

EMMET COUNTY PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 5, 2009  
7:30 P.M.  
COMMISSIONER'S ROOM  
EMMET COUNTY BUILDING  
200 DIVISION STREET  
PETOSKEY, MI 49770  
MINUTES

MEMBERS PRESENT: James Scott, Kelly Alexander, Sue Anderson, Leroy Gregory, Steve Neal, Jack Jones, John Eby, Dan Plasencia, David Laughbaum

MEMBERS ABSENT: None.

STAFF: B. Michalek, T. Doernenburg

VISITORS: Jim Gillespie, Edith Kruskie, Gordon Kruskie, Jane Cardinal, Robert Cardinal, Alyce Conrad, Bill Marshall, Rebecca Otto, Aaron Otto, Bob Humphrey, Noah Fowle, and others.

### **I Call to Order and Attendance**

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

### **II Minutes of January 7, 2009 meeting**

Gregory made a motion, supported by Jones, to approve the minutes of the January 7, 2009 meeting as presented. The motion passed by a unanimous voice vote.

### **IV Cases**

#### **1. Case #44K-92 Blissfest Music Organization, SPECIAL USE PERMIT-Private/Semi-Private recreation lands, 3695 Division Road, Section 12, Readmond Township**

**Legal Notice:** A request by Blissfest Music Organization for a Special Use Permit for private and semi-private recreation lands at 3695 Division Road, Section 12, Readmond Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-12-08-12-100-006. The request is per Section 801-1 of the Zoning Ordinance.

*Packet Items: 1/21/09 site plan, location map, campground rules, 1/15/09 letter from DEQ regarding stormwater, photos, 1/22/09 revised staff report*

*Passed out at meeting: 1/26/09 letter from Benchmark Engineering, 1/28/09 email from Bob Cardinal-Readmond Township, 11/25/08 Readmond Township Planning Commission & open meeting minutes*

Doernenburg explained the updated information which included letter from Benchmark Engineering identifying that the soils are adequate for absorbing the stormwater generated by the impervious surfaces including the pavilion, the store/office and the parking areas. The minutes from the Readmond Township Planning Commission meetings were distributed identifying each of the citizen concerns addressed during their meetings. The numbers of those who opposed was 24, and the number of those who supported the proposal was 70. The locations of those who voiced an opinion was identified on a map of the general area and was distributed for review. The revised plan is to scale at 1"=200'. Screening is identified along the road way. A sanitation station is shown along the access drive. The dumpster will be screened by a 6' high privacy fence. A revised staff report was sent in the packets and includes a revised draft motion based on the Township's recommendation and the applicant's draft motion provided last meeting. Two township recommendations (#5 & 6) need to be added to the motion.

Gillespie stated that draft campground rules were provided. They feel that they've completed the site plan to meet the standards. Questions of the Planning Commission were answered in the memo submitted by

Blissfest.

Jones commented on the rules for the campground. Two seem unenforceable – grass will be destroyed by driving on it –rule 3.3 needs to be reworded so that it's enforceable. Gillespie stated that the rules were taken from Camp Petosega's rules. Eby suggested a modification 3.3 could be changed to read "...tree or similar vegetation". Jones then commented on the restriction to 25 ft. trailers. Thirty five is likely the largest recreational unit. He suggested allowing up to 32 ft. so that 30 ft. campers would not have to be turned away. Gillespie stated that they are not encouraging large campers. They are targeting low impact campers.

Alexander asked about camp permits and special use permits. Gillespie stated that the special use permits are for use of the pavilion. Alexander asked about the recreation center hours identified in Section 8.2 of the campground rules. What will the posted closing time be? Gillespie stated that it's typically 10 PM. Gillespie stated that the intent will be for the pavilion to be closed at 10 PM. Alexander asked about Section 10.1 of the campground rules – does the nuisance take into account neighbors off-site as well. Gillespie stated that if on-site individuals are disturbed, the issues would likely be taken care of before it goes off site. These rules are specific for the on-site campground area.

Jones asked about the pavilion. Will it be open or closed? The amplified music will be within the enclosed building. The recreation center will be enclosed. The open part will not be used for music other than during the festival. They will design the building so that music does not leave the site.

