

EMMET COUNTY PLANNING COMMISSION REGULAR MEETING
THURSDAY DECEMBER 6, 2018
7:30 PM
EMMET COUNTY BUILDING
COMMISSIONER'S BOARDROOM
200 DIVISION ST PETOSKEY, MI 49770

AGENDA

I Call to Order and Attendance

II Minutes of November 1, 2018

III Cases

CASES FROM PREVIOUS MEETINGS

1. **PPUDF 18-02** Crooked Lake Yacht Club, Planned Unit Development Amendment, 3704 Oden Rd, Section 18, Littlefield Township

NEW CASES

2. **PSUP 18-010** Blissfest Music Organization, Amendment to the Consent Judgment, 3695 Division Rd, Section 12, Readmond Township
3. **PREZN 18-01** John Plichta, Planned Unit Development Rezone, 8450 Channel Rd, Section 21, Springvale Township
4. **PSUP 18-011** Austin Mesner, Special Use Permit – Accessory Building Exception, 7305 Ottawa Tr, Section 17, Friendship Township
5. **PSPR 18-013** Wayne Blomberg, Site Plan Review-Amendment, 7433 Keystone Park Dr, Section 11, Littlefield Township
6. **PSUP18-012** Eileen Horowitz, Special Use Permit – Accessory Building Exception, 4287 Lower Shore Drive, Section 30, Friendship Township
7. **PSPR18-014** Mike Pattullo of Shoreline Architecture for 4 Leavys LLC, Site Plan Review – Amendment, Retail and Parking, 1922 Harbor-Petoskey Rd, Section 27, Bear Creek Township

IV Public Comments

V Other Business

1. Proposed Text Amendment – L'Arbre Croche
2. Enforcement Report
3. Wineries – draft text amendment proposal
4. Notice of Intent to Plan – Bay Township, Hayes Township both in Charlevoix County
5. Emmet County Resilient Master Plan 2020
6. 2019 Meeting dates/time

VI Adjournment

EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY NOVEMBER 1, 2018, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: Kelly Alexander, John Eby, Toni Drier, Jonathan Scheel, Tom Urman, Steve Neal, James Scott, Charles MacInnis, David Laughbaum

MEMBERS ABSENT:

STAFF: Tammy Doernenburg, Monica Linehan, Nancy Salar

I Call to Order and Attendance

Chairman Eby called the meeting to order at 7:30 p.m. All members were present.

II Appearance: Chief Welsheimer, Resort/Bear Creek Township Fire Chief

Doernenburg stated that since we ask for the area fire chiefs to comment on zoning requests she invited Chief Welsheimer here to discuss what he looks at during his reviews.

Chief Al Welsheimer introduced himself as the Resort/Bear Creek Township Fire Chief. He stated that he's been in the industry for 36 years and has been the Fire Chief for 12 years. He noted that there are several issues that come up in regards to the authority that the Fire Department has and wanted to explain what he looks at when he does plan reviews. The Fire Prevention Code conveys authorities above and beyond local jurisdictions in areas of fire prevention and life/safety codes. He explained that he looks at the occupancy type first noting that there are a lot of issues that come up with wineries and other similar locations that have events. They are actually considered assembly spaces and have to have proper lighting, egress, etc. This is something that he will be looking more closely at. The Fire Code was adopted this year. Other items that are reviewed are heights of buildings, general construction materials, and whether the intent of the code is met. He gave an example of a building that has a fire alarm system in it but their new occupancy doesn't require it. He noted that they have the option to either maintain the system that is installed or completely remove it from the building. Exits are looked at to ensure that they have the proper number and that they are clear and accessible year round. They can't be blocked by snow and have to lead somewhere. He looks at truck clearance with overhangs or canopies on buildings. The tree lines are looked at to be sure trucks can access a site. They use the 12-12 rule; 12' wide/12' tall clearance. This needs to be maintained to be sure trucks can get in. The required access drives are reviewed. He noted that their trucks weigh 50,000 lbs. so the roads need to be able to support this weight. They also look at minimum road widths and grade limitations. Welsheimer stated that a 28' radius is needed for road turnarounds and dead end roads that are 150' long or more require turnarounds. Access gates need Knox Box systems which some are key, siren, or chip activated. Fire suppression and aerial access are also reviewed.

MacInnis asked if other areas besides Emmet County rely on him for help. Welsheimer stated that he is a certified fire inspector and fire plan reviewer. Other fire departments may call him to help out. Some developers also call to find out requirements during their planning process.

Neal stated that it seems that new construction is fairly well monitored and reviewed but is there anything that can be done retroactively for older buildings such as require a review before new occupancy to point out exposures? Welsheimer stated that a change in use can trigger that. If a building is changed, for example, a retail use to a restaurant, it would need to be brought up to today's codes. Anytime there is a remodel to an existing structure they request that a Knox Box be installed.

Doernenburg noted that we have changed our notification letters to include the Fire Chief for the jurisdiction of the case so they are getting this information earlier and it is on the checklist as well.

III Minutes of October 4, 2018

MacInnis made a motion, seconded by Neal, to approve the minutes of the October 4, 2018 meeting as presented. The motion passed unanimously by voice vote of the members.

IV Cases

1. Case PPUD18-003 Friendship Township, PUD-2 Amendment-Use Clarification, Corner of S State Rd and W Stutsmanville Rd, Section 14 & 23, Friendship Township

Legal Notice: A request by Friendship Township to amend the Planned Unit Development-2 (PUD) to clarify the uses permitted within the mixed-use PUD located at the corner of S State Road and W Stutsmanville Road in Friendship Township. The PUD amendment includes only those portions of tax parcels 06-12-14-300-016, 300-018, 300-019, 300-020, 300-049, 300-050, 400-006, 400-007, 400-008 and 06-12-23-100-017 zoned PUD-2. A complete list of uses includes specific accommodation and food services, agriculture and forestry, arts, entertainment and recreation, commercial, communications, construction/contractors, educational services & religious institutions, human care and social assistance, resource extraction, public facilities, residential uses, transportation/warehousing/wholesale/storage/shipping, and utilities/energy. A detailed list accompanied the application and is available upon request. The request includes a specific definition for mini-storage within this PUD only.

Packet Info: Request & Location map, list of preferred PUD uses, tax parcel map, 9/24/18 FRPC minutes, 10/18/18 revised zoning evaluation form

Doernenburg presented this case. The review started a few months ago but the township had asked for a postponement for two months. The location was shown as well as the zoning and aerial maps. The existing uses within the PUD are a church/religious use, multiple family, restaurant, storage facilities, and vacant property. Photos of the area were shown. The proposal is to identify the uses that the Township would like to see within the PUD. They notified the property owners and held public meetings to review this request. The list of preferred uses would allow potential developers to know what the Township is looking for within the PUD. The PUD was originally established in 2002 and includes 10 parcels or partial parcels. The intent was to create a rural town center. The uses listed by the Township are what they feel are consistent with the desired community character. There are no specific changes proposed at this time. Doernenburg noted that Cynthia Donahey was not able to attend this meeting but the township has requested that the case be approved to allow the amendment to include the preferred uses list and the definition of mini-warehouses.

There was no public comment on this case.

Scheel made a motion to recommend approval of PPUD18-003, Friendship Township for an amendment to the Planned Unit Development on properties currently zoned PUD-2 located in the northwest, northeast, and southwest corners of W Stutsmanville Road and S State Road, Sections 14 & 23, Friendship Township, tax parcels 24-06-12-14-300-016, 018, 019, 020, 049, 050, 400-006, 007, 008 & 06-12-23-100-017, as listed in the Preferred Planned Unit Development Uses – PPUD18-003 document provided by Friendship Township and including the definition of “mini-storage” as provided with the application for this PUD only because the uses are consistent with the goals and objectives of the Master Plan, the proposal is consistent with the Future Land Use Map of the Emmet County Master Plan and the rural village center desired by Friendship Township and Friendship Township recommended approval and no property owners have objected. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None.

2. Case PSPR18-010 Grady Graham for Graham Construction Corp. for Jim Fabiano II, 5 G Properties LLC, SITE PLAN REVIEW-AMENDMENT, 5692 US 131 Hwy, Section 32, Bear Creek Township

Legal Notice: A request by Grady Graham of Graham Construction Corp. for Jim Fabiano II of 5G Properties LLC for Site Plan Review – Amendment at 5692 US 131 Hwy of Bear Creek Township. The property is tax parcel 24-01-19-32-300-005 and is zoned I-1 Light Industrial. The proposal is to construct a commercial storage building per Articles 14 and 22 of the Emmet County Zoning Ordinance.

Packet Items: Request & location, sealed drainage calculations, 10/19/18 zoning evaluation form, 10/18/18 plans, 10/22/18 landscape plan, 10/22/18 email from Brooke Meunier with drainage cost estimate

Salar presented this case. The property is located on US 131 on the south side of Petoskey. The location and zoning map were shown. The property is zoned I-1, light industrial and the surrounding properties are zoned I-1 and FF. The topo survey with the existing buildings was shown. The proposed site plan was shown which includes a new building of 16,000sf. Salar pointed out on the original site plan showed a drainage swale along the berm. This has since been updated to show a level French drain and the driveway has been moved a bit as to not cut into the berm. This updated plan had been emailed and handed out to the board members. Salar pointed out the changes made to the landscape plan in response to the Township meeting. 12' white spruce with irrigation have been added in two locations, the existing cedars are to remain and will be filled in with additional cedars where lacking. The proposed building meets all setback standards. The elevations were shown which also meet zoning standards. Photos of the site were shown. Storm water drainage estimate is \$48,000. The Fire Department and Health Department have both recommended approval. No new entrances are proposed. No additional exterior lighting is proposed but if there is, the Sign & Lighting Committee would have to review the request. There is ample snow storage and the dumpster shown meets ordinance standards. Doernenburg added that this case was extensively reviewed at the Township meeting. There were concerns about the berm being removed for the drainage swale resulting in the updated landscape plan (dated 11/1/2018). The existing berm will be retained.

Jim Nichols, representative for the applicant, stated that the Township meeting was lengthy. The major concern was removing the berm for the drainage swale. The berm remains intact at its current height. The French drain will be installed and won't inhibit MDOT requirements. They did change the proposed trees from cedar to the spruce following a recommendation by Bob Drost at the township meeting. Drip irrigation will be added to aid in maintaining the trees. The building is the same as the last plan and meets all ordinance requirements.

Urman stated that Nichols showed him another altered print tonight. Nichols stated that this showed the additional concrete removed; the high point of the berm remains. Urman stated that the tree plantings still aren't clear on the landscape plan. You are going to see 22' of building from the highway going north. Nichols stated that the speed limit is 55mph. You currently see both existing buildings on the property when travelling north. They are providing more screening in front than what is currently there or required. Urman stated that the existing buildings are dug into the earth. The new building would not be and would be 22' of visible building. He stated that the cedars removed on the west side of the property would be extensive and didn't see any replacement notes. Nichols pointed out that the hedge line remains up to the point where new trees are planted. Additional plantings will be used where any gaps remain. He also noted that Urman was concerned about the view from Walloon Lake of the new building. The property elevation is 825' and the lake is 686'. You would have to be a mile away on the lake to see the building. They have screened in accordance with the ordinance standards.

Alexander asked about snow storage. It appears that this will be on top of a landscaped area. Nichols pointed out the different locations noted to be snow storage along the pavement line to the south.

These are listed on the landscape plan.

There was no public comment.

Scheel stated that he feels that they have met the ordinance standards and made a motion to approve Case # PSPR 18-010, Grady Graham of Graham Construction for Jim Fabiano II of 5G Properties, Site Plan Review amendment for commercial storage at 5692 US 131 Hwy., located in Section 32 of Bear Creek Township, tax parcel 24-01-19-32-300-005 as shown on the site plan dated Received October 18, 2018 and the landscape plan dated Received November 1, 2018 based on the facts presented in this case: the use is a permitted use in the I-1 zoning district, the site plan meets the standards of the Zoning Ordinance. Approval is on the following conditions: 1) no outdoor display is permitted, 2) outdoor lighting details shall be provided to the Zoning Administrator and all outdoor lighting shall be full cut-off and compliant with Section 22.06, 3) any new signs shall comply with Section 22.07, 4) that a performance guarantee in the amount of \$48,000. be provided as required to meet drainage standards Section 20.05 G, 5) Landscaping to comply with Section 22.04 and the landscape plan dated Received November 1, 2018, and because the Bear Creek Township Planning Commission recommended approval. The motion was supported by Laughbaum and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Laughbaum, MacInnis, Alexander. No: Urman.

3. Case PPUDF18-02 Crooked Lake Yacht Club, Planned Unit Development-Amendment, 3704 Oden Rd, Section 18, Littlefield Township

Legal Notice: A request by Crooked Lake Yacht Club for an Amendment to a Final Planned Unit Development and Site Plan Review for a proposed parking lot and boat slips at 3704 Oden Road in Section 18 of Littlefield Township. The property is zoned R-2 General Residential with a Planned Unit Development-1 Overlay (PUD-1) which is part of the Windjammer PUD and is tax parcel 24-07-17-18-451-018. The request is to allow a parking lot for additional boat slips and the review is per Article 17 of the Zoning Ordinance.

Packet Items: Request & location map, PUD request description, application, 10/08/18 site plan, zoning map, aerial, draft ownership & maintenance agreement, community system & easement agreement, 2003 PUD agreement, approved plan, 10/18/18 zoning evaluation form, 10/23/18 email from Kurt Hoffman, 10/25/18 email from Dick Gilgrist, 10/26/18 email from Dan Rupp

Doernenburg presented this case. She noted that the township has asked for postponement because the Planning Committee had a chance to review but the Township Board will not meet until November 8th. The proposal is within the Windjammer PUD and is a request for an amendment to allow for additional parking and boat slips. The zoning map was shown. The last review was two years ago and was stalled because there was no agreement on how the property would be managed. Doernenburg stated that she currently has three property management documents submitted and another that hasn't been provided yet. There is some opposition. The proposal would eliminate the approved condos with garages and boat slips and would replace with parking and boat slips only. The Yacht Club has purchased the property. The owner of the other parcel owns only half of the parking spaces and the property owners are trying to work through those issues. Photos of the site were shown. Doernenburg stated that she hopes to bring this back next month for review with a township recommendation.

There was no public comment on this case.

This case will be postponed at the township's request and heard at the December 6, 2018 Planning Commission meeting.

**4. Case PSPR18-011 Jeff Laugherty/Morton Buildings for Cedar Valley LLC-Drost
Landscape, SITE PLAN REVIEW-Amendment, Addition to office,
2010 Cedar Valley Rd, Section 16, Bear Creek Township**

Legal Notice: *A request by Drost Landscaping for Site Plan Review - amendment at 2010 Cedar Valley Road, Section 16, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-16-200-004. The request is to allow expansion of offices and meeting spaces at a Contractor's Use per Article 8 and Section 26.32. The review includes an addition of 450 sq. ft. to an existing contractor's use building.*

Packet Items: *Request & location map, application, site plan review checklist, impact statement, 10/04/18 site plan, 10/16/18 zoning evaluation form, currently approved site plan*

Salar presented this case. The proposal is for a 420sf office space addition and expansion of parking on the east side of the building. The proposal meets setback standards. The aerial and parcel map were shown. The proposed site plan and elevations were shown as was the currently approved site plan and photos of the property. The property is zoned FF-1 as are the surrounding properties. The property is about 37 acres in size and was originally approved as a tree farm in 1996. In 2000, an amendment was approved by Bear Creek Township for a 40'x60' accessory building and expansion of that building was approved in 2003. In 2007, an addition to the existing office/storage building was approved as was another addition in 2009. A contractor's use was also approved in 2009. There is no outdoor lighting proposed but would need Sign & Lighting Committee review if they did. The Township Planning Commission recommended approval.

Robert Drost, business owner, read a statement to the board. They have been in business for 27 years and they are expanding their crew. This addition would allow access indoors to and from the lower level of the building and give them needed office spaces for their expansion. The extra parking would be for both staff and visitor parking and will be screened from the road. Morton Buildings will be building the new addition. Drost stated that this approval will allow them to continue to be a good employer in the community.

Doernenburg stated that the Township Planning Commission recommended approval with the stipulation that the existing dumpster be screened to current ordinance standards.

There was no public comment on this case.

Urman made a motion to approve Case #PSPR18-11, Drost Landscaping – amendment for an expansion of offices and meeting space, on property located at 2010 Cedar Valley Road, Section 16, Bear Creek Township, tax parcel 24-01-19-16-200-0004, as shown on the site plan dated Received Oct 4, 2018 because the standards of Article 8, 20 and Section 26.32 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and on the condition that the existing dumpster be screened as required by the Zoning Ordinance and because the Bear Creek Township Planning Commission recommended approval at their meeting on 10/31/18. The motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, Laughbaum, MacInnis, Alexander, Urman. No: None.

5. Case PSPR 18-012 Kirk Rose-Hearthside Grove East, SPECIAL USE PERMIT-Land Development, west side of Bellmer Road, Section 25, Bear Creek Township

Legal Notice: *A request by Kirk Rose for Hearthsides East for a Special Use Permit for Land Development of property located on the west side of Bellmer Road in Section 25 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-16-25-300-031. The request is to create 17 site units on the property per Article 21 and Section 26.13 of the Zoning Ordinance.*

Packet Items: *Request & location map, application, site plan review checklist, impact statement, 10/11/18 Fire Dept review, 10/17/18 zoning evaluation form, 10/5/18 plans, 10/26/18 site plan, 10/26/18 dumpster detail*

Salar presented this case. The parcel is located on the west side of Bellmer Road. The location, aerial, and parcel maps were shown. The proposed site plan was shown which proposes 17-unit site condominium. All individual parcels meet zoning standards and are 150' in width and will have individual wells and septic systems. The road meets ordinance standards and the dumpster proposed is screened to current standards. The photos of the property were shown. The trees have been cleared at the proposed road entrances. The drainage plan meets standards. There is no sign or outdoor lighting proposed but if so, would be reviewed by the Sign & Lighting Committee. The Road Commission and Fire Department have approved the proposed plan. Snow storage has been addressed on the plan. The Township Planning Commission has recommended approval.

Neil Marzella, representative for the applicant, stated that they have a straightforward request and they meet land development standards.

Matt Herron, Hearthsides Grove attorney, stated that they were at the township meeting and their concerns were regarding potential impacts on them for water and septic which has been addressed. They are concerned with the access from Bellmer Road to Bluestem Drive. They feel that during the construction, temporary barriers should be provided at one end or the other in order to deter unauthorized access especially from ATV or snowmobiles.

Urman stated that the township has recommended approval. There was discussion regarding the water and the tree lines for screening. They stated that they will try to maintain current screening within their building envelopes. They are putting in a hammerhead turnaround as required by the Fire Department. He stated that the concerns Herron brought up regarding the barriers would be between the property owners. They also had a concern about road maintenance which would also be between the owners. Herron stated that they would like to at least have the construction barrier issues addressed. Eby asked if having a temporary barrier during construction is reasonable. Marzella stated that the threat hasn't existed before and they don't expect an issue now. It will be gated eventually and they don't see why they need to create a barrier for a problem that hasn't yet occurred. It will be an inconvenience during the construction process. Neal stated that signage could be used. Rose stated that they exist now and it doesn't make sense to block access during construction. Unauthorized access would be a concern to them and if it became a problem could be dealt with. Eby asked how long construction is anticipated. Rose stated that gravel will be put down in December and asphalt in May. The gate will be put up after the asphalt. Scheel asked about the road. Marzella stated that FOMCO retained an easement. The road is for the owners of the 17 lots and isn't intended for the current owners in Hearthsides Grove. Scheel stated that Urman has said the property owners would hopefully maintain screening on their lots. He is concerned with this. Urman stated that he should have said 'maintain existing vegetation'. Doernenburg stated that the ordinance does not require screening between residential uses.

Urman made a motion to approve Case #PSPR18-012, Kirk Rose for Hearthsides East for a Special

Use Permit for Land Development for 17 site units on property located off Bellmer Road, Section 16, Bear Creek Township, tax parcel 24-01-16-25-300-031, as shown on the site plan dated Received October 26, 2018 and supporting documents dated Received October 26, 2018 because the standards of Article 8 and 21 and Section 26.13 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and a performance guarantee in the amount of \$8000 be submitted prior to issuance of a zoning permit, and because the Bear Creek Township Planning Commission recommended approval on 10/31/18. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scott, Scheel, MacInnis, Alexander, Urman. No: Scheel.

6. Case PPTXT 18-001 Emmet County Planning Commission, Text Amendment-Accessory Uses to a Farm Operation

Packet Items: 10/19/18 memo with draft options

Doernenburg stated that a new memo was sent out with four options and drafts. This incorporates the direction that it seems that the conversations on this board and the various township and public comments have led us to. This memo did not go back to the townships. Option A is draft #6-the same text as was presented previously. Option B is draft #7 and has been modified to include all residential zoning districts and reduces the hours of operation for all days to end at 10 p.m. Option C is draft #8 and only includes the FF-1 zoned parcels. This took into account the conversation of having an overlay district and could be a good starting point. Option D is to deny the text amendment altogether. Staff recommendation is to consider either Option A or C. The Master Plan does support adding this to the ordinance in the agricultural section objectives.

Eby stated that he could go with Option C as a starting point. MacInnis agreed that we could start with a smaller area (FF-1) and learn from it, modifying as needed. This is a cautious approach that gets us some experience. It likely won't be the last time we look at this. This option would confine and minimize the opportunity to go off the track and can be modified if need be. Eby stated that the areas in which the majority of requests of this nature are within the FF-1 districts. Scott stated that he hasn't changed his mind and feels that if we are opening this option up and farming is the concern, he is not sure why this shouldn't be able to be done in any zone if they can meet the requirements that we've put in place. Zoning districts shouldn't matter. There are fairly significant amounts of residential uses within FF districts so the potential for these activities being right next to a residential area is similar in FF districts as it would be in residential districts. Scheel agreed with Scott stating that by limiting we leave out $\frac{3}{4}$ of the farms in Emmet County and he's not sure doing this helps the original intent. Scott stated that he doesn't agree with the intent. Drier asked Scott if he would prefer Option B then. Scott stated that he would. Eby stated that his first option would be D but he is willing to look at C. Scott stated that he feels that we are restricting these use types on farms only and it doesn't make sense as to why we are restricting it to a farm use only. If there is a need for the use, there is a need for the use. Eby stated that the use is allowed. Scott stated that this would be the argument for Option D then. Alexander stated that the supposed assistance is to help farms stay viable financially. This allows ways to maximize their business which he understands but he stated that he doesn't like the use of farming to allow uses that anyone can do. Laughbaum stated that most residential lots are smaller lots and there likely wouldn't be enough room to do these activities. Scott stated that most, yes would be too small, but like he said before, they would have to meet the minimum requirements first. Laughbaum asked if he wants to take the zoning districts out of it. Scott stated that he would and his major argument would be why restrict it if we are trying to create an environment in which we are allowing the use to happen. Laughbaum stated the users of these events aren't going to care about what zoning district they are in. Scheel asked what is stopping anyone in the other districts from

participating other than the intent. Doernenburg noted that section A of the drafts stipulate that the uses must be clearly incidental to a farm operation.

Duane Schuil stated that someone in past meetings/reviews stated that they shouldn't help a farm make money. He stated that this isn't helping them make money, it is allowing them to make money. This is not just farming. They receive 2-3 calls per day to inquire about doing events on their property. Allowing these uses will keep more open space and keep farmers farming. We live in a tourist area and should take that for what it is. As to the options, Option A was already reviewed and voted down, Option C is too restrictive although he likes the idea of revisiting this subject after a while to see what issues have come up. There were 'guardrails' discussed last month; these are already built in. Everyone wants the same thing; why not let it happen and see how good we'll do. Tourism is exploding here. People want to go to these farms, want to get married here, are excited about being involved in the wineries and other parts of the business. Other areas are busy every day of the year when you go to places in California. Schuil noted that there was recently an article in the paper about an 84-acre parcel in Resort Township that they were trying to keep a farm and not have the property developed. Option D says we gave up. The discussion and opinions have swung in all different directions back and forth on this topic. We need to be the future of Emmet County and grow as a society. This is an important part of the Master Plan. We need to be inclusive. There is a great group of people wanting to do these activities and wanting to be involved. Schuil stated that he likes Scott's comment about there being a whole lot of residential uses in farmland. He stated that this board has done a great job. He read a quote that stated that even inaction leads to action. We cannot fear not getting this totally right. He referenced the Constitution that we are still using and that the Bill of Rights had to be added to that to make changes.

Linda Caldwell stated that she purchases produce from Gabriel Farms and they have put in a lot of time and money to make it what it is today. She stated that she finds it difficult to understand why this board would want to take their livelihood away by not letting them do what they want.

David Coveyou stated that tourism is what we have that so many parts of the US don't have. Most farmers have to have a job off of the farm. If we want to see farming continue here, we need to give farmers other options rather than them getting jobs elsewhere. He stated that many love this area and love to be able to walk onto a farm to see what is growing and how it works. We may take this for granted but they want to take time to make memories here. They spend their time and money on these farms and not just on produce. Coveyou stated that Option D shouldn't be on the table as the Master Plan calls for this and many in the community want this. He stated that he personally likes Option C. It is more confined and would allow us to get comfortable with this idea and see where it could go. He would hope in a year or two farms in this area would then have shown really good examples of how they can improve their farms and become inviting, attractive, and a positive addition to the community. If it works out, the ordinance could be looked at again to potentially open it up to other areas. There are more risks with Option B. Option C allows us to bring the benefits to the community in a smaller area and show that it can really work and some of the fears are not relevant.

Neal stated that, in response to one of the comments tonight, we are not trying to hurt businesses but are trying to enable them to help them out. He read the objective from the Master Plan.

MacInnis made a motion to recommend approval to the Emmet County Board of Commissioners of Zoning Ordinance Text to authorize Accessory Uses on Commercial Farms as provided in the attached Draft #8, Case PPTXT18-01. The amendment would add a Section 26.50 to the Supplemental Regulations of the Emmet County Zoning Ordinance. Approval is based on the reviews by the Planning Commission since June 2, 2016, documents provided to the Planning Commission during that timeframe, recommendations from townships within Emmet County, public

comments, and six Public Hearings held regarding the text amendment since June 7, 2018. The text allows accessory commercial uses in the FF-1 Zoning District as described in the draft dated October 19, 2018. This motion died due to lack of support.

Neal made a motion to recommend approval to the Emmet County Board of Commissioners of Zoning Ordinance Text to authorize Accessory Uses on Commercial Farms as provided in the attached Draft #7, Case PPTXT18-01. The amendment would add a Section 26.50 to the Supplemental Regulations of the Emmet County Zoning Ordinance. Approval is based on the reviews by the Planning Commission since June 2, 2016, documents provided to the Planning Commission during that timeframe, recommendations from townships within Emmet County, public comments, and six Public Hearings held regarding the text amendment since June 7, 2018. The text allows accessory commercial uses in the R-1, R-2, RR, SR, FF-1 and FF-2 Zoning Districts as described in the draft dated October 11, 2018. This motion was supported by Scheel and passed on the following roll-call vote: Yes: Neal, Scott, Scheel, Laughbaum, Urman. No: Eby, Drier, MacInnis, Alexander.

V Public Comments: None.

VI Other Business:

- 1. Proposed Text Amendment-L'Arbre Croche:** Doernenburg noted that a memo regarding the history of this development was sent out. The development was established shortly before zoning and is in a critical dunes area. They have an architectural review committee that reviews any request for construction before they are allowed to apply for required County permits. A few years ago, there were a number of requests to the ZBA for variances that came in at once. The ZBA suggested at that time that they work with staff to come up with a different way to review this particular development such as a PUD which would allow for narrow conditions to allow reduced setbacks. The development did extensive review of their community with surveys. They would like to have a 15' front and 15' rear setback for properties within their development unless they are adjacent to an exterior boundary. This is proposed to be added to the Schedule of Regulations for private roads at least 66' wide and with a posted speed of 25mph or less.

Tom Petzold, representative, stated that it seems to make some sense that the PUD approach could work but they don't want to change anything about the character of their development.

Scheel asked if there is a lot coverage requirement. Doernenburg stated that it is 30% maximum in RR. He asked how many roads would meet this standard. Doernenburg stated that all of them within this development would; they are all 66' easements. Scott asked how many roads within the County would be affected. Doernenburg stated that there are very few that are private roads that are 66' wide but she'd have to do some research to get a number. Scott stated that he thinks it is a good idea but that he'd like to make sure we're not doing something County wide that we don't know we are doing. Doernenburg stated that this was discussed at the Bear Creek Township meeting and they had questions as to how many lots and whether they had sewer or septic. Petzold stated that there is a septic on each of the lots and there is a common well. There are 114 properties of which 40 are condominiums. When the plat was created before zoning the development concept was to protect the environment and cause the least amount of impact. This is accomplished by allowing each lot a 65' diameter circle building area. They are not supposed to disturb anything outside of this circle. There is some give and take but they are trying to accommodate the most private home with the least amount of environmental impact. When the zoning rules have to be met, sometimes they have to make decisions that are less environmentally conscious than if they didn't have

to meet those setbacks. It may force that circle into the neighbors' view or into critical dune areas. This amendment would allow the architectural committee to have more leeway. Scheel asked if this would be a footnote for the County or just for this area. Doernenburg stated that it would be County-wide. She will have to find out how many properties this could potentially impact but it is very narrowly tailored for this development. Scheel asked if it is tailored for L'Arbre Croche, why is it important to change the Schedule of Regulations, why not just do an overlay for them. Doernenburg stated that a PUD is the tool that they could use to do this. Petzold stated that he isn't well versed in what the particular reasons were but there was a lawyer who is a member that said that they weren't able to do a PUD because of some legal issues. He stated that he can follow up on this.

David Coveyou stated that he would like to see the PUD or another option looked at as he would not like to see this kind of thing in an area such as Coveyou Meadows. He fully supports the changes for L'Arbre Croche but not for the rest of the County. Petzold stated that it is not their intent to affect others; is there another way to do this? Alexander stated that it would be the PUD route. Eby stated that the PUD can acknowledge what is there currently. Doernenburg stated that if this board is generally supportive staff can work with them on this. She stated that she thought the holdup on the PUD was that everyone in the community would have to be on board. Scheel stated that he is on board for this community only. Laughbaum asked if they can go to the ZBA for variances. Doernenburg stated that they can but it is on a case-by-case basis. The community is becoming more of a full-time community and is cumbersome to go to the ZBA each time.

2. **Enforcement Report-** Distributed with discussion on a few cases.
3. **Wineries:** Text is expected for next month.
4. **LIAA Workshop, November 2, 2018 Little Traverse Township Hall**
5. **Master Plan-**Consider draft timeline for Master Plan update/review. This timeline was distributed. Scott made a motion supported by Alexander to recommend that the proposed timeline for Master Plan update be followed. The motion was supported by voice vote of the members.

VI Adjournment

There being no other business Eby called the meeting adjourned at 9:27 p.m.

James Scott, Secretary

Date

Littlefield Township Meeting

November 6, 2018

7:00 p.m.

Case # PZBA18-019 Dan Gorman is requesting an expansion of a non-conforming use and setback variances for a business in Ponshewaing (The Fort) 5496 Oden Rd. Zoned R-2. Preview is per Articles 23 & 25 of the Zoning Ordinance.

The Township approved this case with conditions, the dumpster be screened with cement, a knot box be added and the setback be not more than 1'3 1/2" from the southerly property line and not more than 40 feet from the westerly property line. Also need document from MDOT and Road Commission.

Vote: Yes 5 & No 0

Case# PPUDF18-02 Request by Crooked Lake Yacht Club for an Amendment to a Final Planned Unit Development; and Site Plan Review. Proposed parking lot and boat slips. Zoned R-2 with a PUD-1 Overlay. Per Article 17 of the Zoning Ordinance.

The Township approved this case with conditions, all four parties need to sign the Owner/Developer PUD Agreement before this Case can move forward. Need approval from MDOT and Fire Dept. Also a new sealed drainage plan and landscaping plan showing three or more trees 2 1/2" in caliber.

