



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, NOVEMBER 16, 2011 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Eichhorn  
**ABSENT:** Churchill, Borowicz  
**STAFF:** Scott McNeil, Steve Schnell  
**GUESTS:** Bill Morgan Jr., Karen S. Morgan, Tony Matelski, Mike Ridley, Russell Crawford, Cheryl Crawford, Ed Slanec, Lauren Slanec, John Moore

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. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Eichhorn), 0 Nays, 2 Absent (Churchill, Borowicz)

### APPROVAL OF MINUTES

The October 19, 2011 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Eichhorn), 0 Nays, 2 Absent (Churchill, Borowicz)

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

### PUBLIC HEARING AND ACTION ON REQUESTS

An ordinance to amend Cheboygan County Zoning Ordinance No. 200 to rezone the following real property in Tuscarora Township, Cheboygan County identified by Parcel Identification Nos. 161-025-200-040-00, 161-025-200-026-01, 161-025-200-038-00, 161-025-200-044-00 161-025-200-042-00, 161-025-200-041-00 and 162-030-100-007-00 as of October 11, 2011 from Lake and Stream Protection District (P-LS), to Commercial Development District (D-CM).

Mr. McNeil presented a map showing the location of the parcels that would be rezoned from Lake and Stream Protection to Commercial Development. Mr. McNeil stated this rezoning is a request from Tuscarora Township. Mr. McNeil stated that parcel 3 and parcel 7 are currently vacant but have been used for commercial purposes in the past. Mr. McNeil referred to the map and explained the location of the parcels that are currently zoned Commercial Development. Mr. McNeil recommends that these parcels be rezoned from Lake and Stream Protection to Commercial Development based on Cheboygan County's Master Plan Tuscarora Township's Master Plan.

Ms. Croft stated that an e-mail was received from the Tuscarora Township Planning Commission stating that they have no issues with the proposed rezoning.

Ms. Croft asked for public comments. Mr. Ridley stated that he appreciates the Planning Commission reviewing this rezoning. Mr. Ridley explained that this rezoning is very important as a property owner has been unsuccessful in trying to rent his property. Public comment closed.

The Planning Commission agreed that this rezoning should have been done a long time ago. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward to the Board of Commissioners with a recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Eichhorn), 0 Nays, 2 Absent (Churchill, Borowicz)

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

Mr. McNeil stated there have been several public hearings on the proposed rezoning for Village Center Topinabee and Village Center Topinabee Overlay. Mr. McNeil presented a map and noted that the public hearing is being continued to further consider another overlay district which is titled Village Center Topinabee Residential Overlay. Mr. McNeil explained the location of the parcels that will fall within the Village Center Topinabee Residential Overlay District. Mr. McNeil stated this overlay district has been established to reflect residential uses that are also allowed across the street. Mr. McNeil noted that the minimum lot size is smaller in the Village Center Topinabee Residential Overlay District. Mr. McNeil stated this overlay district has been established to address property owners concerns that were discussed at previous meetings.

Ms. Croft asked for public comments. Ms. Slanec stated she owns property on the bluff that extends to the sidewalk. Ms. Slanec questioned if an adjacent property owner would be able to build a 35ft. high structure and block her view. Mr. McNeil stated it is possible that they could build a structure 35ft. high. Ms. Slanec asked why she should want commercial uses for the property in front. Mr. McNeil stated the township and the Planning Commission have reviewed this rezoning in order to allow commercial uses for a downtown atmosphere.

Ms. Slanec stated that she has questions that a friend would like her to ask the Planning Commission. Ms. Slanec asked if the proposed amendment is only being considered because of the Topinabee Development Association's (TDA) streetscape enhancement plan. Mr. McNeil stated no. Ms. Slanec asked if the TDA's improvements can be accomplished without this proposed change. Mr. Morgan stated yes. Ms. Slanec stated when this area was zoned Lake and Stream Protection; septic fields were required to be as far away from the lake as possible. Ms. Slanec asked where the new structures would be required to put their septic field. Mr. McNeil stated this amendment would not affect any of the requirements relative to septic systems or wells. Mr. Kavanaugh stated the minimum standard will still have to be met. Ms. Slanec stated that according to the table in Section 9 there are no front or side setback requirements (with the exception of detached and two family dwellings). Ms. Slanec stated a commercial building could be built in the Village Center Topinabee Residential Overlay District on the easterly 75ft. of the property up to the front lot line. Ms. Slanec asked if there will be any improvements as there is a ditch in front and the sidewalks are within the lot lines. Mr. Kavanaugh stated it will have to be improved. Ms. Slanec asked if the proposed amendment will be contingent on MDOT improvements or modifications to Straits Highway. Mr. Freese stated yes. Ms. Slanec asked if a petitioner will still have to present their request to the zoning board for approval or will they have to apply for a building permit. Mr. McNeil stated there are some uses that you would submit an application for a permit. Mr. McNeil stated most commercial uses will require a special use permit or site plan review by the Planning Commission. Ms. Slanec stated she is concerned about the 35ft. maximum height. Mr. Freese stated the 35ft. maximum height has not changed. Mr. Freese stated the 35ft. maximum height allowance has been in the ordinance and will continue to be in the ordinance. Ms. Slanec asked if the proposed amendments will have any effect on current or future property taxes. Mr. McNeil stated this is a question the assessor will have to answer.

Public comment closed.

Mr. Morgan stated the township has not received any more comments regarding the proposed amendments.

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

Mr. McNeil stated this amendment remains the same and noted that the most recent changes were in September.

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

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward both amendments to the Board of Commissioners with a recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Eichhorn), 0 Nays, 2 Absent (Churchill, Borowicz)

#### **UNFINISHED BUSINESS**

##### **Review of ZOA regarding truck terminal and warehouse uses in D-CM district**

Ms. Croft stated that the Planning Commission members received Mr. McNeil's memo but not the amendment. Mr. McNeil stated this can be tabled until the next meeting.

**NEW BUSINESS****Planner's Moments DVD**

The Planning Commission viewed a Planner's Moments DVD titled Farm Land Protection.

**STAFF REPORT**

Mr. McNeil distributed to the Planning Commission members an update from Steve Schnell regarding the Master Plan.

Mr. McNeil stated the High Risk Erosion amendment and the timeframe regarding the submission of special use permits were recently approved by the Board of Commissioners.

Mr. McNeil stated the 2012 Work Plan will be on the next Planning Commission agenda.

Mr. McNeil stated he will forward to the Planning Commission members a report and draft zoning amendment relative to small lots on lake front. Mr. McNeil stated this item will be on the next agenda.

**PLANNING COMMISSION COMMENTS**

Mr. Freese stated on Interlochen public radio there was a fundraiser and someone from Mullett Lake offered a challenge for \$1000 if 40 people called within a 1 hour period. Mr. Freese stated the announcer explained that Mullett Lake is a large lake near Mackinaw Bridge, part of the inland waterway which includes Burt Lake and Indian River and is east of Petoskey. Mr. Freese stated neither Cheboygan County nor the City of Cheboygan was mentioned. Discussion was held regarding Sense of Place. Mr. Freese stated comments were distributed to the Planning Commission from his cousin regarding this issue. Mr. McNeil stated hopefully the placemaking process and marketing plan will help. Discussion was held.

**PUBLIC COMMENTS**

Mr. Morgan thanked the Planning Commission for all of the extra work on the amendments for the Village Center Topinabee.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:40pm.



Charles Freese  
Planning Commission Secretary