I Call to Order and Attendance

The meeting was called to order at 7:31 p.m. by Chairman Eby. All members were present except Derrohn.

II Minutes of December 7, 2006 Meeting

Alexander made a motion, supported by Anderson, to approve the minutes of the December 7, 2006 meeting as presented. The motion passed by a unanimous voice vote of the members present.

III Public Hearing: Sub Area Master Plan

Eby opened the public hearing.

Michalek explained that the final copy from the consultant hasn’t been received. He hopes to to have it before the next regular meeting.

Eby asked for public comment. Hearing none, he closed the public hearing.

IV Cases

1. Case #198A-99  Shell Gas, LPG, SITE PLAN REVIEW, Amendment, Banwell Road, Section 22, Littlefield Township

Legal Notice: A request by Shell Gas LPG for Site Plan Review to amend the approved site plan for a LP Gas Storage Facility located on the south side of Banwell Road within Section 22 of Littlefield Township. The property is zoned FF-1 Farm and Forest and the facility is located on an easement on parcel 24-07-17-22-100-028. The request is per Section 800-9 of the Zoning Ordinance.

Packet Items: Photos provided 12/22/06, email correspondence with Leon Scott.

Doernenburg explained that there were photos and correspondence with the applicant distributed in the packets. The photos show that trees have been planted, and the maneuvering area installed. The applicant has indicated that the maneuvering area is adequate for delivery trucks. The site plan was shown.

Jones asked if the site has now been constructed according to the site plan. Yes.
The applicant, Leon Scott, stated that he met a driver at the site and verified that the maneuvering is adequate even if there is snow on the site. Some of the trees have been stolen from the site. These will be replaced in the spring.

There was no public comment on this case.

Scott made a motion to approve Case #198A-99, Shell Gas LPG for Site Plan Review to amend the site plan for a LP Gas Storage Facility located on the south side of Banwell Road within Section 22 of Littlefield Township as shown on the revised plan dated 12/6/06PZ because the utility use is a Principal Use Permitted, adequate parking/delivery area has been provided to promote public safety and screening has been provided; and subject to the condition that no signs or lighting are permitted without sign & lighting review, no pumps are permitted on the tanks and that the screening be reasonably maintained as required in Section 2206. The motion was supported by Laughbaum and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Alexander. No; None. Absent; Derrohn.

2. Case #27A-85  David Billideau, SITE PLAN REVIEW, 7015 M-68, Section 11, Littlefield Township

Legal Notice: A request by David Billideau for Site Plan Review to allow four duplex buildings (8 units) on property located at 7015 M-68 Highway, Section 11, Littlefield Township. The property is tax parcel number 24-07-17-11-100-005 and is zoned R-2B General Residential. The request is per Section 500-2 of the Zoning Ordinance.

Packet Items: No new information

Eby explained that this case is tabled until a decision is made on Case #47-06.

After a decision was made on Case #47-06, David Billideau requested that Case #27A-85 be withdrawn.

Case #27A-85 was withdrawn per the applicant’s request.

3. Case #47-06  David Billideau & Damien Henning, REZONING, M-68, Section 10, Littlefield Township

Legal Notice: A two part rezoning request for a Zoning Map Change to rezone seven (7) parcels located in Section 11, T35N-R4W, Littlefield Township. Part 1: a request by David Billideau to rezone from FF-1 Farm and Forest to R-2B General Residential and from R-2B General Residential to B-1 Local Tourist Business. The first request includes tax parcels 24-07-17-11-100-003, owned by Michael Hall and 24-07-17-11-100-033, 034, 035 & 036 owned by David Billideau. The zoning district along M-68 is R-2B for a depth of 320’ and the remainder of the properties is zoned FF-1. Part 2: a request by Damien Henning to rezone from FF-1 Farm and Forest to B-2 General Business extending the existing zoning to a depth of 320’ for tax parcel number 24-07-17-10-200-006 owned by Clarence & Patricia Clear and 24-07-17-10-200-005 owned by Ranch R.V. Sales, Inc. The remainder of those two properties is to remain FF-1. The proposed rezonings would create a consistent depth of the business district zoning along M - 68.

