

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MARCH 15, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon,
ABSENT: Borowicz, Jazdyk, Churchill
STAFF: Scott McNeil
GUESTS: Cal Gouine, Carl Muscott, John Moore, Russell Crawford, Cheryl Crawford

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. Kavanaugh, seconded by Mr. Freese, to approve the agenda as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdyk, Churchill)

APPROVAL OF MINUTES

The February 15, 2017, Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Lyon, to approve the meeting minutes as presented. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdyk, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

Elizabeth Stevens (Camp Walden Inc.) / Michelle Kruzel AIA - Requests an amendment to a Special Use Permit for a deck addition to a mess hall at a Camp (Section 10.3.2.) The property is located at 5607 South River Rd, Aloha Township, parcel #140-002-200-006-00 and is zoned Lake and Stream (P-LS) and Agriculture and Forestry Management (M-AF). The portion of the lot where the mess hall is located and the deck addition is proposed is located in the Lake and Stream Protection (P-LS) zoning district.

Mr. McNeil referred to the site plan and noted the location of the proposed deck addition to the mess hall. Mr. McNeil stated that two additions to the mess hall were approved administratively. Mr. McNeil stated that Camp Walden has exhausted their administrative approvals as there is a maximum of 2 administrative approvals allowed. Mr. McNeil stated that the only change proposed on this site plan is the deck addition. Mr. McNeil stated that the applicant has requested a series of waivers from the site plan requirements due to the minimal nature of the work. Mr. McNeil noted that the waivers requested are for plan scale, topography, parking areas, loading and unloading areas and location of utilities.

Mr. Kavanaugh stated that the Health Department has been working with the applicant on a new septic system, kitchen, and other buildings. Mr. Kavanaugh stated that they are in compliance with the Health Department requirements.

Mr. Freese stated his concerns regarding the number of waiver requests, but having been to the site he does not have a problem with the waiver requests if they are better addressed.

Ms. Kruzel stated that the number of waiver requests is due to the size of the property and the scope of the work being done. Ms. Kruzel stated that the building is isolated and understands that these requirements are in place in case there are any neighbors that may be affected. Ms. Kruzel stated it would cost thousands of dollars to provide topography for this site. Ms. Kruzel stated that a lot of money is being invested in the safety of the building by upgrading the kitchen, septic and fire alarms. Ms. Kruzel stated that Camp Walden is dedicated to hiring local for the work that will be done.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant all the requested waivers. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdzzyk, Churchill)

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. Kavanaugh, seconded by Mr. Freese, 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 Department of Building Safety approval and Health Department approval. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdzzyk, Churchill)

UNFINISHED BUSINESS

Use Terminology Review

Mr. McNeil asked for the Planning Commission's direction on which use categories should be addressed next. Mr. Freese stated that Single family, Two family, Multi-family and Tourist/Travel Lodging (cabins, hotel, motel, lodging houses etc.) could be treated as one. Mr. McNeil stated that given the recent review of the definition of Dwelling, these could fit in the same category. Mr. Freese and Ms. Croft agreed with Mr. McNeil. Mr. Freese stated that Campgrounds and Commercial Recreation/Outdoor Recreation could be one category.

Zoning Ordinance Amendment Relative To Definition Of A Dwelling

Mr. McNeil stated that the amendment document provides new definitions for Dwelling/Dwelling Unit and Family. Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. Freese stated his concerns regarding the new definition of Dwelling and Dwelling Unit. Mr. Freese stated this definition includes anything except the ones that we list that it doesn't include. Mr. Freese stated that we used to treat sororities and fraternities differently, but they would now fall under the definition of Dwelling and Dwelling Unit. Mr. McNeil stated that he believes they would fall under the definition of Dwelling now. Mr. Freese stated that they were treated differently because they were excluded from family, but now they would be considered a family. Mr. McNeil questioned how sororities and fraternities could be excepted. Ms. Croft read from the current definition of Family, "This definition shall not include any society, club, fraternity, sorority....". Mr. Kavanaugh suggested including this language to exclude sororities and fraternities in the proposed definition. Mr. Freese agreed with Mr. Kavanaugh. Mr. Kavanaugh stated that associations and lodges should also be included. Mr. McNeil stated the language could be included and forwarded to legal counsel again for review. Mr. Kavanaugh asked would the Planning Commission have to address sororities and fraternities if they are not included. Mr. McNeil stated that they could be tied to an educational facility. Mr. Freese stated that sororities and fraternities can be addressed at a later time if there is a problem. Mr. McNeil stated that he does not see a big exposure to risk. Mr. McNeil stated that he believes this is ready for a public hearing as it has been reviewed by legal counsel. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for the definitions of dwelling and family for April 19, 2017. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdzzyk, Churchill)

Zoning Ordinance Amendment Relative To Assembly Halls

Mr. McNeil referred to section 4.2.4 and stated that Public, Parochial And Private Schools, Libraries and Municipal Structures And Uses and Churches in the Residential District will be removed. Mr. McNeil stated that the new use will be Assembly, Educational or Social Event Facility and will require a special use permit. Mr. Freese asked if Private Clubs and Lodges could be included in the definition of Assembly, Educational or Social Event Facility. Mr. McNeil stated that this is something that the Planning Commission can talk about. Mr. McNeil stated this is a lesser impact use as a private club does not draw as many people as a school, hall or church may draw. Mr. Freese stated that they are included in the same section so the requirements should be the same. Mr. Freese stated they are similar uses even though one may be more intense than the other and the requirements are the same. Mr. McNeil asked if the Planning Commission wants them included under the same definition. Mr. Freese stated that if they are subject to the same review so they should be included under the same definition. Mr. McNeil noted that they are private, not public. Mr. Freese stated that the definition of Assembly, Educational or Social Event Facility does not differentiate between public and private.

Mr. McNeil referred to section 6.2.5 and noted that Clubs have been removed from this section and Arcades have been added to this section. Mr. McNeil stated that this is a permitted use, requiring site plan review. Mr. McNeil referred to section 6.2.22 and noted that Theaters is being replaced by Assembly, Educational or Social Event Facility. Mr. McNeil stated that this use will require site plan review.

Mr. McNeil referred to section 9.3.3 and stated Churches and Parish Houses, Schools and Educational Institutions and Other Municipal Buildings, Structures and Uses will be replaced with Assembly, Educational or Social Event Facility. Mr. McNeil

noted that Community Buildings will be removed from section 9.3.4. Mr. McNeil stated that Public Parks and Recreation Areas, Playgrounds and Campgrounds will remain in section 9.3.4. Mr. McNeil stated these are uses requiring a special use permit.

Mr. McNeil stated that Schools, Libraries, Churches and Municipal Structures will be replaced with Assembly, Educational or Social Event Facility in section 10.3.10 and a special use permit will be required.

Mr. McNeil stated that Clubs will be removed in section 13.2.4 and Arcades will be included in section 13.2.4.

Mr. McNeil stated that Educational, Municipal and Religious Institutions will be replaced with Assembly, Educational or Social Event Facility in section 13.3.4.

Mr. McNeil stated that Clubs will be removed in section 13A.2.1.

Mr. McNeil stated that Educational, Municipal and Religious Institutions will be replaced with Assembly, Educational or Social Event Facility in section 10.3.10 and a special use permit will be required.

Mr. McNeil stated that Clubs will be removed from section 13B.3.1., 13C.2.1. and 13D.3.1.

Mr. McNeil stated that Educational, Municipal, Religious Institutions and Private Clubs will be replaced with Assembly, Educational or Social Event Facility in section 13C.3.6.

Mr. McNeil stated that Public, Parochial, Private Schools, Libraries, Municipal Structures and Uses (section 13E.2.4.) will be deleted. Mr. McNeil stated that Churches (section 13E.2.5.) will be deleted.

Mr. McNeil stated that Community Buildings will be removed from section 14.3.5. Mr. McNeil stated that Educational, Municipal and Religious Institutions will be replaced with Assembly, Educational or Social Event Facility in section 14.3.7.

Mr. McNeil noted that in this proposed amendment sections 17.13 and 21.9.2 will be repealed.

Zoning Ordinance Amendment Relative To Convalescent Homes

Mr. McNeil reviewed the proposed definitions of Adult Day Care Center, Assisted Living Center and Healthcare Living Center. Mr. McNeil stated that Elderly Housing and Convalescent Homes will be replaced with Assisted Living Center in section 4.3.3. Mr. McNeil stated that Elderly Housing and Convalescent Homes will be replaced with Adult Daycare Center, Assisted Living Center or Health Care Living Center in section 6.2.26. Mr. McNeil stated that Nursing or Convalescent Homes will be replaced with Adult Daycare Center, Assisted Living Center or Health Care Living Center in section 9.3.14. Mr. McNeil stated that Assisted Living Facility/Convalescent Home will be replaced with Assisted Living Center or Adult Daycare Center in sections 13A.3.1. and 13C.3.1. Mr. McNeil stated that Elderly Housing and Convalescent Homes will be replaced with Assisted Living Center or Adult Daycare Center in section 13E.3.2. Mr. McNeil stated that Nursing or Convalescent Homes will be replaced with Adult Daycare Center, Assisted Living Center or Health Care Living Center in section 14.3.13.

