



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, OCTOBER 21, 2015 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

**AGENDA – Revised 10/16/15**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**PUBLIC HEARING AND ACTION ON REQUESTS**

1. **JAMES O'DONNELL** - Requests a site plan review amendment for construction of an accessory storage building (60ft. x 40ft.). The property is located at 1436 S. Straits Hwy., Tuscarora Township, Section 12, parcel #161-012-200-005-05. The parcel is zoned Commercial Development (D-CM).

**UNFINISHED BUSINESS**

**NEW BUSINESS**

1. Discussion of proposed amendment of Article 19, Planned Unit Development.

**STAFF REPORT**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**

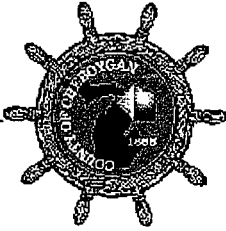
# CHEBOYGAN COUNTY PLANNING COMMISSION

James O'Donnell

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 pages)
4. Site Plan Date 09/28/15 (1 Page)
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

Note: Planning Commission members have exhibits 1 and 2.



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

### PROPERTY LOCATION

|   |                                       |                                |                                |
|---|---------------------------------------|--------------------------------|--------------------------------|
| Address<br><i>1436 S. STRAITS Hwy</i>                 | City / Village<br><i>INDIAN RIVER</i> | Twp / Sec.<br><i>TUSCARORA</i> | Zoning District<br><i>D-CM</i> |
| Property Tax I.D. Number<br><i>161-012-200-005-05</i> | Plat or Condo Name / Lot or Unit No.  |                                |                                |

### APPLICANT

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

### OWNER (If different from applicant)

|                                       |   |   |
|---------------------------------------|---|---|
| Name<br><i>JAMES O'DONNELL</i>        | Telephone<br><i>231-238-9696</i>                    | Fax<br><i>-</i>                         |
| Address<br><i>1436 S. STRAITS Hwy</i> | City, State & Zip<br><i>INDIAN RIVER, MI, 49749</i> | E-Mail<br><i>RENTALS@RENTALTIME.COM</i> |

### PROPOSED WORK

|   |   |  |
|---|---|--|
| <b>Type (check all that apply)</b><br><input type="checkbox"/> New Building<br><input type="checkbox"/> Addition<br><input checked="" type="checkbox"/> Change in Use or Additional Use<br><i>STORAGE BLDG.</i> | <input type="checkbox"/> Reconstruction<br><input type="checkbox"/> Relocated Building<br><input type="checkbox"/> Sign, Type: _____<br><input type="checkbox"/> Other: _____ | <b>Building/Sign Information</b><br>Overall Length: <u>60</u> feet<br>Overall Width: <u>40</u> feet<br>Floor Area: <u>2400</u> sq. feet<br>Overall Building Height: <u>1 Story</u> feet<br>Sign Area: <u>EXISTING</u> sq. feet<br>Sign Height: <u>—</u> feet |
|---|---|--|

### PROPOSED USE (check all that apply)

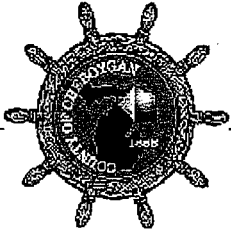
|   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Single-Family Residence        | <input type="checkbox"/> Expansion / Addition | <input checked="" type="checkbox"/> Office     | <input type="checkbox"/> Agricultural  |
| <input type="checkbox"/> Duplex                         | <input type="checkbox"/> Garage or Accessory  | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Institutional |
| <input type="checkbox"/> Multi-Family, # of units _____ | <input 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: 11/7/12 Approved Use: GENERAL EQUIPMENT & PARTY RENTAL

Directions to site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SITE PLAN REVIEW APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

EXISTING  
GENERAL EQUIPMENT & PARTY RENTAL STORE  
3-4 FULLTIME 1-2 PART-TIME EMPLOYEES  
HOURS 8-5 M-F 8-1 SAT - ADD 40X60 STORAGE BUILDING  
FOR EXISTING BUSINESS.

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.

EXISTING BUILDING/SITE TO BE UTILIZED

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 SOIL OK

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

NO CHANGES IN GRASSES PREPARED

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

N/A

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

YES

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

YES

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

N/A

h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties.

NO

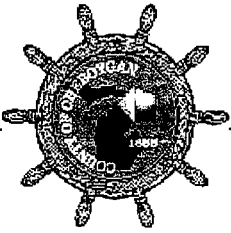
ii. It does not impede the vision of traffic along adjacent streets.

NO

iii. It does not unnecessarily illuminate night skies.

NO

SITE PLAN REVIEW APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

NA

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

Y/OS

3. Size of property in sq. ft. or acres: 1.64 Ac.

4. Present use of property:  
Equip. Rental / Party Rental

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

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

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

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

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

### AFFIDAVIT

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

Applicant's Signature

Date

9/28/15

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

Yes  No

Owner's Signature

Date

9/28/15

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

|   |          |               |
|---|----------|---------------|
| Date Received:                          | 9/30/15  | Notes:        |
| Fee Amount Received:                    | \$100.00 |               |
| Receipt Number:                         | 4759     |               |
| Public Hearing Date:                    |          |               |
| Planning/Zoning Administrator Approval: |          |               |
| _____<br>Signature                      |          | _____<br>Date |

SITE PLAN REVIEW APPLICATION

# SITE PLAN REVIEW APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

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

SITE PLAN REVIEW APPLICATION

# SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

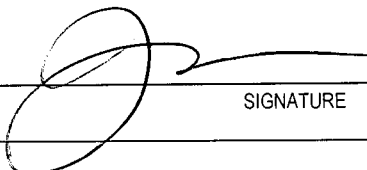
| INFORMATION SUPPLIED | WAIVER REQUESTED | REQUIREMENT  |
|----------------------|------------------|--|
| X                    |                  | m. Location and specifications for all fences, walls, and other screening features.  |
| X                    |                  | n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.  |
| 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.   |
| X                    |                  | r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well |
| N/A                  |                  | s. Floor plans, when needed to determine the number of parking spaces required.  |

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

| <u>SECTION</u> | <u>REASON FOR WAIVER REQUEST</u> |
|----------------|----------------------------------|
| d.             | No chance to topography          |
|                |                                  |
|                |                                  |
|                |                                  |
|                |                                  |

**AFFIDAVIT**

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

  
 \_\_\_\_\_  
 SIGNATURE

9/28/15  
 \_\_\_\_\_  
 DATE



# SURVEY SKETCH

Part of the N 1/2 of the S 1/2 of the SE 1/4 of the NE 1/4,  
Section 12, T35N-R3W, Tuscarora Township  
 Cheboygan County, Michigan

FOR:

RENTAL EXPRESS

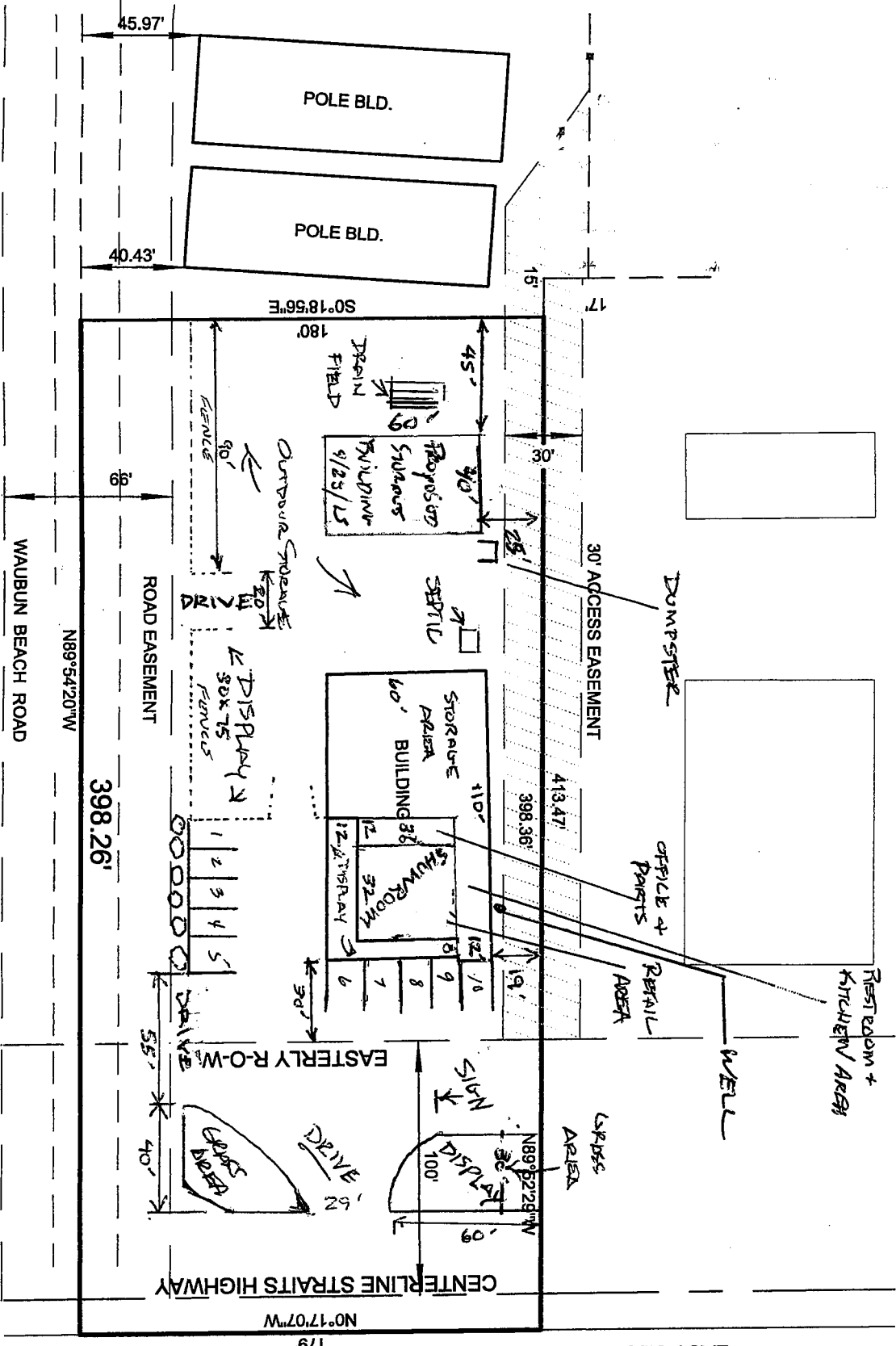
SEC. 12, T35N-R3W  
 FB: TUSC-20

DRAWN: JLE/BKF  
 CHECK: BKF

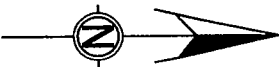
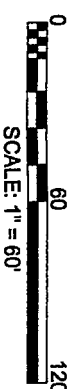
PROJECT NO.  
 11-0515



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



- SHOW ROOM 1248 SQ FT
- OFFICE/REST ROOM 1104 SQ FT
- MECHANICAL
- 5400 EQUIP STORAGE 3480 SQ FT



Parking 10 SPACES  
 10' WIDE X 20' DEEP EACH

*[Signature]*  
 9/20/12  
 9/28/15  
 1.64 acres ±  
 1.18 acres ± less Straits Hwy R.O.W.

EAST SECTION LINE

NO 17 07 W 179



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## STAFF REPORT

|   |   |
|---|---|
| <b>Item:</b> Request an amendment to site plan review for construction of an accessory storage building for an equipment and party rental business. | <b>Prepared by:</b><br>Scott McNeil               |
| <b>Date:</b><br>October 12, 2015  | <b>Expected Meeting Date:</b><br>October 21, 2015 |

### GENERAL INFORMATION

**Applicant:** James O' Donnell

**Contact person:** Same

**Phone:** 231-238-9696

**Requested Action:** Approval of site plan review amendment of a for an accessory storage building for equipment and party rental store.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking an amendment to an approved site plan for construction of an accessory storage building for an equipment and party rental business. The applicant is proposing to build a 40 ft. by 60 ft. storage building. Applicant received site plan approval for the business on November 7, 2012 (see exhibit 5). The site plan approval included a future storage building measuring 30 ft. x 60 ft. with 1,800 s.f. The storage building as now proposed would contain 2,400 s.f. which exceeds the 20% addition limitation for administrative approval of an approved site plan as provided in section 20.14.a.4. The subject site is located at 1436 S. Straits Highway and in zoned Commercial Development District (D-CM). Equipment rental is a permitted use per Section 6.2.2.

