



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, APRIL 21, 2010 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Matelski, Kavanaugh, Borowicz, Croft, Moore, Behm, Ostwald
ABSENT: None
STAFF: Steve Schnell
GUESTS: John Moore, K.L. Tucker, Greg Yoder, Becky Yoder, Russell Crawford, Donald Tracey, Bruce Socha, Carissa Wenzel, Lynda Tracey, Violet L. Stireman, Joan Wrocklage, Bob Wrocklage, Bill Morgan Jr., Scott Anderson, Patti Anderson, Trudy Lofgren, Nancy Arvin

The meeting was called to order by Chairperson Croft at 7:00pm.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The April 7, 2010 Planning Commission minutes were presented. **Motion** by Mr. Matelski, seconded by Mr. Kavanaugh, to approve the minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Becky Yoder / Tee-Pee Campground, Inc.

Requests a Site Plan Review for a hot dog cart (section 6.2.16, drive in eating establishments, fast food establishments, and restaurants). The property is located at 11262 US 23, Mackinaw Township, section 19, parcel #011-019-200-012-00 and is zoned Commercial Development (D-CM).

Mr. McNeil explained the location of the site. Mr. McNeil explained the hot dog stand and the associated temporary signage will be removed at the end of each business day. Mr. McNeil stated the required parking is based on a roadside stand standard. Mr. McNeil stated 5 parking spaces are required for a roadside stand. Mr. McNeil referred to the site plan and noted the parking spaces are on the southerly side of the U shape driveway. Mr. McNeil stated the employee parking is located to the southeast on the site. Mr. McNeil stated this parcel and the neighboring parcel are both zoned Commercial. Mr. McNeil explained the proposed use is deemed a restaurant use, which is a permitted use.

Mr. Yoder stated the hot dog stand will be removed at night. Mr. Yoder stated he will be operating the hot dog stand from 11:00am to 6:30pm. Mr. Yoder stated refuse will be dumped daily at the dump station at the Tee-Pee Campground.

Mr. Freese asked if there was any consideration given for the number of vehicles that park on this driveway temporarily while registering or checking out for the campground. Mr. Yoder explained there is another parking area for the employees behind the camp store and the by the bathhouse. Discussion was held. Mr. Schnell stated this is new parking that is not replacing any required parking.

Mr. Kavanaugh stated the Health Department has reviewed the plans for the hot dog cart and will license the facility.

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

Mr. Freese asked if there were any comments from MDOT regarding this request. Mr. Schnell stated there were no comments from MDOT regarding this request. Discussion was held.

Motion by Mr. Matelski, seconded by Mr. Borowicz, to waive the topography requirement. Motion carried unanimously. The Planning Commission reviewed 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 and with the stipulation that confirmation of the acceptability of the site plan from MDOT be confirmed. Motion carried unanimously.

Donald Tracey / Bruce Socha

Requests a Site Plan Review for a retail store (section 6.1). The property is located at 6379 Riggsville Road, Munro Township, section 24, parcel #080-024-400-009-00 and is zoned Commercial Development (D-CM).

Mr. McNeil stated a farmer's market with various vendors is proposed for this site. Mr. McNeil stated the site is already established and there are no proposed changes to the land or building. Mr. McNeil noted this parcel and the surrounding parcels are zoned Commercial. Mr. McNeil stated parking requirements are met.

Mr. Freese asked if any sale items will be left on site after the building is closed up at night. Mr. and Mrs. Tracey stated yes. Mr. Freese asked what items will be stored outside. Mr. Tracey stated it will be mainly products that are too heavy to carry but they will be kept inside a fenced in area. Mr. Freese asked if the area noted as outside display will be the only area used for outside storage. Mr. Tracey stated yes. Mr. Freese asked if this will be fenced. Mr. Tracey stated yes.

Mr. Matelski stated this is an excellent use of an existing building. Mr. Kavanaugh and Ms. Behm agreed with Mr. Matelski.

Ms. Behm asked if the existing well will have to be inspected prior to the business opening. Mr. Kavanaugh stated they will have to collect water samples and the well construction will be checked. Mr. Kavanaugh stated the applicant is still trying to locate the septic system.