Yes, 5 No, 0

Katie Derrohn, Trustee
Chairperson

REQUEST

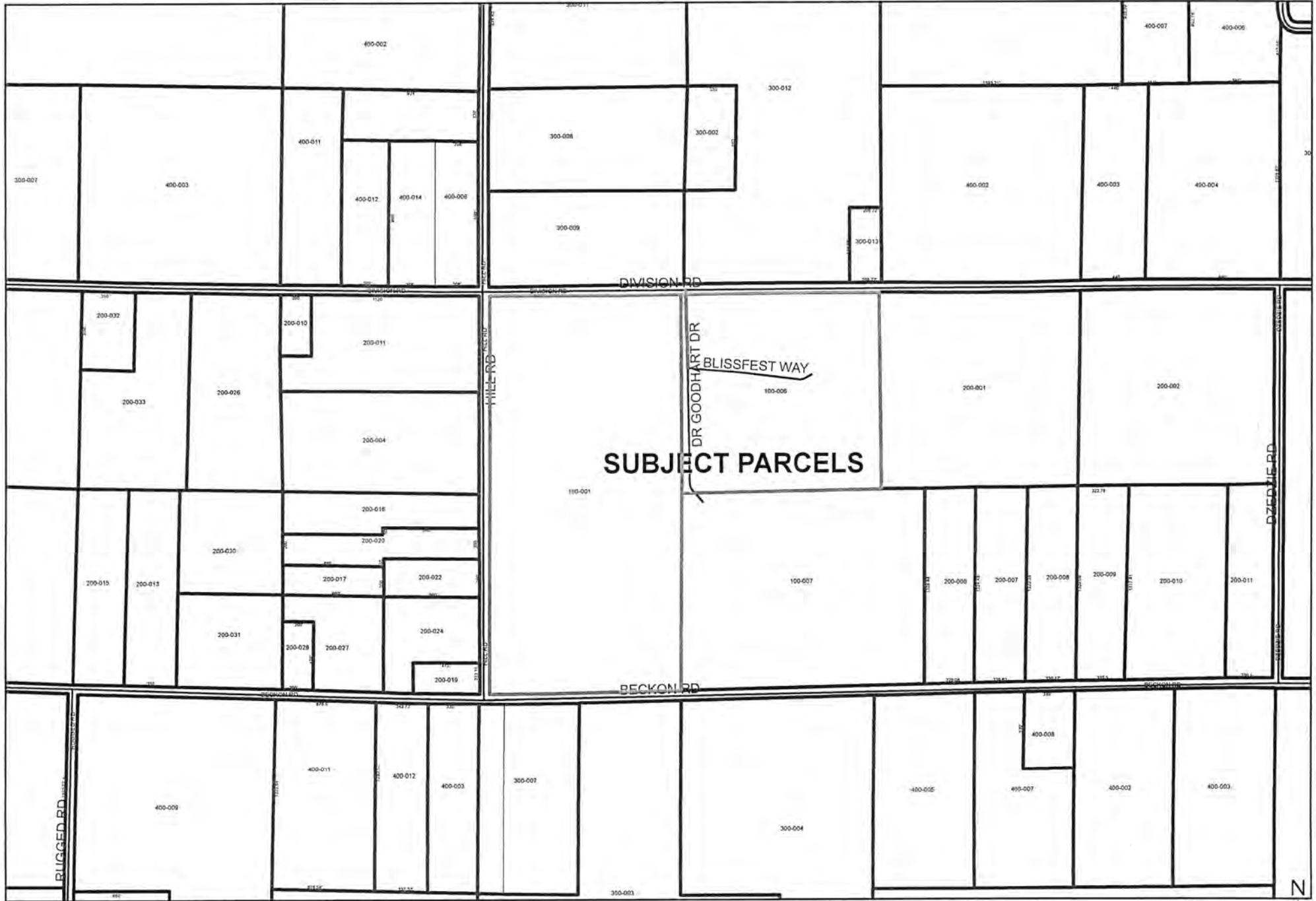
PSUP18-010

A request by Jim Gillespie for Blissfest Music Organization for review of the Blissfest property located at 3695 Division Road, Section 12, Readmond Township. The property is zoned FF-2 Farm and Forest and is subject to a Consent Judgment on parcels numbered 24-12-08-12-100-001 and 006. The request is to modify the Consent Judgment to allow an increase in paid attendance of Sunday tickets to the Blissfest Festival from 4500 to 4800. Modification is provided for in the Consent Judgment (Paragraph 5.J) and the review will be conducted according to Article 21 Special Land Uses of the Zoning Ordinance.

LOCATION



CASE #PSUP18-010 BLISSFEST, 3695 DIVISION RD



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

10/8/18
 DATE RECEIVED
 \$ 300.00
 FEE

PSUP18-010
 APPLICATION #
 10-8-18
 DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name Blissfest Music Organization Phone 231-348-7047
 Applicant's Address 522 Liberty St, Petoskey, MI 49770
 Applicant's Email Address jim@blissfest.org @
 Directors
 Owner's Name Jim Gillespie Phone 231-838-6239
 Directors
 Owner's Address 522 Liberty St, Petoskey, MI 49770
 Owner's Email Address jim@blissfest.org @

JOB SITE LOCATION:

Township: Readmond Tax Parcel #: 24-12-08-12-100-006

Address: 3695 Division Rd, Harbor Springs, MI 49740

ZONING REQUEST:

Planning Commission:

- Special Use Permit
- Site Plan Review
- Planned Unit Development
- Zoning Map Change
- Zoning Text Change

Describe Request:

Request to increase paid attendance on Sunday of the Blissfest Festival from 4500 to 4800 as provided for in the Blissfest Consent Judgment par. 5J

REQUIRED USE INFORMATION

Ground floor area main building: _____ Sq. Ft.
 Floor Area accessory building: _____ Sq. Ft.
 Lot/Parcel Size: _____ Acres _____ Sq. Ft.

Site/Plot Plan required*

2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

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

| | Date Submitted | | Date Submitted |
|---|--------------------------------|--------------------|--------------------------------|
| Elevation Drawing | <input type="checkbox"/> _____ | Site Inventory | <input type="checkbox"/> _____ |
| Engineered Drainage Plan | <input type="checkbox"/> _____ | Fire Dept Approval | <input type="checkbox"/> _____ |
| Estimated Cost of Drainage improvements | _____ | | |
| Soil Erosion Permit | <input type="checkbox"/> _____ | Wetlands Permit | <input type="checkbox"/> _____ |
| Health Dept. Approval/ | <input type="checkbox"/> _____ | Road Commission/ | <input type="checkbox"/> _____ |
| Sewer Taps | | MDOT Approval | |

Other:

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

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

| | | |
|--|---|------------------------|
| Signature of Applicant <u>Jim Gillespie</u> | Printed Name of Applicant <u>Jim Gillespie</u> | Date <u>10/8/18</u> |
| *Required Signature of Property Owner | Printed Name of Property Owner | Date |

Impact Statement

Blissfest Music Organization(Jim Gillespie), Phone 231-838-6239 Case # _____

Project Title: Request to modify the Blissfest Consent Judgement of 2002 to increase paid attendance on the Sunday of Blissfest from 4,500 to 4,800 as provided for in Paragraph 5-j.

Blissfest Music Organization, 522 Liberty ST., Petoskey, MI 49770

Tax Parcel #: 24-12-08-12-100-006 Readmond Township

3695 Division Rd, Harbor Springs, MI 49740

1. PROJECT DESCRIPTION:

The Blissfest Music Organization is requesting a modification as allowed in its Consent Judgment with Emmet County dated March 7, 2002. The agreement provided for the Blissfest Festival to continue its operations for its annual weekend festival within certain specified conditions. The Blissfest proposes to modify paragraph 5-J of the consent judgment conditions of use which determines the number of paid ticket holders that are allowed at the festival. These limits were established with a provision to increase the limits upon application and approval of the Planning Commission.

The Festival was initially limited to a daily maximum of 4,500 paid tickets (weekend ticket holders plus each day ticket holders) for Friday, Saturday and Sunday. The agreement was modified in 2013 to increase Saturday paid attendance by 500 to 5,000. The Blissfest would like to request an increase in paid attendees allowed at the festival for Sunday during the festival weekend from 4,500 to 4,800 patrons allowing for an increase of 300 day passes for Sunday only.

The rationale for this request stems from the historical and surveyed patron data that reveals there is a significant number of weekend patrons leaving Sunday morning. Our survey in 2018 revealed that there were 453 weekend patrons who left the festival by 12 noon on Sunday (see chart below). This exodus we believe creates some room at the festival for additional patrons to attend on Sunday without any significant impact on the already established facility infrastructure or local community. We believe that the festival would easily accommodate an additional 300 patrons for the day on Sunday. Local service industry workers and first-time families and individuals can try the festival out for a day and would benefit from this opportunity for a discounted Sunday ticket.

The reason for this request also stems from a recent difference of opinion regarding capacity determinations and interpretations allowed by the consent judgment between Emmet County and Blissfest. The Blissfest Organization was encouraged by the county and agrees that it is best to go through the process provided for in the consent judgement to seek an increase in Sunday ticket sales.

In the past couple of years, the festival has sold out prior to the event and the trend has been for all the advance tickets to be taken by weekend patrons. We currently hold the 500 additional passes allowed for Saturday for day passes only. We would like to hold an additional 300 day passes for Sunday with this request.

The Blissfest has shown its ability to manage the festival event effectively. The additional Sunday day passes will not affect festival capacity or infrastructure demands since many weekend patrons are leaving Sunday morning. The additional amount requested would represent a 6.5 % increase for Sunday attendance. There will be no camping available for these additional day tickets. We plan to continue the policy of minimizing any day passes on Friday to help alleviate traffic congestion on that day.

2018 Survey: This Chart shows the numbers of people leaving the Blissfest on Sunday and not returning from a survey completed on July15, 2018.

| Day | time | # persons leaving | totals leaving |
|---------------|-----------|-------------------|----------------|
| Sunday July15 | 8am-9am | 28 | 28 |
| Sunday July15 | 9am-10am | 113 | 141 |
| Sunday July15 | 10am-11am | 150 | 291 |
| Sunday July15 | 11am-12pm | 162 | 453 |
| Sunday July15 | 12pm-1pm | 190 | 643 |
| Sunday July15 | 1pm-2pm | 78 | 721 |
| Sunday July15 | 2pm-3pm | 160 | 881 |
| Sunday July15 | 3pm-4pm | 181 | 1062 |
| Sunday July15 | 4pm-5pm | 103 | 1165 |
| Sunday July15 | 5pm-6pm | 168 | 1333 |
| Sunday July15 | 6pm-7pm | 117 | 1450 |
| Sunday July15 | 7pm-8pm | 161 | 1611 |

2. EXPECTED DEMANDS ON COMMUNITY SERVICES

a. Sanitary Services - The Blissfest Festival uses an approved number of Porta-Jon's to service its festival attendee's sanitation needs as part of the conditions established by a temporary camp permit approved by the Dept. of Environmental Quality and the administered by Northwest Health Dept. The service company is on site all weekend and pumps the units as needed. Additional units will not be anticipated since there are historically 500 patrons who leave by Sunday 12 noon so there should be no additional demand. The Blissfest will continue to accommodate the sanitation needs of attendees as per our contract with our service provider and in consultation with the Health Dept. and in keeping with the requirements of the DEQ Temporary Campground Permit. These additional patrons will not be camping and are only attending for the day.

b. Domestic Water - Blissfest has a type II non-community public well on its property. Potable water is available throughout the site and currently exceeds the requirements of the health department and temporary camp permits in terms of the number of taps required. The water supply would be adequate for an additional 300 attendees.

c. Traffic Volumes- Blissfest has eliminated selling any Friday day passes in an effort to reduce traffic on that day. Friday is typically the high volume traffic day as most weekend patrons are arriving for the festival. A small increase in traffic is expected over the normal festival traffic on Sunday as some weekend patrons leave early and day attendees replace them in the early afternoon. Our estimates over the years average 2.75 persons per vehicle. An additional 300 attendees would translate into approximately 110 additional vehicles. Dust control will continue to be in place on all approach roads.

d. Schools - There are no schools in the vicinity of the project

e. Fire Protection- Minimal risk of fire associated with this request. Blissfest is served by the Readmond Township Fire Fighters Association. Blissfest has installed a 15,000-gallon static water tank on its property for fire control as part of its past requirements. There is also an existing 15,000-gallon tank on the Northeast corner of Hill and Division Rds. Both are available for use by the fire department. The fire department has been on site during the event and has a small tanker for field fire suppression on hand. The additional vehicles will be parked in a designated day lot that meets parking lot standards and is parallel and in close proximity to Division Rd.

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

a. Soil Erosion- none

b. Storm Drainage - none

c. Shoreline Protection- N/A

d. Wildlife - Birds and small mammals as well as deer are present on or near the site. Minimal impact anticipated.

e. Air Pollution – minimal from the extra vehicles.

f. Water Pollution - none

g. Noise- No additional noise then what the festival normally produces anticipated. Blissfest maintains a security force and controls for excessive noise as per the conditions of use.

Monica Linehan

From: Suzanne <sduval782@gmail.com>
Sent: Tuesday, November 20, 2018 12:06 PM
To: PZCR
Cc: jim@blissfest.org
Subject: case # PSUP18-010

As a neighboring property owner (300-009), I would like to express my support for the Blissfest Music Organization request to modify the Consent Judgement to allow increase in paid attendance for Sunday ticket sales. I have observed first hand how many of the weekend ticket holders leave on Saturday evening before the end of the festival, including many of my own friends and family who come up to the area specifically for the festival but are unable to attend on Sunday. Throughout the years I have also had many local friends take advantage of the Sunday tickets. Blissfest is a great asset to the cultural life in our community and county as a whole, and one of the few venues located this far north of Petoskey. Neighboring property owners do experience some inconveniences for about five/six days at festival time but these are so minor in comparison to what the Organization brings to our area. Blissfest is a good neighbor and responsive to neighbors' concerns.

Thanks,
Suzanne Duval
5104 Hill Rd
Harbor Springs

ZONING EVALUATION FORM

Office of Planning and Zoning
Emmet County, MI

DATE: 11/18/18

CASE #: PSUP 18-010

APPLICANT: Blissfest Music Organization

PROPERTY: Division Road, Section 12

TOWNSHIP: Readmond

REQUEST: Consent Judgment Review - increase number of paid tickets for one day (Sunday)

FACTS:

- The property is zoned FF-2 Farm & Forest.
- The total acreage owned by Blissfest Music Organization (BMO) is approximately 202.5 acres.
- The BMO property is partially regulated by Consent Judgment and partially regulated by approved Site Plans/Special Use Permits.
- Blissfest Music Organization originally received approval for the festival use of their property through a Consent Judgment in 2002.

STAFF COMMENTS:

Request to modify the Consent Judgment to increase the paid tickets from 4,500 to 4,800 for Sunday only. The Consent Judgment specifically requires the applicant to seek Planning Commission review for the proposed amendment. This review will be conducted relative to SUP review standards. No limit has been placed on volunteers, vendors, or performers. Estimates provided by Blissfest would indicate the number has grown from approximately 600 since the original Consent Judgment to approximately 2,000.

REVIEW STANDARDS:

SPECIAL AND CONDITIONAL LAND USE REVIEW STANDARDS:

EXCERPT OF SECTION 2100

In reviewing all requests for Principal Uses Subject to special Conditions and Conditional Uses Authorized by Special Permit, The Planning Commission or Zoning Administrator shall require compliance with any of the following as may reasonably apply to the particular use under consideration

1. 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.
The proposal could increase the traffic to the site. Security measures have been put in place during the festival to control off-site trespass concerns raised in the past. Hours of operation remain as required by the Consent Judgment.
2. Site size to accommodate the use, its future expansion, customary accessory uses and on site services (sewage disposal and water supply).
The site of the festival is approximately 120 acres with an additional 82.5 acres used during the festival for camping and parking. The number of paid tickets sold would not increase beyond the Saturday sales allowed of 5,000. Solid waste is managed through dumpsters and recycle bins placed on the property during the festival.
3. 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.
Water is supplied and regulated by the Health Department. Showers for campers are provided 10 for men/ 10 for women.

4. 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.

All access points are existing.

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

The use does not seem to conflict with the Master Plan.

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

Minor streets/roads are used to gain access to the Blissfest property.

7. 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.

No impediments exist to the property.

8. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Use Permit Project, may be required to be formally assured by one or more of the following instruments:

- a) Scenic Easement
- b) Conservation Easement
- c) Deed Restriction
- d) A similar dedication mechanism

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

A Conservation Easement required through the Consent Judgment is in place.

Motion to recommend **approval of** Case #PSUP 18-010, Review per the Blissfest/Emmet County Consent Judgment, 3695 Division Road, Section 12, Readmond Township as identified in the "Blissfest Festival - Modification of Consent Judgment" document because of the facts presented in the case, with the following recommendations: *(add conditions or reasons for approval here).*

Motion to recommend **denial of** Case #PSUP 18-010, Review per the Blissfest/Emmet County Consent Judgment, 3695 Division Road, Section 12, Readmond Township as identified in the "Blissfest Festival - Modification of Consent Judgment": for the following reasons *(Insert reasons here).*

STATE OF MICHIGAN
EMMET COUNTY CIRCUIT COURT

COPY

BLISSFEST MUSIC ORGANIZATION, a Michigan
non-profit corporation,

Plaintiff/Appellant,

v

Case No. 01-6551-CZ

EMMET COUNTY ZONING BOARD OF APPEALS
and the COUNTY OF EMMET, a Michigan
municipal corporation,

Hon. Charles W. Johnson

Defendants/Appellees,

AND

Consolidation of Files:

01-6551-CZ
01-6522-AA

COUNTY OF EMMET, a Michigan municipal
corporation,

Plaintiff,

v

BLISSFEST MUSIC ORGANIZATION, a Michigan
non-profit corporation,

Defendant.

FILED
IRENE D. GRANGER
CLERK
EMMET COUNTY CIRCUIT COURT
MAR 14 4 35 PM '02

Kathleen Abbott (P36315)
Civil Counsel for County of Emmet and
Civil Counsel for Emmet County Zoning
Board of Appeals
200 Division Street
Petoskey, MI 49770
Telephone: (231) 348-1722

James M. Olson (P18485)
Kristyn J. Houle (P58723)
OLSON & BZDOK, P.C.
Attorneys for Blissfest Music Organization
420 East Front Street
Traverse City, MI 49686
Telephone: (231) 946-0044

CONSENT JUDGMENT

Emmet County and Blissfest Music Organization, the named parties in the above-captioned consolidated civil actions, desire to resolve and adjudicate all claims between themselves with respect to the Blissfest Festival and arising out of the subject matter of this litigation as described by the complaints, as amended, and defenses, as amended, in the above-consolidated actions.

Toward this end, the County and Blissfest stipulate to the entry of this Consent Judgment for

HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE RECORD ON FILE IN THE
OFFICE OF THE COUNTY CLERK, EMMET COUNTY
MICHIGAN.

Irene D. Granger

IRENE D. GRANGER - EMMET COUNTY CLERK

purposes of adjudicating the claims and defenses in this consolidated action and for the purpose of enforcing the terms of this Consent Judgment. This Consent Judgment shall constitute a complete disposition and adjudication of the controversies between the parties related in any manner to matters that were or could have been raised in regard to all claims and defenses in the above consolidated actions. The Consent Judgment is based on and consists of the following provisions agreed to by the County and Blissfest and approved and adjudicated on entry by the Court:

1. Plaintiff Emmet County ("County") is vested with full administrative and enforcement authority and responsibility under The Emmet County Zoning Ordinance no. 10, as amended, ("zoning ordinance"), and the powers granted to it under the county zoning laws and common law pertaining to zoning of Michigan. The County represents that it has full authority to enter into this consent judgment.

2. Blissfest Music Organization ("Blissfest") is a Michigan Non Profit Organization whose purpose is to promote the performance and education of traditional music, dance, and the arts in the Petoskey area and throughout Northern Michigan. Blissfest represents that it has full authority to enter into this consent judgment.

3. Blissfest owns and/or leases 140 acres of contiguous property in Readmond Township, Emmet County, Michigan: 40 acres leased from Howard Rice in 1988 and acquired in 1995 ("Parcel 1"); 80 acres adjacent and west of Parcel 1, leased in 1995 and acquired in 1998 ("Parcel 2"); 20 acres south of Parcel 1 that is leased ("Parcel 3"). The three parcels are more fully described in Exhibit A ("Property"). The Property is located in the FF-2 Farm Forest District under Article VIII of the zoning ordinance. Blissfest may continue to use its Property in accordance with the zoning ordinance, and subject to the terms of this Consent Judgment, Blissfest is granted the right to continue to hold its annual weekend Blissfest Festival on the Property for the following Festival uses:

- a. Performances and workshops on music, dance, oral tradition, arts and crafts, including public address systems for such performances or workshops of Festival;
- b. Craft, memorabilia, and food sales for attendees of Festival;
- c. Temporary camping and parking for volunteers and attendees of Festival;
- d. Day parking for volunteers and attendees of Festival;
- e. Ancillary temporary tents and structures for Festival services such as, but not limited to, security, sanitation, first aid, food, information and utilities.

4. Rather than litigate, and as a compromise of the issues between them, the County and Blissfest believe it is in the best interest of both of them and the public health, safety, and welfare to define the permitted uses of the Property for the Blissfest Festival subject to certain restrictions, conditions, and the County zoning ordinance as specified below and in the Site Plan attached as Exhibit B. The County and Blissfest agree that in lieu of such litigation the following provisions shall be deemed to constitute a full determination and adjudication regarding the use of the Property for the BLISSFEST FESTIVAL on entry of the Consent Judgment and execution of a Conservation Easement as described below:

- a. The 1992 special use permit issued to Howard Rice for Parcel 1 is rescinded, except that Blissfest may use Parcel 1 as allowed under the zoning ordinance.
- b. The Blissfest has the right to hold its annual Blissfest Festival, on Parcel No. 1 and a portion of Parcel No. 2, including the uses specified in paragraph 3, above.
- c. The Blissfest may continue to use its leased Parcel No. 3, but only as permitted in accordance with the zoning ordinance.
- d. The Blissfest shall grant and convey a Conservation Easement to the County, in substantially the same form as the Conservation Easement attached as Exhibit C, the purpose of which is to preserve the conservation

and natural values of the property by prohibiting development on those portions of the Property subject to the Conservation Easement, except as may be excluded or allowed by the terms of the Conservation Easement and this Consent Judgment. The Conservation Easement shall be granted as follows:

- i. Blissfest shall grant and convey a Conservation Easement to the County over the wooded portion of Parcel 1 as shown on the aerial photograph attached as Exhibit D with the following allowed uses:
 - (a) walk-in, non-motorized existing camping and workshop areas for the Blissfest Festival; and
 - (b) small walk-in rustic shelters or cabins (not to exceed 400 square feet each), with electricity and two vaulted toilets, provided that the site plan for the shelters or cabins, including the number of shelters or cabins, is approved by the County in accordance with any applicable site plan and set-back restrictions of the zoning ordinance; and
 - (c) any existing structures on the Property, and any future structure or rustic camp site reviewed for approval by the County Planning Commission according to site plan procedures in the zoning ordinance.
- ii. Blissfest shall also grant and convey a Conservation Easement (within the same document as Exhibit C, above) to the County over Parcel 2, except for:
 - (1) development of the south 20 acres for single family residences, including ingress and egress, roads and utilities, in accordance with the open space option pursuant to Sections 1901 and/or 1902 of the zoning ordinance.
 - (2) Reasonable ingress and egress, for the Festival, Festival camping, parking, and related temporary structures, and a

gate house to a maximum of 325 square feet to replace existing trailer, and camping and parking for any other lawful or permitted use in accordance with the zoning ordinance on that part of Parcel 2 described as follows:

Parcel A:

Section 12, T37N R6W, Readmond Township, Emmet County Michigan, the east 740 feet of the northwest 1/4 of northwest 1/4 of said section.

Parcel B:

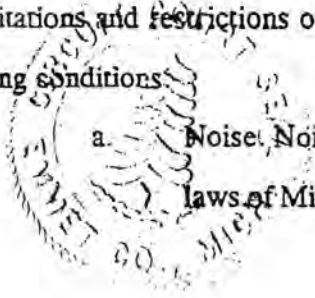
Section 12, T37N R6W, Readmond Township, Emmet County Michigan, commencing at the southeast corner of the northwest 1/4 of northwest 1/4, thence east 740 feet, south approximately 600 feet, thence east 740 feet more or less to west 1/4 line, thence north approximately 600 feet to the point of beginning.

- (3) Farming, agriculture, and horticulture, including necessary water and utilities.
- (4) Any existing structures on the Property, and any future structure, camping area or parking area, reviewed for approval by the County Planning Commission according to site plan procedures in the zoning ordinance.

e. Blissfest may otherwise develop or use its Property provided that such use, development, building, or structure complies with the zoning ordinance, including any applicable special use and site plan requirements, and the Conservation Easement.

5. The Blissfest is permitted to hold its annual weekend Blissfest Festival subject to the limitations and restrictions of this Consent Judgement, the Conservation Easement, and the following conditions:

- a. Noise: Noise from the Blissfest Festival shall not cause a nuisance under the laws of Michigan or result in an unreasonable noise disturbance beyond the



property lines to those residing on or occupying nearby properties based on the sensibilities of a reasonable person.

- b. Lighting. Lighting on the property shall comply with the County lighting standards of the zoning ordinance.
- c. Dust. Blissfest shall implement an appropriate dust control plan subject to approval of the County Road Commission and County Soil Erosion Officer.
- d. Traffic. Blissfest shall discourage parking on public roads and provide adequate traffic control staff.
- e. Trespassing. Blissfest shall make public address announcements and post notices near the boundaries of adjoining property in a clear manner that warn against trespassing on non-Blissfest property.
- f. Health and Sanitation. Blissfest shall comply with all health and sanitation requirements of the Michigan Department of Environmental Quality, Northwest Michigan Community Health Agency, or other applicable laws and regulations. Blissfest shall provide a minimum of 20 temporary showers for camping, in order to discourage bathing at nearby beaches. The parties agree that the Review Committee, as described in paragraph 12, below, may review the number of showers for adequacy.
- g. Safety and Security. Blissfest shall comply with applicable safety and security requirements imposed by law or regulation. Blissfest shall provide an adequate and competent security force for the Festival.
- h. Alcohol. There shall be no sale of alcohol on the property. Blissfest shall implement an alcohol use and control plan, as set forth in Exhibit E.
- i. The Festival is limited to one weekend per calendar year, Friday to Sunday, subject to the following:
 - (i) The set up and take down shall substantially occur not earlier than the preceding Monday and not later than the following Wednesday.

(ii) Camping for ticket holders shall be no earlier than 8:00 a.m. on Friday and not later than Monday noon after the Festival.

(iii) Amplified outdoor concerts shall end by 11:00 p.m. on Friday, 12:00 a.m. (midnight) Saturday and 10:00 p.m. Sunday.

j. The Festival is limited to a daily maximum of 4,500 paid tickets (weekend ticket holders plus each day ticket holders). This limit may be increased upon application of Blissfest and approval of the Planning Commission.

6. Failure to comply with these conditions shall constitute a violation of this Consent Judgment and a violation of the Emmet County Zoning Ordinance and any amendments thereto, which violations may be prosecuted accordingly. The County also shall have an independent right to enforce the terms and provisions of the Conservation Easement under this Consent Judgment or directly under the Conservation Easement as provided by law.

7. Upon presentation of proper identification, authorized County personnel shall be allowed entry at all reasonable times to inspect the premises to ensure compliance with these provisions for the Festival. Entry of the premises by authorized County personnel for purpose of inspection shall be considered reasonable at any time during the period beginning two weeks prior to each Festival and ending two weeks after each Festival.

8. Nothing herein is intended to limit the right of a Township to adopt an ordinance covering the subject matter of this Consent Judgment.

9. Except for the provision of this Consent Judgment, the County and Blissfest hereby forever release one another from any and all causes of actions, claims, demands, damages, equities, claims for relief, expenses, orders issued by the court in the litigation, injuries, losses, acts, rights, obligations, and liabilities that they have now, or may have in the future, against one another, whether known or unknown, arising out of the subject matter of this litigation.

10. The Parties shall take steps necessary to dismiss District Court civil action No. 01-01132-ST, and cancel and release any outstanding citation, claim, order, or other demand related to such action.

11. No later than six (6) weeks prior to the first day of each Blissfest Festival, the Blissfest Music Organization shall make a deposit in the form of cash, or a certified or cashier's check, with the Emmet County Clerk in a reasonable amount acceptable to the County to ensure the faithful performance of the conditions set forth in paragraph 5. The amount of the deposit shall be set by the County based upon its reasonable estimate of the costs of ensuring substantial compliance with these conditions. The County shall refund the deposit of the Blissfest Music Organization within two (2) weeks after the last day of the Festival if all of the conditions have been substantially met to the County's satisfaction. The deposit will be five thousand dollars (\$5,000.00) for the year 2002, thereafter, the County will make a reasonable estimate of costs to ensure compliance with the conditions set forth in paragraph 5, and shall take into consideration Blissfest's history of compliance.

12. The County Board of Commissioners shall have the right to appoint a Blissfest Review Committee of not more than 9 persons for the purposes of (1) facilitating communications between Blissfest and persons who may be negatively affected by the operation of the Blissfest Festival, (2) creating a forum for constructive suggestions and recommendations to Blissfest to alleviate or facilitate the resolution of unforeseen negative impacts from the Festival, (3) allowing Blissfest the opportunity to redress grievances of persons negatively impacted by the operation of the Festival, and/or (4) other appropriate purposes related to this Consent Judgment as the County Board may determine. Blissfest may request that the County convene a meeting for such purposes. It is intended that the Committee be comprised of representatives of Blissfest, the County, affected Township(s), neighborhood associations, and other interested citizens. Meetings of the Committee shall be scheduled as needed at reasonable times and places to accommodate the broadest possible participation by all representatives. Blissfest and the County expressly agree to attend and participate in good faith in meetings of the Committee, and Blissfest agrees to reimburse up to \$1,000 per year, any costs reasonably incurred by the County in administering this provision.

13. This Consent Judgment is binding on the parties, assigns, grantees, successors, and in the case of the County, its various boards and commissions, and the Consent Judgment may not

be modified or amended without the express written agreement of the parties and the approval of the Court.

BLISSFEST MUSIC ORGANIZATION

COUNTY OF EMMET

By: James R. Dillipic

By: [Signature]

Its: Executive Director

Its: CHAREMAN

Date: 3/7/02

Date: 3-7-02

EMMET COUNTY
9

Exhibit A
Description of Parcels

Parcel 1

Approximately 40 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The Northeast 1/4 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West.

Parcel 2

Approximately 80 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The West 1/2 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West.

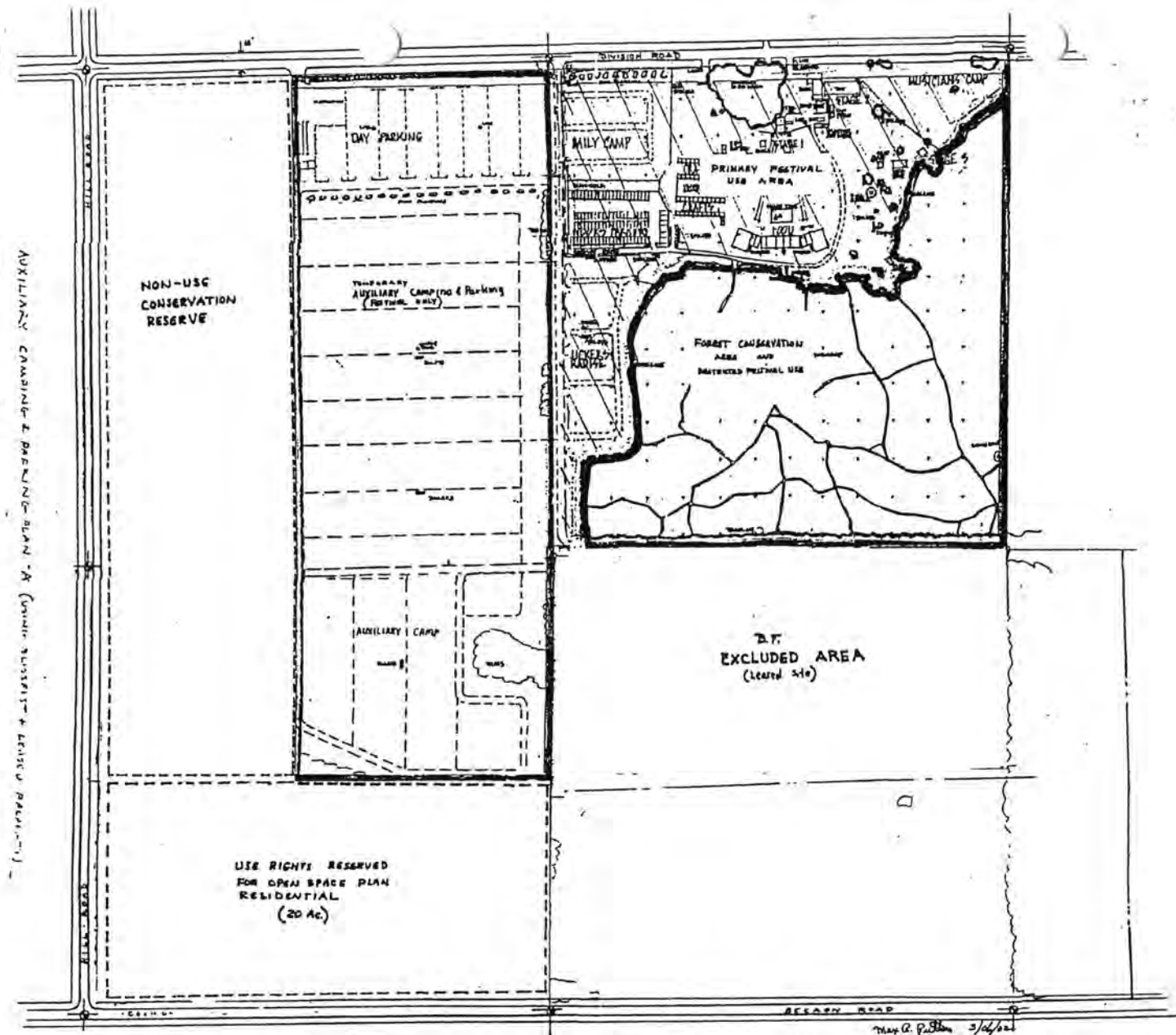
Parcel 3

Approximately 20 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The North 20 acres of the Southeast 40 acres of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West.

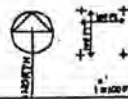


Handwritten circular stamp with illegible text.

AUXILIARY CAMPGROUND & BREWING PLANT - A (Under auspices of Lewis & Clark Park)



Handwritten signature and date: *Mark A. Patten 5/16/02*



BLISSFEST FESTIVAL SITE PLAN PHASE 1

The County is a qualified Recipient of this Conservation Easement, is committed to preserving the Conservation Values of the Property, and is committed to upholding the terms of this Conservation Easement. The County seeks to conserve and protect natural habitats of fish, wildlife, plants, and the ecosystems that support them, under its comprehensive plan, including open spaces, farms and forests, where such preservation is for the scenic enjoyment of the general public.

