

CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ▪ PO BOX 70 ▪ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ▪ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, FEBRUARY 7, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk
ABSENT: Bartlett, Churchill
STAFF: Scott McNeil
GUESTS: Travis Neuman, Perry Neuman Eric Boyd, Roberta Matelski, Carl Muscott, Cal Gouine, John F. Brown, Bob Lyon, John Moore, Jessie Rapp, Russell Crawford, Cheryl Crawford

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. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

APPROVAL OF MINUTES

The December 20, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

The January 17, 2018 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Travis Neuman - Requests a Special Use Permit for a manufacturing use (roasting coffee for internet sales. Section 6.3.9.) The property is located at 7396 North Straits Highway, Inverness Township, parcel #091-026-305-043-00 and is zoned Commercial Development (D-CM).

Mr. McNeil stated that this request is for a coffee bean roasting and processing operation in a Commercial zoning district. Mr. McNeil stated that this will fall under the definition of manufacturing, which requires a special use permit. Mr. McNeil stated that with this particular use listing, the Planning Commission is required to make an additional finding that the effects are no greater than those with respect to the other uses that are allowed in that district relative to noise, glare, vibrations, smoke, odor or dust. Mr. McNeil stated the existing structure will be used. Mr. McNeil stated that this is an owner operated business and one employee was noted on the application and parking requirements have been met.

Mr. Borowicz referred to the topography waiver request and noted that this is not a flat site. Mr. Freese stated that the question is if the topography waiver is necessary to evaluate this application. Mr. Freese stated that the applicant is not making any changes to the site as the building has existed for approximately 50 years. Mr. Borowicz agreed with Mr. Freese. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to grant the topography waiver request. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

Mr. Kavanaugh stated that the last time he was at this site the building wasn't connected to the septic tank. Mr. Kavanaugh asked if it is connected now and if the water has been sampled. Mr. Neuman stated that zoning approval is required first and then he will apply for the Department of Agriculture licensing and Health Department permits.

Ms. Lyon asked if there is any waste product produced from roasting coffee. Mr. Neuman explained that the skin from the outside of the bean will be recycled and put into the compost. Ms. Lyon asked if there will be any water drainage. Mr. Neuman stated that the water at the site will be for hand washing and cleaning of equipment. Mr. Neuman stated that the State requires a separate bathroom, which is similar to what you would see in a licensed kitchen. Mr. Neuman stated that he plans to roast coffee and once the license is approved, he will be able to sell on-line and mail out coffee. Mr. Neuman stated that under the current Cottage Food law, he is currently allowed to sell face to face which means farmers markets. Ms. Lyon asked if there will be any sales at the site. Mr. Neuman stated that he has delivered to local customers, but it would be nice for customers to be able to stop in to purchase coffee.

Mr. Freese asked how the beans will be delivered. Mr. Neuman stated that it will be delivered to the terminal and will be held until picked up. Mr. Neuman stated that he will go through one pallet (600lbs.) load every 3-4 months. Mr. Freese asked Mr. Neuman how the packages will be sent to the customers. Mr. Neuman stated that he is not mailing any packages at this time because of the Cottage Food law. Mr. Neuman stated that he is not in operation at this time. Mr. Neuman stated that he is roasting at home and delivers to customers. Mr. Neuman stated that his main staple right now is the farmer's market. Mr. Neuman stated this is going from a hobby into a small business.

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

The Planning Commission reviewed and approved the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions:

1. Health Department requirements be met
2. Department of Agriculture requirements be met
3. Department of Building Safety requirements be met
4. Signage requirements be met

Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Bartlett, Churchill)

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment For Planned Unit Development

Mr. McNeil stated that at the last meeting, the Planning Commission discussed allowing a reduction of the minimum structure sizes and dwelling sizes if certain criteria have been met. Mr. McNeil stated that the Planning Commission also discussed language that would allow reduction of lot size. Mr. McNeil noted that he added section 19.7.5 to the proposed amendment.

