



# 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, APRIL 3, 2019 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**PUBLIC HEARING AND ACTION ON REQUESTS**

- 1.) **JBS CONTRACTING, INC./DAVE FERNELIUS** - Requests a Special Use Permit for auto sales show room, sales offices, auto receiving and service bay addition (Section 6.3.4). The property is located at 10459 N. Straits Hwy., 10429 N. Straits Hwy., 10407 N. Straits Hwy, Inverness Twp., section 7, parcel # 095-007-400-009-05 and # 092-007-400-009-03 and 092-007-400-011-00 and is zoned Commercial Development (D-CM).

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**STAFF REPORT**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MARCH 20, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk
- ABSENT:** Ostwald, Churchill
- STAFF:** Jen Merk, Mike Peltier, Jeff Lawson
- GUESTS:** Eric Boyd, Bob Lyon, Cal Gouine, John F. Brown, Charlie Veneros, Carl Muscott, Roberta Matelski, John Moore, Russell Crawford, Cheryl Crawford, Mike Peltier

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), ) Nays, 2 Absent (Ostwald, Churchill)

### APPROVAL OF MINUTES

The March 6, 2019 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdyk, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

### PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

### UNFINISHED BUSINESS

#### Final Draft - Proposed Amendment To Planning Commission Bylaws

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to place Planning Commission Bylaws on May 1, 2019 Planning Commission agenda. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

### NEW BUSINESS

#### Enforcement Report

Mr. Lawson introduced the enforcement report background and current status and procedures being followed i.e.

1. A first letter issued with a 30 day response
2. A second letter issued with a 14 day response
3. A third action may depend upon the legal measures that might be required

Mr. Peltier presented the details on enforcement actions taken to date including the type of violation involved.

Mr. Freese expressed his appreciation for the progress made in the five months since Mr. Peltier's hiring. He stated that the 77 cases closed are probably as much as had been accomplished in the five years prior to Mr. Peltier's hiring and that only 55 cases remain open. Mr. Peltier stated that a large portion of the 55 open cases remain open only because the snow cover prevents access or observation of the actual sites and that these would be resolved when the weather breaks.

Mr. Freese presented his proposed revisions to Section 22 which would clearly state the rights to continue legal non-conforming uses and to rebuild non-conforming buildings and structures in the event they should be damaged or destroyed

for any reason and that their legal non-conformity could only be terminated by positive actions by the owner showing voluntary abandonment.

Mr. Freese asked whether the Planning Commission wished to continue to wait 6 - 8 weeks for Mr. Turisk's return to duty to consider the subjects of tiny homes and bathroom facilities in private storage buildings as had been agreed upon in the last Planning Commission meeting. Ms. Lyon stated that she felt discussion should proceed. Mr. Lawson stated how he felt the actions on these two should be handled. Mr. Freese stated he had some suggestions for tiny homes. Ms. Croft requested Mr. Freese put his ideas in writing for consideration at the next Planning Commission meeting.

Mr. Jazdyk stated that he had previously resigned as a member of the Planning Commission, but continues to attend meetings until a replacement is found. He expressed his thanks for the opportunity to serve and for all he had learned while a member of the Planning Commission.

Ms. Croft stated that she had been contacted by the Cheboygan Chamber of Commerce in regards to attendance at a training session on coordinating efforts for economic development programs. She stated that she was not able to attend the session and had asked Mr. Borowicz to represent the Planning Commission. Mr. Borowicz provided a summary of the objectives of the proposed program and stated he felt further participation would be beneficial and that he would continue to participate.

#### **STAFF REPORT**

Mr. Lawson stated that Karen Johnson has been appointed to the Planning Commission and would be attending as a member at the next Planning Commission meeting.

#### **PLANNING COMMISSION COMMENTS**

Ms. Lyon stated she had received information on Communicating Through Conflict training to be held on Monday, March 25, 2019 from 5pm - 8pm at the Cheboygan Public Library From Lindsey Gardner, MSU Extension and that she planned to attend.

#### **PUBLIC COMMENTS**

Mr. Muscott thanked Mr. Jazdyk for his service on the Planning Commission. Mr. Muscott commented on the enforcement report, which he noted did not address the subject of the U.A.W. store which had been constructed without a special use permit having been approved. Mr. Peltier stated that he was not aware of the situation since there was not any record of the violation. Mr. Muscott stated that the matter had been brought out at a Zoning Board of Appeals meeting, which addressed a variance for a sign for the store.

#### **ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:44pm.

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Charles Freese  
Planning Commission Secretary

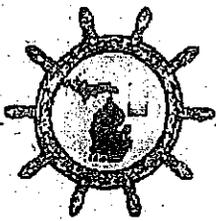
# CHEBOYGAN COUNTY PLANNING COMMISSION

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Special Land Use Permit Application (6 Pages)
4. Warranty Deed (3 Pages)
5. Affidavit of Scrivener's Error (2 Pages)
6. Site Plan (1 Page)
7. Elevation Drawing (1 Page)
8. Soil Erosion Plan (1 Page)
9. Driveway Details (1 Page)
10. Site Lighting Plan (1 Page)
11. Demo Plan (1 Page)
12. Floor Plan (1 Page)
13. Soil Erosion and Sedimentation Control Permit (2 Pages)
14. E-Mail Dated 03/19/19 From Brent Shank, Cheboygan County Road Commission (1 Page)
15. 03/19/19 Comments From Chief Socha, Inverness Township Fire Chief (1 Page)
16. Email Dated 3/26/19 From Scott Fisher, MDOT (1 Page)
17. 03/26/19 Comments From Ron Neuman, Inverness Township Supervisor (1 Page)
18. Mailing List (2 Pages)
19. Staff Report
- 20.
- 21.
- 22.
- 23.

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

1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.  
Car Dealer; Monday - Friday 8am - 6pm, Saturday 9am - 2pm, Sunday closed; 15 - 20 employees.
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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.  
Overall footprint to be the same as existing; an addition to the detention pond will be made for proper site drainage.

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- 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.  
Landscaping is to remain the same.

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- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.  
An addition to the detention pond is being made for proper site drainage.

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- 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.  
All fences, walls, barriers, and landscaping is to remain the same.

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- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.  
Drives and parking go directly up to all buildings for direct access.

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- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.  
Please see site plan for new, existing, and removal of drives on site.

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

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- h. Exterior lighting shall be arranged as follows:
  - i. It is deflected away from adjacent properties. See Site Lighting Plan.

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  - ii. It does not impede the vision of traffic along adjacent streets. See Site Lighting Plan.

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  - iii. It does not unnecessarily illuminate night skies. See Site Lighting Plan.

SPECIAL LAND USE PERMIT APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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SPECIAL LAND USE PERMIT APPLICATION

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

All drives closing and new will be done as specified in the master plan. Please see Site Plan.

- 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.

All permits will be applied and approved before the start of our work. MDOT permit has already been submitted for this project

3. Size of property in sq. ft. or acres: 5.15 Acres Total

4. Present use of property:  
Automobile Sales and Service

5. SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?  
Yes
- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? **Explain.** No this will not have a negative impact.
- c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? **Explain.** No, this will be a place of business that is currently in use today.
- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? **Explain.** Yes, the changes being made to the property will increase the opportunity for surrounding properties.
- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**  
No, we will take all the measures to ensure we will not need these demands.
- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** Yes it will new drives will be put in place other drives will be closed and the water and sewer will remain the same.



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SPECIAL LAND USE PERMIT APPLICATION

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

**AFFIDAVIT**

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

Applicant's Signature: [Signature] Date: 2-26-2019

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

Yes  No

Owner's Signature: [Signature] Date: 2-26-2019

FOR PLANNING/ZONING DEPT. USE ONLY		
Date Received:	3-1-19	Notes:
Fee Amount Received:	\$170	
Receipt Number:	66608	
Public Hearing Date:	4-3-19	
Planning/Zoning Administrator Approval:		
<u>Jenny 3. Hanson</u> <u>Jennifer Mark</u> Signature		<u>3-27-19</u> Date

# 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.

SPECIAL LAND USE PERMIT APPLICATION

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

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
✓		m. Location and specifications for all fences, walls, and other screening features.
✓		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
✓		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
✓		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
✓		q. Elevation drawing(s) for proposed commercial and industrial structures.
✗ NA	HU	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
✓	3/11/19	s. Floor plans, when needed to determine the number of parking spaces required.

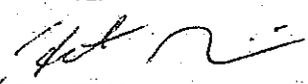
PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

SECTION

REASON FOR WAIVER REQUEST


**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

2/27/19  
 \_\_\_\_\_  
 DATE



RECEIVED FOR RECORD  
 MARY ELLEN TRYBAN, CLERK/REGISTER  
 CHEBOYGAN COUNTY, MICHIGAN  
 08/20/2015 11:23:50 AM

RECEIPT# 2989, STATION 1  
 \$20.00 WARRANTY DEED  
 \$5.00 TAX CERTIFICATION



LIBER 1288 PAGE 943

**WARRANTY DEED**

The Grantor(s) **TROMBLE BAY FARMS II, LLC**, a Michigan Limited Liability Company, by **RICK A. TROMBLE**, its Manager/Member, whose address is 5299 Tromble Drive, Cheboygan, MI 49721,

Convey(s) and Warrant(s) to **CHEBOYGAN FORD LAND, LLC**, a Michigan Limited Liability Company, whose address is 5299 Tromble Drive, Cheboygan, MI 49721,

The following described premises situated in the Township of Inverness, County of Cheboygan, and State of Michigan, to-wit:

Parcel 1: Commencing at the East 1/4 corner of Section 7, T37N, R1W; thence South 00° 29' 20" East along the East line of said Section a distance of 340.56 feet; thence North 85° 38' 20" West 49.42 feet to the Westerly right of way line of Highway- M27; thence North 00° 43' 50" East along said right of way line 80.00 feet to the point of beginning of this description; thence Northwesterly along the curved right of way line of said Highway-M27 with a chord bearing North 06° 01' 10" West 230.66 feet to the Southerly right of way line of a County Road; thence North 85° 38' 20" West along said right of way line 433.52 feet; thence South 00° 21' 40" West 307.22 feet; thence South 85° 38' 20" East 280.82 feet; thence North 00° 43' 50" West 80.00 feet; thence South 85° 38' 20" East 180.00 feet to the Point of Beginning, being a part of the NE 1/4 of the SE 1/4, Section 7, T37N, R1W.

