



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, JULY 20, 2011 AT 7:00 P.M.

TUSCARORA TOWNSHIP HALL, 3546 S. STRAITS HWY., INDIAN RIVER MI 49749

PRESENT: Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon
ABSENT: Croft, Kavanaugh
STAFF: Scott McNeil, Steve Schnell
GUESTS: Bob Lyon, Russell Crawford, Cheryl Crawford, Robert Woolard, Roger Jacobs, Michael Vizina, Bobbi Balazovic, Craig Waldron, Brett Lindgren, John Moore, Jim MacLaren, Jamie Langdon, Tony Matelski, Brian Fullford, David Barton, Kelly Ashford, Bill Morgan Jr., Jane McGinnis

The meeting was called to order by Chairperson Croft at 7:00pm.

APPROVAL OF AGENDA

The meeting agenda was presented. Mr. Borowicz stated that "Truck Terminal And Warehouse Uses In Commercial Development Zoning District" will be added to "Unfinished Business". **Motion** by Mr. Freese, seconded by Mr. Ostwald, to approve the agenda as amended. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

APPROVAL OF MINUTES

The July 6, 2011 Planning Commission minutes were presented. **Motion** by Mr. Freese, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

PUBLIC HEARING AND ACTION ON REQUESTS

AFTON ATHLETIC CLUB / KOEHLER TOWNSHIP – Requests a Site Plan Review for improvements to an existing baseball field. The property is located at 5976 Cross Rd., Koehler Twp., section 36, parcel #171-036-400-015-00 and is zoned Commercial Development (D-CM).

Mr. McNeil reviewed the site plan and noted the location of the 9 light poles that are currently under construction. Mr. McNeil stated the intended casting of the light is directed onto the field. Mr. McNeil stated there are 31 parking sites. Mr. McNeil noted there are no parking standards in the ordinance relative to this type of a recreation facility. Discussion was held. Mr. Freese asked if Mr. McNeil believes there is adequate parking. Mr. McNeil stated yes there is adequate parking. Mr. McNeil stated the applicant is requesting a waiver of the topography requirement. Mr. McNeil stated new dugouts are shown on the site plan. Ms. Lyon asked if there is a new concession stand or if there will be an addition to the existing concession stand. Mr. McNeil stated no.

Motion by Mr. Freese, seconded by Mr. Ostwald, to waive the topography requirement. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

The Planning Commission reviewed the General Findings and revised 6 to "The topography requirement has been waived by the Planning Commission." The Planning Commission reviewed the Specific Findings of Fact Under Section 20.10. The Planning Commission revised b1 "No change will occur to the topography and flora. (see exhibit 3)" The Planning Commission agreed the Specific Findings of Fact Under Section 20.10 have been met.

Mr. Borowicz asked for public comment. There were no public comments. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Churchill, to approve the site plan based on the General Findings and Specific Findings of Fact Under Section 20.10 with the finding that the site plan provides adequate parking. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to add a new zoning district, Village Center Indian River (VC-IR), which encompasses generally property abutting S. Straits Highway south of the Indian River to Cressy L. St.

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to add a new overlay zoning district, Village Center Indian River Overlay (VC-IR-O), which encompasses generally property abutting S. Straits Highway south of the Indian River to a point half way between Lake St. and Floyd E. St.

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to amend regulations for signs in the new VC-IR and VC-IR-O zoning districts.

Mr. Schnell stated there were questions at the last meeting about when and why this proposed amendment started. Mr. Schnell stated in 2002 the Cheboygan County Master Plan was adopted and people expressed an interest in having the downtown rezoned to Village Center. Mr. Schnell explained that since that time it was one of the goals of the master plan. Mr. Schnell stated in 2010 the township adopted a master plan and was more specific about adopting a downtown Village Center which included retail as a primary use in downtown and offices were to be restricted to the back of the building and second floor.

