



# 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, SEPTEMBER 21, 2016 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

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

1. An Ordinance to Amend Section 17.19. of the Cheboygan County Zoning Ordinance No 200 to provide definitions, regulations and standards for signs.
2. **JEFF JAKEWAY/THE JAKEWAY FAMILY TRUST/DANIEL GEARHART FAMILY LIVING TRUST** - Requests a site plan review for a Specialty Retail and Restaurant – Sections 6.2.9 and 6.2.19 The property is located at 4104 South Straits Hwy., 4092, South Straits Hwy., 4082 South Straits Hwy. and 4062 South Straits Hwy., Tuscarora Twp., Section 25, parcel #161-025-200-007-00, #161-025-200-007-01, #161-025-200-008-00 and #161-025-200-009-00 and is zoned Commercial Development (D-CM).

### **UNFINISHED BUSINESS**

1. Review of proposed Zoning Ordinance Amendment regarding Mobile Food Units
2. Discussion of Draft Boat House Survey

### **NEW BUSINESS**

### **STAFF REPORT**

### **PLANNING COMMISSION COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Continuation of Public Hearing - Update of sign ordinance relative to content based regulation.**

**Date: September 14, 2016**

Included with this memo is the draft zoning ordinance amendment for the continuation of the public hearing from September 7 to September 21 relative to the same.

Pursuant to discussion regarding temporary sign provisions which may be in conflict with other state law you will find language typed in bold in section 19.19.2.b. which shall address any conflict. This language was developed with attorney Brian Graham.

All other language subject to discussion at the most recent is proposed to remain as the same is not a change from the current language in the ordinance. Consideration of such language changes would require a new public hearing. This was verified with attorney Brian Graham.

As a matter of review, this ordinance amendment is proposed as a result of a Supreme Court decision known as Reed vs. Town of Gilbert. In this case the Court ruled that sign regulation based on the content or message of a sign is unconstitutional.

You will note in section 1 of the amendment document the definitions of Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign and Real Estate Sign are proposed to be deleted as each are based on the content/message of a sign.

You will find sections 2 and 3 of the attached amendment document propose complete revision of sections 17.19.2 regarding signs which do not require a permit and section 17.19.3 regarding prohibited signs where most of the current content based regulation exists.

Section 4 and 5 propose revisions to Village Center sign requirements to remove reference to off premise signs.

Finally, section 6 of the amendment document provides clarifying language regarding billboards regulated by the State of Michigan.

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

**Draft for Continued Public Hearing – September 21, 20116**

**CHEBOYGAN COUNTY  
Zoning Ordinance Amendment # \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 TO PROVIDE DEFINITIONS, REGULATIONS AND STANDARDS FOR SIGNS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

**Section 1. Amendment of Section 17.19.1.**

The following definitions within Section 17.19.1 of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed:

Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign, and Real Estate Sign.

**Section 2. Amendment of Section 17.19.2.**

Section 17.19.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT**

The following signs may be placed in any zoning district without a zoning permit, provided such signs are established in a lawful manner and do not create a nuisance or safety hazard:

- A. Incidental signs, not exceeding 3 square feet of sign surface area.
- B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:
  - 1. There shall be no more than two (2) signs per lot **except as otherwise provided by law.**
  - 2. Shall be removed from the lot within sixty (60) days of it's original placement and no more than two (2) days after the subject matter of the sign has expired, **except as otherwise provided by law.**
  - 3. Each sign shall be limited to 8 square feet and no more than 4 feet in height. **except as otherwise provided by law.**
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
  - 1. Shall be removed from the lot within thirty (30) days after the subject matter of the sign has expired.
  - 2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
  - 3. There shall be no more than one (1) sign per lot.
- G. Signs on motor vehicles not used primarily for advertising purposes.

H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:

1. Shall not be placed on the lot more than fifteen (15) days before the specific event.
2. Shall be removed from the lot within two (2) days after the specific event is over.

**Section 3. Amendment of Section 17.19.3.**

Subsection 17.19.3. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

**17.19.3. PROHIBITED SIGNS**

- A. Signs with moving or revolving parts.
- B. Signs affixed to trees, rocks, shrubs, or other natural features.
- C. Signs affixed to any governmental or public utility structure, except incidental signs.
- D. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to such sign in the D-CM, VC, VC-IR, VC-IR-O, VC-T, VC-T-O, D-LI and D-GI zoning districts and such sign otherwise meets the applicable sign regulations of this Ordinance.
- E. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding signs on vehicles that are used in the day to day operations of the business to which the sign pertains.
- F. Signs that interfere with traffic visibility or public services.
- G. Signs with concrete foundations or other solid anchoring devices that project above the surface of the ground and located as to constitute a safety hazard to vehicular traffic. The Planning Commission may rule on the hazard potential of any proposed sign or sign structure and shall prohibit such sign or require a modification upon finding the presence of a safety hazard.