Commonly referred to as 10459 N. Straits Highway, Cheboygan, MI  
 Tax Parcel #092-007-400-009-02

**AND**

Parcel 2: Commencing at the East 1/4 corner of Section 7, T37N, R1W; thence south 00° 28' 20" East along the East line of said Section, a distance of 340.56 feet; thence North 85° 38' 20" West 49.42 feet to the Westerly right-of-way line of Highway M-27 and the Point of Beginning of this description; thence North 00° 43' 50" West along said right-of-way line 80.00 feet; thence North 85° 38' 20" West 180.00 feet; thence South 00° 43' 50" East 80.00 feet; thence South 85° 38' 20" East 180.00 feet to the Point of Beginning ; being a part of the NE 1/4 of the SE 1/4 of Section 7, T37N, R1W.

Commonly referred to as 10429 N. Straits Highway, Cheboygan, MI  
 Parcel No. 092-007-400-009-03

**AND**

Parcel B: Part of the NE 1/4 of the SE 1/4, Section 7, T37N, R1W described as follows: Commencing at the East 1/4 corner of Section 7, a distance of 340.56 feet; thence North 85° 38' 30" West 49.01 feet to the Westerly Right of Way of M-27 Highway and the Point of Beginning; thence North 85° 38' 32" West 560.26 feet; thence South 00° 23' 40" West 157.14 feet; thence

MACARTHUR LAW FIRM  
 TIMOTHY P. MACARTHUR  
 ATTORNEY AT LAW  
 8911 N. STRAITS HWY.  
 CHEBOYGAN, MICHIGAN  
 49721

Agency certifies that for the five years preceding the date of said instrument there are no tax liens or claims against the State for any unpaid taxes, except such as may be in the process of collection.

Timothy P. MacArthur  
 Attorney at Law  
 Cheboygan County Treasurer



South 85° 36' 45" East 563.36 feet to the Westerly Right of Way of M-27 Highway; thence North 00° 43' 50" West 157.68 feet to the Point of Beginning.

Parcel No. 092-007-400-011-00  
Commonly referred to as: 10407 N. Straits Highway, Cheboygan, MI

Subject to rights of the public and of any governmental unit in any part of the land taken, used, or deeded for street, road or highway purposes.

Subject to building and use restrictions, reservations, easements, limitations and conditions of record, if any.

Subject to oil, gas, and mineral rights and reservations of every kind and nature, and all rights pertinent thereto.

Subject to any provisions contained in any Instruments of record which provisions pertain to the transfer of divisions under Section 109(3) of the Subdivision Control Act of 1967, as amended.

This property may be located in the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected under the Michigan Right to Farm Act.

The Grantor also grants to the Grantee the right to make all legally feasible divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This deed is given for the consideration of less than \$100. Therefore this instrument is exempt from Michigan Transfer Tax pursuant to MCL 207.505(5)(a) and 207.526(6)(a).

In consideration of the sum of less than \$100.00 Dollars.

Dated this 1<sup>st</sup> Day of July, 2015.

TROMBLE BAY FARMS II, LLC  
a Michigan Limited Liability Company

By: RICK A. TROMBLE,  
Its: Member & Manager

MACARTHUR LAW FIRM  
TIMOTHY P. MACARTHUR  
ATTORNEY AT LAW  
9911 N. STRAITS HWY.  
CHEBOYGAN, MICHIGAN  
49721

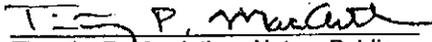
(231) 627-3163  
FAX (231) 627-6558

STATE OF MICHIGAN            )  
  )  
  )        ss.  
COUNTY OF CHEBOYGAN        )

On this 1<sup>st</sup> day of July, 2015, before me, a notary public in and for said county, personally appeared TROMBLE BAY FARMS II, LLC, a Michigan Limited Liability Company, by RICK A. TROMBLE, its Manager/Member, personally known to me or having produced a driver's license or other sufficient proof of identification, who executed the foregoing instrument and acknowledged the same to be his free



act and deed.

  
Timothy P. MacArthur, Notary Public  
Cheboygan County Michigan  
My commission expires: 03-23-2017  
Acting in Cheboygan, Michigan

Tax Parcel Code: 092-007-400-009-02; 092-007-400-009-03 ;  
092-007-400-011-00

When recorded return to:  
Grantees

Send subsequent tax bills to:  
Grantees

This instrument drafted by and return to:

**MacArthur Law Firm**  
Timothy P. MacArthur ✓  
Attorney at Law  
9911 N. Straits Highway  
Cheboygan, MI 49721  
(231) 627-3163

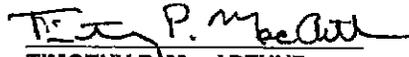
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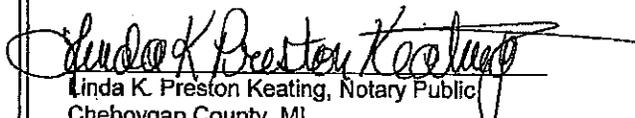


5) That this Affidavit of Scrivener's Error is being recorded to correct the error contained in said recorded Warranty Deed and for no other purpose.

FURTHER, Deponent sayeth not.

  
TIMOTHY P. MacARTHUR

On this 5<sup>th</sup> day of May, 2018, before me, a notary public in and for said county, personally appeared **TIMOTHY P. MacARTHUR**, personally known to me or having produced a driver's license or other sufficient proof of identification, who executed the foregoing Instrument and acknowledged the same to be his free act and deed.

  
Linda K. Preston Keating, Notary Public  
Cheboygan County, MI  
My Commission expires: 02/21/2021  
Acting in Cheboygan County, MI

Drafted by and return to:

**MacARTHUR LAW FIRM**  
Timothy P. MacArthur  
Attorney at Law  
8911 N. Straits Highway ✓  
Cheboygan, MI 49721  
(231) 627-3163

MACARTHUR LAW FIRM  
TIMOTHY P. MACARTHUR  
ATTORNEY AT LAW  
1911 N. STRAITS HWY.  
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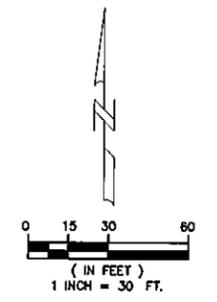
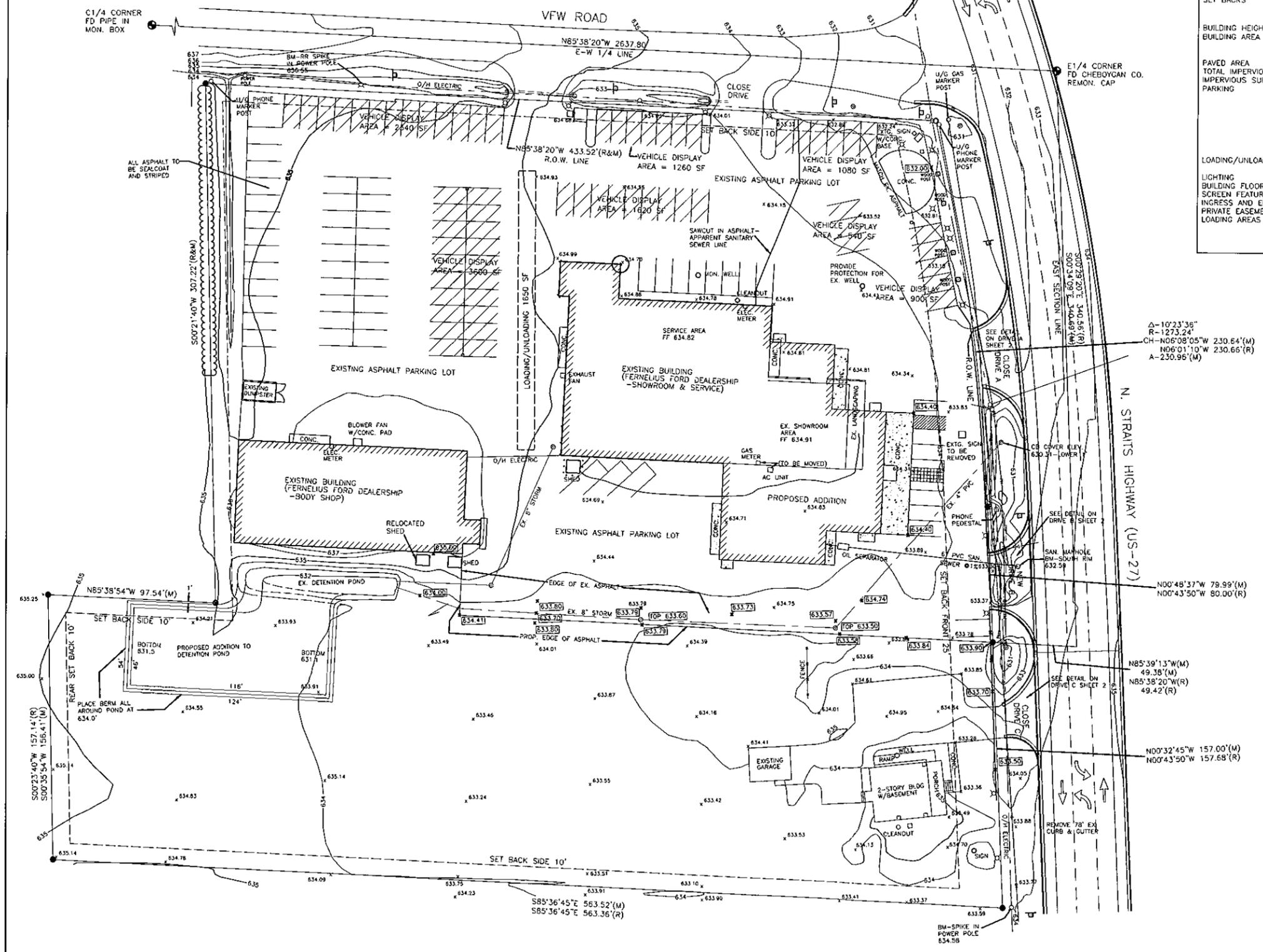
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USER 1359 PAGE 87

PART OF THE NE1/4 OF THE SE1/4, SECTION 7, T37N, R1W,  
INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

