

**NOTICE OF PUBLIC MEETING**  
**COUNCIL CHAMBERS-VILLAGE HALL**  
102 South Huron Avenue  
231-436-5351

7:00 P.M.

June 12, 2014

**PLANNING COMMISSION**  
**PUBLIC HEARING**

1. **Request to rezone parcel #014-020-100-004-00, located at 10888 West US 23, from RM to B1**

**AGENDA-SPECIAL MEETING**  
**MACKINAW CITY PLANNING COMMISSION**

- I. Call to Order/Welcome
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Minutes
- V. Public Comment
- VI. New Business
  1. Rezoning of Parcel # 014-020-100-004-00 from RM to B1
  2. General Review of PUD
- VII. Old Business
- VIII. Commissioner Comments
- IX. Commissioner Calendar  
June 26, 2014
- X. Adjournment

All communication, petitions, additions, etc. must be in the office of the Village Secretary by 12 o'clock noon on the Monday preceding the second and fourth Thursday of every month to be on the Agenda



# Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701  
Telephone: (231) 436-5351 Fax: (231) 436-4166  
[www.mackinawcity.org](http://www.mackinawcity.org) [village@mackinawcity.org](mailto:village@mackinawcity.org)

**VILLAGE OF MACKINAW CITY  
102 SOUTH HURON AVENUE  
MACKINAW CITY, MI 49701  
Phone: 231-436-5351**

## **NOTICE OF PUBLIC HEARING ON REZONING OF PROPERTY**

The Village of Mackinaw City Planning Commission is holding a Public Hearing to receive written and verbal comments on language to amend Mackinaw City's Zoning Ordinance as follows:

Amendment to Ordinance 138, REZONING of parcel #014-020-100-004-00. This property is located at 10880 West US-23. The property is currently zoned RM and the request is for it to be rezoned B-1.

The Mackinaw City Planning Commission will hold a public hearing for such amendments at a special meeting to be held **June 12, 2014** at 7 PM, within the Mackinaw City Municipal Building located at 102 S. Huron Avenue, Mackinaw City, MI 49701.

A detailed copy of the RM and B-1 zoning district is available for inspection at the above address and on the Internet at <http://www.mackinawcity.org>.

Rosada Mann  
Planning Commission Chairperson



RICHARD BARTH  
TMR INVESTMENTS  
5889 Vintage Garden Court  
Las Vegas, NV 89148

(810) 623-0466

April 10, 2014

RECEIVED  
4-14-2014

Fred Thompson  
Village of Mackinnaw  
102 S. Huron  
Machinaw City, Mi 49701

Re: Rezoning 10880 US 23

Dear Mr. Thompson

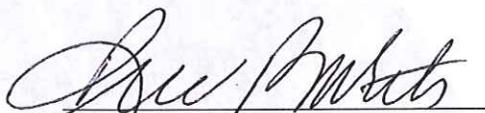
I wish to change the zoning on my property to commercial. Please find enclosed my check for \$300.00 per your conversation with my agent, Gil Chamberlain.

There has been some confusion in the past concerning the correct address of the property but I think 10880 is correct. Please check against your records.

Any questions please feel free to contact me.

Awaiting your reply, I remain

Very truly yours,



Rick Barth  
Owner

## **Fred Thompson**

---

**From:** Steve Schnell [steve@cheboygancounty.net]  
**Sent:** Tuesday, February 18, 2014 3:08 PM  
**To:** Fred Thompson  
**Subject:** zoning map around the shores  
**Attachments:** Shores\_zoning.pdf

Fred,

This is the zoning around the parcel. The red is Commercial, blue is Lake & Stream, green is Ag/Forest, yellow is Residential.

Let me know if you have any questions.

