



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING

WEDNESDAY, OCTOBER 19, 2016 AT 7:00 P.M.

TUSCARORA TOWNSHIP HALL, 3546 SOUTH STRAITS HIGHWAY, INDIAN RIVER, MI 49749

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill
ABSENT: Jazdyk
STAFF: Scott McNeil, Steve Schnell
GUESTS: John F. Brown, Eric Boyd, Russell Crawford, Cheryl Crawford, Patricia Lange, John Moore, Carl Muscott, Bob Lyon, John Wallace, Craig Waldron, Lisa McCully, Matt Whitener, Mike Ridley

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. Kavanaugh, to approve the agenda as presented. Motion carried. 8 Ayes, (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

APPROVAL OF MINUTES

The October 5, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes, (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)

UNFINISHED BUSINESS

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). **(This item was tabled at the 10/05/16 Planning Commission meeting).**

Mr. McNeil stated that the Planning Commission had a concern regarding the seasonal nature of the business due to the inability to install a heating system. Mr. McNeil stated that even though a heating system can not be installed in the building economically, they can continue to operate with the existing heating system and they can also continue to operate with space heaters. Mr. McNeil stated that this is less of a seasonal nature than what he implied in his original staff report. Mr. McNeil stated that this business can operate year round.

Ms. Croft asked for public comments. An audience member asked if the plastic on the front of the building will be there permanently and if it is sufficient for building code. Mr. McNeil stated that he can not answer if it is sufficient for building code. Mr. McNeil stated that if this application is approved he believes that there will be a condition that Department of Building Safety requirements must be met. Ms. Corbin stated that she talked to Matt Cronk (Building Official) and he said that as it stands, it is good. Ms. Corbin stated that this is just an addition and it is being sealed from the inside. The audience member stated that this is a reason why there should be a discussion regarding Village Center. Public comment closed.

Board held discussion. Mr. Kavanaugh noted that the Planning Commission does not have control over the appearance of the outside of the building but the township does have some control. Mr. Kavanaugh stated that this will be discussed later in the meeting.

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

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved 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 Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met and Health Department requirements be met. Motion carried. 8 Ayes, (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)

NEW BUSINESS

Discussion with Tuscarora Township officials and community to review impact of downtown rezoning to Village Center - Indian River Zoning District and Village Center - Indian River Overlay Zoning District

Mr. Schnell provided the history of how this area was previously zoned commercial (D-CM) and was rezoned in 2011 to Village Center Indian River with an overlay for a portion of the downtown. Mr. Schnell noted that the main reasons for the rezoning were setbacks and parking requirements. Mr. Schnell stated that most of the buildings are conforming due to the rezoning. Mr. Schnell stated that the essence of the rezoning was to allow for zero setbacks in the front and sides and a 10ft. rear setback. Mr. Schnell stated that the rezoning stems from a number of workshops that were held in 2010. Mr. Schnell stated that at least two of these meetings were held at the Tuscarora Township Hall. Mr. Schnell noted that the public hearing was held at the Tuscarora Township Hall. Mr. Schnell stated that land use goals were identified at the early meetings. Mr. Schnell stated that a more pedestrian friendly downtown, on street parking and retail use emphasized at street level were identified as land use goals. Mr. Schnell explained that uses that were similar were combined into one use. Mr. Schnell stated that it was decided that salon/spa should remain. Mr. Schnell stated that the salon/spa use was similar to both retail sales/services and offices. Mr. Schnell stated that there were three different words in the Zoning Ordinance for the same use. Mr. Schnell stated that these uses were combined and would now fall under the office use. Mr. Schnell referred to a proposed definition for mobile food unit and stated that they may not be undesirable in some areas but desirable in other areas. Mr. Schnell stated that we can decide where they should be permitted. Mr. Schnell read the proposed definition of mobile food unit, "A temporary establishment that is a vehicle-mounted food service 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. Schnell explained that this is a proposed definition and is not part of the ordinance at this time. Mr. Schnell asked Tuscarora Township and Tuscarora Township Planning Commission what changes are desired and what are the concerns. Mr. Schnell stated that zoning does not regulate aesthetics, but issues may be handled indirectly. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott stated that Village Center has enabled two existing buildings to be utilized that would not have met the parking requirements if zoned Commercial Development. Mr. Muscott stated that Village Center is more flexible zoning and he would like to see residential tweaked as it is an important part of downtown if you want it to be pedestrian friendly. Mr. Muscott stated that the overlay requires that residential be supplemental to a commercial use on the parcel. Mr. Muscott stated that in the Topinabee overlay, residential is allowed on the first floor but 30ft. back from the front of the building which allows people an option to not have a second story residence.