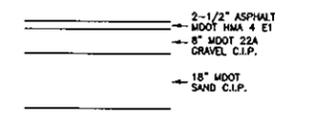
ZONING USE	D-CM COMMERCIAL DEVELOPMENT
TOTAL AMENDED SITE AREA	AUTOMOBILE SALES AND SERVICE UNCHANGED
SET BACKS	24,255 SF
	25' FRONT YARD
	10' SIDE YARD
	10' REAR YARD
BUILDING HEIGHT	35' MAXIMUM ALLOWED - 24' PROVIDED
BUILDING AREA	20,466 SF SHOWROOM & SERVICE
	13,189 SF BODY SHOP (UNCHANGED)
	33,655 SF TOTAL BUILDING AREA
PAVED AREA	94,232 SF
TOTAL IMPERVIOUS AREA	96,477 SF
IMPERVIOUS SURFACE COVERAGE	97%
PARKING	INDOOR VEHICLE DISPLAY AREA 1,993 SF/250..... 8 SPACES
	OUTDOOR VEHICLE DISPLAY AREA 11,340 SF/5000..... 3 SPACES
	SERVICE BAYS - 9 AT 2 PER BAY..... 18 SPACES
	EMPLOYEES 30/2..... 15 SPACES
	TOTAL REQUIRED..... 44 SPACES
	9'X20' PARKING SPACES AT 90'
	44 SPACES PROVIDED
	10 SF PER 1" BUILDING FRONT - 165LNFT AT 10SF PER
	1650 SF REQUIRED AND PROVIDED
	SEE LIGHTING PLAN
LOADING/UNLOADING AREA	SEE FLOOR PLANS AND ELEVATIONS
	NONE REQUIRED
LIGHTING	SEE FLOOR PLANS AND ELEVATIONS
	NONE REQUIRED
BUILDING FLOOR PLANS AND ELEVATIONS	SEE FLOOR PLANS AND ELEVATIONS
SCREEN FEATURES	NONE REQUIRED
INGRESS AND EGRESS DRIVES	CLOSE TWO DRIVES, ONE NEW DRIVE
PRIVATE EASEMENTS	NONE KNOWN
LOADING AREAS	PROVIDED



- ⊙ POWER POLE
- ⊙ LIGHT POLE
- ⊙ SIGN
- ⊙ CATCH BASIN
- ⊙ CATCH BASIN
- ⊙ FD PIPE
- ⊙ FD IRON W/CAP #16051
- ⊙ FD IRON W/CAP #16041
- ⊙ SET 1/2" REBAR W/CAP #52460
- (R) RECORDED AS
- (M) MEASURED AS
- = 634.33 EXISTING ELEVATION
- = 634.33 PROPOSED FINISH ELEVATION

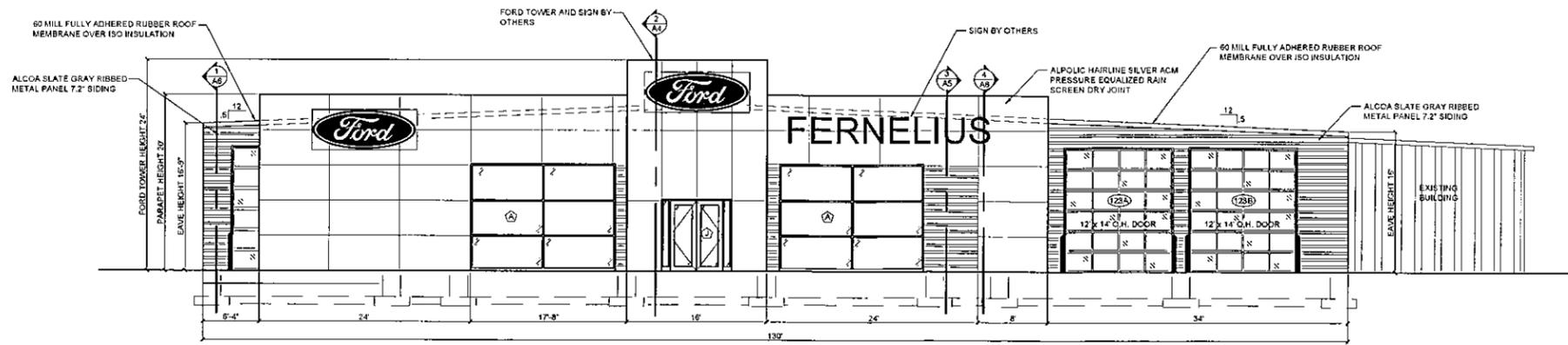
BEARINGS BASED ON SURVEY BY GRANGER & ASSOCIATES, INC.

TYPICAL PARKING LOT SECTION

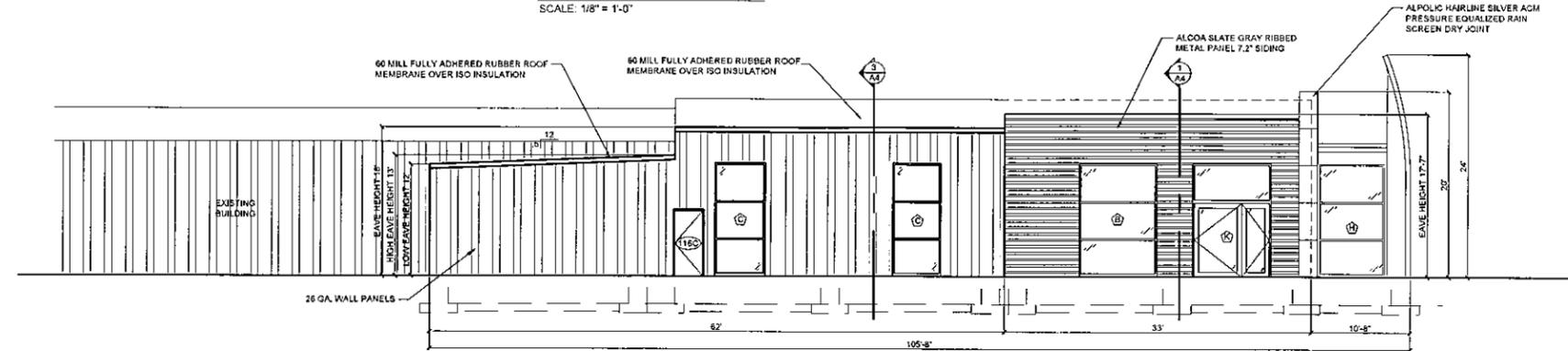


DATE	REVISIONS	DATE	REVISIONS	CLIENT	<p>Granger and Associates, Inc. Engineers - Surveyors 224 S. Main Street Cheboygan, Michigan 49721 231-627-2763</p>	TITLE	SCALE: 1"=30'
FEB. 7, 2019	ORIGINAL ISSUE			JBS CONTRACTING INC. (FERNELIUS FORD DEALERSHIP)		SITE PLAN	SHEET 1 OF 2
FEB. 14, 2019	ADD ASPHALT SHADING/CLOSED DRIVE NOTE						DRAWN BY: AJG
							JOB NO. C7830-00

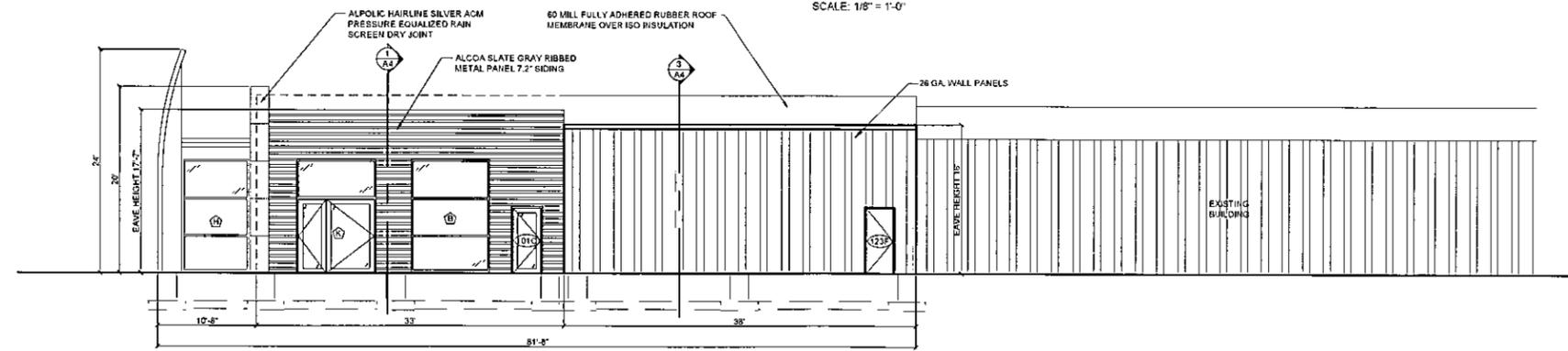
6



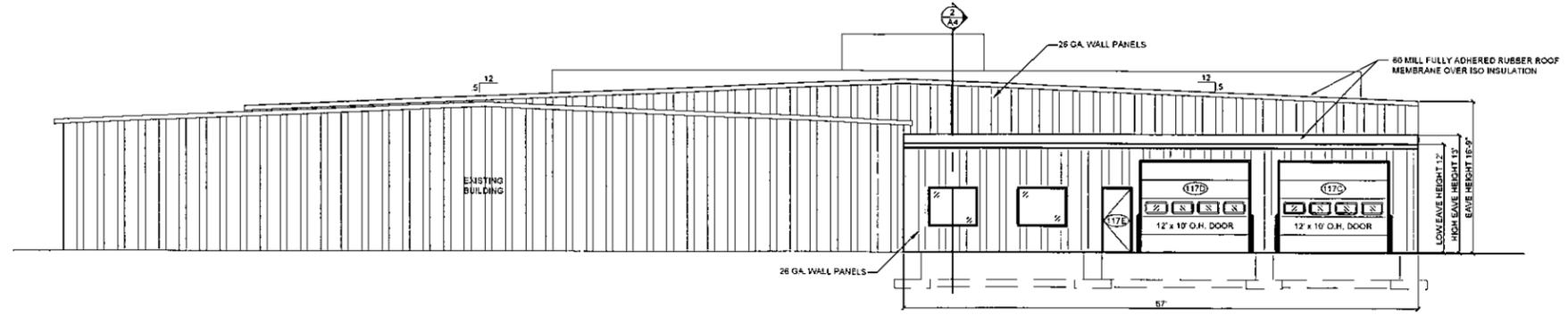
**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

JBS JOB NUMBER:  
DRAWING NAME: ELEVATIONS  
DRAWN BY: HCN  
REVIEWED BY:  
FIELD SUPERVISOR:  
DATE: 3-5-19  
ENGINEER'S SEAL:

**FERNELIUS FORD**  
CHEBOYGAN, MICHIGAN

**JBS Contracting Inc.**  
COMMERCIAL/INDUSTRIAL  
CONSTRUCTION  
1680 COVER PARKWAY  
MT. PLEASANT, MI 48858  
PH. (989) 772-0710  
FAX (989) 772-9272

