

PLANNING COMMISSION MINUTES

September 27, 2018

The Clam Lake Township Planning Commission Zoning Ordinance Work session commenced at 5:02 p.m. at the Clam Lake Township Hall located at 8809 E. M-115, Cadillac, MI 49601.

Planning Commissioners Present: Stoutenburg, Stahl, Wade, Morin, Flint

Planning Commissioners Absent: None

Planning Commission Staff Present: Zoning Administrator Warda

Others Present: Claire Karner, Beckett & Raeder

**ZONING ORDINANCE WORKSESSION**

Claire Karner from Beckett & Raeder did a PowerPoint presentation “Local Options for Waterfront Protection”. She referred to the “Michigan Shoreline Stewards” as a great water protection resource. Ms. Karner reviewed her September 27, 2018 document regarding Section 5.8 – Greenbelt as to proposed requirements; stating that currently there is a 50’ setback, except for boathouses and that the yard that abuts the water is considered the front yard. She added that we need to add a definition for “Greenbelt”.

Ms. Karner stated that Septic Inspection Ordinances are a hot topic in the State of Michigan. She said that Michigan is the only state without a septic code. She added that 17 communities have an ordinance for inspection upon transfer. Ms. Karner stated that heavy rain events can exacerbate failing septic infrastructure and a recent study found that 100% of inland lakes are compromised.

Rick Winkle of 419 Arbutus (Berry Lake) said he was hoping for a public sewer system around the lake. He said he built a house in the last 4 years on a double lot and had difficulty getting a septic permit. He said he would like to see for future opportunities to encourage rip-rap for sea walls, engineered natural and reduces erosion.

Vicki Long of 10840 Lockwood Dr. (Stone Ledge Lake) stated that you need seawalls at the point on Stone Ledge.

Martin Chapo of 515 Arbutus said he thinks it would be hard to sell if require septic inspections. He said he is concerned with substructures having to be removed due to setbacks.

Jennifer Mitchell of 833 Arbutus thanked the Planning Commission for calling the meeting. She said they have been talking sewer for 20 years. She said people want to be on a lake for the quality of the lake. She added that it is a tremendous responsibility to protect the lake. She suggested a tax break for septics at closing for inspection.

Mr. Chapo stated that he had lived on Lake Mitchell and had a special assessment for the sewer. He said people in Cherry Grove Township didn’t have to pay. He said he thought it was great to not worry about E. coli with the sewer.

Ms. Mitchell questioned how the fertilizer rule would be enforced.

Ms. Karner responded that it would be on the honor of the property owner and on receiving complaints. She suggested “Outreach and Education”.

Ms. Long asked about farms and their runoff.

Ms. Karner answered that it can’t be enforced in the Zoning Ordinance, she again mentioned education and outreach.

Zoning Administrator Warda also mentioned the “Right to Farm Act”.

Ms. Karner recommended a 25’ greenbelt area.

Chairperson Stoutenburg asked Claire if she proposes asphalt to be used for boat ramps, as it is a petroleum product.

Ms. Karner responded no, not in the water.

Chairperson Stoutenburg questioned allowing boathouses, especially if they block the view.

Ms. Karner stated that the Planning Commission can decided no boathouses if they want.

Mr. Chapo told of stories on Lake Mitchell where neighbors said decks & boathouses block their view & one resident cut off part of his deck that blocked the view to address the complaint.

Ms. Long stated that Stone Ledge Lake is private, that property owners have to pay dues to use the private boat launch.

Ms. Mitchell stated that if a neighbor builds a boathouse, it would block their view.

Mr. Winkle said he thinks there is a rule preventing tree planting as to view blockage.

Ms. Log suggested sending notice to the Lake Association for variance hearings.

Ms. Karner stated that the water protection is part of the larger Zoning Ordinance.

Discussion followed on wind turbines. Ms., Karner said she went to a recent conference on wind energy and that there is a new statewide ordinance that deals with the setbacks and noise.

Ms. Long as if there were any restrictions of parking commercial vehicles on one’s property. She stated there is a landscaper in their neighborhood that parks his landscaping equipment on his property.

Ms. Mitchell asked about the Septic Ordinance.

Ms. Karner responded that it would be a Police Power, not a Zoning Ordinance. She said the Planning Commission can spearhead and recommend to the Township Board.

Mr. Chapo asked regarding if a septic system was leaching into the water.

Ms. Karner responded that there are certified sanitarians and the inspections would be through the Health Department. She said that in Milton Township in Antrim County, that there has been only one septic failure since their 2008 adoption of a Septic Code.

Mr. Chapo stated that he thinks there should be well and septic tests to sell.

Motion by Member Flint supported by Member Wade to adjourn the work session.

YEAS: Stoutenburg, Stahl, Wade, Morin, Flint

NAYS: None

Motion carried.

Work session adjourned at 5:58 p.m.

The Clam Lake Township Planning Commission Zoning Regular Meeting was called to order by Chairperson Stoutenburg at 6:03 p.m. at the Clam Lake Township Hall located at 8809 E. M-115, Cadillac, MI 49601.

**ROLL CALL**

Stoutenburg – Present

Wade – Present

Flint – Present

Morin – Present

Stahl - Present

Planning Commissioners Present: Stoutenburg, Stahl, Wade, Flint, Morin

Planning Commissioners Absent: None

Planning Commission Staff Present: Zoning Administrator Warda

**APPROVAL OF MINUTES**

Motion by Member Wade seconded by Member Stahl to approve the August 23, 2018 minutes as presented.

YEA: Stoutenburg, Wade, Stahl, Flint, Morin

NAY: None

Motion carried.

**APPROVAL OF AGENDA**

Motion by Member Flint seconded by Member Wade to approve the agenda as presented.

YEA: Stoutenburg, Wade, Stahl, Flint, Morin

NAY: None

Motion carried.

**PUBLIC COMMENT:** None

**SCHEDULED PUBLIC HEARINGS:**

1. **Dollar General Special Use Permit/Site Plan Review – 2257 Sunnyside Drive**

Motion by Member Flint supported by Member Stahl to open the Public Hearing.

YEA: Stoutenburg, Wade, Stahl, Flint, Morin

NAY: None

Motion carried.

Jason Raleigh of AR Engineering stated that these are the same plans and provided a quick summery as the plans have been on hold for a while.

Pete Oleszczuk of Midwest V was present and stated that the Wayland Dollar General façade that he is proposing for the Cadillac Dollar General has a much softer look. He said they can’t do full transparent windows due to the way the fixtures, office and bathroom locations are.

Member Wade said the St, Ignace Dollar General had a porch.

Mr. Olezczuk responded that the St. Ignace location was an old grocery store, not proto typical. He said porches can be a nightmare with snow. He said he is here to work with the community, to make the community feel proud and thinks this design will fit well.

Jim Thomas of 7401 E M-115 said he was about a mile from the site and that he is totally for this store. He said there are already four restaurants in the area and three bait shops. He added that he forgets a lot of things at the store and the other Dollar General is three miles away.

Gary Finstrom of 6521 E 44 Rd stated he is a retired County Sheriff and is concerned about the traffic in that area.

Joe Homick of 7857 S 47 Rd said the Frosty Cup was an ideal location. He likes the idea of a Welcome Center. He said it is a high traffic area and to draw traffic, not congestion.

John Saari of 201 Iroquois said he was a former Cadillac Zoning Administrator. He said the Dollar General should be downtown and doesn’t like lakefront for a Dollar General.

Judy of 6310 E 44 Rd said her main concern was traffic. She said even the Frosty Cup had accidents. She said we are promoting tourism, and this is the gateway to our city. She doesn’t want to give the impression we are a discount town because we have a Dollar General. She said she likes the Welcome Center idea.

Pat McCormick of 546 Cherry Grove Ln said round-a-bouts would greatly impact the area. He said we should discourage any development in that area. He said that we should treat the area gingerly and do what is best for the community.

Motion by Member Flint, supported by Member Morin to close the Public Hearing.

YEA: Stoutenburg, Wade, Stahl, Flint, Morin

NAY: None

Motion carried.

Chairperson Stoutenburg said that most of the comments have been about traffic and that is an MDOT issue. He said he likes what is presented and that they have met the requirements.

Member Morin questioned the west elevation that was presented.

Mr. Oleszczuk responded that the Wayland elevation would be flipped, and the west can be the board & batten and the eat dark bronze metal.

Chairman Stoutenburg asked Mr. Oleszczuk if he had any issues with the list of conditions for the Special Use Permit.

Mr. Oleszcuk responded that he has no problem with the Special Use Permit Conditions.

Motion by Chairperson Stoutenburg supported by Member Flint to grant the Conditional Special Use Permit for the Dollar General at 2257 Sunnyside Dr subject to the following conditions:

* An acceptable façade. Wayland Elevation with westside cedar shake & east and south sides dark bronze metal.
* Exterior lighting fixtures to be “shoe box” style or shielded to shine down and not out (splash).
* Due to proximity of the lake and the wetlands and the granting of the variance on the parking requirements, snow to be trucked off-site.
* No outdoor merchandise displays. Propane tank and ice machine permitted.
* Shopping carts to be stored inside.
* Carboard recycling carts to be stored inside the building or in the screened dumpster enclosure.
* No outdoor trailer storage.
* One ground mounted sign not to exceed 24 sf and not higher than 4’ to be consistent with the City’s requirements as per the Corridor Study recommendations. One wall mounted sign permitted as shown on elevation detail.
* No product sale banners (i.e. pop, cigarettes, etc.). Dollar General may want to consider a changeable message board as part of their sign sf to list specials.

**ROLL CALL**

Stoutenburg – Yes

Wade – Yes

Flint – Yes

Morin – No

Stahl – No

Motion carried.

Motion by Member Stoutenburg supported by Member Wade to approve the Dollar General Site Plan as presented and to recommend the Site Plan to the Township Board for their consideration.

**ROLL CALL**

Stoutenburg – Yes

Wade – Yes

Flint – Yes

Morin – No

Stahl - No

Motion carried.

Member Wade stated that she understands that some of the public is upset, but the property is zoned properly, and the use is legal. She said the owners have a right to sell and we can’t tell them that they can’t sell.

Tim Wolak of 1907 Sunnyside stated that he didn’t think the Planning Commission listened to the citizens.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. **Discussion of Possible PC Meeting Date Change**

Discussion followed. The Planning Commission approved changing the meeting dates for 2019 to the 4th Tuesday at 6 p.m.

**OTHER BUSINESS:**

**ADMINISTRATIVE ITEMS:**

**ADJOURNMENT**

Motion by Chairperson Stoutenburg supported by Member Flint to adjourn the Planning Commission Meeting.

YEA: Stoutenburg, Wade, Stahl, Flint, Morin

NAY: None

Motion carried.

Meeting adjourned 6:48 p.m.

**Next Meeting – October 25, 2018 at 6:00 p.m., Zoning Workshop 5:00 p.m.**