EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING
THURSDAY JUNE 5, 2008
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770
MINUTES

MEMBERS PRESENT: James Scott, Kelly Alexander, Sue Anderson, Leroy Gregory, Jack Jones, Katie Derrohn, John Eby, Steve Neal, David Laughbaum

MEMBERS ABSENT: None

STAFF: Brentt Michalek, Tammy Doernenburg,

VISITORS: Donna & Paul Theriault, Jeff Collins, Robert Dunston, Ken Ruiter, Mari & Gregg Schumaker, Traver Wood, Noah Fowle, Ben Fettig, Ben Brower, Fred Gray, Carl Moser, Jim Malewicz and others.

I Call to Order and Attendance
The meeting was called to order at 7:33 p.m. by Chairman Eby. All members were present.

II Minutes of May 1, 2008 meeting
Gregory made a motion, supported by Anderson, to approve the minutes of the May 1, 2008 meeting as presented. The motion passed by a unanimous voice vote.

III Cases

1. Case #39B-07 Michael Kinstle for Meijer, SITE PLAN REVIEW, S US 131, Section 18, Bear Creek Township

Legal Notice: A request by Michael Kinstle for Meijer for Site Plan Review for a retail store, drive-thru pharmacy, gas station, and convenience store on properties located at 2151 S. US-131 HWY and 1121, 1169, 1173, 1179, 1185, and 1217 Lear Road, with tax parcels numbered 24-01-19-18-100-024, 026, & 027, and 24-01-19-18-200-037, 040, 042, 043, 046, & 047, parcels are zoned B-2 General Business, R-2B General Residential, and FF-1 Farm and Forest with a PUD-1 Mixed Use overlay. The review is per Section 2405 of the Zoning Ordinance. This review is contingent upon Emmet County Board of Commissioners review scheduled for March 20, 2008.

Packet Items: 5/19/08 letter from applicant, 5/19/08 letter from MDOT, 5/19/08 plans for water supply system, 5/19/08 DEQ letter and procedures, 5/19/08 plans (cover sheet, existing conditions, site plan, grading/drainage plan, utility plan, landscape plan, color renderings of various views of proposed store.

Items handed out at meeting: Planned Unit Development Agreement – Draft #6 dated 5/28/08, Bear Creek Township Planning Commission minutes dated 5/28/08.

Neal, being an adjacent property owner, abstained and left the meeting room.

Michalek briefly explained the revised site plan. The subject parcels were identified in the area southeast of US-131 and Lear Road. Bear Creek Township recommended approval with conditions as identified in their minutes. Revisions were explained and include: irrigation locations expanded, parking lot directional arrows added, fencing behind the store has been extended, future connector accesses near US-131 have been added, DEQ letter regarding water, and MDOT approval have been received. Elevation graphics
were shown. The concerns of the Planning Commission have been addressed.

Bob Dunston and Ken Ruiter were available to answer questions.

Jones asked a question regarding the MDOT property adjacent to the right-of-way in front of the gas station. Ruiter stated that they discussed that access with MDOT and it is their understanding that it is part of the permit process. Jones suggested that the fence along the east property line should be setback 2-3 ft. so that snow plows do not remove it each year. Dunston agreed that it would make sense to move the fence away from the east drive. Anderson asked for clarification regarding the property owned by MDOT. Jones felt that the approval should include a condition that MDOT authorize access over their property.

Carl Moser from Bear Creek Woods commented that on behalf of their Association he wants to thank the board for their thorough review. He feels that their association has been protected by the job that the commission has done.

Paul Theriault spoke on behalf of himself and his wife Donna Theriault, Bear Creek Woods condominium residents. They have followed the review process. They personally approve of the township’s action that the Meijer project should be approved. They felt that most of the issues have been addressed. Noise pollution should be considered in the future to prevent additional negative impacts. Rooftop machines are not buffered for sound reduction.

Anderson made a motion, supported by Jones, to approve Case #39B-07, Michael Kinstle for Meijer, Inc., Site Plan Review on tax parcels #24-01-19-18-100-024, 026, & 027 and 24-01-19-18-200-037, 040, 042, 043, 046 & 047 in Section 18, of Bear Creek Township for the following reasons:
1) the site plan is consistent with the Final PUD Master Plan, 2) the site plan meets the standards of Section 2405, 3) the approval is based on the facts presented in this case, 4) MDOT and ECRC approval has been received, 5) Fire Department approval has been received, 6) the approval is based on the Site Plan dated 5/19/08PZ, 7) the approval is subject to the conditions of the PUD Agreement, 8) Bear Creek Township recommended approval; and on condition that: 1) slats be added to the fence on the north side of the building near the loading area, 2) State of Michigan approval of an easement through the MDOT property on US-131 be received, and with the recommendation that the fence on the east side be moved not more than 5 ft. from the pavement to the east. The motion passed on the following roll call vote: Yes: Eby, Jones, Anderson, Scott, Derrohn, Alexander, Laughbaum, Gregory. No: none. Abstained: Neal.

Neal returned to the meeting.

2. Case #6-08 Petoskey Bay View Country Club, SPECIAL USE PERMIT-Sign Exceptions, 2329 Country Club Road, Section 33, Bear Creek Township

Legal Notice: A request by Bill Wehrenberg for Petoskey Bay View Country Club for a Special Use Permit for Exceptions to Section 2207 of the Emmet County Zoning Ordinance to allow a greater number of signs than is permitted and to allow greater sign area than is permitted for the property located at the corners of US-31, Division Road and Country Club Road. The property is zoned R-1B One Family Residential and is tax parcel 24-01-16-33-200-012 and 24-01-16-33-400-002. The sign plan includes three (3) freestanding signs.

Items handed out at meeting: Bear Creek Township Planning Commission minutes dated 5/28/08.

Michalek explained that the sign proposed to be located at the corner of Division Road and Country Club Road was deferred until this meeting at the applicant’s request to allow the applicant time to request
permission from the Road Commission for the sign to be located in the right-of-way. The Road Commission has not received an application to date. There was discussion regarding the options.

Jones made a motion to deny Case #6-08, Petoskey Bay View Country Club, sign exception for the 3rd freestanding sign located at the corner of Country Club Road and Division Road because the sign is proposed to be located in the road right of way, it does not meet the sign ordinance standards, no approval from the Road Commission has been received, and because of the review time limit of the Zoning Ordinance, Scott supported the motion which passed on the following roll call vote: Yes: Eby, Jones, Anderson, Scott, Derrohn, Alexander, Laughbaum, Gregory, Neal. No: none.

3. Case #11-08 Mari & Gregg Schumaker, SPECIAL USE PERMIT-Road Side Farm Stand, Red School Road, Section 16, Maple River Township

Legal Notice: A request by Mari & Gregg Schumaker for a Special Use Permit to operate a roadside stand at property located at 2050 Red School Road, Section 16, Maple River Township. The property is zoned FF-1 Farm and Forest and includes tax parcels 24-09-14-16-100-011 & 012. The request is per Section 801-4 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, impact statement, zoning evaluation, 5/12/08 site plans

Items distributed during the meeting: Maple River Township recommendation, Letter from Rush dated Received 5/27/08, Emmet County Road Commission approval.

Michalek explained the location of the proposed road side farm stand. The property is located on the west side of Red School Road adjacent to a public parcel located in the southeast corner of the property. The proposal is to sell farm products produced on the property. The property includes 2 tax parcels with a total of 25 acres. Two letters of objection were received. Maple River Township recommended approval on condition Road Commission approval be received. The Road Commission allowed the applicant to use the existing drive. An driveway permit has been received. An existing shed is proposed to be relocated toward the front of the property to be used as the road side stand. Sufficient parking is available on the sides of the drive.

Gregg Schumaker stated that the Road Commission reviewed the proposal and indicated that they would review the uses on a case by case basis. Eby stated that there were differing positions by the Planning Commission and Road Commission; it appears that the Road Commission has revised their policy.

There was no public comment.

Gregory made a motion, supported by Neal, to approve Case #11-08, Mari and Gregg Schumaker for a Special Use Permit to operate a roadside stand at a property located at 2050 Red School Road, Section 16, Maple River Township, tax parcels 24-09-14-16-100-011 & 100-012, because the property meets the requirements of Section 801-4 for vehicle access and off street parking, it meets the setback standards of the ordinance, Emmet County Road Commission approved the access drive, and Maple River Township recommended approval. The motion passed on the following roll call vote: Yes: Eby, Jones, Anderson, Scott, Derrohn, Alexander, Laughbaum, Gregory, Neal. No: none.

5. Case #59A-00 Jeff Collins, SPECIAL USE PERMIT-Exception per Section 2201, 2174 Maxwell Road, Section 17, Springvale Township
Legal Notice: A request by Jeff Collins for a Special Use Permit for an Exception to Section 2201 of the Emmet County Zoning Ordinance to allow a larger than permitted accessory building for property located at 2174 Maxwell Road, Section 17, Springvale Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-14-20-17-200-011. The accessory building is proposed to be 2,475 sq. ft. where 2,400 sq. ft. is permitted. The request is per Section 2201, Paragraph 8.

Packet Items: Request & location map, tax parcel map, application, impact statement, Springvale Township minutes from 4/28/08, zoning evaluation, site photos, site plan 5/4/07, 5/16/08 email from Joyce Angel-Ling (DNR)

Jim Scott, being an adjacent property owner, abstained and left the room.

Michalek explained the location of the parcel using a location map. The property is located on the west side of Maxwell Road. The location of the building has a deep setback. The house is on the north side of the property. The building meets the size standard of the ordinance except for a 70 sq. ft. roof over the entry door. The township recommended approval for safety reasons. Collins has sent staff an email indicating that the building will be used for personal use only.

Photos were displayed and Jeff Collins distributed additional photos. Collins added that in the summer it cannot be seen from the road. He is concerned with safety for his family. In the winter, snow falls from the roof and the 70 sq. ft. roof will deflect the snow.

Derrohn asked if the light could be shielded. It is a recommendation.

Neal made a motion, supported by Anderson, to approve Case #59A-00, Jeff Collins, Special Use Permit for an Exception for a 2,470 sq. ft. accessory building on property located at 2174 Maxwell Road, Section 17, Springvale Township, as shown on the site plan dated 5/4/07 based on the facts presented in this case and because no good purpose would be served by strict compliance with the provisions of Section 2201 of the Zoning Ordinance, it improves the safety at the entrance to the structure, there is a deep use setback, there is existing screening; and on condition that: the use be restricted to personal use only as identified by email correspondence to staff, and that the 70 sq. ft. area not be enclosed. The motion passed on the following roll call vote: Yes: Eby, Jones, Anderson, Derrohn, Alexander, Laughbaum, Gregory, Neal. No: none. Abstained: Scott.

Scott returned to the meeting.

6. Case #19B-04 Traver Wood, SPECIAL USE PERMIT-Sign Exception, 1633 S US 131, Section 7, Bear Creek Township

Legal Notice: A request by Traver Wood for Bay Winds Federal Credit Union for a Special Use Permit for Exceptions to Section 2207 of the Emmet County Zoning Ordinance to allow a greater number of signs than is permitted, and to allow greater sign area than is permitted for property located at 1633 US-131 S. The property is tax parcel 24-01-19-07-300-036 and is zoned R-2B General Residential. The sign plan includes two wall mounted signs exceeding 8 sq. ft. and one freestanding sign.

Packet Items: Request & location map, application, location map, 5/30/08 applicant letter, zoning evaluation, 4/30/08 elevations, 4/30/08 sign plans.

Items handed out at meeting: Bear Creek Township Planning Commission minutes dated 5/28/08.

Michalek explained the location north of Holiday Inn Express and Calico Crafts on US-131. An aerial view of the subject property was shown. The property is zoned R-2B, and R-1B at the back property boundary. Three signs are proposed, 1 freestanding and 2 wall mounted. The Ordinance allows 1 freestanding and 1 wall
mounted or 2 wall mounted signs. Both signs on the wall exceed the 8 sq. ft. standard. The Sign & Lighting Committee recommended approval of the freestanding sign and one wall mounted sign at 32.5 sq. ft. The graphics were displayed and explained.

Jones asked why the size exception to the standards. Derrohn stated that they had proposed two wall mounted signs at 32.5 sq. ft. There was discussion regarding the signs on the wall. A graphic shown at the Sign & Lighting Committee meeting with the signs at 8 sq. ft. seemed out of proportion and the committee compromised. The tower itself is an architectural feature; it would be aesthetically appealing without a sign. Doernenburg stated that after the committee meeting, in preparation for the Planning Commission, other businesses in the area were photographed. Other businesses in the area comply with the Ordinance; some have no wall mounted sign. Some have been granted slight modifications.

Traver Wood stated that the site does not have a four story building or the same site distance as other buildings in the area. The service drive sets the building back farther than other businesses. The sign is to identity and recognize the business. The Sign & Lighting Committee recommended 32 sq. ft. because of the size of the area upon which it is proposed. Reasons to approve are for better visibility, topography, setback and appearance of the building. The owner thinks that 2 sides look right.

Jones stated that if this is granted, every business along the highway will be in for sign exceptions. The other businesses have been required to comply. Jones does not support the exception. The proposed signs are each four times the size permitted.

Derrohn stated that now that the information regarding the other businesses along that stretch has been added, it is hard to allow this business a larger than 8 sq. ft. sign. Jones added that Bay Winds is a local credit union, once a person has been to it, they’ll know where to go. Neal agreed adding that it is not an impulse kind of stop.

Anderson stated that Bear Creek Township felt that the sign is 4 times the size permitted; it would look just as nice with no signage. Alexander stated that aesthetics is not a reason to grant an exception. It opens too many possibilities for other businesses to do the same thing.

Eby stated that he doesn’t think that the tower would look right with the sign on the tower. Michalek added that there are other signs for ingress and egress at the driveways.

Wood asked if the ground sign could be moved. It could, provided that it is not located within the US-131 right-of-way. Staff can review the sign location.

Jones made a motion to deny Case #19B-04, Sign Exception, there was discussion on the motion, Laughbaum stated that it seems restrictive. Derrohn stated that if other businesses were required to abide by the standards, this business should as well.

Jones had made the motioned, which was supported by Derrohn, to deny Case #19B-04, Traver Wood for a Special Use Permit for Sign Exceptions as proposed in the graphics dated received 4/30/08 because they do not meet the Zoning Ordinance standards, but to allow one freestanding sign as proposed and one wall mounted sign up to 8 sq. ft. because it is consistent with the standards of the Zoning Ordinance and the business signage within the zoning district in the immediate vicinity. The motion passed on the following roll call vote: Yes; Jones, Anderson, Scott, Derrohn, Alexander, Gregory, Neal. No: Eby, Laughbaum.

7. Case #20A-06 B Squared Disposal, LLC, PUD-1 AMENDMENT & SITE PLAN REVIEW, 347 Creekside Drive, Section 4, Bear Creek Township

Legal Notice: A request by B Squared Disposal, LLC to amend a PUD-1 Mixed Use Master Plan to allow a gym use on
property located at 347 Creekside Drive, Section 4, Bear Creek Township. The property is zoned B-1 Local Tourist Business with a PUD-1 mixed use overlay and is tax parcel 24-01-19-04-231-103. The request is per Article XVIII and the proposed use is permitted on the property to the south of the subject parcel.

Packet Items: Request & location map, tax parcel map, application, zoning map, aerial, impact statement, site plan review checklist, zoning evaluation, 5/13/08 site plan, 5/12/08 floor plans, 5/12/08 elevations, 11/00 plan.

Items handed out at meeting: Bear Creek Township Planning Commission minutes dated 5/28/08.

Michalek stated that the request is for a parcel located 3 lots from E. Mitchell Road on Creekside Drive. The first 2 lots from E. Mitchell Road allow the gym use. The request is for a PUD amendment to allow the gym use and for site plan review. A previous site plan was approved for storage in 2006. Bear Creek Township recommended approval. The site plan was explained. Two offices for contractors use are proposed on either side of the building and the center access is for the gym. The 2nd story is proposed for storage. The elevation was displayed.

Jim Malewicz represented Ben Brower and Ben Fettig added that a site plan was previously approved. Stormwater and fire department approval was provided at that time. Parking meets Ordinance standards. Snow storage was identified.

There were questions regarding why the uses were restricted. It is not known why Bear Creek Township originally restricted the uses. The use is a permitted use in the underlying zoning district.

Anderson made a motion, supported by Neal, to recommend approval of the PUD amendment to allow “A” uses, as identified on the approved Master Plan dated 10/26/00, on Unit #3, as requested for Case #20A-06, Ben Fettig, PUD-1 Mixed Use Amendment and to approve the Site Plan, on condition that the PUD amendment be approved by the County Board, for commercial offices and a gym at 347 Creekside Drive located within Section 4, Bear Creek Township. The property is zoned B-1 Local Tourist Business, with a PUD-1 mixed-use overlay, and is tax parcel number 24-01-19-04-231-103. The site plan, dated 5/12/08PZ, meets the standards of the Zoning Ordinance, the use is a permitted use in the B-1 Zoning District and the conditions of the PUD and approval is based on the condition that if a dumpster is located on the site in the future, that it meet the setback standards of the PUD and that it be screened, that any exterior lighting and signs are to be reviewed by the Sign & Lighting Committee, and on condition that snow be removed from the site if the snow storage area becomes full. The motion passed on the following roll call vote: Yes: Eby, Jones, Anderson, Scott, Derrohn, Alexander, Laughbaum, Gregory, Neal. No: none.

3. Case #8-08 Emmet County Planning Commission, TEXT AMENDMENT-Section 2207-Signs

Legal Notice: See attached.

Packet Items: Littlefield Township minutes 5/6/08, Readmond Township recommendation 6/5/08.

Items handed out at meeting: Bear Creek Township Planning Commission minutes dated 5/28/08, revised Draft #10.

The case was, by consensus, moved to the end of the cases on the agenda.

Michalek stated that recommendations have been received by Bear Creek, Littlefield, Little Traverse and Readmond Townships. Based on the comments received, revisions have been made and are shown on the revised draft distributed.
Scott had additional recommendations by Springvale Township, that sign lights be turned off at the close of business and that the size and number of signs be reduced for accessory signs in FF districts. Jones stated that 56 sq. ft. was established based on the speed limit which is usually 55 mph in FF zones. Cars traveling could not read smaller signs. Scott stated that the state highways use smaller signs with larger letters and kept simple are better.

Staff will review the recommendations with the Sign & Lighting Committee.

The case was deferred until the next regular meeting.

IV Public comments:
None.

V Other business:
Distributed invitations to 1) Trail Groundbreaking Ceremony at Magnus Park 6/9/08 and 2) Renewable Energy Seminar at the Community Center, Emmet County Fairgrounds 6/24/08.

- Enforcement Report:
No discussion.

VI Adjournment
Chairman Eby called the meeting adjourned at 8:55 p.m.

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James Scott, Secretary        Date