

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, AUGUST 17, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk
ABSENT: Lyon
STAFF: Scott McNeil
GUESTS: Carl Muscott, Eric Boyd, Tony Matelski, Russell Crawford, Cheryl Crawford, John F. Brown, Judy Ostwald

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. Mr. McNeil stated that he would like to talk to the Planning Commission about the boathouse survey and requested that it be added to the agenda. **Motion** by Mr. Churchill, seconded by Mr. Ostwald, to approve the agenda as revised. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

APPROVAL OF MINUTES

The August 3, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Jazdyk, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

PUBLIC HEARING AND ACTION ON REQUESTS

Kelly Ashford – Requests a Site Plan Review for a Specialty Retail Business – Section 13A.3.16. The property is located at 6016 Martha Street, Tuscarora Township, section 24, parcel #161-M55-033-009-00, and is zoned Village Center Indian River (VC-IR).

Mr. McNeil stated that Ms. Ashford is unable to attend this meeting. Mr. McNeil referred to the site plan and reviewed the parking, seasonal residence and the seasonal retail space. Mr. McNeil stated that the Planning Commission previously approved a site plan for an outdoor adventure commercial business. Mr. McNeil stated that there are 6 off street parking sites required under the ordinance. Mr. McNeil stated that the Planning Commission can waive these requirements if they see that public parking can be met. Mr. McNeil stated that the site plan provides for 5 parking spaces and there are other parking spaces along the street indicated on the site plan. Mr. McNeil stated that this use falls under the specialty retail use which is an allowed use with a site plan review.

Mr. Kavanaugh asked if this application was submitted after the business had already begun operating. Mr. McNeil stated yes. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott stated there are no elected officials or planning commission members from Tuscarora Township attending this meeting. Mr. Muscott commended Ms. Ashford for taking an empty building and using it for a commercial business. Public comment closed.

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

The Planning Commission reviewed the Findings Under Section 13A.4.1, **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to find that the available parking is sufficient. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Churchill, to approve the site plan review based on the Findings of Fact Under Section 13A.4.1, General Findings, and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

Brian Frost - Requests a Special Use Permit for a Salvage yard - Section 9.3.18. The property is located at 7455 Reams Rd., Mentor Twp., section 8, parcel #200-008-100-014-02, and is zoned Agriculture and Forestry Management (M-AF). (This item was tabled at the August 3, 2016 Planning Commission meeting.).

Ms. Croft stated that Mr. Frost has asked that this request be tabled. Ms. Croft stated that Mr. Frost is aware that this is the last time that the Planning Commission can approve a request to table. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to table Mr. Frost's request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

UNFINISHED BUSINESS

Review of proposed Zoning Ordinance Amendment regarding Mobile Food Units

Mr. McNeil stated that this proposed amendment has been reviewed by legal counsel. Mr. McNeil stated that section 17.29.a and 17.29c have been added as a result of legal counsel review. Mr. McNeil stated that section 17.29a restricts mobile food units from the road right-of-way and the language has been updated for section 17.29c which requires site plan review for more than one unit on a lot. Mr. McNeil stated that this amendment allows mobile food units within the Commercial Development Zoning District to be approved with a zoning permit. Mr. McNeil stated all of the requirements in section 17.29 will be demonstrated in the application.

Mr. Freese referred to section 17.29.a and questioned if this use will not be governed on the street. Mr. McNeil stated yes, as we cannot take the jurisdiction of the Road Commission.

Mr. Jazdyk referred to section 17.29.b and noted that a zoning permit is required for each location. Mr. Jazdyk stated that food trucks do change locations and the locations may change on the spur of the moment if they are not making money. Mr. Borowicz stated it may depend on the time of the day. Mr. Jazdyk stated his concerns regarding a permit being required for each location and for the \$30.00 zoning permit fee. Mr. Jazdyk questioned if the permit will expire after a specific time period. Mr. McNeil stated that the permit will be forever as long as the business owner has an agreement with the property owner. Mr. Churchill explained that the business owner could have 3 permits (for 3 different parcels) and could move from one location to the next. Mr. McNeil stated that the business owner will have to have the zoning permits in advance. Discussion was held. Mr. Jazdyk stated that this will be difficult for the business owner. Discussion was held regarding the mobile food unit not being on a lot for more than 30 days in a calendar year. Mr. Borowicz stated that the mobile food unit may operate for up to 6 months in a year and the 30-day limitation is restrictive. Mr. Ostwald agreed with Mr. Borowicz. Mr. McNeil suggestion changing the 30 days to 90 days. Mr. Jazdyk asked if an applicant can list more than one location on the zoning permit application. Ms. Croft read from section 17.29.b "A zoning permit shall be required for each location....". Mr. McNeil noted that each property owner must sign each application. Mr. McNeil stated that he will review having more than one location on a permit. Mr. Jazdyk stated that West Coast Taco had their mobile food unit next to their restaurant all year, even when it was not in use. Mr. Jazdyk stated it was only used in the summer. Mr. McNeil stated that he can add language such as "when goods are being sold." Mr. Borowicz suggested changing the number of days to 120 days to allow for the tourist season. Mr. Kavanaugh referred to the definition of Mobile Food Unit and stated that there should be a definition for vehicle-mounted. Discussion was held. Mr. Freese stated that there should be a definition for vehicle-mounted food service unit, whether it is just a unit on a vehicle, or it is a trailer or it is both.

