

# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, JULY 3, 2013 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill  
**ABSENT:** Lyon, Jazdzyk  
**STAFF:** Scott McNeil  
**GUESTS:** Jane McGinnis, Pat McGinnis, Jon Vance, Janet Vance, John Benzel, Marilyn Benzel, Tom Hart, Melanie Hart, Fred Goddard, Hilda Goddard, Louie Paolino, Paula Paolino, Ed St. Pierre, John Moore, Travis Conners, Kevin L. Tucker, Jim Burke, Gina Burke, Dan Socha, Tony Matelski, Peter Wendling, John F. Brown, Scott L. Eno, Roy Tassava, Carol Tassava, Ralph Pruder, Sandy Pruder, Roger Jacobs, Cathy McCann, Dale McCann, John McCaffrey, Nancy Shutes, Linda Krause, Jack Krause, Judy Ostwald

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

### APPROVAL OF MINUTES

The June 26, 2013 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill), 0 Nays, 2 Absent (Lyon Jazdzyk)

### PUBLIC HEARING AND ACTION ON REQUESTS

**Inverness Fire Department / Cheboygan Airport Authority** - Requests a site plan review for a fire training structure (Section 7.2.1, 6.2.1, 5.2.1. and 4.2.1). The property is located at 1520 Levering Rd, Beaugrand Township, parcel #041-026-300-001-00 and is zoned Light Industrial Development District (D-LI).

Mr. McNeil referred to the site plan and detailed site plan and noted the proposed structure will be 640ft from the road east of the hangers. Mr. McNeil stated the proposed structure will be a two story training facility (28ft. x 32ft.). Mr. McNeil stated this parcel is zoned Light Industrial Development District and the training facility is classified as a municipal use which is permitted with site plan review by the Planning Commission.

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

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill), 0 Nays, 2 Absent (Lyon Jazdzyk)

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill), 0 Nays, 2 Absent (Lyon Jazdzyk)

**Travis Conners** - Requests a Special Use Permit for Water Craft Rental Marina (Section 10.3.5.). The property is located at 987 N. Straits Hwy., Mullett Township, parcel #130-030-400-013-00 and is zoned Lake and Stream Protection District (P-LS). *(This item was tabled at the 06/20/13 Planning Commission meeting.)*

Mr. McNeil noted that an updated site plan has been submitted with revised parking. Mr. McNeil stated the revised site plan also shows a port-a-john and a storage building which will meet set back requirements and there will be an easement to cross the right of way.

Mr. Tucker stated the 75ft. setback from the sanitary code applies only to septic tanks and dosing tanks. Mr. Tucker stated it does not apply to port-a-johns or temporary toilets. Mr. Tucker stated that based on this information they would like to use the original site plan. Mr. Tucker stated the only outstanding item would be an easement from the DNR. Mr. Tucker suggested the following for conditions to be placed on the special use permit if approved:

- 8 parking spaces, 1 hr. restricted parking signs on 6 parking spaces
- 2 parking spaces where overnight parking would be prohibited
- Agree to incorporate the scope of use dated 06/19/13
- Placement of a temporary toilet on the site and in a location dictated by the director of the Health Department with the understanding that it would be used on a temporary basis between May 1<sup>st</sup> through September 30<sup>th</sup> and would then be removed from the site
- Restrict rentals from this site to a minimum of 3 days or longer with the exception of two that could be one day rentals which would be consistent with parking
- MDOT driveway permit
- DNR easement

Mr. Tucker stated ownership of the property runs to the water's edge and the railroad has an easement by use over that portion of the trail that it has actually used. Mr. Tucker stated they have had various discussions with Joyce Angel (MDNR). Mr. Tucker stated a use permit will be issued to place the port-a-john on the right of way.

Ms. Croft asked if the applicant wants to use the original site plan. Mr. Tucker stated yes. Mr. Tucker stated he understands that the two sheds on the original site plan require Zoning Board of Appeals review for a variance and because of this the two sheds should be eliminated from the site plan. Mr. Tucker stated they may come back at a later time to revisit this issue.

Ms. Croft asked if the parking on the second site plan is what the Planning Commission should consider for parking. Mr. Tucker stated that they would not object to the Planning Commission incorporating the parking design from the second site plan into the first site plan because it is a better plan.

Mr. Kavanaugh stated port-a-johns are only allowed by the Health Department for a temporary use. Mr. Kavanaugh stated this is a permanent use such as a Dairy Queen. Discussion was held regarding a seasonal use being considered permanent and not temporary.

Mr. Freese asked if the use of the pontoon boats and personal watercraft will be for the use of rentals coming out of Northern Recreational Rentals, Inc. affiliated with T and R C Company. Mr. Tucker stated yes. Mr. Freese asked Mr. Tucker if it would be acceptable to restrict the use on that property to these particular rental customers. Mr. Tucker stated yes. Mr. Freese asked if it is acceptable to limit the on-site parking to 8. Mr. Tucker stated yes. Mr. Freese stated he may have a problem with the two overnight parking. Mr. Tucker clarified that there are no overnights permitted and day parking for two and one hour parking for six. Mr. Freese stated his concerns that Mr. Tucker previously said that there would be rentals that are three days or longer. Mr. Tucker explained that there may be an inadvertent one day rental and Mr. Travis would be uncomfortable with the three day minimum. Mr. Freese stated he prefers the three day or longer rentals. Mr. Freese stated he does not agree with using parking spaces at the Breakers. Mr. Tucker stated that they agree. Mr. Freese stated his concern that a signed easement with the DNR has not been submitted. Mr. Freese stated his concerns about the MDOT driveway permit. Mr. Tucker noted a letter was received from the Topinabee Fire Department which satisfies this issue. Mr. Freese noted there is to be an inspection of rental units by the Sheriff's Department.

Mr. Kavanaugh asked why this can not be run out of the existing building and eliminate parking, toilets and any use at this site. Mr. Kavanaugh suggested that the customers leave their car at the existing site and be dropped off at their boat. Mr. Kavanaugh stated there wouldn't be any parking, gas or buildings. Mr. Kavanaugh stated there wouldn't be any issues with length of parking time. Mr. Tucker stated they can't run a business this way as it would create a parking problem at Indian River Sports Center. Mr. Tucker stated there would be additional labor time and a bus would have to be purchased. Mr.

Tucker stated this is a creative suggestion but would be difficult to manage. Mr. Kavanaugh noted that the property is zoned Lake and Stream Protection and this is not an allowed use. Mr. Kavanaugh stated the Planning Commission will have to give special conditions to allow this use and to protect the resources.

Mr. Kavanaugh asked for the hours of operation. Ms. Croft stated from 9:00am until dusk. Mr. Tucker stated this is correct.

