MEMBERS PRESENT: J. EBY, Chairman, K. ALEXANDER, K. DERROHN, J. SCOTT, A. BEHAN, J. JONES, R. LETZMANN, D. LAUGHBAUM, R. SUMMERS

MEMBERS ABSENT: None.

STAFF: M. PUTTERS, T. DOERNENBURG, M. GRAWEY, BRENTT MICHALEK, ANAMIKA LAAD

VISITORS: DENNIS SACKRIDER, JEFF PETITT, ALYCE CONRAD, STEVE SHUMAN, FRED GRAY, ALVIN BENNETT, ANDY LAPOINTE, CHRIS ALEXANDER, AND OTHERS.

I Call to Order and Attendance
Eby called the meeting to order at 7:30 p.m.

II Minutes of January 6, 2005
Letzmann made a motion to approve the minutes of the January 6, 2005 meeting as amended. Alexander supported the motion which passed by unanimous voice vote.

III Election of Officers - postponed until end of meeting.
Behan made a motion to keep the existing officers as is. Alexander supported the motion which passed by unanimous voice vote.

IV Cases

1. Case #82-04 Alvin Bennett, RE-ZONE, Lakeview Lane & Grubaugh Rd., Section 4, Littlefield Township
A request by Alvin Bennett to rezone tax parcel number 24-07-17-04-301-003, located at Lakeview Lane and Grubaugh, in Section 4, T35N-R4W, Littlefield Township from part R-1B One Family Residential and part FF-2 Farm Forest, to FF-1 Farm Forest. The purposes for the rezoning is to place all of the subject property into one zoning classification and to decrease the lot size from 88,000 sq. ft. to 44,000 sq. ft. per dwelling unit as a transition area between the existing R-1B district and the FF-2 District. Additionally, the rezoning will include zoning district changes on all or part of the following properties as noted for tax parcel numbers prefixed 24-07-17-04 and numbered:
   a) 301-006, place the entire parcel in R-1B, from FF-2
   b) 301-004, place the entire parcel, either in FF-1 or R-1B, from FF-2
   c) 301-001, from FF-2 to FF-1
   d) 301-010, from FF-2 to FF-1
e) 301-005 from FF-2 and part R-1B to FF-1
f) 301-011 from FF-2 and part R-1B to FF-1
g) 300-001, from FF-2 to FF-1
h) 400-038, 400-037, 400-035, 400-039, 400-004 from FF-2 to FF-1
i) that part of 200-010 that is within 660' of Grubaugh Road from FF-2 to FF-1 Farm Forest.

The foregoing zoning changes are to avoid spot zoning and to adjust zoning boundaries to coincide with property lines.

Laad explained using a request and location map, an existing zoning map for the subject area and a proposed zoning map. The Planning and Zoning Staff prepared the proposed zoning map that includes the Bennett property, but encompasses an area larger than just the Bennett property. Because some parcels are split by two zoning districts, tax parcel number 301-006 is proposed to be changed to R-1B One Family Residential and all of tax parcel number 301-004 to be changed to FF-1. Laad noted that the existing zoning has a sharp contrast with 22,000 sq. ft. lots in R-1B and 88,000 sq. ft. lots in FF-2. By rezoning to FF-1, there would be a better density transition and it would orient the zoning boundaries to the lot lines. There were no public comments on the proposed changes. The Township recommendation was to approve with the condition that they have a chance to review the case if there was any feedback from the neighbors.

There was discussion on re-notifying the neighbors to give more time for owner input. Jones stated that there may be no need to renotify if the only concern was with parcel 301-004. There was further discussion on gathering more information from the neighbors if possible. Staff stated that an attempt would be made to call the owners prior to the County Board of Commissioners meeting.

