



# 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 2, 2019 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**

**SCHEDULED PUBLIC HEARINGS**

**UNFINISHED BUSINESS**

1. Report and Continued Discussion on Cheboygan County Zoning Enforcement.

**NEW BUSINESS**

1. Presentation by Bryan E. Graham from Young, Graham & Wendling, P.C. regarding non-conforming uses and structures and the Michigan Regulation and Taxation of Marihuana Act.

**STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURNMENT**



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, SEPTEMBER 18, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana  
**ABSENT:** Borowicz  
**STAFF:** Jen Merk, Mike Turisk  
**GUESTS:** Carl Muscott, Eric Boyd, Cal Gouine, Brad Butcher, Jerry Reis, Bob Lyon, John F. Brown, John Moore, Betsy Hansen, R. Lincoln

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES

The September 4, 2019 Planning Commission minutes were presented. **Motion** by Ms. Lyon, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

### PUBLIC HEARING AND ACTION ON REQUESTS

**Sidock Group, Inc. / Gerard Reis** – A Special Use Permit, per Section 7.3.14 (Storage facility for building materials, sand, gravel stone, lumber, storage of contractor’s equipment and supplies.) to construct a building for indoor storage of landscape equipment and boat docks. The property is located at 5475 Commerce Blvd., Tuscarora Township, section 30, parcel # 162-030-300-001-11 and is zoned Light Industrial Development (D-LI).

Ms. Merk reviewed the background information contained in the staff report.

Ms. Johnson, stated that the master deed for the industrial park requires the site plan be reviewed by the Tuscarora Township Commercial Development Committee prior to submittal to the Planning and Zoning Department. Mr. Turisk stated that he had contacted Mr. Ridley, Tuscarora Township Supervisor, and that he stated this committee does not presently exist but stated that he had approved of this application. Mr. Kavanaugh asked whether other requirements of the master deed such as screening should be made conditions of the approval of the special use permit. Mr. Freese stated that the only conditions which should be placed on the approval of the special use permit should be based on the requirements of the zoning regulation and not the conditions placed on the parcel by the master deed although the property owner would have to abide by both sets of conditions.

Ms. Croft asked for public comments. Mr. Muscott stated that any use permitted in the Commercial Development District which does not require a special use permit is permitted in the Light Industrial Zoning District. Mr. Muscott stated that there are 37 permitted uses identified in the Commercial Development District. Mr. Muscott stated that it states on the application that the structure will be a garage to store landscaping materials and boat docks. Mr. Muscott stated that this could have been reviewed under section 6.2.16 (Parking lots, buildings, garages), section 6.2.19 (Retail sales establishment, specialty) and section 6.2.23 (Wholesale sales and Storage when in completely enclosed buildings). Mr. Muscott stated that this should have been a permitted use to avoid the hassle of a special use permit. Mr. Muscott stated that there is no committee for the park. Public comment closed.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. The Planning Commission reviewed and approved the General Findings, the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions:

1. Department of Building Safety requirements be met,
2. Cheboygan County Road Commission requirements be met

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

**Zoning Ordinance Amendment #153 – An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Special Land Use Permit Procedures and Standards.**

Mr. Turisk explained the background on this proposed amendment. Discussion was held. Mr. Freese stated that he has recommended several times previously that Section 18.7.e be revoked and that he continues to recommend this course of action. He stated that rewording this section still requires the Planning Commission to make a subjective determination as to the extent of the demands that any proposed project places on County resources and that any such determination invites potential litigation. Mr. Freese stated that language proposed by legal counsel in his 06/13/19 memo is the best option short of deletion of the section that is open for consideration. Mr. Freese recommended that consideration of this amendment be tabled until such time as the Heritage Cove Farm case is resolved. Mr. Kavanaugh stated that he feels it is the responsibility of the Planning Commission to protect those property owners in the vicinity of any proposed project and the population of the County as a whole by insuring that the proposed project does not place a burden on the County’s resources beyond their capacity but that the term “substantially increase” could be considered. Mr. Kavanaugh further stated that he agreed with Mr. Freese that the proposed amendment consideration should be delayed until resolution of the Heritage Cove Farm case.

**Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to table proposed amendment #153 until Heritage Cove Farm legal case is resolved. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

**Zoning Ordinance Amendment #154 – An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Home Occupations and Private Storage Buildings.**

Mr. Turisk explained the background on the amendment and reviewed material in his memo of 09/12/19. Discussion was held.

Ms. Croft asked for public comment. Mr. Muscott stated that amendment #153 should not be touched until the court case is resolved. Mr. Muscott stated that the language for private storage buildings currently reads “does have permanent facilities for living, sleeping, cooking...” Mr. Muscott stated that it had toilets in the language, but by taking toilets out it does not stop them from going in. Mr. Muscott stated that we have permissive zoning. Mr. Muscott stated that because private storage buildings can be built as stand-alone rather than on property with a house. Mr. Muscott stated the Planning Commission is attempting to allow someone to use a stand-alone private storage building as a home occupation, even though they do not live on the property and it is not contiguous property. Public comment closed.

Discussion was held concerning whether storage buildings on noncontiguous parcels should be considered. Mr. Freese stated that this use should be allowed, however, some other term that “home occupation” would be more appropriate. Mr. Turisk was directed to provide appropriate terminology. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to table proposed amendment #154 to the first meeting in November. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

**UNFINISHED BUSINESS**

Discussion was held regarding zoning enforcement.

**NEW BUSINESS**

No comments.

**STAFF REPORT**

Mr. Turisk stated that the October 2, 2019 Planning Commission meeting would be presented by Mr. Graham covering the subject of legal nonconforming and recreational marijuana. Mr. Turisk stated that he also knows of someone who would like to present information on tiny homes. Discussion was held.

**PLANNING COMMISSION COMMENTS**

No comments.

**PUBLIC COMMENTS**

Mr. Muscott stated that he is able to provide the Planning Commission with the billable hours for legal counsel. Mr. Turisk stated that staff will provide this information to the Planning Commission.

**ADJOURN**

**Motion** by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:09pm.

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Charles Freese  
Planning Commission Secretary

DRAFT

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	04/03/2013	PSUP13-0510	161-001-200-004-00	PIATT, INC	126 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for Manufacturing, production and processing (Section 6.3.9.). The property is located at 126 S. Straits Hwy., Tuscarora Township, parcel #161-001-200-004-00 and is zoned Commercial Development District (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that Health Department requirements be met, ice trailer be stored behind the building and Construction Code requirements be met. Motion carried unanimously.	3	180	240
	05/15/2013	PSPR13-0001	172-109-000-011-00	MORGAN, WILLARD & KAREN H/W	4502 ONAWAY RD	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for a bakery/deli (Section 6.2.9). The property is located at 4502 Onaway Road, Koehler Township, parcel #172-109-000-011-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department approval and Department of Building Safety approval. Motion carried unanimously.	2	120	240
	05/15/2013	PSPR13-0002	130-030-409-083-00	PHILLIPS, KEITH	1250 E **2014 RETIRE** GRAND BLVD	SITE PLAN REVIEW	Requests a Site Plan Review for a site condominium for private storage building use only (section 20.3.d). The property is located on Grand Boulevard, Mullett Township, parcel # 130-030-409-083-00 and #130-030-409-082-00 and is zoned Residential Development (D-RS).	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the following stipulations: 1. Master deed is to include Section 17.23.1 2. No outside storage 3. No additional splits 4. Legal review of master deed 5. Information on township split will be submitted Motion carried unanimously.	5	300	240
	05/15/2013	PSUP13-0486AMEND	091-021-300-004-01	ROMANIK, WALTER L/E & WALTER S	3820 **2014 RETIRE** CARLSON RD	SPECIAL USE PERMIT	Requests an Amendment of a Special Use Permit for a lodge structure at a hunting club. (Section 10.3.2 and Section 9.3.7). The property is located on Carlson Road., Inverness Township, section 21, parcel #091-021-300-004-01 and is zoned Lake and Stream Protection (P-LS) and Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation of Health Department approval, Department of Building Safety approval, Soil and Sedimentation approval and a building elevation drawing be submitted prior to construction. Motion carried unanimously.	4	240	240
Final	06/20/2013	PSUP13-0511	161-M57-000-007-00	TUSCARORA TOWNSHIP	6566 OAK GLEN ST	SPECIAL USE PERMIT	Requests a Special Use Permit for construction Pavilion at DeVoe Beach Park (Section 10.3.13.). The property is located at 6566 Oak Glen Street, Tuscarora Township, parcel #161-M57-000-007-00, #161-M57-000-009-00 and #161-M57-000-010-00 and is zoned Lake and Stream Protection District (P-LS).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements are met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzyk)			
	06/20/2013	PSUP13-0512	172-021-300-003-00	KOEHLER, TOWNSHIP OF	2227 STONEY CREEK RD	SPECIAL USE PERMIT	Requests a Special Use Permit for an addition to the Township Hall (Section 9.3.3.). The property is located at 2227 Quincy Road, Koehler Township, parcel #172-021-300-003-00 and is zoned Agriculture and Forestry Management District (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to approval from District Health Department # 4 and Department of Building Safety. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzyk)	2	120	240
	06/20/2013	PSPR13-0003	161-131-006-005-00	PINES COTTAGES OF INDIAN RIVER, LLC	6053 PROSPECT	SITE PLAN REVIEW	Requests a Site Plan Review for a gazebo for an existing cottage rental (Section 6.2.12) . The property is located at Prospect St, Tuscarora Township, Section 24, parcel #161-131-006-005-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzyk)	1	60	240
	07/03/2013	PSUP13-0514	162-030-300-001-03	TUSCARORA, TOWNSHIP OF	4649 BRUDY RD	SPECIAL USE PERMIT	Requests a Special Use Permit for Construction of a Sewage Treatment Plant (Section 7.3.12.). The property is located at Brudy Rd., Tuscarora Township, parcel #162-030-300-001-03 and is zoned Light Industrial Development District (D-LI).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. The alternate water well, which is to service the lots affected by the 800ft. radius, must be sufficient to provide adequate water for industrial use including fire suppression through on-site storage be provided 2. Odor control plan be developed 3. Record the water agreements with property owners 4. Department of Building Safety requirements be met 5. Road Commission requirements be met 6. District Health Department #4 requirements be met 7. Generators sufficient to run pumps in the event of power failure be purchased Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 1 Nay (Ostwald), 2 Absent (Lyon Jazdzyk)	7	420	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	07/03/2013	PSUP13-0513	130-030-400-013-00	CONNERS, TRAVIS & RENEE, TRUSTEES	987 N STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for Water Craft Rental Marina (Section 10.3.5.). The property is located at 987 N. Straits Hwy., Mullett Township, parcel #130-030-400-013-00 and is zoned Lake and Stream Protection District (P-LS). (This item was tabled at the 06/20/13 Planning Commission meeting.)	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:  1. The use of the site is limited to use as a livery by Northern Recreational Rentals Inc. affiliated with T and RC Inc. only for rental of pontoon boats – four (4) and personal watercraft – four (4). Use of the site is limited to the rental uses by these rental customers for docking of these 8 rental units and not any other recreational purposes 2. On site parking is limited to 8 parking spaces, no other parking is permitted on site, 3. No on site storage buildings and no portable buildings except as approved by District Health Department #4 4. Rentals from this site limited to 3 day rentals or more 5. Hours of operation from 9:00am until dusk and from May 1st to September 30th 6. DNR approval for the easement and the dock 7. MDOT approval for driveway permit 8. Livery inspection of all rental units by Cheboygan County Sheriff's Department 9. Sign for parking and on the dock indicating "For rental use only" 10. No on site gas storage 11. Nothing more be done on the site until all of the conditions have been met 12. Meet Department of Building Safety requirements 13. Meet District Health Department #4 requirements  Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill), 0 Nays, 2 Absent (Lyon Jazdzyk)	13	780	240
Final	07/03/2013	PSPR13-0004	041-026-300-001-00	CHEBOYGAN AIRPORT AUTHORITY	1520 LEVERING RD	SITE PLAN REVIEW	Requests a site plan review for a fire training structure (Section 7.2.1, 6.2.1, 5.2.1. and 4.2.1). The property is located at 1520 Levering Rd, Beaugrand Township, parcel #041-026-300-001-00 and is zoned Light Industrial Development District (D-LI).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill), 0 Nays, 2 Absent (Lyon Jazdzyk)			
	08/07/2013	PSUP13-0515	161-012-200-004-01	GRISWOLD MT. PROPERTIES	1254 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for an outdoor commercial business for wakeboard and water ski rides. (Section 6.3.7.) The property is located at 1254 S. Straits Hwy., Tuscarora Township, section 12, parcel #161-012-200-004-01 and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF). The business is proposed on the portion of the property that is zoned Commercial Development (D-CM).	Motion by Mr. Borowicz, seconded by Mr. Freese, to approve the special use permit based on the revised General Findings, revised Finding of Fact Under Section 18.7 and the revised Specific Findings of Fact Under Section 20.10 with the following stipulations: 1. 4ft. high fence (minimum) 2. Meet Department of Building Safety requirements 3. Meet District Health Department #4 requirements 4. Meet Road Commission requirements Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Kavanaugh, Churchill)	4	240	240
	09/18/2013	PSUP13-0516	171-036-400-014-00	CRAWFORD, ED	228 M-68 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a Salvage yard/Junk Yard (Section 6.3.10.). The property is located at 228 M-68, Koehler Township, Section 36, parcel #171-036-400-014-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. No hazardous chemicals (gasoline, oil, battery acid or refrigerant) be accepted or stored on the site 2. No automobile salvage 3. Entire area fenced with finished fence surface facing M-68 4. No tires or rubber products 5. Only metal recycling 6. No transactions on site 7. Contact DEQ/DNR to determine if a permit is required 8. No burning on site 9. Any materials not recycled are to be placed in the dumpster and disposed of Motion carried unanimously.	9	540	240
	09/18/2013	PSUP13-0517	080-010-200-004-00	BONNETT, MATTHEW TRUST	10621 BONNETT RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a Hunting Club (Section 10.3.2 and Section 9.3.7). The property is located at 10621 Bonnett Rd., Munro Township, Section 10, parcel #080-010-200-004-00 and is zoned Lake & Stream Protection (P-LS) and Agriculture & Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Ostwald, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Health Department approval and Department of Building Safety approval. Motion carried unanimously.	2	120	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	10/02/2013	PSUP13-0518	161-012-300-003-04	GRISWOLD MOUNTAIN PROPERTIES, LLC	GRISWOLD MOUNTAIN DR	SPECIAL USE PERMIT	Requests a Special Use Permit for a Radio Tower/Wireless Communication Facility (Section 17.13.). The property is located at 6444 Griswold Mountain Dr., Tuscarora Township, Section 12, parcel #161-012-300-003-03 and 161-012-300-003-04 and is zoned Agriculture & Forestry Management (M-AF). (This item was tabled at the 09/18/13 Planning Commission meeting.)	Motion by Mr. Freese, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1, Finding of Fact Under Section 17.13.2b, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Meet Department of Building Safety requirements 2. 6ft. fence with locked gate 3. Communication use only 4. Approval from FAA and FCC Motion carried unanimously.	4	240	240
	10/02/2013	PSUP13-0519	091-024-200-006-00	LAKES CENTER, INC	8627 N STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for a Contractor's Yard (Section 6.3.3). The property is located at 8627 N. Straits Hwy., Inverness Township, Section 24, parcel #091-024-200-006-00 and is zoned Commercial Development (D-CM). (This item was tabled at the 09/18/13 Planning Commission meeting.)	Motion by Mr. Borowicz, seconded by Mr. Ostwald, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.	0	0	240
	10/02/2013	PSPR13-0005	161-024-400-230-00	WHITEWOOD INC./ R. WHITENER	3792 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for Auto Sales (Section 6.2.2). The property is located at 3792 S. Straits Hwy, Tuscarora Township, Section 24, parcel #161-024-400-230-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings the Specific Findings of Fact Under Section 20.10 with the following stipulations: 1. Maximum of 15 vehicles 2. No inoperable vehicles 3. No washing or maintenance of vehicles Motion carried unanimously.	3	180	240
	10/16/2013	PSUP13-0520	161-016-300-001-00	YMCA & YWCA	9728 W M-68 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for replacement of a camp bath house (Section 10.3.2). The property is located at 9728 M-68, Tuscarora Township, Section 16, parcel #161-016-300-001-00. The site is zoned Lake & Stream Protection (P-LS).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Meet Department of Building Safety requirements 2. Meet Soil and Sedimentation requirements 3. Meet District Health Department #4 requirements Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 2 Absent (Kavanaugh, Jazdzzyk)	3	180	240
Final	10/16/2013	PSUP13-0521	251-G01-000-142-00	WLWD GOLF, INC	3914 SECORD RD	SPECIAL USE PERMIT	Requests a Special Use Permit for an addition to an accessory building at a golf course (Section 4.3.6.). The property is located at 3914 Secord Rd., Nunda Township, Section 21, parcel #251-G01-000-142-00 and is zoned Residential Development (D-RS).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 2 Absent (Kavanaugh, Jazdzzyk)			
	11/06/2013	PSUP13-0522	161-035-400-004-14	INDIAN RIVER SNOWMOBILE GROOMING	5844 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a sportsman's club. (Section 9.3.7.) The property is located at 5844 S. Straits Hwy., Tuscarora Township, section 35, parcel #161-035-400-004-14 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that District Health Department #4 requirements be met and Department of Building Safety requirements be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Ostwald)	2	120	240
	12/18/2013	PSUP13-0523	161-029-200-014-00	PARKEY, JOSEPH & RUTH H/W	11096 PARKE RD	SPECIAL USE PERMIT	Requests a one year extension for a Special Use Permit for a 300' self-support telecommunications facility (section 17.13). The property is located at 11096 Parke Road, Tuscarora Twp., section 29, parcel #161-029-200-014-00, and is zoned Agriculture/ Forestry (M-AF).	Motion by Mr. Freese, seconded by Mr. Bartlett, to approve the special use permit extension based on the General Findings and the Finding of Fact Under Section 18.12a.1 and 18.12a.2. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzzyk)	0	0	240
	01/08/2014	PSUP14-0524	011-019-200-021-01	MACKINAW LAUNDRY SERVICES, INC	11461 W US 23 HWY	SPECIAL USE PERMIT	Requests an Amendment to a Special Use Permit for an addition to a laundry establishment. (Section 6.3.2.) The property is located at 11461 S. US-23 Hwy., Mackinaw Township, section 19, parcel #011-019-200-021-01 and is zoned Commercial Development (D-CM). Ms. Croft asked for public comments. There were no public comments. Public comment closed.	Motion by Mr. Freese, seconded by Mr. Bartlett, to approve the amendment to the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation of DEQ discharge approval. Motion carried unanimously.	1	60	240
Final	02/05/2014	PSPR14-0001	161-025-200-022-00	DON BOWEN, INC	3999 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for Auto Sales (Section 6.2.2.). The property is located at 3999 S. Straits Hwy., Tuscarora Township, Section 25, parcel #161-025-200-022-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the site plan based on the General the Specific Findings of Fact Under Section 20.10 conditioned upon a copy of the approval from MDOT for the 8 parking spaces, a copy of the State of Michigan auto sales license and copy of an agreement with a contractor for repair of vehicles if required by State of Michigan. Motion carried unanimously.			

