AGENDA

I Call to Order and Attendance

II Minutes of April 6, 2017

III Presentation by John Iacoangeli, ECZO parking standards 7:00pm-7:30pm

III Cases 7:30pm

CASES FROM PREVIOUS MEETINGS

1. PSUP17-003 Emmet County Road Commission, SPECIAL USE PERMIT-Level III Resource Extraction operation, east side of Bellmer Road, Section 30, Springvale Township

2. PPUDP17-01 Robert Drost, PUD Rezoning, 2157 Howard Rd plus vacant parcel along River Rd, Section 17, Bear Creek Township

3. PSUP17-005 Christine Parker, SPECIAL USE PERMIT-Level III Resource Extraction operation, 1675 Intertown Rd, Section 18, Bear Creek Township

4. PPUD17-001 Christine Parker, REZONING-FF-1, Farm & Forest to R-2, General Residential, 1675 Intertown Rd, Section 18, Bear Creek Township

5. PPTEXT16-03 Emmet County Planning Commission, Text Amendment, Section 22.07- Sign & Billboards

NEW CASES

6. PSUP17-006 Stanley & Richard Jackimowicz for Jack’s Trucking & Excavating, SPECIAL USE PERMIT AMENDMENT-Level III Resource Extraction, 5960 E Mitchell Rd, Section 6, Springvale Township

7. PSPR 17-003 Blumke Brothers Redi-Mix & Excavating, SITE PLAN REVIEW-Mini Storage, 5215 Powers Rd, Section 9, Littlefield Township

8. PSUP17-007 Adelbert Dell, SPECIAL USE PERMIT-Home Occupation-Small engine repair, 2153 Cedar Valley Rd, Section 15, Bear Creek Township

IV Public Comments

V Other Business

1. Temporary Dwellings – Discussion
2. Farming – Accessory Uses - update
3. Indoor Shooting Range
4. Enforcement Report
5. Planning Commission Membership

VI Adjournment
EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY APRIL 6, 2017, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

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

MEMBERS ABSENT: Betsy White

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 White.

II Minutes of March 2, 2017
Alexander made a motion seconded by Urman to approve the minutes of the March 2, 2017 meeting as presented. The motion passed unanimously by voice vote of the members present.

III Cases

1. Case #PSUP17-004 Lauren Hennessey, SPECIAL USE PERMIT-Group child care home, 6378 Crooked River Circle, Section 27, Maple River Township

Legal Notice: A request by Lauren Hennessey for a Special Use Permit for a group child care home proposed to be operated from the residence at 6378 Crooked River Circle, Section 27, Maple River Township. The property is zoned FF-1 Farm and Forest, is tax parcel 24-09-14-27-190-113, and is unit #13 of the Crooked River Estates Condo #258. The request is per Articles 8 and 21 of the Emmet County Zoning Ordinance. Packet Items: Request & location map, tax parcel map, application, site plan review checklist, home occupation impact statement, 3/8/17 plans, home occupation zoning evaluation. Passed out at meeting/emailed: Township recommendation, Haggard's P&H letter.

Doernenburg presented this case. The property is located east of US 31 on the north side of Crooked River Circle which is a subdivision with two houses. The house in question is located on the inside of the circle. An aerial of the site and surrounding area was shown. The property is 0.75 acres and is zoned FF-1. Group childcare homes are a special use in this zoning district. The site plan and floor plan were shown. The child care would occur within a portion of the existing house in which the applicant lives. There is no additional construction proposed. The applicant expects approximately ten cars per day utilizing the existing driveway. There is a parking area in front of the house. Snow removal areas and additional parking areas are shown on the site plan. Crooked River Circle is a lightly travelled road. Maple River Township has recommended approval citing the fact that the applicant resides in the home, it is in an isolated low-populated area which is well screened, and it has convenient access. There are no local hazards or conflicting uses and the request meets the standards of the applicable zoning ordinance.

The applicant Lauren Hennessey and mother Syndye Alexander were present.

Kelly Alexander asked the applicant what the ages of the children will be. Hennessey responded that she will have 0-5/6 years old and school age children after school if space allows. Drier asked how many employees will be there. Hennessey stated that there will be two. There will be one other person in addition to herself at all times. The employees are family members. Drier asked about
employee parking. Hennessey stated that they can use the garage but there would be one car. Neal asked if the zoning approval or the State approval comes first. Doernenburg stated that zoning comes first and she has to sign off on the approval sheet for the State licensing. K. Alexander asked what they do about taking the kids outside. Hennessey stated there are always two adults watching at all times, they utilize the back yard and can see all areas. K. Alexander asked if there was going to be fencing. Syndye Alexander stated that it isn’t required from the State in a low populated area such as this. Drier asked if there will be a sign advertising the daycare. Hennessey stated that there will not be. Eby noted that the neighbor did come to the township meeting. Doernenburg showed some photos of the site.

There was no public comment on this case.

Scott made a motion, seconded by Neal, to approve PSUP17-004, Lauran Hennessey, Special Use Permit for a Group Child Care Home at 6378 Crooked River Cir, Section 27, Maple River Township as outlined in the Use Plan and application packet dated received March 8, 2017 because the use meets the standards of the Zoning Ordinance and the use will not conflict with the residential character of the neighborhood, and because the township has recommended approval. The motion passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Laughbaum, Urman, Alexander. No: None. Absent: White.

2. Case #PSUP17-003  Emmet County Road Commission, SPECIAL USE PERMIT- Level III Resource Extraction operation, Bellmer Rd, Section 30, Springvale Township

Legal Notice: A request by Emmet County Road Commission for a Special Use Permit for a Level III Resource Extraction operation on property adjacent to their existing resource extraction operation on the east side of Bellmer Road. The subject property is located in Section 30 of Springvale Township, is tax parcel 24-14-17-30-100-001, and is zoned FF-1 Farm and Forest. The request is per Article 21 and Section 26.10 of the Emmet County Zoning Ordinance. Packet Items: Request & location map, application, site plan review checklist, impact statement, site plans, zoning evaluation. Passed out at meetings/email: Township minutes, draft mining permit, letters from: Scholl, Torchia, Sollinger, Crotty, Haggard’s P&H, DeCamp, Canada, 4/6/17 revised plans

This property is located on the east side of Bellmer Road next to an existing gravel pit east of the dividing line between Springvale and Bear Creek Townships. The request is for a Level III resource extraction operation which requires a special use permit because the proposed pit is over three acres and the proposed extraction will take over one year to complete. The location of the property was shown. The property is isolated from Bellmer Road but there are residents within 300’ on the Crooked Lake side of the parcel. The aerial was shown. The property’s previous owner had the trees clear-cut from the property. It is a 40 acre parcel zoned FF-1. The original site plan was shown as well as the most recently revised plans that were been passed out tonight. Doernenburg explained that the cover sheet on the revised plan shows the location map and a description of the work and equipment to be used. The second page is the site plan and the setback has been increased to 75’ on all property lines except for the westerly as it adjoins the existing gravel pit. The elevations of the site were added to the site plan as well as the phases of the operation and expected time line. Phases one and two are both listed as 8-12 years. It is expected to be used every 3-5 years for 15-20 years. Page three includes the site plan with the aerial view. The draft mining permit was created by staff after the Springvale Township meeting and included their recommendations. The township requested hours of operation to be M-F, 8am-5pm while the Road Commission is requesting 7am-7pm. This will need to be discussed. Doernenburg explained that the property is currently vacant and the existing drives from Bellmer Road would be utilized. There are no new structures or lighting proposed. It is not visible from public locations. There have been letters of opposition received. At the time the PowerPoint presentation was created those included: Torchia concerned with the effect on the environment, increased noise, destruction of natural woods now present, Scholl-requesting screening with berms and native evergreens along north and east property lines, Sollinger-opposed, if approved requested proper
screening and berm, Crotty-noise, dust, air pollutants, incompatible with the surrounding uses, Winslow-concerned with the number of people notified and the ‘off-season’ notification/hearing. The Township concerns detailed in their minutes were the depth of excavation, location of stockpiles, ground water conditions, processing equipment to be used, reclamation plan, visual screening (fence/berms), hours of operation, hours and number of days for crushing. Some of the items discussed at the township have been addressed in the revised plan. Additional letters of opposition received were from Canada and DeCamp. Doernenburg showed photos of the property.

Eby asked about the hours of operation issue; stated that it seemed that the Road Commission was just discussing hours for crushing. Scott stated that at the township they had discussed two separate hours of operation, one for mining, extraction, and crushing and a different set for hauling. They requested hauling between 7am and 7pm and would take place out of the existing pit only. Stockpiling was to take place within the existing pit as well and extraction and crushing of those stockpiles was to take place typically during a one week period every three to five years. This creates the stockpiles that they would then haul material from. The truck traffic would be in the existing pit and not in the new area.

Brian Gutowski, Road Commission, showed the location of the crushers and excavators on the site plan. They would be hauling from the existing site. It is about 6/10 of a mile from that location to the residential neighborhood. Due to the topography of the site, there will always be a 35’ berm existing between the crushing and the residential area. He explained that an artificial berm isn’t very practical as they will always be doing the work well below where they can be seen. He pointed out existing ponds and the water table that is addressed on the revised plan.

Urman asked Gutowski to verify that crushing would be every three-five years for a couple of weeks. Gutowski verified that they would be and added that with longer crushing hours they could be gone earlier. They are requesting 6am-4pm in the summer for hauling. Neal asked if the crushing equipment would be left on site. Gutowski stated that it would not be because that portion is hired out. They will leave with their equipment when done. Alexander wanted to verify that they expect to have this pit active for the next 32-48 years. Gutowski verified explaining that they have one active pit right now in the southern part of the county (also in Springvale Township) which has material left for one more round of crushing. Once that is complete, there will be no other locations on the south end of the county. There is one active pit on the northern end of the county but it is too expensive to haul to projects on the opposite side of the county.

Scheel asked Gutowski if it was correct to state that there would be no activity on the new site other than the 1-2 weeks of crushing. Gutowski replied yes, other than that there is a lot of wood on the property and they would be cutting and hauling firewood off of that site. Neal asked if it is possible or reasonable to have a reclamation plan. Scott stated that they asked them to provide what the zoning ordinance requires. They also asked for a guided site walk because the property lines aren’t marked and there is no way to tell where the property starts and ends. The elevations on the new plan are nice but since there are so many concerned citizens, we really should put our eyes on what is going to happen there. Neal asked if this request can be burdened with having the existing pit comply with any restrictions placed on this one. Doernenburg stated that it cannot. Scheel asked how we could approve this since this new request lengthens the operation time of the existing permit by forty years and it will impact Bear Creek Township if it wasn’t reviewed by Bear Creek Township. Doernenburg stated that Bear Creek Township was notified and the proposal was on their agenda. The township opted to not make a recommendation. James Godzik from the Road Commission was present at the Bear Creek meeting to explain the request. Bear Creek Township’s concerns were visual impact and this won’t be seen. Scott stated that the crushing and stockpiling would still be under this permit even
though it will be done within the existing pit. Doernenburg stated that there is no zoning information on the existing pit as it started prior to zoning.

Eby opened the floor to public comment.

William Thomas, 5837 Cincinnati Point Trail, stated that he opposes the project and says the process is flawed and transparency of this project is horrendous. The community involvement should also include the views of the residents on Crooked Lake. In reviewing the minutes and records from the Road Commission which are few and far between, he could only find three mentions of this project. In July it was stated that they are running out of gravel and four locations which were never revealed in the minutes were being considered. There were no comparisons and they made their own determination that the Joyce property was the best. The discussion was tabled, there was some limited discussion regarding seeing if the County would cover the cost of the land through bonding; again no cost or comparisons on record have been made, no one knows what is going on or the price. In August the minutes state that the Joyce property is going to be purchased and a motion made to do so; there was no detail, no cost and the motion passed. In September, it was reported that they were ready to close on 40 acres, again no prices, hearings, etc. No one knows what’s going on at the site until one person in their neighborhood gets a notification letter who then informed others in the area. Community involvement and transparency is a slippery slope and it appears that this is a project of convenience because there is an existing pit next to it but no one knows how it went down. Thomas stated that they don’t live within the 300’ boundary for notification. There haven’t been any environmental studies. The Springvale Township Planning Committee was stunned at the lack of specificity of their plan. Who knows what is going on here? The property owners deserve to know the details of a potentially troublesome project. There is no reclamation plan and no safety implements such as fencing. They are dumping dead carcasses in the existing pit now. The property owners shouldn’t have to be the ones to put up with this.

Linda Caldwell (Earl), 5923 Cincinnati Point Trail, stated that they are concerned with the noise level, possible water contamination, and whether this is the best location for this use. Crooked Lake is a valuable resource and the State should investigate what would happen if contaminated. Are there shallow wells in the area? Brian Gutowski had stated that they would put berms and trees on the east and south side for noise, they are concerned with the north side. The property has now been clear-cut. The existing gravel pit noise with no buffer of trees will cause them to hear the drilling, crushing, and moving of materials. Their property values will undoubtedly go down. Caldwell stated that she doubts that the mining company will be there one to two weeks for crushing. It would be best if the berm location would be along the north side of the parcels in order to help with noise pollution.

Bill Winslow, 5973 Graham Rd, stated that he is opposed to the request. His family has lived here for forty years and there are trucks coming and going for as long as he can remember. He has three small children and is concerned about the large truck traffic, noise, and dust. They have been dealing with this in this neighborhood for forty years and it seems that there are other options for this project.

Rob Harold, 6117 Graham Road, stated that he is opposed for the same reasons previously stated as well as the proximity to Crooked Lake. If this request does go through they should have input on the hours of operation both daily and times of the year. He would like to see no mining between Memorial and Labor Day. He stated that he is concerned with the real estate values. He stated that a community class action to sue the County would far offset what it would cost to drive gravel from another location. He stated that he has informed the Tip of the Mitt who has put together a recommendation letter and is very concerned with the project.

Roger Winslow, Graham Road, stated that he has looked at the topo maps and feels that there may be
intermittent streams that run through this property that drain to the lake. There are environmental concerns and feels that the Tip of the Mitt and DEQ should be involved. He stated that he agrees with all of the previous neighbor comments.

Bill Winslow stated that there are 50-60 residents on Graham Road and the surrounding areas that are only summer residents and had this hearing been held when they are in town, there would have been many more people here opposed.

Gutowski stated that in regards to the berms, the township had recommended them but they had never agreed to this. Because the property had been clear-cut the growth will be very think within two-three years. He noted that Poquettes have a large operation and use their drive entrance to get to their property; the large trucks that are seen are their trucks. The Road Commission may have five trucks a day and will use a tandem truck when crushing.

Neal stated that these two properties regardless of township boundaries are inherently connected. The old site is so old that they don’t have rules so it seems if one wanted to get maximum flexibility for a project they would mine and move everything to the other property where they could have activity 24 hours a day. The application should be associated with both parcels as the site plan pulls them together. This gives more of an option for flexibility that we may want.

Scheel stated that he agrees with Neal. Gutowski had said that the asphalt will be mixed and would likely be making gravel with that as well. If they are tied together it may give us an opportunity to set some similar rules and require plantings on the north side as well. Could be an opportunity to have some regulation on the 80 acre parcel.

Drier stated that she drove out to the site and got turned around a bit. She personally requests being able to go out to the site guided as suggested to look at neighboring areas as this is a huge issue tonight.

Eby stated that he feels that the County Attorney should be involved if we are going to discuss placing regulations on the other pit to be sure we are not overstepping our bounds.

Scheel stated that he thinks that most of the proposed regulations in the draft mining permit prepared by staff are appropriate for this site. He’d like to hammer down the timeframe of the trucks, crushing, and when gravel is used. As brush and trees are removed from the site he would like to see them chipped rather than burned. He’d also like to see some sort of permanent setback monuments to avoid any encroachment into the setbacks. He feels that a site walk would help set the boundaries.

Gutowski stated that the wood removed from the site is not to be burned on the site, it would be taken back to the shop to burn in their boiler.

Urman asked if the township wants to see this case back again. Scott stated that yes, they’d like to look at it again. Eby stated that we need to consult with legal counsel to see what we can and cannot do on the other parcel.

Doernenburg stated that during some MSU Extension training a document was provided that discussed zoning authority. This is granted to the County by the State. In the document, it talks about what can be regulated and we are allowed to regulate only certain specific aspects of mining operations. She stated that PA 110 of 2006 says that we cannot prevent resource mining unless ‘very serious consequences would occur’. Regulations can include hours of operation, noise, dust, and traffic control, and reasonable hours for blasting and extraction. These rights exceed surface rights. The Planning Commission review looks mostly at mitigating impacts; we cannot disallow if the mineral is there. We need to understand that the State laws sometimes regulate beyond local zoning.
Scheel asked if the property is staked. Gutowski and Godzik stated that it is staked on the north and east property lines, pink stakes and orange ribbons where it is too thick with brush to stake. Godzik stated that they did this with a GPS system and it is staked every 100-200’. Scott stated that the township had asked for a guided site walk but if it is now staked, going out on our own would be fine. Godzik stated that he is willing to do a site walk if one were organized. Doernenburg stated that she would suggest everyone go to the site on their own, communicate back to her if they feel an organized site walk is still needed and if so, it can be organized and posted as it has to be a public meeting. Scott stated that there is also a 60 acre parcel to the north that was clear-cut at the same time; the marking ribbons will help.

Laughbaum asked if they were to haul gravel to the Bear Creek site (existing pit) from somewhere else are they breaking the rules. Doernenburg stated no, it’s a non-conforming pit. Laughbaum stated that it doesn’t seem to be a crushing issue. Are they moving the gravel over there so that they can crush it? Scott stated that maybe we need confirmation that the material that comes from this site is under our purview. Eby stated that it can be regulated to some extent. Laughbaum stated that if they had a stand-alone pit and didn’t want to crush anything, we wouldn’t have a say in the matter. If we can’t start or stop them from hauling to the other pit, we can’t do anything about it. Are we really in a position to negotiate? The big issues seem to be dust and noise and it would be nice to be able to do this in the early spring or late fall. Drier asked Gutowski when they plan to crush the gravel. Gutowski stated that it would have to be done when they need it. It has to either be crushed here or at the Schaeffer pit. If approved in June, they’d likely need to crush in July. They have to do this in order to maintain the roads for the public. Scheel asked if, in future years, they would be able to limit it to early spring or late fall. Gutowski stated that the issue is that they are working on someone else’s schedule and they may not be able to get there during that time frame; they can’t stipulate a time frame.

Scott stated that for the next meeting a site visit is required, hours of operation need to be reviewed, and the opinion of legal counsel looked into. Doernenburg stated that she has another draft mining permit in the works based on the changes on the revised plan. A full revised draft will be available before the next meeting.

Scheel made a motion, supported by Alexander to postpone Case #PSUP17-003, Emmet County Road Commission, for a Special Use Permit for a Level III Resource Mining operation. The motion passed by unanimous voice vote of the members present.

This case will be reviewed at the next Springvale Township Planning Committee meeting on April 24, 2017 at 7:30 p.m. and at the Emmet County Planning Commission meeting on May 4, 2017 at 7:30 p.m.

3. Case#PPUDP17-01 Robert Drost, PUD Rezoning, 2157 Howard Rd & River Rd (vacant lot), Section 17, Bear Creek Township

Legal Notice: A request by Robert Drost for a Planned Unit Development (PUD) rezoning for 2157 Howard Rd and a vacant parcel with frontage on River Road both located in Section 17 of Bear Creek Township. The properties are currently zoned FF-1 Farm and Forest and include tax parcels 24-01-19-17-100-005 and 24-01-19-17-100-019. The request is to rezone from FF-1 to PUD to allow for FF-1 Farm and Forest uses plus storage uses, farming/nursery uses, and multiple family uses as shown on the Preliminary Planned Unit Development plan. The request is per Article 17 and Section 27.11 of the Zoning Ordinance. Packet Items: Request & location map, tax parcel map, application, 2/6/17 plans, PUD ordinance section, zoning evaluation. Passed out at meeting/mailed: Letter from Haggard’s P&H, Bear Creek Township minutes

Doernenburg presented this case. The proposal is a rezoning to PUD. The parcels are currently zoned FF-1. The parcel on Howard Road was before this board last year for a mining operation. They have now acquired an additional parcel along River Road. The combined properties are 24.5 acres and are vacant. The aerial view was shown. There are a number of abandoned automobiles. The
PUD would include FF-1 Farm & Forest uses plus storage, farming/nursery, and multiple family uses. The zoning map and concept plan were shown. This is a preliminary PUD so only a concept plan is required. The final approval would be with the Board of Commissioners. The Road Commission has approved the Howard Road access and there is not a proposal for access from the River Road parcel. The perimeter setback of 50’ would be met. If the preliminary is approved, the details of the project would be submitted for review at the final PUD review. The existing zoning and proposed zoning maps were shown. The surrounding uses include former City of Petoskey landfill (capped) to the north, residence and non-conforming auto repair shop to the south, and residential uses to the east and west. The City of Petoskey provided a letter disclosing land use to the north (former landfill). Residents in the vicinity attended the township meeting and voiced concerns. Doernenburg stated that the Future Land Use map shows this area a high density residential and a PUD can be applied to any category according to the Zoning Plan of the Master Plan. Photos of the site were shown. The township did not make a decision on this case as the applicant was not present at their meeting and they had many questions.

The applicant was not present. Doernenburg stated that she had received an email that they are out of town and they thought they were on the agenda for May.

Eby opened the floor to public comment.

Steve May, 2282 Howard Rd, stated that he doesn’t think that the legal site distance is adequate on the driveway. He is concerned with noise and dust and is familiar with this because of the trees that were already brought in and planted on the west side. He’s also concerned with environmental issues including the water sources and disturbing the area around the old dump.

Bob Belton, 2334 Howard Rd, stated that he built his house thirty years ago and there was hardly any traffic. There is now tons of traffic. He is concerned with this project and a nursery. How much more noise and traffic will there be? He hears the noise from the existing nursery now. He is concerned with traffic safety stating that if a 60’ semi is turning, anything coming over the hill wouldn’t be able to stop in time.

Brett Huntman, 2200 Howard Rd, has safety concerns and feels that the speed limit needs to be addressed especially with the Future Land Use map calling for high density residential use in the area. He asked if a topo map is available. Will the proposed residential area be built into the wooded section on the hillside? If not, where would it be? If it is on the hillside there will be water runoff and storm water issues. What is their water source? Is the Township planning to provide sewer and public utilities to support housing density?

Bob Belton asked what the hours of the nursery will be. He doesn’t want to listen to the noise.

Doernenburg stated that the concerns at the Bear Creek Township meeting included environmental and Health Department issues that should be required of the applicant. The road agency should confirm that the location of the road access is correct. The township wants to review this case again. The questions from them and the ones brought up tonight can be passed along to the applicant for the next meeting.

Laughbaum asked if the former landfill site is monitored and how often. Doernenburg stated that she isn’t sure but the letter from the City of Petoskey did say it was a monitored site. We can ask them for more details.

Alexander made a motion, supported by Neal, to postpone until the next regular Planning Commission PPUDP17-01, Robert Drost for a Planned Unit Development Rezoning on property located at 2157
Howard Road and a vacant lot fronting River Road in Section 17, Bear Creek Township. The motion passed by unanimous voice vote of the members present.

This case will be heard again at the Bear Creek Township Planning Commission meeting on April 26, 2017 at 7:15 p.m. and at the Emmet County Planning Commission meeting on May 4, 2017 at 7:30 p.m.

4. Case #PSUP17-005 Christine Parker, SPECIAL USE PERMIT-Level III Resource Extraction operation, 1675 Intertown Rd, Section 18, Bear Creek Township

Legal Notice: A request by Christine Parker for a Special Use Permit for a Level III Resource Extraction operation on property located at 1675 Intertown Road, Section 18, Bear Creek Township. The property is tax parcel 24-01-19-18-300-001 and is currently zoned FF-1 Farm and Forest. The request is per Article 21 and Section 26.10 of the Emmet County Zoning Ordinance. Packet Items: Request & location map, tax parcel map, application, site plan review checklist, impact statement, project narrative, site plan, draft mining permit, zoning evaluation.

Passed out at meeting/emailed: Bear Creek Township minutes, photos of site, letter from Gallagher, Wexstaff, Haggard’s P&H, Petoskey/Emmet County Target Market Analysis summary, City of Petoskey Council Agenda memo, DEQ water well/pump record.

5. Case #PPUD17-001 Christine Parker, REZONING-FF-1, Farm & Forest to R-2, General Residential, 1675 Intertown Rd, Section 18, Bear Creek Township

Legal Notice: A request by Christine Parker to rezone from FF-1 Farm and Forest to R-2 General Residential a 13.44 acre property located at 1675 Intertown Road, Section 18, Bear Creek Township. The property is tax parcel 24-01-19-18-300-001. The request is per Section 27.11 of the Emmet County Zoning Ordinance. Packet Items: Request & location map, tax parcel map, application, site plan review checklist, impact statement, project narrative, FLU/Zoning plan, site plan, existing zoning, proposed zoning, Article 18 of ECZO, zoning evaluation, letters: City of Petoskey, Haggard’s P&H. Passed out at meeting/emailed: Bear Creek Township minutes, photos of site, letter from Wexstaff, Haggard’s P&H, Petoskey/Emmet County Target Market Analysis summary, City of Petoskey Council Agenda memo, DEQ water well/pump record.

Because these cases are on the same property and because the township requested them to come back for further review, the cases were reviewed together on tonight’s agenda.

Doernenburg showed the location of the subject parcel. It is located on the southeast corner of Intertown and Cemetery Roads south of the Strathmore Development adjacent to Resort Township boundaries. The aerial was shown. There is a house in the northwest corner of the property and a pole barn in the south half. The concept plan was shown. There are berms along Intertown Road, and retention/detention ponds along Cemetery Road. The parcel is 13.44 acres zoned FF-1 and 12 acres are proposed for mining (excluding the house area). Road Commission review of the accesses from Intertown and Cemetery Roads have been requested by the applicant. The request is for a level III mining to mine 60’ of sand. There is no expected impact to ground water. Documentation submitted shows 180’ wells in the area. The topsoil is proposed to be retained and used in the reclamation of the site. Vegetation along Intertown Road would remain. No lighting or new structures are proposed during this phase. The proposed hours of operation are M-F 8am-6:30 pm and Saturday 8am-12pm. There have been two letters of support received. The township requested additional information and a site visit or to have the property staked. They postponed this case at their meeting. Photos of the site were shown. The township also wanted the Road Commission’s input. The applicant had stated that they provided them with this plan, it was also emailed to the Road Commission after the township meeting. Doernenburg noted that there were additional handouts from the applicant which are mostly related to the rezoning case including her property’s well log, Petoskey & Emmet County Market Analysis Summary, and a City of Petoskey memo related to workforce housing.

Christine Parker, applicant, stated that her great grandparents and grandparents farmed this land and have sold portions of it over the years. They sold her the last 13.44 acres. Parker stated that ten years ago, God told her to sell the land and put the money into mission work. She thought about how to do this. Two years ago she found out there was a lot of sand on the property. Over the last eight years
her mother had health issues and she lives two hours away and thirty minutes from a hospital. She tried to talk her mother into moving here but she wanted the safety of an attached garage in a house. Parker stated that all of these things fit together. She is a businesswoman, not a developer, but she has talked with developers during this process. The mining request is for two purposes, one is to raise funds for her portion of the development of the multi-family units and two, to create a plateau to build the units on. She stated that she knows there is a lot of concern over noise and dust and she understands this. She stated that there is a lot of vegetation on the property which would help with both noise and dust. There is a 24’ wide entrance on Intertown Road. She is trying to be a good neighbor and setting aside areas as to not touch the existing vegetation. This is a natural buffer for noise and catcher of dust. Parker stated that she is willing to provide dust control during the mining operation. Neither use, the mining nor the multi-family housing conflicts with the Emmet County Master Plan. Photos were passed out from the applicant. The Zoning map doesn't reflect the consent judgment but there is a lot of activity across the street. The Master Plan suggests that this is a transitional area so it would not be spot zoning. Parker stated that the entrance to the site on Intertown Road was a concern at the township meeting. There is a lot of vegetation here; even more in the summer when the leaves are on the trees. It is steeper farther down. The proposed location is more gradual and can angle out to the mining area. The maples would be left and a trail would be placed in that area for the multifamily development. Trees that are removed would be chipped and the chips used on the trails. The vegetation remaining will help with the noise and visual impact. Parker stated that she wants to build reasonably priced housing; multifamily units. In order to make it affordable, have to have an economy of scale and leveling the property helps with that. The number of units will be determined later. Parker stated that in general she would like approval for the mining operation. She cannot say how long it will take but she would hope to remove a fair amount of material from the site.

Doernenburg reviewed the facts of the rezoning case. The current zoning is FF-1 and the request is to rezone it to R-2. Surrounding zoning includes the consent judgment on property from Intertown to Lears Road, the RG Properties (Walmart) location is PUD to the north, and all around is FF-1 zoning. The consent judgment allowed for the residential development; twelve buildings with 240 units. Resort Township borders this property with R-1 and FF zoning. The concept plan was shown; multifamily units are proposed in the location of the mining. The house may be utilized as an office building. Doernenburg showed the Future Land Use map which calls for high density zoning in this area. Doernenburg explained that this board needs to look to see if the request is consistent with the Master Plan and consider all of the potential uses in the R-2 district. The request was postponed at the township meeting at the applicant’s request but the general consensus was not approving at this time since we don’t know how long the mining operation will take and if this owner would be the one to eventually develop this property or not.

Parker stated that she agrees that she doesn’t know how long the mining will take to create the plateau to build on and she is not sure on how many units will be built but she is sure that there is a need for this type of housing. She went over the City of Petoskey letter and market analysis that were passed out regarding the need for this type of housing. She stated that two of the neighbors she talked to stated that they had a difficult time finding housing when they moved here. Parker stated that if you talk to employers in the area you’d find the same issues. This fits the R-2 designation. It is ½ mile to the sewer hookup. The cost would be spread over the number of units to make it affordable. She stated that she doesn’t want to build $300-500k homes; the purpose is for affordable housing. It is close to shopping. The issues brought up about R-2 uses were that commercial uses could go in there. Parker stated that all commercial uses would have to go back to this board for a special use permit. She doesn’t think the argument of commercial invasion is valid because they’d have to go through that
Eby opened the floor to public comment.

Mark Thompson, 2486 Cemetery Road, stated that he is concerned with his well which is within 50-75' of the corner. For years, they’ve dealt with another mining operation a few hundred feet from their house. He has more concerns about the mining request than about the multifamily housing. He hopes it is done tastefully but is more worried about 8-10 years of mining all summer long. Thompson stated that he is concerned with the dust, noise, and dirt. He stated that excavating to build is one thing but this request is to mine for years on the property.

Lon Konkus, 1523 Intertown Road, stated that this is spot zoning. There has to be a line in the sand. He has lived here for almost 30 years but the development still keeps coming in from the Walmart development to the apartment complexes across the street. You should be able to do what you want with your property but not when it starts impacting the community. The proposed entrance is by a big hill to the west; someone is going to die there as there are already many accidents in the area. We don’t know what is going to happen with R-2; it could be anything. If someone else develops the property, their view could be completely different than Christine’s. Konkus stated that he is concerned with the length of time the mining could take. Traffic and safety are big issues and compounds the problem.

Barb Diefenbach, 2677 Cemetery Road, stated that she echoes the traffic concerns on Intertown Road and the same issues exist on Cemetery Road. The proposed second driveway adjoins her driveway. She has had some close calls with traffic. There are school buses along this route. She stated that she has been there for five years and she bought the property because due to the topography, they thought they were safe from development. They have put a lot of money into their house and property. If approved, it could be a gravel pit and it can’t be stopped. She would not be able to sell her property then. She could mine her property as well. Diefenbach stated that she’s not threatening but it is a thought that goes through her mind as this will change the value and quality of their lives. She can’t imagine that a young family with children would want to live next to a sand pit. The vegetation doesn’t stop much noise when you have large engines. She stated that she objects to the proposed hours of operation; when will she get to enjoy her property and life? The applicant has a lot of great ideas to do wonderful things but she doesn’t think that it has been thought through or that she has the resources. This could open up to anything and the mining could last forever. Diefenbach stated that it does not fit the neighborhood and would change the aspect of the neighborhood and the reason that people live there. The Master Plan also aims to protect natural resources. This is why she moved here.

Jared Urman, 2795 Cemetery Road, stated that this is a different property with different issues. With the mining—how do trucks get out of there? If going east to the highway they are going up a hill. He can’t see it being feasible and it compounds the traffic issues. Cemetery Road is a roller coaster. He has two boys and they are already concerned with traffic going down the hill even more so with big trucks. They can’t turn onto Kemp Road as it is too steep. What kind of need do we actually have for sand here? The other pit was put in for a specific project and therefore had somewhere for it to go. There aren’t any projects lined up so this will be open ended at best. The other pit at the highway is already a terrible eyesore. Can’t they go there for sand? Need and traffic issues are major issues. As to the rezoning, Urman stated that handing out pictures of the apartment complexes across the street isn’t a good example of what she wants to do. Their sign is isn’t finished, they have half built carports, and many dead trees in their landscaping. Urman stated that he is a capitalist at heart but not to the expense of everyone else. Our rights have to be considered. Urman stated that he urges both cases to be denied.
Tana Baldwin, 2798 US 131 Hwy, stated that her family has lived here for a century. She has seen commercial uses slowly encroach on the area. This is a residential block with low density and easy access to the highway but still with space around you. The farther that high density is brought out the more it ruins the quality of life. A line must be drawn or we will have sprawl to the county line. For the first 100 years the population stayed steady at about 15,000. In the 1990s it jumped to 30,000. Now, the population is actually decreasing. Do we actually need more housing? The houses that she and her neighbors are in are in the $150,000 range but they get more for that money there than they would in the proposed development. Ten years ago, when the other pit was approved, they lived through the mining operation. While the operation was going on, they weren’t able to open their windows at night. The water quality has gone down to a point that they no longer drink their water. Baldwin stated that these proposals are detrimental and she doesn’t want to see more of this.

Patrick Baldwin, 2798 US 131 Hwy, stated that the other operation was a relatively short period but the dust that was kicked up was monstrous. Windows couldn’t be opened and the noise was bad. Trees don’t accomplish being a noise buffer unless it is a thick cedar hedge. This would be an open-ended pit operation going six days a week. This will destroy their quality of life. As far as the rezoning, Baldwin stated that it should not be approved as it is a pie in the sky idea at this point and the applicant has no idea of whether she will even be the owner when/if it is developed.

Patrick Willson, 2993 Cemetery Road, stated that he echoes the traffic and truck concerns. At the township meeting there was a proposed possibility to not have a Cemetery Road access. If trucks came onto Cemetery Road and travelled south, it would be a roller coaster. There are very limited site distances and numerous driveways. If the mining is allowed can we regulate or prohibit traffic from travelling south on Cemetery Road? As to the rezoning, it is spot zoning. Resort Township is single family residences and fields. There are wooded areas to the south and rolling hills. It isn’t appropriate to thrust R-2 zoning into that area. The line as to where the high density should stop is where it is already developed.

Parker stated that the Future Land Use map went through several months of input to come up with. It was decided to be R-2 in this area; this should be kept in mind. She encouraged the board to visit the site. She can mark off the 50’ setback and property lines within the next couple of weeks. Parker stated that she agrees that the residential development’s efforts at landscaping were pitiful and she has even offered them trees to be moved from her property at no cost but they haven’t. She stated that in general she has tried to be a good neighbor and expects to continue that throughout these projects. She will be mindful of noise, traffic, and dust. Intertown Road is a Class 1 road and has been used for years to haul lumber for Manthei. It is not unusual to have truck traffic and she stated that she saw trucks turn from Intertown, east onto Anderson to the commercial development to deliver. The truck traffic is already here. Parker stated that ten years ago when the other mining application was being reviewed it was suggested that the speed limit be changed from Cemetery Road east to US 131. This shouldn’t be 50 mph. If there is some leverage that we can make to change the speed, it may alleviate some concerns. Anyone driving a gravel truck is seated 6’ higher than the average vehicle and has a much higher sight distance. Dirt was taken and moved to make more of a plateau to increase the site distance south of the house.

Willson stated that it is premature to rezone for the multifamily development and would be a much better time to do so after the mining is completed. The County was going to buy the property along here for the EMS and decided that the intersection was too dangerous for the ambulances to pull out. Warning lights were even put up. It seems very dangerous. The intersection is bad for traffic. Don’t rezone until we know what it is going to look like.
Neal made a motion supported by Alexander to postpone both PSUP17-005, Christine Parker, for a Special Use Permit for a Level III Resource Mining operation and PPUD17-001, Christine Parker, Rezoning, FF-1 Farm and Forest to R-2 General Residential to be located at 1675 Intertown Road, Section 18, Bear Creek Township. The motion passed by unanimous voice vote of the members present.

Both cases will be heard again at the Bear Creek Township Planning Commission meeting on April 26, 2017 at 7:15 p.m. and at the Emmet County Planning Commission meeting on May 4, 2017 at 7:30 p.m.

6. Case #PSPR17-002 Lisa Freeman, SITE PLAN REVIEW-Amendment, 2429 N US 31 Hwy, Section 25, Bear Creek Township

Legal Notice: A request by Lisa Freeman for a Site Plan Review Amendment to change the use and to add a parking area behind the building at 2429 N US 31 Hwy, Section 25, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel 24-01-16-25-101-011, consisting of 2.5 platted lots in the Hiawatha Heights Plat. The request is per Section 11.01 and 26.39 of the Zoning Ordinance.

Packet Items: Request & location map, application, impact statement, site plan review checklist, drainage calculations, 3/9/17 site plan, 3/17/17 plans, zoning evaluation. Passed out at meeting/ emailed: Bear Creek Township minutes

Doernenburg presented this case for a site plan amendment for parking expansion and change in use from retail to office, wholesale packaging and distributing. The property is 0.72 acres located on the northwest side of US-131 on 2.5 platted lots zoned B-2. The aerial and site plan were shown. The existing building is to be used for the wholesale business utilizing the basement for storage and main level for offices for a spice business. The parking expansion is proposed in the back of the building. There are no footprint changes proposed to the building. The adjacent uses are business except that to the north the property is owned by Little Traverse Conservancy. There is an existing commercial access onto US-31 and no new access is proposed. The main building existed when zoning began in 1972 and an expansion for storage and warehousing was approved in 1978. There is no dumpster shown on plan but if used, would have to be screened as per the Zoning Ordinance. There is ample snow storage area on the site. Parking standards are met and no landscaping is required. There are no exterior lights for the parking lot shown. Any exterior lighting would need to be reviewed by the Sign & Lighting Committee. The parking area is proposed to be 60’x80’. Photos of the site were shown. The township has recommended approval.

Sam DeCamp was present representing Lisa Freeman, owner.

Scheel asked about the issue brought up at the township meeting regarding having large trucks and semis turning around in the back and if they couldn’t, would they unload at the highway? DeCamp stated that the owner normally has 1-2 pallets of spices delivered monthly. The trucks would not go to the back parking, this area is for her vehicles and small trailers. Scheel asked how the semis are unloaded. DeCamp pointed out the double door on a front section of the building. They would load into that area. They can back in or pull along the highway and take it in with dollies. Urman stated that this was discussed at the township meeting and it worked the same way with the carpet company that used to be in this building.

Drier asked about the trenches with PVC and water runoff. She stated that when she was at the site there was a lot of running water. It must be coming from somewhere and what happens when gravel and pavement are added. DeCamp stated that the PVC could be extended to the edge of the parking. Doernenburg stated that the engineer’s letter states that the water runoff would stay on the site and dissipate. Drier stated that she is concerned that due to the intensity of the flow of water it may divert to the next land owner. Doernenburg stated that the water is not allowed to leave the site. The Planning Commission can require a sealed drainage plan. Scott stated that it doesn’t sound like the
water is staying on site now. Laughbaum stated that they may have a spring. The engineer’s letter addresses runoff. Scheel stated that they could have two different issues. The drainage letter says that the pavement won’t affect it but extending the PVC might. If we are concerned, a sealed drainage plan would likely be appropriate unless we don’t think it will affect it. Drier stated that she doesn’t feel comfortable today with it. Scott stated that a sealed drainage plan won’t solve the water issue and it doesn’t sound like the water is coming from the surface. Urman stated that drainage calculations would be based on the additional pavement. Doernenburg stated that we could ask the DEQ to look into it and hold the zoning permit until they approve it. Neal asked how much conduit would be extended. DeCamp stated that the proposed parking goes to the end of the trenches anyway. Scheel asked if the DEQ evaluation is done would it change our decision. We would know that they are regulated but it probably wouldn’t affect our decision and the proposal; he’s ok with it.

Urman made a motion supported by Neal to approve PSPR17-002, Lisa Freeman, Site Plan Review Amendment to allow expansion of the parking lot as identified on the site plan dated March 17, 2017 and to allow a change of use to office, warehousing, distribution all at 2429 N US 31 Hwy, Section 25, Bear Creek Township because the standards of Sections 11.01 and 26.39 have been met and on condition that any exterior lighting must comply with the Zoning Ordinance standards and if a dumpster is used, it must be screened as required by the Zoning Ordinance, that based on the engineer’s letter, no sealed drainage plan is required, and further that the access drive behind the building be placed a minimum of 10 feet from the side property line and because the Bear Creek Township Planning Commission and Board recommended approval. The motion passed on the following roll-call vote: Yes: Eby, Neal, Scheel, Laughbaum, Urman, Alexander. No: Drier, Scott. Absent: White.

7. Case #PPTEXT16-03 Emmet County Planning Commission, TEXT AMENDMENT-Section 22.07-Signs & Billboards

Legal Notice: A request by Emmet County Planning Commission to replace the existing Signs and Billboards section of the Emmet County Zoning Ordinance with an entirely new text for Section 22.07. The revised text includes changes to the definitions as well as to the standards. The changes reflect the county’s desire to remain content-neutral in regulations of signs. Copies of the entire text are available on the county’s web-site: www.emmetcounty.org or by calling the Planning and Zoning office. Packet Items: Memo, draft language, zoning evaluation Passed out at meeting/emailed: letter from Haggard’s P&H, Township recommendations: Littlefield, McKinley, Springvale

Doernenburg reported that several townships have recommended approval of the text amendment including Bear Creek, McKinley, and Cross Village Townships. Littlefield Township requested that one paragraph remain, and Carp Lake Township is not in favor of the changes citing “While we find the intent understandable, we believe that the changes to the ordinance make it too restrictive for our residents. These changes will adversely affect the residents small businesses, and organizations in our township. The elimination of the sings not needing zoning permits seems excessive. Not only will our residents have costs for the zoning permits but also the time length involved in getting the permit. We do not believe these changes will be beneficial to our township.” Doernenburg stated that she doesn’t think the changes will require any more permits. Littlefield Township wants to keep the regulation in Signs Prohibited, J. Signs and sign structures which advertise a business or service that no longer occupies the premises, and has not occupied the premises for sixty consecutive days. Doernenburg stated that she can’t agree with this. The ordinance is being amended to change language that regulates content of signs. In this case, you would have to read the sign to see if it was a business that was there currently or not. Scheel asked how off premise signs will be regulated. Doernenburg stated that it will be based on size standards. She also pointed out that temporary signs are in regulated and also not regulated signs. She would prefer to eliminate temporary signs altogether because they can have wall mounted, freestanding, and four 4-sf signs. Temporary signs have been an enforcement nightmare. If not eliminated, will have to be eliminated from one of the duplicate locations. Laughbaum asked if anything can go on a sign then. Doernenburg stated that it
can because it’s content. If the sign is allowed we cannot regulate the content of that sign.

This is the first hearing. Scott made a motion supported by Alexander to postpone until the next regular Planning Commission meeting PPTEXT16-03, replace the Emmet County Signs and Billboards Ordinance as proposed, Section 22.07 to abide by the policy of the Planning Commission regarding text amendments. The motion passed by unanimous voice vote of the members present.

IV Public Comment:

V Other Business:

1. Zoning Ordinance Updates
   a. Request to amend Article 22, Section 22.14. A (3) Temporary Dwellings-
      Doernenburg stated that she has distributed a draft for the board to look at. An email from Mr. Fouty was distributed. She stated that she would like to have this as other business on the agenda next month for discussion.
   b. Farming-Accessory Uses-Doernenburg stated that she is looking for direction on this. There is a possibility that we could get a consultant in to get their input. Laughbaum stated that he’d like to see a local committee formed. He is not sure that the uses we have been discussing fit in every district. Eby stated that perhaps we shouldn’t tie the uses to farms at all and leave them as special use permits in particular zones. Laughbaum stated that there should be some community flavor. We shouldn’t have people coming to our meetings on a monthly basis thinking that something will happen and it doesn’t. Doernenburg stated that she has distributed proposed drafts, the article from Eby, and the proposed draft from David Coveyou. She is still getting questions as to where these types of activities can fit in our county. Laughbaum noted that an outside consultant from another area may find some activities a nuisance that may fit here. Doernenburg stated that there may be an option to have a locally based consultant or facilitator. Neal stated that the purpose of an expert is to be able to guide through the legal boundaries of the Right to Farm Act. We could still have a committee but have them drive the committee. Kristi Schuil asked what happens in the meantime if someone applies for one of these uses. Doernenburg stated that it would depend on the application. Eby asked if we need some of these activities allowed generally or can we put them in a certain zone like FF under certain conditions? Laughbaum noted that the scale of these activities needs to be determined as well; when is it commercial? Drier stated that if money changes hands it would be commercial. Scheel suggested having a small committee with a facilitator discuss options for 30-60 days and then present back to the full board. After some further discussion it was determined that Doernenburg will put together the uses, drafts, and other information that have been distributed in the past to pass out to all of the current board. Schuil asked for a copy as well.
   c. Indoor shooting range-Doernenburg stated that indoor shooting ranges are not listed specifically in the ordinance. There is archery and outdoor shooting ranges listed. Should they be addressed specifically or fall under some other type of use? Alexander stated that it would be similar to archery other than the noise. Doernenburg will gather information from other areas and report back.

2. Enforcement Report-Distributed. No discussion. Doernenburg noted that she was requested to put dates on the enforcement reports. This will start more consistently on next month’s report.

3. Letter of Support-Doernenburg explained that the Little Traverse Wheelway along M-119 is
right along the highway. The planning department has tried to get this re-routed off of the highway for years. Now the Petoskey State Park is asking MDNR for grant funds to run the path through the State Park. They are requesting a letter of support. Scheel made a motion supported by Alexander to authorize the Chair to sign the letter of support. The motion passed by unanimous voice vote of the members present.

4. **Site visits**: Drier stated that she thinks that the members should have ID badges for site visits. She has spoken with the HR Department as has Doernenburg. IT is willing to create them. This way people know who is visiting their property.

**VI Adjournment**

There being no other business Eby called the meeting adjourned at 10:40 p.m.

James Scott, Secretary

Date
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<tr>
<th>Ordinance</th>
<th>Description</th>
<th>Notes</th>
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| **PSUP17-003** | Emmet County Road Commission SPECIAL USE PERMIT Level III Resource Extraction Operation E. side of Bellmer Road Section 30 Springvale Township | - Staff met with Civil Counsel.  
- Staff met with ECRC manager – see draft modified Level III Permit. |
| **PPUD17-01** | Robert Drost PUD Rezoning 2157 Howard Rd plus vacant parcel along River Rd Section 17 Bear Creek Township | New information received:  
- Haggard’s Plumbing & Heating support letter.  
- Email from City of Petoskey in response to question regarding monitoring of adjacent site. |
| **PSUP17-005** | Christine Parker Special Use Permit Level III Resource Extraction Operation 1675 Intertown Road Section 18 Bear Creek Township | New Information Received:  
- Haggard’s Plumbing & Heating support letter.  
- Photos from applicant  
- Crash data from MDOT’s web-site (via email)  
- Site has been staked at corners and at 50’ setback |
| **PPUD17-001** | Christine Parker REZONING FF-1 Farm & Forest to R-2 General Residential 1675 Intertown Road Section 18 Bear Creek Township | New Information Received:  
- Haggard’s Plumbing & Heating support letter.  
- Photos from applicant  
- Crash data from MDOT’s web-site (via email)  
- Spot zoning handouts (via email) |
| **PPTEXT16-03** | Emmet County Planning Commission TEXT AMENDMENT Section 22.07 Signs & Billboards | No new information received since previous meeting. |
| **PSUP17-006** | Stanley & Richard Jackimowicz SPECIAL USE PERMIT - Amendment Level III Resource Extraction 5960 E Mitchell Rd Section 6 Springvale Township | Site was approved in 1998 for resource mining site.  
- Permit was amended in 2007.  
- Request to modify permit to seek compliance with current permit. Annual review showed materials being hauled to the site. |
<table>
<thead>
<tr>
<th>Zoning Ordinance</th>
<th>Temporary Dwellings</th>
<th>Draft distributed in April. Discussion for consideration of publication.</th>
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<tbody>
<tr>
<td>Zoning Ordinance</td>
<td>Farming – accessory uses</td>
<td>Draft amendment presented to PC in 2016. No direction given at that time. Needs additional discussion. Draft submitted by a Bear Creek Township Planning Commission member is enclosed for discussion.</td>
</tr>
<tr>
<td>Zoning Ordinance</td>
<td>Indoor Shooting Ranges</td>
<td>Allowed in Cheboygan County in Commercial zoning district</td>
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<tr>
<td>Enforcement Report</td>
<td>Medical Marihuana</td>
<td>Met with Emmet County MTA group at their April meeting. Requested to provide update in July.</td>
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<tr>
<td>Planning Commission Membership</td>
<td></td>
<td>Enclosed</td>
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<td>New Board policy.</td>
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LEVEL III
SPECIAL USE PERMIT
Conditionally Approved
Resource Extraction
Emmet County Road Commission
#PSUP17-003

Subject Property:
A 40 acre FF-1 Farm and Forest zoned property located in Section 30 of Springvale Township and accessed via Bellmer Road (in Bear Creek Township). The property is tax parcel number 24-14-17-30-100-001.

1. All excavation work and resource extraction shall be prohibited from occurring within seventy-five (75) feet of the north, south, and east property lines.
2. Resource extraction shall not exceed the area shown on the site plan Received April 4, 2017.
3. No final slope shall exceed a slope angle of one (1) foot vertical to three (3) feet horizontal. No standing water is anticipated.
4. Finished grades shall be uniformly sloped, free from disorganized earth piles and debris. Stockpiled materials shall be confined to the areas designated on the site plan.
5. No site conditions shall be left that will present hazardous conditions, such as cave-ins, standing water, and the like.
6. Crushing and processing hours of operation shall be Monday through Friday 8AM to 6PM and prohibited on Saturdays, Sundays, and the National Holidays of Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Year’s Day. Crushing shall be limited to three weeks per calendar years.
7. The site shall not be operated as a resource or aggregate transfer yard and shall not be a site for storing contractor’s equipment, vehicles or building materials, either new or discarded. The site shall not be a disposal area for stumps, broken concrete and similar materials.
8. All applicable State, Federal, and Local Laws/Regulations shall be complied with, e.g. noise, dust, access, etc.
9. All applicable Zoning Ordinance standards shall be met.
10. Site reclamation, as reasonable, shall be progressive as the mining continues, and sufficient top soil (2”) shall be retained and mixed into the mined area on the site for use in re-establishing vegetation and reclaiming the site.
11. Visual screening shall be installed before excavation begins along the north field with two rows of pine trees 1-2 ft. in height with spruce trees. The trees shall be maintained in a healthy condition.
12. Vehicle access to the site shall be via the existing accesses from Bellmer Road.
13. This Special Use Permit is subject to the conditions of approval by the Emmet County Planning Commission meeting of DATE.

SIGNED:_________________________________              DATE:__________________
Brian Gutowski, Emmet County Road Commission Engineer

SIGNED:_________________________________              DATE:__________________
Tammy Doernenburg, Emmet County Zoning Administrator
Tammy Doernenburg

From: Robert Straebel <rstraebel@petoskey.us>
Sent: Friday, April 14, 2017 12:05 PM
To: Tammy Doernenburg
Subject: FW: Howard Road former landfill

Tammy,

The City, as required by the MDEQ, is responsible for annual monitoring of the landfill which includes collection of groundwater samples from several monitor wells along with visual inspection of the vegetative cap and methane vents. The consultant that performs this work for the City is Tetra Tech, Inc. out of Ann Arbor.

Hopefully, this answers your question. Feel free to contact me if you need more information.

Thanks, Rob

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From: Tammy Doernenburg [mailto:tdoernenburg@emmetcounty.org]
Sent: Friday, April 14, 2017 8:17 AM
To: Robert Straebel <rstraebel@petoskey.us>
Subject: Howard Road former landfill

Good morning Rob,

Thank you for your letter regarding the case on the Emmet County Planning Commission’s agenda for a Planned Unit Development adjacent to the city’s property (tax parcels 01-19-17-100-018 & 01-19-08-350-002).

During the Planning Commission meeting, a commissioner asked how the city’s site is monitored. Could you please provide an answer to that question?

Thank you.

Tammy

***************************************************************************
Tammy Doernenburg
Director, Emmet County Planning & Zoning
3434 Harbor-Petoskey Rd, Suite E
Harbor Springs, MI 49740
231-439-8998 (direct line)
231-439-8933 (fax)
231-348-1735 (main office line)
www.emmetcounty.org
April 20, 2017

To Whom It May Concern:

My name is Beth Bryant and I am a resident of the Bear Creek Apartments. I am writing in regard to the 1675 Intertown Road-Request For Special Use Permit. I have recently been informed that the property located immediately South of the Bear Creek Apartments is seeking a permit that involves excavation of the hills and gravel. I would like to express my opinion towards this permit and am requesting that the permit be denied.

Excavation would mean heavy traffic during the day, increased amount of noise and it would create a prominent level of dust and dirt for the surrounding areas. I am a night shift worker, which means that I sleep during the day. This would not be ideal or improve my standard of living in any way. It would harm it. I am a pet owner as well and although our pets are to be on a leash always, there runs a greater risk to my pet getting hurt in some way, either by the increased traffic or by the air quality decreasing. The massive amounts of dust and dirt would also hinder my quality of living due to not being able to open windows and having to excessively clean my house and vehicle. This area is quite nice and it is a quiet and friendly neighborhood. I would hate to see that change. I also believe it will cause Bear Creek Apartments to lose tenants due to the issue at hand. The rent here is substantial and I know from personal experience that most people, including myself, would refuse to pay the amount that is currently requested should there be such a project as the one that is being under review right now.

I am asking that you deny this special permit and allow the tenants of Bear Creek Apartments to continue enjoying their current standard of living. There are many families here, not just people who own pets so there is much at risk. The children also have a greater risk of injury if you allow this excavation to proceed. We are not only paying for the amenities the apartments provide, but also for the peaceful area with which it resides. Thank you for allowing me the opportunity to express my opinion and I hope that great thought is put into deciding whether to interrupt so many people’s lives. If you have any questions or concerns, please feel free to contact me by email at bryantb@student.ncmich.edu or by phone at 231-420-5927. Thank you again.

Sincerely,

Beth Bryant

Bear Creek Apartment Resident
Removing Spot Zoning From the Fabric of Zoning Practice

Gary D. Taylor, J.D., State & Local Government Specialist
Department of Agricultural Economics
Michigan State University Extension

Without a doubt, few terms are uttered by both proponents and opponents of zoning actions more frequently than “spot zoning.” Spot zoning stands alongside takings as one of the most frequently advanced, yet generally misunderstood concepts of planning and zoning law. In December 2003, the Michigan Court of Appeals revisited the spot zoning issue and attempted to harmonize two seemingly contradictory lines of cases.¹ This article will review the Michigan cases addressing spot zoning and provide guidance to land use decision-makers on how to remove spot zoning from the list of problematic land use issues. This guidance should be applied liberally to all areas of your community; no need to pre-test on a small, inconspicuous area.

The Problem with Simplicity

The one-sentence definition of spot zoning most frequently cited by Michigan courts was first stated in Penning v. Owens:²

“A zoning ordinance or amendment...creating a small zone of inconsistent use within a larger zone is commonly designated as spot zoning.”

The site plan at the right (Fig. 1) provides a visual description of this one-sentence definition.

Parcel “C” has been rezoned commercial. The surrounding uses (and zoning) is residential. The one-sentence definition supplied by the court in Penning implies a purely spatial, neighborhood character-type of analysis, and would indicate that the rezoning of Parcel C is illegal. Clearly, commercial zoning is out of place in this context.

The definition found in Penning is simple and easily conceptualized. It is also the source of much of the misunderstanding surrounding the spot zoning issue. If the analysis actually ended with this single sentence, many neighborhood commercial uses or downtown apartments could be characterized as illegal spot zoning. Commercial zoning to accommodate uses that predate an area’s residential development also would be illegal, and mixed use developments and cluster zoning would be more difficult to implement. An island of inconsistent use on a zoning map creates a suspicion by the casual observer that a landowner is being singled out for favorable treatment, but to fully understand whether a small zone of inconsistent use is actually contrary to law we must dig deeper.

Fig. 1 - Site Plan
Spot Zoning in Other States

Other state courts have adopted varying definitions of spot zoning. Some of these definitions are useful starting point for the discussion of spot zoning in Michigan because they focus more on an analysis of the problems associated with spot zoning than simply on a description of the zoning map. For example, the state courts of Texas have recognized that simply looking at the state of the zoning map, without further analysis, is insufficient. In *Burkeett v. City of Texarkana,* the Texas Sixth District Court of Appeals observed:

"It has frequently been said that *spot zoning* is arbitrary and void. However, the term is not a word of art, rather it is descriptive of the process of singling out a small parcel of land for a use classification different and inconsistent with that of the surrounding area, for the benefit of the owner of such property and to the detriment of the rights of other property owners."

Texas courts imply improper motives are the root of evil in spot zoning. To find illegal spot zoning they look not only at the neighborhood, but also make an analysis of whether preferential benefits resulted for one, or a small number of landowners. The Texas Supreme Court has viewed spot zoning as "preferential treatment which defeats a pre-established comprehensive plan. It is piecemeal zoning, the antithesis of planned zoning."

Massachusetts courts take a slightly different approach. To determine whether illegal spot zoning exists, Massachusetts courts apply a balancing test that weighs the benefits to the public of spot zoning against its detrimental effects on neighboring landowners. In Massachusetts, then, a small parcel of inconsistent use that confers benefits to the owner of the parcel could be upheld, so long as the public benefits as well, and to a greater degree than that to which neighboring landowners are harmed.

Washington state courts have emphasized the importance of comprehensive plans and land use regulations by adopted what has come to be known as the "change-mistake rule" for assessing the validity of all zoning amendments, including spot zoning situations. The rule holds that a court will uphold a zoning map amendment only if it is based on a change in conditions in the surrounding neighborhood since the zoning was adopted, or a mistake in the original zoning classification. An exception exists if, regardless of consistency with neighborhood character, the rezoning brings the zoning into line with the comprehensive plan. The change-mistake rule shifts the burden of proof to the proponent of the rezoning change. This rule obviously makes it more difficult for an individual landowner to secure a change in zoning that is inconsistent with neighborhood character. It also disregards the inquiry into motives and favorable treatment that can be difficult to prove in administrative or judicial proceedings. It is worth noting that comprehensive planning is mandated by Washington state statute, and that zoning must be consistent with the plan.

The Real Criteria for Spot Zoning in Michigan

Why this recitation of case law from other states? The reality is that Michigan courts implicitly have employed, at various times in various cases, many of the criteria found in these cases from other states in deciding spot zoning questions here. Michigan courts, in fact, do not stop with the one-sentence definition from *Pennning.* The courts will weigh all the "facts and circumstances" of a case in deciding the validity of an isolated zoning amendment. The trick is to distill from the fifteen or so Michigan appellate court decisions on spot zoning what the courts really consider to be the important facts and circumstances. A breakdown of these considerations follows.

Important Considerations

**Zoning presumed valid.** Michigan courts have sent mixed messages on whether the presumption of validity afforded to communities on other zoning matters can be relied on with the same confidence when spot zoning is asserted in a challenge to a decision. *Brae Burn v. Bloomfield Hills* is the most frequently cited case for the proposition that "the zoning ordinance is clothed with the presumption of validity, and it is the burden of the party attacking the
ordinance to prove affirmatively that it is arbitrary and reasonable." Courts have cited this language in spot zoning cases. The courts have also noted that this presumption is strengthened by the existence of a formally adopted master plan. However, the appellate courts also occasionally have been led astray by language from Penning that seems to place the burden on the zoning authority. Immediately after stating the one-sentence definition of spot zoning set forth above, the Penning court went on to say:

"Such an ordinance is closely scrutinized by a court and sustained only when the facts and circumstances indicate a valid exercise of the zoning power." [emphasis added].

Subsequent spot zoning cases cited with approval this language from Penning and seemed to require municipalities to affirmatively prove the reasonableness of their zoning decisions in spot zoning cases in order for them to be upheld.

In Essexville the Court of Appeals squarely faced the question of the presumption of validity of spot zoning decisions. After a lengthy review of the relevant cases, the Court of Appeals concluded that, in fact, Penning and Anderson say the same thing as Brae Burn concerning the presumption of validity:

"In neither Penning nor Anderson did the courts disavow the deferential standard of review forcefully declared in Brae Burn and other cases. Moreover, both Penning and Anderson denounced 'haphazard,' 'piecemeal' zoning decisions that were contrary to existing zoning plans, which is consistent with the reasonable and arbitrary' test set forth in Brae Burn and other cases." 

Essexville, then, should clear up any questions about whether the burden of proof shifts in spot zoning cases. Land use decision-makers should take comfort in the knowledge that the presumption of validity accompanies their decisions, even when spot zoning is alleged.

"Small zone..." The first part of the Penning definition focuses on the geographic size of the parcel in question. An examination of other cases shows that size is relative. In Raabe v. City of Walker, the Michigan Supreme Court determined that rezoning a 180-acre tract of land to heavy industry, when surrounding uses were predominantly agricultural, constituted spot zoning. Similarly, in Trenton Development Co. v. Trenton Village, the zoning of a three-block area for duplexes was considered spot zoning when the surrounding neighborhood was zoned multi-family. Perhaps it is more accurate to say that size matters when the parcel in question is comparatively small relative to the surrounding area.

Single Parcel or Landowner. The vast majority of spot zoning cases involve a single parcel or landowner. Essexville confirmed that rezoning a single parcel owned by a single landowner to an inconsistent use, standing alone, is an insufficient legal basis upon which to conclude that illegal spot zoning has taken place. This conclusion makes perfect sense in the big-picture of zoning practice, for the vast majority of rezoning requests are made by a single landowner for a single parcel. This is not a unique identifier of spot zoning. However, it is a factor that will raise a red flag for the courts if it is accompanied by the other listed considerations.

"Inconsistent use." The character of the area has appeared in various cases as an important consideration, particularly when the municipality cannot point to a master plan or "plan of zoning" to justify rezoning to an inconsistent use. In Raabe v. City of Walker, the court specifically noted that a decision "purposed toward contradictory rezoning, after years of original zoning upon which concerned persons have come to depend" is substantially weakened by the absence of a master plan that justifies the change in policy. In Michaels v. Village of Franklin, the refusal to rezone a parcel to commercial, when all surrounding uses were commercial, was found to be unreasonable.

It is worth noting that Raabe cites, with approval, a Maryland case that utilized the change-mistake rule in saying that a rezoning is appropriate "only when there was some mistake in the original zoning, or when there are genuine changes in the character of the neighborhood." Penning also calls on the change-
mistake rule in deciding against the rezoning. According to Clan Crawford, the change-mistake rule has not been consistently followed in other Michigan cases.\textsuperscript{18} In communities without master plans, then, the red flag should go up when a proposed rezoning would be particularly out-of-character with its surrounding uses.

**Purpose and motive.** As stated above, the vast majority of spot zoning cases involve a single parcel or landowner. This would seem to imply that one of the concerns surrounding spot zoning is favorable treatment of a single individual. The cases, however, never articulate this concern. The courts tend to focus instead on the inconsistency of land uses resulting from spot zoning. Several cases have used language similar to that found in Anderson, that

\[\text{"The legislative intention in authorizing comprehensive zoning is reasonable uniformity within districts having the same general characteristics and not the marking off, for peculiar uses or restrictions of small districts essentially similar to the general area in which they are situated."}\textsuperscript{19}\]

**Essexville**, however, raises the possibility that unfavorable treatment of a single individual by the city could be illegal if the city's motives are improper. In Essexville the landowner asserted that his land was placed in a zone permitting parks and recreational uses, when the vast majority of the surrounding land was industrial, in order to depress the property value for later acquisition by the city for public parkland. The Court of Appeals remanded Essexville to the trial court to take further evidence on this issue. Likewise, the court in Michaels considered the possibility (without deciding the specific question) that the village was refusing plaintiff's rezoning request in order to depress the market value for eventual purchase.

In many of the cases when the public derides a particular decision as spot zoning, the public is really voicing a belief that "something fishy is going on here." The courts, however, seem more concerned with consistency in land uses. Absent a showing of actual fraud, a legal challenge solely on the basis of improper motive is not likely to succeed if the decision is supported by the master plan.

**Key Consideration: Consistency With Plans**

The Essexville decision confirms that consistency with the plan is probably the most critical factor a court will consider today in deciding whether a "small zone of inconsistent use" constitutes illegal spot zoning. The court placed heavy reliance on the fact that the ordinance was based on a reasonable development plan and constituted the elected representative's decision regarding how the city landscape...should be developed in the future." The existence (or absence) of a master plan has essentially decided the outcome of several spot zoning cases. In Essexville, for example, the court upheld the city's creation of an essentially small (4.37 acres) and isolated nonindustrial district in the middle of industrial uses because the plan called for greater recreational riverfront access. In Raabe the court overturned the rezoning of a 186-acre parcel to industrial from agricultural because it was not part of any general plan. In Penning the court overturned the rezoning of a small parcel to commercial from residential, even though it neighbored an existing commercial use that predated the ordinance, because the rezoning was "inconsistent with the basic plan of zoning."

These cases bring to light another important point. The astute reader will have noticed that the courts have not always articulated (or even recognized) the distinction between the terms "master plan" and "the basic plan of zoning." However, the parties to spot zoning litigation know the difference, and use those differences to their respective advantage. The master plan is usually used to justify a rezoning, while "the basic plan of zoning" will more than likely be used to overturn a rezoning. The master plan text and map are the instruments for articulating a change in land use policy. In contrast, a municipality generally cannot find justification for a change in policy in the very document (the ordinance) the municipality is trying to amend. The single best piece of advice for local governments in the general arena of land use is also the best advice for avoiding spot zoning problems: *Make plans. Make decisions that are consistent with plans.*
Is Spot Zoning Really Different?

This was really the central question addressed by Essexville. The court felt it necessary to decide "whether the Penning and Anderson cases contain separate zoning principles apart from those set forth in Brae Burn..., and if so, which line of cases controls." In other words, are the facts and circumstances of spot zoning cases so different from other zoning cases that they warrant a separate set of rules? The ultimate response of the Court of Appeals was a qualified "no." The Court read Pinning to be consistent with Brae Burn in giving local zoning decisions the presumption of validity. However, it went on to say:

"But, when a discrete zoning decision is made regarding a particular parcel of property – typically a decision involving an amendment or variance that results in allowing uses for specific land that are inconsistent with the overall plan as established by the ordinance – the courts will apply greater scrutiny. Those isolated or discrete decisions are more prone to arbitrariness because they are micro in nature, i.e., the decisions are based on the particular land and circumstance at issue in the request for amendment or variance."

Much of the confusion and misunderstanding surrounding spot zoning over the years has come about because of the belief that "small zones of inconsistent use" described the complete legal test for spot zoning (in the words of Texas courts, treating spot zoning as a "term of art," rather than the set of facts in a particular situation. Essexville provides land use decision-makers with a holding that takes us beyond a one-sentence legal standard for spot zoning. It emphasizes that a small zone of inconsistent use deserves "greater scrutiny" (the qualifier), but that a court must still look at the overall reasonableness of the governmental interest being advanced, consistent with Brae Burn, Kropf and other key Michigan zoning decisions.

Summary and Checklist

Spot zoning does describe a situation that, by its very nature, draws closer scrutiny to the actions of the zoning authority; however, rather than define different rules for determining the legality of a particular spot zoning situation, a more appropriate approach is to analyze such cases under traditional analyzes of zoning validity. If you are charged with making land use decision on behalf of your community and a claim of spot zoning is raised, you should run through the following list of considerations:

✓ Is the "spot" in question small and discrete compared to the surrounding area?

✓ Does the "spot" involves one landowner or one parcel?

✓ Is the "spot," whether on the map as initially adopted or a request for rezoning, a use inconsistent with surrounding uses or the surrounding zoning?

If some or all of these characteristics are present the court will give "greater scrutiny" to the decision of your local government. You should then consider how you would be able to answer the following questions related to the requested use:

1) Is the requested use consistent with your master plan map? Does the plan's text present justifications for this use in this location?

2) In the absence of a master plan, does the requested use make sense in light of "the overall plan of zoning?"
   i) Can your community articulate a reasonable basis for the requested use in the requested location?
   ii) Can your zoning accommodate the request through a special use permit or PUD?

3) Would the denial of the request (i.e., refusal to create a "spot") preclude the property's use for any purposes to which it is reasonably adapted?
If you can answer "yes" to (1) or (2), and "no" to (3) then you have successfully removed any legitimate claim of illegal spot zoning.

4 Thompson v. City of Palestine, 510 S.W.2d 579, 582 (Tex. 1974).
13 Id., at 6.
19 Anderson, 21 Mich. App. 64 at 75.
20 Essexville, WL2249267 at p. 3.
My name is Julie Sheren and I live in the Bear Creek Meadows apartments. If this project goes through it will defeat the purpose of moving to this complex and paying the high rent so we could have the clauses in our agreements that say "low noise, no loud cars or motorcycles, fines if dogs bark excessively."

The noise and dust and dirt will lower the quality of the buildings here. They will get dirty on the outside and we'll all have more dust. If this project was to be agreeable with me there would have to be some rules and regulations from the Planning Commission or the owners.

I will attend the meetings to further understand this matter.

Thank you,

Julie Sheren
1585 Bear Creek Ln., Unit R
Petoskey, MI 49770
231-622-8565
How to spot a spot zoning

Posted on June 17, 2016 by Brad Neumann, Michigan State University Extension

When considering a rezoning, remember four key criteria to avoid creating a spot zone.

Planning commissions are occasionally presented with requests to change the current zoning of a parcel or parcels to a different zoning district. Sometimes, it is the planning commission that proposes a rezoning of one or more parcels. A rezoning is an amendment of the zoning map and it requires a specific set of steps to be followed in order to ensure due process (see For Adoption of a Zoning Ordinance Amendment). It is the same process for amending the text of the zoning ordinance.

Rezoning property requires consistency with the community’s master plan, according to the Michigan Planning Enabling Act. The master plan should include criteria, or guidance for considering zoning amendments. The plan should guide the planning commission as to the appropriate zoning district to rezone a property to, moving towards consistency with the plan. The plan should also guide the planning commission as to when the rezoning is appropriate; for instance, once there are public utilities in place that can serve residential use of a certain density. The zoning plan portion of the master plan will be key to this review for consistency (also see All rezonings are not good rezonings).

One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

Rezonings that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.
The most important thing is consistency with the master plan. Remember, the master plan should have been prepared with extensive public engagement and that process is intended to create a consensus vision of future land use and infrastructure – including the future configuration of zoning districts.

To learn more about spot zoning, read the Michigan State University Extension Public Policy Brief – Removing Spot Zoning From the Fabric of Zoning Practice or contact land use educator for assistance.

This article was published by Michigan State University Extension. For more information, visit http://www.msue.msu.edu. To have a digest of information delivered straight to your email inbox, visit http://www.msue.msu.edu/newsletters. To contact an expert in your area, visit http://expert.msue.msu.edu, or call 888-MSUE4MI (888-678-3464).
PSUP17-006

A request by Stanley and Richard Jackimowicz for Jack’s Trucking & Excavating for a Special Use Permit amendment to a Level III Resource Extraction operation on property located adjacent to 5960 E. Mitchell Road in Section 6 of Springvale Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-14-20-06-300-008. The request is per Article 21 and Section 26.10 of the Emmet County Zoning Ordinance.
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzc@emmetcounty.org

3-16-17 DATE RECEIVED
FEE $300.00

APPLICANT # 3-16-17 DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name Jackstrutting & Excavating 231-3417-60944
Applicant's Address 1944 E. Mitchell Rd.
Applicant's Email Address Jackstrutting@outlook.com
Owner's Name Stanley Jackimowicz Phone 231-3417-60944
Owner's Address 4031 E. Mitchell Rd.
Owner's Email Address Jackstrutting@outlook.com

JOB SITE LOCATION:
Township: Springvale Tax Parcel #: 24-14-20-04-300-008
Address: Springvale E. Mitchell Rd.

ZONING REQUEST:
Planning Commission: 
Special Use Permit □
Site Plan Review □
Planned Unit Development □
Zoning Map Change □
Zoning Text Change □

REQUIRED USE INFORMATION
Ground floor area main building: __________ Sq. Ft.
Floor Area accessory building: __________ Sq. Ft.
Lot/Parcel Size: __________ Acres __________ Sq. Ft.

Site/Plot Plan required* 2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

Describe Request: Amended USE Permit

*Please attach a site/plot plan to show: property dimensions; front, rear, and side yard setbacks; streets, roads, and all buildings on the lot. Review Section 2405 of the Zoning Ordinance for Site Plan requirements.

Requirements for Special Use Permits (Sec 2100 & 2407), PUDs (Sec. 1802 & 1805), & Site Plans (Sec. 2405)

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Elevation Drawing □ Site Inventory □
Engineered Drainage Plan □ Fire Dept Approval □
Soil Erosion Permit □ Wetlands Permit □
Health Dept. Approval/ □ Road Commission/ □
Sewer Taps □ MDOT Approval □

Other:
As owner/and or applicant representing the owner, I do □ not □ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant □ Printed Name of Applicant □ Date 3/11/17

*Required Signature of Property Owner □ Printed Name of Property Owner □ Date 3/11/17
### SITE PLAN REVIEW CHECKLIST

**Case #**

**Date Received**

**Subject Property Address**  
5160 E. Mitchell Rd.

**Subdivision and Lot Number (If Applicable)**

**Tax Parcel Number:** 24-14-70-00300-008

**Township** Spinks Vale

**Proposed Use of Property**

**Proposed Number of Employees**

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<th>CHECKLIST</th>
<th>Yes</th>
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<th>N/A</th>
<th>Comments</th>
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<tr>
<td>Basic Map Information</td>
<td></td>
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<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✓</td>
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<td>2 Appropriate scale</td>
<td>✓</td>
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<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>✓</td>
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<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>✓</td>
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<td>5 Property line dimensions</td>
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<td>Basic Zoning Information</td>
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<td>6 Zoning setback - Building (including the eave) Setbacks: Front _____ Side _____ Side _____ Rear/Water _____</td>
<td>✓</td>
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<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>✓</td>
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<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg.(s) = ____ x ____ Total sq.ft. = ______</td>
<td>✓</td>
<td></td>
<td></td>
<td>no new buildings</td>
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<td>9 Proposed building elevations (to scale) Max. Height = ______</td>
<td>✓</td>
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<tr>
<td>10 All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td>✓</td>
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<tr>
<td>11 Multiple housing units - Number of units = ____ composition (efficiency, one bedroom, two, three)</td>
<td>✓</td>
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<td></td>
<td>no housing</td>
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<tr>
<td>12 Surrounding zoning (properties immediate to subject site)</td>
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<td>13 Lot coverage of proposed buildings = ______</td>
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SITE PLAN REQUIREMENTS
EMMET COUNTY PLANNING COMMISSION
3434 Harbor-Petoskey Rd, Suite E
Harbor Springs, MI 49740
231-348-1735
pzcr@emmetcounty.org

DIRECTIONS TO APPLICANT

The following items are needed to comply with the site plan requirements of the Emmet County Zoning Ordinance. All items should be submitted to the Emmet County Planning Department at least 24 days prior to the Planning Commission meeting in order to be heard at the Planning Commission meeting the following month. (Regular meeting date is the first Thursday of each month.)

2. Site Plan Review Checklist in accordance with Article 20 of the Emmet County Zoning Ordinance. Applicable agency reviews as required.
3. Impact Statement for Site Plan Review.
4. Site Plans - (2) full sized and fourteen (14) reduced size (maximum 11"x17") copies of all maps or graphics. Digital format including data layers may be required, if deemed necessary by the Zoning Administrator.

IN ADDITION:
The applicant should distribute one copy of the completed plan to each of the following agencies (if required):

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<tr>
<th>AGENCY</th>
<th>ADDRESS</th>
<th>PHONE</th>
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<tbody>
<tr>
<td>Health Department</td>
<td>3434 Harbor Petoskey Rd Suite A</td>
<td>231-347-6014</td>
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<td>Harbor Springs, MI 49740</td>
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<td>Road Jurisdiction</td>
<td>2265 E. Hathaway</td>
<td>231-347-8142</td>
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<td>County Road Commission</td>
<td>Harbor Springs, MI 49740</td>
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<td>OR</td>
<td>Gaylord Transportation Service Center</td>
<td>989-733-3832</td>
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<td></td>
<td>1088 M-32 East</td>
<td>or 888-304-MDOT</td>
</tr>
<tr>
<td></td>
<td>Gaylord, MI 49735</td>
<td>(6368)</td>
</tr>
<tr>
<td>Fire Department</td>
<td>(obtain from local source)</td>
<td></td>
</tr>
<tr>
<td>Soil Erosion Officer</td>
<td>3434 Harbor-Petoskey Rd Suite E</td>
<td>231-439-8996</td>
</tr>
<tr>
<td>(If the building is within 500' of surface water or an acre or more of land is disturbed, including roads.)</td>
<td>Harbor Springs, MI 49740</td>
<td></td>
</tr>
<tr>
<td>Affected Township</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
</tr>
<tr>
<td>------------------</td>
<td>-----</td>
<td>----</td>
</tr>
<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.).</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>15 Has a wetland permit been applied for?</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>16 Existing topography</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>18 Site Inventory provided?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>19 Are there scenic view considerations?</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drainage / Parking/ Roads</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width of Right-of-Way = Drive</td>
<td>Existing</td>
</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td>✓</td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
<td>✓</td>
</tr>
<tr>
<td>23Acceleration/deceleration lanes</td>
<td>✓</td>
</tr>
<tr>
<td>24 Road agency approval?</td>
<td>✓</td>
</tr>
<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td>✓</td>
</tr>
<tr>
<td>26 Parking spaces required_____, parking spaces actual____ Handicap parking location and number____</td>
<td>✓</td>
</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td>✓</td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td>✓</td>
</tr>
<tr>
<td>29 Dumpster location, screening indication Run along Road</td>
<td>✓</td>
</tr>
<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td>✓</td>
</tr>
<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td>✓</td>
</tr>
<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan.</td>
<td>✓</td>
</tr>
<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td>✓</td>
</tr>
<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td>✔</td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td>✔</td>
</tr>
<tr>
<td>Location of sign(s)*</td>
<td>✔</td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td>✔</td>
</tr>
<tr>
<td>Impact Statement attached?</td>
<td>✔</td>
</tr>
<tr>
<td>Fire Department approval?</td>
<td></td>
</tr>
<tr>
<td>Fire hydrants and fire vehicle access.</td>
<td></td>
</tr>
<tr>
<td>Road Agency approval?</td>
<td>✔</td>
</tr>
<tr>
<td>Health agency approval?</td>
<td></td>
</tr>
<tr>
<td>Army Corps of Engineers approval?</td>
<td></td>
</tr>
<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td>✔</td>
</tr>
</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

ADDITIONAL COMMENTS:

Stanley Johnson
Applicant's Signature

Mar 1 - 017
Date
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S
NAME: Stanley Jackimowitz
PHONE: 231-347-6944
DATE: 3-16-17

PROJECT TITLE: Jack's Trucking & Excavating

PROPERTY TAX ID: #24-20-06-300-008
TOWNSHIP: Springdale

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT
STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST
BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO
THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING
MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE
MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION
MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number
of proposed lots and/or units, population density, other pertinent population data,
vehicle traffic, and related.

Expanding resource mining
to allow materials to be
hauled in.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES

Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services
   not applicable

b. Domestic Water
   no change

c. Traffic Volumes
   no change

d. Schools
   no change

e. Fire Protection
   no change

3. ENVIRONMENTAL IMPACTS

Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion
   inspection updated annually

b. Storm Drainage
   no change

c. Shoreline Protection
   not applicable

d. Wildlife
   no change

e. Air Pollution
   no change

f. Water Pollution
   no change

g. Noise
   will be during hours of operation
   (same as it has been)
Call to Order and Attendance
The meeting was called to order at 7:30 p.m. by Vice-Chair Derrohn acting as Chair. All members were present except Eby, Anderson, Alexander and Laughbaum.

Minutes of February 1, 2007 and February 19, 2007 meetings
Jones made a motion, supported by Neal, to approve the minutes of the February 1, 2007 and February 19, 2007 meetings as presented. The motion passed by an unanimous voice vote of the members present.

Cases

1. Case #23B-98
   Rich Jackimowicz, SPECIAL USE PERMIT, Level III Resource Mining & Extraction, E. Mitchell Road, Section 6, Springvale Township

   Legal Notice: A request by Rich Jackimowicz for a Special Use Permit for a Level III Resource Mining and Extraction operation with a Redi Mix Plant to be located on the south side of E. Mitchell Rd., Section 6, T34N-R4W, Springvale Township. The parcel is approximately 27.2 acres, zoned FF-2 Farm and Forest with a tax parcel number 24-14-20-06-300-008. The review is per Section 2102-10 of the Emmet County Zoning Ordinance.

   Packet Items: revised permit requirements, hours of operation chart for other local pits.

Michalek explained the proposal which has been the subject of review for several meetings. The request is for a mining operation on approximately 27 acres. Currently three acres are being mined and have been approved. At the previous meeting, the applicant was not present and there were questions regarding hours of operation, crushing and materials brought on-site. The changes to the updated draft permit were explained. There would be no materials brought onto the site. Crushing is proposed to be limited to 3 weeks per year. Hours of operation need to be discussed.

The Road Commission was contacted and they indicated that they would prefer a commercial access but it may not be able to be required. Scott asked if that was a function of the Planning Commission; it is a function of the Road Commission.

Mr. Jackimowicz clarified that Phase I is preferred to remain as part of the staging area. There was discussion regarding the phasing and the staging area. Scott stated that it seems that there would need to be access to the future phases that are not shown on the plan. Access should be in the center of the property. He suggested that the phasing be changed so that Phase II becomes Phase I and the staging area remain as shown at 4.5 acres.
Jackimowicz stated that he would like it to be somewhat flexible. He could perhaps reclaim a portion of the staging area provided that he did not exceed 7 acres.

Neal asked what the applicant had in mind for the stock piles. Jackimowicz stated that the stock piles would not change from how it is now. Neal asked how much traffic is generated. Jackimowicz stated that it varies by season. The economy is down this year so it may go down. The hours of operation would be the limiting factor. Scott stated that he has an issue with Saturday. He questions the need to operate until 5pm on Saturday. It is close to residential properties. Saturday afternoon should be removed. Jackimowicz suggested 3:30 p.m. based on other area pits. Jones thought that it would be acceptable. Jones stated that other pits cannot always be compared because of uses in the area. Derrohn asked if 3:00 p.m. would be acceptable. Jackimowicz agreed to 3:00 p.m. Hours of operation were stated: Monday thru Friday: 7am-6pm; Saturday: 8am-3pm; Sunday and national holidays: none. Crushing will be permitted once per year for a period of 3 weeks. Screening is a part of the ongoing operation. Hours of operation for crushing: Monday thru Friday: 8am-5pm; not permitted on Saturdays, Sundays or national holidays. Phasing can be re-numbered. Neal asked if the driveway is paved; it is gravel.

Jones asked if the owner was willing to authorize staff to enter the property. Jackimowicz responded that he would authorize staff to enter the property for inspections. Dust Control is identified in the permit and is also under the jurisdiction of Soil Erosion.

Cynthia Hill asked about the fueling facilities identified under #17 in the draft permit. Jones responded that generally fuel is on the site and will be regulated by others as well. She asked if the crushing would be loud and could it be required during a certain time of year? Scott stated that it would be dependent on availability of the crusher and stock piles available for crushing. The crusher is rented and is limited to 3 weeks per year. Hill asked if the Saturday hours could be reduced. Scott felt that 3:00 p.m. is a sufficient time. Jackimowicz has been a good neighbor and it is not going to be operating every Saturday. They will operate on Saturday when the need is required.

Nancy Dulin asked for further clarification of the gas storage for fuel? Scott responded that the gas tank is portable, it is approximately 200-500 gallons.

There were no other comments.

Scott made a motion to approve Case #23B-98, Rich Jackimowicz for a Special Use Permit for a Level III Resource Mining and Extraction operation to be located on the south side of E. Mitchell Rd., Section 6, T34N-R4W, Springvale Township. The parcel is approximately 27 acres, zoned FF-2 Farm and Forest with tax parcel number 24-14-20-06-300-008 because it meets the standards of the Zoning Ordinance as shown on the Site Plan dated received 12/21/06 and the phased plan dated 1/24/07, and subject to the conditions set forth in the Special Use Permit dated 2/1/07; the phased plan is to be revised so that the staging area is mined next and that Phase II become Phase I (etc.) and with a change in the hours of operation as indicated in the discussion: Monday thru Friday: 7am-6pm; Saturday: 8am-3pm; Sunday and national holidays: none. Crushing will be permitted once per year for a period of 3 weeks. Hours of operation for crushing: Monday thru Friday: 8am-5pm; not permitted on Saturdays, Sundays or national holidays and because the Township recommended approval. Jones supported the motion which passed on the following roll call vote: Yes: Neal, Jones, Scott, Gregory, Derrohn. No: None. Absent: Eby, Laughbaum, Anderson, Alexander.

2. Case #148E-77 Spartan Stores Fuel, LLC, SPECIAL USE PERMIT & SITE PLAN REVIEW, Gasoline Station & Retail Store, US-31 N, Section 33, Bear Creek Township

Legal Notice: A request by Spartan Stores Fuel, LLC for a Special Use Permit to allow a gasoline station to be located on the southwest corner of property located at 1185 N US-31 Hwy., Section 33, T35N-R5W, Bear Creek Township. The parcel encompasses 0.67 acres of the approximately 12 acres site and is zoned B-2 General Business with a tax parcel number of 24-01-16-33-200-017. The review is per Section 1001-6 and 901-1 of the Emmet County Zoning Ordinance.

Packet items: Site plan 2/19/07, snow removal explanation

Additional handouts: 2/23/07 fire department approval, 2/27/07 DEQ permit application, 2/28/07 health department
IV Cases

1. Case #23B-98 Rich Jackimowicz, SPECIAL USE PERMIT, Level III Resource Mining & Extraction, E. Mitchell Road, Section 6, Springvale Township

Legal Notice: A request by Rich Jackimowicz for a Special Use Permit for a Level III Resource Mining and Extraction operation with a Redi Mix Plant to be located on the south side of E. Mitchell Rd., Section 6, T34N-R4W, Springvale Township. The parcel is approximately 27.2 acres, zoned FF-2 Farm and Forest with a tax parcel number 24-14-20-06-300-008. The review is per Section 2102-10 of the Emmet County Zoning Ordinance.

Packet Items: revised permit requirements, 1/22/07 letter from Marilyn Kruskie, 1/23/07 letter from Cynthia Hill & Lyn Gabel, 1/24/07 letter from Carl & Nancy Dulin, proposed phasing plan, proposed phasing plan-aerial view.

Additional handouts: 1/31/07 email from Kathy Gay

Doernenburg explained that this request is for an expansion of an existing mining operation. The location of the parcel was shown on the tax parcel map. Permit conditions have been drafted based on the existing permit, previous reviews, and the recommendations of the Planning Commission. The applicant now has a phasing plan on file that he has agreed to. This was shown and explained. The phasing plan would require only one area at a time to be mined and reclamation of that area before moving on to the next phase. The applicant would like some latitude for the Zoning Administrator to allow slight deviation from the phasing plan if the phases were mined out of order. There were letters of concern received that referenced the hours of operation, dangerous road conditions, harming the environment, and disturbing the scenic area. A question was posed in regards to what would be done with the stumps. The stumps are currently burned on site and the applicant would like to continue that process. Additional visual screening was also discussed at the last meeting. If additional screening was to be deemed necessary by the Zoning Administrator, it would be added along the north side of the berm.

Doernenburg noted that the draft motion still mention both parcels. Only the one parcel is being considered for the mining. The additional thirteen acres are not part of this request.

The applicant was not present.

Jones asked what the acreage of the parcel proposed to be mined is. Michalek stated that it is approximately 27.2 acres. Doernenburg passed out the revised suggested motion. She stated that there is a plan that shows the dimensions and acreage of each phase.

The draft permit conditions were discussed.

Scott had some concerns. Item 11 doesn’t specify what aggregate materials will be allowed to be brought onto the site. There are materials that shouldn’t be brought onto the site. How should this be stated? Also, item 15 states that the operation will be reviewed one year from the date of approval. Can this be revised to state that there will be yearly inspections? Did the Road Commission approve the entrance as it is now?

Doernenburg stated that the Road Commission’s preliminary approval was for the redi-mix operation. It is not known if a commercial drive will be required for the mining operation. She stated that item 14 seems to address some of the concern with aggregate materials being brought onto the site as it states that no debris or rubble from off-site shall be stored or disposed of on the property.

Jones suggested comparing the language that was used on the other area mining operations to determine how to word this item. Derrohn stated that the applicant should advise us what materials he wants to bring onto the site.

Michalek suggested the wording of item 15 to read ‘Permit to be reviewed by Emmet County Planning and
Zoning staff on a yearly basis. Neal asked if this limits the visits allowed. Does this need to state ‘as deemed appropriate’? After discussion, Michalek stated that perhaps this should be modified to avoid any trespass issues.

Scott stated that he is uncomfortable discussing hours of operation without the applicant present. Alexander asked what the township stated in their recommendation. Scott replied that they recommended Monday-Friday 8 a.m. to 5 p.m. This was based on hours of operation on the current permit. Alexander asked if there have been any complaints regarding this operation. Scott replied that there haven’t been any. Derrohn stated that perhaps the Saturday hours could be shortened. Scott agreed that this would help alleviate some of the neighbor’s concerns. Eby asked what the history is with mining operations. Doernenburg replied that it varies but could be investigated.

Eby opened the floor to public comment.

Carl Dulin stated that he and his wife are concerned about the hours of operation. They prefer the suggested hours from Springvale Township, Monday-Friday 8 a.m. to 5 p.m. He added that if they are going to be crushing the noise levels and distances from properties should be looked at. He is concerned that this is becoming a commercial venture. If aggregate material is coming in, what is he doing? This should be looked at closer.

Neal asked for clarification on the performance bond. When would it be required? Michalek stated that it is written that if the next phase is done prior to reclamation of the previous phase, a performance bond would be required.

The hours of operation, types of aggregate materials allowed, and items 4, 11, 14, 15 on the permit requirements need to be looked into.

Jones made a motion supported by Scott to postpone this case until the next regular meeting due to lack of information. The motion passed by a unanimous voice vote.

2. Case #150D-98 Gerald McConnell, REZONE, R-2B to PUD-2, 1589 & 1619 Anderson Rd, Section 7, Bear Creek Township

Legal Notice: A request by Gerald McConnell to rezone property located at 1619 & 1589 Anderson Road from R-2B General Residential to PUD-2 Planned Unit Development. The properties are tax parcels numbered 24-01-19-07-300-004 & 24-01-19-07-300-007. The proposed PUD-2 encompasses 3.64 acres with retail sales uses proposed. The request includes modifications to the PUD-2 perimeter setback and sign standards to allow B-2 standards to apply to both setbacks and signage. The request is per Article XVIII of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, zoning evaluation form, 1/11/07 site plan, 1/19/07 letter from W.C. Germond

Michalek showed the location of the parcel using the tax parcel map. The parcels are located on Anderson Road. He showed the surrounding businesses and uses in the area. The parcel across the street has been approved for retail uses. The current zoning and an aerial of the area was shown. The proposal is a combination of two lots. There is a temporary use permit valid for two years from the Zoning Board of Appeals for outdoor display and sales. The proposal is for a PUD-2 for the entire parcel with retail sales uses proposed. As part of PUD-2, R-1A use would be allowed by right. The applicant has requested modifications to the PUD-2 perimeter setback and sign standards to allow the B-2 standards to apply. Bear Creek Township didn’t discuss the setback modification at their meeting. They felt that it should be discussed once a site plan is presented. Bear Creek Township Planning Commission recommended approval. Anderson added that as the Township Board meets after the County Planning Commission meeting. Denny Keiser spoke with the Bear Creek Township Board and received an ok to act without the Board reviewing the case first.
invasive knotweed
LEVEL III REVIEW  
SPECIAL USE PERMIT  
STANLEY JACKIMOWICZ  
PHASES II-VI  
February 1, 2007

PERMIT REQUIREMENTS – Resources mining to be located in the Southwest ¼ of Section 6, T34N – R4W, Springvale Township, lying east of the west Township Line on the south side of E. Mitchell Road, being tax parcel number 24-14-20-06-300-008. The permit conditions are as follows, and incorporate the applicant’s site plan (dated December 21, 2006) and the phased plan (dated 1/24/07) by reference, and apply equally to any or all owners, operators, or parties, now or to be associated with the site:

1. All excavation work and resource removal shall be prohibited from occurring within 50 feet of the property lines and road right-of-way lines. No excavation shall be permitted within any regulated wetland areas.

2. Land surface disturbance shall not exceed area identified as the proposed excavation limits on the December 21, 2006 plan. The excavation shall be conducted in Phases as identified on the graphic dated 1/24/07.

3. No final slope shall exceed a slope angle of 1 ft. vertical to 3 ft. horizontal, except to blend with existing slopes on adjacent areas of the parcel. There is to be no excavation work in any waterbearing strata, i.e. no ponds will be created.

4. The hours of operation shall be: Trucking/Hauling/Screening: 7:00 a.m. to 6:00 p.m. Monday thru Friday and 8:00 a.m. to 5:00 p.m. on Saturdays; Crushing: 8:00 a.m. to 5:00 p.m. Monday thru Friday, not permitted on Saturdays, and limited to three (3) weeks per calendar year. No operations permitted on Sundays and National Holidays.

5. Primary access to the project will be from East Mitchell Road over an existing drive negotiated by the applicant/operator, and shown on the site plan. Any repair or maintenance work shall be subject to the standards and conditions of the Emmet County Road Commission.

6. Access drives to stockpiled resources shall be so located as to give maximum protection to adjacent properties not owned by the applicant, and shall be controlled for dust nuisances at all times.

7. No site conditions shall be left that will present hazardous conditions such as cave-ins or sloughing.

8. All applicable State and Federal Laws/Regulations pertaining to mining operations shall be complied with, e.g. noise, dust, etc., as well as, laws pertaining to wetlands, wildlife habitat, etc.
9. All applicable ordinance specifications shall be complied with, per Section 2102, Paragraph 10, sub paragraphs, c) Performance Standards and d) Site Reclamation.

10. Site reclamation, as reasonable, shall be progressive as mining continues. The mining shall be scheduled in phases, as shown on the plan dated 1/24/07, with new phases not being authorized until the active phase is completed and restored; or substantially restored. Should the property owner wish to proceed to the next phase prior to reclaiming or restoring the previous phase, a Performance Guarantee shall be submitted as required in Section 2405, Paragraph 7 of the Emmet Count Zoning Ordinance, prior to proceeding to the next phase.

11. The berm shown on the site plan dated 12/21/06 shall be seeded. If additional screening is deemed necessary by the Zoning Administrator, it shall be located on the northeasterly side of the berm.

12. If required, permit fees, site monitoring, and sol management conditions shall be as prescribed by Act 451, Soil Erosion and Sedimentation Control Permit, as administered by the Emmet County Planning, Zoning & Construction Resources Department.

13. The site shall be managed so that there are no unsightly piles of debris of any kind (stumps, brush, rubble, etc.), to respect the views of neighboring properties. Material Piles are necessary for operation. No debris or rubble, such as concrete, asphalt, and the like, from off-site shall be stored or disposed of on the property.

14. At a minimum, the permit shall be reviewed annually by the Emmet Count Planning and Zoning staff.

15. Processed gravel shall be stockpiled in locations depicted on the approved Site Plan submitted by the applicant.

16. The site shall not be a yard for storing contractor’s equipment, machinery, vehicles or building materials inventory of any kind, except for items strictly related to approved mineral extraction and mineral processing on the site.

17. Full diligence shall be taken to insure that fueling facilities (storage tanks, pumps, hoses, etc.) are properly sited to protect against spills and other potential hazards related to ground or surface water contamination. Secondary containment structures, e.g. curbed pads, or other appropriate improvements, shall be provided under and /or around all fueling tanks per best practices code standards.
RIGHT OF PROPERTY ENTRY

As owner and/or applicant representing the owner, I do ___ do not ___ authorize Emmet County (staff, appointed boards, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project identified above. If authorized, inspections or site-walks shall be conducted at reasonable hours, and times, for purposes of enforcing the terms and conditions of this Special Use Permit.

SIGNED: __________________________ DATE: __________________________
     Applicant/Owner

PERMIT APPROVAL PER SECTION 2102 AND THE EMMET COUNTY ZONING ADMINISTRATOR

SIGNED: __________________________ DATE: __________________________
     Tammy Doernenburg, Zoning Administrator Emmet County
zoned RR-1 Recreation Residential and the required lot size is 22,000sf with 100' width. All proposed sites meet these standards. The township has recommended approval. Fire Department and conditional Health Department approvals have been received.

Jones stated that the Fire Department letter doesn't seem to approve the site. Doernenburg stated that there is another letter in the file and the applicant has been working with Pellston Fire Department to satisfy their recommendations. The Fire Department has requested widening the private drive at the end of the cul-de-sac.

The applicant, Dick Oelke, stated that they have widened the cul-de-sac to 24'. They would prefer that the private drive at the end of the cul-de-sac remain a 12' wide gravel drive, but they will widen it if deemed necessary.

Doernenburg stated that there is no standard in the ordinance for private drives that access less than three parcels as this one would.

There was no public comment on this case.

Jones stated that he feels that the Fire Department recommendation should be followed. Scott agreed. The board discussed whether the drive should be required to be wider or not. Some of the concerns were traffic and emergency vehicle access. Eby stated that by requiring a wider drive, there isn't a hardship to the applicant as there are no trees to remove and it won't be impacting the lots. There was some discussion as to what the Fire Department requirement was. Doernenburg stated that in the letter they request 22' wide. Anderson suggested making the condition that the applicant will construct the private drive to meet the Fire Department requirements. This way, it is between the applicant and the Fire Department to decide the width of the drive.

Scott made a motion to approve Case #49-06, Larks Landing LLC, Special Use Permit, Land Development to create a 12-unit site condominium in Section 17, Center Township, tax parcel number 24-04-09-17-400-002 on the condition that the private drive at the end of the cul-de-sac be constructed to meet the requirements of the Fire Department because of the facts in the case, the plan dated November 11, 2006 meets the standards of Section 2102-14 of the Zoning Ordinance, and the township recommended approval. The motion was supported by Jones and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Alexander. No; None. Absent; Derrohn.

6. Case #23B-98 Rich Jackimowicz, SPECIAL USE PERMIT, Level III Resource Mining & Extraction, E. Mitchell Road, Section 6, Springvale Township

Legal Notice: A request by Rich Jackimowicz for a Special Use Permit for a Level III Resource Mining and Extraction operation with a Redi Mix Plant to be located on the south side of E. Mitchell Rd., Section 6, T34N-R4W, Springvale Township. The parcel is approximately 27.2 acres, zoned FF-2 Farm and Forest with a tax parcel number 24-14-20-06-300-008. The review is per Section 2102-10 of the Emmet County Zoning Ordinance.

Packet Items: updated zoning evaluation form, 12/21/06 permit requirements, 12/18/06 letter from Jennifer Nesile, 12/19/06 letter from Gail Barker & Robert Campbell, 12/20/06 letter from Cynthia Hill & Lyn Gabel, 12/15/06 letter from Marilyn & James Kruskie.

Michalek explained that this case was originally advertised to include a request for a redi mix plant as well as the request for Level III Resource Mining. At the last meeting, it was determined that these should be two different requests and Case #23C-98 was advertised for the redi mix plant. He suggested moving the review of Case #23C-98 to be heard after this case.

Scott was concerned that there wasn't an amendment to Case #23B-98 after removing the redi mix plant part of
the request. Eby explained that he would consider the inclusion of the redi mix plant in Case #23B-98 to be an error. Advertising an additional case for the redi mix resolved that error. It was decided to move the review of Case #23C-98 after the review of Case #23B-98.

This parcel is located south of Mitchell Road, just inside Springvale Township and is zoned FF-2 Farm and Forest. There are now two parcels combined for a total of approximately 41 acres. The residential parcel to the west was added to make a lot of over 40 acres. This is one of the requirements for the redi mix plant. The site is partially mined (less than 2 acres), and wooded. The proposal is to expand the resource mining to Level III Resource Mining. Springvale Township recommended approval for the mining expansion and recommended the operating hours of 8am-5pm Monday-Friday. This was based on the approved hours of the 2001 permit. Preliminary approval has been issued by the Road Commission. The final approval would be investigated if the Special Use Permit was approved. Michalek showed an aerial photo of the site and pointed out the additional property that was added into the request. He explained that the parcel that was added is the applicant’s primary residence. The site plan was shown. Michalek explained that there is a berm on the north side of the mining operation. The elevations on the site are dramatic making the current operation difficult to see from Mitchell Road. Michalek showed the proposed mining area. Further screening if needed has been proposed if the operation is visible from the road. The operation meets the minimum perimeter setback of 50’. There is a staff prepared draft permit based on the previous approval in the packets. This permit includes staff changes/suggestions listed in bold.

Scott questioned the need to look at this parcel as a 41 acre parcel in this case. The additional acreage was added for the redi mix plant only and he feels that the mining request should be looked at as originally requested, a 27.2 acre parcel. He would also like to go through each of the points on the staff prepared draft permit. Michalek noted that it wasn’t the applicant’s desire to include the other parcel in the mining request.

Neal asked how long the mining will take place. The applicant, Rich Jackimowicz, replied that it is a large piece of land and he’s not sure how long it will take to mine. Scott stated that the current mining has been in operation since 1998 on less than 2 acres. Neal asked if there has been any reclamation on this currently mined area. Scott replied that it is not a large enough piece of property to reclaim and until it was expanded, it wouldn’t be practical to do so.

Scott stated that at the Springvale Township meeting they discussed phasing of this project due to the size of the lot. Michalek stated that phasing has been discussed with the applicant, but he hasn’t submitted a proposal yet. Eby stated that without phasing, performance guarantees can get complicated. Scott suggested that the phasing could be defined by size and not time. Once a certain area is disturbed, another previously disturbed area would have to be reclaimed before moving on to the next phase. Michalek stated that the applicant should identify these phases. There was some discussion on performance bonds and how best to handle them in this case.

Alexander asked if they have done what they were supposed to on the site so far. Scott replied that they had.

Neal asked if a time limit can be implemented on the mining. Michalek stated no, once a land use is permitted, the use runs with the land until the applicant removes the use or it is removed due to some sort of an enforcement issue. He also stated that the Planning Commission can’t require the applicant to return after each phase for review as they are not a licensing body. Anderson stated that the site can still be inspected.

Jones asked what the recourse is to make sure that he can’t move on if the project is done in phases and a phase is not completed or done properly. Michalek replied that it would become an enforcement issue and the recourse would be in the form of stop work orders or utilizing performance guarantees.

Eby opened the floor to public comments, but reminded the audience that the comments could only be in regards
to the mining at this point. Any comments in reference to the redi mix plant would be heard during the next case.

Alyce Conrad stated that the terrain of the site is more difficult to reclaim as everything is in a hole with steep hills.

Marilyn Kruskie stated that the operation is very visible from the road and a lot of the excavating has been done toward the road.

Cynthia Hill asked if we are now talking about the 27.2 acres or the 41 acres. It was answered that 27.2 acres are being reviewed for the mining request.

Scott stated that he thinks some type of phasing needs to be set up if for no other reason than to be able to control the operation. He sees this operation continuing a long time and doesn’t think that the phasing needs to have time restraints but rather limiting the acres disturbed at one time. Eby stated that perhaps if more than a set amount of acreage was disturbed without reclamation, a performance bond could be required.

Michalek read through the points on the draft permit (attached).
- Point #1-no discussion
- Point #2-no discussion
- Point #3-no discussion
- Point #4-Hours of operation were discussed. Scott stated that the Township’s approval recommendation was based upon the hours of 8am-5pm Monday-Friday which reflects the current permit requirements. Eby asked if this is a gravel operation involving crushing. Jackimowicz replied that there is screening only, no crushing. He is requesting the hours of 7am-7pm at least for the hauling. Scott suggested 7am-6pm. This would help with the neighbor’s concerns with dust and noise. He feels that trucking should be contained 8am-5pm. After discussion, it was decided that the hours should be restricted to 7am-6pm, Monday-Friday and 8am-5pm Saturday for trucking, and 8am-5pm Monday-Friday for screening and/or crushing with no operations on Sundays or holidays.
- Point #5-no discussion
- Point #6-no changes proposed
- Point #7-no discussion
- Point #8-no changes proposed
- Point #9-no changes proposed
- Point #10-no discussion
- Point #11-no discussion
- Point #12-Screening was discussed. Scott stated that the operation is more visible this time of year due to the lack of leaves on the trees. Jones stated that showing the additional screening on the site plan would be best. Jackimowicz stated that the area that is visible from Mitchell Road now is the sand that was used to fill a valley. Topsoil will be added and it will be seeded in the spring. He feels that the road side is the only area that additional screening may be necessary as it’s the only visible area to the public. Scott stated that it possibly may be needed along the north-east side as well. Eby suggested that tentative screening be identified on the plan where it may be needed.
- Point #13-no discussion
- Point #14-What will be done with the stumps? This needs to be identified.
- Point #15-no changes proposed
- Point #16-no discussion
- Point #17-This should be removed on the mining permit as it is in regards to the redi mix plant.
- Point #18-Jones stated that this should be reworded to prevent hauling in of materials. Anderson stated that this point doesn’t restrict materials, just equipment. This should be looked at more thoroughly.
• Point #19-no discussion

More information is needed on phasing, screening, and performance bonds. The applicant will meet with staff to resolve some of these issues.

This case was deferred until the next regular meeting for further information from the applicant.

7. Case #10A-06 Emmet County Planning Commission, TEXT AMENDMENT, Article XXIV, Administration

Packet Items: staff report regarding Section 2405-10-Environmentally Sensitive Areas, proposed Administration section (Article XXIV) language.

Additional items: 1/4/07 email from Friendship Township

Doernenburg pointed out that the handout on Environmentally Sensitive Areas is proposed to be added as an informational handout for property owners. She explained that Civil Counsel has reviewed that proposed Text Amendment. Minor grammatical changes are needed. Friendship Township emailed a letter today that contains further suggestions however these suggestions were discussed at previous meetings. One of the suggestions should perhaps be utilized. They suggest that Section 2405, Paragraph 4, introductory paragraph read: “The Planning Commission shall consider whether the following standards have been addressed to promote public health, safety, and welfare, and carry out the spirit and intent of the Ordinance.” This removes the phrase “protect land values” which they felt was too ambiguous.

Anderson stated that she agrees that it should be changed. Eby stated that it should match what the Zoning Enabling Act states. Doernenburg replied that the ZEA states promote public health, safety, and welfare. There was a consensus that it should be changed.

Michalek stated that a surveyor had requested that surveyors be added to the list of people who were authorized to seal plans because other agencies, such as the DEQ and Health Department allow for this.

There was much discussion regarding this. Scott stated that he doesn’t think that surveyors should be allowed to seal plans because they collect the raw data and an engineer or architect interprets that data and forms the site plans. Eby stated that the question that needs to be decided is whether adding surveyors to the list of authorized people enhances the probability of the Planning Commission receiving proper plans. After some discussion, it was decided that it would be best to leave it as is.

Anderson made a motion to recommend approval of Case #10A-06, Zoning Ordinance Text Amendment to Administrative Section with the changes to section 2405, paragraph 4, as discussed. The motion was supported by Scott and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Alexander. No; Laughbaum. Absent; Derrohn.

8. Case #48-06 Emmet County Planning Commission, TEXT AMENDMENT, Changes to Farm & Forest

Packet Items: No new information

Additional items: 1/4/07 email from Friendship Township

Springvale and Maple River Townships have recommended approval. Friendship Township did email a letter
July 28, 2016

Jack’s Trucking & Excavating
6944 E. Mitchell Rd.
Petoskey, MI 49770

RE: SECOND NOTICE OF VIOLATION
Special Use Permit for Resource Mining located in Springvale Township, Section 6
Property tax id #14-20-06-300-008

Dear Mr. Jackimowicz:

A follow up inspection of the above stated site was conducted July 27, 2016. The intent of the inspection was to confirm the piles of concrete and asphalt had been removed as reported by your office. At the time of the inspection it was noted some of the stockpiles of concrete and asphalt had been removed, but not all.

You have until August 8, 2016 to remove all stockpiles of concrete and asphalt or apply to the Planning Commission to amend your Special Use Permit to allow this type of activity. Failure to comply with this notice will result in further enforcement.

Sincerely,

Nancy Salar
Planning, Zoning, & Construction Resources
Emmet County

cc: K. Abbot, Emmet County Civil Counsel
June 24, 2016

Jack’s Trucking & Excavating
6944 E. Mitchell Rd.
Petoskey, MI 49770

RE: NOTICE OF VIOLATION
Special Resource Permit for Resource Mining located in Springvale Township, Section 06
Property tax id #14-20-06-300-008

Dear Mr. Jackimowicz:

An annual inspection of the above stated site was conducted recently. The intent of the inspection was to check for compliance with the conditions of the Special Use Permit for this site. At the time of the inspection the following was noted:

1. Concrete and asphalt piles were noted on site. According to the Level III Special Use Permit for this site “no debris or rubble, such as concrete, asphalt, and the like form off-site shall be stored or disposed of on the property”.

2. Giant Knotweed was seen to be growing on a stockpile of asphalt and dirt brought into the site. Please be aware this plant is a highly invasive non native plant. It should be chemically treated to eradicate it. Hand pulling will not sufficiently remove the roots to destroy it. For questions or assistance regarding the Giant Knotweed, please contact Jackie Pilette, Emmet Conservation District 231-439-8977.

You have 30 days from the date of this letter to contact this office in response to this letter. Failure to comply with this notice will result in further enforcement.

Sincerely,

Nancy Salar
Planning, Zoning, & Construction Resources
Emmet County

cc: K. Abbot, Emmet County Civil Counsel

Enc: photo
Level III SUP
LEVEL III
RESOURCE EXTRACTION
SPECIAL USE PERMIT
STANLEY JACKIMOWICZ
PHASES II – VI

April 6, 2017

PERMIT REQUIREMENTS - Resources mining to be located in the Southwest 1/4 of Section 6, T34N – R4W, Springvale Township, lying east of the west Township Line on the south side of E. Mitchell Road, being tax parcel number 24-14-20-06-300-008. The permit conditions are as follows, and incorporate the applicant’s site plan (dated March 16, 2017) by reference, and apply equally to any or all owners, operators, or parties, now or to be associated with the site:

1. All excavation work and resource removal shall be prohibited from occurring within 50 feet of the property lines and road right-of-way lines. No excavation shall be permitted within any regulated wetland areas.

2. Land surface disturbance shall not exceed area identified as the proposed excavation limits on the approved plan. The excavation shall be conducted in Phases as identified on the graphic dated 3/16/2017.

3. No final slope shall exceed a slope angle of 1 ft. vertical to 3 ft. horizontal, except to blend with existing slopes on adjacent areas of the parcel. There is to be no excavation work in any waterbearing strata, i.e. no ponds will be created.

4. The hours of operation shall be: Trucking/Hauling/Screening: 7:00 a.m. to 6:00 p.m. Monday thru Friday and 8:00 a.m. to 5:00 p.m. on Saturdays; Crushing: 8:00 a.m. to 5:00 p.m. Monday thru Friday, not permitted on Saturdays, and limited to five (5) weeks per calendar year. No operations permitted on Sundays and National Holidays.
5. Primary access to the project will be from East Mitchell Road over an existing drive negotiated by the applicant/operator, and shown on the site plan. Any repair or maintenance work shall be subject to the standards and conditions of the Emmet County Road Commission.

6. Access drives to stockpiled resources shall be so located as to give maximum protection to adjacent properties not owned by the applicant, and shall be controlled for dust nuisances at all times.

7. No site conditions shall be left that will present hazardous conditions such as cave-ins or sloughing.

8. All applicable State and Federal Laws/Regulations pertaining to mining operations shall be complied with, e.g. noise, dust, etc., as well as, laws pertaining to wetlands, wildlife habitat, etc.

9. All applicable ordinance specifications shall be complied with, per Section 26.10 of the Emmet County Zoning Ordinance.

10. Site reclamation, as reasonable, shall be progressive as the mining continues. The mining shall be scheduled in phases, as shown on the plan dated March 16, 2017, with new phases not being authorized until the active phase is completed and restored; substantially restored; or being used as shown on the approved site plan. Areas being used to allow for continued operation will be required to be maintained so that no off-site nuisance is created.

11. If required, permit fees, site monitoring, and soil management conditions shall be as prescribed by Public Act 451 of 1994, Soil Erosion and Sedimentation Control Permit, as
administered by Emmet County.

12. The site shall be managed so that there are no unsightly piles of debris of any kind (stumps, brush, rubble, etc.), visible from off-site. No debris may be brought in from off-site. Material Piles are necessary for operation and must be stored as shown on the approved plan and screened from public view.

13. At a minimum, the permit shall be reviewed annually by the Emmet County Planning and Zoning staff.

14. Processed gravel shall be stockpiled in locations depicted on the approved Site Plan submitted by the applicant.

15. The site shall not be a yard for storing contractor’s equipment, machinery, vehicles, or building materials inventory of any kind, except for items strictly related to approved mineral extraction and mineral processing on the site. One loader may remain on the site and storage buildings under 200 sq. ft. may be allowed as shown on the approved site plan.

16. Full diligence shall be taken to insure that fueling facilities (storage tanks, pumps, hoses, etc.) are properly sited to protect against spills and other potential hazards related to ground or surface water contamination. Secondary containment structures, e.g. curbed pads, or other appropriate improvements, shall be provided under and/or around all fueling tanks per best practices code standards.

RIGHT OF PROPERTY ENTRY

As owner and/or applicant representing the owner, I do ___ do not ___ authorize Emmet County (staff, appointed boards, and/or commissioners, or committee members) to enter upon the subject
property for purposes of making inspections related to the project identified above. If authorized, inspections or site-walks shall be conducted at reasonable hours and times, for purposes of enforcing the terms and conditions of this Special Use Permit.

SIGNED: __________________________  DATE: __________________________

Applicant/Owner

PERMIT APPROVAL PER SECTION 26.10 OF THE EMMET COUNTY ZONING ORDINANCE

SIGNED: __________________________  DATE: __________________________

Tammy M. Doernenburg, Zoning Administrator Emmet County
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 04/21/2017

CASE #: PSUP17-006

APPLICANT: STANLEY P & RICHARD M JACKIMOWICZ

PROPERTY: 5960 E MITCHELL RD

TOWNSHIP: SPRINGVALE

REQUEST: Special Use Permit – Level III Resource Extraction Operation

FACTS:
• The property is zoned FF-2 Farm and Forest.
• The total property is 41 acres (27.6 acres in area for the site being mined - based on the legal description).
• The property was approved for the current SUP for a Level III Resource Extraction Operation.
• The owner of the business lives on the 15 acres adjacent to the mining operation.
• Site is partially mined and partially wooded.
• The minimum perimeter setback appears to be met.
• Visual buffers from E. Mitchell Road are an existing earthen berm, the existing topography and hardwood forest. Evergreens have been planted along the berm.
• The existing drive to be used for the operation.
• The current permit was approved in 2007. A redi-mix plant was proposed in 2007 but was not approved. Meeting minutes of approval and current permit are enclosed with the application packet.
• Enforcement letters and photos included in packet.
• Proposal to allow stock piles of asphalt, concrete, and other materials as listed on the site plan.
• No lighting proposed.
• Berms of top soil in place for future reclamation reuse.
• Soil Erosion permit is current.
• Stockpiles proposed to include: fill sand, mason sand, peastone, drainstone, crushed stone, screened topsoil, unscreened topsoil, concrete & asphalt, Afton stone, 22A, top dressing sand, and clay.

PROPOSED CHANGES TO THE PERMIT:
• No changes proposed to hours of operation, but length of crushing proposed to be extended from three to five weeks per year.
• Changes proposed to paragraph 10 of the draft permit regarding reclamation.
• Paragraph 11 of the existing permit has been removed because the berm is shown on the site plan and it has been seeded as required in the current permit.
• Modification to paragraph 13 (12 on revised permit) to allow for materials from off-site to be brought onto the site.
• Modifications to paragraph 16 (15 on revised permit) to allow for small structures (under 200 sq. ft.) as currently exist on the property and limited equipment.

ZONING ORDINANCE STANDARDS:
26.10.4 Performance Standards

The following shall apply to all proposed extraction, mining, fill operations:

A. All excavations or extractive work shall maintain a minimum perimeter setback of 50 feet from road right-of-way and all property lines. Controlled work in the 50 feet setback area may be permitted if spoils, over burden, or other earth fill material replaces the resources removed as the work progresses (in cases of a pit).
   One Hundred fifty foot perimeter is proposed on site plan and appears to be in compliance.

B. The working face of an excavation shall maintain slope angles sufficient to prevent sloughing, erosion or earth disturbances of any kind of adjoining properties.
   This standard appears to be met.

C. Leave sufficient native topsoil on the site as a ready resource to be used in reclamation work following excavation/extraction activity, unless a guaranteed replacement plan is approved.
   This standard appears to be met.

D. Fences, berms, walls, and visual screening devices may be required, if necessary, to protect adjoining properties and/or persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed.
   Screening is provided from adjacent properties and the public road due to topography and trees.

E. The operation of mechanical equipment of any kind may be limited by the day and/or the hour if the site is in a location that directly impacts homes, by creating an operating nuisance.
   No changes proposed to the hours of operation. Two additional weeks of crushing proposed from 3 to 5. Hours of operation previously approved: M-F 7AM-6PM and 8AM-5PM Saturday for trucking/hauling/screening; M-F 8AM to 5PM for crushing.

F. All structures, equipment, and machinery of any kind shall be considered temporary and shall be removed from the site upon completion of the terms of the Special Use Permit. This item shall not apply to industrially zoned sites.
   One loader requested to be allowed to remain on the site and the existing storage buildings under 200 sq. ft. as shown on the plan.

G. Air pollution, noise, and vibration factors shall be controlled within the limits governed by State and/ or Federal regulations applicable to the facility.
   As required to meet SESC standards.

H. If necessary to protect the area, access routes serving the site may be limited as stated on the Permit or as illustrated on the site plan, it being the intent to minimize the exposure of
residential streets to earth moving vehicles.  

*Access to E. Mitchell Rd only.*

I. The location of earth stockpiles, machinery, equipment and any buildings, shall be approved by Permit but only in terms to protect adjoining properties, and obtain the optimum use of the site. Topography, vegetation, screening devices, and physical isolation from residential properties shall be considered in locating site facilities and earth stockpiles.  

*Stockpile locations noted on site plan. Equipment/storage buildings (under 200 sq. ft. shown on plan).*

**Draft Motions:**

**TO APPROVE**

To approve PSUP17-006, Stanley & Richard Jackimowicz for Jack’s Trucking & Excavating, to amend a Special Use Permit for a Level III Resource Mining operation located adjacent to 5960 E Mitchell Rd, Section 6, Springvale Township. The parcel is approximately 27.6 acres, zoned FF-2 Farm and Forest with tax parcel number 24-14-20-06-300-008 because it meets the standards of the Zoning Ordinance as shown on the Site Plan dated received March 16, 2017, and subject to the draft Level III Resource Extraction SUP with the following additional conditions: *(Add additional conditions here)*

**TO DENY**

To deny PSUP17-006, Stanley & Richard Jackimowicz for Jack’s Trucking & Excavating, to amend a Special Use Permit for a Level III Resource Mining operation located adjacent to 5960 E Mitchell Rd, Section 6, Springvale Township. The parcel is approximately 27.6 acres, zoned FF-2 Farm and Forest with tax parcel number 24-14-20-06-300-008 for the following reasons: the existing SUP conditions apply and must be followed. *(Add reasons here.)*

**TO POSTPONE**

To postpone PSUP17-006, Stanley & Richard Jackimowicz for Jack’s Trucking & Excavating, to amend a Special Use Permit for a Level III Resource Mining operation located adjacent to 5960 E Mitchell Rd, Section 6, Springvale Township. The parcel is approximately 27.6 acres, zoned FF-2 Farm and Forest with tax parcel number 24-14-20-06-300-008 because of the following reasons: *(Add reasons here.)*
REQUEST

PSPR17-003

A request by Blumke Brothers Redi-Mix and Excavating for Site Plan Review for two mini-storage buildings at 5215 Powers Road, Section 9, Littlefield Township. The property is tax parcel 24-07-17-09-300-012 and is zoned I-1 Light Industrial. The request is per Sections 14.01 and 26.13 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzer@emmetcounty.org

4/14/17
DATE RECEIVED $ 150
FEE

APPLICATION # 4/16/17
DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant’s Name  BOB BLUMKE  Phone  231-548-2522
Applicant’s Address  5215 POWERS RD, ALANSON, MI 49706
Applicant’s Email Address
Owner’s Name  BLUMKE BRO. REDI-MIX & EXC.  Phone  231-548-2522
Owner’s Address  5215 POWERS RD, ALANSON, MI 49706
Owner’s Email Address

JOB SITE LOCATION:
Township: LITTLEFIELD  Tax Parcel #: 24-07-17-09-300-012
Address: 5215 POWERS RD, ALANSON, MI 49706

ZONING REQUEST:
Planning Commission:
Special Use Permit  ☐  Site Plan Review  ☒
Planned Unit Development  ☐  Zoning Map Change  ☐
Zoning Text Change  ☐

REQUIRED USE INFORMATION
Ground floor area main building:  □  Sq. Ft.
Floor Area accessory building:  □  Sq. Ft.
Lot/Parcel Size:  □  Acres  □  Sq. Ft.
Site/Plot Plan required*  2 full sized & 14 reduced sized (max 11"x17"
site plans required for Planning Commission cases.

Date Submitted  Site Inventory  Date Submitted
Elevation Drawing  ☐  Fire Dept Approval  ☐
Engineered Drainage Plan  ☐  Wetlands Permit  ☐
Soil Erosion Permit  ☐  Road Commission  ☐
Health Dept. Approval/  ☐
Sewer Taps  ☐

Other:
As owner/and or applicant representing the owner, I do  ☒  do not ☐ authorize Emmet County (staff, appointed
board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making
inspections related to the project or request identified in this application. If authorized, such inspections or site-
walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant  ROBERT BLUMKE  4-6-17
Printed Name of Applicant  ROBERT BLUMKE

*Required Signature of Property Owner  Printed Name of Property Owner  4-6-17

*Please attach a site/plot plan to show; property dimensions; front, rear, and side
yard setbacks; streets, roads, and all
buildings on the lot.
Review Section 2405 of the Zoning
Ordinance for Site Plan requirements.
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S NAME  BOB BLUMKE  CASE# ___________________________

PHONE NUMBER 231-548-2522  DATE  4/4/17

PROJECT TITLE  PROPOSED STORAGE

PROPERTY TAX ID  # 07-17-09-300-012  TOWNSHIP  LITTLEFIELD

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.

The project is for proposed mini-storage units at 5215 Powers Road, a 13.4 acre parcel located at the northwest corner of Powers and Moore Roads. The proposed project will be located at the west side of the property. The property is presently used for redi-mix concrete production, and for business office & equipment garages. Those uses are to remain as is. The proposed project will create temporary work for a number of construction related workers. There will be no additional demands on public services, and very little traffic in and out of the storage facility.
2.EXPECTED DEMANDS ON COMMUNITY SERVICES

Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services  N/A

b. Domestic Water  N/A

c. Traffic Volumes  VERY SMALL INCREASE

d. Schools  NONE

e. Fire Protection  NONE

3. ENVIRONMENTAL IMPACTS

Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion  NONE ANTICIPATED

b. Storm Drainage  RETAINED ON SITE

c. Shoreline Protection  N/A

d. Wildlife  TREE REMOVAL

e. Air Pollution  N/A

f. Water Pollution  N/A

g. Noise  N/A
<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✓</td>
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<td>2 Appropriate scale</td>
<td>✓</td>
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<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>✓</td>
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<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>✓</td>
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<td>5 Property line dimensions</td>
<td>✓</td>
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<tr>
<td>Basic Zoning Information</td>
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<td>6 Zoning setback lines - Building (including the eave) Setbacks: Front___ Side ___ Side ___ Rear/Water ___</td>
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<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>✓</td>
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<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg.(s) = ___ x ___ Total sq.ft. = _________</td>
<td>✓</td>
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<td>9 Proposed building elevations (to scale) Max. Height = _______</td>
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<td>10 All existing structures (labeled) within 100 feet of perimeter property lines</td>
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<td>11 Multiple housing units - Number of units = ________, composition (efficiency, one bedroom, two, three)</td>
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<tr>
<td>12 Surrounding zoning (properties immediate to subject site)</td>
<td>✓</td>
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<tr>
<td>13 Lot coverage of proposed buildings = ________</td>
<td>✓</td>
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<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
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<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock</td>
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<td>15 Has a wetland permit been applied for?</td>
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<tr>
<td>16 Existing topography</td>
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<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
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<td>18 Site Inventory provided?</td>
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<td>19 Are there scenic view considerations?</td>
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<tr>
<td><strong>Drainage / Parking / Roads</strong></td>
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<td>20 Access drives, internal roads (note public or private) service roads. Width</td>
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<tr>
<td>21 Loading/unloading, service areas</td>
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<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
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<td>23 Acceleration/deceleration lanes</td>
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<td>24 Road agency approval?</td>
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<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
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<tr>
<td>26 Parking spaces required____, parking spaces actual____ Handicap parking</td>
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<td>27 Required landscaping in parking areas</td>
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<tr>
<td>28 Snow storage/snow management plan</td>
<td></td>
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<td>29 Dumpster location, screening indication</td>
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<td>30 Existing easements (utility, access) within site limits</td>
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<td>31 Location of Waterwell, Sewer/septic, and stormwater</td>
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<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
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<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
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<td></td>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>34</td>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
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<tr>
<td>35</td>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td>✓</td>
<td></td>
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<tr>
<td>36</td>
<td>Location of sign(s)*</td>
<td>✓</td>
<td></td>
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<tr>
<td>37</td>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>38</td>
<td>Impact Statement attached?</td>
<td></td>
<td>✓</td>
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<td>39</td>
<td>Fire Department approval?</td>
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<td>40</td>
<td>Fire hydrants and fire vehicle access.</td>
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<td>41</td>
<td>Road Agency approval?</td>
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<td>✓</td>
<td></td>
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<td>42</td>
<td>Health agency approval?</td>
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<td>43</td>
<td>Army Corps of Engineers approval?</td>
<td></td>
<td>✓</td>
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<tr>
<td>44</td>
<td>Michigan Department of Environmental Quality approval?</td>
<td></td>
<td>✓</td>
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</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

**ADDITIONAL COMMENTS:**

_Author's Signature_  
_Robert Blake_  
Date: 4-6-17
MEMORANDUM

TO: Emmet County Planning Commission
FROM: Emmet County Office of Planning, Zoning, & Construction Resources
DATE: April 6, 2017
RE: Site & Drainage plan for storage building on Powers Rd., Littlefield Township

A Soil Erosion permit is not required as the site is not disturbing 1 acre and is not within 500' of a lake or stream.

The proposed stormwater retention appears to be insufficient. The calculations presented show 3,025 cft of retention is required. The site plan provides for 1,800 cft. retention. In the calculations shown on the site plan percolation is used to account for the additional water that is not retained, however percolation was already assumed when the calculations were done using the 1.5" factor for sandy soils. Percolation rates cannot be used twice to satisfy the requirements.
APPLICATION

APPLICATION

An applicant is defined as an owner of property adjacent to the right-of-way, the property owner's authorized representative; or an authorized representative of a private or public utility who applies for a permit to construct, operate, use, and/or maintain a facility within the right-of-way for the purpose outlined within the application. A contractor who makes application on behalf of a property owner or utility must provide documentation of authority to apply for a permit.

APPLICANT

Name: Blumke Brothers Leasing
Address: 5215 Powers
Mason MI 48760
Phone No: 231-548-2524 Cell No:
Fax No: 231-548-2524
Email Address: Blumkebros@centurylink.net

CONTRACTOR

Company: Blumke Bros Landscaping
Address: 5215 Powers
Mason MI 48760
Phone No: 231-548-2524 Cell No:
Fax No: 231-548-2524
Email Address: Blumkebros@centurylink.net

Applicant/Contractor request a permit for the following work within the right-of-way of a county road:

New Driveway

LOCATION: County Road Powers Between Moore And Lane
Township Littlefield Section 9 T34N Side of Road P8 S E W Property ID 24-07-17-09-300-012
DATE: Work to begin on ___________________; Work to be completed by ___________________.

I certify and acknowledge that (1) the information contained in this application is true and correct, (2) the commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof and, (3) if this permit is for commercial or residential driveway work, I am the legal owner of the property that this driveway will serve, or am the authorized representative.

Applicant’s Signature: ________________
Title: Owner/President
Date:

Contractor’s Signature: ________________
Title: Owner/President
Date:

PERMIT

The term "Permit Holder" in the terms and conditions set forth on the reverse side hereof, refers to the applicant and the contractor, where applicable. By performing work under this permit, the Permit Holder acknowledges and agrees that this permit is subject to all the rules, regulations, terms and conditions set forth herein, including on the reverse side hereof. Failure to comply with any of said rules, regulations, terms and conditions shall render this permit NULL AND VOID.

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<th>AMOUNT</th>
<th>RECEIPT NO</th>
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<td>Inspection Fee</td>
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<td>To Be Billed</td>
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</table>

Letter of Credit $ ___________  □ Y □ N
Surety Bond $ ___________  □ Y □ N
Receivables $ ___________  □ Y □ N
Approved Plans on File □ Y □ N
Certificate of Insurance □ Y □ N
Attachments/Supplemental Specifications □ Y □ N

OTHER REQUIREMENTS: Permit for a new Commercial Driveway

All space and working conditions stated in Diagram and Miscellaneous Terms Section 1, including but not limited to concrete curbs and curb on centerline approach.

Recommended For Issuance By:

Patrick Carter
Title: Permit Tech
Date: 4-11-17

Approved By:

[Signature]
Title: Permit Issuer
Date: 4-18-17

Page 1 of 2
LOCATION INFORMATION & SKETCH

(Please provide as much information and detail as possible)

Property owner name: Blumke Brother Leasing LLC

Property identification number (tax number): 24-07-17-09-300-12

Township: Littlefield Section Number: 9

Road name: Powers Street address (if known)

The driveway is between Moore Road and Luce Road

feet (N) S E W of Road (nearest cross road)

SKETCH: Show property lines, existing and proposed driveway locations, distance between driveway and property lines, distance between driveways on the subject property, distance between the property line and the nearest cross road, north arrow, etc.

If the Driveway is a NEW Driveway, the location MUST be marked or staked.

DO NOT WRITE BELOW THIS LINE - THIS SPACE FOR ROAD COMMISSION USE ONLY

SIGHT DISTANCE: LEFT 550 FT RIGHT 490 FT

CULVERT REQUIRED? SIZE: DIAMETER

EXISTING ROAD SURFACE TYPE: Hi MA Pav

INVESTIGATED BY: Peter K. Cook DATE: 9-11-17
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 04/24/2017          CASE #: PSPR17-003

APPLICANT: BLUMKE BROTHERS LEASING LLC

PROPERTY: 5215 POWERS RD

TOWNSHIP: LITTLEFIELD

REQUEST: Site Plan Review – mini-storage building

FACTS:
- The property is zoned I-1 Light Industrial.
- The property is 13.4 acres in area.
- The property is used for a redi-mix concrete production business, business office and equipment garage. Those uses are proposed to remain.
- The adjacent site to the west is owned by the MDNR.
- The proposal is to construct two mini-storage buildings on the site.
- The use is a permitted use within the Zoning District.
- The proposed buildings meet a 50 ft. setback which exceeds the minimum standards of the Zoning District.
- Proposed buildings are 130'x15' and 130'x30'.
- Parking appears to meet Zoning Ordinance standards.
- Gravel parking and access drives proposed.
- Access to Powers Road has been approved by the Emmet County Road Commission.
- Sealed drainage plan provided, however, staff questions calculations used. Estimated cost of drainage system is not provided.
- No sanitary facilities proposed for the site.
- Properties to the north and east are zoned R-1 One Family Residential, property to the west is zoned FR Forest Recreation, property to the south, across Powers Road is zoned I-1 Light Industrial with a resource mining use on the property.
- No dumpster is proposed.
- Ample snow storage area is shown on the plan.
- No outdoor lighting identified, however, notation is made on the site plan that there will be building mounted lights on the ends of the buildings. All lights must be full cut-off.

ZONING ORDINANCE STANDARDS:

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to
the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

Setback exceeded. Building elevations not provided, expect one story which would comply. Can be reviewed by staff upon submittal of building permit application with building plans.

B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances

   Ample area for parking and maneuvering.

   a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).

   b. The walkways shall be designed to separate people from moving vehicles.

   c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.

   d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

   e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

   Appears adequate.
D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.
Appears adequate.

E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.
Shown on plan.

F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.
No residential uses adjacent. Screening exists.

G. DRAINAGE: Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and 1/2" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%.

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.
Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

*Plan submitted. No estimated cost provided. Staff questions calculations used.*

H. SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related.

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements

*None shown.*

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.

2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.

4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.

6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.
7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

J. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical equipment requirements.
None shown.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.

2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:

   a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.

   b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Section 26.43 Storage Uses (including Mini-Storage)

A. All proposed buildings nearest to the primary access road shall be site planned to be perpendicular to the road, or be positioned to the rear of other approved non-storage or non-warehouse buildings, or be setback at least three-hundred (300) feet from public road right-of-way lines.

   Buildings are perpendicular to the road.

B. Intense, all season landscape screening, to effectively shield storage buildings from bordering public roads, per an approved Landscape Planting Plan which achieves screening upon installation of proposed plant materials.

   Trees are shown on the site plan and appear on the aerial. To achieve screening those trees would need to be retained. The drainage retention area is shown in the road side front yard setback. There is approximately 15-18 ft. of hardwoods shown on the site plan before the retention area begins.

   STAFF SUGGESTION:
   Suggest review of building mounted lighting by staff, required to be full cut-off. No parking lot lighting as part of the review.
Draft Motions:

To approve Case #PSPR17-003, Bob Blumke for Blumke Brothers Redi-Mix & Excavating for Site Plan Review for two mini storage buildings, on property located at 5215 Powers Road, Section 9, Littlefield Township, tax parcel 24-07-17-09-300-012, as shown on the site plan dated Received Apr 4, 2017 because the standards of Articles 14 and 20 and Section 26.43 have been met, and on condition that:
1) any exterior lighting be full cut-off and building mounted lighting may be reviewed by the Zoning Administrator,
2) a performance guarantee in the amount of $XX be submitted prior to issuance of a zoning permit as required for the drainage system,
3) that the trees in the front setback be retained to offer screening, and (other conditions or statement of facts may be inserted here).

To deny Case #PSPR17-003, Bob Blumke for Blumke Brothers Redi-Mix & Excavating for Site Plan Review for two mini storage buildings, on property located at 5215 Powers Road, Section 9, Littlefield Township, tax parcel 24-07-17-09-300-012, as shown on the site plan dated Received Apr 4, 2017 for the following reasons: (list reasons).
A request by Adelbert Dell for a Special Use Permit for a Home Occupation for a small engine repair shop to be operated from the property owned by Richard and Charlene Fettig at 2153 Cedar Valley Road, Section 15, Bear Creek Township. The property is zoned FF-1 Farm and Forest, is tax parcel 24-01-19-15-100-001. The request is per Articles 8, 21, and 26 of the Emmet County Zoning Ordinance.
APPLICATION FOR ZONING ACTION  
EMMET COUNTY OFFICE OF PLANNING, ZONING, AND CONSTRUCTION RESOURCES  
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740  
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcr@emmetcounty.org  

APPLICANT: Adelbert Dell  
Phone: 231-348-3797  
Address: 2153 Cedar Valley Rd, Petoskey, MI 49770  
Email: adelbertdell@yahoo.com  

Owner: Richard Fettig  
Phone: 231-347-9531  
Address: 3178 Greenwood Rd, Petoskey  

JOB SITE LOCATION:  
Township: Bear Creek  
Tax Parcel #: 21-01-19-15-00-001  
Address: 2153 Cedar Valley Rd, Petoskey  

ZONING REQUEST:  
Planning Commission: Special Use Permit - HOME OCCUPATION  

REQUIRED USE INFORMATION  
Ground floor area main building: 324 Sq. Ft.  
Floor Area accessory building: _______ Sq. Ft.  
Lot/Parcel Size: _______ Acres _______ Sq. Ft.  
Site/Plot Plan required*  
2 full sized & 14 reduced sized (max 11"x17")  
site plans required for Planning Commission cases.  

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<th>Required</th>
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<th>Fire Dept Approval</th>
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<td>Site Plan</td>
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<tr>
<td>Impact Statement</td>
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<td>Road agency</td>
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Other:  
As owner/and or applicant representing the owner, I do ☑ do not ☐ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.  
I certify that all the above information is accurate to my fullest knowledge:  

Signature of Applicant: Adelbert Dell  
Printed Name of Applicant: Adelbert Dell  
Date: 4/1/11  

Signature of Property Owner: Charlene K Fettig  
Printed Name of Property Owner: Charlene K Fettig  
Date: 4/10/17  

*Required
PROPOSED HOME OCCUPATION -
USE PLAN and IMPACT STATEMENT

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<tr>
<td>PROPERTY LOCATION</td>
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</table>

**ACTIVITY SPACE:**
- **IN RESIDENCE**
- **IN ATTACHED GARAGE**
- **IN DETACHED BUILDING**
- **OTHER**

**DESCRIBE HOME OCCUPATION ACTIVITIES**
Small engine repair shop

**HOURS OF OPERATION**
M-F 9-5

**NOISE CONTROL MEASURES**

**TOXIC OR HAZARDOUS MATERIALS INVOLVED:**
- **YES**
- **NO**

**IF YES, HOW WILL TOXIC MATERIALS BE HANDLED ON-SITE AND DISPOSED OF OFF-SITE?**
- Oil is stored in a proper container, we take to Hyde Equipment.
- Gasoline is stored in approved gas cans. Old batteries are placed in a container and picked up by Megford's salvage.
- Aerosol cans are put in a bin until masses disposal day at the Recycling Center in Harbor.
HOW WILL THE ACTIVITY IMPACT SANITARY SERVICES AND WATER?
It does not have an impact.

WHAT MEASURES ARE IN PLACE FOR FIRE PROTECTION?
We have an extinguisher available.

WILL FUMES, ODORS, OR DUST BE GENERATED BY YOUR ACTIVITIES?
YES  NO

WILL YOUR ACTIVITIES GENERATE VEHICLE TRAFFIC?
YES  NO
IF YES, APPROXIMATE NUMBER PER DAY _

WILL YOUR ACTIVITIES GENERATE TRUCK TRAFFIC?
YES  NO
IF YES, TYPE ____________________________
FREQUENCY ____________________________

IS STATE OR OTHER LICENSING REQUIRED TO CONDUCT YOUR BUSINESS?
YES  NO

IS STATE OR OTHER LICENSING REQUIRED TO CONDUCT YOUR BUSINESS?
YES  NO

IS STATE OR OTHER LICENSING REQUIRED TO CONDUCT YOUR BUSINESS?
YES  NO

IF YES, DO YOU HAVE A CURRENT LICENSE?
YES  NO

HAVE YOU REVIEWED AND DO YOU UNDERSTAND THE REQUIREMENTS FOR A HOME OCCUPATION ACCORDING TO EMMET COUNTY ZONING ORDINANCE?
YES  NO

APPLICANT SIGNATURE _______________________

DATE ___________
**SITE PLAN REVIEW CHECKLIST**

**HOME OCCUPATION**

<table>
<thead>
<tr>
<th>Case #</th>
<th>Date Received</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Subject Property Address</th>
<th>2153 Cedar Valley Rd, Petoskey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision and Lot Number (if Applicable)</td>
<td></td>
</tr>
<tr>
<td>Tax Parcel Number: 24-________-<em><strong><strong><strong>-</strong></strong></strong></em>-_______</td>
<td></td>
</tr>
<tr>
<td>Township</td>
<td>Bear Creek</td>
</tr>
<tr>
<td>Proposed Use of Property</td>
<td>Small Engine Repair Shop</td>
</tr>
<tr>
<td>Proposed Number of Employees</td>
<td>1 Plus Owners</td>
</tr>
</tbody>
</table>

### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriate scale</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name, Address and Phone Number of person preparing plan</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property line dimensions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Basic Zoning Information

<table>
<thead>
<tr>
<th>Zoning setback lines -Building (including the eave) Setbacks:</th>
<th>Front</th>
<th>Side</th>
<th>Side</th>
<th>Rear/Water</th>
<th>See Schedule of Regulations for setback standards.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance between buildings (nearest point to nearest point)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of new buildings and general floor plan Dimensions of bldg.(s) = ______ x ______ Total sq.ft. =</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Proposed building elevations (to scale) Max. Height =</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple housing units -Number of units = ______, composition (efficiency, one bedroom, two, three)</td>
<td></td>
<td>X</td>
<td>Le Bedroom House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surrounding zoning (properties immediate to subject site)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot coverage of proposed buildings =</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

Note: The comments and checkmarks indicate areas where the checklist was completed or not completed, with some specific comments on existing structures and zoning standards.
<table>
<thead>
<tr>
<th>Natural Features</th>
<th>yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>rock out-croppings, severe topography, wetlands, woodlands, etc.).</td>
<td></td>
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<tr>
<td>15 Has a wetland permit been applied for?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>16 Existing topography</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
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<tr>
<td>18 Site Inventory provided?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Are there scenic view considerations?</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drainage / Parking/ Roads</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Right-of-Way = ____________</td>
<td></td>
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<tr>
<td>21 Loading/unloading, service areas</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-</td>
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</tr>
<tr>
<td>of-ways).</td>
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<tr>
<td>23 Acceleration/deceleration lanes</td>
<td></td>
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<tr>
<td>24 Road agency approval?</td>
<td></td>
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<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lines)</td>
<td></td>
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</tr>
<tr>
<td>26 Parking spaces required _____, parking spaces actual _____ Handicap parking</td>
<td></td>
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</tr>
<tr>
<td>location and number ____</td>
<td></td>
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<tr>
<td>27 Snow storage/snow management plan</td>
<td></td>
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<tr>
<td>28 Dumpster location, screening indication scrap Bin</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>29 Existing easements (utility, access) within site limits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Site Requirements</th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>31 Proposed landscaping (required greenbelts, plant materials/size and type,</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>fences, retaining walls, earthberms, etc.)</td>
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<td></td>
</tr>
<tr>
<td>32 Other Site Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Proposed landscaping (required greenbelts, plant materials/size and type,      |     |    |     |          |
| fences, retaining walls, earthberms, etc.)                                     |     |    |     |          |

<table>
<thead>
<tr>
<th>Existing drainage plan</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>33 Existing drainage plan</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>32</td>
<td>Location of sign</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Home Occupation Use Plan and Impact Statement attached?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Fire Department approval?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Road Agency approval?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Health agency approval?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Army Corps of Engineers approval?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Michigan Department of Environmental Quality approval?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL COMMENTS:**

[Signature]  
Applicants Signature  
[Date]  
4/17/17
2153 Cedar Valley Rd
Adrenalized Power Sports, Inc.

2153 Cedar Valley Rd
Petoskey, MI 49770
ADELBERT DELL
2153 CEDAR VALLEY RD
PETOSKEY, MI 49770

Via Email: adelbertdell@yahoo.com

Dear ADELBERT DELL:

I have reviewed the plot plan and conducted a site visit for the application you submitted for a Special Use Permit review of a Home Occupation at 2153 Cedar Valley Road. The plot plan is quite incomplete and will need to have additional information provided to allow the Planning Commission to properly review your request.

First, the site plan must be drawn to-scale. It must also include those items identified in the site plan review checklist including: property line dimensions, building dimensions, each building must be labeled as to use on the property, zoning district identified on the plan including setback lines, distance between buildings, surrounding properties’ zoning identified, width of road right-of-way (66’), parking area needs dimensions, and snow storage area. Additionally what are the dimensions of the scrap bin and is it enclosed?

Also needed are the road commission and fire department reviews. I have sent your application packet to both agencies.

Based on my site visit yesterday, the site is not in compliance with a home occupation use, and is currently in violation of the Zoning Ordinance. Home Occupations allow 1 sign at 2 sq. ft. The site is to retain the character of a residence, however, because of the amount of equipment displayed and stored outside, the site has taken the appearance of an outdoor sales lot. You may find that keeping the site in its current condition will cause the Planning Commission to look unfavorably at your request due to the fact that it is in violation.

At a minimum, a complete site plan will be required before the meetings at both Bear Creek Township and Emmet County. You are welcome to contact me to discuss these items.

Sincerely,

Tammy Doemenburg
Zoning Administrator
SUP – HOME OCCUPATION

ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 04/19/2017 CASE #: PSUP17-007

APPLICANT: ADELBERT DELL

PROPERTY: 2153 CEDAR VALLEY RD

TOWNSHIP: BEAR CREEK

REQUEST: Special Use Permit – Home Occupation – Small Engine Repair

FACTS:
- The request is for a Home Occupation – Small Engine Repair.
- The property is zoned FF-1 Farm and Forest.
- Residency at the property needs to be established.
- The total property is 80 acres.
- Request is to use an accessory building for the business.
- No additional construction proposed.
- Proposed hours of operation – M-F 9:00AM-5:00 PM.
- Five cars per day expected.
- Maximum sign permitted is 2 sq. ft. Two signs exist on the property, both greater than 2 sq. ft.
- Proposal to use existing driveway.
- Outdoor display and storage exist on the property.
- Site plan inadequate, requested revised site plan (letter enclosed).

ZONING ORDINANCE STANDARDS:
Definition (Sec. 2.01):
Home occupation: An occupation, profession, activity, or use carried out for gain that is secondary to the use of a dwelling unit for residential purposes.

Section 26.11 Home Occupations

Home occupations that are operated in accordance with the Definition in Section 2.00, may be approved in any zoning district by the Planning Commission subject to the following conditions:

Level II

A. Any structural additions to the home for purposes of operating the occupation shall be of an architectural style that is comparable with the architecture of the existing home, or surrounding homes, and further, is designed so that the addition can readily be used for housing purposes if the occupation is discontinued. None proposed.

B. Only the occupant or family living on the premises shall conduct the home occupation and no off-premises person(s) shall be employed in connection with the home occupation. Needs to be confirmed.

C. If an accessory building is to be used for a home occupation, the building shall be sited, designed, and located on the property in such a manner as to avoid the appearance of a
D. The Planning Commission shall deny a Special Use Permit for a home occupation in those instances where it is determined that the proposed use would:

1. Lack an occupied residence on the property.

2. Conflict with the residential character of the neighborhood or surrounding area, because of the type of use proposed, or hours of operation, and/or number of vehicles attracted to the site.

3. Have parking, traffic or loading demands that would exceed the carrying capacity of the property, serving streets, or utilities.

4. Require vehicles, machinery, mechanical devices, or equipment that would generate operational nuisances in direct conflict with homes in the vicinity.

5. Require physical design, display, sign or locational features that are inconsistent with the residential character of the area.

E. There shall be no open display of goods, materials or services in connection with a home occupation, and no off-street parking shall be permitted within the setback area. The site is currently in violation of this standard.

DRAFT MOTIONS:

Motion to approve PSUP17-007, Adelbert Dell, Special Use Permit for a Home Occupation to operate a small engine repair business at 2153 Cedar Valley Road, Section 15, Bear Creek Township as outlined in the Home Occupation Use Plan dated 4/7/17 and as shown on the plot plan dated 4/7/17 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 from 9AM to 5PM, M-F, and a 2 sq. ft. sign is permitted, no outdoor storage or display is permitted. (other reasons, or conditions may be added).

Motion to deny PSUP17-007, Adelbert Dell, Special Use Permit for a Home Occupation to operate a small engine repair business at 2153 Cedar Valley Road, Section 15, Bear Creek Township as outlined in the Home Occupation Use Plan dated 4/7/17 and as shown on the plot plan dated 4/7/17 because the proposed use is inconsistent with a residential character, the use exceeds a home occupation with outdoor display and storage, and: (insert additional reasons).

Motion to postpone PSUP17-007, Adelbert Dell, Special Use Permit for a Home Occupation to operate a small engine repair business at 2153 Cedar Valley Road, Section 15, Bear Creek Township as outlined in the Home Occupation Use Plan dated 4/7/17 and as shown on the plot plan dated 4/7/17 because the site plan is incomplete and (other reasons may be added).
TO: BEAR CREEK PLANING COMMISSION

FROM: CHIEF ALFRED L. WELSHEIMER

SUBJECT: SITE PLAN REVIEW

Case # PSUP17-007

FOR: Home Occupation for small engine

LOCATION: 21536 Cedar Valley Rd

After reviewing the plans the following will be required:


1. Waste oil and other class III B liquids shall be stored in approved tanks or containers. IFC, 2211.2.2

2. Cleaning of parts shall be conducted in listed and approved parts cleaning machines IFC, 2211.2.1

3. Show Drainage and disposal of liquids and oil soaked waste IFC, 2211.2.3

4. Provide information on storage and use of flammable and combustible liquids IFC, 2211.2

5. Portable fire extinguishers are to be provided IFC, 2211.6

6. Knox box key retention box IFC, 506.1

This review is based upon and limited to the information presented on the drawings and/or materials submitted. Matters not presented within the construction documents submitted, nor items not requested for review, which are required for the granting of permits, are assumed to be reviewed and inspected by others and not to be considered as part of this review unless herein specifically requested. The review does not release the contractor from compliance with the applicable codes.

Alfred L. Welsheimer
Fire Chief
To: Emmet County Planning Commission, Zoning Board of Appeals & Board of Commissioners  
From: Planning, Zoning & Ordinance Enforcement, Tammy Doernenburg Director  
Date: Prepared for Emmet County Planning Commission May 2017 meeting  
Subject: Status of Enforcement Issues

1. **Springvale** – 7267 Channel Rd – porch built without permit application submitted 9/1/2015. ZBA denied variance 12/15/15. Porch needs to be removed or reduced in size. Deck found to be out of compliance with Ordinance and built without permits. Letter sent 1/21/2016 – no response. Follow-up with site visit and 2nd letter. Visited site 2/22/2016 – no change. Follow-up letter sent 3/9/2016. NOV issued 3/29/2016. Had discussion with property owners’ legal counsel. Expect compliance schedule. Received compliance schedule. Response letter received 5/27/2016. Visited site 6/3/2016, compliance started. Received letter from property owner 7/18/16. All construction on the exterior of the dwelling has been discontinued. Owner meeting with DEQ to discuss shoreline stabilization options. Working toward compliance within 30 to 60 days. No change as of 2/1/2017. Site visit conducted 4/1/2017 – no change. Sent follow-up letter 4/3/2017 requesting status report by 4/18/2017. 4/21/2017 received response letter from property owner indicating he met with DEQ on site and plans to move forward with shoreline stabilization. 4/21/2017 confirmed with DEQ that site visit had occurred. Shoreline stabilization may be allowed, waiting for plans. Follow-up site visit scheduled for mid-summer.

2. **Maple River** – 1526 Plains Rd – Three horses on 1.25 acre property reported by Township Supervisor 8/1/2016. Investigated, sent letter 8/16/16. Received email …owner trying to lease or buy enough land in the vicinity to meet Ordinance standards. Second letter sent 11/21/2016. Received a call from owner working toward commercial farm to that the farm use would be exempt from zoning. Owner contacted office for options 1/23/2017. No change as of 4/6/2017.

3. **Bear Creek - 2325 Summit Park** – Complaint 12/28/2016 - Wall pack lights installed without shields. Letter sent 12/6/16, call received. Ordinance sent to staff at owner’s office. Follow-up done 12/21/2016 – no change. Follow-up letter sent 12/30/2016. Received call and met twice with business owner. Owner identified other non-shielded lights within the vicinity and is reluctant to change non-compliant fixtures. Working toward a resolution. Owner seems reluctant to comply. Met with Civil Counsel to discuss. Final letter sent 3/7/17. Thirty days given for compliance. 4/11/2017 met with Civil Counsel to discuss next steps. Re-inspection conducted 4/18/2017 – no change.

4. **Readmond** – 1/25/2017 Complaint - Townline Rd – too many trailers on property. 2/1/2017 - Investigated, found property to be mostly blight issue. Will continue to monitor.

5. **Wawatam** – 4058 Pointe Dr – Site plan approved by ZBA with conditions on 5/19/2015. ZBA condition of approval not met as of 1/1/2016 (supposed to be met by end of 2015). Letter received from owner on 12/21/2015 regarding need for additional time to comply. Letter received on 7/6/2016 requesting additional time. Letter received on 8/19/2016 requesting additional time. Investigation conducted on 1/5/2017 – no change. Letter sent to owner on 3/31/2017 requesting compliance no later than 15 days from date of letter. (NOTE: owners are seasonal. Additional time allowed to accommodate.)

6. **Bear Creek** – 4/14/2017 – complaint of dead trees and trash at 1201 Lear Rd (Meijer). Investigated, sent letter via email and mail requesting immediate pick-up of trash and trees replaced by 5/31/2017. 4/21/2017 spoke with landscaper who is ordering trees and hoping to have them planted by end of May, might need a few extra weeks if local stock not available.

7. **Maple River** – 4/7/2017 – 4613 N Ayr Road - report of tiny house being used on property in addition to dwelling.

8. **Bear Creek** – 3/28/2017 – 4772 US 131 Hwy. Investigated site plan provided for land split request. 3/30/2017 Found dumpsters to be unscreened and sent violation letter requesting compliance within 14 days. Follow-up conducted on 4/17/17 – no change.

For more information or to report a violation, contact the Department of Planning and Zoning. 231-348-1735.