Derrohn made a motion to approve Case #82-04, a request to rezone tax parcel number 24-07-17-04-301-003, located at Lakeview Lane and Grubaugh, from part R-1B One Family Residential and part FF-2 Farm Forest, to FF-1 Farm Forest, and the specific parcels listed in the request be re-zoned as advertised, to FF-1, except that all of parcel 301-006 be zoned R-1B One Family Residential, (now part FF-2) and all of 301-004 be re-zoned to FF-1 Farm Forest (now part R-1B), as the proposed rezoning will be a better transition from FF-2 and R-1B, the Township approves, the zoning lines will follow lot lines and there have been no objections. Jones supported the motion which passed on the following roll call vote: Yes; Letzmann, Laughbaum, Behan, Scott, Summers, Jones, Derrohn, Eby. No; None.

2. Case #139A-78 Jeff Galsterer, SUP - Veterinary Hospital, 2010 M - 119 Hwy, Section 27, Bear Creek Township

A request by Jeff Galsterer for a Special Use Permit to establish a veterinary clinic and office in the B-2 General Business District, at 2010 M - 119 in Section 27, T35N-R5W, Bear Creek Township. The Tax Parcel Number is 24-01-16-27-200-039. The use does not involve a kennel for boarding animals, but some animals being treated may remain on-site overnight. The request is per Emmet County Zoning Ordinance, Section 2102-9. The use is closer than 500' to a Residential District boundary, for which a variance is being sought.

Putters explained using a request and location map, a survey, a tax parcel map and photos. He explained the 500 foot isolation distance for kennels and veterinary clinics, the use changes on the neighboring properties, and stated that the case will be heard the Zoning Board of Appeals on February 17th, concerning a variance to the 500 ft. isolation distance from residential district boundaries. There have been no objections received.

Eby asked for comments from the applicant. The applicant was not present.

Eby asked for public comment. There were none.

Jones moved to approve Case #139A-78, a request for a Special Use Permit for a veterinary hospital at 2010 M - 119 Hwy, Section 27, Bear Creek Township, with conditions that the Zoning Board of Appeals approve the 500 ft isolation distance, and further, that the use is not a kennel, that the out building is not to be used as an outdoor clinic or kennel, and that no animals be housed outside. Letzmann supported the motion which passed by the following roll call vote, Yes; Alexander, Derrohn, Behan, Laughbaum, Scott, Summers, Letzmann, Jones, Eby. No; None.

3. Case #81A-04 Chris Alexander, Final PUD Mixed Use Master Plan, 9585 Service Road,
Section 15, Carp Lake Township
A request by Christopher Alexander to apply a Final PUD-1 Mixed Use Master Plan to properties located in the SE 1/4 of the NW 1/4 of Section 15, T38N-R4W Carp Lake Township. The tax parcel numbers are 24-03-15-100-021 and 100-020. The properties are zoned R-2B General Residential, accessed by a service road that parallels the westerly side of US-31. The parcels run east-west between US-31 and the former Penn Central R.R. Right-of-way and are some 2,100 feet south of Gill Road. The request is per Article XVIII of the Zoning Ordinance. The PUD includes all R-2B District uses as regulated in the R-2B District and up to four mini storage buildings per the approved Preliminary PUD/Mixed Use Master Plan.

Putters explained the case referring to the proposed Final PUD-1 Mixed Use Master Plan (dated 1/28/05).

Eby asked for comments from the applicant. He had no comments.

Eby inquired about the distance between the North and South buildings and what is between these buildings. Alexander stated that is was 50 feet, which was verified by Putters. Alexander explained that there was no turn around area for semis on the plan.

There was discussion on the limited space for semi’s or moving vans, and possibly putting in a turn around area for these larger trucks. Eby stated that this issue could be dealt with at the Site Plan level. There was further discussion about putting a turnaround close to the road where there is a 45 ft of useable area out of the setback.

Derrohn asked for clarification on the size of the buildings. Alexander answered 10’ x 20’ and 10’ x 30’, with a 9 ft square door.

Eby asked for comments from the public. There were none.

Letzmann moved to approve Case # 81A-04, Final Mixed Use PUD with the condition of adding a turnaround space for semi’s on the Site Plan, and because it meets Final PUD standards and the Township recommended approval. Scott supported the motion which passed on the following roll call vote: Yes; Laughbaum, Alexander, Derrohn, Jones, Behan, Summers, Scott, Letzmann, Eby, No: None.

4. Case #2-05 Jeff Pettit, SITE PLAN REVIEW, 4445 Oden Road, Section 17, Littlefield Township
A request by Jeff Pettit for Site Plan Review, to construct an office and model home on a .39 acre parcel located at 4445 Oden road, Section 17, Littlefield Township. The property is zoned B-1 Local Tourist Business and is Tax Parcel Number 24-07-17-376-042. An existing residence will be replaced by two new buildings, one to serve as a real estate sales office and the second to be an accessory model showroom.

Michalek explained the case referring to the site plan, a request and location map and photos. He explained the zoning and the surrounding areas, the driveway has the Road Commission approval, the plan needs Sign & Lighting Committee approval and review by the Fire Department. Michalek pointed out that there is a problem with the location of the dumpster, being in the setback. Putters discussed the property line discrepancy as there is an overlap.

Eby asked for input from the applicant. Jeff Pettit added that the one foot overlap in question is believed to be the actual lot line. He was not sure who did the original survey, the current surveyor believes it is the true lot line.

Derrohn stated that the owner should know the true lot line.
Michalek asked if there was room to move everything one foot? Pettit stated yes, it could be moved or the front porch could be narrowed. He stated that there is Road Commission and Fire Department approval, and that he can move the dumpster. Pettit plans to narrow the porch by one (1) foot to resolve the discrepancy.

Jones was concerned that there would not be room to maneuver, if they needed to back in to the dumpster. Letzmann asked if there was enough parking? Putters stated that the parking was sufficient. There was discussion on the dumpster and the parking and how both will be effected. The dumpster could be switched. Pettit asked if they are required to have a dumpster? Can they use another service? There would be no food disposal and nobody would be residing there. Dumpsters are not required, but if one is included it must be screened and meet the zoning setbacks.

There is discussion on the site plan and the existing drive. Also the Artesian well was discussed and there was a question on the retention pond. Pettit discussed the existing artesian wells. He explained the overflow, and the retention pond system.

Dehronn moved to approve Case #2-05, a request to construct an office and model home at 4445 Oden Road, Section 17, Littlefield Township, they have township approval, there is approval from the Fire Department and the Road Commission, there is a sealed drainage plan, they will move the building one foot forward (south), and the dumpster will be moved to a different location. Letzmann supported the motion, which passed by the following roll call vote, Yes; Laughbaum, Alexander, Derrohn, Jones, Behan, Summers, Scott, Letzmann, Eby, No: None.

5. Case #83-04 Steve Shuman for the Rotary Club of Petoskey, REZONE FROM R-1B TO R-2B, US 131, SECTION 07, Bear Creek Township

A request by Steve Shuman on behalf of the Rotary Club of Petoskey to rezone two parcels located on the east side of US-131 South generally known as Rotary Park, being Tax Parcel numbers: 01-19-07-150-016 and 01-19-07-150-018, T34N-R5W, Section 7, Bear Creek Township, from R-1B One Family Residential to R-2B General Residential. The purposes for the rezoning are to maintain continuity of R-2B Zoning along this portion of US-131 South and to permit a change in use from park to office and professional uses. The property contains approximately 1.8 acres in area and has some 500 feet of frontage on the east side of US-131.

Laad explained the case using a request and location map, site plan and photos. The proposal is to rezone from R-1B to R-2B. All parcels across US-131 and south and north of the property are now zoned R-2B. The park was donated to MDOT by Rotary. Rotary Club wants to sell and use the funding for other charitable community projects. Rezoning will enhance the value. Putters added that the scenic view has nothing to do with rezoning, but staff is trying to work with all involved to protect the view which has been there since the early 30's. Putters stated that he would like to see the community keep it a public park as this parcel is the only community green space on the east side when coming into Petoskey from 131 South. The Township tabled the request.

