EMMET COUNTY PLANNING COMMISSION REGULAR MEETING
THURSDAY DECEMBER 3, 2020 - 7:30 PM
VIA ZOOM

To join the meeting click:  https://us02web.zoom.us/j/89022688642  Meeting ID: 890 2268 8642
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AGENDA

I  Call to Order and Attendance

II  Minutes of November 5, 2020

III  Cases

CASES FROM PREVIOUS MEETING

1. PSUP20-013  Richard Hitz for Eitel Dahm, SITE PLAN REVIEW – Shoreline Bluff Protection Zone, 2082 S Lake Shore Dr., Section 13, Friendship Township  (Applicant requested postponement)

2. PSUP20-014  Richard Hitz for Gregg Hartemayer, SITE PLAN REVIEW – Shoreline Bluff Protection Zone, 2078 S Lake Shore Dr., Section 13, Friendship Township  (Applicant requested postponement)

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

4. PSUP20-017  Ironwood Construction, SPECIAL USE PERMIT, 2420 Harbor-Petoskey Rd, Section 27, Bear Creek Township

5. PSUP20-018  Elmer’s Real Estate Company LLC, SPECIAL USE PERMIT/Site Plan Amendment, 7537 Dekruif Rd, Section 23, Carp Lake Township  (Applicant requested postponement)

6. PSPR20-012  Mary Beth Carolan, SITE PLAN REVIEW – Cabin Court, 4495 Larks Lake Rd, Section 7, Center Township  (Applicant requested postponement)

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

8. 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
NEW CASES

9. PSPR20-013  Craig Armstrong (Elevatus Architecture) for Meijer, Inc., FINAL PUD AMENDMENT & SITE PLAN REVIEW, 1201 Lears Rd, Section 18, Bear Creek Township

10. PSPR18-015  Walt & Tracy Schiemann for Prime Diesel, SITE PLAN REVIEW AMENDMENT, 2472 N US 31 Hwy, Section 25, Bear Creek Township

IV Public Comments

V Other Business
  • Zoning Ordinance Text discussion
  • By-Laws

VI Adjournment and Next Meeting
The next regular meeting of the Emmet County Planning Commission is scheduled for January 14, 2021 at 7:00 PM.
EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY NOVEMBER 5, 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, 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 24-07-17-11-100-030, 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, MacInnis, 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.

7. PSUP20-017 Ironwood Construction, SPECIAL USE PERMIT, 2420 Harbor-Petoskey Rd,
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 42acres 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 24-04-09-07-000-003 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), 24-01-19-30-011 (3805 Cemetery Rd), and 24-01-19-300-012 (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 Coveyous 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. Christie 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. Christie 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. Christie 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
creek is further than that.

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 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.
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.

Hi Tammy,
Thanks for the notification. We would like to table the agenda items for Dahm and Hartemayer. I spoke with our geo-technical engineer this morning and they are just now finishing the testing and analysis. We will not be able to have a revised set of drawings completed in time for the next meeting. Our goal now is for presenting at the January meeting.
I have made a reminder in my calendar to contact you at the end of the month to update you on my clients plans.

Thanks,
Richard

On Nov 10, 2020, at 12:41 PM, Tammy Doernenburg <tdoernenburg@emmetcounty.org> wrote:

Good afternoon,

Your request before the Emmet County Planning Commission is on their December 3 agenda. In preparation for that meeting, please submit any new information you’d like considered for that meeting to me by November 18.

Feel free to contact me with any questions. Thank you.

Sincerely,

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
Littlefield Township Meeting
November 5, 2020
7:00

Case#PPUD20-002 Request by D.A. Pearson Holdings LLC for a PUD rezoning on vacant property owned by McMaster. This property in north of 6977 behind Louie’s Fresh Market. The property is zoned R-2 and review Article 17 and Section 27.11 of the Zoning Ordinance.

The Township approved Case#PPUD20-002. Louie’s Market is Zoned B-1 and this property is in back of it. By doing a PUD on this property the Township would have more say on land use such as larger setbacks, more screening and shared access to M-68.

Vote: Yes 5 No 0

One of the things we (The Township) really need to look at is M-68 Hwy. Corridor. We wanted business to move out this way in our study done in 2010 and if we want to stay with that thinking we need to make changes. Our study needs updating and we hope to do that this spring. In the meantime business growth is important to us and retail is not going to be it, so with General Residential and Commercial mixed in what kind of businesses are we liking at. The question is right now are we letting new business move to other areas?

Proposed Zoning Ordinance Text Amendment. Sections 25.05,16.3.2,16.03.3,16.03.5B,17.01.3,17.01.7 and 20.07. The Township has no problem with these changes. Vote: 5 No: 0

Katie Derrohn, Trustee
P & Z Committee, Chairperson
Bear Creek Township Planning Commission Meeting  
November 18, 2020- Zoom Meeting

I. Called to order: 6:00 p.m.
II. Roll Call: Mays, Urman, Coveyou, Brown, Olliffe, Haven, Kendziorski
   a. Due to the updates in the Open Meetings Act, commissioners must state the county, township, city, or village they are participating from, along with the state.
      i. Mays- Bear Creek Township, MI, Urman- Bear Creek Township, MI, Coveyou- Bear Creek Township, MI, Brown- Bear Creek Township, MI, Olliffe- Bear Creek Township, MI, Haven- Bear Creek Township, MI, Kendziorski- Bear Creek Township, MI
III. Others in Attendance: Tammy Doernenburg, Denny Keiser, Walt Schiemann, Larry Willis, Al Welsheimer, Craig Armstrong, Amy Gray, Bud Gray, Dusty Christensen, Kathy Coveyou, Lee Zajac, Mark Pachla, Serenity, Greg Walter, Renee Weaver, Diane, Jackson Jacobs, Doug Roosa, Connie Golding, Tami Furgeson, Will Coveyou, Jeff Dufek, Lizzy Coats, Eric Ginsburg, Mark Furgeson, Jim Doull, Doug Lehman, Don Schreiber

IV. Pledge of Allegiance

V. Approval of Minutes
   a. Motion by Mays to approve the minutes as presented from the Planning Commission Meeting of October 28, 2020. 2nd by Olliffe. Passed
   b. Olliffe asked if it was ever discovered where the proper snow storage is for the Chase Bank case?
      i. Doernenburg explained that the case was a preliminary review and that snow storage will come in when a final site plan is submitted.

VI. Case PSUP 20-017 Ironwood Construction, SPECIAL USE PERMIT & SITE PLAN REVIEW, Electronics business, 2420 Harbor- Petoskey Rd, Section 27

Tammy Doernenburg gave a background to this case:
   a. Doernenburg shared that this case was first heard last month for a site that is currently vacant. It is located at 2420 Harbor-Petoskey Rd, which is on the east side of the road. The parcel is 1.84 acres in total and the site is mostly flat with sandy soils. There is a condominium association located to the south and east of the proposed electronics facility. There is also a house, vacant lot, professional office and Toski Sands to the south, as well as a dental office, vacant lot, and nature conservancy to the north. This proposal would add an office and showroom for sales purposes and shop and storage for the electronics business utilizing the space. There is a sealed drainage plan provided. Since last month, 2 updated site plans have been received. On the new site plan, they did expand on the driveway and parking area to allow for semis to come in and turn around. The parking was realigned but they still have the same number of parking spaces. They have added some trees to the south as well as along the south boundary line. They have also added trees on the east side of the parking area and also to the north. The parcel is zoned R-2 and an electronics shop is a special use in this zoning district. The Master Plan dos indicate this property and the surrounding properties to be mixed use. There were concerns with noise, screening, smell, traffic, storm water runoff and hours of operation from adjacent property owners. Regarding the easement, MDOT had indicated that this property and the south property utilize a shared access. There is an existing access on the south property. The applicant indicated they are not interested in doing that. Subsequent to the Emmet County meeting, there has been discussion regarding eliminating the easement between the two parcels. The elevation shows that the height standards of the ordinance have been met. Bear Creek Township has an access management plan that supports the use of a shared access drive. The proposal before the Planning Commission is for a special use permit for this electronics business utilizing the single access they show on their property with the updated site plan received November 11, 2020.
   b. Brown asked if the realigned parking is the same number of spaces? Doernenburg confirmed that it is the same number of spaces.
   c. Haven noted that in last month’s meeting, the hours of operation was a condition in the motion. Doernenburg confirmed that this can be added as a condition.