Mr. Freese asked if the state mandates if an Adult Group Home be allowed in residential areas. Mr. Freese stated that an Adult Group Home has been excluded from the definition. Mr. McNeil stated that the Zoning Enabling Act requires us to deal with them as a residential use. Mr. Freese noted that Health Care Living Center is being authorized in Agriculture/Forestry Management Zoning District, Commercial Development Zoning District and Rural Character Country Living Zoning District. Mr. Freese stated that this regulation would not have addressed the issue in Indian River. Mr. McNeil stated it would have eliminated it from the section of property that was zoned Lake and Stream Protection. Mr. Freese stated that it would have allowed it in the Agricultural Forestry Management Zoning District. Discussion was held.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward the proposed amendment to legal counsel. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Jazdzyk, Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that he discussed the PUD amendment with the Cheboygan County Board of Commissioners. Mr. McNeil stated that it was the consensus of the board that they would like to be involved with the way the amendment is written. Mr.

McNeil stated that there is not too much more that will need to be done based on the comments from the board. Mr. McNeil stated that the board will discuss this further with legal counsel at their next meeting.

Mr. McNeil stated that there has been further discussion with legal counsel regarding content neutral signs. Mr. McNeil stated that we accomplished content neutral on its face, but we need to be content neutral by purpose. Mr. McNeil stated that legal counsel is still reviewing this amendment. Mr. McNeil stated that we may need to allow more temporary signage.

Mr. McNeil stated that a copy of the Solid Waste Plan was included in the last Planning Commission packet. Mr. McNeil stated that some waste transfer facilities and waste sites are to be approved under the Solid Waste Plan. Mr. McNeil stated that it is not clear that type B facilities is allowed under the Solid Waste Plan. Mr. McNeil noted that Triple D Sanitation is a type B facility. Mr. McNeil stated that the Cheboygan County Board of Commissioners will consider amending the Solid Waste Plan. Mr. Kavanaugh asked if Triple D Sanitation will be able to apply if there is an amendment to the Solid Waste Plan. Mr. McNeil stated that they may come back as a waste hauler which means there will be no waste transferred on the site. Mr. McNeil stated that the only waste that would be on the site would be overnight inside of a truck. Mr. McNeil stated that he expects that it may come back for Planning Commission review as a waste hauling business as opposed to a transfer facility.

Mr. Freese stated that at the Board of Commissioners meeting they had the same question as the Planning Commission regarding PUD's. Mr. Freese stated that the Planning Commission followed the guidance from legal counsel. Mr. McNeil stated that the guidance from legal counsel was more on how the ordinance was structured and some of the content of the ordinance. Mr. McNeil stated that legal counsel is still of the opinion that if the law allows the Planning Commission to make those decisions solely then that is the way it should be done. Discussion was held. Mr. Kavanaugh asked if legal counsel prefers that the Planning Commission review PUD's instead of the Cheboygan County Board of Commissioners. Mr. McNeil stated that he recommended a review by the Board of Commissioners in conjunction with Planning Commission review as the Zoning Enabling Act allows this to happen. Mr. McNeil believes that this should be done as a rezoning. Mr. Freese agreed with Mr. McNeil that this should be a rezoning and the final approval should be by the Board of Commissioners.

PLANNING COMMISSION COMMENTS

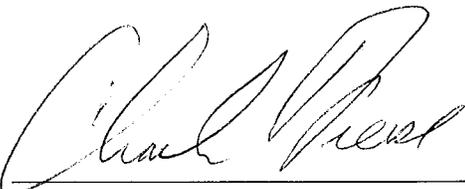
No comments.

PUBLIC COMMENTS

Mr. Muscott referred to section 4.2.4 of the proposed amendment regarding Assembly Hall and noted that Public, Parochial And Private Schools, Libraries And Municipal Structures and Uses and Churches in the Residential District will be removed as a permitted use. Mr. Muscott stated the new use will be Assembly, Educational or Social Event Facility and will require a special use permit. Mr. Muscott questioned why a special use permit will be required instead of a site plan review. Mr. McNeil stated if there is a school or church that is proposed, the effect on land should be handled by special use permit so notices are sent to property owners in the area. Mr. McNeil stated that this is consistent with the way it is handled in other zoning districts. Mr. Muscott asked if a special use permit is required due to the broader definition. Mr. McNeil stated yes and it is his recommendation for a special use permit so the property owners in the area are notified.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. The meeting was adjourned at 7:57 pm.



Charles Freese
Planning Commission Secretary