Mr. Schnell reviewed the density for areas in Indian River. Mr. Schnell reviewed existing buildings in Indian River with non-conforming setbacks. Mr. Schnell reviewed existing land uses for the parcels within the Village Center and Village Center Overlay. Mr. Schnell reviewed non-conforming uses for parcels within the Village Center and Village Center Overlay. Mr. Schnell explained that existing non-conforming uses or structures can remain. Mr. Schnell provided an example of an accountant shutting down a business and then another accountant moving into the building at a later date. Mr. Schnell stated if the office use does not change it can remain forever.

Mr. Schnell stated under the proposed ordinance the Planning Commission can waive the parking requirements upon proof of adequate street parking. Mr. Schnell stated there are no setback requirements. Mr. Schnell stated the office use is permitted in the overlay district but it is only behind the first 30 feet of the property and in the second floor of the building. Mr. Schnell also noted that pole signs are not allowed in the overlay.

Mr. Borowicz asked for public comments. Mr. Fullford asked Mr. Schnell if there is a rear setback requirement in the overlay district. Mr. Fullford asked if there is a building coverage problem from the Dollar Store north as they will be non-conforming structures. Mr. Schnell stated there is a 10ft. rear setback.

Mr. Fullford asked who initiated this rezoning. Mr. Schnell stated it was in the Cheboygan County Master Plan since 2002. Mr. Schnell explained the initial discussion was with Tuscarora Township and Tuscarora Township Planning Commission and he asked if they were interested in pursuing this rezoning. Tuscarora Township Official explained that they requested that the county move forward with the Village Center rezoning. Mr. Fullford stated there are three entities that can initiate a rezoning and they are Board of Commissioners, Planning Commission or property owners. Mr. Schnell stated it was a team effort with the Planning Commission voting to proceed with this upon recommendation from Tuscarora Township.

Mr. Fullford stated this plan is heavily reliant upon a sewer system. Mr. Fullford stated his concerns that uses are being limited. Mr. Fullford stated his concerns that Tuscarora Township's Master Plan is not being followed. A Tuscarora Township official stated that the Village Center concept has been in the master plan since 1990. Mr. Fullford stated he is in favor of zero setbacks and relaxing the parking requirements. Mr. Fullford stated he is concerned about non-conformities being created due to the rezoning.

Mr. Borowicz asked for public comments on Village Center Indian River.

Mr. Jacobs stated that all property owners should have been notified by either the township or the county at the beginning of this process. Mr. Jacobs stated his concerns that this rezoning is infringing on people making a living and on their lives. Mr. Jacobs stated some of the ideas are good and some of the ideas are not good.

Ms. Balazovic stated she submitted a letter to the Planning Commission. Ms. Balazovic stated she is a member of the Tuscarora Township board and she did not realize this rezoning would happen so quickly. Ms. Balazovic stated this rezoning should happen behind the streetscapes and the sewers. Ms. Balazovic stated this is the township's vision but without the infrastructure in place it is hard for the public to accept. Ms. Balazovic stated she owns a building that is the most non-

conforming and unique in Indian River because it is a rental. Ms. Balazovic stated she has not been able to keep a retail business in this building for more than one year. Ms. Balazovic explained her concerns about the overlay district having a negative effect on renting this building.

Mr. Waldron stated he is a member of the Tuscarora Township board and of the Tuscarora Township Planning Commission. Mr. Waldron supports the concept of the Village Center. Mr. Waldron stated there have been numerous meetings to discuss Village Center. Mr. Waldron stated the purpose of Village Center is to allow businesses more opportunity and to relax some requirements. Mr. Waldron stated he does not disagree with Ms. Balazovic to put the core overlay district on hold at this time. Mr. Waldron stated the benefits of this rezoning (such as zero setbacks and relaxing parking requirements) outweigh any restrictions that there will be.

Mr. Freese stated the Planning Commission made a good effort to try and comply with what the township wanted. Mr. Freese stated this was tabled at a previous meeting to allow staff to notify each property owner and to allow for their comments. Mr. Freese stated there were very few comments that were submitted. Mr. Freese stated he would like to alleviate Ms. Balazovic's concerns regarding not being able to rent her buildings. Mr. Freese stated he has not heard any comments on how to fix these issues. Mr. Freese stated there have been nebulous objections that are not productive to correcting what is before the Planning Commission. Mr. Freese stated the Planning Commission could allow one more opportunity for the public to make suggestions to alleviate these issues. Mr. Freese stated if there are no suggestions the Planning Commission should proceed with the rezoning.

Mr. Waldron stated the biggest issue is the office space. Mr. Waldron stated everyone was concerned about limiting a property owner's use by not allowing an office. Discussion was held regarding allowing offices in the Village Center Overlay District. Mr. Schnell stated section 13.B.2.7 could be amended to say offices only. Mr. Schnell stated the rest of the wording would be deleted. Mr. Schnell stated section 13.B.4.4 would be deleted. Ms. Balazovic stated this change will address her concerns. Mr. Freese stated the ordinance can be amended later if the economy changes.

Mr. Freese stated his concerns regarding the word "shall" being in section 17.4.1 and property owners being required to maintain adequate off-street parking. Discussion was held. Mr. Schnell stated section 17.4.1 will be revised to "Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces and/or parking is waived under section 13.A.4.1...".

An audience member referred to sections 13.A.4.5 and 13.A.4.6 and stated he owns an ice cream shop at the corner of Oakley St. and Straits Hwy. and this is a non-conforming building. The audience member stated he does not have seating except for benches that are community benches. The audience member asked if he will be required to clear the sidewalk as his customers block the sidewalk most evenings. Mr. Freese stated no. Discussion was held.

Public comment closed for Village Center Indian River.

Motion by Mr. Freese, seconded by Mr. Ostwald, to hold any action on Village Center Indian River until the discussion of all three items is complete. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

Mr. Borowicz asked for public comments on Village Center Indian River Overlay.

Mr. Jacobs asked what area is included in the Village Center Indian River Overlay. Mr. Borowicz explained the location of the Village Center Indian River Overlay. Mr. Jacobs stated he owns a lot on River Street adjacent to the Inn Between. Mr. Jacobs stated on this lot there was a building that was torn down but the foundation still exists. Mr. Jacobs asked if the new regulations will apply to this foundation if he decides to rebuild. Mr. Schnell stated yes and noted there is a 10ft. rear setback and a 30ft. waterfront setback requirement. Mr. Schnell stated any new structure built on the foundation would have to meet the 30ft. waterfront setback. Mr. Schnell stated under the current regulation there is a 40ft. setback requirement. Mr. Jacobs stated before he purchased the property he talked to the previous Zoning Administrator for Cheboygan County and was told that there would be no problem rebuilding this structure. Mr. Schnell asked what is the distance from the water to the foundation. Mr. Jacobs stated he did not know the dimension. Mr. Schnell stated it would be acceptable if it is 40ft. from the water.

Mr. Schnell referred to section 13.B.4.2 and stated this section would need to be taken out of the Village Center Indian River Overlay amendment and moved to the Village Center Indian River amendment. Mr. Borowicz noted this section should have been in the Village Center Indian River amendment from the beginning.

Public comment closed for Village Center Indian River Overlay.

Mr. Borowicz asked for public comments on Village Center Indian River Overlay. **Motion** by Mr. Freese, seconded by Mr. Bartlett, to hold any action on Village Center Indian River Overlay until the discussion of all three items is complete. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

Mr. Schnell reviewed the definition for neon signs and signs that are prohibited. Mr. Schnell stated in the Village Center you can have a sign in the right-of-way if the local jurisdiction gives permission. Mr. Schnell referred to section 17.19.5.E and noted that this section allows a bonus of 3sf of sign surface area for each additional commercial use above 1. Mr. Schnell explained that this allows additional square footage for multiple businesses on the same lot. Mr. Schnell reviewed the sign regulations under section 17.19.8.

Mr. Borowicz asked for public comments on regulations for signs in the new Village Center Indian River and Village Center Indian River Overlay zoning districts.

Mr. Jacobs asked if this amendment will affect existing signs. Mr. Schnell stated the sign structure of any existing sign can remain where it is. Mr. Schnell stated if you have a non-conforming sign you can change the face of the sign but not the structure of the sign. Mr. Jacobs asked for the maximum height for a sign. Mr. Schnell stated 15ft. for a freestanding sign. Mr. Schnell further explained that signs shall not extend into the right-of-way unless that are 11ft. above the right-of-way. Discussion was held.

Public comment closed for regulations for signs in the new Village Center Indian River and Village Center Indian River Overlay zoning districts.

Motion by Mr. Freese, seconded by Mr. Ostwald, to send Village Center Indian River amendment to Cheboygan County Board of Commissioners with a recommendation for approval with the addition of section 13.A.4.7 (which was 13.B.4.2). Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

Motion by Mr. Freese, seconded by Mr. Bartlett, to send Village Center Indian River Overlay amendment to Cheboygan County Board of Commissioners with a recommendation for approval with the changes of revising section 13.B.2.7 to "office" and deleting section 13.B.4.4. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

Motion by Mr. Freese, seconded by Mr. Bartlett, to send regulations for signs in the new Village Center Indian River and Village Center Indian River Overlay zoning districts to Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

UNFINISHED BUSINESS

Consideration Of A Zoning Ordinance Amendment For Rezoning Of Properties Currently Zoned Mixed Residential.

Mr. McNeil stated he has heard from the Beaugrand Township Board who concurs with the recommendation from the Planning Commission. Mr. McNeil stated all of the rezoning maps presented at the last meeting have been reviewed and approved by the townships.

Mr. McNeil stated each Planning Commission member has a copy of the Rural Character/Country Living ordinance. Mr. McNeil referred to section 14.4.1 and noted that comments from legal counsel regarding this amendment have also been distributed to the board. Mr. McNeil stated changes will be made based on Bryan Graham's comments. Mr. McNeil noted there were changes to the definitions citing large domesticated animals and small domesticated animals. Mr. McNeil stated he is waiting on legal counsel's comments regarding the definitions. Mr. McNeil noted there will be charts regarding type of animal and land area that is required instead of a narrative. Mr. McNeil stated this revision is for the Planning Commission to review.

Board held discussion. **Motion** by Mr. Freese, seconded by Mr. Bartlett, to schedule a public hearing for rezoning of properties currently zoned Mixed Residential on August 17, 2011. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

Review of zoning ordinance amendment for truck terminal and warehouse uses in Commercial Development zoning district

Mr. McNeil stated a public hearing is established for this amendment. Mr. McNeil stated the Planning Commission requested further explanation of flammable and explosive materials. Mr. McNeil stated language has been added to the amendment which cites materials that are labeled flammable or explosive as regulated by United States Department of Transportation. Discussion was held.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Schnell stated the Master Plan visioning session has been scheduled for August 29th and August 30th. Mr. Schnell stated the visioning session will be held at the north and south part of the county. Mr. Schnell explained he is still arranging the location but it may be the Wolverine area and City of Cheboygan. Discussion was held.

Mr. Schnell stated there is a website for the US 23 Heritage Route that the county is involved in along with five other counties. Mr. Schnell stated the history along US 23 is being documented and there is grant money for mini documentaries. Mr. Schnell stated it will contribute to some of the information for the Master Plan. Mr. Schnell stated the website is www.heritageroute23.org and it just won an award from the National Association of Development Organizations. Discussion was held.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Barton referred to section 13B.2.8 and asked if the reference to section 13B.4.4.b should be removed. Mr. Barton thanked the Planning Commission and staff for their work and involvement on this amendment.

Motion by Mr. Freese, seconded by Mr. Bartlett, to amend the recommendation for approval of the Village Center Indian River Overlay to the Board of Commissioners by deleting 13B.2.8 and renumbering the balance of the section. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Ostwald, Eichhorn, Churchill, Lyon), 0 Nays, 2 Absent (Croft, Kavanaugh)

ADJOURN

Motion by Mr. Freese to adjourn. Motion carried. Meeting was adjourned at 8:14pm.



Charles Freese
Planning Commission Secretary