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

MEMBERS ABSENT: None

STAFF: Tammy Doernenburg, Monica Linehan

I Call to Order and Attendance

Chairman Eby called the meeting to order at 7:30 p.m.

Doernenburg explained that the new procedures for electronic participation in meetings under the Open Meetings Act require that members participating remotely state the county, city, township, or village along with the state from which they are remotely attending.

This was announced during roll call attendance: Present Eby-Maple River Township, Emmet County, MI, Drier-McKinley Township, Emmet County, MI, Scott-Springvale Township, Emmet County, MI, Laughbaum-Center Township, Emmet County, MI, Urman-Adams County, Hull, IL, Kargol-Bear Creek Township, Emmet County, MI, Alexander-Wawatam Township, Emmet County, MI, MacInnis-Little Traverse Township, Emmet County, MI, Hartmann-Pleasantview Township, Emmet County, MI. Absent: None

Scott made a motion, supported by Urman, to accept the recommended rules of procedures as spelled out in the documentation by Robert Engel-Civil Counsel. A roll-call vote was taken. Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis, and Hartmann all voting yes. No: None.

II Minutes of October 1, 2020

Kargol made a motion, seconded by MacInnis, to approve the minutes of the October 1, 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: Request for postponement

The applicant has requested postponement for this case to allow time to look into having the slope study completed and research of other options. The case was postponed for one month.

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 Hartemayer 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: Request for postponement

The applicant has requested postponement for this case to allow time to look into having the slope study completed and research of other options. The case was postponed for one month.

3. Case PREZN20-02  Kenneth Ravencraft, REZONE FF-1 Farm and Forest to R-2 General Residential, 7339-7460 Shady Maple Ln, Section 11, Littlefield Township

Legal Notice: A request by Kenneth Ravencraft to rezone parcels located on Shady Maple Lane within Section 11 of Littlefield Township. The proposal is to rezone from FF-1 Farm and Forest to R-2 General Residential the following tax parcels 07-17-11-100-008, 021, 023, 027, 028, & 030, (7445, 7387, 7363, 7460, 7366, & 7339 Shady Maple Ln). The review will be conducted per Section 27.11.1 of the Zoning Ordinance. The Planning Commission may also consider including tax parcels 07-17-11-100-022, and 029 (7411 and 7380 Shady Maple Ln) and may also consider rezoning some or all of the parcels to R-1 One & Two Family Residential.
Packet Items: Littlefield Township recommendation, letter from Fire Chief, zoning maps-current, proposal-current, proposal-Option C, updated zoning evaluation

This case has been reviewed for the last two months. Littlefield Township previously recommended postponement for the Township Board to make a recommendation. They have now recommended denial on a 3-2 vote.

The request is for eight parcels to be rezoned; the aerial of this was shown. They are located on a private drive. Doernenburg explained that parcel 100-008 was opposed to the rezoning. She was able to contact the owner and he still is opposed. He wants to have the ability to have more than one accessory building and farm animals on the property. The original request would include all eight parcels. Another option “Option C” was discussed and shown on the map. This would rezone only four parcels. The Future Land Use Map shows this area as mixed use. Photos of the site were shown. The Fire Department has provided a letter stating that he sees no issues getting fire apparatus in and out of Shady Maple Lane.

Ravencraft stated that he followed through with the letter from the Fire Chief as discussed last month. They worked on the road and called them out to see it in person. This should have solved the township’s concerns but it didn’t. There are roadblocks thrown at him. He stated that he has given them everything that they have asked for. He would like the Planning Commission to approve the request and doesn’t feel that the township decision was proper. Ravencraft stated that his case took up ¾ of the last township meeting and still didn’t get approved. They wanted him to approach the property owners to have them require that a road maintenance agreement be signed by new owners if they ever sold the property; no one is going to do that.

Eby noted that the township stated that there were two owners objecting; we only have record of one. Doernenburg confirmed this. Eby asked if ‘option C’ is an option tonight. Doernenburg responded that it is as they were all included in the legal notice. MacInnis asked if the township looked at that option. Doernenburg stated that they had not that she is aware of. MacInnis asked if the applicant is happy with that option. It was shown on the screen again. This eliminates the property that recorded their objections. Ravencraft stated that this option is fine; he is only concerned with his own property and doesn’t care how many others join in. Alexander asked for clarification on what the township wanted done with the signing of a road maintenance agreement. Ravencraft stated that they wanted any new property owner to sign something saying that they would be responsible for the road maintenance before a sale. Eby stated that this is beyond our purview. The township is aiming for a conditional rezoning and
we cannot do that. Ravencraft asked if the road meets the standards. It seems that this should be a totally
separate issue. MacInnis stated that he feels that ‘option C’ is a good option. Hartmann stated that this
does not solve the township’s issue with the road. Eby stated that this development is built out and the
chances of it becoming an issue isn’t that strong; the only one that could potentially build out is the
person that was objecting and his property is left out of the ‘option C’ scenario.

There was no public comment on this case.

MacInnis made a motion to recommend approval of PREZN20-002, a request by Kenneth Ravencraft to
rezone four parcels all located on Shady Maple Lane from FF-1 Farm and Forest to R-2 General
Residential. The rezoning includes 7339, 7366, 7380 and 7460 Shady Maple Lane, Section 11,
Littlefield Township, tax parcels 24-07-11-100-030, 028, 029 & 027 because the standards for a
rezoning are met, the rezoning is supported by the Emmet County Master Plan, the uses within the R-2
zoning district are consistent with the rezoning and the letter from the Fire Chief supports the rezoning.
The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott,
Laughbaum, Urman, Kargol, Alexander, MacInnis, Hartmann. No: None.

Ravencraft stated that he appreciates the effort, the thought, and the positive vote tonight.

4. Case # PPUDF20-05 Chase Bank c/o John Johnson with Wesney Construction,
PRELIMINARY PLANNED UNIT DEVELOPMENT –
AMENDMENT, 1580 Anderson Rd, Section 7, Bear Creek Township

Legal Notice: A request by Chase Bank c/o John Johnson with Wesney Construction for a Preliminary
Planned Unit Development (PUD) Amendment on property located at 1580 Anderson Road in Section 7 of
Bear Creek Township. The property is tax parcel 01-19-07-300-039 and is zoned R-1 One & Two-Family
Residential, R-2 General Residential with a PUD overlay. The request is to allow a drive-through ATM in
the PUD. The review will be conducted per Article 17 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, zoning evaluation, site plan, BCPC
minutes

This property is located on the west side of Anderson Road. The proposal was on our agenda in the past but
had been withdrawn. The property owner now has authorized the applicant to come forward again with the
request. The zoning is R-1 and R-2 with a PUD overlay. The PUD is known as the RG Properties PUD
which was originally established in 1994, amended in 2000, 2008, and 2020. The surrounding uses were
pointed out. The proposal is a preliminary amendment to add an ATM next to the non-motorized trail in the
parking lot. It does take up parking for retail use. The PUD includes multiple properties with 62.5 acres on
the west side of Anderson Road and 20 acres on the east side of Anderson Road, as shown on the zoning
map. The township has recommended approval of this proposal with one no vote. The applicants would
come back with additional details if the Preliminary PUD is approved.

Applicants John Johnson of Wesney Construction and Ken White, Engineer were present.

Ken White stated that Chase Bank is looking for approval of a drive-through ATM along Anderson Road
next to the non-motorized trail. This does take up some parking. There will be a concrete barrier to separate
the ATM traffic from the pedestrian traffic. The drive-through will have five stacking spaces. It is drive-up
only and not meant for pedestrian use.
Scott stated that the plan looks good to him. Alexander asked how many parking spots are eliminated. Doernenburg replied 15 spaces. Alexander asked how many are required. Doernenburg stated that the parking that is there now is perpendicular parking; this would be parallel to the trail and displaces more parking than it provides. Five stacking spaces are required per the ordinance. There was discussion at the township that no one there could recall parking being utilized in this area as it is so far from the retail stores. Laughbaum asked about snow storage. Urman stated that this was addressed at the township and will be shown at the final review. They also discussed the barrier that will be installed.

John Johnson stated that he is available for specific questions and has a colored rendering that he could share if need be. Eby stated that this is not necessary at this level since it is a preliminary review. Eby then opened the floor to public comment.

Becky LaTocha stated that the plan sounds good to her.

Kargol made a motion to approve PPUDF20-05, John Johnson of Wesney Construction for Chase Bank for a Planned Unit Development amendment on property located at 1580 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-039, to add a drive-through ATM as shown generally on the Amendment to the PUD Master Plan dated Sep 15 2020 because the standards for the PUD have been met based on the uses in the vicinity, the changes in the vicinity since the original PUD was approved and subsequently amended, all other PUD standards remain in place based on the signed 2008 PUD agreement as amended in 2020 and because the Township has recommended approval. The motion was supported by Hartmann and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MaClnnis, Hartmann. No: None.

5. PPUDF20-06 John Ledig for Home Depot, FINAL PLANNED UNIT DEVELOPMENT and SITE PLAN REVIEW, 1700 Anderson Rd, Section 7, Bear Creek Township

Legal Notice: A request by John Ledig with Home Depot for a Final Planned Unit Development (PUD) Amendment and Site Plan Review on property located at 1700 Anderson Road in Section 7 of Bear Creek Township. The property is tax parcel 01-19-07-300-040 and is zoned R-1 One & Two-Family Residential, R-2 General Residential with a PUD-1 overlay. The request is to allow outdoor display and storage in accordance with the amended PUD Agreement. The review will be conducted per Articles 17, 20 & 21 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, site plan review checklist, impact statement, PUD agreement, PUD plan, zoning evaluation, PUD site plan, BCPC minutes, Fire Dept recommendation

This location is the Home Depot site on the east side of Anderson Road. The proposal is to add outdoor storage and display in the sections as identified on the site plan. There is proposed storage on the side and back of the building. The original PUD didn’t allow for storage on the side of the building. Bear Creek Township stated that they approve of the storage area but at a different location. The storage is proposed up to 15’ off of the building. The proposal also includes one rental vehicle in the parking lot. During the township meeting the screening between this property and the casino was discussed. Since the uses are commercial against commercial it was determined that screening wasn’t necessary.

John Ledig of Home Depot stated that the store is slated to do $50 million in sales this year. With the recent changes, curbside, online ordering, and special orders have drastically increased. They plan to use the proposed outdoor display increase for shed displays, seasonal displays, bulk lumber, other special
order products, and larger items such as trusses and beams. They don’t have enough room for everything.

Laughbaum asked what the objection with the storage is on the north side. Doernenburg stated that because the recent preliminary PUD amendment request did not include this; the current plan should indicated storage in the front and back of the store only.

There was no public comment on this case.

Doernenburg read the list of conditions from Bear Creek Township’s minutes which included the stipulation that additional painted lines be added for clear delineation on the front of the building, with the exception that the storage on the north side of the building be not approved (because it was not part of the approved amendment on 7/10/2020), for additional storage to the rear of the building (in lieu of the storage to the north side) to be allowed up to the same square footage as was proposed for the north side of the building, as long as setbacks are met and fire chief approves. Additionally, that fire department review and recommendations are followed, and that lines are marked at 15ft, not 15in. Urman added that the Fire Chief approved the plan.

Drier made a motion to approve PPUDF20-06, John Ledig for Home Depot for a Planned Unit Development amendment on property located at 1700 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-040, to add outdoor display and storage as noted on the site plan dated Received SEP 15 2020 based on the facts presented in this case and because the Final PUD plan is consistent with the amendments to the PUD approved, and last signed on 7/10/20, and all site plan standards have been met. The approval is subject to the following conditions: 1) additional painted lines be added for clear delineation on the front of the building, 2) no storage is permitted on the north side of the building (because it was not part of the approved amendment on 7/10/2020), 3) additional storage to the rear of the building (in lieu of the storage to the north side) to be allowed up to the same square footage as was proposed for the north side of the building, 4) setbacks are to be met, 5) that fire department review and recommendations are followed, and that lines are marked at 15ft, not 15in. The motion was supported by MacInnis and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis, Hartmann. No: None.

6. PPUD20-002 D A Pearson Holdings LLC, PLANNED UNIT DEVELOPMENT REZONING, M-68 Hwy, Section 10, Littlefield Township

**Legal Notice:** A request by D. A Pearson Holdings LLC on property owned by William and Donald W McMaster for a Preliminary Planned Unit Development (PUD) rezoning on vacant property located directly north of 6977 M-68 Hwy, Section 10 of Littlefield Township. The property is zoned R-2 General Residential and is tax parcel 24-07-17-10-200-018. The request is to rezone to PUD to allow the Principal and Special Uses listed in the R-2 Zoning District, outdoor storage and storage buildings. Review will be per Article 17 and Section 27.11 of the Zoning Ordinance.

**Packet Items:** Request & location map, tax parcel map, application, site plan, wetland map, future land use map, zoning evaluation

Doernenburg reported that the applicant has requested postponement due to meeting conflicts.
Section 27, Bear Creek Township

Legal Notice: A request by Ironwood Construction for Don & Valerie Schreiber on property owned by IBIS LLC for a Special Use Permit for an electronics & Precision Equipment Repair & Maintenance facility located at 2420 Harbor-Petoskey Road, Section 27 of Bear Creek Township. The property is zoned R-2 General Residential and is tax parcel 01-16-27-200-002. The review will be per Articles 5, 19, 20, 21, 22 and Section 26.24.1 of the Emmet County Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, site plan review checklist, impact statement, elevations, site plan, email chain regarding access with MDOT, applicants, and P&Z staff, zoning evaluation, BCPC minutes, Fire Dept recommendation, email from owner/applicant to staff regarding easement, email from Mark & Wendy Pachla, email from Derek Waldorf-MDOT/applicant/Benchmark/P&Z staff.

Doernenburg presented this case. This property is located on the east side of Harbor Petoskey Road. The original site plan was shown which was reviewed at the Bear Creek Township meeting. There has been a revision since which addresses issues brought up with screening and semi-truck turnarounds. Ruben Shell, planning consultant with Beckett & Raeder, took over the presentation. Shell stated that the property is 1.84 acres. The township decided to postpone the case over concerns with truck deliveries and the effect on the neighborhood and surrounding properties. The parcel is mostly flat with sandy soils and slopes down to the east. The surrounding uses include a condo association, Toski Sands, offices, vacant house, and Conservancy property. The request would add a 6,200sf building to be used as a showroom/electronics shop. A sealed drainage plan has been provided. There is a non-exclusive easement for ingress and egress recorded. MDOT has recommended that the existing driveway on the south side of the property be used for site access and that the site plan be amended to show this. The use is a special use in the R-2 zoning district. The Master Plan shows mixed use. The Bear Creek Township access management plan supports the shared access drives for this section of M-119. Elevations of the building and photos of the site were shown. There is some existing screening along the rear property line. The recommendation is for the Planning Commission to consider whether the proposed screening along the south and east property lines is sufficient and whether additional stormwater features should be requested.

Serenity Dankert of Ironwood Construction stated that they have been in front of the township. Snow storage calculations that were not shown on the previous plan are now shown. Because the Lakeside Condo owners asked for additional screening they provided additional screening against their hedge by the tennis courts. Any further screening would have to be addressed. Semi-truck access and turnaround issues have now been addressed by adding some gravel parking so that they can pull in and turnaround. The business owner has stated that most of their deliveries would be via standard delivery trucks but there would be an occasional semi. In regards to the shared access drive discussion, the owner of the property has issued a letter to Ironwood Construction and to the applicant stating that they would not be issuing any easements for access to the property. The concern is that the lot to the south has 116’ frontage. If it were set up as other than residential they would have to acquire more frontage. There seems to be an easement between the parcels that the owner was unaware of. They do not want it.

Urman stated that access management was an issue at the township meeting. Dankert stated that the current owner does not wish to have an easement between the properties. Doernenburg stated that there is a non-exclusive easement for ingress and egress on both 200-002 and 200-004. Dankert stated that the owner will be preparing a deed to remove the easement between the two parcels. Urman stated that there is new information and a new site plan since they were at the township meeting. Some of the screening was
addressed but the township had concerns that this will be a steel building and there will be 100’ of steel wall with only four 6’ trees to screen the 14’ sidewalls and a 26’ peak. Snow storage and semi turnaround appears to be addressed. Urman stated that a lot of time and effort was put into the access management plan for this corridor. He believes that the commissioners were leaning towards one entrance to access the two parcels. Dankert asked if this can be addressed with the sale of the southerly parcel. What if they put a house there; can it be addressed then? Doernenburg stated that there is already a curb cut there and there is a slim to none chance that MDOT would remove it. Dankert stated that it is zoned R-2; a house could go there. Doernenburg stated that another business could as well. Dankert asked if it could be addressed at that time. Doernenburg replied that it is highly unlikely as they are asking for this now. Dankert stated that the purpose tonight is not for approval but to get all of the issues aired out so that they can come back next month. Drier asked Urman if the revisions have satisfied him. Urman stated that he would like to see more screening, he would like to see elevations provided and a landscape plan. Access management is a big concern. Due to the fact that there is an easement and that MDOT has highly recommended shared access; perhaps it could be moved to the north on the lot line. Dankert asked if a landscape plan is required; if it is, it can be provided. Eby stated that we are getting into a lot of issues; perhaps we should just advise the applicant of the issues and not try to solve them. Urman stated that the big hang up is access management both from the Planning Commission and Board. The rest of the issues are site plan issues such as screening. Dankert stated that the current owner is marketing both parcels and the shared access is detrimental to the remaining parcel. They are asking that it be treated as residential. They have presented a very allowable special use for the north parcel for Sunrise Security. The goal is to put off the access management until all the facts are there as to what will happen with the south parcel. Urman stated that this is a very busy corridor that they are trying to address and keep safe. The business there may not always be Sunrise Electronics; it could be something with a higher traffic use. They are not against this project but would like this to be addressed.

Don Schreiber, Sunrise Security, stated that since this is R-2 and the current driveway is on the south parcel, are we saying that we want a shared driveway whether someone puts another business in or a house 10 years from now? It doesn’t seem that a residence would want to share a driveway with a business. Eby stated that this is not the will of the board but is a discussion. Schreiber asked if they would be required to use a shared driveway if a house was put in. Eby stated that they would have to request this from MDOT. Schreiber stated that he is not sure what he has to do to get this approved as this is a hypothetical situation. There is no clear direction as to whether it is required to share the driveway or require that the easement be maintained. Hartmann asked what the future land use map shows for the two parcels. Doernenburg stated that it shows mixed use. She stated that MDOT worked with the township and Emmet County on the access management plan and the goal is to keep curbs cuts to a minimum. There is already a commercial curb cut on the south parcel. There could be a number of ways to accomplish this; the property owner is the one to decide how to move forward. She stated that she felt that the township recommendation was pretty strong. They would have to work together as there is an easement on the property. If MDOT only allows the one access this is what would have to be done. Dankert asked if the way that the easement is written is on the entire two parcels. Doernenburg stated yes; for ingress/egress. Schreiber asked how much screening is required. Eby suggested coming to some reasonable agreement with the township and we can look at it. Urman suggested maybe having a Y access drive with one entrance to access the two parcels would work. Eby stated that screening and access seem to be the issues.

Eby opened the floor to public comment.

Michelle McCue stated that she is a 30-year resident at Lakeside Condo Association and the traffic makes it almost impossible to exit Lakeside Drive; we should be considered. We need screening on the south side of
the development. The elevations and landscaping should be shown so that they know if there are high lights that would shine into their association and the surrounding areas. There is natural habitat with loons and other wildlife; it needs to be dark at night.

Mitch Brown stated that it looks like the site plan has changed and it appears that some parking has been removed for the semi-trucks as well as some screening on the east side removed.

Becky LaTocha stated that she would like the current property owner to have some leeway in the access for a future residence as shared may not be ideal.

This case was postponed until the next regular meeting to address the site plan concerns and to go back to the township for further review.

8. PSUP20-018 Elmer’s Real Estate Company LLC, SPECIAL USE PERMIT/Site Plan Amendment, 7537 Dekruif Rd, Section 23, Carp Lake Township

Legal Notice: A request by Tom Wolf for Elmer's Real Estate Co, LLC for a Special Use Permit amendment to the site plan at 7537 Dekruif Rd in Section 23 of Carp Lake Township. The property is zoned FF-2 Farm and Forest and is tax parcel 03-06-23-300-005. The proposal to amend the resource extraction operation will be reviewed per Articles 8, 20, 21 and 22 and Section 26.10 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, site plan review checklist, impact statement, Mining permit revisions, site plan, zoning evaluation

The location of this parcel was shown on Dekruif Road. It is an existing Level III mining operation. The proposal is to reduce setbacks to 50’ along the side and rear of the property and keep 300’ from the existing residences. The site plan provided by the applicant is similar to the existing site plan. They would like to expand into phases 3&4; phases 1&2 have already been authorized. The special use permit text as approved with proposed changes have been distributed in packets. The changes made only impact the setback and phase changes. The previous setback was 150’ and is in line with zoning standards. Photos and the site plan were shown. The property is zoned FF-2. Hours of operation are Monday-Friday 8am-5pm with no weekends/holidays. The township recommendation was received today; they have recommended denial. They would like to see how it affects drainage, wells, standing water, and driveways. It is closer to the residences and there are no noise reducing berms. They would like the speed to be restricted to 15mph with no holiday work, they would like restrictions on the weight to minimize road wear. An email from James Jutson, property owner in the vicinity, was received as well as several calls from an individual adjacent to the parcel.

Tom Wolf from Elmer’s was present.

Scott stated that he is not sure that he understands the reasoning for reducing the setback to 50’ when the site plan shows 150’ everywhere. It seems like it is a reasonable thing to request on this big of a property. Tom Wolf stated that it is 150’ to the colored mining phases and the dotted line is the 50’ setback on the site plan. Scott asked what the purpose of the phased portion is if it is not intended to be the working area. Wolf stated that the original permit was issued in 1998 and the point of reducing setbacks is to come up to date with current ordinance standards and use more of the parcel. Scott asked why we are looking at a plan that doesn’t show what they are asking to do. The phases are showing 150’ not 50’ as requested. Wolf stated that phase 4 comes into contact with the 50’ setback. Scott stated that on his plan it only goes to the 150’. In the description it shows that it is changing but the site plan
doesn’t show this. The site plan is the document that we have to work with. Wolf stated that he will make the dotted line more obvious. Scott stated that the issue is that the phase 4 stops at the 150’ mark not the 50’ that is being requested. Laughbaum asked if this plan had been scaled? Scott stated that it had been and labeled. Drier asked if Dekruif Road is a township road as they seem to be concerned about the road damage. She asked if the applicant was present at the township meeting. Wolf stated that he wasn’t there but does need to abide by the load damage set in place by the Road Commission. This is not a new site; it has been in operation for more than twenty years. Trucks on the road are not new.
Drier stated that she realizes this but how many more trucks will be active in phases 3&4? Wolf stated that the truck traffic will not change. They are looking to open the site up more. Eby stated that the original approval did not allow anything onto the site. They are not asking for any more. Scott stated that the reason for the setbacks in the original review was to allow for room for reclamation and to protect the property owners. There was a lot of effort and many site visits during the original approval. Wolf stated that they plan to leave the 300’ buffer from the residences and berms will be built at the edges as they are mining into those areas even though they are not there now. Scott stated that if that was put into the permit that they would build berms at any property line where excavation will take place he would feel better about giving up the 150’ setback. There is mostly vacant land around the property.

Eby opened the floor to public comment.

Jim Nelson stated that setbacks were designed so that people didn’t have to view the gravel pit. He stated that he lives about 100’ off of the property line. If the easement were to be dropped to 50’ no one on this board would like to look at a gravel pit 50’ off of their property line. It is disappointing that Tom Wolf was not at the township meeting and didn’t have anyone else there to represent. None of the neighbors were familiar with what the affects would be when it first came in. It would be nice to postpone this to give everyone the opportunity to talk to the applicant. They are violating the current permit. It is not unusual for them to start at 6:30am. He would like to see something that shows how violations will be enforced; there should be penalties without the neighbors having to call in all of the time. Time and experience gives us time to figure out what should have been done in the first place. This is the opportunity to make them abide by the permit. It started in 1998 and was mined for 4-5 years then not again until the last couple of years. They need to go back to the township meeting and let the neighbors have the opportunity to know what they are going to do. Nelson stated again that he was disappointed that they were not there. There is a process, and there is a piece missing in the process. They felt it wasn’t important enough to send someone to the meeting to talk to the neighbors. There are issues that haven’t been dealt with. There is an easement and drive going through the property and the proposed excavation appears to go into that area; nothing has been said about this. They want to apply for the 50’ setback just because that is what current standards are. Nelson stated that he doesn’t see pits plopped in the middle of residential areas. They are using the maximum amount of space. This is why the setbacks are set at what they are at. He wants someone from Elmer’s to attend the township meeting.

Scott stated that he would like to see it go back to the township as well but isn’t sure that it is appropriate since they have made a recommendation. Eby agreed stating that the township should have requested postponement instead.

Wolf stated that Mr. Teike was out of town for the last month. He got back with him on Thursday or Friday, they talked and he was asked if he would be coming to the Wednesday meeting. Wolf stated that he told him he was out of town and would be happy to be part of a Zoom meeting or call in to the meeting and was told that neither option was available. He is more than happy to go to the next township meeting.
Eby stated that he has an issue with reducing the setbacks to 50’ without cause. Wolf stated that the majority of the surrounding property is forest. What if they kept 150’ at the property boundaries with the two neighboring homes and then reduce the rest. It seems extreme to have 150’ surrounding the whole parcel. If you are trying to protect views and sound levels, proposing 150’ at those two property lines would be better. Scott stated that he would be open to that option but would still need to have berms provided. Nelson stated that the current berm is 8’ tall and doesn’t block sound.

Urman stated that he thinks it should go back to the township. There was a lot of effort put into the original permit and the township and neighbors should be allowed to speak.

Kargol asked if the whole parcel was approved when this was reviewed originally. Scott stated that it was but in phases and only 1&2 were approved; they have to come back for further phases. Doernenburg stated that she will provide the current site plan and permit for the next packet.

Laughbaum asked how deep they are mining. Wolf stated that they do not go into the water table. The depth can change and you never really know until you hit the clay. They haven’t dug any test bores on this site themselves. It likely would be 10’ or so based on the site and what they are digging now. He will remind them of the 8am start time.

This case was postponed until the next regular meeting to give the applicant a chance to appear at the township meeting.

Nelson stated that he doesn’t find it appropriate that he was interrupted and told to wrap things up. Eby stated that there is always a time limit.

9. PSUP20-019 Rebecca LaTocha, SPECIAL USE PERMIT – Accessory Building Exception, 11126 Cecil Bay Rd, Section 5, Carp Lake Township

Legal Notice: A request by Rebecca Marie LaTocha for a Special Use Permit, accessory building exception, at 11126 Cecil Bay Road, Section 5, Carp Lake Township. The property is tax parcel 03-06-05-300-002 and is zoned SR Scenic Resource. The request is to allow a larger residential accessory building (3,328 sq. ft.) than permitted per Section 22.01 of the zoning ordinance.

Packet Items: Request & location map, tax parcel map, application, site plan review checklist and impact statement, site plan, floor plans, elevations, zoning evaluation.

This parcel is 42 acres and is zoned SR Scenic Resource. The proposed accessory building meets all setback standards. The existing building on site would be removed prior to construction of the new building. The proposed building would be screened both with vegetation and distance from the road. The site plan and elevations were shown. The township recommended approval stating that this is a nice design and is not an unreasonable request for the size and location of the property.

Rebecca LaTocha, applicant, stated that she also owns the adjacent parcel so there is a total of 82 acres.

Alexander stated that it is the nicest looking accessory building he’s seen and questioned what would be stored in it. LaTocha replied that it is personal storage for their vehicles and boats along with a hobby/craft area.

Eby opened the floor to public comment.

Robert Voigt, neighbor, stated that his is in favor of granting an exception.
MacInnis made a motion to approve Case #PSUP20-019, Rebecca LaTocha for a Special Use Permit at 11126 Cecil Bay Rd, Section 5 of Carp Lake Township on tax parcel 24-03-06-05-300-002, as shown on the site plan dated Received 10/12/20 because the building would not be visible from Cecil Bay Road, no good purpose would be served by strict compliance with the size standards of the Ordinance and on condition that the building be used for personal use, and an affidavit of use be filed with the Register of Deeds prior to issuance of a zoning permit, and because the township has recommended approval. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis, Hartmann. No: None.

10. PSPR20-012 Mary Beth Carolan, SITE PLAN REVIEW – Cabin Court, 4495 Larks Lake Rd, Section 7, Center Township  [Applicant (and Township) requested postponement due to meeting date conflicts – both meetings are the same night]

Legal Notice: A request by Terrance Carolan for Mary Carolan for Site Plan Review for a cabin court at 4495 N Larks Lake Road in Section 7 of Center Township. The property is tax parcel number 24-04-09-07-400-003 and is zoned B-1 Local Tourist Business. The request is per Section 10.01 and Article 10 of the Zoning Ordinance.

Packet Items: Request & location map, application, site plan review checklist, impact statement, site plan, email from Gerald Forhman to EGLE, groundwater flow diagram, 8/27/20 violation letter from P&Z to owner, photos, zoning evaluation, historical info on 2014 & 2016 cases with expired approval for site, applicant request for postponement, township request for postponement, email from Carrie Ketterer, email from Dan Benoche-Health Dept.

Because both the township and County meetings were on the same night, both the applicant and township have requested postponement. The case will be placed on the next month’s agenda.

11. PSUP20-020 David Coveyou, SPECIAL USE PERMIT & SITE PLAN REVIEW – Campground, 4160 US 131 Hwy, Section 30, Bear Creek Township

Legal Notice: A request by David Coveyou for a Special Use Permit for a campground and accessory uses on a commercial farm to include social events on properties located within Sections 19 and 30 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and includes the following parcels: 24-01-19-30-100-006 (4160 US 131), 24-01-19-19-300-011 (3805 Cemetery Rd), and 24-01-19-19-300-012 (vacant). The reviews will be per Articles 8, 19, 20, 21, 22 and Sections 26.29 and 26.50 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, site plan review, impact statement, applicant’s project description packet including examples of the tent and cabins, emails between applicant and ECRC & Health Department, site plan packet, site plan with proposed road abandonment, emails regarding the road abandonment proposal, zoning evaluation, letter from ECRC regarding road abandonment, MDOT email regarding road abandonment, email from Health Dept, site plan,

Ruben Shell presented this case. The location and aerial map were shown. The request is to add campground facilities and accessory uses to the agricultural uses. Involved are three tax parcels all west of US 131, two parcels north of Gregg Road, and one south. The zoning is FF-1 for the majority and SR on the southern and largest parcel along Walloon Lake. The proposed facility is primarily to be located on the NW properties along Cemetery and Gregg Roads and would include tent/yurt camping as well as five cabins, a restroom, and a check-in building. The event spaces were shown on the site plan on the NW parcel.
Weddings and similar events will be held on the smaller outdoor venue and larger area to hold the live music/staging area. Parking was shown. The closure of Gregg Road has been proposed between US 131 and Cemetery Road with berms over the road. Guest access was shown on the plan through the existing driveway on the primary Coveyou Farms site. The plan includes widening of the existing gravel driveway. Events are limited to 8-11 events May-October, up to five events per month with music ending at 10pm. Shell stated that the site plan is relatively complete with the exception of road agencies to try to close the road and MDOT approval for the use of the existing curb cuts for a use of this size. It was noted in the report that the Planning Commission could discuss whether the music should be in an enclosed area and consider whether the restrooms are sufficient for the amount of sites. Also, consider whether there will be electrical on site or generators as well as an alternative placement of a drive across the north portion of the site so as to not coincide with the existing driveway.

William Coveyou, son of David and Kathy Coveyou, stated that the farm has been in his family for 146 years. He is 6th generation. Over the years they have had to evolve and have transitioned to the current farm market. The campground and farm stay would be for the guests to be made available to see what it means to be a farm in Northern Michigan and what it entails. This will be a minimum footprint and would be set up in one of the most beautiful and secluded areas on the property. It is an intentional, peaceful getaway with no distractions from the outside. Traffic cannot be heard from this area and it is screened by existing trees. None of the neighbors houses are visible from the space. He anticipates that the guests can have a peaceful spot and the neighbors will be unaware. They are not allowing outside campers or tents, all will be provided in designated spaces with camping supplies provided. This is exciting as it is something unique. It is different than just checking into a hotel. It is also attractive to those who want to camp but don’t have their own equipment. Coveyou stated that this plan also can help them as they have had to turn away employees in the past. They utilize 100% seasonal farm workers and 70% of them need to live on the farm. This would allow for more employee housing. They could take on more help and be a model for the housing shortage in the community.