2. **CONSERVATION VALUES.** The Property possesses natural, open space, forested values of importance to the Owner, the County, and the public. These values are referred to as the "Conservation Values" in this Easement. The Conservation Values include the following:

PUBLIC POLICY: The State of Michigan has recognized the importance of protecting our natural resources as delineated in the 1963 Michigan Constitution, Article IV, Section 52, "The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety, and general welfare of the people. The legislature shall provide for the protection of the air, water, and other natural resources of the state from pollution, impairment, and destruction."

The Property is preserved pursuant to a clearly delineated federal, state, or local conservation policy and yields a significant public benefit. The following legislation, regulations, and policy statements establish relevant public policy:

- Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.2140 *et seq.*;
- Biological Diversity Conservation, Part 355 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.35501 *et seq.* (Legislative Findings § 324.35502);
- Soil Conservation, Erosion, and Sedimentation Control, Parts 91 & 93 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.9101 *et seq.*; 324.9301 *et seq.* (Legislative Policy § 324.9302);

The preservation of open space, woodlands, rural character, and farmland is a goal of the County's Comprehensive Plan.

ECOLOGICAL / HABITAT:

The Property is noteworthy for the undeveloped open farmland and mature hardwoods which offers habitat and foraging for song and migratory birds. The Property contains natural habitat in which wildlife, plants, or the ecosystems which support them, thrive in a natural state. The Property contains sustainable habitat for biodiverse vegetation, birds, and terrestrial animals. Valued native forest land exists on the Property, which includes diverse native species.

3. **BASELINE DOCUMENTATION.** Specific Conservation Values of the Property have been documented by the County, including, but not limited to, the site plan attached as Exhibit B to the Consent Judgment, the aerial photograph attached as Exhibit 2 to this Conservation Easement, and other documentation on file with the County.

4. **PROHIBITED ACTIONS.** Any activity on, or use of, the Property which is inconsistent with the Purposes of this Conservation Easement or which is detrimental to the Conservation Values, except as permitted in paragraph 5, below, is expressly prohibited. By way of example, but not by way of limitation, the following activities and uses are explicitly prohibited:

Commercial Activities. Any commercial activity on the Property is prohibited unless authorized or permitted by this Easement or the Consent Judgment between the parties.

Industrial Activities. Any industrial activity on the Property is prohibited.

Construction. The placement or construction of any human-made modification such as, but not limited to, structures, buildings, fences, roads, and parking lots is prohibited except as provided for under Paragraph 5.

Cutting Vegetation. Any cutting of trees, vegetation, including pruning or trimming, is prohibited, except for the cutting, removal of trees, or management to sustain the mixed hardwoods climax forest or vegetation and as provided for under Paragraph 5.

Land Surface Alteration. Any mining or alteration of the surface of the land is prohibited, including any substance that must be quarried or removed by methods that will consume or deplete the surface estate, including, but not limited to, the removal of topsoil, sand, gravel, rock, and peat, except as part of farming, agriculture, horticulture, and as provided under Paragraph 5.

Waste Dumping. Processing, storage, dumping, or disposal of liquid or solid waste, refuse, or debris on the Property is prohibited, except for non-hazardous waste generated by the use of the property by the general public pending its frequent and periodic removal.

Water Courses. Natural water courses or wetlands, if any, may not be altered.

Off-Road Recreational Vehicles. Motorized off-road vehicles such as, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles may not be operated on the Property except those vehicles, such as tractors, trucks, and other 4-wheel vehicles, that may be used in an emergency, or in connection with the use, management, improvement, and maintenance of the Property in relation to the permitted uses, including the annual weekend Blissfest Festival, or on established access roads, camping, and parking areas indicated in paragraph 5 or the Site Plan attached to Consent Judgment as Exhibit B.

Signs and Billboards. Billboards are prohibited. Signs are prohibited, except the following signs may be displayed for the following purposes:

- To disclose the name and address of the property or the owner's name.
- To disclose that the area is protected by a conservation easement.
- To state that trespassers or any unauthorized entry or use is prohibited.
- To advertise the Property for sale.

To identify and interpret trails and natural features.

To identify or disclose permitted uses of the Property or adjacent or contiguous non-Conservation Property owned or leased by Blissfest.

5. **PERMITTED USES.** The Owner retains all ownership rights which are not expressly restricted by this Conservation Easement. In particular, the following rights are reserved:

Right to Convey. The Owner retains the right to sell, mortgage, bequeath, or donate the Property. Any conveyance will remain subject to the terms of the Conservation Easement and the subsequent Owner will be bound by all obligations in this agreement.

Right to Add and Maintain Trails, Rustic Camping Sites and Use Existing Roads. The Owner retains the right to use existing access roads or trails and add and maintain an access road, or add and maintain rustic camping sites approved under the terms of the Consent Judgment.

Right to Construct Benches, Viewing Platforms and Gate House. The Owner retains the right to construct benches, viewing platforms, posts, and other such structures for the use and quiet enjoyment of its members, guests, or attendees of the annual Blissfest. Along with this right, the Owner retains the right to construct a gate(s) or other similar structures to discourage unauthorized vehicle access on the Property, and to construct a gate house (not to exceed 325 square feet) at the entrance of the Property.

Prior to adding of new benches or viewing platforms and other such structures, the Owner will provide a written Plan to the County Planning and Zoning Department for review and approval as provided in the Consent Judgment. The County shall review and either approve or notify the Owner of any deficiencies in the Plan that relate to protecting the Conservation Values of the Property. Such approval shall not be unreasonably withheld.

Right to Manage or Cut Vegetation. The Owner retains the right to cut, remove and/or manage vegetation only under the following conditions, or as otherwise set forth in paragraph 5 of this Conservation Easement:

1. to remove dangerous trees or trees required to be removed for permitted structures under this Conservation Easement or the Consent Judgment;
2. to remove trees in order to reduce a natural threat of infestation posed by diseased vegetation (as documented by a professional forester or other natural resource specialist) and as approved by the County under the provisions of Paragraph 8; or,
3. to control invasive non-native plant species that endanger the health of native species.
4. to sustain the mixed hardwoods climax forest through appropriate forest management practices.

Right to Maintain Managed Open Space Areas. The Owner retains the right to continue to maintain certain open space areas on the Property designated as Managed Open Space on the or Site Plan, Exhibit B to Consent Judgment. Said maintenance includes, but is not limited to mowing and removing woody vegetation from non-forested areas of the Property.

Right to Conduct Ecological Restoration. The Owner retains the right to conduct ecological restoration on the Property if (a) it is planned and undertaken meeting the

following goals and (b) is conducted (i) in accordance with applicable government regulations, (ii) in accordance with an Ecological Restoration Plan prepared by a qualified natural resource professional approved in advance by the County.

Ecological restoration is the process of assisting the recovery and management of ecological integrity with sensitivity to regional and historical context of the landscape. Ecological Restoration includes, but is not limited to, planting native species, removing non-native or invasive species, and implementation of a natural disturbance regime (e.g., fire) appropriate for the Property.

Right to Operate Motorized Vehicles. The Owner retains the right to operate motorized vehicles on the Property on the established roads, driveways and parking areas as demonstrated in the Site Plan, attached as Exhibit B to the Consent Judgment. The Owner also retains the right to operate motorized vehicles off-road on the Property for management activities described in Paragraph 5. The Owner retains the right to use the property for camping, parking, or other services related to the annual Blissfest Festival or other permitted use of the Property under the Conservation Easement or Consent Judgment.

Right to Use Property for Blissfest Festival and Other permitted uses. The Owner retains the right to use the Property for its annual Blissfest Festival as provided in the Consent Judgment, and as otherwise permitted by the Consent Judgment and this Conservation Easement.

Right to Develop and Use Property for Single Family Cluster Option. The Owner retains the right to use the Property for a single family development and use on the south 20 acres on Parcel No. 2 as identified in the Consent Judgment, which 20 acres shall be surveyed at the time of sale or development.

6. **RIGHTS OF THE COUNTY.** The Owner confers the following rights upon the County to perpetually maintain the Conservation Values of the Property:
1. **Right to Enter.** The County has the right to enter the Property at reasonable times to monitor the Conservation Easement Property. Furthermore, the County has the right to enter the Property at reasonable times to enforce compliance with, or otherwise exercise its rights under, this Conservation Easement. The County may not, however, unreasonably interfere with the Owner's use and quiet enjoyment of the Property. The County has no right to permit others to enter the Property. The general public is not granted access to the Property under this Conservation Easement except that the County may invite members of the general public to one nature walk or low-impact event each calendar year upon a 30 day written notice to, and with the concurrence and approval of, the Owner at a mutually convenient time. This does not limit the right to inspect under the Consent Judgment.
 2. **Right to Preserve.** Except as otherwise expressly provided in the Conservation Easement, the County has the right to prevent any activity on or use of the Property that is inconsistent with the Purposes of this Conservation Easement or detrimental to the Conservation Values of the Property.
 3. **Right to Require Restoration.** The County has the right to require the Owner to restore the areas or features of the Property which are damaged by any activity inconsistent with this

Conservation Easement, except as stated in paragraph 7, subparagraph entitled, "Acts Beyond Owner's Control."

4. **Signs.** The County has the right to place two signs on the Property which identify the land as protected by this Conservation Easement. The location of signs is subject to the Owner's approval.
7. **COUNTY'S AND OWNER'S REMEDIES.** This section addresses cumulative remedies of the County and limitations on these remedies.

Acts Beyond Owner's Control. The County may not bring an action against the Owner for modifications to the Property resulting from causes beyond the Owners' control, including, but not limited to, unauthorized actions by third parties, natural disasters such as unintentional fires, floods, storms, natural earth movement, or even an Owner's well-intentioned action in response to an emergency resulting in changes to the Property. The Owner has no responsibility under this Conservation Easement for such unintended modifications.

Notice and Demand. If the County determines that the Owner is in violation of this Conservation Easement, or that a violation is threatened, the County shall provide written notice to the Owner. The written notice will identify the violation and request corrective action to cure the violation and, where the Property has been injured, to restore the Property.

However, if at any time the County determines that the violation constitutes immediate and irreparable harm, no written notice is required. The County may then immediately pursue its remedies to prevent or limit harm to the Conservation Values of the Property. If the County determines that this Conservation Easement is, or is expected to be, violated, and the County's good-faith and reasonable efforts to notify the Owner are unsuccessful, the County may pursue its lawful remedies to mitigate or prevent harm to the Conservation Values without prior notice and without awaiting the Owner's opportunity to cure.

Failure to Act. If, within 28 days after written notice, the Owner does not implement corrective measures requested by the County, the County may bring an action in law or in equity to enforce the terms of the Conservation Easement. In the case of immediate or irreparable harm, or if an Owner is unable to be notified, the County may invoke these same remedies without notification and/or awaiting the expiration of the 28-day period. The County is entitled to enjoin the violation through temporary or permanent injunctive relief and to seek specific performance, declaratory relief, restitution, reimbursement of expenses, and/or an order compelling the Owner to restore the Property. If the court determines that the Owner has unreasonably or without sufficient basis, or in bad faith, failed to comply with this Conservation Easement, the Owner shall also reimburse the County for all reasonable litigation costs and reasonable attorney's fees.

Unreasonable Litigation. If the County initiates litigation against the Owner to enforce this Conservation Easement, and if the court determines that the litigation was initiated without sufficient basis, reasonable cause, or in bad faith, then the County shall reimburse the Owner's reasonable costs and reasonable attorney's fees in defending the action.

Cumulative Remedies. The preceding remedies of the County are cumulative. Any, or all, of the remedies may be invoked by the County if there is an actual or threatened violation

of this Conservation Easement.

Owner's Remedies. The Owner shall have the right to enforce the County's compliance with its obligations under this Conservation Easement through declaratory and equitable relief, including specific performance and injunction, including costs and attorney fees in the event the County has defended without a sufficient or reasonable basis.

8. **NOTIFICATION PROVISION.** The County is entitled to 28 Days written notice whenever its approval is required under this Conservation Easement. If the County fails to respond within 28 Days after it receives the written request, then its approval shall be deemed given. To "respond" means to give written acknowledgment of receipt. Nothing herein is intended to limit the period required for site plan or other review under the zoning ordinance as indicated in the Consent Judgment or this Conservation Easement.
9. **CONSERVATION EASEMENT REQUIREMENTS UNDER MICHIGAN LAW.**
 1. This Conservation Easement is created pursuant to the Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Protection Act (NREPA) - MCL §§ 324.2140 *et seq.*
 2. The County is qualified to hold conservation easements pursuant to these statutes.
10. **OWNERSHIP COSTS AND LIABILITIES.** In accepting this Conservation Easement, the County shall have no liability or other obligation for costs, liabilities, taxes or insurance of any kind related to the Property. The County, its officials, employees and agents have no liability arising from injury or death to any person or physical damage to any property on the Property, except for injury or death of any person or property incurred in connection with or arising out of the County's use or activities on or in connection with the Property. Neither Party waives any immunities granted by law. The County shall reimburse the Owner from any claims (including costs and reasonable attorney fees) for injury or death of any person or damage to property incurred in connection with or arising out of the County's use of the Property.
11. **ASSIGNMENT.** The County may assign this Conservation Easement, and the rights and obligations contained herein, to another organization or entity. This entity shall be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3). Any assignment of this Conservation Easement must insure that the Purposes of this Conservation Easement as set forth in Section 1 are satisfied and guarantee the perpetual protection of the Property. It is specifically provided that if for any reason the Owner or his estate gives notice to the County that it in the future wants to gift to the County the entire fee of the Property subject to this Conservation Easement, the County shall assign the Conservation Easement to another such "qualified organization" in I.R.C., Section 170(h)(3) before accepting delivery of the title to the Property pursuant to any such gift.

12. **MERGER.** In the event the assignment to another "qualified organization" as described in paragraph 11 above, is impossible, the Owner and the County agree that this Conservation Easement shall survive any merger of the fee and easement interest in the Property.
13. **CESSATION OF EXISTENCE.** If the County shall cease to exist or if it fails to be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3), or if the County is no longer authorized to acquire and hold conservation easements, then this Conservation Easement shall become vested in another entity. This entity shall be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3). The County's rights and responsibilities shall be assigned to any entity having similar conservation purposes to which such right may be awarded under the *cy pres* doctrine.
14. **TERMINATION.** This Conservation Easement may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the Conservation Easement's purposes, or by exercise of eminent domain.
 1. **Unexpected Change in Conditions.** If subsequent circumstances render the Purposes of this Conservation Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated only by judicial proceedings. The County will then be entitled to compensation in accordance with the provisions of IRC Treasury Regulations Section 1.170A-14(g)(6)(ii) in effect on the date of this Conservation Easement.
 2. **Eminent Domain.** If the Property is taken, in whole or in part, by power of eminent domain, then the County will be entitled to compensation by the method as is set forth in IRC Treasury Regulations Section 1.170A-14(g)(6)(ii) in effect on the date of this Conservation Easement.
15. **LIBERAL CONSTRUCTION.** This Conservation Easement shall be liberally construed in favor of maintaining the Conservation Values of the Property and in accordance with the Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Code MCL 324.2140 *et seq.*
16. **NOTICES.** For purposes of this Conservation Easement, required written notices shall be provided by either party to the other party by personal delivery or by First Class mail to the most recent address of record. If a new party succeeds either party or either party changes its address, the new address information shall be provided in writing to the other party as soon as practicable by personal delivery or First Class mail. Service will be complete upon personal delivery or upon depositing the properly addressed notice with the U.S. Postal Service with sufficient postage prepaid.
17. **SEVERABILITY.** If any portion of this Conservation Easement is determined to be invalid, the remaining provisions will remain in force.
18. **SUCCESSORS.** This Conservation Easement is binding upon, and inures to the benefit of, the Donor/Owner's and the County's successors in interest. All subsequent Owners of the Property are bound to all provisions of this Conservation

Easement to the same extent as the Donor.

- 19. **TERMINATION OF RIGHTS AND OBLIGATIONS.** A party's future rights and obligations under this Conservation Easement terminate upon transfer of that party's interest in the Property. Liability for acts or omissions occurring prior to transfer will survive the transfer.
- 20. **MICHIGAN LAW.** This Conservation Easement will be construed in accordance with Michigan Law.
- 21. **ENTIRE AGREEMENT.** This Conservation Easement and the referenced Consent Judgment, sets forth the entire agreement of the parties. This Conservation Easement and the Consent Judgment are intended to supersede all prior discussions or understandings.

TWO WITNESSES:
(* Print/type names under signatures)

OWNER:

Sonya Godzik
Sonya Godzik

James R. Gillespie
James R. Gillespie

Irene D. Granger
Irene D. Granger

STATE OF MICHIGAN)
)
COUNTY OF EMMET)

Acknowledged before me on this 7th of March, of 2002, by James R. Gillespie, President of the Blissfest Music Organization,

Irene D. Granger
Irene D. Granger Notary Public
Emmet County, Michigan
My commission expires: 9/3/2003

TWO WITNESSES:
(* Print/type names under signatures)

COUNTY:

Lyn Johnson
Lyn Johnson

Nicholas J. White
Nicholas J. White

Irene D. Granger
Irene D. Granger

Chairman, County Board of Commissioners

STATE OF MICHIGAN)
)
COUNTY OF EMMET)

Acknowledged before me on this 7th of March, of 2002, by Nicholas J. Whit known to me to be the Chairman of the Emmet County Board of

Irene D. Granger
Irene D. Granger, Notary Public
Emmet County, Michigan My Commission

expires: 9/3/2003

AFTER RECORDING SEND TO:
County Clerk

Petoskey, MI 49770.

SEND TAX BILL TO:
Jim Gillespie
Executive Director, Blissfest Music Organization

_____, MI 49_____.

PREPARED BY:
James M. Olson
Olson & Bzdok, P.C.
420 East Front Street
Traverse City, MI 49686



Exhibit 1

The Property

Parcel 1

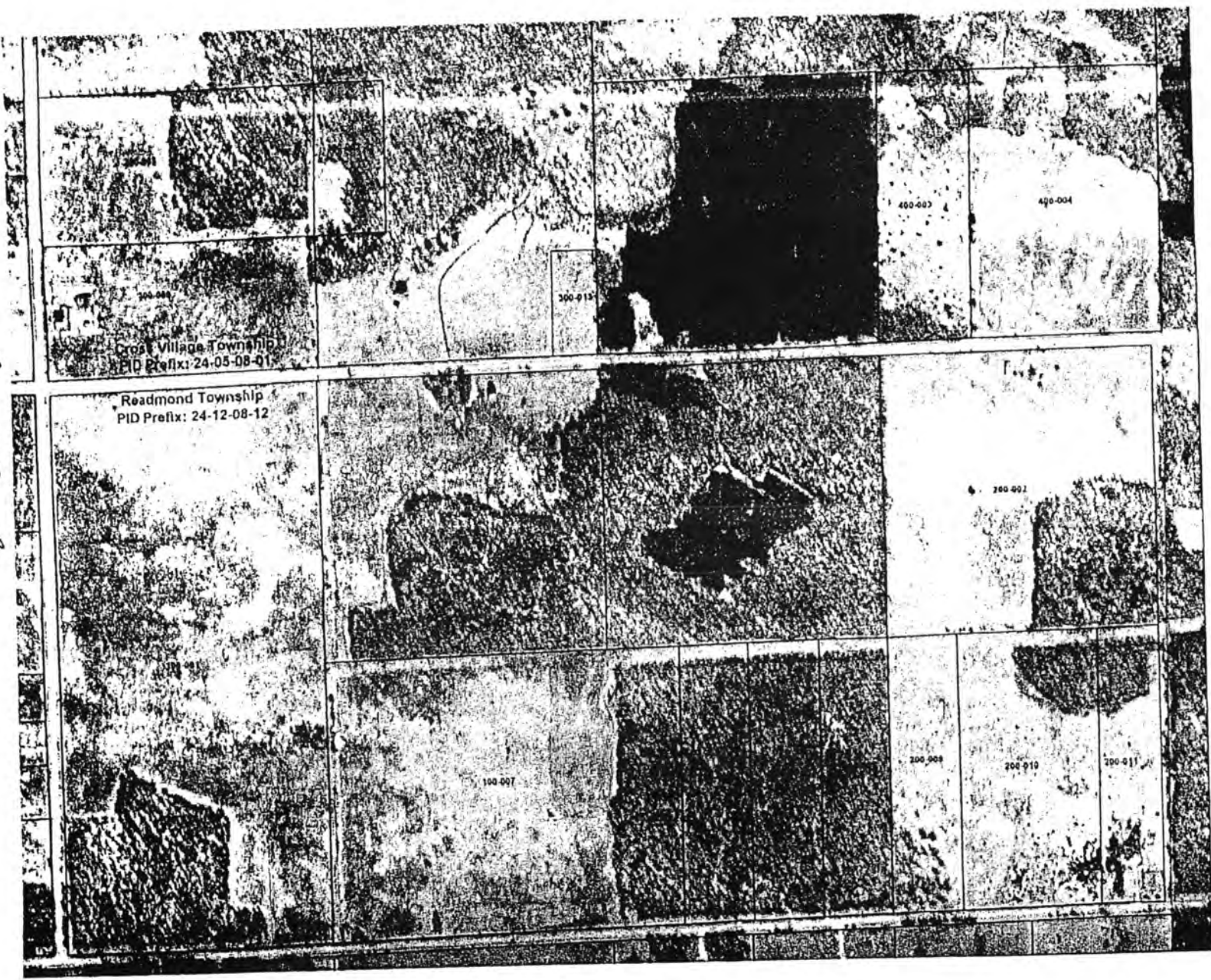
Approximately 40 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The Northeast 1/4 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West. [The Conservation Easement to affect only the forested section of Parcel 1, as demonstrated on the aerial photograph, Exhibit 2.]

Parcel 2

Approximately 80 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The West 1/2 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West. [The Conservation Easement to affect the entire Parcel 2.]



EXHIBIT 2



CROSS VILLAGE TOWNSHIP
 137S R6W
 S 12 SECTION 01 &
 READMOND TOWNSHIP
 137S R6W
 S 12 SECTION 12
 FLOWN IN SPRING 1997

The map is a computerized version prepared and
 from aerial photography. It is not a legal document.
 For more information, contact the office.



SCALE: 1" = 400'

Emmet County GIS Department
 301 Division St
 Petoskey MI 49770
 231 348 1700

Exhibit E

Blissfest Alcohol Management Plan

The goal of the alcohol management plan is to provide for a safe and healthy Blissfest by encouraging and educating for the responsible use of alcohol. This will be accomplished by designating use areas along with monitoring and enforcement measures. The plan will ultimately establish designated areas for the use of alcohol in events and common use areas with the goal to accomplish this over a 2 year transitional period. The first year will start the transition with an emphasis on educating patrons about the new policy as well as restricting additional events and common use areas. During the second year of the plan the goal will be to establish the final designated events and common use areas. Every place else in events and common use area is alcohol free. The annual evaluation will provide an opportunity to determine the impact of the new policy and allow for changes as agreed. Individual private campsites will continue to allow for responsible use.

I. Restricted Areas:

(a) Current Restricted (Alcohol Free) Areas

1. Children's Areas
2. Third Stage
3. Drum Kiva
4. Under age Campground
5. Friends of Bill Camping area

(b) Additional restricted areas in 2002:

1. Workshop #1 area
2. Workshop #2 area
3. Front 50 feet of the Main Concert area.

II. Designated Areas for responsible alcohol use beginning at 2003 festival:

1. Area commencing 50 feet in front of the main stage 250 feet wide x 250 deep including the food commons area.
2. Back half of the 2nd stage seating area 50 x 50 feet.

III. Education: Asterisk signifies current policy and activities.

1. Printed materials and posters in the public areas*
2. Regular educational announcements from the main and second stages*
3. Free alcohol testing at the Med-Tent*
4. Introduce and promote new policy during first year of transition

IV. Monitoring:

1. Entrance gate check of ID and searching of vehicles of underage patrons. *
2. Requirement that patrons aged 18-20 unaccompanied by a parent or responsible adult over 20 years of age camp in the designated Alcohol

Free Area.*

3. Patrol by Bliss Assist, Private Security and sheriff deputies or state troopers.
4. Provide for an annual evaluation of the alcohol policy with adjustments as agreed upon.

V. Enforcement:

1. Deputies or troopers will patrol on foot and issue citations as warranted.
2. Public drunkenness and disorderly conduct will risk expulsion from the festival as per current Blissfest safe expulsion policy.*.

VI. Site Plan will reflect these restrictions with appropriate graphic display.





L: 1160 P: 462

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF EMMET

BLISSFEST MUSIC ORGANIZATION,
a Michigan non-profit corporation,

Plaintiff/Appellant,

v

EMMET COUNTY ZONING BOARD OF APPEALS
and COUNTY OF EMMET, a Michigan municipal
corporation,

Defendants/Appellees,

AND

COUNTY OF EMMET, a Michigan municipal
corporation,

Plaintiff,

v

BLISSFEST MUSIC ORGANIZATION,
a Michigan non-profit corporation,

Defendant.

Case No. 01-6551-CZ

Hon. Charles W. Johnson

Consolidation of Files
01-6551-CZ; 01-6522-AA

DOC # 5113138 L: 1160 P: 462
09/20/2013 10:37:44 AM Page 1 of 3
Rec Fee: \$20.00 Doc Type: COOR
Emmet, Michigan, Michele E. Stine



RECEIVED
EMMET COUNTY
REGISTER OF DEEDS
2013 SEP 20 A 10:02

EMMET COUNTY CLERK
FILED
2013 SEP 12 P 4:04

KATHLEEN M. ABBOTT (P36315)
Attorney for County of Emmet and
Emmet County Zoning Board of
Appeals
200 Division Street, Suite G70
Petoskey, Michigan 49770
231-348-1722

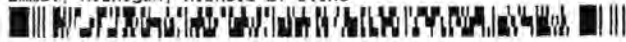
BURKE T. LEWIS (P36658)
Attorney for Blissfest Music Organization
301 West Lake Street
Harbor Springs, Michigan 49740
231-526-6600

STIPULATION AND ORDER TO AMEND CONSENT JUDGMENT

The County of Emmet and Blissfest Music Organization, by their respective
counsel of record, stipulate that the Consent Judgment entered in the above-captioned

I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE RECORD ON FILE IN THE
OFFICE OF THE COUNTY CLERK, EMMET COUNTY,
MICHIGAN
Gail A. Martin
GAIL A. MARTIN, EMMET COUNTY CLERK

G.EMC



matter by the Court's Order Entering Consent Judgment dated March 11, 2002, shall be amended as follows:

1. Paragraph 4(e) of the Consent Judgment shall be amended to state:

e. Blissfest may otherwise develop or use its Property provided that such use, development, building, or structure complies with the zoning ordinance, including any applicable special use or site plan requirements, and the Conservation Easement, as amended.

2. Paragraph 5 of the Conservation Easement attached as Exhibit C to the Consent Judgment shall be amended to add the following as "PERMITTED USES:"

Right to Establish Disc Golf Course. The Owner retains the right to establish and use a portion of the Property as a disc golf course in accordance with the April 4, 2013 approval of the Emmet County Planning Commission which conditioned the use as follows:

1. The disc golf course shall maintain a minimum of a 40-foot setback from all road rights-of-way;
2. The course shall be open to the public at no charge;
3. The course shall remain unlit; and
4. The course shall have a 100-person and a 100-car limit for this use.

3. Paragraph 5(j) of the Consent Judgment shall be amended to state:

j. The Festival is limited to a daily maximum of 4,500 paid tickets (weekend ticket holders plus each day ticket holders) for Friday and Sunday. Effective as of the 2013 Festival, the Festival is limited to a daily maximum of 5,000 tickets (weekend ticket holders plus each day ticket holders) for Saturday. This limit may be increased upon application of Blissfest and approval of the Planning Commission.

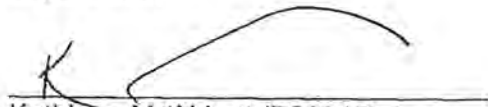
4. All other terms and conditions contained in the Consent Judgment and in the Order Entering Consent Judgment shall remain in full force and effect and without change or modification except as expressly provided herein.

Dated: 9-11-13



Burke T. Lewis (P36658)
Attorney for Blissfest Music
Organization

Dated: 9-12-13



Kathleen M. Abbott (P36315)
Attorney for County of Emmet and
Emmet County Zoning Board of Appeals

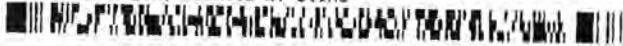
ORDER

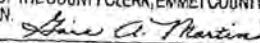
It is so ordered.

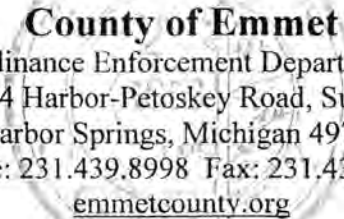
Entered: 9/12/13


Charles W. Johnson, Circuit Court Judge

DOC # 5113138 L: 1160 P: 462
09/20/2013 10:37:44 AM Page 3 of 3
Rec Fee: \$20.00 Doc Type: COOR
Emmet, Michigan, Michele E. Stine



I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE RECORD ON FILE IN THE
OFFICE OF THE COUNTY CLERK, EMMET COUNTY,
MICHIGAN. 
GAIL A. MARTIN, EMMET COUNTY CLERK



County of Emmet
Ordinance Enforcement Department
3434 Harbor-Petoskey Road, Suite E
Harbor Springs, Michigan 49740
Phone: 231.439.8998 Fax: 231.439.8933
emmetcounty.org

MEMO

TO: Emmet County Planning Commission, Emmet County Board of Commissioners

FROM: Emmet County Planning, Zoning & Construction Resources Department

DATE: July 30, 2018

RE: Blissfest – status of property and Festival as related to the Consent Judgment

Festival Dates: **July 13, 14, & 15, 2018**

In 2002 Emmet County entered into a Consent Agreement with the Blissfest Music Organization. In 2013 the Consent Judgment was modified upon mutual agreement. Both documents are attached. The Consent Judgment identifies land uses and prescribes conditions for the annual weekend Blissfest Festival. No complaints have been received by the Planning and Zoning office for the 2018 festival. In 2018, the Blissfest Music Organization received approval from the Emmet County Planning Commission for two Special Use Permits for camping and parking on two additional parcels to follow the same conditions of the Consent Judgment.

7/5/18 – Thursday – one-week prior festival (day of ECPC SUP review):

- No music audible.
- Dust control had been applied.
- Very light traffic.
- Posts installed at drives of two new sites.
- Very light activity on property.
- Trees planted 8” to 12” along north property line of new camping/parking site.

7/10/18 – Tuesday – before festival:

- Site quiet.
- Very little traffic.
- Roads dusty – dust control in place from previous week.
- Porta-johns not set-up.
- Security present at main entrance. Other gates closed or partially closed.
- Tents and campers being setup in campground area of original site.

7/12/18 – Thursday – 1:45 p.m. to 2:15 p.m.

- Quiet.
- No lighting concerns.
- Light traffic – 4-5 cars lined up at main gate – few at vendor gate.
- Dust control in place – newly applied.
- No trespassing observed.
- Health and sanitation services in place at both locations. Porta-johns (2) along Beckon Rd.
- Security forces in place and visible from exterior of site. Signs being installed along roadway.
- No alcohol observed.
- Setup appears to have been accomplished according to requirements.
- Gates at new sites installed and closed at 1:45 p.m. One camper and truck at new Readmond Campground at 2:15 p.m.
- Two entrances on Hill Road – both blocked off.
- Paint applied to roadway on Hill Road to create guide for traffic.
- Received notice from Fire Chief Krupa that Fire Department Conditions of Approval had not been met.

7/13/18 – Friday – 8:15 a.m. to 9:15 a.m.

- Quiet.
- No lighting concerns.
- Heaving traffic – lined up from main gate around Division Rd, Hill Rd, Beckon Rd, Larks Lake Rd to Levering Rd. Also lined up on Hill Rd north and Division Rd west.
- Dust control in place. Not dusty.
- Trespassing observed – people walking across street. (2-3 observed)
- Health and sanitation services in place at both locations. Porta-johns (2) along Beckon Rd.
- Security forces in place at gates. Little security interaction along roads. Signs had been installed at intersections and approaching the gate.
- Alcohol observed being consumed along road at 1 location.
- No entry occurring at time of visit.
- Vendors driving down road.
- People collecting returnable cans/bottles along road.
- Majority of cars on shoulder. Some parking in traveled lane. One parked on wrong side of road.
- Camping – 40-acre overflow site closed. Cross Village 2.5 acres' site open.

Additional observations – more porta-johns needed, traffic needs to be managed better, possible more security presence along roadway.

7/15/18 – Sunday – 11:30 a.m. to 12:00 p.m. and 1:50 p.m. to 2:10 p.m.

- Quiet. Sound only heard near stage.
- No lighting concerns.
- Medium traffic – three lined up at main gate; seven leaving site. Heavy traffic in Cross Village and at Sturgeon Bay. Bus transportation to Sturgeon Bay.
- Cars entering and leaving site. Security in place at gate.
- Some cars seemed to be re-entering. Others seemed to be new. No observation of cars turned away.
- Dust control in place. Not dusty.
- No trespassing observed.
- Health and sanitation services in place at both locations.
- No alcohol observed.
- Camping – 40-acre overflow site open and occupied. Cross Village 2.5 acres' site open.

Additional observations – several cars (20 +/-) leaving area observed on drive to site (based on markings on windshields).

7/17/18 – Tuesday – 1:10 p.m. to 1:30 p.m.

- Quiet.
- No lighting concerns.
- Light traffic.
- Dust control in place.
- Porta-johns still in place.
- No security. Gates A, C and alternate Hill Rd closed. Main Gate B open.
- No alcohol observed.
- Camping – 40-acre overflow site – 1 car and 2 tents on site. Cross Village 2.5 acres' site open – 1 camper visible from road, gate open. Six +/- RVs at main gate area. Many campers in main camping area near woods.

Bond was issued as required by the Consent Judgment.

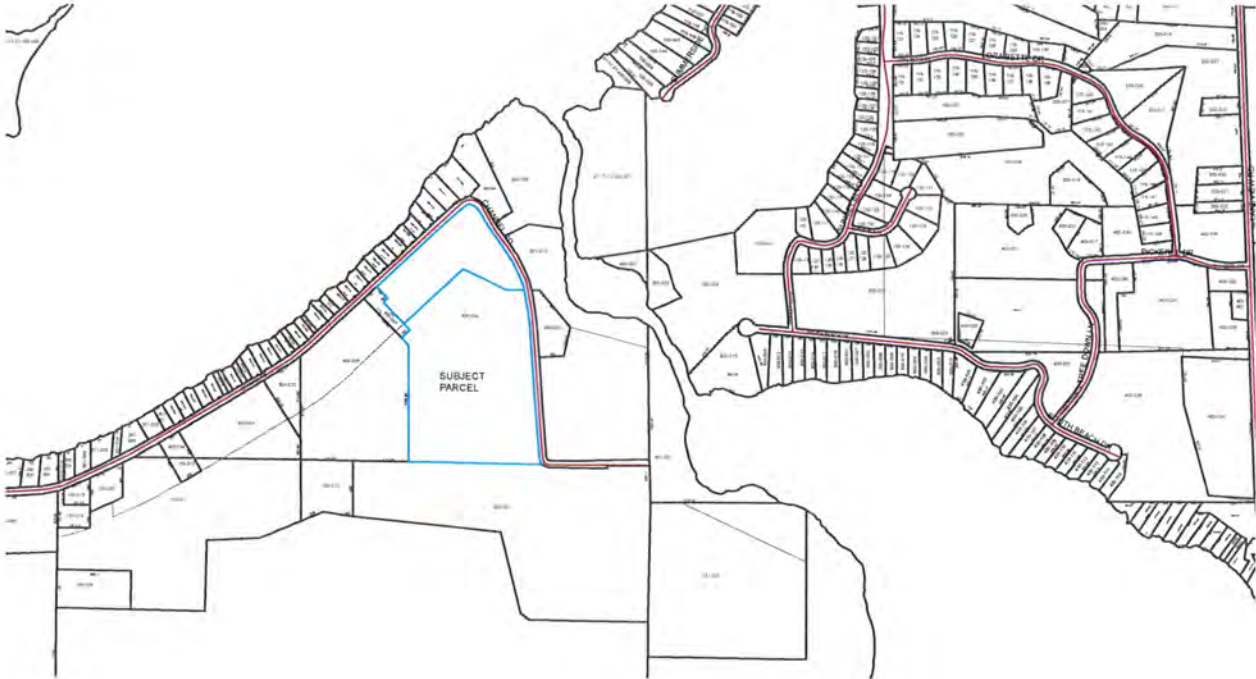
Notices of Violation (NOV) were issued for the following: 3 NOVs for camping on Readmond SUP site one for each day: Friday, Saturday and Sunday. 3 NOVs for camping on Cross Village SUP site one for each day: Friday, Saturday, Sunday. 1 NOV issued for selling in excess of 4,500 tickets for Sunday. Blissfest denied responsibility. Citations issued with Formal Hearing scheduled in District Court.

REQUEST

PREZN18-01

A request by John R Plichta for a Planned Unit Development (PUD) to add a winery use to the property at 8450 Channel Rd, Section 21, Springvale Township. The property is zoned SR Scenic Resource and FF-2 Farm and Forest and is tax parcel 24-14-17-21-400-006. The request is to rezone the FF-2 portion of the property to PUD to add winery to the list of uses permitted in the FF-2 Zoning District. The review is per Article 17 of the Zoning Ordinance.

LOCATION





CASE #PREZN18-01 8 D CHANNEL RD



Plan prepared by
Emmet County Planning and Zoning
231-348-1735

1 in = 800 feet
Date: 11/12/2018



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

10/29/18
 DATE RECEIVED
 \$ 350.00
 FEE

PRCZN 18-01
 APPLICATION #
10/29/18
 DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name JOHN R. PLICHTA Phone 231-347-6503
 Applicant's Address 8450 CHANNEL Rd., Petoskey MI 49770
 Applicant's Email Address JRCONSTRUCTION_3 @ hotmail.com
 Owner's Name JOHN & NANCY PLICHTA Phone 231-347-6503
 Owner's Address 8450 Channel Rd Petoskey MI 49770
 Owner's Email Address JRCONSTRUCTION_3 @ hotmail.com

JOB SITE LOCATION:

Township: Springville Tax Parcel #: 24-14-17-21-400-003

Address: 8450 CHANNEL Rd, Petoskey MI 49770

ZONING REQUEST:

Planning Commission:

- Special Use Permit
- Site Plan Review
- Planned Unit Development
- Zoning Map Change
- Zoning Text Change

Describe Request:

WINERY OCT 29 2018

RECEIVED

EMMET COUNTY
 PLANNING & ZONING

REQUIRED USE INFORMATION

Ground floor area main building: 1900 Sq. Ft.
 Floor Area accessory building: 588/2176 Sq. Ft.
 Lot/Parcel Size: 55 Acres Sq. Ft.

Site/Plot Plan required*
 2 full sized & 14 reduced sized (max 11"x17")
 site plans required for Planning Commission cases.

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

| | Date Submitted | | Date Submitted |
|--------------------------|--------------------------|--------------------|--------------------------|
| Elevation Drawing | <input type="checkbox"/> | Site Inventory | <input type="checkbox"/> |
| Engineered Drainage Plan | <input type="checkbox"/> | Fire Dept Approval | <input type="checkbox"/> |
| Soil Erosion Permit | <input type="checkbox"/> | Wetlands Permit | <input type="checkbox"/> |
| Health Dept. Approval/ | <input type="checkbox"/> | Road Commission/ | <input type="checkbox"/> |
| Sewer Taps | | MDOT Approval | |

Other:

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

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

[Signature] JOHN R. PLICHTA 10/25/18
 Signature of Applicant Printed Name of Applicant Date

[Signature] JOHN R. PLICHTA NANCY PLICHTA 10-25-18
 *Required Signature of Property Owner Printed Name of Property Owner Date

ZONING EVALUATION FORM

Office of Planning and Zoning
Emmet County, MI

DATE: 11/19/18

CASE #: PREZN 18-01

APPLICANT: JOHN PLICHTA

PROPERTY: 8450 CHANNEL ROAD

TOWNSHIP: SPRINGVALE

REQUEST: PLANNED UNIT DEVELOPMENT- REZONE

FACTS:

- The PUD rezone is for 1 parcel approximately 51.45 acres.
- The approximate first third of the parcel fronting Channel Road is zoned SR, Scenic Resource and the approximate back two thirds of the parcel is zoned FF-2, Farm Forest.
- Parcels to the north across Channel Road are zoned SR. The adjoining parcels to the east and west are zoned the similarly with SR and FF-2. The adjoining parcel to the south is zoned FF-2.
- The proposal is to rezone the FF-2 property to PUD to add winery to the list of uses permitted in the FF-2. Winery is a use allowed in B-1, B-2, B-3, PT, I-1, I-2 as permitted by right.
- This is a Preliminary PUD review-rezoning. The township approval is necessary. Final approval is by the Emmet County Board of Commissioners.
- If the Preliminary PUD is approved, then the applicant could proceed with a Final PUD Plan and Site Plan Review by the Planning Commission.
- Surrounding uses are residential.
- The Emmet County Master Plan and Future Land Use Map show this area as rural residential.
- Winery is not defined in the Emmet County Zoning Ordinance.
- The American Heritage Dictionary definition of winery "A wine-making establishment."

ZONING ORDINANCE STANDARDS:

SEE PUD STANDARDS (10 pages)

27.11.1 Rezoning Standards

The Planning Commission shall review and apply the following standards and factors in the considerations of any rezoning request.

- A. Is the proposed rezoning consistent with the current Master Plan?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?

- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement of adjacent property in accord with existing regulation?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. What is the impact on the ability of the County and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- H. A zoning ordinance amendment approved by the Planning Commission shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.

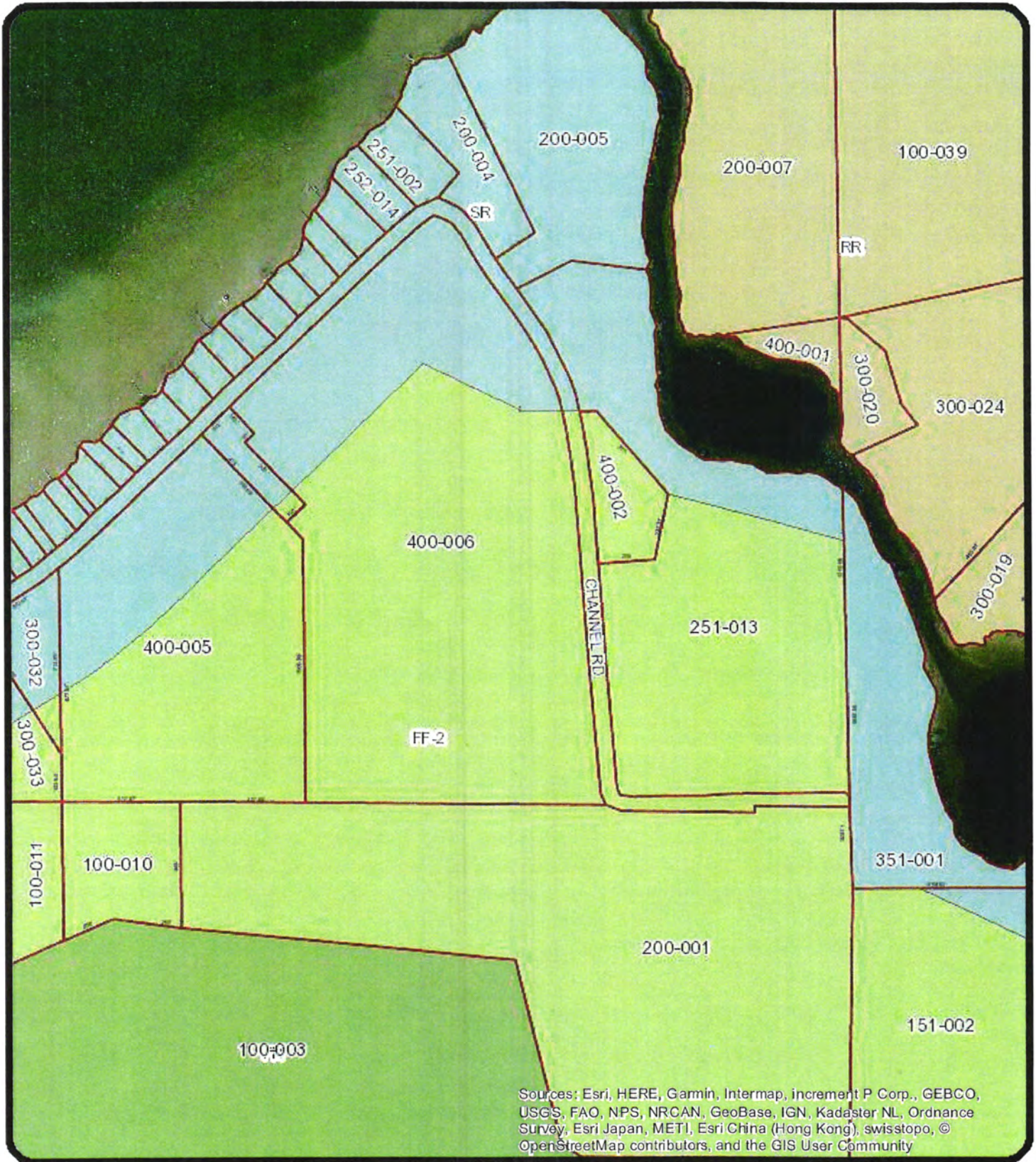
Draft Motions:

To **approve** PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 because the standards for the PUD and a Rezoning have been met. Winery will be the only additional use (*other conditions or statement of facts may be inserted here*).

To **deny** PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 because the standards for the PUD and a Rezoning uses are not consistent with the Emmet County Master Plan, proposed uses are not compatible with current surrounding uses (*other conditions or statements of facts may be inserted here*).

To postpone until next regular Planning Commission meeting PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 based on the policy of the Planning Commission to allow additional time for rezoning reviews (*additional reasons may be added here*).

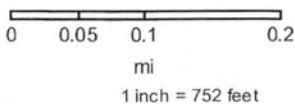
Emmet County GIS



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



Map Produced Using the
Emmet County
Internet Mapping Portal

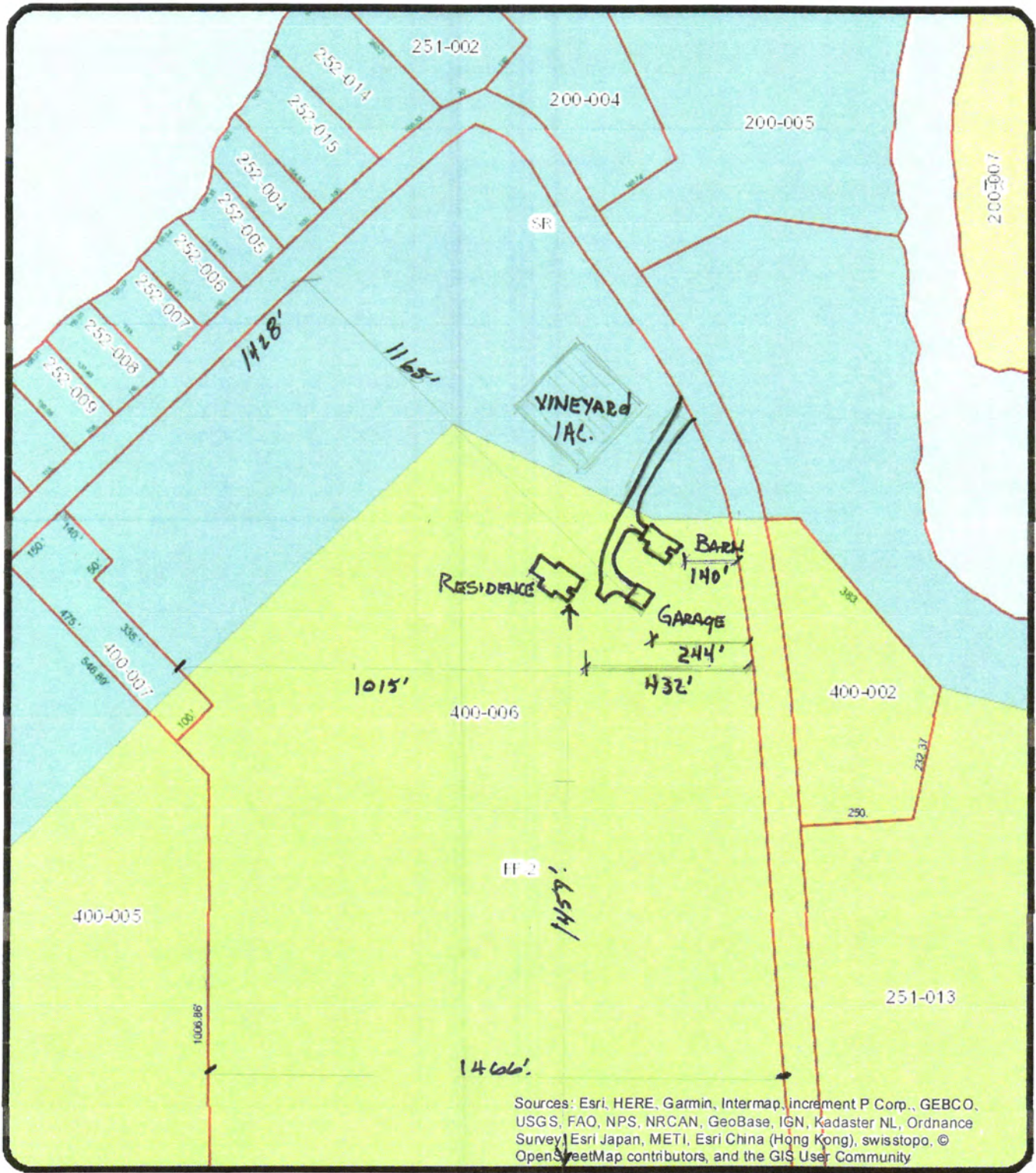


Author: Web User
Date: 10/26/2018

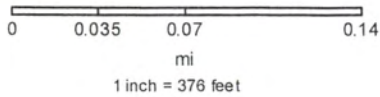
**EMMET COUNTY
PLANNING & ZONING**

Sources: USGS, FAO, NPS, EPA, ESRI, DeLorme, TANA, and other suppliers

Emmet County GIS



Map Produced Using the
Emmet County
Internet Mapping Portal



Author: Web User
Date: 10/26/2018

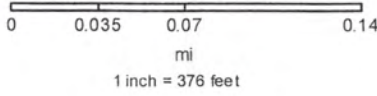
Emmet County GIS



Sources: Esri, HERE, DeLorme, Mapbox, Google, Swisstopo, © OpenStreetMap contributors, and the GIS User Community

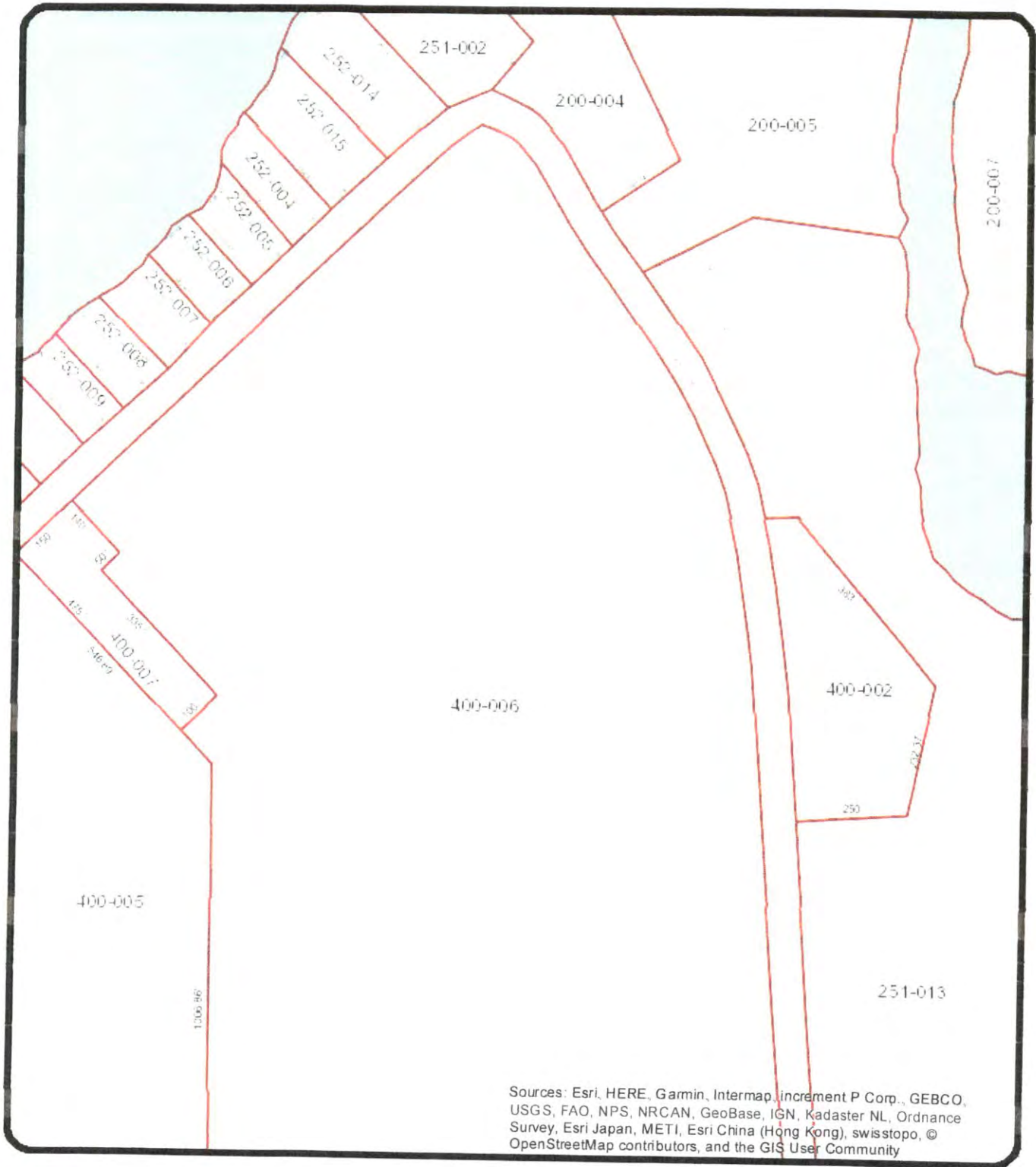


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Author: Web User
Date: 10/26/2018

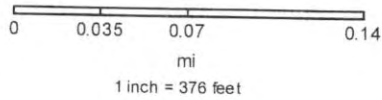
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



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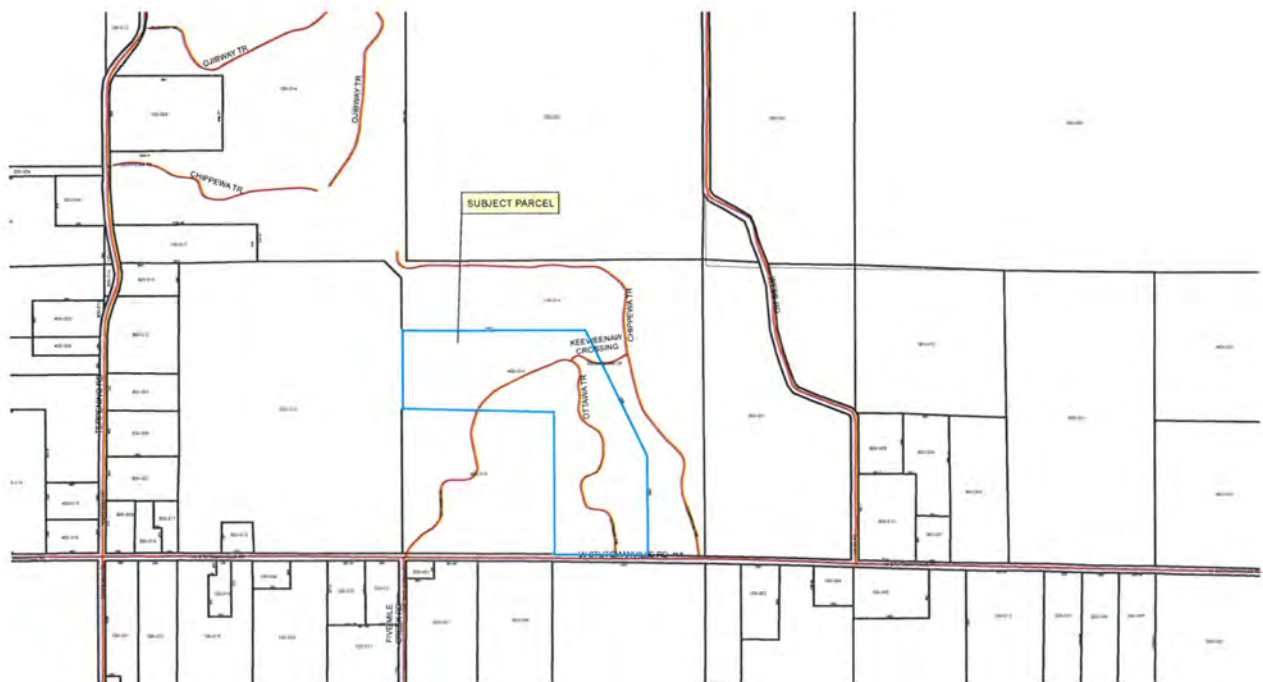
Author: Web User
Date: 10/26/2018

REQUEST

PSUP18-011

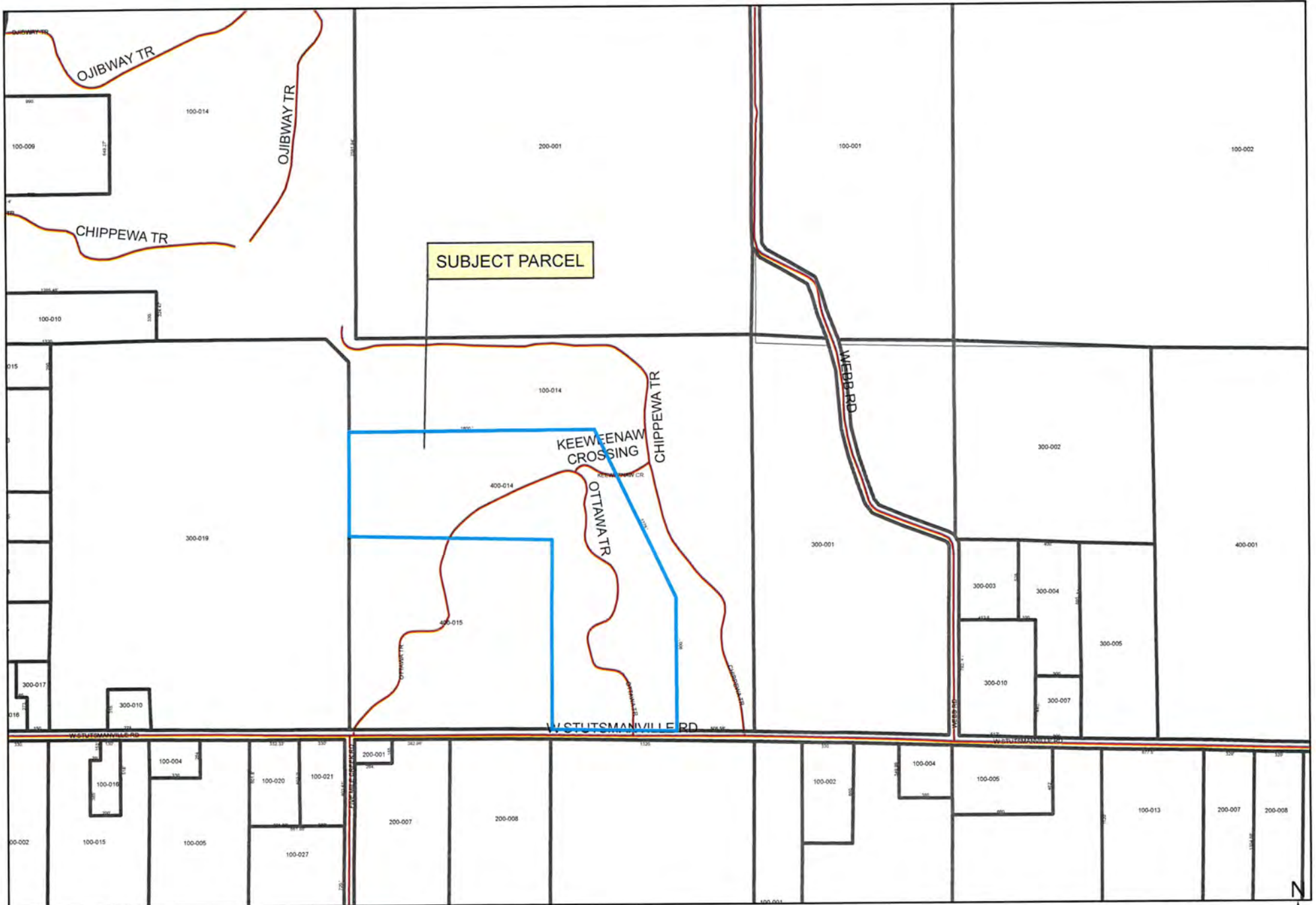
A request by Austin Mesner for a Special Use Permit for an Exception to the size of a residential accessory building at 7305 Ottawa Trail in Section 17 of Friendship Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-06-12-17-400-014. The request is to allow a 216 sq. ft. covered porch entry one corner of the 2,400 sq. ft. accessory building. The request is per Section 22.01 of the Zoning Ordinance.

LOCATION





CASE # PSUP18-011 7305 OTTAWA TRAIL



**APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES**

3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcr@emmetcounty.org

NOV 05 2018

PSUP 18-011
APPLICATION # 1115/18

DATE RECEIVED
\$ 150.00
FEE

DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name Austin Mesner Phone 989 429 9181

Applicant's Address 7305 OTTAWA TRL Harbor Spgs

Applicant's Email Address AuberK @ Yahoo.com

Owner's Name Austin & KRISTAL Mesner Phone 989 429 9181

Owner's Address 7305 OTTAWA TRL Harbor Spgs

Owner's Email Address AuberK @ Yahoo.com

JOB SITE LOCATION:

Township: Friendship Tax Parcel #: 24-06-12-17-460-014

Address: 7305 Ottawa Trail Harbor Springs, MI 49740

ZONING REQUEST:

Planning Commission:

- Special Use Permit *
- Site Plan Review
- Planned Unit Development
- Zoning Map Change
- Zoning Text Change

Describe Request:

construct porch (8x24)
on existing building to
cover main entry door

REQUIRED USE INFORMATION

Ground floor area main building: _____ Sq. Ft.
Floor Area accessory building: 2400 Sq. Ft.
Lot/Parcel Size: 52 Acres _____ Sq. Ft.

Site/Plot Plan required*

**2 full sized & 14 reduced sized (max 11"x17")
site plans required for Planning Commission cases.**

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

| | Date Submitted | | Date Submitted |
|--------------------------------------|--------------------------------------|-----------------------------------|-------------------------------------|
| Elevation Drawing | <input type="checkbox"/> <u>11/1</u> | Site Inventory | <input type="checkbox"/> <u>N/A</u> |
| Engineered Drainage Plan | <input type="checkbox"/> <u>N/A</u> | Fire Dept Approval | <input type="checkbox"/> <u>N/A</u> |
| Soil Erosion Permit | <input type="checkbox"/> <u>N/A</u> | Wetlands Permit | <input type="checkbox"/> <u>N/A</u> |
| Health Dept. Approval/ Sewer Taps | <input type="checkbox"/> <u>N/A</u> | Road Commission/ MDOT Approval | <input type="checkbox"/> <u>N/A</u> |

Other:

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

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

Signature of Applicant Austin Mesner Printed Name of Applicant Kristal Mesner Date 10-31-18

*Required Signature of Property Owner Austin Mesner Printed Name of Property Owner Austin Mesner Date 10/31/18

RECEIVED
NOV 15 2018
EMMET COUNTY
PLANNING & ZONING

**IMPACT STATEMENT AND
SITE PLAN REVIEW CHECKLIST**

Case # PSUP 18-011
Date Received 11-5-18

| | |
|--|------------------------------------|
| Applicant's Name | <u>Austin Mesner</u> |
| Subject Property Address | <u>7305 Ottawa Trail</u> |
| Subdivision and Lot Number (If Applicable) | _____ |
| Tax Parcel Number: | <u>24-06 - 12 - 17 - 400 - 014</u> |
| Township | <u>Friendship</u> |
| Proposed Use of Property | <u>Residential</u> |

IMPACT STATEMENT

1. PROJECT DESCRIPTION

Give a description of the proposal:

Add a 8' wide x 24' long covered
corner porch/entry area to
an existing 2400 sf barn.

2. EXPECTED DEMANDS ON COMMUNITY SERVICES

Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services

N/A

b. Domestic Water

N/A

c. Traffic Volumes

N/A

d. Schools

N/A

e. Fire Protection

N/A

RECEIVED

NOV 05 2018

EMMET COUNTY
PLANNING & ZONING

3. ENVIRONMENTAL IMPACTS

Include statements relative to the impact of the proposed development on (if applicable):

a. **Soil Erosion**

b. **Storm Drainage** N/A

c. **Shoreline Protection** N/A

d. **Wildlife** N/A

e. **Air Pollution** N/A

f. **Water Pollution** N/A

g. **Noise** N/A

CHECKLIST

| | Basic Map Information | Yes | No | N/A | Comments |
|---|--|-----|----|-----|----------|
| 1 | Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel. | ✓ | | | |
| 2 | Appropriate scale | ✓ | | | |
| 3 | Date, North Arrow, Street Names (existing and proposed right-of-ways). | ✓ | | | |
| 4 | Name, Address and Phone Number of person preparing plan | ✓ | | | |
| 5 | Property line dimensions | ✓ | | | |
| | Basic Zoning Information | ✓ | | | |
| 6 | Zoning setback lines -Building (including the eave) Setbacks: Front <u>200+</u> Side <u>24+</u> Side <u>1300+</u> Rear/Water <u>100+</u> | ✓ | | | |
| 7 | Location of new building and general floor plan Dimensions of bldg = <u>8</u> x <u>24</u> Total sq. ft. = <u>192</u> | ✓ | | | |

| | | | | | |
|----|---|---|--|---|----------------|
| 8 | Proposed building elevations (to scale) Max. Height = _____ | ✓ | | | |
| 9 | All existing structures (labeled) within 100 feet of perimeter property lines | ✓ | | | |
| 10 | Surrounding zoning (properties immediate to subject site) | ✓ | | | |
| 11 | Lot coverage of proposed building = _____. | | | | |
| 12 | Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.). | ✓ | | | All wooded LOT |
| 13 | Has a wetland permit been applied for? | | | ✓ | |

| Natural Features | | yes | No | N/A | Comments |
|------------------|--|-----|----|-----|----------|
| 14 | Existing topography | | | ✓ | |
| 15 | Soil analysis Is it in a Critical Dune Area? | | | ✓ | |
| 16 | Site Inventory provided? | | | ✓ | |
| 17 | Are there scenic view considerations? | | | ✓ | |
| Access | | | | | |
| 20 | Access drive. Width of Right-of-Way = _____ | | | ✓ | |
| 21 | Road agency approval? | | | ✓ | |

| Other Site Requirements | | Yes | No | N/A | Comments |
|-------------------------|------------------|-----|----|-----|----------|
| 22 | Affidavit of Use | ✓ | | | |

ADDITIONAL COMMENTS:



Applicants Signature

11/9/18

Date

RECEIVED

NOV 05 2018

EMMET COUNTY
PLANNING & ZONING

BUILDING USE AFFIDAVIT

I/We Austin & Krystal Mesner, make this affidavit to certify the use of the accessory building I/we wish to construct will be used in the following manner. Residential Personal Storage
(Purpose/Use)

The legal description of the property on which the accessory building is to be constructed or altered is located in the:

Twp./ City / Village of Friendship, County of Emmet, State of Michigan, described as:
(circle one) (Municipality)
Complete legal description:

The address where the accessory building is located is:

7305 Ottawa Trail, Harbor Springs, MI 49740

Affiant(s) hereby certify that the accessory building located on the above described property will / will not be used for commercial purposes.
(circle one)

Date: 10/31/18 x Austin Mesner
Print name

x [Signature]
Print name

Subscribed and sworn before me this 31st day of October, 2018

personally appeared Austin Mesner

Document prepared by: Karen A Scovill Notary Public
Shiawassee County, State of MI

Acting in: Shiawassee County

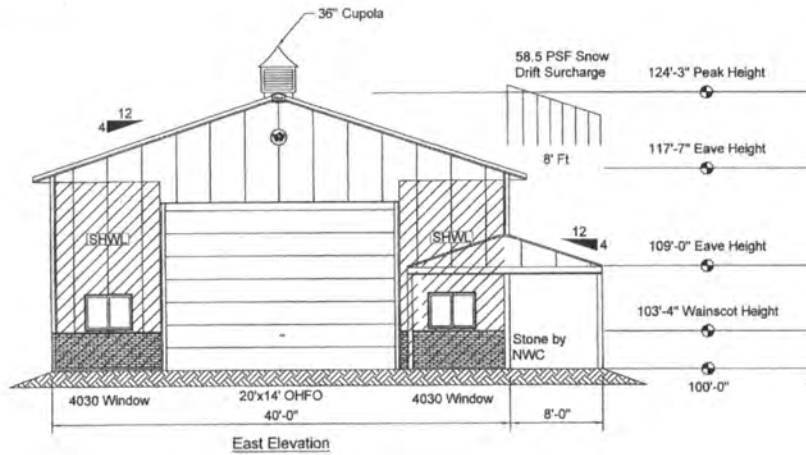
My commission expires: 10-27-21

Karen A Scovill
KAREN A SCOVILL
Notary Public, State of Michigan
County of Shiawassee
My Commission Expires 10-27-21
Acting in the County of Shiawassee

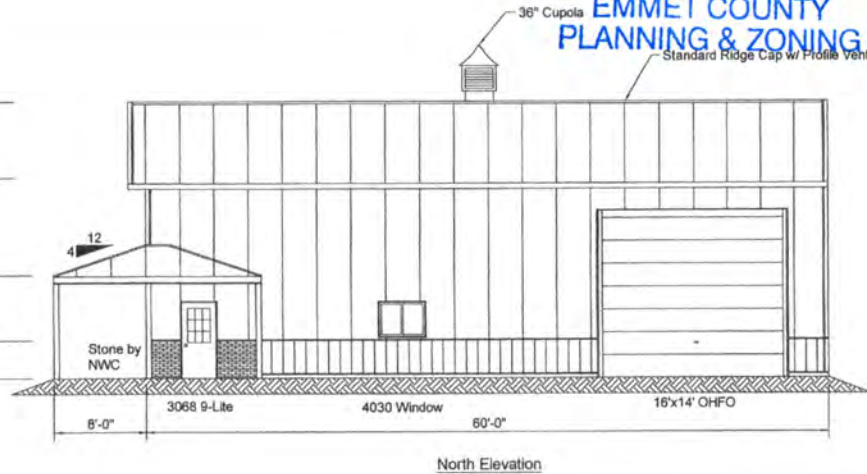
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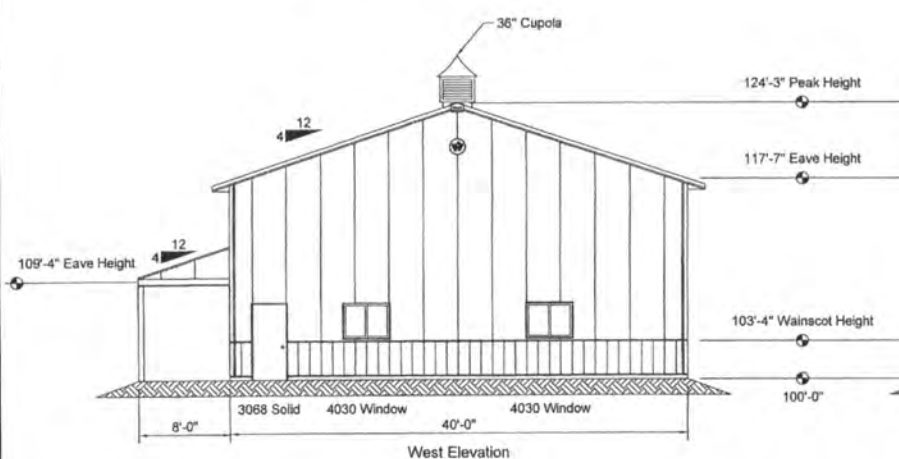
EMMET COUNTY
PLANNING & ZONING
Standard Ridge Cap w/ Profile Vent



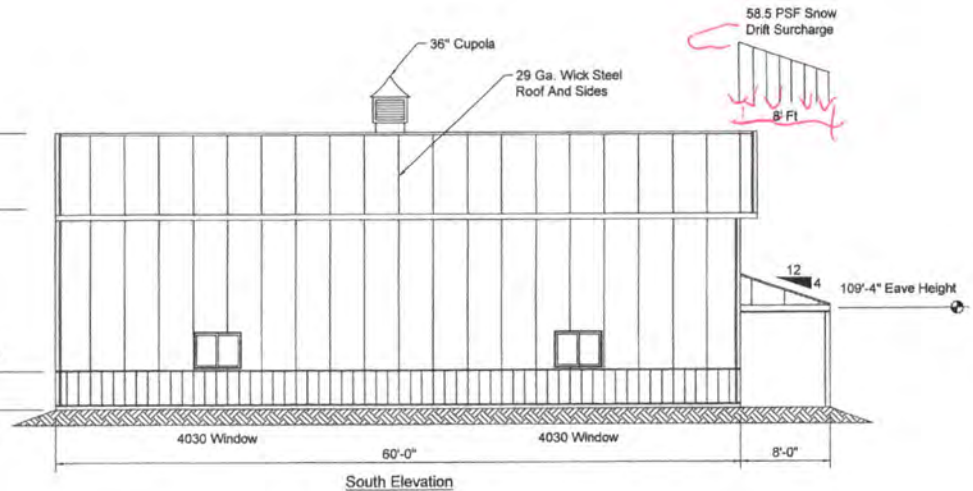
East Elevation



North Elevation



West Elevation



South Elevation

(SHWL) Shear Wall Panel See Page 7

Storage Shed
40'-0" x 60'-0" x 16'-4" ICH

70 PSF Ground Snow Load
115 MPH Ultimate Wind Speed
2000 PSF Presumptive Soil Bearing



Engineering Office:
405 Walter Road,
Mazomanie, Wisconsin 53560
Phone: 608-795-2294
Fax: 608-795-2534
Web Site: www.wickbuildings.com

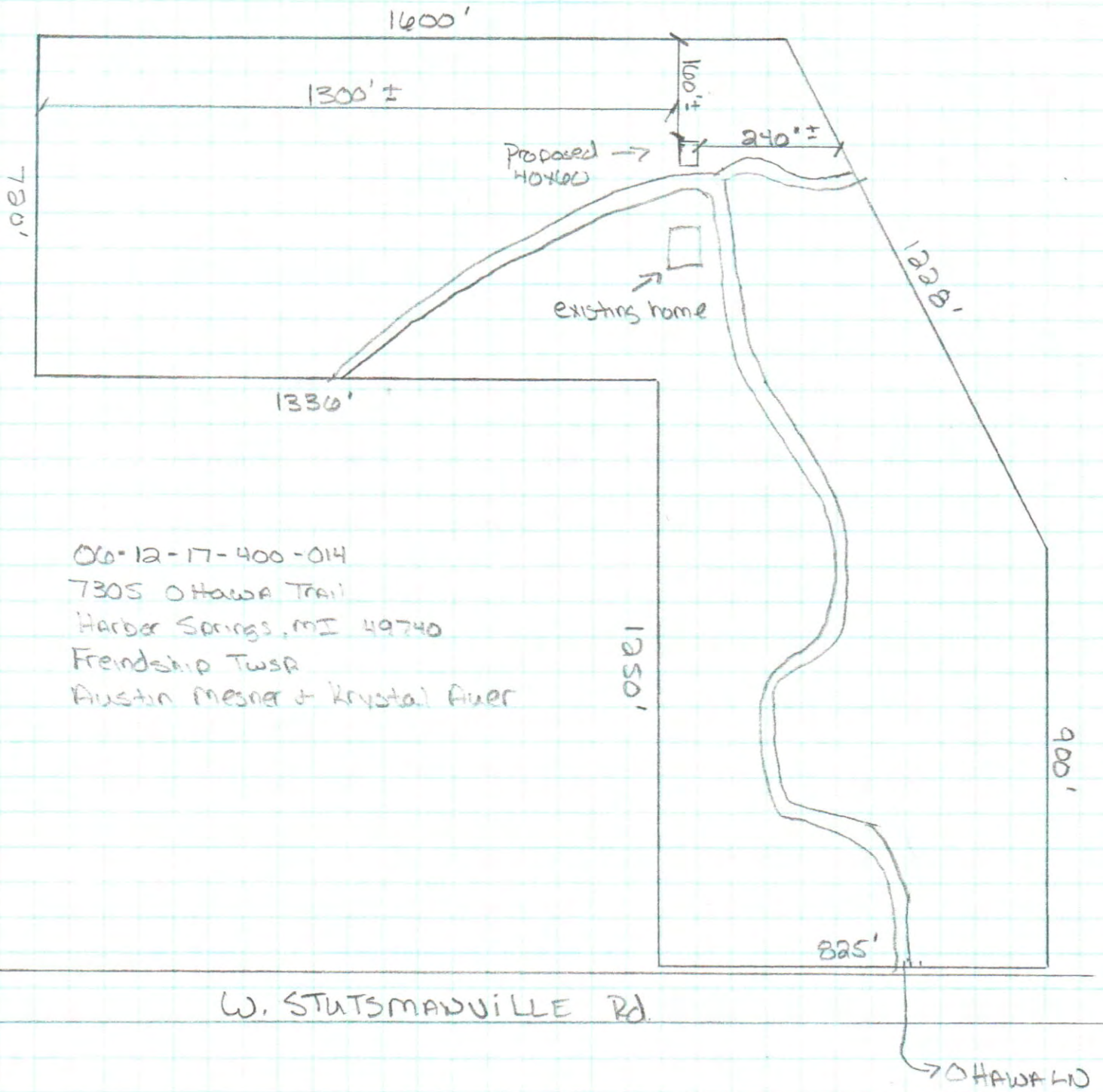
Austin Mesner
Elevations

Submittal Plans
Prior to Layout and Construction of the building, refer to the "Construction Drawings" Packet, sent with the building materials, for complete construction detail information.

This building is designed to Wick Building's specifications and materials. This plan can only be used to build a Wick Building. The seal is not valid for any other building construction or material.

Rev. Date: Org. Date: 08-22-18

| | | |
|---------------------|---------------------|-----------------|
| Drawn By: BJB | Job No.: 180548E | View: Elevation |
| Scale: 1/8" = 1'-0" | Scale: 1/4" = 1'-0" | Page: 3 |
| File: G:\180548.dwg | | |



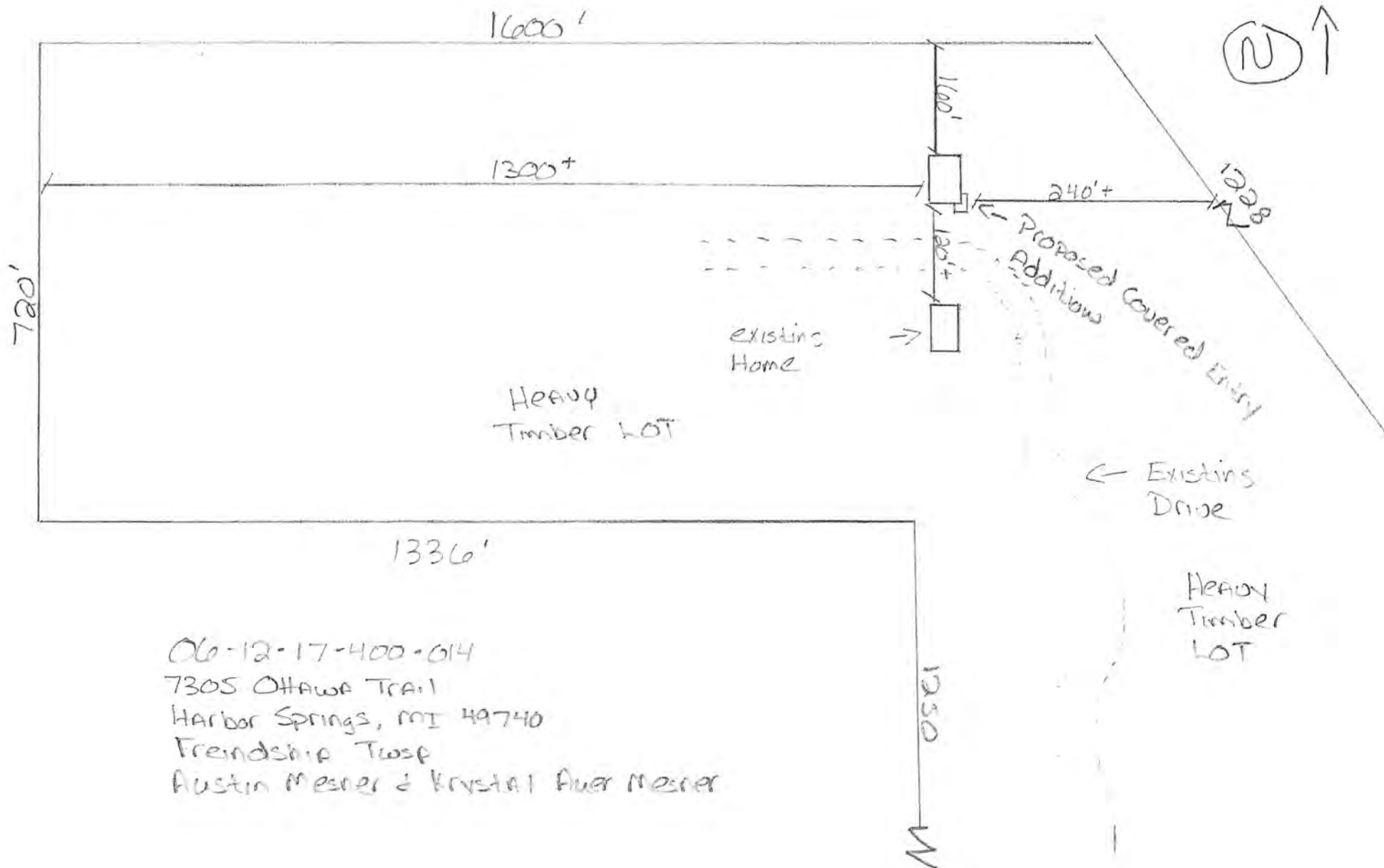
00-12-17-400-014
 7305 Ottawa Trail
 Harbor Springs, MI 49740
 Friendship Twp
 Austin Mesner & Krystal Auer

(N) ↑

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EMMET COUNTY
 PLANNING & ZONING



06-12-17-400-014
 7305 Ottawa Trail
 Harbor Springs, MI 49740
 Friendship Twp
 Austin Mesner & Krystal Auer Mesner

ZONING EVALUATION FORM

Office of Planning and Zoning
Emmet County, MI

DATE: 11/19/2018

CASE #: PSUP18-011

APPLICANT: MESNER AUSTIN, AUER KRYSTAL

PROPERTY: 7305 OTTAWA TR

TOWNSHIP: FRIENDSHIP

REQUEST: Special Use Permit – Accessory Building Exception to size

FACTS:

- The property is zoned FF-2 Farm and Forest.
- The property is approximately 51.7 acres.
- The proposed addition meets the setback standards of the Zoning District (Front = 1750'+/-; Side = 240'+/-; 1300'+/-; Rear 160'+/-).
- Existing accessory building 2,400 sq. ft.; Permitted size 2,400 sq. ft. (rear yard)
- Proposal is to add 8' x 24' (216 sq. ft.) covered entry.
- Location screened from Stutsmanville Road with vegetation and distance.

ZONING ORDINANCE STANDARDS:

Section 22.01 Accessory Buildings

22.01.1 Accessory Residential Buildings Setbacks and Floor Areas – Reviewed by Zoning Administrator unless otherwise indicated

A. ACCESSORY RESIDENTIAL BUILDINGS SETBACKS AND FLOOR AREAS

1. Customary residential accessory buildings are permitted by right provided they are incidental to and customarily found in connection with a main residential use of the property on which it is located.
2. Accessory buildings 200 sq. ft. or less are authorized without a permit on a lot with or without a main use if they meet the applicable front yard setback standard, and that they are placed a minimum of five (5) feet from the side lot line(s) and ten (10) feet from the rear lot line.
3. Accessory residential buildings greater than 200 sq. ft. shall be subject to the side and front setback requirements as regulated by District but one (1) accessory building with 600 sq. ft. or less floor area may meet a minimum setback of ten (10) feet from the rear lot line. This setback provision shall not apply to lots fronting on a lake, river or stream.

4. Residential accessory building sizes shall be regulated as follows:

| Zoning District | Location on the Property | Maximum Ground Floor Area* |
|----------------------|---------------------------|----------------------------|
| R-1, R-2, RR, and SR | Front, Side, or Rear Yard | 1,200 Sq. Feet |
| FF-1, FF-2, and FR | Front or Side Yard | 1,200 Sq. Feet |
| FF-1, FF-2, and FR | Rear Yard** | 2,400 Sq. Feet |

*On a corner lot, i.e. with two front yards, the Zoning Administrator may approve one yard to qualify for an accessory building that meets the size standards for a rear yard accessory building.
 **For the purpose of determining the Rear Yard for placement of an accessory building: the rear yard is an area behind the back wall of the main use, or is at a point 250 ft. or farther from the road right-of-way line.

5. The front or side yard accessory building size may be increased to the maximum size as allowable in the rear yard in FF-1 and FF-2 Districts, provided all of the following standards can be met, as determined by the Zoning Administrator:

- a. The lot is a minimum of five (5) acres in lot area and at least 300 feet of width.
Lot is 51.7 acres
- b. The structure is located in such a manner as to attain natural screening by existing vegetation or topography to at least partially screen the use from the view of adjoining properties and/or public roads.
Structure is screened from public view based on location and existing vegetation.
- c. The structure meets all side, rear and waterfront setback standards, as applicable, of the zoning district.
Setback standards are met.
- d. The structure is sited a minimum of 100' from a private or public road right-of-way.
Structure proposed to be setback 1750'+/- from Stutsmanville Road.
- e. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building.
Affidavit has been recorded with the Register of Deeds Office.

Only one such structure may be approved by the Zoning Administrator under these provisions.

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

- a. One (1) detached accessory residential building up to the maximum allowable size per parcel of five (5) acres or less.

- b. For each additional five (5) acres of parcel area, above five (5) acres, one (1) additional accessory building up to the maximum allowed floor area may be permitted, but not more than four (4) such buildings.
- c. In addition to the standards listed in 1) and 2) above, one (1) detached accessory building not to exceed 200 sq. ft. in ground floor area, may be permitted for such use as tool shed, wood storage, equipment housing, or animal shelter.

22.01.5 Exceptions

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

Draft Motions:

To **approve** Case #PSUP18-011 Austin Mesner for a Special Use Permit for an Exception to the size standards of an accessory building on property located at 7305 Ottawa Trail, Section 17 of Friendship Township on tax parcel 24-06-12-17-400-014, to allow the covered entry of 216 sq. ft. as shown on the site plan dated Received Nov 5, 2018 because the standard of Section 22.01 have been met based on the facts presented in this case and no good purpose would be served by strict compliance with the size standards of the Ordinance due to deep setbacks, topography and size of building, and *(other conditions or statement of facts may be inserted here)*.

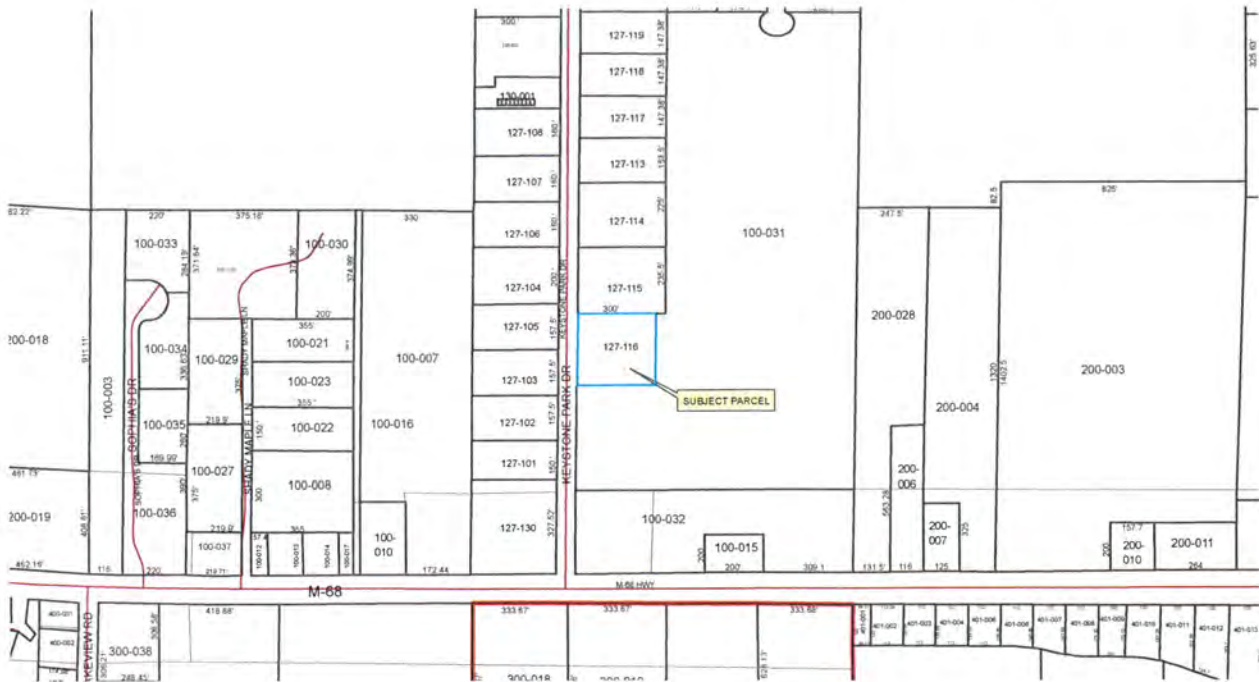
To **deny** Case #PSUP18-011 Austin Mesner for a Special Use Permit for an Exception to the size standards of an accessory building on property located at 7305 Ottawa Trail, Section 17 of Friendship Township on tax parcel 24-06-12-17-400-014, as shown on the site plan dated Received Nov 5, 2018 for the following reasons: (list reasons).

REQUEST

PSPR18-013

A request by Wayne Blomberg for a site plan amendment at 7433 Keystone Park Dr, Section 11, Littlefield Township. The property is zoned I-1 Light Industrial and is tax parcel 24-07-17-11-127-116. The request is to allow outdoor storage per Article 14 and Section 26.43 of the Zoning Ordinance.

LOCATION





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

11-6-18
 DATE RECEIVED
 \$ 150.00 + 150.
 FEE

PSR18-013
 APPLICATION #
 11-6-18
 DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name Wayne Blomberg Phone 231-838-5309
231-347-8273
 Applicant's Address 9088 Marina Dr Abasco 49706
 Applicant's Email Address wcblomberg@hotmail.com
 Owner's Name Same Phone _____
 Owner's Address _____
 Owner's Email Address M @ _____

JOB SITE LOCATION:

Township: Littlefield Tax Parcel #: 24-07-17-11-127-116
7433
 Address: Unit 16, Keystone Commercial Park

ZONING REQUEST:

Planning Commission:

- Special Use Permit
- Site Plan Review
- Planned Unit Development
- Zoning Map Change
- Zoning Text Change

Describe Request:

Park Shrink wrapped boats on site

REQUIRED USE INFORMATION

Ground floor area main building: _____ Sq. Ft.
 Floor Area accessory building: _____ Sq. Ft.
 Lot/Parcel Size: _____ Acres _____ Sq. Ft.

Site/Plot Plan required*

**2 full sized & 14 reduced sized (max 11"x17")
 site plans required for Planning Commission cases.**

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

- | | | | | |
|--------------------------|--------------------------|----------------|-----------------------|--------------------------|
| | Date Submitted | | Date Submitted | |
| Elevation Drawing | <input type="checkbox"/> | <u>11-5-18</u> | Site Inventory | <input type="checkbox"/> |
| Engineered Drainage Plan | <input type="checkbox"/> | _____ | Fire Dept Approval | <input type="checkbox"/> |
| Soil Erosion Permit | <input type="checkbox"/> | _____ | Wetlands Permit | <input type="checkbox"/> |
| Health Dept. Approval/ | <input type="checkbox"/> | _____ | Road Commission/ | <input type="checkbox"/> |
| Sewer Taps | <input type="checkbox"/> | _____ | MDOT Approval | <input type="checkbox"/> |

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Other:

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

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

Wayne Blomberg _____ Wayne Blomberg _____ 11-5-18
 Signature of Applicant Printed Name of Applicant Date

Same _____ _____ _____
 *Required Signature of Property Owner Printed Name of Property Owner Date

SITE PLAN REVIEW CHECKLIST

Case # PSPR18-013

Date Received 11-6-18

Subject Property Address Unit Keystone Commercial Park
 Subdivision and Lot Number (If Applicable) _____
 Tax Parcel Number: 24-07-17-11-127-116
 Township Littlefield
 Proposed Use of Property Boat Storage
 Proposed Number of Employees 0 on site

CHECKLIST

| | Basic Map Information | Yes | No | N/A | Comments |
|----|--|-----|----|-----|----------|
| 1 | Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel. | ✓ | | | |
| 2 | Appropriate scale | x | | | |
| 3 | Date, North Arrow, Street Names (existing and proposed right-of-ways). | x | | | |
| 4 | Name, Address and Phone Number of person preparing plan | x | | | |
| 5 | Property line dimensions | x | | | |
| | Basic Zoning Information | | | | |
| 6 | Zoning setback lines -Building (including the eave) Setbacks: Front _____ Side <u>10</u> Side <u>10</u> Rear/Water <u>20</u> | | | | |
| 7 | Distance between buildings (nearest point to nearest point) | x | | | |
| 8 | Location of new buildings and general floor plan Dimensions of bldg.(s) = _____ x _____ Total sq.ft.= _____ | | | x | |
| 9 | Proposed building elevations (to scale) Max. Height = _____ | | | x | |
| 10 | All existing structures (labeled) within 100 feet of perimeter property lines | x | | | |
| 11 | Multiple housing units -Number of units = _____, composition (efficiency, one bedroom, two, three) | | | x | |
| 12 | Surrounding zoning (properties immediate to subject site) | | | | |
| 13 | Lot coverage of proposed buildings = _____. | | | x | |

| | Natural Features | yes | No | N/A | Comments |
|----|--|-----|----|-----|----------|
| 14 | Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.). | | | X | |
| 15 | Has a wetland permit been applied for? | | | X | |
| 16 | Existing topography | X | | | |
| 17 | Soil analysis Is it in a Critical Dune Area? | | | X | |
| 18 | Site Inventory provided? | X | | X | |
| 19 | Are there scenic view considerations? | | | X | |
| | Drainage / Parking/ Roads | | | | |
| 20 | Access drives, internal roads (note public or private) service roads. Width of Right-of-Way = _____ | X | | | |
| 21 | Loading/unloading, service areas | | | X | |
| 22 | Sidewalks, paths, and trails (internal and public within road right-of-ways). | | | X | |
| 23 | Acceleration/deceleration lanes | | | X | |
| 24 | Road agency approval? | | | X | |
| 25 | Parking areas (dimensioned typical parking space, maneuvering lanes) | X | | | |
| 26 | Parking spaces required _____, parking spaces actual _____ Handicap parking location and number _____ | | | X | |
| 27 | Required landscaping in parking areas | | | X | |
| 28 | Snow storage/snow management plan | | | X | |
| 29 | Dumpster location, screening indication | | | X | |
| 30 | Existing easements (utility, access) within site limits | | | X | |
| 31 | Location of Water/well, Sewer/septic, and stormwater | | | X | |
| 32 | Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan. | | | X | |
| 33 | Proposed retention/detention sedimentation ponds | | | X | |

| | Other Site Requirements | Yes | No | N/A | Comments |
|----|--|-----|----|-----|----------|
| 34 | Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.) | | | ✓ | |
| 35 | Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques* | | | ✓ | |
| 36 | Location of sign(s)* | | | ✓ | |
| 37 | Site amenities (play area, pools, beaches, tennis courts, etc.). | | | ✓ | |
| 38 | Impact Statement attached? | | | ✓ | |
| 39 | Fire Department approval? | | | | |
| 40 | Fire hydrants and fire vehicle access. | | | | |
| 41 | Road Agency approval? | | | ✓ | |
| 42 | Health agency approval? | | | ✓ | |
| 43 | Army Corps of Engineers approval? | | | ✓ | |
| 44 | Michigan Department of Environmental Quality approval? | | | ✓ | |

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

ADDITIONAL COMMENTS:

Wayne Blomberg
Applicants Signature

11-5-18
Date

Description

Background Information

In the early 90's the marina was in need of a site to expand with regard to storage of boats. As new homes, cottages and developments like Eagle Beach and Sunset Shores occurred, so did the demand for the storage of boating related equipment. As you all know, waterfront properties tend to be higher density with little space for boat self storage. In our search for property for storage I talked with Max Putters and was told about a new development called Drayton Industrial Park on M-68 that was a reasonable distance from our main location, so we purchased property there and built the existing storage buildings. In the last 20 years pontoons have become much more popular but are generally larger than most traditional boats and quite a bit more expensive to store. Shrink wrapping had come on the market and provides a good alternative to the very large buildings that would be required to meet the demand. Pretty much every marina in our area began utilizing this method of protecting boats outside during the winter. Since we had commercial property that was purchased in the Drayton Industrial Park, it was a surprise to learn that we needed special permission for this. In the 25 years that we have been storing equipment this way I am not aware of any complaints filed. It seems to me that concentrating this equipment in one area would be much better than having them scattered around in areas where they are kept in the summer. I don't think denying a request to provide a reasonable way to store this equipment would make the equipment go away but it would certainly be an inconvenience to a lot of residents.

Other considerations with this request is drainage, snowplowing and fire protection. Since the property has been used this way for 25 years, water run off and drainage has never been an issue. The entire property is sand based. Snow plowing has not been done and there are no plans to change that. With regard to fire protection I have spoken with Art Drayton and no specific requirements were made. There is access to buildings from the front and side of each, as is the case with many locations. There is no electricity to either building and no plans for such. All boat batteries are disconnected while in storage. We did talk about key access for the Fire Department and have no objection to that. Additionally, there is very little property in this area that is residential.

