



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, FEBRUARY 3, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon
ABSENT: Churchill, Jazdyk
STAFF: Scott McNeil
GUESTS: Samantha Brown, John F. Brown, Carl Muscott, Bob Lyon, Tony Matelski, Cal Gouine

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. Freese, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)

APPROVAL OF MINUTES

The January 20, 2016 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)

UNFINISHED BUSINESS

Discussion of PUD ordinance amendment

Mr. McNeil stated that the Planning Commission reviewed the draft PUD amendment that proposed mixing uses. Mr. McNeil stated the Planning Commission requested that legal counsel review the proposed amendment. Mr. McNeil stated Bryan Graham recommended that a PUD be approved through a special use permit process as opposed to a rezoning process. Mr. McNeil provided a sample amendment document that was developed by legal counsel for another government entity. Mr. McNeil stated the sample amendment is set up similar to the amendment that staff drafted. Mr. McNeil stated the amendment does differ in the way that it provides uses. Mr. McNeil stated this amendment provides flexibility for the Planning Commission to make a finding with regards to general welfare. Mr. McNeil stated he would prefer that a PUD go through the rezoning process due to the type of flexibility that we want to provide and the type of uses we want to mix.

Mr. Kavanaugh stated that he agrees with Mr. McNeil. Mr. Kavanaugh stated that he agrees with commercial and industrial use not exceeding 20%. Mr. Kavanaugh noted that this is covered in our draft amendment by allowing the Planning Commission to set standards for phases. Discussion was held.

Mr. McNeil stated that another amendment could be developed to allow flexibility within the uses similar to how the ordinance is currently written. Mr. McNeil further explained that an applicant can put together uses that are allowed in a specific zoning district and have it approved as a special use permit. Mr. McNeil stated a draft amendment for both situations could be developed.

Mr. McNeil stated one amendment could be developed for uses that are mixed and add some flexibility to the site plan for those that are allowed in that zoning district and a PUD for rezoning that would mix the uses. Mr. Borowicz asked if there would be a PUD zoning classification. Mr. McNeil stated yes and that is what is in the ordinance that we developed. Mr. McNeil stated that Mr. Graham has not reviewed our draft amendment. Mr. McNeil stated he told Mr. Graham that he would bring his concept to the Planning Commission to review.

Mr. Kavanaugh stated that legal counsel should review our amendment. Mr. Freese agreed with Mr. Kavanaugh. Mr. Freese noted that there are good ideas in Mr. Graham's draft amendment, but there are some that he does not agree with. Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to send the draft PUD amendment to legal counsel for review Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzyk)

Mr. Kavanaugh stated that some of the Planning Commission members believe that the minimum floor area for a new dwelling should be reduced to less than 720sf. Mr. Kavanaugh stated it would be good to include this change in this amendment. Mr. Kavanaugh stated he talked to the Building Official who verified that there has only been one or two individuals considering a smaller dwelling. Mr. Kavanaugh stated that he has also requested information from the Department of Building Safety on the size of an average home. Mr. Kavanaugh stated it would be nice if people who did not have a place to live could build a dwelling if the size requirement is reduced. Mr. Kavanaugh explained that is not feasible and that this is actually going backward. Mr. Kavanaugh stated he talked with a few realtors who also believe this is not a good idea unless it happens in a PUD where everyone will have a smaller dwelling. Mr. Kavanaugh stated that he researched and found that Emmet County and Charlevoix County have a 740sf (or above) minimum floor area requirement for a new dwelling. Mr. Ostwald stated he read an article where contractors wanted to build smaller homes to try to bring down the rent in cities where rent is high. Mr. Kavanaugh stated that could be done in a PUD district. Mr. Kavanaugh stated there is a place for smaller homes, but he hopes that they are not allowed just everywhere in the county. Mr. McNeil stated that criteria for smaller homes could be incorporated into the amendment for the Planning Commission to review.

Mr. Freese stated that Mr. Graham's proposed amendment had a lot of interesting concepts such as reducing setbacks and there is no reason why those can't be incorporated into our regulation. Mr. Freese stated reduced square footage for a dwelling could also be included in our regulation. Mr. Kavanaugh agreed with Mr. Freese. Mr. McNeil stated he will look at including some of Mr. Graham's language where it allows the Planning Commission to have some flexibility in approval. Mr. McNeil stated he will develop language for the amendment for smaller homes.

NEW BUSINESS

Capital Improvement Program Narrative Review

Mr. McNeil stated that he requested that the Planning Commission take another look at the CIP narrative and then the Planning Commission could review it one more time especially with regards to the criteria for approval. Mr. McNeil stated that the Planning Commission should make sure they are happy with all of it before he invites the townships and other entities to participate in the program. Ms. Croft asked if the Planning Commission members have any comments. Mr. Kavanaugh stated it is fine and noted that the change was made to add a second category of "Other Government Entities" and noted that these projects are included in the plan but not classified as needed or desirable. Mr. Kavanaugh stated the project will still be considered for inclusion. Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to go forward with the Capital Improvement Program based on the current narrative. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzyk)

Review of Sign Ordinance Purpose Statement

Mr. McNeil stated that Mr. Graham attended the last Planning Commission meeting and discussed changes that will need to be made as a result of the Supreme Court decision in Reed vs. Town of Gilbert. Mr. McNeil stated that Mr. Graham suggested that the Planning Commission first look at the purpose statement to make sure it reflects what is in the sign ordinance. Mr. McNeil stated that the purpose statement was recently updated.

Mr. McNeil read from the purpose statement "To promote safety by providing that signs do not create a hazard from collapse, fire, collision, decay or abandonment..." and stated that the ordinance does not address this statement. Mr. McNeil stated that some sign ordinances require removal of signage when there is a certain point of decay or require removal of signage when the business no longer exists. Mr. McNeil stated he does not see any of these types of provisions to accomplish that part of our purpose statement. Mr. McNeil stated the rest of the purpose statement seems to be on point. Mr. McNeil stated that in regards to the Supreme Court decision in Reed vs. Town of Gilbert, the Planning Commission should review non-commercial speech. Mr. Freese stated he didn't see any problems, including the bullet point regarding promoting safety by getting rid of junk signs and our regulation should be amended to support that goal. Mr. Kavanaugh agreed with Mr. Freese. Mr. Borowicz stated if the business closes this would come under protecting the aesthetic quality and character of the county. Mr. Freese stated these types of signs exist in the county and they are just a pole with the framework of a sign on a vacant lot. Discussion was held. Mr. Freese suggested that the purpose statement be forwarded to Bryan Graham to review. Mr. McNeil stated that after the purpose statement is reviewed by Bryan Graham, he will work on the draft document for the Planning Commission to review. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward the sign ordinance purpose statement to legal counsel to make sure it is adequate to frame the regulation. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzyk)

STAFF REPORT

Mr. McNeil stated that the Planning Commission members have a received a copy of an opinion from Bryan Graham from September 2015 in regards to participation of a public body via teleconference. Mr. McNeil stated this was a request from Mr. Churchill. Mr. McNeil stated that Mr. Graham recommends that we do not adopt that procedure. Mr. Freese asked whether it could be considered as more of an audience input for a commissioner that is not able to attend the meeting and not be considered as a voting member of the Planning Commission for that decision. Mr. McNeil stated that he could discuss this with Bryan Graham. Mr. Kavanaugh stated this does not happen very often and there has only been one request. Mr. Kavanaugh suggested leaving everything the way it is currently. Discussion was held. Mr. Kavanaugh stated that the Planning Commission member can submit comments through a letter or through a conversation with Mr. McNeil.

Mr. McNeil stated he is on vacation next week and will be back for the next meeting.

Mr. McNeil stated he will begin the use review at the next meeting. Mr. McNeil stated he will have a work plan prepared for the Planning Commission to review. Mr. McNeil stated at the next meeting he will be proposing uses that he believes can be deleted. Mr. McNeil stated the work plan will reflect the development of the sheet that lists all of the uses and which zoning districts the uses are listed in. Mr. McNeil stated there are four or five uses (auto repair, vehicle repair, etc.) that could be listed under vehicle repair. Mr. McNeil explained that the obvious uses will be addressed first and then review the remaining uses listed in each zoning district. Mr. McNeil stated the amendments will be done piecemeal as opposed to having one large amendment at the end. Mr. Kavanaugh suggested addressing a therapeutic farm use. Mr. McNeil stated there are two or three terms for nursing homes and convalescent homes, which will have to be addressed. Mr. McNeil stated that the cabin colony use should be defined either as it has been used or delete the use. Mr. Borowicz asked if some of the permitted uses can be removed in the Lake and Stream Protection District and designate some areas for commercial development within the Lake and Stream Protection District. Mr. Kavanaugh stated that is a good idea. Mr. McNeil stated that it could be an overlay. Mr. Borowicz stated that one commercial use at a time may not be considered detrimental to the protection of the district. Mr. Borowicz stated that if you take all of the permitted uses and put them all on one site at one time, it is more than the Planning Commission ever imagined. Mr. Borowicz suggested looking at the purpose statement for the district and add some of the residential character to the district for protection. Mr. McNeil stated that may be a good idea but it may mean revisiting the Master Plan. Discussion was held.

PLANNING COMMISSION COMMENTS

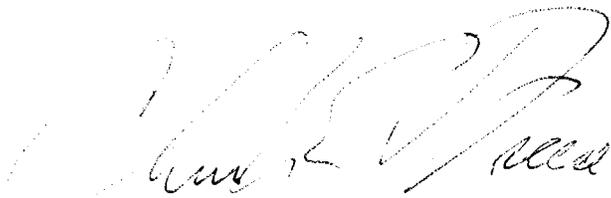
Mr. Borowicz asked if there are funds available to attend any workshops. Mr. McNeil stated he will ask if funds are available for continuing education. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that regarding protecting the lakeshore communities, the townships rely on these communities as their highest assessed value for the township. Mr. Muscott stated he is not sure how Heritage Cove Farm will affect Grandview Beach but an overlay or a separate zoning district is necessary. Mr. Muscott stated we will have a checkerboard destruction of these communities. Mr. Muscott stated his concerns regarding these communities having many commercial uses, such as a therapeutic farm, restaurant, and bed and breakfast. Mr. Muscott stated these uses may distract from the actual value from the homes. Mr. Muscott stated this is an asset that must be protected and a lot of these are restored communities. Mr. Muscott stated that we should protect the nature of these communities as much as possible and the Planning Commission should be proactive.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:38pm.



Charles Freese
Planning Commission Secretary