Mr. Thompson stated that next to the bridge there is a small parcel on which there is a lot of sand and a pontoon boat which have been placed and are being used as a food business. Mr. Thompson stated that there are no bathrooms at this location and that they use the public restrooms across the street. Mr. Thompson stated that no one is there now as it didn't work. Mr. Thompson stated that now they have to deal with a lot of sand and an old pontoon boat on this parcel which is located in the middle of downtown. Mr. Thompson stated that next to the ice cream store, an old trailer was used to serve food. Mr. Thompson stated that he has 25 years in the food business and it is not okay to serve food out of this trailer. Mr. Thompson stated there are a lot of sanitary concerns that have to be dealt with when dealing with food. Mr. Thompson stated that now there is an old trailer that wasn't used all summer. Mr. Thompson noted that this is not the Planning Commission's fault and he would have approved the application also. Mr. Thompson stated that there should be an exit strategy when these businesses do not work out.

Mr. Cherveney agreed with Mr. Thompson and stated that the businesses should be reviewed better. Mr. Cherveney stated that we should ask the applicants what are the long term plans for the business. Mr. Cherveney stated that there are 2 trailers that fall into the food truck category. Mr. Cherveney stated that one trailer was brought in with a crane and it will have to be removed with a crane. Mr. Cherveney stated that this business only operated 3-4 weeks this summer. Mr. Cherveney agreed with Mr. Thompson that this is no one's fault as the businesses did fit the criteria. Mr. Cherveney stated that definitions of restaurants and food trucks should be reviewed. Mr. Cherveney stated that there are a lot of sign violations. Mr. Cherveney stated that at one time the township offered to help pay for an enforcement officer.

Mr. Whitener stated that we could do a better job with clarifying the definitions of restaurant and food truck. Mr. Whitener stated that a lot of the problems that were mentioned will be self-correcting. Mr. Whitener stated these businesses will not be around that long. Mr. Whitener stated that vetting these businesses and cleaning up after they have closed down are not a

function of zoning. Mr. Whitener believes the functions should happen locally. Mr. Whitener stated that we need to be careful about condemning concepts based on a couple of individuals or the execution of the concept. Mr. Whitener stated that we have a couple of mobile food units in town that are not up to the standards we would like, but we should be careful about condemning this concept on a broader scale. An audience member asked how this can be done and make it so we do not end up with what we have. Mr. Whitener stated that the definitions of restaurant and mobile food unit need to be clarified and then restrict the problem areas that are associated with food trucks (hours of operation, nuisance, etc...). Mr. Whitener stated if there is a specific category that mobile food units fall in, it will be easier to enforce.

Mr. Schnell stated that we can talk to the township attorney about local ordinances that can regulate or license businesses. Mr. Schnell stated that this is something that can be done at the township level. Discussion was held regarding the definition of mobile food unit. Ms. Croft explained that the Planning Commission is currently working on creating a definition for the mobile food unit. Mr. McNeil stated that the Planning Commission is working on an amendment to address mobile food units. Mr. McNeil stated that the amendment that the Planning Commission is working on proposes mobile food units in Commercial zoning districts only. Mr. McNeil stated that mobile food units would be allowed with a zoning permit. Mr. McNeil stated that certain requirements (parking requirements, signage, permission from the owner, etc.) would have to be met. Mr. Waldron question if the mobile food unit definition should include a requirement that it be a licensed, legal vehicle that can be on the road. Discussion was held regarding the proposed amendment for mobile food units.