3 WORKING DAYS | BEFORE YOU DIG CALL MISS DIG | 1-800-482-7171 | FOR THE LOCATION OF UNDERGROUND FACILITIES

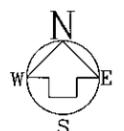
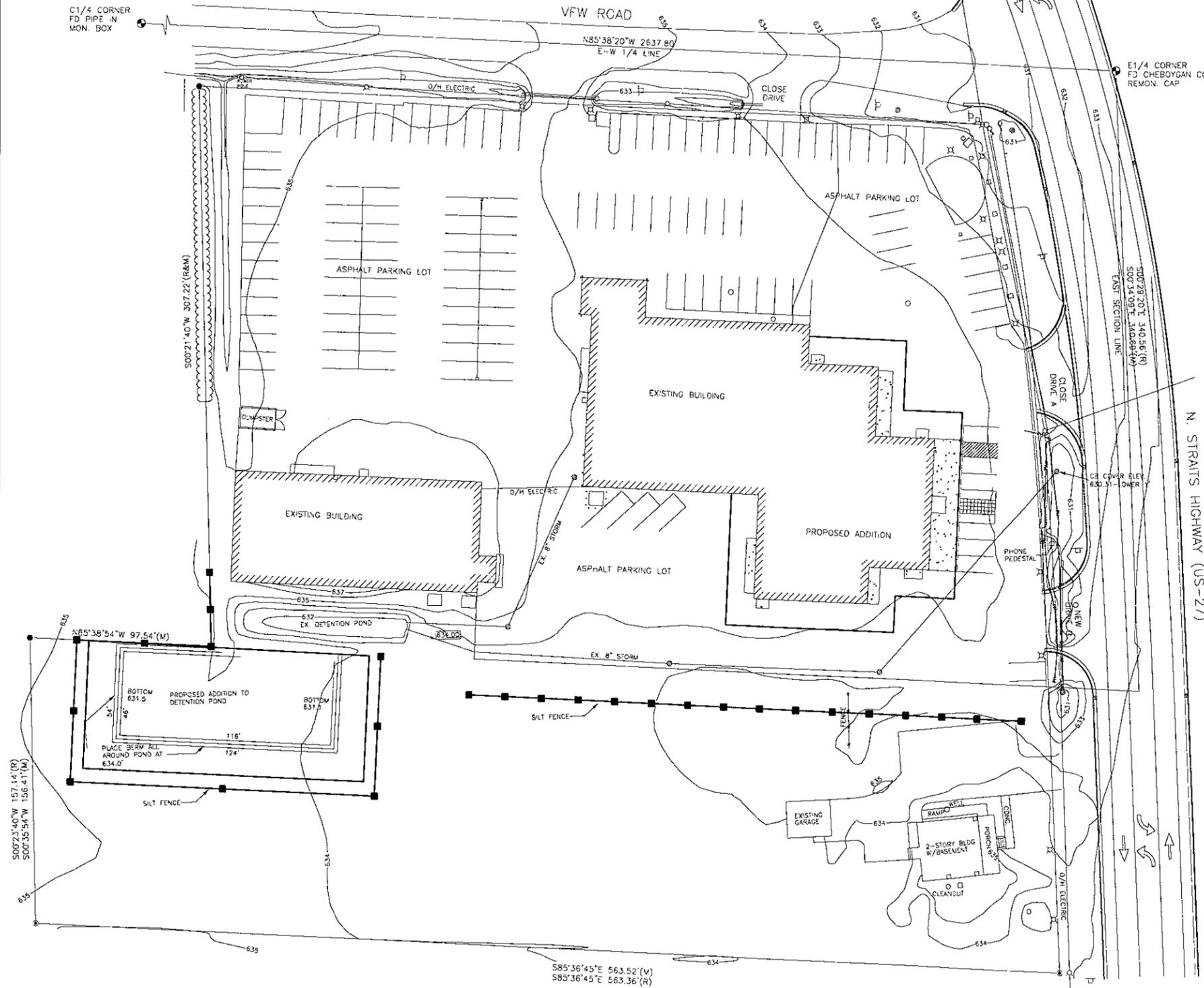
TAG	DATE	CHANGE	REVISIONS

SCALE: 1/8" = 1'-0"

**A2**

FERNELIUS FORD

PART OF THE NE1/4 OF THE SE1/4, SECTION 7, T37N, R1W,  
INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



**SOIL EROSION PLAN**

SCALE: 1" = 30'

**MICHIGAN**  
SOIL EROSION & SEDIMENTATION CONTROL  
**GUIDEBOOK**  
FEBRUARY 1975 FIGURE 2



**PERMANENT SEEDING GUIDE**

PERMANENT SEEDING METHOD	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ZONE
REGULATED AND/OR M.A. CHD										ZONE 1
REGULATED AND/OR M.A. CHD										ZONE 2
REGULATED AND/OR M.A. CHD										ZONE 3

**TEMPORARY SEEDING GUIDE**

**ZONE 1**

TYPE OF SEED	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
SPRING OR PERENNIAL RYE									
LEGUMES									
WHEAT									

**ZONE 2**

TYPE OF SEED	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
SPRING OR PERENNIAL RYE									
LEGUMES									
WHEAT									

**ZONE 3**

TYPE OF SEED	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
SPRING OR PERENNIAL RYE									
LEGUMES									
WHEAT									

- CONSTRUCTION PHASES**
- PHASE 1  
STRIPPING BUILDING FOUNDATION, 8" DRIV SEWER & DETENTION POND CONSTRUCTION.  
PLACE GEOTEXTILE SILT FENCE (PRIOR TO COMMENCING ANY WORK)  
PROTECT EXISTING BASH NETS (PLACE GEOTEXTILE FABRIC OR SILT SACKS)  
PLACE RIPRAP
  - PHASE 2  
BUILDING CONSTRUCTION  
MAINTAIN COVERED MEASURES
  - PHASE 3  
DRIVEWAY CONSTRUCTION & RESTORATION  
MAINTAIN TEMPORARY CONTROL MEASURES  
PLACE TOP SOIL SURFACE IN DISTURBED AREAS AND PERMANENT SEEDING PRIOR TO SEPT. 1, 2019

- GENERAL NOTES**
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TEMPORARY AND PERMANENT CONTROL MEASURES UNTIL VEGETATION HAS BEEN ESTABLISHED ON ALL DISTURBED AREAS. MAINTENANCE SHALL INCLUDE PERIODIC INSPECTIONS, REMOVING ACCUMULATED DEBRIS AND REPAIRING OR REPLACING DAMAGED CONTROL MEASURES. INSPECTIONS SHALL BE PERFORMED DAILY DURING THE CONSTRUCTION PROCESS. FOLLOWING CONSTRUCTION INSPECTIONS SHALL BE PERFORMED AT LEAST ON A WEEKLY BASIS AND AFTER EVERY SIGNIFICANT RAIN EVENT UNTIL VEGETATION HAS BEEN ESTABLISHED.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF TEMPORARY CONTROL MEASURES AFTER ALL DISTURBED AREAS HAVE BEEN RESTORED AND VEGETATION HAS BEEN ESTABLISHED. ALL CONTROL BARRIERS WITHIN THE CONSTRUCTION INFLUENCE AREA SHALL BE PROTECTED UNTIL PERMANENT MEASURES HAVE TAKEN EFFECT. THIS IS TO BE PROTECTED WITH GEOTEXTILE FABRIC OR SILT SACKS. INSTALL SILT FENCES PRIOR TO ANY SITE WORK.
  - THE OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF PERMANENT CONTROL MEASURES AFTER THE REMOVAL OF VEGETATION ON DISTURBED AREAS. THE OWNER SHALL MAKE PERIODIC INSPECTIONS AND REPAIR OR REPLACE DAMAGED PERMANENT CONTROL MEASURES AS REQUIRED.
  - PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 15 CALENDAR DAYS AFTER FINAL EARTH CHANGE IS COMPLETED.



**SOIL EROSION & SEDIMENTATION CONTROL PLAN**  
MICHIGAN UNIFIED KEYING SYSTEM

**SEEDING ZONES**

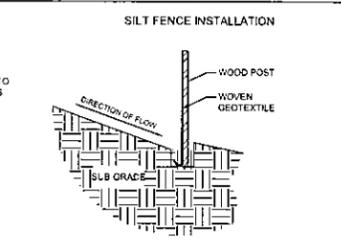
\* INDICATES APPLICABILITY OF A SEEDING CONTROL MEASURE TO ONE OR MORE OF THE SEVEN PROBLEM AREAS

KEY	DETAIL	CHARACTERISTICS	A	B	C	D	E	F	G
1	TEMPORARY SILT FENCE	USED TO PREVENT SOIL FROM BEING WASHED AWAY FROM THE CONSTRUCTION SITE	*					*	*
5	WEDGE	DESIGNED TO STOP SOIL FROM BEING WASHED AWAY FROM THE CONSTRUCTION SITE	*					*	*
14	ADVANCED SLOPE	DESIGNED TO PREVENT SOIL FROM BEING WASHED AWAY FROM THE CONSTRUCTION SITE						*	*
15	SLOPE	DESIGNED TO PREVENT SOIL FROM BEING WASHED AWAY FROM THE CONSTRUCTION SITE	*					*	*
19	PROTECTIVE SLOPE	DESIGNED TO PREVENT SOIL FROM BEING WASHED AWAY FROM THE CONSTRUCTION SITE	*					*	*
36	CONCRETE SLOPE	DESIGNED TO PREVENT SOIL FROM BEING WASHED AWAY FROM THE CONSTRUCTION SITE						*	*
54	SILT FENCE	DESIGNED TO PREVENT SOIL FROM BEING WASHED AWAY FROM THE CONSTRUCTION SITE						*	*



**LEGAL DESCRIPTIONS:**  
095-007-400-009-03; COM E 1/4 COR SEC 7, T37N, R1W; TH S 00 29' 20" E 340.56 FT; TH N 85 38' 20" W 49.42 FT TO WLY RW OF HWY-27; TH N 00 43' 50" E 80 FT TO POB; TH N 85 38' 20" W 433.52 FT; TH S 02 21' 40" W 307.22 FT; TH S 85 39' 20" E 280.62 FT; TH N 00 43' 50" W 80 FT; TH S 85 39' 20" E 180 FT TO POB.  
SPLIT ON 01/25/2005 FROM 095-007-400-009-03; SPLIT ON 2/11/15 FROM 095-007-400-009-03.  
064/820-974/643; 1167/111; 1285/943  
092-007-400-009-03; PAR 2; COM E 1/4 COR SEC 7, T37N, R1W; TH S 00 29' 20" E 340.56 FT; TH N 85 38' 20" W 49.42 FT TO WLY RW HWY 27 & POB; TH N 00 43' 50" W 80 FT; TH N 85 39' 20" W 180 FT; TH S 00 43' 50" E 80 FT; TH S 85 39' 20" E 180 FT TO POB. SPLIT ON 01/25/2005 FROM 092-007-400-009-03; 064/820-974/643; 1167/111; 1285/943  
092-007-400-011-00; COM E 1/4 COR SEC 7, T37N, R1W; TH S 00 29' 20" E 340.56 FT; TH N 85 38' 20" W 49.42 FT TO WLY RW HWY 27 & POB; TH N 85 39' 20" W 180 FT; TH S 00 23' 40" W 157.14 FT; TH S 85 38' 20" E 180 FT TO WLY RW HWY 27; TH N 00 43' 50" W 157.14 FT TO POB, PT. OF NE 1/4 OF SE 1/4, 1285/943

- NOTES:**
- GEOTEXTILE ANCHORED IN TRENCH A MINIMUM OF 6 INCHES.
  - TRENCH BACKFILL WITH TAMPED NATURAL SOIL.
  - GEOTEXTILE TO ATTACHED TO WOOD POSTS WITH STAPLES.



