



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, OCTOBER 5, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Churchill, Jazdzyk
ABSENT: Lyon, Borowicz
STAFF: Scott McNeil
GUESTS: Eric Boyd, Judy Ostwald, Russell Crawford, Cheryl Crawford, Tony Matelski, Carl Muscott, Charles Maziasz, Andrew M. Kosack, 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. Kavanaugh, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 2 Absent (Lyon, Borowicz)

APPROVAL OF MINUTES

The September 21, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Jazdzyk, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 2 Absent (Lyon, Borowicz)

PUBLIC HEARING AND ACTION ON REQUESTS

Jenna Corbin /Cass Casucci - Requests a site plan review for an exercise business (Office – Section 13B.2.7) The property is located at 3491 S. Straits Hwy., Tuscarora Township, Section 24, parcel #161-M55-033-010-00 and is zoned Village Center Indian River Overlay (VC-IR-O).

Mr. McNeil explained that the applicant is requesting site plan review for an exercise business under section 13B.2.7. Mr. McNeil stated that the property is zoned Village Center Indian River Overlay. Mr. McNeil stated that there are no off street parking requirements in this zoning district, although the applicant is indicating 5 parking spaces on site. Mr. McNeil stated that Department of Building Safety has approved the use as long as it is seasonal. Mr. McNeil explained that there are several building codes that come into effect once there is heat in the building. Mr. McNeil stated that use is to be seasonal only. Mr. McNeil stated that it appears that the applicant is not attending the meeting tonight.

The Planning Commission asked what is considered seasonal. Mr. McNeil stated that he will review this with the building official. Mr. Freese stated he does not know how the Planning Commission can act on this request when the Department of Building Safety is requiring that it be shut down during a certain time period and the applicant is not here to specify the “seasonal” period of operation is and if this period is compatible with the period that would be required by the Department of Building Safety. Discussion was held.

Mr. Freese stated that he does not believe that the Planning Commission can act on this request tonight. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to table this request until the October 19, 2016 Planning Commission meeting. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 2 Absent (Lyon, Borowicz)

UNFINISHED BUSINESS

Zoning Ordinance Amendment Regarding Mobile Food Units

Mr. McNeil stated that the Planning Commission’s requested changes have been made to the proposed amendment regarding mobile food units. Mr. McNeil stated that language has been included that the entity with jurisdiction can approve if located in

the right of way.

Mr. McNeil stated that the language prohibiting use on a private road has been removed. Mr. McNeil stated that language has been removed, which did not allow chairs or tables in the setback area; however, he believes tables and chairs in the setback would be acceptable. Mr. McNeil noted that signage is allowed in the setback area.

Mr. Freese asked if this amendment has been reviewed by legal counsel. Mr. McNeil stated no.

Discussion was held regarding the county not having jurisdiction to permit mobile food units in a right of way. Mr. Jazdyk questioned why section 17.29.a is included in the proposed amendment. Mr. McNeil stated that this section provides clarity.

Mr. Jazdyk stated his concerns regarding a zoning permit being required for each location. Mr. Jazdyk stated that the mobile food unit already receives a license from the city which allows three locations in the city limits. Mr. Jazdyk question if a zoning permit will be required for additional locations outside the city limits. Mr. McNeil stated that a zoning permit would be required wherever the county has jurisdiction. Mr. McNeil stated that this proposed amendment has no bearing on what the City of Cheboygan allows. Mr. Jazdyk stated his concerns that permit fees are required for the City of Cheboygan, Health Department and Cheboygan County. Discussion was held. Mr. Jazdyk stated a permit fee should not be required as the applicant already pays taxes. Mr. Jazdyk stated that he does not see this type of application as being over burdening on the Zoning Department.

Ms. Croft asked Mr. McNeil to have legal counsel review the proposed amendment.

NEW BUSINESS

Zoning Ordinance Amendment Regarding Restaurant, Convenience Store And Vehicle Repair Use Review

Mr. McNeil stated that a definition for car wash has been provided in the proposed amendment. Mr. McNeil stated that he has interjected uses (with definitions in the ordinance) in areas where there are similar names uses in the Zoning Ordinance. Mr. McNeil state that the draft amendment proposes new use listings which are based on the new use definitions.

