



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, JUNE 1, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk
ABSENT: None
STAFF: Scott McNeil
GUESTS: Carl Muscott, Russell Crawford, Cheryl Crawford, Charles Maziasz, Bob Lyon, Judy Ostwald, John Moore, Tony Matelski

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 unanimously.

APPROVAL OF MINUTES

The May 18, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Toni Wilson – Requests a Site Plan Review for a Retail, Restaurant and Office (salon) (Sections 13B.2.7. 13B.2.8 and 13B.2.9). The property is located at 3499 South M-27, Tuscarora Township, section 24, parcel #161-024-200-006-00 and is zoned Village Center Indian River Overlay (VC-IR-0).

Mr. McNeil stated that this is a new business in the Village Center Indian River Overlay Zoning District. Mr. McNeil stated that the applicant is proposing a retail store, salon (that falls within the definition of the office use), restaurant use (deli). Mr. McNeil stated that the applicant is also requesting outdoor display area and seating. Mr. McNeil stated that the retail display area will be located on the north side of the building and the front of the building between the walkway and the door. Mr. McNeil stated there is new construction of a porch that is associated with the salon. Mr. McNeil stated that the applicant received approval for a permit for a freestanding sign. Mr. McNeil stated that on-site parking is not required and there is a zero line setback requirement for any new construction in the Village Center Indian River Overlay Zoning District.

Ms. Wilson stated the restaurant is a use that she may want to add in the future and will not be started this year. Ms. Wilson stated that the salon and retail store will be started this year. Ms. Wilson stated the outdoor seating will be for customers to enjoy the town and the marina. Ms. Wilson stated the outdoor seating will not be for serving customers.

Ms. Croft asked for public comments. Mr. Muscott stated that he would like to commend Ms. Wilson as she is a risk taker. Mr. Muscott stated that Ms. Wilson has preserved a lot of the historic qualities of the building and it will be nice to see this business back to retail use again. Public comment closed.

Mr. Kavanaugh stated that there is a new water supply and will be connected to the sewer.

Motion by Mr. Borowicz, seconded by Mr. Bartlett, to grant the topography waiver request. Motion carried unanimously.

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. Kavanaugh, seconded by Mr. Ostwald, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to meeting the requirements of

Department of Agriculture, Health Department and Department of Building Safety. Motion carried unanimously.

Jacki Hanel and Toni Wilson – Requests a Site Plan Review Amendment for a Restaurant (Section 13B.2.8). The property is located at 6060 River Street, Tuscarora Township, parcel #161-I31-010-002-00, section 24, and is zoned Village Center Indian River Overlay (VC-IR-O).

Mr. McNeil stated that the Planning Commission approved the original site plan for a takeout restaurant facility at this location which is located in the Village Center Indian River Overlay Zoning District. Mr. McNeil stated that the applicants are requesting an amendment to allow outdoor seating. Mr. McNeil stated that outdoor seating requires review by the Planning Commission. Mr. McNeil reviewed the site plan and noted that bench seating (4 seats) is proposed for the dock. Mr. McNeil stated the applicant is also proposing countertop seating for 4 seats and 6 seats at the top of the hill. Mr. McNeil stated that a 6ft. high fence has been added to the west boundary.

Ms. Lyon asked how the applicant plans to prevent the soil from eroding on the bank. Ms. Wilson stated that this area will be landscaped. Ms. Wilson stated that they have met with the Soil Erosion Officer also. Ms. Wilson stated that they will comply with whatever the Soil Erosion Officer requires. Discussion was held.

Mr. Freese asked for an update on the approval by the township or the use of the restroom facilities. Ms. Wilsons stated that the township can not approve or disapprove the request. Ms. Wilson explained that this is the taxpayer's community bathroom. Mr. McNeil stated that he received an e-mail from the township saying that they do not approve or disapprove of anyone using the restroom facility as it can be used by anyone. Mr. Kavanaugh stated that the Planning Commission approved the request subject to the hours of operation being the same as when the restroom facilities are open. Mr. Kavanaugh stated that the Health Department granted a variance Mr. Kavanaugh stated that it would be difficult to have a bathroom in the existing structure. Ms. Lyon agreed with Mr. Kavanaugh and asked if there is a well and if this will be connected to the sewer. Mr. Kavanaugh stated there is a new well and they will be connected to the sewer. Discussion was held.

