language has been added in an attempt to combine other sign types. Mr. Turisk stated that portable signs are also known as sandwich boards, or sidewalk signs, or A frame signs. Mr. Turisk stated that under the definitions of wall sign and a window sign he has added neon signs.

Mr. Turisk noted that there have been organizational changes to the amendment.

Mr. Turisk referred to Section 17.19.8.4 and stated that Mr. Graham advised that the only way to address the Planning Commission's concern regarding the 100ft. separation distance for freestanding signs is for a property owner to request a variance from the Zoning Board of Appeals. Mr. Turisk stated that unfortunately it can not be built into the Ordinance.

Mr. Freese stated that in the Resource Conservation Zoning District all property is privately owned. Mr. Freese stated only incidental signs should be allowed. Mr. Freese stated that there are no commercial activities authorized in Natural Rivers Zoning District except home occupations. Mr. Freese stated that all signage should be eliminated except what would be

allowed for a home occupation. Mr. Freese stated he disagrees with Mr. Graham regarding the 100ft. separation distance issue. Mr. Freese stated that the Planning Commission is not trying to prohibit a freestanding sign on a small parcel located between two parcels with existing freestanding signs. Mr. Freese stated that there could be a 150ft. parcel in the middle with 2 lots that are 50ft. on each side with existing freestanding signs that are 10ft. from the side property line. Mr. Freese stated that using Mr. Graham's reasoning, the property owner of the 150ft. lot could not have a freestanding sign. Mr. Freese stated this is not what the Planning Commission is trying to say. Mr. Freese stated that the Planning Commission is saying that the 150 ft. parcel could have a freestanding sign as long as it complies with setbacks of 10ft. on either side for the Commercial Zoning District. Mr. Freese stated that if there will be a second freestanding sign then it will have to be 100 ft. from the other freestanding signs. Mr. Freese stated that this is legal and questioned if Mr. Graham understands what the Planning Commission is trying to accomplish. Mr. Kavanaugh and Mr. Thompson agreed with Mr. Freese. Discussion was held. Mr. Turisk stated that he will call Mr. Graham to reiterate the Planning Commission's position. Mr. Turisk stated that he will explain that based on these scenarios, the Planning Commission does not believe it would expose the County from a legal standpoint and that it would provide property owners wishing to erect freestanding signs under these unusual circumstances, the opportunity to do so instead of outright prohibiting them or requiring them to submit a variance application, which there is no guarantee of approval.

Mr. Borowicz asked how this would apply if he owned three contiguous 60ft. wide lots with three different businesses. Mr. Turisk stated that we would not require a variance application for a lot owner with only 60ft. of width. Mr. Turisk stated that it would be allowed under Section D1 on page 5. Mr. Borowicz referred to Section 2A and stated that these three lots are under the same ownership but they are three separate businesses. Mr. Borowicz noted that the lots being under the same ownership should not apply unless there is a single business occupying the three lots. Mr. Turisk stated that this would be a first come first serve situation whereby, whoever installs their freestanding sign first does not need to apply for a variance. Mr. Turisk noted that the property owner in the middle is punished but legal counsel has suggested that the way to provide relief is through the variance process.

Mr. Thompson provided an example of three lots with two large lots on the outside and a smaller lot on the inside. Mr. Thompson stated that the two large lots each have an existing sign and the smaller lot in the middle would like to erect a sign. Mr. Thompson stated that the owner of the small lot would have to apply for a variance. Mr. Thompson stated that this opens Cheboygan County up to litigation exposure. Mr. Thompson questioned why the owner of the small lot should have to apply for a variance when the owners of the two larger lots did not have to apply for a variance. Mr. Turisk stated that this was discussed with legal counsel and legal counsel was adamant in the need for a variance.

Mr. Delana agreed that the Planning Commission's concerns should be more thoroughly explained to legal counsel. Mr. Delana stated his concerns that the amendment is not well crafted if it causes a burden for one property owner but does not create a burden for another property owner. Mr. Delana stated his concerns that this issue would be solved with a variance is an additional burden upon that property owner who happens to be late erecting a sign, or who happens to have a small lot, or who happens to have several small lots but independent businesses with signs. Mr. Delana does not believe that a variance is a good solution and that the ordinance should be crafted in a way that it doesn't create a burden.

Mr. Kavanaugh stated that we should do whatever we can to eliminate the need for a variance.

