MEMBERS PRESENT: Jack Jones, James Scott, Leroy Gregory, Steve Neal, Kelly Alexander, David Laughbaum, Katie Derrohn, Sue Anderson

MEMBERS ABSENT: John Eby

STAFF: Brentt Michalek, Tammy Doernenburg, Monica Linehan

VISITORS: Carl Moser, Kathy Hart, Jeanne Pindriot, Paul & Donna Theriault, Carl Hitsman, Alyce Conrad, TJ Garrett, Jonathan Scheel, Clair Rose, Valentino Trabucchi, Denny Keiser, Roger Schiefler, Ken Ruiter, Mike Kenstel, Bo Gunlock, Brian Rawley, Fred Gray, and others.

I Call to Order and Attendance
The meeting was called to order at 7:40 p.m. by Vice Chair Derrohn. All members were present except Eby.

II Minutes of January 3, 2008 meeting
Neal made a motion, supported by Alexander, to approve the minutes of the January 3, 2008 meeting as presented. The motion passed by a unanimous voice vote of the members present.

III Cases
1. Case #37-07 TowerCo for David Seger & Mary Ellenberger, SPECIAL USE PERMIT, Communications Tower, 8401 S. Ayr Road, Section 18, Littlefield Township

Legal Notice: A request by Tower Co c/o Haley Law Firm for a Special Use Permit for a telecommunications tower located at 8401 S. Ayr Road, Section 18 in Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-07-17-18-200-014. The request is per Section 2102-2 of the Zoning Ordinance. The property is owned by David Seger and Mary Ellenberger.

Packet Items: 1/22/08 letter from Haley Law Firm, 1/22/08 supplemental informational packet regarding co-location options.

Items handed out at meeting: Littlefield Township minutes from 2/5/08.

Doernenburg presented this case, pointing out the location of the parcel on the map. The proposal is for a 195’ monopole, unlit tower to be built on a 40 acre parcel zoned FF-1. The tower meets the fall-zone requirements for all surrounding parcels except the parcel to the south which is owned by the same property owner. Road Commission approval is not required because it will be accessed via a private road. The tower can accommodate up to four carriers. Documentation has been provided.
showing that collocation is not an option for them. There will be security fencing. Littlefield Township recommended approval.

Neal asked about the location of the access road. Doernenburg showed photos and the site plan to illustrate where the access is.

Alexander asked about lighting requirements. Towers over 200’ are required to be lit by the FAA. If they need to have the tower lit, they would have to either reduce the height of the tower or come back before the Planning Commission to seek approval. Also, if the tower is not used for any reason, the ordinance requires that it be removed.

A representative for the applicant, TJ Garrett of Hailey Law Firm, was present. Garrett explained that Tower Co. owns towers and is not a cell phone carrier. Dobson Communications will utilize this tower as they have a lack of coverage in this area. This location will help to cover the lakes and properties to the north as well. They cannot collocate on the RACC tower because it is only 100’ tall and is not strong enough to handle cellular equipment because it was built for internet usage. The other two towers that have been mentioned would only duplicate the current coverage that Dobson Communications has and wouldn’t allow them to expand their coverage where it’s needed.

Alexander asked if Tower Co strictly provides towers, how long they have been doing this, and how many new towers they’ve built. Garrett stated that yes; they strictly provide the towers to other carriers and have been doing so for about twelve years. She stated that she didn’t have a number on the amount of new towers, but she did discuss a location in Lansing where there were many towers in that collocation was used.

There was no public comment on this case.

Neal asked if the fact that the fall-zone setback isn’t met for the parcel to the south is an issue. Doernenburg explained that because both parcels are owned by the same people, it can be looked at as a zoning lot. If the parcel was sold, the property owner would have to accommodate the required fall-zone setbacks.

Alexander asked about the height of the tower. The legal notice states that it will be a 195’ tower and the Littlefield Township minutes state 199’. Doernenburg explained that the tower is 195’ with a 4’ antenna.

