



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JULY 18, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

1. **Cheboygan County** – Requests review of a capital improvement expenditure for a storage building. The property is located at 1536 Hackleburg Rd., Koehler Township, Section 8, parcel #172-008-200-001-02 and is zoned Agriculture & Forestry Management (M-AF).
2. **Lawrence Hanson and Heritage Cove Farm, Inc.** – The purpose of this meeting and public hearing is to hear comments about and consider findings under Section 18.7.e. as provided in the State of Michigan Court of Appeals unpublished Opinion dated January 16, 2018 being Docket No. 335159; 335206, Grandview Beach Association, Plaintiff/Appellant v County of Cheboygan and Cheboygan County Planning Commission, Defendants/Appellees and Heritage Cove Farm, Inc., Lawrence P. Hanson, Elizabeth A. Hanson, and Lib. Lib, LLC, Intervenors/Appellees.

The applicants have requested and received a Special Use Permit and approval based upon a submitted site plan and other evidence as part of the record, with such approval being appealed by Plaintiff/Appellant Grandview Beach Association. Remaining matters pursuant to the Michigan Court of Appeals is a determination under Cheboygan County Zoning Ordinance Section 18.7.e. which reads as follows: “The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.” The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Heritage Cove Farm requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

****Please note that Agenda Item 2 (Lawrence Hanson and Heritage Cove Farm, Inc.) is requested to be tabled to allow the applicant time to submit additional information.***

UNFINISHED BUSINESS

1. Proposed Zoning Ordinance Amendment Relating To Motor Vehicle Repair And Fuel Sales Uses

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION SPECIAL MEETING & PUBLIC HEARING TUESDAY, JUNE 26, 2018 AT 7:00 PM CHEBOYGAN HIGH SCHOOL AUDITORIUM, 801 W. LINCOLN AVE, CHEBOYGAN, MICHIGAN 49721

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Lyon
- ABSENT:** Churchill
- STAFF:** Michael Turisk
- GUESTS:** David J. Rossman, Rick Rassel, WWRP PC, Carl Muscott, Karen Johnson, Pat Monette, Marcia Monette, Joe Wildberg, Carol Ellstein, Kelly Rekowski, Ginger Stevens, John Liegl, Robbin Liegl, Chris Liegl, Jay Liegl, Allen Sell, Kathy Sell, John Kroeger, Pam Kroeger, Pam Lesperance, Jerry Lesperance, Thomas Mangum, Larry Lutz, Jill Lutz, Michael Monette, Gretchen Monette, Patty Campbell, Dave Campbell, Lawrence Hanson, Richard Lincoln, Sue Devick, Russell Crawford, Cheryl Crawford, Harry Ingleson, David Lurie, Betsy Hanson, Peter Wendling

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. Kavanaugh seconded by Mr. Bartlett, to approve the agenda as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Notice is given that the Cheboygan County Planning Commission will hold a public hearing on Tuesday, June 26, 2018 at 7:00 P.M. at the Cheboygan High School Auditorium, 801 W. Lincoln Ave., Cheboygan Michigan 49721. The purpose of this meeting and public hearing is to hear comments about and consider findings under Section 18.7.e. as provided in the State of Michigan Court of Appeals unpublished Opinion dated January 16, 2018 being Docket No. 335159; 335206, Grandview Beach Association, Plaintiff/Appellant v County of Cheboygan and Cheboygan County Planning Commission, Defendants/Appellees and Heritage Cove Farm, Inc., Lawrence P. Hanson, Elizabeth A. Hanson, and Lib.Lib, LLC, Intervenors/Appellees.

Lawrence Hanson and Heritage Cove Farm, Inc. – Applicants have requested and received a Special Use Permit and approval based upon a submitted site plan and other evidence as part of the record, with such approval being appealed by Plaintiff/Appellant Grandview Beach Association. Remaining matters pursuant to the Michigan Court of Appeals is a determination under Cheboygan County Zoning Ordinance Section 18.7.e. which reads as follows: “The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.” The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Mr. Wendling stated that the final decision regarding the Heritage Cove Farm application and site plan was made on January 6, 2016. Mr. Wendling stated that this matter has been appealed through the Circuit Court. Mr. Wendling stated that this matter has also been appealed to the Court of Appeals which upheld the decision of the Planning Commission and the Circuit Court. Mr. Wendling stated that is an issue that the Court of Appeals determined that is to be remanded and decided as an independent issue. Mr. Wendling stated that this involves one standard from Zoning Ordinance #200 which is section 18.7.e, “The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.” Mr. Wendling stated that the Planning Commission did make a finding regarding this standard. Mr. Wendling stated that the Planning Commission found that this standard, based on the evidence, had not been met. Mr. Wendling stated that the reason for finding the standard had not been met was due to the fact that there were no comments from any of the local law enforcement, ambulance or fire

agencies despite the fact that they were provided notice. Mr. Wendling stated that there were three public hearings regarding this matter. Mr. Wendling stated that this matter involved elements of the Federal Fair Housing Act, and American's With Disabilities Act. Mr. Wendling stated that there was the question of whether or not reasonable accommodations had to be made based upon the disabilities of those that would eventually occupy Heritage Cove Farm under this special use permit.

Mr. Wendling stated that the Planning Commission had to find if there was a disability involved. Mr. Wendling stated that the Planning Commission did find that there was a disability and this was not an issue for the Circuit Court and Court of Appeals. Mr. Wendling stated that the Court of Appeals noted that in this finding the Planning Commission stated "The Planning Commission finds that, if a special land-use permit were to be granted, such approval should be conditioned on the results of a police, fire, and ambulance impact study to determine whether this standard has been met by Applicant." Mr. Wendling stated that this finding was not used in the approval process and not made a condition of the special use permit. Mr. Wendling stated that condition 4 of the Findings of Fact did require that staff obtain written communication from emergency services, fire, police and ambulance. Mr. Wendling stated that these documents have been included in the packet. Mr. Wendling stated that this is not a complete review of the entire matter. Mr. Wendling stated there is a narrow focus on this particular standard. Mr. Wendling stated that this is not an opportunity to open up the other standards for discussion or change any of the conditions. Mr. Wendling stated there is a narrow item to look at based upon the Court of Appeals ruling. Mr. Wendling stated that if there is a burden it has to be an undue burden. Mr. Wendling stated that an undue burden would require more than a reasonable cost or is it modest or affirmative steps to accommodate the handicapped.

Mr. Wendling referred to page 10 of the Court of Appeals ruling and stated the actual modification was allowing Heritage Cove Farm to request police comment after the fact and to demonstrate that the requirements were met through a study. Mr. Wendling stated that footnote 8 states that it is unclear if the study has been conducted or whether Heritage Cove Farm has requested comment. Mr. Wendling stated that there is a difference in how the Court of Appeals reviewed this as the condition did not mean a study. Mr. Wendling stated that the condition required comments from law enforcement. Mr. Wendling stated that we received the ruling from the Court of Appeals and that is what we have to work from as well as the existing conditions.

Mr. Kavanaugh asked what is the impact of the Planning Commission's decision if it is not approved. Mr. Wendling stated that the Planning Commission has to decide if they have enough information to determine if there is an undue burden or whether the accommodation, even if there is some burden, is of the type that the Planning Commission is satisfied that the project can go forward given that all of the other findings have been approved.

Mr. Wendling recommended that the Planning Commission not make a decision tonight to allow time to review all information. Mr. Wendling stated that a second meeting will be set up and invite the applicant and Grand View Beach Association to provide their own draft finding of fact.

Mr. Rassel stated that he is legal counsel for Heritage Cove Farm and Larry and Betsy Hanson. Mr. Rassel stated the property owners are looking to develop Heritage Cove Farm as a residential community for 24 adults who will stay anywhere from 6 months to 2 years. Mr. Rassel thanked Mr. Wendling and noted that the introduction was very appropriate. Mr. Rassel referred to footnote a of the Court of Appeals which affirmed the Planning Commission's decision that this is a proper use under the special use permit standards and that the project fit perfectly within the special land use standards as it related to convalescent homes and cabin colonies. Mr. Rassel stated that he believes that the Planning Commission dealt with the first responder question appropriately during the first hearing process. Mr. Rassel stated that the notices of the application were sent on a regular basis throughout the application process and nothing was submitted to evidence that there were any concerns regarding the project. Mr. Rassel stated that in the absence of information, the Planning Commission made their final decision in January 2016 and the Circuit Court and Michigan Court of Appeals affirmed. Mr. Rassel stated at that time there was an absence of first responder information and today we have affirmative statements addressing section 18.7.8 and the impact or lack of impact of this project on the residents of Cheboygan County and on any increase in service capacity that would be realized by first responders. Mr. Rassel stated that we are here to determine whether Heritage Cove Farm, which is a 24 person residential community, will place demands on fire, police or other public resources in an excessive capacity or will they increase in hazards for fire and subject adjacent properties to dangerous conditions that can otherwise not be serviced by first responders. Mr. Rassel stated that the Court of Appeals directed that when the impact study is complete and comments from law enforcement listed, the Planning Commission must consider if there will be an increased burden beyond the current capacity under Section 18.7a and whether an increase, if any, must be allowed as a reasonable accommodation. Mr. Rassel stated that if the Planning Commission finds that there is some increase burden it would not necessarily merit denying the special use permit that has already been granted. Mr. Rassel stated that the ordinance requires that the increase burden will exceed current capacity in such a way to place the police chief, fire chief and ambulance director with a feeling of

uncomfortability about this project. Mr. Rassel stated that the Court of Appeals stated that this is not the same as requiring the applicant to demonstrate no increase in burden. Mr. Rassel stated that they contend that the record is clear that there is no burden being placed on Cheboygan County's first responder resources by this project. Mr. Rassel stated that if there is some burden it is a limited burden and would be reasonable under the circumstances as the residents of this community are disabled. Mr. Rassel stated that if there is any increased burden it is reasonable and necessary. Mr. Rassel stated that the definition from the Merriam Webster dictionary for the term study is "application of the mental faculties to the acquisition of knowledge on a specific subject" or "such application in a particular field or to a specific subject" or "careful or extended consideration of an issue". Mr. Rassel stated that we are looking at whether there will be a dramatic or severe increase in the burden on first responders in Cheboygan County. Mr. Rassel asked the Planning Commission to consider what is clearly in the record and what is not in the record. Mr. Rassel stated that what is clearly in the record and what was observed by the Circuit Court and Court of Appeals Heritage Cove Farm is a facility that is residential in nature and designed to provide residential psychiatric rehabilitation services for up to 24 adults with mental illnesses. Mr. Rassel stated that the residents have the capacity to work towards healing and living independently and are not known to use drugs or alcohol, be verbally or physically aggressive or be actively suicidal or harmful to others. Mr. Rassel stated that this is a screening commitment by Heritage Cove Farm was picked up and adopted by the Planning Commission, the Circuit Court and Court of Appeals. Mr. Rassel stated that if medications are required for any of the residents, the requirements would have to be adhered to.

Mr. Rassel stated that 24 people will reside in this residential setting at Heritage Cove Farm and each residence on the 33 acres amounts to a limited density on this property. Mr. Rassel stated that this was acknowledged by the Court of Appeals. Mr. Rassel stated that 33 single family homes could be permitted on this property. Mr. Rassel stated that based on the average family household size in the United States is 3.34 people per family. Mr. Rassel stated that an average of 120 persons could reside on this property without a special land use permit and without an impact study. Mr. Rassel stated that this is 100 person reduction in density. Mr. Rassel stated that the persons are no different than any other person who will reside on the property in a single family dwelling. Mr. Rassel stated that what is being proposed is a non-intensive use on a parcel of land that is intended for residential use and has been affirmed by all of the bodies that have reviewed this application. Mr. Rassel read from a letter dated 03/20/18 from Todd Ross, Road Patrol and Operations Supervisor for Cheboygan County Sheriff Department, "The Cheboygan County Sheriff Department is staffed 24/7/365 with both Road Patrol and Corrections Deputies. While the proposed site for Heritage Cove Farms falls within the borders of Tuscarora Township, which has its own 24/7/365 dedicated police department, The Cheboygan County Sheriff Department stands ready to assist should a request be received. At this time I do not believe that Heritage Cove Farm will place any hardship on, nor will it cause any burden for the Cheboygan County Sheriff Department." Mr. Rassel stated that there is no hardship or burden.

Mr. Rassel read from a letter dated 03/06/18 from Chief Gordon Temple, Tuscarora Township Police Department, "The Tuscarora Township Police Department always has officers on duty. I do not believe that any incidents (requiring police assistance) at Heritage Cove Farms would overwhelm our resources. Based on the stated purpose of Heritage Cove Farms, I do not anticipate it creating an undue hardship on my police department."

Mr. Rassel read from a letter dated 03/01/18 from Dave Carpenter, Tuscarora Township Volunteer Fire Chief, "You answered any questions I presented, and it was my opinion that Heritage Cove Farm would not impact our volunteer fire department beyond its capacity. After you and I spoke I did receive the application from the County and responded back telling them that I didn't see any major concerns regarding the fire department." Mr. Rassel referred to an email dated 05/23/18 from Dave Carpenter and read, "I don't see any major concerns regarding the Fire Department for the Heritage Cove Farm project."

Mr. Rassel read from a letter dated 03/07/18 from Dallas Hyde, Director of Cheboygan Life Support Systems Inc., "Based on my review and discussion with Betsy Hanson, the addition of these residents and the staff will not impose a burden beyond the current capacity of Cheboygan Life Support System."

Mr. Rassel stated that emergency services put on record any burden, any hardship or any capacity increase imposed on their resources that would cause them any concern and there answer is that there will be no impact.

Mr. Rassel stated that the first responders have answered the questions that the Planning Commission is to address tonight and he requests their findings be accepted. Mr. Rassel stated there was a suggestion that there was a slight increase in burden, however, he has not seen any supporting evidence to this effect and this could be based on a guess. Mr. Rassel stated that the residents of Heritage Cove Farm are entitled to be treated to a reasonable accommodation and then the Planning Commission would have to find under Section 18.7e that any increased burden would have to be an undue burden and put the public responders in a position to not service other members of the County while still having to service Heritage Cove Farm.

Mr. Rassel stated that this is for 24 residents on 33 acres in a residential community that has been affirmed by the Court of Appeals to be appropriate for this land use where 120 could live. Mr. Rassel stated the type of resident at Heritage Cove Farm is not an appropriate consideration. Mr. Rassel stated the use was approved by the Planning Commission, Circuit Court and Court of Appeals.

Mr. Rassel stated that we are here tonight to deal with whether 24 persons would impact this property and surrounding area in such a way that it would overwhelm the public resources. Mr. Rassel stated the answer to that question is an absolute no. Mr. Rassel noted that if there is any evidence that the Planning Commission might consider that would suggest any increase, the first responders have stated that they can handle it. Mr. Rassel stated that the essentials of the record by their absence were lacking before the Planning Commission in January 2016 and are affirmatively before you today. Mr. Rassel stated that there is no evidence that will overcome the professionals that have been asked to provide their opinions about what impact this benign land use will have on the ability to provide basic resources to the County.

Mr. Jazdyk stated that one of the exhibits talks about a police, fire and ambulance impact study. Mr. Jazdyk asked if this information is the study. Mr. Rassel stated that this constitutes the study as they can't illicit any more information than the opinions of those that are being asked the question. Discussion was held.

Ms. Croft asked for public comments.

Mr. Sell stated that he is fulltime resident of Cheboygan County and he resides at 4454 Long Point Drive in Mullett Township. Mr. Sell stated that he is a retired police sergeant from the City of Taylor. Mr. Sell stated that he attended a meeting two years ago to discuss pros and cons of Heritage Cove Farm project. Mr. Sell stated that he did not hear any consideration on the adverse effects that the development would be bringing to the general area. Mr. Sell stated that in the 1980's many homes were converted to handle 2 mentally challenged people per bedroom and explained that the residents would leave the property, prowl the neighborhood and trespass onto neighboring properties. Mr. Sell stated that he believes that Heritage Cove Farm will cause adverse effects to the general area. Mr. Sell stated that the residents will have immediate access to the trail, lake, I-75 and M-27. Mr. Sell stated that some of the issues that they ran in to in the 1980's were that there weren't skilled caretakers to take care of medications. Mr. Sell stated that there will be adverse effects to Tuscarora Township Police Department, Cheboygan County Sheriff Department and the Fire Department. Mr. Sell stated that these first responders will have to address injuries when the residents get into fights with one another. Mr. Sell stated that the first responders may also have to find these people in the wooded area in the dark. Mr. Sell stated that he does not know if the police chief, sheriff and fire chief have experience with this type of facility. Mr. Sell stated he has experience and there is a problem.

