



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JANUARY 18, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk  
**ABSENT:** Freese, Churchill, Lyon  
**STAFF:** Scott McNeil  
**GUESTS:** Judy Ostwald, John Moore, Carl Muscott, Tony Matelski, Russell Crawford, Cheryl Crawford, Cal Gouine, C. Maziasz

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. 6 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk). 0 Nays, 3 Absent (Freese, Churchill, Lyon)

### APPROVAL OF MINUTES

The December 21, 2016 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried. 6 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk). 0 Nays, 3 Absent (Freese, Churchill, Lyon)

### UNFINISHED BUSINESS

#### Consideration Of Zoning Ordinance Amendment Relative To Assembly Hall Uses.

Mr. McNeil stated that the Planning Commission has discussed combining several uses into one use called Assembly Hall. Mr. McNeil stated that a definition has been provided for Assembly Hall.

Mr. McNeil stated that Section 2 removes the club use with arcades, bowling alleys, pool or billiard parlors remaining as uses which require site plan review in the Village Center Indian River and Village Center Topinabee zoning districts and uses which require a special use permit in the Village Center Indian River Overlay and Village Center Topinabee Overlay zoning districts.

Mr. McNeil stated that Section 3 removes the club use with bowling alleys, pool or billiard parlors remaining as uses which require site plan review in the Commercial Development and Village Center zoning districts.

Mr. McNeil explained that Section 4 provides for assembly halls as a use which requires a special use permit in the Residential Development zoning district.

Mr. McNeil explained Section 5 provides for assembly halls as a use which requires site plan review in the Commercial Development zoning district.

Mr. McNeil stated that Section 6 removes the current use listings of churches and public, parochial and private schools, libraries and municipal structures and uses from the permitted use listings within the Residential Development and Topinabee Village Center Residential Overlay zoning districts.

Mr. McNeil stated that Section 7 replaces the current use listing of public, parochial and private schools, libraries and municipal structures and uses with assembly halls as a use which requires a special use permit in the Agriculture and Forestry Management zoning district.

Mr. McNeil stated that Section 8 removes the community buildings from the current community buildings, public parks and recreational areas, playgrounds and campground use listing which requires a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts.

Mr. McNeil stated that Section 9 replaces the current use listing of educational, municipal, and religious institutions with assembly halls as a use which requires a special use permit in the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts.

Mr. McNeil stated that Section 10 replaces the current use listing of schools, libraries, churches and municipal structures with assembly halls as proposed to be defined as a use which requires a special use permit in the Lake and Stream Protection zoning district.

Mr. Kavanaugh stated that previously the wording in Section 2 was not clear, but it is clear now.

Mr. Jazdyk asked if public schools, parochial schools, private schools, and churches will now fall under the assembly hall classification. Mr. McNeil stated yes. Mr. Jazdyk asked why is there a concern regarding clubs. Mr. McNeil stated that clubs also have a similar effect on the land. Mr. McNeil stated that this is a use that can be eliminated from the ordinance and included in the assembly hall use.

Ms. Croft asked for public comment. Mr. Muscott stated that he is not sure what is driving this review of assembly hall. Mr. Muscott stated that the Planning Commission is far away from the definition in the dictionary of assembly hall. Mr. Muscott read a definition of the assembly hall, "A very large room used to hold public meetings, to stage shows, a very large room in a school." Mr. Muscott stated that Jehovah's Witness typically call their house of worship an Assembly Hall. Mr. Muscott stated that the general public would understand a club to be a VFW club, Eagles club or a fraternal organization that holds meetings. Mr. Muscott stated that he thinks of an assembly hall as a particular use of a room rather than a function of a land use. Mr. Muscott stated that he does not believe that this is a term that people will be comfortable with as it is a vague term. Mr. Muscott stated that he does not see the term assembly hall used in ordinances very much. Mr. McNeil stated that this was initiated by the Planning Commission's adopted priority to review and consolidate the land uses in the ordinance. Discussion was held. Mr. Jazdyk stated that many Planning Commissions try to incorporate many uses into a general classification and try to use the existing guidelines to make sense out of a request. Mr. Jazdyk stated this typically works better. Mr. Jazdyk stated that he supports this kind of activity instead of having more definitions. Mr. Kavanaugh questioned if there is a different term that could be used. Mr. Kavanaugh asked if Mr. McNeil could review other zoning ordinances to see what similar terms are being used. Ms. Croft asked if this proposed amendment has been reviewed by legal counsel. Mr. McNeil stated no. Mr. Borowicz stated this proposed amendment should be reviewed by legal counsel while Mr. McNeil is working on another term instead of assembly hall.

#### **Consideration Of Use Recommendations To Tuscarora Township Regarding Village Center Indian River And Village Center Indian River Overlay Zoning Districts.**

Mr. McNeil presented a draft follow-up letter regarding a meeting that was held with Tuscarora Township. Mr. McNeil stated that a definition for bar and night club has been included. Mr. McNeil stated that we are recommending that restaurant use and bar use be interjected for uses within the Village Center Indian River and Village Center Indian River Overlay Zoning Districts.

