



# 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, JUNE 1, 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. **Toni Wilson** – Requests a Site Plan Review for a Retail, Restaurant and Office (salon) (Sections 13B.2.7. 13B.2.8 and 13B.2.9). The property is located at 3499 South M-27, Tuscarora Township, section 24, parcel #161-024-200-006-00 and is zoned Village Center Indian River Overlay (VC-IR-O)
2. **Jacki Hanel and Toni Wilson** – Requests a Site Plan Review Amendment for a Restaurant (Section 13B.2.8). The property is located at 6060 River Street, Tuscarora Township, parcel #161-131-010-002-00, section 24, and is zoned Village Center Indian River Overlay (VC-IR-O).
3. **Tuscarora Township** - Requests a Site Plan Review Amendment for playground equipment (sections 6.2.1 and 4.2.4). The property is located at Onaway Road and Club Road, Tuscarora Township, section 24, parcel #161-131-012-002-00 and #161-131-012-003-02 and is zoned Commercial Development (D-CM).

### **UNFINISHED BUSINESS**

1. Capital Improvement Program Project Presentation For Cheboygan County Marina
2. Review of proposed definitions re; uses related to Gas Station and Party Store
3. Review of proposed definitions re; uses related to Restaurant and Bar

### **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 WEDNESDAY, MAY 18, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk  
**ABSENT:** None  
**STAFF:** Scott McNeil  
**GUESTS:** Eric Boyd, Bob Lyon, Cal Gouine, Russell Crawford, Cheryl Crawford, Tony Matelski, Carl Muscott, John Moore

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

### APPROVAL OF MINUTES

The May 4, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried unanimously.

### UNFINISHED BUSINESS

#### Draft Zoning Ordinance Amendment - Planned Projects

Mr. McNeil stated that the proposed Planned Project amendment has been reviewed by legal counsel. Mr. McNeil stated that definitions for non-residential use and residential use have been added to the amendment. Mr. McNeil stated that these definitions were in the proposed PUD amendment also but the Planning Commission has discussed relying only on this amendment and not reviewing the PUD amendment. Mr. McNeil stated that this amendment is ready for a public hearing. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing for June 15, 2016 for the proposed Planned Projects amendment. Motion carried unanimously.

#### Draft Zoning Ordinance Amendment - Planned Unit Development

Mr. McNeil stated that this amendment proposes to replace the current Planned Unit Development ordinance. Mr. McNeil stated that the Planning Commission's requested changes have been made to the proposed amendment. Mr. McNeil reviewed the changes that the Planning Commission requested. Mr. McNeil stated that the minimum lot size for a PUD is 5 acres with a minimum of 350ft. front feet. Mr. McNeil stated that the minimum lot size for any PUD with a proposed industrial use is 10 acres with a minimum of 500 front feet. Mr. Freese asked if anyone has looked to see if this requirement can be met in any of the presently existing parcels that are zoned Industrial. Mr. McNeil stated that this would apply to parcels in Tuscarora Township Industrial Park and Nunda Township. Mr. Freese stated that there are not many areas that would fit these criteria.

Discussion was held regarding the differences between a Planned Project and a Planned Unit Development. Mr. Jazdyk stated that the Planned Project Amendment (with the Planning Commission's discretion) should be considered instead of having two regulations that set up another layer of complexity. Mr. Jazdyk stated his concerns regarding these two amendments being very similar in wording. Mr. Jazdyk stated his concern regarding these two amendments causing confusion. Mr. McNeil stated that the Planned Project Amendment allows mixing uses that are allowed in a zoning district. Mr. Freese stated that it does not allow uses from another zoning district. Mr. Freese explained that the Planned Project allows more flexibility than the PUD. Mr. Freese stated that if you are going to cross zoning districts a PUD will be necessary. Discussion was held.

Mr. McNeil stated that the Planning Commission can approve a PUD, but since we are allowing mixing uses the best way to do this is through rezoning. Mr. McNeil stated there could be a bunch of selected uses that could be put into a PUD and the Planning Commission could approve it like a special use permit. Mr. McNeil stated the Planning Commission would have to review the uses a lot closer. Mr. McNeil stated there could be more site plan requirements for a PUD as there is the ability to mix any use in any zoning district. Mr. McNeil stated a Planned Project is set forth as a use itself. Mr. McNeil stated Planned Projects are not allowed in the Lake and Stream Protection Zoning District or the Natural Resources Zoning District. Mr. McNeil stated that with a PUD, you can take any of the uses in the districts and propose a use. Mr. Freese stated if someone can present an idea that is acceptable he doesn't see why the uses can't be mixed for a PUD but you will have to zone it that way. Discussion was held. Mr. Freese stated that this language would have been helpful to the Planning Commission when reviewing a couple of previous requests and trying to determine whether the project fit in with the surrounding area. Discussion was held regarding the necessity of pre-application conferences. Mr. McNeil stated that he encourages applicants to schedule a pre-application conference. Mr. McNeil noted that it is ultimately up to the applicant whether or not to schedule the pre-application conference.

Mr. Jazdyk asked if the Planning Commission has any control over a project with phases. Mr. McNeil stated under eligibility requirements it mentions that a PUD shall be developed as a single integrated design entity even though it may be developed in phases and contains a variety of uses. Mr. McNeil stated in the site plan requirements, there is language requiring the details of the phases. Mr. Kavanaugh stated that this wording needs to be strengthened.

Mr. Freese stated that language should be included to allow the Planning Commission to require a performance bond. Mr. McNeil stated he will make these changes and bring this amendment back to the Planning Commission.

#### **Draft Zoning Ordinance Amendment - Uses To Be Deleted**

Mr. McNeil stated that this proposed amendment has been reviewed by legal counsel. Mr. McNeil stated that at the last Planning Commission meeting there was a discussion regarding whether or not portable sawmills should be allowed inside buildings. Mr. McNeil stated that the Department of Building Safety does not deal with this issue. Mr. McNeil asked if this should be taken out of the amendment. The Planning Commission agreed that this should be taken out of the amendment. Mr. McNeil stated that he will remove this requirement and include the 100ft. setback requirement. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to schedule a public hearing on June 15, 2016. Motion carried unanimously.

#### **NEW BUSINESS**

##### **Review of Boat Houses and Boat Well Covers**

Mr. McNeil stated that he has provided a map to the Planning Commission, which highlights boat houses based on a review of the 2012 aerial photos. Mr. McNeil stated there are boat houses on the Cheboygan River, Black River and very few on the lakes. Mr. McNeil stated that the area where they are most plentiful is in the Indian River area. Mr. McNeil stated that he went back 16 years and identified variances requests that were addressed by the Zoning Board of Appeals. Mr. McNeil stated that the Zoning Board of Appeals was consistent in allowing replacement, but not allowing anything new.

Mr. Jazdyk asked if the need for a boat house has decreased over the years. Mr. Freese stated no and noted that many people want to put up a shelter type structure. Mr. Freese stated that the Zoning Board of Appeals has not approved new boat houses. Mr. Freese stated in some cases where a boat house is falling down, they property owner has been allowed to put it back up in the same location with the same size and without sides. Mr. Kavanaugh stated the Zoning Board of Appeals has done a good job on these decisions as there have only been 8 in 16 years. Mr. Kavanaugh stated that it should remain with the Zoning Board of Appeals instead of revising the ordinance. Mr. Freese stated that there have been 3 requests in the past 6 months. Mr. Kavanaugh stated this is a minor issue. Mr. Freese stated this discussion should be opened up for the public to make comments on whether or not they want an overlay district. Discussion was held. Mr. Jazdyk asked how can this be allowed in one area through an overlay district, but not be allowed a mile down the river. Mr. Freese stated that you look at the historical record of what property owners have had and what they seem to want. Mr. Kavanaugh stated that if this is allowed in certain areas (through an overlay district) it should be allowed anywhere on the lakes and rivers. Mr. Freese noted that legal counsel has advised that if you keep getting the same types of requests to the Zoning Board of Appeals there is a problem with the regulation. Discussion was held. Mr. Kavanaugh asked Mr. McNeil for his opinion on boat houses and boat well covers. Mr. McNeil stated that there have not been any requests for a new boat house. Mr. McNeil stated that he has received applications for those that want to fix up, alter or replace the structure that exists. Mr. Freese stated there were two requests last fall on Indian River. Mr. McNeil stated there has been a spike in requests for these structures in the past couple of years, but he does not know if that is enough to merit allowing these structures. Mr. McNeil stated that the public may see these structures as historical or unique and should be encouraged in the future. Mr. McNeil stated if the Planning Commission finds that there is merit to this there could be public hearings in regards to an overlay district that recognizes the historical nature of an area.