**Section 4. Amendment of Section 17.19.5.**

Subsection 17.19.5. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

**17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS**

- A. All signs in this district shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. For lots which face more than one (1) street, sign requirements of Section 17.19.8 shall apply to each street front.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to such sign.
- D. In addition to the maximum sign surface area, all lots shall be allowed a bonus of three (3) square feet of sign surface area for each additional use above one (1). This bonus applies to Projecting, Freestanding, and Wall signs only.

**Section 5. Amendment of Section 17.19.5.A.**

Subsection 17.19.5.A. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows

**17.19.5.A VILLAGE CENTER TOPINABEE SIGN REQUIREMENTS**

- A. All signs in this district shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and approved by the governing authority having jurisdiction over the ROW.

**Section 6. Amendment of Section 17.19.7.D.**

Section 17.19.7.D. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

- D. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance.

**Section 7. 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 8. Effective Date.**

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

CHEBOYGAN COUNTY

By:  
Peter Redmond  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk

# CHEBOYGAN COUNTY PLANNING COMMISSION

Jeff Jakeway – *Revised 09/13/16*

## Exhibit List

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

*The following items were added to the exhibit list on 08/31/16:*

7. E-Mail Dated 08/30/16 From Brent Shank, Cheboygan County Road Commission Engineer/Manager (1 Page)
8. Email Dated 08/30/16 From Dave Carpenter, Tuscarora Twp. Fire Chief (1 Page)

*The following items were added to the exhibit list on 09/06/16:*

9. Elevation Drawing (1 Page)

*The following items were added to the exhibit list on 09/07/16:*

10. E-mail Dated 09/06/16 From Jeff Jakeway To Scott McNeil (1 Page)

*The following items were added to the exhibit list on 09/13/16:*

11. E-mail Dated 08/17/16 From Gabe Phelps (MDOT) to Scott McNeil (2 Pages)
- 12.
- 13.
- 14.

Note: Planning Commission members have exhibits 1 and 2.





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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.

Garden Center with a coffee shop inside.

6 Total Employees

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 is flat and will not change

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

We will be bringing in trees from our farms.

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

Drainage in place

- 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 Dwellings

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

✓ Streets & County Roads + Drive Lanes

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

✓ Streets & County Roads

- 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. YES ✓

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

iii. It does not unnecessarily illuminate night skies. YES ✓

SITE PLAN REVIEW APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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SITE PLAN REVIEW APPLICATION

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

I Talked with Brent From Indian River branch of Cheboygan County Road Commission. (See attached)

- 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: .7 acres

4. Present use of property: Garden Center

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

8-2-16

David L. Gault

8-23-16

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

Yes  No

Owner's Signature

Date

8-2-16

8-23-16



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

[REDACTED]		
Date Received:	8/24/16	Notes:
Fee Amount Received:	\$145.00	
Receipt Number:	5243	
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
✓		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
✓		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
✓	✓	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
✓		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
✓		i. Location, size, and characteristics of all loading and unloading areas.
✓		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.
✓		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
✓		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.
NA		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
✓		s. Floor plans, when needed to determine the number of parking spaces required.