Ms. Croft asked for public comments. Mr. Tassava stated he is representing Mullett Shores Co-op which is located next to the Breakers. Mr. Tassava stated they are concerned about this proposal as it will impact them. Mr. Tassava stated there will be an annual meeting on July 7<sup>th</sup> and this proposal will be on the agenda. Mr. Tassava stated they just found out about this request and they were not consulted ahead of time even though they own the adjacent property. Mr. Tassava asked why there is a range of 120ft to 150ft. for the length of the dock. Mr. Tassava asked how long the dock will be compared to the Breakers Bar dock. Mr. Conners stated it can not be more than 200ft. as he is restricted to this based on the length of the Topinabee Fire Department's hose. Mr. Conners noted that the Breaker's Bar dock is approximately 300ft. in length. Discussion was held. Mr. Tassava asked how many pontoon boats and jet skis that Mr. Conners is planning on having at this site. Mr. Conners stated there will be a maximum of 4 jet skis and 4 pontoon boats. Mr. Conners stated he launches at 9 sites in 4 different lakes and there is no way that he will launch 4 pontoon boats and 4 jet skis off of this dock in one day. Mr. Conners stated this is his busiest week and he launched in 5 locations and only 3 boats went out of the ramp in Topinabee in the past 3 days. Mr. Conners stated this location is more convenient and safer. Mr. Conners stated most of the rentals are back by 5pm or 6pm. Mr. Conners stated this will be a well used site from July 1<sup>st</sup> to Labor Day weekend. Discussion was held regarding most rentals being 5 days or longer. Mr. Tassava questioned if there is a need for this marina on Mullett Lake. Mr. Borowicz noted that this use is a boat livery. Mr. McNeil stated this is not one of the standards that the Planning Commission has to review in order to approve or disapprove an application. Mr. McNeil stated is it up to the applicant to decide whether the venture is good or is not good. Mr. Tassava stated there is a lot of boat traffic that comes into the bar. Mr. Tassava stated his concerns regarding additional boat traffic that will be created by this proposed dock that is shorter and how it will affect children swimming by his dock. Mr. Tassava stated they would like time to discuss this issue at their annual board meeting on July 7<sup>th</sup> and then have input on it. Ms. Croft stated this request was tabled at the last Planning Commission meeting. Ms. Croft stated property owners within 300ft. of this site received a notice of this meeting. Mr. Kavanaugh asked if Mr. Tassava received a notice of the meeting. Mr. Tassava stated they did receive the notice but only one person was at the co-op at the time. Mr. Tassava stated everyone will be available to discuss this request at the meeting on July 7<sup>th</sup>. Mr. Kavanaugh explained that comments could have been sent to the Planning Commission in writing if no one was able to attend the meeting. Mr. Kavanaugh noted that this request was tabled for more information at the last Planning Commission meeting. Discussion was held.

An audience member stated her concerns that the DNR property has not been purchased by Mullett Shores Co-op or the Breakers Bar and questioned how she will access her waterfront property if he purchases this property. Ms. Croft stated it is up to the property owner to contact the DNR. Discussion was held.

An audience member stated he is from Lakewood Cottages and believes there is too much gray area in this request for the Planning Commission to make a decision. Public comment closed.

Board held discussion. Mr. Freese stated he would like the Planning Commission to consider requiring a minimum of 3 day rentals. Mr. Ostwald stated it could be a detriment to not allow a 1 day rental once in a while. Discussion was held on how it would be tracked. Mr. Freese stated if there are 1 day rentals they will stay around the area where they launch which concentrates the use in that area. Mr. Ostwald stated this is a big lake. Mr. Freese stated this happened when he had this type of rentals. Mr. Kavanaugh stated that since this is a special use permit the Planning Commission can have reasonable conditions to protect the property owners in the area. Mr. Kavanaugh stated the conditions should be reasonable so the owner can operate the business. Mr. Churchill stated that Mr. Conners could have the one day rentals at one of the other locations. Mr. Churchill stated the Planning Commission does not want to inhibit this business. Mr. Churchill stated he is concerned about safety and believes this would be a fair condition. Discussion was held.

Ms. Croft noted that the applicant requested the Planning Commission use the original plan with parking from the second plan and to eliminate the buildings.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried.

Mr. Borowicz requested that all references to a marina in the findings be changed to boat livery as there are no proposed launch ramps. Mr. Freese requested that all references to jet skis in the findings be changed to personal watercraft. 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. Freese, seconded by Mr. Churchill, 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 the following conditions:

1. The use of the site is limited to use as a livery by Northern Recreational Rentals Inc. affiliated with T and RC Inc. only for rental of pontoon boats – four (4) and personal watercraft – four (4). Use of the site is limited to the rental uses by these rental customers for docking of these 8 rental units and not any other recreational purposes
2. On site parking is limited to 8 parking spaces, no other parking is permitted on site,
3. No on site storage buildings and no portable buildings except as approved by District Health Department #4
4. Rentals from this site limited to 3 day rentals or more
5. Hours of operation from 9:00am until dusk and from May 1<sup>st</sup> to September 30th
6. DNR approval for the easement and the dock
7. MDOT approval for driveway permit
8. Livery inspection of all rental units by Cheboygan County Sheriff's Department
9. Sign for parking and on the dock indicating "For rental use only"
10. No on site gas storage
11. Nothing more be done on the site until all of the conditions have been met
12. Meet Department of Building Safety requirements
13. Meet District Health Department #4 requirements

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

**Tuscarora Township** - Requests a Special Use Permit for Construction of a Sewage Treatment Plant (Section 7.3.12.). The property is located at Brudy Rd., Tuscarora Township, parcel #162-030-300-001-03 and is zoned Light Industrial Development District (D-LI).

Mr. McNeil stated there was no new information submitted.

Ms. Croft stated an extensive public comment session was held at a previous meeting. Ms. Croft stated she closed the public comments. Ms. Croft stated the only public comments to be received would be based on new information presented to the Planning Commission. Ms. Croft stated there has not been any new information presented. Ms. Croft stated this will now open up board discussion.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to add the 06/05/13 Planning Commission minutes and the 06/20/13 Planning Commission minutes as exhibits. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill), 0 Nays, 2 Absent (Lyon Jazdzyk)

Mr. Kavanaugh asked Ms. Croft if the Planning Commission will be hearing any more public comments. Ms. Croft stated there was no additional information presented so there will not be public comments. Ms. Croft stated the Planning Commission can ask questions of the applicant. Mr. Freese noted that the specifications for the generator is new information (exhibit 57). Discussion was held. Mr. Wendling stated if there have been extensive public meetings and there is no new information the Planning Commission is at the deliberating phase. Ms. Croft stated this request has been tabled several times and the public has had an opportunity to speak regarding the issues. Mr. Wendling stated it is perfectly correct for the Planning Commission to deliberate.

Mr. Kavanaugh stated that Tuscarora Township should record the agreements with the Register of Deeds. Mr. Waldron stated all of the agreements will be recorded. Mr. Kavanaugh stated an odor program should be implemented. Discussion was held.

Mr. Kavanaugh and Mr. Freese explained that even though there are a lot of political and legal issues with this project, the Planning Commission is not able to consider these issues when making a decision. Mr. Kavanaugh noted that if all of the standards are met the Planning Commission has no choice but to approve the request. Ms. Croft stated stipulations can be placed on an approval.

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. Freese, 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 with the following conditions:

1. The alternate water well, which is to service the lots affected by the 800ft. radius, must be sufficient to provide adequate water for industrial use including fire suppression through on-site storage be provided
2. Odor control plan be developed
3. Record the water agreements with property owners
4. Department of Building Safety requirements be met
5. Road Commission requirements be met
6. District Health Department #4 requirements be met
7. Generators sufficient to run pumps in the event of power failure be purchased

Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 1 Nay (Ostwald), 2 Absent (Lyon Jazdyk)

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

No comments.

**STAFF REPORT**

Mr. McNeil stated at the next Planning Commission there will be a public hearing on the lighting amendment. Mr. McNeil stated the Planning Commission will continue to discuss a proposed amendment regarding campers and recreational vehicles and commercial farms. Mr. McNeil stated the Planning Commission will review the draft Capital Improvement Plan.

**PLANNING COMMISSION COMMENTS**

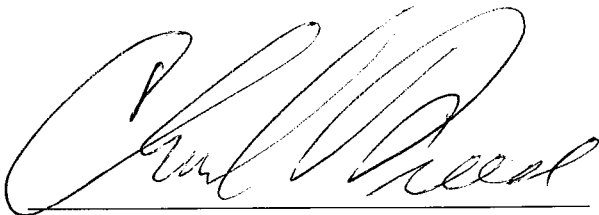
Mr. Kavanaugh stated the Tuscarora Township application was a very controversial issue and the Planning Commission has spent a lot of time reviewing the request. Mr. Kavanaugh stated there were a lot of concerns and the Planning Commission approved the requested based on the Zoning Ordinance. Mr. Freese stated that if the Planning Commission would have been able to review the entire plan, rather than just the waste water treatment facility, they may have come to a different conclusion.

**PUBLIC COMMENTS**

Audience members thanked the Planning Commission for their professionalism, time and concern during this discussion.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:29pm.



Charles Freese  
Planning Commission Secretary