



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
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**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JUNE 7, 2017 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. **Brian Dreffs and Erika Seifert**- Requests a Special Use Permit for a Commercial Kennel (Sections 9.3.17. and 17.16.) The property is located at 4362 Onaway Rd, Koehler Township, section 20, parcel #171-020-200-014-00 and is zoned Agriculture and Forestry Management (M-AF).
2. **An Ordinance to amend the Cheboygan County Zoning Ordinance #200** to establish and consolidate use listings related to assembly uses.
3. **An Ordinance to amend the Cheboygan County Zoning Ordinance #200** to establish and consolidate use listings related convalescent home uses
4. **Drost's Chocolates LLC / Craig Waldron** - Requests Site Plan Review for an outdoor seating area (20ft. x 24ft.) at an existing restaurant use (Section 13A.4.5). The property is located at 3676 S. Straits Hwy., Tuscarora Township, section 24, parcel #161-M55-037-001-00 and is zoned Village Center Indian River (VC-IR).
5. **Fullford Surveying & Mapping PC / ECS Investments**- Requests a Site Plan Review for a proposed site condominium for private storage building use only (Section 20.3.d). The property is located on Straits Hwy., Tuscarora Township, section 12, parcel #161-012-400-007-02 and is zoned Commercial Development (D-CM).

UNFINISHED BUSINESS

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
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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MAY 17, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk
ABSENT: Lyon
STAFF: Scott McNeil, Steve Schnell, Peter Wendling
GUESTS: Eric Boyd, Cal Gouine, Chad Lyons, Dawn Drolshagen, Russell Crawford, Cheryl Crawford, Kerri Sarrault, John F. Brown, Rick Tromble, Michele Tromble, John Moore, Gary Painter, Carl Muscott, Dian Lissfelt, Lou Vassilakos, Roger Jacobs, Chuck Brew

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. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

APPROVAL OF MINUTES

The May 3, 2017, Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

PUBLIC HEARING AND ACTION ON REQUESTS

Triple D Sanitation / Erica Wheelock/ Bonnie Nagy - Requests a Special Use Permit for Waste Hauling (Section 7.3.13.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned General Industrial Development (D-GI). (This item was tabled at the 04/19/17 Planning Commission meeting.)

Mr. McNeil stated that this is a request for a special use permit for a waste hauler. Mr. McNeil stated that the property is located in a General Industrial Development zoning district. Mr. McNeil stated that the use for waste hauler is not found in the Zoning Ordinance. Mr. McNeil stated that as a result, the Planning Commission will consider whether the proposed use is of similar character as other uses allowed in the zoning district. Mr. McNeil stated that if the Planning Commission determines that this use is of similar character to other uses allowed in the General Industrial zoning district, they will consider if it meets the special use permit standards. Mr. McNeil stated that the applicant is proposing to use existing structures on the site with a small addition for an office and a building for a maintenance and storage of waste hauling trucks and parking of trucks. Mr. McNeil referred to the site plan and noted the location proposed for outdoor storage of empty dumpsters. Mr. McNeil stated that a parking area is indicated by the driveway off of Inverness Trail Road. Mr. McNeil stated that the driveway to Inverness Trail Road and the driveway to Levering Road are both proposed to be used.

Mr. Kavanaugh asked Mr. McNeil to explain exclusionary zoning. Mr. McNeil stated that exclusionary zoning is where certain uses are not provided for in a zoning district. Mr. McNeil stated that the law does not allow certain uses to be excluded. Mr. Wendling read from section 8.3.16, "Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district." Mr. Wendling explained that the Planning Commission can determine that the use is a use by right, special use or a use that does not match any use by right or

by special use and the use is not allowed for this district. Mr. Wendling stated that we would worry about the exclusionary zoning at another time. Mr. Wendling stated that it may be resolved through the amendment process.

Mr. Wendling stated that through staff's analysis, what is being proposed does not involve a type A or type B transfer station and the Solid Waste Management Plan encourages more waste haulers to come into the area. Mr. Wendling stated that staff has talked with DEQ who has confirmed that this is not a Solid Waste Management Plan issue. Mr. Wendling stated that there are separate internal regulations for the state for waste haulers, but this is a zoning issue exclusively. Mr. Wendling stated that it is not a Solid Waste Management Plan issue. Mr. Wendling stated this is strictly a zoning issue. Mr. Wendling stated that staff finds that what is being proposed is similar to a contractor's equipment or storage yard. Mr. Wendling stated what is the difference between a contractor who has trucks and sends them out to perform various jobs at different locations as opposed to a waste hauler who also sends the trucks out to different sites on different days to pick up the waste. Mr. Wendling stated the Planning Commission has all of the tools for a special use permit to make sure any problems that they foresee with this type of use is alleviated. Mr. Wendling stated if a permit is issued and there are violations, it would be taken care of through staff. Mr. Wendling stated that if the applicant meets the standards for the special use and site plan, then the permit must be approved. Mr. Wendling stated if they do not meet the standards, and the decision is based upon competent material and substantial evidence on the record, he can defend the decision should it be appealed. Mr. Freese stated that the main concern is that these trucks are hauling trash and not sand or gravel. Mr. Wendling stated that it does not constitute storage of trash if it is inside the truck. Mr. Wendling stated that the contents of the truck are not relevant to this analysis, but it may be relevant when determining conditions if the request is approved. Mr. Freese stated that the main difference between a waste hauler and a transfer facility is that a truck full of waste can stay on site overnight. Mr. Freese stated that waste from one receptacle can not be transferred to another receptacle at this location because it would then be considered a transfer station. Discussion was held. Mr. Kavanaugh stated that no garbage can be left in any of the dumpsters. Mr. Kavanaugh stated that the only thing that can be left on the site are the trucks containing garbage. Mr. Kavanaugh stated that that the truck could be stored in a building. Mr. Wendling stated that all the authorities of other agencies are still valid. Mr. Wendling stated that all other regulations that pertain to the site still apply. Mr. Bartlett questioned if the trucks are cleaned on site and how will the trash be handled. Mr. Wendling stated that the only trash allowed on the site would have to remain on a truck that is sealed. Mr. Wendling stated that they can not have dumpsters containing trash on site. Mr. Wendling stated that they cannot unload dumpsters into trucks on the site. Mr. Wendling stated that they are not to have any open bins of trash. Mr. Wendling stated that the only trash that is allowed will be the trash that is contained on the truck when it is parked overnight. Mr. Wendling stated that any removal of that trash must be done at a transfer station or a landfill. Mr. Kavanaugh stated that there will be leachate. Mr. Kavanaugh suggested a condition if the request is approved that a closed drain is required which is to be pumped by a licensed industrial hauler.

Mr. Kavanaugh asked Mr. Wendling to explain how a performance bond works. Mr. Wendling stated that usually, a performance bond is to ensure that the site improvements are performed. Mr. Wendling stated that one of the ways is to have a checklist and as items are checked off, a portion of the bond can be released. Mr. Wendling stated that it doesn't have to be a bond. Mr. Wendling stated that it could be a letter of credit or a cash deposit. Mr. Wendling stated the point behind this is to make sure that the improvements that are part of an approved plan are built out. Mr. Wendling suggested letting the applicant choose if they want a letter of credit, cash deposit or a bond because the intention is to make sure that the funds are available regardless of the source of the funds. Mr. McNeil noted that bonds are to be based on an amount equal to the estimated costs associated with the construction.

Mr. Freese stated that he has seen a pickup truck with a dumpster on a flat bed trailer being used. Mr. Freese asked if the trailer is being taken to the landfill or is it being dumped into a truck. Ms. Wheelock stated it is transferred to a truck and then taken to the landfill. Mr. Freese asked where is it being transferred. Ms. Wheelock stated that when it is filled up it is transferred at that location. Ms. Croft stated that the applicant is using a truck and trailer with a dumpster due to the seasonal road weight limits. Ms. Croft explained that the transfer takes place on a class A road. Discussion was held.

Mr. Jazdyk referred to the DEQ's solid waste hauler requirements and stated that trucks must be clean to eliminate odor. Mr. Jazdyk asked how will this be handled. Mr. Dixon stated that they will shovel it out while they are at the landfill and the odor goes away. Mr. Dixon stated that you are not able to smell the truck from 300ft. away. Mr. Dixon stated you have to be close to the truck to smell it. Mr. Jazdyk asked if the trucks are washed. Mr. Dixon stated that they wash the outside of the truck at the car wash. Mr. Jazdyk asked if the trucks are washed on site. Mr. Dixon stated no. Mr. Jazdyk stated that Light Industrial uses indicate approval of limited storage of equipment and there is a different standard in General Industrial. Mr. Jazdyk stated that there are 200 (8-40 yard) dumpsters proposed. Mr. Dixon stated that he used a high number of dumpsters so he would not be in violation. Discussion was held regarding the outdoor storage of dumpsters being included in the application. Mr. Jazdyk asked how many dumpsters would be stored on average. Mr. Dixon stated that they currently have 25 dumpsters. Mr. Kavanaugh asked if all of the dumpsters have lids that can be latched. Mr. Dixon stated that some do and some do not. Mr.

Dixon stated that some are temp cans and do not have lid assemblies. Mr. Kavanaugh asked if the big dumpsters come with lids that can be attached. Mr. Dixon stated that usually a solid tarp is put on as that is what the DEQ recommends. Mr. Kavanaugh stated that he is asking this question because of the airport's concerns regarding birds. Ms. Wheelock noted that the dumpsters will be empty. Mr. Kavanaugh stated that the dumpsters will still be dirty and have liquid in them. Ms. Wheelock stated that they do not have very many birds at their current location and they have only had one mouse in the past three years.

Mr. Jazdyk stated that the access drive will be off of Levering Road. Mr. Jazdyk asked if the applicant plans to meet the waste hauler requirements. Ms. Wheelock stated yes.

Mr. Kavanaugh asked if the fire department submitted any comments. Mr. Socha, Inverness Fire Chief, stated his concerns about trucks with a hot load starting on fire.

Mr. Jazdyk stated that the applicant plans to expand in the future. Mr. Jazdyk asked if the applicant will have to come back for Planning Commission approval. Mr. McNeil stated yes. Mr. Kavanaugh stated that it will have to go to the Planning Commission unless it is in the Solid Waste Management Plan. Mr. Kavanaugh stated that their future plans fall under the Solid Waste Management Plan. Mr. Schnell stated that the applicant can apply under the Solid Waste Management Plan but it is not clear how it would come out in the end. Mr. Schnell stated there is not a lot of direction.

Ms. Croft asked for public comments.

Mr. Socha, Inverness Fire Chief, stated that he prefers that the trucks do not come in full and be stored overnight in an enclosed building.

Ms. Johnson stated that she is the neighbor on the corner. Ms. Johnson stated that there should be clarification on a few things that have been brought to everyone's attention. Ms. Johnson stated that there was an email between Steve Schnell, John Ozoga and Margie Ring. Ms. Johnson stated that the original question was "if waste haulers can have waste in their truck overnight". Ms. Johnson stated that the second time the question was asked the content changed to "can an empty solid waste hauling truck be parked within 500ft. of a residence". Ms. Johnson stated that the answer refers back to the Solid Waste Management Plan as well as stating "I don't think parking an empty truck in an industrially zoned area within 500ft. of a residence would be prohibited." Ms. Johnson stated that it should be addressed whether an empty truck or full truck can be parked there. Ms. Johnson stated that the questions that she submitted and the questions that Marcia Rocheleau submitted were answered by the Community Development Department and only reviewed by legal counsel. Ms. Johnson stated that the questions were not submitted to legal counsel as was stated in the minutes. Ms. Johnson stated that many of the answers provided by the Community Development Department indicated that the most recent use of the property was trucking, contractor's yard, and a cement plant. Ms. Johnson stated that the question was not "what is the most recent use of the property." Ms. Johnson stated that the question was "what is the current legal use of the property." Ms. Johnson stated that her question #12 regarding the Michigan Building Code should be re-addressed as the Community Development Department has stated that they have already received a Certificate of Occupancy for the building. Ms. Johnson stated that the proper information needs to be provided to the Department of Building Safety. Ms. Johnson stated that she has proof that the building was built as a residential building and unless the county has proof of it being evaluated and reported on by a qualified engineer or architect for commercial use, the statement made by the Community Development Department should be retracted and a full evaluation of the building conducted prior to use as a commercial facility. Ms. Johnson stated that if the Zoning Department is left to enforce this issue, she believes the policy that is in the Zoning Ordinance should be strictly followed. Ms. Johnson stated that there have been numerous occasions where it has not been followed. Ms. Johnson stated that there have been over 17 visits by the zoning enforcement officer to the current location and this is too many to deal with these issues. Ms. Johnson questioned the intent of the Community Development Department. Ms. Johnson questioned whether the Community Development Department is to protect the people, environment, well-being of Cheboygan County or is to deceive the public as well as the people who look to them for guidance by withholding potentially pertinent information or by not following the direction they were given by the Planning Commission.

Mr. Schnell stated that in regards to the building code issue, it was a decision made by Matt Cronk, Building Official, based on the information that was provided. Mr. Schnell stated that is public information and if there is other information that needs to be provided, Mr. Cronk would review it. Mr. Schnell stated that Mr. Cronk did provide a Certificate of Occupancy for the building. Mr. Schnell stated that he reviewed the current application and it did not change his mind. Mr. Schnell stated that the last known use was based similarly enough, according to the building code, to the proposed use. Mr. Schnell stated that Mr. Cronk would be willing to look at any additional information. Mr. Schnell stated that in regards to the email about empty solid waste hauling truck be parked within 500ft. of a residence, he is not sure that whether a truck is empty or full was

crucial to the question or answer. Mr. Schnell stated that this was a regulation that was focused more on whether a garbage truck could be parked within 500ft. of a residence, according to the DEQ requirements. Mr. Schnell stated that this did include parking it on the site where the operation is located. Mr. Schnell stated that he was advised via an email message from Margie Ring of the Michigan Department of Environmental Quality, which is included in the file as exhibit 11, that this was not to include the site where their business is located. Mr. Schnell stated that if they are out on their route they cannot leave the truck on a public street near a home until the next morning. Mr. Schnell stated that a garbage truck parked on site, whether it does have or does not have garbage, as long as it is sealed and closed, is not treated differently from another garbage truck on site. Mr. Schnell stated that regarding the enforcement concerns, we have learned a lot about enforcement at the other site. Mr. Schnell stated that he hesitates to talk too much about the other site because this site is being reviewed today. Mr. Schnell stated that we know a lot more after consulting with legal counsel about to address these issues. Mr. Schnell stated that this type of thing is difficult and a township blight ordinance would assist with these issues. Mr. Schnell stated that he can only look at the Planning Commission's conditions if it is approved. Mr. Schnell explained that each time trash appears it is a violation and it may go away quickly.

Mr. Wendling stated that the options under the police power ordinance and zoning ordinance are a civil infraction. Mr. Wendling stated that you first try to work with the property owner as the goal is to get compliance with the requirements under the ordinance. Mr. Wendling stated that if the violation continues despite the staff's efforts, the next step would be to issue a municipal civil infraction violation. Mr. Wendling stated that a ticket can be issued every day that the violation continues. Mr. Wendling stated that normally you issue the single ticket which may go to an informational hearing before the magistrate. Mr. Wendling stated that the magistrate's authority is limited to issuing a fine related to the ticket. Mr. Wendling explained that the magistrate cannot authorize injunctive relief which is an order to clean up the site or rectify the problem with a specified number of days. Mr. Wendling stated that if you want injunctive relief you ask for a formal hearing before the District Court judge. Mr. Wendling stated that if the person does not comply with the District Court judge's order, a motion can be filed to find the person or business in civil contempt of court and the penalties can include up to 30 days in the county jail. Mr. Wendling stated an injunctive complaint can be filed with the Circuit Court for a type of violation that needs more in the way of discovery (interrogatories, depositions, etc.). Mr. Wendling stated that the relief that the Circuit Court issues will be similar to the District Court relief. Mr. Wendling stated that with complex cases a Circuit Court action is necessary, even though it is more expensive.

Ms. Rocheleau stated that she is the Supervisor of Beaugrand Township. Ms. Rocheleau stated that according to the DEQ requirements, garbage in a truck cannot sit for long next to a residence when it is being picked up. Ms. Rocheleau stated she is concerned about garbage sitting in a truck within 500ft. of a residence. Ms. Rocheleau stated that this is not right and does not make sense. Mr. Schnell stated that is why he asked the DEQ the question and this is the answer that he was given. Mr. Schnell stated that they clarified that an empty truck is treated the same as a full truck. Ms. Rocheleau asked if legal counsel researched Part 115. Mr. Wendling stated that the question regarding what the DEQ can enforce can be asked through the Attorney General's office. Ms. Rocheleau stated that according to the building permit, the building was constructed as a residential garage.

Mr. Vassilakos stated that he is the Cheboygan County Airport Authority Chairman. Mr. Vassilakos stated that garbage attracts birds and it creates a safety hazard for aircraft.

Ms. Wheelock stated that there are several birds that are currently around the site due to the farmers tilling up land. Ms. Wheelock stated that there is no activity going on at this site.

Mr. Painter stated that he is the Cheboygan County Airport Manager. Mr. Painter stated that they are careful with the birds. Mr. Painter stated that they use explosive devices and they have a permit to shoot birds. Mr. Painter stated that the biggest problem with birds is when it rains and the night crawlers come up onto the runway. Mr. Painter stated that they do watch the birds carefully and they try to scatter them when they know when a plane is coming in.

Mr. MacArthur stated that he is representing Beaugrand Township. Mr. MacArthur stated that he agrees with everything that civil counsel has said tonight. Mr. MacArthur stated that there are questions that have not been answered to the satisfaction of the Planning Commission and the people in the audience in regards to what the DEQ does and does not permit in regards to the trucks. Mr. MacArthur stated that this property is now zoned General Industrial but the future land use is Light Industrial. Mr. MacArthur stated that this a potential change for the use of this property. Mr. MacArthur stated that the Solid Waste Management Plan may be amended by the Cheboygan County Board of Commissioners. Mr. MacArthur stated that it is premature to move forward with the application at this time. Mr. MacArthur stated that there is precedence to table this request. Mr. MacArthur stated that in the past an application was delayed for months to amend to provide for a specific zone for windmills. Mr. MacArthur stated that the Planning Commission should not start something that eventually

will change because the zoning for this location will change or because the county will amend the Solid Waste Management Plan. Mr. MacArthur urged the Planning Commission to not move forward at this point.

Mr. Muscott stated that his understanding from the last Cheboygan County Cheboygan County Board of Commissioners meeting was that they do not plan to amend the Solid Waste Management Plan. Mr. Muscott asked Commissioner Gouine to comment on the Solid Waste Management Plan. Mr. Gouine stated that they are discussing amending the Solid Waste Management Plan. Mr. Gouine stated that they will talk more about it. Mr. Churchill asked when it may be finalized. Mr. Gouine stated that it will take at least 6 months. Mr. Jazdyk stated that he does not believe delaying the decision will make a difference as all the waste hauling units will have to comply with the Solid Waste Management Plan. Mr. Jazdyk stated that he is considering where they stand today compared to the things Mr. Wendling talked about and the application.

An audience member asked how a residential home is next to a Light Industrial zoning district. The audience member stated her concerns that there will be a waste hauling facility on Levering Road, which is a major way into Cheboygan. The audience member stated that this site is an eyesore now. The audience member asked the Planning Commission members if they are familiar with the place and if they would want it in their backyard. The audience member stated that there are concerns for the environment. The audience member stated that there is never a clean dumpster, clean garbage truck or clean landfill.

Mr. Schnell stated that state law requires that all zoning jurisdictions have a place for every kind of use that someone would want to use with their land. Mr. Schnell stated that Burt Township has their own Zoning Ordinance for their township and because of this they have an industrially zoned area that is next to the highway.

Public comment closed.

Mr. Oswald stated his concerns about residences being built in Light Industrial and General Industrial zoning districts. Mr. Freese stated that a house is allowed as a permitted use in Light Industrial and General Industrial zoning districts. Mr. Freese stated that a residential house can be put in any zoning district in Cheboygan County but that does not mean that the area is zoned residential. Mr. Freese stated that the use is residential but the area may be zoned General Industrial and they (homeowner) have to put up with the uses allowed in the zoning district.

Mr. Freese stated that this use is similar to other uses that are permitted in the district and he believes that the Planning Commission will have to allow this use. Mr. Freese stated that the proximity to the airport will be a problem and it will have to be taken care of in the conditions put on the approval to make sure that there is no trash to attract seagulls. Mr. Freese stated that there is a major problem with the high water table. Mr. Freese stated that there is an artesian well on the site. Mr. Freese stated that there is a designated wetland on the north end of the property and there will have to be restrictions put on any approval to prevent possible contamination to the ground water from leachate coming out of the trucks or dumpsters. Mr. Freese suggested that the dumpsters will have to have lids on them and be secured. Mr. Freese stated that the trucks will have to be locked up and there will have to be a hard surface so that the leachate does not run off. Mr. Freese stated that the hard surface will take care of the leachate getting into the ground water if there is a collection system. Mr. Freese stated that there should be a collection system anywhere trucks are parked. Mr. Freese stated there should be a collection system where dumpsters are parked and in the garage that is used to service the trucks. Mr. Freese stated that screening the area for the dumpsters is a consideration. Mr. Freese stated the problems that are inherent in this site can be taken care of with conditions on the approval but they will be extensive.

Mr. Churchill stated that he listens carefully to everyone and there are a lot of concerns. Mr. Churchill stated his biggest concern is safety. Mr. Churchill stated that Mr. Painter and Mr. Vassilakos are concerned about birds. Mr. Churchill stated he is concerned about safety and does not want there to be an "oops" moment. Mr. Churchill stated you can't guarantee that there won't be problems.

