



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, AUGUST 16, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

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

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

APPROVAL OF MINUTES

The August 2, 2017 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, Jazdzyk), 0 Nays, 2 Absent (Lyon, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

DFC of Cheboygan LLC – Requests an Amendment to a Special Use Permit to construct a parking garage (18 ft. x 24 ft.) at an assisted/independent living facility as reviewed under Section 9.3.14. (Nursing and convalescent homes). The property is located at 11965 Townline Rd., Inverness Township, section 1, parcel #091-001-400-004-00 and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that the applicant is seeking to build an addition that is 18ft. x 24ft. on to an existing garage. Mr. McNeil stated that the existing garage is 24ft. x 72ft. Mr. McNeil stated that this site is located in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that the convalescent home use that this was originally approved under is a use that requires a special use permit. Mr. McNeil stated that there are no other proposed improvements. Mr. McNeil stated that the Findings of Fact and Staff Report have been updated to reflect that this is an addition to an existing garage.

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

Mr. Freese referred to the waiver requests and noted that a lot of the information is included on the original site plan. Mr. Freese stated that the only waiver that is needed is for building elevations. Mr. McNeil agreed with Mr. Freese and noted that the application file has been updated with the required information. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to waive the elevation drawings. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk), 0 Nays, 2 Absent (Lyon, Churchill)

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. Kavanaugh seconded by Mr. Freese, 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 approval. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk), 0 Nays, 2 Absent (Lyon, Churchill)

UNFINISHED BUSINESS

Zoning Ordinance Amendment Regarding Bar And Restaurant Uses.

Mr. McNeil stated that he received information from Tuscarora Township Planning Commission regarding bar and restaurant uses in the Indian River Village Center zoning district. Mr. McNeil stated that he prepared a proposed amendment. Mr. McNeil noted that Section 1 provides a new definition for Bar, Drive through, Restaurant, Restaurant, carry out, Restaurant, drive in, and Restaurant fast food. Mr. McNeil stated that Section 2 is a housekeeping type measure to clarify that an individual or group is covered under the definition of Family and allowed to occupy a dwelling under the zoning ordinance. Mr. McNeil stated that Section 3 provides for a drive through to be allowed in the Commercial Development zoning district with site plan review approval. Mr. McNeil explained that Section 4 provides for Drive in eating establishments, fast food establishment and restaurants with Restaurant, carry out, Restaurant, drive in, and Restaurant fast food as uses which require site plan review in the Commercial Development zoning district. Mr. McNeil stated Section 5 requires site plan review for Bar and Restaurant uses in the Commercial Development zoning district and a special use permit in the Agriculture and Forestry Management and Lake and Stream Protection zoning district for Bar and Restaurant uses. Mr. McNeil explained that Section 6 replaces the current use listing of Bars and taverns with Bar as a use which require site plan review in the Village Center, Village Center Indian River, Village Center Indian River Overlay, Village Center Topinabee and Village Center Topinabee Overlay zoning districts. Mr. McNeil stated that Section 7 replaces the current use listing of Restaurant with Restaurant and Restaurant, carry out as uses which require site plan review in the Village Center, Village Center Indian River, Village Center Indian River Overlay. Mr. McNeil explained that Section 8 changes language in section 13A.4.5 to allow outdoor seating on a public sidewalk or in a public right-of-way in the Indian River Village Center zoning district with approval of the governing body with jurisdiction.

Mr. Freese noted that in some sections of the ordinance bars and restaurants are listed separately. Mr. Freese suggested combining bars and restaurants as one use listing throughout the ordinance. Discussion was held.

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

Draft Zoning Ordinance Amendment Regarding Lake And Stream Protection Shelter Overlay District

Mr. McNeil stated that he has removed language limiting the depth of a boat shelter from section 10A.3.1. and he has added an illustration of a boat shelter to section 10A.3.1.b. Mr. McNeil stated that he has added a reference to building height in section 10A.4.2.b. Mr. McNeil stated that the remainder of the amendment document remains as last reviewed.

Mr. Kavanaugh asked if there should be a limit on the length. Mr. Freese stated that the property owner will need an approval from the DEQ and Army Corps of Engineers before they can put the boat well in. Mr. Freese stated that he does not see any reason that it should be limited if it is approved by the DEQ and Army Corps of Engineers.

Mr. McNeil stated that there were comments regarding including other canals besides those that are located off of the rivers that have been identified in the amendment. Mr. McNeil stated that he reviewed the aerial photos and found 2-3 boat houses. Mr. McNeil stated that he reviewed three canals (2 off of Burt Lake and 1 off of Black Lake). Mr. McNeil stated that there doesn't appear to be a lot of boat houses on the canals off of these lakes. Mr. McNeil stated that he does not believe that these canals should be included in the amendment. Discussion was held.

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

Sign Ordinance Amendment Relative To Content Based Regulation

Mr. McNeil stated that he is proposing the sign surface area for a temporary sign to be increased from 32sf to 40sf. Mr. McNeil stated that 32sf is allowed for temporary signs and 8sf for political signs in the current ordinance. Mr. McNeil stated that under the current regulation you could have both signs. Mr. McNeil stated that the 40sf would be allowed on lots with a front lot line up to 100 feet. Mr. McNeil stated that an additional 10 square feet would be allowed for each additional 100 feet of front lot line up to a maximum of 80 square feet. Mr. Freese stated his only concern is regarding parcels with water frontage in which case the water frontage would govern rather than the road frontage. Mr. Jazdyk stated that there may be a problem when a property owner has 7-8 deeded lots that have 25ft. of frontage. Mr. Borowicz stated that it could be clarified by stating "road frontage". Mr. McNeil stated that he can review the basis of determining the amounts. Mr. Freese stated that he agrees that it should be opened up to allow more on larger road frontage lots. Mr. Freese stated his concerns regarding "front lot line". Mr. Borowicz asked if there is a problem with changing it to road frontage. Mr. McNeil stated he will review it as he like to tie it back into what is defined if possible. Mr. McNeil stated that he made the requested changes to prohibited signs.

Mr. Jazdyk asked if it is possible to have a temporary sign that is not tied to a specific date such as a Right to Life sign. Mr. McNeil stated yes. Mr. McNeil stated that there is a definition for a temporary sign and if the sign meets the definition it would fall under the terms of the definition. Mr. Jazdyk stated that it would be considered an incidental sign and could remain. Mr. McNeil stated that the type of construction could help to identify a temporary sign.

NEW BUSINESS

No comments.

STAFF REPORT

Review Of Charlevoix County's Future Land Use Plan Draft

Mr. McNeil stated that a copy of the Charlevoix County Draft Master Plan was included in the Planning Commission packet. Mr. McNeil stated that a memo from Steve Schnell was included to provide an evaluation of their proposed future land uses to the area that borders Cheboygan County. Mr. McNeil stated that this is for the Planning Commission to review and make comments.

Mr. McNeil stated he will start the existing conditions review next week regarding small lots and small buildings in Topinabee.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh asked for an update on Triple D Disposal and Heritage Cove Farm. Mr. McNeil stated that we are still waiting for a date for the appeal hearing for Heritage Cove Farm. Mr. McNeil stated that he has been receiving complaints regarding Triple D Disposal and they have been monitoring the site. Mr. McNeil stated he visited the site at 6pm. Mr. McNeil stated that there may be evidence available from neighbors. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that he believes there are still issues with the sign ordinance and he realizes that the Planning Commission is trying to stay content neutral on signs. Mr. Muscott referred to section 17.19.3.C and stated that MDOT and the Road Commission will not want to give written consent for a sign. Mr. Muscott stated that this is the Planning Commission going out of the private property regulation into a public right of way regulation. Mr. Muscott stated that he will ask the Road Commission their opinion. Mr. Muscott stated there are two different entities with jurisdiction over two different areas and there is no point in trying to control their jurisdiction. Mr. McNeil stated that there are a few areas in Indian River where the right of way is wide and the Road Commission has given a permit for a sign to be in their right of way. Mr. McNeil stated that with this language we ensure the continuity of the sign ordinance. Discussion was held.

Ms. Rocheleau stated that Triple D Disposal is operating at their new location. Ms. Rocheleau stated that a sign is put up each morning and taken down each evening. Ms. Rocheleau stated that the sign just lies in the ditch. Ms. Rocheleau stated that they are operating out of this location because people have stopped across the street to ask where Triple D Disposal is located as they have garbage to drop off. Ms. Rocheleau stated that the Fire Chief followed a garbage truck down Inverness Trail Rd. and they turned into the driveway leading into the private residence. Ms. Rocheleau stated that there are trucks going in and out and the special use permit was approved for the entire parcel which includes the private residence. Ms. Rocheleau stated she does not understand why the Zoning Department can't go on the property and check on what is going on. Mr. McNeil stated that he understands that zoning officials can't go on property without permission. Mr. McNeil stated that we haven't observed them operating out of this location yet, but we will catch them. Mr. Kavanaugh stated that if someone sees them operating out of this location they should call the Zoning Department. Mr. McNeil stated that there may be photos available and people willing to testify. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:37pm.



Charles Freese
Planning Commission Secretary