EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 3, 2006
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES

MEMBERS PRESENT: Jack Jones, James Scott, Kelly Alexander, Leroy Gregory, John Eby, Steve Neal
MEMBERS ABSENT: Sue Anderson, David Laughbaum, Katie Derrohn
STAFF: Brentt Michalek, Tammy Doernenburg
VISITORS: Jack Turner, Tonya Dell, Wayne McPhall, Sandra McPhall, Harold Woodruff, Martin Engel, Robert Scudder and Fred Gray

I Call to Order and Attendance
The meeting was called to order at 7:34 p.m. by Chairman Eby. All members were present except Anderson, Laughbaum and Derrohn.

II Minutes of July 6, 2006 Meeting
Jones made a motion, supported by Gregory, to approve the minutes of the July 6, 2006 meeting as presented. The motion passed by a unanimous voice vote of the members present.

III Cases
1. Case #198A-99 Shell Gas, LPG, SITE PLAN REVIEW, Amendment, Banwell Road, Section 22, Littlefield Township

Legal Notice: A request by Shell Gas LPG for Site Plan Review to amend the approved site plan for a LP Gas Storage Facility located on the south side of Banwell Road within Section 22 of Littlefield Township. The property is zoned FF-1 Farm and Forest and the facility is located on an easement on parcel 24-07-17-22-100-028. The request is per Section 800-9 of the Zoning Ordinance.

The applicant has requested tabling to give them time to prepare a new site plan. The case was deferred until the next regular meeting.

2. Case #142C-76 Adelbert Dell, SPECIAL USE PERMIT, Retail Sales, 4950 US-31 N, Section 17, Littlefield Township

Legal Notice: A request by Adelbert Dell for a Special Use Permit for a retail sales business to be located at 4950 US-31 N, Section 17, Littlefield Township. The property is zoned B-1 Local Tourist Business and is tax parcel number 24-07-17-17-400-041. The request is to allow sales of motorized vehicles (go-carts, dirt bikes, ATV’s, etc.) and accessories per Section 901-7 and 8 of the Zoning Ordinance. The property is owned by Wayne McPhall.

The case was reviewed with Case #142D-76. The building is proposed to be shared by both uses. Michalek explained the request to operate a retail sales business for off-road vehicles. The property is zoned B-1 and the request is per Section 901-7 and 8. The use is similar to those Sections of the Ordinance. Littlefield Township recommended approval with conditions that no outdoor display be allowed, that there be no operating vehicles outside of the building and that no public roads may be used to test drive the vehicles. During the previous review, the applicant indicated that repairs would be conducted in the building. A flow test area is shown on the plan. Parking is adequate.

Jones asked about limiting the outside working hours from Monday thru Friday 8am-5pm. Tonya Dell stated that she is open 10 am – 6 pm. They will be closed on Sunday. She would agree to the conditions. There was discussion regarding the hours of operation and testing the units.
Eby mentioned the flow area does not have specifically identified dimensions on the site plan. Dell explained that the test area would be between the fence and the woods. Eby stated that they need to add the boundaries to the site plan. Scott suggested that a physical area, such as, to the building line could be a condition of approval. Eby agreed, westerly of the building reaching no farther than the southerly edge of the parking lot and no farther east than the parking lot. Dell agreed to the area drawn onto the site plan and initialed and dated the site plan.

There were no public comments.

Scott made a motion, supported by Jones, to approve Case #142C-76, Adelbert Dell, Special Use Permit, retail sales business, 4950 US-31 N, Section 17, Littlefield Township, to allow sales of motorized vehicles (go-carts, dirt bikes, ATV’s, etc.) and accessories per Section 901-7 and 8 of the Zoning Ordinance because the use is appropriate for the zoning district, the parking standards are met, Littlefield Township recommended approval and on condition that no outdoor display is allowed, and the operation of the vehicles is allowed only in the designated test area bordered on the south by the south line of the building between the woodland and the west side of the building and the north by the change in width of the building at the north corner, south of the parking lot, and the hours of operation for outside use are restricted to 8 a.m. thru 5 p.m., Monday thru Friday. The motion passed on the following roll call vote: Yes: Eby, Neal, Jones, Scott, Gregory, Alexander. No: None. Absent: Laughbaum, Anderson, Derrohn.

3. Case #142D-76 Larry Cohan, SPECIAL USE PERMIT, Office/Showroom, 4969 Indiana Pt., Section 17, Littlefield Township

Legal Notice: A request by Larry Cohan for a Special Use Permit to operate an office and showroom of decorators or similar trades in part of the building located at 4969 Indiana Pt., Section 17, Littlefield Township. The property is zoned B-1 Local Tourist Business and is tax parcel number 24-07-17-17-400-041. The request is per Section 901-3 of the Zoning Ordinance. The property is owned by Wayne McPhall.

The case was reviewed with Case #142C-76. The building is proposed to be shared by both uses. Michalek explained the request for a contractor use with space for retail sales. The area on the site plan labeled “Unit 2” is the area proposed to be used. The parking standards of the Ordinance are met. A sign labeled “parallel parking” has been installed on the east side of the building facing Indiana Point.

There was discussion regarding the work area behind the 5’ wide by 6’ wide fence. The work boundaries can be the same area as the previous case. The fence screens the work area from the road.

Doernenburg explained that she met with the applicant on site. A door has been installed on the west side of the building to access the screened yard. The fences obscure the view from US-31.

Scott made a motion, supported by Neal, to approve Case #142D-76, Larry Cohen, Special Use Permit, contractor/decorator business, 4969 Indiana Pt, Section 17, Littlefield Township, per Section 901-3 of the Zoning Ordinance because the use is appropriate for the zoning district, the parking standards are met, Littlefield Township recommended approval and on condition that no outdoor display is allowed, work performed outside of the building must be screened from public view and any outdoor work performed on the west side of the building must be south of the 5’ wide 6’ high screened fence and the outdoor use may only be performed between the hours of 8 a.m. thru 5 p.m. Monday thru Friday. The motion passed on the following roll call vote: Yes: Eby, Neal, Jones, Scott, Gregory, Alexander. No: None. Absent: Laughbaum, Anderson, Derrohn.

4. Case #124G-94 RG Properties, AMEND PUD-1, US-131, Section 7, Bear Creek Township

Legal Notice: A request by R.G. Properties for an amendment to the Mixed Use Planned Unit Development-1 (PUD-1) to allow a third sit down (no drive-thru) restaurant on the parcel identified in the original approval as the “Secondary Parcel”, the parcel is bounded by US-131 Highway to the east, Anderson Road to the west, Lears Road to the south and 1727 Anderson Road and 1746 US-131 Hwy to the north, all within Section 7, T34N-R5W, Bear Creek Township. The property is currently approved for two sit down restaurants south of Plaza Drive and R-2B General Residential uses for the entire parcel. The underlying zoning districts of the property are B-2 General Business and R-2B General Residential and the property includes tax parcels numbered 24-01-19-07-380-101, 380-102, 300-042, 300-047, 300-048, 300-049 & 300-020. The request is per Article XVIII of the Zoning Ordinance.

The applicant has requested tabling because the Township has not made a recommendation. The case was deferred until the next regular meeting.

5. Case #S-16-06 Sign & Design for Windjammer Cove & Marina, SIGN REVIEW, 3654
**US-31, Section 18, Littlefield Township**

**Request:** A request by Martin Engel for Windjammer Cove & Marina for sign exceptions to apply to the PUD-1 Planned Unit Development located south of Oden Road and east of Cincinnati Avenue, Section 18, Littlefield Township. The property is tax parcel number 24-07-17-455-001 and is zoned R-2C General Residential. The exceptions are: 1) Sign area increase of 14 sq. ft. and 2) Two (2) freestanding signs. The request is per Section 2207-12 of the Zoning Ordinance.

Michalek explained the request for two sign exceptions at the Windjammer Marina and residential development on Crooked Lake. The proposal is for 2 sign exceptions; 2 freestanding signs on one lot and both signs larger than allowed at 32 sq. ft. Sign “A” shown on the layout plan was conditionally approved by the Sign & Lighting Committee as it meets the standards of the Zoning Ordinance. Sign “B” and “C” are proposed to be located as shown on the area plan. MDOT has required an “enter” only and “exit” only access at the easterly portion of the development. The reason for 2 separate signs is the lack of internal traffic flow. The Sign & Lighting Committee recommended 2 signs for traffic safety reasons. Staff would suggest that perhaps an 18 sq. ft. sign would be adequate, as allowed in the Ordinance.

Jones asked about the existing signs. Doernenburg responded that there are existing signs that are in violation. The applicant has offered to remove all of the signs. Michalek added that the proposed signs are somewhat directional. The size was discussed.

Bob Scudder from Sign & Design stated that the reason for 32 sq. ft. is that the signs are for the units that may be rented out. The space is conflicting with the light posts along the highway. At 50 MPH in that area, the sign size is necessary. If traffic enters the wrong drive, they must re-enter the highway to enter the correct units. He explained the rationale for requesting larger signs. Jones stated that one line could be eliminated and still meet the objective. These are directional signs.

Martin Engel added that posted speed limit is 45 MPH with two lanes. The concern is that the units will have visitors and that with the non-connected nature of the development, smaller signs would not be visible enough to allow vehicles to safely slow down and enter through the proper drive. They are proposing 10” characters.

Michalek stated that once the other signs are removed, the new signs and entrance ways should be easily identified. Scott stated that to allow the larger sign, would be saying the Ordinance is wrong, he doesn’t think that is the case. There is a reason for the code; he would suggest that the violations should be taken care of immediately. Neal agreed. If the exception is approved, it sets a precedent. There must be some communication to those coming to visit. It is not that complicated of a communication process to properly inform those visiting the site. Scott added that the developer developed the site in the fashion that he did. To make an exception because of the layout of the development doesn’t make sense. There was discussion regarding the communication process, the newly approved sign for the marina and the sign area.

Engel stated that they’re using their knowledge of letter height to address safety issues for traffic entering the site. They are attempting to direct traffic onto the site safely.

Jones stated that it did not go before the Township, but the representative from Littlefield Township, Katie Derrohn, recommended a maximum of 24 sq. ft.

Eby stated that he doesn’t mind exceptions to the code for good reason. There are many businesses along the highway that could ask for the same thing.

Harold Woodruff stated that MDOT has determined the traffic flow on the project. The one-way drive impacts the traffic flow. There was discussion regarding the development and traffic flow. Scott stated that the area is short enough and if the signs are the same, the signs will be associated one with another. There was additional discussion regarding the traffic issues. Engel stated that the goal is to give the best signs for the site.

Alexander stated that any business would like a larger sign. The sign ordinance allows 18 sq. ft. He is opposed to allowing larger signs.

Scudder stated that they don’t have just one entrance into the property. Eighteen square feet isn’t effective. There is a lot of message to put on the sign.
Eby stated that there are three issues: 1. whether to allow two signs; 2. whether to allow an increase in the sign size; and 3. the status of the existing signs.

Jones made a motion to approve Case S-16-06, Martin Engel for Windjammer Marina and Cove, US-31 (Oden Road) and Cincinnati Avenue for an exception to the Sign Standards per Section 2207-12 of the Zoning Ordinance to allow 2 signs, 18 sq. ft. on signs labeled “B” & “C” and that all existing signs be removed prior to erection of the new signs. Scott supported the motion which passed on the following roll call vote: Yes: Eby, Neal, Jones, Scott, Gregory, Alexander. No: None. Absent: Laughbaum, Anderson, Derrohn.

Scott made a suggestion to simplify the sign and meet the same need, the signs could state: Entrance A & Entrance B on each sign.

IV Public comments:

V Other business:

- **County-wide Bus Tour:** The Bay Bluffs bus is available for August 18 or 19, 2006. The County-Wide bus tour was scheduled for August 19, 2006 at 9:00 a.m. departing from the M-119 offices, 3434 Harbor-Petoskey Road. Notices will be sent to the Planning Commissioners.
- **Enforcement Report:** The Blissfest Festival report was distributed and discussed. Kathleen Abbott, Civil Counsel, has requested a Blissfest Oversight Committee meeting.
- **Text amendments** – stormwater drainage system. As a result of the repeal of the Emmet County Stormwater Ordinance, a recommendation to amend the Zoning Ordinance was distributed and discussed. Scott made a motion, supported by Gregory to publish the proposed text amendment for the next regular meeting.
- **Text amendments** – Sign reviews – proposed amendments were distributed, but action was postponed until next month to allow the Planning Commission time to review the proposal.
- **Sub-Area Master Plan.** Michalek distributed 2 final pages with minor changes and graphic examples. Scott made a motion, supported by Jones to forward the document to the Board of Commissioners for final approval of the plan.
- **Closed Session.** Eby suggested that as a sub-committee of the Board of Commissioners, the Planning Commission has been requested to act and recommend on the issue of land acquisition and that the Planning Commission should go into closed session to discuss the matter. Gregory made a motion to enter closed session, Jones supported the motion which passed by the following roll call vote: Yes: Eby, Neal, Jones, Scott, Gregory, Alexander. No: None. Absent: Laughbaum, Anderson, Derrohn. After discussion, Scott made a motion, supported by Gregory to end the closed session meeting. The motion passed by unanimous voice vote.
- **DNR Land Consolidation project.** Scott made a motion, supported by Jones to recommend to the County Board of Commissioners that the County pursue possible land acquisitions under the DNR Land Consolidation project as being in the public interest. The motion passed by unanimous voice vote.

VI Adjournment
Chairman Eby called the meeting adjourned at 8:54 p.m.