



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, AUGUST 3, 2011 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon  
**ABSENT:** Eichhorn  
**STAFF:** Scott McNeil  
**GUESTS:** John Moore, Tony Matelski, Ethel MacArthur, Ervin Crawford, Janice Crawford, Rachel Osborn, John F. Brown, Russell Crawford, Cheryl Crawford, Dennis Lennox, Susan McDougal, C. Haas, Carl Masters, Carl Muscott, Kate McCaffrey, John McCaffrey, Dennis Dombroski, Bob Lyon, Brian Callaghan, Rebecca Cook, Mark Cook, Derek A. Schittekat, David R. Harrington, Michael Sabiston, Bob Snyder, Dennis Jonski

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

### APPROVAL OF AGENDA

The meeting agenda was presented. Ms. Croft stated that "Reconsideration Of The Public Hearing Date For Rural Character/Country Living Rezoning" will be added to Unfinished Business as additional comments from legal counsel have been received. **Motion** by Mr. Kavanaugh, seconded by Mr. Ostwald, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

### APPROVAL OF MINUTES

The July 20, 2011 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

### PUBLIC HEARING AND ACTION ON REQUESTS

**An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to add new zoning districts, Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) which encompasses generally property abutting North Straits Highway from approximately 690 feet north of Woodruff Street and proceeding south to Ranch Road, not including property between Mullet Lake and the DNR recreational trail.**

Mr. McNeil stated this process started about one year ago at the request of Mullett Township. Mr. McNeil stated Village Center zoning is designed to create a commercial type of zoning that is more densely developed and provide a more pedestrian friendly atmosphere.

Mr. Morgan stated he talked with the owner of the ball field who is concerned about not being able to construct a pole building in the future. Mr. Morgan stated that this could be considered a garage for Mr. Chamberlain's personal storage. Mr. Morgan stated he understands that a commercial storage building would not be allowed. Mr. Morgan suggested not including this parcel in the rezoning. Mr. McNeil explained that private storage buildings are allowed in the Lake and Stream zoning district with certain conditions. Mr. McNeil stated in the Village Center storage buildings are allowed if it as an accessory to a residence.

Mr. McNeil reviewed permitted uses and uses requiring a special land use permit in Village Center Topinabee and Village Center Topinabee Overlay. Mr. McNeil reviewed the uses that are currently allowed but would not be allowed in the new zoning district. Mr. McNeil explained that non-conforming uses would be able to continue. Mr. McNeil stated if the non-conforming use ceases and changes to a permitted use you would not be able to go back to the non-conforming use.

Mr. McNeil stated this proposed district allows for more dense development and the Planning Commission has the ability to waive required off street parking if the applicant can show that parking requirements are met by other means of off-site parking or public parking.

Ms. Croft asked for public comments.

Mr. Morgan stated that single family dwellings are not included as a permitted use. Mr. McNeil stated single family detached dwellings are included. Mr. Morgan asked for an explanation of a detached dwelling. Mr. McNeil stated the dwelling cannot be part of a business and it must be a stand-alone dwelling. Mr. Morgan asked if a property owner can rebuild if there is an existing business with an attached dwelling that burns down. Mr. McNeil stated they would be able to rebuild because they still have the use. Discussion was held.

Mr. Lennox thanked the Planning Commission for the opportunity to speak and for holding the public hearing at the Mullett Township Hall. Mr. Lennox stated he is opposed to the proposed amendments for several reasons. Mr. Lennox stated that he rejects the premise that any change is needed. Mr. Lennox stated there is no Village Center in Mullett Township. Mr. Lennox stated that Topinabee is, by no legal definition, a village. Mr. Lennox stated that because Topinabee is not a village the accepted boundaries of what constitutes Topinabee are disputable. Mr. Lennox questioned why all of Topinabee is not included in the proposed amendment.

Mr. Lennox stated the Planning Commission is responsible for overseeing the implementation and enforcement of the proposed amendment through other county officials. Mr. Lennox stated the Planning Commission is unelected and unaccountable to the people of Mullett Township. Mr. Lennox believes that decisions concerning Mullett Township should be handled by the people of Mullett Township. Mr. Lennox stated he lives in a large undeveloped township because he enjoys peace and serenity. Mr. Lennox stated if he wants centralized planning and zoning he would live in a city. Mr. Lennox stated his concerns that the Zoning Administrator does not live in Cheboygan County.