Mr. Muscott stated at a Zoning Board of Appeals meeting there was a request on Bellchase Drive where the canal lots have boat wells. Mr. Muscott stated that there probably will not be a lot of new boat wells put in due to DEQ regulations and Army Corps of Engineers regulations. Discussion was held. Mr. Muscott explained that this property owner recently purchased his property and hoped to upgrade his boat house so it would be more usable. Mr. Muscott stated that the property owner was disappointed that he could not upgrade the boat house. Mr. Muscott stated that he appreciates this reasonably quick discussion. Mr. Muscott believes it will benefit the community and there are people who will appreciate it. Mr. Freese stated that he knows of 3 new boat wells in the last 6 months on the Indian River and the DEQ and Army Corps of Engineer permits were approved without any problem.

Ms. Lyon stated that the Zoning Board of Appeals will really only hear from the people who want a boat house. Ms. Lyon stated that we do not hear from the people who do not want a boat house. Ms. Lyon stated that part of the population needs to be represented also. Ms. Lyon stated she would like to know how the neighbor feels about a boat house. Mr. Freese explained that after the Planning Commission comes up with a proposal for an overlay district, a notice will be mailed out to every property owner in the overlay district. Mr. Freese stated if they do not like what is proposed the Planning Commission should hear from the property owners. Discussion was held.

Mr. McNeil stated Indian River could be looked at for a possible overlay. Mr. McNeil stated he would develop language for the overlay which the Planning Commission could then discuss until they determine if they want to hold a public meeting. Mr. Freese stated he would like to propose Indian River, Cheboygan River and Black River. Mr. Freese stated this should also include the canals off of the rivers also. Discussion was held.

#### **STAFF REPORT**

Mr. McNeil stated that he has heard from Mullett Township in regards to the off-premise sign issue and their review of that relative to the Topinabee Village Center. Mr. McNeil stated that they have indicated that they have no concerns with regards to removing the off-premise sign criteria. Mr. McNeil stated he has not heard from Tuscarora Township yet.

Mr. McNeil stated that Mullett Township has decided to withdraw their projects from the Capital Improvement Program. Mr. McNeil stated that Administrator Lawson will attend the next meeting to provide a report with regards to the Marina.

#### **PLANNING COMMISSION COMMENTS**

No comments.

#### **PUBLIC COMMENTS**

No comments.

#### **ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:02pm.

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Charles Freese  
Planning Commission Secretary

# CHEBOYGAN COUNTY PLANNING COMMISSION

Toni Wilson

## 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.
- 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 <u>3499S.M 27</u>	City / Village <u>Ius</u>	Twp / Sec. <u>24</u>	Zoning District
Property Tax I.D. Number <u>161-024-200-006-00</u>	Plat or Condo Name / Lot or Unit No. <u>N/A</u>		<u>VE-TR-0</u>

### APPLICANT

Name <u>Toni Wilson</u>	Telephone <u>231 420 8446</u>	Fax
Address <u>P.O Box 12</u>	City, State & Zip <u>AFTon Mich 49705</u>	E-Mail <u>toni.wilson21601725@yaho.com</u>

### OWNER (If different from applicant)

Name <u>Toni Wilson</u>	Telephone <u>231 420 8446</u>	Fax
Address <u>4928 Madoc Rd</u>	City, State & Zip <u>Indian River</u>	E-Mail <u>toni.wilson21601725@yaho.com</u>

### PROPOSED WORK

Type (check all that apply) <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: _____	Building/Sign Information Overall Length: _____ feet Overall Width: _____ feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height _____ feet
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### PROPOSED USE (check all that apply)

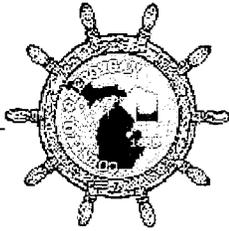
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> 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: 27 South across the Bridge to your left  
As you go South, from RR Road Depot Building

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.

*Retail & Salon one employee. one chair  
Outdoor display & Seating, dele - no employees*

2. Site Plan Standards.

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

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

*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.

*No change*

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

*access driveway from South St. Hwy.*

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

*SAME AS E.*

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

*N/A*

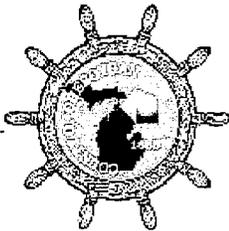
h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. *deflected away.*

ii. It does not impede the vision of traffic along adjacent streets. *no.*

iii. It does not unnecessarily illuminate night skies. *no*

SITE PLAN REVIEW APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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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.

NA

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

yes

3. Size of property in sq. ft. or acres: \_\_\_\_\_

4. Present use of property: Retail

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

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

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

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

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

### AFFIDAVIT

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

Applicant's Signature \_\_\_\_\_ Date 5-16-16

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

- Yes  No

Owner's Signature Tom Wilson Date 5-16-16

# SITE PLAN REVIEW APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
X		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	X	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
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.

SITE PLAN REVIEW APPLICATION

# SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		m. Location and specifications for all fences, walls, and other screening features.
NA		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
X		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
WA		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
WA		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
WA		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**

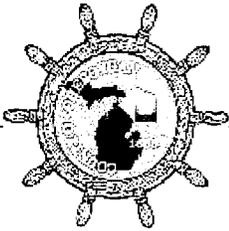
d	Removal of fence - No Change.

**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

5-16-14  
 \_\_\_\_\_  
 DATE



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

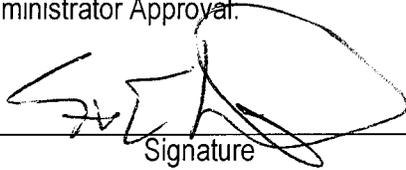
870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646

## FOR PLANNING/ZONING DEPT. USE ONLY

Date Received:	5/17/16
Fee Amount Received:	\$110.-
Receipt Number:	5024
Public Hearing Date:	6/1/16

Notes:

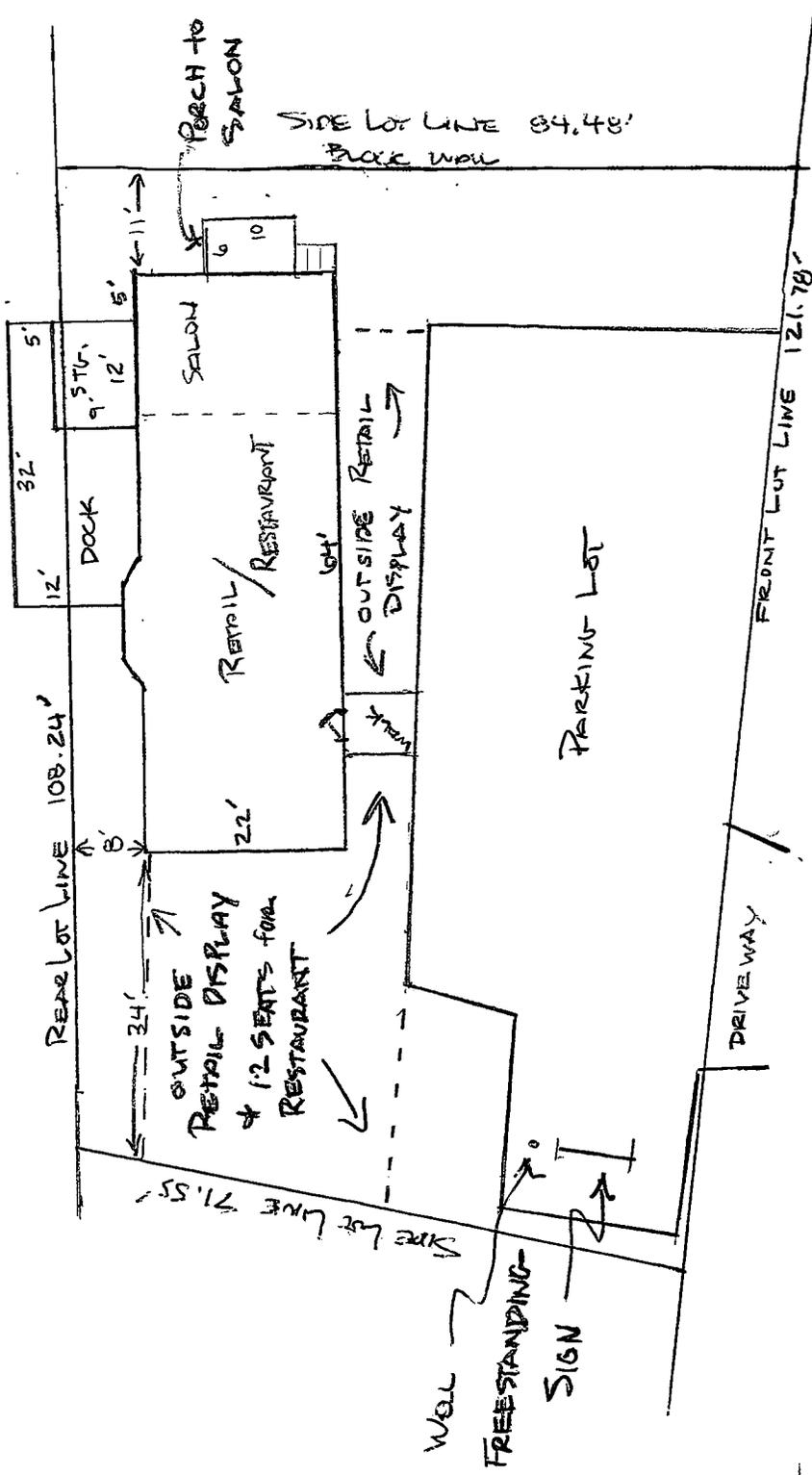
Planning/Zoning Administrator Approval:

  
Signature

5/18/16  
Date

SITE PLAN REVIEW APPLICATION

NORTH CENTRAL STATE TRAIL



SOUTH STRAITS HIGHWAY

← NORTH

SCALE 1" = 20'

TONI WILSON 5/17/16

Toni Wilson



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## STAFF REPORT

<b>Item:</b> Consideration of site plan review for a Restaurant, Salon (office) and Retail use with outdoor seating and outdoor display the Indian River Village Center Overlay zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> May 25, 2016	<b>Expected Meeting Date:</b> June 1, 2016

### GENERAL INFORMATION

**Applicant:** Toni Wilson

**Contact person:** Toni Wilson

**Phone:** 231-420-8446

**Requested Action:** Consideration of site plan review for a Restaurant, Salon (office) and Retail use with outdoor seating and outdoor display the Indian River Village Center Overlay zoning district.

### BACKGROUND INFORMATION

#### **Introduction:**

The subject property is known as the former rail road depot building and is located in the Village Center Indian River Overlay (VC-IR-O) district. The most recent use of the building was retail. The applicant is seeking to start retail and salon businesses along with a restaurant business serving sandwiches and salads. Retail sales general and Restaurant uses are allowed in the VC-IR-O district per section 13B.2.9. and 13B.2.8. respectively.

Salon is allowed under office use in the VC-IR-O district per section 13B.2.7. The office use includes service uses such as salon. Office is defined in the zoning ordinance as follows;

#### **OFFICE (Rev. 09/28/11, Amendment #92)**

The use of a building primarily for conducting the affairs of a business, professional, or service (excluding however any manufacturing or industrial uses) such as financial, legal, insurance, health, real estate, educational, social, and similar services.

The applicant is also seeking site plan review approval for outdoor display in conjunction with the retail use and outdoor seating for twelve (12) in conjunction with the restaurant. The proposed display and seating locations are indicated on the site plan.

By review of the site plan you will note that a portion of the dock structure located on the rear of the building encroaches into property associated with the North Central State Trail. This portion of the trail is under control of Tuscarora Township.

**Current Zoning:** Indian River Village Center Overlay (VC-IR-O)

**Surrounding Land Uses:** Commercial uses to the west and south. Public walkway to the east and residential to the north (across the Indian River).

**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 buildings or historic features on this site.

**Traffic Implications:**  
The site is located on River Street. The applicant is seeking an approval of a site plan review amendment to add twelve (12) outdoor customer seating for twelve (12) for a restaurant use. Walk up type of patron from the river and downtown Indian River is anticipated. This project will have minimal effect on current traffic conditions.

**Parking:**  
The applicant is seeking an approval of a site plan review for a Restaurant, Salon (office) and Retail use with outdoor seating and outdoor display in the Indian River Village Center Overlay zoning district. No onsite parking spaces are required pursuant to Section 13B.4.1. which states as follows:

There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-IR-O zoning district except residential uses, which must comply with the following:

- a. Two (2) off-street parking spaces shall be required for each dwelling unit.
- b. The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.
- c. The required parking spaces shall be maintained as long as each dwelling unit is occupied.

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

The site has access to, and is located on South Straits Highway in Tuscarora Twp.

**Signs.**  
The site plan proposes a single free standing sign. A permit has been issued for the sign.

**Fence/Hedge/Buffer**  
A 3.5 ft. high wall exists on the south lot line. No new fence, hedge or other type of buffer is proposed nor required.

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

**Stormwater management;**  
No changes to existing stormwater management are proposed.

**Review or permits from other government entities**  
Permits from the Department of Building Safety and Health Department will be required.

**Recommendations (proposed conditions)**

- Compliance with applicable Building Code Requirements.
- Compliance with Health Department Requirements.

**CHEBOYGAN COUNTY PLANNING COMMISSION**

**SITE PLAN REVIEW**

Wednesday, June 1, 2016, 7:00 PM

Applicant

Toni Wilson  
4928 Modoc Road  
Indian River, Mi. 49749

Owner

Toni Wilson  
4928 Modoc Road  
Indian River, Mi. 49749

Parcel

3499 South Straits Hwy.  
Tuscarora Township  
161-024-200-006-00

**GENERAL FINDINGS**

1. The subject property is zoned Village Center Indian River Overlay District (VC-IR-O).
2. The applicant is seeking a site plan review approval for Retail, and Restaurant uses.
3. The applicant is also seeking site plan review approval for a salon under an Office use definition.
4. Office is a permitted use in a VC-IR-O district per section 13B.2.7.
5. Restaurant is a permitted use in a VC-IR-O district per section 13B.2.8.
6. Retail, general is a permitted use in a VC-IR-O district per section 13B.2.9.
7. The applicant is seeking site plan approval for outdoor display related to the retail sales.
8. The applicant is seeking site plan approval for outdoor seating for twelve (12) customers for the restaurant use.
9. The applicant requests a waiver from the topography survey requirement.
- 10.
- 11.

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

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  1. The site plan provides and application provides for no change in the overall natural counters of the site. (see exhibit 4 and 5)
  2. The site is developed to allow use of surrounding property as permitted by the zoning ordinance. (see exhibit 4 and 5)
  - 3.
  4. 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. Not applicable. No dwelling units are proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means
  - 1. The site plan provides for a practical means of access for emergency vehicles from South Straits 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 and 5)
  - 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, 4 and 5)
  - 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, June 1, 2016

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Patty Croft, Chairperson

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Charles Freese, Secretary

# CHEBOYGAN COUNTY PLANNING COMMISSION

Jacki Hanel & Toni Wilson

## 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.
- 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 <b>6060 River Street</b>	City / Village <b>Indian River</b>	Twp / Sec. <b>Tuscarora</b>	Zoning District <b>VC-IR-0</b>
Property Tax I.D. Number <b>161-131-010-002-00</b>	Plat or Condo Name / Lot or Unit No.		

### APPLICANT

Name <b>Jacki Hanel &amp; Toni Wilson</b>	Telephone <b>231 290 6041</b>	Fax <b>N/A</b>
Address <b>1605 Cook Rd</b>	City, State & Zip <b>Indian River Mi. 49749</b>	E-Mail <b>jackihanel@yahoo.com</b>

### OWNER (If different from applicant)

Name <b>AS ABOVE</b>	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"/> Reconstruction <input type="checkbox"/> Addition <input type="checkbox"/> Relocated Building <input checked="" type="checkbox"/> Change in Use or Additional Use <input checked="" type="checkbox"/> Sign, Type: <b>wall-projecting + Marquee</b> <input type="checkbox"/> Other: _____ <b>* ADD OUTDOOR SEATING + FENCE</b>	<b>Building/Sign Information</b> Overall Length: _____ feet Overall Width: _____ feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height <b>4'-18" sq ft</b> / <b>4'-18" sq ft</b> feet
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### PROPOSED USE (check all that apply)

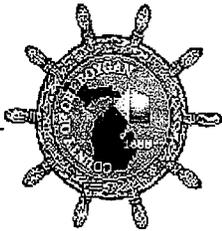
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> 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: 4/20/16 Approved Use: RESTAURANT

Directions to site: S: Straits Hwy to river st on right. Just past Indian River Bridge.

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.

Walk up to go Concession Stand open 7 days a week Monday - Sunday, 11AM - 7pm with one employee - Section fee 15-

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.

Property to remain as Natural and existing State

- 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.

Property to remain as Natural and existing State

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

Silt Fence until process Complete

- 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.

Plans to erect a 60ft Long And less than 6ft tall wood privacy Fence from SW corner toward NW corner of Lot. less than 1 ft from property line

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

remain excessable, open and available to all emergency means

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

Township public Stairs on east side and completely open N-S

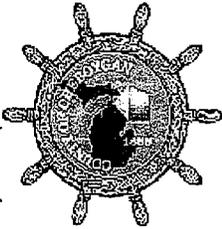
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

N/A

- h. Exterior lighting shall be arranged as follows:

- i. It is deflected away from adjacent properties. Directly Downward Shade x2 on boat  
ii. It does not impede the vision of traffic along adjacent streets. Directly Downward Shade x2 on boat  
iii. It does not unnecessarily illuminate night skies. 50 watt x2 outdoor lights on boat with yellow bug control bulbs on boat front + back for Safety.

SITE PLAN REVIEW APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

No change property will we open from road to water South to North.

- 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.

SITE PLAN REVIEW APPLICATION

- 3. Size of property in sq. ft. or acres: 2,475 sq ft
- 4. Present use of property:  
Vacant
- 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 Jacki Hanel Date 5/18/16

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

Yes  No

Owner's Signature Jacki Hanel Date 5/18/16

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.
Soil # PG 15-1035 Attached copy ✓ Not complete pending frost test	✓	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.
N/A		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.
Copy Attached VC-1R-0		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, <u>parking areas</u> (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
✓ 22' front		i. Location, size, and characteristics of all loading and unloading areas.
✓ 22' front		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
K1 - Sewer K2 - electric K3 - well		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
N/A		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW APPLICATION

# SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
60 ft X 5 ft tall Wood Privacy		m. Location and specifications for all fences, walls, and other screening features.
N/A		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
On Boat Front + Back		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
J+N 96 gal wheeled Cart Pick up Hinged Monday + Friday		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
24' Pontoon on portable trailer w/enclosed 8x16x7 Shed		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/A		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
N/A copy Attached VL-12-0		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	Slope Reduction Permit PG15-0135 (Copy Attached)	Not complete pending frost law & schedule

**AFFIDAVIT**

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

  
 \_\_\_\_\_  
 SIGNATURE

5/18/16  
 \_\_\_\_\_  
 DATE



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

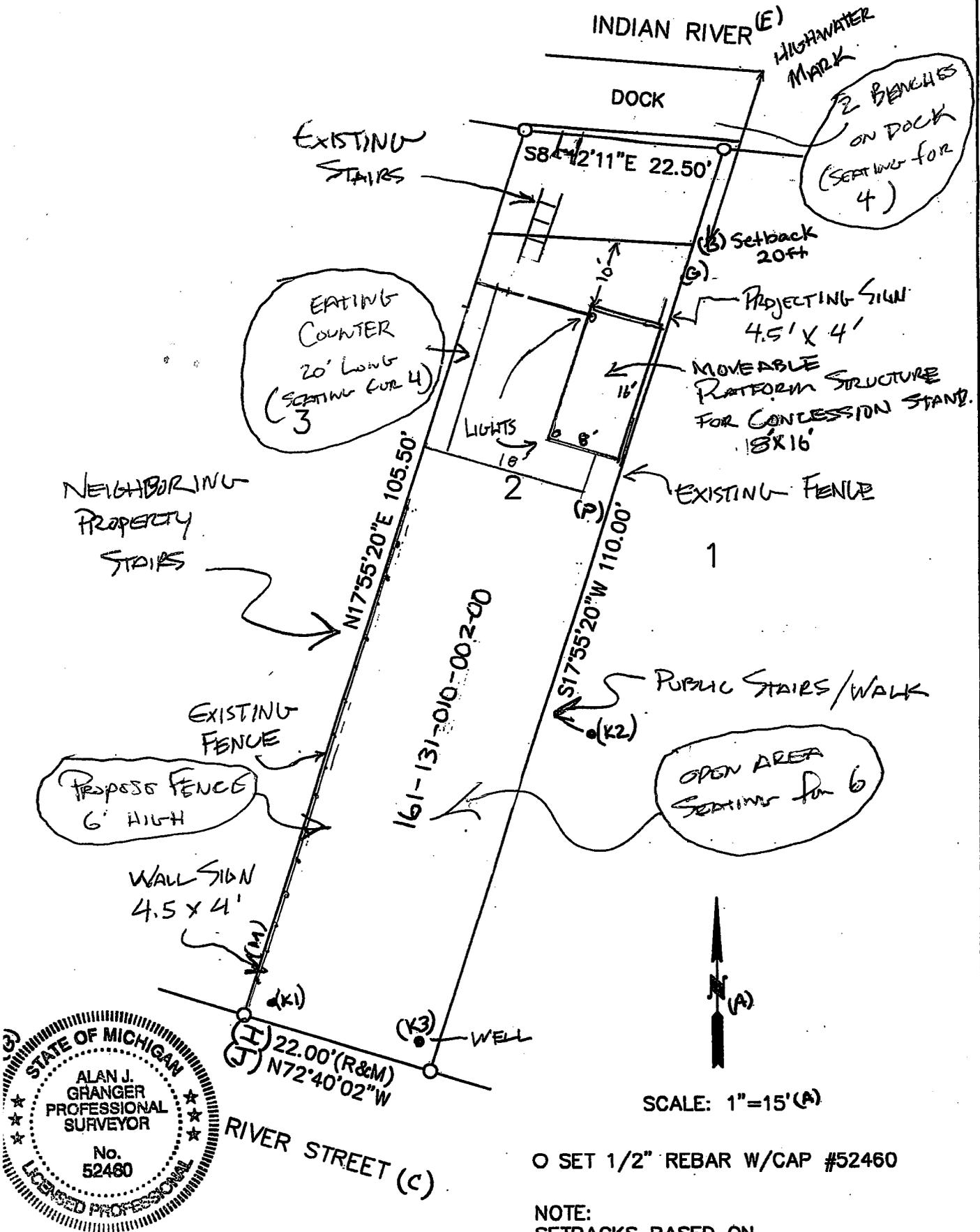
## FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	5/17/16	Notes:
Fee Amount Received:	\$110.-	
Receipt Number:	5023	
Public Hearing Date:	6/1/16	
Planning/Zoning Administrator Approval:		
_____ Signature		_____ Date

SITE PLAN REVIEW APPLICATION

# CERTIFICATE OF SURVEY

LOT 2, BLK 10, MAP OF THE VILLAGE (NOW CITY) OF INDIAN RIVER,  
TUSCARORA TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



○ SET 1/2" REBAR W/CAP #52460

NOTE:  
SETBACKS BASED ON  
COMMERCIAL ZONING.

BEARINGS BASED ON SURVEY BY  
GRANGER AND ASSOCIATES, INC.

COPYRIGHTED GRANGER & ASSOCIATES INC. 2015

*Alan J. Granger*  
ALAN J. GRANGER P.S. No. 52460

AGENT: <b>JACKI HANEL</b>	<b>Granger and Associates, Inc.</b> <i>Engineers - Surveyors</i> 224 S. Main St., Cheboygan, MI 49721 Email: grangerandassociates@gmail.com 231-627-2763	SEC. 24, T35N, R3W
DATE: OCT. 6, 2015		DRAWN JSD SHEET 1 OF 1
		JOB NO. C7338-00

5/18/16  
4 Jacki Hanel (UPDATED 4-5-16)



# 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 amendment to add outdoor seating for a Restaurant use the Indian River Village Center Overlay zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> May 23, 2016	<b>Expected Meeting Date:</b> June 1, 2016

### GENERAL INFORMATION

**Applicant:** Jacki Hanel and Toni Wilson

**Contact person:** Jacki Hanel

**Phone:** 231-290-6041

**Requested Action:** Approval of site plan review amendment to add outdoor seating for restaurant use pursuant to Section 13B.2.8.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking an approval of a site plan review amendment to add twelve (12) outdoor customer seating for twelve (12) for a restaurant use. The Planning Commission approved a site plan on April 20, 2016 for a takeout restaurant from a platform structure with a concession stand. No provisions for onsite serving of food proposed in conjunction with the April 20 approval.

The subject site is located on the Indian River which includes a dock. The lot is located at 6060 River Street (next to the Inn Between Bar and Restaurant) in Tuscarora Township and is zoned Village Center Indian River Overlay (VC-IR-O). Restaurant is a permitted use per section 13B.2.8.

**Current Zoning:** Indian River Village Center Overlay (VC-IR-O)

**Surrounding Land Uses:** Commercial uses to the west and south. Public walkway to the east and residential to the north (across the Indian River).

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

The subject lot is located on the Indian River. There are no other known environmentally sensitive areas on the subject site.

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

There are no buildings or historic features on this site.

**Traffic Implications:**

The site is located on River Street. The applicant is seeking an approval of a site plan review amendment to add twelve (12) outdoor customer seating for twelve (12) for a restaurant use.. Walk up type of patron form the river and downtown Indian River is anticipated. This project will have minimal effect on current traffic conditions.

**Parking:**

The applicant is seeking an approval of a site plan review amendment to add twelve (12) outdoor customer seating for twelve (12) for a restaurant use in the Village Center Indian River Overlay zoning District. No onsite parking spaces are required pursuant to Section 13B.4.1. which states as follows:

There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-IR-O zoning district except residential uses, which must comply with the following:

- a. Two (2) off-street parking spaces shall be required for each dwelling unit.
- b. The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.
- c. The required parking spaces shall be maintained as long as each dwelling unit is occupied.

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

The site has access to, and is located on River Street and the Indian River in Tuscarora Twp.

**Signs.**

The site plan proposes a 4.5 ft x 4 ft. wall sign and a 4.5 ft x 4 ft. projecting sign as did the original site plan. Each of these signs meet requirements of the sign ordinance.

**Fence/Hedge/Buffer**

Fences exist on each lot line. No new fence, hedge or other type of buffer is proposed nor required.

**Lighting:** Two (2) outdoor lights are proposed on the front of the serving platform as they were on the original site plan. No other lighting is proposed.

**Stormwater management;**

The applicant has obtained a permit under the Cheboygan County Soil Sedimentation and Stormwater Control Ordinance. No changes to existing stormwater management is proposed.

**Review or permits from other government entities**

Additional Review by the Department of Building Safety will be conducted. The Health Department is reviewing the project.

**Recommendations (proposed conditions)**

- Compliance with applicable Building Code Requirements.
- Compliance with Health Department Requirements.

**CHEBOYGAN COUNTY PLANNING COMMISSION**

**SITE PLAN REVIEW**

Wednesday, June 1, 2016, 7:00 PM

Applicant

Jacki Hanel and Toni Wilson  
1605 Cook Road  
Indian River, Mi. 49749

Owner

Jacki Hanel and Toni Wilson  
1605 Cook Road  
Indian River, Mi. 49749

Parcel

6060 River St.  
Tuscarora Township  
161-131-010-002-00

**GENERAL FINDINGS**

1. The subject property is zoned Village Center Indian River Overlay District (VC-IR-O).
2. The applicant is seeking a site plan review amendment approval for customer seating for twelve (12) customers for a restaurant use.
3. Restaurant is a permitted use in a VC-IR-O district per section 13B.2.8.
4. The Planning Commission approved a site plan review for a takeout use for a concession stand on a platform structure restaurant use without customer seating on April 20, 2016.
5. The applicant requests a waiver from the topography survey requirement.
- 6.
- 7.

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

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  1. The site plan provides for a moderate change in the overall natural counters of the site. (see exhibit 4 and 5)
  2. The site is developed to allow use of surrounding property as permitted by the zoning ordinance. (see exhibit 4 and 5)
  3. The applicant has obtained and Soil and Sedimentation Permit. (see exhibit 5)
  - 4.
  5. 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 applicant proposes to place outdoor seating for 12 customers for a restaurant use on the lot to be used for preparing and serving food from an enclosure on a platform structure. (See exhibit 4 and 5)
    2. The applicant has obtained and Soil and Sedimentation Permit.
    - 3.
    4. Standard has been met.

Or,

1. The applicant has not demonstrated in the application or on the site plan that the landscape will be preserved.
- 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. The applicant proposes to place outdoor seating for a restaurant use on the lot to be used for preparing and serving food from an enclosure on a platform structure.(see exhibit 4 and 5)
  - 2. No changes are proposed for storm water removal.
  - 3. The applicant has obtained and Soil and Sedimentation Permit.
  - 4.
  - 5. 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. Not applicable. No dwelling units are proposed.

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

- 1. The site plan provides for a practical means of access for emergency vehicles from River Street or the Indian River (see exhibit 4)
- 2.
- 3. Standard has been met.

Or,

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

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

- 1. The site is located on, and has access to River Street. (see exhibit 4 and 5)
- 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. A small exterior lights are proposed at the front of the platform structure. (see exhibit 5)
- 2. 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 4 and 5)
- 3.
- 4. Standard has been met.

Or,

- 1.

2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan..
  - 1. Not applicable. No public common ways are proposed.
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
  - 1. This site plan will conform to the Master Plan, zoning ordinance, and any applicable state and federal laws. (see exhibit 1,2, 4 and 5)
  - 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, June 1, 2016

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

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

# CHEBOYGAN COUNTY PLANNING COMMISSION

Tuscarora Township – *Revised 05/18/16*

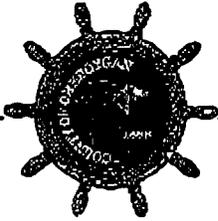
## Exhibit List

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

### ***The following items were added to the exhibit list on 05/18/16:***

6. E-mail dated 05/17/16 from Kaitlyn Breckenridge at ShoreStone Custom Builders, Inc. to Scott McNeil (3 Pages)
- 7.
- 8.

