MEMBERS PRESENT: John Eby, James Kargol, Charles MacInnis, James Scott, Kelly Alexander, Tom Urman, Lauri Hartmann, Toni Drier, David Laughbaum

MEMBERS ABSENT: None

STAFF: Tammy Doernenburg, Nancy Salar, Monica Linehan

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

II Minutes of January 9, 2020
MacInnis made a motion, seconded by Kargol, to approve the minutes of the January 9, 2020 meeting as presented. The motion passed unanimously by voice vote of the members.

There were technology issues preventing using the typical PowerPoint presentations for tonight’s cases.

III Cases

1. Case #PSPR19-008 Mike Naturkas for 2983 S State LLC, SITE PLAN REVIEW AMENDMENT, 2983 S State Rd, Section 14, Friendship Township

Legal Notice: A request by Mike Naturkas for 2983 S State LLC for site plan review, amendment, at 2983 S State Rd, Section 14, Friendship Township. The property is tax parcel 24-06-12-14-300-020 and is zoned PUD Planned Unit Development. The proposal is to allow an accessory structure to be used as a storage unit for the existing restaurant. The request is per Articles 17 & 20 of the Zoning Ordinance.

Packet Items: Friendship Township recommendation

Doernenburg explained that Friendship Township did review this case at their last meeting and recommended denial. They gave the applicant a month and a half to present a revised and complete plan. He did not present this in time for their meeting. Both the township Planning Commission and Board have recommended denial. There are several issues with this site. It is under a PUD and part of the intent of a PUD is to coordinate access points. This request creates a new access onto State Road. Doernenburg stated that the applicant did email a plan to her which was incomplete. He asked to meet with her this past Monday and she advised him that she’d be available however he did not come in and she hasn’t had any contact with him since.

Cynthia Donahey, Friendship Township Planning Commission, stated that this request first came to them back in October. They recommended denial. They did hear the case again in November to give the applicant further time to revise and turn in a completed plan. He came to the township’s November meeting but had not revised the plan. He had an artist rendering of the buildings and a list of items he was going to do such as screening. They advised him again at that time that a complete revised PUD plan was required. The township asked to have the
case tabled until February. This should have given the applicant plenty of time to revise his plans. Donahey stated that she received the same email a couple of days after their latest meeting that Tammy did with a plan that still was incomplete.

Laughbaum asked if the container is on site now. Doernenburg replied, yes.

Donahey stated that there is also an issue with lighting. There are very bright box lights that shine directly into the traffic on State Road and are on all night. There are also five downward facing lights that have been installed, three of which are on utility poles, all without permission. There have been complaints from neighbors regarding the lighting issues. Donahey stated that the applicant doesn’t seem to understand that zoning is a community effort or chooses not to follow it. The container is not within the proper envelope.

MacInnis asked if this would become a violation if it were denied. Doernenburg stated that it is already a violation. Alexander asked if we should table the case again. Donahey stated that it has been on the agenda since October. They originally denied the request because they didn’t feel that the request was suitable for the neighborhood. He has yet to provide the correct plans and information. He stated that he didn’t know what a PUD was at their last meeting although he sits on a Harbor Springs Board. She stated that the applicant has told them that the container was moved, however the plans that have been provided do not show this.

The applicant was not present and there was no public comment on this case.

Hartmann made a motion to deny Case #PSPR19-008, Mike Naturkas for 2983 S State LLC for Site Plan Review – amendment for a restaurant to allow accessory storage, on property located at 2983 S State Road, Section 14, Friendship Township, tax parcel 24-06-12-14-300-020, as shown on the site plan dated September 24, 2019, for the following reasons: site plan does not meet the standards of section 20.5, the township Planning Commission and Township Board recommended denial, due to the lack of response to the Zoning Administrator, the lighting is unshielded, the storage unit is located outside of the required setbacks, the location of the dumpster as well as the unimproved access for delivery trucks seems to be a safety hazard north of the restaurant. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis, Hartmann. No: None.

2. Case #PSUP19-017 Kristi Schuil, Special Use Permit – Accessory uses on Farm, 2800 E Mitchell Rd, Section 3, Bear Creek Township

**Legal Notice:** A request by Kristi Schuil for a Special Use Permit for accessory uses on a commercial farm at 2800 E Mitchell Rd, Section 3, Bear Creek Township. The property is tax parcel 01-19-03-100-014 and is zoned R-1 One & Two Family Residential. The review is per Articles 4, 19, 20, 21, 22, 24 and Section 26.50 of the Emmet County Zoning Ordinance.

**Packet Items:** No new information.

The applicant has requested postponement of this case. Bear Creek Township did not review at their January meeting. The case was deferred until the next regular meeting.
3. Case #PPUDF19-05  Robert Drost, PUD Agreement Amendment, 2157 Howard Rd, Section 17, Bear Creek Township

Legal Notice: A request by Robert Drost for an amendment to the Planned Unit Development (PUD) Agreement for 2157 Howard Road located within Section 17 of Bear Creek Township. The property is zoned Planned Unit Development and is tax parcel 24-01-19-17-100-019. The request is to modify the PUD Agreement to amend condition #20 to read: "The units will be used for storage purposes, which may be used for residential or commercial. The storage may include anything other than hazardous or bulk storage of fuel. No business operations may be performed at this facility and the property is not to be used as a home or commercial base for operations." Review is per Article 17 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, landscape plan, storage condo escrow agreement, articles of incorporation, reservation and purchase agreement, floor/elevation plans, utility & topo plan, survey plan, legal description, PUD agreement signed 7/2018, proposed change language, ECPC minutes 2/1/2018, zoning evaluation form.

The applicant has requested postponement of this case. Bear Creek Township did not review at their January meeting. The case was deferred until the next regular meeting.

4. Case PSUP20-001 Brutus Amish Church, SPECIAL USE PERMIT, Cemetery – SITE PLAN REVIEW, Private School, 2023 Plains Rd. (SE Corner of Sand and Plains Road), Section 13, Maple River Township

Legal Notice: A request by Brutus Amish Church for a Special Use Permit for a cemetery on property owned by Elmer & Tabitha Troyer located on the southeast corner of Sand and Plains Road in Section 13 of Maple River Township. The property is zoned FF-2 Farm and Forest and is tax parcel 09-14-13-100-001. The request is per Articles 8, 19, 20, 21, 22 & 26 of the Emmet County Zoning Ordinance. The request includes Site Plan Review for a private school on the property per ordinance articles 8, 19, 20, and 22.

Packet Items: Request and location map, tax parcel map, application, impact statement, site plan review checklist, LARA letter re: school, HD letter re: cemetery, 1/23/20 email from ECRC re: driveway, 1/27/20 email from Maple River Twp re: recommendation of approval, 1/10/20 note from Elmer Troyer re: setbacks for cemetery, 1/13/20 site plan & elevations, zoning evaluation form.

Salar explained that this request is for a private cemetery on the FF-2 zoned parcel. The trees are to remain in the setback area for screening and are both coniferous and deciduous trees. The Road Commission has recommended approval of two accesses; one onto Plains Road and one onto Sand Road. The Health Department and Fire Department have recommended approval as has the township. The cemetery will be located in the NW corner of the 40 acres. The school and horse barn proposed are here for site plan review only as they are an allowed use in the district. The five required parking spaces have been provided.

Ruben Mast, applicant, was present for any questions.

Alexander asked about the review of the cemetery. Doernenburg explained that a private cemetery is a special use permit in this district. It needs to meet setbacks, have Health Department approval, and have delineated boundaries. They will be putting in signs and posts to accomplish this. The school is permitted. There will be a bike rack for bicycle parking as well. The school meets height requirements and will be small; 21 students this year.

Eby asked the applicant if both access drives are needed. It seems that a drive on Sand and a non-motorized access off of Plains Road may save them money in improvements. Mast stated that both accesses have been approved by the Road Commission. The Plains Road access would be the main access. He understood that the access on Sand Road wouldn’t require curb cuts and improvement and that the access on Plains Road wouldn’t require it now but in the future if it gets upgraded. Drier stated that she thought they were going to require upgrades. Doernenburg read the response from the Road Commission which states that the driveway access is to be upgraded to 30’ wide with a gravel base at this time and if Plains or Sand Road are upgraded, then at that time the property owners will be made to upgrade the driveways to full commercial standards. Eby stated that he is
not against two accesses he just thought they may want to consider one as a cost saving option. We could approve with both and put in the motion that the Zoning Administrator is allowed to change the access at a later date if requested. Mast stated that they would be fine with that. Kargol stated that he doesn’t think that the Road Commission has a non-motorized option; it is either a drive or not. Urman asked if the drives will be commercial with asphalt but no curbing. Eby stated that they did try to get them to remove the requirement for curb cuts. Drier stated that there were some projects that obtained a waiver last year at the Road Commission. If they just do a path it would be a cost savings to them. Doernenburg stated that ultimately it is up to the Road Commission. They could come back in and change their site plan to eliminate one of the drives if desired. Drier stated that she could support passing it as-is with the caveat that the Zoning Administrator could make changes to the access if requested. MacInnis stated that it is amazing to see a community planning ahead like this.

MacInnis made a motion to approve Case #PSUP20-001, Brutus Amish Church for a Special Use Permit and Site Plan review for a cemetery and school on property located at 2023 Plains Road, Section 13, Maple River Township, tax parcel 24-09-14-13-100-001, as shown on the site plan dated Jan 12, 2020 because the standards for a cemetery and an educational facility in the Farm and Forest Zoning District have been met including: the cemetery meets the front yard setback standard, the side yard setback may be modified for the cemetery based on the property owner’s agreement and the reduction in setback is not necessary to protect the public health, safety or general welfare, the fire chief has approved, the driveway locations are acceptable to the road commission, the township has recommended approval, and with the condition added that the Zoning Administrator has the option to downgrade access of one of the drives to a non-motorized trail off of Plains Road at the applicant’s request. The motion was supported by Alexander and passed on the following roll-call vote:  Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis, Hartmann. No: None.

5. Case #PPTEXT19-09 Emmet County Planning Commission, TEXT AMENDMENT-PUD Residential Overlay

Legal Notice: A request by Emmet County Planning Commission to amend the Emmet County Zoning Ordinance by adding Article 16 Planned Unit Development Residential Overlay. The amendment would include: Section 16.00 Intent; Section 16.01 Preliminary PUD Residential Overlay Plan; Section 16.02 Final PUD Residential Overlay Plan; Section 16.03 Procedures; Section 16.04 Land Use Standards in Residential PUD Overlays; Section 16.05 Design Standards. The purpose of the text is to allow specific site modifications to allow for diversity in the type, density and location of housing, to provide for safe, sanitary, and affordable housing and allow for housing options for people of all income levels.

Packet Items: No new information.

Doernenburg passed out the modified text after last month’s conversations. There were a few minor changes that had been made which were reviewed. She stated that one member of the Bear Creek Township Planning Commission requested that text be added to require that the setback be maintained in its original state. Eby stated that he doesn’t think that this would be appropriate in all situations.

The next step would be for a motion to send on to the Board of Commissioners to review.

Scott made a motion to recommend approval of PPTEXT19-09, Emmet County Planning Commission, as corrected in Draft #4 dated 02/04/2020 to add Article 16) Planned Unit Development-Residential Overlay (PUD-RO), as proposed based on the facts presented in this case and the facts presented during the Planning Commission meetings and Public Hearings, because the text is supported by the Emmet County Master Plan and will allow the desired flexibility and additional housing options, and response received from the townships has only been positive. The motion was supported by Hartmann and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis, Hartmann. No: None.
Other Business

IV Public Comments: None.

V Other Business:

- **Enforcement Report**-distributed. There was some discussion on the process and the fact that letters had been sent out on many of the issues that have been on the report for a while.

- **Emmet County Resilient Master Plan 2020**: Doernenburg stated that the remaining chapters have been emailed for review for next month. She hopes to have a rough final draft for the next meeting so if there are changes or corrections that need to be made, please let us know. There are some small changes to the Future Land Use map that are from the Bear Creek Township Master Plan. This will be emailed soon.

- **Bylaws**: Distributed last month, no issues or changes brought to our attention so they will stay as is.

- **West Traverse Township Master Plan Update**- A memo was put together in support of the West Traverse Township Master Plan. Alexander made a motion, supported by Scott, to authorize the Chair to sign the memo. This motion passed on a unanimous voice vote of the members. Doernenburg noted that an email with links to various other township’s updated master plans has been sent out. A memo can be put together for these as well if desired.

VI Adjournment

Eby called the meeting adjourned at 8:12 p.m.

James Scott, Secretary

Date