



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, SEPTEMBER 7 2011 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Croft, Ostwald, Eichhorn, Lyon, Churchill
ABSENT: Borowicz
STAFF: Scott McNeil
GUESTS: John Moore, Denise Clark, Bob Lyon, Tony Matelski, Russell Crawford, Cheryl Crawford, Bill Morgan, Debbie Sova, Terry Sova, Lori Winstead, Ed Cook

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

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Eichhorn, Lyon, Churchill), 0 Nays, 1 Absent (Borowicz)

APPROVAL OF MINUTES

The August 17, 2011 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Eichhorn, Lyon, Churchill), 0 Nays, 1 Absent (Borowicz)

PUBLIC HEARING AND ACTION ON REQUESTS

An ordinance to amend the Cheboygan County Zoning Ordinance No. 200 allow private storage buildings subject to the requirements of Section 17.23 as a permitted use and to provide standards for keeping of animals in the Rural Character/Country Living Zoning District.

Mr. McNeil stated the primary objective of this amendment is to provide standards for the keeping of animals in Rural Character/Country Living zoning district. Mr. McNeil reviewed the new definitions for Large Domesticated Animals and Small Domesticated Animals. Mr. McNeil also reviewed the minimum land requirements for Large Domesticated Animals and Small Domesticated Animals. Mr. McNeil stated a 75ft. setback is required from any pre-existing dwelling and a 25ft. setback is required from any neighboring property line.

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

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

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to rezone the portions of real property from Mixed Residential Development (D-MR), to Rural Character/Country Living (D-RC) in Beaugrand Township, Cheboygan County, described as follows; Commence at the intersection of southerly right of way of U.S. 23 and westerly right of way of Pries Road, thence northwesterly along the southerly right of way of U.S. 23 275 feet to Point of Beginning, thence southwesterly at right angle to southerly right of way U.S.23 650 feet, thence northwesterly parallel to southerly right of way U.S. 23 to a point on the westerly section line of section 6, T38N, R2W, which is 350 feet southerly of the southerly right of way of U.S. 23, thence northerly along said section line to southerly right of way U.S. 23, thence southeasterly along said right of way to point of beginning.

Mr. McNeil stated there are six areas that are the subject of discussion for rezoning tonight. Mr. McNeil stated the first three areas that will be discussed involve a proposed change from Mixed Residential to Rural Character/Country Living. Mr. McNeil stated the remaining three areas that will be discussed involve a proposed change from Mixed Residential to Residential.

Mr. McNeil explained the boundaries of the proposed area in Beaugrand Township to be rezoned from Mixed Residential to Rural Character/Country Living.

Mr. McNeil stated uses allowed in both Rural Character/Country Living and Mixed Residential include one and two family dwellings, automobile repair, grocery and party stores, schools, libraries, municipal structures, religious institutions, home occupations, multi-family housing, daycare centers, nursing and convalescent homes, private storage, cemeteries, private clubs and state licensed residential facilities (6 beds or less).

Mr. McNeil stated uses allowed in Mixed Residential and not allowed in Rural Character/Country Living are boarding and lodging houses, medical clinics and doctors offices, mobile home parks, entertainment establishments, restaurants, farming and agricultural operations, marinas, parks, playgrounds, golf courses and recreation facilities.

Mr. McNeil stated uses not allowed in Mixed Residential and allowed in Rural Character/Country Living are bed and breakfasts, commercial and private greenhouses and nurseries, veterinary hospitals, retail service establishments, commercial clubs, gas stations, markets for sale of products grown or produced upon the premises and keeping of livestock.

Mr. McNeil stated the minimum lot size that would be required for a new lot developed in Mixed Residential is 75ft. for the front and 12,000sf in area. Mr. McNeil stated the minimum lot size that would be required for a new lot developed in Rural Character/Country Living is 150ft. for the front and 1 acre in area. Mr. McNeil stated the current setbacks for Mixed Residential are 30ft. from front lot lines, 8ft. from side lot lines and 12ft. from rear lot lines. Mr. McNeil stated the setbacks for Rural Character/Country Living are 25ft. from front lot lines, 10ft. from side lot lines and 12ft. from rear lot lines.

Mr. Freese asked if the 150ft. width requirement for a new lot in Rural Character/Country Living will create any non-conformities. Mr. McNeil stated there could be a few non-conformities created by the rezoning and he could evaluate and report back to the Planning Commission. Discussion was held. Mr. Freese stated he did not believe this would create a problem as they would be legal non-conforming lots.

