EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY DECEMBER 6, 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, James Scott, Charles MacInnis, David Laughbaum (one vacant seat)

MEMBERS ABSENT: None

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. There is one open seat.

II Minutes of November 1, 2018
Scheel made a motion, seconded by Alexander, to approve the minutes of the November 1, 2018 meeting as presented. The motion passed unanimously by voice vote of the members.

III Cases

1. 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: Littlefield Township recommendation

Applicant requested postponement. No one was present for this case and there was no discussion.

2. PSUP 18-010 Blissfest Music Organization, Amendment to the Consent Judgment, 3695 Division Rd, Section 12, Readmond Township

Legal Notice: A request by Jim Gillespie for Blissfest Music Organization for review of the Blissfest property located at 3695 Division Road, Section 12, Readmond Township. The property is zoned FF-2 Farm and Forest and is subject to a Consent Judgment on parcels numbered 24-12-08-12-100-001 and 006. The request is to modify the Consent Judgment to allow an increase in paid attendance of Sunday tickets to the Blissfest Festival from 4500 to 4800. Modification is provided for in the Consent Judgment (Paragraph 5.J) and the review will be conducted according to Article 21 Special Land Uses of the Zoning Ordinance.


Doernenburg presented this case. The property is zoned FF-2 and is approximately 202.5 acres. It is partially regulated by a Consent Judgment and partially regulated by approved Site Plans/Special Use permits. An aerial labeled with the use of each lot was shown and explained. She gave a brief history of the property and of the festival. The use was originally approved in 2002 through the consent
Jim Gillespie-Blissfest Music Organization, applicant, stated that the request is per the consent judgement by requesting the extra 300 day passes for Sunday only. He explained that there is a significant reduction in patrons on Sunday. Many leave on Sunday morning which means they would have room with minimal impact. There was a survey done at this year’s festival and 460 people left by noon on Sunday and were not returning. This request will have no major impact on the festival or the surrounding communities. Gillespie stated that the festival has reached capacity and this will be the final request in regards to adding more people. They feel that this request will have minimal impact. He stated that after the County contacted him all of the Sunday tickets were refunded. During the court hearing they were encouraged to come to the Planning Commission and go through this process.

Toni Drier stated that she also sits on the Blissfest Advisory Committee. She has gone through all of the minutes. She stated that over and over again she asked about and discussed the neighbors’ concerns and the community’s concerns. Drier asked Gillespie what the organization has done to include the neighbors and surrounding communities to help make this better. Gillespie stated that the Blissfest Advisory Committee met three times this last year. It is built into the consent judgment to allow the community to have an opportunity to come into these meetings and express concerns and find solutions. They are present at the meetings, they listen, and make attempts to improve performance. They added more port-a-johns along the road on Friday as it can be a 4-5 hour wait to get into the festival. Since Fridays were a concern at these meetings they added the extra toilets and security. There is a neighbor ticket program. Neighbors within a one-mile radius will receive a survey and an invitation to a forum in the spring to express their concerns. They have widened the radius of their notification to include more of the community. Drier stated that she had asked them to do other outreach outside of the meetings to help direct the community and help with issues. She stated that she had requested multiple times that they contact the affected townships to get on their meeting agendas to allow the neighbors to have an open forum. Gillespie stated that he does not recall that request. Drier stated that the minutes reflect her requests. Many are happy with the program but the complaints are from the people who live in these two townships. She and other members have asked them multiple times to contact the townships. Gillespie stated that they are reaching out now. In regards to contacting the townships, any change or request has to go through the planning process which includes the townships. Drier stated that she realized the planning process includes this but her request was meant to allow direct neighborhood issues to be addressed and for the communities to be reached out to. Gillespie stated that there are lots that appreciate what they do and they have addressed many neighbors personally. Connie Marshall was the only one that showed up at the Advisory Committee meeting; maybe the County should do some outreach for their meetings as well.

