



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, SEPTEMBER 21, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk  
**ABSENT:** Kavanaugh  
**STAFF:** Scott McNeil  
**GUESTS:** Eric Boyd, Bob Lyon, John Moore, Tony Matelski, Carl Muscott, Russell Crawford, Cheryl Crawford, Jeff Jakeway,

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. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Kavanaugh)

### APPROVAL OF MINUTES

The September 7, 2016 Planning Commission minutes were presented. Mr. Freese noted that the following corrections are to be made regarding the conditions for Brian Frost’s special use permit request on page 3:

6. No junk automobiles or other junk vehicles or junk equipment on the property.
8. The berm shall have a minimum of 3 foot high evergreens planted on the top of the berm every 6 feet apart.
12. All material to be enclosed within the bermed area and no further accumulation of salvage material until the rest of the area is cleared and the material within the bermed area is separated.
16. Zoning Administrator to monitor no less than monthly for the first year. After one year, the Zoning Administrator is to monitor no less than every six months.

**Motion** by Mr. Churchill, seconded by Mr. Borowicz, to approve the meeting minutes with changes. Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Kavanaugh)

### PUBLIC HEARING AND ACTION ON REQUESTS

**An Ordinance to Amend Section 17.19. of the Cheboygan County Zoning Ordinance No 200 to provide definitions, regulations and standards for signs.**

Mr. McNeil stated that this is a continuation of the public hearing that was adjourned at the previous meeting. Mr. McNeil stated the adjournment allowed time to research temporary sign provisions which may be in conflict with other state law. Mr. McNeil stated that language has been included in section 19.19.2.B which shall address any conflict.

Ms. Croft asked for public comments. Mr. Muscott referred to section 17.19.2.B.1 and noted that only 2 signs are allowed on a lot. Mr. Muscott stated that many people put up more than 2 political signs. Ms. Croft stated that the “except as otherwise provided by law” will cover this issue. Mr. Freese stated that political signs are regulated by the state. Mr. Muscott questioned if the state addresses how many signs are allowed on a lot. Mr. McNeil stated that if state law does not address the number of signs, then this regulation would apply. Mr. Freese stated that the Planning Commission can not exempt political signs because they would then be specifying content. Mr. McNeil stated there are other options such as other signage with permits. Mr. Muscott stated that this could end up in a court case regarding free speech. Discussion was held regarding 2 signs being allowed whether the lot is 40 acres or 60ft. wide. Mr. Moore noted that there may be an issue with

realty signs having to be removed from a lot within 60 days of placement. Mr. McNeil stated that realty signs are covered under the provision regarding signs pursuant to a written contract. Public comment closed.

Mr. Freese suggested not regulating temporary signs and removing the section from the regulation. Mr. McNeil stated the number of signs can be removed. Ms. Lyon and Mr. Freese agreed that the number of signs should be removed. Mr. McNeil will review the Planning Commission's concern with legal counsel. Mr. McNeil noted changing the number of temporary signs would be a substantial change and another public hearing will have to be scheduled. Discussion was held. Mr. McNeil stated that each sign is allowed to be up to 8sf and no more than 4ft. in height. Mr. Freese asked Mr. McNeil to determine the number of signs allowed and to have a planning justification for the number of signs. Mr. Jazdyk suggested regulating only the square footage of signs and not the number of signs. Mr. Jazdyk noted that there would be a risk of having a large sign. Discussion was held.

**JEFF JAKEWAY/THE JAKEWAY FAMILY TRUST/DANIEL GEARHART FAMILY LIVING TRUST** - Requests a site plan review for a Specialty Retail and Restaurant – Sections 6.2.9 and 6.2.19 The property is located at 4104 South Straits Hwy., 4092, South Straits Hwy., 4082 South Straits Hwy. and 4062 South Straits Hwy., Tuscarora Twp., Section 25, parcel #161-025-200-007-00, #161-025-200-007-01, #161-025-200-008-00 and #161-025-200-009-00 and is zoned Commercial Development (D-CM).

Mr. McNeil stated that the applicant is requesting site plan review for a property where there is currently a garden center located in the Commercial Development Zoning District. Mr. McNeil stated that the proposed uses are a specialty retail (garden center, landscaping and retail business) and fast food restaurant (coffee shop). Mr. McNeil referred to the site plan and noted the location of the proposed structure. Mr. McNeil reviewed the floor plan of the proposed structure. Mr. McNeil stated that the Mr. Jakeway received approval from the Zoning Board of Appeals to extend the proposed structure into the rear setback. Mr. McNeil noted the location of the driveways, parking areas and stacking parking spaces for the drive through window at the coffee shop. Mr. McNeil explained that the site plan proposes entering the site from M-68 and exiting the site on Old Trail Road. Mr. McNeil stated that the ordinance requires 5 stacking spaces and the applicant provided 3 stacking spaces on site. Mr. McNeil stated that the Zoning Board of Appeals approved a 2 parking space variance.