The applicant addressed the Planning Commission regarding the parcel in question:
   a. Serenity from Ironwood Construction is present to address this case. She noted that in the last Planning Commission meeting, there were some items requested to be addressed. The first of these items would be to show the snow storage calculations. The calculations are shown on the new site plan. The required snow storage area is 1628 sq. ft. This plan indicates 5700sq. ft. of designated snow storage area. The flat sandy soils in the rest of the site will also help to percolate that. The second item was to address how semis could pull into the property, turn around and pull back out. The new site plan shows the turning radius. A 63ft tractor/trailer is the largest you could get. These semis could now pull straight in, back up and pull out. They have added a gravel driveway specifically for this purpose. The owner has indicated that a semi would be needed possibly once a week. Typically, you would see FedEx or UPS type vehicles. The third item was to show additional screening on the south side of the property. Screening has been added along the southeast corner, although the owner did not believe it was necessary, as well as six pine trees proposed to the south of the building (this helps shield the building from the view of traffic). The fourth item was to address the shared
access driveway. Serenity explained that they approached the owner of the property, as well as the owner of the parcel to the south of this property, and with MDOT, and as it stands now, the owner of the property to the south is not allowing an easement through their property to access this parcel. MDOT has stated that they will agree to what the Planning Commission approves, they just ask that they apply for a driveway permit.

b. Olliffe noted that last meeting, we requested to see details regarding the loading area.
   i. Serenity explained that this was addressed with the semi unloading area. Trucks can unload in the rear.
   ii. Doernenburg confirmed that MDOT did agree to what the Planning Commission approves.

   iii. Serenity noted that the owner is terminating the easement by registering a new deed. The property to the south also has an easement with Lakeside Club for that drive.

d. Mays noted that the proposed driveway could be the new driveway, the property to the south could abandon the existing driveway and could use the Lakeside driveway. She also suggested moving the drive to the middle of the two parcels, making a shared “Y” shaped driveway.
   iv. Urman does not feel this would happen, and notes that we put access management in place for a reason. This is the time to use it. He also is not clear on the legality of closing that easement.

e. Coveyou reviewed the documentation from MDOT, and feels that MDOT is okay with the Planning Commission choosing one driveway or the other. He believes MDOT is giving the Planning Commission leeway to decide on the location of the driveway. He feels that the property owner should be here to share in this dialogue. He would like to see one access, with an easement. Perhaps the southern parcel could go to Lakeside or Sunrise for an easement (and not use the existing driveway).
   v. Serenity explained that the easement is being terminated, so she needs a driveway for this parcel. The southern parcel already has an easement to use the Lakeside drive. She has explored access management and the property owner has indicated that they do not want access through their site to get to this parcel. They also do not want access from this parcel to their parcel. Serenity is looking for a solution to this problem.

f. Haven appreciates this challenge. He feels that the current property owner terminating the easement does not give Sunrise an option. Perhaps if the property owner comes to the Planning Commission in the future, we can enact access management and have them close their drive. They would have to receive an easement from either Sunrise or Lakeside.

g. Urman asked if it is legal to terminate an easement.
   i. Serenity noted that the owner has hired an attorney to terminate the easement.
   ii. Keiser asked if that was a recorded document. He explained that the Planning Commission can only look at the recorded documents in front of them. They cannot make a decision based on a terminated easement if it has not been terminated yet. As it stands, there is an easement.
      1. Doernenburg confirmed that this termination is not a recorded document at this time.

h. Serenity asked if the commission could conditionally approve, on condition that the termination of the easement become recorded.
   i. Keiser explained that the owner currently owns both parcels. If he wants to sell the property, he will grant the easement. He feels there needs to be one driveway for the properties, or this will not get approved.
   ii. Serenity noted that the easement is a non-exclusive easement over the entire parcel, not an access easement.
   iii. Keiser suggested the owner rescind that easement and just grant an easement for the driveway. At this point, the ball is in the owner’s court. MDOT put that driveway there for both parcels. The owner has options if he would like to sell this property.

i. Olliffe asked if these are two separate tax parcels. Wouldn’t you have your own access to a property?
   i. Doernenburg confirmed there are two separate tax parcels.
   ii. Keiser explained that the recorded access to this parcel is through the easement.
   iii. Haven remarked that the owner wants to sell the property without giving access to it.

j. Urman noted that access management is especially important because this is a special use.

Audience Comments:

a. Larry Willis is the treasurer of Round Lake Estates Condominium Association. This is a separate association from Lakeside Club, however, they share a driveway. He noted that both the Round Lake and Lakeside Club property owners have an easement onto a portion of the subject property for an access drive to their boat storage. He would like to see this easement addressed.

b. Eric Ginsburg is a resident of Lakeside Club. He does not believe there is an easement to the south parcel from the Lakeside Club drive. The owners would not be favorable to sharing that driveway. He noted the hours of operation discussed at the last meeting and appreciates the added shrubs and screening. He feels the current owner has created the access issue, not the applicant.

c. Renee Weaver also appreciates the added shrubs. She feels the traffic issue needs to be resolved.

d. Doug Roosa, owner of a Lakeside Club condominium, appreciates figuring out the traffic solution before moving on.
Board Discussion and Questions:

a. Serenity noted that this parcel is zoned R-2. If the parcel to the south were to build a house on it, would the homeowner have to share a driveway with Sunrise?
   i. Doernenburg explained that a residential use would go directly to MDOT to request a driveway, because a residence is not a special use. She quoted the ordinance, that the commission can require “safe, convenient, uncontested and well defined vehicular and pedestrian circulation for ingress and egress.” It also states that “road agency approval will be required” for a special use. In regards to the lighting concerns, Doernenburg shared that it will be reviewed by the zoning administrator. All exterior lighting has to be full cutoff and fully shielded and poles can be no higher than 20 ft. Wall mounted lighting also has to meet that standard compliant with dark sky standards.

b. Serenity asked if the Planning Commission can require a shared access between these parcels?
   i. Urman noted that it is a special use.
   ii. Keiser explained that the Planning Commission can deny the case if they choose (because it is a request for a Special Use Permit) and can require a shared access because there is an existing easement there today.
   iii. Serenity asked if there was no access for an easement at this point, what the commission’s decision would be.
      i. Urman noted that it would have to go to a motion.

c. Mays asked if it used to be one lot. She feels that the plan is solid, but the access issue falls on the current owner. If he cannot share a drive or grant an easement, this property will not be able to be a commercial use.
   i. Keiser clarified that it was split in 1981 into two lots. This is a great use of the property, but the owner needs to be willing to work on the access.

d. Serenity asked if there was no easement, would a special use be allowed?
   i. Keiser noted that these are hypothetical questions. A Special Use Permit can be denied.
   ii. Urman remarked that the commission does not want to deny this business. It does not seem to be an issue of the building, screening, signage, lighting, etc. However, we need to follow through with our access management plan. If the owner terminates the easement, the parcel to the north will be residential. Perhaps Don could speak to the current property owner and suggest one shared “Y” driveway in the middle?
   iii. Serenity asked for conditional approval at this meeting, that this case be approved on condition of getting a shared driveway.
      i. Coveyou noted that a shared drive is too big of an issue and it would adjust the entire site plan. We will need to review it again. Plus, we do not know if the current owner would be willing to do a shared drive. M-119 is where access management must be applied, this is a critical issue. Other than access, Coveyou feels the site plan is acceptable.

e. Haven noted that the hitch in the project is not the Planning Commission, rather, the fact that the owner is not willing to accept a shared drive. The owner has plenty of options when it comes to a drive. He also would like to see hours of operation on the plan, as this was a condition last meeting.

f. It was suggested that the applicant try to get ahold of the owner tonight and that the case be brought up again later in the meeting, when the owner was present.

g. Coveyou questioned the easement to the boat storage in the rear. If there is an easement on the east side, it should be shown on the site plan.
   i. Urman clarified that the easement is on the parcel behind this one, that Lakeside owns. It is behind the cedar hedge.

h. Mays is comfortable with the site plan other than the access.
   i. Olliffe would like to see hours of operation addressed on the site plan.
   j. Kendziorski would like to address hours of operation and see the shared access resolved.
k. Brown feels this is a solid plan, but would like to see access management used here, as the township worked hard to make that happen.

l. Urman suggested planting more trees to the south.

m. Keiser suggested that the township board could deal with the easement/driveway situation. If the applicant could show the township board a new plan by the time of the meeting, could the board approve it? If the Planning Commission tables it now, the board can either table it or approve it based on if the access issue is resolved.

i. Doernenburg noted that the township board meeting is December 2 at 7pm on Zoom if anyone would like to attend.

n. Olliffe noted that the plan shows vinyl siding on the dumpster. The dumpster will need to follow ordinance standards.

Motion by Mays to postpone until the next regular Planning Commission Meeting, case# PSUP 20-017, Ironwood Construction for a Special Use Permit for an electronics & precision equipment repair and maintenance business at 2420 Harbor-Petoskey Rd, Section 27 of Bear Creek Township, tax parcel 01-16-27-200-002 and as shown on the survey dated November 1, 2020 to address the shared access drive, with condition that the Bear Creek Township board could approve the case if more information was shared that indicated that a shared driveway would be used. Also on condition that the hours of operation be shown on the site plan. 2nd by Haven.

i. Roll Call: Coveyou, Brown, Mays, Urman, Haven, Olliffe, Kendziorski

1. Yes- Coveyou, Brown, Mays, Urman, Haven, Olliffe, Kendziorski

Passed

VII. Case PSUP20-020 David Coveyou, SPECIAL USE PERMIT & SITE PLAN REVIEW- Campground, 4160 US 131 Hwy, Section 30

David Coveyou recused himself from this case.

Tammy Doernenburg gave a background to this case:

a. Doernenburg explained that this case was first reviewed last month and it involves three sites: two parcels on the north side of Greg Rd, totaling approximately 80 acres, and the parcel on the south side of Greg Rd, approximately 150 acres. It is an active farm and the proposal is to use the existing entrance onto US-131 Hwy. MDOT has granted approval of that access for this proposed use. Vehicles would come in off the highway, drive through an access road and down the abandoned Greg Rd (with added berms along the abandoned Greg Rd). Greg Rd would be improved to access the campground. Updated site plans have been received. This shows where vehicles would drive and the walkways from the parking area to the existing farm market. Both event areas are shown as well as grass parking and overflow parking for the yurts and campsites. There is a common building that would have restrooms and a gathering area. Details regarding the campsites were provided (either soft sided tents, yurts or cabins). Examples of a resort cabin, yurts and tents were shown. Floor plans and elevations were received for the common building. The parcel rises from north to south, with the highest elevation in the southwest corner. The parcels to the north are meadow and woodlands and there are three dwellings located to the east on US-131. The proposed accessory events and campground facilities are located on that northwest parcel and the outdoor event area is over 1000ft from the nearest off premise dwelling. The campsites would have 20 upscale tent/yurts and 5 cabin facilities, with the check-in/restroom facility. The agricultural accessory use would include the one small event space and the one large event space that could have up to 5 events per month. There is no approval from the Emmet County Road Commission for the abandonment of the road and Doernenburg received 9 emails representing 13 property owners who are opposed to abandoning Greg Rd. Doernenburg received communication from the Resort Twp supervisor that they would not support closing Greg Rd. That request will go before the Emmet County Road Commission on November 30th. The events are proposed to be between the hours of 8am-11pm and all amplified music would end by 10pm. The events would be held May-October. The proposal is for a special use permit and site plan review for the campground and accessory uses on a farm.

b. Haven asked if the Coveyou family was approached by the county to close Greg Rd, or who initiated that idea?

i. Doernenburg clarified that it is the road commission, not the county, that can approve the closure of Greg Rd. There is a process that a property owner has to go through in order to close a road. There will be a public hearing at the Road Commission on November 30th at 8:10am to address this.

c. Kendziorski noted that we have a letter stating that the road commission would be in favor of closing the road, but there is no formal action that has been taken by the road commission.

d. Olliffe asked if the road commission will decide on November 30th?

i. Doernenburg noted that the board would decide if they would act on it or not, or it could also just be a public hearing.

e. Urman asked who initiated the road closure concept.

i. Doernenburg believes it was Coveyou.

