

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, JUNE 21, 2017 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill
ABSENT: Lyon, Ostwald, Jazdzyk
STAFF: Scott McNeil
GUESTS: Eric Boyd, Debbie Wiley, Richard Lincoln, Cal Gouine, Russell Crawford, Cheryl Crawford, Carl Muscott, 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. Churchill, to approve the agenda as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 0 Nays, 3 Absent (Lyon, Ostwald, Jazdzyk)

APPROVAL OF MINUTES

The June 7, 2017 Planning Commission minutes were presented. Mr. Kavanaugh referred to page 2 and the reference to "dumpster" be replaced with "covered trash container". **Motion** by Mr. Borowicz, seconded by Mr. Churchill, to approve the meeting minutes as amended. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 0 Nays, 3 Absent (Lyon, Ostwald, Jazdzyk)

PUBLIC HEARING AND ACTION ON REQUESTS

Indian River Chamber of Commerce/Ron & Bonnie Vance - Requests Site Plan Review for a farm market and artisan specialty retail use (sections 13A.2.7 and 13A.2.16). The property is located at 3589 South Straits Hwy., Tuscarora Township, section 24, parcel #161-M55-033-002-00 and is zoned Village Center Indian River (VC-IR).

Mr. McNeil explained that the subject property is located in the Village Center Indian River district and the proposed use is a farm market and artisan specialty retail use. Mr. McNeil referred to the site plan and noted that an area that is 80ft. x 57.5ft is proposed for the farm market and art market booths. Mr. McNeil noted that there is an existing building on the site plan that is currently vacant. Mr. McNeil stated that an area that is under the control of the township is being designated for parking. Mr. McNeil stated that the township approval is included as an exhibit. Mr. McNeil stated that there are no parking standards within the Zoning Ordinance for this type of use. Mr. McNeil stated that he did offer comparisons and recommends that the Planning Commission address the parking waiver accordingly. Mr. McNeil stated that signage will be temporary signage.

Mr. Lincoln stated that they have permission for parking behind the building on the township property and the property owner has signed off on the use of the property. Mr. Lincoln stated that one of the vendors was parking and selling on the street today and will now be located on the property.

Mr. Kavanaugh asked what types of structures are expected on site and if they will stay overnight. Mr. Lincoln stated that there will be no overnight stays and the operational days are Wednesdays from 2:00pm – 6:00pm and Saturdays from 9:00am – 2:00pm. Mr. Lincoln stated that the vendors can set up ½ hour before the hours of operation and they have to be taken down ½ hour after the hours of operation. Mr. Freese asked Mr. Lincoln to explain the proposed use. Mr. Lincoln stated that it is a combination of farm market and art. Mr. Lincoln stated it is called an artisan's outdoor market. Mr. Lincoln stated the span of operation will be June – October for the farmers and the artisans can come and go during that time period. Mr. Freese asked if this will take over the same function that is performed at the Citizen's National Bank parking lot. Mr. Lincoln stated

that the farmer's market has not been in that location in a 2-3 years. Mr. Lincoln explained that the farm market moved to Vivio's and will now be at this proposed location. Mr. Freese asked if this farm market is used by the same group. Mr. Lincoln stated yes. Mr. Bartlett asked if the asphalt drive will be a gateway to the parking in the back. Mr. Lincoln stated that this is where the vendors will set up and most of the people will park on the street and walk across to the market. Mr. Kavanaugh asked if there will be a privy or a dumpster. Mr. Lincoln stated that the township will open up their offices for them and then there are public restrooms located ½ block away. Mr. Lincoln stated that each vendor takes care of their own garbage, but if the vendor wants them to take away the garbage they will handle it. Mr. Kavanaugh asked if there will be food vendors. Mr. Lincoln stated that they haven't closed it off to food vendors. Mr. Lincoln stated that they have required that the food vendor meet MDA Cottage Law rules and Health Department regulations. Mr. Lincoln stated that they do not have any food vendors at this time. Mr. Kavanaugh asked Mr. McNeil what is required for food vendors in this district. Mr. McNeil stated that restaurant use will need zoning review for parking requirements. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott stated that he commended Mr. Lincoln when he proposed this use to the township board. Mr. Muscott stated it is off to a slow start so far and he believes it will grow over time. Mr. Muscott stated that this may be similar to Boyne City's farmer's market. Mr. Muscott stated that he noticed that a vendor was selling something out of a cooler today (frozen pasty) and may meet the Cottage Law criteria. Mr. McNeil stated that if there is some prepared food and special items it could fall under specialty retail. Discussion was held. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 0 Nays, 3 Absent (Lyon, Ostwald, Jazdzyk)

