



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, SEPTEMBER 7, 2016 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

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

1. **BRIAN FROST** - 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). *(This item was tabled at the August 17, 2016 Planning Commission meeting.)*
2. **JOHN ALEXANDROWSKI / ALEXANDROWSKI PROPERTIES, LLC** - 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)
3. **DAVID YACZIK** - 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).
4. An Ordinance to Amend Section 17.19. of the Cheboygan County Zoning Ordinance No 200 to provide definitions, regulations and standards for signs.

### **UNFINISHED BUSINESS**

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

### **NEW BUSINESS**

### **STAFF REPORT**

### **PLANNING COMMISSION COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, AUGUST 17, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk  
**ABSENT:** Lyon  
**STAFF:** Scott McNeil  
**GUESTS:** Carl Muscott, Eric Boyd, Tony Matelski, Russell Crawford, Cheryl Crawford, John F. Brown, Judy Ostwald

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. Mr. McNeil stated that he would like to talk to the Planning Commission about the boathouse survey and requested that it be added to the agenda. **Motion** by Mr. Churchill, seconded by Mr. Ostwald, to approve the agenda as revised. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

### APPROVAL OF MINUTES

The August 3, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Jazdzyk, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

### PUBLIC HEARING AND ACTION ON REQUESTS

**Kelly Ashford** – 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).

Mr. McNeil stated that Ms. Ashford is unable to attend this meeting. Mr. McNeil referred to the site plan and reviewed the parking, seasonal residence and the seasonal retail space. Mr. McNeil stated that the Planning Commission previously approved a site plan for an outdoor adventure commercial business. Mr. McNeil stated that there are 6 off street parking sites required under the ordinance. Mr. McNeil stated that the Planning Commission can waive these requirements if they see that public parking can be met. Mr. McNeil stated that the site plan provides for 5 parking spaces and there are other parking spaces along the street indicated on the site plan. Mr. McNeil stated that this use falls under the specialty retail use which is an allowed use with a site plan review.

Mr. Kavanaugh asked if this application was submitted after the business had already begun operating. Mr. McNeil stated yes. Discussion was held.

Ms. Croft asked for public comments. Mr. Muscott stated there are no elected officials or planning commission members from Tuscarora Township attending this meeting. Mr. Muscott commended Ms. Ashford for taking an empty building and using it for a commercial business. Public comment closed.

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed the Findings Under Section 13A.4.1, **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to find that the available parking is sufficient. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzyk), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed and approved the General Findings. and the Specific Findings of Fact Under Section 20.10. **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, Jazdyk), 0 Nays, 1 Absent (Lyon)

**Brian Frost** - 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). (This item was tabled at the August 3, 2016 Planning Commission meeting.).

Ms. Croft stated that Mr. Frost has asked that this request be tabled. Ms. Croft stated that Mr. Frost is aware that this is the last time that the Planning Commission can approve a request to table. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to table Mr. Frost's request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

## **UNFINISHED BUSINESS**

### **Review of proposed Zoning Ordinance Amendment regarding Mobile Food Units**

Mr. McNeil stated that this proposed amendment has been reviewed by legal counsel. Mr. McNeil stated that section 17.29.a and 17.29c have been added as a result of legal counsel review. Mr. McNeil stated that section 17.29a restricts mobile food units from the road right-of-way and the language has been updated for section 17.29c which requires site plan review for more than one unit on a lot. Mr. McNeil stated that this amendment allows mobile food units within the Commercial Development Zoning District to be approved with a zoning permit. Mr. McNeil stated all of the requirements in section 17.29 will be demonstrated in the application.

Mr. Freese referred to section 17.29.a and questioned if this use will not be governed on the street. Mr. McNeil stated yes, as we cannot take the jurisdiction of the Road Commission.

Mr. Jazdyk referred to section 17.29.b and noted that a zoning permit is required for each location. Mr. Jazdyk stated that food trucks do change locations and the locations may change on the spur of the moment if they are not making money. Mr. Borowicz stated it may depend on the time of the day. Mr. Jazdyk stated his concerns regarding a permit being required for each location and for the \$30.00 zoning permit fee. Mr. Jazdyk questioned if the permit will expire after a specific time period. Mr. McNeil stated that the permit will be forever as long as the business owner has an agreement with the property owner. Mr. Churchill explained that the business owner could have 3 permits (for 3 different parcels) and could move from one location to the next. Mr. McNeil stated that the business owner will have to have the zoning permits in advance. Discussion was held. Mr. Jazdyk stated that this will be difficult for the business owner. Discussion was held regarding the mobile food unit not being on a lot for more than 30 days in a calendar year. Mr. Borowicz stated that the mobile food unit may operate for up to 6 months in a year and the 30-day limitation is restrictive. Mr. Ostwald agreed with Mr. Borowicz. Mr. McNeil suggestion changing the 30 days to 90 days. Mr. Jazdyk asked if an applicant can list more than one location on the zoning permit application. Ms. Croft read from section 17.29.b "A zoning permit shall be required for each location....". Mr. McNeil noted that each property owner must sign each application. Mr. McNeil stated that he will review having more than one location on a permit. Mr. Jazdyk stated that West Coast Taco had their mobile food unit next to their restaurant all year, even when it was not in use. Mr. Jazdyk stated it was only used in the summer. Mr. McNeil stated that he can add language such as "when goods are being sold." Mr. Borowicz suggested changing the number of days to 120 days to allow for the tourist season. Mr. Kavanaugh referred to the definition of Mobile Food Unit and stated that there should be a definition for vehicle-mounted. Discussion was held. Mr. Freese stated that there should be a definition for vehicle-mounted food service unit, whether it is just a unit on a vehicle, or it is a trailer or it is both.

### **Review of proposed Zoning Ordinance Amendment regarding Planned Unit Development**

Mr. McNeil stated that this amendment was reviewed by legal counsel. Mr. McNeil stated that legal counsel has suggested language in section 19.3 to allow any use into a PUD except those that are exclusively allowed in the Light Industrial Zoning District and General Industrial Zoning District. Mr. McNeil stated that language has been added to section 19.12.2 which allows the Planning Commission to approve amendments which cannot be approved by the zoning administrator. Mr. McNeil stated language has been included regarding public hearings. Mr. McNeil stated that legal counsel has put up a protest regarding having the approval process, not only go through the Planning Commission but also through the Cheboygan County Board Of Commissioners. Mr. McNeil stated that Mr. Graham recommends that the Planning Commission approve the PUD since it is allowed by law or that the Cheboygan County Board Of Commissioners should be consulted as they are not normally put in this position to make these types of decisions. Mr. Kavanaugh suggested writing a letter to the Cheboygan County Board Of Commissioners and request their input.

Mr. Jazdyk referred to section 19.3 and read, "Except as provided herein, the permitted uses within a PUD may consist of any use authorized in any zoning district. Any proposed use, however, shall be consistent with the county master plan for the location in which the use will be developed...". Mr. Jazdyk stated that his understanding of the Master Plan is that it is a guideline. Mr. Jazdyk stated that it is not a law and the Planning Commission does not refer to it for every decision that is made. Mr. Jazdyk stated that the Master Plan becomes obsolete in 5-7 years as things change year to year. Mr. Kavanaugh stated that the word "shall" can be changed to "should". Mr. McNeil stated that legal counsel included it is because if it is not consistent with the Master Plan, then it could be subject to challenge. Mr. McNeil stated that this language requires the Planning Commission to make a finding that it is consistent with the Master Plan. Mr. McNeil stated if this is not what the Planning Commission wants, then the Master Plan can be amended. Discussion was held regarding the process to amend the Master Plan prior to making a decision on a PUD. Mr. Borowicz and Mr. Freese stated their concerns regarding the Planning Commission having to modify the Master Plan prior to each PUD request if the proposed use is not allowed in the district. Discussion was held. Mr. McNeil stated that he will review these concerns with legal counsel.

### **Boat House Survey**

Mr. McNeil stated the Planning Commission may want to consider other techniques (focus groups, samples) besides a survey. Mr. Freese stated he envisions a letter explaining that there is a proposal to allow a boat structure in specific areas. Mr. Freese stated that a diagram of the boat structure should be provided also. Mr. Freese stated that the survey should ask if the property owner approves or not approves of this proposal. Discussion was held.

### **NEW BUSINESS**

No comments.

### **STAFF REPORT**

No comments.

### **PLANNING COMMISSION COMMENTS**

Discussion was held regarding enforcement.

### **PUBLIC COMMENTS**

Mr. Brown referred to the proposed Zoning Ordinance Amendment regarding Mobile Food Units and stated that the Planning Commission may be trying to target one or two units that are currently operating in town. Mr. Brown stated that Schwan's Food Service and farmer's market should be considered mobile food units. Mr. Brown noted that big corporations in town have customer appreciation days where they roast a pig. Mr. Brown stated that more thought should be put in this amendment. Mr. Freese stated that a farmer's market is not preparing (cooking) food for service. Mr. Brown stated the definition does not say that the food must be cooked. Mr. McNeil read from the definition of Mobile Food Unit, "... designed to be readily movable without disassembly where food and beverages are served primarily for consumption off-premises and may have limited outdoor seating." Mr. McNeil stated that this does not include a special event. Mr. McNeil stated that a requirement for the mobile food unit is that the food is to be prepared within the mobile food unit. Mr. Borowicz suggested including language that all food sold in a mobile food unit should be food related and prepared within the mobile food unit. Mr. McNeil stated that this amendment will be brought back to the Planning Commission for review. Mr. Muscott stated that if a farmer's market sells a caramel apple and it is consumed at that location then it will fall within this definition. Mr. McNeil stated that food can be consumed at a farmer's market and farmer's markets are dealt with separately. Discussion was held.

### **ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:50pm.

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Charles Freese  
Planning Commission Secretary

# CHEBOYGAN COUNTY PLANNING COMMISSION

Brian Frost – *Revised 09/06/16*

## Exhibit List

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

*The following items were added to the exhibit list on 06/23/16:*

6. E-Mail Dated 06/16/16 From John Ozoga To Steve Schnell (1 Page)

*The following items were added to the exhibit list on 06/28/16:*

7. Notice Of Planning Commission Meeting (1 Page)

*The following items were added to the exhibit list on 07/06/16:*

8. E-Mail Dated 06/30/16 From Brent Shank, Cheboygan County Road Commission Manager (1 Page)

*The following items were added to the exhibit list on 07/18/16:*

9. Letter Dated 07/13/16 From Tom, Tracy And Tommy Skinner (1 Page)

*The following items were added to the exhibit list on 08/03/16:*

10. Undated Letter From Brian Frost (1 Page)
11. Letter Received On 07/20/16 From Mark And Sherry Pionk To Cheboygan County Planning Commission (2 Pages)
12. Pictures Submitted On 07/20/16 From Mark Pionk (1 Page)

*The following items were added to the exhibit list on 09/01/16:*

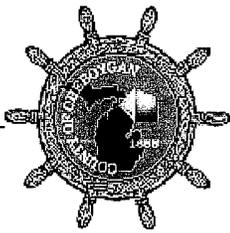
13. Written Plan Dated 08/30/16 From Brian Frost To Planning Commission (5 Pages)
14. Revised Site Plan Dated 08/31/16 (1 Page)

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

15. Letter Dated 09/05/16 from Marilyn Rashid to Planning Commission (1 Page)
- 16.
- 17.

Note: Planning Commission members have exhibits 1 and 2.





# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

*Salvage metal Resale*  
*Source-separating waste, metal salvage only stored on site*

Site Plan Standards.

### PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

*No change*

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

\_\_\_\_\_

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

*No change*

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

*No change*

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

*Yes*

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

*Yes*

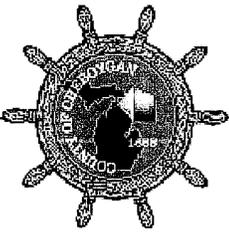
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

*Not applicable*

- h. Exterior lighting shall be arranged as follows:

- i. It is deflected away from adjacent properties. *no additional light*
- ii. It does not impede the vision of traffic along adjacent streets. \_\_\_\_\_
- iii. It does not unnecessarily illuminate night skies. \_\_\_\_\_

SPECIAL LAND USE PERMIT APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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SPECIAL LAND USE PERMIT APPLICATION

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

No Change

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

yes

3. Size of property in sq. ft. or acres: 8

4. Present use of property:

Continuation of existing / business

5. SUP Standards:

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

yes

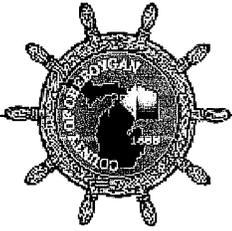
- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? **Explain.** No

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

- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? **Explain.** yes

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.** No

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** yes



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g. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? yes

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

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

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

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

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

### AFFIDAVIT

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

Applicant's Signature

[Signature] \*

Date

6-9-16

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

Yes  No

Owner's Signature

[Signature] \*

Date

6-9-16

### PLANNING/ZONING DEPARTMENT ONLY

Date Received:	<u>6/14/16</u>	Notes:
Fee Amount Received:	<u>\$220.00</u>	
Receipt Number:	<u>5082</u>	
Public Hearing Date:	<u>7/20/16</u>	

Planning/Zoning Administrator Approval:

[Signature]  
Signature

6/14/16  
Date

SPECIAL LAND USE PERMIT APPLICATION

# SPECIAL LAND USE PERMIT APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

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

SPECIAL LAND USE PERMIT APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

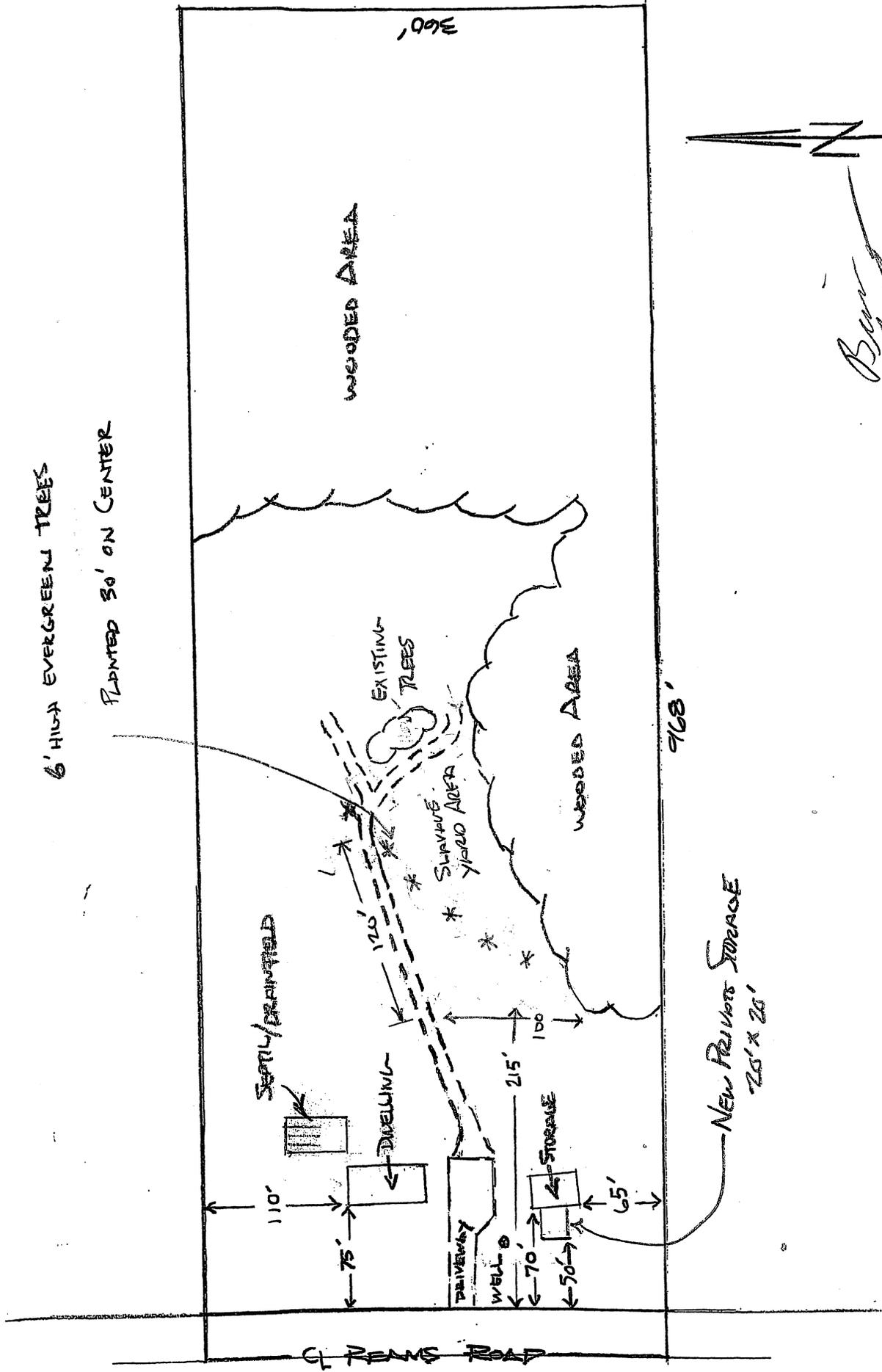
<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
d.	No topo CHANGE

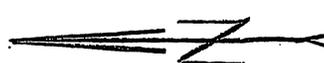
**AFFIDAVIT**

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

  
 \_\_\_\_\_  
 SIGNATURE

6-9-16  
 \_\_\_\_\_  
 DATE



  
 4-15-16  
 SCALE 1" = 100'

16-200-007-300-001-00  
STATE OF MICHIGAN  
PO BOX 30448  
LANSING MI 48909

16-200-008-100-014-02  
OCCUPANT  
7455 REAMS RD  
WOLVERINE, MI 49799

16-200-007-400-001-00  
DOBBS, EDWARD & MARILYN H/W  
1928 BATTLE CREEK RD  
CHARLOTTE MI 48813

16-200-008-100-014-04  
OCCUPANT  
7385 REAMS RD  
ALANSON, MI 49706

16-200-008-100-014-02  
FROST, BRIAN K  
7455 REAMS RD  
ALANSON MI 49706

16-200-008-100-014-03  
PIONK, MARK & SHERRY H/W  
48415 STONEACRE DR  
MACOMB MI 48044

16-200-008-100-014-04  
DROGOWSKI, GREG & JODI H/W  
7385 REAMS RD  
ALANSON MI 49706

16-200-008-200-001-00  
STATE OF MICHIGAN  
PO BOX 30448  
LANSING MI 48909

16-200-008-300-001-00  
DOBBS, EDWARD & MARILYN H/W  
1928 BATTLE CREEK RD  
CHARLOTTE MI 48813

## Steve Schnell

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**From:** Ozoga, John (DEQ) <OZOGAJ@michigan.gov>  
**Sent:** Wednesday, June 15, 2016 9:58 AM  
**To:** Steve Schnell  
**Cc:** Roycraft, Phil (DEQ); Woods, Vence (DEQ); Drogowski, Greg (DNR); Fitzgerald, Joseph (DEQ); Radulski, Rebecca (DEQ); Burke, Brian (DEQ); 'drekowski@nemcog.org'  
**Subject:** Special Use Permit - Mr. Brian Frost Residence, 7455 Reams Road, Alanson, MI

Steve, as we discussed, it would be advisable to include the following conditions (if) a Special Use Permit (Permit) is issued for collecting scrap metal and other source separated recyclable materials at the Mr. Frost residence. (a) The operation of the facility shall be in full compliance with the Part 115, Solid Waste Management, of NREPA, 1994 PA, Michigan Compiled Law 324.11501 et seq.; and rules promulgated thereunder. (b) Only source separated materials for recycling as defined by Part 115,324.11506, Sec. 11506 (6) shall be temporarily stored onsite. (c) Source separated materials shall not be allowed to speculatively accumulated onsite in violation of Part 115, R299.4105, Rule 105 (I). (d) No storage or processing of solid waste as per Part 115, 324.11506, Sec. 11506 (3) or (4) is authorized under the Permit. (e) No burning or burial of solid waste is allowed at the facility.