Mr. Kavanaugh stated that he has some of the same concerns also and that is why he is interested in a bond. Mr. Kavanaugh stated that a bond may be necessary for a hard surface, building for trucks or fencing/screening. Mr. Kavanaugh stated that the existing well should be evaluated to make sure that leachate doesn't get into this water supply and contaminate the rest of the water supply. Mr. Kavanaugh stated that background sampling should be done one time and then a sample should be done once a year. Mr. Kavanaugh stated that hard surface with drains that don't have discharges and industrial waste pickup is important. Mr. Kavanaugh stated that isolation from the neighbors well is also important. Mr. Kavanaugh stated that the Planning Commission was considering a building for the trucks to not attract seagulls, but the fire chief explained that a building would increase the fire risk. Mr. Kavanaugh stated that he is concerned about the interpretation of the full and empty garbage trucks. Mr. Kavanaugh stated that we need these types of facilities and there are 4-5 places in the county that it could go. Mr. Kavanaugh stated that this is the one that the applicant chose so the Planning Commission will deal with it. Mr.

Kavanaugh stated that there will be a lot of restrictions. Mr. Kavanaugh stated that he would like to see Department of Building Safety evaluate the building for a commercial building. Mr. Kavanaugh stated that the Planning Commission has no choice but to approve the request if the applicant meets the standards.

Mr. Jazdyk stated that he agrees with Mr. Freese's comments. Mr. Jazdyk stated that he believes there is a need to place some conditions on this group but they should be reasonable conditions. Mr. Jazdyk stated that this is a business that doesn't have a lot of employees and is trying to get their feet off the ground. Mr. Jazdyk stated that we want to make sure this is safe, but there may be a waste management site down the road that doesn't have half of the restrictions. Mr. Freese stated that a waste management site that is located in the industrial park in the city will have water and sewer. Mr. Freese stated it would be a different situation than being located next to the airport with wetlands on the property. Mr. Freese stated that there will have to be conditions placed on any approval which satisfy the safety of the specific site under consideration.

Mr. Schnell stated that there was confusion regarding the site plan and the application because it notes in 4 locations that there are proposed items on the drawing. Mr. Schnell stated that recycling is noted in the General Findings but the applicant is not doing recycling so it is not part of the review. Mr. Schnell stated on the drawing there is an area for empty dumpster storage. Mr. Schnell stated that empty dumpster storage is what the applicant is proposing now. Mr. Schnell stated that a 13' x 17' office addition is proposed for the future. Mr. Dixon stated that they don't need it, but it is already half built. Mr. Schnell asked Mr. Dixon if this is part of the application. Mr. Dixon stated yes. Mr. Schnell explained that if the building is proposed now, customer parking and employee parking spaces would have to be provided before opening. Mr. Schnell asked if Mr. Dixon if this was part of his application. Mr. Dixon stated yes.

Mr. Kavanaugh asked if the Planning Commission should move forward or wait for clarification. Mr. Wendling stated that the Planning Commission should let him know if there is something he can do or Mr. Schnell can do before they can proceed with processing this application. Mr. Wendling stated that you want to be fair to the applicant as this is the third hearing on this matter.

Mr. Freese stated that the Planning Commission should require that any of the buildings used for this operation meet Department of Building Safety requirements for commercial buildings. Mr. Freese stated that if the building does not meet the requirements, it will have to be brought up to the standard. Mr. Schnell stated that Matt Cronk, Building Official, has inspected the site and issued a certificate of occupancy. Mr. Schnell stated that it was not dependent upon zoning. Mr. Schnell stated that it doesn't mean that they can move in but from a Department of Building Safety perspective, he can issue a certificate of occupancy that says with what they are proposing to do meets the current code. Mr. Freese asked if they meet the commercial code. Mr. Schnell stated that they met the code for what they were proposing. Mr. Schnell stated that he reviewed the application that the Planning Commission has in their packet and he said that it does not change what he saw on the site at that time. Mr. Kavanaugh stated that the Planning Commission could add a condition that the buildings meet the commercial standard.

Discussion was held regarding how to determine the amount of the bond. Mr. Kavanaugh stated that this could be worked out between the applicant and staff. Mr. Freese stated that you cannot determine the amount of the bond until the Planning Commission decides what will be required. Mr. McNeil asked if the responsibility of the estimated cost can be deferred to staff. Mr. Wendling stated yes, this is something that can be assigned to staff to work on with the applicant.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed and approved the General Findings, Determination Under Section 7.3.13, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 7.3.13, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:

1. Must meet all state, federal, local applicable laws and regulations.
2. Impervious surface is to be provided in the area where the trucks are parked and the dumpsters are stored. This area is to be properly graded to collect the leachate in an enclosed drain system.
3. Liquids must be collected in the enclosed drain system and must be hauled by a licensed industrial hauler.
4. Well and septic inspections by the Health Department.
5. Provide results of a baseline study sample for bacteria, partial chemical, and volatile organics.
6. Only containers with integral covers to be used.
7. Prior to making any changes to the property, the existing site conditions are to be approved by the Health Department

and Zoning Department.

8. No storage of waste in dumpsters.
9. No burning.
10. No recycling.
11. Request that all approvals are to be written approvals for the record.
12. Must comply with the Michigan Uniform Construction Code.
13. Fence to screen the dumpsters from view as required under Section 17.18 of the Zoning Ordinance.
14. Must comply with all applicable requirements of solid waste transporting units under Public Act 451 of 1994 as amended and all applicable administrative rules such as R229.4602, as referenced in PA 451 of 1994, as amended.
15. Must utilize completely sealed waste hauling vehicles at all times.
16. Must not operate any aspect of the business, including maintenance of trucks, operation of trucks, movement of dumpsters or canisters/totes outside of business hours. Hours of operation will be from 6:00am until 11:00pm. Office hours will be from 9:00am until 5:00pm, Monday through Friday. The office will be open from 9:00am until 3:00pm in the summer. Closed on Sundays and all major holidays.
17. All waste hauling vehicles must use Levering Road driveway and provide proof of driveway approval by the Michigan Department of Transportation. No waste hauling vehicles may use Inverness Trail Road unless and until such time as the road has been improved to an all-season road and a driveway permit has been obtained, if required by the County Road Commission.
18. Vehicles shall not be cleaned on site.
19. Each dumpster stored on site shall have a cover that is secured so that the cover cannot be opened.
20. Each dumpster stored on site shall not contain any waste material.
21. No customer drop off of waste or recyclable material is permitted on site.
22. The methods of performance guarantee, as provided under section 18.9, are to be utilized with the amount of money reserved to be worked out between staff and the applicant based upon industry costs for those improvements. The performance guarantee will cover screening, base line study, hard surface and closed drain system.
23. No washing of dumpsters on site
24. See Exhibit 24
 - a. The application appears to be for only a hauling business and recycling, therefore it would not be inspected and licensed by the DEQ.
 - b. Any buildings with floor drains should be in compliance with the Part 31 regulations, the DEQ, Water Resources Division enforces those regulations.
 - c. As stated in previous emails, no burning or burial of waste can occur onsite.
 - d. Any burning of trees or brush that may occur needs to comply with DEQ, Air Quality Division and DNR regulations.
 - e. Should any spills of polluting materials occur, the DEQ, Remediation and Redevelopment Division should be contacted.
 - f. No waste can be stored in container overnight onsite.
 - g. The DEQ, Water Resources Division should be contacted regarding any potential issues regarding storm water management.
 - h. The application does not address composting. If composting is to occur it is regulated under the Part 115 regulations and the DEQ, Waste Management and Radiological Protection Division should be contacted. If any illegal or unauthorized solid waste disposal activities occur onsite please contact me.

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

Michelle Tromble/Tromble Bay Farms LLC – Requests a Site Plan Review for Riding Academy and Stable Facility (Section 17.15.) The property is located at 1313 M-33 Hwy., Koehler Township, section 9, parcel #172-009-100-001-02 and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that the applicant is proposing both academy and stable activities and uses. Mr. McNeil read section 17.15, “Commercial facilities for horseback riding may be allowed in the Commercial, Light Industrial, General Industrial and Agriculture/Forestry Districts, subject to the review and approval of the Planning Commission. Animal housing facilities must be located at least 300 feet from any off-premises, residential structure.” Mr. McNeil stated that this parcel is located in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that there is a proposed finding that the use is located more than 300 feet from any off-premises residential structure. Mr. McNeil stated that the property is 78.4 acres. Mr. McNeil stated that request is being submitted for site plan review. Mr. McNeil stated that all of the buildings that are indicated are integral to the proposed use.

Ms. Tromble referred to the site plan and noted the location of the arena, horse barn, stabling area and grazing area. Ms. Tromble stated that the rest of the property is used mostly for the cattle farm.

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

Motion by Mr. Freese, seconded by Mr. Churchill, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Jazdzyk, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

UNFINISHED BUSINESS

2018 Capital Improvement Program Project Description For County Building Jail Expansion And Storage Building

Mr. McNeil stated that the single program description for County Building Jail Expansion and Storage Building has been included in the packet. Mr. McNeil stated that the Planning Commission can request someone provide an overview of this project. Mr. McNeil stated that this is only the project description that the Planning Commission will assign a "needed" or "desirable" project designation. Discussion was held regarding this project being new construction. Mr. Jazdzyk stated that he would like to talk to someone about this project. The Planning Commission agreed with Mr. Jazdzyk.

Discussion Regarding Boat Shelter Survey

Mr. McNeil stated that included in the packet is information that would be put on the website, the survey and a copy of the contents of a postcard that would be mailed to all of the property owners along the rivers that have been designated for consideration allowing these boat shelters. Mr. McNeil stated that the Planning Commission may want to consider sending the survey to other stakeholders. Mr. McNeil asked when this should be released and what should be the deadline for submitting the survey.

Mr. Kavanaugh stated that the townships should be included. Mr. Kavanaugh stated that other stakeholders to include are United Burt Lake Association and Tip of the Mitt. Mr. Kavanaugh stated that any of the public should be able to complete the survey since it will be on the website. Mr. McNeil asked if lake associations should be included. Mr. Kavanaugh stated that they do not have to be included. Discussion was held.

Mr. McNeil asked if this should be released on June 1st and allow 30 days or 60 days. Mr. Freese stated it should be released as soon as possible and allow 30 days. The Planning Commission agreed with Mr. Freese.

Zoning Ordinance Amendment Regarding Temporary Signs

Mr. McNeil referred to Mr. Graham's memo and stated that the Planning Commission wanted to allow more temporary signage during a certain period of time prior to an election. Mr. McNeil explained that Mr. Graham recommends not regulating political signs. Mr. McNeil provided a draft amendment that would allow temporary signage. Mr. McNeil stated that it would allow quite a bit more temporary signage than we allow now. Mr. Freese stated that this amendment is a good start. Mr. Churchill asked how this proposed amendment would apply to a portable trailer on a lot with 26 political signs on it. Mr. Churchill stated that it may fall under mobile signs in the Zoning Ordinance. Discussion was held. The Planning Commission asked Mr. McNeil to forward the proposed amendment to legal counsel for review.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Schnell stated that he was waiting for things to slow down before scheduling the soil erosion workshop.

Mr. Schnell stated that the Cheboygan County Board of Commissioners did not come to a conclusion on the planned unit development amendment yet. Mr. Schnell stated that they are still considering whether it is their responsibility or the Planning Commission's responsibility. Mr. Schnell stated that there are two options. Mr. Schnell stated that the first option is an ordinance amendment that was only the Planning Commission making all of the decisions. Mr. Schnell stated that the second option is the option in which the Cheboygan County Board of Commissioners makes the decisions. Mr. Schnell stated that the Planning Commission could recommend both amendments to the Cheboygan County Board of Commissioners and let them decide which one they prefer when they see all of the language. Mr. Schnell suggested a joint meeting with the Cheboygan County Board of Commissioners to discuss the amendment. Mr. Freese stated that he believes there should be a joint meeting so several items could be reviewed. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh stated that the Planning Commission had no other option but to approve the request for Triple D Sanitation. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that the Triple D Sanitation decision was a tough decision. Mr. Muscott stated that in regards to content-neutral signs, he has seen where additional signage is allowed starting on the candidate's filing date. Mr. Muscott stated that in the State of Michigan the signs have to be taken down within 10 days after the election. Mr. Muscott stated that this would allow more than just election signs to be put up. Mr. Muscott stated that he had hoped the boathouse issue would progress faster but he appreciates that the Planning Commission is trying to move it along. Mr. Muscott stated that in regards to the Triple D Sanitation request, he has seen other jurisdictions require parking under a shelter instead of requiring a hard surface. Mr. Muscott explained that the open shelter will keep the rain off the truck and will prevent the leachate from running off of the trucks. Mr. Muscott stated that this may help with the concerns regarding the birds also.

Mr. Jacobs asked if the sign ordinance regulates signs on a trailer. Mr. Jacobs stated that he does not believe that a sign on a licensed trailer can be regulated if there are wheels on the trailer. Mr. Schnell stated it can be regulated, but we choose not to regulate it. Mr. McNeil stated that the ordinance recognizes that if the trailer is put in place and not used as a vehicle then it can be used as a sign. Mr. Schnell stated that this excludes vehicles used in the day to day operation of the business. Discussion was held regarding boat shelters.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:33pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Brian Dreffs and Erica Seifert – *Revised 06/02/17*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (6 Pages)
5. Site Plan (2 Pages)
6. Mailing List (2 Pages)

The following items were added to the exhibit list on 05/31/17:

7. Email dated 05/24/17 From Dave Carpenter, Tuscarora Township Fire Chief (1 Page)

The following items were added to the exhibit list on 06/02/17:

8. Letter received 06/02/17 from Dale Pugh (1 Page)
- 9.
- 10.
- 11.
- 12.

Note: Planning Commission members have exhibits 1 and 2.

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING
WEDNESDAY, JUNE 7, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

A Public Hearing will be held to receive public input on the following matters:

1. **Brian Dreffs and Erika Seifert**- Requests a Special Use Permit for a Commercial Kennel (Sections 9.3.17. and 17.16.) The property is located at 4362 Onaway Rd, Koehler Township, parcel #171-020-200-014-00 and is zoned Agriculture and Forestry Management (M-AF).
2. **An Ordinance to amend the Cheboygan County Zoning Ordinance #200** to establish and consolidate use listings related to assembly uses.
3. **An Ordinance to amend the Cheboygan County Zoning Ordinance #200** to establish and consolidate use listings related convalescent home uses.

Please visit the Planning and Zoning office or visit our website to see the proposed applications, associated drawings, staff reports 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.

Persons with disabilities needing accommodations for effective participation in the public hearing should contact the Community Development Director at the above address one week in advance to request mobility, visual, hearing or other assistance.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

PROPERTY LOCATION

Address 4362 Onaway Road	City / Village Indian River	Twp / Sec. Koehler	Zoning District Agricultural
Property Tax I.D. Number 171-020-200-014-00	Plat or Condo Name / Lot or Unit No. N/A		

APPLICANT

Name Erika Seifert, Brian Drefts		Telephone 989-889-1046	Fax
Address 4362 Onaway Road	City, State & Zip Indian River, MI 49749	E-Mail eseifertdrefts@yahoo.com	

OWNER (If different from applicant)

Name AS / ABOVE		Telephone	Fax
Address	City, State & Zip	E-Mail	

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	Building/Sign Information Overall Length: _____ feet Overall Width: _____ feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height: _____ feet
--	--

PROPOSED USE (check all that apply)

<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units ____	<input type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility
<input checked="" type="checkbox"/> Other: <u>Commercial Kennel</u>			

Has there been a Site Plan or Special Use Permit approved for this parcel before? YES NO

If YES, date of approval: _____ Approved Use: _____

Directions to site: 650 feet east of intersection of east mullett lake road & onaway on north side of onaway road.

SPECIAL LAND USE PERMIT APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

Commercial kennel, 9 sled dogs, used for competitive races, and breeding. Dogs housed inside at night training during daylight hours in fall, winter, spring. Only my husband and myself train, race and breed.

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. 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. *No Changes*
- b. 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. *No Changes*
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. *No Changes to Drainage*
- d. 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. *Screen & fence provided*
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means. *Access via Driveway from Onway Rd.*
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use. *See e*
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission. *N/A.*
- h. Exterior lighting shall be arranged as follows: *No New Lighting*
 - i. It is deflected away from adjacent properties. _____
 - ii. It does not impede the vision of traffic along adjacent streets. _____
 - iii. It does not unnecessarily illuminate night skies. _____



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PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

NA

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

Yes.

3. Size of property in sq. ft. or acres: 5 acres

4. Present use of property: Kennel & Dwelling

5. SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?

Yes

- b. Will the proposed special land use 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? **Explain.** NO

- c. Will the proposed special land use involve uses, activities, processes, materials, or equipment 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 highway or seen from any adjoining land owned by another person? **Explain.** NO, privacy fences will be surrounding Kennel.

- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? **Explain.** Yes, Kennel will be screened and cleaned regularly.

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**

NO, For an outdoor Kennel with a retro fit of existing structure to house dogs at night.

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** Yes.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? YES
- h. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? Yes
- 6. Does the proposed use of the property include or involve either:
 - Junk or salvage yard (Section 3.6) YES NO
 - Mineral extraction (Section 17.17) YES NO
 If YES, this application must include a written plan as described in the Zoning Ordinance.
- 7. Attach a copy of Warranty Deed or other proof of ownership.
- 8. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature *Rich S. Braum* Date 4-18-17

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

Owner's Signature *Rich S. Braum* Date 4-18-17 X

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>4/20/17</u>	Notes:
Fee Amount Received:	<u>225.00</u> ^{ck. #} <u>7037</u>	
Receipt Number:	<u>5545</u>	
Public Hearing Date:	<u>6-7-17</u>	
Planning/Zoning Administrator Approval:		
<u><i>[Signature]</i></u>		<u>4/20/17</u>
Signature		Date

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100ft. or less.
✓		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	✓	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
NA		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
✓		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
NA		i. Location, size, and characteristics of all loading and unloading areas.
NA		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
✓		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
NA		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		m. Location and specifications for all fences, walls, and other screening features.
✓		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
NA		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
NA		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
NA		q. Elevation drawing(s) for proposed commercial and industrial structures.
NA		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
NA		s. Floor plans, when needed to determine the number of parking spaces required.

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

SECTION

REASON FOR WAIVER REQUEST

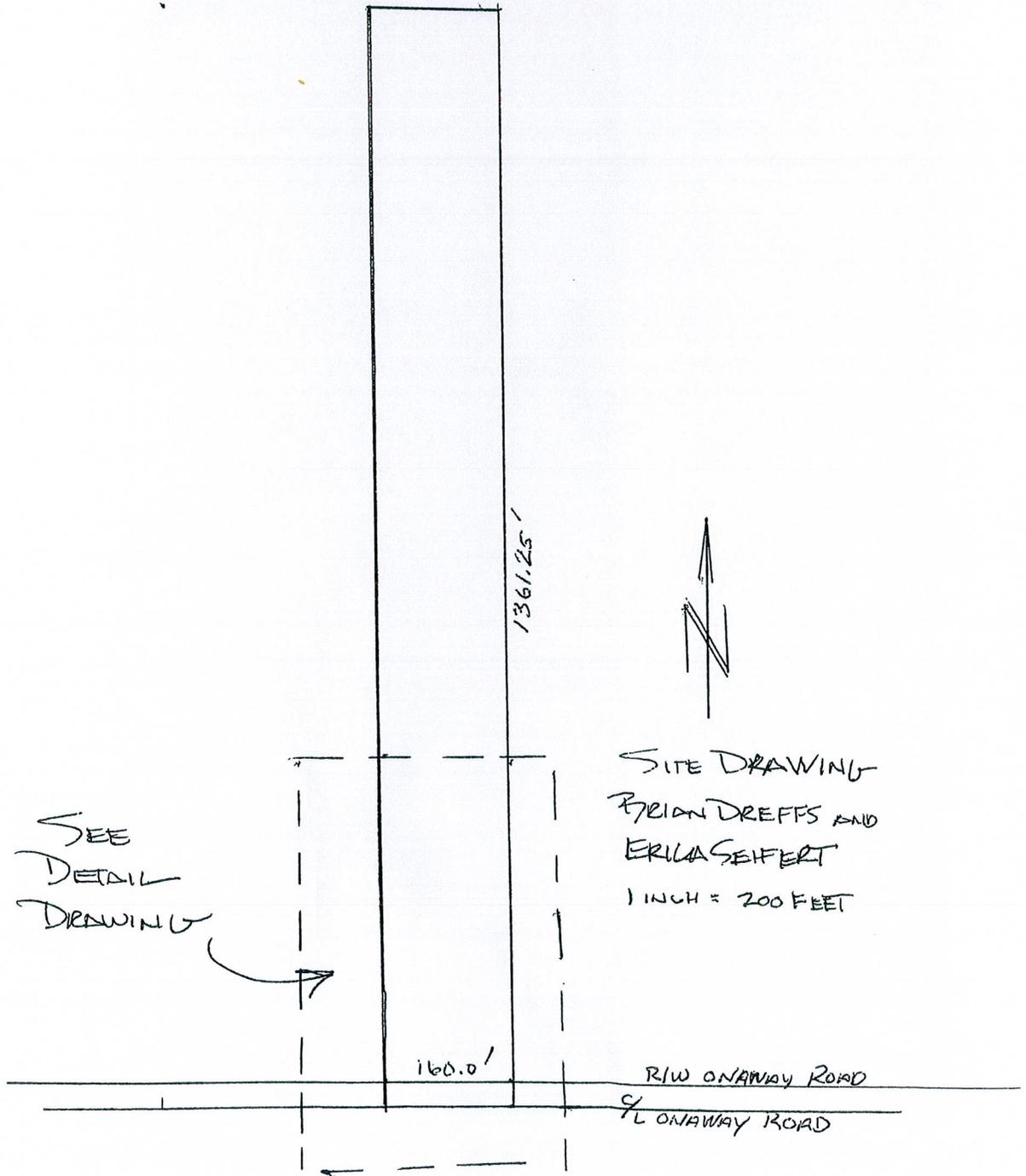
d.	No CHANGE to EXISTING TOPOGRAPHY

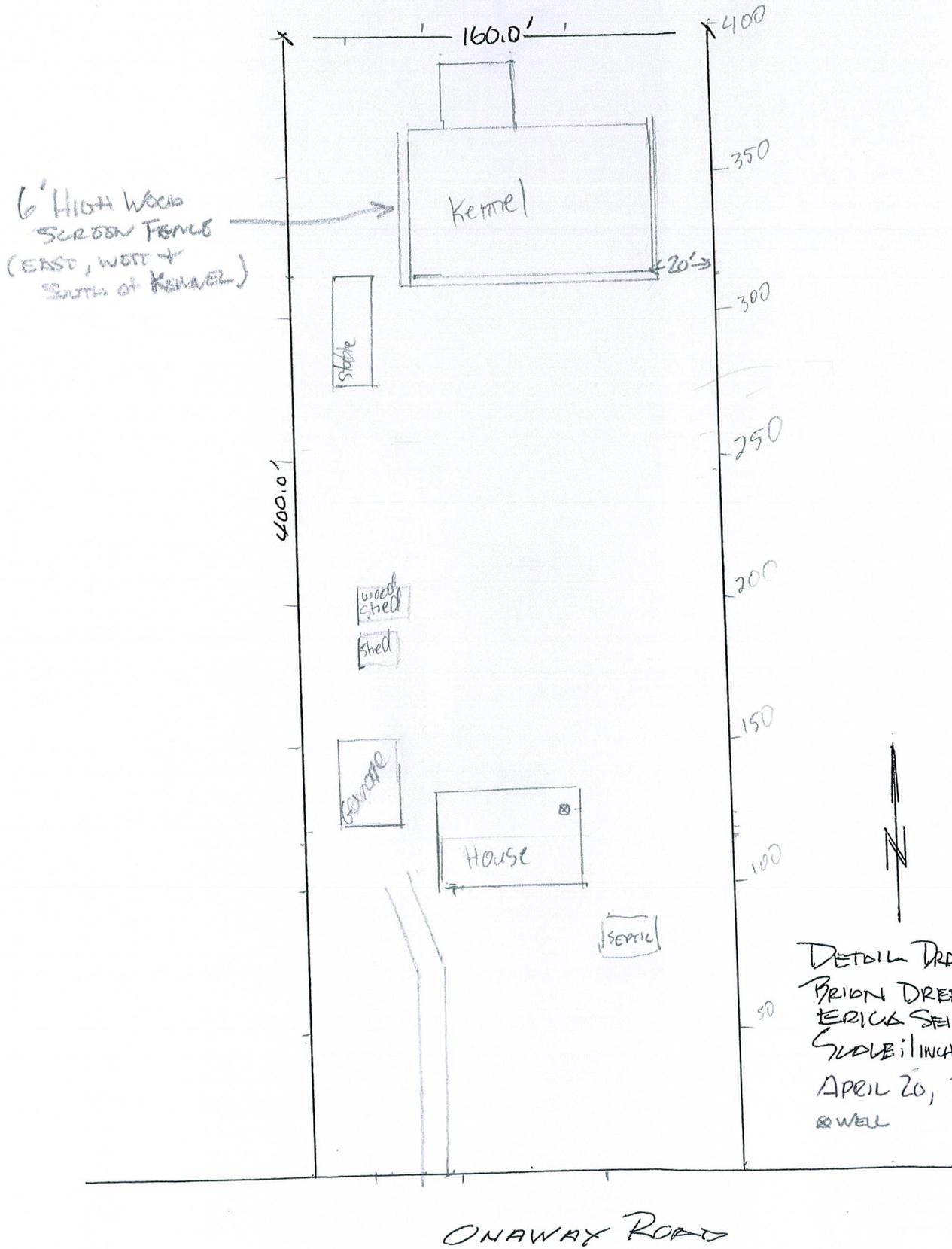
AFFIDAVIT

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Brian Daw
SIGNATURE

4-20-17
DATE





171-020-200-007-01
REID, CHARLES & LULLA BELLE
3331 EAST MULLETT LAKE RD
INDIAN RIVER, MI 49749

171-020-200-006-00
REID, CHARLES & LULLA BELLE
3331 E MULLETT LAKE RD
INDIAN RIVER, MI 49749

171-020-200-005-02
TROMBLEY, BEN & SHINYOUNG H/W
4550 HUMMER LAKE RD
ORTONVILLE, MI 48462

171-020-200-005-01
CITIMORTGAGE, INC
1000 TECHNOLOGY DR
O FALLON, MO 63368

171-020-200-004-01
CAMPBELL, CARMEN & JUDY H/W
2310 SCHRAM RD
INDIAN RIVER, MI 49749

171-020-200-012-00
CIOLLI, DAVID & BETTY H/W
20170 NICKE ST
CLINTON TOWNSHIP, MI 48035

171-020-200-011-00
CIOLLI, DAVID & BETTY H/W
20170 NICKE ST
CLINTON TOWNSHIP, MI 48035

171-020-200-013-00
BLIEMEISTER, MARSHAL
927 SPRING ST #8
PETOSKEY, MI 49770

171-020-200-014-00
DREFFS, BRIAN & ERIKA SEIFERT H/W
4362 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-008-01
DOLEZEL, DAVID J & JOAN H/W L/EWPTS
177 FABIUS DR
TROY, MI 48098

171-020-100-001-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

171-020-200-015-03
BURSEY, JAMES JR & DANIELLE H/W
4268 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-015-02
PUGH, DALE & DEBBIE H/W
697 GRANDVIEW BEACH RD
INDIAN RIVER, MI 49749

171-020-200-015-04
NEWMAN, CAROL & MARTHA LOWNSBERRY
4316 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-007-01
OCCUPANT
3331 EAST MULLETT LAKE RD
INDIAN RIVER, MI 49749

171-020-200-015-02
OCCUPANT
4266 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-015-04
OCCUPANT
4316 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-005-01
OCCUPANT
3217 EAST MULLETT LAKE RD
INDIAN RIVER, MI 49749

171-020-200-004-01
OCCUPANT
3189 EAST MULLETT LAKE RD
INDIAN RIVER, MI 49749

171-020-200-012-00
OCCUPANT
4400 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-011-00
OCCUPANT
4426 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-013-00
OCCUPANT
4386 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-014-00
OCCUPANT
4362 ONAWAY RD
INDIAN RIVER, MI 49749

171-020-200-008-01
OCCUPANT
3397 EAST MULLETT LAKE RD
INDIAN RIVER, MI 49749

171-020-200-015-03
OCCUPANT
4268 ONAWAY RD
INDIAN RIVER, MI 49749

Deborah Tomlinson

From: Dave Carpenter [<mailto:dpcarpenter@voyager.net>]

Sent: Wednesday, May 24, 2017 9:37 AM

To: Deborah Tomlinson

Subject: Re: Application for Brian Dreffs & Erika Seifert

Good Morning Deb,

This slipped by me, but I don't see any concerns regarding the Fire Department.

Should you have any questions please give me a call.

Thanks,

Dave Carpenter
Fire Chief

Dear Reader:

The dogs have been on the premises for a year already, they are always barking from day light into the night even. We do not feel this is an acceptable place for a kennel. There is only one house between them + our property. We are very close of range to the noise.

Sincerely, Dolly Pugh 5-25-17
Dale Pugh 5-25-17

there location is 4362 Onaway Rd of
Request for a commercial kennel
parcel # 171-020-014-00



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: Special Use Permit for a Commercial Kennel in an Agricultural and Forestry Management District (M-AF)	Prepared by: Scott McNeil
Date: May 22, 2017	Expected Meeting Date: June 7, 2017

GENERAL INFORMATION

Applicant: Erika Seifert and Brian Dreffs

Contact person: Erika or Brian

Phone: 231-889-1046

Requested Action: Special Use Permit for Commercial Kennel per Section 17.16.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of a special use permit for a commercial kennel on property located at 4362 Onaway Road in Koehler Township.

The definition of Commercial Kennel reads as follows:

Any building(s), structure(s), or location(s), where either of the following apply: (A) four (4) or more dogs more than four (4) months of age are housed for one or more of the following purposes: grooming, breeding, boarding, training for compensation or (B) more than nine (9) dogs more than four (4) months of age are housed for any purpose. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a commercial kennel after verification by the Zoning Administrator.

The subject parcel is zoned Agricultural and Forestry Management (M-AF). Commercial Kennel is a use requiring a special use permit per Sections 9.3.17. and 17.16. Section 17.16 reads as follows:

Commercial kennels, pet shops and veterinarian hospitals may be permitted upon approval of a Special Land Use Permit only in Rural Character (D-RC), Commercial (D-CM), Light Industrial (D-LI), General Industrial (D-GI) Development Districts, and in Agriculture and Forestry Management (M-AF) Districts. The special use permit application for a commercial kennel shall be issued when all other

zoning requirements have been met and the planning commission finds, based on information provided by the applicant, that all of the following requirements have been met:

- a. The commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts.
- b. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.
- c. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.
- d. All dogs must be housed within completely enclosed buildings between the hours of 10:00pm and 8:00am.

Figure 1 of this report indicates a 700 foot separation between the area for the dog enclosure from the nearest area zoned Residential Development (D-RS) as required under item a above.

The applicant proposed construction of a 6 ft. wood screen fence as indicated on the site plan per item b of the above conditions.

Current Zoning:

Agriculture and Forestry Management District (M-AF)

Surrounding Land Uses:

Residential use to the east and west. Vacant to the north and south.

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

Historic buildings/features:

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

Traffic Implications

This project will have minimal effect on current traffic conditions.

Parking

There are no parking requirements for the proposed use listed in Section 17.6. No employees are indicated by the applicant. The site plan provides for a parking area in front of the garage on the site plan. The Planning Commission will need to make an adequate parking determination relative to the Commercial Kennel use.

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

Access to the site is provided via Onaway Road.

Signs

No signs are proposed.

Fence/Hedge/Buffer

Screening of all dog enclosures so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs is a requirement pursuant to section 17.16.b. The applicant proposes to provide a 6 ft. high fence to screen from neighboring property and the road. (see site plan)

Lighting

No exterior lighting is proposed.

Stormwater management

There is no change to stormwater runoff.

Review or permits from other government entities:

Section 17.16.c requires that the facility obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply. It is recommended that should the Planning Commission approve the special use permit that it be conditioned upon providing a copy of a active kennel license issued by the Cheboygan County Animal Control Officer to the planning and zoning department during the time a Commercial Kennel is operated on the subject site. (see recommended conditions) There are no other known permit requirements for review by other government entities at this time.

Public comments received

None

Recommendations (proposed conditions)

- The applicant to provide a copy of an active license from the Cheboygan County Animal Control Officer to the Planning and Zoning Department during the time the Commercial Kennel is in operation.

Figure 1



CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, June 7, 2017, 7:00 PM

Applicant

Brian Dreffs and Erika
4362 Onaway Rd.
Indian River, Mi. 49749

Owner

Brian Dreffs and Erika
4362 Onaway Rd.
Indian River, Mi. 49749

Parcel

4362 Onaway Rd.
Koehler Township
171-020-200-014-00

GENERAL FINDINGS

1. The subject property is zoned Agriculture and Forestry Management. (M-AF)
2. The owner/applicant is seeking a special use permit for a Commercial Kennel.
3. Commercial Kennel is a use which requires a special use permit in an M-AF district per Sections 9.3.17. and 17.16.
4. The applicant is seeking a waiver to the site topographic survey requirement for site plans.
- 5.

Findings of Fact Under Section 17.16 of the Zoning Ordinance

Commercial kennels, pet shops and veterinarian hospitals may be permitted upon approval of a Special Land Use Permit only in Rural Character (D-RC), Commercial (D-CM), Light Industrial (D-LI), General Industrial (D-GI) Development Districts, and in Agriculture and Forestry Management (M-AF) Districts. The special use permit application for a commercial kennel shall be issued when all other zoning requirements have been met and the planning commission finds, based on information provided by the applicant, that all of the following requirements have been met:

- a. The commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS), Mixed Residential (D-MR), and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts.
 1. The proposed commercial kennel is in a M-AF zoning district.
 2. The commercial kennel dog enclosures are more than 500 feet from any Residential (D-RS), Mixed Residential (D-MR), and Lake and Stream Protection (P-LS) zoning district boundary (see staff report)
 - 3.
 4. Standard has been met.
- Or;
- 1.
2. Standard has not been met.
- b. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.
 1. The site plan notes indicate that 6 ft. tall screen fence will be placed which will serve as an enclosure when the dogs are out doors. (see exhibit 5)
 - 2.
 3. Standard has been met.
- Or;
- 1.
2. Standard has not been met.

- c. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.
 - 1. The applicant shall provide evidence of an active kennel license to the planning and zoning department as issued by the Cheboygan County Animal Control Officer during the time the applicant is operating a commercial kennel.
 - 2.
 - 3. Standard has been met.
 Or;
 - 1.
 - 2. Standard has not been met.

- d. All dogs must be housed within completely enclosed buildings between the hours of 10:00pm and 8:00am.
 - 1. The dogs and puppies shall be kept within the dwelling as indicated on the site plan between the hours of 10:00pm and 8:00am. (see exhibit 4)
 - 2.
 - 3. Standard has been met.
 Or;
 - 1.
 - 2. Standard has not been met.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 18.7 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
 - 1. The subject property is located in a M-AF Zoning district.
 - 2. Commercial kennel is a use requiring a special use permit in a M-AF Zoning district per sections 9.3.17 and 17.16. (see exhibit 1)
 - 3.
 - 4. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- b. The proposed special land 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 special land use permit is for a commercial kennel license at the applicant's residence and will not create a substantially negative impact on the natural resources of the County or the natural environment as a whole. (see exhibit 4 and 5)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- c. The proposed special land 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 special land use permit is for a commercial kennel.
 2. The proposed special 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. (see exhibit 4 and 5)
 - 3.
 4. Standard has been met.
- Or.
1. The applicant proposes a commercial kennel in area which will create a substantially negative impact on other conforming properties in the area due to _____. (see exhibit _)
 - 2.
 3. Standard has not been met.
- d. The proposed special land 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 special use permit is for commercial kennel license.
 2. The proposed use will utilize existing fences, screens and other structures for the special use.
 3. The ongoing use as proposed will be constructed, designed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. (see exhibit 4 and 5)
 - 4.
 5. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- 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.
1. The special use permit is for a commercial kennel at the applicant's residence and will not place demands of 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. (see exhibit 4 and 5)
 - 2.
 3. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.
- f. The proposed special land 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 subject property is located on Onaway Rd., which is a County Local road. (see exhibit 4)
 2. The use will not cause congestion on or increase traffic hazards in excess of current capacity. (see exhibit 4 and 5)
 3. Existing buildings and other elements do not interfere with driver visibility. No new elements or signage are proposed. (see exhibit 3 and 6)
 - 4.
 5. Standard has been met.
- Or.
- 1.
 2. Standard has not been met.

- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
 - 1. The special use is adequately served by water and sewer facilities, and refuse collection and disposal facilities. (see exhibit 4)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
 - 1. The special use complies with all the specific standards required under this Ordinance applicable to it. (see exhibit 1 and 4)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1. The special use does not comply with standards required under this ordinance under sections_____
 - 2.
 - 3. Standard has not been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. 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. No changes to the overall contours of the site are proposed (see exhibit 4)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- b. 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. No trees or soil removal are proposed. No topographic modifications are proposed. (See exhibit 4)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. No changes to site drainage are proposed. (see exhibit 4)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- d. 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. The proposed special use is for a commercial kennel. Screening will be provided for visual and sound privacy for the dwelling unit located therein. (see exhibit 4 and 5)
 - 2.
 - 3. Standard has been met.Or;
 - 1.
 - 2. Standard has not been met.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
 - 1. A practical means for access by emergency vehicles is provided from Onaway Rd. (see exhibit 6)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - 1. The structures and dwelling unit on the subject property has access to Onaway Rd. which is a public road. (see exhibit 6)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
 - 1. Not applicable. No subdivision plats and subdivision condominiums are proposed. (see exhibit 4)

- h. 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. No exterior lighting is proposed (see exhibit 4)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 - 1. Not applicable. No public or common ways are proposed. (see exhibit 4)

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
 - 1. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibits 1, 2, 4 and 5)
 - 2.
 - 3. Standard has been met
- Or.
 - 1.
 - 2. Standard has not been met.

DECISION

Conditioned on providing written approval by Cheboygan County Animal Control.

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, June 7, 2017

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)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: May 19, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Public Hearing regarding zoning ordinance amendment relating to assembly uses.

Included with this memo is a draft ordinance amendment relative to the subject which has been reviewed by legal counsel.

This zoning ordinance amendment is a continuation of what will be a series of proposed amendments as recommended for future projects in the Master Plan's Zoning Plan, which is written as follows:

Refine for clarity the allowable uses in each district. Create a table of allowable uses within the ordinance. Create consistent terminology of permitted uses. List all permitted uses in each district rather than referencing allowable uses in other zoning districts.

The above project was adopted as a priority by the Planning Commission.

Section 1 of the amendment document provides a new definition for Assembly, educational or social event facility. As discussed in this memo this new use is proposed to replace the various use listings currently in the zoning ordinance relative to assembly type uses such as clubs, schools, churches, theaters, meeting halls etc.

Section 2 repeals the current definition of Club.

Section 3 of the amendment document removes the club and pool parlor use with *arcades, bowling alleys or billiard parlors* remaining as uses which require site plan review in the Commercial Development, Village Center Indian River and Village Center Topinabee zoning districts and uses which a special use permit in the Village Center Indian River Overlay, Village Center Topinabee Overlay zoning districts and Village Center zoning districts.

Section 4 removes the current use listings of *Churches and Public, parochial and private schools, libraries and municipal structures and uses* from the permitted use listings within the Residential Development and Topinabee Village Center Residential Overlay zoning districts

Section 5 removes the Community buildings use listing with *Public parks and recreational areas playgrounds and campgrounds* remaining as a use which requires a special use permit in the Agriculture and Forestry Management zoning district and *Public parks and recreational areas and playgrounds* as use which requires a special use permit in the Rural Character/Country Living zoning district.

Section 6 provides as follows:

Establishes Assembly, Educational or Social Event Facility, as proposed to be defined, as a use which requires a special use permit in the Residential Development zoning district.

Removes the current use listing of *Theaters (excluding drive in theaters)* and provides for Assembly, Educational or Social Event Facility as proposed to be defined as a use which requires site plan review in the Commercial Development zoning district. This will also allow Assembly, Educational or Social Event Facility as a use to be approved by site plan review in the Light Industrial and General Industrial zoning districts pursuant to sections 7.2.1 and 8.2.1.

Replaces the current use listing of *Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses* with Assembly, Educational or Social Event Facility as a use which requires a special use permit in the Agriculture and Forestry Management zoning district.

Replaces the current use listing of *Schools, libraries, churches and municipal structures* with Assembly, Educational or Social Event Facility as proposed to be defined as a use which requires a special use permit in the Lake and Stream Protection zoning district

Replaces the current use listing of *Educational, municipal, and religious institutions* with Assembly, Educational or Social Event Facility as a use which requires a special use permit in the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts.

Section 7 repeals section 17.3. This section provides dwelling standards which are otherwise covered under the building code.

Section 8 repeals section 21.9.2. This section provides for charging a double fee for a zoning permit when a construction of a structure commenced without a permit. This type of penalty for construction without a permit is contrary to recommendations of our legal counsel as previously discussed.

I will look forward to further discussion on this matter with the Planning Commission during the public hearing. Please contact me with questions.

For Public hearing 6/7/17
CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT # _____
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add in its appropriate alphabetical location the following definition, which shall read in its entirety as follows:

ASSEMBLY, EDUCATIONAL or SOCIAL EVENT FACILITY

A building or portion thereof which is used for civic, educational, entertainment, governmental, political, religious or social purposes.

Section 2. Amendment of Section 2.2.

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

CLUB

Section 3. Amendment of Sections 6.2.5., 13.2.4., 13A.2.1., 13B.3.1., 13C.2.1 and 13D.3.1.

Sections 6.2.5., 13.2.4., 13A.2.1., 13B.3.1., 13C.2.1. and 13D.3.1. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

- 6.2.5. Arcades, bowling alleys or billiard parlors
- 13.2.4. Arcades, bowling alleys or billiard parlors
- 13A.2.1. Arcades, bowling alleys or billiard parlors
- 13B.3.1. Arcades, bowling alleys or billiard parlors
- 13C.2.1. Arcades, bowling alleys or billiard parlors
- 13D.3.1. Arcades, bowling alleys or billiard parlors

Section 4. Repeal of Sections 4.2.4, 4.2.5, 4.3.10, 13E.2.4., 13E.2.5., 13E.3.9. and 14.3.14

Sections 4.2.4, 4.2.5, 4.3.10, 13E.2.4., 13E.2.5., 13E.3.9. and 14.3.14 of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

Section 5. Amendment of Sections 9.3.4. and 14.3.5.

Section 9.3.4. and 14.3.5. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

- 9.3.4. Public parks and recreational areas, playgrounds and campgrounds.
- 14.3.5. Public parks and recreational areas and playgrounds.

Section 6. Amendment of Sections 4.3.12., 6.2.22., 9.3.3., 10.3.10., 13.3.4. 13A.3.4., 13C.3.6. and 14.3.7.

Sections 4.3.12., 6.2.22., 9.3.3., 10.3.10., 13.3.4., 13A.3.4., 13C.3.6. and 14.3.7. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to the read in their entirety as follows:

- 4.3.12. Assembly, Educational or Social Event Facilities
- 6.2.22. Assembly, Educational or Social Event Facilities
- 9.3.3. Assembly, Educational or Social Event Facilities

10.3.10. Assembly, Educational or Social Event Facilities
13.3.4. Assembly, Educational or Social Event Facilities
13A.3.4. Assembly, Educational or Social Event Facilities
13C.3.6. Assembly, Educational or Social Event Facilities
14.3.7. Assembly, Educational or Social Event Facilities

Section 7. Repeal of Section 17.3.

Section 17.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed and reserved for future use.

Section 8. Repeal of Section 21.9.2.

Section 21.9.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed.

Section 9. 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 10. 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:

Its: Chairperson

By:

Karen L. Brewster

Its: Clerk



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: May 18, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re: Public hearing regarding a zoning ordinance amendment relating to Convalescent Home uses.

Included with this memo is a draft ordinance amendment relative to the subject dated 6/7/17 which has been reviewed by legal counsel for consideration at a public hearing.

As a matter of review you will find the new proposed use listings of Adult Day Care Center, Assisted Living Center and Healthcare Living Center under section 1 of the amendment document with the same definitions as previously proposed.

Section 2 of the amendment document repeals the current definition of Convalescent or Nursing Home.

Section 3 replaces the current use listing of Elder Housing and Convalescent Homes use with Assisted Living Center as a use which requires a special use permit in the Residential Development and Village Center Topinabee Residential Overlay zoning districts.

Section 4 replaces the current use listing of Assisted Living Facility/Convalescent Home with Assisted Living Center or Adult Daycare Center as a use which requires a special use permit in the Village Center Indian River and Village Center Topinabee zoning districts.

Section 5 replaces current use listing of Elderly housing, nursing and convalescent homes with the new proposed use listing of Adult Daycare Center, Assisted Living Center or Health Care Living Center as uses which require site plan review in the Commercial Development zoning district. This will also allow these uses in the Light Industrial and General Industrial zoning districts with site plan review approval. Section 5 also replaces the current use listing of Elderly housing, nursing and convalescent homes with the new proposed use listing of Adult Daycare Center, Assisted Living Center or Health Care Living Center as uses which require a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts.

I will look forward to further discussion on this matter with the Planning Commission at the public hearing. Please contact me with questions.

For Public Hearing 6/7/17
CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT # _____
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200

Section 1. Amendment of Section 2.2.

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

ADULT DAY CARE CENTER

A facility which provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

ASSISTED LIVING CENTER

A facility which provides primarily nonmedical services and living facilities to individuals in need of personal assistance essential for sustaining the activities of daily living; however, state-licensed residential facilities, as provided under Public Act 110 of 2006 are not subject to regulation under this ordinance.

HEALTHCARE LIVING CENTER

A facility which provides healthcare services and living facilities for individuals suffering or recovering from illness, injury or mental or physical infirmity; however, state-licensed residential facilities, as provided under Public Act 110 of 2006 are not subject to regulation under this ordinance.

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:

CONVALESCENT OR NURSING HOME

Section 3. Amendment of Sections 4.3.2. and 13E.3.2.

Sections 4.3.3. and 13E.3.2. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

4.3.3. Assisted Living Center

13E.3.2. Assisted Living Center

Section 4. Amendment of Sections 13A.3.1. and 13C.3.1.

Sections 13A.3.1. and 13C.3.1. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

13A.3.1. Assisted Living Center or Adult Daycare Center

13C.3.1. Assisted Living Center or Adult Daycare Center

Section 5. Amendment of Sections 6.2.26., 9.3.14. and 14.3.13.

Sections 6.2.26., 9.3.14. and 14.3.13. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

6.2.26. Adult Daycare Center, Assisted Living Center or Health Care Living Center

9.3.14. Adult Daycare Center, Assisted Living Center or Health Care Living Center

14.3.13. Adult Daycare Center, Assisted Living Center or Health Care Living Center

Section 6. 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 7. 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:

Its: Chairperson

By:

Karen L. Brewster

Its: Clerk

CHEBOYGAN COUNTY PLANNING COMMISSION

Drost's Chocolates LLC/Craig Waldron – *Revised 06/07/17*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Site Plan (3 Pages)
5. Aerial Photo (1 Page)

The following items were added to the exhibit list on 06/02/17

6. Email dated 06/01/17 from Brent Shank, Cheboygan County Road Commission Engineer/Manager (1 Page)
7. Email dated 06/02/17 from Carl Muscott to Scott McNeil and Steve Schnell (2 Pages)
8. Email dated 06/02/17 from Craig Waldron to Carl Muscott, Steve Schnell and Scott McNeil (1 Page)

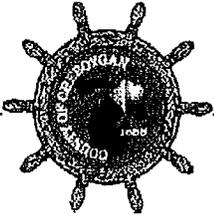
The following items were added to the exhibit list on 06/02/17

9. Email dated 06/02/17 from Kathy Swanson to Scott McNeil and Steve Schnell (2 Pages)

The following items were added to the exhibit list on 06/07/17

10. Email dated 06/07/17 from Brent Shank (Cheboygan County Road Commission Engineer/Manager) to Steve Schnell (8 Pages)
- 11.
- 12.
- 13.

Note: Planning Commission members have exhibits 1 and 2.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ▪ PO BOX 70 ▪ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ▪ FAX: (231)627-3646

PROPERTY LOCATION

Address 3676 S. STRAITS HWY	City / Village INDIAN RIVER	Twp / Sec. 24	Zoning District VILLAGE CENTER INDIAN RIVER
Property Tax I.D. Number 161-M55-037-001-00	Plat or Condo Name / Lot or Unit No. F.E. MARTIN'S 2ND ADDITION TO INDIAN RIVER		

APPLICANT

Name DROST'S CHOCLATES LLC (CRAIG WALDON MEMB)	Telephone 231-492-4031	Fax 231-548-7472
Address PO BOX 1107	City, State & Zip INDIAN RIVER	E-Mail CWALDRON@CENTURYLINK.NET

OWNER (If different from applicant)

Name	Telephone	Fax
Address	City, State & Zip	E-Mail

PROPOSED WORK

<p>Type (check all that apply)</p> <p><input type="checkbox"/> New Building <input type="checkbox"/> Reconstruction</p> <p><input type="checkbox"/> Addition <input type="checkbox"/> Relocated Building</p> <p><input type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Sign, Type: _____</p> <p><input checked="" type="checkbox"/> Other: <u>OUTDOOR SEATING</u></p>	<p>Building/Sign Information</p> <p>Overall Length: _____ feet</p> <p>Overall Width: _____ feet</p> <p>Floor Area: _____ sq. feet</p> <p>Overall Building Height: _____ feet</p> <p>Sign Area: _____ sq. feet</p> <p>Sign Height _____ feet</p>
---	---

PROPOSED USE (check all that apply)

<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units ____	<input type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility
<input checked="" type="checkbox"/> Other: <u>OUTDOOR SEATING</u>			

Has there been a Site Plan or Special Use Permit approved for this parcel before? YES NO

If YES, date of approval: _____ Approved Use: _____

Directions to site: ZONINGPERMIT ISSUED 5/5/17 #PZ17-0099 FOR HANDICAP RAMP
LOCATED DOWNTOWN INDIAN RIVER AT CORNER OF OAKLEY AVE & S. STRAITS HWY

SITE PLAN REVIEW APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

ICE CREAM & CHOCOLATE SHOP OPEN M-S @ 10AM-10PM & SUNDAY 11AM-10PM
1-5 EMPLOYEES PRESENT DURING HOURS OF OPERATION

2. Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. 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.
VERY LITTLE GRADE CHANGE
- b. 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.
GRADING MATCHES EXISTING
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
SITE DRAINAGE UNCHANGED
- d. 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.
N/A
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
NO CHANGE IN EMERGENCY ACCESS
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
NO CHANGE
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
N/A
- h. Exterior lighting shall be arranged as follows:
 - i. It is deflected away from adjacent properties. YES
 - ii. It does not impede the vision of traffic along adjacent streets. YES
 - iii. It does not unnecessarily illuminate night skies. YES

SITE PLAN REVIEW APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SITE PLAN REVIEW APPLICATION

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

N/A

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

ALL PERMITS HAVE BEEN RCIEVED

3. Size of property in sq. ft. or acres: 10,890 SQFT

4. Present use of property:
ICE CREAM & CHOCOLATE SHOP

5. Does the proposed use of the property include or involve either:

- Junk or salvage yard (Section 3.6) YES NO
- Mineral extraction (Section 17.17) YES NO

If YES, this application must include a written plan as described in the Zoning Ordinance.

6. Attach a copy of Warranty Deed or other proof of ownership.

7. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

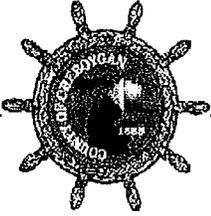
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

DROST'S CHOCOLATE LLC.
Applicant's Signature [Signature] (member of Cheboygan Planning Commission) Date 5/24/17

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

DROST'S CHOCOLATE LLC.
Owner's Signature [Signature] (member of Cheboygan Planning Commission) Date 5/24/17



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:

5/24/17

Notes:

Fee Amount Received:

170.⁰⁰

Receipt Number:

Public Hearing Date:

6/7/17

Planning/Zoning Administrator Approval:

Signature

5/24/17

Date

SITE PLAN REVIEW APPLICATION

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
x		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	X	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
N/A		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
X		f. Location of existing and proposed buildings and intended uses thereof.
	X	g. Details of entryway and sign locations should be separately depicted with an elevation view.
X		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
	X	i. Location, size, and characteristics of all loading and unloading areas.
X		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
	X	k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
N/A		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		m. Location and specifications for all fences, walls, and other screening features.
X		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
	X	o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
X		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
N/A		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/A		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
N/A		s. Floor plans, when needed to determine the number of parking spaces required.

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

SECTION

REASON FOR WAIVER REQUEST

MANY OF THESE SECTIONS ARE NOT APPLICABLE BECAUSE WE ARE NOT

CHANGING THE BUILDING. THIS SITE PLAN IS JUST TO CLARIFY THE

OUTDOOR SEATING

AFFIDAVIT

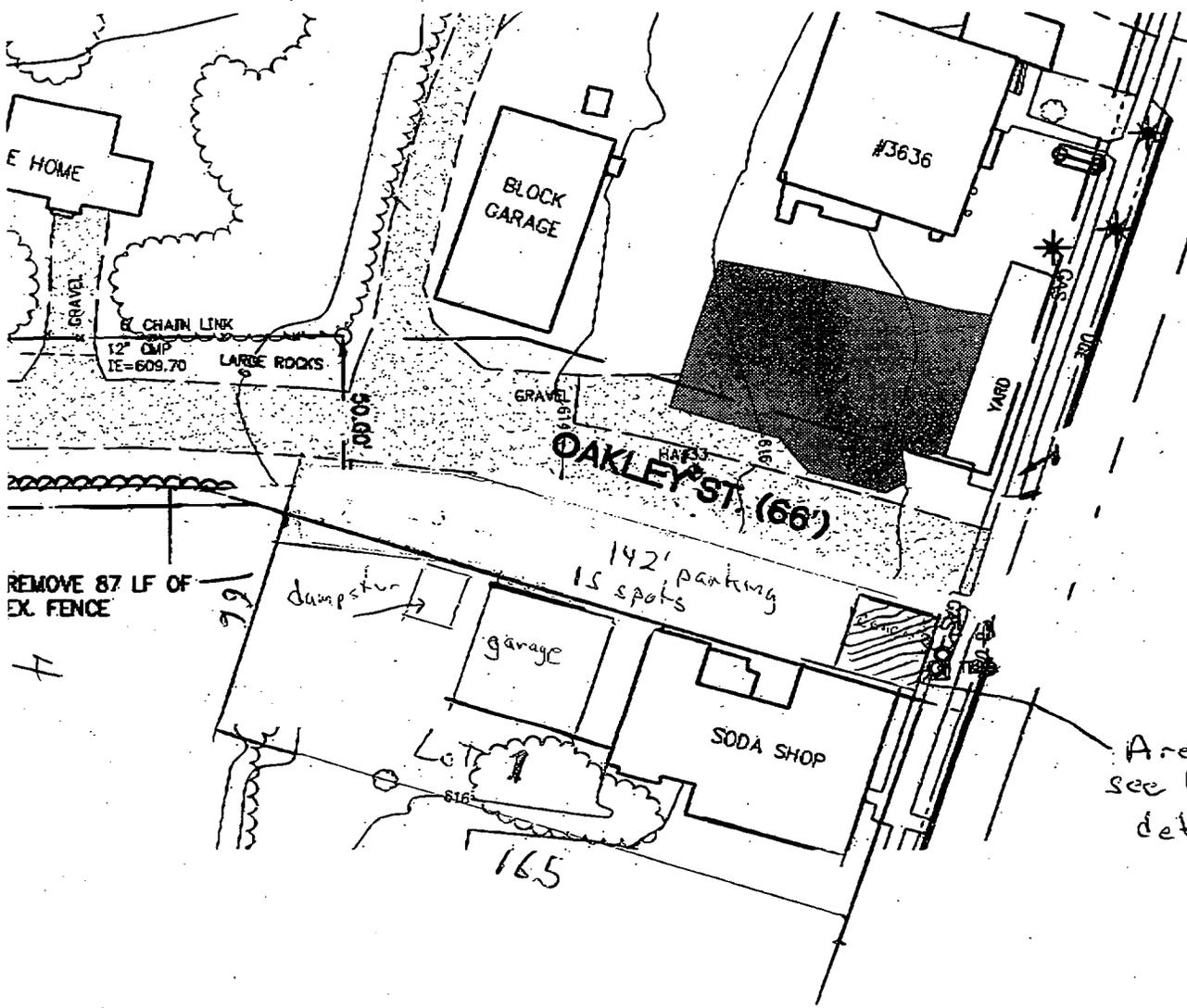
I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

[Signature] Director Choudhury LLC
Member

5/24/17

SIGNATURE

DATE



Area 2 outdoor seating
see larger drawing for
details 20'x24'

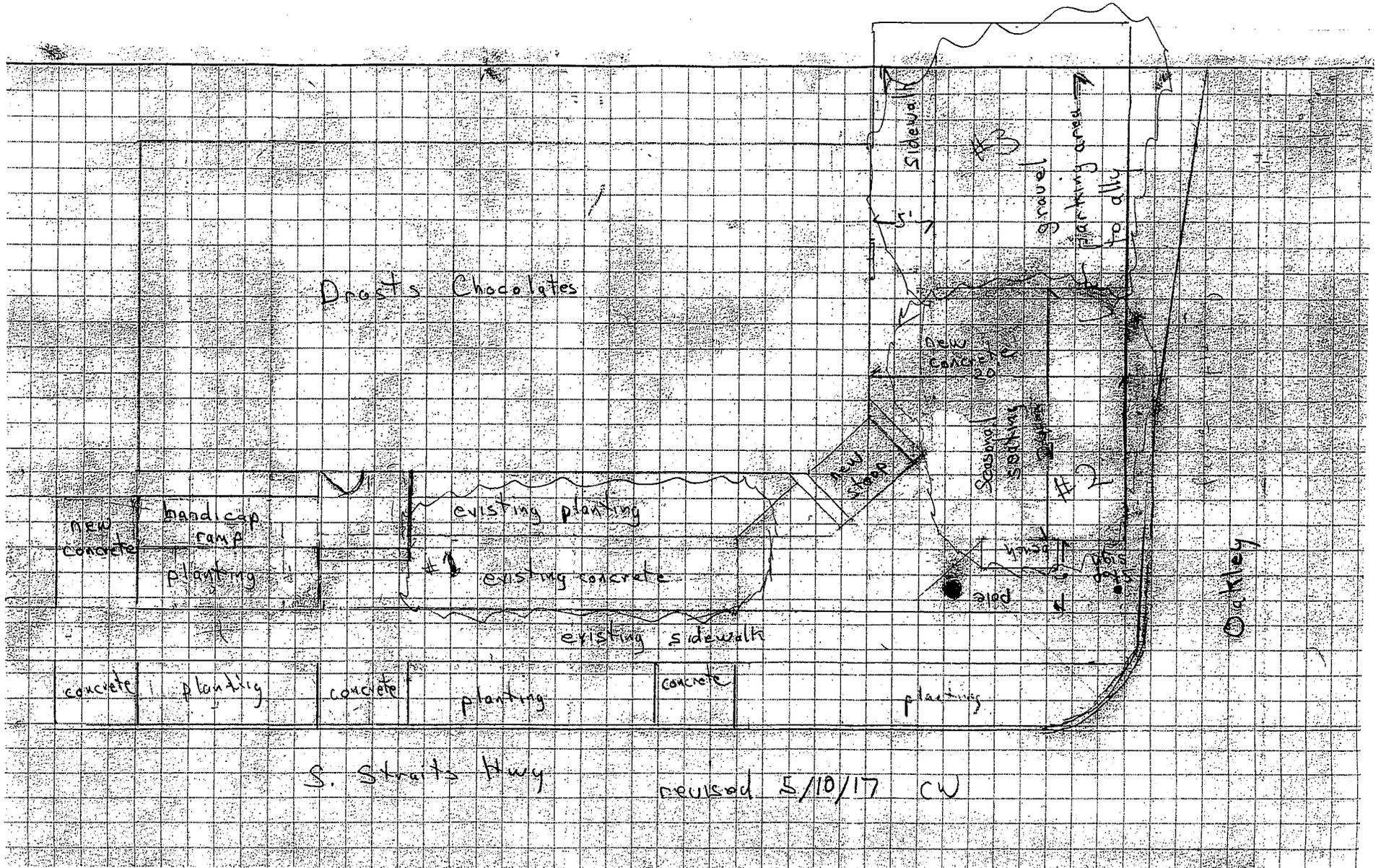


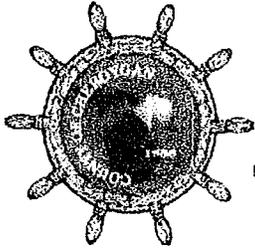
2017 Post's Chocolate Site

scale
1" = 50'

Submitted by Craig Waldron
JMB

- Seating area #1 east side of building between building and sidewalk
- Seating area #2 North side of building where new concrete is poured
- Future area #3 Additional 20'x20' area West of new concrete may be needed if streetscapes reconfigure sidewalks and intersection





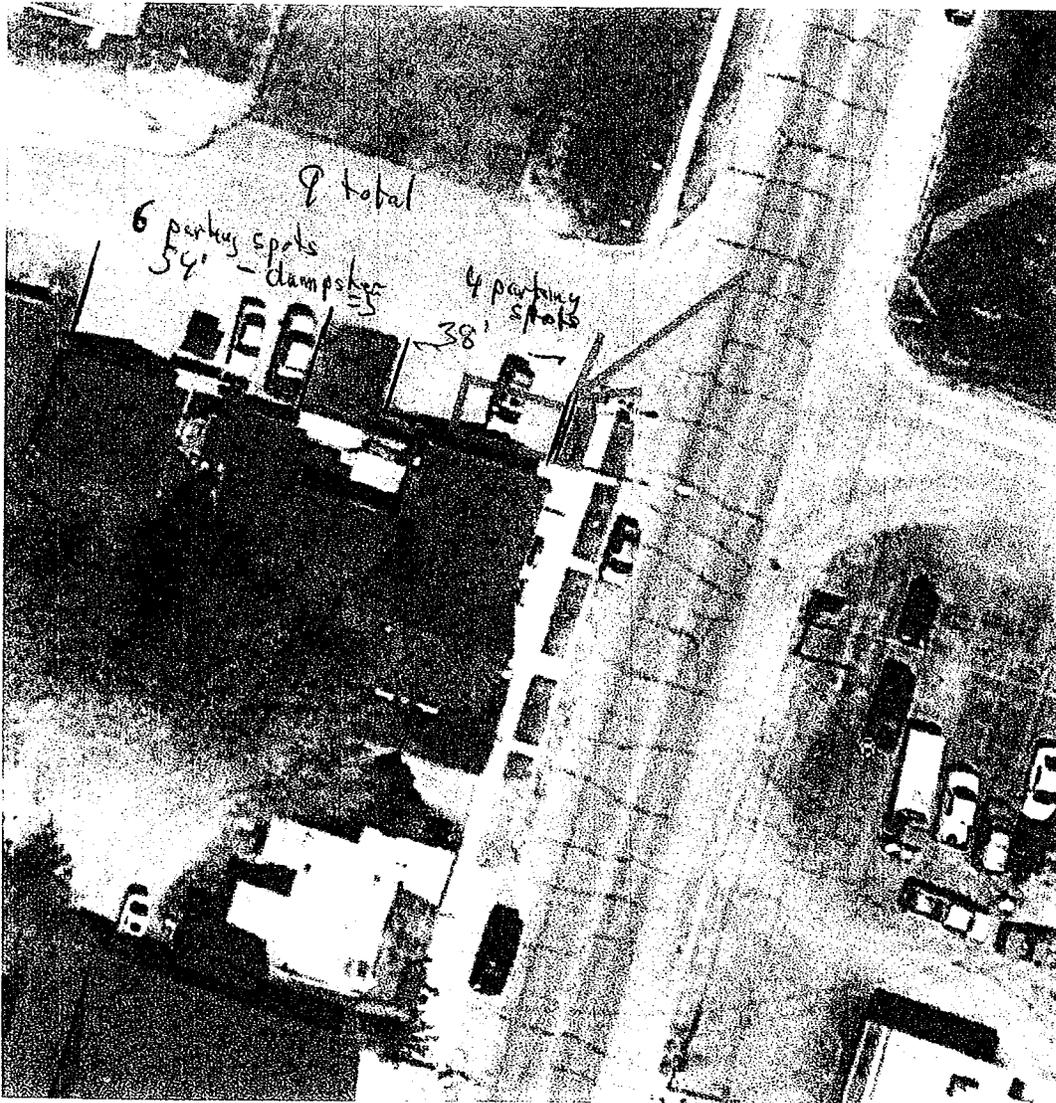
CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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/

Thank you in advance for your cooperation.
Sincerely,

Old Parking 9 spots

Steve Schnell
Community Development Director
(231) 627-8485



parking before 9 spots

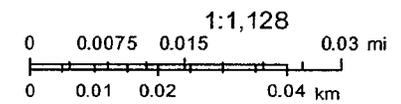
*parking now 15 spots 142 ft not inc concrete or ally on West end
based on 9' per spot*

Cheboygan County



May 24, 2017

5



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Deborah Tomlinson

From: Brent Shank [<mailto:mgr@chcrc.com>]

Sent: Thursday, June 01, 2017 2:33 PM

To: Deborah Tomlinson

Subject: Re: Applications for Dreffs/Seifert, Drost's Chocolates & ECS Investments

Debbie,

Our Board approved a permit for outdoor seating at locations 1 and 2 for Drost Chocolates. We will be issuing a permit that is valid for only one year. A new permit will need to be approved annually going forward. A permit has not been issued yet, there are some conditions that Mr. Waldron will need to fulfill before the permit is finalized. I will forward a copy of the approved permit when it is complete.

The ECS site is in compliance with Road Commission requirements, we have no concerns at this time.

Thank you,

Brent Shank

Engineer/Manager

Cheboygan County Road Commission

mgr@chcrc.com

(231) 238-7775

Deborah Tomlinson

From: carl muscott <carlmuscott@yahoo.com>
Sent: Friday, June 02, 2017 10:24 AM
To: Scott McNeil; Steve Schnell
Cc: Craig Waldron; Patty Mattson; Sue and John Jazdzk; mkavanaugh@dhd4.org; stevechurchill54@yahoo.com; Deborah Tomlinson; Brent Shank; Chris Brown; Cal Gouine; Roberta Matelski; Michael "Mike" Newman; Rich Sangster; John Wallace; Jeff Lawson
Subject: Site Plan Approval on a County Road ROW

Hello Scott,

I've cc'd this to a few of the Planning Commission members and would appreciate if staff could forward this to the other members who do not use email.

I see the application for a site plan approval scheduled to appear before the Planning Commission on June 7 for Craig Waldron/Drost Cholates LLC. This is identified as parcel #161-M55-037-001-00. The seating and reconfigured parking is not located on that parcel, but in a public road right of way wholly under the jurisdiction of the Cheboygan County Road Commission.

I have attended the two most recent CCRC meetings where Mr Waldron gained CCRC Board approval by roll call vote to place the already constructed patio with seating in the Oakley St right-of-way. Brent Shank advised the CCRC Board their legal counsel did not endorse the action but did not say do not do it. This CCRC permit/permission will be subject to Mr Waldron securing adequate liability insurance.

If Mr Waldron meets the legal insurance requirements requested by the CCRC to allow the seating in a public road ROW, the issuance of the annual CCRC permit to Drost Chocolates LLC should be between those two legal entities and not expose Cheboygan County to a probable future liability.

I'll remind your department that similar to the first draft food truck ordinance that attempted to regulate food trucks parked on a county road, Cheboygan County Planning does not have any legal jurisdiction over use of a public road. I see no legal reason or need for this site plan application that addresses uses outside of the Planning Commission's jurisdiction.

This seating area, placed in a public road right away dedicated to the public, would I assume be open for the use by both Drost customers and any member of the public. Mr Waldron will not have title to the ROW and the county road is not vacated by court order. I assume Mr Waldron would not deny any member of the public a seat or a parking place as he would seem to have no legal recourse to limit the public area solely to Drost customers.

Ordinance #200 poorly addresses this issue, allowing the practice in paragraph a, and then attempting to control the seating to not impede safe pedestrian movement in paragraph c. The public-right-way in question is under the sole legal jurisdiction of the CCRC and the Planning Commission cannot regulate how Mr Waldron places seating or assigns parking areas.

The Community Development Department may be unaware that the CCRC is already drafting policy and standards that will allow telecommunications towers to be installed within county road ROWs. I assume that process will also be outside of Planning Commission jurisdiction.

Thank you,

Carl Muscott

13A.4.5. For all uses in this district, including food service, any outdoor seating shall meet the following requirements:

- a. **The outdoor seating shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.**
- b. Any outdoor seating shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.
- c. Any outdoor seating shall be located so that the seating itself or the access to and from that seating does not impede the safe and efficient movement of pedestrians along a public sidewalk or public right-of-way and does not impede the safe ingress and egress for pedestrians to any building.

Deborah Tomlinson

From: cwaldron [<mailto:cwaldron@centurylink.net>]

Sent: Friday, June 02, 2017 12:34 PM

To: carl muscott; Scott McNeil; Steve Schnell

Cc: Patty Mattson; Sue and John Jazdzk; mkavanaugh@dhd4.org; stevechurchill54@yahoo.com; Deborah Tomlinson; Brent Shank; Chris Brown; Cal Gouine; Roberta Matelski; Michael "Mike" Newman; Rich Sangster; John Wallace; Jeff Lawson

Subject: RE: Site Plan Approval on a County Road ROW

Mr. Muscott,

Just to clarify, I had meet with and received the appropriate permits from the CCRC prior to construction of the improved parking and concrete work. As the use of outdoor seating at Drost's Chocolates has been going on as long as there has been a Drost's Chocolates I didn't think any further documentation was required. Due to a complaint from Mrs Swanson the question arose as to if the use of outdoor seating at Drost's Chocolates was grandfathered. I believed and still believe that it was, but proving the exact location where someone sat to enjoy an ice cream cone in the past is difficult at best. Tables and chairs regularly get moved around by both staff and customers.

I have submitted to a site plan review in an attempt to prevent any future issues.

Craig Waldron

Sent from my Verizon 4G LTE smartphone

Deborah Tomlinson

From: K Swanson [<mailto:ads@resorter.com>]

Sent: Friday, June 2, 2017 4:05 PM

To: Scott McNeil; Steve Schnell

Cc: Patty Mattson; Sue and John Jazdzk; "mkavanaugh@dhd4.org"; "stevechurchill54@yahoo.com"; Chris Brown; Cal Gouine; Roberta Matelski; "Michael "Mike" Newman"; Rich Sangster; Jeff Lawson

Subject: Problem with fictionalized history

Regarding the letter sent by Craig Waldron (see below):

I moved to the Indian River community in 1996. Between then, and until the new concrete slab was poured behind the stop sign on Oakley, adjacent to the Drost's building, **the area in contention was used as the 2-3 prime/most used parking spaces for Drost's customers.**

Sometime between 1996 and today, the township started putting out benches in the summer. There have been 1-2 benches located in front of the Drost's building during that time.

For a few years, Brett Lindgren placed a cafe table near the front entrance of Drost's, on the S. Straits Hwy. side of the building. This was not in consistent use.

In 2002, we purchased 3636 S. Straits Hwy. building, which currently houses the Resorter offices, and a 3-bedroom upstairs apartment. Since 2002 I can bear witness, under oath, that **at no time was seating relocated and placed in the prime parking spots on Oakley.** People may have sat in their cars to eat ice cream, but no one would even consider relocating a table, or chair, or chairs, or bench into what was a high traffic area for parking.

I don't think it's difficult to prove what the space was used for in the past. It's rather easy.

During the Road Commission meeting where Mr. Waldron's request for a permit to use the ROW was approved, Chairman Brown said he had called the Tuscarora Police Dept. to ascertain whether there were any records of parking issues in the area under contention. Tuscarora said "no." That is because we have always tried to be good neighbors, and adjust and deal with heavier traffic challenges in the summer. In the past, I would never have called 911 just because my staff was parked in by a row of cars.

The Road Commission decision has shown that it does not pay to be a good neighbor.

I am attaching one photo I took last weekend, and I will continue to photo-document what occurs between the two businesses. My daughter's car is in the foreground -- we had to wait until a car left to pull into the Resorter parking area. The time is approx. 4:30-5:00 p.m. in the afternoon. This is only

one variation on a theme. You will notice that although there are empty spots along the Drost's building (by the way, there are NO PARKING signs in front of the Drost's garage, so those spaces cannot be counted in Waldron's total parking figure), people have chosen to park on the pavement along the front of my parking area. This is the norm, not the exception during high traffic times.

I still object to the use of public property for a non-essential business use that will further impact a neighboring business.

By Mr. Waldron's words in the letter below, it is clear he is fictionalizing the history of the area to get what he wants.

Kathy Swanson, 3636 S. Straits Hwy., Indian River
231-238-7362

~ ~ ~

Sent: Friday, June 2, 2017 12:34 PM

Subject: RE: Site Plan Approval on a County Road ROW

Mr. Muscott,

Just to clarify, I had meet with and received the appropriate permits from the CCRC prior to construction of the improved parking and concrete work. As the use of outdoor seating at Drost's Chocolates has been going on as long as there has been a Drost's Chocolates I didn't think any further documentation was required. Due to a complaint from Mrs Swanson the question arose as to if the use of outdoor seating at Drost's Chocolates was grandfathered. I believed and still believe that it was, but proving the exact location where someone sat to enjoy an ice cream cone in the past is difficult at best. Tables and chairs regularly get moved around by both staff and customers.

I have submitted to a site plan review in an attempt to prevent any future issues.

Craig Waldron

Scott McNeil

From: Steve Schnell
Sent: Wednesday, June 7, 2017 9:26 AM
To: Scott McNeil
Subject: FW: outdoor seating at Drost chocolate in Indian River
Attachments: Permit 14116 Drost Chocolates 2017.pdf

From: Brent Shank [mgr@chcrc.com]
Sent: Wednesday, June 07, 2017 8:30 AM
To: Steve Schnell
Subject: Re: outdoor seating at Drost chocolate in Indian River

Steve,

Attached is a copy of the permit for Drost Chocolates that was approved by our Board. The permit will is only valid for 1 year and will be reviewed by the Board for renewal next spring. The special conditions indicate the number of tables that will be allowed. I did notice a 3rd area for future seating indicated on the plan submitted to your office that was not discussed at our Board for consideration.

If you have any questions, please let me know.

Thank you,

Brent Shank
Engineer/Manager
Cheboygan County Road Commission
mgr@chcrc.com
(231) 238-7775

From: Steve Schnell
Sent: Wednesday, May 17, 2017 8:39 AM
To: manager
Subject: outdoor seating at Drost chocolate in Indian River

Brent,
I've been speaking with Craig Waldron regarding his new patio at Drost Chocolate. Can you let me know or copy me on any approvals that he may have received from the road commission? He'll need that to show the Planning Commission as that's one of the standards of approval.

Can you

Steve Schnell, AICP
Community Development Director
Cheboygan County
870 S. Main St., PO BOX 70
Cheboygan, MI 49721
steve@cheboygancounty.net

www.cheboygancounty.net/planning

Phone: 231-627-8485

Fax: 231-627-3646

Cell: 231-445-2599

Cheboygan County Road Commission

5302 South Straits Highway
 Indian River, Michigan 49749-9379
 Phone: (231) 238-7775 Fax: (231) 238-0830
 ChCRC@utmi.net

Application No. 14113
 Permit No. _____
 Issue Date 04/18/2017
AMENDED 06/07/2017

**APPLICATION AND PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN
 WITHIN THE RIGHT-OF-WAY OF, OR TO CLOSE, A COUNTY ROAD.**

APPLICATION

An applicant is defined as an owner of property adjacent to the right-of-way, the property owner's authorized representative; or an authorized representative of a private or public utility who applies for a permit to construct, operate, use, and/or maintain a facility within the right-of-way for the purpose outlined within the application. A contractor who makes application on behalf of a property owner or utility must provide documentation of authority to apply for a permit.

APPLICANT	Name: <u>DROTS CHOCOLATES LLC</u>	CONTRACTOR	Company: <u>FAR HILLS CONSTRUCTION</u>
	Address: <u>PO 1107 5676 S. STRAITS HWY</u>		Address: <u>PO BOX 4206</u>
	<u>INDIAN RIVER MI 49749</u>		<u>BURT LAKE MI 49717</u>
	Phone No: <u>231 2389691</u> Cell No: <u>231 492 4031</u>		Phone No: <u>231 548 7471</u> Cell No: <u>231 492 4031</u>
	Fax No: <u>231-548-7472</u>		Fax No: <u>231 548 7472</u>
Email Address: <u>FAR HILLS@CENTURYLINK.NET</u>	Email Address: <u>FAR HILLS@CENTURYLINK.NET</u>		

Applicant/Contractor request a permit for the following work within the right of way of a county road: ADD GRAVEL PARKING ALONG OAKLEY W/O TO ALLEY
BUILD HANDICAP' RAMP TO ENTRANCE @ SOUTH DOOR / REMOVE STOOP
+ CRACKED CONCRETE @ NORTH DOOR / POUR NEW CONCRETE PER DRAWING / REMOVE WOOD FENCE + GRASS @
 LOCATION: County Road US 27 Between OAKLEY And MACK AVE.
 Township TUSCARORA Section 24 T35R3W Side of Road N S E W Property ID 161-M55-037-001-00
 DATE: Work to begin on 4/19/17 06/07/2017; Work to be completed by 6/20/17 04/01/2018

I certify and acknowledge that (1) the information contained in this application is true and correct, (2) the commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof and, (3) if this permit is for commercial or residential driveway work, I am the legal owner of the property that this driveway will serve, or I am the authorized representative.

Applicant's Signature: [Signature] Contractor's Signature: [Signature]
 Title: OWNER Date: 4/13/17 Title: OWNER Date: 4/13/17

PERMIT

The term "Permit Holder" in the terms and conditions set forth on the reverse side hereof, refers to the applicant and the contractor, where applicable. By performing work under this permit, the Permit Holder acknowledges and agrees that this permit is subject to all the rules, regulations, terms and conditions set forth herein, including on the reverse side hereof. Failure to comply with any of said rules, regulations, terms and conditions shall render this permit NULL AND VOID.

REQUIREMENTS	FEE TYPE	AMOUNT	RECEIPT NO	DATE		<input type="checkbox"/> Y	<input type="checkbox"/> N
	Application Fee				Letter of Credit \$	<input type="checkbox"/>	<input type="checkbox"/>
	Permit Fee	<u>100.00</u>	<u>21909</u>	<u>4/18/17</u>	Surety Bond \$	<input type="checkbox"/>	<input type="checkbox"/>
	Inspection Fee				Retainer Letter	<input type="checkbox"/>	<input type="checkbox"/>
	Bond				Approved Plans on File	<input type="checkbox"/>	<input type="checkbox"/>
	Deposit				Certificate of Insurance	<input type="checkbox"/>	<input type="checkbox"/>
	Other				Attachments/Supplemental Specifications	<input type="checkbox"/>	<input type="checkbox"/>
	To Be Billed						

OTHER REQUIREMENTS: PERMIT TO PLACE SEATING IN ROAD RIGHT OF WAY
ON OAKLEY STREET AND S. STRAITS HIGHWAY. SEE ATTACHED
SPECIAL CONDITIONS.

PERMIT FOR SEATING VALID UNTIL 04/01/2018. [Signature]

Recommended For Issuance By:
[Signature]
 Title: Foreman Date: 4.18.17

Approved By:
[Signature]
 Title: ENGINEER/MANAGER Date: 04/18/2017

Permit Number: 14113
Applicant: **Drost Chocolates, LLC**
Permit Dates: 06/07/2017 – 04/01/2018

PERMIT SPECIAL CONDITIONS:

Permit to allow outdoor seating (with tables) in the right of way of Oakley Street and South Straits Highway:

South Straits Highway – 2 tables with up to 4 chairs per table.
Oakley Street – 4 tables with up to 4 chairs per table.

All tables and chairs must be a minimum of 21 feet from the road centerline.

Tables and chairs may not block/encroach on side walk or interfere with pedestrian traffic.

Approved by Cheboygan County Road Commission Board of Commissioners at the June 4, 2017 meeting.

Droist's Chocolates

existing planting

existing concrete

existing sidewalk

planting

S. Straits Hwy

planting

Oakley

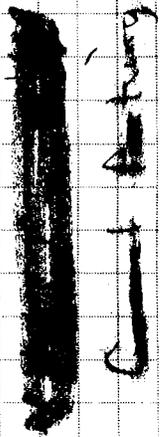
fence - planting

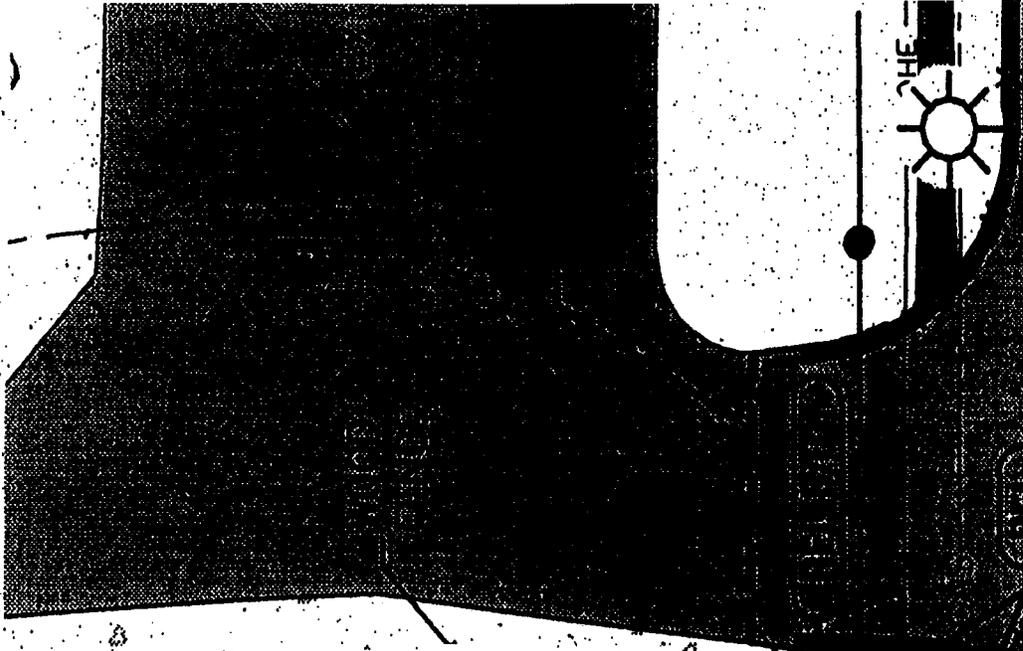
stop sign

pole

gravel

parking area





regrade and add gravel

new side walk

Concrete

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DROST
CHOCOLATE

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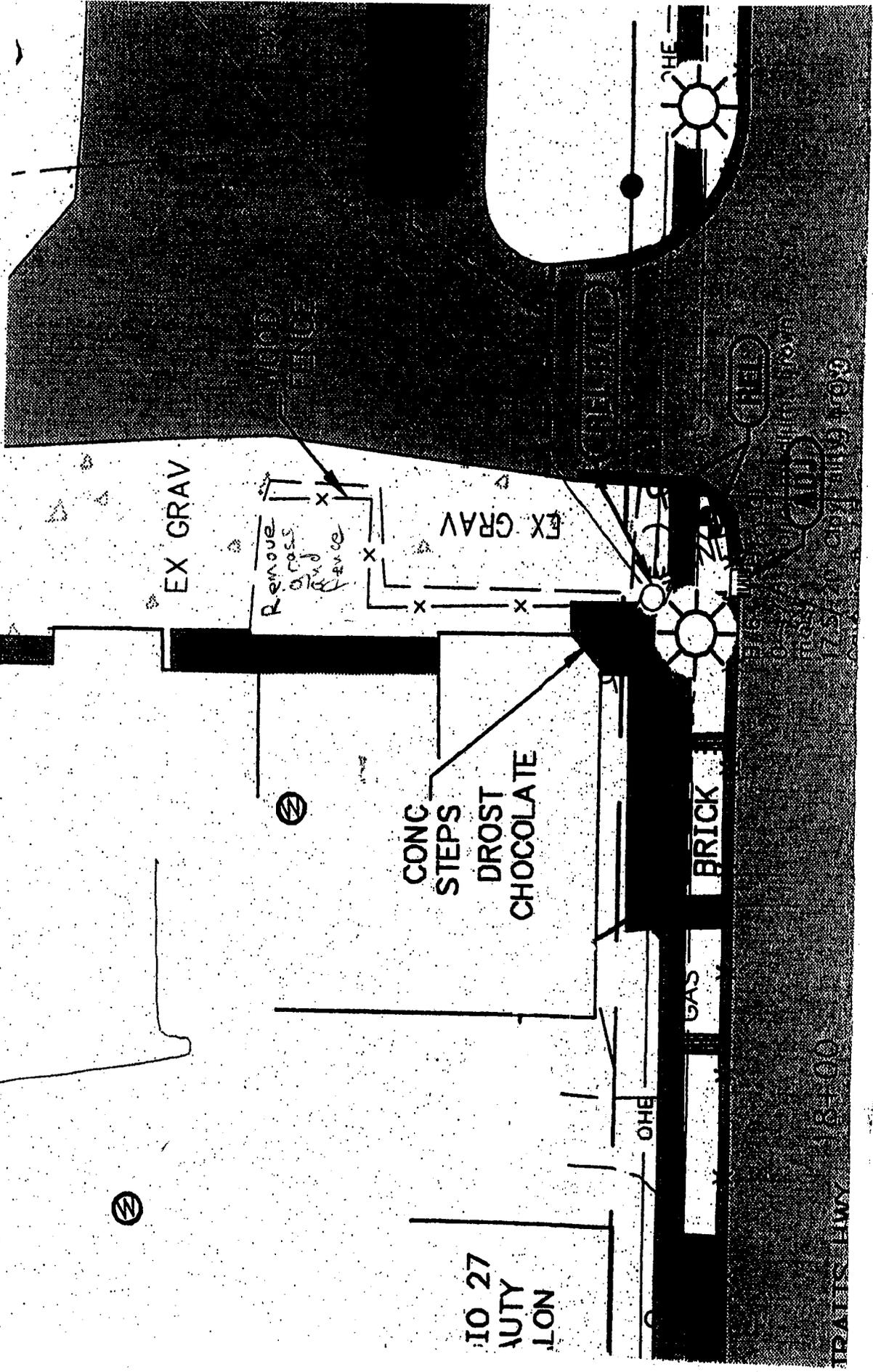
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CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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: Consideration of site plan review for outdoor seating at an existing Restaurant use in the Village Center Indian River zoning district.	Prepared by: Scott McNeil
Date: June 2, 2017	Expected Meeting Date: June 7, 2017

GENERAL INFORMATION

Applicant: Drost's Chocolates LLC
Contact person: Craig Waldron
Phone: 231-420-8446

Requested Action: Consideration of site plan review for outdoor seating area measuring 20 feet x 24 feet at an existing restaurant use in the Indian River Village Center zoning district.

