



CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JULY 11, 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.) **Chad Stemple** - Requests a Special Use Permit for a landscaping contractor's yard, per Section 6.3.3. of the Zoning Ordinance. The property is located at 164 South Straits Highway, Tuscarora Twp., Section 1, Parcel #161-001-200-005-03, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).

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

UNFINISHED BUSINESS

- 1.) Review and discussion of draft Zoning Ordinance language for solar arrays.

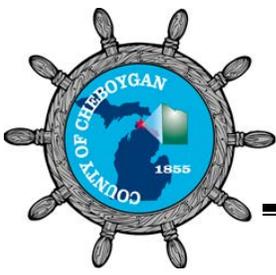
NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

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

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JUNE 20, 2018 AT 7:00 P.M.

ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Churchill
ABSENT: Lyon
STAFF: Michael Turisk
GUESTS: Eric Boyd, Roberta Matelski, Mary Durfey, Cal Gouine, Russell Crawford, Cheryl Crawford, Mike Bieniek, John Moore, Karen Johnson, Carl Muscott, Jeff Jocks, Dan Slanec

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

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The June 6, 2018 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Churchill), 0 Nays, 1 Absent (Lyon)

PUBLIC HEARING AND ACTION ON REQUESTS

Dan Slanec/Slanec Family Living Trust & Skruba Family Living Trust - Requests a rezoning from Agriculture and Forestry Management District (M-AF) and Commercial Development (D-CM) to Commercial Development (D-CM). The property proposed to be rezoned is located in Tuscarora Township, Section 1 and described as follows: Parcel #161-001-200-005-04, BEG AT E1/4 COR SEC 1, T35N,R3W; TH W ALG 1/4 LI 120.42FT TO R/W HWY-27 FOR POB; TH S 0D 14M 30S W ALG R/W 219.35FT; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 499.52FT TO NLY R/W OF ON RAMP FOR I-75 HWY; TH ALG CURVE CHR D BEARS N 45D 07M 30S W 563.38FT & ALG CURVE CHR D BEARS N 20D 14M 25S W 768.06FT; TH S 89D 45M 30S E 919.66FT TH S 0D 14M 30S W 396.44FT TO POB. *EXC: COM AT E 1/4 COR SEC 1, T35N,R3W; TH N 89D 45M 30S W 120.42FT TO WLY ROW LI OF HWY M-27; TH S 0D 14M 30S W 219.35FT ALG SD W ROW LI; TH N 89D 45M 30S W 250FT; TH S 0D 14M 30S W 200.23FT TO POB; TH CONT S0D 14M 30S W 299.12FT TO NLY LI OF I-75 OF N BOUND ON RAMP 468.54FT ALG CURVE TO RIGHT, HAVING RAD OF 749.18FT & CHR D BEARING N 49D 17M 46S W 460.94FT; TH S 89D 45M 30S E 350.70FT TO POB.

Mr. Turisk presented the information contained in the staff report pertaining to the rezoning application for parcel 161-001-200-005-04.

Ms. Croft asked for public comments. Mr. Muscott approves of the rezoning and noted most parcels east of this parcel are commercially zoned. Public comment closed.

Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to revoke prior motion to send this request to the Zoning Board of Appeals. Motion carried.

The Planning Commission reviewed the General Findings of Fact:

1. The Planning Commission finds that the applicant proposes rezoning of certain real property in the application from Agricultural and Forest Management District (M-AF) Commercial Development District (D-CM). See exhibit 4.

2. The Planning Commission finds that the application is made by Dan Slanec, See exhibit 4.
3. The Planning Commission finds that the legal description of the property at issue, including the proposed property to be rezoned, is attached to the application (noted above). See exhibit 4.
4. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the area with the proposed rezoning as being offered as General Commercial and Single Family Residential. See exhibit 2 and Future Land Use Map.

The Planning Commission reviewed the rezoning factors:

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

- A. The Planning Commission finds that the property is directly contiguous to an area already located in the D-CM District, such that adding the subject property as proposed by the applicant for rezoning would not result in an isolated, detached area of land rezoned D-CM. See exhibit 7.
- B. The Planning Commission finds that based upon the information provided in the staff report which includes the Cheboygan County Master Plan Future Land Use Map which indicates that the property is in the General Commercial land use category. See exhibit 2 and Future Land Use Map.
- C. The Planning Commission finds that upon review of the specific nature of the Property, which includes a portion of the existing parcel already zoned D-CM containing an approved commercial special use permit that the rezoning would not create a negative impact on surrounding property.

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 Commercial uses currently exist in the area. Activities which could occur if the subject property is rezoned would not physically disturb the properties surrounding the land proposed for the rezoning. See exhibits 1 and 2.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel, there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2.

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 granted, there would be an adverse effect on property values in the area.

4. Have there been 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 development in the area is slowly increasing and that the parcels in close proximity to I-75 provide an opportunity to attract additional viable business that will result in the investment of additional dollars in the area and that these factors are viable justifications for the rezoning.

This standard has been met.

5. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

- A. The Planning Commission finds that given the size of the property as well as surrounding properties which are not subject to the rezoning application, there is no evidence that the rezoning would deter the improvement or development of adjacent property in accordance with existing regulations, much less future land use plans as proposed in Cheboygan County's future land use map. See exhibits 1, 2 and 6.

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 half of the subject parcel is currently zoned D-CM and has been issued a commercial special land use permit for Premade Storage Building Sales (section 6.3.16) and is also adjacent to property to the south and east which is zoned D-CM and contains commercial land uses. As such, if the property is rezoned to D-CM, it would be contiguous with already existing D-CM zoned property. As such, the proposed rezoning does not create a special privilege or result in spot zoning. See exhibit 1 and 7.

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 the front half of the property is currently zoned D-CM and was issued a special land use permit for Premade Storage Building Sales (section 6.3.16). The Planning Commission further finds that given the Master Plan and future land use map, rezoning would be more in line with uses allowed under the future land use designation for the area. See exhibit 2 and Future Land Use Map.

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 County's Master Plan depicts the future use of the property as being in the General Commercial and Single Family Residential category. See exhibit 2 and Future Land Use Map.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, and Future Land Use Map, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel and there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2 and Future Land Use Map.

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 the site is or will be served by adequate public and private facilities by the applicant considering the type of uses which may be permitted on the property.

This standard has been met.

10. Are there sites nearby already properly zoned that can be used for the intended purposes?

- A. The Planning Commission finds that although a portion of property is zoned D-CM that the rezoning of the remaining portion of the parcel adjacent to I-75 provides maximum utilization of property for the display and sale of pre-made storage buildings. See exhibit 7.

This standard has not been met.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Churchill), 0 Nays, 1 Absent (Lyon)

Tillman Infrastructure/CG & KW Enterprises - Requests a Special Use Permit for a wireless telecommunications facility (section 17.13.). The property is located at 7934 North Straits Highway, InvernessTwp., section 26, parcel #091-026-200-018-00, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).

Mr. Turisk presented the information contained in the staff report pertaining to the proposed tower to be constructed by Tillman Infrastructure.

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

Discussion was held regarding the fenced area being moved to the south west to allow screening between the fenced area and parking lot and this change was agreed to by the applicant.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the reduction of the fall zone by 50% in accordance with section 17.13.1a. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Churchill), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed and approved the General Findings, Findings of Fact Under Section 17.13.1, Finding of Fact under Section 17.13.2.b., Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6. Findings of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Findings of Fact Under Section 17.13.1, Finding of Fact under Section 17.13.2.b., Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6. Findings of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10. subject to Department of Building Safety requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Churchill), 0 Nays, 1 Absent (Lyon)

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Review and discussion of draft Zoning Ordinance language for solar arrays.

Mr. Freese reviewed the draft solar regulation paragraph by paragraph discussing each item. There were five items that were identified as needing further discussion. Discussion was held.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott thanked Mr. Freese for his work on the solar array amendment.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:30pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Chad Stemple

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (6 Pages)
5. Warranty Deed Dated 08/16/13, L1241 P356 (2 Pages)
6. Elevation Drawing (1 Page)
7. Mailing List (2 Pages)
8. Property Drawing (1 Page)
9. Site Plan Detail (1 Page)
10. Email dated 07/02/18 from Jason Gailitis (MDOT) To Michael Turisk (2 Pages)
11. Email dated 07/02/18 from Brent Shank (CCRC) to Debbie Tomlinson (1 Page)
12. Email dated 07/05/18 from Kyle Keller (DHD #4) to Debbie Tomlinson (1 Page)
13. Staff Report (3 Pages)
- 14.
- 15.
- 16.

Note: Planning Commission members have exhibits 1 and 2.

NOTICE

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WEDNESDAY, JULY 11, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

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

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

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



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PROPERTY LOCATION

Address 164 S. Straits Hwy	City / Village Indian River	Twp / Sec. Tuscarora	Zoning District D-CM
Property Tax I.D. Number 161-001-200-005-03	Plat or Condo Name / Lot or Unit No.		

APPLICANT

Name Chad M Steuple	Telephone 231-238-4118	Fax —
Address 1251 Shawnee	City, State & Zip I.R., MI 49749	E-Mail cmslandscape@hotmail.com

OWNER (If different from applicant)

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

PROPOSED WORK

<p>Type (check all that apply)</p> <p><input checked="" type="checkbox"/> New Building <input type="checkbox"/> Reconstruction</p> <p><input type="checkbox"/> Addition <input type="checkbox"/> Relocated Building</p> <p><input type="checkbox"/> Change in Use or Additional Use <input checked="" type="checkbox"/> Sign, Type: <u>Business</u></p> <p><input type="checkbox"/> Other: _____</p>	<p>Building/Sign Information</p> <p>Overall Length: 60 56 feet</p> <p>Overall Width: 50 40 feet</p> <p>Floor Area: 2240 sq. feet</p> <p>Overall Building Height: 16 feet</p> <p>Sign Area: 8 sq. feet</p> <p>Sign Height: 8 7 feet</p>
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PROPOSED USE (check all that apply)

<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input checked="" type="checkbox"/> Office	<input checked="" type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input 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: M-27 1/4 mi NORTH OF I-75 N-Ramp NEXT TO INDIAN RIVER SPORTS CENTER - JUST SOUTH OF NORTHERN ILE BUILDINGS

**SPECIAL USE PERMIT
SITE PLAN REVIEW APPLICATION**



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

Business will be open from 8:00pm, April to November. It will be a nursery for my landscape business as well as an office and storage for equipment. Eventually this location will be a retail landscape supply as well.
4-6 employees / 3 business vehicles

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.

Site has been cleared years ago and grown back over. Grade changes on n. side of property will be sloped to drive and seeded. All natural areas around property for site exceed 200' in any direction

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

All areas disturbed will be sloped for proper drainage. N. drive will have a slight slope from natural area that will be seeded

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

All areas will be covered in gravel, seeded, or mulched

- 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.

Property is surrounded by natural area

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

Driveways access the property and go around the whole property

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

Drive on north side of building and site.

- 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:

- i. It is deflected away from adjacent properties. _____
ii. It does not impede the vision of traffic along adjacent streets. _____
iii. It does not unnecessarily illuminate night skies. _____

SPECIAL USE PERMIT
SITE PLAN REVIEW APPLICATION



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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.

Two driveway design for easy in and out delivery.

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

yes

3. Size of property in sq. ft. or acres: 37

4. Present use of property: Vacant

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 - All materials are non hazardous

- 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 all materials are natural and will be stored out of site from road

- 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 Just a shop and eventually a nursery

- 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 septic and

waste disposal bins will be placed on property out of site



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SPECIAL LAND USE PERMIT APPLICATION

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

AFFIDAVIT

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

Applicant's Signature C. COME Date 5/15/18

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

Yes No

Owner's Signature C. COME Date 5/15/18

Date Received:		<u>5/16/18 & 5/17/18</u>	Notes:
Fee Amount Received:		<u>\$225.00</u>	
Receipt Number:		<u>6191 & 6192</u>	
Public Hearing Date:		<u>7/11/18</u>	
Planning/Zoning Administrator Approval:			
 Signature		<u>6.26.2018</u> Date	

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.

SPECIAL USE PERMIT
SITE PLAN REVIEW APPLICATION

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

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
d	No change to topo - Current level topo.

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

5/15/18

 DATE

SPECIAL USE PERMIT
 SITE PLAN REVIEW APPLICATION



RECEIVED FOR RECORD
MARY ELLEN TRYBAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
08/20/2013 2:39:36 PM

RECEIVED FROM STATION 1
\$17.00 WARRANTY DEED
\$1.00 TAX CERTIFICATION

9459-1



LIBER 1241

PAGE 356

Warranty Deed



CHEBOYGAN COUNTY
AUGUST 20, 2013
RECEIPT #9459

STATE OF MICHIGAN
REAL ESTATE
TRANSFER TAX STRIP #

55.00-CO
375.00-ST
9337

KNOW ALL MEN BY THESE PRESENTS: That Charles E. Owen, a married man
whose address is 5150 Woodruff Street
PO Box 343, Topinabee, MI 49791
convey(s) and warrant(s) to Chad Stemple
whose address is 1251 Shawnee Ave, Indian River, MI 49749

Land situated in the Township of Tuscarora, County of Cheboygan, State of MI

SEE ATTACHED EXHIBIT "A" FOR COMPLETE LEGAL DESCRIPTION

Commonly known as: Old M-27
Tax Item No.: 161-001-200-005-03

If the land being conveyed is unplatted, the following is deemed to be included: 1) This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act, and 2) The grantor grants to the grantee the right to make _____ division(s) under section 108 of the Land Division Act, Act No. 288 of the public Acts of 1967.

for the sum of Fifty Thousand and 00/100 Dollars \$50,000.00

Subject to easements and building and use restrictions of record.

Dated this 16th day of August, 2013

Charles E. Owen

State of Michigan
County of Cheboygan

The foregoing instrument was acknowledged before me this 16th day of August, 2013, by Charles E. Owen, a married man

Notary Public
County

My commission expires: _____

Drafted by:
Daniel P. Lievois, Esquire
Devon Title Agency
616 Petoskey
Petoskey, MI 49770

File No: 503256
lms

LAURA M. SYLVAIN
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF EMMET
My Commission expires: March 23, 2017
Acting in the County of _____

When recorded return to:
Chad Stemple
7140 Frontenal
Indian River, MI 49749



EXHIBIT "A"

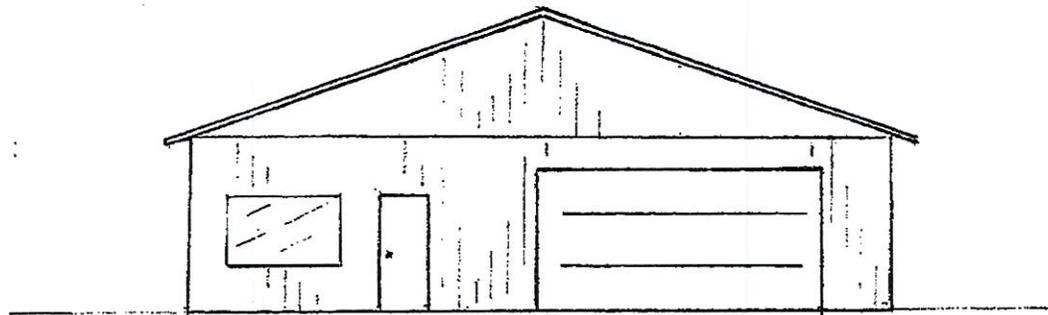
Land situated in the Township of Tuscarora, County of Cheboygan, State of MI described as follows:

Beginning at the East 1/4 corner of Section 1; thence West along 1/4 line 120.42 feet to right of way of Highway 27; thence N 0°14'30" East, 396.44 feet for point of beginning; thence North 89°45'30" West 919.66 feet to Easterly right of way of I-75 an entrance ramp; thence Northwesterly along right of way of on ramp and I-75 right of way to North Section line; thence East to way U.S. 27; thence South along right of way 850 feet; thence West 300 feet; thence South 200 feet; thence East 300 feet; the along right of way to point of beginning. EXCEPT the Northerly 850 feet thereof. Section 1, Town 35 North, Range 3 West.

