



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, MAY 4, 2011 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Eichhorn, Churchill  
**ABSENT:** None  
**STAFF:** Scott McNeil  
**GUESTS:** Tony Matelski, Bill Morgan Jr., Cal Gouine, Bob Lyon, John Moore, Marc Brach

The meeting was called to order by Chairperson Croft at 7:00pm.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

### APPROVAL OF MINUTES

The April 20, 2011 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the meeting minutes as presented. Motion carried unanimously.

### PUBLIC HEARING AND ACTION ON REQUESTS

**Marc Brach / Ross And Brach LLC** – Requests a Site Plan Review for welding/repair, fitness studio and office and a Special Use Permit amendment for outdoor storage of empty dumpsters. The property is located at 10983 Townline Road, Inverness Twp., section 12, parcel #091-012-200-004-02 and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated this parcel is zoned Agriculture and Forestry Management and a special use permit was issued in 2001 for a repair facility. Mr. McNeil stated the applicant is requesting a site plan review which is subject to use variances that were approved by the Zoning Board of Appeals for fitness studio and U-Haul rental. Mr. McNeil stated the applicant is also requesting a special use permit for outdoor storage of empty dumpsters. Mr. McNeil noted on the site plan the location the empty dumpsters will be stored. Mr. McNeil stated the applicant proposes a 6ft. high fence on the north side and additional tree plantings on the west side of the property. Mr. McNeil noted the location of the easement to the storage facilities. Mr. McNeil stated the applicant has indicated 35 parking spaces on the site plan and the Planning Commission will need to do an adequate parking determination relative to the U-Haul rental use and the fitness studio use. Mr. McNeil stated he has not found any documentation regarding signage permits.

Mr. Brach stated his tenant is no longer renting space for the dumpsters so this is no longer an issue. Mr. Brach stated the company was bought out. Mr. Brach stated all of the U-Hauls have been moved to the west of the numbered parking spaces. Mr. Brach stated he was discussing a 15 unit maximum with Mr. McNeil. Mr. Brach stated he has 13 on site currently and this is the maximum number that he has ever had.

Board held discussion. Mr. Kavanaugh stated removing the dumpsters from the request will help. Mr. Freese agreed with Mr. Kavanaugh and stated there is still a problem which should be addressed in the near future. Mr. Freese stated dumpster storage is not listed anywhere in the regulations. Mr. Freese stated General Industrial, Light Industrial, Commercial and possibly Agriculture Forestry Management should be considered for this use.

Mr. Eichhorn stated that in regards to Ms. Rocheleau's concerns, the trees on the north property line will eventually fill in. Mr. Eichhorn stated that Ms. Rocheleau does have a point regarding the wrecked vehicle and the dumpsters. Mr. Brach stated the vehicle is from two weeks ago and will not be there much longer. Mr. Eichhorn asked if Mr. Brach will be putting up a fence. Mr. Brach stated he would rather not put up a fence but he will put up more trees. Mr. Brach stated he is not able to put in the same size of trees due to the underground power that runs through this area. Discussion was held regarding the dumpsters being removed which will address Ms. Rocheleau's concern.

Mr. McNeil recommended that the site plan be adjusted to show the additional area for the U-Haul storage. Mr. Freese stated this can be made a condition of the approval.

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

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the topography waiver. Motion carried unanimously.

The Planning Commission reviewed the General Findings and agreed that item 2 should be deleted. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the request based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the condition that a final drawing be submitted with reference to the location of the U-Haul Rental and signage approval. Motion carried unanimously.

## **UNFINISHED BUSINESS**

### **Capital Improvement Plan – Project Identification and Prioritization**

Mr. McNeil stated there was one additional submittal. Mr. McNeil stated the bridge going into Indian River is now included for 2012. Mr. McNeil stated the Planning Commission has seen all other projects previously. Mr. McNeil stated now the Planning Commission can decide which projects they would like to include in the Capital Improvement Plan. Mr. McNeil recommended that projects be classified as either needed or desired when prioritizing the projects. Mr. Kavanaugh asked Mr. McNeil if he is recommending that the Planning Commission accept all projects as part of the Capital Improvement Plan. Mr. McNeil stated yes. Mr. McNeil recommended that every project be included as they all have merit. Discussion was held. The Planning Commission agreed to include all proposed projects in the Capital Improvement Plan.

The Planning Commission classified Animal Control's Facility Improvement/Expansion as a needed project.

