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 March 14, 2019
Alexander made a motion, seconded by Drier, to approve the minutes of the March 14, 2019 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: Legal opinion letter from Bob Engel

Doernenburg noted that this is the second review of this case although it has been on our agenda since November 2018. The PUD was outlined and shown. The underlying zoning is R-2 and B-2. The existing conditions were shown. Six of the condos and the garages were built as per the original approval. The pilings and marina buildings were built as well as the dockage and parking. The aerial view was shown as well as the existing approved site plan and the proposed site plan. Doernenburg noted that the original plan included a public walkway in order to expand the density for the original plan. The current proposal does eliminate the pedestrian bridge. The access is existing. Last month this board requested Civil Counsel review on whether the zoning issues could be dealt with without all owners signing the PUD management plans. This has been received and in summary, Bob Engel, Civil Counsel, stated that the Planning Commission can make a condition that all property owners sign the agreement but that it is not a mandatory requirement since it only affects one owner of a PUD. The township has recommended approval with conditions including that all of the parties sign the agreement, and that MDOT and Fire Department approve, a sealed drainage plan, and a landscaping plan are received. The Fire Department and MDOT have approved the proposal. The Fire Department would like to see a water source in the NE section of the property for fire protection. A sealed drainage plan has been received; Doernenburg recommended requiring an as-built drainage plan. Landscaping is shown on the plan.
Patrice Carlson stated that they agree that the condo development has failed and they feel that this is the best practical use for them and the community. They are pleased with Civil Counsel’s opinion and feel that the contractual issues between the parties are irrelevant to their zoning request. The review should be about the land use issues and not owner issues and they are hoping that they can get this resolved, get into their plans and move forward. The docks were always planned and they are now trying to get parking in. They are all looking to be neighborly, get this resolved, cleaned up, and safe.

Kurt Hoffman stated that the way he understood Civil Counsel’s opinion is that this board could require an agreement. It reads both ways. He bought into the PUD assuming he was protected and would be the only marina as the rest was zoned for residential use not marina use through the whole thing. If just this portion is changed you change the whole PUD. If there is not an agreement on how the whole property is used by all of the owners he doesn’t feel like this should be allowed. This should be figured out between the owners first. Approving this will diminish the value of the marina. It seemed to be a big deal in the past that this whole project maintains a public use. If something happens to the marina, the public use becomes less and less. He doesn’t feel the PUD should be amended. Carlson stated that she doesn’t want to be stated that they are operating a marina; this is for yacht club use only and they don’t want to compete with Windjammer. They will have dockage but they are not competing. Hoffman stated that it is not written down that this is how it will be used and this is what he is looking for.

Urman stated that they couldn’t operate a marina without another amendment. Doernenburg stated that the use runs with the land. If approved, a person could operate the docks and parking as a commercial operation.

Scott stated that they are asking for a commercial operation. When approved the owner planned to build out a certain amount. The owner sold part of this to a group that had no intention of following through with the existing plan. We can’t force someone to do something that isn’t financially viable.

Alexander asked what it is being used for if not a commercial venture. Carlson stated that it is not for the public and would be used by Crooked Lake Yacht Club and Crooked Lake Sailors only. Parking is critical in the summer as they have these uses plus the members can park there as well. They want to operate and function as a sailing group for the community. Alexander asked if the use is just for these groups, can’t we write it in a motion that way to avoid the competition issues? Doernenburg stated that issues between the owners is very similar to a case in Bear Creek Township where a PUD was put in place that allowed for retail and two restaurants. Overtime due to changes and development, new ideas for a new restaurant came forward. This request was approved, but the existing restaurant owner sued the developer as they opposed the third restaurant. The developer prevailed in court in this case. Doernenburg stated that the applicant has said this will be used by private, membership based organizations. Alexander stated that he is concerned about the actual use and it seems that individuals were lead to believe that it would be a certain way. He would like to eliminate that concern within reason. Doernenburg stated that the applicant has offered some intent and this could be used when making a decision. It is up to the applicant to appeal any conditions placed on a motion if they don’t feel that they are accurate. Carlson stated that this is the way it currently operates. The condo owners have the ability to rent their slips outside of the marina now and there is the same right on the slips on this end of the development. Hoffman stated that he doesn’t believe that to be true.

MacInnis stated that he doesn’t like adding conditions on the fly for fear that they create unintended consequences. He supports the request and it sounds like there is value in adding conditions but would feel more comfortable if they were written and reviewed by Civil Counsel. Eby stated that it could be stated generally in the motion on the condition that the Zoning Administrator and Civil Counsel review the language.
MacInnis made a motion to approve PPUDF18-02, Crooked Lake Yacht Club, for a Planned Unit Development Amendment and Site Plan Review, at 3704 Oden Rd, Section 18, Littlefield Township, for only tax parcel 24-07-17-18-451-018, as shown on the revised site plan and updated application packet dated Received JAN 25 2019 because the standards of Zoning Ordinance Articles 17 and 20 have been met. Approval is on condition that the drainage, access, and amenities be improved and that an as-built drainage plan be provided before the use begins and because Littlefield Township recommended approval. The approval is contingent upon the amended use being limited to use of Crooked Lake Yacht Club, Crooked Lake Sailors, or a successor membership based organization which is not open to the public and contingent upon the wording of the contingency being approved by the Zoning Administrator and Civil Counsel. The motion was supported by Alexander

Laughbaum asked how this is enforceable. He is against the motion as it is exclusive to a certain amount of people. We are supposed to allow PUDs when it is a better use of the land than current zoning. He knows things change but there was a concept originally. He can go along with the change but it is a departure from the original approval. Scott stated that the changes have already happened. He would be a lot happier if all owners were in agreement but it is not our job to be mediators. He is not particularly comfortable about the setup being pushed through but this case has been on our docket for way too long. Kargol stated that he felt after last month’s meeting that the owners would talk and resolve their legal issues but nothing has changed. Eby stated that Civil Counsel has reviewed, and the decision is a land use issue, so it is back to us. We are to review the land use and it is not our job to resolve the other issues. The new conditions would help restrict future changes. Drier stated that Civil Counsel advised us not to try to interfere with the legal issues of the landowners in directing them as to what they need to do to settle their grievances outside of the zoning process. She stated that she feels that we have just done what he didn’t want us to do. This is a very fine line. Scott stated that this motion protects the community at large instead of just one party. This requires it to be a defined area, a confined use-not open ended. He looks at this as a commercial marina and is not sure that they need this many more parking spaces that they didn’t have to begin with. Alexander stated that his thought is that a person buys into something based on an assumption of what is there and can be there. We change that and then let them duke it out or go to court? Can we cover these issues and help out now? Laughbaum stated that this is usually done in deed restrictions and outside of this board.

After the discussion, a vote was taken on the motion which passed on the following roll-call vote: Yes: Eby, Laughbaum, Urman, Kargol, Alexander, MacInnis. No: Drier, Scott. Absent: none (one seat remains open).

2. Case PSPR 18-016  David Firman, SITE PLAN REVIEW - Amendment, 3529 Howard Rd, Section 20, Bear Creek Township

Legal Notice: A request by David Firman for a Site Plan Review - amendment to allow for outdoor storage accessory to the contractor's use on property located at 3529 Howard Road in Section 20 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-20-300-012. The request is per Sections 801-8 and 26.47 of the Zoning Ordinance.

Packet Items: no new information

Doernenburg stated that she met with the applicant and they plan to have revised plans for the next meeting.
3. Case PSUP 19-001  Ben Sackrider, SPECIAL USE PERMIT, Amendment to allow Concrete Batch Plant, 4109 N US 31 Hwy, Section 10, McKinley Township

Legal notice: A request by Ben Sackrider for an amendment to the Special Use Permit to add concrete batch plant to the allowable uses at the existing resource extraction operation at 4109 N US 31 Hwy, Section 10, McKinley Township. The property is zoned FF-2 Farm and Forest and SR Scenic Resource and is tax parcel 24-10-10-300-003. The request is to amend the Level III Resource Mining, Extraction or Fill Permit per Section 26.10 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, impact statement, site plan review checklist, 3/11/19 letter and attached DEQ violation notices from Chris & Alice McCardell, Level III Permit from 1999, ECPC minutes from Case #225-98, 3/22/19 zoning evaluation, site plan

Drier advised the board that she would like them to review a potential conflict of interest. Her Mother-in-law owns the property that they farm and this property was within the 300’ notification boundaries for this case. Although not in her name she wanted to disclose this information to see if the board felt that this would be a conflict of interest. MacInnis asked if she has any financial transactions with Mr. Sackrider. Drier stated that they sometimes use his weigh station for cattle but they pay for this. No one on the board felt that there was a conflict of interest.

