EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY MAY 7, 2015, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: John Eby, Dan Plasencia, Bert Notestine, James Scott, Shawn Wonnacott, Kelly Alexander, Steve Neal

MEMBERS ABSENT: David Laughbaum, Tom Urman

STAFF: Tammy Doernenburg, Monica Linehan

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

II Minutes of April 2, 2015
Alexander made a motion supported by Wonnacott to approve the minutes of the April 2, 2015 meeting. The motion passed unanimously by voice vote of the members present.

III Cases

1. Case #137B-94 Tim Davis for Two Thirteen Properties, LLC, FINAL PUD MASTER PLAN & SITE PLAN REVIEW-AMENDMENT, 4486 W Stutsmanville Rd, Section 14, Friendship Township

Legal Notice: A request by Tim Davis for Two Thirteen Properties LLC for Final Planned Unit Development Master Plan and Site Plan Review - Amendment at 4486 W Stutsmanville Rd, Section 14, Friendship Township. The property is zoned PUD-2 (Planned Unit Development) and is tax parcel number 24-06-12-14-400-008. The request is for approval of three new storage buildings on a site previously approved for storage facilities. The request is per Article XVIII and Section 2405 of the Zoning Ordinance.

Doernenburg explained that this parcel is located on the north side of Stutsmanville Road, east of State Road. It is 3.12 acres and is a portion of a 20.1 acre PUD-2 zoned property. The original PUD approval was preliminary and included retail and storage uses. Moving Mates was the previous use and they had estate sales from the property. The two existing buildings are currently being used as storage. The revised site plan passed out tonight has drainage recalculated and the elevations are shown. The proposed buildings would be 1800sf, 6000sf, and 8000sf. Parking is established. The Township and Fire Department both recommended approval. Doernenburg explained that the PUD recommendation will go to the Board of Commissioners and the site plan can be approved at this board.

Tim Davis stated that the original building will continue as resale of estates. Doernenburg stated that storage and resale uses would be allowed.

Plasencia asked about the dumpster on site. Davis stated that the dumpster is not on their property but the Fish restaurant has one.

There was no public comment on this case.

Notestine made a motion to recommend approval of Case #137B-94, Tim Davis for Two Thirteen
Properties LLC, Final Planned Unit Development Plan for the Mixed Use Planned Unit Development (PUD-2) in order to allow for three additional buildings to be used as identified on the plan dated May 1, 2015 for the property located at 4486 W Stutsmanville Road, Section 14, Friendship Township for tax parcel 24-06-12-14-400-008. Reasons for the approval are as follows: the uses are consistent with the Preliminary PUD approved in 2002 and the retail sales storage and storage uses are compatible with the existing uses on the property, and because the fire department and township have both recommended approval. The site plan approval is also granted contingent upon the Board of Commissioners approval of the PUD-2. The motion was supported by Plasencia and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Wonnacott, Plasencia, Alexander. No: None. Absent: Urman, Laughbaum.

2. Case #14A-12 Deborah Gafill, SITE PLAN REVIEW-AMENDMENT, 1023 N Lake Shore Dr, Section 25, Readmond Township

Legal Notice: A request by Deborah Gafill for Site Plan Review - amendment on property located at 1023 N Lake Shore Drive in Section 25, Readmond Township. The property is zoned B-1 Local Tourist Business and is tax parcel 24-12-07-25-300-021. The request is for outdoor retail use per Sections 900-4, and includes review under Section 2405 Site Plan Review and all other applicable zoning standards.

Doernenburg stated that this property was approved in 2012 for office and retail store which exists on the property. It is zoned B-1. Adjacent properties are zoned B-1 Local Tourist Business on the north, south, and west and SR-2 Scenic Resource across M-119. The proposal is to utilize a 30'x100' area for outdoor sales. The site is screened from the northern property, a residential use, by hedges and a fence and is partially screened from the southerly property with newly planted evergreen trees. There are no new permanent structures or new parking proposed. The existing building is one story, 720sf with 620sf of useable floor area. There is no outdoor lighting proposed. The township has recommended approval but didn’t provide minutes or details.

The applicant was not present.

Alexander asked how many vendors are proposed. Doernenburg explained that they are asking for the 3,000sf area not a specific number of vendors. They would have to meet the 30’ setback and she has suggested that the vendors also be required to park in the sales area as there is no additional parking available. Plasencia asked about hours of operation. Doernenburg stated that in the B-1 zoning district we typically do not place restrictions on hours of operation. Plasencia asked if they intend to leave everything out or if they will take it down when they aren’t selling. Doernenburg stated that they have indicated that it will be a seasonal use and just want the option to be able to do this. She stated that she has visited the site several times and has not observed zoning violations. There have been comments made to the office that there is a similar use in the neighborhood on Saturdays but she hasn’t observed this. Plasencia asked about parking; there is no parking except for the side of the road. Where will the customers park? The neighbors weren’t happy with the previously approved request and he can’t imagine them being happy with on-street parking. Doernenburg stated that she knows that the existing retail has been open occasionally but she hasn’t been there when there are customers. Wonnacott stated that due to the request for the additional vendors there is potential for more traffic in and out with potential backups onto the highway. Eby added that if they are successful and busy during the summer this is definitely a potential issue. Neal stated that since seven parking spaces are required for the existing retail shouldn’t there be extra spaces required for the additional vendor area. Doernenburg stated that the ordinance requires parking based on useable floor area. Neal asked if we can classify this outdoor sales space as useable floor area to determine parking. Notestine stated that they could cut down on some of the vendor space and allow for parking. Eby stated that the site plan is incomplete. It could be denied or we could postpone accommodating the applicant. A specific area is required in order to determine parking. Plasencia stated that normally a tent is 10x10’. These should be shown on the plan with the parking so that we can determine how many will fit and where
the parking will be. This way parking requirements can be determined and avoid the on-street parking. Eby added that they may be in compliance but without this information shown on the site plan we don’t know for sure. Scott made a motion to postpone this case due to inadequate information and site plan. The motion was supported by Plasencia and passed by a unanimous voice vote of the members present.

IV Public Comment: None.

V Other Business:

- **Zoning Ordinance, Review:** Doernenburg stated that the changes from last month’s discussions were made and distributed to the Planning Commission. There were some additional questions brought up that can be handled by staff. It is not quite ready for publication yet but will move forward unless there are any comments or concerns. There were no comments.

Based on public comments at previous meetings, a draft text amendment was prepared regarding the waterfront setback. The proposed text would only apply to the Lake Michigan shoreline and would require either the greater of the 60’ setback from the high water mark or the average of the existing setbacks within 200’. Eby stated that there should be wording added that says not to exceed a certain distance. Plasencia stated that he doesn’t think that view should be taken in consideration and feels that the property owners should be able to build where they want to build if they meet the zoning setbacks. Neal stated that elevation can be an issue as well. Also, by utilizing the 200’ on either side measurement you could potentially meet up with a boundary between neighborhoods with different patterns of construction. Doernenburg stated that the 200’ measurement was consistent with Section 1900 note h) from the Schedule of Regulations used for front yard setback averaging. Wonnacott asked if it would become a civil issue. Doernenburg stated that it is a civil issue now. Plasencia stated that it could work against a property owner not allowing them to build at the 60’ setback line as written in the ordinance. Wonnacott stated that the properties that are in question are typically more expensive properties and they should be able to use it. Eby stated that this could fill in the gaps that Gene Reck brought up with the critical dune areas. Neal asked if a site visit is required to issue permits. Doernenburg stated that they may but it depends on the site. Eby asked how far back the houses in the dune areas that were discussed would have to be before they were out of the view shed of the neighbors. Doernenburg stated that she’d have to come back with that information. All property owners have the right to apply for a variance. In this case, the property owner decided to do so and it was granted. Eby asked if this could be handled by the township with a police power ordinance or is it strictly a zoning issue. Doernenburg stated that the township attorney that looked at the proposal that Gene Reck and the township board presented stated that they were writing a zoning ordinance. Eby stated that there could be a correct one out there. It seems focused on one small area. Neal stated that these issues could have been resolved with deed restrictions. Scott asked if there is a reason that we wouldn’t do this with all waterfront property. Plasencia stated that doing this as proposed feels like spot zoning. There wasn’t a consensus on making a decision so work will continue to be done on this topic.

- **Enforcement Report-** Distributed. Doernenburg stated that there was an unintentional fire at Daniel’s Resource Mining site. They have installed more trees along with irrigation. A second row of nursery-stock trees were planted. Notestine stated that the DNR was there during the fire and they didn’t see anything burning that wasn’t supposed to be burning. Neither did he. They’ve been out twice as it is a very large brush pile. Doernenburg stated that she did receive
a call from a neighbor regarding dust control. She contacted Daniels and they stated that there was dust control applied on the 22\textsuperscript{nd} of April and that the top area was going to be done that Saturday. They have been very responsive.

- **Food vending trucks:** Doernenburg passed out language that Bear Creek Township has recommended regarding a food truck ordinance. She stated that the vendor that we reviewed located at the B. May Bags location won’t be there any longer. They were part of the meeting at the township in which this language was discussed and they didn’t feel that there was a location that would be worth it for her to set up in Bear Creek Township. Eby stated that he feels that defining a portable food vendor would be a better option. This is too complicated. Alexander stated that he doesn’t like seeing food trucks compete with brick and mortar businesses. It is a tough enough economy as it is especially with the seasonality of our area. Doernenburg stated that a committee was formed in Bear Creek Township and they also had those concerns. They can’t be prohibited all together. Eby stated that they don’t have to be given special rights either. It seems like the list that the committee put together just requires them to abide by the zoning ordinance. Alexander stated that there are places that a building couldn’t be at in which they would do well. Doernenburg stated that events would not be regulated. Eby stated that we could allow them for shorter events or for daily hourly service (such as delivery to a business during the lunch hour) but if they intended to be there longer, they’d have to conform to the zoning ordinance requirements for a brick and mortar restaurant. Seating was called out during the discussion because parking in our ordinance is based on restaurant seating. Since there is no seating, there would have to be some other way to determine parking. Staff will continue to work on proposed language.

VI Adjournment

There being no other business Eby called the meeting adjourned at 8:38p.m.

________________________________________   __________________________
James Scott, Secretary        Date