



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

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## *Planning & Development*

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### **AGENDA**

#### **City of Alpena Planning Commission**

Regular Meeting

Tuesday, October 12, 2021 @ 7:00 p.m.

Alpena, Michigan

**This meeting will be held in Council Chambers as well as virtually.**

**Please join my meeting from your computer, tablet or smartphone.**

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CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Meeting July 13, 2021

PUBLIC HEARING AND COMMISSION ACTION:

BUSINESS:

1. Introduce Planning, Development, and Zoning Director-Rachel Smolinski, City Manager
2. Food Trucks-Denise Cline, NEMCOG
3. Finding of Fact Reports- Denise Cline, NEMCOG
4. Zoning Issue #1: Duplexes- Denise Cline, NEMCOG
5. Zoning Issue #2: Rezoning Request- Denise Cline, NEMCOG
6. Zoning Issue #3: Veterinary Clinics- Denise Cline, NEMCOG
7. Adult-Use Recreational Marijuana- Denise Cline, NEMCOG
8. Enforcement of Blight Ordinance in the City- Rachel Smolinski, City Manager/Steve Hall, Building Inspector

COMMUNICATIONS:



REPORTS:

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:

MINUTES  
City of Alpena Planning Commission  
Regular Meeting (Council Chambers and Virtual)  
July 13, 2021  
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 7:03 p.m. by Steve Gilmore, Planning Commission Secretary.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Kirschner, Vanwagoner, Gilmore, Kostelic, Werda,  
Bobolz (appeared virtual at 7:11pm)

ABSENT: Sabourin, Bauer

STAFF: Donald Gilmet (Contractual Staff), Kathleen Sauve (Recording Secretary).

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

Agenda was approved.

APPROVAL OF MINUTES:

Meeting June 8, 2021, minutes were approved as corrected.

PUBLIC HEARING AND COMMISSION ACTION:

Public hearing opened for feedback about the new Zoning Ordinance amendments. Having no public attend the meeting in person or virtually, the public hearing was closed. Commissioners also had no comments or questions.

Wojda made a motion to approve the Zoning Ordinance amendments as presented to go to City Council for final approval.

Kirschner seconded the motion.

Motion approved 6-0.

BUSINESS: Gilmet updated the board on recent city staff changes in the Planning, Development and Zoning department. He informed the board that the building plans have come in for Lume Cannabis. He stated the new Blight Ordinance will go into effect on July 22, 2021, and that it was also included in the Code of Ordinances and can be enforced by city police officers as well as administrative staff. Denise Cline informed the Planning Commission that the City Council adopted the Blight Ordinance amendment with one minor change. The change they struck out was the provision about the peeling paint. Also, the Zoning Amendments that were approved today by Planning Commission will go to City Council on August 2, 2021.

COMMUNICATIONS: None.

REPORTS: None

MEMBER'S COMMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:16 p.m., by Gilmore, Planning Commission Secretary.

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Steve Gilmore, Secretary



Northeast Michigan Council of Governments

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MEMORANDUM

TO: City of Alpena Planning Commission  
FROM: Denise Cline, Deputy Director/Chief Planner, NEMCOG  
DATE: 10/7/21  
RE: Zoning

Hello! Below I've summarized the zoning issues we will be discussing at the Planning Commission meeting. The following issues are for discussion only – after discussion has occurred, the relevant public hearings will still need to be scheduled.

1. **Food Trucks:** Please see my notes in the food trucks/food trucks parks report which is included in your packet. Food trucks are not specifically addressed in the zoning ordinance, so the report outlines three options for the Planning Commission to consider and also contains some example standards to review.
2. **Finding of Fact Reports:** The Zoning Ordinance requires a statement of written findings and conclusions relative to a site plan as part of the approval process. I am unsure if the city has been producing such a document after site plan review. The document is supposed to specify the basis for the decision that was made as well as for any conditions imposed. I work with many communities throughout the region which ask me to product a draft Finding of Fact report prior to the meeting – this report contains draft findings for each review standard which the Planning Commission then goes through (at the meeting) and can delete, edit or keep any finding in the report. Then, the motion for approval or denial is based on the written findings and that report becomes part of the approval. The reason for this is that, if the decision is challenged, the written findings are very specific as to why the decision was made. I've included an example from another community for your review. The Planning Commission should discuss if this is something that is already part of the city's process or if this is something that should become part of the process.
3. **Zoning Issue #1: Duplexes:** A request has come in from a resident with property in the R-2 District who would like to create a duplex. Duplexes are not allowed in the R-2 District. The property is 412 8<sup>th</sup> Ave (corner of 8<sup>th</sup> and Tawas). The nearest district which allows duplexes is R-T which is a block away. Rezoning this property to R-T could be considered a spot zone, but this should be discussed. Below are two other options (besides a traditional rezoning) regarding this request that the Planning Commission could consider:
  - a. **Conditional Rezoning:** A conditional rezoning is a tool that is provided by the Michigan Zoning Enabling Act (section 125.3405) which allows a property owner to request a rezoning based on conditions which are offered by the applicant. Usually these conditions include a limitation on the types of land uses the property may be used for. This allows a community to rezone a property to another district to allow one or several