Neal made a motion to approve Case #37-07, TowerCo, Special Use Permit for a wireless communication tower of up to 199 ft. and equipment shelters at 8401 South Ayr Road, Section 18, Littlefield Township, as presented on the project summary plans and supported documentation all dated 11/7/07PZ, because the tower meets the fall zone requirement, it will not be lit, the tower will blend into the landscape, security fencing will be installed. the township recommended approval and on condition that the facility be removed if vacated as required in Section 2102-2 sub-paragraph 4, and on condition that the building lighting be fully shielded to meet the standards of the Ordinance and if lighting is required on the tower, the tower must be reduced to a height that no longer requires lighting.

The motion was supported by Scott and passed on the following roll-call vote: Yes; Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby.
2. Case #39-07  Scott Nowakowski for Meijer, PUD-1, S US 131/Lears Road, Section 18, Bear Creek Township

Legal Notice: A request by Scott Nowakowski for Meijer for a Preliminary PUD-1 Planned Unit Development to apply to properties located at 2151 S. US-131 HWY and 1121, 1169, 1173, 1179, 1185, and 1217 Lears Road, with tax parcels numbered 24-01-19-18-100-024, 026, & 027, and 24-01-19-18-200-037, 040, 042, 043, 046, & 047, parcels are zoned B-2 General Business, R-2B General Residential, and FF-1 Farm and Forest. The proposed PUD-1 encompasses approximately 35 acres and is to include retail sales, a drive-through pharmacy, and a convenience store/gas station. The request includes modifications to the PUD-1 perimeter setback, parking requirements, and signage. The request is per Article XVIII of the Zoning Ordinance.

Packet Items: 1/16/08 letter from Kathy Hart, 1/17/08 email from Patricia Webb MacDonald, 1/17/08 revised zoning evaluation form, 1/17/08 section drawings, 1/17/08 preliminary PUD plan, 1/17/08 letter from FTC&H.

Neal requested the Vice-Chair’s permission to abstain from this case as he owns property adjacent to this project. Granted.

Michalek explained that this is the fourth meeting that this case has been under review. The location of the proposed project was shown. The revised PUD plan has been revised to include the requested 75’ setback along the east property line, the ground elevation of the building was reduced by 3’, and a 20’ fire lane is shown. With the increased setback and the fire lane, the distance from the wall of the building to the property line on the east side of the building will be 95’. Some of the parking has been moved to the previous out lot location. The request is for a preliminary PUD-1 in order to allow for the gas station, the drive-thru pharmacy, and reduced parking. Doernenburg pointed out that it is important to remember that this is a preliminary plan only, not a site plan. Approval tonight would allow this case to move on to the Board of Commissioners for review.

Present for the applicant were Roger Schiefler, Ken Ruiter of FTC&H Engineering, and Mike Kenstel, Vice President of Real Estate for Meijer. Schiefler stated that they increased the setbacks as requested and reduced the elevation to work with the neighbors, the township, and the County. He thanked everyone for their suggestions.

Derrohn opened the floor to public comment.

Paul Theriault thanked the applicants for the improvements upon their previous plan. He does still have some concerns with the ground water. If the levels drop, the wells to both the Bear Creek Estates and Bear Creek Woods Condos would be affected. There will be a large footprint created by this project that could affect the water absorption and affect the water levels. There should be some stipulation that if this happens, Meijer will provide public water or cover the costs involved to dig deeper wells.

Carl Moser stated that he lives in the condo unit closest to the proposed project. He doesn’t want Petoskey water. He thanked everyone for their recommendations on revising the setbacks and building height. Moser stated that he has been following the Meijer case in Acme Township and recommended that anything that needs to be addressed with Meijer is done in writing. He stated that he doesn’t clearly understand the wall and berms that have been mentioned; what will he see out his window? Moser stated that he still feels that the project should be located on the other side of US 131.
Kathy Hart stated that she lives in Bear Creek Estates and often has bedroom window open at night. She can hear highway noise sometimes and is concerned about how much noise will occur from this project. She stated that she is not sure that this is the best place for Meijer.

