



CHARLEVOIX COUNTY PLANNING COMMISSION

301 State Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Approved Meeting Minutes April 6, 2017

I. Call to Order

Chairman Draves called the meeting to order at 7 p.m. in the Commissioners' Room at the Charlevoix County Building.

Members present: Larry Levensgood, Ron Van Zee, Bob Draves, Michael Buttigieg, Patrick Howard, and Mike Webster

Members absent: Bob Tidmore (excused)

Others present: Kiersten Stark (Planning Coordinator), Ron Reinhardt (County Commissioner Liaison), Kevin Clements (Administrative Services Assistant), Danella Sherwood, Lee Sherwood, Todd Tarsi, Ranae Utley, Jim Skop, and others.

II. Pledge of Allegiance

The Planning Commission recited the Pledge of Allegiance.

III. Approval of Agenda

MOTION by Ron Van Zee to approve the tentative agenda as presented. Larry Levensgood seconded the motion. Voice vote: all in favor. Motion passed.

IV. Public Comments Unrelated to Agenda Items

None

V. County Business Items

Approval of Minutes of January 12, 2017 Meeting

MOTION by Michael Buttigieg to approve the minutes of the January 12, 2017 meeting as presented. Larry Levensgood seconded the motion. Voice vote: all in favor. Motion passed.

Correspondence and Communications

Kiersten reviewed the following correspondence and communications:

- Updated 2017 Planning Commission Membership List and Meeting Schedule
- 2017 Master Citizen Planner Webinar Series flyer

A webinar on Writing Parks and Recreation Plans will be held on Thursday, April 20. Bob Draves and Larry Levensgood would like to attend the webinar, and Ron Van Zee will let Kiersten know if he can attend.

- Notice of Intent to Plan from Antrim County

They plan to review and update their Master Plan and are requesting our cooperation and comments during this process.

- Letter from Ranae Utley (homeowner from Boyne Valley Township) regarding concerns with the proposed conditional rezoning of the Heartwood Mills property

Planning Commission Comments

Larry Levensgood- Attended the Michigan Townships Association (MTA) Elected Leaders Summit on January 30th in Boyne City. The program was on road construction repair and the economic feasibility of rebuilding vs. repairing roads. On February 3rd, Levensgood attended the Charlevoix Area Chamber of Commerce Meeting. On February 8th, he attended the Michigan Department of Environmental Quality (MDEQ) public hearing at the Hayes Township Hall regarding the proposed boat launch at Camp Seagull. Levensgood said he thought Hayes Township will receive a permit for the boat launch, based on the positive testimony at the hearing. Van Zee added that the permit may be for a scaled down version compared to what was originally planned. He noted there were a number of letters submitted to the DEQ that raised concerns over the project. Levensgood also reported that on March 27th, he attended the MTA monthly meeting at Charlevoix Township Hall. Barb Brooks from Boyne City gave a presentation about the dog park and a proposed new birding trail in the City. Levensgood was impressed with the dog park and how the city land is being utilized. He said dog parks have become popular and other communities in the area may follow suit.

Ron Van Zee- Agreed with Levensgood that the MDEQ will more than likely issue the permit for the proposed boat launch at Camp Seagull. He also reported that on April 10th, two (2) bid advertisements will be going out for road construction projects in Hayes Township. Van Zee mentioned the Hayes Township Board approved having two (2) families serve as camp hosts at Camp Seagull to greet guests when they arrive at the park. Van Zee also spoke about the potential expansion of the Fire Barn at the Hayes Township Hall. Van Zee said he's been busy attending MTA training sessions for local officials. He also plans on attending the annual MTA conference in Lansing for two days. Bay Township has been working on proposed text amendments to their zoning ordinance. The township has received many requests for parcel combinations. The Township is also considering text amendments to their zoning ordinance to allow accessory structures on vacant lots, especially in the Agricultural District. Van Zee added that Hayes Township also received an application for a special use permit for a high-tech dog

kennel located at the corner of Pincherry and Boyne City Road. The current owners are in the process of revamping the existing site and will offer long-term dog care.

Michael Buttigieg- Nothing to report at this time.

Patrick Howard- He informed the Planning Commission that Chandler Township is still looking for a Zoning Administrator. Patrick has been working with the Chandler Township Board to develop a capital purchase plan for modernizing the fire truck fleet at the Chandler Township Fire Department.

Michael Buttigieg- Made note that the Michigan Mountain Mayhem Bike Association received a bill from the Charlevoix County Sheriff's Office for traffic control at their event last fall, which was paid. He had provided a copy to Commissioner Reinhardt.

Mike Webster- He introduced himself to the Commission, as he is a new member. In the past, Mike served as the Melrose Township Supervisor and Clerk. He was involved in establishing the Melrose Township road millage, and was glad to see tax dollars at work for road improvements, especially when the countywide road millage was approved. He also attended the MTA Elected Leaders Summit and was impressed with all the local leaders that were in attendance. Webster also attended a workshop in Traverse City on regulating medical marijuana and learned about different facets of the new laws that allow five (5) different types of licensed facilities for the commercial growing and distributing of medical marijuana. Currently, Webster is working in real estate. He also provides quality assurance inspections for defense contractors, does metal fabrication work, and has a cottage maintenance business. He was pleased to be appointed to serve on the Planning Commission.

Bob Draves- He reported that a MDEQ permit was issued to a lakefront property owner on Lake Charlevoix in South Arm Township for beach sanding and a new structure in the greenbelt area, but the property owner did not seek a zoning permit from the township. Van Zee commented that the MDEQ permit should not have trumped the local zoning ordinance. Discussion took place regarding the fact that proposed projects along the lakeshore require a zoning permit in addition to a MDEQ permit, but property owners don't always realize they need both permits. Draves also reported that Burnette Foods in East Jordan needs to relocate to a different area for their effluent discharge. They've reached the maximum amount for the field they currently use. They will either have to find a new field or take the effluent to a wastewater treatment plant for discharge. Draves also reported that the Jordan Valley EMS (Emergency Medical Services) Authority had a problem with the engine in one of their ambulances, which wasn't covered under warranty. In the meantime, the EMS Authority purchased another ambulance and they hope to have it paid off in 2 years. Draves also mentioned that when he visited the City of New Orleans recently, they had huge sidewalks to accommodate bicycle use, and auto travel in the city was somewhat secondary. He also questioned, given that many people seem to obtain Census and demographic information about a community on the Internet via search engines, is it worth the cost to the County to have the Future Land Use Plan? Mike Webster commented that it's important for people to use reliable sources of information such as local government documents, and he often refers his real estate clients to the County website for information.

County Commissioner Comments

Commissioner Reinhardt attended the MTA Elected Leaders Summit and he also thought the

presentation on road construction and repair was very informative. The presentation on Boyne City's dog park at the MTA meeting in March was good as well. He said there was also heated discussion regarding the issue of township representation on the CCE-911 Board. Reinhardt also reported that EJ (East Jordan Iron Works) is in the process of relocating to Antrim County. They hope to be up and running in the new facility by Spring 2018 and to close the foundry in East Jordan by Fall 2018. Ron also updated the Planning Commission that the countywide road millage will not be spent in 2017, but will be in 2018 to perform work on Marion Center Road. Ron said he did have a chance to look over the bill/receipt from the Sheriff's Office to the Michigan Mountain Mayhem bike association for traffic control at their event last fall. Also, on Monday April 10th, the seasonal weight restrictions on the roads west of US-131 will be lifted starting at 8 AM.

Staff Comments

Kiersten reported on the following Planning Department activities since the last meeting:

- Boyne City to Charlevoix Trail project
 - **Phase 1**
 - Parks Director ordered 2 park benches to be placed along the trail, most likely in Young State Park
 - Began working on DNR grant reimbursement request
 - Considering options for permanent replacement of the temporary snow fence within the Boyne City limits
 - Has been discussion regarding trail maintenance as well as issues with vehicles on the trail
 - **Phase 2**
 - Trail construction scheduled from April through July 2017
 - County considered a grant funding opportunity through the Health Department, which was the "Building Healthy Communities – Greenspace Improvement Projects to Increase Physical Activity"; ultimately decided not to apply because, technically, we have funds in the Parks Department budget for Phase 2 of the trail, and the County would have been competing for funding with several townships and cities in our own county
 - **Phase 3**
 - Submitted grant applications to the Community Foundation and the DNR (MNRTF) for Phase 3 of the trail
 - Presented proposed plans to Road Commission – they agreed to be applicant for MDOT Transportation Alternatives Program grant on the County's behalf; they also reviewed and provided input on proposed trailhead plans
 - Still working on the plans for the proposed trailhead at Park of the Pines
 - Next steps:
 - Finalize conceptual plans for trailhead
 - Seek zoning approval from Bay Township for the trailhead
 - Have easement document drawn up for trailhead
 - Apply for grants in 2018
 - Construction of Phase 3 trail and trailhead planned for 2019
- Attended the monthly Parks Committee meetings
 - Parks Director implemented online campsite reservation system for Whiting Park

- Has been taking reservations for campsites and building rentals
- Parks Director and I gave a presentation on area trail efforts to the East Jordan Rotary Club in March; we will also meet with East Jordan City Commission & Downtown Development Authority this month to discuss trail efforts; City of East Jordan is interested in developing trails within the city and the surrounding area to connect to other communities
- County Board adopted a resolution supporting the concept of the Traverse City to Charlevoix Trail
- Parks Millage Appropriations
 - County received 14 applications for local park projects
 - Parks Millage Work Group reviewed the applications and made funding recommendations
 - County Board to review and make the final funding decisions this month
- Attended workshop on Regulating Medical Marijuana Facilities in February in Traverse City
 - Discussed existing federal and state laws and regulations, new state laws, how these apply to zoning, and provided sample ordinances
- Prepared materials for tonight's meeting

Update on Future Land Use Plan Draft

Kiersten reported that she had presented the Future Land Use Plan Draft to the County Board's Internal Government Committee and then the full board in February and received positive feedback. One of the Commissioners had some questions and concerns pertaining to farmland preservation. Kiersten said she wanted to give the Board more time to review the draft plan and she will meet with them again later this month to see if they have any more questions or concerns. At that time, she will request that the Board authorize the release of the draft plan to the local units of government and other agencies for a 63-day review period. Following the review period, the Planning Commission will need to hold a public hearing, make any necessary changes, and then adopt the plan. Then it will go to the County Board for final approval. Draves estimated around July or August for final completion of the plan.

Update on Farmland & Open Space Preservation Research (Ron Van Zee)

Ron Van Zee provided a handout to Commission members and Staff and summarized key points about developing a farmland and open space preservation ordinance, which was based on recent research by the Farmland & Open Space Preservation Committee. Members of the committee include Tim Matchett, Dave Skornia, and Commissioner Reinhardt. Van Zee emphasized that the language in the ordinance can be simplified. He said, in Grand Traverse County, Old Mission Township has an ordinance that could be used as a model for developing an ordinance in our county.

VI. Townships, Cities, MDEQ & Corps of Engineers Items

Boyne Valley Township Proposed Text Amendments & Conditional Rezoning

Kiersten said Boyne Valley Township is proposing text amendments to their zoning ordinance to permit sawmills as a special use in the Industrial District, and they're proposing to conditionally rezone property from Rural Residential to Industrial. The proposed conditional rezoning pertains

to Heartwood Mills, formerly known as Town & Country Cedar Homes Inc., located at 04740 Skop Rd. in Boyne Valley Township. The mill property is currently zoned Rural Residential (RR-1). The applicant is asking that it be conditionally rezoned to Industrial (I). The owner of the company could not get financing to purchase a new saw because the property is zoned Rural Residential (RR-1). For the applicant to be approved for financing, the property needs to be zoned Industrial (I). Heartwood Mills (applicant) has offered conditions on the rezoning. The conditions include limiting the permitted and special uses allowed, and adding "Sawmills and other mills" as a special use in the Industrial District.