Complete copies of each of the aforementioned statutory and rule citations have already been sent to you. It is my understanding that a public hearing for this pending Permit will be held on July 20, 2016 at the Cheboygan County Office. After the hearing it my understanding that site inspection will be scheduled prior to making a decision on the Permit. If possible I would like to attend the inspection to assure that no remaining solid waste violations are occurring at the site. If you have any questions please feel free to contact me at 231-429-1719 or 989-705-3403.

**NOTICE**  
**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING**  
**WEDNESDAY, JULY 20, 2016 AT 7:00 PM**  
**ROOM 135 – COMMISSIONERS ROOM**  
**CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **JOHN PRZYBILA / EJS RIGGSVILLE RD, LLC** - 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 is zoned Commercial Development (D-CM).
- 2.) **BRYAN FROST**- 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)
- 3.) **INDIAN RIVER UNITED METHODIST CHURCH / CASS CASUCCI** - 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).

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

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

## Deborah Tomlinson

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**From:** Brent Shank [<mailto:mgr@chcrc.com>]  
**Sent:** Thursday, June 30, 2016 1:08 PM  
**To:** Deborah Tomlinson  
**Subject:** Re: 07/20/16 PC Agenda

Debbie,

That worked much better. I have reviewed the proposed items and there are no issues/concerns from the Road Commission.

Thank you,

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

July 13, 2016

**RECEIVED**

JUL 18 2016

CHEBOYGAN COUNTY  
COMMUNITY DEVELOPMENT DEPT.

Cheboygan County Planning & Zoning Dept.

870 South Main St., #103

Cheboygan MI 49721

Re: Brian Frost Zoning request

Dear Zoning Board:

It is our understanding that Brian Frost is currently in violation of zoning and is now seeking permission to create a salvage yard at his residential property rather than to comply with zoning enforcement. We live in a peaceful, beautiful valley and our family is strongly opposed to changing the zoning to allow a salvage yard in a residential area. We support the county enforcing the current zoning and expect further dumping to cease and the area to be cleaned up. We oppose rewarding his refusal to clean up this area by granting a change in zoning.

Sincerely,

*Tom Skinner, Tracy Skinner*

*Tommy Skinner*

Tom, Tracy and Tommy Skinner

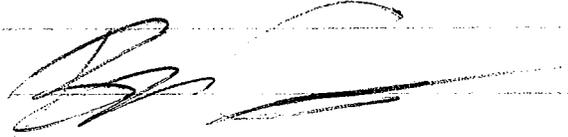
7071 Reams Rd.

Alanson, MI 49706

(231) 330-4567

(231) 330-4321

We are using our  
land as a means  
of recycling used  
items & turning them  
around for resale. We  
are not opening or  
creating a junk yard.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Received 7/20/16

To: The Cheboygan County Planning Commission.

From: Mark and Sherry Pionk  
48415 Stoneacre Dr.  
Macomb, MI 48044

Re: Special use for a salvage yard by Bryan Frost

My wife and I are the property owners of the 6 acres adjacent to and north of the property at 7455 Reams road. We are very much in opposition to the special use permit requested by Mr. Bryan Frost because it will have a devastating effect on the value of our property. We purchased this property because of its pristine condition and the fact it was directly adjacent to the Wildwood recreation area and hiking trail. We purchased this property from Greg and Jodi Drogowski, both of us working on a painstaking purchase agreement that would preserve the integrity and rural quality of the property and the area and includes a ban on any commercial use.

Our property is on a small hill that overlooks the land owned by Mr. Frost and the refuse that has already dumped on his land is an eyesore that has affected the quality and value of our property. Since we overlook the property owned by Mr. Frost there is no way his request to run a salvage yard would not do irreparable damage to the value and enjoyment of our land. Who would want to build a home on a hill overlooking a salvage yard, who would want to purchase this property from us? The answer is no-one. A salvage

yard does not fit in this area and will only be a detriment to the quality of life and property values. Before we purchased this property we were very careful to check the whole area and the zoning regulations. We have already taken a financial hit because of the real estate downturn and it would be unbelievably unfair to change the rules and devastate property values further for us and our neighbors.

We have had roots in the area since 1969 when my family built a house on Newson Road. My parents retired to that home in 1979 and my two brothers also live in the immediate area. My wife and I purchased this property years ago in order to build a home for our family and to eventually retire here. We purchased the land when prices were at a premium only to see the value fall during the recession of 2008/2009. During that time the company that I have worked at for over 30 years nearly went out of business and my wife was diagnosed with cancer, which prevented us from building a home on this property. We are still planning on doing so and urge the planning commission to deny this request and preserve the rural integrity and beauty of the land and the Wildwood recreation area.

Sincerely,

Mark and Sherry Pionk



08/30/2016

Applicant	Owner	Parcel
Brian Frost	Brian Frost	7455 Reams Rd
7455 Reams Rd	7455 Reams Rd	Mentor Township
Alanson, MI 49706	Alanson, MI 49706	Code #200-008-100-014-02

To: Cheboygan County Planning Commission

Enclosed is my written plan requesting a special use permit. In this plan I will be addressing what I will be bringing to my parcel, how I will store it and how I will conceal it from public view. Please know that I will never bring hazardous or toxic materials to the site, so there will be no problems with having anything seep into the ground to cause problems to any neighbors or myself. I have owned a landscaping business since 1990 and since that time I have expanded my landscaping to include other facets of business such as cleaning out houses, where I actually bring the sorted items back to my shop to discard, reuse or recycle the items.

Thank you for your time and consideration in allowing me to have this special use permit.

13

The first thing I would like to address is Section 3.6.4.2 which covers whether or not my business will be affecting the water table or cause pollution of surface or ground waters. I can assure the planning commission that I will not be bringing in any hazardous or toxic materials at any time. I have no intention nor have I ever had any intentions of trying to pollute my water or my neighbor's water or cause safety or health hazards. The items I will be bringing to my site will include household items, furniture, scrap steel, boat dock material, and scrap lumber. The household items and furniture are brought in from customer's homes who ask for a complete cleanout of their location. I will also be bringing in concrete, brush and firewood. There may also be occasion to bring in grass clippings and tree limbs, since my main occupation is landscaping. I may occasionally bring in many other landscaping items such as pavers, empty plastic plant containers, wood chips, etc. I have no intension of ever bringing in any junk or scrap automobiles of any type. It has been brought to my attention people are concerned I will be using this junk yard/salvage yard permit to bring in actual junk autos, this is not my intention

I will be addressing Section 3.6.4.3 later in my plan, however, I would like to stress the fact that Section 3.6.4.2, 3.6.4.4, and 3.6.5 will not pertain to my business because I have absolutely no intension of bringing in any toxic or hazardous items.

Section 3.6.4.3 refers to the enclosure of such items as mentioned above. I would like to assure the planning commission I will be storing all household materials, and any other furniture items under a tarp behind the enclosure. Regarding the landscaping material, including the concrete, grass clippings, wood, scrap lumber, dock material, etc, I will

be having a company, who I have already contacted come to my place of residence to create a berm if approved that will be at least 8 feet tall, if not taller to cover it. I would like this berm to cover the North and West side of my property, which was discussed with Steve. Since I own the East and South side of my property, plus it is covered by woods and hills, it was found through my discussion with Steve that a berm on those sides might be unnecessary. This berm will be made within one month of the approval of my plan. My goal has been since expanding my business to make sure if I have any household items, furniture or etcetera, I will get them ready for resale. I have already taken a trailer load and sold it at one sale in Indian River. I then took another 2 full trailer loads to the Flywheeler Flea Market and sold 75% of the items. The items left from this sale are currently under a tarp and will be placed behind the berm once approved. The metal that is brought to the sight will only stay for one year at the maximum from the time it is brought on to the site and then will be set up for resale. I have no intentions of keeping metal on my site for extended periods beyond the year waiting for the price to increase.

There will be no negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person. The proposed berm will conceal all items from the neighbors. Also, the hours of operation will not interfere with my neighbors. The only time there may be smoke or fumes will be when the natural landscape material, such as grass clippings, limbs, etc are burned when weather conditions are safe and a permit is acquired.

There will be no increased demands on fire, police, or other public resources in excess of current capacity and due to the fact we will not have any toxic waste or other hazards I should not be placing any danger to the subject property or adjacent properties.

At the current time we do not have any signage in front of the house and use the driveway to access the business. I also have adequate water and septic facilities.

The only change I plan on making to my property is to make a berm that is 8 feet tall if approved. I will not be creating any problems with storm water drainage or be affecting any of my neighbors with storm drainage problems.

Contrary to popular belief as stated by my neighbors in the meeting, I have every intention of doing what is required for this permit. I currently have set up a schedule with Brian Howard at the Cheboygan County Jail and have implemented their services, therefore every 3 weeks I have 4 to 5 inmates coming to my place of residence/business to help keep things organized. I have also removed all of the metal from my property and will continue to keep care of this portion.

My proposed time line for items to be brought to the property and stored behind the enclosure are as follows:

Metal - no longer than one year from the date of it arriving on my property

**Natural Landscaping materials - These shall be burned as approved with a permit preferable once to twice a year.**

**Household material – This will be removed from the property within one to two months.**

**Remainder of the landscaping material, such as scrap timber, dock material, etc – This will be placed behind the enclosure and used as our jobs allow. We continue to recycle these items. It will not be burned or disposed of improperly.**

**Thank you again for your time and consideration of this special use permit.**

**Thank you**

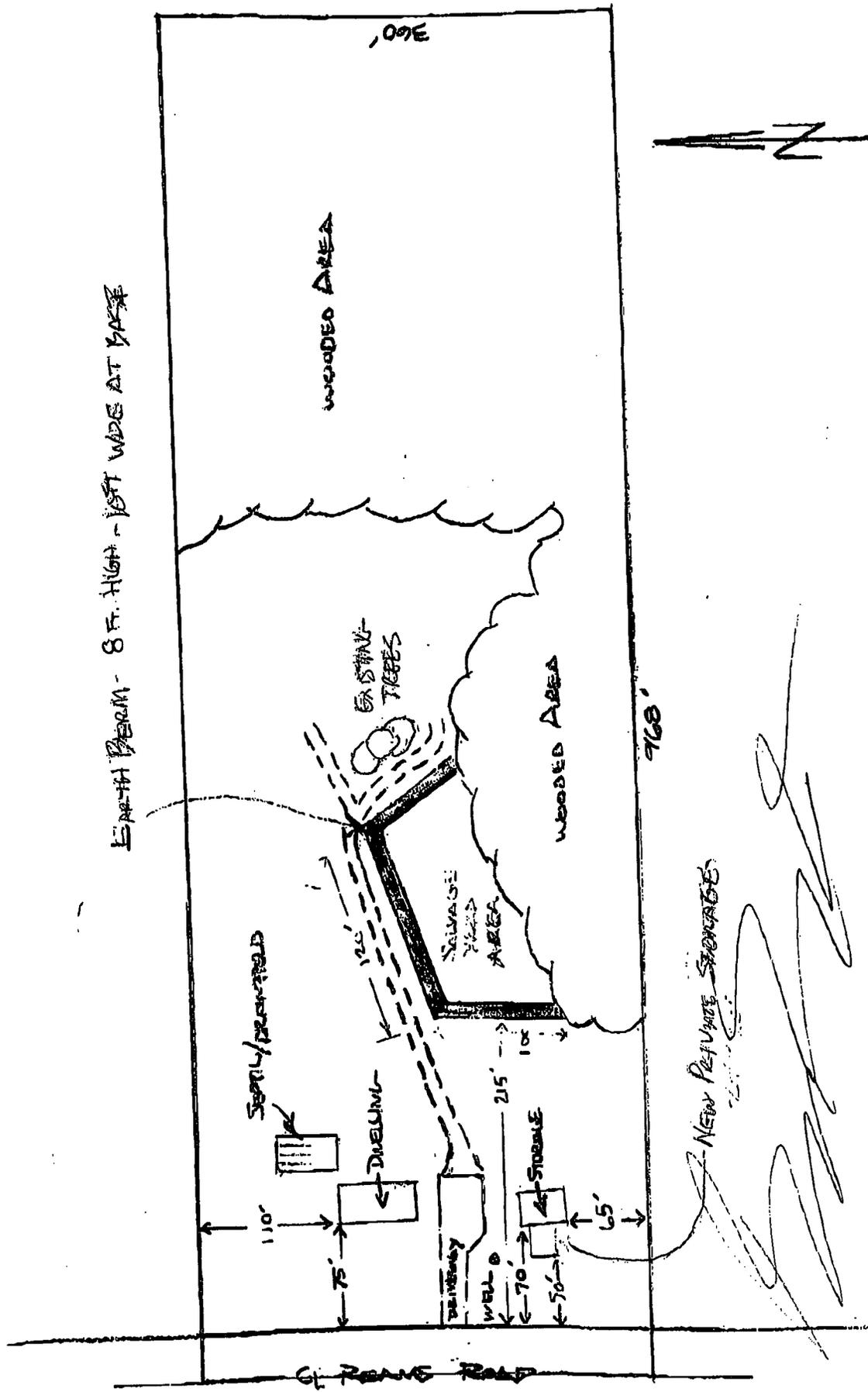


**Brian Frost**

**Brian Frost Landscaping**

14

Earth Berm - 8 Ft. High - 15 Ft Wide at Base



8-31-14

5 September 2016

Marilynn Rashid  
for the Rashid Family Farm  
11328 Wildwood Rd  
Alanson, MI 49706

Email: m.rashid@wayne.edu

Cheboygan County Planning & Zoning Commission  
870 South Main St, Room 103  
Cheboygan, MI 49721  
Email: planning@cheboygan.net

Dear Commissioners,

I write to register my and my family's opposition to Bryan Frost's request for a Special Use Permit in order continue using his land as a salvage yard. He has violated existing laws for years, and will likely violate whatever new restrictions attached to the permit. As one of the commissioners stated in the earlier hearing, the county does not have the resources to monitor his business operations.

The area is currently zoned for residential and farming use, and this is the reason why many of the residents have chosen to live there. The existing yard, operating in violation, has clearly impacted the quality of life of Bryan Frost's immediate neighbors; a sanctioned yard, with increased truck traffic and other activity, would impact it even more. Although my family's land is not adjacent to the Frost property, this increased activity would definitely have an effect on us as well.

We are very concerned about the potential environmental effects of dumping. We own the wetlands downhill from Frost's land, near the corner of Ream and Wildwood Roads, and we know that this kind dumping can harm the water table, especially with the sandy soil characteristic of the area. These wetlands, rich in vegetation and wildlife, connect to Berry Creek, which leads to Pickerel Lake.

Frost's land is also located in the middle of the Wildwood Hills Pathway, state land with hiking and skiing trails for recreational use, which, as far as I know, includes land in both Cheboygan and Emmet Counties. Clearly, this yard is more than an eye sore for hikers and skiers, since it negatively transforms the atmosphere and thus the intended purpose of the trails.

The unmonitored practice of dumping in rural areas not intended or zoned for this use is antithetical to the county's commitment to encouraging recycling and the proper handling of waste.

Please consider the negative impact of this yard on the residents and visitors of the area, as well as the potential risks to the environment, and deny Bryan Frost's request.

Sincerely, Marilynn Rashid, on behalf of all Members of The Rashid Family Farm: Frank Rashid, Justin Rashid, Marilynn Rashid, Kathleen Rashid and Kevin Rashid."

# CHEBOYGAN COUNTY PLANNING COMMISSION

John Alexandrowski /The Landings On Indian River - Revised 09/01/16

## Exhibit List

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

### *The following items were added to the exhibit list on 08/30/16:*

7. The Landings Special Use Permit Application Dated October 7, 1986 (2 pages)
8. October 13, 1986 Zoning Commission Minutes (1 Page)
9. May 17, 2006 Planning Commission Minutes (6 Pages)
10. Findings of Fact Dated May 17, 2006 (7 Pages)
11. The Landings Site Plan Dated April 3, 2006 (1 Page)

### *The following items were added to the exhibit list on 09/01/16:*

12. Letter Dated 08/31/16 From Mark & Carolyn Malaski To Cheboygan County Planning & Zoning Department (3 Pages)
13. Letter Dated 09/01/16 From Tom and Marilyn Beerman To Cheboygan County Planning Commission (2 Pages)
- 14.

**Note:** Planning Commission members have exhibits 1 and 2.  
**Note:** Planning Commission members have exhibits 1 and 2.

**NOTICE**  
**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING**  
**WEDNESDAY, SEPTEMBER 7, 2016 AT 7:00 PM**  
**ROOM 135 – COMMISSIONERS ROOM**  
**CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1.) **JOHN ALEXANDROWSKI / ALEXANDROWSKI PROPERTIES, LLC** - 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)
- 2.) An Ordinance to Amend Section 17.19. of the Cheboygan County Zoning Ordinance No 200 to provide definitions, regulations and standards for signs.

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

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



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**PROPERTY LOCATION**

Address 4605 Beatty Drive	City / Village Koehler Township	Twp / Sec. 8	Zoning District Lake & Stream + Auriferous
Property Tax I.D. Number 17100830001300/17100830000400	Plat or Condo Name / Lot or Unit No.		

