EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING
THURSDAY MAY 7, 2009
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770
MINUTES

MEMBERS PRESENT: Kelly Alexander, Sue Anderson, Leroy Gregory, Jack Jones, John Eby, Dan Plasencia, Steve Neal, David Laughbaum

MEMBERS ABSENT: James Scott

STAFF: B. Michalek, T. Doernenburg, M. Linehan

VISITORS: Robert Drost, Dennis Cross, Robert Cardinal, Jane Cardinal, Dick Oelke, Paul Matthews

I Call to Order and Attendance
The meeting was called to order at 7:30 p.m. by Chairman Eby. All members were present except Scott.

II Minutes of April 9, 2009 meeting
Anderson made a motion, supported by Alexander, to approve the minutes of the April 9, 2009 meeting as presented. The motion passed by a unanimous voice vote of the members present.

III Cases

1. Case #4B-96 Drost Landscaping, SITE PLAN REVIEW-AMENDMENT, 2010 Cedar Valley Rd, Section 16, Bear Creek Township

Legal Notice: A request by Drost Landscape for Site Plan Review at 2010 Cedar Valley Road, Section 16, Bear Creek Township. The proposal is to amend the site plan to allow for the construction of a 15’x42’ addition to an existing storage building. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-16-200-004. The review is per Section 800-6 of the Zoning Ordinance. The use was originally approved by the Planning Commission in 1996.

Packet items: 4/20/09 nursery plan, 4/20/09site plan, 4/23/09 revised zoning evaluation form

Michalek noted that this is the second public meeting to review this case. Bear Creek Township reviewed as well and the questions that they had have been addressed by the applicant. The request is to add a lean-to structure onto an existing storage building to allow space to store irrigation equipment. The site is zoned FF-1. The proposed addition would require no additional parking and there is no new access or other expansion proposed. Michalek explained that there have been complaints from some neighbors regarding hours of operation for heavy truck traffic, burning, road parking, semi unloading, and using the additional access by the residence. Bear Creek Township Board recommended approval on condition that no vehicles with back-up beepers operate prior to 7am or after 9 pm, there is no parking on the road, and there is no burning. Michalek noted that if they are not burning, they will be chipping and that perhaps the hours for chipping should be discussed. The location and site plan was shown along with the elevations, nursery plan, landscape plan, and various photos. The addition will be screened and will be hard to see from the road. The point when the use goes from a farming use to a landscape business contractor’s use was discussed at the last meeting. It may be at this point now.

Robert Drost, the applicant, added that he will be approaching some of the neighboring property owners to the north to ask them if they will allow Drost to landscape and screen with nice hedges as
the area is open now. He noted that signs regarding the hours of operation for machinery with beepers are posted throughout the office and notices were included in every employee’s paycheck. Drost did note that there are times that the vehicles will be leaving the premises early for out of county jobs. The beepers do go off when the driver shifts through the gears but it would only be momentarily. The trucks are backed in each night so they would not go off for long. Drost noted that they only burn twice a year; because of the restriction, they will pay for that material to be hauled off site. The chipping is done on the jobsite and brought back to the office. There was a complaint about mowing not being done from one of the neighbors. Drost stated that he didn’t know where that came from. He reported that the current construction is coming along. He is unsure why there were reports of trucks on the road as they never unload there, but he has told all involved not to park there even momentarily.

There was no public comment on this case.

Eby noted that the chipping hours should still be looked at so that there is an option for them to chip onsite if needed. As to the issue of the use in the location, Eby stated that if it isn’t an allowed use, it ought to be. The ordinance should be looked at as he feels that this is a proper location for them to operate out of. Jones noted that there can be issues for the neighbors with the trucks. Michalek stated that the ordinance is in the revision process now. Gregory stated that he also feels that this is the right location for this type of business; it wouldn’t fit elsewhere. Anderson stated that she feels that it has become more of a contractor’s type use with the snowplowing in the winter. It still belongs here but it is at the maximum limit for the approved use.