Mr. McNeil stated that the Planning Commission discussed allowing PUD's in the Lake and Stream Protection zoning district. Mr. McNeil stated he has provided language in section 19.1.2.a. Mr. McNeil stated that the language has been added that would allow PUD's to be proposed in the Lake and Stream Protection zoning district provided that they are at least 250ft. away from any high water mark. Mr. McNeil stated that he included language that the minimum lot size requirement, as currently required in the ordinance be met within that district. Mr. McNeil stated that there is language that would allow the Planning Commission to reduce this requirement. Mr. McNeil stated that there is language in the Master Plan that talks about guarding against higher densities in the Lake and Stream Protection zoning district and that he recommends keeping the minimum lot size for dwelling as they are currently for a typical development.

Mr. Freese referred to 19.2.1.a and stated that he believes residential could be closer to the water and suggested that a greater proportion of the development could be developed as common use areas or park areas. Mr. Freese stated that we have routinely granted developments with a greater density than what the regulation allows in Lake and Stream Protection zoning district such as Pier 33, the site condos on the east side of the Indian River, the site condos on the east side of the entrance to the Cheboygan River and Grand Resort. Mr. McNeil and Mr. Borowicz noted that some of these are existing sites. Mr. Freese stated that traditionally the density of houses in the Lake and Stream Protection zoning district has been much greater than 9,900sf per dwelling. Mr. Freese provided examples of Aloha, Topinabee, Indian River and the west side of Mullett Lake. Mr. Freese stated that the density has been greater than what is allowed in this regulation up until the end of World War II when people were making more money and people in the city could afford to have 2 houses. Mr. Freese stated that this is not happening anymore any many people are not able to afford a second house. Mr. Freese stated that we have gotten away from the historical smaller lot size and are trying to push it toward larger lots and he doesn't believe it will be financially sustainable in the long run. Mr. Borowicz questioned what environmental impact (water quality) will there be due to these types of changes. Mr. Kavanaugh stated that we have to be cautious in the examples that are provided, and he believes that PUD were

taken out of the three zones because they are protection zones. Mr. Kavanaugh stated that if we plan to allow them in these zones, it should be very restrictive. Mr. Kavanaugh stated that the people who have made investments have to be protected. Mr. Freese stated that he doesn't have a problem with restrictions, but he doesn't see the sense in not allowing it in Lake and Stream Protection zoning district at all. Mr. McNeil stated that there are a lot of possible uses in these zoning districts. Mr. McNeil noted that this may be a bigger discussion with regards to language in the Master Plan and the current minimum lot size requirements.

Mr. Kavanaugh stated that there are sections in the amendment that allow variances on the requirements. Mr. Kavanaugh stated that we have to be fair to the people that have already developed their property. Mr. Kavanaugh stated that we want development, but it has to be orderly development. Mr. Kavanaugh stated that a PUD has not been proposed in 20 years and to open this up without any reason does not make sense. Mr. Kavanaugh noted that a future applicant can apply for a conditional rezoning and then the Planning Commission knows what will happen on the parcel. Mr. Kavanaugh stated that the PUD regulation can be revised if there is a trend of PUD applications. Mr. Jazdyk stated that we want to allow people expanded use and then some areas could be more developed than what they are currently. Mr. Jazdyk stated that he has property on a lake, and he co-exists with places that are high in density. Mr. Jazdyk stated that PUD's could be in those areas and be restricted enough so that people could look at it as an option. Mr. Kavanaugh stated that there are a lot of uses that you may not want next to your home and there are other ways to handle it on an individual basis. Mr. Kavanaugh stated that someone who will spend money on a PUD will not complain about a 5-6 week review period for a conditional rezoning which allows good control. Mr. Freese suggested 500ft. from the water, instead of 250ft., for anything but residential. Mr. Freese stated that this will allow the PUD water access. Mr. Kavanaugh asked about side setbacks. Mr. Freese stated that they could stay the same or make a larger side setback for the PUD. Mr. Kavanaugh stated that he would like to see variances not granted and set the setbacks at 250ft. for the front and 100ft. for the side. Mr. Kavanaugh stated that we have to allow PUD's, but we also have to protect the adjacent property owners. Mr. Kavanaugh asked if Mr. McNeil if he can review the side setback and look at residential development. Mr. McNeil asked if the Planning Commission wants to allow this in Natural Rivers as well. Mr. Freese stated no. Mr. McNeil stated that the Planning Commission is looking for a PUD to be built in the Lake and Stream Protection zoning district except if within 250ft. of the high water mark, then residential uses will be allowed. Mr. Freese and Mr. Kavanaugh agreed that 250ft. can be increased to 350ft. Mr. McNeil stated that there should be a water access the PUD. Mr. Freese stated that with a PUD and higher density use, he believes the uses should be restricted similar to the Shared Waterfront regulation. Discussion was held.

Proposed Zoning Ordinance Amendment Relating To Motor Vehicle Repair And Fuel Sales Uses

Mr. McNeil stated that it was decided to allow additional review by Mullett and Tuscarora Township officials as it relates to the respective Village Center zoning districts. Mr. McNeil stated that the use listings and definitions are acceptable to Mullett Township. Mr. McNeil stated that the Tuscarora Township Planning Commission voted to eliminate the current use listing of automobile repair and washing establishment and not have that type of use in the Village Center. Mr. McNeil stated that the remainder of the amendment remains as last reviewed and is ready for a public hearing. Mr. Freese stated that the change that Tuscarora Township has requested makes one of the existing establishments non-conforming and it would preclude that establishment from ever expanding. Mr. Freese stated that about a third of the lot is a parking lot and the parcel is owned by a County Commissioner. Mr. McNeil stated that he advised Tuscarora Township what it means to be a non-conforming parcel. Mr. Freese stated that he has no problem with the change if that is what Tuscarora Township requested. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for March 21, 2018. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Bartlett, Churchill)

Proposed Zoning Ordinance Amendment Regarding Definition Of Family And Short Term Rentals

Mr. McNeil stated that he presented a proposed zoning ordinance amendment to the Board of Commissioners, which proposed a change in the definition of family. Mr. McNeil stated that the current definition of family references a group of people and does not include a reference to an individual. Mr. McNeil stated that Mr. Graham expressed his concerns with the definition of family, citing his concerns regarding use groups, such as fraternities and sororities, being allowed to use a dwelling. Mr. McNeil stated that the definition of dwelling was changed so that short term rentals (rental of a dwelling unit for less than 30 days) would be allowed. Mr. McNeil stated that the Cheboygan County Board of Commissioners has remanded this amendment back to the Planning Commission and Mr. Graham has provided an amendment document to address this issue. Mr. McNeil stated that Mr. Graham has provided new definitions for family and short term rental. Mr. McNeil referred to the section 3.18 of the proposed amendment and stated that short term rentals shall be permitted uses in all zoning districts. Mr. McNeil stated that this amendment is ready for a public hearing. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for March 21, 2018. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Bartlett, Churchill)

NEW BUSINESS

Discussion Regarding Zoning Regulation Of Minimum Floor Area For A Dwelling

Mr. McNeil stated that he has provided the Planning Commission with regulation schedules from zoning ordinances of surrounding counties. Mr. McNeil stated that there are no minimum dwelling size requirements in the Commercial Development, Light Industrial Development and General Industrial Development districts. Mr. McNeil stated that the Cheboygan County Zoning Ordinance provides for a minimum floor area requirement of 720 square feet in most all zoning districts with the exception of a 500 square foot floor area minimum requirement in the Village Center Topinabee district. Mr. McNeil stated that Emmet County has one zoning district that does not have a minimum dwelling size and Chippewa County doesn't list minimum dwelling size. Mr. McNeil noted that there are varying degrees of requirements.

Mr. Freese stated that copies of the building code regarding the minimum dwelling size were distributed to the Planning Commission members. Mr. Freese stated that there is no minimum dwelling size noted in the code, but there are certain requirements that have to be met. Mr. Freese stated that there are definitions for what is included and not included. Mr. Freese stated that habitable area is defined as "A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces." Mr. Freese stated that this must be considered when the Planning Commission determines a minimum dwelling size less than 720sf. Mr. Freese stated that heating facilities capable of maintaining a temperature of 68 degrees Fahrenheit in all the habitable areas are required. Mr. Freese stated that habitable rooms are to have a floor area of at least 70sf. Mr. Freese stated that habitable rooms shall have a minimum narrowest dimension of 7ft. Mr. Freese stated that any portion of the room having a ceiling height of less than 5ft. for a furred ceiling height of less than 7ft. shall not be considered a part of the habitable area. Mr. Freese stated that every dwelling must have a water closet, lavatory, bathtub or shower, and clothing washing connection. Discussion was held. Mr. Freese stated that 7ft. x 8ft. would be the minimum size for a kitchen. Mr. Freese stated that 70sf is required for the living area. Mr. Freese stated that 70sf is required for the sleeping area. Mr. Freese stated that you could get by with a minimum size of 400sf-500sf.

Mr. Jazdyk stated that tiny homes are normally on wheels and are not applicable. Mr. Jazdyk stated that small homes are what people would live in for a specific time period (such as a retirement home) and would be anywhere from 400sf-1000sf. Mr. Jazdyk stated that 720sf is in the middle. Mr. Jazdyk stated that this is what is being seen across the United States right now. Mr. Jazdyk noted that this is less than 1% of the overall real estate market so it is not as big as he thought it was originally.

Mr. Kavanaugh believes that 720sf is reasonable. Mr. Kavanaugh stated that he researched minimum dwelling sizes for Emmet County, West Traverse, Roger City, Alpena, Mackinaw, Charlevoix, Grayling, Harrisville, Green Township, Wilson, Village of Empire and Otsego. Mr. Kavanaugh stated that 2 of these municipalities have the same minimum dwelling size as Cheboygan County and the rest have a greater requirement. Mr. Kavanaugh stated that Grand Traverse is 800sf; Roger City is 1500sf in R1 and 900sf in R2. Mr. Kavanaugh stated that Alpena is 960sf, Mackinaw is 800sf, Charlevoix is 1040sf and Grayling is 800sf. Mr. Kavanaugh stated this information comes from NEMCOG. Mr. Kavanaugh stated that all the municipalities are looking at small homes but have not moved forward with it because they are concerned about aesthetics. Mr. Kavanaugh stated if smaller homes are allowed, then 10ft. x 50ft. mobile homes would be allowed as well. Mr. Kavanaugh stated that we would need a minimum width requirement because this could bring back many of the smaller mobile homes. Mr. Kavanaugh stated that there is a television show about these types of homes and some of them are beautiful. Mr. Kavanaugh stated that he can see people living in sheds because they meet the minimum dwelling size with a bathroom. Mr. Kavanaugh questioned what would happen with storage areas and questioned if everything would be stored outside. Mr. Kavanaugh stated his concerns about property values if a small home is put next to a million dollar home in the Lake and Stream Protection zoning district. Mr. Kavanaugh stated that the average square foot of the home in 2007 is 1992sf. Mr. Kavanaugh stated that the average square foot of the home in 2016 is 1886sf. Mr. Kavanaugh stated that the trend is that all the new homes in Cheboygan County are 2.5 times bigger than 720sf. Mr. Kavanaugh stated that there is no real movement, or we would have a lot of 720sf dwellings. Mr. Borowicz noted that Presque Isle County has a minimum floor area requirement of 600sf. Mr. Borowicz noted that Presque Isle County requires 450sf in the Forest Recreation zoning district. Mr. Freese stated that 600sf guest homes have already been authorized in the Lake and Stream Protection zoning district. Discussion was held regarding a minimum dwelling size variance that was denied by the Zoning Board of Appeals.

Ms. Lyon stated that a washer connection is required, but noted laundry mats are available. Mr. Borowicz stated that it does not say that the washer has to be installed. Mr. Borowicz stated that the washer connection must be there in case you decide to install a washer. Ms. Lyon stated that people with small homes may not need storage.

Mr. Freese suggested looking at small homes based on the zoning district. Mr. Freese stated that hunting cabins were allowed in Agriculture and Forestry Management zoning district and some people are living in these structures. Discussion was held.

Mr. Borowicz stated that it would be acceptable to him to allow small homes in forestry, but does not agree with allowing it in Agriculture and Forestry Management. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to investigate separating forestry and agricultural properties. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

Mr. Freese stated that communication towers should be authorized in the Lake and Stream Protection zoning district. Mr. Freese stated that the Zoning Board of Appeals recently granted a use variance for a communication tower in the Lake and Stream Protection zoning district. Mr. Freese stated that this tower will cover the Twin Lakes area and will provide internet service to people that otherwise would not have had internet service. Mr. Freese stated that there are other areas of the county that a tower similar to this one would be beneficial. Mr. Kavanaugh stated that he would like towers to be treated as they are currently and if there is a special situation then the Zoning Board of Appeals would review a use variance application. Mr. Kavanaugh stated this is not a trend and there has only been one variance application. Mr. Kavanaugh stated that the Zoning Board of Appeals does a good job of reviewing these applications. Mr. Freese stated that this is the first request, but it will not be the last request. Mr. Freese stated that when you are looking at communication towers you do not want to look at what was historically approved because it has changed rapidly over the last 20 years. Mr. Freese stated that this will continue to accelerate. Mr. Freese stated that granting a use variance each time is not the best way to move forward. Mr. Kavanaugh stated that if this keeps coming up, then the Planning Commission can take a look at it. Ms. Lyon stated that the movement is towards getting better service for the rural area and that would improve our commercial use and education. Ms. Lyon stated this is something that will have to happen. Mr. Freese stated this is one of the stated goals of our Master Plan. Discussion was held. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to consider authorizing communication towers in the Lake and Stream Protection zoning district with a special use permit. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 2 Absent (Bartlett, Churchill)

STAFF REPORT

Mr. McNeil stated that the next meeting will be his last meeting, and he will have a brief report on the status of priority projects. Mr. McNeil stated that Administrator Lawson will be at the next meeting and will discuss the staffing situation.

PLANNING COMMISSION COMMENTS

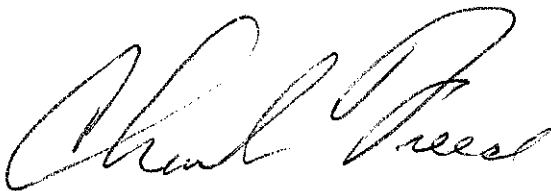
No comments.

PUBLIC COMMENTS

Mr. Muscott thanked the Planning Commission for discussing small homes. Mr. Muscott stated that the Michigan Building Code is a carbon copy of the International Building Code that is adopted all over the county. Mr. Muscott stated that building codes are to protect our safety and health in a dwelling. Mr. Muscott stated that the argument for bigger homes is the fact that most of our home construction in the past decade in Cheboygan County is due to larger homes in the Lake and Stream Protection zoning district. Mr. Muscott stated that when someone asks about a small home, they are told no by staff. Mr. Muscott stated that this is a growing trend and noted that there is an RV park in Alanson that has a huge number of park models which would meet the definition of a smaller/tiny home. Mr. Muscott stated that many of these are occupied by retirees who would prefer to have their own property at a lower cost. Mr. Muscott stated that there is a desire for people to have smaller homes and this is something that the Planning Commission should address. Mr. Muscott stated that when lake front property owners come in and support communication towers in the Lake and Stream Protection zoning district, it is something that the Planning Commission should address.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:15pm.



Charles Freese
Planning Commission Secretary