**APPLICANT**

Name John Alexandrowski "The Landings on Indian River"		Telephone 231-838-0532	Fax 231-348-8186
Address 4605 Beatty Drive	City, State & Zip Indian River, MI 49749	E-Mail jsalex@hughes.net	

**OWNER (If different from applicant)**

Name ALEXANDROWSKI PROPERTIES LLC		Telephone AS ABOVE	Fax
Address AS ABOVE	City, State & Zip AS ABOVE	E-Mail AS ABOVE	

**PROPOSED WORK**

<p>Type (check all that apply)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> New Building</td> <td><input type="checkbox"/> Reconstruction</td> </tr> <tr> <td><input type="checkbox"/> Addition</td> <td><input type="checkbox"/> Relocated Building</td> </tr> <tr> <td><input checked="" type="checkbox"/> Change in Use or Additional Use</td> <td><input type="checkbox"/> Sign, Type: _____</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Other: _____</td> </tr> </table>	<input type="checkbox"/> New Building	<input type="checkbox"/> Reconstruction	<input type="checkbox"/> Addition	<input type="checkbox"/> Relocated Building	<input checked="" type="checkbox"/> Change in Use or Additional Use	<input type="checkbox"/> Sign, Type: _____		<input type="checkbox"/> Other: _____	<p>Building/Sign Information</p> <p>Overall Length: _____ feet</p> <p>Overall Width: _____ feet</p> <p>Floor Area: _____ sq. feet</p> <p>Overall Building Height: _____ feet</p> <p>Sign Area: _____ sq. feet</p> <p>Sign Height: _____ feet</p>
<input type="checkbox"/> New Building	<input type="checkbox"/> Reconstruction								
<input type="checkbox"/> Addition	<input type="checkbox"/> Relocated Building								
<input checked="" type="checkbox"/> Change in Use or Additional Use	<input type="checkbox"/> Sign, Type: _____								
	<input type="checkbox"/> Other: _____								

**PROPOSED USE (check all that apply)**

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

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

If YES, date of approval: 8/7/00 5/19/00 Approved Use: Boat Storage  
Marina - Store - Site Condo.

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

SPECIAL LAND USE PERMIT APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

We propose to store boats outside by our storage building that our shrink wrapped. Hours of operation are from 9am - 5pm

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

no change

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

no change

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

no change

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

Trees are already planted

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

n/a

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

n/a

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

n/a

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. if used it will be on the end of the storage building

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

iii. It does not unnecessarily illuminate night skies. mercury vapor if any light is used. Will not illuminate sky

SPECIAL LAND USE PERMIT APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT APPLICATION

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

Yes

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

They will conform

3. Size of property in sq. ft. or acres: 8 acres

4. Present use of property:  
Marina

5. SUP Standards:

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

Yes

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

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

- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? **Explain.** Yes

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**

No

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** N/A



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT APPLICATION

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

### AFFIDAVIT

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

Applicant's Signature [Signature] Date 8/1/16

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

Yes  No

Owner's Signature [Signature] Date 8/1/16

### FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>8/1/16</u>	Notes:
Fee Amount Received:	<u>\$165.00</u>	
Receipt Number:	<u>5193</u>	
Public Hearing Date:	<u>9/7/16</u>	
Planning/Zoning Administrator Approval:		
	<u>[Signature]</u>	<u>8/5/16</u>
	Signature	Date

# SPECIAL LAND USE PERMIT APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

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

SPECIAL LAND USE PERMIT APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

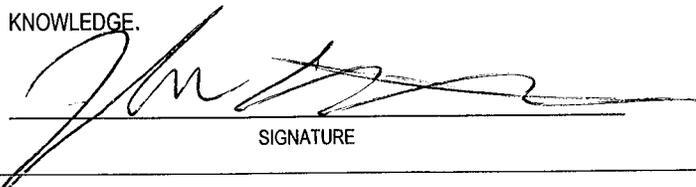
INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		m. Location and specifications for all fences, walls, and other screening features.
✓		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
✓		o. Exterior lighting locations with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

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

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
D	No changes to existing topo

**AFFIDAVIT**

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

  
 \_\_\_\_\_  
 SIGNATURE

8/1/16  
 \_\_\_\_\_  
 DATE

16-162-008-100-002-00 STATE OF MICHIGAN PO BOX 30448 LANSING MI 48909	16-171-008-300-012-00 LOCKHART, HUGH E TRUSTEE 2885 COLLEGE RD HOLT MI 48842	16-171-008-400-005-00 HOGUE, BILL & MARY JO, TRUSTE 1701 BOWERSOCK RD INDIAN RIVER MI 49749
16-171-008-300-002-00 MCALLISTER, LOIS E;DAVID MCAL 1133 RECTOR ST NE SPARTA MI 49345	16-171-008-300-013-00 ALEXANDROWSKI PROPERTIES, LL 1525 ROY RD PETOSKEY MI 49770	16-171-008-400-006-00 HOOVER, TOMMY & JULIE H/W L/E 46031 SPINNING WHEEL DR CANTON MI 48187
16-171-008-300-004-00 ALEXANDROWSKI PROPERTIES, LL 1525 ROY RD PETOSKEY MI 49770	16-171-008-300-014-00 HORNING, LUTHER (DECD) & DOR 14 MARGARET AVE HAMILTON OH 45015	16-171-008-400-007-00 PASSINO, JEFF D 1739 BOWERSOCK RD INDIAN RIVER MI 49749
16-171-008-300-005-00 WEST, PATRICIA 04202 DENISE, PO BOX 85 BOYNE FALLS MI 49713	16-171-008-300-015-00 BROVAGE, JUDITH & NANCY LEED 6024 HEMLOCK INDIAN RIVER MI 49749	16-171-008-400-011-00 ZIMMERLE, STEVEN & ANDREW ZI 3997 SIERRA HTS HOLT MI 48842
16-171-008-300-006-00 FLORY, REX R BOX 30023 JEWELL OH 43530	16-171-008-300-015-01 GALBRAITH, GEORGE & MARJORIE 4605 BEATTY DR INDIAN RIVER MI 49749	16-172-115-000-004-00 HOMENIK, JEFFREY M TTEE 4036 HUNTERS CIR CANTON MI 48188
16-171-008-300-007-00 FLORY, REX R BOX 30023 JEWELL OH 43530	16-171-008-300-021-00 WILEY, JOHN J ET UX TRUST 3120 FRANCESCA WATERFORD MI 48329	16-172-115-000-005-00 SMITH, KEVIN & MARGARET H/W 4660 INLAND ROUTE DR INDIAN RIVER MI 49749
16-171-008-300-008-00 BURG, TIMOTHY & KERRI H/W 1627 WEST M-55 TAWAS CITY MI 48763	16-171-008-400-001-00 GREISSINGER, DAVID PO BOX 808 INDIAN RIVER MI 49749	16-172-115-000-006-00 THOMPSON, LUCILLE, TRUSTEE 57221 PONTIAC TRL NEW HUDSON MI 48165
16-171-008-300-009-00 BURG, TIMOTHY & KERRI LYNN H/ 1627 M-55 TAWAS CITY MI 48763	16-171-008-400-002-00 BEALS, THOMAS G ET UX 9266 ALLEN RD ALLEN PARK MI 48101	16-172-115-000-007-00 CROFT, JAMES E & DARLENE H/W 11132 WILDWOOD RD ALANSON MI 49706
16-171-008-300-010-00 BURG, TIMOTHY & KERRI LYNN H/ 1627 W M-55 TAWAS CITY MI 48763	16-171-008-400-003-01 GALBRAITH, GEORGE & MARJORIE 4605 BEATTY DR INDIAN RIVER MI 49749	16-172-115-000-011-00 SCHMIDT, MICHAEL & MARY HELE 1409 N EAST MULLETT LAKE RD INDIAN RIVER MI 49749
16-171-008-300-011-00 BEERMAN, THOMAS & MARILYN, T 6752 THORNE ST COLUMBUS OH 43085	16-171-008-400-004-00 SEAMARK, DONALD E ET AL 57221 PONTIAC TRL NEW HUDSON MI 48165	16-172-115-000-012-00 SMITH, KEVIN & MARGARET H/W 4660 INLAND ROUTE DR INDIAN RIVER MI 49749

16-172-I15-000-013-00  
THOMPSON, LUCILLE, TRUSTEE  
57221 PONTIAC TRL  
NEW HUDSON MI 48165

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THOMPSON, LUCILLE, TRUSTEE  
57221 PONTIAC TRL  
NEW HUDSON MI 48165

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MALASKI, MARK & CAROLYN H/W  
1443 CEDARWOOD DR  
FLUSHING MI 48433

16-172-I15-000-019-00  
CHANDLER, PAUL & PATRICE H/W  
8095 E COURT ST  
DAVISON MI 48423

16-172-I15-000-021-00  
MOSKALL, JODY S  
2536 CHELSEA ST  
TRENTON MI 48183

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MOSKALL, JODY S  
2536 CHELSEA ST  
TRENTON MI 48183

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JAMES, FLOYD J  
19205 GAINSBOROUGH  
DETROIT MI 48223

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KERN, LARRY WARREN  
305 S BRANDT RD  
ORTONVILLE MI 48462

16-172-I15-000-025-00  
JAMES, FLOYD JOHN  
19205 GAINSBOROUGH  
DETROIT MI 48223

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OCCUPANT  
4519 BEATTY DR  
INDIAN RIVER, MI 49749

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INDIAN RIVER, MI 49749

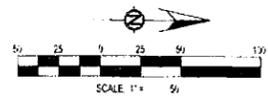
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INDIAN RIVER, MI 49749

16-171-008-400-001-00  
OCCUPANT  
1601 BOWERSOCK RD  
INDIAN RIVER, MI 49749

16-172-115-000-007-00  
OCCUPANT  
4640 INLAND ROUTE DR  
INDIAN RIVER, MI 49749

# CONDOMINIUM CONVERSION OF THE LANDINGS RESORT

PART OF GOVERNMENT LOTS 2 AND 3  
SECTION 8, T35N-R2W, KOEHLER TOWNSHIP  
CHEBOYGAN COUNTY, MICHIGAN



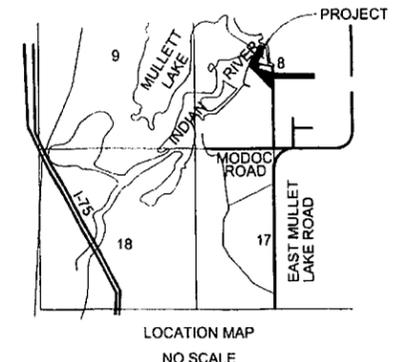
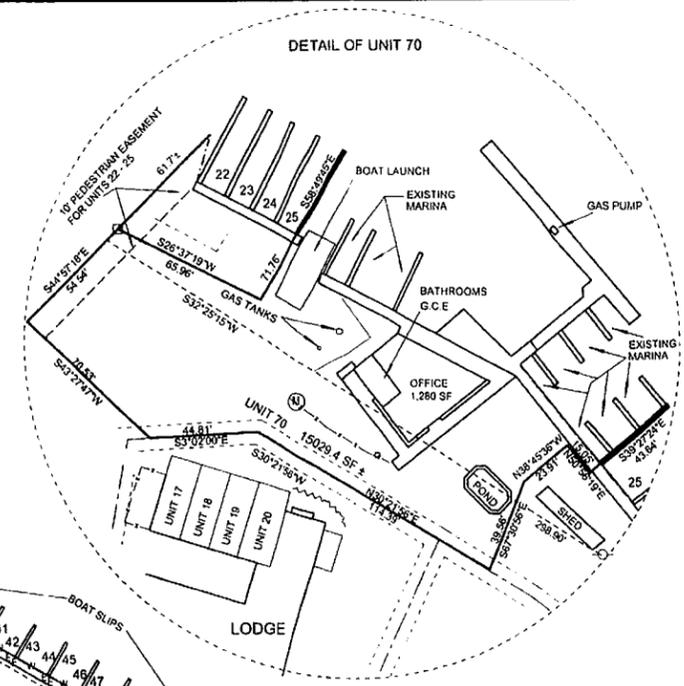
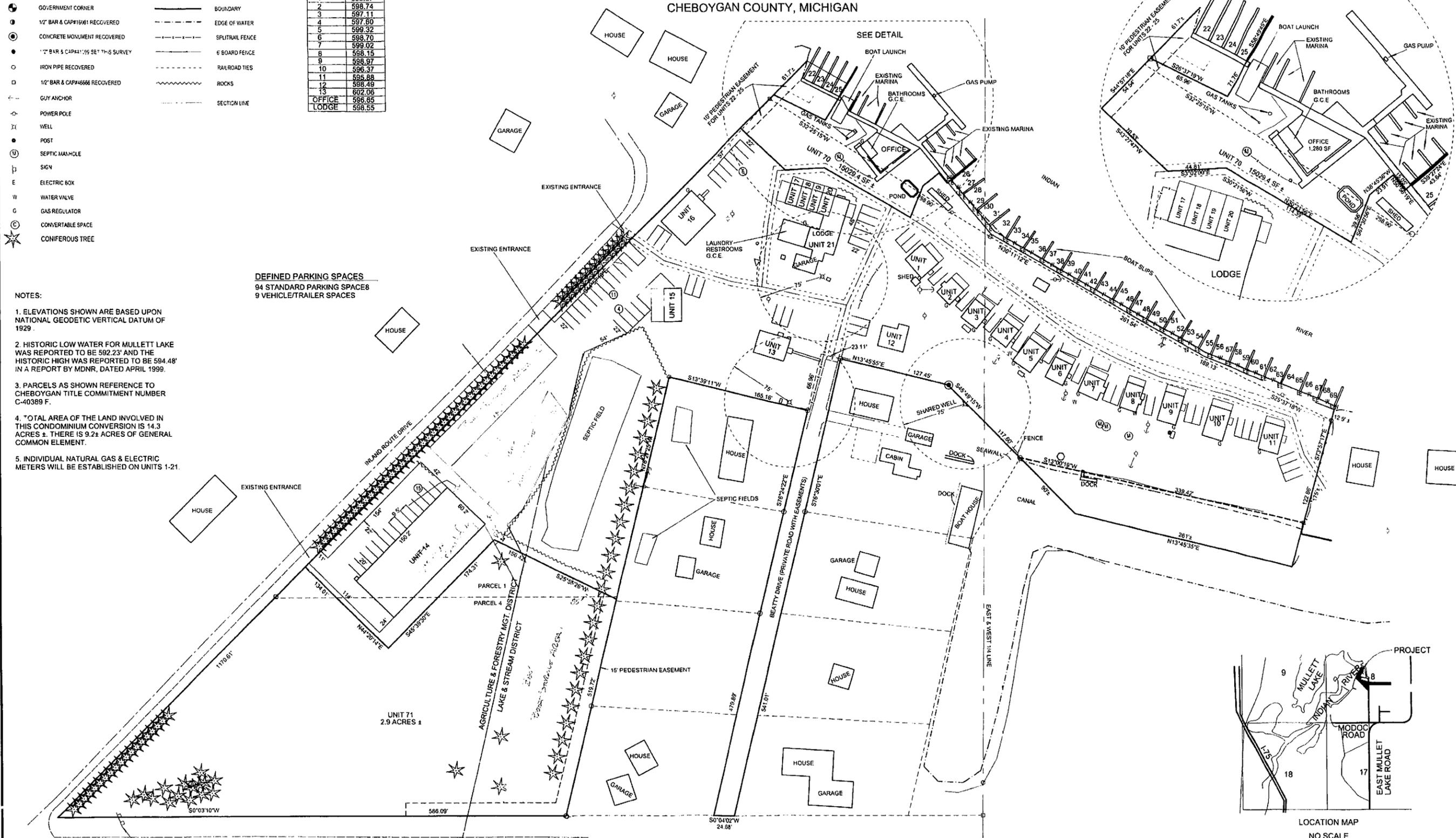
- GOVERNMENT CORNER
- 1/2" BAR & CAP#19461 RECOVERED
- ⊙ CONCRETE MONUMENT RECOVERED
- 1" BAR & CAP#1155 SET THIS SURVEY
- IRON PIPE RECOVERED
- ⊙ 1/2" BAR & CAP#4666 RECOVERED
- ⊙ GUY ANCHOR
- ⊙ POWER POLE
- ⊙ WELL
- ⊙ POST
- ⊙ SEPTIC MANHOLE
- ⊙ SIGN
- ⊙ ELECTRIC BOX
- ⊙ WATER VALVE
- ⊙ GAS REGULATOR
- ⊙ CONVERTABLE SPACE
- ⊙ CONIFEROUS TREE

- BOUNDARY
- - - EDGE OF WATER
- · - · SPLITRAIL FENCE
- - - 6 BOARD FENCE
- - - RAILROAD TIES
- · - · ROCKS
- · - · SECTION LINE

UNIT #	F.F.E. (FT.)
1	598.67
2	598.74
3	597.11
4	597.80
5	599.32
6	598.70
7	599.02
8	598.15
9	598.97
10	596.37
11	595.88
12	598.49
13	602.06
OFFICE	596.85
LODGE	596.55

**DEFINED PARKING SPACES**  
94 STANDARD PARKING SPACES  
9 VEHICLE/TRAILER SPACES

- NOTES:**
- ELEVATIONS SHOWN ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM OF 1929.
  - HISTORIC LOW WATER FOR MULLETT LAKE WAS REPORTED TO BE 592.23' AND THE HISTORIC HIGH WAS REPORTED TO BE 594.48' IN A REPORT BY MDNR, DATED APRIL 1999.
  - PARCELS AS SHOWN REFERENCE TO CHEBOYGAN TITLE COMMITMENT NUMBER C-40389 F.
  - TOTAL AREA OF THE LAND INVOLVED IN THIS CONDOMINIUM CONVERSION IS 14.3 ACRES ±. THERE IS 9.2± ACRES OF GENERAL COMMON ELEMENT.
  - INDIVIDUAL NATURAL GAS & ELECTRIC METERS WILL BE ESTABLISHED ON UNITS 1-21.



SOUTH 1/4 CORNER  
SEC 8, T35N-R2W  
CHEB CO REMON

MEASUREMENTS	1170'	67.85'
2" P. PIN	5416'	48.82'
1" P. PIN	4247'	61.46'
6" LOCUS 1	4256'	10.00'

SEE SHEET 3 OF 3

PROJECT: THE LANDINGS - CONDOMINIUM CONVERSION

FOR: GEORGE GALBRAITH  
4605 BEATTY DRIVE  
INDIAN RIVER

SEC 8 T35N R2W  
FB KOEHLER 3 & 4

DRAWN: LCB  
CHECK: BRF

PROJECT NO: 06 0015

FULLFORD SURVEYING & MAPPING, P.C.  
PO BOX 969  
5997 S STRAITS HWY, SUITE A  
INDIAN RIVER, MI 49749  
PHONE: 231-238-9199 FAX: 231-238-9185

MAY 27, 2008

APPLICATION FORM

Date OCT 7-1986

Name of Applicant THE LANDINGS

Address 4605 BEATTY DR. INDIAN RIVER MI. Phone No. 238-9955

Location of Property KOEHLER TWP. SEC. 8

The undersigned hereby makes application for a SPECIAL USE PERMIT for a proposed STORAGE BUILDING 60' X 150'. Attach complete property description.