Mr. Pat Monette stated that they live next door to Larry and Betsy Hanson. Mr. Pat Monette stated four years ago Mrs. Hanson explained the proposed project to him and his wife. Mr. Pat Monette stated Mrs. Hanson explained that there would be scheduled activities during the day from 8am - 6pm and after 6pm until 8am the next morning the residents would be free to roam around at will. Mr. Pat Monette stated that statement horrified him as he is next door. Mr. Pat Monette explained that he and his wife would not be able to defend themselves. Mr. Pat Monette stated that this was approved by the Planning Commission. Mr. Pat Monette stated that the Planning Commission is responsible for these decisions and stated his concerns regarding someone getting hurt or killed in this neighborhood. Mr. Pat Monette stated that he has a rental unit that he can't rent any more. Mr. Pat Monette stated that this provides a significant amount of income to his family. Mr. Pat Monette stated that the Tuscarora Township Planning Commission had a meeting two years ago and they decided (5-0) to not support the Heritage Cove Farm project. Mr. Pat Monette stated that the Cheboygan County Planning Commission did not listen to the Tuscarora Township Planning Commission and they are supposed to be the representatives of Tuscarora Township. Mr. Pat Monette stated that the Planning Commission's decision should always be in the best interest of the safety and security of the people who live here.

Mr. Michael Monette stated his concerns about the multiple access points to water in the area and the obvious security issue of patient drowning either by accident or by suicide. Mr. Michael Monette question how the Planning Commission can ensure that the patient will stay on the property as patients are free to come and go as they please. Mr. Michael Monette stated his concerns that patients will hold their drugs and questions how first responders well stop the flood of drugs that will be sold illegally in Cheboygan. Mr. Michael Monette question how patients will be prevented from trespassing. Mr. Michael Monette questions how the Planning Commission will ensure the safety of property owners and the patient. Mr. Michael Monette questioned how the police will ensure the safety of everyone using the trail. Mr. Michael Monette stated that many of the residents of Grandview Beach are elderly and vulnerable. Mr. Michael Monette questioned how the safety of his family can be ensured. Mr. Michael Monette stated that he will be getting a gun for his personal safety if the Planning Commission passes this absurd variance.

Ms. Liegl stated that she is a permanent resident on Grandview Beach Road and she is concerned that the Road Commission has not been consulted regarding the undue demands. Ms. Liegl stated that this is a fragile road that comes into the cottages with only one entrance and one exit. Ms. Liegl stated that she was told that there is no concern about excess traffic but she sees a tremendous excess burden on current capacity of a resource. Ms. Liegl stated that the residents are supposed to be actively running a farm business and she believes that products (goat cheese) would attract traffic. Ms. Liegl questioned if

there will be parking for this farm business. Ms. Liegl stated that visitors (spouses, relatives, etc.) will be coming and going. Ms. Liegl stated that this is a major expense.

Mr. Lurie stated that he lives at 529 Grandview Beach Drive. Mr. Lurie stated that one of the most authoritative studies on schizophrenia and violent crime published in the Journal of the American Medical Association in 2009 concluded that "schizophrenia was associated with an increased risk of violent crime." Mr. Lurie stated that the residents of Grandview Beach have been accused in court of being hateful and bigoted towards adults with mental illness. Mr. Lurie stated this is untrue and we know factually that mentally ill adults, especially those with drug abuse problems, are significantly more likely to commit violent crimes. Mr. Lurie stated that Planning Commission members took an oath to uphold the Zoning Ordinance. Mr. Lurie stated that Section 1.2 of the Zoning Ordinance states "The purpose of this Ordinance is to promote and safeguard the public health, safety, morals and general welfare of the people of the unincorporated portions of Cheboygan County. Mr. Lurie stated that Section 1.2 also states that the Zoning Ordinance is intended, "to reduce hazards to life and property." Mr. Lurie stated that knowing that "schizophrenia is associated with an increased risk of violent crime, how will they safeguard health and safety and how will they reduce hazards to life and property. Mr. Lurie noted that two young men who were patients of Gould Farm have died within the past 8 years and one of the young man's family is suing the local medical facility and EMS company and its employees because they did not know how to handle the severely mentally ill patients. Mr. Lurie noted that in the second letter submitted by Tuscarora Township Police Chief Gordon Temple, he states in his second letter that the previous letter did not constitute any impact study. Mr. Lurie stated that Chief Temple also noted that the mental well-being is an unknown variable. Mr. Lurie stated if Chief Temple doesn't know about this burden, how can anyone else. Mr. Lurie stated that the developers have done nothing to demonstrate that there will be any safeguards on the health, safety or any attempt to reduce hazards in the more than 900 days since the Planning Commission provisionally approved the request. Mr. Lurie stated that perhaps the developer knows that the literature proves there is an increased risk of violent crime from those they intend to serve. Mr. Lurie stated that the only choice the Planning Commission has is to reject this application because it does not establish how the safeguarding of the residents and healthcare workers will be achieved. Mr. Lurie stated that he hopes and prays that the Planning Commission will uphold their oath.

Ms. Lutz stated that she has done a lot of research and all the other farms and their services that are available have not been promoted at Heritage Cove Farm. Ms. Lutz stated that Heritage Cove Farm has 24 clients. Ms. Lutz noted that no other farm has 24 clients even when they have over 100 acres of property. Ms. Lutz stated the distribution of concentration has been skewed. Ms. Lutz stated these clients are highly suicidal and all of the farms have open areas. Ms. Lutz stated that Heritage Cove Farm has a wooded area. Ms. Lutz stated the clients need the protection of the environment and they need open areas. Ms. Lutz stated that they should have access to a lake and they need constant supervision. Ms. Lutz stated that she would like to see this happen in this development.

Ms. Monette stated that she resides on property that directly abuts the Hanson property. Ms. Monette stated that her concern is that the 24 clients will be left on their own at night. Ms. Monette stated that the Disability Act is not meant to diminish the rights and privileges of the normal population, which includes the Grandview Beach community and all the residents along the bike trail, paths and roads that are adjacent to the Hanson's property from Topinabee to Cheboygan. Ms. Monette stated that the clients will be wandering around. Ms. Monette questions how the police will answer 24 worried and threatened residents when they are found wandering in the middle of the night. Ms. Monette stated her concerns regarding her safety.

Mr. Liegl stated that it seems reasonable that if something is called a study there should be one page that you could refer to rather than just an email. Mr. Liegl stated that he has a schizophrenic son that is on medicine and he has someone watching him 24/7. Mr. Liegl stated that if he doesn't take his medicine, he happens to walk away and follow little girls and a couple times he has been brought to the police station. Mr. Liegl stated that God speaks to his son and tells him what to do and occasionally he likes to sit in a cemetery. Mr. Liegl stated he did not know what his son would do if God told him to burn down the house. Mr. Liegl stated that these are things that the Planning Commission should consider.

Mr. Mangum stated that he owns 667 Grandview Beach Drive. Mr. Mangum stated that Mr. Rassel is trying to distract and the most important part of section 18.7e states that a special use shall not increase the hazards from fire or other dangers on the subject property or adjacent properties. Mr. Mangum stated an accommodation is not considered reasonable when it creates safety issues. Mr. Mangum provided two letters dated May 30 and it is the Planning Commission's duty to read the letters in full. Mr. Mangum stated that the letters provide plenty of studies and robust evidence that indicates patients with schizophrenia and bipolar are always more likely to engage in violent behavior compared to the general population. Mr. Mangum stated another study surfaced today on the record that is five pages with no name of the author and no date. Mr. Mangum stated that it is full of irrelevant data about gun violence and mass shootings to serve as more distraction. Mr. Mangum stated that the new study acknowledges the correlation between mental illness and increased violence, but focuses upon why such a correlation exists. Mr. Mangum stated that the proposed facility will increase hazards and therefore does

not meet the requirements of 18.7e. Mr. Lurie referred to the seventh paragraph of page one of the study (exhibit 17) and stated that the study suggests a link between mental illness and violence. Mr. Mangum referred to the second paragraph of page 2 of the study and stated research on the relationship between mental illness and violence shows that there are certain factors that may increase risks of violence among individuals with mental illness. Mr. Mangum stated that the report acknowledges the correlation, but justifies it and blames the increase in violence on alcohol, drugs, lack of social programs and untreated patients. Mr. Mangum stated that section 18.7e does not allow for exceptions. Mr. Mangum stated that the question is if the Planning Commission wants to do the right thing and enforce the Zoning Ordinance and possibly incur additional legal fees or does the Planning Commission want to lay awake at night and hope that the unthinkable doesn't happen because they ignored the evidence on the record. Mr. Mangum noted that Mr. Wendling stated his role is to provide the best advice to put the county in the best legal position, including that the taxpayers are not subject to legal jeopardy. Mr. Mangum stated that he is a taxpayer in Cheboygan County and he values everyone's life over the legal fees. Mr. Mangum stated that the approach is the same negligent thought process that caused the officials in Flint to be charged with manslaughter in connection with Flint's water crisis. Mr. Mangum asked the Planning Commission to read his letters and to revoke the application for failing to satisfy all the requirements of 18.7e.

Ms. Robin Leigl stated that she believes in the residents rights and her main concern is the road use. Ms. Robin Leigl stated that she would like for someone to go out to see how the road is configured and has concerns about a speeding police car or ambulance coming down the road. Ms. Robin Leigl asked that the Planning Commission check with the DNR and Army Corps of Engineers to make sure that the water runoff is safe for the ground water. Ms. Robin Leigl stated she would also like to know how many animals will be on the property.

Public comment closed.

Mr. Freese stated that many of his questions were answered tonight, but he has not been able to review all of the material that was added to the exhibit list tonight. Mr. Freese stated that there is enough information provided that establishes that people with schizophrenia or bipolar disease do pose an increased risk, however, if you look at the population of Cheboygan County which is approximately 26,000, and you look at 24 individuals on this site, they represent 0.000923% of the population of Cheboygan County. Mr. Freese stated that of the information presented as exhibits the study that he feels is most pertinent is titled Philosophical Transaction D, Violent Behavior Among People With Schizophrenia, A Framework For Causes And Effect, Effective Treatment And Prevention. Mr. Freese referred to page 2 of this study reaffirms that people with mental disabilities that they are more likely to commit violent crimes and provides statistics. Mr. Freese stated that this study indicates that men are 4.6 times as likely to commit a violent crime if they have schizophrenia or bipolar disease and that women are 23.2 times as likely to commit a violent crime if they have schizophrenia or bipolar disease as a member of the general public. Mr. Freese stated the average is 13.8. Mr. Freese stated that if you increase the likelihood of crime by 13.8 times based on the percentage of the population there is an increase in the crime rate in Cheboygan County by 1.3%. Mr. Freese asked if this is an undue burden on police, fire and other first responders in the county. Mr. Freese stated he does not know what undue burden is but he does know that the Cheboygan County population has decreased by 1,000 since the last census. Mr. Freese stated that this is 3.8% in lost population and therefore less crime than the increase caused by the 24 residents of Heritage Cove Farm assuming that they are all violent. Mr. Freese stated that the screening provided by Heritage Cove Farm will decrease this risk. Mr. Freese stated that the examples of violent crimes presented in the exhibits are anecdotal as they are drawn from the entire population of the United States and Canada articles and are presenting the worst case possible that could be found over a period of years. Mr. Freese referred to a pamphlet titled "Joint Statement Of The Department Of Housing And Urban Development And The Department of Justice, State And Local Land Use Laws And Practices In The Application Of The Fair Housing Act." Mr. Freese read item 5 on page 5, "Does the state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying the zoning or land use laws respecting housing? (answer) When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias." Mr. Freese stated that we can't say that there will be 24 people that have mental problems and because they have mental problems they will be a hazard to everyone in the area. Mr. Freese stated that it has been stated that the Planning Commission approved this request because they are afraid of a lawsuit. Mr. Freese stated that during 2016 he was certain that there was going to be a lawsuit whether it was approved or disapproved by one party or the other. Mr. Freese stated that his decision was not influenced by the fact that there may be a lawsuit. Mr. Freese stated that he has asked the Sheriff's Department to gather statistics on how many violent crimes have been committed in the county over a period of time. Mr. Freese stated that when he receives this information he will apply the 1.3% increase to that figure and he should be able to figure out how many more violent crimes there might be. Mr. Freese noted that by checking the state registry there are 19 registered sex offenders within 5 miles of these homes and 92 registered sex offenders within the Indian River zip code. Mr. Freese stated if the screening is done properly, these people

will not be in the Heritage Cove Farm population. Mr. Freese stated that he does not believe that the decision can be made tonight as the additional information has to be reviewed and he wants to get the crime statistics from the Sheriff's Department. Mr. Freese stated that he wants to apply the statistics that were provided by the people who are objecting to this application.

Mr. Kavanaugh agreed that a decision should not be made tonight as the Planning Commission needs more information. Mr. Kavanaugh stated that there should be a letter from the Road Commission. Mr. Kavanaugh stated that courts talked about the impact study and comments from law enforcement. Mr. Kavanaugh stated that comments were received from law enforcement, but the Planning Commission does not have an impact study. Mr. Kavanaugh stated that the Planning Commission needs more information on a possible security plan, admission plan and a letter from the Road Commission. Mr. Kavanaugh stated that the Planning Commission needs a chance to review comments as there are two parts to Section 18.7. Mr. Kavanaugh stated that one part is demands placed on fire, police, etc. and the other part is increasing hazards from fire and other dangers. Mr. Kavanaugh stated that the Planning Commission did not hear a lot from the applicant on the other hazards. Mr. Kavanaugh questioned if the information that Mr. Freese is requesting from the Sheriff will be adequate to make a projection. Mr. Kavanaugh stated that with this information he believes the Planning Commission can make a good decision.

Mr. Jazdyk stated that he has heard evidence from each side. Mr. Jazdyk stated that evidence was submitted regarding Gould Farm, problems created by people with different forms of mental illness, police letters and medical data. Mr. Jazdyk explained that the evidence he heard was not a comprehensive study. Mr. Jazdyk stated that it was not in the form of what he would consider for a study. Mr. Jazdyk stated that a study is based on what is reasonable and not everyone's small concern can be addressed in a study. Mr. Jazdyk stated that a study involves getting the right people together, which are the police, fire, key members of the community, etc. to discuss this particular project. Mr. Jazdyk stated that questions about routine care, perimeter security, emergency situations and evacuation situations can be addressed. Mr. Jazdyk stated that the emergency services should be involved so there is a discussion as to what will happen if a resident wanders off. Mr. Jazdyk stated that a group should put this information together, but on a limited timeline.

Mr. Bartlett stated that this will be a tremendous burden to staff. Mr. Bartlett stated that there are a lot of questions and he does not have the answers. Mr. Bartlett stated that he hopes Mr. Freese will ask the Sheriff what type of training the deputies have for this type of patient.

Mr. Freese stated that one of the exhibits indicated that 1 in 17 people in the general population have a mental problem. Mr. Freese stated that all police departments in the area have had experience with people with these types of problems. Mr. Freese stated that every one of the examples provided in the evidence indicated that the individuals involved were either not recognized as having mental problems in the first place or were off their medications.

Mr. Kavanaugh asked Mr. Wendling if it is reasonable to request a letter from the Road Commission, get people together to talk about an impact study, get a plan on security for the project and discuss the admission plan. Mr. Kavanaugh asked if the Planning Commission should wait until the next meeting to make a motion to request this information.

Mr. Freese stated that the pamphlet from the Department of Justice states that the residents are to be treated just like any other person.

Mr. Wendling stated that the Planning Commission is also able to consider all of the previous exhibits that were submitted which include some studies. Mr. Wendling stated that Mr. Freese is correct in his reference to the law. Mr. Wendling stated that a letter can be requested from the Road Commission and he hopes that they will be able to respond. Mr. Wendling stated he is not sure that there is any particular sales that will be ongoing on the site. Mr. Wendling stated that he does not recall that being presented as something that would occur, but if anything, it was a side business and may be sold at an off-site farmer's market. Mr. Wendling stated that traffic is based upon staff and visitors. Mr. Wendling stated that studies were presented by both sides in this packet. Mr. Wendling stated that the applicant can provide more information that would assist in that through our local law enforcement, fire and ambulance.

Ms. Croft if a motion should be made. Mr. Wendling stated that he recommends that the Planning Commission provide a minimum of two weeks to obtain this material and allow any more materials to come in. Mr. Wendling stated this will allow plenty of time before the meeting to be able to review the exhibits. Ms. Croft stated that the next Planning Commission meeting will be July 11, 2018 and there will be another meeting on July 18, 2018. Mr. Turisk stated that there is one application for the July 11, 2018 at this time. Mr. Wendling stated that July 18, 2018 will be a better date for this to be reviewed.

Ms. Croft and Mr. Wendling explained that the deadline for submitting any new information will be July 11, 2018. Mr. Kavanaugh asked Mr. Wendling if the crime statistics and letters will satisfy the requirement for the impact study. Mr. Wendling stated yes. Discussion was held.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that he provided each Planning Commission member with a copy of the draft solar array amendment.

PUBLIC COMMENTS

Mr. Mangum stated that he is surprised by that the minutes will not be recorded for this meeting. Ms. Croft explained that the minutes will be completed for this meeting and that the meeting is being recorded.

Mr. Rossman stated that there are 72 houses on Grandview Beach and it is primarily a beach community. Mr. Rossman stated that in the winter there is only about a dozen people (most of 60 years old and 3 over 90 years old) that live on the beach. Mr. Rossman stated that 24 people are twice as many that live by the beach six months out of the year. In the summer time there are three to four generations of families coming to this area.

An audience member asked that the Planning Commission not forget Section 18.7e consists of two requirements which are increased capacity and increased risk and both must be satisfied.

An audience member stated that she is a summer resident of Grandview Beach and she is concerned about the distance from Cheboygan and Indian River. The audience member stated that emergency services should make a trial run with their lights on in inclement weather to experience the hairpin turns and muddy turns on Grandview Beach. The audience member would like to know how fast they can respond. The audience member stated that it will be at least 5 minutes from Indian River and 15-20 minutes from Cheboygan. The audience member that a suicide attempt, drug overdose or injury may not have that amount of time.

Mr. Lesperance stated he owns property at 181 Grandview Beach and asked if Tuscarora Township is out of the equation or is it all in the Cheboygan County Planning Commission's hands. Mr. Lesperance asked if Cheboygan County talks to the police department and fire department in Tuscarora Township. Ms. Croft stated that we talk to the police department and fire department. Mr. Lesperance asked if the 21 units will have fire places. Ms. Hanson stated that they do not have anything right now. Ms. Hanson stated that some may have a gas fireplace. Discussion was held. Ms. Croft stated that the final plans have not been drawn.

An audience member asked how many animals will be kept and noted that this is farm property being put in a residential area on water that we drink. The audience member would like to consult with a watershed group. Mr. Freese stated that this was addressed in 2016 and this was a certified farm that is compliance with Michigan Agriculture Environmental Assurance Program. Discussion was held.

An audience member referred to the pamphlet that Mr. Freese presented and noted that he is missing a significant part that has to do with the least restrictive environment and that is a legal term. The audience member stated that someone who is functioning perfect can't be locked up or deprive them of what would normally be associated with living a citizen in a community. An audience member stated that depending on their impairment, for their own safety and for other's safety, they have to be provided what is appropriate and schools have done this since the 1970's. The audience member stated that the attorney was mixing his terms as he was talking about mental impairment and mental impairment is the degree of intelligence. The audience member noted that we are talking about emotional impairment. The audience member stated these people shouldn't be in this environment as they need more restrictions. Discussion was held.

Public comment closed.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:48pm.

Charles Freese
Planning Commission Secretary

DRAFT



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JULY 11, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk, Churchill
ABSENT: None
STAFF: Mike Turisk
GUESTS: Eric Boyd, John F. Brown, Carl Muscott, Bob Lyon, Roberta Matelski, Gary Dechape, Alicia Dechape, Andrew Makee, John Moore, Chad Stemple

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. Borowicz, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The June 20, 2018 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

The July 26, 2018 Planning Commission minutes were presented. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to table until the minutes can be reviewed and considered at the next meeting. Motion carried unanimously.

Motion by Mr. Freese, supported by Mr. Kavanaugh, to change the order of the agenda to move discussion of solar regulation to the first item on the agenda.

UNFINISHED BUSINESS

Review And Discussion Of Draft Zoning Ordinance Language For Solar Arrays

Mr. Freese reviewed the draft solar regulation paragraph by paragraph discussing each item. Changes in draft 5 were discussed and additional proposed changes received from solar contractors were discussed and either approved, modified or rejected and final regulation approved. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to send to legal counsel for review. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

Chad Stemple - Requests a Special Use Permit for a landscaping contractor’s yard, per Section 6.3.3. of the Zoning Ordinance. The property is located at 164 South Straits Highway, Tuscarora Twp., Section 1, Parcel #161-001-200-005-03, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).

Mr. Turisk reviewed the background information contained in the staff report covering the application.

Ms. Croft asked for public comments. Mr. Muscott expressed his approval of the business. He also indicated it would have desirable if the entire parcel could have been rezoned Commercial Development with the parcel to the south. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

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 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 with the following conditions:

1. Health Department approval of well and septic
2. MDOT approval of commercial driveway and signage
3. Soil and Sedimentation review
4. Contractor's yard to be confined to Commercial Development (D-CM) portion of the parcel
5. Use of the detailed site plan provided is to be considered the official site plan and not the general parcel description which was also furnished.

Motion carried unanimously.

Gary and Alicia Dechape/Therese Vuke - Requests a Site Plan Review for used car sales, per Section 6.2.2. of the Zoning Ordinance. The property is located at 5015 South Straits Highway, Tuscarora Twp., Section 36, Parcel #161-036-100-001-02, and is zoned Commercial Development (D-CM).

Mr. Turisk reviewed the background information contained in the staff report covering the application.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department approval for well and septic. Motion carried unanimously.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Turisk provided information on Citizen Planner training program proposed for August. He indicated the training was required by law for all Planning Commission members who have not already received it and that it might be beneficial review even for those who have already received the training. He indicated further information on scheduling and funding would be provided at a later date.

PLANNING COMMISSION COMMENTS

Several members made favorable comments on the solar regulation.

PUBLIC COMMENTS

Mr. Muscott thanked Mr. Freese for his work on the solar regulation. Mr. Muscott noted that Clinton County's solar regulation is only 4 pages.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:42pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Cheboygan County

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Staff Report (6 Pages)
4. Notice of Planning Commission Meeting (1 Page)
5. Mailing List (1 Page)
6. Site Plan (1 Page)
7. Email Dated 07/09/18 From Dave Carpenter, Tuscarora Township Fire Chief (1 Page)
- 8.
- 9.
- 10.

Note: Planning Commission members have exhibits 1 and 2.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

STAFF REPORT

Item: Capital Expense Review for an accessory storage building for the Cheboygan County Humane Society pursuant to section 125.3861(2) of Public Act 33 of 2008 (Planning Enabling Act).	Prepared by: Michael Turisk
Date: July 12, 2018	Expected Meeting Date: July 18, 2018

GENERAL INFORMATION

Requested Action: Approval of a Capital Expense Review pursuant to Section 125.3861(2) of Public Act 33 of 2008 for a detached storage building in an Agriculture and Forestry Management (M-AF) zoning district to serve the Cheboygan County Humane Society.

BACKGROUND INFORMATION

Cheboygan County seeks review and approval of a capital expenditure to construct a municipal structure, a 24 ft. x 32 ft. detached storage building (with lean-to) to serve the Cheboygan County Humane Society. The subject property is located at 1536 Hackleburg Road in Koehler Township and is under County ownership. County projects on County-owned properties are not subject to the Zoning Ordinance, although it is the County's goal to achieve compliance with applicable zoning requirements, as well as review of capital improvement projects as provided for by the *Planning Enabling Act* (Act 33 of 2008). Act 33 directs planning commissions to conduct capital expense reviews as required, and Section 61.2 requires planning commissions to review the location, character, and extent of the street, public way, open space, structure, or utility for capital expense projects prior to construction authorization or construction. Construction of the storage building is slated to begin late this summer.

Attached is the applicable section of Act 33 and an article that explains the role of planning commissioners in the review of capital expenditures. (Schindler, Kurt [2014] *The Forgotten Law: Planning Commission Review of Capital Expenditures*. Michigan State University Extension. Retrieved from:

http://msue.anr.msu.edu/news/the_forgotten_law_planning_commission_review_of_capital_expenditures)

Owner:

Cheboygan County

Current Zoning:

Agriculture and Forestry Management (M-AF)

Surrounding Land Uses:

Vacant State land is immediately north of Hackleburg Rd. and east and west of the subject property. Vacant land owned by Cheboygan Area Schools is adjacent and south.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, and floodplain): There are no known environmentally sensitive areas.