Mr. Freese referred to Section D and stated that for lots with 100ft. or less of public or private right of way, one freestanding sign may be installed with the sign surface area not to exceed 80 square feet. Mr. Freese stated if you have more than 100 ft., the property owner can put up additional signs if they meet other criteria. Mr. Freese stated that the first sign will have to meet the 10ft. side setback requirement. Mr. Freese stated that the second freestanding sign will have to be 100ft. from the other sign. Mr. Freese stated that if the property owner wants to put up two signs, he will need more frontage. Mr. Borowicz stated he understands what Mr. Freese is explaining. Mr. Borowicz stated that Section 2A is needlessly complicated. Mr. Turisk stated that he will talk to legal counsel about the Planning Commission's concerns.

Ms. Lyon stated that she would be allowed one sign if she has a 100ft. lot and can meet the 10ft. side setback requirement. Ms. Lyon questioned if she can only have one sign because she is not able to have the signs meet the 100ft. distance requirement from another sign. Mr. Turisk stated yes and noted that Section D.1 indicates that for lots with 100ft. or less of public or private right of way, one freestanding sign may be installed that will not exceed 80 square feet. Mr. Turisk stated that under Section D.2, one additional freestanding sign may be installed for each additional 100ft. of public or private right of way. Mr. Turisk clarified that for a 100ft. lot, one freestanding sign is allowed and if you have a 60ft. lot you're allowed one freestanding sign. Mr. Turisk stated that if you want an additional freestanding sign you will have to have another 100ft. of right of way.

Mr. Turisk stated that he has emailed the DNR regarding Mr. Freese's question about signage in the Resource Conservation Zoning District. Mr. Turisk stated his only concern is that if the State leases a parcel to a private business owner who wants to install signage, we would want to have some measure of oversight to preclude garish or oversized signs. Mr. Freese stated that if this situation occurs the State would have to apply for a variance. Mr. Freese stated that he does not believe that the state will lease property for this purpose. Mr. Kavanaugh noted that the State tried to overrule local zoning laws in Burt Township and the Court of Appeals said they could not go against the local zoning laws. Mr. Kavanaugh stated that he doesn't believe that the State would go against local zoning. Mr. Kavanaugh stated that he does not have a problem with Mr. Freese's change to the amendment.

Review of Draft Amendment #161 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 that would provide specific zoning and development standards for waste hauler land uses.

Mr. Turisk stated that at the second meeting in November the Planning Commission began a discussion about drafting an ordinance with respect to regulating waste hauler land uses. Mr. Turisk stated that the Planning Commission discussed how they would work on this amendment in conjunction with the Board of Commissioners Solid Waste Management Plan that they are working on. Mr. Turisk stated that the Solid Waste Management Plan does not seem to be on the Board of Commissioners immediate agenda but the Planning Commission can move forward with standards to inject into Article 18. Mr. Turisk explained that the draft ordinance included in the packet is intended to be a very broad sort of springboard to more detailed discussions. Mr. Turisk stated that staff has proposed minimum setback requirements and application requirements. Mr. Turisk noted that during the last discussion it was decided that this use would be relegated to the industrial park in Tuscarora Township. Mr. Turisk stated that there was a discussion about allowing this use in the General Industrial Zoning District and Light Industrial Zoning District with particular minimum site standards such as minimum acreage requirements. Mr. Turisk reviewed the proposed definitions for refuse, refuse receptacle and waste hauler.

Mr. Turisk stated that some general provisions were proposed that would be applicable to the waste hauler land use. Mr. Turisk stated that as noted in 17.31.2.A, staff is proposing that a special use permit be required. Mr. Turisk that there is a requirement that an applicant will need to comply with applicable state and federal requirements. Mr. Turisk stated there is a provision regarding prohibiting open receptacles and using flatbed trucks or pickups for collecting, hauling or moving refuse. Mr. Turisk stated that receptacles are to be vector and vermin proof. Mr. Turisk stated that receptacles stored on a particular site are to be cleaned and sanitized to preclude attracting vectors and vermin. Mr. Turisk stated that some of these proposed standards might be difficult to enforce at the local level.