DATA REQUIRED WITH THIS APPLICATION:

Every application for a Special Use Permit shall be accompanied with the following information and data, submitted to the Zoning Administrator, Room 114, County Building.

(1) Site plan, or development plan drawn to a readable scale of the property involved, showing location of all abutting roads and streets with the location of all existing and proposed structures.

(2) A statement with supporting evidence regarding the required findings as listed in Sec. 12.6 STANDARDS FOR USES REQUIRING SPECIAL LAND USE PERMITS. This statement will assist the Zoning Commission in processing the application. See page two (2) attached.

I hereby certify and agree that all use for which this application is made will conform to the data and information submitted with this application. It is further agreed that any deviation from the data submitted or the breach of safeguards, conditions, or requirements the Zoning Commission may impose in granting this permit, shall constitute a violation of the ordinance and may invalidate the permit.

Signed Paul DePauw MGR.  
Applicant

Date Reviewed by Cheboygan County Zoning Commission \_\_\_\_\_

Date Approved Oct 13-1986 Approved by Harold Stevens

Title: Chairman, Zoning Commission

Date Denied \_\_\_\_\_ Denied by \_\_\_\_\_

Title: Chairman, Zoning Commission

Fee Paid \_\_\_\_\_ Date Paid \_\_\_\_\_ 7

SECTION 12.6 STANDARDS FOR USES REQUIRING SPECIAL LAND USE PERMITS

In reviewing requests for Special Land Use Permits, the Zoning Administrator and the Zoning Board shall require compliance with any of the following as may reasonably apply to the particular use under consideration:

- a. The use, location and size of the proposed project and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district, as a whole, or to be in conflict with, or discourage the principle permitted uses of adjacent or neighboring lands and buildings.
- b. The use shall have only minimal detrimental impact on surrounding uses in the district, particularly in regard to traffic generation, servicing by trucks, hours of operation or pedestrian traffic.
- c. The use shall not diminish the value of land, buildings or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties.
- d. The use shall not increase traffic hazards or cause congestion on the public highways and streets of the area. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger areawide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation.
- e. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district
- f. The water supply and sewage disposal system shall be adequate for the proposed use.
- g. The special land use shall not be more objectionable to the nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, flashing lights, glare or disposal of waste than the operation of any use normally allowed within the zoning district.
- h. The proposed use shall be consistent with the Land Use Plan for Cheboygan County.

CHEBOYGAN COUNTY ZONING COMMISSION MEETING

MONDAY, OCT. 13, 1986, 7:00 P.M.

Rm. 210 - CIRCUIT COURT RM.

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Members Present: Wilkinson, Chamberlin, Werner, Graham, and Carlson.

Members Absent: None

The meeting was called to order at 7:00 P.M., by Acting Chairman, Harold Werner.

Mr. Paul DePauw appeared to represent The Landings, and explained his request for a Special Use Permit to construct a 60 x 150 boat storage building on property located on Inland Rt. Dr., known as The Landings, Sec. 8, Koehler Twp. The property is zoned Forestry/Agriculture.

Mrs. McAllister spoke in opposition and was concerned with ingress and egress to the building.

Mr. Metzger spoke and was concerned about the damage to water quality in the River.

Bob Croft was not against building as such, but thought it could be located on a different part of the property.

Letters from Mark and Carolyn Malaski, Stanley and Rita Bryzelak, Bob and Shirley Croft and Frank Nagy were read along with a petition with 25 signatures all in opposition to the boat storage building.

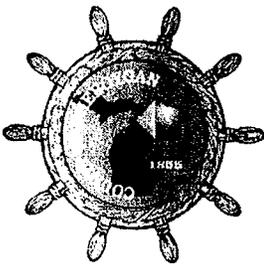
Much discussion was held regarding draining of wash. water from boats. Mr. DePauw said a culvert was to be installed in 1987. Until then, the little amount of water would be drained into existing ditch.

Phone call from Russ Crawford was acknowledged.

Letter of Planning Commission dated Oct. 7, 1986, was read and is on file (to become a part of the minutes).

Motion by Chamberlin, supported by Wilkinson, to approve the S.U.P. subject to:

- (1) Boats, trailers, motors, etc. be stored inside of building. No debris to be allowed outside building.
- (2) A buffer zone of evergreens on (2) two sides of building.
- (3) No outside yard light.
- (4) Letter of permission from Drain Commissioner, to allow drainage from building into ditch.
- (5) All necessary zoning and building permits.



# CHEBOYGAN COUNTY PLANNING COMMISSION

DORIS REID CENTER ■ 825 SOUTH HURON, SUITE 2 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-2440 ■ TDD: (800)649-3777

## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, MAY 17, 2006 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald

**ABSENT:** Lesh, Goodrich, Moore, Wendt

**STAFF:** Debbie Tomlinson, Brian Duvalle, Richard Edmonds

**GUESTS:** Linda Socha, Shawna Jankoviak, John Moore, John Brown, Bill, Morgan, John Wallace, Jerry Malloy, Brian Fullford, Jim Wynn, Beverly Lockhart, Hugh Lockhart, Timothy Burg, Rob Burnell, Jeffrey Sydow, Leo Chamberlain, Gene Barrett, Christine Chamberlain, Wayne Chamberlain, Scott Szymoniak, Allan Barr, Russell Crawford, Jim Barrette,, Larry Schmidt, Michael Barber, Dennis Dombroski, John Brown, Bob Siekas, Ron Sneller, Paul McCann, Doug Hempenstall

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

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Matelski, seconded by Mr. Bartlett, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

### APPROVAL OF MINUTES

Minutes from the May 3, 2006 Planning Commission meeting were presented. **Motion** by Mr. Freese, seconded by Mr. Matelski, to approve the minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

### PUBLIC HEARING AND ACTION ON REQUESTS

**George Galbraith**- Requests a Site Plan Review and Special Use Permit to convert the Landings resort into a condominium with dwelling units, marina/store/boat slips, common use waterfront, and parking. The property is located at 4605 Beatty Dr, Koehler Twp, section 8, parcels 171-008-300-013-00, 171-008-300-004-00, 171-008-400-003-00, and is zoned Lake and Stream and Agriculture/Forestry. The request is to use the existing buildings; there would be no new buildings constructed. This item was tabled 5/3/06.

Mr. Kavanaugh questioned if Mr. Fullford looked into the easement issue. Mr. Fullford stated the Condominium Act requires that when a Master Deed is filed that you disclose any easements benefiting or burdening the property. Mr. Fullford stated that Mr. Malloy from Cheboygan Title forwarded to him documents granting an easement to the Hornings and the Glins. Mr. Fullford stated the easement is vague. Mr. Fullford stated they are not denying the easement and they will not block it off. Mr. Fullford stated they plan to identify the easement by creating a description (over the existing gravel road) and noted that it will protect all parties involved. Mr. Fullford stated the easement will be based on the centerline of the existing drive.

Mr. Fullford stated that Mr. Galbraith plans to add a few more no parking signs to keep the traffic down. Mr. Fullford stated Mr. Galbraith was not aware of ingress/egress problems. Mr. Fullford stated he talked with Mr. Carpenter from the Fire Department and he approved the site plan as submitted. Mr. Fullford stated that Mr. Carpenter's only comment was that he did not have any problems getting in and out but he did experience maneuvering problems down by the two buildings.

Mr. Kavanaugh referred to the letters submitted by the public and stated the main concerns are density, parking, additional parking area, and additional boat slips. Mr. Kavanaugh believes the public did not have problems with the change in ownership. Mr. Kavanaugh stated the main concern was the intensity. Mr. Fullford stated this is operating as a resort currently and it will be a benefit to add the parking across the street. Mr. Fullford stated it will provide each boat owner with a designated spot. Mr. Fullford stated during the pre-application meeting, Mr. Freese, Ms. Mattson and Mr. Duvalle thought it would be appropriate to provide the parking across the road. Mr. Fullford stated the parking area will start 600' back and Mr. Galbraith is willing to plant a buffer. Mr. Fullford stated he believes they are doing the right thing by creating a stand by area for the septic. Mr. Fullford stated this will not be detrimental to the neighbors.

Mr. Fullford stated they are proposing 18 dwelling units on 6 acres of land. Mr. Fullford stated this equates to 2.97 units per acre. Mr. Fullford stated the Planning Commission recently approved another project that had 5.95 units per acre. Mr. Fullford believes the proposed density is not unreasonable. Mr. Fullford stated there is other property that is not included in the 6 acres such as the commercial property, open area or unit 71.

Mr. Fullford stated Mr. Galbraith has no plans to improve the existing buildings. Mr. Fullford questioned what would be wrong if someone did want to build a second floor. Mr. Fullford believes it would be an undue restriction to limit the height of the buildings and noted that other property owners in the area are able to enjoy the right of a 35' high maximum.

Mr. Fullford presented a construction permit issued by the DEQ for the 8 boat slips. Mr. Fullford stated the permit expired before Mr. Galbraith was able to construct the boat slips.

Mr. Kavanaugh stated the Fuller request had 12 units and they reduced it to 10 which is a dramatic change on intensity. Mr. Kavanaugh stated this was a completely different situation and should not be compared. Mr. Kavanaugh stated when the footprint is not restricted then the houses will increase in size. Mr. Kavanaugh stated the value will increase and the intensity will change when there are huge improvements. Mr. Kavanaugh stated the 8 additional slips are additions to a very dense plan as it already exists. Mr. Kavanaugh stated if Mr. Galbraith has 750' on the river right now the maximum number of houses that would be allowed is 7. Mr. Fullford stated there is 4 ½ acres. Mr. Kavanaugh stated the frontage is where the density is at. Mr. Fullford questioned if Mr. Galbraith will not be allowed to use the vacant land as additional units. Mr. Kavanaugh stated it would be best used as open space for the units because it is already dense. Mr. Fullford stated this request should be compared with Fuller's request because it is also in Lake and Stream. Mr. Fullford stated the Planning Commission allowed double the density of what Mr. Galbraith proposes. Mr. Fullford stated this request is on 14 acres and the Fuller request was on 1.68 acres. Mr. Kavanaugh stated he is concerned that if the square footage of the unit is doubled the use will change and it will no longer be a seasonal use.

Mr. Freese stated during the pre-application meeting there was a discussion regarding the parking situation. Mr. Freese stated he wanted to ensure that someone purchasing a slip would have a place to park their boat and trailer. Mr. Freese stated since boat slips are being sold it would not be unreasonable to limit the parking to boat trailers and the towing vehicle. Mr. Freese questioned if Mr. Fullford would have any problems limiting the parking to the times when the boats are actually in the water. Mr. Fullford stated this would not be a problem and they had discussed this previously. Mr. Fullford stated the intent of this is to provide a parking space for the boat owner. Mr. Wynn questioned if this should be limited from May until the end of October. Mr. Freese stated this would be fine.

Mr. Freese stated he is concerned about the parking along the road that parallels the boat slips and the cabins. Mr. Freese stated he can see where there may be problems for emergency vehicles accessing this area. Mr. Freese stated that a no parking sign should be put up by the boat slips and along the road. Mr. Freese noted only people who own a unit should be able to park between the houses. Mr. Fullford stated this could be made part of the by laws.

Mr. Ostwald questioned parking for snowmobile trailers. Mr. Freese stated people will buy the boat slips and the parking area is for the boat trailer and towing vehicle. Mr. Ostwald questioned what if they wanted to use the parking for a snowmobile trailer in the winter. Mr. Freese believes this area should not be used for this type of parking. Mr. Fullford explained that this parking lot will be designated as a limited common element for the boat slip owners. Mr. Fullford stated the parking area supports the waterfront. Mr. Fullford stated if a cabin is purchased there are parking spaces available by the cabins.

Mr. Ostwald questioned what will happen if the slips sell faster than the condo units. Mr. Ostwald questioned if there is one condo unit for sale, will Mr. Galbraith keep a boat slip reserved for this potential owner in case they would want to purchase it. Mr. Fullford stated this would be a wise marketing move.

Mr. Kavanaugh stated Mr. Duvalle recommended approving the request without the boat slips. Mr. Fullford stated he understands as the 8 boat slips are not constructed. Mr. Fullford noted there is one existing dock on the back side of the canal. Mr. Kavanaugh stated Mr. Duvalle recommended a buffer and fence by the parking area to keep people from wandering. Mr. Fullford stated this would not be a problem.

The Planning Commission reviewed and discussed the Findings under Section 20.5 of the Ordinance. The Planning Commission agreed that the standards have been met. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the revised site plan based on Findings under Section 20.5. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

The Planning Commission reviewed and discussed Findings under Section 18.7 of the Ordinance. The Planning Commission agreed that the standards have been met. **Motion** by Mr. Freese, seconded by Mr. Matelski, to approve the Special Use Permit based on the Findings under Section 18.7 with the stipulation that 8 slips on canal not be authorized, a parking diagram be turned into the Zoning Department showing the no parking along the road and between cabins and boat slips, parking across the road be limited to seasonal parking of boat trailers and

towing vehicles and between the months of May and October, fence and buffer be provided around the parking area, Health Department and DEQ approvals, no further driveway easements be allowed other than what is already present on south side of the property, snowmobile storage in the common use parking lot on lower level only for people who own a unit during the months of November through March, footprint changes of existing building should not be exceeded and civil counsel review of master deed. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

**Paul McCann-** Requests a Site Plan Review for used automobile sales and a Special Use Permit for outdoor boat storage to be located at the former 'Wood Design' building. The property is located at 8627 N. Straits Hwy, Inverness Twp, section 24, parcel 091-024-200-006-00, and is zoned Commercial. Mr. McCann stated he has a license to sell automobiles but he does not have any cars on display currently at this location. Mr. McCann stated in the future he may have cars for sale at this location. Mr. McCann noted the property is screened with pine trees and the boat storage would be behind the building. Mr. Kavanaugh asked if there would be a fence. Mr. McCann stated there will be a fence for security purposes. Mr. Kavanaugh asked if there will be boat storage only. Mr. McCann stated there will be boats, pontoons and RV's. Ms. Mattson asked for public comment. There were no public comments. Public comment closed.

Mr. Freese stated Habitat for Humanity recently came before the Planning Commission for site plan review and questioned if this additional use will be the last request or will there be other requests. Mr. McCann stated the building is 21,000sf and he would like to rent out as much of the building as possible.

Mr. Kavanaugh stated he is an adjacent property owner and questioned if he should not participate in discussion or voting. Mr. Kavanaugh stated he does not have any financial interests in this project. Mr. Edmonds stated this is not a problem because there is no direct financial impact to Mr. Kavanaugh.

Mr. Bartlett questioned if the used automobiles will be displayed along the front of the property and how many vehicles could be displayed in this location. Mr. McCann stated they would be displayed along the front. Mr. McCann stated the parking lot is approximately 37,000sf so there would be plenty of room. Mr. Bartlett questioned what type of lighting is proposed. Mr. McCann stated there are existing lights that are attached to the building and out by the sign. Mr. McCann stated he is not planning on any additional lighting.

Mr. Freese stated this will be a complex of different businesses. Mr. McCann stated it will be two or three businesses. Mr. McCann stated the Planning Commission has already approved a site plan review for Habitat for Humanity and Doug Hempenstall will lease the warehouse for a window and door company.

Mr. Kavanaugh asked what will happen to boats in the winter. Mr. McCann stated it is strictly for winter storage and he does not plan on doing any boat sales.

The Planning Commission reviewed and discussed the Findings under Section 20.5 of the Ordinance. The Planning Commission agreed that D and G are not applicable and the remaining standards have been met. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the site plan based on Findings under Section 20.5. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

The Planning Commission reviewed and discussed Findings under Section 18.7 of the Ordinance. The Planning Commission agreed that the standards have been met. Discussion was held regarding the definitions of RV and ORV. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett to approve the Special Use Permit based on the Findings of fact under Section 18.7 with the stipulations that storage be limited to watercraft, RV's and ORV's only, there be a fence around the area and no additional lighting. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

**Jeff Sydow-** Requests a Site Plan Review for an addition to Cheboygan Carpet Outlet building. The property is located at 9363 N. Straits Hwy, section 18, parcel 092-018-400-004-03, and is zoned Commercial. Mr. Sydow would like to be able to expand his building by another 30' in length. Mr. Sydow stated this will be used for cold storage. Ms. Mattson asked for public comment. There were no public comments. Public comment closed.

The Planning Commission reviewed and discussed the Findings under Section 20.5 of the Ordinance. The Planning Commission agreed that the standards have been met. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the site plan based on Findings under Section 20.5. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

**Wolverine Power Supply Coop-** the Planning Commission will review their site plan for a new substation to determine whether there is a danger to the health, safety and welfare of the general public as described in Section 3.4 of the Zoning Ordinance. The parcel is located at 923 VFW Rd, Inverness Twp, section 12, parcel 091-012-300-001-00, and is zoned Agriculture/Forestry. Mr. Sneller stated this is a request

from PIE&G to improve the reliability as the existing substation is overloaded. Mr. Sneller stated the 2<sup>nd</sup> driveway was approved with a stipulation that it be used only during construction and then only for emergency use.

Mr. Kavanaugh questioned if the existing tree buffer will be disturbed. Mr. Sneller stated yes some of the trees that grow into the proposed substation area will be removed. Mr. Kavanaugh stated it does not show this on the site plan. Mr. Kavanaugh stated his concerns about moving the structure as far north as possible to try and maintain the trees. Mr. Kavanaugh questioned how much of the trees will be removed. Mr. Siekas stated approximately 30' of trees will be removed from the southeast portion and 15' of trees from the southwest portion.

Mr. Ostwald questioned if there are any safety issues with the substation currently because it is being overworked. Mr. Siekas stated the load meets the maximum capacity of the substation right now. Mr. Siekas stated the capacity of the transformer needs to be increased and the substation needs to be replaced because the wires inside are too small. Mr. Siekas stated that PIE&G requested a new substation to improve the reliability in the area. Mr. Ostwald questioned if it is creating a danger right now. Mr. Siekas stated no.