Steve

### **Steve Schnell, AICP**

Community Development Director

Cheboygan County

870 S. Main St., PO BOX 70

Cheboygan, MI 49721

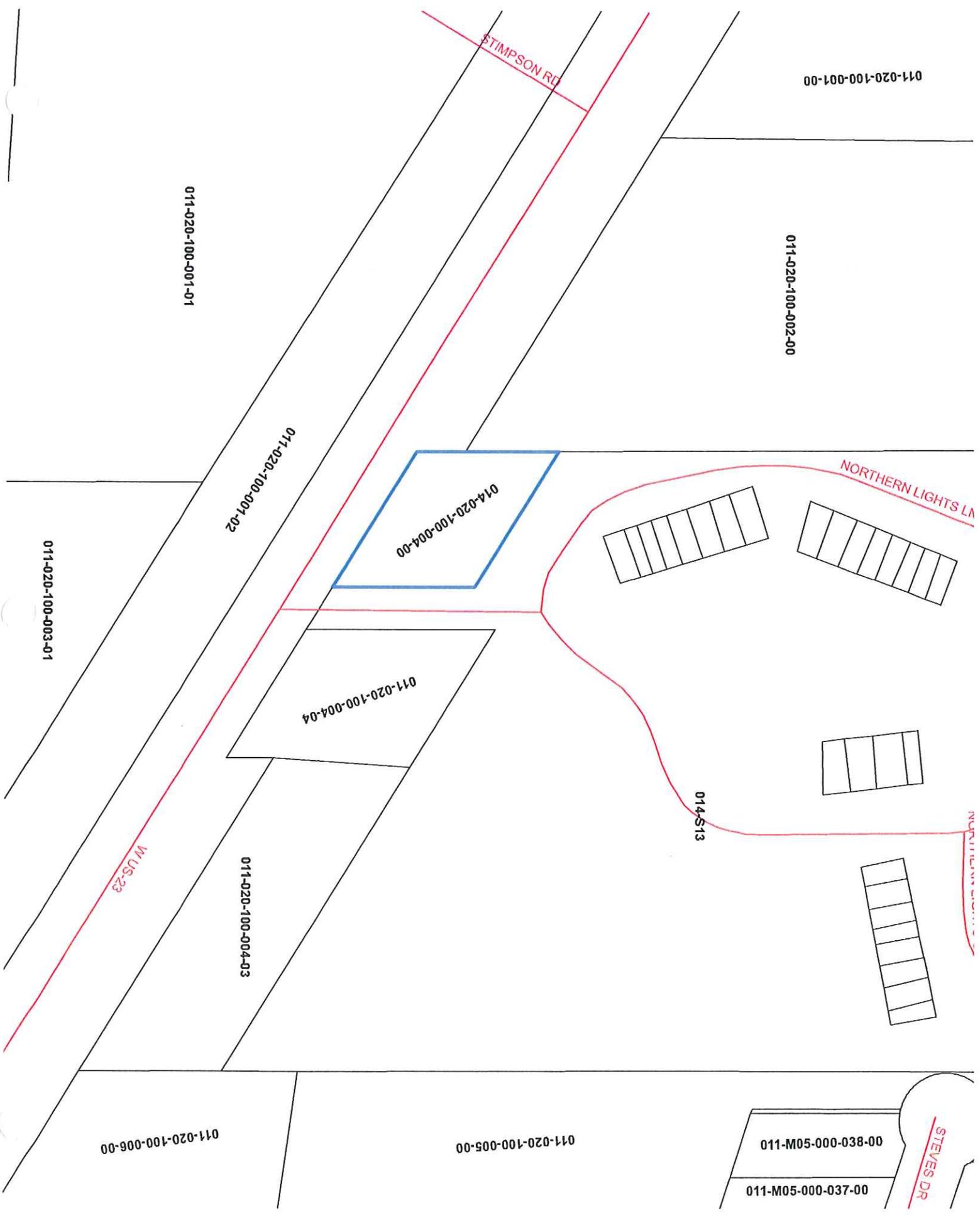
[steve@cheboygancounty.net](mailto:steve@cheboygancounty.net)

