EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY MAY 4, 2017, 7:00 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: Kelly Alexander, John Eby, David Laughbaum, Tom Urman, Toni Drier, Jonathan Scheel, Betsy White, James Scott (arrived 7:20pm)

MEMBERS ABSENT: Steve Neal

STAFF: Tammy Doernenburg, Monica Linehan

I Call to Order and Attendance
Chairman Eby called the educational portion of the meeting to order at 7:00 p.m. All members were present except Neal and Scott. Scott arrived at 7:20 p.m.

II Presentation by John Iacoangeli, ECZO parking standards

Doernenburg explained that recently the ZBA reviewed a request for a parking variance and during the review of that case it was noted that our parking standards were quite restrictive. They haven’t been reviewed since 1972 other than adding two standards over the years. Mr. John Iacoangeli from Beckett & Raeder was commissioned by the County to look at Article 22.02-Parking Requirements of our zoning ordinance.

Iacoangeli stated that the current ordinance is straightforward and easy to follow. He went over some items that he has found on his initial review. This report was passed out to the board members along with a copy of the current parking standards.

- Floor area, Useable vs. Floor area, Gross: Currently the ordinance uses useable floor area as the computation method for parking ratios. Because tenants in a building are likely to change and their needs are likely to change, many areas are defaulting to gross floor area instead which is based on the perimeter walls. This allows room uses to be changed within a building without having to recalculate parking requirements.

- Shared parking: Shared parking is addressed in our ordinance as only allowed when the business hours don’t overlap. Today’s standards encourage shared parking. In a mixed use building, people are naturally parking at different times of day. In the report, there is a ULI shared parking calculation example which he encouraged use of as it is based on land use types.

- Minimum/maximum parking spaces: When parking ratios are looked at our ordinance requires 2-2.5 times the national average of parking spaces. This is consuming property that could be used for buildings or open space. Iacoangeli noted that many places have both a minimum and a maximum parking number because although the smaller businesses usually try to do the minimum parking required due to cost, the larger, national chains have no issues putting in way more parking than they need because they base it off of their peak days not what they need on a normal basis. He stated that the option to defer parking option that we have in the ordinance is good. The limit on maximum parking is good to have because it limits things like storm water runoff and thermal discharge as well as allowing for more building on a site which then can become part of the tax base.

- Bicycle parking: The bike parking deferment option is good and suggested that since we have so many designated non-motorized pathways that perhaps bike parking ratios could be
factored into minimum parking requirements for those properties that directly connect to the path. A tiered system could be used as well.

- On-street parking: In areas in which there is on-street parking available along the property frontage, this can be factored into the minimum parking requirements.
- Low Impact Development: These techniques can include things like rain gardens, permeable pavers, etc. and can be used as a component to the overall storm water plan.

Alexander stated that it seems that the trend is too much parking as opposed to not enough in most cases. Iacoangeli agreed especially for the national chain stores. He stated that he thinks that the Meijer parking is the most functional and efficiently used lot in the area for that type of store. Eby asked about snow storage and how that would work with maximum parking restrictions. Iacoangeli stated that usually a percentage of the building is reserved for snow storage or the maximum amount of parking spaces isn’t allowed to exceed 10% of the minimum parking spaces which could then be used for snow storage. Not having a cap can lead to excessive parking spaces. Doernenburg asked about the on-street parking and where that would come into play here. How would we write that into the ordinance when there are only a couple of areas that would work in our jurisdiction (i.e. Cross Village or Levering)? Scheel stated that it could be written in for the whole county in case something in the future changes and there is on-street parking in another area. Iacoangeli stated that this is used for interior roads as well and not just parking spaces in the public rights-of-way. Eby asked what the worst issue that he saw in the ordinance is. Iacoangeli stated that overall it is fine but it does need to be updated to reflect current best practices.

The board agreed that Iacoangeli should continue with his review. Another report will be looked at during the next public meeting on June 1, 2017 which will again start at 7:00 pm for this purpose.

Eby closed the educational/presentation portion of the meeting at 7:25 pm.

### Call to Order and Attendance
Chairman Eby called the regular meeting to order at 7:30 p.m. All members were present except Neal.

### Minutes of April 6, 2017
Alexander made a motion seconded by Scheel to approve the minutes of the April 6, 2017 meeting as presented. The motion passed unanimously by voice vote of the members present.

