EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY AUGUST 4, 2016, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

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

MEMBERS ABSENT: Steve Neal

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 Neal.

II Minutes of July 7, 2016
Alexander made a motion seconded by Notestine to approve the minutes of the July 7, 2016 meeting. The motion passed unanimously by voice vote of the members present.

III Cases
1. Case #PSUP15-0003 Dick Huvaere Land, Inc., SPECIAL USE PERMIT-Private heliport, 1780 Commerce Ct, Section 26, Bear Creek Township

Legal Notice: A request by Dick Huvaere Land, Inc for a Special Use Permit for a private heliport on property located at 1780 Commerce Ct, Section 26, Bear Creek Township. The proposal is to use the vacant lot as a helicopter landing field for private use only. The property is zoned I-1 Light Industrial and is tax parcel number 24-01-16-26-275-108. The request is per Sections 1301-8 and 2405 of the Zoning Ordinance.
Packet items: Request & location map, tax parcel map, application, impact statement, site plan review checklist, aerial with heliport location noted, location map with parcels highlighted, site plans, aerial site plan with landing/takeoff areas highlighted, aerial with approaches highlighted, reference maps by PZCR, updated staff report.

Doernenburg reported that this case has been on the agenda since October of 2015 because the ordinance was being amended to allow for heliports. The subject property is located at the end of Fochtman Industrial Drive. It is zoned I-1, Light industrial, and is composed of two site condo lots, 7&8 totaling approximately 1.75 acres. The use is proposed on unit 8. The building on unit 7, which is owned by the applicant, is used for storage. There are no proposed structural changes. The request is to allow a private heliport on a grassy, fenced-in location on the property adjacent to the storage building. Doernenburg explained that the new ordinance would not permit heliports in the I-1 zoning district, however a helistop is permitted as a special use. Adjacent parcels are zoned I-1 and FF-1 with surrounding uses being industrial to the north and west, resource extraction to the south, and Hearthside Grove Motor Coach Development to the east. The location maps, desired flight paths for accessing the site and photos of the site were shown. There is a wind sock on the storage building and guards on the power lines. The ordinance requires that the helistop be setback 200’ from buildings not on the subject parcel or owned by the applicant. This location meets those setback requirements and a plan illustrating that was shown. The ordinance also allows the
Planning Commission to limit entry onto a site based on adjacent land uses. A graphic was shown illustrating the surrounding uses. There is storage and auto repair uses immediately adjacent to this site. The township has recommended approval but with the condition that the ingress/egress be limited so that they don’t fly over (below 300’) any current buildings or structures in either the Fochtman Industrial Park to the north/northwest or Hearthside Grove to the north/northeast. Doernenburg noted that the site plan was amended slightly to meet the current ordinance standards and the applicant’s representative approved of the changes.

Kevin Nelson, representative for the applicant, stated that the township did review this case and asked questions. The applicant is comfortable with the restrictions.

Alexander asked if there has been any neighbor input. Plasencia asked if Hearthside Grove has room to expand their development. Doernenburg stated that they do have room to expand and they were notified of the case when the process started. A representative did call but there was no opposition. No other neighbor input has been received.

There was no public comment on this case.

Nelson noted that the restriction put in by the township was to alleviate the potential liability by taking the approach that instead of telling them which direction to take off and land, we tell them which areas they need to stay away from.

Laughbaum stated that a lot of work has been done and feels this has come to a point in which he could support the request.

Urman made a motion to approve Case #PSUP15-0003, Dick Huvaere Land Inc. for a Special Use Permit for a private helistop on property located at 1780 commerce Ct., Section 26, BCT, tax parcel 24-01-16-26-275-003 as shown on the site plan dated Received Sept. 02, 2015, with modifications as shown on the plan dated July 21, 2016, because the use is now permitted within the I-1 Zoning District for a helistop and it meets the standards of Articles 14 & 22, and Section 26.5. Approval is on the following conditions: 1) helicopters may not exceed a maximum gross weight of 8,000 lbs.; 2) Transport Category levels shall not exceed 94 dB(A) with FAA standards of certification; 3) hours of operations shall be limited to 7am to 10pm; 4) use shall be limited to two (2) takeoffs and two (2) landings per day, and no more than five (5) takeoffs and five (5) landings per calendar week, with a maximum of one hundred (100) landings per calendar year; 5) helicopters shall not have its engine(s) in operation on the ground for more than five (5) minutes for start-up and shut-down evolutions; 6) helicopters are not to fly over, below 300 ft., any current buildings or structures in the Fochtman Industrial Park and Hearthside Grove residential community in the northerly, easterly, and north easterly direction. The motion was supported by Notestine and passed on the following roll-call vote: Yes: Eby, Notestine, Scott, Wonnacott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Neal.
2. Case #PPUDF16-0002  Crooked Lake Yacht Club (Roger Winslow), SITE PLAN REVIEW-parking lot/boat slips, 3656 Oden Rd, Section 18, Littlefield Township

Legal Notice: A request by Crooked Lake Yacht Club (Roger Winslow) for a Site Plan Review for a proposed parking lot for boat slips at 3656 Oden Road in Section 18 of Littlefield Township. The property is zoned R-2 which is part of the Windjammer Planned Unit Development Overlay (PUD-1) and is tax parcel 24-07-17-18-451-015. The request is to allow a parking lot for additional boat slips and the review is per Article 17 of the Zoning Ordinance.

Packet items: No new information

Doernenburg presented this case. This property is located within the Windjammer PUD and is zoned R-2 with a PUD-1 overlay. The PUD is 6.3 acres and the subject parcel is 0.37 acres. The location and aerial view of the PUD was shown. The originally approved PUD plan was shown. Doernenburg explained that the approval was originally for six multi-family units and included garages and pedestrian open spaces/public areas. She noted that the public walkway to Windjammer was an integral part of the PUD approval; it was offered and it was required to remain public to gain the added density that they needed for approval. The current proposal is to create a 30 space parking lot to use for 12 boat slips and remove the six residential units. There are no new curb-cuts proposed so MDOT is satisfied with the proposal. The site plan was shown. The bridge and walkway to connect the public area from one side of the lagoon to the other have been eliminated from the proposed plan. The parking lot surface is proposed to be gravel. The original approval required 16 parking spaces for 32 boat slips. There have been concerns raised by the adjacent property owners in regards to the public area that was required by the original PUD. The PUD’s ownership, management, and construction have not been provided as required in the ordinance nor has the information on any existing or proposed deed restrictions, easements, or covenants. The township reviewed the proposal in April and requested further information on who is taking care of the management, a letter from the Fire Department, information on the eight parking spaces and right of access for all 32 boat slips, information on waste receptacles; if not needed what happens to the waste, and a request for a letter showing all parties agree to the changes. The township has not reviewed this case since their March Committee and April Board meetings. The site plan shows parking and boat slips and the walkway/bridge has been removed. There has been no new information submitted. Photos of the site were shown.

Roger Winslow, applicant, was present. He stated that he has no new information but can answer questions. He stated that his understanding after talking to the township is that they only needed Fire Department approval. He talked to a representative at the Fire Department who stated that they would get an approval letter. Winslow stated that they are asking to use the space originally approved for the six residential units for parking for the yacht club. With their membership, additional parking is needed. He believes that the access between parcels is addressed and shown on the plan.

Plasencia stated that the township did send a letter in with their concerns that Tammy had read off and these items have not been settled yet. There are too many legal loose ends. Winslow stated that he would communicate with the zoning office.

Eby opened the floor to public comment.

Kurt Hoffman, Windjammer, stated that he believes there are legal loose ends and they haven’t come to an agreement on them. He is not sure that his access is documented.
Because information is still needed and the township needs to review the case, this request has been deferred for an additional 30 days.

3. **Case #PSUP16-003**  
   **Steve Sewejkis, SPECIAL USE PERMIT-Home Occupation, 3060 Welsheimer Rd, Section 18, Friendship Township**  

   **Legal notice:** A request by Steve Sewejkis for a Special Use Permit for a Home Occupation for a painting business at 3060 Welsheimer Road, Section 24, Friendship Township. The property is tax parcel 24-06-12-24-200-014 and is zoned FF-2 Farm and Forest. The request is to allow a business within the accessory building at the residence of the applicant. The review is per Article 8 and Section 26.11 of the Zoning Ordinance.  

   **Packet Items:** No information

   Doernenburg stated that the applicant has submitted a new application that will be heard at the September meeting due to the date it was turned in. She recommended deferment of this case pending the outcome of the new one.

   There was no public comment and the case was deferred for another 30 days.

4. **Case #PSUP16-005**  
   **Leon Kilpatrick, SPECIAL USE PERMIT-Outdoor sales of Autos, 6481 Mill St, Section 24, McKinley Township**  

   **Legal Notice:** A request by Leon Kilpatrick for a Special Use Permit for Outdoor Sales of Autos at 6481 Mill Street, Section 3, McKinley Township. The property is zoned B-2 General Business and is tax parcel 24-10-10-03-100-007. The request is to allow sales of used vehicles within the existing parking lot per Sections 11.01, 26.42, and Article 20 of the Zoning Ordinance.

   Doernenburg presented this case. The property is located on the corner of US-31 and Mill Street in Levering and is zoned B-2. There is an auto-body shop on site which was approved by the Planning Commission. They would like to expand their business to include auto sales utilizing their existing lot. The aerial of the site and site plan were shown. The surrounding zoning is B-2 however most of the uses are residential in nature. They are required to have 14 parking spaces and 14 are provided currently. This proposal eliminates five spaces for the auto display. There is no Road Commission review necessary as they are using their existing access. Photos of the site were shown. The State requires zoning approval on their auto dealer forms and this is the process he has to take to obtain this. The township has recommended approval.

   The applicant was present for any questions.

   Eby stated that cars for sale typically look better than cars that need repairs.

   There was no public comment on this case.

   Plasencia made a motion to approve Case PSUP16-005, Leon Kilpatrick, Special Use Permit for Outdoor Sales of Autos on property located at 6481 Mill St., Section 3, McKinley Township, tax parcel 24-10-10-03-100-007 based on the site plan and supporting materials dated Received July 11, 2016 for the following reasons: The proposal meets the standards of the Zoning Ordinance and the township has recommended approval. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Eby, Notestine, Scott, Wonnacott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Neal.
5. Case #PSUP16-006 Mark Weiss for Weiss Family Limited Partnership, SPECIAL USE PERMIT-Land Development Standards, 5446 Pickerel Lake Rd, Section 36, Bear Creek Township

**Legal Notice:** A request by Mark Weiss for Weiss Family Limited Partnership for a Special Use Permit per Land Development Standards at 5446 Pickerel Lake Road, Section 36 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-16-36-200-071. The request is to split the property into 2 new parcels which creates more than five lots within a ten year period. The review is per Section 26.13 and Articles 19 & 20 of Zoning Ordinance 15.1.

Doernenburg presented this case noting that this is the fourth time the Planning Commission has reviewed requests on this property. They originally applied to create five parcels, one of which was sold and reviewed for an accessory building as a main use. The proposal now is to split again creating a sixth parcel within a five year period. She showed on the site plan the proposed split which essentially runs a line east to west to create the new parcels. Each parcel meets the standards for FF-1 minimum lot size and width, one at 1.42 acres and the other at 1.02 acres. The parcel on the SW side will be accessed via the easement on the west side of the parcel from Pickerel Lake Road. There is a house on one parcel and the other parcel will likely be used as a residence. The photos and the site plan were shown. The township has recommended approval of this request.

The applicants were present for any questions. There was no public comment on this case.

Urman made a motion to approve Case # PSUP16-006, Mark Weiss for Weiss Family Limited Partnership for a Special Use Permit per Land Development Standards on property located at 5446 Pickerel Lake Road, Section 36, Bear Creek Township, tax parcel 24-01-16-36-200-071, as shown on the survey dated Received July 11, 2016 and based on the facts presented in this case because the standards of the Zoning Ordinance have been met and because the township has recommended approval. The motion was supported by Notestine and passed on the following roll-call vote: Yes: Eby, Notestine, Scott, Wonnacott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Neal.

Notestine wanted the applicant to take note that at the township meeting Denny Keiser stated that there are other stipulations that they have to meet in order for him to approve the split and zoning is just one of them.

6. Case #PSPR16-005 Bishop Family Trust, SITE PLAN REVIEW-Storage building/future office, 1888 E Mitchell Rd, Section 4, Bear Creek Township

**Legal Notice:** A request by Jake and Diana Bishop for Bishop Family Trust for Site Plan Review to permit a storage and office building at 1888 E Mitchell Rd. The property is zoned B-21 Local Tourist Business and R-1 One and Two Family Residential and is tax parcel 24-01-19-04-100-030. The request is to construct a general rental center and storage building per Section 10.01 and Article 20 of the Zoning Ordinance.

Doernenburg explained that this subject parcel is the site of Taylor Rental on the south side of East Mitchell Road. The property was subject of a lawsuit in the past and therefore is zoned B-1 to the north and R-1 from the back of the church parking lot to the south. Adjacent uses are Skip’s Petoskey Glass and a church. Property across the road is owned by Little Traverse Conservancy. The site plan was shown. There were concerns at the township meeting that have now been addressed on the revised site plan (passed out tonight). The ordinance does allow the Planning Commission to allow shared parking between the two
businesses. The legal paperwork for the easement was located and runs with the land. There is a letter from the owner of the Skip’s Petoskey Glass parcel that authorizes shared parking on file. Additional parking is shown to extend to the south of the existing parking adjacent to the building. The current proposal is for a 200x60’ storage building to be built. The township had questions on drainage which were addressed by a site visit and the sealed drainage plan; it meets and exceeds the requirements. The use is a permitted use in this zoning district. The site plan was shown and Doernenburg noted that the shaded areas are to be asphalt (they are gravel now). They have a private well and are on the sanitary sewer system. The new plan shows ample snow storage and a screened dumpster location. No outdoor lighting is proposed but if requested would need to be reviewed by the Sign & Lighting Committee. No Road Commission review is required as existing access is to be used. The rear yard setback notation has been changed on the revised plan and screening made up of 6’ evergreens is shown. The Petoskey Middle School is behind this business to the south. Doernenburg stated that the township recommendation was to table the case. The applicant has provided elevation drawings showing that they meet the height standards of the ordinance. All items that were listed as a reason for postponing the decision at the township level have been addressed in the revised plan. The Township Board accepted the Township Planning Commission’s recommendation for postponement. Photos of the site were shown.

Bart Wangeman, representative and Jack & Jake Bishop were present. Wangeman stated that they are hoping that they can gain approval tonight without delaying another month due to the fact that all of the concerns have been addressed and were fairly minor issues. There were no issues of contention brought up at the township meetings. They are at least 3-4 weeks out from starting and the seasons are changing quickly. If it is delayed, they won’t be able to start until October and weather is of concern when doing concrete and flat work.

Notestine asked about the Fire Department; have they approved and does the building have to be sprinkled? Wangeman stated that he thought that Doernenburg had spoken with them and that they have approved and the building doesn’t have to be sprinkled. Urman stated that there is a note on the site plan that states that the information for the boundary was taken from Emmet County records but no survey work has been performed. This was one of the concerns with the township. Will the building fit at the westerly setback line? Doernenburg stated that their plan shows them right at the 10’ required setback. When they were on the site there are some posts in the back but they should have that line located by a surveyor to make sure that the setback is met. This can be verified in the field inspection. Urman stated that there were also concerns about the B-1/R-1 boundary to the west. They are only putting in 6’ trees for screening. Is this enough? Doernenburg stated that we typically don’t require screening between non-residential uses however we do require screening between B districts and Residential district boundaries. All uses except for junkyards require 4-6’ trees for screening. There was some discussion of the topography of the site and where the new building will sit in relation to the topography. Urman stated that the west wall will be 26’ high next to an R-1 zone boundary. Can we request more screening such as 10-12’ trees? Scott asked what we’d be accomplishing by asking for more. Urman stated we’d be screening a 200’ steel wall from the residential boundary. Scott stated that a decorative wall may do more than taller trees. Urman noted that a lot of the parking shown on the site plan is currently taken up by equipment parking. Jack Bishop stated that 75-80% of the current building inventory will go into the new building leaving room for that equipment to be stored inside the existing building. They would also like to get rid of the small storage trailers on the site. Urman noted that it seemed that the employees are parking in the church parking lot; it should all be on their site if that is the case. Eby asked what is still pending that
hasn't been answered. Notestine stated the survey information. Doernenburg clarified that she doesn't need a physical survey but needs the property line marked on the west side since they will be building right at their setback line. Laughbaum stated that it seems that the site plan shows that they are at 10' and should be trusted. Scott stated that Doernenburg is only requesting that the property line be marked accurately so that there is a point in which to verify that the building meets the 10' setback requirement. Wangeman stated that they would be happy to have Benchmark Engineering mark that line. Doernenburg explained how the performance guarantee works for the drainage. Once the project is complete and an as-built drawing has been verified the performance guarantee is returned. Typically the engineer estimates the cost and that is the amount of the performance guarantee but in this case it still needs to be determined.

There was no public comment on this case.

Notestine made a motion to approve Case #PSPR16-05, Jake and Diana Bishop for Bishop Family Trust for Site Plan Review – amendment for a rental business with storage, including the future office, on property located at 1888 E Mitchell Road, Section 4, Bear Creek Township, tax parcel 24-01-19-04-100-030, as shown on the amended site plan dated Received Jul 29, 2016 because the standards of Article 10 and 20 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee, a performance guarantee in the amount to be determined by the engineer be submitted prior to issuance of a zoning permit, that the west boundary line be identified at the location of the building, the dumpster is to be screened as per ordinance standards, and that the asphalt will be completed within one year of the completion of the building. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Notestine, Scott, Wonnacott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Neal.

7. Case #PSUP16-007 RACC Enterprises LLC for Charles Campbell, SPECIAL USE PERMIT-Internet Tower, 4320 Lintlong Rd, Section 35, Bear Creek Township

Legal Notice: A request by RACC Enterprises LLC for Charles Campbell for a Special Use Permit for an internet tower on property located at 4320 Lintlong Road, Section 35, Bear Creek Township. The property is zoned FF-2 Farm and Forest and is tax parcel number 24-01-19-35-400-003. The request is to erect a 90' high guyed tower for internet reception per Sections 8.01, 26.01, and Article 20 of the Zoning Ordinance.

This parcel is an 11 acre parcel zoned FF-2. It is primarily hardwoods. Proposed is a 90' free-standing tower for internet service. It is proposed to be located 193' from the neighboring property line and 535' from the road. The site plan and photos were shown. The ordinance requires 90' setback. The township has recommended approval.

Richard Bacon, applicant, stated that this micro-tower is needed to cover internet service in this area.

There was no public comment on this case. Urman stated that the case was reviewed at the township level and was presented to them well.

Urman made a motion to approve Case #PSUP16-007, RACC Enterprises LLC for Charles Campbell for a Special Use Permit for a 90 ft. internet tower on property located at 4320 Lintlong Road, Section 35, Bear Creek Township, tax parcel 24-01-19-35-400-003, as shown on the site plan dated July 14, 2016 because the standards for a tower have been met including: the tower is setback 100% of the height of the tower and on condition that proper
safety measures, as required by the Ordinance standards, have been implemented, and because the township Planning Commission and Board recommended approval. The motion was supported by Notestine and passed on the following roll-call vote: Yes: Eby, Notestine, Scott, Wonnacott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Neal.

IV  Public Comment: None

V  Other Business:

- **Proposed Ordinance amendments**
  - **Airport Overlay District:** Doernenburg explained that after doing a lot of work and research on this, she contacted MDOT to see what their procedure was to make the changes and she was advised that the airport approach plan does not have to be in the Zoning Ordinance, just in the Master Plan. At this point, Doernenburg suggested that the process be started to remove the overlay district from the Zoning Ordinance and place it in the Master Plan. Language would be added to instruct the ZBA and the Planning Commission to utilize this as a guiding document in this area. Scott made a motion to publish the changes that would remove the airport overlay from the ordinance and place in the Master Plan. Urman supported the motion and it passed unanimously by voice vote of the members present.

- **Enforcement report:** Distributed – no discussion.

- **Farms, Agri-tourism:** Doernenburg explained the list of uses and matrix that was provided. The uses that were called out in the GAAMPs (Generally Accepted Agricultural Management Practices) handout were coded within the matrix to show which have the potential for local regulation and those that do not under the Right to Farm Act. These were compared to uses already in our zoning ordinance. Doernenburg stated that Bay Township in Charlevoix County allows for the wedding/events that have been discussed in FF zones as a special use. This seems to be the trend in surrounding areas. There are a lot of activities going on at local farms that aren't regulated but are happening anyway. How we choose to move forward here will determine how these uses will be regulated. Bear Creek Township has offered to split the cost of bringing Kurt Schindler, MSU Land Use Educator, in to present a training workshop on this topic. If interested, we could look at doing this sometime in the fall. Kristi Schuil asked if this session would be open to the public. Doernenburg replied, yes.

  David Coveyou stated that he would like to get everyone thinking on the whole picture on where farming is going in the County. Farming is very different now than in the past as far as business models. It is very difficult to have a sustainable farm with just crops. Many farms are doing things that draw people to the farms and he feels that this is a positive thing in our communities. He stated that the State’s top three priorities for economic growth are automotive, tourism, and agriculture. Tourism and agriculture is a perfect mix up here and tying them together promotes them more and brings farms back. It also allows the community and those visiting the community to spend money at farms. Coveyou stated that he sees a lot of potential. There is no reason that the corridor area from his farm to Lears Road couldn’t be similar to the Leelanau Peninsula. He encouraged the board to really think about how we can regulate where it makes sense; don’t destroy residential neighborhoods, but still encourage open space farm development.
Wendy Wieland stated that she works with farmers in NW Lower Michigan and has 26 clients in which 25 are characterized by having a value added component to their business model. Other components add value and lowers the risk profile of farming in this area. She has seen tremendous growth in small scale agriculture in our area. It is a nice fit for the mixed use/tourist areas.

Scott Smith stated that he is with the Local Food Alliance and works to promote local farm/food production. He is happy to work with the Planning Commission to explore this issue further and would like to be considered to be a resource when looking into this topic.

- **Tiny Houses:** Doernenburg stated that she doesn’t have any new information on this topic yet as she still needs to look into other communities. She has reached out to Kurt Schindler on this topic. Laughbaum asked how small the minimum is in other communities. Doernenburg stated that she knows that Little Traverse Township requires 1,000sf, Cheboygan County looked at changing from 720sf but decided not to, and Emmet County used to be 600sf before it was increased to 720sf. She will do some more research and bring information back to the board.

- **Blissfest letter:** Doernenburg reported that she prepared a staff report for the Board of Commissioners regarding Blissfest last month. There were some issues (not zoning related – except traffic) and the Board has discussed reconvening the oversight committee. The letter from Jim Gillespie was handed out.

### VI Adjournment

There being no other business Eby called the meeting adjourned at 8:53 p.m.

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James Scott, Secretary                            Date