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

**SECTION**

**REASON FOR WAIVER REQUEST**

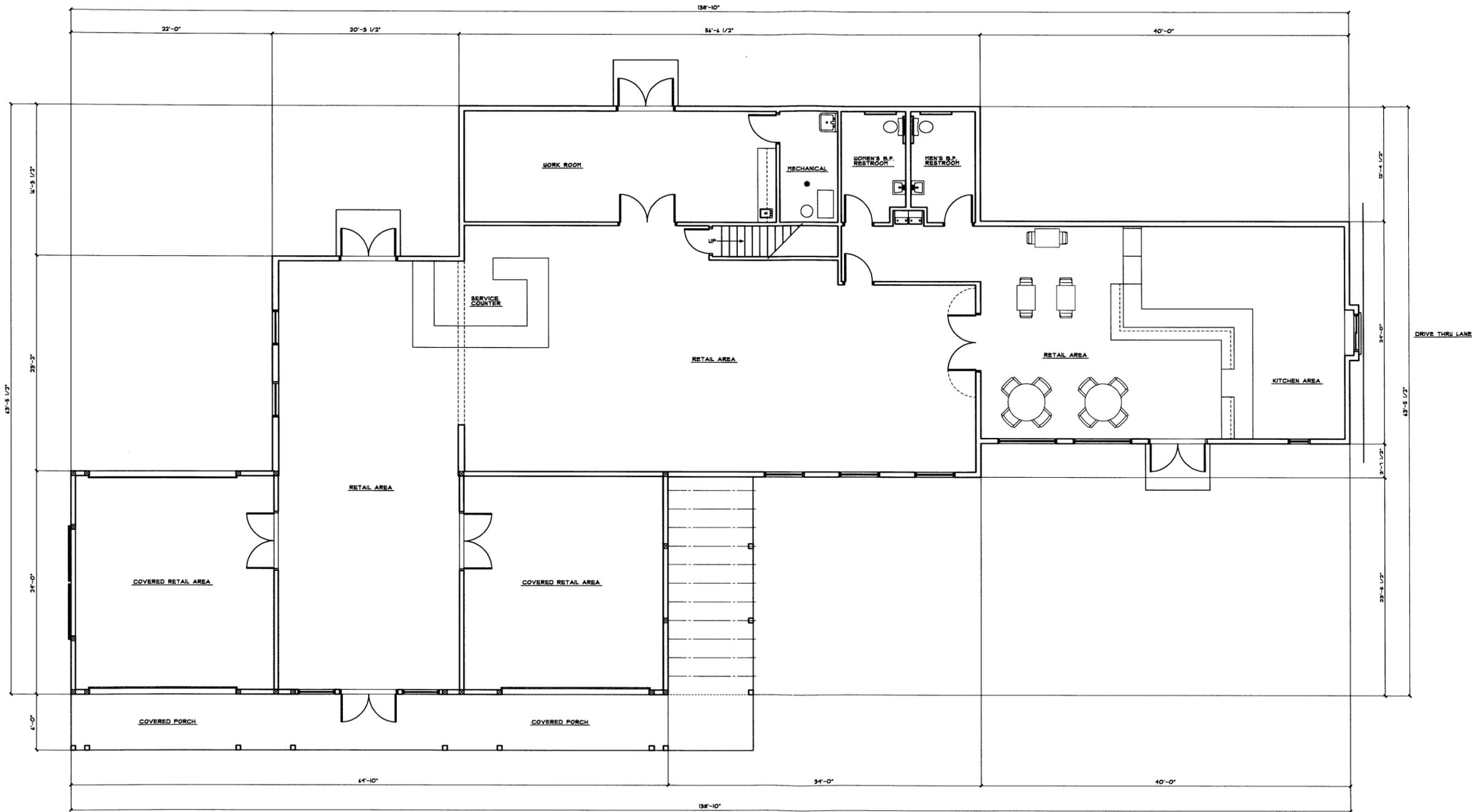
d	Lot to Flat,

**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

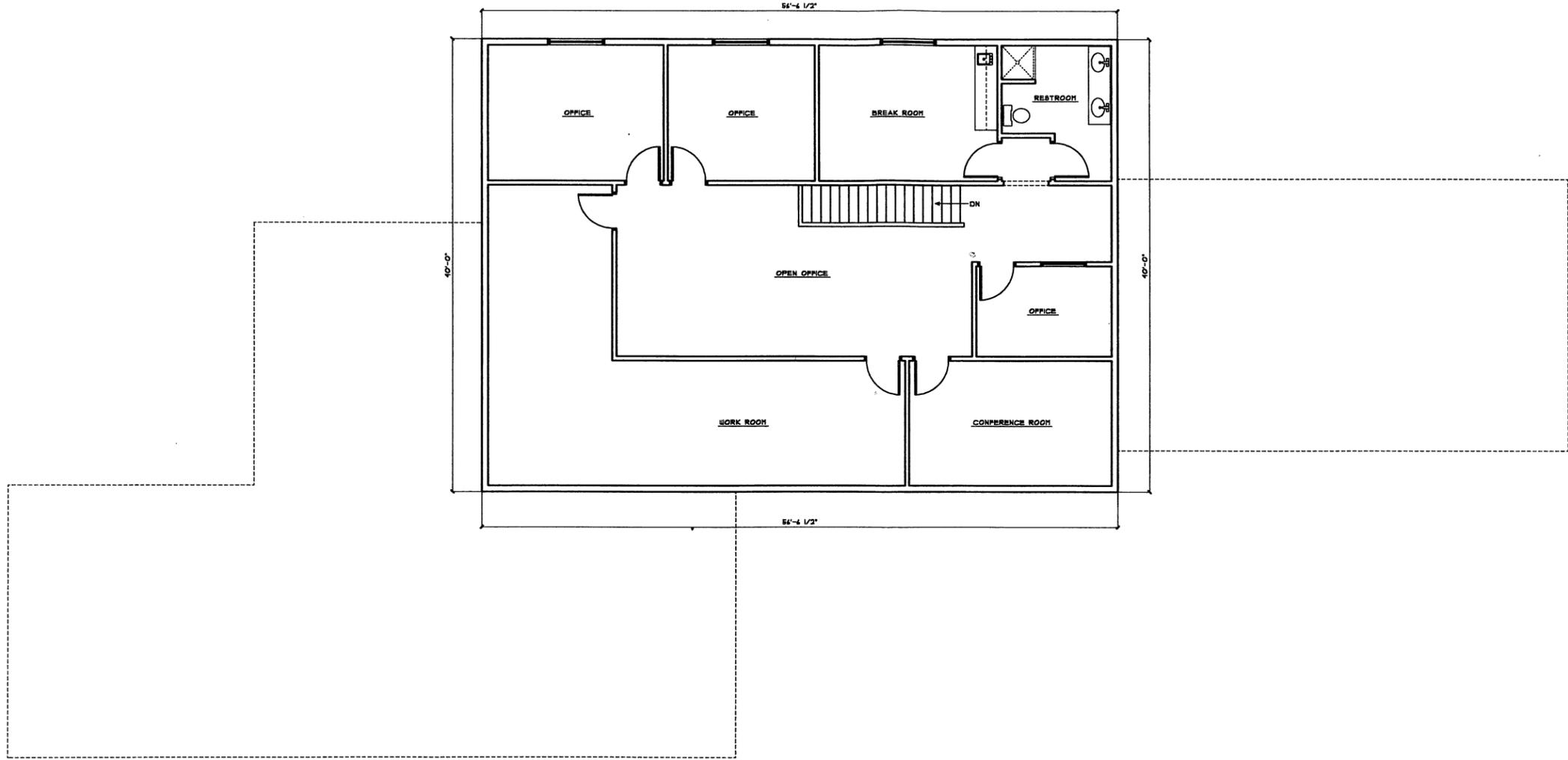
8-23-16  
 \_\_\_\_\_  
 DATE



FIRST FLOOR PLAN - ALTERATION   
 SCALE: 3/16" = 1'-0"

PROJECT <b>NORTH STAR GARDENS, INC.</b> <b>BUILDING ADDITION AND REMODELING</b> 4104 S. STRAIGHTS HWY.	DATE	6/23/14
	REVISION	
DRAWN BY T.L.S.	DATE	8/20/14
	REVISION	
CHECKED BY T.L.S.	DATE	8/20/14
	REVISION	
APPROVED BY T.L.S.	DATE	8/20/14
	REVISION	
SEIDELLS ARCHITECTS COMMERCIAL RESIDENTIAL INDUSTRIAL 114 N. COURT AVE. STE. 201 POST OFFICE BOX 789 GAYLORD, MICHIGAN 49734 PHONE (888) 731-0372 FAX (888) 731-0622		
PROJECT NO.	16-196	
SHEET	A1	

4



**SECOND FLOOR PLAN - ALTERATION**

SCALE: 3/16" = 1'-0"



PROJECT <b>NORTH STAR GARDENS, INC.</b> <b>BUILDING ADDITION AND REMODELING</b> 4104 S. STRAIGHTS HWY. INDIAN RIVER, MICHIGAN 49119	PROJECT NO. 16-194	 <b>SEIDELLS ARCHITECTS</b> COMMERCIAL 114 N. COURT AVE., STE. 201 GAYLORD, MICHIGAN 49734 PHONE (688) 731-0372 FAX (688) 731-8833	OWNER BY T.L.S.	ISSUED	DATE
	DATE 8/20/14		OWNER REVIEW 8/22/14	ISSUED	DATE
SHEET <b>A2</b>		CHECKED BY T.L.S. APPROVED BY T.L.S. DATE 8/20/14 PRINT DATE			



## Deborah Tomlinson

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**From:** Brent Shank [<mailto:mgr@chcrc.com>]  
**Sent:** Tuesday, August 30, 2016 4:41 PM  
**To:** Deborah Tomlinson  
**Subject:** Re: Site Plan Review Application for Jeff Jakeway

Debbie,

Mr. Jakeway has been working with the Road Commission, and MDOT, to make sure his driveways meet requirements. The proposed design that he has submitted meets our requirements. We will issue a permit based on what is presented in the application.

Thank you,

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

**Deborah Tomlinson**

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**From:** Dave Carpenter [<mailto:dpcarpenter@voyager.net>]  
**Sent:** Tuesday, August 30, 2016 4:29 PM  
**To:** Deborah Tomlinson  
**Subject:** Re: Site Plan Review Application for Jeff Jakeway