Maclnnis asked now that the consent judgment is opened up are there other outstanding issues that need to be addressed at this time such as traffic flow rather than it being a verbal agreement? Doernenburg stated that there are comments in the staff reports regarding traffic, noise, and most
recently, the total number of participants. She stated that she has looked back through the files and the list of the volunteers started out around 600 when established in 2002. They are into the thousands now. As to addressing these issues, if not now, when? MacInnis stated that this is his point, if this is opened up, we should look at the other issues as well. Eby stated that he is uncomfortable with this board getting outside the parameters of this request. MacInnis stated that this request could be denied tonight, they could address the other issues, and come back afterwards. Scheel stated that he is in agreement with MacInnis. Perhaps Civil Counsel should be asked since he’s here. We obviously can address items that would be affected by ticket sales. Eby stated that a lack of infrastructure could be a reason to deny.

Bob Engle, Civil Counsel, stated that the Planning Commission is making a recommendation to the Board of Commissioners. This is still a Board decision. The Consent Judgement is between the County of Emmet and Blissfest. This body has the right to make their decision known to the Board and recommend approval with conditions or denial of the request. When the Board of Commissioners reviews, there may be other concerns to deal with that would allow the Consent Judgment to be opened up. There were other violations that may still need to be addressed. The agreement in the courtroom was that Blissfest could take the increase ticket request to the Planning Commission.

Gillespie stated that the Consent Judgment states that they can approach the Planning Commission to increase ticket sales. If either party is having difficulty with the Consent Judgment, it may have to be opened up through the courts. They have been following it and doing pretty well since 2002.

Laughbaum stated that he is not sure that he understands the ticket sale requests. Doernenburg explained that Saturday sales were increased in 2013 to 5,000 tickets. The consent judgment details the process to request additional ticket sales in includes the Planning Commission review. Laughbaum asked if the people that are leaving on Sunday have paid for the whole weekend. Gillespie stated that they have.

Eby opened the floor to public comment.

Howard Wood, Cross Village Township official stated that they had a meeting on Tuesday. Nothing about Blissfest was mentioned at their meeting. The surrounding communities cannot take any more people. There are two hour waits at the Leggs Inn. Just because 300 people leave on Sunday doesn’t give them the right to have more tickets sold. You can’t get within a block of the beach. They have done a good job but are asking for more and more. There were people on stage that said they wanted to have thousands more. There is just not enough room for this.

John Calabrese, Emmet County Administrator, stated that he was involved with this process when the issues with the Sunday tickets came up. These additional 300 or more tickets were sold without permission and outside of the Consent Judgment for at least a few years. They took it upon themselves to do this. When it was brought to light this year, there was a suggestion from their attorney that the people be counted going in and out to a maximum of 4,500. Calabrese stated that he would want this as a condition if they were approved. A process to do so would have to be established. He stated that it may not speak directly to the additional tickets but there was a blatant violation to the Fire Department requirements. The Fire Department has the right to ensure that all are safe. This has not been resolved and is a big issue to him. Another issue is the number of volunteers that are coming in for free. At a recent meeting the number of volunteers were noted at 800, there are 800-1,000 children, over 200 coordinators, plus the performers and vendors. 7,000 people is a lot for this area. If this board is considering an approval, it should be conditional.

Gordon Kruskie, Readmond Township Supervisor, stated that he has been with this from the beginning and has family and friends on both sides. They are probably looking at 7,500-8,000 people which is a good thing in some ways but a lot of problems haven’t been taken care of. There have been personal, verbal, and emailed threats. This cannot happen in our community. This issue needs to be resolved. There was a vote at both the Township Planning Commission and Board level but he doesn’t feel that all of the facts were known at either meeting. To properly handle this, we should go back to square one and get all of the proper information to everyone and the townships. He stated that it is not uncommon for him to get 25-30 calls while he’s out of his house regarding Blissfest. This should not be
passed on to the Board of Commissioners at this point.

