EMMET COUNTY PLANNING COMMISSION
SPECIAL MEETING MINUTES
THURSDAY DECEMBER 29, 2016, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: Dan Plasencia, Bert Notestine, Kelly Alexander, John Eby, David Laughbaum, Steve Neal, Shawn Wonnacott, Tom Urman

MEMBERS ABSENT: James Scott

STAFF: Tammy Doernenburg, Monica Linehan

I Call to Order and Attendance
The meeting was called to order at 7:30 PM by Chairman Eby. All members were present except Scott and Neal. Neal arrived during the introduction of the case.

II Minutes of December 1, 2016
Alexander made a motion seconded by Wonnacott to approve the minutes of the December 1, 2016 meeting as presented. The motion passed unanimously by voice vote of the members present.

III Cases
1. Case #PSUP16-010 STD Holdings, LLC, SPECIAL USE PERMIT/SITE PLAN REVIEW-Drive-thru restaurant/retail sales, 1099 N US 31, Section 33, Bear Creek Township

Legal notice: A request by STD Holdings LLC on property owned by FH Inc for a Special Use Permit and Site Plan Review to allow a drive-thru restaurant and retail sales on property located at 1099 N US 31 HWY, Section 33 of Bear Creek Township. The property is tax parcel 24-01-16-33-036 and is zoned B-2 General Business and P-T Parking Transition. The review will be per Articles 11 and 13 of the Emmet County Zoning Ordinance.

Packet items: Request & location map, application, impact statement, site plan review checklist, 11/10/16 email from MDOT, 11/8/16 Zoning evaluation, 11/7/16 site plan & elevations, 11/29/16 letter from Haggard's P&H. Additional items sent and distributed: Proposed driveway changes from ECRC for Kent St. access, Bear Creek Township Planning Commission meeting minutes of 11/30/16 and 12/28/16, Emmet County Zoning Board of Appeals meeting minutes of 12/20/2016, MDOT email of 12/16/16, revised site and elevation plans dated 12/5/2016 & 12/28/16.

Doernenburg noted that several suggestions were made during the last review of this case. The applicant went to the ZBA and was approved for the requested variance with the condition that the fence and tree location be adjusted so as not to block the view of traffic on Old Tannery Creek when the trees are fully grown. This has been reflected on the plan dated 12/28/16. There have been no changes in regards to the Road Commission requirements to date. Doernenburg noted that an email regarding the phone conference that she and Denny Keiser had with MDOT was sent. They stated that they still would prefer the Kent Street entrance and exit but would accept this plan as long as there was to be no work in the right-of-way. The township recommended this plan. The elevations have been revised as well; the number of signs have been reduced. The signs and lighting will still go to the sign & lighting committee for review. The current request is for special use permit approval for the 12/28/16 plan.
Steve Neal arrives

Bill Trahan, Mann Construction, stated that they have tried to comply and make revisions to their plan. The current plan includes directional signs as requested. They are also going to have painted directional arrows on the pavement at both the entrance and exit. They have sent information to the Road Commission in the hopes of getting them to the site to discuss their requirements for paving and tapering but they haven’t heard back from them yet.

Urman stated that the previous concern from the neighbors about the storm drain have been looked into. That is not a storm sewer. The applicant plans to do some grading on the lot to help prevent water from escaping their property. Trahan stated that they want to raise the elevation from the road to the property line and then back down to help keep the water on the property. Notestine stated that that is a cistern and isn’t a storm sewer. The water problems in that area are a bigger issue.

There was no public comment on this case.

Urman made a motion to approve Case PSUP16-010, STD Holdings, LLC for a Special Use Permit for a drive-thru, a restaurant, and a retail business at 1099 N. US 31 Hwy., Section 33, Bear Creek Township, Tax parcel 24-01-16-33-202-036, as shown on the site plan dated received Dec. 28, 2016 on the following conditions: that there be no speaker added to the property for the drive-thru feature; that the signs and exterior lighting be reviewed as required by the Ordinance; that the rear parking spaces be deferred at this time; that the asphalt be completed prior to occupancy. Approval is based on the facts presented in this case and because the standards for a drive-thru business have been met, the Zoning Board of Appeals approved of a modification for the driveway; the drives are existing, the business has been a restaurant since before 1972 with a drive-in component at that time, because the standards of the Zoning Ordinance have been satisfied, and because the Bear Creek Township Planning Commission recommended approval. The motion was supported by Notestine.

Before the motion was voted on, Notestine inquired about the potential connection between this parcel and the Mobil parcel. Doernenburg stated that it was discussed at the Township Planning Commission meeting and the current owner had stated that he had approached the Mobil site owner about this in the past and they weren’t interested. Neal asked what happens if they don’t work their concerns out with the Road Commission. Doernenburg stated that they would either have to comply with their requirements or appeal their decision. It is between the applicant and the Road Commission.

After discussion roll call was taken on the previously offered motion. The motion passed on the following vote: Yes: Eby, Neal, Notestine, Wonnacott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Scott.

IV Public Comment: None

V Other Business:
• Enforcement report: Distributed with no discussion.

VI Adjournment

There being no other business Eby called the meeting adjourned at 7:40 p.m.