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

Motion by Mr. Matelski, seconded by Mr. Freese, to waive the topography requirement. Motion carried unanimously. The Planning Commission reviewed 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. Matelski, to approve the site plan based on the General Findings and Specific Findings of Fact under Section 20.10 and with the stipulation of Health Department approval and the site plan be updated with a better depiction of the fence and that outside storage be located inside the fenced in area. Motion carried unanimously.

Scott and Patti Anderson

Requests a Special Use Permit for a restaurant, retail store, offices, and outdoor recreation area in the Commercial Development (D-CM) zoning district. The properties are located at 4271 S. Straits Hwy, 4251 Wilson Road, Tuscarora Township, Section 25, parcels #161-025-200-035-00, #161-025-200-036-00, and #161-025-200-027-00. The properties are zoned D-CM. *(This item was tabled at the 03/17/10 meeting.)*

Mr. Schnell reviewed the revisions to the site plan. Mr. Schnell noted the locations that parking directional signs will be placed. Mr. Schnell explained that outside maintenance and repair will occur in front of the garage and that it will not interfere with customer parking. Mr. Schnell stated that the building is to be used for repair and maintenance of vehicles, equipment and recreational devices owned by Big Bear or the applicants. Mr. Schnell stated except for such equipment being repaired, outside storage is prohibited from July 1st through Labor Day.

Mr. Schnell stated the two separate storage areas have now been combined into one storage area. Mr. Schnell stated this storage area will be used as the river floating equipment staging area. Mr. Schnell stated the north end will be designated by a paint spot on trees and the south end is defined by the septic area.

Mr. Schnell stated the storage of light equipment and supplies is located on top of the septic area. Mr. Fullford stated that light supplies have been stored in this location for a number of years. Mr. Fullford stated the applicant wanted to make sure this was noted on the site plan and that it would not be considered a violation.

Mr. Schnell reviewed the parking table on the site plan. Mr. Schnell stated 54 parking spaces are required and the total provided is 56. Mr. Schnell referred to the notation on the site plan that 6 parking spaces would be defined by orange paint on the

pavement and one parking space would be used at a time for display of product. Mr. Schnell stated this display of product in this area would not occur between July 1st and Labor Day.

Mr. Schnell stated all on site signage will be 3' x 2' and there will be a sign at the service counter requesting customers to ask for parking instructions. Mr. Schnell stated employees will park in the off-site area between July 1st and Labor Day. Mr. Fullford stated a no parking sign was proposed off site by Rainbow's End Trail on the northeast corner. Mr. Schnell stated this sign is subject to Road Commission approval.

Mr. Kavanaugh asked if Mr. Schnell would comment on the Mr. Gierschke's concerns. Mr. Schnell stated there are enforcement matters on the site currently and some of the proposals would alleviate some of these issues. Mr. Schnell stated that Mr. Gierschke wanted to make sure that on site signage could not be used for advertising and that it could only be used for on site direction of traffic. Mr. Schnell stated Mr. Gierschke would prefer that permanent posts be used for the boundary of the storage. Discussion was held.

Mr. Freese stated his concerns about the light supplies that are stored on the septic area. Mr. Freese stated this has not been discussed in the past and there are fence posts, signs and miscellaneous items being stored in this area. Mr. Borowicz stated this storage area is out of sight. Mr. Freese stated it is visible to the next door neighbors. Mr. Kavanaugh suggested a buffer for this area. Mr. Freese agreed with Mr. Kavanaugh. Discussion was held. Mrs. Anderson stated that these neighbors spoke at a previous meeting and they did not have any problems with this storage area. Mr. Freese stated he would still like to see a fence. Ms. Behm stated a lot of work has been done by the applicant to meet all of the Planning Commission's requests. Ms. Behm stated she does not see a problem with the storage along the back property line as long as the neighbor was not opposed to it.

Ms. Croft stated the public hearing has been closed for this request.

