



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, NOVEMBER 1, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdzyk  
**ABSENT:** Ostwald, Churchill  
**STAFF:** Scott McNeil  
**GUESTS:** Bob Lyon, Eric Boyd, John F. Brown, Russell Crawford, Cheryl Crawford, Carl Muscott, Karen Johnson, John Moore

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

### APPROVAL OF MINUTES

The October 18, 2017 Planning Commission minutes were presented. Ms. Croft referred to the motion to approve the October 18, 2017 Planning Commission agenda and noted that Mr. Churchill was absent. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as amended. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Churchill)

### PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

### UNFINISHED BUSINESS

#### Zoning Ordinance Amendment Regarding Office, Health And Fitness Center And Personal Service Center Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that the recommended changes were minimal. Mr. McNeil stated the legal counsel has recommended changes in the proposed definitions for Health and Fitness Center and Personal Service Center with a reference to commercial establishments. Mr. McNeil stated that legal counsel recommended an exclusion for home occupations in the definition of Office.

Mr. McNeil stated that there was a use variance for a dog grooming business in the Indian River Village Center zoning district that was reviewed by the Zoning Board of Appeals. Mr. McNeil stated that there was a discussion at that meeting about interjecting the dog grooming use. Mr. McNeil stated that he has provided a proposed definition for dog grooming and to allow it as a use with site plan review for Indian River Village Center zoning district and Commercial zoning district. Mr. McNeil also included a letter from the Tuscarora Township Planning Commission showing their approval of dog grooming in the Indian River Village Center zoning district. Mr. McNeil stated that Mr. Freese may provide more information on this request. Mr. Freese suggested changing dog grooming to pet grooming. Mr. Freese noted that there are similar uses that cut hair, style hair, wash hair. Mr. Freese believes that this use is similar to a barber shop or beauty salon. Mr. Freese stated that these uses are not authorized in the Indian River Village Center zoning district. Mr. McNeil stated that barber shops and beauty salons are not currently authorized but by virtue of this amendment these uses will be authorized. Discussion was held regarding changing dog grooming to pet grooming. Mr. McNeil suggested changing it to domesticated pets. Mr. McNeil stated he will have this amendment reviewed by legal counsel. Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to schedule a public hearing for December 6, 2017 for the proposed Zoning Ordinance amendment regarding office, health and fitness center and personal service center uses. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Churchill)

### **Zoning Ordinance Amendment Regarding Bar And Restaurant Uses**

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that legal counsel recommended changes in the proposed definitions for Bar and Restaurant with language referencing compliance with Michigan Liquor Commission requirements. Mr. McNeil stated that the amendment is ready for review at a public hearing. Mr. Jazdyk asked Mr. McNeil to explain legal counsels recommendation regarding adding the word accessory to restaurant, carry out. Mr. McNeil explained that legal counsel recommended that this would confirm that the parking lot is an accessory use to the restaurant use. Discussion was held. **Motion** by Mr. Borowicz, seconded by Mr. Jazdyk, to schedule a public hearing for December 6, 2017 for the proposed Zoning Ordinance amendment regarding bar and restaurant uses. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

### **Zoning Ordinance Amendment Regarding Vehicle Repair And Fuel Sales Uses**

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that there is an interjection in the use listing for the Commercial zoning district to mention motorized and non-motorized recreational vehicles. Mr. McNeil stated that this is the only change. Mr. McNeil stated that this amendment is ready for review at a public hearing. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to schedule a public hearing for December 6, 2017 for the proposed Zoning Ordinance amendment regarding vehicle repair and fuel sale uses. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

### **Proposed Rezoning From Lake And Stream Protection (P-LS) To Agriculture And Forestry Management (M-AF) And Residential Development District (D-RS) Relative To An Intermittent Stream Located Between Carter Road And Galbraith Road In Benton Township.**

Mr. McNeil reviewed a map of the area to be rezoned From Lake and Stream Protection To Agriculture and Forestry Management. Mr. McNeil stated there was a mention of rezoning from Lake and Stream Protection to Residential Development District that was not discussed previously. Mr. McNeil explained that there is an area of a recorded subdivision. Mr. McNeil explained that this area would revert to Residential Development. Mr. McNeil stated that this amendment has been reviewed by legal counsel and is ready for review at a public hearing. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to schedule a public hearing for December 6, 2017 for the proposed rezoning from Lake and Stream Protection to Agriculture and Forestry Management and Residential Development relative to an intermittent stream located between Carter Road and Galbraith Road in Benton Township. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

### **NEW BUSINESS**

No comments.