Mr. Freese stated that drive-through is used in the definition of a restaurant, carry out. Mr. Freese stated that drive-through should be deleted from the restaurant, carry out definition. Mr. Freese referred to the definition of bar and stated that entertainment can occur prior to and after 11:00pm. Mr. Freese stated that there was a previous enforcement matter regarding outside entertainment versus inside entertainment at a bar. Mr. Freese stated that outside entertainment versus inside entertainment should be addressed. Mr. Freese stated that whether entertainment is included in the bar use should also be addressed. Mr. Freese suggested including a statement that the bar could have entertainment in accordance with state liquor license restrictions. Mr. McNeil stated that bars are approved by site plan review in the Commercial Zoning District and Village Center Zoning District. Mr. McNeil stated that bars could be subject to special use permit to allow the Planning Commission overview of the use. Mr. Kavanaugh stated that a special use permit is a good idea. Discussion was held. Mr. McNeil stated that he will look into a special use permit versus a site plan review. Mr. McNeil stated that the definition of drive-through further clarifies the definition of a restaurant, carry out, but can be removed from the definition.

Mr. Crawford stated that a bar is licensed by the State of Michigan. Mr. McNeil stated that a bar has an effect on land use and neighboring properties. Mr. Crawford asked if zoning can prohibit a bar that has received a license that has been issued by the State of Michigan. Mr. Freese stated that zoning can be more restrictive than the State.

Mr. McNeil noted that it is proposed in this amendment to allow mobile food units in the Lake and Stream Protection Zoning District with a special use permit. Mr. McNeil stated that there are a lot of public spaces that a mobile food unit may take advantage of in the Lake and Stream Protection Zoning District.

Mr. McNeil stated that he will review the bar use and change the definition. Mr. McNeil stated that he will bring the proposed amendment back to the Planning Commission to review in a month.

Discussion Regarding Use Terminology Review Priorities

Mr. Freese stated that convalescent homes, clubs and assembly halls should be addressed first. Discussion was held. Mr. Churchill and Mr. Kavanaugh agreed that convalescent homes should be reviewed next. Mr. Kavanagh stated that clubs and assembly halls should also be reviewed.

Mr. Jazdyk referred to section 17.29.c of the proposed amendment for mobile food units and stated his concerns regarding "and prepared within the mobile food unit." Discussion was held. Mr. McNeil stated that this sentence can be changed to "All

goods sold at a mobile food unit shall be food related.” Mr. Jazdyk asked if non-food related items would be caught by the Health Department. Mr. Kavanaugh stated no.

STAFF REPORT

Mr. McNeil stated that the October 19th meeting will be at the Tuscarora Township Hall. Mr. McNeil stated that there will be one special use permit application and one site plan review for the Planning Commission to review. Mr. McNeil stated that there will be a discussion with Tuscarora Township regarding the Village Center Zoning District.

PLANNING COMMISSION COMMENTS

Discussion was held regarding a zoning permit issued to Travis Conners for a private storage building in a Commercial Development Zoning District. Planning Commission members stated their concerns regarding a zoning permit and building permit being issued for private storage as a special use application was submitted to the Planning and Zoning Department to change the use to commercial boat storage. Discussion was held.

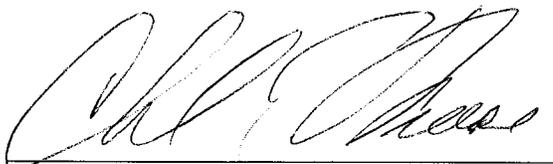
PUBLIC COMMENTS

Mr. Muscott stated that he is a business advocate and understands the business man’s point of view. Mr. Muscott stated he would like to see fewer laws that are fairly enforced for everyone. Mr. Muscott stated his concerns that a zoning permit was issued to Travis Conners for a private storage building as the special use permit application for commercial storage was pending. Mr. Muscott stated his concerns regarding there being two addresses for the parcel, 5875 South Grandview Beach Road and 767 South Straits Highway. Mr. Muscott stated that this parcel does not have any road frontage on South Straits Highway. Mr. Muscott stated the road frontage is on Grandview Beach Road. Mr. Muscott stated that the residents on Grandview Beach Road will be concerned as this proposed business will generate more traffic at the intersection. Mr. Muscott noted that Grandview Beach Road is a local road and is not a primary road. Discussion was held.

An audience member questioned why a job is not held up when there is a violation. Mr. McNeil stated that the only violation that has occurred is that construction began without a building permit. The audience member asked who polices the projects. Mr. McNeil stated that zoning enforcement is handled by Planning & Zoning Department. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:03pm.



Charles Freese
Planning Commission Secretary