Historic buildings/features:

There are no historic buildings or historic features on this site.

Traffic Implications:

Traffic implications would be minimal due to the accessory nature of the storage use.

Parking:

There is no standard in Section 17.6 relative to the storage use except for employee parking requirements. The accessory nature of the use suggests that there exists adequate on-site parking.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties):

Access to the site is facilitated by an existing driveway from Hackleburg Road.

Signs:

No signs are proposed as part of this project.

Fence/Hedge/Buffer:

No other fence, hedge or buffer is proposed or required.

Lighting:

No exterior lighting proposed.

Stormwater management:

The structure would increase impervious surface on the subject property; however, it would not have significant impact upon stormwater management.

Review or permits from other government entities:

Building permit from the County's Department of Building Safety.

Public comments received:

None (as of this writing).



MICHIGAN LEGISLATURE

Michigan Compiled Laws Complete Through PA 204 of 2018
 House: Adjourned until Wednesday, July 25, 2018 10:00:00 AM
 Senate: Adjourned until Wednesday, July 25, 2018 10:00:00 AM

← NAVIGATE SECTIONS →

MCL Chapter Index



Chapter 125



Act 33 of 2008



33-2008-IV.



Section
125.3861



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Section 125.3861

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MICHIGAN PLANNING ENABLING ACT (EXCERPT) Act 33 of 2008

125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.

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[Committee Bill Records](#)
[Committee Meetings](#)
[Concurrent Resolutions](#)
[Initiatives/Alternative Measures](#)
[Joint Resolutions](#)
[Journals](#)
[Legislators](#)
[Public Act \(Signed Bills\)](#)
[Resolutions](#)
[Rules](#)
[Session Schedules](#)
[Search - Basic](#)
[Search - Advanced](#)

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[Executive Orders](#)
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Sec. 61.

(1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

(2) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of money by a county board, department, or agency for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission on the proposal have been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. However, work on the project may proceed if the planning commission fails to provide in writing its report and advice upon the proposal within 35 days after the proposal is filed with the planning commission. The

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planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

History: 2008, Act 33, Eff. Sept. 1, 2008

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The forgotten law: Planning Commission review of capital expenditures

When government proposes to buy land, buildings, renovate or build, the proposal should be reviewed by that government's planning commission first.

Posted on **April 21, 2014** by **Kurt H. Schindler**, Michigan State University Extension

Maybe the most forgotten part of the Michigan Planning Enabling Act – or the most ignored – is the requirement for the planning commission review of a government's proposed construction or purchase of a street, square, park, playground, public way, ground, other open space, new building, addition or other structure.

Following adoption of a master plan, section 61 of the Michigan Planning Enabling Act (MCL125.3861) requires a planning commission to review the "location, character, and extent of the street, public way, open space, structure, or utility..." before construction or authorization for construction begins (MCL 125.3861(1)).

The planning commission only has 35 days to act on the review. If it does not meet that deadline, work on the project may proceed without planning commission review.

"The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission" (MCL 125.3861(1)). The override vote is 2/3 of the entire membership in a township, or a majority of its membership in a city, village or county (MCL 125.3861(1) and (2)).

There are a number of reasons for this. Historically, this system was put in place for there to be another public review of major expenditure of public funds. This was in reaction to the Tammany Hall corruptions scandals near the turn of the century, when many public works projects were based on providing government construction contracts to "friends" rather than based on need or planned development of a community. The planning commission review, based on compliance with a master plan, was a reform intended to end that practice, and tie public works construction to a larger picture plans for the community.

Currently, a local government is not subject to its own zoning ordinance. Thus, a local government does not have to obtain a zoning permit from itself (Morrison et al. v. City of East Lansing, 255 Mich. App. 505 (2003)). The capital improvements (public works) review is one means for the planning commission to review and look at the same things what would otherwise be covered during the process of obtaining zoning approval.

The review by the planning commission should focus on if the proposed capital project/public works project is within the adopted master plan, or at least does not contravene the adopted master plan. The review with the master plan is to find if the project fits within the future direction for the community.

Each review comment made by a planning commission should be **specific**, and should include a **direct citation** to the chapter and verse of the master plan and working papers (e.g., page number, paragraph, or goal, objective, strategy enumeration). **If the concern or comment cannot be directly tied to such direct citations then the comment should not be made by the planning commission.**

You may frequently find that the master plan does not reference a particular project, or the plan is just not specific enough. In such cases, it is appropriate for the planning commission to respond to the request for review by saying something to the effect that “we have no comment.”

The Planning Act does not provide a clear definition of what is a capital improvement versus what is ongoing maintenance or minor work. Some governments or planning commissions have adopted policy which details when they will or will not review a capital improvement. For example, replacing a door in a building or other interior renovations might be something not reviewed. Routine replacement of patrol cars may not be subject to planning commission review. But items over a certain amount of dollars, any acquisition, addition or renovation of real property would need to undergo the review process. Policies are as varied as there are governments which have adopted such policies.

Michigan State University Extension has two resources to help guide a planning commission in conducting these reviews. First is Land Use Series: “Checklist #1K; Review of Infrastructure/Public Capital Expenditure.” This checklist walks through the steps and documentation needed to conduct the review. Second is Planning and Zoning*A*Syst. “#11: Capital Improvements Review.” The Planning and Zoning*A*Syst. is part of a series of materials found at web site <http://lu.msue.msu.edu/pamphlets.htm#audit> and at the MSU Extension book store (type “land use” in the search box). This series is designed to be a self-performance audit of a local government’s planning and zoning program. The materials ask leading questions to help a community evaluate the quality of their planning and zoning system.

Other articles on capital improvements:

- [Update your community’s Capital Improvement Program](#)
- [Balancing one year’s government budget is just the start to long-term fiscal sustainability, part one](#)
- [Prioritizing capital investments; capital improvement program: Part 2](#)
- [Financing capital investments; capital improvement program: Part 3](#)

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NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JULY 18, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

1. **Cheboygan County** – Requests a review of a capital improvement expenditure for a storage building. The property is located at 1536 Hackleburg Rd., Koehler Township, Section 8, parcel #172-008-200-001-02 and is zoned Agriculture & Forestry Management (M-AF).
2. **Lawrence Hanson and Heritage Cove Farm, Inc.** – The purpose of this meeting and public hearing is to hear comments about and consider findings under Section 18.7.e. as provided in the State of Michigan Court of Appeals unpublished Opinion dated January 16, 2018 being Docket No. 335159; 335206, Grandview Beach Association, Plaintiff/Appellant v County of Cheboygan and Cheboygan County Planning Commission, Defendants/Appellees and Heritage Cove Farm, Inc., Lawrence P. Hanson, Elizabeth A. Hanson, and Lib. Lib, LLC, Intervenors/Appellees.

The applicants have requested and received a Special Use Permit and approval based upon a submitted site plan and other evidence as part of the record, with such approval being appealed by Plaintiff/Appellant Grandview Beach Association. Remaining matters pursuant to the Michigan Court of Appeals is a determination under Cheboygan County Zoning Ordinance Section 18.7.e. which reads as follows: "The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties." The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).

Please note: Heritage Cove Farm requests that Cheboygan County make all reasonable and necessary accommodations under the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act of 1988 and the Michigan Persons with Disabilities Civil Rights Act with respect to the interpretation and application of the Cheboygan County Zoning Ordinance #200 such as to approve the Farm in all requested and required respects.

Please visit the Planning and Zoning office or visit our website to see the application and the associated drawings and documents. These documents may be viewed at www.cheboygancounty.net/planning/. Comments, questions, and correspondence may be sent to planning@cheboygancounty.net or Planning & Zoning Department, PO Box 70, 870 South Main St., Rm. 103, Cheboygan, MI 49721, or presented at the meeting.