Mr. Schnell stated that one of the uses that was desired was a laundromat. Mr. Schnell asked if there are any other desired uses. Discussion was held. Mr. Muscott noted that dry cleaner and laundry establishments are permitted with a special use permit in the Village Center Indian River. An audience member stated that it is not allowed in the Village Center Indian River Overlay zoning district. Mr. Muscott noted that the overlay district is only a couple of blocks. Mr. Borowicz stated that in this case it would be a value judgement to have a use where it is not allowed in place of a vacant building that you hope a future business will meet your specific desires. An audience member stated that the purpose of the Village Center was for trade ups and to allow more flexibility with the parking. An audience member stated that you can't have Village Center and allow a use that is parking intensive that will take up all of the street parking.

Mr. Schnell stated that zoning can help achieve long term goals. Mr. Schnell stated that if some of the issues are eliminated that impede pedestrian shopping district (office), you are eliminating a person's right to sell/rent the building as an office. Mr. Schnell stated that this eliminates the short term goal for a long term goal of someday a business going in that creates pedestrian retail. Mr. Schnell stated that this is a risk and some towns take this risk. Mr. Schnell stated that some towns have maximum setback. Mr. Schnell stated that a maximum setback would require that buildings be built right up to the street to encourage pedestrian traffic. Mr. Schnell stated some towns require a maximum setback, a maximum lot width, and a maximum lot size. Mr. Schnell stated that form base code requires that every 50-75ft. there be a different building front so there is not one long flat wall. Mr. Schnell stated that this will allow for some similarities, but also allows for diversity. Mr. Schnell stated that these are options of what zoning can do. Mr. Schnell stated that you can allow everything in downtown to fill the storefronts, but questioned if it will meet the long term economic development goals.

Mr. Schnell stated that a person was hired for half time plan review and half time zoning enforcement. Mr. Schnell stated that this person's first task is to complete a sign inventory for downtown. Mr. Schnell stated the sign inventory should be completed in one week. Mr. Schnell noted that a sign inventory was also completed two years ago. Mr. Schnell stated the new sign inventory will indicate what kind zoning enforcement issues exist.

Mr. Schnell stated that in regards to the exit strategy comment, there is an option to require a surety bond. Discussion was held.

Mr. McNeil stated that zoning reviews the use of land and the placement of buildings. Mr. McNeil stated that when the Planning Commission reviews a use, they have to review it based on specific standards. Mr. McNeil stated that everyone is to be treated equally based on those specific standards. Mr. McNeil stated it is hard to vet the viability of a business based on the standard that is meant to review the use and placement of a building on a land. Discussion was held.

STAFF REPORT

Mr. Schnell stated that an appeal of the Circuit Court's decision regarding Heritage Cove Farm has been filed by Grandview Beach Association.

PLANNING COMMISSION COMMENTS

Ms. Lyon stated that she was in a city two weeks ago and saw a trolley being used as a hot dog stand. Ms. Lyon stated that the trolley was very nicely done, but she can see where it can get out of hand also. Ms. Lyon stated that when they closed up in the

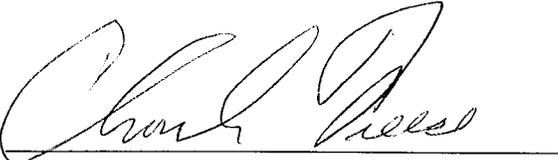
evening, they cleaned up everything and you wouldn't have known that they were there during the day. Mr. McNeil stated that the trolley would likely fall under our proposed definition of a mobile food unit. Discussion was held.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:05pm.

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

Charles Freese
Planning Commission Secretary