



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MARCH 21, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Croft, Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdzyk
ABSENT: Churchill
STAFF: Jeff Lawson
GUESTS: Roberta Matelski, John Moore, Russell Crawford, Cheryl Crawford, Cal Gouine, Bob Lyon, Carl Muscott, Hobie Kirsch, Marcia Rocheleau

The meeting was called to order by Vice-Chairperson Borowicz 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, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Churchill, Croft)

APPROVAL OF MINUTES

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

PUBLIC HEARING AND ACTION ON REQUESTS

An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to motor vehicle maintenance and fuel sales.

Ms. Croft entered the meeting.

Mr. Lawson stated that section 1 of the amendment provides new definitions for car wash, motor vehicle service station, motor vehicle repair facility, retail sales establishment, and small scale convenience. Mr. Lawson stated that section 2 deletes the current definition of gasoline service station. Mr. Lawson stated that section 3 provides for the automobile, boat, motorized, non-motorized recreational vehicle equipment, farm machinery sales, and rental establishments to be allowed in the Commercial Development Zoning District with site plan review approval. Mr. Lawson stated that this is a proposed change from the current use listing of automobile, boat equipment and farm machinery sales, repair, rental and washing establishments. Mr. Lawson stated that the reference to repair and washing are removed with the establishment of car wash, motor vehicle service station, motor vehicle repair facility use listings and definitions. Mr. Lawson stated that section 4 provides for car wash, motor vehicle service station and retail sales establishment, small-scale convenience uses which requires site plan review in the Commercial Development zoning district. Mr. Lawson stated that section 5 provides for motor vehicle repair facility as a use which requires a special use permit in the Commercial Development, Agriculture and Forestry Management, Village Center Topinabee and Rural Character/Country Living Zoning Districts. Mr. Lawson stated that section 5 establishes retail sales establishments, small-scale convenience as a use which requires a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living Zoning Districts. Mr. Lawson stated that section 5 establishes car wash as a use which requires a special use permit in the Village Center, Village Center Indian River, and Village Center Topinabee Zoning Districts. Mr. Lawson stated that section 5 also establishes motor vehicle service station as a use which requires a special use permit in the Village Center zoning district. Mr. Lawson stated that section 6 eliminates the use listings of gas stations and gasoline service stations and garages in the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living Zoning Districts. Mr. Lawson stated that section 6 eliminates automobile repair and washing establishments from the Village Center Indian River Zoning District as requested by the Tuscarora Township Planning Commission. Mr. Lawson stated that this section number is reserved for future use.

Mr. Freese referred to section 6.2.2 and stated that he agrees with deleting washing but he has a problem with deleting repairs from this category. Mr. Borowicz agreed with Mr. Freese. Mr. Freese stated that motor vehicle service stations are gas stations and with the deletions that have been made the only place in the county that a gas station will be allowed is in the Commercial Development Zoning District. Discussion was held.

Mr. Lawson referred to section 6.3, motor vehicle repair facility, and stated that he would interpret that sales would be a permitted use and repair would be a special use. Mr. Lawson asked if the Planning Commission would prefer to have this as one activity where a special use is not required or does the Planning Commission prefer that the repair portion require additional review. Ms. Lyon questioned why the Planning Commission would want someone to apply for a special use permit for repair. Discussion was held. Mr. Freese noted that the owner will also have to apply for a state license and fuel and oil disposal will have to be addressed as the state will inspect. Mr. Kavanaugh stated that junk cars and parts will not be addressed. Mr. Freese stated that the ordinance addresses abandoned vehicles and junk vehicles.

Mr. Freese referred to section 13.3.1 and noted that automobile repair and washing establishment are one use listing in Village Center. Mr. Freese stated that this use listing should be as it is written in the proposed amendment with separate use listings for car wash, motor vehicle service station and retail sales establishment small-scale convenience. Discussion was held.

Mr. Borowicz asked for public comments. Mr. Muscott stated that he talked with Steve Schnell regarding this amendment regarding the motor vehicle repair facility definition being all-encompassing and he is not sure how this can adequately be regulated. Mr. Muscott stated that it may be too broad of a definition and it covers everything from heavy equipment to scooters and boats. Mr. Muscott stated that he appreciates Mr. Freese's comments regarding section 6.2.2. Mr. Muscott stated that obviously in order to accommodate those types of businesses, you have to have repairs. Mr. Muscott stated that in his experience when you buy a new vehicle and bring it in for an oil change it will come back with a car wash as well. Mr. Muscott stated that these shops typically have a wash detail bay within them. Mr. Muscott questioned why this would be excluded. Mr. Muscott stated that it is not feasible to have sales as a permitted use and repair as a special use. Mr. Muscott stated that this is anti-business.

Public comment closed.

Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to forward the amendment with the changes to the Cheboygan County Board of Commissioners with a recommendation for approval.

Mr. Lawson asked if repair is to stay in section 6.2.2. Mr. Kavanaugh and Mr. Freese agreed that repair is to stay in section 6.2.2. Mr. Lawson stated if the intent is to permit repair without a special use permit, then it would be a use by right and there would be no special use permit. Mr. Freese stated that he would rather a special use permit be required. Mr. Lawson noted that site plan review would be required, but with no special use permit provisions. Mr. Freese stated that as it is currently written, a new auto dealership could come in as a permitted use. Ms. Lyon and Mr. Borowicz agreed that a special use permit should be required. Discussion was held.

Motion carried. 8 Ayes (Croft, Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to replace the definition of family and to provide a new definition for short term rentals and establish short term rentals as permitted uses in all zoning districts.

Mr. Lawson explained that proposed amendment #144 was presented to the Cheboygan County Board of Commissioners. Mr. Lawson stated that Mr. Graham expressed his concerns with the definition of family to the Board of Commissioners as they considered adoption of amendment #144. Mr. Lawson stated that the Board of Commissioners adopted the amendment after removing the section relating to the definition of family and remanding the issue to the Planning Commission. Mr. Lawson stated that within the proposed amendment are new definitions for Family and Short term rentals as recommended by Mr. Graham. Mr. Lawson stated a provision is also proposed in the amendment document to add a new section 3.18. in the general provisions article of the zoning ordinance which allows short term rentals in all zoning districts.

Mr. Jazdyk asked what were the concerns regarding the definition of family. Mr. Lawson stated that we didn't define societies, clubs and sororities. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott stated he appreciates this clarification. Mr. Muscott stated he does have issues with this roundabout way to try to exclude clubs or associations from the definition of family. Mr. Muscott stated that there is no way you can enforce this and he is not sure why it has been included. Mr. Muscott stated that we don't have any sororities or fraternities and we don't see that much spring break business right now. Mr. Muscott stated that he appreciates the commissioners recognizing that it would be discriminatory to not have an individual as a family. Public comment closed.

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

UNFINISHED BUSINESS

Continued Discussion Of Planned Unit Development Draft Language

Mr. Lawson referred to Mr. Graham's letter dated 02/23/18 and noted that a couple of revisions were made to the amendment. Mr. Lawson stated that concerning section 19.2.4 there needs to be language added that requires each phase of the PUD to be self-sufficient. Mr. Lawson stated that Mr. Graham has provided additional language in section 19.2.4 to address this concern. Mr. Lawson referred to section 19.2.3 and stated that he has not modified any of this language. Mr. Lawson stated that Mr. Freese has been creating a use matrix for the PUD amendment.

Mr. Freese stated that he does not have any problems with section 19.2.4 as this is the direction that the Planning Commission was going at the last meeting. Mr. Borowicz agreed with Mr. Freese.

Mr. Lawson stated the primary concern is to make sure there's clarification that in PUD's you do not allow every use in every district. Mr. Freese referred to section 19.3 and stated that the reference to master plan was to be deleted and only selected uses should be designated for consideration for use in a different district under a PUD.

Mr. Lawson stated that you want to identify the uses that you would like to have in the districts that allow PUD's. Mr. Lawson stated at the last meeting the Planning Commission began a review of the uses. Mr. Lawson noted that Mr. Freese has worked on a use matrix.

Mr. Freese stated that there are not enough allowed uses in the Natural Rivers District to allow it to be considered for a PUD. Mr. Freese stated that you could not allow a PUD in Resource Conservation as privately owned parcels are not a part of the district. Mr. Freese stated that the overlay districts are already densely developed districts and there is no sense in considering these districts for a PUD. Mr. Freese stated that Light Industrial and General Industrial uses are not to be considered for use in other districts. Mr. Freese stated that we are therefore looking at allowing PUD's in Residential, Commercial, Agriculture and Forestry Management, Lake and Stream Protection and Rural Character/Country Living. Mr. Freese explained the matrix to the Planning Commission members. Mr. Freese explained that there is a use matrix that is sorted alphabetically. Mr. Freese stated that there is also a second use matrix that is sorted by groupings. Mr. Freese stated that he identified a total of 18 groupings. Mr. Freese noted that all agricultural uses are grouped together so the Planning Commission members will be able to see all similar uses. Discussion was held on how the Planning Commission will review and update the matrix. Mr. Freese explained that the Planning Commission can consider different use categories. Mr. Freese stated that the Planning Commission can look at the various districts and decide what should or should not be considered for the PUD amendment. Mr. Kavanaugh stated that the district that the Planning Commission should review and protect is the Lake and Stream Protection zoning district. Mr. Kavanaugh stated that the Planning Commission should remember when reviewing this matrix it is regarding PUD's only.