Mr. Turisk stated that there is a provision that speaks to providing adequate resources to provide prompt and efficient service to their clients. Mr. Turisk stated this addresses an adequate number of vehicles, equipment and personnel, because we don't want to have a situation where they do not have the resources and perhaps skips a pickup on certain weeks and then there is refuse or garbage build up. Mr. Turisk stated that we want to avoid having vehicles used for waste hauling parked long term on any site other than the one designated by the special use permit. Mr. Turisk stated that there is language that requires contact information be prominently displayed on vehicles in case of any issues or concerns. Mr. Turisk stated there is a provision regarding proposed hours of operation which is open for discussion. Mr. Turisk stated we will require a detailed project description and a project narrative that would describe the scope of work, hours of operation, vehicle storage areas, proposed route, any potential expansion or future phases, and the type or types of solid and hazardous waste that the output would handle. Mr. Turisk stated that we will also require a lighting plan and a drainage and soil erosion report to allay any concerns about contamination. Mr. Turisk stated that Section 17.31.5 is regarding one public hearing being held.

Mr. Turisk stated that the development standards include a minimum 500ft. setback. Mr. Turisk noted that we want to consider the setback from the property boundaries or from the use itself. Mr. Turisk stated that we want to have a measure of screening which is stronger than the typical or standard. Mr. Turisk stated that he proposed a minimum of 8ft. Mr. Turisk stated vegetative screening would be evergreen trees and maintenance would be for the duration of the project.

Mr. Kavanaugh suggested looking at other county and township ordinances. Mr. Kavanaugh stated that definitions are needed for rubbish, garbage, refuse or a mix of those. Mr. Kavanaugh stated that we want to make certain that we have the storage areas for the dumpsters set up properly with isolation. Mr. Kavanaugh stated that we have to look at the washing of those dumpsters so there must be a sewer available or either a closed drain that can be hauled off or a municipal system. Mr. Kavanaugh stated that in the project description we want information on the location of the vehicles, dumpsters, cleaning, etc. Mr. Kavanaugh stated that this is a good start but we have to be specific. Mr. Kavanaugh stated that we want to make sure that they have sewer, whether it's located in General Industrial Zoning District, Light Industrial Zoning District or in an industrial park. Mr. Kavanaugh stated that we have to be careful on the setback. Mr. Kavanaugh stated that the lots in the industrial park in Indian River are not big enough to allow for 500ft. of controlled isolation. Mr. Freese agreed with Mr. Kavanaugh and stated

that he doesn't believe the lots in the industrial park in Indian River would meet the setback requirements. Discussion was held. Mr. Turisk noted that many Michigan communities and townships counties do not have these standards in their zoning ordinance.

Ms. Lyon asked if the setbacks could be different for the location of the business. Ms. Lyon stated that if it's not an industrial park, 500ft. seems reasonable, but if it is located in an industrial park then a 500ft. setback may not be necessary.

Mr. Kavanaugh suggested pulling the special use permit that was approved in Beaugrand Township. Mr. Kavanaugh stated that this had a lot of good information and a lot of research was completed. Mr. Freese suggested calling Emmet County as he believes they have the best waste hauler garbage collection system of anybody in the north. Mr. Turisk stated that he contacted Emmet County and it was noted that they do not have any language in their Zoning Ordinance with respect to waste haulers. Discussion was held. Mr. Turisk stated that there are not many ordinances that address waste haulers. Mr. Turisk stated that Mr. Wendling found an ordinance from down state that blends waste hauling and recycling. Discussion was held.

Mr. Thompson referred to Section 17.19.1 in Amendment #160 and stated that the Planning Commission has discussed at previous meetings that neon signs are a subcategory of electronic signs. Mr. Thompson asked why a neon sign is included as a wall sign. Mr. Turisk stated that in the Amendment #160 we are not proposing to delete neon or electronic signs. Mr. Turisk stated there is a strong rationale to be made for substituting electronic for neon.

NEW BUSINESS

Annual Meeting/Election of Officers

Motion by Mr. Kavanaugh, seconded by Mr. Freese, to maintain the existing officers. Motion carried unanimously.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

No comments.

PLANNING COMMISSION COMMENTS

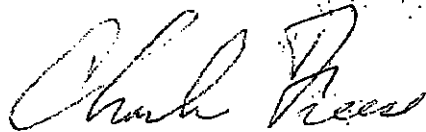
Ms. Lyon commented on being able to read the documents that Mr. Turisk presented on the computer when he increased the size of the document. Discussion was held.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:30pm.



Charles Freese
Planning Commission Secretary