



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, SEPTEMBER 21, 2011 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Eichhorn, Lyon, Churchill
ABSENT: None
STAFF: Scott McNeil, Steve Schnell
GUESTS: John F. Brown, Bob Lyon, Russell Crawford, Jim Conboy, Bill Morgan, John Moore, Tony Matelski, Linda Socha, Benjamin Kolly, Dennis Dombroski

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

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The September 7, 2011 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

CITIZEN’S NATIONAL BANK – Requests a site plan review amendment to shorten McLean Lane and to eliminate the cul-de-sac. The property is located on Reiger Court and McLean Lane, Benton Twp., section 15, parcel #105-R46-000-001-00 through 105-R46-000-014-00 and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated a site plan was approved by the Planning Commission for this site in 2005. Mr. McNeil stated McLean Lane is located in the north portion of Ridgeview Country Estates which is a site condominium. Mr. McNeil stated that Citizen’s National Bank is proposing to shorten McLean Lane and to eliminate the cul-de-sac.

Mr. Conboy stated that Citizen’s National Bank is the successor developer and that they have the responsibility for completing the improvements that the previous developer did not complete. Mr. Conboy explained that asphaltting has been completed for the lane running north and south. Mr. Conboy stated asphaltting was not completed for the lane running east and west. Mr. Conboy stated many lots have been sold. Mr. Conboy stated the 30 acre parcel to the west was taken out of the condominium approximately one year ago under the provision that it was an extractable part of the site plan. Mr. Conboy stated due to the topography of the land and due to the location of the road and cul-de-sac being in a wooded area, the road will be expensive to complete. Mr. Conboy stated there would not be a lot of benefit if road and cul-de-sac were completed. Mr. Conboy stated he talked with Pat LaCross and John Scheele and negotiated this change if it is approved by the Planning Commission. Mr. Conboy stated that portion of the cul-de-sac that is not improved will be conveyed to John Scheele.

Mr. Kavanaugh asked if the main reason for eliminating the cul-de-sac is due to cost. Mr. Conboy stated yes. Ms. Lyon asked if the cul-de-sac begins at the edge of the 30 acres. Ms. Lyon asked if there will still be an easement to access the 30 acre parcel. Mr. Conboy stated yes and noted that John Scheele also owns lots 13 and 14. Mr. Ostwald asked if the road will be squared off if the cul-de-sac is removed. Mr. Conboy stated the proposal is to square the road off. Discussion was held. Mr. Kavanaugh asked if there would be a cost savings if the cul-de-sac is made smaller. Mr. Conboy said there would be a savings. Mr. Kavanaugh stated that Luke Houlton suggested putting a smaller cul-de-sac. Mr. Kavanaugh stated he is concerned about this decision being precedent setting. Mr. Conboy explained that this road will eventually go through and this will not be the end of the road as it is developed on the other 30 acres. Discussion was held.

Ms. Croft asked for public comments. There were no public comments.

Mr. Kavanaugh stated that he is concerned that this may set a precedent. Mr. Kavanaugh asked Mr. Conboy if any of the property owners have any concerns regarding eliminating the cul-de-sac. Mr. Conboy stated John Scheele initiated the conversation about eliminating the cul-de-sac. Mr. Freese questioned if the cul-de-sac could be moved without the property owners permission. Mr. Conboy stated none of these changes can be done without the approval of the Planning Commission and the approval of the condominium association. Mr. Eichhorn asked if an emergency vehicle can navigate the road without a cul-de-sac. Discussion was held that concerning the fact that an emergency vehicle would have to back up. Mr. McNeil stated he talked with Fire Chief Mike Charboneau who indicated that even with the cul-de-sac they would not be able to turn around.

Discussion was held regarding this decision by the Planning Commission being precedent setting. Mr. McNeil recommended including in the Findings of Fact that there is potential development with adjacent property. Mr. Borowicz and Mr. Kavanaugh agreed that this is a unique situation and should be noted in the Findings of Fact. Mr. Freese suggested adding to the General Findings that lots 12 and 13 have access from McLean Lane. Ms. Croft noted lots 13 and 14 and the 30 acre parcel to the west are owned by the same person.