Doernenburg presented this case beginning with a location map and an aerial map. The property is located along US 31 and is zoned FF-2 and SR. The SR space is along the back of the property and remains in its natural state. It is 40 acres in area. The original site plan was shown which was approved in 1999. The signed permit was included in the packet. This included an asphalt batch plant. The current proposal is to allow a concrete batch plant. No other changes to the current mining permit are proposed. The operation has been review over the years by enforcement officers. There have been some issues but they have been brought back into compliance. There is a small area that they are still working on. There are no changes proposed to the hours of operation. The proposed concrete batch plant would be at the same location as the asphalt batch plant. There was a letter of concern sent regarding air quality, noise, and groundwater concerns. This was from the neighbor across the highway. Photos of the site were shown. The recommendation from the township was for approval. A letter of support from Haggard’s Plumbing and Heating was received. The site plan was shown.

Ben Sackrider stated that he thought that the option for a concrete batch plant was in the permit all these years. He went through the permitting process years ago with his partner. The County liked this use on this property as it was in a more industrial area than their property on Dekruif Road and they could avoid residential uses so close to the airport. They took a long time to get through several meetings and wanted to make sure they got all of the uses into the permit. They were considering future airport expansion projects and figured this would be a good location to use for that type of a project. The language was supposed to say concrete or asphalt batch plants in the original permit. They haven’t done anything to speak of on the property since 2014 and are in a reclaiming state now but for the future they want to have this option in the permit.

Scott asked what he means by temporary use for the concrete plant. Eby stated that it is portable. Sackrider explained that a contractor comes in to do a job, then tears down and leaves. This is the same with the asphalt batch plant. The best way to explain is that they can set up these portable batch plants in a much smaller area. There are no immediate plans for use but they would like to have that option in the future. Scott stated that we have always set up specific time frames for temporary uses. He doesn’t believe it was set up that way for the asphalt on this permit. Doernenburg stated that there are hours of operation but not a time limit. Eby stated that we have made other companies move to more industrial areas or rezone. Even though the applicant is saying that he plans to have this work the way he described we have to have language in place. Sackrider stated
that they would never use a portable plant for a long-term project. Eby asked him to give a general idea of how long they would be in use for a project. Sackrider stated that he really can’t as it depends on what the job is. He would like the option to allow for an extension if a job needed it past whatever time limit is set up. Scott stated that the season for asphalt isn’t much longer than 3-4 months. Alexander asked if we can put parameters on time limits for the asphalt batch plant as well as the concrete as we are looking at the permit.

Eby opened the floor to public comment.

Randy Bricker asked why it has to be portable when the whole place is already zoned for that, they already have the asphalt batch plant. Eby stated that we are trying to guard against permanent use for other companies.

Doernenburg stated that she did discuss the DEQ violation letters with the applicant that were submitted by the neighbor. Sackrider explained that this has all been resolved this winter. He explained that when you have a wash plant, the debris all goes down and isn’t emitted into the air. When crushed, it goes into the air. He was sent a letter with a bill that they didn’t agree with 4-5 years ago. They disputed it and have gone back and forth. He spent time with DEQ staff in Lansing to resolve the issue and paid the reduced fees that they came up with. All monitoring for 2018 is in compliance. This had nothing to do with the land use.

There was discussion on a proper time limit. Eby suggested six months and an allowance for the Zoning Administrator to grant an extension if requested that would not exceed one additional month.

Scott made a motion to approve Case # PSUP19-001, Ben Sackrider for Boben, LLC, for an amendment to the Special Use Permit for a Level III Resource Mining operation located at 4109 N US 31 Hwy, Section 10, McKinley Township. The parcel is approximately 40 acres, zoned FF-2 Farm and Forest and is tax parcel number 24-10-10-10-300-003 to allow a temporary, portable batch plant for asphalt or concrete in place of the previously permitted uses as shown on the site plan dated received Feb 5, 2019 because it meets the standards of the Zoning Ordinance, the township has recommended approval, and subject to the following additional conditions: the period of time on-site for either concrete or asphalt batch plants is limited to six months with the possibility of an extension for additional time to complete a project not to exceed 30 days as approved by the Zoning Administrator, applicant is to provide proof of compliance with federal and state air quality standards, the existing permit is to be modified only to add the use of a temporary concrete batch plant, the concrete batch plant location is to be in the area identified on the site plan as asphalt batch plant, and the SUP becomes valid only upon receipt of compliance documentation and signatures on the amended permit. The motion was supported by MacInnis and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis. No: None. Absent: None (one seat remains open)

4. Case #PPUD19-001 Maple River Resort LLC (Jack VanTreese), PLANNED UNIT DEVELOPMENT-REZONING, 3435, 3459, 3615, & 3621 S US 31 Hwy, Section 22, Maple River Township

Legal notice: A request by Maple River Resort LLC (Jack Van Treese) for a rezoning to Planned Unit Development at 3435, 3459, 3615 and 3621 S US 31 Hwy in Section 22 of Maple River Township. The request includes four tax parcels: 24-09-14-22-200-004 zoned RR Recreational Residential and 24-09-14-22-200-002, 003 & 24-09-14-22-400-020 all zoned FF-1 Farm and Forest. The request is for review of an amendment to a Preliminary Planned Unit Development to allow for residential uses, lodging, campground facilities and amenities throughout the properties retaining the commercial uses approved for the southwest corner of parcel 200-004 reviewed as Case PPUD18-001. The review will be per Article 17 of the Zoning Ordinance.

Packet Items: Request & location map, application, tax parcel map, PUD checklist, 3/22/19 zoning evaluation form, Emails between Tammy Doernenburg and Dusty Christensen, rezoning graphic, 3/7/19 site plan, existing conditions, site plan detail-north, central, south, township recommendation, Haggards P&H letter

Doernenburg showed the location map, US 31, Maple River Golf Course. A portion of this PUD was reviewed.
last year. The proposal is for a preliminary review for rezoning including allowing campgrounds, lodging, and restaurants. The plan was shown. Doernenburg pointed out that it is much more detailed than is required at this stage in the request. If the preliminary is approved the Board of Commissioners conducts the final review. Then the applicant has the option to come back, likely in phases, to obtain final approval on the PUD and site plan. She showed the existing use map and pointed out the existing and proposed uses. The site plan was shown and has been revised slightly in response to a request from neighbors at the township meeting to move the path away from the residential lots north of the clubhouse. The north area of the parcel is proposed to have the emergency access, camping, an amphitheater, campfire area, pool, comfort stations throughout, and non-motorized trails. The central area proposes the clubhouse, existing parking, more campsites with specialty type camping such as yurts, treehouses, and cabins. Employee housing would also be in this area. The PUD allows for this type of mixed uses. In the south there are small houses proposed, around 400sf each, which would be accessed via Brutus Road and would be used as single-family dwellings. Photos of the site were shown. The notification was sent to both Randy Bricker (Pellston Fire Chief) and Art Drayton (Alanson/Littlefield Fire Chief) as they have dual jurisdiction. Bricker requested water supply and road suitable for fire truck access. The township has recommended approval. The applicant has requested that the customary second hearing be waived.

Doug Mansfield, developer, stated that his company works a lot on taking golf courses and renovating them to move them forward. For this project he is working with a group out of France to develop these upscale camping developments in Michigan. They are looking for the draw of this area. The back part of this golf course has gone fallow but there is a lot that can be taken advantage of. After the crest of the hill you are in the ‘country’ and don’t even notice the highway. He is designing this around what this company has told him they want. There are all sorts of delays that they have been dealing with in other places that they wouldn’t have to worry about here because they already have a resort and liquor license. He stated that he is designing this for them but he can’t guarantee that they are going to purchase it. They are trying to cater to and figure out what some of the younger generations want. This spot is remote with some connectedness. The goal is to have a light footprint. They want a natural experience with high services and their prices reflect this. Meals can be served to the campsites. This company’s existing resorts are booked up about five months in advance. Mansfield stated that this is a great location because of the connection to the Mackinaw Bridge, Petoskey, and the non-motorized trail. The resort can keep them busy with their services for about three days and then they want to journey out to see the area. Other sites that he’s looked into don’t offer this in such a short drive. They hire college students and offer employee housing in similar lodging as the campers have. They would likely operate from May through harvest/color season. The resort will primarily be shut down in the winter months with likely just the restaurant and cottages maintained. They will be able to take advantage of the paths and maintenance roads that already exist for the golf course. There would be approximately eight comfort stations on septic systems and porta-potty units as needed. Mansfield stated that he feels that they have put together a good plan and would like to move this along if possible. The group from France plans to visit here in May. There was a good open discussion at the township and changes were made as requested. No improvements would be made in the setback areas. More extensive details would come during final review.

Scott asked Doernenburg about the small houses labeled as single family homes in the southern section off of Brutus Road. They do not fit the minimum square footage requirements. Doernenburg stated that the ordinance does require 720sf minimum for permanent residences. This would be a variation that could be approved under a PUD. Scott asked if they are intended to be homes or cabins. Mansfield stated that they will be for sale and condo restrictions would apply. Jack VanTreese stated that there are a lot of retired people who may be interested in a smaller place like this. They would still have to go through all of the State processes for campgrounds. If the group from France isn’t interested, VanTreese stated that he would likely develop a
concept such as this on his own. He would like to see the concept approved tonight and details worked out later.

MacInnis asked for the employee housing to be pointed out. It is in the central area and would be a set of yurts/cabins behind the farmers’ market and outdoor sales area. MacInnis stated that he feels that it is a brilliant re-use of golf course property. The random trails of a golf course work well for a campground.

Alexander asked if the small houses would be year-round even though this is a primarily summer operation. Yes. VanTreese stated that also 10-20 cabins around the pond area would be winterized. He wouldn’t have anything open January through May except for the restaurant.

Laughbaum stated that he isn’t against or for the project itself but Brutus Road leads to some of the most expensive houses in the area along Burt Lake. He asked why smaller houses would be allowed here but not anywhere else in the county. VanTreese stated that they could remove them from the campground if necessary and increase the sizes. Mansfield stated that he is selling a lot of this type of building in the Crystal Mountain Area. They are small but the attention to detail is amazing. He asked to give him a chance and if they aren’t up to standards, they could be moved off of the road farther. Laughbaum asked what the guarantee that this same type of home would be put up if they ever burned down. It would be in the condo documents. Doernenburg stated that this board should have a conversation regarding tiny houses at some point. She receives inquiries on a regular basis asking where tiny houses can be built within Emmet County.

Randy Bricker stated that he thinks this is great for the township and that they need the tax base.

Carl Muscott stated that small homes can be built in most places within the minimum size called out by the building code. He commended this applicant and representative on their project.

Brian Bates stated that this is exactly the type of development that is needed. This won’t be the last defunct golf course in his lifetime and this is the type of thing that his generation eats up. This is a happy middle ground and he is excited about the project.

Urman stated that this seems like a good land use with good thoughts put into it.

MacInnis stated that there is an area along Zoll Beach in Harbor Springs that has some small homes near 10,000sf houses and they don’t detract from the larger homes due to the aesthetics.

Scott stated that we have discussed dwelling sizes for many years now. There are good reasons for the minimums that are in the ordinance but this does need to be worked on.

Mansfield stated that for a campground, buildings cannot be over 400sf. This would be a site condo. They are trying to bring back the sugar shack/hunting cabin style. You have to make the smaller homes nicer than you may have to in a larger place because every board shows up. There are some really cool things that are done with them.

Scott made a motion to waive the customary second review of a rezoning case. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis. No: None. Absent: None (one seat remains open)

Scott made a motion to recommend approval to the Board of Commissioners of PPUD19-001, Jack VanTreese for Maple River Resort LLC for a Preliminary Planned Unit Development Rezoning on property located at 3435, 3459, 3615 & 3621 S US 31 Hwy, Section 22, Maple River Township, tax parcels 24-09-14-200-002, 003, 004 and
24-09-14-22-400-020 as shown on the Proposed PUD – Preliminary Development Plans dated Received Mar 7 2019 because the standards for the PUD and a Rezoning have been met. The uses include lodging, camping, residential uses, and uses accessory to the campground as shown on the Preliminary PUD Plan and B-1 uses, outdoor display of model cabins and storage buildings on the area identified in Case PPUD18-001 on the RR parcel. Approval is based on the facts presented in this case, the proposed rezoning is consistent with the Emmet County Master Plan, the uses are consistent with surrounding uses, there would not be an adverse impact on surrounding properties, the uses would utilize an obsolete land use on the property (golf course), it would not create a deterrent to the improvement of adjacent properties, it is a Special Land Use in the Farm and Forest zoning district, services will be provided on-site, access is via a state highway, and Maple River Township has recommended approval. The motion was supported by MacInnis and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Urman, Kargol, Alexander, MacInnis. No: Laughbaum. Absent: None (one seat remains open)

5. Case #PSUP19-003  David Coveyou/Coveyou Scenic Farm, SPECIAL USE PERMIT- Accessory Farm Uses, 4160 US 131 Hwy, Sections 19 & 30, Bear Creek Township

Legal notice:  A request by David Coveyou/Coveyou Scenic Farm for a Special Use Permit for accessory uses on a commercial farm to include social events on properties located within Section 19 and 30 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and includes the following parcels:  24-01-19-30-100-006 (4160 US 131), 24-01-19-30-001-11 (3805 Cemetery Rd), and 24-01-19-30-100-002 (1565 Greg Rd). The request includes four areas accessed via US-131 Highway and Greg Road. The reviews will be per Articles 20, 21, 22 and Section 26.50 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, site plan review checklist, impact statement, applicant’s project descriptions, topo plans, 3/12/19 email from MDOT and ECRC, 3/20/19 zoning evaluation, 3/11/19 site plan, fire chief review, Haggards P&H letter

Doernenburg presented this case showing the areas involved in the request totaling 183.5 acres. Area 1 is located on the north side of Greg road and is 38.7 acres. Grass surface parking would be accessed via Greg Road (160 cars) and would have gravel pedestrian walkways. The nearest residential neighbor is approximately 1000’ north on Cemetery Road. There are dense evergreens in this area for noise protection. An outdoor sound system would be used at this site and the applicant is requesting music to conclude at 11 p.m. for this site. Decibel level estimates were included from the applicant. There would be no permanent lighting. Eight events per month are planned. Area 2 is across Greg Road and is a 0.41-acre parcel. This would be for 15-20 people per the applicant, however there is parking provided for 30 cars. Hours of operation would be 8am-11pm with music ending by 10pm. Eight events per month are planned. Area 3 is south of Greg Road in the center of a 150-acre parcel. There likely would not be wedding events on this site. Hours of operation would be 8am-11pm with any music ending by 10pm. Four events are planned per month and no permanent lighting is planned. Area 4 is the barn/deck area. This would be for catered farm-to-table events, parking is provided for 50 cars with gravel pedestrian walkways. There is visual screening on this site and twelve events per month are planned here. Doernenburg reported that both the Emmet County Road Commission and MDOT have been consulted. They have indicated that they are meeting on site on April 16th to go over the site. They are concerned about sight distance. A revised plan would be needed if changes are made due to this meeting. Bear Creek Township has requested postponement. Doernenburg noted that the 0.41-acre parcel does not meet the 20 acre minimum and perhaps would need to be combined with another parcel in order to do so. Signs are noted on the plan at 16sf; the ordinance will allow 4sf signs. Tent sizes are limited to 2400sf which is the maximum accessory building size allowed in this district. The Planning Commission can modify or waive that size requirement. The township would like the events limited by number and size and has asked the applicant to provide more detail for the overall parcel in regards to events. Other concerns were sound
levels, traffic, and a more detailed and to-scale plan was requested by the Bear Creek Township Planning Commission. Photos of the site were shown. The Fire Chief has reviewed the plan and submitted the following comments: Access roads/driveways would need to withstand at least 75,000 pounds, Chapter 31 of the IFC relating to tents and other membrane structures would need to be followed, the barn needs to meet code requirements for use, the deck needs to meet code requirements for exits, and he noted the traffic crash count from US 131/Greg Road to Pine Road between 3/1/14-2/28/19 is 68. A letter of support was received from Haggard’s Plumbing & Heating. Doernenburg stated that the applicant fully expects to come back with revised plans.

David Coveyou stated that their farm was homesteaded in 1874 and they have been trying to transition for the past twenty years to keep the farm as a farm. They are looking to allow people the ability to come to a working farm, spend time there, and get that experience. He stated that he cannot farm 300 acres up here and find a market to sell so he has to find other ways to keep the farm sustainable and make money. A lot of their focus is on farm-to-table dinners where you’re able to eat produce from the farm that is catered back onto the farm. There is a demand for this. Guitar and amplified music is used during these dinners. The wedding component is another thing. They have many scenic views and when they looked at the farm for areas, they looked to try to find the farthest place from neighbors that would still have the view. The site on the north side of Greg Road is surrounded on three sides by trees. This would be the main wedding venue. The parcel with the small house they’ve been trying to figure out what to do with. His parents sold this small parcel to a family years ago who built the house and lived there. They then sold it back to the Coveyous to be part of the farm again. They have had intern students and employees stay there over the years. One use was to have small, intimate events with 30-50 people in the backyard. He stated that he views this as part of the overall farm but could do the paperwork needed if necessary to combine with another parcel. The Orchard Hills parcel on top of the bluff, overlooks the lake and they are looking at this site as a space for on farm events such as cross-country races and harvest events. This is an open field and wouldn’t be the main spot for weddings. The fourth spot is the existing barn/farm-market area. They would keep this as a market. People have inquired about using their barn for weddings and other events. It isn’t practical to move things in and out of the barn so they thought they could hold the events on the deck but would have the barn there in case of inclement weather. This has been built to code and the additional stairway needed will be added. Coveyou stated that he walked through the needs for everything with the Fire Chief. He has also met with the building department to organize what needs to be done on that end too. Coveyou added that they are lucky because the barn is a newer old barn which make complying with the building codes reasonable.

Kathy Coveyou stated that her husband’s dream has always been to come back to the area and farm. The farm has been in the family for so long because they change with the times. This is where farms are today. She stated that they are trying to build relationships and have the opportunity to grow and be part of the community. She noted that she has found that this is beneficial and reflects in their sales when they do so. They also know that people who are at their farm and take pictures immediately post them on Instagram which draws to our community as well. They are currently turning people away requesting weddings.

MacInnis stated that he thinks this is a creative re-use. He questioned the reasoning for the extended music until 11 p.m. D. Coveyou stated that it would only be on the one site back in the woods. It is remote, surrounded by evergreens, and is 2,500’ to the nearest neighbor. All other sites would only be until 10pm.

Drier asked if there is a potential of having all four sites having events at the same time. D. Coveyou stated that there could be something at the wedding site and in the barn but not at all spaces.
intent is to not have them all rented at the same time. Doernenburg stated that this was also brought up at the township meeting. They indicated that they did not intend to use them at the same time and the township has requested more specific details regarding the schedule. D. Coveyou asked what is considered an event. Most of them don’t have music. He is capturing all of these events in these numbers.

Urman stated that the hours of use were discussed in length at the township meeting. He stated that he is surprised that we are considering increasing the time to 11p.m when 10p.m. was a pretty set number during ordinance discussions. He asked if there is still a trailer or housing unit on the northerly parcel. How is this accessed? D. Coveyou stated that there is a labor house close to the north property line that is accessed via Greg Road. Urman stated that he has concerns with traffic. You have potentially 200-300 cars all trying to leave at 11pm on Saturday night and this is just asking for trouble. Their Planning Commission has talked about a number of issues with this area over the years. He discussed some potential other options that could divert traffic. D. Coveyou stated that he is going to have that meeting on the 16th with MDOT and the Road Commission. He stated that he would like to find a way to divert traffic back through the farm but he has to see if they can and if so, how. He stated that he is trying to avoid funneling farm traffic through the subdivision roads when asked about Pine Road. He stated that the farm access was designed by MDOT in 2017 and there are no issues with that access. Urman noted that this would be a big change from what it was designed for in 2017. Kargol asked about winter operation hours. D. Coveyou stated that there are no new buildings, just tents for these uses, so there would be no winter activity. Kargol stated that the traffic issues are worse in the winter there.

Eby opened the floor to public comments.

Kristi Schuil stated that she thinks there are some great ideas but has concerns with traffic as even going to the market now is terrible. It seems that there are a lot of events going on at one time and even though they say they won’t be all at once, verbiage needs to be added to prevent that. Lighting was touched on at the township for safety lighting to parking lots. The barn needs to be up to code and it isn't now. They are doing the same thing and had to go through the hoops and put in the time, money, effort, and headaches. She stated that she wishes them the best.

Scott stated that they passed this portion of the ordinance as an accessory to a farm use. This is not an accessory and looks like more of a change in use to him which is not what the ordinance allows.

Alexander asked if there will be generators for lighting. D. Coveyou stated that they are going to run underground electric and water to area 1 and lighting to parking areas. They do not plan on using generators except for maybe at the area on the top of the hill. In terms of the farm, Coveyou stated that they are Emmet County’s largest certified organic farm. They grow produce, have full greenhouses, and full fields. Scott stated that they are taking up more than 50% of the farm with this requested use. D. Coveyou stated that the farm is 330 acres and they want to keep it in the family. They have to find a way to generate income. K. Coveyou stated that when you walk the property and see what they are trying to do you will see that this space is incorporated into the farm not farming around event spaces. This is the direction of farms in Northern Michigan and around the country. This is what a sustainable farm looks like.

Alexander made a motion supported by Scott to defer this case back to the township for further review. The motion passed by unanimous voice vote of the members.
IV Public Comments: Brian Bates-Bear Creek Organic Farm stated that their drawing is not to scale and if the parking that is indicated is removed it looks much different. He stated that he bristles at the suggestion that this isn’t a farm accessory use. This is a national trend. The nice thing about these uses is that unlike the golf course that was reviewed earlier, we don’t have to wait until the farm is out of business. What a farm used to be is not what a farm is now or what it needs to be now. Have a more open mind as to what an accessory use is.

V Other Business:

1. L’Arbre Croche-proposed text amendment: Doernenburg explained that the proposed text amendment would allow a modification to the ordinance to allow for reduced setbacks for their community. It is a good idea for this location. There have been discussions on whether a PUD would be a better tool and they considered it but a PUD is not allowed on RR zoned properties. This draft was formed after many discussions with them and with Civil Counsel. The 15 ft. setback would be consistent with the ‘averaging rule’ in our ordinance. This modification would be County-wide (in areas where we have zoning jurisdiction) since if we just made the change for L’Arbre Croche it could be considered spot-zoning. The few small areas that would qualify other than L’Arbre Croche were shown. In our jurisdiction, it would just be small areas in Cross Village Township. Civil Counsel has reviewed the draft. If authorized, this would have to go through the notification process and be advertised. Scott asked if the sites to the north are platted. Doernenburg stated that Sturgeon Bay Shores is. Doernenburg stated that this amendment could allow someone to avoid critical dunes on their property and not have to go to the ZBA for variances. There have been ZBA cases in both areas and the ZBA actually suggested looking into options that would allow them not to have to come to them each time they wanted to build something. Tom Petzold, L’Arbre Croche, stated that they have a hardship in the origin of their design and that the zoning ordinance came in afterwards. Throughout history they have received variances for many lots. Over half of their eighty properties have a front-yard encroachment. The ZBA stated that they didn’t want to keep granting variances and wanted a different solution worked out. Petzold stated that their development concept is in their deed restrictions. They have a 66’ right-of-way of which in most areas, 16’ is paved leaving 50’ of woods before you get to the front yards. Their building envelope (circle) is often not the required 40’ distance. The Critical Dune law also came into play later and there’s a lot of topography on these sites which eliminates building envelopes quickly. Maureen Burke stated that these are very small lots and they are trying to accommodate the owners who are trying to update their homes.

Scott made a motion supported by Urman to approve publication of the draft text amendment ‘option B’. The motion passed by unanimous voice vote of the members.

2. Enforcement Report- Distributed, no discussion.

3. Wineries – draft text amendment proposal: Doernenburg stated that last month’s suggestions were incorporated as discussed and the changes were listed. MacInnis stated that the wording on K should be changed perhaps to ‘…whose department serves the property’. Kristi Schuil asked if the active farming has to be grapes. Doernenburg stated that this is not the intent. Scott stated that this draft is the best we’ve seen so far. He stated that the definition of bar in the ordinance doesn’t give a lot of information. D. Coveyou stated that the liquor control commission has a better description of on premise consumption. Kargol asked if beer brewing is included in this amendment. It was removed from this amendment. Schuil asked if it would be a different use. Doernenburg replied, yes. MacInnis made a motion supported by Scott to approve publication of the draft text amendment. The motion passed by unanimous voice vote of the members.

4. Emmet County Resilient Master Plan 2020 – Doernenburg stated that she has a meeting next week with the consultant chosen to do the survey to go over the next
They hope to have the survey completed by August. There will also be open public meetings and forums planned. Maclnnis stated that the State Demographer will be at North Central Michigan College on October 4th.

5. BOC/PC Joint meeting: Has been scheduled for April 30, 2019 from 11am-1pm. in the Board of Commissioners room.

6. Signs and Billboards – draft text amendment—Doernenburg stated that we have discussed this a few times. She presented some changes since the last draft. Alexander made a motion supported by Drier to approve publication of the draft text amendment. The motion passed by unanimous voice vote of the members.

7. Outdoor Lighting –draft text amendment Maclnnis made a motion supported by Alexander to approve publication of the draft text amendment. The motion passed by unanimous voice vote of the members.

8. Consent Judgment – draft text amendment: Doernenburg presented the change that was recommended by Civil Counsel. Scott made a motion supported by Urman to approve publication of the draft text amendment. The motion passed by unanimous voice vote of the members.

9. HB 4046-short term rentals: Doernenburg reported that there has been no movement beyond committee at this point.

10. By-Laws-review: Scott asked if the quorum of the appointed commission members have to be 50% or more than? Doernenburg stated that it has to be more than. There was one small typo to be corrected at the top of page three. Scott made a motion supported by Drier to approve publication of the draft text amendment. The motion passed by unanimous voice vote of the members.

VI Adjournment

There being no other business Eby called the meeting adjourned at 10:21 p.m.

James Scott, Secretary

Date