

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, OCTOBER 3, 2018 AT 7:00 PM ROOM 135 – COMMISSIONER’S ROOM – CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Churchill, Lyon
ABSENT: None
STAFF: Michael Turisk
GUESTS: Eric Boyd, Carl Muscott, Cal Gouine, John F. Brown, Marcia Rocheleau, Karen Johnson, Louis Vassilakos, Russell Crawford, Cheryl Crawford, Gary C. Painter, Rae Bontekoe, John Moore, Sharon Churchill, Steven Vohs, Chuck Maziasz, Mary Athearn, Gary Radcliffe, Rose Radcliffe, Bruce Athearn

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. Borowicz seconded by Mr. Churchill, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

Motion by Mr. Kavanaugh, seconded by Mr. Freese, to rescind the September 5, 2018 minutes. Motion carried unanimously.

The September 5, 2018 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the meeting minutes as revised. Motion carried unanimously.

The September 19, 2018 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Rae Bontekoe – The applicant is seeking a one year extension of an approved Special Use for an Events Venue for a property zoned Agriculture and Forestry Management (M-AF). Per Section 18.12., an approved special use permit shall expire one year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the Special Use permit. The subject property is located at 8739 Brudy Rd., Ellis Township, Section 18, Parcel 210-018-400-002-01.

Mr. Turisk reviewed the background information contained in the staff report.

Ms. Bontekoe stated that she had not been able to obtain a contractor to perform the work required to date, and that the project remains as previously approved.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to find that due to unforeseen difficulties beyond the control of the property owner have prevented completion of the project and that standards and requirements for its completion have not changed any that a one year extension of the special use permit be granted. Motion carried unanimously.

Steven Vohs – A request for site plan review approval for an accessory storage structure for an existing retail business in a Commercial Development (D-CM) zoning district, per Section 6.2.19. The property is located at 3927 S. Straits Hwy., Tuscarora Twp., section 24, Parcel #161-024-400-573-00.

Mr. Turisk reviewed the background information contained in the staff report.

Mr. Freese stated that of the three waivers requested:

1. The area is basically flat and that therefore topography could be waived.
2. Utilities are shown on the drawing and therefore a waiver is not required.
3. Elevation drawings are required.

Mr. Vohs provided, as an exhibit, a drawing to show building elevations.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to waive the topography requirement. Motion carried unanimously.

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

The Planning Commission reviewed and approved the General Finding and the Specific Findings of Fact Under Section 20.10.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety. Motion carried unanimously.

David McDade - The applicant requests approval of a Special Use application for a bar/restaurant for a property largely within a Lake and Stream Protection (P-LS) zoning district with a portion zoned Commercial Development (D-CM), per Sections 10.3.14. and 6.2.3., respectively. The subject property is located at 3249 Gratiot St., adjacent to the Indian River in Tuscarora Township, Section 19, Parcel 162-019-100-032-00.

Mr. Turisk reviewed the background information contained in the staff report.

Mr. Kavanaugh requested information concerning whether Gratiot was a minor residential street which was addressed by the Zoning Board of Appeals, a copy of their findings which had been provided to the Planning Commission. Mr. Freese stated that in the regulation. He stated that the Zoning Board of Appeals had come up with a definition of "minor residential street" to be utilized in the future and that when applied to Gratiot Street it was determined that Gratiot Street was not a minor residential street. He further stated that this was all contained in the September 26, 2018 minutes of the Zoning Board of Appeals. A pertinent portion of which had been provided to the Planning Commission. Mr. Freese further explained the consequences of the designation of a road as a "minor residential street" and recommended that the sentence containing this term be deleted from section 18.7.f.

Mr. Freese stated that he felt that additional screening was required along the north property line from the end of the line of screening along the west side of the parking area eastward at least halfway to the river in order to provide the screening required of the parking area and the loading area. Mr. Freese stated that an additional parking space was required to meet the standards based on the seating capacity and the number of staff proposed. Mr. McDade stated that the number of staff should have been given as 4 rather than 8 since there will be 4 per shift and that this would reduce the number of parking spaces required.

