

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
RECONVENED MEETING
September 16, 2009**

The reconvened meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Linda Socha at 8:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Socha, Makima, Redmond, Page, Wallace and Bolinger

ABSENT: Commissioner Mushlock (excused)

Commissioner Bolinger gave the invocation and Commissioner Wallace led the Pledge of Allegiance.

Motion by Commissioner Wallace, seconded by Commissioner Bolinger, to approve the agenda as presented. Motion carried with 6 yes, 0 no and 1 absent.

BRIEF CITIZENS COMMENTS – Keith Moore, Planning Commission member and school board member, addressed the Board. He said the rezoning of Pier 33 property issue has been well vented by the planning commission but in an uncoordinated matter. Lack of information caused a problem regarding a strip of lake and stream property. He said the commission wanted to follow all the rules and guidelines, but would like this board to look favorably on the most recently requested change to the proposed zoning amendment today. The change would be to narrow the 200 feet from the river's edge to 100 feet and was not included in the current proposed zoning ordinance amendment recommended by the Planning Commission and presented in the Commissioners' packets. Chairperson Socha said the board received packets on the planning commission's request, reconvened to act on the recommendation from the Planning Commission, and were not aware there has been another change from the information in the packet. . She requested a presentation by Community Development Director Steve Schnell and civil counsel at this time.

NEW BUSINESS

Mr. Schnell explained the request via a PowerPoint presentation. He said that the future land use map proposes all of this property be zoned commercial. The recommendation of the Planning Commission would leave a buffer along the river as lake and stream zoning. The immediate use for the property would be an assisted living facility. It was not discussed at the Planning Commission meeting, but the zoning ordinance currently requires a 50 ft buffer between lake & stream and commercially zoned property so there would be 250 ft requirement back from the water's edge. Given the desired size of the building and the lay of the land the 200 ft lake and stream buffer would not be possible, the set back from the water's edge would be 100 ft. Discussion held on approving a change that was not approved by the planning commission. Chairperson Socha said this board is adamant that they do not act on any matter that the board has not received all of the information prior to the meeting.

Civil Counsel Peter Wendling said the coordination problems were not caused by the Planning Commission. He said he found out yesterday of the narrowing of the 200 ft to 100 ft. He said if the board desires they could act upon what was recommended by the Planning Commission, and the applicant can take the newly proposed change back to the Planning Commission for approval. The steps could be expedited but should not be at the expense of the County. Mr. Wendling said notice was given to area residents. Chairperson Socha said the recommendation from the Planning Commission was a compromise between the applicant and the Planning Commission. Mr. Wendling explained that if the board turns down the recommendation from the Planning Commission, the process would have to be started over and could not commence for one year. Chairperson Socha said the Board of Commissioners has put a great amount money and time into assuring actions on planning and zoning matters are legal and in the best interest of the county. She said she is not against development.

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Motion by Commissioner Redmond, seconded by Commissioner Wallace, to adopt the following zoning ordinance amendment:

Zoning Ordinance Amendment #79
AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY
ZONING ORDINANCE #200.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

Section 1. Amendment of Section 3.9.1

The zoning map incorporated into the Cheboygan County Zoning Ordinance No. 200 by Section 3.9.1 is hereby amended to rezone the following described parcels from Agriculture/ Forestry Management (M-AF) and Lake and Stream Protection (P-LS) to Commercial Development (D-CM)

The property to be rezoned as Commercial Development (D-CM) is described as:

