



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, MARCH 16, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdzyk
ABSENT: Ostwald, Croft
STAFF: Scott McNeil
GUESTS: Bob Lyon, Eric Boyd, Cal Gouine, Tony Matelski, Carl Muscott, Russell Crawford, Cheryl Crawford, John Moore, Mike Gotham, Ethan Ashbaugh

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

PLEDGE OF ALLEGIANCE

Vice-Chairperson Borowicz led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Croft)

APPROVAL OF MINUTES

The March 2, 2016 Planning Commission minutes were presented. Ms. Lyon stated that she did not vote on the Awakon Federal Credit Union request as she is a member of the board. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the meeting minutes as amended. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Croft)

PUBLIC HEARING AND ACTION ON REQUESTS

Michael Gotham - Requests a Site Plan Review Amendment for Automobile Sales (Section 6.2.2). The property is located at 4501 Onaway Road, Koehler Twp., section 20, parcel #172-109-000-032-00, and is zoned Commercial Development (D-CM).

Mr. McNeil presented the site plan and stated that the property is zoned Commercial Development. Mr. McNeil stated that this is the location for the Wigwam Bar which was approved by site plan review in 2009. Mr. McNeil stated that Mr. Gotham is seeking to add an auto sales component to the site. Mr. McNeil stated that 10 parking spaces are indicated for automobiles that are for sale. Mr. McNeil stated that based on the parking requirements in the Zoning Ordinance only 1 customer parking space is required. Mr. McNeil noted there are 11 parking spaces indicated on the site plan. Mr. McNeil noted that there will be no additional employees or additional office space. Mr. McNeil stated that the driveways are to be maintained. Mr. McNeil stated that there is a proposed freestanding sign which will meet the requirements of the Zoning Ordinance.

Mr. Gotham stated that only two dead trees will be removed. Mr. Gotham stated that he does not plan to clear the lot as he wants to maintain the greenbelt. Mr. Gotham stated he has always sold a car or two in this lot, but now the State requires a license if you sell over 5 cars a year. Mr. Gotham explained that a commercial address is required for the license. Mr. Gotham stated he will not have a booth at this location and he does not plan to have a salesman. Mr. Gotham stated that he plans to put a few cars out with signs on them. Ms. Lyon asked if Mr. Gotham plans to work on the cars at this location. Mr. Gotham stated no and that he sublets all of the work. Mr. Freese asked if Mr. Gotham has someone lined up to do the work. Mr. Gotham stated yes he has two people lined up to do the work.

Mr. Borowicz asked for public comments. There were no public comments. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Churchill, to grant the topography waiver request. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Croft)

Mr. McNeil reviewed the definitions for Camping Cabins and Campground. Mr. Freese referred to the definition of Campground and requested that the word "corporation" (in the first sentence) be changed to "or other legal entity".

Mr. Jazdyk referred to the definition of Campground and asked how Mr. McNeil determined the number 2 for "temporary living quarters for two or more camping cabins". Mr. McNeil stated the entire portion of the definition is what exists currently except for the addition of cabin colonies. Mr. Jazdyk asked if this will be confused with the state regulation which states that a campground is 4. Mr. Borowicz stated that our definition refers to pre-established sites which would not include family members putting their camper on your parcel.

Mr. McNeil read the proposed definition of Gardening, "Non-commercial production of flowers, fruit, vegetables, and herbs by the owner of the lot." Mr. McNeil stated that it refers to mostly residential zoning districts. Mr. Churchill asked if it would be considered commercial if someone has extra produce and would like to sell it. Mr. McNeil stated that in this case it would be considered commercial. Mr. Borowicz stated this is one of the things that we can't possibly regulate. Mr. McNeil stated that based on recent court cases, you do not have to have to make a profit to have a commercial component to then fall under the Right To Farm Act to be a commercial farm. Mr. McNeil stated that you only need to have the intent to sell. Discussion was held.

Mr. McNeil read the proposed definition for portable sawmill "Equipment for the purpose of sawing logs into lumber, designed to be conveniently portable rather than permanently fixed in place." Mr. McNeil stated there are proposed regulations for the use of the portable sawmills.

Mr. Freese referred to section 14.4.2.B and stated that we do not want to require that the "operation of a portable sawmill shall take place within an enclosed structure." Mr. Freese stated that the benefit of a portable sawmill is that they will operate in a field. Mr. McNeil stated that the other option is that it can be located at least 100ft. from the lot line. Mr. Borowicz stated that this is not unreasonable.

Ms. Lyon referred to section 14.4.2 and stated that the word "all" should be removed from the sentence. Mr. McNeil suggested changing it to "all applicable provisions." Discussion was held. Mr. Borowicz questioned if a zoning permit is necessary for 2 or 3 days of work for a portable sawmill. Mr. McNeil stated that it is being recommended, but does not have to be required. Mr. Borowicz stated that his cousin has a portable sawmill and changes locations a couple times per week. Mr. McNeil stated that a zoning permit is recommended when there is a time frame, but it doesn't have to be required. Mr. Borowicz, Mr. Kavanaugh and Mr. Jazdyk agreed that this requirement should be removed.