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
Final	02/19/2014	PSUP14-0526	162-030-300-001-07	AWAKON FEDERAL CREDIT UNION		SPECIAL USE PERMIT	Requests a Special Use Permit for a warehousing use. (Section 7.3.11.) The property is located at the end of Commerce Blvd., Tuscarora Township, section 30, parcel #162-030-300-001-04, 162-030-300-001-05, 162-030-300-001-06 and 162-030-300-001-07 and is zoned Light Industrial Development (D-LI).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that the site plan be completed showing the parking area for the trailers. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)			
Final	04/02/2014	PSUP14-0525	251-017-200-002-04	ROVENKO, KEITH & CHARLOTTE H/W	4355 BURROWS RD	SPECIAL USE PERMIT	Requests a Special Use Permit for agricultural processing. (Section 9.3.22). The property is located at 4355 Burrows Road., Nunda Township, section 17, parcel #251-017-200-002-03 and parcel #251-017-200-002-04 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Determination Under Section 9.3.22, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that two parking spaces be provided and no employees. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), Nays, 2 Absent (Churchill, Jazdzzyk)			
	04/02/2014	PSUP14-0527	130-024-100-001-02	MULLETT, TOWNSHIP OF	2863 BOY SCOUT RD	SPECIAL USE PERMIT	Requests a Special Use Permit for construction of a restroom facility at Boy Scout Park (Section 10.3.13.). The property is located at 2863 Boy Scout Road, Mullett Township, parcel #130-024-100-001-02 and is zoned Lake and Stream Protection District (P-LS).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), Nays, 2 Absent (Churchill, Jazdzzyk)	0	0	240
	05/07/2014	PSUP14-0528	161-001-200-005-03	STEMPLE, CHAD	164 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a Landscaping contractors yard (Section 6.3.3). The property is located at 164 S. Straits Highway, Tuscarora Township, parcel #161-001-200-005-03 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 contingent upon MDOT approval. Motion carried unanimously.	1	60	240
	06/04/2014	PSUP14-0529	200-004-300-001-00	MARTIN, JOSHUA & ELSA H/W	9910 WILDWOOD RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a school. (Section 9.3.3.) The property is located at 9910 Wildwood Rd., Mentor Township, section 4, parcel #200-004-300-001-00 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following restrictions: 1. Hours of operation are from 8:00am to 7:30pm with outdoor activities limited to daylight hours 2. Activities restricted to the front 60 acres 3. 150ft buffer on the west side 4. ATV/snowmobile trainings are to be done on state land Motion carried unanimously	4	240	240
Final	06/04/2014	PSPR14-0002	161-007-300-002-01	BOWEN, CINDY S	11695 W M-68 HWY	SITE PLAN REVIEW	Requests a Site Plan Review for a farm market, per approved use variance. The property is located at 11695 W. M-68 Highway, Tuscarora Township, Section 7, parcel #161-007-300-002-01 and is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Freese, seconded by Mr. Borowicz, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.			
Final	06/18/2014	PSUP14-0515 AMEND	161-012-200-004-01	GRISWOLD MOUNTAIN PROPERTIES, LLC	1254 S STRAITS HWY	SPECIAL USE PERMIT	Requests an Amendment to a Special Use Permit for an outdoor commercial business for wakeboard and water ski rides. (Section 6.3.7.) The property is located at 1254 S. Straits Hwy., Tuscarora Township, section 12, parcel #161-012-200-005-06 and 161-012-200-004-01 and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF). The business is proposed on the portion of the property that is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the amendment to the site plan based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)			
	07/02/2014	PSPR14-0003 AMEND	092-006-300-010-00	FERNELIUS LAND II, LLC - P-1	11283 N STRAITS HWY	SITE PLAN REVIEW	Requests a site plan review amendment for an automobile dealership. The property is located at 11283 North Straits Highway, Inverness Township, Section 6, parcel #092-006-300-010-00 and parcel #092-006-314-138-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.  The application is an amendment to a site plan for additional outdoor auto sales display. The current site plan was approved by the Planning Commission on April 20, 2011. The additional display are utilizes property acquired after the original site plan approval and is represented by the hatched area depicted on the proposed amended site plan. The subject property is zoned Commercial Development District D-CM. Auto sales and repair is a permitted use per section 6.2.2.  This resolves enforcement #E007-14.	0	0	240
	07/02/2014	PSPR14-0004	161-025-200-026-01	WILSON, TONI	6031 W M-68	SITE PLAN REVIEW	Requests a site plan review for a restaurant. The property is located at 6031 M-68, Tuscarora Township, Section 25, parcel #161-025-200-026-01 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met. Motion carried unanimously.	1	60	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	07/16/2014	PSPR14-0003	092-007-200-047-00	DDC ENTERPRISES, INC	10585 N STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for auto sales. The property is located at 10585 N. Straits Hwy., Inverness Township, section 7, parcel #092-007-200-043-00 and 092-007-200-047-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements are met. Motion carried unanimously.	1	60	240
	08/20/2014	PSUP14-0471 AMEND	091-001-400-004-00	DFC OF CHEBOYGAN, LLC	11965 TOWNLINE RD	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit for an addition to an assisted/ independent living facility as reviewed under Section 9.3.14. (nursing and convalesant homes). The property is located at 11964 Townline Rd., Inverness Township, section 1, parcel #091-001-400-004-00 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the amendment to the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under 20.10 with the stipulation that Department of Building Safety requirements and Soil Erosion requirements be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)	2	120	240
	09/03/2014	PSUP14-0456 AMEND	161-P66-000-006-00	DIRKSE, HEIDI G	5668 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for an addition (30ft. x 40ft.) to a veterinary clinic (section 6.3.5). The property is located at 5668 South Straits Hwy, Tuscarora Twp., section 35, parcel #161-P66-000-006-00 and is zoned Commercial (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the amendment to the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to approval from Cheboygan County Road Commission and Department of Building Safety . Motion carried unanimously.	2	120	240
	10/01/2014	PSPR14-0005	130-031-300-006-00	FERRELL GAS	401 N STRAITS HWY	SITE PLAN REVIEW	Requests site plan review approval for construction of a 16ft. x 20ft. office building. The property is located at 401 North Straits Highway, Mullett Township, Section 31, parcel #130-031-300-006-00 and is zoned Agriculture and Forestry Management (M-AF). .	Motion by Mr. Kavanaugh, seconded by Mr. Ostwald, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department approval of septic and well. Motion carried unanimously.	1	60	240
	10/15/2014	PSUP14-0530	091-024-300-004-01	RE GOUINE CONSTRUCTION		SPECIAL USE PERMIT	Requests a Special Use Permit for a Contractors yard and materials handling operation (Section 6.3.3.) The property is located on North Straits Highway in Inverness Township, section 24, parcel #091-024-300-004-01 and is zoned Commercial Development (D-CM).	Motion by Mr. Borowicz, seconded by Mr. Ostwald, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk) 0 Nays, 2 Absent (Kavanaugh, Churchill)	0	0	240
	11/05/2014	PSPR14-0006	161-001-400-003-00	CONNERS, TRAVIS & RENEE, TTEES	562 S STRAITS HWY	SITE PLAN REVIEW	Requests a site plan review amendment for outdoor storage and display, employee parking and a 50ft. x 120ft. storage building. The property is located at 562 North Straits Hwy., Tuscarora Twp., section 1, parcel #161-001-400-003-00 and #161-001-400-002-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department and Department of Building Safety requirements be met before the property is used. Motion carried unanimously.	2	120	240
Final	02/18/2015	PSPR15-0001	092-006-300-007-00	WHEELER MOTORS, INC		SITE PLAN REVIEW	Requests a Site Plan Review for auto sales, repair and storage (Section 6.2.2). The property is located at 11469 N. Straits Hwy. and 11401 N. Straits Hwy., Inverness Township, section 6, parcel #092-006-300-007-00 and 092-006-300-008-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Soil Erosion requirements be met. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzyk)			
	02/18/2015	PSPR15-0002	092-007-200-001-02	ANDREWS, R M INVESTMENTS, LLC		SITE PLAN REVIEW	Requests a Site Plan Review for General retail sales (Section 6.2.17) and a Special Use Permit for a Gas service station (Section 6.3.4). The property is located at 11115 N. Straits Hwy., 11071 N. Straits Hwy., 11065 N. Straits Hwy., 11047 N. Straits Hwy, 11031 N. Straits Hwy., 10999 S. Tannery Rd., Inverness Township, Section 6 and Section 7, parcel # 092-006-300-015-00, 092-007-200-027-00, 092-007-200-001-04, 092-007-200-026-00, 092-007-200-001-05, 092-007-200-025-00, 092-007-200-024-00, 092-007-200-001-03 and 092-007-200-001-02 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit and the site plan based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to written approvals from MDOT, Cheboygan County Road Commission, District Health Department #4, EPA, DEQ, Soil Erosion/Stormwater and Department of Building Safety. Motion carried unanimously.	7	420	240
Final	02/18/2015	PSPR15-0003	161-024-400-225-00	DEVOE, GARY E, TRUSTEE	3860 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for a medical office (Section 6.2.1 and Section 5.2.6.). The property is located at 3860 S. Straits Hwy., Tuscarora Township, Section 24, parcel #161-024-400-225-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to written approvals from the Zoning Board of Appeals, Soil and Sedimentation/Stormwater, District Health Department #4, Department of Building Safety, DEQ, Road Commission and a strong recommendation to meet with the Tuscarora Township Downtown Development Authority regarding streetscape. Motion carried unanimously.			