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uses from that district (the remainder of the uses allowed in that district would not be allowed). The property owner offers a statement of conditions (voluntarily). This statement, if approved, gets recorded with the Register of Deeds. The city should have Conditional Rezoning written up in the zoning ordinance, and we are working on that for the next update. However, some communities do allow them without text within their zoning ordinance specifying the parameters.

- b. **List Duplexes as a Permitted or Special Use in R-2:** Since supply of available housing has become less, some communities are looking at how to increase density and provide for more types of housing within their communities. An item that the Planning Commission could discuss would be the possibility of allowing duplexes in the R-2 as either a permitted use or a special land use. The R-2 is the largest zoning district in the city, so this should factor into the discussion. Another option would be to allow duplexes only in specific areas of R-2.
4. **Zoning Issue #2: Rezoning Request:** There has been a request to rezone a parcel on Park Street (west side) between 10<sup>th</sup> and 11<sup>th</sup> Avenue – the parcel at the corner of Park and 11<sup>th</sup> is zoned RM-2 and the parcel to the south is zoned B-1. The parcels are owned by the same person and will be marketed together. The applicant is requesting that the northern parcel be rezoned to B-1. The Future Land Use map shows the entire strip of parcels as future Office Service. However, adhering exactly to the future land use map is not a rezoning standard.
5. **Zoning Issue #3: Veterinary Clinics:** It has come to our attention that veterinary clinics are prohibited in the CCD, however the nature of these types of uses is similar to health care clinic, which is allowed in all of the commercial districts. This is a use which could be expanded to other districts. This also brings up the larger of the need to review the use table to ensure that the appropriate uses are in the appropriate districts.
6. **Adult-Use (Recreational) Marihuana:** The City Council has directed staff to investigate the feasibility of allowing adult-use (recreational) marihuana in the city. It has been suggested that holding a combined Council/Planning Commission meeting to discuss the issue should be considered.

# Food Trucks/Food Truck Parks

## Report:

**Note from Denise:** I'm finding that communities are more and more often being asked about whether or not they allow food trucks. Most of the other communities that I've worked with have adopted some type of food truck language in their zoning ordinances. As of now, there is nothing in the Alpena City Code related specifically to food trucks on private property (I would not classify them as "Seasonal Use Sales" which is a different type of use in the zoning ordinance). There is a section in the city code of ordinances on "Street Vendors," but that is specific to the downtown and is also specific to streets, sidewalks, and alleys. The City should have some type of language related to food trucks in the zoning ordinance rather than just being silent on the issue. A draft ordinance was worked on several years ago but was never adopted. There are several possible options to consider:

1. **Allow with No Standards.** This would mean that food trucks are allowed as a permitted uses with no standards that would apply specifically to them. I would at least recommend including them in the Use Matrix. You have the option of allowing them without a zoning permit or requiring a zoning permit. Either way is fine, but it should be stated whether or not there is an approval process.
2. **Allow with Standards.** I've included some example standards in Section 7.42 below. Some of these example standards come from other communities and a few were taken from the draft mobile food vendor ordinance that was being worked on by City staff in the past.
3. **Not Allow.** So far, I have not encountered any of my communities which do not allow them.

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## Section 2.1: Definitions

**FOOD TRUCK.** Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. Also called a Mobile Food Vendor. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck).

**FOOD TRUCK PARK.** A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located on a continual basis and which is offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink.

**BRICK AND MORTAR RESTAURANT.** A restaurant with a functional regulated kitchen located within a physical building.

## Section 5.26: Use Matrix

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
ACCOMODATION AND FOOD SERVICES																	
Bakeries (goods produced & sold on-site)							R	R	R	R	R				R		
Bed & Breakfasts	S*	S*	S*	S*	S*	R*	R*	R*							R*		
Caterers/Food Service Contractors								R		R	R	R					
Coffee Shops						R	R	R	R	R	R				R		
Convention Centers/Conference Centers/Banquet Halls						R	R	R		R	R				R		
Drinking Establishments							R	R	R	R	R				R		
Food Trucks/Food Truck Parks							R*	R*	R*	R*	R*	R*	R*		R*		
Hotels & Motels & Resorts (attached or detached units)						S*	R*	R*		R*	R*				R*		
Microbreweries							R	R		R	R	R			R		
Resorts with ancillary uses other than swimming pools						S	S	S		S	S				S		
Restaurants without Drive-Through							R	R	R	R	R				R		
Restaurants with Drive-Through							S*			R*	R*						
Restaurants with Drive-Up (eat in car)										R	R						
Restaurants with Outdoor Dining (Dining on private property)							R*	R*	R*	R*	R*				R*		
Restaurants with Outdoor Dining (Dining public right-of-way)							S*	S*	S*	S*	S*				S*		
Rooming & Boarding Houses		S*	S*	S*	S*												

## Section 7.42: Food Trucks

- A. **Scope.** Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck).
- B. **Approval.**
1. A zoning permit is required for food trucks. The food truck may apply for a zoning permit for a permanent, stationary location or to rotate between multiple, stationary locations. The zoning permit shall state all locations at which the food truck is permitted to operate. If the location changes, they may apply for an amended zoning permit. The Zoning Administrator is authorized to review the plot plan and issue the permit. The Zoning Administrator may refer the review and approval to the Planning Commission at his/her discretion.
  2. The property owner shall submit a plot plan pursuant to **Section 6.1**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating.
  3. If a property owner has a lot large enough to accommodate a food truck park, only one (1) zoning permit is required for all of the food trucks on the property if the request for multiple food trucks on one (1) lot



is made at the same time. If the request for additional food trucks is made at a later time, a new plot plan shall be submitted and a new zoning permit shall be required.

4. A zoning permit may be transferred to a new food truck that is replacing the one designated in the zoning permit. The new food truck shall comply with all standards and conditions as the original food truck.
5. A food truck shall not operate on private property without first obtaining written consent to operate from the affected private property owner.
6. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.

C. **Waste.**

1. All food trucks shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of food trucks shall be collected and disposed of off-site by the operators each day. City trash receptacles shall not be used to dispose of trash or waste from the food truck.
2. Grease, liquid waste, or gray water may not be disposed of in storm drains, sanitary sewer system, or public streets.

D. **Noise.** No food trucks shall make or cause to be made any unreasonable or excessive noise. The operation of all food trucks shall meet the City Noise Ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

E. **Debris.** All areas within twenty (20') feet of the food truck shall be kept clean and free of debris.

F. **Awnings.** When extended, awnings for food trucks shall have a minimum clearance of seven (7) feet between the ground level and the lowest point of the awning or support structure.

G. **Brick and Mortar Restaurants.** Food trucks shall be located at least one hundred (100) feet from the front door of any brick and mortar restaurant unless the affected brick and mortar restaurant submits a letter to the City Planning and Development Director indicating that they are choosing to waive this one hundred (100) foot requirement. This would apply to their own restaurant only and not affect the setback for other nearby brick-and-mortar restaurants. A brick-and-mortar restaurant owner may operate a food truck at the site of their own brick-and-mortar restaurant.

H. **Materials.** Food trucks must be constructed of durable/sturdy materials. No fabric or tent walled structures will be authorized except that suitable canopies may be permitted over outdoor dining areas.

I. **Signs.**

- a. No freestanding permanent signage is permitted for individual food trucks. Each individual food truck will be limited to one (1) "A" frame sign pursuant to **Section 4.5.E.2.a.6.**
- b. A food truck park shall be allowed freestanding permanent signage pursuant to **Section 4.5.A.**

- c. Signs located on each food truck shall not be considered wall signs and shall not be regulated by **Section 4.5.B.**

**J. Food Truck Parks.**

**1. Restrooms.**

- a. Food truck parks with two (2) to five (5) food trucks shall contain one (1) public restroom on the premises or the plot plan must show access to one (1) public restroom within five hundred (500') feet of the food truck park.
- b. Food truck parks with more than five (5) food trucks shall contain one (1) public restroom on the park premises per every five (5) food trucks.

- 2. **Parking.** A minimum of two (2) parking spaces are required per food truck operating within a food truck park.

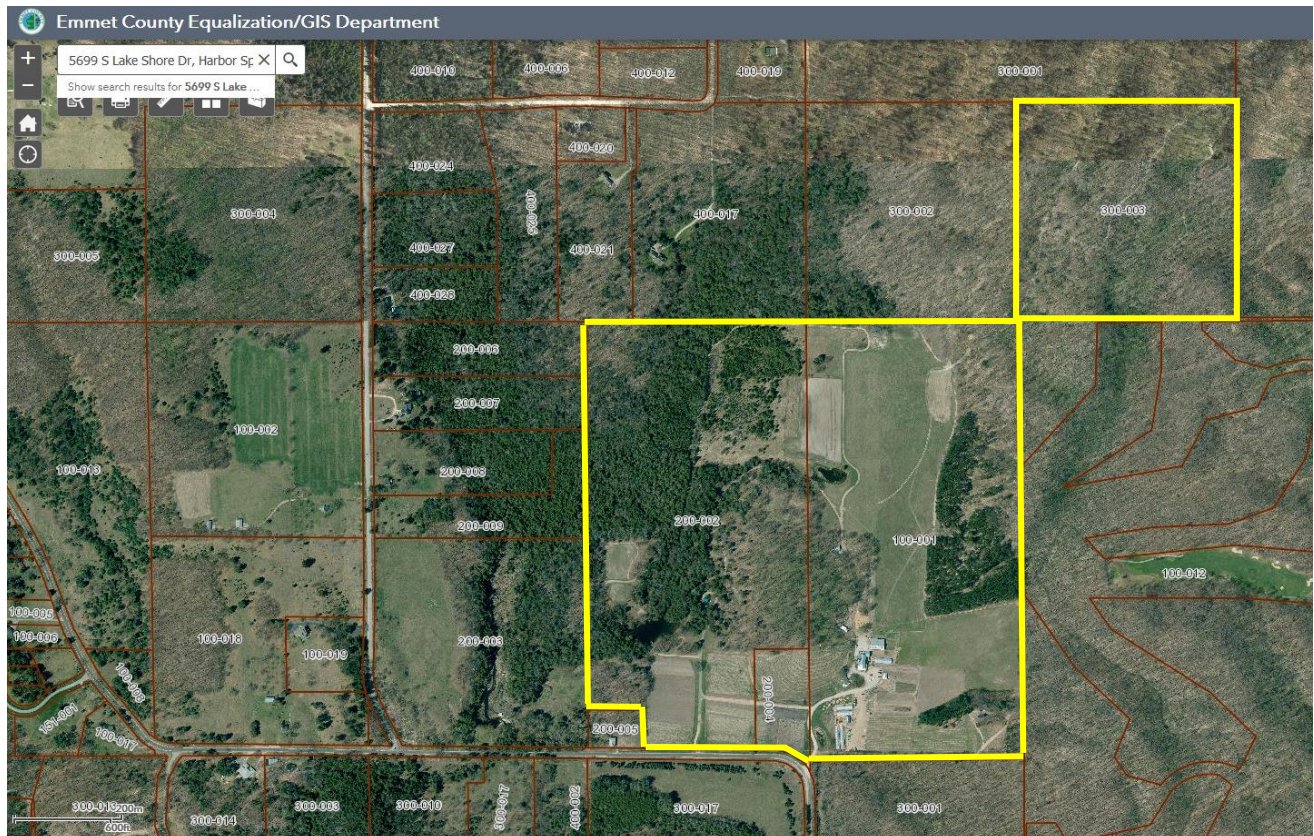
# FINDINGS OF FACT SITE PLAN & SPECIAL USE REVIEW REPORT

**Applicant:** Pond Hill Farm (5699 S. Lakeshore Dr)

**Proposed Use:** Commercial Event Facility (Special Use)

**Review Date:** 2-10-21

**Report:** #01-2021



## District Standards

Commercial Event Facilities are listed as a special land use in the A-1/A-1-A district. The facility is located in the A-1/A-1-A district. Development standards in Section 306:3 state that all other uses (besides farming and single-family and two-family dwellings) shall comply with the development standards in Article 7 (including parking).

