



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, JULY 6, 2016 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk
ABSENT: Churchill, Lyon
STAFF: Scott McNeil
GUESTS: Eric Boyd, Tony Matelski, John Moore, Carl Muscott, David Bona, Ronald Kowiwada

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

APPROVAL OF MINUTES

The June 15, 2016 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)

PUBLIC HEARING AND ACTION ON REQUESTS

David Bona/Ann Arbor YMCA - Requests a Special Use Permit Amendment for construction of an assembly and camp store building (Section 10.3.2). The property is located at 9728 M-68, Tuscarora Township, Section 16, parcel #161-016-300-001-00. The site is zoned Lake & Stream Protection (P-LS).

Mr. McNeil stated that the applicant is looking to replace the assembly and camp store with a larger building. Mr. McNeil stated that this increase is more than the 10% that can be administratively approved. Mr. McNeil reviewed the site plan.

Ms. Croft asked for public comments. Mr. Bona stated that he is the architect for this project and is available to answer any questions. Public comment closed.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Borowicz, 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 subject to approval from District Health Department #4, Department of Building Safety and Department of Agriculture. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)

Ronald Kowiwada/PFFP LLC - Requests an extension of a Special Use Permit for a Club (Section 9.3.7.). The property is located at 5475 Wollangur Rd., Beaugrand Township, Section 31, parcel #041-031-200-003-02 and is zoned Agriculture & Forestry Management (M-AF).

Mr. McNeil presented the site plan that the Planning Commission approved approximately 1 year ago for the club. Mr. McNeil stated the applicant is asking for an extension of the Special Use Permit that was approved. Mr. McNeil stated that section 18.12 allows the Planning Commission to approve extensions.

Mr. Kopiwada stated that they were not able to start this project in the past year as they have property in Rudyard that they expected to sell quicker than it did sell. Mr. Kopiwada stated the property recently sold and then they had trouble finding an architect/engineer that would take this small of a project. Mr. Kopiwada noted that they are also at the mercy of contractors. Mr. Kopiwada stated that they have contracted with Johnston Engineering as of 06/28/16 and they are working on the drawing of the building. Mr. Kopiwada stated that they are purchasing the building package from Bernard Lumber in Cheboygan. Mr. Kopiwada stated as long as an extension is granted they will be able to move forward.

Ms. Croft asked for public comment. There was no public comment. Public comment closed.

Mr. Freese asked what the temporary structure is used for that has been added to the building that is on site. Mr. Kopiwada stated that is a sun canopy that has been added to the front of the shed. Mr. Freese asked if there any plans to build anything permanent onto this shed. Mr. Kopiwada stated no.

Mr. Borowicz noted that it does not appear that anything has changed substantially from one year ago.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.12. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the extension of the special use permit based on the General Findings and the Finding of Fact Under Section 18.12. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)

An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to add definitions for Camping Cabin, Gardening and Portable Sawmill, update the definitions for Campground and Motel or Motor inn, repeal use classifications for Temporary Mobile Homes, Cabin Colonies, Any development on seasonal roads that requires public services or utilities , Accessory buildings and uses customarily incidental to any of the forgoing and to add requirements for use of Portable Sawmills in the Rural Character/Country Living zoning district.

Mr. McNeil stated that this is an extension of the public hearing. Mr. McNeil explained that at the last meeting the Planning Commission could not come to a consensus on the definition of campground and whether the reference to lots offered for free would have any down side if it was removed Mr. McNeil stated that he believes and legal counsel believes that this is not of large significance. Mr. McNeil stated that the reliance on the pre-established sites is the main item in the definition. Mr. McNeil stated that whether there is a fee or there is not a fee is least important. Mr. McNeil stated he has removed the reference to offering sites for free from the definition of campground. Mr. McNeil stated that the remainder of the proposed amendment remains the same. Mr. Kavanaugh stated that the state campground law does not talk about free or for a fee.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)

UNFINISHED BUSINESS

Review of draft 2017 Capital Improvement Plan

Mr. McNeil stated that according to the CIP timeline, this is the meeting that the Planning Commission takes a final look at the document. Mr. McNeil stated that the introduction and other information remains the same. Mr. McNeil stated that all of the proposed projects are included in this document along with the designations of needed or desirable that was assigned by the Planning Commission. Mr. McNeil stated that the Planning Commission can discuss any possible changes that they want to make to this document and then set up a public hearing.

Ms. Croft referred to the Terminal Renovation and Expansion for the Airport for 2019 and stated that it does not have a designation of needed or desirable. Mr. McNeil stated that he will update the designation for this project as desirable.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing on Capital Improvement Plan on August 3, 2016. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)

Review of PUD Ordinance Amendment

Mr. McNeil stated that during the last discussion regarding the PUD amendment the Planning Commission wanted to make sure that they could approved any PUD developments in phases. Mr. McNeil stated that the Planning Commission also

discussed letters of credit to cover costs of improvements that might be deemed public or essential. Mr. McNeil stated that new language is proposed in section 19.9. regarding a performance guarantee. Mr. McNeil stated language has been included to allow the Planning Commission to recommend conditions to the Cheboygan County Board of Commissioners. Mr. McNeil stated that the proposed language regarding conditions and performance guarantee is taken from the Zoning Enabling Act.

