EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY SEPTEMBER 1, 2011
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770

MEMBERS PRESENT: Paul Hramiec, Dan Plasencia, Jack Jones, Kelly Alexander, John Eby, James Scott, Steve Neal
MEMBERS ABSENT: David Laughbaum, (one vacant seat)
STAFF: Tammy Doernenburg, Monica Linehan

I Call to Order and Attendance
The meeting was called to order at 7:30 PM by Eby. All members were present except Laughbaum.

II Minutes of August 4, 2011
Alexander made a motion, supported by Jones, to approve the minutes of the August 4, 2011 meeting as presented. The motion passed by a unanimous voice vote of the members present.

III Cases
1. Case #PS-22-11 RG Properties, SPECIAL USE PERMIT-Sign Exceptions, 1596 Anderson Road, Section 7, Bear Creek Township

Legal Notice: A request by Bear Creek Associates for a Special Use Permit for a Sign Exception at 1596 Anderson Road in Section 7 of Bear Creek Township. The parcel is zoned R-2A General Residential with a Planned Unit Development-1 (PUD-1) overlay and is tax parcel 24-01-19-07-300-039. The request is to allow two wall-mounted signs in addition to the freestanding sign per Section 2207-10 of the Zoning Ordinance.

Packet Information: Request & location map, tax parcel map, application, 7/25/11 letter from applicant, 8/11/11 Sign & Lighting minutes, zoning evaluation, 7/19/11 sign plans

Doernenburg presented this case showing the location of the proposed building addition. The uses already existing there were identified. The site plan was previously approved for the entire building. The current request is to permit one additional sign to allow for two wall-mounted signs on the building; one facing Anderson Road and the other facing the movie theatre. There will also be a sign panel in the shared freestanding sign at US-131 and Lears Road. Doernenburg explained that this request is consistent with others in the area -- JoAnn Fabrics, Wal-Mart, all three restaurants within the PUD, and Brewbaker's (now Art Vans) all were approved to have sign exceptions. Individually, the wall mounted signs would meet the 15% sign standards if they were grouped together and placed on the north side of the building. The Sign & Lighting Committee recommended approval. The sign will be internally lit with channel letters. The freestanding sign meets the ordinance standards.

Misty Sirch-RG Properties stated that they have been trying for some time to move Marshall’s to the shopping center. This store should bring more traffic to the area based on past experiences elsewhere. Signs fit the criteria if they were just on one side of the building. The store would be difficult to see from Anderson Road and can’t be seen at all from US 131. Misty stated that they will not be asking for any other signs on the end of the building.
There was no public comment on this case.

Jones made a motion to approve Case #PS-22-11, Bear Creek Associates for a Special Use Permit to allow a Sign Exception per Section 2207-10 of the Zoning Ordinance for the sign plans dated 7/19/11 at 1596 Anderson Road, Section 7, Bear Creek Township and one panel in the previously approved freestanding sign located at Lear's Road and US-131 for the following reasons: individually the wall mounted signs would meet the 15% area if all signs were grouped together, the signs are proportionate with the building size, the signs are consistent with other approved signs in the development, the signs have a deep setback, and because of the large site area. Approval is on condition that there be no additional signage below the Marshall's sign on the north end of the building. This motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Plasencia, Alexander. No: None. Absent: Laughbaum. (One vacant seat.)

2. Case #13-11

Jeff Taylor, SPECIAL USE PERMIT-Larger than allowed accessory building, 1261 Roy Road, Section 10, Springvale Township

Legal Notice: A request by Jeff Taylor for a Special Use Permit for an Accessory Building Exception at 1261 Roy Road, Section 10, Springvale Township. The property is zoned FF-2 Farm and Forest and is tax parcel number 24-14-20-10-100-004. The request is to allow an 1,800 sq. ft. accessory building in the front/side yard and will be reviewed per Section 2201 of the Zoning Ordinance.

Packet Information: Request & location map, tax parcel map, application, 8/15/11 site plan, impact statement, zoning evaluation

Doernenburg presented this case explaining that Roy Road is an unpaved all-season road located off of East Mitchell Road. The applicant has purchased 15 acres of a 65 acre parcel and is proposing to build an 1,800 square foot accessory building. The proposed building is less than the maximum size allowed in the rear yard but the location proposed is a front yard per the ordinance definition. The site plan and photos of the property were shown. The property is partially screened and the building would only be able to be seen briefly as vehicles travel on the public road. Doernenburg added that the property also has some topographical challenges which is why this location on the property was chosen. This also allows the applicant maneuvering room for his vehicle using the existing driveway. The township recommended approval.

Jeff Taylor, applicant, stated that he bought the property a couple months ago. He stated that his excavator advised him that the chosen location is the best place both financially and environmentally. Taylor explained that he has a large truck and trailer and also needed to set the building far enough off the road to be able to maneuver properly and pull into his driveway straight on.

There were no public comments on this case.