Packet Items: No new information

Doernenburg explained that this is the second public hearing for this case. She explained that this is a two part rezoning request. A map of the current zoning in the area and a map showing the properties requested for rezoning were shown. Part one of the request is to rezone R-2B General Residential to B-1 Local Tourist Business and rezone FF-1 Farm & Forest to R-2B General Residential. The second part of the request is to rezone an area of FF-1 Farm & Forest to B-2 General business in order to align the zoning with the zoning on adjacent parcels. Doernenburg explained that this request is consistent with the Littlefield Township concept plan of 1982 as well as the Emmet County Master Plan. There are no planned uses for these properties at this time.

The applicant, David Billideau, was present and available to answer any questions.

Jones asked if there were currently some residences in FF-1 area that borders the proposed B-1 zoning. He is concerned with screening for those properties zoned FF-1 if there is commercial use on the property next door. He asked if any neighboring property owners had commented on this case. Doernenburg replied that no public comment has been received on this case. Michalek stated that there are residences in the FF-1 area and screening can be required when the potential businesses go through a site plan review process.

There was no public comment on this case.
Anderson made a motion to recommend approval of Case #47-06, David Billideau & Damien Henning to rezone tax parcels 07-17-11-100-003, 033, 034, 035, and 036 from R-2B to B-1 and FF-1 to R-2B and align the zoning district boundary of tax parcels 07-17-10-200-005 & 006 with the property to the east to a depth of 320’ as proposed. The rezoning is consistent with the Master Plan and the Littlefield Township Concept Plan developed in 1982 and Littlefield Township recommended approval. This motion was supported by Neal and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Alexander. No; None. Absent; Derrohn.

This case will now be sent on to the County Board of Commissioners for approval.

Eby asked the applicant, David Billideau, what he wished to do with Case #27A-85 now that this case has been decided. Billideau stated that he wishes to withdraw Case #27A-85.

Case #27A-85 was withdrawn per the applicant’s request.

4. Case #110A-80 Marty Gitre, SPECIAL USE PERMIT/SITE PLAN REVIEW, Drive Through Business, 1289 N US-31, Section 34, Bear Creek Township

Legal Notice: A request by Marty Gitre for Special Use Permit for a Drive-Through Business located at 1289 N US-31 Hwy, at the NE corner of M 119 and US 31 Hwy. Section 34, T35N-R5W, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel number 24-01-16-34-100-045. The Request is per Section 2102-15 of the Zoning Ordinance and includes Site Plan Review for a 6,000sf retail building.

Packet Items: 12/19/06 plans, updated zoning evaluation form.

Michalek presented this case showing the parcel location and aerial photos. He explained that a new site plan was submitted on December 19, 2006. Both the proposed drive-through and bypass lanes now meet the setback requirements of the ordinance. MDOT approval has been received. Bear Creek Township recommended approval on the condition that the required trees are 2 ½” caliper deciduous trees. Michalek pointed out the loading/unloading zone on the site plan and recommended that it be painted with ‘no parking’ stripes similar to the handicapped zone. The plan has adequate parking. The elevations were shown. Michalek explained that there will be a store-front face on both the M-119 and US-31 sides of the building.

The representative for the applicant, Kevin Enders of Gosling Czubak, stated that the site plan is an improvement to the site. They are removing two of the four curb cut entrances which will make traffic flow much safer. All of the standards and concerns from Bear Creek Township have been met.

There was some discussion regarding the drainage on the site. Jones asked about some of the markings on the site plan. Enders stated that the drainage from that area is sheet flow drainage, except for the existing manholes, to a culvert under the drive. The water will run off the corner, directed by a swail, to the culvert.

Eby asked why the Township specified deciduous trees. Anderson replied that John Prote asked for it to be specified at their meeting. It is also in the ordinance this way as well.

Neal asked if the exits onto M-119 and US-31 will be right turn only as left hand turns in that area could take a very long time. Enders replied that no they aren’t, however there are other options for people to avoid some of that delay.

Eby opened the floor to public comment.

