



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, MAY 18, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk
ABSENT: None
STAFF: Scott McNeil
GUESTS: Eric Boyd, Bob Lyon, Cal Gouine, Russell Crawford, Cheryl Crawford, Tony Matelski, Carl Muscott, John Moore

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 unanimously.

APPROVAL OF MINUTES

The May 4, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried unanimously.

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment - Planned Projects

Mr. McNeil stated that the proposed Planned Project amendment has been reviewed by legal counsel. Mr. McNeil stated that definitions for non-residential use and residential use have been added to the amendment. Mr. McNeil stated that these definitions were in the proposed PUD amendment also but the Planning Commission has discussed relying only on this amendment and not reviewing the PUD amendment. 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 June 15, 2016 for the proposed Planned Projects amendment. Motion carried unanimously.

Draft Zoning Ordinance Amendment - Planned Unit Development

Mr. McNeil stated that this amendment proposes to replace the current Planned Unit Development ordinance. Mr. McNeil stated that the Planning Commission's requested changes have been made to the proposed amendment. Mr. McNeil reviewed the changes that the Planning Commission requested. Mr. McNeil stated that the minimum lot size for a PUD is 5 acres with a minimum of 350ft. front feet. Mr. McNeil stated that the minimum lot size for any PUD with a proposed industrial use is 10 acres with a minimum of 500 front feet. Mr. Freese asked if anyone has looked to see if this requirement can be met in any of the presently existing parcels that are zoned Industrial. Mr. McNeil stated that this would apply to parcels in Tuscarora Township Industrial Park and Nunda Township. Mr. Freese stated that there are not many areas that would fit these criteria.

Discussion was held regarding the differences between a Planned Project and a Planned Unit Development. Mr. Jazdyk stated that the Planned Project Amendment (with the Planning Commission's discretion) should be considered instead of having two regulations that set up another layer of complexity. Mr. Jazdyk stated his concerns regarding these two amendments being very similar in wording. Mr. Jazdyk stated his concern regarding these two amendments causing confusion. Mr. McNeil stated that the Planned Project Amendment allows mixing uses that are allowed in a zoning district. Mr. Freese stated that it does not allow uses from another zoning district. Mr. Freese explained that the Planned Project allows more flexibility than the PUD. Mr. Freese stated that if you are going to cross zoning districts a PUD will be necessary. Discussion was held.

Mr. McNeil stated that the Planning Commission can approve a PUD, but since we are allowing mixing uses the best way to do this is through rezoning. Mr. McNeil stated there could be a bunch of selected uses that could be put into a PUD and the Planning Commission could approve it like a special use permit. Mr. McNeil stated the Planning Commission would have to review the uses a lot closer. Mr. McNeil stated there could be more site plan requirements for a PUD as there is the ability to mix any use in any zoning district. Mr. McNeil stated a Planned Project is set forth as a use itself. Mr. McNeil stated Planned Projects are not allowed in the Lake and Stream Protection Zoning District or the Natural Resources Zoning District. Mr. McNeil stated that with a PUD, you can take any of the uses in the districts and propose a use. Mr. Freese stated if someone can present an idea that is acceptable he doesn't see why the uses can't be mixed for a PUD but you will have to zone it that way. Discussion was held. Mr. Freese stated that this language would have been helpful to the Planning Commission when reviewing a couple of previous requests and trying to determine whether the project fit in with the surrounding area. Discussion was held regarding the necessity of pre-application conferences. Mr. McNeil stated that he encourages applicants to schedule a pre-application conference. Mr. McNeil noted that it is ultimately up to the applicant whether or not to schedule the pre-application conference.

Mr. Jazdyk asked if the Planning Commission has any control over a project with phases. Mr. McNeil stated under eligibility requirements it mentions that a PUD shall be developed as a single integrated design entity even though it may be developed in phases and contains a variety of uses. Mr. McNeil stated in the site plan requirements, there is language requiring the details of the phases. Mr. Kavanaugh stated that this wording needs to be strengthened.

Mr. Freese stated that language should be included to allow the Planning Commission to require a performance bond. Mr. McNeil stated he will make these changes and bring this amendment back to the Planning Commission.

Draft Zoning Ordinance Amendment - Uses To Be Deleted

Mr. McNeil stated that this proposed amendment has been reviewed by legal counsel. Mr. McNeil stated that at the last Planning Commission meeting there was a discussion regarding whether or not portable sawmills should be allowed inside buildings. Mr. McNeil stated that the Department of Building Safety does not deal with this issue. Mr. McNeil asked if this should be taken out of the amendment. The Planning Commission agreed that this should be taken out of the amendment. Mr. McNeil stated that he will remove this requirement and include the 100ft. setback requirement. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing on June 15, 2016. Motion carried unanimously.

NEW BUSINESS

Review of Boat Houses and Boat Well Covers

Mr. McNeil stated that he has provided a map to the Planning Commission, which highlights boat houses based on a review of the 2012 aerial photos. Mr. McNeil stated there are boat houses on the Cheboygan River, Black River and very few on the lakes. Mr. McNeil stated that the area where they are most plentiful is in the Indian River area. Mr. McNeil stated that he went back 16 years and identified variances requests that were addressed by the Zoning Board of Appeals. Mr. McNeil stated that the Zoning Board of Appeals was consistent in allowing replacement, but not allowing anything new.

Mr. Jazdyk asked if the need for a boat house has decreased over the years. Mr. Freese stated no and noted that many people want to put up a shelter type structure. Mr. Freese stated that the Zoning Board of Appeals has not approved new boat houses. Mr. Freese stated in some cases where a boat house is falling down, they property owner has been allowed to put it back up in the same location with the same size and without sides. Mr. Kavanaugh stated the Zoning Board of Appeals has done a good job on these decisions as there have only been 8 in 16 years. Mr. Kavanaugh stated that it should remain with the Zoning Board of Appeals instead of revising the ordinance. Mr. Freese stated that there have been 3 requests in the past 6 months. Mr. Kavanaugh stated this is a minor issue. Mr. Freese stated this discussion should be opened up for the public to make comments on whether or not they want an overlay district. Discussion was held. Mr. Jazdyk asked how can this be allowed in one area through an overlay district, but not be allowed a mile down the river. Mr. Freese stated that you look at the historical record of what property owners have had and what they seem to want. Mr. Kavanaugh stated that if this is allowed in certain areas (through an overlay district) it should be allowed anywhere on the lakes and rivers. Mr. Freese noted that legal counsel has advised that if you keep getting the same types of requests to the Zoning Board of Appeals there is a problem with the regulation. Discussion was held. Mr. Kavanaugh asked Mr. McNeil for his opinion on boat houses and boat well covers. Mr. McNeil stated that there have not been any requests for a new boat house. Mr. McNeil stated that he has received applications for those that want to fix up, alter or replace the structure that exists. Mr. Freese stated there were two requests last fall on Indian River. Mr. McNeil stated there has been a spike in requests for these structures in the past couple of years, but he does not know if that is enough to merit allowing these structures. Mr. McNeil stated that the public may see these structures as historical or unique and should be encouraged in the future. Mr. McNeil stated if the Planning Commission finds that there is merit to this there could be public hearings in regards to an overlay district that recognizes the historical nature of an area.

Mr. Muscott stated at a Zoning Board of Appeals meeting there was a request on Bellchase Drive where the canal lots have boat wells. Mr. Muscott stated that there probably will not be a lot of new boat wells put in due to DEQ regulations and Army Corps of Engineers regulations. Discussion was held. Mr. Muscott explained that this property owner recently purchased his property and hoped to upgrade his boat house so it would be more usable. Mr. Muscott stated that the property owner was disappointed that he could not upgrade the boat house. Mr. Muscott stated that he appreciates this reasonably quick discussion. Mr. Muscott believes it will benefit the community and there are people who will appreciate it. Mr. Freese stated that he knows of 3 new boat wells in the last 6 months on the Indian River and the DEQ and Army Corps of Engineer permits were approved without any problem.

Ms. Lyon stated that the Zoning Board of Appeals will really only hear from the people who want a boat house. Ms. Lyon stated that we do not hear from the people who do not want a boat house. Ms. Lyon stated that part of the population needs to be represented also. Ms. Lyon stated she would like to know how the neighbor feels about a boat house. Mr. Freese explained that after the Planning Commission comes up with a proposal for an overlay district, a notice will be mailed out to every property owner in the overlay district. Mr. Freese stated if they do not like what is proposed the Planning Commission should hear from the property owners. Discussion was held.

Mr. McNeil stated Indian River could be looked at for a possible overlay. Mr. McNeil stated he would develop language for the overlay which the Planning Commission could then discuss until they determine if they want to hold a public meeting. Mr. Freese stated he would like to propose Indian River, Cheboygan River and Black River. Mr. Freese stated this should also include the canals off of the rivers also. Discussion was held.

STAFF REPORT

Mr. McNeil stated that he has heard from Mullett Township in regards to the off-premise sign issue and their review of that relative to the Topinabee Village Center. Mr. McNeil stated that they have indicated that they have no concerns with regards to removing the off-premise sign criteria. Mr. McNeil stated he has not heard from Tuscarora Township yet.

Mr. McNeil stated that Mullett Township has decided to withdraw their projects from the Capital Improvement Program. Mr. McNeil stated that Administrator Lawson will attend the next meeting to provide a report with regards to the Marina.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:02pm.



Charles Freese
Planning Commission Secretary