Alexander stated that at a previous meeting, Schiefler had stated that there are no Meijer stores in any location that are as close to residential units that this one would be. Is there any data on how loud the equipment will be on this store? Schiefler replied that there are several Meijer sites that have residential sites very close. The noise concerns do come up. When the equipment is new, it is quiet. He doesn’t have any figures on the actual decibel levels. The noise would depend on and vary based on the age, the time of year, etc. There are also ways to quiet the equipment.

Mike Kenstel showed the location of the delivery docks and some of the compressors on the site plan. He also pointed out the approximate location of the rooftop units. He pointed out that noise from the traffic on US 131 will be louder than these units. The equipment is very efficient and quiet.

Anderson stated that rooftop screening can be addressed during the site plan review process.

Paul Theriault stated that he is also concerned about pollution. The condos are in a hole and air from the parking lot could fall into this area. He stated that he realizes that some of these issues aren’t specifically zoning matters, however they do warrant consideration.

Denny Keiser, Bear Creek Township Supervisor asked that the revised elevation section drawings be shown that illustrate the view from the closest condo units. Michalek explained the elevation section drawings to the audience. The drawing labeled section 1 is the northernmost condo building, section 2 is the middle building, and section 3 is the southerly condo building. There is a wall shown on the section 3 drawing that is partially buried.

Anderson made a motion to recommend approval of Case #39-07, Scott Nowakowski for Meijer for a Preliminary PUD-1 Mixed Use Master Plan, an overlay on tax parcels #24-01-19-18-100-024, 026, & 027 and 24-01-19-18-200-037, 040, 042, 043, 046 & 047 in Section 18, of Bear Creek Township. The property encompasses some 35.6 acres, with 405 ft. of frontage on US-131 and 785 ft. of frontage on Lears Road. Approval is based on the facts presented in this case, the proposed uses are all permitted uses or permitted uses subject to special conditions, and the plan meets the standards of Section 1804, Land Use Standards, the property has been zoned for the proposed uses since at least 1984, the plan will retain the character of the FF portion of the property, and because Bear Creek Township had recommended approval with conditions that were met. The Preliminary PUD-1 Master Plan refers to the map dated received 1/17/08; and is subject to:

1. Uses include all Principal Uses Permitted in the B-2 Zoning District and one Drive-Thru and one gas station.

2. Setbacks shall be maintained as shown on the Preliminary PUD-1 Plan dated 1/17/08PZ. (North: 50’, East: 75’, South and along FF-1 zoning district boundary 50’, West - along US-131: 100’, West – along B-2 zoning district boundary: 10’.)

3. Parking standards may be modified to allow 4 parking spaces per 1,000 sq. ft. of gross floor area for the entire development. Parking spaces may be modified to 9.5’ wide.
4. Light poles may be modified to a height of 30 ft., except that the perimeter poles shall not exceed 20 ft. in height.

The motion was supported by Jones and passed on the following roll-call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Abstain; Neal. Absent; Eby.

Michalek stated that the applicant has requested a special meeting from the Board of Commissioners so they will review this case on February 20, 2008 at 6:00 p.m. Doernenburg added that if this is approved at the Board of Commissioners level, the neighbors within 300’ of the parcels will be re-notified during the final PUD process.

Moser thanked the board members for their support. He stated that he realizes that they cannot do anything about Meijer coming here. He asked how he could become involved when the site plan is being reviewed. Derrohn encouraged him to continue to come to the public meetings.