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
Final	03/04/2015	PSUP15-0531	210-031-300-003-00	D MARSH INVESTMENTS, LLC	11900 SCOTT RD	SPECIAL USE PERMIT	Requests a Special Use Permit for additions to a Restaurant/Bar. (Section 10.3.). The property is located at 11900 Scott Road, Ellis Township, section 31, parcel #210-031-300-003-00 and is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Kavanaugh, seconded by Mr. Ostwald, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to approvals from District Health Department #4, DEQ, Soil Erosion/Stormwater and Department of Building Safety and to submit a revised site plan showing the new sewage system, existing septic/dosing tanks, exterior downward lighting and designated snowmobile parking area. Motion carried unanimously.			
Final	03/18/2015	PSPR15-0004	161-024-400-225-00	DEVOE, GARY E, TRUSTEE	3860 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review Amendment regarding revised parking for a medical office (Section 6.2.1 and Section 5.2.6.). The property is located at 3860 S. Straits Hwy., Tuscarora Township, Section 24, parcel #161-024-400-225-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the amended site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to written approvals from Soil and Sedimentation/Stormwater, District Health Department #4, Department of Building Safety, DEQ and Road Commission. Motion carried unanimously.			
	03/18/2015	PSPR15-0005	161-025-300-013-00	MARLATT, BRENT & ERICA H/W	4579 S **2016 RETIRED** STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for an antique/consignment store (Section 6.2.19). The property is located at 6968 Van Etten Court, Tuscarora Township, Section 25, parcel #161-025-300-013-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to approvals from Soil and Sedimentation, District Health Department #4, Department of Building Safety and Road Commission. Motion carried unanimously.	4	240	240
Final	04/15/2015	PSPR15-0006	161-131-012-002-00	TUSCARORA TOWNSHIP	3471 CLUB RD	SITE PLAN REVIEW	Requests a Site Plan Review approval for construction of a pavilion in Marina Park under section 6.2.1, 5.2.1 and 4.2.4., municipal uses. The property is located at Onaway Road and Club Road, Tuscarora Township, section 24, parcel #161-131-012-002-00 and #161-131-012-003-02 and is zoned Commercial Development (D-CM).	Motion by Mr. Borowicz, seconded by Mr. Ostwald, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to approval from Department of Building Safety. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)			
Final	04/15/2015	PSUP15-0532	092-018-200-007-00	WOOD, LARRY & CANDACE, CO-TTEES	9851 N STRAITS HWY	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit for a Contractors Yard (Section 6.3.3.). The property is located at 9867 North Straits Highway, Inverness Township, section 18, parcel #092-018-200-005-00, #092-018-200-006-00 and #092-018-200-007-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation of no material storage. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)			
	07/01/2015	PSPR15-0007	161-024-400-225-00	OTSEGO MEMORIAL HOSPITAL ASSOC	3860 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review Amendment regarding revised parking for a medical office (Section 6.2.1 and Section 5.2.6.). The property is located at 3860 S. Straits Hwy., Tuscarora Township, Section 24, parcel #161-024-400-225-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the site plan review amendment based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.	0	0	240
	07/15/2015	PSUP15-0533	161-016-300-001-00	YMCA & YWCA	9728 W M-68 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for construction of a camp clinic (Section 10.3.2). The property is located at 9728 M-68, Tuscarora Township, Section 16, parcel #161-016-300-001-00. The site is zoned Lake & Stream Protection (P-LS).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the amendment to the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to approval from District Health Department #4, Department of Building Safety and Soil Erosion. Motion carried unanimously.	3	180	240
	07/15/2015	PSUP15-0534	041-031-200-003-02	PFFP, LLC	5475 WOLLANGUR RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a Club (Section 9.3.7.). The property is located at 5475 Wollangur Rd., Beaupond Township, Section 31, parcel #041-031-200-003-02 and is zoned Agriculture & Forestry Management (M-AF).	Motion by Mr. Borowicz, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to approval from District Health Department #4 and Department of Building Safety.	2	120	240
	09/16/2015	PSUP15-0511 AMEND	161-M57-000-007-00	TUSCARORA, TOWNSHIP OF	6566 OAK GLEN ST	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit for construction storage building at DeVoe Beach Park (Section 10.3.13.). The property is located at 6566 Oak Glen Street, Tuscarora Township, parcel #161-M57-000-007-00 and is zoned Lake and Stream Protection District (P-LS).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)	0	0	240
Final	09/16/2015	PSUP15-0027 AM	011-021-300-001-00	FCVE, LLC	9730 W U S 23	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit for construction of an addition to a storage, repair and maintenance building at a campground (Section 9.3.4.). The property is located at 9730 US-23 Highway, Mackinaw Township, parcel #011-021-300-003-00 and is zoned Agriculture and Forestry Management District (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)			
							Parcels 011-021-300-001-00 & 011-021-300-003-00				
Final	09/16/2015	SPR15-0008 AMEND	161-024-400-568-00	POLLARD, CARL K	6074 WATERWAY LN	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for expansion of an auto repair facility (Section 6.2.2). The property is located at 3885 S. Straits Highway and 6074 Waterway Ln., Tuscarora Township, parcel #161-024-400-567-01 and #161-024-400-568-00 and is zoned Commercial Development (DCM).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Churchill, Lyon)			

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	10/07/2015	PSUP15-0535	161-035-200-014-00	TIGER BY THE TAIL, LLC	5142 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for construction of Indoor Storage Facilities (Section 6.3.16). The property is located at 5142 South Straits Hwy., Tuscarora Township, Section 35, parcel #161-035-200-013-00 and parcel #161-035-200-014-00. The site is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Road Commission approval of the sign, inside storage only and Department of Building Safety requirements be met. Motion carried unanimously.	3	180	240
Final	10/21/2015	SPR15-0009 AMEND	161-012-200-005-05	ODONNELL, JAMES M	1436 S STRAITS HWY	SITE PLAN REVIEW	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).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements and District Health Department #4 requirements on the setback for the drain field be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Borowicz)			
Final	11/18/2015	PSUP15-0536	011-020-200-007-00	NATURE VIEW, LLC	10346 W US-23 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a Cabin colony for construction of six (6) new cabins (Section 10.3.3.). The property is located at 10316, Mackinaw Township, parcel #011-020-200-007-00 and parcel #011-020-200-008-00. The area of the property where the new cabins are proposed is zoned Lake and Stream Protection District (P-LS).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements, Health Department requirements and Soil Erosion requirements must be met. Motion carried unanimously.			
Final	12/16/2015	SUP15-0537	104-019-400-033-00	BRANDT, DAVID ET UX	8455 CARTER RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 8407 Carter Road, Benton Twp., section 19, parcel #104-019-400-033-00, and is zoned Agriculture/ Forestry (M-AF).	Motion by Mr. Borowicz, seconded by Mr. Bartlett, to approve the special use permit based on the Finding of Fact Under Section 17.13.2.b, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the stipulation that FCC requirements and FAA requirements be met and that the site be maintained properly (free of debris and trash) at all times. Motion carried unanimously.			
Final	12/16/2015	SPR15-0010	161-024-400-565-00	MESACK, GERRI L & RENEE MESACK,	3859 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for restaurant use (Section 6.2.9). The property is located at 3859 S. Straits Hwy., Tuscarora Township, Section 24, parcel #161-024-400-565-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department approval and Department of Building Safety approval. Motion carried unanimously.			
	01/06/2016	PSUP16-0538	162-005-300-002-00	HANSON, LAWRENCE & ELIZABETH H/W	625 S GRANDVIEW BEACH RD	SPECIAL USE PERMIT	Request a Special Use Permit and approval of the submitted site plan. A Special Use Permit is requested under the following sections of the Cheboygan County Zoning Ordinance #200: Section 9.3.14., Nursing or convalescent homes, Section 9.3.22. (Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district.), Section 10.3.2. Club, Section 10.3.3. Cabin colonies, Section 10.3.6. County club, Section 10.3.8. Duplex or multi-family buildings, and Section 10.3.14. Restaurant/Bar. The property is located at 625 Grandview Beach Rd., Tuscarora Township, sections 5 and 6, parcel #162-005-300-002-00, #162-006-400-004-00 and #162-006-400-005-00 and are zoned Agriculture and Forestry Management District (M-AF) and Lake and Stream Protection District (P-LS).	Motion by Mr. Borowicz, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Findings of Fact Under 18.7 and 20.10, and Additional Standards for Reasonable Accommodation with the following conditions:  1. Obtain all building code and health department permits for construction and file the same with Cheboygan County Planning and Zoning staff. 2. Obtain any and all licenses for the operation of Heritage Cove Farm from the State of Michigan and/or the federal government and either provide copies of the licenses to Planning and Zoning staff or provide letters or other written documentation from state and federal agencies that license facilities caring for the mentally ill or inform that Heritage Cove Farm's proposed use does not require a license or licenses normally issued to facilities that care for the mentally ill and/or inform. 3. All agricultural practices will follow Generally Accepted Agricultural Management Practices (GAAMPS) with GAAMPS certification through the Michigan State University Agricultural Extension being supplied to Planning and Zoning staff for all farming activities on the property prior to the commencement of farming activities. 4. Screening within 20ft. of the buildings along the north/south line along the back of the buildings and the next property over. Screening is to meet Section 17.18 of Zoning Ordinance #200. 5. Planning and Zoning staff shall request written comments regarding roadway, trail and safety issues from Tuscarora Township Police, Cheboygan County Sheriff and Cheboygan County Road Commission. 6. Shielded lighting down to the path from the top of the bluff to the dock. Any interior lighting should be directed downward and shielded from any glare toward adjacent properties.	8	480	240
Final	01/20/2016	PSUP16-0539	104-032-200-002-20	ARNETT, ALICE J TRUSTEE	6773 N M-33 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 6773 North M-33, Benton Twp., section 32, parcel #104-032-200-002-20, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit based on the General Findings, Findings of Fact under Section 17.13.2.b of the Zoning Ordinance, Findings of Fact under Section 18.7 of the Zoning Ordinance and Specific Findings Of Fact under Section 20.10 of the Zoning Ordinance subject to an annual safety inspection and structural integrity inspection based on the life expectancy of the pole. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)			

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	02/12/2016	SUP15-0535	161-035-200-014-00	TIGER BY THE TAIL, LLC	5142 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for construction of Indoor Storage Facilities (Section 6.3.16). The property is located at 5142 South Straits Hwy., Tuscarora Township, Section 35, parcel #161-035-200-013-00 and parcel #161-035-200-014-00. The site is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Road Commission approval of the sign, inside storage only and Department of Building Safety requirements be met. Motion carried unanimously.	3	180	240
Final	03/02/2016	PSPR16-0001	161-024-400-575-03	AWAKON CREDIT UNION	6272 M-68 HWY	SITE PLAN REVIEW	Requests a Site Plan Review for an Office. The property is located at 6272 M-68 Hwy, Tuscarora Twp., section 24, parcel #161-024-400-575-03, and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to approval from Department of Building Safety, Health Department and MDOT and any additional signage must be in compliance with the Zoning Ordinance. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzzyk)			
	03/16/2016	PSPR16-0002	172-109-000-032-00	GOTHAM, MICHAEL & VALERIE H/W	4501 ONAWAY RD	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for Automobile Sales (Section 6.2.2). The property is located at 4501 Onaway Road, Koehler Twp., section 20, parcel #172-109-000-032-00, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that all Road Commission requirements for driveways be met. Motion carried. 7 ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdzzyk), 0 Nays, 2 Absent (Ostwald, Croft)	1	60	240
Final	04/20/2016	PSUP16-0540	091-002-100-008-00	CHEBOYGAN STORAGE, LLC	1631 WOIDERSKI RD	SPECIAL USE PERMIT	Requests a Special Use Permit for an Indoor storage facility (Section 6.3.16) pending approval of a conditional rezoning. The property is located at 1631 Woiderski Road, Inverness Township, section 2, parcel #091-002-100-008-00 and is currently zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting requirements of Department of Building Safety, Health Department and Fire Department and approval of the rezoning request by the Cheboygan County Board Of Commissioners. Motion carried unanimously.			
Final	04/20/2016	PSPR16-0003	161-131-010-002-00	WILSON, TONI; HAROLD HANEL JR; &	6060 RIVER ST	SITE PLAN REVIEW	Request a Site Plan Review for a Restaurant use (Section 13B.2.8.) The property is located at 6060 River St., Tuscarora Township, section 24, parcel #161-131-010-002-00 and is currently zoned Village Center Indian River Overlay District (VC-IR-O).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 and subject to approval from Department of Building Safety, District Health Department #4, Soil Erosion, DEQ, and Tuscarora Township for use of the restroom facilities. Motion carried unanimously.			
Final	05/04/2016	PSUP16-0541	030-031-200-002-02	RADLE, RONALD & DEBRA H/W	12714 PARADISE LAKE	SPECIAL USE PERMIT	Requests a Special Use Permit for a Commercial Kennel (Section 9.3.17.). The property is located at 12714 Paradise Lake Road., Hebron Township, parcel #030-031-200-002-02 and is zoned Agriculture and Forestry Management District (M-AF).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.16, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. subject to Health Department requirements, Animal Control requirements and to obtaining a kennel license. Motion carried unanimously.			
Final	06/01/2016	PSPR16-0004	161-024-200-006-00	WILSON, TONI L	3499 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for a Retail, Restaurant and Office (salon) (Sections 13B.2.7. 13B.2.8 and 13B.2.9). The property is located at 3499 South M-27, Tuscarora Township, section 24, parcel #161-024-200-006-00 and is zoned Village Center Indian River Overlay (VC-IR-O).	Motion by Mr. Kavanaugh, seconded by Mr. Ostwald, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to meeting the requirements of Department of Agriculture, Health Department and Department of Building Safety. Motion carried unanimously.			
Final	06/01/2016	PSPR16-0005	161-131-010-002-00	WILSON, TONI; HAROLD HANEL JR; &	6060 RIVER ST	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for a Restaurant (Section 13B.2.8). The property is located at 6060 River Street, Tuscarora Township, parcel #161-131-010-002-00, section 24, and is zoned Village Center Indian River Overlay (VC-IR-O).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department requirements and Department of Building Safety requirements and letters of approval from Soil and Sedimentation and DEQ and a final as-built topography plan. Motion carried unanimously.			
Final	06/01/2016	PSPR16-0006	161-131-012-002-00	TUSCARORA, TOWNSHIP OF	3471 CLUB RD	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for playground equipment (sections 6.2.1 and 4.2.4). The property is located at Onaway Road and Club Road, Tuscarora Township, section 24, parcel #161-131-012-002-00 and #161-131-012-003-02 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements. Motion carried unanimously.			
	06/15/2016	PSUP16-0543	210-018-400-002-01	BONTEKOE, RAE	8739 BRUDY RD	SPECIAL USE PERMIT	Requests a Special Use Permit for an Event Venue (Section 9.3.22.). The property is located at 8739 Brudy Road, Ellis Township, section 18, parcel #210-018-400-002-01 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Determination Under Section 9.3.22, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to no overnight camping, private events only, Zoning Department to assist in indicating 150 parking spaces on the site plan, Health Department requirements and Department of Building Safety requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Lyon)	5	300	240
Final	06/15/2016	PSPR16-0007	161-035-200-019-01	LAPRAIRIE, HOWRD & LISA TTEES	7118 BUNKER RD	SITE PLAN REVIEW	Requests a Site Plan Review for 3 Boat Ports (Section 6.2.2). The property is located at 7118 Bunker Road, Tuscarora Township, section 35, parcels 161-035-200-019-00 and 161-035-200-019-01 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met with a letter of approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Lyon)			