Mr. Lennox stated that these proposed changes will do nothing for economic development, job creation and prosperity. Mr. Lennox believes that centralized planning and zoning does not work. Discussion was held. Mr. Lennox stated he objects to the reference to sprawl in section 13C.1. Mr. Lennox questioned where is there sprawl in Mullett Township. Mr. Lennox objected to the reference to small scale commercial uses in section 13C.1. Mr. Lennox stated at a time of economic depression any job creator should be welcomed. Mr. Lennox referred to section 13C.2 and questioned why government can decide who can and cannot create jobs. Mr. Lennox referred to section 13C.4.3 and the proposed sign amendment and stated he believes this infringes on constitutional protective free speech. Mr. Lennox stated his concerns that an unelected, unaccountable government official will be able to determine what type of speech is permissible in Topinabee. Mr. Lennox stated his concerns about signs being regulated. Mr. Lennox stated he is opposed to outdoor seating being limited under section 13C.4.5. Mr. Lennox believes sections 13D.1 and 13D.4.2 unnecessarily restrict development by regulating offices.

Mr. Cook questioned the depth of the zoning district (east/west). Mr. McNeil believes it is 200ft. Discussion was held.

Mr. Harrington stated he lives on Sutherland Street and asked what initiated the proposed amendment. Mr. Harrington stated his house is approximately 100ft. from Patterson St. and he is concerned about development.

Mr. Snyder asked what initiated this proposed amendment. Mr. Morgan explained that this change is part of the Master Plan that was adopted over 7 years ago. Mr. Morgan stated this proposed zoning was designed for small business areas so the property would not have to be rezoned or the applicant would not have to apply for a special use permit. Mr. Morgan stated the proposed rezoning was purposefully kept on the west side so the lakefront parcels would not be affected.

An audience member referred to section 13D.4.3 and stated his concerns about residences not being allowed within 30ft. of the right of way along Straits Highway. The audience member stated this will cause many lots to be unbuildable. Mr. McNeil explained that the 30ft. front setback would only be for the Village Center Overlay and that the remainder of the Village Center would not have to meet this requirement. Mr. McNeil explained that the purpose of the Village Center Overlay is to create a downtown atmosphere. Discussion was held.

Mr. Jonski stated he owns a residence on Patterson Avenue and he objects to the rezoning extending into the residential neighborhood. Mr. Jonski stated he is concerned about bars, restaurants and other similar uses being permitted in a residential neighborhood. Mr. Jonski stated he is also concerned about property values decreasing. Mr. McNeil explained the boundaries of the Village Center Overlay and Village Center. Discussion was held.

Mr. Snyder questioned if taxes will increase due to the new zoning district. Mr. Morgan stated he talked with the Township Assessor and was advised that the new zoning will not affect property taxes.

An audience member stated his concerns that there is no room for this type of downtown. The audience member asked what will be done regarding sewage and the required raised septic fields. Mr. Kavanaugh stated the property owner will have to find an off-site area. The audience member questioned if there is adequate parking and also questioned if this is considered spot zoning. Discussion was held.

An audience member stated he owns a business called Rustic Furniture and he does not see what advantage there will be for this rezoning. He stated it seems like there are more restrictions such as outdoor seating and outdoor display and he is concerned that he will have to comply with these restrictions. Mr. McNeil stated this would be able to remain if it is not in the right of way unless there is an approval from MDOT.

Mr. Lennox stated he would like to see all information in writing such as the taxes not increasing. Mr. Lennox stated he would like to see information included in the amendment regarding sewers and public health and safety. Mr. Lennox questioned how much money has been spent on attorney fees and professional services to write this proposed ordinance.

Mr. Dombroski stated the right of way for this area is 50ft. Mr. Dombroski noted that the township had to obtain a variance for the garage because the property is in the Lake and Stream District. Mr. Dombroski stated if a business wants to improve a building that is in the Lake and Stream District it is a hassle. Mr. Dombroski stated this amendment will help streamline processes for businesses and create a zoning atmosphere that would allow the existing businesses to make improvements without going through bureaucratic steps. Mr. Dombroski stated this is not perfect and more work will be done in the future.

An audience member noted there is only one business south of the overlay and the rest are cabins and homes. She questioned why the Planning Commission would want to include this area in the rezoning. Discussion was held.

Mr. McNeil stated the overlay district is designed for zero lot line development. Mr. McNeil stated the uses that are proposed for the overlay district that are currently allowed in the Lake and Stream District include bars, taverns, bed and breakfast, home occupations, two family and multi-family housing, single family dwellings, restaurants, municipal uses and retail sales establishments. Mr. McNeil stated uses that are not allowed in the Lake and Stream District but would be allowed in the overlay district include arcades, bowling alleys, pool and billiard parlors, arts and workshops, grocery and party stores, real estate offices and other offices with conditions. Mr. McNeil stated offices can be allowed on the first floor with a 30ft. setback. Mr. McNeil stated uses that are currently allowed that would not be allowed within the overlay district include boat liveries, marina and launching ramps, cabin colonies, churches, golf courses, driving ranges, country clubs, hotels, motels, schools, private storage buildings, public access site and housing of animals.

Discussion was held regarding parking requirements for residences and commercial developments in the overlay district. Discussion was held regarding the process of writing the proposed amendment.

Ms. Croft asked for public comments.

Mr. Cook asked if there is a height restriction. Mr. McNeil stated yes it is 35ft. Discussion was held.

An audience member stated that many people return to her store and to Topinabee because of the way everything is currently. She stated that the town could be spruced up and there could be a couple of new businesses. She stated the residents are happy with the ways things are currently and they do not want the town to be bigger.

An audience member stated he has been coming to Topinabee for many years and he does not want things to change.

An audience member questioned where the big trucks will park on the highway by the market if customers will be parking on the highway.

Public comment closed.

**Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to table for further study on issues that were raised tonight and to review public comments. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

**An ordinance to amend Cheboygan County Zoning Ordinance No. 200 regarding regulations for signs in the new VC-T and VC-T-O zoning districts.**

Mr. McNeil stated because of the proposed increase in the types of business that will be allowed the proposed ordinance increases the signage with the exception of freestanding signs which will not be allowed in the overlay district. Mr. McNeil stated signage is allowed as it would be in the Lake and Stream Protection District with the exception of allowing 32sf instead of 8sf. Mr. McNeil stated there is an increase in the banner signage that will be allowed and wall signage that would be allowed based on the amount of front footage of the property.

Ms. Croft asked for public comments.

Mr. Lennox stated that terms, such as billboard, should be defined. Mr. Lennox questioned who will enforce these regulations. Mr. Lennox suggested tabling and make sure that the amendment is properly and legally reviewed. Ms. Croft stated that section 17.19 of Zoning Ordinance #200 gives a complete definition for all of the signs that are allowed or not allowed in the county. Discussion was held.

Mr. Clark stated that signs that are perpendicular to a building and visible as driving will be unappealing. Discussion was held.

Public comment closed.

**Motion** by Mr. Freese, seconded by Mr. Churchill, to table for further study on issues that were raised tonight and to review public comments. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

**An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to add truck terminal and warehouse as uses requiring a special use permit in the Commercial Development (D-CM) zoning district.**

Mr. McNeil stated the Planning Commission is proposing warehouse and truck terminal uses to be allowed in the Commercial District. Mr. McNeil stated that currently they are only allowed in the Industrial District. Mr. McNeil stated there are requirements to make the use harmonious with the other commercial uses. Mr. McNeil stated there is a requirement for a designated area for overnight parking and limits on trucks and truck trailers that can be parked overnight. Mr. McNeil stated outdoor storage of materials is not allowed. Mr. McNeil stated this use is not allowed any closer than 1,000ft from another truck terminal use. Mr. McNeil stated that within the definition of warehouse the Planning Commission has ensured that explosive materials are not allowed to be stored in the Commercial District.

Mr. Kavanaugh stated all of the requested changes have been included in the proposed amendment.

Ms. Croft asked for public comments.

An audience member asked the reason for this change to allow truck terminals and warehouses in all of the Commercial Districts. Mr. Borowicz explained that truck terminals and warehouses are allowed in the Industrial District but these districts are not located near the freeway. Mr. Borowicz stated there are Commercially zoned areas located by the freeway that would be best suited to keep the traffic off of the local roads. The audience member stated her concerns about a parcel on Straits Highway in Topinabee that is zoned Commercial. Mr. Morgan explained that Commercial zoning on Straits Highway stops at the Inverness Township line and begins again at the Tuscarora Township line. Discussion was held.