Ms. Lyon stated she is concerned about the topography waiver request because of the river bank. Ms. Lyon stated she sees a potential problem due to the slope of the land. Mr. Kavanaugh stated he agreed with Ms. Lyon and noted the Planning Commission approved the topography waiver request when the previous application was approved. Mr. Kavanaugh stated that this has the most grade change that the Planning Commission has seen in a long time. Mr. Kavanaugh stated that this should be reviewed by the Soil Erosion Officer and the DEQ. Mr. McNeil stated that the criteria does not say whether the topography survey is finished topography or existing topography. Mr. McNeil stated that the Planning Commission is looking at finished topography. Mr. Kavanaugh asked if it would be worthwhile to ask for when the project is completed. Mr. McNeil stated that this may be something that the Soil Erosion Officer requires. Mr. Kavanaugh suggested including this as a condition on the approval. Discussion was held.

Mr. Kavanaugh asked who owns the dock and the benches. Ms. Wilson stated that the adjacent property has picnic tables on the dock and it appears that they do own the dock and there are setbacks 20 feet. Mr. Kavanaugh asked Mr. Ridley if the seating is allowed on the dock. Mr. Ridley stated he believes that it can as there is seating on the other dock by the bridge. Discussion was held.

Ms. Croft stated that a revised site plan should be submitted showing the correct location for the well.

Mr. Kavanaugh asked if Hank Jankoviak (Soil Erosion Officer) requires final plan after the work is completed. Mr. McNeil explained that the plan is submitted, with the application and if there are changes to the plan a revised plan is submitted.

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

Mr. Kavanaugh stated that seating will be necessary. Discussion was held.

Discussion was held regarding the topography waiver request. Mr. McNeil stated if the site plan is approved it can be subject to a final finished topography drawing being submitted. Mr. Freese stated that an existing plan and a final plan should be submitted prior to starting the project. Discussion was held. Mr. Kavanaugh stated that a plan was submitted to the Soil Erosion Officer and it was later revised. Mr. Kavanaugh stated that this plan should be used and then an as-built plan should be submitted when the work is completed.

Motion by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

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. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department requirements and Department of Building Safety requirements and letters of approval from Soil and Sedimentation and DEQ and a final as-built topography plan. Motion carried unanimously.

Tuscarora Township - Requests a Site Plan Review Amendment for playground equipment (sections 6.2.1 and 4.2.4). The property is located at Onaway Road and Club Road, Tuscarora Township, section 24, parcel #161-I31-012-002-00 and #161-I31-012-003-02 and is zoned Commercial Development (D-CM).

Mr. McNeil noted that the Planning Commission approved the original site plan. Mr. McNeil stated reviewed the site plan and the detailed site plan. Mr. McNeil noted the location of the proposed playground area will be to the north of the pavilion and that the setback requirements will be met. Mr. McNeil stated that an overhead schematic and elevation drawing of the playground equipment have also been submitted.

Mr. Borowicz stated that a copy of the original topography plan is on file and questioned if it should be required for this request. Mr. McNeil stated that a topographic plan was only submitted for the detailed area. Mr. Borowicz stated that the playground area was included in the topography plan. Mr. Borowicz stated that it has been provided and should suffice. Mr. Freese noted that there are no proposed changes to the topography.

Mr. Ridley explained that a family approached the township and stated that they would like to make a donation in memory of their child. Mr. Ridley stated that the family wanted to have the playground equipment in Marina Park.

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

Discussion was held regarding topography. Mr. Borowicz noted that the topography plan is already included in the site plan.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements. Motion carried unanimously.

UNFINISHED BUSINESS

Capital Improvement Program Project Presentation For Cheboygan County Marina

Mr. Lawson stated in 2008 Cheboygan County had a plan completed by UDA to review the Marina and what improvements needed to be done. Mr. Lawson stated that from the plan there was \$3,000,000 in improvements that were identified. Mr. Lawson stated that in the last two cycles of Capital Improvement the Planning Commission saw two phases of projects that were posted for the future.

Mr. Lawson stated in 2008 the first project was an electrical upgrade in 2009 based on some of the findings of critical electrical work that needed to be done. Mr. Lawson stated that some of the roof was replaced in 2012. Mr. Lawson stated that the major gap between 2008 and today is financially driven and these were the two projects that were affordable. Mr. Lawson stated the roof project was paid from marina funds and the electrical upgrade was paid for with a 50 % state grant and 50% marina funds.

Mr. Lawson stated that the board allowed authorization to put in a grant application for \$800,000 for tank replacement. Mr. Lawson stated the cost estimate. Mr. Lawson stated that the major portion of the investment is for replacement of the fuel tanks. Mr. Lawson stated right now there are 2 6,000 gallon tanks. Mr. Lawson stated the new tank would be a dual compartment 20,000-gallon tank (10,000 for diesel and 10,000 for regular fuel). Mr. Lawson referred to the aerial photo and stated the lines running from the marina building will be replaced and all the landscaping will be redone. Mr. Lawson stated that some of the sidewalks will have to be replaced as there are 2 inches or more of depth change. Mr. Lawson stated that this is an insurance regulation. Mr. Lawson explained that the main fuel dock, refueling building and pumps will be replaced/upgraded. Mr. Lawson stated the estimated cost of the project is \$800,000. Mr. Lawson stated if the grant is awarded (in September) the Cheboygan County Board Of Commissioners will make a decision to approve or disapprove the \$400,000 expenditure. Mr. Lawson explained that the existing tanks are 26-27 years old and are the heaviest liability.