Scott made a motion to approve Case #13-11, Jeff Taylor for a Special Use Permit for an Exception to the Accessory Building size standards and to allow a 1,800 sq.ft. accessory building at 1261 Roy Road, Section 10, Springvale Township, tax parcel 24-14-20-10-100-004, as shown on the site plan dated “August 07/11” because the building is partially screened from the public road and the building is less than the maximum size allowed in the rear yard, and no good purpose would be served by strict compliance with the standards of the Zoning Ordinance and because the Township recommended approval. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Plasencia, Alexander. No: None. Absent: Laughbaum. (One vacant seat.)
IV Public Comment: None

V Other Business:

- Case #10-09- Bob & Julie Whisnant-8044 Highlands St, Carp Lake Township
  Packet Information: Packet from 2009 including: Zoning evaluation-6/10/09, request & location map, tax parcel map, 7/2/09 Planning Commission minutes, 7/2/09 Carp Lake Township recommendation, application, 7/2/09 stamped approved site plan, impact statement-5/20/09, 8/24/09 affidavit of use, warranty deed, photos

Doernenburg explained that the motion made in 2009 for this case put a two-year time limit stipulation on the accessory building without a main use request. Typically there are not time limits placed on special use permits. It appears that the applicant offered that they would be building a residence within that two year time period. They cannot financially do this at this point. Doernenburg stated that Kathy Abbott would like the Planning Commission to decide if the motion can be modified or if the case should be re-advertised. There is a raised septic that has been installed for a residence. The photos and site plan were shown.

Jones noted that the accessory building is there. Alexander asked what the purpose of the time frame restriction was. Doernenburg replied that the township had asked for a one year time limit to build the residence and the Planning Commission changed this to two years. The applicant had thought they could build within that time frame but they cannot. She explained that the accessory building was originally approved administratively on condition that the residence be built within two years. The applicant, after the initial two year period was not able to begin the residence and applied for the Accessory Building as a Main Use. Four years total have passed now. Plasencia asked if there are other stand-alone accessory buildings in the area. Eby stated that the previous minutes state that the request was in line with other buildings in the area and that the request seems to have met all of the requirements that are normally looked at in this type of case. Doernenburg noted that it isn't unusual in an area such as this to have homes on the lake side and accessory buildings across the street. Alexander asked about the township time limit; what was their reasoning? Should this be sent back to them to clarify? Perhaps they know something that we don't. Doernenburg stated that their minutes do not stipulate their reasoning. Jones stated that it appears that the property owner offered to build within the two years.

There was no public comment on this issue.

Jones made a motion to remove the two year time constraint on Case #10-09 on the advice of Civil Counsel. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Plasencia. No: Alexander. Absent: Laughbaum. (One vacant seat.)

- Littlefield Township Corridor Study discussion:
  Doernenburg explained that this study was reviewed at the last meeting and that there were some concerns brought up by the public. The main concerns seem to be with the PUD area on M-68. She reiterated that this is not a zoning change, it is a sub-area master plan which is a guiding document. It does not change the zoning or the ordinance. In the Emmet County Master Plan, specific zoning terms are not used; this study uses some of those terms. This study is the recommendations of Littlefield Township for this area. There were public forums for
held and the township reviewed at their regular meetings over several months. Doernenburg stated that perhaps the recommendations should have been for mixed use development. The text in the recommendations of the document have been proposed and recommended for review and approval. There has been some concern with the increase in depth at the industrial park area on the north side of M-68. She stated that it makes sense to keep the line but perhaps modify it as a straight line. The recommendation (by Paul Mooradian) to change to all B-2 along the highway may be too extreme at this point. These uses could be allowed in a PUD, but if someone came in with a plan that meets standards and the property was zoned to B-2, it would have to be approved. Doernenburg stated that the optional PUD expansion area text says that an additional PUD district or overlay should be explored. The original line was drawn prior to that property because of the uses across M-68 and the single family residences in the vicinity. Doernenburg noted that suggestions made at this meeting or proposed changes should be made prior to a motion to adopt.

Plasencia stated that he spoke with Damien Henning, Littlefield Township Supervisor. As this meeting is before their township meeting, he would like to see any proposed changes first. He didn't favor any changes and thinks it is a good plan. Plasencia suggested waiting so that the township can discuss at their meeting on September 6, 2011.

Doernenburg stated that she also spoke with Mr. Henning and he stated that he didn't think that there would be a problem straightening the PUD line. Any proposed changes should be reviewed by Littlefield Township. There is no need to rush through the process.

Plasencia stated that there is an opportunity to have some larger business come in there and having the PUD district shows that the township is acceptable to it which may bring in business. Scott added that the PUD is not going to be in place, if someone comes in to apply then the shape of the PUD can be decided. He stated that a straight line is a better idea in a Master Plan situation.

Eby stated that the plan is too detailed. Their Master Plan has become zoning. They should be more vague on the map and more detailed in the text and recommendations for the areas. The impression that this brings is that it is a rezoning. The vision may be fine.

Plasencia stated that this is only a study not a zoning change. There were many public hearings; this seems like what the people envision and welcome. He added that any proposed changes should be sent to the township board.

Alexander stated that growth is great. There is an ebb and flow and the plan needs to be flexible.

Eby noted that he doesn't want the township to get the idea that the plan is wrong, it just is not how master plans have been done in the past. There is too much detail.

Hramiec asked what the logical next step for the township would be. Plasencia stated that this is their master plan. They haven't had a master plan. Hramiec asked if after all the meetings and input, would it stop there? Plasencia stated that there had been a lot of complaints pertaining to outdoor display and this gave property owners some idea of what they could do to
open up business opportunities.

Eby opened the floor to public comment.

Paul Mooradian stated that he has new questions and concerns regarding the whole study but will focus on the M-68 portion. He noted that last month Hramiec brought up a point regarding restricting businesses on the lake side of the road in one area. This should be reviewed more. He added that he likes Eby's comments about making the plan more vague. He realizes that it is a guide but judges like to refer to master plans. Mooradian stated that he understands and respects the township boards. The meetings that he has attended have been at the township level. He is bringing his comments in writing again because he didn't feel that his comments were heard or taken into consideration at the township level. Mooradian passed out and read his letter (attached). Mooradian noted that he owns 21 tax parcels in the study area and was only sent one survey. The attached letter shows the difference in survey results had he been able to fill out one survey per parcel owned. He state that he is a majority stakeholder in this area.

Alexander stated that he appreciates that some of the figures may be skewed but perhaps some of the other owners own multiple parcels as well and the figures would be different had they sent in a survey per parcel too.

Mooradian added that he is all about preserving the safety in the area and limiting drives. If he were able to send in multiple surveys, the question regarding supporting access limitations would have been overwhelmingly yes. He stated that these figures are an example of the information that has been used for this study. The concerns and questions were not heard or implemented. The same suggestions and concerns that he brought up last month remain. Mooradian stated that he feels statistics are skewed and they are being used here. Mooradian stated that he wants to see the underlying zoning increased as a condition of allowing the PUD area. Mooradian asked for an explanation of the sentence in the plan that states: 'The intent is to allow for a mix of uses to be reviewed and determined at time the overlay is established.'

Charles Rehmann stated that he would prefer to take this information to the township board. He stated that he thinks that the surveys are flawed because people weren’t invited or sent surveys and this was an admitted oversight. Raymond himself missed meetings and didn't get to submit ideas. This is anti-growth and negative. He noted that the suggestion for Ponshewaing property owners to get together should be the same for M-68. Raymond stated he would like to go back to the township board to see if something can be put together and he would like to see a committee formed for this. There has been apathy in the response. Some of the strategies and the responses seem to be very created and not from public input. M-68 is a jewel and this plan needs more attention.

Scott stated that this plan does look more like a zoning change than a master plan. Eby stated that he can live with flaws in the survey if the plan is vague enough as it should be for a master plan.

Hramiec asked why the line for the PUD was as deep as it's shown in the plan. Doernenburg stated that on the south side there are two existing PUDs that extend that distance. It was
mirrored on the other side of the road. The other parcels are zoned industrial. Most commercial uses would be allowed on the industrially zoned properties so a PUD may never be realized there, but it gives the opportunity for mixed uses, shared accesses and coordination. In the 1980s, there were three plans created for that area which were to the depth of the PUDs on the south side of M-68. The area has developed substantially as proposed.

The consensus of the Commissioners was to send the suggestions and discussion back to the township for their review. Hramiec asked if we should send specific suggestions to them. Doernenburg stated that the meeting minutes should suffice. Mooradian asked that a copy of his comments be sent to the township as well.

- **Section 801-6 Portable & Temporary uses including mining operations.**
  
  *Packet Information: proposed language change*

  Doernenburg noted that at the last meeting staff was asked to revise the language of this section to be more specific. The proposed language was in the packets and was checked to see if it was consistent with legislative history. The text was the same in the original ordinance but until 2006 allowed temporary (90 days) uses to exist without a permit required at all. ‘Without a permit’ was removed in 2006. Kathy Abbott reviewed the proposed language and felt there was no issue with the new language. Doernenburg noted that it is pretty vague. A specific distance could be put in (as shown in green) but in some instances this could be difficult to assess or define.

  Eby stated that the proposed language give direction and clears up confusion. A specific distance should be case-by-case and left up to the Planning Commission to determine.

  Alexander made a motion to allow staff to publish the proposed text change for public hearing once the section regarding a specified distance is removed. Scott supported the motion which passed by unanimous voice vote of the members present.

- **Annual Report**

  Doernenburg noted that there are two corrections to the report that need to be changed. On page 4, the number of Sign & Lighting meetings should read two. On the last page of the report, William Alexander should be listed as the ZBA Chair and not Alyce Conrad. Some of the highlights of the plan and the various zoning activities were reviewed. Doernenburg noted that she and Kathy Abbott are to report to the Board of Commissioners in October regarding medical marijuana. The access management plan should be ready in October or November. The City of Petoskey approved, we are just waiting for some of the maps to be changed. Scott made a motion supported by Neal to send the 2010 Annual Report to the Board of Commissioners for review.

- **Enforcement Report:** Distributed, no discussion.

**VI Adjournment**

There being no other business, and no additional public comment, Eby called the meeting adjourned at 8:33 p.m.

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James Scott, Secretary        Date