Ms. Croft asked if legal counsel has reviewed this amendment. Mr. McNeil stated no.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward the amendment to legal counsel for review. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)

Review of Sign Ordinance Amendment

Mr. McNeil state that Mullett Township and Tuscarora Township have no concerns relative to their Village Centers on the off premise signage. Mr. McNeil stated that this amendment is ready for legal review. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to forward the sign ordinance amendment to legal counsel for review. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)

NEW BUSINESS

Draft provisions for Boathouse Overlay District

Mr. McNeil stated that he provided draft provisions for the Boathouse Overlay District. Mr. McNeil stated that a definition for boathouse and a purpose statement for Section 10A have been provided. Mr. McNeil stated boundaries will be discussed at a future date if the Planning Commission decides to move forward with this project. Mr. McNeil stated there are proposed conditions and requirements and supplemental requirements. Mr. McNeil stated that this would be an overlay district with two underlying districts which are Commercial or Lake and Stream Protection. Mr. McNeil stated that those zoning districts would remain in place and there would be the overlay with the special conditions for the boathouses.

Mr. Jazdyk stated that some powered boat hoists on Mullett Lake have giant awnings and are bigger than a boathouse. Mr. Jazdyk stated that many of these are appearing on the lakes. Mr. Freese stated that these are temporary structures and can not be regulated. Discussion was held.

Mr. Kavanaugh asked what will happen for repairing walls on existing boathouses. Mr. Freese stated it will have to be reviewed by the Zoning Board of Appeals if it is being torn down and rebuilt. Discussion was held. Mr. Kavanaugh stated that there are many boathouses and they should be able to repair or replace. Mr. Kavanaugh suggested surveying the people that are involved (lake associations, Tipp of the Mitt and NEMCOG) to see what impacts there are for 1200 parcels where boathouses could be built. Mr. Kavanaugh stated that there are only a few people that apply to the Zoning Board of Appeals and he does not see this as a problem and it should be left as it is currently. Mr. Kavanaugh stated that these people would have to apply to the Zoning Board of Appeals if they want to rebuild their boathouse. Mr. Freese stated that the problem is that there are property owners that can see many boathouses from their front porch and they can't build a boathouse. Mr. Freese stated the Zoning Board of Appeals can not grant this approval. Discussion was held. Mr. Jazdyk stated that boathouses are sort of a dying breed such as the family cottage. Mr. Jazdyk stated he sees boathouses and family cottages going away on the lakes. Mr. Kavanaugh stated if it is going away then there shouldn't be a problem leaving the ordinance as it is currently. Mr. Kavanaugh stated he can not see creating another overlay district if it is not needed. Discussion was held regarding the number of requests that have been reviewed by the Zoning Board of Appeals. Mr. Freese stated he would like to see whether the people want boathouses. Mr. Kavanaugh and Mr. Freese agreed that a survey should be conducted. Mr. Freese would like to see the letter/survey specifying the areas for the overlay district. Mr. Freese that the survey should be sent to the property owners in these areas. Mr. McNeil stated he will put together a letter of introduction and a survey for the Planning Commission to review. Mr. Kavanaugh stated he would like the survey also sent to people who are involved in environmental decisions.

STAFF REPORT

Mr. McNeil stated that Steve Schnell will attend the July 20, 2016 Planning Commission meeting.

PLANNING COMMISSION COMMENTS

Discussion was held regarding comments that were made at the June 15, 2016 Planning Commission meeting regarding Village Center Indian River.

PUBLIC COMMENTS

Mr. Muscott stated that the two individuals who spoke at the June 15, 2016 meeting regarding Village Center Indian River did not officially represent Tuscarora Township Planning Commission. Mr. Muscott stated that they spoke as private citizens. Mr.

Muscott stated that in August 2014 Mr. Cherveney complained to the Planning Commission that Cheboygan County was not allowing businesses to open up in Indian River because zoning was too restrictive. Mr. Muscott stated it is an ideal situation for this area as there is Village Center zoning, the sewer district and no parking restrictions. Mr. Muscott stated he does not encourage changing the zoning. Mr. Muscott stated that he has talked with quite a few people who own canal lots. Mr. Muscott stated that these people do not belong to a lake association. Mr. Muscott stated that none of the people are living there for a lake view. Mr. Muscott stated they live there because they have access to their boat. Mr. Muscott stated that he believes an overlay district may be the best option. Mr. Muscott stated that the preliminary language is sensible and encouraged the Planning Commission to move ahead with the amendment. Mr. Muscott stated that he would not reach out to lake associations as he does not see this type of use on the big lakes. Mr. Muscott stated that he appreciates the Planning Commission's work on this amendment.

Mr. Matelski stated that the comments that were made at the June 15, 2016 Planning Commission meeting were concerning blight. Mr. Matelski stated that is was not concerning the overlay district. Discussion was held.

Ms. Rocheleau asked if the Planning Commission has received an enforcement update regarding Triple D Disposal and Cheboygan Towing. Mr. McNeil stated that a report has not been provided to the Planning Commission. Ms. Croft stated that the Planning Commission is not normally updated on enforcement issues. Discussion was held.

Mr. Boyd asked if Tuscarora Township or Cheboygan County Planning Commission granted approval for the travel trailer next to the Dairy Mart to be used as a restaurant. Mr. Freese stated the Planning Commission granted the approval. Mr. Boyd stated that maybe an addition should have been built instead. Mr. Boyd stated the Planning Commission could have granted a temporary approval and if it is successful an addition should be built. Mr. Boyd stated the Planning Commission had control to make this a requirement. Mr. Freese stated the regulation does not allow for this type of restriction. Mr. Freese stated that by having a mobile structure the applicant has avoided Department of Building Safety requirements. Mr. Freese stated the special use permit had to be approved since the applicant met all of the requirements. Mr. Boyd stated his concerns regarding this travel trailer being an eyesore. Discussion was held regarding this structure possibly being considered blight under Tuscarora Township's blight ordinance. Mr. Kavanaugh stated that he believes a revision to the ordinance could eliminate some of these issues and set standards. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:56pm.



Charles Freese
Planning Commission Secretary