



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, AUGUST 17, 2016 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.) **KELLY ASHFORD** – Requests a Site Plan Review for a Specialty Retail Business – Section 13A.3.16. The property is located at 6016 Martha Street, Tuscarora Township, section 24, parcel #161-M55-033-009-00, and is zoned Village Center Indian River (VC-IR).
- 2.) **BRIAN FROST** - Requests a Special Use Permit for a Salvage yard - Section 9.3.18. The property is located at 7455 Reams Rd., Mentor Twp., section 8, parcel #200-008-100-014-02, and is zoned Agriculture and Forestry Management (M-AF).  
*(This item was tabled at the August 3, 2016 Planning Commission meeting.)*

**Mr. Frost has submitted a request to table this consideration of a special use permit for a salvage yard.**

### UNFINISHED BUSINESS

1. Review of proposed Zoning Ordinance Amendment regarding Mobile Food Units
2. Review of proposed Zoning Ordinance Amendment regarding Planned Unit Development

### NEW BUSINESS

### STAFF REPORT

### PLANNING COMMISSION COMMENTS

### PUBLIC COMMENTS

### ADJOURN



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, AUGUST 3, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Croft, Ostwald, Lyon, Churchill, Jazdzyk  
**ABSENT:** Kavanaugh, Borowicz  
**STAFF:** Scott McNeil  
**GUESTS:** Bob Lyon, Charles Maziasz, Eric Boyd, Russell Crawford, Cheryl Crawford, Tony Matelski

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Churchill, seconded by Mr. Freese, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Borowicz)

### APPROVAL OF MINUTES

The July 20, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Freese, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Borowicz)

### PUBLIC HEARING AND ACTION ON REQUESTS

**BRIAN FROST** - Requests a Special Use Permit for a Salvage yard - Section 9.3.18. The property is located at 7455 Reams Rd., Mentor Twp., section 8, parcel #200-008-100-014-02, and is zoned Agriculture and Forestry Management (M-AF). (*This item was tabled at the July 20, 2016 Planning Commission meeting.*)

Ms. Croft stated that Mr. Frost has submitted a request to table this consideration of a special use permit for a salvage yard until the next Planning Commission meeting. **Motion** by Mr. Freese, seconded by Ms. Lyon, to table the special use permit request for Brian Frost until the August 17, 2016 Planning Commission meeting. Motion carried. 7 Ayes (Bartlett, Freese, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Borowicz)

### Public Hearing on 2017 Capital Improvements Program

Mr. McNeil stated that a public hearing is part of the process for the establishment of the Capital Improvements Program. McNeil explained that the Capital Improvement Plan is required by the Planning Enabling Act. Mr. McNeil stated within this plan you will see projects provided by different agencies in the county. Mr. McNeil stated the Planning Commission looks at each project and determines if it should be included in the plan and if included in the plan the Planning Commission decides whether the project should be included in a needed category or a desirable category.

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

Board held discussion. Mr. Freese noted that Tuscarora Township has a Planning Commission and questioned if their Capital Improvement Program should be included in the Cheboygan County Capital Improvement Program. Mr. McNeil stated yes, it should. Mr. McNeil stated that we invite Tuscarora Township to submit projects. Discussion was held regarding any entity with a Master Plan being required to have a Capital Improvement Plan.

**Motion** by Mr. Freese, seconded by Mr. Bartlett, to forward the 2017 Capital Improvement Program to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Borowicz)

## **UNFINISHED BUSINESS**

### **Review of Sign Ordinance Amendment**

Mr. McNeil stated that the sign ordinance amendment has been reviewed by legal counsel. Mr. McNeil stated that legal counsel has only made a couple of changes including adding exception language regarding incidental signs in Section 17.19.3.C. and sign on vehicles used in day to day operations in Section 17.13.3.E. Mr. McNeil stated these are the only changes and he believes this amendment is ready for a public hearing. **Motion** by Mr. Freese, seconded by Mr. Churchill, to schedule a public hearing for September 7, 2016. Motion carried. 7 Ayes (Bartlett, Freese, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 2 Absent (Kavanaugh, Borowicz)

### **Review of proposed definitions regarding uses related to Restaurant and Bar and Gas Station and Party Store**

Mr. McNeil stated that with regards to Gas Stations and Party Stores, language referencing motor vehicle repair has replaced auto repair as requested. Mr. Freese requested that the use classification be changed to Motor Vehicle Repair Facility. Mr. Freese referred to the definition of Motor Vehicle Service Station and questioned if engine rebuilding is crossing over into Motor Vehicle Repair Facility. Mr. Freese stated that normally a gas station does not tear an engine down and rebuild it. Ms. Lyon agreed with Mr. Freese. Mr. McNeil stated that it is in the current Motor Vehicle Service Station definition. Mr. McNeil stated that as we are changing definitions we may want to put it in the category that it fits better in. Discussion was held regarding vehicles that are fixed at a residence falling under the definition of Motor Vehicle Service Station. Ms. Lyon stated that this should be a separate definition. Mr. Freese stated this is the use that is being defined and not the location. Mr. McNeil agreed that the Planning Commission is looking at the impact on the land. Ms. Lyon stated that she does not see someone rebuilding engines also selling food items and gasoline. Mr. Freese stated that it does not have to include all of these items. Mr. Freese stated the use is what you are looking at and noted that it is not the location. Mr. Freese stated the location will include or preclude the use in the area. Mr. McNeil stated that this use is allowed in the Agriculture and Forestry Management Zoning District, Commercial Development Zoning District, Light Industrial Zoning District and General Industrial Zoning District. Discussion was held regarding a special use permit being required. Mr. McNeil noted that the Zoning Administrator is not able to approve a home occupation permit for this use. Mr. McNeil stated the permitted uses for home occupation include "Repair services, including small appliances, small engines, and computers/electronics." Mr. McNeil stated that auto repair is not included. Mr. Freese noted that this sentence first states that engine repair is allowed and the sentence then provides examples such as small engine repair. Mr. McNeil stated that he would not issue a home occupation permit for auto repair based on this sentence. Mr. McNeil stated that another zoning administrator may interpret this sentence differently. Mr. Freese stated that there are a lot of auto repair businesses in Cheboygan County. Mr. Freese stated that engine rebuilding should be taken out of the Motor Vehicle Service Station definition and put into the Motor Vehicle Repair definition. Mr. Freese suggested including vehicle painting in the Motor Vehicle Repair definition.

Mr. McNeil stated the Restaurant definition now includes language stating that it may include alcoholic beverages. Mr. McNeil stated that there is a new definition and language for Drive In Restaurant and a new definition for Mobile Food Unit. Mr. McNeil stated there has been discussion regarding adding food trucks to the definition of Restaurant. Mr. McNeil stated that he has noticed more in the area recently. Mr. McNeil stated that given the nature of how a food truck operates, he believes that they should be handled differently. Mr. McNeil recommended that the definition of Mobile Food Unit be established along with a procedure that it can be approved by a zoning permit as long as it is in the Commercial Zoning District and there is one on the lot. Mr. McNeil reviewed the standards of Section 17.29. Mr. Freese referred to 17.29b and stated that these two sentences conflict with each other. Mr. Freese noted the first sentence states that only one unit is allowed on a lot and the second sentence states that more than one unit will require approval under Article 20. Mr. Freese suggested including "Normally, no more than one (1) mobile food unit may be placed upon a private lot at any one time, however, if more than one (1) food unit is requested on a lot at the same time it shall require approval under Article 20 of this ordinance." in Section 17.29b.

Ms. Croft noted that the next step would be to have this amendment reviewed by legal counsel.

## **NEW BUSINESS**

No comments.

## **STAFF REPORT**

Mr. McNeil noted that oral arguments with regards to the Grandview Beach Association vs. Cheboygan County begin on August 4, 2016.

## **PLANNING COMMISSION COMMENTS**

No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Freese to adjourn. Motion carried. Meeting was adjourned at 7:29pm.

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Charles Freese  
Planning Commission Secretary

DRAFT

# CHEBOYGAN COUNTY PLANNING COMMISSION

Kelly Ashford – *Revised 08/03/16*

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Undated Letter From Kelly Ashford to Planning Commissioners (1 Page)
5. Warranty Deed Dated 06/24/16, L1309 P188 (2 Pages)
6. Site Plan (1 Page)

*The following items were added to the exhibit list on 08/03/16:*

7. E-mail dated 08/01/16 from Dave Carpenter, Tuscarora Township Fire Chief (1 Page)
- 8.
- 9.
- 10.
- 11.

Note: Planning Commission members have exhibits 1 and 2.



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### PROPERTY LOCATION

|   |  |                                |                                 |
|---|--|--------------------------------|---------------------------------|
| Address<br><i>6016 Martha St.</i>                     | City / Village<br><i>Indian River</i>  | Twp / Sec.<br><i>Tuscarora</i> | Zoning District<br><i>VC-IR</i> |
| Property Tax I.D. Number<br><i>161-155-033-009-00</i> | Plat or Condo Name / Lot or Unit No.<br><i>Lot 9, Bk 33<br/>FE Martin's 2nd Add. to Indian River</i> |                                |                                 |

### APPLICANT

|                              |  |  |
|------------------------------|--|--|
| Name<br><i>Kelly Ashford</i> | Telephone<br><i>231.445.2593</i>         | Fax<br><i>none</i>                     |
| Address<br><i>PO Box 403</i> | City, State & Zip<br><i>Indian River</i> | E-Mail<br><i>kashford@racc2000.com</i> |

### OWNER (If different from applicant)

|                         |                   |        |
|-------------------------|-------------------|--------|
| Name<br><i>As Above</i> | Telephone         | Fax    |
| Address                 | City, State & Zip | E-Mail |

### PROPOSED WORK

|   |   |
|---|---|
| Type (check all that apply)<br><input type="checkbox"/> New Building<br><input type="checkbox"/> Addition<br><input checked="" type="checkbox"/> Change in Use or Additional Use<br><input type="checkbox"/> Reconstruction<br><input type="checkbox"/> Relocated Building<br><input type="checkbox"/> Sign, Type: _____<br><input type="checkbox"/> Other: _____ | Building/Sign Information<br>Overall Length: <u>8'</u> feet <i>on garage</i><br>Overall Width: <u>4'</u> feet<br>Floor Area: <u>900</u> sq. feet <i>30' wide garage with pitched roof</i><br>Overall Building Height: <u>?</u> feet<br>Sign Area: <u>32'</u> sq. feet<br>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 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 type="checkbox"/> Other: _____  |

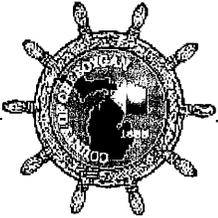
*Retail - Specialty*

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

If YES, date of approval: 2012 Approved Use: Recreational Activities

Directions to site: yurt building has been removed by previous owner  
S. Straits Hwy, downtown Indian River -  
turn onto Martha Street, building is on the  
North side of the street - Flowers unlimited

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.

Sales of cut flowers and annual planters, hours would be 9am - 5pm, 1 full time employee, 2 part-time employees, as needed in the future perhaps. (See attached)

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.

I am not changing any of the buildings. Will add flower gardens for cutting and display near S. Straits Hwy and the south west corner of the property

- 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.

All trees on the property will be preserved.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

the house and garage have been hooked up to the twp. sewer

- 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.

not putting up any fences or barriers

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

not changing these.

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

this is complied with currently

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

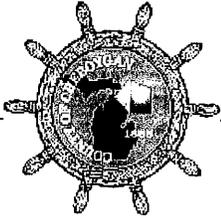
N/A

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. making no additional changes to existing

ii. It does not impede the vision of traffic along adjacent streets. \_\_\_\_\_

iii. It does not unnecessarily illuminate night skies. \_\_\_\_\_



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- 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.

No changes requested

- 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.

No changes requested

3. Size of property in sq. ft. or acres: 65' x 192' x 72' x 216'

4. Present use of property:

was vacant for 2 years, I'm using the garage for my

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

seasonal flower shop +  
seasonal home

- 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.

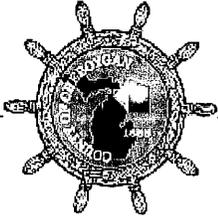
Applicant's Signature Keegan Ashford Date 7/24/16

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

Yes  No

Owner's Signature Keegan Ashford Date 7/24/16

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

|  |          |                 |
|--|----------|-----------------|
| [REDACTED]   |          |                 |
| Date Received:   | 07/25/16 | Notes:          |
| Fee Amount Received:   | \$165.-  |                 |
| Receipt Number:  | 5172     |                 |
| Public Hearing Date:   | 8-17-16  |                 |
| Planning/Zoning Administrator Approval:  |          |                 |
| <br>Signature |          | 7/26/16<br>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  |
|----------------------|------------------|--|
| yes                  |                  | 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.   |
| yes                  |                  | 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. |
| yes                  |                  | c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.   |
| level ground         | ✓                | d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.  |
| yes                  |                  | 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.  |
| yes                  |                  | f. Location of existing and proposed buildings and intended uses thereof.  |
| yes                  |                  | g. Details of entryway and sign locations should be separately depicted with an elevation view.  |
| yes                  |                  | h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carpools, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.                       |
| yes                  |                  | i. Location, size, and characteristics of all loading and unloading areas.   |
| yes                  |                  | j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.  |
| yes                  |                  | 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.                                   |
| yes                  |                  | 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  |
|----------------------|------------------|--|
| yes                  |                  | m. Location and specifications for all fences, walls, and other screening features.  |
| yes                  |                  | n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.  |
| yes                  |                  | o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.   |
| yes                  |                  | p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.   |
| yes                  |                  | 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 |
| yes                  |                  | 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/ | level ground |
|    |              |
|    |              |
|    |              |
|    |              |

**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

7/24/16  
 \_\_\_\_\_  
 DATE

## Planning Commissioners:

My plans are to use the garage to work out of. I make cut flower arrangements, wedding and funeral work and also sell annual planters.

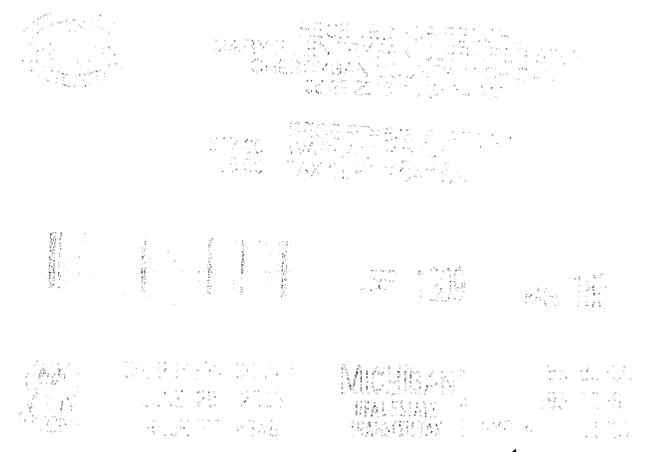
I am planning to run this as a seasonal business from April until October. All signage will be removed from the garage building when the business closes in the fall. As money permits, irrigation will be installed and raised flower beds will be

planted near S. Straits. Hwy and the southwest corner of Martha St.

I would like to be able to add a removable canopy to shade the building ~~the~~ at some point. Please let me know if I can answer any questions.

Kelly Ashford  
ph. 231.445.2593

K.A. P.C. 1330 W. N. 68 • P.O. Box 98 • Indian River, MI 49749 • Phone: 231-238-8981 • FAX: 231-238-8981 • e-mail: rkerzka@gmail.com



### WARRANTY DEED

The Grantors, Jerry D. Van Slembrouck and Vickie J. Van Slembrouck, as Co-Trustees of the Jerry and Vickie Van Slembrouck Trust dated March 20, 2003, whose address is 6645 South Extension Road, Cheboygan, Michigan 49721 convey and warrant to Kelly M. Ashford, whose address is P.O. Box 403, Indian River, Michigan 49749 the following described premises situated in the Township of Tuscarora, County of Cheboygan, and State of Michigan:

Lot 9, Block 33, F.E. Martin's 2<sup>nd</sup> Addition to the Village of Indian River, according to the Plat thereof as recorded in Liber 1 of Plats, Page 98, Cheboygan County Records.

Parcel I.D. No. 161-M55-033-009-00 ✓

The consideration paid for this transfer is the sum of Seventy Eight Thousand Dollars (\$78,000.00).

This transfer is subject to easements, reservations and restrictions of record including funding and use restrictions of record and any other item of record.

Subject to rights of the public and of any governmental unit in any part of the land taken, used or deeded for street, road, or highway purposes.

NOTE: The Certificate of Trust is recorded separate from this document.

DATE: June 24, 2016

SIGNED BY:

Jerry D. Van Slembrouck, as Co-Trustee of the Jerry and Vickie Van Slembrouck Trust dated March 20, 2003

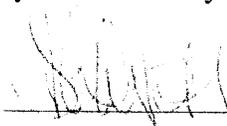
Vickie J. Van Slembrouck, as Co-Trustee of the Jerry and Vickie Van Slembrouck Trust dated March 20, 2003

A. P. C. 7380 W. MI 68 • P. O. Box 98 • Indian River, MI 49749 • Phone: 231-238-8981 • FAX: 231-238-4545 • e-mail: .

STATE OF MICHIGAN

COUNTY OF CHEBOYGAN

The foregoing instrument was executed and acknowledged before me on June 24, 2016 in said County by Jerry D. Van Slembrouck and Vickie J. Van Slembrouck, as Co-Trustees of the Jerry and Vickie Van Slembrouck Trust dated March 20, 2003 who also acknowledged that they have authority to sign this document on behalf of said Trust.



STACY KING  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF CHEBOYGAN  
My Commission Expires 01/14/2021  
Acting in the County of ~~Cheboygan~~

Notary Public  
State of Michigan, County of Cheboygan  
My commission expires:  
Acting in the County of Cheboygan

PREPARED BY:  
Robert C. Ketzka, Attorney  
P.O. Box 98  
Indian River, Michigan 49749  
(231) 238-8981



AFTER RECORDING RETURN TO:

✓ Kelly M. Ashford  
P.O. Box 403  
Indian River, Michigan 49749

PARCEL NUMBER: 161-M55-333-000-00

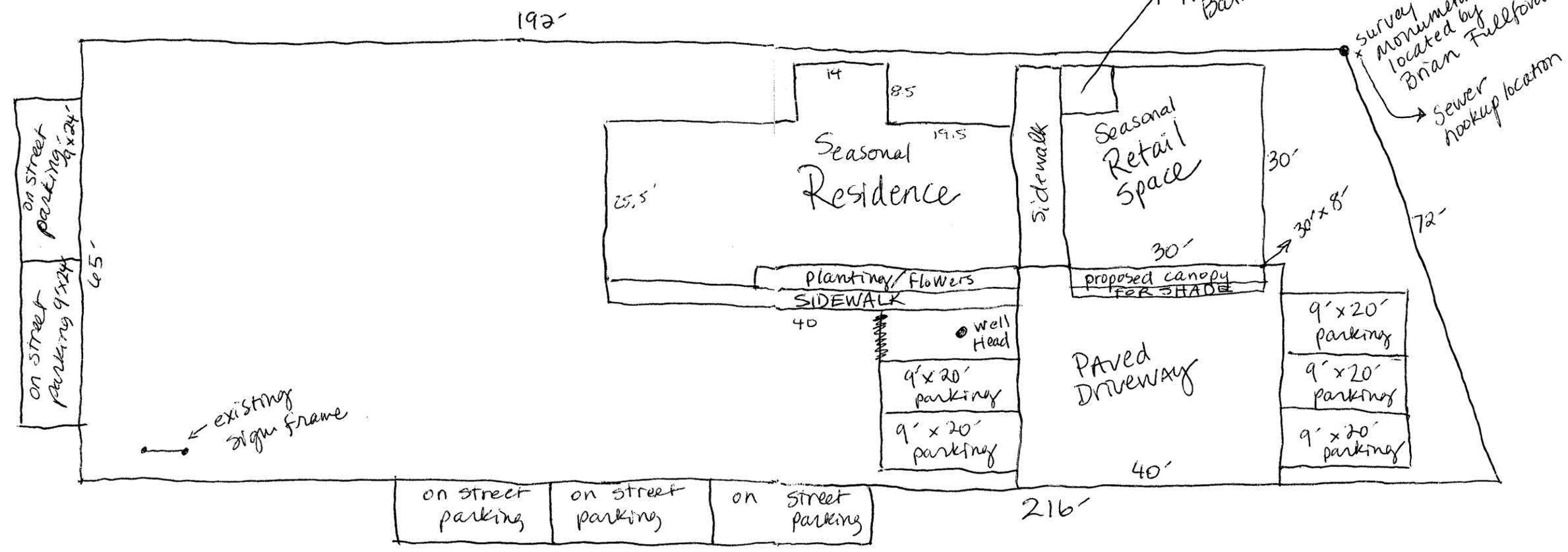
- proposed new use -

Scale 1" = 8'

prepared by  
Kelly Ashford  
7-24-16



S. Straits Hwy



6016  
Martha Street INDIAN RIVER  
Tuscarora Township

## **Deborah Tomlinson**

---

**From:** Dave Carpenter [<mailto:dpcarpenter@voyager.net>]  
**Sent:** Monday, August 01, 2016 2:51 PM  
**To:** Deborah Tomlinson  
**Subject:** Re: Site Plan Review Application For Kelly Ashford

Hi Deb,

I do not see any concerns in regards to the fire department.

Should you have any questions please feel free to contact me.

Thank You,

Dave Carpenter  
Fire Chief

**From:** [Deborah Tomlinson](#)  
**Sent:** Monday, August 01, 2016 2:20 PM  
**To:** <mailto:dpcarpenter@voyager.net>  
**Subject:** Site Plan Review Application For Kelly Ashford

Hi Dave!!

The following is a link to a site plan review application submitted by Kelly Ashford for 6016 Martha Street: <http://www.cheboygancounty.net/current-applications-in-review-359/>. This application will be reviewed at the 08/17/16 Planning Commission meeting.

Please let me know if you have any questions or comments. Thank you!!!

Debbie

**Debbie Tomlinson**  
*Cheboygan County*  
*Community Development Department*  
PO Box 70, 870 South Main Street  
Cheboygan, MI 49721  
(231)627-8489 phone  
(231)627-3646 fax  
[debbiet@cheboygancounty.net](mailto:debbiet@cheboygancounty.net)



# 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/](http://www.cheboygancounty.net/planning/)

## STAFF REPORT

|  |  |
|--|--|
| <b>Item:</b> Request for site plan review approval for specialty retail use. | <b>Prepared by:</b><br>Scott McNeil              |
| <b>Date:</b><br>August 8, 2016   | <b>Expected Meeting Date:</b><br>August 17, 2016 |

### GENERAL INFORMATION

**Applicant:** Kelly Ashford

**Contact person:** Same

**Phone:** 231-445-2593

**Requested Action:** Approval of site plan review for specialty retail business pursuant to Section 13A.3.16.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking site plan review approval for a flower and plant sales business. The existing garage structure is proposed to be used for the business. The attached dwelling is also proposed to be used as a single family residence.

The subject site is located at 6016 Martha Street in Indian River and is zoned Village Center Indian River District (VC-IR). Specialty retail is a use requiring site plan review per Section 13A.2.6.

The Planning Commission approved a special use permit for an Outdoor recreation use under section 13A.3.6. on March 7, 2012 for the subject site.

The business is currently operating. This is being brought to the Planning Commission as a result of enforcement.

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

**Surrounding Land Uses:** Commercial to the north, south and west. Vacant to the east.

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

**Historic buildings/features:**

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

**Traffic Implications:**

The site is oriented from Martha Street which provides through traffic between Straits Highway and Club Road. This project will have minimal effect on current traffic conditions.

**Parking:**

Section 13A.4.1. under Supplemental Requirement For Village Center Indian River reads as follows;

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.

The applicant has identified five (5) off-street parking spaces and five (5) on-street parking spaces adjacent to the site.

Based on the uses proposed by the applicant the following off-street parking requirements found in section 17.6. are as follows:

- Single family residential = 2
- Retail (900 s.f./250) = 4
- Total required off street parking = 6

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

Access to the site is facilitated by an existing driveway to Martha Street

**Signs**

The applicant indicates that a seasonal use banner will be used. The proposed sign meets requirements of sections 17.19.

**Fence/Hedge/Buffer**

No new fence, hedge or other type of buffer is proposed nor required. All property surrounding the subject is zoned Village Center Indian River or Commercial Development District.

**Lighting:** No lighting is proposed.

**Stormwater management**

There are no additional impervious surfaces proposed. No changes proposed to the management of stormwater on the site.

**Review or permits from other government entities**

Permits from the Dept. of Building Safety. Review by Health Dept. may be required.

**Recommendations (proposed conditions) .**

- Approval by Department of Building Safety and Health Department

**CHEBOYGAN COUNTY PLANNING COMMISSION**  
**SPECIAL USE PERMIT REQUEST**  
Wednesday, March 7, 2012, 7:00 PM

Applicant

Kelly Ashford  
P.O. Box 403  
Indian River, Mi. 49749

Owner

Kelly Ashford  
P.O. Box 403  
Indian River, Mi. 49749

Parcel

6016 Martha St.  
Tuscarora Township  
161-M55-033-009-00

**GENERAL FINDINGS**

1. The subject property is zoned Village Center Indian River. (VC-IR)
2. The applicant is seeking site plan review approval for specialty retail use under Section 13A.2.16.
3. Section 13A.4.1. under Supplemental Requirement For Village Center Indian River provides that 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.
7. The applicant is seeking a waiver to the site topographic survey requirement for site plan.
- 8.

**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 Planning Commission finds that the site plan indicates 5 off street parking spaces. (see exhibit 6)
2. The Planning Commission finds that 5 on street parking spaces are adjacent to the subject and are located on site plan. (see exhibit 6)
3. The Planning Commission finds that 3 on street parking spaces are located at the front lot line of the the subject site on Martha Street. (see exhibit 6)
4. The Planning Commission finds that at total of 6 parking spaces are required for the retail use and the dwelling use under section 17.6. (See staff report)
5. The Planning Commission finds that
6. The Planning Commission finds that sufficient parking will exist through shared parking

Or.

1. The Planning Commission finds that at total of 6 parking spaces are required for the retail use and the single family dwelling use under section 17.6. (See staff report)
2. The Planning Commission finds that the site plan indicates 5 off street parking spaces. (see exhibit 6)
3. The Planning Commission finds that
4. The Planning Commission finds that
5. The Planning Commission finds that sufficient parking will not exist through shared parking

**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 are proposed to the overall contours of the site. (see exhibit 3)
  - 2.
  - 3.
  - 4. 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. No topographic modifications, tree or soil removal is proposed. (see exhibit 3)
  - 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 are proposed to the overall contours of the site or site drainage. (see exhibit 3 and 6)
  - 2. 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. One single family dwelling use is proposed within an existing dwelling structure. (see exhibit 3)
  - 2. The use of fences, walls, barriers and landscaping is not deemed appropriate in this case.
  - 3.
  - 4. Standard has been metOr.
  - 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 vehicle is provided from Martha Street (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 site will have access to Martha Street (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 or 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. No new lighting is proposed.
  - 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 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. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 1, 2 and 8)
  - 2.
  - 3. Standard has been metOr.
  - 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, August 17, 2016

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Patty Croft, Chairperson

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Charles Freese, Secretary

## Deborah Tomlinson

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**From:** Gretchen [<mailto:dodgegirl98@gmail.com>]  
**Sent:** Wednesday, August 10, 2016 7:44 AM  
**To:** Scott McNeil  
**Subject:** Fwd: Meeting on Wednesday August 17, 2016

Good Morning Scott

I am sending you a copy of this also, because I was informed by Steve you may be the person at the meeting instead of Steve.

Thank you very much.

Brian Frost

----- Forwarded message -----

**From:** Gretchen <[dodgegirl98@gmail.com](mailto:dodgegirl98@gmail.com)>  
**Date:** Wed, Aug 10, 2016 at 7:12 AM  
**Subject:** Meeting on Wednesday August 17, 2016  
**To:** Steve Schnell <[steve@cheboygancounty.net](mailto:steve@cheboygancounty.net)>

Good Morning Steve

Unfortunately due to circumstances beyond my control I am again requesting that my salvage yard application be tabled until the next meeting on 9/7/16. I just found out on Monday, August 8th that my wife has to go out of town for work and I need to accompany her. Please let me know if the board is able to table this until September.

Thank you in advance.

Brian Frost

# CHEBOYGAN COUNTY PLANNING COMMISSION

Brian Frost – *Revised 08/03/16*

## Exhibit List

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

***The following items were added to the exhibit list on 06/23/16:***

6. E-Mail Dated 06/16/16 From John Ozoga To Steve Schnell (1 Page)

***The following items were added to the exhibit list on 06/28/16:***

7. Notice Of Planning Commission Meeting (1 Page)

***The following items were added to the exhibit list on 07/06/16:***

8. E-Mail Dated 06/30/16 From Brent Shank, Cheboygan County Road Commission Manager (1 Page)

***The following items were added to the exhibit list on 07/18/16:***

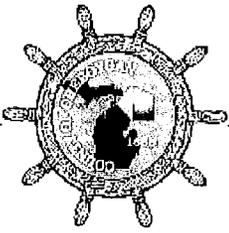
9. Letter Dated 07/13/16 From Tom, Tracy And Tommy Skinner (1 Page)

***The following items were added to the exhibit list on 08/03/16:***

10. Undated Letter From Brian Frost (1 Page)
11. Letter Received On 07/20/16 From Mark And Sherry Pionk To Cheboygan County Planning Commission (2 Pages)
12. Pictures Submitted On 07/20/16 From Mark Pionk (1 Page)
- 13.
- 14.
- 15.
- 16.

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

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

*Salvage metal Resale*  
*Source - separating waste, metal salvage only stored on site*

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 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.

*No change*

c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

*No change*

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.

*No change*

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

*Yes*

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

*Yes*

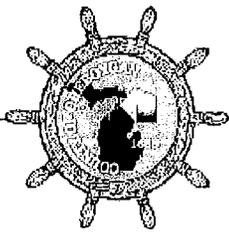
g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

*Not applicable*

h. Exterior lighting shall be arranged as follows:

- i. It is deflected away from adjacent properties. *no additional light*
- ii. It does not impede the vision of traffic along adjacent streets.
- iii. It does not unnecessarily illuminate night skies.

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

- 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.

No Change

- 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: 8

4. Present use of property:

Construction Yard / Storage

5. SUP Standards:

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

yes

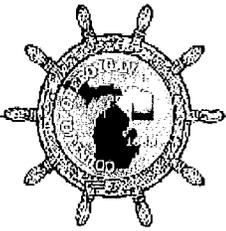
- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? **Explain.** No

- 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

- 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

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.** No

- 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 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

*[Handwritten Signature]*

\*

Date

6-9-16

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

Yes  No

\*

Owner's Signature

*[Handwritten Signature]*

Date

6-9-16

### FOR PLANNING/ZONING DEPT. USE ONLY

|   |                |        |
|---|----------------|--------|
| Date Received:                          | <u>6/14/16</u> | Notes: |
| Fee Amount Received:                    | \$220.00       |        |
| Receipt Number:                         | 5082           |        |
| Public Hearing Date:                    | <u>7/20/16</u> |        |
| Planning/Zoning Administrator Approval: |                |        |
| 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  |
|----------------------|------------------|--|
| 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 = 100ft. 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.  |
| X                    |                  | 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.                                   |
| X                    |                  | l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.  |

## 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.  |
| ✓                    |                  | 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.

| <u>SECTION</u> | <u>REASON FOR WAIVER REQUEST</u> |
|----------------|----------------------------------|
|                |                                  |
|                |                                  |
|                |                                  |
|                |                                  |
|                |                                  |

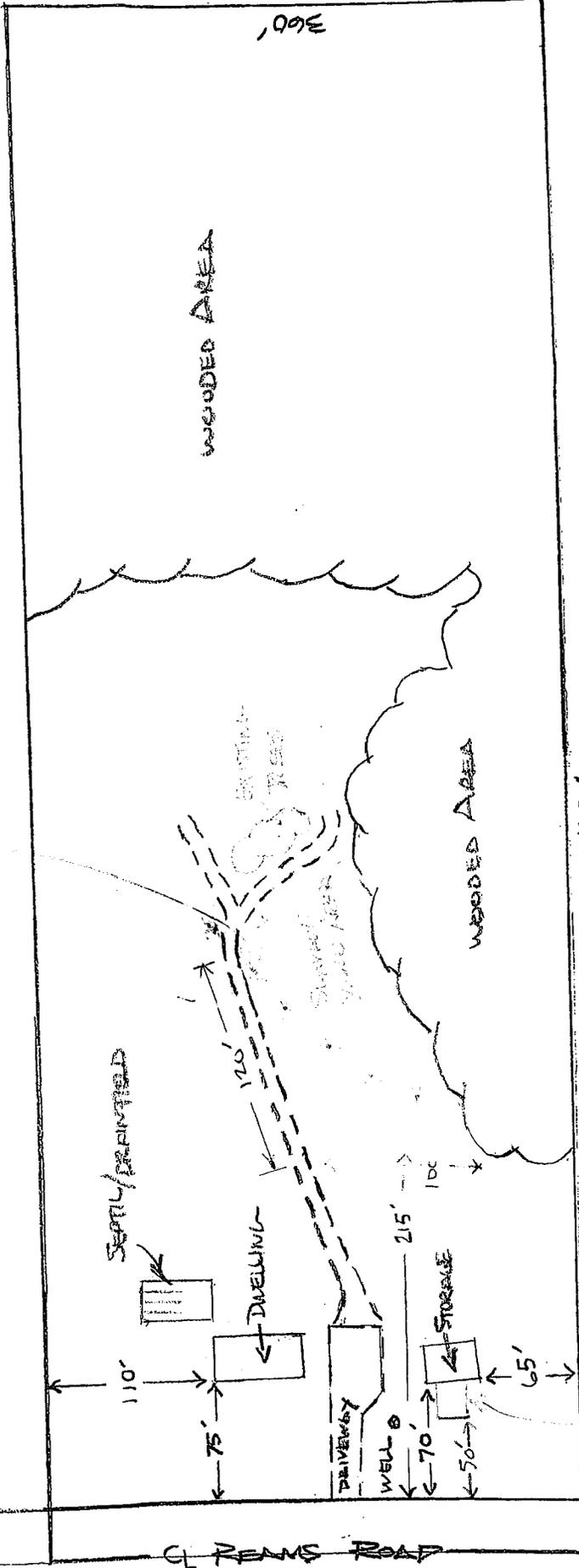
**AFFIDAVIT**

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.

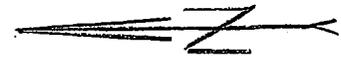
  
 \_\_\_\_\_  
 SIGNATURE

6-9-16  
 \_\_\_\_\_  
 DATE

6' HIGH EVERGREEN TREES  
PLANTED 30' ON CENTER



360'



*Handwritten signature*

SCALE 1" = 100'

16-200-007-300-001-00  
STATE OF MICHIGAN  
PO BOX 30448  
LANSING MI 48909

16-200-008-100-014-02  
OCCUPANT  
7455 REAMS RD  
WOLVERINE, MI 49799

16-200-007-400-001-00  
DOBBS, EDWARD & MARILYN H/W  
1928 BATTLE CREEK RD  
CHARLOTTE MI 48813

16-200-008-100-014-04  
OCCUPANT  
7385 REAMS RD  
ALANSON, MI 49706

16-200-008-100-014-02  
FROST, BRIAN K  
7455 REAMS RD  
ALANSON MI 49706

16-200-008-100-014-03  
PIONK, MARK & SHERRY H/W  
48415 STONEACRE DR  
MACOMB MI 48044

16-200-008-100-014-04  
DROGOWSKI, GREG & JODI H/W  
7385 REAMS RD  
ALANSON MI 49706

16-200-008-200-001-00  
STATE OF MICHIGAN  
PO BOX 30448  
LANSING MI 48909

16-200-008-300-001-00  
DOBBS, EDWARD & MARILYN H/W  
1928 BATTLE CREEK RD  
CHARLOTTE MI 48813

## Steve Schnell

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**From:** Ozoga, John (DEQ) <OZOGAJ@michigan.gov>  
**Sent:** Wednesday, June 15, 2016 9:58 AM  
**To:** Steve Schnell  
**Cc:** Roycraft, Phil (DEQ); Woods, Vence (DEQ); Drogowski, Greg (DNR); Fitzgerald, Joseph (DEQ); Radulski, Rebecca (DEQ); Burke, Brian (DEQ); 'drekowski@nemcog.org'  
**Subject:** Special Use Permit - Mr. Brian Frost Residence, 7455 Reams Road, Alanson, MI

Steve, as we discussed, it would be advisable to include the following conditions (if) a Special Use Permit (Permit) is issued for collecting scrap metal and other source separated recyclable materials at the Mr. Frost residence. (a) The operation of the facility shall be in full compliance with the Part 115, Solid Waste Management, of NREPA, 1994 PA, Michigan Compiled Law 324.11501 et seq.; and rules promulgated thereunder. (b) Only source separated materials for recycling as defined by Part 115,324.11506, Sec. 11506 (6) shall be temporarily stored onsite. (c) Source separated materials shall not be allowed to speculatively accumulated onsite in violation of Part 115, R299.4105, Rule 105 (I). (d) No storage or processing of solid waste as per Part 115, 324.11506, Sec. 11506 (3) or (4) is authorized under the Permit. (e) No burning or burial of solid waste is allowed at the facility.

Complete copies of each of the aforementioned statutory and rule citations have already been sent to you. It is my understanding that a public hearing for this pending Permit will be held on July 20, 2016 at the Cheboygan County Office. After the hearing it my understanding that site inspection will be scheduled prior to making a decision on the Permit. If possible I would like to attend the inspection to assure that no remaining solid waste violations are occurring at the site. If you have any questions please feel free to contact me at 231-429-1719 or 989-705-3403.

## Deborah Tomlinson

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**From:** Brent Shank [<mailto:mgr@chcrc.com>]  
**Sent:** Thursday, June 30, 2016 1:08 PM  
**To:** Deborah Tomlinson  
**Subject:** Re: 07/20/16 PC Agenda

Debbie,

That worked much better. I have reviewed the proposed items and there are no issues/concerns from the Road Commission.

Thank you,

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

July 13, 2016

**RECEIVED**

JUL 18 2016

CHEBOYGAN COUNTY  
COMMUNITY DEVELOPMENT DEPT.

Cheboygan County Planning & Zoning Dept.

870 South Main St., #103

Cheboygan MI 49721

Re: Brian Frost Zoning request

Dear Zoning Board:

It is our understanding that Brian Frost is currently in violation of zoning and is now seeking permission to create a salvage yard at his residential property rather than to comply with zoning enforcement. We live in a peaceful, beautiful valley and our family is strongly opposed to changing the zoning to allow a salvage yard in a residential area. We support the county enforcing the current zoning and expect further dumping to cease and the area to be cleaned up. We oppose rewarding his refusal to clean up this area by granting a change in zoning.