Bill Sutton, Readmond Township Planning Commission, stated that they heard the case last week. He stated that the township is not a party to the Consent Judgment. They were asked to review this request in light of Section 5J of the Consent Judgment which gives them the right to ask for increased attendance and Section 21 of the Zoning Ordinance. They felt that they were within their rights to ask. They can document that there are 300-400 people leaving on Sunday and the addition ticket sales wouldn’t cause an impact on the overall quantity of people. Sutton stated that they had a fairly extensive Planning Commission meeting. The township felt that Blissfest has not been totally up front and could have been much more forthcoming. He feels the outcome may have been different if they had been. They discussed imposing conditions on the request. This is not totally up to the township but he knows that the Blissfest Advisory Committee is active. He feels that any traffic issues will be resolved with the committee. Handling of the neighbors is an issue. If this was part of the criteria, the township would probably have taken a different tact. This has already been decided. Sutton noted that it is unusual for the township to not have unanimity.

Ron Fowler, Blissfest, stated that the review committee is complaint driven. He stated that Blissfest had a dance last fall and sent out invitations to neighbors and no one came. They have these committee meetings and no one comes to them. He doesn’t see how people can come to them when they are at 11:30 a.m. It is the responsibility of the County Committee to reach out to the community for these meetings. Fowler stated that he feels a bit ambushed and feels that it is unfair to say that they haven’t done anything. Drier replied, stating that she had asked if they had asked to be put on the township agendas. She added that at the November 26th Readmond Township Planning Commission meeting Blissfest admitted that there were 8,000 people on site.

Gillespie stated that at the township meeting they talked about additional people at the festival. It was understood at the beginning that there would be others that wouldn’t count against the paid tickets. The Fire Department issue is on the two new special use permit sites and has nothing to do with the main festival site. During the review process when they were concerned about their excessive requirements, the Zoning Administrator stated that the County does not enforce their requirements. They have been trying to come up with a reasonable agreement with the Fire Department.

Susan Scott, Blissfest, stated that the Fire Department issue has come up so many times. It is a sensitive issue because it’s about safety. The disagreement is on the 40-acre parcel that has 200-300 people. They are in disagreement with the amount of infrastructure that the Fire Department wants put in. If they were to put in the money for the accessibility that they want, they would want to put it into the main site. Their requirements are onerous to meet. It is important to say that they are not disregarding safety, this parcel isn’t where the people are.

Doernenburg stated that there are two parcels in regards to the Fire Department issues. This was a condition of approval for the Special Use permits to be valid. The violation remains unresolved. It doesn’t directly impact this request. Gillespie stated that the citations were dropped in the hearing and the agreement was to come back to the Planning Commission to appeal.

Bob Engel stated that the original Consent Judgment didn’t address the other people but it is important to understand that the records that were provided back in 2003 listed roughly 800 non-paid attendees. There were over 8,000 people according to Blissfest this year. Gillespie stated that they have had a consistent 800 volunteers in the last 4-5 years. This is industry standard. They also do not charge children to make this a family event. There are about 1,000 children 13 and under that attend. This is part of the festival load. When adding it all up, it does grow. At all of the meetings recently they have said that they are at capacity. They have enough patrons and volunteers and have sold out the last three years. They feel that they can absorb no more than 300 more on Sunday. They aren’t after more people; they are comfortable where they are. They would like to continue to be a part of the cultural tourism of Emmet County.

Scheel stated that he is concerned that they may think they can handle it but the neighbors don’t think so. An additional 300 people at two per car is another 150 trips each way in and out. Traffic is a big concern. There is a lack of responsibility for the Consent Judgment and rules now. There were threats
made and they decided to publicly blame the County. Scheel stated that he cannot support the added traffic.

Drier stated that she brought two photos from this year’s festival to pass around. This is of the overflow camping area which clearly shows more than 100-200 people on the site. This was not fully approved as the Fire Department approval was not granted. She stated that she would be very concerned for the campers at the back of the property. She doesn’t want this to be forgotten. This needs to be completed.

Urman stated that this is what was approved, he has somewhat of a safety background and whether there is one person there or 5,000 people, he finds it hard to agree with disregard of the regulations. The townships and everyone may not have been totally informed, maybe some more thought should be put into this. The Fire Department concerns need to be addressed.