DESCRIPTION: CONDOMINIUM BOUNDARY

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 17, TOWN 37 NORTH RANGE 1 WEST, THENCE ALONG THE WEST LINE OF SAID SECTION NORTH 03° 06' 37" EAST A DISTANCE OF 148.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 03° 06' 37" EAST A DISTANCE OF 256.50 FEET ALONG THE WEST LINE OF SAID SECTION; THENCE SOUTH 84° 27' 42" EAST A DISTANCE OF 1395.62 FEET TO THE BANK OF CHEBOYGAN RIVER; THENCE SOUTH 01° 14' 48" EAST A DISTANCE OF 171.34 FEET; THENCE SOUTH 28° 46' 27" EAST A DISTANCE OF 203.38 FEET ALL BEING ALONG THE BANK OF THE CHEBOYGAN RIVER; THENCE LEAVING THE CHEBOYGAN RIVER NORTH 86° 58' 42" WEST A DISTANCE OF 200.00 FEET; THENCE SOUTH 14° 08' 23" WEST A DISTANCE OF 320.01 FEET; THENCE NORTH 86° 59' 44" WEST A DISTANCE OF 67.27 FEET; THENCE NORTH 14° 09' 14" EAST A DISTANCE OF 252.78 FEET; THENCE NORTH 86° 58' 42" WEST A DISTANCE OF 234.72 FEET; THENCE SOUTH 03° 01' 37" WEST A DISTANCE OF 249.17 FEET; THENCE NORTH 86° 57' 41" WEST A DISTANCE OF 200.00 FEET; THENCE SOUTH 15° 18' 14" EAST A DISTANCE OF 503.08 FEET TO THE BANK OF CHEBOYGAN RIVER; THENCE ALONG THE INTERMEDIATE TRAVERSE LINE NORTH 79° 43' 30" WEST A DISTANCE OF 336.95 FEET; THENCE SOUTH 02° 09' 53" WEST 85.67'; THENCE NORTH 86° 03' 50" WEST A DISTANCE OF 504.77 FEET; THENCE NORTH 01° 08' 07" WEST A DISTANCE OF 829.92 FEET; THENCE NORTH 86° 58' 42" WEST A DISTANCE OF 27.26 FEET; THENCE NORTH 03° 06' 37" EAST 148.50 FEET; THENCE NORTH 86° 58' 42" WEST 33.00 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE EASTERLY 200' OF THE NORTHERLY 350' AS MEASURED FROM THE ORDINARY HIGH WATER MARK, CONTAINING 26.96 ACRES OF LAND, MORE OR LESS. ALL BEING PART OF GOVERNMENT LOTS 4 & 5, SECTION 17, TOWN 37 NORTH, RANGE 1 WEST, INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN. PROPERTY EXTENDING TO THE CENTER THREAD OF THE CHEBOYGAN RIVER.

Section 2. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

Commissioner Page said he would like to hear from the applicant or area residents if they would like to speak. Socha said the PC went through the public hearing process and the entire process. A roll call vote was taken. Motion carried with 5 yes, 1 no (Commissioner Page) and 1 absent.

CITIZENS COMMENTS – Bud Darnell representing the Cheboygan Economic Development Group spoke regarding the limited number of opportunities such as this available due these economic times. He said the danger now is the developer may get the message that we really don't want her here. Construction workers in the county have not had work in a long times. This would not only put those workers to work, but also would provide over thirty some jobs in the community when the facility opens. Mr. Darnell said this is a very serious issue. Chairperson Socha said the citizens of the county appreciate Bud and his group and she understands the need for a streamlined planning and zoning process. She proposed possibly holding some type of a forum to address the process. Discussion held on the general planning and zoning process and if there is a flaw in the system.

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Delmar Porter, the applicant, pointed out the first step in the presentation was to meet with the Zoning Administrator and met numerous times with him. He said they provided all the information asked for and if they did fail to do their job they were poorly informed by the Zoning Administrator. He would like to know what can be done to make this work, not here's the next block. The county's plan zones the property commercial to the water but he was denied that.

Martin Eichenhorn, a builder and developer by trade, and an adjacent property owner spoke unfavorably of the zoning request and said if approved this would be in his backyard.

Keith Moore said zoning is a complicated issues and he appreciates Mr. Porter's frustrations and agrees with Chairperson Socha on some type of task force. He said if it is okay with the county board to use Mr. Wendling to help the Planning Commission he believes all the requests discussed today could be accommodated. Chairperson Socha asked Mr. Wendling if he would do that, he said he would. Commissioner Wallace said the county does want development, but to the benefit of the citizens, not at their expense. Chairperson Socha asked Steve to coordinate on this project and also on a larger scale. Mr. Schnell said involving Mr. Wendling in the initial process would work out great. Commissioner Page said the bottom line is the board approved the Planning Commission's recommendation and expedited the process. He said his major concern is that concerns from area residents are heard.

Bob Meden said his interpretation of the act is the Board did have authority to grant the change for the entire parcel. Chairperson Socha said it's important that the board gets all of the information before hand and the change is not what was anticipated today. Mr. Schnell said the ongoing struggle is what's good planning and what's legal. Good planning process is exactly what the Board is doing. He said he understands Mr. Porter's frustration, but there are delays many times. Assisted living right now is treated as a nursing care convalescent home. Jim Buck architect from Brady J. Butcher & Associates said Mr. Porter has done a great job on this project. He said these types of facilities are quiet and nice looking.

Motion by Commissioner Page, seconded by Commissioner Wallace, to adjourn to the call of the chair. Meeting adjourned at 10:02 a.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson