



# 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 WEDNESDAY, OCTOBER 19, 2011 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Eichhorn, Lyon, Churchill  
**ABSENT:** None  
**STAFF:** Scott McNeil  
**GUESTS:** Bill Morgan Jr., Karen S. Morgan, John F. Brown, Jack Keck, John Moore, Tony Matelski, Roger Fleury, Bob Lyon, Mary Street

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 October 5, 2011 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried unanimously.

### PUBLIC HEARING AND ACTION ON REQUESTS

**CHRISTOPHER BROWN / ALFONSO LIEGHIO** – Requests a Special Use Permit for a contractor’s yard (Section 6.3.3). The property is located at 14152 Mackinaw Highway, Mackinaw Twp., section 11, parcel #011-019-300-008-00 and is zoned Commercial Development District (D-CM).

Mr. McNeil presented the site plan and explained the location of the two storage buildings that are currently being use for commercial storage. Mr. McNeil stated the Planning Commission previously approved a site plan for the location of the two commercial storage buildings. Mr. McNeil stated the applicant is seeking a special use permit for a contractor’s yard use and for a 60’ x 100’ storage building to be placed at the rear of the two existing storage buildings. Mr. McNeil stated there is no outdoor storage indicated on the site plan. Mr. McNeil stated there are two proposed semi-trailers to be located on the site. Mr. McNeil stated there will be five employees working at this site and there will be three parking spaces located at the front of the existing buildings. Mr. McNeil stated staff recommends approval be contingent upon meeting storm water requirements and Health Department requirements.

Mr. Brown explained that with the contractor’s yard use there will be cranes, cribbing and concrete forms used for foundations. Mr. Brown stated a contractor’s yard is allowed in a Commercial Development District. Mr. Brown explained that there will not be any employees on site even though the application states there will be. Mr. Brown stated employees will not work out of this location on a regular basis. Mr. Brown stated this is a storage facility and a place for staging equipment. Mr. Brown stated the property slopes at the back of the parcel and ditching is not a problem.

Mr. Kavanaugh asked if there is a well at this location. Mr. Brown stated no. Mr. Churchill asked if the property owner owns all 627ft. and what are the future plan. Mr. Brown stated yes the property owner owns all 627ft. back and that the property to the back is unusable as it is wet. Mr. Brown stated Scott Rasmusson from the DEQ visited the site yesterday. Mr. Brown stated that he is aware of what the limits are for the site.

Mr. Kavanaugh asked if Mr. Brown would be willing to put in a vault type privy for the employees. Mr. Brown stated it would not be a problem putting in a privy.

Ms. Croft asked for public comments. Mr. Fleury stated he lives next door to this property. Mr. Fleury stated another adjacent property owner sent a letter in regards to this request. Mr. Fleury stated he is a business owner and the name of his business is F&F Tree Trimming and Removal. Mr. Fleury stated in the past year he has called the DEQ, DNR, Cheboygan County and the EPA regarding the waste that has been kept at this site. Mr. Fleury presented pictures he had taken in the past year of waste. Mr. Fleury noted in the pictures there are barrels of toxic materials without a second containment unit. Mr. Fleury stated according to federal and state law there should be a second containment unit. Mr. Fleury stated he contacted the DNR and the DEQ regarding the refrigerators and air conditioning units. Mr. Fleury presented a letter that was sent from the DEQ and NRE to Mr. Brown. Mr. Fleury also presented a letter that was sent from Cheboygan County to Mr. Brown.

Mr. Fleury stated he talked with Mr. Schnell regarding this enforcement issue. Mr. Fleury believes a ticket should have been issued. Mr. Fleury believes the barrels should have been labeled and referred to a letter from the DEQ noting there was concern that the toxic materials may get into Mr. Fleury's soil and his neighbor's soil.

Mr. Fleury stated he has wetlands on his property that is adjacent to Mr. Lieghio's property and this is considered a fresh water ecosystem and runs down to the great lakes. Mr. Fleury reviewed state laws and acts that are not being followed. Mr. Fleury stated that the property owner ignored violation notices and these are laws for everyone to follow.

Mr. Brown stated that none of the agencies determined that these allegations were true. Mr. Brown stated the refrigerators were tagged and claimed by Ballard's Plumbing and Heating. Mr. Brown stated all units were tagged when the agencies inspected and he has the correspondence from each agency and none of the allegations were founded. Mr. Brown stated this is a Commercial zoning district and Mr. Fleury runs a tree service on the adjacent parcel. Mr. Brown noted that Mr. Fleury has tree service equipment parked at the front of the parcel. Mr. Brown stated that Mr. Fleury should be required to apply for a contractor's yard. Mr. Brown stated that there is raw sewage that runs at the back of the property and he noted that it is either from Mr. Fleury's house or the house on the adjacent parcel. Mr. Brown stated that he assumes it is the older unit with an inadequate septic system that is owned by Mr. Fleury. Mr. Brown stated the parcel has been cleaned up and there is no hazardous or toxic waste. Mr. Brown stated this site has been inspected by many agencies and there have not been any issues. Mr. Brown stated the empty barrels were used for insulation which is a non-toxic product. Public comment closed.

Board held discussion. Mr. Kavanaugh asked if outside storage was previously approved by the Planning Commission. Mr. McNeil stated no and there have been some enforcement issues. Mr. Kavanaugh stated that if this is approved the Planning Commission can condition the approval with inside storage only. Discussion was held regarding storm water runoff. Mr. McNeil stated that Soil and Sedimentation/Storm water Runoff will be reviewed by Hank Jankoviak.

Mr. Freese stated that based on the pictures there has been a lot of trash and outside storage that was not authorized by the Planning Commission. Discussion was held regarding enforcement letters that was sent to the property owner. Ms. Croft noted the letters are from May 2010, September 2010 and August 2011. Mr. Freese stated that when he visited the site there was not a lot of items stored outside. Mr. Freese stated there were concrete forms, tires, dumpster and a mattress. Mr. Kavanaugh stated the site plan will have to be revised if there will be equipment stored outside. Mr. Freese noted that the Planning Commission will need to know what will be stored outside and where it will be stored outside. Discussion was held. Mr. Freese stated that other than the mattress, he did not have problem with the items stored outside.

Mr. Freese stated if this request is approved tonight the Planning Commission may require not outside storage. Mr. Freese stated if the applicant specifies what items will be stored outside and the location where it will be stored, the Planning Commission may approve the site plan. Discussion was held.

Mr. Eichhorn asked Mr. Brown what will be done with the trailer next to the building. Mr. Brown stated the trailer will be used for storage.

Mr. Borowicz noted that a letter was received regarding storm water. Mr. Freese stated that storm water will be reviewed by Hank Jankoviak. Mr. Borowicz stated that the storm water plan was previously approved but there are still storm water issues. Mr. Freese stated there is more impervious surface than there was previously and this was not authorized. Discussion was held.

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

The Planning Commission added the following to the General Findings:

1. The previously approved site plan did not allow any outside storage.
2. The current site plan does not request any outside storage.

The Planning Commission reviewed a, b and c of the Finding of Fact Under Section 18.7. Mr. Brown stated that typically a contractor's yard has outside storage and he was not aware that outside storage (for equipment, not debris) needed to be included on the site plan. Discussion was held regarding the site plan being revised to show outside storage of equipment only. Discussion was held regarding Mr. Brown starting construction of the storage building and revising the site plan to include outside storage for the Planning Commission to review. Mr. McNeil stated this request could be reviewed tonight and if approved Mr. Brown could re-apply and revise the site plan to show outside storage. Ms. Croft stated that Mr. Brown could ask that the request be tabled to allow him to revise the site plan to include outside storage.

Mr. Brown stated that some things cannot be stored inside of a building and this is why he is requesting a special use permit for a contractor's yard. Mr. Brown stated contractors have equipment that cannot be kept in a building and they store it outside. Discussion was held. Mr. Brown stated there is a need for outside storage and he will have to amend the site plan. Mr. Brown stated that he would like to have this request tabled. **Motion** by Mr. Freese, seconded by Mr. Ostwald, to table the special use permit request at the applicant's request until the November 2, 2011 Planning Commission meeting. Motion carried unanimously. Mr. Kavanaugh suggested including the location of the privy on the site plan and review of storm water by Hank Jankoviak.

**An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to add new zoning districts, Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) which encompasses generally property abutting North Straits Highway from approximately 690 feet north of Woodruff Street and proceeding south to Ranch Road, not including property between Mullet Lake and the DNR recreational trail.**

**An ordinance to amend Cheboygan County Zoning Ordinance No. 200 regarding regulations for signs in the new VC-T and VC-T-O zoning districts.**

Mr. McNeil reviewed the definition of Dwelling: Patio House: "A dwelling unit which is part of several dwelling units attached to each other with shared walls between units that orient outdoor activity within rear and side yard patio areas." Mr. McNeil referred to sections 14C.4.7, 14C.4.7a and 14C.4.7b and noted that there would be a 30ft. front setback, 8ft. side setback and 12ft. rear setback for residential uses. Mr. McNeil stated a new section was added allowing porches no greater than 6ft. in depth to be within 24ft. of the front lot line. Mr. McNeil provided a map/aerial photo with the distances from the lot line to the top of the bluff for parcels within the overlay. Mr. McNeil noted that there is a residence on the third lot from the north.

Mr. Freese referred to the map/aerial photo and asked for the width of the lot that has 90ft. from the front lot line to the top of the bluff (parcel #130-O13-004-004-00). Mr. McNeil stated 60ft. Mr. Freese stated that even with the setbacks there will still be room to build a residence.

Mr. Morgan stated that the notice still references "690 feet north of Woodruff Street". Mr. McNeil stated that there will have to be a public hearing for the new overlay district and this change will also be included in the notice. Discussion was held.

Mr. Morgan asked why the porch was restricted to 6ft. instead of 10ft. Mr. Morgan stated he believes 10ft. was acceptable to the Planning Commission. Mr. Freese stated he did not have a problem with 10ft. Mr. McNeil stated he will make the change. Discussion was held regarding holding a public hearing on November 16, 2011. **Motion** by Mr. Freese, seconded by Mr. Borowicz to schedule a public hearing on November 16, 2011 at 7:00pm for the Village Center Topinabee Residential Overlay. Motion carried unanimously.

**An ordinance to amend the Cheboygan County Zoning Ordinance No. 200 to repeal Section 10.6 and Section 23.5.5, Section 21.2.6. and setback regulations in their entirety and amend Sections 21.2.3., 23.7.1.4., and 23.7.2.4. relative to High Risk Erosion Areas.**

Mr. McNeil explained that the proposed amendment will repeal the provisions of the ordinance relative to High Risk Erosion and allow it to be administered by the state. Mr. McNeil stated the proposed amendment also provides some updating relative to notification of the DNR in the event there is an issue before the Zoning Board of Appeals in the High Risk Erosion area or the Natural Rivers Protection District.

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

Board held discussion. Mr. Freese, Mr. Kavanaugh and Mr. Eichhorn agreed that the amendment is good. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward the amendment to the Board of Commissioners with a recommendation for approval. Motion carried unanimously.

**An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to establish a period of time in which to file a completed special use permit application or site plan prior to review by the Planning Commission and establish a period for review by other agencies.**

Mr. McNeil stated this amendment re-establishes the 30 day requirement for submission of a special use permit before review by the Planning Commission. Mr. McNeil stated this amendment also standardizes the timeframe for other agency review for special use permits and site plan reviews. Mr. McNeil stated this amendment would provide for a 10 day time frame to review.

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

Board held discussion. **Motion** by Mr. Freese, seconded by Mr. Churchill, to forward the amendment to the Board of Commissioners with a recommendation for approval. Motion carried unanimously.

**UNFINISHED BUSINESS**

**Consideration of proposing rezoning from Lake and Stream Protection to Commercial Development for parcels on M-68 lying between M-27 and I75.**

Mr. McNeil reviewed an aerial photo of the area proposed for rezoning from Lake and Stream Protection to Commercial Development. Mr. McNeil provided a draft amendment document. Mr. McNeil reviewed the parcels to be included in the rezoning. Mr. McNeil referred to the aerial photo and noted which parcels are being used commercially. Discussion was held. Mr. McNeil stated that the Tuscarora Township Supervisor and the Tuscarora Township Planning Commission Chairperson received a copy of the report. Ms. Croft asked if any comments were submitted. Mr. McNeil stated no. Mr. Ostwald asked if the property owners are aware of this proposed rezoning. Mr. McNeil stated the property owners in this area have not received a notice of this proposed rezoning yet. Mr. McNeil stated that Supervisor Ridley noted in his letter property owners that he talked to regarding rezoning. Ms. Croft noted that this is not a public hearing. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Ostwald, to schedule a public hearing for rezoning on November 16, 2011. Motion carried unanimously.

**NEW BUSINESS**

Mr. Freese stated at the last Zoning Board of Appeals meeting there was a discussion regarding the current sign regulations. Mr. Freese stated the current sign regulations precludes any real signage for Fernelius's new building. Mr. Freese stated Fernelius will have less signage than what they have currently. Mr. Freese explained there is a limit of 40sf of signage on the face of the building. Mr. Freese stated there are two dealerships in the building and each requires a separate entrance and signage for Dodge/Chrysler/Jeep/Ram and Toyota. Mr. Freese stated the Planning Commission should review signage and come up with something more reasonable. Mr. Borowicz suggested the Planning Commission consider using a percentage of the front of the building. Discussion was held.

Mr. Freese stated he has received suggestions from his cousin on how to promote the county and the city that the Planning Commission should review. Mr. Freese stated he will give the notes to Mr. McNeil to distribute to the Planning Commission.

Mr. Eichhorn asked if Mr. Fernelius was not aware of the signage regulations when the site plan was approved by the Planning Commission. Ms. Croft stated that Fernelius did not request an approval for signage at that time. Discussion was held.

**STAFF REPORT**

No comments.

**PLANNING COMMISSION COMMENTS**

No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:16pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written in black ink. The signature is fluid and somewhat stylized, with the first name "Charles" and last name "Freese" clearly distinguishable.

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Charles Freese  
Planning Commission Secretary