



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, SEPTEMBER 20, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdzyk
ABSENT: None
STAFF: Scott McNeil
GUESTS: Eric Boyd, Bob Lyon, John F. Brown, Cal Gouine, John Moore, Carl Muscott, Karen Johnson, Russell Crawford, Cheryl Crawford, Mike Vroman, Mary Vroman, Rae Bontekoe, Matthew Shann,

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. Churchill, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Rae Bontekoe – Requests a Special Use Permit for an Event Venue (Section 9.3.3. pursuant to Zoning Ordinance Amendment #140). The property is located at 8739 Brudy Road, Ellis Township, section 18, parcel #210-018-400-002-01 and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that in June 2016 the Planning Commission reviewed a similar application for Ms. Bontekoe. Mr. McNeil stated that the special use permit has expired and Ms. Bontekoe is seeking a new special use permit. Mr. McNeil noted that a smaller tenting area is proposed in the current application and as a result, the parking area is also smaller. Mr. McNeil stated that this falls under the Assembly, Educational or Social Event Facility for an Events Venue use. Mr. McNeil stated that the property is zoned Agriculture and Forestry Management and a special use permit is required for this type of use. Mr. McNeil stated that this application includes a request for public venues such as art fairs.

Ms. Bontekoe stated that she would like to be able to have a small craft show in the barn. Ms. Lyon asked if the parking would stay the same. Ms. Bontekoe stated yes and it may possibly be less. Mr. Churchill asked if there will be any flea markets. Ms. Bontekoe stated no. Mr. Kavanaugh asked if everything will be located in the barn or in the tent. Ms. Bontekoe stated yes. Ms. Croft asked for public comments. Ms. Vroman stated that she lives on Brudy Road where it is supposed to be agricultural and residential for families. Ms. Vroman stated that what Ms. Bontekoe is requesting is not right. Ms. Vroman stated that there are more children on this road now than there have been in the past. Ms. Vroman stated it is not fair to the neighbors and the children to have events going until 11:00pm. Ms. Vroman questioned how there will only be parking for 55 cars when there may be 250 people attending a wedding. Ms. Vroman asked how it is fair to bring in a commercial business to a residential and farming area. Ms. Vroman questioned if the barn is up to standards in regards to the bathrooms. Ms. Vroman stated that the barn smells like mold. Mr. McNeil stated that the barn will have to be brought up to code. Ms. Vroman stated that this is not fair to the neighbors. Ms. Vroman stated that the neighbors shouldn't have to change their lifestyle because the applicant wants to bring in arts and crafts. Ms. Bontekoe stated that she will suggest to the bride that she should rent a shuttle for the bridal party.

Public comment closed.

Mr. Kavanaugh stated that the Health Department has approved the site and there will be a new septic system and bathrooms. Mr. Kavanaugh stated that there will be an upgraded well. Mr. Kavanaugh stated that all changes to the building have to be

approved by the Department of Building Safety. Mr. Kavanaugh stated that there are a lot of uses that can be approved in the Agriculture and Forestry Management Zoning District.

Mr. Ostwald asked if there will be a designated area for smoking. Ms. Bontekoe stated that she would prefer to not allow smoking. Ms. Bontekoe stated she is not aware of a law that requires her to have a designated area for smoking. Ms. Bontekoe stated a designated area for smoking is required, it would be located on her blacktop driveway.

Mr. Freese asked if the Department of Building Safety has visited the site. Mr. McNeil stated he believes that Matt Cronk has visited the site.

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

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. Kavanaugh asked if the Planning Commission has ever discussed a designated smoking area for any other requests in the past. Mr. Churchill stated no. Mr. Freese stated that it has never been required in the past. Discussion was held regarding requesting comments from the fire department regarding this request. Ms. Lyon stated there should be strict adherence to the hours of operation. 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 conditions:

1. Everyone is to vacate the property by 11:30pm
2. Clean up can continue the next day
3. Approval by the fire department after completion of renovations
4. Department of Building Safety requirements be met
5. Cheboygan County Road Commission requirements be met
6. Health Department #4 requirements be met

Motion carried unanimously.

UNFINISHED BUSINESS

Zoning Ordinance Amendment Regarding Boat Shelter Overlay District

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil noted that formatting changes to the amendment are noted in his memo to the Planning Commission. Mr. McNeil referred to section 10A.3.2.4 and stated that Mr. Jazdyk has concerns that this states that no part of the shelter shall extend more than 2ft. from the wall or edge of the boat well but then in another section there is an allowance for up to 2ft. for the eave. Mr. McNeil suggested that there should be an exception for the eaves in this section so that it will be clear. Mr. McNeil stated he will make this change. Mr. McNeil stated that the amendment is ready for a public hearing.

Mr. Muscott referred to section 10A.3.2.3 and stated that he thought that the width of the boat structure is self-regulating but now there is an allowance of 20% of the lot width. Mr. Muscott stated that this would allow a 40ft. wide boat shelter if the lot is 200ft. wide. Mr. Muscott asked if the word "greater" should be "less". The Planning Commission agreed that "greater" should be changed to "less". Discussion was held regarding boat shelters not being allowed on a shared waterfront.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for October 18, 2017. Motion carried unanimously.

Sign Ordinance Amendment Relative To Content Based Regulation

Mr. McNeil stated that the amendment has been updated to use lot width instead of a front lot line as a means to determine the size of the sign allowed. Mr. McNeil stated the remainder of the amendment document remains as last viewed by the Planning Commission. Ms. Croft asked if this amendment has been reviewed by legal counsel. Mr. McNeil stated that it has been reviewed by legal counsel, but he would like to have it reviewed again. Ms. Croft stated that Mr. McNeil should send the amendment to legal counsel for review.

Zoning Ordinance Amendment Relative To Bar And Restaurant Uses

Mr. McNeil explained that Barns and taverns will be replaced with Bar and Restaurant, Restaurant carry out, Restaurant drive

in and Restaurant, Fast Food in section 6.2.3. Mr. McNeil stated that Drive in eating establishments, fast food establishments, and restaurants will be replaced with Drive Through in section 6.2.9. Mr. McNeil stated that site plan review will be required for these uses in the Commercial Development zoning district.

Mr. McNeil stated that Bar and Restaurant will replace Entertainment and eating establishments in Section 9.3.5. Mr. McNeil stated that a special use permit will be required for this use in the Agriculture and Forestry Management zoning district. Mr. McNeil stated that Bar and Restaurant will replace Restaurant/Bar in section 10.3.14. Mr. McNeil noted that a special use permit will be required for this use in the Lake and Stream Protection zoning district.

Mr. McNeil referred to the Village Center zoning district and stated that Bar and Restaurant will replace Bar and taverns in section 13.2.2. Mr. McNeil stated that Restaurants will be removed from section 13.2.11 and this section will be reserved for future use.

Mr. McNeil referred to the Village Center Indian River zoning district and stated that Bar, restaurant and restaurant carryout will replace Bar and taverns in section 13A.2.4. Mr. McNeil stated that Restaurants will be removed from section 13A.2.13 and this section will be reserved for future use.

Mr. McNeil referred to the Village Center Indian River Overlay zoning district and stated Bars and Taverns will be replaced with Bar, Restaurant and Restaurant in section 13B.2.2. Mr. McNeil stated that Restaurant will be removed from section 13B.2.8 and will be reserved for future use.

Mr. McNeil stated referred to Village Center Topinabee zoning district and Bars and Taverns will be replaced with Bar, Restaurant and Restaurant in section 13C.2.4. Mr. McNeil stated that Restaurant will be removed from section 13C.2.12 and will be reserved for future use.

Mr. McNeil stated referred to Village Center Topinabee Overlay zoning district and stated that Bars and Taverns will be replaced with Bar, Restaurant and Restaurant in section 13D.2.1. Mr. McNeil stated that Restaurant will be removed from section 13D.2.5 and will be reserved for future use.

Ms. Croft asked if this amendment has been reviewed by legal counsel. Mr. McNeil stated no. Mr. Kavanaugh recommended that this amendment be forwarded to Tuscarora Township and Mullett Township for their review and comment.

NEW BUSINESS

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

Mr. McNeil reviewed the proposed definitions of Health and fitness center, Personal service center, and office. Mr. McNeil stated that Health and fitness center and Personal service center are proposed to be uses that will require site plan review in the Commercial Development zoning district. Mr. McNeil stated that Personal service center is a proposed use in the Indian River Village Center zoning district and Indian River Village Center Overlay zoning district that will require site plan review.

Mr. Freese stated his concerns regarding the use of the term profession in the definition of Office. Mr. Freese stated that a profession used in this context is any type of work. Mr. Freese stated that ditch digging could be considered a profession in this context. Mr. Freese suggested changing the word profession to business.

Ms. Croft asked if this amendment has been reviewed by legal counsel. Mr. McNeil stated no. Mr. McNeil noted that this amendment should be sent to Tuscarora Township for their review.

STAFF REPORT

Mr. McNeil stated that he will be retiring in 5 months and stated that he has one more amendment for the Planning Commission to review. Mr. McNeil suggested holding off reviewing any new amendments until a new person is hired.

PLANNING COMMISSION COMMENTS

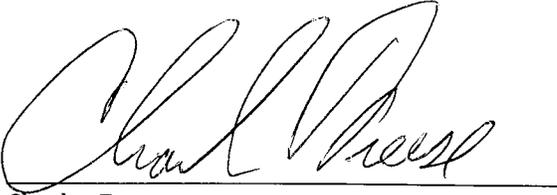
Mr. Kavanaugh asked what criteria the Road Commission uses to determine if curb and gutter are required. Discussion was held.

PUBLIC COMMENTS

Mr. Brown referred to section 10A.3.2.4 of the Boat Shelter Overlay amendment and encouraged the Planning Commission to change the 2ft. to 4ft. to allow for 36in. for a wheelchair. Mr. McNeil stated that this amendment requires open side walls. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:43pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written over a horizontal line.

Charles Freese
Planning Commission Secretary