Mr. McNeil stated that gasoline service station is proposed to be deleted and replaced with motor vehicle service station. Mr. McNeil stated that automobile repair and washing establishment is proposed to be replaced by motor vehicle repair and car wash use listings. Mr. McNeil stated that this is proposed for the Village Center Indian River Zoning District.

Mr. McNeil stated that new definitions are proposed for health and fitness center and office. Mr. McNeil stated that we are asking for more discussion with Tuscarora Township in regards to these uses.

Mr. McNeil stated that this memo will be sent to Tuscarora Township officials and Tuscarora Township Planning Commission. Mr. McNeil recommended including an invitation to attend a future Cheboygan County Planning Commission meeting to discuss this further.

#### **NEW BUSINESS**

##### **2017 Annual Meeting.**

Mr. McNeil stated there shouldn't be any changes in the regular meeting schedule as there are no conflicts with any holidays.

**Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to maintain the existing officers. Motion carried. 6 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk). 0 Nays, 3 Absent (Freese, Churchill, Lyon)

**Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to retain the current meeting schedule of the first and third Wednesday of each month. Motion carried. 6 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk). 0 Nays, 3 Absent (Freese, Churchill, Lyon)

**Consideration Of Recommendation To Repeal Sections 17.3. And 21.9.2.**

Mr. McNeil stated that section 21.9.2 requires doubling the zoning permit fee for construction of a building or establishing a new land use without a permit. Mr. McNeil stated that this is also believed to be unlawful. Mr. McNeil stated that the provisions of section 17.3, regarding single family dwellings, are covered, or are in conflict with the building code. Mr. McNeil stated that language provided in section 17.3.7. regarding determinations of compatibility due to aesthetics are believed to be unlawful. Discussion was held.

**Review Of Use Terminology Relative To Convalescent Homes**

Mr. McNeil stated he has provided new use listings and definitions that are more generic. Mr. McNeil stated that the current definition talks about licensing under Michigan law and the new definitions for assisted living center and healthcare living center talk about what type of services are being provided at the facility. Mr. McNeil stated that leaving the definitions in more of a generic form may cover most of these types of uses. Mr. Kavanaugh asked where Heritage Cove Farm would fit into these definitions. Mr. McNeil stated that it would fit under healthcare living center. Mr. Kavanaugh stated that mental illness should be included. Mr. McNeil stated he is trying to keep these definitions generic. Mr. McNeil stated that the Planning Commission has agreed on a definition for infirmity which could be reviewed again. Mr. Kavanaugh stated that there will not be any questions if infirmed is included in the definition. Mr. Kavanaugh stated that mental and physical should be included if it is lawful to do so.

Mr. Jazdyk asked what Mr. McNeil is asking of the Planning Commission. Mr. McNeil stated to remove the definition of convalescent or nursing home and interject the listed uses with assisted living center or healthcare living center. Mr. McNeil stated that there is the adult day care center that will need to be addressed also. Discussion was held.

Discussion was held regarding a permit being issued for a pole building for Ed Shovan.

Mr. Kavanaugh stated that he was provided a 10 year report of Planning Commission approvals and denials. Mr. Kavanaugh stated that all of the Planning Commission members should receive a copy of this report. Mr. Kavanaugh stated that there were 157 requests that were reviewed by the Planning Commission and there were only 3 denied in 10 years.

**STAFF REPORT**

Mr. McNeil referred to the Planning and Zoning News and stated that there is an article on medical marijuana. Mr. McNeil stated that he and Mr. Schnell have had questions regarding what the county's role may be under the recently passed Medical Marijuana Act. Mr. McNeil stated this act allows municipalities to adopt ordinances and provide licenses for processors, growers and dispensaries. Mr. McNeil stated that counties do not play a role in making this decision. Mr. McNeil stated that townships and cities can allow by ordinance for license or by ordinance through zoning. Mr. McNeil stated that legal counsel has advised that if a township decides that they want to allow and license these facilities then we will have to look at zoning to provide that use as it will be a legitimate land use.

Mr. McNeil stated that the Planning Commission members have received an invitation to the Awakon Credit Union grand opening on 01/19/17.

Discussion was held regarding Best Practices In Capital Improvement Planning training scheduled for 01/20/17. Mr. Borowicz stated that he is interested in attending this training.

**PLANNING COMMISSION COMMENTS**

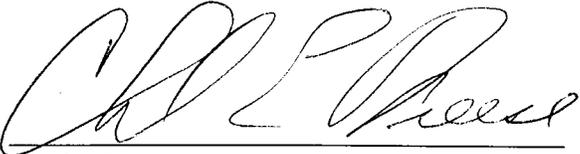
No comments.

**PUBLIC COMMENTS**

Mr. Maziasz asked Mr. McNeil to explain why the county will have to step in to look at zoning if the township decides to allow licenses for processors, growers and dispensaries. Mr. McNeil stated that we will have to provide zoning for the land use that the township decides to allow. Discussion was held.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:45pm.

A handwritten signature in cursive script, appearing to read "C. Freese", written in black ink on a white background.

Charles Freese  
Planning Commission Secretary