Steve Shuman discussed the purchase, from the value standpoint of the Rotary Club. The proceeds will stay within the community. They received the property back 2 years ago, they approached Bear Creek Township, the City of Petoskey and the Little Traverse Conservancy, all of whom were not interest. The usage has dropped off and over the last ten years it has developed a tawdry reputation, accompanied by high maintenance and liability costs.

Jones stated that it added value to the community to have the view.

Shuman discussed the narrow strip and the view. There was discussion of a sale, using the view easement as a bargaining tool.
Derrohn asked if the larger trees shown in the photos are on this property? Shuman answered no, they are located on the property behind this parcel (adjacent).

The case was postponed until the next regular meeting, to give Bear Creek Township time to offer a recommendation. The County Planning Commission policy is also to hold two public hearings on a re-zoning.

V Public Comments - none offered.

VI Other Business

1) Enforcement Report

2) PDR Conference at Victories Hotel

Michalek handed out a summary of the PDR seminar and gave a brief overview of the speakers at the meeting and the topics that were discussed. He explained the process of the PDR program and the funds available. He acquired a 30 minute video, which is available at the Planning and Zoning Office for anyone who is interested. There was some discussion on funding and the community contribution that is required.

3) Natural Hazard Mitigation Plan

Discussion on the time line for this and what should be done next. P & Z will arrange time to meet on this.

4) Petoskey East PUD Master Plan - Interpret revisions for staff

Putters explained that the final plan, with slight modifications, was able to be approved by the zoning administrator. He wanted to update the Planning Commission on changes that have been made by the applicant. Putters explained the revised site plan, comparing it with the old site plan. Has the plan changed enough that it should go back for formal review?

Joe Blachy, pointed out the scenic values, wetlands and the location of the trails. Letzmann noted that the trail was a condition of approval, there was discussion on the PUD and the conservation easement. Discussion included the trails, and the need to get the owners permission to get through the property. LaPointe explained that in previous meeting, the trail was to be negotiated along the property. He feels there is a lot of flexibility and the trail should not be on Mitchell Road.

The plan still needs a certified drainage plan. The applicant will be deleting wells and adding public water. Municipal sanitary sewers are proposed.

Scott made a motion to authorize Putters, Zoning Administrator, to adjust the roads and the lots. Behan supported the motion which was approved by unanimous voice vote.

5) County Master Plan - status
Behan made a motion to proceed as planned, Derrohn supported the motion which passed by unanimous voice vote.

6) Sub-Area Master Plan

Reported that the Sub-Area Master Plan is progressing. No meeting is scheduled for February as the consultant is still gathering information.

7) Fireworks tent at Wal-mart store: Fund raiser for church

Doernenburg stated that the PUD would need to be amended in order to allow this use. All agreed to not consider this request.

8) Appointments to Sign & Lighting Committee

The Planning Commission has been appointing members every year. Letzmann stated that she would like to see a new appointee, possibly one that represents the sign/lighting industry. She is looking for more balance between industry needs and dark sky standards. Letzmann also asked for suggested names and the appointments could be postponed until the next meeting. Staggered terms could also be considered.

9) County Recreation Plan amendments

Laad presented a draft resolution to authorize the Planning Commission to hold public hearings on amending the County Recreation Plan and to hold public hearings on a proposed grant application for development projects at Camp Pet-O-Se-Ga. The County Board of Commissioners needs to authorize the hearings and submittals.

Jones made a motion to approve the distribution of written notice to entities listed under 125.104b Section 4(b), County Planning Act, 282 of 1945, explaining that the County Planning Commission intends to prepare a Comprehensive Master Plan, and the distribution of the notice shall begin subject to the County Board of Commissioners having voted on a resolution to reserve right of final Comprehensive Master Plan approval as per 125.105 Section 5, County Planning Act. Derrohn supported the motion which passed by unanimous voice vote.

10) Annual Meeting/Retreat

There was discussion on when to hold the Annual Meeting. The Planning Commission decided to cancel the Annual Meeting and hold Special Meetings as necessary.

VII Adjournment

Chairperson Eby declared the meeting adjourned at 9:35 p.m.