Mr. Jazdyk asked what the normal budget is every year for the Marina. Mr. Lawson stated he would have to check to make sure, but believes for the operational side of the marina it would be \$250,000-\$300,000. Mr. Lawson stated that enough

money is made on a yearly basis to pay operational costs, but capital expenditure money has been an issue for the past 10-12 years. Mr. Jazdyk asked if the capital improvements come out county money and grants. Mr. Lawson stated the grant would pay for half and the Cheboygan County Board Of Commissioners would have to decide to approve the \$400,000 expenditure. Mr. Lawson stated it would most likely be use of a tax revolving loan fund, which would show up as a loan from that fund to the marina and if there is any excess from operation; funds would be moved to pay back the loan. Mr. Lawson noted that it looks like it would take over 30 years to pay back \$400,000. Discussion was held.

Review of proposed definitions re: uses related to Gas Station and Party Store

Mr. McNeil reviewed the proposed definition for automobile service station and small scale convenience store. Mr. McNeil stated he surveyed convenience stores in the county for square footage. Mr. McNeil stated the largest convenience store is Schultz's Party Store which is just little smaller than 5,000sf. Mr. McNeil stated this is how he established a 5,000sf limit. Mr. McNeil reviewed the proposed definition and noted that a restaurant use could be proposed along with a convenience store use.

Mr. McNeil reviewed the proposed definition for motor vehicle repair which includes equipment repair and boat repair. Mr. Freese asked how dealerships will be classified. Mr. McNeil stated there could be automobile sales and motor vehicle repair. Mr. Freese stated these can not be looked at as separate functions as a dealership is required to have the vehicle repair. Mr. McNeil stated that motor vehicle repair could be included in the definition of an automobile dealership, but this allows the motor vehicle repair to take place separately from the automobile dealership. Mr. Borowicz stated if boats are repaired at a marina then we should also have a definition for a repair use. Mr. Borowicz stated that these three uses will replace a number of other uses as currently named in the ordinance. Mr. Freese stated his concern regarding the service station definition only addressing automobiles and the vehicle repair definition address all types of motor vehicles. Mr. Borowicz suggested changing Automobile Service State to Motor Vehicle Service Station. Discussion was held.

Review of proposed definitions re: uses related to Restaurant and Bar

Mr. McNeil reviewed the definitions of restaurant, carry out restaurant, fast food restaurant, drive-through, and bar. Mr. McNeil stated that the definition of restaurant recognizes that the use will happen in a principal building where food sales is a primary source of gross sales. Mr. McNeil explained that the carry out restaurant definition was added to also allow uses such as coffee shops and food trucks. Mr. McNeil stated that fast food restaurants are currently in the ordinance, but is not defined. Mr. Borowicz suggested changing the definition of fast food restaurant to say that food is primarily served to patrons through a drive-through. Mr. McNeil stated that he has proposed a definition for a drive-through only. Discussion was held regarding drive-in restaurants. Mr. Kavanaugh suggested adding a category for restaurant/bar. Mr. Kavanaugh suggested revising the definition of restaurant to say, ".....beverages, including alcoholic beverages...". Mr. McNeil noted that the definition of bar addresses the hours of operation and the entertainment impact. Mr. McNeil stated that it could be called a night club. Mr. Kavanaugh suggested bar/night club.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that the draft of the Capital Improvement Plan will be reviewed at the next Planning Commission meeting. Mr. McNeil stated that boat houses will be included on the next agenda.

Mr. Freese stated that there are 11 boat houses between the mouth of the Cheboygan River and the intersection with the Black River. Mr. Freese stated there are 4 boat houses on the Black River. Mr. Freese stated that many of which were considered boat houses based on the aerial photos are actually permanent structures on the water that are probably illegal. Mr. Freese stated that many of the 11 boat houses were actually boat shelters (open sides). Discussion was held. Mr. Kavanaugh stated that there are 1100 parcels Mr. Kavanaugh stated that there are 1100 parcels on the Indian River, Cheboygan River and Black River that could be interested in a boat house and there have only been 8 requests in 11 years. Mr. Kavanaugh stated that most of the existing boat houses are old and repairs are allowed. Mr. Freese stated that repairs are allowed. Mr. Kavanaugh stated that the Zoning Board of Appeals has approved these types of requests.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:17pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written in black ink. The signature is positioned above a horizontal line.

Charles Freese
Planning Commission Secretary