Call to Order and Attendance
Chairman Eby called the meeting to order at 7:31 p.m. All members were present except Scott.

Minutes of April 5, 2018
Alexander made a motion, seconded by MacInnis, to approve the minutes of the April 5, 2018 meeting as presented. The motion passed unanimously by voice vote of the members present.

Cases

1. Case PPUD18-01 Jack VanTreese for Maple River Resort LLC, PRELIMINARY PUD-AMENDMENT (REZONING), 3435 US 31 Hwy, Section 22, Maple River Township

Notice: A request by Jack VanTreese for Maple River Resort LLC for a Preliminary Planned Unit Development - amendment at 3435 S US 31 Hwy in Section 22 of Maple River Township. The request includes four tax parcels: 24-09-14-22-200-004 zoned RR Recreational Residential and 24-09-14-22-200-002, 003 & 24-09-14-22-400-020 all zoned FF-1 Farm and Forest. The request is to allow B-2 uses on the RR parcel and FF uses on the remainder plus cabins, RV and mobile home parks, golf and other sports venues. The review will be per Article 17 and Section 27.11 of the Zoning Ordinance.

Packet Items: Township recommendation

Doernenburg noted that this case was heard at last month’s meeting. The township requested further review. The parcel is located east of US 31, north of Brutus. It encompasses the Maple Ridge Golf Course property. The proposal has been reduced to just one site which was pointed out on the aerial map. The proposal is for the 32-acre parcel and is to rezone the RR property to PUD to allow B-1 uses proposed plus outdoor display of storage sheds/buildings and FF uses on the property. The uses that exist including the clubhouse and restaurant would remain. The Township recommended preliminary approval to allow B-1 uses only on the south half of the property and only to the depth of the adjacent property’s business zoning district plus outdoor display area for model cabins and storage buildings which would be restricted to the southwest corner of the B-1 area next to the neighboring B-2 parcel. The remaining portion of the parcel would be allowed cabin court use along with the existing restaurant/clubhouse. This was shown on a zoning map. The current zoning map was shown as were photos of the site. The existing uses were reviewed. The existing accesses are proposed to be used and any additional access would have to be reviewed by MDOT. Doernenburg explained that the Planning Commission recommends to the Board of Commissioners who meet later in May.

Jack VanTreese, applicant, stated that he met with the township and this was their proposal which he can live with. Cabins will be around the restaurant like a resort.
Scheel asked if the outdoor display would be strictly set to be only model cabins/storage buildings and nothing else. Are these the pre-built buildings? Doernenburg said yes; this is preliminary only and he will have to come back to finalize with exact locations with dimensions. Scheel asked if any B-1 use would be allowed. Doernenburg said yes as long as it fits into the Zoning Ordinance requirements.

There was no public comment on this case.

MacInnis made a motion to approve Case PPUD18-001, Jack VanTreese for Maple River Resort LLC for a Preliminary Planned Unit Development Rezoning on property located at 3435 US 31 Hwy, Section 22, Maple River Township, tax parcel 24-09-14-200-004 only as shown on the Proposed PUD – Preliminary Development Plans dated Received February 14, 2018, and as shown on the 5/3/2018 graphic because the standards for the PUD and a Rezoning have been met. The uses include all B-1 uses on the RR parcel and outdoor display of model cabins and storage buildings as recommended by Maple River Township. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

2. Case PSPR18-002 Dave Wilson for Northern Monument, SPECIAL USE PERMIT/SITE PLAN REVIEW-AMENDMENT, 1807 N US 31 Hwy, Section 26, Bear Creek Township

Notice: A request by Dave Wilson for Northern Monument for a Special Use Permit and Site Plan Review at 1807 N US 31 Hwy in Section 26 of Bear Creek Township. The property is zoned B-2 General Business and includes tax parcels 24-01-16-26-300-040 & 300-042. The request is to amend the site plan and allow outdoor display and retail use per Articles 11, 20, 21 and 22 of the Zoning Ordinance.

Packet Items: History of parcels, 2008, 2012, & 2017 aerials, email from Engineer, rev. site plan, photos of other properties, 5/2/18 site plan, twp PC & Board minutes

Doernenburg stated that this case was reviewed at last month’s meeting but was sent back to the township for review as they didn’t have a meeting in March due to a lack of a quorum. The history of land uses for the parcel had been provided in the packets. An aerial was shown which shows the property as it exists today. It is currently used as an office building. There is access from US 31 and Shaw Road. The aerials from 2008, 2012, and 2017 were shown. The existing, original, and revised site plans were shown. The current proposal is for an 8x40’ area for outdoor display. There will be boulders in place to block the Shaw Road access but the owner would like the ability to retain the use of that access in the future. The gravel parking area will be identified with bumper blocks and signage. A sealed drainage plan was provided on 5/2/2018. There will be a swale with a slight berm to allow water to flow to the Shaw Road ditch. Doernenburg stated that she, the Bear Creek Township Supervisor, the Road Commission, and the owner met on the site after the last County meeting. The additional requirements recommended at the township meeting have been addressed by the newest site plan. There is a proposed sign near the entrance to direct to the parking area near. The parcel is zoned B-2 and encompasses two tax parcels. The display area has been reduced slightly. There are no new buildings, access, or lighting proposed. Photos of the site were shown. The Shaw Road access has been partially blocked already. The Bear Creek Township Planning Commission recommended tabling but the Township Board reviewed the case and revised site plan and recommended approval as presented on the revised plan.

Bill Marshall, property owner, stated that he has given the township everything that they have asked for on this drawing.

Neal asked if it is normal for the tenant to request this instead of the property owner as the deal will be with the property owner. Alexander stated that some contracts make the tenant responsible for
everything. Doernenburg stated that we require the property owner’s signature on the application. The property owner and applicant are not always the same.

Urman stated that all of the township requests are on the new plan. The issue discussed with the water on the property seems to be fine. He stated that he visited the property after the last hard rain and the water seems to be staying down. He did not see any water going through the fence line. It either stayed on the property or went towards the ditch. The boulders proposed will eliminate that access.

Laughbaum stated that it seems that if there were to be a more intensive use on that property in the future you’d want to create the possibility to open that drive back up again. It is convenient and maybe safer than the highway as it is very busy there now. A lot of people that might want to go here and then go north may want to use that access. Urman stated that this is why they didn’t want the access totally eliminated. Laughbaum stated that if it were a blacktopped parking lot this may not be an issue. Will the boulders be set back enough for someone to park there and walk to the site? Urman stated that they couldn’t drive through but may have enough room to park and walk in.

There was no public comment on this case.

MacInnis made a motion to approve Case PSPR 18-002, Dave Wilson for Northern Monument, Special Use Permit and Site Plan Review for retail use and outdoor display on property located at 1807 N US 31 Hwy., Section 26, Bear Creek Township, tax parcel 24-01-16-26-300-040 & 300-042 based on the site plan dated May 2, 2018 for the following reasons: the plan meets the standards of the Zoning Ordinance and on condition that the outdoor display not exceed the area shown on the plan and that it be limited in height to less than three feet and because the Bear Creek Township Board recommended approval. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

3. Case PPUDF18-01 Robert Drost, AMENDMENT TO PRELIMINARY PUD, FINAL PUD, & SITE PLAN REVIEW, 2157 Howard Rd, Section 17, Bear Creek Township

Notice: A two-part request from Robert Drost for 1) amendment to the Preliminary Planned Unit Development (PUD) and 2) a Final PUD and Site Plan Review for 2157 Howard Road and an adjacent vacant parcel both located within Section 17 of Bear Creek Township. The property is zoned Planned Unit Development and includes tax parcels 24-01-19-17-100-019 and 100-005. The permitted uses include FF-1 Farm and Forest Principal and Special Land Uses, Storage Uses and Multiple Family Uses; the proposed uses are Storage on parcel 100-019 and Forest Product Processing on 100-005. Review is per Articles 8, 17, 20, 21, and 26 of the Zoning Ordinance.

Packet Items: Revised PUD agreement, 4/18/18 revised zoning evaluation form, photos from neighbor, twp PC & Board minutes

Doernenburg noted that his case has undergone a lot of review at the township level and various requests have been reviewed by this board over the last year. This request encompasses both 2157 Howard Road and an adjacent parcel that is accessed via River Road. The aerial was shown. The parcel on Howard is adjacent to City of Petoskey owned property which was the former landfill and private property on the south side. A PUD has been approved for storage uses on this parcel and for forest product processing on River Road. Howard Road: Photos of the sites were shown. There is a request for an amendment to the preliminary PUD. Due to the request on the next case Doernenburg suggested reviewing this as Phase 1 only as the township did. Phase 1 includes both tax parcels at approximately 22 acres. There are three storage units proposed for Phase 1 (#6, 10, & 15), two (#6 &
#10) will be 66’x126’ and the third (#15), 50’x150’. Parking is provided for each unit and trees are proposed at 1 tree per 10 parking spaces. The height and elevation plans as well as the landscape plan were provided on 2/26/18. Howard Road access is via an existing approved commercial driveway. All perimeter setbacks are met for the Phase 1 storage buildings. A revised drainage plan was provided on 4/24/18 and meets Zoning Ordinance standards with an estimated cost of $26,856. A revised drainage plan was submitted just prior tonight’s meeting based on the discrepancies noted during the Bear Creek Township Planning Commission’s meeting. A PUD management plan is needed. The draft PUD agreement was provided to the applicant and also reviewed by Civil Counsel. It needs to be reviewed by the Planning Commission. The approved preliminary plan was shown as was the proposed preliminary PUD plan. There are significant amounts of retaining areas required due to the steep grade from the top to the bottom parcel. Phases are shown on the detailed plan as well as elevations and landscape plan. Height of the buildings are proposed at 16’. Landscape graphics and elevation renderings were shown. Signage and lighting will need to be reviewed by the Sign & Lighting Committee and are not a part of this review. River Road: There has been a letter received from Ryan Fettig, neighbor, who is opposed to parts of this request. He is concerned with hours of operation and enforcement. The approved use is for Forest Product Processing. There is storage area provided for logs and wood chips. The other materials shown on the plan such as stone and topsoil are not approved. The township has recommended approval without those uses allowed. A revised plan submitted just prior tonight’s meeting removes those additional uses. There are wetlands on the property and they are identified on the plan. The processing area is proposed on dirt surface; was previously proposed as gravel. The access has been approved by the Road Commission. The perimeter setbacks are maintained except for the access between parcels. There is no proposed use within the 50’ perimeter setback on the north side. There is no impervious surface noted on the drainage plan. A PUD management plan is needed. There were concerns at the township board level and they asked that those concerns be brought to the Planning Commission. Draft minutes from the board meeting were handed out. Excavation has already occurred on the property. The drainage plan was not complete at the township meetings but has now been provided. There has been concern about the wood chipping and grinding that was approved and was supposed to occur shortly after the approval. There is concern about the noise for that use. A timeline for restoration on the south property line on the River Road side is also a concern. The plans were shown for this site.

Robert Drost, applicant, read a statement. He noted that the drainage plan is now complete and apologizes for the late submittal. They’ve done a lot of land management to the site to ready the site for the forest production. The grinding will be limited to three times per year and a unit will be brought to the site to process the product into mulch and hauled off. They have a utility facility that will be taking 200 tons per month. They are looking for a good use for them rather than them being dumped. As for the schedule of reclamation, the south property line is a top priority. As to the question of encroachment, Drost stated that they will fill and grade to a 3:1 slope, seed with roadside mix and hydro mulch to stabilize within 45 days. The retaining wall will be constructed on the west side of the parcel and will be either poured concrete or bin block. This will also be stabilized with the roadside mix and hydro mulch. It will be 12’ in height sloping down to grade and should be completed by this time next year. Hours of operation will be M-F, 8am-5pm. For brush grinding, M-F, 8am-5pm three times per year, 15 days per year total. Drost estimated this would be done sometime in May, September, and January. This will be the only extra noise above vehicle traffic.

Doernenburg stated that the PUD agreement doesn’t have hours of operation listed. It should be added to #21 as should the language be changed in 21 H) to note that the stock piles shall not exceed the area on the 5/3/18 site plan.

Neal asked what the next step is. He stated that it feels like it is morphing as we go through the
process and there are changes proposed that aren’t even approved yet. Doernenburg explained that the next case is only to request a change to the perimeter setback. Everything in Phase 1 meets the required setbacks. Additional phases would be required to come back before this board. If the preliminary were to be approved, it would also have to come back for a final approval. This could happen all at once or in phases when ready.

Scheel asked how we can make sure that we approve a 50’ perimeter setback for Phase 1 tonight rather than the confusion. Doernenburg noted that the motion could state that no modifications to the perimeter setback have been approved.

Eby opened the floor to public comment.

Ryan Fettig, owner of adjacent property, stated that he wrote a letter. He appreciates the hours of operation being stated. His concern is whether the guidelines will be followed. He doubts it as they are entering their busy season. This is very close to a residential area and is about 250’ to his driveway. There is a sports complex just down the road. Fettig stated that he doesn’t believe this is needed as there are several similar operations within a five-mile radius.

Laughbaum asked about the proposed change in the perimeter setback; does this change anything on the City property. Doernenburg stated that there is nothing in Phase 1 that would occupy that space. Phase 2 with the revised plan would have buildings that encroach in that area. Urman stated that he thought that the plan showed a 20’ perimeter setback. Doernenburg stated that that is the plan for the next case. Phase 1 has nothing in the setback area. The reason for requesting only Phase 1 is because of that reason. If the setback line is approved, there will be no changes to Phase 1. The landscaping is interior and on the detailed plan. There are trees at the rate of 1 tree per 10 parking spaces scattered throughout the parcel. Urman asked if a boundary/security/safety fence for the parcel should be required. Kids could get into the parcel and into log storage; could be a safety issue. There were concerns at the township for screening at the River Road entrance. Scheel asked Urman where he wants the fence. Urman stated that he would like it 5’ into the property on the southerly boundary. Scheel stated that he sees his concern but doesn’t see the value. This is a large parcel and someone could come in at any direction. He is not sure the value to cost is there. Urman stated that the concern was because that piece is residential. The other surrounding parcels are either FF or I zoned. Doernenburg stated that if the fence is something that moves forward, it should not be 5’ from the property line but rather in the vegetated area so that trees are not removed to place the fence. The property line is to be marked to be sure that the perimeter setback is maintained. The electrical pole is at the 50’ point.

Scheel made a motion to approve PPUDF18-01, Robert Drost for Final Planned Unit Development and Site Plan Review for PHASE 1 only on property located at 2157 Howard Road and a vacant lot fronting River Road in Section 17, Bear Creek Township, tax parcels 24-01-19-17-100-005 & 019, as shown on the Proposed PUD Plan dated Received Apr 6 2018 and including the detail site plan and drainage plans dated Received May 3 2018 because the standards for the Preliminary and Final PUD have been met, and the uses include all previously approved uses, being Forest Products Processing plus storage because the plan is consistent with the adjacent land uses, the proposed uses are consistent with the rezoning and the PUD Preliminary Plan, there would be no adverse physical impact on surrounding properties and the standards of Article 17 and Section 20 have been met and approval includes all conditions as shown on the draft PUD Agreement dated March 12, 2018, on condition that the 50’ perimeter setback will be maintained for Phase 1, no other materials are allowed to be stored other than the log storage (no soil, rock, or crushed stone), within 45 days the River Road property is to be restored and reclaimed as stated by the applicant on 5/3/18, brush chipping is restricted to three times per year (15 days total), and will be done Monday through Friday, 8am-5pm, regular business hours
will be M-F, 8am-5pm, a performance guarantee in the amount of $26,856.00 will be required, and there will be a limit of one semi-truck per day leaving the site. The motion was supported by Neal.

Drost clarified that the limit on semi-trucks is just for the large semis, not for their regular vehicles. Scheel responded, yes. Urman asked if the safety fence can be added to the motion. Scheel stated that he sat through the township meetings and didn’t hear this as a concern so he is not adding this to the motion. Eby stated that Urman could request that his concern about safety issues be included in the minutes so that it puts any liability onto the applicant. Urman asked if we can just ask the applicant to put the fence in. Eby stated that the motion on the table does not include the fence. Urman requested that the safety concerns be included in the minutes and suggested the applicant take necessary safety precautions.

After discussion, the motion passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

4. Case PPUDF18-002 Robert Drost, AMENDMENT TO PRELIMINARY PUD, FINAL PUD, & SITE PLAN REVIEW, 2157 Howard Rd, 2165 Howard Rd, and adjacent parcel River Rd, Section 17, Bear Creek Township

Notice: A two-part request by Robert Drost for an amendment to the Preliminary Planned Unit Development (PUD) for 2157 Howard Road, 2165 Howard Road, and an adjacent vacant parcel accessed via River Road all located within Section 17 of Bear Creek Township. The property located at 2157 Howard Road and vacant parcel fronting River Road are zoned Planned Unit Development and include tax parcels 24-01-19-17-100-019 and 100-005. Part 1 of the request is to reduce the perimeter setback from 50 feet to 20 feet along the north property line of tax parcel 24-01-19-17-100-019 and the west property line of tax parcel 24-01-19-17-100-005; both adjacent to the City of Petoskey’s property being tax parcel 24-01-19-17-100-018. The second part of the request is to add to the Preliminary PUD 2165 Howard Road, being tax parcel 24-01-19-17-100-020. The property is currently zoned FF-1 Farm and Forest and the request would be to include this property in the PUD maintaining the fifty feet side yard setback for buildings, allowing the driveway in the perimeter setback (with a 30’ setback) and allowing all FF-1 Farm and Forest Principal and Special Land Uses and Storage Uses on the property. Review is per Articles 8, 17, 20, 21, and 26 of the Zoning Ordinance. If the Preliminary PUD amendment is approved, the Final PUD Plan Review will follow at future meetings held the first Thursday of each month.

Packet Items: request & location map, application, tax parcel map, impact statement, 4/6/18 letter from applicant, 2/21/18 letter from Road Commission, site plan review checklist, 4/18/18 zoning evaluation form, 4/6/18 master plan of site, 5/3/18 drainage plan, revised blow up of site 5/3/18 letter from Ryan Fettig,

Doernenburg presented this case and noted that the parcel to the south (2165 Howard Rd) has been verbally withdrawn from the request tonight. The current request is now for 2157 Howard Rd and the River Road parcel. The request is only to reduce the perimeter setback from 50’ to 20’. This was discussed with the applicant but he opted not to do this at the beginning. The proposal does not change the approved uses; it only changes the setback. The final review would be at the Board of Commissioners level. The township has recommended approval.

Bob Drost, applicant, stated that he was coached in the beginning to include this request but didn’t. He is now requesting a reduction in the perimeter setback which allows for a much more reasonable slope. The steeper sloped area will have to have soil erosion measures placed. They have a drainage plan now that incorporates more natural absorption. There is more natural drainage and more capacity. He stated that it was a good suggestion and he should have requested it from the beginning.

Urman verified that the southerly parcel on Howard Road is no longer part of the request. Correct. He stated that there were concerns at the township level on screening along the south border. Drost noted
that more could be planted if they gain the 30’. Urman asked if the road location will change. Drost stated that the road stays where it is. Urman asked if there will be screening at the road. Drost stated that there will be; the larger trees do a great job. Urman asked Drost if he would be willing to consider the safety fence on the southerly property line. There have been incidents with snowmobiles on properties in the past. Drost stated that he would need some time to determine the cost and where to put it. Urman stated that it would only need to be a safety fence; 6’ high chain-link fence. Drost stated that people wander, he’s not sure that this will keep them off of the property. Eby asked Drost if he will use due diligence to keep trespassers off of the property. Drost stated that yes, he would.

Eby opened the floor to public comment.

Steve May, 2282 Howard Road, stated that he is opposed to changing the setbacks. Everyone else has to comply with the setback requirements.

Jane May, 2264 Howard Road, stated that she is opposed. They wake her up at 6am with their equipment; she’d like to see them comply with the hours of operation that they’ve stated. He is already doing things without permits, how does he get away with that? She is sick of it.

Laughbaum stated that he doesn’t know anything about the landfill property. He is all about using property but asked what the chances of him excavating into what is under the landfill? Doernenburg stated that the City did ask for the details on this proposal but they opted not to comment and were not going to oppose the request. There may be plans for a possible use but nothing has been finalized. Laughbaum asked how high of a retention bank would be against the landfill. Drost stated that there is no difference proposed than what exists today. Scheel stated that this request doesn’t negate landscaping or screening requirements. Doernenburg confirmed all would still be required.

MacInnis made a motion to approve Case PPUD18-02, Robert Drost for a Preliminary Planned Unit Development amendment on properties located at 2157 Howard Road and a vacant lot fronting River Road in Section 17, Bear Creek Township, tax parcels 24-01-19-17-100-005, & 019, as shown on the Proposed PUD – Preliminary Development Plan dated Received Apr 6 2018 because the standards for the Preliminary PUD have been met, and the uses include all previously approved uses, being all FF Farm and Forest permitted and special land uses plus storage buildings because the plan is consistent with the adjacent land uses, the proposed uses are consistent with the rezoning and the PUD Preliminary Plan previously approved, there would be no adverse physical impact on surrounding properties and the standards of Article 17 have been met and approval includes all conditions as shown on the draft PUD Agreement dated March 12, 2018. This approval modifies the perimeter setback from 50’ to 20’ on the north and west property lines. This motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Scheel, Laughbaum, Urman, MacInnis. No: Neal, Drier, Alexander. Absent: Scott

5. Case PSUP18-002  Susan & William Klco, Special Use Permit-Home Occupation, 910 N Lamkin Rd, Section 36, Readmond Township

Legal notice: A request by William and Susan Klco for a Special Use Permit for a Level II Home Occupation at 910 N Lamkin Rd, Section 36, Readmond Township. The property is zoned RR Recreational Residential and is tax parcel 24-12-07-36-102-003. The request is to allow for an artist’s residence with studio open to the public on up to two Saturdays per month during May through October and the review is per Section 26.11 of the Emmet County Zoning Ordinance.

Packet Items: request & location map, tax parcel map, application, home occupation use plan/impact statement, site plan review checklist, 1/23/18 Level 1 Home Occupation permit and site plan, 4/12/18 email from Susan Carson, 4/13/18 email from John Carr, 4/13/18 email from Nona Carr, 4/14/18 email from Sheridan Jones,
Doernenburg presented this case. The location map was shown. She explained that Lampkin Road is situated quite a bit lower than N Lake Shore Drive. The parcel is currently vacant. Permits to construct a residence and an accessory building have been submitted. Zoning permits have been issued for both buildings. The site plan was shown. Doernenburg explained that she administratively approved a Level 1 Home Occupation permit with specific standards placed on approval. When the applicants applied for their building permits this permit was questioned. The Building Department didn't feel that this was a home occupation and this made Doernenburg re-think her approval of the permit.

Doernenburg stated that she went to Civil Counsel and went through the ordinance and her approval. There is a provision in which the Administrator can take the case to the Planning Commission for their review. She contacted the applicants who came in and applied for a Level 2 permit right away. This does require the Planning Commission review and this is how the case was advertised. Nothing has changed on the plans at all. The request remains for an artist's residence and a studio in the accessory building. Artists will stay in the cottage and do their work in the studio/accessory building, 1-4 people at a time for a couple of weeks. On Saturday's 1-2 times per month, they will hold open studio hours to the public from 10am-2pm. Less than one vehicle per day expected on average. The maximum sized sign permitted is 2sf for a home occupation although no sign has been proposed. The driveway has been reviewed by the Road Commission and approved as a residential driveway.

Doernenburg stated that several letters have been received both in opposition and support of this project. Some of the letters stated that they wanted them read at the meeting. Doernenburg explained that this request has been reviewed in the past by Civil Counsel and it was indicated that the letters did not need to be read at the meeting. All of the letters received have been distributed to the Planning Commission members. Doernenburg explained that a packet of information was sent out two weeks prior to the meeting, another about a week prior, a third this morning, and a fourth on the desks tonight. Doernenburg went through a summary of the letters received. She noted that several people indicated that they did not support a re-zoning of the parcel. She stated that this is not a re-zoning. It is a home occupation which is a special use permit and is allowed in any zoning district. The Zoning Enabling Act specifically addresses allowing for artists within your ordinance. Some letters indicated that they felt this was spot-zoning; which it is not because it is not a re-zoning. Doernenburg noted again that several letters have been received over the past several weeks even up until today. Doernenburg showed the survey of the property and pointed out the access. The home occupation use statement was filled out in January. The Readmond Township Planning Commission did review this case and recommended approval after a lengthy discussion on a 5-2 vote. The Readmond Township Board unanimously recommended approval. The draft minutes were passed out. There were some comments that the neighbors felt that they should have been notified in January. Doernenburg stated that the Level 1 is an administrative approval and does not require neighbor notification or Planning Commission review. They are here now asking for the expanded approval because of concerns that were raised. Doernenburg read each of the names of people who had sent letters and summarized
their comments. The PowerPoint slides showed the same.

Susan Klco, applicant, passed out information including a letter, an artist contract, and elevation sketches. She read the letter. She noted that there had been concerns about parking. The driveway is 100’ long and additional parking was pointed out on the site plan. Saturdays are drop-in situations; this is not a gallery, there will be no sales, and there is no charge for entry or to the artists.

MacInnis asked if the original approval was based on the assumption that this would just be a residence since their primary residence is used for a similar activity now. Doernenburg stated that the request before the Planning Commission is the same as presented to her in January when she issued the Level 1 permit. She advertised it as a Level 2 in order to bring to the Planning Commission for their review when the questions were raised. MacInnis asked why they are applying for this permit if they are already doing this at their primary residence. Klco stated that their location is not open to the public. Doernenburg stated that she felt that the use as a whole falls into the Level 1 permit. When she consulted Civil Counsel she was advised and decided the best course of action was to take the request to the Planning Commission as provided in the Zoning Ordinance in Section 26.11, paragraph G. It was advertised as a Level 2 at that point to be able to review the request thoroughly.

Laughbaum stated that the occupant of the house is not the one that will be running the home occupation; the renter would be. Doernenburg stated that the ordinance says the occupant or family living on the premises shall conduct the home occupation. Urman stated that typically the same person is running the home occupation.

Neal stated that it seems pretty innocuous as proposed however, would this permit stay with the property if the use changes? Doernenburg stated that the home occupation permit is specific to the use and couldn’t be changed unless it came back before the Planning Commission. An approved use does run with the land and doesn’t change with ownership. If the Planning Commission is looking to approve the case then the information that was received tonight should be noted in any motion as well. Neal stated that the contract seems to include good rules.

Drier asked if they are advertising the open studios to the public. Klco stated that it was on the website however they have now removed that and will replace with their phone number for further information. She stated that she understands that she needs to limit and control the number of people coming. Drier asked what the plan would be if they were over capacity. Klco stated that they would accommodate those that they could and would have to turn away the rest. Either she or her husband would be onsite to do this if needed although she doesn’t anticipate this issue. This is more of a small, quaint thing that the local people can utilize. It is not broadly advertised. Neal stated that perhaps the reason it sounds scary to neighbors is because it is going from invitation only right now to open. Klco stated that they have been very responsible at their current location and have had no complaints from neighbors. They will continue to be responsible.

Scheel inquired about signage; Klco had indicated that there would be no permanent signage. What is temporary signage? Doernenburg stated that the Zoning Ordinance does not have a temporary sign use. The Level 2 would allow for a 2sf sign. Klco stated that she would happily say no signage at all if that helps. Scheel stated that the contract should be included as a part of the record. The motion should also include local advertisement, no sales, and no parking along the road.

MacInnis noted that it seems that amongst the many letters, most of the supporters were not immediate neighbors where most of the opposition were immediate neighbors. This reflects the concerns of people that live nearby. He stated that he has been trying to picture how he would feel if this was in his subdivision. He stated that he counted about eleven letters of opposition from people nearby; they
have concerns that the activity will be busier than what they would like on their street.

Alexander stated that he didn’t know the geographic layout of where all of the letters came from. Doernenburg noted that the letters received up to the date of the Readmond Township meeting were summarized both in content and location by the Readmond Township Planning Commission Chair; this document was updated and sent to the Emmet County Planning Commissioners in their supplemental packets. Scheel stated that most that support aren’t neighbors and those opposed are. This doesn’t necessarily mean that it shouldn’t happen but their concerns should be addressed.

Laughbaum stated that the idea is that people come and enjoy the art. Things could get out of hand with too many people there. How do you police this with artists there that may not speak English? What stops them from having a garden party while they are there? Do you say that only a certain number of people can come? This has been an issue in the past. If we approve this, it will definitely set a precedent.

Neal asked if the Building Department will set an occupancy load? Doernenburg stated that they will. Neal stated that maybe in order to limit the number of people they could make an announcement that the first 20 people will be ticketed in order to restrict the numbers and control it.

Scheel asked if she could share the occupancy load. Doernenburg stated that she doesn’t have that information.

