

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, FEBRUARY 19, 2020 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, Carl Muscott, Bob Lyon, Cal Gouine, John Moore

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

APPROVAL OF MINUTES

There were no minutes to be reviewed.

PUBLIC HEARING AND ACTION ON REQUESTS

Proposed Amendment #154 to Cheboygan County Zoning Ordinance No. 200 that would amend Sections 2.2, 17.21 and 17.23 and regards amended definitions and zoning standards for agricultural, private storage and workshop buildings, and amended zoning standards for home occupation uses.

Mr. Turisk stated that at the February 5, 2020 Planning Commission meeting he presented the revised amendment with all references to Limited Commercial Enterprise uses deleted. Mr. Turisk stated that at this meeting that the Planning Commission determined that the placement of a private storage building shall be situated so as to allow placement of a future dwelling. Mr. Turisk noted that this standard has been added as Section 17.23.1.b.

Mr. Freese noted that Section 17.23 states that a private storage building is a primary use and this sentence should also be included in the definition.

Ms. Croft asked for public comments. Mr. Muscott asked if a private storage building can only be a primary use or can it also be an accessory use. Mr. Freese stated that if it is an accessory building it is not a private storage building under the definition and the regulations. Discussion was held. Mr. Muscott referred to the definition of agricultural building and stated that a building permit is not required for this type of building and is used for hay storage, farm animal and farm implements. Mr. Muscott stated his concerns that a home occupation is allowed in this type of building. Mr. Muscott stated that an agricultural building and private storage building are minimal buildings built with very little control from Department of Building Safety. Mr. Freese noted that both the agricultural building and private storage building require a zoning permit. Mr. Muscott stated that a permit is not required from Department of Building Safety. Mr. Muscott stated his concerns regarding a daycare or lawyer’s office being allowed in these buildings and a building permit or a certificate of occupancy not being required. Mr. Borowicz stated that a building permit is required for the private storage permit. Mr. Muscott stated that a private storage building is for storage and non-flammable storage and not for human occupancy. Mr. Muscott stated that if a bathroom is installed, then that part of the building will have to brought up to building code. Mr. Freese asked Mr. Turisk if an applicant applying for a home occupation in an accessory building would be turned over to Department of Building Safety. Mr. Turisk stated yes. Discussion was held regarding Zoning Administrator approval of home occupations. Mr. Muscott referred to Section 17.21.4 regarding conditional approvals and noted that there is no definition for conditional approval.

Mr. Brown asked why a private storage building can't be used to house or support animals of any type. Mr. Freese explained that Section 17.23 does not apply to Agriculture and Forestry Management zoning district. Mr. Brown stated he doesn't understand why you can't have a dog or a fish tank. Public hearing closed.

Discussion was held regarding Section 17.23.1.i. Ms. Lyon stated that this applies to private storage buildings in Residential, Rural Character/Country Living and Lake and Stream Protection. Mr. Freese explained that this doesn't apply to Agriculture and Forestry Management. Mr. Kavanaugh asked if the Planning Commission is saying that dogs are not allowed. Mr. Freese stated that he isn't saying that a dog can't be kept in a private storage building. Mr. Freese stated that there are kennel standards if you are considering a kennel. Mr. Freese stated there are standards for an agricultural building if you want to have cows or sheep.

Ms. Johnson asked if a bathroom is allowed in a private storage building not a private storage building/workshop building. Mr. Freese stated that a bathroom is allowed in an agricultural building and private storage building/workshop building. Mr. Freese noted that you can't have a shower or a tub.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward Amendment #154 to the Cheboygan County Board of Commissioners with a recommendation for approval with the wording regarding primary use in Section 17.23 included in the definition of private storage building/workshop building. Motion carried unanimously.

UNFINISHED BUSINESS

Continued discussion regarding possible Zoning Ordinance amendment relative to zoning standards for signs.

Mr. Turisk stated that at the February 5, 2020 Planning Commission meeting there was an informal discussion about amending Section 17.19 that regards signs. Mr. Turisk explained that this discussion came about as a directive from the Cheboygan County Board of Commissioners at their second meeting in January for the Planning Commission to look at the dimensional standards for freestanding signs in the Commercial Development zoning district. Mr. Turisk stated that we currently allow 80sf for each freestanding sign. Mr. Turisk stated that 3 freestanding signs up to 25ft in height are allowed in the Commercial Development zoning district. Mr. Turisk stated that the Planning Commission should consider that there could be 3 freestanding signs that are each 80sf on a parcel in the Commercial Development zoning district. Mr. Turisk stated that the Planning Commission should also consider allowing a measure of flexibility for the sign face area in the Commercial Development zoning district. Mr. Turisk referred to the table under Section 17.19.8 and stated that freestanding signs, marquee signs and roof signs in the Commercial Development zoning district require zoning permits. Mr. Turisk stated that the other signs listed in Section 17.19.8 do not require a zoning permit. Mr. Turisk stated that an option for the Planning Commission to consider is to maintain 80sf sign surface area standard if the property has up to 200ft. of public road frontage, but allow for flexibility by:

- Permitting larger individual sign surface area as a function of distance of public road frontage and/or façade size (Per Master Plan – "Update sign standards to allow sign size to be proportional to building façade size.")
- Fewer freestanding signs, but allow larger individual sign surface area (larger than current 80 sq.-ft. standard)
- Alternatively (or in conjunction w/larger sign surface area), permit freestanding signs greater than 25-ft. in height
- Permitting larger individual freestanding sign surface in lieu of other permitted signs (e.g., wall & canopy signs)

Mr. Turisk stated that there are ordinances that take road frontage into consideration and it stands to reason that the greater the frontage the stronger the rationale for a larger sign. Mr. Turisk stated that is a reasonable consideration when trying to adopt some measure of flexibility.

Mr. Turisk stated that Ms. Lyon has concerns regarding considering the speed that people drive when determining sign sizes. Mr. Turisk stated that the speed limit varies along the Commercial corridor on M-27 in Cheboygan County. Mr. Turisk stated that in Indian River the speed limit is 35mph and generally there is smaller signage. Mr. Turisk explained that the road is a narrower road and there is a walkable area. Mr. Turisk stated that from the intersection of M-68 coming from the east to the Indian River Pet Resort the speed limit is 45mph and increases to 55mph south of the Indian River Pet Resort. Mr. Turisk stated that it is worthwhile to look at this to see if some flexibility can be exercised.

Mr. Turisk stated that the Planning Commission may consider if the sign's applicability and function serve our tourism economy. Mr. Turisk stated that one community in Michigan takes this into consideration, but he will need to check with legal counsel to see if this would be considered as making a decision based on the content of the sign. Mr. Turisk stated that there are other possible factors for consideration:

- Would the individual sign be part of coordinated or joint signage?
- Would the sign be in harmony with the spirit of the Master Plan?

Mr. Turisk stated that the Zoning Board of Appeals reviews 5 standards for practical difficulty when reviewing a dimensional variance. Mr. Turisk stated that these types of considerations could not be a part of the 5 standards for practical difficulty.

Mr. Kavanaugh stated that the Planning Commission knows what the Cheboygan County Board of Commissioners wants and that is to make certain that the Indian River business gets the size of the sign that they purchased. Mr. Kavanaugh stated that there are a few ways that this can be addressed. Mr. Kavanaugh stated that the Planning Commission can look at the road frontage and allow 100sf. Mr. Kavanaugh stated that the Planning Commission should also look at electronic signs. Mr. Kavanaugh stated that looking at only these two issues is a simple way to address the Cheboygan County Board of Commissioners directive. Mr. Kavanaugh stated that the Zoning Board of Appeals should use the same standards that they have used in the past. Mr. Kavanaugh stated that requests for larger freestanding signs have only resulted twice in fifteen years. Mr. Kavanaugh stated that this is one issue to be address in the Indian River area. Mr. Kavanaugh stated that the Planning Commission should correct it. Mr. Kavanaugh stated that this should be an amendment that is easy to change. Mr. Kavanaugh stated that the sign ordinance has not been problematic to this point.

