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

II Minutes of March 3, 2005

Jones made a motion to approve the minutes of the March 3, 2005 meeting. Behan supported the motion which passed by unanimous voice vote.

III Cases

Matt McCauley of NWMCOG presented the Citizens Guide for Transportation Planning. He explained the contents, answered questions and distributed copies to the Planning Commission members.

1. Case #7-05 Mike Coors & Vince Gallagher, SUP - TEMPORARY SALVAGE YARD, 6045 Ringler Road, Section 03, Maple River Township

A request by Mike Coors and Vince Gallagher for a Special Use Permit to establish and operate a Type III, metal materials salvage yard on a five (5) acre property at 6045 Ringler Road in the SW 1/4 of the SW 1/4 of Section 3, T35N-R4W, Maple River Township. The salvage yard is requested to be temporary for up to 12...
Putters presented the case using a site plan and tax parcel map. The request is for a Type III Salvage Yard in the FF-1 District. The applicant is asking for a 12 month use period. There is currently an open field, screened fencing is proposed however, Putters stated he was unsure if it would serve the purpose esthetically. There are some questions that need to be addressed, such as the hours of operation? Burning? Will there be any signs and outdoor lighting? Specifics on collection and disposal of hazardous/toxic liquids. Will there be a vehicle crusher? What about the debris? Is there a 6’ vertical isolation from the groundwater? The modifications include 1000’ separation from surface water, 500’ separation from a residential district, 300’ separation from an off premises residence and 200’ of setback from the property line. There is a need for a scrap metal collection site in the area. It is a small site, close to the lot lines and there are many neighbor objections. The Township feels that the site has “too many unresolved issues to be suitable for this type of operation.

Eby asked for comments from the applicant. No applicant was present.

There were no public comments.

Eby referred to the Emmet County Zoning Ordinance, page 21-17, sub paragraph c, item 4 which reads that failure to show an ability to comply with the standards listed in this Ordinance Section. He also stated that he believes the applicant is no longer interested in this site.

Derrohn made a motion to deny Case # 7-05, a request for an SUP-Temporary Salvage yard, 6045 Ringler Road, Section 03, Maple River Township, because it does not meet the standards of the Ordinance, the Township feels that there are too many unanswered questions, there are neighborhood objections, it is a small site and it is fully exposed to the neighborhood. Letzmann supported the motion to deny, which passed on the following roll call vote. Yes; Summers, Jones, Laughbaum, Behan, Letzmann, Derrohn, Eby. No; None. Absent; Scott, Alexander.

2. Case #6-05 Timothy VanKalker, SUP-Child Care Center, Atkins Road, Section 09, Bear Creek Township

A request by Timothy Van Kalker for a Special Use Permit to establish a child care center and accessory multi-purpose room/gymnasium on a 2.4 acre property at the southwest corner of Atkins Road and Maple River Road in Section 9, T34N-R5W, Bear Creek Township. The property is part of Tax Parcel Number 24-01-19-09-200-016 and zoned R-1B One Family Residential. The request is per Ordinance Section 401-6.

Brentt Michalek presented the case using a site plan and tax parcel map. The request is for a child care center and gymnastic school. The property is zoned R-1B. It meets all of the setback requirements. It is located in an expanding residential area, adjacent to Concord Academy. The Fire Department requested a Knox Box and an 18,000 gallon water tank. There is to be an on-site septic system and well. The Road Commission will approve one (1) driveway location and a drainage plan. There is a sealed drainage plan. There is no outdoor lighting planned. Staff recommends that the trees required trees be dispersed around the parking area. The Township Board recommended approval.

There was discussion on the Township decision

Letzmann asked for clarification on whether this parcel was the same piece of property as Concord Academy? The applicant answered yes.

Eby asked for comments from the applicant, there were none.

Dehronn asked, where are the trees being taken from? Brentt explained the situation with the trees. Putters added that there needs to be an actual greenbelt screen for the parking lot.
Letzmann asked if they will lose parking due to trees? Michalek stated no, if the trees are placed properly around the parking area.

Jones asked if the applicant would agree to screen plantings with cedar trees on the south side? Applicant answered yes.

Jones moved to approve Case #6-05, a request for a child care center and gymnastic school, located on Atkins Road, Section 09, Bear Creek Township because it is situated on property currently owned by the Concord Academy, it is situated near like uses, there have been no letters of opposition, it meets the definition of a school, the building meets current zoning requirements, there is a similar case (#76B-96-Private school to instruct health education) which was approved by the Township and the Emmet County Planning Commission in June 2004, and with the condition that screening trees be planted on the south side of the property. Behan supported the motion which passed by the following roll call vote. Yes; Summers, Letzmann, Laughbaum, Derrohn, Behan, Jones, Eby. No; None. Absent; Scott, Alexander.

3. **Case #8-05** Blue Moon L.L.C., SUP - Residential Site Condominiums, River Road, Section 28, Bear Creek Township

A request by Blue Moon, LLC for a Special Use Permit to create up to a 64 site unit condominium project on a 93.6 acre property located in the N ½ of Section 28, T34N-R5W, Bear Creek Township. The property encompasses tax parcel numbers 24-01-19-28-100-003 and 200-015, and is zoned FF-1 Farm Forest. The request is per Ordinance Section 2102-14.

Laad presented the case using a site plan and tax parcel map. There are plans for 62 lots on a parcel of approximately 85 acres. It is in the FF-1 District which allows 44,000 square feet lots. Several lots appear to have limited building location opportunity. There are citizen concerns with the high traffic volumes on River Road, storm water drainage and the hunting restrictions on adjacent properties. There are plans for an underground power line. The Township tabled the case wanting to see a safe child drop off location for school buses, screening for the neighbors, and a potential sidewalk in the school bus pick-up area.

There was discussion on the safety and security of school children. The school pick-up area, the concrete waiting pad for children and the truck turnaround would be needed to resolve these issues.

Discussion followed on the power lines, with one power line proposed to run underground. The second power line and the setbacks are shown on the site plan.

The applicant, Neil Marzella, was present. He stated that since the last meeting, they have revised their plan to show more storm drainage and that there is ample space to build on each lot. He stated that the Township wanted them to consider, 1) screening and landscaping code requirements, (Mr. Ray’s house), 2) the impact on hunting. The 150 foot setback is a good compromise to minimize the negative impact of hunting isolation distances.

Eby asked if there were questions from the staff or Board?

Derrohn asked if the roads will be paved? Marzella answered yes.

Eby asked if the Township wanted to see this case again? Michalek answered that the Township requested to table the case due to the following conditions, 1) a child drop off area, 2) location for the school buses, 3) Screening for the neighbors and 4) potential sidewalks.

Jones stated that he is uncertain if sidewalks are the answer, he feels in reality, that the children will walk on the roads whether sidewalks are there or not and the school bus traffic will be heavy. Also, they need to consider snow conditions, how sidewalks will be maintained and will this be a safety issue?
Marzella, thought tabling at the Township was for their consideration only. As long as they comply with the Ordinance, the location of the child drop off should not matter.

Letzmann asked for clarification on the road, will it be paved 24' wide? The paving (surface) must comply with the Township Private Road Ordinance.

Jones, stated that the Township Board supports, returning to planning commission.

Eby asked for public comments.

Al Gruler stated that at the Township meeting only 4 sites were addressed. At the last meeting safety was discussed, the amount of traffic on River Road was estimated at 600-700 trips daily, (he referred to the accident percentage onto River Road). It is his opinion that the problem is due to the high density. At the Township meeting, Tip of the Mitt was present and had many issues. He is surprised that they are not present at this meeting. Gruler stated that the case barely passed by the Township. Is the intent of FF-1 District and Zoning law two very different things, which supercedes? It seems that they directly conflict with each other.

Eby stated that the Planning Commission must go by zoning law. The intent only supports the zoning code.