JBS JOB NUMBER:  
DRAWING NAME: SOIL EROSION PLAN  
DRAWN BY: HCN  
REVIEWED BY:  
FIELD SUPERVISOR:  
DATE: 3-12-19  
ENCLOSURE 5-SEA

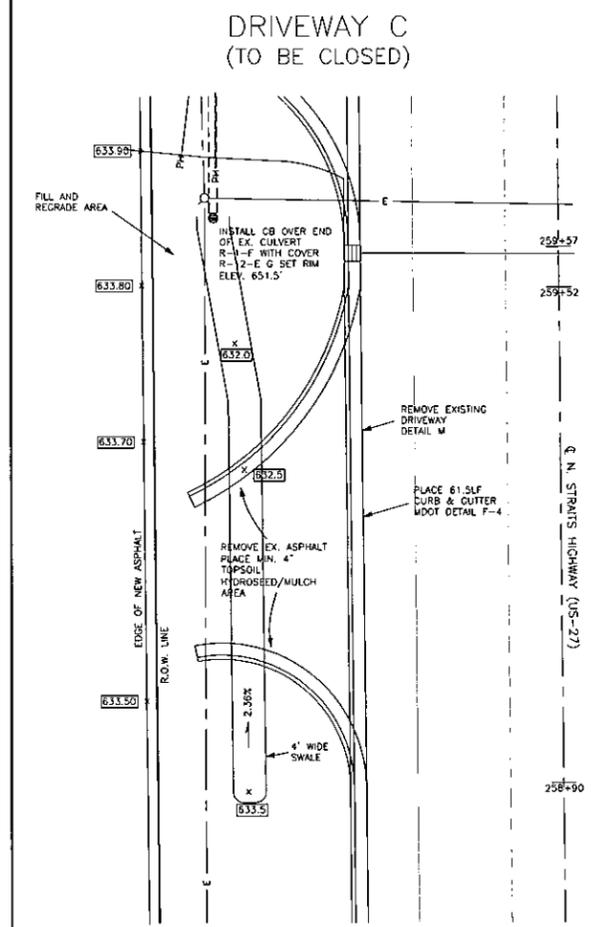
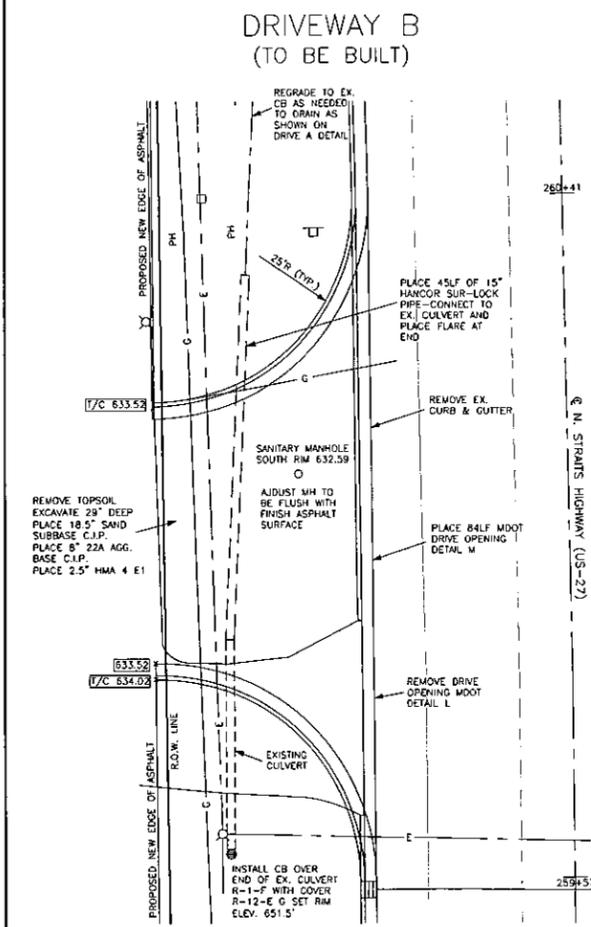
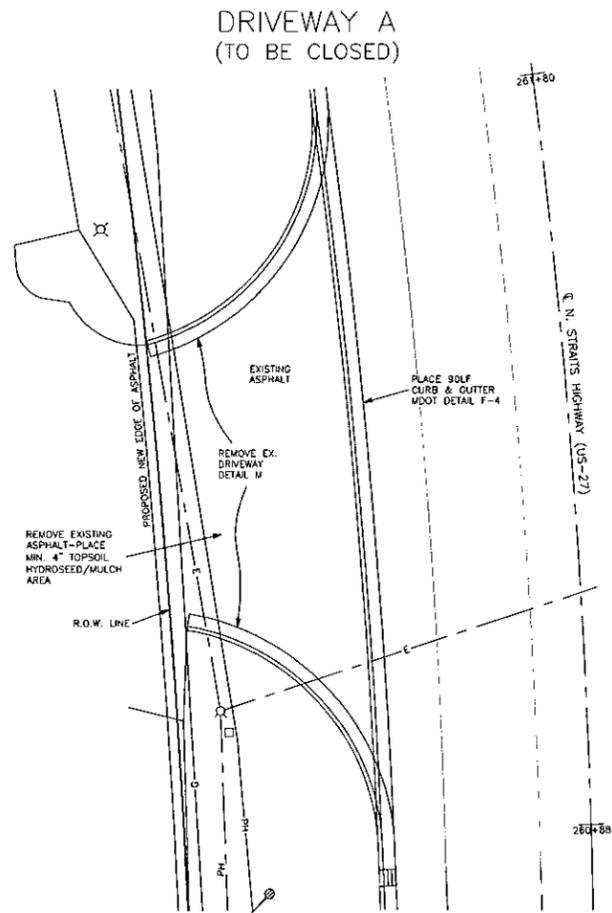
**FERNELIUS FORD**  
CHEBOYGAN, MICHIGAN

COMMERCIAL/INDUSTRIAL  
CONSTRUCTION

**JBS Contracting Inc.**  
1680 COVER PARKWAY  
MT. PLEASANT, MI 48859  
PH. (989) 715-0770  
PH. (989) 712-9272  
FAX (989) 712-9272

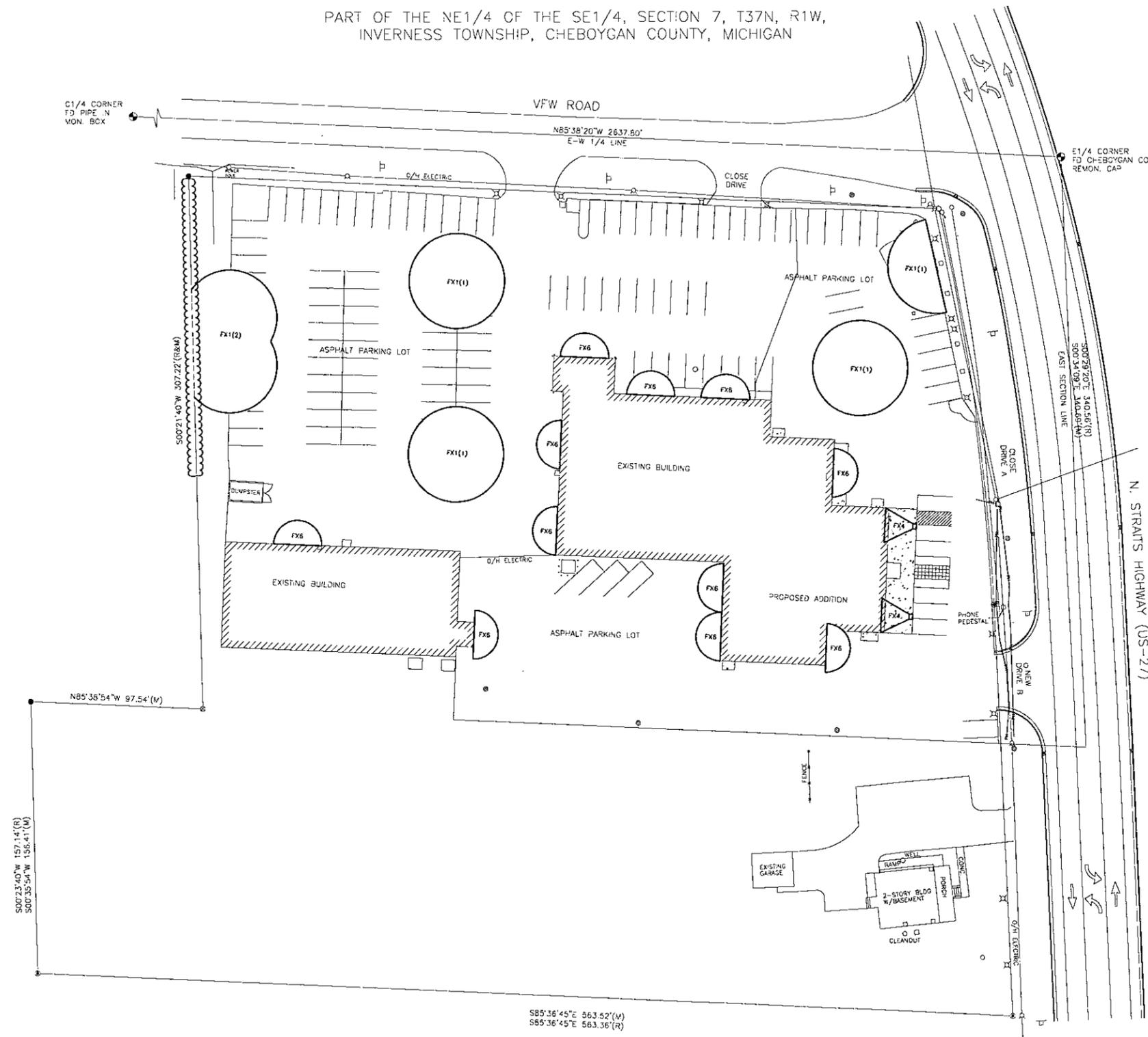
SCALE:  
1" = 30'

