EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY OCTOBER 5, 2017, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: Kelly Alexander, John Eby, Tom Urman, Toni Drier, Jonathan Scheel, David Laughbaum, Steve Neal

MEMBERS ABSENT: Betsy White, James Scott

STAFF: Monica Linehan, Nancy Salar

I Call to Order and Attendance
Chairman Eby called the meeting to order at 7:30 p.m. All members were present except White and Scott.

II Minutes of September 7, 2017
Scheel made a motion seconded by Alexander to approve the minutes of the September 7, 2017 meeting as presented. The motion passed unanimously by voice vote of the members present.

III Cases

1. Case #PSPR17-008 Alpha Investco-James Shondel, SITE PLAN REVIEW-Townhouses/multi-family dwellings, 2514 N US 31 Hwy, Section 22, McKinley Township

Legal Notice: A request by Alpha Investco LLC, James Shondel, for Site Plan Review for approval of new townhouses and conversion of existing buildings to multiple family dwellings at 2514 N US 31 Hwy. The property is zoned R-2 General Residential and FF-2 Farm and Forest and is tax parcel 24-10-10-22-100-022. The proposal is to add two new buildings and convert two existing buildings to be used for multiple family dwellings. Review is per Articles 5 & 20 of the Zoning Ordinance.

Packet items: Request & location map, application, impact statement, site plan review checklist, MDOT email, staff report, 8/14/17 site plan, McKinley Township recommendation

Salar presented this case. The parcel is located on the east side of US 31, north of the airport. The aerial and proposed site plan were shown. The proposal is for multifamily housing and the conversion of some existing buildings into housing as well. The setbacks are met and required parking is provided. The property is zoned R-2. Elevations and floor plans were shown for the proposal. A drainage plan is required but has not yet been provided. Snow storage area is shown. Parking will be gravel parking. The fire chief had no comments on the proposal. No outdoor lighting is proposed but would need to go through the Sign & Lighting Committee if requested. Access is proposed via an existing driveway which has been approved by MDOT. Photos of the site and existing buildings were shown. Trees are provided based on the parking spaces and are on the plan.

James Shondel, applicant, stated that they met with the township last night and they talked further about the project then. One of the limiting factors is the power lines that bisect the property which is why they planned to build two buildings. After speaking with the township, it was discussed that they should revise their request to a re-zoning to push the R-2 zone about 100’ farther back on the property. This would allow them to put in just one building and would allow them to avoid the power lines. They would also like to put in storage buildings behind the housing on the property in the FF zone.
Eby asked if the storage would be just for the residents. Shondel stated that it originally started that way but now they are thinking about exploring rentals. They have been able to get shipping containers that they’d like to paint and use for storage. It is a better use of the property if they are able to do this. Alexander asked how much farther back they’d want to push the R-2 zone. Shondel stated that 100’ should accommodate the building. Angelo Genna stated that they realize it would have to be re-zoned.

There was no public comment on this case.

Alexander made a motion to table this case until the applicants figure out what they are going to request. If they decide to make a new request, this case can be withdrawn at that time. The motion was seconded by Scheel and passed by unanimous voice vote of the members present.

This case will be heard again at the next meeting of the Planning Commission on November 2, 2017.

2. Case #PSPR17-009 Phil & Kristin Schaner, SITE PLAN REVIEW-Hotel/motel/motor inn (lodge & villas), 1256 N US 31 Hwy, Section 34, Bear Creek Township

Legal Notice: A request by Phil & Kristin Schaner for Site Plan Review to allow development of a hotel/motel/motor inn ("Lodge & Villas") on vacant property located at 1256 N US 31 Hwy in Section 34 of Bear Creek Township. The property is tax parcel 24-01-16-34-100-027 and is zoned R-2 General Residential. The Special Land Use was approved by the Planning Commission on November 3, 2016. This review is Site Plan Review per Articles 5, 20, and 22 of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, site plan review checklist, impact statement, 11/3/16 ECPC minutes, easement agreement, private road info, staff report, photos of fences and trash receptacle, elevations, floor plans, site plan (proposed, existing, road design), Bear Creek Twp minutes