The applicant addressed the Planning Commission regarding the parcel in question:

a. Dusty Christensen noted that they have met with the county planning commission and feel that there is a good handle on what this proposal entails. Very little has changed, but he would like to review come concerns from the county and township Planning Commission meetings. Following last month’s discussion, a few changes were made to the plans. There was additional berming added along Greg Rd. Additionally, they have illustrated on the site plan the separate pedestrian walkway from the market to the parking lot (so that pedestrians are not in the driveway). The new plans
better illustrate the existing conditions on site and satisfy the safety concerns. Christensen noted that the property owners have been working with Fire Chief Al Welsheimer on the EMS concerns. A solution has been settled upon: the owners will provide a campground utility cart to be used by the EMS if needed to reach a campsite that is further away from the parking area. Additionally, they have provided updated floor plans for resort cabins. This is a representative plan which shows the bathrooms associated with these cabins. In regard to the closure of Greg Rd, Christensen noted that they are requesting conditional approval tonight- on condition that the road commission approves the closure of the road. Christensen shared some issues brought up at the county level. There was a concern about potential trespassers (from events). He noted that the campsites are quite far away from neighboring property owners and does not see a need for fencing. However, it is possible that some small signs could be put into place to let campers know they are leaving campground property. Lastly, the issue has arisen of a potential drive to the north to serve the campground. MDOT has already approved the existing driveway and curb cut location. Providing an alternative drive on the north end of the property does not grant any better access. It would also require a half mile of road to be built, and given the grading, this could be a six-figure project. At this time, the property owner does not feel that would be a feasible solution. They would like to continue to use the existing curb cut at the farm market.

b. Haven noted that the abandonment of the road is a decision made by the road commission, so it is not something for us to consider. Our decision, however, will be contingent on that. If the county chooses not to abandon the road, where would this project go? He also asked how far Williams Rd is from Greg Rd.
   i. Christensen explained that if the road commission does not close the road, they would have to amend the site plan and come back to the Planning Commission. The current site plan would no longer be viable.
   ii. William Coveyou noted that Williams Rd is a little less than a half mile from Greg Rd. Doernenburg confirmed it is approximately 2500ft or so.
   iii. Christensen explained that there is a safety issue at the intersection of Greg Rd and US-131. Williams Rd is close and would be a viable alternative.

c. Brown suggested an easement for ATVs, snowmobiles, etc. The point of contention seems to be from the ORV traffic. He asked if there was a lot of ORV traffic.
   i. Christensen feels this would be a liability issue. The ATV usage that has been using Greg Rd can make the connections they are making with a small course correction using Williams Rd. This is a safer place to cross the highway. An easement is not on the table at this point.
   ii. William Coveyou explained that they were told that Greg Rd is too dangerous for vehicle traffic, which means it is really too dangerous for ATV traffic as well. In regards to an easement, Coveyou feels it is counterintuitive to the nature of the project. ATVs crossing would be near the event area and would take away from the nature and scenic quality of the campground. However, Coveyou noted there is not a lot of ORV traffic.
   iii. Kathy Coveyou noted that they cannot risk the liability. If an accident were to happen, they could be sued.

d. Olliffe asked about the other points on the Fire Dept review.
   i. Christensen noted that the intent, as represented on the site plan, is to improve the existing driveway so it is 20ft wide. They will comply with all width and weight restrictions. In regards to lighting, they do not see a need for additional lighting between the campground and the market at this time. They feel it is contradictory to the dark sky requirements. In the summer, it stays light later into the evening, plus the market closes at 6pm.

e. Urman would like to see engineered drawings with the weight detail.

f. Mays asked Welsheimer if the golf cart would be sufficient to extract someone from the furthest campsite.
   i. Welsheimer spoke with Randy Weston and David Coveyou regarding this matter. Coveyou does not want to widen the road there. He has agreed to provide a flatbed type golf cart which could be used by the EMS to reach these sites.
   ii. Kendziorski asked if the cart was full or being used, how they would reach these individuals.
   iii. Welsheimer noted that this cart would be used for dual purposes. It would be used by the campground staff, but would be there if needed for an emergency. Someone from the campground staff would be present to guide the EMS back to the emergency and that person could clear the cart. Additionally, Welsheimer noted that he spoke with Coveyou about his concern for walkers. Campers love to walk and explore. He would like to see lighting so campers know where they are and don’t get lost. It is a safety factor for the walkers. With events going on and traffic going up and down the road, it would be nice to see lighting between the event area and the market. Welsheimer noted that Coveyou did not think walking traffic would be common.
   iv. Mays noted that on the site plan, there are bollards along the pedestrian path as needed. Is that adequate? She also brought up the possibility of two events at a time. There could be an event in the barn and in the tent.
      1. Welsheimer noted that the need is for lighting along the road between the market and the campground.
      2. Kendziorski explained that she is also concerned not just with lighting, but with the campers walking and biking from the campsite to the market. Many campers may desire to bike to the market to get
food for camping, and it would not be safe for them to bike or walk along the side of the road with cars coming in and out. She suggested a walking/biking trail along the road in between the market and the campground.

3. Christensen noted that the road is 20ft wide and there will not be much traffic. He is not seeing potential conflicts between walking/biking traffic and vehicles. They can coexist. He also noted that it is about a half-mile walk between the campground and the market (about 10 minutes), so he feels most people will drive.

g. Kathy Coveyou explained that they have not gotten many requests for events in the barn because they cannot have music. Any requests that they have had have been small and have been on the deck side.

h. Urman asked about the road closure. If the road was still open, it could still potentially be approved. If the project is low-impact, the road could still be functional. He also noted that event venues typically have security and directional signage. MDOT has approved the driveway. He wants this farm to prosper, and feels we need to look to the future.

i. Kathy Coveyou noted that the road closure is critical. MDOT has deemed the top of that road to be too dangerous for traffic.

ii. Will Coveyou explained that the only reason they are asking for the closure of Greg Rd is because MDOT stated that it is too dangerous for campground traffic to enter and exit through there. No matter how many directional signs you have, if Greg Rd is open, campers will still use that drive.

iii. Christensen noted that MDOT has approved the existing driveway for this use. They are seeking a recommendation of approval tonight and the road commission will need to decide on the closure of the road. Is there a way to make the project work without closing the road? Yes, but it would require additional work. Ideally, the road will be closed, but that is a decision for the road commission to make. The decision tonight should be based on the land use and site plan. If the applicant needs to change the site plan because of the road commission or MDOT, they will need to come before the Planning Commission again.

i. Doernenburg noted that Emmet County does have an ORV ordinance, which permits ORVs to cross the highway, but not to ride alongside the road. Therefore, Williams Rd would not work as a crossing point for ORVs.

j. Mays asked if the road was not available to vehicle traffic, but was available to ORVs, if that would be satisfactory. There could be something put in place at the end of Greg Rd where it meets the highway.

i. Kendzierski suggested a tree or shrub there, so that ORV traffic could still get through, but vehicles could not. She reminded the Planning Commission that it is not our decision to close the road. That decision rests with the road commission.

k. Urman acknowledged the letters of concern received about the closure of Greg Rd. The Planning Commission has reviewed them.

Audience Comments:

a. Dan Goldsmith feels the site plan is well put together. He is in support of the campground plan, but has concerns about the Greg Rd abandonment.

b. Walt Schiemann would like to see Greg Rd remain open.

c. Mark Furgeson has concerns, as he is part of an ATV club. He noted that they use Greg Rd because it does not affect many asphalt roads or homes. The speed limit for an ATV is 25mph, and when you are on a paved road and a car passes at 55-60mph, that can be a safety issue. Furgeson noted that it may be a possibility to move the crossing to Kemp Rd, but when you get to the s-curves by Firman Irrigation, it can become dangerous with cars driving by. The ATV users prefer to go down a straight road, so people can see you for a long way. He asked if the safety of the Greg Rd intersection is a concern, would you need to close both sides of Greg Rd? There are also many people who travel this way to go to businesses. This is a way to go to stay off of the main roads. ATVs cannot cross at Lear's Rd or Intertown- it would be too dangerous. Furgeson also noted that the road closure only benefits the Coveyous. He understands where they are coming from, but it would only benefit them. In regards to the guard on Greg Rd to stop vehicles, he noted that some ATVs are very wide, so that may not work. He also explained that his ATV club does maintain trails, but they do so with the state of Michigan. The state carries the insurance on that. Furgeson also remarked that if Greg Rd stays open, then the Coveyous would not have to maintain it.

d. Jim Doull has reviewed this and talked to a number of neighbors. He feels this is a good site plan and agrees with a 10pm cutoff on music. He likes that the speakers point to the west. In regards to lighting, the campers would probably prefer it to be dark. They could always carry a flashlight.

e. Amy Gray has concerns about closing Greg Rd. She also expressed a concern with the smoke coming from the campground constantly. She feels the noise will carry as well. She would be okay with Greg Rd closing to traffic as long as it was kept open to ATVs.

f. Bud Gray feels that if MDOT has allowed traffic to come in off the existing drive (which is halfway down the hill), why wouldn’t traffic be allowed to come out at the top of the hill, on Greg Rd? He also asked if Greg Rd really is a safety concern, wouldn’t both sides of Greg Rd have to be closed? Gray also suggested putting the project on the south side of Greg Rd, which has better views of Walloon Lake.
g. Jeff Dufek explained that years ago, Bud Gray wanted to put a wood processing plant across the highway. David Coveyou was firmly opposed to that operation, with a noise and traffic concern. Yet, here we are in the present day, with this project being proposed. He also wants to be careful of setting a precedent with the road closure.

h. Denny Keiser agrees with Urman. The project in itself is good, however, we need a solution for the access problem. Keiser feels that the road commission needs to decide on the road closure before the Planning Commission can make a decision. Considering David Coveyou is on the Planning Commission, the road commission is a neutral party when it comes to the closure of Greg Rd.