Commonly known as: Old M-27, Indian River, MI 49749
Tax ID: 161-001-200-005-03

I hereby certify that for the five years preceding date of said instrument there are no tax liens or Titles held by the State for any unpaid taxes, except such taxes as may be in the process of collecting.

August 20, 2012
James L. Passmore
Cheboygan County Treasurer
Ret. # 29385



CHAD TEMPLE
COMMERCIAL BUILDING
EAST ELEVATION
1" = 10'

162-006-100-005-02
MUSSELMAN, JAMES & KIM, TRUSTEES
85 S STRAITS HWY
INDIAN RIVER, MI 49749

161-001-200-005-04
SLANEC FAMILY LIVING TRUST & SKRUBA
PO BOX 333
TOPINABEE, MI 49791

161-001-200-004-00
OAK-ACORN, LLC
7038 CHANNEL RD
PETOSKEY, MI 49770

161-001-200-005-01
CCE CENTRAL DISPATCH AUTHORITY
1694 US-131
PETOSKEY, MI 49770

161-001-200-005-02
CONNERS, TRAVIS & RENEE, TRUSTEES
PO BOX 726
INDIAN RIVER, MI 49749

161-001-200-005-03
STEMPLE, CHAD
7140 FRONTEC AVE
INDIAN RIVER, MI 49749

162-006-100-006-00
LEIBOLD, JOHN & CAROL TRUSTEES
125 S STRAITS HWY
INDIAN RIVER, MI 49749

162-006-100-007-00
BRUCKMAN, MICHAEL
9680 ROGERS RD
ALANSON, MI 49706

162-006-100-008-00
IAQUINTO, COLE R
179 S STRAITS HWY
INDIAN RIVER, MI 49749-9413

162-006-100-009-00
DOMBROSKI, EDWARD & PAULA H/W
PO BOX 297
TOPINABEE, MI 49791-0297

162-006-100-010-00
SCOTT, DANIEL D
245 S STRAITS HWY
INDIAN RIVER, MI 49749

162-006-100-012-00
BOWMAN, CRYSTAL
259 S STRAITS HWY
INDIAN RIVER, MI 49749

162-006-100-013-00
RHADIGAN & SONS, INC
PO BOX 22
INDIAN RIVER, MI 49749

162-006-100-014-00
KOLLY ENTERPRISES, LLC
4736 SHERWOOD
INDIAN RIVER, MI 49749

162-006-100-015-00
VAN REYENDAM, CORNELIUS, ET AL
42453 WILLSHARON ST
STERLING HEIGHTS, MI 48314-3077

161-001-200-002-04
SCHNEIDER, NEIL JR & DEBORAH E H/W
175 S EAGLES NEST
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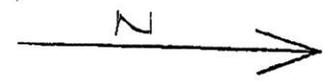
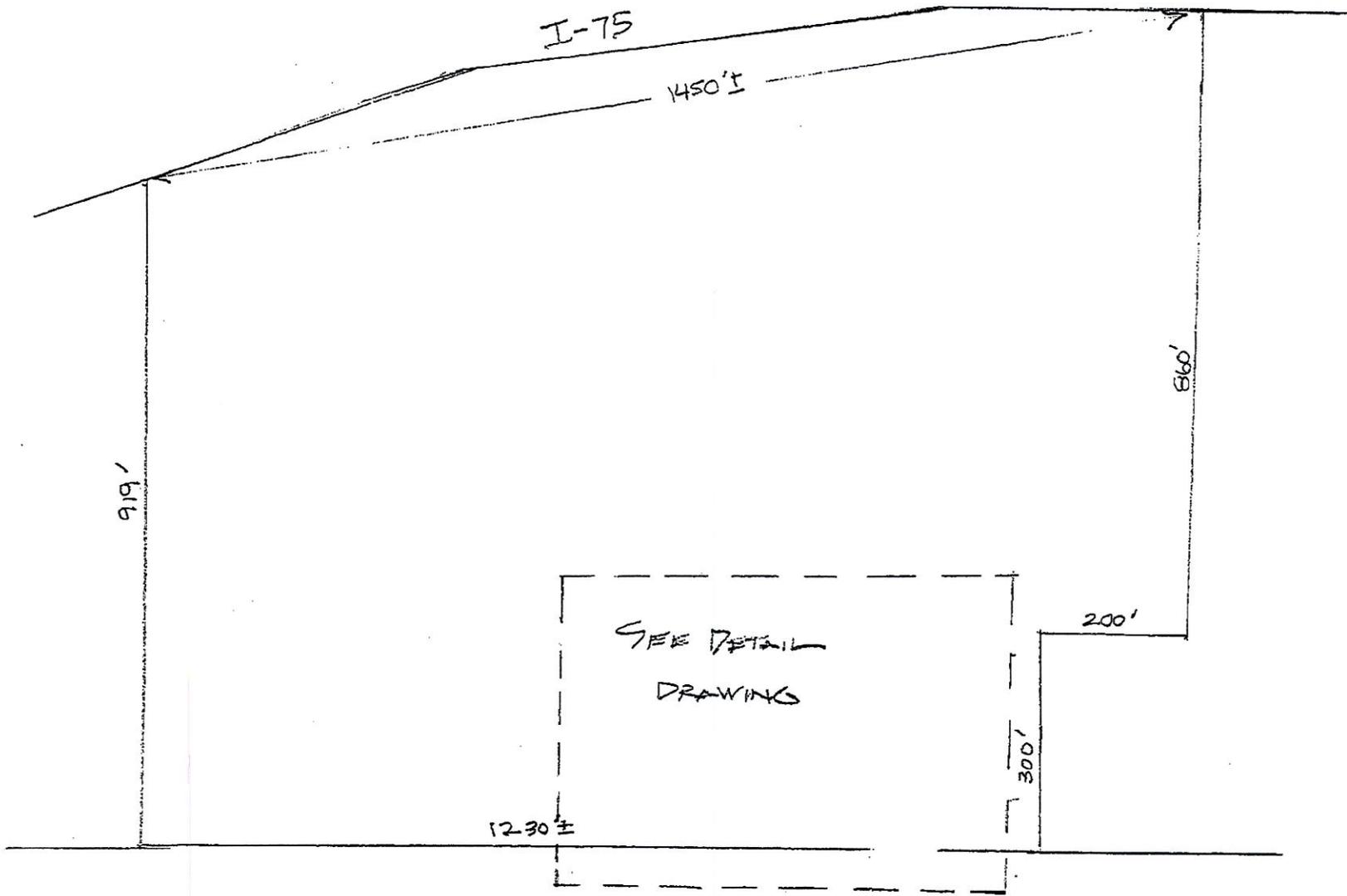
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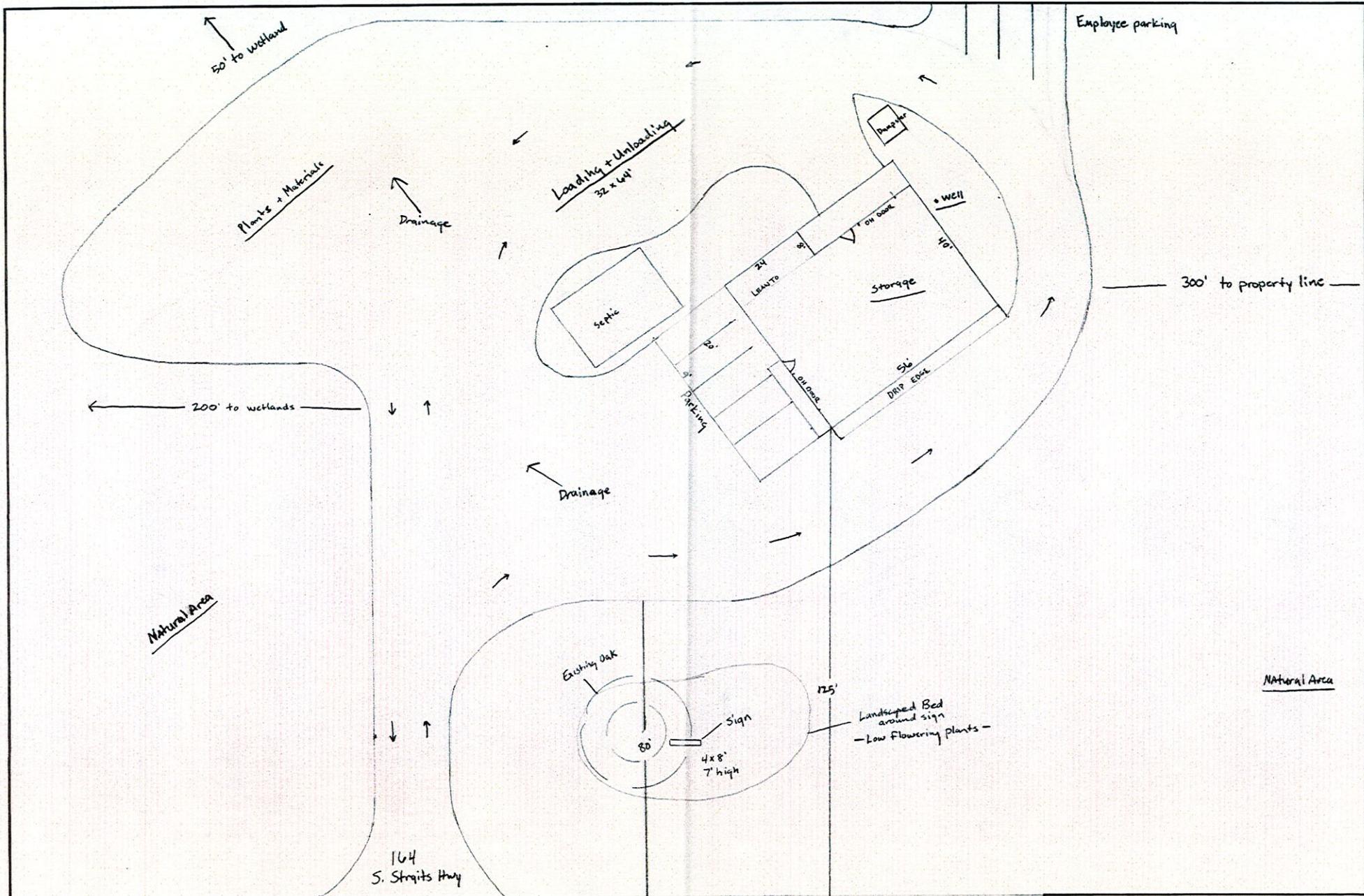
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161-001-200-002-04
SCHNEIDER, NEIL JR & DEBORAH E H/W
175 S EAGLES NEST
INDIAN RIVER, MI 49749



CHAD TEMPLE
PROPERTY DRAWING
1" = 200'



Natural Landscape LLC.		
SCALE: 1" = 16'	APPROVED BY:	DRAWN BY:
DATE:		REVISED 5/20/18
Original 3/24/14		DRAWING NUMBER

Michael C. Turisk

Subject: FW: Review Application for Chad Stemple (landscape contractor yard along S. Straits Hwy).

From: Gailitis, Jason (MDOT) [<mailto:GailitisJ@michigan.gov>]

Sent: Monday, July 02, 2018 1:44 PM

To: Michael C. Turisk

Cc: Phelps, Gabe (MDOT); Kramer, Chelsea (MDOT); Radulski, Matthew (MDOT); Deborah Tomlinson

Subject: RE: Review Application for Chad Stemple (landscape contractor yard along S. Straits Hwy).

Hi Michael-- I responded to Debbie Friday and mentioned to her that I was unsure if we had seen this yet. I also indicated that the applicant would likely have to work with our permit agent, Gabe Phelps to determine permit needs. You are correct, the applicant had been working with Gabe already (a couple years ago). It is true, a permit will not be required for the existing driveway to utilize as access for the construction of the site, and temporary use by nursery staff. However, prior to the nursery opening for business as a retail site, the applicant will require a permit for final construction of a commercial driveway, and for the sign. Once we receive a more detailed site plan from the applicant, the design specifics of the final access can be assessed. If you have any questions or need any clarifications, please just let us know. Thanks, Jay.

From: Michael C. Turisk <mturisk@cheboygancounty.net>

Sent: Monday, July 2, 2018 11:22 AM

To: Gailitis, Jason (MDOT) <GailitisJ@michigan.gov>

Subject: RE: Review Application for Chad Stemple (landscape contractor yard along S. Straits Hwy).

I do see a short note here regarding the proposed sign in the ROW and how Chad is "currently talking with MDOT." Has Mr. Stemple reached out to you?

Another note indicated you are not going to require a permit for the existing driveway. So no improvements to the ROW and/or apron would be required at this time?

I'm in the midst of preparing the staff report, so want to be clear about specific requirements. Thanks in advance.

Sincerely,

Michael Turisk

Director, Cheboygan County Planning and Zoning

870 South Main St.

Cheboygan, MI 49721

Phone: 231.627.8489

Fax: 231.627.3646

Email: mturisk@cheboygancounty.net

From: Michael C. Turisk

Sent: Monday, July 02, 2018 11:16 AM

To: 'Gailitis, Jason (MDOT)'

Subject: RE: Review Application for Chad Stemple (landscape contractor yard along S. Straits Hwy).

Importance: High

Jason, do you have any comments or concerns regarding the Special Use application? It will be considered by the Planning Commission on July 11. I have attached a .pdf of the application. Thanks in advance.

Sincerely,

Michael Turisk

Director, Cheboygan County Planning and Zoning
870 South Main St.
Cheboygan, MI 49721

Phone: 231.627.8489

Fax: 231.627.3646

Email: mturisk@cheboygancounty.net

Deborah Tomlinson

From: Brent Shank <mgr@chcrc.com>
Sent: Monday, July 02, 2018 8:19 AM
To: Deborah Tomlinson
Subject: Re: Application for July 11th Planning Commission Meeting
Attachments: mgr.vcf

Good Morning,

For the Family Wholesale Auto, there is no comments from the Road Commission.

For the Landscape business (Steuple), they are located on a State Highway. I would expect there would be a requirement for a driveway permit from MDOT that would require upgrades.

Thank you,

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

On 6/29/2018 8:11 AM, Deborah Tomlinson wrote:

The following links are the applications that will be reviewed at the July 11th, 2018 Planning Commission Meeting.

<http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs23-1528386222-38226.pdf>

<http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs78-1530026504-10475.pdf>

Feel free to call with any questions. Thanks~

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

Deborah Tomlinson

From: Kyle Keller [<mailto:kkeller@dhd4.org>]
Sent: Thursday, July 05, 2018 10:42 AM
To: Deborah Tomlinson
Subject: RE: Application for July 11th Planning Commission Meeting

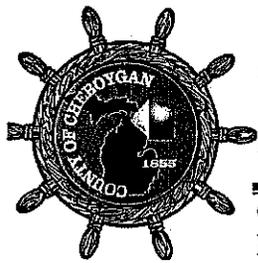
Debbie a couple bullet points regarding the links below:

1. The Dechape site former grain store becoming an auto dealer-it appears they have an existing well/on-site sewage disposal system of which my suggestion would be to have them apply for an existing well/sewage system evaluation with our office. This might be useful in determining if there are any potential issues with either item.
2. The Stemple site for a landscaping business-it looks like he will need to apply for a well permit (Type 3) and a commercial on-site sewage disposal system permit with our office.

Any questions give me a call or email, thanks.

Kyle Keller RS
Environmental Sanitarian
DHD4-Cheboygan County
PH# 231-627-8850
kkeller@dhd4.org
www.dhd4.org

CONFIDENTIALITY NOTICE: *The information contained in this email is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, you are hereby notified that any unauthorized review, use, dissemination, distribution or copying of this communication is prohibited and may be subject to legal restriction or sanction. If you have received this email in error, please notify the sender immediately to arrange for return or destruction of the information and all copies. If you are the intended recipient, but do not wish to receive communications through this medium, please advise the sender immediately. Thank you.*



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

Item: Special Use request for a contractor's yard, per Section 6.3.3., and Site Plan Review for nurseries for flowers and plants, per Section 6.2.14. and a retail sales establishment, (specialty), per Section 6.2.19. of the Zoning Ordinance.	Prepared by: Michael Turisk
Date: July 5, 2018	Expected Meeting Date: July 11, 2018

GENERAL INFORMATION

Applicant: Chad Stemple

Owner: Same

Location: 164 South Straits Highway

Contact person: Chad Stemple

Phone: (231) 238-4118

Requested Action:

The applicant requests approval of a Special Use for a landscaper's contractor's yard and Site Plan Review approval for a complementary plant nursery and a retail sales establishment, (specialty) in a Commercial Development (D-CM) zoning district pursuant to Sections 6.3.3. 6.2.14 and 6.2.19., respectively.

BACKGROUND INFORMATION

Introduction:

The applicant seeks approval of a Special Use Permit request for a contractor's yard (landscaping), pursuant to Section 6.3.3. of the Zoning Ordinance. Additionally, the applicant has requested site plan approval for a complementary flower and plant nursery and a specialty retail sales establishment. The 35 acre subject property is located at 164 South Straits Highway in Tuscarora Township and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF). The applicant has indicated that the proposed uses would occur on only that approximately 11.7 acre portion of the subject property zoned D-CM (west from the M-27 frontage).

In 2014, the applicant was approved for a Special Use for and site plan review for the same suite of uses described above. However, per Section 18.12.,

Special Use approvals expire after one year from the date of approval unless substantial construction has begun pursuant to the permit prior to expiration, or the property owner applies for an extension prior to expiration. Substantial progress had not been made within the one year window, nor had an extension request received by the Planning Department prior to expiration; therefore, the applicant has submitted a new application for the same proposed.

Current Zoning:

Commercial Development (D-CM; approximately 11.7 acres) and Agriculture and Forestry Management (M-AF; approximately 23.3 acres)

Surrounding Land Uses:

The property is located off of South Straits Highway, a Michigan State Highway (M-27) and adjacent and south of a commercial building (“Northern Ice”) and vacant land owned by C.C.E. Central Dispatch Authority. To the east and across M-27 there is a mix of residential, light commercial (including property used formerly for a plant nursery) and vacant land. To the south there is vacant land, a portion of which was recommended for rezoning to D-CM in June 2018 (*Slanec*). Interstate 75 is to the west.

The property contains approximately 1,240 ft. of commercial property frontage along M-27. Also, there is approximately 390 feet of depth of the property (from M-27) that is zoned D-CM with the remaining rear portion of the property Agriculture and Forestry Management (M-AF). The total area of the parcel is approximately 35 acres (the Commercial development-zoned area is estimated at 11.7 acres). Each of the proposed uses and activities would occur entirely on the D-CM-zoned portion of the subject property. There is an existing driveway that also provides for a measure of internal circulation, as well as some landscaping construction materials on site such as various landscape stone, mulch and several balled-and-burlapped trees.

As part of the proposed uses, the applicant intends to construct a 2,240 sq. ft. storage building with lean-to that would also likely serve as a business office. Hours of operation would be from 8 a.m. to 6 p.m. Monday-Friday from April to November. The applicant ultimately intends to expand to offer retail sales. An existing driveway would provide access to M-27. A 32 sq. ft. free-standing sign seven feet in height would be installed near to the M-27 frontage (the applicant is currently in discussion with the Michigan Department of Transportation (MDOT) regarding the location of the sign as it regards the right-of-way).

A waiver has been requested from the requirement to indicate current and anticipated site topography. No development would occur within wetland areas.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, and floodplain):

There is a wetland area largely within the M-AF-zoned portion of the property at the south and west portions of the subject property relatively near to I-75. However, per the applicant, this area would remain undisturbed.

Historic buildings:

There are no known historic buildings or historic features on the proposed project site.

Traffic Implications:

This would be a phased project, and initially, traffic implications would be minimal. However, retail sales would generate more traffic and thus would have increased impact on local traffic volume. The applicant has been in discussion with MDOT regarding possible improvements to ensure safe ingress/egress.

Parking:

Section 17.6 does not provide a parking standard for contractor’s construction yards.

However:

- A minimum of two parking spaces would be required given up to four employees, as one parking space for every two employees for all uses is required.
- Section 17.1 requires one parking space for every 300 sq. ft. of gross floor area for office use. The area of the proposed building to be dedicated to subordinate office use is undetermined at this time as it is not indicated on the site plan.
- The Zoning Ordinance does not provide distinct parking requirements for plant nurseries nor specialty retail; rather, there is a general parking standard provided -- one parking space per 250 sq. ft. of useable floor area.
- The site plan indicates a total of 9 parking spaces and a 32 ft. x 64 ft. truck loading/unloading area.

As proposed, it would appear there is inadequate parking to serve the *entire* range of proposed uses at buildout (contractor's yard, plant nursery and particularly specialty retail). Given the nature of the proposed uses, parking demands would seasonally vary, but the Planning Commission will need to make a determination of adequate parking.

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

The submitted site plan indicates one two-way driveway cut onto S. Straits Hwy. This driveway cut must be approved by MDOT.

Signs:

One 32 sq. ft., seven ft. high free-standing sign is proposed. At the time of this writing the applicant was in discussion with MDOT regarding the sign's location to ensure, in part, that it isn't erected in the M-27 right of way.

Fence/Hedge/Buffer:

No new fence, hedge or other type of buffer is proposed. Much of the subject property is wooded.

Lighting:

No exterior lighting is proposed.

Stormwater management:

There are minimal changes relative to stormwater management, particularly given that development would occur entirely on the D-CM-zoned portion of the subject property, relatively distant from wetlands, for example. A Soil Erosion and Sedimentation Permit has been reviewed and approved by the County's Building/Safety Department.

Review or permits from other government entities:

Permits will be required from MDOT for any new driveway(s) and sign location. Building Code requirements will apply.

Public comments received:

None

Recommendations (proposed conditions):

Approval of MDOT and Cheboygan County Building Safety.

CHEBOYGAN COUNTY PLANNING COMMISSION

Gary and Alicia Dechape/Therese Vuke

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. State of Michigan In The 53rd Circuit Court of Cheboygan County Summary Disposition Order In Favor Of Plaintiff L1276 P497 (3 Pages)
5. State of Michigan In The 53rd Circuit Court of Cheboygan County Complaint To Quiet Title L1352 P541 (14 Pages)
6. Photos (2 Pages)
7. Aerial Photo (1 Page)
8. Site Plan (1 Page)
9. Email Dated 06/13/18 From Jason Gailitis (MDOT) To Michael Turisk (1 Page)
10. Email Dated 07/02/18 From Dave Carpenter (Tuscarora Township Fire Chief) to Debbie Tomlinson (1 Page)
11. Email Dated 07/05/18 From Kyle Keller (DHD #4) to Debbie Tomlinson (1 Page)
12. Email Dated 07/02/18 From Brent Shank (CCRC) to Debbie Tomlinson (1 Page)
13. Email Dated 05/31/18 from Gary Dechape to Michael Turisk (1 Page)
14. Staff Report (3 Pages)
- 15.
- 16.
- 17.
- 18.

Note: Planning Commission members have exhibits 1 and 2.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

used car sales M-F 9-5 Saturday by appointment

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.

No change - existing building & landscape

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

No change to landscape - existing building & landscape

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

No change - existing building

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

No walls, fences, or barriers

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

There is 22' aisle way to drive thru

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

Access off Fisher woods or Hwy 27.

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

D-CM

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. no exterior lighting

ii. It does not impede the vision of traffic along adjacent streets. No exterior lighting

iii. It does not unnecessarily illuminate night skies. No exterior lighting

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.

Has a 22' aisle width for traffic

- 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: *15,840 square feet, 180x88 on plot*

4. Present use of property:
Vacant Commercial D-cm district

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

Cory Palmer Alicia DeChap

Date

5-15-18

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

Yes No

Owner's Signature

Therese R Vake

Date

5-15-18

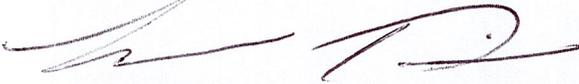
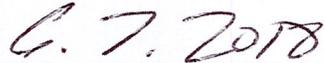
SITE PLAN REVIEW APPLICATION



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

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	5/21/18	Notes:
Fee Amount Received:	\$170.00	
Receipt Number:	6199	
Public Hearing Date:		
Planning/Zoning Administrator Approval:		
		
Signature		Date

SITE PLAN REVIEW APPLICATION

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

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

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

SITE PLAN REVIEW APPLICATION

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

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

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

AFFIDAVIT

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



 SIGNATURE

7/6/18

 DATE



RECEIVED FOR RECORD
MARY ELLEN TRYBAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
02/25/2015 12:42:03 PM

RECEIPT# 3101, STATION 2
\$20.00 ORDER

STATE OF MICHIGAN

IN THE 53rd CIRCUIT COURT OF CHEBOYGAN COUNTY



LIBER 1276 PAGE 497

THERESE R. VUKE,

Hon. Scott L. Pavlich

Plaintiff,

File No. 12- 8343 - CH

v

CHEBOYGAN COUNTY ROAD COMMISSION et al,

Defendant.

LAWRENCE P. HANSON, P.C.
Lawrence P. Hanson (P30373)
Attorney for Plaintiff
P. O. Box 456
Indian River, MI 49749
(231) 238-0505

Jonathan J. Siebers (P57311)
Andrew J. Blodgett (P68259)
SMITH HAUGHEY RICE & ROEGGE
Attorneys for Defendant
100 Monroe Center NW
Grand Rapids, MI 49503-2802
(616) 774-8000

SUMMARY DISPOSITION ORDER IN FAVOR OF PLAINTIFF

At a session of said Court, held at the Courthouse, in the
City of Cheboygan, County of Cheboygan, Michigan, on
this 24th day of June, 2013.

PRESENT: Scott L. Pavlich
Circuit Court Judge

Having come before the Court on Motion for Summary Disposition brought by
Defendant Cheboygan County Road Commission, the Court having had an opportunity to review
the pleadings, and hear oral argument on June 24, 2013, and being fully advised in the premises,
and Defendant concurring in entry of this order based on the deed recorded at Liber 335, Page
233, Cheboygan County Register of Deeds;

IT IS HEREBY ORDERED that Defendant's Motion for Summary Disposition is denied
and partial summary disposition in favor of Plaintiff is ordered.

DATE 2-25-15
I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE RECORD ON FILE IN THE
OFFICE OF THE COUNTY CLERK, CHEBOYGAN
COUNTY, MICHIGAN.

FILED
BY: _____

JUN 28 2013

CHEBOYGAN COUNTY CLERK

Mary Ellen Tryban
MARY ELLEN TRYBAN, CLERK/REGISTER



The Court finds that the Plaintiff owns fee title to the disputed property described in Plaintiff's Complaint, extending westerly to a point 33 feet east of the centerline of the existing roadway.

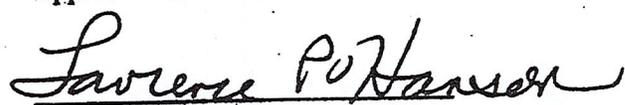
Plaintiff is awarded taxable costs in the agreed amount of \$800.00.

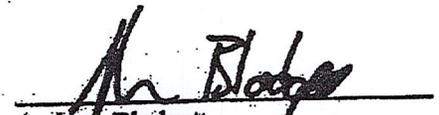
THIS IS A FINAL ORDER.

Dated: 6-28-13


Hon. Scott L. Pavlich
Circuit Court Judge

Approved as to form and content.


Lawrence P. Hanson
Attorney for Plaintiff


Andrew Blodgett
Attorney for Defendant

Lawrence P. Hanson

From: Blodgett, Andrew J. <ablodgett@shrr.com>
Sent: Wednesday, June 26, 2013 11:56 AM
To: 'Lawrence P. Hanson'
Subject: RE: Vuke v CCRC
Attachments: 20130626114928224.pdf

Mr Hanson,
My client accepts your settlement proposal. My signature to the proposed final order is attached. Please send me an email copy of your correspondence submitting the order to the court, to verify that I will not have to submit a brief regarding costs by Monday.

Andy



LIBER 1276 PAGE 499

From: Lawrence P. Hanson [mailto:lp_hanson@racc2000.com]
Sent: Tuesday, June 25, 2013 4:31 PM
To: Blodgett, Andrew J.
Subject: Vuke v CCRC

Andrew:

Attached is a final order specifying taxable costs in the agreed amount of \$800.00. Please advise me by noon tomorrow whether your client will agree to this proposal. Also, attached is my proposed order, pursuant to the 7 day notice, which I plan to file and serve today. It would be better for both of our clients if we can agree on a dollar amount, avoid incurring additional expense in preparation additional motions. Please advise.

Lawrence P. Hanson
Lawrence P. Hanson, PC
625 Grandview Beach Rd, PO Box 456
Indian River, MI 49749
231.238.0505 231.238.0582 fax
lp_hanson@racc2000.com

The information contained in this e-mail is confidential. The information transmitted herewith is intended only for use by the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, copying or other use of, or taking of any action in reliance upon this information is strictly prohibited. If you have received this communication in error, please contact the sender and delete the material from your computer.

***** Smith Haughey Rice & Roegge *****

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To the extent that this written communication may address federal tax issues, federal regulations issued by the U.S. Treasury require that the recipient be informed that this written communication is not intended and cannot be used to (i) avoid any potential tax penalties that may be imposed under the U.S. Internal Revenue Code or (ii) promote, market, or recommend to another party any transaction or matter addressed in this communication.



STATE OF MICHIGAN

IN THE 53rd CIRCUIT COURT OF CHEBOYGAN COUNTY

✓ THERESE R. VUKE,

Plaintiff,

v

CHEBOYGAN COUNTY ROAD COMMISSION et al,

Defendant.

Hon. Scott L. Pavlich

File No. 12-8343-CH



LIBER 1352

PAGE 541

LAWRENCE P. HANSON, P.C.
Lawrence P. Hanson (P30373)
Attorney for Plaintiff
P. O. Box 456
Indian River, MI 49749
(231) 238-0505

FILED
BY:

NOV 26 2012

CHEBOYGAN COUNTY CLERK

DATE: 11-22-18
I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE RECORD ON FILE IN
THE OFFICE OF THE COUNTY CLERK,
CHEBOYGAN COUNTY MICHIGAN

Karen L. Brewster
KAREN L. BREWSTER, CLERK/REGISTER

COMPLAINT TO QUIET TITLE

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

NOW COMES Plaintiff, by and through her attorney, Lawrence P. Hanson, and for her Complaint to Quiet Title against Defendant states as follows:

1. This is an action to determine the respective interests in land pursuant to MCL 600.2932.
2. Plaintiff, Therese R. Vuke ("Vuke"), is a resident of Cheboygan County, Michigan.
3. Defendant, Cheboygan County Road Commission ("CCRC"), is a governmental agency acting in Cheboygan County, Michigan.
4. Plaintiff is the owner of commercial real property, legally described in the 1996 deed recorded at Liber 658, Page 467, Cheboygan County Records. (Exhibit A.)
5. Plaintiff's predecessor in title was conveyed the subject property by deed recorded in 1981, at Liber 418, Page 261, Cheboygan County Records. (Exhibit B.)



6. The subject property was conveyed by deed recorded on February 18, 1938 at Liber 104, Page 98, Cheboygan County Records. (Exhibit C.)
7. The subject property was conveyed by deed recorded on July 13, 1923 at Liber 19, Page 573, Cheboygan County Records. (Exhibit D.)
8. Specifically, Plaintiff seeks to quiet title as against Defendant to a strip of property 24.89' east and west and 88' north and south, lying southeast of the corner of Fisher Woods Road and South Straits Highway (hereafter "Disputed Property"). The Disputed Property represents approximately 14% of Plaintiff's deeded land area.
9. The Disputed Property has been included in the legal description in each deed in Plaintiff's chain of title dating back to 1923.
10. The western boundary of Plaintiff's property is stated in the 1996 Warranty Deed to her as being located 74.85' east of the section line.
11. Plaintiff rented the property for approximately 8 months prior to her purchase in 1996.
12. Prior to her purchase in 1996, Plaintiff asked the CCCRC manager about the road right of way boundary. In response, the CCRC manager, Dennis Hutchinson, stated that the road right of way extended 33' on either side of the existing roadway centerline. This boundary line, confirmed by the CCRC's manager, would not encroach on Plaintiff's property.
13. Thereafter, Plaintiff has used the property east of a line 33 feet east of the roadway centerline as her property, and Defendant has not made any improvements to same.
14. Defendant made no use of the Disputed Property prior to Plaintiff's purchase.
15. The 33' roadway boundary line is consistent with long established usage patterns extending south and north of Plaintiff's property, including signage and fences.



16. Utility poles have long been in place in a line approximately 33' from the roadway centerline.
17. In the Spring of 2012, Defendant made improvements to East Fisher Woods Road, installing curbs at its intersection with Straits Highway. This improvement was placed within the right of way, 33' east of the Straits Highway centerline.
18. The legal description of the property on the west side of South Straits Highway, opposite from Plaintiff's property, states that its easterly boundary line is the section line.
(Exhibit E.)
19. By Michigan State statute, all highways that are or that may become such by time and use, shall be 4 rods in width (sixty six feet), and where they are situated on section or quarter section lines, such lines shall be the center of such roads, and the land belonging to such road shall be 2 rods in width on each side of such lines. *City of Kentwood v Estate of Sommerdyke*, 458 Mich 642, 650; 581 NW2d 670 (1998).
20. Attached as **Exhibit F**, is a portion of the roadway survey. It is apparent from this survey that the road centerline was intended to be on the section line.
21. The current roadway centerline is located approximately 25' east of the section line.
22. The Cheboygan County Road Commission now claims that its roadway easement extends approximately 100' easterly of the section line.
23. Defendant's claim includes the westerly 24.89' of Plaintiff's parking lot.
24. Defendant's claim extends to a line approximately 24 feet from the building which has been located on the subject property for over 35 years.



25. Defendant's claims impair Plaintiff's ability to obtain approval for replacement or improvement of the sign on her property and impair her ability to improve/sell her property.

26. Defendant's position appears to be based on a roadway easement obtained by the State in the 1930's.

27. The State's roadway easement was formally abandoned by it on November 15, 1962.

(Exhibit G.)

28. The State's roadway abandonment left Defendant with a highway by user, which by applicable statute, extends 33' east and west of the section line.

29. If the roadway easement was not abandoned, and is not located pursuant to statute 33' east and west of the section line, then Plaintiff asserts that it was the intent of the parties to the State easement agreement that the easement be 75' east and west of the section line

WHEREFORE, Plaintiff requests entry of judgment quieting title, as against defendant in the westerly 24.89' of her parcel, and award her the costs incurred by her in bringing this action to the extent allowed by statute and court rule.

LAWRENCE P. HANSON, P.C.

Dated: November 21, 2012

By: Lawrence P. Hanson
Lawrence P. Hanson (P30373)
Attorney for Plaintiff



WARRANTY DEED

The Grantor(s), ERVIN E. STEWART, a single man, of 5015 South Straits Highway, Indian River, MI 49749 and GERTRUDE STEWART, of 3464 Resort Road, Alanson, MI 49706, formerly husband and wife, convey(s) and warrant(s) to THERESE R. VUKE, whose address is 8281 White Road, Indian River, MI 49749, the following described premises situated in the Township of Tuscarora, County of Cheboygan, and State of Michigan:

Com NW Cor Sec 36 th Ely Alg Nly LI SO Sec 74.2 ft th Sly Par with C/L of Hwy US 27 33 ft to POB th Cont Sly Par with Sd C/L 88 ft th Ely Par with N LI Sd Sec 180 ft th Nly Par with Sd Hwy 88 ft th Wly 180 ft to POB being part of NW 1/4 of NW 1/4 Sec. 36 T35N R3W.

for the sum of SEVENTY-TWO THOUSAND AND NO/100 (\$72,000.00) DOLLARS, subject to easements and building and use restrictions of record and further subject to the restrictions, reservations and easements of record, if any.

Dated this 22nd day of October 1996.

Signed in presence of:

Signed by:

RECEIVED FOR RECORD

Mary O'Henley MARY O'HENLEY

Ervin E. Stewart ERVIN E. STEWART

96 OCT 29 PH 4: 26

Daniel Martin DANIEL MARTIN

Gertrude Stewart GERTRUDE STEWART

J. J. ... CLERK/REGISTER CHEBOYGAN COUNTY MICHIGAN

STATE OF MICHIGAN)) ss. COUNTY OF CHEBOYGAN)

The foregoing instrument was acknowledged before me this 22nd day of October, 1996, by ERVIN E. STEWART, a single man and GERTRUDE STEWART, formerly husband and wife;

Mary O'Henley MARY O'HENLEY Notary Public, Cheboygan County, Michigan My commission expires: 11-2-96

Table with 2 columns: County Treasurer's Certificate, City Treasurer's Certificate

Table with 3 columns: When Recorded Return to, Send Subsequent Tax Bills To, Drafted By; (Name), Business Address; (Street Address), (City and State); Tax Parcel #, Recording Fee, Transfer Tax

10/30/96 Linda A. ...

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX CHEBOYGAN 29 OCT 96 12384 \$ 79.20-CO \$ 540.00-ST #100003079

EXHIBIT A

RECORDED IN DEEDS

RECORDED IN DEEDS

This Indenture, made July 27 1951
BETWEEN MARIO G. SORRENTINO and JOSEPHINE SORRENTINO, husband and wife, of 2511 Sycamore Lane, Zephyrhills, Florida 33599

Parties of the first part
and ERVIN E. STEWART and GERTRUDE E. STEWART, husband and wife

Parties of the second part
whose address is Rural Route 1, Alanson, Michigan 49706

WITNESSETH That the said party of the first part, for and in consideration of \$ -Seven Thousand (\$7,000.00) Dollars--

to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, remise, release, give and confirm unto the said party of the second part, his heirs and assigns,

PERMANENT all that certain piece or parcel of land situate and being in the Township of Tuscarora, County of Cheboygan, and State of Michigan, and described as follows, to-wit:

In the Township of Tuscarora, Cheboygan County, Michigan; Commencing at the Northwest corner of Section 36, Township 35 North, Range 3 West; thence Easterly along the North line of said section 74.2 feet; thence Southerly parallel with the centerline of Highway U.S. 27, 33 feet to the point of beginning of this description; thence continuing Southerly parallel with said centerline 88 feet; thence Easterly parallel with the North line of said section 180 feet; thence Northerly parallel with said highway 88 feet; thence Westerly 180 feet to the point of beginning; being a part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 35 North, Range 3 West.

SUBJECT TO easements and restrictions of record; I hereby certify that there are no Tax Liens or Taxes due by the said party of the first part against the within described and .50 (one) cent on each acre for the five years previous to the date of instrument as appears by the records in my office.

Donald E. McLeod, Jr.
County Treasurer

Together with all and singular the hereditaments and appurtenances thereto in anywise appertaining; To Have and to Hold the said premises, with the appurtenances, unto the said party of the second part and to his heirs and assigns. FOREVER. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, that at the time of the delivery of these presents he is well advised of the above granted premises; he is well advised that they are true and correct in every particular; that they are true and correct in every particular; that they are true and correct in every particular; that they are true and correct in every particular.

and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever.

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.
In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of
James R. Ramsey, Julia K. Hagalob, James R. Ramsey, Julia K. Hagalob
MARIO G. SORRENTINO
Josephine Sorrentino
JOSEPHINE SORRENTINO

NOT 418 261

STATE OF FLORIDA
COUNTY OF PASCO
July 27 1951
before me, a Notary Public, in and for said County, personally appeared Mario G. Sorrentino and Josephine Sorrentino to me known to be the same persons described in and who executed the within instrument, who severally acknowledged the same to be their free act and deed.

This instrument prepared by: Kathleen R. Clark, Broker
P. O. Box 101
Indian River, Michigan 49749
James R. Ramsey, Notary Public
Pasco County, Michigan, 7/27

RECORDED
AUG 24 1951

Reg. of Deeds Cheboygan Co., Mich.



LIBER 1352

PAGE 546

EXHIBIT B

COMPARED

Received for Record, the 18th day of February A. D. 19 38, at 10:55'clock A.M.
Wolverine State Savings Bank. Paul R. Glaspie Register of Deeds.

This Indenture, Made this 28th day of October

TO
Charles A. Peterson
BETWEEN WOLVERINE STATE SAVINGS BANK, a banking corporation in liquidation, by E. T. Burns,
Receiver,

CHARLES A. PETERSON of the Village of Wolverine,
party of the first part, and
party of the second part,

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of One Thousand and no/100
(\$1,000.00) DOLLARS,

to it in hand paid by the said part Y of the second part, the receipt whereof is hereby confessed and acknowledged, do ES by these
presents, grant, bargain, sell, remise, release, and forever QUIT-CLAIM unto the said part Y of the second part, and to his heirs and assigns,
FOREVER, All that certain piece or parcel of land, situated in the Township
of Tuscarora in Cheboygan County, and State of Michigan, known and described as follows:

The north half of the northwest quarter and the southwest
quarter of the northeast quarter, all in section thirty-six,
township thirty-five north, range three, west, Michigan.



LIBER 1352 PAGE 547

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; To Have and to Hold
the said premises herein described, with the appurtenances unto
to the said part, Y of the second part, and to his heirs and assigns, to the sole and only proper use, benefit and behoof of the said
part Y of the second part, his heirs and assigns, FOREVER.

In Witness Whereof, The said part Y of the first part ha S hereunto set its hand and seal the day and year first
above written.

Signed, Sealed and Delivered in Presence of

Percy F. George
John Smith

E. T. Burns
E. T. Burns, Receiver of the Wolverine
State Savings Bank
SEAL
SEAL
SEAL
SEAL
SEAL
SEAL

STATE OF MICHIGAN, } ss.
County of Cheboygan }
On this 28th day of October in the year one
thousand nine hundred and thirty-seven before me, ~~Notary Public~~ a Notary Public
in and for said County, personally appeared E. T. Burns, Receiver of the Wolverine State Savings Bank,

to me known to be the same person described in and who executed the within instrument, ~~and~~ who has acknowledged the same to be
his free act and deed.
My commission expires Nov - 1 - A.D. 19 37 as such Notary Public
Percy F. George
Notary Public

EXHIBIT C

Recorded for Record, the 13th day of July A. D. 1926, at 7:30 o'clock A.M.
 H. C. Mealey, P. P. S., Register of Deeds

Clyde King wife
 TO
Helenie W. King

This Indenture, Made this 6th day of June

in the year of our Lord one thousand nine hundred and twenty three
 between Clyde King and Francis King his wife of Indian River
Choboygan County, Michigan parties

of the first part,
 and Nobovine State Savings Bank of Nobovine County
and State a domestic corporation party of the second part;
 WITNESSETH, That the said Clyde King and Francis King

parties of the first part, **QUIT-CLAIM** to the said Nobovine State Savings Bank
its successors and assigns

party of the second part, all those certain parcel or parcels of land situated and being in the

Township of Sucarowan County of Choboygan, State of Michigan, and described as follows, to wit:
North one half of the North West Quarter of Section Thirty Six
Town Thirty Six North Range three East along the South West
Quarter of the North East Quarter of Section Thirty Six Township
Thirty six North Range three East;
 Also all right, title and interest of grantors to any claim or
 claims for damages against trespassers or damages caused
 by the negligence or acts of any party or parties previously
 committed to the execution of their deed grantor hereby being
 subrogated to all the rights of recovery for said damages



LIBER 1352 PAGE 548

for the sum of Six hundred eighty three and 4/100 Dollars,
 being an satisfaction of a R. C. Mortgage dated Sept. 23/1921 recorded Sept. 26 1921 with N. quarter R. 297
 land in many of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby

acknowledged and acknowledged.

In Witness Whereof, The said parties of the first part hereunto set their hand and seal the day and year first above written.
 Signed, Sealed and Delivered in Presence of
H. H. Watkins
Joe Peterson
Clyde King
Mrs. Francis King

State of Michigan,
 County of Choboygan
 County, this 11th day of June 1926, Notary Public in and for said
Francis King personally came Clyde King and

known to me to be the grantors named in and who executed the within and foregoing deed and acknowledged the execution of the said deed
W. H. Watkins
Choboygan County, Michigan.
 My Commission Expires 1/26/26



RECEIVED FROM RECORDS
MARY ELLEN TRIVAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
03/27/2012 11:32:31 AM

MICROFILM STATION 1
328.00 SHERIFF'S DEED

LIBER 1198 PAGE 802

CHEBOYGAN COUNTY MICHIGAN 121.00-00
MARCH 27, 2012 0.00-07
RECEIPT #2587 SHERIFF'S DEED STRIP # 0238

SHERIFF'S DEED ON MORTGAGE SALE

This Indenture Made the 16th day of March 2012, between LAWRENCE SPEUL a Deputy Sheriff in and for Cheboygan County, Michigan, party of the first part, and EBC Asset Investment, Inc., c/o Kevin Harper Investments, Inc., 300 Smoot Road, Suite A, Smoot, West Virginia, party of the second part (hereinafter called the grantee).

WITNESSETH, That Whereas COZY HEAT, LLC, 5026 S. Straits Hwy, Indian River, Michigan, made a certain mortgage to NATIONAL CITY BANK OF THE MIDWEST, a national banking association with offices at One National City Parkway, Kalamazoo, Michigan, (hereinafter MORTGAGEE), dated the 6th day of July, 2006 and recorded in the office of the Register of Deeds, for the County of Cheboygan and State of Michigan, on the 7th day of July, 2006, in Liber 1036, page 672, Cheboygan County records, and which mortgage was assigned to CIRAS, LLC by instrument dated May 19, 2010 and recorded in the office of the Registrar of Deeds for the County of Cheboygan in Liber 1151, page 433, and thereafter assigned to EBC Asset Investment, Inc. by instrument dated May 19, 2010 and recorded in the office of the Register of Deeds for the County of Cheboygan in Liber 1151, page 435, and

WHEREAS, said mortgage contained a power of sale which has become operative by reason of a default in the condition of said mortgage, and

WHEREAS, no suit or proceedings at law or in equity have been instituted to recover the debt secured by said mortgage or any part thereof, and

WHEREAS, by virtue of said power of sale, and pursuant to the statute of the State of Michigan in such case made and provided, a notice was duly published and a copy thereof was duly posted in a conspicuous place upon the premises described in said mortgage that the said premises, or some part of them, would be sold on the 16th day of March, 2012 at the east front door to the County Court Building in the City of Cheboygan, that being the place of holding the Circuit Court for Cheboygan County where the premises, are situated, and

WHEREAS, pursuant to said notice I did, at 11:00 o'clock, in the forenoon, on the day last aforesaid, expose for sale at public venue the said lands and tenements hereinafter described, and on such sale did strike off and sell the said lands and tenements to the grantee for the sum of One Hundred Ten Thousand Dollars and no cents (\$110,000.00), that being the highest bid therefore and the grantee being the highest bidder, and

WHEREAS, said lands and tenements are situated said premises situated in the Township of Tuscarora in the County of Cheboygan and State of Michigan, and described as all of those certain pieces or parcels of adjoining land, to wit:

PARCEL 1: Beginning at the Northeast corner of Section 35, T35N, R3W; thence South 95.00 feet; thence West 150.00 feet; thence North 95.00 feet; thence East 150.00 feet to the point of beginning, except that part taken for highway purposes; AND

PARCEL 2: Beginning 95.00 feet South from the Northeast corner of Section 35, T35N, R3W for the point of beginning; thence West 150.00 feet; thence South 120.18 feet; thence West 110.00 feet; thence South 114.82 feet; thence East 260 feet; thence North 235.09 feet to the Point of Beginning;

Commonly known as 5026 S. Straits Hwy, Indian River, MI 49749
Tax Identification number 161-035-200-011-00



LIBER 1352 PAGE 549

EXHIBIT E

LIBER 1198 PAGE 803

LIBER 1352 PAGE 550

Now, this Indenture Witnesseth, That I, the Deputy Sheriff aforesaid, by virtue of and pursuant to the statute in such case made and provided, and in consideration of the sum of money so paid as aforesaid, have granted, conveyed, bargained and sold, and by this deed do grant, convey, bargain and sell unto the grantee, its successors and assigns, Forever, All the estate, right, title and interest which the said Mortgagors had in said land and tenements and every part thereof, on the 5th day of July, 2006, that being the date of said mortgage, or at any time thereafter, To Have and to Hold the said lands and tenements and every part thereof to the said grantee, its successors and assigns forever, to their sole and only use, benefit and behoove forever, as fully and absolutely as I, the Deputy Sheriff aforesaid, under the authority aforesaid, might, could or ought to sell the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the date and year first above written.

Lawrence Spraul
LAWRENCE SPROUL
Deputy Sheriff in and for the County of Cheboygan

STATE OF MICHIGAN,
COUNTY OF CHEBOYGAN

On this 16th day of March, 2012 before me, a Notary Public in and for said County of Cheboygan came LAWRENCE SPROUL a Deputy Sheriff of said County, known to me to be the individual described in and who executed the above conveyance, and who acknowledged that he executed the same to be his free act and deed as such Deputy Sheriff.

BUFFY JO WELDON
Notary Public, Cheboygan County, MI
My Commission Expires May 31, 2012

Buffy Jo Weldon
Notary Public,
Cheboygan County, Michigan
My Commission expires 5/31/12

Exempt from Michigan State Transfer Tax
MCL 207.526(u)
MCL 207.528(u)

Drafted by and when recorded return to

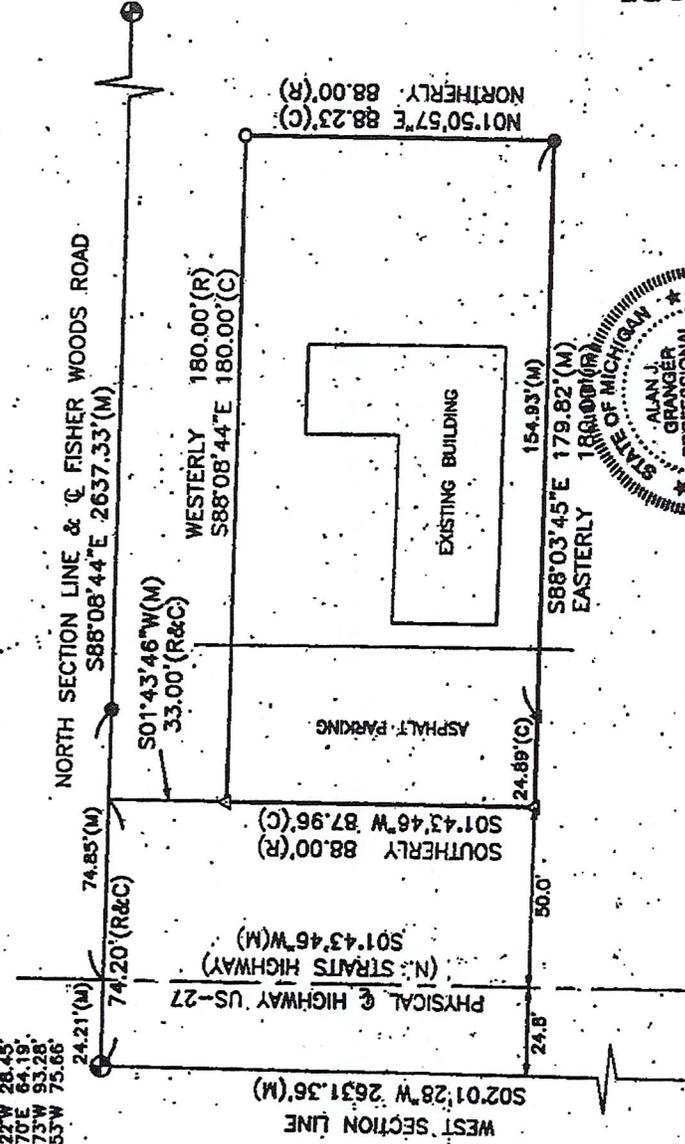
Jeffrey A. Heidt, Esq
300 Park, Suite 205
Birmingham, MI 48009



CERTIFICATE OF SURVEY

PART OF THE NW1/4 OF THE NW1/4, SECTION 36, T35N, R3W, TUSCARORA TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

NW SECTION COR.
FD CHEBOYGAN CO.
REMON, CAP IN MON. BOX
POWER POLE N27°W 28.45'
POWER POLE N70°E 64.19'
8" R. PINE N73°W 93.28'
8" R. PINE S53°W 75.66'



7" J. PINE N82°W 57.74'
6" J. PINE S80°E 47.75'
5" J. PINE S36°E 80.64'
POWER POLE N25°W 74.53'
POWER POLE N40°E 83.61'

W1/4 CORNER
FD CHEBOYGAN CO. REMON.
CAP IN MON. BOX

CLIENT:	Granger and Associates, Inc
TERI VUKE	Engineers - Surveyors 224 S. Main St., Cheboygan, MI 49721 Email: gsd@grangerandassociates.net
DATE: SEPTEMBER 3, 2012	JOB NO. C6921-00
	DRAWN AUG SHEET 1 OF 1



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORD OF DEEDS THE OFFICE OF THE REGISTER OF DEEDS CHEBOYGAN COUNTY, MICHIGAN

BEARINGS BASED ON SURVEY BY GRANGER & ASSOCIATES, INC.

LEGAL DESCRIPTION AS SURVEYED PER DEED RECORDED IN LIBER 981, PAGE 56 CHEBOYGAN COUNTY RECORDS.

COPYRIGHTED GRANGER & ASSOCIATES INC. 2012

ALAN J. GRANGER, P.S. No. 52460

I hereby state that I have surveyed and mapped the above parcel of land and that the error of closure is no greater than 1 in 5000 and that all requirements of PA 132, 1970, as amended, have been met.

- SIGNAL IN ASPHALT ROADWAY
- ▲ FD PK NAIL IN ASPHALT
- △ FD IRON W/CAP #41099
- SET PK NAIL IN ASPHALT
- (R) SET 1/2" REBAR W/CAP #52460
- (M) RECORDED AS
- (C) MEASURED AS
- (C) COMPUTED AS



N1/4 CORNER
FD 5/8" REBAR
POWER POLE N61°W 50.76'
34" OAK N28°E 43.27'
9" J. PINE S21°E 48.46'
11" J. PINE S22°W 53.31'

RECEIVED FOR RECORD
MARY ELLEN THYMAN, CLERK REGISTER
CHEBOYGAN COUNTY, MICHIGAN
08/17/2012 1:43:42 PM
RECEIPT # 4888 STATION 1
S14.00 SURVEY

LIBER 1211 PAGE 982

EXHIBIT F

Abandonment of old US-27 from the Cheboygan-Otsego County line northerly to M-68 and from the proposed new route of M-68 northerly to re-located US-27.

- 5.666 miles, rural
 - 8.560 miles, rural
 - 1.040 mile, urban (Wolverine)
 - 3.000 miles, rural
 - 0.520 mile, rural

-18.786 miles, total

Platted: 11-15-62 By: [Signature]

November 15, 1962

CHEBOYGAN COUNTY

TRUNKLINE ABANDONMENTS

Board of County Road Commissioners
 Cheboygan County
 Cheboygan, Michigan

Gentlemen:

Under the provisions of Act No. 12 of the Public Acts of 1925 (Federal Aid Clause), the following described trunkline highway established February 6, 1936, is hereby abandoned:

Commencing at a point on the south county line about 835 feet west of the south quarter section corner of Section 34, T-33-N, R-3-W; thence northeasterly across Sections 34, 27, 26, 23, 14, 13 and 12 to a point about 2510 feet east and 2290 feet south of the quarter section corner common to Sections 1 and 12. (-5.666 miles)

Also, under the provisions of Act No. 334 of the Public Acts of 1913, as amended, the following described trunkline highway established July 28, 1920, is hereby abandoned:

Commencing in T-35-N, R-3-W, Tuscarora Township at a point on the present established trunkline route of M-68 near the 1/4 point common to Sections 26 and 25; thence south near the west line of Sections 25 and 36 to a point near the southwest corner of Section 36; thence in a southwesterly and southeasterly course across Sections 1, 2, 11, 13, 14, 24, 25 and 36, Town 34 North, Range 3 West, Mentor Township; thence southeast through Section 31, Ellis Township, T-34-N R-2-W and Section 1, Town 33 North, Range 3 West, Wilmot Township and Section 6, Town 33 North, Range 2 West, Nunda Township to the south side of Section 6 in the Village of Wolverine; thence southwesterly through Section 7, Nunda Township to a point about 2510 feet east and 2290 feet south of the quarter section corner common to Sections 1 and 12. (-9.6 miles)



81352 552 12

LIBER 1352

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EXHIBIT G

Board of County Road Commissioners
Cheboygan County
Cheboygan, Michigan

Also, commencing at the southwest corner of Section 6, T-35-N, R-3-W, Tuscarora Township; thence south on the west line of Sections 7 and 18 to about the 1/4 post on the west side of Section 18; thence southwesterly and south through Sections 13 and 24 to a point about 1750 feet west and 100 feet north of the east section corner common to Sections 24 and 25, an established trunkline.
(-3.000 miles)

Also, under the provisions of Act No. 334 of the Public Acts of 1913, the following described trunkline highway established June 17, 1927, is hereby abandoned:

Commencing in T-35-N, R-2-W, at a point about 2350 feet north of the southwest corner of Section 6; thence southerly on the west line of Section 6 to the southwest corner of said Section 6.
(-0.520 mile)

Very truly yours,

STATE HIGHWAY COMMISSIONER

mnb

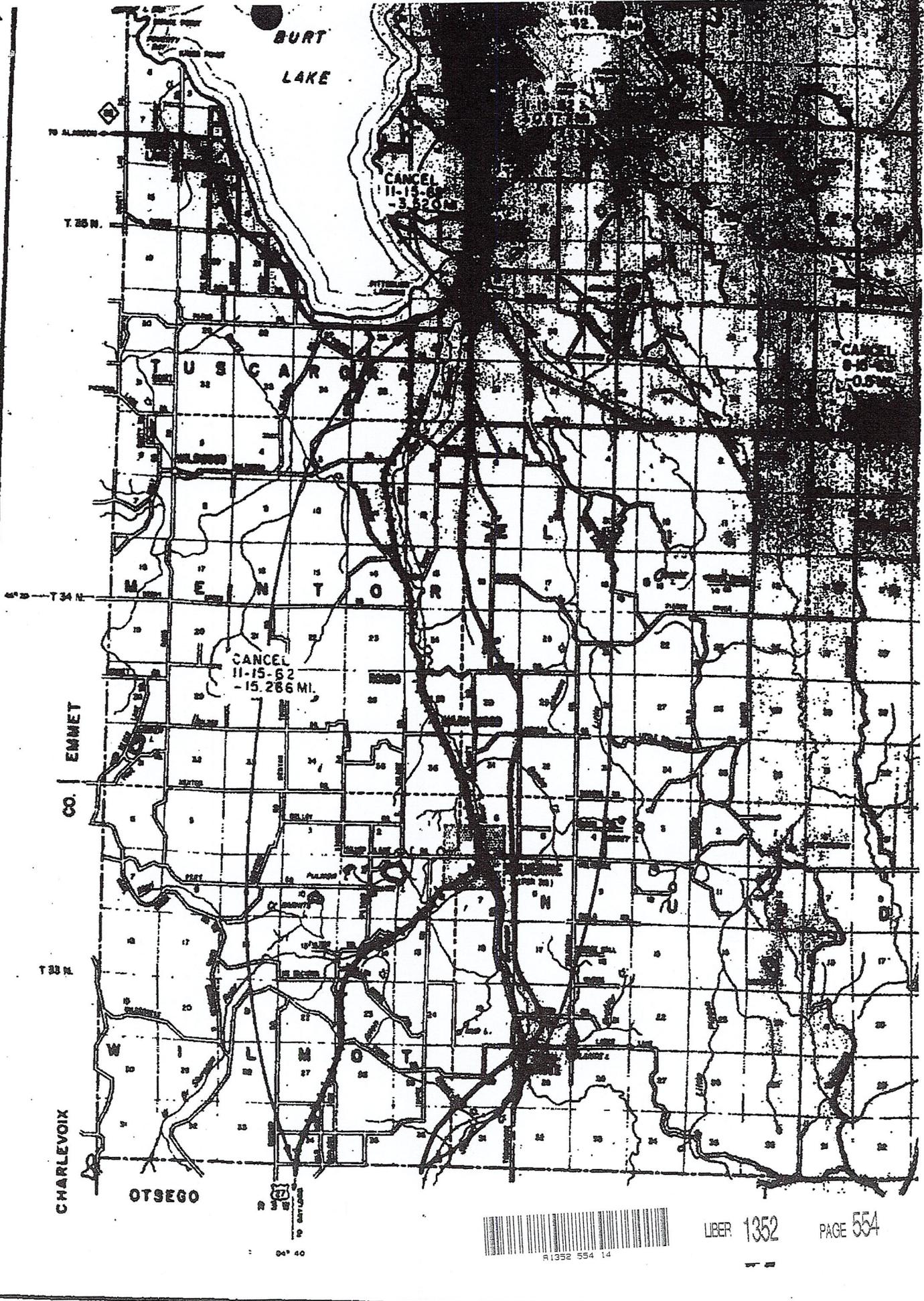
Approved by the Highway Advisory Board March 14, 1960
Approved by the State Administrative Board April 5, 1960



A1352 553 13

LIBER 1352

PAGE 553



CHEBOYGAN COUNTY MICHIGAN 16

CO. EMMET

CHARLEVOIX

OTSEGO



LIBER 1352

PAGE 554





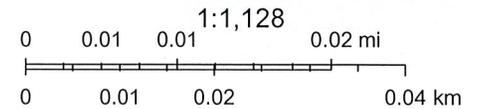
Cheboygan County



June 5, 2018

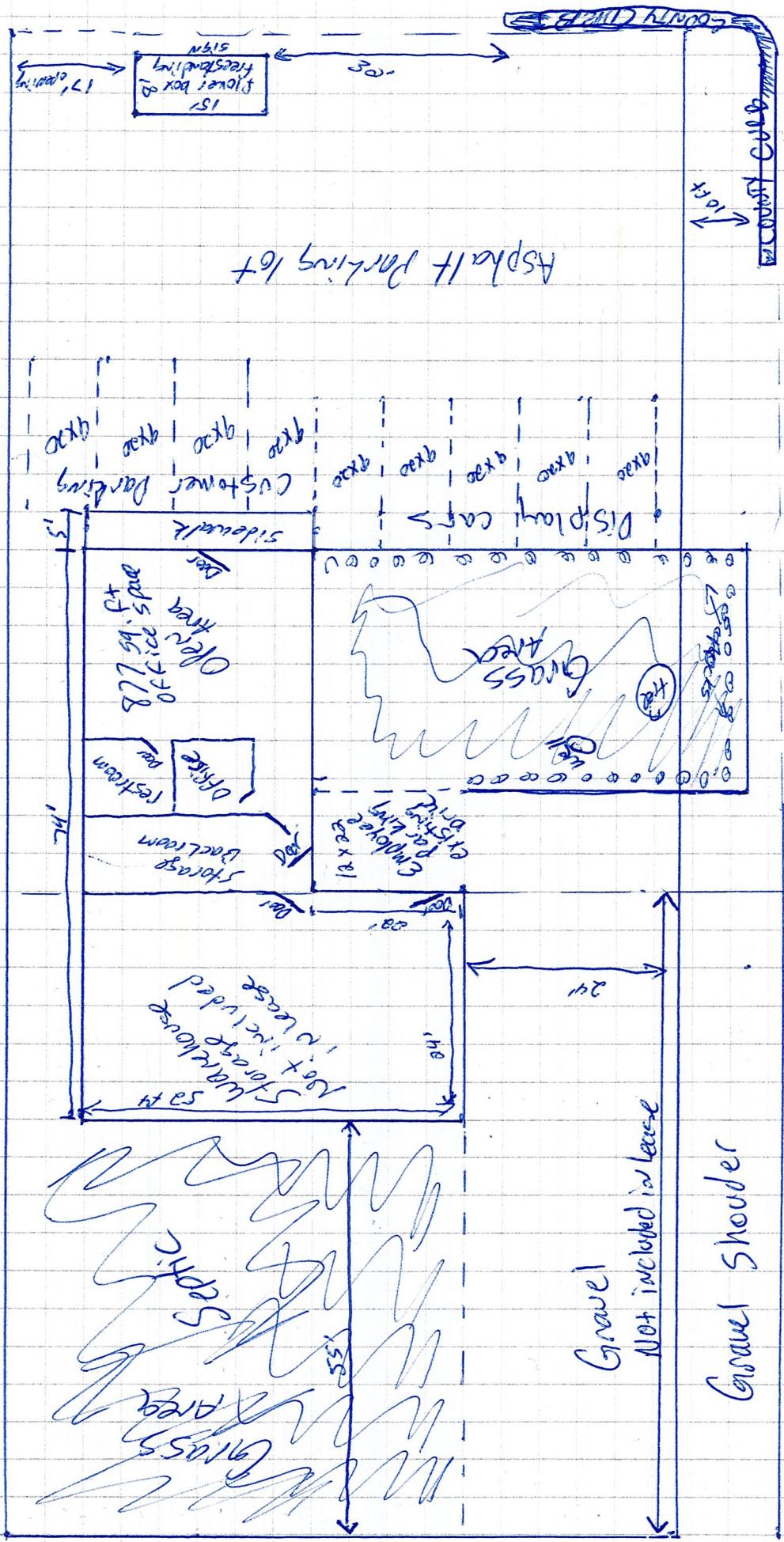
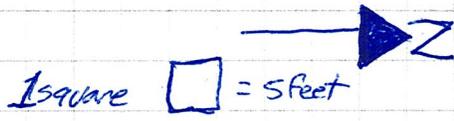
 Parcel Data

7



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

Centerline South Straits Highway



Part of County II

88

Deborah Tomlinson

From: Gailitis, Jason (MDOT) [mailto:GailitisJ@michigan.gov]
Sent: Wednesday, June 13, 2018 3:06 PM
To: Michael C. Turisk; Deborah Tomlinson
Subject: RE: FW: Site Plan Review Application for Gary and Alicia DeChape

Hi Michael-- Per my voicemail, this does not appear to be on state trunkline as it is south of M-68. We were likely going to be OK with the site plan, but wanted to talk with you first so that we were on the same page. As it turns out, this site is outside our jurisdiction anyway. Thanks for seeking our input and sorry for any confusion. Please let me know if you have any questions. Thanks, Jay.

Debbie, please include the following correspondence from Jay Gailitis in the PC packet. Thanks

From: Michael C. Turisk <mturisk@cheboygancounty.net>
Sent: Wednesday, June 13, 2018 12:07 PM
To: Gailitis, Jason (MDOT) <GailitisJ@michigan.gov>
Subject: FW: FW: Site Plan Review Application for Gary and Alicia DeChape

Jay, the following response is from Gary Wayne who has submitted a site plan review application for an auto sales lot at 5015 S. Straits Hwy. He suggests you're okay with the proposed layout, so I want to confirm.

Sincerely,

Michael Turisk
Director, Cheboygan County Planning and Zoning
870 South Main St.
Cheboygan, MI 49721
Phone: 231.627.8489
Fax: 231.627.3646
Email: mturisk@cheboygancounty.net

From: Gary Wayne [mailto:familywholesaleautos@gmail.com]
Sent: Friday, June 08, 2018 10:10 PM
To: Deborah Tomlinson
Cc: Michael C. Turisk
Subject: Re: FW: Site Plan Review Application for Gary and Alicia DeChape

Hi Debbie! I called and spoke with Jay. After explaining the set up and how we would like to display cars I think he is okay with our plan. He did say he would want to visually inspect the area himself. There is already curbing in place around the Fisher woods and US 27 I guess he could not see that from Google maps and only based his concerns off of the Google maps arial. His concern was that area was all open and it is not the case with this curb the county put in a few years ago. I also explained that we will go with proposal "B" on display cars which is cars all the way tight to the building. He said that will be fine then but he would be strict on me keeping that plan. He just said he knows how us car dealers are with pertruding display cars into road right of ways. I explained that our site plan will be followed 100% to drawing.

Deborah Tomlinson

From: Dave Carpenter <dpcarpenter@voyager.net>
Sent: Friday, June 29, 2018 8:34 AM
To: Deborah Tomlinson
Subject: Re: Application for July 11th Planning Commission Meeting

Good Morning Deb,

In regards to the Gary Dechape project, I don't foresee any issues in regards to the Fire Department. If you have any question please feel free to contact me.

Respectfully,

David Carpenter
Fire Chief

From: Deborah Tomlinson
Sent: Friday, June 29, 2018 8:11 AM
To: David Carpenter (dpcarpenter@voyager.net) ; Brent Shank (mgr@chcrc.com) ; Kyle Keller ; Kyle Keller ; Jay Gailitis (gailitisj@michigan.gov) ; Bobbi Balazovic (treasurer@tuscaroratwp.com) ; Craig Waldron (cwaldron@centurylink.net) ; Jane McGinnis (jane@mcvideo.com) ; Mike Ridley (supervisor@tuscaroratwp.com) ; Sue Fisher (clerk@tuscaroratwp.com) ; Dan Nivelt (d-repair@sbcglobal.net) ; jhschams@outlook.com ; Kelly Ashford ; Mike Cherveney ; Mike Vizina
Subject: Application for July 11th Planning Commission Meeting

The following links are the applications that will be reviewed at the July 11th, 2018 Planning Commission Meeting.

<http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs23-1528386222-38226.pdf>

<http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs78-1530026504-10475.pdf>

Feel free to call with any questions. Thanks~

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

Deborah Tomlinson

From: Kyle Keller [<mailto:kkeller@dhd4.org>]
Sent: Thursday, July 05, 2018 10:42 AM
To: Deborah Tomlinson
Subject: RE: Application for July 11th Planning Commission Meeting

Debbie a couple bullet points regarding the links below:

1. The Dechape site former grain store becoming an auto dealer-it appears they have an existing well/on-site sewage disposal system of which my suggestion would be to have them apply for an existing well/sewage system evaluation with our office. This might be useful in determining if there are any potential issues with either item.
2. The Stemple site for a landscaping business-it looks like he will need to apply for a well permit (Type 3) and a commercial on-site sewage disposal system permit with our office.

Any questions give me a call or email, thanks.

Kyle Keller RS
Environmental Sanitarian
DHD4-Cheboygan County
PH# 231-627-8850
kkeller@dhd4.org
www.dhd4.org

CONFIDENTIALITY NOTICE: *The information contained in this email is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, you are hereby notified that any unauthorized review, use, dissemination, distribution or copying of this communication is prohibited and may be subject to legal restriction or sanction. If you have received this email in error, please notify the sender immediately to arrange for return or destruction of the information and all copies. If you are the intended recipient, but do not wish to receive communications through this medium, please advise the sender immediately. Thank you.*

Deborah Tomlinson

From: Brent Shank <mgr@chcrc.com>
Sent: Monday, July 02, 2018 8:19 AM
To: Deborah Tomlinson
Subject: Re: Application for July 11th Planning Commission Meeting
Attachments: mgr.vcf

Good Morning,

For the Family Wholesale Auto, there is no comments from the Road Commission.

For the Landscape business (Steuple), they are located on a State Highway. I would expect there would be a requirement for a driveway permit from MDOT that would require upgrades.

Thank you,

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

On 6/29/2018 8:11 AM, Deborah Tomlinson wrote:

The following links are the applications that will be reviewed at the July 11th, 2018 Planning Commission Meeting.

<http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs23-1528386222-38226.pdf>

<http://is0.gaslightmedia.com/cheboygancounty/ ORIGINAL /fs78-1530026504-10475.pdf>

Feel free to call with any questions. Thanks~

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

Michael C. Turisk

From: Gary Wayne <familywholesaleautos@gmail.com>
Sent: Thursday, May 31, 2018 7:43 PM
To: Michael C. Turisk
Subject: Site plan

Hello Mike, we would like to add a request waiver for (d.) in our site plan. The reason is this is an existing building and parking lot. There is no water courses or water bodies nearby.

This is for 5015 south straits highway, indian river for the potential site of Family Wholesale Autos.

Thanks any questions please respond to email or call

Alicia 231-373-0712 or
Gary 231-330-7388



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

Item: Site plan review for auto sales, per Section 6.2.2 of the Zoning Ordinance (automobile, boat, equipment, and farm machinery sales, repair, rental and washing establishments)	Prepared by: Michael Turisk
Date: July 3, 2018	Expected Meeting Date: July 11, 2018

GENERAL INFORMATION

Applicants: Gary and Alicia Dechape

Owner: Therese Vuke

Location: 5015 South Straits Highway

Contact persons: Alicia and Gary Dechape

Phone: (231) 330-7388

Requested Action:

The applicant requests approval of a site plan review for auto sales in a Commercial Development (D-CM) zoning district pursuant to Section 6.2.2 of the Zoning Ordinance.

BACKGROUND INFORMATION

Introduction:

The applicant proposes an auto sales business with outdoor display area and accessory office as depicted on the attached site plan. The 15,840 sq. ft. subject property is located at 5015 South Straits Highway at the southeast corner of South Straits Highway and Fisher Woods Road in Tuscarora Township. The existing structure would be used as an office to serve the principal auto sales use and would include a storage area and restroom. Sales hours would be Monday-Friday from 9am to 5pm and Saturday by appointment. The building's footprint would not be expanded as part of the proposed use, and the parking area to be used for display vehicles and customer parking is improved. The property and structure was formerly used for retail purposes; however, the Planning Department does not have a site plan on record for any previous use(s).

Current Zoning:

Commercial Development (D-CM)

Surrounding Land Uses:

Residential and commercial uses to the north across Fisher Woods Rd. Residential uses prevail to the east. "Pat and Gary's II Party Store" is immediately south.

A golf cart restoration business (“iivii Carts”) is located west of the subject property at the southwest corner of S. Straits Hwy. and Fisher Woods Rd.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain):

There are no known environmentally sensitive areas on the subject property.

Historic buildings/features:

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

Traffic Implications:

The project as proposed would have minimal impact on current local traffic conditions, as this particular proposed auto sales use would generate comparatively little traffic.

Parking:

For the proposed use, Section 17.6 requires:

- *One parking space per two employees* -- The applicant has indicated there would be up to two employees working at any given time; therefore, a minimum of one parking space is required. The submitted site plan indicates a 12 ft. x 22 ft. existing “drive” to be dedicated to employee parking. Given the minimum 9 ft. x 20 ft. standard (for 90° parking), this area can accommodate one parking space.
- *One parking space per 5,000 sq. ft. of outdoor sales area* -- The submitted site plan indicates approximately 6,000 sq. ft. of outdoor sales area, thus requiring a minimum of one parking space.
- *One parking space per 300 square feet of office area* -- The submitted site plan indicates 877 sq. ft. of office space, thus requiring a minimum of two spaces.

In total, the site plan indicates 10 parking spaces including the dedicated 12 ft. x 22 ft. drive for employee parking. Given this number of parking spaces and considering the minimum dimensional standard of 9 ft. x 20 ft. (for 90° parking), the minimum number of required parking spaces would be achieved for the proposed use.

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

Primary access to the property is off of South Straits Highway. A distinct driveway or ingress/egress is lacking (visitors drive directly into the lot from the South Straits Highway right-of-way). No new access points are proposed with this application. Internal circulation would be facilitated by a 22 ft. drive aisle that would meet the minimum dimensional standard per Section 17.5. MDOT has submitted comments indicating that there would be no requirement to install driveway aprons or improve the existing curbing (or install new curbing).

Signs:

The signage proposed for the auto sales use includes the existing 4 ft. x 8 ft. double-faced, freestanding sign and an approximately 6 ft. x 7 ft. wall sign. Both sign types are permitted in the D-CM zoning districts and may be approved in conjunction with this site plan review, per Section 17.19.2.

Fence/Hedge/Buffer:

No new fencing, hedges or other type of screening or buffer is proposed nor is required.

Lighting:

No new exterior lighting is proposed.

Stormwater management:

No changes are proposed for the management of on-site stormwater.

Review or permits from other government entities:

MDOT has reviewed and submitted comments (attached). The District Health Department has suggested that the owner or applicant have a well and sewage system evaluation performed (see attached comments).

Public comments received:

None

Recommendations (proposed conditions):

None

Note: This is the 5th draft. Changes from the prior drafts are underlined in red.

CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT # _____

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
RELATIVE TO SOLAR ENERGY SYSTEMS

Section 1. Amendment of Section 2.2.

Section 2.2 of the Cheboygan County Ordinance 200 is hereby amended to add the following definitions in their appropriate alphabetical locations which shall read in their entirety as follows:

- a) **Attached System:** A solar system in which solar panels are mounted directly on the building, typically the roof.
- b) **Detached Systems:** Also known as a Ground Mounted system, a solar system that is not attached directly to a building but is supported by a ground mounted support structure.
- c) **Generation Station Step Up Transformer Facility:** A security fenced compound including transformers, switching gear and all associated equipment necessary to accept low voltage, AC Current accumulated by inverters located within a level 3 solar energy facility and step the voltage up to 138KV, 230KV or 345KV for high voltage transmission.
- d) **Integrated or On Grid System:**

Any solar energy system directly or indirectly connected to the commercial energy grid for the wholesale or retail sale of electric energy.
- e) **Inverter:** A device that converts DC current captured by the solar panels into AC current.

- f) **Net Metering:** A policy whereby utility customers with small-scale renewable power sources, including solar, receive credit from their utility provider for electricity generated in excess of their needs (also known as “net excess generation”)
- g) **Off Grid System:** Any system for storing energy produced on site for later use on site, such as a battery, thermal hot water or fly wheel system.
- h) **Photovoltaic (PV):** A method of generating electrical power by converting solar radiation (sunlight) into direct current electricity using semiconductors.
- i) **Primary Customer:** Any electrical utility customer requiring 9KV or 13KV service
- j) **Secondary Customer:** Any electrical utility customer requiring 120V, 240V or 480V service (normal residential, commercial or light manufacturing service).
- k) **Solar Farm:** An installation or area of land in which a larger number of solar panels are set up to generate electricity for sale off site through high voltage transmission lines.
- l) **Solar Photovoltaic Energy System (SES-PV):** All components and subsystems necessary to convert incident solar radiation into electric energy for immediate use on-site or for wholesale or retail sales off-site. PV Solar energy systems are classified as follows:
1. Level 1 SES-PV System - Any building mounted solar photovoltaic array are supporting equipment used to provide electrical power primarily on site in accordance with sec 17.30.

2. Level 2 SES-PV System - Any ground mounted photovoltaic arrays including their supporting structures and equipment used to provide electrical power for the use primarily on site in accordance with sec. 17.30.
3. Level 3 SES-PV System - Any utility scale solar photovoltaic facility for the collection of incident solar radiation for the primary purpose of wholesale or retail sale of generated electricity off site. sec. 17.30.

m) Substation Customer: Any large heavy industrial customer requiring their own substation to provide 26KV or 69KV service.

Section 2. Amendment of Sections 4.2, 6.2, 9.2, 10.2, 12.2, 13.2, 13A.2, 13B.2, 13C.2, 13D.2, 13E.2 and 14.2

Section 4.2, 6.2, 9.2, 10.2, 12.2, 13.2, 13A.2, 13B.2, 13C.2, 13D.2, 13E.2 and 14.2 of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to add new subsections 4.2.4, 6.2.34, 9.2.10, 10.2.5, 12.2.6, 13.2.11, 13A.2.13, 13B.2.8, 13C.2.12, 13D.2.5, 13E.2.4, 14.2.13, which shall read in their entirety as follows:

- | | |
|----------|---|
| 4.2.4 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 6.2.34 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 9.2.10 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 10.2.5 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 12.2.6 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 13.2.11 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 13A.2.13 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 13B.2.8 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |
| 13C.2.12 | Level 1 <u>SES-PV</u> Systems in Accordance with Section 17.30.2A |

- 13D.2.5 Level 1 SES-PV Systems in Accordance with Section 17.30.2A
- 13E.2.4 Level 1 SES-PV Systems in Accordance with Section 17.30.2A
- 14.2.13 Level 1 SES-PV Systems in Accordance with Section 17.30.2A

Section 3. Amendment of Sections 4.2, 6.2, 9.2, 10.2, 12.2, 13.2, 13A.2, 13B.2, 13C.2, 13D.2, 13E.2_and 14.2

Section 4.2, 6.2, 9.2, 10.2, 12.2, 13.2, 13A.2, 13B.2, 13C.2, 13D.2, 13E.2_and 14.2 of the Cheboygan County Zoning Ordinance no. 200 are hereby amended to add new subsections 4.2.5, 6.2.35, 9.2.17, 10.2.6, 12.2.7, 13.2.16, 13A.2.20, 13B.2.14, 13C.2.17, 13D.2.16, 13E.2.5, 14.2.14 which shall read in their entirety as follows:

- 4.2.5 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 6.2.35 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 9.2.17 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 10.2.6 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 12.2.7 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 13.2.16 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 13A.2.20 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 13B.2.14 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 13C.2.17 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 13D.2.16 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 13E.2.5 Level 2 SES-PV Systems in Accordance with Section 17.30.2B
- 14.2.14 Level 2 SES-PV Systems in Accordance with Section 17.30.2B

Section 4. Amendment of Sections 6.3, 7.3, 8.3, 9.3, 10.3 and 14.3

Sections 6.3, 7.3, 8.3, 9.3 and 10.3 of the Cheboygan County Zoning Ordinance no. 200 are hereby amended to add new subsections 6.3.18, 7.3.19, 8.3.18, 9.3.26, 10.3.3 which shall read in their entirety as follows:

- 6.3.18 Level 3 SES-PV Systems in Accordance with Section 17.30.2C
- 7.3.19 Level 3 SES-PV Systems in Accordance with Section 17.30.2C
- 8.3.18 Level 3 SES-PV Systems in Accordance with Section 17.30.2C
- 9.3.26 Level 3 SES-PV Systems in Accordance with Section 17.30.2C
- 10.3.3 Level 3 SES-PV Systems in Accordance with Section 17.30.2C

Section 5 Amendment of Article 11

Article 11 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following section 11.10 which shall read in its entirety as follows:

Section 11.10 Solar Photovoltaic Energy Systems (SES-PV) Level I SES-PV and Level 2 SES-PV systems shall be permitted in Natural Rivers Protection District (P-NR) in accordance with the following:

11.10.1 Level 1 SES-PV systems shall be permitted on existing buildings and on any new buildings permitted in accordance with sections 11.3, 11.4, 11.8 and 17.30.2A.

11.10.2 Level 2 systems shall be permitted as accessory structures to any building or accessory structure permitted in accordance with sections 11.3, 11.4, 11.8 and 17.30.2B.

Section 6 Amendment of Section 12.2.6 and 12.2.7

Sections 12.2.6 and 12.2.7 of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

12.2.6 Level 1 SES-PV systems are permitted on any building subject to Cheboygan County Zoning Ordinance #200.

12.2.7 Level 2 SES-PV systems are permitted as accessory structures to any buildings or any accessory structure to any building subject to Cheboygan County Zoning Ordinance #200 regulations.

Section 7 Amendment of Article 17.

Article 17 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a section 17.30, which shall read in its entirety as follows: Solar Voltaic Energy Systems SES-PV

17.30.1 PURPOSE:

The purpose of this regulation is to promote the development of renewable energy resources in Cheboygan County. These renewable energy resources can be of many types, for example, solar, wind, hydro, etc. It is planned to develop specific sections of the regulation for each type as the need arises.

This section will address Solar Photovoltaic (SES-PV) Systems for small to large scale applications and will provide guidance on the planning, design, construction, operation and subsequent decommissioning of facilities at the end of their economic life.

The regulation is to promote economic development, protect the health, safety and welfare of the citizens and prevent adverse impacts on the agricultural, water, recreational, scenic and wildlife resources of the county while furthering the State of Michigan's renewable energy goals.

17.30.2 STANDARDS AND CONDITIONS

17.30.2A Level 1 Solar Photovoltaic Energy Systems (SES-PV)

Any attached photovoltaic system mounted on the primary or any accessory building, on a parcel or combination of contiguous parcels under the same ownership or control, producing electric power primarily for the use of the owner or tenant in accordance with the following:

1. Permitted Districts: Level 1 SES-PV systems shall be permitted uses in all zoning districts.
2. Location and placement:
 - a. Relationship to buildings and structures on same parcel: Level 1 SES-PV systems may be mounted on any private or commercial buildings utilized for any private or commercial allowable purpose.
 - b. A parcel of sufficient size to meet the other zoning requirements of this regulation may have more than one primary building on a parcel e.g. two or more dwellings, a dwelling and an agricultural building, a dwelling and a commercial business, etc. Each primary building shall be allowed to have attached solar systems as well as any building accessory to each primary building. Accessory buildings include but are not limited to: warehouses, garages, agricultural buildings, private storage buildings and workshops as long as their use is devoted exclusively to that of any primary building on the same parcel.
3. Level 1 SES-PV systems may be either on grid or off-grid systems with the following restrictions:
 - a) On grid net metered systems should be sized small enough that they do not exceed the customers electrical need and shall be in compliance with requirements of the electrical utility providing the net metering interconnection. Any system for which a permit is requested, in excess of 20 kw or 1333 sq ft of solar collection surface, shall provide a breakdown of the anticipated useage over 20 kw, for example 50 kw for manufacturing, 20 kw for agricultural buildings, 10 kw for irrigation pumps etc.

b) Off grid systems are not limited by kw or size of solar collection surface, however if tied to any storage system such as battery, a complete site plan including type, size, and location of the storage system shall be furnished with the permit application.

4. Setbacks: Level 1 SES-PV systems shall meet setbacks requirements of the zoning district in which the building on which they are mounted is located.

5. Height Restrictions: Level 1 SES-PV solar panels installed on a sloped roof shall not project vertically above the peak of the roof. Solar panels mounted on a flat roof shall not project vertically more than 10 feet above the roof when oriented at maximum tilt or 35 feet above ground level whichever is less. Solar panels attached to the sides of a building shall not project vertically above the height of the wall upon which they are mounted.

See diagrams at enclosure 1.

6. Fire Safety: Level 1 SES-PV systems shall meet the requirements of sections 603.1 of the 2012 version of the international fire code as amended.

7. Inspection: The County shall have the right, upon issuing the required permit for a Level 1 SES-PV system, to inspect the premises on which a solar collection system is located at all reasonable hours.

17.30.2B Level 2 Solar Photovoltaic Energy Systems (SES-PV)

Any ground-mounted photovoltaic system accessory to the primary or secondary use of any principal or accessory buildings on the parcel or combination of contiguous parcels under the same ownership or control and producing electric power primarily for the use of the owner or tenant.

1. Permitted districts: Level 2 SES-PV systems shall be permitted uses in all zoning districts.

2. Location and placement:
 - a. A parcel of sufficient size to meet the other zoning requirements of this regulation may have more than one primary building on a parcel e.g. two or more dwellings, a dwelling and agricultural buildings, a dwelling and a commercial business, etc. Each primary building shall be allowed to have Level 2 SES-PV systems as well as any accessory building accessory to each primary building.

 - b. Level 2 SES-PV systems are authorized as accessory structures for providing electric power primarily for private or commercial buildings on the same parcel and under the same ownership.

3. On grid versus off grid Level 2 SES-PV systems: Level 2 SES- PV photovoltaic systems may be either on grid or off grid with the following restrictions:
 - a) On grid net metered Level 2 SES-PV systems should be sized small enough that they do not exceed the customers electrical need and shall be in compliance with requirements of the electrical utility providing the net metering interconnection. Any system for which a permit

is requested in excess of 20 kw or 1333 sq ft of solar collection surface shall require a site plan in accordance with section 18.7 and shall include the following additional information:

1. The size, height, length, and location of the solar arrays, parcel boundaries and setback lines and location of all buildings on site.
 2. A breakdown of the anticipated uses of the power generated over and above 20kw, e.g. farm buildings 25 kw, sawmill 25 kw, irrigation pumps 10kw, etc.
 3. Information of the size, type and location of all components of any proposed energy storage system to be a part of a level 2 SES-PV system.
 4. A description of all land/timber clearing that is proposed, the percent of private farmland that is to be used and access or service roads to be developed shall be furnished if the solar array covers more than 0.765 acres (33,325 sq. ft.).
 5. Information on the height, length and angle of panels in the solar collection array.
 6. The type, size, location and engineering specifications for any energy storage system proposed for example lithium ion batteries, lead acid batteries, etc.
- b) Off grid level 2 SES- PV systems are not limited by KW or size of solar collection surface, however if the system is larger than 20 kw or 1333 sq. ft. of solar collection surface, the applicant shall be required to furnish a site plan in accordance with 17.30.2.B.3.a.

4. Setbacks: Level 2 solar array shall meet the side and rear setback requirements of the underlying zoning district, however, they shall not be allowed in front of the primary structure on the parcel.

Alternate: In the front setback area

Note: No changes made to this item yet. Still open for discussion.

5. Height Restriction: Level 2 solar collection panels with their support structure shall not exceed 16 feet in height when oriented at maximum tilt.

6. Fire Safety: All level 2 solar arrays shall meet the requirements of section 601.5 of the international fire code as amended.

7. Maximum lot coverage:

a) Level 2 SES -PV integrated arrays on parcels less than 2 acres in size shall be limited to 50% of the footprint of the primary building on the site or 1333 sq. ft. whichever is less.

b) Level 2 SES -PV integrated arrays on parcels equal to or greater than 2 acres in size shall require a site plan review in accordance with section 18.7 if the solar array covers more than 0.763 acres (33,325sf).

New Suggested Alternative:

a) Level 2 SES-PV net metered systems on parcels of less than 2 acres shall be limited to 50% of the area within the setback boundaries of the parcel after subtracting the areas covered by any buildings on the parcel.

b) Level 2 SES-PV net metered systems on parcels of 2 acres or more with more 1333 sq. ft. of solar collection surface shall require a site plan review in accordance with section 18.7 and 17.30.2B.8 and if the solar array covers more than 0.763 acres (33,325 sq. ft.) setbacks shall be as follows:

1. 100 feet from any dwelling. This setback may be waived if requested by the owner of the dwelling if the dwelling is located on a parcel which in whole or in part is incorporated in the level 3 facility.
2. 50 feet from any project boundary not abutting a public road.
3. 80 feet from any public road abutting the perimeter of or dissecting the project.
4. 500 feet from any major body of water as listed in section 10.1.2.
5. 40 feet from any perennial stream, other than those listed in section 10.1.2, shown as part of the P-LS zoning district.

Note: Open for further discussion and input from DEQ.

8. The County shall have the right upon issuing the required permits to inspect the premises on which the level 2 collection system is located at all reasonable times. The County within its reasonable discretion may retain the services of a recognized professional engineer in the area of solar conversion systems to assist and/or advise it in the review of the application or site if deemed necessary. The expense thereof shall be the responsibilities of the applicants/ permit holder. The Planning Commission may request the applicant to post a deposit or secure a bond for such contingency.

17.30.2 C Level 3 Solar Photovoltaic Energy System (SES-PV)

A level 3 solar photovoltaic energy system (SES-PV) is a utility-scale electric generation facility including solar panels, support structures, wiring networks, inverters, generation station set up transformer facility, service roads, hard stand areas, fencing, screening and any and all other equipment and / or materials within the outer perimeter of the facility commonly referred to as a solar farm.

1. Level 3 (SES-PV) systems shall be allowed in the D-CM, D-LI, D-GI, M-AF and P-LS zoning districts, upon submission and approval of a special land use permit application and site plan review application prepared in accordance with sections 18.7 and 20.10 and additional requirements of section 17.30.2C.

2. Setbacks:
 - a) All photovoltaic solar panels along with their supporting structures and supporting equipment shall meet the following setbacks:
 - 1) 100 feet from any dwelling. This setback may be waived if requested by the owner of the dwelling if the dwelling is located on a parcel which in whole or in part is incorporated in the level 3 facility.
 - 2) 50 feet from any project boundary not abutting a public road.
 - 3) 80 feet from any public road abutting the perimeter of or dissecting the project.
 - 4) 500 feet from any major body of water as listed in section 10.1.2.
 - 5) 40 feet from any perennial stream, other than those listed in section 10.1.2, shown as part of the P-LS zoning district.

Note: Open for further discussion and input from DEQ.

- b) Screening and fencing shall meet the following setbacks:
 - 1) Fencing shall be no closer than one (1) foot from any property line, public road right of way, utility or driveway easement or the established perimeter of the parcel or group of contiguous parcels leased and forming the level 3 SES-PV facility.

- 2) In the event a property line lies within the the road right of way, setbacks shall be measured from the edge of the road right of way.
- 3) All tree plantings shall have setback of ten (10) feet from any property line, public road right of way, utility or driveway easement or the perimeter of the parcel or group of contiguous parcels leased and forming the level 3 SES-PV facility.
- 4) The ten (10) foot setback shall be measured at the time of planting from the center of the trunk of trees used for screening.

c. The generator system step up transformer facility shall meet the following setbacks:

- 1) 500 feet from any dwelling.
- 2) 250 feet from any public road abutting the perimeter of or bisecting the project.
- 3) 500 feet from the Lake and Stream Protection Zoning District.

3. Noise

No level 3 SES-PV facility shall produce noise which, measured at the perimeter of the project development area, is greater than 60 DBA.

4. Fire safety

All level 3 SES-PV systems shall meet the requirements of section 601.5 of the 2012 version of the international fire code as amended.

5. Glare

Any level 3 solar array proposed within 5 nautical miles of any airport shall notify the FAA of such proposed installation. Such a notification shall provide plans and design information sufficient to allow a determination if such an installation could cause a danger to aviation due to

glare. Confirmation that the proposed insulation does not pose any danger to Aviation shall be provided prior to authorization of any level 3 SES-PV facility.