Anderson made a motion to approve Case #4B-96, Drost Landscaping for an amendment to the Site Plan for 2010 Cedar Valley Road, Section 16, Bear Creek Township as shown on the plan dated received March 11, 2009 because the proposed addition meets the standards of Section 800-6 of the Zoning Ordinance on condition that vehicles equipped with back-up beepers and all chipping activities be limited between the hours of 7 a.m.-9 p.m., no parking is allowed on the road, and no burning of materials is allowed. Jones supported the motion which passed on the following roll-call vote: Yes; Eby, Neal, Jones, Gregory, Laughbaum, Anderson, Plasencia, Alexander. No; None. Absent; Scott.

2. Case #1A-06 Benchmark Engineering for AHG Group/Arbor Investors, SPECIAL USE PERMIT-OPEN SPACE PLAN, 750 Windsong Pl, Section 20, Bear Creek Township

Legal Notice: A request by Benchmark Engineering, Inc. for AHG Group/Arbor Investors to replace a Special Use Permit for a Residential Building Clustering Plan with a Special Use Permit for a Subdivision and Site Unit Condominium Open Space Plan. The property is located in Section 20 of Bear Creek Township and is known as Windsong Woods, its primary address is 750 Windsong Place, with a tax parcel number of 24-01-19-20-351-001. The request would convert the duplex site units with single family site units with the exception of the three existing duplex units. The plan includes a total of 70 site units. The request is per Section 1901 of the Zoning Ordinance.

Packet items: Possible pole barn layout sketch, parcel comparison sketch

Michalek noted that this is the second public hearing for this case. There was public comment at the last meeting from adjacent property owners with questions on the plan. The request is to replace the existing residential clustering plan, which allows 76 duplexes and one single family residence, with an open space plan which would include 58 sites for single family residences, six duplexes (existing), one accessory building to be used for joint storage (existing), and one existing unit that was originally a clubhouse to be converted into a single family home. The proposed plan has been modified to include the location of buried stumps, removal of most pie-shaped lots, removal of most 80’ lots, and a
possible future connector added. The emergency vehicle access will be gated with a Knox box. Bear Creek Township has recommended approval. The currently proposed plan was shown and the future connectors pointed out. Doernenburg noted that Bear Creek Township was very thankful for the adjustments to the plan and for the applicant’s cooperation. Eby asked about the bus stop that was discussed at the last meeting. Doernenburg stated that there is adequate space and passing lanes. Michalek added that there is a 90’ setback along the east property line to alleviate a neighbor’s concern.

Dick Oelke of Benchmark and Dennis Cross from Arbor Investors were both present for questions.

There was no public comment on this case.

Anderson made a motion to recommend approval of Case #1A-06, a request by Benchmark Engineering, Inc. for AHG Group/Arbor Investors to replace a Residential Cluster Housing Special Use Permit with a Site Unit Condominium Open Space Plan for 60 single family site units, and 6 existing duplex units on property known as Windsong Woods located on the East side of Howard Road, in the south half of the southwest quarter of Section 20, T34N-R5W, Bear Creek Township. The property is some 78.3 acres, including tax parcels numbered 24-01-19-20-351-001 and 24-01-19-20-351-101 thru 177 and is zoned FF-1 Farm and Forest: Based on the facts presented and the site plan dated Received 4/9/09, the request meets the standards of Section 1901 of the Zoning Ordinance. On condition that the Master Deed be submitted for review – which dedicates the total open space. The motion was supported by Neal and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Gregory, Laughbaum, Anderson, Plasencia, Alexander. No; None. Absent; Scott.

Doernenburg noted that the next step will be review by the Emmet County Board of Commissioners on May 14, 2009.

3. Case #4-09 Petoskey 131 LLC, PRELIMINARY MIXED USE PUD, 2404 US 131, 2265 & 2287 Anderson Road, Section 18, Bear Creek Township

Legal Notice: A request by Petoskey 131 LLC for a Preliminary Mixed Use Planned Unit Development-1 (PUD-1) to apply to properties located in Section 18 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and includes the following tax parcels(addresses 24-01-19-18-100-042 (addressed 2323 Anderson Road, 2420 US-131 Hwy, 2404 S US-131 Hwy, 2412 S US-131 Hwy – owned by Petoskey 131 LLC); 24-01-19-18-100-040 (addressed 2287 Anderson Road owned by Tina and Robert Crothers); and 24-01-19-18-100-017 (addressed 2265 Anderson Road – owned by James and Regina Gasco). The request is per Article XVIII of the Zoning Ordinance.