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	City / Village	Twp / Sec.	Zoning District
	Indian River	T35N/E3W	D-UM
Property Tax ID Number	Plat or Condo Name / Lot or Unit No.		
161-131-012-002-00 161-131-012-003-02	PLAT OF VILLAGES OF INDIAN RIVER		

APPLICANT 161-131-012-003-01

Name	Telephone	Fax
Tuscarora Township	231-238-0970	231-238-7955
Address	City, State & Zip	E-Mail
3546 S. Straub Hwy	Indian River, MI 49749	clerk@tuscaroratwp.com

### OWNER (if different from applicant)

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

### PROPOSED WORK

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

### PROPOSED USE (check all that apply)

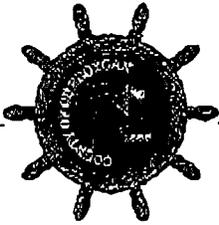
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/>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

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

If YES, date of approval: 4-15-16 Approved Use: Pavilion for Park

Directions to site: Parcel is directly behind municipal parking lot next to Chamber of Commerce building

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.

DINERS. Community activities, rest area along trail.  
Park Open 6am - 11pm. - Playground EQUIPMENT - SLIDE - SWING ETC

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.

The portion sets on the abandoned Cheb RR next to railroad grade  
that was leveled for rec. trail. No changes.

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

No soil or trees will be removed

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

Drainage has been addressed as per architects design

- 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.

On and surrounding municipal property.

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

Accessible via old Cheb RR or from parking lot over rec trail

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

Walking distance to streets known as River St.

- 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. N/A

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

iii. It does not unnecessarily illuminate night skies. N/A

SITE PLAN REVIEW APPLICATION

SITE PLAN REVIEW APPLICATION

## SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

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



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

USE OF TRAIL AND STREET AS DISCUSSED

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: 13591 S.F.

4. Present use of property:

Park

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

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

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

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

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

### AFFIDAVIT

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

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

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

Yes  No

Owner's Signature

Mark R. [Signature]

Date

May 17, 2014

SITE PLAN REVIEW APPLICATION

# SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

SITE PLAN REVIEW APPLICATION

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
NA		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.
X		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.

SECTION	REASON FOR WAIVER REQUEST
D	No CHANGES to existing topo. / topo ON DETAIL DRAWING

**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

May 17, 2016  
DATE



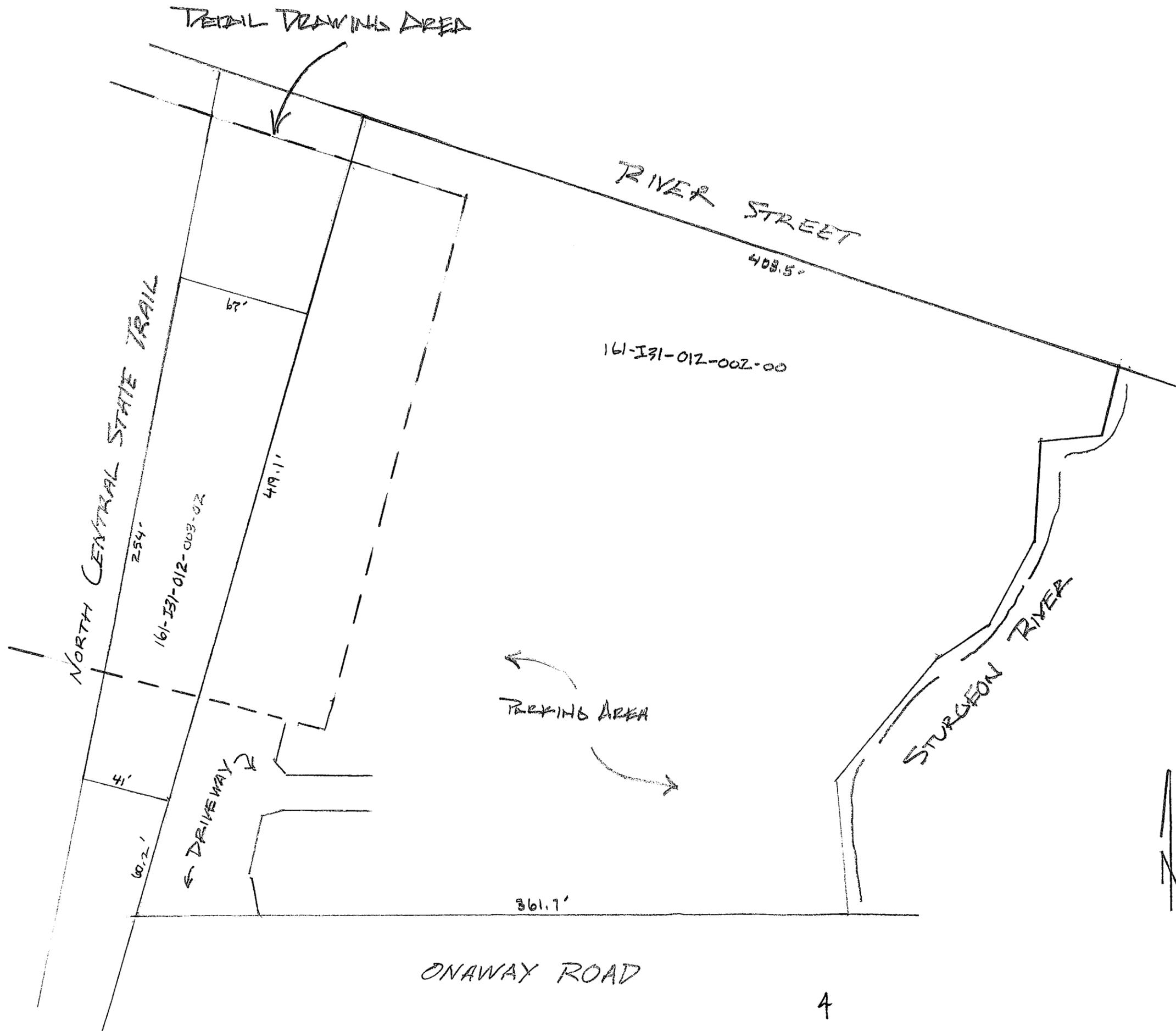
# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