Review of proposed Zoning Ordinance Amendment regarding Planned Unit Development

Mr. McNeil stated that this amendment was reviewed by legal counsel. Mr. McNeil stated that legal counsel has suggested language in section 19.3 to allow any use into a PUD except those that are exclusively allowed in the Light Industrial Zoning District and General Industrial Zoning District. Mr. McNeil stated that language has been added to section 19.12.2 which allows the Planning Commission to approve amendments which cannot be approved by the zoning administrator. Mr. McNeil stated language has been included regarding public hearings. Mr. McNeil stated that legal counsel has put up a protest regarding having the approval process, not only go through the Planning Commission but also through the Cheboygan County Board Of Commissioners. Mr. McNeil stated that Mr. Graham recommends that the Planning Commission approve the PUD since it is allowed by law or that the Cheboygan County Board Of Commissioners should be consulted as they are not normally put in this position to make these types of decisions. Mr. Kavanaugh suggested writing a letter to the Cheboygan County Board Of Commissioners and request their input.

Mr. Jazdyk referred to section 19.3 and read, "Except as provided herein, the permitted uses within a PUD may consist of any use authorized in any zoning district. Any proposed use, however, shall be consistent with the county master plan for the location in which the use will be developed...". Mr. Jazdyk stated that his understanding of the Master Plan is that it is a guideline. Mr. Jazdyk stated that it is not a law and the Planning Commission does not refer to it for every decision that is made. Mr. Jazdyk stated that the Master Plan becomes obsolete in 5-7 years as things change year to year. Mr. Kavanaugh stated that the word "shall" can be changed to "should". Mr. McNeil stated that legal counsel included it is because if it is not consistent with the Master Plan, then it could be subject to challenge. Mr. McNeil stated that this language requires the Planning Commission to make a finding that it is consistent with the Master Plan. Mr. McNeil stated if this is not what the Planning Commission wants, then the Master Plan can be amended. Discussion was held regarding the process to amend the Master Plan prior to making a decision on a PUD. Mr. Borowicz and Mr. Freese stated their concerns regarding the Planning Commission having to modify the Master Plan prior to each PUD request if the proposed use is not allowed in the district. Discussion was held. Mr. McNeil stated that he will review these concerns with legal counsel.

Boat House Survey

Mr. McNeil stated the Planning Commission may want to consider other techniques (focus groups, samples) besides a survey. Mr. Freese stated he envisions a letter explaining that there is a proposal to allow a boat structure in specific areas. Mr. Freese stated that a diagram of the boat structure should be provided also. Mr. Freese stated that the survey should ask if the property owner approves or not approves of this proposal. Discussion was held.

NEW BUSINESS

No comments.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

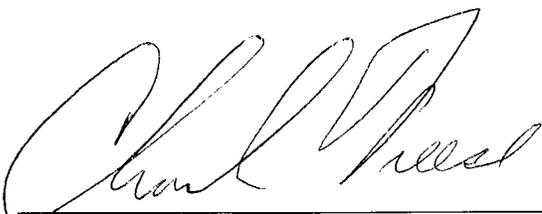
Discussion was held regarding enforcement.

PUBLIC COMMENTS

Mr. Brown referred to the proposed Zoning Ordinance Amendment regarding Mobile Food Units and stated that the Planning Commission may be trying to target one or two units that are currently operating in town. Mr. Brown stated that Schwan's Food Service and farmer's market should be considered mobile food units. Mr. Brown noted that big corporations in town have customer appreciation days where they roast a pig. Mr. Brown stated that more thought should be put in this amendment. Mr. Freese stated that a farmer's market is not preparing (cooking) food for service. Mr. Brown stated the definition does not say that the food must be cooked. Mr. McNeil read from the definition of Mobile Food Unit, "... designed to be readily movable without disassembly where food and beverages are served primarily for consumption off-premises and may have limited outdoor seating." Mr. McNeil stated that this does not include a special event. Mr. McNeil stated that a requirement for the mobile food unit is that the food is to be prepared within the mobile food unit. Mr. Borowicz suggested including language that all food sold in a mobile food unit should be food related and prepared within the mobile food unit. Mr. McNeil stated that this amendment will be brought back to the Planning Commission for review. Mr. Muscott stated that if a farmer's market sells a caramel apple and it is consumed at that location then it will fall within this definition. Mr. McNeil stated that food can be consumed at a farmer's market and farmer's markets are dealt with separately. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:50pm.



Charles Freese
Planning Commission Secretary