The Planning Commission classified the Cheboygan County Airport's Maintenance Garage, Runway Rehabilitation and Taxiway Extension as needed projects. The Planning Commission classified the Terminal Renovation/Expansion as a desired project.

The Planning Commission classified the Cheboygan County Fair Grounds Restroom/Shower Facility as a needed project and the Show Arena Cover and Portable Bleachers as desired projects.

The Planning Commission classified the Cheboygan County Building Maintenance Department's Boiler Replacement, County Building Roof Replacement and Trim Panel Replacement as needed projects. The Planning Commission classified the County Building Parking Lot Repaving and Doris Reid Center Parking Lot Repair as desired projects.

The Planning Commission classified the Cheboygan County Road Commission's Window Replacement, Fuel Facility, Long Lake Road Repaving, Mann Road Reconstruction, Quarry/Ostrander Road Reconstruction, Trowbridge Road Reconstruction, South Extension Road Construction, Mullett Lake Woods Shore Drive Overlay, Mullett Lake Woods Road Crush and Repave, Webb Road Construction, Brudy Road Reconstruction, Webb Road Bridge and South Straits Highway Bridge as needed projects. The Planning Commission classified Solar Energy Panels as a desired project.

The Planning Commission classified Cheboygan County Marina's Dock System A Replacement and Upgrade and Dock System B Replacement and Upgrade as desired projects.

## **NEW BUSINESS**

### **Discussion Regarding Rezoning Parcels Currently Zoned Mixed Residential**

Mr. McNeil stated the Zoning Board of Appeals recently determined that the term gas, as it is used in the ordinance, is relative to gasoline or the liquid form of gas. Mr. McNeil stated the Zoning Board of Appeals affirmed that natural gas production facilities, as well as the piping, currently fall under the essential services exception to the zoning rules. Mr. McNeil stated that the Planning Commission has a chance to review the determination and see if there is any desire to regulate gas facilities that do not fall under the state regulation. Mr. McNeil stated he understands there are some zoning authorities that do regulate the secondary processing. Mr. McNeil asked if the Planning Commission desires to study this subject further.

Mr. Freese stated the Zoning Board of Appeals determined that anything done with a petroleum product, in the way of manufacture, is not an essential service. Mr. Freese stated this use is governed by the zoning ordinance and has to be located in the General Industrial district. Mr. Freese stated anything manufactured from the natural gas must be located in the General Industrial district also. Mr. Freese stated anytime something is manufactured from the raw product coming out of the ground

it would have to be located in the General Industrial district. Mr. Freese stated that bringing the product out of the ground and putting it into the pipeline is considered an essential service. Discussion was held.

Mr. McNeil stated the Planning Commission may want to discuss whether or not there is a desire to regulate these uses. Mr. Borowicz stated that legal counsel advised that the Planning Commission can regulate these uses. Mr. Borowicz stated regulations should be developed. Discussion was held regarding legal counsel's opinion.

#### **STAFF REPORT**

Mr. McNeil stated he was notified today that the Cheboygan Hunter's Safety Committee has withdrawn their application for a special use permit.

Mr. McNeil stated the Medical Marijuana public hearing is schedule for the next Planning Commission meeting. Mr. Kavanaugh stated there were comments in the newspaper regarding the 1,000ft. requirement. Mr. Kavanaugh stated the Planning Commission should review this requirement and the electrical requirement.

#### **PLANNING COMMISSION COMMENTS**

Mr. Freese stated a use variance application has been submitted to the Zoning Board of Appeals for horses on Levering Road. Mr. Freese stated the request was tabled. Mr. Freese stated there is an ambiguity in the Rural Character/Country Living regulation. Mr. Freese stated this is the only area in the ordinance where we have regulations governing the number of animals and the area required. Mr. Freese stated there are no parcels currently zoned Rural Character/Country Living. Mr. Freese stated the Planning Commission will be reviewing rezoning Mixed Residential parcels in the future. Mr. Freese read sections 14.4.1, 14.4.1.1 and 14.4.2. Mr. Freese stated that according to section 14.4.1.1 a property owner could have 6 animals if he owned 2 acres. Mr. Freese stated he felt the areas specified in 14.4.1 was meant to be for pasturage. Mr. Freese referred to section 14.4.2 and stated the smaller areas were meant to be for stabling. Mr. Freese is concerned that section 14.4.2 could be interpreted that many animals could be kept in a smaller area without access to the larger areas meant for pasturage. Mr. Freese stated he does not believe this was the intent of the Planning Commission.

