



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, DECEMBER 21, 2011 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon,
ABSENT: Churchill, Eichhorn
STAFF: Scott McNeil
GUESTS: Matthew Raines, Marie Watts, Tony Matelski, John Moore, Russell Crawford, Cheryl Crawford, Bob Lyon,
John F. Brown, Charles Antkoviak

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

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Eichhorn)

APPROVAL OF MINUTES

The December 7, 2011 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Eichhorn)

PUBLIC HEARING AND ACTION ON REQUESTS

MATTHEW RAINES/DAVID GRISWOLD/JUDY JANKOVIK – Requests a special use permit for an automobile repair/service facility (section 9.3.2). The property is located at 11303 N. Extension Rd., Munro Twp., section 2, parcel #080-002-400-001-01 and is zoned Agriculture & Forestry Management (M-AF).

Mr. McNeil reviewed the site plan and stated that the parcel is 3.9 acres with 55 feet of frontage on North Extension Road. Mr. McNeil stated the building is 52ft. x 52ft. and there will be one bay for the auto repair facility. Mr. McNeil stated there are 6 proposed parking spaces and only 2 are required. Mr. McNeil stated the sign meets the requirements of the ordinance. Mr. McNeil stated the applicant has not indicated outside storage other than the proposed dumpster.

Mr. Kavanaugh asked if the vehicles being repaired will be stored in the parking area. Mr. Raines stated yes. Mr. Kavanaugh asked Mr. Raines what is the maximum number of vehicles being repaired that will be on site. Mr. Raines stated he did not anticipate any more than 4 vehicles but there is room for 8 vehicles. Mr. Kavanaugh asked Mr. Raines if he would have any concerns about being restricted to 6 vehicles. Mr. Raines stated no. Mr. Kavanaugh asked if the vehicles being repaired are licensed/registered. Mr. Raines stated yes. Mr. Kavanaugh asked if there will be any employees or if Mr. Raines will be the only one working at this location. Mr. Raines stated that he is the only one who will be working and there will not be any employees.

Ms. Croft asked for public comments. Ms. Watts stated she is a neighbor and is opposed to this request. Ms. Watts stated her concerns about the auto repair facility polluting her ground water. Ms. Watts stated she is also concerned about noise. Public comment closed.

Mr. Kavanaugh asked what type of storage there will be for waste oil. Mr. Raines stated it will be stored indoors and separated. Discussion was held. Mr. Kavanaugh asked which licensed hauler will pick up the waste oil. Mr. Raines stated Crystal Flash.

Mr. Ostwald asked Ms. Watts to describe her concerns regarding noise. Ms. Watts stated she is able to hear noise from the pole building in her house with the doors and windows closed. Ms. Watts stated Mr. Raines does not keep normal hours. Ms. Watts stated this building will be adjacent to her back yard. Mr. Ostwald noted that a lot of noise is created by I-75 which is very

close. Mr. McNeil noted that the application states hours of 8:00am to 8:00pm. Ms. Watts asked if she should call 911 if Mr. Raines is working after 8:00pm. Mr. Kavanaugh stated that Ms. Watts should call the Planning & Zoning Department to file a complaint. Ms. Watts stated she is concerned that this is a residential neighborhood and Mr. Raines does not own the property. Mr. Raines stated that he is not able to hear the air compressor from his porch which is only 40ft. away because the building is insulated. Mr. Raines stated he has not operated past 6:00pm in the past month. Ms. Watts stated that a special use permit was not issued to Mr. Raines and he is already operating the auto repair facility. The Planning Commission reviewed an aerial photo of the area.

Mr. Freese noted that this is a situation where a business has been in operation and in violation of the ordinance. Mr. Freese stated Mr. Raines is now trying to comply with the ordinance. Mr. Freese stated this is zoned Forestry/Agriculture and it is not zoned Residential. Mr. Freese stated this is a permitted use in the Forestry/Agriculture zoning district.

Ms. Croft stated the applicant is requesting a topography waiver. Ms. Croft noted there will not be any construction at the site. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Eichhorn)

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. Mr. Borowicz asked if Mr. Raines works on farm equipment and noted that farm equipment is not licensed. Mr. Raines stated he occasionally works on snowmobiles, ATV's or a small engine. Discussion was held.

Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, 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 stipulations:

1. Maximum of 6 vehicles
2. Vehicles to be stored in (or adjacent) to the parking area
3. Vehicles to be repaired are: recreational vehicles, farm equipment and motorized vehicles as defined by the motor vehicle code
4. Licensed hauler is to be used to remove the waste
5. Hours of operation to be from 8:00am to 8:00pm

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

UNFINISHED BUSINESS

2012 Work Plan

Mr. McNeil reviewed the draft work plan. Mr. McNeil asked the Planning Commission members to arrange the projects into a 1st Priority category and a 2nd priority category.

Mr. McNeil and the Planning Commission discussed the draft work plan. The Planning Commission agreed the following projects should be included in the 1st priority category:

- Update zoning ordinance to conform with Right to Farm Act
- Camping on private property
- Lakefront parcel setbacks
- Establishment of minimum lot size, side and rear setbacks for Natural Rivers Protection District

The Planning Commission agreed to re-prioritize the remaining projects when the 1st priority projects have been completed.