Laughbaum stated that we should go ahead and approve the request and let the Board of Commissioners strong-arm them if they want to. The facts need to be looked at. There are less people on Sunday and they have documented that people are leaving. They have been doing this for many years now and we haven’t heard any complaints.

MacInnis made a motion to recommend denial of Case #PSUP18-010, Review per the Blissfest/Emmet County Consent Judgement, 3695 Division Road, Section 12, Readmond Township as identified in the “Blissfest Festival-Modification of Consent Judgment”: for the following reasons: the requested increase imposes an added burden on the surrounding community beyond the level anticipated in the original Consent Judgment. The motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Scheel, Urman, MacInnis, Alexander. No: Laughbaum. (one open seat)

3. PREZN 18-01 John Plichta, Planned Unit Development Rezone, 8450 Channel Rd, Section 21, Springvale Township

Legal Notice: A request by John R Plichta for a Planned Unit Development (PUD) to add a winery use to the property at 8450 Channel Rd, Section 21, Springvale Township. The property is zoned SR Scenic Resource and FF-2 Farm and Forest and is tax parcel 24-14-17-21-400-006. The request is to rezone the FF-2 portion of the property to PUD to add winery to the list of uses permitted in the FF-2 Zoning District. The review is per Article 17 of the Zoning Ordinance.

Packet Items: Request & location map, aerial, application, zoning evaluation, zoning map, site plan

Salar presented this case. The parcel is located near the end of Channel Road. The aerial map was shown and she pointed out that the area is heavily wooded. The first third of the property along Channel Road is SR zoned. The FF-2 on the back part of the property is the portion that is proposed to be rezoned in order to add a winery to the list of uses permitted in that section. The township did approve the request for a winery with the stipulation that there not be a tasting room. The plot plan was shown. This review is for the preliminary PUD only and could go on to final PUD review if approved. The Future Land Use Map shows this area as low-density residential.

Eby stated that since this is a preliminary PUD request, we would not get into specific site plan issues at this point. Scott stated that the township did recommend approval for the winery only at the preliminary phase. Eby asked if it is appropriate to make those stipulations/requirements at this phase of review. Scott stated that he had asked some of those same questions but there were a number of neighbors at their meeting so they got out as much information as they could.

John Plichta, applicant, stated that the township meeting was great. He went to get permission to have the winery. It’s taken him over two years at this point to go through the permitting process with the many departments that have to review this request. The first thing that they tried to do is grow the grapes. They process organically and there are cold-hardy grapes that can grow well here. They would like to do a small farming venture. With the
amount that they grow, they can sell the grapes for $3,300 and it costs $4,800 to grow them. If they establish a small business and a small winery, this would add value to the farm. Plichta stated that he has gone through the process of obtaining a small wine maker’s license. He went to the township meeting and had many neighbors show up. He and his wife are concerned about their neighbors and don’t want to have any problems. They want to establish a small viable winery and if they keep it very small, they can do so. They were able to hear the concerns of the neighbors at the meeting which included traffic, hours of operation, alcohol content, etc. At that meeting he said he would not have a tasting room and would have certain hours of operation. After further investigation, he was told by a winery that 98% of their sales are from their tasting room. He is now asking to alter their request to include the tasting room. They would operate once a week on Saturday from 2-6p.m. between July and October. This would be in the broad daylight, wouldn't be any more traffic than the boat launch that is there.

Alexander asked what percentage of the grapes to make the wine would be from outside of their farm. Plichta stated that it would all come from their farm because they are organic. They are working on getting organically certified and would do what is called “estate bottling” which only includes grapes grown on site. He has been growing grapes for eleven years and is only looking at 100 cases per year. They are looking to be a cottage industry, not a big one.

Eby opened the floor to public comment.