### Cases

1. **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:** Revised mining permit, historical aerials, 4/25/17 email from Brian Gutowski, 4/24/17 Springvale Twp minutes, 4/26/17 revised plans, Bear Creek Township PC minutes, 5/2/17 updated draft permit

   This is the second public hearing for this case. It has been reviewed at Springvale Township and also at Bear Creek Township. The subject parcel is a 40 acre parcel adjacent to the 80 acre parcel that the Road Commission already has a gravel pit on in Bear Creek Township. The location map and aerials were shown. There are two existing access drives off of Bellmer Road. The parcel is zoned FF-1 and is currently a vacant parcel. The expected use will be once every 3 to 5 years for 15-20 years as shown on the phased plan. The perimeter setbacks are greater than the required 50’ in most instances. There are no new structures proposed and no lighting proposed. Doernenburg noted that the draft level III permit has been revised to include the township recommendations and was distributed. There are no changes to the description of work or the equipment since the last meeting.
The revised plan dated 5/1/17 was shown.

Screening has been added to the north, the setback has been increased to 75' on the north property line, 100' on the south property line, and 150' on the east property line. Distances to the nearest dwellings from the crushing area are shown. There is a conservation easement between the Road Commission and the DEQ which is shown on this plan. The proposal is to crush on the east side of that easement. Bear Creek Township asked for screening along Bellmer Road and the applicant agreed to keep a 50' natural buffer in place and they also agreed to dust control measures. The hours of operation are proposed at M-F 8am-6pm with no Saturday, Sunday, or holiday activity. Crushing is proposed for three (3) weeks in a calendar year.

Doernenburg noted that letters of opposition have been received from Torchia, Scholl, Sollinger, Crotty, Winslow, Pinter, Canada, and DeCamp. A letter has been received from the Tip of the Mitt Watershed Council which stated that there are no wetlands, it is not a water recharge zone, and suggest a storm water runoff plan with monitoring. A letter of support from Haggard’s Plumbing & Heating has been received. The legal opinion has been provided regarding the existing operation. Aerial photos from 1952 and 1965 were provided which show that mining was occurring on the Bear Creek property. Springvale Township recommended approval on condition that the east boundary be bermed for sight lines to a minimum of 6' after Phase II is completed, that a 48" fence be installed on the north property line when the permit is approved, and that the two-track road to the south exiting the gravel pit be closed off. The vote on the township motion was 3-2.

Brian Gutowski, Emmet County Road Commission, stated that they will be 35' below grade. They have agreed to plant the pine trees in the field along the north property line for screening but don’t agree to the fence as they are not wanting to expend public money to do so. It would be very difficult to get to the property if someone tried to and feels that it’s a waste to put up a fence. As for the berm along the east property line after Phase II, this area will be grown in very think within 5-10 years’ time and he doesn’t feel that this would be practical either because they would have to get in there with heavy equipment to do the berm. They agreed to the extra setbacks.

Eby asked if this property will be posted. Gutowski stated that it will be although the township thought it was a waste of time. Eby stated that at the Sunnyridge pit in the past there was snow fence that was moved toward the excavation areas. Gutowski stated that they would do that. Eby stated that he is worried about snowmobiles going through there without some sort of fencing. Scott stated that the property to the north of the proposed excavation has been clear-cut but not all of it was wooded. This will be the area that will be affected first. It is a clear, open field to Bellmer Road and Cincinnati Point Trail. For someone to enter they do have to trespass. He stated that he didn't agree with the 4’ fence height but that is what the committee came up with. He feels that the public should be adequately warned of the site. Scheel asked if the fence requirement was based on keeping the public out. Scott stated that they had suggested a welded wire farm fence. As for the berm to the east, once they are past Phase II, the excavation will slope dramatically down at or below the bottom level of where it will be excavated in Phases III and IV. Scott stated that he agrees that it will be visually protected but at Phase III those on the east side will be looking directly into the pit. That property owner has voiced a request to have visual separations both in letter and in person. There isn’t any gravel in the 150’ and is below the bottom of the pit anyway. Scheel stated that it sounds like they plan to move the snow fence to the area that they are currently excavating and where there is any steep drop off. He thanked the Road Commission for going a long way in certain areas to address the concerns voluntarily. White asked about noise concerns. Doernenburg noted that noise is addressed through hours of operation which are proposed at M-F 8am-6pm, no Saturday, Sunday, or holidays and crushing limited to three weeks per calendar year. The draft permit put together is similar to what has been used for other
gravel pits in the past. The majority of it has been agreed to by the Road Commission. The new draft was based on the Springvale Township motion and those parts need to be discussed.

Gutowski stated that they did send a small crew out to look at the property and there are already 3-4’ Poplar saplings growing.

Eby opened the meeting to public comment.

Linda Caldwell asked how we got from one week to three weeks for crushing. Scott stated that at the first meeting the Road Commission told us that it would likely be no more than once every three years for one week.

Linda DeCamp, 5977 Cincinnati Point Trail, stated that she has a new house at the end of Cincinnati Point Trail and is very concerned about noise, visual impact, and the effects on the property values. There is currently nothing between her house and the pit and there is no way that sound won’t be an issue.

Bill Winslow, Graham Road, stated that the pit is easily seen from his property and from Cincinnati Point Trail. He stated that if this hearing was during the summer we wouldn’t be able to fit the opposition in this room. Only 10% of the residents in the area there are year-round residents.

Todd Granger, representing Bryce Family, asked why the township wants to close the two-track. They use this small 12’ wide access road to do light farming. It would cut off access between the two properties. They use it as access to get in and plant their food plots with the tractor. They won’t be able to do this if it is closed. Scott stated that he doesn’t feel comfortable with a private property owner driving through an active gravel pit as it is dangerous. Granger stated that they have done this for over 30 years and there hasn’t been a problem. Scott stated that they have heavy equipment shown and crushing right in that area. It is an inappropriate use of public property. Granger stated that they use it to access private land. He stated that there is access through Burke Road to their property, but it is often inaccessible due to water over the road.

Stefan Scholl thanked Scott, Springvale Township, and the Planning Commission for listening to the neighbors’ concerns. His family currently owns property on the east side of the proposed pit and over a ¼ mile of it will be impacted. They currently have a cabin there. Stewart Road is a private, dead-end road and has always been an extremely quiet area. There is Little Traverse Conservancy area nearby and a cedar swamp. The useable area on his land is right along the high ground that is bordering the proposed pit area. His family purchased three sewer taps from the township with the intention of building homes there in the future. Springvale Township put a lot of time and consideration into this recommendation to berm the property on the east side. His understanding is that his property won’t be impacted as much during Phases I and II but once they start getting closer he would be looking directly into the pit from his property. He hopes that since the berm wouldn’t have to be installed until they start on Phase III, that maybe they won’t see the more desirable gravel there and won’t go beyond Phase II. He doesn’t want public funds expended needlessly either but feels that it is absolutely necessary before Phase III. All homes on Graham Road would be protected then and they will be significantly affected by this project. The Road Commission shouldn’t be treated any differently than any other applicant.

Beth Stewart stated that her family has owned their property for over 50 years. They have also used the Sholl property to walk on. She supports Scholl. She stated that she is not happy about the proposal and is not in support but does understand what they need to do.
Gutowski stated that they did extend the setback to 150’ based on Sholl’s concerns.

Robert Harold, 6117 Graham Road, stated that he also supports all of the points brought up in opposition to this request. He feels that if they only mine until Phase II everything would be fine. More importantly to him is the question of why you would want to put a gravel pit next to the lake. He feels that it is an ill-considered plan and even though it will go through, he is very strongly opposed and wants a bigger fence than a snow fence which is no barrier.

Carol Thomas, Cincinnati Point Trail, stated that she would like to discuss safety. She is a neo-natal nurse and feels strongly that the property needs to be fenced. Kids will get in there. You can turn your head for just a minute and they can get hurt if there is no fencing. She stated that she is very opposed to this open approach and someone is going to get hurt.

Bill Thomas, Cincinnati Point Trail, stated that he has been to three meetings now and hasn’t heard anything about reclamation. What is going to be done with the current site that is currently a dumping ground for dead animals and a shooting range for who knows who? When they are done with this property, what is going to happen? Will it be an eyesore? He is also concerned about safety as well. The Road Commission wasn’t concerned about public expense when they bought the property. Thomas stated that he thinks a bit more could be spent in order to make a construction zone safe. It doesn’t make sense.

Carol Thomas added that since the property has been clear cut, this whole area is a tinder box. There is no woods to protect them.