Proposed rezoning of property currently zoned Lake and Stream Protection District (P-LS) to a new zoning district, Lakefront Historic Protection District (P-LH).

Mr. McNeil reviewed the changes that were made to the draft amendment. Mr. McNeil reviewed the existing waterfront setbacks on the mapping system and recommended that the waterfront setback remain 40ft. Mr. McNeil stated the results are included in his report. Mr. McNeil stated the side setback remains at 7% or 8ft., whichever is less.

Mr. Kavanaugh stated he still does not see a need for this amendment. Discussion was held regarding the number of similar types of variance requests reviewed by the Zoning Board of Appeals. Mr. Freese stated the number of requests in the report is only those that were approved and that the report does not show the number that were denied. Mr. Freese stated that there are probably 3 times as many that were denied. Mr. Freese stated that legal counsel has advised that if there is a continuing

problem with the same type of variance being granted then there is a problem with the ordinance. Mr. Kavanaugh stated some of the structures are bigger than what should be on the lot. Mr. Kavanaugh stated he does not see the need to automatically grant 2 feet or 3 feet. Mr. Kavanaugh explained that if 8ft. is the requirement then the Zoning Board of Appeals can review the request and review other options and advise to build up or build back. Mr. Kavanaugh stated if you look back in history we do not go backwards very often in zoning. Mr. Kavanaugh stated this is moving backwards not forwards. Mr. Freese stated he does not agree and there is a problem and it should be addressed. Mr. Kavanaugh stated the Zoning Board of Appeals does a great job of addressing this issue.

Mr. Freese explained that someone may apply for a variance to extend their house 2ft. from the side property line when a portion of the house is already 2ft. from the property line. Mr. Freese stated a variance would be necessary for them to build out to where they are already. Discussion was held. Mr. Freese stated the reason for 8ft. setbacks was to allow access for emergency vehicles. Mr. Freese stated these areas have already been built up and are established and there is no access for emergency vehicles.

Mr. McNeil asked which subdivisions/areas the Planning Commission would want to fall within the new zoning district. Mr. Kavanaugh suggested looking at aerial photos to see which subdivisions have reasonable setbacks and which subdivisions may really need the smaller setbacks. Mr. Freese stated there must be legal justification to set a standard applicable to one subdivision with 50ft. lots and not another subdivision with 50ft. lots. Discussion was held. Mr. McNeil stated there are a lot of parcels within the 50ft. to 60ft. range and there were very few that were under 40ft. Mr. McNeil suggested the Planning Commission review aerial photos of the layout of the lots. Mr. Kavanaugh agreed that the Planning Commission should review a couple examples at the next meeting.

Review of ZOA regarding truck terminal and warehouse uses in Commercial Development District (D-CM)

Mr. McNeil stated at the last Planning Commission meeting there was a concern that the definition of warehouse may conflict with the retail uses which store flammable and explosive items. Mr. McNeil reviewed this with legal counsel and has provided a draft ordinance with a revised definition for warehouse that will provide clarity. Mr. McNeil stated the definition now refers to the principle building on a lot or the principle use on the land. Ms. Croft asked if this is acceptable to Mr. Graham. Mr. McNeil stated yes.

Mr. Freese stated truck terminals and warehouses are tied together and he believes this will cause a problem. Mr. Freese stated that Travis Conners purchased another parcel and constructed a warehouse which is on a separate parcel from the business. Mr. Freese stated it would be illegal for him to store petroleum, oil and lubricant in this warehouse the way the amendment is written. Mr. Freese stated truck terminal and warehouse should be separate. Mr. McNeil stated he will review this with legal counsel. Mr. Kavanaugh suggested changing the title of Section 17.26 from "truck terminal and warehouse" to "truck terminal or warehouse". Discussion was held regarding changing the title of Section 17.26 to Truck Terminals or Warehouses and removing the term warehouse from Section 17.26.6.

NEW BUSINESS

Planner's Moments DVD

The Planning Commission viewed a Planner's Moments DVD.

STAFF REPORT

Mr. McNeil reviewed proposed amendments that will be on a future Planning Commission agenda.

Mr. McNeil stated that Steve Schnell and Matt Cronk will be attending the January 18, 2012 Planning Commission meeting to discuss enforcement and the Master Plan update.

Mr. McNeil stated that on January 24, 2012 at 8:00pm in the Commissioners Room there will be an agricultural based discussion that is an extension of the discussions that came out of the Master Plan focus sessions.

Mr. McNeil informed the Planning Commission that he received a notice of intent to update a master plan and recreation plan for Albert Township in Montmorency County.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Raines asked if the limitation of 6 vehicles excludes his personal vehicles. Mr. Kavanaugh stated yes. Mr. Raines asked if

his approval changes the zoning of the property. The Planning Commission explained that the zoning for the property has not been changed. Mr. Freese stated the use is a permitted use in the district with a special use permit.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:21pm.

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