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

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

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to rezone the following real property in Beaugrand Township, Cheboygan County, from Mixed Residential Development (D-MR), to Rural Character/Country Living (D-RC) described as follows; South ½ of Northwest ¼ and the South West ¼ of section 25, T38N, R2W, also North ½ of Northeast ¼ and Northeast ¼ of Northwest ¼ and easterly 99 feet of Northwest ¼ of Northwest ¼ section 35, T38N, R2W.

Mr. McNeil explained the boundaries of the proposed area to be rezoned from Mixed Residential to Rural Character/Country Living. Mr. McNeil stated there would be the same uses and changes in uses as recited relative to the first rezoning.

Mr. Kavanaugh asked if Beaugrand Township is in favor of this rezoning. Mr. McNeil stated yes and noted that each rezoning has been discussed and approved by the local government officials. Mr. Eichhorn asked if this area includes the parcel that started this rezoning. Ms. Croft stated yes. Mr. Eichhorn asked if this will take care of the issue. Mr. Freese stated yes.

Ms. Croft asked for public comments. An audience member asked if this will only affect properties in section 35. Mr. McNeil stated this rezoning extends further than just section 35. Mr. McNeil explained the boundaries of the proposed area to be rezoned. Discussion was held.

An audience member asked how this rezoning will affect property taxes. Mr. McNeil stated this is a question to ask the assessor.

An audience member asked who requested the rezoning. Mr. McNeil explained that this rezoning was a recommendation from the Zoning Board of Appeals to the Planning Commission. The audience member noted that this was not requested by property owners. Mr. Kavanaugh stated the proposed rezoning was reviewed by the township and they did not have any issues with the rezoning. Discussion was held. Public comment closed.

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

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to rezone the following real property in Benton Township, Cheboygan County, from Mixed Residential Development (D-MR), to Agriculture and Forestry Management (M-AF) (Parcel Identification Nos. 104-033-200-003-00 and 104-033-100-005-05) and the following real property in Benton Township, Cheboygan County from Mixed residential Development (D-MR) to Rural Character/Country Living (D-RC) described as follows; The west ½ of northwest ¼ of northeast ¼ and northeast ¼ of southwest ¼ section 33 T37N, R1W, also beginning at the north ¼ corner section 33, T37N, R1E, thence S 83 deg. 41 min. 40 sec. East 759.66 feet, thence South 6 deg. 18 min. 20 sec. West 953.72 feet, thence North 86D 42M 1S West 268.00 feet, thence South 6 deg. 48 min. 17 sec. East 997.72 feet, thence South 86 deg. 42 min. 42 sec East 1375.37 feet, thence South 6 deg. 50 min. 25 sec. East to south 1/8 line, thence west along south 1/8 line to north and south ¼ line, thence north along north and south ¼ line to point of beginning, being part of section 33, T37N, R1E.

Mr. McNeil explained the boundaries of the proposed area to be rezoned. Mr. McNeil stated there would be the same uses and changes in uses as recited relative to the first rezoning for the area being rezoned to Rural Character/Country Living.

Ms. Croft stated the proposed rezoning has been reviewed by Benton Township.

Ms. Croft asked for public comments. Mr. Beethem stated ½ of the 60 acres that he owns in Benton Township will be Rural Character/Country Living. Mr. Beethem stated he is concerned that agriculture uses are not allowed in Rural Character/Country Living. Mr. Beethem stated he is not concerned about the lots along Carey Road. Mr. Beethem explained that at the back of these lots is an open field that he should be able to use for agricultural purposes. Ms. Croft asked what is the current use for this parcel. Mr. McNeil stated the parcel is vacant. Mr. Beethem explained there are two accesses from Carey Road to his parcel that will be zoned Rural Character/Country Living. Mr. Beethem stated according to the map that was included in the mailing his parcel will be zoned Rural Character/Country Living and Agriculture and Forestry Management. Mr. McNeil and Mr. Kavanaugh agreed that there would not be a problem in having the parcel be zoned Agriculture and Forestry Management. Ms. Croft noted that the accesses are too narrow to build on and she does not have a problem with Agriculture and Forestry Management zoning. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval with the change of parcel #104-033-200-007-10, owned by Beethem Properties, to Agriculture and Forestry Management. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Eichhorn, Lyon, Churchill), 0 Nays, 1 Absent (Borowicz)

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to rezone the real property in the entire Plat of Restawhile, Benton Township, Cheboygan County, from Mixed Residential Development (D-MR), to Residential Development (D-RS) and real property in Benton Township described as follows; the southwest ¼ of the southeast ¼ section 30 T37N, R1E, and the northwest ¼ of the northeast ¼ lying northerly of Kasprzak Road, section 31, T37N, R1E from Mixed Residential Development (D-MR) to Agriculture and Forestry Management (M-AF).