BACKGROUND INFORMATION

Introduction:

The subject property is located in the Village Center Indian River (VC-IR) district. The current use of the building is restaurant. The applicant is seeking site plan review approval for an additional outdoor seating area. Restaurant uses are allowed in the Village Center Indian River (VC-IR) district per section 13A.2.13.

Section 13A.4.5. provides regulation of outdoor seating in the VC-IR district which states as follows:

- 13A.4.5. For all uses in this district, including food service, any outdoor seating shall meet the following requirements:
- The outdoor seating shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.
 - Any outdoor seating shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.
 - Any outdoor seating shall be located so that the seating itself or the access to and from that seating does not impede the safe and efficient movement of pedestrians along a public sidewalk or public right-of-way and does not impede the safe ingress and egress for pedestrians to any building.

You will find an email from Mr. Brent Shank, Engineer/Manager of the Road Commission with regard to the Road Commission approval of the seating area in the road right-of-way entered into the record as exhibit 6.

Proposed findings relative to section 13A.4.5. are provided in the Findings of Fact document for your consideration.

Current Zoning: Village Center Indian River (VC-IR)

Surrounding Land Uses: Commercial uses surround the subject site.

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

Historic buildings/features:

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

Traffic Implications:

The site is located on the corner of South Straits Highway and Oakley Street. The applicant is seeking site plan review approval to add an outdoor seating area measuring 20 feet x 24 feet for a restaurant use. Walk up type of patron from downtown Indian River is anticipated. This project will have minimal effect on current traffic conditions.

Parking:

The applicant is seeking site plan review approval for an additional outdoor seating area at an existing restaurant use in the VC-IR zoning district. The applicant has provided information indicating that on-street parking locations adjacent to the subject have increased. Section 13A.4.1. states as follows relative to parking in the VC-IR district:

The Planning Commission may waive all or a portion of the off-street parking requirements normally assigned to uses according to Article 17.6 if the Planning Commission finds that sufficient parking would exist through shared and/or on-street parking.

Proposed findings relative to section 13A.4.1. are provided in the Findings of Fact document for your consideration.

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

The subject property is located on South Straits Highway and Oakley Street in Tuscarora Twp.

Signs.

No new signs are proposed.

Fence/Hedge/Buffer

No new fence, hedge or other type of buffer are proposed or required.

Lighting: No new lighting is proposed.

Stormwater management;

No changes to existing stormwater management are proposed.

Review or permits from other government entities

The new outdoor seating is proposed partially in the right of way of Oakley Street. Approval by the Cheboygan County Road Commission has been granted. Requirements under the building code may apply.

Recommendations (proposed conditions)

None

CHEBOYGAN COUNTY PLANNING COMMISSION

SITE PLAN REVIEW

Wednesday, June 7, 2017, 7:00 PM

Applicant

Craig Waldron
P.O. Box 1107
Indian River, Mi. 49749

Owner

Drost's Chocolates LLC
P.O. Box 1107
Indian River, Mi. 49749

Parcel

3676 South Straits Hwy.
Tuscarora Township
161-M55-037-001-00

GENERAL FINDINGS

1. The subject property is zoned Village Center Indian River District (VC-IR).
2. The applicant is seeking a site plan review amendment for additional outdoor seating area measuring 20 feet x 24 feet, for an existing restaurant use per section 13A.4.5.
3. Restaurant is a permitted use in the VC-IR district per section 13A.2.13.
4. The proposed additional outdoor seating is located, in part, in the road right-of-way which is under the jurisdiction of the Cheboygan County Road Commission.
5. The Cheboygan County Road Commission has approved the proposed outdoor seating with an annual permit requirement and other conditions. (see exhibit 6)
6. The applicant requests a waiver from the topography survey requirement.
7. The applicant requests a waiver from the entryway and sign location requirement.
8. The applicant requests a waiver from the loading and unloading area location requirement.
9. The applicant requests a waiver from the utilities location requirement.
10. The applicant requests a waiver from the exterior lighting location requirement.
- 11.

SPECIFIC FINDINGS OF FACT UNDER SECTION 13A.4.1. OF THE ZONING ORDINANCE

13A.4.1. The Planning Commission may waive all or a portion of the off-street parking requirements normally assigned to uses according to Article 17.6 if the Planning Commission finds that sufficient parking would exist through shared and/or on-street parking.

1. The applicant is seeking a site plan review amendment for additional outdoor seating area for an existing restaurant use. (see exhibit 3)
 2. The applicant has provided information indicating that additional parking spaces have been recently created. (see exhibit 4)
 - 3.
 4. The Planning Commission here by waives the off-street parking requirement.
- Or.

1. The applicant is seeking a site plan review amendment for additional outdoor seating area for an existing restaurant use per section. (see exhibit 3)
2. The Planning Commission finds that inadequate information has been provided in order to determine parking requirements.
- 3.
4. The Planning Commission here by does not waive the off-street parking requirement.

SPECIFIC FINDINGS OF FACT UNDER SECTION 13A.4.5. OF THE ZONING ORDINANCE

13A.4.5. For all uses in this district, including food service, any outdoor seating shall meet the following requirements:

a. The outdoor seating shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.

1. The proposed area for additional outdoor seating is located, in part, within the road right of way which is under the jurisdiction of the Cheboygan County Road Commission. (see exhibit 4)

2. The Cheboygan County Road Commission has approved the proposed outdoor seating with an annual permit requirement and other conditions. (see exhibit 6)

3.

4.

5. Requirement is met.

Or

1.

2.

3. Requirement is not met.

b. Any outdoor seating shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.

1. The applicant has submitted a site plan review application which the Planning Commission shall review following standard procedures for the same. (see exhibits 3 and 4)

2.

3. Requirement is met.

Or

1.

2. Requirement is not met.

c. Any outdoor seating shall be located so that the seating itself or the access to and from that seating does not impede the safe and efficient movement of pedestrians along a public sidewalk or public right-of-way and does not impede the safe ingress and egress for pedestrians to any building.

1. The additional outdoor seating is proposed on the north side of the subject lot.

2. There is no sidewalk on the north side of the subject lot. (see exhibit 4)

3. A public sidewalk exists on the east side of the subject lot. (see exhibit 4)

4.

5. The Planning commission finds that the proposed additional outdoor seating area will not impede the safe and efficient movement of pedestrians along the public sidewalk or the public right of way and does not impede the safe ingress and egress for pedestrians to any building.

6. Requirement has been met.

Or.

1. The additional outdoor seating is proposed on the north side of the subject lot within the public road right of way. (see exhibit 4).

2. The subject lot is a corner lot with frontage on South Straits Highway and Oakley Street. (see exhibit 4)

3.

4. Not enough information has been provided relative to the impact on pedestrian traffic to make this determination.

5. The Planning commission finds that the proposed additional outdoor seating area will impede the safe and efficient movement of pedestrians along the public right of way or not enough information has been provided to conclude this seating will not impede pedestrian movement and the requirement is not met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. 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 application provides for no change in the overall natural counters of the site. (see exhibit 3)
 - 2. The site is developed to allow use of surrounding property as permitted by the zoning ordinance. (see exhibit 3)
 - 3.
 - 4. Standard has been met.Or,
 - 1.
 - 2. Standard has not been met.

- b. 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 application provides for no change relative to tree and soil removal or topographic modifications at the site. (see exhibit 3)
 - 2. The additional pavement provided for the seating replaces nearly impervious gravel parking area. (see exhibit 3)
 - 3.
 - 4. Standard has been met.Or,
 - 1.
 - 2.
 - 3. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. No changes are proposed for storm water removal.(see exhibit 3)
 - 2. The additional pavement provided for the seating replaces nearly impervious gravel parking area. (see exhibit 3)
 - 3.
 - 4.
 - 5. Standard has been met.Or,
 - 1. The applicant has not demonstrated in the application or on the site plan that proper site drainage will be maintained. (see exhibits 3 and 4)
 - 2.
 - 3. Standard has not been met.

- d. 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. No dwelling units are proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means

1. The application provides for a practical means of access for emergency vehicles from South Straits Highway and Oakley Street (see exhibit 3 and 4)
- 2.
3. Standard has been met.

Or,

- 1.
2. Standard has not been met.

f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

1. The site is located on, and has access to South Straits Highway and Oakley street. (see exhibit 3 and 4)
- 2.
3. Standard has been met.

Or,

- 1.
2. Standard has not been met.

g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

1. This is not applicable. No subdivision plats and subdivision condominiums are proposed.

h. 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. The lights shall be deflected away from adjacent properties, shall not impede the vision of traffic along adjacent streets and shall not unnecessarily illuminate night skies. (see exhibit 3)
2. No new lighting is proposed (see exhibit 3)
3. Standard has been met.

Or,

1. The applicant has not provided adequate information and has not identified lighting locations on the site plan. (see exhibit 3)
2. Standard has not been met.

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan..

1. Not applicable. No public common ways are proposed.

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

1. This site plan will conform to the Master Plan, zoning ordinance, and any applicable state and federal laws. (see exhibit 1,2, 3 and 4)

2.

3. Standard has been met.

Or,

1. The site plans do not conform to the following requirements: _____

2.

3. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, June 7, 2017

Patty Croft, Chairperson

Charles Freese, Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Fullford Surveying & Mapping, PC / ECS Investments - *Revised 06/02/17*

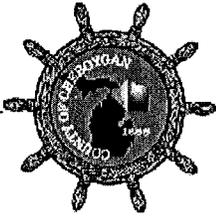
Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Aerial Photo (1 Page)
5. Project Location Map (1 Page)
6. Original Parent Parcel Tax Description (1 Page)
7. Cheboygan County Road Commission Application #14142 (2 Pages)
8. Tuscarora Township Parcel Division Application (5 Pages)
9. Site Plan (1 Page)
10. Site Plan and Aerial Photo (1 Page)

The following items were added to the exhibit list on 06/02/17:

11. Email dated 06/01/17 from Brent Shank, Cheboygan County Road Commission Engineer/Manager (1 Page)
- 12.
- 13.
- 14.

Note: Planning Commission members have exhibits 1 and 2.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

PROPERTY LOCATION

<i>Address</i> Straits Highway	<i>City / Village</i> Indian River	<i>Twp / Sec.</i> Tusc Sec. 12	<i>Zoning District</i> D-CM
<i>Property Tax I.D. Number</i> Portion of 161-012-400-007-02	<i>Plat or Condo Name / Lot or Unit No.</i> N/A		

APPLICANT

<i>Name</i> Fullford Surveying & Mapping, PC	<i>Telephone</i> 231-238-9199	<i>Fax</i> 231-238-9195
<i>Address</i> PO Box 969	<i>City, State & Zip</i> Indian River, MI 49749	<i>E-Mail</i> bkfullford@sbcglobal.net

OWNER (If different from applicant)

<i>Name</i> ECS Investments	<i>Telephone</i> 231-290-1429	<i>Fax</i>
<i>Address</i> PO Box 2083	<i>City, State & Zip</i> Indian River, MI 49749	<i>E-Mail</i>

PROPOSED WORK

<i>Type (check all that apply)</i> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input checked="" type="checkbox"/> Other: Storage Buildings	<i>Building/Sign Information</i> Overall Length: <u>Varies</u> feet Overall Width: _____ feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height <u>N/A</u> feet
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PROPOSED USE (check all that apply)

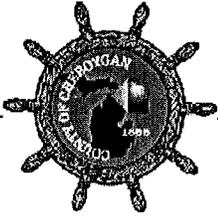
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input checked="" type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units ____	<input checked="" type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility
			<input checked="" type="checkbox"/> Other: Private Use

Has there been a Site Plan or Special Use Permit approved for this parcel before? YES NO

If YES, date of approval: _____ Approved Use: _____

Directions to site: Site is located 400' West of Straits Highway, immediately North of Tri-Rivers Collision in Indian River approximately 0.75 mile South of Southbound I-75 over Straits Highway.

SITE PLAN REVIEW APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SITE PLAN REVIEW APPLICATION

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.
The proposal is to create a condominium for private storage buildings.

2. Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. 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.
The site is vacant. Building sizes will conform to the building envelopes shown on the site plan. This passive use will not impede normal development in this area.
- b. 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.
The site slopes slightly Northeast. Building pads, roads, and stormwater will require minimum earth work.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
All drainage created will be retained and maintained on site.
- d. 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.
As required.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
Driving and maneuvering widths exceed zoning minimum.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
Access will not be a challenge. There was an easement created for this parcel.
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
This is not residential use, but walking in all limited common and general common areas is accomodated.
- h. Exterior lighting shall be arranged as follows:
 - i. It is deflected away from adjacent properties. Down facing wall packs required, if any.
 - ii. It does not impede the vision of traffic along adjacent streets. Same
 - iii. It does not unnecessarily illuminate night skies. Same



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

SITE PLAN REVIEW APPLICATION

i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

Only on site maneuvering is proposed.

j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

Understood. We believe we have addressed pertinent issues.

3. Size of property in sq. ft. or acres: 1.71 acres

4. Present use of property:
Vacant

5. Does the proposed use of the property include or involve either:

- Junk or salvage yard (Section 3.6) YES NO
- Mineral extraction (Section 17.17) YES NO

If YES, this application must include a written plan as described in the Zoning Ordinance.

6. Attach a copy of Warranty Deed or other proof of ownership.

7. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge

Applicant's Signature

Date

5/24/17

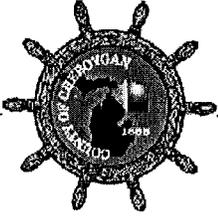
Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

Owner's Signature

Date

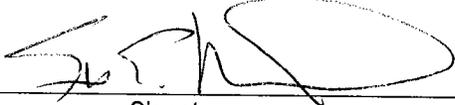
5-24-17



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

FOR PLANNING / ZONING DEPT. USE ONLY

Date Received:	5/24/17	Notes:
Fee Amount Received:	170. ⁰⁰	
Receipt Number:	5614	
Public Hearing Date:	6/7/17	
Planning/Zoning Administrator Approval:		
 Signature		5/24/17 Date

SITE PLAN REVIEW APPLICATION

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
✓		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
✓		d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
NA		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
✓		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
NA ✓		i. Location, size, and characteristics of all loading and unloading areas.
NA		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
NA		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
✓		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
NA		m. Location and specifications for all fences, walls, and other screening features.
NA		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
NA		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
NA		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
NA		q. Elevation drawing(s) for proposed commercial and industrial structures.
NA		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
NA		s. Floor plans, when needed to determine the number of parking spaces required.

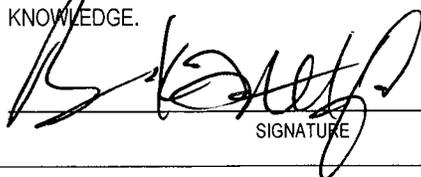
PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

SECTION

REASON FOR WAIVER REQUEST

AFFIDAVIT

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



 SIGNATURE



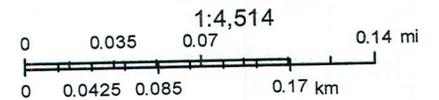
 DATE

Cheboygan County



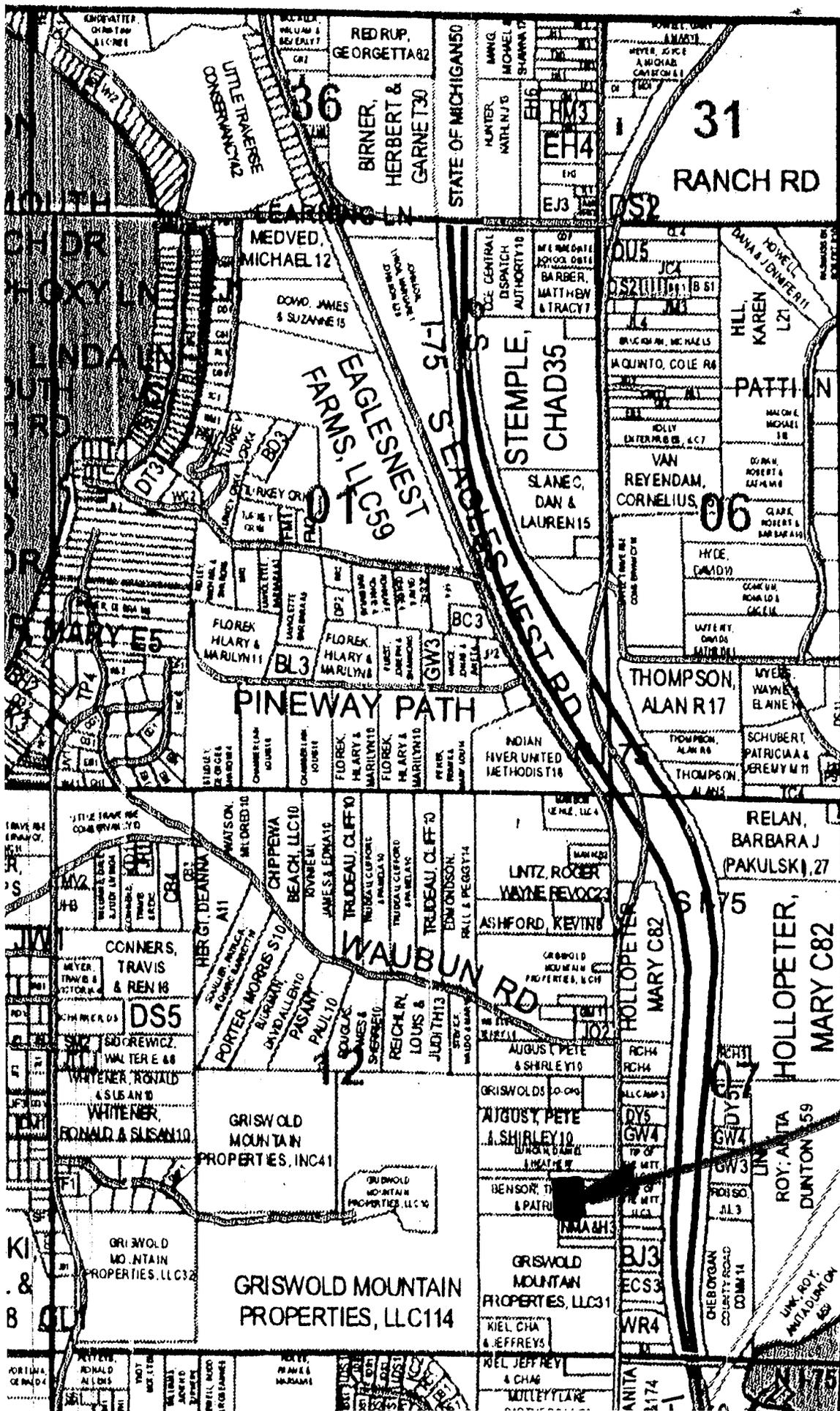
May 24, 2017

 Parcel Data



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

4



PROJECT

Koehn

Parcel

PARCEL_NO 161-012-400-007-00
OWNER BENSON, THEODORE & PATRICIA H/W
PROP_ADD 1720 S STRAITS HWY
PROP_CITY INDIAN RIVER
OWN_ADD 2471 EAST MULLETT LAKE RD
OWN_CITY INDIAN RIVER
OWN_STATE MI
OWN_ZIP 49749
PRE 0.00
legal S1/2 OF S1/2 OF NE1/4 OF SE1/4, SEC 12, T35N,R3W. 621/913;728/859;772/166;772/165;879/448;897/794;
1084/871
LIBER_PAGE 885/465

ORIGINAL PARENT
PARCEL TAX DESCRIPTION.

CRA 100 (03/2005)

Cheboygan County Road Commission

5302 South Straits Highway
Indian River, Michigan 49749-9379
Phone: (231) 238-7775 Fax: (231) 238-0830

office@chcrc.com

Application No. 14142
Permit No. _____
Issue Date 05/04/2017

APPLICATION AND PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN WITHIN THE RIGHT-OF-WAY OF; OR TO CLOSE, A COUNTY ROAD.

APPLICATION

An applicant is defined as an owner of property adjacent to the right-of-way, the property owner's authorized representative; or an authorized representative of a private or public utility who applies for a permit to construct, operate, use, and/or maintain a facility within the right-of-way for the purpose outlined within the application. A contractor who makes application on behalf of a property owner or utility must provide documentation of authority to apply for a permit.

APPLICANT	Name: <u>Edward Shovan</u>	CONTRACTOR	Company: <u>Aqua</u>
	Address: <u>P.O. Box 2083</u>		Address: <u>Same</u>
	<u>Indian River, MI 49749</u>		Phone No: _____ Cell No: _____
	Phone No: <u>238-4268</u> Cell No: <u>231-290-1429 X</u>		Fax No: _____
	Fax No: <u>238-4268</u>		Email Address: _____
Email Address: <u>aquanlawn@locutnet.com</u>			

Applicant/Contractor request a permit for the following work within the right of way of a county road: New commercial driveway entrance 30' wide with curbs and paved, 1720 S. Straits Hwy.