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PLANNING & ZONING**

Wayne Blomberg

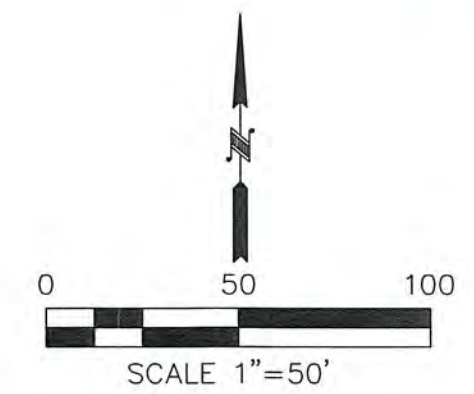
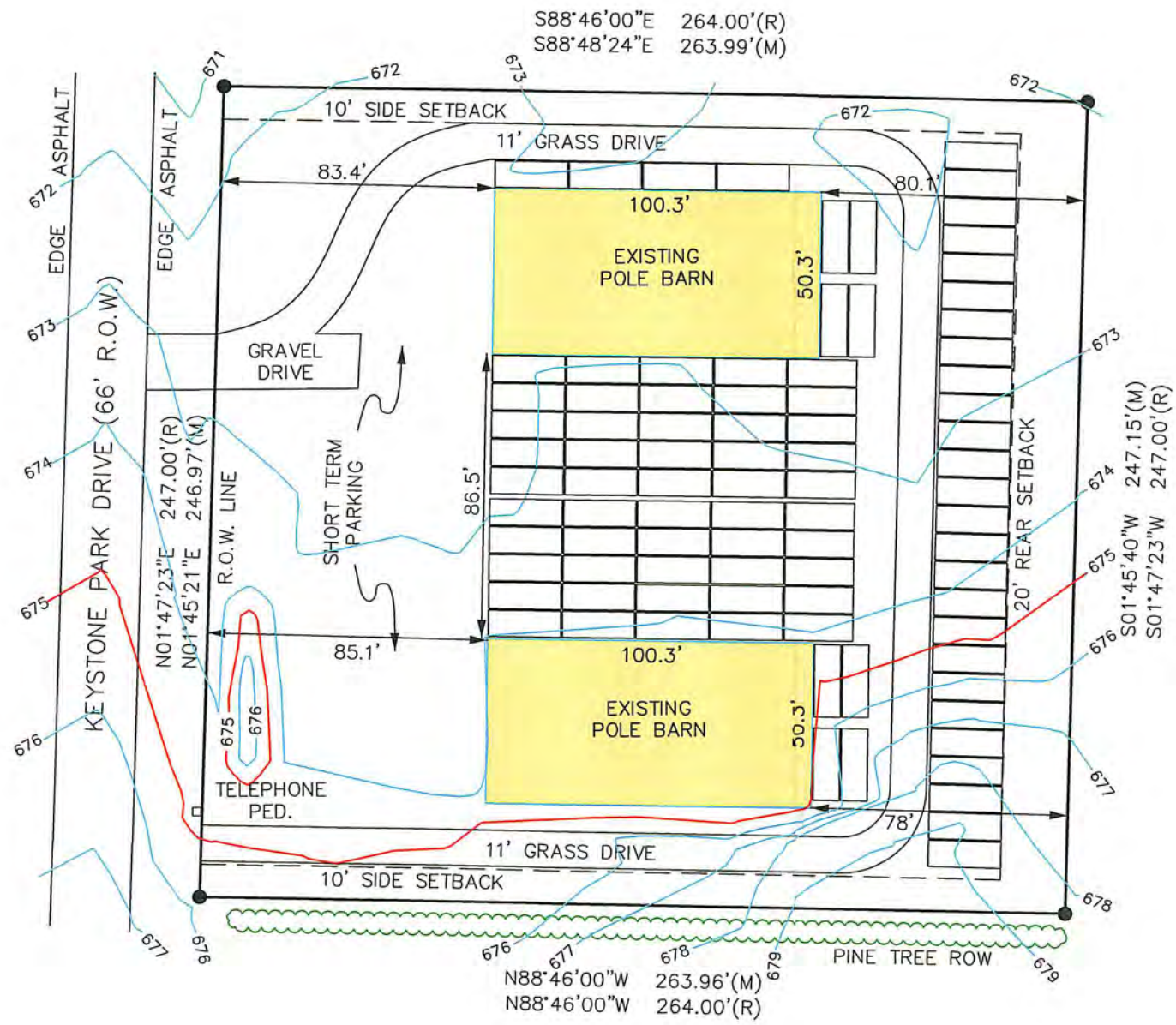
Ryde Marine

UNIT 16, KEYSTONE COMMERCIAL PARK CONDOMINIUM, SECTION 11, T35N, R4W,
LITTLEFIELD TOWNSHIP, EMMET COUNTY, MICHIGAN

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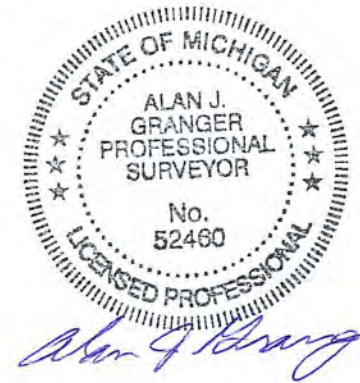
LEGEND


- FD IRON W/CAP #52626
- (R) RECORDED AS
- (M) MEASURED AS
- AVERAGE BOAT-8'x22'

BEARINGS BASED ON KEYSTONE COMMERCIAL PARK CONDOMINIUM.

NOTES:

1. THIS LAYOUT SUPPORTS 88 BOATS
2. PROPERTY IS NOT PLOWED IN THE WINTER.
3. SOILS ARE KALKASKA SAND ACCORDING TO SOIL SURVEY OF EMMET COUNTY (DECEMBER 1973)
4. THERE ARE NO PLANNED CHANGES TO THE TOPOGRAPHY. PROPERTY IS BEING USED AS IT HAS BEEN FOR THE LAST 25 YEARS.



| | | | | | |
|---------------|-----------------------------|-------------|---|-------------------|---------------|
| DATE | REVISIONS | CLIENT: |  Granger and Associates, Inc. Engineers • Surveyors 224 S. Main St., Cheboygan, MI 49721 Email: grangerandassociates@gmail.com 231-627-2763 | TITLE: | SCALE: 1"=50' |
| JULY 22, 2018 | ORIGINAL ISSUE | RYDE MARINE | | SITE PLAN | SHEET 1 OF 1 |
| OCT. 17, 2018 | ADD SETBACKS & BOAT STORAGE | | | DRAWN BY: AJG | |
| OCT. 29, 2018 | ADD CONTOURS | | | JOB NO.: C7736-00 | |

ZONING EVALUATION FORM

Office of Planning and Zoning
Emmet County, MI

DATE: 11/12/2018

CASE #: PSPR18-013

APPLICANT: WAYNE BLOMBERG

PROPERTY: 7433 KEYSTONE PARK DR

TOWNSHIP: LITTLEFIELD

REQUEST: Site Plan Review - Amendment

FACTS:

- The property is zoned I-1 Light Industrial.
- The property is 1.5 acres in area.
- The property is used for boat storage.
- The original approval was for boat storage within three buildings. The actual storage of boats has been within 2 buildings and outdoors.
- The proposal is to allow outdoor boat storage as shown on the site plan – between the existing buildings and at the rear of the buildings and the property.
- No structural changes are proposed.
- The site is adjacent to vacant land on three sides and is across the road from two commercial uses (contractor's use).
- Access is through an existing drive.
- The proposal meets the zoning district standards for setbacks.
- Parking appears to meet Zoning Ordinance standards. Using 1/5 for the storage buildings. Parking shown in the front of the existing buildings.
- Storage is a permitted use in the zoning district.
- No dumpster is shown on the plan.
- Site is not plowed in the winter so no snow storage shown on plan.
- No outdoor lighting proposed.
- Road Commission and Health Department review not needed.

ZONING ORDINANCE STANDARDS:

Section 20.05 Site Plan Review Standards

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

- A. **COMPLIANCE WITH DISTRICT REQUIREMENTS:** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard

space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

Setback standards met. No new buildings proposed.

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

1. Walkways from parking areas to building entrances

No new parking areas proposed. N/A (additional standards omitted).

- C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. *Buildings would be accessible from the front of each building. Access to be provided to Fire Department.*

- D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein. *No loading dock.*

- E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity. *Not to be accessed in winter.*

- F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use. *No residential uses adjacent. Some screening exists off-site along on east property line.*

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

No new impervious surface is proposed (additional standards omitted). Applicant indicates no drainage issues in past and site contains sandy soils.

- G. SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related. *None shown.*
- H. WASTE RECEPTACLES: Waste receptacle and enclosure requirements
None shown (additional standards omitted).
- I. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical equipment requirements.
None shown (additional standards omitted).

Section 26.43 Storage Uses (including Mini-Storage)

- A. All proposed buildings nearest to the primary access road shall be site planned to be perpendicular to the road, or be positioned to the rear of other approved non-storage or non-warehouse buildings, or be setback at least three-hundred (300) feet from public road right-of-way lines.
- B. Intense, all season landscape screening, to effectively shield storage buildings from bordering public roads, per an approved Landscape Planting Plan which achieves screening upon installation of proposed plant materials.

Draft Motions:

To **approve** Case #PSPR18-13, Wayne Blomberg for Site Plan Review – amendment for a boat storage business on property located at 7433 Keystone Park Dr., Section 11, Littlefield Township, tax parcel 24-07-17-11-127-116, as shown on the site plan dated Received Nov 6, 2018 because the standards of Article 14 and Section 26.43 have been met, and *(other conditions or statement of facts may be inserted here)*.

To **deny** Case #PSPR18-13, Wayne Blomberg for Site Plan Review – amendment for a boat storage business on property located at 7433 Keystone Park Dr., Section 11, Littlefield Township, tax parcel 24-07-17-11-127-116, as shown on the site plan dated Received Nov 6, 2018 for the following reasons: (list reasons).

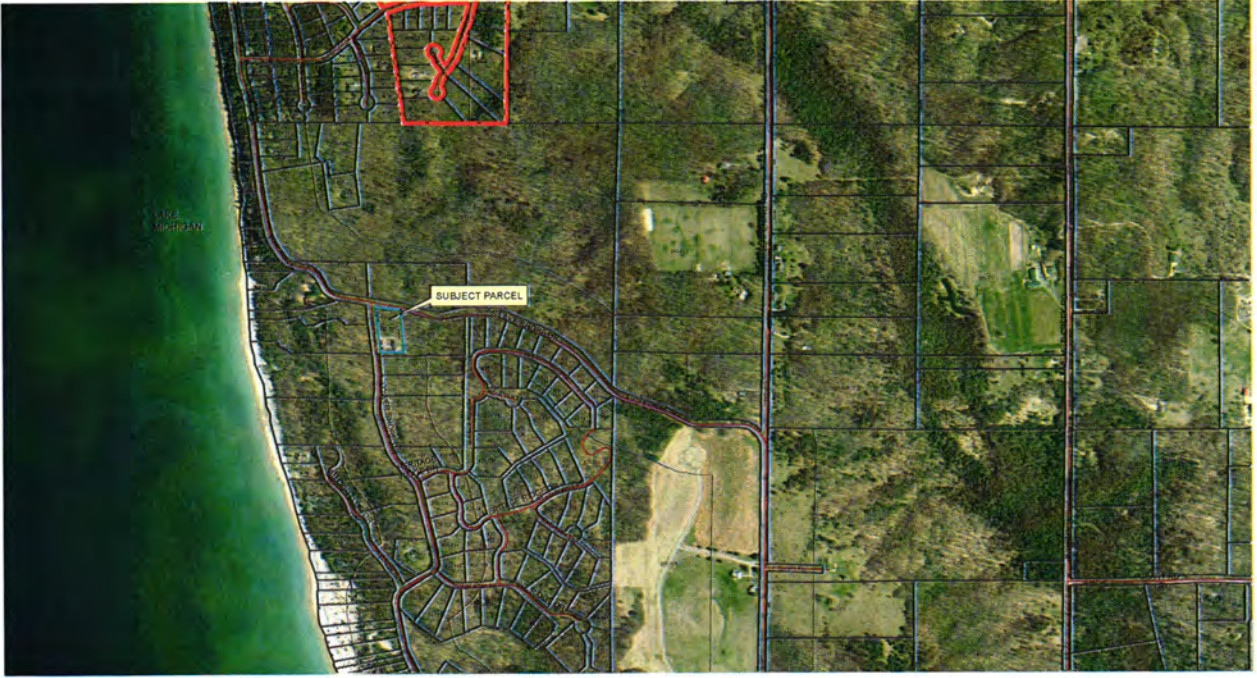
REQUEST

PSUP18-012

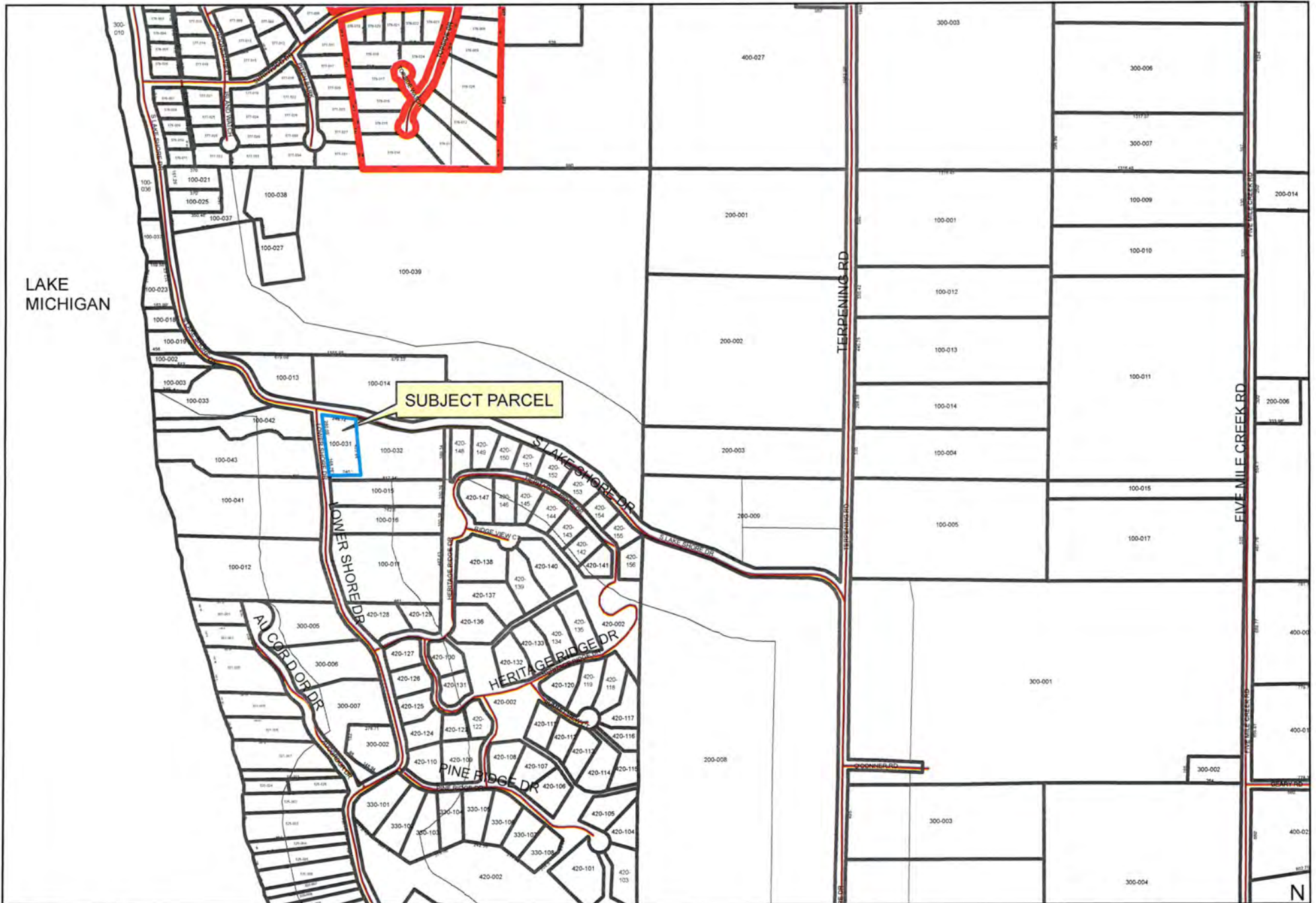
A request by Eileen Horowitz for a Special Use Permit for an Exception to the size of a residential accessory building at 4287 Lower Shore Dr in Section 30 of Friendship Township. The property is zoned SR Scenic Resource and is tax parcel 24-06-12-30-100-031. The request is to allow a 2,800 sq. ft. accessory building where a 1,200 sq. ft. accessory building is the standard. The request is per Section 22.01 of the Zoning Ordinance.

LOCATION





CASE # PSUP18-012 4287 LOWER SHORE DR



Plan prepared by
Emmet County Planning and Zoning
231-348-1735

1 in = 800 feet
Date: 11/12/2018



**APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES**

3434 HARBOR PELOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcr@emmetcountv.org



RECEIVED

11-12-18
DATE RECEIVED
\$ 150.00
FEE

NOV 12 2018
EMMET COUNTY
PLANNING & ZONING
PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

PSUP 18-012
APPLICATION #
11-12-18
DATE PAID

Applicant's Name Eileen Horowitz Phone 310 592-1344
Applicant's Address 6360 Lower Shore Dr
Applicant's Email Address meggy meggyhorowitz@aol.com
Owner's Name 6360 Lower Shore Dr Phone 310 592-1344
Owner's Address Eileen Horowitz
Owner's Email Address meggyhorowitz@aol.com

JOB SITE LOCATION:

Township: Friendship Tax Parcel #: 24-06-12-30-100-031
Address: 4287 Lower Shore Dr

ZONING REQUEST:

Planning Commission:

- Special Use Permit
- Site Plan Review
- Planned Unit Development
- Zoning Map Change
- Zoning Text Change

Describe Request:

larger building

REQUIRED USE INFORMATION

Ground floor area main building: ~ 2000 Sq. Ft.
Floor Area accessory building: 2800 Sq. Ft.
Lot/Parcel Size: 103,400 Acres Sq. Ft.

Site/Plot Plan required*

**2 full sized & 14 reduced sized (max 11"x17")
site plans required for Planning Commission cases.**

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

| | Date Submitted | | Date Submitted |
|--------------------------------------|--|-----------------------------------|-------------------------------------|
| Elevation Drawing | <input checked="" type="checkbox"/> 11-12-18 | Site Inventory | <input checked="" type="checkbox"/> |
| Engineered Drainage Plan | <input type="checkbox"/> N/A | Fire Dept Approval | <input type="checkbox"/> |
| Soil Erosion Permit | <input type="checkbox"/> N/A | Wetlands Permit | <input type="checkbox"/> N/A |
| Health Dept. Approval/ Sewer Taps | <input type="checkbox"/> N/A | Road Commission/ MDOT Approval | <input type="checkbox"/> |

Other:

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

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

Signature of Applicant [Signature] Printed Name of Applicant Eileen M.J. Horowitz Date 11/10/18
Signature of Property Owner [Signature] Printed Name of Property Owner Eileen MJ Horowitz Date 11/10/18

*Required Signature of Property Owner

Printed Name of Property Owner

Date

MEMORANDUM

Emmet County Office of Planning, Zoning, and Ordinance Enforcement

To: Whom it may concern

From: Emmet County Office of Planning, Zoning, and Construction Resources

Re: Submittal of Requests for Zoning Action

The Emmet County Office of Planning and Zoning is enforcing the following policies regarding Zoning Action requests:

- All Special Use Permit, PUD, Rezoning, and Site Plan Review requests must be received **24 days prior to the meeting date** to be on the next month's agenda. Planning Commission meetings are scheduled for the 1st Thursday of the month. Submittal of requests must include a complete application, site plan, appropriate fees, site plan review check sheet, and impact statement.
- It is strongly urged that draft preliminary plans be submitted for staff review prior to investing in final engineered drawings that would accompany formal application materials.
- The Site Plan Review Check Sheet must be complete. Requirements which are not included with the submittal, or items which are not applicable, must be explained in the appropriate location on the check sheet.
- If all of the required applicable materials are not submitted by the applicable deadline, the request will not be processed and it will be returned to the sender.
- NO FAXED COPIES ARE ACCEPTED as official submittals.
- Having the correct information prior to design will save time and money; please call our office, 231-348-1735, to confirm the zoning district of a parcel, allowed uses, and other requirements for the zoning district.





To Whom it may concern:
Emmet County
Friendship County

I own a parcel of property at the corner of Lower Shore Drive and M119. The address is 4287 Lower Shore Drive. We have built an approximative 2000 square foot cottage on this parcel..

I would like to build an accessory building that would store my cars a.... This building would be 70' by 40' with the indoor ceiling at 11'6".

I would like it to be in the same style of the existing cottage colors, trim, and shape. We had to removed already diseased trees (ash, beech, birch) at the corner of M119 and Lower Shore Dr.

We would like to camouflage the structure not only with the existing trees but will need to plant additional trees that are in keeping with the existing trees on the lot.

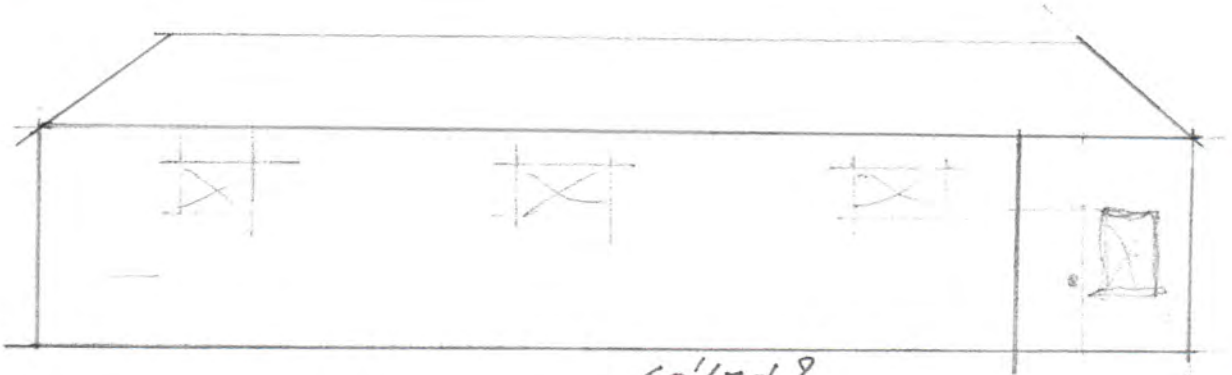
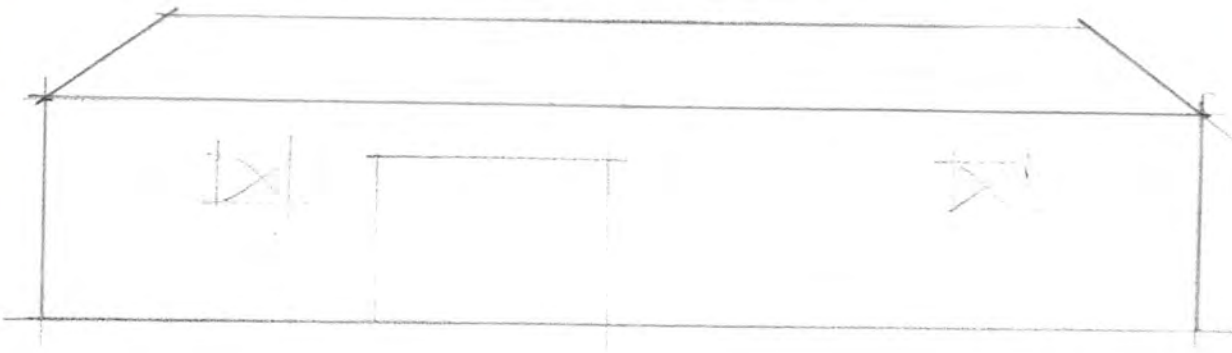
Eileen M. J. Horowitz
6360 Lower shore Dr.
Harbor Springs, MI. 49740
310 592-1344

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NOV 12 2018

EMMET COUNTY
PLANNING & ZONING

4287 Lower Shore Dr.

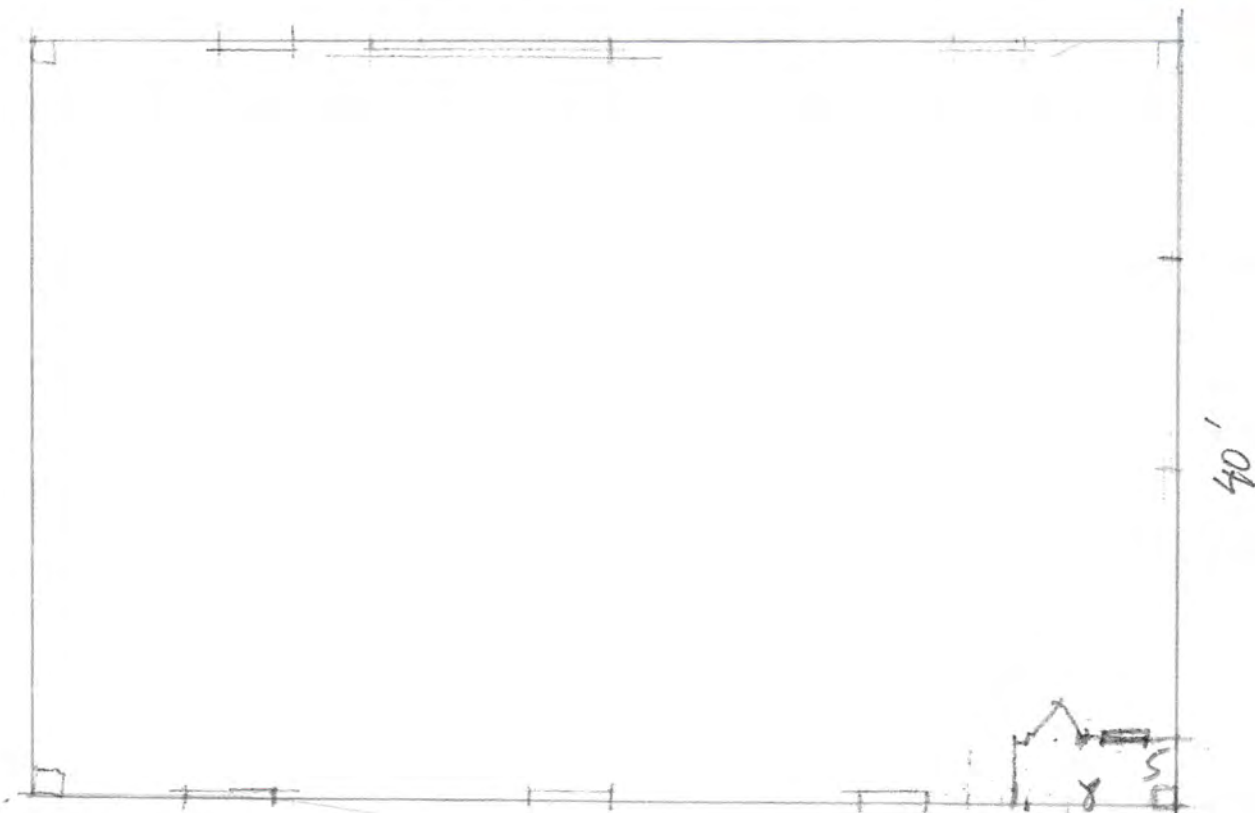


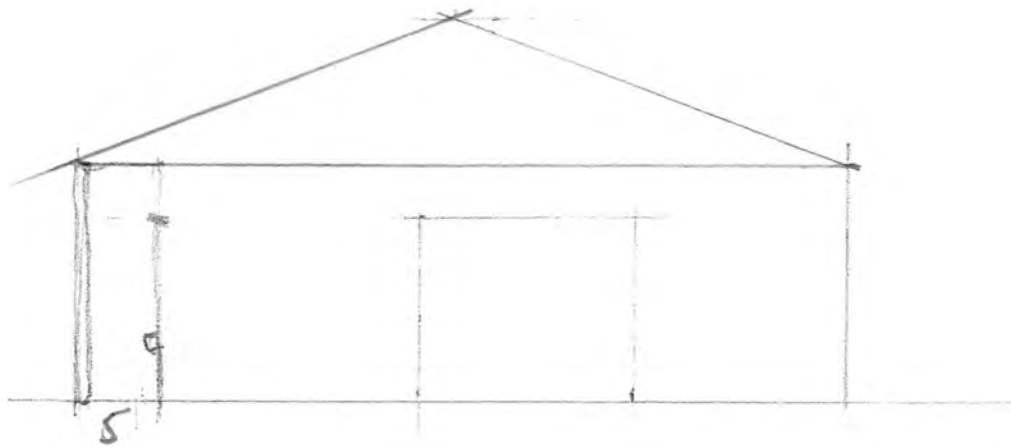
60'/70'?

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NOV 12 2018

EMMET COUNTY
PLANNING & ZONING





NOV 12 2018

Reference Map





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EMMET COUNTY
PLANNING & ZONING



BUILDING USE AFFIDAVIT

I/We Eileen Horowitz, make this affidavit to certify the use of the accessory building I/we wish to construct will be used in the following manner. storage for antique cars
(Purpose/Use)

The legal description of the property on which the accessory building is to be constructed or altered is located in the:

Twp./ City / Village of Friendship, County of Emmet, State of Michigan, described as:
(circle one) (Municipality)

Complete legal description:

see pg. 2

The address where the accessory building is located is:

4287 Lower Shore Dr.

Affiant(s) hereby certify that the accessory building located on the above described property

~~will~~ will not be used for commercial purposes.

(circle one)

Date: 11/12/18

x Eileen M.J. Horowitz
Print name

x _____
Print name

Subscribed and sworn before me this _____ day of _____,

personally appeared _____

Document prepared by: _____ Notary Public

_____ County, State of _____

Acting in: _____, County

My commission expires: _____

ZONING EVALUATION FORM

Office of Planning and Zoning
Emmet County, MI

DATE: 11/19/2018

CASE #: PSUP18-012

APPLICANT: HOROWITZ EILEEN

PROPERTY: 4287 LOWER SHORE DR

TOWNSHIP: FRIENDSHIP

REQUEST: Special Use Permit – Accessory Building Exception to the size

FACTS:

- The property is zoned SR Scenic Resources.
- The property is approximately 1.86 acres.
- The proposed building meets the setback standards of the Zoning District (Front = 80' (from R-O-W M-119); Front = 80' from R-O-W Lower Shore Dr.); Side = 96'+; 285'+/-).
- Accessory building permitted size = 1,200 sq. ft.; accessory building size proposed = 2,800 sq. ft.
- Location partially screened from M-119 Hwy and Lower Shore Dr. with trees.

ZONING ORDINANCE STANDARDS:

Section 22.01 Accessory Buildings

22.01.1 Accessory Residential Buildings Setbacks and Floor Areas – Reviewed by Zoning Administrator unless otherwise indicated

A. ACCESSORY RESIDENTIAL BUILDINGS SETBACKS AND FLOOR AREAS

1. Customary residential accessory buildings are permitted by right provided they are incidental to and customarily found in connection with a main residential use of the property on which it is located.
2. Accessory buildings 200 sq. ft. or less are authorized without a permit on a lot with or without a main use if they meet the applicable front yard setback standard, and that they are placed a minimum of five (5) feet from the side lot line(s) and ten (10) feet from the rear lot line.
3. Accessory residential buildings greater than 200 sq. ft. shall be subject to the side and front setback requirements as regulated by District but one (1) accessory building with 600 sq. ft. or less floor area may meet a minimum setback of ten (10) feet from the rear lot line. This setback provision shall not apply to lots fronting on a lake, river or stream.

4. Residential accessory building sizes shall be regulated as follows:

| Zoning District | Location on the Property | Maximum Ground Floor Area* |
|----------------------|---------------------------|----------------------------|
| R-1, R-2, RR, and SR | Front, Side, or Rear Yard | 1,200 Sq. Feet |
| FF-1, FF-2, and FR | Front or Side Yard | 1,200 Sq. Feet |
| FF-1, FF-2, and FR | Rear Yard** | 2,400 Sq. Feet |

*On a corner lot, i.e. with two front yards, the Zoning Administrator may approve one yard to qualify for an accessory building that meets the size standards for a rear yard accessory building.
 **For the purpose of determining the Rear Yard for placement of an accessory building: the rear yard is an area behind the back wall of the main use, or is at a point 250 ft. or farther from the road right-of-way line.

5. The front or side yard accessory building size may be increased to the maximum size as allowable in the rear yard in FF-1 and FF-2 Districts, provided all of the following standards can be met, as determined by the Zoning Administrator:

- a. The lot is a minimum of five (5) acres in lot area and at least 300 feet of width.
- b. The structure is located in such a manner as to attain natural screening by existing vegetation or topography to at least partially screen the use from the view of adjoining properties and/or public roads.
- c. The structure meets all side, rear and waterfront setback standards, as applicable, of the zoning district.
- d. The structure is sited a minimum of 100' from a private or public road right-of-way.
- e. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building.

Only one such structure may be approved by the Zoning Administrator under these provisions.

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

- a. One (1) detached accessory residential building up to the maximum allowable size per parcel of five (5) acres or less.
- b. For each additional five (5) acres of parcel area, above five (5) acres, one (1) additional accessory building up to the maximum allowed floor area may be permitted, but not more than four (4) such buildings.
- c. In addition to the standards listed in 1) and 2) above, one (1) detached

accessory building not to exceed 200 sq. ft. in ground floor area, may be permitted for such use as tool shed, wood storage, equipment housing, or animal shelter.

22.01.5 Exceptions

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

Staff Comments:

Site is less than 2 acres. Proposed building is more than double size permitted. Minimum setback standard from both roads is proposed. Applicant must show that no good purpose would be served by strict compliance with the size standards of the Ordinance.

Draft Motions:

To **approve** Case #PSUP18-012 Eileen Horowitz for a Special Use Permit for an Exception to the size standards of an accessory building on property located at 4287 Lower Shore Drive, Section 30 of Friendship Township on tax parcel 24-06-12-30-100-031, as shown on the site plan dated Received Nov 12, 2018 because the standard of Section 22.01 have been met based on the facts presented in this case and no good purpose would be served by strict compliance with the size standards of the Ordinance, and *(other conditions or statement of facts may be inserted here)*.

To **deny** Case # PSUP18-012 Eileen Horowitz for a Special Use Permit for an Exception to the size standards of an accessory building on property located at 4287 Lower Shore Drive, Section 30 of Friendship Township on tax parcel 24-06-12-30-100-031, as shown on the site plan dated Received Nov 12, 2018 for the following reasons: the proposed building is more than double the size permitted by the ordinance, there is no deep setback, and there is minimal screening, the building would not be in keeping with the intent of the Scenic Resource Zoning District and *(may list other reasons)*.

TENTATIVE PARCEL SPLIT MAP

RASCH * HOROWITZ PROPERTY

PART OF THE GOVERNMENT LOT 2,
SECTION 30, T36N, R6W
FRIENDSHIP TOWNSHIP, EMMET COUNTY, MICHIGAN

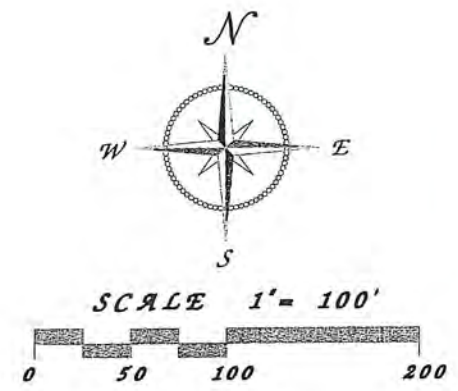
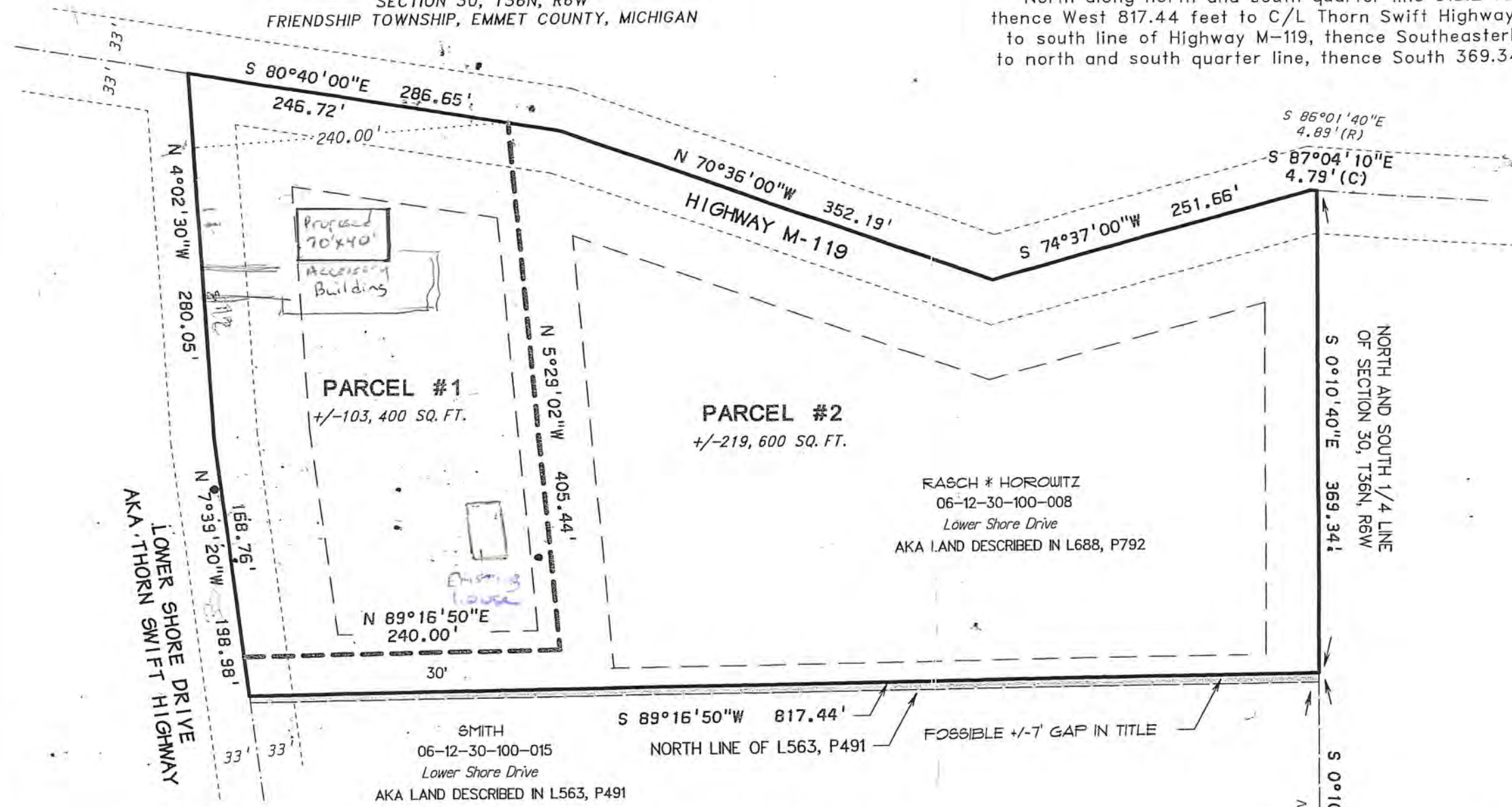
LEGAL DESCRIPTION:

PARENT PARCEL TAKEN FROM LIBER 688, PAGE 792
Commencing at Center of Section 30, Township 36 North, Range 6 West, thence North along north and south quarter line 618.2 feet for Point of Beginning, thence West 817.44 feet to C/L Thorn Swift Highway, thence northerly along C/L to south line of Highway M-119, thence Southeasterly along south line of M-119 to north and south quarter line, thence South 369.34 feet to Point of Beginning.

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EMMET COUNTY
PLANNING & ZONING



VERIFY WITH TWP.
ZONING REQUIREMENTS

ZONING DISTRICT = SR-2
MINIMUM LOT WIDTH = 150'
MINIMUM LOT AREA = 30,000 SQFT
SETBACKS: FRONT = 40'
REAR = 40'
SIDE = 15'

BENCHMARK ENGINEERING INC.
SURVEYORS • CIVIL ENGINEERS

607 E. LAKE ST.
HARBOR SPRINGS, MICHIGAN 49740
PHONE (231) 526-2119 FAX (231) 526-7257
e-mail benchmark607@gmail.com

Date: (revisions)
15 NOV. 2011
22 NOV. 2011
23 NOV. 2011
14 MAY 2012

Client : M.J. BARRON RASCH
Project Mgr : R.E. OELKE
Drawn By : REO
Field By :
CADD Filename : R10112TPSM.GXD
Job # : 10-112
Sheet # : 1 of 1

| Date: (revisions) | by |
|-------------------|----|
| 26 SEPT. 2012 | |
| 28 SEPT. 2012 | |
| 3 OCT. 2012 | |
| 25 OCT. 2012 | |

TENTATIVE PARCEL SPLIT MAP
PART OF GOVERNMENT LOT 2, SEC. 30 T36N, R6W

NOTES:

This is not intended or represented to be a land or property survey. No property corners were set or field work performed as part of this sketch. The parent parcel legal description was created by persons unknown and may have created a gap between it and the Smith parcel to the south.

The property description was furnished, and no check of title relative to ownership, gaps, overlaps or occupation has been performed as part of this sketch.

Bearings and distances shown on this map were taken from a survey by R. Bidstrup, P.S. 11360, for E.C. Matthews, dated Feb. 1970.

LEGEND

- FOUND 5/8" REROD PROPERTY CONTROLLING CORNER
- PROPERTY LINE AS SURVEYED BY BIDSTRUP IN 1969 AND H. IRISH IN 1960 FOR GARSTANG.
- BUILDING ENVELOPE (SETBACK LINE)
- RIGHT-OF-WAY LINES
- PROPOSED PARCEL SPLIT MAP
- 100.00' 1969 BIDSTRUP RETRACEMENT OF 1960 IRISH SURVEY
- (D) DEED CALL FROM L688, P792
- (C) COMPUTED

CENTER 1/4 CORNER OF SECTION 30, T36N, R6W

11/12/18 Eileen Horowitz
6360 Lower Shore Dr Harbor Springs, M.

310
592-1344
(cell)



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



11-12-18
 DATE RECEIVED
 \$ 100.00
 FEE

PSPR 18-014
 APPLICATION #
 11-12-18
 DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name Mike Patullo Phone 231-348-3303
 Applicant's Address 2 Penn Plaza, Petoskey, MI 49770
 Applicant's Email Address Mike @shorelinearchitecture.com
 Owner's Name Four Leavys Phone 231.439.2800
 Owner's Address 325 E. Lake Street
 Owner's Email Address ASHLEY@KIDDLEDY.COM @

JOB SITE LOCATION:

Township: Bear Creek Tax Parcel #: 24-01-16-27-400-042
 Address: 1922 Harbor Petoskey RD.

ZONING REQUEST:

Planning Commission:

- Special Use Permit
- Site Plan Review
- Planned Unit Development
- Zoning Map Change
- Zoning Text Change

Describe Request:

CHANGE OF USE

REQUIRED USE INFORMATION

Ground floor area main building: 18,914 Sq. Ft.
 Floor Area accessory building: — Sq. Ft.
 Lot/Parcel Size: 4.15 Acres 180,774 Sq. Ft.
Site/Plot Plan required*
2 full sized & 14 reduced sized (max 11"x17")
site plans required for Planning Commission cases.

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

| | Date Submitted |
|--------------------------|---|
| Elevation Drawing | <input checked="" type="checkbox"/> <u>11/12/18</u> |
| Engineered Drainage Plan | <input checked="" type="checkbox"/> <u>11/12/18</u> |
| Soil Erosion Permit | <input type="checkbox"/> |
| Health Dept. Approval/ | <input type="checkbox"/> |
| Sewer Taps | <input type="checkbox"/> |

| | Date Submitted |
|--------------------|---|
| Site Inventory | <input checked="" type="checkbox"/> <u>11/12/18</u> |
| Fire Dept Approval | <input type="checkbox"/> |
| Wetlands Permit | <input type="checkbox"/> |
| Road Commission/ | <input type="checkbox"/> |
| MDOT Approval | <input type="checkbox"/> |

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NOV 12 2018

EMMET COUNTY
 PLANNING & ZONING

Other:

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

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

Mike Patullo Signature of Applicant Michael Patullo Printed Name of Applicant 11/12/18 Date

SEE AGENCY LETTER - Required Signature of Property Owner _____ Printed Name of Property Owner _____ Date



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NOV 12 2018

EMMET COUNTY
PLANNING & ZONING

**IMPACT STATEMENT
FOR SITE PLAN REVIEW**

APPLICANT'S

NAME Peters Noren Construction CASE# PSPR 18-014

PHONE

NUMBER 231.340.3303 DATE 11/12/18

PROJECT TITLE

1922 N-119 MULTI-TENANT COMMERCIAL BUILDING

PROPERTY TAX ID

01-16-27-400-042 TOWNSHIP BEAR CREEK

DIRECTIONS TO APPLICANT

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

1. PROJECT DESCRIPTION

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

The proposal is for the additional commercial use of an existing building at 1922 Harbor-Petoskey Road (presently B-May Bags, formerly Brown Motors), including updating & remodeling the building, reducing the area of the existing paved surface, and organizing the parking areas. The net property size is +/- 3.36 acres. There will be several full and/or part-time employees for the tenant businesses, and temporary jobs will be created for design professionals and construction contractors. There may be school impact/additional students. There may be additional demand for sanitary service from the increased use of the building. There may be additional traffic on local roads due to additional commerce. There will be no pollution and no additional noise. The building will be accessible from all sides for fire trucks.

2. EXPECTED DEMANDS ON COMMUNITY SERVICES

Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services

POSSIBLE ADDITIONAL DEMAND

b. Domestic Water

PRIVATE WELL

c. Traffic Volumes

POSSIBLE ADDED TRAFFIC TO/FROM SITE .

d. Schools

POSSIBLE ADDITIONAL STUDENTS, TAX REVENUE

e. Fire Protection

NO DIFFERENT THAN EXISTING

3. ENVIRONMENTAL IMPACTS

Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion *N/A*

b. Storm Drainage *N/A TO REMAIN AS IS*

c. Shoreline Protection *N/A*

d. Wildlife *N/A*

e. Air Pollution *N/A*

f. Water Pollution *N/A*

g. Noise *N/A*



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SITE PLAN REVIEW CHECKLIST

EMMET COUNTY PLANNING & ZONING

Case # PSPR 18-014

Date Received 11-12-18

Subject Property Address 1922 HARBOR PETOSKEY RD.
 Subdivision and Lot Number (If Applicable) N/A
 Tax Parcel Number: 24-01-16-27-400-042
 Township BEAR CREEK
 Proposed Use of Property COMMERCIAL
 Proposed Number of Employees _____

CHECKLIST

| | Basic Map Information | Yes | No | N/A | Comments |
|----|--|-----|----|-----|----------|
| 1 | Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel. | ✓ | | | |
| 2 | Appropriate scale | ✓ | | | |
| 3 | Date, North Arrow, Street Names (existing and proposed right-of-ways). | ✓ | | | |
| 4 | Name, Address and Phone Number of person preparing plan | ✓ | | | |
| 5 | Property line dimensions | ✓ | | | |
| | Basic Zoning Information | | | | |
| 6 | Zoning setback lines -Building (including the eave) Setbacks: Front _____ Side _____ Side _____ Rear/Water _____ | ✓ | | | |
| 7 | Distance between buildings (nearest point to nearest point) | | | ✓ | |
| 8 | Location of new buildings and general floor plan Dimensions of bldg.(s) = _____ x _____ Total sq.ft.= _____ | | | ✓ | |
| 9 | Proposed building elevations (to scale) Max. Height = _____ | | | ✓ | |
| 10 | All existing structures (labeled) within 100 feet of perimeter property lines | ✓ | | | |
| 11 | Multiple housing units -Number of units = _____, composition (efficiency, one bedroom, two, three) | | | ✓ | |
| 12 | Surrounding zoning (properties immediate to subject site) | ✓ | | | |
| 13 | Lot coverage of proposed buildings = _____. | ✓ | | | |

| | Natural Features | yes | No | N/A | Comments |
|----|--|-----|----|-----|----------|
| 14 | Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.). | ✓ | | | |
| 15 | Has a wetland permit been applied for? | | | ✓ | |
| 16 | Existing topography | ✓ | | | |
| 17 | Soil analysis Is it in a Critical Dune Area? | | | ✓ | |
| 18 | Site Inventory provided? | | | ✓ | |
| 19 | Are there scenic view considerations? | | | ✓ | |
| | Drainage / Parking/ Roads | | | | |
| 20 | Access drives, internal roads (note public or private) service roads. Width of Right-of-Way = _____ | ✓ | | | |
| 21 | Loading/unloading, service areas | ✓ | | | |
| 22 | Sidewalks, paths, and trails (internal and public within road right-of-ways). | ✓ | | | |
| 23 | Acceleration/deceleration lanes | | | ✓ | |
| 24 | Road agency approval? | | ✓ | | Parking |
| 25 | Parking areas (dimensioned typical parking space, maneuvering lanes) | ✓ | | | |
| 26 | Parking spaces required <u>76</u> , parking spaces actual <u>89</u> Handicap parking location and number <u>4</u> | ✓ | | | |
| 27 | Required landscaping in parking areas | ✓ | | | |
| 28 | Snow storage/snow management plan | ✓ | | | |
| 29 | Dumpster location, screening indication | ✓ | | | |
| 30 | Existing easements (utility, access) within site limits | ✓ | | | |
| 31 | Location of Water/well, Sewer/septic, and stormwater | ✓ | | | |
| 32 | Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan. | ✓ | | | |
| 33 | Proposed retention/detention sedimentation ponds | ✓ | | | |

| | Other Site Requirements | Yes | No | N/A | Comments |
|----|--|-----|----|-----|------------------------|
| 34 | Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.) | ✓ | | | PLANT MATERIAL TPSD |
| 35 | Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques* | ✓ | | | |
| 36 | Location of sign(s)* | | ✓ | | VIA SEPARATE PERMIT |
| 37 | Site amenities (play area, pools, beaches, tennis courts, etc.) | | | ✓ | |
| 38 | Impact Statement attached? | ✓ | | | |
| 39 | Fire Department approval? | | | ✓ | |
| 40 | Fire hydrants and fire vehicle access. | ✓ | | | NO HYDRANTS |
| 41 | Road Agency approval? | | ✓ | | PENDING |
| 42 | Health agency approval? | | | ✓ | |
| 43 | Army Corps of Engineers approval? | | | ✓ | |
| 44 | Michigan Department of Environmental Quality approval? | | | ✓ | |

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

ADDITIONAL COMMENTS:



 Applicants Signature

11/12/18

 Date



Resort Bear Creek Fire Department

373 N. Division Road
Petoskey, Michigan 49770 (231) 347-0592

Alfred L. Welsheimer "Al" Fire Chief

November 16, 2018

TO: BEAR CREEK PLANING COMMISSION

FROM: CHIEF ALFRED L. WELSHEIMER

SUBJECT: SITE PLAN REVIEW

I HAVE REVIEWED THE PLAN ISSUE DATED: 11-9-2018

FOR: Four Leavys, LLC Property

LOCATION: 1922 Harbor/Petoskey Rd

Case# PSPR18-014

After reviewing the plans issue dated November 9, 2018 we are requiring:

- 1 Knox Box be installed per fire chief location on building one for each tenant

Alfred L. Welsheimer
Fire Chief

ZONING EVALUATION FORM

Office of Planning and Zoning
Emmet County, MI

DATE: 11/15/2018

CASE #: PSPR18-014

APPLICANT: MIKE PATTULLO OF SHORELINE ARCHITECTURE FOR 4 LEAVYS LLC

PROPERTY: 1922 HARBOR-PETOSKEY RD

TOWNSHIP: BEAR CREEK

REQUEST: Site Plan Review – Amendment for multi-tenant retail use within existing building

FACTS:

- The property is zoned B-2 General Business.
- The property is 3.35 acres in area. (application shows 4.15 county map 3.35)
- The property is currently used for B-May Bags and the proposed use is for 8 additional commercial units within the existing building.
- The site is on the corner of M-119 and Hiawatha Trail. Access is through existing drives both on M-119 and Hiawatha Trail. A third drive is proposed off Hiawatha Trail to access additional proposed parking. Accesses **do not** meet the access management principles.
- The existing building meets the setback standards of the Zoning District.
- Existing building is approximately 19,046 sq. ft.
- Parking appears to meet Zoning Ordinance standards.
- Additional parking lot proposed to be gravel and located behind the existing building. Sealed drainage plan not provided. Estimated cost of drainage system is not provided.
- A private well is used for the site. The site is served by sanitary sewer.
- Properties to the north, south and east are zoned B-2. The properties to the west across M-119 are zoned R-2.
- Dumpster shown on the plan, proposed to be enclosed per zoning ordinance.
- Ample snow storage area shown on plan.
- Three additional lights proposed for parking area. Details appear to meet ordinance standard. Sign and Lighting Committee review required for outdoor lighting.
- No new sign proposed at this time.
- Road Commission review pending
- MDOT review pending.
- Health Department review indicates N/A, however depending type of use and number of employees review for the well may be required.

ZONING ORDINANCE STANDARDS:

Section 20.05 Site Plan Review Standards

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

- A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.
- B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances

Walkway from parking not defined.

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

- C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
Site Plan submitted to Fire Chief for review.
- D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.
Loading/unloading at back of building.
- E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.
Shown on plan.
- F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.
There are two residences adjacent to the east property line. Limited screening exists on east property line.
- G. DRAINAGE: Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

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

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the

project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

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

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

Plan submitted. No estimated cost provided.

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

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements
Dumpster location designated on plan. Details not provided.

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.
2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.
3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.
4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.
6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be

placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.

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

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

None shown.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.
2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.
3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
 - a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
 - b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Draft Motions:

To **approve** Case #PSPR18-014, Mike Pattullo of Shoreline Architecture for 4 Leavys LLC for Site Plan Review – amendment for multi-tenant retail use, on property located at 1922 Harbor Petoskey Road, Section 16, Bear Creek Township, tax parcel 24-01-16-27-400-042, as shown on the site plan dated Received Nov 12, 2018 because the standards of Articles 11,19,20 and 22 have been met, and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and a performance guarantee in the amount of \$XX be submitted prior to issuance of a zoning permit, and *(other conditions or statement of facts may be inserted here)*.

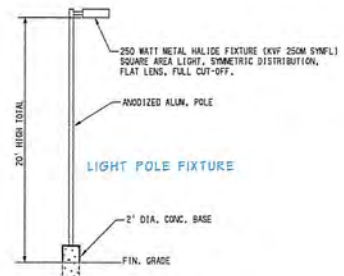
To **deny** Case # PSPR18-014, Mike Pattullo of Shoreline Architecture for 4 Leavys LLC for Site Plan Review – amendment for multi-tenant retail use, on property located at 1922 Harbor Petoskey Road, Section 16, Bear Creek Township, tax parcel 24-01-16-27-400-042, as shown on the site plan dated Received Nov 12, 2018 for the following reasons: (list reasons).



SCALE 1" = 30'

SITE PLAN

Four Leavys, LLC Property
Parcel 01-6-27-400-042
1922 Harbor-Petoskey Road
PART OF E. LOVE'S UNRECORDED PLAT
In the SE 1/4 of SECTION 27, T35N, R5W
BEAR CREEK TOWNSHIP, EMMET COUNTY, MI



LIGHTING DETAIL
NOT TO SCALE



LEGEND:

- U UTILITY POLE w/ GUY
- WELL
- MANHOLE
- CATCH BASIN
- ⊕ TELEPHONE PEDESTAL
- FOUND SURVEY IRON
- FOUND CONC. MONUMENT
- ⊕ CABLE TV PEDESTAL
- ⊕ FLUSH UTILITY BOX
- ⊕ LAMP POLE
- SIGN
- FENCE
- EX. EDGE OF TREES
- EX. PAVED SURFACE
- EX. GRAVEL SURFACE
- EX. CONC. SURFACE
- PROPOSED GRAVEL SURFACE
- EX. PAVED SURFACE TO REMAIN
- PROPOSED CONC. SURFACE
- PROPOSED GREEN SPACE

DRAINAGE CALCULATIONS (GRAVEL PARKING AREA)

VOLUME = 1.5' x ADDITIONAL HARD SURFACE
EXISTING SOILS: SAND

SITE CONDITIONS:
ADDITIONAL HARD SURFACE = 17,500 SFT
CALCULATED DETENTION VOLUME: (V1)
VOL. = 1.5' / 12" x 17,500 SFT
= 2,188 CFT

RETENTION VOLUME PROVIDED:
RETENTION VOLUME = 2,200 CFT

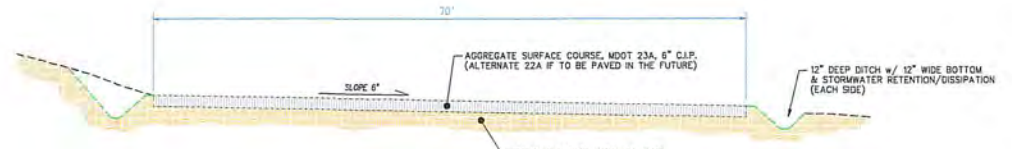
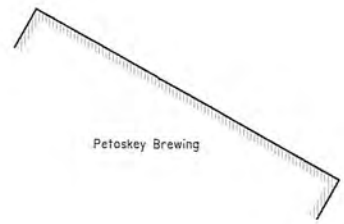
SITE NOTES:

- SITE ZONING: B-2
- SITE AREA: +/- 4.15 Acres (+/- 3.36 Ac. Net of ROW)
- ZONING SETBACKS: FRONT = 25'
SIDE = 10'
REAR = 20'
- EXISTING USE: COMMERCIAL
- PROPOSED USE: SAME and OVERFLOW PARKING
- EXISTING COMMERCIAL GROSS BUILDING AREA: 18,914 SFT
- BLDG LOT COVERAGE: 13% of NET SITE AREA
- PARKING REQUIRED: 1 per 250 SFT (Article 22.02.2) + 76 SPACES
- PARKING PROVIDED: 89 SPACES, INCLUDING (4) BARRIER FREE
- WATER: EX. WELL
- SEWER: EX. TWP. SEWER
- SITE DRAINAGE: AS EXISTING & PROPOSED
- SOIL EROSION: PLACE SILT FENCE per SOIL EROSION PERMIT
- SOILS: USDA SOIL SURVEY DEER PARK (De) CLASSIFICATION
INDICATES SANDY SOILS TO AT LEAST 5' DEPTH.
- SIGNAGE: USE EXISTING
- LIGHTING: (IF ANY), TO CONFORM w/ LIGHTING COMMITTEE GUIDELINES.
- TREES: 1 per 10 PKG. SPACED REQUIRED.
(16) 2 1/2" CALIPER DECIDUOUS PROVIDED
- IMPERVIOUS AREA (Not Including Gravel Parking Area):
EXISTING BLDG & PAVEMENT = 36,150 SFT (65.7%)
PROPOSED BLDG & PAVEMENT = 74,610 SFT (51.0%)

RECEIVED

NOV 12 2018

EMMET COUNTY PLANNING & ZONING



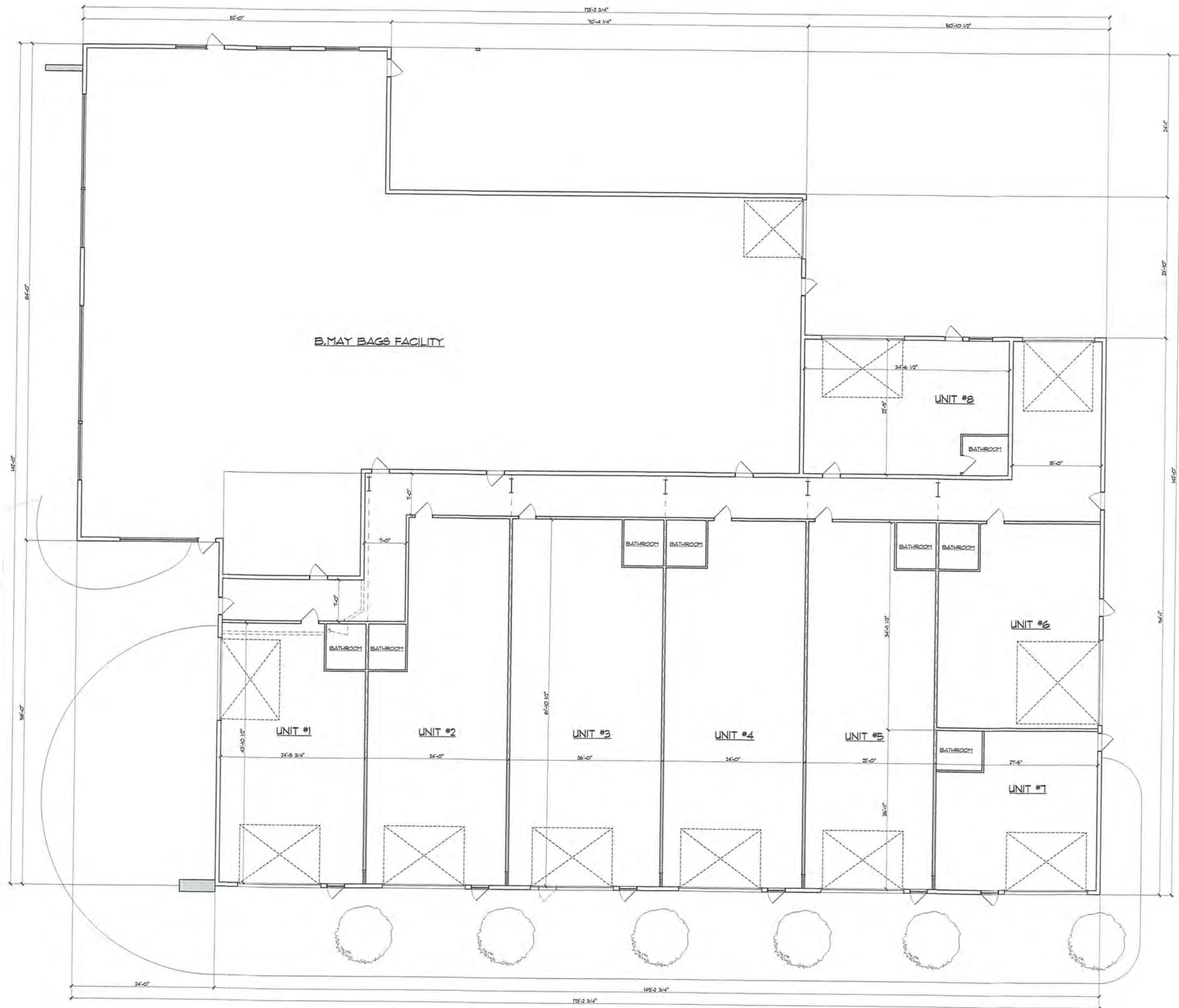
SECTION A-A
NOT TO SCALE

BENCHMARK ENGINEERING INC.
SURVEYORS & CIVIL ENGINEERS
607 E. LAKE ST.
HARBOR SPRINGS, MICHIGAN 49740
PHONE (231) 529-2100 FAX (231) 528-7237
benchmark140@gmail.com

| | |
|--------------------------------|----------------------|
| Client: Shoreline Architecture | Date: (revisions) by |
| Project Mgr: B. NOLAN | 01. 5. 2018 |
| Drawn By: B. NOLAN | 01. 23. 2018 |
| Field By: WINTER-WILSON | Nov. 1, 2018 |
| CAD File: BP 18-373.dwg | Nov. 8, 2018 |
| Job #: 18-373 | |
| Sheet #: 1 OF 1 | |

SITE PLAN
FOUR LEAVYS, LLC PROPERTY





B. MAY BAGS FACILITY

UNIT #1

UNIT #2

UNIT #3

UNIT #4

UNIT #5

UNIT #6

UNIT #8

BATHROOM

BATHROOM BATHROOM

BATHROOM BATHROOM

BATHROOM BATHROOM

BATHROOM

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NOT FOR CONSTRUCTION
 FOR BID PURPOSES ONLY

MAIN LEVEL FLOOR PLAN

1/8" = 1'-0"
 MAIN LEVEL: 18,914 S.F.



shoreshore
 ARCHITECTURE
 & DESIGN INC.