White stated that she drove out Stewart Road today. It is quiet and peaceful. People moved there for a quiet existence and all of those people pay a lot of taxes for the right and use of the lake and this should be taken into consideration. She asked if just the first two phases could be done. Gutowski explained that they used to have 7-8 gravel pits in the county. They now have two. One is in Levering and the other is on E. Mitchell Road. The one on E. Mitchell Road is almost gone. They have been looking and finally found some property. There is no other good gravel source for them. If they are cut off at Phase II it puts both the Road Commission and the public in a bind. There may be other sources of gravel out there but not in their price range. This location is easily accessed source and is attached to an existing gravel pit. Gutowski stated that there were trucks in the pit today and he would be surprised if anyone heard them. He noted that Poquette’s have a commercial pit that uses the same access and has a lot of traffic in and out. They would have a maximum of 3-4 trucks hauling daily.

Laughbaum asked if they will be sloping when the gravel is taken out. Gutowski stated that it wouldn’t be practical as it will be almost a vertical cliff. This is where the snow fence would be.

White asked if they know that the gravel planned in the third and fourth phase will be good quality gravel. Gutowski stated that they know that there is some but they couldn’t get the excavator in that area. They do know that there is good gravel for a long way.

Laughbaum stated that he doesn’t like berms. You can’t see through them and wind and snow blowing off of them reduces visibility. He feels that the traffic or the lake is a bigger danger to the kids than the pit would be. Someone could put up a private berm to protect their property.

Urman stated that in regards to the fencing he doesn’t feel that the fence will be that great of a cost along the north side. Laughbaum stated that the last time he priced it the cost was about $10,000 per mile. Scott stated that it would be about a ¼ mile that they’d need. The 4’ height was to protect the deer traveling through the area. Laughbaum stated that it seems reasonable and warns people of a
potential danger. Urman stated that Sholl's concerns were well presented at their meetings and feels that it could be looked at before the third phase begins. We own the machinery and could put them to work for a few weeks if it is needed. The trees may grow and it may not be needed at that time. The requests of the Road Commission in this draft motion aren't a big burden to the Road Commission.

Eby stated that a berm on the east line will be ugly and it will make it worse. If you're going to have the increased setback, why destroy it by putting a berm in it. Why not put the berm along the phase line? Scott stated that anywhere along that east side is fine with him. Alexander asked if we are talking about requiring it before Phase III. Scott stated that there should be no visual impact until that point. They have requested a minimum 6’ berm. Scheel stated that the board probably agrees with the concerns but differs in the solution. Is there a way to make the berm an administrative decision by putting into the motion what the concern is and that something needs to be done at that time with the solution to that being administrative? He is concerned that 25 years down the line the solution proposed today won’t really be a solution. Doernenburg stated that we could look at allowing Phases I and II and requiring them to come back to this board prior to Phase III. Eby stated that if there are trees grown at that point he doesn’t want to see the berm there. Urman stated that if there is an issue at that point they should have the berm in place. Eby stated that he would prefer that it come back to this board before Phase III as it is hard to see 25 years into the future. If they came back before Phase III they would have a better idea of what they need and what the board wants at that time.

In regard to the two-track being closed off, Eby asked Scott what the feeling was on that. Scott stated that it is a construction site and is a mess. There is currently an opening for either county or private vehicle passage and he feels that it is not a site in which this is appropriate and it’s dangerous. Alexander stated that it could be a liability issue. Scott agreed. Eby stated that the Road Commission could gate the entrance and give certain people access if they wish. He is concerned with limiting them from being a good neighbor as this has been going on. As long as they are aware of our concerns he feels that it should be something that they can deal with. Gutowski stated that Burke Road is a mess in the spring so that is why they have let the farmers through the property. They have been good stewards of the land. Scheel stated that he feels that the presentation by Sholl seems like it was discussed at the township meetings and was agreed to. It sounds fair and protective of his property and the properties to the east and feels that it should stay in the motion. If they are required to come back prior to Phase III he thinks that fits. The Road Commission has come a long way in meeting the neighbors’ concerns with the additional setbacks. Laughbaum stated that it is a blurred line. If Phase III isn’t approved, they won’t be able to mine part of Phase II because you won’t know exactly where that line is. Perhaps we should say within a certain distance from Phase III. Scheel stated that it is an elevation issue. Somewhere between Phase II and III there is a high point/peak and all of the sudden the neighbors can see right into the pit. Scott stated that we don’t have a contour map but he has walked the site. If we knew what the number was we could put that into the motion. Eby stated that he feels that the Road Commission will come back to the board before they hit that line.