Dusty Christenson, land use consultant, has been working on this project. He noted that vehicular circulation includes utilizing the existing curb cut on US 131 and an email from MDOT indicating their agreement with this use has been received. They are not planning any additional work in the right-of-way so no additional permits will be needed at this point. The Health Department have stated that they are generally supportive of the project but no permits have been issued yet. The cabins are not permanent as they will be on skids so they are moveable. They will be tied into the plumbing. The event spaces and campground comply with all zoning ordinance standards and have sufficient setbacks. It is tucked into the existing wooded area; primarily evergreen. The ridge screens from the highway. Noise is always a concern but they are complying with the ordinance requirements of 1000’ from neighboring residences. Concerns at the township meeting including creating a separation between the pedestrian and vehicular traffic. Updated plans have been provided that show this separation. Emergency services for the campground as they are a distance away was discussed and a vehicle owned by the farm would be provided to EMS if needed. Doernenburg showed photos of the pathway and the pedestrian crossing. David Coveyou stated that the path continues to the farm market and is a safe way to get to the market from where they park. The intention is to link the camp sites with the farm market which this would be a connection to the two. They would widen and improve the existing Gregg Road.

Doernenburg stated that eight emails representing 13 individuals have been received opposing the closure of Gregg Road. This would have to go to the Road Commission.

Urman stated that the township wanted to see it back. They haven’t seen any of the new plans or photos.
There is concern with the road closure. Resort Township should be contacted as well as it would affect them. There is a lot of ATV, snowmobile, and car traffic through there. It was looked at when the ORV system was proposed and there was an issue with abandoning roads there. The proposal includes a wooden fence along the north border. He feels that the issues can be worked through.

Scott stated that the abandonment of Gregg Road is significant and needs to be resolved and impacts the site plan dramatically. He stated that he doesn’t see how we could move ahead without knowing the outcome of this. The possibility of bringing a road in to the north and putting an access onto the north side of the hill seems to be a good site distance to the north and south and could be an entrance/exit to this portion of the property. There are ways around it but it is a center-point to this plan and if not closed, would need to be a crossing instead. Kargol stated that it will have to work smoothly together. The Road Commission is in favor but won’t do an abandonment unless they know the plan will be moving forward for sure. MacInnis asked what happens if it does get abandoned? Do the Coveyou’s buy it or is there an easement? Eby stated that it would go to the landholder underneath. Kargol added if abandoned, would be gone from the Road Commission forever. MacInnis stated that ATV users have no vested interest other than it is a road they can use. Kargol stated that it is maintained to the seasonal point. MDOT does not want to see traffic coming off of that road. Drier stated that she would like to see more accurate cabin drawings as the ones provided don’t show any of the plumbing information. Will the proposed comfort station have any bedrooms? There are no restrooms or plumbing in there either. Christenson stated that these will be six individual restrooms for the tent campers and events and will be plumbed into the drainfield. The cabins will also be hooked through the plumbing system to the drainfield. Electricity will be hardwired on site from the connection point to the comfort center and to the campsites. It will also connect to the larger of the event spaces for music. No generators are proposed. Electric will be underground. Drier stated that the cabin floor plans don’t show any restrooms. Christenson stated that they will be 400sf and less and they don’t have specific models yet.

Eby opened the floor to public comment.

Kathy Dufek asked if there will be fire pits. D. Coveyou stated that there will be fire rings for each site. She asked how they will continue to be an organic farm with the carbon emissions from there and greenhouses and barns open. Neighbors don’t want to smell fires nightly. Will there be fireworks? D. Coveyou stated that there won’t be. Dufek asked how large the wedding venue would be. She wants to know which riff-raff will be coming off the street; she doesn’t want them showing up on her doorstep. Dufek stated that they use Gregg Road to get to and from ORV trails and also to defeat traffic. She stated that her husband will fix the road if the County doesn’t want to fix it. They enjoy watching wildlife and campgrounds scare this away. She is not in favor of the proposal.

Amy Gray stated that she feels Resort Township should be involved as well as they are a direct neighbor to the property. She is concerned about the road closure as it is used a lot with ATVs and snowmobiles. She asked if the employees live in the existing house on Gregg Road. She is also concerned with the constant smoke from campfires which will likely come right to their property.

Mitch Brown stated that consideration should be given to an alternative road to the north with a possible easement for ORV traffic to Cemetery Road. A new road should stop at the campsites and an easement given to Cemetery Road which is the only practical way to abandon the road.

Mary Pat Goldich, Walloon Lake Association, stated that she would like clarification to the type of campground. Would this be a permanent campground or a harvest/host campground? There is a creek that runs down there and she is unclear as to how close the development is to the creek. Christenson stated that it is 4,200’ from Walloon Lake and 2,500’ from the drainfield to the pond on site, 670’ to the wetlands and the
Rebecca LaTocha stated that this appears to be a wonderful thing to have in the area and hopes it can be worked out because it sounds very nice.

Urman stated that this activity will run concurrent with the existing event permits. There are concerns about two events at once. This will all have to be worked out moving forward.

David Coveyou stated that they spent multiple meetings discussing the road. MDOT is telling him that whatever they do on the farm is fine but they don’t want additional traffic coming onto Gregg Road and then to the highway. Most of the times roads are an asset but Gregg Road is a huge detriment to them. Whatever they develop cannot put vehicles onto 131. MDOT and the Road Commission advised him to propose the closure of Gregg Road. He wants to make it safe and it is not cost effective or safe as is. If they have to put the roadway to the north as suggested, they would still have to close Gregg Road. They want to be able to use their land for this or other things in the future. This is prohibiting them from using their land. He thinks that this is a workable solution. If it is dangerous for cars, it is still dangerous for off-road vehicles. Putting a road across the field to the north has no better site distances and is not a viable solution. MDOT is ok with using their current entrance for this use and for the market use. He asks that this be approved contingent upon the Gregg Road closure. Eby stated that the Road Commission have more legal leeway than the Planning Commission has as they have legal jurisdiction over the road. There are legal issues with a contingent approval.

This case was postponed to the next meeting to allow further time for review.

12. PPTEXT20-01 Emmet County Planning Commission, Zoning Ordinance text amendments, Submittal dates change, Sections 25.05, 16.03.2, 16.03.3, 16.03.5.B, 17.01.3, 17.01.7, 20.07

Legal Notice: A request by Emmet County Planning Commission to amend the Emmet County Zoning Ordinance by replacing the words and numbers as follows: Section 25.05 from twenty-two (22) to twenty-eight (28); Sections 16.03.2, 16.03.2, 16.03.3, 16.03.5.B, 17.01.3, 17.01.7, 20.07 from twenty-two (22) to twenty-eight (28). The purpose of the text is to allow for additional processing time for applications and to create consistency in the application for zoning action submittal deadlines.

Packet Items: Zoning evaluation, staff memo, Springvale Township recommendation, BCPC minutes

Doernenburg stated that two townships, Springvale and Bear Creek, have recommended approval. There are many that have not responded and many that meet after tonight’s meeting. The policy is to postpone a text amendment for a second hearing. The request is to change the submittal requirements for Planning Commission and ZBA cases. Doernenburg noted that most others in our area require a 30 day prior submittal. Civil Counsel has reviewed this and has no issues. Due to the fact that we haven’t had much input from the townships and the policy to have two hearings, this case was postponed until the next regular meeting.

Other Business

IV Public Comments: None.

V Other Business:
• **Master Plan Resolution**-Doernenburg noted that updates were sent on 10/15/20; all changes made as suggested and verification of the 911 section changes were confirmed accurate. Scott made a motion supported by MacInnis to authorize the Chair to sign the resolution dated 11/5/2020. The motion passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, MacInnis, Hartmann. No: None. Eby verbally authorized the Zoning Administrator to sign on his behalf.

• **Resort Township ZCC review:** Doernenburg noted that that we had reviewed a Zoning Coordinating Committee case for Resort Township. They improperly notified (wrong ID number) so this was re-notified and parcels added. An updated staff report was provided for consideration. The rezoning is consistent with our Master Plan and theirs. Scott made a motion supported by MacInnis to authorize the chair to sign the memo to Resort Township. The motion passed unanimously by voice vote of the members. Eby verbally authorized the Zoning Administrator to sign on his behalf.

• **Zoning Ordinance Text discussion:** Doernenburg noted that the discussion regarding having a smaller committee to review certain site plan changes has been discussed and has changed since the last month’s review. This has been provided to Civil Counsel for review and will likely have a recommendation by next meeting to look at.

• **2019 Annual Report:** Doernenburg reported that the Annual Report has been completed and distributed. Alexander made a motion supported by Scott to recommend that the 2019 Annual Report be forwarded to the Board of Commissioners. The motion passed by unanimous voice vote of the members.

• **2021 Proposed Meeting Schedule:** Two options were given for 2021 meetings. One is the regular first Thursday of the month and the other is the first Thursday following the first Monday of the month. This gives time for those townships meeting during the first week of the month to meet prior to our meetings. There was discussion on time as well. It was decided that the option to meet on the first Thursday following the first Monday of the month at 7:00 pm. will be adopted for 2021.

### VI Adjournment

Eby called the meeting adjourned at 10:46 p.m.
PROCEDURES FOR ELECTRONIC PARTICIPATION IN
MEETINGS UNDER THE OPEN MEETINGS ACT

1. Pursuant to Section 3 of 1976 PA 267, commonly known as the Open Meetings Act, and Public Act 228 of 2020, the Emmet County Planning Commission (PC) adopts these procedures.

2. These procedures are for a member of the ECPC who is absent from the meeting but still participating remotely by electronic communication.

3. There are three categories for an absent member to participate remotely by electronic communication: (a) due to military duty; (b) having a medical condition; or (c) as a result of a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.

4. For purposes of #3 above, a medical condition is defined as meaning an illness, injury, disability, or other health-related condition.

5. The absent member meeting one of the three categories in #3 above may participate in, and vote on, business coming at the meeting through the use of a two-way communication such as telephone conference call or a Zoom or similar type service.

6. At any meeting where a PC member meeting one of the three categories in #3 above is absent but participating by electronic communication, that member must announce at the beginning of the meeting when Roll Call is taken that the absent member is participating remotely and the physical location of the absent member by stating the county, city, township, or village along with the state from which they are remotely attending.

7. A member of the public is to be provided notice of the absence of the member and information on how to contact that member significantly in advance of the meeting when the member will be absent to allow the member of the public to provide input on any business that will come before the PC. Therefore, if a PC member knows in advance that he/she will be physically absent from the meeting, the absent member will provide the information to Planning and Zoning administrative staff sufficiently in advance of the meeting so that the information can be posted on the Emmet County website at the time of the posting of the meeting. The information on the website will state which member will not be physically present but participating remotely, and provide the absent member’s contact information. This section would not apply if a member is absent and NOT participating remotely in the meeting.

8. Any meeting of the PC that will be held electronically will be posted on the Emmet County website. The public notice found on the website must explain why the meeting is being held electronically, how members of the public may participate, how the public can contact PC members in advance of the meeting, and how persons with disabilities may participate in the meeting.

9. Any agenda that exists for an electronic meeting must be posted on the Emmet County website at least two hours before the meeting.