Ms. Croft stated that the applicant is requesting a topography waiver. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to grant the topography waiver. Motion carried unanimously.

The Planning Commission reviewed the General Findings and added "Lots 12 and 13 have access from McLean Lane and lots 13 and 14 and the 30 acre parcel to the west are owned by the same person." as item 5. The Planning Commission reviewed Specific Findings of Fact Under Section 20.10. The Planning Commission agreed the Specific Findings of Fact Under Section 20.10 have been met. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the site plan review based on the revised General Findings and the Specific Findings of Fact Under Section 20.10 and subject to approval from the owners of lots 12, 13 and 14 and the condominium association in accordance with the by-laws. Motion carried unanimously.

BEN KOLLY – Requests a site plan review amendment for a medical clinic. The property is located at 3515 S. Straits Hwy., Tuscarora Twp., section 6, parcel #162-006-100-014-00 and is zoned Commercial Development (D-CM).

Mr. McNeil stated the applicant is proposing a medical clinic use. Mr. McNeil reviewed the site plan and noted the major changes to the site plan since 2009 are the addition and the parking lot. Mr. McNeil stated the parking standards for medical clinics are 4 parking spaces per examining room and 4 parking spaces for employees. Mr. McNeil stated that if this request is approved he recommends that the approval be subject to compliance with Health Department requirements, compliance with permit requirements relative to stormwater and compliance with zoning ordinance requirements for signage. Mr. McNeil noted that all of the medical clinic activity will take place in the portion of the property that is zoned Commercial Development.

Mr. Kavanaugh stated the Health Department has been working with Mr. Kolly.

Ms. Croft stated that the applicant is requesting a topography waiver. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver. Motion carried unanimously.

Ms. Croft asked for public comments. There were no public comments.

The Planning Commission reviewed the General Findings and Specific Findings of Fact Under Section 20.10. The Planning Commission agreed the Specific Findings of Fact Under Section 20.10 have been met.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Health Department approve the well and septic, stormwater is approved according to ordinance and signage is approved based on the zoning ordinance. Motion carried unanimously.

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 stated at the previous meeting there was a discussion regarding the boundaries of the proposed district with regards to the area of Oakpark Subdivision and the lots that front on Straits Highway and Patterson Avenue. Mr. McNeil stated the township and the residents expressed their concerns regarding having commercial uses at the top of the bluff. Mr. McNeil stated the Planning Commission requested a legal description that would reflect dividing the property along the bluff line. Mr. McNeil stated legal counsel had concerns about non-conforming lots being created in the area zoned Lake and Stream Protection. Mr. McNeil stated he has a recommendation that he believes will address all of these concerns. Mr. McNeil recommended creating an overlay district that would reflect the Residential Development zoning uses that there are currently on the other side of Patterson Avenue. Mr. McNeil stated the concerns of the township and the residents would be addressed by creating another overlay and assigning uses and lot sizes. Discussion was held regarding the boundaries of the proposed overlay district.

Mr. McNeil noted that the average distance from the right of way to the bluff is 75ft. Mr. McNeil stated he is recommending an area that is 75ft. in depth to be the east portion of the lots proposed to be in the Village Center. Mr. Kavanaugh noted that 75ft. is not a lot of room. Mr. Kavanaugh asked if there is a business on the front of one of the lots, would the property owner be able to use the back of the lot for the well, septic and parking. Mr. Kavanaugh stated that there is a requirement of 75ft. from the septic tank to the well and almost all uses are eliminated due to setbacks and isolation distances. Mr. McNeil stated this is a use that could be put into the overlay. Mr. Kavanaugh suggested indicating that the overlay district can be used for uses similar to the uses in the back. Mr. Borowicz stated the discussion was to not have the commercial uses adjacent to the residential area. Mr. McNeil stated the overlay district language could include uses from the Residential District and language to address utility uses of the commercial area. Mr. McNeil stated he will work on the draft language for the Planning Commission to review. Discussion was held.