Scott made a motion to approve Case # PSUP17-003, Emmet County Road Commission, for a Special Use Permit for a Level III Resource Mining operation to be located on the forty acres located in Springvale Township, Section 30, identified as tax parcel number 24-14-17-30-100-001 as described in the Special Use Permit Conditionally Approved Resource Extraction document of 5/2/2017 with the following changes:

- Item 2: change date of site plan received to “5/1/17”.
- Item 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. A 4 ft. high safety fence shall be securely installed along the north property line prior to excavation."

- Item 12: Remove the second sentence.
- ADD Item: Before the start of Phase III, the applicant shall return to the Planning Commission for review and consideration of Phases III and IV after a point where a substantial portion of Phase II is complete for the board to look at issues on the east property line in terms of sight protection for easterly neighbors. Approval is based on the facts presented in this case and because the plan meets the standards of the Zoning Ordinance as shown on the Site Plan dated May 1, 2017, and because the township has recommended approval. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Scheel, Laughbaum, Urman, White, Alexander. No: None. Absent: Neal.

Gutowski asked if they are required to plant the trees and have the fence. The motion requires both.

White commented that things that have been put in, and we will see how effective they are.

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: Email from Robert Straebel regarding landfill monitoring, 4/25/17 email from Bob Drost requesting postponement, Bear Creek Township PC minutes

The applicant has requested postponement. This case will be heard again at the Bear Creek Township Planning Commission meeting of May 31, 2017 and the Emmet County Planning Commission meeting of June 1, 2017.

2. 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: Photos from applicant, MDOT crash data, Bryant letter, spot zoning articles, Sheren email, 4/26/17 email from ECRC, excerpt from MI legislation, case info Silva v Ada Twp, Konkus letters, Eckhardt & Assoc letter, Bear Creek Township PC minutes, planning webcast handout, Hall letter, Kysy v Kasson Twp case info,

Doernenburg presented this case. It was reviewed for a second time at the township level and this is the second public hearing. At the township meeting there was information received from the Road Commission in regards to the commercial drive access location. They will not allow a drive off of Intertown Road, only Cemetery Road. The township had some real concerns about safety of this option and wanted more time to walk the site. Doernenburg noted that several bits of information regarding safety and case law had been distributed. Bear Creek Township had also requested that Resort Township be notified since they share maintenance costs on Cemetery Road. They have been notified.

Christine Parker stated that she invites all to come over and see where the posts are that the Road Commission put in to illustrate the driveway location. The stakes have the footage on them from each direction.

Doernenburg showed a sketch with the drive location illustrated. It is 397’ from the south property line. She added that phasing was discussed at the Bear Creek Township meeting and showed a sketch that
she put together today to illustrate what that would look like. Parker stated that this is the first she’s heard of this idea and asked why she wasn’t contacted to discuss it. Doernenburg stated that it is a concept plan that was done in the office today at 5:00 pm based on the discussion that was held at Bear Creek Township. This is the first that it’s been shown to anyone. Bear Creek Township did not ask for a revised plan. The concept plan will be provided both to the applicant and the township. Parker stated that they should see where the driveway is before a judgment is made regarding safety. James Godzik from the Road Commission stated that the site distance is 713’. The marked location is the best location they could find that would meet the requirements of a commercial access and the required site distance. The stop sign is 244’ away. Parker stated that when discussed at the township they noted that because of the stop sign people would be naturally slowing down either because they are coming up to the stop sign, because they had just stopped at the stop sign, or because they’re getting ready to turn. She stated that the resources are on her property and are hers to use as she deems necessary and it is her right to have access to remove those resources. She stated that she would appreciate the support.

Doernenburg stated that there was a discussion on the speed limits at the township meeting. Their board approved requesting a speed study be done.

The township has requested postponement. This case will be heard again at the Bear Creek Township Planning Commission meeting of May 31, 2017 and the Emmet County Planning Commission meeting of June 1, 2017.

3. 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: Photos from applicant, MDOT crash data, Bryant letter, spot zoning articles, Sheren email, 4/26/17 email from ECRC, excerpt from MI legislation, case info Silva v Ada Twp, Konkus letters.

The applicant has requested that this case be withdrawn.

4. 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: Readmond Twp recommendation

Due to the length of the agenda this review was held until after the other cases were heard.

Doernenburg noted that this is the second review of the proposed text amendment. Since last month Springvale Township and Readmond Township have both recommended approval. Readmond stated that they would like to see the enforcement procedures outlined within the text. Doernenburg stated that the enforcement policy handles enforcement activity and doesn’t need to be specifically stated within this section.

There was no public comment.

Scott made a motion to recommend approval to the Board of Commissioners Text Amendment PPTEXT16-03, replace the Emmet County Signs and Billboards Ordinance as proposed, Section 22.07 because it does not regulate content. The motion was supported by Alexander and passed
unanimously by voice vote of the members present.

5. Case #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

Legal Notice: 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. Packet Items: Request & location map, application, tax parcel map, site plan review checklist, impact statement, 3/1/07 ECPC minutes, 12/21/06 site plan, 2/1/07 ECPC minutes with photos, 1/4/07 Special Use Permit, 1/4/07 ECPC minutes, 7/28/16 violation letter, 6/24/16 violation letter, current site plan, 4/6/17 draft permit, 4/21/17 staff report, DNR-Joyce Angel letter, Dulin & Hill letter.

Doernenburg presented this case. In 1998 they were approved for a Level III mining permit. The parcel is located on the south side of E. Mitchell Road and is zoned FF-2. The total property is 41 acres; 15 acres is the adjacent parcel where the applicant lives. The SUP was revised in 2007. They had requested a redi-mix plant which was denied but there were some revisions that were approved. The site is partially mined and partially wooded. The minimum perimeter setbacks are met. The site is screened due to an existing berm as well as topography and hardwood forest. The existing drive is used for the operation. Photos of the site were shown. The revised site plan was shown. This case is a result of enforcement action as they found that there are stockpiled materials on the property during a site visit. They needed to revise the plan as stockpiles were not part of the original approval. There has been a letter of opposition received from Carl & Nancy Dulin and Cynthia Hill. The township did recommend approval with the conditions that the stockpiles be limited to unscreened top soil, concrete, asphalt, and Afton stone and that a berm be placed in the northeast corner of the property.

Doernenburg stated that the proposed changes to the draft permit include: no proposed changes to the hours of operation, they have requested that the allowed crushing period be extended from three weeks to five weeks per calendar year, modifications to paragraph 10 of the draft in regards to reclamation, paragraph 11 has been removed because the berm is shown on the site plan and has been seeded as required, paragraph 13 (12 on revised permit) to allow for materials from off-site to be brought on-site, and modifications to paragraph 16 (15 on revised permit) to allow for small structures under 200sf as currently exist on the property and limited equipment.

Rich Jackimowicz, applicant, stated that they aren’t changing much but want to be able to haul those items mentioned to the property.

Scott stated that they misunderstood at the township level that there was to be an extension of the number of days for crushing on the application. Further discussion with his board resulted in that they would like to see the crushing limited to the three weeks per year as previously approved. Other than that change, they have recommended approval.

Laughbaum asked what happens if the weather doesn’t permit the crushing? Scott stated that it isn’t a specific time period, just a limit on the maximum number of days that they can crush. There hasn’t been any crushing on the site yet to his knowledge. Jackimowicz confirmed that there hasn’t. Scott stated that it does add flexibility for the applicant but there are some very close residential sites to their operation and the only concerns from neighbors have been in regards to noise; crushing would be the largest noise producer.

Eby opened the floor to public comment.

Carl Dulin and wife Nancy were present. He stated that they are the first neighboring property to the west of this site. On the zoning evaluation form on page two, paragraph E, it states that the approved
hours of operation are M-F 7am-6pm and Saturday 8am-5pm for trucking, hauling, and screening however the March 1, 2007 minutes state that the hours approved on Saturdays were 8am-3pm. The impact statement filled out by the applicant states that the noise will be the same as it has been; if two additional weeks are added there will be added noise; this is an incorrect statement. There is paperwork that references that they were found twice to be breaking the rules of what he was allowed to do. Are there any fines associated with this? Eby stated that they have the option to come into compliance through this process. Dulin asked how often they are inspected. Doernenburg stated that they are inspected at least annually. Eby added that additional inspections would be complaint driven.

James Godzik, Emmet County Road Commission, asked if the driveway is being upgraded. Will there be an influx of trucks? Jackimowicz stated that they have no plans to upgrade the driveway and there won’t be much more traffic. Godzik stated that the Road Commission may consider this to be a change of use and may have to discuss this. He advised the applicant to contact them.

Rose Wodek stated that they are not looking for materials to crush, they are a small operation. They are dropping off dirt to the site.

Nancy Dulin stated that they have been here for 27 years and are concerned about them bringing material onto the site. Concrete will need crushing, storing, moving, more activity, more dust and noise. She asked that the minutes of the March 2007 meeting be reviewed in regards to approved hours of operation.

Cynthia Hill lives just down the hill and feels that there will be more trucks in and out. She stated that there was mention on how many trucks would be allowed to stay on the property and it seems that there will be more traffic. She stated that she hopes that the Saturday hours remain at 8am-3pm as they don’t have much of a chance to enjoy their weekend if they are increased.

Drier stated that the hours of operation should be changed to reflect what was approved in the minutes.

Scheel stated that limited stockpiles to small amounts of materials should be added. Eby stated that it would be approved as it is listed on the site plan. Drier asked what the purpose of revising the crushing time frame is. Jackimowicz stated that it just gives them more time.

Cynthia Hill asked if this will affect their taxes. She is home all day and is concerned about their property value. Eby stated that she would have to discuss this with her tax assessor.

Jackimowicz asked if stockpiling items that they produce on site is ok. Scott stated that they are allowed to stockpile items that are created on site.

Scott made a motion to approve Case #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, the township has recommended approval, and subject to the draft Level III Resource Extraction SUP with the following additional conditions/revisions: Hours of operation are adjusted on Saturdays to 8am-3pm as approved in the March 2007 minutes, stockpiled materials may include topsoil, concrete, asphalt, and Afton stone, crushing will remain limited to 3 weeks in a calendar year as was approved in 2007. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Scheel, Laughbaum, Urman, White, Alexander. No: None. Absent: Neal.
6. Case #PSPR17-003 Blumke Brothers Redi-Mix & Excavating, SITE PLAN REVIEW-Mini Storage, 5215 Powers Rd, Section 9, Littlefield Township

**Legal Notice:** 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. **Packet Items:** Request & location map, application, impact statement, site plan review checklist, soil erosion memo, ECRC permit, 4/24/17 staff report, 4/4/17 site plan, drainage calcs from Benchmark, 4/25/17 site plan, Littlefield Twp recommendation

Doernenburg showed the location map. This parcel is located on the north side of Powers Road, west of Moore Road. It is an I-1 zoned property of 13.4 acres. There is an approved redi-mix concrete production business, business office, and equipment garage on the site which are proposed to remain. The proposal is to construct two mini-storage buildings on the site which is a permitted use within the zoning district. The adjacent site to the west is owned by the MDNR. The proposed buildings meet a 50’ front setback which exceeds the minimum standards for the zoning district. The proposed buildings are 130’x15’ and 130’x 30’. The original site plan was revised on 4/27/17 (sealed). The parking meets the standards; gravel parking for the required five spaces and access drives are proposed. The Road Commission has approved the access to Powers Road. There are no sanitary facilities proposed. The properties to the north and east are zoned R-1, west is zoned FR, and property to the south across Powers Road is zoned I-1 with a resource mining use on the property. There is no dumpster proposed and ample snow storage is shown on the plan. There is no outdoor lighting proposed but there is a notation made on the site plan that there will be building mounted lights on the ends of the buildings. Doernenburg noted that all lights must be full cut-off. She proposed that the lights be able to be administratively approved if fully shielded. The estimated cost of drainage is $1,500.00. The township has recommended approval and requested leaving the trees in the front for screening purposes.

Mr. Blumke stated that the lights are 60 watt light bulbs. There will be no power to the units. They will look similar to Conway Storage buildings. The fire chief has reviewed and there is 30’ between the units and at least 15’ is required for fire separation. Eby asked that they have him sign a copy of the site plan.

Drier stated that she was concerned about the existing driveway but it sounds as if it has been addressed with the Road Commission.

There was no public comment on this case.

Alexander made a motion 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 25, 2017 because the standards of Articles 14 and 20 and Section 26.43 have been met, the township has recommended approval, 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 $1,500.00 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

4) that the fire chief signs off on the site plan denoting his approval.

The motion was supported by Scott and passed on the following roll-call vote:  Yes: Eby, Drier, Scott, Scheel, Laughbaum, Urman, White, Alexander. No: None. Absent: Neal.
7. Case #PSUP17-007  Adelbert Dell, SPECIAL USE PERMIT-Home Occupation; Small Engine Repair, 2153 Cedar Valley Rd, Section 15, Bear Creek Township

**Legal Notice:** 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.

**Packet Items:** Request & location map, application, tax parcel map, home occupation impact statement, site plan review checklist, 4/10/17 site plan, aerial, 4/18/17 letter to applicant requesting more information 4/19/17 staff report, 4/21/17 FD letter, 4/26/17 ECRC email, 4/26/17 revised site plan, Bear Creek Township PC minutes

Doernenburg reported that the township has requested postponement. The applicant is currently in violation of the home occupation with outdoor display and they would like to see this brought into compliance before they review their request. The Road Commission is also requiring a commercial access. Postponement will give the applicant time to review to see if they still feel that this is an appropriate place for the business and if they can bring it into compliance.