Mr. McNeil explained the boundaries of the proposed area to be rezoned.

Mr. McNeil stated the current uses allowed in Mixed Residential that would also be allowed in Residential include one and two family dwellings, schools, libraries, municipal structures, home occupations, churches, day care, convalescent and nursing homes, marinas, multi-family housing, cemeteries, private clubs, private non-commercial recreation camps, parks, playgrounds, private storage, golf courses and other recreational facilities, state licensed residential facilities (six beds or less).

Mr. McNeil stated the uses allowed in Mixed Residential and not allowed in Residential include boarding and lodging houses, medical clinics and doctors offices, mobile home parks, grocery and party stores, automobile repair, entertainment establishments, restaurants, farms and agricultural operations.

Mr. McNeil stated uses not allowed in Mixed Residential but allowed in Residential include office of a physician or dentist residing on the premises.

Mr. McNeil stated the minimum lot size for a dwelling in Residential and Mixed Residential is 75ft. for the front and 12, 000sf in area. Mr. McNeil stated the setbacks for Residential and Mixed Residential are 30ft. for the front, 8ft. for the sides and 12ft.

for the rear.

Discussion was held regarding an office of a physician or dentist residing on the premises not being allowed in Mixed Residential but allowed in Residential. Discussion was held regarding medical clinics and doctors office being allowed in Mixed Residential but not allowed in Residential.

Ms. Croft asked for public comments. An audience member questioned if this rezoning will include property on the north side of US-23. Mr. McNeil stated the north side of US-23 is currently zoned Residential. The audience member asked if she can have animals. Mr. McNeil stated if there are animals now it is probably contrary to zoning requirements. Ms. Croft noted that north of US-23 is not being rezoned. Public comment closed.

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

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to rezone the following real property in Tuscarora Township, Cheboygan County, (Parcel Identification No. 161-036-300-001-13) from Mixed Residential Development (D-MR), to Rural Character/Country Living (D-RC) and rezone real property in the entire Woodland Ridge Estates in Tuscarora Township, Cheboygan County from Mixed Residential Development (D-MR) to Residential Development (D-RS).

Mr. McNeil explained the boundaries of the proposed area to be rezoned. Mr. McNeil stated there would be the same uses and changes in uses as recited earlier.

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

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

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to rezone the following real property in Nunda Township, Cheboygan County (Parcel Identification Nos. 251-026-100-002-00, 251-026-100-003-00, 251-026-100-003-01, 251-026-100-003-03, 251-026-100-003-05, 251-026-100-003-06, 251-026-100-005-00, 251-026-100-005-01, 251-026-100-006-00, 251-026-100-007-00, 251-026-100-008-00) and the entire Plat of Timberline Estates from Mixed Residential Development (D-MR), to Residential Development (D-RS).

Mr. McNeil explained the boundaries of the proposed area to be rezoned. Mr. McNeil noted the Natural Rivers Overlay would apply for any property within 500ft. of the Pigeon River.

Ms. Croft stated that Nunda Township has reviewed and approved this proposed rezoning.

Ms. Croft asked for public comments. Mr. Moore suggested that a metes and bounds description for the individual parcels be included. Mr. Moore stated these parcels could be split or combined in the future and the parcel numbers will no longer be valid. Mr. McNeil explained that this issue was discussed with Bryan Graham and he stated the current parcel number and the maps would be sufficient to establish the zoning district. Ms. Croft stated that she agrees with Mr. Moore. Mr. Freese suggested language that would include the parcel number and "any subdivision thereof in the future". Discussion was held. Mr. McNeil stated if the Planning Commission prefers to include legal descriptions he will include legal descriptions.

Motion by Mr. Freese, seconded by Mr. Eichhorn, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval after review by legal counsel regarding splits and combinations and if necessary adding metes and bounds descriptions. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Eichhorn, Lyon, Churchill), 0 Nays, 1 Absent (Borowicz)

UNFINISHED BUSINESS

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to add new zoning districts, Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) which encompasses generally property abutting North Straits Highway from approximately 690 feet north of Woodruff Street and proceeding south to Ranch Road, not including property between Mullet Lake and the DNR recreational trail.

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

Mr. McNeil reviewed a drawing and stated the Planning Commission requested a boundary line using the parcels on Straits Highway. Discussion was held.