Mr. Drews stated that he is with Northern Michigan Engineering and he has assisted Mr. Jakeway with the site plan. Mr. Drews stated he spent a lot of time on traffic flow and access when working on the site plan. Mr. Drews stated that several structures are being removed. Mr. Drews noted that the north entrance on M-68 is a one way entrance and the other entrances are two way. Mr. Drews explained that MDOT requirements will be met. Mr. Drews stated this is an existing use, which will be enhanced.

Mr. Jakeway stated that he and his wife have owned Northstar Gardens for 18 years. Mr. Jakeway stated that currently there are 8 parking spaces which are not sufficient in the spring. Mr. Jakeway stated that a coffee shop within a store allows his staff to be employed year round. Mr. Jakeway stated that he has another landscape center in Gaylord. Mr. Jakeway explained that until the sewer was put in Indian River he was not able to expand as a drain field would absorb the majority of his lot. Mr. Jakeway stated that they employ 52 employees and this will add approximately 12 more employees. Mr. Jakeway reviewed the site plan. Mr. Jakeway stated that he currently has 8 parking spaces and this will be increased to 27 parking spaces. Discussion was held regarding the Zoning Board of Appeals approving the variance requests. Mr. Jakeway explained that with the existing buildings there are 747sf that does not comply with setback requirements. Mr. Jakeway explained that with the proposed buildings there will be 143sf that does not comply with setback requirements. Mr. Jakeway stated that he can keep the business as it is currently and lay employees off during the winter or he can expand his business and keep his employees working. Mr. Jakeway explained that he is using a "rack to retail" business method. Mr. Jakeway stated that no semi-trucks will deliver to the Indian River location. Mr. Jakeway stated that the products will be loaded on racks and put on a delivery truck in Wolverine. Mr. Jakeway explained that the products will be delivered to the Indian River location and sold directly from the rack. Mr. Jakeway explained that there is less handling of the products. Ms. Lyon asked if Old Trail Rd. is a two way road. Mr. Jakeway stated yes.

Mr. Freese stated the Zoning Board of Appeals granted the three variance requests as the grandfathered setback is being reduced by removing the buildings and MDOT approved the entrance. Mr. Freese stated that at the Zoning Board of Appeals meeting Mr. Jakeway stated he plans to save as many trees as possible. Mr. Freese asked if Mr. Jakeway plans to pave Old Trail Road. Mr. Jakeway stated yes, but he wants to make sure that the sewer is complete before he paves the road. Mr. Jakeway stated he will make sure that there is dust control and that the road is maintained.

Ms. Croft asked for public comments. Mr. Muscott commended Mr. Jakeway and everyone who worked on this plan. Mr. Muscott stated this is a difficult site, but it is a high traffic site. Mr. Muscott stated he appreciates all the effort that was done.

Mr. Muscott stated that the public will get used to the traffic flow through the parking lot. Mr. Muscott stated that he is glad to see the proposed improvements for North Star. Public comment closed.

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

The Planning Commission revised the General Findings:

6. The variance for rear setbacks have been approved by the Zoning Board of Appeals.
7. The variance for stacking parking spaces has been approved by the Zoning Board of Appeals.

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. Freese, seconded by Mr. Churchill, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following:

1. Approval from Cheboygan County Road Commission
2. Approval from Michigan Department of Transportation
3. Approval from Department of Building Safety
4. Approval from District Health Department #4
5. Improvements to Old Trail Road are to be in accordance with Cheboygan County Road Commission regulations and completed as soon as practical

Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Kavanaugh)

## **UNFINISHED BUSINESS**

### **Review of proposed Zoning Ordinance Amendment regarding Mobile Food Units**

Mr. McNeil stated that at the last Planning Commission meeting there was a single issue regarding use on right of ways. Mr. McNeil stated that language has been included that a zoning permit can not be issued for use on a right of way, but the agency with jurisdiction can approve the use within the right of way. Mr. McNeil stated that Mr. Freese had concerns regarding mobile food units on a private road right of way. Mr. McNeil stated that he does not see this as being an issue if we know who owns the private road right of way and permission has been granted to allow the mobile food unit.

Mr. Jazdyk referred to section 17.29.c and stated his concerns that site plan approval would be required for more than 1 mobile food unit on a lot. Mr. Jazdyk stated that 2 mobile food units on a lot do not equate to the construction of a building which warrants a lot of effort by the Planning Commission. Mr. Jazdyk stated his concerns that the owner is to obtain site plan approval. Mr. Jazdyk questioned if a representative could apply for the site plan approval. Mr. Jazdyk suggested that this be reviewed by Mr. McNeil instead of the Planning Commission. Mr. Borowicz stated that this section can be deleted. Mr. McNeil stated he will change the language so it is not single mobile food unit specific and other language changes will have to be made. Discussion was held.