LOCATION: County Road 1720 S. Straits Hwy Between South of Waubesa And North of Link
Township Tuscarora Section 12 T R Side of Road N S E W Property ID 161-012-400-007-02
DATE: Work to begin on 5-15-2017; Work to be completed by 10-15-2017

I certify and acknowledge that (1) the information contained in this application is true and correct, (2) the commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof and, (3) if this permit is for commercial or residential driveway work, I am the legal owner of the property that this driveway will serve, or I am the authorized representative.

Applicant's Signature: <u>[Signature]</u>	Contractor's Signature: <u>[Signature]</u>
Title: <u>Pending partial owner</u> Date: <u>4-28-2017</u>	Title: <u>Owner</u> Date: <u>4-28-2017</u>

PERMIT

The term "Permit Holder" in the terms and conditions set forth on the reverse side hereof, refers to the applicant and the contractor, where applicable. By performing work under this permit, the Permit Holder acknowledges and agrees that this permit is subject to all the rules, regulations, terms and conditions set forth herein, including on the reverse side hereof. Failure to comply with any of said rules, regulations, terms and conditions shall render this permit NULL AND VOID.

REQUIREMENTS	FEE TYPE	AMOUNT	RECEIPT NO	DATE	Letter of Credit \$	<input type="checkbox"/> Y <input type="checkbox"/> N
	Application Fee				Surety Bond \$	<input type="checkbox"/> Y <input type="checkbox"/> N
	Permit Fee	<u>100.00</u>	<u>21934</u>	<u>5/1/17</u>	Retainer Letter	<input type="checkbox"/> Y <input type="checkbox"/> N
	Inspection Fee				Approved Plans on File	<input type="checkbox"/> Y <input type="checkbox"/> N
	Bond				Certificate of Insurance	<input type="checkbox"/> Y <input type="checkbox"/> N
	Deposit				Attachments/Supplemental Specifications	<input type="checkbox"/> Y <input type="checkbox"/> N
	Other					
	To Be Billed					

OTHER REQUIREMENTS: Driveway curb can't extend on to adjacent property.

CONCRETE CURB AND CUTTER AND PAVING REQUIRED.

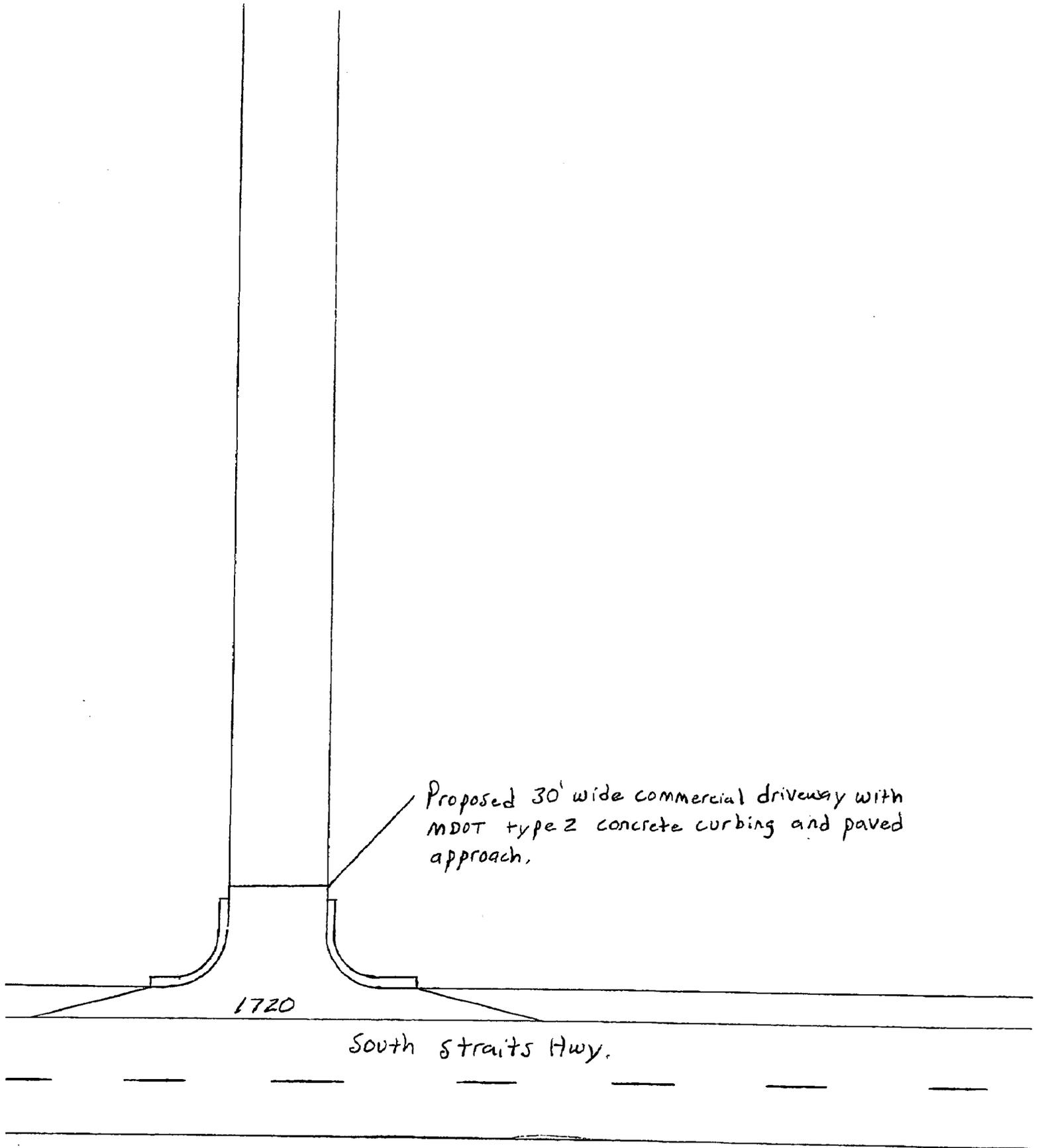
Recommended For Issuance By: [Signature]
Title: Foreman Date: 5-1-17

Approved By: [Signature]
Title: ENGINEER/MANAGER Date: 05/04/2017

7

Mailed 5/10/17

IV →



Proposed 30' wide commercial driveway with MDOT type 2 concrete curbing and paved approach.

1720

South Straits Hwy.

161-012-400-007-02 new for 2018

TUSCARORA TOWNSHIP PARCEL DIVISION APPLICATION

You **MUST** answer all questions and include all attachments, or this will be returned to you.
Bring or mail to:

Michael Ridley, Supervisor/Assessor
3546 S. Straits Highway
P.O. Box 220
Indian River, MI 49749

Approval of a proposed division of land is required when the new parcel is less than 40 acres and not just a property line adjustment (Sec. 102(e&f)).

Fill in below where you want this form sent when the review is completed.

Name FULLFORD SURVEYING
BRIAN FULLFORD
Address PO BOX 969
City, State Zip INDIAN RIVER, MI
49749

This form is designed to comply with applicable local zoning, land division ordinances and Sec. 109 of the Michigan Land Division (formerly the subdivision control act, P.A. 288 of 1967, as amended particularly by P.A. 591 of 1996, MCL 560.101 *Et seq.* and any subsequent amendments.)

1. LOCATION of parcel to be split:

Parent parcel/tract: PARENT Redivision: _____
Address: 1770 S. STRAITS HIGHWAY
Parcel Number: 161-012-400-007-00 Sec. 17 T 35NR 3W
Name: SEE THEODORE & PATRICIA GENSEN

Attach copy of deed as recorded at Register of Deeds Office

2. PROPERTY OWNER Information:

Name: THEODORE & PATRICIA GENSEN Phone: () 238 7234
Address: 2471 EAST MOUETT LAKE ROAD
City: INDIAN RIVER State: MI Zip Code: 49749

3. APPLICANT Information (if different than property owner):

Contact Person's Name: BRIAN FULLFORD
Business Name: FULLFORD SURVEYING Phone: () 238 9199
Address: PO BOX 969
City: INDIAN RIVER State: MI Zip Code: 49749

4. PROPOSAL: Describe the division(s) being proposed:

- A. Number of new Parcels 2
- B. Intended use (residential, commercial, etc) RESIDENTIAL / COMMERCIAL
- C. The division(s) of the parcel has/have access by (check one):

- Each new division has frontage on an existing public road
- A new public road, proposed road name*: _____
- A new private road, proposed road name*: _____
- A recorded easement

*Road name cannot duplicate an existing road name

4A. Attach a legal description of the proposed new road or easement.

5. FUTURE DIVISIONS being reserved? 3 For whom? FALLER 3
See Section 109(2) of the Statute. Make sure your deed includes both statements as required in section 109(3) and 109(4) of the Statute.

6. DEVELOPMENT SITE LIMITS:

Check each which represents a condition which exists on the parcel/tract.

- Any part of the parcel is in a DNR-designated critical sand dune area
- The parcel is riparian or littoral (it is a river or lake front parcel)
- Any part of the parcel is affected by a Lake Michigan High Risk Erosion setback.
- Any part of the parcel includes a wetland. Any part of the parcel includes a beach
- Any part of the parcel is within a flood plain.
- Any part of the parcel includes slopes more than twenty-five percent (a 1:4 pitch or 14 deg. angle) or steeper.

7. ATTACHMENTS: (all attachments must be included). Letter each attachment as shown here.

A. Map, drawn to scale, of the proposed division(s) of the parent parcel/tract or if re-division per Sec 108(5) showing:

- (1) Current boundaries as of March 31, 1997
- (2) All previous divisions made after March 31, 1997 (indicate when made or none)
- (3) Items from Ordinance Sec. V, D
- (4) Any of the features checked in question number 6 above

B. A soil evaluation or septic system permit for each proposed parcel prepared by the local District Health Department, or each proposed parcel is serviced by a public sewer system.

C. An evaluation/indication of approval for a well permit for potable water for each proposed parcel prepared by the local District Health Department, or each proposed parcel is serviced by a public water system.

D. Indication of approval, or permit from County Road Commission, MDOT, or respective city/village street administrator, for each proposed new public road and/or easement.

E. A copy of any reserved division rights (Sec. 109(4) of the Act) in the parent parcel).

F. A fee of \$25.00 (check made payable to Tuscarora Township)

G. Other (please list) _____

SUBJECT TO

SUBJECT TO

8. IMPROVEMENTS:

Describe any existing improvements (buildings, well, septic, etc.) which are on the parcel, or indicate none:

VACANT

9. AFFIDAVIT and permission for municipal, county and state officials to enter the property for inspections:

I agree the statements made above are true, and if found not to be true this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with this parcel division. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purpose of inspection. Finally, I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance and the State Land Division Act (formerly the subdivision control act, P.A. 288 of 1967, as amended particularly by P.A. 591 of 1996), MCL 560.101 et. seq.) and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restriction or other property rights.

Finally, even if this division is approved, I understand zoning, local ordinances and state Act change from time to time, and if changed, the divisions made here must comply with the new requirements (apply for division approval again) unless deeds representing the approved division are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

Applicant's Signature: [Signature] Date: 4/27/17

Property Owner's Signature: [Signature] Date: 4-27-17

DO NOT WRITE BELOW THIS LINE:

Total \$ _____ Receipt # _____

Reviewer's Action:

Approved: Conditions, if any: _____

Denied: Reasons (cite Sec.): _____

Signature and date: [Signature] 4/28/17

PROPOSED LAND DIVISION

PARCEL No. 161-012-400-007-00
 SECTION 12, T35N,R3W, TUSCARORA TOWNSHIP
 CHEBOYGAN COUNTY, MICHIGAN

FOR:
 THEODORE & PATRICIA BENSON

SEC. 12, T35N, R3W
 FB: CS15

DRAWN: BKF
 CHECK: BKF

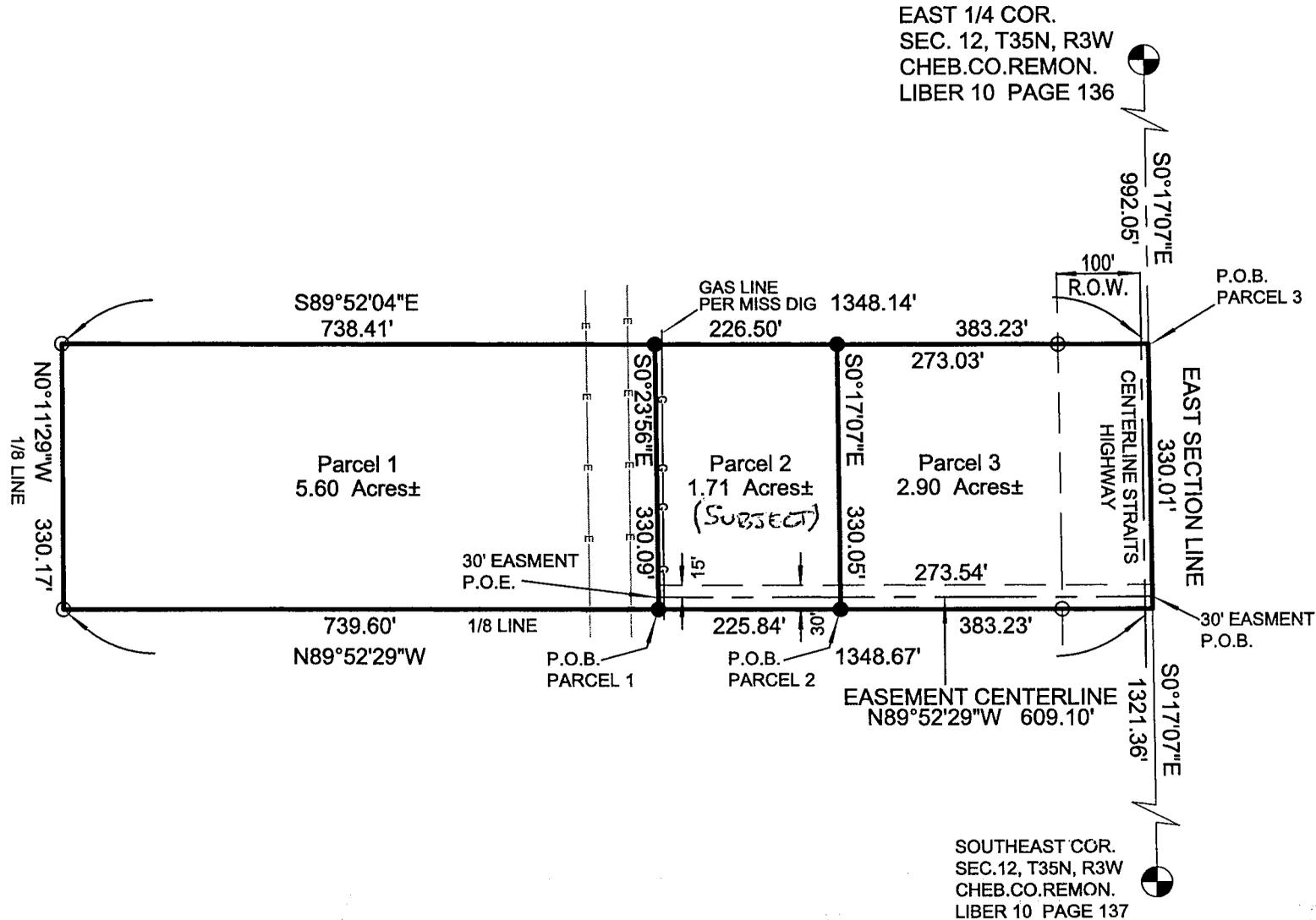
PROJECT NO.
 17-014S

PAGE 1 of 2

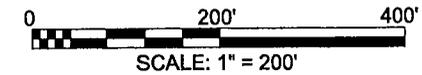


FULLFORD SURVEYING & MAPPING, P.C.

PO BOX 969
 5097 S. STRAITS HIGHWAY, SUITE A
 INDIAN RIVER, MI 49749
 PHONE: 231-238-9199 FAX: 231-238-9195



EAST 1/4 COR.
 SEC. 12, T35N, R3W
 CHEB.CO.REMON.
 LIBER 10 PAGE 136



- GOVERNMENT CORNER
- 1/2" BAR & CAP #41099 TO SET
- 1/2" BAR & CAP RECOVERED



PREPARED UNDER THE SUPERVISION OF

Brian K. Fullford 4/27/17
 BRIAN K. FULLFORD
 PROFESSIONAL SURVEYOR
 REGISTRATION NO. 41099

SOUTHEAST COR.
 SEC.12, T35N, R3W
 CHEB.CO.REMON.
 LIBER 10 PAGE 137

PROPOSED LAND DIVISION

PARCEL No. 161-012-400-007-00
SECTION 12, T35N,R3W, TUSCARORA TOWNSHIP
CHEBOYGAN COUNTY, MICHIGAN

FOR:

THEODORE & PATRICIA BENSON

SEC. 12, T35N, R3W
FB: CS15

DRAWN: BKF
CHECK: BKF

PROJECT NO.
17-014S

PAGE 2 of 2



FULLFORD SURVEYING & MAPPING, P.C.

PO BOX 969
5097 S. STRAITS HIGHWAY, SUITE A
INDIAN RIVER, MI 49749
PHONE: 231-238-9199 FAX: 231-238-9195

Parent Parcel

Situated in the Township of Tuscarora, County of Cheboygan, State of Michigan:

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 12, T35N, R3W.

Parcel 1

Part of the Northeast 1/4 of the Southeast 1/4 of Section 12, T35N, R3W, Tuscarora Township, Cheboygan County, Michigan, described as:

Commencing at the East 1/4 corner of Section 12, T35N, R3W; thence S0°17'07"E along the East Section line 1322.06 feet to the 1/8 line as monumented; thence N89°52'29"W along said 1/8 line 609.07 feet to the POINT of BEGINNING; thence N89°52'29"W 739.60 feet to bar & cap#15410 on the East 1/8 line; thence N0°11'29"W along said 1/8 line 330.17 feet to bar & cap#12020; thence S89°52'04"E 738.41 feet; thence S0°23'56"E 330.09 feet to the Point of Beginning. Contains 5.60 acres of land, more or less. Subject to and including easements, restrictions, and reservations of record, if any. Subject to and including a 30' wide easement described below.

Parcel 2

Part of the Northeast 1/4 of the Southeast 1/4 of Section 12, T35N, R3W, Tuscarora Township, Cheboygan County, Michigan, described as:

Commencing at the East 1/4 corner of Section 12, T35N, R3W; thence S0°17'07"E along the East Section line 1322.06 feet to the 1/8 line as monumented; thence N89°52'29"W along said 1/8 line 383.23 feet to the POINT of BEGINNING; thence continuing along said 1/8 line N89°52'29"W 225.84 feet; thence N0°23'56"W 330.09 feet; thence S89°52'04"E 226.50 feet; thence S0°17'07"E parallel with the East Section line 330.05 feet to the POINT of BEGINNING. Contains 1.71 acres of land, more or less. Subject to and including easements, restrictions, and reservations of record, if any. Subject to and including a 30' wide easement described below.

Parcel 3

Part of the Northeast 1/4 of the Southeast 1/4 of Section 12, T35N, R3W, Tuscarora Township, Cheboygan County, Michigan, described as:

Commencing at the East 1/4 corner of Section 12, T35N, R3W; thence S0°17'07"E along the East Section line 992.05 feet to the POINT of BEGINNING; thence continuing S0°17'07"E 330.01 feet to the 1/8 line as monumented; thence N89°52'29"W along said 1/8 line 383.23 feet; thence N0°17'07"W parallel with the East Section Line 330.05 feet; thence S89°52'04"E 383.23 feet to the POINT of BEGINNING. Contains 2.90 acres of land, more or less. Subject to and including easements, restrictions, and reservations of record, if any. Subject to and including a 30' wide easement described below.

30' Wide Easement

A 30' wide easement for ingress and egress and the construction and maintenance of utilities in part of the Northeast 1/4 of the Southeast 1/4 of Section 12, T35N, R3W, Tuscarora Township, Cheboygan County, Michigan, the centerline of which is described as:

Commencing at the East 1/4 corner of Section 12, T35N, R3W; thence S0°17'07"E along the East Section line 1322.06 feet to the 1/8 line as monumented; thence N0°17'07"W 15.00 feet to the Point of Beginning; thence N89°52'29"W parallel with the 1/8 line as monumented 609.10 feet to the POINT of ENDING. Sidelines are extended or shortened as required to provide easement from Straits Highway to the East line of Parcel 1 as shown hereon.