The standard has been met: ☐ Yes ☐ No ☐ n/a

## Site Plan Review Standards: Section 506

In the process of reviewing the site plan, the Township Planning Commission shall consider:

- A. The location and design of driveways and entrance features with respect to vehicular and pedestrian traffic.

**FACTS:**

1. The entrance to the parking areas is located at least 675 feet from the main entrance off M-119.
2. Parking areas cannot be accessed directly from M-119.
3. There is a pedestrian pathway provided from the west parking area to the main facility buildings.

The standard (A) has been met: ☐ Yes ☐ No ☐ n/a

- 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. 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.

**FACTS:**

1. One ingress/egress is located on M-119 and one is located on a secondary access road west of the main entrance.
  - a. MDOT has recommended moving the existing driveway to the west of the property to allow for sufficient sight distance of all turning movements. However, this a recommendation only and not a requirement. Contact was made with MDOT who indicated that their approval had not changed since the time the approval was given.
  - b. A 12-foot wide gate is located at the secondary access point.
  - c. Applicant has stated that they change their driveways to one-way traffic during busy events to facilitate easier and safer arrivals and departures for visitors.
2. Interior access drives appear adequate to handle traffic flow to and from the parking lots.
3. A pedestrian pathway is separated from the vehicular drives from the west parking lot. The east parking lots are situated adjacent to the buildings they serve.

The standard (B) has been met: ☐ Yes ☐ No ☐ n/a

- C. Buffering techniques such as 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.

**FACTS:**

1. The majority of the boundaries of the site are wooded.
2. The site area that is not screened by trees is along a small section of M-119 (west after the 90 degree turn). No residences are located along this segment.

The standard (C) has been met: \_\_\_Yes \_\_\_No \_\_\_n/a

**D. Methods proposed to prevent property damage in critical environmental areas.**

**FACTS:**

1. The property being used for the Commercial Event Facility is located on land currently used for agriculture.
2. It does not appear that any natural features (such as woodland or wetlands) will be impacted.

The standard D) has been met: \_\_\_Yes \_\_\_No \_\_\_n/a

**E. Public Welfare and Adjoining Properties.** The uses proposed will not adversely affect the public health, safety or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance and layout with uses in the immediate area.

**FACTS:**

1. The area surrounding the use is zoned A-1-A and A-1.
2. The size of the property is 198 acres. The area used for the commercial event facility appears to be contained to southern portion of the site. The size of the buildings are small compared to the size of the property.
3. Applicant notes that the nearest residence is 2,500 feet from the main compound with hills and dense woods separating the site from the residence.
4. Applicant notes that they have not received complaints from nearby properties from activities (past or current) on the site. Six letters in support of expansion of hours for the proposed use were received.
5. The property is adjacent to a golf course on the eastern boundary.
6. The existence of the use does not appear to have impeded the development of nearby properties.

The standard (E) has been met: \_\_\_Yes \_\_\_No \_\_\_n/a

**F. Light, Air and Access.** The location, size and height of the structures, walls and fences shall be such that there is adequate open space so as to provide light, air and access to the persons occupying the structures and that there will be no interference with adequate light, air and access to adjacent lands.

**FACTS:**

1. Structures are situated with adequate light, air and access within the site.
2. Structures will not affect light, air and access on neighboring property.

The standard (F) has been met: \_\_\_Yes \_\_\_No \_\_\_n/a

- G.** Topography and Natural Landscape. All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. Insofar as practical, tree and soil removal and topographic modifications shall be minimized which results in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

**FACTS:**

1. There does not appear to be any proposed changes to natural contours of the site.
2. Applicant notes that cover cropping is practiced on all tillable acres and soil building techniques are standard for all production fields.

The standard (G) has been met: ☐ Yes ☐ No ☐ n/a

- H.** Drainage. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.

**FACTS:**

1. Dense woodlands separate the developed portion of the site from adjacent property.
2. Parking lots are not proposed to be paved.
3. The application states that they will be adding annual dust control treatment to the drive areas.

The standard (H) has been met: ☐ Yes ☐ No ☐ n/a

- I.** Emergency Vehicle Access/Fire and Safety. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.

**FACTS:**

1. All buildings appear to be accessible. Emergency vehicle entrance is shown on site plan.
2. Confirmation from the Fire Department is needed to determine adequate access.

The standard (I) has been met: ☐ Yes ☐ No ☐ n/a

- J.** 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.

**FACTS:**

1. Two snow storage areas are noted on the site plan – one just west of the 73-space parking lot and one southeast of the 16-space parking lot. These areas do not affect parking capacity, clear vision, or circulation.

The standard (J) has been met: ☐ Yes ☐ No ☐ n/a



- K. Compliance with Other Statutes and Regulations. Site plans shall conform to all applicable requirements of State and Federal statutes, and approval may be conditioned on the applicant receiving necessary State and Federal permits before the actual zoning permit is granted.

**FACTS:**

1. Documentation of approval for access from M-119 is included.
2. No sign permit from MDOT is needed because the existing sign is not in the right-of-way.

The standard (K) has been met: ☐ Yes ☐ No ☐ n/a

## FINDINGS OF FACT SPECIAL USE REVIEW CHECKLIST

### Special Land Use Review Standards: Section 604

In reaching its determination, the Planning Commission shall consider the following:

**A. Compatibility with Adjacent Uses.**

1. The proposed Special Land Use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the Zoning District in which it is to be located.

**FACTS:**

- a. The proposed use is a Commercial Event Facility in conjunction with the existing Agri-Tourism Use which includes (1) bakery selling goods primarily grown on site, (2) gift shop for agriculturally-related products, and (3) restaurant related to the agricultural use of the site.
- b. The proposed use is located at a sufficient distance from other uses that it will not affect the surrounding neighborhood.
- c. The use complies with the zoning district regulations in the A-1/A-1-A District.

Special Land Use standard (A.1) has been met: ☐ Yes ☐ No ☐ n/a

2. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

**FACTS:**

- a. The proposed use is adequately buffered from the nearest residence by dense woods and hills.
- b. The property is adjacent to a golf course on the eastern boundary.
- c. Periods of operation are addressed in Section 733 (standards below).
- d. Six letters in support of expansion of hours for the proposed use were received.

Special Land Use standard (A.2) has been met: ☐ Yes ☐ No ☐ n/a

3. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development and need for particular services and facilities in specific areas of the Township.

**FACTS:**

- a. The proposed use relates harmoniously with adjacent land uses due to the distance between them.
- b. The use offers convenient access from M-119 in two locations.
- c. Commercial event facilities are increasing in prevalence across the region as more events are located outside of urban areas.

**Special Land Use standard (A.3) has been met:** \_\_\_Yes \_\_\_No \_\_\_n/a

4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

**FACTS:**

- a. Building and structure location will not affect development of adjacent lands and their value due to the distance between the area of the property dedicated to the commercial event facility and adjacent land.

**Special Land Use standard (A.4) has been met:** \_\_\_Yes \_\_\_No \_\_\_n/a

5. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

**FACTS:**

- a. The proposed use will not affect property value in the neighborhood due to the relatively small portion of the large property that the use will encompass and the buffering by dense woods.

**Special Land Use standard (A.5) has been met:** \_\_\_Yes \_\_\_No \_\_\_n/a

**B. Vehicular and Pedestrian Circulation.**

The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off street parking and provisions for pedestrian traffic, with particular attention to minimizing child vehicle interfacing.

**FACTS:**

- a. The main access to the site is from M-119. This access is located at a 90 degree curve in M-119. Additionally, M-119 (Tunnel of Trees Pure Michigan Byway) is very narrow. Large events could cause traffic congestion at this corner which might be exacerbated by limited sight distance on the corner.
- b. Pedestrian traffic outside of the site is not anticipated.
- c. Vehicular and pedestrian traffic within the site appears to be adequate. Access drives are used to access parking lots.
- d. A pedestrian pathway from the west parking lot is separated from the access road.

**Special Land Use standard (B) has been met:** \_\_\_Yes \_\_\_No \_\_\_n/a



### C. Public Effects.

1. The proposed use is necessary for the public convenience at the proposed location.

**FACTS:**

- a. Locating this type of use outside of a developed community is more appropriate due to the amount of land necessary to accommodate the use and the need for land that is isolated from neighbors.