#### **Current Zoning:**

Commercial Development District. (D-CM)

#### **Surrounding Land Uses:**

Commercial to the south and east. Vacant commercial to the north. Residential to the east.

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

**Historic buildings/features:**

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

**Traffic Implications**

This project is proposed for an existing commercial site which is improved with commercial structures, gravel surface parking areas and driveway to S. Straits Highway which is a County Primary Road. This use will have minimal effect on current traffic conditions.

**Parking:**

The site plan relative to parking remains the same to that approved in November of 2013. There is no specific standard for equipment rental use provided in section 17.6. The table of parking requirements (Section 17.6) requires for "all uses" 1 parking space per 2 employees. The applicant indicates that there will be up to 6 employees requiring 3 parking spaces. The floor plan provided with the site plan indicates a 1152 sq. ft.. Using the retail standard of 1 parking space per 250 sq. ft. of useable floor area as a comparison this would require 5 parking spaces for this project. Also, 4,705 sq. ft. of outdoor display is indicated on the site plan. There is no standard for outdoor display for equipment rental in section 17.6. Using the outdoor auto sales display standard of 1 space per 5,000 square feet of outdoor display area we find a standard for 1 additional parking space. Based on this review and the standards noted, 9 total parking spaces are indicated for the use. The site plan provides for 10 parking spaces.

The Planning Commission made a determination of adequate parking per section 17.4.1. with the original site plan approval

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

Access to the site is facilitated by an existing driveway to S. Straits Highway, which is a County Primary Road and a driveway to Waubun Beach Road

**Signs**

Existing signage on site is to remain. No additional signs are proposed.

**Fence/Hedge/Buffer**

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

**Lighting**

Exterior lighting is located on the building. No additional lighting is proposed.

**Stormwater management**

There are no changes proposed to the management of stormwater on the site.

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

Permits from the Department of Building Safety will be required.

# CHEBOYGAN COUNTY PLANNING COMMISSION

## SITE PLAN REVIEW

Wednesday, October 12, 2015, 7:00 PM

Applicant

James O Donnell.  
Rental Express  
1436 S. Straits Highway  
Indian River , Mi. 49749

Owner

Same

Parcel

1436 S. Straits Hwy.  
Tuscarora Township  
161-012-200-005-05

### GENERAL FINDINGS

1. The subject property is zoned Commercial Development District. (D-CM)
2. The applicant received site plan review approval for Equipment Rental business on November 7, 2012.
3. Equipment rental is a permitted use in a D-CM zoning district per Section 6.2.2.
4. The applicant is seeking an amendment to the approved site plan to construct an accessory storage building measuring 60 ft. x 40 ft.
5. The applicant is seeking a waiver to the topographic survey requirement for site plans.
- 6.

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

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

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

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 1. No changes to site drainage are proposed. (see exhibit 3 )
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
  - 1. Not applicable – No dwelling units are located therein. (see exhibit 3 )
  
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
  - 1. A practical means for access by emergency vehicle is provided via access driveways from S. Straits Highway and Waubun Beach Rd. (see exhibit 4)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
  - 1. The structures on the subject have access to S. Straits Highway, which is a County Primary Road. (see exhibit 4)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
  - 1. Not applicable – No subdivision plats or subdivision condominiums are proposed.
  
- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
  - 1. Existing exterior lighting is deflected away from adjacent properties and does not impede vision of traffic and does not unnecessarily illuminate night skies. (see exhibit 3 )
  - 2. No new exterior lighting is proposed (see exhibit 3 )
  - 3.
  - 4. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
  - 1. Not applicable - No public common ways are proposed.
  