Gerald Festerling stated that he is concerned about the drainage on the back portion of the site. He feels that the water from the drive-through would drain directly to his lot. Is there a retention pond or some other way to contain that water? Enders replied that the grading will be higher in the rear of the property and the water will shed to the east and west, not to the north toward his property.

Anderson asked Enders if they would be willing to place ‘no parking’ striping in the loading/unloading area. Enders-Yes.

Anderson made a motion to approve Case #110A-80, a request by Marty Gitre for Site Plan Review for a 6,000sf retail building and a Special Use Permit for a drive through business, located at the NE corner of M-119 and US-31 Hwy, 1239 US-31 N Hwy, Section 34, Bear Creek Township, tax parcel number 24-01-16-34-100-045 on condition that sign and
lighting be reviewed by the Sign & Lighting Committee, the required trees be 2½” caliber deciduous trees, that the
loading area be striped similar to the handicap parking area on the site plan, because the plan, dated 12/19/06, meets the
standards of Section 2102-15 and 1000-1, 6 & 9, and Bear Creek Township Planning Commission recommended
approval. The motion was supported by Jones and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott,
Gregory, Laughbaum, Anderson, Alexander. No; None. Absent; Derrohn.

5. Case #49-06  Larks Landing LLC, SPECIAL USE PERMIT, Land Development
Standards-Site Condo, Kaz Road, Section 17, Center Township

Legal Notice: A request by Larks Landing, LLC for a Special Use Permit per Land Development Standards to create 12 single family
site condo units on property located on the south side of Kaz Road, Section 17, Center Township. The property is zoned RR-1
Recreation Residential and is tax parcel number 24-04-09-17-400-002. The request is per Section 2102-14 of the Zoning Ordinance.

Packet Items: 12/22/06 conditional Health Department approval letter, updated zoning evaluation form, Fire Department approval
letter.

Additional handouts: 1/3/07 township recommendation letter.

Doernenburg explained that this site is located on the south side of Kaz Road on Larks Lake. The property is zoned RR-1
Recreation Residential and the required lot size is 22,000sf with 100’ width. All proposed sites meet these standards. The
township has recommended approval. Fire Department and conditional Health Department approvals have been received.

Jones stated that the Fire Department letter doesn’t seem to approve the site. Doernenburg stated that there is another
letter in the file and the applicant has been working with Pellston Fire Department to satisfy their recommendations. The
Fire Department has requested widening the private drive at the end of the cul-de-sac.

The applicant, Dick Oelke, stated that they have widened the cul-de-sac to 24’. They would prefer that the private drive at
the end of the cul-de-sac remain a 12’ wide gravel drive, but they will widen it if deemed necessary.

Doernenburg stated that there is no standard in the ordinance for private drives that access less than three parcels as this
one would.

There was no public comment on this case.

Jones stated that he feels that the Fire Department recommendation should be followed. Scott agreed. The board discussed
whether the drive should be required to be wider or not. Some of the concerns were traffic and emergency vehicle access.
Eby stated that by requiring a wider drive, there isn’t a hardship to the applicant as there are no trees to remove and it
won’t be impacting the lots. There was some discussion as to what the Fire Department requirement was. Doernenburg
stated that in the letter they request 22’ wide. Anderson suggested making the condition that the applicant will construct
the private drive to meet the Fire Department requirements. This way, it is between the applicant and the Fire Department
to decide the width of the drive.

Scott made a motion to approve Case #49-06, Larks Landing LLC, Special Use Permit, Land Development to create a 12-
unit site condominium in Section 17, Center Township, tax parcel number 24-04-09-17-400-002 on the condition that the
private drive at the end of the cul-de-sac be constructed to meet the requirements of the Fire Department because of the
facts in the case, the plan dated November 11, 2006 meets the standards of Section 2102-14 of the Zoning Ordinance, and
the township recommended approval. The motion was supported by Jones and passed on the following roll-call vote: Yes;
Eby, Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Alexander. No; None. Absent; Derrohn.

