



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MAY 4, 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:** John Moore, John F. Brown, Eric Boyd, Tony Matelski, Samantha Brown, Bob Lyon, Cal Gouken, Russell Crawford, Cheryl Crawford, Ron Radle, Deb Radle Ralph Hemmer

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. Jazdyk, to approve the agenda as presented. Motion carried unanimously.

### APPROVAL OF MINUTES

The April 20, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried unanimously.

### PUBLIC HEARING AND ACTION ON REQUESTS

**Debra and Ronald Radle** - Requests a Special Use Permit for a Commercial Kennel (Section 9.3.17.). The property is located at 12714 Paradise Lake Road., Hebron Township, parcel #030-031-200-002-02 and is zoned Agriculture and Forestry Management District (M-AF).

Mr. McNeil referred to the site plan and stated that a 6ft. high fence is proposed along the east side of the existing dwelling. Mr. McNeil stated that the applicants have indicated that the dwelling will be used as housing for the dogs. Mr. McNeil stated the commercial kennel approval is required as they plan on breeding and selling dogs at this location. Mr. McNeil stated that this commercial kennel will be located in an Agriculture and Forestry Management Zoning District which is a requirement of section 17.16. Mr. McNeil stated the proper distance requirements from other dwelling will be met. Mr. McNeil reviewed an aerial photo of the parcel.

Mr. Kavanaugh asked if the applicants have met all of the requirements regarding setbacks, quantity of dogs and housing. Mr. McNeil stated yes. Mr. Kavanaugh asked if the applicants are asking for any variances. Mr. McNeil stated no. Mr. Kavanaugh asked if any letters of opposition have been submitted in regards to this request. Mr. McNeil stated no.

Mr. Freese stated that this applicant looks good.

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

Mr. Borowicz noted that there are no neighbors that are close to this parcel, but he wondered if a setback should apply for a fence. Mr. McNeil stated there is no requirement. Mr. McNeil stated that we do allow fences to be on the property line, but it should be noted that there is an additional use for this fence and it is dogs. Discussion was held. Mr. McNeil suggested adding a General Finding that there are no existing neighbors or dwellings to the east.

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

The Planning Commission added, "There are no buildings to the east." Item 5 under General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 17.16, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10.

Discussion was held. Mr. Kavanaugh asked the applicant how will the waste be disposed. Mr. Radle stated it will be buried.

**Motion** by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.16, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. subject to Health Department requirements, Animal Control requirements and to obtaining a kennel license. Motion carried unanimously.

## **UNFINISHED BUSINESS**

### **Proposed Amendment Regarding Sign Regulation Based On Content**

Mr. McNeil stated the Planning Commission had concerns about limiting the number of balloons and pinwheels in the draft sign ordinance amendment. Mr. McNeil stated that the reference to any number has been removed. Mr. McNeil stated there is now a time period for removal after any special event. Mr. McNeil stated these are allowed without permits.

Mr. McNeil stated that Mullett Township and Tuscarora Township have Village Center related zoning which does not currently allow off-premise signage. Mr. McNeil stated that he will follow up with Mullett Township and Tuscarora Township regarding removal of the off-premise sign regulation. Mr. McNeil stated that he will be attending a Tuscarora Township Planning Commission meeting to discuss this proposed amendment. Mr. McNeil stated that Mullett Township will discuss this at their next meeting.

Mr. Freese stated that the Planning Commission should wait to review the amendment any further until after Mr. McNeil is able to provide the townships comments regarding the proposed amendment.

Discussion was held regarding whether or not the proposed changes are required by the new act. Mr. Kavanaugh asked if the off-premise signs will meet the sign standards for the zoning district. Mr. McNeil stated that the number, type, height and size of the signs allowed will be the same as what is in the ordinance now. Mr. McNeil explained that the same amount and type of signs will be allowed, but some of them may be off-premise signs. Discussion was held.

### **Use Terminology Review For Gas Stations/Party Stores**

Mr. McNeil stated that this is one of the uses that the Planning Commission has decided to review. Mr. McNeil stated he has provided sample definitions that relate to gas stations, party stores, convenience stores, and service stations. Mr. McNeil stated that we have a definition for gas/service station which is a use that you do not see any more. Mr. McNeil stated that most of the gas sale uses that we see any more are in conjunction with a party store which would be termed a convenience store. Mr. McNeil stated that the Planning Commission could review the term convenience store. Mr. McNeil stated that other listed uses included automobile repair, gas stations, gasoline service stations and grocery and party stores. Mr. McNeil stated that automobile repair should remain in the ordinance.

Mr. Freese stated he has broken this down into four categories. Mr. Freese stated the first category is a gas station. Mr. Freese stated that a gas station is a place that provides fuel including gasoline, diesel, propane, hydrogen and other items including candy bars and pop.

Mr. Freese stated that the second category is a service station. Mr. Freese stated that a service station provides fuel like a gas station, but there are also a couple of service bays to work on vehicles such as tires, engine tune-ups. Mr. Freese stated that a service station does repairs other than crash repairs.

Mr. Freese stated the third category is a gas station/party stores. Mr. Freese stated that this use provides fuels, but there will also be grocery items, tourist souvenir items and prepared food for takeout. Mr. Freese stated that this does not include in-house eating.

Mr. Freese stated the fourth category would be a gas station/party store with in-house eating.

Mr. Freese stated there is only one gas station in the county and that is on Levering Road. Mr. Freese stated this is similar to an old gas station.

Mr. Freese stated he would like to keep the two definitions in there in case someone would like to apply for these uses, but the third and fourth categories are what the Planning Commission should review. Discussion was held regarding how these uses would apply to existing business in Cheboygan County.

Mr. Freese stated another category would be a gas station in conjunction with a Walmart store or Meijer store.

Mr. McNeil stated that these uses could stand on their own. Mr. McNeil stated that an example would be an applicant applying for a gas station use and a retail store use also. Discussion was held. Mr. McNeil stated he will work on definitions for the uses that Mr. Freese suggested.

Mr. Jazdyk stated that there will be difficulty with the overlapping uses. Mr. Jazdyk stated that the difficult part will be determining at what point the use is a gas station or convenience store. Mr. Churchill noted that the business model may change over time. Mr. McNeil stated if the Planning Commission wants the uses under one definition he will look at offering within the definition a limitation (percentage) on the floor area for a particular use. Mr. McNeil stated that we may be better served by mixing basic uses. Mr. McNeil stated he will work on definitions for the uses that Mr. Freese suggested.

#### **Use Terminology Review For Restaurant/Bar**

Mr. McNeil stated that similar uses for restaurant/bar are indoor seating restaurants, indoor restaurants with outdoor seating, outdoor restaurants, outdoor open air restaurants and food trucks. Mr. McNeil stated that many bars today serve food also. Mr. McNeil stated there are also nightclubs.

Mr. Freese stated there are two major inputs that the Planning Commission should consider. Mr. Freese stated the Planning Commission should consider Mike Kavanaugh's (District Health Department #4) input on food service and the Liquor Control Commission's input. Mr. Freese stated that our definitions will have to mesh with the regulations regarding food preparation, served, hours, liquor, etc. Mr. Freese stated he would like to see the Health Department regulations. Mr. Freese stated he would also like to see the different types of licenses offered by the Liquor Control Commission along with hours of operations, and whether or not entertainment is allowed. Mr. Freese stated that the Planning Commission should review this information first before continuing on. Mr. McNeil stated that the Liquor Control Commissions has a basic class c license, which allows serving alcohol on the premises. Mr. McNeil stated there are also dance and entertainment licenses which are often approved together.

Mr. Kavanaugh stated some of the categories that the Health Department have include a bar/restaurant, bar minor food, mobile foods and temporary foods. Mr. Kavanaugh stated the definitions are based on seating and what is served.

Mr. Freese stated there are restaurants/bars that are public, and there are restaurants/bars that are not public. Mr. McNeil stated that there are also club licenses. Mr. Freese stated if it is non-public is it a club. Mr. Freese stated his concerns about the definition of a club. Mr. Freese stated that the definitions of clubs and cafeterias should be reviewed.