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	06/15/2016	PSPR16-0008	161-131-013-005-00	BRAZIER, ROBERT & MELISSA H/W 1/2INT	3454 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for a Restaurant (Section 13B.2.8). The property is located at 3448 S. Straits Hwy./3450 S. Straits Hwy., Tuscarora Township, section 24, parcels 161-131-013-003-01 and 161-131-013-005-00 and is zoned Village Center Indian River Overlay (VC-IR-O).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that letters of approval be received from Health Department and Department of Building Safety. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill, Jazdzzyk), 1 Nay (Ostwald), 1 Absent (Lyon)	2	120	240
Final	06/15/2016	PSPR16-0009	161-001-200-005-04	SLANEC FAMILY LIVING TRUST & SKRUBA		SITE PLAN REVIEW	Requests a Site Plan Review for sale of Pre made Storage Buildings (Section 6.2.19). The property is located at 556 S. Straits Hwy., Tuscarora Township, section 1, parcels 161-001-400-002-00 and 161-001-200-005-04 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Jazdzzyk, to approve the site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Lyon)			
	07/06/2016	PSUP16-0534 EXT	041-031-200-003-02	PFFP, LLC	5475 WOLLANGUR RD	SPECIAL USE PERMIT	Requests an extension of a Special Use Permit for a Club (Section 9.3.7.). The property is located at 5475 Wollangur Rd., Beaugrand Township, Section 31, parcel #041-031-200-003-02 and is zoned Agriculture & Forestry Management (MAF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the extension of the special use permit based on the General Findings and the Finding of Fact Under Section 18.12. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzzyk), 0 Nays, 2 Absent (Churchill, Lyon)	0	0	240
Final	07/06/2016	PSUP16-0550	161-016-300-001-00	YMCA & YWCA	9728 W M-68 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for construction of an assembly and camp store building (Section 10.3.2). The property is located at 9728 M-68, Tuscarora Township, Section 16, parcel #161-016-300-001-00. The site is zoned Lake & Stream Protection (P-LS).	Motion by Mr. Freese, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to approval from District Health Department #4, Department of Building Safety and Department of Agriculture. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzzyk), 0 Nays, 2 Absent (Churchill, Lyon)			
	07/20/2016	PSUP16-0542	080-024-400-009-00	TBF-CCA #1 PROPERTIES, LLC	6379 RIGGSVILLE RD	SPECIAL USE PERMIT	Requests a Special Use Permit for Manufacturing - Section 6.3.9, and Indoor Storage Facility, Section 6.3.16. The property is located at 6379 and 6418 Riggsville Rd., Munro Twp., section 24, parcel #080-024-400-009-00 and 080-025-200-002-01, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements, Health Department #4 requirements and making an additional recommendation for a smoke alarm. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Ostwald)	3	180	240
Final	07/20/2016	PSUP16-0544	161-M55-033-001-00	INDIAN RIVER UNITED METHODIST	3527 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for Religious Institution - Section 13A.3.4. The property is located at 3527 South Straits Highway, Tuscarora Twp., section 24, parcel #161-M55-033-001-00, and is zoned Village Center Indian River (VC-IR).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Specific Findings of Fact Under Section 13.A.4.1, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety regulations and Health Department regulations. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Ostwald)			
	07/20/2016	PSPR16-0010	091-023-400-016-02	CONNERS, TRAVIS	1050 SAND RD	SITE PLAN REVIEW	Requests a Site Plan Review for Condominium for Private Storage Buildings – Section 6.2.29. The property is located at 1050 Sand Road, Inverness Township, section 23, parcel #091-023-400-016-02, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:  1. Meet Department of Building Safety requirements 2. Meet Road Commission requirements on the access 3. Legal Counsel review and approval of master deed and condominium documents 4. Vegetative screening on the east side before construction begins and in accordance with the Zoning Ordinance 5. Meet Soil and Sedimentation requirements  Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Ostwald)	5	300	240
Final	08/17/2016	PSPR16-0011	161-M55-033-009-00	ASHFORD, KELLY	6016 MARTHA ST	SITE PLAN REVIEW	Requests a Site Plan Review for a Specialty Retail Business – Section 13A.3.16. The property is located at 6016 Martha Street, Tuscarora Township, section 24, parcel #161-M55-033-009-00, and is zoned Village Center Indian River (VC-IR).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the site plan review based on the Findings of Fact Under Section 13A.4.1, General Findings, and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Lyon)			

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	09/07/2016	PSUP16-0545	200-008-100-014-02	FROST, BRIAN K	7455 REAMS RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a Salvage yard - Section 9.3.18. The property is located at 7455 Reams Rd., Mentor Twp., section 8, parcel #200-008-100-014-02, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions:  1. The operation of the facility shall be in full compliance with Part 115, Sold Waste Management, of Natural Resources and Environmental Protection Act being act 451 of 1994. 2. Only source separated materials for recycling as defined by Part 115, 324.1150., Section 11506 (6) shall be temporarily stored on site. 3. Source separated materials shall not be allowed to be speculatively accumulated on site in violation of Part 115, R299.4105, Rule 105 (I). 4. No storage or processing of solid waste per Part 115, 324.11506, Section 11506(3) or (4) is authorized. 5. No burning or burial of solid waste is allowed at the facility. 6. No junk automobiles or other junk vehicles or equipment on the property. 7. Conditions of approval shall be controlling when in conflict with the written plan dated 8/30/16. 8. The berm shall have 3 foot evergreens planted on the top of the berm every 6 feet apart. 9. No toxic or hazardous waste material to be accumulated on site. 10. Furniture/household items are to be kept in an enclosed building. 11. Material to be enclosed within the bermed area and segregated by type (scrap wood, treated wood, wood, recyclable materials, rubbish, yard clippings) in accordance with the state regulations governing. 12. All material to be enclosed within the bermed area and no further accumulation of salvage material anywhere on site until the rest of the area is cleared and the material	16	960	240
	09/07/2016	PSPR16-0012	162-007-300-003-01	YACZIK, DAVID & CHERYL H/W	1499 S STRAITS HWY	SITE PLAN REVIEW	Requests a site plan review for a carry out restaurant - Section 6.2.9. The property is located at 1479 S. Straits Hwy, Tuscarora Twp., section 7, parcel #162-007-300-003-01, and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with approval from the Health Department, Department of Agriculture, Department of Building Safety, and Cheboygan County Road Commission. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 2 Absent (Borowicz, Churchill)	4	240	240
	09/07/2016	PSUP16-0568	171-008-300-013-00	ALEXANDROWSKI PROPERTIES, LLC	4605 BEATTY DR	SPECIAL USE PERMIT	Requests an amendment of a special use permit for outdoor boat storage at a Marina - Section 10.3.5. The property is located at 4605 Beatty Drive, Bowersock Road and Inland Route Drive, Koehler Twp., section 8, parcel #171-008-300-004-00 parcel #171-008-300-013-00, and is zoned Lake and Stream Protection (P-LS) and Agriculture and Forestry Management. The area proposed for outdoor boat storage is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the amended special use permit based on the General Findings as amended, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 2 Absent (Borowicz, Churchill)	0	0	240
	09/21/2016	PSPR16-0013	161-025-200-007-01	JAKEWAY FAMILY TRUST, THE	4104 S STRAITS HWY	SITE PLAN REVIEW	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).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following:  1. Approval from Cheboygan County Road Commission 2. Approval from Michigan Department of Transportation 3. Approval from Department of Building Safety 4. Approval from District Health Department #4 5. Improvements to Old Trail Road are to be in accordance with Cheboygan County Road Commission regulations and completed as soon as practical  Motion carried. 8 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Kavanaugh)	5	300	240
	10/19/2016	PSPR16-0014	161-M55-033-010-00	INDIAN RIVER UNITED METHODIST	3491 S STRAITS HWY	SITE PLAN REVIEW	Requests a site plan review for an exercise business (Office – Section 13B.2.7) The property is located at 3491 S. Straits Hwy., Tuscarora Township, Section 24, parcel #161-M55-033-010-00 and is zoned Village Center Indian River Overlay (VC-IR-O). (This item was tabled at the 10/05/16 Planning Commission meeting).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the site plan based on the Specific Findings of Fact Under Section 20.10 with the stipulation that Department of Building Safety requirements be met and Health Department requirements be met. Motion carried. 8 Ayes, (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)	2	120	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
Final	11/02/2016	PSUP16-0546	011-019-200-012-00	TEE-PEE CAMPGROUND INC	11262 W US-23 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for storage structure (16ft. x 20ft.) at a campground. (Section 6.3.7). The property is located at 11262 W. US-23., Mackinaw Twp., section 19, parcel #011-019-200-012-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting Department of Building Safety requirements. Motion carried unanimously.			
	11/02/2016	PSUP16-0547	162-006-300-004-00	CONNERS, TRAVIS & RENEE H/W	1225 S GRANDVIEW BEACH RD	SPECIAL USE PERMIT	Requests a Special Use Permit for boat storage - Section 6.3.14. The property is located at 1225 South Grandview Beach Road, Tuscarora Twp., section 6, parcel #162-006-300-004-00 parcel #162-006-300-005-00, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Jazdzyk, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:  1. Department of Building Safety requirements be met 2. Health Department requirements be met 3. Signage to meet section 17.19 of Cheboygan County Zoning Ordinance #200 4. Any proposed lighting will have to be indicated on the site plan 5. Submit a statement from the Road Commission that there are no objections to the entrance to Grandview Beach Road  Motion carried unanimously.	5	300	240
	11/02/2016	PSPR16-0015	161-001-400-003-00	CONNERS, TRAVIS & RENEE, TTEES	562 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for a change of use from storage to Boat/ATV sales (Section 6.2.4). The property is located at 562 S. Straits Hwy., Tuscarora Twp., section 1, parcel #161-001-400-003-00 and is zoned Commercial Development (D-CM).	The Planning Commission reviewed the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion by Mr. Freese, seconded by Mr. Churchill, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:  1. Department of Building Safety requirements be met 2. Revised site plan be submitted showing the additional storage areas  Motion carried unanimously.	2	120	240
	11/02/2016	PSPR16-0016	161-035-200-011-00	IIVII CARTS, LLC	5026 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for specialty retail of brick and stone and outdoor storage and display (Section 6.2.19) The property is located at 5026 S. Straits Hwy., Tuscarora Twp., section 35, parcel #161-035-200-011-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.	0	0	240
	11/16/2016	PSPR16-0017	161-131-012-002-00	TUSCARORA, TOWNSHIP OF	3471 CLUB RD	SITE PLAN REVIEW	Requests a Site Plan Review Amendment for relocation of playground equipment structure in an existing township park (Sections 6.2.1., 5.2.1. and 4.2.4.) The property is located at 3471 Club Rd., Tuscarora Township, section 24, parcel #161-131-012-002-00, 161-131-012-003-01 and 161-131-012-003-02 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the site plan review amendment based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Croft, Churchill)	0	0	240
	12/21/2016	PSUP16-0549	162-030-300-001-06	PRECISION FORESTRY, INC	5708 COMMERCE BLVD	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for a vehicle and equipment repair and maintenance building. (Section 7.3.10.) The property is located at 5708 Commerce Blvd., Tuscarora Township, section 30, parcel #162-030-300-001-04, 162-030-300-001-05, 162-030-300-001-06 and 162-030-300-001-07 and is zoned Light Industrial Development (D-LI).	Motion by Mr. Freese, seconded by Mr. Bartlett, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements and proper disposal of hazardous materials. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent	2	120	240
	03/15/2017	PSUP17-0548	140-002-200-006-00	CAMP WALDEN INC	5607 SOUTH RIVER RD	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit for a deck addition to a mess hall at a Camp (Section 10.3.2.) The property is located at 5607 South River Rd, Aloha Township, parcel #140-002-200-006-00 and is zoned Lake and Stream (P-LS) and Agriculture and Forestry Management (M-AF). The portion of the lot where the mess hall is located and the deck addition is proposed is located in the Lake and Stream Protection (P-LS) zoning district.	Motion by Mr. Freese, seconded by Mr. Bartlett, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements and proper disposal of hazardous materials. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent	2	120	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	04/05/2017	PSUP17-0549	104-010-100-002-01	KNAFFLE, ROBERT ET UX	3044 GILPIN RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 3044 Gilpin Road, Benton Twp., section 10, parcel #104-010-100-002-01, and is zoned Agriculture and Forestry Management (M-AF)	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1.a, Finding of Fact Under Section 17.13.2.b, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to FAA letter of approval is to be submitted to Planning & Zoning Department and Department of Building Department Safety requirements are to be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)	2	120	240
	04/05/2017	PSUP17-0550	130-007-100-001-00	JANKOVIK, BERNARD L/E AND	5000 S EXTENSION RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located on South Extension Road, Mullett Twp., section 7, parcel #130-007-100-001-00, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1.a, Finding of Fact Under Section 17.13.2.b, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Department Safety requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)	1	60	240
	04/19/2017	PSUP17-0551	161-012-300-003-03	GRISWOLD MOUNTAIN PROPERTIES, LLC	6444 GRISWOLD MOUNTAIN DR	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (Section 17.13). The property is located at 6444 Griswold Mountain Drive, Tuscarora Twp., section 12, parcel #161-012-300-003-01 and #161-012-300-003-01, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on General Findings, Findings of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2b, the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried unanimously.	0	0	240
	04/19/2017	PSUP17-0552	162-007-300-010-01	ECS INVESTMENTS, LLC	1771 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for Boat Storage and Indoor Storage Facility (50 ft. x 144 ft.) and a change of use for an existing structure from Private Storage to Indoor Storage Facility (40 ft. x 144 ft.) (Sections 6.3.14. and 6.3.16.). The property is located at 1771 and 1829 South Straits Highway, Tuscarora Twp., section 7, parcel #161-007-300-010-01 and #161-012-300-010-02, and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to: 1. Outside storage is for boats only. 2. Department of Building Safety requirements must be met. 3. Signs must meet the requirements of Section 17.19. 4. All outdoor lighting must be notated on the site plan.  Motion carried unanimously.	4	240	240
	04/19/2017	PSUP17-0553	091-034-400-006-03	TEAM ANDREWS ENTERPRISES, INC	6123 N STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for an Indoor Storage Facility (30 ft. x 140 ft.) (Section 6.3.16.). The property is located at 6123 North Straits Highway, Inverness Twp., section 34, parcel #091-034-400-006-03, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting Soil and Sedimentation requirements and Department of Building Safety requirements. Motion carried unanimously.	2	120	240
	04/19/2017	PSPR17-0001	777-A00-000-000-02	COLONY BEACH ASSOCIATION		SITE PLAN REVIEW	Requests a Site Plan Review for a proposed condominium (Section 20.3.d). The property is located at 7491 McDonald Rd., 738 Colony Beach Ln., 694 Colony Beach Ln., 700 Colony Beach Ln., 693 Colony Beach Ln., 715 Colony Beach Ln., Benton Township, Section 29, parcel #104-029-100-056-01, #104-029-100-056-02, #104-029-100-056-03, #104-029-100-056-04, #104-029-100-056-05, and is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan review based on the General Findings and Specific Findings of Fact Under Section 20.10 subject to legal approval of the master deed and Health Department approval. Motion carried unanimously.	2	120	240
	05/03/2017	PSUP17-0554	162-030-300-001-06	PRECISION FORESTRY, INC	5708 COMMERCE BLVD	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for relocation of a truck maintenance building (80 ft. x 160 ft.), construction of two (2) storage buildings (36 ft. x 72 ft. each) and placement of a fuel tank and fuel pump facility. (Section 7.3.10.) The property is located at 5708 Commerce Blvd., Tuscarora Township, section 30, parcel #162-030-300-001-04, 162-030-300-001-05, 162-030-300-001-06 and 162-030-300-001-07 and is zoned Light Industrial Development (D-LI).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the amended site plan be approved based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to: 1. Department of Building Safety approval 2. Health Department approval 3. Revised site plan be submitted showing the existing building 4. Tuscarora Township approval of abandonment of easement Motion carried unanimously.	4	240	240
Final	05/03/2017	PSUP17-0555	220-005-200-001-01	REDMAN COMPANY, LLC	1716 E M-68 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a warehouse contingent upon approval of a rezoning request from Agriculture and Forestry Management District (M-AF) to Light Industrial Development (D-LI). (Section 7.3.11) The property is located at 1716 East M-68 Highway, Walker Township, section 5, parcel 220-005-200-001-01.	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to: 1. Department of Building Safety approval 2. Health Department approval 3. Approval of the rezoning by Cheboygan County Board of Commissioners 4. Submission of elevation drawings for the storage building  Motion carried unanimously.			

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	05/17/2017	PSUP17-0556	041-026-300-003-05	NAGY, BONNIE	1988 LEVERING RD	SPECIAL USE PERMIT	Requests a Special Use Permit for Waste Hauling (Section 7.3.13.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned General Industrial Development (D-GI). (This item was tabled at the 04/19/17 Planning Commission meeting.)	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 7.3.13, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions: 1. Must meet all state, federal, local applicable laws and regulations. 2. Impervious surface is to be provided in the area where the trucks are parked and the dumpsters are stored. This area is to be properly graded to collect the leachate in an enclosed drain system. 3. Liquids must be collected in the enclosed drain system and must be hauled by a licensed industrial hauler. 4. Well and septic inspections by the Health Department. 5. Provide results of a baseline study sample for bacteria, parcel chemical, and volatile organics. 6. Only containers with integral covers to be used. 7. Prior to making any changes to the property, the existing site conditions are to be approved by the Health Department and Zoning Department. 8. No storage of waste in dumpsters. 9. No burning. 10. No recycling. 11. Request that all approvals are to be written approvals for the record. 12. Must comply with the Michigan Uniform Construction Code. 13. Fence to screen the dumpsters from view as required under Section 17.18 of the Zoning Ordinance. 14. Must comply with all applicable requirements of solid waste transporting units under Public Act 451 of 1994 as amended and all applicable administrative rules such as R229.4602 as referenced in PA 451 of 1994 as amended.	24	1440	240
	05/17/2017	PSPR17-0002	172-009-100-001-02	TROMBLE BAY FARMS II, LLC	1313 M-33 HWY	SITE PLAN REVIEW	Requests a Site Plan Review for Riding Academy and Stable Facility (Section 17.15.) The property is located at 1313 M-33 Hwy., Koehler Township, section 9, parcel #172-009-100-001-02 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Jazdzzyk, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Lyon)	0	0	240
Final	06/07/2017	PSUP17-0557	171-020-200-014-00	DREFFS, BRIAN & ERIKA SEIFERT H/W	4362 ONAWAY RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a Commercial Kennel (sections 9.3.17. and 17.16.) The property is located at 4362 Onaway Rd, Koehler Township, section 20, parcel #171-020-200-014-00 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.16, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Cheboygan County Animal Control approval and annual inspections. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)			
	06/07/2017	PSPR17-0003	161-M55-037-001-00	DROSTS CHOCOLATES, LLC	3676 S STRAITS HWY	SITE PLAN REVIEW	Requests Site Plan Review for an outdoor seating area (20ft. x 24ft.) at an existing restaurant use (Section 13A.4.5). The property is located at 3676 S. Straits Hwy., Tuscarora Township, section 24, parcel #161-M55-037-001-00 and is zoned Village Center Indian River (VC-IR).	Motion by Mr. Freese, seconded by Mr. Borowicz, to approve the site plan based on the amended General Findings, Specific Findings of Fact Under Section 13A.4.1, Specific Findings of Fact Under Section 13A.4.5 and Specific Findings of Fact Under Section 20.10 subject to annual approval by the Cheboygan County Road Commission. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)	1	60	240
	06/07/2017	PSPR17-0004	161-012-400-007-02	INDIAN RIVER STORAGE LLC	STORAGE LN	SITE PLAN REVIEW	Requests a Site Plan Review for a proposed site condominium for private storage building use only (Section 20.3.d). The property is located on Straits Hwy., Tuscarora Township, section 12, parcel #161-012-400-007-02 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following conditions: 1. Legal review of the master deed 2. Department of Building Safety requirements be met 3. Cheboygan County Road Commission requirements be met 4. Soil and Sedimentation requirements be met 5. No signage 6. No sewer or water 7. No outside storage 8. Private storage only Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk).	8	480	240
	06/21/2017	PSPR17-0005	161-M55-033-002-00	VANCE, RONALD & BONNIE H/W L/EWPPTS;	3589 S STRAITS HWY	SITE PLAN REVIEW	Requests Site Plan Review for a farm market and artisan specialty retail use (sections 13A.2.7 and 13A.2.16). The property is located at 3589 South Straits Hwy., Tuscarora Township, section 24, parcel #161-M55-033-002-00 and is zoned Village Center Indian River (VC-IR).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings, Specific Findings of Fact Under Section 13A.4.1 and the Specific Findings of Fact Under Section 20.10. subject to Zoning and Health Department approval of food vendors. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Churchill), 0 Nays, 3 Absent (Lyon, Ostwald, Jazdzzyk)	2	120	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	07/05/2017	PSUP17-0558	220-006-400-001-08	DUBOIS, FRANCIS & BRENDA H/W	741 SOULES RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a Contractor's yard. (Section 9.3.20.) The property is located at 741 Soules Road and Montgomery Road., Walker Township, section 6, parcel #220-006-400-001-08 and parcel #220-006-400-001-07 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Ostwald, to approve the special use permit based on the General Findings, Finding of Fact Under Section 9.3.20, Finding of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10 subject to the storage being located behind the existing tree line. Motion carried. 8 Ayes (Bartlett, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk), 0 Nays, 1 Absent (Freese)	1	60	240
	07/19/2017	PSUP17-0559	161-016-300-001-00	YMCA & YWCA	9728 W M-68 HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for replacement of eleven (11) sleeping cabins at an existing Camp (Sections 9.3.4. and 10.3.2.) The property is located at 9728 West M-68 Highway, Tuscarora Township, parcel #161-016-300-001-00 and is zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS).	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety approval and Health Department approval. Motion carried unanimously.	2	120	240
	07/19/2017	PSUP17-0560	091-024-100-012-00	ROBIADK & SONS EXCAVATING INC	750 INDIAN TRAIL RD	SPECIAL USE PERMIT	Requests a Special Use Permit for Indoor storage facilities (Sections 6.3.16. and 9.3.24.) The property is located at 750 Indian Trail Road, Inverness Township, parcel #091-024-100-012-00 and is zoned Agriculture and Forestry Management (M-AF) and Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Bartlett, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.27, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions: 1. Any lighting proposed on the site be added to the site plan 2. Department of Building Safety requirements be met 3. Soil and Sedimentation requirements be met 4. Driveway approval by Cheboygan County Road Commission and Michigan Department of Transportation 5. Any construction in the Agriculture and Forestry portion of the parcel must meet the screening requirements under section 17.27.1 6. Condominium documents are to be reviewed and approved by legal counsel Motion carried unanimously.	6	360	240
	08/02/2017	PSUP17-0561	161-024-200-001-00	INDIAN RIVER GOLF CLUB	3301 CHIPPEWA BEACH RD	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit for construction of a golf cart barn (44 ft. x 112 ft.) at an existing golf course and restaurant (Sections 6.3.7., 9.3.5. and 9.3.7.) The property is located at 3301 Chippewa Beach Road, Tuscarora Township, parcel #161-024-200-001-00. The proposed building is located in the Agriculture and Forestry Management (M-AF) zoning district. Other parts of the property are zoned Commercial Development (D-CM), Residential Development (D-RS) and Lake & Stream Protection (P-LS).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Cheboygan County Road Commission approval, privacy fence or screening be installed around the dumpster and fuel tank, screening of evergreens is to be maintained and a fire alarm within the building. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdyk)	4	240	240
Final	08/16/2017	PSUP17-0562	091-001-400-004-00	DFC OF CHEBOYGAN, LLC	11965 TOWNLINE RD	SPECIAL USE PERMIT	Requests an Amendment to a Special Use Permit to construct a parking garage (18 ft. x 24 ft.) at an assisted/independent living facility as reviewed under Section 9.3.14. (Nursing and convalescent homes). The property is located at 11965 Townline Rd., Inverness Township, section 1, parcel #091-001-400-004-00 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety approval. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk), 0 Nays, 2 Absent (Lyon, Churchill)			
	09/06/2017	PSUP17-0563	220-004-100-007-01	CAMPBELL, PHILIP	6201 N WALKER RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a Contractor's yard. (Section 9.3.20.) The property is located at 2018 M-68/33 Highway and 6201 North Walker Road, Walker Township, section 4, parcel #220-004-100-002-00, parcel #220-004-100-007-01 and part of parcel #220-004-100-007-02 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit based on the General Findings, Findings of Fact Under Section 9.3.20, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Storage building doors on Walker Road are to be kept closed 2. Gravel parking area is for personal use only 3. Hours of operation are from 7:00am – 5:00pm, Monday – Friday 4. Submit revised site plan showing proposed drive off of M-68 with MDOT approval 5. Repair work is to be done within the repair shop Motion carried unanimously.	5	300	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	09/06/2017	PSUP17-0564	130-030-200-013-00	MULLETT TOWNSHIP	1576 N STRAITS HWY	SPECIAL USE PERMIT	Requests an Amendment to a Special Use Permit for a new parking lot and other site improvements at a township park. (Section 13D.3.5.) The property is located at 1576 North Straits Highway, section 30, parcel #130-030-200-013-00. The park is zoned Lake and Stream Protection (P-LS) and Village Center Topinabee Overlay (VC-T-O). The portion of the park where the new parking lot and site improvements are to be located is in the Village Center Topinabee Overlay (VC-T-O) zoning district.	Motion by Mr. Borowicz, seconded by Mr. Jazdzyk, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Rain garden be installed per engineering design 2. Soil and Sedimentation requirements be met Motion carried unanimously.☺	2	120	240
	09/06/2017	PSPR17-0006	172-109-000-011-00	A SWEET SERVICES, LLC	4502 ONAWAY RD	SITE PLAN REVIEW	Requests a Site Plan Review for an accessory storage building, 51ft. x 26ft. (Section 6.2.19). The property is located at 4502 Onaway Rd., Koehler Township, section 20, parcel #172-109-000-011-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the amended site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Material to be moved off of the right of way 2. Equipment to be stored behind the fence 3. Department of Building Safety requirements be met 4. Revised site plan to be submitted to not indicate the display area Motion carried unanimously.	4	240	240
	09/20/2017	PSUP17-0565	210-018-400-002-01	BONTEKOE, RAE	8739 BRUDY RD	SPECIAL USE PERMIT	Requests a Special Use Permit for an Event Venue (Section 9.3.3. pursuant to zoning ordinance amendment #140). The property is located at 8739 Brudy Road, Ellis Township, section 18, parcel #210-018-400-002-01 and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Everyone is to vacate the property by 11:30pm 2. Clean up can continue the next day 3. Approval by the fire department after completion of renovations 4. Department of Building Safety requirements be met 5. Cheboygan County Road Commission requirements be met 6. Health Department #4 requirements be met Motion carried unanimously.	6	360	240
	10/04/2017	PSUP17-0566	162-006-300-004-00	CONNERS, TRAVIS & RENEE H/W	1225 S GRANDVIEW BEACH RD	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for boat storage (6.3.14). The property is located at 1225 South Grandview Beach Road, Tuscarora Twp., section 6, parcel #162-006-300-004-00 parcel #162-006-300-005-00, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements and Cheboygan County Road Commission requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)	2	120	240
Final	10/04/2017	PSPR17-0007	092-R25-000-005-00	NORTHERN SHORE INVESTMENTS, LLC	9656 N M-33 HWY	SITE PLAN REVIEW	Requests a Site Plan Review amendment to reduce the size of Unit 5 of the Rivers Edge Site Condominium and to create a new Unit 6 (20.3.d). The property is located at 9656 N. M-33 Hwy., Inverness Twp., section 17, parcel #092-R25-000-005-00 and is zoned Lake and Stream Protection (P-LS) and Commercial Development (D-CM).	Motion by Mr. Kavanaugh seconded by Mr. Freese, to approve the site plan based on the General Finding and the Specific Findings of Fact Under Section 20.10 subject to written approval from District Health Department #4 on sewage and water. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)			
	10/04/2017	PSPR17-0008	161-M55-039-004-00	DRISKILL, DAVID & LORI REVOC TRUST	3759 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for change of use from office and retail to dwelling unit (13A.2.11). The property is located at 3696 S. Straits Hwy., Tuscarora Twp., section 24, parcel #161-M55-039-004-00 and is zoned Village Center Indian River (VC-IR).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements and District Health Department #4 requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Borowicz)	2	120	240
	11/01/2017	PSUP17-0567	091-020-300-002-00	UNDERWOOD, CHARLES & CAROL H/W	4981 RIGGSVILLE RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13.). The proposed wireless communication facility address is 4802 Carlson Road. The property address is 4981 Riggsville Road. The property is located in Inverness Twp., section 20, parcel #091-020-300-002-00, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1, Findings of Fact Under Section 17.13.2.b, Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6., Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to receiving the specifications on the beacon. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)	1	60	240
	12/06/2017	PSPR17-0009	092-007-400-009-02	CHEBOYGAN FORD LAND, LLC	10459 N STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for auto sales show room, auto receiving and office addition (section 6.2.2). The property is located at 10459 N. Straits Hwy., Inverness Twp, section 7, parcel # 092-007-400-009-02 and # 092-007-400-009-03 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to approval from the Department of Buildings Safety and MDOT. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdzyk), Nays, 2 Absent (Croft, Churchill)	2	120	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	01/03/2018	PSUP18-0003	104-014-100-001-01	BARTON, LARRY & SUZANNE HENDRIX	4168 ORCHARD RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13). The property is located at 4168 Orchard Road, Benton Twp., section 14, parcel #104-014-100-001-01, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Jazdzyk, to approve the special use permit based on the General Findings, Findings of Fact under Section 17.13.1.a Findings of Fact under Section 17.13.2.b, Conditions and Standards under subsections 17.13.2.b.1. through 17.13.2.b.6, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)	0	0	240
	01/03/2018	PSPR18-0002	161-024-400-573-00	STANLEY, GERALD & PATRICIA H/W	3927 S STRAITS HWY	SITE PLAN REVIEW	Requests site plan review for an accessory storage structure at an existing retail business (section 6.2.19). The property is located at 3927 S. Straits Hwy., Tuscarora Twp., section 24, parcel #161-024-400-573-00, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)	0	0	240
	02/07/2018	PSUP18-0004	091-026-305-043-00	NEUMAN, TRAVIS	7396 N STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a manufacturing use (roasting coffee for internet sales. Section 6.3.9.) The property is located at 7396 North Straits Highway, Inverness Township, parcel #091-026-305-043-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Health Department requirements be met 2. Department of Agriculture requirements be met 3. Department of Building Safety requirements be met 4. Signage requirements be met  Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Bartlett, Churchill)	4	240	240
	02/21/2018	PSUP18-0005	130-024-400-002-03	O'GRADY, MICHAEL	130 W DEVEREAUX LAKE RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 130 West Devereaux Lake Road, Mullett Twp., section 24, parcel #130-024-400-002-03, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Findings Of Fact Under Section 17.13.1, Findings Of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting the screening requirements and documentation must be submitted that FAA requirements are met. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon), 0 Nays, 3 Absent (Borowicz, Churchill, Jazdzyk)	2	120	240
	03/07/2018	PSUP18-0006	130-021-100-004-00	BROOKS, KEVIN & TERRIE H/W	2951 N STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 2951 South Straits Highway, Mullett Twp., section 21, parcel #130-021-100-004-00, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Findings of Fact Under Section 17.13.1., Findings of Fact Under Section 17.13.2.b., Conditions and Standards Under Subsections 17.13.2.b.1. through 17.13.2.b.6, Findings of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10 subject to meeting FCC and FAA regulatory requirements, MDOT requirements and screening requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Borowicz, Churchill)	4	240	240
	04/18/2018	PSUP18-0007	130-007-100-001-00	JANKOVIK, BERNARD L/E AND	5000 S EXTENSION RD	SPECIAL USE PERMIT	Requests a one year extension for a Special Use Permit for a wireless communication facility (section 17.13). The property is located on South Extension Road, Mullett Twp., section 7, parcel #130-007-100-001-00, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the one year extension for a special use permit based on the General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting the standards for screening. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent (Churchill, Croft)	1	60	240
Final	05/02/2018	PSUP18-0001	161-035-200-014-00	TIGER BY THE TAIL, LLC	5142 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit Amendment for construction of an Indoor Storage Facility (Section 6.3.16). The property is located at 5142 South Straits Hwy. and 5138 S. Straits Hwy., Tuscarora Township, Section 35, parcel #161-035-200-013-00 and parcel #161-035-200-014-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, supported by Mr. Borowicz, to approve the special use permit based on the general findings, special findings under section 18.7 and 20.10 subject to Department of Building Safety requirements. Motion carried unanimously.			
	05/02/2018	PSUP18-0008	011-021-300-004-00	FCVE, LLC	9730 W US-23 HWY	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit for construction of an addition to a storage, repair and maintenance building (Section 9.3.4.) and for construction of a gazebo (Section 9.3.4) at a campground. The property is located at 9730 W. US-23 Highway, Mackinaw Township, section 21, parcel #011-021-300-004-00 and is zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS).	Motion by Mr. Kavanaugh supported by Mr. Churchill, to approve the amendment to the special use permit based on the General Findings and the Specific Findings of Fact under section 18.7 and 20.10 subject to the requirements of the Department of Building Safety. Motion carried unanimously.	1	60	240

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	05/16/2018	PSUP18-0009	130-030-100-001-02	GALL, TODD & TAMMI H/W		SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 1980 S. Extension Road, Mullett Twp., sections 19 and 30, parcel #130-030-100-001-02, # 130-019-300-002-01 and #130-030-100-001-01, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to MDOT approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)	1	60	240
	05/16/2018	PSUP18-0010	161-021-300-002-03	SACKETT, DAVID & CAROLYN H/W	3616 BOWMAN RD	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless communication facility (section 17.13.). The property is located at 3616 Bowman Dr., Tuscarora Twp., section 21, parcel #161-021-300-002-03, and is zoned Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the revised General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to screening in accordance with the regulation and MDOT approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)	2	120	240
Final	05/16/2018	PSPR18-0003	092-006-300-012-01	FERNELIUS LAND II, LLC	11165 N STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for an auto detail shop addition (section 6.2.2). The property is located at 11165 North Straits Highway, Inverness Township, section 6, parcel # 092-006-300-012-01 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to District Health Department #4 approval, MDEQ approval of wastewater disposal and Department of Building of Safety. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)			
	06/06/2018	PSPR18-0004	151-002-300-001-00	SAVENKOFF, WALLACE & ANNE H/W	5339 TWIN TRAIL DR	SITE PLAN REVIEW	Requests a Site Plan Review for a wireless communication facility (section 17.13.). The property is located at 5339 Twin Trail Road, Grant Township, Section 2, parcel 151-002-300-001-00 and is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to FAA requirements. Motion carried. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Lyon)	1	60	240
	06/20/2018	PSUP18-0011	091-026-200-018-00	CG & KW ENTERPRISES, LLC	7934 N STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a wireless telecommunications facility (section 17.13.). The property is located at 7934 North Straits Highway, InvernessTwp., section 26, parcel #091-026-200-018-00, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Findings of Fact Under Section 17.13.1, Finding of Fact under Section 17.13.2.b., Conditions and Standards under subsections 17.13.2.b.1 through 17.13.2.b.6. Findings of Fact Under Section 18.7 and Specific Findings of Fact Under Section 20.10. subject to Department of Building Safety requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzzyk, Churchill), 0 Nays, 1 Absent (Lyon)	1	60	240
Final	07/11/2018	PSPR18-0001	161-036-100-001-02	VUKE, THERESE R	5015 S STRAITS HWY	SITE PLAN REVIEW	Requests a Site Plan Review for used car sales, per Section 6.2.2. of the Zoning Ordinance. The property is located at 5015 South Straits Highway, Tuscarora Twp., Section 36, Parcel #161-036-100-001-02, and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Health Department approval for well and septic. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)			
	07/11/2018	PSUP18-0002	161-001-200-005-03	STEMPLE, CHAD	164 S STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for a landscaping contractor's yard, per Section 6.3.3. of the Zoning Ordinance. The property is located at 164 South Straits Highway, Tuscarora Twp., Section 1, Parcel #161-001-200-005-03, and is zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF).	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Health Department approval of well and septic 2. MDOT approval of commercial driveway and signage 3. Soil and Sedimentation review 4. Contractor's yard to be confined to Commercial Development (D-CM) portion of the parcel 5. Use of the detailed site plan provided is to be considered the official site plan and not the general parcel description which was also furnished. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 0 Nays, 1 Absent (Jazdzzyk)	5	300	240
	08/15/2018	PSUP18-0012	161-035-200-030-00	TUSCARORA, TOWNSHIP OF		SPECIAL USE PERMIT	An amendment of an approved Special Use Permit to include an outdoor recreational area (sports field), per Section 9.3.4. of the Zoning Ordinance. The property is currently unaddressed and located adjacent to and to the east and south of Cooperation Park in Tuscarora Township, Section 35, parcel #161-035-200-031-03 (this parcel was recently created via combining parcel #s 161-035-200-030-00 and 161-035-200-031-02). The subject property is zoned Agriculture and Forestry Management (M-AF) and Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Submit an amended site plan (to include backstop, dugouts and water well) to Planning & Zoning Department 2. Meet District Health Department #4 requirements 3. Meet Department of Building Safety requirements Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Churchill, Lyon), 0 Nays, 2 Absent (Borowicz, Jazdzzyk)	3	180	240

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	09/19/2018	PSUP18-0014	161-008-300-001-01	BURT LAKE CHRISTIAN CHURCH		SPECIAL USE PERMIT	The applicant has requested approval of a Special Use amendment pursuant to Section 18.11.b. to place an accessory storage building on the subject property that is zoned Lake and Stream Protection (P-LS) and located at 10989 W. M-68, Tuscarora Township, Section 8, Parcel 161-008-300-001-01.	Motion by Mr. Freese, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings and Finding of Fact Under Section 18.7 subject to the following conditions: 1. Meet Department of Building Safety requirements 2. Submission of a revised site plan 3. Obtaining a Building Permit 4. Obtaining a Soil and Sedimentation Permit Discussion held on the need of a Soil and Sedimentation permit and it was decided on was not necessary. Mr. Freese revised his motion to delete the soil and sedimentation permit requirement. Motion carried. 7 Ayes (Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk, Lyon), 0 Nays, 2 Absent (Churchill, Bartlett).	4	240	240
	10/03/2018	PSUP18-0013	210-018-400-002-01	BONTEKOE, RAE	8739 BRUDY RD	SPECIAL USE PERMIT	The applicant is seeking a one year extension of an approved Special Use for an Events Venue for a property zoned Agriculture and Forestry Management (M-AF). Per Section 18.12., an approved special use permit shall expire one year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the Special Use permit. The subject property is located at 8739 Brudy Rd., Ellis Township, Section 18, Parcel 210-018-400-002-01.	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to find that due to unforeseen difficulties beyond the control of the property owner have prevented completion of the project and that standards and requirements for its completion have not changed any that a one year extension of the special use permit be granted. Motion carried unanimously.	0	0	240
	10/03/2018	PSPR18-0006	161-024-400-573-00	STANLEY, GERALD & PATRICIA H/W	3927 S STRAITS HWY	SITE PLAN REVIEW	A request for site plan review approval for an accessory storage structure for an existing retail business in a Commercial Development (D-CM) zoning district, per Section 6.2.19. The property is located at 3927 S. Straits Hwy., Tuscarora Twp., section 24, Parcel #161-024-400-573-00.	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan review based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety. Motion carried unanimously.	1	60	240
	10/03/2018	PSUP18-0015	162-019-100-032-00	THE RIVER DECK, LLC	3249 GRATIOT ST	SPECIAL USE PERMIT	The applicant requests approval of a Special Use application for a bar/restaurant for a property largely within a Lake and Stream Protection (P-LS) zoning district with a portion zoned Commercial Development (D-CM), per Sections 10.3.14. and 6.2.3., respectively. The subject property is located at 3249 Gratiot St., adjacent to the Indian River in Tuscarora Township, Section 19, Parcel 162-019-100-032-00.	Motion by Mr. Freese, seconded by Mr. Churchill, to approve the special use permit subject to the amended General Findings and the Findings of Fact under Section 18.7 subject to the following conditions: 1. The applicant shall install screening to obscure the loading zone from public streets per the requirements of Section 17.4.8.i. Screening shall be repaired and maintained as needed. Additional screening in the form of a double row of Austrian Pines shall be planted along an east/west line along the north property boundary to screen the home north from the parking lot and the restaurant in accordance with Section 17.18. 2. All outdoor lighting fixtures shall be fully shielded to minimize light trespass. 3. Submittal of building permit and soil and sedimentation pollution control permit applications prior to construction. 4. Compliance with all applicable District Health Department requirements. 5. Off street parking on the parcel along Gratiot Street shall be prohibited. 6. Accessible parking spaces to meet the provisions of the Americans with Disabilities Act of 1990 (ADA) standards shall be provided. 7. Any future expansions shall require submittal and approval of a Special Use amendment application per the standards set forth in Section 18.11. 8. Hours of operation shall be limited to 10:00am to 10:00pm during the period May 1st through October 31st. 9. A revised site plan shall be submitted showing screening required by condition 1 (above). 10. Construction shall be in compliance with Department of Building Safety requirements.  11. Outdoor entertainment shall be limited to the hours of 10:00am to 8:00pm on Fridays, Saturdays and Sundays with the exception that they may be extended for additional days to cover holidays on extended holiday weekends.	15	900	240

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	12/05/2018	PSPR18-0005	171-020-200-010-00	SIDES, DOUGLAS & KAREN H/W	3499 EAST MULLETT LAKE RD	ZONING	Site Plan Review for nursery for flowers & plants (proposed use is primarily firewood and landscaping materials storage and sales).	Motion by Mr. Freese, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Relocate sign in accordance with section 17.20B and 17.20C and submit a revised site plan showing its location. 2. Provide curbs and gutters in accordance with Cheboygan County Road Commission requirements. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)	2	120	240
	12/05/2018	PSUP18-0016	092-018-400-007-00	MU CAMPGROUNDS, LLC	9575 N M-33 HWY	SPECIAL USE PERMIT	Requests a special use amendment to construct a non-residential, accessory storage building, per Section 18.11. The subject property is zoned Commercial Development (D-CM) and located at 9575 N. M-33 Hwy., Inverness Twp., Section 18, Parcel #092-018-400-007-00.	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit amendment based on the General Findings and the Finding of Fact Under Section 18.7 with the condition that Department of Building Safety requirements be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)	1	60	240
	12/05/2018	PSUP18-0017	104-033-100-008-00	BRANDT, BRUCE A	6530 N M-33 HWY	SPECIAL USE PERMIT	Requests a special use permit for a motor vehicle sales and/or repair facility, per Section 9.3.2. The subject property is zoned Agriculture and Forestry Management (M-AF) and located at 6530 N. M-33 Hwy., Benton Twp., Section 33, Parcel #104-033-100-008-00.	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Department of Buildings Safety requirement be met. 2. District Health Department #4 requirement be met. 3. MDOT requirement be met. 4. Submission of a revised site plan showing the location of required parking spaces. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)	4	240	240
	02/06/2019	PSPR19-0001	104-029-200-007-12	FRAME LAND HOLDINGS, LLC	1685 ORCHARD BEACH RD	SITE PLAN REVIEW	The applicant has requested site plan review approval for a proposed site condominium, pursuant to Section 20.3.d. of the Zoning Ordinance for construction of private storage buildings. The property is zoned Agriculture and Forestry Management (M-AF) and located at 1685 Orchard Beach Rd., Benton Township, Section 29, Parcel # 104-029-200-007-12. This public hearing item was tabled to a time uncertain at the September 5, 2018 regular meeting of the Planning Commission.	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the following conditions:  Amend Master Deed: 1. No amendment to the Master Deed shall be permitted that would result in a violation of any municipal zoning or police power ordinance, or which would allow a co-owner to violate any municipal zoning or police power ordinance. Amend Bylaws: 1. Similar to aforementioned provision No amendment to the Master Deed shall be permitted that would result in a violation of any municipal zoning or police power ordinance, or which would allow a co-owner to violate any municipal zoning or police power ordinance. 2. To delete all applicable language not in compliance with the requirements of §17.23.1 of the Zoning Ordinance. 3. To include the applicable provisions contained in §17.23.1 of the Zoning Ordinance. General Conditions: 1. Prior to adoption of all proposed amendments to the Bylaws and/or Master Deed, the developer(s) and the successor association shall provide copies of any proposed amendments to Cheboygan County Planning and Zoning for review to ensure compliance with local, municipal zoning and/or police power ordinances. 2. Contractor's yards, contractor's equipment storage and materials handling operations and other commercial and/or industrial storage activities shall be prohibited. 3. Prior to construction, approval of all applicable permits, including from the Planning and Zoning Department, Department of Building Safety, District Health Department #4 and the County Road Commission regarding curb and gutter.	7	420	240
	02/20/2019	PSUP19-0001	130-024-400-002-03	O'GRADY, MICHAEL	130 W DEVEREAUX LAKE RD	SPECIAL USE PERMIT	A request for an extension of an approved Special Use Permit for a wireless communications facility. Per Section 18.12. , an approved Special Use Permit shall expire one year following approval by the Planning Commission unless substantial construction has begun pursuant to the permit prior to permit expiration or the property owner applies to the Planning Commission for an extension prior to expiration. The subject property is zoned Agriculture and Forestry Management (M-AF) and located at 130 W. Devereaux Lake Rd., Mullett Twp., Section 24, Parcel # 130-024-400-002-03.	Motion by Mr. Kavanaugh, seconded by Mr. Jazdzzyk, to approve the extension of the special use permit based on the General Findings, Findings Of Fact Under Section 17.13.1, Findings Of Fact Under Section 17.13.2.b, Conditions, And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting the screening requirements and meeting FAA & FCC requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)	3	180	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	02/20/2019	PSUP19-0002	091-034-400-006-03	TEAM ANDREWS ENTERPRISES, INC	6123 N STRAITS HWY	SPECIAL USE PERMIT	Requests an amendment of a Special Use Permit to construct a 30-ft. x 130-ft. Indoor Storage Facility, per Sections 6.3.16 and 18.11 of the Zoning Ordinance. The subject property is zoned Commercial Development (D-CM) and is located at 6123 North Straits Highway, Inverness Twp., Section 34, Parcel #091-034-400-006-03.	Motion by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting Department of Building Safety requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)	1	60	240
	02/20/2019	PSPR19-0002	092-017-100-005-03	FRANCE, PAUL & SHELLI H/W	9768 N STRAITS HWY	SITE PLAN REVIEW	Requests Site Plan Review approval for outdoor retail sales of storage sheds, gazebos, livestock shelters and small cabins in a Commercial Development (D-CM) zoning district, per Section 6.2.19 (of the Zoning Ordinance (Retail Sales, Specialty). The 2.4-acre subject property is zoned Commercial Development (D-CM), is currently unaddressed, but located just east of the junction of State Highways 27 and 33 in Inverness Township.	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following: 1. Limited to 20 units on site 2. Prior to operation, an address must be obtained from the Cheboygan County GIS/Address Coordinator 3. All structures on site shall comply with minimum setback requirements for the Commercial Development Zoning District. 4. Any future expansion shall require submittal and approval of a site plan review amendment application per standards set forth in Section 20.14.  Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)	4	240	240
	04/03/2019	PSUP19-0003	095-007-400-009-05	CHEBOYGAN FORD LAND, LLC	10459 N STRAITS HWY	SPECIAL USE PERMIT	Requests a Special Use Permit for auto sales show room, sales offices, auto receiving and service bay addition (Section 6.3.4). The property is located at 10459 N. Straits Hwy., 10429 N. Straits Hwy., and 10407 N. Straits Hwy, Inverness Twp., section 7, parcels # 095-007-400-009-05, # 092-007-400-009-03 and 092-007-400-011-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Approval from MDOT 2. Approval from Department of Building Safety 3. Approval from District Health Department #4  Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Churchill)	3	180	240
	05/15/2019	PSUP19-0004	161-032-200-031-03	TUSCARORA, TOWNSHIP OF	5454 S STRAITS HWY	SPECIAL USE PERMIT	Requests an amendment to a special use permit to construct a roof over existing hockey/skating rink; pavilion for summer activities such as family reunions, protection from inclement weather, roller blading and other recreational uses (Section 9.3.4.). The property is located at 5454 S. Straits Hwy., Tuscarora Township, section 35, parcel #161-035-200-031-03 and is zoned Agriculture & Forestry Management (M-AF) and Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting the Department of Building Safety requirements. Motion carried unanimously.	1	60	240
	05/15/2019	PSUP19-0005	161-025-300-013-02	MARLATT, BRENT & ERICA H/W	4599 VAN ETTEN CT	SPECIAL USE PERMIT	Requests a special use permit to construct an Indoor Storage Facility (Sections 6.3.16). The parcels are located at 4579 S. Straits Hwy. and 4599 Van Etten Court, Tuscarora Township, section 25, parcels #161-025-300-013-01 and #161-025-300-013-02 and are zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF). The proposed Indoor Storage Facility will be located in the Commercial Development Zoning District (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. Department of Building Safety requirements be met 2. Move entrance to the west end 3. Evergreen screening to be planted on the east end of the parcel in the fall 4. Hours of operation to be 6:00am to 10:00pm  Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana), 1 Nay (Ostwald), 0 Absent	4	240	240
	05/15/2019	PSUP19-0006	161-024-400-230-15	WHITEWOOD, INC	3842 S STRAITS HWY	SPECIAL USE PERMIT	Requests a site plan review for a proposed change of use from salon to Bar and Restaurant with production and consumption of alcohol product on site, proposed patio and food trucks that includes an existing coffee shop and real estate office. The property is located at 3798 S. Straits Hwy., 3792 S. Straits Hwy. and 3842 S. Straits Hwy., Tuscarora Township section 24, parcels 161-024-400-230-12, parcels 161-024-400-230-13, parcels 161-024-400-230-14 and parcels 161-024-400-230-15 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously. The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the following conditions: 1. District Health Department #4 requirements be met 2. Additions or changes to the approved site plan will require submission of an application for a site plan review amendment  Motion carried unanimously.	2	120	240

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
	06/05/2019	PSUP19-0007	092-018-200-007-00	WOOD, LARRY & CANDACE, CO-TTEES	9851 N STRAITS HWY	SPECIAL USE PERMIT	Requests a special use permit to construct an Indoor Storage Facility (Section 6.3.16). The properties are located at 9867 N. Straits Hwy. and 9879 N. Straits Hwy., Inverness Township, section 18, parcels #092-018-200-005-00 and #092-018-200-007-00 and are zoned Commercial Development (D-CM) and Agriculture and Forestry Management (M-AF). The proposed Indoor Storage Facility will be located in the Commercial Development Zoning District (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting Department of Building Safety requirements. Motion carried unanimously.	1	60	240
	06/05/2019	PSUP19-0008	182-014-200-002-02	UNION BLDG CORP	2124 MAXON RD	SPECIAL USE PERMIT	Requests a special use permit for a convenience store and covered addition per Section 10.3.4 (Retail Stores and Shops). The property is located at 2124 Maxon Road, Waverly Township, section 14, parcel #182-014-200-002-02 and is zoned Lake and Stream Protection (P-LS).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to  1. Approval of variances on parking requirements and loading zone requirements of the regulation 2. Meet Department of Buildings Safety Requirements on any future expansions 3. Meet District Health Department #4 Requirements on any future expansions  Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Johnson, Delana), 0 Nays, 1 Absent (Lyon)	3	180	240
	07/03/2019	PSUP19-0009	041-035-300-008-08	KNAFFLE, TERRY R & DEBORAH H/W	12106 INVERNESS TRAIL RD	SPECIAL USE PERMIT	Requests an amendment of a Special Use Permit to construct three Indoor Storage Facilities, per Sections 9.3.24 (Indoor Storage Facilities) and 18.11 (Amendment of Special Use Permit) of the Zoning Ordinance. The subject property is zoned Agriculture and Forestry Management (M-AF) and is located at 12106 Inverness Trail, Beaugrand Twp., Section 35, Parcel #041-035-300-008-08.	Motion by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit amendment based on the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27 with the following conditions: 1. Meet Department of Building Safety requirements 2. Meet Cheboygan County Road Commission requirement 3. Screening on north side in accordance with Zoning Ordinance #200 4. Meet DEQ requirements Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)	4	240	240
	07/03/2019	PSUP19-0010	251-008-106-051-00	SCHULTZ, BETTY C	4901 WEBB RD	SPECIAL USE PERMIT	Requests a Special Use Permit to construct an Indoor Storage Facility, per Section 6.3.16 (Indoor Storage Facilities) of the Zoning Ordinance. The subject property is zoned Commercial Development (D-CM) and is located at 4901 Webb Road, Nunda Twp., Section 8, Parcel #251-008-106-051-00.	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27 with the following conditions: 1. Meet Department of Building Safety requirements 2. Meet Cheboygan County Road Commission requirement 3. Hours of operation limited to 6:00am to 10:00pm Motion carried. 7Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)	3	180	240
	08/21/2019	PSUP19-0011	161-035-200-013-00	TIGER BY THE TAIL, LLC	5138 S STRAITS HWY	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit per section 18.11 of the Zoning Ordinance to construct two additional indoor storage facilities and outdoor area for boat storage per sections 6.3.16 and 6.3.14, respectively. The property is located at 5138 S. Straits Hwy. and 5142 S. Straits Hwy., Tuscarora Township, section 35, parcel # 161-035-200-013-00 and 161-035-200-014-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to: 1. Department of Building Safety requirements be met 2. Cheboygan County Road Commission requirements be met 3. Outside storage of boats with trailers including personal watercraft 4. Hours of operation will be 6:00am – 10:00pm 5. Screening buffer on the north side Motion carried unanimously.	5	300	240
	08/21/2019	PSUP19-0012	095-007-400-009-05	CHEBOYGAN FORD LAND, LLC	10459 N STRAITS HWY	SPECIAL USE PERMIT	Requests an amendment to a Special Use Permit per section 18.11 of the Zoning Ordinance. The amendment request consists of improving and expanding the existing asphalt parking lot and construction of an additional catch basin. The property is located at 10459 N. Straits Hwy., 10429 N. Straits Hwy., 10407 N. Straits Hwy, Inverness Twp., section 7, parcel # 095-007-400-009-05, 092-007-400-009-03 and 092-007-400-011-00 and is zoned Commercial Development (D-CM).	Motion by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to:  1. Department of Building Safety requirements be met 2. Soil and Sedimentation requirements be met 3. MDOT requirements be met  Motion carried unanimously.	3	180	240
Total Number of Minutes										20760	27120

Final	Approval Date	Permit #	Parcel #	Owner	Address	Permit Type	Request	Approval/Motion	# of Stipulations	Administrative Time	Travel/Inspection Time
									Total Number of Hours	346	452
									Total Number of Days	43.25	56.5

\*60 minutes per stipulation

\*4 hours travel time/inspection time planned for each inspection

\*Admin time and inspection time removed for permits that are finalized



the inability to expand the nonconformity would result in violation of another law. For example if the building expansion is needed so it meets barrier-free requirements, that expansion would have to be allowed to happen, even if zoning does not allow expansion.

A nonconformity can take on a number of different forms:

- It might be a nonconforming parcel. That is the parcel may be too small, or not wide enough, or deep enough, or lacks required access to a public road. But if the parcel was legal when it was created, even though the zoning requirements have since changed, it gets to continue to be used as though it is a conforming parcel.
- It might be a nonconforming building. That is the building may be too small, or large, or tall, or short. It may be the building sits within one or more of the required setbacks. But if the building was legal when it was built, even though the zoning requirements have since changed, it gets to continue to be used as though it is a conforming building.
- It might be a nonconforming land use. That is the activity taking place is a type of land use that is not otherwise allowed in the respective zoning district. But if the land use was legal when it was first started, even though zoning requirements have changed, it gets to continue to be used as through the land use is conforming.
- It might be other dimensional problems. That is the site is such that there are not enough parking spaces, does not have a required buffering or vegetation belt, as well as other measurable/countable site requirements of the zoning ordinance. But if the dimensional problem was legal when it was first started, even though zoning requirements have changed, it gets to continue to be used as through it is conforming.

If in any of the above, the parcel, building, land use, or site requirements, were not legal when it was first started, even though zoning requirements have changed, it is not nonconformity; it is a zoning violation and should be handled with enforcement measures.

Finally, any nonconformity - like any zoning permit, variance, or decision - travels with the land. That means the owner of a nonconformity can sell it, and the new owner continues to have all the rights and ability to continue use of the nonconformity. The owner can also rent, lease, or otherwise allow another to continue to pursue the nonconformity.

So one person may properly be able to continue an activity on their land, while another in the same zoning district is not able to start up the same activity. It is not a result of being unfair or playing favorites. It is a result of protecting someone's property rights and their ability to continue doing what they were doing before new or change zoning regulations were adopted.

Those in [Michigan State University Extension](#) that focus on [land use](#) provide various training programs on planning and zoning, which are available to be presented in your county. Contact your [local land use educator](#) for more information.

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**MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT**  
**Initiated Law 1 of 2018**

An initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act. If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 6, 2018.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

*The People of the State of Michigan enact:*

**333.27951 Short title.**

Sec. 1. This act shall be known and may be cited as the Michigan Regulation and Taxation of Marihuana Act.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

**333.27952 Purpose and intent.**

Sec. 2. The purpose of this act is to make marihuana legal under state and local law for adults 21 years of age or older, to make industrial hemp legal under state and local law, and to control the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved. The intent is to prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age or older; remove the commercial production and distribution of marihuana from the illicit market; prevent revenue generated from commerce in marihuana from going to criminal enterprises or gangs; prevent the distribution of marihuana to persons under 21 years of age; prevent the diversion of marihuana to illicit markets; ensure the safety of marihuana and marihuana-infused products; and ensure security of marihuana establishments. To the fullest extent possible, this act shall be interpreted in accordance with the purpose and intent set forth in this section.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

**333.27953 Definitions.**

Sec. 3. As used in this act:

(a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

(b) "Department" means the department of licensing and regulatory affairs.

(c) "Industrial hemp" means a plant of the genus *cannabis* and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *cannabis* regardless of moisture content.

(d) "Licensee" means a person holding a state license.

(e) "Marihuana" means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

(1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of

germination;

(2) industrial hemp; or

(3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

(f) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

(g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus *cannabis*.

(h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

(i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(j) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(k) "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(l) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(m) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(n) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(o) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(p) "Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.

(q) "Municipality" means a city, village, or township.

(r) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(s) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

(t) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.

(u) "Unreasonably impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

**333.27954 Scope of act; unauthorized activities with marihuana and marihuana accessories; limitations; application of privileges, rights, immunities, and defenses under other marihuana laws; employer rights; property owner rights.**

Sec. 4. 1. This act does not authorize:

(a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;

(b) transfer of marihuana or marihuana accessories to a person under the age of 21;

(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;

(d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;

(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;

(f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;

(g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;

(h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or

(i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.

3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27955 Lawful activities by person 21 years of age or older; terms, conditions, limitations, and restrictions; denial of custody or visitation prohibited.**

Sec. 5. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

(a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;

(b) within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;

(c) assisting another person who is 21 years of age or older in any of the acts described in this section; and

(d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of

age or older, as long as the transfer is not advertised or promoted to the public.

2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.

3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27956 Adoption or enforcement of ordinances by municipality; marihuana establishment local license; annual fee; restrictions on transportation or other facilities prohibited.**

Sec. 6. 1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:

- (a) establish reasonable restrictions on public signs related to marihuana establishments;
- (b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
- (c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and
- (d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.

3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.

4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.

5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27957 Implementation, administration, and enforcement by department; powers; duties; public meetings; annual report.**

Sec. 7. 1. The department is responsible for implementing this act and has the powers and duties necessary to control the commercial production and distribution of marihuana. The department shall employ personnel and may contract with advisors and consultants as necessary to adequately perform its duties. No person who is pecuniarily interested, directly or indirectly, in any marihuana establishment may be an employee, advisor, or consultant involved in the implementation, administration, or enforcement of this act. An employee, advisor, or consultant of the department may not be personally liable for any action at law for damages sustained by a person because of an action performed or done in the performance of their duties in the

implementation, administration, or enforcement of this act. The department of state police shall cooperate and assist the department in conducting background investigations of applicants. Responsibilities of the department include:

(a) promulgating rules pursuant to section 8 of this act that are necessary to implement, administer, and enforce this act;

(b) granting or denying each application for licensure and investigating each applicant to determine eligibility for licensure, including conducting a background investigation on each person holding an ownership interest in the applicant;

(c) ensuring compliance with this act and the rules promulgated thereunder by marihuana establishments by performing investigations of compliance and regular inspections of marihuana establishments and by taking appropriate disciplinary action against a licensee, including prescribing civil fines for violations of this act or rules and suspending, restricting, or revoking a state license;

(d) holding at least 4 public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to administration of this act;

(e) collecting fees for licensure and fines for violations of this act or rules promulgated thereunder, depositing all fees collected in the marihuana regulation fund established by section 14 of this act, and remitting all fines collected to be deposited in the general fund; and

(f) submitting an annual report to the governor covering the previous year, which report shall include the number of state licenses of each class issued, demographic information on licensees, a description of enforcement and disciplinary actions taken against licensees, and a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this act.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27958 Rules; limitations.**

Sec. 8. 1. The department shall promulgate rules to implement and administer this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, including:

(a) procedures for issuing a state license pursuant to section 9 of this act and for renewing, suspending, and revoking a state license;

(b) a schedule of fees in amounts not more than necessary to pay for implementation, administration, and enforcement costs of this act and that relate to the size of each licensee or the volume of business conducted by the licensee;

(c) qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment, provided that a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor;

(d) requirements and standards for safe cultivation, processing, and distribution of marihuana by marihuana establishments, including health standards to ensure the safe preparation of marihuana-infused products and prohibitions on pesticides that are not safe for use on marihuana;

(e) testing, packaging, and labeling standards, procedures, and requirements for marihuana, including a maximum tetrahydrocannabinol level for marihuana-infused products, a requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility, and a requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label;

(f) security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments, provided that such requirements do not prohibit cultivation of marihuana outdoors or in greenhouses;

(g) record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees;

(h) requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced;

(i) reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments;

(j) a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively

impact those communities; and

(k) penalties for failure to comply with any rule promulgated pursuant to this section or for any violation of this act by a licensee, including civil fines and suspension, revocation, or restriction of a state license.

2. In furtherance of the intent of this act, the department may promulgate rules to:

(a) provide for the issuance of additional types or classes of state licenses to operate marihuana-related businesses, including licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana, licenses that authorize the consumption of marihuana within designated areas, licenses that authorize the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation, and licenses intended to facilitate scientific research or education; or

(b) regulate the cultivation, processing, distribution, and sale of industrial hemp.

3. The department may not promulgate a rule that:

(a) establishes a limit on the number of any type of state licenses that may be granted;

(b) requires a customer to provide a marihuana retailer with identifying information other than identification to determine the customer's age or requires the marihuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

(c) prohibits a marihuana establishment from operating at a shared location of a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana processor, or marihuana retailer from operating within a single facility; or

(d) is unreasonably impracticable.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

For the transfer of powers and duties of the department of licensing and regulatory affairs to promulgate rules to regulate industrial hemp to the department of agriculture and rural development by type II transfer, see ERO No. 2019-2, compiled at MCL 333.27001.

### **333.27959 License to operate a marihuana establishment; application; qualifications; issuance; disclosure.**

Sec. 9. 1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

2. The department shall issue the following state license types: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.

3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:

(a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;

(b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;

(c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;

(d) no person who holds an ownership interest in the marihuana establishment applicant:

(1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;

(2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure

transporter; and

(3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.

4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.

5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.

6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure: for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan; for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marihuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.

7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018..

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27960 Lawful activities by marihuana grower, processor, transporter, or retailer; limitations; contracts related to operation of marihuana establishments.**

Sec. 10. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act or the rules promulgated thereunder, the following acts are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection except as authorized by this act, and are not grounds to deny any other right or privilege:

(a) a marihuana grower or an agent acting on behalf of a marihuana grower who is 21 years of age or older, cultivating not more than the number of marihuana plants authorized by the state license class; possessing, packaging, storing, or testing marihuana; acquiring marihuana seeds or seedlings from a person who is 21 years of age or older; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;

(b) a marihuana processor or agent acting on behalf of a marihuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;

(c) a marihuana secure transporter or an agent acting on behalf of a marihuana secure transporter who is 21 years of age or older, possessing or storing marihuana; transporting marihuana to or from a marihuana establishment; or receiving compensation for services;

(d) a marihuana safety compliance facility or an agent acting on behalf of a marihuana safety compliance facility who is 21 years of age or older, testing, possessing, repackaging, or storing marihuana; transferring, obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for services;

(e) a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21 years of age or older,

possessing, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; selling or otherwise transferring marihuana to a person 21 years of age or older; or receiving compensation for goods or services; or

(f) a marihuana microbusiness or an agent acting on behalf of a marihuana microbusiness who is 21 years of age or older, cultivating not more than 150 marihuana plants; possessing, processing, packaging, storing, or testing marihuana from marihuana plants cultivated on the premises; selling or otherwise transferring marihuana cultivated or processed on the premises to a person 21 years of age or older; or receiving compensation for goods or services.

(g) leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act;

(h) enrolling or employing a person who engages in marihuana-related activities allowed under this act;

(i) possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp; or

(j) providing professional services to prospective or licensed marihuana establishments related to activity under this act.

2. A person acting as an agent of a marihuana retailer who sells or otherwise transfers marihuana or marihuana accessories to a person under 21 years of age is not subject to arrest, prosecution, forfeiture of property, disciplinary action by a professional licensing board, denial of any right or privilege, or penalty in any manner, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to this act.

3. It is the public policy of this state that contracts related to the operation of marihuana establishments be enforceable.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27961 Marihuana establishments; requirements; limitations.**

Sec. 11. (a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

(b) A marihuana establishment may not cultivate, process, test, or store marihuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.

(c) A marihuana establishment shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marihuana and marihuana accessories.

(d) No marihuana establishment may refuse representatives of the department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

(e) No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

(f) No marihuana establishment may sell or otherwise transfer marihuana that was not produced, distributed, and taxed in compliance with this act.

(g) A marihuana grower, marihuana retailer, marihuana processor, marihuana microbusiness, or marihuana testing facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.

(h) A marihuana secure transporter may not hold title to marihuana.

(i) No marihuana processor may process and no marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.

(j) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995), unless the marihuana is transferred for consumption on the premises where sold.

(k) No marihuana establishment may sell or otherwise transfer tobacco.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27962 Deduction of certain expenses from income.**

Sec. 12. In computing net income for marihuana establishments, deductions from state taxes are allowed for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27963 Imposition of excise tax.**

Sec. 13. 1. In addition to all other taxes, an excise tax is imposed on each marihuana retailer and on each marihuana microbusiness at the rate of 10% of the sales price for marihuana sold or otherwise transferred to anyone other than a marihuana establishment.

2. Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed by this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section.

3. The department of treasury shall administer the taxes imposed under this act and may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, that prescribe a method and manner for payment of the tax to ensure proper tax collection under this act.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27964 Marihuana regulation fund; creation; administration; allocation of expenditures.**

Sec. 14. 1. The marihuana regulation fund is created in the state treasury. The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.

2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.

3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:

(a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;

(b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;

(c) 35% to the school aid fund to be used for K-12 education; and

(d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27965 Violations; penalties.**

Sec. 15. A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.

2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:

(a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;

(b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;

(c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.

3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:

(a) for a first violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.

(b) for a second violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.

4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

### **333.27966 Failure to act by department; application to municipality.**

Sec. 16. 1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

3. If a municipality issues a municipal license pursuant to this section:

(a) the municipality shall notify the department that the municipal license has been issued;

(b) the municipal license has the same force and effect as a state license; and

(c) the holder of the municipal license is not subject to regulation or enforcement by the department during

the municipal license term.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

**Compiler's note:** This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

**333.27967 Construction of act; effect of federal law; severability.**

Sec. 17. This act shall be broadly construed to accomplish its intent as stated in section 2 of this act. Nothing in this act purports to supersede any applicable federal law, except where allowed by federal law. All provisions of this act are self-executing. Any section of this act that is found invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.

**History:** 2018, Initiated Law 1, Eff. Dec. 6, 2018.

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