3. **Case #124H-94**  
**RG Properties, FINAL MIXED USE PUD & SITE PLAN REVIEW,**  
1910 S US 131 Hwy, Section 7, Bear Creek Township

**Legal Notice:** A two part request by RG Properties, Inc. for property located in the southeast ¼ of Section 7, T34N-R5W, Bear Creek Township for tax parcels 24-01-19-07-300-020, 029, 037, 038, 039, 040, 041, 042, 047, 048, 049 and 380-101 & 380-102. All of the properties are within a Planned Unit Development - Mixed Use Overlay District (PUD-1) with underlying zoning of R-1B One Family Residential, R-2A & R-2B General Residential and B-2 General Business.

**Part #1:** Amend the Preliminary Mixed Use PUD-1 per Article XVIII of the Zoning Ordinance by:

- A. Allowing one additional sit down (no drive through) restaurant on property located west of US-131 Highway and north of Plaza Drive;
- B. Adding two (2) additional lots along Anderson Road south of Plaza Drive, accessed through the private road between Lears Road and Plaza Drive with all B-2 Principal Uses Permitted.
- C. Amend the drainage plan for the entire PUD.
- D. Allowing a secondary access to Cemetery Road.
- E. Identify a possible route for a non-motorized trail on the PUD Master Plan.
- F. Amend PUD agreement to reflect currently proposed amendments and previously approved PUD agreements.

**Part #2:** Final Mixed Use PUD and Site Plan Review for parcel # 24-01-19-07-300-047 for a Bob Evans restaurant. The plan includes a proposed modification to the parking spaces, to allow 9’ wide spaces. The review is per Article XVIII.

The PUD encompasses all of the following addresses: 1850, 1560, 1608, 1700, & 1820 Anderson Road, 1515 Cemetery Road, 1364 & 1420 Plaza Drive, 1930, 1950, & 1890 US 131 Hwy.

**Packet Items:** 1/14/08 Fire Department approval letter, 1/21/08 site plan, 1/21/08 elevations

Doernenburg explained that the review of this case was subject to the Board of Commissioners approving the PUD amendment. They met just prior to this meeting and approved the amendment. Bear Creek Township has not yet reviewed this part of the case and would like to do so. Staff recommends postponing this case to allow the township time to review. The location of the parcel was shown. The request is to build a Bob Evan’s restaurant on the parcel north of Applebee’s and south of Urgent Care. The original site plan had some issues and the applicant was asked to revise the plan. One of the revisions included turning the building to face US 131. The setbacks shown on the plan meet the 100’ perimeter setback from US 131, 25’ from the north property line, 6’ from the existing access easement, and 23’ from Plaza Drive. The site standards are met and screening will be put in place. The parking spaces are shown to be 9.5’ wide. Parking requirements are based on the seating available in the restaurant. If they are required to have 10’ parking spaces they still can but it would
reduce the total number of available parking spaces. Soil Erosion and Storm water requirements have been met. The 50’ flagpole has been reduced to 30’ maximum allowed height. 30’ trees are proposed, 13 would be required. The elevation drawings were shown. They originally asked for three signs and a small carryout sign. They were requested to reduce to two signs and the carryout sign and agreed.

Bo Gunlock of RG Properties was present. He stated that for the remainder of this review, someone from Bob Evan’s will be here to answer any questions. He asked if there are any immediate issues that he should bring back to them to address.

There was no public comment on this case.

Jones asked if there was screening because it wasn’t shown on the site plan. Doernenburg explained that there is a separate landscape plan in the previous set that was sent. The applicant was only requested to provide the prints of the major changes. She explained that trees are shown located along the north side. Jones asked that these be shown on the site plan.

Derrohn asked if there would be equipment on the roof. Gunlock replied that there would be however it shouldn’t be visible due to screening. He will look into it further to be sure.

Anderson made a motion to postponed until the next regular meeting Case #124H-94, RG Properties for Bob Evans, Final PUD-1 Master Plan and Site Plan Review for a sit-down restaurant at 1910 US-131 Hwy. located within Section 7, Bear Creek Township to allow the township an opportunity to review the Site Plan. The motion was supported by Scott and passed on the following roll-call vote: Yes; Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby.