Mr. Wendling stated he has drafted findings of fact for the Planning Commission. Mr. Wendling stated the Planning Commission can adopt, not adopt or revise these findings of fact. Mr. Wendling stated he does not care what decision is made tonight but he cares how the Planning Commission makes the decision and that the decision is supported by the facts and evidence on the record. Mr. Wendling stated that some of the findings could result in the standard not being met but there are also findings that could result in the standard being met. Mr. Wendling stated that these findings are to be supported by evidence on the record. Mr. Wendling stated the evidence that the Planning Commission can use to help them make a decision can be just a scintilla. Mr. Wendling stated this can be letters, comments or photographs by citizens or information submitted by the applicant.

The Planning Commission reviewed the General Findings. The Planning Commission reviewed the Findings of Fact under Section 18.7. Mr. Tucker requested that all references to the applicant refusing to sign the June 15, 2005 approval be removed from the General Findings, Findings of Fact under Section 18.7 and the Specific Findings of Fact under Section 20.10. The Planning Commission agreed to remove any references to the applicant refusing to sign the June 15, 2005 approval. Discussion was held. The Planning Commission agreed to delete c3, c4, f4 and h2. The Planning Commission agreed the revised Findings of Fact under Section 18.7 have been met. The Planning Commission reviewed the Specific Findings of Fact under Section 20.10. The Planning Commission agreed the Specific Findings of Fact under Section 20.10 have been met.

Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Findings of Fact under Section 18.7 and the Specific Findings of Fact under Section 20.10 with the following conditions:

1. All customer vehicles prohibited from entering or exiting Rainbows End Trail driveway. (final condition wordage underlined)

Discussion was held. Mr. Tucker questioned why the applicants are not able to use Rainbow's End Trail. Ms. Croft stated the applicant is able to use the road. Mr. Tucker stated it is unreasonable that the applicants are not able to use Rainbow's End Trail to enter and exit their own property. Mr. Tucker questioned why the Planning Commission is prohibiting using this road during the light use months. Mr. Tucker stated they are willing to accept the limitation of ingress for vehicles with trailers and watercraft devices in season while they are being used in business. Mr. Tucker asked the logic in prohibiting repair vehicles exiting onto Rainbow's End Trail for a test run. Mr. Tucker asked why should any vehicles be prohibited from entering or exiting during the slow season. Mr. Kavanaugh stated there still is traffic on the road during this time. Mr. Kavanaugh believes this is a reasonable request. Mr. Freese agreed with Mr. Kavanaugh.

Mr. Tucker stated they agree that customer vehicles should be prohibited from entering and exiting off of Rainbow's End Trail and they will do their best to monitor it. Mr. Tucker believes the Planning Commission should look at the intense use of Rainbow's End

Trail and this site during the intense portion of the season and then make conditions that are applicable to the intense portion of the season and also make conditions that are applicable to that portion of the season when there is light traffic. Mr. Tucker stated there may be only one or two vehicles that use this entrance during the winter. Mr. Tucker stated the owners should not be prohibited from using the entrance. Mr. Matelski and Ms. Croft stated the owners can use the entrance. Ms. Behm does not believe there should be restrictions placed on the applicant during the slow season.

2. Use of Rainbows End Trail for entrance only for tube vans and watercraft buses with or without trailers, and supply vehicles for uses approved as part of this special use permit after June 15th and through Labor Day. (final condition wordage underlined)
3. Garbage truck may use Rainbows End Trail in both directions. (final condition wordage underlined)

Discussion was held. Mr. Kavanaugh suggested the applicant put up a sign noting "Restaurant Parking Only" for Wilson's Restaurant. Mr. Kavanaugh stated the parking requirements have been met but section 17.4 requires there be adequate parking. Mr. Kavanaugh stated that legal counsel advised that if someone is parked out of these areas a citation can be issued.

4. "No Parking" signs to be installed on Rainbows End Trail within 300 feet of South Straits Highway and along South Straits Highway directly across from Big Bear property with Road Commission and MDOT approval as appropriate, and approval of any law enforcement entity provided in writing. (final condition wordage underlined)

Discussion was held regarding requiring a written request to MDOT and the Road Commission and a written response from MDOT and the Road Commission for the signs. Mr. Kavanaugh stated he would like condition 5 to be only for Special Use Permit-authorized business –owned or applicant-owned vehicles and equipment only.