Ms. Mattson asked for public comments. Mr. Hackett stated Wayne and Christina Chamberlain built a house in 1996 that is immediately to the south of the property. Mr. Hackett stated they believe there is a danger that is posed by this situation. Mr. Hackett stated the proposed substation will be 40' from the property line and the Chamberlain's home is 20' off of the property line. Mr. Hackett distributed and explained photos. Mr. Hackett stated this proposed substation is comparable to the substation on South Extension Road. Mr. Hackett stated it is the duty of the power company to come forward and prove that this is not a danger to the public's health, safety and welfare. Mr. Hackett stated that you can hear the current substation 24 hours a day. Mr. Hackett is concerned that the size will be increased 4 -6 times its current size. Mr. Hackett stated a decibel meter reading was taken at the South Extension Road substation and 40' from the substation the decibel rating was 67. Mr. Hackett believes this noise issue will be a serious problem and this issue alone qualifies as a danger. Mr. Hackett stated a petition was submitted that was signed by many residents that are concerned about this project. Mr. Hackett stated a substation creates an electromagnetic field and there have been studies that indicate that proximity to an electromagnetic field creates health concerns, cancer concerns and others. Mr. Hackett stated if this authorized 60' from the Chamberlain's house, the power company should have to prove that it will not affect the health of Chamberlain's children. Mr. Hackett stated there have been several accidents at this intersection in the past few years. Mr. Hackett stated the fence will be 50' from the roadway and the vision obstruction from Wing Road should be considered. Mr. Hackett stated the intersection will be dramatically changed and noted the wetlands will be filled in. Mr. Hackett requested a traffic study be completed. Mr. Hackett stated they have talked to the township regarding this issue. Mr. Hackett stated due to notice requirements they were not able to obtain township action on their request. Mr. Hackett stated there are many residents opposed to this request. Mr. Hackett requested the Planning Commission address the issue of what this project will do to the Chamberlain's house.

Mr. Szymoniak stated he is the Manager of the Engineering Operations for PIE&G. Mr. Szymoniak stated for the past 10 years they have been updating the circuits. Mr. Szymoniak stated the footprint of the service area feeds from Mackinaw City to Ocqueoc to Mullett Lake and to Burt Lake. Mr. Szymoniak stated the substation serves 8,000 customers. Mr. Szymoniak stated the substation is currently at its maximum capacity and noted it will be over its rating this summer. Mr. Szymoniak explained the importance of this substation and noted there are many people that are impacted by this substation. Mr. Szymoniak stated they are trying to build reliability into the transmission line and the substation.

Mr. Ostwald questioned how far the electromagnetic field goes. Mr. Siekas stated from the property lines and transmission lines it will be no different than what currently exists. Mr. Siekas explained that it drops off really fast at the transformers and regulators. Mr. Siekas stated 50' from the centerline of the road it will be 0. Mr. Siekas stated it is typically 0 at fence line and 0 at property line. Mr. Ostwald questioned if there are better ways to control the decibel level. Mr. Siekas stated the newer transformers are quieter and they do not expect it to be any higher than 55 decibels.

Mr. Kavanaugh asked if there is any possibility of moving the footprint further to the north and maintaining a better buffer. Mr. Kavanaugh stated his concerns regarding the buffer being removed and there being more noise. Mr. Kavanaugh requested that documentation be submitted on the electromagnetic field readings. Mr. Kavanaugh asked what the decibel reading would be at the property line. Mr. Siekas stated it would be 55 decibels at the most. Mr. Kavanaugh questioned if the new driveway could be used for construction and then eliminated. Mr. Siekas stated this driveway would be used for heavy equipment if they have to change a transformer. Mr. Kavanaugh asked if they could use the front. Mr. Siekas stated they would not be able to as this is a wetlands area.

Mr. Kavanaugh noted a petition with many signatures was submitted and the township has not been able to review this request. Mr. Kavanaugh suggested reviewing this project with Cheboygan County Road Commission and Inverness Township. Mr. Kavanaugh requested the electromagnetic field information be submitted for the Planning Commission to review. Mr. Kavanaugh suggested moving the project to the north. Mr. Kavanaugh stated the buffer should be maintained or another buffer could be added.

Mr. Bartlett stated when he was on Mr. Chamberlain's property he could hear the substation through the trees. Mr. Bartlett stated his concerns about existing trees being removed. Mr. Bartlett questioned if a material or buffer could be added to reduce the noise. Mr. Siekas

stated he has never done this but understands that it has been done at other substations. Mr. Bartlett questioned if Wolverine Power would be willing to do this. Mr. Siekas stated yes. Discussion was held. Mr. Bartlett questioned if the new substation will be quieter than the existing substation. Mr. Siekas stated there will be less noise than there is now.

Wayne Chamberlain asked if there is a better location that could be found for this substation. Mr. Szymoniak explained that they did look at alternate locations and why they were not feasible. Wayne Chamberlain stated his concerns regarding noise. Discussion was held.

Mr. Haas questioned why this project is being proposed. Mr. Szymoniak stated the existing substation transformer has been at its maximum capacity for the past 2 years. Mr. Szymoniak stated if nothing was done the transformer would fail. Discussion was held regarding alternate locations for the substation.

Ms. Mattson asked if the township would like to make a comment. Mr. Neumann stated Inverness Township has not had an opportunity to review this project. Mr. Neumann stated he would like the opportunity for the township to review this project at their next meeting.

Leo Chamberlain asked what the field of strength is for the existing site and what it will be for the new site. Mr. Siekas stated at the property lines it is 0. Mr. Siekas noted that they drop down very quickly from the substation and within 40' to 50' they are gone. Discussion was held.

Mr. Barrette stated his concerns about the many accidents that have occurred on this corner and noted there may be more accidents because of a new fence. Public comment closed.

Mr. Kavanaugh stated there are a lot of unanswered questions. Board held discussion. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to find that as proposed this would present a danger to the health, safety and welfare of the public and the Planning Commission tables this request for additional review and to request further information be provided on alternate locations that were looked at, County Road Commission review of traffic hazard that may be created, adding sound barriers/buffers, further setback to the north, electromagnetic fields and how they drop off, information on noise and readings at the property lines. Motion carried. 6 Ayes (Bartlett, Freese, Kavanaugh, Mattson, Borowicz, Ostwald), 1 Nay (Matelski), 4 Absent (Lesh, Goodrich, Moore, Wendt).

Ms. Mattson stated a driveway permit was obtained from Cheboygan County Road Commission. Mr. Matelski questioned if there would be less noise created because there will be 2 transformers and the load will be split between the 2 transformers. Mr. Siekas stated the noise is not because of the load unless it is severely overloaded. Mr. Siekas stated it has more to do with the voltage that is applied to it. Mr. Kavanaugh stated if it is determined that there is no danger based on the new information the Planning Commission will not have a lot of control. Mr. Edmonds agreed. Mr. Kavanaugh noted that Wolverine Power could make revisions on their own to be a better neighbor.

**Public hearing on a proposed amendment to Cheboygan County Zoning Ordinance No. 200. The amendment would delete the requirements for tourist lodging facilities- excluding campgrounds- of 10 acres of parcel size and 600' of parcel width. The amendment would also reduce the setbacks for commercial and industrial land uses from Residential, Mixed Residential, and Lake and Stream zones to 50' or 75'.**

Ms. Mattson asked for public comments. There were no public comments. Public comment closed. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward to the Cheboygan County Board of Commissioners for their June 13, 2006 meeting with the recommendation for approval. Motion carried. 7 Ayes (Bartlett, Freese, Matelski, Kavanaugh, Mattson, Borowicz, Ostwald), 0 Nays, 4 Absent (Lesh, Goodrich, Moore, Wendt)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

No comments.

#### **PLANNING COMMISSIONER'S COMMENTS**

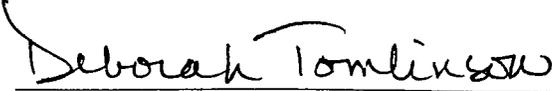
Mr. Borowicz referred to the Wolverine Power site plan and stated his concerns about the house being built with the substation already in existence. Discussion was held.

Ms. Mattson questioned if the Zoning Enabling Act schooling has been scheduled yet. Mr. Duvalle stated it is tentatively scheduled for July 17, 2006. Discussion was held.

#### **PUBLIC COMMENTS**

No comments.

**Motion** made by Mr. Matelski to adjourn. Motion carried unanimously. Meeting was adjourned at 8:54pm.

A handwritten signature in black ink that reads "Deborah Tomlinson". The signature is written in a cursive style with a large initial 'D' and a long horizontal stroke at the end.

---

Deborah Tomlinson  
Planning Commission Secretary



13.

This standard **has** / has not been met.

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

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
4. The development consists of three parcels.
5. Two parcels are located between the Indian River and Bowersock Rd.
6. One parcel is located across the road from the other two; this parcel is proposed to have 56 parking spaces for vehicles and boat trailers and 13 additional spaces.
7. There is a 5354 SF retention swale proposed along the parking lot to the north and a 4552 SF swale to the south.
8. There are 13 existing single-family units.
9. There are five dwelling units proposed in the existing lodge; the remaining condo units include a marina store with surrounding parcel (which meets the minimum size for Lake and Stream), storage buildings, and boat slips.
- 10.
- 11.

This standard **has** / has not been met.

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

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
4. The development consists of three parcels.
5. Two parcels are located between the Indian River and Bowersock Rd.
6. One parcel is located across the road from the other two; this parcel is proposed to have 56 parking spaces for vehicles and boat trailers and 13 additional spaces.
7. There is a 5354 SF retention swale proposed along the parking lot to the north and a 4552 SF swale to the south.
- 8.
- 9.

This standard **has** / has not been met.

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

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
4. There are 13 existing single-family units.
5. There are five dwelling units proposed in the existing lodge.
- 6.
- 7.

This standard **has** / has not been met.

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

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The development is located on Inland Route Dr, Bowersock Rd (County maintained), and Beatty Dr (private).

4. Beatty Dr is 25' wide.
5. Units 1-11 are located on an existing gravel drive.
- 6.
- 7.

This standard **has / has not** been met.

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

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The development is located on Inland Route Dr, Bowersock Rd (County maintained), and Beatty Dr (private).
4. Beatty Dr is 25' wide.
5. Units 1-11 are located on an existing gravel drive.
- 6.
- 7.

This standard **has / has not** been met.

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

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
- 4.
- 5.

This standard **has / has not** been met.

**H. Exterior lighting shall be arranged as follows:**

- a. *It is deflected away from adjacent properties.*
- b. *It does not impede the vision of traffic along adjacent streets.*
- c. *It does not unnecessarily illuminate night skies.*
1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
- 4.
- 5.

This standard **has / has not** been met.

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

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The development is located on Inland Route Dr, Bowersock Rd (County maintained), and Beatty Dr (private).
4. Beatty Dr is 25' wide.
5. Units 1-11 are located on an existing gravel drive.
6. No new roads are proposed.
- 7.
- 8.

This standard **has / has not** been met.

**J. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan**

County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The future use is Lake and Stream and Rural Character.
4. The application states that MDEQ permits are approved and will be approved for the boat slips.
5. The enclosed marina permit copies have expiration dates of 2001, 2003, and 2004.
- 6.
- 7.

This standard **has** / has not been met.

**Findings under Section 18.7 of the Zoning Ordinance:**

**A.** *The property subject to the application is located in a zoning district in which the proposed special land use is allowed.*

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. Section 20.3.d requires a Site Plan Review for site condominiums.
4. Section 10.2.1 permits dwellings.
5. Section 10.3.5 permits marinas as a special use.
6. Section 10.3.8 permits multi-family buildings as a special use.
7. Section 10.3.12 permits common use waterfronts as special uses.
8. Section 9.3.18 permits similar uses as a special use (marina parking); section 9.3.4 permits recreational areas as special uses.
- 9.
- 10.

This standard **has** / has not been met.

**B.** *The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.*

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
4. The boat storage was a previously approved Special Use.
5. The development consists of three parcels.
6. Two parcels are located between the Indian River and Bowersock Rd.
7. One parcel is located across the road from the other two; this parcel is proposed to have 56 parking spaces for vehicles and boat trailers and 13 additional spaces.
8. There are 13 existing single-family units.
9. There are five dwelling units proposed in the existing lodge; the remaining condo units include a marina store with surrounding parcel (which meets the minimum size for Lake and Stream), storage buildings, and boat slips.
10. Many of the surrounding parcels contain single-family dwellings.
11. The development is adjacent to the Inland Route Subdivision.
- 12.
- 13.

This standard **has** / has not been met.

**C.** *The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.*

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.

4. The boat storage was a previously approved Special Use.
5. The development consists of three parcels.
6. Two parcels are located between the Indian River and Bowersock Rd.
7. One parcel is located across the road from the other two; this parcel is proposed to have 56 parking spaces for vehicles and boat trailers and 13 additional spaces.
8. There are 13 existing single-family units.
9. There are five dwelling units proposed in the existing lodge; the remaining condo units include a marina store with surrounding parcel (which meets the minimum size for Lake and Stream), storage buildings, and boat slips.
10. Many of the surrounding parcels contain single-family dwellings.
11. The development is adjacent to the Inland Route Subdivision.
- 12.
- 13.

This standard ~~has~~ has not been met.

**D. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.**

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Foresiry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
4. The development consists of three parcels.
5. Two parcels are located between the Indian River and Bowersock Rd.
6. One parcel is located across the road from the other two; this parcel is proposed to have 56 parking spaces for vehicles and boat trailers and 13 additional spaces.
7. There are 13 existing single-family units.
8. There are five dwelling units proposed in the existing lodge; the remaining condo units include a marina store with surrounding parcel (which meets the minimum size for Lake and Stream), storage buildings, and boat slips.
9. Many of the surrounding parcels contain single-family dwellings.
10. The development is adjacent to the Inland Route Subdivision.
11. The development is located on Inland Route Dr, Bowersock Rd (County maintained), and Beatty Dr (private).
12. Beatty Dr is 25' wide.
13. Units 1-11 are located on an existing gravel drive.
- 14.
- 15.

This standard ~~has~~ has not been met.

**E. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.**

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The current land use is a resort, marina/store/boat slips, and inside boat storage.
4. The boat storage was a previously approved Special Use.
5. The development consists of three parcels.
6. Two parcels are located between the Indian River and Bowersock Rd.
7. One parcel is located across the road from the other two; this parcel is proposed to have 56 parking spaces for vehicles and boat trailers and 13 additional spaces.
8. There are 13 existing single-family units.
9. There are five dwelling units proposed in the existing lodge; the remaining condo units include a marina store with surrounding parcel (which meets the minimum size for Lake and Stream), storage buildings, and boat slips.
10. The development is located on Inland Route Dr, Bowersock Rd (County maintained), and Beatty Dr (private).
11. Beatty Dr is 25' wide.
12. Units 1-11 are located on an existing gravel drive.
- 13.
- 14.

This standard ~~has~~ has not been met.

F. *The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.*

1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. The development is located on Inland Route Dr, Bowersock Rd (County maintained), and Beatty Dr (private).
4. Beatty Dr is 25' wide.
5. Units 1-11 are located on an existing gravel drive.
6. The current land use is a resort, marina/store/boat slips, and inside boat storage.
7. There is one septic and one standby septic area.
8. There are two existing wells plus a shared well.
- 9.
- 10.

This standard ~~has~~ has not been met.

G. *The proposed special land use complies with all specific standards required under this Ordinance applicable to it.*

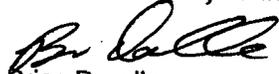
1. The request is for a Special Use Permit conversion of a resort to a condominium with dwelling units, marina/store/boat slips, and parking and Site Plan Review for site condominium.
2. The property is zoned Lake and Stream and Agriculture/Forestry.
3. Unit 70 meets the minimum parcel and setbacks for a parcel in Lake and Stream.
4. There would be one parking space per boat slip unit.
- 5.
- 6.

This standard ~~has~~ has not been met.

I recommend approval. Units 17-20 appear to be approximately 390 SF. The Zoning Ordinance requires 350 SF for an efficiency apartment and 500 SF for a 1-bedroom, so these units would have to be considered efficiency or combined somehow. Otherwise, the only physical change to this development (other than the eight proposed boat slips) is the new parking lot on Bowersock Rd. I recommend a buffer (and fence to keep people from wandering onto adjacent parcels) be included with the swales since there are single-family dwellings on both sides, plus some type of walkway from the parking lot to the marina through parcel 171-008-300-004-00.

However, I do not recommend approval of the additional 8 boat slips. Originally, it sounded as if those 8 were tentatively approved by the DEQ and were simply awaiting the official approval and permit, but that does not seem to be the case now. If this project is primarily a conversion of ownership, then I do not recommend additional structures, be it boat slips or building additions.

I also recommend that there will be no outside storage of the boats or trailers (similar to the previously approved boat storage building SUP) and that the parking by units 1-11 remains pervious. I included the conditions of the Burt Lake dockuminiun for your information as well.

  
Brian Duvall

DECISION

Upon motion, seconded and passed, the Planning Commission Approves the Applicant's requested special land use permit.