Public comment closed.

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to forward to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

**Public Hearing for consideration of Capital Improvement Program.**

Mr. McNeil reviewed the draft Capital Improvement Program completed by the Planning Commission and noted a public hearing is being held on this plan. Mr. McNeil stated the Planning Commission has set up a procedure for this plan to be revised and readopted each year. Mr. McNeil stated the Planning Commission prioritized all of the projects into either a needed category or a desirable category.

Mr. McNeil stated the definition of a capital improvement 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.

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

Ms. Croft asked if the Capital Improvement Program is approved by the Planning Commission only or if it is approved by the Board of Commissioners also. Mr. McNeil stated it will be sent to the Board of Commissioners for their consideration also.

**Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to forward to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

#### **UNFINISHED BUSINESS**

##### **Consideration of zoning ordinance amendment of Rural Character/Country Living**

Mr. McNeil stated changes were made to the amendment based on a discussion with legal counsel. Mr. McNeil notes changes were made to definitions for large domesticated animals and small domesticated animals. Mr. McNeil noted that he tried to differentiate these types of animals from normal pets. Mr. McNeil stated this was done by referencing animals which are maintained primarily outside of a dwelling. Mr. McNeil stated in section 14.4.1.3 language was clarified to make sure that fenced areas and structures used to keep animals fall within the setback requirements. Mr. McNeil noted that all other changes requested by the Planning Commission were included in this final draft of the amendment.

Mr. Borowicz referred to section 1 on the page 1 and stated that the definitions of Large Domesticated Animals and Small Domesticated Animals both say "20 pounds or less". Mr. Borowicz stated that the definition of Large Domesticated Animals should state "20 pounds or more". Discussion was held. Mr. McNeil stated he will change the definition of Small Domesticated Animals to say "less than 20 pounds". Mr. Borowicz referred to section 14.4.1.1 and asked that the minimum land area required for four or more large domesticated animals be "An additional one half acre for every two animals over three." Discussion was held.

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

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing on September 7, 2011 for Rural Character/Country Living Amendment. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

##### **Reconsideration Of The Public Hearing Date For Rural Character/Country Living Rezoning**

Mr. McNeil stated that legal counsel has reviewed the proposed amendment and recommends that other references to the property, such as property tax code numbers, be included in the amendment. Mr. McNeil stated legal counsel has also recommended that metes and bounds descriptions be included. Mr. McNeil stated the notice of the public hearing has been postponed due to these recommendations from legal counsel.

Mr. McNeil stated legal counsel's recommendation has now been included in the amendment and he received an e-mail from legal counsel today approving the revised amendment. Mr. McNeil asked the Planning Commission to set a public hearing on September 7, 2011. **Motion** by Mr. Freese, seconded by Mr. Bartlett, to schedule a public hearing on September 7, 2011 for Rural Character/Country Living Rezoning. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Lyon), 0 Nays, 1 Absent (Eichhorn)

#### **NEW BUSINESS**

No comments.

#### **STAFF REPORT**

Mr. McNeil stated he has sent out notices to various lake associations last fall and again this spring asking them to comment on the proposed amendment regarding fencing for lakefront properties. Mr. McNeil stated he has received some additional comments. Mr. McNeil stated he will be sending out another reminder soon asking for comments from those that have not already responded. Mr. McNeil stated he is hoping to provide these comments to the Planning Commission by September.

#### **PLANNING COMMISSION COMMENTS**

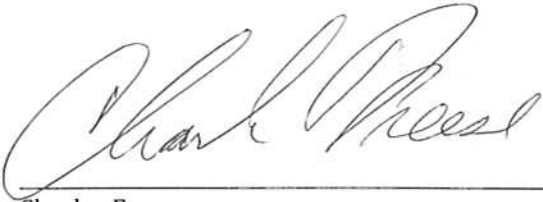
No comments.

#### **PUBLIC COMMENTS**

Mr. Morgan thanked the Planning Commission for holding the meeting at the Mullett Township Hall. Discussion was held.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:33pm.

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

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Charles Freese  
Planning Commission Secretary