### **STAFF REPORT**

Mr. McNeil stated a letter from NEMCOG was distributed to the Planning Commission. Mr. McNeil stated that NEMCOG is assisting the Village of Mackinaw with their master plan update. Mr. McNeil stated that a draft is ready for review. Mr. McNeil stated that Cheboygan County is a jurisdiction that is required notice under the planning act. Mr. McNeil stated that a copy of the draft master plan is available on CD in the Planning and Zoning Department. Discussion was held.

Mr. McNeil stated that he provided the Planning Commission with a copy of an email from Tim Maylone, who represents Cherry Capital Connection. Mr. McNeil stated that Mr. Maylone previously submitted a special use permit application for a communication antenna on Wartella Road. Mr. McNeil stated that Mr. Maylone had comments regarding the approval process. Mr. McNeil stated that Mr. Maylone suggested more administrative approvals be provided for shorter towers.

### **PLANNING COMMISSION COMMENTS**

No comments.

### **PUBLIC COMMENTS**

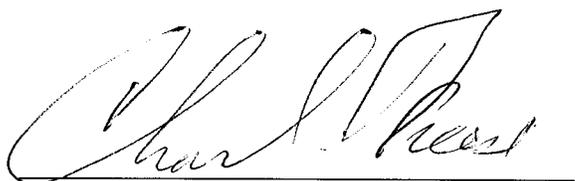
Mr. Moore referred to the proposed amendment regarding bar and restaurant uses and asked what the rationale is for the 15 seats for Restaurant, carry out and Restaurant drive in. Mr. McNeil stated that this stems from a discussion with Tuscarora Township and what has extended out of a couple of approvals. Mr. McNeil stated that not many carry out restaurants have many more seats than 15.

Mr. Muscott asked if the office, health and fitness center and personal service center use will address any other areas other than Indian River's needs. Mr. Muscott asked if this will be included in the Village Center Overlay and Commercial zoning district. Mr. McNeil stated that health and fitness center and personal service center use are being proposed for the Commercial zoning district as well. Mr. Muscott asked if tattoo and piercing parlors will be included under the personal

service center use. Mr. McNeil stated yes. Discussion was held. Mr. Muscott referred to the proposed rezoning amendment and noted that a two family dwelling use is listed as a duplex (Section 10.3.8) and two family dwelling (Section 4.2.1). Mr. Muscott referred to Section 10.2.2 and noted that animal husbandry and gardening are different uses and questioned why these uses are intermingled. Mr. McNeil stated that the different terms for dwellings have been identified as uses for the Planning Commission to review. Mr. Muscott stated his concerns regarding the different types of restaurant uses and noted that it may be more complicated than it needs to be. Mr. McNeil stated that there are a lot of different uses and an applicant can combine the uses into one application for one business. Mr. Muscott asked if these uses will be included in the Topinabee Village Center and if there has been any feedback from Mullett Township. Mr. McNeil stated Mullett Township has been provided this information, but there has not been a response from the township. Mr. McNeil stated that all the Village Centers are covered as well as some uses being provided in the Lake and Stream Protection, Agriculture and Forestry Management, Commercial and Residential. Mr. McNeil stated that these areas are covered with different restaurant uses. Mr. McNeil stated that this is covered in his memo. Mr. Kavanaugh asked if Mullett Township responded to Mr. McNeil's email. Mr. McNeil stated that he did not receive a response from the township.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:25 pm.

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