

# 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

WEDNESDAY, APRIL 6, 2016 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:** Bob Lyon, Tony Matelski, John Moore, Eric Boyd, Cal Gouine, Russell Crawford, Cheryl Crawford, Charles Maziasz, Carl Muscott

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. Ms. Croft noted that the second item under Unfinished Business will be replaced with “Capital Improvement Plan Projects”. **Motion** by Mr. Churchill, seconded by Mr. Borowicz, to approve the agenda as amended. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

### APPROVAL OF MINUTES

The March 17, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Ostwald, 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

**DS Wilcome Inc. on behalf of Dennis Wilcome** - Requests a conditional rezoning from Residential Development District (D-RS) to Commercial Development District (D-CM) limiting the uses allowed under the Commercial Development District (D-CM) subject to the following conditions, as authorized by Section 405 of the Michigan Zoning Enabling Act, being MCL 125.3405: The uses allowed for the described property shall be limited to Farm product stands as provided in section 6.2.10. and Specialty retail for sale of feed and garden supplies per section 6.2.19. of the Cheboygan County Zoning Ordinance #200 and that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

The property proposed to be conditionally rezoned is described as follows; Part of parcel #041-034-200-002-02. Com at NE cor of Sec 34, T38N,R2W th N 88D 49M 5S W 378.49 ft., th S 0D 30M 11S W 33.0 ft. to SLY ROW of Levering Rd. and POB, th, cont S 0D 30M 11S W 150.00 ft., th S 88D 49M 5S E 200.0 ft. Th N 0D 30M 11 S E 150.0 ft. more or less to SLY ROW of Levering Rd., th WLY alg SLY ROW of Levering Rd. to POB. Part of Sec 34, T38N,R2W.

Mr. McNeil stated a conditional rezoning request has been submitted by Dennis Wilcome. Mr. McNeil stated that the current zoning is Residential Development and is proposed to be rezoned to Commercial Development. Mr. McNeil explained that the area to be conditionally rezoned is 150ft. x 250ft. Mr. McNeil stated that the conditions, as provided in the application by Mr. Wilcome are that the uses are to be limited to farm product stands (section 6.2.10) and specialty retail for sale of feed and garden supplies (section 6.2.19). Mr. McNeil stated that there are two uses proposed for the conditional rezoning and no other uses are proposed. Mr. McNeil stated that these are permitted uses in the Commercial Development Zoning District. Mr. McNeil stated that Mr. Wilcome will still be required to go through the site plan review process if this conditional rezoning is approved. Mr. McNeil stated that the future land use for this parcel is Rural Character Country Living with a Rural Commercial Nodes designation.

Mr. Kavanaugh stated that the site plan is misleading as it doesn't show frontage. Mr. Kavanaugh stated that the drawing shows the property going all of the way to the right-of-way. Discussion was held. Mr. McNeil stated that the legal description references that the parcel line goes along the Levering Road right-of-way.

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

Mr. Kavanaugh asked Ms. Rocheleau, Beaugrand Township Supervisor, if the township has any comments regarding the request. Ms. Rocheleau stated there is a commercial building across the road on Levering Road. Ms. Rocheleau stated there is another commercial building across the road on Inverness Trail Road.

The Planning Commission reviewed and approved the General Findings of Fact:

1. The Planning Commission finds that the applicant proposes conditional rezoning of the Property in the application from Residential Development District (D-RS) to Commercial Development District (D-CM) for the following uses only:
  - a. Farm product stands per section 6.2.2.
  - b. Specialty retail for sale of feed and garden supplies per section 6.2.19. See exhibit 3
2. The Planning Commission finds that the applicant proposes a condition in the in the application for conditional rezoning of the Property from Residential Development District (D-RS) to Commercial Development District (D-CM) as follows: The applicant proposes that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval. See exhibit 3.
3. The Planning Commission finds that the application is made by DS Wilcome Inc. as applicant and Dennis Wilcome as the owner. See exhibit 3.
4. The Planning Commission finds that the legal description of the property at issue, including the proposed property to be conditionally rezoned, is included in the application. See exhibit 3.
5. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the area with the proposed conditional rezoning as being offered Rural Character Country Living and with a Rural Commercial Node designation. See exhibit 2

The Planning Commission reviewed and approved the Rezoning Factors:

**1. Is the proposed rezoning reasonably consistent with surrounding uses?**

- A. The Planning Commission finds that based upon the information provided in the staff report which includes the Cheboygan County Master Plan Future Land Use Map, that the property is in the Rural Commercial Node future land use category. See exhibit 5 figure 2.
- B. The Planning Commission finds that upon review of the specific nature of the property, that the conditional rezoning would not create a negative impact on surrounding property.
- C. The Planning Commission finds that commercial uses are found upon review of current land uses of neighboring property. See exhibit 5
- D. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**2. Will there be an adverse physical impact on surrounding properties?**

- A. The Planning Commission finds that there is no evidence that the proposed rezoning would result in an adverse physical impact on surrounding properties for Farm product stand and Specialty retail for sale of feed and garden supplies uses only. Activities which could occur if the subject property is rezoned would not physically disturb the properties surrounding the land proposed for the conditional rezoning. See exhibit 3.

- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, the future land use categories for surrounding properties may very well better describe the desired Rural Commercial Node future land use on any given parcel, there is support in the Master Plan that this proposed conditional rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2.
- C. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**3. Will there be an adverse effect on property values in the adjacent area?**

- A. The Planning Commission finds that there is no evidence in the form of an appraisal or other document study which shows, that if the conditional rezoning is granted, there would be an adverse effect on property values in the area.
- B. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that the factors will support the standard. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?**

- A. The Planning Commission finds that commercial land uses have been established in the area. See exhibit 7
- B. The Planning Commission finds that future development along and adjacent to this area by viable business consistent with the Rural Commercial Node future land use is a viable justification for the conditional rezoning.
- C. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**5. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?**

- A. The Planning Commission finds that given the size of the neighboring parcels, the uses proposed by the applicant and the existing commercial uses on surrounding properties which are not subject to the conditional rezoning application, there is no evidence that the conditional rezoning would deter the improvement or development of adjacent property in accordance with existing regulations, much less future land use plans as proposed in Cheboygan County's future land use map. See exhibits 1, 2, 3 and 5.
- B. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that the factors will support the standard. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?**

- A. The Planning Commission finds that the County's Master Plan Future Land Use Map depicts the future use of the property as being in the Rural Commercial Node category. See exhibit 2 future land use map and exhibit 5 figure 2.
- B. The Planning Commission finds that neighboring properties contain commercial uses. As such, the proposed conditional rezoning does not create a special privilege or result in spot zoning. See exhibit 7.
- C. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Freese, seconded by Mr. Jazdzyk, that the factors will support the conditional rezoning. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?**

- A. The Planning Commission finds that given the Master Plan and future land use map, the conditional rezoning would be more in line with uses allowed under the future land use designation for the area. See exhibit 2 and exhibit 5 figure 2.
- B. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that the factors will support the standard. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**8. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?**

- A. The Planning Commission finds that the County's Master Plan Future Land Use Map depicts the future use of the property as being in the Rural Commercial Node category. See exhibit 2 future land use map and exhibit 5 figure 2.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, and Future Land Use Map, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel and there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2 and exhibit 5.
- C. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the standard. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**9. Is the site served by adequate public facilities or is the applicant able to provide them?**

- A. The Planning Commission finds that the site is or will be served by adequate public and private facilities by the applicant considering the type of uses proposed by the applicant. See exhibit 3.
- B. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Freese, seconded by Mr. Churchill, that the factors will support the standard. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**10. Are there sites nearby already properly zoned that can be used for the intended purposes?**

- A. The Planning Commission finds that the applicant has proposed uses for Farm product stand pursuant to section 6.2.2 and Specialty retail for sale of feed and garden supplies pursuant to section 6.2.19.. See exhibit 1 and Exhibit 3
- B. The Planning Commission finds that Specialty Retail is not a use which is allowed in the current D-RS zoning district. See exhibit 1 and exhibit 5
- C. The Planning Commission finds that this standard has been met.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the standard. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

**Motion** made by Mr. Freese, supported by Mr. Kavanaugh, that based upon the general findings of fact and the rezoning factors that the applicant's request to conditionally rezone the property identified in the aforementioned property description in this document is hereby recommended to be approved to the Cheboygan County Board of Commissioners. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)

## **UNFINISHED BUSINESS**

### **Consideration of a Proposed Sign Ordinance Amendment**

Mr. McNeil stated that he has provided the Planning Commission with section 17.19 of the sign ordinance. Mr. McNeil stated that sections that are to be deleted have been crossed out in the draft amendment. Mr. McNeil stated that new language has been included for temporary signs, real estate signs and special event signage. Mr. McNeil stated that all of these changes (excluding the special event signage) will address the issue of content neutral. Mr. McNeil stated that off-premise signs will be removed.

