



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 & PUBLIC HEARING WEDNESDAY, OCTOBER 4, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk
ABSENT: Borowicz
STAFF: Scott McNeil
GUESTS: Cal Gouine, Bob Lyon, Russell Crawford, Cheryl Crawford, Carl Muscott, John Moore, Dave Driskill, Karen Johnson

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 M. Freese, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

APPROVAL OF MINUTES

The September 6, 2017 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

PUBLIC HEARING AND ACTION ON REQUESTS

TRAVIS CONNERS - Requests a Special Use Permit Amendment for boat storage (6.3.14). The property is located at 1225 South Grandview Beach Road, Tuscarora Twp., section 6, parcel #162-006-300-004-00 parcel #162-006-300-005-00, and is zoned Commercial Development (D-CM).

Mr. McNeil stated that Mr. Connors received special use permit approval for a 60ft. x 180ft. storage building and outdoor boat storage. Mr. McNeil stated that Mr. Connors is requesting two additional boat storage buildings of the same size. Mr. McNeil stated that on this parcel is an existing motel structure. Mr. McNeil stated that outdoor display was also approved on the previous site plan.

Mr. Kavanaugh asked if Mr. Shank's letter is the only addition to the exhibit list. Mr. McNeil stated yes, that Mr. Shank is the Engineer/Manager of the Road Commission, and he deemed this to be a commercial driveway which requires the curb and gutter. Mr. McNeil stated that Mr. Connors is aware of this requirement. Mr. Jazdzyk stated that it was noted in an email that the work would be completed in 2018.

Ms. Croft asked for public comment. There was no public comment. Public comment closed.

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 subject to Department of Building Safety requirements and Cheboygan County Road Commission requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

PORTER'S SURVEY/RIVERS EDGE COMMUNITY ASSOCIATION – Requests a Site Plan Review amendment to reduce the size of Unit 5 of the Rivers Edge Site Condominium and to create a new Unit 6 (20.3.d). The property is located at 9656 N. M-33

Hwy., Inverness Twp., section 17, parcel #092-R25-000-005-00 and is zoned Lake and Stream Protection (P-LS) and Commercial Development (D-CM).

Mr. McNeil stated the Planning Commission previously approved an expansion of unit 5. Mr. McNeil stated that this is an amendment to the site plan review approval to create a new unit 6. Mr. McNeil reviewed the proposed site plan with the Planning Commission. Mr. McNeil stated that this parcel is located in a Commercial zoning district and there is an existing building with an existing auto and equipment repair business located on the proposed unit 6.

Mr. Freese asked if the parcel split has been approved by the township. Mr. Porter stated that it has not been reviewed by the township as condominiums and subdivisions are exempt. Discussion was held. Mr. Freese stated that on one plan the boundary of the common use area is depicted on the west edge of the building. Mr. Freese stated another plan shows the boundary of the common use area going through the middle of the building. Mr. Porter stated that the plan that was approved was showed the common use area not going through the building. Mr. Freese asked which site plan the Planning Commission should be looking at now. Mr. Porter stated the one not going through the building. Mr. McNeil referred to exhibit 8 and noted that this is the main site plan. Mr. Porter stated that the site plan that Mr. Freese is referring to is part of the recording documents for the condominium.

Mr. Kavanaugh asked if the well will be changed from a Type I to a Type III. Mr. Porter stated that he is not aware of any modifications. Mr. Kavanaugh asked if the existing structure is connected to the sewer. Mr. Porter stated that there are no changes from the previous approvals.

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

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. Kavanaugh seconded by Mr. Freese, to approve the site plan based on the General Finding and the Specific Findings of Fact Under Section 20.10 subject to written approval from District Health Department #4 on sewage and water. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

GERALD B. WOLFGRAM / MIKE SAKER & DAVE DRISKILL – Requests a Site Plan Review for change of use from office and retail to dwelling unit (13A.2.11). The property is located at 3696 S. Straits Hwy., Tuscarora Twp., section 24, parcel #161-024-400-130-00 and is zoned Village Center Indian River (VC-IR).