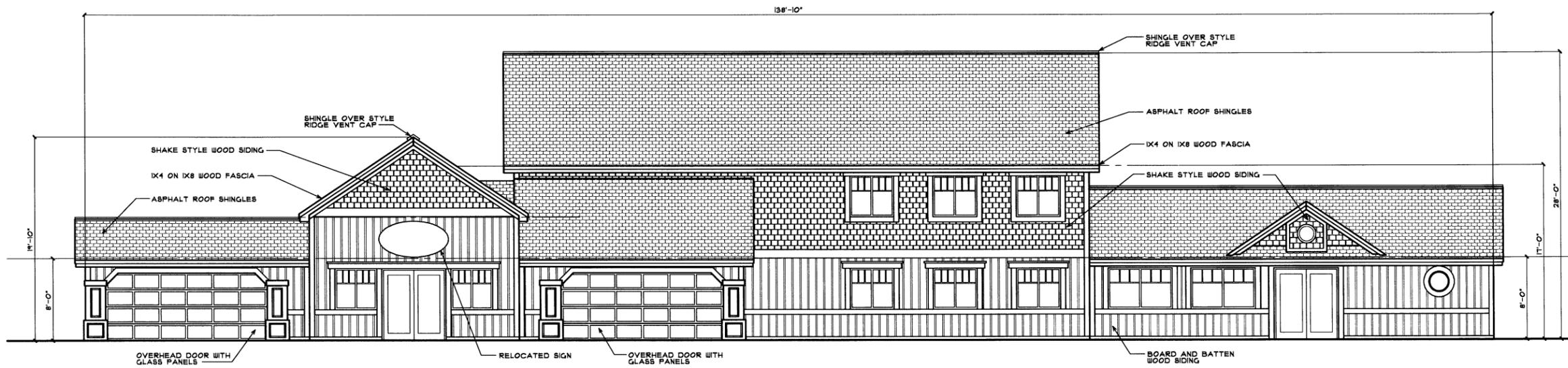
Hi Deb,

I don't see any major concerns in regards to the fire department, if you have any questions please feel free to contact me anytime.

Respectfully,

David Carpenter  
Fire Fire

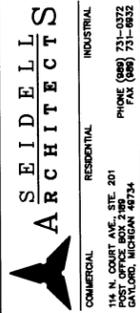
8



**EAST ELEVATION**

SCALE: 1/4" = 1'-0"

PROJECT	NORTH STAR GARDENS, INC.		INDUSTRIAL	DRAWN BY	T.L.S.	DATE	ISSUED	DATE
	BUILDING ADDITION AND REMODELING				RESIDENTIAL			
PROJECT NO.	104 S. STRAIGHTS HWY.		COMMERCIAL	APPROVED BY	T.L.S.	8/22/16		
SHEET	INDIAN RIVER, MICHIGAN 49119		114 N. COURT AVE., STE. 201	DATE	8/20/16			
	A3		DAYTON, OHIO 45424	PRINT DATE				



## Scott McNeil

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**From:** jeff jakeway [jakeway.jeff@gmail.com] on behalf of Jeff [jeff@northstargardens.com]  
**Sent:** Tuesday, September 06, 2016 1:49 PM  
**To:** Scott McNeil  
**Subject:** Re: RE:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Scott,

We are using a "rack to retail" business method which would allow us to have all larger semi trucks deliver to our Yard in Wolverine or our gravel pit off Reams Rd. From those sites our smaller trucks would restock the needed supplies before we would open the garden center. These trucks would simply park in a parking space in conjunction with the products being delivered.

Thanks,  
Jeff Jakeway  
North Star Gardens

Sent from my iPhone

On Sep 6, 2016, at 9:49 AM, Scott McNeil <[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)> wrote:

Jeff,

Can you email an explanation of your loading/unloading plan that can be attached with the application?  
With that your application for site plan review will be ready to go.

Thanks,  
Scott McNeil  
Community Development Planner  
Cheboygan County Planning and Zoning Department  
Phone - 231-627-8475  
Fax - 231-627-3646  
[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

**From:** jeff jakeway [<mailto:jakeway.jeff@gmail.com>] **On Behalf Of** Jeff  
**Sent:** Friday, August 26, 2016 4:36 PM  
**To:** Scott McNeil  
**Subject:** Fwd: Front Elevation

Sent from my iPhone

Begin forwarded message:

## Scott McNeil

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**From:** Phelps, Gabe (MDOT) [PhelpsG@michigan.gov]  
**Sent:** Wednesday, August 17, 2016 1:09 PM  
**To:** 'jeff@northstargardens.com'  
**Cc:** Bodell, Jason (MDOT); Scott McNeil; Brent Shank; Mike Ridley (supervisor@tuscaroratwp.com)  
**Subject:** North Star Gardens M-68 Access  
**Attachments:** North Star Driveway.pdf