5. Maintenance building for maintenance of Special Use Permit-authorized business –owned or applicant-owned vehicles and equipment and not to be used for maintenance of employee vehicles. Between July 1st and Labor Day the following conditions shall apply:
 - a. no work allowed on applicants personal vehicles and equipment
 - b. no storage of vehicles being maintained or worked on outside of the garage (final condition wordage underlined)

Discussion was held. Mr. Kavanaugh stated that Mr. Gierschke wanted poles and possibly paint to delineate the storage area. Ms. Croft stated it will be difficult to figure out where the paint is on the ground.

6. Delineation of storage area with poles at corners nearest neighboring property lines visible by zoning enforcement officer. (final condition wordage underlined)
7. 10 foot by 10 foot portable life jacket storage building can be used with no additions to foot print and maintained in area shown on site plan drawing. (final condition wordage underlined)
8. Outdoor display area shall be marked with permanent paint showing desired parking space and written MDOT permission provided to the zoning administrator. (final condition wordage underlined)

Discussion was held regarding the stipulation that only three activities would be allowed at one time and that the Zoning Administrator would review new activities.

9. Activity area shall include no more than 3 activities and shall include only those as provided on the list approved on 5/18/2005. (final condition wordage underlined)
10. New activities, inclusive of those listed on 5/18/2005, shall be reviewed by the zoning administrator for their compliance. (final condition wordage underlined)

Mr. Schnell stated that he would be conservative when reviewing the new activities.

Discussion was held regarding the proposed conditions. Mr. Fullford stated he has concerns that there are conditions placed upon the approval when there are notes on the site plan. Mr. Kavanaugh stated the applicant has proposed something but the site plan does not say what the Planning Commission needs it to say. Mr. Tucker asked if the site plan has to be revised. The Planning

Commission members stated no. Mr. Tucker stated there will be an inconsistency between the Planning Commission approval and the site plan. Mr. Wendling stated it is not inconsistent because the approval is based upon the findings of fact. Mr. Wendling stated the site plan has information that is relevant in part to the approval and not relevant in other factors.

Mrs. Anderson stated she is considering withdrawing her request. Mrs. Anderson stated she was not able to review any of the proposed conditions so she would be ready to discuss them. Mrs. Anderson stated she wants to be in compliance but it will be difficult when there are a few conditions that she will not be able to live with. Mr. Tucker and Mrs. Anderson explained that they would like an opportunity to discuss these conditions with the Planning Commission. Ms. Croft stated these conditions were not presented to the Planning Commission and this is the first time that the Planning Commission is discussing the conditions. Ms. Croft stated these are issues that have been discussed all along. Mr. Kavanaugh stated that some of the conditions were proposed by the applicant such as not using their personal vehicles between July 1st through Labor Day. Mr. Kavanaugh noted that they are now able to use their own vehicles. Mrs. Anderson stated that she presented proof from the police that Big Bear Adventure does not create any traffic hazards and she is concerned that she is not allowed to drive her personal vehicles on Rainbow's End Trail. Mr. Kavanaugh explained that the cable gate requirement from a previous approval has been removed. Mrs. Anderson is concerned that there are other conditions now placed on her approval. Mr. Kavanaugh stated that these are minor conditions and legal counsel has advised the Planning Commission that if there is any evidence that there may be a problem they can put a condition on the approval. Mr. Wendling stated this is a traffic flow issue and it is not a matter of blocking the applicant. Mr. Wendling stated the Planning Commission does not have the authority to block Rainbow's End Trail. Ms. Croft noted the Road Commission may not allow the applicant to put up the signs. Mr. Wendling stated if they do not receive the approval from the Road Commission to put up the signs it would negate this finding.