**Special Land Use standard (C.1) has been met:   \_\_Yes   \_\_No   \_\_n/a**

2. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.

**FACTS:**

- a. The use is fairly isolated from neighboring properties.
- b. A fire department is located in Harbor Springs (5 to 6 miles away) which is approximately 10 minutes from the property.
- c. Applicant shall comply with standards of the Health Department of Northwest Michigan for sanitary facilities. Wastewater plans were included with the application.
- d. The applicant describes a chemical storage and handling facility built in 2020 to ensure agriculturally-related chemicals are safely stored.

**Special Land Use standard (C.2) has been met:   \_\_Yes   \_\_No   \_\_n/a**

3. The proposed Special Land Use is adequately served by and will not place demands in excess of current capacity on fire, police or other public resources.

**FACTS:**

- a. Applicant notes that public and private events have been held for 10 years with no need of additional support from police or fire department personnel and they anticipated no strain on the public road system.

**Special Land Use standard (C.3) has been met:   \_\_Yes   \_\_No   \_\_n/a**

## Supplemental Development Standards: Section 733

The following standards pertain specifically to Commercial Event Facilities:

- A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.

The standard has been met: ☐ Yes ☐ No ☐ n/a

- B. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100) feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.

1. No parking is planned on public roadways.
2. All parking is on-site and is located at least 100 feet from property boundaries.
3. Applicant anticipates 800 visitors at one time during the largest events necessitating 200 parking spaces. Site plan shows 593 parking spaces available.
4. A parking facilitator will be used for large events.
5. Signs will direct guests during small events.
6. Off-site parking is not anticipated (applicant stated that the use of off-site parking has not been needed for events in the past).

The standard has been met: ☐ Yes ☐ No ☐ n/a

- C. **Minimum Size of Parcel.** Commercial Event Facilities shall only be located on parcels which are at least twenty (20) acres in size.

1. The property is 198 acres.

The standard has been met: ☐ Yes ☐ No ☐ n/a

- D. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300) feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by Subsection B above.

1. The buildings and the vineyard overlook/wedding site are located over 300 feet from the adjacent property lines.

The standard has been met: ☐ Yes ☐ No ☐ n/a

E. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than 10 PM. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.

1. Applicant is asking for a deviation from the allowed hours. They are requesting allowed event hours be 9 am to 11 pm. Six letters of support for expansion of hours were received from the following: Matthew Baughman (1.2 miles away), Debra and Robert Monroe (1.6 miles away), Nancy Sarowski (Birchwood Farms – 2 miles away), Joshua Geary (2 miles away), Douglas Smith (2.8 miles away), and Velra and Robert Vosler (1.9 miles away).
2. Planning Commission should determine if year-round events are authorized for this application.

The standard has been met: \_\_\_ Yes \_\_\_ No \_\_\_ n/a

F. **Amplified Sound.** Outdoor speakers, outdoor public address systems, or similar sound devices shall not be operated without written consent of the Planning Commission as part of site plan review. The Planning Commission shall determine that no public nuisance will be established. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, shall be terminated by 10:00 PM. Enclosed buildings, tents, pavilions and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries. Sources of amplified sound (such as speakers) shall be located no less than one thousand (1,000) feet from the property boundary.

1. Assuming sources of amplified sound are located near the buildings, then these sources of sound appear to be located at least 1,000 feet from the property boundary.
2. Planning Commission should determine if the requested deviation in hours also means that the applicant is requesting a deviation on the time limit for amplified sound.

The standard has been met: \_\_\_ Yes \_\_\_ No \_\_\_ n/a

G. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.

1. No overnight accommodations appear to be included in the proposal.

The standard has been met: \_\_\_ Yes \_\_\_ No \_\_\_ n/a

H. **Capacity.** The number of persons allowed at each proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.

1. The number of persons allowed appears to be compatible with the facilities and infrastructure at the site.
2. Applicant shall ensure that the sanitary standards of the Health Department of Northwest Michigan be followed. Wastewater system plans were included with the application.

The standard has been met: \_\_\_ Yes \_\_\_ No \_\_\_ n/a

I. **Sanitary Facilities.** Adequate permanent and/or temporary sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and the Health Department of Northwest Michigan.

