EMMET COUNTY PLANNING COMMISSION REGULAR MEETING
THURSDAY MARCH 5, 2020 - 7:30 PM
EMMET COUNTY BUILDING
COMMISSIONER'S ROOM
200 DIVISION ST
PETOSKEY, MI 49770

AGENDA

I Call to Order and Attendance

II Minutes of February 6, 2020

III Cases

CASES FROM PREVIOUS MEETING

1. PSUP19-017 Kristi Schuil, Special Use Permit – Accessory uses on Farm, 2800 E Mitchell Rd, Section 3, Bear Creek Township
2. PPUDF19-05 Robert Drost, PUD Agreement Amendment, 2157 Howard Rd, Section 17, Bear Creek Township

NEW CASES

3. PSUP20-002 Mark Grubaugh, Special Use Permit & Site Plan Review amendment – contractor’s use, 1992 Harbor-Petoskey Rd, Section 27, Bear Creek Township
4. PSPR20-001 Shane David for BRBC Group, Site Plan Review – storage buildings, 7454 Keystone Park Dr, Section 11, Littlefield Township
5. PSUP20-003 Kyle Wright, Special Use Permit – contractor’s use, 1855 E Bear River Rd, Section 33, Bear Creek Township
6. PSUP20-004 Carrie Frisbie, Special Use Permit – Accessory Building Exceptions, 8700 Blumke Rd, Section 17, Littlefield Township

IV Public Comments

V Other Business

1. Enforcement Report
2. Emmet County Resilient Master Plan 2020
3. Zoning Coordinating Committee: West Traverse Township zoning amendments

VI Adjournment
EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY FEBRUARY 6, 2020, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

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. Donahay 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.

Donahay 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. Donahay 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.

Maclnnis 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. Donahay 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, Maclnnis, 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 7/2/2018, 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. MaClInnis stated that it is amazing to see a community planning ahead like this.

MaClInnis 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, MaClInnis, 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, MaClInnis, 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 ___________________________
DATE: 2/17/20

APPLICANT: KRISTI SCHUIIL

PROPERTY: 2800 E MITCHELL RD

TOWNSHIP: BEARCREEK

REQUEST: Special Use Permit – Accessory Use on Commercial Farm

FACTS:
- The property is tax parcel 01-19-03-100-014 located on the south side of E. Mitchell Road.
- Site is 20 acres within an 80-acre Planned Unit Development (PUD).
- An existing farmhouse, accessory building, and barn are located on property.
- Approximately 6.25 acres appear to be in active agriculture use (based on 2017 aerial photos).
- The property is zoned R-1 One and Two Family Residential with a PUD Overlay.
- The proposal is to allow for social events from May-October including 1) up to 2 per month with a maximum of 150 people and 2) up to 12 per month with a maximum of 50 people.
- Proposal is utilize the existing access from E. Mitchell Rd. ECRC review has been requested.
- The site is a mixture of farmland and wetlands with access to a proposed residential development to the south.
- The uses on the adjacent properties are residential and vacant.
- No new permanent structures proposed. Proposal to utilize tent as shown on site plan.
- Fire Department review has been received.
- 91 parking spaces provided. 52 parking spaces required.
- 16 overflow parking spaces are located within the 200 foot screening setback.
- Nearest off-premise residence is ~480' from barn.
- Proposed hours of operation 8AM-11PM.
- Site served by on-site septic and private well.
- Applicant submitted 287 signatures on form supporting request.
- Conservation easement exists on the property. Little Traverse Conservancy has authorized use.

ZONING ORDINANCE STANDARDS

SECTION 21.00 INTENT
Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to
ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 21.02 Special Land Use Review Standards

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

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

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

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

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

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

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

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

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

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

26.50.1 R-1, R-2, RR, SR, FF-1 or FF-2 District

Intent

It is the intent of these zoning provisions to:
promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Specified commercial accessory uses may be permitted subject to the following standards including Planning Commission review:

A. **Permitted Accessory Uses**
   The uses permitted pursuant to this Section may include one or more of the following: Social events which may include weddings, receptions, and similar social activities operated or intended to be operated as a commercial operation.  
   
   *Application indicates “social events”.*

   Uses permitted within this section must be clearly incidental to a “Farm Operation” as defined by the [Michigan Right to Farm Act (1981 PA 93, as amended)](https://www.michiganlegislature.gov/LegislativeInformation/StatutesOfMichigan/PublicActDetails.aspx?PA=PA93).  
   *This standard appears to be met.*

B. **Outside Activities**
   All primary activities which involve sound systems or amplification systems shall be within a completely enclosed structure or sound systems or amplification systems may be located outside, but shall be setback a minimum of one thousand (1,000) feet from off-premises permanent dwellings.

   The applicant may request a reduced setback if they can provide documentation showing they could meet the following standards: all primary activities which involve sound systems or sound amplification systems shall maintain a decibel level not to exceed seventy-five (75) dB(A) at any property line between the hours of 10 AM through 10 PM. All other hours, decibel levels may not exceed ambient sound levels.  
   *The existing barn is approximately 480' from the closest off-premise dwelling. More than 20 dwellings exist within 1,000' of the barn. Sound system shall be located within a completely enclosed structure. No sound systems could be permitted within a tent as suggested in the Impact Statement. Updated site plan indicates sound system for use in barn only.*

C. **Owner Occupancy**
   Buildings and uses permitted shall only be approved on properties or contiguous properties occupied by the owner/operator.  
   *This Standard appears to be met. Owner’s address (tax records) show 2800 E. Mitchell Road.*

D. **Site Size and Setback**
   The minimum property size shall be twenty (20) acres or larger by description, having at least six hundred (600) feet of lot width.  
   *Parcel is 20 acres. Legal description error in process of being updated.*

   The accessory use shall be setback a minimum of one hundred fifty (150) feet from the side and rear property lines and meet the front yard setback standard of the Zoning Ordinance. Setback standards shall apply to the accessory use and structures associated with the accessory use.
This standard is met. Building is 159 feet from rear property line; 396 feet from closest side property line and 414 feet from front property line. Canopy is 210 feet from rear property line; 197’ from closest side property line and 354 feet from front property line.

E. Hours of Operation
The Accessory Use shall be limited to the hours of 8 AM to 11 PM. The number of events per month shall be provided by the applicant to the Planning Commission and may be limited based on specific site conditions and the characteristics of the neighborhood.

May-Oct; up to 12 events per month proposed to be held between the hours of 8am and 11 pm for up to 50 people; May-Oct; up to 2 events per month to be held between the hours of 8am and 11 pm for up to 150 people.

F. Building Limitations
The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of twenty-four hundred (2,400) square feet. Larger buildings may be considered by the Planning Commission based on specific site conditions and characteristics of the neighborhood.

The barn is 2,418 sq. ft.; the deck is 555 sq. ft.; canopy is 3,200 sq. ft.

G. Parking
Parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance except that parking areas shall be setback a minimum of one hundred (100) feet from the side and rear property lines and forty (40) feet from the road right-of-way. Parking shall be adequate to accommodate all users and uses on-site. Parking shall be kept in a natural vegetated condition to the greatest extent possible.

Gravel approaches proposed. Parking for 91 vehicles proposed in lawn area. 16 parking overflow spaces are located in the 200' screening setback.

H. Screening
The accessory use shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.

There is evergreen screening to the south and west and screening by “grapevine rows” as well from the south and west property lines. No screening shown to the north or east.

I. Lighting
Lighting shall meet the Standards of Section 22.06 of this Ordinance.

No lighting detail is provided. Lighting, if used, would be required to be full cut-off, fully shielded and must be reviewed by Zoning Administrator.

J. Signs
Accessory signs shall follow the Standards of Section 22.07 of this Ordinance.

No signage proposed at this time. Can be reviewed at a future time.

Uses listed above are subject to review on a case-by-case basis and may be approved by the Planning Commission, if the intent of the Zoning Ordinance and this Section 26.50 are kept and the surrounding properties are protected from nuisances. These standards shall not apply to private (non-commercial) similar uses on properties used for residential purposes and which occur on an occasional basis (four times per year or less).
NARRATIVE:
The Planning Commission must review both the standards for a Special Land Use (Section 21.02) and the Supplemental Regulations (Section 26.50). The proposal utilizes the existing barn and tent for events. The proposal has been provided to ECRC. Fire Chief review for “winery and small events” received. Property legal description is in process of being updated to reflect 20 acres. The zoning administrator’s interpretation of an enclosed structure is enclosed and the ZBA interpretation of whether a tent is a building is also enclosed.

Draft Motions:
To **approve** Case#PSUP19-017, Kristi Schuil for a Special Use Permit for social events within the existing barn/deck are for accessory uses on a commercial farm at 2800 E. Mitchell Road, Section 3, Bear Creek Township on tax parcel 24-01-19-03-100-014, as shown on site plan dated stamped January 28, 2020 based on the facts presented in this case and for the following reasons: *(conditions or statements of facts may be inserted here).*

To **deny** Case#PSUP19-017, Kristi Schuil for a Special Use Permit for social events within the existing barn/deck are for accessory uses on a commercial farm at 2800 E. Mitchell Road, Section 3, Bear Creek Township on tax parcel 24-01-19-03-100-014, as shown on site plan dated stamped January 28, 2020 based on the facts presented in this case and for the following reasons: *(reasons must be added here).*

To postpone until the next regular Planning Commission Case#PSUP19-017, Kristi Schuil for a Special Use Permit for social events within the existing barn/deck are for accessory uses on a commercial farm at 2800 E. Mitchell Road, Section 3, Bear Creek Township on tax parcel 24-01-19-03-100-014, as shown on site plan dated stamped January 28, 2020 for the following reasons: to allow the applicant time to provide additional information including: *(reasons must be added here).*
Section 12-1.48. Fully Enclosed Building.

“Fully Enclosed Building” shall mean a permanently located structure having a roof, four walls and doors and windows that close, all of which conform to the Uniform Building Code.

(Ord. 2346 7-3-79)
3. Case #5-15 Bear Creek Township, INTERPRETATION-Section 200; Does the definition of a building include tents?

Legal: A request by Bear Creek Township for an interpretation of the Emmet County Zoning Ordinance. The township requests the ZBA to determine if a tent falls within the definition of a building per Section 200. The request will be reviewed under Section 2504, Paragraph 2 of the Zoning Ordinance.

Doernenburg presented this case explaining that the question arose at the Bear Creek Township meeting. She was asked to bring this to the ZBA for an interpretation to see if a tent is considered a building. It is a very clear question as to whether it is a structure as it is defined as:

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

What wasn't clear is whether it is a building. The Zoning Enabling Act references both tents and buildings. The term 'tent' isn't defined in the zoning ordinance. In Section 201. Construction of Language...7. states "Terms not herein defined shall have the meaning customarily assigned to them." Doernenburg explained that she looked up the definition from two sources. The relevant definitions are as follows:
"The American Heritage Dictionary" defines Tent as:
1. A portable shelter made of fabric or other material stretched over a supporting framework of poles and usually stabilized or secured to the ground with cords and stakes.
Merriam-Webster Dictionary defines tent as:
1: a collapsible shelter of fabric (as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building

Doernenburg showed the photos of the tent that prompted the question. She also showed photos of canopies and a tent located on business properties in Bear Creek Township. There have been many instances in which tents were erected for seasonal use and went through Site Plan Review for approval; PUMCO when they were at the Sears location on M-119 and a farm market tent in Littlefield Township last year. The City of Petoskey also gets building permits for the tents used during the Festival on the Bay but the building code and the zoning ordinance both exempt accessory structures under 200sf.

Alexander stated that the commercial/private question was something that he was curious about as well. The question that we have to answer though is whether a tent is a building. Doernenburg stated how a tent is regulated is not part of the question before the ZBA, only whether it is a building.

Jones stated that he is concerned that if it is just a policy based on size or use, how can we be sure that the policy doesn't change and residential use tents are regulated? It would infringe upon peoples' right to use their property. He stated that they are temporary in nature. The definition of a column is different than a tent pole. He is concerned that there isn't anything in the ordinance stating that personal tents would be exempt from regulation.

Doernenburg stated that if it were a building it would have to abide by regulations such as setbacks. Alexander stated that it certainly isn't clear. We tolerate the cherry stands along the road but this is inconsistent. Can we say that it is a building, it is temporary in nature, and if used for a business application it would have to be reviewed and meet setbacks? Jones stated that Bear Creek Township has their own building department so there could be differences in how this was interpreted between them and the County. Doernenburg stated that this definition would only be for zoning and wouldn't affect the building code. Jones stated that the ordinance could state that private tent usage is exempt from regulation. Doernenburg offered that the ZBA needs to answer the question but could request that the Planning Commission amend the ordinance to clarify the difference between uses and how to regulate.

Conrad stated that a tent is a building as it is a structure fastened to the ground. If something is done in a tent and it's not regulated and someone gets injured it is asking for trouble.

Alexander stated that the commercial tents have been regulated and enforced as buildings in the past.

Jackie Pillette, a citizen, added that there are also yurts that some people use and have used year round. This
should be considered as well. Doernenburg stated that a similar use was recently reviewed by the Planning Commission because it was an accessory building as a main use. It was deck structure with a tent on top of it.

Jones stated that he doesn’t want to have issues with his grandkids camping in his yard. Alexander stated that he doesn’t think that we’d want to enforce that or regulate it that way. Doernenburg stated that it would be an incidental use allowed by right. The proposed revised ordinance does indicate that buildings 200sf or less are exempt; it puts this past policy in the ordinance text.

Marvin stated that tent is only mentioned in the zoning ordinance in reference to recreational use and is not defined. It appears to have been left out for a reason. He agrees in general that a tent is a building. Alexander added that it has been interpreted that way in general. Marvin stated that there could be a problem if the tent is used privately or residentially. He stated that businesses can also take advantage by using tents. Alexander stated that this may not have been an issue when the ordinance was written. Doernenburg stated that there is a section in the proposed revised ordinance that exempts certain things from zoning; perhaps the Planning Commission would want to add residential tents to this section. Jones stated that a timeline could be placed on the use. Alexander stated that if a time limit was placed, how would carports and tent structures that are used for RV covers, etc. be looked at. These can be up for years. Jones stated that the Planning Commission should look at adding language and definitions to the ordinance and look into separating residential uses from commercial.

Marvin made a motion to interpret that a tent is a building if it contains a roof and columns or poles based on the definitions from the Zoning Ordinance for building and structure, and based on the customary meaning of a tent. The ZBA recommends that the Emmet County Planning Commission define tents in the Zoning Ordinance for commercial, residential, or recreational uses. The motion was supported by Jones and passed on the following roll-call vote: Yes: Jones, Marvin, Alexander, Conrad. No: None. Absent: Plasencia.

IV OTHER BUSINESS
- **Resolution:** Alexander stated that Richard Cobb has resigned from the ZBA and that a Certificate of Appreciation and Resolution have been prepared. These were read. Marvin made a motion, supported by Conrad to authorize the Resolution and Certificate to be signed and presented. The motion passed by unanimous voice vote of the members present.
- **Vice-Chair:** Alexander stated that since Cobb is no longer on the board, there is a Vice-chair vacancy. Jones made a motion supported by Conrad to nominate Marvin as Vice-Chair for the remainder of 2015. The motion passed by unanimous voice vote of the members present.
- **By-laws:** Doernenburg had passed out the current by-laws and proposed that they be reviewed at the next meeting. She asked that any changes or issues be brought up to her over the next month and we can look at them. Jones stated that the alternate member and voting procedures are not listed in the by-laws and should be. Doernenburg also stated that there is a form that is authorized by the Zoning Enabling Act that would be signed by the board at each decision and given to the applicant as soon as possible that we could look into. This form is important because the deadline to appeal a ZBA decision starts thirty days after the minutes have been approved. This could be a much longer time if we have several months without a meeting. The form would reduce the appeal period and make that timeline more consistent.
- **Enforcement Report:** A few of the issues on the enforcement report were discussed.

V PUBLIC COMMENTS: None

VI ADJOURNMENT
Alexander called the meeting adjourned at 7:02 PM.

Minutes Certification:

_________________________  _______________________
Alyce Conrad, Secretary                  Date
REQUEST

PSUP20-002
A request by Mark Grubaugh for a Special Use Permit for a special trade contractor's use at 1992 Harbor-Petoskey Rd, Section 27, Bear Creek Township. The property is tax parcel 01-16-27-400-041 and is zoned B-2 General Business. The review is per Articles 11, 19, 20, 21, 22 and 26 of the Emmet County Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING, AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcrc@emmetcounty.org

JAN 13 2020
DATE RECEIVED $ 300.00
FEE

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

APPLICATION # PSUP 20-002
JAN 13 2020
DATE PAID

Applicant’s Name Mark Grubaugh Phone 231-330-2326
Applicant’s Address 501 West Mitchell St, Suite 1, Petoskey
Applicant’s Email Address Sales@michigan-heating.com

Owner’s Name
Owner’s Address
Owner’s Email Address

JOB SITE LOCATION:
Township: Bear Creek Tax Parcel #: 24-01-16-27-400-04-1
Address: 1992 M-119 Harbor-Petoskey Rd. #4

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

REQUIRED USE INFORMATION
Ground floor area main building: 2,800 Sq. Ft.
Floor Area accessory building: _ Sq. Ft.
Lot/Parcel Size: _ _ Acres _ _ Sq. Ft.
Site/Plot Plan required*
2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

Describe Request:
Construction of a new 40'x70' Building

*Please attach a site/plot plan to show: property dimensions; front, rear, and side yard setbacks; streets, roads, and all buildings on the lot.
Review Section 2405 of the Zoning Ordinance for Site Plan requirements.

Elevation Drawing ⊗ 1-13-2020 Site Inventory ⊗ 1-13-2020
Engineered Drainage Plan ⊗ 1-13-2020 Fire Dept Approval
Soil Erosion Permit
Health Dept. Approval /
Sewer Taps

Other:
As owner/and or applicant representing the owner, I do ☑ do not ☐ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant Mark T Grubaugh
Printed Name of Applicant Mark T Grubaugh
Date 1-13-2020

*Required Signature of Property Owner
Printed Name of Property Owner
Date 1-13-2020
## SITE PLAN REVIEW CHECKLIST

**Case # PSUP 20-002**
**Date Received 1-13-20**

### Subject Property Address
1992 M-119

### Subdivision and Lot Number (If Applicable)

### Tax Parcel Number: 24-01-16-27-480-041

### Township Bear Creek

### Proposed Use of Property B2 - Commercial Contractor

### Proposed Number of Employees 8

---

### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Appropriate scale</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Property line dimensions</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Basic Zoning Information

| Zoning setbacks lines -Building (including the eave) Setbacks: Front 25' Side 10' Rear/Water 2' | ✓ | | | |

| Distance between buildings (nearest point to nearest point) | ✓ | | | |

| Location of new buildings and general floor plan Dimensions of bldg(s) = 40' x 70' Total sq ft = 2,800 | ✓ | | | |

| Proposed building elevations (to scale) Max. Height = 24' | ✓ | | | |

| All existing structures (labeled) within 100 feet of perimeter property lines | ✓ | | | |

| Multiple housing units -Number of units = ______ composition (efficiency, one bedroom, two, three) | ✓ | | | |

| Surrounding zoning (properties immediate to subject site) | ✓ | | | |

<p>| Lot coverage of proposed buildings = __________ | ✓ | | | |</p>
<table>
<thead>
<tr>
<th>Natural Features</th>
<th>yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.).</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 Has a wetland permit been applied for?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Existing topography</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 Site Inventory provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Are there scenic view considerations?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drainage / Parking/ Roads</th>
<th>yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width of Right-of-Way =</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Acceleration/deceleration lanes</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Road agency approval?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 Parking spaces required _ _ , parking spaces actual _ _ _ Handicap parking location and number _ _</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29 Dumpster location, screening indication</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
<td>----------</td>
</tr>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of sign(s)*</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Impact Statement attached?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Department approval?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire hydrants and fire vehicle access</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Agency approval?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health agency approval?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Army Corps of Engineers approval?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**ADDITIONAL COMMENTS:**

Applicants Signature: [Signature]

Date: 1-13-2030
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S
NAME Mark Grubauh CASE# PSUP 20-002
PHONE NUMBER 231-330-2326 DATE 1-13-2020

PROJECT TITLE
New Pole Building

PROPERTY TAX ID
# 01-14-27-400-041 TOWNSHIP Bear Creek

DIRECTIONS TO APPLICANT:
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT
STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST
BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO
THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING
MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE
MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION
MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number
of proposed lots and/or units, population density, other pertinent population data,
vehicle traffic, and related.

Proposed New 40'x70' Building for Storage of
Work Vans and Materials for Michigan Heating
& Cooling Company.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services
   Nothing more than prior use

b. Domestic Water
   Minimal

c. Traffic Volumes
   Minimal

d. Schools
   N/A

e. Fire Protection
   New building has an open perimeter for fire access.

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

a. Soil Erosion
   Proper silt fencing will be placed during construction.

b. Storm Drainage
   On site surface drainage is easily accomplished

c. Shoreline Protection
   NA

d. Wildlife
   NA

e. Air Pollution
   NA

f. Water Pollution
   NA

g. Noise
   All work will be performed inside new building. Noise will not be an issue.
Date: 1-13-2020

Emmet County
Planning, Zoning, & Construction Resources
3434 Harbor Petoskey Road, Suite E
Harbor Springs, Michigan 49740

To Whom It May Concern:

I hereby authorize (applicant’s name) Mark Grubaugh to apply for and sign (as agent) the necessary Emmet County permit applications for (project) 1992 S 1992 B M-119. Any questions should be directed to (business name) MHP Properties LLC.

Sincerely,

[Signature]

Property Owner Signature (please print name below)

Garrett Beck
TO: BEAR CREEK PLANING COMMISSION

FROM: CHIEF ALFRED L. WELSHEIMER

SUBJECT: SITE PLAN REVIEW

I HAVE REVIEWED THE PLAN ISSUE DATED: 1-13-2020

FOR: Michigan Heating and Cooling of Petoskey Inc.

LOCATION: 1992 M-119

After reviewing the plans There are no concerns at this time of review

Alfred L. Welsheimer
Fire Chief
Tammy Doernenburg
Planning and Zoning Director
Emmet County

Hello Tammy:

MDOT is in support of closing one of the two driveways on the attached site plan in connection to the proposed pole building. The current driveway spacing is poor, and consolidating the driveways would improve safety and operations for motorists and patrons. As we discussed, closing the south driveway would be preferred, but closing either would be a good improvement to access management along M-119.

If you have any questions or wish to discuss this further, please just let me know.

Thank you,

Jay Gailitis
Gaylord TSC Manager
MDOT – North Region
Good morning Tammy,
Can you please let this email serve as the communication for the cost of the Grubaugh site drainage. I estimate the cost of the site drainage work to be $850.00.
Thank you!

EK
Sent from my iPhone

On Feb 10, 2020, at 10:09 AM, Tammy Doernenburg <tdoernenburg@emmetcounty.org> wrote:

Hi Elaine,

When you provide the revised site plan for the proposed Grubaugh site, could you please provide the estimated cost of the proposed drainage changes?

Thank you.

I hope you have a good week!

Tammy

Tammy Doernenburg
Planning and Zoning Director
Emmet County
3434 Harbor-Petoskey Rd, Suite E
Harbor Springs, MI 49740
(o) 231.439.8998
(f) 231.439.8933
emmetcounty.org
tdoernenburg@emmetcounty.org
www.emmetcounty.org
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 02/10/2020  CASE #: PSUP20-002

APPLICANT: Mark T Grubaugh

PROPERTY: 1992 HARBOR-PETOSKEY RD

TOWNSHIP: BEARCREEK

REQUEST: Special Use Permit – Contractor’s Use and Site Plan Review - amendment

FACTS:

- The property is zoned B-1 General Business.
- The property is 1.19 acres in area.
- The property is currently used for a personal service business and dwelling with attached garage.
- The proposed use is a plumbing and heating contractor’s use. Proposal is to add a single story storage building to the east of (behind) the existing building.
- Two accesses onto M-119 exist and show that they remain. MDOT has reviewed and supports access management principles and closing one access drive. Site plan shows closing north access drive.
- The site is adjacent to retail establishment, professional offices, contractor’s office and across the highway from a professional office and residence.
- The proposed building meets the setback standards of the Zoning District.
- Proposed building is 40’x70’.
- Parking exceeds Zoning Ordinance standards. No additional paved surface proposed for parking.
- Contractor’s Use is a Special Land Use in the B-2 zoning district. Supplemental regulations require office, entrance or display facing the street. This standard appears to be met. All storage of material or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view. This standard appears to be met based on the site plan and proposed building.
- Parking lot is paved. Additional asphalt drive proposed. Sealed drainage plan provided, however, sealed by an architect. Estimated cost of drainage system is $850.
- A private well is used for the site. The site is served by sanitary sewer.
- Properties to the north, south and east are zoned B-2, across M-119 zoned R-2 General Residential.
- Dumpster is shown on the plan, screening indicates 6’ high 8” decorative split face CMU per zoning ordinance standards.
- Ample snow storage area shown on plan.
- Outdoor lighting identified. Sign and Lighting can be reviewed by Zoning Administrator. Lighting must be full cut-off. Sign face may be replaced, provided it complies with current sign standards.
- Township reviewed the original plan in January and requested an updated site plan.
This staff report reflects updated plan received 2/10/2020.

ZONING ORDINANCE STANDARDS:

Section 21.02 Special Land Use Review Standards

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

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

Use is consistent with uses in the vicinity. Contractor’s office located on adjacent lot. Site plan follows access management principles and reduces to one access from M-119.

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

Existing well, sanitary sewer serves the site. Setback standards met based on proposal.

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

Appears adequate.

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

This standard has been met and one access closed per recommendation of MDOT.

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

The use is proposed on an already developed parcel, zoned properly for commercial use. Setback standards can be met.

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

Access from a state highway.

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

This standard appears to be met.

H. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Land Use Project, may be required to be formally assured by one or more of the following instruments: Scenic Easement; Conservation Easement; Deed Restriction; or similar dedication mechanism.
The open space dedication instrument shall name the State, the County, a Local Unit of Government, or a land conservation/conservancy organization, as a party to the instrument, as determined to be most acceptable for the particular property and agency involved. N/A

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

All existing and proposed buildings meet setback standards. Height standard of proposed building met.

B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances

No new parking areas proposed. Sidewalks shown on plan.

a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).

b. The walkways shall be designed to separate people from moving vehicles.

c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.

d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.
e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. 
*Site Plan submitted to Fire Chief for review. No concerns noted in Fire Chief review.*

D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.
*N/A Overhead doors shown on storage building to the rear of the existing building.*

E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.
*Shown on plan. Two commercial drives access the site.*

F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.
*No screening proposed. Commercial building and dwelling both exist on the subject property.*

G. DRAINAGE: Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and 1/2" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%. 

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

Plan submitted – sealed by an architect, not by a Michigan Registered Professional Civil Engineer. No estimated cost provided.

SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related. None shown.

H. WASTE RECEPTACLES: Waste receptacle and enclosure requirements
Shown on the plan at the rear of the new building. Screened with 6’ high fence per Zoning Ordinance. Will be required to meet the following standards:

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.

2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.

4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.

6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.

7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

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

None shown.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.

2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:

   a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.

   b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Draft Motions:

To approve Case #PSUP20-002, Mark Grubaugh for a Special Use Permit to allow a contractor’s use as proposed in the application packet dated received 1/13/2020 and Site Plan Review – amendment at 1992 Harbor-Petoskey Road, Section 27, Bear Creek Township, tax parcel 24-01-16-27-400-041, as shown on the revised site plan dated Feb 10 2020, because the standards of Articles 11, 20 & 21 have been met, and on condition that any exterior lighting be brought into compliance with the Zoning Ordinance, that the drainage
plan is acceptable based on site conditions and review of drainage calculations, that a
performance guarantee in the amount of $850 be submitted prior to issuance of a zoning
permit, and that number of accesses onto M-119 be reduced to one as shown on the site
plan (other conditions or statement of facts may be inserted here).

To deny Case #PSUP20-002, Mark Grubaugh for a Special Use Permit to allow a
contractor’s use as proposed in the application packet dated received 1/13/2020 and Site
Plan Review – amendment at 1992 Harbor-Petoskey Road, Section 27, Bear Creek
Township, tax parcel 24-01-16-27-400-041, as shown on the site plan dated Feb 10, 2020 for
the following reasons: (list reasons).

To postpone Case #PSUP20-002, Mark Grubaugh for a Special Use Permit to allow a
contractor’s use as proposed in the application packet dated received 1/13/2020 and Site
Plan Review – amendment at 1992 Harbor-Petoskey Road, Section 27, Bear Creek
Township, tax parcel 24-01-16-27-400-041, as shown on the site plan dated Feb 10, 2020 for
the following reasons:
The property description was prepared in a warranty deed, recorded in the office of the register of deeds for the county in which the property is located. The survey was performed in accordance with the laws of the state in which the property is located.

The survey was completed using a total station with a precision of 1:1,000. The survey was plotted to scale and is accurate to the nearest inch.

This survey is intended to be used in the preparation of a property survey, and is subject to the terms and conditions of the survey contract.

Hedgerow and cantilever sheds shown on the map were taken from a survey by P.L. Bodkins, P.C. No. 12,050, for Barton, dated 1 June 2006.

The survey was performed by Ekelin, A.C. No. 2,000, on 30 July 2018.

This survey is not intended to be used in the absence of an ALTA/ACSM Land Title Survey, or to be used to release the survey responsibilities of a title insurance company.
REQUEST

PSPR20-001
A request by Shane David for Site Plan Review for storage buildings at 7454 Keystone Park Dr, Section 11, Littlefield Township. The property is zoned I-1 Light Industrial and is tax parcel 07-17-11-127-102. The request is per Articles 14, 19, 20, and 22 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING, AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcr@emmetcounty.org

JAN 3 1 2020

DATE RECEIVED $ 150.00
FEE

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Shane S. David</th>
<th>Phone</th>
<th>231.445.8286</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Address</td>
<td>11667 Sonoma St, Cheboygan, MI 49721</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant's Email Address</td>
<td><a href="mailto:shane.brrc@Gmail.com">shane.brrc@Gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner's Name</td>
<td>Brett Bandi</td>
<td>Phone</td>
<td>231.420.1045</td>
</tr>
<tr>
<td>Owner's Address</td>
<td>6800 Harbor Springs Dr, Harbor Springs, MI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner's Email Address</td>
<td>Brett Bandi @Gmail.com</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

JOB SITE LOCATION:
Township: Littlefield Tax Parcel #: 24-01-17-12-02
Address: 7451 Keystone Park Dr, Alanson, MI 49706

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

REQUIRED USE INFORMATION
Ground Floor area main building: 16,000 Sq. Ft.
Floor Area accessory building: □ Sq. Ft.
Lot/Parcel Size: 1.08 Acres 47,246 Sq. Ft.
Site/Plot Plan required □
2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

Describe Request:
Storage Buildings
Keystone Park
Condo Unit #2

Elevation Drawing □
Engineered Drainage Plan □
Soil Erosion Permit □
Health Dept. Approval/ Sewer Taps □
Sewer Taps □

Date Submitted
Site Inventory □
Fire Dept Approval □
Wetlands Permit □
Road Commission/ MDOT Approval □

Other:
As owner/and or applicant representing the owner, I do □ do not □ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant
Shane S. David 1/28/2020
Printed Name of Applicant
Shane S. David
Date

*Required Signature of Property Owner
Brett Bandi 1/28/2020
Printed Name of Property Owner
Brett Bandi
Date

*Please attach a site/plot plan to show property dimensions; front, rear, and side yard setbacks; streets, roads, and all buildings on the lot. Review Section 2405 of the Zoning Ordinance for Site Plan requirements.
**SITE PLAN REVIEW CHECKLIST**

**Case # PSFR 20-001**

**Date Received:** __________

Subject Property Address: 7454 Kemeny Street, Park OR Allen St.

Subdivision and Lot Number (if Applicable): Unit 2

Tax Parcel Number: 24-04-17-00-112-02 07-17-11-127-102

Township: Littlefield

Proposed Use of Property: Storage units

Proposed Number of Employees: 2

<table>
<thead>
<tr>
<th><strong>CHECKLIST</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Basic Map Information</strong></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Proposed site location map (include sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Appropriate scale</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Name, Address and Phone Number of person preparing plan</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Property line dimensions</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Basic Zoning Information</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Zoning setback lines -Building (including the eaves) Setbacks: Front__ Side__ Side__ Rear/Water__</td>
<td>✔</td>
</tr>
<tr>
<td>7. Distance between buildings (nearest point to nearest point)</td>
<td>✔</td>
</tr>
<tr>
<td>8. Location of new buildings and general floor plan Dimensions of bldg(s) =<strong>x</strong> Total sq. ft. =__________</td>
<td>✔</td>
</tr>
<tr>
<td>9. Proposed building elevations (to scale) Max. Height =__________</td>
<td>✔</td>
</tr>
<tr>
<td>10. All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td>✔</td>
</tr>
<tr>
<td>11. Multiple housing units -Number of units =______, composition (efficiency, one bedroom, two, three)</td>
<td>✔</td>
</tr>
<tr>
<td>12. Surrounding zoning (properties immediate to subject site)</td>
<td>✔</td>
</tr>
<tr>
<td>13. Lot coverage of proposed buildings =__________.</td>
<td>✔</td>
</tr>
<tr>
<td>Natural Features</td>
<td>yes</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.).</td>
<td></td>
</tr>
<tr>
<td>Has a wetland permit been applied for?</td>
<td></td>
</tr>
<tr>
<td>Existing topography</td>
<td>X</td>
</tr>
<tr>
<td>Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
</tr>
<tr>
<td>Site Inventory provided?</td>
<td></td>
</tr>
<tr>
<td>Are there scenic view considerations?</td>
<td></td>
</tr>
<tr>
<td>Drainage / Parking/ Roads</td>
<td></td>
</tr>
<tr>
<td>Access drives, internal roads (note public or private) service roads. Width of Right-of-Way = __________</td>
<td>X</td>
</tr>
<tr>
<td>Loading/unloading, service areas</td>
<td></td>
</tr>
<tr>
<td>Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
<td></td>
</tr>
<tr>
<td>Acceleration/deceleration lanes</td>
<td></td>
</tr>
<tr>
<td>Road agency approval?</td>
<td></td>
</tr>
<tr>
<td>Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td></td>
</tr>
<tr>
<td>Parking spaces required ______, parking spaces actual ______ Handicap parking location and number ______</td>
<td></td>
</tr>
<tr>
<td>Required landscaping in parking areas</td>
<td></td>
</tr>
<tr>
<td>Snow storage/snow management plan</td>
<td>X</td>
</tr>
<tr>
<td>Dumpster location, screening indication</td>
<td></td>
</tr>
<tr>
<td>Existing easements (utility, access) within site limits</td>
<td></td>
</tr>
<tr>
<td>Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
</tr>
<tr>
<td>Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan.</td>
<td>X</td>
</tr>
<tr>
<td>Proposed retention/detention sedimentation ponds</td>
<td>X</td>
</tr>
<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>34 Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
</tr>
<tr>
<td>35 Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
</tr>
<tr>
<td>36 Location of sign(s)*</td>
<td></td>
</tr>
<tr>
<td>37 Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
</tr>
<tr>
<td>38 Impact Statement attached?</td>
<td></td>
</tr>
<tr>
<td>39 Fire Department approval?</td>
<td></td>
</tr>
<tr>
<td>40 Fire hydrants and fire vehicle access.</td>
<td></td>
</tr>
<tr>
<td>41 Road Agency approval?</td>
<td></td>
</tr>
<tr>
<td>42 Health agency approval?</td>
<td></td>
</tr>
<tr>
<td>43 Army Corps of Engineers approval?</td>
<td></td>
</tr>
<tr>
<td>44 Michigan Department of Environmental Quality approval?</td>
<td></td>
</tr>
</tbody>
</table>

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

ADDITIONAL COMMENTS:

---

Applicants Signature

Date 1/28/2020
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S
NAME Shane Daivd    CASE# ESPR 20-001

PHONE NUMBER 231 445 8286     DATE 1/28/2020

PROJECT TITLE BRBC Storage

PROPERTY TAX ID
# 24-04-17-00-112-00   TOWNSHIP 1, H/C $102
07-17-11-127-102

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT
STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST
BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO
THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING
MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE
MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION
MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number
of proposed lots and/or units, population density, other pertinent population data,
vehicle traffic, and related.

Development is Storage Lockers, 1.04 acre lot
47,246 sq ft. We plan on Building one Building
to start. Three more buildings to follow
1st building 3600 sq ft 2 - 3200 sq ft 3 - 2700 sq ft
4 - 2400 sq ft. Traffic impact is Expected to
be low to Storage Buildings
2. EXPECTED DEMANDS ON COMMUNITY SERVICES
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services  N/A
b. Domestic Water  N/A
c. Traffic Volumes  Low
d. Schools  N/A
e. Fire Protection

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

a. Soil Erosion  NONE
b. Storm Drainage See site plan, water to flow to perimeter of site and be absorbed
c. Shoreline Protection  NONE
d. Wildlife  NONE
e. Air Pollution  NONE
f. Water Pollution  NONE
g. Noise  NONE
TO: Bandi Builders  
Brett Bandi  
6800 Hillside Drive  
Harbor Springs, MI 49740

FROM: Northern Excavating  
4150 Wressel Road  
Harbor Springs, MI 49740

ESTIMATE

Date: 1/29/2020  
License: 2102192791

Bandi Builders  
6800 Hillside Drive  
Harbor Springs, MI 49740

Northern Excavating & Topsoil, Inc. assumes no responsibility for utilities not marked by the Miss Dig System such as sprinklers or private wiring or plumbing. Any additional unforeseen issues will be billed on a time and material basis. Permits/fees not included.

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT NAME: Keystone Commercial Park Unit 2</td>
<td></td>
</tr>
<tr>
<td>PROJECT LOCATION: Alanson</td>
<td></td>
</tr>
<tr>
<td>WE HEREBY SUBMIT THE FOLLOWING:</td>
<td></td>
</tr>
<tr>
<td>Remove/haul off-site the excess topsoil</td>
<td>0.00</td>
</tr>
<tr>
<td>Shape/balance the lot</td>
<td>6,800.00</td>
</tr>
<tr>
<td>Shape and gravel the drive with 22A road gravel</td>
<td>17,250.00</td>
</tr>
<tr>
<td>Shape the retention areas</td>
<td>3,600.00</td>
</tr>
</tbody>
</table>

PLEASE NOTE: Deposit and signed contract returned to our office prior to the start of the project. Balance is due upon completion. Thank You.

Total: $27,650.00
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 02/06/2020          CASE #: PSPR20-001

APPLICANT: SHANE C DAVID

PROPERTY: 7454 KEYSTONE PARK DR

TOWNSHIP: LITTLEFIELD

REQUEST: Site Plan Review – Storage Units

FACTS:
- The vacant property is zoned I-1 Light Industrial and is within the Keystone Industrial Park.
- The property is 1.08 acres in area.
- The property is between a propane distribution business and an electrical contractor business. To the east across Keystone Park Drive is vacant; to the west is a residential parcel.
- The proposed buildings meet the setback standards of the Zoning District.
- Proposed buildings are 40'x80', 40'x90'; 30'x80' & 30'x90'.
- The proposed use is storage.
- Parking standards require 15 parking spaces; 10 spaces provided. Additional parking could be in between the two buildings or within the front setback area (10' is the required setback for parking). Parking spaces are 9' wide and are required to be 10'x20' – applicant has been notified.
- Drainage plan is sealed, however, does not meet Emmet County Zoning Ordinance standards. Applicant has been notified.
- Estimated cost of drainage system is $3,600.
- No well or septic appears to be proposed for the site.
- No dumpster is shown on the plan.
- Ample snow storage area shown on plan.
- No outdoor lighting identified. Review needed for outdoor lighting and signage when details become available. Sign location meets zoning standards.
- Road agency review not needed.

ZONING ORDINANCE STANDARDS:

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.
A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances
   a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).
   b. The walkways shall be designed to separate people from moving vehicles.
   c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.
   d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.
   e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site Plan submitted to township for review.

D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient
height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein. Loading would be obscured from public thoroughfares based on the site location within the industrial park.

E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity. Shown on plan.

F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use. Adjacent property is zoned FF-1 Farm and Forest. A residential use is located to the southwest. Some screening exists on west but none is shown on the plan.

G. DRAINAGE: Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and 1/2" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%.

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the
basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

Sealed plan submitted, however, the calculations do not meet the Emmet County Zoning Ordinance standards. Applicant has been notified.

H. SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related. N/A

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements

None shown.

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.

2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.

4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.

6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.

7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
J. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical equipment requirements.

None shown.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.

2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:

   a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.

   b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Draft Motions:

To approve Case #PSPR20-001, Shane David for BRBC Group for Site Plan Review for storage buildings on property located at 7454 Keystone Park Dr, Section 11, Littlefield Township, tax parcel 24-07-17-11-127-102, as shown on the site plan dated Jan 31 2020 because the standards of Articles 14, 19, 20 am 22 have been met, and with the following conditions: parking spaces must be 10' wide x 20' and up to 5 may be deferred, that any exterior lighting and signage be reviewed by the Zoning Administrator prior installation, and a performance guarantee in the amount of $3,600 be submitted prior to issuance of a zoning permit, and an as-built drainage plan will be required before occupancy (other conditions or statement of facts may be inserted here).

To deny Case #PSPR20-001, Shane David for BRBC Group for Site Plan Review for storage buildings on property located at 7454 Keystone Park Dr, Section 11, Littlefield Township, tax parcel 24-07-17-11-127-102, as shown on the site plan dated Jan 31 2020 for the following reasons: (list reasons).
REQUEST

PSUP20-003
A request by Kyle Wright for a Special Use Permit for a contractor’s use at 1855 Bear River Rd, Section 33, Bear Creek Township. The property is tax parcel 01-19-33-300-019 and is zoned FF-1 Farm Forest. The request is to change the use from (auto repair) to another (Contractor’s Use). The review is per Articles 8, 19, 20, 21, 22, and 26 of the Emmet County Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcems@emmetcounty.org

DATE RECEIVED
$ 300.00

APPLICATION #: 21720

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name: Kyle Wright
Applicant's Address: 5471 Maple Hill Rd Petoskey MI 49770
Applicant's Email Address: wrightscapes1@gmail.com
Owner's Name: Kyle Wright
Owner's Address: 1855 Bear River Rd Petoskey MI 49770
Owner's Email Address: @

JOB SITE LOCATION:
Township: Bear Creek
Tax Parcel #: 24-01-19-33-30-0-004
Address: 1855 Bear River Rd Petoskey MI 49770

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

REQUIRED USE INFORMATION
Ground floor area main building: 3200 Sq. Ft.
Floor Area accessory building: Sq. Ft.
Lot/Parcel Size: 7.18 Acres

Site/Plot Plan required *
2 full sized & 14 reduced sized (max 11"x17"

site plans required for Planning Commission cases.

Elevation Drawing
Engineered Drainage Plan
Soil Erosion Permit
Health Dept. Approval/
Sewer Taps

Other:
As owner/and or applicant representing the owner, I do / do not authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant
Printed Name of Applicant: Kyle Wright
Date: 2-6-20

Signature of Property Owner
Printed Name of Property Owner: Kyle Wright
Date: 2-6-20

*Required
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S NAME Kyle Wright CASE# PSUP20-003
PHONE NUMBER 231-838-3803 DATE 2-6-20
PROJECT TITLE Shop + Yard request
PROPERTY TAX ID # 24-01-19-33-000-004 TOWNSHIP Bear Creek

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.

No proposed development - the parcel was rented for the last 60 years by my business. I will just be fixing up the current shop + property on the parcel.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

<table>
<thead>
<tr>
<th>Service</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Sanitary Services</td>
<td>N/A</td>
</tr>
<tr>
<td>b. Domestic Water</td>
<td></td>
</tr>
<tr>
<td>c. Traffic Volumes</td>
<td></td>
</tr>
<tr>
<td>d. Schools</td>
<td></td>
</tr>
<tr>
<td>e. Fire Protection</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Impact</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Soil Erosion</td>
<td>N/A</td>
</tr>
<tr>
<td>b. Storm Drainage</td>
<td></td>
</tr>
<tr>
<td>c. Shoreline Protection</td>
<td></td>
</tr>
<tr>
<td>d. Wildlife</td>
<td></td>
</tr>
<tr>
<td>e. Air Pollution</td>
<td></td>
</tr>
<tr>
<td>f. Water Pollution</td>
<td></td>
</tr>
<tr>
<td>g. Noise</td>
<td></td>
</tr>
</tbody>
</table>
SITE PLAN REVIEW CHECKLIST

Subject Property Address: 1855 Bear River Rd Petoskey
Subdivision and Lot Number (If Applicable): 
Tax Parcel Number: 24-01-19-33-300-004
Township: Bear Creek
Proposed Use of Property: Shop + Yard
Proposed Number of Employees: 2

<table>
<thead>
<tr>
<th>CHECKLIST</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✔️</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>2 Appropriate scale</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>3 Date, North Arrow, Street Names (existing and proposed rights-of-way).</td>
<td>✔️</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>✔️</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>5 Property line dimensions</td>
<td>✔️</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td><strong>Basic Zoning Information</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Zoning setback lines -Building (including the eave) Setbacks: Front _____ Side _____ Side _____ Rear/Water _____</td>
<td>☐</td>
<td>✔️</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg (s) = _____ x _____ Total sq ft. = ____________</td>
<td>☐</td>
<td>✔️</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>9 Proposed building elevations (to scale) Max. Height = _________</td>
<td>☐</td>
<td>✔️</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>10 All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td>☐</td>
<td>✔️</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>11 Multiple housing units -Number of units = _________, composition (efficiency, one bedroom, two, three)</td>
<td>☐</td>
<td>✔️</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>12 Surrounding zoning (properties immediate to subject site)</td>
<td>☐</td>
<td>✔️</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>13 Lot coverage of proposed buildings = ____________</td>
<td>☐</td>
<td>✔️</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
<td>----------</td>
</tr>
<tr>
<td>Boundaries of existing natural features (trees, lakes, ponds, streams, rock outcroppings, severe topography, wetlands, woodlands, etc.).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a wetland permit been applied for?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing topography</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Inventory provided?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there scenic view considerations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Drainage / Parking / Roads</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access drives, internal roads (note public or private) service roads. Width of Right-of-Way = __________________</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loading/unloading, service areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acceleration/deceleration lanes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road agency approval?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking spaces required____, parking spaces actual_____ Handicap parking location and number____</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Required landscaping in parking areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snow storage/snow management plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dumpster location, screening indication</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing easements (utility, access) within site limits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Estimated cost of drainage work.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Proposed retention/detention sedimentation ponds</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Site Requirements</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Location of sign(s)*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Impact Statement attached?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Fire Department approval?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Fire hydrants and fire vehicle access.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Road Agency approval?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Health agency approval?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Army Corps of Engineers approval?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Michigan Department of Environmental Quality approval?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

ADDITIONAL COMMENTS:

---

Applicants Signature: [Signature]

Date: 2-7-2020
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 02/18/2020          CASE #: PSUP20-003

APPLICANT: K WRIGHT HOLDINGS LLC

PROPERTY: 1855 E BEAR RIVER RD

TOWNSHIP: BEAR CREEK

REQUEST: Special Use Permit – Contractor’s Use-

FACTS:
- The property is zoned FF-1 Farm and Forest District
- The parcel is 6.98 acres located on the north side of Bear River Rd.
- The applicant does not live on the property.
- Existing structure 52’ x 70’.
- No new structures proposed.
- The proposal is to change the nonconforming use (auto repair) to contractor’s use-
  landscaping business.
- The site has minimal screening along Bear River Rd. and no screening to the north, 
  west or east.
- Outdoor storage for material stockpiles is proposed on site plan.
- Surrounding land uses are residential.
- Hours of operation not provided.
- No individual parking slots delineated on the site plan.
- Six parking spaces required.
- No sign proposed at this time.
- Dumpster not shown on site plan.
- Stormwater not addressed on site plan, however, no new impervious surfaces 
  proposed.
- Road Commission review pending.
- Fire Department review pending.
- Snow storage not addressed on site plan.

ZONING ORDINANCE STANDARDS:

Section 8.00 Intent

The FF-Farm and Forest Districts are designed to promote the use of wooded and rural areas of
the County in a manner that will keep the basic attractiveness of the natural resources and
provide enjoyment for both visitors and the community at large. The intent of the District is to
hold the rural County areas for agriculture and forestry purposes and to allow some multiple uses
of marginal farm-forest lands.
Section 21.00  Intent

Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 26.32  Contractors

26.32.1 FF-1 or FF-2 District

Specified contractors uses may be permitted subject to the following standards including Planning Commission review:

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

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

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

B. Outside Storage
   All primary storage/use activity shall be in enclosed buildings. Any outside storage that may be permitted shall be in areas effectively screened from public view.
   Storage of materials is proposed without screening shown.

C. Owner Occupancy
   Buildings and uses permitted shall only be approved on properties occupied by the owner and be the primary place of the owner’s residence.
   Owner does not reside at the property. Modification requested.

D. Site Size: The minimum property size shall be ten (10) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth.
   Parcel is 6.98 acres. Parcel has 490.33 feet of road frontage and 652.85 feet width at rear of parcel. The depth is 637.25 feet. Modification requested.

E. Building Limitations: The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of 2,400 sq. ft. One additional 2,400 sq. ft.
building may be permitted on sites of 20 acres or more, by description, provided the two buildings are separated by at least forty (40) feet. One building up to 3,400 sq. ft. may be permitted if the applicant stipulates not to construct two (2) buildings for contractor uses. The existing building is 3,640 sq. ft. Modification requested.

F. Signs: Accessory identification signs associated with the uses permitted pursuant to this Section shall not exceed an area of eight (8) sq. ft., and shall comply in all other respects with the sign section of this Ordinance.
No sign proposed.

Modifications to the standards listed in items B thru F above may be approved by the Planning Commission, if the intent of Article 8 is kept and the surrounding properties are protected from nuisances.
Modification would be required as the property is not 600 feet wide at the road, the building size exceeds 2400 sq. ft. and the owner does not reside on the property.

Staff comments:
Owner has indicated he rented the property for this use for six years. He provided a phonebook advertisement from the previous property owner showing a similar use. An expansion of a non-conforming use was permitted by the ZBA when the previous owner expanded the auto-repair use.

Draft Motions:
To postpone until the next regular Planning Commission meeting Case PSUP20-003, Kyle Wright for a Special Use Permit for a contractor’s use to operate a landscaping business on property located at 1855 Bear River Road, Section 33, Bear Creek Township, tax parcel 24-01-19-33-300-019, as shown on the site plan dated stamped Feb 7, 2020 for the following reasons: the site plan is incomplete, to allow the applicant time to provide additional information (insert additional reasons).

To approve Case PSUP20-003, Kyle Wright for a Special Use Permit for a contractor’s use to operate a landscaping business on property located at 1855 Bear River Road, Section 33, Bear Creek Township, tax parcel 24-01-19-33-300-019, as shown on the site plan dated stamped Feb 7, 2020 because the use meets the standards of Articles 8, 21 and Section 26.32, with modifications allowed that the property is less than 10 acres, less than 600 feet wide, building size limitation is allowed to be exceeded as proposed, and owner does not reside on the property and with the following conditions: the outdoor storage must be screened by either evergreen trees planted according to the Zoning Ordinance screening requirements or a berm (XX height) (other conditions or statement of facts may be inserted here).

To deny Case PSUP20-003, Kyle Wright for a Special Use Permit for a contractor’s use to operate a landscaping business on property located at 1855 Bear River Road, Section 33, Bear Creek Township, tax parcel 24-01-19-33-300-019, as shown on the site plan dated stamped Feb 7, 2020 for the following reasons: doesn’t meet Standards of Section 26.32 and (insert reasons)
REQUEST

PSUP20-004
A request by Carrie Frisbie for a Special Use Permit for exceptions to the standards of Section 22.01 for an accessory building at 8700 Blumke Rd in Section 17 of Littlefield Township. The property is tax parcel 07-17-17-426-008 and is zoned R-2 General Residential. The request is to allow a second detached residential accessory building on five acres or less and allow it to be larger than 1,200 sq. ft. per Section 22.01.5 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzer@emmetcounty.org

DATE RECEIVED: FEB 10 2020
FEE $150.00

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

APPLICATION # PZUP 20-004
DATE PAID: FEB 10 2020

Applicant's Name Carrie Frisbie
Phone 231-268-9367

Applicant's Address 8700 Blumke Rd., Alanson, MI 49706

Applicant's Email Address: carrie.marie@live.com, frisbiebrad@yahoo.com

Owner's Name Carrie and Bradley Frisbie
Phone same

Owner's Address same

Owner's Email Address same

JOB SITE LOCATION:
Township: Littlefield
Tax Parcel #: 24-07-17-17-426-008
Address: 8700 Blumke Rd., Alanson, MI 49706

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

REQUIRED USE INFORMATION
Ground floor area main building: 1600 Sq. Ft.
Floor Area accessory building: 576 + 1600 Sq. Ft.
Lot/Parcel Size: 2 Acres 1600 Sq. Ft.
Site/Plot Plan required*
2 full sized & 14 reduced sized (max 11"x17")
site plans required for Planning Commission cases.

Describe Request:
pole barn approval as 2nd detached accessory
building and 10 feet wider than maximum allowed
for personal storage and personal workshop use.

*Please attach a site/plot plan to show:
property dimensions; front, rear, and side
yard setbacks; streets, roads, and all
buildings on the lot.
Review Section 2405 of the Zoning
Ordinance for Site Plan requirements.

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

Other:
As owner/and or applicant representing the owner, I do ☐ do not ☐ authorize Emmet County (staff, appointed
board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making
inspections related to the project or request identified in this application. If authorized, such inspections or site-
walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant:

Printed Name of Applicant:

Signature of Property Owner:

Printed Name of Property Owner:

Date: 3/10/2020
### SITE PLAN REVIEW CHECKLIST

**Case #**: PSUP20-004  
**Date Received**: 10-20

**Subject Property Address**: 8700 Blumke Rd, Alanson, MI 49706  
**Subdivision and Lot Number (If Applicable)**: Smokey Oats Lot 2 and N 150 ft of Lot 1  
**Tax Parcel Number**: 24-07-17-42-008  
**Township**: Littlefield  
**Proposed Use of Property**: Residential  
**Proposed Number of Employees**: 0

### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>2 Appropriate scale</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>3 Date, North Arrow, Street Names (existing and proposed rights-of-way)</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>5 Property line dimensions</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
</tbody>
</table>

### Basic Zoning Information

<table>
<thead>
<tr>
<th>Zoning setback lines -Building (including the eave) Setbacks: Front _____ Side _____ Side _____ Rear/Water _____</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Location of new buildings and general floor plan Dimensions of bldg(s) = ____ x ____ Total sq.ft. = ____</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>8 Proposed building elevations (to scale) Max. Height = ____</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>9 All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>10 Multiple housing units -Number of units = _____, composition (efficiency, one bedroom, two, three)</td>
<td>✗</td>
<td>✓</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>11 Surrounding zoning (properties immediate to subject site)</td>
<td>✗</td>
<td>✓</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>12 Lot coverage of proposed buildings = 4.45%</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Boundaries of existing natural features (trees, lakes, ponds, streams, rock</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>out-croppings, severe topography, wetlands, woodlands, etc.).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a wetland permit been applied for?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing topography</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Inventory provided?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there scenic view considerations?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage / Parking/ Roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access drives, internal roads (note public or private) service roads. Width</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Right-of-Way =</td>
<td></td>
<td></td>
<td></td>
<td>![driveway]</td>
</tr>
<tr>
<td>Loading/unloading, service areas</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acceleration/deceleration lanes</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road agency approval?</td>
<td></td>
<td>✓</td>
<td></td>
<td>Next Step after approval</td>
</tr>
<tr>
<td>Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking spaces required ___, parking spaces actual ___, Handicap parking</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>location and number</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Required landscaping in parking areas</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snow storage/snow management plan</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dumpster location, screening indication</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing easements (utility, access) within site limits</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td></td>
<td>✓</td>
<td></td>
<td>![sealed Engineered Drainage Plan]</td>
</tr>
<tr>
<td>roads, parking lots, curbs, sidewalks and finished grades at building</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>facades) Attach a sealed Engineered Drainage Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Estimated cost of drainage work.

- [ ] Yes
- [ ] No
- [X] N/A

### Proposed retention/detention sedimentation ponds

- [ ] Yes
- [X] No
- [ ] N/A

### Other Site Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
<td></td>
<td>[X]</td>
<td>none</td>
</tr>
<tr>
<td>36 Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td>[X]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37 Location of sign(s)*</td>
<td></td>
<td></td>
<td>[X]</td>
<td>none</td>
</tr>
<tr>
<td>38 Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39 Impact Statement attached?</td>
<td>[X]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 Fire Department approval?</td>
<td></td>
<td>[X]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41 Fire hydrants and fire vehicle access</td>
<td></td>
<td>[X]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42 Road Agency approval?</td>
<td></td>
<td>[X]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43 Health agency approval?</td>
<td></td>
<td>[X]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44 Army Corps of Engineers approval?</td>
<td></td>
<td>[X]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45 Michigan Department of Environmental Quality approval?</td>
<td></td>
<td>[X]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**ADDITIONAL COMMENTS:**

---

**Applicants Signature**: [Signature]

**Date**: [Date]
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S NAME Carrie Frisbie
CASE# FUP 20-004

PHONE NUMBER 231-268-9367 DATE 2/7/2020

PROJECT TITLE Pole Barn

PROPERTY TAX ID # 24-07-1217-426-008 TOWNSHIP Littlefield

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.
On a 2 acre residential lot with 1 main use building, 1 detached garage, and 1 shed, we wish to add a pole barn for additional personal storage and personal workshop use. The pole barn, a 30x40 building with 10ft enclosed lean-to, would be a 2nd detached accessory building and exceed the maximum square footage by 400 sq ft.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

<table>
<thead>
<tr>
<th>Service</th>
<th>Impact and Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Sanitary Services</td>
<td>none</td>
</tr>
<tr>
<td>b. Domestic Water</td>
<td>none</td>
</tr>
<tr>
<td>c. Traffic Volumes</td>
<td>none</td>
</tr>
<tr>
<td>d. Schools</td>
<td>none</td>
</tr>
<tr>
<td>e. Fire Protection</td>
<td>limited impact, a detached building with low fire risk and accessible by driveway</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Impact</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Soil Erosion</td>
<td>none</td>
</tr>
<tr>
<td>b. Storm Drainage</td>
<td>none</td>
</tr>
<tr>
<td>c. Shoreline Protection</td>
<td>none</td>
</tr>
<tr>
<td>d. Wildlife</td>
<td>Mitigated impact by choosing location that has already been cleared of trees.</td>
</tr>
<tr>
<td>e. Air Pollution</td>
<td>none</td>
</tr>
<tr>
<td>f. Water Pollution</td>
<td>none</td>
</tr>
<tr>
<td>g. Noise</td>
<td>none</td>
</tr>
</tbody>
</table>
4.45% proposed building coverage of lot - existing topography: dry, wooded

Prepared by Carrie Frisbie, 8700 Blumke Rd, Alanson, MI 49706, 231-268-9367
DATE: 02/10/2020  CASE #: PSUP20-004

APPLICANT: FRISBIE CARRIE M & BRADLEY J

PROPERTY: 8700 BLUMKE RD

TOWNSHIP: LITTLEFIELD

REQUEST: Special Use Permit – Accessory Building Exceptions – larger than allowed & two detached on less than five acres

FACTS:
- The property is zoned R-2 General Residential.
- The property is 1.5 platted lots - approximately 2 acres.
- The request is for an exception to the number of accessory buildings allowed in General Residential and an exception to the maximum size.
- Accessory building permitted size = 1,200 sq. ft.; accessory building size proposed = 1,600 sq. ft. (40’x40’x12”).
- Property has a single family dwelling and a 576 sq. ft. detached garage located near the house.
- The proposed building meets the setback standards of the Zoning District
- Height standard met.
- Location mostly screened from Blumke Road with pines.
- Road Commission review for a new access has been requested.