Bill Drake stated that a neighborhood petition was submitted to Bear Creek. The further stated that the Township agreed that this was a poorly conceived plan, they gave good statistics on safety issues and traffic volumes, they had concerns and suggested contacting the bus system owners. Safety is a big issue on River Road.

Marzella commented on the safety issue, stating that the Road Commission required a wider drive and no deceleration lane. The school bus system owner was contacted for pickup information. He disagreed that the plan was poorly conceived, it meets zoning and should be approved.

Drake asked if anyone had spoken with the school safety managers, as to what should be done? There should be pull-off lanes on River Road for slower turning traffic.

Gruler mentioned the deceleration lane required at the Shuman project. He does not understand why it is not required at this site. Staff replied that this is a Road Commission decision.

Eby asked for the Boards opinion. There were no added comments.

The case was referred back to the Township, unanimously.

4. Case #10-05 Tom Walker for Hubert & Sally Hayes, SUP - Land Development Standards, Boyer & Country Club Roads, Section 34, Bear Creek Township

A request by Thomas Walker for Hubert and Sally Hayes for a Special Use Permit to establish a 14 Site Unit Condominium Project on a 15.3 acre property at the SE Intersection of Boyer Road and Country Club Road in Section 34, T35N-R5W, Bear Creek Township. The property tax parcel numbers are: 24-01-16-34-400-007 and 400-006. The property is zoned R-1B One Family Residential. The request is per Ordinance Section 2102-14.

Laad explained the case using a tax parcel map and site plan. The request is for a land division to create a site unit residential condominium development at the SE intersection of County Club Road and Boyer Road. It is proposed for 14 units on a site that is slightly over 15 acres. The lot sizes and density meet the zoning requirements. There are two shared driveways off Boyer Road,
each serving 2 lots. The lot sizes are larger than the minimum 22,000 square feet per the R-1A Standards. There is a walking path connecting the lots on Boyer Road. The request meets the Emmet County Storm Water Ordinance. The Tip of the Mitt Watershed Council has asked the Emmet County Planning Commission to table the request. The proposed driveway on Country Club Road does meet the requirements of the Emmet County Road Commission. The Township Planning Commission tabled the case.

The Tip of the Mitt Watershed Council had concerns about the drainage on the property. Other issues are listed in the handout previously given to the Planning Commission members.

Jones reported on a letter from Road Commission stating that a 35 mph speed limit is being pursued for Country Club Road. He was of the opinion that this should be put in place first.

Eby felt that the Planning Commission could require the Road Commission to issue a permit before project approval.

The applicant’s engineer, Carrie May stated that she spoke with the Road Commission about the speed limit. She is very confident that it would happen and is already in the works.

Eby asked for public comments. There were none.

The case was referred back to Bear Creek Township.

5. Case # 81A-04 Chris Alexander, SITE PLAN REVIEW, 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 using a tax parcel map and site plan. The property is zoned R-2B General Residential with PUD-1 Overlay. There are single family homes existing on both sides. The service road is a dead-end. The applicant requests mini-storage buildings. The Final PUD approved to add “storage” uses to the R-2B uses, e.g., mixed use. There is a letter of support from the Township dated January 10, 2005. There is a sealed drainage plan (April 1, 2005) and a letter from the Emmet County Road Commission (March 31, 2005). The applicant still needs a letter of approval from the Fire Department.

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

Letzmann asked if the Planning Commission previously discuss the front area being a truck turnaround point? Putters answered yes.

Alexander stated that he would rather have it in front, he wouldn't have to change the site plan. There will be room for turning movements between the buildings as discussed.
Jones stated that there is room for the truck turnaround. He liked the turnaround in the middle because it saves the trees.

Eby added that it allows the area in front for future use.

Eby asked for any public comment. There were none.

Letzmann moved to approve Case # 81A-04, Site Plan Review, at 9585 Service Road, Section 15, Carp Lake Township, leaving the option to decide where the turnaround for the trucks will be, provided that it be subject to the Zoning Administrator’s approval. Summers supported the motion which passed by the following roll call vote. Yes: Jones, Laughbaum, Behan, Derrohn, Summers, Letzmann, Eby. No: None. Absent: Scott, Alexander.