This case will be heard at the next regularly scheduled Planning Commission meeting of March 6, 2008.

4. Case #S-24-07 RG Properties, SIGN REVIEW-Bob Evans, Section 7, Bear Creek Township

Legal Notice: A request by RG Properties for Bob Evans for an Exception to the sign standards to allow additional wall-mounted signs for a restaurant located at 1910 US-131 S, Section 7, Bear Creek Township. The property is tax parcel number 24-01-19-07-300-047. The property is zoned R-2B General Residential with a PUD-1 overlay. The request is per Section 2207 of the Zoning Ordinance.

Packet Items:

This case has been withdrawn.

5. Case #34A-07 GDO Investments, LLC, SITE PLAN REVIEW, 1900 & 2000 N US-31 Hwy, Section 26, Bear Creek Township

Legal Notice: A request by GDO Investments, LLC for Site Plan Review for a retail center located at 1900 & 2000 N US-31 Hwy, on the south side of US-31 in Section 26 of Bear Creek Township. The proposed development includes 5 parcels,
Doernenburg stated that this case has been reviewed by the Planning Commission last month. The Bear Creek Township meeting was cancelled due to weather, however, the township does support the plan as submitted and their concerns have been met. Doernenburg stated that the only concern listed by the township that hasn’t been met is the double-decker billboard. It is permitted through 2009 and the County has no jurisdiction over this billboard. Both the original and revised site plans were shown. The concrete/asphalt has been minimized in the back. The applicant is asking for deferred parking. They are allowed to have parking up to the right of way, but are not planning on using it. Staff supports this plan. The Sign & Lighting committee reviewed their light poles and recommended that they use 20’ poles with 250 watt lights. This will help preserve the rural character of the area. The retaining wall in the back has been reduced and there will be intensive screening and a security fence installed. The front sign has been reviewed and approved under 56sf. The elevation plans were shown. This project will reduce the curb cuts off of US-31 and has been approved by MDOT. Fire Department approval has been received. Michalek pointed out a letter that was received from the owner of Sears indicating that they would like to have the access between parcels as long as there was no cost to them.

Brian Rawley of Gourdie-Fraser was present for the applicant. He stated that the applicant is in talks with Sears regarding the connection. Neal stated that the letter appears to state that Sears is in favor of the connection as long as there is no cost to them. Rawley stated that the connection will be built by Oleson’s however the final details have yet to be worked out with Sears.

There was no public comment on this case.

Denny Keiser, Bear Creek Township Supervisor, stated that the township meeting had been cancelled; however, all of their commissioners have seen the plan. They feel that everything requested has been addressed and approve of the plan. They would like the billboard removed as soon as possible. Rawley stated that once the site is developed, the billboard will probably look out of place. The owner doesn’t want to give up the use that they have but are willing to revisit the topic later.

Jones made a motion Case #34A-07, GDO Investments, LLC, Site Plan Review for retail sales and office uses at 1900 & 2000 N US-31 located within Section 26, Bear Creek Township. The property is zoned B-2 General Business and includes tax parcels numbered 24-01-16-26-300-009, 010, 012, 016 & 017. The site plan, dated 1/17/08PZ, meets the standards of the Zoning Ordinance, Section 1000-1 & 900-4, 26 parking spaces may be deferred per Section 2202-8 as shown on the plan, the lighting has been approved based on the photometric plan dated 1/17/08PZ, sheet #3.5A, the township recommended approval and on condition that the MDEQ permit be submitted prior to issuance of a Zoning Permit, that a performance guarantee in the amount of $61,308.30 be established as required by Section 2405-4f), and that a connector drive to the Sears parcel to the north be installed. The motion was supported by Anderson and passed on the following roll-call vote: Yes; Neal, Jones,
6. Case #110B-92 Clair Rose, SITE PLAN REVIEW-Amendment, 2009 N US-31, Section 26, Bear Creek Township

Legal Notice: A request by Clair Rose for Site Plan Review for property located at 2009 N US-31 Hwy, Section 26 of Bear Creek Township. The property is zoned B-1 Local Tourist Business, R-2B General Residential, with a PUD-1 overlay; and is tax parcel 24-01-16-26-100-007. The proposal is a 1,260 sq. ft. addition, connecting the existing structures. The request is per Article XVIII and Section 2405.