The Planning Commission added the following to the General Findings:

5. Hours of operation will be Wednesdays from 2:00pm – 6:00pm and Saturdays from 9:00am – 2:00pm. Vendors may set up ½ hour before the hours of operation and take down ½ hour after hours of operation
6. Covered trash container
7. Use of township offices
8. Special foods will be reviewed by zoning

The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 13A.4. and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings, Specific Findings of Fact Under Section 13A.4.1 and the Specific Findings of Fact Under Section 20.10. subject to Zoning and Health Department approval of food vendors. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 0 Nays, 3 Absent (Lyon, Ostwald, Jazdzyk)

UNFINISHED BUSINESS

Presentation Of Proposed Jail Expansion Project For 2018 Capital Improvement Program

Mr. Lawson distributed an excerpt of the architectural study for the proposed jail expansion project. Mr. Lawson stated that the Sheriff approached the Board of Commissioners and stated that under the food contracts, there is only one vendor and in the future, we may want to look at building a kitchen facility back into the jail to offer a place for a vendor prepare food on site. Mr. Lawson stated that other jails have this facility on site and the cost analysis shows that there is a payback to help cover the costs. Mr. Lawson stated that last year there was a request for proposal for architects that specialize in jail expansions/renovations to submit bids for the cost for the kitchen. Mr. Lawson referred to the architectural study and noted that the areas that are proposed for expansion or renovation: kitchen facility, inmate bed expansion, vehicle bay wash, site revisions in the parking lot and storage for Sheriff Department equipment. Mr. Lawson stated that there will also be an analysis for general storage for the county. Mr. Lawson noted that other general improvements include security system improvements. Mr. Lawson reviewed the preliminary site plan and floor plan and noted the locations for the improvements. Mr. Lawson reviewed the cost structure for the proposed project and stated that the estimated cost is \$2,100,000.00.

Mr. Freese asked Mr. Lawson if the proposed storage building (located next to the garden plot) could be combined with the records storage building. Mr. Lawson stated that this building will have a bottom floor area and a mezzanine area. Mr. Lawson stated that they will have to talk to the hospital about the helicopter path landing. Mr. Lawson stated that we are in our 8th year of electronic storage computer systems and that there is less need for actual physical storage. Mr. Lawson stated that he will be looking at the mezzanine area for that type of storage.

Mr. Bartlett asked how many parking spaces will be eliminated due to the storage building. Mr. Lawson stated 3-4 parking spaces will be repositioned to a different area. Discussion was held.

Mr. McNeil stated that this is the only project that needs to be categorized in the Capital Improvement Program. **Motion** by Mr. Freese, seconded by Mr. Churchill, to categorize the County Building Jail Expansion and Storage Building Project as a needed project. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 0 Nays, 3 Absent (Lyon, Ostwald, Jazdyk)

Mr. McNeil stated that the next step will be to review the draft plan which will be prepared for the 07/19/17 meeting.

An Ordinance To Amend Section 17.19. Of The Cheboygan County Zoning Ordinance No. 200 To Provide Content Neutral Definitions, Regulations And Standards For Signs.