**CA**  
FERNELIUS FORD



DATE	REVISIONS	DATE	REVISIONS	CLIENT	ENGINEER	TITLE	SCALE
FEB. 7, 2019	ORIGINAL ISSUE			JBS CONTRACTING INC. (FERNELIUS FORD DEALERSHIP)	 <b>Granger and Associates, Inc.</b> Engineers - Surveyors 224 S. Main Street Cheboygan, Michigan 49721 231-627-2763	DRIVEWAY DETAILS	SCALE: 1" = 30' SHEET 2 OF 2 DRAWN BY: AJG JOB NO. C7830-00

PART OF THE NE1/4 OF THE SE1/4, SECTION 7, T37N, R1W,  
 INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

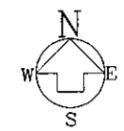


**LIGHTING FIXTURE LEGEND**

FX1(1) - AREA LIGHT LED - SINGLE FIXTURE  
 FX1(2) - AREA LIGHT LED - DOUBLE FIXTURE

FX4 - FLOOD LIGHTING; ACCENT LIGHT FOR DISPLAY VEHICLES, NOT DIRECTED UP ABOVE BUILDING

FX6 - WALL MOUNTED DOWN LIGHTING



**SITE LIGHTING PLAN**  
 SCALE: NOT TO SCALE

JBS JOB NUMBER:	
DRAWING NAME: SITE LIGHTING PLAN	
DRAWN BY: HCN	
REVIEWED BY:	
FIELD SUPERVISOR:	
DATE: 3-5-19	

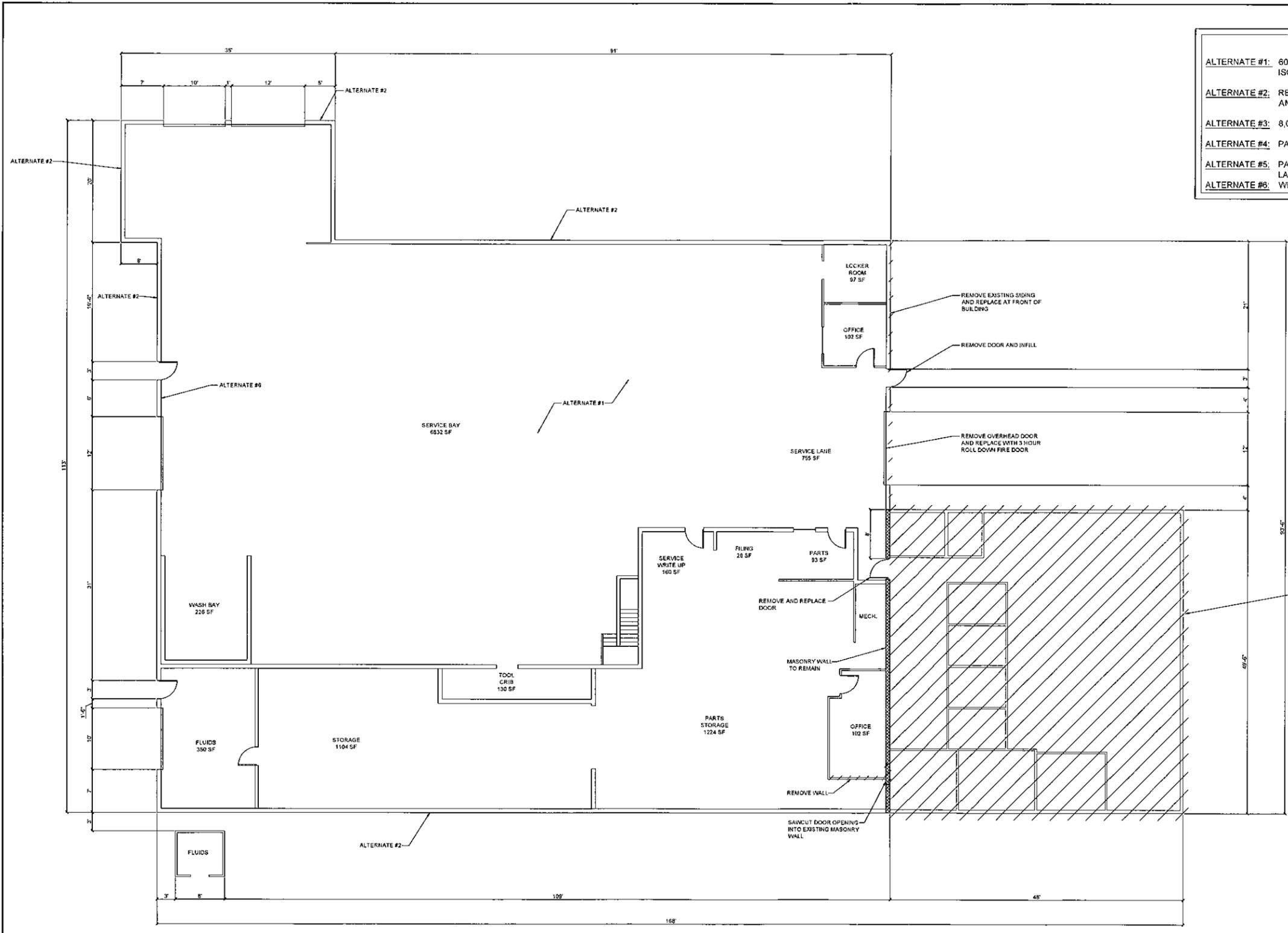
**FERNELIUS FORD**  
 CHEBOYGAN, MICHIGAN

**JBS Contracting Inc.**  
 1680 COVER PARKWAY  
 MT. PLEASANT, MI 48858  
 PH. (989) 712-0770  
 FAX (989) 712-9272

SCALE:  
 N.T.S.

**C3**  
 FERNELIUS FORD





- ALTERNATES**
- ALTERNATE #1: 60 MIL FULLY ADHERED RUBBER ROOF MEMBRANE OVER ISO INSULATION ON EXISTING ROOF.
  - ALTERNATE #2: REMOVE EXISTING SIDING FROM EXISTING BUILDING AND REPLACE WITH 26 GA. METAL WALL PANELS.
  - ALTERNATE #3: 8,000 SF OF EPOXY IN EXISTING SERVICE AREA.
  - ALTERNATE #4: PAINT EXISTING WALLS TO MATCH NEW SERVICE LANES.
  - ALTERNATE #5: PAINT EXISTING CEILING TO MATCH NEW SERVICE LANES.
  - ALTERNATE #8: WEST WALL ADD STRUCTURAL SUPPORT TO WALL.

JBS JOB NUMBER:  
 DRAWING NAME: DEMO PLAN  
 DRAWN BY: HCN  
 REVIEWED BY:  
 FIELD SUPERVISOR:  
 DATE: 3-5-19

**FERNELIUS FORD**  
 CHEBOYGAN, MICHIGAN

COMMERCIAL/INDUSTRIAL  
 CONSTRUCTION

**JBS Contracting Inc.**  
 1680 COVER PARKWAY  
 MT. PLEASANT, MI 48858-8  
 PH: (989) 772-0710  
 FAX: (989) 772-9272

 DEMO PLAN  
 SCALE: 1/8" = 1'-0"

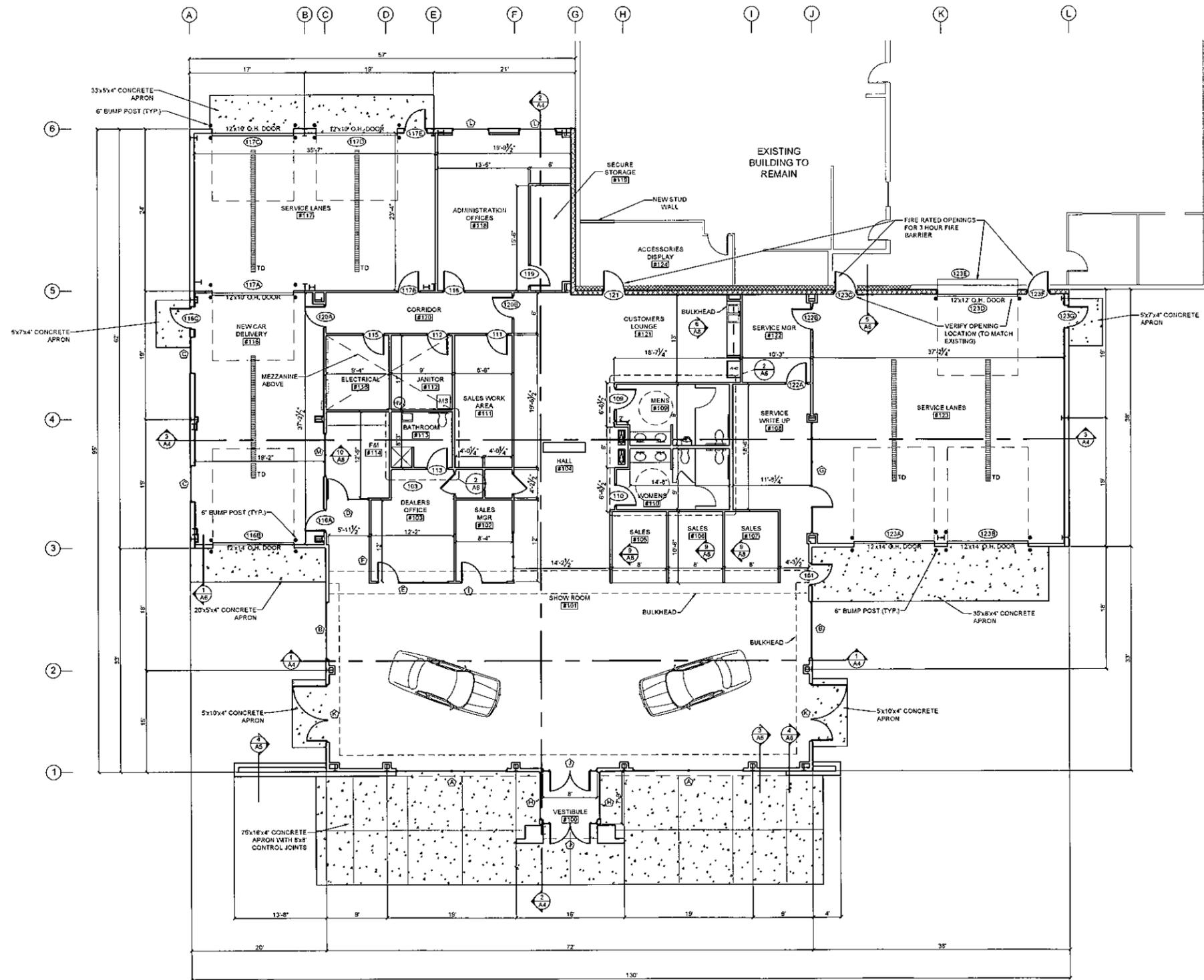


3 WORKING DAYS |  
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 CALL MISS DIG  
 1-800-482-7171  
 FOR THE LOCATION OF  
 UNDERGROUND FACILITIES

REVISIONS		
TAG	DATE	CHANGE

SCALE:  
 1/8" = 1'-0"

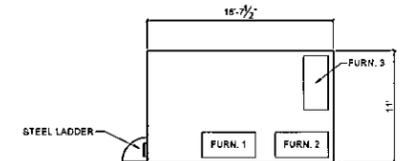
**D1**  
 FERNELIUS FORD



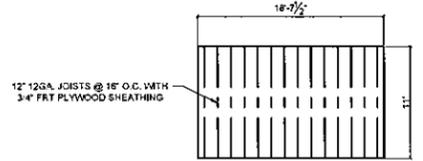
**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**FORD REQUIRED TRUST MARK ITEMS SQUARE FOOT TABLE**

	REQUIRED FORD	PROVIDED
<b>CUSTOMER</b>	<b>524</b>	<b>678</b>
CUSTOMER LOUNGE	300	446
CUSTOMER BUSINESS AREA	0	0
CHILD PLAY AREA	0	0
RETAIL DISPLAY	48	46
RETAIL PARTS COUNTER	48	138
CASHIER COUNTER	48	48
<b>SALES</b>	<b>2096</b>	<b>3204</b>
SHOWROOM	1600	1977
SALES OFFICE	80	219
FBI	96	127
SALES MANAGER	96	100
SALES WORK AREA	224	166
NEW CAR DELIVERY AREA	0	715
<b>SERVICE</b>	<b>6595</b>	<b>11375</b>
SERVICE STALLS AREA	5130	7700
SERVICE STALLS #	10	11
STORAGE	359	660
LUNCHROOM, WC, LOCKERS	150	0
SERVICE WRITE UP	20	216
SERVICE WRITE UP STATIONS	1	2
SERVICE LANES	800	1339
SERVICE VEHICLES #	2	2
FLING AREA	20	30
SERVICE MANAGERS OFFICE	96	133
WARRANTY OFFICE	80	0
DISPATCH OFFICE	80	0
WASH AND DETAIL BAY	0	420
<b>ADMINISTRATION</b>	<b>950</b>	<b>652</b>
DEALERS OFFICE	200	210
GEN. MANAGER	150	0
ADMIN. OFFICES	350	349
CONFERENCE ROOM	150	0
SECURED RECORDS STORAGE	80	83
COMPUTER ROOM	40	0
<b>PARTS</b>	<b>1826</b>	<b>2252</b>
PARTS MANAGER OFFICE	86	89
CONTROLS CLERK OFFICE	180	180
PARTS STORAGE	1500	1625
PARTS STORAGE FOOTPRINT	1500	1625
RECEIVING AREA	150	348
<b>BUILDING SUPPORT</b>	<b>1071</b>	<b>991</b>
RESTROOMS	206	206
MECH. ROOMS	166	166
JANITOR	99	99
HALLWAYS	440	440



**MEZZANINE PLAN**  
SCALE: 1/8" = 1'-0"



**MEZZANINE FRAMING PLAN**  
SCALE: 1/8" = 1'-0"



REVISIONS

TAG:	DATE:	CHANGE:

JBS JOB NUMBER:  
DRAWING NAME: FLOOR PLAN  
DRAWN BY: HCN  
REVIEWED BY:  
FIELD SUPERVISOR:  
DATE: 3-5-19  
ENGINEER'S SEAL:

**FERNELIUS FORD**  
CHEBOYGAN, MICHIGAN

COMMERCIAL/INDUSTRIAL  
CONSTRUCTION

**JBS Contracting Inc.**  
1680 COVER PARKWAY  
MT. PLEASANT, MI 48858  
PH: (989) 773-0770  
FAX: (989) 772-9272

SCALE:  
1/8" = 1'-0"

**A1.1**

FERNELIUS FORD



# 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

## Soil Erosion & Sedimentation Control Permit

(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended)

**ALL PERMITS ARE VALID FOR ONE (1) YEAR.**

**INVERNESS**

ISSUE DATE: 03/20/19  
EXPIRATION DATE: 03/19/20

**PG19-0010**

**Permittee**

CHEBOYGAN FORD LAND, LLC  
PO BOX 289  
CHEBOYGAN MI 49721

**On Site Responsible Person:**

ROBIADEK & SONS EXCAVATING INC  
12370 N RIGGSVILLE RD  
CHEBOYGAN MI 49721

**Project Location**

10459 N STRAITS HWY 095-007-400-009-05 IN-07

**Permitted Activity:**

Addition to existing building footprint to remain the same. Addition of detention pond.

**Permit Conditions:**

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the attached general specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state or local permits.
3. **Wetland Stipulation As Part Of The Permit Conditions**  
If any portion of this site that excavation, draining, or the placement of fill material is to take place in, is deemed by the MDEQ to be regulated wetland, this permit becomes invalid and placement of fill or the introduction of sediment to regulated wetlands without first receiving a Part 303 permit from the MDEQ will be a violation of both Part 91 and 303. If the area is deemed not to be regulated wetland, this permit is valid as written.

**Specific Conditions:**

  
Permitting Agent

(231)627-8489

Telephone Number

**This permit must be posted at the project site.**



# 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

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(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended)

**ALL PERMITS ARE VALID FOR ONE (1) YEAR.**

**INVERNESS**

ISSUE DATE: 03/20/19  
EXPIRATION DATE: 03/19/20

**PG19-0010**

### General Conditions:

In accordance with Rule 1709 promulgated under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.

Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.

Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.

Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.

Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

Amount Paid: \$160.00

Date: 03/20/2019

Entered By: dtomlinson

**This permit must be posted at the project site.**

Deborah Tomlinson

---

**From:** Brent Shank <mgr@chcrc.com>  
**Sent:** Tuesday, March 19, 2019 9:47 AM  
**To:** Deborah Tomlinson  
**Subject:** Re: JBS Contracting & Dave Fernelius Applicaiton  
**Attachments:** mgr.vcf

Hello,

No comments from the Road Commission.

Thank you,

**Brent Shank, P.E.**

Engineer/Manager  
Cheboygan County Road Commission

[mgr@chcrc.com](mailto:mgr@chcrc.com)

(231) 238-7775

On 3/19/2019 9:41 AM, Deborah Tomlinson wrote:

The following is an *updated application* for JBS Contracting/Dave Fernelius: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. This application will be reviewed at the 04/03/19 Planning Commission meeting. Please review the application and submit comments prior to Wednesday, March 27, 2019. Thank you!!!

Debbie

**Debbie Tomlinson**  
***Cheboygan County***  
***Planning & Zoning Department***  
PO Box 70, 870 South Main Street  
Cheboygan, MI 49721  
(231)627-8489 phone  
(231)627-3646 fax  
[debbiet@cheboygancounty.net](mailto:debbiet@cheboygancounty.net)

Comments from Fire Chief Socha on 03/19/19 regarding the site plan for JBS Contracting Inc./Dave Fernelius:

- When starting the project a Knox Box (safe that hold keys for fire department) will have to be ordered and installed. Chief Socha will order the Knox Box and the applicant or owner will have to pay for it.
- Alarm system is required.

Deborah Tomlinson

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**From:** Fisher, Scott (MDOT) [<mailto:FisherS22@michigan.gov>]  
**Sent:** Tuesday, March 26, 2019 6:06 PM  
**To:** Deborah Tomlinson  
**Subject:** RE: JBS Contracting & Dave Fernelius Applicaiton

MDOT does not have any issues with the plan.

Comments from Ron Neuman (Inverness Township Supervisor) on 03/26/19 regarding the site plan for JBS Contracting Inc./Dave Fernelius:

- Inverness Township does not have any issues with the proposed project for JBS Contracting Inc./Dave Fernelius

092-007-200-040-00  
SCHRYER PROPERTIES, LLC  
10645 N STRAITS HWY  
CHEBOYGAN, MI 49721-9077

092-007-200-042-00  
MARTINCHEK, JOEL & AUDREY H/W  
11506 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-200-043-00  
LITZNER, AUDREY P & PATRICIA  
170 RIVERSIDE DR  
CHEBOYGAN, MI 49721

092-007-200-044-00  
NORTHERN SHORE INVESTMENTS, LLC  
989 EAST VFW RD  
CHEBOYGAN, MI 49721

092-007-200-047-00  
DDC ENTERPRISES, INC  
10595 N STRAITS HWY, STE 301  
CHEBOYGAN, MI 49721-9005

092-007-200-072-00  
VESEY, CHRISTOPHER M  
19224 WOODSIDE DR  
HARPER WOODS, MI 48225

092-007-200-073-00  
VESEY, CHRISTOPHER M  
19224 WOODSIDE DR  
HARPER WOODS, MI 48225

092-007-400-004-00  
TAYLOR, DARL & MARY JO H/W  
3431 N BLACK RIVER RD  
CHEBOYGAN, MI 49721

092-007-400-005-00  
YODER, JEFFREY A & MELISSA M H/W  
838 E VFW RD  
CHEBOYGAN, MI 49721

092-007-400-009-01  
TAYLOR, DARL & MARY JO H/W  
3431 N BLACK RIVER RD  
CHEBOYGAN, MI 49721

092-007-400-009-03  
CHEBOYGAN FORD LAND, LLC  
PO BOX 289  
CHEBOYGAN, MI 49721

092-007-400-011-00  
CHEBOYGAN FORD LAND, LLC  
PO BOX 289  
CHEBOYGAN, MI 49721

092-007-400-011-01  
BOUCARD, DONALD & CAROL H/W  
10385 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-400-011-02  
TAYLOR, DARL & MARY JO H/W  
3431 N BLACK RIVER RD  
CHEBOYGAN, MI 49721

092-007-400-012-00  
NEUMAN, KEVIN, TTEE & RONALD & BRENDA  
2929 CEDAR BEACH RD  
CHEBOYGAN, MI 49721

092-008-300-001-00  
HARVEY, BOBBIE  
2261 E HOTCHKISS RD  
BAY CITY, MI 48706

092-008-300-001-01  
KIEFER, DAVID & DIANE H/W; BRENDA  
6235 ANAVISTA DR  
FLINT, MI 48507-3882

092-008-300-001-02  
KIEFER, DAVID & DIANE H/W; BRENDA  
6235 ANAVISTA DR  
FLINT, MI 48507-3882

092-008-300-002-04  
JERNIGAN, MATTHEW & MICHELE H/W  
PO BOX 255, 10124 FISHER LAKE RD  
SAINT HELEN, MI 48656

092-008-300-003-00  
PANIK, JOSEPH & MICHELLE H/W  
10400 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-003-01  
PANIK, JOSEPH & MICHELLE H/W  
10400 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-004-00  
KOECHLE, MARTIN & CATHERINE H/W  
PO BOX 487  
CHEBOYGAN, MI 49721

092-008-300-005-00  
SQUAREDJ, LLC  
3875 BONTER CT  
CHEBOYGAN, MI 49721

092-008-300-007-00  
DOBIAS, MARK; TIMOTHY DOBIAS; THOMAS  
15206 LOUIS MILL DR  
CHANTILLY, VA 20151

095-007-400-009-05  
CHEBOYGAN FORD LAND, LLC  
PO BOX 289  
CHEBOYGAN, MI 49721

095-007-400-009-05  
OCCUPANT  
10459 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-200-042-00  
OCCUPANT  
817 E VFW RD  
CHEBOYGAN, MI 49721

092-007-200-043-00  
OCCUPANT  
887 VFW RD  
CHEBOYGAN, MI 49721

092-007-200-044-00  
OCCUPANT  
989 E VFW RD  
CHEBOYGAN, MI 49721

092-007-200-047-00  
OCCUPANT  
10585 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-200-072-00  
OCCUPANT  
10542 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-200-073-00  
OCCUPANT  
10520 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-400-004-00  
OCCUPANT  
800 E VFW RD  
CHEBOYGAN, MI 49721

092-007-400-005-00  
OCCUPANT  
838 E VFW RD  
CHEBOYGAN, MI 49721

092-007-400-009-01  
OCCUPANT  
590 E VFW RD  
CHEBOYGAN, MI 49721

092-007-400-009-03  
OCCUPANT  
10429 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-400-011-00  
OCCUPANT  
10407 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-400-011-01  
OCCUPANT  
10385 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-007-00  
OCCUPANT  
10352 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-007-400-012-00  
OCCUPANT  
10351 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-001-00  
OCCUPANT  
10480 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-005-00  
OCCUPANT  
10392 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-001-02  
OCCUPANT  
10490 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-004-00  
OCCUPANT  
1065 MOORE AVE  
CHEBOYGAN, MI 49721

092-008-300-003-00  
OCCUPANT  
10396 N STRAITS HWY  
CHEBOYGAN, MI 49721

092-008-300-003-01  
OCCUPANT  
10402 N STRAITS HWY UNIT 1  
CHEBOYGAN, MI 49721



# CHEBOYGAN COUNTY PLANNING AND ZONING 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> A request for a special use permit for a motor vehicle repair and/or sales facility in an Commercial Development zoning district (D-CM), per Section 6.3.4 of the Zoning Ordinance	<b>Prepared by:</b> Jeff Lawson
<b>Date:</b> Thursday, March 28, 2019	<b>Expected Meeting Date:</b> April 3, 2019

### GENERAL INFORMATION

**Owner:** Dave Fernelius

**Applicant:** JBS Contracting, Inc.

**Contact person:** Same

**Phone:** (989)772-9272

**Requested Action:** Approval of a special use permit application and site plan to construct an addition containing an auto sales show room, sales offices, auto receiving and service bays (Section 6.3.4).

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant requests approval of a special use permit application and site plan to construct an addition to an existing business Fernelius Ford located at 10459 N. Straits Hwy., 10429 N. Straits Hwy., 10407 N. Straits Hwy, Inverness Twp. The addition will contain an auto sales show room, sales offices, auto receiving and service bays (Section 6.3.4).

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

The land use to the North is Commercial.

The land use to the South is Commercial.

The land use to the East is Residential/ Vacant.

The land use to the West is Commercial.

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

There are no known environmentally sensitive areas on the subject property.

**Historic Buildings/Features:**

There are no known historic buildings or historic features on the subject property.

**Traffic Implications:**

The proposed site plan indicates that two existing drives will be eliminated on N. Straits Hwy. and one new two-way driveway will be constructed off of N. Straits Highway. Two existing two-way drives off of VFW Road remain unchanged. The new drive must be submitted to MDOT for review and approval.

**Parking:**

Automobile dealerships: one (1) parking space per 250 sq.-ft. of indoor display and one space per 5,000 sq. ft. of outdoor display area. Development requires eleven (11) spaces.

Automobile repair garages: two (2) parking spaces per service bay. Development requires eighteen (18) spaces.

All uses: 1 (one) parking space per 2 (two) employees is required. Development requires fifteen (15) spaces.

The development is required to have forty-four (44) parking spaces and has provided forty-seven (47) spaces including three (3) barrier free spaces.

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

Access will be provided via two existing two-way driveways off of VFW Road and by the construction of a new two-way drive off of N. Straits Highway. The Michigan Department of Transportation (MDOT) has indicated that any work performed within the right-of-way will require permitting.

**Signs:**

The existing freestanding, illuminated sign and wall signs facing Straits Hwy. to be replaced at future date.

**Fence/Hedge/Buffer:**

No fencing, vegetative screening or buffers are proposed as part of this application, nor are required.

**Lighting:**

Exterior lighting is proposed on the addition area for retail/service center. Existing lighting on remaining buildings and lots unchanged.

**Stormwater management:**

It is anticipated that no significant changes to stormwater runoff patterns and/or rates on or adjacent to the subject property will occur. Applicant indicates the expansion to an existing stormwater retention area on the south side of the development. This will increase onsite retention capacity.

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

Building permit review by the Department of Building Safety and renewal of soil erosion permit. Any work within the MDOT right-of-way would require permits from said agency.

**Recommendations (proposed conditions):**

1. Obtain building permit approvals as applicable by the Department of Building Safety and MDOT.

**CHEBOYGAN COUNTY PLANNING COMMISSION**  
**SPECIAL USE PERMIT REQUEST**  
Wednesday, April 3, 2019, 7:00 PM

Applicant

JBS Contracting, Inc.  
PO Box 370  
Mount Pleasant, MI 48804

Owner

Dave Fernelius  
PO Box 289  
Cheboygan, MI 49721

Parcel

10459 N. Straits Hwy.  
10429 N. Straits Hwy.  
10407 N. Straits Hwy.  
Inverness Township  
095-007-400-009-05  
092-007-400-009-03  
092-007-400-011-00

**GENERAL FINDINGS**

1. The property is located in a Commercial Development (D-CM) zoning district.
2. Motor vehicle repair and/or sales facilities require a special use permit in the Commercial Development (D-CM) zoning district.
3. The applicant is seeking a special use permit to construct an addition to the existing use.

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

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

- a. The property subject to the application is located in a zoning district in which the proposed special use is allowed.
  1. The subject property is located in a Commercial Development (D-CM) zoning district (see Exhibit 19)
  2. Motor vehicle repair and/or sales facilities are permitted with a special use permit in the D-CM zoning districts. (see Exhibit 19)
  - 3.
  4. Standard has been met.
- b. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
  1. The special use permit is for a motor vehicle repair and/or sales facility (see Exhibits 3 and 19)
  2. The proposed motor vehicle repair and/or sales facility will not create a substantially negative impact on the natural resources of the County or the natural environment as a whole as proposed. (see Exhibits 3 and 19)
  - 3.
  4. Standard has been met
- c. The proposed special use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
  1. The special use permit is for motor vehicle repair and/or sales facility. (see Exhibit 19)
  2. The proposed use will not create a substantially negative impact on other conforming properties in the area as proposed. (see Exhibits 3 and 19)
  - 3.
  4. Standard has been met.
- d. The proposed special use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

1. The special use is for a motor vehicle repair and/or sales facility. (see Exhibits 3 and 19)
  2. The proposed motor vehicle repair and/or sales facility would be designed and constructed so as not to diminish the opportunity of surrounding properties to be used and developed as zoned. (see Exhibits 3 and 19)
  - 3.
  4. Standard has been met
- e. The proposed special use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
1. The proposed special use is for a motor vehicle repair and/or sales facility.
  2. There will not be demands placed on fire, police or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties. (see Exhibit 3)
  - 3.
  4. Standard has been met.
- f. The proposed special use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
1. The proposed special use for a motor vehicle repair and/or sales facility would not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. (see Exhibits 3 and 19)
  - 2.
  3. Standard has been met.
- g. The proposed special use for a motor vehicle repair and/or sales facility will be adequately served by water and sewer facilities, and refuse collection and disposal services.
1. The use will be served by private water system and public sewer facilities. (see Exhibit 3)
  - 2.
  3. Standard has been met.
- h. The proposed special use for a motor vehicle repair and/or sales facility will comply with all specific standards required under this Ordinance applicable to it.
1. The proposed special use for a motor vehicle repair and/or sales facility complies with all specific standards required under this Ordinance applicable to it. (see Exhibit 3)
  - 2.
  3. Standard has been met

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

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
1. Minor changes to the overall contours of the site are proposed (see Exhibits 3 and 19)
  - 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. Minor topographic modifications are proposed. (see Exhibit 3)

2.

3. Standard has been met.

Or.

- 1.
2. Standard has not been met.

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

1. Minor changes to site drainage are proposed. (see Exhibits 3 and 19)

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.

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 an access driveway off N. Straits Hwy and VFW Roads. (see Exhibit 19)

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 are provided access to N. Straits Hwy and VFW Roads (see Exhibits 3 and 19)

4) Standard has been met.

Or.

- 1.
2. Standard has not been met.

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

1. Not applicable. No subdivision plats or subdivision condominiums are proposed.

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

1. Exterior lighting is deflected away from adjacent properties and does not impede vision of traffic and does not unnecessarily illuminate night skies. (see Exhibit 3 )
  - 2.
  3. Standard has been met.
- Or.
- 1.
  2. Standard has not been met.

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

1. Not applicable. No public common ways are proposed.

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

1. The site plan conforms to the applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see Exhibits 3 and 19)

- 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, April 3, 2019

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Patty Croft, Chairperson

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Charles Freese, Secretary