Mr. Jazdyk referred to section 17.29.b and stated that multiple locations should be allowed on a permit instead of requiring a zoning permit for each location. Mr. McNeil stated that the zoning permit fee is \$30.00 and staff recommends that we continue to issue permits on a per lot basis. Mr. McNeil stated there is significant review with each location that must take place. Mr. McNeil stated that this use is being taken out of the site plan review process which would be at a minimum of \$110.00. Mr. McNeil stated that these require more review than a regular zoning permit. Mr. Borowicz noted that the City of Cheboygan has 2-3 of these mobile food units operating and he does not believe it is a huge item at this time. Mr. Freese stated he agrees with Mr. Jazdyk but the establishment of the fee is supposed to be based on the requirement of the time put into reviewing the application. Mr. Freese stated if a permit is being issued for 5 different sites, there will be 5 times as much work to review the application. Mr. Freese stated it is permissible for cities and villages to register/license a vendor. Mr. Freese stated that this is not permissible for counties. Discussion was held. Mr. McNeil stated that all land uses should be treated equal. Mr. McNeil believes that we would be giving mobile food units an advantage over permits that other businesses are required to comply with. Mr. Freese noted that previously a site plan review was required and it is now being changed to a zoning permit which costs \$30.00. Mr. Freese stated that the applicant could submit zoning applications for 5 sites for what it would have cost for site plan review for 1 site. Mr. Borowicz noted that the applicant may also have a license for more sites within the City of Cheboygan. Mr. McNeil stated he will make the changes and bring the amendment back for the Planning Commission to review.

### **Discussion of Draft Boat House Survey**

Mr. McNeil stated that the Planning Commission has a copy of the introduction letter which includes an image of a boat shelter (supplied by Mr. Muscott). Mr. McNeil stated that he talked with Mr. Schnell regarding this survey and they would like to put it on a postcard and direct people to an on-line survey. Mr. McNeil suggested holding special meetings with focus groups as opposed to a survey. Mr. McNeil stated that with focus groups there will be a better exchange of ideas and thoughts. Mr. McNeil stated that we could come up with just as good of a product, or maybe better, by using focus groups. Mr. Freese stated that with the results of the survey, we could then hold special meetings with focus groups. Mr. Jazdyk agreed with Mr. Freese as the survey results would provide a place to start with the focus group. Discussion was held. Mr. Freese stated that he wants the people on the water to know about the proposed boat house changes. Mr. Freese stated that many if not most wouldn't know about it if there is just a meeting. Discussion was held regarding surveys being available in the office for the public to complete and submit. Mr. McNeil asked if the survey should be mailed in the spring. Mr. Freese stated that this topic should continue to be discussed, but the survey can be mailed in the spring. Mr. McNeil noted that he has also provided a list of stakeholders. Mr. Churchill referred to the survey and stated that the second question should be listed first. Mr. Churchill referred to the fourth question and stated that it should reference new built boat shelters. Discussion was held.

#### **NEW BUSINESS**

No comments.

#### **STAFF REPORT**

Mr. McNeil stated that the Cheboygan County Board Of Commissioners approved the Planned Project amendment.

Mr. McNeil stated that an amendment regarding restaurants, convenience stores and auto repair will be on the next Planning Commission agenda.

#### **PLANNING COMMISSION COMMENTS**

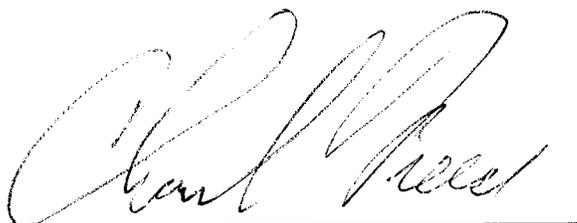
Ms. Lyon stated that Mr. Jakeway's presentation was the best presentation she has seen since she has been on the Planning Commission. Mr. Freese stated his concerns regarding people who start a project without approvals. Mr. Freese stated he has a problem with the fact that we do not stop these people. Mr. McNeil stated that the ordinance allows for fines to be issued, but that has not been the policy. Discussion was held.

#### **PUBLIC COMMENTS**

Mr. Muscott thanked Ms. Lyon for her comments regarding Mr. Jakeway as he is an excellent example of a local business man who follows the rules. Mr. Muscott stated that he agrees with Mr. Freese that there are others that do not follow the rules. Ms. Muscott referred to the boat house survey and stated that only a few pennies will be saved by sending a post card instead of paper. Discussion was held.

#### **ADJOURN**

**Motion** by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:19pm.



Charles Freese  
Planning Commission Secretary