Packet items: 4/29/09 MDOT letter

Doernenburg stated that the applicant is still working on a plan for this case. They have advised her that they will be ready for next month’s meeting and asked for this to be postponed once more. The applicant has been advised that if they are not ready for the next meeting, the case would likely be dropped from the agenda. Michalek reported that the new information includes a letter from MDOT that states that they oppose the access and say that it is in an unsafe location. Anderson noted that Bear Creek Township feels that this site is worthy of a site walk if it stays on the agenda. The future land use maps from both the Bear Creek Township and Emmet County Master Plans were shown. Doernenburg read from the intent section of the Emmet County Master Plan’s future land use chapter: “This plan is designed to guide land use patterns, densities, and intensities in areas which will best accommodate the population and development of Emmet County. Its intent is to recognize,
understand, and use the existing land uses, present land use trends, and physical characteristics of the County’s landscape to consider the multitude of potential future land use applications. The Future Land Use Map does not necessarily indicate the need for immediate changes, but rather acts as a guide for long-term growth.” She also read from the goals section of the land use chapter:

2. Encourage land use patterns and development that reinforce and improve the quality of life, while maintaining the rural character.
3. Protect natural features and resources to ensure excellent water, air, and land quality.
4. Protect historic or locally significant areas.
5. Provide for land uses based on demonstrated need in their appropriate locations throughout Emmet County.

Doernenburg noted that these points were discussed at the township meeting with the applicant. Michalek noted that there are some parcels not involved in this request. Skipping over parcels encourages sprawl. The proposal to level the hill is not minimal environmental impact.

Jones noted that if this area is approved for commercial uses, it will affect all four surrounding corners. Anderson noted that infill is important. There are plenty of empty buildings that allow for these uses.

This case was deferred to the next regular meeting of June 4, 2009 to give the applicant further time to prepare a revised plan.

4. Case #6-09 Paul Matthews, SPECIAL USE PERMIT-CONTRACTOR’S USE, 7181 Robinson Road, Section 32, Readmond Township

Legal notice: A request by Paul Matthews for a Special Use Permit for a Contractor’s Use on property located at 7181 Robinson Road, Section 32, Readmond Township. The property is zoned FF-2 Farm and Forest and includes tax parcels 24-12-08-32-200-001 and 24-12-08-29-400-001 as one zoning lot. The request is per Section 801-8 of the Emmet County Zoning Ordinance.


Doernenburg explained that this case is a result of an enforcement matter. The request is for a special use permit to operate a contractor’s use. The property includes 80 acres on the south side of W. Robinson Road along with 195 acres on the north side. The applicant lives on site. There was a special use permit approved in 1994 from a riding stable on the 195 acres. The current proposal would be to use the south parcel for storage. The location is well screened. The access drive is in place. The legal notice included the northerly acreage as well due to reports that it was also being used for the business. Readmond Township recommended approval on the condition that no hazardous chemicals would be stored on site and the Road Commission reviews the access drive.

Paul Matthews, the applicant, stated that he runs a very small business that consists of five employees
and three trucks. He has spent a lot of time creating this site and he won’t make a mess of it. They do no chipping and keep it clean and intend to keep it that way.

Eby questioned a development plan that was reviewed in the past for this property. Matthews stated that his wife had an idea to build an equestrian center there, but they have determined that it won’t work and have no intentions of building it. Eby noted that a small landscape business is much less of an impact than that development.

Bob Cardinal noted that this business was specifically approved by name when the Good Hart Farms plan was approved. He is just moving the business across the street.

Alexander made a motion to approve Case #6-09, Paul Matthews, Special Use Permit for a contractor’s use at 7181 W. Robinson Road, Section 32, Readmond Township, tax parcel 24-12-08-32-200-001 and including 24-12-08-29-400-001 for the following reasons: the total site is 275 acres and exceeds the lot width and lot depth requirements, the outdoor storage is well screened, the owner’s primary residence is on the same zoning lot – across W. Robinson Road, and on condition that the side yard setback standard of 20 feet be maintained for stockpiles, no hazardous chemicals be stored on site, and that approval is obtained from the Emmet County Road Commission if they determine it is necessary for a commercial use. The motion was supported by Gregory and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Gregory, Laughbaum, Anderson, Plasencia, Alexander. No; None. Absent; Scott.

5. Case# 8-09 Emmet County Planning Commission, TEXT AMENDMENT-OUTDOOR LIGHTING

Legal notice: See attached.

Packet items: proposed amendment wording, 4/23/09 zoning evaluation form

Doernenburg explained that this is the first public hearing regarding this case. The amendment would revise the lighting ordinance to include specific review standards. The Sign and Lighting Committee has been reviewing this for over a year and have recommended approval. Bob White of Illuminart assisted staff with drafting the standards. Springvale, Readmond, and Bear Creek Townships have recommended approval. Friendship Township recommends approval, but feels that no permits should be required. Both Cross Village and Littlefield Townships meet after this meeting and have requested time to review this amendment at their respective meetings. Kathy Abbott has recommended that all sources be listed and that the last sentence of Sub-Section 4 be changed to read: "The current issues of these publications shall be maintained and available to the public at the Office of Planning and Zoning." One other change that staff feels needs to be made is that the line under the table in paragraph four regarding 4:1 ratios needs to be removed. This is nearly impossible to meet.

This case will be deferred to the next meeting on June 4, 2009 to allow for further review.

V Public Comments

VI Other Business

- Meijer site: Doernenburg explained that Section 2102, 22a) allows wind turbines, if placed on the building and used to generate electricity for that building, to be administratively approved. They have provided information for this approval and will be installing six 9’ turbines on the Meijer building. The zoning permit for this was approved today. Michalek added that the turbines
shouldn’t be seen by the residences to the east because they are to be located on the front of the building. Anderson asked if they have these turbines on their other buildings. Doernenburg advised her that their Grand Rapids store has them installed. Alexander asked if they are allowed to sell excess power. Doernenburg noted that the power must be generated for their site only. She also noted that the layout of the store will be the same as the newly opened Gaylord store. Anderson noted that she will be in Grand Rapids and will take pictures of the turbines on that store.

- **Harborside Spine & Pain**-Summit Park. Doernenburg noted that they have received DEQ approval to fill the wetland area. This will add 11 parking spaces to their site and moves the driveway. Michalek noted that the landscaping and drainage will have to be looked at to be sure it still is sufficient.

- **Enforcement Report:** Distributed. The first item on the list has been brought into compliance.

- **Burt Township Trail:** Doernenburg reported that she has been going to the meetings on this proposed trail along with Nancy Salar and John Eby. She passed out maps specifying the options for this trail. The Brutus Road option has some wetland issues which make it very costly for an off-road trail and the road itself is in rough shape so the Road Commission doesn’t want the liability for an on-road trail. There is a meeting scheduled for Friday May 8, 2009 to discuss alternate routes. Pellston and McKinley have expressed their support except for the Robinson Road access due to heavy truck traffic. They have also expressed their concern for the cost involved. Eby noted that off road trails are preferred. Doernenburg noted that bikes can use the road legally. Gregory noted that perhaps Douglas Lake Road to the Pellston Airport would be a good option as it would connect three lakes. Doernenburg noted that that option is supported the most. There is a lot of U of M property along that route, and they will be in attendance at the meeting on Friday. Eby noted that Burt Township wants connections at both ends and to the Maple Bay campground. He suggested that a plan that may work would be Woodland to Lake Kathleen. The Road Commission is working on a new bridge and has said that they could design it with bike access. Doernenburg noted that perhaps a phased plan could be looked at as well.

VII Adjournment
Chairman Eby called the meeting adjourned at 8:30 p.m.

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James Scott, Secretary        Date