There was no public comment on this case.

Since the township has requested postponement, this case will be heard again at the Bear Creek Township Planning Commission meeting of May 31, 2017 and the Emmet County Planning Commission meeting of June 1, 2017.

V  **Public Comment:**

VI  **Other Business:**

1. **Temporary Dwellings-Discussion:** Doernenburg stated that a proposed draft was passed out last month in response to issues with RVs brought up by Doug Fouty a few months back. Doernenburg stated that she did go up to the Wilderness Drive area and there are many RVs on properties along the lake shore. The proposed amendment wouldn’t eliminate this but it may limit it. They are currently supposed to have a permit and remove them when they are not in use. Alexander asked if they would qualify as a tiny house. Doernenburg stated that they are under the 720sf minimum. Drier stated that there are park models there as well. Mr. Fouty was concerned with waste removal and she stated that she checked with some of the outhouse companies and they do service them and have routes. She has paperwork from one of the companies that do service them. She suggests waiting until July before we move forward so that we can see what he is concerned with since he said they are an issue after Memorial Day. The consensus was to postpone this issue until late summer.

2. **Farming-Accessory Uses-Update:** Doernenburg stated that the complete packet of information and documentation was sent out. She has located someone who is willing to be a facilitator for a committee on this issue. She isn’t an expert on Right to Farm but is a great facilitator and she’s worked with her in the past on other projects. Scheel stated that he would like to see that happen. We have to do something to make progress and a facilitator may be the way to go. Doernenburg asked if it should be a small group or the full board. Drier asked if townships could be a part of this. Doernenburg stated that it would be at a public meeting and they are welcome to attend but it would be presented to the Planning Commission members. The consensus was to move forward with the facilitator with a meeting with the full Planning Commission.

3. **Indoor Shooting Range:** Doernenburg stated that she didn’t find this in any area ordinances except Cheboygan County and it is only allowed in business zones. There is currently a mobile trailer that will be set up in Harbor Plaza in Little Traverse Township. Inquiries that she
has had so far have been on B-2 and I zoned properties. There have been no additional inquiries. No action taken.

4. Enforcement Report: Doernenburg noted that dates are now included. There was no discussion.

5. Planning Commission Membership: Doernenburg explained that the Board of Commissioners have adopted a new policy in that they are requesting an application and a letter of interest from the members when their terms renew.

6. Proposed Legislation: Legislation has been introduced at the state level which proposes to remove local zoning jurisdiction for short term rentals. Doernenburg stated that she can send something if the board would like. Scheel stated that he will contact on his own and feels that it is a huge issue up here. He doesn’t like that local government has no say. Scott stated that he feels that is a reasonable position. Scheel stated that a letter from the administrator reflecting our concerns of usurping local authority is in order. He made a motion to have this letter drafted for the Chair to sign. Scott supported this motion which passed by unanimous voice vote of the members present.

7. ZBA letter: Recently the ZBA had a case regarding a boathouse cover with no sides in the Devil’s Elbow area of Maple River Township. During the review it was found that there were nine applications approved over a 10 year period 1985-1995. The ZBA deliberated and found that the ordinance doesn’t address this. The case was approved with a 3-2 vote. Eby was at the meeting and Scheel thought he addressed the issue clearly. The ZBA felt that the Planning Commission should address this area through the ordinance. Scheel stated that it is a very specific area and Eby clearly stated that they have always been allowed boathouses. He feels that it should be referenced in the ordinance. Eby stated that this is an old subdivision and can be described by the specific conditions. There are only two areas in the county that this would pertain to; Devil’s Elbow and a portion in the Village of Alanson which is not in our jurisdiction. These were not governed for the few years and then the zoning administrator decided to regulate them and we received a flurry of applications. Scheel stated that no one was really opposed to the request at the ZBA but were having a hard time justifying it through their process because the ordinance doesn’t support it. This is historically fair under specific conditions.

8. Next meeting: The meeting on June 1, 2017 will start at 7:00pm again to discuss the parking regulations.

VII Adjournment

There being no other business Eby called the meeting adjourned at 9:45 p.m.