Ray McMullen, neighbor, stated that he generally goes along with the plan but does have concerns. He stated that this is a neighborhood of 100 residents on a dead-end road. The road in this area is pretty much used as a sidewalk so he is concerned about traffic. He understands that Plichta is trying to minimize this impact and that is good but there are still concerns about maintaining the neighborhood and community aspect. PUDs are fluid and there are three cases on the agenda just tonight to make changes to them. Plichta is already changing from his original plans. Since the PUD would follow the property, he would be concerned about what a future owner would do with the PUD. McMullen also stated that there were only 8 residents notified of this case. It is difficult for many of the neighbors to keep up on what is happening there when they aren’t there all year. It may be difficult for some to come to these meetings. He stated that he supports Plichta but wanted the concerns on record. Doernenburg noted that 19 property owners were notified and letters are sent to both the physical and tax roll address.

Scott stated that he feels that the case needs to go back to the township as this is a significant change from their conversation a week ago. He feels that it is important for the local property owners to have an opportunity to come to the meeting and discuss this request. It is possible to address this all on the final review but it is better to take care of some of it up front and not have to deal with it later. During the preliminary review we want to list all of the activities that will happen in the PUD.

MacInnis stated that he thinks this is a reasonable request.

Scott noted that due to the holidays, the next township meeting is scheduled for December 17, 2018.

Scott made a motion to postpone until next regular Planning Commission meeting PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 based on the policy of the Planning Commission to allow additional time for rezoning reviews and also to give the township time to review the case further. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Scheel,
Laughbaum, Urman, MacInnis, Alexander. No: None (one vacant seat)

Doernenburg noted that when reviewing this and the wineries section of the ordinance, it was found that ‘winemaking establishment’ needs to be defined in our ordinance. Also, a new application will be needed to add the tasting room to this request.

Plichta noted that he has been inspected by MLCC and was automatically granted the tasting room through them with that inspection. The whole thing is tightly watched through the State.

4. PSUP 18-011 Austin Mesner, Special Use Permit – Accessory Building Exception, 7305 Ottawa Tr, Section 17, Friendship Township

Legal Notice: A request by Austin Mesner for a Special Use Permit for an Exception to the size of a residential accessory building at 7305 Ottawa Trail in Section 17 of Friendship Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-06-12-17-400-014. The request is to allow a 216 sq. ft. covered porch entry one corner of the 2,400 sq. ft. accessory building. The request is per Section 22.01 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, impact statement, SPR checklist, bldg. use affidavit, 11/5/18 elevations & site plans, zoning evaluation, Friendship Township recommendation

Salar presented this case. The parcel is located on the north side of Stutsmanville road on a 51 acre parcel zoned FF-2. The parcel is heavily wooded. The proposal is to add a covered entryway to the existing building which is at the maximum size of 2,400sf. Elevations and site plans were shown. The building addition meets all setbacks. It will be 216sf and is not likely to be visible from the main road.

The applicant was present for any questions. There was no public comment on this case.

Scheel noted that there should be a condition that the building continue to be screened as it is today.

Scheel made a motion to approve Case #PSUP18-011 Austin Mesner for a Special Use Permit for an Exception to the size standards of an accessory building on property located at 7305 Ottawa Trail, Section 17 of Friendship Township on tax parcel 24-06-12-17-400-014, to allow the covered entry of 216 sq. ft. as shown on the site plan dated Received Nov 5, 2018 because the standard of Section 22.01 have been met based on the facts presented in this case and no good purpose would be served by strict compliance with the size standards of the Ordinance due to deep setbacks, topography and size of building, and because the township has recommended approval because of safety concerns for snow and ice, and on condition that the building screening will be continued as it is today. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None (one vacant seat)

5. PSPR 18-013 Wayne Blomberg, Site Plan Review-Amendment, 7433 Keystone Park Dr, Section 11, Littlefield Township

Legal Notice: A request by Wayne Blomberg for a site plan amendment at 7433 Keystone Park Dr, Section 11, Littlefield Township. The property is zoned I-1 Light Industrial and is tax parcel 24-07-17-11-127-116. The request is to allow outdoor storage per Article 14 and Section 26.43 of the Zoning Ordinance.