Mr. McNeil stated that the categories from the Health Department may be ideal. Mr. Kavanaugh stated that most of the complaints that he receives are on the mobile food units. Mr. McNeil stated that he has told property owners that if the mobile food unit is on private property they will have to apply for site plan review. Mr. McNeil stated if it is located on the right of way, then it is licensed by the administrator of the right of way and there may be licensing issues also in some townships or municipalities. Discussion was held.

#### **NEW BUSINESS**

Mr. Freese stated that the Zoning Board of Appeals has already reviewed two applications regarding boathouses this year. Mr. Freese stated that there were several applications last year. Mr. Freese stated that this is something that the Planning Commission should review. Mr. Freese stated the Zoning Board of Appeals has authorized reconditioning on some of the boathouses as they are in need of repair. Mr. Freese stated that the Zoning Board of Appeals has not recently authorized any new boathouses but there are new boathouses that have been built. Mr. Freese stated the Planning Commission should open this subject up and get some public input on whether they want to have these types of structures that should be called a boat shelter. Mr. Freese stated a boat shelter is posts with a roof on it. Mr. Freese stated that a boathouse should be left open sided so the neighbor's view is not obstructed. Mr. Freese stated that the height of the structure should be restricted and that it should be open sided. Mr. Freese stated that the roof should be limited on pitch. Mr. Freese stated that this should be an overlay district in the areas that have or want these types of structures. Mr. Freese stated that this would be mostly in the Indian River area and possibly in areas along the Cheboygan River and Black River. Mr. McNeil stated that a few years ago he had boathouses mapped. Mr. McNeil stated he can have the map updated and the Planning Commission can look at the map and the Zoning Board of Appeals decisions. Mr. Freese stated the Zoning Board of Appeals decisions have been restrictive. Mr.

Freese stated that the Zoning Board of Appeals turns down new boathouses. Mr. Kavanaugh asked if boat houses are regulated by the DEQ or the ACOE also. Mr. McNeil stated that the DEQ and ACOE are involved when it involves a boat well. Mr. Jazdzyk stated that there are a few of them on Mullett Lake by Topinabee. Discussion was held.

Mr. Freese stated that John Moore from the Zoning Board of Appeals would like to talk about setbacks on corner lots in the Agriculture and Forestry Management Zoning District. Mr. Moore stated that the Zoning Board of Appeals had a request to add on a screened porch on the front of a house on a corner lot in a Residential Zoning District recently. Mr. Moore stated that this would have put them into the 30ft. front setback. Mr. Moore stated if it is put on the side, which is on the other street, the requirement is only 8ft. Mr. Moore stated this is inconsistent. Mr. Moore stated in Agriculture and Forestry Management Zoning District the front setback is 50ft. and the side setback is 10ft. and this depends on where the front door of the house is located. Mr. Moore asked what is being protected with these setback requirements on a corner lot. Mr. Moore stated that the old farm houses are nowhere near 50ft. from the road. Mr. McNeil stated that the front lot is the same as the address and the address is where the driveway is located. Discussion was held. Mr. McNeil stated that in the City of Cheboygan there are two front setback requirements on a corner lot. Mr. Freese stated that he believes that the front of the house should be where the front door is located. Mr. Freese explained that legal counsel provided an opinion in a previous variance application that the front of the house is where the front door is located. Mr. McNeil stated that this will not address the concern regarding a larger setback and a smaller setback on a corner lot. Mr. Kavanaugh asked Mr. McNeil to find out the procedure from the person assigning addresses. Mr. McNeil stated that the front setback does not have to be based on the address. Mr. McNeil stated that we can write the regulation based on other criteria. Discussion was held.

#### **STAFF REPORT**

Mr. McNeil stated that Mr. Schnell will present the annual report and an enforcement report at a future Planning Commission meeting.

#### **PLANNING COMMISSION COMMENTS**

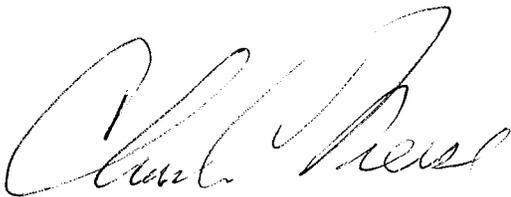
No comments.

#### **PUBLIC COMMENTS**

No comments.

#### **ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:02pm.



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Charles Freese  
Planning Commission Secretary