Mr. Ostwald stated his concerns that the applicant should be able to discuss the conditions with the Planning Commission, as there may be some conditions that they are not able to meet. Mr. Kavanaugh believes if the applicant is allowed to speak then the public should also be allowed to speak, as there may be some that have an interest in this request. Mr. Kavanaugh stated there are changes on this plan that the public has not had a chance to comment on. Mr. Kavanaugh believes the public and the applicant should be able to speak. Discussion was held.

Ms. Croft asked for public comments that relate to the amendments to the site plan. Ms. Arvin stated that she is in favor of one way traffic on Rainbow's End Trail for Big Bear usage. Ms. Arvin stated that Rainbow's End Trail is a dead end road and it is the only entrance and exit to these homes. Ms. Arvin stated if customers and employees used this access the road would be blocked and the property owners would not be able to get in and out of the road. Ms. Arvin stated the right of way is supposed to be 66ft. but the usable portion of the road is 28ft. Ms. Arvin stated the applicant is not being blocked from using their business. Ms. Arvin stated there is an entrance/exit on Wilson Road and also on Straits Highway. Public comment closed.

Mr. Tucker referred to conditions 1 and 2 and asked if the owners and employees can use this. The Planning Commission members stated yes. Discussion was held.

Motion carried unanimously.

UNFINISHED BUSINESS

Discussion of Capital Improvement Program

Mr. McNeil stated at the last meeting an action plan for the Capital Improvement Program was presented to the Planning Commission. Mr. McNeil stated the first step in the plan was the development of a definition of Capital Improvements. Mr. McNeil stated the proposed definition is "Additions to county assets which are the result of construction or purchase of land, buildings or facilities or renovations of the same, with an estimated useful life of five (5) years or more and exceed an estimated cost of \$15,000.00." Mr. McNeil stated \$15,000 is lower than other amounts that he has seen. Mr. McNeil stated it is low enough to make an impact on public improvement but it is not so small that every little thing is picked up. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the definition as supplied by staff. Motion carried unanimously.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Schnell stated the New Economy 101 workshop will be held on April 28th at 7:00pm at the CMH conference room.

Mr. Schnell stated there has been minimal response to the Intergovernmental Planning Workshop and we may not be able to meet the minimum requirement of 20. Discussion was held. Mr. Schnell stated this workshop is scheduled to be held on May 3rd at the Cheboygan Library. Mr. Schnell stated he will update everyone in the next few days if this workshop will be cancelled.

Mr. Schnell stated Burt Township submitted an ordinance amendment for the Planning Commission to review and make comments. There were no comments from the Planning Commission regarding the ordinance amendment. Mr. Schnell stated he would advise Burt Township that there were no comments.

Mr. Schnell updated the Planning Commission on an appeal case for the Clay Crushers. Mr. Schnell stated the review of the plan and the Planning Commission's decision was solid. Mr. Schnell stated it was discovered that there is a glitch in the ordinance. Mr. Schnell stated waivers are being granted but the reference in the ordinance does not reference both places where waivers are talked about. Mr. Schnell explained the proposed language mimics the current language. Mr. Schnell stated the proposed language will be placed in the correct location in the ordinance in Section 20.7. Mr. Schnell stated the proposed amendment has been approved by legal counsel. Mr. Schnell asked if the Planning Commission would like to schedule a public hearing. The Planning Commission members agreed that a public hearing should be scheduled. Mr. Schnell explained that the Clay Crushers are submitting another site plan with topography to be reviewed by the Planning Commission. Discussion was held.

Mr. Schnell stated a joint meeting will be scheduled soon in regards to the Village Center rezoning. Mr. Schnell asked if the Planning Commission would like to hold the joint meeting in the Commissioner's Room or on site. Mr. Schnell explained that there could be up to four meetings. The Planning Commission agreed to have the meeting at other locations. Discussion was held regarding scheduling the joint meetings during the regularly scheduled Planning Commission meeting dates.

PLANNING COMMISSIONER'S COMMENTS

Discussion was held regarding Planning Commission review being required for a change in use in the Commercial zoning district.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Matelski to adjourn. Motion carried. Meeting was adjourned at 9:22pm.



Charles Freese
Planning Commission Secretary