

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JANUARY 17, 2018 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: Bob Lyon, Carl Muscott, Cal Gouine, Karen Johnson, Russell Crawford, Cheryl Crawford, John F. Brown, Roberta Matelski, Eric Boyd

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, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)

APPROVAL OF MINUTES

The January 3, 2018 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)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment For Planned Unit Development

Mr. McNeil stated that he has changed the ordinance amendment based on the discussion at the last Planning Commission meeting. Mr. McNeil stated that there were other items that need to be discussed. Mr. McNeil stated that he has included language from the Master Plan relative to the Lake, River and Stream Protection future land use category in order to help facilitate discussion regarding allowing PUDs in the Lake and Stream Protection District. Mr. McNeil referred to the first sentence of section 19.2.2 and stated the word “on” has been changed to “along”. Mr. McNeil stated that section 19.5.3 has been added to the amendment. Mr. McNeil stated that this talks about the Cheboygan County Board of Commissioners Liaison being notified of the pre-application conference.

Mr. Freese referred to section 19.2.3 and questioned why “coordinated” is in this section. Discussion was held on removing “coordinated” from section 19.2.3. Mr. Freese referred to section 19.7.1.h and stated that the Planning Commission has discussed phasing of PUDs in the past and wanted to ensure that the applicant did not complete the most profitable phases first in case there are any issues such as bankruptcy. Mr. Freese suggested, “Items in the phases of development should be subject to prior approval of the Planning Commission.” Mr. Freese referred to section 19.7.4 and stated that the Planning Commission should also be able to modify the minimum lot size requirement in addition to the minimum dwelling size requirement. Mr. Freese referred to section 19.2.1 and stated that PUD’s should be allowed in the Lake and Stream Protection zoning district with the proviso that any uses other than residential would require a 200ft. setback from the water. Mr. McNeil asked if there should be any concern regarding the density being allowed.

Mr. Kavanaugh stated that the Lake and Stream Protection zoning district is a protection district. Mr. Kavanaugh asked Mr. McNeil how many PUD applications he has received since he began working for Cheboygan County. Mr. McNeil stated he has not received any PUD applications. Mr. Kavanaugh stated that we haven’t had one application for a PUD in many years and if there is an application there can be a conditional rezoning. Mr. Kavanaugh stated that he doesn’t have a problem with reducing

the lot size a little but asked if we want to go backward like in Topinabee and Mullett Lake Village where there are 30-40ft. wide lots with no room for a replacement septic systems and no isolation from wells. Mr. Kavanaugh stated that we found that reducing the lot size does not work and there is no room for parking. Discussion was held. Mr. Borowicz read section 19.2.5 "Adequate public streets, sewer, water, utilities, and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction." Mr. Borowicz stated that we do not have to worry about replacement septic systems. Mr. Kavanaugh stated that this section references sewer. Mr. Kavanaugh stated that it could be changed to on-site sewage disposal.

Mr. Freese stated that a PUD allows uses that we don't already allow to encourage economic growth. Mr. Freese stated that he believes that it would help the economy if someone wants to put in smaller houses on smaller lots in an area with a lot of open space. Mr. Kavanaugh stated that is something that he would support, but he would not support all of the other projects that could come into play. Mr. Kavanaugh stated that if a situation does come up, the Planning Commission can approve a conditional rezoning if it is a good project. Mr. Kavanaugh stated that unless we start getting a lot of requests or PUD's he is not sure why this proposed amendment is important. Mr. Freese stated that someone from out of the area may want to look at the ordinance to see if they can comply with the regulation. Discussion was held. Ms. Croft asked if legal counsel has reviewed this amendment. Mr. McNeil stated that legal counsel has not reviewed this amendment in a while and there are quite a few changes that have been made that would require a review. Mr. Kavanaugh asked Mr. McNeil if he has any comments regarding this issue. Mr. McNeil stated that the future land use for these areas guards against dense development. Mr. McNeil stated that the Lake and Stream Protection zoning district is 500ft. deep and the Planning Commission may not want to have this dense development right at the lake frontage but may want to allow it half way into the district. Mr. McNeil stated that the Planning Commission may not want residential uses that are that dense right up to the waterfront and may want to have it start 200-250ft. back from the water. Mr. Kavanaugh asked Mr. McNeil if he can come up with ideas. Mr. McNeil stated he will come up with language for the Planning Commission to review at the next meeting.

NEW BUSINESS

Review And Comment Regarding Burt Township Draft Zoning Ordinance Amendment

Mr. McNeil stated that he received notification from the Burt Township planning consultant that there have been some changes proposed by the Burt Township Planning Commission. Mr. McNeil stated that he has provided the Planning Commission a copy of the proposed amendment with a memo describing the proposed changes. Discussion was held.