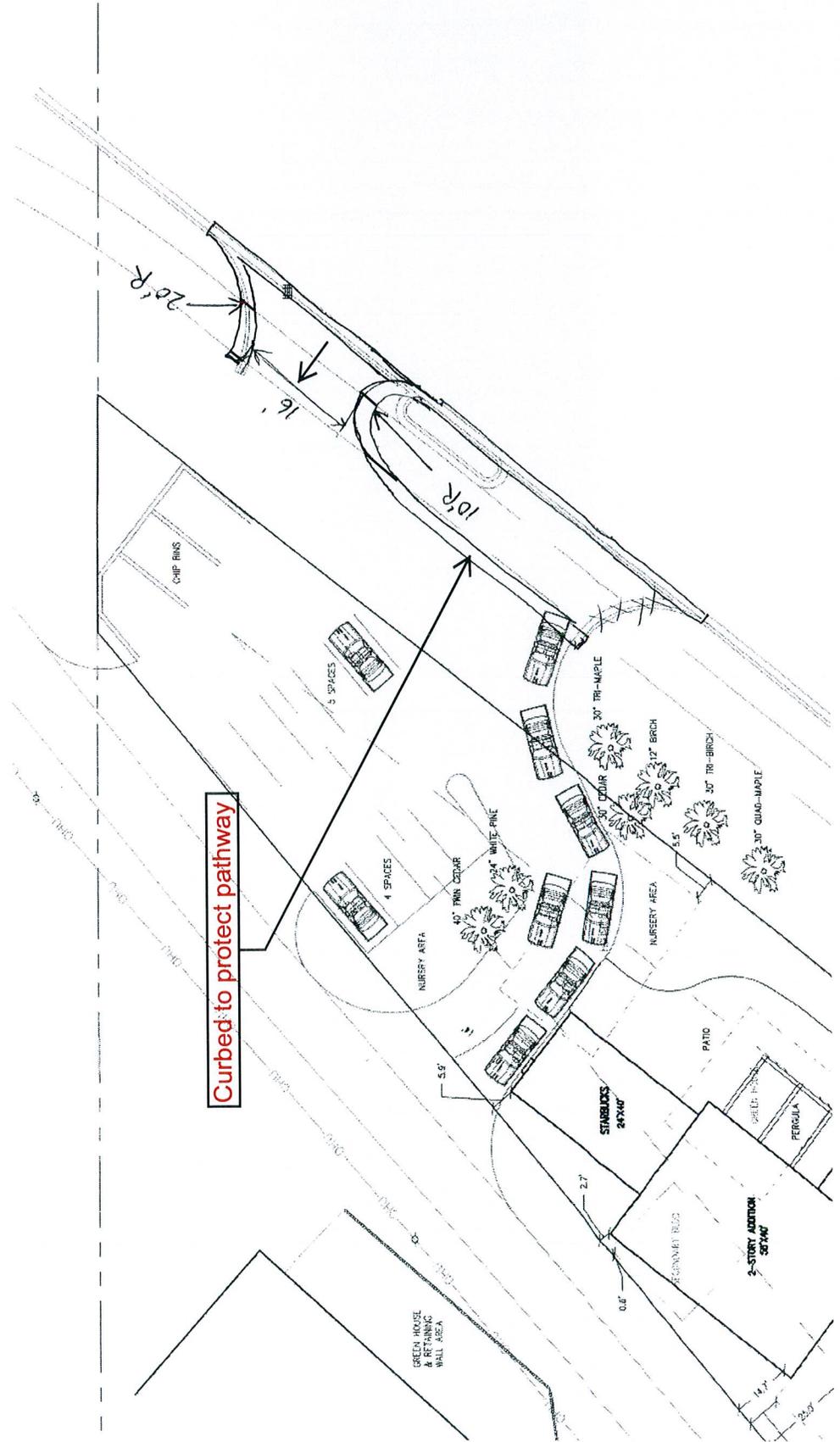
Hello Jeff,

After reviewing your proposed site plan we feel that a one-way in driveway at the Starbucks access would be required considering the proposed change in use. This will provide safer access for your customers, more stacking for the drive-thru, and also improved safety for pedestrians. The two driveways at the garden center are fine as existing. I've included a sketch for your reference.

Feel free to give me a call to discuss.

Thanks,

Gabe Phelps  
MDOT Transportation Technician  
Gaylord TSC Permit Agent  
1088 M-32 East  
Gaylord, MI 49738  
Office: 989-731-5090  
Cell: 989.217.1040  
Fax: 989.732.3637



Curbed to protect pathway



# 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> Consideration of site plan review for a Fast Food Restaurant and Specialty Retail uses in a Commercial Development zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> September 14, 2016	<b>Expected Meeting Date:</b> September 21, 2016

### GENERAL INFORMATION

**Applicant:** Jeff Jakeway

**Contact person:** Same

**Phone:** 231-420-2651

**Requested Action:** Approval of site plan review for fast food restaurant and specialty retail uses pursuant to Sections 6.2.9. and 6.2.19.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking an approval of a site plan for a fast food restaurant and specialty retail uses. The applicant is proposing to serve and sell coffee products and baked goods in a new facility with addition and alterations to an existing specialty retail facility for landscaping and garden supplies.

The subject site is located in Indian River at 4104 South Straits Highway in Tuscarora Township and is zoned Commercial Development (D-CM). Fast Food Restaurants are permitted uses per section 6.2.9. and Specialty Retail is a permitted use per section 6.2.19.

The applicant received approval for a 7.3. ft. rear setback variance from the Zoning Board of Appeals on August 24, 2016 in order to construct a new structure for the specialty retail use. A 4.9 ft rear setback variance was also granted by the Board of Appeals for construction of the proposed fast food restaurant use. The applicant is also proposing a drive through window for the fast food restaurant use. Based on the site plan submitted by the applicant 3 on site staking parking spaces are provided on the site plan. A minimum of 5 stacking parking spaces for a fast food restaurant drive through are required under section 17.6. The Board of appeals also approved a 2 stacking parking space variance.

**Current Zoning:** Commercial Development (D-CM)

**Surrounding Land Uses:** Commercial uses surround the subject site to the north, south and west. Commercial and residential lye to the east, across South Straits Highway.