Mr. McNeil stated that legal counsel has reviewed the proposed amendment. Mr. McNeil stated that legal counsel has recommended removing the Planning Commission review of signs which may constitute a safety hazard from section 17.19.3.F. Mr. McNeil stated that when the Zoning Administrator is reviewing the application, he would make the decision. Mr. McNeil stated that the decision could then be appealed to the Zoning Board of Appeals. Mr. McNeil stated that this is the only recommended change from legal counsel. Mr. McNeil stated that the proposed amendment is in order for a public hearing. Motion by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for July 19, 2017. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 0 Nays, 3 Absent (Lyon, Ostwald, Jazdyk)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that there are 246 responses to the boat shelter survey as of June 21, 2017. Mr. McNeil stated that this is a good response as there were over 1000 notices that were mailed. Mr. McNeil stated that there is solid data for the Planning Commission to make a decision. Mr. McNeil stated that just under 74% are in favor of allowing the boat shelters as proposed in the description of the survey. Mr. McNeil stated that the survey will be closed on June 30, 2017. Mr. McNeil stated that the data will be compiled for the Planning Commission to review at the next meeting. Mr. McNeil stated that from the initial survey results, the Planning Commission may see this as favorable to providing an amendment for an overlay district to allow boat shelters.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh stated that Triple D Disposal is looking into collecting water samples and Health Department review of sewage and well. Mr. McNeil stated that he has reviewed all of the conditions of the approval with Triple D Disposal and they have set up a priority of items to address. Mr. McNeil stated that he will be reviewing the status every Monday with Triple D Disposal. Mr. Kavanaugh asked how the bond will be handled. Mr. McNeil stated that Triple D Disposal will obtain the estimates and provide copies for him to review. Mr. McNeil stated that a performance bond or letter of credit would then be developed. Mr. Freese requested that the Building Official review the bids. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott thanked the Planning Commission and staff for taking the issue of boat houses seriously. Mr. Muscott stated that people will be appreciative of the opportunity to have a boat house.

Mr. Muscott referred to the proposed sign amendment and noted that a typical election cycle is 90-105 days. Mr. Muscott stated that for the upcoming election, there is a 105 day period between the filing date and the election. Mr. Muscott stated that any candidate will want to put up signs before they file. Mr. Muscott stated that the 60 days would be easily challenged in court or just another law that the Planning Commission passes that will not be enforced. Mr. Muscott referred to section 17.19.5 and asked if temporary signs are excluded from Village Center Indian River. Mr. McNeil stated that there are differences in the signage regulation from one district to another district. Mr. Muscott stated that in the last primary election, he had 35-40 campaign signs in the Village Center Indian River and he does not want to see this removed from free speech rights. Mr. Muscott read section 17.19.5.A "All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam." Mr. Muscott stated that this does not mention temporary signs such as a Coroplast sign in a wire frame. Mr. Muscott stated that this should be addressed before scheduling a public hearing.

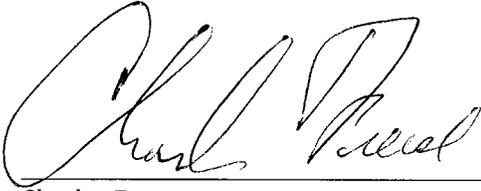
Mr. Muscott stated that the actual definition of family was not included in the notice in the newspaper and he does not believe that this is legal for an ordinance amendment. Mr. Muscott stated under Title 42 and the Fair Housing Act, family includes an individual or group of individuals. Mr. Muscott stated the proposed definition of family is in violation of a federal act. Mr. McNeil stated that in regards to the definition of family, it is specific to the Zoning Ordinance. Mr. McNeil stated that all summaries for the adoption of an amendment are reviewed by legal counsel and we believe them to be legal. Mr. McNeil stated that we have language included in the proposed sign amendment, "except as otherwise provided by law". Mr. Freese

stated that this issue concerning the definition of family could have been eliminated by including "one or more individuals." Discussion was held.

Mr. McNeil stated that we also acknowledge that the Reed vs. Gilbert decision has created as many questions as it has answered. Mr. McNeil stated that our legal counsel has done a good job with this amendment and we have done the best that we can do given the decision from the Supreme Court. Mr. Kavanaugh asked if legal counsel looked at the Attorney General's opinion. Mr. Kavanaugh asked if it would be worthwhile forwarding it to legal counsel before the public hearing. Mr. McNeil stated that the Attorney General's opinion is from 1984. Mr. McNeil stated even though the ruling addressed a small segment, it is unconstitutional to judge signage based on content.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:38pm.

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

Charles Freese
Planning Commission Secretary