Mr. Kavanaugh asked if Mr. Morgan has reviewed this change. Mr. Morgan stated yes. Mr. Morgan explained that he would like to see only the front portion of the parcels on Straits Highway to the south of the motel included in the rezoning. Mr. Morgan stated that he understands legal counsel has advised against this since the parcels would have two zoning classifications. Mr. Morgan stated that he does not agree with this as other parcels in the county may have two zoning classifications. Mr. McNeil stated that Bryan Graham's concern was that the remaining property within the Lake and Stream Protection District would represent a non-conforming size lot. Mr. McNeil stated he was going to recommend running the boundary along the bluff line and recognize natural features for reasonable development. Mr. Freese does not see any problems with Mr. McNeil's recommendation. Mr. McNeil stated he will develop a legal description and bring it back to the Planning Commission for review.

Mr. Morgan asked when the Planning Commission will review this proposed rezoning again. Ms. Croft stated at the next meeting. Mr. McNeil asked if the public hearing is still open. Ms. Croft stated yes the public hearing is open for the proposed rezoning and for the proposed sign amendment.

NEW BUSINESS

Ms. Croft reviewed a letter that was submitted from Mike Ridley regarding four parcels on M-68 that he would like the Planning Commission to consider rezoning from Lake and Stream Protection to Commercial. Mr. McNeil stated that the properties on M-68 are between where the Commercial zoning ends and up to the west side of I-75. Mr. McNeil stated he will be able to report the existing uses to the Planning Commission at the next meeting.

STAFF REPORT

Mr. McNeil stated the Planning Commission members have a memo regarding a proposed zoning ordinance amendment that addresses the timeframe for submission of special use permits. Mr. McNeil stated administrative review changes were discussed previously and the Planning Commission indicated that the 30 day comment period should be kept. Mr. McNeil stated the 30 day period was removed when the 14 day comment period was added for site plan review. Mr. McNeil stated he has recommended language that will re-establish the 30 day timeframe. Mr. McNeil stated he is also recommending 10 day comment period for agency review. Mr. McNeil stated this will be on the next agenda.

Mr. McNeil stated he is also asking that High Risk Erosion be repealed and be reviewed by the State due to state law.

Mr. McNeil stated he has a list of Michigan State University Planner's Moments DVD's which is an educational series. Mr. McNeil stated these DVD's are available for the Planning Commission members. Mr. McNeil also suggested that the Planning Commission review a DVD during one meeting each month. Discussion was held.

Mr. McNeil stated that Mr. Schnell will be at the next meeting to provide a report on the Visioning Sessions.

PLANNING COMMISSION COMMENTS

Mr. Freese stated he has a relative who is legally blind who utilizes the Straits Regional Ride. Mr. Freese stated this relative uses the Straits Regional Ride frequently and finds that she is the only one on the bus. Mr. Freese requested that his relative summarize all of her comments regarding the Straits Regional Ride and submit them to him. Mr. Freese stated the Straits Regional Ride is a much under used asset in the County and there may be ways for improvement. Discussion was held. Mr. McNeil suggested asking the manager of the Straits Regional Ride attend a Planning Commission meeting to discuss this issue.

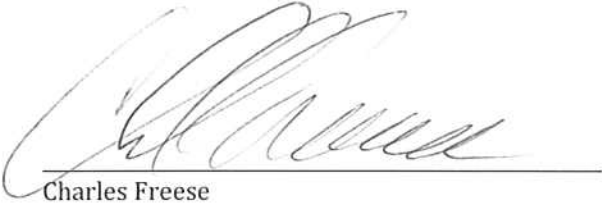
PUBLIC COMMENTS

Mr. Morgan stated someone has contacted him and would like to split off a piece of property that he purchased from the DNR. Mr. Morgan stated this would create a non-conforming parcel. Mr. Morgan asked if there is any way to appeal the non-conforming issue. Ms. Croft suggested selling the parcel to the other adjacent property owner. Ms. Croft stated the property owner could apply to the Zoning Board of Appeals for a variance. Mr. McNeil explained that this parcel would be unbuildable for a dwelling unless a variance was approved by the Zoning Board of Appeals. Mr. Freese stated the Zoning Board of Appeals reviewed a similar request and it was denied. Mr. Freese stated that if it is a self created problem it will not be approved. Discussion was held.

Mr. Matelski stated that the list of problems submitted by Mr. Freese's relative should also be provided to the Board of Commissioners for their review. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:05pm.

A handwritten signature in black ink, appearing to read 'Charles Freese', written over a horizontal line.

Charles Freese
Planning Commission Secretary