Packet Items: Request & location map, application, zoning evaluation, 1/18/08 drainage letter, aerial photo, zoning map, 1/17/08 impact statement, 1/21/08 elevations, 1/21/08 floor plan, 1/21/08 site plan.

Michalek explained that this is an existing PUD located on N US-31. Surrounding businesses were pointed out and the aerial was shown to illustrate the location of existing buildings. The proposal is for a 1260sf addition to the existing building to be 5' from the northeast property line. There is an A-frame building located on the parcel. The applicant proposes to use the front setback of the non-conforming chalet. The existing drainage is adequate per a letter received from an engineering firm. The elevation sketch provided by the applicant appears to show that the A-frame building will be removed. Staff would suggest that if this building was removed, it should be moved back to conform to required setbacks. The township meeting was cancelled due to weather and they haven’t had a chance to review this request. Bear Creek Township would like to see this case before a decision is made. The drainage plan was shown. The location of the A-frame and front property line, the site plan, and photos were shown. Michalek stated that under a PUD, side setback lines can be adjusted, and they have been in the past (Walmart properties). This case is not in front of the ZBA because it is in a PUD.

Jones asked about the used car dealership on this property. Michalek explained that the approved outdoor display area is located behind the back wall of the building and extends 30' back for the width of the pole barn which is 32’x45’. Michalek added that in the approval, the size is identified for the outdoor display and this would not expand it.

There was some discussion about the drainage pond elevations.

The applicant, Clair Rose, was present. He stated that he feels that these changes would be an improvement to the property. It would allow for the front to look the same as the new building. The chalet design would be removed and the roofline changed. The property would be more uniform and would give him more warehouse space. He hopes to remain in the community even as a small business. He stated that he realizes that a PUD is designed primarily for larger projects, but as he has this zoning classification on his property, he’d like to be able to work with the side yard setbacks. He stated that he has a good relationship with the neighbors and hasn’t had any objections. There is enough room to handle any water that is taken on their property and the blacktop would only be in the front of the building.

Derrohn opened the floor to public comment. Jonathan Scheel, Bear Creek Township resident, stated that the township has concerns with the expansion of a non conforming use. The 5’ side setback is probably not an issue, but as the roof and walls will be removed from the A-frame, it should be looked at to attempt to bring the area into compliance.
Scott stated that he agrees that this is an opportunity to improve the area and move the setback where it should be. Jones stated that he agrees as well. The building should not be so close to the road. There is a turn lane scheduled to be installed on that stretch soon so there are safety concerns. Scott stated that if it was moved back there would be a location for a connecting drive between Mr. Rose’s business and the Petoskey stone store.

Denny Keiser asked if the applicant could respond to the possible changes so that they know what to look at when they hear this case at the end of the month.

Derrohn asked Rose if he understands that the board would like the building to be moved. Scott asked if the existing chalet will be coming down. Rose stated that he understood and that the building would no longer look like a chalet. There was some discussion on the possible connecting drives.

Jones suggested postponing the case for township review with the instruction that the front setback be met as this would save another delay for the applicant. Doernenburg asked if there was a consensus that the 5’ side setback was acceptable. The board agreed that it was. Michalek suggested that the front setback be adjusted to the front wall of the pole barn. Doernenburg added that this was suggested to the applicant when he brought the site plan in originally.