Note: For further discussion and possible elimination after consideration of the glare pamphlet furnished at the last Planning Commission meeting.

6. Landscaping

The special land use application for level 3 SES-PV facilities shall include a proposed landscaping and screen/buffering plan prepared by a licensed landscape architect. The use of berms and evergreen plantings along the perimeter of the project adjacent to residential dwellings and public road right of ways shall be mandatory. Screening shall be in accordance with section 17.18 and this paragraph. Trees shall be a minimum of 5 feet tall at the time of planting and shall be maintained in good condition for the life of the project.

Alternate 6. Landscaping: The special land use application for a Level 3 SES-PV facility shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect.

Minimum screening shall be required along public road and opposite any dwelling on adjacent parcels as follows:

- a. Level 3 SES-PV facilities abutting a public road:
 - 1) Fencing shall be no closer than one (1) foot to the road right of way margin.
 - 2) Trees utilized as screening shall be chosen from pine, spruce or fir species indigenous to the region, preferably white pine, white spruce or Norway spruce and shall be planted no closer than ten (10) feet to the road right of way margin.
 - 3) Minimum height requirements for trees utilized for screening are as follows:
 - a) Trees planted opposite a dwelling shall be eight (8) feet tall. Plantings utilizing trees of this height shall extend 100 ft. in either direction from a point on the facility perimeter

directly opposite the midpoint of the opposing dwelling. The 8 foot height may be reduced by use of a berm with one (1) foot of berm height with a maximum of four feet of height exchange being allowed.

- b) Trees planted for screening along a road right of way not opposite a dwelling as in a) above shall have a minimum height of five (5) feet.
- c) Trees shall be maintained in good condition for the life of the project.

b. Level 3 SES-PV facilities abutting the property line of an adjacent parcel (or the perimeter of the parcel leased for the solar farm).

- 1) Fencing shall be no closer than one (1) foot to the property line or boundary line of the property leased for the solar farm.
- 2) Trees utilized as screening shall be chosen from pine, spruce or fir species indigenous to the region, preferably white pine, white spruce or Norway spruce and shall be planted no closer than ten (10) feet to the property line or boundary line of the property leased for the solar farm.
- 3. Minimum height requirements for trees utilized for screening are as follows:
 - a) Trees planted opposite a dwelling shall be eight (8) feet tall. Plantings utilizing trees of this height shall extend 100 ft. in either direction from a point on the facility perimeter directly opposite the midpoint of the opposing dwelling. The 8 foot height may be reduced by use of a berm with one (1) foot of berm height with a maximum of four feet of height exchange being allowed.
 - b) Trees planted for screening along a property line or boundary line of the property leased for the solar farm not opposite a dwelling shall have a minimum height of five (5) feet.
 - c) Trees shall be maintained in good condition for the life of the project.

7. Local, State and Federal Permits

Level 3 arrays shall be required to obtain the necessary permits and licensing from Cheboygan County, State of Michigan and US government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

8. Engineering and Installation

A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the solar farm, including base and footings along with engineering data and calculations to demonstrate compliance with the structural design provisions of the building code current at the time of submittal of the request for a building permit. Drawings and Engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.

9. Electrical interconnections

All electrical interconnections or distribution lines shall comply with all applicable codes and standards for commercial large scale electrical utilities. Only existing above ground transmission lines as well as above ground transmission lines from the project generation station step up transformer facility to the point of interconnection with the high voltage transmission lines are permitted.

10. Agricultural land preservation

Freestanding solar devices proposed in agricultural and open space zones are encouraged to locate on predominantly (more than 60%) non-prime farm lands.

11. Height Restriction

Level 3 SES-PV solar collection panels with their support structures shall not exceed 20 feet in height when oriented at maximum tilt. All other structures except those within the generation station step up transformer facility and associated transmission towers, shall be limited to thirty five (35) feet. Equipment within the generation station step up transformer station shall be limited to [redacted] feet and the transmission towers to [redacted] feet.

Note: Still to be determined as to ownership and height of structures in question.

12. Additional Special Use Criteria

In addition to the special land use and site plan requirements contained in article 18 and article 20, the applicant shall provide complete information on the following topics for the application for a Level 3 SES-PV solar farm:

- a) Project description and rationale: identify the perimeter of the project development area, proposed type of system, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction timeframe, project life, potential development phases and potential future expansions.
- b) Visual impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
- c) Waste: Identify any solid or hazardous waste generated by the project and provide a disposal plan for such waste.
- d) Lighting: Provide a plan showing all lighting within the facility. All lighting shall be in compliance with the standards of sections 3.7.1 and 20.10h.
- e) Transportation Plan: Provide a proposed access plan to be utilized during construction and operational phases. The plan must show proposed project service road ingress and egress

locations to adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to provide for paved curbs and gutters on access drives unless required by the State Department of Transportation or County Road Commission.

- f) Public Safety: Identify emergency and normal shutdown procedures, potential hazards to adjacent properties, public roadways and to the general public that may be created.
- g) Life Of The Project and Final Reclamation: Describe the decommissioning and Final Reclamation plan at the end of the anticipated useful life or termination of the project. Decommissioning of the facilities must occur in the event that continuous energy production is discontinued for a period of 12 months. In this event, the facility shall be considered abandoned unless the current responsible party or parties with an ownership interest in the facility provides substantial evidence updated every 6 months following the initial 12 month period of no energy production, to the zoning administrator, of the intent to maintain or reinstate the operation of the facility. It is a responsibility of the property owner and/or the facility owner to remove all equipment and facilities and restore the parcel to it's condition prior to the development of the Level 3 SES-PV system.
 - 1) Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they shall be required to remove the Level 3 SES-PV system and restore the site to it's original condition prior to the development of the Level 3 system within one year of notice by the zoning administrator.
 - 2) If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated Level 3 SES-PV system or portion thereof, the county, in addition to any other remedy under the ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any cost, including any

fees. A decommissioning plan shall be developed and furnished to the Zoning Administrator which includes a description of how the following conditions shall be met:

- a) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations. The owner of the leased parcel, however, may request in writing that graveled areas and developed access roads remain in place.
- b) Restoration of the property to its condition prior to development of the facility including replacing top soil which may have been removed and replacing the restored surface with native ground cover vegetation. The owner of the leased parcel, however, may request the renewed ground surface not to be revegetated due to plans for agricultural planting.
- c) Development of a time frame for completion of decommissioning activities, not to exceed 1 year.
- d) Furnishing a description and copy of any lease or any other agreement with landowner regarding decommissioning.
- e) Providing a list of names, addresses and telephone numbers of persons or parties responsible for decommissioning.
- f) Providing a plan and schedule for updating this decommissioning plan.
- h) Performance Guarantees: Provide a description of the financial security guarantee for the removal of the system to the County within 15 days after project approval or before a building or construction permit is issued for the project. The financial guarantees shall be either: 1.) A cash bond; 2.) An irrevocable bank letter of credit or 3.) A performance bond in a form approved by the County. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost review and adjustments on a [redacted] year basis. An estimate shall be prepared by a registered engineer for the applicant and shall be subject to approval by the County.

Note: As per discussion periodic review requirements has been added but we still have to determine how often.

i) Drainage and Soil Erosion

- 1) Show how panels shall be positioned to allow water runoff without channeling it in such a way as to cause erosion.
- 2) Show how the vegetative cover will be provided and maintained under and around the panels.
- 3) Show how the way the panels array will allow vegetative growth under and between panels.

j) Impervious Surface/Stormwater

If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that run off from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and how stormwater quality protection measures shall be met. Any necessary permits from outside agencies for off-site discharge shall be provided.

Note: State DEQ and any others?

k). Safety access

A security access plan shall be proposed and reviewed/approved for level 3 solar farms. Knox boxes and keys shall be provided for any locked entrances for emergency personnel access to any locked fenced portions of the facility.

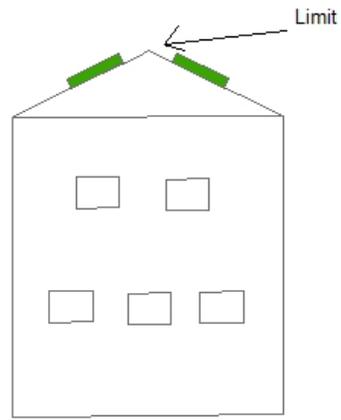
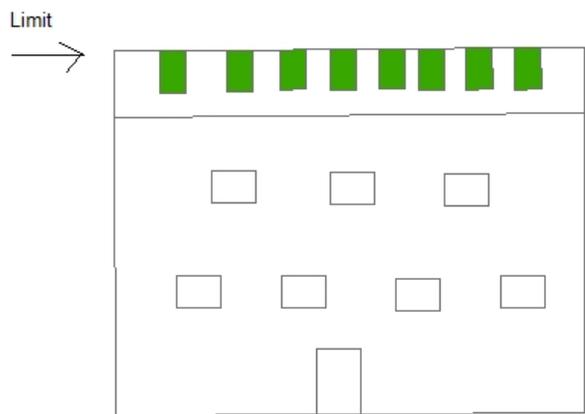
l) County review

Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the County Planning Commission will have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this section as part of the special land use review process.

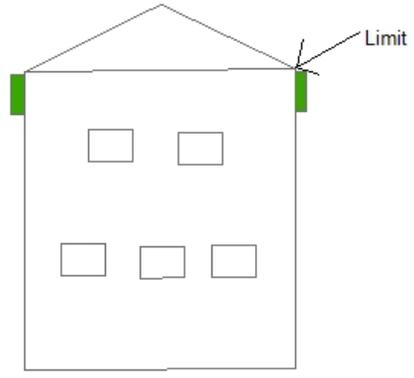
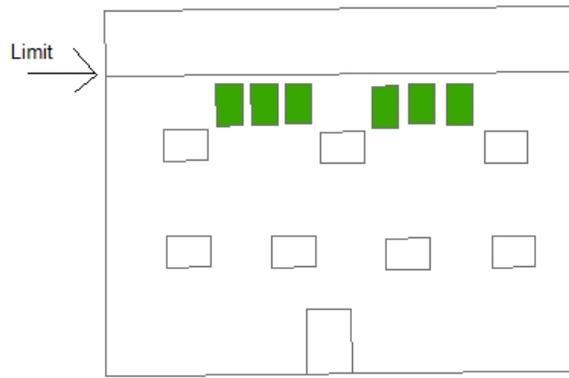
m) Telecommunications Infrastructure:

Identify any electromagnetic fields which are generated that will interfere with electronic communication devices located outside the perimeter of the facility.

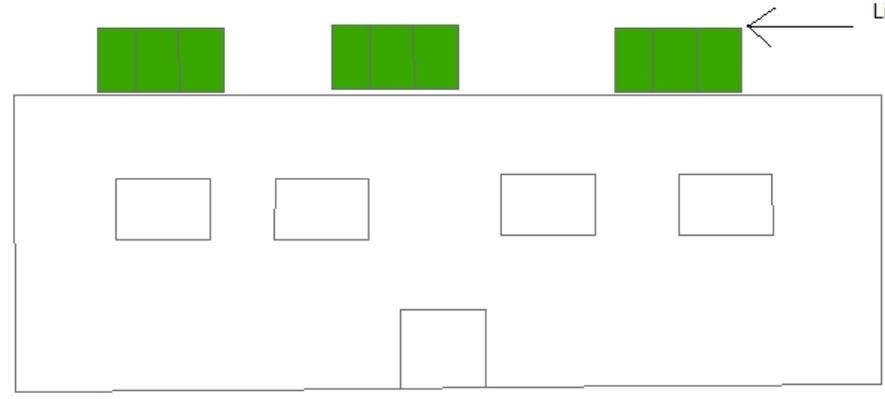
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Roof mount not to exceed height of roof peak.

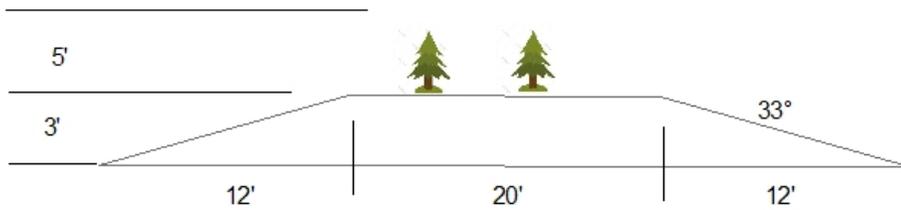


Wall mount not to exceed wall height.

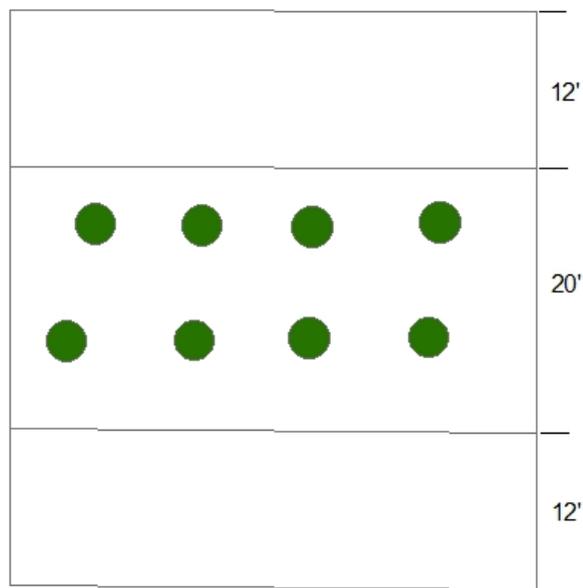


Flat Roof Mount not to exceed 10 feet above the roof or 35' above ground level, whichever is less.

Enclosure 1



Cross Section View



Top View

Enclosure 2

Facts for consideration used in writing PV regulation

This is not to be a part of the regulation.

1. 15 Watts/sf = expected output currently for PV
2. 1 acre = 43560sf or approximately 208.71 feet x 208.71 feet
3. 43560 sf / acre x 15 watts/sf = 653,400 watts/acre
4. A solar farm of 300 - 400 acres would produce approximately 196 - 261 MW.
5. 20 kW is a manufacturing standard for non-commercial systems. This equates to 1,333sf of solar collection surface (36.3' x 36.3')
6. 40 kW requires a 51.6 feet x 51.6 feet square of solar panel surface
7. 500 KW requires 33325sf or .765 acres of solar panel surface
8. Maximum solar efficiency output is 1000 watts per square meter at the equator at high noon.
9. Net Metering in Michigan Solar Integrated System
 - a. Net metering in Michigan allows installation of up to 20 kW of off-site electrical generation to continuously roll over any excess generation to the next month. Participation is limited to .75% of utilities peak demand of the prior year.
 - b. The net metering program ends June 1st, 2018. Continuation of the program, if it happens, may discount excess power which is fed back into the utility system to some wholesale rate toward the owner's bill.
 - c. Net metering sizing "the project must be sized small enough so that it is no larger than what is needed to meet a customer's energy needs" page 20 in Becoming A Solar Ready Community
10. It is anticipated that electric car batteries will be repurposed into systems for electrical storage in the future.
11. Current car batteries have a storage capacity of 60-160kv and it is anticipated they will have a capacity of 200kv in the near future.
12. Bodies of water listed in 10.1.2:

Black River (Lower)
Cheboygan River
Indian River
Sturgeon River
Black Lake
Burt Lake
Devereaux Lake
Douglas Lake
Echo Lake
Munro Lake

Mullett Lake
Kleber Pond
Lake Huron
Lake Rondo
Lancaster Lake
Lance Lake
Long Lake
Paradise Lake
Reswell Lake
Roberts Lake

Silver Lake (Koehler Township)
Silver Lake (Wilmot Township)
Tower Pond
Twin Lakes
Vincent Lake
Wildwood Lake
Woldan Pond