

CITY OF CHEBOYGAN PLANNING COMMISSION  
Regular Meeting Monday, May 18, 2020 Via Zoom Audio  
Audio Record will also be available at City website

Present: Kopernik, Granger, Rogers, O'Brien, Khan-King, Horntvedt  
Absent: Kronberg,  
Admin: Eustice

Meeting called to order at 10:09 a.m.

Motioned by Kopernik and seconded by Khan-King to approve Minutes of March 15, 2020 Special Meeting. Passed unanimously.

Motioned by O'Brien and seconded by Kopernik to approve the Minutes of April 27, 2020 Special Meeting. Passed unanimously.

Review of February 25, 2020 Zoning Amendment and Review of Medical Marihuana Ordinance:

Eustice confirmed that Medical Marihuana facilities in a B2 or B3 do require a special use permit. Horntvedt questioned why Eustice stated on April 27, 2020 that the permit was not required. Eustice clarified that he thought it was part of the licensing application. Eustice stated after consulting with Counsel Lindsay and reviewing both ordinances it was confirmed that special use permit application is required.

Discussion on process, do they apply for special use permit first or licensing first. Consensus that it is one process that would include the license application, special use application and site plan review application.

Discussion regarding what a site plan review would look like for an existing building since a lot of the review process pertains to new construction. Eustice stated that probably about 90% of check off list for site plan review would not pertain to existing construction. Mainly would concern what façade would look like.

Eustice stated that in the special use review the board could consider the impact on adjacent buildings, but it is very tricky.

Granger said if any extensive remodeling is being completed permits have to be pulled from the county. The county would not issue permits unless the special use permit is authorized.

Eustice clarified that Planning Commission has authority to grant a special use permit, but site plan recommendation has to go before Council. Rogers questioned, if Planning Commission has right to issue special use permit, do they also have authority to deny special use. And, if denied can Council overturn their decision. Eustice stated that

Council could overturn their decision. There are also other avenues for applicants to follow if they are not satisfied with Commission decision. Zoning Board of Appeals and 53<sup>rd</sup> circuit court.

#### Commissioner Comments

Rogers confirmed that the Commission should be looking for licensing applications including applications for special use permits and site plan review applications. She further confirmed that these applications would meet all criteria as specified in Article 9 including public notice, hearing and sign on building in question. Eustice confirmed that was the case.

O'Brien commended the commission for showing the system works with the need of a special use permit. Had applications been pushed through it would have set a precedent.

O'Brien questioned why public hearing regarding adding waterfront marine and tourist service districts was cancelled. Eustice stated there were too many unanswered questions to proceed.

O'Brien then questioned if this issue came up because of one of the applicants being in a Waterfront Marine District. Eustice stated it was. Rogers questioned, why add those districts to the ordinance, wouldn't be more appropriate to rezone property in question to B3? Granger stated we had to be careful of spot zoning. Eustice confirmed that property in question is adjacent to B3 so would not be considered spot zoning.

O'Brien stated whatever decisions are made, must follow Master Plan. He then questioned if more than one public hearing should be held when considering special use permits. Granger stated one public hearing was sufficient.

Granger stated in view of new community developments should the committee of the whole convene to discuss or should a sub committee be formed. Khan-King stated that the Commission had been working on this ordinance for over a year and a lot of time, effort and consideration went into it. She was at first reluctant but then heard from ministers and other community members. There was also ample opportunity for citizens to voice their concern. Much discussion, Granger stated he heard consensus that committee not necessary.

#### Staff Report

There is an application to rezone 123 E. State Street to B3, it is currently Waterfront Marina. Kopernik stated he is listing Real Estate Agent so when discussion comed up regarding the property he would recuse himself.

Will be a request to rezone property on Western on same side as The Brook, Stempky 44 acre parcel. Developers interested in building single family homes as well as

townhouse style duplexes. Due to the duplexes, necessary to zone for multiple family. Hornvedt questioned the difference between this rezone request and that of the rezone request for property adjacent to the school several months ago. Difference is that there is a purchaser with a plan. Previous rezoning request was in an effort to make property more attractive to sell.

Public Comments – full comments can be heard in the audio recording at City website

Jody Clarmont suggests public meetings be posted on social media.

Karen Coopridner under the impression anyone age 21 and over can buy medical marihuana.

RJ Archambo clarified that a medical card was necessary to purchase medical marihuana.

Sandy Rose thought goal was to improve downtown with retail not medical marihuana, very concerned over lack of communication and agrees social media a good idea.

John Stritmatter hopes to have 3 businesses, Growing, Processing and Provisioning Center. If not allowed to have Provisioning Facility on Main Street, he is out not only cost of building but also opportunity cost. Thanked everyone for explanation of special use process, he is to get the proper paperwork and site plan review submitted.

Sharen Lange submitted document to the Commission outlining a breakdown in communication between Council and Commission. Concerned about location density, process, and communication.

John Costin stated that as a downtown business owner he was never consulted or advised of what was going on. The marihuana issue never came before Mainstreet/DDA. He said Cheboygan is not ready, they have worked together this far and need to work together again, need more time.

Public comment closed at 11:45 a.m.

Granger thanked everyone for their input and stated he hopes to find consensus.

Motion by Kopernik and seconded by Rogers to adjourn meeting. Motion passed unanimously. Meeting adjourned at 11:46 a.m.

Respectfully submitted,

Linda J. Rogers, Secretary  
City of Cheboygan Planning Commission