Handwritten signature and date: BKF 2/17

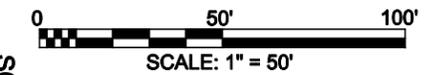
CHEBOYGAN COUNTY ZONING INFORMATION
ZONING ORDINANCE No. 200, ADOPTED FEBRUARY 8, 1983

ZONING DISTRICT	MINIMUM PARCEL SIZE	YARD SETBACKS (FT)		
		FRONT	SIDE	REAR
D-CM COMMERCIAL DEVELOPMENT	SITE PLAN	25	10	10

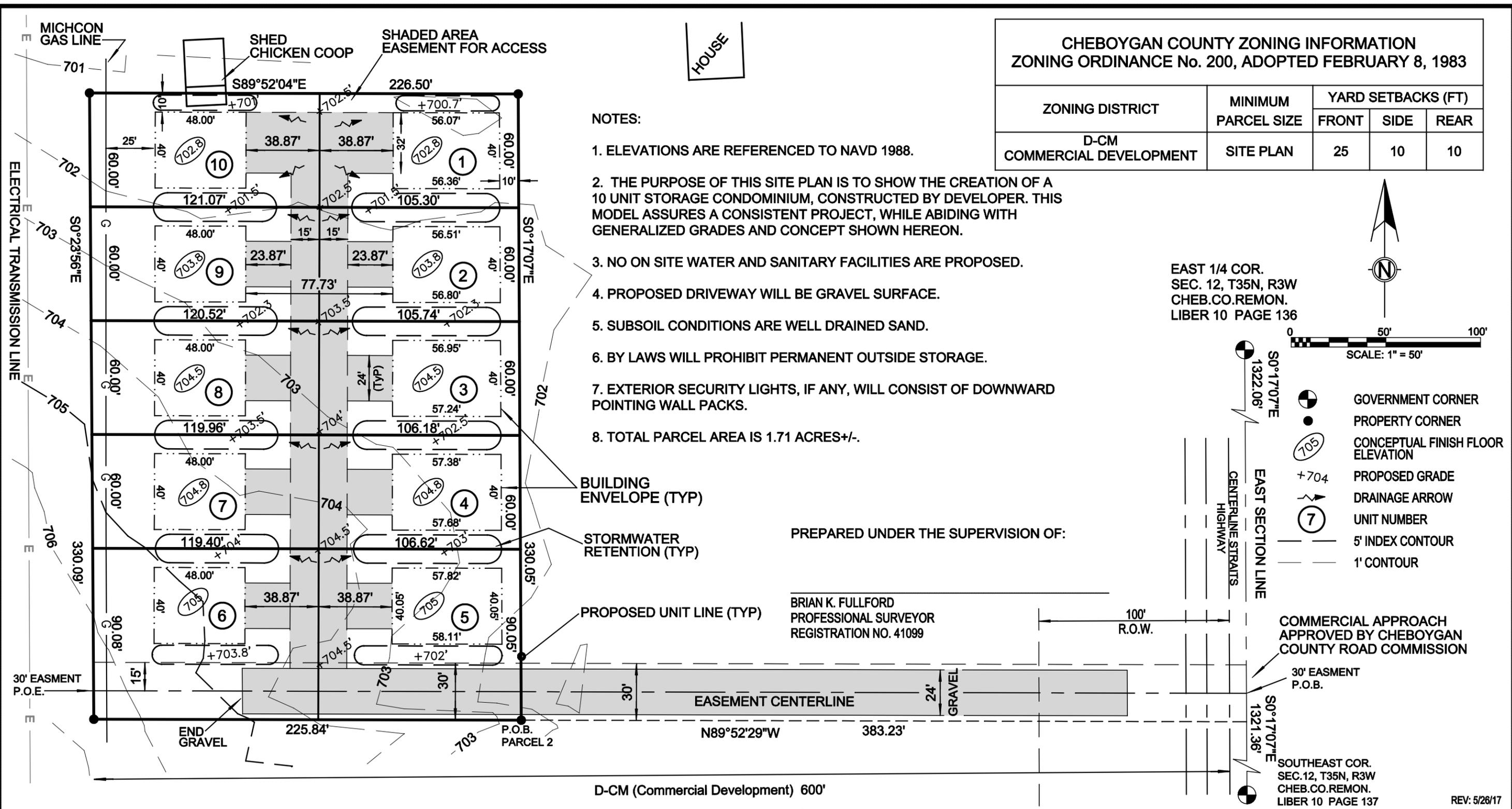
NOTES:

- ELEVATIONS ARE REFERENCED TO NAVD 1988.
- THE PURPOSE OF THIS SITE PLAN IS TO SHOW THE CREATION OF A 10 UNIT STORAGE CONDOMINIUM, CONSTRUCTED BY DEVELOPER. THIS MODEL ASSURES A CONSISTENT PROJECT, WHILE ABIDING WITH GENERALIZED GRADES AND CONCEPT SHOWN HEREON.
- NO ON SITE WATER AND SANITARY FACILITIES ARE PROPOSED.
- PROPOSED DRIVEWAY WILL BE GRAVEL SURFACE.
- SUBSOIL CONDITIONS ARE WELL DRAINED SAND.
- BY LAWS WILL PROHIBIT PERMANENT OUTSIDE STORAGE.
- EXTERIOR SECURITY LIGHTS, IF ANY, WILL CONSIST OF DOWNWARD POINTING WALL PACKS.
- TOTAL PARCEL AREA IS 1.71 ACRES+/-.

EAST 1/4 COR.
 SEC. 12, T35N, R3W
 CHEB.CO.REMON.
 LIBER 10 PAGE 136



- GOVERNMENT CORNER
- PROPERTY CORNER
- CONCEPTUAL FINISH FLOOR ELEVATION
- PROPOSED GRADE
- DRAINAGE ARROW
- UNIT NUMBER
- 5' INDEX CONTOUR
- 1' CONTOUR



PREPARED UNDER THE SUPERVISION OF:

BRIAN K. FULLFORD
 PROFESSIONAL SURVEYOR
 REGISTRATION NO. 41099

COMMERCIAL APPROACH
 APPROVED BY CHEBOYGAN
 COUNTY ROAD COMMISSION

PRIVATE STORAGE UNIT SITE PLAN
 PORTION of PARCEL No. 161-012-400-007-00
 SPLIT AS PARCEL 161-012-400-007-02 on APRIL 28, 2017
 SECTION 12, T35N,R3W, TUSCARORA TOWNSHIP
 CHEBOYGAN COUNTY, MICHIGAN

TRI-RIVERS COLLISION

FOR:
 INDIAN RIVER STORAGE LLC

SEC. 12, T35N, R3W
 FB: CS 15

DRAWN: BKF
 CHECK: BKF

PROJECT NO.
 17-015S



FULLFORD SURVEYING & MAPPING, P.C.
 PO BOX 969
 5097 S. STRAITS HIGHWAY, SUITE A
 INDIAN RIVER, MI 49749
 PHONE: 231-238-9199 FAX: 231-238-9195

CHEBOYGAN COUNTY ZONING INFORMATION
ZONING ORDINANCE No. 200, ADOPTED FEBRUARY 8, 1983

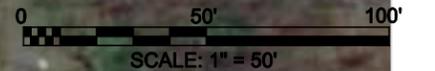
ZONING DISTRICT	MINIMUM PARCEL SIZE	YARD SETBACKS (FT)		
		FRONT	SIDE	REAR
D-CM COMMERCIAL DEVELOPMENT	SITE PLAN	25	10	10

NOTES:

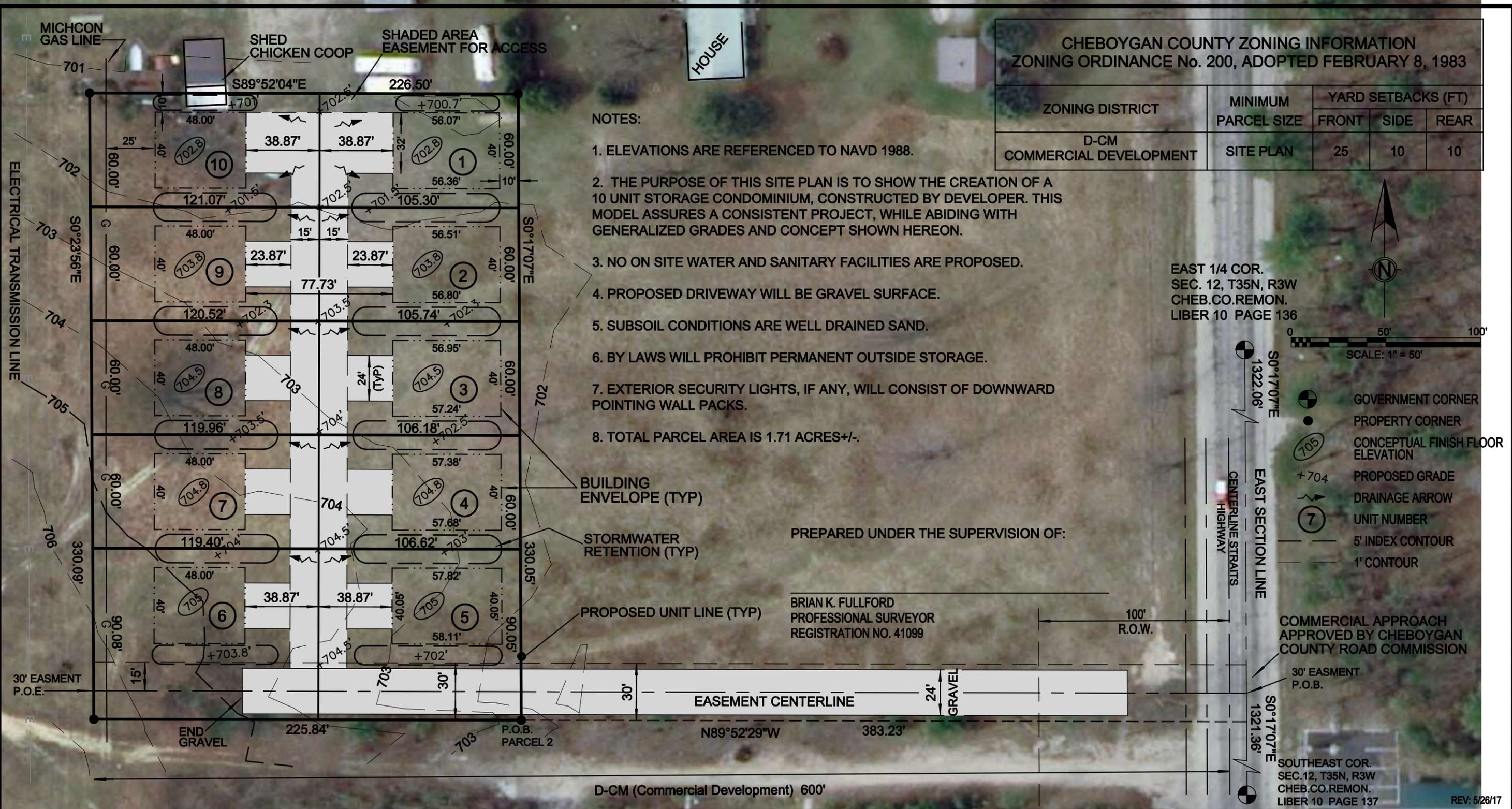
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- NO ON SITE WATER AND SANITARY FACILITIES ARE PROPOSED.
- PROPOSED DRIVEWAY WILL BE GRAVEL SURFACE.
- SUBSOIL CONDITIONS ARE WELL DRAINED SAND.
- BY LAWS WILL PROHIBIT PERMANENT OUTSIDE STORAGE.
- EXTERIOR SECURITY LIGHTS, IF ANY, WILL CONSIST OF DOWNWARD POINTING WALL PACKS.
- TOTAL PARCEL AREA IS 1.71 ACRES+/-.

EAST 1/4 COR.
 SEC. 12, T35N, R3W
 CHEB.CO.REMON.
 LIBER 10 PAGE 136

SCALE: 1" = 50'



- GOVERNMENT CORNER
- PROPERTY CORNER
- CONCEPTUAL FINISH FLOOR ELEVATION
- PROPOSED GRADE
- DRAINAGE ARROW
- UNIT NUMBER
- 5' INDEX CONTOUR
- 1' CONTOUR



BUILDING ENVELOPE (TYP)
 STORMWATER RETENTION (TYP)
 PROPOSED UNIT LINE (TYP)

PREPARED UNDER THE SUPERVISION OF:
 BRIAN K. FULLFORD
 PROFESSIONAL SURVEYOR
 REGISTRATION NO. 41099

PRIVATE STORAGE UNIT SITE PLAN
 PORTION of PARCEL No. 161-012-400-007-00
 SPLIT AS PARCEL 161-012-400-007-02 on APRIL 28, 2017
 SECTION 12, T35N,R3W, TUSCARORA TOWNSHIP
 CHEBOYGAN COUNTY, MICHIGAN

TRI-RIVERS COLLISION

FOR:
 INDIAN RIVER STORAGE LLC

SEC. 12, T35N, R3W
 FB: CS 15

DRAWN: BKF
 CHECK: BKF

PROJECT NO.
 17-015S

FULLFORD SURVEYING & MAPPING, P.C.
 PO BOX 969
 5097 S. STRAITS HIGHWAY, SUITE A
 INDIAN RIVER, MI 49749
 PHONE: 231-238-9199 FAX: 231-238-9195

Deborah Tomlinson

From: Brent Shank [<mailto:mgr@chcrc.com>]

Sent: Thursday, June 01, 2017 2:33 PM

To: Deborah Tomlinson

Subject: Re: Applications for Dreffs/Seifert, Drost's Chocolates & ECS Investments

Debbie,

Our Board approved a permit for outdoor seating at locations 1 and 2 for Drost Chocolates. We will be issuing a permit that is valid for only one year. A new permit will need to be approved annually going forward. A permit has not been issued yet, there are some conditions that Mr. Waldron will need to fulfill before the permit is finalized. I will forward a copy of the approved permit when it is complete.

The ECS site is in compliance with Road Commission requirements, we have no concerns at this time.

Thank you,

Brent Shank
Engineer/Manager
Cheboygan County Road Commission
mgr@chcrc.com
(231) 238-7775



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: Site Plan Review. Site Condominium for Private Storage Buildings.	Prepared by: Scott McNeil
Date: May 30, 2017	Expected Meeting Date: June 7, 2017

GENERAL INFORMATION

Applicant: Fullford Surveying

Owner: ECS investments

Contact person: Ed Shovan

Phone: 231-290-1429

Requested Action: Site Plan Approval for private storage building site condominium.

BACKGROUND INFORMATION

The applicant is seeking site plan review approval for a proposed site condominium pursuant to section 20.3.d. for construction of Private Storage Buildings. The subject property is located in a Commercial Development (D-CM) zoning district.

Private storage buildings, subject to provisions of section 17.23, are a permitted use in a D-CM zoning district per section 6.2.29.

Section 17.23.1. states as follows:

17.23.1 STANDARDS

The following standards apply to private storage buildings and uses on the Residential (D-RS), Rural Character/Country Living (D-RC) and Lake and Stream Protection (P-LS) zoning districts. *Private storage buildings that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards.* (emphasis added)

As a result of the conflicting language, the provisions of section 17.23. are not applicable.

The zoning ordinance does not require minimum lot sizes for the D-CM district. Private Storage Buildings is the only use proposed for the site condominium. The site plan provides a common easement (see shaded area on site plan in exhibit 7).

Private Storage Buildings are defined in the zoning ordinance as follows;

PRIVATE STORAGE BUILDING

A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping, cooking, and/or sanitation including but not limited to a toilet facility.

The subject parcel is the result of a recent land division. You will note an access easement is provided on the site plan from South Straits Highway. An ariel photo of the subject location is provided in figure 1 of this report.

Current Zoning:

Commercial Development District (D-CM)

Surrounding Land Uses: Residential to the north and south, vacant commercial to the east and vacant the west.

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

Historic buildings/features: There are no known historic features on the site.

Traffic Implications: The site is served by a proposed easement from South Straits Highway. The proposed site condominium contains ten (10) units for construction of private storage buildings. Minimal impact relative to traffic is expected.

Parking: There no parking requirements for private storage buildings. The site plan provides for a building area foot print with remaining shaded area available for access and parking. The Planning Commission will need to make an adequate parking determination per section 17.4.1.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties) The site is served by a proposed easement from South Straits Highway.

Signs: No signs are proposed in conjunction with this request.

Fence/Hedge/Buffer; No fence, hedge or other form of buffer is proposed nor required.

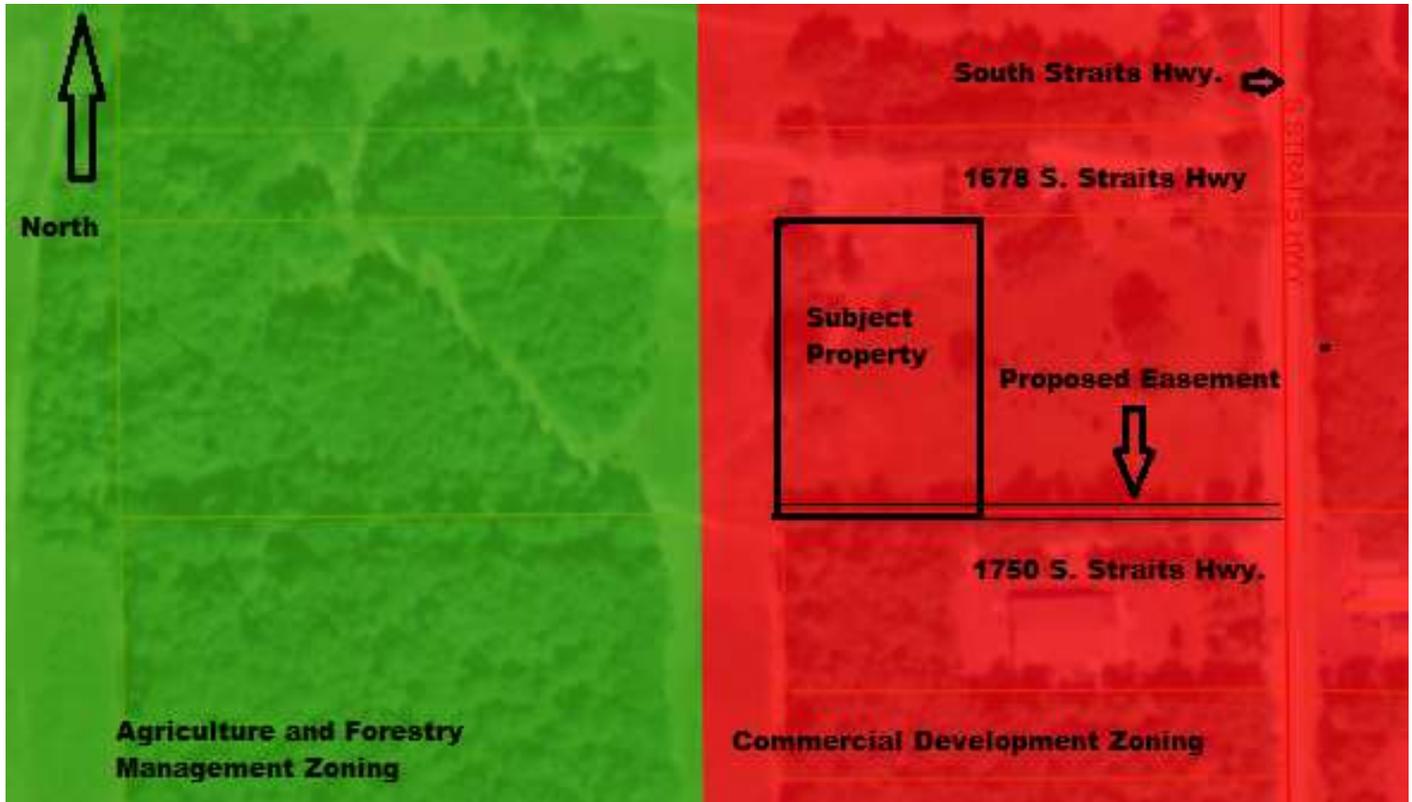
Lighting: The site plan states that security lights, if any, will consist of downward pointing wall packs.

Stormwater management. Stormwater management is indicated on the site plan which includes stormwater retention.

Review or permits from other government entities: Approval under the Cheboygan County Soil Sedimentation and Storm Water Control ordinance, County Road Commission and by the Department of Building Safety will be required.

Recommendations (proposed conditions): Review and approval of the applicable Master Deed by legal counsel to insure that provisions of the site plan, findings of fact and any other conditions for approval by the Planning Commission are appropriately included in the same.

Figure 1



CHEBOYGAN COUNTY PLANNING COMMISSION

SITE PLAN REVIEW

Wednesday, June 7, 2017, 7:00 PM

Applicant

Fulford Surveying and Mapping PC
P.O. Box 969
Indian River, Mi. 49749

Owner

ECS Investments
P.O. Box 2083
Indian River, Mi. 49749

Parcel

Tuscarora Township
161-012-400-007-02

GENERAL FINDINGS

1. The applicant is seeking site plan review for a proposed site condominium pursuant to section 20.3.d.for Private Storage Building use only.
2. Ten (10) units are proposed for the site condominium.
3. The property is located in a Commercial Development (D-CM) zoning district.
4. Private Storage Buildings are a permitted use in a D-CM zoning district per section 6.2.29.
- 5.
- 6.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. 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 application propose minimal changes to the natural contours of the subject site. (see exhibits 3 and 9)
 - 2.
 3. Standard has been met.Or
 - 1.
 - 2.
 3. Standard has not been met.
- b. 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. Changes relative to soil removal and topographic modifications will be minimal. (see exhibits 3 and 9).
 - 2.
 - 3.
 4. Standard has been met.Or
 - 1.
 - 2.
 3. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. The applicant has indicated a method of stormwater management on the site plan. (see exhibit 9).
 - 2. Application states that drainage created will be retained on site. (see exhibit 3)
 - 3.
 - 4. Standard has been met.
 Or
 - 1. No evidence has been provided to indicate that neighboring properties will not be adversely affected.
 - 2.
 - 3. Standard has not been met.

- d. 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. No dwelling units are proposed. (see exhibits 3 and 7)

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means
 - 1. Emergency vehicle access is provided via a limited common element for access and maneuvering from a thirty (30) foot wide easement which extends to South Straits Highway. (see exhibits 3 and 9)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - 1. Each unit is provided access via limited common element form a thirty (30) foot wide easement which extends to South Straits Highway, which is a County Major Road. (see exhibits 3and 9)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
 - 1. The use of the proposed subdivision condominium is for Private Storage Buildings only. No dwelling units are proposed. A pedestrian circulation system is not proposed. (see exhibits 3 and 9)
 - 2.
 Or.
 - 1.
 - 2. Standard has not been met.

- h. 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. The application and site plan states that security lights, if any, will consist of downward pointing wall packs. (see exhibit 3)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 - 1. Access is provided to each unit via a comment element from a thirty (30) foot wide easement which extends to South Straits Highway. (see exhibits 3 and 9)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2.
 - 3. Standard has not been met.

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
 - 1. The site plan conforms to Cheboygan County Master Plan and shall meet state and federal requirements. (see exhibit 1, 2, 3 and 9)
 - 2.
 - 3. Standard has been met
 Or
 - 1.
 - 2. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, June 7, 2017

Patty Croft, Chairperson

Charles Freese, Secretary