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

**Historic buildings/features:**

There are no historic buildings or historic features on this

**Traffic Implications:**

The site is located on South Straits Highway which is part of State Highway M-68. The site plan reflects driveways based on review and approval of the Michigan Department of Transportation (see exhibit 11). The northerly proposed driveway is located approximately 230 feet south of the intersection of Barbra Ave. and S. Straits Highway. The subject site is also located on Old Trail Road which is a County Road. The driveways on Old Trail Road are based on review and approval by the Cheboygan County Road Commission. (See exhibit 7). The site plan proposes entering the site from South Straits Highway and leaving the site via Old Trail Road. Old Trail Road intersects with Barbra Ave. approximately 80 feet from the intersection of Barbra Ave. and S. Straits Highway.

**Parking:**

The applicant proposes a fast food restaurant and specialty retail uses. Section 17.6 requires 1 parking per 75 sq. ft. of customer service and dining area for a fast food restaurant use. I have calculated 449 sq. ft of customer service and dining area based on the floor plan submitted which will require 6 parking spaces. The applicant proposes 18 outdoor seats in conjunction with the restaurant use. Section 17.6 requires 1 parking per for each 3 persons of seating capacity for a restaurant use requiring 6 parking spaces. Section 17.6 requires 1 parking per 250 sq. ft of usable floor area for a retail use. I have calculated 2,703 sq. ft of floor area for the retail use based on the floor plan submitted which will require 11 parking spaces. Section 17.6 also requires 1 parking space for every 2 employees. The applicant indicates there will be 6 employees requiring 3 parking spaces. Based on this analysis, a total of 26 parking spaces are required. The applicant has provided 27 parking spaces on the site plan.

Section 17.6. also requires 5 stacking parking spaces for a drive through which is proposed as part of the fast food restaurant use. The site plan provides for 3 on site stacking parking spaces. The applicant has received a variance from the Zoning Board of Appeals allowing 3 on site stacking parking spaces.

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

Access to the site is facilitated by two (2) entrance driveways from South Straits Hwy and three (3) exit driveways to Old Trail Road.

**Signs.**

No new signs are proposed on the site plan. A permit new for signs as under Section 17.19. will be required.

**Fence/Hedge/Buffer**

No fence, hedge or other type of buffer are proposed nor required.

**Lighting:** Outdoor lights are proposed and indicated on the site plan. The application indicated that all lighting will be

**Stormwater management;**

Stormwater management is proposed on the site plan with use of retention areas. Mr. Hank Jankoviak has reviewed and approved the plan.

**Review or permits from other government entities**

Approval will be required from the Dept. of Building Safety and the Health Department. Permits will also be required by the Michigan Department of Transportation and the Cheboygan County Road Commission.

**Recommendations (proposed conditions)**

- Compliance with Building Code Requirements.
- Compliance with Health Department Requirements.
- Compliance with Requirements of Cheboygan County Road Commission.
- Compliance with Requirements of Michigan Department of Transportation.

**CHEBOYGAN COUNTY PLANNING COMMISSION**

**SITE PLAN REVIEW**

Wednesday, September 21, 2016, 7:00 PM

Applicant

Jeff Jakeway  
Bilder Road  
Wolverine, Mi. 49770

Owner

Jakeway Family Trust and  
Daniel Gearhart Family Trust  
Wolverine, Mi. 49770

Parcel

4140 South Straits Hwy.  
Tuscarora Township  
161-025-200-007-00  
161-025-200-007-01  
161-025-200-008-00

**GENERAL FINDINGS**

1. The subject property is zoned Commercial Development District (D-CM).
2. The applicant is seeking a site plan review approval for restaurant and specialty retail uses.
3. Restaurant is a permitted use in a D-CM district per section 6.2.9.
4. Specialty retail is a permitted use in a D-CM district per section 6.2.13.
5. The applicant requests a waiver from the topography survey requirement.
- 6.
- 7.

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

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  1. The site plan provides for minimal change in the overall natural contours of the site. (see exhibit 3 and 6)
  2. Minimal changes to natural contours will facilitate stormwater management. (see exhibit 3 and 6)
  - 3.
  4. Standard has been met.

Or,

1. The proposed development is not designed 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 due to\_\_\_\_
  - 2.
  3. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
  1. The subject site is shallow.
  2. The applicant proposes to minimize tree and soil removal in so far as practical and to the extent to allow the proposed construction on the site. (see exhibit 3 and 6 )
  - 3.
  4. Standard has been met.

Or,

- 1.
2. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 1. A method of storm water removal is provided on the site plan. (see exhibit 3 and 6)
  - 2. Removal of storm water will not adversely affect neighboring properties. (see exhibits 3)
  - 3. Mr. Hank Jankoviak, Soil Sedimentation and Stormwater Control Ordinance Office has reviewed and approved stormwater management proposed on the site plan. (see exhibit 6)
  - 4.
  - 5. 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 proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means
  - 1. The site plan provides for a practical means of access for emergency vehicles from South Straits Hwy. and Old Trail Road. (see exhibit 6)
  - 2.
  - 3. Standard has been met.

