EMMET COUNTY PLANNING
COMMISSION REGULAR MEETING
THURSDAY, JUNE 1, 2017
7:00 P.M.
EMMET COUNTY BUILDING
COMMISSIONER’S
BOARDROOM
200 DIVISION ST
PETOSKEY, MI
49770

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

IV Cases 7:30pm

CASES FROM PREVIOUS MEETINGS

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

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

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

NEW CASES

4. PSUP17-009 Boguslaw Gierek, SPECIAL USE PERMIT-Hotel/motel/motor inn, 5901 W. Levering Rd, Section 34, Cross Village Township

5. PSUP17-010 Jonathan Chupp, SPECIAL USE PERMIT-Selective processing & production facility, 7287 Woodland Rd, Section 11, Maple River Township

6. PSUP17-011 Sean Cook, SPECIAL USE PERMIT-Contractor’s Use (landscaping & cleaning businesses), 8308 & 8256 E. Mitchell Rd, Section 9, Springvale Township

7. PSPR17-001 AutoZone Development, LLC, SITE PLAN REVIEW, Retail and Wholesale, 2049 US 131 Hwy, Section 18, Bear Creek Township

V Public Comments

VI Other Business
   1. Farming – Accessory Uses – update – special meeting June 8, 2017 at 7PM
   2. Enforcement Report

VII Adjournment
General Provisions: Performance Uses

Section 22.02 Parking Requirements

22.2.1 General Parking Requirements

Parking shall be reviewed during site plan review by the Planning Commission except for residential or farm use. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

A. Off-street parking for other than residential uses shall be either on the same lot or on adjacent property within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

B. Any area once designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere.

C. In the instance of dual function of off-street parking spaces where the off-street parking is located on the same lot or an off-street parking lot connected by a common drive the property owner(s) at their discretion may utilize the Shared Parking standards defined in Section 22.02.03, operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required.

D. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited on required off-street parking lots.

E. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.

F. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers as being similar. The zoning administrator's decision may be appealed to the zoning board of appeals. The Zoning Administrator may choose to ask the zoning board of appeals to make a determination of what use is similar.

G. For the purpose of computing the number of parking spaces required, the definition of USEABLE FLOOR AREA, FLOOR AREA, GROSS shall govern.

H. The deferral of off-street parking spaces may be allowable on premises that at the time of submittal, the applicant does not know his future parking demands and he may, therefore, wish to determine actual parking needs by experience and research before investing in physical improvements. In allowing a deferral the Planning Commission does not waive its rights to require the development of the full number of spaces at a future time.

I. The number of off-street parking spaces required by this Ordinance shall be considered the minimum required governed within the range specified by the minimum and maximum parking requirements defined in Section 22.02.2, however, the Planning Commission, subject to approval of the Site Plan, may defer until a future time the construction the full number of parking spaces based on the following:
General Provisions: Performance Uses

1. The proprietor/owner can demonstrate to the Planning Commission that providing 100% of the required parking would not be necessary to serve the level of the property use.

2. The land proposed for the full amount of parking would better serve the community or the use as landscaped yard or other on-site open space use.

At such times as the intensity of vehicle access to the use increases and/or the Planning Commission determines that the deferred parking spaces are needed to prevent congestion on adjacent streets, increase safety, and/or maintain patron convenience, the Planning Commission shall order that all or part of the deferred parking space shall be constructed at the earliest possible time.

Based on any determined construction limitations, the Planning Commission and the applicant shall establish and agree on a construction timetable within which any deferred off-street parking spaces will be completed. The construction schedule shall consider time limitations caused by weather/climate conditions; soils, land area, and site conditions; and the nature of the construction and steps involved in construction.
General Provisions: Performance Uses

22.2.2 Number of Parking Spaces Required

The minimum number of off-street parking spaces by use shall be in accordance with the following schedule: **The maximum number of off-street parking spaces shall not exceed 10% of the required minimum.**

<table>
<thead>
<tr>
<th>A. Residential Use</th>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-Family &amp; Multiple-Family Dwelling.</td>
<td>Two (2) per Dwelling.</td>
</tr>
<tr>
<td>2. Manufactured Home Parks</td>
<td>Two (2) per each Manufactured Home</td>
</tr>
<tr>
<td>3. Housing for the Elderly</td>
<td>One (1) for each three (3) Dwelling Units.</td>
</tr>
<tr>
<td>4. Rooming Houses</td>
<td>One (1) for each two (2) beds</td>
</tr>
<tr>
<td>5. Bed and Breakfast and Tourist Homes</td>
<td>One (1) space per bed and breakfast guest unit, plus required parking spaces for resident family and One (1) per employee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Public and Quasi-Public Use</th>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Studios specializing in the instruction of dance, physical exercise and musical arts</td>
<td>One (1) for each two hundred (200) sq. ft. of useable floor area, gross floor area.</td>
</tr>
<tr>
<td>2. Churches, Temples, theaters, stadiums, auditoriums and assembly building</td>
<td>One (1) for each three seats in the main unit, plus one for each two (2) employees</td>
</tr>
<tr>
<td>3. Elementary and junior high schools</td>
<td>One (1) for each teacher, employee and administrator – adequate off-street bussing and parent drop-off/pick-up area.</td>
</tr>
<tr>
<td>4. High schools, colleges and universities</td>
<td>One (1) for each teacher, employee, administrator and one (1) for each ten (10) students</td>
</tr>
<tr>
<td>5. Private clubs or lodges</td>
<td>One (1) for each four (4) members or one (1) for each one hundred, and fifty (150) sq. ft. of useable-gross floor area whichever is greater/less</td>
</tr>
<tr>
<td>6. Regulation golf course</td>
<td>Six (6) per green</td>
</tr>
<tr>
<td>7. Par “3” or mini golf</td>
<td>Four (4) for each golf hole</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Commercial &amp; Business Use</th>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bank, Business offices or nonmedical professional offices</td>
<td>One (1) for each two three hundred (200300) sq. ft. of useable-gross floor area. Two-three (23) stacking spaces are required for each service bay, window or pedestal.</td>
</tr>
<tr>
<td>2. Offices of doctors, dentists or similar professions</td>
<td>One (1) for each fifty-two hundred (50200) sq. ft. of useable-gross floor area in the waiting room, plus one (1) for each examining room or dental chair. Three (3) stacking spaces are required for each service bay, window or pedestal.</td>
</tr>
</tbody>
</table>
### General Provisions: Performance Uses

#### 3. Retail stores except as otherwise specified

<table>
<thead>
<tr>
<th>Minimum:</th>
<th>One (1) for each one hundred two hundred (2400) sq. ft. of gross useable floor area</th>
</tr>
</thead>
</table>

#### 4. Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade and other similar use

| One (1) for each eight hundred (800) feet of usable gross floor area, plus one (1) for each two (2) employees |

#### C. Commercial & Business Use

<table>
<thead>
<tr>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
</table>

##### 5. Planned commercial or shopping center by sq. ft. of floor area:

<table>
<thead>
<tr>
<th>a. 1 to 15,000 sq. ft.</th>
<th>One (1) space per 400–200 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. 15,001 to 45,000 sq. ft.</td>
<td>One (1) space per 2501–25 sq. ft.</td>
</tr>
<tr>
<td>c. 45,001 sq. ft. and larger</td>
<td>One (1) space per 450–300 sq. ft.</td>
</tr>
</tbody>
</table>

##### 6. Beauty parlor, barber shop or salon

Three (3) for each service chair

##### 7. Laundromat

One (1) for each three (3) wash and dry units

##### 8. Mortuary establishments

Three (3) for each one hundred (100) sq. ft. of usable gross floor area

##### 9. Motor vehicle sales and service establishments

One (1) for each two hundred (200) sq. ft. of usable gross floor area of sales room, plus one (1) for each auto service stall in the service room

##### 10. Marine Sales and Service Centers, including RV’s

One (1) space for each employee, and one (1) for each service stall. Add one (1) space for each 200 sq. ft. of showroom, but not less than five (5) spaces with or without a showroom

##### 11. Pool hall, private club, dance hall or places for the consumption of food or beverages

One (1) for each two (2) persons of the legal capacity as established by health, fire or building officials

##### 12. Restaurants and establishments for on premises sale and consumption of food, refreshments and/or beverages

One (1) for each fifteen (15) square feet for first 2,500 square feet, plus One (1) for each hundred (100) square feet over 2,500 square feet. One (1) for each two (2) persons of seating capacity, including area designated for outdoor dining.

##### 13. Food consumption services or drive-in, drive-thru or take out

Use seating capacity standards as applicable for sit-down restaurants. A minimum of five (5) stacking spaces shall be provided for each service window where a drive-thru operation is present.

##### 14. Bowling alleys

Five (5) for each bowling lane

##### 15. Hospitals

One (1) for each one (1) bed

##### 16. Hotels and motels

One (1) for each sleeping room, plus One (1) for each fifteen (15) square feet of meeting area and restaurant space. One and one half (1½) for each rental unit

##### 17. Auto service stations

Two (2) for each service rack or pit: and one (1) for each (1) single or dual gas pump, but not less than six (6) spaces

##### 18. Gas station with convenience store

One (1) for each twenty-five (25) square feet of gross floor area

##### 19. Auto Wash or drive through service stations other than fueling stations

One (1) for each employee and five (5) stacking spaces for each service bay.
## General Provisions: Performance Uses

| **20. Wineries, Distilleries, and Microbreweries** | One (1) for each 300 square feet of gross floor area for tasting rooms. One (1) for each 300 square feet of gross floor area for office and administrative functions. One (1) space per fifteen hundred (1,500) square feet of promotional event parking. |
| **21. Mini-Warehousing and Storage Unit Rental** | One (1) space for each eight hundred (800) sq. ft. of Gross Floor Area |
General Provisions: Performance Uses

D. Industrial and Wholesale Use

<table>
<thead>
<tr>
<th>Function</th>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Industrial or research establishments</td>
<td>Five (5), plus one (1) for every employee in the largest working shift.</td>
</tr>
<tr>
<td>2. Wholesale establishments</td>
<td>Five (5), plus one (1) for every employee in the largest working shift or one (1) for every seventeen hundred two thousand (17002,000) sq. ft. of usable gross floor area, whichever is greater.</td>
</tr>
<tr>
<td>3. Warehouse and/or storage building</td>
<td>Five (5) spaces, plus one (1) for each employee over three (3) employees, or one (1) for every 1,7002,000 square feet of usable gross floor area, whichever is greater.</td>
</tr>
</tbody>
</table>

22.2.3 Shared Parking:

Shared parking, or Effective Parking, is allowed based on the following calculation which is based on the general type of land use or function of the property. The Shared Parking Factor for two land use functions, when divided into the sum of the two amounts as listed on the Required Parking table below produces the Effective Parking needed. For example, residential parking is calculated at 12 spaces and retail parking is calculated at 32. Summed they equal 44. Using the Shared Parking Table this amount is divided by 1.2 to derive an Effective Parking amount of 36.6 or 37 parking spaces.