Review Of Definition Of Family Relative To Short Term Rentals

Mr. McNeil stated that he presented proposed zoning ordinance #144 relating to bar and restaurant uses to the Board of Commissioners. Mr. McNeil stated that the proposed amendment contained a section changing the definition of family in order to clarify that an individual is covered and allowed to occupy a dwelling. Mr. McNeil stated that Mr. Graham expressed his concerns with the definition of family, citing his concerns regarding fraternities and sororities. Mr. McNeil stated that he also discussed looking at defining short term rentals separately. Mr. McNeil stated that Mr. Graham has provided his recommendation for the definition of family and short term rental. Mr. McNeil stated that this will address the concerns of legal counsel. Mr. McNeil stated that Mr. Graham has offered to come to a Planning Commission meeting to discuss his experience with other communities.

Mr. Freese stated that this will bring the Cheboygan County right back to where it was originally as far as the definition of family. Mr. Freese stated that we were happy with that a year ago and he agrees with Mr. Graham that it is a better way to go to determine what short term rental is instead of trying to authorize short term rental with the definition of family. Mr. Freese stated that this is a better way to authorize short term rentals. Mr. Kavanaugh stated that we want to allow unrestricted short term rentals. Mr. Kavanaugh stated that we want to take everything out that is a restriction such as the 30 days and not being occupied by the owner. Mr. Kavanaugh stated that this can always be amended if there are any issues in the future. Mr. Kavanaugh stated that there haven't been any issues other than the one in Black Lake. Mr. McNeil stated that we should ask Mr. Graham why he is suggesting these restrictions. Mr. McNeil stated that it has been provided through court rulings that short term rentals are considered something less than 30 days. Mr. McNeil stated it is important to have this time period in the definition and he does not see that as being restrictive. Mr. Freese stated if the owner is on site, it may be considered a bed and breakfast. Mr. McNeil agreed with Mr. Freese. Mr. Borowicz noted that Mackinaw City recently addressed this same issue and they excluded short term rentals from residential areas based on citizen comments. Mr. Freese stated that our citizen's comments wanted to allow short term rentals in residential areas. Mr. Borowicz stated that our citizen's comments were lakefront property owners. Discussion was held.

STAFF REPORT

Mr. McNeil stated that in regards Grandview Beach Association vs. Cheboygan County (Heritage Cove Farms), he received a

decision today from the Court of Appeals and Cheboygan County did prevail. Mr. McNeil stated that there was discussion in the judgment regarding the Planning Commission's review and finding of public safety not being met. Mr. McNeil stated that the Planning Commission, later on, found that an accommodation should be made which put that to rest. Mr. McNeil stated that there was mention of requesting reports from the local police departments. Mr. McNeil stated that he will follow up with the Sheriff's Department and Tuscarora Township Police to request written comments.

Mr. McNeil stated that he has received comments back from Mullett Township regarding uses related to vehicle repair. Mr. McNeil stated that the proposed language is acceptable to Mullett Township. Mr. McNeil stated that Tuscarora Township is taking a closer look at the proposed language and they have invited him to attend their next Planning Commission meeting.

PLANNING COMMISSION COMMENTS

No comments.

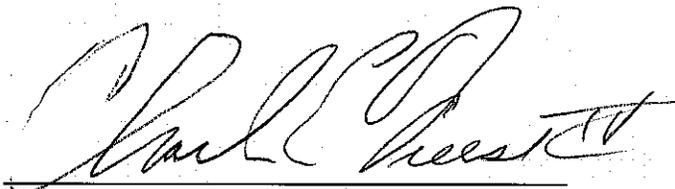
PUBLIC COMMENTS

Mr. Muscott stated that this is going to back to a previous definition of family. Mr. Muscott stated that according to legal counsel, a group of individuals defines a family. Mr. Muscott stated that this is in contravention of section 802 of the Fair Housing Act. Mr. Muscott reviewed other jurisdiction's definitions of family. Mr. Muscott stated that it is serious when we impact the Fair Housing Act and one individual must be added back into the definition of family. Mr. McNeil stated that Mr. Graham references "an individual" in his definition of family. Mr. McNeil stated that this defines short term rental, redefines family and puts a statement in the general conditions that short term rentals shall be permitted uses in all zoning districts. Discussion was held.

Mr. Muscott stated his concerns regarding the proposed PUD amendment not accommodating a lot of uses such as parking a food truck in front of a retail store. Mr. Muscott stated that the PUD really only addresses residential and industrial where as a lot of communities are using PUD's for commercial. Mr. Freese stated that the proposed regulation allows any use authorized in any district in any other district other than Light Industrial and General Industrial. Mr. Freese noted that food trucks would be allowed in the PUD. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:50pm.



Charles Freese
Planning Commission Secretary