6. Case #23B-98  Rich Jackimowicz, SPECIAL USE PERMIT, Level III Resource Mining
& Extraction, E. Mitchell Road, Section 6, Springvale Township

Legal Notice: A request by Rich Jackimowicz for a Special Use Permit for a Level III Resource Mining and Extraction operation with
a Redi Mix Plant to be located on the south side of E. Mitchell Rd., Section 6, T34N-R4W, Springvale Township. The parcel is
approximately 27.2 acres, zoned FF-2 Farm and Forest with a tax parcel number 24-14-20-06-300-008. The review is per Section
2102-10 of the Emmet County Zoning Ordinance.

Packet Items: updated zoning evaluation form, 12/21/06 permit requirements, 12/18/06 letter from Jennifer Nestle, 12/19/06 letter
from Gail Barker & Robert Campbell, 12/20/06 letter from Cynthia Hill & Lyn Gabel, 12/15/06 letter from Marilyn & James Kruskie.
Michalek explained that this case was originally advertised to include a request for a redi mix plant as well as the request for Level III Resource Mining. At the last meeting, it was determined that these should be two different requests and Case #23C-98 was advertised for the redi mix plant. He suggested moving the review of Case #23C-98 to be heard after this case.

Scott was concerned that there wasn’t an amendment to Case #23B-98 after removing the redi mix plant part of the request. Eby explained that he would consider the inclusion of the redi mix plant in Case #23B-98 to be an error. Advertising an additional case for the redi mix resolved that error. It was decided to move the review of Case #23C-98 after the review of Case #23B-98.

This parcel is located south of Mitchell Road, just inside Springvale Township and is zoned FF-2 Farm and Forest. There are now two parcels combined for a total of approximately 41 acres. The residential parcel to the west was added to make a lot of over 40 acres. This is one of the requirements for the redi mix plant. The site is partially mined (less than 2 acres), and wooded. The proposal is to expand the resource mining to Level III Resource Mining. Springvale Township recommended approval for the mining expansion and recommended the operating hours of 8am-5pm Monday-Friday. This was based on the approved hours of the 2001 permit. Preliminary approval has been issued by the Road Commission. The final approval would be investigated if the Special Use Permit was approved. Michalek showed an aerial photo of the site and pointed out the additional property that was added into the request. He explained that the parcel that was added is the applicant’s primary residence. The site plan was shown. Michalek explained that there is a berm on the north side of the mining operation. The elevations on the site are dramatic making the current operation difficult to see from Mitchell Road. Michalek showed the proposed mining area. Further screening if needed has been proposed if the operation is visible from the road. The operation meets the minimum perimeter setback of 50’. There is a staff prepared draft permit based on the previous approval in the packets. This permit includes staff changes/suggestions listed in bold.

Scott questioned the need to look at this parcel as a 41 acre parcel in this case. The additional acreage was added for the redi mix plant only and he feels that the mining request should be looked at as originally requested, a 27.2 acre parcel. He would also like to go through each of the points on the staff prepared draft permit. Michalek noted that it wasn’t the applicant’s desire to include the other parcel in the mining request.

Neal asked how long the mining will take place. The applicant, Rich Jackimowicz, replied that it is a large piece of land and he’s not sure how long it will take to mine. Scott stated that the current mining has been in operation since 1998 on less than 2 acres. Neal asked if there has been any reclamation on this currently mined area. Scott replied that it is not a large enough piece of property to reclaim and until it was expanded, it wouldn’t be practical to do so.

Scott stated that at the Springvale Township meeting they discussed phasing of this project due to the size of the lot. Michalek stated that phasing has been discussed with the applicant, but he hasn’t submitted a proposal yet. Eby stated that without phasing, performance guarantees can get complicated. Scott suggested that the phasing could be defined by size and not time. Once a certain area is disturbed, another previously disturbed area would have to be reclaimed before moving on to the next phase. Michalek stated that the applicant should identify these phases. There was some discussion on performance bonds and how best to handle them in this case.

Alexander asked if they have done what they were supposed to on the site so far. Scott replied that they had.

Neal asked if a time limit can be implemented on the mining. Michalek stated no, once a land use is permitted, the use runs with the land until the applicant removes the use or it is removed due to some sort of an enforcement issue. He also stated that the Planning Commission can’t require the applicant to return after each phase for review as they are not a licensing body. Anderson stated that the site can still be inspected.

Jones asked what the recourse is to make sure that he can’t move on if the project is done in phases and a phase is not completed or done properly. Michalek replied that it would become an enforcement issue and the recourse would be in the form of stop work orders or utilizing performance guarantees.

Eby opened the floor to public comments, but reminded the audience that the comments could only be in regards to the mining at this point. Any comments in reference to the redi mix plant would be heard during the next case.

Alyce Conrad stated that the terrain of the site is more difficult to reclaim as everything is in a hole with steep hills.
Marilyn Kruskie stated that the operation is very visible from the road and a lot of the excavating has been done toward the road.

Cynthia Hill asked if we are now talking about the 27.2 acres or the 41 acres. It was answered that 27.2 acres are being reviewed for the mining request.

Scott stated that he thinks some type of phasing needs to be set up if for no other reason than to be able to control the operation. He sees this operation continuing a long time and doesn’t think that the phasing needs to have time restraints but rather limiting the acres disturbed at one time. Eby stated that perhaps if more than a set amount of acreage was disturbed without reclamation, a performance bond could be required.

Michalek read through the points on the draft permit (attached).

- Point #1-no discussion
- Point #2-no discussion
- Point #3-no discussion
- Point #4-Hours of operation were discussed. Scott stated that the Township’s approval recommendation was based upon the hours of 8am-5pm Monday-Friday which reflects the current permit requirements. Eby asked if this is a gravel operation involving crushing. Jackimowicz replied that there is screening only, no crushing. He is requesting the hours of 7am-7pm at least for the hauling. Scott suggested 7am-6pm. This would help with the neighbor’s concerns with dust and noise. He feels that trucking should be contained 8am-5pm. After discussion, it was decided that the hours should be restricted to 7am-6pm, Monday-Friday and 8am-5pm Saturday for trucking, and 8am-5pm Monday-Friday for screening and/or crushing with no operations on Sundays or holidays.
- Point #5-no discussion
- Point #6-no changes proposed
- Point #7-no discussion
- Point #8-no changes proposed
- Point #9-no changes proposed
- Point #10-no discussion
- Point #11-no discussion
- Point #12-Screening was discussed. Scott stated that the operation is more visible this time of year due to the lack of leaves on the trees. Jones stated that showing the additional screening on the site plan would be best. Jackimowicz stated that the area that is visible from Mitchell Road now is the sand that was used to fill a valley. Topsoil will be added and it will be seeded in the spring. He feels that the road side is the only area that additional screening may be necessary as it’s the only visible area to the public. Scott stated that it possibly may be needed along the north-east side as well. Eby suggested that tentative screening be identified on the plan where it may be needed.
- Point #13-no discussion
- Point #14-What will be done with the stumps? This needs to be identified.
- Point #15-no changes proposed
- Point #16-no discussion
- Point #17-This should be removed on the mining permit as it is in regards to the redi mix plant.
- Point #18-Jones stated that this should be reworded to prevent hauling in of materials. Anderson stated that this point doesn’t restrict materials, just equipment. This should be looked at more thoroughly.
- Point #19-no discussion

More information is needed on phasing, screening, and performance bonds. The applicant will meet with staff to resolve some of these issues.

This case was deferred until the next regular meeting for further information from the applicant.

7. **Case #10A-06**  
   *Emmet County Planning Commission, TEXT AMENDMENT, Article XXIV, Administration*

*Packet Items: staff report regarding Section 2405-10-Environmentally Sensitive Areas, proposed Administration section (Article XXIV) language.*
Doernenburg pointed out that the handout on Environmentally Sensitive Areas is proposed to be added as an informational handout for property owners. She explained that Civil Counsel has reviewed that proposed Text Amendment. Minor grammatical changes are needed. Friendship Township emailed a letter today that contains further suggestions however these suggestions were discussed at previous meetings. One of the suggestions should perhaps be utilized. They suggest that Section 2405, Paragraph 4, introductory paragraph read: “The Planning Commission shall consider whether the following standards have been addressed to promote public health, safety, and welfare, and carry out the spirit and intent of the Ordinance.” This removes the phrase “protect land values” which they felt was too ambiguous.

Anderson stated that she agrees that it should be changed. Eby stated that it should match what the Zoning Enabling Act states. Doernenburg replied that the ZEA states promote public health, safety, and welfare. There was a consensus that it should be changed.

Michalek stated that a surveyor had requested that surveyors be added to the list of people who were authorized to seal plans because other agencies, such as the DEQ and Health Department allow for this.

There was much discussion regarding this. Scott stated that he doesn’t think that surveyors should be allowed to seal plans because they collect the raw data and an engineer or architect interprets that data and forms the site plans. Eby stated that the question that needs to be decided is whether adding surveyors to the list of authorized people enhances the probability of the Planning Commission receiving proper plans. After some discussion, it was decided that it would be best to leave it as is.

Anderson made a motion to recommend approval of Case #10A-06, Zoning Ordinance Text Amendment to Administrative Section with the changes to section 2405, paragraph 4, as discussed. The motion was supported by Scott and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Alexander. No; Laughbaum. Absent; Derrohn.

8. Case #48-06 Emmet County Planning Commission, TEXT AMENDMENT, Changes to Farm & Forest

Packet Items: No new information

Additional items: 1/4/07 email from Friendship Township

Springvale and Maple River Townships have recommended approval. Friendship Township did email a letter today recommending approval. Doernenburg stated that their concerns had been discussed during previous meetings.

There was some discussion on this proposed amendment. Laughbaum stated that he thinks it should be left as it reads now and that Paragraph 2 shouldn’t be removed.

There was no public comment on this case.

Jones made motion to recommend approval of Case #48-06, Zoning Ordinance Text Amendment to Article VIII, Section 801, Paragraphs 2 & 7 as proposed. The motion was supported by Scott and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Alexander. No; Laughbaum. Absent; Derrohn.

9. Case #23C-98 Rich Jackimowicz, SPECIAL USE PERMIT, Redi Mix Operation, E. Mitchell Road, Section 6, Springvale Township

Legal Notice: A request by Rich Jackimowicz for a Special Use Permit for a Redi Mix Operation to be located on the south side of E. Mitchell Rd., Section 6, T34N-R4W, Springvale Township. The parcel is approximately 41 acres, zoned FF-2 Farm and Forest with tax parcel number 24-14-20-06-300-007 & 300-008. The review is per Section 801-10 of the Emmet County Zoning Ordinance.

Packet Items: Request & Location map, Tax Parcel map, Springvale Township minutes, 12/21/06 letter from applicant, 12/15/06 preliminary Road Commission approval letter, 12/21/06 site plan, Zoning Evaluation Form, 12/23/06 letter from Carl & Nancy Dulin.
Michalek stated that there is an additional 14 acres from the west parcel added to the 27.2 acres to make an approximately 41 acre parcel in order to fit the acreage standards of Section 801-10. He pointed out the staff suggestions listed in italics on the zoning evaluation form. The Springvale Township motion to approve failed. There was no further motion made.

Section 801-10 requires at least a 40 acre parcel, to have the owner of the industry to have a primary residence on the same property, and to have no more than three employees. These requirements appear to be met. This section also states that “Mechanical equipment that generates persistent noise levels comparable to sawmills, by pitch, frequency, or decibel measurement as well as outdoor storage of materials, shall be required to provide isolation distances as regulated for sawmills...’ This distance requirement is 1,000’. The Planning Commission does have the right to modify that 1,000’ distance requirement. There are three residences that are identified within these setbacks.

Jones asked if combining the parcels would still qualify the use under this section as Section 801-10c states: “The site to be impacted by uses proposed herein shall contain at least forty (40) contiguous acres by description. The site shall have a depth to width ratio of two to one (2:1), or less, and the property shall not be divided by existing public roads. The parcel shall not be further split, subdivided, condominized, or leased for other uses for as long as the proposed special use remains operational.” Contiguous acres seem to say that it must be one parcel only.

Scott has concerns with counting and enforcing the number of employees. Also, that this is an industrial operation in a Farm and Forest zone. Jones commented that if this is approved, every gravel mining operation in the County will want a ready mix plant. Alexander stated that this would set precedence. Michalek stated that it needs to be determined if the standards of the ordinance have been met. Scott replied that there are a number of standards that haven’t been met. Jones stated that he doesn’t feel that the addition 14 acres should be included.

The applicant, Rich Jackimowicz, asked why the ready mix plant is such an issue if crushing is possibly allowed on the site. Neal replied that a ready mix plant would involve materials brought onto the site. Jackimowicz replied that it would only be in limited amounts. Eby stated that the ordinance does make allowance for ready mix plants but not in the FF zones. In the past, the Planning Commission has denied these types of requests. Jackimowicz stated that each case should be looked at separately and his equipment wouldn’t be seen from the road. Michalek stated that the applicant has proposed to contain the plant within a building if necessary. Anderson stated that would make it look more industrial.

Marilyn Kruskie read Section 801-10e, “The property shall essentially retain a visual farm forest character, and shall not have or tend to have the appearance of an industrial district (factories, warehousing, and the like.)” Eby asked how close her property is. Kruskie stated about 1,000’ away.

Nancy Dulin stated that allowing an industrial operation in Farm and Forest would set precedent.

Cynthia Hill stated that a lot of the people who have written letters about having an industrial business so close are concerned with traffic and noise. A lot of the traffic on Mitchell Road in the morning comes from the Wolverine area and additional trucks will make traffic worse. There are many accidents on that curve. She is concerned that other big businesses would want to come into that area if this use is allowed.

Gregory stated that he doesn’t think this use is a good idea in this location. Cement trucks are more of a hazard than gravel trucks because they usually are slower. He’s not against the mining, but doesn’t want a ready mix plant.

Eby listed off other ready mix plants that are located in the County. They are all in an Industrial zone or had to rezone their property to be allowed.

Michalek asked if it would create more vehicle traffic by hauling materials from the mining site to an industrial location than what would be involved if the ready mix plant was on site. Anderson replied that the mining operation is limited to where the resource is.

Cynthia Hill is curious as to the property values on homes if an Industrial operation is in the area. In all cases, property values will go down. Who wants to buy a house with a cement plant next to it? If they want to sell their house, they won’t get as much money and if they choose to live there, they will have to deal with the traffic and noise issues.

Laughbaum stated that the 1,000’ setback was in regards to a sawmill that has a high pitched noise. He’s not sure the same noise would come with the ready mix plant. Michalek replied that the mechanical equipment use is comparable to a
sawmill. The ordinance identifies that sawmill setbacks need to be used if the use is similar.

Scott made a motion to deny Case #23C-98, Rich Jackimowicz for a Special Use Permit for a Redi-mix plant to be located on the south side of E. Mitchell Rd., Section 6, T34N-R4W, Springvale Township. The parcel is approximately 41 acres, zoned FF-2 Farm and Forest with tax parcel numbers 24-14-20-06-300-007 & 300-008 because it does not meet the standards of the Zoning Ordinance for the following reasons:

1. Neighboring residents are located within 1,000 feet of the Redi-mix plant.
2. There is strong opposition and no support from neighbors.
3. The zoning lot is two parcels.
4. It is an industrial use in Farm and Forest zone.
5. There are provisions in the Ordinance for a redi mix plant in other areas of the County and,
6. Springvale Township did not recommend approval.

This motion was supported by Neal.

Laughbaum then moved to table this case. The motion failed due to lack of support.

A vote was taken on Scott’s motion and the motion passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Alexander. No; Laughbaum. Absent; Derrohn.

A five minute break was taken.

V  Public comments: None

VI  Other business:

- **Approve 2007 Meeting Dates**: Jones made a motion supported by Anderson to approve the 2007 meeting dates. The motion passed by a unanimous voice vote of the members present.

- **Election of Officers**: Jones made a motion supported by Alexander to elect John Eby as Chair, Katie Derrohn as Vice-Chair, and James Scott as Secretary. The motion passed on the following roll-call vote:

- **Enforcement Report**: Distributed; no discussion.

