EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY NOVEMBER 1, 2018, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

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

MEMBERS ABSENT:

STAFF: Tammy Doernenburg, Monica Linehan, Nancy Salar

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

II Appearance: Chief Welsheimer, Resort/Bear Creek Township Fire Chief
Doernenburg stated that since we ask for the area fire chiefs to comment on zoning requests she invited Chief Welsheimer here to discuss what he looks at during his reviews.

Chief Al Welsheimer introduced himself as the Resort/Bear Creek Township Fire Chief. He stated that he's been in the industry for 36 years and has been the Fire Chief for 12 years. He noted that there are several issues that come up in regards to the authority that the Fire Department has and wanted to explain what he looks at when he does plan reviews. The Fire Prevention Code conveys authorities above and beyond local jurisdictions in areas of fire prevention and life/safety codes. He explained that he looks at the occupancy type first noting that there are a lot of issues that come up with wineries and other similar locations that have events. They are actually considered assembly spaces and have to have proper lighting, egress, etc. This is something that he will be looking more closely at. The Fire Code was adopted this year. Other items that are reviewed are heights of buildings, general construction materials, and whether the intent of the code is met. He gave an example of a building that has a fire alarm system in it but their new occupancy doesn't require it. He noted that they have the option to either maintain the system that is installed or completely remove it from the building. Exits are looked at to ensure that they have the proper number and that they are clear and accessible year round. They can't be blocked by snow and have to lead somewhere. He looks at truck clearance with overhangs or canopies on buildings. The tree lines are looked at to be sure trucks can access a site. They use the 12-12 rule; 12' wide/12' tall clearance. This needs to be maintained to be sure trucks can get in. The required access drives are reviewed. He noted that their trucks weigh 50,000 lbs. so the roads need to be able to support this weight. They also look at minimum road widths and grade limitations. Welsheimer stated that a 28' radius is needed for road turnarounds and dead end roads that are 150’ long or more require turnarounds. Access gates need Knox Box systems which some are key, siren, or chip activated. Fire suppression and aerial access are also reviewed.

MacInnis asked if other areas besides Emmet County rely on him for help. Welsheimer stated that he is a certified fire inspector and fire plan reviewer. Other fire departments may call him to help out. Some developers also call to find out requirements during their planning process.

Neal stated that it seems that new construction is fairly well monitored and reviewed but is there anything that can be done retroactively for older buildings such as require a review before new occupancy to point out exposures? Welsheimer stated that a change in use can trigger that. If a building is changed, for example, a retail use to a restaurant, it would need to be brought up to today's codes. Anytime there is a remodel to an existing structure they request that a Knox Box be installed.

Doernenburg noted that we have changed our notification letters to include the Fire Chief for the jurisdiction of the case so they are getting this information earlier and it is on the checklist as well.
III Minutes of October 4, 2018
MacInnis made a motion, seconded by Neal, to approve the minutes of the October 4, 2018 meeting as presented. The motion passed unanimously by voice vote of the members.

IV Cases

1. Case PPUD18-003  Friendship Township, PUD-2 Amendment-Use Clarification, Corner of S State Rd and W Stutsmanville Rd, Section 14 & 23, Friendship Township

**Legal Notice:** A request by Friendship Township to amend the Planned Unit Development-2 (PUD) to clarify the uses permitted within the mixed-use PUD located at the corner of S State Road and W Stutsmanville Road in Friendship Township. The PUD amendment includes only those portions of tax parcels 06-12-14-300-016, 300-018, 300-019, 300-020, 300-049, 300-050, 400-006, 400-007, 400-008 and 06-12-23-100-017 zoned PUD-2. A complete list of uses includes specific accommodation and food services, agriculture and forestry, arts, entertainment and recreation, commercial, communications, construction/contractors, educational services & religious institutions, human care and social assistance, resource extraction, public facilities, residential uses, transportation/warehousing/wholesale/storage/shipping, and utilities/energy. A detailed list accompanied the application and is available upon request. The request includes a specific definition for mini-storage within this PUD only.

**Packet Info:** Request & Location map, list of preferred PUD uses, tax parcel map, 9/24/18 FRPC minutes, 10/18/18 revised zoning evaluation form

Doernenburg presented this case. The review started a few months ago but the township had asked for a postponement for two months. The location was shown as well as the zoning and aerial maps. The existing uses within the PUD are a church/religious use, multiple family, restaurant, storage facilities, and vacant property. Photos of the area were shown. The proposal is to identify the uses that the Township would like to see within the PUD. They notified the property owners and held public meetings to review this request. The list of preferred uses would allow potential developers to know what the Township is looking for within the PUD. The PUD was originally established in 2002 and includes 10 parcels or partial parcels. The intent was to create a rural town center. The uses listed by the Township are what they feel are consistent with the desired community character. There are no specific changes proposed at this time. Doernenburg noted that Cynthia Donahey was not able to attend this meeting but the township has requested that the case be approved to allow the amendment to include the preferred uses list and the definition of mini-warehouses.

There was no public comment on this case.

Scheel made a motion to recommend approval of PPUD18-003, Friendship Township for an amendment to the Planned Unit Development on properties currently zoned PUD-2 located in the northwest, northeast, and southwest corners of W Stutsmanville Road and S State Road, Sections 14 & 23, Friendship Township, tax parcels 24-06-12-14-300-016, 018, 019, 020, 049, 050, 400-006, 007, 008 & 06-12-23-100-017, as listed in the Preferred Planned Unit Development Uses – PPUD18-003 document provided by Friendship Township and including the definition of “mini-storage” as provided with the application for this PUD only because the uses are consistent with the goals and objectives of the Master Plan, the proposal is consistent with the Future Land Use Map of the Emmet County Master Plan and the rural village center desired by Friendship Township and Friendship Township recommended approval and no property owners have objected. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None.
2. Case PSPR18-010  Grady Graham for Graham Construction Corp. for Jim Fabiano II, 5G Properties LLC, SITE PLAN REVIEW-AMENDMENT, 5692 US 131 Hwy, Section 32, Bear Creek Township

Legal Notice: A request by Grady Graham of Graham Construction Corp. for Jim Fabiano II of 5G Properties LLC for Site Plan Review – Amendment at 5692 US 131 Hwy of Bear Creek Township. The property is tax parcel 24-01-32-300-005 and is zoned I-1 Light Industrial. The proposal is to construct a commercial storage building per Articles 14 and 22 of the Emmet County Zoning Ordinance.

Packet Items: Request & location, sealed drainage calculations, 10/19/18 zoning evaluation form, 10/18/18 plans, 10/22/18 landscape plan, 10/22/18 email from Brooke Meunier with drainage cost estimate

Salar presented this case. The property is located on US 131 on the south side of Petoskey. The location and zoning map were shown. The property is zoned I-1, light industrial and the surrounding properties are zoned I-1 and FF. The topo survey with the existing buildings was shown. The proposed site plan was shown which includes a new building of 16,000sf. Salar pointed out on the original site plan showed a drainage swale along the berm. This has since been updated to show a level French drain and the driveway has been moved a bit as to not cut into the berm. This updated plan had been emailed and handed out to the board members. Salar pointed out the changes made to the landscape plan in response to the Township meeting. 12’ white spruce with irrigation have been added in two locations, the existing cedars are to remain and will be filled in with additional cedars where lacking. The proposed building meets all setback standards. The elevations were shown which also meet zoning standards. Photos of the site were shown. Storm water drainage estimate is $48,000. The Fire Department and Health Department have both recommended approval. No new entrances are proposed. No additional exterior lighting is proposed but if there is, the Sign & Lighting Committee would have to review the request. There is ample snow storage and the dumpster shown meets ordinance standards. Doernenburg added that this case was extensively reviewed at the Township meeting. There were concerns about the berm being removed for the drainage swale resulting in the updated landscape plan (dated 11/1/2018). The existing berm will be retained.

Jim Nichols, representative for the applicant, stated that the Township meeting was lengthy. The major concern was removing the berm for the drainage swale. The berm remains intact at its current height. The French drain will be installed and won’t inhibit MDOT requirements. They did change the proposed trees from cedar to the spruce following a recommendation by Bob Drost at the township meeting. Drip irrigation will be added to aid in maintaining the trees. The building is the same as the last plan and meets all ordinance requirements.

Urman stated that Nichols showed him another altered print tonight. Nichols stated that this showed the additional concrete removed; the high point of the berm remains. Urman stated that the tree plantings still aren’t clear on the landscape plan. You are going to see 22’ of building from the highway going north. Nichols stated that the speed limit is 55mph. You currently see both existing buildings on the property when travelling north. They are providing more screening in front than what is currently there or required. Urman stated that the existing buildings are dug into the earth. The new building would not be and would be 22’ of visible building. He stated that the cedars removed on the west side of the property would be extensive and didn’t see any replacement notes. Nichols pointed out that the hedge line remains up to the point where new trees are planted. Additional plantings will be used where any gaps remain. He also noted that Urman was concerned about the view from Walloon Lake of the new building. The property elevation is 825’ and the lake is 686’. You would have to be a mile away on the lake to see the building. They have screened in accordance with the ordinance standards.

Alexander asked about snow storage. It appears that this will be on top of a landscaped area. Nichols pointed out the different locations noted to be snow storage along the pavement line to the south.
These are listed on the landscape plan.

There was no public comment.

Scheel stated that he feels that they have met the ordinance standards and made a motion to approve Case # PSPR 18-010, Grady Graham of Graham Construction for Jim Fabiano II of 5G Properties, Site Plan Review amendment for commercial storage at 5692 US 131 Hwy., located in Section 32 of Bear Creek Township, tax parcel 24-01-19-32-300-005 as shown on the site plan dated Received October 18, 2018 and the landscape plan dated Received November 1, 2018 based on the facts presented in this case: the use is a permitted use in the I-1 zoning district, the site plan meets the standards of the Zoning Ordinance. Approval is on the following conditions: 1) no outdoor display is permitted, 2) outdoor lighting details shall be provided to the Zoning Administrator and all outdoor lighting shall be full cut-off and compliant with Section 22.06, 3) any new signs shall comply with Section 22.07, 4) that a performance guarantee in the amount of $48,000. be provided as required to meet drainage standards Section 20.05 G, 5) Landscaping to comply with Section 22.04 and the landscape plan dated Received November 1, 2018, and because the Bear Creek Township Planning Commission recommended approval. The motion was supported by Laughbaum and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Laughbaum, MacInnis, Alexander. No: Urman.

3. Case PPUDF18-02 Crooked Lake Yacht Club, Planned Unit Development-Amendment, 3704 Oden Rd, Section 18, Littlefield Township

Legal Notice: A request by Crooked Lake Yacht Club for an Amendment to a Final Planned Unit Development and Site Plan Review for a proposed parking lot and boat slips at 3704 Oden Road in Section 18 of Littlefield Township. The property is zoned R-2 General Residential with a Planned Unit Development-1 Overlay (PUD-1) which is part of the Windjammer PUD and is tax parcel 24-07-17-18-451-018. The request is to allow a parking lot for additional boat slips and the review is per Article 17 of the Zoning Ordinance.

Packet Items: Request & location map, PUD request description, application, 10/08/18 site plan, zoning map, aerial, draft ownership & maintenance agreement, community system & easement agreement, 2003 PUD agreement, approved plan, 10/18/18 zoning evaluation form, 10/23/18 email from Kurt Hoffman, 10/25/18 email from Dick Gilgrist, 10/26/18 email from Dan Rupp

Doernenburg presented this case. She noted that the township has asked for postponement because the Planning Committee had a chance to review but the Township Board will not meet until November 8th. The proposal is within the Windjammer PUD and is a request for an amendment to allow for additional parking and boat slips. The zoning map was shown. The last review was two years ago and was stalled because there was no agreement on how the property would be managed. Doernenburg stated that she currently has three property management documents submitted and another that hasn’t been provided yet. There is some opposition. The proposal would eliminate the approved condos with garages and boat slips and would replace with parking and boat slips only. The Yacht Club has purchased the property. The owner of the other parcel owns only half of the parking spaces and the property owners are trying to work through those issues. Photos of the site were shown. Doernenburg stated that she hopes to bring this back next month for review with a township recommendation.

There was no public comment on this case.

This case will be postponed at the township’s request and heard at the December 6, 2018 Planning Commission meeting.
4. Case PSPR18-011  Jeff Laugherty/Morton Buildings for Cedar Valley LLC-Drost Landscaping, SITE PLAN REVIEW-Amendment, Addition to office, 2010 Cedar Valley Rd, Section 16, Bear Creek Township

**Legal Notice:** A request by Drost Landscaping for Site Plan Review - amendment at 2010 Cedar Valley Road, Section 16, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-16-200-004. The request is to allow expansion of offices and meeting spaces at a Contractor’s Use per Article 8 and Section 26.32. The review includes an addition of 450 sq. ft. to an existing contractor’s use building.

**Packet Items:** Request & location map, application, site plan review checklist, impact statement, 10/04/18 site plan, 10/16/18 zoning evaluation form, currently approved site plan

Salar presented this case. The proposal is for a 420sf office space addition and expansion of parking on the east side of the building. The proposal meets setback standards. The aerial and parcel map were shown. The proposed site plan and elevations were shown as was the currently approved site plan and photos of the property. The property is zoned FF-1 as are the surrounding properties. The property is about 37 acres in size and was originally approved as a tree farm in 1996. In 2000, an amendment was approved by Bear Creek Township for a 40’x60’ accessory building and expansion of that building was approved in 2003. In 2007, an addition to the existing office/storage building was approved as was another addition in 2009. A contractor’s use was also approved in 2009. There is no outdoor lighting proposed but would need Sign & Lighting Committee review if they did. The Township Planning Commission recommended approval.

Robert Drost, business owner, read a statement to the board. They have been in business for 27 years and they are expanding their crew. This addition would allow access indoors to and from the lower level of the building and give them needed office spaces for their expansion. The extra parking would be for both staff and visitor parking and will be screened from the road. Morton Buildings will be building the new addition. Drost stated that this approval will allow them to continue to be a good employer in the community.

Doernenburg stated that the Township Planning Commission recommended approval with the stipulation that the existing dumpster be screened to current ordinance standards.

There was no public comment on this case.

Urman made a motion to approve Case #PSPR18-11, Drost Landscaping – amendment for an expansion of offices and meeting space, on property located at 2010 Cedar Valley Road, Section 16, Bear Creek Township, tax parcel 24-01-19-16-200-0004, as shown on the site plan dated Received Oct 4, 2018 because the standards of Article 8, 20 and Section 26.32 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and on the condition that the existing dumpster be screened as required by the Zoning Ordinance and because the Bear Creek Township Planning Commission recommended approval at their meeting on 10/31/18. The motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Laughbaum, MacInnis, Alexander, Urman. No: None.
5. Case PSPR 18-012  
Kirk Rose-Hearthside Grove East, SPECIAL USE PERMIT-Land Development, west side of Bellmer Road, Section 25, Bear Creek Township

Legal Notice: A request by Kirk Rose for Hearthside East for a Special Use Permit for Land Development of property located on the west side of Bellmer Road in Section 25 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-16-25-300-031. The request is to create 17 site units on the property per Article 21 and Section 26.13 of the Zoning Ordinance.

Packet Items: Request & location map, application, site plan review checklist, impact statement, 10/11/18 Fire Dept review, 10/17/18 zoning evaluation form, 10/5/18 plans, 10/26/18 site plan, 10/26/18 dumpster detail

Salar presented this case. The parcel is located on the west side of Bellmer Road. The location, aerial, and parcel maps were shown. The proposed site plan was shown which proposes 17-unit site condominium. All individual parcels meet zoning standards and are 150’ in width and will have individual wells and septic systems. The road meets ordinance standards and the dumpster proposed is screened to current standards. The photos of the property were shown. The trees have been cleared at the proposed road entrances. The drainage plan meets standards. There is no sign or outdoor lighting proposed but if so, would be reviewed by the Sign & Lighting Committee. The Road Commission and Fire Department have approved the proposed plan. Snow storage has been addressed on the plan. The Township Planning Commission has recommended approval.

Neil Marzella, representative for the applicant, stated that they have a straightforward request and they meet land development standards.

Matt Herron, Hearthside Grove attorney, stated that they were at the township meeting and their concerns were regarding potential impacts on them for water and septic which has been addressed. They are concerned with the access from Bellmer Road to Bluestem Drive. They feel that during the construction, temporary barriers should be provided at one end or the other in order to deter unauthorized access especially from ATV or snowmobiles.

Urman stated that the township has recommended approval. There was discussion regarding the water and the tree lines for screening. They stated that they will try to maintain current screening within their building envelopes. They are putting in a hammerhead turnaround as required by the Fire Department. He stated that the concerns Herron brought up regarding the barriers would be between the property owners. They also had a concern about road maintenance which would also be between the owners. Herron stated that they would like to at least have the construction barrier issues addressed. Eby asked if having a temporary barrier during construction is reasonable. Marzella stated that the threat hasn’t existed before and they don’t expect an issue now. It will be gated eventually and they don’t see why they need to create a barrier for a problem that hasn’t yet occurred. It will be an inconvenience during the construction process. Neal stated that signage could be used. Rose stated that they exist now and it doesn’t make sense to block access during construction. Unauthorized access would be a concern to them and if it became a problem could be dealt with. Eby asked how long construction is anticipated. Rose stated that gravel will be put down in December and asphalt in May. The gate will be put up after the asphalt. Scheel asked about the road. Marzella stated that FOMCO retained an easement. The road is for the owners of the 17 lots and isn’t intended for the current owners in Hearthside Grove. Scheel stated that Urman has said the property owners would hopefully maintain screening on their lots. He is concerned with this. Urman stated that he should have said ‘maintain existing vegetation’. Doernenburg stated that the ordinance does not require screening between residential uses.

Urman made a motion to approve Case #PSPR18-012, Kirk Rose for Hearthside East for a Special...
Use Permit for Land Development for 17 site units on property located off Bellmer Road, Section 16, Bear Creek Township, tax parcel 24-01-16-25-300-031, as shown on the site plan dated Received October 26, 2018 and supporting documents dated Received October 26, 2018 because the standards of Article 8 and 21 and Section 26.13 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and a performance guarantee in the amount of $8000 be submitted prior to issuance of a zoning permit, and because the Bear Creek Township Planning Commission recommended approval on 10/31/18. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, MacInnis, Alexander, Urman. No: Scheel.

6. Case PPTEXT 18-001  Emmet County Planning Commission, Text Amendment-Accessory Uses to a Farm Operation

Packet Items: 10/19/18 memo with draft options

Doernenburg stated that a new memo was sent out with four options and drafts. This incorporates the direction that it seems that the conversations on this board and the various township and public comments have led us to. This memo did not go back to the townships. Option A is draft #6-the same text as was presented previously. Option B is draft #7 and has been modified to include all residential zoning districts and reduces the hours of operation for all days to end at 10 p.m. Option C is draft #8 and only includes the FF-1 zoned parcels. This took into account the conversation of having an overlay district and could be a good starting point. Option D is to deny the text amendment altogether. Staff recommendation is to consider either Option A or C. The Master Plan does support adding this to the ordinance in the agricultural section objectives.

Eby stated that he could go with Option C as a starting point. MacInnis agreed that we could start with a smaller area (FF-1) and learn from it, modifying as needed. This is a cautious approach that gets us some experience. It likely won’t be the last time we look at this. This option would confine and minimize the opportunity to go off the track and can be modified if need be. Eby stated that the areas in which the majority of requests of this nature are within the FF-1 districts. Scott stated that he hasn’t changed his mind and feels that if we are opening this option up and farming is the concern, he is not sure why this shouldn’t be able to be done in any zone if they can meet the requirements that we’ve put in place. Zoning districts shouldn’t matter. There are fairly significant amounts of residential uses within FF districts so the potential for these activities being right next to a residential area is similar in FF districts as it would be in residential districts. Scheel agreed with Scott stating that by limiting we leave out ¾ of the farms in Emmet County and he’s not sure doing this helps the original intent. Scott stated that he doesn’t agree with the intent. Drier asked Scott if he would prefer Option B then. Scott stated that he would. Eby stated that his first option would be D but he is willing to look at C. Scott stated that he feels that we are restricting these use types on farms only and it doesn’t make sense as to why we are restricting it to a farm use only. If there is a need for the use, there is a need for the use. Eby stated that the use is allowed. Scott stated that this would be the argument for Option D then. Alexander stated that the supposed assistance is to help farms stay viable financially. This allows ways to maximize their business which he understands but he stated that he doesn’t like the use of farming to allow uses that anyone can do. Laughbaum stated that most residential lots are smaller lots and there likely wouldn’t be enough room to do these activities. Scott stated that most, yes would be too small, but like he said before, they would have to meet the minimum requirements first. Laughbaum asked if he wants to take the zoning districts out of it. Scott stated that he would and his major argument would be why restrict it if we are trying to create an environment in which we are allowing the use to happen. Laughbaum stated the users of these events aren’t going to care about what zoning district they are in. Scheel asked what is stopping anyone in the other districts from
participating other than the intent. Doernenburg noted that section A of the drafts stipulate that the uses must be clearly incidental to a farm operation.

Duane Schuil stated that someone in past meetings/reviews stated that they shouldn’t help a farm make money. He stated that this isn’t helping them make money, it is allowing them to make money. This is not just farming. They receive 2-3 calls per day to inquire about doing events on their property. Allowing these uses will keep more open space and keep farmers farming. We live in a tourist area and should take that for what it is. As to the options, Option A was already reviewed and voted down, Option C is too restrictive although he likes the idea of revisiting this subject after a while to see what issues have come up. There were ‘guardrails’ discussed last month; these are already built in. Everyone wants the same thing; why not let it happen and see how good we’ll do. Tourism is exploding here. People want to go to these farms, want to get married here, are excited about being involved in the wineries and other parts of the business. Other areas are busy every day of the year when you go to places in California. Schuil noted that there was recently an article in the paper about an 84-acre parcel in Resort Township that they were trying to keep a farm and not have the property developed. Option D says we gave up. The discussion and opinions have swung in all different directions back and forth on this topic. We need to be the future of Emmet County and grow as a society. This is an important part of the Master Plan. We need to be inclusive. There is a great group of people wanting to do these activities and wanting to be involved. Schuil stated that he likes Scott’s comment about there being a whole lot of residential uses in farmland. He stated that this board has done a great job. He read a quote that stated that even inaction leads to action. We cannot fear not getting this totally right. He referenced the Constitution that we are still using and that the Bill of Rights had to be added to that to make changes.

Linda Caldwell stated that she purchases produce from Gabriel Farms and they have put in a lot of time and money to make it what it is today. She stated that she finds it difficult to understand why this board would want to take their livelihood away by not letting them do what they want.

David Coveyou stated that tourism is what we have that so many parts of the US don’t have. Most farmers have to have a job off of the farm. If we want to see farming continue here, we need to give farmers other options rather than them getting jobs elsewhere. He stated that many love this area and love to be able to walk onto a farm to see what is growing and how it works. We may take this for granted but they want to take time to make memories here. They spend their time and money on these farms and not just on produce. Coveyou stated that Option D shouldn’t be on the table as the Master Plan calls for this and many in the community want this. He stated that he personally likes Option C. It is more confined and would allow us to get comfortable with this idea and see where it could go. He would hope in a year or two farms in this area would then have shown really good examples of how they can improve their farms and become inviting, attractive, and a positive addition to the community. If it works out, the ordinance could be looked at again to potentially open it up to other areas. There are more risks with Option B. Option C allows us to bring the benefits to the community in a smaller area and show that it can really work and some of the fears are not relevant.

Neal stated that, in response to one of the comments tonight, we are not trying to hurt businesses but are trying to enable them to help them out. He read the objective from the Master Plan.

MacInnis made a motion to recommend approval to the Emmet County Board of Commissioners of Zoning Ordinance Text to authorize Accessory Uses on Commercial Farms as provided in the attached Draft #8, Case PPTEXT18-01. The amendment would add a Section 26.50 to the Supplemental Regulations of the Emmet County Zoning Ordinance. Approval is based on the reviews by the Planning Commission since June 2, 2016, documents provided to the Planning Commission during that timeframe, recommendations from townships within Emmet County, public
comments, and six Public Hearings held regarding the text amendment since June 7, 2018. The text allows accessory commercial uses in the FF-1 Zoning District as described in the draft dated October 19, 2018. This motion died due to lack of support.

Neal made a motion to recommend approval to the Emmet County Board of Commissioners of Zoning Ordinance Text to authorize Accessory Uses on Commercial Farms as provided in the attached Draft #7, Case PPTEXT18-01. The amendment would add a Section 26.50 to the Supplemental Regulations of the Emmet County Zoning Ordinance. Approval is based on the reviews by the Planning Commission since June 2, 2016, documents provided to the Planning Commission during that timeframe, recommendations from townships within Emmet County, public comments, and six Public Hearings held regarding the text amendment since June 7, 2018. The text allows accessory commercial uses in the R-1, R-2, RR, SR, FF-1 and FF-2 Zoning Districts as described in the draft dated October 11, 2018. This motion was supported by Scheel and passed on the following roll-call vote: Yes: Neal, Scott, Scheel, Laughbaum, Urman. No: Eby, Drier, MacInnis, Alexander.

V Public Comments: None.

VI Other Business:

1. Proposed Text Amendment-L’Arbre Croche: Doernenburg noted that a memo regarding the history of this development was sent out. The development was established shortly before zoning and is in a critical dunes area. They have an architectural review committee that reviews any request for construction before they are allowed to apply for required County permits. A few years ago, there were a number of requests to the ZBA for variances that came in at once. The ZBA suggested at that time that they work with staff to come up with a different way to review this particular development such as a PUD which would allow for narrow conditions to allow reduced setbacks. The development did extensive review of their community with surveys. They would like to have a 15’ front and 15’ rear setback for properties within their development unless they are adjacent to an exterior boundary. This is proposed to be added to the Schedule of Regulations for private roads at least 66’ wide and with a posted speed of 25mph or less.

Tom Petzold, representative, stated that it seems to make some sense that the PUD approach could work but they don’t want to change anything about the character of their development.

Scheel asked if there is a lot coverage requirement. Doernenburg stated that it is 30% maximum in RR. He asked how many roads would meet this standard. Doernenburg stated that all of them within this development would; they are all 66’ easements. Scott asked how many roads within the County would be affected. Doernenburg stated that there are very few that are private roads that are 66’ wide but she’d have to do some research to get a number. Scott stated that he thinks it is a good idea but that he’d like to make sure we’re not doing something County wide that we don’t know we are doing. Doernenburg stated that this was discussed at the Bear Creek Township meeting and they had questions as to how many lots and whether they had sewer or septic. Petzold stated that there is a septic on each of the lots and there is a common well. There are 114 properties of which 40 are condominiums. When the plat was created before zoning the development concept was to protect the environment and cause the least amount of impact. This is accomplished by allowing each lot a 65’ diameter circle building area. They are not supposed to disturb anything outside of this circle. There is some give and take but they are trying to accommodate the most private home with the least amount of environmental impact. When the zoning rules have to be met, sometimes they have to make decisions that are less environmentally conscious than if they didn’t have
to meet those setbacks. It may force that circle into the neighbors’ view or into critical dune areas. This amendment would allow the architectural committee to have more leeway. Scheel asked if this would be a footnote for the County or just for this area. Doernenburg stated that it would be County-wide. She will have to find out how many properties this could potentially impact but it is very narrowly tailored for this development. Scheel asked if it is tailored for L’Arbre Croche, why is it important to change the Schedule of Regulations, why not just do an overlay for them. Doernenburg stated that a PUD is the tool that they could use to do this. Petzold stated that he isn’t well versed in what the particular reasons were but there was a lawyer who is a member that said that they weren’t able to do a PUD because of some legal issues. He stated that he can follow up on this.

David Coveyou stated that he would like to see the PUD or another option looked at as he would not like to see this kind of thing in an area such as Coveyou Meadows. He fully supports the changes for L’Arbre Croche but not for the rest of the County. Petzold stated that it is not their intent to affect others; is there another way to do this? Alexander stated that it would be the PUD route. Eby stated that the PUD can acknowledge what is there currently. Doernenburg stated that if this board is generally supportive staff can work with them on this. She stated that she thought the holdup on the PUD was that everyone in the community would have to be on board. Scheel stated that he is on board for this community only. Laughbaum asked if they can go to the ZBA for variances. Doernenburg stated that they can but it is on a case-by-case basis. The community is becoming more of a full-time community and is cumbersome to go to the ZBA each time.

2. Enforcement Report- Distributed with discussion on a few cases.
3. Wineries: Text is expected for next month.
4. LIAA Workshop, November 2, 2018 Little Traverse Township Hall
5. Master Plan-Consider draft timeline for Master Plan update/review. This timeline was distributed. Scott made a motion supported by Alexander to recommend that the proposed timeline for Master Plan update be followed. The motion was supported by voice vote of the members.

VI Adjournment

There being no other business Eby called the meeting adjourned at 9:27 p.m.

James Scott, Secretary ________________________________ Date _________________