



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, SEPTEMBER 18, 2019 AT 7:00 PM
ROOM 135 - COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

SCHEDULED PUBLIC HEARINGS

1. Sidock Group, Inc. / Gerard Reis - A Special Use Permit, per Section 7.3.14 (Storage facility for building materials, sand, gravel stone, lumber, storage of contractor's equipment and supplies.) to construct a building for indoor storage of landscape equipment and boat docks. The property is located at 5475 Commerce Blvd., Tuscarora Township, section 30, parcel # 162-030-300-001-11 and is zoned Light Industrial Development (D-LI).
2. Zoning Ordinance Amendment #153 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Special Land Use Permit Procedures and Standards.
3. Zoning Ordinance Amendment #154 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Home Occupations and Private Storage Buildings.

UNFINISHED BUSINESS

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

NEW 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 MEETING & PUBLIC HEARING WEDNESDAY, SEPTEMBER 4, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Delana
ABSENT: Borowicz, Johnson
STAFF: Mike Turisk
GUESTS: Eric Boyd, Cal Gouine, Carl Muscott, John Moore, John F. Brown, Bob Lyon, Russell Crawford, Cheryl Crawford, Steve Warfield

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 Ms. Lyon, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Delana), 0 Nays, 2 Absent (Borowicz, Johnson)

APPROVAL OF MINUTES

The August 21, 2018 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Delana), 0 Nays, 2 Absent (Borowicz, Johnson)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Cheboygan County Zoning Enforcement Report and Discussion

Mr. Turisk explained planning and zoning procedures, including complaint procedures. Mr. Turisk reviewed the types and numbers of enforcement actions conducted by Mr. Peltier since he was hired. A general discussion was held concerning the need for a full time enforcement officer and the information and documentation which should be assembled for presentation to the Cheboygan County Board of Commissioners in support of a full time enforcement officer. It was decided that this information should be assembled by staff for the next Planning Commission meeting.

STAFF REPORT

Mr. Turisk stated that there will be a panel discussion regarding housing at the Cheboygan Public Library on 09/05/19 at 11:00am. Mr. Turisk noted that Burt Township will be updating their Master Plan in the future.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that there was an article in the Wall Street Journal regarding short term housing that he will have copied and distributed to the Planning Commission members. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that a full time enforcement officer would be doing mostly enforcement and instead it seems that it is the least that he is doing. Mr. Muscott stated that it has been his experience that setbacks and soil are typically done by Building Safety. Mr. Muscott stated that the enforcement report should include parcel numbers. Mr. Muscott stated that anyone can

perform a setback inspection. Mr. Muscott stated a lot of building officials will allow their staff to do both footing inspections and setback inspections. Mr. Muscott stated that Emmet County (12 townships) had 244% more building permits in 2018 than Cheboygan County. Mr. Muscott stated that Emmet County has the same number of staff as Cheboygan County. Mr. Muscott believes that a special use permit should be policed by Building Safety. Mr. Muscott stated he would like to see parcel numbers on the enforcement report. Mr. Muscott stated that Mr. Peltier is spending 2/3 of his time on things that are not related to enforcement. Mr. Muscott stated that he reported the improper use of a county vehicle to Mr. Lawson. Mr. Muscott stated that Mr. Lawson informed him that they were considering putting GPS on the county cars.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:35pm.

Charles Freese
Planning Commission Secretary

DRAFT

CHEBOYGAN COUNTY PLANNING COMMISSION

Sidock Group, Inc./Gerard Reis

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Special Use Permit Application (6 Pages)
4. Site Plan (1 Page)
5. Floor Plan (1 Page)
6. Elevations (1 Page)
7. Certificate of Survey (1 Page)
8. Wall and Outdoor Lighting (7 Pages)
9. Mailing List (2 Pages)
10. Proof of Ownership (3 Pages)
11. Letter for Authorization for Representation
12. Email from Brent Shank/Cheboygan County Road Commission dated September 4, 2019 (1 Page)
13. Email from Dave Carpenter/Tuscarora Township Fire Chief dated September 6, 2019 (1 Page)
14. Declaration of Deed Restrictions for Tuscarora Township Commerce Park (4 Pages)
15. Staff Report (4 Pages)
- 16.
- 17.
- 18.
- 19.

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

SPECIAL LAND USE PERMIT APPLICATION

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

Commercial business. Phase 1 is Landscape equipment storage, boat dock storage. All storage to be indoors.

Future phase(s) may included small office area, additional enclosed/ indoor storage areas.

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.

Existing site is relatively flat. Grading operations will occur to the extent required to provide a level building pad, drive and parking area.

- 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.

Existing site does not contain any landscape, it is "rough graded". See also response to item "a" above.

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

Site drainage will meet county stormwater and soil erosion and sedimentation control requirements.

- 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.

Not located within or near any residential dwellings. Site is within an existing industrial park.

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

Proposed building is located on an existing road that will provide adequate fire access to the entire building.

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

Proposed building has direct access to the existing Commerce Blvd., a public street.

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

N/A

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. Yes

ii. It does not impede the vision of traffic along adjacent streets. Yes

iii. It does not unnecessarily illuminate night skies. Yes



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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.

Proposed development is in conformance with the anticipated development of the existing
industrial park including drive access.

- 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.

Understood. Development team will be made aware of these requirements.

3. Size of property in sq. ft. or acres: 2.33+/-

4. Present use of property:

Undeveloped

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. Enclosed indoor storage and future attached office/ enclosed storage spaces will not either.

- 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 development will not have any waste,

by-products, materials that would negatively impact adjacent developments or public ways.

- 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. Owner will

maintain in accordance with the code of ordinances and not disrupt or negatively impact adjacent developments.

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

No. Being a storage (and future attached office) no increased demands for first responders is anticipated.

- 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. The proposed development is located on an

existing public way and will be connected to municipal utilities as needed. At this time, electrical power only will be required.



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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? See response to item "f" above.
- 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. See attached.
- 8. Attach a copy of certified Property Survey or dimensioned property land plat. See attached.

AFFIDAVIT

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

Applicant's Signature *Tim Miller* Date 8.19.19
Tim Miller- Sidock Group, Inc.

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

Yes No

Owner's Signature *[Signature]* Date 8-19-2019

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>08/20/19</u>	Notes:
Fee Amount Received:	<u>\$225.00</u>	
Receipt Number:	<u>6912</u>	
Public Hearing Date:	<u>9-18-19</u>	

Planning/Zoning Administrator Approval:

Jennifer Merk Signature Date 8-28-19

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

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

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

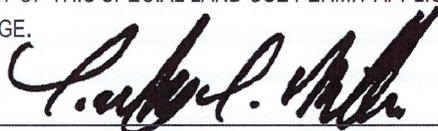
INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		m. Location and specifications for all fences, walls, and other screening features.
NA		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
X		o. Exterior lighting locations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

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

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
20.7,D	Existing site is relatively level with no major grade changes. Proposed structure and grades to be approximately the same with no major grade changes.

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 Tim Miller- Sidock Group, Inc.

8.19.19

DATE



Sidock Group
ENGINEERS-ARCHITECTS-CONSULTANTS

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45650 Grand River Avenue
Novi, Michigan 48374
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Novi • Wyandotte • Muskegon
Lansing • Gaylord • Sault Ste. Marie

www.sidockgroup.com

Key Plan: No Scale

Client:
PARLAKE, LLC

Project:
STORAGE BUILDING

5475 COMMERCE BLVD.
TUSCARORA TOWNSHIP
PARCEL #7 COMMERCE PARK
INDIAN RIVER, MICHIGAN

Seal:



Date	Issued For
08-08-19	OWNER REVIEW
08-19-19	SITE PLAN REVIEW

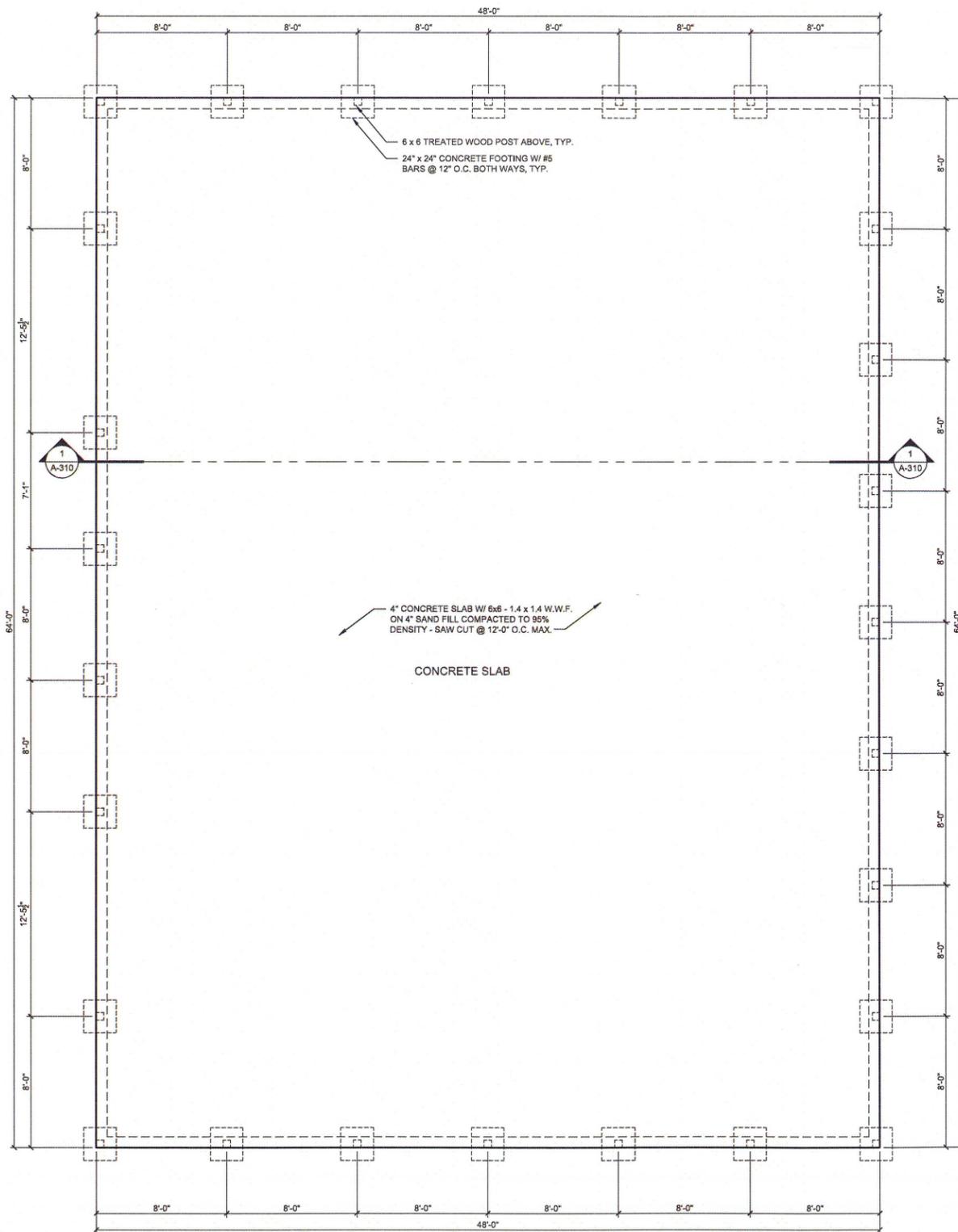
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Checked:	TM
Approved:	BB

Sheet Title:
FLOOR PLAN

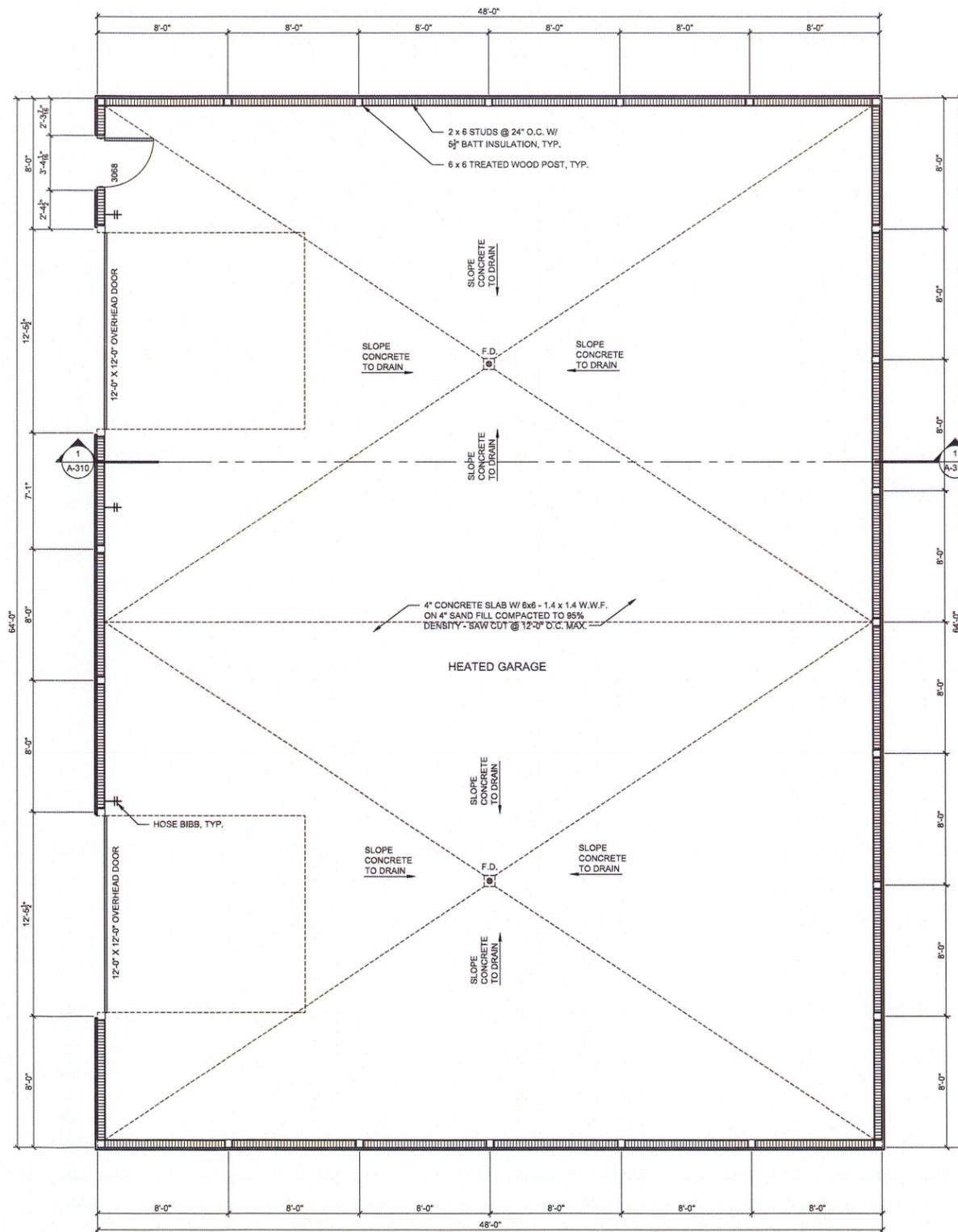
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Sheet Number: A-200

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0 2' 4' 8' N
SCALE: 1/4" = 1'-0"
FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



0 2' 4' 8' N
SCALE: 1/4" = 1'-0"
FLOOR PLAN
SCALE: 1/4" = 1'-0"



Sidock Group
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Key Plan: No Scale

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Seal:



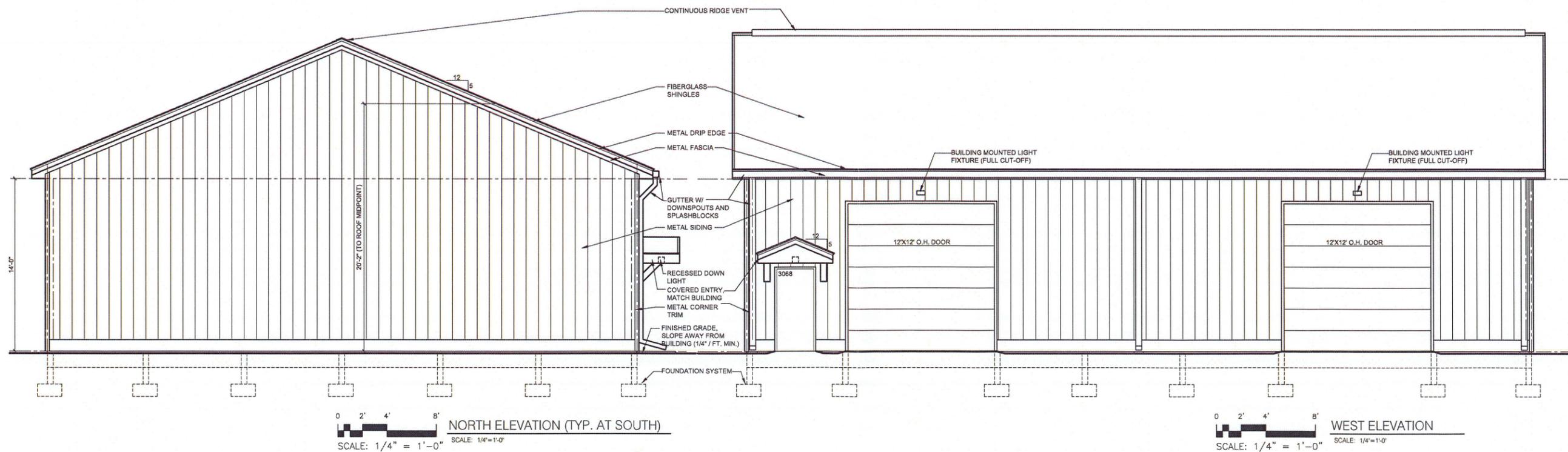
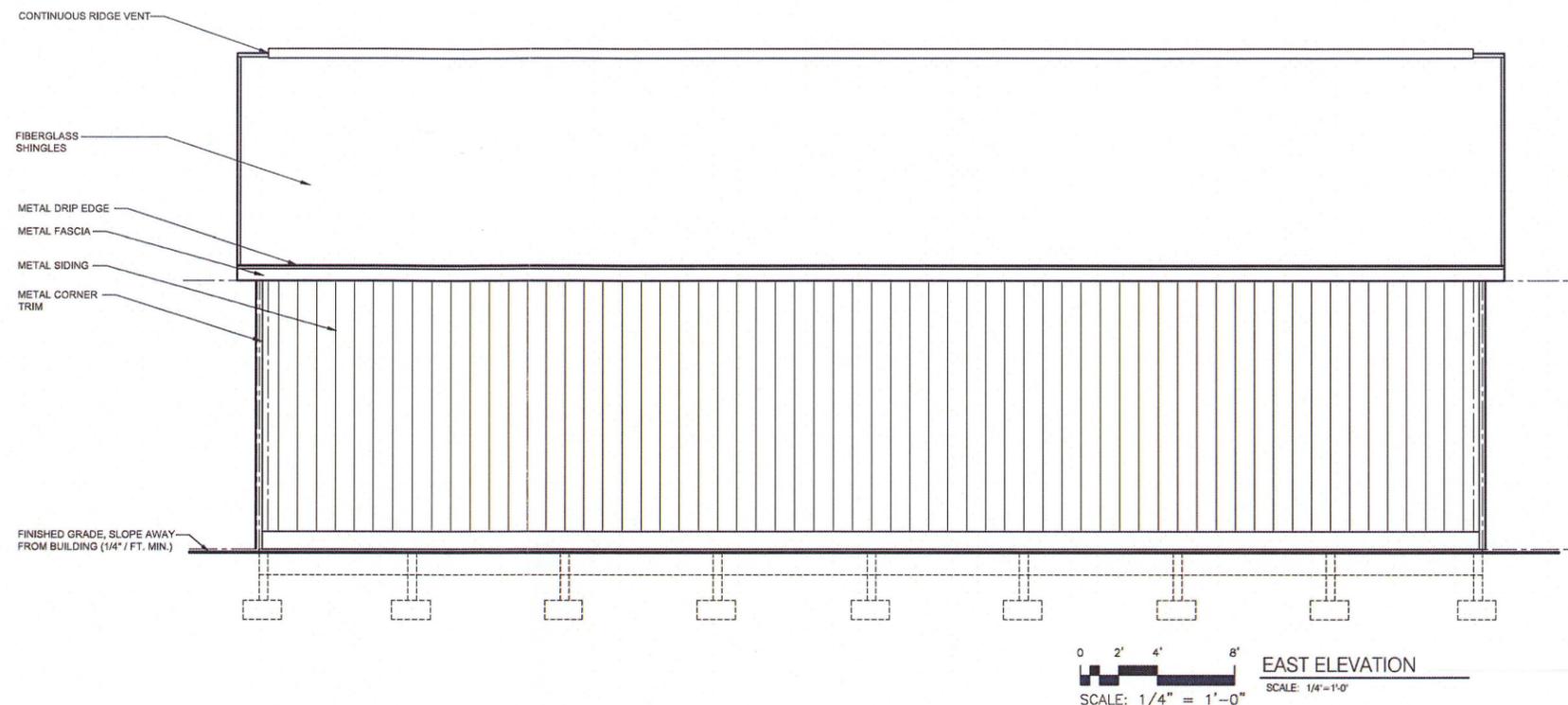
Date Issued For
08-08-19 OWNER REVIEW
08-19-19 SITE PLAN REVIEW

Drawn: LB
Checked: TM
Approved: BB

Sheet Title:
ELEVATIONS

Project Number: 517088

Sheet Number: A-300

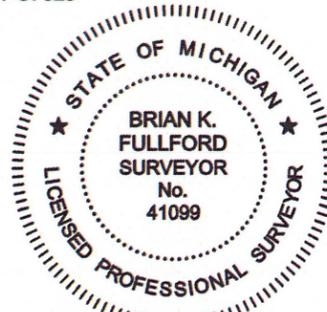
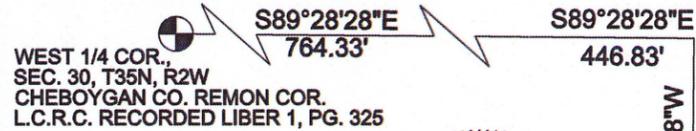


CERTIFICATE of SURVEY

PARCEL 7:

Part of the South 1/2 of Section 30, T35N, R2W, Tuscarora Township, Cheboygan County, Michigan, described as:

Commencing at the West 1/4 Corner of Section 30, T35N, R2W; thence S89°28'28"E along the East & West 1/4 line 764.33 feet (recorded as 764.29 feet) to a 1/2" bar and cap #41099 on the Centerline of Brudy Road; thence S89°28'28"E along said 1/4 line 446.83 feet to a 1/2" bar and cap #41099; thence S0°31'18"W 600.46 feet to a 1/2" bar and cap #41099; thence S89°25'14"E 464.23 feet to a concrete monument; thence S30°44'27"E 701.05 feet to a concrete monument; thence S89°28'04"E (recorded as N89°28'04"W) 392.19 feet to a 1/2" bar and cap #41099 at the POINT OF BEGINNING; thence N16°28'18"E 385.95 feet to a concrete monument on the Southerly (recorded as Northerly) line of Commerce Boulevard; thence along said line S77°55'45"E 231.08 feet to a concrete monument; thence Southeasterly 15.02 feet along a curve to the left having a radius of 540.00 feet and a chord bearing of S78°43'33"E 15.02 feet to a 1/2" bar and cap #41099; thence S2°32'15"W 322.29 feet to a 1/2" bar and cap #41099; thence N89°28'04"W 335.87 feet to the POINT OF BEGINNING. Contains 2.33 acres of land more or less. Subject to easements, restrictions, and reservations of record if any.



CERTIFICATE of SURVEY

I, THE UNDERSIGNED, BEING A PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PARCEL OF LAND SHOWN HEREON, THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN PROFESSIONAL STANDARDS AND THAT I HAVE FULLY COMPLIED WITH THE REGULATIONS OF P.A. 132 OF 1970 AS AMENDED.

Brian K. Fullford
 BRIAN K. FULLFORD
 PROFESSIONAL SURVEYOR
 REGISTRATION NO. 41099
 MAY 7, 2019

FOR:

Gerard D. & Caroline B. Reis

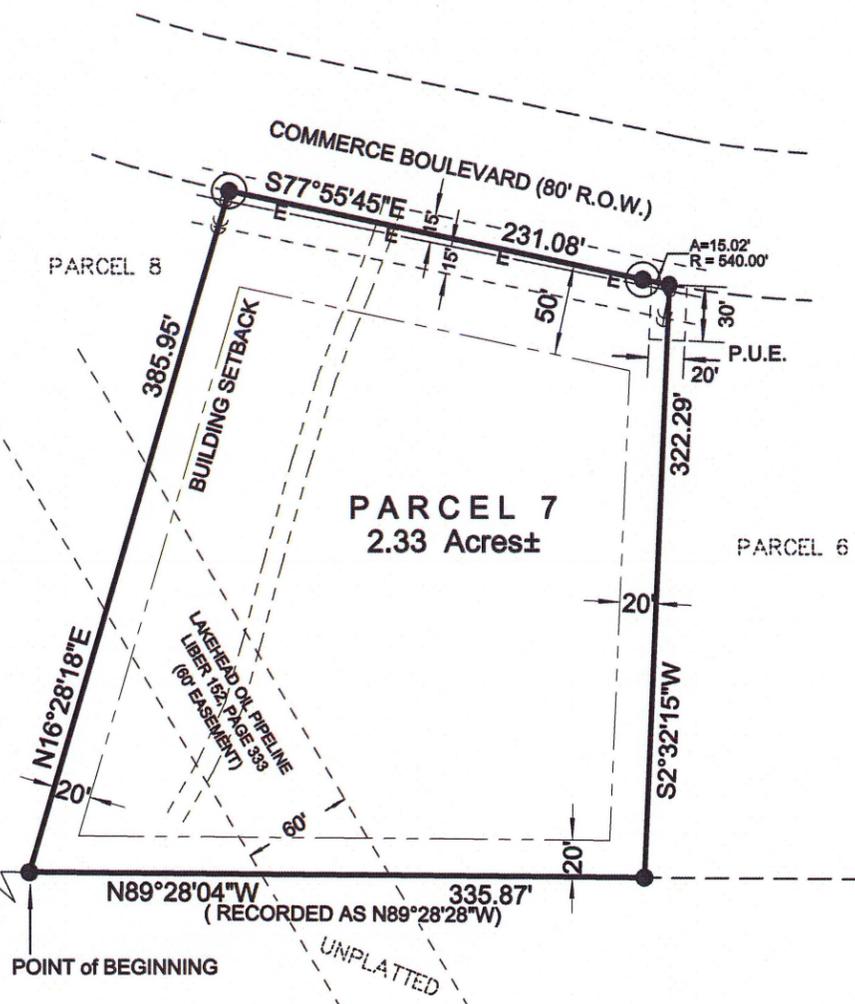
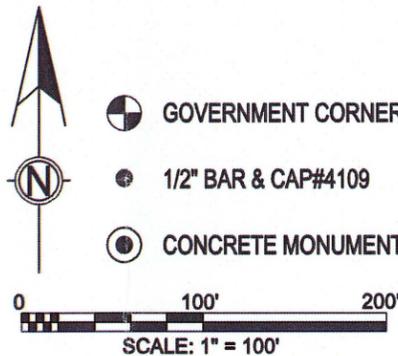
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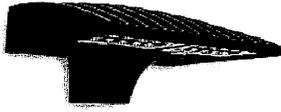
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 CHECK: BKF

PROJECT NO.
 19-020S



FULLFORD SURVEYING & MAPPING, P.C.
 PO BOX 969
 5097 S. STRAITS HIGHWAY, SUITE A
 INDIAN RIVER, MI 49749
 PHONE: 231-238-9199 FAX: 231-238-9195





D-Series Size 1 LED Wall Luminaire



Catalog
Number

Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

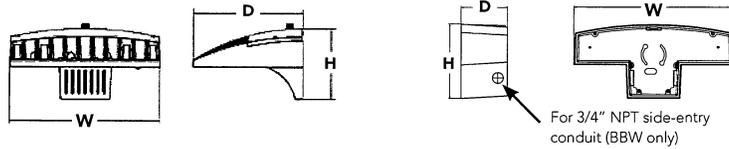
d²series

Specifications Luminaire

Width:	13-3/4" (34.9 cm)	Weight:	12 lbs (5.4 kg)
Depth:	10" (25.4 cm)		
Height:	6-3/8" (16.2 cm)		

Back Box (BBW, ELCW)

Width:	13-3/4" (34.9 cm)	BBW Weight:	5 lbs (2.3 kg)
Depth:	4" (10.2 cm)	ELCW Weight:	10 lbs (4.5 kg)
Height:	6-3/8" (16.2 cm)		



Introduction

The D-Series Wall luminaire is a stylish, fully integrated LED solution for building-mount applications. It features a sleek, modern design and is carefully engineered to provide long-lasting, energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 74% in energy savings over comparable 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DBBTXD

DSXW1 LED

Series	LEDs	Drive Current	Color temperature	Distribution	Voltage	Mounting	Control Options
DSXW1 LED	10C 10 LEDs (one engine)	350 350 mA 530 530 mA	30K 3000 K 40K 4000 K	T2S Type II Short T2M Type II Medium	MVOLT ² 120 ³	Shipped included (blank) Surface mounting bracket BBW Surface-mounted back box (for conduit entry) ⁵	Shipped installed PE Photoelectric cell, button type ⁶ DMG 0-10V dimming driver (no controls; wires pulled outside fixture) PIR 180° motion/ambient light sensor, <15' mtg ht. ^{1,7} PIRH 180° motion/ambient light sensor, 15-30' mtg ht. ^{1,7} PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc. ^{1,7} PIRH1FC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc. ^{1,7} ELCW Emergency battery backup (includes external component enclosure), non CEC compliant ^{8,9}
	20C 20 LEDs (two engines) ¹	700 700 mA 1000 1000 mA (1 A) ¹	50K 5000 K AMBPC Amber phosphor converted	T3S Type III Short T3M Type III Medium T4M Type IV Medium TFTM Forward Throw Medium ASYDF Asymmetric diffuse	208 ³ 240 ³ 277 ³ 347 ^{3,4} 480 ^{3,4}		

Other Options	Finish (required)
Shipped installed SF Single fuse (120, 277 or 347V) ^{3,9} DF Double fuse (208, 240 or 480V) ^{3,9} HS House-side shield ¹⁰ SPD Separate surge protection	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DSSXD Sandstone DBBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white DSSTXD Textured sandstone
Shipped separately ¹⁰ BSW Bird-deterrent spikes WG Wire guard VG Vandal guard DDL Diffused drop lens	

Accessories

Ordered and shipped separately.

DSXWHS U	House-side shield (one per light engine)
DSXWBSW U	Bird-deterrent spikes
DSXWTWG U	Wire guard accessory
DSXWTVG U	Vandal guard accessory

NOTES

- 20C 1000 is not available with PIR, PIRH, PIR1FC3V or PIRH1FC3V.
- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
- Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
- Only available with 20C, 700mA or 1000mA. Not available with PIR or PIRH.
- Back box ships installed on fixture. Cannot be field installed. Cannot be ordered as an accessory.
- Photocontrol (PE) requires 120, 208, 240, 277 or 347 voltage option. Not available with motion/ambient light sensors (PIR or PIRH).
- Reference Motion Sensor table on page 3.
- Cold weather (-20C) rated. Not compatible with conduit entry applications. Not available with BBW mounting option. Not available with fusing. Not available with 347 or 480 voltage options. Emergency components located in back box housing. Emergency mode IES files located on product page at www.lithonia.com
- Not available with ELCW.
- Also available as a separate accessory; see Accessories information.



One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • www.lithonia.com
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Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

LEDs	Drive Current (mA)	System Watts	Dist. type	30K (3000 K, 70CRI)					40K (4000 K, 70CRI)					50K (5000 K, 70CRI)					AMBPC (Amber Phosphor Converted)				
				Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
(10 LEDs)	350mA	13W	T2S	1,415	0	0	1	109	1,520	0	0	1	117	1,530	0	0	1	118	894	0	0	1	69
			T2M	1,349	0	0	1	104	1,448	0	0	1	111	1,458	0	0	1	112	852	0	0	1	66
			T3S	1,399	0	0	1	108	1,503	0	0	1	116	1,512	0	0	1	116	884	0	0	1	68
			T3M	1,385	0	0	1	107	1,488	0	0	1	114	1,497	0	0	1	115	876	0	0	1	67
			T4M	1,357	0	0	1	104	1,458	0	0	1	112	1,467	0	0	1	113	858	0	0	1	66
			TF1M	1,411	0	0	1	109	1,515	0	0	1	117	1,525	0	0	1	117	892	0	0	1	69
		AS1YDF	1,262	1	0	1	97	1,354	1	0	1	104	1,363	1	0	1	105	797	0	0	1	61	
		T2S	2,053	1	0	1	108	2,205	1	0	1	116	2,220	1	0	1	117	1,264	0	0	1	67	
		T2M	1,957	1	0	1	103	2,102	1	0	1	111	2,115	1	0	1	111	1,205	0	0	1	63	
		T3S	2,031	1	0	1	107	2,181	1	0	1	115	2,194	1	0	1	115	1,250	0	0	1	66	
		T3M	2,010	1	0	1	106	2,159	1	0	1	114	2,172	1	0	1	114	1,237	0	0	1	65	
		T4M	1,970	1	0	1	104	2,115	1	0	1	111	2,129	1	0	1	112	1,212	0	0	1	64	
	TF1M	2,047	0	0	1	108	2,198	1	0	1	116	2,212	1	0	1	116	1,260	0	0	1	66		
	AS1YDF	1,831	1	0	1	96	1,966	1	0	1	103	1,978	1	0	1	104	1,127	0	0	1	59		
	T2S	2,623	1	0	1	101	2,816	1	0	1	108	2,834	1	0	1	109	1,544	0	0	1	59		
	T2M	2,499	1	0	1	96	2,684	1	0	1	103	2,701	1	0	1	104	1,472	0	0	1	57		
	T3S	2,593	1	0	1	100	2,785	1	0	1	107	2,802	1	0	1	108	1,527	0	0	1	59		
	T3M	2,567	1	0	1	99	2,757	1	0	1	106	2,774	1	0	1	107	1,512	0	0	1	58		
	T4M	2,515	1	0	1	97	2,701	1	0	1	104	2,718	1	0	1	105	1,481	0	0	1	57		
	TF1M	2,614	1	0	1	101	2,808	1	0	1	108	2,825	1	0	1	109	1,539	0	0	1	59		
	AS1YDF	2,337	1	0	1	90	2,510	1	0	1	97	2,525	1	0	1	97	1,376	1	0	1	53		
	T2S	3,685	1	0	1	94	3,957	1	0	1	101	3,982	1	0	1	102	2,235	1	0	1	57		
	T2M	3,512	1	0	1	90	3,771	1	0	1	97	3,794	1	0	1	97	2,130	1	0	1	55		
	T3S	3,644	1	0	1	93	3,913	1	0	1	100	3,938	1	0	1	101	2,210	1	0	1	57		
	T3M	3,607	1	0	1	92	3,873	1	0	1	99	3,898	1	0	1	100	2,187	1	0	1	56		
	T4M	3,534	1	0	2	91	3,796	1	0	2	97	3,819	1	0	2	98	2,143	1	0	1	55		
	TF1M	3,673	1	0	1	94	3,945	1	0	1	101	3,969	1	0	1	102	2,228	1	0	1	57		
	AS1YDF	3,284	1	0	2	84	3,527	1	0	2	90	3,549	1	0	2	91	1,992	1	0	1	51		
	T2S	2,820	1	0	1	123	3,028	1	0	1	132	3,047	1	0	1	132	1,777	1	0	1	77		
	T2M	2,688	1	0	1	117	2,886	1	0	1	125	2,904	1	0	1	126	1,693	1	0	1	74		
	T3S	2,789	1	0	1	121	2,994	1	0	1	130	3,014	1	0	1	131	1,757	0	0	1	76		
	T3M	2,760	1	0	1	120	2,965	1	0	1	129	2,983	1	0	1	130	1,739	1	0	1	76		
	T4M	2,704	1	0	1	118	2,905	1	0	1	126	2,922	1	0	1	127	1,704	1	0	1	74		
	TF1M	2,811	1	0	1	122	3,019	1	0	1	131	3,038	1	0	1	132	1,771	0	0	1	77		
	AS1YDF	2,514	1	0	1	109	2,699	1	0	1	117	2,716	1	0	1	118	1,584	1	0	1	69		
	T2S	4,079	1	0	1	117	4,380	1	0	1	125	4,407	1	0	1	126	2,504	1	0	1	72		
	T2M	3,887	1	0	1	111	4,174	1	0	1	119	4,201	1	0	1	120	2,387	1	0	1	68		
	T3S	4,033	1	0	1	115	4,331	1	0	1	124	4,359	1	0	1	125	2,477	1	0	1	71		
	T3M	3,993	1	0	2	114	4,288	1	0	2	123	4,315	1	0	2	123	2,451	1	0	1	70		
	T4M	3,912	1	0	2	112	4,201	1	0	2	120	4,227	1	0	2	121	2,402	1	0	1	69		
	TF1M	4,066	1	0	2	116	4,366	1	0	2	125	4,394	1	0	2	126	2,496	1	0	1	71		
	AS1YDF	3,636	1	0	2	104	3,904	1	0	2	112	3,928	1	0	2	112	2,232	1	0	1	64		
	T2S	5,188	1	0	1	113	5,572	1	0	1	121	5,607	1	0	1	122	3,065	1	0	1	67		
	T2M	4,945	1	0	2	108	5,309	1	0	2	115	5,343	1	0	2	116	2,921	1	0	1	64		
	T3S	5,131	1	0	2	112	5,510	1	0	2	120	5,544	1	0	2	121	3,031	1	0	1	66		
	T3M	5,078	1	0	2	110	5,454	1	0	2	119	5,487	1	0	2	119	3,000	1	0	1	65		
	T4M	4,975	1	0	2	108	5,343	1	0	2	116	5,376	1	0	2	117	2,939	1	0	1	64		
	TF1M	5,172	1	0	2	112	5,554	1	0	2	121	5,589	1	0	2	122	3,055	1	0	1	66		
AS1YDF	4,624	1	0	2	101	4,965	1	0	2	108	4,996	1	0	2	109	2,732	1	0	1	59			
T2S	7,204	1	0	2	99	7,736	2	0	2	106	7,784	2	0	2	107	4,429	1	0	1	61			
T2M	6,865	1	0	2	94	7,373	2	0	2	101	7,419	2	0	2	102	4,221	1	0	1	58			
T3S	7,125	1	0	2	98	7,651	1	0	2	105	7,698	1	0	2	105	4,380	1	0	1	60			
T3M	7,052	1	0	2	97	7,573	2	0	2	104	7,620	2	0	2	104	4,335	1	0	2	59			
T4M	6,909	1	0	2	95	7,420	1	0	2	102	7,466	1	0	2	102	4,248	1	0	2	58			
TF1M	7,182	1	0	2	98	7,712	1	0	2	106	7,761	1	0	2	106	4,415	1	0	2	60			
AS1YDF	6,421	2	0	2	88	6,896	2	0	3	94	6,938	2	0	3	95	3,947	1	0	2	54			



Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	1.00
40°C	104°F	0.98

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **DSXW1 LED 20C 1000** platform in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.95	0.93	0.88

Electrical Load

LEDs	Drive Current (mA)	System Watts	Current (A)					
			120V	208V	240V	277V	347V	480V
10C	350	14 W	0.13	0.07	0.06	0.06	-	-
	530	20 W	0.19	0.11	0.09	0.08	-	-
	700	27 W	0.25	0.14	0.13	0.11	-	-
	1000	40 W	0.37	0.21	0.19	0.16	-	-
20C	350	24 W	0.23	0.13	0.12	0.10	-	-
	530	36 W	0.33	0.19	0.17	0.14	-	-
	700	47 W	0.44	0.25	0.22	0.19	0.15	0.11
	1000	74 W	0.69	0.40	0.35	0.30	0.23	0.17

Motion Sensor Default Settings

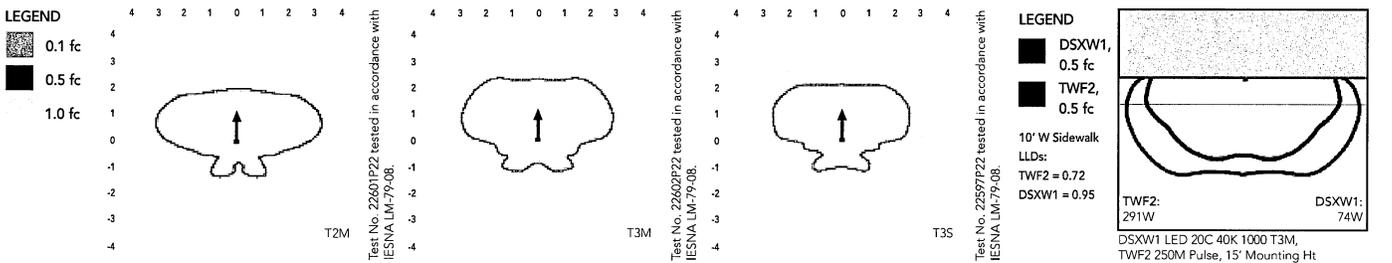
Option	Dimmed State	High Level (when triggered)	PhotoCell Operation	Dwell Time	Ramp-up Time	Ramp-down Time
*PIR or PIRH	3V (37%) Output	10V (100%) Output	Enabled @ 5FC	5 min	3 sec	5 min
PIR1FC3V or PIRH1FC3V	3V (37%) Output	10V (100%) Output	Enabled @ 1FC	5 min	3 sec	5 min

*for use with Inline Dusk to Dawn or timer

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Wall Size 1 homepage.

Isofootcandle plots for the DSXW1 LED 20C 1000 40K. Distances are in units of mounting height (15').



Options and Accessories



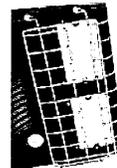
T3M (left), ASYDF (right) lenses



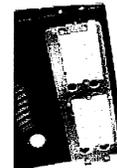
HS - House-side shields



BSW - Bird-deterrent spikes



WG - Wire guard



VG - Vandal guard



DDL - Diffused drop lens

FEATURES & SPECIFICATIONS

INTENDED USE

The energy savings, long life and easy-to-install design of the D-Series Wall Size 1 make it the smart choice for building-mounted doorway and pathway illumination for nearly any facility.

CONSTRUCTION

Two-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance. The LED driver is mounted to the door to thermally isolate it from the light engines for low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65).

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in textured and non-textured finishes.

OPTICS

Precision-molded proprietary acrylic lenses provide multiple photometric distributions tailored specifically to building mounted applications. Light engines are available in 3000 K (70 min. CRI), 4000 K (70 min. CRI) or 5000 K (70 min. CRI) configurations.

ELECTRICAL

Light engine(s) consist of 10 high-efficacy LEDs mounted to a metal-core circuit board to maximize heat dissipation and promote long life (L88/100,000 hrs at 25°C). Class 1 electronic drivers have a

power factor >90%, THD <20%, and a minimum 2.5KV surge rating. When ordering the SPD option, a separate surge protection device is installed within the luminaire which meets a minimum Category C Low (per ANSI/IEEE C62.41.2).

INSTALLATION

Included universal mounting bracket attaches securely to any 4" round or square outlet box for quick and easy installation. Luminaire has a slotted gasket wireway and attaches to the mounting bracket via corrosion-resistant screws.

LISTINGS

CSA certified to U.S. and Canadian standards. Rated for -40°C minimum ambient.

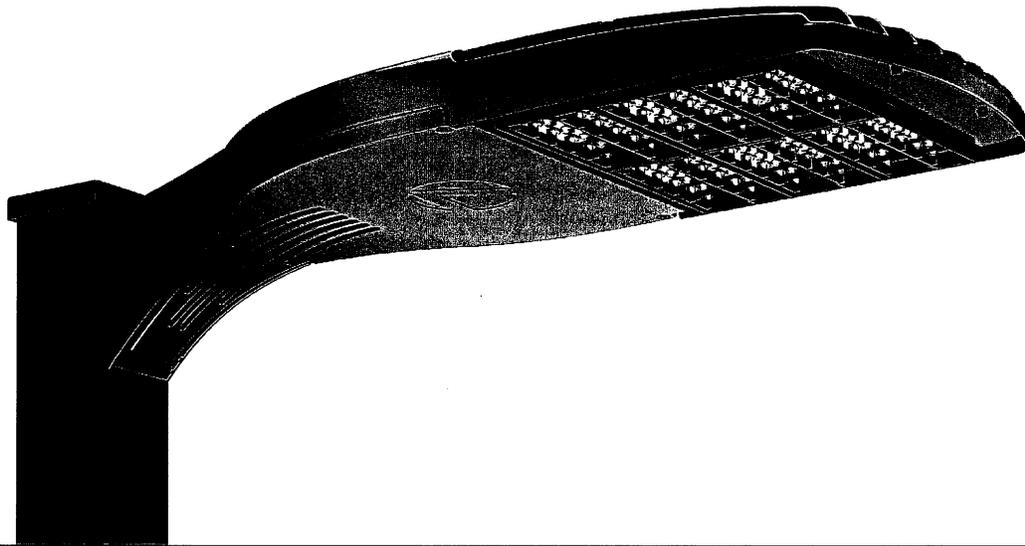
DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY

Five-year limited warranty. Complete warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.





D-Series LED

Extreme Cutoff Optics



Outdoor

AcuityBrands.

The Intersection of Area Lighting and LEED Certification Performance Criteria

Addressing unwanted spill light along the perimeter and corners of your outdoor lighting design is no easy task. Whether you are trying to limit the light trespass due to concern for neighboring properties, or seeking additional points for certification under the Leadership in Energy and Environmental Design (LEED®) green building program (V4), in either case, you need the most stringent light control available. We now have the perfect solution for you!

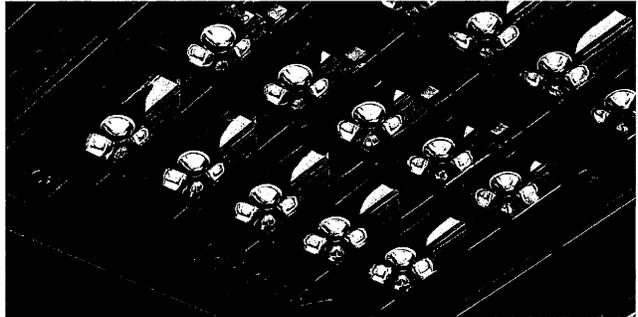
The D-Series LED Extreme Cutoff Optics, with its industry-leading optics addresses light trespass using innovative backlight control and corner cutoff optics, delivering outstanding performance, long life and energy efficiency. This is accomplished through the use of specialized point-source black light engines, integrated specular reflectors with optimized optics and dedicated light-absorbing backlight shields to provide maximum control for backlight and corner applications while providing superior lighting levels and luminaire efficiency.

Innovative Optics that Support Your Design



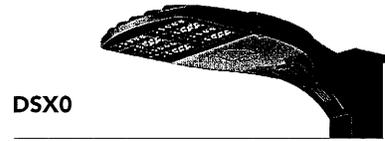
Specialized, Black D-Series Light Engines

The stray-light absorbing light engines remove light scattered during refraction, ensuring light is directed exactly where it is needed – virtually eliminating spill light.

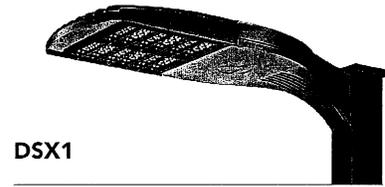


Integrated Shield

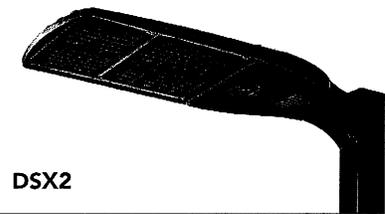
The integrated shield design virtually eliminates light trespass, reduces glare, and maximizes forward-reflected light, while maintaining high luminaire efficiency.



DSX0



DSX1



DSX2

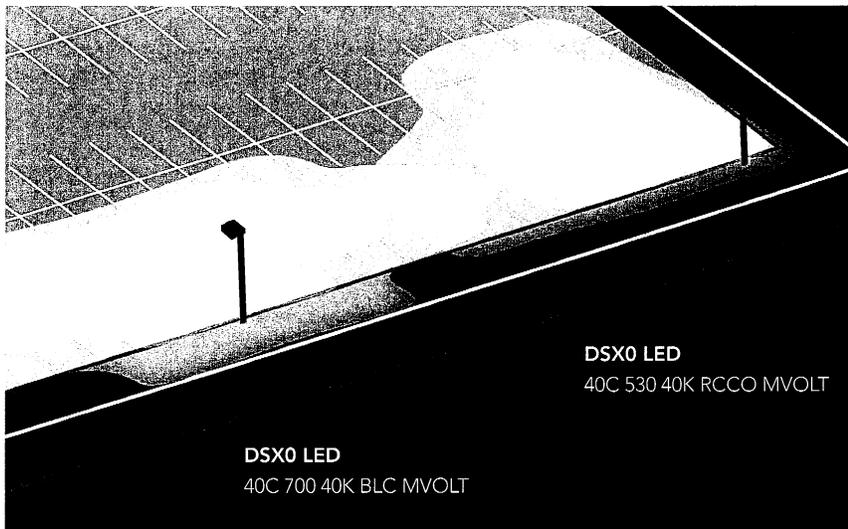
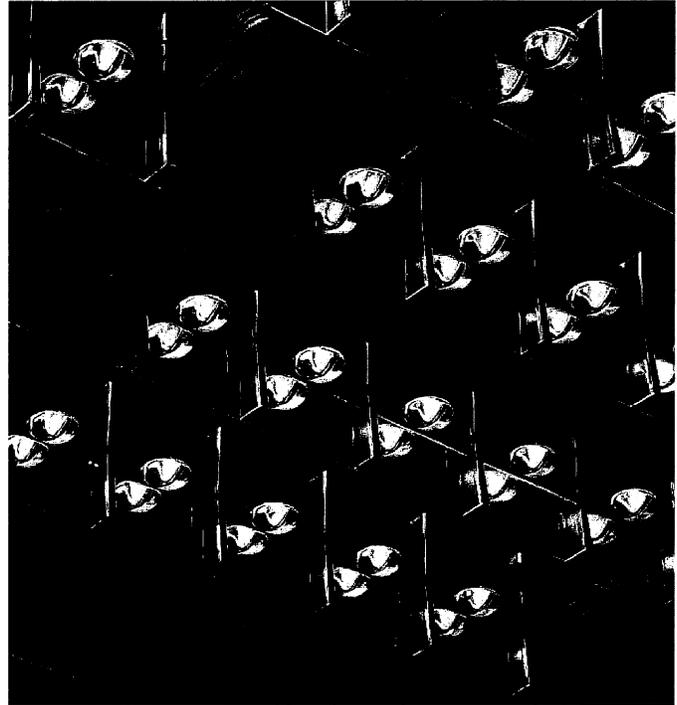
Innovation in Action

Dedicated Backlight Control and Corner Cutoff Optic

The D-Series LED Extreme Cutoff Optics use an innovative backlight control that significantly reduces light spill behind the pole for applications with pole locations close to adjacent properties. This helps support compliance with LEED light trespass requirements along the perimeter of the lot, while maintaining light levels that provide high visibility.

Once backlight control is addressed, the corners of the property require attention in your design. The innovative corner cutoff optic enables pole mounting in the corners of your site, virtually doing away with light spill behind, and to one side of the pole.

This is ideal for applications with corners that are close to a neighboring property or roadway, enabling more design options for pole placement, even at the property line.



— Curb Line

Property Line

Virtually all light is cutoff right at that property line, even with the corner cutoff luminaire only 7' from the property line in either direction!

— LEED Boundary Line

Anything beyond that red line is unacceptable spill light.

DLC Qualified

The D-Series LED Extreme Cutoff Optics are DesignLights Consortium® qualified, which makes them eligible for utility rebates and can help improve project ROI.

LEED is a trademark owned by the U.S. Green Building Council®. It is the obligation of the end-user to consult with a LEED accredited professional advisor to determine compliance with LEED requirements for a particular project.

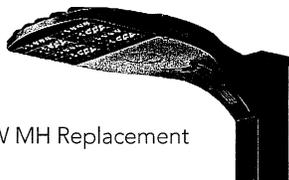
D-Series LED Extreme Cutoff Optics

Product Specifications

Model	Input Watts	Pole Height	Optic	Delivered Lumens	Rear Setback from Property Line	Side Setback from Property Line
DSX0 LED 20C 1000	72W	15'	BLC	5,543	6'	—
			LCCO or RCCO	5,386	6'	7'
DSX0 LED 40C 530	68W	15'	BLC	6,595	7'	—
			LCCO or RCCO	6,407	6'	7'
DSX0 LED 40C 700	91W	20'	BLC	8,396	8'	—
			LCCO or RCCO	8,157	8'	8'
DSX0 LED 40C 1000	138W	25'	BLC	11,087	9'	—
			LCCO or RCCO	10,771	9'	10'

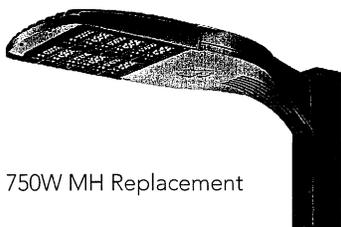
DSX0

175W - 400W MH Replacement



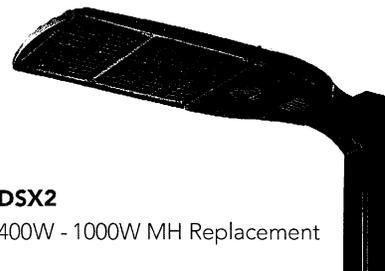
DSX1

250W - 750W MH Replacement



DSX2

400W - 1000W MH Replacement



Lithonia Lighting® is a member of the Acuity Brands portfolio of lighting, controls and daylighting solutions.

Lithonia Lighting offers one of the industry's broadest lighting portfolios for commercial and industrial lighting applications. Our LED, fluorescent and HID lighting are recognized for their quality, reliability and solid performance, making Lithonia Lighting one of the most specified brands in the lighting industry.

www.lithonia.com

162-030-300-001-13
TUSCARORA, TOWNSHIP OF
PO BOX 220
INDIAN RIVER, MI 49749

162-030-300-001-12
CHEBOYGAN LIFE SUPPORT SYSTEMS
536 RIGGS RD
CHEBOYGAN, MI 49721

162-030-300-001-11
REIS, GERARD D & CAROLINE B H/W
2201 W ROYAL LN S-165
IRVING, TX 75063

162-030-300-001-10
UNION BAG & BARREL, INC
622 W KALAMAZOO AVE
KALAMAZOO, MI 49007

162-030-300-001-25
GRAHAM, GARY & JEFFREY GRAHAM, TIC
5018 W M-28
BRIMLEY, MI 49715

162-030-400-001-00
STATE OF MICHIGAN
PO BOX 30448
LANSING, MI 48909

162-030-300-001-23
TUSCARORA TOWNSHIP
PO BOX 220
INDIAN RIVER, MI 49749

162-030-400-001-01
INDIAN RIVER PROPERTY CO
509 CAVANAUGH ST
ALPENA, MI 49707

162-030-300-001-18
DUVAL DEVELOPMENT USA DBA
1915 PEOPLES RD
SAULT SAINTE MARIE, MI 49783

162-030-300-001-17
TSLDA, LLC
PO BOX 36
INDIAN RIVER, MI 49749

162-030-300-001-13
OCCUPANT
5379 COMMERCE BLVD
INDIAN RIVER, MI 49721

162-030-300-001-12
OCCUPANT
5427 COMMERCE BLVD
INDIAN RIVER, MI 49721

162-030-300-001-11
OCCUPANT
5475 COMMERCE BLVD
INDIAN RIVER, MI 49721

162-030-300-001-23
OCCUPANT
4653 BRUDY RD
INDIAN RIVER, MI 49721

162-030-400-001-01
OCCUPANT
5555 M-68 HWY
INDIAN RIVER, MI 49721

162-030-300-001-18
OCCUPANT
5496 COMMERCE BLVD
INDIAN RIVER, MI 49721

162-030-300-001-17
OCCUPANT
5384 COMMERCE BLVD
INDIAN RIVER, MI 49721

CHEBOYGAN COUNTY, MICHIGAN
 05/28/2019 11:41:33 AM
 RECEIPT # 737, STATION 1
 WARRANTY DEED
 TAX CERTIFICATION
 \$30.00
 \$5.00
 LIBER 1385 PAGE 604
 CHEBOYGAN COUNTY
 MAY 28, 2019
 RECEIPT #737
 STATE OF MICHIGAN
 REAL ESTATE
 TRANSFER TAX STAMP * 14874
 \$ 11.00-CO
 \$ 75.00-ST
 16-19637835-PET

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That: Cass Casucci, ("Grantor")

the address of which is: PO Box 250, Indian River, MI 49749

convey(s) and warrant(s) to: Gerard D. Reis and Caroline B. Reis, husband and wife, ("Grantee")

the address of which is: 2201 W. Royal Lane
 S-165, Irving, TX 75063

the following described premises situated in the Township of Tuscarora, County of Cheboygan, State of Michigan, to wit:

SEE EXHIBIT A

Commonly known as: 5475 Commerce Blvd, Indian River, MI 49749

Parcel ID No.: 16-162-030-300-001-11 ✓

This property may be located within the vicinity of farmland 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 by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to make All division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Ten Thousand and 00/100 Dollars (***\$10,000.00***)

Subject to existing building and use restrictions and easements and rights of way of record.

Dated this May 20, 2019

Signed by:

Cass Casucci

Cass Casucci

State of Michigan

County of Cheboygan

} SS.

The foregoing instrument was acknowledged before me on this 20th day of May, 2019 by Cass Casucci

TIMOTHY B MURPHY
 Notary Public - Michigan
 Emmet County
 My Commission Expires Apr. 30, 2020
 Acting in the County of Cheboygan

Timothy B Murphy
 Notary Public: _____
 Notary County: _____, State: _____
 Commission Expires: _____
 Acting In: _____

When Recorded return to:
 Gerard D. Reis
 Caroline B. Reis
 2201 W. Royal Lane
 S-165
 Irving, TX 75063

Send Subsequent Tax Bills To:
 Grantee

Drafted By:
 Timothy B. Murphy, Attorney
 Attorneys Title Agency, LLC
 616 Petoskey St., Ste. 400
 Petoskey, MI 49770

Tim

✓

Print Date: 08/08/2019
Recpt Date: 08/08/2019

2019
Official Summer Tax Receipt
Tuscarora Township
162-030-300-001-11

Recpt No: 00000930

Tuscarora Township
P.O. Box 220
Indian River, MI 49749

Received of:
REIS, GERARD D & CAROLINE B
2201 W ROYAL LN S-165
IRVING TX 75063

TAXABLE: 14,643 SEV: 15,800 SCHL: 16050
PRE/MBT: 0.0000 CLASS: 201

PREVIOUS PAYMENTS

PREVIOUS PAYMENTS

Date	Chk #	Amount	Date	Chk #	Amount
------	-------	--------	------	-------	--------

**** CURRENT PAYMENT ****

Date	Chk #	Amount
08/08/2019	4267	173.44

Total Recvd: 173.44

DETAILED BREAKDOWN OF BILLING/PAYMENTS FOR 162-030-300-001-11

DESCRIPTION	MILLAGE	Tax Billed	Total Paid	BALANCE
STATE EDUC TAX	6.0000	87.85	87.85	0.00
COUNTY ALLOCATED	5.7284	83.88	83.88	0.00

Admin Fee		1.71	1.71	0.00
Interest/Pen		0.00	0.00	0.00
Over Payments		0.00	0.00	0.00
TOTALS ----->	11.72840	173.44	173.44	0.00

CNTY: 01/01/2015 - 12/31/2015 Twn: 07/01/2015 - 06/30/2016
SCHL: 07/01/2015 - 06/30/2016 ST : 10/01/2015 - 09/30/2016

Property Description

Addr: 5475 COMMERCE BLVD

COM W 1/4 COR SEC 30, T35N,R2W; TH S 89D 28' 28" E
764.33FT; TH S 89D 28' 28" E 446.83FT; TH S 0D 31' 18"
W 600.46FT; TH S 89D 25' 14" E 464.23FT; TH S 30D 44'
27" E 701.05FT; TH N 00D 20' 17" E 200.10FT TO COR; TH

To: REIS, GERARD D & CAROLINE B
2201 W ROYAL LN S-165
IRVING TX 75063

Township of Tuscarora, County of Cheboygan, Michigan

**Notice of Public Hearing on Amendment to Development and Tax Increment Financing Plan
of the Township of Tuscarora Downtown Development Authority**

TO ALL INTERESTED PERSONS IN THE TOWNSHIP OF TUSCARORA:

PLEASE TAKE NOTICE that the Township Board of the Township of Tuscarora, Michigan, will hold a public hearing on Tuesday, the 3rd day of September 2019, at 7:00 p.m., prevailing Eastern Time at the Tuscarora Township Municipal Building, 3546 South Straits Hwy., Indian River, Michigan, to consider the adoption of an ordinance approving an amendment to the Development and Tax Increment Financing Plan for the Township of Tuscarora Downtown Development Authority pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended.

The boundaries of the development area to which the Plan Amendment applies are as follows:

LEGAL DESCRIPTION FOR TUSCARORA TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY · May 16, 1996:

Situated in Sections 12, 13, 24, 25, 26, 35 and 36, T35N-R3W and Sections 7, 18, 19 and 30, T35N-R2W, Tuscarora Township, Cheboygan County, Michigan, described as:

Beginning at the intersection of the North line of Section 12, T35N-R3W and the Westerly Right-of-Way line of Eagles Nest Road; thence Southerly along said Right-of-Way through Section 12 to the intersection of said Right-of-Way with the Westerly Right-of-Way line of South Straits Highway; thence Northeasterly to the Northwest corner of the South 1897.5 feet of the Northeast Fractional 1/4 of Section 7, T35N-R2W; thence East along the North line of said parcel to the North-South 1/4 line of said Section 7; thence South to the East-West 1/4 line; thence West to the West 1/8 line; thence South along said 1/8 line to the South 1/8 line of said Section; thence West along said 1/8 line to the Westerly ROW line of Southbound Interstate 75 (I-75); thence South along said Westerly ROW line to the Westerly ROW line of the Detroit & Mackinac Railroad (D&MRR) in the Northwest 1/4 of Section 18, T35N-R2W; thence Southerly along said Westerly line to the East-West 1/4 line of Section 18; thence West along said 1/4 line to the Easterly ROW line of South Straits Highway; thence Southerly through Section 18 and into Section 24 T35N-R3W, along said line to the Southerly line of River Street; thence Southeasterly to the westerly line of Club Road; thence Southerly to the South line of Martha Street; thence Northwesterly to the Westerly line of the D&MRR; thence Southerly along said Westerly line to the Northerly ROW of Cressy Street in Section 24, T35N-R3W; Northwesterly along said ROW to a line that is offset 150' Southeasterly and parallel with the centerline of S. Straits Highway; thence Southwesterly along said offset line to a line that is offset 330' Northerly and parallel with the centerline of Highway M-68; thence Southeasterly along said offset line to the intersection with the South line of Section 24, T35N-R3W; thence East along said Section line to the Section corner common to Sections 24 & 25, T35N-R3W, & Sections 30 & 19, T35N-R2W, thence East along the North line of Section 30 to the Easterly line of Northbound I-75; thence Southeasterly along said ROW to the Northerly ROW line of Highway/ M68; thence Southeasterly along said line to the East 1/8 line of Section 30; thence South to the South 1/8 line; thence West along said South 1/8 line to the Westerly line of Southbound I-75; thence North along said Right-of-Way line to the North 1/8th line of Section 30; thence West along said 1/8th line to the Section line common to Section 25, T35N-R3W Section 30, T35N-R2W; thence Westerly along the North 1/8th line of Section 25 to the Easterly bank of the Sturgeon River; thence following the Sturgeon River Northerly, Westerly and Southerly along the Northerly bank of said river to a point on the and Easterly Right-of-Way of S. Straits Highway/M-68 where said Highway crosses said river; Southwesterly along the Easterly Right-of-Way of said Highway to the Southerly line of Rainbow's End Trail; thence Southeasterly along said Section line to the Easterly line of Parcel owned by Carron, Inc. (Tax ID#161-025-200-36-00; thence Southerly along said parcel to the North 1/8 line of Section 25; thence West to the Southerly ROW line of S. Straits Highway/M-68; thence Southerly along said ROW line to the East-West 1/4 line of Section 25; thence East to a line that is offset 330 feet East and parallel with S. Straits Highway/M-68; thence South along said offset line to the Northerly line of Northern Pines Subdivision; thence West to the Northeast corner of Lot 1 Northern Pines Subdivision; thence South along the Easterly line of Lot 1 to the centerline of Pine Court; thence West along said centerline to the Easterly line of S. Straits Highway; thence South along said ROW line to the Northwest corner of Lot 55, Indian River Heights; thence Easterly along the North line of said lot to the Easterly line of Lots 55, 54, 37, 36, 19, 18, 17, Indian River Heights; thence South along said Easterly line to the North line of Section 36, T35N-R3W; thence Easterly to a line that is offset 330 feet East and parallel with the West line of Section 36; thence Southerly along said offset line to the extension of the Southerly line of Clem's Subdivision; thence Westerly along said line to Easterly ROW line of S. Straits Highway; thence Southerly along said ROW line to the South 1/8 line of Section 36; thence Easterly along the 1/8 line to the Northwest corner of Lot 68 of Sturgeon Valley Subdivision #2; thence South along West line of said Lot 68 to the Northeast corner of Lot 1 Sturgeon Valley Subdivision; thence South along the East line of Lots 1 through 10 of Sturgeon River Valley Sub; thence South along said East line to the South line of Section 36; thence West to the Westerly line of S. Straits Highway; thence North to the North line of the Southerly 200 feet of the Easterly 600 feet of SE 1/4 Section 35, T35N-R3W; thence West along said North line to the West line of said parcel; thence South along said West line to the South line of section

August 19, 2019

Cheboygan County Planning and Zoning
870 S. Main St., Room 103
Cheboygan, MI 49721

Re: Letter of Authorization for Representation

To whom it may concern:

Please accept this letter as our consent for Sidock Group, Inc. of Gaylord, MI, to represent us in the site review and planning and development process with Cheboygan County and its related departments.

The proposed commercial project is planned to be constructed at 5475 Commerce Blvd (Lot 7) within the existing Commerce Park development and will contain primarily enclosed storage for landscaping equipment and boat dock storage. Future phases may include a small attached office related to the storage building and possible future expansions to the proposed enclosed storage building.

If you have any questions or require additional information, please do not hesitate to contact me at (972) 421-1002 or via email at jerry@pardfw.com.

Thank you for your consideration and we look forward to working with you during this development process.

Sincerely,

Gerard Reis

A handwritten signature in blue ink, appearing to read "Gerard Reis". The signature is fluid and cursive, with a large initial "G" and "R".

Deborah Tomlinson

From: Brent Shank <mgr@chcrc.com>
Sent: Wednesday, September 04, 2019 3:48 PM
To: Deborah Tomlinson
Subject: Re: SUP Application for Sidock Group/Gerard Reis
Attachments: mgr.vcf

Debbie,

Road Commission comments on the proposed SUP:

Dana Nutt/Tower Shores Motel - the new proposed full hookup site #5 will not be permitted to access East Tower Drive directly, access should be off Peninsular Drive.

Sidock Group - a commercial driveway permit will be required that includes concrete curb and gutter with a hard surface in the design.

Thank you

Brent Shank, P.E.

Engineer/Manager

Cheboygan County Road Commission

mgr@chcrc.com

(231) 238-7775

On 9/4/2019 3:13 PM, Deborah Tomlinson wrote:

The following is a link to a special use permit amendment application for Sidock Group, Inc./Gerard Reis: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. Please review the application and site plan and email me any comments prior to Wednesday, September 11, 2019. Thank you!!!

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

Deborah Tomlinson

From: Dave Carpenter <dpcarpenter@voyager.net>
Sent: Friday, September 06, 2019 1:54 PM
To: Deborah Tomlinson
Subject: Re: SUP Application for Sidock Group/Gerard Reis

Hi Deb,

I don't see any major concerns for the Gerald Reis project regarding the fire department.

Respectfully,

David Carpenter
Fire Chief

From: Deborah Tomlinson
Sent: Wednesday, September 04, 2019 3:13 PM
To: David Carpenter (dpcarpenter@voyager.net) ; Kyle Keller ; Brent Shank (mgr@chcrc.com) ; Jay Gailitis (gailitisj@michigan.gov) ; Scott Fisher (FisherS22@michigan.gov) ; Bobbi Balazovic (treasurer@tuscaroratwp.com) ; Craig Waldron (cwaldron@centurylink.net) ; Jane McGinnis (jane@mcvideo.com) ; Mike Ridley (supervisor@tuscaroratwp.com) ; Sue Fisher (clerk@tuscaroratwp.com) ; Dan Nivelt (d-repair@sbcglobal.net) ; jhschams@outlook.com ; Kelly Ashford ; Mike Cherveney ; Mike Vizina
Cc: Jennifer Merk
Subject: SUP Application for Sidock Group/Gerard Reis

The following is a link to a special use permit amendment application for Sidock Group, Inc./Gerard Reis: <http://www.cheboygancounty.net/planning--zoning-31/#sect-1093>. Please review the application and site plan and email me any comments prior to Wednesday, September 11, 2019. Thank you!!!

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

LAW OFFICE OF ROBERT C. KERZKA, P. C. 7380 W. M-68 • P. O. Box 98 • Indian River, MI 49749 • Phone: 231-238-8981 • FAX: 231-238-4545 • e-mail: rkerzka@core.com



RECEIVED FOR RECORD
MARY ELLEN TRYBAN, CLERK/REGISTER
CHEBOYGAN COUNTY, MICHIGAN
02/04/2005 4:18:54 PM

RECEIPT# 10653. STATION 1
\$23.00 RESTRICTIONS



LIBER 978 PAGE 579

DECLARATION OF DEED RESTRICTIONS FOR TUSCARORA TOWNSHIP COMMERCE PARK

Tuscarora Township of P.O. Box 220, Indian River, Michigan 49749 is the owner of the subject property and does hereby place and imposes the following deed restrictions set forth herein on the property listed herein:

PROPERTY COVERED BY DEED RESTRICTIONS:

Tuscarora Township Commerce Park

Part of the South 1/2 of Section 30, T35N-R2W, Tuscarora Township, Cheboygan County, Michigan, described as:

Commencing at the West 1/4 corner of Section 30, T35N-R2W; thence S89°28'28"E along the East & West 1/4 line 764.33 feet (recorded as 764.29 feet) to the centerline of Brudy Road and POINT OF BEGINNING; thence continuing S89°28'28"E along said 1/4 line 1413.21 feet (recorded as 1413.18 feet) to a concrete monument; thence S38°30'23"E 725.93 feet (recorded as S38°32'38"E 726.13 feet) to a concrete monument; thence N51°27'00"E 729.72 feet (recorded as S51°27'22"E 729.78 feet) to a concrete monument on the Southwesterly right of way line of Highway M-68; thence Southeasterly along said right of way line 100.59 feet on a curve to the right said curve having a radius of 4483.66 feet and a chord of which bears S34°03'59"E 100.58 feet to an iron pipe with an MDOT cap; thence S33°25'25"E along the Southwesterly line of Highway M-68 1221.92 feet to a concrete monument; thence N89°28'04"W (recorded as N89°28'28"W) 1901.40 feet to a concrete monument; thence N30°44'27"W 701.05 feet to a concrete monument; thence N89°25'14"W 911.81 feet to the centerline of Brudy Road; thence N00°44'39"W along said centerline 257.72 feet; thence Northerly continuing along said centerline 150.01 feet on a curve to the right, said curve having a radius of 2864.90 feet and a chord which bears N00°45'21"E 149.99 feet; thence N02°15'21"E 192.48 feet (recorded as 192.09 feet) to the POINT OF BEGINNING. Contains eighteen (18) lots numbered one (1) through eighteen (18) inclusive, the total area of the subdivision being 54.17 acres of land, more or less. Subject to and including easements, restrictions, and reservations, if any.

BUILDING AND USE RESTRICTIONS

The subject property listed above is hereby subject to the following restrictions:

1. District Health Department No. 4 must approve the proposed use and/or any changes of use prior to development on each site.
2. Disposal of industrial waste is prohibited.



3. A minimum isolation distance of 75 feet must be maintained between all septic tanks, dosing tanks, discharge lines and drainfields to all wells.
4. Adequate site drainage must be provided on each site.
5. Proper barricades must be provided to protect the septic tank and drainfield from damage from traffic, parking, snow removal, etc.
6. Snow removal must be accompanied in a manner to prevent damage to the sewage disposal system. Plowing in the drainfield area or plowing snow onto the drainfield is prohibited.
7. 50 feet submergence of the well screen will be required to provide additional protection to the aquifer.
8. On-site sewage disposal systems must be located in the areas designated on the site plan.
9. Water wells must be located in the areas as designated on the site plan.
10. Permits for the construction of on-site sewage disposal and water systems are required, and are the responsibility of each individual owner.
11. Site plans shall first be reviewed by the Tuscarora Township Commercial Development Committee for compliance with deed restrictions prior to submittal to the Cheboygan County Zoning Department.
12. Tuscarora Township Commerce Park shall consist of 18 individual development lots or parcels. No platted lot may be further divided, with the following exception: A lot may be divided if the property taken from 1 lot is added to an adjacent lot. Parcel means a contiguous area of land under the same ownership. Lot means a measured portion of land described and fixed in the recorded Plat of Tuscarora Township Commerce Park. All resulting parcels shall conform to applicable Zoning Ordinance. In the event a lot is expanded by adding a portion of an adjacent lot or if any adjacent lots are under the same ownership, then all setback requirements shall apply to the exterior lot lines of the combined lots.
13. Minimum Yard Setbacks:

Front	50 feet
Side	20 feet
Rear	20 feet



14. The side and rear setbacks shall be maintained as greenbelt. The greenbelt may consist of lawn, septic system, storm water management facilities, landscaped or remain in a natural condition.
15. Drives shall not be located closer than 25 feet to adjoining parcels, unless the drive is common access shared by the adjoining parcels or lots.
16. All drainage originating on the site as a result of development shall be retained on the site. The 20 foot side and rear setbacks may be utilized for management of storm water runoff.
17. Upon approval of the site plan and zoning department approval, improvements to the site shall be completed within 12 months for structures and 18 months for landscaping after commencing structure construction.
18. Patron parking shall be located in the front or side yards.
19. All drives shall be hard surfaced from the edge of existing bituminous road to the property line or right of way. Drives shall be constructed in accordance with the standard detail for the commercial park.
20. Onsite lighting is permitted provided the lighting consist of wall packs, low intensity landscape lighting or pole mounted lights with fixtures providing 100% horizontal cutoff.
21. Overhead garage type doors will not be permitted on the roadside elevation of any structure.
22. Signs: All signs shall meet the standards and requirements of the DDA (Tuscarora Township Downtown Development Authority).
23. A 10-foot wide landscape buffer is required in the front yard. The 10-foot landscape buffer will begin at the property line (road right of way) and extend 10 feet onto the property. The minimum requirements for the front yard landscape buffer are contained in Article 17.18.4 and Article 17.18.5 of the Cheboygan County Zoning Ordinance. Additional minimum landscaping requirements for the front yard are as follows:
 - a. One deciduous tree and two evergreen trees, plus one additional deciduous and evergreen tree for each 100 feet of road frontage or fraction thereof.
 - b. Shrubs at a rate of one per each tree required.



LAW OFFICE OF ROBERT C. KERZKA, P. C. 7380 W. M-68 • P. O. Box 98 • Indian River, MI 49749 • Phone: 231-238-8981 • FAX: 231-238-4545 • e-mail: rkerzka@core.com

- c. Plantings shall be located so as not to obstruct the vision of drivers entering or leaving the site.
- d. Landscaped areas shall be provided with sufficient water to maintain plants in a healthy condition.
- e. All planting beds shall be mulched with mulch cover at least 3 inches deep to retain moisture around roots.

24. Unsightly areas as determined by the Cheboygan County Zoning Ordinance or the Tuscarora Township Commercial Development Committee, shall be screened with fencing or landscaping.

In the event any of the restrictions contained herein are deemed invalid or unenforceable by the appropriate court, it shall not affect the remaining restrictions which shall remain in full force and effect.

These restrictions are perpetual and shall run with the land.

Tuscarora Township

DATE: February 3, 2005

By: Eric A. Jacobson
Eric A. Jacobson: Township Supervisor

STATE OF MICHIGAN

COUNTY OF CHEBOYGAN

The foregoing instrument was executed and acknowledged before me on February 3, 2005 by Eric A. Jacobson, Township Supervisor, who also acknowledged that he has authority to sign this document on behalf of Tuscarora Township.

Robert C. Kerzka
Robert C. Kerzka
Notary Public
State of Michigan, County of Cheboygan
My Commission expires: 6-27-2005
Acting in the County of Cheboygan

DRAFTED BY:
Robert C. Kerzka, Attorney
P.O. Box 98
Indian River, Michigan 49749
(231) 238-8981

AFTER RECORDING RETURN TO:
Eric A. Jacobson, Supervisor
Tuscarora Township
P.O. Box 220
Indian River, Michigan 49749
✓ 19-
4-
CR 10653-1



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

<p>Item: A Request for a Special Use Permit to construct a building for indoor storage of landscape equipment and boat docks in a Light Industrial Development (D-LI) zoning district, per section 7.3.14 of the Zoning Ordinance (storage facility for building materials, sand, gravel stone, lumber, storage of contractor’s equipment and supplies).</p>	<p>Prepared by: Jennifer Merk</p>
<p>Date: September 12, 2019</p>	<p>Expected Meeting Date: September 18, 2019</p>

GENERAL INFORMATION

Applicant and Contact: Sidock Group, Inc./Tim Miller

Phone: 989-705-8400

Property Owner(s): Gerard Reis

Property Location(s): 5475 Commerce Blvd., Tuscarora Township

Requested Action: Approval of a Special Use Permit application to construct a building for indoor storage of landscape contractor’s equipment and boat docks in a Light Industrial Development (D-LI) zoning district.

BACKGROUND INFORMATION

The applicant and owner are proposing to construct an indoor storage building (64-ft. x 48-ft.) for commercial storage use for various landscaping equipment and boat docks. The storage of boat docks is not specifically addressed in the Zoning Ordinance; however, storage of contractor’s equipment is identified in section 7.3.14 of the Zoning Ordinance; therefore, a Special Use Permit is required for the use. The Special Use Permit Application and proposed Site Plan also indicate possible future project phases to include a small office area and additional indoor storage buildings.

The subject property is vacant and is located within the industrial park called the Tuscarora Township Commerce Park. In addition to the Zoning Ordinance requirements for the proposed structure and use, there is deed restrictions for building and use listed in the *Declaration of Deed Restrictions for Tuscarora Township Commerce Park*. The Township Supervisor has reviewed the proposed site plan and has determined the building and use meets applicable deed restrictions.

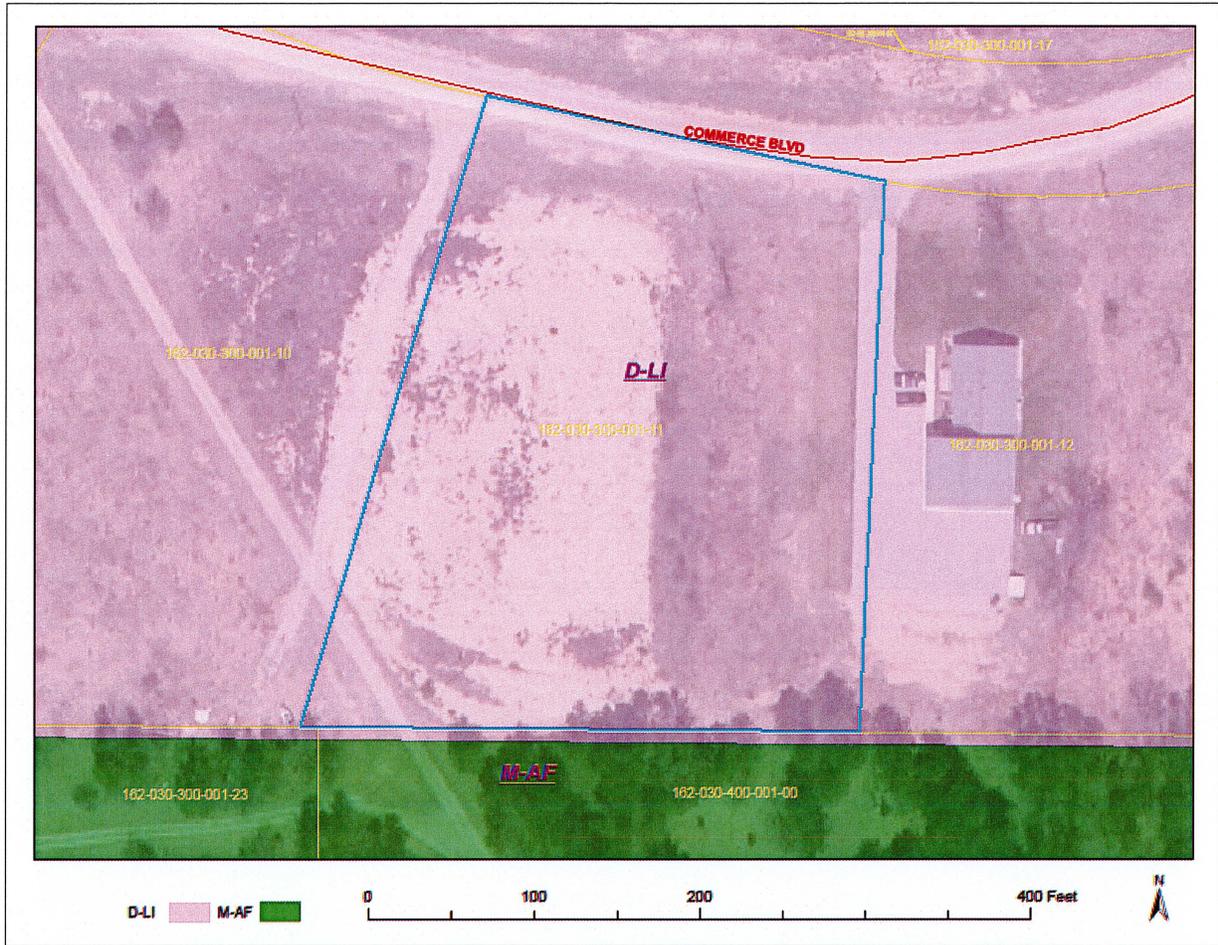


Fig. 1: Zoning of the subject parcel (at center) and surrounding properties
 Pink=Light Industrial (D-LI)
 Green=Agriculture and Forestry Management (M-AF)

Surrounding Zoning:

Light Industrial Development (D-LI) zoning is located to the north, east, and west. Agriculture and Forestry Management (M-AF) zoning is located south of the subject property.

Surrounding Land Uses:

A business is located on an adjacent property to the east. Vacant properties are to the north and west and lie within the Commerce Park. Large tracts of vacant land owned by the State of Michigan and Tuscarora Township are to the south.

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

No environmentally sensitive areas have been identified on the subject property.

Public Comment:

No public comments have been received as of the date of this report.

Historic Buildings/Features:

There are no known historic buildings on the subject property.

Traffic Implications:

As noted the subject property is located in Tuscarora Township's Commerce Park, with sole access provided via M-68 and southward via Commerce Boulevard. Given the nature of the use, it is anticipated that the use would generate only a minor increase in traffic to and from Commerce Park.

Parking:

The Zoning Ordinance does not provide for minimum parking requirements for indoor storage buildings. However, approximately 3,840 square feet of loading and unloading area is indicated on the proposed site plan directly west of the storage building.

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

A 25-foot two-way driveway from Commerce Boulevard is proposed to provide access to the asphalt parking lot and proposed indoor storage building.

Signs:

No sign(s) are proposed with this application.

Fence/Hedge/Buffer:

No fence, hedge or buffer is required for the proposed use in the Light Industrial Development zoning district. An eight-foot high chain-link security fence would be installed six-inches back from the perimeter of the subject property. A 10-foot wide landscape buffer is required and provided for in the front yard according to the deed restrictions listed for the Tuscarora Township Commerce Park.

Lighting:

Building-mounted, full cut-off light fixtures are to be placed on the building as indicated on the submitted elevations sheet. The sheet titled Proposed Site Plan depicts a pole-mounted light with full cut-off LED fixture to be placed at the west side of the asphalt parking lot.

Stormwater management:

Stormwater will be retained on-site. Future site engineering will determine if a detention basin is required.

Review or permits from other government entities:

Applicable permits from the County's Department of Building Safety and the Road Commission will be required.

Recommendations (proposed conditions):

1. Prior to construction, the applicant shall obtain all applicable building permits from the County's Department of Building Safety.
2. The applicant shall comply with the Cheboygan County Road Commission's applicable commercial driveway standards for the proposed use.

Photos of the subject property:



CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, September 18, 2019, 7:00 PM

Applicant

Sidock Group, Inc./Tim Miller
757 S. Wisconsin
Gaylord, MI 49735

Owner

Gerard Reis
2201 W. Royal Lane S-165
Irving, TX 75063

Parcel(s)

5475 Commerce Blvd.
162-030-300-001-11
Tuscarora Township

GENERAL FINDINGS

1. The applicant and owner are seeking a special use permit to construct a building for indoor storage of landscape equipment and boat docks per section 7.3.14 of the Zoning Ordinance.
2. The subject property (tax parcel no. 162-030-300-001-11) is zoned Light Industrial Development (D-LI).
3. The subject property is part of the Tuscarora Township Commerce Park.
4. The Tuscarora Township Commerce Park has deed restrictions listed in the Declaration of Deed Restrictions for Tuscarora Township Commerce Park.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE
(STANDARDS FOR SPECIAL LAND USE APPROVAL)

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 properties subject to the application are located in a zoning district in which the proposed special land use is allowed.
 1. The proposed special use regards property located in a Light Industrial Development (D-LI) zoning district.
 2. The applicant and owner are seeking a special use permit for the construction of an indoor storage building for landscape equipment and boat docks. (see Exhibits 3 and 4)
 3. A storage facility for contractor's equipment and supplies is a use that requires a special use permit in the D-LI zoning district, per Section 7.3.14. (see Exhibit 1)
 - 4.
 5. Standard has been met.
- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
 1. The applicant and owner are seeking a special use permit for the construction of an indoor storage building for landscape equipment and boat docks. (see Exhibits 3 and 4)
 2. The proposed indoor storage building and use will be located on property in an industrial park that is zoned Light Industrial Development (D-LI). (see Exhibit 15)
 - 3.
 4. Standard has been met.
- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
 1. The applicant and owner are seeking a special use permit for the construction of an indoor storage building for landscape equipment and boat docks. (see Exhibits 3 and 4)

2. The proposed indoor storage building and use will be located on property in an industrial park that is zoned Light Industrial Development (D-LI). (see Exhibit 15)
 - 3.
 4. Standard has been met.
- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
1. The applicant and owner are seeking a Special Use Permit for the construction of an indoor storage building for landscape equipment and boat docks. (see Exhibits 3 and 4)
 2. The proposed indoor storage building and use will be located on property in an industrial park that is zoned Light Industrial Development (D-LI). (see Exhibit 15)
 3. The use as proposed will be constructed, designed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. (see Exhibits 3, 4, 5, 6, 8, and 14)
 - 4.
 5. Standard has been met.
- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
1. The applicant and owner are seeking a special use permit for the construction of an indoor storage building for landscape equipment and boat docks. (see Exhibits 3 and 4)
 2. The proposed uses will not place demands of fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers. (see Exhibit 13)
 - 3.
 4. Standard has been met.
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. 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 applicant and owner are seeking a special use permit for the construction of an indoor storage building for landscape equipment and boat docks. (see Exhibits 3 and 4)
 2. There is one existing access to the industrial park by way of Commerce Boulevard off Highway M-68 which in turn provides access to the subject property.
 3. An asphalt driveway is proposed to be constructed off Commerce Boulevard providing access to the subject property. (see Exhibit 4)
 4. The uses as proposed will not generate significant traffic in excess of current capacity on Highway M-68 or Commerce Boulevard.
 - 5.
 6. Standard has been met.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
1. The applicant and owner are seeking a special use permit for the construction of an indoor storage building for landscape equipment and boat docks. (see Exhibits 3 and 4)
 2. Water and sewer facilities or refuse collection are not necessary for the proposed use.
 - 3.
 4. Standard has been met.

- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
 - 1. The special land use request complies with all the specific standards required under this Ordinance applicable to it and is of the same general character as the uses described in Section 7.3.14 -Storage facility for building materials, sand, gravel stone, lumber, storage of contractor's equipment and supplies. (see Exhibit 1)
 - 2.
 - 3. Standard has been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE
(STANDARDS FOR GRANTING SITE PLAN APPROVAL)

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. Changes to the natural contours of the site are comparatively minor and limited to the construction of the driveway, asphalt parking lot and storage building. (see Exhibits 3 and 4)
 - 2.
 - 3. Standard has 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 changes are proposed. (see Exhibits 3 and 4)
 - 2.
 - 3. Standard has been met.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. The applicant has indicated that stormwater will be retained on site and future site engineering will determine whether a detention basin is needed.
 - 2.
 - 3. Standard has been met.
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - 1. Not applicable. No dwelling units are proposed.
 - 2. The proposed Site Plan indicates an eight-foot high chain link security fence will be six-inches back from the property line and largely encircle the subject property. (see Exhibit 4)
 - 3. A 10-foot wide landscape buffer is required and provided for in the front yard according to the deed restrictions listed for the Tuscarora Township Commerce Park. (see Exhibit 4 and 14)
- 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 vehicles is provided via the proposed asphalt driveway from Commerce Boulevard and parking lot adjacent to the proposed indoor storage building. (see Exhibits 3, 4

and 13)

- 2.
 3. Standard has 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 structure would have access to Commerce Boulevard, a public street. (see Exhibits 3, 4 and 7)
 - 2.
 3. Standard has 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 condominiums or subdivision plats 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. Building mounted, full cut-off lights are to be placed on the proposed indoor storage building and a pole light with full cut-off LED fixture is to be placed on the west side of the asphalt parking lot. (see Exhibits 3, 4, 6 and 8)
 - 2.
 3. Standard has 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 Exhibit 2)
 - 2.
 3. Standard has been met.

DECISION

Motion by _____, seconded by _____, to approve the Special Use Permit based on the General Findings, Finding of Fact under Section 18.7 and the Specific Findings of Fact under Section 20.10.

TIME PERIOD FOR JUDICIAL REVIEW

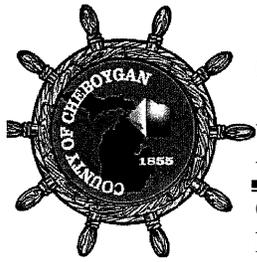
State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, September 18, 2019

Patty Croft, Chairperson

Charles Freese, 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: September 12, 2019
To: Planning Commissioners
From: Michael Turisk, Planning Director *MT*
Re: **Zoning Ordinance Amendment #153 – Amendment of Subsection 18.7.e. in the List of Standards for Special Land Use Approval**

Planning Commissioners,

Recall that after discussions regarding Zoning Ordinance Amendment #153 at our July 17 and August 7 regular meetings, the Planning Commission directed staff to schedule a public hearing item. The attached staff memo dated August 1 and supporting documents serve to provide background on the process to date.

Contact me should you have questions prior to our Wednesday meeting.

Sincerely,

Enclosures:

1. Ordinance #153
2. Staff memo to County Fire Protection and Law Enforcement dated July 22, 2019
3. Staff memo to Planning Commissioners dated August 1, 2019
4. Bryan E. Graham memo to staff dated June 13, 2019
5. Bryan E. Graham memo to Planning Commission dated August 27, 2019

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #153

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS

Section 1. Amendment of Section 18.7.

Section 18.7. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

Section 18.7. Standards for Special Land Use Approval (Rev. 04/26/08, Amendment #74, Rev. 03/01/19, Amendment #151, Rev. __/__/19, Amendment #153)

The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following standards:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.
- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- e. Upon review by public service agencies with jurisdiction, the proposed special land use will not place demands on fire, police or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property and adjacent properties.
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. 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.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.

- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.

Section 3. Severability.

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

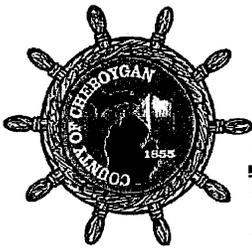
Section 4. Effective Date.

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

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
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MEMORANDUM

Date: July 22, 2019

To: Cheboygan County Fire Protection and Law Enforcement Agencies

From: Michael Turisk, Cheboygan County Planning Director 

Re: **Proposed Cheboygan County Zoning Ordinance Amendment #153 -- --
Amendment of Subsection 18.7.e. (List of Standards for Special Land Use
Approval)**

All,

On July 17, 2019, the Cheboygan County Planning Commission (Planning Commission) considered an amendment of Zoning Ordinance No. 200, Section 18.7. (Standards for Special Land Use Approval), specifically, Subsection 18.7.e. The proposed text amendment seeks to reduce ambiguity and help to ensure that approved Special Land Uses are provided fire and police protection. As part of this effort the Planning Commission has directed County Planning and Zoning Department staff to reach out to you, local fire protection and law enforcement, to garner feedback regarding the proposed text amendment.

Note that the current text in Subsection 18.7.e. of the County Zoning Ordinance reads as follows:

18.7.e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

Note, too, that one (1) of the following three (3) paragraphs has been proposed as a possible replacement of the aforementioned current text in Subsection 18.7.e:

1. The proposed special land use will be covered by existing public fire, police, and emergency medical services and will not substantially increase hazards to the subject property or adjacent properties from fire, wind, and/or surface water runoff. OR
2. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, or the party responsible for the establishment of the proposed special land use shall be able to provide adequately any such service. The special land use will not increase hazards from fire or other dangers to the subject property or adjacent properties. OR

3. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, and will not increase hazards from fire or other dangers to the subject property or adjacent properties.

I respectfully request that you take a few moments to consider the Zoning Ordinance No. 200 text amendment and provide your feedback and/or suggestions via my contact information below. The Planning Commission will continue to discuss this matter at its next regular meeting on August 7, 2019, so I ask that you please provide comments by August 6. Comments will be accepted after this date, but the sooner the better, as it is anticipated that a formal public hearing to consider the amendment will be scheduled for late August or September 2019.

Feel free to contact me should you have questions.

Sincerely,

A handwritten signature in black ink that reads "Michael Turisk". The signature is written in a cursive, slightly slanted style.

Michael Turisk, Cheboygan County Planning Director

P: 231.627.8485

Email: mturisk@cheboygancounty.net

Enclosure(s)

Section 18.7 (Standards for Special Land Use Approval) of the Cheboygan County Zoning Ordinance No. 200 as currently written



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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www.cheboygancounty.net/planning/

MEMORANDUM

Date: August 1, 2019
To: Planning Commissioners
From: Michael Turisk, Planning Director 
Re: **Zoning Ordinance Amendment #153 -- Amendment of Subsection 18.7.e.
(List of Standards for Special Land Use Approval)**

Planning Commissioners,

During continued discussion regarding the aforementioned Zoning Ordinance amendment #153 at our last regular meeting on July 17, 2019 the Planning Commission directed staff to transmit proposed language to local fire protection and law enforcement agencies/departments to solicit feedback that the Planning Commission might consider as we move forward. The attached memorandum was sent on July 22, 2019; however, to date staff has yet to receive feedback or input from recipients.

Recall that Subsection 18.7.e. currently reads as follows:

- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.*

Staff, along with guidance from legal counsel, had proposed the following possible text amendments to replace Subsection 18.7.e. as noted above:

- 18.7.e. The proposed special land use will be covered by existing public fire, police, and emergency medical services and will not substantially increase hazards to the subject property or adjacent properties from fire, wind, and/or surface water runoff.

OR

- 18.7.e. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, or the party responsible for the establishment of the proposed special land use shall be able to provide adequately any such service. The special land use will not increase hazards from fire or other dangers to the subject property or adjacent properties.

OR

- 18.7.e. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, and will not increase hazards from fire or other dangers to the subject property or adjacent properties.

Feel free to contact me should you have questions prior to our regular meeting on August 7, 2019.

A handwritten signature in black ink that reads "Michael Turvek". The signature is written in a cursive, slightly slanted style.

Enclosure(s)

Memorandum to County Fire Protection and Law Enforcement dated July 22, 2019

YOUNG, GRAHAM & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home Ave., P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
www.upnorthlaw.com

Bryan E. Graham
Peter R. Wendling

Nicole E. Essad
James G. Young, *Of Counsel*

M E M O R A N D U M

TO: Michael Turisk, Director **VIA EMAIL**
 Cheboygan County Planning and Zoning

FROM: Bryan E. Graham

DATE: June 13, 2019 BEB

SUBJECT: Section 18.7.e

You indicated in your email message yesterday that the planning commission desires to amend the language in Section 18.7.e, as opposed to repealing that subsection in its entirety. This provision is one of the general standards that must be met for the approval of a special use permit. As currently written, the subsection states:

The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

The subsection as written addresses the adequacy of fire, police, or other public resources in connection with a proposed special land use and requires that the proposed a special land use will not increase hazards from fire or other dangers to the subject property or adjacent properties.

As noted in the recent Heritage Cove matter, Section 18.7.e was difficult for the planning commission to apply. Given the current language, I can understand the difficulties. For example, any additional development can increase hazards from fire or other dangers. In other words, a building constructed on property can be considered an increased fire hazard, as opposed to vacant property. Finally, it is difficult to determine incrementally whether a specific development will exceed the current capacity of fire, police, or other public resources. Therefore, I can understand the need to either repeal or amend the current language of Section 18.7.e.

If the planning commission desires to retain an amended version of Section 18.7.e, I suggest the following language:

The proposed special land use will be covered by existing public fire, police, and emergency medical services and will not substantially increase hazards to the subject property or adjacent properties from fire, wind, and/or surface water runoff.

I included the requirement of "substantially increase," since that language is consistent with other subsections within Section 18.7. I also included wind in the proposed language because in very limited circumstances the construction of multiple high-rise buildings can concentrate wind flow that could have an adverse impact on the subject property or adjacent properties. If the planning commission believes this impact is too remote, then wind can be removed.

If you or the planning commission has questions, please do not hesitate to contact me.

BEG

YOUNG, GRAHAM & WENDLING, P.C.

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Bryan E. Graham
Peter R. Wendling

Nicole E. Essad
James G. Young, *Of Counsel*

M E M O R A N D U M

TO: Cheboygan County Planning Commission **VIA EMAIL**

FROM: Bryan E. Graham *BEG*

DATE: August 27, 2019

SUBJECT: Proposed zoning ordinance amendment concerning Section 18.7.e

It is my understanding that the planning commission will be holding a public hearing on September 18, 2019 concerning a proposed amendment to Section 18.7.e of the zoning ordinance. The purpose of this memo is to raise concerns I have with the proposed amended language. The language being proposed for Section 18.7.e is the following:

Upon review by public service agencies with jurisdiction, the proposed special land use will not place demands on fire, police or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property and adjacent properties.

The following are my concerns regarding this proposed language:

1. How will the planning commission determine the current capacity of fire, police or other public resources? Such a finding concerning the current capacity is necessary before the planning commission can determine whether the proposed special land use will place demands on those services in excess of the current capacity. In addition, how will the planning commission determine whether the proposed special land use will place demands in excess of the current capacity?
2. The proposed language concerning increased hazards from fire or other dangers is written in absolute terms. Any development of land, at least in a minute way, will increase hazards. For example, any building constructed on land will increase fire hazards when compared with vacant property. Therefore, it is my recommendation that the language be revised to state that the proposed special land use will not "substantially" increase the hazards.

3. The essence of this standard deals with fire, police or other public resources that will serve the proposed special land use. However, in the last line of the standard the language provides “or other dangers.” The reference to other dangers in the language is not tied in any way to the fire, police or other public resources discussed earlier in the standard. As a result, if this basic language is retained, then I suggest that this language be modified to read “or other dangers related to providing public services.”

As you know, I provided proposed language for this standard in my memo dated June 13, 2019 to Michael Turisk. The language I provided avoids the legal concerns addressed in this memo. Another way to avoid these legal concerns is to repeal this standard in its entirety. However, it is my opinion that if the proposed language is enacted by the board of commissioners, then there remains the likelihood of future litigation concerning this standard.

If planning commission members have questions, please do not hesitate to contact me.

BEG

cc: Jeffery B. Lawson, Administrator (via email)

Deborah Tomlinson

From: DAVID LURIE <dlurie2001@comcast.net>
Sent: Thursday, August 08, 2019 9:57 AM
To: Deborah Tomlinson
Cc: Walt Czapiga
Subject: Fwd: FOIA and 18.7.e

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Debbie:

Please include the email below in the packet for Cheboygan County Planning Commissioners. Thank you.

If you have any questions, please let me know.

Best Regards,

Dave Lurie

----- Original Message -----

From: DAVID LURIE <dlurie2001@comcast.net>
To: "Michael C. Turisk" <mturisk@cheboygancounty.net>
Cc: Walt Czapiga <walt.czapiga@gmail.com>, "Howard, Scott" <Scott@envlaw.com>, Dave Lurie <dlurie2001@comcast.net>
Date: August 8, 2019 at 9:46 AM
Subject: FOIA and 18.7.e

Dear Michael:

I left you a voice message this morning.

In the voice message I indicated that we had filed a FOIA indicating that any and all documents related to Heritage Cove Farm in the past and into the future be sent to my attention.

I noticed that on page 12 of the revised packet sent to Planning Commissioners for the 8/7/2019 meeting was a letter from Mr. Carl Muscott dated August 5, 2019 which mentions Heritage Cove Farm and the Planning Commission's proposed changes to ordinance 18.7.e. Why did I not receive a copy of that letter under the FOIA application?

In addition, I would like to know if a vote was taken on the proposed changes to 18.7.e during the meeting on August 7, 2019.

We believe that it was the intent of the Planning Commission to manipulate the language of this ordinance at the same time there was litigation in the Cheboygan County Circuit Court that directly involved your existing 18.7.e. ordinance.

Thank you for your response.

Sincerely

Dave Lurie - President - Grandview Beach Association

cc: Scott Howard - Attorney



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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MEMORANDUM

Date: September 12, 2019

To: Planning Commissioners

From: Michael Turisk, Planning Director *MT*

Re: **Zoning Ordinance Amendment #154 – RE: Home Occupations and Bathroom Facilities in Private Storage Buildings**

Planning Commissioners,

Recall that Amendment #154 was considered and discussed previously on July 17 and August 7 and would allow for Home Occupations and bathroom facilities in stand-alone private storage buildings. It is a parallel distinction of previous, broad policy-related discussion regarding the cultivation of a more small business friendly environment, to encourage small business development in Cheboygan County.

Similar to documents previously distributed, the following provides a summary of Amendment #154 and vetted by legal counsel. Note that added text is shown as **boldfaced** while deleted text is identified by **red** strikethrough:

In Article 2 (Definitions):

Provides the following amended definitions:

- *Private Storage Building*
A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping and/or cooking **and/or sanitation including but not limited to a toilet facility.**
- *Private Storage/Workshop Building*
A building that is used for private, non-commercial storage or home workshop purposes **or home occupation purposes** with no provisions for overnight living or sleeping areas.
- *Agricultural/Private Storage/Workshop Building*
A building that is used for both agricultural and private non-commercial storage, home workshop purposes **or home occupation purposes** with no provisions for overnight living or sleeping areas.

- Contractor
General builders engaged in the construction or modification ~~or~~ of residential, commercial, and industrial structures and/or involved in activities such as masonry, paving, highway construction, and utility construction ~~and excluding home occupations as defined in the ordinance.~~
- Home Occupation
Any commercial business operation on a residential use parcel by the residents thereof **or within a stand-alone private storage building** and that does not conflict with or operate out of character with any surrounding land uses.

In Article 17 (Supplement Regulations and Standards):

- 17.21.3.A. (Home Occupation Standards) -- The term “private storage building” has been added:
Home occupations must be conducted within the principal residential structure ~~and~~, permitted accessory structures **or private storage building**.
- Subsection 17.23.1.b. indicates that no home occupations or home occupation related activity can occur on the property or within the building. This text is proposed to be deleted in its entirety.
- Includes home occupations as permitted under Subsection 17.23.1.c:
17.23.1.c. Only goods, ~~and~~ material storage **and/or approved home occupations are is** permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- Currently, Subsection 17.23.1.h. indicates that no bathroom facilities are permitted in private storage structures; therefore, the amendment would delete said text.
- Subsection 17.23.1.j. includes the text in **green**:
17.23.1.j. **Except for approved home occupations**, the structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

Please feel free to reach out should you have questions. See you on Wednesday evening.

Sincerely,



Enc.

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #154

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO HOME OCCUPATIONS AND PRIVATE STORAGE BUILDINGS

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Ordinance 200 is hereby amended to amend the following Definitions, which shall read in their entirety as follows:

PRIVATE STORAGE BUILDING

A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping and/or cooking.

PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for private, non-commercial storage or home workshop purposes or home occupation purposes with no provisions for overnight living or sleeping areas.

AGRICULTURAL/PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for both agricultural and private non-commercial storage, home workshop purposes or home occupation purposes with no provisions for overnight living or sleeping areas.

CONTRACTOR

General builders engaged in the construction, modification, or residential, commercial, and industrial structures and/or involved in activities such as masonry, paving, highway construction, and utility construction.

HOME OCCUPATION

Any commercial business operation on a residential use parcel by the residents thereof or within a stand-alone private storage building and that does not conflict with or operate out of character with any surrounding land uses.

Section 2. Amendment of Section 17.21.

Section 17.21. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 17.21. HOME OCCUPATIONS (Rev. __/__/19, Amendment #154)

Cheboygan County recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

17.21.1 ADMINISTRATION

A. Home occupations requiring zoning permits are those involving any of the following:

- 1.) Requires an additional on site, non-resident employee.
- 2.) Requires commercial signage.
- 3.) Requires additional parking for or results in additional traffic from customers.
- 4.) Requires commercial deliveries or pick ups of materials or supplies used in the home occupation.

B. No home occupation shall be conducted until a zoning application has been approved by the Zoning Administrator. The application shall include the following:

- 1.) The type of business and business activities.
- 2.) The number of employees.
- 3.) The vehicles used in the home occupation.
- 4.) The number of expected customer visits per day.
- 5.) The number of expected deliveries/drop offs.

17.21.2 PERMITTED USES

It is recognized that this list may not be totally inclusive. The Zoning Administrator shall determine whether a request is similar to a following listed use as to approve or deny.

- A. Home offices, including architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors, and accountants
- B. Home studios, including artists, sculptors, musicians, photographers, and authors
- C. Personal services, including barbershops and beauty parlors
- D. Instructional services, including music, dance, art, and craft classes
- E. Repair services, including small appliances, small engines, and computers/electronics
- F. Workrooms, including weaving and woodworking
- G. Day care homes

17.21.3 STANDARDS

- A. Home occupations must be conducted within the principal residential structure, permitted accessory structures or private storage building.
- B. Customer visits and delivery vehicles are limited to the hours of 8am to 7pm.
- C. Delivery vehicles are limited to passenger vehicles, mail carriers, and express carriers.
- D. Nonresident employees on the premises are limited to one (1) at any one time.
- E. Home occupations shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.
- F. Home occupations shall not generate waste or sewage in volume or type which is not normally associated with residential use.

17.21.4 CONDITIONAL APPROVALS

The Zoning Administrator may impose reasonable conditions with the approval of an application, pursuant to Section 17.21.3 of this Ordinance.

Section 3 Amendment of Section 17.23.

Section 17.23. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 17.23 PRIVATE STORAGE BUILDINGS AND USES (Rev. ___/___/19, Amendment #154)

Cheboygan County recognizes the desire and/or need of some citizens to have a parcel that is used primarily for indoor storage of items that are typically used in a home or to store equipment used for maintenance of a single family home or enjoyment by the residents of a single family home. Private storage is a primary use, not subordinate to another use on the same property. Placement of a private storage building on the property should support the future placement of a residence.

Section 3. 17.23.1 STANDARDS

The following standards apply to private storage buildings and uses on the Residential (D-RS), Rural Character/Country Living (D-RC) and Lake and Stream Protection (P-LS) zoning districts. Private storage buildings that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards.

- a. The structure shall not serve as a residence or dwelling of any kind.
- b. Only goods and material storage and/or approved home occupations are permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- c. If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- d. No more than two (2) private storage buildings are allowed per acre of contiguous property under the same ownership as recorded with the office of the register of deeds with a maximum of four (4) storage buildings allowed for all properties under the same ownership.
- e. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements:
 1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.
 2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.
 3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.
- f. In the P-LS district, all private storage buildings must meet a minimum setback from the water's edge of 50 feet and must meet all other applicable setbacks for the zoning district in which located.
- g. The structure may not be used to house or support animals of any type.
- h. Except for approved home occupations, the structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

Section 3. Severability.

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

Section 4. Effective Date.

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

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk