EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY OCTOBER 1, 2020, 7:30 P.M.
ZOOM MEETING

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

MEMBERS ABSENT: Kelly Alexander

STAFF: Tammy Doernenburg, Monica Linehan

I  Call to Order and Attendance
Chairman Eby called the meeting to order at 7:30 p.m. All members were present except Alexander and Laughbaum. Laughbaum arrived at 7:35 p.m.

II  Minutes of September 3, 2020
Kargol made a motion, seconded by Drier, to approve the minutes of the September 3, 2020 meeting as presented. The motion passed unanimously by voice vote of the members present.

III  Cases

1. Case #PSUP20-013 Richard Hitz for Eitel Dahm, SITE PLAN REVIEW-Shoreline Bluff Protection Zone, 2082 S Lake Shore Dr, Section 13, Friendship Township
   Legal Notice: A request by Richard Hitz for Eitel Dahm for Site Plan Review at 2082 S Lake Shore Dr, Section 13, Friendship Township. The property is tax parcel 06-11-13-100-003 and is zoned SR Scenic Resource. The proposal is to create an access path for shoreline revetment construction on the shoreline bluff. The review is per Emmet County Zoning Ordinance Section 22.10 Shoreline Bluff Protection.
   Packet Items: No new info
   The applicant has requested postponement for this case to allow time to look into having the slope study completed.

2. Case #PSUP20-014 Richard Hitz for Gregg Hartemeyer, SITE PLAN REVIEW-Shoreline Bluff Protection Zone, 2078 S Lake Shore Dr, Section 13, Friendship Township
   Legal Notice: A request by Richard Hitz for Gregg Hartemeyer for Site Plan Review at 2078 S Lake Shore Dr., Section 13, Friendship Township. The property is tax parcel 06-11-13-100-002 and is zoned SR Scenic Resource. The proposal is to create an access path for shoreline revetment construction, remove the failing retaining wall, and install helical piers - all on the shoreline bluff. The review is per Emmet County Zoning Ordinance Section 22.10 Shoreline Bluff Protection.
   Packet Items: No new info
   The applicant has requested postponement for this case to allow time to look into having the slope study completed. Doernenburg also reported that the permit for the work on the house was issued.
Doernenburg reported that since the last meeting she did send an email to both the property owner that requested that he not be part of the rezoning and the property owner on property 007. She has gotten no response from either of them. The request is for the rezoning of properties accessed via Shady Maple Lane. The zoning map, aerial, and Future Land Use Map was shown. The area is shown as mixed use. The township has requested that the case be postponed because their Township Board meets after this meeting. Their Planning Committee recommended denial based on the concern that there would be more dwellings added to the private road and it would be difficult for emergency vehicles as they drive back farther onto the lane.

Ravencraft stated he has issues with the township linking the rezoning request with the condition of the road. It should be two separate issues. He is only one person that uses that road. He sees nothing wrong with the road personally; it is maintained by three of the owners throughout the seasons. The township should show concern for all seven people who live along the road and not just him. The only reason that he has requested the rezoning is so that he can build a small guest bungalow on his property.

Eby asked Doernenburg if she had discussed the issues with conditional rezoning not being allowed with the township. Doernenburg stated that she has. Ravencraft stated that the township Supervisor indicated to him that they want the road in better shape. Doernenburg stated that conditional rezoning is not allowed. She understands that the township is looking for some sort of maintenance agreement. They want to see the case again. Ravencraft stated that if they want to discuss the road it should be a separate issue from this request. Eby stated that the rezoning would allow a much denser use than what exists now, this is where the problem with the road comes in. Ravencraft stated that he has a commercial grader that he uses on the road every few weeks, another neighbor has more equipment that does the heavier work, and another plows in the winter.

Urman stated that it seemed that the township was concerned about emergency access; perhaps he should talk to the fire department as well as it might help his cause. Ravencraft stated that ambulances have been there along with other rescue vehicles. They have had no issues and UPS doesn’t have any issues. He is a retired firefighter and could get in there no problem.

MacInnis asked Doernenburg if there is reason to believe that the two emails she sent were received. Perhaps they didn’t get it. Doernenburg stated that there is always that possibility but she responded to the email that he sent to her. MacInnis stated that he was late providing information in the first place. He wants to give the township an opportunity to address the roads; maybe these two will show up at the township meeting instead.

Drier asked if Littlefield Township has a Planning Commission. Doernenburg stated that they have a Planning Committee. Drier asked if they recommended denial. Doernenburg replied, yes.

This case was postponed for further township review.
Dennis Hoshield asked if an ADU has been considered by the applicant for the bungalow as opposed to rezoning. This might force the issue with the road.

4. Case #PSPR20-008 Elizabeth Molosky for Triton Capital LLC, SITE PLAN REVIEW - AMENDMENT, 2864 N US 31 Hwy, Section 22, McKinley Township

Legal Notice: A request by Elizabeth Molosky for Triton Capitol LLC for a Site Plan Review - Amendment to add an accessory building to a business property at 2864 N US 31 Hwy, Section 22, McKinley Township. The property is zoned B-1 Local Tourist Business and is tax parcel 24-10-10-22-100-028. The request will be reviewed per Articles 10, 20 and 22 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, SPR checklist, impact statement, Maple River twp recommendation, zoning evaluation, site plan

Doernenburg presented this case. The property is zoned B-1 which means any use needs to go before the Planning Commission for review. This is a conforming lot. The surrounding properties are zoned B-1 to the north, south, and east and FF-1 across the highway. The site plan was shown. The request is for an accessory building to be used for storage. The plan has been revised due to the location of the septic and drainfield. It has now been moved behind the building. The accessory building proposed is a 16x37' building. It is now completely screened due to the change in location. The access used will be the existing access from US 31. It meets all setbacks. The trees are existing and will be maintained. Parking is shown behind the building. Snow storage is shown on the plan. The township has requested postponement due to their meeting being after this one. Doernenburg stated that because the request is minor in nature she hopes that the Planning Commission could authorize the Zoning Administrator to sign a zoning permit if the township recommends approval with no concerns.

Elizabeth Molosky, applicant, stated that she is storing furniture. She has no garage and needs storage. She stated that because McKinley Township changed or cancelled their meeting she would like a contingent approval. Molosky stated that the building is a pre-fab shed that needs to be put down and her stuff moved in prior to the snow falling. This is her biggest concern. Doernenburg clarified that the township didn’t cancel or change their meeting but rather due to the way the meeting dates fall this time, they met after our meeting.

MacInnis asked for clarification on whether Doernenburg is asking for permission to approve this case administratively if the township recommends approval at their meeting. Doernenburg replied, yes. MacInnis asked if she anticipates a township approval. She stated that she does. Eby stated that he has some issues with the way that this is worded only because we can’t abdicate our decision based on what the township says. There was some discussion on the wording of the motion.

MacInnis made a motion to approve Case #PSPR20-008, Elizabeth Molosky for Triton Capital LLC for Site Plan Review – amendment to allow an accessory building at 2864 N US 31 Hwy, Section 22, McKinley Township, tax parcel 24-10-10-22-100-028, as shown on the site plan dated Received Aug 25 2020 and updated September 28, 2020 because the standards of Articles 10, 20 and 22 have been met based on the facts presented in this case and on condition that all of the township requirements are met to the satisfaction of the Zoning Administrator. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

Drier stated that this insures that the applicant goes to the township meeting. Molosky stated that she is planning on attending that meeting.
5. Case #PSPR20-009  Steve Boettger for Solutions Electric, SITE PLAN REVIEW-RENEWAL/AMENDMENT, 8152 Milton Rd, Section 16, Littlefield Township

Legal Notice: A request by Steve Boettger for Solutions Electric Inc. for renewal of a Site Plan Review for a contractor's office at 8152 Milton Road, Section 16, Littlefield Township. The property is zoned B-2 General Business and is tax parcel 24-07-17-16-200-040. The request is per Articles 11 and 22 and Section 26.38 of the Zoning Ordinance. The Special Land Use was approved in 2015. The site plan was approved in 2017 (approval has expired).
Packet Items: Request & location map, tax parcel map, application. SPR checklist, impact statement, zoning evaluation, site plan

Doernenburg stated that the applicant had advised her that he wasn’t able to attend the meeting tonight but wished for the review to move forward without him present. She explained that this site plan was approved more than two years ago and has since expired. There is an existing building on the property that is used for his electrical business. The proposal is to add a second building and a lean-to addition on the north side of the existing building. The site plan, photos, and aerial view were shown. The property is zoned B-2 and is 3.8 acres. The township has recommended approval and a performance guarantee is still in place. A time limit on submitting an as-built drainage plan is included in the motion because the performance guarantee has been held since 2015.

Laughbaum asked if anything has changed in the area since the original approval. Doernenburg replied, no.

Chip Ironside asked if there are lights on the existing building and if they are in compliance with the ordinance. Doernenburg was unsure, the draft motion addresses this issue.

Hartmann made a motion to approve Case #PSPR20-009 Steve Boettger for Solutions Electric Inc, for Contractor's office and storage for plumbers, electricians, decorators or similar trades on property located at 8152 Milton Road, Section 16, Littlefield Township, tax parcel 24-07-17-16-200-040, as shown on the site plan dated Sep 1 2020 because the standards of Articles 11 and 22 and Section 26.38 of the Zoning Ordinance have been met, the offices are located in the front of the building, and on condition that the exterior lighting be reviewed and that an as-built drainage plan be submitted within 60 days of completion of the new building and because the township has recommended approval. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Maclnnis, Hartmann. No: None. Absent: Alexander.

6. Case #PSUP20-016  Ron Budnik, SPECIAL USE PERMIT, 2230 N US 31 Hwy, Section 26, Bear Creek Township

Legal Notice: A request by Ron Budnik for Kalchik Properties for a Special Use Permit for outdoor display of vehicles (dealership) at 2230 N US 31 Hwy, Section 26, Bear Creek Township. The property is tax parcel 24-01-16-26-226-016 and is zoned I-1 Light Industrial. The request is to allow outdoor display on the property. Review is per Articles 14, 19, 20, 21, 22, 24, 26 & 27 of the Zoning Ordinance.
Packet Items: Request & location map, tax parcel map, application, SPR checklist, impact statement, zoning evaluation, site plan

Doernenburg presented this case. The property is on the southeast corner of Fochtman Industrial Park Drive and US 31 Hwy; the former EK Hydraulics building. The building and parking lot exist and no structural changes are proposed. The request is to allow outdoor sales of vehicles. The buildings are currently being used for storage for contractors. The site plan was shown. All setbacks are met. There is a dry hydrant on site, and adequate parking. There is a dumpster on site that needs to be screened per ordinance standards within 60-90 days. The lighting is not fully shielded and does glare; this will need to be corrected and the applicant has agreed to do so within 60-90 days. The lot will be seal coated and striped and per the township will need to be done by June 1, 2021.
Ron Budnik, applicant, stated that he has a dealer license and can purchase cars for his clientele with the dealership license. At this point, the cars will only be there for a few days but it could evolve into more time and cars in the future.

There was no public comment on this case.

MacInnis stated that the 60-90 day range in the motion should have a number assigned to it rather than a range. 90 days was suggested.

Drier made a motion to approve Case #PSUP20-016, Ron Budnik for Kalchik Properties for a Special Use Permit for a display lot at 2230 N US 31 Hwy, Section 26, Bear Creek Township, tax parcel 24-01-16-26-226-016, as shown on the site plan dated Received Sept 4, 2020 because the standards of Articles 14, 20, 21, 22 and Section 26.42 have been met based on the facts presented in this case and because the township has recommended approval and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, the seal coating and striping of the lot will be completed by June 1, 2021, the dumpster will be screened as per ordinance standards within 90 days, and the lighting will meet ordinance standards within 90 days. The motion was supported by Hartmann and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

7. Case #PSPR20-011  Reg Whitcomb for Dare III LLC, SITE PLAN REVIEW, 1001 Lears Rd, Section 7, Bear Creek Township

Legal Notice: A request by Reg Whitcomb for Dare III LLC for site plan review for four duplex units on the easterly side of Lears Rd, westerly of Glen Haven Circle with the current address of 1001 Lears Rd within Section 7 of Bear Creek Township. The property is zoned R-2 General Residential with a Planned Unit Development-1 overlay and is tax parcel 24-01-19-07-400-035. The request will be reviewed per Articles 5, 20, 22 & Section 26.49 of the Zoning Ordinance. Packet Items: Request & location map, tax parcel map, application, SPR checklist, impact statement, Benchmark notices, zoning evaluation, site plan, drainage plan, floor plans

Doernenburg presented this case. The existing PUD was originally established with 80 acres but now part of the land is in Tribal Trust. The site plan was shown. There are existing multiple family dwellings as well as an existing driveway that will be used to access the proposed four duplex buildings with eight total units. The plan has been updated since the Fire Department review. An additional turnaround area was added. There was some discussion at the township meeting regarding safety and guardrails. The driveway is paved, there will be garages for each unit. Elevations were provided and shown and ordinance standards are met. Photos of the site were shown. The township discussed the trees being retained and maintained to the furthest extent possible. Lears is a Tribal road and there has been no road agency approval provided. Snow management is not shown on the plan but there are areas for snow storage. This was discussed at the township meeting and the management company will manage the snow as in the adjacent residential community. No outdoor lighting has been identified. They have been approved for City water hookup; the sewer is private but will be built to public standards.

Chip Ironside, representative for the applicant, stated that the small retaining wall by the turnaround has been indicated by the civil engineer to be no higher than 4’. This was of concern at the township meeting for safety reasons that people may fall off. If there were any issues, there would be a barrier.

MacInnis stated that his mother lived in Glen Haven which is an outstanding development.
Urman stated that they met the township approvals and addressed the safety concerns and will be in compliance with codes.

Kargol stated that his concern is with the water in this location and wanted to make sure that the retaining pond is properly engineered. They are setting up more units that will create water and everything is downhill. He is concerned that the water stay on site. Ironside stated that there are catchment areas further down which allow the water to percolate down into the earth along the way. Bryan Nolan engineered the plan. Doernenburg stated that we have a sealed drainage plan and updates to the plan will be submitted after approvals are given based on the fire chief and city utility suggestions.

Ron Budnik stated that this is a great complex.

Dennis Hoshield stated that this is a nice area.

Urman made a motion to approve Case #PSPR20-011, Reg Whitcomb for Dare III LLC for Site Plan Review – for 4 duplex buildings (8-units), on property located at 1001 Lears Road, Section 7, Bear Creek Township, tax parcel 24-01-19-07-400-035, as shown on the site plan and drainage plan dated Received Sept 28, 2020 because the standards of Articles 5, 20, 22 and Section 26.49 have been met based on the facts presented in this case and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, a performance guarantee in the amount to be provided by engineer be submitted prior to issuance of a zoning permit, and because Bear Creek Township Planning Commission has recommended approval, on condition that sealed drainage plans will be provided, Fire Department conditions are met, and that the existing trees are to remain to the greatest extent possible on the southwest side of the property. The motion was supported by Hartmann and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

8. Case #PSPR20-010 Paula Brown for Injured Soldiers Inc., SITE PLAN REVIEW-AMENDMENT, 4171 Ely Rd, Section 20, McKinley Township

Legal Notice: A request by Paula Brown for Injured Soldiers Inc. for a Site Plan Review - Amendment to add an accessory building to a private and semi-private recreation operation/Institutional/Educational use at 4171 Ely Road, Section 20, McKinley Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-10-10-10-300-006. The request will be reviewed per Articles 8, 20 and 22 of the Zoning Ordinance.
Packet Items: Request & location map, tax parcel map, application, impact statement, SPR checklist, Maple River recommendation, ECPC minutes 7/2015, zoning evaluation, elevations, site plan

This property is located on the north side of Ely Road and is zoned FF-2; approximately 238 acres. In 2015 a Special Use Permit was approved to allow for private/semi-private recreation lands. The house and accessory uses were allowed at that time. The current proposal is for a 1500sf accessory building behind the existing barn for storage use. The plan and photos were shown. The building will displace some approved camping areas. McKinley Township recommended approval. There is no change in use.

Mike Brown, applicant, stated that they want to build a 30x50’ pole barn with a cement floor to keep their equipment, such as golf carts, out of the weather. They have been storing things in the back horse barn but there are issues with animals there.

Drier made a motion to approve Case #PSPR20-010, Paula Brown for Injured Soldiers Inc for Site Plan Review – amendment to allow an accessory building at 4171 Ely Road, Section 20, McKinley Township, tax parcel 24-10-10-10-300-006, as shown on the site plan dated Received Sept 2, 2020 because the standards of Articles 8, 20, and 22 have been met based on the facts presented in this case, and McKinley Township recommended approval. The motion was supported by Scott and passed on
the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

Other Business

IV Public Comments: None.

V Other Business:

Public Hearing-Master Plan:
Dennis Hoshield asked about the area on the east side of Alanson; there is a blue area across M-68 that doesn’t seem to be bounded by property lines or sections on the Future Land Use Map. Doernenburg stated that you will see that in most every category; property lines were intentionally not followed to allow us to look at uses in the vicinity to make sure uses are consistent.

Doernenburg stated that all public comments that were received were provided. Charlevoix County comments were included via email. A digital copy of the markups was distributed to the Planning Commission members. If everything looks good, the Planning Commission could choose to forward to the Board of Commissioners. If changes need to be made, we can either come back here or just suggest the changes when it is before the Board of Commissioners. Doernenburg stated that she would like to update the title to read 2021-2025 since it is so late in the year. The plan was created in 2019-2020 and there have been some changes in the CCE/911 which should be captured in the plan before it is published. She will ask someone from that board to look at that section before it goes to the Board of Commissioners.

Drier stated that she would like the last line removed on page 76. She stated that on August 20, 2020, the Board of Commissioners was presented with a proposal but there was no board action regarding EmGo and it hasn’t been renewed beyond 2020. Perhaps it can just say continue to work towards a public transportation system. MacInnis stated that options for public transportation may be explored in the future.

Laughbaum stated that the map on page 69 with three shades of red is hard to read. Doernenburg stated that we cannot manipulate it as it comes from Network Northwest but she can contact them to see if it can be changed. Laughbaum stated that if we don’t draw attention to the roads, they will never get fixed.

Scott made a motion to forward the draft Emmet County Master Plan to the Board of Commissioners with the change in title to 2021-2025, the change in the transportation section that Drier suggested, and the map update that Laughbaum suggested. The motion was supported by MacInnis and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

Zoning Amendments: Ruben Shell stated that the introduction to possible zoning amendments were included in tonight’s packet. Tweaking the review process slightly in Article 20 is a big component which allows an administrative review committee to be formed to review certain site plans outside of a formal meeting; these would be for uses by right, accessory structures with an existing use by right, and that have less than 500 trip ends per day. He stated that more communities are doing this; it is best practice and helps economic development by expediting the site plan process and helps shorten Planning Commission agendas and open time up for other planning projects.
Eby stated that there was an engineer that pushed for this for many years. Scott stated that it makes sense on a case by case basis it seems that it would be a good idea. MacInnis asked which items on tonight’s agenda would qualify. Doernenburg stated that cases #4, 5, 7, and 8 tonight. Doernenburg stated that there have been some frustrated applicants with the process because they want to move forward more quickly. This goes hand in hand with the other potential change of expanding the cutoff dates. Urman stated that he agrees with the potential change. Hartmann stated that she agrees as well but having a committee seems like it is just another cog in the governmental wheel and wonders if it is just another step. Does it really expedite anything? She asked Doernenburg if she could just administratively approve them without a committee. Doernenburg stated that she doesn’t want any one person to have the pressure of making decisions; applicants can be very eager to get projects going. If there is a committee, then the procedures would be followed and it allows another set of eyes to review the application. Hartmann asked if it would meet as cases come in to approve. Shell stated that they typically would meet every couple weeks. MacInnis stated that if it is only a certain number of people it is no longer a committee and wouldn’t be subject to public meetings, minutes, etc. Shell agreed. Eby stated that this is administrative approval with a different format; he can understand why the Zoning Administrator wouldn’t want the pressure. The committee members should be chosen with alternates. MacInnis stated that he thinks it is a good idea to allow the Planning Commission to focus on bigger things. Kargol stated that there are always deadlines and this would help to move things along. Laughbaum stated that he is concerned that there would be no public record of meetings; what if people claimed favoritism? What do the townships think about this? He stated that the public meetings allow the public to be present and know what happens and why it happened; if there are no records he is a bit leery. MacInnis stated that outcome of the decisions could be presented to the full board. Laughbaum stated that there would be no notice for these cases. Doernenburg stated that site plan review cases don’t require notification and these would only be uses allowed by right. Shell stated that they would decide if it does or does not meet the requirements. Drier said she is leaning towards yes but is not in favor of just having the Zoning Administrator make a decision and is concerned about the township not having a voice; she shares some of Laughbaum’s concerns. Hartmann asked if the townships will see this proposal. Doernenburg stated that she hasn’t submitted it to Civil Counsel yet, she suggested doing that, if any concerns from the board come up in the next couple of weeks we can bring back. Shell stated that he will look into how alternate members would work and make sure that we don’t have to post meetings, etc. Drier stated that she doesn’t think that subcommittees do. Eby stated that it is only feedback only at this point; it appears to be acceptable; there are just some issues to work out.

The other potential change is to change the submittal deadlines from 22 to 28 days in advance for ZBA cases and from 24 to 28 days for PC cases. Doernenburg stated that it is very difficult to get cases notified properly with the dates as it is now. MacInnis made a motion supported by Scott to authorize the notifications to move forward for the potential amendments. The motion passed unanimously via voice vote of the members present.

VI Adjournment

Eby called the meeting adjourned at 9:00 p.m.

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James Scott, Secretary

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Date