Salar presented this case. The location is best described as located behind Pirate’s Cove and Burger King. In 2016 the use was approved and they are now coming back for site plan review of the specifics. The proposal is for a lodge building to contain the owner’s residence and nine villas surrounding it. Parking is near the entrance with sidewalk access to the villas and lodge. The proposed access is from US 31 and an easement agreement has been drawn up to access the site. The site plan and photos were shown. The property is currently vacant, is partially wooded and is on the Tannery Creek. The R-2 zoned parcel is just over 2 acres. They meet the setbacks and parking standards.

Phil Schaner, applicant, stated that they missed the township meeting due to a miscommunication on their part in meeting dates. They have had a chance to review the township minutes from the meeting. He stated that the main building is not a restaurant type lodge, it is proposed to be more of a common area with meeting space. They anticipate people using this area if they rent out the entire facility for a reunion or business meeting. The layout includes just under 300sf of meeting room space and would require another two parking spaces which they have.

Urman stated that at the township some of the concern was with the meeting room. What would the occupancy of this room be? Schaner stated that it would be 12-15 people. Urman stated that there was some concern about wedding receptions being held there.

Scheel stated that at the township board meeting there was a different site plan shown and unit 9 was pushed a bit more to the east whereas this plan shows it tight up against the setback. Is this a possibility? Schaner stated that they likely looked at the concept plan that was reviewed for the use in
2016. This plan has them trying to take advantage of as much of the setback as they can to provide more privacy. Scheel stated that he wants to make sure that we are very clear as to where the high water mark is so that we can make sure that the 60’ waterfront setback is adhered to. Urman stated that the flood plain and high water mark were also issues they discussed at the township meeting.

Bryan Nolan, Benchmark Engineering, stated that they haven’t had a chance to clarify this yet. There is a large bank of about 3’ on the survey from last summer.

Scheel stated that the floodplain isn’t his concern but maintaining the required 60’ setback is. He would really like this delineated to make sure it is maintained.

Drier asked if they intend to advertise this facility as a wedding venue. Schaner stated that they don’t, it is more of an event facility. Kristin Schaner stated that they wouldn’t have weddings there but may have bridal showers or groom’s parties. Phil Schaner stated that they will offer a single rental or an entire facility rental option.

Scheel stated that maintaining a good vegetation barrier to the south was discussed as well.

Neal asked about the flooding in the area that affects these properties. What happens if there is a blockage or backup in this system? Salar stated that there is a scheduled repair in 2018 for this area.

Urman asked the Schaners about the possibility of a connector between the sites along the northern boundary to help eliminate curb cuts in the future. Could this be added to the site plan? Phil Schaner stated that it would be up to the other owners but they would be willing to discuss it. Urman asked if they would be willing to do a 20-30’ easement east/west. Schaner stated that this would be right in the area earmarked for snow storage and retention. 20’ would impede on their parking; 10’ would be better. Urman asked what the sidewalk material would be. Schaner stated it would be concrete.

Eby opened the floor to public comment.

Donald McCormack stated that he is a close neighbor and is also on the grounds committee for the golf course. He is concerned about storm water. Schaner stated that they have two retention ponds. McCormack stated that he wants to be sure that everything will go into these areas to help with the flooding issues.

Scheel made a motion to postpone this case and return to the township for further review. Neal supported this motion which passed by unanimous voice of the members present.

This case will be heard again at the next meeting of the Planning Commission on November 2, 2017.