Mr. Lawson stated that if the Planning Commission wants to add a use that is not a permitted uses in a district, we will need to note that it is not permitted as we will have to amend that primary district to permit that use. Mr. Freese stated that the PUD, by definition, will allow you to do that. Mr. Freese read from a letter from Mr. Graham regarding section 19.3, "That except as provided herein the permitted uses within a PUD, may consist of any use permitted by right or by special use permit in the underlying Zoning District in which the PUD will be located. However, a PUD in the following zoning districts may include the additional uses specified herein: Residential, Commercial, Agriculture and Forestry Management Lake and Stream Protection." Mr. Lawson stated that once you identified the districts, you are limited to the uses authorized in those zoning districts and if these additional uses and definitions are not in the permitted uses than you have to add them to the list of permitted uses. Mr. Freese stated that a PUD in Agriculture and Forestry Management will have all permitted uses in Agriculture and Forestry Management Zoning District and then additional uses from other districts that the Planning Commission has determined that could be allowed. Mr. Lawson stated that Agricultural/Private Storage Workshop Buildings are only permitted in the Natural Rivers. Mr. Lawson noted that the Planning Commission decided that the Natural Rivers Zoning District will not be included in the PUD amendment. Mr. Lawson stated the Planning Commission may decide that they want to include Agricultural/Private Storage Workshop Buildings in the PUD amendment. Mr. Lawson stated that we will not be permitting anything out of the Natural Rivers zoning district. Mr. Freese stated that particular category may already be included in one that is listed for Agriculture and Forestry Management. Discussion was held. The Planning Commission thanked Mr. Freese for putting the use matrix together. Mr. Freese suggested using the Heritage Cove Farm application as an example for a PUD.

NEW BUSINESS

Discussion was held regarding zoning enforcement.

Mr. Freese read a memo from Scott McNeil dated 02/09/18 regarding the remaining priority items and stated that use terminology review work plan, "The Planning Commission adopted a project at the July 1, 2015 regular meeting as recommended for future projects In the Master Plan under Zoning Ordinance Changes which is written as follows: Refine for clarity the allowable uses in each district. Create a table of allowable uses within the ordinance. Create consistent terminology of permitted uses. List all permitted uses in each district rather than referencing allowable uses in other zoning districts. The following work plan was approved by the Planning Commission on February 17, 2016: 1. Conduct inventory and table of existing allowable uses. 2. Identify redundant and antiquated uses as well as items which are not uses, per se. These items would be recommended for deletion. 3. Identify similarly worded uses to be standardized under common terminology; propose common terminology. Define. 4. Remove references to permitted uses in other districts by adding those referenced uses to zoning district. 5. Review uses by zoning district. Define remaining uses. 6. Identify new uses to be added. Define. 7. Create table of allowable uses by zoning district." Mr. Freese stated that the matrix essentially completes the first item and would provide a strong basis for completion of the rest of the items.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh stated that Mr. Freese did a lot of working on the matrix and it is now simplified for the Planning Commission to review.

PUBLIC COMMENTS

Mr. Muscott stated that this was an excellent work session. Mr. Muscott stated that it sounds like Mr. Freese is working on the concept that is typically used for zoning ordinances. Mr. Muscott stated that he tried to encourage the Cheboygan County Board of Commissioners a year ago to move to that format which is simpler. Mr. Muscott stated that the Emmet County PUD ordinance is designed to accommodate applications like Heritage Cove Farm. Mr. Muscott stated that he believes the PUD regulation must have a lot of flexibility. Mr. Muscott stated that Otsego County recently reviewed a PUD for a huge indoor self-storage facility. Mr. Muscott stated that it would typically be reviewed as a special use permit in Cheboygan County. Mr. Muscott stated that if a PUD is approved by the Planning Commission, the applicant is locked into the PUD plan.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:44pm.



Charles Freese
Planning Commission Secretary