Plasencia asked about the prepared motion identifying three cabins being used in the winter. Gillespie stated that they are not planning to plow it out in the winter so they are only planning to use three of the cabins. They would be accessed by foot.

Neal stated that the consent judgment establishes the rules during the festival. He suggested that any motion should be clear that this review does not alter the consent agreement.

Jones stated that there appears to be room between the camp sites for additional sites. Is it the intent to expand into those areas in the future? Gillespie stated that is not their intent, but during the festival camping is tighter than it is going to be for the recreation proposed. If they wish to expand the campground to add more sites, they will need to return to the Planning Commission for further review.

Bob Cardinal asked if all of the restrictions that Readmond Township requested are still in the motion. A copy of the motion was provided to Cardinal.

There was no other public comment. After a brief discussion Michalek read the prepared draft motion for approval. There were suggestions made.

Anderson then made a motion, supported by Neal, to approve Case #44K-92, Special Use Permit for private and semi private recreation lands for parcel number 24-12-08-12-100-006, Section 12, Readmond Township as shown on the Site Plan dated 1/21/09 and as identified in the document titled *Request for Special Use Permit Blissfest Arts Recreation Center* dated 10/15/08, and will not include the three day operation of the Blissfest Festival regulated by the Consent Judgment (dated March 2002) because of the facts presented in the case, the proposal meets the standards of Section 801-1, 2405, and 2100 – with the following conditions:

- 1) all buildings must meet the height standards of the Zoning Ordinance,

- 2) all outdoor lighting and signs must comply with the Zoning Ordinance standards and be supplied to the Zoning Administrator for review prior to installation,
- 3) the maximum attendance at any event (other than the annual Blissfest Festival) may not exceed a total of three hundred (300) persons on park grounds which include campers, cabins and facility users,
- 4) the campgrounds and cabins shall not have a total occupancy exceeding 200 campers at any time (other than the annual Blissfest Festival), the use of the park grounds is restricted to the months of April through October except for year round use of the farm house and three (3) cabins which will be identified on the site plan by the applicant,
- 5) that local fire and rescue department requirements are met including:
  - a) access to be maintained for the purpose of emergency response.
  - b) that a static water source be installed of at least 15,000 gallons by the opening date of the facility unless notified in writing by the Fire Department.
  - c) that the fire department will be provided access to inspect the property prior to events and opening days.
- 6) that commonly accepted rules for the Michigan campgrounds and recreation areas be established and enforced including a quiet time of 10:00 pm to 7:00 am, and that the rules are generally as indicated in the rules dated Received 1/21/09 and any changes in the Campground Rules will be provided by the applicant to the Zoning Administrator who shall determine if they meet the intent of this approval,
- 7) that the campground be designated a primitive campground per State of Michigan Public Act 368,
- 8) that the campground comply with all state and local laws and regulations,
- 9) that there be no outdoor public address system or outdoor amplified music. Amplified music shall be permitted within a completely enclosed building,
- 10) that noise from the property shall not cause a nuisance under the laws of Michigan or result in an unreasonable noise disturbance beyond the property lines,
- 11) that Emmet County Road Commission requirements be met including: a deed restriction will be recorded with the Register of Deeds prior to issuance of any zoning permits indicating that the new access or change in use of any existing entrances will be paved if Division Road is ever paved,
- 12) that dust control will be applied to the gravel county roads bordering the Recreation Center as needed throughout the season,
- 13) that the recreation center comply with Emmet County Zoning and Building requirements including but not limited to adequate road screening, sign, and lighting standards,
- 14) That there is a full time (24 hour) on-site manager present when the facility is open (April through October) whose duties shall include the maintaining of sound and noise restrictions and site decorum,
- 15) that a quiet time of 10:00 PM be clearly posted and strictly enforced for park use other than the Blissfest annual festival regulated by the consent judgment.

The motion passed by the following roll call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Plasencia, Alexander. No; None. Absent; None.

Gordon Kruskie, Readmond Township Supervisor stated that there should be a committee to meet to discuss issues that arise. There is a Blissfest Oversight Committee which meets annually. Kruskie was encouraged to contact the County Clerk who oversees the Committee.