Review of existing conditions regarding proposed rezoning from Lake and Stream Protection to Commercial for parcels on M-68 lying between M-27 and I-75.

Mr. McNeil reviewed an aerial photo and noted that the parcels outlined in green are the parcels that Tuscarora Township Supervisor Ridley requested be rezoned to Commercial. Mr. McNeil stated the parcels outlined in white indicate properties with commercial uses and are currently zoned Lake and Stream Protection. Mr. McNeil stated the area highlighted red is currently zoned Commercial. Mr. McNeil referred to a letter submitted by Supervisor Ridley and stated that someone was interested in putting a business on one of the parcels currently zoned Lake and Stream Protection and was not able to do so. Mr. McNeil stated he talked with the person and it was just a matter of timing requirements for a special use permit. Mr. McNeil reviewed existing commercial uses for the parcels currently zoned Lake and Stream Protection.

Mr. Freese stated he recommended rezoning this area to Commercial at the time the approval for McDonalds was granted. Mr. Freese stated that the uses in this area are commercial uses.

Draft amendment document relative to time frame for submission of a complete special use permit application and time frame for review by other agencies.

Mr. McNeil referred to the proposed amendment and noted that language changes are in bold. Mr. McNeil stated the Planning Commission desired to keep the 30 day comment period relative to special use permits. Mr. McNeil stated that when the timing requirement relative to site plan review was changed to 14 days, the 30 days requirement for special use permits was inadvertently removed. Mr. McNeil stated there would also be a 10 day time frame for review of special use permit applications by the Road Commission, Fire Department and Health Department.

Motion by Mr. Freese, seconded by Mr. Bartlett, to schedule a public hearing for October 19, 2011 at 7:000pm. Motion carried unanimously.

Draft ordinance amendment to repeal provisions relative to High Risk Erosion.

Mr. McNeil stated this item has been on the work plan for a while. Mr. McNeil stated the proposed amendment will repeal the provisions of the ordinance relative to High Risk Erosion and allow it to be administered by the state. Mr. McNeil stated this is also a recommendation by legal counsel as there could be takings issues if Cheboygan County is more restrictive than the statute. Mr. McNeil stated legal counsel has reviewed this document. Mr. McNeil stated the proposed amendment allows for some review relative to issues within the High Risk Erosion that comes before the Zoning Board of Appeals.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for October 19, 2011 at 7:00pm. Motion carried unanimously.

NEW BUSINESS

Visioning Sessions Update

Mr. Schnell stated the Visioning Sessions were held on August 29th and August 30th. Mr. Schnell stated there were many topics at each session such as broadband/communications, natural resources/environment, transportation, government, education/schools and alternative energy. Mr. Schnell provided a summary of the sessions to the Planning Commission members.

Mr. Schnell explained that the people who attended the Visioning Sessions set the agenda and the people who set the agenda items were the facilitators of the topics. Mr. Schnell stated there was very positive feedback and there was some negative feedback.

Mr. Schnell stated the summary is a copy of what was put the sheets at the meeting. Mr. Schnell stated he has supplied to the Planning Commission a draft of how those topics, based on public input, can translate into land use goals. Mr. Schnell stated one of the topics was minimizing government involvement in private property rights. Mr. Schnell stated that zoning minimizes government and maximizes the protection of people's property investments. Mr. Schnell explained that the Planning Commission has to consider how to include minimizing government in the Master Plan as a future land use goal. Mr. Schnell noted that the goal of the County is not to dissolve Planning and Zoning. Mr. Schnell asked the Planning Commission members to comment on what major topics they heard and any surprising and interesting discussions that were held.

Mr. Kavanaugh stated it was a tough process and there were a lot of ideas and special interests. Mr. Kavanaugh stated there were very few local working people who have children in school that attended the meeting. Mr. Kavanaugh stated that the Planning Commission will have to define specific topics and discuss at future work sessions. Mr. Kavanaugh stated that a lot of these topics the Planning Commission cannot control.