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
  - 1. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
  - 2.
  - 3. Standard has been metOr.
  - 1.
  - 2. Standard has not been met.

**DECISION**

**TIME PERIOD FOR JUDICIAL REVIEW**

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

**DATE DECISION AND ORDER ADOPTED**

Wednesday, October 21, 2015

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

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



# 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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

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

**Date: October 16, 2015**

Attached please find a copy of the draft amendment document dated 10/16/15

The following is listed in Table 1 - Zoning Ordinance Changes Based on Master Plan Goals in the Master Plan Document;

Update PUD language, consider allowing other uses and PUD rezoning options to provide more flexibility.

The Planning Commission approved this Master Plan goal as a priority for 2015.

Currently Article 9 regarding Plan Unit Development (PUD) only allows use which are allowed in the zoning district in which the PUD is proposed. This proposed amendment completely rewrites article 19.

By review of the proposed amendment you will find a purpose and standards for and Planned Unit Development which provide for mixing uses except for those uses which are only allowed in Light Industrial and General Industrial zoning districts unless proposed in an area currently zoned industrial.

The ordinance provides for a method of approval which may include a pre application conference with staff and the Planning Commission. The draft also provides criteria and procedure for preliminary plan approval and final plan approval by the Planning Commission and the Board of Commissioners. There is language proposed which would allow the Planning Commission to waive the preliminary plan approval requirement by the Board of Commissioners. The ordinance states that a PUD will establish a rezoning upon approval of the final plan and reflects procedure necessary for rezoning approval.

The draft also provides for expiration and renewal of preliminary plan approval and amendments of an approved final plan.

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

DRAFT 10/16/15

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

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

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

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

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

**SECTION 19.2. ELIGIBILITY**

- a. The entire site being considered for a PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.
- b. The site submitted for a PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contains a variety of uses.
- c. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by the agency with applicable jurisdiction.



**19.3. GENERAL REQUIREMENTS AND DEVELOPMENT STANDARDS FOR PLANNED UNIT DEVELOPMENT (PUD)** In addition to eligibility standards under Section 19.2. the site submitted for PUD designation shall adhere to the following conditions and standards:

a. General Requirements.

1. The establishment of a PUD zoning district includes a zoning map amendment and shall follow the requirements of a rezoning according to Section 24.1. Each PUD that is approved shall become part of the zoning ordinance. Each PUD that is approved shall be assigned a unique identifier.
2. Compatible residential, public, institutional, and commercial uses may coexist in a PUD provided that the proposed location of the non residential uses will not adversely affect adjacent property, and/or the public health, safety and general welfare. Any use which is only allowed in the Light Industrial Development (D-LI) and/or General Industrial Development (D-GI) zoning districts and not in any other zoning district shall not be allowed in a PUD which is proposed in other zoning districts.
3. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.
4. Proposed uses should be designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities relative to vision and/or noise with proposed uses and existing uses. The PUD shall be designed to create a single integrated and controlled development whether completed in whole or in phases.
5. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.

b. Development Standards.

1. Minimum lot size, Minimum setbacks and Maximum structure height based on use type:

| USES                               | Min. Lot Size  |             | Min. Yard Setbacks (ft.) |                 |                 | Max. Structure Height (ft.) |
|------------------------------------|----------------|-------------|--------------------------|-----------------|-----------------|-----------------------------|
|                                    | Area           | Width (ft.) | Front (ft.)              | Sides (ft.)     | Rear (ft.)      |                             |
| Residential                        | One (1) Acre   | 150         | 25                       | 8               | 10              | 35                          |
| Residential and/or Non-Residential | One (1) Acre   | 150         | 25                       | 10              | 15              | 35                          |
| Industrial                         | Five (5) Acres | 250         | 40 <sup>A</sup>          | 25 <sup>A</sup> | 25 <sup>A</sup> | 35                          |

- A. Buildings with industrial uses shall be setback from buildings with other uses a minimum of 75 feet.

2. The development standards for the proposed uses in the PUD district shall be consistent with the corresponding standards for those uses except as provided in Section 19.3.1. The Planning Commission may approve deviations from those standards if they find that the deviations proposed are necessary to promote the overall design intent of the PUD without negatively impacting existing uses adjacent to or in the general vicinity of the PUD due to noise, traffic, congestion, view or demand on the transportation system.

**SECTION 19.4. APPLICATION AND APPROVAL PROCEDURES** The following procedures shall be used for the review and approval of a Planned Unit Development (PUD).

**19.4.1. Pre-application Conference.** Prior to the submittal of a PUD application, a prospective applicant is encouraged to schedule a pre-application conference with the Zoning Administrator to discuss the purpose and effect of this Ordinance and the criteria and standards herein. At this pre-application conference, the applicant is encouraged to provide the staff with a concept plan. This concept plan should include information on the types and placement of structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. Following this pre-application conference, the Zoning Administrator shall present the concept plan, if any, with a report to the Cheboygan County Planning Commission at their next regular public meeting for their information, review and comment. The applicant may schedule an informal informational meeting with the Planning Commission, but no official action shall be taken at such meeting.

**19.4.2. Submission of Preliminary Plan.** Following a pre-application conference, if any, the applicant may submit a preliminary plan along with a complete PUD preliminary plan application and application fee to the Zoning Administrator. The preliminary site plan shall include;

- a. Site plan of existing conditions which shall include;
  1. Existing buildings.
  2. Layout of parking lots, drives, and streets
  3. Existing woodlands
  4. Topography with minimum 5-foot contours
  5. Bodies of water and other significant natural features.
  6. Surrounding land uses and zoning.
  7. Existing utilities, wells and septic systems
  8. Other information as may be requested by staff or the Planning Commission to adequately review the application.
- b. Site plan for the proposed development which shall include;
  1. Footprint of proposed buildings
  2. Proposed uses and their general locations.
  3. Layout of streets, drives, parking areas and pedestrian paths.
  4. All existing parcel boundaries which are subject of the PUD application labeled with tax parcel identification numbers.
  5. Minimum setbacks for district perimeters and individual buildings within the development.
  6. Proposed perimeter buffer zones and screening.
  7. Conceptual landscape plan.

8. Development phases, if applicable.
9. Type, estimated number and density range for residential uses within the development.
10. Proposed open space and acreage thereof.
11. Table of required and provided parking for all proposed uses.
12. Other information as may be requested by staff or the Planning Commission.

**19.4.3. Preliminary Site Plan Review and Approval by the Planning Commission.** The PUD preliminary plan application, application fee and preliminary plan shall be submitted to the Zoning Administrator by the applicant. The Zoning Administrator shall deem the application and preliminary plan complete if all requirements of Section 19.4.2. have been met. The Zoning Administrator shall present all material submitted by the applicant to the Planning Commission and shall process the application and preliminary plan and hold a public hearing according to Section 24.2. The Planning Commission shall provide a copy of the application and preliminary plan to, and solicit recommendations from the, County Soil Conservation District, the Township in which the PUD is proposed, the District Health Department, the County Drain Commissioner, the neighboring municipal corporation if adjacent to the subject parcel(s) and the jurisdictions which control the abutting street or road rights of way. The Planning Commission shall review the application and preliminary plan and shall recommend to approve, deny or approve the preliminary plan subject to specified conditions and/or revisions to the Cheboygan County Board of Commissioners within thirty days of the decision.

**19.4.4. Waiver of Preliminary Site Plan Review and Approval** The Planning Commission may waive the requirement for review and approval of the Board of Commissioners and allow submission of a Final PUD Plan and Final PUD rezoning application upon request of the applicant if it finds that the preliminary plan proposes uses which are allowed in the existing zoning district in which the preliminary plan is proposed and that the preliminary plan requests minimal exceptions from the existing dimensional requirements of the existing zoning district.

**19.4.5. Preliminary Site Plan Review and Approval by the Cheboygan County Board of Commissioners.** The PUD preliminary plan and application, supporting information including the preliminary plan and the Planning Commission's recommendation shall be forwarded to the Cheboygan County Board of Commissioners if a waiver is not requested by the applicant and approved by the Planning Commission as provided in section 19.4.4. The Board of Commissioners shall deny or approve the preliminary plan following their review. The approval may be with or without conditions. If conditions are imposed, the Board of Commissioners may require resubmission to the Planning Commission for further review. Review shall be based on the criteria as provided in Section 19.2., Section 19.3. and the factors listed in Section 19.4.3.