## **V Public comments:**

Public Comment: Doernenburg stated that a potential buyer, Mr. Bill Marshall, has contacted staff and would like to address the Planning Commission regarding his intent to purchase and redevelop the

property located at the corner of Shaw Road and US-31. He intends to develop both properties as one. The currently approved site plan shows Shaw Road access closed. He wonders if there is a possibility of redeveloping the site and utilizing the Shaw Road access.

Bill Marshall stated that he is a potential buyer of the two parcels. He intends to purchase both parcels. He is looking for an opinion on the access to Shaw Road for the property. There are public minutes from Bear Creek Township and the Emmet County Planning Commission that when the storage building was proposed the Shaw Road access would be closed. He stated that his intent is to remove the two buildings on the corner parcel and build a new building which meets the setback and parking standards. Would the Planning Commission be receptive to allowing the Shaw Road access and add an office building? The parcel is narrow; the size building must be small to fit the parcel.

The Road Commission suggested that the road access be moved closer to US-31. Anderson stated that she'd prefer to look at the site. Jones suggested that the Township should review it prior to comments from the Planning Commission. The property to the north is zoned the same – Business. Scott asked if the entrance would service the new building or would the drive allow pass through from one parcel to the other. Marshall stated that there would be pass-thru traffic. Jones stated that it makes sense, but would like to hear the input from Bear Creek Township. The neighbor to the north was opposed to the drive-thru and the Shaw Road access. Alexander stated that the neighbor's issue may have been the drive thru and amount of traffic. It makes good planning sense to keep both accesses. Eby stated that the proposal has merit. Marshall was encouraged to contact Bear Creek Township.

## **VI Other business:**

- **Case #1-09                      Zoning Coordinating Committee, REVIEW MASTER PLAN, Pleasantview Township**

*Packet Items: Memo prepared by staff to Pleasantview Township.*

Michalek briefly explained the memo prepared by staff regarding the Pleasantview Township Master Plan. The plan is in line with the County Plan with the exception of density discrepancies. Scott made a motion, supported by Neal, to authorize Chairman Eby to sign the memo and forward it to Pleasantview Township. The motion passed by unanimous voice vote.

- **Resolution of Appreciation** – Cathryn Derrohn – Anderson made a motion to authorize Chairman Eby to sign the resolution and certificate of Appreciation. Alexander supported the motion which passed by unanimous voice vote. Both documents are attached to these minutes.
- **Annual report**  
Michalek highlighted specific items from the 2008 Annual Report. After his presentation, Alexander made a motion, supported by Gregory to send the report to the Board of Commissioners. The motion passed by unanimous voice vote.
- **Zoning Ordinance Advisory Committee Appointments:**  
There was discussion regarding proposed amendments to the Zoning Ordinance in response to the recently adopted Master Plan. Anderson, Scott, and Alexander agreed to be the oversight committee for the Zoning Ordinance changes.

- **Enforcement Report:** Distributed in packets, no comments.
- **Lighting Ordinance draft standards.** Distributed for review and consideration at a future meeting. The proposed Ordinance was developed and reviewed by the Sign and Lighting Committee in coordination with Bob White from Illuminart – a lighting designer who designed Dave Kring Chevrolet’s lighting. Doernenburg reported that in preparation of the draft, the Committee toured the county and took lighting levels at night. A lighting level of 0.4 foot candles is adequate in parking lots for safety and to be able to see cars and door locks.
- **Meeting date**  
Doernenburg explained that one new case, an enforcement case, has been submitted for the next meeting. If there are no other new cases, would the Planning Commission consider cancelling the next meeting? It was the consensus that the next meeting should be cancelled if there are no new cases. Gregory made a motion to cancel the regular Planning Commission March meeting unless a case comes in on Monday and move the April meeting to April 9, 2009. Jones supported the motion which passed by unanimous voice vote.
- **Planner’s Moments DVDS:**
  - Farmland preservation.
  - Why to Master Plans sit on a Shelf?

**VII Adjournment**

Chairman Eby called the meeting adjourned at 9:18 p.m.

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James Scott, Secretary

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Date