

Petoskey 131, LLC rezone passes, narrowly

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By Brandon Hubbard News-Review Staff Writer · [0 comments](#)

Petoskey received eight acres of new business property Thursday night on U.S. 131 south of Lears Road.

Development company Petoskey 131 LLC, based in Southfield, was approved for the rezoning from its farm-forest classification to B-1 and B-2 general business categories.

The developers had sought the proposed rezone twice before but had been defeated by Emmet County. Issues of "spot zoning" and concerns over the potential traffic hazards for entry points on the highway nearly again dashed the new rezone request Thursday.

The initial motion for a rezone failed on a 3-4 vote. Emmet County commissioners Leroy Gregory, Tom Shier, Dan Plasencia and Bill Fedus opposed the rezone citing concerns about dangers of access to the highway.

Emmet County Commissioner Jack Jones said he also had concerns about any potential driveways being "blind" because of the limited view coming over the hill into Petoskey. However, Jones said those safety issues should be addressed in future site plans, not in zoning.

Jones also pointed out to the board that any restrictions could not be written into the rezone because "contract zoning" is illegal.

Following the denied motion, Petoskey 131 LLC representative Steve Robinson approached commissioners. He said his company had been through the process several times and he was not going to do it again.

"We're not going back to the planning commission," Robinson said.

A legal challenge option would have been the only other course of action for Petoskey 131 LLC, other than re-applying with the county.

"We're way ahead on the cart and the horse thing," Robinson said. "Right now, we are just asking for zoning."

Robinson requested the board think about a "motion to reconsider." A dissenting voter would have been required to make the motion. After a moment of silence, the commissioners moved on to the next agenda topic and Robinson left.

Almost an hour after Robinson's request, the topic was brought back to the table during a discussion about when the Emmet Planning Commission would meet in August — because there was not a meeting scheduled in July. During the course of that discussion, it appeared there was more support for the rezoning than the original vote indicated.

"I based my decision primarily on the access," Fedus admitted.

Fedus, who is in his second month on the board of commissioners for a special term, said he felt compelled to vote "no" based on the safety concerns he had heard from other members. He said he felt after hearing more, a rezoning should be allowed and safety concerns would be addressed once a site plan is proposed.

"I would actually support this now," he added.

Emmet County attorney Kathy Abbott advised the board that defending a denied rezoning based upon site-plan safety concerns would be difficult.

Fedus made a motion to reconsider the rezone.

The proposed rezone motion then passed 5-2, with Emmet County Commissioners Jim Tamlyn, Les Atchison, Jones, Shier and Fedus voting yes. Gregory and Plasencia maintained their votes no.