#18 Pennsylvania Plaza
 PETOSKEY MI 49770 (231) 548-5333

PROJECT: 4 LEAVYS LLC

TITLE: MAIN LEVEL FLOOR PLAN

LOCATION: 1922 HARBOR
 PETOSKEY R.D.,
 PETOSKEY,
 MICHIGAN
 49770

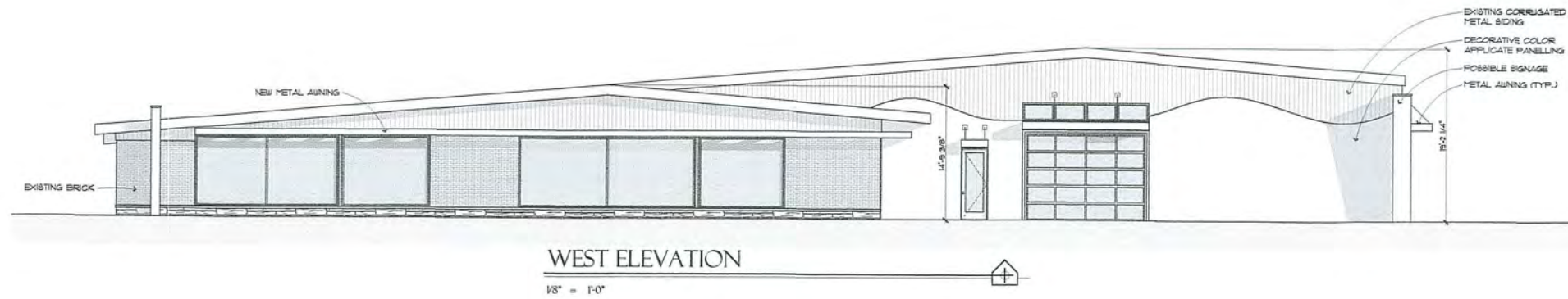
ISSUED:
 ZONING:
 IH-2-18

SEAL:

DRAWN BY: CRH

CHECKED BY: MBP

A-1.0
 PRINTED: 8/2/2018



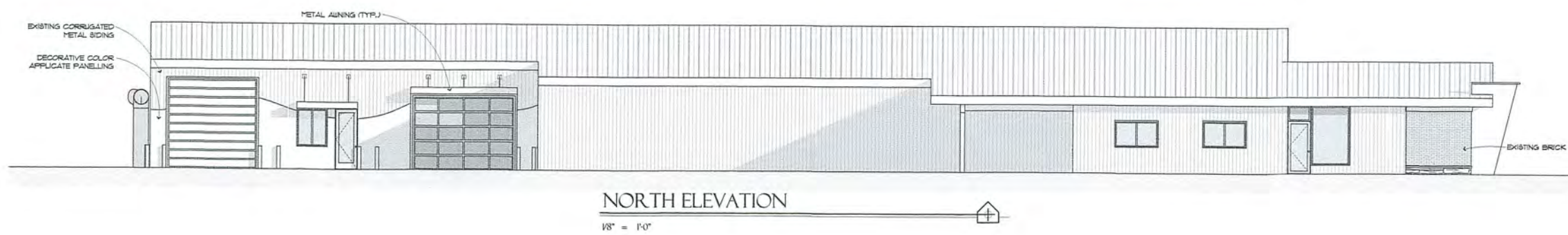
WEST ELEVATION

1/8" = 1'-0"



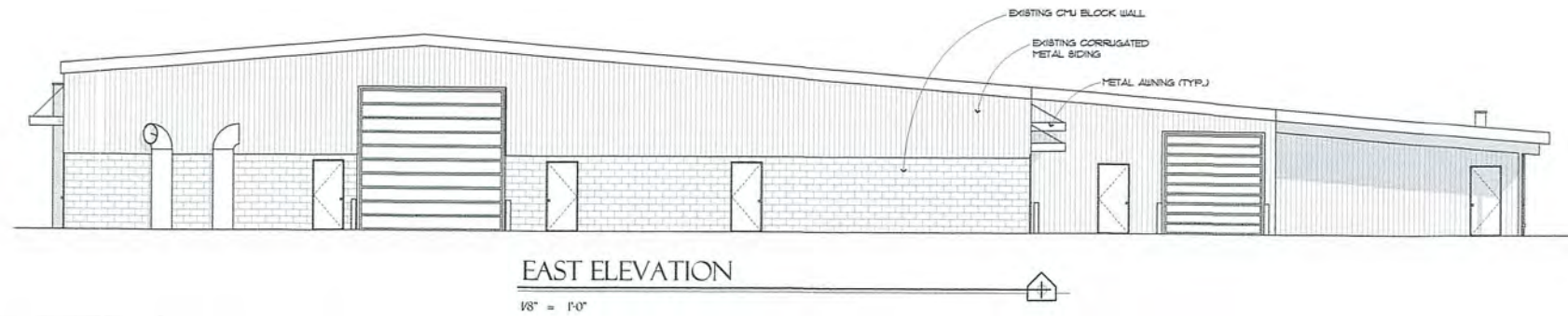
SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"



EAST ELEVATION

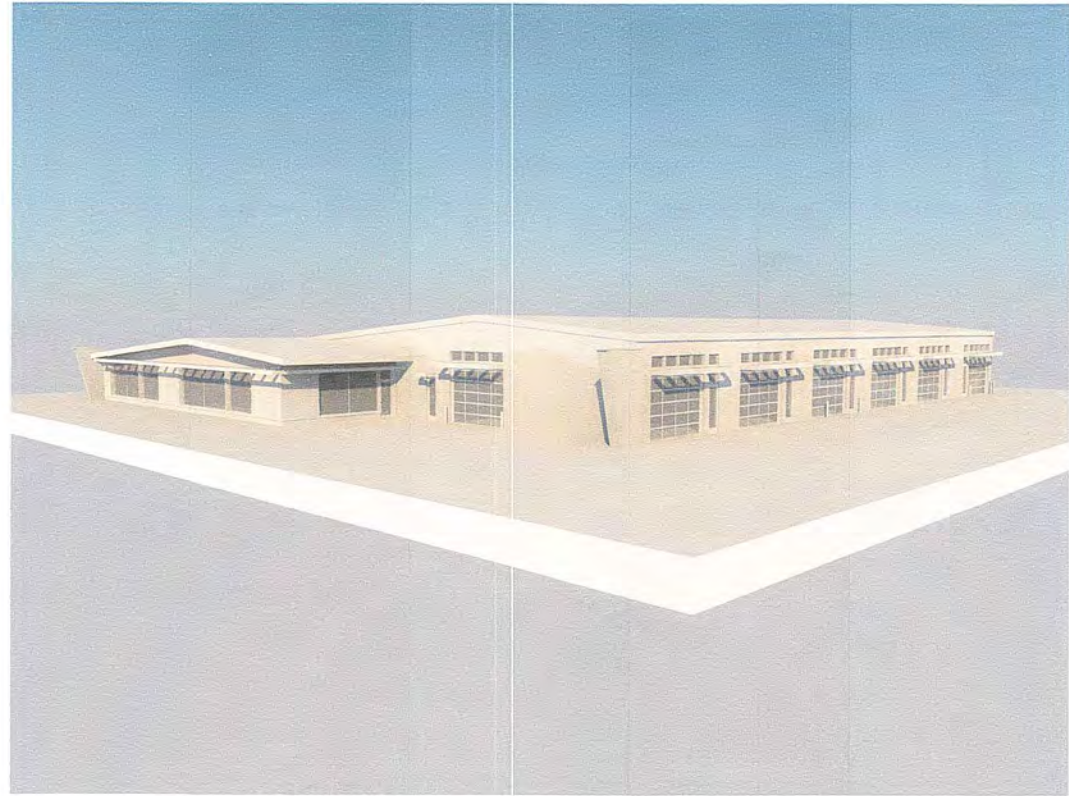
1/8" = 1'-0"

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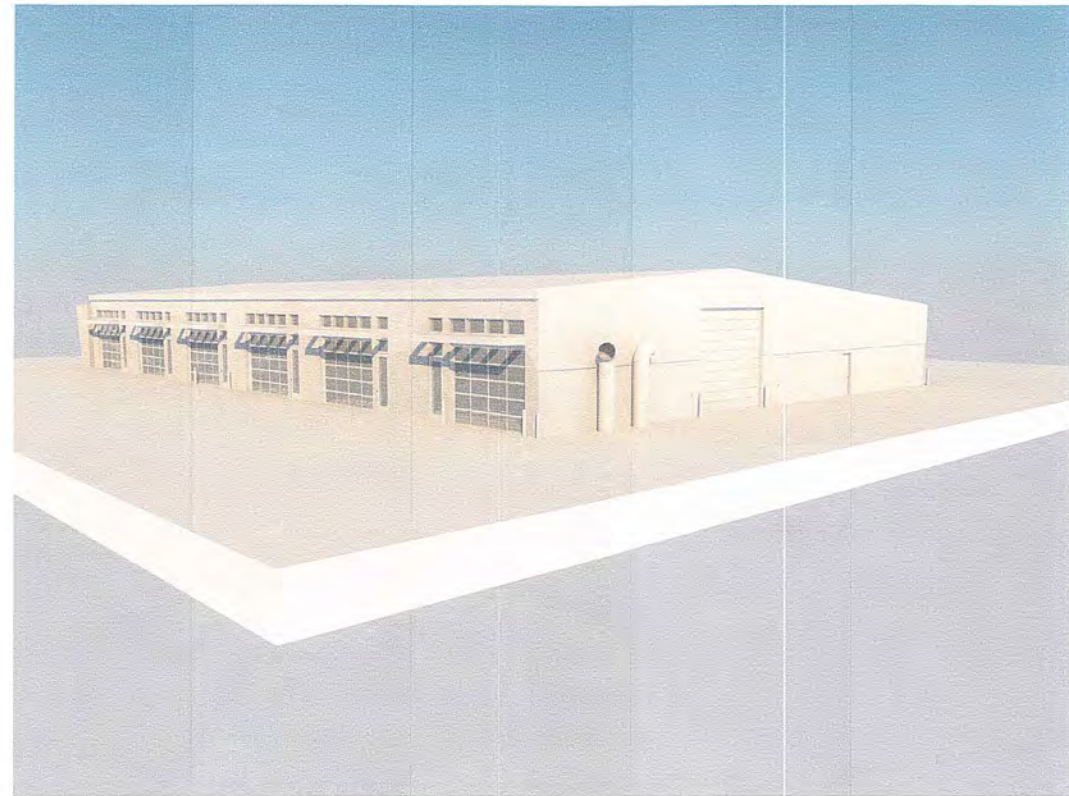


| | |
|-----------------------------------|--|
| PROJECT | 4 LEAVYS LLC |
| TITLE | ELEVATIONS |
| LOCATION | 1922 HARBOR- PETOSKEY R.D., PETOSKEY, MICHIGAN 49770 |
| ISSUED | ZONING- IH-12-18 |
| SEAL | |
| DRAWN BY: | CRH |
| CHECKED BY: | MHP |
| A-2.0 | |
| <small>PLATTED: 8/12/2018</small> | |



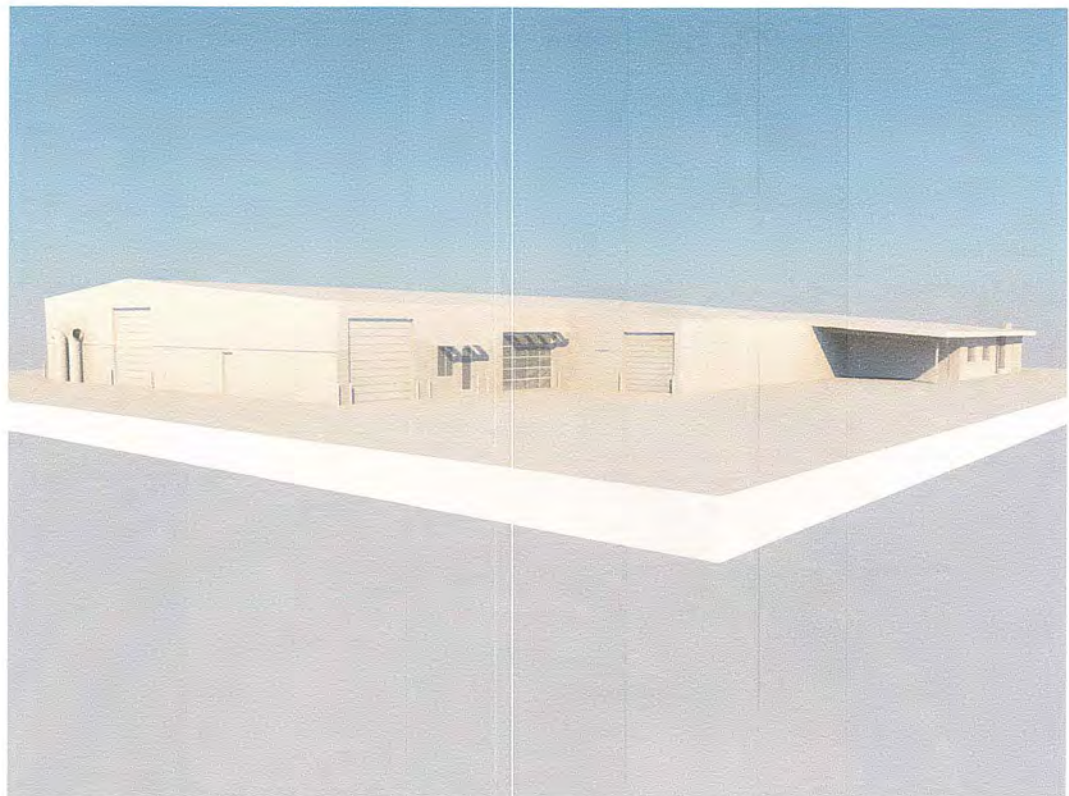
SOUTH-WEST

NTS



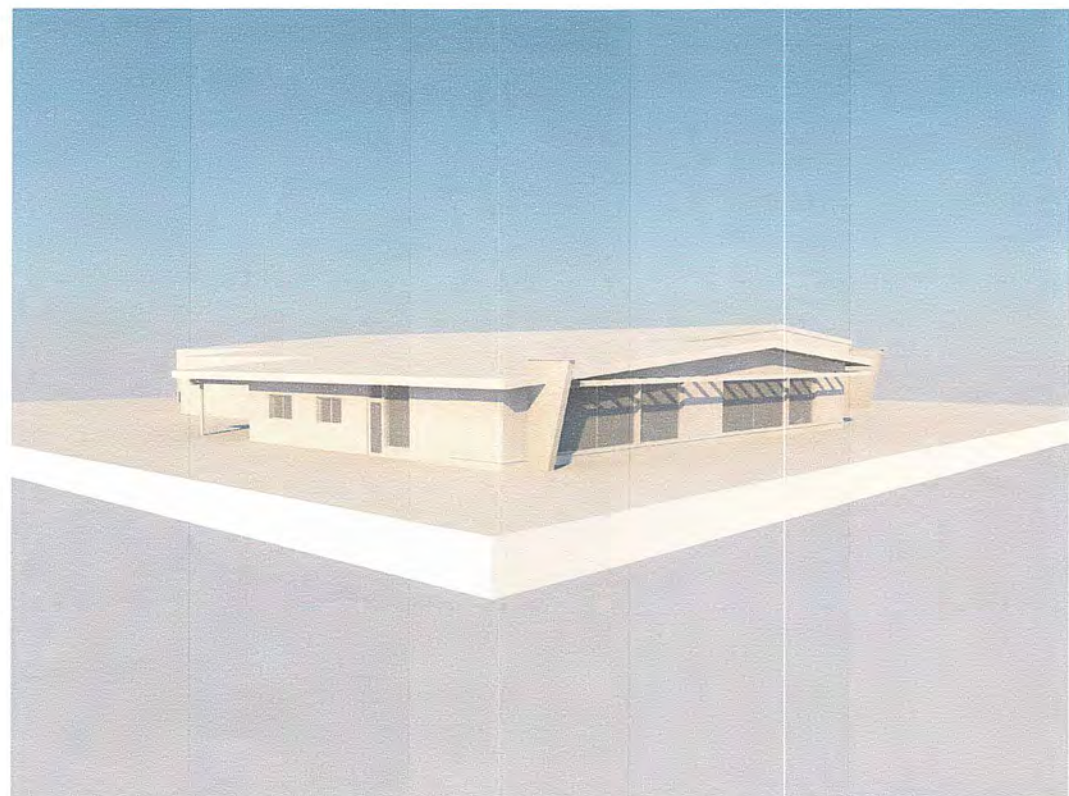
SOUTH-EAST

NTS



NORTH-EAST

NTS



NORTH-WEST

NTS



DATE: November 5, 2018
TO: Tammy Doernenburg, Director, Emmet County Planning and Zoning Department
FROM: Tom Petzold, representative of L'Arbre Croche Club Board of Directors ("Board")
RE: Proposed Zoning Changes affecting L'Arbre Croche

The following summarizes the Board's inquiry into the feasibility of a PUD being adopted by Emmet County for L'Arbre Croche to reduce the need for future requests for yard variances:

(1) L'Arbre Croche is zoned RR (Recreational Residential District). Section 17.02(F) of the Emmet County Planned Unit Development District Zoning Ordinance ("PUD Ordinance") adopted in October 2015 prohibits a PUD in RR Districts. Therefore, the PUD Ordinance would have to be amended by a text amendment to change that provision in order for L'Arbre Croche to become a PUD.

(2) An application for a rezone to PUD is typically made by either the current or future owner of undeveloped property to provide flexibility in the development of the property. As L'Arbre Croche is fully developed, there are over 100 separate owners (and their mortgagees) potentially involved. Is there precedent within Emmet County of a zoning change to PUD by a mature development with multiple different owners?

(3) A Preliminary PUD Plan is required to include a detailed existing conditions map and a detailed Preliminary Development Plan Map showing the details of the "proposed" development of the property. In the case of undeveloped property, the existing conditions map and proposed development map are not difficult to prepare. An existing conditions map typically is an ALTA survey (possibly with ground elevations and a tree survey), and a proposed development map is a conceptual plan of the proposed development, depicting building areas, the types of buildings in each building area (e.g., cluster houses, multifamily buildings, retail, office), open areas, roadways and the like.

In the case of a completed development like L'Arbre Croche (there are only two undeveloped lots in the development), the existing conditions map would have to show each structure in the development, including the setbacks of each structure from the perimeter and interior property lines (there are 82 platted lots and 5 condominiums in L'Arbre Croche), which would be a difficult and costly undertaking. The issues involved in how a PUD can be used for a fully developed project is a difficult question and will likely be very time consuming and expensive to resolve.

(4) The 50' perimeter setback minimum in the PUD Ordinance would require a waiver for L'Arbre Croche to as low as 10' in the cases of some lots where the perimeter line is a side yard, 35' in other cases. The 1.98 units/acre max density required in the PUD Ordinance (depending on what land areas are excluded from the denominator, such as open space and buffer lots owned by the same owners as the adjacent lot owners), 30' max height, and 30' min spacing between structures will likely also require variances from the PUD Ordinance.

The Board is of the view that rezoning L'Arbre Croche to a PUD is not practical or desirable for an existing, fully developed and sold project. The proposed Zoning Ordinance footnote is a much simpler solution to accomplish the goal of reducing the future requests by L'Arbre Croche owners

for zoning variances. To keep the footnote from applying to all Emmet County subdivisions that were recorded before October 1972, the footnote could be revised to apply only to RR zoned properties that are located within plats recorded prior to October 1972 in which greater than 80% of the land area within such plat falls within a Critical Dune Area. Of the five Townships in Emmet County that have Critical Dune Areas, almost half of the properties in the Critical Dune Areas are public lands (e.g., Petoskey State Park and Wilderness State Park), and there probably are few platted subdivisions. By allowing smaller yards for properties in plats in RR zones that are in Critical Dune Areas, the proposed footnote also will provide more flexibility in locating proposed improvements in order to avoid impact on critical dunes.

Tammy Doernenburg

From: Petzold Enterprises <petzoldent@aol.com>
Sent: Wednesday, November 07, 2018 1:38 PM
To: Tammy Doernenburg
Subject: Fwd: L'Arbre Croche - PUD Ordinance
Attachments: BLOOMFIELD-#2222551-1-DEQ - Critical Dune Maps - Emmet County.PDF

Tammy

Here is Maureen Burke's study of the extent of impact of the proposed footnote. Maureen is a member of L'Arbre Croche Club, previously served on its Board, and is a real estate attorney that I have consulted with throughout this process. [Her study does not include the further limiting factors of 66' width R.O.W. and posted speed limit]

Tom Petzold
313-402-0027

-----Original Message-----

From: Maureen H. Burke <MBurke@dickinson-wright.com>
To: Petzold Enterprises <petzoldent@aol.com>
Sent: Sun, Nov 4, 2018 3:21 pm
Subject: RE: L'Arbre Croche - PUD Ordinance

Tom,

Here are the Critical Dune Area maps. They are now on line also.

The areas which are RR zoned per the Emmet County Zoning Ordinance appear to be: L'Arbre Croche, Petoskey State Park, Menonaqua, Menonaqua Woods, the area along Lake Michigan north from Laconte Road (extended West to the lake) to the Wilderness State Park southern border (excluding Wilderness State Park, which is a PUD!), an area west of Mackinaw City (which I think may be the Dark Sky Park) and the areas on the shores of the inland lakes other than Round Lake (Crooked Lake, Pickerel Lake, Larks Lake, Wycamp Lake, Carp Lake. It's a little hard to tell from the zoning map – the strip along Lake Michigan is a mix of RR and SR. When you look at the GIS assessors map, where you can pull up the zoning for each parcel, and it looks like some of the areas along the lake are SR not RR (e.g. an area north of Cross Village).

Note that several large areas of Emmet county, including Petoskey, Harbor Springs, and several other large townships, such as Little Traverse, West Traverse, Friendship, Pleasantview – check out the on line zoning map) are not subject to the Emmet County Zoning Ordinance, as they have their own Zoning Ordinances.

Of these Emmet County Zoning Ordinance RR zoned areas, the areas that are also Critical Dune Areas are: L'Arbre Croche, Petoskey State Park, Menonaqua and Menonaqua Woods appear to be an area along the Lake Michigan lakeshore from the Cross Village Twp. Southern boundary (Levering Road) north to the southern boundary of Wilderness State Park. Not a large area. Looking at the GIS assessor map, these parcels appear to be mostly narrow strips of land extending back (east) from the lake. And not platted subdivisions. Tammy would know if there are subdivisions in this area. So the effect of the footnote would be limited to L'Arbre Croche, Menonaqua, and the area from Cross Village to Wilderness State Park (where there are probably few if any pre 1972 plats)

Maureen

Section 26.51 Wineries, Microbreweries, Distilleries, and Hard Cider Operations

26.51 Wineries, Microbreweries, Distilleries, and Hard Cider Operations.

Intent

It is the intent of these zoning provisions to:

- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Wineries, microbreweries, distilleries, and hard cider operations may be permitted in any Zoning District which permits commercial farms subject to the following:

A. Permitted Accessory Uses

Wineries, Microbreweries, Distilleries, and Hard Cider Operations may be permitted by the Planning Commission on properties actively used for agriculture. All required licenses and approvals shall be obtained by the appropriate state and federal agencies prior to operation of the winery, brewery, or distillery.

B. Site Size

The minimum property size shall be twenty (20) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth. A minimum of ten (10) acres of the parcel must be in active agricultural production or open space.

C. On-premise Consumption

Consumption of the alcoholic beverages on the site shall be limited to tasting room quantities. The facility shall not function as a bar as defined in this Ordinance. Supplemental food services may be provided.

E. Hours of Operation

The Wineries, Microbreweries, Distilleries, and Hard Cider Operations shall be limited to the hours of 10AM to 10PM.

F. Building Limitations

The floor area of retail sales area shall be no more than twenty-five (25) percent of the floor area devoted to the winery, but in no case shall it occupy more than two-thousand (2,000) sq. ft. of floor area.

G. Parking

Off-street parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance, except that 1) parking areas shall be setback a minimum of fifty (50) feet from all property lines, 2) adequate parking shall be provided for all uses on the property, and 3) parking areas shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening

The parking area shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.

I. Lighting

Outdoor lighting shall meet the Standards of Section 22.06 of this Ordinance.

J. Signs

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

Modifications to the standards listed in items B thru J above may be approved by the Planning Commission, if the intent of the Zoning Ordinance is kept and the surrounding properties are protected from nuisances.

DRAFT

B R i
Beckett & Raeder

Landscape Architecture
Planning, Engineering &
Environmental Services

October 25, 2018

NOV 02 2018

Regarding: Bay Township Master Plan

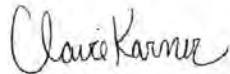
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initiative

To whom it may concern,

This letter is to provide notification to your office that Bay Township will begin the process of writing a Community Master Plan pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act.

Once a draft plan is approved for distribution, you will be provided with a link to an electronic copy for your organization's review and comment. Please feel free to contact me about any land use or community development issues pertinent to your organization, or to the participating community, which should be reviewed during the preparation of the plan.

Thank you,



Claire Karner, AICP
Associate

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Enclosure: List of organizations receiving this notification

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B R i
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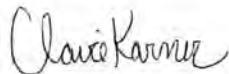
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County of Emmet
Department of Planning, Zoning & Ordinance Enforcement
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Harbor Springs, Michigan 49740
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www.emmetcounty.org

To: Emmet County Planning Commission, Zoning Board of Appeals & Board of Commissioners
From: Planning, Zoning & Ordinance Enforcement, Tammy Doernenburg Director
Date: Prepared for Emmet County Planning Commission December 2018 meeting
Subject: Status of Enforcement Issues

1. **Littlefield** – 5/26/2017 – 3656 Oden Rd. Reports of property being used in violation of PUD. 6/14/2017 – after confirmation and photos received, sent letter to owner and adjacent owners. 6/19/2017 received call from one adjacent owner. 7/7/2017-7/8/2017 received photos from adjacent owner. Follow-up letter needs to be sent. Discussed with Civil Counsel 7/24/2017. Follow-up letter sent 8/22/2017. Received call from owner's legal counsel on Aug 30, 2017. Owner was to contact office to discuss options for "putting property into productive use." No additional contact to date. 9/21/2017 – emailed legal counsel for property owner. Meeting scheduled for 10/17/2017. Owner looking at options for submission to ZBA (Temp Use) or Planning Commission. 12/13/2017 – sent letter to owner requesting application for compliance by mid-January 2018. Received two calls from parties interested in resolution. Received FOIA request on 12/29/2017 for entire file. Continued conversations with adjacent land owners. Will continue to follow-up as necessary. 5/21/2018 – sent letter requesting compliance. Same day received photos showing violation of parking. 7/9/2018 – issued NOV for continued violation of site plan. 7/11/2018 – became aware of sale of property. Dismissed NOV. 7/12/2018 – met with new property owner. Advised of options for compliance. 7/18/2018 – received request by new owner for an interpretation of the PUD. 7/20/18 received ZBA application for a Temporary Use Permit. 7/30/2018 Property owners have met – township board member working toward PUD amendment and resolution by owners. 8/2/2018 Applicant requested postponement of ZBA case after meeting with township Planning Committee. Possible PUD amendment to be pursued. New owners have been in contact regarding their intentions. Existing owner of docks have been submitting photos of parking in violation of the PUD. Components of a PUD amendment application received. No complete application received to date, but one is expected. PPUDF18-02 on November PC agenda. Case postponed, scheduled for 12/6/2018.

Littlefield – 8746 Littlefield Ln - 8/7/2017 (prior violation) – application received for addition. Site inspection conducted and proposed addition found to be in setback. No permits issued. 8/17/2017 – inspection conducted – no construction had begun. 8/29/2017 – report of work without a permit. 8/30/2017 – site inspection done. 8/30/2017 letter sent – stop work. 9/1/2017 – follow-up inspection conducted. Found corner markers – addition in violation of front setback. 9/11/2017 – met with owner in office and on site. ZBA variance requested 9/11/2017. Posted Stop Work Order on 9/14/2017 as construction appeared to have continued without permits. 10/17/2017 ZBA denied request. 10/19/2017 staff met with property owner to discuss options. Indicated that he would need to address the issue and keep lines of communication open and make progress toward compliance. Owner contacted office to indicate he's trying to contact a surveyor to survey his property. Time allotted for compliance. 12/13/2017 Received call from owner indicating they are not going to seek compliance. 1/8/2018 - Consulted with Civil Counsel on next steps. 1/17/2018 – sent final notice to owners requesting compliance. Issued "Notice of Violation" 1/29/2018. Owner responded to Civil Counsel requesting formal hearing. "Notice to Appear" for formal hearing issued 2/12/2018. Formal Hearing scheduled for 3/28/2018. Formal Hearing rescheduled for 4/4/2018 at 11AM. Court hearing moved to 4/11/2018 – adjourned to allow property owner to consider options. Rescheduled for 5/16/2018. Staff has been in contact with surveyor regarding the site. Survey expected by end of April. 5/9/2018 – no survey received – phoned surveyor who indicated issue was worse than originally thought. Contacted property owner to ascertain status of case. Planning for court on 5/16/2018. Owner has hired legal counsel and requested adjournment until 6/20/2018. 6/19/2018 received draft document of easement amendment. Court hearing adjourned until July 18, 2018 – requested survey and finalized documents recorded with Register of Deeds. 7/18/2018 – Stipulation and Order prepared allowing until August 15, 2018 for owner to gain compliance. 8/15/2018 – owner appeared in District Court and dismissed his legal counsel. Court adjourned until Sept 12, 2018. 8/28/2018 – met with owner. Explained options. Suggested recording easement agreement modifying road width and a survey. 8/29/2018 – spoke with surveyor, suggested a survey of just the front portion of the property. Sept 12, 2018 court date adjourned until November 14 due to a death in the family of the defendant. 11/14/2018 District Court judge ruled in favor of Emmet County. Formal Hearing for disposition scheduled for 1/14/2018.
3. **Maple River** – 9/11/2017 – Sent letter to 2526 Gregory Rd – accessory building without a main use – no SUP. House was to be started within 2 years, no house. Accessory building is not completed. 11/28/2017 sent letter requesting compliance. 12/20/2017 No response to date. 1/12/2018 – site not accessible. 5/9/2018 sent letter to owner. 5/24/2018 SUP applied for – will be on the August 2018 PC agenda. SUP denied at 8/2/2018 PC meeting. Letter sent to owner requesting removal of structure. Follow-up needed.
4. **Littlefield** – 5407 Petoskey St – ZBA case discovery made that accessory building was built, had been required to be attached due to number of accessory buildings on residential parcel. 8/17/2017 – sent letter to owner advising of violation. Follow-up conducted 1/9/2018 – letter sent to owner. 1/18/2018 – owner contacted staff – will plan to comply in 2018. 7/13/2018 – contacted contractor to inquire as to status of project. No response to date. 8/8/2018 – zoning permit issued for connector. Building Permit issued 8/9/2018. 10/18/2018 – no construction has begun.
5. **Littlefield - 4700 Oden Rd** – 4/17/2018 – during ZBA case review of neighboring property, discovered encroachment from this subject property. Staff to investigate further. 5/21/2018 – letter sent to owner. Received call 5/24/2018 from owner who is meeting with

association Memorial Day weekend. Will explore options. 6/6/2018 received call from property owner within association. Still exploring options with neighboring property owner and road vacating. 6/26/2018 – received call from property owner – meeting with township regarding vacating platted roads. 8/9/2018 – owners met with township Board to discuss options regarding platted roads. MDOT consulted regarding claim of state right-of-way for one platted road – determination made MDOT does not claim rights to either platted road 8/20/2018. Owners seem to be working toward compliance. 11/15/2018 received email of status – owner attempting to abandon roads and convey to appropriate adjacent properties to allow mobile home to remain at its current location. 11/20/2018 spoke with property owner representative and requested update in 30 days. Working toward resolution.

6. **Springvale - Channel Rd** – 5/14/2018 – received email complaint of building too close to property line (survey recently completed). Investigation showed no building on the site in 2008 aeriels, but present in 2012 aeriels. Visited site, found building appears to violate setback. Sent letter to owner on 5/21/2018. Met with owner on 5/23/2018 – provided application for variance and zoning permit for conversion of accessory building to dwelling. 5/30/2018 application received for variance. 7/17/2018 – ZBA denied variance request. Additional violations discovered on property. Will pursue for compliance. 8/8/2018 – zoning permits issued to resolve both zoning violations. Notice provided to building department for changes of use. Owner has been in contact with Building Official and is working toward compliance.
7. **Bear Creek – 3529 Howard Rd** – Complaint regarding site plan violation. Investigated site 5/4/2018. Found site to be in violation of approved site plan and screening has died. Sent enforcement letter 5/18/2018. 6/21/2018 – no response to date. 7/18/2018 – visited site. Trees have been planted, but site not in compliance with approved site plan. Piles of debris (trees) and parking in areas not identified for such uses on site plan. 8/20/2018 – sent follow-up letter regarding site violations. 9/19/2018 – business staff have been communicating with office staff. They plan to apply for an amendment to their site plan. 11/18/2018 no plans submitted to date.
8. **Bear Creek – 1700 Anderson Rd** – 6/27/2018 - complaint of outdoor storage/sales in unauthorized area. 6/29/2018 – contacted Fire Chief regarding display/storage in fire-lane. He indicated he'd contact the store and asked that I address storage in back of store. 7/16/2018 - Sent letter. Received call from manager indicating store is now in compliance. Requested a site visit. Site visit conducted 8/16/2018 – called manager, not in. Follow-up needed.
9. **Bear Creek – 1590 Anderson Rd** – 7/6/2018 - complaint of outdoor sales in unauthorized area. Excessive flags. Sent letter that day. 7/18/2018 – visited business, explained compliance needed. Clerk indicated that she would relay the message. 8/17/2018 – visited site – found to be compliant. No additional complaints. Compliance achieved. September – received additional information and the violations have started again/continue. Follow-up needed.
10. **Carp Lake – 8772 Paradise Tr** – 6/25/2018 – received phone call of too tall sign. Investigated and found new sign – no permits. Sent letter same day. 7/10/2018 – received phone call from owner. Sign was installed, is too tall, is in road right-of-way and is too large in area. Gave options to owner and asked for compliance. 7/20/2018 – owner applied for ZBA review. 8/6/2018 ECRC denied road commission permit application for sign located in road right-of-way. 8/6/2018 – owner withdrew ZBA request. 8/20/2018 – sign still at same location. Sent follow-up letter to owner requesting removal of sign. 9/10/2018 – sign has been moved, but is still visible from the road. Follow-up needed.
11. **Carp Lake – 6420 Paradise Tr** – 9/20/2018 – received complaint of property being used in conjunction with motel across Paradise Trail. Investigated (end of season – lack of activity). 7/3/2018 – sent letter regarding violation – using residential lot in conjunction with motel. 7/10/2018 – received call from recipient of letter indicating he no longer owned the property. Letter had also been sent to motel owner at 6449 Paradise Tr. No response to date.
12. **Bear Creek – 5296 Evergreen Tr** – 8/13/2018 – complaint of RV being used in front yard as a dwelling. No building permits for the property.
13. **Bear Creek – 4408 River Rd** – 8/16/2018 – report of travel trailer being used as dwelling. No building permits for the property.
14. **Bear Creek – 1264 US 31 N** – 8/2/2018 – report of sign in disrepair. Letter sent to owners 8/23/2018. Will follow-up with new owner.

2019 Proposed PC meetings

January 3, 2019

February 7, 2019

March 7, 2019

April 4, 2019

May 2, 2019

June 6, 2019

July 11, 2019

August 1, 2019

September 5, 2019

October 3, 2019

November 7, 2019

December 5, 2019

EMMET COUNTY MASTER PLAN

Vision of Emmet County

Statement of Vision

Emmet County is a place where natural beauty and economic opportunity harmonize in a desirable and sustainable community. The County appeals to both year-round and seasonal resort residents, maintaining its reputation as a world-class resort and tourist destination. Emmet County land development is guided to complement and enhance the natural beauty and landscape for which it is famous. Parks and open spaces abound, and wildlife populations are visible and healthy. Emmet County offers outstanding opportunities to the outdoor enthusiast for camping, biking, hunting, fishing, and other outdoor recreation. Sustainable family farms are a vital part of the landscape, community, and local economy. The abundance of clean air and water add to the beautiful scenery, promoting a sense of pride and belonging.

Emmet County will continue to be a desirable place to live, work, and learn. Our educational system is first class, starting from day care through the public school districts, and on to our community college. Arts and entertainment programs in the County provide inspiration, entertainment, and opportunities for expression.

Emmet County's economy is vibrant and diverse, with an appealing mix of healthy local retailers, services, and light industry.

Residents enjoy the highest quality in health care, and are protected by exceptional public safety, law enforcement, and fire protection services.

Transportation is safe, efficient, and multi-dimensional. Roads and highways are well maintained on a scale appropriate for the size of our community. Some seasonal congestion is recognized as a fact of life, and taken in stride as part of the relaxed lifestyle in a resort community. Relief from congestion by alternative modes of transportation is available through the County's comprehensive network of recreational trails. They offer easy access to safe and convenient transportation for people of all ages, by separating them from the hazards of the roadway.

Finally, Emmet County's citizens value and celebrate its history. From the well-known Petoskey Stones that were created millions of years ago through the glacial creation of the landscape, the rich history of Native Americans and the development of the area as part of the Northwest Territory and later the State of Michigan, the heritage of the area is treasured and respected, groups and individuals work hard to preserve and share the natural and cultural history of Emmet County.