- **Cemetery Discussion**: Michalek explained that this is has been an ongoing discussion stemming from a request to have a private cemetery in an FF zone. The ordinance allows for private cemeteries in R zones but not FF zones. The suggested text would be added to Article II, Section 200 of Definitions and the text that would be added to Article VIII, Section 801, Paragraph 2. The proposed text was read and discussed. Michalek pointed out that the information he obtained from MSU Extension sources, stated that cemeteries should be looked at as a land use and also not addressed as public or private separately. There are currently many non-conforming cemeteries in FF zones and we are looking for a way to allow for this use.

   After reading the proposed text, there was much discussion regarding the specific wording. The proposed text specifies dimensions and separation distances between lots. The consensus was that there are regulations by the Health Department and possibly other departments that regulate the specifics of a cemetery. Perhaps we should focus specifically on the setbacks and the boundaries of the cemetery and leave the specifics to the other agencies. The question of pet cemeteries also was discussed. It was stated that this will probably be requested in the future and should possibly be considered to be added.

   Alyce Conrad asked if this would be addressing future cemeteries not ones that are already in place. Michalek stated that yes; it would be looking at future cemeteries. It is a land use issue and a question of where to place cemeteries.

   Michalek stated that MSU Extension suggested possibly looking at cemeteries like you would a subdivision in terms of standards to be met and site plans. The two possibilities are to look at a full site plan or just look at the boundaries of the cemetery and the setbacks.
Eby stated that this type of use could influence the neighboring properties enjoyment and use of their properties. Michalek stated that in the study from MSU, it was identified that there wasn’t a monetary change in value to properties located near a cemetery. Eby stated that a cemetery use shouldn’t adversely affect someone who is already there. Michalek stated that perhaps the perceived impact is more of a social impact and not so much a monetary impact. Scott suggested an increased setback from adjacent properties. Alexander asked if neighbors could ‘sign off’ on a cemetery if they were within a certain radius. This way you won’t be imposing upon them. Michalek replied that a cemetery would still require a Special Use Permit and neighbor comments would be a part of the public hearing process.

Alyce Conrad stated that she feels that this is opening a can of worms for no reason. There are cemeteries all over the County that have room. There was a request in Springvale Township and they were told by the State that there were already plenty of cemeteries available. Eby replied that they can’t address this issue. There is a request to look at this section of the ordinance. They can’t say that because there is a lot of one particular use, a person can’t have it.

Peter O’Rourke stated that he has done a lot of research and the general consensus is that there should be no problem with building a cemetery, as cemeteries are American traditions. He noted that cemeteries are allowed in Residential zones but not Farm and Forest zones per the County Ordinance. He requested that the issues with pet cemeteries be deferred until his request is decided. Jones stated that they have to look at all possibilities as it will be a reality at some point.

Fred Gray asked if a cemetery would restrict the use of land in perpetuity. There are legal issues with this. Eby stated that cemeteries can be relocated and it happens from time to time.

Eby stated that too many details are being discussed. The details that need to be focused on are setbacks from property lines, boundaries of the cemetery, and setback distances from wells. Anderson added that looking at road setbacks is important as well to make sure that there is access to the cemetery.

This will be discussed at the next regular meeting.

- **Zoning Coordinating Committee-Case #51-06**: Doernenburg stated that these are minor adjustments to West Traverse Township’s Private Access Way Regulations. They are consistent with the County standards. One recommendation is to consider Planning Commission review for easements and maintenance agreements.

  Scott made a motion supported by Alexander to authorize the Chair to sign the memo for West Traverse Township. The motion passed by a unanimous voice vote of the members present.

- **Review by-laws**: The by-laws will be reviewed at the next meeting. Planning Commission members were asked to read and identify any changes that they feel need to be discussed.

  There was some further discussion on Section 801-10. The entire section needs to be looked at and possibly removed.

  Laughbaum asked why the recreation farms were removed from the ordinance. It was explained that because there is not a definition in the ordinance, there is a risk that anything could come in and say that they are a recreational farm. Eby stated that the groups working on the Master Plan have been focusing on this information and addressing the issues that come along with it.

**VII Adjournment**

Chairman Eby called the meeting adjourned at 10:45 p.m.

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James Scott, Secretary                Date