Jones made a motion to postpone until the next regular meeting Case #110B-92, Clair Rose, Site Plan Review amendment for an addition to a retail sales office and storage facility at 2009 N US-31 Hwy located within Section 26 of Bear Creek Township. The property is zoned B-1 Local Tourist Business, R-2B General Residential with a PUD-1 overlay and is tax parcel number 24-01-16-26-100-007 for the following reasons: to allow the applicant time to pursue other options that would bring the site into a conforming status with regard to setback standards, and to allow the township time for review. The motion was supported by Scott and passed on the following roll-call vote: Yes: Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No: None. Absent: Eby.

7. Case #2-08 Emmet County Planning Commission, TEXT AMENDMENT-Administrative Text Changes
Packet Items: Zoning evaluation, Proposed text, 1/18/08 email from Bob Cardinal, Readmond Township.

Items handed out at meeting: email from Friendship Township

Michalek explained that this amendment changes the deadline for Planning Commission cases to 24 days instead of 21, for ZBA cases 22 instead of 21, and also allows the PUD section of the ordinance to be changed to reflect PA 110 of 2006. This will allow for the informational packets to be sent to the board members and also to the affected township 14 days prior to the County meeting. Laughbaum asked if these new deadlines will ever be waived. Michalek stated that they would not be as the rules need to stay consistent for everyone. Derrohn commented that the informational packets help the township committees and boards be more informed about the issues that they are hearing. There has been no township opposition. Neal made a motion to waive the second hearing of this case and to recommend approval to the Emmet County Board of Commissioners of Case #2-08, Emmet County Planning Commission, of the proposed text amendments to Section 1802, 2405 & 2505, as proposed and also to change the deadline for Zoning Board of Appeals cases to 22 days for the following reasons: the proposed text is necessary to bring the Ordinance into compliance with PA 110 of 2006,
the proposed text will allow additional time to review the submittal and provide information to the Planning Commission, Zoning Board of Appeals and Township within which the request has been made. The motion was supported by Anderson and passed on the following roll-call vote: Yes; Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby.

8. Case #3-08 Zoning Coordinating Committee, TEXT AMENDMENT-Sexually Oriented Businesses, Little Traverse Township

Packet Items: 1/11/08 memo, 1/10/08 letter from Little Traverse Township, proposed wording.

Michalek explained that this is a proposed amendment to the Little Township Zoning Ordinance Sexually Oriented Businesses section. It is essentially the same type of ordinance that the board has seen for both the County and other townships. Scott made a motion supported by Anderson to authorize the Vice-Chair to sign the memo of recommendation to Little Traverse Township. The motion passed with a unanimous voice vote.

IV Public comments: None

V Other business:

• Policy for special meetings: Michalek explained that as the Board of Commissioners just approved a new fee schedule (will be included in next month’s packets) and the changes to the deadline dates will be changed, the amount of special meetings requested should be greatly reduced. He encouraged the members to approve the new language to the bylaws that they have to make the policies clear. Anderson made a motion supported by Neal to approve the special meeting policy amendment to the bylaws. The motion passed with a unanimous voice vote.

• Enforcement Report: Distributed; no discussion.

• TOD Sign update: Michalek explained that Doernenburg and he have been attending township meetings to present the option of the signs and the consensus among those they’ve spoken to so far is that they would like this option to be investigated. Alexander asked if any township has objected to this idea. There has been no opposition.

• Meeting start time for March 6, 2008: Michalek stated that MSU will be presenting the results to tourism and attitudes study at the next meeting. The meeting will begin at 7 p.m. to allow time for this presentation.

• Civil Counsel response letter: Michalek passed out a letter from Kathy Abbott that responded to an inquiry about the legality of being on more than one board (e.g. Board of Commissioners and Planning Commission). Michalek pointed out that Kurt Schindler commented on this issue at the January 24 seminar; it is fine as long as one of the roles is not subordinate to the other. Also, if a person sits on two boards, they cannot vote on the same issue twice.

VI Adjournment

Vice Chair Derrohn called the meeting adjourned at 9:22 p.m.

________________________________________   __________________________
James Scott, Secretary        Date