Ms. Lyon noted that many of the students decide what type of job they want based on where they plan to live. Discussion was held. Ms. Lyon stated if there was a better broadband there would be a lot of jobs that could be done locally instead of in a large city. Ms. Lyon stated maybe broadband should be included in the education topic. Discussion was held regarding broadband. Mr. Borowicz stated that broadband will never be available everywhere in the county. Mr. Bartlett stated that if we are waiting on broadband we are going to be waiting a long time.

Mr. Bartlett stated there was a larger segment that was not represented at these meeting and more will be gained by going to the individual township meetings. Mr. Bartlett stated that he believes these meetings were very one sided and it is not the fault of the facilitator. Mr. Bartlett stated that he does not believe that the people who attended the meetings were the typical Cheboygan resident. Mr. Freese and Mr. Kavanaugh noted that some of the people who attended the meetings were not residents of Cheboygan County.

Mr. Schnell stated the next step is talking to the youth. Mr. Schnell stated he will be meeting with the schools to discuss meeting with the junior/senior civics class and discuss these topics.

Ms. Lyon suggested a trade school such as the one that is currently in Gaylord. Ms. Lyons stated it could be affiliated with a four year school but be a two year program. Mr. Freese stated construction trades drive the economy and construction is down due to the economy. Discussion was held.

Mr. Schnell stated these topics will be taken to the advisory group and the townships and he will request will more input from them. Mr. Schnell stated that stakeholder groups can be formed, as the Planning Commission is working through this process, to request more information.

Mr. Schnell asked for the Planning Commission to determine the top two or three topics from the Vision Sessions. Discussion was held. Mr. Kavanaugh stated that each group thought that their topic had the most important issue so it is hard for the Planning Commission to determine. Discussion was held. The Planning Commission determined the main topics to be employment, natural resources and agriculture/forestry. Mr. Schnell stated he will schedule experts and stakeholders to attend future meetings and discuss these topics.

STAFF REPORT

Mr. McNeil stated feedback regarding fences from the lake associations has been distributed to the Planning Commission members. Mr. McNeil stated this was the second attempt at trying to get feedback. Mr. McNeil stated his memo provides an overview of the feedback. Mr. McNeil stated this topic will be on the next Planning Commission agenda. Discussion was held regarding there being a minimal amount of feedback from the lake associations.

Mr. McNeil stated he provided each Planning Commission member a list of Planner's Moments DVD. Mr. McNeil stated that he would like the Planning Commission to decide the top 4 or 5 topics. Mr. McNeil stated the Planner's Moments DVD's could be made part of the regular meeting.

Mr. Schnell stated he has reviewed all the waterfront variances that were approved in the past ten years. Mr. Schnell presented a map showing the locations of approved waterfront variances. Mr. Schnell stated many of the approved variances are in platted subdivisions. Mr. Schnell recommended using a percentage of the lot width instead of a specific number of feet for the side setback. Mr. Schnell stated this may eliminate the need for a variance in many cases while keeping an appropriate setback. Mr. Schnell stated he will be reviewing this topic more before making a recommendation to the Planning Commission. Mr. Schnell stated side setbacks will be addressed prior to addressing waterfront setbacks. Mr. Schnell stated another option would be to find the platted, historic subdivisions and make them a separate Lake and Stream district. Discussion was held.

Mr. Schnell stated the Sense of Place project is basically helping communities to market themselves and to bring more businesses to their area. Mr. Schnell stated proposals are being reviewed. Mr. Schnell stated one proposal has been selected and will be sent to the Board of Commissioners in the next weeks for approval.

Mr. Schnell stated the three new Planning Commission members and the Enforcement Officer will be attending Citizen Planner training.

Mr. Schnell stated FEMA flood maps will be available the first or second week of November. Mr. Schnell stated he is working with the DEQ to meet with the townships in January or February at the MTA meeting. Mr. Schnell stated the DEQ will inform the townships what the implications will be for their floodplain.

PLANNING COMMISSION COMMENTS

Ms. Croft asked for an update on the petition challenging the Medical Marijuana amendment. Mr. Schnell stated the language is official as there were not enough signatures to challenge the amendment. Discussion was held.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:34pm.



Charles Freese
Planning Commission Secretary