Mr. Freese agreed with Mr. Kavanaugh and stated that there is no reason to create new rules for the Zoning Board of Appeals regarding signs and that this problem should be corrected by changing the size sign requirements in the Zoning Ordinance. Mr. Freese stated that a freestanding sign can be located on the ground or on a pole which may be located in the right of way. Mr. Freese stated that 100sf sign could have a significant impact on the ability of motorist to see beyond the sign especially if it is located on the ground. Mr. Freese stated most commercial lots in the area along South Straits Highway are 100ft. wide and that a car moving at the speed limit in this area (45mph) would only take 1 1/3 seconds to travel this distance. A 100sf sign, therefore, could cause a significant detrimental impact on the visibility of the signage on adjacent properties. Mr. Freese does not believe this property owner will be happy with a 100sf sign if there is a 100sf sign on the ground on the adjacent parcel. Mr. Freese stated that because the Cheboygan County Board of Commissioners wants this approved, he is suggesting allowing a 100sf sign with the requirement that the parcel must have at least 200 lineal feet of frontage and that the sign cannot be located any closer than 100ft. to the property line. Mr. Kavanaugh asked if Burt Lake Marina has 200ft. of frontage. Mr. Turisk stated yes. Mr. Kavanaugh stated that he believes this is reasonable. Mr. Kavanaugh and Mr. Freese agreed that the maximum sign of an electronic sign should be revised to 60sf. Mr. Borowicz asked if a sign this large should be allowed in the right of way. Mr. Freese stated that this is reviewed by the Road Commission. Discussion was held.

Mr. Kavanaugh stated that the proposed amendment should be forwarded to the Cheboygan County Road Commission to let them know of what changed are being considered to the Zoning Ordinance.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Turisk stated that there will be a Risk Management Decision Making training that will be held from 6:00pm to 8:30pm on Tuesday, March 31, 2020 at the Littlefield Community Building in Alanson. Mr. Turisk asked that the Planning Commission members let him know if they will be available for this training. Mr. Turisk noted that the registration deadline is March 20, 2020.

Mr. Turisk stated that the Planning Commission has been invited to attend two Green Infrastructure workshops. Mr. Turisk stated that the first workshop will be held from 1:30pm - 4:00pm on March 23, 2020. Mr. Turisk stated that the second workshop will be held from 1:30pm - 4:00pm on April 24, 2020. Mr. Turisk stated that both workshops will be held at the Cheboygan Public Library. Mr. Turisk asked that the Planning Commission members let him know their availability for this training as soon as possible.

PLANNING COMMISSION COMMENTS

No comments.

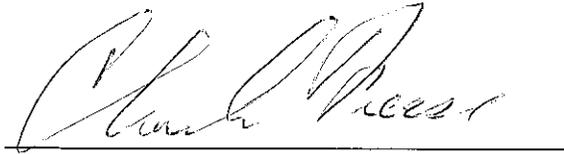
PUBLIC COMMENTS

Mr. Muscott referred to the proposed Amendment #154 and stated that may be a backdoor loophole to allow someone to build a storage building in the Agriculture and Forestry Management zoning district and then make the necessary modifications for human occupancy to use the building for daycare home or home office. Mr. Muscott questioned if the permitted uses for home occupation should be this broad. Mr. Muscott stated that the footings went in last week for the Burt Lake Marina sign. Mr. Muscott stated he would have to pace it out to see if it is within the center of the property. Mr. Muscott

stated that he believes the property has approximately 400ft. of road frontage and the proposed sign is adjacent to the existing sign. Mr. Freese stated that the proposed sign is more than 100ft. from the property line. Mr. Muscott stated that if Orion Renewable Energy receives approval for a special use permit there is a good chance the project will not be done within a year as they do not have the power sold. Mr. Muscott stated it may be worthwhile for the Planning Commission to extend the expiration date on a special use permits and site plan review approvals for large industrial projects. Mr. Muscott stated that the Planning Commission may want to hire a professional to represent the county who has a degree in engineering to make sure this solar project is done right.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:02pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written in black ink. The signature is positioned above a horizontal line.

Charles Freese
Planning Commission Secretary