172-008-200-001-03
Cheboygan Area School
PO Box 100
Cheboygan, MI 49721

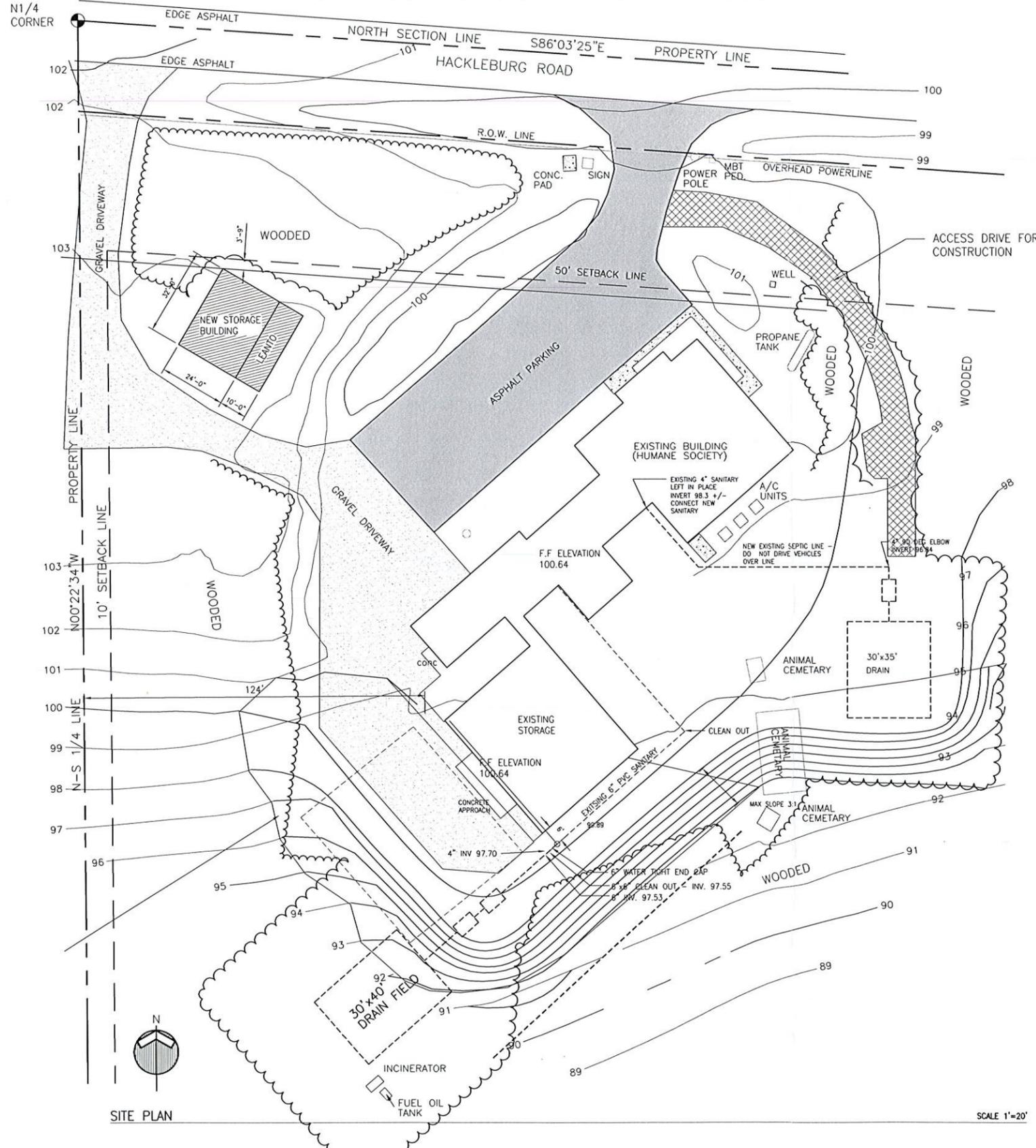
172-008-200-001-02
Cheboygan County
PO Box 70
Cheboygan, MI 49721

172-008-100-001-00
State of Michigan
PO Box 30448
Lansing, MI 48909

172-008-200-001-02
Occupant
1536 E Hackleburg Rd
Indian River, MI 49749

172-005-100-001-00
Occupant
783 E Hackleburg Rd
Indian River, MI 49749

PART OF THE NW1/4 OF THE NE1/4, SECTION 8, T35N, R1W, KOEHLER TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



SITE PLAN

SCALE 1"=20'

PRE-CONSTRUCTION SITE

- 10 YEAR STORM ZONE 3 = 3.04"
- SOIL TYPE = GROUP A

LAND USE:	ACRES	RCN	PRODUCT
OPEN SPACE	2.22	39	87
BUILDING	0.115	98	12
PAVEMENT	0.30	98	38
TOTAL	2.64		137
AVERAGE RCN = 52			

EXPECTED RUN OFF FROM TABLE 7-3 = .33'

VOLUME OF RUNOFF

.33/12 = .03 FEET

.33 X 115,003 SQFT = 37,950 CUFT

POST-CONSTRUCTION SITE

- 10 YEAR STORM ZONE 3 = 3.04"
- SOIL TYPE = GROUP A

LAND USE:	ACRES	RCN	PRODUCT
OPEN SPACE	2.20	39	87
BUILDING	0.21	98	21
PAVEMENT	0.39	98	38
TOTAL	2.64		149
AVERAGE RCN = 57			

EXPECTED RUN OFF FROM TABLE 7-3 = .33'

VOLUME OF RUNOFF

.33/12 = .37950 FEET

.33 X 115003 SQFT = 37,950 CUFT

ADDITIONAL WATER RETENTION REQUIRED:
NONE - SITE DRAINAGE UNCHANGED

PLEASE ALLOW FOR 3 FULL WORKING DAYS BEFORE YOU DIG - CALL THE MISS DIG SYSTEM AT 811 OR 800-482-7171.

Richard Clements Architect, PLLC
15213 Merry Lane
Oshtemo, MI 49759
richardc1523@live.com 989-370-3681

CHEBOYGAN COUNTY ANIMAL SHELTER-ADDITION
1536 HACKLEBURG ROAD
CHEBOYGAN, MICHIGAN

rev: June 29, 2018	
rev: August 29, 2017	
rev: August 21, 2017	
rev: August 9, 2017	

date: August 1, 2017	sheet:
project: 1419	C1.0
SITE PLAN	copyright © 2018

Deborah Tomlinson

From: Dave Carpenter <dpcarpenter@voyager.net>
Sent: Monday, July 09, 2018 1:59 PM
To: Deborah Tomlinson
Subject: Re: 07/18/18 Planning Commission Meeting

Hi DEB,

I don't see any major concerns in regards to the Fire Department for the Cheboygan County Animal Shelter project. If you have any questions please feel free to contact me at my office.

Respectfully,

David Carpenter
Fire Chief

From: Deborah Tomlinson
Sent: Friday, July 06, 2018 7:57 AM
To: David Carpenter (dpcarpenter@voyager.net)
Subject: 07/18/18 Planning Commission Meeting

Good morning Dave,

The following is a link to the Cheboygan County Animal Shelter site plan for a new pole building that will be reviewed at the 07/18/18 Planning Commission meeting: [Cheboygan County](#). Please review and email me if you have any comments regarding this site plan. Thank you!! ☺

Debbie

Debbie Tomlinson
Cheboygan County
Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net

CHEBOYGAN COUNTY PLANNING COMMISSION
REVIEW OF CAPITAL IMPROVEMENT EXPENDITURE
Wednesday, July 18, 2018, 7:00 PM

Applicant

Cheboygan County
P.O. Box 70
Cheboygan, MI 49721

Owner

Cheboygan County
P.O. Box 70
Cheboygan, MI 49721

Parcel

1536 Hackleburg Rd.
Koehler Township
Code #171-008-200-001-01

GENERAL FINDINGS

1. Applicant is seeking review and approval of capital improvement expenditure under section 125.3861(2) of Public Act 33 of 2008 for a detached storage building and lean-to for an animal control facility.
2. The applicant, Cheboygan County, is also the zoning authority for the subject parcel.
3. Cheboygan County owns the building and the subject parcel.
4. Cheboygan County has a contract with the Cheboygan County Humane Society, a Michigan 501(c)3 private non-profit agency, for use of the subject animal control facility and to provide animal control services including enforcement of County ordinance(s) and other related services.
5. The subject property is zoned Agricultural and Forestry Management District (M-AF).
6. The applicant has submitted a site plan for the proposed storage building.
7. The Planning Commission has been provided a project summary.
- 8.
- 9.

SPECIFIC FINDINGS

The Planning Commission makes the following findings relative to the review of the capital improvement expenditure:

- a. The property subject is located in a zoning district in which the land use is allowed.
 1. The subject site is located in an Agricultural and Forestry Management District (M-AF) (see Exhibit 3).
 2. Municipal uses are allowed in an M-AF zoning district with a special use permit.
 - 3.
 4. Standard has been met.Or
 - 1.
 2. Standard has not been met.
- b. The use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
 1. The site is currently used as an animal control facility.
 2. The proposed use will involve uses related to animal control.
 3. The proposed use will not create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
 - 4.
 5. Standard has been metOr
 - 1.
 2. Standard has not been met.
- c. The use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private

highway or seen from any adjoining land owned by another person.