6. Case #5-05 Tower Text Amendment - Private Communication Towers, Section 2201, sub section 2 and sub paragraphs.

A request by Emmet County Planning Commission for a Zoning Ordinance Text Amendment as follows: Section 2201, Sub-Section 2: Paragraph b-1: Replace the word “locate” with the phrase “be permitted by the Zoning Administrator”. Paragraph b-3: After the word approved, add the following: “by the Planning Commission” Paragraph c: Replace the entire paragraph with the following: “The following standards will be required for any other non commercial private or individual television/radio communication tower:

1) Any non-commercial private or individual television/radio tower may be permitted in any zoning district by the Zoning Administrator subject to the following conditions:
   a. The tower shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines
   b. The operation of any such facilities shall not interfere with normal radio/television reception in the area
   c. The tower, including any attachments or antennas, does not exceed a height of 50 feet above the natural grade and remains unlighted.

2) A private or individual television/radio tower that exceeds 50 feet above the natural grade may be approved by the Planning Commission, after a public hearing, if the tower meets the conditions set forth in (c)(1) a. and b. above, and if it is determined that the tower height in excess of 50 feet above the natural grade is necessary to reasonably accommodate communications.”

The case was approved and recommended to the County Board of Commissioners for adoption.

7. Case #13-05 Darin Cameron, SUP - Resource Mining and Processing, 6506 US-31 North, Section 34, Carp Lake Township

A request by Darrin Cameron for Gary Litzner for a Special Use Permit for a Level III Resource Mining and Extraction operation to be located on the east side of US-31, Section 34, T38N-R4W, Carp Lake Township. The property is zoned SR-1 Scenic Resource along US-31 to a depth of 400’ and the remainder is zoned FF-2 Farm Forest. The use is proposed on approximately five acres of tax parcel number 24-03-06-34-200-012. The review is per Section 2102-10 of the Emmet County Zoning Ordinance.

Laad presented the case using a site plan and tax parcel map. The property is zoned SR-1 and FF-2. Mining will occur centrally on the parcel and will not exceed 5 acres in surface area. Mining will occur in the FF-2 District with access through SR-1. Mining operations have existed in this same location. The applicant is asking for an expansion up to five acres. The mining is to be completed within 12 to 24 months and an 8’ to 10’ deep pond will remain after the mining is complete. There is no current MDOT approval letter. The Township recommended approval (March 2, 2005). One neighbor, Mr. Blair, has concerns for 1) the property values, 2) eyesore to US 31 travelers, 3) the original mining operation was to be completed in 2 years then reclamation.
but after 4-5 years no reclamation work has been completed, 4) safety with slow trucks entering and exiting the property and 5) dust and noise nuisances.

Eby asked for comments from the applicant. Cameron acknowledge the neighbors concerns. He stated that this property has been mined for 7 years. He plans to clean up the property, remove the old house and keep the pond. He is thinking about putting brine on the road for dust control reasons.

Eby asked Cameron if he was in the process of buying?

Cameron stated yes, he is trying to purchase 35 acres, all south of US-31.

There was discussion on the zoning issues, and the proposed property split between or around the buildings. Cameron stated that Mr. Litzner has a drawing of the proposed split. Putters said that the split has not been approved by Planning & Zoning.

Derrohn asked about the time frame for the mining. Cameron stated that he would like to see it run for 2 years.

Letzmann asked if he was planning to develop this property any further in the future? Cameron stated no.

Jones asked how deep the water table was? Cameron stated approximately 30 feet.

The case was referred back to the Township.

8. **Case #12-05** GHF Properties, LLC for James Neff. and William Sutton, Preliminary & Final PUD-1, Mixed Use, 7943 W. Robinson Road, Section 32, Readmond Township (Applicant and Township requested postponement)

A request by GHF Properties, LLC for James Neff and William Sutton for a Preliminary and Final Non-Mixed Use PUD-1 overlay. The property includes portions of tax parcels numbered 24-12-08-32-100-003 & 004, located at 7943 W. Robinson Road, Section 32, T37N-R6W, Readmond Township and is zoned FF-2 Farm Forest. The purpose of the PUD is to allow boat and RV storage, and a contractor's use and single family residences per Article XVIII.

The case was postponed at applicant and Township request.

9. **Case #203B-98** Fullword Surveying and Mapping for Sid Baker, Three-Part Special Use Permit: Remove Contractor's Use, Accessory Building as a Main Use, Land Development Standards, 8140 Miller Road, Section 13, Littlefield Township

A three-part request by Fullford Surveying & Mapping for Sid Baker on property located at 8140 Miller Road, Section 13, T35N-R4W, Littlefield Township. The request includes:

1. Termination of a Special Use Permit for a contractor's use per Section 2101-1.c. of the Zoning Ordinance.
2. Special Use Permit to allow an Accessory Building as a Main Use and an Exception to the size standards of Section 2201 to allow an existing accessory building on a single lot. The accessory building is proposed to be used in conjunction with a residence located across Miller Road in Cheboygan County.
3. Special Use Permit per Land Development Standards, Section 2102-14 of the Zoning Ordinance, to create a 19-unit Site
Condo development in addition to a three parcel land split.

The property is approximately 38 acres within the FF-1 Farm and Forest Zoning District and is tax parcel number 24-07-17-13-200-011.

Michalek presented the case using a tax parcel map and photos. Parcels A, B and C are separated from the proposed site condominium. Parcel C does not meet FF-1 standards. The request is also to approve Parcel B to have an accessory building as a main use (no house). The residence is in the Cheboygan County side of Miller Road, opposite the pole building. The site encompasses 32.78 acres and is planned for a 19 unit site condominium. All 19 units fit the FF-1 minimum lot size. There is no sealed drainage plan. The Emmet County Road Commission has approved access from Miller Road. However, they will address the culvert size at the time the permit is issued. There is no fire department approval. The Township recommended tabling for further review.

Eby asked for applicant comments. Applicant asked that a list of deficiencies be provided to him.

Eby asked for public comments.

Donna Magill stated that she had concerns with the number of units, the type of housing and the noise. She feels that 19 units is too much for 32 acres. She stated that she has further concerns with the high traffic volume, wildlife, the lack of privacy, the water tables and lighting.

There was discussion on other developments.

Eby asked for other comments.

Eby asked if the Township had ever discussed FF-1 and if it’s appropriate. Derrohn stated no.

Letzmann stated that they should be looking at the impact of the roads. The Road Commission does not have the money to keep the roads up.

Discussion on the hunting issues and the density, also on clustering.

Alyce Conrad stated that this road was not suitable for accessing developments. Money for Road improvements should come from the developments (escrow fund).

The case was postponed for further Township review.

10. Case #11-05  

Susan Shannon, SUP - Home Occupation, 6464 Pickerel Lake Road, Section 31, Springvale Township

A request by Susan Shannon for a Special Use Permit to operate a Home Occupation Beauty Salon on a 12.9 acre property located in the NE 1/4 of Section 31, T35N-R4W, Springvale Township. The property is zoned FF-2 Farm Forest and identified by tax parcel number 24-14-17-31-200-009. The request is per Ordinance Article XXI, Section 2102-12.

Michalek presented the case using a tax parcel map, topographical map and a photo. The request is for a Home Occupation-Beauty Salon on a 12.9 acre property. The Shannon’s are converting a 27’ x 24’ garage and they may have a 2 square foot sign. The Township recommended approval noting concerns of a neighbor regarding a flowing well on their property and unsupervised children on their property due to the use.
Eby asked for applicant comments.

Shannon stated that the well is capped, she is uncertain but believes they are referring to the pond which is 2 feet deep.