CONDITIONS, IF ANY

The above special use permit is expressly conditioned on the following applicable conditions:

1. Denial of (8) new boat slips
2. Submit new parking diagram between docks and single units showing no parking between them
3. Parking on Bowersock Rd:
  - a. For vehicles/boat trailers only
  - b. May-Oct
  - c. Include fence and vegetative buffer
4. Health Department & DEQ approve water and septic
5. No other driveway easements
6. Buildings maintain existing footprint
7. Snowmobile storage \_\_\_\_\_

8. Review by Cheboygan County civil counsel
- 9.
- 10.

TIME PERIOD FOR JUDICIAL REVIEW

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

DATE DECISION AND ORDER ADOPTED

May 17, 2006

Patty Mattson

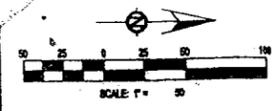
Chairperson

Deborah Tomlinson

Secretary

# CONDOMINIUM CONVERSION OF THE LANDINGS RESORT

PART OF GOVERNMENT LOTS 2 AND 3  
SECTION 8, T35N-R2W, KOEHLER TOWNSHIP  
CHEBOYGAN COUNTY, MICHIGAN



- ⊕ GOVERNMENT CORNER
  - 1/2" BAR & CAP (RECOVERED)
  - ⊙ CONCRETE MONUMENT RECOVERED
  - ⊖ 1/2" BAR & CAP (SET THIS SURVEY)
  - IRON PIPE RECOVERED
  - ⊖ 1/2" BAR & CAP (RECOVERED)
  - ⊖ GUY ANCHOR
  - ⊖ POWER POLE
  - ⊖ WELL
  - ⊖ POST
  - ⊖ SEPTIC MANHOLE
  - ⊖ SIGN
  - ⊖ ELECTRIC BOX
  - ⊖ WATER VALVE
  - ⊖ GAS REGULATOR
  - ⊖ CONVERTIBLE SPACE
  - ⊖ CONIFEROUS TREE
- BOUNDARY
  - - - EDGE OF WATER
  - · - · - SPLITRAIL FENCE
  - - - BOARD FENCE
  - · - · - RAILROAD TIES
  - · - · - ROCKS
  - - - 5' INDEX CONTOUR
  - - - 1' CONTOUR
  - - - SECTION LINE
  - - - OVERHEAD POWER
  - - - OVERHEAD CABLE TV

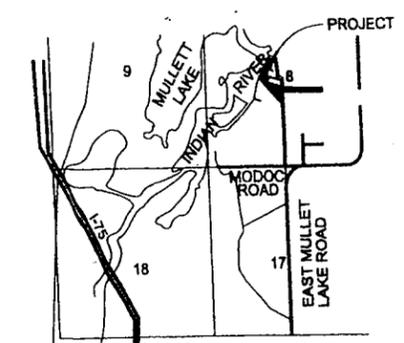
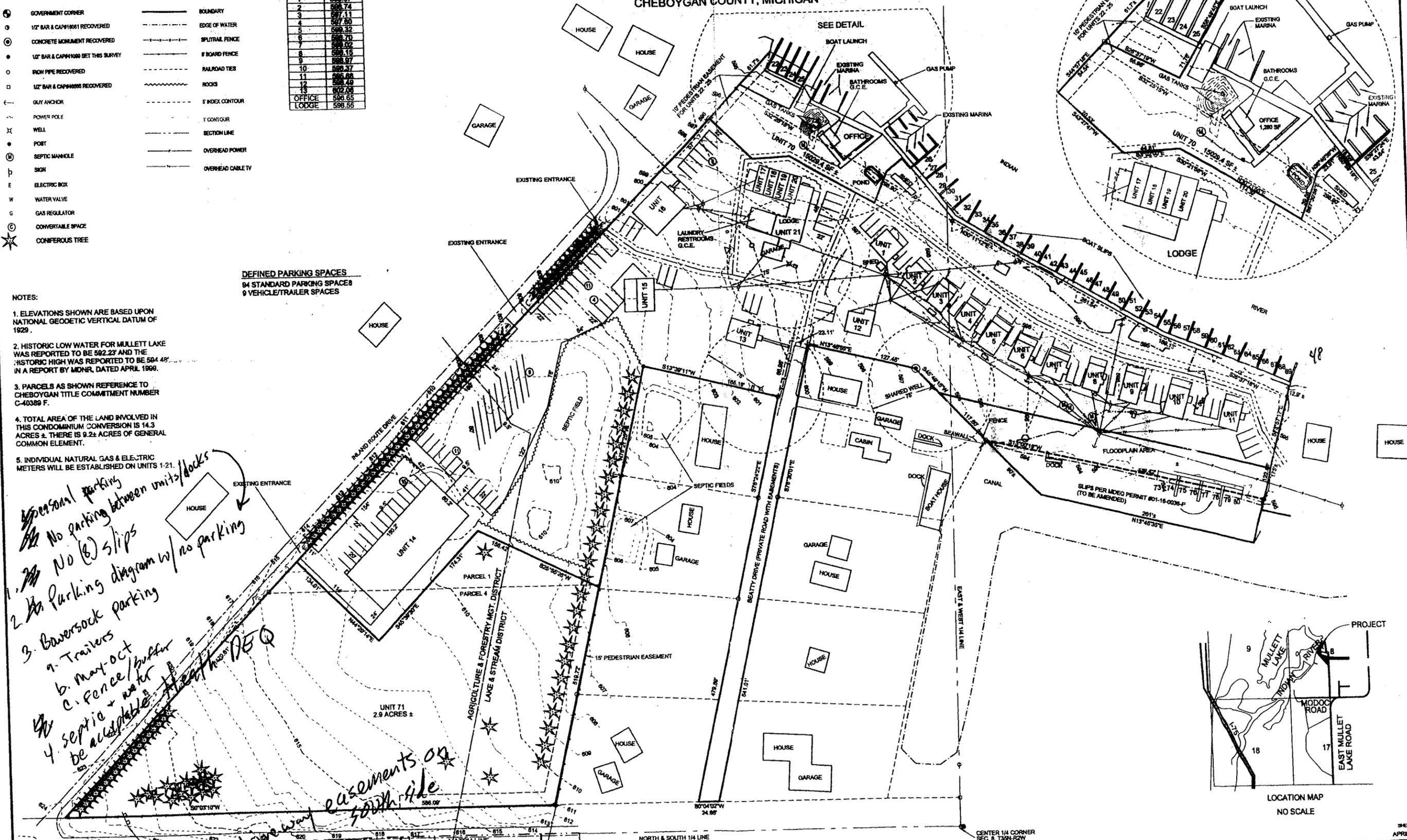
UNIT #	F.F.E. (F.T.)
1	599.67
2	599.74
3	597.11
4	597.60
5	596.32
6	596.70
7	596.12
8	596.15
9	598.57
10	598.37
11	595.88
12	598.49
13	602.08
OFFICE	596.65
LODGE	598.55

**DEFINED PARKING SPACES**  
84 STANDARD PARKING SPACES  
9 VEHICLE/TRAILER SPACES

- NOTES:
- ELEVATIONS SHOWN ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM OF 1929.
  - HISTORIC LOW WATER FOR MULLETT LAKE WAS REPORTED TO BE 592.23' AND THE HISTORIC HIGH WAS REPORTED TO BE 594.48' IN A REPORT BY MDNR, DATED APRIL 1999.
  - PARCELS AS SHOWN REFERENCE TO CHEBOYGAN TITLE COMMITMENT NUMBER C-40389 F.
  - TOTAL AREA OF THE LAND INVOLVED IN THIS CONDOMINIUM CONVERSION IS 14.3 ACRES ±. THERE IS 9.2± ACRES OF GENERAL COMMON ELEMENT.
  - INDIVIDUAL NATURAL GAS & ELECTRIC METERS WILL BE ESTABLISHED ON UNITS 1-21.

*Personal parking*  
*No parking between units/docks*  
*No (6) slips*  
*Parking diagram w/ no parking*  
*Bowersock parking*  
*Trailers*  
*May-Oct*  
*Fence w/ water*  
*Septic be acceptable*

*5. NO further driveway easements on south side*  
*NO boat overnight*  
*Maintain ex. footprint*  
*immoblie storage*



LOCATION MAP  
NO SCALE

SHEET 2 OF 3  
APRIL 3, 2006

SOUTH 1/4 CORNER SEC. 8, T35N-R2W CHEB. CO. REMON	
MEASUREMENTS	NOTE
1" = 40'	67.85'
1" = 40'	54.12'
1" = 40'	46.82'
1" = 40'	41.46'
1" = 40'	10.00'

SEE SHEET 3 OF 3

SEE SHEET 3 OF 3

PROJECT: THE LANDINGS - CONDOMINIUM CONVERSION	FOR: GEORGE GALBRAITH 4605 BEATTY DRIVE INDIAN RIVER	SEC. & T35N-R2W R2: K06H1344	DRAWN: LJB CHECK: BEJ	PROJECT NO. 88-0048
		FULLFORD SURVEYING & MAPPING, P.C. PO BOX 998 5087 S. STRAITS HWY., SUITE A INDIAN RIVER, MI 48749 PHONE: 231-238-9180 FAX: 231-238-9195		

11

August 31, 2016

Cheboygan County Planning and Zoning Dept.  
870 South Main St. #103  
P.O. Box 70  
Cheboygan, MI 49721

We are writing in response to the letter we received recently from your office regarding the September 7<sup>th</sup> Planning Commission Meeting and Public Hearing for the request by John Alexandrowski/Alexandrowski Properties, LLC to amend a special use permit for outdoor boat storage at a Marina, commonly known as The Landings, located on Bowersock Rd. and Inland Rte. Drive.

Thank you for the opportunity to share our opinions about the request. We have appreciated your interest in the past for concerns that residents in the surrounding area and neighborhood have expressed in relation to other Special Use Permit requests from The Landings in 1986, 1988, 2001, 2006 and now in 2016.

Since 1972 we have owned property and have a cabin on Inland Rt. Dr. directly across from The Landings. We have been summer and seasonal residents. Since our retirement we spend significant periods of time there throughout the year.

In 1986 when the original special use permit was proposed for the boat storage building there was to be no outside parking/storage from October to May and no outside lighting. Over the years since then, vehicles and some trailers have been parked in other locations on the property and sometimes to the east of the boat storage building for short period of times during the season. Most of the trailers are parked in front of the boat storage building.

Over the years, the conditions of the permit have generally been followed. On occasions there have been small fishing boats, an old trailer and some debris in the area west of the current boat storage building.

Our questions and concerns are as follows:

1. Anticipated activities- The applicant requests to store boats outside the boat storage building.  
How many boats? What size will the boats be?  
Would these be only boats that belong to the Landings or anyone else who desires off season storage? In a brief conversation with Mark earlier in August, Mr. Alexandrowski stated that a letter would be sent regarding a proposal and that he would be storing around 7 pontoons owned by The Landings.  
How will both storage and parking be available in front of the boat storage building extending along Inland Rte. Dr.? This area is currently used for the parking of trailers during the season.  
What is the length of time for the storage? October- May 1, June, or whenever

the owner launches their boat? Year around? **The SUP in 2006 reaffirmed that storage was to be seasonal.**

Hours of operation- Stated as 9-5 in the permit however, currently those who park trailers get them at a variety of times, sometimes in the evening or early morning.

Possible off- site storage- Off-site storage away from the residential area should be considered. This has been done by other similar operations. At the time of the request for the condo conversion, a 5 acre lot (56 parking spaces) on the east side of Bowersock Rd. was designated for parking. If this area is still part of The Landings, why couldn't this location be used for boat storage? Trees already surround the lot and would block the view of any storage area.

### **Site Plan Standards**

a. The character of adjoining property. The outside storage of boats is not consistent with the area since it is residential in nature, specifically on Inland Rte. Drive, Bowersock Rd. or Beatty Drive. What affect will the outside storage area have on property values?

d. Although the map of the property included with the request indicates trees on the north and south side of the proposed storage area, the landscaping (planting of trees) that took place several years ago is inadequate specifically on Inland Rte. Dr. in the area where the current parking and boat storage building is located. Nothing additional was planted along Inland Rte. Drive. From the map it appears as though there is a dense planting to block the view. This is not the situation. In addition, trees do not adequately block the view on the north side of the proposed storage area near the home on the corner of Beatty Drive and Bowersock Rd. and behind the former Beatty home (now owned by Burgs).

h. Exterior lighting

i. Lighting should not be needed for the hours of operation from 9-5.

4. Present use of property: marina. Does this use include the store, boat storage and site condos as well?

5. SUP Standards

c and d. Negative impact on adjoining property.

Viewing outside boat storage from any of the property in the area does not improve the value or esthetics of that property. While the storage does not physically inhibit development in the surrounding property, it is not likely that someone would be interested in building a cabin or home that would look out across Inland Rte. Dr., Bowersock Rd. or Beatty Dr. The land on Inland Rte. Dr. was specifically developed as a subdivision.

Increased traffic on Inland Rte. Drive may create additional problems.

Currently, delivery trucks and service vehicles travel in and/or out of The

Landings on Inland Rte. Drive. Use of the public easement at the end of the drive has increased over the years and vehicles and trailers are often parked along the road, sometimes on both sides, during busy times of the year.

After 1986 and the construction of the boat storage building, three driveways were created from The Landings onto Inland Rte. Dr. near the seasonal trailer parking area and the east end of the boat storage building. Will there be additional driveways?

With our concerns and questions as stated above and that the proposal does not include enough details of the vision or plan that Mr. Alexandrowski has for The Landings, we ask that you deny the Special Use Permit for the outside boat storage, as proposed.

We invite you to contact us if you have any questions or want more information.

Sincerely,

Mark and Carolyn Malaski  
1443 Cedarwood Dr.  
Flushing, MI 48433  
810-659-6187 or [cfmalaski@aol.com](mailto:cfmalaski@aol.com)

4597 Inland Rte. Drive  
Indian River, MI 49749

9/1/16

Cheboygan County  
Planning Commission  
Cheboygan, MI 49721

Commission Members,

Thank you for sending the letter to us regarding the request by John Alexandroski, The Landings On Indian River, for a special use permit for outdoor boat storage at a Marina. We will be unable to attend the meeting on September 7 so we wanted to express our thoughts to you in writing.

The property in question is in a beautiful and unique location. It also is part of a small community including many residential properties that coexist with the commercial resort. This community and environment must be maintained and protected.

As part of the Landing's business, during the active season (May 1 - October 31) there is a lot of movement and temporary storage of boats and trailers around the property. The issue of increased longer-term outdoor storage has come up before, and as far as we know it has never been approved.

Our specific questions and possible concerns include:

- In the past, a large building (unit 14) was built for the storage of boats. That over-sized building dominates the environment and should be able to accommodate major boat storage needs for the Landings. What business need does this building meet?
- The document contains no estimate of the number of outdoor boat storage spaces to be added in the 3 locations. As a neighbor, it is difficult to imagine how many boats will be there if in use and possibly full.
- The site plan (map) shows thick tree lines along two sides of the proposed storage areas to provide screening for area residents. Current landscaping is sparse, and needs to be made much more dense to be effective. Attached is a picture from our cottage, looking South across Beatty Dr with big storage building in distance, that shows limited screening from current trees. Any new boat storage would be clearly visible.
- Lighting is a concern since we value seeing the night sky and dark surroundings. The Landings has been good about this, remained relatively dark with only necessary lights. Any new lighting should be minimal and only "on" when needed.

Thanks for your consideration of our input. Please give us a call if you have any questions (cell 614-282-8440).

Tom & Marilyn Beerman

6752 Thorne St.  
Worthington, OH 43085

4550 Beatty Drive  
Indian River MI 49749

2013 Looking South from front of our cottage across Beatty Dr with Landings storage building and tree line in distance.





# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## STAFF REPORT

<b>Item:</b> Amendment of a special use permit for outdoor boat storage.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> August 30, 2016	<b>Expected Meeting Date:</b> September 7, 2016

### GENERAL INFORMATION

#### **Introduction:**

The applicant is seeking an amendment to a special use permit first approved by the Zoning Commission on October 7, 1986 for the existing boat storage building (see exhibit 7). The current special use permit was approved on May 17, 2006 to include dwelling and boat mooring condominium and marina uses. The applicant is seeking an amendment to the special use permit to allow outdoor storage of boats in two (2) different areas of the site. One of the areas proposed for outdoor storage is designated for nine (9) vehicle/trailer parking spaces on the 2006 approved site plan. The other area has no current use designation. The site plan approved on May 17, 2006 for the marina use includes property in the Lake and Stream Protection (P-LS) district and a small portion in the Agriculture and Forestry Management (M-AF) zoning district. The marina use was approved in the M-AF district under section 9.3.18 which was in effect at the time the special use permit was approved in 2006 (see exhibit 10) . The remainder of the site proposed for outdoor storage is in the P-LS district. The site plan, meeting minutes and findings of fact relative to the 2006 approval are included as exhibits 9, 10, and 11.

Marina is a use which requires a special use permit in a P-LS zoning district per section 10.3.2.

#### **Applicant:**

John Alexandrowski

#### **Contact person:**

John Alexandrowski

#### **Phone:**

231-838-0532

## **BACKGROUND INFORMATION**

### **Current Zoning:**

Current zoning is Lake and Stream Protection District (P-LS) and Agriculture and Forestry Management (M-AF)

### **Surrounding Land Uses:**

Residential land uses surround the subject site.

**Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain):** The subject site is located on the Indian River. No other environmentally sensitive areas have been identified.

### **Historic buildings/features:**

There are no historic buildings in the subject area.

### **Traffic Implications**

The site is located on Inland Route Drive and Beatty Drive. The site plan amendment is for outdoor boat storage only. No change to traffic conditions is anticipated.

### **Parking**

The site plan as approved in 2006 provides for 96 standard parking spaces. 9 vehicle/trailer parking spaces are to be removed from the site plan to accommodate the proposed outdoor boat storage use. Section 17.6. does not provide standards for Marina use. The Planning Commission will need to make an adequate parking determination per section 17.4.1.

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

Street access to this site is provided from Inland Route Drive. There are no changes proposed to the access driveways.

### **Signs**

No sign changes or additions are proposed

### **Fence/Hedge/Buffer**

No new fence, hedge or buffer is proposed. Evergreen trees exist which meet screening specifications in section 17.18 are located on the west lot line where outdoor boat storage is proposed and adjacent to an existing residential area. The trees are indicated on the site plan.

### **Lighting**

No additional lighting is proposed

### **Stormwater management**

No changes to stormwater facilities are proposed.

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

The site plan amendment is for outdoor boat storage only. Required permits from other entities have not been identified.

**Recommendations (proposed conditions)**

None.

# CHEBOYGAN COUNTY PLANNING COMMISSION

## SPECIAL USE PERMIT REQUEST

Wednesday, September 7, 2016, 7:00 PM

### Applicant

John Alexandrowski  
4605 Beatty Dr.  
Indian River , Mi. 49749

### Owner

Alexandrowski Properties LLC  
4605 Beatty Dr.  
Indian River , Mi. 49749

### Parcel

Koehler Township  
171-008-300-013-00  
171-008-300-004-00

### GENERAL FINDINGS

1. The subject property is zoned Lake and Stream Protection District (P-LS) and Agriculture and Forestry Management Zoning District (M-AF).
2. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats in the portion of the site zoned P-LS and previously approved for marina use in the M-AF district.
3. The subject property is subject to a special use permit which was approved on May 17, 2006. The marina use was approved in a portion of the site zoned M-AF district under section 9.3.18 which was in effect at that time.
4. The subject property received approval for indoor boat storage on October 7, 1986.
5. Boat liveries, marinas and boat launching ramps are uses which require a special use permit in a P-LS zoning district per section 10.3.5.
6. The applicant is seeking a waiver from the site topographic survey requirement for site plans.
- 7.

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

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

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
  1. The subject property is located in a P-LS Zoning district.
  2. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats in the portion of the site zoned P-LS and previously approved for marina use in the M-AF district. (see exhibits 4, 6, 9, 10 and 11)
  3. The subject property is subject to a special use permit which was approved on May 17, 2006. The marina use was approved in a portion of the site zoned M-AF district section 9.3.18 which was in effect at that time. (see exhibits 9, 10 and 11)
  4. Boat liveries, marinas and boat launching ramps are uses which require a special use permit in a P-LS zoning district per section 10.3.5. (see exhibit 1)
  - 5.
  5. Standard has been met.
- Or.
  - 1.
  2. Standard has not been met.

- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
  - 1. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats in the portion of the site zoned P-LS and previously approved for marina use in the M-AF district.
  - 2. Boat liveries, marinas and boat launching ramps are uses which require a special use permit in a P-LS zoning district per section 10.3.5. (see exhibit 1)
  - 3.
  - 4. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
  - 1. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats only in the portion of the site zoned P-LS and previously approved for marina use in the M-AF district. (see exhibit 4)
  - 2. Boat liveries, marinas and boat launching ramps are uses which require a special use permit in a P-LS zoning district per section 10.3.5. (see exhibit 1)
  - 3.
  - 4. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
  - 1. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats only in the portion of the site zoned P-LS and previously approved for marina use in the M-AF district. (see exhibits 4, 6, 9, 10 and 11)
  - 2. Boat liveries, marinas and boat launching ramps are uses which require a special use permit in a P-LS zoning district per section 10.3.5. (see exhibit 1)
  - 3.
  - 4. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
  - 1. The site is accessed from Inland Route Drive, which is a County Local Road. (see exhibit 6)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2.
  - 3. Standard has not been met.
  - 4.

- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
1. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats only in the portion of the site zoned P-LS and previously approved for marina use in the M-AF district. (see exhibits 4, 6, 9, 10 and 11)
  2. The site is accessed from Inland Route Drive, which is a County Local Road.
  - 3.
  4. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
1. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats only.
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
1. The owner/applicant is seeking an amendment to a special use permit for outdoor storage of boats only in the portion of the site zoned P-LS and previously approved for marina use in the M-AF district. (see exhibits 4, 6, 9, 10 and 11)
  - 2.
  3. Standard has been met.
- Or.
1. The special use does not comply with the following standards; \_\_\_\_\_
  - 2.
  3. Standard has not been met.

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

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
1. No changes to the overall contours of the site are proposed (see exhibit 4 and 6)
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
  - 1. No trees are proposed to be removed. No topographic modifications are proposed. (see exhibit 4 and 6)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 1. No changes to site drainage are proposed. (see exhibit 4 and 6)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
  - 1. Not applicable. No dwelling units are proposed.
  
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
  - 1. A practical means for access by emergency vehicle is provided via Inland Route Drive and internal driveway areas. (see exhibit 6)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
  - 1. The structures on the subject have access to Inland Route Drive which is a County Local Road.
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
  
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
  - 1. Not applicable. No subdivision plats or subdivision condominiums are proposed

- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
  - 1. No new exterior lighting is proposed (see exhibit 3)
  - 2.
  - 3. Standard has been met.Or.
  - 1.
  - 2. Standard has not been met.
- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
  - 1. Not applicable. No public common ways are proposed.
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
  - 1. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2)
  - 2.
  - 3. Standard has been metOr.
  - 1.
  - 2. Standard has not been met.

**DECISION**

**TIME PERIOD FOR JUDICIAL REVIEW**

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

**DATE DECISION AND ORDER ADOPTED**

Wednesday, September 7, 2016

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

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

# CHEBOYGAN COUNTY PLANNING COMMISSION

David Yaczik

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Site Plan (1 Page)
5. Floor Plan (1 Page)
- 6.
- 7.
- 8.
- 9.

Note: Planning Commission members have exhibits 1 and 2.



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

### PROPERTY LOCATION

Address <i>1479 S. Straits Hwy</i>	City / Village <i>Indian River</i>	Twp / Sec. <i>TUESCA</i>	Zoning District <i>D-CM</i>
Property Tax I.D. Number <i>162-007-300-003-01</i>	Plat or Condo Name / Lot or Unit No. <i>N/A</i>		

### APPLICANT

Name <i>DAVID KACZIK</i>	Telephone <i>231-373-3328</i>	Fax
Address <i>1499 S. STRAITS HWY</i>	City, State & Zip <i>I.R. Michigan 49749</i>	E-Mail

### OWNER (If different from applicant)

Name <i>AS ABUL</i>	Telephone	Fax
Address	City, State & Zip	E-Mail

### PROPOSED WORK

<b>Type (check all that apply)</b> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	<b>Building/Sign Information</b> Overall Length: <u>8'</u> feet Overall Width: <u>4'</u> feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: <u>32</u> sq. feet Sign Height <u>10'</u> feet
--	--

### PROPOSED USE (check all that apply)

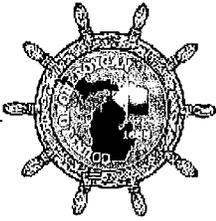
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/>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

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

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

Directions to site: SOUTH OF EXIT 313 APPROX 1700 FT.

SITE PLAN REVIEW APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

SANDWICH SHOP CARRYOUT - 10:00 AM TO 3:00 PM  
OWNER OPERATOR

2. Site Plan Standards.

### PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

WILL STAY TOPOGRAPHY THE SAME

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

NO CHANGE

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

GRAVE BASE DRAINS TO SANDY SOIL UNDERNEATH

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

OPERATIONS ARE INSIDE BLD. MINIMAL TRAFFIC

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

OPEN PARKING LOT + WIDE ENTRANCE

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

WALKWAYS ARE IN PLACE

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

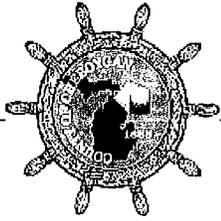
- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. NO OVERFLOW OF LIGHT

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

iii. It does not unnecessarily illuminate night skies. REFLECTS DOWN

SITE PLAN REVIEW APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SITE PLAN REVIEW APPLICATION

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

NO CHANGE

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

COMPLYABLE

3. Size of property in sq. ft. or acres: 100 x 80 FEET

4. Present use of property:

WOOD SHOP

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

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

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

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

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

### AFFIDAVIT

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

Applicant's Signature David E. Yount

Date 08-16-2016

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

Yes  No

Owner's Signature David E. Yount

Date 08-16-2016



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**FOR PLANNING/ZONING DEPARTMENT ONLY**

Date Received:	08/16/16	Notes:
Fee Amount Received:	\$165.-	
Receipt Number:	5212	
Public Hearing Date:		
Planning/Zoning Administrator Approval:		
_____ Signature		_____ Date

**SITE PLAN REVIEW APPLICATION**

# SITE PLAN REVIEW APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

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

SITE PLAN REVIEW APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

**SECTION**

**REASON FOR WAIVER REQUEST**

d.

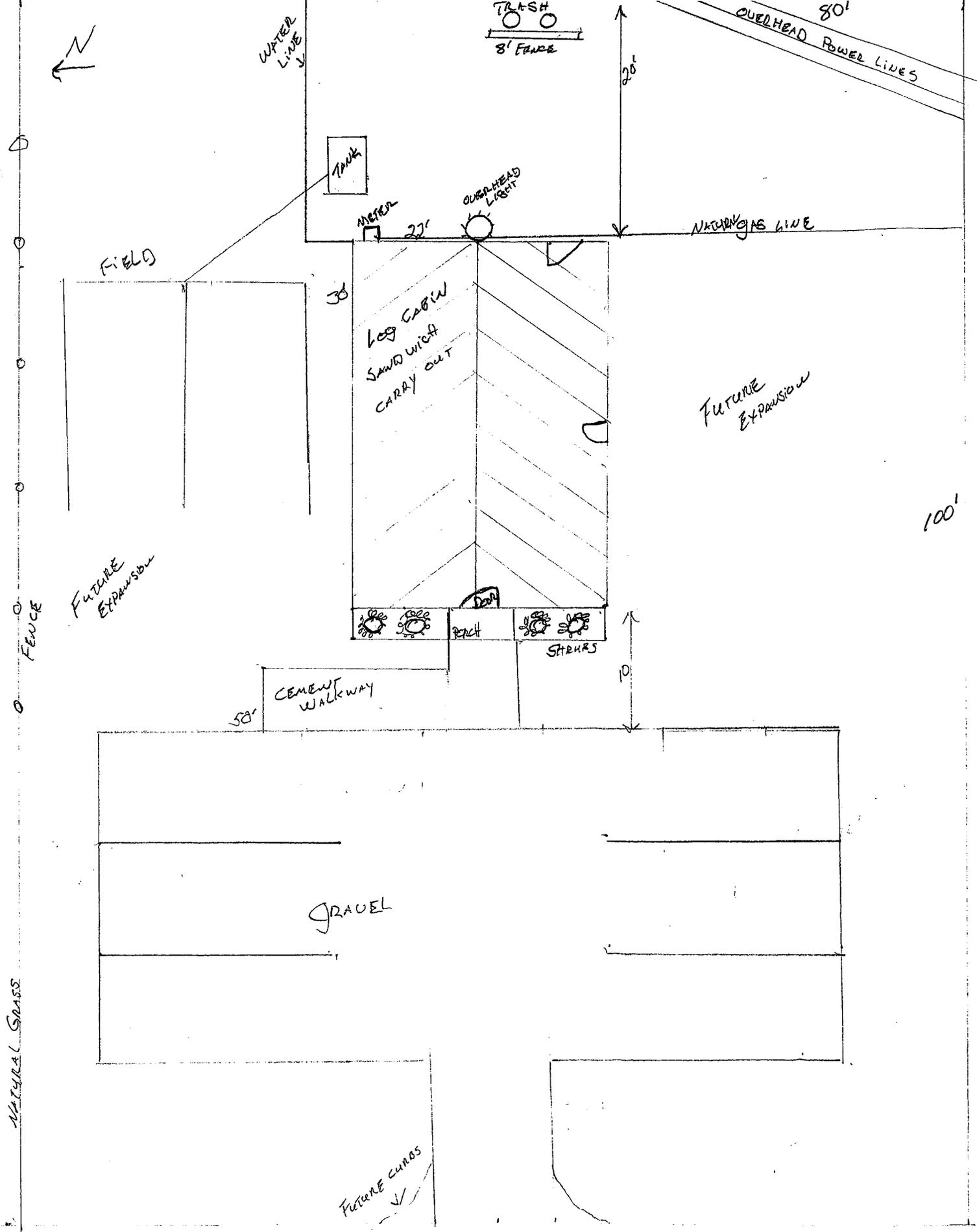
No CHANGE

**AFFIDAVIT**

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

  
SIGNATURE

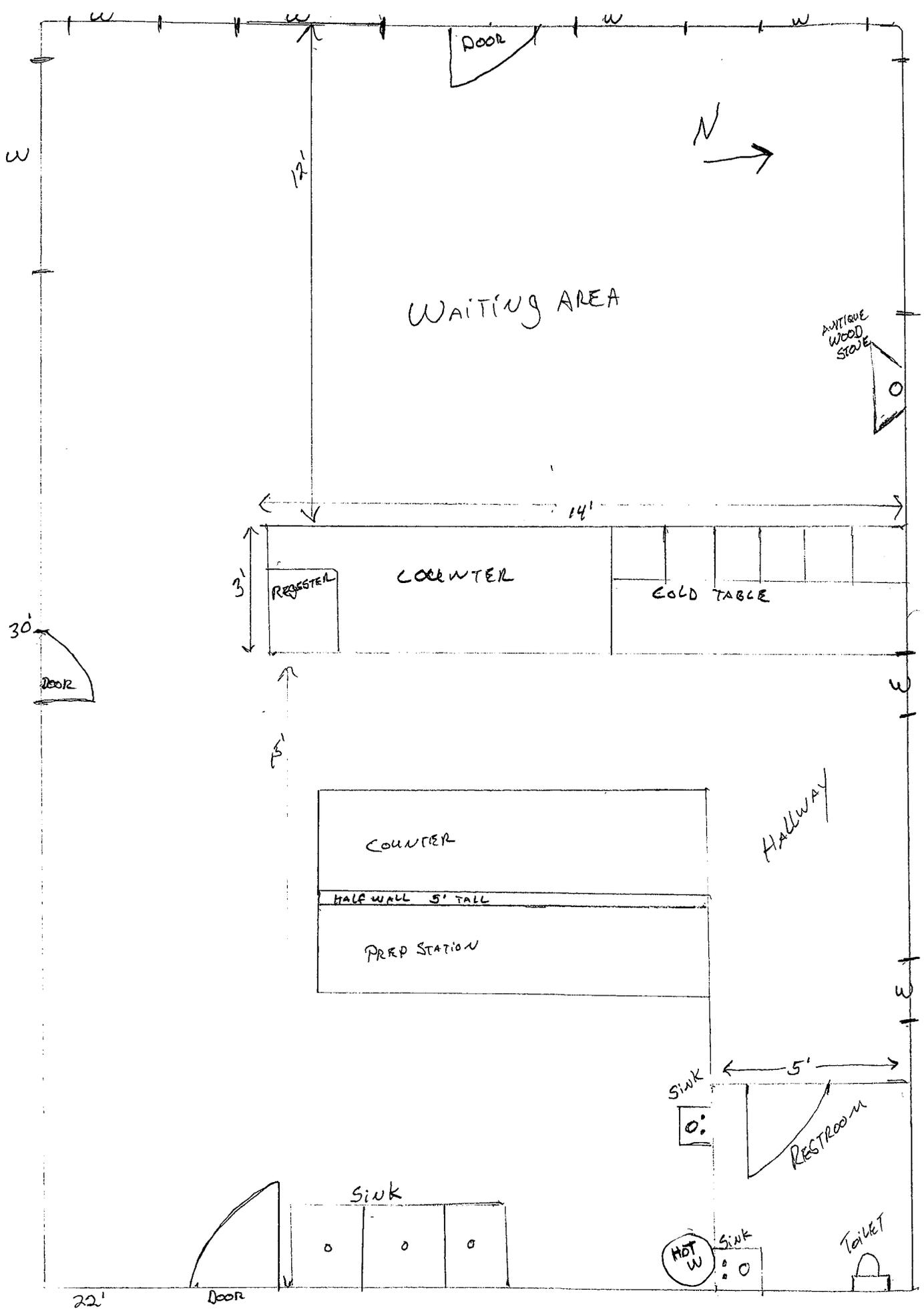
08-16-2016  
DATE



1479 S. STRAITS Hwy T. R.

U.S. 27

Exhibit 4



1479 S. STRAITS HWY I.R

1 INCH = 3 FEET



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## STAFF REPORT

<b>Item:</b> Consideration of site plan review for carry out restaurant use.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> August 30, 2016	<b>Expected Meeting Date:</b> September 7, 2016

### GENERAL INFORMATION

**Applicant:** David Yaczik

**Contact person:** Same

**Phone:** 231-373-3328

**Requested Action:** Site plan review approval for a restaurant use pursuant to Section 6.2.9.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking an approval of a site plan for a carry out restaurant business. The site contains an existing structure proposed to be converted and also contains a single family dwelling.

The subject site is located at 1499 S. Straits Hwy. in Tuscarora Township and is zoned Commercial Development (D-CM). Restaurants are permitted use per section 6.2.9.

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

**Surrounding Land Uses:** Residential to the north, south and west. I-75 to the east.

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

#### **Historic buildings/features:**

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

#### **Traffic Implications:**

The site is located on South Straits Highway. This project will have minimal effect on current traffic conditions.

**Parking:**

The site contains an existing single family dwelling carry out restaurant use in a separate structure. The applicant has identified 6 parking spaces on the site plan for the restaurant use. Section 17.6 requires 1 per 125 sq. ft. gross floor area with a minimum of 4 spaces for a carry out restaurant use. The applicant has provided a floor plan which indicates a gross floor area of 660 square feet requiring 6 parking spaces. The applicant indicates that there will be no employees. There is one single family dwelling on the site which requires 2 parking spaces. There is a two (2) car garage at the dwelling.

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

Access to the site is facilitated by single driveway from South Straits Highway. Review by the Cheboygan County Road Commission is recommended.

**Signs.**

One free standing sign which meets requirement of the sign ordinance is indicated on the with this site plan. Additional signage will need to meet requirements of Section 17.19.

**Fence/Hedge/Buffer**

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

**Lighting:** No new lighting is proposed.

**Stormwater management;**

Minimal changes are proposed to topography relative to creating additional parking. No changes to existing stormwater management is proposed.

**Review or permits from other government entities**

Health Department approval and a certificate of occupancy will be required from the Dept. of Building Safety.

**Recommendations (proposed conditions) .**

- Compliance with Building Code Requirements.
- Compliance with Health Department Requirements.
- Compliance with applicable requirements of the Cheboygan County Road Commission.

**CHEBOYGAN COUNTY PLANNING COMMISSION**

**SITE PLAN REVIEW**

Wednesday, September 7, 2016, 7:00 PM

Applicant

David Yaczik  
1499 S. Straits Hwy.  
Indian River, Mi. 49749

Owner

David Yaczik  
1499 S. Straits Hwy.  
Indian River, Mi. 49749

Parcel

1479 South Straits Hwy.  
Tuscarora Township  
162-007-300-003-01

**GENERAL FINDINGS**

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

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

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  1. The site plan and application provides for no change in the overall natural counters of the site. (see exhibit 3 and 4)
  - 2.
  3. Standard has been met.  
Or,
    - 1.
    2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
  1. The site plan provides and application provides for no change relative to tree and soil removal or topographic modifications at the site. (see exhibit 4 and 5)
  - 2.
  3. Standard has been met.  
Or,
    - 1.
    - 2.
    3. Standard has not been met.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  1. No changes are proposed for storm water removal..(see exhibit 4 and 5)
  - 2.
  3. Standard has been met.  
Or,
    1. The applicant has not demonstrated in the application or on the site plan that proper site drainage will be maintained.. (see exhibits 4 and 5)
    - 2.
    3. Standard has not been met.

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

1. The applicant is seeking site plan review approval for a take-out restaurant use in the front 100 feet of the subject lot. (see exhibit 3 and 4)
2. The lot contains a depth of 490 feet, more or less. (see exhibit 6)
3. The dwelling is located at the rear of the site. (see exhibit 6)
- 4.
5. Standard had been met.

Or,

- 1.
2. Standard has not been met.

The dwelling is located at the rear of the site.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means
1. The site plan provides for a practical means of access for emergency vehicles from South Straits Highway (see exhibit 3 and 4)
  - 2.
  3. Standard has been met.

Or,

- 1.
2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
1. The site is located on, and has access to South Straits Highway. (see exhibit 4)
  - 2.
  3. Standard has been met.

Or,

- 1.
2. Standard has not been met.

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

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

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

1. The lights shall be deflected away from adjacent properties, shall not impede the vision of traffic along adjacent streets and shall not unnecessarily illuminate night skies. (see exhibit 3)
- 2.
3. Standard has been met.

Or,

- 1.
2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
  - 1. Not applicable. No public common ways are proposed.
  
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
  - 1. This site plan will conform to the Master Plan, zoning ordinance, and any applicable state and federal laws. (see exhibit 1,2, 3, 4 and 6)
  - 2.
  - 3. Standard has been met.

Or,

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

**DECISION**

**TIME PERIOD FOR JUDICIAL REVIEW**

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

**DATE DECISION AND ORDER ADOPTED**

Wednesday, September 7, 2016

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Patty Croft, Chairperson

---

Charles Freese, Secretary



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

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

**Date: August 31, 2016**

Included with this memo is the draft zoning ordinance amendment.

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

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

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

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

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

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

**Draft for Public Hearing – September 7, 20116**

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

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

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

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

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

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

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

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

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

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

- A. Incidental signs, not exceeding 3 square feet of sign surface area.
- B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:
  - 1. There shall be no more than two (2) signs per lot.
  - 2. Shall be removed from the lot within sixty (60) days of it's original placement and no more than two (2) days after the subject matter of the sign has expired.
  - 3. Each sign shall be limited to 8 square feet and no more than 4 feet in height.
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
  - 1. Shall be removed from the lot within thirty (30) days after the subject matter of the sign has expired.
  - 2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
  - 3. There shall be no more than one (1) sign per lot.
- G. Signs on motor vehicles not used primarily for advertising purposes.
- H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:
  - 1. Shall not be placed on the lot more than fifteen (15) days before the specific event.
  - 2. Shall be removed from the lot within two (2) days after the specific event is over.

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

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

#### **17.19.3. PROHIBITED SIGNS**

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

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

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

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

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

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

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

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

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

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

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

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

**Section 7. Severability.**

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

**Section 8. Effective Date.**

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

CHEBOYGAN COUNTY

By:  
Peter Redmond  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

**Date: August 31, 2016**

**To: Planning Commission**

**From: Steve Schnell, Community Development Director and Scott McNeil, Planner**

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

Included with this memo is the subject amendment with changes and additions resulting from the most recent meeting as follows:

New proposed definition for vehicle.

Updated language in section 17.29.k. regarding establishing a 120 day limitation on a lot in a calendar year.

Discussion was also held regarding issuing a single zoning permit for each food truck even if they operated at more than one location. Zoning ordinances are constructed to regulate land uses according to a particular property. Compatibility of a proposed land use (in this case: food trucks) must be reviewed for each parcel where that land use is proposed. Each parcel will have unique characteristics (zoning district, setbacks, vehicular parking and maneuvering spaces, compatibility with existing uses, etc.) and must therefore be reviewed separately AND recorded separately using a unique zoning permit for each parcel. Also, the applicant who authorizes the zoning application must be the property owner because they will be one of the primary responsible parties. Condition for use of the property between the applicant and property owner can vary and require specific review by the zoning official.

Essentially, there is no savings of time or costs by requiring one permit per food truck or one permit for each parcel. There would also be no savings of time for the applicant as property owner signatures, site drawings, and property information still have to be gathered for each property on which they propose to do business.

Review of a food truck business which might operate from multiple locations will still require review of each location separately and recording of that permit separately whether that review happens by staff or the Planning Commission. If the Planning Commission will review these in some zoning districts, then travel costs will have to be paid for site visits to each location. If public notices of food trucks will be required then a separate public notice will still have to be published for each property. For these reasons, the fees charged for food truck permits should reflect the associated review costs for each parcel and be charged per parcel.

To provide a single zoning permit for each food truck at more than one location would treat this land use differently from any other. It is important that we remain consistent relative to land use approval procedure whether by zoning permit, site plan review or special use permit for all land uses.

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

Please contact me with questions.

**DRAFT 8/18/16**  
**CHEBOYGAN COUNTY**  
**Zoning Ordinance Amendment # \_\_\_\_\_**

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

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

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

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

**Mobile Food Unit**

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

**Vehicle**

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

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

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

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

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

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

Section 17.29. Mobile food unit

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

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

- f. In addition to signage placed on the mobile food unit, a mobile food unit shall be allowed one (1) temporary accessory sign no greater than 8 square feet in sign surface area and no greater than three (3) feet in height displayed at the location of the mobile food unit. The sign shall be displayed only during times when food is being served from the mobile food unit. The temporary sign shall not be placed in a road right of way without the approval of the governing body with jurisdiction.
- g. No more than twelve (12) accessory chairs and no more than three (3) accessory tables may be placed out of doors on the lot. Tables and chairs shall meet setback requirements applicable to a structure greater than 150 square feet.
- h. Each mobile food unit shall have a minimum of two (2) off street parking spaces if no accessory seating is offered or a minimum of three (3) off street parking spaces if accessory seating is offered. Parking spaces as required for the main use or uses of the lot shall be maintained in addition to those required for the mobile food unit. If parking space requirements for the property may be waived as permitted in other parts of this ordinance, then the required parking spaces for the mobile food unit may be waived in the same manner.
- i. The mobile food unit shall have a minimum of one (1) trash receptacle with a minimum capacity of thirty (30) gallons available for use by its customers. Trash shall be removed from the lot daily or more frequently as needed.
- j. A mobile food unit shall use available lighting at the lot. No additional lighting for the mobile food unit shall be allowed.
- k. A mobile food unit shall not be placed on a lot **for the purposes of serving food and beverages for more than 120 days in a calendar year.**
- l. A mobile food unit shall meet all setback requirements as would pertain to a structure greater than 150 square feet even if that mobile food unit is of a smaller size.

### **Section 3. Severability.**

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

### **Section 4. Effective Date.**

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

CHEBOYGAN COUNTY

By:  
Peter Redmond  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

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

**Date: August 31, 2016**

Included with this memo please find a copy of the draft amendment document dated 8/18/16. The draft document remains as presented at the most recent meeting.

I have discussed the matter of consistency with the master plan as a standard for approval of a PUD under the current amendment with attorney Brian Graham. Included with this memo is a memo from Mr. Graham regarding this matter for your review.

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

# YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.

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Peter R. Wendling  
Nicole E. Graham

Eugene W. Smith  
James G. Young, *Of Counsel*

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## MEMORANDUM

**TO:** Scott McNeil, Planner  
Cheboygan County **VIA EMAIL**

**FROM:** Bryan E. Graham *BEG*

**DATE:** August 25, 2016

**SUBJECT:** Legal implications if a land use within a PUD is not required to comply with the county master plan

You have asked me to address the legal implications if a land use within a PUD is not required to comply with the county master plan. It has been my consistent legal advice that the PUD amendment currently being considered require that any use within a PUD comply with the county master plan. There are a number of reasons for this legal advice.

1. Section 203 of the zoning enabling act, MCL 125.3203, requires that zoning ordinances be based on a plan. If the developer of a PUD is entitled to establish a use on his or her property without regard to the county master plan, then in essence the zoning ordinance as it relates to a PUD would be in violation of this provision of the zoning enabling act.
2. A site plan is required to be approved in conjunction with a PUD under section 501(3) of the zoning enabling act, MCL 125.3501(3). Section 501(4) of the zoning enabling act, MCL 125.3501(4), then states that a "decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in . . . statutorily authorized and properly adopted local unit of government planning documents [the master plan]."
3. As you have often heard me say, to be lawful the zoning ordinance must be reasonable. Michigan courts have ruled that compliance with a master plan provides evidence that the ordinance is reasonable. If a use is established in a PUD contrary to the provisions of the master plan, then not only is the evidence of reasonableness eliminated, but the argument can be made that the noncompliance with the master plan is evidence that the zoning ordinance is not reasonable.

4. In what I believe to be the latest draft of the PUD amendment, Section 19.3 generally provides that “[a]ny use allowed in any zoning district may be applied for within a PUD.” Obviously, this is a discretionary zoning decision. Section 504(1) of the zoning enabling act, MCL 125.3504(4), requires that discretionary zoning decisions be based on standards contained within the zoning ordinance. If the zoning ordinance requires compliance with the master plan, then the discretion concerning the establishment of uses within the PUD would be based on standards in the zoning ordinance. It is important to understand that the standards for PUD approval contained in Section 19.6 relate to the physical development of the PUD and do not relate to the type of uses permitted within a PUD.

If you or members of the planning commission have questions concerning this memo, please do not hesitate to contact me. I would also be happy to attend a planning commission meeting to discuss these matters.

BEG

DRAFT 8/18/16

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

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

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

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

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

**SECTION 19.2. Eligibility Requirements.** To be eligible for a planned unit development, a parcel shall meet all of the following:

1. A PUD may be applied for in any zoning district except Lake and Stream Protection (P-LS), Resource Protection (P-RC) and Natural Rivers Protection (P-NR).
2. Minimum lot size for a PUD shall be five (5) acres with a minimum of 350 at the front lot line. Any PUD with proposed industrial use shall contain a minimum of ten (10) acres with a minimum of 500 front feet.
3. The entire lot being considered for a PUD must be under single or unified ownership.
4. The site submitted for a PUD shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses. A PUD proposed to be developed in phases shall require approval of each phase by the Planning Commission.
5. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction.

**SECTION 19.3. Permitted Uses.** Except as provided herein, the permitted uses within a PUD may consist of any use authorized in any zoning district. Any proposed use, however, shall be consistent with the county master plan for the location in which the use will be developed. In addition, any use that is authorized exclusively in the Light Industrial Development (D-LI) district and/or the General Industrial Development (D-GI) district shall only be permitted in a PUD located in that respective district.

**SECTION 19.4. Development standards for Planned Unit Development (PUD)** In addition to eligibility standards under Section 19.3. and general requirements under Section 19.4., the site submitted for PUD shall adhere to the following standards:

1. The development standards for the uses proposed in the PUD shall be consistent with the corresponding standards within this ordinance for those uses except as provided in this section.
2. Minimum lot size, Minimum setbacks and Maximum structure height based on use type:

USES	Min. Lot Size		Min. Yard Setbacks (ft.)			Max. Structure Height (ft.)
	Area (sq. ft.)	Width (ft.)	Front (ft.)	Sides (ft.)	Rear (ft.)	
Single Family or Two Family Residential	9,900 per dwelling	70	25	8	10	35
Multi-Family Residential and/or Non-Residential	Submit with plan		25	10	15	35
Industrial	Submit with plan		40 <sup>A</sup>	25 <sup>A</sup>	25 <sup>A</sup>	35

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

B. Any portion of a PUD with a non-residential or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which contains a residential use.

3. A minimum of fifteen (15) percent of the land developed on any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Any required perimeter setback area shall not be used to compute area for required open space. The required amount of open space shall be held in common ownership by each owner of property with the development. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final plan

**SECTION 19.5. Applicaton and approval standards.** The following procedures shall be used for the review and approval of a Planned Unit Development (PUD)

**19.5.1. Pre-application Conference.** A pre-application conference shall be held with the Planning Commission. The goals of the pre-application conference are to acquaint the Planning Commission with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement, approval, or denial of the PUD.

a. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

**19.5.2. Submission of Application and PUD Plan.** Following a pre-application conference, if the applicant desires to proceed, they must submit a complete PUD application which shall include an explanation of the PUD, proposed phases of development, PUD site plans, and application fee to the Zoning Administrator.

1. The PUD site plans shall include;

- a. Site plan of existing conditions which shall include
  1. Existing buildings.
  2. Existing parcel boundaries with tax parcel identification numbers
  3. Existing streets
  4. Existing woodlands
  5. Topography with minimum 5-foot contours
  6. Bodies of water and other significant natural features.
  7. Surrounding land uses and zoning.
  8. Existing utilities, wells and septic systems
  9. Other information as may be requested by staff or the Planning Commission.
- b. Site plan for the proposed development which shall include;
  1. Boundary of the proposed PUD with legal description.
  2. Footprint, dimensions and elevations of proposed buildings
  3. Proposed uses and their general locations.
  4. Layout of streets, drives, parking areas and pedestrian paths.
  5. Proposed parcel boundaries.

6. Minimum setbacks for district perimeters and individual buildings within the development.
7. Proposed perimeter buffer zones and screening.
8. Conceptual landscape plan.
9. Development phases and schedule indicating stages in which the project will be built with time frames for beginning and completion of each stage.
10. Type, estimated number and density range for residential uses within the development.
11. Proposed open space and acreage thereof.
12. Table of required and provided parking for all proposed uses.
13. Proposed location of water and sewer/septic system facilities including easements.
14. Proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
15. Drainage plan and final topography plan with minimum 5 foot contours.
16. Location of all public utilities including easements
17. Signage plan.
18. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
19. Other information as may be requested by staff or the Planning Commission.

2. The Zoning Administrator shall deem the PUD application and PUD site plans complete if all requirements of this section have been met. The Zoning Administrator shall present the final plan to the Planning Commission at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete plans and application.

#### **19.6. Standards for PUD approval.**

1. In addition to standards and requirements under Sections 19.2., 19.3. and 19.4., the application and site plans for a PUD shall comply with the following standards:

- a. The PUD shall be consistent with master plan.
- b. The PUD is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area
- c. The PUD will not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance
- d. The PUD will provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets
- e. The PUD will have safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.

f. The PUD will not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced

g. The design of the PUD will ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

h. The PUD will be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

i. The PUD shall meet the standards of other governmental agencies, where applicable.

j. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.

**SECTION 19.7. Review by the Planning Commission.** The Planning Commission shall hold a public hearing on the PUD application and PUD site plans within 30 days of the regular meeting at which it is first reviewed. Notice of the public hearing shall be provided as required in Section 24.2. The Planning Commission shall make findings of fact on the standards for approval and shall make a recommendation for approval, approval with conditions or denial to the Board of Commissioners.

1. The Planning Commission may make a recommendation to the Board of Commissioners concerning waiving any standard for approval upon a finding that all of the following exist:

- a. No good public purpose will be achieved by requiring conformance with the standard(s) to be waived.
- b. The spirit and intent of the PUD provisions will still be achieved.
- c. No nuisance will be created.

2. The Planning Commission may make a recommendation to the Board of Commissioners that reasonable conditions be imposed to insure that public services and facilities affected by a PUD will be capable of accommodating increased service and facility loads, protect the natural environment, conserve natural resources and energy and insure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social well-being of those who will use the PUD under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.
- b. Be related to the valid exercise of the police power and purposes which are affected by the PUD.
- c. Be necessary to meet the intent and purpose of the requirements and standards established for the PUD under consideration and be necessary to insure compliance with those standards.

**SECTION 19.8. Performance Guarantee.** In order to ensure compliance with this section and any conditions imposed under the same the Planning Commission may recommend to the Board of Commissioners that a performance guarantee in the form of cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements be deposited with the County Clerk to insure faithful completion of required improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the PUD. The Planning Commission shall include in its recommendation to the Board of Commissioners a procedure by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements should be made as work progresses in its recommendation to the Board of Commissioners.

**SECTION 19.9. Review by the Board of Commissioners.**

1. The Board of Commissioners shall hold a public hearing following requirements of Section 24.2. The Board of Commissioners shall review the record compiled before the Planning Commission, the findings of fact made by the Planning Commission concerning the approval standards, any recommendations concerning waiving any approval standards or imposing conditions, and the Planning Commission's recommended action. The Board of Commissioners may receive additional evidence, but will not re-hear information previously submitted at the public hearing held by the Planning Commission.

2. The Board of Commissioners shall approve or approve with conditions the PUD by rezoning the property if it finds that all of the approval standards are met. In rendering its decision, the Board of Commissioners may adopt as its own the findings of fact made by the Planning Commission, may modify the findings of fact made by the Planning Commission based on the evidence presented to the Planning Commission, may remand the matter to the Planning Commission for consideration of additional evidence the Board of Commissioners considers relevant and further recommendations by the Planning Commission, or may itself gather any additional evidence it considers relevant and make its own findings of fact concerning whether the standards for approval have been met.

3. No application for a PUD which has been denied, wholly or in part, by the Board of Commissioners shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county's civil counsel by a written opinion states that in the attorney's professional opinion the decision made by the Board of Commissioners or the procedures used in the matter were clearly erroneous. A reapplication shall be processed in the same manner as the original application.

**SECTION 19.10. Notation of approved PUD on zoning map.**

1. Each PUD approved by the Board of Commissioners shall be noted on the zoning map and shall be assigned a unique identifier.

**SECTION 19.11. Expiration, Development and Maintenance of approved PUD.**

1. A PUD shall expire one (1) year following an approval by the Board of Commissioners, unless substantial construction has begun on the development, or the property owner applies to the Planning Commission for an extension of the approved PUD prior to the expiration of the PUD. The Planning Commission may grant no more than two (2) extensions of an approved PUD for additional one (1) year periods each if it finds both of the following:

- a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
- b. The requirements and standards for PUD approval that are reasonably related to the development have not changed.

2. If the PUD expires pursuant to subsection 1 above, no work may be undertaken until a new PUD approval is obtained following the procedures for a new PUD.

3. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application, site plan and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

**SECTION 19.12. Amendments to Approved PUD site Plan.** Amendments to an approved PUD site plan shall be permitted only under the following circumstances:

1. The owner of property for which a PUD site plan has been approved shall notify the zoning administrator of any desired change. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the final plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - a. Reduction of the size of any building and/or sign.
  - b. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.
  - c. Landscaping approved in the final plan that is replaced by similar landscaping to an equal or greater extent.
  - d. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after approval of the final plan.
  - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - f. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
  - g. All amendments to final plan by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

2. An amendment to an approved final plan that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original PUD application by the Planning Commission as required under section 19.7.

**Section 2. Severability.**

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

**Section 3. Effective Date.**

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

CHEBOYGAN COUNTY

By:

Peter Redmond

Its: Chairperson

By:

Mary Ellen Tryban

Its: Clerk



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Draft survey and introduction letter relative to boathouses.**

**Date: August 31, 2016**

Included with this memo is a draft letter of introduction and survey for relative to boathouses for your review.

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



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

(DRAFT Survey introduction letter)

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

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

The Planning Commission is considering a recommendation to amend the zoning ordinance to allow boathouse structures on the Cheboygan River, Indian River and Lower Black River and direct connections to them. The Planning Commission is also considering a provision which would not allow walls on boathouses to minimize effect on viewsheds if such amendment were put into effect. Your completion and return of the survey would provide valuable information to the Planning Commission in their consideration of this issue.

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

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

Sincerely,

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

(DRAFT) 8/25/16  
Cheboygan County Planning Commission  
Boathouse Survey

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

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

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

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

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

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

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

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

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

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

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

PLEASE FEEL FREE TO PROVIDE ADDITIONAL COMMENTS



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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## MEMO

**Date:** August 26, 2016  
**To:** Planning Commissioners  
**From:** Steve Schnell, Community Development Director  
**Re:** Boathouses

The Planning Commission is currently reviewing potential changes to the zoning ordinance which may allow new boat houses in the waterfront setback. It may also be important to consider other similar structures such as “tiki huts”. I am making you aware of these structures not because I believe there are any specific changes needed. I’m merely making the Planning Commission aware of these similar structures and suggesting that they may have very similar land use impacts as boathouses and may be deserving of similar treatment IF the Planning Commission chooses to update any applicable regulations.



I am aware of these structures because there have been a few enforcement matters with structures along waterbodies built without permits. A few of these have been structures commonly called “tiki huts”. These are typically wooden structures which have roofs and can be of substantial size. Some have had fold down walls made of clear and opaque plastic.

One in particular was discovered and the owner was alerted to the violation. He exhausted all options by applying for a variance which was denied. A citation was issued when it wasn’t removed, it was challenged in court and the court sided with the County. Another citation was issued when it still wasn’t removed and we will be in court a second time as the owner is presumably challenging the removal schedule.

I present this situation to you as there may be additional enforcement matters related to these types of structures and, when considering the future of boat houses, please also consider whether there is a desire to change the regulations for these structures with very similar land use impacts.