1. The proposed addition and special use is related to an existing facility owned by Cheboygan County and used as an animal control facility.
2. There is a large amount of vacant land surrounding the subject facility.
3. The proposed addition would not create a substantially negative impact on other conforming properties in the area.
- 4.
5. Standard has been met.

Or

- 1.
2. Standard has not been met.

- d. The use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
 1. The proposed site plan provides for dimensions and location of the storage building for the current use as an animal control facility. (see Exhibit 6).
 2. The application for the proposed storage building provides for operation and maintenance so as not to diminish the opportunity for surrounding properties to be used and developed as zoned (see exhibit 1)
 - 3.Or
 1. .
 - 2.
 3. Standard has not been met.
- e. The use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
 1. The proposed storage building is related to an existing facility owned by Cheboygan County.
 2. There will not be demands placed on fire, police or other public resources in excess of current capacity not increase hazards from fire or other dangers to the subject property or adjacent properties.
 - 3.
 - 4.
 5. Standard has been met.Or
 - 1.
- f. The use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
 1. The proposed site plan provides for dimensions and location of an accessory storage building to an existing facility for the current use as an animal control facility (see Exhibit 6).
 2. The proposed storage building would not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity.
 3. The proposed use has adequate access to the site via Hackleburg Road which is County Local Road.Or
 - 1.
 - 2.
 3. Standard has not been met.
- g. The use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
 1. The facility has adequate water and sewer facilities and refuse collection.

- 2.
3. Standard has been met.

Or.

- 1.
2. Standard has not been met.

- h. The use will comply with all specific standards required under this Ordinance applicable to it.
 1. The site plan indicates that setback requirements are met.
 2. .
 3. The storage building would comply with all specific standards required under this Ordinance applicable to it.
 - 4.
 5. Standard has been metOr
 - 1.
 2. Standard has not been met.
- i. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 1. The site plan and proposed storage building is designed so that there is a limited amount of change in the overall natural contours of the site and reshaping is minimized (see Exhibit 6).
 2. The site plan provides for a storage building so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - 3.
 4. Standard has been met.Or
 - 1.
- j. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 1. The site plan provides for limited soil removal and preserving the site in its natural state insofar as practical.
 - 2.
 3. Standard has been met.Or
 - 1.
 2. Standard has not been met.
- k. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 1. Removal of storm waters will not adversely affect neighboring properties.
 - 2.
 3. Standard has been met.Or
 - 1
 2. Standard has not been met.
- l. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

1. Not applicable
 - 2.
- m. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
1. The site plan provides access by a practical means via Hackleburg Road.
 2. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- n. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
1. The site plan provides access by a practical means via Hackleburg Road (see Exhibit 6).
 - 2.
 3. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- o. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies
1. Per the submitted plan. exterior lighting is not proposed (see Exhibit 6).
 2. The exterior lighting shall be arranged so they are deflected away from adjacent properties, will not impede the vision of traffic along adjacent streets and will not unnecessarily illuminate night skies.
- p. The project is consistent with the Cheboygan County Master Plan and any other adopted plans.
1. The proposed storage building for the existing animal control facility does not contravene the Cheboygan County Master Plan.
 2. Parking as provided on the site plan is deemed adequate.
 - 3.
 4. Standard has been met.
- Or.
1. The amount of parking spaces provided on the site plan is not deemed adequate.
 2. The proposed addition to the existing animal control facility contravenes the Cheboygan County Master Plan relative to _____.
 - 3.
 4. Standard has not been met.

REPORT

The Planning Commission finds that the proposed location and extent of the proposed storage building for the existing animal control facility meets all applicable standards, and the Planning Commission further finds the location and extent of the proposed storage building for the existing animal control facility does not contravene the Cheboygan County Master Plan.

The Planning Commission hereby has no further comment.

Or,

The Planning Commission finds that the location and/or extent of the proposed storage building for the existing animal control facility does not meet applicable standards.

The Planning Commission advises as follows; _____

and/or The Planning Commission finds the location and/or extent of the proposed storage building for the existing animal control facility contravenes the Master Plan which provides as follows; _____

The Planning Commission advises as follows; _____

Wednesday, July 18, 2018

Patty Croft, Chairperson

Charles Freese, Secretary



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

MEMORANDUM

Date: July 13, 2018

To: Planning Commission

From: Michael Turisk

Re: Proposed Amendment to Zoning Ordinance #200 regarding automobile, boat, motorized and non-motorized recreational vehicles, farm machinery sales, and repair and rental establishments

Please find enclosed the proposed ordinance to amend Zoning Ordinance No. 200 relative to motor vehicle sales, rental, maintenance and fuel sales uses. If you recall, on March 21, 2018, the Planning Commission discussed the proposed amendments, including amending Section 6.3.18. to remove from the list of Permitted Uses in the Commercial Development (D-CM) zoning districts automobile, boat, motorized and non-motorized recreational vehicles, farm machinery, sales, and repair and rental establishments, and add said uses to the list of Special Uses in that zoning district. However, legal counsel determined that in order to do so and fulfill our collective obligation to provide for full transparency, a public hearing shall be scheduled given the scope of the proposed amendment. Therefore, at the regular meeting on July 18, 2018 and under Unfinished Business, the Planning Commission must render a motion to schedule a public hearing prior to forwarding the proposed amendment to the Board of Commissioners for final action.

Enclosure:

Proposed ordinance

CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT # _____
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200 RELATIVE TO MOTOR VEHICLE MAINTENANCE AND FUEL SALES USES.

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definitions in their appropriate alphabetical locations which shall read in their entirety as follows:

Car wash

A commercial establishment with facilities provided for cleaning, drying and waxing of motor vehicles.

Motor vehicle service station

A facility primarily operated and designed for the dispensing and sale of motor fuels, together with the sale of minor accessories and retail items. In addition, such a facility may provide minor motor vehicle servicing, minor repair and maintenance. Motor vehicle service station use does not include any of the following or similar activity: reconditioning of motor vehicles, collision services such as body and frame repair or overall painting of vehicles.

Motor vehicle repair facility

A commercial establishment for the repair of motor vehicles such as automobiles, boats, motor cycles, motor homes, recreational vehicles, tractors and motor vehicle equipment such as farm equipment and trailers. This shall include the sale, installation and servicing of motor vehicle and motor vehicle equipment parts including engine rebuilding. This may include specialty services such as service to brakes, mufflers, tires, body and frame repair and collision repair services including vehicle painting.

Retail sales establishment, small-scale convenience

A small-scale retail use (5000 square feet or less) that may offer for sale motor fuels beverages and food items for consumption off the premises, retail items and tangible consumer goods.

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to delete the following definition:

Gasoline service station

Section 3. Amendment of Section 6.2.9.

Section 6.3.18. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows

6.3.18. Automobile, boat, motorized and non-motorized recreational vehicles, farm machinery sales, service and repair and rental establishments.

Section 4. Amendment of Section 6.2.

Section 6.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add Sections 6.2.34., 6.2.35. and 6.2.36. which shall read in their entirety as follows:

- 6.2.34. Car wash
- 6.2.35. Motor vehicle service station
- 6.2.36. Retail sales establishment, small-scale convenience

Section 5. Amendment of Sections 6.3.4., 9.3.2., 9.3.8., 13.3.1., 13C.3.2., 14.3.1. and 14.3.10.

Sections 6.3.4., 9.3.2., 9.3.8., 13.3.1., 13C.3.2., 14.3.1. and 14.3.10. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

- 6.3.4. Motor vehicle repair facility
- 9.3.2. Motor vehicle repair facility
- 9.3.8. Retail sales establishment, small-scale convenience
- 13.3.1 Car wash, Motor vehicle service station and Motor vehicle repair facility
- 13C.3.2. Car wash and Motor vehicle repair facility
- 14.3.1 Motor vehicle repair facility
- 14.3.10. Retail sales establishment, small-scale convenience

Section 6. Repeal of Sections 6.2.2, 13.3.5., 13A.3.2., 13A.3.5., 13C.3.7. and 14.3.8.

Sections 6.2.2, 13.3.5., 13A3.2., 13A.3.5., 13C.3.7. and 14.3.8. of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

Section 7. 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 8. Effective Date.

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

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk