



# CHEBOYGAN COUNTY PLANNING COMMISSION

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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, JANUARY 3, 2018 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

### **PUBLIC HEARING AND ACTION ON REQUESTS**

- 1.) **Cherry Capital Connection LLC and Larry and Suzanne Barton** - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 4168 Orchard Road, Benton Twp., section 14, parcel #104-014-100-001-01, and is zoned Agriculture and Forestry Management (M-AF).
- 2.) An amendment to Cheboygan County Zoning Ordinance #200 to add Article 10A to provide for the Lake and Stream Protection Shelter Overlay (P-LS-SO) zoning district and provide conditions and requirements for boat shelters.
- 3.) **Steven Vohs/Stanley Family Trust** - Requests site plan review for an accessory storage structure at an existing retail business (section 6.2.19). The property is located at 3927 S. Straits Hwy., Tuscarora Twp., section 24, parcel #161-024-400-573-00, and is zoned Commercial Development (D-CM).

### **UNFINISHED BUSINESS**

- 1.) Draft Zoning Ordinance Amendment For Planned Unit Development

### **NEW BUSINESS**

- 1.) 2018 Annual Meeting

### **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, DECEMBER 6, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk  
**ABSENT:** Croft, Churchill  
**STAFF:** Scott McNeil  
**GUESTS:** Dave Fernelius, Carl Muscott, Bob Lyon, Eric Boyd, Cal Gouine, John Moore, John Grzelak, David McFarland, Justin Fernelius

The meeting was called to order by Vice-Chairperson Borowicz at 7:00pm.

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES

The November 15, 2017 Planning Commission minutes were presented. **Motion** by Mr. Jazdyk, seconded by Mr. Ostwald to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), Nays, 2 Absent (Croft, Churchill)

### PUBLIC HEARING AND ACTION ON REQUESTS

**Dave Fernelius** – Requests a Site Plan Review for auto sales show room, auto receiving and office addition (section 6.2.2). The property is located at 10459 N. Straits Hwy., Inverness Twp, section 7, parcel # 092-007-400-009-02 and # 092-007-400-009-03 and is zoned Commercial Development (D-CM).

Mr. McNeil stated that the parcel is located in a Commercial zoning district. Mr. McNeil stated that there is an existing auto dealership. Mr. McNeil referred to the site plan and noted the proposed location for the addition and parking lot. Mr. McNeil stated that the new addition will have a show room, offices, prep area for service, detailing and new car receiving area. Mr. McNeil stated that this is a permitted use which requires site plan review for auto sales and maintenance activity. Discussion was held regarding the new drive which will be located on the south side of the parcel.

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

The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to approval from the Department of Buildings Safety and MDOT. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), Nays, 2 Absent (Croft, Churchill)

### **An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to rezone property located within five hundred (500) feet from an intermittent stream located in sections 17, 20 and 21, T37N,R1W, Benton Township, Cheboygan County from Lake and Stream Protection District (P-LS) to Agriculture and Forestry Management District (M-AF) and Residential Development District (D-RS).**

Mr. McNeil referred to an aerial photo and noted the location proposed to be rezoned to Residential and Agriculture and Forestry Management. Mr. McNeil stated that the area to be rezoned is currently zoned Lake and Stream Protection. Mr. McNeil explained that prior to 2015 all property that was within 500ft. of a stream or body of water indicated on the USGS maps were zoned Lake and Stream Protection. Mr. McNeil stated that many of the bodies of water were intermittent streams or drains. Mr. McNeil stated that in 2015 the properties that were within 500ft. of intermittent streams and drains were rezoned to the same type of zoning as the surrounding properties. Mr. McNeil stated that the subject area remained in the

Lake and Stream Protection Zoning District but in fact has an intermittent stream next to it. Mr. McNeil stated that in order to be consistent with the 2015 zoning amendment, it is now proposed by the Planning Commission to rezone this area from Lake and Stream Protection to Agriculture and Forestry Management and Residential.

Mr. Borowicz asked for public comments. Mr. Berden asked if this amendment will change it so it will not have to be kept open for the water flow. Mr. McNeil stated yes and noted that the drain would still be there and the same setbacks will still be required. Public comment closed.

The Planning Commission reviewed the General Findings and Rezoning Factors:

#### **GENERAL FINDINGS OF FACT**

1. The Planning Commission proposes rezoning certain real properties currently zoned Lake and Stream Protection (P-LS) to Agriculture and Forestry Management (M-AF) and Residential Development (D-RS). See exhibit 4.
2. The Planning Commission finds that the properties to be rezoned, are represented in the attached proposed amendment document. See exhibit 5.
3. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the properties with the proposed rezoning as being offered as Forest/Agricultural, See exhibit 2 and exhibit 4 figure 2.
4. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.

#### **REZONING FACTORS**

##### **1. *Is the proposed rezoning reasonably consistent with surrounding uses?***

- A. The Planning Commission finds that the properties are directly contiguous to areas already located in the proposed zoning districts, such that adding the subject properties as proposed for rezoning would not result in an isolated, detached area of land rezoned. See exhibit 4.
- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.
- C. The Planning Commission finds that the 5 Five-year Implementation Plan (Zoning Plan) within the Cheboygan County Master Plan provides the following recommendation regarding the current Lake and Stream Protection zoning district; Refine these zoning districts to better identify water resources in need of protection rather than everything that is on a 7.5' USGS topographical map. See exhibits 2 and 4.
- D. The Planning Commission finds that properties which are within five hundred (500) feet of a perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 4.

***This standard has been met.***

##### **2. *Will there be an adverse physical impact on surrounding properties?***

- A. The Planning Commission finds that there is no evidence that the proposed rezoning would result in an adverse physical impact on surrounding properties as like uses currently exist. Activities which could occur if the subject properties are rezoned would not physically disturb the properties surrounding the land proposed for rezoning.

***This standard has been met.***

##### **3. *Will there be an adverse effect on property values in the adjacent area?***

- A. The Planning Commission finds that there is no evidence in the form of an appraisal or other document study which shows, that if the rezoning is approved, there would be an adverse effect on property values in the areas proposed for rezoning.

***This standard has been met.***

##### **4. *Have there been land changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?***

- A. The Planning Commission finds that properties which are within five hundred (500) feet of a perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 2 and 4.
- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.

***This standard has been met.***

5. **Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?**
- A. The Planning Commission finds that there is no evidence that the rezoning would deter the improvement or development of adjacent property in accordance with existing regulations and the proposed rezoning is consistent with the future land use plans as proposed in Cheboygan County's future land use map. See exhibits 1, and 4 figure 2.  
***This standard has been met***
6. **Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?**
- A. The Planning Commission finds that properties are directly contiguous to areas already located in the proposed zoning district, such that adding the subject properties as proposed for rezoning would not result in an isolated, detached area of land rezoned and will not grant a special privilege to an individual property owner. See exhibit 4.  
***This standard has been met.***
7. **Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?**
- A. The Planning Commission finds that properties which are within five hundred (500) feet of a perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 2 and 4.
- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.  
***This standard has been met***
8. **Is the rezoning in conflict with the planned use for the property as reflected in the master plan?**
- A. The Planning Commission finds that the future use of the properties proposed for rezoning as being consistent with the categories of as provided on the Future Land Use Map and the County's Master Plan. See exhibit 2 and 4 figure 2  
***This standard has been met.***
9. **Is the site served by adequate public facilities or is the applicant able to provide them?**
- A. The Planning Commission finds that this factor is not applicable.
10. **Are there sites nearby already properly zoned that can be used for the intended purposes?**
- A. The Planning Commission finds that properties which are within five hundred (500) feet of and perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 4.
- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.  
***This standard has been met.***

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward the proposed rezoning to the Cheboygan County Cheboygan County Board of Commissioners with a recommendation for approval based on the General Findings and the Rezoning Factors. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), Nays, 2 Absent (Croft, Churchill)

**An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to motor vehicle maintenance and fuel sales.**

Mr. McNeil stated that this amendment and the next two amendments are continuing the Planning Commission's efforts to categorize use listings and also refine them into consistent use listings. Mr. McNeil stated that this is a Master Plan goal. Mr. McNeil stated that the definition of gasoline service station is proposed to be deleted and definitions for car wash and motor vehicle service station, motor vehicle repair facility and retail sales establishment small-scale convenience will be added.

Mr. McNeil explained that in the Commercial district section 6.2.2 will be revised, "Automobile, boat, motorized and non-motorized recreational vehicles, farm machinery sales and rental establishments." Mr. McNeil stated that there are three new permitted use listings in the Commercial District for car wash, motor vehicle service station and retail sales establishment small scale convenience. Mr. McNeil stated gasoline service stations and garages will be removed and motor vehicle repair facility will be added to uses that require a special use permit.

Mr. McNeil referred to the uses that require a special use permit in the Agriculture and Forestry Management district and stated that the automobile repair and service station and gasoline station will be removed and motor vehicle repair facility will

be added. Mr. McNeil stated that grocery and party stores will be removed and retail sales establishment small scale convenience will be added

Mr. McNeil referred to the uses requiring a special use permit in Village Center and stated that the automobile repair and washing establishment will be removed and car wash, motor vehicle service station and motor vehicle repair facility will be added. Mr. McNeil stated that gasoline service stations and garages will be removed and this section will be reserved for future use.

Mr. McNeil referred to the uses which require a special use permit in Village Center Topinabee and stated that automobile repair and washing establishments will be removed and car wash and motor vehicle repair facility will be added. Mr. McNeil stated that gasoline service stations and garages will be removed and this section will be reserved for future use. Mr. Borowicz asked if a motor vehicle service station will be a permitted use. Mr. Borowicz noted that a repair facility will be a use that requires a special use permit. Mr. McNeil stated that he will check the other sections of the Zoning Ordinance with regard to Village Center. Mr. McNeil stated that this is something that the Planning Commission can review, but he does not believe the use was there previously. Mr. Freese stated that this should be reviewed further. Mr. Borowicz and Mr. Freese noted that there is an existing gas station. Mr. Muscott noted that the gas station is located in the Commercial zoning district, not Village Center Topinabee zoning district. Mr. Borowicz stated this is not a problem. Mr. Jazdyk noted that a car wash can be used for more than washing a car. Mr. Jazdyk stated that a car wash can also be used to wash a trailer, recreational vehicles, and tractors. Mr. Jazdyk stated that is a misnomer to say that it can only be a car wash. Mr. Freese stated that this would only be a problem with a trailer because the definition refers to motor vehicles. Mr. Freese stated that as long as there is a motor, it is acceptable. Discussion was held.

Mr. McNeil referred to uses which require a special use permit in Rural Character Country Living and stated that automobile repair business will be removed and motor vehicle repair facility will be added. Mr. McNeil stated that gas stations will be removed and this section will be reserved for future use. Mr. McNeil stated that grocery and party stores will be removed and retail sales establishment small scale convenience will be added. Mr. Borowicz asked if gasoline sales will be a permitted use. Mr. McNeil stated that gasoline sales generally go along with retail sales establishment small scale convenience.

Mr. Borowicz asked for public comments. Mr. Muscott stated that he attended the meetings in Mullett Township regarding Village Center and he believes the intent was to create a district that is pedestrian friendly and not motor vehicle orientated. Mr. Muscott asked if this amendment was sent to Tuscarora Township Planning Commission. Mr. McNeil stated yes. Mr. McNeil stated that automobile repair and washing establishments were added after the original meetings were held. Discussion was held. Mr. Jazdyk stated that there is an oil change facility in the downtown area. Mr. Muscott stated that is an existing use that is grandfathered but this is not what most people would consider being a downtown area. Mr. McNeil noted that this is not the overlay district. Mr. Muscott stated that if one district is created and then you whittle away at the basic intent you may as well call it Commercial. Mr. Muscott stated that there are a lot of people wondering why there are three zoning districts that are within a ½ mile. Mr. Kavanaugh asked if Mullett Township or Tuscarora Township submitted any comments. Mr. McNeil stated that the townships did not respond. Mr. Freese stated that this has already been presented to the townships. Mr. McNeil stated that this is in keeping with what was previously established. Mr. Borowicz stated that the Planning Commission is not changing the intent. Discussion was held. Mr. Freese stated that motor vehicle repair facility allows virtually any type of equipment to be repaired. Mr. Freese stated that the definitions could be separated into several definitions or the other solution is to preclude it entirely in the district. Mr. Kavanaugh stated that it should be precluded. Mr. Muscott stated that this would be the best fix. Discussion was held regarding sending the proposed amendment to Mullett Township and Tuscarora Township Planning Commission. Mr. McNeil stated that he will make a telephone call to each of the township supervisors. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to table the proposed amendment until the January 17, 2018 Planning Commission meeting. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), Nays, 2 Absent (Croft, Churchill)

**An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to bar and restaurant uses.**

Mr. McNeil explained that the proposed amendment provides new definitions for bar, drive through restaurant, restaurant carry out, restaurant drive in and restaurant fast food. Mr. McNeil stated that the less consistent use terminology for these types of uses will be replaced with the new definitions. Mr. McNeil reviewed the new definition of family, "An individual or a group of individuals, whether related or unrelated, who are occupying a dwelling." Mr. McNeil stated that the updated definition of family is to help facilitate short-term rental uses throughout the county.

Mr. McNeil stated under permitted uses in the Commercial zoning district, bars and tavern will be replaced with Bar and Restaurant, Restaurant, carry out, Restaurant, drive in and Restaurant, fast food. Mr. McNeil stated that drive in eating

establishments, fast food establishments, and restaurants will be replaced with drive through. Mr. McNeil stated that in under uses requiring a special use permits in the Agriculture and Forestry Management zoning district, entertainment and eating establishments will be replaced by bar and restaurant. Mr. McNeil stated that under uses requiring a special use permit in the Lake and Stream Protection zoning district, restaurant/bar will be replaced by bar and restaurant. Mr. McNeil stated that under permitted uses in the Village Center zoning district, bars and taverns will be replaced by bar and restaurant. Mr. McNeil noted that the restaurants use listing will be removed and reserved for future use. Mr. McNeil stated that under permitted uses in the Village Center Indian River zoning district, bars and taverns will be replaced by bar, restaurant and restaurant carryout and that the restaurants use listing will be removed and reserved for future use. Mr. McNeil stated that under the uses requiring a special use permit in the Village Center Indian River, Village Center Topinabee and Village Center Topinabee Overlay, bars and taverns will be replaced with bar, restaurant carryout. Mr. McNeil stated that the restaurants use listing will be removed and reserved for future use. Discussion was held.

Mr. Borowicz asked for public comment. There were no public comments. Public comment closed.

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

**An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to office, health and fitness center and personal service center uses.**

Mr. McNeil stated that there are new definitions proposed for health and fitness center, personal service center, office and pet grooming. Mr. McNeil stated that this amendment provides a new section for planned projects in the Residential zoning district.

Mr. McNeil stated that health and fitness center, personal service center and pet grooming will be allowed in the Commercial zoning district with site plan review. Mr. McNeil stated that in Village Center Indian River zoning district, personal service center and pet grooming will be allowed with site plan review. Mr. McNeil stated that in the Village Center Topinabee zoning district, personal service center will be allowed with site plan review.

Mr. Borowicz asked for public comment. There were no public comments. Public comment closed.

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

**UNFINISHED BUSINESS**

No comments.

**NEW BUSINESS**

Mr. Freese stated that there is a variance application for a tiny home scheduled for the 12/27/17 Zoning Board of Appeals meeting. Mr. Freese stated that this is a potential change to the regulation that the Planning Commission should review. Mr. Freese stated that tiny homes are being addressed by many other jurisdictions and the applicant has cited a number of municipalities that have regulations authorizing tiny homes. Mr. Freese stated that the Planning Commission should determine if Cheboygan County needs to provide regulations for tiny homes. Mr. Freese stated that he does not believe a variance is the appropriate way for an applicant to receive an approval for a tiny home. Discussion was held regarding reviewing the tiny home use with the Cheboygan County Board of Commissioners at the 12/20/17 joint meeting.

Mr. Kavanaugh stated that Triple D Disposal is still an issue as they are starting a new building, semi-trucks are on site, garbage trucks are on site, 8-10 people are either living on site or working on site and both roads are being used. Mr. Kavanaugh stated that they have not complied with the conditions of the approval. Mr. Kavanaugh asked how the Planning Commission finds out if an injunction is possible. Mr. McNeil stated that we have filed for a hearing in District Court and the original date of the hearing was 12/15/17 but there was a conflict with the date. Mr. McNeil stated that he will let the Planning Commission know the date of the hearing. Mr. McNeil stated that we are seeking an injunction.

**STAFF REPORT**

Mr. McNeil stated that in regards to Heritage Cove Farms, a hearing has been set in the Court of Appeals for 01/04/18. Mr. McNeil stated that Peter Wendling will attend the hearing on behalf of Cheboygan County.

Mr. McNeil noted that a copy of the 12/20/17 agenda for the Planning Commission and Cheboygan County Board of Commissioners joint meeting was distributed. Discussion was held.

**PLANNING COMMISSION COMMENTS**

No comments.

**PUBLIC COMMENTS**

Mr. Muscott stated that he has followed the tiny home movement for a long time. Mr. Muscott stated that a single person may not need 700sf. Mr. Muscott stated that tiny homes are homes that remain on axles and are approximately 200sf. Mr. Muscott stated 250sf – 500sf is referred to as a small home. Mr. Muscott stated there is a television show on CNBC regarding a tiny home manufacturer who builds tiny homes on wheels that cost around \$80,000. Mr. Muscott stated that we have to remember that many residents in Cheboygan County can't afford to buy a new home. Mr. Muscott stated that the typical cost for a home in the United States is \$240,000. Mr. Muscott stated that Pinella County, Arizona followed a variation of the uniform building code. Mr. Muscott stated that they did not have a minimum home size. Mr. Muscott stated that they had a minimum room size.

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:04pm.

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Charles Freese  
Planning Commission Secretary

DRAFT

# CHEBOYGAN COUNTY PLANNING COMMISSION

Cherry Capital Connection – Revised 01/03/18

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (13 Pages)
5. Site Plan (3 Pages)
6. Mailing List (2 Pages)

The following items were added to the exhibit list on 12/21/17:

7. Email dated 12/20/17 from Brent Shank, Cheboygan County Road Commission Engineer/Manager (1 Page)

The following items were added to the exhibit list on 01/03/18:

8. Letter dated 12/26/18 From William and Judith Juilleret (1 Page)
- 9.
- 10.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE  
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING  
WEDNESDAY, JANUARY 3, 2018 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

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

- 1.) Cherry Capital Connection LLC and Larry and Suzanne Barton - Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 4168 Orchard Road, Benton Twp., section 14, parcel #104-014-100-001-01, and is zoned Agriculture and Forestry Management (M-AF).
  
- 2.) An amendment to Cheboygan County Zoning Ordinance #200 to add Article 10A to provide for the Lake and Stream Protection Shelter Overlay (P-LS-SO) zoning district and provide conditions and requirements for boat shelters.

Please visit the Planning and Zoning office or visit our website to see the proposed ordinance amendment and special use permit applications and the associated drawings and documents. These documents and staff report may be viewed at [www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/). Comments, questions, and correspondence may be sent to [planning@cheboygancounty.net](mailto:planning@cheboygancounty.net) or Planning & Zoning Department, PO Box 70, 870 South Main St., Rm. 103, Cheboygan, MI 49721, or presented at the meeting.

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





# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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 CHANGES IN TRAFFIC PATTERNS 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.

HEIGHT IS BELOW TREE LEVEL SO NO FAA OR MDT APPROVAL REQUIRED

3. Size of property in sq. ft. or acres: 2 ACRES

4. Present use of property:  
RESIDENTIAL DWELLING

5. SUP Standards:

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

YES

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

- c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? **Explain.** NO

- 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

16-104-014-100-601-01



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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SPECIAL LAND USE PERMIT APPLICATION

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

DARK OPERATIONS - VISIT SITE 4 TIMES PER YEAR FOR MAINTENANCE. NO CONSUMER ACCESS.

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.

LESS THAN 10 SQ. FEET OF SOIL DISRUPTION, MINIMAL VISUAL IMPACT. NO IMPACT ON SURROUNDING PROPERTIES.

- 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.

MINIMAL TREE REMOVAL. USING EXISTING TREES TO HIDE TOWER

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

~~NO~~ SOIL DISRUPTION LESS THAN 10 SQ. FEET

- 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.

10 X 10 X 6 FOOT FENCE AROUND STRUCTURE TO LIMIT ACCESS

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

NO BUILDINGS BE CONSTRUCTED

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

USING EXISTING DRIVE WAY

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

N/A

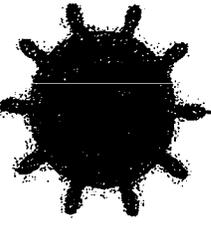
- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. N/A NO LIGHTS

ii. It does not impede the vision of traffic along adjacent streets. N/A NO LIGHTS

iii. It does not unnecessarily illuminate night skies. N/A NO LIGHTS

16-104-014-100-001-01



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**SPECIAL LAND USE PERMIT APPLICATION**

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

**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 *Sam M. [unclear]* Date 11-20-17

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

Yes  No

Owner's Signature *Kathy [unclear] Suzanne Barber* Date 11-20-17

Date Received:		Notes:
Fee Amount Received:	<u>\$225.-</u>	
Receipt Number:	<u>6028</u>	
Public Hearing Date:		
Planning/Zoning Administrator Approval:		
_____ Signature	_____ Date	

*16-104-014-100-001-01  
FAY RECEIVED 11-20-17*

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
SITE DRAWING REVIEW		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.
YES WOULD ASK THAT MASTER COPY BE REGISTERED		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.
SITE DRAWING		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	SEEK WAIVER	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
SITE DRAWING		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.
SITE DRAWING		f. Location of existing and proposed buildings and intended uses thereof.
SITE DRAWING		g. Details of entryway and sign locations should be separately depicted with an elevation view.
SITE DRAWING		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.
SITE N/A DRAWING		i. Location, size, and characteristics of all loading and unloading areas.
SITE N/A DRAWING		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
SITE DRAWING		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.
SITE N/A DRAWING		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

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(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

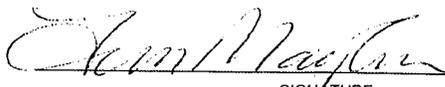
INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
SITE N/A DRAWING		m. Location and specifications for all fences, walls, and other screening features.
SITE N/A DRAWING		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
SITE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

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

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
d	service fence only

**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

11-20-17  
 \_\_\_\_\_  
 DATE



# Cherry Capital Connection, LLC

Northern Michigan's Telecommunication Provider

www.cherrycapitalconnection.com

P.O. Box 866  
Elk Rapids, MI 49629  
855-674-4159

(Rev. 08/2001, Amendment #20). Cherry Capital Connection comments and response included in red

17.13.1. Radio and television towers, public utility microwaves and public utility T.V. transmitting towers.

- a. May be permitted by the Planning commission after a Hearing, in D-CM, D-LI, D-GI and M-AF Districts provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback of the district.
  - a. Tower is engineered for 60 feet. See site plan for specific position. Tower base exceeds all set back requirements. Anchors exceed set back requirements. Tower from grade to top is 57 feet
  - b. M-AF district
- b. In order to protect the rural dark sky environment and reduce lighting confusion for approaching aircraft, all towers shall be designed or painted to be without lighting. If the FAA requires lighting, the applicant shall apply to the FAA for painting requirements and red lighting. Intermittent strobes shall be a last option and only then with written documentation from the FAA certifying its necessity.
  - a. FAA approved. No Lights required. No paint required.
- c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
  - a. Engineered for 7 square 100mph winds ice and snow conditions.

17.13.2. The following standards will be required for all Wireless Communication Facilities:

- a. Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building, or if it collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations. (Rev. 02/23/11, Amendment #90)  
**M-AF district N/A**
- b. Wireless Communication Facilities may be permitted by the Planning Commission, after a public hearing, by special use permit if it is found that there is no reasonable opportunity to locate per item 1 above. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. The proposed tower must also meet the following conditions and standards:
  1. The proposed height meets FCC and/or FAA regulations.
    - i. No FAA or MDOT permit required
    - ii. There are no colocation opportunities available in this neighborhood within 1 mile that meets our proximity engineering requirements



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2. Towers must be equipped with devices to prevent unauthorized climbing.
    - i. Dog kennel style fencing is installed. 10 x 10 x 6 feet high
    - ii. 8 foot climbing barrier is attached to tower at 2 feet and extends to 10 feet
  3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing the tower in a "stealth design."
    - i. Yes, landscape is flat with a small amount of vegetation. Tower placed to one side of property and set back off road to mitigate direct view while driving down the road.
  4. New towers should be engineered as appropriate for co-location of other antennae.
    - i. This is a low profile, light weight design. The tower is designed for 7 square feet of wind load.
  5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
    - i. 8 foot yellow warning tubes are added for each set of guy wires.
  6. All new towers must meet the applicable requirements for a commercial tower, per [Article 17.13.1](#) of this Ordinance.
    - i. Yes
- c. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).
  - a. Yes.
- d. Visible damage must be repaired within 90 days of occurrence.
  - a. Yes

17.13.3. Wireless communication facilities may be permitted after a public hearing by special use permit, approved for locations in D-RS and D-MR Residential Districts, subject to the following conditions and findings:

**Location in M-AF district so 17.13.3 does not apply**

- a. All reasonable measures to co-locate or locate on or adjacent to an existing structure must be documented; and such location proves feasible.
- b. The type of facility is a pole, and not a tower.
- c. All reasonable efforts to locate in Commercial or Forestry/Ag zones have been made and are proven to infeasible, unavailable, or not a compatible land use as deemed by the Planning Commission.
- d. The structure shall not exceed a height of 115 feet, including the antenna, and no lights are used or required.
- e. The applicant must find a location, and/or use construction materials that will blend the pole into the physical or natural landscape in such a manner as to be compatible with the surrounding neighborhood, and so as not to be a dominant structural feature in the neighborhood skyline. The Planning Commission finds that the structure or planned site, does not change the character of the residential area.



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- f. The applicant proposed, or can incorporate innovative design and construction methods (or materials), and by locating in a Residential District, the applicant uses poles that are lower in height and/or narrower in profile than towers.
- g. The Planning Commission finds that a location in a Residential District is the best overall alternative considering all factors of land use, visibility, and satisfactory signal coverage and that the proposed pole complies with the standards of [Article 17.13.1](#), of this ordinance.
- h. Four (4) known County Airports to be provided copies of the Special Use Permits.
- i. Tower shall not encumber the normal air traffic within the district.

17.13.4. Maximum height of structures recited in tables of [17.1](#) does not apply.

**Understood**

17.13.5. The conditions of this section are in addition to the conditions imposed by [Section 18.7](#).  
(Rev. 04/26/08, Amendment #73)

**Understood**

17.13.6. Advertising is prohibited on towers or antennas.

**Understood. Only signage is attached to tower, fencing or tower to provide contact information**

## SECTION 18.7. STANDARDS FOR SPECIAL LAND USE APPROVAL (Rev. 04/26/08, Amendment #74)

The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following standards:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
  - i. **Yes**
- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
  - i. **No impact on environment**
- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
  - i. **Dark operations**
- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
  - i. **Enhances the neighborhood by enabling High Speed Internet Access**



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- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
  - i. **No demands**
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
  - i. **No traffic impact**
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
  - i. **No water and sewer requirements required**
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
  - i. **It is our understanding that we meet all requirements**

## SECTION 17.1. AREA, WIDTH, LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS

NOTES: (Rev. 05/17/06, Amendment #57) (Rev. 02/23/11, Amendment #90) (Rev. 09/28/11, Amendment #92) (Rev. 11/20/11, Amendment #102) (Rev. 01/13/12, Amendment #105), (Rev. 05/25/12, Amendment #111), Rev. 06/28/12, Amendment #112), (Rev. 06/28/12, Amendment #113)

- A. The minimum front setback for non waterfront lots in the P-LS and P-NR Districts shall be thirty (30) feet.
  - i. **N/A**
- B. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
  - i. **N/A**
- B. Minimum; Duplex, 100ft.; Multi-family, 50ft. per family.
  - i. **N/A**
- C. Required minimum measured per dwelling unit.
  - i. **N/A**
- E. Notwithstanding any other provision of this Section, no single family dwelling(s) shall be permitted on a waterfront lot that provides shared waterfront access under Section 10.4.4. of this Ordinance, unless such single family dwelling(s) meets the dwelling unit requirements of this Section independent of the requirements of the



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shared water front access.

i. N/A

F. See Section 13B.4.3.b.for setback requirements for residential uses in Village Center Indian River Overlay (VCIR-O) district.

ii. N/A

G. See Section 13C.4.7. for setback requirements for residential uses in Village Center Topinabee (VC-T) district.

iii. N/A

H. See Section 13D.4.3.b. for setback requirements for residential uses in Village Center Topinabee Overlay (VC-TO) district..

iv. N/A

I. Antennas and Flag Poles which are accessory to a main use shall be allowed a maximum height of fifty (50) feet.

i. N/A

J. If the lot is less than 80 feet in width, then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater.

i. N/A

K. A lot in the P-NR District shall meet the definition of lot width within this Ordinance and lots on a Main Stream shall have a minimum lot width of 200 feet as measured between the side lot lines at the front setback line, and lots on a Tributary shall have a minimum lot width of 150 feet as measured between the side lot lines at the front setback line.

i. N/A

L. Commercial Farm Buildings are exempt from maximum structure height requirements. (Rev. 10/24/13, Amendment #120) In addition, be sure to check the sections of this ordinance pertinent to the particular land use for exceptions to the above or for special requirements

i. N/A



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Cheboygan County Zoning and Planning,

Cherry Capital Connection is a Wireless and Fiber based High Speed Internet Service provider. We are working with neighbors in Benton Township on developing infrastructure that will improve current High-Speed Internet Access service levels and will address gaps in High Speed Internet Access service.

We propose constructing a 57 foot above grade "Rohn-25" style guy tower at 4168 ORCHARD RD. Parcel: 104-014-100-001-01. Property owners are BARTON, LARRY & SUZANNE HENDRIX. We understand that this is an acceptable use for the property and requires a Special Use Permit. We refer to this as a Micro Neighborhood. This is an area with dense tree coverage and the Micro Neighborhood enables us to deliver higher capacity frequencies in closer proximity to the consumer.

Other counties allow the zoning administer approval authority for towers under 60 feet and bypassing the SUP. We respectfully ask that you consider this in the future.

We have included the following documents in support of the Special Use Permit process:

1. A site plan
  - a. One to scale hardcopy
  - b. One PDF for distribution to board members
2. An ordinance over view of section 17.1, section 17.13, section 18.7
  - a. One PDF for distribution to board members
3. A special Use Permit application
  - a. One hardcopy
  - b. One PDF for distribution
4. FAA and MDOT (no required)
5. Authorization to represent land owner

Our tower designs and construction use the same set of sealed prints. Other counties allow us to reference a master copy. We respectfully ask that you allow this master set reference. The Knaffle tower would act as the master set.

Cherry Capital Connection delivers High Speed Internet Access, telephone and point to point transport. Our primary transport is Fixed Point wireless using licensed and unlicensed frequencies. Additionally, we are in the early stages of developing a Fiber to the Home delivery model.

**This project appears to be described in your ordinance as a "WIRELESS COMMUNICATION FACILITIES" with the following definition (also referred to as a personal wireless facility):**

Includes transmitters, antenna structures, towers and other types of equipment necessary for providing wireless services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which gives subscribers the ability to access or receive calls from the public switched telephone network. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, paging, and wireless internet. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers.

Zoning Cheboygan  
Benton Township

97 Lake Street  
Elk Rapids, MI 49629  
231-264-9970

**November 2017 - Page 1 of 2**  
VoIP (dial tone), Wireless Hotspots, Fixed Point Internet,  
Network Design & Management, In-Building Wireless



## **Cherry Capital Connection, LLC**

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**P.O. Box 866**

**Elk Rapids, MI 49629**

**855-674-4159**

The site, is best approached from Orchard Rd. We are on the east side of Ridge road

Our goal is to be on the earliest agenda possible.

Additionally, your site plan review does mention a possible pre-meeting site visit or review. Please let us know if a pre-site review is required and we appreciate knowing if the documents are complete.

Construction details as related to ordinance:

1. 60 foot tower with 3 feet below grade (full set of engineered documents provided – 500 pound tower)
  - a. Base of tower closest point to property line 65 feet (ridge run road)
2. Guys wires held at ground level using earth anchors (4,200 pound pull per anchor 3 anchors)
  - a. Earth anchor closest point to property line 30 feet.
3. Cabinet 12 inch x 12 inch
4. 10 x 10 x 6 dog kennel fencing around tower
5. Sign placed in space to provide contact information
6. Yellow guy markers installed
7. Climb prevention mounted to tower 8 feet panel top at 10 foot mark
8. No current utilities
9. 2 acre parcel agriculture
10. See additional details in the site plan.

We understand that 15 copies are not required if good quality PDF documents are provided. Those scalable PDF's have been provided. We have sent one copy hard copy form and will pay the Special Use permit and site review fees online.

Cherry Capital Connection  
Tim Maylone – General Manager

Property: 104-014-100-001-01  
 Property Owners: BARTON, LARRY & SUZANNE HENDRIX  
 Address: 4168 ORCHARD RD  
 Township: Benton  
 County: Cheboygan  
 Contractor: Cherry Capital Connection  
 Address: 97 Lake Street  
 P.O. Box 866  
 Elk Rapids MI, 49629

Prepared by: Tim Maylone – General Manager  
 Description: construction of a guy tower, rohn 25 style, 57 feet  
 Purpose: Personal wireless, in support of High Speed Internet Access and Telephone.  
 Initial delivery: Fixed Point wireless  
 Future deliver: Fiber from the tower to the home (FTTH)  
 Date: 11-15-2017  
 Proposed Construction: Middle of April – May 2017  
 Engineering 231-735-0451 office 231-264-9970

**Micro Neighborhood**



- Tower 12 inches x 12 inches triangle 57 feet above grade
- Cabinet 12 inches x 12 inches attached to tower
- Guy wire anchors at 35 feet
- 2 sets of guys at 27 feet and 47 feet
- 3 foot deep hole 12 inches in diameter
- No concrete foundation
- No concrete for anchors
- Tower Base Distance from West property line to tower 62 feet
- Tower Base Distance from South property line to tower 95 feet
- Power from Garage
- 10 x 10 x 6 foot locked fencing around tower
- No FAA or MDOT application required
- No Curbing, Barrier free access, carports, fire lanes
- No lighting required nor utilized
- Dark operations so no consumer traffic, parking when doing maintenance will use existing driveway
- No sidewalks, walkways, bicycle paths, or public use areas
- No TV, Cable, telephone line
- Natural Gas on Ridge Run side of home
- Feed line for service (high speed internet service on page 3)
- No common areas
- Fencing around tower (per construction documents)
- No landscaping features
- No trash receptacles or solid waste
- Elevation (site is less then 3 foot of elevation change (flat))
- Structure is 57 feet above grade
- No above ground or below ground storage facilities
- No room – dark operations

**Legal**

COM AT NE COR OF NW 1/4 OF NW 1/4, SEC 14, T37N, R1W; TH N 86D 28M W ALG N LI OF SEC 14 & C/L OF R/W 300FT TO POB; TH CONT N 86D 28M W ALG SD C/L 300FT; TH S 00D 24M W 291FT; TH S 86D 28M E 300FT; TH N 00D 24M E 291FT TO POB.

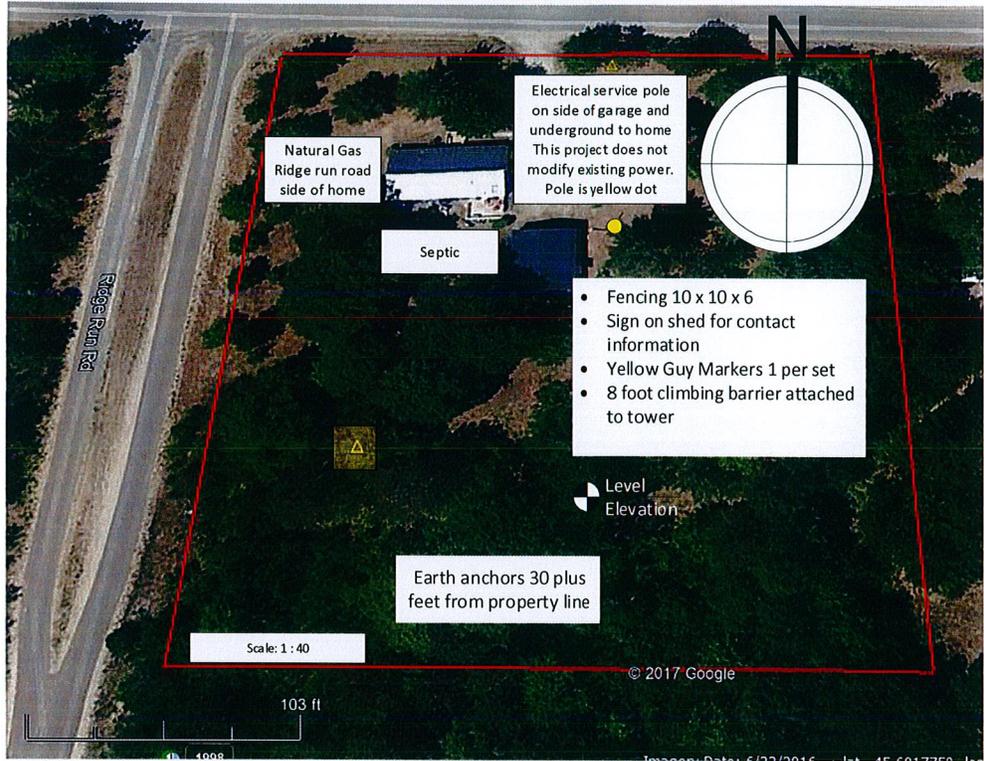
Drawing  
 1 inch = 100 feet  
 Grade at tower base to  
 property lines less then 8 feet

Site Plan  
 11-17-2017  
 Page1  
 Updated 11-20-2017

Property: 104-014-100-001-01  
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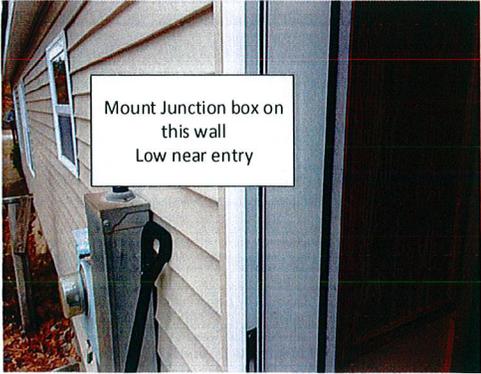
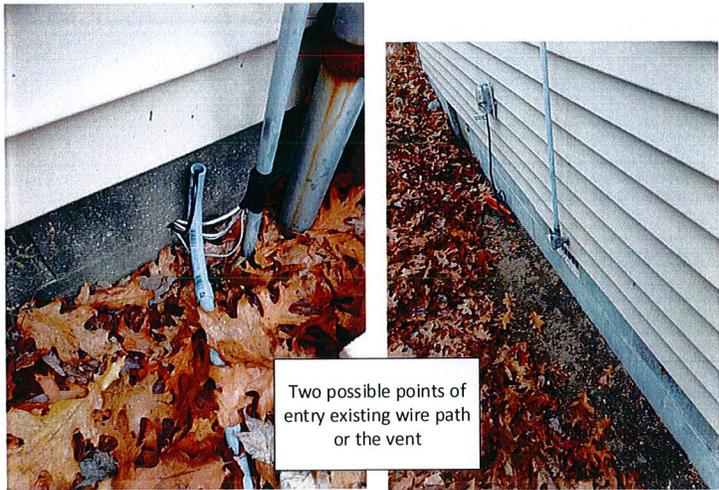
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Data Path – all POE’s using Existing power in Garage  
 Trench 18 inches preferred can be 6 to 12 inches( for data )  
 Across from garage to house hand dig and place in rigid conduit



**Micro Neighborhood**

External view of entry points



105-B09-000-019-00  
TRUDEAU, LEO & JANET H/W  
9876 RIDGE RUN RD  
CHEBOYGAN, MI 49721

105-B09-000-021-00  
DUNBAR, RICK & ANGELA CASWELL  
PO BOX 161  
CHEBOYGAN, MI 49721

105-B09-000-022-00  
LAHAIE, WILLIAM  
1201 CLUBHOUSE DR  
LAKE ISABELLA, MI 48893-9343

105-B09-000-001-00  
HUNT, JOHN & VERONICA H/W  
116 S "E" ST  
CHEBOYGAN, MI 49721

105-B09-000-002-00  
LAHAIE, WILLIAM  
1201 CLUBHOUSE DR  
LAKE ISABELLA, MI 48893-9343

104-011-300-005-03  
SOVA, ROGER & DIANE KENT, JTWFRS  
4225 ORCHARD RD  
CHEBOYGAN, 49721

104-011-311-109-00  
DAVIS, BARBARA & SHELLIE CHARBONEAU  
4045 ORCHARD RD  
CHEBOYGAN, MI 49721

104-011-300-008-03  
MCGUIRE, MICHAEL A  
4105 ORCHARD RD  
CHEBOYGAN, MI 49721

104-014-101-002-02  
RENTZ, GERALD ET UX  
15951 LORETO  
ROSEVILLE, MI 48066

104-014-100-001-06  
BECK, DAVID & SHERRY H/W  
4200 ORCHARD RD  
CHEBOYGAN, MI 49721

104-014-100-001-01  
BARTON, LARRY & SUZANNE HENDRIX  
4168 ORCHARD RD  
CHEBOYGAN, MI 49721

104-014-100-001-04  
FISHER, DEBRA L/E; CRYSTAL HOYT;  
4068 ORCHARD RD  
CHEBOYGAN, MI 49721

104-014-100-001-05  
THORNTON, DOUGLAS & JILL H/W  
4106 ORCHARD RD  
CHEBOYGAN, MI 49721

104-014-101-002-01  
KOLATSKI, TIMOTHY & KIMBERLY H/W  
P O BOX 24  
MACKINAC ISLAND, MI 49757

104-011-300-005-02  
BLUME, HANNAH & BENJAMIN SPROUL,  
4151 ORCHARD RD  
CHEBOYGAN, MI 49721

104-011-300-005-01  
BARRETTE, GARY & DOROTHY H/W  
10143 UPPER MOGRAIN RD  
CHEBOYGAN, MI 49721

105-B09-000-019-00  
OCCUPANT  
9876 RIDGE RUN RD  
CHEBOYGAN, MI 49749

105-B09-000-021-00  
OCCUPANT  
9900 RIDGE RUN RD  
CHEBOYGAN, MI 49749

104-011-300-005-03  
OCCUPANT  
4225 ORCHARD RD  
CHEBOYGAN, MI 49749

104-011-311-109-00  
OCCUPANT  
4045 ORCHARD RD  
CHEBOYGAN, MI 49749

104-011-300-008-03  
OCCUPANT  
4105 ORCHARD RD  
CHEBOYGAN, MI 49749

104-014-100-001-06  
OCCUPANT  
4200 ORCHARD RD  
CHEBOYGAN, MI 49749

104-014-100-001-01  
OCCUPANT  
4168 ORCHARD RD  
CHEBOYGAN, MI 49749

104-014-100-001-04  
OCCUPANT  
4068 ORCHARD RD  
CHEBOYGAN, MI 49749

104-014-100-001-05  
OCCUPANT  
4106 ORCHARD RD  
CHEBOYGAN, MI 49749

104-011-300-005-02  
OCCUPANT  
4151 ORCHARD RD  
CHEBOYGAN, MI 49749

104-011-300-005-01  
OCCUPANT  
10143 UPPER MOGRAIN RD  
CHEBOYGAN, MI 49749

## Deborah Tomlinson

---

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

**Sent:** Wednesday, December 20, 2017 12:14 PM

**To:** Deborah Tomlinson

**Subject:** Re: Application for Cherry Capital Connection & The Summer Store

Hello,

No comments for either applicant from the Road Commission.

Thank you,

Brent Shank

Engineer/Manager

Cheboygan County Road Commission

[mgr@chcrc.com](mailto:mgr@chcrc.com)

(231) 238-7775

Cheboygan County Planning Commission  
Room 135 Commissioners Room  
Cheboygan County Building  
870 S. Main St.  
Cheboygan, Mi 49721

November 26, 2017

Dear Sir,

We cannot attend the meeting in person to protest the re-zoning of property located at 4168 Orchard Beach Road for commercial use.

We see no reason to change the zoning to allow commercial enterprise of this location; it is bad enough to already have a high line power line in the immediate area, and by allowing another privately owned enterprise this is a degrade of the farm/forest zoning which all of the local residents are now enjoying.

Sincerely,

William & Judith Juller  
4205 Orchard Beach Rd.  
Cheboygan, Mi, 49721

CC. RON WIXSON  
JIM WIXSON  
GENE SENESKI  
DR. JENNIFER ATKINS  
GERI BOORDEAU  
STACY'S HAIR DESIGN



# 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> Special Use Permit for a wireless communication facility (Communication tower. Section 17.13.)	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> December 7, 2017	<b>Expected Meeting Date:</b> January 3, 2018

### GENERAL INFORMATION

**Applicant:** Cherry Capital Connection

**Location:** 4168 Orchard Rd.

**Contact person:** Tim Maylone

**Phone:** 231-735-0451

**Requested Action:** Special Use Permit per Section 17.13. for construction of a new Wireless Communication Tower.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking approval of a special use permit for construction of a new communication tower 57 ft. in height. The tower is proposed to be placed at parcel address 4168 Orchard Rd which contains the dwelling of the owner.

The subject parcel is zoned Agriculture and Forestry Management (M-AF). Wireless Communication Facilities are authorized by special use permit in M-AF district pursuant to Sections 17.13.1 and 17.13.2. of the Zoning Ordinance.

The applicant has provided a site plan indicating that the tower is to be located 65 feet from the right of way of Ridge Run Road which is the closest point to a property line. As a result the proposed location of the tower meets the isolation standard required under section 17.13.1.a. which reads as follows;

17.13.1. Radio and television towers, public utility microwaves and public utility T.V. transmitting towers.

a. May be permitted by the Planning commission after a Hearing, in D-CM, D-LI, D-GI and M-AF Districts provided said use shall be located centrally on a contiguous parcel of not less than one (1)times the height of the tower measured from the base of said tower to all points on each property line. The isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback of the district.

The applicant has provided written responses to requirements of section 17.13. which are included with the application.

Please note that I have provided proposed findings relative to isolation, co-location and specific standards for communication facilities under sections 17.13.1.a.,17.13.2.b. and 17.13.2.b.1. through 17.13.2.b. in addition to standards for special use permits under section 18.7. and site plans under section. 20.7.

Also you will find attached a map produced by the GIS department indicating the known existing communication towers within the county along with a location map of the subject lot and proposed tower location.

**Current Zoning:**

Agriculture and Forestry Management District (M-AF)

**Surrounding Land Uses:**

Parcels surrounding the subject lot are zoned Agriculture Forestry Management District (M-AF) with vacant and residential uses.

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

**Historic buildings/features:**

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

**Traffic Implications**

This project will have minimal to no effect on current traffic conditions.

**Parking**

There are no parking requirements for this use.

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

Access to the site is provided from via an existing driveway from Orchard Rd.

**Signs**

No signs are proposed for the site.

**Fence/Hedge/Buffer**

A chain link fence is located around the tower.

**Lighting**

No lighting is proposed

**Stormwater management**

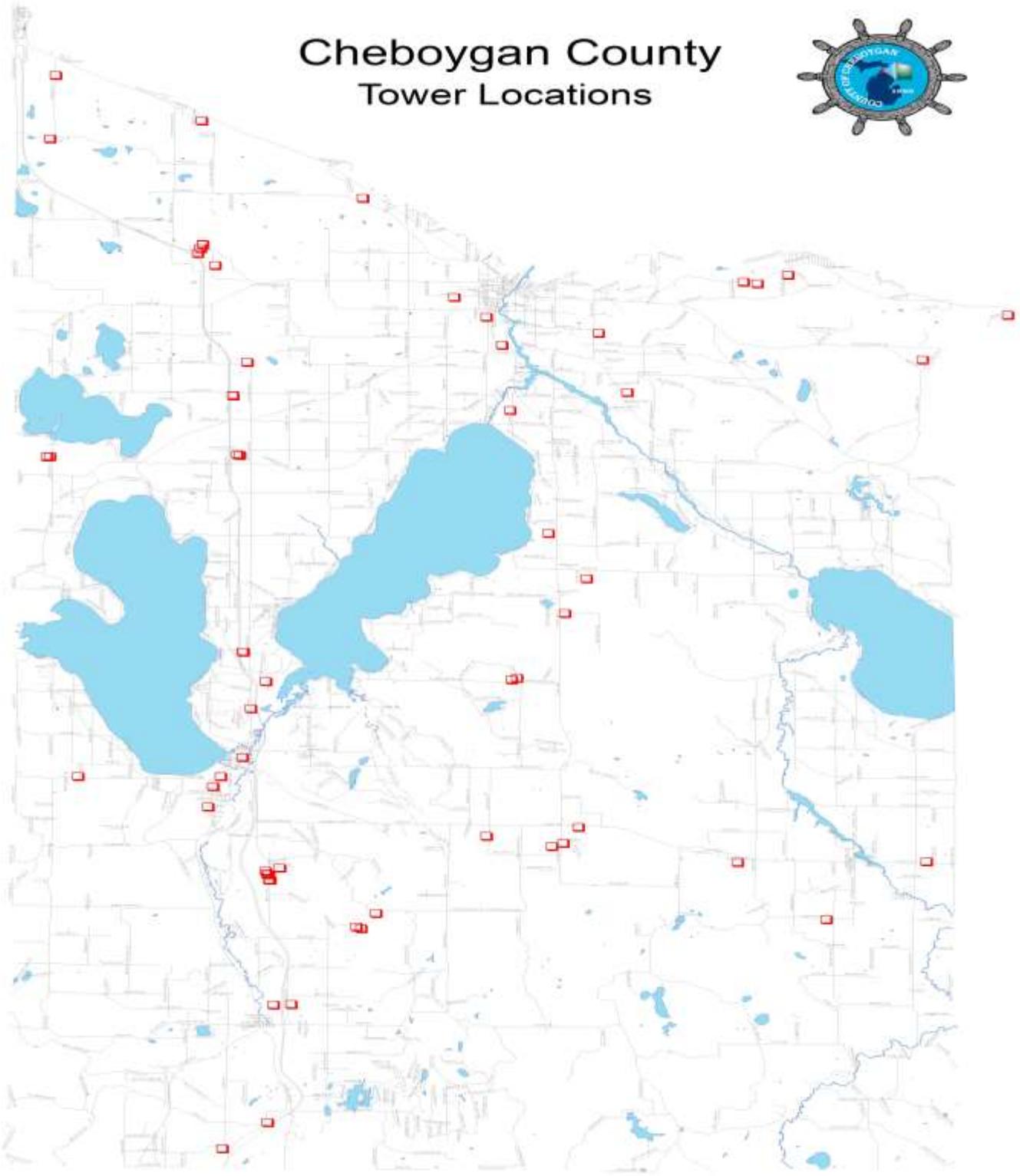
There is no change to stormwater management.

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

Applicable permits from the Department of Building Safety will be required.

Communication Tower Locations

# Cheboygan County Tower Locations



Subject lot and proposed tower location



**CHEBOYGAN COUNTY PLANNING COMMISSION**  
**SPECIAL USE PERMIT REQUEST**  
Wednesday, January 3, 2018, 7:00 PM

Applicant

Cherry Capital Connection  
P.O. Box 866  
Elk Rapids, Mi. 49629

Property Owner

Larry and Suzanne Barton  
4168 Orchard Rd.  
Cheboygan, Mi. 49721

Parcel

4168 Orchard Rd.  
Benton Township  
104-014-100-001-01

**GENERAL FINDINGS**

1. The property is located in an Agriculture and Forestry management Zoning District (M-AF)
2. The Applicant is seeking approval of a special use permit for location of a wireless communications facility which includes tower up to 57 feet above ground level.
3. New Wireless Communication Facilities are allowed an M-AF zoning district pursuant to Section 17.13. by special use permit. (See Exhibit 1)
- 4.
- 5.

**Findings of Fact under Section 17.13.1.a of the Zoning Ordinance**

17.13.1. a. Radio and television towers, public utility microwaves and public utility T.V. transmitting towers. a. May be permitted by the Planning commission after a Hearing, in D-CM, D-LI, D-GI and M-AF Districts provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback of the district.

- The tower is proposed to be 57 feet tall and located 65 feet from the closest property line. (see exhibits 4 and 5)
- The tower meets the isolation standard.

**Findings of Fact under Section 17.13.2.b of the Zoning Ordinance**

Wireless Communication Facilities may be permitted by the Planning Commission, after a public hearing, by special use permit if it is found that there is no reasonable opportunity to locate per item 1 above. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. The proposed tower must also meet the following conditions and standards.

- The reference to item 1 in this section states as follows;  
Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building, or if it collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations.
1. The Planning Commission finds that the documentation has been submitted to show that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing building or tower (See Exhibit 4).

Or

- 1 The Planning Commission finds that the applicant has not submitted adequate documentation to show that there is no reasonable opportunity for collocation or placement of the proposed facility on an existing building or tower.

**Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6**

1. The proposed height meets FCC and/or FAA Regulations.
  - a. The proposed tower will be 57 feet high. (see exhibit 4 and 5)
  - b. The tower meets applicable requirements of the FCC and FAA due to height.
  - c.
  - d. Standard has been met.Or.
  - a. The applicant has not provided information regarding applicable FCC requirements
  - b.
  - c. Standard has not been met.
  
2. Towers must be equipped with devices to prevent unauthorized climbing.
  - a. A 6 foot high fence is placed around the entire perimeter of the tower. (see exhibit 4)
  - b.
  - c. Standard has been metOr.
  - a.
  - b. Standard has not been met.
  
3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing the tower in a “stealth design”.
  - a. The proposed tower will be 57 feet high. (see exhibit 4 and 5 )
  - b. The proposed facilities are to be placed into an area of trees which will blend into landscape. (see exhibit 4)
  - c.
  - d. Standard has not been metOr.
  - a. The proposed facilities will not blend with the landscape.
  - b.
  - c. Standard has not been met.
  
4. New towers should be engineered as appropriate for co-location of other antennae.
  - a. The applicant states that the subject tower is a low profile, lightweight design. (see exhibit 4 and 5)
  - b. The Planning Commission finds that this tower and the purpose it serves is not appropriate for co-location of other antennae. (see exhibit 4 and 5)
  - c.
  - d. Standard has been met.Or.
  - a. The applicant has not adequately addressed appropriate engineering for co-location of other antennae.
  - b.
  - c. Standard has not been met.
  
5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
  - a. Fencing is proposed to be placed around the tower facilities. (see exhibit 4 and 5)
  - b.
  - c. Standard has been met.Or.
  - a.
  - b. Standard has not been met.

6. All new towers must meet the applicable requirements for a commercial tower, per Article 17.13.1 of this Ordinance.
  1. See applicable findings above.
  2. Requirements have been met.
 Or.
  1. See applicable findings above
  2. Requirements have not been met.

**FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE**

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

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
  1. The property is located in an Agriculture and Forest Management District (M-AF) which allows Wireless Communication Facilities by special use permit per Section 17.13. (see exhibit 1)
  - 2.
  3. Standard has been met.
 Or.
  - 1.
  2. Standard has not been met.
  
- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
  1. The proposed tower is an unmanned standalone facility and no evidence is presented that the proposed wireless communication facility will cause the use of materials or involve processes that will create substantially negative impacts on county natural resources or the natural environment. This use is compatible with surrounding land uses. (see exhibit 4, and 5 )
  - 2.
  3. Standard has been met.
 Or.
  - 1.
  2. Standard has not been met.
  
- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
  1. The proposed communication facility in an unmanned standalone facility and will not cause the use of materials or involve equipment or processes which would generate noise or traffic which is incompatible with the surrounding land uses. No smoke, glare, fumes or odors will be produced. (see exhibit 4)
  - 2.
  3. Standard has been met.
 Or.
  - 1.
  2. Standard has not been met

- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
1. The proposed tower and facilities are to be placed 65ft. from the closest property line a will not diminish the opportunity for surrounding properties to be used and developed as zoned.(see exhibit 4 and 5)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
1. The proposed use will not require public resources greater than current capacity nor increase hazards from fire or other dangers. The facilities are unmanned with fencing. (see exhibit 4 & 5)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
1. Adequate access to the site is provided via Orchard Rd. (see exhibit 5)
  2. The existing access drive is more than 25 feet from a street intersection
  3. The facilities are unmanned with fencing. (see exhibit 4 & 5)
  - 4.
  5. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
1. The proposed use is an unmanned stand alone wireless communication facility and will not require a water well, septic facilities or refuse collection. (see exhibit 4)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.

- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
1. The special use shall comply with all relevant standards required under the ordinance. (see exhibit 1, 4 and 5)
  - 2.
  3. Standard has been met.
- Or.
1. Standard has not been met.

**SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE**

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
1. Changes to the overall natural features of the site will be minimal. As a result the proposed construction will not impede normal and orderly development or improvement of the surrounding property. (see exhibit 4 and 5)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
1. Minimal tree removal is proposed to erect the tower. (See exhibit 4 and 5)
  2. The landscape shall be preserved in its natural state, insofar as practical.
  - 3.
  4. Standard has been met
- Or.
- 1.
  2. Standard has not been met.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
1. No changes to site drainage are proposed. (See exhibit 4)
  - 2.
  3. Standard has been met.
- Or.
1. 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. A dwelling is located on the subject lot approximately 100 feet from the proposed location of the tower.
  - 2. There are several trees on the subject lot between the location of the dwelling and proposed location of the tower which will remain.
  - 3. The site plan provides for reasonable visual and sound privacy for the dwelling.
  - 4.
  - 5. Standard has been met.Or
  - 1.
  - 2. Standard has not been met.
  
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
  - 1. Emergency vehicle access is provided via Orchard Rd. (see exhibit 4)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
  - 1. Access to the structures is provided via Orchard Rd. (see exhibit 4)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
  - 1. 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 outdoor lighting is proposed. (see exhibit 4)
  - 2.
  - 3. Standard has been metOr.
  - 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 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. The site plan will conform to state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
1. The site plan shall conform to all applicable requirements.
  - 2.
  3. Standard has been met
- Or.
- 1.
  2. Standard has not been met.

## **DECISION**

### **TIME PERIOD FOR JUDICIAL REVIEW**

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

### **DATE DECISION AND ORDER ADOPTED**

Wednesday, January 3, 2018

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Patty Croft, Chairperson

---

Charles Freese, Secretary



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

**Date: December 20, 2017**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re: January 3, 2018 Public Hearing - Zoning ordinance amendment re; Lake and Stream Protection Shelter Overlay District**

Included with this memo please find the proposed amendment document relative the subject.

A proposed amendment pursuant to a Public Hearing held on October 18, 2017 was presented to the Board of Commissioners at their regular meeting of November 14, 2017.

The Board of Commissioners ask for the review of the following section which read as follows;

10A.3.2.3 The width of the boat shelter structure, with exception of the eaves, as measured parallel to the shoreline shall not exceed twenty percent (20%) of the lot width or sixteen (16) feet, whichever is lessor.

The Board of Commissioners felt the 20% width of lot limitation did not allow enough functionality for property owners with smaller lots and consideration for larger boats to be able to have a boat shelter on smaller lots should be reviewed.

As a result of review by the Planning Commission, the subject section is now proposed to read as follows;

10A.3.2.3 The width of the boat shelter structure, with exception of the eaves, shall not exceed sixteen (16) feet.

The remainder of the amendment document remains as presented at the October 18, 2017 Public Hearing.

Section 1 of the amendment document provides definitions for Boat shelter and Canal.

Section 2 of the amendment document establishes a new section 10A. to provide for a Lake and Stream Protection Shelter Overlay District.

The purpose statement is found in section 10A.1.

District boundaries are provided in section 10A.2. which includes all waterfront lots located on the Cheboygan River, Indian River, the Lower Black River, and any canal connected to those rivers.

Permitted uses along with conditions and requirements for boat shelters are provided in section 10A.3. You will note all permitted uses in the underlying Lake and Stream Protection (P-LS) zoning district are affirmed along with a single boat shelter per lot.

All uses which require a special use permit in the underlying P-LS zoning district is affirmed for the Shelter Overlay District in section 10A.4.

Section 10A.5. affirms that all development requirements of the underlying P-LS zoning district apply to the Shelter Overlay District and that the provisions within the subject amendment shall control when such requirements differ.

I will look forward to further discussion on this matter with the Planning Commission during the January 3 Public Hearing.

Please contact me with questions.

11/16/17

CHEBOYGAN COUNTY  
ZONING ORDINANCE AMENDMENT #\_\_\_\_  
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200  
TO ESTABLISH THE LAKE AND STREAM PROTECTION SHELTER OVERLAY  
DISTRICT.

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

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

**BOAT SHELTER**

A structure constructed over a boat well which is designed and used solely for the purpose of protecting or storing watercraft and related equipment for noncommercial purposes.

**CANAL**

An artificial waterway constructed to allow the passage of boats.

**Section 2. Amendment of Zoning Ordinance.**

The Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Article 10A, Lake and Stream Protection Shelter Overlay District (P-LS-SO), which shall read in its entirety as follows:

ARTICLE 10A – LAKE AND STREAM PROTECTION SHELTER  
OVERLAY DISTRICT (P-LS-SO)

**SECTION 10A.1. PURPOSE.**

The purpose of this overlay district is to provide for construction of boat shelters in areas where boathouses exist. Boat shelters will be required to meet certain conditions in order to be consistent with land use goals of the Master Plan including the Lake and Stream Residential future land use category.

**SECTION 10A.2. BOUNDARIES**

The boundaries of this overlay district shall be those waterfront lots located on the Cheboygan River, Indian River, the Lower Black River, and any canal connected to those rivers as shown on the Cheboygan County Zoning Map.

**SECTION 10A.3. PERMITTED USES.**

10A.3.1. All uses permitted by right in the underlying zoning district.

10A.3.2 Boat shelters, subject to the following conditions and requirements:

10A.3.2.1 No more than one (1) boat shelter shall be permitted on a lot of record.

- 10A.3.2.2 A boat shelter shall not be enclosed and shall not contain walls. Only structural components necessary to support the roof structure shall be permitted. The ability to see through the boat shelter from all angles must be maintained at all times as represented in the following illustration:



- 10A.3.2.3 The width of the boat shelter structure, with exception of the eaves, shall not exceed sixteen (16) feet.
- 10A.3.2.4 No part of the boat shelter shall extend more than two (2) feet from the wall or edge of the boat well with exception of the eaves.
- 10A.3.2.5 The boat shelter shall contain eaves no greater than two (2) feet.
- 10A.3.2.6 The boat shelter shall have a pitched roof that is no greater than 4/12 pitch, and shall not be designed or used as a deck, observation platform or for other similar uses.
- 10A.3.2.7 A boat shelter shall not exceed a building height of twelve (12) feet.
- 10A.3.2.8 Boat shelters shall be permitted in the waterfront setback of the underlying zoning district.

#### SECTION 10A.4 USES REQUIRING SPECIAL LAND USE PERMITS.

- 10A.4.1. All uses requiring special land use permits in the underlying zoning district.

#### SECTION 10A.5 DEVELOPMENT REQUIREMENTS

- 10A.5.1 Except as modified below, all development within this overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.
- 10A.5.2 Where the regulations of this overlay district differ from the regulations of the underlying zoning district, then the regulations of this overlay district shall control.

### 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: John B. Wallace  
Its: Chairperson

By: Karen L. Brewster  
Its: Clerk

# CHEBOYGAN COUNTY PLANNING COMMISSION

Steven Vohs – Revised 12/21/17

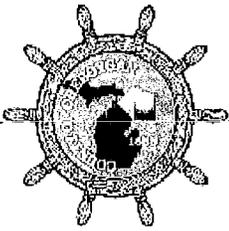
## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Limited Durable Power of Attorney (4 Pages)
5. Site Plan (1 Page)

The following items were added to the exhibit list on 12/21/17:

6. Email dated 12/21/17 from Dave Carpenter, Tuscarora Township Fire Chief (1 Page)
7. Email dated 12/20/17 from Brent Shant, Cheboygan County Road Commission Engineer/Manager (1 Page)
- 8.
- 9.
- 10.

Note: Planning Commission members have exhibits 1 and 2.



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

### PROPERTY LOCATION

Address <b>3921 Sturgeon St</b>	City / Village <b>Indian River</b>	Twp / Sec. <b>Tuscarora</b>	Zoning District
Property Tax I.D. Number, <b>161-024-<del>400</del>513-00</b>	Plat or Condo Name / Lot or Unit No. <b>Sec 24 T35N, R3W</b>		

### APPLICANT

Name <b>Steven Uohs</b>	Telephone <b>586-557-3832</b>	Fax
Address <b>3575 Prospect St, PO Box 428</b>	City, State & Zip <b>Indian River MI 49749</b>	E-Mail <b>JSS1011@hotmail.com</b>

### OWNER (If different from applicant)

Name <b>Stanley Family Trust</b>	Telephone <b>586-557-3832</b>	Fax
Address <b>Box 626</b>	City, State & Zip <b>Indian River MI 49749</b>	E-Mail <b>JSS1011@hotmail.com</b>

### PROPOSED WORK

<b>Type (check all that apply)</b> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input checked="" type="checkbox"/> Other: <u>Storage Containers</u>	<b>Building/Sign Information</b> Overall Length: <u>40</u> feet Overall Width: <u>8</u> feet Floor Area: <u>320</u> sq. feet Overall Building Height: <u>9.5</u> feet Sign Area: <u>320</u> sq. feet Sign Height <u>None</u> feet
--	---

### PROPOSED USE (check all that apply)

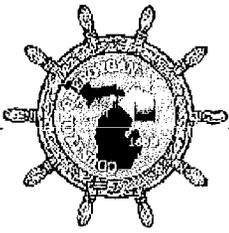
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/>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

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

If YES, date of approval: \_\_\_\_\_ Approved Use: \_\_\_\_\_

Directions to site: LOCATED ON S STROITS HIGHWAY 600 FT NORTH OF INTERSECTION OF M-68 + S. STROITS IN INDIAN RIVER

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.

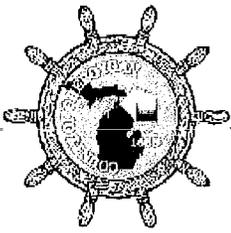
Retail Store, Hours May - Oct, 9AM - 8PM  
One full time 4-5 Part time

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.  
This container is well inside setback
- 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.  
A stone platform has been laid down under container
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.  
There is no flow changes
- 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.  
This will have minimal use day time only
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.  
No changes
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.  
a drive to parking lot has been provided
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
- h. Exterior lighting shall be arranged as follows:
- It is deflected away from adjacent properties. No lights, electric, or plumbing
  - It does not impede the vision of traffic along adjacent streets. \_\_\_\_\_
  - It does not unnecessarily illuminate night skies. \_\_\_\_\_

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

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

N/A

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

3. Size of property in sq. ft. or acres: less than one acre

4. Present use of property:  
Empty lot

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

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

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

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

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

### AFFIDAVIT

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

Applicant's Signature [Signature]

Date 12-3-17

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

Yes  No

Owner's Signature Power of Attorney attached

Date 12-3-17

SITE PLAN REVIEW APPLICATION

# SITE PLAN REVIEW APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
X		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	X	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
na		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
X		f. Location of existing and proposed buildings and intended uses thereof.
		g. Details of entryway and sign locations should be separately depicted with an elevation view.
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.
na		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.
na		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW APPLICATION

# SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
na		m. Location and specifications for all fences, walls, and other screening features.
na		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
x		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.
	x	q. Elevation drawing(s) for proposed commercial and industrial structures.
na		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
na		s. Floor plans, when needed to determine the number of parking spaces required.

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

SECTION

REASON FOR WAIVER REQUEST

d	Temporary Storage -

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.

*Sw a Vdh*

SIGNATURE

12-3-17

DATE



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

## FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	12/19/17	Notes:
Fee Amount Received:	\$170.00	
Receipt Number:	6030	
Public Hearing Date:		
Planning/Zoning Administrator Approval:		
 Signature		12/19/17 Date

SITE PLAN REVIEW APPLICATION

LIMITED DURABLE POWER OF ATTORNEY

STATE OF MICHIGAN            )  
  ) ss.  
COUNTY OF CHEBOYGAN    )

KNOW ALL MEN BY THESE PRESENTS, that I, PATRICIA A. VOHS, AS SUCCESSOR TRUSTEE OF THE GERALD & PATRICIA STANLEY FAMILY TRUST, of P. O. Box 426, Indian River, MI 49749, do hereby make, constitute and appoint STEVEN VOHS, of P. O. Box 426, Indian River, MI 49721, my true and lawful attorney-in-fact for me and in my name, place and stead, and in my behalf, and for my use and benefit for the purpose of administering The Gerald & Patricia Stanley Family Trust dated November 8, 2011.

All rights, powers and authority of STEVEN VOHS, Attorney-in-fact, granted herein shall commence upon the date of the execution of this instrument and shall remain in full force and effect until I shall furnish written notice of revocation. This power of attorney shall not be affected by the disability of the principal.

Dated at Nov. 3, 2017, Michigan, this 27 day of Nov., 2017.

WITNESSED:

[Signature]

Patricia A. Vohs  
PATRICIA A. VOHS

[Signature]

Subscribed and sworn to before me, a Notary Public in and for the above county and state, this 3rd day of November, 2017.

Theresa M. Jomayko  
Macomb, Notary Public  
Cheboygan County, Michigan  
Acting in Cheboygan County, Michigan Macomb  
My Commission Expires: 1-23-2018

DRAFTED BY:  
DANIEL MARTIN (P47567)  
Attorney at Law  
214 Water Street, Suite D  
Cheboygan, MI 49721  
(231) 627-7634

Macomb

ATTACHMENT B  
To Stanley Trust

**Parcel One:** Real property commonly known as 3933 South Straits Highway, in the Township of Tuscarora, Cheboygan County, Michigan, and described as:

Beginning at a point on ELY line of U.S. 27, which is 440.6 feet N & at rt angls to S. line of sec. 24, th. E 351.4 ft. M or L to Bell Telephone C. R/W th. NWLY along R/W 189.9 ft., Th. W. 172.6 ft. to U.S. 27, Th. S 150 ft. to POB. Being a part of the Southeast fractional ½ of section 24, Town 35 North, Range 3 West.  
#161-024-400-574-00

**Parcel Two:** Real property commonly known as 3575 South Prospect Street, in the Township of Tuscarora, Cheboygan County, Michigan, and described as:

Lot 8, Block 16, Plat of Village of Indian River and commencing at the Northwest corner of Lot 7, Block 16, Village of Indian River; thence Northeasterly along the North line of Lot 7, 26 feet; thence Southeasterly to a point on the shore of Indian River, 125 Easterly of the South west corner of Lot 8, block 16; thence Westerly along shore of Indian River to the East line of said Lot 8; thence Northwesterly along said East line of said Lot 8 to the Point of Beginning, being part of Lot 7, Block 16, Village of Indian River, according to the Plat thereof as recorded in Liber 1 of Plats, page 26, Cheboygan County Records.  
#161-131-016-008-00

**Parcel Three:** Real property commonly known as 4985 South Straits Highway, in the Township of Tuscarora, Cheboygan County, Michigan, and described as:

Lots 17 and 18, Indian River Heights, according to the Plat thereof as recorded in Liber 4 of Plats, Page 46, Cheboygan County Records.  
#161-139-000-017-00

**Parcel Four:** Real property commonly known as \_\_\_\_\_ South Straits Highway, in the Township of Tuscarora, Cheboygan County, Michigan, and described as:

Lots nineteen (19) and thirty-six (36) of Indian River Heights Subdivision, according to the plat thereof as recorded in Liber 4 of Plats, Page 46, Cheboygan County Records.  
#161-139-000-019-00

Page Showing property is in trust

**Parcel Five:** Real property commonly known as 3927 South Straits Highway, in the Township of Tuscarora, Cheboygan County, Michigan and described as:

Commencing at the intersection of the centerline of Cressy Street, with the Westerly line of Block 39, F.E. Martin's Second Addition to the Village of Indian River, Michigan; thence South 17 degrees 30 minutes West along said Westerly line produced Southerly 387.25 feet; thence South 72 degrees 30 minutes East 66.05 feet to the P.O.B. of this Description; thence continuing South 72 degrees 30 minutes E. 75 feet; thence S. 17 degrees 30 minutes W. 44.80 feet to the Northeasterly right of way line of the Michigan Bell Telephone Co. easement; thence N. 41 degrees 39 minutes West along said right of way line 87.36 feet to the P.O.B., being a part of the Southeast fractional  $\frac{1}{4}$ , Section 24, Town 35 North, Range 3 West.

AND

Commencing at the intersection of the centerline of Cressy Street with the Westerly line of Block 39, F.E. Martin's Second Addition to the Village of Indian River; thence South 17 degrees 30 minutes West along said Westerly line produced Southerly 387.25 feet; thence South 72 degrees 30 minutes East 66.05 feet to the P.O.B. of this Description; thence South 41 degrees 39 minutes East 87.36 feet; thence South 17 degrees 30 minutes West 18.90 feet; thence North 41 degrees 39 minutes West 127.11 feet; thence South 72 degrees 30 minutes East 34.11 feet to the P.O.B., being more commonly known as the Michigan Bell Telephone Co. easement, being part of the Southeast fractional  $\frac{1}{4}$ , Section 24, Town 35 North, Range 3 West.

AND

That part of the Southeast fractional  $\frac{1}{4}$  of Section 24, Town 35 North, Range 3 West described as follows: Commencing at a point that is 590.6 feet North of the South line of Section 24 at the intersection of the right of way of U.S. 27 parallel to and at right angles with the section line East 117.33 feet, more or less, parallel to the section line to the point; thence North 17 degrees 30 minutes West 49.05 feet to the Southwest line of the Michigan Bell Telephone Co. right of way; thence North 41 degrees 39 minutes West 127 feet along the right of way of the Michigan Bell Telephone Co. to the intersection with the right of way of U.S. 27 Highway; thence South along and parallel to U.S. 27 Highway 150 feet to the Point of Beginning.

#16-161-024-400-573-00



DECEDENT	1. DECEDENT'S NAME (First, Middle, Last) Gerald L. Stanley		2. DATE OF BIRTH September 25, 1931		3. SEX Male	4. DATE OF DEATH September 26, 2017		
	5. NAME AT BIRTH OR OTHER NAME USED FOR PERSONAL BUSINESS Gerald Leon Stanley			6a. AGE- Last Birthday (Years) 86	6b. UNDER 1 YEAR MONTHS DAYS		6c. UNDER 1 DAY HOURS MINUTES	
	7a. LOCATION OF DEATH Hiland Cottage, One Hiland Drive 49770			7b. CITY, VILLAGE OR TOWNSHIP OF DEATH Petoskey		7c. COUNTY OF DEATH Emmet		
	8a. CURRENT RESIDENCE - STATE Michigan		8b. COUNTY Cheboygan	8c. LOCALITY Indian River		8d. STREET AND NUMBER 3575 Prospect Street		
INFORMANT PARENTS	8e. ZIP CODE 49749		9. BIRTH PLACE Warren, Michigan		10. SOCIAL SECURITY NUMBER 386-24-9651		11. DECEDENT'S EDUCATION High school graduate	
	12. RACE White		13a. ANCESTRY Polish			13b. HISPANIC ORIGIN No	14. EVER IN THE U.S. ARMED FORCES? Yes	
	15. USUAL OCCUPATION Broker		16. KIND OF BUSINESS OR INDUSTRY Real Estate		17. MARITAL STATUS Married	18. NAME OF SURVIVING SPOUSE Patricia Marie Flynn or Flinn		
	19. FATHER'S NAME (First, Middle, Last) Joseph Stanley			20. MOTHER'S NAME BEFORE FIRST MARRIED (First, Middle, Last) Sabina Zocharski				
DISPOSITION	21a. INFORMANT'S NAME Patricia Ann Vohs		21b. RELATIONSHIP TO DECEDENT Daughter		21c. MAILING ADDRESS PO Box 426, Indian River, Michigan 49749			
	22. METHOD OF DISPOSITION Cremation		23a. PLACE OF DISPOSITION Northern Michigan Crematory		23b. LOCATION - City or Village, State Cheboygan, Michigan			
	24. SIGNATURE OF MORTUARY SCIENCE LICENSEE Melissa Chagnon Sayers		25. LICENSE NUMBER 4501006903		26. NAME AND ADDRESS OF FUNERAL FACILITY Chagnon Funeral Home, PO Box 480, Onaway, Michigan 49765			
	27a. CERTIFIER <input checked="" type="checkbox"/> Certifying Physician - To the best of my knowledge, death occurred due to the (cause(s) and manner stated. <input type="checkbox"/> Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Margaret A. Orr, MD Signature and Title		28a. ACTUAL OR PRESUMED TIME OF DEATH 05:20 AM		28b. PRONOUNCED DEAD ON September 26, 2017		28c. TIME PRONOUNCED DEAD 05:20 AM	
CERTIFICATION	29. MEDICAL EXAMINER CONTACTED No		30. PLACE OF DEATH Hospice Facility		31. IF HOSPITAL			
	27b. DATE SIGNED September 26, 2017		27c. LICENSE NUMBER 4301077396		32. MEDICAL EXAMINER'S CASE NUMBER			
	34. NAME AND ADDRESS OF CERTIFYING PHYSICIAN Margaret A. Orr, MD, 416 Connable Ave., Petoskey, Michigan 49770							
	35a. REGISTRAR'S SIGNATURE 				35b. DATE FILED September 27, 2017			
CAUSE OF DEATH	36. PART I. ENTER the chain of events - diseases, injuries or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest or ventricular fibrillation without showing the etiology. Enter only one cause on line. If diabetes was an immediate, underlying or contributing cause of death be sure to record diabetes in either Part I or Part II of the cause of death section, as appropriate. IMMEDIATE CAUSE (Final disease or condition resulting in death) Sequentially list conditions, IF ANY, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST						Approximate Interval Between Onset and Death	
	a. Respiratory Failure DUE TO (OR AS A CONSEQUENCE OF)						Days	
	b. Recurrent Encephalopathy DUE TO (OR AS A CONSEQUENCE OF)						Months	
	c. Cerebrovascular Disease DUE TO (OR AS A CONSEQUENCE OF)						Months	
PART II. OTHER SIGNIFICANT CONDITIONS contributing to death but not resulting in the underlying cause given in Part I Seizure Disorder						37. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		
39. MANNER OF DEATH Natural		40a. WAS AN AUTOPSY PERFORMED? No		40b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Not Applicable				
41a. DATE OF INJURY		41b. TIME OF INJURY		41c. DESCRIBE HOW INJURY OCCURRED				
41d. INJURY AT WORK		41e. PLACE OF INJURY		41f. IF TRANSPORTATION INJURY		41g. LOCATION		
MEDICAL EXAMINER								

I HEREBY CERTIFY THAT THIS A TRUE AND CORRECT COPY OF THE RECORD ON FILE IN THE OFFICE OF THE COUNTY CLERK, EMMET COUNTY MICHIGAN.  
  
JULI WALLIN, EMMET COUNTY CLERK

# SITE PLAN for STORAGE CONTAINER THE SUMMER STORE

PARCEL No. 161-024-400-573-00  
SECTION 24, T35N, R3W, TUSCARORA TOWNSHIP  
CHEBOYGAN COUNTY, MICHIGAN

### EQUALIZATION DESCRIPTION

BEG AT INTERSECTION OF C/L CRESSY ST WITH WLY LI BLK 39, FE MARTIN'S 2ND ADD TO VILL OF INDIAN RIVER; TH S 17D 30M W ALG R/W OLD US 27, 387.25FT; TH S 72D 30M E 31.04FT TO POB; TH S 72D 30M E 109.11FT; TH S 17D 30M W 112.75FT; TH S 89D 22M 30S W 117.33FT TO ELY R/W OLD 27; TH N 18D 24M 30S E 150FT TO POB, PT OF SE FRL 1/4, SEC 24, T35N, R3W.

### NOTES:

- The purpose of this drawing is to show an inventory storage container for use with the existing retail business.
- All other improvements for the business are existing. No other site or use changes have been made or are proposed.

CHEBOYGAN COUNTY ZONING INFORMATION ZONING ORDINANCE No. 200, ADOPTED FEBRUARY 8, 1983				
ZONING DISTRICT	MINIMUM PARCEL SIZE	YARD SETBACKS (FT)		
		FRONT	SIDE	REAR
D-CM COMMERCIAL DEVELOPMENT	PER SITE PLAN	25	10	10



PREPARED UNDER THE SUPERVISION OF:

*Brian K. Fullford*

BRIAN K. FULLFORD  
PROFESSIONAL SURVEYOR  
REGISTRATION NO. 41099

NOVEMBER 17, 2017

FOR:  
  
THE SUMMER STORE

SEC. 24, T35N, R3W  
FB: TUSC 22

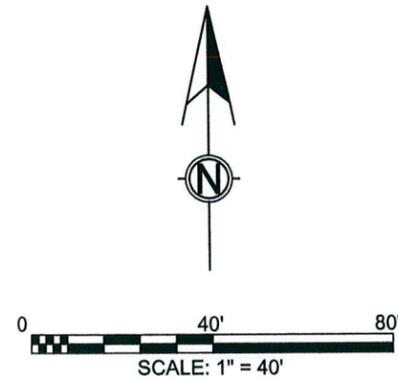
DRAWN: BKF  
CHECK: BKF

PROJECT NO.  
17-062S

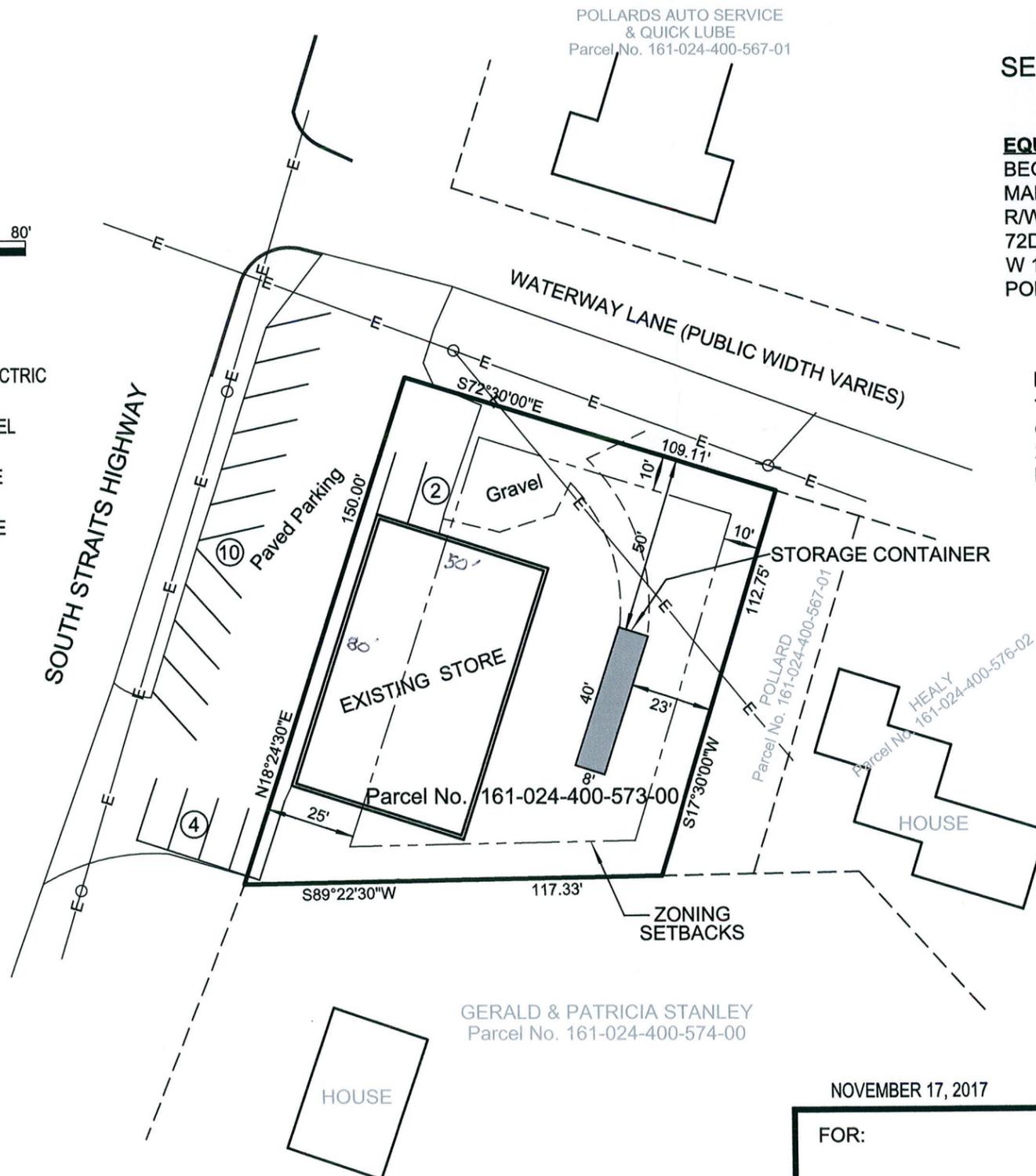


FULLFORD SURVEYING & MAPPING, P.C.

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



- POWER POLE
- OVERHEAD ELECTRIC
- EDGE OF GRAVEL
- PROPERTY LINE
- PARKING SPACE



**Deborah Tomlinson**

---

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

**Sent:** Thursday, December 21, 2017 9:00 AM

**To:** Deborah Tomlinson

**Subject:** Re: Application for The Summer Store

Good Morning Deb and Merry Christmas,

I don't see any major issues with the Voh's site plan and if you have any firther questions please feel free to contact me.

Thanks,

Dave

**Deborah Tomlinson**

---

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

**Sent:** Wednesday, December 20, 2017 12:14 PM

**To:** Deborah Tomlinson

**Subject:** Re: Application for Cherry Capital Connection & The Summer Store

Hello,

No comments for either applicant from the Road Commission.

Thank you,

Brent Shank

Engineer/Manager

Cheboygan County Road Commission

[mgr@chcrc.com](mailto:mgr@chcrc.com)

(231) 238-7775



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## STAFF REPORT

<b>Item:</b> Site Plan Review for addition of an accessory storage structure at existing retail business in a Commercial Development (D-CM) Zoning District. Tuscarora Township	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> December 20, 2017	<b>Expected Meeting Date:</b> January 3, 2018

**Applicant:**

Steven Vohs

**Contact person:**

Steven Vohs

**Phone:**

586-557-3832

**Requested Action:**

Site Plan Review approval for placement of an accessory storage structure at an existing retail business (The Summer Store) in Tuscarora Township.

### GENERAL INFORMATION

**Introduction:**

The applicant is seeking a site plan review approval for that addition of an 8 ft. x 40 ft. accessory storage structure at an existing retail use (The Summer Store in Indian River). The storage structure is a mobile storage container placed on the subject lot for accessory storage use on a permanent basis. The Summer Store has been existing in its current location for many years. The structure and parking locations enjoy a nonconforming status. No site plan is on file which requires the Planning Commission to approve a site plan due to the new structure in a Commercial Development (D-CM) Zoning District. Specialty retail sales establishment is a permitted use in a D-CM zoning district per section 6.2.19.

This application comes to the Planning Commission as a result of enforcement. The accessory storage structure is located at the subject lot as indicated on the site plan. The applicant has been directed to seek site plan review approval.

**Current Zoning:**

Commercial Development (D-CM)

**Surrounding Land Uses:** Commercial to the north, Residential to the east and south across the Indian River. North Central State Trail to the west.

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

**Historic buildings/features:** There are no historic buildings.

**Traffic Implications**

The Summer Store is existing. A minimal increase in traffic increase is expected on Waterway Lane as a result of the accessory structure.

**Parking**

Section 17.6 requires 1 parking space per 250 sq. ft. of usable floor area for retail uses and 2 parking spaces per employee. The application indicates up to 5 part time employees. It is noted that 16 parking spaces are indicated on the site plan. 14 parking are nonconforming. There is no change in the usable floor area which would require additional conforming parking spaces.

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

Street access to this site is provided from Prospect St.

**Signs;** No new signs are proposed.

**Fence/Hedge/Buffer**

No hedge or buffer is proposed.

**Lighting**

No exterior new lights are proposed.

**Stormwater management**

No changes to stormwater management is proposed.

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

Permit through the Cheboygan County Building Safety Department will be required.

**CHEBOYGAN COUNTY PLANNING COMMISSION**

**SPECIAL USE PERMIT REQUEST**

Wednesday, January 3, 2018, 7:00 PM

Applicant

Steven Vohs  
3537 Prospect St.  
Indian River , Mi. 49749

Owner

Stanley Family Trust  
P.O. Box 626  
Indian River , Mi. 49749

Parcel

3927 S. Straits Hwy.  
Tuscarora Township  
161-024-400-573-00

**GENERAL FINDINGS**

1. The subject property is zoned Commercial Development District. (D-CM)
2. The applicant is seeking site plan review approval to add an accessory storage structure measuring 40 feet long and 8 feet wide to a Retail, specialty use.
3. Retail, specialty is a permitted use in a D-CM zoning district per section 6.2.19.
4. The applicant is seeking a waiver to the site topographic survey requirement for site plans.
- 5.
- 6.

**SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE**

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  1. No changes to the overall contours of the site are proposed (see exhibit 3)
  - 2.
  3. Standard has been met.Or.
  - 1.
  2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
  1. Minimal topographic modifications are proposed. (see exhibit 3 )
  2. No tree removal is proposed.
  3. Minimal soil removal is proposed to facilitate vehicle access to the accessory storage structure
  - 4.
  5. Standard has been met.Or.
  - 1.
  2. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 1. No changes to site drainage are proposed. (see exhibit 3)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
  - 1. Not applicable. There are no dwelling units located therein or proposed.
  
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
  - 1. A practical means for access by emergency vehicles is provided via access driveways to and from South Straits Highway and Waterway Lane. (see exhibit 5)
  - 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 on the subject site have access from South Straits Highway and Waterway Lane. (see exhibit 5)
  - 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 plan 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 exterior lighting is proposed (see exhibit 3 )
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
  - 1. Not applicable. No public or common ways for vehicular and pedestrian circulation 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 3 and 5)
  - 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, January 3, 2018

\_\_\_\_\_  
Patty Croft, Chairperson

\_\_\_\_\_  
Charles Freese, Secretary



# 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: December 21, 2017**

Included with this memo please find a copy of the draft amendment document dated 12/21/17. The document remains as last reviewed at the regular meeting of September 7, 2016 with the exception to language relative to approval of the Board of Commissioners has be removed and language changes providing approval, approval with conditions or denial, waiving of standards and imposing of conditions by the Planning Commission in Section 19.7.

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

Draft 12/22/17

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.

**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 lineal feet measured at the front property line. Any PUD with proposed industrial use shall contain a minimum of ten (10) acres with a minimum of 500 lineal feet measured along the front property line. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.
3. The entire lot being considered for a PUD must be under single or unified (“coordinated”?) 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. A PUD proposed to be developed in phases shall include development phase descriptions indicating phases in which the project is proposed to be built with events and/or estimated time frames for beginning and completion of each phase. The phase descriptions shall also include specific details about the items constructed at the completion of each phase including but not limited to;

the buildings to be built, the amount of parking to be constructed, the site amenities that will be completed, any open space, fencing and/or greenbelt to be installed.

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 Cheboygan County Master Plan and its land use goals 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 19.2. and general requirements under Section 19.3., 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 minimum 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 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 a copy of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use(s) 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 the following:
  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 the following:
  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
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 for their review, 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. 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 approve, approve with conditions or deny the PUD.

**19.7. Standards for PUD approval; Conditions; Waiver of PUD Standards; Reapplication of a denied PUD.**

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.

2. The Planning Commission may impose reasonable conditions 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.

3. The Planning Commission may waive any standard for approval upon a finding that all of the following exist:

- a. Presence of limiting conditions related to soils, topography, unusual shape or dimension of the site, or other natural conditions that would inhibit good design.
- b. No good public purpose will be achieved by requiring conformance with the standard(s) to be waived.
- c. The spirit and intent of the PUD provisions will still be achieved.
- d. No nuisance will be created.

4. The Planning Commission may modify the minimum dwelling size requirement if it can be shown that the design of the dwellings are either adequately isolated by greenbelts, distance, or topography from neighboring dwelling units or shown to be architecturally similar to neighboring dwelling units.

5. Modifications shall not be granted if they are found to be contrary to the spirit and intent of the zoning ordinance or would be contrary to the County's Future Land Use goals.

6. No application for a PUD which has been denied, wholly or in part, by the Planning Commission 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 Planning Commission or the procedures used in the matter were clearly erroneous. A reapplication shall be processed in the same manner as the original application.

### **SECTION 19.8. Performance Guarantee.**

In connection with the approval of a PUD, the Planning Commission may require the Applicant to furnish Cheboygan County with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the site on which the PUD will be located or which the Applicant has agreed to construct even though located outside the site. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the site on which the special land use will be located. For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the County Treasurer at or before the time the PUD is issued. The performance guarantee shall ensure completion of the public and site improvements in accordance with the PUD approved by the Planning Commission. Any cash deposit or certified funds shall be refunded in the following manner:

- a. One-third of the cash deposit after completion of one-third of the public and site improvements;
- b. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
- c. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If an Applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the County as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

**SECTION 19.9. Expiration, Development and Maintenance of approved PUD.**

1. An approved PUD application and site plans shall expire two (2) years following the date of approval by the Planning Commission, unless 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 19.10. 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:

Its: Chairperson

By:

Its: Clerk



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

**Date: November 28, 2017**

**To: Planning Commission**

**From: Scott McNeil**

**Re: Planning Commission Bylaws; Annual meeting requirements, election of officers and scheduling of regular meetings.**

The bylaws of the Planning Commission require that Officers (Chairperson, Vice Chairperson and Secretary) be chosen from its members by the Planning Commission at its annual meeting held in January of each year.

Also, the bylaws require that the regular meetings of the Planning Commission shall be scheduled at the annual meeting held in January each year. The bylaws also provide that if any regularly scheduled meeting falls on a legal holiday, the Planning Commission shall select an alternate date in the same month for the regular meeting. I expect the Planning Commission will desire to schedule regular meetings for 2018 for the first and third Wednesday of each month at 7:00 P.M. as currently scheduled. I note that the first Wednesday of July falls on July 4. This meeting date should be rescheduled. I find no other holidays falling on first or third Wednesday of each month in 2018.

Please contact me with questions.