Or,

- 1.
- 2. Standard has not been met.

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

- 1. The site is located on, and has access to South Straits Hwy (M-68), which is a State Highway and Old Trail Road, which is a County Local Road. (see exhibit 6)
- 2.
- 3. Standard has been met.

Or,

- 1.
- 2. Standard has not been met.

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

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

- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.

- 1. Exterior lighting is proposed and located on the site plan. (see exhibit 6)
- 2. The light shall be deflected away from adjacent properties, shall not impede the vision of traffic along adjacent streets and shall not unnecessarily illuminate night skies. (see exhibit 3)
- 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. This site plan will conform to the Master Plan, zoning ordinance, and any applicable state and federal laws. (see exhibit 1,2, 3, 4, 5 and 6)
  - 2.
  - 3. Standard has been met.

Or,

- 1.
- 2. Standard has not been met.

**DECISION**

**TIME PERIOD FOR JUDICIAL REVIEW**

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

**DATE DECISION AND ORDER ADOPTED**

Wednesday, September 21, 2016

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Patty Croft, Chairperson

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Charles Freese, Secretary



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

**Date: September 8, 2016**

**To: Planning Commission**

**From: Scott McNeil, Planner**

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

Included with this memo is the subject amendment dated September 8, 2016 with changes resulting from the most recent meeting as follows:

New proposed section 17.29.a. providing placement in a public road right of way with written consent of the government body with jurisdiction

Removed former proposed section 17.29.k. regarding limits of days on a lot.

The remainder of the proposed amendment remains as previously submitted.

I will look forward to further discussion on this matter with the Planning Commission.

Please contact me with questions.

**DRAFT 9/8/16**  
**CHEBOYGAN COUNTY**  
**Zoning Ordinance Amendment #\_\_\_\_\_**

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

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

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

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

**Mobile Food Unit**

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

**Vehicle**

A means of conveyance for transporting people or goods from one place to another, such as an automobile, tractor or cart which can include an unpowered attachment that is pulled or pushed by the same.

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

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

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

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

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

Section 17.29. Mobile food unit

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

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

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

**Section 3. Severability.**

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

**Section 4. Effective Date.**

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

CHEBOYGAN COUNTY

By:  
Peter Redmond  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Draft survey and introduction letter relative to boat shelters.**

**Date: September 8, 2016**

Pursuant to discussion at the most recent meeting, included with this memo is a draft letter of introduction and survey for relative to boat structures for your review.

I will look forward to further discussion with the Planning Commission at the next regular meeting. Please contact me with questions.



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
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[www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/)

(DRAFT 2 Survey introduction letter)

Attached is survey form which has been approved by the Cheboygan County Planning Commission. You have been identified as a stakeholder regarding zoning regulations relative to boathouses as a river front property owner or based on another water front related interest.

Current zoning regulations do not allow construction of structures within forty (40) feet of the highwater mark of a river or a lake. This includes boathouses. A boathouse established before this zoning regulation was put into effect can be maintained but cannot be altered or rebuilt if torn down.

The Planning Commission is considering a recommendation to amend the zoning ordinance to allow boat shelters (roof but no sides) over existing boatwells or those authorized for construction in the future on the Cheboygan River, Indian River and Lower Black River and canals directly connected to them. Your completion and return of the survey would provide valuable information to the Planning Commission in their consideration of this issue.

This survey has only four (4) questions and should take only a couple minutes to complete. The Planning Commission is very appreciative of your time and your input.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Scott E. McNeil,  
Community Development Planner  
Ph. 231-627-8475  
Email - [scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)

(DRAFT) 9/8/16  
Cheboygan County Planning Commission  
Boat Shelter Survey

Are you or your organization opposed to allowing boat shelters if they had no solid walls?

Yes \_\_\_ No\_\_\_ Level of importance 1 2 3 4 5 ( 5=high 1=low)

Are you or your organization opposed to allowing boat shelters no matter what type of construction is allowed?

Yes \_\_\_ No\_\_\_ Level of importance 1 2 3 4 5 ( 5=high 1=low)

If you answer yes, then you will not need to complete the remainder of the survey.

Are you or your organization opposed to allowing boat shelters in areas where none or few currently exist?

Yes \_\_\_ No\_\_\_ Level of importance 1 2 3 4 5 ( 5=high 1=low)

Are you or your organization opposed to allowing boat shelters in areas where many currently exist?

Yes \_\_\_ No\_\_\_ Level of importance 1 2 3 4 5 ( 5=high 1=low)

Submitted by \_\_\_\_\_ Phone number \_\_\_\_\_

Individual \_\_\_\_\_ or On behalf of \_\_\_\_\_ Date \_\_\_\_\_

PLEASE FEEL FREE TO PROVIDE ADDITIONAL COMMENTS