Mr. McNeil stated that the change in the "Motel or Motor Inn" definition is part of the removal of the cabin colony and this will add a 30 day use limitation. Mr. Freese suggested adding that it is for a fee. Mr. Freese stated that a property owner could have cabins on their property and let the family stay in them at no cost.

Mr. McNeil stated that section 2 repeals the language relative to accessory buildings.

Mr. McNeil referred to section 3 and stated that this section changes the language from "Gardening, but not including the raising of animals, except for household pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance." to "Gardening".

Mr. McNeil stated that section 4 repeals the temporary mobile home and travel trailer use as a permitted use in the Agriculture and Forestry Management Zoning District.

Mr. McNeil stated that section 5 repeals cabin colonies as a use which requires a special use permit in the Lake and Stream Protection Zoning District.

Mr. McNeil stated that section 6 repeals any development on a seasonal road that requires public services of utilities as a use which required a special use permit in the Resource Protection District.

Mr. McNeil stated that section 7 repeals existing forest production, etc. and adds portable sawmill as a use by right as proposed to be defined and regulated per section 14.4.2.

Mr. McNeil stated that section 8 repeals subdivisions and site condominiums as a permitted use in the Rural Character Country Living Zoning District. Mr. McNeil stated these are ways of dividing land. Mr. McNeil stated that provisions for that are under Site Plan Review.

Mr. McNeil stated that section 9 provides conditions for use of portable sawmills.

Mr. Moore referred to the definitions of Motel or Motor Inn and Camping Cabin and stated his concern that the way these definitions are worded it could be read that the unit can only be used for 30 days and not by an individual. Mr. Moore suggested the following language for Camping Cabin, "A cabin located within a campground which is intended for temporary (30 days or less) shelter and includes sleeping quarters, may include a bathroom, but does not include a kitchen." Discussion was held. Mr. Moore suggested using similar language for the definition of Motel or Motor Inn. Mr. McNeil stated he will work on these definitions.

Mr. McNeil stated that he will make the requested changes and bring the proposed amendment back to the Planning Commission to review.

Proposed Amendment Regarding Home Occupations.

Mr. McNeil stated home occupations are listed as a permitted use in many of the zoning districts. Mr. McNeil stated that he is proposing to delete this use from each zoning district, update the definition and allow section 17.21 to prevail in any zoning district as an activity that takes place in a dwelling.

Mr. McNeil referred to section 17.21.1 and explained that a zoning permit is required for a Home Occupation. Mr. Freese suggested changing 17.21.1.B.5 to "The number of expected deliveries/drop offs per day."

Mr. McNeil stated that another change is clarified under the standards that the home occupation is customarily incidental to the primary residential use of the property.

Mr. Freese stated that with the one change the proposed amendment could be forwarded to legal counsel for review. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to send the proposed amendment to legal counsel for review. Motion carried. 7 ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdyk), 0 Nays, 2 Absent (Ostwald, Croft)

Mr. Borowicz updated the Planning Commission members on a Housing Study Target Market Analysis meeting that he recently attended. Discussion was held.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated asked that the Planning Commission members arrive at the next meeting 15 minutes early for training on the use of the tablets.

Mr. McNeil stated that he distributed a PUD outline and comments from Bryan Graham for the Planning Commission members to review. Discussion was held.

PLANNING COMMISSION COMMENTS

No comments.

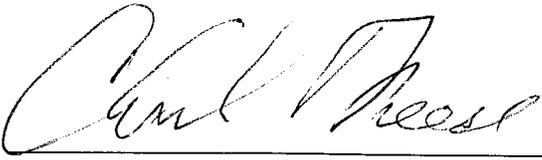
PUBLIC COMMENTS

An audience member asked if portable sawmills are limited to 120 days per calendar year. Mr. Borowicz stated that this is on the same site. Mr. McNeil stated that per calendar year can be added.

Mr. Muscott read Section 2 of the proposed amendment regarding uses to be deleted and asked how this amendment affects what the local community approved as part of the zoning. Mr. McNeil stated that this section is not needed in the ordinance as there is another section in the ordinance that covers accessory buildings and accessory uses. Mr. McNeil explained that this is a redundant provision. Discussion was held. Mr. Muscott stated that some of the changes discussed tonight seem to be a knee-jerk reaction to the Heritage Cove Farm request. Mr. McNeil stated he wouldn't call it a knee-jerk reaction, but it is a reaction to that request and how the Planning Commission believes it should be properly applied.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:59pm.

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

Charles Freese
Planning Commission Secretary