Sincerely,

*Tom Skinner, Tracy Skinner*

*Tommy Skinner*

Tom, Tracy and Tommy Skinner

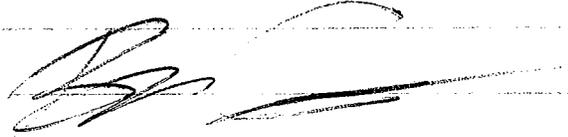
7071 Reams Rd.

Alanson, MI 49706

(231) 330-4567

(231) 330-4321

We are using our  
land as a means  
of recycling used  
items & turning them  
around for resale. We  
are not opening or  
creating a junk yard.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Received 7/20/16

To: The Cheboygan County Planning Commission.

From: Mark and Sherry Pionk  
48415 Stoneacre Dr.  
Macomb, MI 48044

Re: Special use for a salvage yard by Bryan Frost

My wife and I are the property owners of the 6 acres adjacent to and north of the property at 7455 Reams road. We are very much in opposition to the special use permit requested by Mr. Bryan Frost because it will have a devastating effect on the value of our property. We purchased this property because of its pristine condition and the fact it was directly adjacent to the Wildwood recreation area and hiking trail. We purchased this property from Greg and Jodi Drogowski, both of us working on a painstaking purchase agreement that would preserve the integrity and rural quality of the property and the area and includes a ban on any commercial use.

Our property is on a small hill that overlooks the land owned by Mr. Frost and the refuse that has already dumped on his land is an eyesore that has affected the quality and value of our property. Since we overlook the property owned by Mr. Frost there is no way his request to run a salvage yard would not do irreparable damage to the value and enjoyment of our land. Who would want to build a home on a hill overlooking a salvage yard, who would want to purchase this property from us? The answer is no-one. A salvage

yard does not fit in this area and will only be a detriment to the quality of life and property values. Before we purchased this property we were very careful to check the whole area and the zoning regulations. We have already taken a financial hit because of the real estate downturn and it would be unbelievably unfair to change the rules and devastate property values further for us and our neighbors.

We have had roots in the area since 1969 when my family built a house on Newson Road. My parents retired to that home in 1979 and my two brothers also live in the immediate area. My wife and I purchased this property years ago in order to build a home for our family and to eventually retire here. We purchased the land when prices were at a premium only to see the value fall during the recession of 2008/2009. During that time the company that I have worked at for over 30 years nearly went out of business and my wife was diagnosed with cancer, which prevented us from building a home on this property. We are still planning on doing so and urge the planning commission to deny this request and preserve the rural integrity and beauty of the land and the Wildwood recreation area.

Sincerely,

Mark and Sherry Pionk





# 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/](http://www.cheboygancounty.net/planning/)

## STAFF REPORT

|  |  |
|--|--|
| <b>Item:</b><br>Special use permit for a Salvage yard in and Agriculture and Forestry Management zoning district. (2 <sup>nd</sup> request for adjournment to September 7, 2016 regular meeting has been submitted.) | <b>Prepared by:</b><br>Scott McNeil  |
| <b>Date:</b><br>August 10, 2016  | <b>Expected Meeting Date:</b><br>August 3, 2016 (Adjourned from July 20, 2016 by the Planning Commission. Further Adjourned to the August 17, 2016 meeting by request of the owner/applicant.) |

### GENERAL INFORMATION

**Applicant:** Brian Frost

**Contact person:** Brian Frost

**Phone:** 231-881-0655

**Requested Action:** Approval of Special Use Permit for a Salvage yard in an Agriculture and Forestry management zoning district pursuant to Section 9.3.18.

### BACKGROUND INFORMATION

#### **Introduction:**

The Planning Commission opened the public hearing relative to this issue on July 20, 2016 and tabled the matter to the August 3, 2016 regular meeting pending submission of a plan by the applicant as required under Section 3.6.5. of the Cheboygan County Zoning Ordinance #200.

The applicant is seeking approval of a Special Use Permit to allow a salvage yard use on the same lot as the applicants dwelling and accessory buildings. This application comes to the Planning Commission as a result of enforcement. The applicant/property owner has been storing metal on and other material on the site which has been salvaged in conjunction with his landscaping business. The special use permit is being sought for salvage of metal for resale only.

The subject site is located in an Agriculture and Forestry Management (M-AF) zoning district. Salvage yard is a use which requires a special use permit per section 9.3.18.

Other applicable provisions relative to salvage yard with the zoning ordinance read as follows:

3.6.5. In addition to the documentation requirements of ARTICLE 18 and ARTICLE 19, applications for special land use permits to establish junkyards, salvage yards, waste disposal sites or facilities for handling, disposal or storage of hazardous and/or toxic materials shall contain a written plan detailing how these materials will be handled and disposed of and how they will be prevented from entering the ground water. The plan must contain a spill contingency plan for hazardous and toxic materials. Work areas where spills of oil and gasoline are inevitable shall have impervious floors with an internal floor drain collection system which drains into a blind sump where spilled materials can be recovered and be roofed to prevent rainfall from washing these materials off site into the surface or ground water. Storage vaults shall be provided for temporary storage of batteries and vehicle fluids which comply with federal and state laws and standards.

3.6.4.3. Junkyards, salvage yards and places for storage, wrecking, dismantling and disposing of industrial, agricultural and automotive vehicles, powered and non-powered, and other junk and refuse materials must be located in completely enclosed buildings or have open junk or storage yards or areas entirely enclosed by an obscuring eight (8) foot high wall, fence or green belt. Junk and salvage yard facilities shall be located not less than two hundred feet (200) feet from any Residential or Mixed Residential Development District or Lake and Stream Protection District and not less than one hundred (100) feet from any other district.

Mr. John Ozoga, from the Michigan Department of Environmental Quality has also been involved in reviewing the salvage activity on the site. Proposed conditions for the special use permit, if approved, have been recommended by Mr. Ozoga. (see Recommendations (proposed conditions) below.)

The Planning Commission adjourned the matter at the July 20, 2016 until the August 3, 2016 meeting. The applicant submitted a request to adjourn the matter to from the August 3 meeting the August 17, 2016 meeting which the Planning Commission granted. The owner/applicant has submitted another request to adjourn this matter to the September 7, 2016 meeting.

The bylaws of the Planning Commission regarding request to adjourn a matter allows an owner or applicant to receive two (2) adjournments. Section 4.7 of the Planning Commission bylaws relating to adjournments reads as follows:

**4.7 Adjournment of Rezoning Request or Administrative Proceeding.** A property owner or applicant who has requested a rezoning of property or a property owner or applicant who has an application pending before the Planning Commission for a special use permit, planned unit development, site plan, or other administrative proceeding shall be entitled to no more than two (2) adjournments of the matter pending. Any request for an adjournment shall be received by the Planning and Zoning

Department no less than four (4) business days before the matter is scheduled for consideration by the Planning Commission. Any written request for an adjournment shall also include a future date of a regularly scheduled meeting of the Planning Commission for future consideration of the matter. The failure of a property owner or applicant to comply with these procedural requirements shall result in the Planning Commission considering the matter as scheduled, or shall require the property owner or applicant to withdraw the pending matter. Any such withdrawal shall require the payment of a new fee in the event the matter is resubmitted.

**Current Zoning:**

Agriculture and Forestry Management (M-AF)

**Surrounding Land Uses:**

Vacant forest uses surround the subject site on the south and west. Residential uses on large acreage parcels are located to the north and east.

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

**Historic buildings/features:**

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

**Traffic Implications**

The proposed salvage yard use is on the same lot as the applicants dwelling and accessory buildings. Traffic implications will be minimal.

**Parking**

There are no regulations or standards found in Section 17.6 relative to parking for the proposed use.

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

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

**Signs**

No signs are proposed.

**Fence/Hedge/Buffer** The applicant proposes to screen the salvage yard with 6 ft. high evergreen trees planted 30 ft. on center in conjunction with existing trees on the site. Section 3.6.4.3. provides a requirement for an obscuring eight (8) foot high wall, fence or green belt.

**Lighting**

No lighting is proposed

**Stormwater management**

The site plan provides for maintaining the existing contours. No storm water management improvements are proposed.

**Review or permits from other government entities:**

Solid Waste facilities are overseen by the Michigan Department of Environmental Quality.

**Public comments received**

None

**Recommendations (proposed conditions as advised by Mr. John Ozoga, Michigan Department of Environmental Quality)**

1. The operation of the facility shall be in full compliance with Part 115, Solid Waste Management, of Natural Resources and Environmental Protection Act being act 451 of 1994.
2. Only source separated materials for recycling as defined by Part 115,324.1150., Section 11506(6) shall be temporarily stored on site.
3. Source separated materials shall not be allowed to be speculatively accumulated on site in violation of Part 115,R299.4105, Rule 105 (I).
4. No storage or processing of solid waste per Part 115,324.11506, Section 11506(3) or (4) is authorized.
5. No burning or burial of solid waste is allowed at the facility.



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8485 ■ FAX: (231)627-3646  
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**Date: August 8, 2016**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re: Zoning Ordinance Amendment regarding Mobile Food Units**

Included with this memo is the subject amendment which has be subject to legal review.

Changes and additions as a result are as follows;

New language in section 17.29.a. which will restrict mobile food units from road rights-of-way.

Updated language in section 17.29.c. regarding site plan review requirement for more than one unit on a lot.

All other provisions of the proposed amendment remain as last reviewed by the Planning Commission.

I believe the amendment is in order for review at a public hearing.

Please contact me with questions.

**DRAFT 8/5/16**  
**CHEBOYGAN COUNTY**  
**Zoning Ordinance Amendment # \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 TO PROVIDE DEFINITION, REGULATIONS AND STANDARDS FOR MOBILE FOOD UNITS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

**Section 1. Amendment of Section 2.2.**

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

**Mobile Food Unit**

A temporary establishment that is a vehicle-mounted food service designed to be readily movable without disassembly where food and beverages are served primarily for consumption off-premises and may have limited outdoor seating.

**Section 2. Amendment of Section 6.2.**

Section 6.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 6.2.30. which shall read in its entirety as follows:

6.2.30. Mobile food units, subject to the requirements of Section 17.29.

**Section 3. Amendment of Article 17.**

Article 17 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 17.29, which shall read in its entirety as follows:

**Section 17.29. Mobile food unit**

A mobile food unit shall comply with the following regulations and standards:

- a. The mobile food unit shall be located on a lot and not within the right-of-way of any public or private road.
- b. A zoning permit shall be required for each location where a mobile food unit will be open for business to the public unless that location is part of a special event as approved by the local governmental unit with jurisdiction of that property. The zoning permit application shall include statements as to the days and hours of operation and shall indicate that all of the applicable regulations and standards of this section are met.
- c. If more than one (1) mobile food unit is proposed on a lot at the same time, then the owner of the lot shall obtain site plan approval for the units under Article 20 of this ordinance.
- d. All goods sold at a mobile food unit shall be food related and prepared within the mobile food unit.
- e. The mobile food unit shall meet applicable requirements of the Health Department.

- f. In addition to signage placed on the mobile food unit, a mobile food unit shall be allowed one (1) temporary accessory sign no greater than 8 square feet in sign surface area and no greater than three (3) feet in height displayed at the location of the mobile food unit. The sign shall be displayed only during times when food is being served from the mobile food unit. The temporary sign shall not be placed in a road right of way without the approval of the governing body with jurisdiction.
- g. No more than twelve (12) accessory chairs and no more than three (3) accessory tables may be placed out of doors on the lot. Tables and chairs shall meet setback requirements applicable to a structure greater than 150 square feet.
- h. Each mobile food unit shall have a minimum of two (2) off street parking spaces if no accessory seating is offered or a minimum of three (3) off street parking spaces if accessory seating is offered. Parking spaces as required for the main use or uses of the lot shall be maintained in addition to those required for the mobile food unit. If parking space requirements for the property may be waived as permitted in other parts of this ordinance, then the required parking spaces for the mobile food unit may be waived in the same manner.
- i. The mobile food unit shall have a minimum of one (1) trash receptacle with a minimum capacity of thirty (30) gallons available for use by its customers. Trash shall be removed from the lot daily or more frequently as needed.
- j. A mobile food unit shall use available lighting at the lot. No additional lighting for the mobile food unit shall be allowed.
- k. A mobile food unit shall not be placed on a lot for more than 30 days in a calendar year.
- l. A mobile food unit shall meet all setback requirements as would pertain to a structure greater than 150 square feet even if that mobile food unit is of a smaller size.

**Section 3. 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 4. 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:  
Peter Redmond  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Draft Zoning Ordinance Amendment for Planned Unit Development**

**Date: August 8, 2016**

Included with this memo please find a copy of the draft amendment document dated 8/5/16

Pursuant to review by legal counsel will find language and additions to the amendment document printed in bold.

By review of the document you will note refined language in section 19.3. regarding allowed uses and added language in sections 19.7. and 19.9. regarding public hearing requirements. You will find new language in section 19.12.2. which allows the Planning Commission to approve amendments which cannot be approved by the zoning administrator.

I will look forward to discussing this matter further with the Planning Commission. Please contact me with questions.

DRAFT 8/5/16

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING  
ORDINANCE #200 TO PROVIDE STANDARDS AND APPROVAL  
REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD) ZONING  
DISTRICT .

**Section 1. Amendment of Article 19.**

Article 19 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**ARTICLE 19. PLANNED UNIT DEVELOPMENT (PUD)**

**SECTION 19.1. Purpose** The purpose of these provisions is to permit and encourage design flexibility, encourage innovation in land development and variety in design, layout, and type of structures constructed, achieve economy and efficiency with uses of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities. This ordinance will enable both developers and Cheboygan County officials to propose and review site plans which integrate housing, circulation networks, commercial facilities, open space and recreational areas which are compatible with the surrounding area and natural environment. A Planned Unit Development district (PUD) is a zoning district, and when applied, changes the zoning district to PUD.

**SECTION 19.2. Eligibility Requirements.** To be eligible for a planned unit development, a parcel shall meet all of the following:

1. A PUD may be applied for in any zoning district except Lake and Stream Protection (P-LS), Resource Protection (P-RC) and Natural Rivers Protection (P-NR).
2. Minimum lot size for a PUD shall be five (5) acres with a minimum of 350 at the front lot line. Any PUD with proposed industrial use shall contain a minimum of ten (10) acres with a minimum of 500 front feet.
3. The entire lot being considered for a PUD must be under single or unified ownership.
4. The site submitted for a PUD shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses. A PUD proposed to be developed in phases shall require approval of each phase by the Planning Commission.
5. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction.

**SECTION 19.3. Permitted Uses.** Except as provided herein, the permitted uses within a PUD may consist of any use authorized in any zoning district. Any proposed use, however, shall be consistent with the county master plan for the location in which the use will be developed. In addition, any use that is authorized exclusively in the Light Industrial Development (D-LI) district and/or the General Industrial Development (D-GI) district shall only be permitted in a PUD located in that respective district.

**SECTION 19.4. Development standards for Planned Unit Development (PUD)** In addition to eligibility standards under Section 19.3. and general requirements under Section 19.4., the site submitted for PUD shall adhere to the following standards:

1. The development standards for the uses proposed in the PUD shall be consistent with the corresponding standards within this ordinance for those uses except as provided in this section.
2. Minimum lot size, Minimum setbacks and Maximum structure height based on use type:

| USES  | Min. Lot Size      |             | Min. Yard Setbacks (ft.) |                 |                 | Max. Structure Height (ft.) |
|---|--------------------|-------------|--------------------------|-----------------|-----------------|-----------------------------|
|   | Area (sq. ft.)     | Width (ft.) | Front (ft.)              | Sides (ft.)     | Rear (ft.)      |                             |
| Single Family or Two Family Residential         | 9,900 per dwelling | 70          | 25                       | 8               | 10              | 35                          |
| Multi-Family Residential and/or Non-Residential | Submit with plan   |             | 25                       | 10              | 15              | 35                          |
| Industrial                                      | Submit with plan   |             | 40 <sup>A</sup>          | 25 <sup>A</sup> | 25 <sup>A</sup> | 35                          |

- A. Buildings with industrial uses shall be setback from buildings with other uses a minimum of 75 feet.
  - B. Any portion of a PUD with a non-residential or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which contains a residential use.
3. A minimum of fifteen (15) percent of the land developed on any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Any required perimeter setback area shall not be used to compute area for required open space. The required amount of open space shall be held in common ownership by each owner of property with the development. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final plan

**SECTION 19.5. Application and approval standards.** The following procedures shall be used for the review and approval of a Planned Unit Development (PUD)

**19.5.1. Pre-application Conference.** A pre-application conference shall be held with the Planning Commission. The goals of the pre-application conference are to acquaint the Planning Commission with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement, approval, or denial of the PUD.

- a. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

**19.5.2. Submission of Application and PUD Plan.** Following a pre-application conference, if the applicant desires to proceed, they must submit a complete PUD application which shall include an explanation of the PUD, proposed phases of development, PUD site plans, and application fee to the Zoning Administrator.

1. The PUD site plans shall include;

- a. Site plan of existing conditions which shall include
  1. Existing buildings.
  2. Existing parcel boundaries with tax parcel identification numbers
  3. Existing streets
  4. Existing woodlands
  5. Topography with minimum 5-foot contours
  6. Bodies of water and other significant natural features.
  7. Surrounding land uses and zoning.
  8. Existing utilities, wells and septic systems
  9. Other information as may be requested by staff or the Planning Commission.
- b. Site plan for the proposed development which shall include;
  1. Boundary of the proposed PUD with legal description.
  2. Footprint, dimensions and elevations of proposed buildings
  3. Proposed uses and their general locations.
  4. Layout of streets, drives, parking areas and pedestrian paths.
  5. Proposed parcel boundaries.
  6. Minimum setbacks for district perimeters and individual buildings within the development.
  7. Proposed perimeter buffer zones and screening.
  8. Conceptual landscape plan.
  9. Development phases and schedule indicating stages in which the project will be built with time frames for beginning and completion of each stage.

10. Type, estimated number and density range for residential uses within the development.
  11. Proposed open space and acreage thereof.
  12. Table of required and provided parking for all proposed uses.
  13. Proposed location of water and sewer/septic system facilities including easements.
  14. Proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
  15. Drainage plan and final topography plan with minimum 5 foot contours.
  16. Location of all public utilities including easements.
  17. Signage plan.
  18. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
  19. Other information as may be requested by staff or the Planning Commission.
2. The Zoning Administrator shall deem the PUD application and PUD site plans complete if all requirements of this section have been met. The Zoning Administrator shall present the final plan to the Planning Commission at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete plans and application.

#### **SECTION 19.6. Standards for PUD approval.**

1. In addition to standards and requirements under Sections 19.2., 19.3. and 19.4., the application and site plans for a PUD shall comply with the following standards:
  - a. The PUD shall be consistent with master plan
  - b. The PUD is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area
  - c. The PUD will not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance
  - d. The PUD will provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets
  - e. The PUD will have safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.
  - f. The PUD will not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced

- g. The design of the PUD will ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- h. The PUD will be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- i. The PUD shall meet the standards of other governmental agencies, where applicable.
- j. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.

**SECTION 19.7. Review by the Planning Commission.** The Planning Commission shall hold a public hearing on the PUD application and PUD site plans within 30 days of the regular meeting at which it is first reviewed. **Notice of the public hearing shall be provided as required in Section 24.2.** The Planning Commission shall make findings of fact on the standards for approval and shall make a recommendation for approval, approval with conditions or denial to the Board of Commissioners.

1. The Planning Commission may make a recommendation to the Board of Commissioners concerning waiving any standard for approval upon a finding that all of the following exist:
  - a. No good public purpose will be achieved by requiring conformance with the standard(s) to be waived.
  - b. The spirit and intent of the PUD provisions will still be achieved.
  - c. No nuisance will be created.
2. The Planning Commission may make a recommendation to the Board of Commissioners that reasonable conditions be imposed to insure that public services and facilities affected by a PUD will be capable of accommodating increased service and facility loads, protect the natural environment, conserve natural resources and energy and insure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social well-being of those who will use the PUD under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.
  - b. Be related to the valid exercise of the police power and purposes which are affected by the PUD.
  - c. Be necessary to meet the intent and purpose of the requirements and standards established for the PUD under consideration and be necessary to insure compliance with those standards.

**SECTION 19.8. Performance Guarantee.** In order to ensure compliance with this section and any conditions imposed under the same the Planning Commission may recommend to the Board of Commissioners that a performance guarantee in the form of cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements be deposited with the County Clerk to insure faithful completion of required improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the PUD. The Planning Commission shall include in its recommendation to the Board of Commissioners a procedure by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements should be made as work progresses in its recommendation to the Board of Commissioners.

**SECTION 19.9. Review by the Board of Commissioners.**

1. The Board of Commissioners shall hold a public hearing **following requirements of Section 24.2.** The Board of Commissioners shall review the record compiled before the Planning Commission, the findings of fact made by the Planning Commission concerning the approval standards, any recommendations concerning waiving any approval standards or imposing conditions, and the Planning Commission's recommended action. The Board of Commissioners may receive additional evidence, but will not re-hear information previously submitted at the public hearing held by the Planning Commission.
2. The Board of Commissioners shall approve or approve with conditions the PUD by rezoning the property if it finds that all of the approval standards are met. In rendering its decision, the Board of Commissioners may adopt as its own the findings of fact made by the Planning Commission, may modify the findings of fact made by the Planning Commission based on the evidence presented to the Planning Commission, may remand the matter to the Planning Commission for consideration of additional evidence the Board of Commissioners considers relevant and further recommendations by the Planning Commission, or may itself gather any additional evidence it considers relevant and make its own findings of fact concerning whether the standards for approval have been met.
3. No application for a PUD which has been denied, wholly or in part, by the Board of Commissioners shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county's civil counsel by a written opinion states that in the attorney's professional opinion the decision made by the Board of Commissioners or the procedures used in the matter were clearly erroneous. A reapplication shall be processed in the same manner as the original application.

**SECTION 19.10. Notation of approved PUD on zoning map.**

1. Each PUD approved by the Board of Commissioners shall be noted on the zoning map and shall be assigned a unique identifier.

**SECTION 19.11. Expiration, Development and Maintenance of approved PUD.**

1. A PUD shall expire one (1) year following an approval by the Board of Commissioners, unless substantial construction has begun on the development, or the property owner applies to the Planning Commission for an extension of the approved PUD prior to the expiration of the PUD. The Planning Commission may grant no more than two (2) extensions of an approved PUD for additional one (1) year periods each if it finds both of the following:

- a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
  - b. The requirements and standards for PUD approval that are reasonably related to the development have not changed.
2. If the PUD expires pursuant to subsection 1 above, no work may be undertaken until a new PUD approval is obtained following the procedures for a new PUD.
3. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application, site plan and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

**SECTION 19.12. Amendments to Approved PUD site Plan.** Amendments to an approved PUD site plan shall be permitted only under the following circumstances:

1. The owner of property for which a PUD site plan has been approved shall notify the zoning administrator of any desired change. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the final plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - a. Reduction of the size of any building and/or sign.
  - b. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.
  - c. Landscaping approved in the final plan that is replaced by similar landscaping to an equal or greater extent.
  - d. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after approval of the final plan.
  - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - f. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
  - g. All amendments to final plan by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

2. An amendment to an approved final plan that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original PUD application **by the Planning Commission as required under section 19.7.**

**Section 2. 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 3. 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:

Peter Redmond

Its: Chairperson

By:

Mary Ellen Tryban

Its: Clerk