Applicant Rebuttal:

a. Christensen noted that the comments have been received, and the Road Commission will have to make their decision.

Board Discussion and Questions:

a. Kendziorski would like to see what the road commission will do regarding the closure of Greg Rd. She encouraged individuals with concerns to attend the road commission meeting.

b. Brown and Olliffe would also like to wait for a road commission decision.

c. Haven agrees that he would like to wait. The plan is good, but we have a curveball. The closure of Greg Rd was already supposed to be decided. We cannot approve something without all the facts. If the road commission says yes or no, it also may change the facts we have to vote on.

d. Mays agrees.

e. Urman agrees and reminded the public that the road commission meeting is November 30th. In regards to the noise concern, he noted that the event space meets the 1000ft radius. In regards to the smoke concern, he explained that there are DNR approvals for campgrounds.

Motion by Mays to postpone case# PSUP20-020, David Coveyou for a Special Use Permit for a Campground Facility and an accessory agricultural use at 4160 US-131, Section 30 and 19, Bear Creek Township, tax parcels 01-19-30-100-006, 01-19-19-300-011, 01-19-19-300-012 and as shown on the Site Plan Sheets 4-6, dated November 11, 2020 because the applicable standards of Articles 8, 20, 21 and 26 have been met, except that Greg Rd has not been formally closed. The Planning Commission would like to wait to make a decision on this case until the road commission makes a decision as to whether or not to close Greg Rd. At that time, the Planning Commission will further review this case. 2nd by Olliffe.

i. Roll Call: Brown, Mays, Urman, Haven, Olliffe, Kendziorski
   1. Yes- Brown, Mays, Urman, Haven, Olliffe, Kendziorski
   2. Abstaining from Voting- Coveyou

Passed

VIII. Case PSUP20-013 Craig Armstrong (Elevatus Architecture) for Meijer, Inc., FINAL PUD AMENDMENT & SITE PLAN REVIEW, 1201 Lears Rd, Section 18

Tammy Doernenburg gave a background to this case:

a. Doernenburg explained that this is the Meijer located to the south side of Lears Rd. It is zoned B-2 and FF-1 with a PUD overlay. The property is 23.75 acres and the entire PUD is 28.5 acres. The proposal is to add on to the north end of the building. There is quite a bit of parking that is not being utilized. This would be a relatively small addition (about 1700sq ft.). The area they are requesting to use for the addition is currently parking and an asphalt area, adjacent to the north side of the bottle return area. The proposal is to create an addition to accommodate a curbside delivery area. This addition meets the height standards of the ordinance and no new curbs are proposed (existing access is being used). The addition meets the setback standards of the PUD at 340ft from the north property line, 470ft from the east, 200ft from the west and 1000ft from the south. The height is 14ft 8in. The building is about 35ftx42ft plus 13ftx8ft. No new drainage plan is necessary. Parking standards are met and exceeded based on the current standards (parking standards were updated after this building was built). There are no changes proposed other than eliminating some parking spaces. Pedestrian access is provided and interior lot signage is proposed, which meets the ordinance standards. There are no changes to the water or sanitary sewer, no changes in snow management, and no outdoor lighting identified. If there is outdoor lighting, it could be approved administratively at a future time. The request is for an amendment to the site plan.

b. Mays asked how many parking spaces this addition would take. If this is the new pickup service location, would they take the pickup parking from the front and move it there?
   i. Doernenburg clarified it would be about 10 spaces (used by the building and pedestrian access).

c. Haven asked if there are no doors on the addition, how customers would pickup their groceries?
   i. Doernenburg pointed out that there is a door for Meijer employees to deliver your groceries to your car.
   ii. Olliffe noted that Meijer employees would take your groceries to your car, and Shipt employees would deliver them to your home.

The applicant addressed the Planning Commission regarding the parcel in question:

a. Craig Armstrong explained that there are some parking stalls with signage currently in place for pickup. These would go away and be moved into this designated pickup parking area. The Meijer staff will deliver groceries to the vehicles (and Shipt will deliver to a house). The reason for moving this pickup area is so that Meijer employees don’t have to cross the main traffic area to get to vehicles. Employees will use the exit door to take groceries to vehicle in the designated pickup area (customers will call when they arrive).
b. Brown asked if they are using existing parking spaces or having a drive-up lane. He asked about employee parking.
   i. Armstrong explained that they will use existing spaces, not a drive-up. Employee parking is on the southeast corner and south end of the building. Armstrong also clarified that this new addition will not cause any problems with semi-trailer traffic.

c. Coveyou asked how many spots are designated for pickup. How will these spots be designated?
   i. Armstrong explained that Meijer is still trying to decide, but 10 would be the maximum. These spots are noted with a sign.

d. Brown noted that the parking spots that are being displaced are heavily used. Is there a need for advanced signage for a pedestrian crosswalk? He would like to see enhanced signage.
   i. Armstrong explained that they have stop signs in place to keep people from driving through the walkway.

e. Mays feels the biggest issue is that people may park in the pickup parking that are not actually there for pickup.

Audience Comments:

   a. Keiser asked if the site is currently in compliance. There have been issues in the past with semis taking up parking in the north parking area.

   i. Doernenberg will do a site visit, but believes they are in compliance. They did have to replace some trees and that has been satisfied.

   b. Welsheimer noted that this proposed plan is better than the pickup plan they have now.

Board Discussion and Questions:

   a. Mays and Urman agree with this plan.

   b. Olliffe applauded Meijer for taking steps towards public safety.

Motion by Brown to approve Case# PSPR20-013, Elevatus Architecture for Meijer Inc. for a Site Plan Review amendment on property located at 1201 Lears Rd, Section 18, Bear Creek Township, tax parcel 24-01-19-18-200-063, as shown on the site plan packet dated Received Nov 9, 2020 because the applicable standards of Articles 17, 20, and 22 have been met based on the facts presented in this case and on condition that any exterior lighting be reviewed by the Zoning Administrator and be full cut-off and that applicant will review safety signage to ensure safety in walkways. 2nd by Mays.

   i. Roll Call: Mays, Urman, Haven, Olliffe, Kendzierski, Coveyou, Brown

   1. Yes- Mays, Urman, Haven, Olliffe, Kendzierski, Coveyou, Brown Passed

IX. Case PSPR18-05 Walt & Tracy Schiemann for Prime Diesel, SITE PLAN REVIEW AMENDMENT, 2472 N US 31 Hwy, Section 25

Tammy Doernenberg gave a background to this case:

   a. Doernenberg explained that this site is on the south side of US-31, just northeast of Hearthside Grove. Prime Diesel currently occupies the site. The Schiemanns are proposing not a full amendment, but a modification to the site plan. This modified site plan features a building running along the back of the lot with four storage containers proposed. A fence would run along the front of the building, which would open a maneuvering area between the existing building and proposed building. All parking would be behind the building. The building meets the height standards at 23ft 8in. The original approval was in 2018 and a revised plan was approved in 2019. The new plan would allow for a building at 6372sq ft, the addition of the storage containers, a new dumpster location that would have to be screened properly, and the new location of the building as shown on the updated site plan.

The applicant addressed the Planning Commission regarding the parcel in question:

   a. Walt Schiemann explained that this is not much different than what was originally approved. The cost is less in the grand scheme of things and it looks nice as well.

   b. Urman feels this fits well.

   c. Mays noticed that the zoning evaluation form addressed three storage containers but there are four on the site plan. She asked what the storage containers are for and what they would look like.

      i. Schiemann confirmed that these are nice storage containers, light gray, behind the fence, along the back building. You cannot see them from the road. He wants to store engine parts in there, so as to keep the yard clean. He does not want parts sitting outside.

   d. Coveyou noted that the rear of the building is narrow. It seems to be too tight for a dump truck to get to the dumpster.

      i. Schiemann explained that the dumpster is on a corner and is only slightly different than it currently is. They do not have any trouble accessing it currently. He will check with them.

      ii. Doernenberg noted that because of the angle of the parking, the maneuvering lane is only required to be 12 ft. This proposal fits the ordinance.

   b. Coveyou asked about salvage materials. He wants to avoid having cars there year after year.

      i. Schiemann stated that there is only one salvage vehicle there now and that is leaving Thursday. Everything else will go in a storage container. Everything is either screened or tucked away. He wants his business to look nice.

   e. Coveyou asked about the retention pond and how water runoff gets to the retention pond. Is the water from the buildings getting drain tiled?
i. Schiemann explained that when it rains, everything goes to the ponds. They have never had a water backup issue at all. The water will go to the back of the building. For the most part, the grade is staying as is.

f. Brown asked about the portable storage bins and asked why Schiemann didn’t build instead? He asked if they are getting a bigger dumpster. Additionally, Brown asked if they are screening this from Hearthside. Lastly, he asked about the cars behind this property.

i. Schiemann noted that the bins are easier in this case in the event that they need to be moved, plus the price is right. They may need a bigger dumpster, however, the scrap is getting picked up for recycling on Thursday. In regards to screening, Schiemann would like to screen this with concrete bunkers and maybe some trees along the edge. The cars are not Schiemanns, as they are beyond the fence. They may belong to the Hoffmans.

**Audience Comments:** None

**Board Discussion and Questions:**

a. Coveyou would like to add screening from Hearthside.

**Motion** by Mays to approve Case# PSPR18-015, Walt & Tracy Schiemann for Prime Diesel, Site Plan Review modification for a vehicle service building at 2472 N US 31 Hwy, located in Section 25 of Bear Creek Township, tax parcel 24-01-16-25-101-008 as shown on the site plan dated Received Nov 11, 2020 based on the facts presented in this case: the site plan meets the standards of the Zoning Ordinance, outdoor storage will all be screened, and no outdoor lighting or signs are permitted unless reviewed as required by the Zoning Ordinance, all mounted lighting must all be full cut-off, and down directed; all existing lighting must be brought into compliance with the Emmet County Zoning Ordinance standards and that additional screening be added to screen from Hearthside Grove (in the form of concrete barrier blocks 4ft high along the back corner of the property down along to the highway approximately 20ft and that if trees are necessary, then evergreen trees will be added) and to ensure that the dumpster, once enclosed, is in the correct position. 2nd by Haven.

i. Roll Call: Urman, Haven, Olliffe, Kendziorski, Coveyou, Brown, Mays

1. Yes- Urman, Haven, Olliffe, Kendziorski, Coveyou, Brown, Mays

**Passed**

X. **Public Comments**

XI. **Other Business**

a. 2021 Calendar

i. In looking ahead to next year’s calendar, Kendziorski noted that the November 24, 2021 meeting is the day before thanksgiving. She asked if the commission would like to move this meeting.

ii. The commission agreed to move this meeting to November 17, 2021.

b. Meeting Start Time

i. Kendziorski noted that she and Keiser have been discussing meeting start times. The Planning Commission meetings are lengthy, and it may be advantageous to start earlier than 7:15pm on a consistent basis.

ii. Mays does not like starting at 6pm.

iii. Haven feels the start time should be agenda driven.

1. Keiser believes we need a consistent start time for each committee. Doernenburg agrees.

iv. Haven suggested a compromise of 6:30pm. Kendziorski agrees.

v. Urman suggested 7pm.

1. Mays agrees to 7pm, but if it were to go to 6:30pm, feels the zoom meetings should start at 6:30pm as well.

vi. The Planning Commission agreed on a start time of 6:30pm for their meetings from now on.

c. Next Meeting

i. Kendziorski noted that the next meeting is December 23rd, which is two days before Christmas. Would it be pleasing to the commission to move the meeting to Monday, December 21st?

ii. Urman asked why we moved the meeting from December 30th in the first place.

iii. The Commission agreed to move the meeting to December 30, 2020. This will be a zoom meeting that will start at 6:30pm.

**XII.** Next Meeting: December 30, 2020

**XIII.** Adjournment: 9:43 p.m.

Respectfully Submitted,

Emma Kendziorski
Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary
Tammy Doernenburg

From: Serenity <serenity@ironwood.bz>
Sent: Wednesday, November 11, 2020 11:21 AM
To: Tammy Doernenburg
Cc: Dan Steffes; Benchmark Engineering, Inc
Subject: RE: Upcoming Planning Commission reviews

Tammy,

Please find attached an updated site plan with (3) pine trees added to the south of the building, staggered between the other proposed pines per the request of the Emmet County planning commission.

Also attached is a letter from the current property owner, IBIS, LLC. You will see they are in the process of removing any easements between the two parcels. They will not grant access between the two parcels. I’m sending this info to MDOT today and will copy you on all correspondence from MDOT.

Please confirm receipt and let me know if there is anything else you need.

Regards,

Serenity

---

From: Tammy Doernenburg [mailto:tdoernenburg@emmetcounty.org]
Sent: Tuesday, November 10, 2020 12:43 PM
Subject: Upcoming Planning Commission reviews

Good afternoon,

Your request before the Emmet County Planning Commission is on their December 3 agenda. It is also scheduled to be heard by Bear Creek Township at their meeting which is scheduled for November 18. In preparation for those meetings, please submit any new information you’d like considered to me by tomorrow.

Feel free to contact me with any questions. Thank you.
Sincerely,

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
November 11, 2020

Daniel Steffes, Member
Serenity Dankert, Member
Ironwood Construction Company, LLC
3250 Woods Way
Petoskey, MI 49770

Dear Dan and Serenity,

Please be advised that as present owner of M-119 lots 200-002 and 200-004, we are in the process of terminating the existing non-exclusive blanket easement between these properties. This easement is making it very difficult to sell these properties. No purchaser wants their neighbor to be able to access their property.

Further as previously stated in my October 22, 2020 letter; in the future Ibis LLC is not interested in granting any kind of easement to Sunrise Electronics across the property we own to the south.

Regards,

Carrie Kaminski
Manager
Ibis LLC
20416 Harper Avenue
Harper Woods, MI 48225
Direct telephone: (313) 264-1022
Facsimile: (313) 642-1739
ckaminski@ibisinvestment.com
Date: November 19, 2020

From: Ruben Shell, Community Planner

To: Daniel Steffes, Member
Serenity Dankert, Member
Ironwood Construction Company, LLC
3250 Woods Way
Petoskey, MI 49770

Regarding: Shared Driveway Recommendation at 2420 Harbor-Petoskey Road

Remarks:

This letter summarizes the reasons for the Emmet County Planning Commission’s recommendation that the proposed Sunrise Electronics facility on parcel 200-004 use the existing access on the southern parcel, 200-002. The reasons are as follows:

- A non-exclusive easement for ingress and egress already exists across the two parcels and is on file with the Emmet County Register of Deeds.

- The excessive number and inadequate spacing of driveways between properties is a major issue along M-119 in Bear Creek Township. The Planning Commission recommends shared access between parcels.

- The Michigan Department of Transportation reviewed the proposal and recommended that the existing drive be shared between the two lots.

Regarding the first bullet point above, a non-exclusive easement already exists between the two parcels. This allows either owner to access the other parcel for the purpose of ingress and egress. As a result, no further easements or deed restrictions would have to be created to allow shared access between the parcels.

Regarding the second bullet point above, reducing/limiting the number of curb cuts along M-119 is a major priority for Emmet County and Bear Creek Township. The jurisdictions established in a 2018 plan that shared access drives between adjacent parcels along M-119 be promoted to meet that goal.¹

The plan found that most parcels along M-119 have their own access drive, which means that the driveways on adjoining parcels are inadequately spaced.\(^2\) This leads to hazards where drivers entering or exiting properties could collide with drivers entering or exiting adjacent properties and degrades the area’s visual character. Further, increased traffic along M-119 in the summer months exacerbates these conditions.

If a new driveway were added on parcel 004, as is proposed, this would create a situation where the new driveway, the existing one on parcel 002, and the one serving the condo association to the south would be located within 200 feet of one another, thereby worsening the safety for motorists.\(^3\) We recommend a shared drive to limit the number of driveways and to create adequate space between them.

Regarding the third point, an engineer with MDOT recommended on October 7, 2020, that the proposed development use the existing driveway on parcel 002 to ensure safe access to and from the site from M-119.

**Conclusion**

In promoting shared access between parcel 004 and 002, Emmet County and Bear Creek Township seek to ensure that motorists traveling on M-119 and entering/exiting the site are able to drive safely and that the risk of collisions, which can result when several driveways are closely spaced, be limited.

Although it is zoned R-2, the corridor is commercial in nature and any future uses of the southern parcel, parcel 002, would likely be commercial. We do not feel that maintaining the easement and establishing shared access would degrade the ability to establish a new use on the southern parcel.

If the current proposed access drive were added on parcel 002, three driveways would be within 200 feet of one another along M-119, degrading the road's safety. If the applicant can propose an alternative design that would limit the number of driveways and ensure that three different curb cuts would not be located within 200 feet of one another, the County would be open to such proposals.

---


\(^3\) Google Maps
Please take this letter into consideration and contact me if we can discuss.

Best Regards,

Ruben Shell

CC: Tammy Doernenburg, Planning and Zoning Director, Emmet County
Bear Creek Township Planning Commission
Dear Tammy,

For your files, attached is a draft of the termination of easement IBIS, LLC will be recording. There still remains an easement between Lakeside Drive and the south lot owned by IBIS. Perhaps the south lot can share access off M-119 with Lakeside.

Regards,

Serenity

---

Carrie Kaminski, CFO
Ibis Investment Company
20416 Harper Ave.
Harper Woods, MI 48225
Carrie, OK. The partial termination is attached. Please print on three separate single sheets of plain white paper, sign on page 2 and have notarized. I dated the document today. Please keep my margins just the way they are. Sign your name just as it appears.

The fastest way to record is for you to do it. If time is an issue, you should send by overnight mail to the Emmet County Register of Deeds at 200 Division Street, Suite 150, Petoskey, MI 49770 (Phone # 231-348-1761). Include a check payable to the Register of Deeds for $30.00. Hand write this on to the back page of the document: Return to IBIS, 20416 Harper Avenue, Harper Woods, Michigan, 48225.

The alternative is for you to just mail it back to me & I can record it for you. Happy to do it, but it will take longer.

Let me know if any issues. Thanks, Neil

Also, when you have further real estate issues (and we have more advance notice), I will refer some good real estate attorneys to you.
Hi Neil,

Please see Dan's note below; it appears we have consensus! Please proceed according to your plan. I so appreciate your help!

Best,

Carrie

Carrie Kaminski, CFO
Ibis Investment Company
20416 Harper Ave.
Harper Woods, MI 48225
Telephone: (313) 264-1022
Facsimile: (313) 642-1739
ckaminski@ibisinvestment.com

---------- Forwarded message ----------
From: Dan <dan@ironwood.bz>
Date: Thu, Nov 12, 2020 at 8:10 AM
Subject: Easement
To: Carrie Kaminski <ckaminski@ibisinvestment.com>
Cc: <serenity@ironwood.bz>, Doug Blatt <DBlatt@ibisinvestment.com>
Good morning Carrie,

Neil’s suggestion to terminate the easement for the North lot and keep the easement to the south lot is the best approach. I would recommend having him proceed with the termination.

In looking at the Emmet County Equalization records it appears that Tern Investment, LLC owns the 84’ on which the easement from Lakeside Drive was given back in 1982. Your name is listed as the Agent for Tern.

Thanks again,

Dan

Daniel Steffes, Member
3250 Woods Way – Petoskey, MI 49770
www.ironwood.bz
Tel: 231.439.5590
Cel: 231.420.0834
Fax: 231.439.5593
This email has been checked for viruses by Avast antivirus software.

www.avast.com
PARTIAL TERMINATION and RELEASE OF EASEMENT

Termination and Release of Easement Agreement made on November 12, 2020, by Ibis L.L.C., a Michigan limited liability company (the “Owner”), whose address is 20416 Harper Avenue, Harper Woods, Michigan, 48225.

A non-exclusive easement for ingress and egress was created in 1982 by the recording of a certain Warranty Deed recorded on June 10, 1982, at Liber 320, Page 152, Emmet County Records;

This easement was reserved over and across the parcel of land located in Bear Creek Township, Emmet County, Michigan, described as follows:

Commencing at the North 1/4 corner of Section 27, Township 35 North, Range 5 West; thence along the North line of said Section 27, South 89°51'30" East 655.57 feet to the East line of Highway M-119; thence South 00°29'45" East 415.96 feet along the East line of said Highway to the Point of Beginning; thence continuing along the East line of said Highway South 00°29'45" East 84.00 feet; thence South 89°51' East 300.00 feet; thence North 00°29'45" West 84.00 feet; thence North 89°51'00" West 300 feet to the Point of Beginning; being a part of Government Lot 1 of said Section 27.

This easement inured to the benefit of the adjoining parcel of land to the North, also located in Bear Creek Township, Emmet County, Michigan, described as follows:

Commencing at the North 1/4 corner of Section 27, Township 35 North, Range 5 West; thence along the North line of said Section 27, South 89°51'30" East 655.57 feet to the East line of Highway M-119; thence South 00°29'45" East 100 feet along the East line of said Highway to the Point of Beginning; thence continuing along the East line of said Highway South 00°29'45" East 315.96 feet; thence South 89°51' East 300.00 feet; thence North 00°29'45" West 116.00 feet; thence South 89°51'30" East 100.00 feet; thence North 00°29'45" West 200.00 feet; thence North 89°51'30" West 400 feet to the Point of Beginning; being a part of Government Lot 1 of said Section 27; Tax Parcel Nos. 24-01-16-27-200-002 and -004; (referred to hereinafter as the “Dominant Parcel”).

Ibis L.L.C is now the fee simple “Owner” of the entire Dominant Parcel.

The Owner hereby terminates and releases the easement as to only that portion of the Dominant Parcel described as follows:
Commencing at the North 1/4 corner of Section 27, Township 35 North, Range 5 West; Bear Creek Township, Emmet County, Michigan; thence along the North line of said Section 27, South 89°51'30" East 655.57 feet to the East line of Highway M-119; thence South 00°29'45" East 100 feet along the East line of said Highway to the Point of Beginning; thence continuing along the East line of said Highway South 00°29'45" East 200.00 feet; thence South 89°51'30" East 400.00 feet; thence North 00°29'45" West 200.00 feet; thence North 89°51'30" West 400 feet to the Point of Beginning; being a part of Government Lot 1 of said Section 27; being 1.84 acres more or less; Tax Parcel No. 24-01-16-27-200-002.

The easement shall remain in effect for the remainder of the Dominant Parcel, described as follows:

Commencing at the North 1/4 corner of Section 27, Township 35 North, Range 5 West; Bear Creek Township, Emmet County, Michigan; thence along the North line of said Section 27, South 89°51'30" East 655.57 feet to the East line of Highway M-119; thence South 00°29'45" East 300 feet along the East line of said Highway to the Point of Beginning; thence continuing along the East line of said Highway South 00°29'45" East 115.96 feet; thence South 89°51' East 300.00 feet; thence North 00°29'45" West 116.00 feet; thence North 89°51' West 300 feet to the Point of Beginning; being a part of Government Lot 1 of said Section 27; being 0.8 acres more or less; Tax Parcel No. 24-01-16-27-200-004.

No consideration was paid for the recording of this partial termination and release. This partial termination and release is exempt from County and State transfer taxes pursuant to MCL 207.505(5)(a) and MCL 207.526(6)(a).

Dated: November 12, 2020.

Signed by:
by Ibis L.L.C.,
a Michigan limited liability company

By: __________________________
Carrie Kaminski, Its Manager

State of Michigan  )
County of  )

The foregoing instrument was acknowledged before me this day of November, 2020, by Carrie Kaminski, the Manager of Ibis L.L.C., a Michigan limited liability company, on its behalf.

______________________________________, Notary Public
County, Michigan
Commission expires:
Acting in County

Drafted by:
Neil Marzella, Attorney
P.O. Box 808
Harbor Springs, MI 49740
Hi Serenity,

Thank you for the update regarding the site plan review with both Bear Creek Township and Emmet County planning commissions.

The Michigan Department of Transportation (MDOT) is in support of any conditions given by the planning commissions for the proposed development within MDOT right-of-way; involving access management for the proposed driveway.

Once the preliminary plan set is approved by the planning commissions, please proceed with submitting a permit application.

Attached are instructions for setting up an account and submitting a permit in the Construction Permit System (CPS).

For assistance with the computer access or program call the helpline number at 1-844-806-0002.

We will begin processing the permit application once it shows up in the CPS work que.

If there are any questions or concerns regarding the permit process please let me know.

Thank you,

ANDREW J PERKETTE
MDOT – Gaylord Transportation Service Center
Permit Agent
1088 M-32 East, Gaylord, MI 49735
Office: (989) 732-3832, Ext 402
Cell: 231-495-1354
DATE: 11/18/2020  CASE # PSUP 20-017

APPLICANT: Ironwood Construction

PROPERTY: 2420 Harbor-Petoskey Rd

TOWNSHIP: Bear Creek

REQUEST: Special Use Permit Application - Sunrise Electronics

FACTS

- The subject parcel is located at 2520 Harbor-Petoskey Road (M-119) in Bear Creek Township and comprises about 1.84 acres total. The Parcel number is 01-16-27-200-002.
- The site’s conditions are mostly flat with sandy soils. The site is currently unbuilt and is mostly open meadow with some coniferous trees along the north and east property lines.
- A condo association is located immediately southeast of the site, while a vacant lot, a house, a professional office/fifth-third bank ATM, and the Toski Sands plaza is located to the south. Another dental office and vacant lot/ nature conservancy property are to the north.
- The proposal would add an office and showroom use for sales purposes and a shop and storage use to the site. The two uses appear on the survey as one single building. A total of 6,200 square feet of building space is proposed to be added.
- A sealed drainage plan is provided.
- A non-exclusive easement for ingress and egress is recorded on the property immediately south, parcel 200-002. The non-exclusive easement is for 200-002 and 200-004.
- MDOT has recommended using the existing access on the adjacent property owned by the current property owner of both 200-002 & 200-004.
- The subject parcel is zoned R-2. The proposed electronics shop use is a special use in the zoning district.
- The master plan’s designation for the property and the surrounding properties along M-119 is mixed-use.
- At Bear Creek Township’s October 28 meeting, residents and members of the public expressed concerns with noise, screening, smell, traffic, stormwater runoff to adjacent properties, and hours of operation.
- The applicant’s revised site plan dated November 11 shows three additional 6-foot tall white pines to be added as screening along the southern property boundary than were present in the October site plan, although gaps in the screen would still exist when viewed from the south.
- Bear Creek Township’s Access Management Plan supports the use of shared access drives between parcels along M-119 between US-31 and Powell Road. A letter from MDOT from October 22 supports the provisions in Bear Creek Township’s Access Management Plan.

ZONING ORDINANCE REVIEW

Inconsistencies with the Standards are highlighted in **bold** in the Findings Column

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Standard</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>No requirement</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>Satisfied (200 feet)</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>30 feet</td>
<td>Satisfied. Elevations show 26 feet proposed building height.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
<td>Satisfied. 7.8%</td>
</tr>
<tr>
<td>Front Setback</td>
<td>30 feet</td>
<td>Satisfied. 82-foot proposed.</td>
</tr>
<tr>
<td>Side Setback</td>
<td>20 feet</td>
<td>Satisfied. Approximately 20-foot setback proposed.</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>35 feet</td>
<td>Satisfied.</td>
</tr>
<tr>
<td>Buffer between street ROW and front yard parking</td>
<td>10 Feet</td>
<td>Satisfied. Approximately 32-foot parking buffer proposed.</td>
</tr>
<tr>
<td>For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission</td>
<td>--</td>
<td>Satisfied. Loading areas and parking areas would be located to the sides of structures but not in the required yards.</td>
</tr>
</tbody>
</table>
approves a plan for shared parking, shared loading spaces, or shared access

<table>
<thead>
<tr>
<th>SITE PLAN CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 20.03. Site Plans submitted in compliance with this Ordinance shall be presented in terms of the following:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A. A map scale that provides a large enough image to adequately display the proposed site development and pertinent details, and existing site features considering legibility and site area.</td>
<td>Provided. Sheet 1 of the survey,</td>
</tr>
<tr>
<td>B. Date, north point, scale, property dimensions, boundary lines, street names, and necessary property identification information.</td>
<td>Provided. Sheet 1 of the survey</td>
</tr>
<tr>
<td>C. At least two full sized and fourteen reduced size (maximum 11”x17”) copies of all maps or graphics. Digital format including data layers may be required, if considered necessary by the Zoning Administrator.</td>
<td>Provided.</td>
</tr>
<tr>
<td>D. All existing and all proposed structures with dimensions on the subject property, including signs and lighting, other structures within 100 feet of the subject property, ingress drives, roads and parking areas; and indicate the height of all structures.</td>
<td>Partially Satisfied. Building and parking dimensions are shown on sheet one of the survey. Dimensions of the proposed Signage on M-119 not provided. No exterior lighting noted on the survey. The survey indicates that any signage and lighting will comply with the County’s standards but documentation has not been provided of either lighting or signage.</td>
</tr>
<tr>
<td>E. Setback lines and distances between structures and lot lines.</td>
<td>Provided. Sheet 1 of the survey.</td>
</tr>
<tr>
<td>F. All existing easements, utility lines, rights-of-way and other services, including well and septic locations, within and bordering the subject property.</td>
<td>Partially Provided. Sanitary sewer service is shown, however electric utility connections are not shown.</td>
</tr>
<tr>
<td>G. Topography information based on United States Geological Survey (USGS), or selected on-site elevations, if considered necessary by the Zoning Administrator. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.</td>
<td>Provided.</td>
</tr>
<tr>
<td>H. Mapping of soil data as recognized in the United States Department of Agriculture, Soil Survey of Emmet County, Michigan (December 1973), or a more detailed analysis of soils, shall be included. Soil data and</td>
<td>Provided. Sheet 1 of the survey indicates that the soils are sandy Rubicon Soils although more detailed information of the different soil types on the site are not shown.</td>
</tr>
</tbody>
</table>
analysis should include engineering interpretations as to the suitability for the construction and maintenance of roads, building foundations, facilities for storing water, structures for controlling erosion, drainage systems, and systems for disposing of sewage. In addition, soil properties should include permeability, drainage, depth to water table, flooding hazard, depth to bedrock, and slope. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of the soils.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. An inventory of special site features that may be present including, but not necessarily limited to regulated wetlands as defined in law, critical dunes, bluff lines, wooded areas, water courses, and natural or man-made drains, as are known to the applicant or as may be suspected based on reviews of soil maps, aerial photographs, USGS Quadrangle maps, on-site inspections, and/or other competent sources.</td>
<td>None noted.</td>
</tr>
<tr>
<td>J. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained, if required.</td>
<td>Provided. Pine screening using the existing pine trees is shown along north and east property boundaries, but not along the southern property boundary and no new fencing is shown.</td>
</tr>
<tr>
<td>K. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).</td>
<td>None indicated on the survey.</td>
</tr>
<tr>
<td>L. The location of snow storage areas.</td>
<td>Provided. Locations and square footage of storage are indicated on sheet 1 of the survey.</td>
</tr>
<tr>
<td>M. All site plans shall comply with the terms of Part 91, Soil Erosion and Sedimentation Control, 1994 PA 451.</td>
<td>Provided. Applicant has obtained a Soil Erosion and Sedimentation permit from the County.</td>
</tr>
<tr>
<td>N. Site plans shall be prepared to reflect any changes or modifications required for any applicable regulatory agencies' approvals.</td>
<td>Provided. Bear Creek Fire Department and Emmet County Road Commission approval has been granted. MDOT has recommended using shared access.</td>
</tr>
</tbody>
</table>
## IMPACT STATEMENT

All site plans required under this Section shall meet the impact statement requirements for site plans set forth in Section 20.04 of this Ordinance.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A complete description of the proposed development including: areas of the site, the number of lots or units; and characteristics of the demographic impact including, but not limited to: density, age and income level of population to be served, seasonal/permanent and other related statistics.</td>
<td>Provided.</td>
</tr>
<tr>
<td>2. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.</td>
<td>Partially Provided. Page 5 of the narrative indicates no impact on sewage or change in traffic volume. The Planning Commission could ask for a statement of the change in traffic volumes on M-119 and anticipated hours of operation.</td>
</tr>
<tr>
<td>3. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.</td>
<td>Partially Provided. Page 5 of the narrative states no impact. There is concern, however that the noise and scale could be disruptive to the surrounding condo association. The Planning Commission could ask for a statement of the hours of operation and scheduled deliveries for the proposed use.</td>
</tr>
</tbody>
</table>

## SITE PLAN REVIEW STANDARDS

Section 20.05. The Planning Commission shall consider the following standards in granting approval to a site plan.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. 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.</td>
<td>Satisfied. The proposed use is a special use in the R-2 Zoning District.</td>
</tr>
<tr>
<td>B. 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 reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall</td>
<td>Not Provided. Vehicular circulation appears safe and well-defined, and the entranceway and on site maneuvering lanes appear to be large enough to accommodate traffic in both directions. Pedestrian circulation is only provided for between the customer parking lot and the proposed building. The existing non-exclusive easement that applies on both parcels 002 and 004 and the existing drive on</td>
</tr>
</tbody>
</table>
be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

| C. | All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. | Partially Provided. Site appears to accommodate emergency vehicular access, and the revised surveys show that emergency vehicles will have room to maneuver on the site with the gravel area in the rear. |
| D. | 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. | Partially Provided. The rear loading and unloading areas are screened only to the north, east, and along the southeast property line with conifers. A gap exists in the screening where trees are proposed to be removed on the east side of the site. |
| E. | Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity. | Provided. The snow storage areas are indicated on the survey. Square footage of snow storage capacity appears to be adequate for the paved areas. |
| F. | Buffers To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission. | Partially Provided. The rear loading and unloading areas are screened only to the north and east with conifers but there are gaps and the amount of screening may not be adequate to address noise, smell, and visual buffering concerns. In the site plan dated November 11, the applicant has provided three additional 6-foot tall white pines than was provided in the October site plan. Even with the additional screening, 10 feet of the west end of the proposed building and 16 feet of the east end of the building would be visible from the south and the pines are spaced in a way that creates 6-foot gaps in the screening. The Planning Commission could request that the pines along the southern property line be spaced closer eliminate gaps and completely screen the building from the south. |

parcel 002 to the south should be utilized for a shared access drive between the two lots. This recommendation is supported by Bear Creek Township’s 2018 Access Management plan, which recommends reducing the number of curb cuts on M-119. MDOT has also recommended that the existing drive be used as a shared access between the parcels.
G. 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.  

Provided. Applicant has provided a sealed drainage plan. Proposed drainage plan satisfies drainage standards. Estimated cost of drainage system is $3,500.

H. 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.  

Provided. The proposed site layout appears adequate for fire protection, solid waste, and storm drainage systems. The applicant has amended the site survey to show the gravel area on the east side of the property, which can be used for vehicle maneuvering.

I. Waste Receptacles. *(Relevant provisions pasted selectively to save space)*  

Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided

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.

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.

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.  

Provided. Dumpster location and screening is shown on the survey. Dumpster screening does not appear to be concrete as required.
## SPECIAL LAND USE REVIEW STANDARDS

Section 21.02. 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.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>Partially Satisfied. Applicant has stated that the traffic impacts from the camping use will be minimal. The Planning Commission could also impose allowable hours for any business operation on the site, and allowable hours for deliveries and any activities that generate substantial traffic. The Commission could consider requesting that the pine screen along the southern property line be strengthened to remove the 6-foot gaps and to eliminate the portions of the east and west ends of the building that would be visible from the south. The entire building should be shielded from view to the south.</td>
</tr>
<tr>
<td>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).</td>
<td>Satisfied.</td>
</tr>
<tr>
<td>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.</td>
<td>Provided.</td>
</tr>
<tr>
<td>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.</td>
<td>Provided. Road agency recommendation has been provided. Recommendation is a shared access.</td>
</tr>
<tr>
<td>E. The use does not conflict with the principles, goals, or objectives of the County Comprehensive Plan.</td>
<td>Appears to be consistent with the master plan, which promotes a mix of commercial and residential uses in the M-119 corridor. The Bear Creek Township Access Management Plan recommends shared access drives for M-119. Using the existing drive to the south would be required for compliance with this standard.</td>
</tr>
<tr>
<td>F. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.</td>
<td>Appears to be satisfied.</td>
</tr>
</tbody>
</table>
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. **Partially Satisfied.** Appears to be satisfied although the dimensions of the proposed signage on M-119 are not specified. MDOT recommendations for the driveway are shared access.