Bill Sutton, Readmond Township Planning Commission Chair stated that this was one of his more interesting meetings. It was long and there were many people there. He noted that a Level 1 and Level 2 Home Occupation permit is almost identical. The difference is just that if the Zoning Administrator feels that it is clear cut and can be approved they can sign off on it. A Home Occupation looked at under a Level 2 permit has characteristics that may need to have additional scrutiny and these are referred to the Planning Commission. When this case came in he stated that he had a hard time figuring out how to deal with it. He spent some time with the rules and regulations for this type of use. The Zoning Enabling Act is very specific and allows and requires that this type of use be considered. The intent of the RR section was read by Sutton as was the definition of an art studio and home occupation. The main piece of this definition is the ‘for gain’ section. This project is gratis to the artists and the public; there is no gain. Accessory uses assumed include customary accessory buildings and their uses and are permitted under Section 22.01 provided the setbacks and floor areas are met. Section 26.11 was reviewed. The key section is D which is what was focused on at the township in regards to parking and traffic. They heard from the applicants and the neighbors. James Godzik of the Road Commission visited with the township supervisor on site and agreed that the site will support the parking needed for the proposal. This meeting happened after the Planning Commission recommended approval. They heard the case for 1.5 hours and voted 5-2 in favor with many comments both pro and con. The Road Commission has approved the driveway. The Township Board reviewed last night and recommended approval unanimously. The motion was a little unique, the draft motions were provided as well as the Level 1 Home Occupation permit. The board felt that this met their requirements and added that the SUP would be revoked if provisions are violated. The County provided draft motion including the home occupation permit and those revocation provisions were adopted. Sutton stated that they have been good neighbors and live in the community. This is not a new project and has been doing this for four years. They have a good idea of how to do this. It is important to them and they won’t do anything to deny the sanctity of the neighbors.

Drier stated that at the time of the township review it was noted that there were 5 unfavorable and 13 favorable letters. There are more than this now. She asked Sutton, with this in mind, is there any consideration that the case should go back to the township for further review. Sutton stated that they
received responses from 6-7 people within 300’ of the property lines. There has been a lot of discussion behind the scenes of property owners notifying one another; he doesn’t feel that the County was lax in their required notification at all.

MacInnis asked Sutton if we were to grant this and the township had second thoughts about what had happened, if there was something that caused them to regret approving, could you do something about it and if so, how would this happen. Doernenburg stated that the County has zoning jurisdiction as well as enforcement jurisdiction. The township only recommends approval or denial to this board.

Laughbaum asked about the average traffic. Is there a limit on a certain number of cars per day or at once? It seems that we are getting a warning more so than we are being asked for permission. He stated that the neighbor down the road from him was an artist for years, people can play guitars on their back porch; all of this done without permits. Perhaps someone famous will come to this location and bring people in and change the traffic flow or maybe it won’t effect it at all. What you have is more of a commercial enterprise under the guise of a home occupation. Alexander stated that if owners are doing this vs bringing people in, he feels this is different. Laughbaum stated that he doesn’t think that we can give them everything that they want under a home occupation. He doesn’t want to get down the road and just because someone is doing something in their house and needs a permit; this can cut both ways. Alexander asked since this has been going on for several years has there been any complaints or problems? Sutton stated that they haven’t registered any.

Gordie Kruskie, Readmond Township Supervisor, stated that the responses he’s gotten from people he talked to for the most part are supportive of the request.

Eby opened the floor to public comment.

Ernest Bouck stated that he is concerned about what the building sizes are going to be and whether they would increase his property value. The applicants have been clearing the property since Tuesday. He pointed out his location along with other dissenting neighbors on the map noting that the neighbors all around the property are opposed. The support letters are not from neighbors. He stated that the Klcos should keep doing what they are doing at their current location and not bring it down onto Lamkin. This is where many go to have their summer vacations. Local people know where art can be viewed. If this is allowed, then what is next? If they are owner occupations as it says in the law what is to say that they can’t do the same thing? He thinks that this can be challenged. The Klcos have already started to clear the lot; what happens if this is challenged in court? He stated that the County should talk to legal counsel before making a decision even if this means the request will be postponed to assure that the owner occupancy will pass muster. Bouck stated that he has nothing against the arts.

Donna Scarpuzza-Jones stated that she lives above the property in question. As they sit on their deck looking at the lake they can hear and see everything happening below them and can hear conversations on Lamkin Road. She stated that this is hard and feels that the Klcos have this in their heart. She and her daughter would have like to join in. She feels that it is optimistic to have no more than twelve cars in and out. It is a beautiful idea and they have a beautiful webpage, Facebook page, and Instagram account. They say that they have taken down the schedule but on the last page of the website this address and a map to it is listed. As to parking, if it is not on the road she is ok with it but it is still concerning. If they do exceed the parking limitations what is our recourse? Scarpuzza-Jones stated that they hadn’t planned on having to keep tabs on this or have a public facility below them. They have no problem with the residence but open houses are very scary. They bought a single family home in an area of single family homes. This will affect us and our property values. If they were to sell, she stated that she would be morally obligated to disclose that there is a facility open to the public.
She stated that they wouldn’t have bought there if that existed when they purchased their home. This is between their property and the focal point of the area, the lake. They are requesting a legal change to the property use and not giving any limits in writing. It is a vague request and is scary and disruptive. Clear restrictions should be in place. Table or don’t pass this request. She thinks this is a wonderful idea but they didn’t think about how it impacts close neighbors.

Bill Sutton stated that Mr. Bouck discussed the term ‘owner occupancy’ and he wanted to clarify that the term is ‘home occupation’.

James Bodzik, Emmet County Road Commission, stated that there were concerns with a business being there and parking. He spent time on site with the applicants and the Township Supervisor. They explained the proposed operation. They have adequate space for 2-3 parking spaces. This is out of the scope of the Road Commission as it is not located in the road right-of-way. It is considered a natural beauty road so if they did want to expand onto the shoulder, this would not be allowed. They will be putting new language into the residential permit that was issued that states if they ever do decide to do more with it in the realm of sales or if the property changes hands to run a business they will have to comply and make the access into a full commercial access and would be reviewed at that point. At this time they aren’t selling any goods and parking seems to be met.