3. **Case #PSPR17-010**

**David Drews/Northern Michigan Engineering Inc. on behalf of Monte Black/Wright Real Estate, SITE PLAN REVIEW-Vehicle storage bldg., 1342 N US 31 Hwy, Section 27, McKinley Township**

**Legal Notice:** A request by David Drews/Northern Michigan Engineering Inc on behalf of Monte Black/Wright Real Estate for Site Plan Review for a vehicle storage building at 1342 N US 31 Hwy in Section 27 of McKinley Township. The property is tax parcel 24-10-10-27-300-015 and is zoned I-1 Light Industrial. The review is per Articles 14, 20, and 26 of the Zoning Ordinance.

**Packet items:** Request & location map, application, floor plans, elevations, impact statement, site plan review

Emmet County Planning Commission 10/05/2017
Salar presented this case. The site is located on the east side of US 31, across from the airport. It is currently vacant other than a billboard. The property is zoned I-1, light industrial. The proposal is for a vehicle storage building. MDOT has looked at the access drive and proposed combining the drive with the business to the south, move the existing drive to the north, or potentially leave the drive where it is currently located. There is sufficient parking for the use. The surrounding zoning districts are I-1 and FF-2. The building would be 7,000sf and meets the setbacks. The Fire Department reviewed and had no concerns. No outdoor lighting or signs have been proposed and if it is, would have to be reviewed by the Sign & Lighting Committee. Snow storage is provided on the site plan. Photos of the site and the site plan were shown.

Chris Guyer, Monte Black’s property manager was present. He stated that the township wanted trees put in and they would do this; he wants everything good looking.

Scheel asked if the billboard can be regulated with a new site plan. No.

Mark Drier stated that the township has no issues with the billboard, it blends in. They did ask for additional screening and the applicant has agreed to a beige colored building. They also requested that if there were to be any site plan changes they would like to be made aware of them even if they were to be administratively approved.

Eby asked if the trees that they requested were defined. Drier stated that they discussed pines, maples to cover on the north. They left it somewhat vague. They specified trees not shrubs and landscaping on the front as it is right on the highway.

Urman stated that on site in Bear Creek Township they have required larger caliper trees to make sure they survive; 6-8’ 3-5” caliper trees usually. This makes for more established trees from the start. Eby asked if there are any transplantable trees already on site. Guyer stated there aren’t. Salar gave some examples of tree types and sizes from the zoning ordinance.

Drier stated that the trees will break up the large building a bit plus screen the site. It was offered up by Monte Black at their meeting. It will be a huge building on a wide open lot. Scheel stated that it is an I-1 district. Perhaps sporadically planning trees 20-30’ apart would break up the view or soften it. Eby stated that the area, type of trees, and spacing needs to be defined in a motion. Drier stated that trees on both sides and landscaping in front of the building is what is requested by the township. Scheel stated that they can’t go in front of the existing billboard sign with larger trees. We could stipulate screening in the front yard setback area and behind the billboard with pines and spruce. Neal asked if it needs to be on the site plan or can staff approve it. Eby stated that as long as there are general parameters in the motion they could get with staff to approve.

Toni Drier asked Mark Drier what the landscaping in the front was to be. Mark Drier stated that shrubs and low lying décor was offered by Monte Black at their meeting. Scheel asked if the details of their discussion would be detailed in their township meeting minutes. Drier stated that they would.

Scheel made a motion to approve Case # PSPR 17-010, David Drews/Northern Michigan Engineering Inc for Monte Black/Wright Real Estate, Site Plan Review for a vehicle storage building at 1342 N US 31 Hwy., located in Section 27 of McKinley Township, tax parcel 24-10-10-27-300-015 based on the facts presented in this case: the use is a permitted use in the I-1 zoning district, the site plan meets the standards of the Zoning Ordinance, no outdoor display is permitted (or proposed), and no outdoor
lighting or signs are permitted unless reviewed as required by the Zoning Ordinance and on condition that the building is built as shown on the elevation graphic and on the condition that the applicant provide a landscape plan to staff that follows the recommendation of the McKinley Township Board meeting of 10/3/2017 and the Emmet County Zoning Ordinance for approval and such plan would become part of the applicant’s site plan. It is also recommended that the applicant utilize plantings to soften the site with plants and trees to meet the Zoning Ordinance. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, Alexander. No: None. Absent: Scott, White.

4. Case #PPTEXT17-02 Emmet County Planning Commission, TEXT AMENDMENT-Section 22.11.2, Minimum Waterfront Setbacks (Boat Wells)

Legal Notice: A request by Emmet County Planning Commission to add the following paragraph “D” to Section 22.11.2 Minimum Waterfront Setbacks to read: “ Boat well covers may be permitted by the Zoning Administrator over existing boat wells approved by the state agency having jurisdiction provided that the structure is open-sided, has no greater than eight (8) ft. side posts at the eave, has an overall height not greater than twelve (12) ft., the structure meets the side yard setback standards of the zoning district, that it extends no greater than three feet on either the sides or the land side of the boat well, and that it is located within a navigable river of the Inland Waterway. The structure may not extend over the navigable portion of the river. Such structures are not subject to the waterfront setback but evidence that the existing boat well was established legally must be provided before the zoning permit may be issued.”

Packet Items: 9/15/17 zoning evaluation form

This is the third hearing on this proposed amendment. There is no new information to report from last month.

Laughbaum asked if they would be allowed to put plastic around the poles and enclose it. Eby stated that they haven’t in the past.

There was no public comment on this case.

Neal made a motion to recommend approval of Case #PPTEXT17-02, Emmet County Planning Commission, Text Amendment to add paragraph D to Section 22.11.2 as amended and printed in the Zoning Evaluation Form dated 9/15/2017 based on the recommendation of the Zoning Board of Appeals, the review of the text and history, the recommendations of the township and the DEQ. The motion was supported by Alexander and passed on the following roll call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, Alexander. No: None. Absent: Scott, White.

VI Other Business:

1. Enforcement Report: Distributed with no discussion.

2. Michigan Medical Marihuana update- Wawatam Township has sent in a resolution and McKinley Township turned in theirs tonight to not allow medical marihuana businesses.

3. PA-116-Eby stated that an application was turned into the clerk for this request. One of the requirements is that the Planning Commission recommendation be collected. We are to look to see if it is an appropriate use of the property. Eby explained that this request is like an extension of the homestead tax credit. The applicant signs up for this
program for a certain length of time between 10-90 years (this one is 15 years) and they are not allowed to split their property in order to keep the land in farm use. This allows them to not have the cap on the tax credit.

Scheel asked if we can look at development pressures for the property. Eby stated that there is a time restraint on this review. The Board of Commissioners will be reviewing this in November. Eby stated that he doesn’t think that there is development pressure on this area. In the past they have split up large properties and put on house trailers especially in the Ringler Road area. Scheel asked about the impact on the tax base. Eby explained that the assessor is required to assess the property as though the agreement doesn’t exist; there is not impact to the tax base. It does get the property away from any special assessments. Neal asked if this request is for one property. Yes. Eby stated that there are currently four agreements in Emmet County, this would be the fifth and would almost double the acreage in agreements in Emmet County. We need to look at the current use of the property to make sure it meets agricultural use, make sure it meets the Master Plan, and make sure it is in the best interest of the public.

Neal made a motion to send a recommendation of approval to the Clerk as this property is currently in agricultural use, the Master Plan identifies this area as agricultural, and the Planning Commission feels that it is the public’s best interest for it to remain agricultural. The motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, Alexander. No: None. Absent: Scott, White.

4. **MAP Conference**: Scheel reported that he attended the MAP conference and it was a very good conference. He learned a lot and hopes to be able to bring some of that knowledge back to this group in the future.

5. **Citizen Planner Program**: Drier reported that she and White finished the Citizen Planner Program.

**VII Adjournment**

There being no other business Eby called the meeting adjourned at 8:41 p.m.

James Scott, Secretary

Date