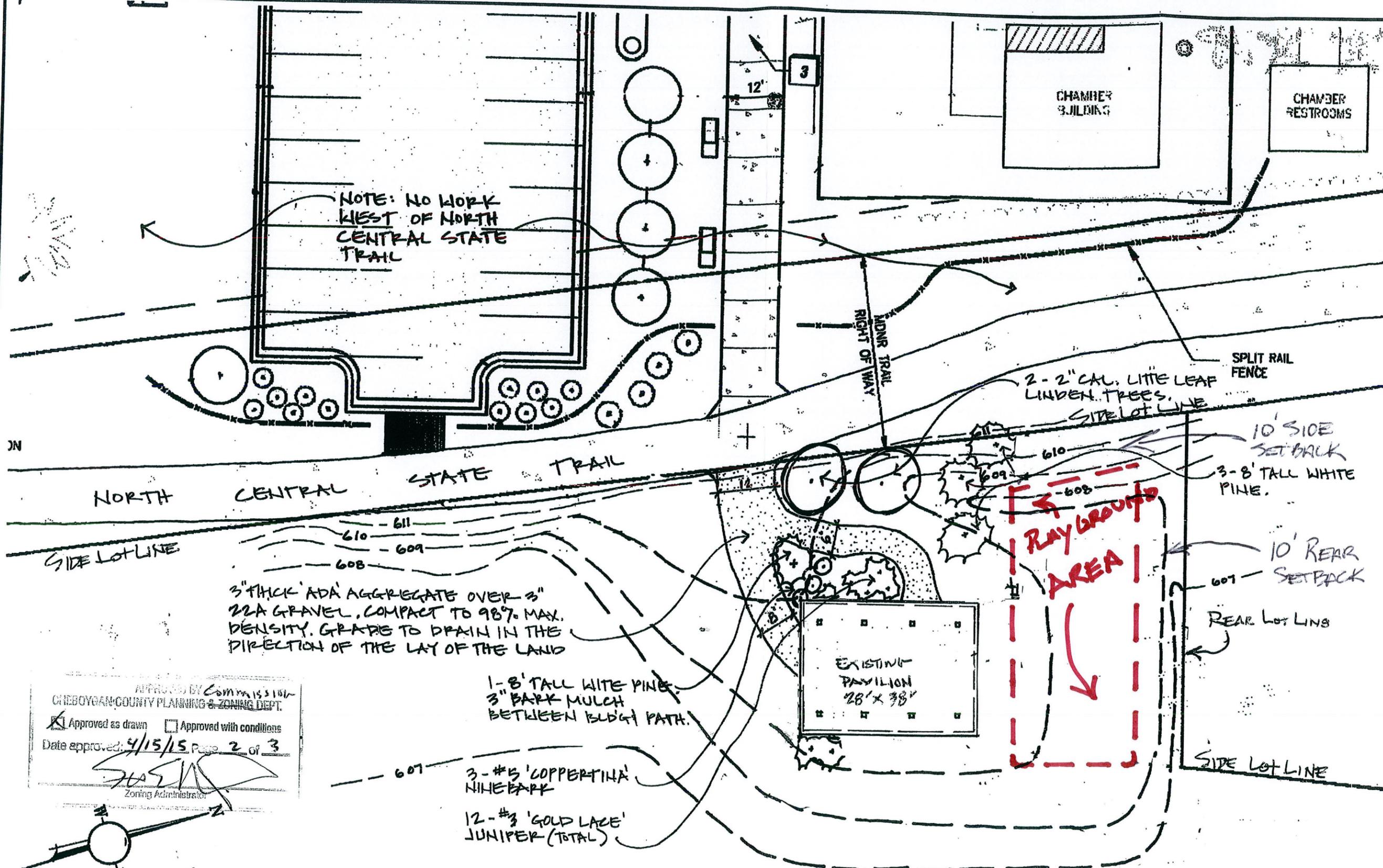
FOR PLANNING/ZONING DEPT USE ONLY

Date Received:	5/17/16	Notes:
Fee Amount Received:	\$110.-	
Receipt Number:	5021	
Public Hearing Date:	6/1/16	
Planning/Zoning Administrator Approval:		
 Signature		<u>5/18/16</u> Date

SITE PLAN REVIEW APPLICATION



TUSCARORA TOWNSHIP  
 MORNING PARK SITE DRAWING  
 DRAWN BY MIKE RIDLEY - SUPERVISOR  
 MARCH 31, 2015 - PLAYGROUND IMPROVEMENT  
 SCALE 1" = 50' May 17, 2016



3" THICK ADA AGGREGATE OVER 3" 22A GRAVEL, COMPACT TO 98% MAX. DENSITY. GRADE TO DRAIN IN THE DIRECTION OF THE LAY OF THE LAND

1 - 8' TALL WHITE PINE;  
3" BARK MULCH BETWEEN BLDG PATH.

3 - #5 'COPPERTINA' NINEBARK

12 - #3 'GOLD LAZE' JUNIPER (TOTAL)

SET BACKS: 10' REAR LINE  
28' SIDELINE

MULCH, UNLESS NOTED OTHERWISE,

NOTE: 3" THICK x 5' DIA. BARK MULCH AROUND TREES. ALSO, 3" BARK MULCH AROUND ALL SHRUB GROUPINGS, CONTINUOUS AROUND GROUPING, 2' FROM INDIVIDUAL PLANTS, MIN.

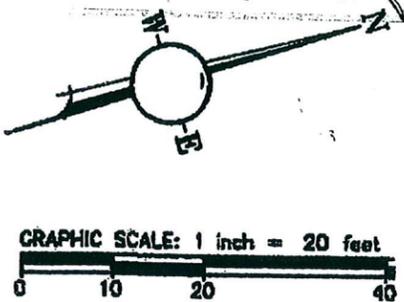
5

APPROVED BY COMMISSIONER  
CHEBOYGAN COUNTY PLANNING & ZONING DEPT.

Approved as drawn  Approved with conditions

Date approved: 4/15/15 Page 2 of 3

*[Signature]*  
Zoning Administrator



SANDERS & CZAPSKI ASSOCIATES, PLLC

architecture / landscape architecture / historic preservation

AND MIKE RIDLEY - 3-31-15

109 South Front Street / Suite 210 / Marquette, Michigan

Phone: 906.273.1207 / Fax: 906.273.1208

www.Sanders-Czapski.com

Marina Park Pavilion

Indian River, Tuscarora Township, Michigan

Bidding 12-10-2014

Owner Review  
11-18-2014

issued:

SHEET 2

DETAIL DRAWINGS - SITE / LANDSCAPE PLAN

## Scott McNeil

---

**From:** Kaitlyn Breckenridge [kaitlyn@shorestonebuilders.com]  
**Sent:** Tuesday, May 17, 2016 2:36 PM  
**To:** Scott McNeil  
**Subject:** Re: IR Marina Park Playground

**Importance:** High

Good Afternoon Scott,

I spoke with Greg and as of now, we do not have a drawing with proposed layout. Let me know if it is something we need to do, and I will have Greg work on it. I know that someone is donating this to the park and paying us for the installation. So we did not get very many details to start out with. Attached is the play-set that we are installing. I will work on getting the construction code permit. I know in your other email that you had copied Michael Ridley about the amendment. Is there anything I need to do in that regard? I am trying to get things together and find out what information I will need. Thank you for your help with this, I do appreciate it!

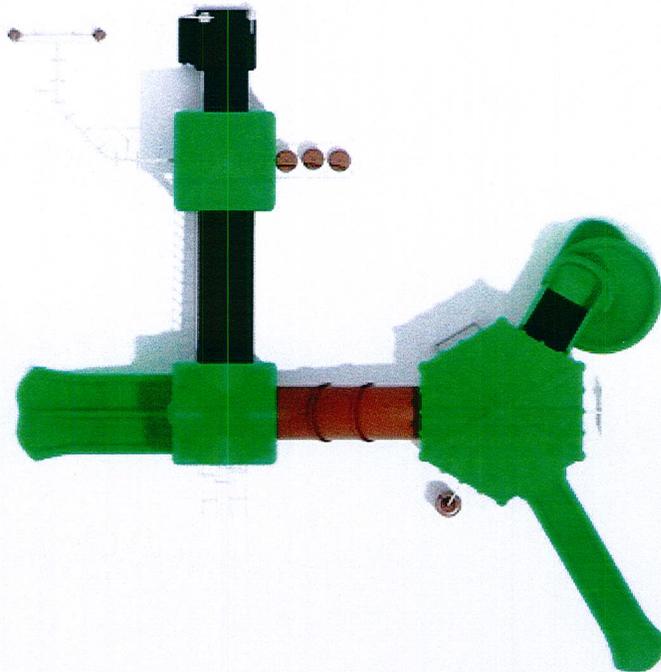
Kaitlyn Breckenridge  
Office Assistant  
ShoreStone Custom Builders, Inc.



✉ 5831 South Straits Hwy · Indian River, FL 34949  
☎ 231.238.8466  
📠 231.238.4966  
🌐 [www.shorestonebuilders.com](http://www.shorestonebuilders.com)

Exhibit 1





On May 17, 2016, at 1:57 PM, Scott McNeil <[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)> wrote:

Kaitlyn. Do you have drawings of the assembled equipment and proposed layout you can send me? Also, construction code permit will be required in case you may not know.

Thanks.

Scott McNeil

Community Development Planner

Cheboygan County Planning and Zoning Department

Phone - 231-627-8475

Fax - 231-627-3646

[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)

[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)

---

**From:** Kaitlyn Breckenridge [<mailto:kaitlyn@shorestonebuilders.com>]

**Sent:** Monday, May 16, 2016 11:31 AM

**To:** Scott McNeil

**Subject:** IR Marina Park Playground

**Importance:** High

Good Morning Scott-

We are installing playground equipment for the Indian River Marina Park. Can you tell me if we need a zoning permit for it? Thank you for your help!

Kaitlyn Breckenridge

Office Assistant

ShoreStone Custom Builders, Inc.

<image001.png>



# 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> Site Plan Review Amendment for a playground equipment structure to an existing Township park (Sections 6.2.1., 5.2.1. and 4.2.4.) in a Commercial Development Zoning District.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> May 23, 2016	<b>Expected Meeting Date:</b> June 1, 2016

### GENERAL INFORMATION

#### **Introduction:**

Tuscarora Township is seeking site plan review amendment approval to construct a playground equipment structure at a township park known as Marina Park. (See exhibit 7 for the structure layout a elevation drawing) Marina Park is located in a Commercial Development zoning district. Marina Park has access from Onaway Road and includes frontage on Sturgeon River. Municipal structures and uses are permitted uses in a D-CM zoning district under Sections 6.3.1, 5.2.1. and 4.2.4.

The Planning Commission approved a site plan for construction of gazebo structure on April 15, 2015.

The proposed structure and gazebo is designed as an amenity to the North Central State Trail and downtown Indian River. Marina Park has access from Onaway Road and includes frontage on the Sturgeon River. (See exhibit 5)

#### **Applicant:**

Tuscarora Township

#### **Contact person:**

Mike Ridley, Township Supervisor

#### **Phone:**

231-238-7088

#### **Requested Action:**

Site Plan Review to construct a playground equipment structure in an existing township park.

## **BACKGROUND INFORMATION**

### **Current Zoning:**

Current zoning is Commercial Development District (D-CM)

**Surrounding Land Uses:** Indian River and Residential to the east, Residential to the north and Commercial and North Central State Trail to the west.

**Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain):** The park is located to adjacent to Sturgeon River. The project is proposed approximately 360 feet from the river.

**Historic buildings/features:** There are no historic buildings in the subject area.

### **Traffic Implications**

The subject park is existing. The structure is proposed near the North Central State Trail. No increase in traffic increase is expected as a result of constructing a gazebo.

### **Parking**

Section 17.6 requires does not provide standards for parks or public access sites. 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 Onaway Road.

**Signs;** No signs are proposed

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

No hedge or buffer is proposed.

### **Lighting**

No exterior lights are proposed.

### **Stormwater management**

No changes to stormwater management is proposed.

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

Permit from the Cheboygan County Building Safety Department will be required.

**Public comments received;** None

### **Recommendations (proposed conditions)**

- Subject to approval of the Building Safety Department.

# CHEBOYGAN COUNTY PLANNING COMMISSION

## SITE PLAN REVIEW

Wednesday, June 1, 2016, 7:00 PM

### Applicant

Tuscarora Township  
3546 S. Straits Hwy.  
Indian River , Mi. 49749

### Owner

Tuscarora Township  
3546 S. Straits Hwy.  
Indian River , Mi. 49749

### Parcel

Tuscarora Township  
161-I31-012-002-00  
161-I31-012-003-01  
161-I31-012-003-02

### GENERAL FINDINGS

1. The subject property is in a Commercial Development zoning district. (D-CM)
2. The owner/applicant is seeking a site plan review amendment for a playground equipment structure addition to a Township Park.
3. The owner/applicant received a site plan review approval by the Planning Commission for a 28 ft. x 38 ft. Gazebo addition to a Township Park on April 15, 2015.
4. Municipal structures and uses are permitted uses in a D-CM zoning district under Sections 6.3.1,5.2.1. and 4.2.4.
5. A Site plan review is required per section 20.3.b.
6. The owner/applicant is seeking a waiver to the topography survey requirement.
- 7.

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

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

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

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 1. No changes to site drainage are proposed. (see exhibit 4)
  - 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 dwellings are proposed. (see exhibit 4, 5 and 6)
- 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 Onaway Road (see exhibit 5)
  - 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 property shall have access to Onaway Road., which is a County Local Road (See exhibits 4 and 5).
  - 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 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 outdoor lighting is proposed. (see exhibit 4)
  - 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 or 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 1 and 2)
  - 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, June 1, 2016

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

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



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

**Date: May 23, 2016**

**To: Planning Commissioners**

**From: Scott McNeil**

**Re: 2016 Capital Improvement Program project presentation for Cheboygan County Marina.**

Included with this memo your June 1 meeting package is the current Project Description regarding the Cheboygan County Marina. County Administrator Jeff Lawson will present on behalf of the Cheboygan County Marina.

Please do not hesitate to contact me with questions or comments.

# **Cheboygan County Capital Improvement Program**

## **Project Description**

**Project Title:** Fuel Tank and Fuel Dock Replacement and Upgrade

**Agency:** Cheboygan County Marina

**Project Type:** Facility Replacement

**Project Description:** Existing fuel dock and fuel tank at the Marina was constructed and installed in 1988. A new wood dock is proposed to replace the existing dock. Replacement of the existing fuel storage tank is also proposed.

**Year(s) of Project:** Contingent on Obtaining Funding - 2017

**Estimated Cost:** \$800,000

**Planning Commission Priority Category:**



# 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: May 25, 2016**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re: Use terminology review; Gas stations and Party Stores – proposed use listings and definitions.**

Per recent discussion with the planning commission please find proposed use listings with proposed definitions relative to the subject. Also included is the list of the current uses from the zoning ordinance relative to the subject with the zoning district in which each of the listed uses are allowed and if a Site Plan Review (SPR) or Special Use Permit (SUP) is required as reviewed previously.

I will look forward to continued discussion with the Planning Commission. Please contact me with questions.

Use Classifications and definitions related to Gas Stations and Party Stores.

#### Proposed new definition for Automobile Service Station

A facility primarily operated and designed for the dispensing, and sale of motor fuels, together with the sale of minor accessories and retail items. In addition, such a facility may provide minor vehicle servicing, minor repair and maintenance, including engine rebuilding. Automobile service station use does not include any of the following or similar activity: reconditioning of motor vehicles, collision services such as body and frame repair or overall painting of vehicles.

#### Retail sales establishment, Small-scale convenience

A small-scale retail use (5000 square feet or less) that may offer for sale beverages and food items for consumption off the premises, retail items, tangible consumer goods and motor fuels.

#### Motor Vehicle Repair

An establishment for the repair of motor vehicles such as automobiles, boats, motor cycles, motor homes, recreational vehicles, tractors and motor vehicle equipment such as farm equipment and trailers. This shall include the sale, installation and servicing of motor vehicle and motor vehicle equipment parts. This may include specialty services such as service to brakes, mufflers, tires, body and frame repair and collision repair services.



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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**Date: May 25, 2016**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re: Use terminology review; Restaurant/Bar – proposed use listings and definitions.**

Per recent discussion with the planning commission please find proposed use listings with proposed definitions relative to the subject. Also included is the list of the current uses from the zoning ordinance relative to the subject with the zoning district in which each of the listed uses are allowed and if a Site Plan Review (SPR) or Special Use Permit (SUP) is required as reviewed previously.

I will look forward to continued discussion with the Planning Commission. Please contact me with questions.

Use classifications and proposed definitions related to Restaurant/Bar

#### Restaurant

An establishment where food and beverages are served and consumed primarily within a principal building on the premises and where food sales constitute the primary source of the gross sales.

#### Restaurant, Carry out;

An enterprise where food and beverages are served primarily for consumption off premises and may serve food to patrons via a Drive-through. Carry out restaurants may have limited seating (no more than 15 seats) within a building or outdoors. This will include mobile facilities for cooking and serving food such as food trucks.

#### Restaurant, Fast food;

An establishment where food and beverages are served and consumed primarily within a principal building on the premises and may serve food to patrons via a Drive-through.

#### Drive-through

An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

#### Bar

An establishment where alcoholic beverages are primarily served for consumption within a principal building on the premises, where food may also be served and consumed and where hours of operation extend beyond 11:00 PM on any day of the week. Dancing and entertainment where permitted make also take place at a bar. Food and beverages may be served outdoors on the premises as an accessory use.