Mr. Freese stated if a property owner has 6 acres he could have 4 animals for the first acre and then the extra 5 acres could have 10 or more animals. Mr. Freese stated he could have 14 animals in a small area. Mr. Borowicz noted this is what the property owner on Levering Road has currently. Mr. Freese stated if a use variance is granted by the Zoning Board of Appeals and then the parcel is rezoned to Rural Character/Country Living, the property owner will then be able to keep all of the animals in a small area. Mr. Freese stated section 14.4.1.1 should be changed to say it is for open pasturage available to the animals and that the property owner should have a barn/stable available with a fenced in area as required under section 14.4.2. Discussion was held regarding the Michigan Right to Farm Act. Mr. Borowicz suggested making this use subject to the Michigan Right to Farm Act as it is considered the agricultural animal welfare standard. Discussion was held. The Planning Commission and Mr. McNeil agreed with Mr. Freese that sections 14.4.1, 14.4.1.1, 14.4.1.2 and 14.4.2 should be reviewed before any parcels are rezoned to Rural Character/Country Living.

Mr. Ostwald stated some of the neighbors questioned if the Cheboygan Hunter's Safety Committee members are standing in the shelter when they are shooting. Mr. Ostwald questioned if anyone is checking to make sure the shooters are in the shelter when they are shooting. Mr. McNeil stated no. Ms. Croft stated this should be done only if there is a complaint registered with the Code Enforcement Officer. Mr. Kavanaugh noted that we do not do this type of inspection on any other special use permit. Ms. Croft stated this inspection would have to be done after hours or on weekends. Mr. McNeil questioned if the noise comes from the end of the barrel. Mr. Borowicz stated the noise does come from the end of the barrel. Mr. McNeil stated he observed that the barrel is out of the enclosure when they are shooting. Mr. Borowicz noted that you would need a big enclosure to keep the barrel inside. Mr. Kavanaugh noted that the residents in this area have concerns, however, they moved to an Agriculture/Forestry district. Mr. Kavanaugh stated if they wanted an area where there is no shooting, airports, etc. they should move into a subdivision that is zoned Residential. Mr. Kavanaugh stated they cannot expect to move to the wildest part of the county and expect people not to shoot. Mr. Kavanaugh stated airports and piggeries are allowed in the Agriculture/Forestry district. Mr. Kavanaugh stated the property owners should understand that they put a residence in a Agriculture/Forestry zone and they will have to put up with the uses that are allowed in this district. Mr. Kavanaugh stated there will not be a Forestry/Agriculture zoning district if these concerns are accommodated. Mr. Borowicz stated the people move to this district for peace and quiet and they expect what they did to change the environment. Mr. Borowicz stated this is the last thing that should be allowed. Discussion was held regarding the neighbors in the area agreeing that the hours could be adjusted but they did not want to see the number of hours increased.

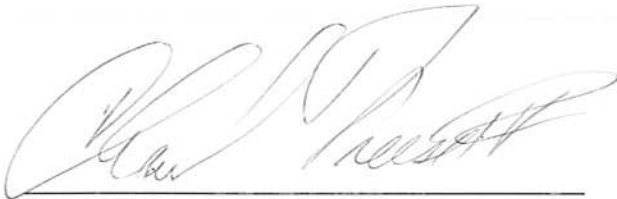
**PUBLIC COMMENTS**

Mr. Matelski stated he has a wind turbine and a solar array and he is comparing the two currently. Mr. Matelski stated the solar panel beats the wind turbine. Discussion was held.

An audience member stated he was concerned about the noise created by the Cheboygan Hunter's Safety Committee. The audience member stated that a wind turbine can be put up but it has to be under 50 decibels which is quite a difference from the noise created by the shooting range. Ms. Croft stated the decibel reading on the wind turbines is constant where the decibel reading on the shooting is not constant. Mr. Borowicz stated he is just over a mile from this parcel and he has never heard any shooting. Mr. Borowicz noted the sound dissipates quickly in this type of terrain. The audience member questioned if the prevailing wind makes a difference. Mr. Borowicz stated yes. Mr. Freese and Ms. Croft agreed that the topography will make more of a difference. Mr. Freese stated the decibel reading limitation for wind turbines is applicable anywhere in the county and is not specific to the Agriculture/Forestry district.

**ADJOURN**

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



Charles Freese  
Planning Commission Secretary