Mr. McNeil stated that on the west side of the lot there is a unit with commercial uses on the north side of the building. Mr. McNeil stated that a new dwelling unit is being proposed for this location. Mr. McNeil stated that there are currently five other dwelling units within this structure and there is also a barber shop on the southwest side of the building which is going to remain. Mr. McNeil stated that multi-family structures are an allowed use in the Village Center Indian River zoning district. Mr. McNeil stated that the unit is 22.5ft x 32.5ft. and there is a requirement in the ordinance that multi-family units with a single bedroom must have at least 500sf. Mr. McNeil stated that this unit has 731sf. Mr. McNeil stated that the required parking spaces, based on the number of chairs in the barber shop and the number of dwelling units, are provided on the site. Mr. McNeil explained that previously the Planning Commission approved a site plan review application for the medical office with off-site parking. Mr. McNeil explained that the off-site parking is being maintained with this change of use application.

Mr. Freese stated that the shared parking spaces are with a different medical facility now. Mr. Freese asked if there have been any changes that would change the parking requirements. Mr. McNeil stated no.

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

Motion by Mr. Churchill, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

The Planning Commission added "The proposed unit will be 22.5ft x 32.5ft. Multi-family units with a single bedroom must have a minimum floor area of 500sf and the proposed unit will have 731sf." as General Findings #7. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements and District Health Department #4 requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Zoning Ordinance Amendment regarding Vehicle Repair and Fuel Sales Uses

Mr. McNeil stated that the definitions were previously reviewed by the Planning Commission and by Tuscarora Township. Mr. McNeil stated that Tuscarora Township's requests have been interjected into the proposed amendment.

Mr. McNeil stated that new definitions are proposed in section 1 for Car wash, Motor vehicle service station, Motor vehicle repair facility and Retail sales establishment small-scale convenience.

Mr. McNeil explained that section 2 deletes the current definition of Gasoline service station.

Mr. McNeil stated that section 3 provides for Automobile, boat equipment, farm machinery sales and rental establishments to be allowed in the Commercial Development zoning district with site plan review approval. Mr. McNeil explained that this is a proposed change from the current use listing of Automobile, boat, equipment and farm machinery sales, repair, rental and washing establishments. Mr. McNeil stated that the reference to repair and washing are removed with the establishment of the Car wash, Motor vehicle service station, and Motor vehicle repair facility use listings and definitions.

Mr. McNeil explained that section 4 provides for Car wash, Motor vehicle service station and Retail sales establishment, small-scale convenience as uses which require site plan review in the Commercial Development zoning district.

Mr. McNeil stated that section 5 establishes Motor vehicle repair facility as a use which requires a special use permit in the Commercial Development, Agriculture and Forestry Management, Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts. Mr. McNeil explained that this section also establishes Retail sales establishment, small-scale convenience as a use which requires a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts. Mr. McNeil stated that section 5 establishes Car wash as a use which requires a special use permit in the Village Center, Village Center Indian River, and Village Center Topinabee zoning districts and establishes Motor vehicle service station as a use which requires a special use permit in the Village Center zoning district.

Mr. McNeil explained that section 6 eliminates the use listings of Gas stations and Gasoline service stations and garages relative to the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts and reserves the section numbers for future use.

Mr. Freese asked if this amendment has been reviewed by legal counsel. Mr. McNeil stated no. The Planning Commission requested that Mr. McNeil forward the proposed amendment to legal counsel for review.

Consideration to rezone intermittent stream area from Carter Rd. to Galbraith Rd. from Lake and Stream Protection (P-LS) to Agriculture and Forestry Management (M-AF).

Mr. McNeil referred to a zoning map included with a memo to the Planning Commission and stated that the subject area is an intermittent stream from Carter Road to Galbraith Road in Benton Township. Mr. McNeil explained that the Planning Commission went through an extensive rezoning with the intention of having areas within 500ft. of perennial streams, lakes, and rivers be within the Lake and Stream Protection zoning district. Mr. McNeil stated intermittent streams and drains were rezoned to the areas surrounding them and a 40ft. setback was required from the stream or drain.