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

Phone: 231-627-8485

Fax: 231-627-3646

Cell: 231-445-2599



011-020-100-001-00

011-020-100-002-00

011-020-100-001-01

011-020-100-001-02

011-020-100-003-01

014-020-100-004-00

011-020-100-004-04

011-020-100-004-03

011-020-100-006-00

011-020-100-005-00

011-M05-000-50W-110

00-72-M05-000-037-0-0

STIMPSON RD

NORTHERN LIGHTS LN

W US-23

STEVES DR

014-S13

## **ARTICLE XI. B1 - BUSINESS DISTRICT**

### **Sec. 11-101 PRINCIPAL PERMITTED USES.**

In the B1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products, and baked goods.
- B. Confectioneries, delicatessens, restaurants and taverns.
- C. Museums.
- D. Financial institutions.
- E. Laundromat & dry cleaning.
- F. Offices for plumbing, roofing, heating contractors, decorators, upholsterers, and similar establishments.
- G. Funeral parlors and mortuaries.
- H. Shoe repair shop.
- I. Watch, television, and radio repair shops.
- J. Barber and beauty shop.
- K. Professional office, except medical or dental clinics.
- L. Retail shops.
- M. Theaters, assembly halls, concert halls and similar places of assembly.
- N. Public utilities.
- O. Single and two-family dwellings.
- P. Mixed uses i.e., commercial and residential uses combined in one (1) building.
- Q. New and used car sales including outdoor displays of vehicles.
- R. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- S. Off-street parking in accordance with the requirements of Section 4-109.
- T. Car Wash.
- U. Health Spa.

### **Sec. 11-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.**

- A. Hotels, motels, and motor court in accordance with Section 23-105.
- B. Medical or Dental Clinics in accordance with Section 23-114.
- C. Office Developments in accordance with Section 23-115.
- D. Hospitals in accordance with Section 23-124.
- E. Bowling Alleys, skating rinks and indoor recreation facilities subject to 23-108.
- F. Gasoline filling stations as defined in Section 2-102 subject to Section 23-125.
- G. Employee/Boarding Housing in accordance with Section 23-130.
- H. Assisted Living Facility in accordance with Section 23-133. (Amended 9/04)
- I. Temporary and Seasonal Unpaved Boat Line Parking. (Amended 4/10)
- J. All open air businesses in accordance with Section 23-109. (Amended 6/16/11)

### **Sec. 11-103 SITE PLAN APPROVAL.**

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

## ARTICLE IX. RM - MULTIPLE FAMILY DISTRICT

### Sec. 9-101 PRINCIPLE PERMITTED USES.

In the RM District, no use shall be permitted unless otherwise provided in this Ordinance, except for the following:

- A. Multiple Dwelling Class 1
- B. Apartments.
- C. Townhouses.
- D. Churches.
- E. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- F. Off-street parking and landing requirements in accordance with Section 4-109.

### Sec. 9-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Nursery Schools subject to Section 23-107.
- B. Public utility buildings.
- C. Private clubs and lodges subject to Section 23-121.
- D. Convalescent and nursing homes subject to Section 23-122.
- E. Housing for the elderly in accordance with Section 23-111.

### Sec. 9-103 SITE PLAN APPROVAL.

For permitted use and use subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

### Sec. 9-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

- A. Lot Dimensions
  - 1. Minimum Lot width: 200 ft.
  - 2. Minimum Lot Area: - (See Sec. 22-102C)
  - 3. Maximum Lot Coverage: 40%
- B. Maximum Building Height
  - 1. Stories: 3.5
  - 2. Height: 35 ft.
- C. Yard Setbacks
  - 1. Front: 40 ft. (See Sec. 22-102A)
  - 2. Sides: 20 ft.
    - a. Total of 2: 40 ft.
  - 3. Rear: 20 ft.
  - 4. Distance between buildings 30 ft. all sides
  - 5. Parking lots: (bldgs >3 families) 25 ft. all sides

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## ARTICLE XXIV. ADMINISTRATION AND OPERATION

### Sec. 24-101 CHANGES, AMENDMENTS.

The Village Council is authorized and empowered to cause this Ordinance, or any portion thereof, to be amended, supplemented or changed in either the district boundaries as illustrated on the zoning map or the regulations herein established, pursuant to the authority of and according to the procedures set forth in the Zoning Act, as amended.

A. The procedure for amending this Ordinance shall be as follows:

1. Each petition shall be submitted to the Village accompanied by a rezoning fee, as listed on the Permit and Application Fee Schedule held by the Village Clerk and Zoning Administrator, and then referred to the Planning Commission at the next regularly scheduled meeting.
2. The procedure for amending the ordinance, whether for rezoning or other zoning ordinance amendments will follow Section 24-105.
3. Following the public hearing, the Planning Commission shall submit a final report to the Village Council, containing a summary of the comments received at the public hearing and its recommendation on the proposed amendment(s).
4. The Village Council may hold additional public hearings on the proposed amendments if it deems such hearings appropriate. Upon receipt of the Planning Commission's final report, the Village Council may adopt the amended ordinance and maps, with or without changes, or refer the proposed amendments to the ordinance and/or maps again to the Planning Commission for further study and report.
5. Upon presentation of a protest petition against such proposed amendment to this Zoning Ordinance to the Village Council, signed by the owners of at least twenty (20) percent of the area of land in the proposed change or twenty (20) of owners of land within an area extending outward one hundred (100) feet from the boundary of the land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. All publicly owned lands shall be excluded in calculating the twenty (20) percent land area required.
6. Following adoption of such amendment to this Zoning Ordinance by the Village Council, the Village shall publish one (1) notice of adoption in a newspaper of general circulation in the Village within fifteen (15) days after the date of adoption. The notice shall include the following information:
  - a. A summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
  - b. The effective date of the Ordinance.
  - c. The place and time where a copy of the Ordinance may be purchased or inspected.

(Amended Feb., 2007)

### Sec. 24-102 VIOLATION, ENFORCEMENT.

- A. Buildings or structures erected, altered, razed, or converted, or uses carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. The court may order such nuisance abated, and the owner or agent in charge of such building or land or both may be adjudged guilty of maintaining a nuisance.

Rezoning Request is \$300.00

- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, lessee or tenant of the land or building or part thereof where violation has been committed or exists shall be guilty of a misdemeanor and the owner, agent, architect, builder or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any building or land in or on which such violation exists, shall be guilty of a civil infraction, and shall be punished by a fine of not more than five hundred (\$500.00) dollars for each offense, or shall be punished by imprisonment in jail for a period not to exceed ninety (90) days. If the owner, lessee, or tenant is an unincorporated association or a non-profit membership corporation, every member of such association or corporation shall be deemed guilty of a civil infraction as herein provided and subject to the penalties herein specified. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. The Village or any interested party may apply to any court of competent jurisdiction to restrain any person, firm or corporation from such disobedience or threatened violation, notwithstanding such disobedience or violation may be punishable by a fine or imprisonment as above provided.

**Sec. 24-103 BOARD OF APPEALS.**

The Village Council shall function as the Mackinaw City Board of Appeals. The Village Clerk shall serve as Secretary of the Board. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken upon each matter considered. The Village President shall serve as Chairman of the Board and is a voting member of the Board of Appeals.

Meetings of the Board shall be held at such times and places as may be designated by the Clerk. The Clerk is authorized to call such meetings at any time when matters are pending requiring attention by the Board. The Clerk shall call such meetings whenever:

- A. A meeting is to be held as previously determined by the Board.
- B. The Clerk is so instructed by the Chairman.
- C. The Clerk is so instructed in writing by any other three members of the Board. Five (5) members shall constitute a quorum. (November 6, 1980.)

**Sec. 24-104 VARIANCE AND APPEALS.**

- A. A demand for a zoning appeal is received by the zoning administrator. Appeals can be filed by:
  - 1. a person aggrieved, or
  - 2. an officer, department, board, or bureau of the state or local unit of government.
- B. The Appeals Board shall have the authority to hear appeals concerning:
  - 1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
  - 2. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
  - 3. All decisions of the zoning administrator.
  - 4. All decisions concerning site plan review.
  - 5. All decisions of the planning commission concerning special use permits.
- C. Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.

1. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
  2. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.
- D. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- E. The notices shall be given according to Section 24-105 Public Notice.
- F. The appeals board shall hold a hearing on the demand for appeal.
1. Representation at Hearing – Upon the hearing, any party or parties may appear in person or by agent or by attorney.
  2. Standards for Variance decisions by the appeals board: The appeals board shall base its decision on variances from the strict requirements of this ordinance so that the spirit of the ordinance is observed, public safety secured, and substantial justice done based on the following standards:
    - a. For non-use variances: a non-use variance may be granted by the Zoning Board of Appeals in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
      1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
      2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
      3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other non-use requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
      4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
      5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
    - b. For Use Variances: Under no circumstances shall the appeals board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- G. If the demand for appeal is for a variance the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a non-use variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision.

1. At a minimum the record of the decision shall include:
    - a. Formal determination of the facts,
    - b. The conclusions derived from the facts (reasons for the decision)
    - c. The decision.
  2. Within eight days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties.
- H. Any person having an interest affected by such decision shall have a right to appeal to Circuit court within 30 days of the certified decision of the appeals board, as provided by law.

(Amended Feb.,2007)

**Sec. 24-105 PUBLIC NOTICE.**

24-105.1 Public Notification: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Mackinaw City and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:
  1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
  4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
  5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. Personal and Mailed Notice
  1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
    - a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    - b) Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request

that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Mackinaw City. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

c) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to 24-105.2, Registration to Receive Notice by Mail.

2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

**24-105.2 REGISTRATION TO RECEIVE NOTICE BY MAIL:**

A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the zoning administrator to receive written notice of all applications for development approval pursuant to 24-105.1.C.1.c), Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

B. Requirements: The requesting party must provide zoning administrator information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

(Amended Feb., 2007)

24-106 and 24-107 RESERVED FOR FUTURE AMENDMENTS.

**Sec. 24-108 ADMINISTRATIVE OFFICES.**

- A. To administer and enforce regulations and restrictions hereafter set forth, there is hereby established the office of Zoning Administrator or Community Development Director to be filled by an appointee of the Village President, subject to approval by the Village Council.
- B. The Zoning Administrator or Community Development Director may delegate clerical, filing, and recording work to the clerical employees of the Village. The Zoning Administrator or Community Development Director shall be responsible for the enforcement of all the provisions of the Ordinance, and shall have the authority to enter any premises, at any reasonable time, when necessary, for the purpose of investigating or inspecting any building conditions. It shall be the duty of the Zoning Administrator or Community Development Director to receive and examine all applications for permits required by this Ordinance and to approve or reject such application. He shall collect all special fees established hereby and turn them in daily to the Village Treasurer. He shall make such inspections as are necessary and he shall have authority to revoke a permit as hereinafter provided.
- C. Authority given to any person or board under this Ordinance shall be construed as adding to and not taking from the authority held under any other chapter or ordinance of the Village. The powers and duties contained in this Ordinance shall be construed as separate and distinct from authorities or duties required of any official or board under any other ordinance of the Village, and shall not be construed as conflicting herewith or limiting the scope thereof.

**Sec. 24-109 ZONING PERMITS.**

- A. Before proceeding with the erection, alteration, repair, moving, or removing of any building, or part thereof, or any type of paving including but not limited to paving a driveway, entrance to a driveway, part of a parking lot, whether paved previously or not, or paving in the right of way for access to private property, or any improvement to a parcel made to increase or improve vehicular access, an owner or his authorized agent shall obtain a permit from the Zoning Administrator or Community Development Director. The applicant for a permit must file with his request a set of plans and written specifications sufficient to clearly and fully indicate the nature of the contemplated work and the kind and quality of materials to be used therein, together with an estimate of the cost. Drawings shall be made to scale not less than one-eighth (1/8) inch to one (1) foot, and shall clearly indicate the size of structural members, walls, and openings, the position of the building on the site with reference to property and street lines and adjacent buildings, and such other information as may be required by this Ordinance or necessary to provide for the enforcement of this regulation. It shall be the duty of all lot owners to have accurately located all corners and boundaries of their properties prior to building thereon. (Amended: 10/06)
- B. A record of such applications and plans shall be maintained by the Village for such periods of time as the Village Council deems necessary.

Village of Mackinaw City  
Richard Barth TMR Investments  
10888 US 23  
Rezoning Request Analysis  
June 12, 2014

Richard Barth, TMR Investments, 5889 Vintage Garden Court, Las Vegas, NV 89148, would like to have Parcel # 014-020-100-004-00 rezoned from (RM) Multiple Family to (B1) Business District. The property is located at 10888 US 23, Mackinaw City, MI 49701.

Rezoning Permit: 2014-ZP-004

Requirements: Sec. 24-101 Changes and Amendments in accordance with Sec. 24-105 of the Village Zoning Ordinance #138.

Requested Action:

The applicant has requested to change the zoning of the parcel from RM to B1 Zoning.

Finding of Facts: Staff offers the following for consideration:

- \* This parcel is in a P.U.D. Development that is a 425 Project between the Village of Mackinaw City and Mackinaw Township.
- \* The surrounding parcels on US 23 are Cheboygan County zoning-Commercial.
- \* The Village's B1 District is similar to Cheboygan Counties Commercial District.
- \* On recent correspondence the address has been incorrect, The correct address is 10888 US 23.

## Planned Unit Development Review

source: *Community Planning & Zoning Audit, Planned Unit Development (E-3057)*; Michigan State University Extension Land Use Team

Is the PUD as a special use application reviewed to determine if the proposed special land use meets the following standards?

- a. The use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area in which it is proposed.
- b. The use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities.
- c. The use shall not create excessive additional requirements at public cost for public facilities and services.
- d. The use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Are the following issues considered to determine the appropriateness of a PUD as a special use in a particular area in relation to the general health, safety, and welfare of the community at large? This includes:

- a. Accessibility of the property in question to fire and police protection.
- b. Traffic conditions (especially adding to a hazardous situation).
- c. Transportation design requirements, if any, that will be needed to accommodate any traffic impact from the use intended.
- d. Appropriateness of the location, nature, and height of the proposed use to the sizes, types, and kinds of buildings, uses, and structures in the vicinity and adjacent properties.
- e. Appropriateness of the land use in relation to the safety and convenience of people.

Are the following issues considered to determine the appropriateness of a PUD as a special use in a particular area?

- a. Any potential decrease in the pleasant use and enjoyment of adjacent buildings, uses, and structures permitted by right under current zoning and that might be reflected in decreases in property values, if the proposed PUD as a special use were approved.
- b. Harmony with the local master plan, which considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets (giving access to it), and parks and drainage systems will be in harmony with the character of land use intended for the area or district in question as stated in the master plan.
- c. Impacts of the applicant's proposed use, its location and intensity, and the height of its buildings, walls, fences, and other structures upon the appropriate character of development existing or planned for the area.
- d. Any hazards arising from storage and/or use of flammable fluids or other hazardous substances.
- e. That the operation in connection with any special use is not environmentally objectionable to nearby properties because of noise, fumes, pollution, vibration, or light to an extent that is more than would be expected of any use permitted by right in the district in which the special land use is proposed.