Packet Items: Request & location map, application, site plan review checklist, description from applicant, 11/6/18 site plan, zoning evaluation, Littlefield Township recommendation

Doernenburg presented this case. It was originally on the agenda in January but was not approved due to an incomplete site plan. The parcel is in the Keystone Industrial Park and is zoned I-1. The parcel is about 1.5 acres. The request is to allow outdoor boat storage. Aerials were displayed that show outdoor storage has been occurring on this parcel for many years. It was not part of their original application and approval. The approved site plan and the current requested site plans were shown. The setback standards are met, parking is loosely identified in the front of the existing buildings. It is on a private road so no agency approval is necessary. The developer and applicant have come up with an acceptable plan to center the driveway as shown on the revised sketch received today. Littlefield Township has recommended approval. The Fire Department has as well with the
Wayne Blomberg, applicant, noted that in the previous case location map there were many lake lots that were shown which are small. These people have him store their boats as they don't have room on their parcels.

There were no public comments on this case.

Scott asked about the Knox box requirement; will there be a gate? No, it is required on the buildings. Scheel asked if this is self-storage of boats or are they usually picked up? Blomberg stated that it is not self-storage, they are either picked up or dropped off at the marina (off-site) to be stored. Maclnnis stated that the sale of pontoon boats has blossomed and this sounds like a logical solution to address this. The plan shows a reasonable way to pack them in between the two buildings. Blomberg added that it is less expensive than inside storage. Urman stated that he was on site today and it looks good.

Scheel stated that the plan doesn’t show the dimensions; Blomberg stated that they are 8½’ wide. Drier noted that the township had asked for the egress/ingress to be addressed. Doernenburg stated that this would typically be accomplished through Road Commission or MDOT approval but since this is a private road, the ordinance states that it has to be ‘safe, convenient, uncontested, and well-defined vehicular access/circulation’. The developer and property owner have worked out an agreement for this on the site plan. An approval could be contingent upon a revised site plan that shows the actual revised drive location and parking spots. This may not be necessary for this property owner but could be important in the future. Eby stated that the parking could be deferred for future use change as it doesn’t seem to be required for the current use.

Scheel asked for more clarification on the proposed revised driveway location. Paul Mooradian, developer, stated that he and the property owner discussed this and since the drive wasn’t built as originally approved 30 years ago, it morphed into the location shown on the revised drawing. They are requiring a proper apron. Deferring parking makes sense as this is only used for storage and it is an un-improved grass yard. The apron will control where everyone is coming in and out. Urman asked what material is to be used. Mooradian stated that the association reviewed and agreed to 6” minimum of compacted gravel. They have required paved aprons on several other sites but since this site was pre-existing before it was Keystone Development, they would like to see it paved but are having a hard time requiring this. It will not be curbed or guttered.

Laughbaum asked if this is a single layer of boats that are stored. Blomberg replied, yes.

Scheel stated that when this first came in as an enforcement issue there was conversation at the township regarding screening from M-68. The plan shows a line of trees but not on this property. Mooradian stated that the trees are on his property and were planted in 1996 when he acquired the properties. Since this is I zoned property, screening is not required and it should be looked at as an interior industrial zoned lot on a private road. Blomberg added that due to the way the buildings are located on the site, the storage use will be screened from M-68 since it’s between the two buildings.

Maclnnis made a motion to approve Case #PSPR18-13, Wayne Blomberg for Site Plan Review-amendment for a boat storage business on property located at 7433 Keystone Park Dr., Section 11, Littlefield Township, tax parcel 24-07-11-127-116, as shown on the site plan dated Received Nov 6, 2018 because the standards of Article 14 and Section 26.43 have been met. The approval is contingent on staff approval of a revised site plan that shows the correct location and construction of the access drive as well as the location of deferred parking for possible future development. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Scheel, Laughbaum, Urman, Maclnnis, Alexander. No: None (one vacant seat)

6. PSUP18-012 Eileen Horowitz, Special Use Permit – Accessory Building Exception, 4287 Lower Shore Drive, Section 30, Friendship Township

Withdrawn by applicant
7. **PSPR18-014**  Mike Pattullo of Shoreline Architecture for 4 Leavys LLC, Site Plan Review Amendment, Retail and Parking, 1922 Harbor-Petoskey Rd, Section 27, Bear Creek Township

**Legal Notice:** A request by Mike Pattullo of Shoreline Architecture for 4 Leavys LLC for a site plan review amendment at 1922 Harbor-Petoskey Rd, Section 27, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel 24-01-16-27-042. The proposal is to review for multi-tenant retail use within the existing building and to expand the parking lot. The review is per Articles 11 and 19, 20, and 22 of the Zoning Ordinance.

**Packet Items:** Request & location map, application, impact statement, site plan review checklist, FD review, zoning evaluation, 11/12/18 site plan, floor plan, elevations

Doernenburg presented this case. The parcel is 3.35 acres and is zoned B-2 General Business. She noted that the application shows 4.15 acres but the 3.35 excludes the road right-of-way. The proposal is to add eight commercial units within an existing building. The site plan was shown. The proposal increases the number of accesses onto Hiawatha from one unimproved residential/commercial driveway to two; the existing and a new one built to commercial standards. In addition to the change in use, there is a proposed parking lot on the north and east end of the parcel. The floor plans, elevations, and renderings were shown. The parcel is serviced by public sewer. The building currently houses B-May Bags in a portion of it and previously housed Brown Motors maintenance area. Photos of the site were shown. The current accesses onto M-119 were pointed out. The township has recommended that this be postponed and they would like to see one drive onto each road consistent with the access management plan. The applicant indicated an outdoor storage/display area which needs to be shown on the plan. The township suggested walkways/sidewalks/bike parking and paths shown on the plan. The existing parking is over the maximum of 83 spaces and needs to be reduced. A landscape plan and sealed drainage plan is necessary. The driveways would need to be brought up to commercial standards. The township would like to see this case again.

Mike Pattullo, applicant, stated that since the township meeting they have revised their site plan. He passed out these plans to the Planning Commission. He explained that part of their application is for the gravel lot in the back. They have cut back a lot of asphalt to 77 spaces in the revised plan. The overflow parking area would be for an area dealership and an electric overhead line crew both of which lease parking space. This was also the idea of the new driveway as they didn’t want to co-mingle this traffic with the residential neighbor. They have now merged into one access driveway on Hiawatha Trail. The township asked for additional sidewalks which they have added along with crosswalks. Curbed sidewalk areas were added in the area of the proposed outdoor storage section. They would like to be able to have a market space outside by rolling open the doors. Added protection of potted trees were added on the edges of the curbing. The landscape plan has been requested and the drainage calculations will be stamped.

MacInnis stated that he is surprised that the township asked for a bike trail when there is one right across the highway. Scheel stated that there is another right behind this property. Pattullo stated that they have added bike parking and may add a connection between. MacInnis asked if they would allow people to use their parking to utilize the bike trails. Pattullo stated that he can’t answer that for the owners but likely wouldn’t be an issue as long as they weren’t short on parking. He stated that the next version of the plan will show the lighting and the removal of the old lighting. This will be a separate application through the Sign & Lighting Committee. He stated that they haven’t handled the access issues onto M-119 yet as they haven’t heard back from MDOT yet. Scheel stated that the far north entrance needs to be removed or changed as it is incredibly wide and will be very confusing. The landscape plan will be per ordinance standards. MacInnis asked if the new site plan has been reviewed at the township level. Pattullo stated that they will bring it to them on their meeting on the 19th but wanted to bring to this board to see if there were any other issues that needed to be addressed. MacInnis stated that he thinks this is a creative use of the property. Urman stated that it is a good concept.

This case was deferred back to Bear Creek Township for further review at their meeting of December 19, 2018 and will be heard again at the January 10, 2019 Emmet County Planning Commission meeting.

