



CHEBOYGAN COUNTY PLANNING COMMISSION

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, JULY 1, 2020 AT 7:00 PM
ROOM 135 - COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

SCHEDULED PUBLIC HEARINGS

1. **Amendment #157** - An Ordinance that would amend Section 18.12 (Expiration of Special Use), Section 20.16 (Expiration of Site Plan Review) and Section 21.4 (Expiration of a Zoning Permit) of Cheboygan County Zoning Ordinance No. 200 to allow expanded authority for the Zoning Administrator to grant administrative extensions of approved permits.
2. **Amendment #158** - An Ordinance imposing a moratorium authorizing temporary relief from and authorizing temporary land uses under the Cheboygan County Zoning Ordinance No. 200 in response to the COVID-19 pandemic.
3. **Amendment #159 (DGOGCheboyganmi040120, LLC/Holifield/Sova)** - A request for conditional rezoning under the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006). The subject properties are currently zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS). The applicant requests a conditional rezoning/zoning amendment for Commercial Development (D-CM) zoning for entirely one property (Parcel ID 104-035-200-025-02) and a portion of an adjacent property (Parcel ID 104-035-200-028-00). If approved the land use would be limited to the following:

Retail sales establishment, General, per section 6.2.17 of Zoning Ordinance #200

Retail sales establishment, General is not an allowed land use in the M-AF or P-LS zoning districts. However, should the conditional rezoning application be approved the land use would be allowed with approval of a site plan review application by the Planning Commission under Article 20 of Cheboygan County Zoning Ordinance #200.

The subject properties are located a 6647 and 6725 N. Black River Rd. in Benton Township, parcel ID nos. 104-035-200-025-02 and 104-035-200-028-00 in Section 35.



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PHONE: (231) 627-8489 ■ FAX: (231) 627-3646

NEW BUSINESS

UNFINISHED BUSINESS

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



CHEBOYGAN COUNTY PLANNING COMMISSION

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

CHEBOYGAN COUNTY PLANNING COMMISSION **SPECIAL MEETING & PUBLIC HEARING** **WEDNESDAY, JUNE 10, 2020 AT 7:00 P.M.** **ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson, Delana
ABSENT: None
STAFF: Mike Turisk, Jen Merk
GUESTS: John Moore, Cal Gouine

The meeting was called to order via telephone attendance 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

There were no Planning Commission minutes to be reviewed.

SCHEDULED PUBLIC HEARINGS

There were no public hearings.

NEW BUSINESS

No comments.

UNFINISHED BUSINESS

Continued Discussion Regarding Temporary Zoning Amendment Intended To Assist Local Businesses During The COVID-19 Pandemic And Associated Economic Fallout.

Mr. Turisk stated that on May 13, 2020 the Planning Commission had a discussion regarding providing a measure of temporary regulatory relief and flexibility for Cheboygan County businesses due to the economic fallout of the pandemic. Mr. Turisk stated that in the packet there is a revised framework for a temporary amendment to the Zoning Ordinance, which touches upon four broad subject areas; retail uses, off-street parking, temporary signage and mobile food units. Mr. Turisk stated that during the last meeting the Planning Commission discussed a sunset date of November 1 2021. Mr. Turisk noted that some Planning Commission members did not believe there should be a sunset date and others argued in favor of a sunset date.

Mr. Turisk stated that the first subject area is retail use and what has been suggested is to allow for parking lot or sidewalk sales as a temporary accessory use to permitted retail use. Mr. Turisk stated that this will enhance the visibility for retail uses and it would allow for social distancing as sidewalk sales are in an outdoor type of environment.

Mr. Turisk stated that off street parking is intended principally for restaurant uses, but will include retail uses as well. Mr. Turisk stated what has been suggested is to allow temporary accommodation of an outdoor sales area, including the use of tents or other temporary structures. Mr. Turisk stated that this would allow for social distancing and there would be the added benefit of advertising that the business is open and sales are available.

Mr. Turisk stated that regarding signage, what is being proposed is to allow any combination of sign types that are permitted in the district as temporary signage with up to 100 square feet of additional sign surface area. Mr. Turisk reviewed the five standards for temporary signage. Mr. Turisk stated that temporary signage would be intended for a previously permitted

use. Mr. Turisk stated that the temporary signage cannot create a public safety hazard. Mr. Turisk stated that the temporary signage must be located on a property on which the permitted business is located. Mr. Turisk stated that the temporary signage may be placed in a county right of way subject to approval by the Road Commission. Mr. Turisk stated that temporary signage would have to be removed within 30 days from the date of expiration of the amendment.

Mr. Turisk stated that there is a brief section regarding mobile food units. Mr. Turisk stated that staff has not received any questions or requests to expand or reduce the requirements or provide regulatory relief for mobile food unit uses during the pandemic situation. Mr. Turisk stated that this is a suggestion from staff to see if this is something that the Planning Commission would like to consider. Mr. Turisk stated that staff has talked with Mike Ridley, who is the Tuscarora Township Supervisor, and they are currently working through a township level amendment that speaks to the use of mobile food units and food trucks. Mr. Turisk stated that he has talked with Supervisor Ridley about this amendment and he is okay with it. Mr. Turisk stated that the most important component of this section is where the mobile food unit would be allowed as a temporary accessory use. Mr. Turisk stated that staff suggests that mobile food units be allowed as an accessory temporary use on the same property as an established permitted brick and mortar restaurant. Mr. Turisk stated that there are three standards for mobile food units. Mr. Turisk stated that the standards address compliance with minimum social distancing guidelines, the need for an informational only zoning permit and the authority that would be granted to staff to impose any additional conditions to ensure health, safety and welfare.

Ms. Croft asked if the Planning Commission has any comments regarding retail uses. Mr. Freese and Mr. Kavanaugh agreed that the section regarding retail uses is good.

Mr. Turisk stated that the next section would be off street parking and the use to temporarily accommodate outdoor sales areas. Mr. Freese stated that "and services" should be added to "accommodate outdoor sales". Mr. Kavanaugh and Mr. Borowicz agreed with Mr. Freese's suggestion. Ms. Johnson stated her concerns regarding Tuscarora Township and the 40% requirement. Mr. Turisk stated that he talked with Supervisor Ridley regarding a concern that this would result in parking conflict. Mr. Turisk stated that Supervisor Ridley didn't see that this would generate any noticeable parking conflicts. Mr. Turisk stated that he forwarded this proposed amendment to Supervisor Ridley to forward to his business contacts in Indian River. Mr. Turisk stated that no comments have been received as of this date. Mr. Turisk stated Supervisor Ridley thought the proposed amendment is a good idea and he appreciated the Planning Commission thinking specifically about the businesses in Indian River.

Ms. Croft asked if the Planning Commission has any comments regarding temporary signage. Mr. Kavanaugh stated that the Governor now has allowed opening of all food services, even though it's a restricted number of seating. Mr. Kavanaugh questioned if the extra 100 square foot of additional signage is needed. Mr. Kavanaugh stated that extra signage for being open or closed might be worthwhile, but he doesn't believe 100 square feet is necessary. Mr. Freese stated that his daughter's clinic just put up temporary signs all around the parking lot trying to get people organized to get in the right spot for an animal being dropped off or picked up. Mr. Freese stated that one sign tells the telephone number they have to call there is another sign for additional information. Mr. Freese stated that there are four signs for each of the pickup locations. Mr. Freese stated that 100sf seems reasonable. Mr. Kavanaugh stated he agreed with this type of additional signage.

Ms. Lyon stated that she agrees with Mr. Kavanaugh. Ms. Lyon stated her concerns regarding a 10 foot x 10 foot temporary sign. Ms. Lyon stated that what Mr. Freese described makes sense as there is a need for several signs to provide direction. Ms. Lyon stated that she does not have any issues with smaller signs providing directions. Discussion was held regarding enforcement. Mr. Freese suggested allowing a maximum of 100 square feet with any individual sign not exceeding 4 feet x 8 feet. Ms. Lyon and Mr. Kavanaugh agreed with limiting the size of the temporary signage. Mr. Kavanaugh stated he is not sure that 32 square feet should be the maximum. Discussion was held.

Ms. Croft asked if the Planning Commission has any comments regarding mobile food units. Ms. Johnson asked what sense it makes to have a mobile food unit that's permitted as an accessory use on the same property as a restaurant. Ms. Johnson questioned why you would want to have a restaurant and a mobile food unit on the same piece of property. Ms. Croft stated that there are seating limitations on a permanent structure. Mr. Kavanaugh stated that this will allow for social distancing. Mr. Kavanaugh stated that customers can buy the food at the stand and go to their car or eat on site with social distancing. Mr. Kavanaugh stated that this may allow for more than the 50%. Ms. Johnson stated that a restaurant can set up tents and tables outside with no temporary structures and questioned the purpose of the mobile food unit. Mr. Freese stated that if the mobile food unit was on the lot with the restaurant, they could maximize their outdoor seating.

Mr. Kavanaugh stated that some restaurants may want to have a quick menu outside until they feel comfortable opening. Mr. Kavanaugh stated that he feels that this is a reasonable way to handle it. Mr. Bartlett stated that this is opening possibilities

for restaurants to get more business. Mr. Delana asked if there are any concerns about allowing a mobile food unit to be off site. Discussion was held regarding mobile food units being permitted off site. Mr. Turisk noted that mobile food units are limited to the Commercial Development Zoning District. Mr. Turisk stated that the Planning Commission can recommend an amendment that would include allowing mobile food units in others zoning districts, but the thought is that this could open up an unintended can of worms. Discussion was held.

Discussion was held regarding the proposed amendment being valid until November 1, 2021. Mr. Kavanaugh stated that this date it acceptable to him as long as the Planning Commission can repeal or revise the amendment. Mr. Turisk stated that the Planning Commission will have the legal authority to amend as needed. Ms. Johnson asked if the Planning Commission needs to amend it, do they have to go through the public hearing process. Mr. Turisk stated yes, as it will be part of the Zoning Ordinance and a public hearing is required even for a temporary amendment. Discussion was held.

Ms. Johnson stated her concerns regarding the temporary structures remaining in place during the winter months. Ms. Johnson stated that the Planning Commission should consider plowing and other things that go on in small areas. Mr. Kavanaugh stated that it is the property owner/business owner's problem if they can't plow their own drive out. Mr. Kavanaugh stated that there may be some structures and signage remaining and there may have to be some enforcement action taken. Mr. Kavanaugh believes it is a reasonable date, even though there could be some headaches.

Discussion was held regarding scheduling a public hearing for the proposed amendment. **Motion** by Mr. Freese, seconded by Ms. Johnson, to schedule a public hearing for the proposed amendment on July 1, 2020. Motion carried unanimously.

STAFF REPORT

Mr. Turisk stated that the Cheboygan County Board of Commissioners has started holding hybrid meetings. Mr. Turisk stated that the Board of Commissioners and staff did meet in the Board of Commissioners meeting room and the public and the press were limited to telephonic or virtual participation. Mr. Turisk stated that this could be done for the July 1, 2020 Planning Commission meeting. Mr. Freese stated that this would have been helpful with the Orion application but he does not believe a hybrid meeting is necessary at this point. Mr. Kavanaugh and Mr. Bartlett agreed with Mr. Freese.

PLANNING COMMISSION COMMENTS

Ms. Johnson informed the Planning Commission members that the Enforcement Officer is not allowed to go out and visit any of the sites or to write letters or citations. Mr. Turisk stated that is not the case any longer as staff has directed Mr. Peltier to resume his zoning enforcement responsibilities as of yesterday. Mr. Turisk stated that zoning enforcement was suspended for several months out of sympathy due to the COVID-19 situation. Mr. Turisk stated that Cheboygan County did not want to be unsympathetic towards people or violators who may be experiencing financial difficulty due to job loss. Mr. Kavanaugh stated that people shouldn't be allowed to do whatever they want to do just because of COVID-19. Mr. Kavanaugh stated that we are going to have a terrible problem when enforcement starts because it has been several months without enforcement. Discussion was held regarding what day enforcement resumed. Ms. Johnson stated that in the future the Planning Commission should be informed when zoning enforcement is stopped. Mr. Kavanaugh stated that the violator didn't have any problem committing the violation during COVID-19 so we shouldn't have a problem telling him he can't do it.

PUBLIC COMMENTS

No comments.

ADJOURN

Motion by Mr. Freese to adjourn. Motion carried. Meeting was adjourned at 8:48pm.

Charles Freese
Planning Commission Secretary



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/

MEMORANDUM

Date: June 25, 2020 for the July 1, 2020 Planning Commission meeting

To: Planning Commissioners

From: Michael Turisk, Planning Director 

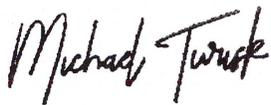
Re: *Final Drafts of Zoning Ordinance Amendment #157 – (Expiration of Zoning Permits, Special Use Permits and Site Plan Review Approvals) and Moratorium Ordinance #158 (Authorizing Temporary Relief From and Authorizing Temporary Land Uses in Response to the COVID-19 Pandemic)*

Planning Commissioners,

Attached are the final drafts of Ordinance Amendment #157 and Moratorium Amendment #158 for your review prior to our scheduled public hearings on Wednesday at the County Building.

As always, feel free to contact me should you have questions.

Sincerely,



Michael Turisk

Enclosure(s):

1. Final draft of Ordinance Amendment #157
2. Final draft of Moratorium Ordinance #158

**CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #157**

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO THE EXPIRATION OF ZONING PERMITS, SPECIAL USE PERMITS AND SITE PLAN
REVIEW APPROVALS

Section 1. Amendment of Section 18.12.

Section 18.12. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 18.12. EXPIRATION OF SPECIAL USE PERMIT

- a. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Zoning Administrator for an administrative extension prior to the expiration of the special use permit. The Zoning Administrator may grant one (1) administrative extension of an approved special use permit for an additional one (1) year period if it is found that:
 1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
 2. The Zoning Regulations applicable to the special use permit development have not significantly changed and the standards for approval that are reasonably related to the development have not changed.
- b. In addition to the administrative extension granted by the Zoning Administrator under Subsection (a), above, the Planning Commission may grant a further extension of an approved special use permit for one (1) year if it finds that the standards in subsections a.(1) and (2), above, are satisfied.
- c. If the special use permit expires pursuant to subsection (a) or (b) above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the required procedures for a new special use permit.

Section 2. Amendment of Section 20.16.

Section 20.16. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 20.16. EXPIRATION OF SITE PLAN REVIEW

- a. An approved site plan review shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Zoning Administrator for an administrative extension prior to the expiration of the approved site plan review. The Zoning Administrator may grant one (1) administrative extension of an approved site plan review for an additional one (1) year if it is found that:

1. The property owner or applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
 2. The Zoning Regulations applicable to the site plan review development have not significantly changed and the standards for approval that are reasonably related to the development have not changed.
- b. In addition to the administrative extension granted by the Zoning Administrator under Subsection (a), above, the Planning Commission may grant a further extension of an approved site plan review for one (1) year if it finds that the standards in subsections a.(1) and (2), above, are satisfied.
- c. If the site plan review expires pursuant to subsection (a) or (b), above, no work pursuant to the site plan review approval may be undertaken until a new site plan review is obtained from the Planning Commission following the required procedures for a new site plan review.

Section 3. Amendment of Section 21.4.

Section 21.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 21.4. EXPIRATION OF ZONING PERMIT If substantial construction as authorized by a zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire, unless a written request for extension is submitted to the Zoning Administrator for a one (1) year extension prior to the date of zoning permit expiration.

Section 4. Severability.

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

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

CHEBOYGAN COUNTY

By: _____
John B. Wallace

Its: Chairperson

By: _____
Karen L. Brewster

Its: Clerk

CHEBOYGAN COUNTY
Moratorium Ordinance #158

AN ORDINANCE IMPOSING A MORATORIUM
AUTHORIZING TEMPORARY RELIEF FROM AND AUTHORIZING TEMPORARY LAND USES UNDER
THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200
IN RESPONSE TO THE COVID-19 PANDEMIC

THE COUNTY OF CHEBOYGAN ORDAINS:

Section 1. Legislative Findings.

The Cheboygan County Board of Commissioners (hereinafter the Board of Commissioners) hereby makes the following findings:

1. The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.
2. On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day and on many days thereafter Governor Gretchen Whitmer has issued numerous Executive Orders for the purpose of slowing the spread of the Covid-19 virus and protecting the residents of Michigan.
3. Since the virus first appeared in Michigan, it has spread across the state, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions, including the economy and institutions within Cheboygan County.
4. The Board of Commissioners recognizes that business activities, particularly those regarding local restaurant and food services, continue to be severely impacted by the COVID-19 pandemic and corresponding social distancing requirements. Therefore, in an effort to help ease the economic conditions caused by the COVID-19 pandemic on local businesses and the community, Cheboygan County hereby enacts this Moratorium Ordinance that pertains to the outdoor conduct of business, the use of on-site parking and accessory structures, and the placement of temporary signage associated with business uses, as well as regulations governing mobile food units.
5. This Moratorium Ordinance is intended to provide temporary relief from and to authorize temporary land uses under the Cheboygan County Zoning Ordinance No. 200 in response to the COVID-19 pandemic and shall remain in effect until November 1, 2021, unless repealed at an earlier date or extended by the enactment of further ordinances following the procedures of the Michigan Zoning Enabling Act, MCL 125.3101, *et seq*, applicable to zoning ordinance amendments.

Section 2. Moratorium; Conflicts; Time Limit.

(a). The Board of Commissioners hereby adopts a moratorium to provide temporary relief from and to authorize temporary land uses under the Cheboygan County Zoning Ordinance No. 200 in response to the COVID-19 pandemic in the following specific ways:

(1). Retail uses: Parking lot/sidewalk sales shall be permitted as an accessory use to all permitted retail uses in all zoning districts. Such accessory parking lot/sidewalk sales shall require a zoning permit (informational only), per the applicable requirements of Section 21.3, as amended, at no cost to the applicant.

(2). Off-street parking:

(A). Off-street parking spaces assigned to permitted retail, restaurant or services uses may be used to accommodate outdoor sales areas including the use of tents or other temporary structures (not for recreational use) or accessory and subordinate buildings (as approved by the building inspector), including but not limited to merchandise display areas, food and beverage sales, outdoor seating areas and transaction activities, as necessary.

(B). A minimum of 40% of the required dedicated off-street parking area per Section 17.4, as amended, shall be maintained to provide parking for the principal use.

(C). The use of dedicated off-street parking as authorized under this subsection shall require a zoning permit (informational only), per the applicable requirements of Section 21.3, as amended, at no cost to the applicant.

(3). Temporary signage:

(A). Except for those signs not requiring a zoning permit, per Section 17.19.2, any combination of sign types as described in Section 17.19.8 shall be permitted as temporary signage with up to 100 square feet of total additional sign surface area permitted, but no individual temporary sign surface area shall be greater than 33 square feet.

(B). Any temporary signage would be in addition to any permitted permanent signage.

(C). Any temporary signage authorized under this subsection shall require a zoning permit (informational only) per Section 21.3 at no cost to the applicant, and shall be subject to all of the following requirements:

(i). The temporary signage shall be for a permitted use.

(ii). The temporary signage shall not create a public safety hazard, including but not limited to, obstructing site lines for pedestrian and vehicular traffic.

(iii). The temporary signage shall be located on the property on which the permitted business is located.

(iv). The temporary signage may be placed within a county public right-of-way subject to written approval by the Cheboygan County Road Commission, and shall not impede vehicular or pedestrian traffic and not obstruct driveways.

(v). All temporary signage shall be removed within thirty (30) days from the date of expiration or repeal of this Moratorium Ordinance.

(4). Mobile food units:

(A). Mobile food units shall be permitted as an accessory use on the same property as an established, permitted "brick-and-mortar" restaurant. Such mobile food units shall require a zoning permit (informational only) per Section 21.3, at no cost to the applicant.

(B). Mobile food units authorized under this subsection shall, in addition to compliance with the requirements and standards for mobile food units as set forth in Section 17.29 (e.g., limited to food sales; compliance with Health Department requirements) comply with the following additional requirements:

(i). The mobile food unit shall be operated in a manner that allows patrons, including those waiting to be served, to comply with all COVID-19 mitigation and social distancing requirements then in effect.

(ii). The use of a mobile food unit as authorized under this subsection shall require a zoning permit (informational only), per the applicable requirements of Section 21.3, as amended, at no cost to the applicant.

(b). During the time this Moratorium Ordinance is in effect, either as originally enacted or as extended by enactment of another ordinance, any conflict between this Moratorium Ordinance and the provisions of the Cheboygan County Zoning Ordinance No. 200 shall be controlled by this Moratorium Ordinance.

- (c). The moratorium adopted under subsection (a) above shall be in effect until November 1, 2021, unless repealed at an earlier date or extended by the enactment of further ordinances following the procedures of the Michigan Zoning Enabling Act, MCL 125.3101, *et seq*, applicable to zoning ordinance amendments.

Section 3. Severability.

If any section, provision or clause of this Moratorium Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Moratorium Ordinance, which can be given effect without the invalid portion or application.

Section 4. Effective Date.

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

CHEBOYGAN COUNTY

By: _____
John B. Wallace

Its Chairperson

By: _____
Karen L. Brewster

Its: Clerk

CHEBOYGAN COUNTY PLANNING COMMISSION

DGOGCheboyganmi040120, LLC (Holifield; Sova)

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan and Future Land Use Map
3. Zoning Amendment Applications (4 Pages)
4. Location/Aerial Map (1 Page)
5. Zoning Map (1 Page)
6. Sections 6.2 (Permitted Uses) and 6.3 (Uses Requiring Special Land Use Permits) of Zoning Ordinance No. 200 - Commercial Development District (D-CM)(2 Pages)
7. Sections 9.2 (Permitted Uses) and 9.3 (Uses Requiring Special Land Use Permits) of Zoning Ordinance No. 200 - Agriculture and Forestry Management District (M-AF)(3 Pages)
8. Sections 10.2 (Permitted Uses) and 10.3 (Uses Requiring Special Land Use Permits) of Zoning Ordinance No. 200 - Lake and Stream Protection District (P-LS)(1 Page)
9. ALTA/NSPS Land Title Survey (1 Page)
10. Graphic indicating portion of parcel ID 104-035-200-028-00 requested for conditional rezoning (also embedded in staff report) (1 Page)
11. Legal Descriptions
12. Mailing List (2 Pages)
13. Staff Report (5 Pages)
14. Findings of Fact (6 Pages)

Note: Planning Commission members have Exhibits 1 and 2.

ZONING AMENDMENT APPLICATION

Fee \$ 225 Date 6.12.20
Application Approved by: Michael Turck

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
870 S. MAIN ST., RM 103. PO BOX 103
CHEBOYGAN, MI 49721

TELEPHONE: (231) 627-8489
FAX: (231) 627-3646
www.cheboygancounty.net

PLEASE PRINT

LOCATION (For property rezoning)

Address Part of 6725 N BLACK RIVER RD	City / Village CHEBOYGAN	Township/Sec. Benton / 35	Zoning District
Property Tax I.D. (Parcel) Number Part of 104-035-200-028-00	Subdivision or Condo. Name/Plat or Lot No.		M-AF & P-LS

APPLICANT

Name DGOGCheboyganmi040120LLC	Telephone 417-256-8150	Fax	
Address 1598 Imperial Center	City & State West Plains, MO	Zip Code 65775	E-Mail rodney@overlandeng.com

PROPERTY OWNER (If different from applicant)

Name DIANE BERGSTON ROSE, TERRY, RANDY & DALE SOVA	Telephone	Fax	
Address 6725 N BLACK RIVER RD	City & State CHEBOYGAN, MI	Zip Code 49721	

I. Action Requested

I (we) the undersigned do hereby request that the Cheboygan County Board of Commissioners approve the following petition for a zoning amendment.

A. Text Amendment: Amend Article ____ Section ____ of Cheboygan County Zoning Ordinance No. 200 by making the following change(s):

B. Rezone from P-LS & M-AF ____ to D-CM ____ the property(s) described in Section II. A previous application for a variance, special use permit, or rezoning on this land has has not been made with respect to these premises in the last year. If a previous appeal, special use permit, or rezoning application was made, state the date _____, nature of action requested _____, and the decision _____.

II. Property Information (For rezoning)

A. Legal description of property(s) proposed for rezoning:
See attached Legal Description

B. List all deed restrictions, if applicable:

C. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land, if applicable.

D. This area is _____ unplatted, _____ platted, will be platted. If platted, name of plat:

E. Present use of the property is: Open, undeveloped.

F. Attach a drawing of the property.

I. **Justification for Requested Action**

A. State specifically the reason(s) for this text amendment request at this time. Also attach any supporting documentation.

N/A

B. If this is a proposed rezoning, what possible negative impacts could occur and what proposed mitigation would take place?

Increased stormwater runoff, which will be mitigated with stormwater detention controls in accordance with County Standards. Traffic Generation, the proposed access will be in accordance with the Cheboygan County Road Commission design standards for a safe access connection.

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? Yes No

Owner's Signature Rose Sova Date 5-20-20

x Arane Berpton Date 5-20-20 Angela Date 5-21-20

Affidavit x Rob Sova Date 5-20-20 Rose Sova Date 5-21-20

The undersigned affirms that he or she is the Owner (owner, lessee, other type of interest) involved in the Petition and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his or her knowledge and belief.

[Signature]
Applicant's Signature

5-22-20
Date

225
 Michael Jurusk 6.12.20

CHEBOYGAN COUNTY
 PLANNING & ZONING DEPT.
 870 S. MAIN ST., RM 103. PO BOX 103
 CHEBOYGAN, MI 49721

Application Approved by: _____

TELEPHONE: (231) 627-8489
 FAX: (231) 627-3646
 www.cheboygancounty.net

PLEASE PRINT

LOCATION (For property rezoning)

Address 6647 N BLACK RIVER RD	City / Village CHEBOYGAN	Township/Sec. Benton , 35	Zoning District M-AF & P-LS
Property Tax I.D. (Parcel) Number 104-035-200-025-02	Subdivision or Condo. Name/Plat or Lot No.		

APPLICANT

Name DGOGCheboyganmi040120LLC	Telephone 417-256-8150	Fax	
Address 1598 Imperial Center	City & State West Plains, MO	Zip Code 65775	E-Mail rodney@overlandeng.com

PROPERTY OWNER (If different from applicant)

Name Pam Holifield	Telephone	Fax	
Address 21 Thunder Road	City & State Laurel, MS	Zip Code 39443	

I. Action Requested

I (we) the undersigned do hereby request that the Cheboygan County Board of Commissioners approve the following petition for a zoning amendment.

A. Text Amendment: Amend Article ____ Section _____ of Cheboygan County Zoning Ordinance No. 200 by making the following change(s):

B. Rezone from P-LS & M-AF to D-CM the property(s) described in Section II. A previous application for a variance, special use permit, or rezoning on this land has has not been made with respect to these premises in the last year. If a previous appeal, special use permit, or rezoning application was made, state the date _____, nature of action requested _____, and the decision _____.

II. Property Information (For rezoning)

A. Legal description of property(s) proposed for rezoning:
 See attached Legal Description

C. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land, if applicable.

D. This area is _____ unplatted, _____ platted, X will be platted. If platted, name of plat:

E. Present use of the property is: Open, undeveloped.

F. Attach a drawing of the property.

III. Justification for Requested Action

A. State specifically the reason(s) for this text amendment request at this time. Also attach any supporting documentation.

N/A

B. If this is a proposed rezoning, what possible negative impacts could occur and what proposed mitigation would take place?

Increased stormwater runoff, which will be mitigated with stormwater detention controls in accordance with County Standards. Traffic Generation, the proposed access will be in accordance with the Cheboygan County Road Commission design standards for a safe access connection.

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? Yes No

Owner's Signature

Sam Holifield

Date 05-20-2020

IV. Affidavit

The undersigned affirms that he or she is the Owner (owner, lessee, other type of interest) involved in the Petition and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his or her knowledge and belief.

Applicant's Signature

Sam Holifield

Date

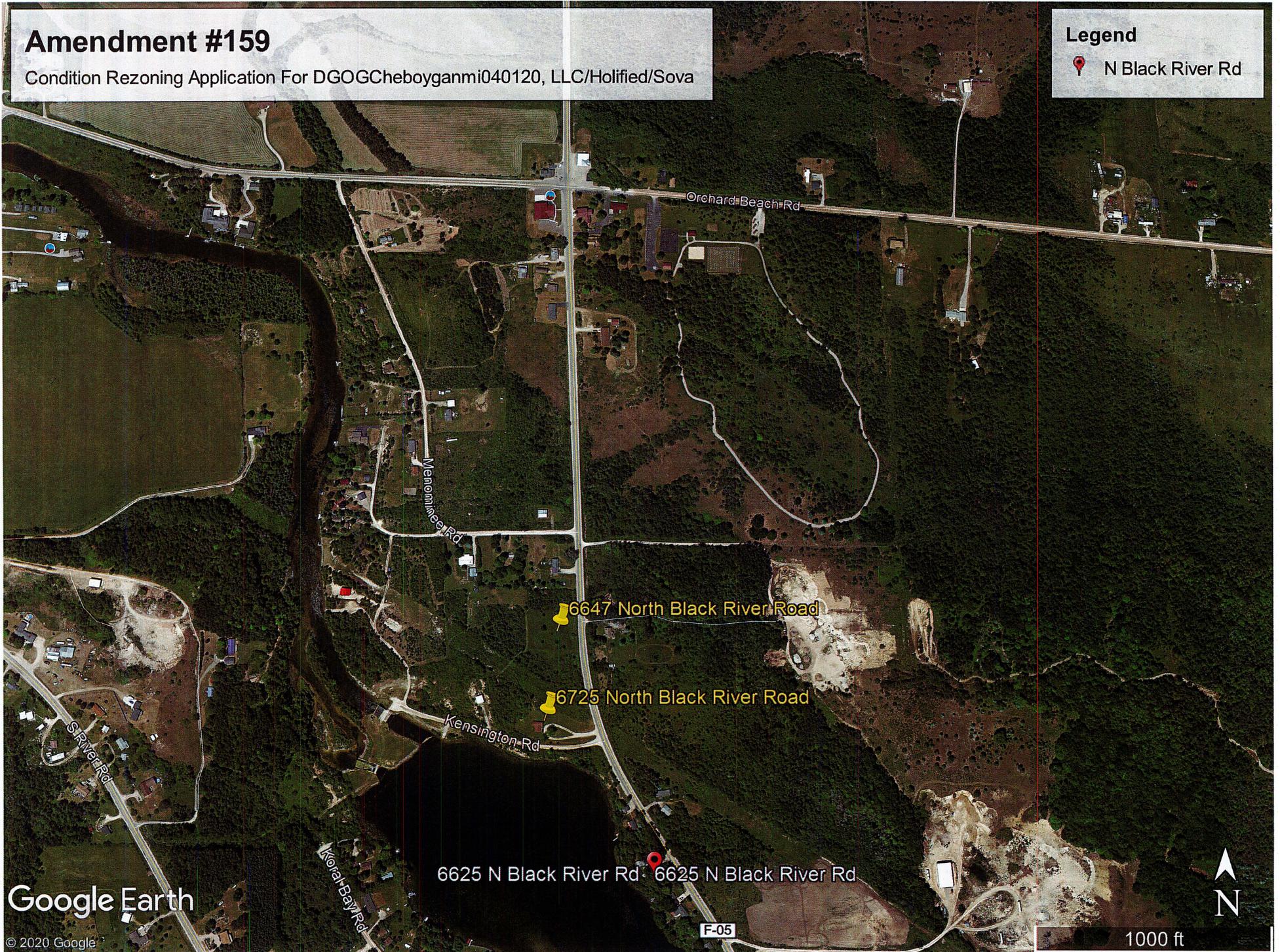
05-20-2020

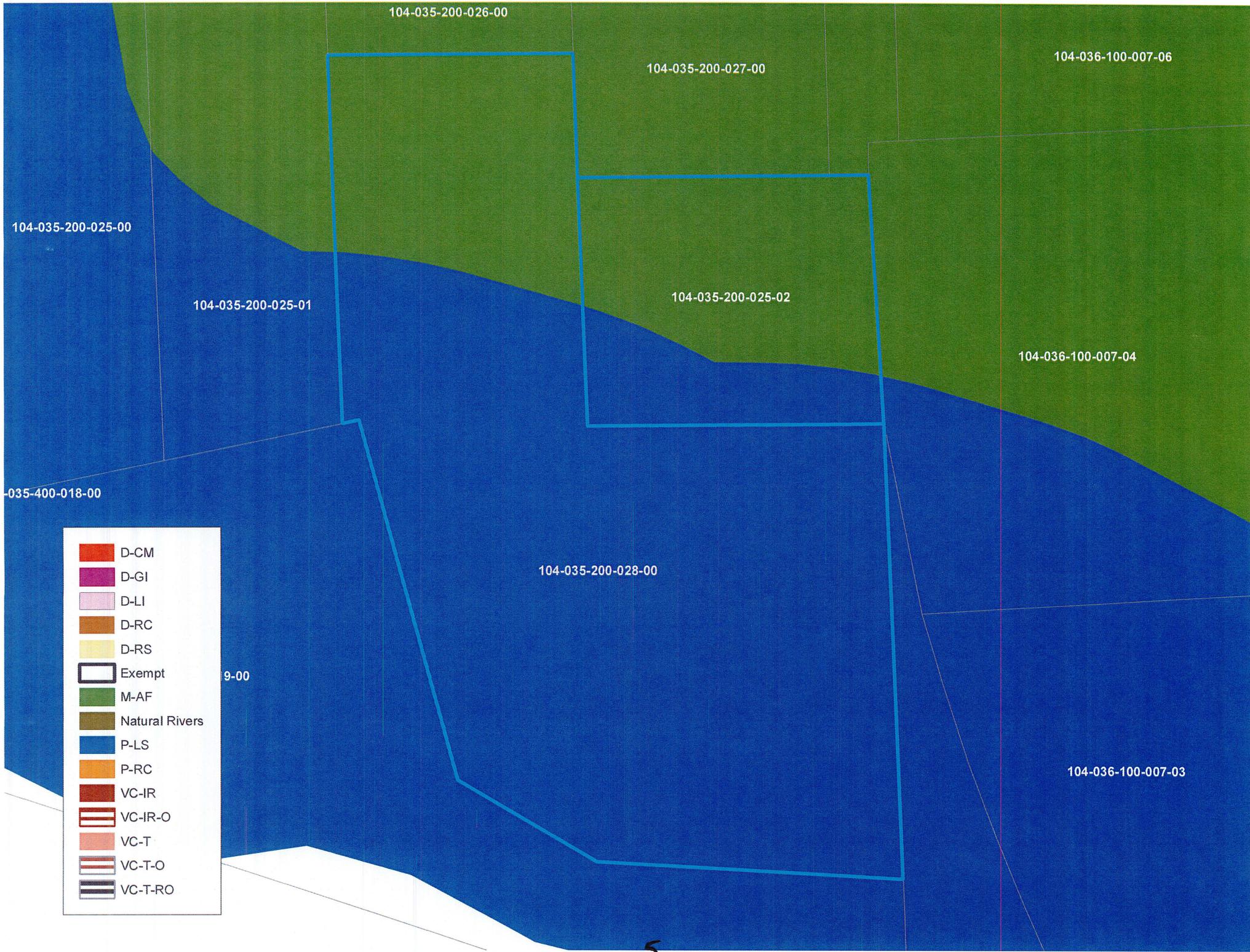
Amendment #159

Condition Rezoning Application For DGOGCheboyganmi040120, LLC/Holified/Sova

Legend

 N Black River Rd





104-035-200-025-00

104-035-200-026-00

104-035-200-027-00

104-036-100-007-06

104-035-200-025-01

104-035-200-025-02

104-036-100-007-04

035-400-018-00

104-035-200-028-00

104-036-100-007-03

9-00

5

- D-CM
- D-GI
- D-LI
- D-RC
- D-RS
- Exempt
- M-AF
- Natural Rivers
- P-LS
- P-RC
- VC-IR
- VC-IR-O
- VC-T
- VC-T-O
- VC-T-RO

ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

SECTION 6.1. PURPOSE

This District is designed to provide for General Business Activities such as retail sales, commercial service uses, and selected light manufacturing, production, processing and fabrication uses. Additional commercial development will be encouraged in existing Commercial Districts rather than creating new Commercial Districts.

SECTION 6.2. PERMITTED USES

- 6.2.1. Any use permitted in the [D-RS, Residential Development District](#). (Rev. 05/23/15, Amendment #127)
- 6.2.2. Car wash (Rev. 11/27/18, Amendment #149)
- 6.2.3. Bar and Restaurant, Restaurant, carry out, Restaurant, drive in and Restaurant, fast food. (Rev. 01/16/18, Amendment #144)
- 6.2.4. [Bed and Breakfast](#) (Rev. 10/25/09, Amendment #80)
- 6.2.5. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140)
- 6.2.6. Cabinet making shops.
- 6.2.7. Dance, music, voice studios.
- 6.2.8. Dress making, millinery, clothing stores.
- 6.2.9. Drive-through. (Rev. 04/12/07, Amendment #67) (Rev. 01/16/18, Amendment #144)
- 6.2.10. Farm product stands.
- 6.2.11. Funeral homes, undertaking establishments.
- 6.2.12. Hotels, motels.
- 6.2.13. Laboratories.
- 6.2.14. [Nurseries for flowers and plants](#).
- 6.2.15. Offices.
- 6.2.16. Parking lots, buildings and garages.
- 6.2.17. [Retail sales establishment, General](#)
- 6.2.18. [Retail sales establishment, Household](#)
- 6.2.19. [Retail sales establishment, Specialty](#)
- 6.2.20. Retail lumber yards.
- 6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.22. Assembly, educational or social even facilities (Rev. 09/01/17, Amendment #140)
- 6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)
- 6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)
- 6.2.26. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)
- 6.2.28. Medical clinics and doctor's offices. (Rev. 05/23/15, Amendment #127)
- 6.2.29. [Private storage buildings, subject to the requirements of Section 17.23](#). Rev. 05/23/15, Amendment #127)
- 6.2.30. Mobile food units, subject to the requirements of Section 17.29 (Rev. 02/25/17, Amendment #137)
- 6.2.31. Health and fitness center (Rev. 01/16/18, Amendment #143)
- 6.2.32. Personal service center (Rev. 01/16/18, Amendment #143)
- 6.2.33. Pet grooming (Rev. 01/16/18, Amendment #143)
- 6.2.34. Motor Vehicle Service Station (Rev. 11/27/18, Amendment #149)
- 6.2.35. Retail sales establishment, small scale convenience (Rev. 11/27/18, Amendment #149)
- 6.2.36. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 6.2.37. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

SECTION 6.3 USES REQUIRING SPECIAL LAND USE PERMITS

- 6.3.1. Bus Terminals.
- 6.3.2. Commercial cleaning plants, dry cleaning, laundry establishments.
- 6.3.3. Contractor's yards, equipment storage and materials handling operations.
- 6.3.4. Motor vehicle sales and/or repair facility. **(Rev. 11/27/18, Amendment #149)**
- 6.3.5. Commercial kennels, pet shops, and veterinary hospitals, according to Section 17.16. **(Rev. 11/22/09, Amendment #81)**
- 6.3.6. Outdoor, drive-in theaters.
- 6.3.7. Outdoor commercial recreation activities.
- 6.3.8. Trailer and mobile home parks.
- 6.3.9. Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust.
- 6.3.10. Junk yards, salvage yards and waste disposal sites.
- 6.3.11. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. **(Rev. 04/26/08, Amendment #75)**
- 6.3.12. Public and private wind generation and anemometer towers. **(Rev. 06/17/04, Amendment #31)**
- 6.3.13. Child Caring Institutions, subject to the requirements of Section 17.24 **(Rev. 04/28/10, Amendment #85)**
- 6.3.14. Boat Storage **(Rev. 08/26/10, Amendment #88)**
- 6.3.15. Truck Terminals or Warehouses subject to the requirements of Section 17.26 **(Rev. 03/28/12, Amendment #107)**
- 6.3.16. Indoor Storage Facilities **(Rev. 05/25/13, Amendment #116)**
- 6.3.17. Planned Projects subject to provisions of Section 17.28 **(Rev. 10/13/16, Amendment #136)**
- 6.3.18. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B **(Rev. 03/01/19, Amendment #150)**
- 6.3.19. Level 3 SES-PV Systems in accordance with Section 17.30.6.C **(Rev. 03/01/19, Amendment #150)**

SECTION 6.4. SUPPLEMENTAL REQUIREMENTS FOR D-CM, COMMERCIAL DEVELOPMENT DISTRICTS

- 6.4.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.
- 6.4.2. When adjacent to a Residential Development District (D-RS), Rural Character Development District (D-RC), Lake and Stream Protection District (P-LS), or Natural Rivers Protection District (P-NR), uses described in Sections 6.2. and 6.3. shall be located not less than fifty (50) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18. **(Rev. 08/05/06, Amendment #60)**, **(Rev. 05/23/15, Amendment #127)**
- 6.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.

ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

SECTION 9.1. PURPOSE

Agriculture and Forestry Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the county, state and nation.

SECTION 9.2.

PERMITTED USES

- | | |
|--|---|
| <p>9.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).</p> <p>9.2.2. Commercial Farm Buildings. (Rev. 10/24/13, Amendment #120)</p> <p>9.2.3. Commercial Farms. (Rev. 10/24/13, Amendment #120)</p> <p>9.2.4. Greenhouses and <u>nurseries</u>.</p> <p>9.2.5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business.</p> <p>9.2.6. <u>Home occupations</u> as defined in this ordinance.</p> <p>9.2.7. <u>Essential services</u>.</p> <p>9.2.8. Cemeteries.</p> <p>9.2.9. Private aircraft landing strips.</p> <p>9.2.10. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)</p> | <p>9.2.11. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.</p> <p>9.2.12. Hunting grounds, fishing sites and wildlife preserves.</p> <p>9.2.13. Private hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)</p> <p>9.2.14. Private Storage Buildings, Private Storage/Workshop Buildings and Agricultural/Private Storage/Workshop Buildings (Rev. 04/12/07, Amendment #67) (Rev. 10/24/13, Amendment #120)</p> <p>9.2.15. Hobby Farm Buildings. (Rev. 10/24/13, Amendment #120)</p> <p>9.2.16. Hobby Farms. (Rev. 10/24/13, Amendment #120)</p> <p>9.2.17. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)</p> |
|--|---|

ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

SECTION 9.3.

USES REQUIRING SPECIAL LAND USE PERMITS

- 9.3.1. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS](#) for standards and conditions for special uses and [ARTICLE 18, SPECIAL LAND USE \(SLU\) PERMIT PROCEDURES AND STANDARDS](#) for instructions on applying for permits.
- 9.3.2. Motor vehicle sales and/or repair facility. (Rev. 11/27/18, Amendment #149)
- 9.3.3. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140).
- 9.3.4. Public parks and recreational areas, playgrounds and campgrounds. (Rev. 09/01/17, Amendment #140)
- 9.3.5. Bar and Restaurant. (Rev. 01/16/18, Amendment #144)
- 9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.3.7. Golf courses, country clubs and sportsmen's associations or clubs.
- 9.3.8. Retail sales establishment, small-scale convenience. (Rev. 11/27/18, Amendment #149)
- 9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.
- 9.3.10. Slaughter houses and meat packing plants.
- 9.3.11. Travel trailer courts, tenting areas and general camping grounds.
- 9.3.12. Public airports and landing fields, with appurtenant facilities.
- 9.3.13. Non-essential public utility and service buildings.
- 9.3.14. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 9.3.15. Animal [feedlots](#) or piggeries.
- 9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
- 9.3.17. [Commercial kennels](#), pet shops, and veterinary hospitals according to Section 17.16. (Rev. 11/23/09, Amendment #81)
- 9.3.18. [Junk yards](#), salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)
- 9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)
- 9.3.20. [Contractor's Yards](#), provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)
 - 9.3.20.1. Minimum 10 acre parcel.
 - 9.3.20.2. Minimum 330' of road frontage / lot width.
 - 9.3.20.3. Minimum Setbacks: 100' front; 75' side; 100' rear.
 - 9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.
 - 9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner's primary residence.
- 9.3.21. [Public and private wind generation and anemometer towers](#). (Rev. 06/17/04, Amendment #31)

ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

SECTION 9.3.

USES REQUIRING SPECIAL LAND USE PERMITS

- 9.3.22. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. **(Rev. 04/26/08, Amendment #75)**
- 9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24. **(Rev. 04/28/10, Amendment #85)**
- 9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. **(Rev. 05/25/13, Amendment #116)**
- 9.3.25 Planned Projects subject to provisions of Section 17.28. **(Rev. 05/25/13, Amendment #116)**
- 9.3.26 Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B **(Rev. 03/01/19, Amendment #150)**
- 9.3.27 Level 3 SES-PV Systems in accordance with Section 17.30.6.C **(Rev. 03/01/19, Amendment #150)**

SECTION 9.4. SUPPLEMENTAL REQUIREMENTS FOR M-AF AGRICULTURE AND FORESTRY MANAGEMENT ZONING DISTRICT

(Rev. 11/28/15, Amendment #131)

- 9.4.1. A 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Walkways and pathways, if not wider than eight (8) feet, are not restricted by this paragraph.

ARTICLE 10 - LAKE AND STREAM PROTECTION DISTRICT (P-LS)

SECTION 10.2.

PERMITTED USES.

- 10.2.1. Single family dwellings. (Rev. 03/28/12, Amendment #108)
- 10.2.2. Gardening. (Rev. 10/13/16, Amendment #135)
- 10.2.3. Home occupations as defined in Section 17.21. (Rev. 05/17/06, Amendment #57)
- 10.2.4. Private storage buildings, subject to the requirements of Section 17.23 (Rev. 11/06/08, Amendment #77)
- 10.2.5. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 10.2.6. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

SECTION 10.3.

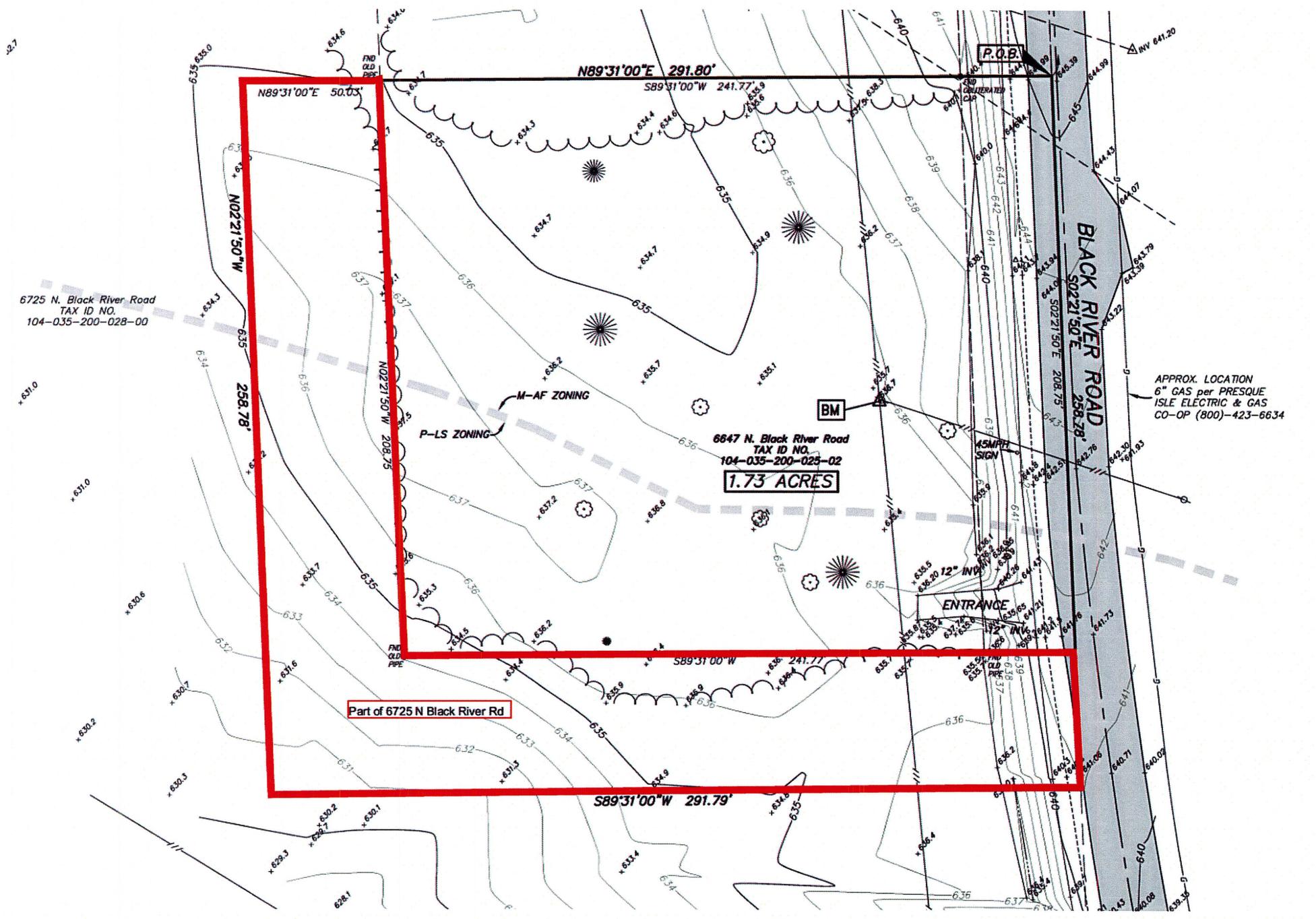
USES REQUIRING SPECIAL LAND USE PERMITS

- 10.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special land uses and ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS for instructions on applying for special land use permits.
- 10.3.2. Campgrounds, camps and clubs for recreational use. (Rev. 09/20/03, Amendment #23)
- 10.3.3. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 10.3.4. Retail stores and shops.
- 10.3.5. Boat liveries, marinas and launching ramps.
- 10.3.6. Golf courses, driving ranges and country clubs. (Rev. 09/20/03, Amendment #23)
- 10.3.7. Motels and hotels.
- 10.3.8. Duplexes, multi-family and apartment buildings.
- 10.3.10. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140).
- 10.3.11. Housing of any animals other than pet dogs and/or cats.
- 10.3.12. Use of any parcel of waterfront property as a common use area for access to the water by one (1) or more non-waterfront single family dwelling(s). (See Section 10.4.4) (Rev. 02/23/11, Amendment #90)
- 10.3.13. Public access sites.
- 10.3.14. Bar and Restaurant. (Rev. 04/28/00, Amendment #14) (Rev. 01/16/18, Amendment #144)
- 10.3.15. Bed & Breakfasts (Rev. 05/17/06, Amendment #57)
- 10.3.16. Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

SECTION 10.4. SUPPLEMENTAL REQUIREMENTS FOR LAKE AND STREAM PROTECTION DISTRICT

- 10.4.1. There shall be no fill or permanent construction in any flood way appurtenant to property in this district. Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way and that such is documented by a Registered Professional Engineer.
- 10.4.2. All dredging, filling, grading and other earth changes shall comply with the provisions of the Soil Erosion and Sedimentation Control Act (P.A. 347 of 1972), Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).
- 10.4.3. Landfills, open pits and industries producing, storing or handling toxic wastes or hazardous materials shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.

42.7



6725 N. Black River Road
 TAX ID NO.
 104-035-200-028-00

6647 N. Black River Road
 TAX ID NO.
 104-035-200-025-02
1.73 ACRES

Part of 6725 N Black River Rd

APPROX. LOCATION
 6" GAS per PRESQUE
 ISLE ELECTRIC & GAS
 CO-OP (800)-423-6634

**LEGAL DESCRIPTION:
DOLLAR GENERAL CHEBOYGAN**

Land situated in the Township of Benton, County of Cheboygan, State of Michigan, and described as follows:

Part of Government Lot 5, Section 35, Town 37 North, Range 1 West, described as follows: BEGINNING at the Northeast corner of said Government Lot 5 and proceeding thence South 02 degrees 21 minutes 50 seconds East along the East line of said Government Lot 5, 343.00 feet to the POINT OF BEGINNING of this description; continuing thence South 02 degrees 21 minutes 50 seconds East, 258.78 feet; thence South 89 degrees 31 minutes West, 291.79 feet; thence North 02 degrees 21 minutes 50 seconds West, 258.78 feet; thence North 89 degrees 31 minutes East, 291.80 feet to the POINT OF BEGINNING.

BEG NE COR GOVT LOT 5, SEC 35; TH S 2D 21M 50S E ALG E LI GOVT LOT 5 343FT TO POB; TH S 2D 21M 50S E 208.75FT; TH S 89D 31M W 241.77FT; TH N 2D 21M 50S W 208.75FT; TH N 89D 31M E 241.77FT TO POB, PT OF GOVT LOT 5, SEC 35, T37N,R1W 997/130

104-036-100-007-04
KARMOL, JASON & SHELLY H/W
6674 N BLACK RIVER RD
CHEBOYGAN, 49721

104-036-111-109-00
DEVLIEGER, DONALD CHARLES
6666 N BLACK RIVER RD
CHEBOYGAN, MI 49721

104-035-200-021-01
MORROW, JANICE; ROXANNE MORROW
6885 N BLACK RIVER RD
CHEBOYGAN, MI 49721

104-036-100-007-03
DEVLIEGER, DONALD C
6666 N BLACK RIVER RD
CHEBOYGAN, MI 49721

104-035-200-028-00
SOVA, ROSE; TERRY SOVA; RANDY SOVA
6725 N BLACK RIVER RD
CHEBOYGAN, MI 49721

104-035-200-024-05
LAVIGNE, KRISTA
20922 SUPERIOR ST
ONAWAY, MI 49765

104-035-200-027-00
MARSH, STEPHANIE J
6839 N BLACK RIVER RD
CHEBOYGAN, MI 49721

104-035-200-025-02
HOLIFIELD, PAM
21 THUNDER RD
LAUREL, MS 39443

104-035-200-026-00
NEELIS, BERNARD & CAROL H/W AND
109 STEEP HOLLOW
HATTIESBURG, MS 39402

104-035-200-025-01
CEARLOCK, ROBERT & AMBER H/W
6693 CRESTWOOD LANE
CHEBOYGAN, MI 49721

104-035-200-025-00
BEALS, EDWARD & JENAY H/W
9460 HARRISON ST
LIVONIA, MI 48150

104-035-400-019-00
BLACK RIVER LTD
764 LEXINGTON CR
DER BAY, ONTARIO, CANADA P7B 7B8

104-036-100-008-00
LIEDKE, WILLIAM & JULIE H/W
3942 ARLINGTON AVE
FORT GRATIOT, MI 48059

104-036-100-007-06
JOHNSON, JEREMIAH & JENNIFER H/W
3143 ASPEN BLUFF
TRAVERSE CITY, MI 49686

104-036-100-007-04
OCCUPANT
6674 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-036-111-109-00
OCCUPANT
6666 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-035-200-021-01
OCCUPANT
6885 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-036-100-008-00
OCCUPANT
6669 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-035-200-028-00
OCCUPANT
6725 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-035-400-019-00
OCCUPANT
6749 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-035-200-027-00
OCCUPANT
6839 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-035-200-025-02
OCCUPANT
6647 N BLACK RIVER RD
CHEBOYGAN, MI, 49721

104-035-200-026-00
OCCUPANT
6685 CRESTWOOD LN
CHEBOYGAN, MI, 49721

104-035-200-025-01
OCCUPANT
6693 CRESTWOOD LN
CHEBOYGAN, MI, 49721

104-035-200-025-00
OCCUPANT
6711 CRESTWOOD LN
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/

STAFF REPORT

Item: A request for conditional rezoning under the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006) (Use and development of land as condition to rezoning)	Prepared by: Michael Turisk
Date: June 24, 2020	Expected Meeting Date: July 1, 2020

GENERAL INFORMATION

Property Owner(s): Pam Holifield and Rose, Randy and Dale Sova

Applicant(s): DGOGCheboyganmi040120LLC

Property Location(s): 6647 and 6725 North Black River Road in Benton Township

Contact Phone: 417.256.8150

Request: A request for conditional rezoning under Section 405 of the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006) (Use and development of land as condition to rezoning). The subject properties are located in Benton Township and currently zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS). The applicant requests a conditional rezoning to Commercial Development (D-CM) zoning for a portion of one property located at 6725 North Black River Road, and for the entire second property located at 6647 North Black River Road. If approved, the land use would be limited to Retail sales establishment, General, per Section 6.2.17 of Zoning Ordinance #200.

The subject properties are located a 6647 and 6725 N. Black River Rd. in Benton Township, parcel ID nos. 104-035-200-025-02 and 104-035-200-028-00, Section 35.

1. Surrounding Zoning:

North: Agriculture and Forestry Management (M-AF)

East: Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS)

South: Lake and Stream Protection (P-LS); Lower Black River

West: Lake and Stream Protection (P-LS)

2. Surrounding Land Uses:

The prevailing land use in the immediate area of the subject properties consist of residential and "rural residential." (A rural residential use is loosely defined as a residential use located in a less densely populated area, such as in agricultural or farming areas).

3. **Background:**

The two adjacent subject properties that are the subject of these conditional rezoning applications are located off North Black River Road in Benton Township. The property located at 6647 North Black River Road (parcel ID 104-035-200-025-02) is vacant and primarily zoned Agriculture and Forestry Management (M-AF) with roughly the southern third zoned Lake and Stream Protection (P-LS). This entire property is proposed to be conditionally rezoned to Commercial Development (D-CM). The second and adjacent subject property is located at 6725 North Black River Road (parcel ID 104-035-200-028-00) and is also zoned M-AF and P-LS. However, only 25,027 square feet of this property adjacent to 6647 North Black River Road is proposed for conditional rezoning. The subject properties have metes and bounds legal descriptions. If the applications are approved as proposed this 25,027 square foot portion would be combined with 6647 North Black River Road in order to create a single, uniform Commercial Development-zoned property. Although Lake and Stream Protection (P-LS) zoning partly applies, the subject properties are considered non-waterfront.

Note that these conditional zoning amendment applications are a precursor to submittal of a site plan review application to develop a retail sales establishment, General (of approximately 9,000 square feet), a land use not authorized in the Agriculture and Forestry Management zoning districts. (Retail sales establishment, small-scale convenience is a use permitted by special use permit in M-AF, per Section 9.3.8; however, such use is limited to 5,000 square feet.

Use and development of land as condition to rezoning, per Michigan Zoning Enabling Act:

The Michigan Zoning Enabling Act (P.A. 110 of 2006) allows for approval of conditional rezoning applications in order to limit the use(s) on given property subject to rezoning:

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

Purpose of Commercial Development:

Per Section 6.1 of the Zoning Ordinance, the Purpose of the Commercial Development zoning districts is as follows:

This District is designed to provide for General Business activities such as retail sales, commercial service uses, and selected light manufacturing, production, processing and fabrication uses. Additional commercial

development will be encouraged in existing Commercial Districts rather than creating new Commercial Districts.

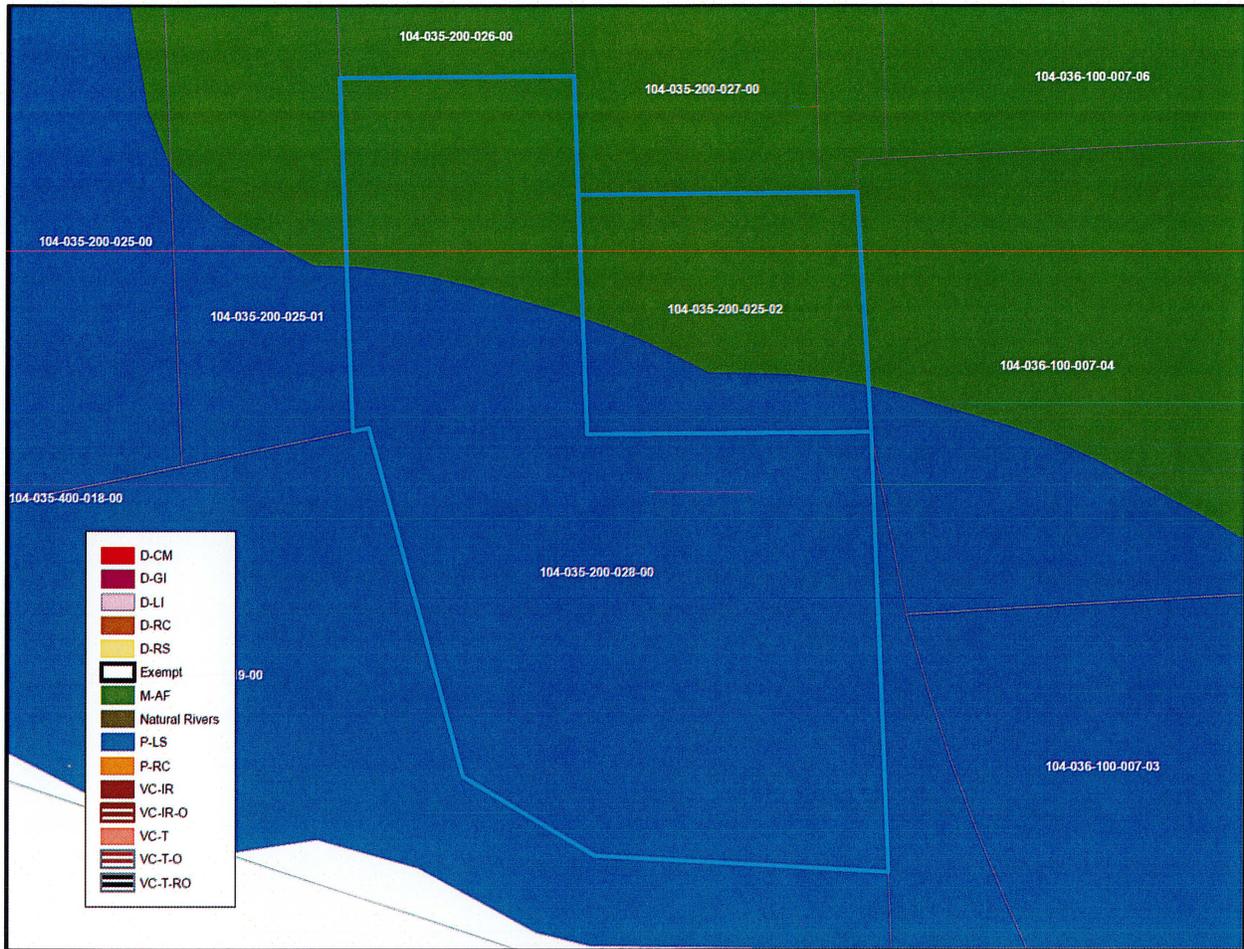


Fig 1. The two subject properties are indicated by the light blue boundary. Existing Agriculture and Forestry Management (M-AF) zoning shown in green. Existing Lake and Stream Protection (P-LS) zoning shown in blue.

Cheboygan County Master Plan

The *Cheboygan County Master Plan* (“Plan”) and Future Land Use Map (“Plan Map”) designate the area in which the subject properties are located as primarily *Forest/Agricultural*, with only a comparatively small portion of the subject properties requested to be conditionally rezoned designated as *Lake, River and Stream Protection*.

The *Forest/Agricultural* designation is intended to provide areas where crop and timber production and management is the predominant land use. For long-range planning purposes, private lands in Cheboygan County were included in this category to include forestry or agriculture where they are well suited for future farm and forestry use. Other appropriate uses for the *Forest/Agricultural* areas include mineral extraction, sawmills, agricultural product processing centers and small- to mid-size campgrounds. “Clustered” residential uses consistent with farm and forestry activities are also appropriate when properly designed.

The *Lake, River, and Stream Protection* category contains undeveloped land as well as developed residential and recreational uses. This classification applies to both current and future residential and smaller commercial uses along the shores of all the County’s lakes and inland waterways.

The Plan indicates that future development in the Lake, River, and Stream Protection category should be planned with consideration of potential environmental and aesthetic impacts on water resources. Appropriate uses for this area include residential, waterfront access, public boat ramps, municipal parks and public beaches. However, the subject properties are non-waterfront, and only a comparatively small portion thereof is requested to be conditionally rezoned within this designated area.

The Plan and Plan Map also speak to and identify areas dubbed “*Rural Commercial Nodes*”:

Rural Commercial Nodes

Rural Commercial Nodes include land, often at road intersections, that serve the surrounding rural community. These areas have a mix of small-scale mixed uses and are each unique in their needs. The subject properties, although not at or adjacent to the *Alverno Rural Commercial Node* located at the intersection of North Black River Road and Orchard Beach Road, are located approximately 2,000 feet due south along North Black River Road. Structures and uses at this node include the Alverno Fire Station No. 1, Benton Township Hall and Community Center, and Alverno Grocery and Liquor.

Rural Commercial Nodes usually include no more than a few of uses at any intersection due to traffic safety concerns, and each has its own unique character. Any rezoning must take into consideration the existing uses and uses compatible with the existing uses. Though these are considered commercial areas, they are not necessarily in need of rezoning to the Commercial Development (D-CM) zoning district, per the Plan.

The following uses may be appropriate for some Rural Commercial Nodes:

- assembly halls;
- institutional uses such as fire stations;
- township halls;
- recycling centers;
- schools;
- community centers; and
- small-scale commercial uses such as retail, restaurants, and bars.

4. Comparisons of Site Development Standards:

Site Development Standards	P-LS (current)	M-AF (current)	D-CM (proposed)
Minimum Lot Area	15,000 square feet	one-acre	No min
Minimum Lot Width	100 feet	150 feet	No min
Minimum Front Setback	40 feet from ordinary high water mark; 30 feet for non-waterfront lot	50 feet	25 feet
Minimum Side Setback	8 feet	10 feet	10 feet
Minimum Rear Setback	12 feet	30 feet	10 feet

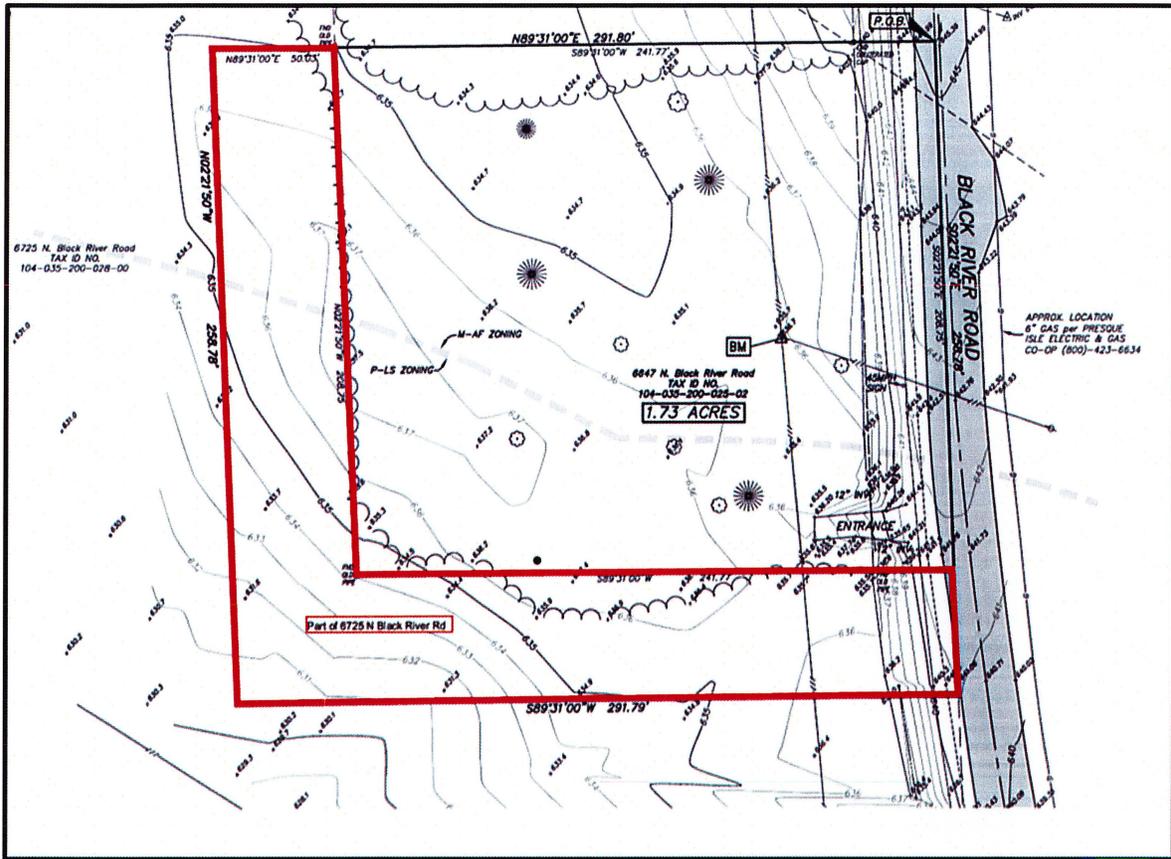


Fig 2. 25,027 square feet portion of parcel 104-035-200-028-00 (6725 N. Black River Rd.) outlined in red and requested for rezoning to D-CM. This portion would be combined with parcel 104-035-200-025-02 (6647 N. Black River Rd.) to create a single Commercial Development (D-CM) property (also provided as Exhibit 8).

5. Public Comment:

No written or verbal public comments have been received as of the date of this report (June 24, 2020).

**CHEBOYGAN COUNTY PLANNING COMMISSION
CONDITIONAL REZONING REQUEST**

Wednesday, July 1, 2020; 7:00 PM

Applicant: DGOGCheboyganmi040120, LLC

Owners: Pam Holifield
Rose, Terry and Randy Sova

Parcels/Parcel Nos.: Section 35; Benton Township
104-035-200-025-02
104-035-200-028-00

Property Addresses: 6647 North Black River Road
6725 North Black River Road

PROPERTY DESCRIPTION

The properties are described as situated in the Township of Benton, County of Cheboygan and State of Michigan.

6725 North Black River Road:

Part of Government Lot 5, Section 35, Town 37 North, Range 1 West, described as follows: BEGINNING at the Northeast corner of said Government Lot 5 and proceeding thence South 02 degrees 21 minutes 50 seconds East along the East line of said Government Lot 5, 343.00 feet to the POINT OF BEGINNING of this description; continuing thence South 02 degrees 21 minutes 50 seconds East, 258.78 feet; thence South 89 degrees 31 minutes West, 291.79 feet; thence North 02 degrees 21 minutes 50 seconds West, 258.78 feet; thence North 89 degrees 31 minutes East, 291.80 feet to the POINT OF BEGINNING.

6647 North Black River Road:

BEG NE COR GOVT LOT 5, SEC 35; TH S 2D 21M 50S E ALG E LI GOVT LOT 5 343FT TO POB; TH S 2D 21M 50S E 208.75FT; TH S 89D 31M W 241.77FT; TH N 2D 21M 50S W 208.75FT; TH N 89D 31M E 241.77FT TO POB, PT OF GOVT LOT 5, SEC 35, T37N,R1W 997/130

Hereinafter referred to as the "Property."

APPLICATION

The applicant seeks approval for conditional rezoning, requesting the following:

1. Conditionally rezone the property located at 6647 North Black River Road (parcel ID 104-035-200-025-02) currently zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS) to Commercial Development (D-CM).
2. Conditionally rezone a portion of the property located at 6725 North Black River Road (parcel ID 104-035-200-028-00) currently zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS) to Commercial Development (D-CM).

The Planning Commission having considered the Applications, the Planning Commission having heard the statements of the Applicant, the Planning Commission having considered written evidence and Exhibits on the record, and the Planning Commission having reached a decision on this matter, states as follows:

GENERAL FINDINGS

1. The Planning Commission finds the applicant proposes rezoning of certain real property in the applications from Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS) to Commercial Development (D-CM). (See Exhibits 3 and 12)
2. The Planning Commission finds the applications are made by DGOGCheboyganmi040120, LLC. (See Exhibit 3 and 12)
3. The Planning Commission finds the parcels to the north are zoned Agriculture and Forestry Management (M-AF). Furthermore, the parcels to the east are zoned and Lake and Stream Protection (P-LS) and Agriculture and Forestry Management (M-AF), the parcels to the south are zoned Lake and Stream Protection (P-LS), and the parcels to the west are zoned Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS). (see Exhibit 5)
4. The Cheboygan County Master Plan and Future Land Use Map designate the area in which the subject properties are located as Forest/Agricultural and Lake, River and Stream Protection. (See Exhibits 2 and 12)
5. The Planning Commission finds that the subject properties are located approximately 2,000 linear feet south of the *Alverno Commercial Node* at the intersection of North Black River Road and Orchard Beach Road.(See Exhibits 2, 4 and 12)

REZONING FACTORS

1. Is the proposed conditional rezoning reasonably consistent with surrounding uses?

WILL SUPPORT THE FACTOR

None identified

- A. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the surrounding land uses are in the M-AF and P-LS zoning districts, with residential land use predominate and therefore, the proposed conditional rezoning is not reasonably consistent with surrounding land uses. (See Exhibits 1, 2, 4, 6, 7, 8 and 12)
- B. The Planning Commission finds that based upon the information provided in the staff report that indicates that the property is designated Forest/Agricultural and Lake, River and Stream Protection by the Cheboygan County Master Plan and Future Land Use Map. See Exhibits 2 and 12)
- C. The Planning Commission finds that _____

This standard has/has not been met.

2. Will there be an adverse physical impact on surrounding properties?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed conditional rezoning in and of itself would result in adverse physical impact on surrounding properties, as the activities which could occur would physically disturb the properties surrounding the land proposed for the rezoning. (See Exhibits 1, 2, 4, 6, 7, 8 and 12)
- B. The Planning Commission finds that many surrounding properties include residential land uses. (See Exhibits 4 and 12)
- C. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

None identified

- A. The Planning Commission finds that _____

This standard has/has not been met.

3. Will there be an adverse effect on property values in the adjacent area?

WILL SUPPORT THE FACTOR

None identified

- A. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that evidence is lacking in the form of an appraisal or other documentation or study that indicates that if the conditional rezoning is granted there would be an adverse effect on property values in the area.
- B. The Planning Commission finds that _____

This standard has/has not been met.

4. Have there been changes in land use or other conditions in the immediate area or in the community in general that justifies rezoning?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that although no Commercial Development (D-CM) zoning exists at the *Alverno Commercial Node* located at the intersection of North Black River Road and Orchard Beach Road (approximately 2,000 linear feet north of the subject properties), commercial/non-residential *uses* exist in the general area of the subject properties. (See Exhibits 2, 4 and 12)

A. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

A. The Planning Commission finds that minimal changes have occurred in the vicinity of the subject properties and that much of the area remains largely residential (as opposed to accommodating commercial uses). (See Exhibits 4 and 12)

B. The Planning Commission finds that _____

This standard has/has not been met.

5. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

WILL SUPPORT THE FACTOR

None identified

A. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

A. The Planning Commission finds that given surrounding properties (that are not subject to the conditional rezoning applications), no evidence exists that the conditional rezoning would deter the improvement or development of adjacent properties in accordance with existing regulations, much less future land use plans, per the County's Master Plan and Future Land Use Map. See Exhibits 1, 7 and 8.

B. The Planning Commission finds that _____

This standard has/has not been met.

6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning?)

WILL SUPPORT THE FACTOR

A. The Planning Commission finds that conditionally rezoning the property as proposed does create a special privilege or result in spot zoning because of the homogeneous residential/"rural residential" character of the area and the lack of commercial zoning or a mix of zoning. (See Exhibits 2, 4 and 12)

B. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

A. The Planning Commission finds that although no Commercial Development (D-CM) zoning

exists at the Alverno Commercial Node located at the intersection of North Black River Road and Orchard Beach Road (approximately 2,000 linear feet north of the subject properties), commercial/non-residential *uses* exist in the general area of the subject properties. (See Exhibits 2, 4 and 12)

B. The Planning Commission finds that _____

This standard has/has not been met.

7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?

WILL SUPPORT THE FACTOR

A. The Planning Commission finds that the conditional rezoning applications are intended as a precursor or initial procedural step in constructing a retail sales establishment, general. The Zoning Ordinance does not permit retail sales establishments, general, in the Agriculture and Forestry Management (M-AF), nor in the Lake and Stream Protection (P-LS) zoning districts. (See Exhibits 3, 6, 7 and 12)

B. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

A. The Planning Commission finds that the subject properties can be used for all purposes listed under their current zoning classifications. (See Exhibits 1, 7 and 8)

B. The Planning Commission finds that _____

This standard has/has not been met.

8. Is the rezoning in conflict with the planned use for the property as reflected in the Master Plan?

WILL SUPPORT THE FACTOR

A. The Planning Commission finds that the Cheboygan County Master Plan and Future Land Use Map indicate the future use of the subject properties and surrounding properties as Forest/Agricultural and Lake, River and Stream Protection, and that these future land use categories describe the desired future land uses. Therefore, support is lacking in the Master Plan for this conditional rezoning request, one that would potentially allow an incompatible land use with surrounding properties. (See Exhibits 2 and 12)

B. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

None identified

A. The Planning Commission finds that _____

This standard has/has not been met.

9. Is the site served by adequate public facilities or is the applicant able to provide them?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the subject properties are or will be served by adequate public and private facilities by the applicant considering the type of use that may be permitted on the property.
- B. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the applicant has not sufficiently proven that the subject property is or will be served by adequate public and private facilities considering the type of use that may be permitted on the property.
- B. The Planning Commission finds that _____

This standard has/has not been met.

10. Are there sites nearby already properly zoned that can be used for the intended purposes?

WILL SUPPORT THE FACTOR

None identified

- A. The Planning Commission finds that _____

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there no properly zoned sites exist nearby that can be used for the intended purposes. (See Exhibit 5)
- B. The Planning Commission finds that _____

This standard has/has not been met.

DECISION

In considering the foregoing, it is important to recognize that the considerations are general in nature, may overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to (a) the general character of the area in which the subject property is located, (b) the property itself and its attendant physical limitations and suitability to particular uses, (c) the general desire to conserve property values and, (d) the general trend and character of population development. The community should evaluate whether other local remedies are available.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing upon a rezoning request.

Motion made by _____, supported by _____ that based upon the general findings of fact and the rezoning factors that the applicant's request to conditionally rezone the subject area identified as Parcel ID No. 104-035-200-025-02 and a portion of Parcel ID No. 104-035-200-028-00 within Cheboygan County, Michigan is hereby recommended to be denied/approved.

Ayes: _____

Nays: _____

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, July 1, 2020

Patty Croft, Chairperson

Charles Freese, Secretary