Mr. Bartlett questioned what the outside entertainment would entail. Mr. McDade stated that the entertainment would not be loud, as would be the case with full amplification bands, but would be small scale and quieter such as Mike Ridley and would only occur during daylight hours from 10:00am to 10:00pm during the summer season when there is activity on the river.

Mr. Bartlett asked whether the outdoor recreational activities would be artificially lighted. Mr. McDade stated that they would only be for daylight use.

Mr. Freese questioned whether the hours of operation are 10:00am to 10:00pm or 10:00am to 11:00pm. Mr. McDade indicated that their hours would be daylight hours from 10:00am to 10:00pm. Mr. Freese asked whether they were officially indicating the hours would be from 10:00am to 10:00pm. Mr. McDade stated yes, that was their business plan.

Mr. Freese asked what their proposed entertainment days of operation would be. Mr. McDade stated that outside entertainment would end by 8:00pm on Fridays, Saturdays, and Sundays during the months that they are open with additional days on holiday weekends.

Mr. Kavanaugh asked what types of games would be available. Mr. McDade stated that soft games without any safety hazard such as horseshoes would be utilized.

Ms. Lyon asked what the surface of the parking lot would be. Mr. McDade stated it would be gravel in order to limit water runoff.

Mr. Jazdyk asked whether take-out food service would be provided. Mr. McDade stated that that was what was planned.

Ms. Croft asked for public comments. Mr. Muscott stated that he didn't want to see hours of operation unreasonably limited. He stated that this was proposed to be a family oriented business and strict hours of operation could prove detrimental. Mr. Muscott stated that one of the proposed restrictions was that no customer parking was to be allowed on Gratiot Street and that only the Cheboygan County Road Commission could limit on street parking.

Mary and Bruce Athearn stated that they own the property bordering the applicant's property on the north side and that the fill that was placed on the east side had caused runoff on to their property. They in turn had to add fill on their parcel along the river to alleviate the problem which had resulted in the runoff causing problems for the property on the south side of the applicant's property. Mr. Athearn stated that he was not happy to be looking out his front door to a view of a restaurant/bar all summer long and questioned whether he would have to endure people trespassing on his property to retrieve volley balls from the recreational facilities proposed to be located next to his property. Mrs. Athearn complained about the noise potential and about the lack of screening.

Mr. Radcliff questioned whether the boat slips on the parcel would have to be vacated when the restaurant closed or whether they could be used for partying after hours. Mr. Radcliff also stated that he felt customers would park along Gratiot creating a safety hazard at that turn of the road.

Public comment closed.

Board held discussion. Mr. Freese questioned the use of the boat slips and whether they would be rented or allowed to be used for parking overnight. Mr. McDade stated that the slips would only be allowed for customers to dock during business hours and that they would be cleared by closed of business.

Mr. Freese asked whether Mr. McDade would be amenable to placing a double row of pines along the north property line to screen the Athearn's property. Mr. McDade stated he would be amenable to that.

Mr. Kavanaugh asked whether the recreational area could be moved to the south side of the parcel. Mr. McDade stated that this was agreeable.

Mr. McDade stated that he was agreeable and that, when they were regrading for construction, that they would try to alleviate the drainage to the north.

Ms. Croft asked for any changes to the General Findings. Mr. Kavanaugh stated that the materials from the Zoning Board of Appeals concerning the minor residential street and the emails from Mr. Turisk to the Road Commission should be added to the General Findings. Mr. Freese added that this should be the actual minutes of the September 26, 2018 Zoning Board of Appeals meeting. Mr. Kavanaugh amended his addition to the General Findings to read the actual minutes of the Zoning Board of Appeals meeting.