<table>
<thead>
<tr>
<th>Function</th>
<th>Residential</th>
<th>Lodging</th>
<th>Office</th>
<th>Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1.0</td>
<td>1.1</td>
<td>1.4</td>
<td>1.2</td>
</tr>
<tr>
<td>Lodging</td>
<td>1.1</td>
<td>1.0</td>
<td>1.7</td>
<td>1.3</td>
</tr>
<tr>
<td>Office</td>
<td>1.4</td>
<td>1.7</td>
<td>1.0</td>
<td>1.2</td>
</tr>
<tr>
<td>Retail/Restaurant</td>
<td>1.2</td>
<td>1.3</td>
<td>1.2</td>
<td>1.0</td>
</tr>
</tbody>
</table>

22.2.4 Parking Space Dimensions

All required off-street parking spaces shall meet the following dimensional standards:

<table>
<thead>
<tr>
<th>Parking Pattern in Degrees</th>
<th>Maneuvering Lane Width</th>
<th>Parking Space Width</th>
<th>Parking Space Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 (Parallel Parking)</td>
<td>12 feet</td>
<td>8 feet</td>
<td>23 feet</td>
</tr>
<tr>
<td>30 to 53</td>
<td>12 feet</td>
<td>9 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>54 to 74</td>
<td>15 feet</td>
<td>9 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>75 to 90</td>
<td>20 feet</td>
<td>10 feet</td>
<td>20 feet*</td>
</tr>
</tbody>
</table>

* May include a maximum two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

22.2.5 Vehicle Stacking Space

Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-thru or similar service, but is not within the use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are...
General Provisions: Performance Uses

equivalent to the number required for a use which the Commission determines to be most similar.

22.2.522.2.6 Bicycle Parking

For sites that require more than ten (10) vehicle parking spaces, one bicycle rack may be substituted for one (1) vehicle parking space as follows:

A. Exception. The requirements of this Section do not apply to residential uses in all districts.

B. Standards

1. Bicycle Racks. The racks must meet the following standards:
General Provisions: Performance Uses

a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.

b. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and

c. The rack must be securely anchored.

d. The bicycle rack must be designed to accommodate a minimum of four (4) bicycles.

2. Maneuvering Areas

a. Each required bicycle parking space must be accessible without moving another bicycle; and

b. There must be an aisle at least five feet wide behind all required bicycle parking to allow room for bicycle maneuvering.

A. Scope of Regulations: Bicycle parking facilities shall be provided as required for all new structures and uses established or for changes in use as the effective date of this provision.

B. Size: Required bicycle parking spaces shall be at Two (2) feet by Six (6) feet. An access aisle of at least five (5) feet and shall be provided in each bicycle parking facility. Such space shall have a vertical clearance of at least Six (6) feet.

C. Design and Maintenance: Accessory off-street parking for bicycle parking shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location. The surfacing of such facilities shall be designed and maintained to be mud and dust free.

D. Location: Bicycle parking facilities shall be located in a clearly designated safe and convenient location. The design and location of such facility shall be harmonious with the surrounding environment. The facility location shall be at least as convenient as the majority of automobile parking spaces provided.
E. Schedule of Required Off-Street Bicycle Parking Facilities: Bicycle parking facility spaces shall be provided in adequate number as determined by the Zoning Administrator. In making the determination, the Zoning Administrator shall consider when appropriate, the number of dwelling units or lodging rooms, the number of employees, and the number of automobile parking spaces in accordance with the following guidelines:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Bike Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed &amp; Breakfast and Tourist Homes</td>
<td>One (1) per Three (3) lodging rooms</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>One (1) per Twenty (20) employees and</td>
</tr>
<tr>
<td></td>
<td>One (1) per Ten (10) rental rooms</td>
</tr>
<tr>
<td>Places of assembly, recreation,</td>
<td>One (1) per Ten (10) automobile parking places</td>
</tr>
<tr>
<td>entertainment, and amusement</td>
<td></td>
</tr>
<tr>
<td>Commercial Establishments</td>
<td>One (1) per Ten (10) automobile parking places; up to a maximum of Twenty (20) bicycle parking spaces.</td>
</tr>
</tbody>
</table>

F. Reduction of Off-Street Automobile Parking:

1. Establishments Not Located Along a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by One (1) parking space.

2. Establishments Located on a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by Two (2) parking spaces.

3. Establishments that Connect to a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by Two (2) parking spaces.

Section 22.03 Off-Street Loading and Unloading

22.3.1 Off-Street Loading and Unloading

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading spaces and unloading spaces in order to avoid undue interference with public use of dedicated streets or alleys.

Applicants must demonstrate that loading and unloading can be accomplished without using the abutting road right-of-way for maneuvering space, or required parking spaces. A registered professional engineer's certification of a loading/unloading plan may be required to assure compliance.
22.3.2  Snow Storage

Off-street parking lots three hundred (3,000) square feet or larger, provision shall be made for on-site snow storage in addition to the required parking lot; as follows:

A. Snow storage shall be provided in the ratio of ten (10) square feet of storage area per one hundred (100) square feet of parking lot surface area.

B. Snow storage areas shall be located so they do not interfere with clear visibility of traffic on internal roads or drives, adjacent streets, and highways.

C. Snow storage areas shall not interfere with emergency vehicle access.

22.3.3  Low Impact Development Techniques:

In addition to complying with Section 20.05 G.; Drainage, this ordinance parking lots shall incorporate low impact development (LID) water quality technologies. Low impact development water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures will be required on site as a component of the overall stormwater plan. The Planning Commission has the authority to determine the type of LID that will be used as part of the approval process.
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.

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.

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

IV 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.

V 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 he 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, Kysers v Kasar 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, 2/1/07 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.

_________________________________________  ______________________________
James Scott, Secretary                   Date
Good afternoon Tammy;

Just an update on items at the Howard road and River road properties.

1. We have successfully installed the new 8'-10' Norway Spruce up to the property corner on the North end. We actually spaded 3-20' Serbian Spruce from across the street out of our Howard road nursery. We have mulched approximately 50 percent of the trees and should finish the other half yet this week.

2. I have been working with James from the County Road Commission. He has approved boring under Howard road with a 3” sleeve so that I can get water from my well across the street at 2142 Howard road. We will be feeding a 1 ¼” line through the sleeve. This will be in case there is a leak, there would be no chance of damage to the road. This will be my watering system for all the new trees and existing trees that are screening. This will greatly improve their vigor and growth.

3. Reith Reilly are on site today grading the drive for paving. I believe they are going to try to pave tomorrow. This will include the deceleration lane and the acceleration lanes. I am carrying the asphalt to where we ended our road construction. Now that we have the topographical survey for both properties we can go to work on a more definitive lay out.

4. Environmental work: Sagasser and Associates have completed the Environmental study. I have a copy of that work if you would like to see it. They determined that they would like to take a same of the iron looking water that is seeping out from under the entry drive. Scot Egleston of Sagasser and Associates was supposed to collect the sample this past Monday. They could not promise me they would have the results by the up and coming meeting but said they would try. After that is completed, and the cars and other junk are removed, they will be walking the site looking for visual areas of concern. The current status of car and debris removal is at about 70 percent. It definitely looks like a changed place.

My hopes are that by the end of the week, you could possibly drive the two properties so you can get a personal view of the changes. Please inform me of anything else you need me to be working on. Also let me know if I’m on the agenda for this month.

Thanks Tammy,

Bob Drost

Bob Drost
Owner
Drost Landscape
Design, Construction & Maintenance
P: 231-348-2624
F: 231-348-3852
D: 231-881-9746
C: 231-838-2204
Good afternoon Tammy:

I wanted to bring you up to speed as to the items I had discussed in the email to you last week Tuesday.

1. The trees have been installed. There are 18 new trees lining Howard road. If you get a chance to drive out into the area I would like you to see them. We will be spraying the vegetation under the trees once the rain ends. We will then edge and mulch all of the trees.
2. Kevin from Sagasser and Associates has completed the phase 1 environmental study. I will receive the paper work tomorrow. I will forward a copy of the findings to you. They will want to inspect again once the cars are removed.
3. The asphalt paving contract has been signed with Reith Riley. I am still hoping they will have the paving completed by mid-May.
4. I spoke with John Ferguson today. He said I should have the topographical survey in my hands by Mid- May. He is going to be working with my on the layout of properties.
5. I was curious if I should type my response to the comments that were made by the public. I’ve also taken more pictures of business’s on Howard for comps to what was being said.

Thanks Tammy, I appreciate your help.

Bob Drost.

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**Bob Drost**

Owner

**Drost Landscape**

Design, Construction & Maintenance

P: 231-348-2624
F: 231-348-3852
D: 231-881-9746
C: 231-838-2204

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How am I doing? Send an email to feedback@drostlandscape.com and let us know.
Good morning Tammy;

I wanted to thank you and let you know that I have read the minutes. Thank you for providing them for me. Truly the neighbors don’t know the whole story on things. Steve Mays comment about the driveway moving 10’ and that he was sure that it was not correct. As you know, the drive was moved by your direction and it was installed where it was under the direction of James from Emmet County road commission. I have talked to James recently. He was actually sitting in the meeting that night but didn’t feel it was his place to speak up about the drive. He would be willing to come to the next meeting if you felt it was needed or I will have him write a letter for your records. We will be paving mid-May. Also, Trees are being spaded into the site today to continue the buffer/screen between Howard road and the project. There are a remaining 18 10’-12’ Norway Spruce being delivered yet this week. This will complete a screen across the total distance to the property. We will be boring under Howard road to get water from my property across the street. I have checked with the James at the County and he is fine with the boring. I’m excited to watch the property develop. I will be eventually installing trees along the drive coming in off from Howard road. It will flank the drive up to the woodland to the East. I am getting ready to fertilizer the area the was seeded last fall. As you can see, my intentions are for the whole presentation of the property to be clean and neat.

I’m really responding to let you know that I have contracted with Sagasser and Associates out of Gaylord to perform the Environmental inspection. They came highly recommend by Bert Ebbers of Great Lakes Eco systems. Bert is a consulting biologist.

With all that being said, I am pulling myself from the meeting for April. I should have all the needed and requested information by the time of the May meeting. This will include photos of the new trees, hopefully paved entry and environmental inspection.

Thank you for all your help Tammy.

I will be in touch.

Bob D.

How am I doing? Send an email to feedback@drostlandscape.com and let us know.
1.0 SUMMARY

Sagasser & Associates, Inc. has completed a Phase I Environmental Site Assessment (Phase I) of the 5-acre parcel located on River Road in Petoskey, Michigan (Subject Property). The Subject Property is situated in the North ½ of the Northwest ¼ of Section 17, Town 34 North, Range 5 West in Bear Creek Township (South) of Emmet County, Michigan. The Phase I was completed in general conformance with the scope and limitations of ASTM Practice E 1527-13.

Historical information indicated that the Subject Property was first developed prior to 1953 when two possible residential/farm structures were identified on the property. Later two additional structures were present on the Subject Property. The Subject Property began to be utilized as a small junkyard in the 1970s. The structures formerly identified on the Subject Property had been removed by the early 1980s with more vehicles being added. The Subject Property is vacant, wooded land formerly utilized as a vehicle and metal scrap yard.

No current on-going activities occur on the Subject Property. Though no obvious evidence of historical improper liquid waste disposal was observed on the Subject Property, the potential exists for the fluids/fuels in the various discarded vehicles and/or drums to have leaked out or to have been discarded onto the ground surface. Approximately 100 discarded vehicles and discarded bottles, tires, drums, automobile parts, vehicle gas tanks, small equipment, miscellaneous metal, and other random items/containers were observed on the Subject Property. Additionally, the potential exists for landfilling activities to have occurred on Subject Property.

Two areas of brownish-orange staining (seeps) were observed along the north and south (lesser amounts) sides of the entry drive to the Subject Property. Staining of this coloration typically indicates iron bacteria / iron flocculation which is characteristic of leachates or organic compound (i.e. petroleum) releases. Further investigation appears appropriate to assess the brownish-orange stained seeps.

This assessment has revealed no evidence of recognized environmental conditions in connection with the Subject Property except the following:

- The presence of numerous scrap vehicles, scrap metal piles, tires, and miscellaneous trash on the Subject Property.

- Landfilling activities may have occurred on the Subject Property.

- Areas of brownish-orange staining (seeps) along either side of the entry drive to the Subject Property. Staining of this coloration typically/potentially indicates iron bacteria / iron flocculation which is characteristic of leachates or organic compound (i.e. petroleum) releases.

The following non-scope ASTM concern was identified in connection with the Subject Property:

- The potential presence of regulated wetlands on the Subject Property.
REQUEST

PSUP17-009

A request by Boguslaw Gierek for a Special Use Permit to allow development of a hotel/motel/motor inn on vacant property located at 5901 W. Levering Road in Section 34 of Cross Village Township. The property is tax parcel 24-05-04-34-151-043 and is zoned R-2 General Residential. The request is per Articles 5, 21 & 26 of the Emmet County Zoning Ordinance.

LOCATION
Plan prepared by
Emmet County Planning and Zoning
231-348-1735
Date: 5/10/2017
1 in = 200 feet
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: emccp@emmetcounty.org

DATE RECEIVED
5/8/17
FEE $300

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

APPLICATION #
S-UP11-009
DATE PAID
5-8-17

Applicant's Name: Boguslaw Ciezek
Applicant's Address: 5610 Lawrence Ct, Pinckney MI 48169
Applicant's Email Address: CUT-EX@SRC.GLACIER

Owner's Name: SAME
Owner's Address:
Owner's Email Address:

JOB SITE LOCATION:
Township: Cross Village
Tax Parcel #: 24-05-04-34-15-04-3
Address: 3901 W Levering 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: SMALL LOT IN CROSS VILLAGE

*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.

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/ 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: Boguslaw Ciezek
Printed Name of Applicant: Boguslaw Ciezek
Date: May 07-17

Signature of Property Owner: Boguslaw Ciezek
Printed Name of Property Owner: Boguslaw Ciezek
Date: May 07-17

*Required
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S NAME: Boguslaw Giezek CASE# P5UP17-009

PHONE NUMBER: 810-459-1393 DATE: May 07-17

PROJECT TITLE: OLD MISSION INN

PROPERTY TAX ID:
# 05-04-34-051-043 TOWNSHIP: CROSS VILLAGE

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM WITH SECTION 2407-3, SITE PLAN REVIEW-IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE. 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. FEEL FREE TO ATTACH A WRITTEN STATEMENT OF THE BELOW INFORMATION.

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.

SMALL INN IN CROSS VILLAGE, 3 SEPARATE BUILDINGS, WITH 4 UNITS IN, ON LEVERING RD.
ACROSS MOBIL GAS STATION, NEXT TO 3 PINES STUDIO,
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 - MINIMUM

b. Domestic Water - WECC

c. Traffic Volumes - MINIMUM

d. Schools - MINIMUM

e. Fire Protection - MINIMUM

3. ENVIRONMENTAL IMPACTS
Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion - MINIMUM

b. Storm Drainage - MINIMUM

c. Shoreline Protection - N/A

d. Wildlife - MINIMUM

e. Air Pollution - MINIMUM

f. Water Pollution - N/A

g. Noise - N/A
## SITE PLAN REVIEW CHECKLIST

### Subject Property Address
5901 W Levering Rd

### Tax Parcel Number (If Applicable)
24-05-04-34-151-043

### Township
Cross Village

### Proposed Use of Property
INN

### Proposed Number of Employees
2 - 3

### 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>X</td>
<td></td>
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<tr>
<td>Appropriate scale</td>
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<tr>
<td>Date, North Arrow, Street Names (existing and proposed rights-of-way).</td>
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<tr>
<td>Name, Address and Phone Number of person preparing plan</td>
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<tr>
<td>Property line dimensions</td>
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### Basic Zoning Information

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<thead>
<tr>
<th>Zoning setback lines - Building (including the eave) Setbacks:</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Front</td>
<td>Side</td>
<td>Side</td>
<td>Roof/Water</td>
<td></td>
</tr>
<tr>
<td>Distance between buildings (nearest point to nearest point)</td>
<td>X</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>
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</tr>
<tr>
<td>Proposed building elevations (to scale) Max. Height = 23 ft.</td>
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<tr>
<td>All existing structures (labeled) within 100 feet of perimeter property lines</td>
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<tr>
<td>Multiple housing units - Number of units = , composition (efficiency, one bedroom, two, three)</td>
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<tr>
<td>Surrounding zoning (properties immediate to subject site)</td>
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<tr>
<td>Lot coverage of proposed buildings =</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td><strong>Natural Features</strong></td>
<td>unit</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
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<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock outcroppings, severe topography, wetlands, woodlands, etc.).</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>15 Has a wetland permit been applied for?</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>16 Existing topography</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>17 Soil analysis is it in a Critical Dune Area?</td>
<td>x</td>
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<tr>
<td>18 Site Inventory provided?</td>
<td>x</td>
<td></td>
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<tr>
<td>19 Are there scenic view considerations?</td>
<td>x</td>
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<tr>
<td><strong>Drainage / Parking / Roads</strong></td>
<td></td>
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<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width of Right-of-Way =</td>
<td>x</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways)</td>
<td>x</td>
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<td>23 Acceleration/deceleration lanes</td>
<td>x</td>
<td>x</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 lanes)</td>
<td>x</td>
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<tr>
<td>26 Parking spaces required ______, parking spaces actual ______ Handicap parking location and number ______</td>
<td>x</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>29 Dumpster location, screening indication</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td>x</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td></td>
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</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. Estimated cost of drainage work: <strong>MINIMUM</strong></td>
<td>x</td>
<td></td>
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<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td>x</td>
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### Other Site Requirements

<table>
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<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size, and type, fences, retaining walls, earthberms, etc.)</td>
<td>X</td>
<td></td>
<td></td>
<td>EXISTING LANDSCAPING TRESSES X MUSE</td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td>X</td>
<td></td>
<td>For</td>
</tr>
<tr>
<td>Location of sign(s)*</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact Statement attached?</td>
<td>X</td>
<td>X</td>
<td></td>
<td>FUTU</td>
</tr>
<tr>
<td>Fire Department approval?</td>
<td>X</td>
<td>X</td>
<td></td>
<td>FUTU</td>
</tr>
<tr>
<td>Fire hydrants and fire vehicle access.</td>
<td>X</td>
<td>X</td>
<td></td>
<td>FUTU</td>
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<tr>
<td>Road Agency approval?</td>
<td>X</td>
<td>X</td>
<td></td>
<td>FUTU</td>
</tr>
<tr>
<td>Health agency approval?</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>Army Corps of Engineers approval?</td>
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<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>

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

**ADDITIONAL COMMENTS:**

---

Applicant's Signature: [Signature]

Date: [05/07/17]
3 BUILDINGS x 4 UNITS 300 SQ FT EACH. ONE BUILDING TAKE 2 UNITS &
Tammy Doernenburg

From: Benchmark Engineering <benchmark607@gmail.com>
Sent: Monday, May 08, 2017 5.22 PM
To: Tammy Doernenburg
Subject: Re: Site Plan

Tammy

It's just some excavating & grading, so I would say about $2,500.

Bryan Nolan

BENCHMARK ENGINEERING INC.
SURVEYORS * ENGINEERS
607 E. Lake St. Harbor Springs, MI 49740
Ph:(231) 526-2119 benchmark607@gmail.com

From: Tammy Doernenburg
Sent: Monday, May 08, 2017 2:39 PM
To: Benchmark Engineering ; Bo Gierek
Subject: RE: Site Plan

Hi Bryan,

Would you have an estimated cost of the drainage system proposed on this plan?

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

From: Benchmark Engineering [mailto:benchmark607@gmail.com]
Sent: Monday, May 08, 2017 2:14 PM
To: Bo Gierek
Cc: Tammy Doernenburg
Subject: Site Plan

Bo
Here is the site plan. I took a stab at the dumpster location. I believe it is something that can be revised if needed without too much trouble.

I will drop off 2 full & 14 reduced sized copies to Tammy this afternoon.

I will mail copies to the Road Commission, Fire Chief, Health Dept., and Cross Village Twp. as required (unless you want to do that - let me know).

The rest is up to you. Let me know if you need further assistance.

Bryan Nolan

BENCHMARK ENGINEERING INC.
SURVEYORS * ENGINEERS
607 E. Lake St. Harbor Springs, MI 49740
Ph:(231) 526-2119  benchmark607@gmail.com
Hi Tammy,

I looked at the attached plan from Benchmark Engineering. The plan looks ok. It meets the stormwater criteria. I don’t think soil erosion will be required unless they disturb more than 1 acre while under construction.

Nancy

---

Chris, Dan, Brian & Nancy

Per the zoning application requirement, for your review, see the attached site plan for Mr. Gierek’s proposal in Cross Village.

Please respond to Tammy Doernenburg with your concerns, if any.

If you would like a full sized hard copy of the site plan, please let me know and we will get one to you.

Thank You.

Bryan Nolan, P.E.

BENCHMARK ENGINEERING INC.
SURVEYORS * ENGINEERS
607 E. Lake St. Harbor Springs, MI 49740
Ph:(231) 526-2119 benchmark607@gmail.com
DATE: 05/18/2017              CASE #: PSUP17-009

APPLICANT: BOGUSLAW & BARBARA GIEREK

PROPERTY: 5901 W LEVERING RD

TOWNSHIP: CROSS VILLAGE

REQUEST: Special Use Permit – Hotel/Motel/Motor Inn (“Small Inn”)

FACTS:
- The property is zoned R-2 General Residential.
- The property is 1.76 acres in area.
- The proposed use is a Special Land Use in the R-2 Zoning District.
- The site is primarily wooded.
- The applicant proposes three separate buildings for overnight lodging and a residence and a fourth building for storage.
- Commercial storage is not a permitted use or special use in the district. Storage would need to be accessory to the commercial lodging use on the property.
- The use is adjacent to a residence on the east and south sides of the property. No screening shown on the plan from those uses.
- The Buildings and parking meet setback standards.
- Dumpster screening location identified, no details regarding screening provided.
- Access from Levering Rd. requires Emmet County Road Commission review.
- Septic and well will need Health Department review. Private well and septic/drainfield proposed.
- Distance between buildings meets Ordinance standards at 22 feet.
- Height of buildings proposed at 23 ft. Sketch provided.
- Properties south of subject parcel zoned RR Recreation Residential; adjacent to the north, south, and east zoned R-2 General Residential.
- Lot coverage of proposed buildings is proposed at approximately 7.8% (35% allowed).
- Pedestrian pathways provided – proposed pea stone – needs to be hard packed surface to meet accessibility standards of the building code.
- Parking meets Ordinance standards for lodging – both numbers of spaces and size of spaces and maneuvering lanes. None shown for storage building.
- Snow storage area identified.
- Sealed drainage plan provided. Estimated cost of drainage system is $2,500.
- Existing trees and bushes proposed to be retained in setback according to site plan review checklist (not clearly identified on site plan).
- Signs and lighting details will need review as required by Zoning Ordinance. Location of freestanding sign meets Ordinance standards.
- Fire Department review required.
ZONING ORDINANCE STANDARDS:

INTENT
The Special and Conditional Uses in this Article are uses requiring special reviews because they may have activities that have effects which project beyond property lines, may require lengthy standards for review and/or may not be currently allocated to one zoning district, uses herein may be considered to be Special Uses, Conditional Uses, and/or Exception Uses.

SECTION 2100. SPECIAL APPROVAL USE AND CONDITIONAL USE REVIEW STANDARDS
In reviewing all requests for Principal Uses Subject to special Conditions and Conditional Uses Authorized by Special Permit. The Planning Commission or Zoning Administrator shall require compliance with any of the following as may reasonably apply to the particular use under consideration (See also Section 2405 and 2407):

1. Non-detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic.
   *The use would likely generate some additional traffic, but will provide a location for lodging in a destination community where none currently exists. The use is a Special Land Use in the district with direct access to a county primary road and over 150 ft. of lot width as required by Section 26.23 Supplemental Regulations.*

2. Site size to accommodate the use, its future expansion, customary accessory uses and on site services (sewage disposal and water supply).
   *This provision appears to be met.*

3. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies and capacity to absorb the anticipated sewage disposal demand.
   *Private well and septic proposed.*

4. Entrance drives to the use and off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.
   *This provision appears to be met. The access drive is across Levering Road from Brady St.*

5. The use does not conflict with the principles, goals, or objectives of the County Comprehensive Plan.
   *The subject property is adjacent to an existing commercial use. R-2 is a transition zone and this use would seem to be consistent with the Master Plan.*

6. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
   *This use is proposed on a major thoroughfare into Cross Village.*

7. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.
   *Does not appear to be a concern. Awaiting ECRC review. Sign is setback out of the road right-of-way as required.*
8. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Use Permit Project, may be required to be formally assured by one or more of the following instruments:
   a) Scenic Easement, b) Conservation Easement, c) Deed Restriction, d) A similar dedication mechanism

The open space dedication instrument shall name the State, the County, a Local Unit of Government, or a land conservation/conservancy organization, as a party to the instrument, as determined to be most acceptable for the particular property and agency involved.

There are no dedicated open spaces/easement, other than the required setback and areas between buildings.

Section 26.23 Motels, Tourist Homes, and Motor Inns – supplemental regulations - both standards met.
26.23.1 R-2
A. There shall be direct access to a County Primary road, city major street, village major street, or State Trunkline Highway, as opposed to a County local road, city minor street, village minor street, designated on the 1951 PA 51, as amended, (MCL 247-651 et seq.) certification maps filed with the Michigan Department of Transportation.

B. The minimum lot width shall be one-hundred fifty (150) feet.

Draft Motions:

To approve Case #PSUP17-009, Boguslaw Gierek for a Special Use Permit for a hotel/motel/motor inn on property located at 59010 W. Levering Road, Section 34, Cross Village Township, tax parcel 24-05-04-34-151-043, as shown on the site plan dated Received May 8, 2017 because the standards of Article 5 and Sections 21 and 26.23.1 have been met and on condition that a performance guarantee for the drainage system in the amount of $2,500 be submitted prior issuance of a zoning permit, that signs and lighting be reviewed as required by the Ordinance, and (other conditions or statement of facts may be inserted here).

To deny Case #PSUP17-009, Boguslaw Gierek for a Special Use Permit for a hotel/motel/motor inn on property located at 59010 W. Levering Road, Section 34, Cross Village Township, tax parcel 24-05-04-34-151-043, as shown on the site plan dated Received May 8, 2017 for the following reasons: (reasons may be added here).

To postpone until the next regular Planning Commission meeting Case #PSUP17-009, Boguslaw Gierek for a Special Use Permit for a hotel/motel/motor inn on property located at 59010 W. Levering Road, Section 34, Cross Village Township, tax parcel 24-05-04-34-151-043, as shown on the site plan dated Received May 8, 2017 for the following reasons: to allow the applicant time to provide a township recommendation, fire department review, road agency review, health department review, dumpster screening details, screening details, and other additional information.
PSUP17-010

A request by Jonathan Chupp for a Special Use Permit to allow a selective processing and production facility at 7287 Woodland Road, Section 11, Maple River Township. The property is tax parcel 24-09-14-11-100-003 and is zoned FF-1 Farm and Forest. The request is per Articles 8, 21, and 26 and Section 26.33 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: pzc@emmetcounty.org

---

**5-8-17**

DATE RECEIVED $ 300.00

FEE

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

---

**Applicant's Name:** Jonathan Chupp  **Phone:** (231) 824-3839

**Applicant’s Address:** 4901 N. 35 Rd. Norton MI 49663

**Applicant’s Email Address:** @

**Owner’s Name:** Same  **Phone:** (231) 539-8283

**Owner’s Address:** @

---

**JOB SITE LOCATION:**

**Township:** Maple River  **Tax Parcel #: 24-09-14-11-100-003**

**Address:** 7287 Woodland Rd Brutus MI 49716

---

**ZONING REQUEST:**

- Planning Commission: X
- Special Use Permit
- Site Plan Review
- Planned Unit Development
- Zoning Map Change
- Zoning Text Change

**Required Use Information**

- Ground floor area main building: 3168 Sq. Ft.
- Floor Area accessory building: ___ Sq. Ft.
- Lot/Parcel Size: 23 Acres ___ Sq. Ft.

**Site/Plot Plan required**

- 2 full sized & 14 reduced sized (max 11”x17”)
- site plans required for Planning Commission cases.

---

**Elevation Drawing**

- X  5-8-17

**Engineered Drainage Plan**

- Date Submitted

**Soil Erosion Permit**

- Date Submitted

**Health Dept. Approval/ Sewer Taps**

- Date Submitted

**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:**

Jonathan Chupp  **Date:** 5-8-17

---

**Required Signature of Property Owner**

---
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S
NAME Jonathan Chupp CASE# PSUP17-010

PHONE NUMBER 231-824-3839 DATE 5/18/17

PROJECT TITLE

PROPERTY TAX ID #24-09-11-100-003 TOWNSHIP Maple River

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.

I propose to build rustic furniture as a wholesale builder - retail is unlikely.
This is a family operation w/ Deliveries several times a month.
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
      Utilize existing house
   b. Domestic Water
      Private well
   c. Traffic Volumes
      1-2/day
   d. Schools
      None
   e. Fire Protection
      Per Fire Chief

3. ENVIRONMENTAL IMPACTS
   Include statements relative to the impact of the proposed development on (if applicable):
   a. Soil Erosion  N/A
   b. Storm Drainage  N/A
   c. Shoreline Protection  N/A
   d. Wildlife  N/A
   e. Air Pollution  N/A
   f. Water Pollution  N/A
   g. Noise  Minimal Noise
# SITE PLAN REVIEW CHECKLIST

Subject Property Address: 7287 Westwood Rd, Brutus MI 49720
Subdivision and Lot Number (If Applicable): 12345
Tax Parcel Number: 24-09-14-11-100-009
Township: Maple River
Proposed Use of Property: Multi-Family
Proposed Number of Employees: 5

## 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>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>X</td>
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<tr>
<td>2 Appropriate scale</td>
<td>X</td>
<td></td>
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<tr>
<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
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<tr>
<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>X</td>
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<tr>
<td>5 Property line dimensions</td>
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## Basic Zoning Information

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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>6 Zoning setback lines -Building (including the eave) Setbacks: Front 40' Side 30' Side 20' Rear/Water 35'</td>
<td>X</td>
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<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>X</td>
<td>68'</td>
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<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg(s) = 44' x 22' Total sq ft = 3168</td>
<td>X</td>
<td></td>
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<tr>
<td>9 Proposed building elevations (to scale) Max. Height = 15'</td>
<td>X</td>
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<tr>
<td>10 All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td>X</td>
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<tr>
<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>FF/</td>
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<tr>
<td>13 Lot coverage of proposed buildings = less than 17%</td>
<td>X</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>
<td>X</td>
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<tr>
<td>outcroppings, severe topography, wetlands, woodlands, etc.).</td>
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<td>15 Has a wetland permit been applied for?</td>
<td></td>
<td>✓</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>
<td></td>
<td>✓</td>
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<td>18 Site Inventory provided?</td>
<td></td>
<td>✓</td>
<td></td>
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<tr>
<td>19 Are there scenic view considerations?</td>
<td></td>
<td>✓</td>
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<tr>
<td><strong>Drainage / Parking/ Roads</strong></td>
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<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Length</td>
<td></td>
<td>✓</td>
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<tr>
<td>of Right-of-Way = 166</td>
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<td>21 Loading/unloading, service areas</td>
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<td>22 Sidewalks, paths, and trails (internal and public within road right-</td>
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<td>✓</td>
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<td>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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<td>26 Parking spaces required 5, parking spaces actual Handicap parking location and</td>
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<td>✓</td>
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<td>number_</td>
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<tr>
<td>27 Required landscaping in parking areas</td>
<td></td>
<td>✓</td>
<td></td>
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<tr>
<td>28 Snow storage/snow management plan</td>
<td></td>
<td>X</td>
<td></td>
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<td>29 Dumpster location, screening indication</td>
<td></td>
<td>X</td>
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<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td></td>
<td>✓</td>
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<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td>✓</td>
<td></td>
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<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td></td>
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<tr>
<td>roads, parking lots, curbs, sidewalks and finished grades at building facades)</td>
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<tr>
<td>Attach a sealed Engineered Drainage Plan.</td>
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<td>33 Proposed retention/detention sedimentation ponds</td>
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<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
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<td>----------------------------------------------------------------------------------------</td>
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<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
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<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
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<td>Location of sign(s)*</td>
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<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
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<tr>
<td>Impact Statement attached?</td>
<td>X</td>
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<td></td>
<td></td>
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<tr>
<td>Fire Department approval?</td>
<td></td>
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<td>Will call Fire Chief</td>
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<td>Fire hydrants and fire vehicle access.</td>
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<td>Per Fire Chief</td>
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<tr>
<td>Road Agency approval?</td>
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<td></td>
<td>Pending</td>
</tr>
<tr>
<td>Health agency approval?</td>
<td></td>
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<td>X</td>
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<td>Army Corps of Engineers approval?</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:


Jonathan E. Chirico
Applicants Signature

5-8-17
Date
The Maple River Township Board recommends approval of case # PSUP17-010, Johnathan Chupp request for a special use permit for the following reasons:
The request easily meets all requirements of section 26.33.1 of the Emmet Co. zoning code, except requirement number 8. The township board also recommends modifications of the standards in regard to building size as allowed for in the code for the following reasons:

1. Building type and location meets the intent of the section and will fit well with current and proposed agricultural uses.
2. Building will include storage area and total square footage is less than minimum allowed in section 26.32.1, for storage buildings by carpenters, contractors, tradesmen, etc.

Tammy Gregory
Maple River Township Clerk
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 05/18/2017  CASE #: PSUP17-010

APPLICANT: CHUPP JONATHAN E & BETTY A

PROPERTY:  7287 WOODLAND RD

TOWNSHIP: MAPLE RIVER

REQUEST: Special Use Permit – Selective Processing & Production Uses

FACTS:
• The property is zoned FF-1 Farm and Forest.
• The entire property is approximately 62.5 acres in area – approximately 24 acres on the north side of Woodland Rd.
• The proposal is for a wood-working business per Sections 8.01 and 26.33.1 of the Zoning Ordinance. Selected Processing and Production Uses (Forestry). Additional uses on the property will include residential and agricultural.
• The site has an existing dwelling and two accessory buildings (one is an agricultural building). The proposal is to add a 72’x44’ (3,168 sq. ft.) shop which is subject to this review. The agricultural buildings proposed are subject to the Right to Farm Act and are exempt from zoning except that setback standards need to be met.
• The proposal uses an existing driveway. The circle drive will not be used for the business use, the easterly driveway is for the farm use only. Road Commission review will be required (and has been requested).
• Adjacent uses are residential to the east and south across Woodland Rd and vacant to the west. Setbacks exceed minimum standards.
• The business building is proposed to be located behind an agricultural building.
• All setback standards are proposed to be met.
• Building height is proposed at 15 feet, elevation plans provided.
• Some screening exists from neighboring properties.
• Space for parking provided adjacent to building.
• Fire chief has reviewed and has no concerns.
• Request waiver of stormwater plan due to sandy soil conditions.
• No dumpster proposed.
• No outdoor lighting proposed.
• No sign proposed.

ZONING ORDINANCE STANDARDS:

INTENT
The Special and Conditional Uses in this Article are uses requiring special reviews because they may have activities that have effects which project beyond property lines, may require lengthy
standards for review and/or may not be currently allocated to one zoning district, uses herein may be considered to be Special Uses, Conditional Uses, and/or Exception Uses.

SECTION 2100. SPECIAL APPROVAL USE AND CONDITIONAL USE REVIEW STANDARDS

In reviewing all requests for Principal Uses Subject to special Conditions and Conditional Uses Authorized by Special Permit, the Planning Commission or Zoning Administrator shall require compliance with any of the following as may reasonably apply to the particular use under consideration (See also Section 2405 and 2407):

1. Non-detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic.
   *Use seems to be in the character of a home occupation. Agricultural uses also present.*

2. Site size to accommodate the use, its future expansion, customary accessory uses and on site services (sewage disposal and water supply).
   *This provision appears to be met.*

3. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies and capacity to absorb the anticipated sewage disposal demand.
   *No impact anticipated - no new water or septic system anticipated.*

4. Entrance drives to the use and off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.
   *This provision is met.*

5. The use does not conflict with the principles, goals, or objectives of the County Comprehensive Plan.
   *Property will be maintained in primarily residential/agricultural use and wood shop making furniture. Maintains a large farm property.*

6. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
   *This provision does not appear to be a concern.*

7. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.
   *Does not appear to be a concern. Using existing driveway access. ECRC review required.*

8. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Use Permit Project, may be required to be formally assured by one or more of the following instruments:
   a) Scenic Easement, b) Conservation Easement, c) Deed Restriction, d) A similar dedication mechanism

The open space dedication instrument shall name the State, the County, a Local Unit of Government, or a land conservation/conservancy organization, as a party to the instrument, as determined to be most acceptable for the particular property and agency involved.
Not applicable.

26.33.1 FF-1, FF-2, and FR Districts
Selected processing and/or production uses may be permitted in the FF-2 Farm Forest District in accordance with the following intent statement and conditions:

A. Intent

The intent of this Section is to permit limited processing and production uses in the FF-2 Farm Forest Districts, subject to special review, if the overall rural character is kept, and the uses are compatible with properties in the vicinity. Uses approved shall be considered as enabling larger tracts of land to be kept open space.

B. Conditions

Subject to a Public Hearing and approval of a site plan, the Emmet County Planning Commission may permit specific home based industries in the FF-2 Districts, subject to the following standards:

1. The owner of the industry has a primary residence on the same property which the industry is proposed.
   *This provision is met.*

2. Employees of the operation shall consist of not more than the members of the legally defined family who are living on the property and up to three (3) others.
   *This provision appears to be met.*

3. The site to be impacted by uses proposed shall contain at least forty (40) contiguous acres by description. The site shall have a depth to width ratio of two to one (2:1), or less, and the property shall not be divided by existing public roads. The parcel shall not be further split, subdivided, condominiumized, or leased for other uses for as long as the proposed special use remains operational.
   *The property is divided by a public road, but is over 40 acres.*

4. The uses permitted shall be regulated as to type and operational effects, such as dust on roads or drives, so as to be compatible with other and similar uses permitted in the District, and that there be a relationship to agriculture, forest products, wood processing, and/or mineral processing and/or production.
   *The proposed use seems to be compatible with surrounding uses.*

5. The property shall essentially keep a visual farm forest character, and shall not have or tend to have the appearance of an industrial district (factories, warehousing, and the like).
   *This standard appears to be met.*

6. The operational area of the site shall be setback a minimum of 150 feet from all property lines, including road right-of-way lines, with deeper setbacks where warranted by the nuisance potential of a specific use. Mechanical equipment that generates persistent noise levels comparable to sawmills, by pitch, frequency, or decibel measurement, as well as outdoor storage of materials, shall be required to provide isolation distances as regulated for sawmills, per Section 26.30.1 of this Ordinance.
   *With the exception of the west side yard (vacant), this provision is met. The use is within an enclosed building.*
7. Fencing, landscaped berms, and/or landscape screening shall be required as necessary to conceal or nearly conceal the use from the view of neighboring owners, and persons using adjacent roads. 
This provision appears to be met based on location related to other buildings.

8. Any building intended to house the operation shall not exceed a ground floor area of two-thousand (2,000) square feet.
A modification to this standard is being requested to allow a 3,168 sq. ft. building. Township recommended approval of this modification.

9. The site plan submitted for review, shall illustrate specific areas on the site within which the entire use will be confined, including screened storage, buildings, parking, by-product waste storage or waste treatment and related or similar site use elements.
No outdoor storage proposed. Farm use to exist on the property as well.

10. All plans and uses proposed shall only be permitted if the project is mutually agreeable to the developer or owner, and the township unit of government within which the project is proposed. 
Township has recommended approval.

Controlled modifications to the standards listed in items 6-8 may be approved by the Planning Commission, if the intent of this Section is kept and the surrounding properties are protected from nuisances. The volume and type of traffic, noise potential, visual impacts, and/or emissions associated with the operation may be factors in approving or rejecting the Special Use Permit.

Controlled modifications proposed to size of building and setback from west side yard.

Draft Motions:

To approve Case #PSUP17-010, Jonathan Chupp for a Special Use Permit for a selective processing and production use business on the property located at 7287 Woodland Road, Section 11, Maple River Township, tax parcel 24-09-14-11-100-003, as shown on the site plan dated Received May 8, 2017 because the standards of Article 8 and Sections 21 and 26.33 have been met with a modification to allow the buildings and uses as proposed on the plan because the size of the building is consistent with a contractor's use building (per Section 26.32.1) and the building type and location meets the intent of the Section and will fit with the current and proposed agricultural uses, that no drainage plan will be required to the soil conditions and lot coverage proposed, and (other conditions or statement of facts may be inserted here).

To deny Case #PSUP17-010, Jonathan Chupp for a Special Use Permit for a selective processing and production use business on the property located at 7287 Woodland Road, Section 11, Maple River Township, tax parcel 24-09-14-11-100-003, as shown on the site plan dated Received May 8, 2017 for the following reasons: (reasons may be added here).

To postpone until the next regular Planning Commission meeting Case #PSUP17-010, Jonathan Chupp for a Special Use Permit for a selective processing and production use business on the property located at 7287 Woodland Road, Section 11, Maple River Township, tax parcel 24-09-14-11-100-003, as shown on the site plan dated Received May 8, 2017 for the following reasons:
PSUP17-011

A request by Sean Cook for a Special Use Permit for Contractor’s Uses for a landscaping business and a cleaning business at 8308 & 8256 E. Mitchell Road, Section 9, Springvale Township. The property includes tax parcel 24-14-20-09-200-009, zoned FF-2 Farm and Forest; and part of 24-14-20-09-200-022 zoned FF-2 and R-2 General Residential. The request is to allow two businesses on the property using existing buildings. The review is per Articles 8, 21, and 26 of the Zoning Ordinance and includes a waiver of the site size requirement.
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@emmetecounty.org

MAY 08 2017

DATE RECEIVED $ 300.00

APPLICATION # ASPUP17-011

DATE PAID MAY 08 2017

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant’s Name Sean Cook
Phone 231-838-8663

Applicant’s Address 444 E. Lake St Harbor Springs MI 49740

Applicant’s Email Address lakecharlevax.com

Owner’s Name Dave Watson
Phone 231-839-6038

Owner’s Address 8400 E. Mitchell Patches, MI 49740

Owner’s Email Address Dave@RedPatches.com

JOB SITE LOCATION:
Township: Springdale
Tax Parcel #: 24-14-20-09-200-009
Address: 8516 Buck # 14-20-09-200-009

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

REQUIRED USE INFORMATION
Ground floor area main building: 1350 Sq. Ft.
Floor Area accessory building: 650 Sq. Ft.
Lot/Parcel Size: 15 Acres
Site/Plot Plan required* 2 full sized & 14 reduced sized (max 11”x17”)
site plans required for Planning Commission cases.

Date Submitted
Elevation Drawing 0 Site Inventory 0
Engineered Drainage Plan 0 Fire Dept Approval 0
Soil Erosion Permit 0 Wetlands Permit 0
Health Dept. Approval/ 0 Road Commission/ 0
Sewer Taps 0 MDOT Approval 0

Other:
As owner/and or applicant representing the owner, I do X 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 Sean Cook
Printed Name of Applicant Date 5-6-17

*Required Signature of Property Owner
Printed Name of Property Owner Date 5-6-17

*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.
### SITE PLAN REVIEW CHECKLIST

**Case #**: PSUP17-011  
**Date Received**: MAY 8, 2017

| Subject Property Address | House 8368 E Mitchell  
| Subdivision and Lot Number (If Applicable) | None  
| Tax Parcel Number: | 24-14-20-09-260-009 - House  
| Township | Springdale  
| Proposed Use of Property | Business Yard  
| Proposed Number of Employees | 6 |

---

**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>X</td>
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<tr>
<td>2 Appropriate scale</td>
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<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
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<td>4 Name, Address and Phone Number of person preparing plan</td>
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<tr>
<td>5 Property line dimensions</td>
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</table>

**Basic Zoning Information**

<table>
<thead>
<tr>
<th>Zoning setback lines -Building (including the eave) Setbacks: Front Side Side Rear/Water</th>
<th></th>
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<tbody>
<tr>
<td>7 Distance between buildings (nearest point to nearest point)</td>
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<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg. (s) =<strong><strong>x</strong></strong> Total sq.ft. =</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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<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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<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 out-croppings, severe topography, wetlands, woodlands, etc.).</td>
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<tr>
<td>15 Has a wetland permit been applied for?</td>
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<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 of Right-of-Way =</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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<td>26 Parking spaces required ____, parking spaces actual ____ Handicap parking location and number ____</td>
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<tr>
<td>27 Required landscaping in parking areas</td>
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<tr>
<td>28 Snow storage / snow management plan</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 Water/Well, Sewer/septic, and stormwater</td>
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<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>
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<td>33 Proposed retention/detention sedimentation ponds</td>
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<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
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<td>----------------------------------------------------------------------------------------</td>
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<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
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<td>X</td>
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<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
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<td>X</td>
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<tr>
<td>Location of sign(s)*</td>
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<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
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<td>X</td>
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<td>Impact Statement attached?</td>
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<td>Fire Department approval?</td>
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<td>Fire hydrants and fire vehicle access.</td>
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<td>Road Agency approval?</td>
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<td>Health agency approval?</td>
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<td>Army Corps of Engineers approval?</td>
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<td>Michigan Department of Environmental Quality approval?</td>
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*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

ADDITIONAL COMMENTS:

- No sign going up at this time
- No soil erosion going on this year

Applicants Signature

5-6-17
Date
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S NAME: Sean Cook

PHONE NUMBER: 231-838-8663

PROPERTY TAX ID:
#14-20-09-200-009
#14-20-09-200-022

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.

- Construction of landscape yard to hold materials and equipment
- Employee parking for 6 cars
- Screen entire property from public view
- Combining 2 property's into one property Sept. 1st.
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
   None

b. Domestic Water
   Light water use

c. Traffic Volumes
   Light only 6 cars M-F

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
   Some impact. Soil erosion permit will be applied for in 2018

b. Storm Drainage
   None

c. Shoreline Protection
   None

d. Wildlife
   None

e. Air Pollution
   None

f. Water Pollution
   None

g. Noise
   Light noise between 8am-5pm
Detail of Special Use Permit Request

Sean Cooke, owner, Lake Charlevoix Landscaping
Kimberlee Cooke, owner, Kimberlee's Cleaning

- Sean Cooke is using 8256 E. Mitchell Address for his landscape business Address and for a yard to store equipment/plants/material.
- Sean Cooke and Kimberlee Cooke are using 8256 E. Mitchell Address for Employee parking.
- Sean Cooke and Kimberlee Cooke are moving into 8308 E. Mitchell Address on Sept. 1st and will be their primary Address.
Date Issued: 11/14/2016

ISSUED TO:

LAKE CHARLEVOIX LANDSCAPING
444 E LAKE ST
HARBOR SPRINGS, MI 49740

Responsible Party and Mailing Address:

SHAWN COOK
LAKE CHARLEVOIX LANDSCAPING
444 E LAKE ST
HARBOR SPRINGS MI 49740

This license is not transferable and is only valid for the establishment owner and address listed above. This license issued in accordance with provisions of Act 189, P.A. of 1931, as amended.
Site Inventory

Material

Rocks
1"-3" — 30 Ton
1'-2' — 10 Ton
3'-4' — 10 Ton

Mulch
Red pine bark — 300 Yds.

Soil
Topsoil — 50 Yds.

Equipment

Trucks
(1) - Ext. cab pickup
(1) - Dump truck

Trailers
(3) 20' Trailers

Plants

- Variety of Trees and Shrubbs
(55) Total Evergreens ranging from 6' - 10'
- White Spruce
- ConColor
- White Pine
- Cedar
26.32.1 FF-1 or FF-2 District

Specified contractor's uses may be permitted subject to the following standards including Planning Commission review:

A. Permitted Uses

The uses permitted pursuant to this Section may include one or more of the following:

1. Storage buildings for recreation vehicles, boats, water craft and similar items, but not sales and/or servicing, or commercial warehousing.

2. Buildings to store equipment and materials associated with the following specific trades: landscapers, excavators, nurserymen, building contractors, plumbers, electricians, carpenters, pipe fitters, heating-cooling-refrigeration tradesmen, telephone and communication system installers, provided such individuals are fully licensed to operate in the State of Michigan if a license is required.

B. Outside Storage

All primary storage/use activity shall be in enclosed buildings. Any outside storage that may be permitted shall be in areas effectively screened from public view.

C. Owner Occupancy

Buildings and uses permitted shall only be approved on properties occupied by the owner and be the primary place of the owner's residence.

D. Site Size: The minimum property size shall be ten (10) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth.

E. Building Limitations: The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of 2,400 sq. ft. One additional 2,400 sq. ft. building may be permitted on sites of 20 acres or more, by description, provided the two buildings are separated by at least forty (40) feet. One building up to 3,400 sq. ft. may be permitted if the applicant stipulates not to construct two (2) buildings for contractor uses.
F. Signs: Accessory identification signs associated with the uses permitted pursuant to this Section shall not exceed an area of eight (8) sq. ft., and shall comply in all other respects with the sign section of this Ordinance.

Modifications to the standards listed in items B thru F above may be approved by the Planning Commission, if the intent of Article 8 is kept and the surrounding properties are protected from nuisances.

Modification to item D is requested by Applicant.
Lot is 10 acres but not a square 10 acres.
Front of property width is only 518.25 ft. but width of lot is 697 ft. and back of lot is 741 ft.
Applicant request this to be modified.

Sem Cook

S-6-17
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE:   05/18/2017             CASE #: PSUP17-011

APPLICANT:   SEAN COOK

PROPERTY:     8308 & 8256 E MITCHELL RD

TOWNSHIP:      SPRINGVALE

REQUEST:        Special Use Permit – Contractor’s Uses

FACTS:
- The property is zoned FF-2 Farm and Forest and R-2 General Residential – zoning map enclosed.
- The entire property of the proposed use is approximately 10 acres in area (land split in process).
- Surrounding parcels are zoned FF-2 or R-2.
- Applicant proposed to reside at the property.
- Request is to use existing buildings for contractor’s uses – landscaping business and cleaning business.
- No additional construction proposed.
- Outside storage of materials proposed in a 70’x90’ area and equipment parking in a 135’x70’ area behind the existing barn. The height of the materials not to exceed 7 ft. in height. Evergreen screening proposed along the west and north boundaries.
- Screened dumpster proposed adjacent to the barn.
- Parking area proposed in front yard – meets setback standards.
- Proposal to use existing driveway for access. Emmet County Road Commission review has been requested.
- No outdoor lighting proposed.

ZONING ORDINANCE STANDARDS:
Section 21.00 Intent
Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance.

Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.
Section 21.02 Special Land Use Review Standards

In reviewing all requests for Special Land Uses the Planning Commission or Zoning Administrator shall require compliance with any of the following as may reasonably apply to the particular use under consideration (See also Article 20 and Section 21.01):

A. Non-detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic. A traffic impact study may be required by the Planning Commission.

The property is zoned FF-2 and R-2. The use has the potential to increase traffic, but E. Mitchell Road is a Class A road. Subject to ECRC review.

B. A large enough size of the parcel or project site to accommodate the use, its future expansion, customary accessory uses and on-site services (such as but not limited to sewage disposal and water supply).

This standard appears to be met. Site has topographic features to help screen from public view and additional evergreen trees are proposed as screening.

C. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies and capacity to absorb the anticipated sewage disposal demand.

The use would not seem to have an impact on these features.

D. Entrance drives to the use and off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. Road agency review shall be required.

This standard appears to be met.

E. The use does not conflict with the principles, goals, or objectives of the County Comprehensive Plan.

This standard appears to be met.

F. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.

This standard appears to be met.

G. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.

This standard would appear to be met. Pending ECRC review.

H. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Land Use Project, may be required to be formally assured by one or more of the following instruments: Scenic Easement; Conservation Easement; Deed Restriction; or similar dedication mechanism. N/A

Section 26.32.1 FF-1 or FF-2 District

Specified contractors uses may be permitted subject to the following standards including Planning Commission review:
A. Permitted Uses: The uses permitted pursuant to this Section may include one or more of the following: (1 omitted)

2. Buildings to store equipment and materials associated with the following specific trades: landscapers, excavators, nurserymen, building contractors, plumbers, electricians, carpenters, pipe fitters, heating-cooling-refrigeration tradesmen, telephone and communication system installers, provided such individuals are fully licensed to operate in the State of Michigan if a license is required.

B. Outside Storage: All primary storage/use activity shall be in enclosed buildings. Any outside storage that may be permitted shall be in areas effectively screened from public view.

Site appears to be screened from public view and neighboring properties with evergreen trees and existing vegetation.

C. Owner Occupancy: Buildings and uses permitted shall only be approved on properties occupied by the owner and be the primary place of the owner’s residence.

Plans are for the owner to occupy the site.

D. Site Size: The minimum property size shall be ten (10) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth.

Parts of the property meet the lot width and depth standard. The property is proposed to be 10 acres in area when the split is complete.

E. Building Limitations: The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of 2,400 sq. ft. One additional 2,400 sq. ft. building may be permitted on sites of 20 acres or more, by description, provided the two buildings are separated by at least forty (40) feet. One building up to 3,400 sq. ft. may be permitted if the applicant stipulates not to construct two (2) buildings for contractor uses.

No new buildings are proposed for this use. Existing building is 2,000 sq. ft.

F. Signs: Accessory identification signs associated with the uses permitted pursuant to this Section shall not exceed an area of eight (8) sq. ft., and shall comply in all other respects with the sign section of this Ordinance.

No sign proposed.

 Modifications to the standards listed in items B thru F above may be approved by the Planning Commission, if the intent of Article 8 is kept and the surrounding properties are protected from nuisances.

DRAFT MOTIONS:

Motion to approve Case PSUP17-011, Sean Cook, Special Use Permit for two Contractor’s Uses to operate on the properties identified as 8308 & 8256 E. Mitchell Road, Section 9, Springvale Township based on and subject to the site plan dated Received 5/18/17 because the use meets the Special Use Permit standards of the Zoning Ordinance, Articles 8 and 21 and Section 26.32 and the use will not conflict with the residential character of the neighborhood, and on condition that the site remain 10 acres or more, and (other reasons, or conditions may be added).
Motion to **deny** Case PSUP17-011, Sean Cook, Special Use Permit for two Contractor’s Uses to operate on the properties identified as 8308 & 8256 E. Mitchell Road, Section 9, Springvale Township based on and subject to the site plan dated Received 5/18/17 for the following reasons.

Motion to **postpone** Case PSUP17-011, Sean Cook, Special Use Permit for two Contractor’s Uses to operate on the properties identified as 8308 & 8256 E. Mitchell Road, Section 9, Springvale Township based on and subject to the site plan dated Received 5/18/17: *(insert reasons).*
A request by Auto Zone Development, LLC for Site Plan Review at 2033 & 2046 US 131 Hwy, Section 18, Bear Creek Township. The proposal is to construct a new retail and storage/warehouse facility on tax parcels 24-01-19-18-100-006 & 007 which are zoned B-2 General Business. The request is per Articles 11 & 20 of the Zoning Ordinance. The property is currently owned by Meijer Inc.
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: pzeira@emmetcounty.org

DATE RECEIVED 4-29-17 $150.00
APPLICANT 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: pzeira@emmetcounty.org

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name AutoZone Development, LLC Phone 901-495-8771
Applicant's Address 123 S. Front Street, 3rd Floor, Memphis TN 38103
Applicant's Email Address jeff.kauerz@autozone.com
Owner's Name Meijer Inc Phone 616-249-6496
Owner's Address 2929 Walker Avenue NW, Grand Rapids MI 49544
Owner's Email Address matthew.levitt@meijer.com

JOB SITE LOCATION:
Township: Bear Creek Tax Parcel#: 24-01 - 19 - 18 - 100
Address: 2033 & 2049 US Highway 131, Petoskey MI 49770
and 01-19-18-100-007

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

REQUIRED USE INFORMATION
16,000
Ground floor area main building: ___ Sq. Ft.
Floor Area accessory building: 0 Sq. Ft.
Lot/Parcel Size: 1.79 Acres 78,110 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 Fire Dept Approval
Elevation Drawing □ □
Engineered Drainage Plan □ □
Soil Erosion Permit □ □
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:

Jeff Kauerz for AutoZone Development, LLC 4-26-17
Signature of Applicant
Matthew Levitt for Meijer 3/24/17
Signature of Property Owner

*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.
## SITE PLAN REVIEW CHECKLIST

### Case #

### Date Received

**Subject Property Address** 2033 US HIGHWAY 131

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

**Tax Parcel Number:** 24-01-19-18-100-006

**Township** Bear Creek

**Proposed Use of Property** Auto Parts Retail Sales

**Proposed Number of Employees** 8-12

### 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>1. Proposed site location map (indicate sufficient area reference to locate site)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2. Appropriate scale</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3. Date, North Arrow, Street Names (existing and proposed right-of-ways)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4. Name, Address and Phone Number of person preparing plan</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5. Property line dimensions</td>
<td></td>
<td></td>
<td>X</td>
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</table>

<table>
<thead>
<tr>
<th>Basic Zoning Information</th>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Note: listed values are &quot;provided&quot; setbacks; required setbacks indicated below</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Zoning setback lines -Building (including the eave) Setbacks:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front 124.45 Side 14.08' Side 67.24' Rear/Water 107.62'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Req'd): (25) (10) (10) (20)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>7. Distance between buildings (nearest point to nearest point)</td>
<td></td>
<td></td>
<td>X</td>
<td>One building proposed</td>
</tr>
<tr>
<td>8. Location of new buildings and general floor plan Dimensions of bldg.(s) = 200.00' x 80.00' Total sq ft = 16,000</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>9. Proposed building elevations (to scale) Max. Height = 21.0'</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>10. All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>11. Multiple housing units -Number of units = Number of units, composition</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(efficiency, one bedroom, two, three)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>12. Surrounding zoning (properties immediate to subject site)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>13. Lot coverage of proposed buildings = 20.5% of 16,000 SF</td>
<td></td>
<td></td>
<td>X</td>
<td>78,110 SF</td>
</tr>
<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock</td>
<td></td>
<td></td>
<td>X</td>
<td>Wetlands do not exist on site</td>
</tr>
<tr>
<td>15 Has a wetland permit been applied for?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Existing topography</td>
<td>X</td>
<td></td>
<td></td>
<td>Ex. soils info. provided; not within Critical Dune Area</td>
</tr>
<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>18 Site Inventory provided?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>19 Are there scenic view considerations?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Drainage / Parking/ Roads</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Acceleration/deceleration lanes</td>
<td></td>
<td></td>
<td>X</td>
<td>Not required per MDOT</td>
</tr>
<tr>
<td>24 Road agency approval?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>26 Parking spaces required 62, parking spaces actual 62 Handicap parking</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>29 Dumpster location, screening indication</td>
<td></td>
<td></td>
<td>X</td>
<td>Masonry enclosure to match building</td>
</tr>
<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td>X</td>
<td></td>
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</tr>
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## Other Site Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Location of sign(s)*</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Impact Statement attached?</td>
<td>X</td>
<td></td>
<td></td>
<td>Review pending</td>
</tr>
<tr>
<td>Fire Department approval?</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Fire hydrants and fire vehicle access.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Agency approval?</td>
<td>X</td>
<td></td>
<td></td>
<td>For approach; drainage review</td>
</tr>
<tr>
<td>Health agency approval?</td>
<td>X</td>
<td></td>
<td></td>
<td>in progress</td>
</tr>
<tr>
<td>Army Corps of Engineers approval?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td>X</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:

MDOT has reviewed and approved the proposed drive approach location and geometrics via email (copy of email correspondence is enclosed). General drainage design and outlet source to MDOT ROW has been discussed with the MDOT Permit Agent, along with design intent and general MDOT drainage regulations. The drainage design has been deemed appropriate based on MDOT regulations. The MDOT permit has been applied for as of the date of this Site Plan submittal. If formal approval from MDOT is required for Site Plan approval, we respectfully request that Conditional Site Plan Approval be granted contingent upon MDOT approval.

Sanitary service connection to the existing main within US 131 has been coordinated with Bear Creek Township. A new sanitary service tap is required and proposed per these discussions.

Water service and fire protection connections to the existing water main within US 131 have been coordinated with the City of Petoskey DPW. New connections are required and proposed per the enclosed plans.

---

**Applicants Signature**

**Date**

**RECEIVED**

**APR 28 2017**

**EMMET COUNTY PLANNING & ZONING**
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 site area is approximately 1.79 Acres. One lot is proposed that will be occupied by one proposed retail sales building that operates year-round. A large portion of the proposed building will be utilized for auto parts warehousing to supply inventory to existing stores within the regional area. Site will be purchased by AutoZone and corporate owned.

Based on the usable floor area utilized for retail sales, projected peak vehicles trips are estimated at less than 50 for the peak hour. No left turns are permissible into the site from US 131, and outbound traffic to US 131 can only turn right. The project will not have negative impacts to the adjacent sites or roadways.

Population Density: 95 persons/square mile
Median Age of Population to be Served: 45 years old
Income Level of Population to be Served: $66,000 Median Annual Income
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**: Sanitary waste generation will be minimal for the proposed development. One male and one female restroom are proposed. Typical site usage is equivalent to a medium sized residential structure.

b. **Domestic Water**: Water usage will be minimal for the proposed development. The site service will connect to an existing 12" water main within US 131 that has sufficient capacity. Typical water usage for comparable AutoZone sites is 16 GPM peak and 250 GPD total usage.

c. **Traffic Volumes**

Traffic generation is estimated to be below 50 vehicle trips for the peak hour.

d. **Schools**: Impact to schools is not anticipated. The proposed retail business will generally employ and serve local surrounding residents that already reside in the vicinity.

e. **Fire Protection**: The building will be equipped with a Knox Box key lock box and sprinkler system in accordance with Bear Creek Township requirements. The site geometrics are designed to allow for fire truck maneuverability throughout the site. The fire suppression service line will be connected to the existing 12" water main within US 131, which has sufficient capacity to serve the site.

3. ENVIRONMENTAL IMPACTS

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

a. **Soil Erosion** The project will include comprehensive measures during construction that are designed to combat against soil erosion and sediment transport off site. The site is designed in conformance with the Emmet County Soil Erosion requirements, and construction will occur in accordance with the issued Soil Erosion permit.

b. **Storm Drainage**

Storm water drainage is designed in accordance with Emmet County and MDOT drainage regulations. The existing site currently drains to the US 131 ROW via sheet flow. The proposed site will include an underground detention system designed to outlet storm water to the US 131 ROW at or below existing conditions in accordance with MDOT criteria.

c. **Shoreline Protection**

N/A

d. **Wildlife**

N/A

e. **Air Pollution**

N/A, retail sales business

f. **Water Pollution**

N/A

g. **Noise**

Noise generation would be minimal and consistent with other similar surrounding businesses. Sources include vehicle traffic, patron usage of the site, regular garbage pickup, and inventory delivery. No manufacturing or processing equipment is proposed.
Wes,

Please see the attached signing comments. The driveway geometrics you provided are acceptable. Feel free to contact me if you have any questions.

Gabe

Hi Gabe,

Please see attached exhibits and let me know your thoughts on the drive geometrics. The dimensional criteria are per the top detail on page 1 of 6 for GEO-680-B except for: the island offset (2' from edge of roadway provided), no tapers at entrance/exit, and center median geometry. My delivery truck can make the inbound and outbound movements work with the geometry shown. I am not able to increase the “pork chop” width on the inbound side beyond what is shown unless the truck drives over it.

Thank you,

Wesley R. Berlin, PE
Owner/CEO

Spartan Engineering Solutions, LLC
9137 Lyndenglen Court, Howell, MI 48843
Ph: (810) 746-9928
Email: wberlin@spartan-es.com
Web: www.spartan-es.com

Confidentiality Note:
This e-mail, including any attachments, may contain information that is privileged and confidential, and is transmitted to and intended for the sole use of the recipient. If the reader of this message is not the intended recipient, you are hereby informed that any dissemination, copying or disclosure of the material contained herein, in whole or in part, is strictly prohibited. If you received this
Wesley Berlin

From: John Kello <JKello@landmarkcres.com>
Sent: Wednesday, April 5, 2017 2:24 PM
To: Mann, Johnny; Wesley Berlin; 'Kauerz, Jeff'
Subject: FW: AutoZone Bear Creek MI5032 Meijer Cross Access Confirmation/Petoskey, MI
Attachments: 1st Amend to Autozone Option Contract.doc

All,

Please see below and attached.

Please advise,
JK

John Kello
Landmark Commercial Real Estate Services
27995 Halsted Road Suite 150
Farmington Hills, MI 48331
o. (248) 488-2620
f. (248) 488-2611
e-mail: jkello@landmarkcres.com
website: www.landmarkcres.com

From: Levitt, Matt [mailto:Matt.Levitt@meijer.com]
Sent: Wednesday, April 05, 2017 8:15 AM
To: John Kello <JKello@landmarkcres.com>
Cc: Steigenga, Larae <Larae.Steigenga@meijer.com>
Subject: FW: AutoZone Bear Creek MI5032 Meijer Cross Access Confirmation/Petoskey, MI

John,

Attached to this email is the first amendment to the option contract that incorporates the necessary language to allow for an easement to connect through to the Meijer entry way as discussed. Please have Autozone sign the amendment and send me back a PDF of the partially executed document, which I will then coordinate for Meijer signature.

Thanks,

meijer
Matt Levitt / Manager - Property Sales / Real Estate
Meijer / 989 / 2350 3 Mile Rd., NW / Grand Rapids, MI 49544
P: 616-791-3909
matt.levitt@meijer.com
FIRST AMENDMENT TO REAL ESTATE OPTION CONTRACT

THIS FIRST AMENDMENT TO REAL ESTATE OPTION CONTRACT (this “First Amendment”) is made as of the _____ day of ______, 2017, by and between AUTOZONE DEVELOPMENT LLC, a Nevada limited liability company, whose address is 123 S Front Street, Memphis, Tennessee 38103-2107 (the “Buyer”) and MEIJER, INC., a Michigan corporation (together the “Seller”), whose address is 2929 Walker Avenue N.W., Grand Rapids, Michigan 49544.

Statement of Facts

A. Buyer and Seller entered into that certain Real Estate Option Contract dated October 27, 2016, whereby Seller agreed to grant to Buyer an option to purchase certain real property as more fully described therein (the “Contract”).

B. All terms defined in the Contract shall have the same definitions as set forth herein unless expressly stated otherwise.

C. The parties desire to amend the Contract as provided herein.

Agreement

1. Section 28 of the Contract is deleted in its entirety and replaced with the following:

28. Nonexclusive Ingress and Egress Access Easement to Buyer. In the event the transaction contemplated herein closes, at Closing, Seller shall grant Buyer perpetual, nonexclusive ingress and egress rights over and across the driveway off of Lears Road on Seller’s property located north and east of the Property (the "Access Easement"). The Access Easement is approximately cross-hatched on Exhibit A-1 attached hereto. The specific location of the curb cut(s) onto the Access Easement from the Property shall be subject to Seller’s review and approval. Buyer agrees that it shall pay for any and all improvements to the existing pavement (including adjacent road right-of-ways) which may be required by Seller or the applicable governmental authorities as part of the approval of the development of the Property. The easement shall be drafted by Seller and shall contain terms and conditions which must be agreed upon by the Parties during the Option Period. Buyer also agrees to provide easement exhibits (legal description and depiction) to Seller for review and approval during the Option Period. The Access Easement shall provide that the owner of the Property shall annually pay to Seller the sum of Three Thousand Dollars ($3,000.00) for Seller’s maintenance and repair of that portion of the Access Easement that Seller has previously constructed (the "Maintenance Fee"). The Access Easement shall provide that the Maintenance Fee shall be increased by fifteen percent (15%) every five (5) years and shall be secured by a lien against the Property in the event such Maintenance Fee is not paid. Buyer shall be responsible for maintaining any green space between the eastern boundary of the Property and the paved portion of the access drive on Seller’s remaining property.
2. Except as amended herein, the Contract shall continue in full force and effect and the terms and conditions of the Contract are hereby ratified in their entirety.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the day and year above first written.

**BUYER:**

AUTOZONE DEVELOPMENT LLC,
a Nevada limited liability company

By: AutoZone Investment Corporation,
a Nevada corporation, its sole member

By:________________________
Name:________________________
Title:________________________

And

By:________________________
Name:________________________
Title:________________________

**SELLER:**

MEIJER, INC.

By:________________________
Name:Michael L. Kinstle
Title:Vice President-Real Estate

RECEIVED
APR 28 2017
EMMET COUNTY PLANNING & ZONING
Property
Wesley Berlin

From: Wesley Berlin <mailto:wberlin@spartan-es.com>
Sent: Friday, February 17, 2017 9:16 AM
To: Mike Robbins <mrobbins@petoskey.us>
Cc: Marty Flynn <mflynn@petoskey.us>
Subject: FW: AutoZone Bear Creek MI5032 Water Service Coordination

Marty,

Thanks for the info. I will coordinate the 1" water service tap and 6" fire suppression tap locations with you guys in the coming weeks as I get further along with my design.

Please let me know the existing water main depth at the nearby hydrant once you guys get the info. My contact info is below if you have questions or need anything from me.

Thank you!

Wesley R. Berlin, PE
Owner/CEO

Spartan Engineering Solutions
9137 Lyndenglen Court, Howell, MI 48843
Ph: (810) 746-9928
From: Wesley Berlin [mailto:wberlin@spartan-es.com]
Sent: Friday, February 17, 2017 9:09 AM
To: 'mflynn@petoskey.us' <mflynn@petoskey.us>
Subject: AutoZone Bear Creek MI5032 Water Service Coordination

Marty,

Here are a few exhibits for the proposed AutoZone located at 2033 US 131 in Bear Creek Township.

Thank you,

Wesley R. Berlin, PE
Owner/CEO

SPARTAN ENGINEERING SOLUTIONS, LLC
9137 Lyndenblen Court, Howell, MI 48843
Ph: (810) 746-9928
Email: wberlin@spartan-es.com
Web: www.spartan-es.com

Confidentiality Note:
This e-mail, including any attachments, may contain information that is privileged and confidential, and is transmitted to and intended for the sole use of the recipient. If the reader of this message is not the intended recipient, you are hereby informed that any dissemination, copying or disclosure of the material contained herein, in whole or in part, is strictly prohibited. If you received this transmission in error, you are not to review, use, copy, transmit, print or disseminate this e-mail and/or any of its attachments. If you received this transmission in error please permanently delete it immediately and notify the sender.
Wesley Berlin

From: Bear Creek Supervisor <supervisor@bearcreektownship.com>
Sent: Tuesday, February 21, 2017 1:43 PM
To: wberlin@spartan-es.com
Subject: FW: Autozone sewer south of Lear Rd.
Attachments: hsasda-contract 1 section e-04.tif

Wesley,

Attached is a drawing of the sewer main in front of your project. It doesn't appear to have an existing tap so you will have to tap into the main.

Thanks,
Denny

From: Scott A. Anderson [mailto:manager@hssewage.com]
Sent: Tuesday, February 21, 2017 10:52 AM
To: Dennis Keiser
Subject: Autozone sewer south of Lear Rd.

Dennis,

It appears there is just one tap on that run for Petoskey Plastics.

Scott

Correspondence w/ Dennis, Twp. Supervisor for Bear Creek. Actual tap approval will occur after SP Approval when tap permit is applied for.

Wesley R. Berlin
OPINION OF PROBABLE CONSTRUCTION COSTS

Project Title: AutoZone Bear Creek MI5032
Project #: 17-001
Date: 05/18/17

SUMMARY

Drainage System:

Total | Proposed Drainage Improvements $182,091.00

Note: This Opinion of Probable Construction Costs is provided to Emmet County for establishment of a performance guarantee that is required for the project. Quantities are based on the latest project Construction Drawings. Actual costs for listed improvements may vary depending on construction bids received for the project. This is an estimate only and unit prices listed are based on industry experience and previous pricing for similar work.
Opinion of Probable Construction Costs

PROJECT NAME: AutoZone Bear Creek MI5032  
JOB NO.: 17-001

## PROPOSED SITE DRAINAGE SYSTEM

<table>
<thead>
<tr>
<th>PLAN QUANTITY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>ITEM PRICE</th>
</tr>
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<tbody>
<tr>
<td>359</td>
<td>LF</td>
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<td>8</td>
<td>EA</td>
<td>CLEANOUT</td>
<td>$750.00</td>
<td>$6,000.00</td>
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<td>EA</td>
<td>2' DIAM. INLET WITH 2' SUMP</td>
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<td>$3,000.00</td>
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<tr>
<td>5</td>
<td>EA</td>
<td>4' DIAM. CATCH BASIN WITH 2' SUMP</td>
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<td>1</td>
<td>EA</td>
<td>CONNECT TO EXISTING DRAINAGE STRUCTURE</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

**TOTAL SITE DRAINAGE SYSTEM**  
$182,091.00
DATE: 05/17/2017 CASE #: PSPR17-001

APPLICANT: AutoZone Development, LLC (Owner = MEIJER INC)

PROPERTY: 2049 US 131 HWY (2033 US 131 HWY)

TOWNSHIP: BEAR CREEK

REQUEST: SITE PLAN REVIEW – Retail and Warehouse business

FACTS:
- The property is zoned B-2 General Business.
- The proposal includes two tax parcels which total 1.87 acres in area.
- The property is currently vacant.
- Proposed use is retail and warehouse – permitted uses in the zoning district.
- The adjacent uses are: bridal shop north, radio station south, Meijer store east and fueling center west across US 131 Hwy.
- Access is proposed to be right-in/right-out only from US 131 Hwy and shared access via the Meijer access drive.
- The proposed building meets the setback standards of the Zoning District. Front setback exceeds standards with 57 ft. setback from road right-of-way to the parking lot and 124 ft. to the building. Side setbacks: 10’ south, 14’ north, 109 to building from east property line. The rear access drive is partially in the rear yard required setback.
- Proposed building is 200’x80’ (16,000 sq. ft.). Height of building proposed at 21’ which meets the 30’ maximum allowed.
- Parking appears to meet Zoning Ordinance standards. Parking 62 spaces required, 62 spaces provided, all are the proper size 10’x20’ or 10’x18’ plus accessible spaces (as required by building code).
- Justification for calculations provided on a separate labeled site plan.
- Loading/unloading area at rear of building.
- Parking lot proposed to be asphalt with concrete sidewalks.
- Snow storage area identified on the plan.
- Sealed drainage plan provided. Estimated cost of drainage system is not provided.
- City water and township sewer provided to the site. Emails from each agency provided.
- Knox box provided for fire access. Plans provided to Fire Chief for review.
- Dumpster is screened as required by the Ordinance. The transformer is screened with evergreen planting.
- Outdoor lighting and signage has been approved by the Sign and Lighting Committee.
- Health Department review not required – city/township services provided.

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.

Appears to be met.

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
   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. Seven feet.

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

   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.

Sidewalk provided. This standard appears to be met.

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.
Knox box provided. Fire Chief review pending.

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.

Loading area at rear of building. No outdoor storage proposed. Transformers near dumpster at rear of building are screened.

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.

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 ½" 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.

Sealed plan submitted. No estimated cost provided.

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.

Utility plan provided.

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements

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.
*Standard met...concrete enclosure with wood gate proposed. Six feet in
height, painted to match building.*

J. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical
equipment requirements.

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.

_Screened from view with evergreen planting._

Draft Motions:

To **approve** Case #PSPR17-01, AutoZone Development, LLC for Site Plan Review – for a
retail and warehouse business at 2049 US 131 Hwy, Section 18, Bear Creek Township, tax
parcels 24-01-19-18-100-006 & 007, as shown on the site plan dated Received Apr 28, 2017
because the standards of Articles 11 and 20 have been met, and on condition that a
performance guarantee in the amount of $XX be submitted prior to issuance of a zoning
permit, and that an as-built drainage plan be provided before occupancy *(other conditions or
statement of facts may be inserted here).*

To **deny** Case #PSPR17-01, AutoZone Development, LLC for Site Plan Review – for a retail
and warehouse business at 2049 US 131 Hwy, Section 18, Bear Creek Township, tax
parcels 24-01-19-18-100-006 & 007, as shown on the site plan dated Received Apr 28, 2017
for the following reasons: *(list reasons).*
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 June 2017 meeting
Subject: Status of Enforcement Issues


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. No change as of 4/6/2017. 5/1/2017 received email from property occupant who has purchased land for the horses and will be moving them within a month or two. Will follow-up mid June.

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. 5/17/2017 left message for Civil Counsel requesting permission to move to next step (NOV).

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.) 5/8/2017 received notice from owner that trailer has been removed. 5/10/2017 – visited site. Compliance achieved.

6. **Bear Creek** – 4/14/2017 – complaint of dead trees and trash at 1201 Lears 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. 5/11/2017 received follow-up email from neighbor indicating that trash had been picked up, not to their satisfaction. They picked up remaining trash. 5/12/2017 Forwarded email to Meijer.
7. **Maple River** – 4/7/2017 – 4613 N Ayr Road - report of tiny house being used on property in addition to dwelling. 4/26/2017 conducted site visit. Determined to not be a zoning violation at this time. 5/3/2017 sent letter to owner to advise of zoning standards.


10. **Bear Creek** – 3/27/217 – 2250 US 31 N. Received call from PC member requesting investigation of site for compliance. 4/21/2017 staff visited site. 5/3/2017 staff researched files, found sign to exceed allowable sign area. 5/3/2014 Letter sent requesting compliance or ZBA application within 14 days. 5/18/2017 observed sign being moved to meet standards of Ordinance.

For more information or to report a violation, contact the Department of Planning and Zoning. 231-348-1735.
May 10, 2017

Honorable Wayne Schmidt
State of Michigan Senator, 37th Senatorial District
P.O. Box 30036
Lansing, MI 48909

Dear Senator Schmidt:

The Emmet County Planning Commission recently became aware of Senate Bill 329 which is proposed to amend the Michigan Zoning Enabling Act to mandate that all Short-Term Rentals (STRs) be regulated as single family dwellings and permitted in all residential zoning districts. This bill was discussed during the last Planning Commission meeting, and a motion was made, to send this letter of opposition to the bill. The commission felt that regulation of STRs should be a local decision, made by each location zoning jurisdiction.

This bill undermines local control over vacation rentals. Single family home rentals through Airbnb and Vacation Rental By Owner (VRBO) have proliferated in recent years, and many communities are experiencing serious impacts, particularly when said uses are concentrated. Further, they can negatively impact our local tourism industries.

We respectfully request that, given the opportunity, you vote “no” on SB 329.

Thank you for your consideration and time in this matter.

Sincerely,

John Eby
Chairman, Emmet County Planning Commission
May 10, 2017

Honorable Lee Chatfield
State of Michigan Representative
P.O. Box 30014
Lansing, MI 48909

Dear State Representative Chatfield:

The Emmet County Planning Commission recently became aware of Senate Bill 329 which is proposed to amend the Michigan Zoning Enabling Act to mandate that all Short-Term Rentals (STRs) be regulated as single family dwellings and permitted in all residential zoning districts. This bill was discussed during the last Planning Commission meeting, and a motion was made, to send this letter of opposition to the bill. The commission felt that regulation of STRs should be a local decision, made by each location zoning jurisdiction.

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John Eby
Chairman, Emmet County Planning Commission