Susan Klco stated, in response to the comment regarding policing artists that don’t speak English, that either her or her husband would be present and they are quite fluent in English. The neighbors all around them now approve of the activities and are very positive. As for the land clearing, they have had all of the required permits in place since January. They have operated honestly and up-front. Land clearing is not against any laws. There has been misinformation spread through the community. They are not having concerts and are not a commercial venture. The quiet is what the artists are seeking. There will be no parking along the road.

Cici Bauer, stated that she lives adjacent to their present location and has had no issues and no parking issues. The Klcos are always on site and are welcoming to people. As the closest and most direct neighbors she stated that they are very conscientious.

Annette Moriarty stated that it is so quiet in Good Hart, you’d never know that there is an artist there. There is more noise from the neighborhood dogs. There are people parking on Lamkin for church open houses/brunches and can be up to 20 cars up and down that area. Most local people walk to the space now. Nothing there has a price tag and is not being sold. Neighbors get to enjoy the art. There are more complaints with the many guests of rental cottages in the area.

Donna Scarpuzza Jones stated that they have ample parking now because it is invitation only and they know what to expect. A facility open to the public is different.

MacInnis stated that the Readmond Township Planning Commission and Board are thorough. It was debated twice in their own community amongst their own neighbors. As many reservations as he may have he stated that he doesn’t feel that he can do a better job than what the township has already done. Sutton seems to be immersed into the issue and Kruskie is thorough. He is sensitive to the neighbors’ concerns but feels that since it has been debated locally twice that is significant.

Urman read from the home occupation section. The artist would be the occupant in this case. Urman stated that he has no issue with the arts but wonders if we are setting a precedent. Laughbaum stated that this is a change from the home occupations that we normally review. He is not trying to make a mountain out of a molehill but it is a change. Are they asking for permission for something that they don’t need? Are we supposed to accommodate them? Is it a hobby since they aren’t charging anything? It is a benign use to him as long as the traffic is under control. There are places for certain
kinds of arts and they aren’t in the country.

Drier stated that Scheel discussed incorporating the contract into our motion. Should it be pared down or looked at in its entirety? Eby stated that those parts of the contract that relate to zoning should be our concern. Drier asked if it could be terminated if violations occurred. Doernenburg stated that if violations occur, we would then go through the enforcement process. Sutton stated that there is language to the home occupation permit as well as a written contract between the tenant and the Klcos. Laughbaum stated that we shouldn’t reference the contract as we are not enforcing it. They just have to meet the Zoning Ordinance standards. Scheel stated that in PUDs we have individual items related to zoning that are important. Doernenburg stated that we would not be enforcing their contract, we would only be enforcing zoning related items.

MacInnis made a motion to approve Case #PSUP18-002, William and Susan Klco, Special Use Permit for a Home Occupation to operate an Artist Residency at 910 N Lamkin Rd, Section 36, Readmond Township as outlined in the Home Occupation Use Plan dated 1/19/2018 and as shown on the site plan dated 1/23/2018 because the use meets the standards of Section 26.11, the use will not conflict with the residential character of the neighborhood, only people living on the premises may be employees of the home occupation, hours of operation may be as described in the Home Occupation Impact Statement, pertinent portions of the artist contract along with information from the applicant letter both dated 5/3/18 will be enforced, and no sign is permitted. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, MacInnis. No: Urman, Alexander. Absent: Scott.

6. Case PSUP18-001 Patrick Leitelt for ML68 Properties LLC, Special Use Permit-Contractor’s Use, 8737 M-68 Hwy, Section 12, Littlefield Township

Legal Notice: A request by Patrick Leitelt for ML68 Properties LLC for a contractor’s use at 8737 M-68 Hwy, Section 12, Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-07-17-200-006. The request is to change the use from one Special Land Use (Kennel/Grooming) to another (Contractor’s Use). The request is per Articles 8, 19, 20, 21, & 22 and Section 26.32 of the Emmet County Zoning Ordinance.

Packet Items: Zoning evaluation form, request & location map, application, tax parcel map, site plan review checklist, impact statement, 3/26/18 site plan, Littlefield Township meeting minutes, 5/3/18 site plan.

Doernenburg presented this case. A revised site plan was received today. The parcel is zoned FF-1 and is approximately 9.8 acres. The proposal is to change from one special use (Kennel/grooming) to another (Contractor’s use-landscaping/property maintenance). The original site plan was for a dwelling and a garage. The garage was built but the dwelling never was. Drost Landscaping originally started there but there was no record of approval other than a sign permit. The township thought that maybe they were approved as a nursery at that time. The existing structures include a mobile home, a 1200sf pole building, a 384sf accessory building, and an approximately 100sf accessory building. The site plan was shown. The parcel is partially screened from M-68 with landscaping. Twelve parking spaces are required and provided. The maximum sign permitted is 32sf; there is no sign proposed at this time. The sign on site can be used. The Fire Department review has been received verbally. Hours of operation have not been provided. MDOT review should not be required as it is commercial use to commercial use. Snow storage is shown on revised site plan. A waiver to storm water drainage has been requested due to the size and topography of the site as it is fairly flat. There is a dumpster on the site plan now; it would be required to be screened per Ordinance standards. The Township recommended approval.

Applicant stated that the hours of operation would be 7am-6pm M-F, with less than a dozen weekend days during the winter for snow removal.
MacInnis asked about the note on the top of the handouts stating that they aren’t allowed to access the site. Doernenburg stated that we are not allowed to access the sites unless authorized by the property owner. In this case they didn’t authorize access. The applicant stated that this was for personal liability issues. Doernenburg stated that we are reviewing how the request impacts the community from a public standpoint.

There was no public comment on this case.

Neal made a motion to approve Case PSUP 18-001, Patrick Leitelt for ML68 Properties LLC, Special Use Permit for a Contractor’s Use to operate a landscaping/property maintenance business on property located at 8737 M-68 Hwy, Section 12, Littlefield Township, tax parcel 24-07-17-12-200-006 based on the site plan dated received May 3, 2018 for the following reasons: the site and the use meets the standards of Articles 8, 21, and Section 26.32, the use is screened from public view, the township has recommended approval, with the modifications allowed that the property is less than 10 acres, less than 600 feet wide, building limitations are allowed to be exceeded as proposed, and owner doesn’t reside on the property and on condition that the dumpster be screened as per Zoning Ordinance standards. The motion was supported by MacInnis and passed on the following roll-call vote: Yes: Eby Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

7. Case PSPR18-004 Elaine Keiser, Architect Inc for P&L Liquid Investments LLC, Site Plan Review-Amendment, 1844 & 1884 Harbor-Petoskey Rd, Section 27, Bear Creek Township

**Legal Notice:** A request by Elaine Keiser Architect, Inc for P&L Liquid Investments, LLC for Site Plan Review amendment at 1844 and 1884 Harbor-Petoskey Road in Section 27 of Bear Creek Township. The properties are zoned B-2 General Business and are tax parcels 24-01-16-27-400-017 & 020. The request is to allow outdoor seating, modify vehicle and bicycle parking, and reconfigure access from M-119. The review is per Articles 11, 19, 20, and 22 of the Emmet County Zoning Ordinance.

**Packet Items:** Request & location map, application, impact statement, site plan review checklist, email regarding drainage estimates, email regarding MDOT approval, zoning evaluation form, 4/9/18 site and drainage plans, Fire Department review, BCPC minutes.

Doernenburg presented this case. The parcels are both zoned B-2 and are the Petoskey Brewery and the former Coca-Cola bottling plant and warehouse on the corner of M-119 and Hiawatha Trail. There are no new buildings proposed. The outdoor seating is to be increased and the vehicle parking relocated. Bicycle parking is to be added. There will be no parking behind the Brewery but there will still be truck access. One drive entry off of M-119 to be eliminated and MDOT has approved this concept. Vehicle and pedestrian access between the two parcels is provided. Storm water drainage plan has been provided and meets ordinance standards. The site is connected to township sewer service and has an existing well and septic. Surrounding zoning was pointed out and includes B-2 to the north and south, R-2 to east and west. Parking standards are met; 50 required, 76 provided including 4 barrier free spaces. Doernenburg stated that there was a question regarding minimum and maximum parking at the township level. The maximum is exceeded because of unused area in the building that may be used in the future. There is ample snow storage shown on the plan. One outdoor light pole is to be relocated. No new signs are proposed. The Fire Department has approved the plan requiring a Knox box, exit signs for outdoor areas, and requirements for what items will be stored in the warehouse. The township has recommended approval. The Road Commission has reviewed the site.

Elaine Keiser, applicant, stated that there will be landscaping and lighting to make the warehouse look better. She has spoken with James Godzik about the Road Commission concerns and they have
discussed adding curbs which they will do.

MacInnis stated that the Brewery has turned out to be quite a successful venture. This is the third time it’s been a brewery since the 1800s. He thinks that this proposal enhances the site.

Urman asked if there are any further concerns with the Road Commission. James Godzik stated that because there is still to be truck traffic it didn’t make sense to narrow that driveway down. Curbing will be put in to protect the road. They will work closely with Benchmark Engineering to make sure that this goes smoothly.

Scheel stated that this is a great redevelopment of a large warehouse property. With that said, he has minor concerns about pedestrian traffic and having to share with both pedestrian and vehicle traffic. There aren’t a lot of sidewalks and there will be a lot of drives that will have to be crossed. He stated that there isn’t much that can be done about it but it is bothersome.

There was no public comment on this case.

Urman made a motion to approve Case #PSPR18-004, Elaine Keiser Architect, Inc for P&L Liquid Investments, LLC, for outdoor seating and expanded parking on property located at 1844 & 1884 M-119 Hwy, Section 27, Bear Creek Township, tax parcel 24-01-16-27-400-017 & 01-16-27-400-020, as shown on the site plan dated Received April 9, 2018 because the standards of Articles 11, 20 and 22 of the Zoning Ordinance have been met, and on condition that the exterior lighting be full cut-off and mounted horizontally as required by the Zoning Ordinance, and that a performance guarantee in the amount of $4000 be provided as required for the drainage standards (Section 20.05 G.) before a Zoning Permit is issued, because the township recommended approval, and on condition that the Fire Department requirements are met. The motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

8. Case PSUP18-003  Jason Smith, Special Use Permit-Contractor’s Use, Powers Rd, Section 17, Littlefield Township

Legal Notice: A request by Jason Smith on property currently owned by Griffin Family Trust for a contractor’s use on Powers Road, Section 17, Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-07-17-100-048. The request is to construct a pole building to be used as a contractor’s storage for landscaping & snow removal business. The request is per Articles 8, 21, and Section 26.32 of the Emmet County Zoning Ordinance.

Packet Items: Request & location map, application, tax parcel map, site plan review checklist, impact statement, zoning evaluation, 4/9/18 plans (site, elevations, topo), township minutes.

The applicant requested that his case be postponed to allow time to assess access concerns. No one was present to comment on this case.

IV Public Comments: None

V Other Business:

1. Enforcement Report- Distributed; no discussion.
2. Accessory Uses in FF-1 & FF-2- Doernenburg stated that an updated draft was in packets. The next step would be publishing a notice for public hearing if the draft is acceptable. Neal made a motion to authorize staff to publish the proposed amendment for public hearing. The motion was supported by Scheel and passed unanimously via voice vote of the members.
present.

3. **Winery**: No new information or discussion.

4. **Communications - Letter from Julianne Michaels, 3030 Beckon Rd**- Doernenburg stated that this was correspondence regarding Blissfest. She did note that there will be a request likely next month coming in regarding Blissfest as well. Drier stated that there is a Blissfest review committee meeting in May. James Godzik with the Road Commission stated that they have been in contact with the Road Commission regarding their plans.

VI Adjournment

There being no other business Eby called the meeting adjourned at 10:45 p.m.

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James Scott, Secretary            Date