**Public Comments:** None.
VI Other Business:

1. **Steve Neal**: Doernenburg noted that she has prepared a resolution of appreciation to send to Steve’s family. She read the resolution, adding that Steve was very thoughtful, concerned with the citizens and development of Emmet County and took his role seriously. MacInnis made a motion supported by Scheel to authorize the Chair to sign the prepared resolution. The motion passed by unanimous voice vote of the members.

2. **Proposed Text Amendment—L’Arbre Croche**: Doernenburg stated that she hasn’t spoken with Civil Counsel yet so a revised text isn’t available. She did note that a PUD can’t be requested on SR or RR properties which is why the text amendment process was being looked at. We could either do a text amendment or create a new zoning district which would be like having a PUD.

3. **Enforcement Report**: Distributed with some discussion.

4. **Wineries**: There is a draft text amendment proposed which was distributed. A definition of a winery is needed. Comments from Wendy Wieland of MSU were received. If this board decides to move forward with this draft it would be publicized for a public hearing, if adopted at this level, would then go to the Board of Commissioners, advertise approval, wait seven days, and then would become part of the zoning ordinance. This draft allows for wineries to be in all zoning districts with conditions; a special land use. She noted that the wineries that were administratively approved have had no complaints received at all in our office. Urman stated that they would need to be looked at as assembly space under building code per the Fire Chief. John Plichta asked why there is a minimum of 20 acres with 10 acres in farm use or open space. Is the intent not to allow small lots do this? He stated that they only have 1-2 acres of grapes and it’s overwhelming. You could require a certain percentage to be ‘estate bottled’. MacInnis stated that this is not requiring 10 acres of grapes; farmed or open space is the requirement. Plichta asked what happens if they don’t have any grapes? Isn’t the intent to grow grapes? It is cheaper to buy grapes than to grow them. It is not easy. Those who have the ability to plant something that can produce viable crops should be able to even if they only have three acres. Scheel stated that he would like to see a balance of this. He would like to see fertile land in some sort of agricultural use. This area in all surveys also wants open space and vistas. He stated that he also doesn’t think that we want a distillery or a winery with a tasting room on 1 acre parcels in a residential district. This is the balance that we need to figure out. We went all over the place with the last process. It is the first draft and is not necessarily what it will end up being. Doernenburg stated that she looked at all of the existing wineries in Emmet County and they all are at least 20 acres. Wendy Wieland stated that experts advise those getting into the small winery business to get their grapes established by planting grapes and source bulk juice to establish their brand and cash flow. As the grapes grow, then they blend in their own grapes to the mix. It is a rare person that does strictly their own grapes for wine given how expensive it is. Many want to grow grapes here and make wine out of it but in reality, it takes out a large portion of the people economically. This is how the wine industry has been built across the US. Scheel stated that he is not sure that wineries should be linked in the same category as distilleries and microbreweries. Many in Traverse City are in Industrial districts as they are more industrial in nature rather than farming. This is something we should think about. Wieland stated that Ironfish is the only farm to glass that she knows of. Cider falls under wine making through MLCC.

5. **Master Plan - Notice of Intent to Plan**: A notice of intent to plan has been received from Bay Twp and Hayes Twp-Charlevoix County. The City of Petoskey is starting their Master Plan process soon. Doernenburg stated that she is trying to coordinate when able.
6. **Emmet County Resilient Master Plan 2020**-The Tip of the Mitt Watershed Council Resiliency Plan for Governments was distributed along with the current Vision Statement from the Emmet County Master Plan.

7. **2019 Meeting dates/times:** All dates are set for the first Thursday of the month other than January and July. January was pushed to January 10 due to the Board of Commissioners meeting occurring after the normal date and July pushed to July 11 due to the Independence Day holiday. Scheel made a motion supported by Alexander to accept the dates as presented. The motion passed on unanimous voice vote of the members.

**VI Adjournment**

There being no other business Eby called the meeting adjourned at 10:02 p.m.

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James Scott, Secretary               Date