

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, SEPTEMBER 3, 2014 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchil, Jazdyk
ABSENT: None
STAFF: Scott McNeil
GUESTS: John F. Brown, Bob Lyon, Tony Matelski, Russell Crawford, Cheryl Crawford, Judy Ostwald

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

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The August 20, 2014 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

HEIDI G. DIRKSE/DIRKSE PROPERTIES LLC - Requests a Special Use Permit Amendment for an addition (30ft. x 40ft.) to a veterinary clinic (section 6.3.5). The property is located at 5668 South Straits Hwy, Tuscarora Twp., section 35, parcel #161-P66-000-006-00 and is zoned Commercial (D-CM).

Mr. Freese stated in keeping with legal counsel’s interpretation of conflict of interest he will recuse himself as Heidi Dirkse is his daughter.

Mr. McNeil stated a special use permit was approved in July of 2008 for a veterinary clinic which included kennels. Mr. McNeil stated the proposed site plan includes a new parking layout and a 30ft. x 40ft. building addition. Mr. McNeil stated he recommends Road Commission approval for the parking that is proposed in the right of way. Mr. McNeil stated the parking layout meets the dimension requirement and number of parking spaces will have to be determined as adequate by the Planning Commission as this use is not listed in the table of minimum parking requirements. Mr. McNeil stated other setbacks as required are maintained.

Ms. Dirkse stated this is an addition to add more lobby space, receiving and an exam room.

Mr. Freese stated the parking on the site plan is based on a human clinic which requires 4 parking spaces per exam room and 1 per employee. Mr. Freese stated that 18 parking spaces would be required based on a human clinic.

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

Ms. Lyon stated there is adequate parking. Mr. Kavanaugh stated that there have not been any complaints and the place is always clean.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the amendment to the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to approval from Cheboygan County Road

Commission and Department of Building Safety . Motion carried unanimously.

UNFINISHED BUSINESS

Review of proposed zoning ordinance amendment regarding setbacks from rivers, perennial streams, ponds or lakes in Mixed Residential Development, Agriculture and Forestry Management, Residential Development and Rural Character/Country Lining Zoning Districts.

Mr. McNeil referred to the proposed amendment dated 05/28/14 and noted that it names the area of the Lake and Stream Protection District and also provides for a 40ft. setback from any perennial stream, pond or river that would remain as shown on USGS map in the other zoning districts. Mr. McNeil asked if the Planning Commission still finds this proposed change acceptable. The Planning Commission agreed that it is acceptable. Mr. McNeil asked if the Planning Commission still finds it acceptable to not have setbacks for intermittent streams. Mr. McNeil noted that intermittent streams do serve as drains. Mr. Kavanaugh believes there should be some setback. Mr. Kavanaugh stated there was a vacant parcel in tower where someone put in a mobile home and there hadn't been any water in a very long time. Mr. Kavanaugh stated there was a huge runoff one day and the yard was gone and the drainfield was sitting on top of the ground with all of the stone gone. Mr. Kavanaugh stated this should be reviewed by the Planning and Zoning Department and it should not have to come to the Planning Commission. Mr. Kavanaugh stated we shouldn't allow someone to build in the middle of an intermittent stream. Mr. Kavanaugh stated the setbacks could be less and maybe the Soil Erosion Officer could look at each situation. Mr. Freese suggested eliminating the setback unless the Soil Erosion Officer finds setbacks necessary due to the topography and his knowledge of the soil conditions. Mr. Freese stated then the Soil Erosion Officer could then make a recommendation and it could be brought to the Planning Commission or Zoning Board of Appeals if there is any conflict. Mr. McNeil stated this may be covered under the Stormwater and Soil & Sedimentation Ordinance as it is written. Mr. Freese stated it is not covered in the zoning ordinance. Mr. Kavanaugh stated that this could also be reviewed by the Drain Commissioner. Mr. Kavanaugh stated this should be an administrative review that is quick and there should be guidelines. Mr. Jazdyk agreed that someone with knowledge should review each situation. Discussion was held. Mr. McNeil stated that as long as someone is overseeing the drainage needs, a setback is not needed from the intermittent streams. Mr. Kavanaugh and Mr. Freese agreed that it shouldn't just be anyone reviewing these situations and that it should be the Soil Erosion Officer. Mr. Kavanaugh and Mr. Freese asked Mr. McNeil to review this with the Soil Erosion Officer and draft the criteria that will be used for the Planning Commission to review.

Ms. Croft stated a memo from legal counsel was distributed. Ms. Croft stated a public hearing is scheduled for the next meeting. Mr. McNeil suggested postponing the public hearing. Discussion was held.

NEW BUSINESS

Mr. Freese asked for an update on the Straits Highway right of way issue. Ms. Croft asked if anyone talked with Mike Roper at the Road Commission. Mr. McNeil stated he will check with Mr. Schnell on this issue and the Upper Black River setbacks issue. Mr. Freese referred to the Upper Black River and Pigeon River and stated that he would like to know the setbacks on all of the other protected rivers that the state controls. Discussion was held. Ms. Lyon asked if there was any follow up on the warming of the stream. Mr. Kavanaugh stated that someone from the DNR should attend a Planning Commission meeting to answer questions. Mr. McNeil stated there is a new administrator for Natural Rivers in Gaylord and maybe he could attend a future Planning Commission meeting to answer questions.

STAFF REPORT

Mr. McNeil stated administration has I-pads for the Planning Commission members and Matt Hellens from the IT department is scheduled to be at the 09/17/14 meeting for a training session. Discussion was held.

PLANNING COMMISSION COMMENTS

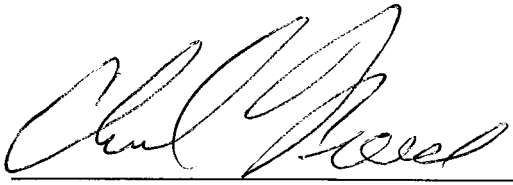
Mr. Jazdyk stated that after the Griswold Mountain request he believes there were three options. Mr. Jazdyk stated the applicant could change the proposal, change the location or Tuscarora Township could take over their own planning/zoning and approve the plan themselves. Mr. Jazdyk stated it was recently in the newspaper that Tuscarora Township is interested in taking over their own planning/zoning. Mr. Jazdyk stated he doesn't have a problem with this as it will be the planning and zoning closer to the people if the motives are clean. Mr. Jazdyk stated if the zoning is done by an elected official the people can go through the right means to get rid of him. Mr. Jazdyk stated citizens do not have a lot of redress if there is an unelected board. Mr. Jazdyk stated his concerns regarding Tuscarora Township putting together a citizen committee to review this topic. Discussion was held. Mr. Jazdyk stated he would be against this situation if this situation is backdoored for the Griswold Mountain deal.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:25pm.

A handwritten signature in cursive script, appearing to read "Charles Freese", written in black ink. The signature is positioned above a horizontal line.

Charles Freese
Planning Commission Secretary