EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY OCTOBER 6, 2016, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

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

MEMBERS ABSENT: Shawn Wonnacott

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 Wonnacott.

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

III Cases
1. 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

Review of this case was dependent on PSUP16-008. That case was heard first and after that decision, the applicant requested Case PSUP16-003 be withdrawn.

2. Case #PSUP16-008  Steve Sewejkis, SPECIAL USE PERMIT-Contractor’s Use, 3060 Welsheimer Rd, Section 18, Friendship Township

Legal Notice: A request by Steven Sewejkis for a Special Use Permit for a Contractor’s Use 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 Articles 8, 21, and Section 26.32 of the Zoning Ordinance.

Items distributed at meeting: Driveway permit, 10/4/16 site plan, 10/5/16 rev site plan, Friendship PC recommendation/minutes, letter from Rocky Beydoun

Doernenburg explained that this case was on the agenda last month and the board had requested additional information from the applicant which has now been provided. The request is for a contractor’s use on the property to allow for a painting business (primarily off-site painting). There is no new construction proposed and an existing building on the north side of the property will be used for the contractor’s use. The approval for the commercial driveway has been obtained from the Road Commission, the parking is now shown on the supplemental
site plan (10 spaces plus 3 for equipment parking; with accessible spaces in front of the building), the dumpster location has been noted on the revised site plan and has been moved 19.5’ to obtain screening from the existing pine trees and the additional trees that have been planted in the area. Photos of the site were shown. The site is screened by mature pine trees along the roadway. Doernenburg noted that there was a MIOSHA related concern brought up which made the township request that the decision on this case be postponed again however, she explained that this is not a zoning issue and the applicant will be required to follow any additional state and federal requirements regardless of the outcome of the zoning request. Aerial photos and the site plan were shown. The Fire Department reviewed and they require a lockbox on the door but not a Knox box which the applicant has stated they will provide.

Steve Sewejkis, applicant, stated that he has moved the dumpster for the screening. He has found that there is an issue with a tree when they are dumping it but he will trim the tree and leave the dumpster at the new location.

Plasencia stated that he sees where the parking spots have been added to the site plan but when he looked at the site from the road it appears that there are multiple cars all over the site and he’s not sure that they’ll fit in these spaces. Sewejkis stated that those cars are his personal cars and have nothing to do with the business. He currently has an accessory building under construction and when finished some of those vehicles will be stored within that building. There was some additional discussion regarding the MIOSHA and EPA standards. Those standards will need to be met.

There were no public comments on this case.

Plasencia made a motion to approve Case PSUP 16-008, Steve Sewejkis, Special Use Permit for a Contractor’s Use to operate a paint shop at 3060 Welsheimer Road, Section 24, Friendship Township based on the site plan, dated Received 7/18/16 and the additional packet of information received 10/5/2016 because the site is over 10 acres meeting the site size requirements, the use meets the standards of Articles 8 and 21 and Section 26.32, the use will not conflict with the residential character of the neighborhood with the following conditions:

1) All paints, solvents, rags, etc. will be disposed of in an environmentally safe manner. This includes drying all residual paints and disposing of cans.
2) Screening plantings currently in place on northern property line will be maintained.
3) Hours of operation: Monday thru Friday, 7:00 a.m. to 4:00 p.m.
4) Activities carried out on the premises are limited to storage of materials and equipment, employee meetings, and minimal on-site painting projects. The majority of the contractor’s business will take place off site.
5) This motion was supported by Neal.

Doernenburg noted that the hours of operation that the township had recommended and those that the applicant had requested differ. Sewejkis stated that they are typically there until 5:30 p.m. Plasencia revised his motion to change the hours of operation requirement: 3) Hours of operation: Monday thru Friday, 7:00 a.m. to 5:30 p.m. The revised motion was again supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Wonnacott.
3. Case #PSPR16-006 Terrance Carolan for Mary Carolan, SITE PLAN REVIEW AMENDMENT, 4495 N Larks’ Lake Rd., Section 4, Center Township

Legal Notice: A request by Terrance Carolan for Mary Carolan for Site Plan Review for a cabin court at 4495 N Larks Lake Road in Section 7 of Center Township. The property is tax parcel number 24-04-09-07-400-003 and is zoned B-1 Local Tourist Business. The request is per Section 10.01 and Article 10 of the Zoning Ordinance.

Packet Items: Request and location map, application, Google location map, impact statement, 9/26/16 site plan, Zoning evaluation, 7/3/14 PC minutes, approved site plan from 7/3/14

Items distributed at meeting: Township recommendation

Doernenburg presented this case and explained that in 2014 this board reviewed and approved a cabin court with eight cabins and a common building with restrooms. The approved plan from 2014 was shown. That approval has expired and the applicant has a new proposal. The revised request would be for a cabin court with four cabins, all self-contained. The revised site plan was shown. For this use, six parking spaces would be required. Eight spaces are shown on the plan with two shown as optional. A cabin court is a permitted use in the B-1 zoning district. The Road Commission approval for access and the Fire Department approval had been previously obtained. There have been no objections from either department in regards to the revised plan. The township has recommended approval but wanted to be sure that the cabins aren’t used to circumvent the ordinance and be used as single-family dwellings but is rather a true cabin-court.

Eby asked about the enforcement of that restriction. Are there tools within the code to allow for enforcement? Doernenburg stated that the ordinance allows for a single family dwelling in a B-1 district only when attached to an existing business. It may be difficult to enforce but it could be addressed specifically in the motion.

Terry Carolan, applicant, stated that he had hoped to make the previous request a bit more palatable by cutting it in half but the township did discuss the issue with use as a permanent residence. This is not his intent and he has no issue with a condition being placed in a motion. Carolan explained that he has children in two states and was hoping to have a place in which they could have room to get together and also allow them to rent the cabins out for some income when they weren’t using them. After the first approval, he met with David Graves, engineer for the DEQ, who advised him that anything below five cabins did not require DEQ oversight. Since there were issues with some of the neighbors when he was looking at this as a campground, he thought it would be a much more low-key option to reduce the number of cabins which would still allow his family to use the land as they want to. Carolan explained that this site was an old gas station. He cleaned up the site at his own expense including the removal of two underground storage tanks, one of which leaked. He sought out a grant for the cleanup and has worked hard to be a good neighbor and improve the property.

Plasencia noted that the plans show different sized cabins. Carolan stated that the 192sf cabin is one that he is developing now and has been selling to other campgrounds. He could have cabins up to 400sf within the cabin court definition. Neal asked about trash removal as the dumpster has been removed from the plan. Carolan stated that he will do whatever is necessary but doesn’t feel that the volume of trash would be enough that would warrant a dumpster. He feels that the trash could be carried out. Neal asked about emergency access. Doernenburg stated that this has not changed since the originally approved plan. Eby noted that we could defer the need for a dumpster until a point office staff deem a dumpster necessary. He asked Carolan if he would be the local contact and if his phone number would be posted on site in case of emergency or issues. Carolan stated that he will be the local contact and can certainly post his contact information on site.
Neal made a motion to approve Case #PSPR16-006, Terrance Carolan for Mary Carolan, Site Plan Review - Cabin Court at 4495 N Larks Lake Road located within Section 7, Center Township, as identified on the Site Plan dated September 26, 2016 for the following reasons: based on the facts presented in the case, the use is Permitted by Right in the B-1 Zoning District, the parking meets the standards of the Ordinance, and the Site Plan meets the standards of Article 20, and that the drainage requirements are waived based on the site conditions, and on condition that the fence along the south property line be 200’ long and 5’ in height, the dumpster be deferred until such a point that it is deemed necessary by office staff, the contact number for local management will be posted on site, and on condition that the units are not to be used as permanent residences. The motion was supported by Urman.

Laughbaum asked why we are removing the option for the applicant to use one of the buildings as a permanent residence if it would be allowed in the zoning district. Eby stated that the size would not meet the minimum requirements of a dwelling unit (720sf).

The motion passed on the following roll-call vote:  Yes: Eby, Neal, Notestine, Scott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Wonnacott.

4. Case #PSPR16-007 Susan Metzger for St. Michael the Archangel Foundation, SITE PLAN REVIEW, 2225 Summit Park Dr., Section 4, Bear Creek Township

Legal Notice: A request by Susan Metzger for St Michael the Archangel Foundation for a Site Plan Review – Amendment at 2225 Summit Park Drive, Section 4, Bear Creek Township. The property is zoned R-2 General Residential with a Planned Unit Development-1 Overlay (PUD-1) and is tax parcel 24-01-19-04-021-016. The request is to allow for construction of a 14.5’x20’ agricultural accessory building to be placed within part of the designated parking area of the school. The request is per Article 17 and Article 20 of the Zoning Ordinance.

Packet Items: Request and location map, application with owner’s authorization, Google location map, impact statement, PUD agreement, Zoning evaluation, 9/12/16 hoop house plans, 9/12/16 site plan, 9/23/16 Fire Dept letter, 6/3/97 approved site plan

Doernenburg presented this case explaining that the parcel is located in Summit Park and is zoned R-2 with a PUD-1 overlay. The parcel is located across from the Bear Creek Township Hall. The originally approved site plan was shown. The building is currently used as a private high school. The proposal is to allow parking to be displaced and that area used for a 290sf accessory building to be used for agricultural uses. The parcel has a 100’ perimeter setback requirement and a 50’ setback requirement on the north property line, both of which are met on the proposed plan. Photos of the site were shown and the location of the proposed accessory building was pointed out. There is an existing structure that will be removed during this construction process. The township has recommended approval. There are no Fire Department issues. A sketch of the proposed hoop house was shown. Doernenburg noted that the location can move on the site if approved administratively but the deferral of parking is what requires the Planning Commission approval.

Susan Metzger, applicant, explained that this year they used a similar structure to grow vegetables in to provide experience for their students. The produce is grown and given to Brother Dan’s Food Pantry.
Plasencia asked if neighbors were notified of this case. Doernenburg explained that because it is a site plan review, the notification is not required. The existing structure has been there all summer and she has had no complaints. Plasencia asked if there will be electricity or plumbing installed. Metzger stated that if there is, licensed contractors will be used and the proper permits will be pulled. Urman stated that this requirement was discussed at the township level as well.

There was no public comment on this case.

Urman made a motion to approve Case #PSPR16-07, Susan Metzger for St Michael the Archangel Foundation for Site Plan Review – amendment to allow a 290 sq. ft. agricultural accessory building as shown on the site plan dated 9/12/2016 and displacement of up to four parking spaces for 2225 Summit Park Drive, Section 4, Bear Creek Township, tax parcel 24-01-19-04-201-016, on condition that a change of use will require additional review, and licensed contractors will be used and the proper permits and codes will be followed because the standards of Articles 17 and 20 have been met, and Bear Creek Township Planning Commission has recommended approval. The motion was supported by Notestine and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Wonnacott.

5. Case #PTEXT16-02 ECPC, TEXT AMENDMENT, Repeal Airport Overlay District

Legal Notice: A request by the Emmet County Planning Commission to amend the Emmet County Zoning Ordinance as follows: Repeal Article 16 Airport Overlay District including Sections 16.00 and 16.01 Add sub-paragraph “H” to Section 27.11.1 Rezoning Standards to read: “A zoning ordinance amendment approved by the Planning Commission shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.” Add sub-paragraph “5” to Section 25.04.3 Dimensional Variance to read: “That the zoning variance shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.”

Packet items: Memo, text amendment information
Items distributed at meeting: Township recommendations from Center, Carp Lake, McKinley

Doernenburg noted that this has been on our agenda for discussion for quite some time but this is the first hearing for the text amendment which would repeal the Airport Overlay section of the Ordinance. The ZBA and Planning Commission sections would be changed to refer to the airport plan when necessary during a rezoning or variance request to be sure that approvals for property affected by this district won’t affect the airport plan. Littlefield, Center, Carp Lake, and McKinley Townships have all reviewed and recommended approval of the amendment. Doernenburg noted that she doesn’t feel that a second review is necessary in this case if this board doesn’t.

There was no public comment on this case.

Scott made a motion supported by Alexander to waive the second hearing of the text amendment request. This motion passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Wonnacott.
Neal then made a motion supported by Alexander to recommend approval of Case #PPTEXT16-02, Text Amendment, to Repeal Airport Overlay District and add the two sections as advertised. The motion passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Laughbaum, Urman, Plasencia, Alexander. No: None. Absent: Wonnacott.

IV Public Comment: None

V Other Business:

- **Enforcement report**: Distributed with some discussion.
- **Sign ordinance**: Doernenburg discussed the potential changes to the sign section of the ordinance. She explained that the changes are as a result of the Supreme Court ruling in 2015 that said no content of a sign can be regulated. The Sign & Lighting Committee has reviewed a couple of times and she would like permission to send to the area chambers and others for review before it is published for public hearings. The board agreed to this.
- **Right to Farm Act program** – Scheduled for October 11, 2016 at 4PM at Bear Creek Township Hall.

VI Adjournment

There being no other business Eby called the meeting adjourned at 8:10 p.m.

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James Scott, Secretary                              Date