Mr. McNeil stated that Agriculture and Forestry Management surrounds this intermittent stream area. Mr. McNeil stated that this information was brought to his attention by Mr. Drolshagen who has applied for a private storage building. Mr. McNeil stated that the Lake and Stream Protection limits the square footage of a private storage building. Mr. McNeil stated that during their discussions Mr. Drolshagen indicated that this is not a perennial stream. Mr. McNeil stated that his findings have confirmed that this is not a perennial stream. Mr. McNeil stated that he found that west of Carter Road there is a running stream up to the road and he noted some pooling of water to the west of the road. Mr. McNeil stated from Carter Road to the east there are features of a drain that runs in the spring time but certainly not a perennial stream. Mr. McNeil stated that he is bringing this to the Planning Commission's attention to see if they would consider a rezoning from Lake and Stream Protection to Agriculture and Forestry Management which would be consistent with what has been done previously.

Mr. Kavanaugh stated that this is a drain and it takes a lot of water but it is intermittent. Mr. Kavanaugh stated that this is a reasonable change. Mr. Freese agreed that this is a drain and is intermittent. Discussion was held regarding setback requirements. Mr. Freese stated that this will alleviate the restrictions for private storage. Discussion was held.

Motion by Mr. Freese, seconded by Mr. Churchill, to schedule a public hearing on the rezoning at the earliest date.

Mr. McNeil recommended that the Planning Commission follow the standard procedure to review a rezoning. Mr. McNeil stated that he will prepare an amendment document and a report for the Planning Commission to review.

Motion by Mr. Freese, seconded by Mr. Churchill, to rescind his motion to schedule a public hearing on the rezoning at the earliest date. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Borowicz)

STAFF REPORT

Mr. McNeil stated that there will be a public hearing regarding the boat shelters at the next Planning Commission meeting.

Mr. McNeil stated that Mr. Schnell has taken another position and that will be effective November 6, 2017.

PLANNING COMMISSION COMMENTS

Mr. Freese asked if the small parcels along Topinabee will be addressed soon or if that will be delayed due to Mr. McNeil's plans to retire. Mr. McNeil stated that this will be addressed at a later date.

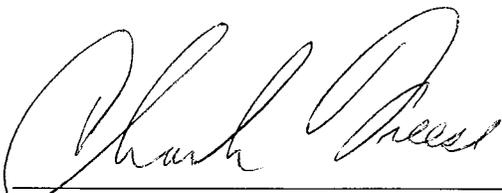
PUBLIC COMMENTS

Mr. Muscott referred to the proposed amendment regarding Auto maintenance and fuel sales uses and questioned if Article 13 is a generic Village Center. Mr. Muscott stated that there are separate zoning districts for Village Center for Topinabee and Indian River. Mr. McNeil stated that Mr. Muscott is correct and there are provisions for a Village Center but there are no parcels in the county zoned Village Center. Mr. Freese stated that this could be eliminated. Mr. McNeil stated that it is not hurting anything and is there to be used if needed. Mr. McNeil noted that this could be deleted from the Zoning Ordinance.

Mr. Muscott stated that Ms. Taylor has a dog grooming and boarding business on M-68. Mr. Muscott stated that Ms. Taylor is scaling the size of the business back to just dog grooming. Mr. Muscott stated that she hopes to relocate in the Indian River Village Center. Mr. Muscott stated that unfortunately, Cheboygan County does not list dog grooming as a use in the ordinance. Mr. Muscott stated that Mike Ridley stated that Mr. McNeil recommends that Ms. Taylor request a variance. Mr. Muscott suggested that Ms. Taylor apply for a veterinary clinic, which is an allowed use in the Village Center. Mr. Muscott stated that maybe she could receive an approval for a veterinary clinic even though she is only doing dog grooming. Mr. Muscott stated dog grooming could be added as a use at a later time. Mr. Freese stated that there is no way that it could be authorized under a veterinary clinic because it is a state licensed facility. Mr. Freese stated that a use variance could be considered by the Zoning Board of Appeals. Discussion was held. Mr. McNeil stated that he talked with Ms. Taylor and Mr. Ridley. Mr. McNeil stated that he mentioned to Ms. Taylor that a use variance is one of her options and he believes that Ms. Taylor is considering a use variance. Mr. McNeil stated that he talked with Mr. Ridley and he stated that he had a meeting with their Planning Commission and they plan to write a letter to the Cheboygan County Planning Commission recommending that dog grooming be included in the Village Center. Mr. Freese stated that there is a dog grooming business in Indian River currently. Mr. McNeil stated that this business is non-conforming.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:46pm.



Charles Freese
Planning Commission Secretary