

# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION SPECIAL MEETING & PUBLIC HEARING WEDNESDAY, JUNE 10, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana  
**ABSENT:** None  
**STAFF:** Mike Turisk, Jen Merk  
**GUESTS:** John Moore, Cal Gouine

The meeting was called to order via telephone attendance 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 unanimously.

### **APPROVAL OF MINUTES**

There were no Planning Commission minutes to be reviewed.

### **SCHEDULED PUBLIC HEARINGS**

There were no public hearings.

### **NEW BUSINESS**

No comments.

### **UNFINISHED BUSINESS**

#### **Continued Discussion Regarding Temporary Zoning Amendment Intended To Assist Local Businesses During The COVID-19 Pandemic And Associated Economic Fallout.**

Mr. Turisk stated that on May 13, 2020 the Planning Commission had a discussion regarding providing a measure of temporary regulatory relief and flexibility for Cheboygan County businesses due to the economic fallout of the pandemic. Mr. Turisk stated that in the packet there is a revised framework for a temporary amendment to the Zoning Ordinance, which touches upon four broad subject areas; retail uses, off-street parking, temporary signage and mobile food units. Mr. Turisk stated that during the last meeting the Planning Commission discussed a sunset date of November 1 2021. Mr. Turisk noted that some Planning Commission members did not believe there should be a sunset date and others argued in favor of a sunset date.

Mr. Turisk stated that the first subject area is retail use and what has been suggested is to allow for parking lot or sidewalk sales as a temporary accessory use to permitted retail use. Mr. Turisk stated that this will enhance the visibility for retail uses and it would allow for social distancing as sidewalk sales are in an outdoor type of environment.

Mr. Turisk stated that off street parking is intended principally for restaurant uses, but will include retail uses as well. Mr. Turisk stated what has been suggested is to allow temporary accommodation of an outdoor sales area, including the use of tents or other temporary structures. Mr. Turisk stated that this would allow for social distancing and there would be the added benefit of advertising that the business is open and sales are available.

Mr. Turisk stated that regarding signage, what is being proposed is to allow any combination of sign types that are permitted in the district as temporary signage with up to 100 square feet of additional sign surface area. Mr. Turisk reviewed the five standards for temporary signage. Mr. Turisk stated that temporary signage would be intended for a previously permitted

use. Mr. Turisk stated that the temporary signage cannot create a public safety hazard. Mr. Turisk stated that the temporary signage must be located on a property on which the permitted business is located. Mr. Turisk stated that the temporary signage may be placed in a county right of way subject to approval by the Road Commission. Mr. Turisk stated that temporary signage would have to be removed within 30 days from the date of expiration of the amendment.

Mr. Turisk stated that there is a brief section regarding mobile food units. Mr. Turisk stated that staff has not received any questions or requests to expand or reduce the requirements or provide regulatory relief for mobile food unit uses during the pandemic situation. Mr. Turisk stated that this is a suggestion from staff to see if this is something that the Planning Commission would like to consider. Mr. Turisk stated that staff has talked with Mike Ridley, who is the Tuscarora Township Supervisor, and they are currently working through a township level amendment that speaks to the use of mobile food units and food trucks. Mr. Turisk stated that he has talked with Supervisor Ridley about this amendment and he is okay with it. Mr. Turisk stated that the most important component of this section is where the mobile food unit would be allowed as a temporary accessory use. Mr. Turisk stated that staff suggests that mobile food units be allowed as an accessory temporary use on the same property as an established permitted brick and mortar restaurant. Mr. Turisk stated that there are three standards for mobile food units. Mr. Turisk stated that the standards address compliance with minimum social distancing guidelines, the need for an informational only zoning permit and the authority that would be granted to staff to impose any additional conditions to ensure health, safety and welfare.

Ms. Croft asked if the Planning Commission has any comments regarding retail uses. Mr. Freese and Mr. Kavanaugh agreed that the section regarding retail uses is good.

Mr. Turisk stated that the next section would be off street parking and the use to temporarily accommodate outdoor sales areas. Mr. Freese stated that "and services" should be added to "accommodate outdoor sales". Mr. Kavanaugh and Mr. Borowicz agreed with Mr. Freese's suggestion. Ms. Johnson stated her concerns regarding Tuscarora Township and the 40% requirement. Mr. Turisk stated that he talked with Supervisor Ridley regarding a concern that this would result in parking conflict. Mr. Turisk stated that Supervisor Ridley didn't see that this would generate any noticeable parking conflicts. Mr. Turisk stated that he forwarded this proposed amendment to Supervisor Ridley to forward to his business contacts in Indian River. Mr. Turisk stated that no comments have been received as of this date. Mr. Turisk stated Supervisor Ridley thought the proposed amendment is a good idea and he appreciated the Planning Commission thinking specifically about the businesses in Indian River.

Ms. Croft asked if the Planning Commission has any comments regarding temporary signage. Mr. Kavanaugh stated that the Governor now has allowed opening of all food services, even though it's a restricted number of seating. Mr. Kavanaugh questioned if the extra 100 square foot of additional signage is needed. Mr. Kavanaugh stated that extra signage for being open or closed might be worthwhile, but he doesn't believe 100 square feet is necessary. Mr. Freese stated that his daughter's clinic just put up temporary signs all around the parking lot trying to get people organized to get in the right spot for an animal being dropped off or picked up. Mr. Freese stated that one sign tells the telephone number they have to call there is another sign for additional information. Mr. Freese stated that there are four signs for each of the pickup locations. Mr. Freese stated that 100sf seems reasonable. Mr. Kavanaugh stated he agreed with this type of additional signage.

Ms. Lyon stated that she agrees with Mr. Kavanaugh. Ms. Lyon stated her concerns regarding a 10 foot x 10 foot temporary sign. Ms. Lyon stated that what Mr. Freese described makes sense as there is a need for several signs to provide direction. Ms. Lyon stated that she does not have any issues with smaller signs providing directions. Discussion was held regarding enforcement. Mr. Freese suggested allowing a maximum of 100 square feet with any individual sign not exceeding 4 feet x 8 feet. Ms. Lyon and Mr. Kavanaugh agreed with limiting the size of the temporary signage. Mr. Kavanaugh stated he is not sure that 32 square feet should be the maximum. Discussion was held.

Ms. Croft asked if the Planning Commission has any comments regarding mobile food units. Ms. Johnson asked what sense it makes to have a mobile food unit that's permitted as an accessory use on the same property as a restaurant. Ms. Johnson questioned why you would want to have a restaurant and a mobile food unit on the same piece of property. Ms. Croft stated that there are seating limitations on a permanent structure. Mr. Kavanaugh stated that this will allow for social distancing. Mr. Kavanaugh stated that customers can buy the food at the stand and go to their car or eat on site with social distancing. Mr. Kavanaugh stated that this may allow for more than the 50%. Ms. Johnson stated that a restaurant can set up tents and tables outside with no temporary structures and questioned the purpose of the mobile food unit. Mr. Freese stated that if the mobile food unit was on the lot with the restaurant, they could maximize their outdoor seating.

Mr. Kavanaugh stated that some restaurants may want to have a quick menu outside until they feel comfortable opening. Mr. Kavanaugh stated that he feels that this is a reasonable way to handle it. Mr. Bartlett stated that this is opening possibilities

for restaurants to get more business. Mr. Delana asked if there are any concerns about allowing a mobile food unit to be off site. Discussion was held regarding mobile food units being permitted off site. Mr. Turisk noted that mobile food units are limited to the Commercial Development Zoning District. Mr. Turisk stated that the Planning Commission can recommend an amendment that would include allowing mobile food units in others zoning districts, but the thought is that this could open up an unintended can of worms. Discussion was held.

Discussion was held regarding the proposed amendment being valid until November 1, 2021. Mr. Kavanaugh stated that this date it acceptable to him as long as the Planning Commission can repeal or revise the amendment. Mr. Turisk stated that the Planning Commission will have the legal authority to amend as needed. Ms. Johnson asked if the Planning Commission needs to amend it, do they have to go through the public hearing process. Mr. Turisk stated yes, as it will be part of the Zoning Ordinance and a public hearing is required even for a temporary amendment. Discussion was held.

Ms. Johnson stated her concerns regarding the temporary structures remaining in place during the winter months. Ms. Johnson stated that the Planning Commission should consider plowing and other things that go on in small areas. Mr. Kavanaugh stated that it is the property owner/business owner's problem if they can't plow their own drive out. Mr. Kavanaugh stated that there may be some structures and signage remaining and there may have to be some enforcement action taken. Mr. Kavanaugh believes it is a reasonable date, even though there could be some headaches.

Discussion was held regarding scheduling a public hearing for the proposed amendment. **Motion** by Mr. Freese, seconded by Ms. Johnson, to schedule a public hearing for the proposed amendment on July 1, 2020. Motion carried unanimously.

#### **STAFF REPORT**

Mr. Turisk stated that the Cheboygan County Board of Commissioners has started holding hybrid meetings. Mr. Turisk stated that the Board of Commissioners and staff did meet in the Board of Commissioners meeting room and the public and the press were limited to telephonic or virtual participation. Mr. Turisk stated that this could be done for the July 1, 2020 Planning Commission meeting. Mr. Freese stated that this would have been helpful with the Orion application but he does not believe a hybrid meeting is necessary at this point. Mr. Kavanaugh and Mr. Bartlett agreed with Mr. Freese.

#### **PLANNING COMMISSION COMMENTS**

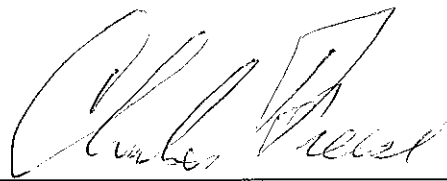
Ms. Johnson informed the Planning Commission members that the Enforcement Officer is not allowed to go out and visit any of the sites or to write letters or citations. Mr. Turisk stated that is not the case any longer as staff has directed Mr. Peltier to resume his zoning enforcement responsibilities as of yesterday. Mr. Turisk stated that zoning enforcement was suspended for several months out of sympathy due to the COVID-19 situation. Mr. Turisk stated that Cheboygan County did not want to be unsympathetic towards people or violators who may be experiencing financial difficulty due to job loss. Mr. Kavanaugh stated that people shouldn't be allowed to do whatever they want to do just because of COVID-19. Mr. Kavanaugh stated that we are going to have a terrible problem when enforcement starts because it has been several months without enforcement. Discussion was held regarding what day enforcement resumed. Ms. Johnson stated that in the future the Planning Commission should be informed when zoning enforcement is stopped. Mr. Kavanaugh stated that the violator didn't have any problem committing the violation during COVID-19 so we shouldn't have a problem telling him he can't do it.

#### **PUBLIC COMMENTS**

No comments.

#### **ADJOURN**

**Motion** by Mr. Freese to adjourn. Motion carried. Meeting was adjourned at 8:48pm.



Charles Freese  
Planning Commission Secretary