1. Outdoor portable restrooms with hand washing stations will be utilized. The number available will be based on the Portable Sanitation Association International standards.
2. In addition, a ladies restroom (with changing table) and a men's restroom is available.
3. Applicant shall ensure that the sanitary standards of the Health Department of Northwest Michigan be followed.
4. Portable restrooms are proposed to be located near the event area and near the parking areas.

The standard has been met: ☐ Yes ☐ No ☐ n/a

J. **Number of Events.** The Planning Commission may limit the number of events allowed per year.

1. Applicant has provided a sample calendar of events. The Planning Commission may limit the number of events at the time of approval.

The standard has been met: ☐ Yes ☐ No ☐ n/a

K. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission in consultation with emergency responders and the Emmet County Road Commission, based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.

1. Two means of egress are shown on the site plan. The main entrance is from M-119 and a secondary entrance is provided from M-119 further west from the main entrance.
2. Emergency responders and the Emmet County Road Commission should be contacted to ensure the secondary entrance is adequate for emergency vehicles. The secondary entrance appears to be approximately 11-12 feet in width at the narrowest point.

The standard has been met: ☐ Yes ☐ No ☐ n/a

L. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.

1. There does not appear to be a need for buffers due to the densely wooded areas surrounding the site.

The standard has been met: ☐ Yes ☐ No ☐ n/a

M. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

1. Outdoor seating could occur anywhere on the property.

The standard has been met: ☐ Yes ☐ No ☐ n/a

N. **Submittal Requirements.**

1. In addition to the requirements in Section 504, the site plan must show the area of event, parking, temporary structures, and sanitary restroom facilities. Provided –All event areas are proposed near the existing buildings with the exception of overlook ceremonies shown on the site plan. Future event tent and future stage are indicated near the livestock barn.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary restroom facilities and maximum number of guests. The plan shall also include a list of contacts for emergency situations. Provided – no noise abatement is shown due to the wooded area surrounding the property.
3. Hours of operation must include setup and takedown times. Provided
  - a. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants. Provided
  - b. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively. Provided in the form of parking spaces needed.
  - c. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact. There does not appear to be any restriction in place.

If a change to the approved event management plan is requested by the applicant at any time after the approval of the special use permit, a new special use permit process shall be required.

1. All information appears to have been provided.

The standard has been met: ☐ Yes ☐ No ☐ n/a

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### DEVIATIONS ALLOWED

The Planning Commission may grant a deviation from any of the Subsections A through M above upon the following findings:

1. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
2. Granting the deviation will not otherwise impair the public health, safety and general welfare of the residents.
3. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the special use permit process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at a later date, a new special use permit process shall be required.

### **EXAMPLE MOTION WITH APPROVED DEVIATION**

#### OPTIONS:

1. Motion to approve the proposed site plan and special land use for Pond Hill Farm for a Commercial Event Facility at an existing Agri-Tourism Facility based on the findings of fact contained in Report #01-2021 and to allow a deviation in parking to reduce the requirement to 572 spaces and to approve operating hours from 9 am to 11 pm.
2. Motion to approve the proposed site plan and special land use for Pond Hill Farm for a Commercial Event Facility at an existing Agri-Tourism Facility based on the findings of fact contained in Report #01-2021 and to allow a deviation in parking to reduce the requirement to 572 spaces and to approve operating hours from 9 am to 11 pm with the following conditions:
3. Motion to deny the proposed site plan and special land use for Pond Hill Farm for a Commercial Event Facility at an existing Agri-Tourism Facility based on the findings of fact contained in Report #01-2021

### **EXAMPLE MOTION WITHOUT APPROVED DEVIATION**

#### OPTIONS:

1. Motion to approve the proposed site plan and special land use for Pond Hill Farm for a Commercial Event Facility at an existing Agri-Tourism Facility based on the findings of fact contained in Report #01-2021.
2. Motion to approve the proposed site plan and special land use for Pond Hill Farm for a Commercial Event Facility at an existing Agri-Tourism Facility based on the findings of fact contained in Report #01-2021 with the following conditions:
3. Motion to deny the proposed site plan and special land use for Pond Hill Farm for a Commercial Event Facility at an existing Agri-Tourism Facility based on the findings of fact contained in Report #02-2021

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### **DECISION**

Upon motion, seconded and passed, the Planning Commission \_\_\_\_\_ the application.

\_\_\_\_\_  
Chair, West Traverse Township Planning Commission

\_\_\_\_\_  
Date