Kiersten reviewed the Planning Department Staff Review on the proposed text amendments and conditional rezoning request. The Staff Review included a comparison of land uses allowed in the Rural Residential (RR-1) District, the Industrial (I) District, and the Industrial District with the offered conditions. The Staff Review also included a comparison of dimensional requirements, consideration of the existing land uses and zoning on the subject parcel and surrounding properties, the relationship to the Master Plan, and the soil types on the property. She said the Boyne Valley Township Planning Commission recommended approval of the conditional rezoning of the property. Kiersten said she thought it would be more appropriate for the property to be zoned Industrial than to continue as a nonconforming use in the Rural Residential district. She noted that the applicant has offered to place conditions on their rezoning request to help minimize potential negative effects from other industrial uses that could be established on the property in the future. She said a conditional rezoning is the best option because it would enable the applicant to continue their business, and at the same time, it would help to address the concerns of neighboring property owners. She commended the Township for their efforts in carefully considering the concerns of both the applicant and surrounding property owners throughout the process as they work toward a solution.

Chairman Draves opened the floor for public comment. Todd Tarsi who lives near the mill expressed concern with rezoning the property to Industrial. He is fine with the way the mill is currently operating, but is concerned that if the property is rezoned to Industrial, it could potentially lower his property value. He was also concerned that if the mill ever decided to sell the property, what could possibly go in next to his property?

Danella Sherwood also had concerns with rezoning the property to Industrial. It was her understanding that once this parcel is rezoned to Industrial, it will permanently stay this way. She asked for definitions of some of the uses that would be allowed in the Industrial District, including Government Buildings, Agricultural Service, and other mills. She also did not want to see this parcel someday turn into a freight/trucking terminal near her home. She also had concerns regarding safety for people (pedestrians and bicyclists) that use the road where the mill is located. Presently, Ms. Sherwood is ok with the mill in its current operation and the owner has been somewhat of a good neighbor, but she's worried about what the proposed Industrial classification could mean for the community. Lee Sherwood added that the area has a high water table, which poses limitations on the types of uses the soil can support. He also believes it's really not an Industrial area due to the surrounding neighborhood.

Jim Skop from Heartwood Mills said the mill didn't just pop up overnight and it's been in business since 1973. He said the mill received a grant back in the late 1990's, which involved bringing Skop Road up to Class A standards and a natural gas line was put in, which all of the houses in the surrounding area tapped into. Jim also expressed that all the homeowners who bought there knew that the mill already existed.

Lee Sherwood expressed that over the years the mill has slowly expanded into a larger operation and he's concerned if the mill is rezoned Industrial.

Levengood thought the mill was originally zoned Industrial under the County Zoning Ordinance in the early 1970's. The County Zoning Ordinance was struck down in a referendum vote by the citizens of the county in 1973. Levengood questioned why Boyne Valley Township never zoned the property Industrial to begin with. Chairman Draves suggested that the property may have been zoned Agricultural in the past. Commissioner Reinhardt commented that there has been a mill there for as long as he can remember. He also emphasized that sometimes people are scared about what may happen in the future because it's unknown. Kiersten noted that how a property is zoned can sometimes present a problem when the owner tries to get financing. She referred to a similar situation involving a proposed rezoning in Charlevoix Township, which the Planning Commission reviewed last fall. Kiersten said another consideration is that the mill is a business, which has an impact on the community. They employ people who live in the community. Webster asked, is it the government's responsibility to keep the mill in business? Further discussion took place regarding the surrounding property owners' concerns.

Ranae Utley questioned how the mill could be allowed to increase the nonconformity on the property. She thought the whole point of zoning was to phase out nonconformities, not extend them. Chairman Draves said that's the purpose of conditional rezoning. He said state law allows conditional rezoning as a legal remedy to resolve zoning issues such as nonconformities. Discussion took place regarding how the mill could have expanded their operation over time if they're a nonconforming use. It was noted this would have required permits as well as variances from the Zoning Board of Appeals.

Van Zee said the mill is a legal nonconforming saw mill. He emphasized that conditional rezoning is a benefit for everybody because it can take into consideration everyone's concerns. If the property remains Rural Residential and the mill goes away, so does the ability to have another mill there in the future. He also noted that the surrounding property owners did not seem to object to the mill itself. Rather, their concerns centered around other industrial uses that could be established on the property if it's rezoned to Industrial. Van Zee suggested that one way to help resolve this would be if all the uses allowed in the Industrial District on the subject property were special uses. That way, if another use is proposed in the future, the neighboring property owners would have an opportunity to voice their comments and concerns at a public hearing as part of the special use permit approval process. Further discussion took place.

MOTION by Ron Van Zee to recommend approval of the conditional rezoning request provided Boyne Valley Township considers making all the offered permitted uses special uses. Patrick Howard seconded the motion. Voice vote: Yeas 4 (Buttigieg, Van Zee, Howard, Draves) Nays 2 (Levengood, Webster). Motion passed.

MOTION by Larry Levengood to recommend approval of the proposed text amendments to allow sawmills as a special use in the Industrial District. Ron Van Zee seconded the motion. Voice vote: all in favor. Motion passed.

Webster complimented Ranae Utley on the letter she had written to the Planning Commission.

Bay Township Proposed Text Amendments

Kiersten said Bay Township is proposing to amend the provisions in their zoning ordinance to allow accessory dwelling units; currently, they are not allowed. The proposed amendments would allow accessory dwelling units within an existing dwelling or in an accessory building in the Agricultural, Residential, or Village Overlay Zoning Districts with site plan review and approval as well as a special use permit. Kiersten reviewed the Planning Department Staff Review, which showed the proposed text amendments in comparison to the current zoning language. In addition, the Staff Review identified some suggested changes to the proposed text. Kiersten noted that, in Section 4.7, the proposed text amendments are worded such that subsections c., d., e. and f. would be omitted. However, she said Van Zee had informed her just before tonight's meeting that the Township did not intend to omit these subsections. So, this correction will also need to be made.

MOTION by Patrick Howard to send the Planning Department Staff Review to Bay Township for their consideration. Michael Buttigieg seconded the motion. Voice vote: all in favor. Motion passed.

MDEQ Public Notice (Reid)

Commission members and Staff reviewed the MDEQ public notice for the permit application submitted by David Reid to construct a 220-foot long by 6-foot wide permanent open pile dock with one 18-foot and one 40-foot permanent finger docks, and seasonally place one 30-foot x 16-foot boatlift, two 8-foot x 4-foot personal watercraft lifts, and one 24-foot x 10-foot finger dock in Lake Charlevoix at his property located in Charlevoix Township.

Kiersten had provided a handout to Commission members, showing an aerial view of the property and the length of the proposed dock in relation to surrounding docks. Commission members considered the proposed project. Levensgood noted that when comparing the length of a proposed dock to other existing docks, it's important to consider the contour of the shoreline. A proposed dock may be longer than other existing docks around it, but the contour of the shoreline may be such that the dock doesn't extend much further out into the lake than other docks.

After further discussion, the Commission decided to make no comment on this application.

MDEQ Public Notice (Left)

Commission members and Staff reviewed the MDEQ public notice for the permit application submitted by Terry Left to dredge 16 cubic yards of material from a 440-square foot area at the bottom of West Twin Lake and place the same amount of a 50/50 mixture of sand and pea stone to create a swim area at his property in Marion Township.

After considering the proposed project, the Commission decided to make no comment on this application.

VII. Any Unfinished County Business

None

VIII. Adjournment

MOTION by Ron Van Zee to adjourn the meeting. Michael Buttigieg seconded the motion. Voice vote: all in favor. Motion passed.

Chairman Draves adjourned the meeting at 10:01 p.m.

Respectfully Submitted By,

Kiersten Stark
Planning Coordinator

KJS/kc