Mr. Freese referred to section 17.19.2.j and questioned if 10 balloons should be increased. Mr. McNeil stated that this number can be increased. Mr. McNeil stated that this was a recommendation from Mr. Graham as it was not addressed in the ordinance. Mr. Churchill stated that a number of balloons does not have to be specified as it doesn't matter if the property owner would like to put out 100 balloons advertising cars. Ms. Lyon questioned how will this section pertain to air dancers. Mr. Freese stated that barrage balloons are also periodically used.

Mr. Freese referred to section 17.19.2.g and questioned what will happen to billboards. Mr. McNeil stated that we defer billboards to state law. Mr. Freese asked what if the billboard is not on a state right-of-way. Mr. McNeil stated that it would be subject to our sign requirements. Mr. McNeil stated that this does not address billboards. Mr. McNeil stated that this section was intended to address real estate signs and contractor signs. Mr. McNeil stated that the existing language for real estate sign will be deleted and replaced with updated language. Discussion was held. Mr. Kavanaugh noted that off-premise signs are not allowed in the Indian River Village Center Overlay District and this was a request from the township. Mr. McNeil stated that this is a change that must be made according to legal counsel. Mr. Freese suggested asking Tuscarora Township for their input. Mr. McNeil stated that balloons and spinners have not been an issue. Mr. McNeil stated that he can create language that references an association with an event in regards to balloons and spinners.

### **Capital Improvement Plan Projects**

Mr. McNeil stated he has collected all of the project descriptions from the different agencies and other entities. Mr. McNeil stated he has distributed copies of the project descriptions to the Planning Commission members. Mr. McNeil noted that four projects have been submitted by the Road Commission. Mr. McNeil stated the Marina fuel tank and fuel dock replacement project is put together differently than the Planning Commission has seen in the past. Mr. McNeil stated that after reviewing these projects the Planning Commission can determine who they want to meet with at a future meeting. Mr. Jazdyk stated he has a lot of interest in the Mullett Township Streetscape project, the Marina project and the Airport project and would like to meet with these departments/agencies. Mr. Kavanaugh stated he would also like to meet with Mullett Township. Mr. Kavanaugh believes it isn't necessary to request that the Airport manager attend another meeting to repeat the same things that he said last year. Mr. Kavanaugh stated it isn't necessary to meet with Mullett Township since we are not classifying the township projects. Mr. McNeil stated that the Planning Commission is still reviewing the projects to accept them into the plan. Mr. Kavanaugh stated it would be reasonable to have Mullett Township talk about their project. Mr. Freese stated he would like to meet with the Marina and Mullett Township.

## **NEW BUSINESS**

No comments.

## **STAFF REPORT**

Mr. McNeil stated the Planning Commission will review at the next meeting uses to be deleted and also new uses. Mr. McNeil stated there will also be a conditional rezoning application. Discussion was held.

## **PLANNING COMMISSION COMMENTS**

Discussion was held regarding a recent court case.

Mr. Freese asked if there is any way that they Planning Commission be updated on enforcement. Mr. McNeil stated that an enforcement report will be submitted to the Planning Commission. Discussion was held.

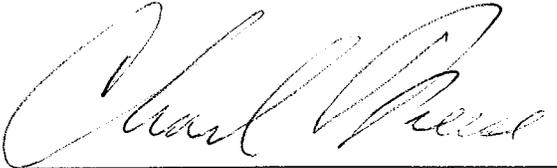
## **PUBLIC COMMENTS**

Mr. Muscott stated at a Mullett Township meeting the Township Supervisor had communication from Steve Schnell asking what projects they would like to place on the Capital Improvement Program. Mr. Muscott stated they did not make a motion but they determined that they would not submit any projects this year. Mr. Muscott questioned why there are two Mullett Township projects that have been included. Mr. McNeil stated he will check in his communications with Mary Ann Gale. Mr. Kavanaugh stated that the Planning Commission will not determine if the projects are needed or desired. Mr. Muscott stated there is no approval from the Mullett Township Board to include these projects. Discussion was held.

Mr. Muscott stated a monument is being built across the road from Pat and Gary's Party Store and questioned if it fits within the sign definition. Mr. Muscott stated it is a stone truck with a slab or rock in the back which may eventually include a name. Mr. Freese stated this monument is part of North Star. Mr. Freese stated if a sign is put on the slab, it will be considered a sign. Mr. Freese stated there is also the question of how much of this structure is considered the sign. Discussion was held.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:52pm.

A handwritten signature in cursive script, reading "Charles Freese", written in black ink. The signature is positioned above a horizontal line.

Charles Freese  
Planning Commission Secretary