**19.4.6. Expiration of Preliminary Site Plan.** Once approved, the preliminary site plan shall expire one (1) year following approval by the Planning Commission. The Planning Commission may approve two (2) extensions of one (1) year each upon request of the applicant if it finds that requirements and standards as provided in Section 19.4.2. and Section 19.4.3. that are reasonably related to the PUD have not changed.

**19.5. Final Plan Approval.** Upon approval of the PUD application and preliminary plan, a final PUD plan must be submitted to the Planning Commission within the required time frame as provided in section 19.4.3.

**19.5.1. Final Plan Requirements.** The applicant shall submit a Final PUD Plan rezoning application, final PUD plan and final plan filing fee to the Zoning Administrator. The final plan shall include all modifications and elements from the approved preliminary plan, in addition to the following:

- a. All Site Plan requirements as set forth in Section 20.7.
- b. A schedule for the development of units to be constructed in progression;
- c. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
- d. Building elevations, locations and sizes.
- e. Current zoning and land uses of adjacent parcels including open space.
- f. Existing and proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
- g. Dimensioned existing and proposed drives and parking areas.
- h. Drainage plan.
- i. Location of all public utilities, wells, drain fields and septic systems including easements.
- j. Signage plan
- k. Other information deemed necessary by the Planning Commission and zoning administrator.

1. The Zoning Administrator shall deem the PUD rezoning application and final PUD plan complete if all requirements of Section 19.5.1. have been met. The Zoning Administrator shall present the final plan to the Planning Commission at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete final plan. The Planning Commission shall hold a public hearing following requirements of Section 24.1. All decisions must be based upon those standards presented in section 19.2. and 19.3.
2. The Planning Commission shall act on the PUD rezoning application and final PUD plan within 30 days of the public hearing and recommend approval or denial of the application with reasons for the approval or denial to the applicant and the Cheboygan County Board of Commissioners. The Planning Commission shall consider the following factors in addition to requirements of Section 19.2., Section 19.3. and Section 19.4.2. in making the recommendation;

1. Is the proposed rezoning reasonably consistent with surrounding uses?
2. Will there be an adverse physical impact on surrounding properties?
3. Will there be an adverse effect on property values in the adjacent 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?
5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
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)?

7. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?

8. Is the site served by adequate public facilities or is the petitioner able to provide them?

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

3. The Board of Commissioners shall approve or deny the rezoning to PUD and final site plan. No PUD rezoning application or final plan which has been disapproved by the Cheboygan County Board of Commissioners shall be resubmitted for a period of one (1) year from the date of disapproval except as permitted by the Board of Commissioners after becoming aware of new evidence which may result in approval upon resubmittal.

#### **19.5.2. Amendments to Approved Final Plan for PUD.**

a. Amendments which may be approved by the Zoning Administrator.

1. Amendments, such as relocation of a building, parking lot or other site element do to unforeseen site conditions of fifty (50) feet or less, may be approved by the Planning staff. An adverse decision by staff may be appealed to the Planning Commission.
2. All other amendments, except those deemed major as defined in 19.5.2.b.1. below, shall be referred in writing to the Planning Commission at their next regular meeting. The shall review and approve, reject or modify the proposed changes without a public hearing.

b. Amendments which may be approved by the Planning Commission.

1. Proposed amendments to an approved PUD final plan which changes the land area, uses or increases the density of use by ten (10) percent or more shall be referred to the Planning Commission in writing for consideration at their next regular meeting.
2. Proposed new use(s) or proposed amendment(s) which constitutes a change, which in the sole discretion of the Planning Commission, should be considered as a new development shall be deemed a new application for review and approval according to Section 19.4.

**Section 2. Severability.**

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 3. Effective Date.**

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

CHEBOYGAN COUNTY

By:

Peter Redmond  
Its: Chairperson

By:

Mary Ellen Tryban  
Its: Clerk