Motion by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit subject to the amended General Findings and the Findings of Fact under Section 18.7 subject to the following conditions:

1. The applicant shall install screening to obscure the loading zone from public streets per the requirements of Section 17.4.8.i. Screening shall be repaired and maintained as needed. Additional screening in the form of a double row of Austrian Pines shall be planted along an east/west line along the north property boundary to screen the home north from the parking lot and the restaurant in accordance with Section 17.18.
2. All outdoor lighting fixtures shall be fully shielded to minimize light trespass.
3. Submittal of building permit and soil and sedimentation pollution control permit applications prior to construction.
4. Compliance with all applicable District Health Department requirements.
5. Off street parking on the parcel along Gratiot Street shall be prohibited.
6. Accessible parking spaces to meet the provisions of the Americans with Disabilities Act of 1990 (ADA) standards shall be provided.
7. Any future expansions shall require submittal and approval of a Special Use amendment application per the standards set forth in Section 18.11.

8. Hours of operation shall be limited to 10:00am to 10:00pm during the period May 1st through October 31st.
9. A revised site plan shall be submitted showing screening required by condition 1 (above).
10. Construction shall be in compliance with Department of Building Safety requirements.
11. Outdoor entertainment shall be limited to the hours of 10:00am to 8:00pm on Fridays, Saturdays and Sundays with the exception that they may be extended for additional days to cover holidays on extended holiday weekends.
12. Recreational activity areas shall be relocated to the south side of the restaurant building and their location shown on the revised site plan.
13. All DNR and DEQ requirements shall be met.
14. Boat slips shall be limited to use by patrons of the restaurant and shall be vacated by 10:00pm with a rope placed across the mouth of the slips to prevent their use after hours.
15. Discussion to be held between applicant and homeowners to the north at the time site is graded.

Motion carried unanimously.

UNFINISHED BUSINESS

Continued discussion regarding the County's Capital Improvement Plan.

Mr. Turisk introduced material on the Capital Improvement Plan. Mr. Vassilakos, Chairman of the Airport Authority, and Mr. Painter presented handout material on airport projects. Mr. Painter stated the terminal building is in dire need of renovation. He explained the the funding of the projects that being 90% Federal, 5% State and 5% local. The source and use of funds was explained. It was explained that Federal funding establishes Federal ownership of the facility and if the airport ceased to operate, the City and the County would have to repay the Federal funds which had been provided. Airport operations were explained. Mr. Jazdyk questioned if the airport provides value commensurate with the cost. Discussion held on the value of services provided. It was also pointed out that the Straits Regional Ride is based out of the airport facility.

Mr. Lawson provided information on County projects covered on the Capital Improvement Plan. He provided information on the relocation of the fuel dispensing facility at the Marina. Mr. Jazdyk asked why gas is being sold at the Marina. Mr. Lawson explained that the Marina is part of the Harbor of Refuge System on the Great Lakes and that the gas sales is a large part of the revenue for the operation of the facility. Mr. Lawson provided information on the operation of the Marina. Mr. Jazdyk asked why the Marina is providing services which might be better provided by private firms.

Mr. Freese gave a status on the Solar Ordinance.

NEW BUSINESS

Mr. Kavanaugh stated the planning training was very worthwhile.

Mr. Freese made comments concerning the Zoning Board of Appeals findings on "minor residential streets" and said this sentence should be deleted from the regulation.

Discussion was held on several minor amendments that should be completed which has previously been agreed upon by the Planning Commission.

STAFF REPORT

Mr. Turisk went over information on amendments in progress and the priorities on them.

PLANNING COMMISSION COMMENTS

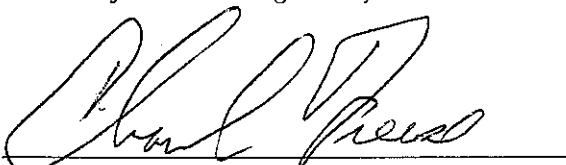
No comments.

PUBLIC COMMENTS

Mr. Muscott stated that he feels the priority should be continued to be concentrated on the solar ordinance.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:11pm.



Charles Freese
Planning Commission Secretary