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. **Likely not applicable to the site.**

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**SIGNS AND BILLBOARDS**

**22.07.2 Signs Authorized Requiring a Permit**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>18 sq. ft.</td>
<td>Partially Provided. No information regarding the size of the proposed signage is provided.</td>
</tr>
<tr>
<td>Height</td>
<td>8 ft.</td>
<td></td>
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</tbody>
</table>

**PARKING REQUIREMENTS**

**22.02.2 Number of Spaces Required.**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail stores except as otherwise specified</td>
<td>Minimum: One (1) for each two hundred (200) square feet of gross floor area.</td>
<td>10 parking spaces would be required for the retail space that is proposed (2,000 square feet gross area for the showroom).</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Five (5) spaces, plus one (1) for each employee over three (3) employees, or one (1) for every 2,000 square feet of gross floor area, whichever is greater.</td>
<td>The applicant has indicated 11 employees on site. 13 Spaces would be required: The baseline 5 spaces plus 8 for the employees.</td>
</tr>
<tr>
<td>Total parking (per discussion with zoning administrator)</td>
<td>12 parking spaces would need to be provided per agreement with the County Planning and Zoning Office.</td>
<td>Satisfied. The survey shows 12 parking spaces on site, although the parking spaces in the rear overlap with what appears to be a loading/unloading zone.</td>
</tr>
</tbody>
</table>
LOADING AND UNLOADING REQUIREMENTS

22.02.2 Off-Street Loading and Unloading

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading spaces and unloading spaces in order to avoid undue interference with public use of dedicated streets or alleys.</td>
<td>Partially Satisfied. The site survey shows a warehousing use to the rear (east side) of the property, however, the survey doesn’t specifically indicate where loading / unloading space is provided for.</td>
</tr>
<tr>
<td>Applicants must demonstrate that loading and unloading can be accomplished without using the abutting road right-of-way for maneuvering space, or required parking spaces. A registered professional engineer’s certification of a loading/unloading plan may be required to assure compliance.</td>
<td></td>
</tr>
</tbody>
</table>

Report Summary:

The applicant is seeking a Special Use Permit to construct a 6,200 square foot facility on the site, parcel 01-16-27-200-002 in Bear Creek Township. The use of the proposed facility is an Electronics & Appliance Stores. The site survey and submitted application appear to comply with most of the standards in the Emmet County Zoning Ordinance regarding dimensional standards. A standard of 12 parking spaces have been agreed upon between the applicant and the zoning administrator.

In the updated site plan dated November 11, the applicant has added three additional white pines along the southern property line than were included in the November 2 plan. Even with these additions the vegetated screen would not adequately screen the building from view from the south - there would be gaps approximately 6 feet wide between the white pines, 10 feet of the west end of the proposed building would be exposed beyond the vegetated screen, and 16 feet of the east end of the proposed building would be exposed beyond the screen. The Planning Commission can request that the applicant push the pines closer together to create a denser screen and that the screen be extended further to the east and west along the property line so as to screen the entire building from view.

The site plan dated November 11 still does not incorporate the shared access arrangement that was recommended by an MDOT engineer on October 7, however, the Planning Commission should require this. The Bear Creek Township 2018 Access Management Plan established that the number of curb cuts on M-119 should be minimized/ reduced, and that adjacent parcels utilize shared access drives to accomplish this. The existing non-exclusive easement between parcels 002 and 004 means that the lots can accommodate shared access currently and that no further deed restrictions or easements need to be put in place for the sites to share the existing access drive. Any new use that would be established on the southern property, parcel 002, would likely be commercial because of the site’s prominent highway frontage and surrounding commercial
uses. Requiring that the existing driveway be used for shared access would, therefore, likely not hinder the establishment of a new use on the southern parcel.

The Planning Commission may also consider requesting that the plans be modified to use the existing ingress/egress drive on the adjacent property to the south. The Planning Commission could also request a $3,500 performance guarantee to ensure that the drainage plan is installed according to the submitted designs.

Draft Motions:

To **approve** Case #PSUP20-017, Ironwood Construction for a Special Use Permit for an electronics & precision equipment repair and maintenance business at 2420 Harbor-Petoskey Road, Section 27 of Bear Creek Township, tax parcel 01-16-27-200-002 and as shown on the survey dated November 11, 2020, because the applicable standards of Articles 5, 20, 21, and 22, have been met, and on condition that the applicant submit the required documentation of compliance with the County's signage and lighting standards and provide a performance guarantee of $3,500 to ensure that the drainage plan is constructed as proposed. *(other conditions or statement of facts may be inserted here)*.

To **deny** Case #PSUP20-017, Ironwood Construction for a Special Use Permit for an electronics & precision equipment repair and maintenance business at 2420 Harbor-Petoskey Road, Section 27 of Bear Creek Township, tax parcel 01-16-27-200-002 and as shown on the survey dated November 11, 2020, because the applicable standards of Articles 5, 20, 21, and 22 have been met, however the site plan should be modified so that the vegetated screening along the southern property line completely shield the building from view from the south and so that the proposed building use the existing drive immediately south of the subject parcel. *(other conditions or statement of facts may be inserted here)*.

To **postpone until the next regular Planning Commission Meeting** Case #PSUP20-017, Ironwood Construction for a Special Use Permit for an electronics and appliance store at 2420 Harbor-Petoskey Road, Section 27, Bear Creek Township, tax parcel 01-16-27-200-002 and as shown on the survey dated November 11, 2020 to receive public input on the case. *(other conditions or statement of facts may be inserted here)*.

Review prepared by:

Beckett & Raeder, Inc. & Emmet County Planning & Zoning
LEVEL III REVIEW
PHASE II, SPECIAL USE PERMIT
ZONING CASE #74A-97, BEN SACKRIDER, RESOURCE EXTRACTION
FEBRUARY 2, 2012

PERMIT REQUIREMENTS - Resource mining applicable to a 124 acre site located in the S 1/2 of Section 23, T38N-R4W, Carp Lake Township, lying some 3,300 feet east of US-31 and fronting on the north side of DeKruif Road, being tax parcel number 24-03-06-23-300-005. The permit conditions are as follows, and incorporates the applicants site plan by reference, and applies equally to any or all owners, operators, or parties, now or to be associated with the site:

1. All excavation work, resource extraction and/or stockpile materials shall be prohibited from occurring within 150 feet of the property lines and public road right-of-way lines. Greater setbacks in selected locations are required as illustrated on the site plan dated June 16, 1998. No excavation shall be permitted within any regulated wetland areas.

2. Land surface disturbances, mechanical processing operations, site clearing, stored aggregate stock piles and related mining operations shall be confined to the 15.4 acre area depicted as Phase I on the site plan dated June 16, 1998. The perimeter of the Phase I area shall be flagged by the owner/applicant for easy identification.

3. No final slope shall exceed a slope angle of one (1) ft. vertical to three (3) ft. horizontal. There is to be no excavation work in any waterbearing strata, i.e. no ponds will be created, unless the size and location of the pond is identified on an approved site plan, is a maximum of two acres surface area of water, and is located completely within the Phase I area.

4. The hours for operating extraction/processing, crushing equipment shall be between the hours of 8:00 a.m. and 5:00 p.m. on weekdays, and no such operations shall take place on Saturdays, Sundays, or National Holidays. Loading hauling vehicles with on-site aggregate stockpiled materials shall be restricted to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, with no loading/hauling on Saturdays, Sundays, or National Holidays. Operating hours for the site shall be posted at the gate. Routine maintenance and repair services are not restricted by hours or days, but shall be reasonable for the needed servicing.

5. The site shall exclude batch plants or similar equipment and no asphalt production is to be done on-site.

6. Access drives shall be as depicted on the site plan dated 6/16/98, and dust nuisances shall be controlled at all times as feasible. The newly constructed and separate residential access roadway, as shown on the site plan (6/16/98) shall not be used for mine related vehicles.

7. The applicant is requested that vehicles hauling mineral resources from the site and empty vehicles returning to the site shall not exceed speeds of 25 miles per hour, either on-site or on DeKruif Road, in order to reduce noise, limit vibration and protect roads from excessive wear or damage.

8. No site conditions shall be left that will present hazardous conditions such as cave-ins or
sloughing, for protracted time periods, as over the winter season.

9. All applicable State and Federal Laws/Regulations pertaining to mining operations shall be complied with, e.g. noise, dust, etc., as well as, laws pertaining to wetlands, wildlife habitat, etc.

10. All applicable ordinance specifications shall be complied with, per Section 2102, Paragraph 10, sub paragraphs, c) Performance Standards and d) Site Reclamation.

11. Site reclamation, as reasonable, shall be progressive as the mining continues and the mining shall be scheduled in phases with new phases not being authorized until the active phase is completed and restored; or substantially restored. This permit is for Phase II as shown on the site plan dated received Jan 4, 2012.

12. Primary access to the project will be from DeKruif Road and any repair or maintenance work shall be subject to the standards and conditions of the Emmet County Road Commission.

13. Permit fees, site monitoring and soil management conditions shall be as prescribed by an Act 347, Soil Erosion and Sedimentation Control Permit, as administered by the Emmet County Soil Conservation District.

14. The site shall be managed so that there are no unsightly piles of debris, such as stump dumps, rubble, construction materials and the like, to respect the views of neighboring owners and passer-by traffic. Materials that are brought-in shall be for use in association with the extraction operations and related to the production of marketable aggregate. The mining operation shall be terminated upon the effective exhaustion of mineral resources found and excavated on the site.

15. The site shall not be a yard for storing contractor’s equipment, machinery, vehicles, or building materials inventory of any kind, except for items strictly related to approved mineral extraction and mineral processing on the site.

16. Full diligence shall be taken to insure that fueling facilities (storage tanks, pumps, hoses, etc.) are properly sited to protect against spills and other potential hazards related to ground or surface water contamination. Secondary containment structures, such as clay or concrete pads, or other appropriate improvements, shall be provided under and/or around all fueling tanks per best practices standards.

RIGHT OF PROPERTY ENTRY
As owner and/or applicant representing the owner, I do □ do not ___ authorize Emmet County (staff, appointed boards, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project identified above. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times, but only for purposes of enforcing the terms and conditions of this Special Use Permit, and subject to being accompanied by the owner or his authorized agent.

EXPIRATION:
This permit was authorized by the Emmet County Planning Commission on February 2, 2012, and shall be inspected by staff annually. It is understood that the conditions of this permit may be monitored for compliance from time to time by Emmet County, and the Soil Erosion Control Officer (Act 347 Permit).
PERMIT APPROVAL PER SECTION 2102-10 OF THE EMMET COUNTY ZONING ORDINANCE. Approved by the Emmet County Planning Commission on February 2, 2012.

AUTHORIZING SIGNATURES:

FOR EMMET COUNTY,

SIGNED: Tammy M. Doernenburg, Zoning Administrator

DATE: 2/28/2012

FOR THE APPLICANT/OWNER,

SIGNED: Ben Sackrider, Applicant/Owner

DATE: 2/13/12