PERTINENT ZONING ORDINANCE STANDARDS:
22.01.1 Accessory Residential Buildings Setbacks and Floor Areas – Reviewed by Zoning Administrator unless otherwise indicated

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Location on the Property</th>
<th>Maximum Ground Floor Area*</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, RR, and SR</td>
<td>Front, Side, or Rear Yard</td>
<td>1,200 Sq. Feet</td>
</tr>
</tbody>
</table>

6. Accessory Residential Buildings in all Residential Districts may be attached or detached. Detached accessory buildings shall be limited as follows:

a. One (1) detached accessory residential building up to the maximum allowable size per parcel of five (5) acres or less.
b. For each additional five (5) acres of parcel area, above five (5) acres, one (1) additional accessory building up to the maximum allowed floor area may be permitted, but not more than four (4) such buildings.

c. In addition to the standards listed in 1) and 2) above, one (1) detached accessory building not to exceed 200 sq. ft. in ground floor area, may be permitted for such use as tool shed, wood storage, equipment housing, or animal shelter.

22.01.5 Exceptions
Where it can be demonstrated to the Planning Commission by the applicant that no good purpose would be served by strict compliance with the provisions of this Section 22.01, the Planning Commission may waive or modify said standards subject to a Public Hearing and approval of the Site Plan by the Planning Commission and notifications to adjoining property owners as required for a Special Land Use.

Staff Notes:
If existing accessory building was attached to the house, then a 1,200 sq. ft. accessory building could be administratively approved. Total lot coverage is 4.4%. Trees existing between the proposed building and the road. Proposed use is personal storage and workshop.

Draft Motions:

To approve Case #PSUP20-004, Carrie Frisbie for a Special Use Permit for two exceptions to Section 22.01 for an accessory building on property located at 8700 Blumke Rd, Section 17 of Littlefield Township on tax parcel 24-07-17-17-426-008, as shown on the site plan dated 2/10/20 based on the facts presented in this case and because the applicant has shown that no good purpose would be served by strict compliance with the size standards or the number of accessory buildings on the property due to the existing site conditions, the location and size of the existing detached accessory building, the location of the proposed building is screened from public view and on condition that an affidavit of use be filed with the Emmet County Register of Deeds indicating the use of the building is for personal use, (other conditions or statement of facts may be inserted here).

To deny Case #PSUP20-004, Carrie Frisbie for a Special Use Permit for two exceptions to Section 22.01 for an accessory building on property located at 8700 Blumke Rd, Section 17 of Littlefield Township on tax parcel 24-07-17-17-426-008, as shown on the site plan dated 2/10/20 for the following reasons: (list reasons).
Chairperson Mooradian called the meeting to order at 7:00 p.m.

Roll Call: Baiardi, Varner, Uutinen, Mooradian, Moore, Repasky.

Absent: Wallin.

Visitors: Joe Graham, David White, Sue Matsko, Denise Cline, Planner, via phone.

The Pledge of Allegiance was recited by all.

Approve Agenda: Uutinen made a motion to approve the agenda as presented. Moore seconded the motion.

Vote: All yes.

Public Comments: None.

Approve Minutes: Uutinen made a motion to approve the January 8, 2020 meeting minutes as presented with the following changes: Page 2, 3rd paragraph, delete “Commercial Event Facilities” and replace with “Table of Permitted uses and Special Land Uses”; Change the 5th sentence to read “Agri-Tourism does not have its own category in Article 7”. The following sentence should read: “It is treated as a Site Plan (Section 504) and a Special Use (Section 604).” Repasky seconded the motion.

Vote: All yes.

Public Hearing on Proposed Zoning Ordinance Amendments: The Public Hearing was opened at 7:12 p.m. The Public Hearing was advertised in the local paper. The proposed zoning amendments are as follows: Amend Section 202 (Definitions), Section 305 (Table of Permitted Uses and Special Land Uses) and Section 733 (Commercial Event Facilities) to allow commercial event facilities and wineries, ciders, distilleries and breweries and to provide standards. Amend Section 305 to add/allow Agri-Tourism businesses. Amend Section 202, 305 and 734 (Solar Energy Facilities) to provide standards for solar energy. Amend Section 202 and 407 (Accessory Buildings) to address attached structures, common walls, decks, shipping containers and accessory buildings. The Planning Commission has been working on these ordinances since 2019. Ordinance No. 1 of 2020 is regarding the Commercial Event Facilities and Agri-Tourism. Joe Graham asked whether this amendment would have any affect on current businesses such as Pondhill Farms. Mooradian stated that it is intended for anyone in that type of business so there is a good guide for the community. It is not directed to anyone personally. Baiardi said that
more of these types of businesses are cropping up and becoming more prevalent. Michigan Township Association provided information in regards to the fact that townships may want to have some kind of control over these types of businesses so they don’t get out of hand. The Zoning Administrator, Dave White, said that he has received multiple questions regarding people wanting to establish these types of businesses in West Traverse Township. Moore pointed out that this ordinance will set up a frame work to actually allow these businesses, because they are not allowed due to the fact that it is not listed in the current Zoning Ordinance. Mooradian agreed that if there is not a similar or specific use allowed, then it would technically be disallowed.

Ordinance No.2 of 2020 is regarding Solar Energy Facilities. Mr. Graham had a question regarding the yard location and setbacks. He wanted to know why ground-mounted or pole-mounted solar energy panels were excluded from the front yard. Mooradian said that they thought part of the reason was aesthetics, but more detail of reasons would be discussed during the regular meeting after the Public Hearing was closed. Graham asked Denise Cline if the ordinances that she has been involved with usually restrict solar panels in the front yard. She stated that it does happen, but all communities are different so there are different restrictions. Graham also questioned the section which refers to glare from the solar panels. He didn’t think it was very specific. Mooradian had a picture of solar energy panels in someone’s front yard. He used this as a demonstration of what they could look like and stated that they are treated as structures since they are mounted to the ground.

Ordinance No. 3 of 2020 is regarding Accessory Buildings and Definitions. Mr. Graham asked what kind of materials were being referred to in 407:1 where it states that non-rigid materials to serve as walls or roof shall not be permitted. He wondered if structures that are used to store a car under would be what is being talked about. Mooradian said that something like people stacking pallets and covering them with a tarp is one scenario that is being referred to. Moore pointed out that it is not just little garages, there are large, several thousand square foot structures that are not subject to building codes and are covered by some type of fabric. Mooradian said that there are temporary structures and permanent structures. They don’t want to see something that is going to be easily damaged by the wind or weather. Graham said that he could understand the problem of non-rigid materials on a large building, such as noise and poorly maintained buildings. He thought that the $300-$500 carports are in general put together pretty good. He said that a lot of people are not able to afford to put up a garage, so he thought that the less expensive carports would be a good option. He felt that limiting these due to non-rigid materials is very broad. Possibly it could be narrowed down to be a little more specific. Mooradian pointed out that the County Building Department has to issue a building permit for anything over 200 sq. ft. He said that the Township

Proposed:    February 5, 2020
Approved:
West Traverse Township  
Public Hearing & Regular Planning Commission Meeting  
February 5, 2020

does not want to approve something that does not meet the County building code. Graham said that he can understand applying this ordinance to something over 200 sq. ft. The Public Hearing was closed at 7:40 p.m.

OLD BUSINESS

Ordinance No. 1 of 2020 (Table of Permitted Uses and Special Uses, Commercial Event Facilities): Mooradian pointed out a couple of typos and Denise Cline will fix those.
Moore made a motion to recommend adoption of Ordinance #1 of 2020, to the West Traverse Township Board pending comments from the Emmet County Planning Commission. This is:  
“An ordinance to amend the West Traverse Township February 13, 2018 Zoning Ordinance Section 202 (Definitions), Section 305 (Table of Permitted Uses and Special Land Uses), Section 306:2 (Agricultural and Forest District), 309:2 (Commercial District), 310:2 (Light Industrial-Commercial District), and Section 733 (Commercial Event Facilities) to allow Commercial Event Facilities in the A-1/A-1-A and C-1 Districts); to allow Wineries, Cideries, Distilleries, and Breweries in the A-1/A-1-A, C-1, and I-1 Districts; to allow Agri-Tourism in the A-1/A-1-A District; and to provide for standards for Commercial Event Facilities.”  
Baiardi seconded the motion.
Roll Call Vote: Repasky – yes, Moore – yes, Uutinen – yes, Varner – yes, Baiardi – yes, Mooradian – yes.

Ordinance No. 2 of 2020 (Table of Permitted Uses and Special Uses, Solar Energy Panels): Repasky stated that his recollection of the discussion regarding solar panels is that it was somewhat based on the number of panels needed so that it would be efficient for the person using them. He said that it could become extremely large and so that was one of the reasons for determining that the front yard would be excluded for solar panels. Another reason was the glare factor which could be a safety issue with a large number of panels in the front yard. He also agreed that the glare factor is only occasional. Cline stated that wording in the amended ordinance states that there “shall” be no glare, so that means no glare at any time. Repasky said that the Planning Commission agreed on that language because the “occasional” glare would not be enforceable and it could be a hazard to drivers. Uutinen stated that part of the rationale for front yard solar panels was the fact that they could be mounted on the rooftop or the front of the house and that would eliminate a lot of the problems. Cline pointed out that freestanding solar panels are a Special Use Permit so there would be a lot more discussion regarding those, including glare.
Repasky pointed out that there are some homes that are placed very far back off the road, so there is the question as to whether they should be denied the opportunity to put solar panels in the front yard. Baiardi stated that the Planning Commission did discuss this particular situation at prior
meetings. Mooradian said that any ordinance can be amended at some time in the future if circumstances change. Uutinen pointed out that anyone can take a petition to the Board of Review.

Moore made a motion to recommend adoption of Ordinance #2 of 2020 to the West Traverse Township Board pending comments from the Emmet County Planning Commission. This is: 
“An ordinance to amend the West Traverse Township February 13, 2018 Zoning Ordinance Section 202 (Definitions), Section 305 (Table of Permitted Uses and Special Land Uses), and Section 734 (Solar Energy Facilities – Utility Scale or Commercial) to provide standards for solar energy.”
Uutinen seconded the motion.

Ordinance No. 3 of 2020 (Accessory Buildings): Denise Cline said that the idea of not wanting soft materials is like not wanting tarps. Repasky stated that they are talking about materials that could be damaged by the environment and probably would not be replaced or meet building codes. Mooradian said that a lot of these structures would not meet building codes. Repasky said that even in discussing small structures, it comes down to safety. He said that there is not a lot of regulation on non-rigid materials. Mooradian pointed out that hoop houses are exempt if they are on agricultural property and have a legitimate right to farm use, not personal use. Mr. Graham said that he is looking at someone who just wants to be able to put up a small non-rigid structure to be able to shelter their car inside it, probably because they can’t afford to actually build a garage. Mooradian asked whether a minor accessory building would be exempt from the non-rigid material. Repasky said that he thinks the intent of not permitting non-rigid materials was for accessory buildings, not the size of the accessory buildings.

Uutinen made a motion to recommend adoption of Ordinance #3 of 2020 to the West Traverse Township Board pending comments from the Emmet County Planning Commission. This is: 
“An ordinance to amend the West Traverse Township February 13, 2018 Zoning Ordinance Section 202 (Definitions) and Section 407 (Accessory Buildings).” Varner seconded the motion.
Roll Call Vote:  Repasky – yes, Moore – yes, Uutinen – yes, Varner – yes, Baiardi – yes, Mooradian – yes.

NEW BUSINESS

Proposed: February 5, 2020
Approved:
Ordinance No. 4 of 2020: Ordinance to Amend the West Traverse Township Zoning Ordinance Section 202 (Definitions) and Section 712 (Wireless Communications Support Structures):
There was some discussion regarding Cell Tower Support Structures and Small Cell Wireless Facilities. Denise Cline stated that she thought the majority of these structures would end up in the road right of way, so the Township would not really have to deal with them. If they are not in the road right of way, the Township can decide where the structures could be erected. It was pointed out that the Township does not have any say in the zoning. Cline will look into the State law to see if there is any wording regarding limiting the height of the structures. There were also questions about the health affects of these structures. It was agreed that the Planning Commission does not have enough information at this time for further discussion. This will be looked at again after Denise Cline has more information to provide.

Zoning Administrator’s Report:  Dave White presented his written report.

Township Board Representative Report:  No report.

Correspondence:  Mooradian presented an article that states that a grandfathered use is more correctly known as a lawful nonconforming use. To be a lawful nonconforming use, the use must have predated the zoning regulation and it must have been established lawfully at such time. Mooradian stated that an ad in the paper says the Township Board is seeking proposals from architects and other qualified persons to develop a plan for renovating the exterior of the Township hall. Mooradian said that he wants to order a webinar through MTA to be viewed at the next meeting of March 4, 2020.

Planning Commissioner Comments:  Baiardi asked who would be attending the meeting on March 31, 2020 at Littlefield Township, to be put on by the County about Risk Management.

Public Comments:  Joe Graham thanked the Planning Commission for letting him be a part of the process in this meeting.

Adjourn:  Repasky made a motion to adjourn the meeting. Mooradian adjourned the meeting at 8:57 p.m.

The next regularly scheduled meeting will be March 4, 2020 at 7:00 p.m.
West Traverse Township
Public Hearing & Regular Planning Commission Meeting
February 5, 2020

Submitted by:

Dawson Moore, Secretary

Transcribed by:
Susan Matsko
Township Secretary

Proposed: February 5, 2020
Approved:
West Traverse Township
Ordinance No. 1 of 2020

An ordinance to amend the West Traverse Township Zoning Ordinance Section 202 (Definitions), Section 305 (Table of Permitted and Special Land Uses), Section 306:2 (Agricultural and Forest District), 309:2 (Commercial District), 310:2 (Light Industrial-Commercial District), and Section 733 (Commercial Event Facilities) to allow Commercial Event Facilities in the A-1/A-1-A and C-1 Districts; to allow Wineries, Cideries, Distilleries, and Breweries in the A-1/A-1-A, C-1, and I-1 Districts; to allow Agri-Tourism in the A-1/A-1-A District; and to provide for standards for Commercial Event Facilities.

West Traverse Township, Emmet County, Michigan ordains:

Section 1: Amendment to the West Traverse Township Zoning Ordinance

That the West Traverse Township Zoning Ordinance, Section 202 (Definitions) is hereby amended to read as follows:

(ADD) COMMERCIAL EVENT FACILITY: A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events.

(ADD) AGRI-TOURISM BUSINESS. Farms which engage in agriculturally-related tourism operations including but not limited to:

A. Bakeries selling goods grown primarily on-site
B. Educational tours, classes, lectures, and seminars
C. Family-oriented animated barns (haunted houses)
D. Gift shops for agriculturally-related products, crafts
E. Historical agricultural exhibits
F. Organized meeting space
G. Petting farms, animal display, and pony rides
H. Picnic areas (including rest rooms)
I. Playgrounds, wagon/sleigh rides, nature trails
J. Restaurants related to the agricultural use of the site
K. Seasonal outdoor mazes of agricultural origin
L. Commercial Event Facilities (Farms which operate commercial event facilities shall also comply with Section 733).
That the West Traverse Township Zoning Ordinance, Section 305 (Table of Permitted Uses and Special Land Uses) is hereby amended to read as follows:
(ADD THE FOLLOWING USES)

<table>
<thead>
<tr>
<th>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCOMMODATION &amp; FOOD/EVENT SERVICES</strong></td>
</tr>
<tr>
<td>Commercial Event Facilities ($733)</td>
</tr>
<tr>
<td>Wineries, Cideries, Distilleries, and Breweries which include Tasting Rooms, Retail Sales, and Distribution Services. If organized events are planned to be held at such facilities, then §733 (Commercial Event Facilities) shall apply.</td>
</tr>
</tbody>
</table>

| **AGRICULTURE & FOREST PRODUCTS**          | S   | S     |
| Agri-Tourism Businesses. If organized events are planned to be held at such facilities, then §733 (Commercial Event Facilities) shall apply. |     |     |

That the West Traverse Township Zoning Ordinance, Section 306:2 (A-1 and A-1-A Districts) and 309:2 (C-1 District) are hereby amended as follows:

Add the following under the category of Accommodation and Food/Event Services: Add “Commercial Event Facilities ($733)” as a Special Use (with asterisk) to the Table of Permitted and Special Land Uses in Section 306:2 and 309:2.

That the West Traverse Township Zoning Ordinance, Section 306:2 (A-1 and A-1-A Districts), 309:2 (C-1 District), and 310:2 (I-1 District) are hereby amended as follows:

Add the following under the category of Accommodation and Food/Event Services: “Wineries, Cideries, Distilleries, and Breweries which include Tasting Rooms, Retail Sales, and Distribution Services - If organized events are planned to be held at such facilities, then §733 (Commercial Event Facilities) shall apply” as a Special Use to the Table of Permitted and Special Land Uses in Sections 306:2, 309:2, and 310:2.

That the West Traverse Township Zoning Ordinance, Section 306:2 (A-1 and A-1-A Districts) is hereby amended as follows:

Add the following under the category of Agriculture & Forest Products: “Agri-Tourism Businesses - If organized events are planned to be held at such facilities, then §733 (Commercial Event Facilities) shall apply” as a Special Use to the Table of Permitted and Special Land Uses in Section 306:2.

That the West Traverse Township Zoning Ordinance, Section 733 (Commercial Event Facilities) is hereby added to read as follows:
(ADD NEW SECTION 733)
A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.
B. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100) feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.

C. **Minimum Size of Parcel.** Commercial Event Facilities shall only be located on parcels which are at least twenty (20) acres in size.

D. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300) feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by Subsection B above.

E. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than 10 PM. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.

F. **Amplified Sound.** Outdoor speakers, outdoor public address systems, or similar sound devices shall not be operated without written consent of the Planning Commission as part of site plan review. The Planning Commission shall determine that no public nuisance will be established. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, shall be terminated by 10:00 PM. Enclosed buildings, tents, pavilions and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries. Sources of amplified sound (such as speakers) shall be located no less than one thousand (1,000) feet from the property boundary.

G. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.

H. **Capacity.** The number of persons allowed at each proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
I. **Sanitary Facilities.** Adequate permanent and/or temporary sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and the Health Department of Northwest Michigan.

J. **Number of Events.** The Planning Commission may limit the number of events allowed per year.

K. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission in consultation with emergency responders and the Emmet County Road Commission, based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.

L. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.

M. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

N. **Submittal Requirements.**

1. In addition to the requirements in Section 504, the site plan must show the area of event, parking, temporary structures, and sanitary restroom facilities.

2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary restroom facilities and maximum number of guests. The plan shall also include a list of contacts for emergency situations.
   a. Hours of operation must include setup and takedown times.
   b. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.
   c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
   d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

If a change to the approved event management plan is requested by the applicant at any time after the approval of the special use permit, a new special use permit process shall be required.
O. The Planning Commission may grant a deviation from any of the Subsections A through M above upon the following findings:

1. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.

2. Granting the deviation will not otherwise impair the public health, safety and general welfare of the residents.

3. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the special use permit process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at a later date, a new special use permit process shall be required.

Section 2: Severability
If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause
The West Traverse Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date
The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

West Traverse Township Supervisor

West Traverse Township Clerk

I, ____________, Clerk for West Traverse Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 1 of 2020 of West Traverse Township, adopted by at a meeting of the Township Board of Trustees held on ____________.

A copy of the complete ordinance text may be inspected or purchased at the West Traverse Township Hall, at 8001 M-119, Harbor Springs, Michigan.

Adopted: ______________

Published: ______________

Effective: ______________, subject to PA 110 of 2006 as amended.
West Traverse Township
Ordinance No. 2 of 2020

An ordinance to amend the West Traverse Township Zoning Ordinance Section 202 (Definitions), Section 305 (Table of Permitted and Special Land Uses), and Section 734 (Solar Energy Facilities – Utility Scale or Commercial) to provide standards for solar energy.

West Traverse Township, Emmet County, Michigan ordains:

Section 1: Amendment to the West Traverse Township Zoning Ordinance

That the West Traverse Township Zoning Ordinance, Section 202 (Definitions) is hereby amended to read as follows:

ESSENTIAL SERVICES: Equipment and accessories reasonably necessary for the providing of adequate service by public utilities or governmental departments or commissions for the public health, safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of essential service equipment. (ADD) Wind energy systems, wireless communications, solar energy panels and solar energy facilities are not considered essential services.

(ADD NEW) SOLAR ENERGY PANELS (ON-SITE ACCESSORY): Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. Freestanding (ground-mounted or pole-mounted) on-site solar energy panels are an accessory use on the property and shall be allowed only by Special Use permit. Building or roof-mounted on-site solar energy panels are a Permitted Use and do not require a zoning permit. See Section 734 for regulations for all on-site accessory solar energy panels.

(ADD NEW) SOLAR ENERGY FACILITY (UTILITY SCALE OR COMMERCIAL): A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs for use off-site. A solar energy facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. A solar energy facility (utility-scale or commercial) may be an accessory or principal use on the property and shall be allowed only by Special Use permit.
That the West Traverse Township Zoning Ordinance, Section 305 (Table of Permitted Uses and Special Land Uses) is hereby amended to read as follows:

**ADD THE FOLLOWING USES:**

<table>
<thead>
<tr>
<th>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>P = Permitted by right</td>
</tr>
<tr>
<td>S = Permitted with a Special Use Permit</td>
</tr>
<tr>
<td>°Supplemental Regulations</td>
</tr>
<tr>
<td>UTILITIES, ENERGY &amp; COMMUNICATIONS</td>
</tr>
<tr>
<td>Solar Energy Panels (On-Site Accessory: Freestanding (Ground-Mounted or Pole-Mounted)) (§734)</td>
</tr>
<tr>
<td>Solar Energy Panels (On-Site Accessory: Building-Mounted or Roof-Mounted) (§734)</td>
</tr>
<tr>
<td>Solar Energy Facility (Utility Scale or Commercial) (§734)</td>
</tr>
</tbody>
</table>

That the West Traverse Township Zoning Ordinance, Section 306:2 (A-1 and A-1-A Districts), Section 307:2 (R-1 and R-1-A Districts), 308:2 (R-2 District), 309:2 (C-1 District), and 310:2 (I-1 District) is hereby amended as follows:

Add Solar Energy Panels (On-Site Accessory: Ground-Mounted or Pole-Mounted) as a Special Use (with asterisk) to each Table of Permitted and Special Land Uses under the category of Utilities, Energy and Communications.

Add Solar Energy Panels (On-Site Accessory: Building-Mounted or Roof-Mounted) as a Permitted Use (with asterisk) to each Table of Permitted and Special Land Uses under the category of Utilities, Energy and Communications.

That the West Traverse Township Zoning Ordinance, Section 306:2 (A-1 and A-1-A Districts) is hereby amended as follows:

Add Solar Energy Panels (Utility Scale or Commercial) as a Special Use (with asterisk) to the Table of Permitted and Special Land Uses under the category of Utilities, Energy and Communications.

That the West Traverse Township Zoning Ordinance, Section 734 (Solar Energy Facilities) is hereby added to read as follows:

(ADD NEW) Section 734:1 Solar Energy Panels (On-Site Accessory).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. Accessory solar energy panels shall not be located on a lot without a principal building. For freestanding solar energy panels, a plot plan pursuant to Section 502 shall be submitted to the Zoning Administrator. A zoning permit is required following Special Use Review by the Planning Commission pursuant to Section 603. Repair or replacement of an existing panel does not require a review or permit provided there is no change in size, height, or coverage area. Building-mounted or roof-mounted solar energy panels are a Permitted Use and, while no zoning permit is required, compliance with this Section is required.

A. **Height.**
1. Ground-mounted or pole-mounted accessory solar energy panels shall not exceed twenty (20) feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).

2. Building-mounted or roof-mounted accessory solar energy panels shall not exceed the maximum allowed building height in any zoning district.

B. Yard Location and Setbacks.

1. Ground-mounted or pole-mounted accessory solar energy panels shall be located in the rear or side yard and shall adhere to district setbacks for the principal building. Ground-mounted or pole-mounted accessory solar energy panels shall not be located in the front yard. For the purposes of this Section, the front yard shall be defined as the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. (See Figure A)

2. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a main building.

C. Glare. Panels shall not result in glare onto adjoining properties or public rights of way.

D. Coverage and Size. Roof-mounted or building-mounted accessory solar energy panels shall allow for adequate roof access for fire-fighting purposes. Ground-mounted or pole-mounted accessory solar energy panels shall not exceed twenty (20) percent of the building footprint for the principal building.

E. Installation.

1. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure.

2. Solar energy panels that are ground-mounted shall be safely attached to the ground.

3. Solar energy panels that are mounted on the roof of a building shall be safely supported by the roof according to the manufacturer's specifications.

4. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
5. Solar energy panels shall comply with building code, electrical code and all other applicable regulations.

(ADD) Section 734:2 Solar Energy Facilities – Utility-Scale or Commercial.

A. Minimum Size of Parcel. Solar Energy Facilities (Utility-Scale or Commercial) shall only be located on parcels which are at least twenty (20) acres in size. Adjacent parcels under the same ownership or which are leased by the owner of the Solar Energy Facility may be considered in combination to satisfy the minimal parcel size. However, the parcels considered in combination shall not thereafter be separated throughout the life of the solar energy facility.

B. Reflection/Glare. Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20) percent of the incident sun intensity. Plans to reduce glare may be required as part of the site plan submitted.

C. Impervious Surface/Stormwater. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and groundwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

D. Height. Solar collection devices shall not exceed twenty (20) feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).

E. Noise. Sound produced from the solar energy facility shall not exceed fifty-five (55) decibels at the property line (except during initial construction, routine maintenance and repairs, and final decommissioning of the site).

F. Screening. Solar collection devices shall be screened from view from any public street or residential district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission.

G. Dimensional Regulations. The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from all property lines. Solar collection devices will be kept at least one hundred (100) feet from any residence.

H. Electrical Transmission Lines. All electrical service and transmission lines on the site of the solar energy facility shall be located underground.

I. Installation. Solar collection devices shall be installed, maintained and used only in accordance with the manufacturer’s specifications.
J. **Other Standards.** In addition to the standards listed within this Section 734, Section 506 (Site Plan Review Standards), and Section 604 (Special Land Use Approval Standards), the Planning Commission shall consider the following factors when reviewing the proposal:

2. Waste and hazardous materials.
4. Public safety.

K. **Abandonment.** Any solar collection site which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

L. **Performance Guarantee.** The Planning Commission may require the applicant to furnish the Township with a performance guarantee pursuant to Section 906 in an amount equal to the estimated costs associated with dismantling the site and returning it to its original state in the event of abandonment.

**Section 2: Severability**
If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Section 3: Saving Clause**
The West Traverse Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 4: Effective Date**
The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

West Traverse Township Supervisor  West Traverse Township Clerk
I, ______________, Clerk for West Traverse Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2 of 2020 of West Traverse Township, adopted by at a meeting of the Township Board of Trustees held on ____________.

A copy of the complete ordinance text may be inspected or purchased at the West Traverse Township Hall, at 8001 M-119, Harbor Springs, Michigan.

Adopted:

__________

Published:

__________

Effective:

__________, subject to PA 110 of 2006 as amended.
An ordinance to amend the West Traverse Township Zoning Ordinance Section 202 (Definitions) and Section 407 (Accessory Buildings).

West Traverse Township, Emmet County, Michigan ordains:

Section 1: Amendment to the West Traverse Township Zoning Ordinance

That the West Traverse Township Zoning Ordinance, Section 202 (Definitions) is hereby amended to read as follows:

**ACCESSORY BUILDING OR STRUCTURE:** A supplemental building or structure on the same lot as the main building, or a structure which is intended to be supplemental to an allowed use to be added in the future, provided such a structure is devoted exclusively to an accessory use, but not for dwelling, lodging or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, including by a common wall with a minimum length of ten (10) feet, the accessory building shall be considered a part of the main building. Fences and freestanding walls that are not supporting roofs or ceilings are not considered structures or accessory structures.

**ATTACHED STRUCTURE:** Any structure that is attached to another structure by a common wall of at least ten (10) feet by a roof or by structural connections that allow pedestrian access to both structures through a space as defined as habitable living space by current building code. For example, Decks or stairways are attached structures when they are connected to another structure. To be considered an attached structure, an accessory building or garage may be attached directly to another structure the main building by sharing a common wall, of at least ten (10) feet in length, directly between the main building and accessory building.

**COMMON WALL:** A shared wall serving as a dividing partition directly between two buildings that are joined together. The shared wall shall run parallel between the two spaces. A wall attached in a perpendicular manner (such as a breezeway) shall not be considered a common wall.

**DECK:** A structural platform without a roof or walls. Also includes balconies. Decks or stairways are attached structures when they are connected to another structure in any manner and shall meet the setbacks of that structure.

**SHIPPING CONTAINER:** A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise.
That the West Traverse Township Zoning Ordinance, Section 407 (Accessory Buildings) is hereby amended to read as follows:

407:1 (G) Accessory Building Materials: Accessory buildings using non-rigid materials to serve as walls or roof shall not be permitted.

407:2 Nontraditional Storage Facilities.

The use of shipping containers, trucks, trailers, semi-trailers, manufactured homes, school buses, travel trailers or other similar vehicles for storage is prohibited in all Districts.

Section 2: Severability
If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause
The West Traverse Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date
The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

West Traverse Township Supervisor

West Traverse Township Clerk

I, ______________, Clerk for West Traverse Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 3 of 2020 of West Traverse Township, adopted by at a meeting of the Township Board of Trustees held on ______________.

A copy of the complete ordinance text may be inspected or purchased at the West Traverse Township Hall, at 8001 M-119, Harbor Springs, Michigan.

Adopted: ______________

Published: ______________

Effective: ______________, subject to PA 110 of 2006 as amended.
1. **Maple River** – 9/11/2017 - Sent letter to 2526 Gregory Rd – accessory building without a main use – no SUP. House was to be started within 2 years, no house.Accessory building is not completed. 11/28/2017 sent letter requesting compliance. 12/20/2017 No response to date. 1/12/2018 – site not accessible. 5/9/2018 sent letter to owner. 5/24/2018 SUP applied for – will be on the August 2018 PC agenda. SUP denied at 8/2/2018 PC meeting. Letter sent to owner requesting removal of structure. Follow-up needed after snow melt. 5/16/2019 confirmed violation still exists – sent violation letter requesting building be removed. 12/4/2019 – structure still in place. 1/30/2020 sent final notice.


3. **Carp Lake – 8772 Paradise Tr – 6/25/2018** – received phone call of too tall sign. Investigated and found new sign – no permits. Sent letter same day. 7/10/2018 – received phone call from owner. Sign was installed, is too tall, is in road right-of-way and is too large in area. Gave options to owner and asked for compliance. 7/20/2018 – owner applied for ZBA review. 8/6/2018 ECRC denied road commission permit application for sign located in road right-of-way. 8/6/2018 – owner withdrew ZBA request. 8/20/2018 – sign still at same location. Sent follow-up letter to owner requesting removal of sign. 9/10/2018 – sign has been moved, but is still visible from the road. Follow-up needed. Received call regarding outdoor lighting installed on cottages with glare onto neighboring property. Visited site 1/18/2019. Letter to be sent. 2/7/2019 – follow-up letter sent. Received call from owner who claimed harassment. Sent information for sign variance and lighting standards. 3/4/2019 received complaint from owner regarding enforcement. Advised by owner not to enter property. 3/20/2019 visited site from neighboring property and road. Lights are out of compliance and glare onto neighboring property. 4/5/2019 received follow-up letter from owners. 4/11/2019 sent response letter inviting ZBA application. 5/13/2019 received ZBA application. Visited site 5/17/2019 – unable to determine compliance of lights. Will visit after dark. Site visited 5/24/2019 – one light compliant, one light not compliant. Sign area approved by ZBA, sign height not approved. 8/21/2019 visited site. No change. Owner to be contacted. 9/11/2019 letter sent. Site visit conducted – no change. 12/4/2019 – sign not changed. 1/30/2020 sent final notice.

4. **Littlefield Township** – Petoskey St - Ponsheawaing – rental nuisance complaint. Follow-up needed.

5. **County-wide – PC** – Discussion needed regarding RV use on lot without a main use. Complaints received for: 7515 N Lake Shore Dr, CV Twp, 5733 Rustic Rd – BC Twp, 3146 W Levering Rd - CV Twp, 4471 Straits View Dr – Wawatam Twp, 5611 & 5615 Petoskey St – Littlefield Twp, 3485 N Lake Shore Dr – Readmond Twp, 10209 Banwell Rd – Littlefield Twp.

6. **Cross Village** – Accessory building with no main use after 2 years. Complaint received 1/6/2020. Letter emailed to owner. 1/7/2020 owner called. Email response received. House being planned, working with architect. Requested 1 additional year to start. Compliance anticipated.

1/7/2020 received call from property care-taker. Plan to move building to comply with setback in spring.

8. **7515 N Lake Shore Dr** – report of RV without a main use. 1/30/2020 visited site. 2/3/2020 sent letter.

9. **7555 N Lake Shore Dr** – report of too many residential accessory buildings – 1/30/2020 visited site.

**BEAR CREEK TOWNSHIP:**

1. **1700 Anderson Rd** – 6/27/2018 - complaint of outdoor storage/sales in unauthorized area. 6/29/2018 – contacted Fire Chief regarding display/storage in fire-lane. He indicated he’d contact the store and asked that I address storage in back of store. 7/16/2018 - Sent letter. Received call from manager indicating store is now in compliance. Requested a site visit. Site visit conducted 8/16/2018 – called manager, not in. Follow-up needed. 12/20/2018 – site visited. Letter to property owner prepared to address development as a whole. 2/8/2019 received email from property manager. Met with property manager for adjacent parcels. Need to reach out to different property manager for this property. Letter to be sent.

2. **5296 Evergreen Tr** – 4/26/2019 report of RV being used in front yard. RVs may be occupied for 60 days in a calendar year. Will monitor. Visited site 12/3/2019 – RV stored in front yard. Letter to be sent to owner. 1/31/2020 letter sent to owner.


5. **2000 Fochtman Industrial Park Dr** – based on complaint made during PC meetings for 2020 Fochtman Industrial Park Dr – spoke with ECRC. Plan to meet on-site and review drainage for adjacent property.

6. **796 Bellmer Rd** – rental nuisance complaint. Follow-up needed.

7. **528 N Fletcher Rd** – 9/17/2019 – complaint of building being constructed without a permit. Sent letter to owner 10/3/2019. 10/16/2109 Received phone call from owner indicating he would apply and that the building was a farm use building. No application received to date (10/23/2019). Follow-up letter sent 12/3/2019. Received call from owner 1/21/2020 – planning to have MDARD visit site. 2/10/2020 staff called owner, left message with request for application and plot plan.


9. **5733 Rustic Rd** – received complaint of RV on property without a main use. 1/31/2020 Sent letter. 2/6/2020 – owner called – options provided. Given until May to resolve.

10. **4772 US 131 Hwy** – site plan violation observed. 2/3/2020 sent letter requesting compliance. 2/11/2020 received call from engineer for project.

11. **2556 Howard Rd** – issued zoning permit 1/29/2018 – condition of approval was that one of the two mobile homes had to be removed upon completion of the 2nd. Permit valid for 2 years. Two mobile homes were on the property since that time. Sent violation letters 12/3/2019 & 1/3/2019. Received call from owner 1/22/2019 that mobile home violation would be removed by 2/7/2020. Visited site 2/10/2020 – 2nd mobile home removed. Compliance achieved.