Conrad stated that the well is on the neighbors property.

Eby asked for public comments. There were none.

Alyce Conrad asked for clarification on the sign. Eby stated that it would be two (2) square feet (1' x 2').

Derrohn asked if there was state approval. Shannon answered yes, she has all the certifications required, they are simply moving the business to this new location.

Letzmann made a motion to approve Case #11-05, it meets the requirements of a Home Occupation and the Township has recommended approval. Behan supported the motion which passed by the following roll call vote: Yes; Summers, Jones, Laughbaum, Derrohn, Behan, Letzmann, Eby. No; None. Absent; Scott, Alexander.

11. Case #2B-94 Jack VanTreese for Knights of Columbus Association, PUD-1 Amendment, 2225 Summit Park Drive, Section 4, Bear Creek Township.

A request by Jack VanTreese for Knights of Columbus Building Association of Petoskey to amend a Mixed Use PUD-1 to allow a school use. The underlying zoning is R-2A General Residential with a Mixed Use PUD-1 overlay. The property is tax parcel number 24-01-19-04-201-016 and is located at the corner of N. Division Road and Summit Park Drive. The request is specifically for a school use with the option to consider all R-2B uses within the PUD known as Summit Park. The review is per Article XVIII, PUD-1 Planned Unit Development of the Emmet County Zoning Ordinance.

Laad presented the case. The request is for an amendment to the Mixed Use PUD-1 Master Plan to allow a school use with an option to consider all R-2B uses. The underlying zone is R-2A. There are two existing classrooms in the building which hold up to 80 students. The applicant would like to have a Beautician School. The Township Board has recommended approval because it is a minor change, but has concerns with parking and the number of students that will be enrolled.

The existing classrooms will be used. There are plans for adding a doorway to provide direct entry/exit to the school part of the building.

Eby asked for comments from the applicant. Gordon Kruskie and Fred Foltz, were present on behalf of the Knights of Columbus Association, to answer any questions.

Eby, asked if there were any questions from the Planning Commissioners.

Letzmann asked for clarification on the dumpster. Staff stated that this was already addressed in the original PUD.
Max Bunker, owner of a building in Mitchell Commercial Park stated that the change in use concerns him. He referred to other new buildings being put in and the problems that would occur, such as the children in the area. There is already a problem with people parking and loitering on his property, and he does not want this to increase.

Letzmann noted that the children could be coming from the Family Independence Agency (FIA) office.

Kruskie answered that only a small portion of the building was going to be used as a beauty academy, he doesn’t foresee problems with loitering.

Bunker wondered if Michigan Works was sub-leasing their offices? Building owners have substantial holdings in this property and any change of use in the PUD should be considered carefully.

Eby asked for any comments.

Bill Fedus stated that he was concerned. Overall, Mitchell Park is a premiere development, and he didn’t want to see the uses change to include all R-2B District uses.

There was further discussion on the existing PUD.

Doernenburg stated that she attended the Bear Creek meeting and it was her opinion that the Township felt that the usage was close to the original PUD and should be approved.

Jones, made a motion to approve case 2B-94 because the Township recommended, it meets conditions and standards of the ordinance, and is a minor change in the original PUD provided that the use is limited to a beauty academy and that the use is restricted to the Michigan Works Building and only that part of the building that has the existing classrooms may be used for the beauty school. Derrohn supported the motion which passed by the following roll call vote: Yes; Summers, Laughbaum, Behan, Letzmann, Derrohn, Jones, Eby. No; None. Absent; Scott, Alexander.

12 Case # 175A-77 Dan Pieffer, PUD-1 Mixed Use - Preliminary and Final and Site Plan Review, E. Mitchell Road, Section 4, Bear Creek Township

A request by Dan Pieffer for Preliminary and Final PUD-1 and Site Plan Review to allow all B-2 uses on the entire parcel at 2430 E. Mitchell Road. The underlying zoning is B-2 General Business and R-1B One Family Residential with a Mixed Use PUD-1 overlay. The property is tax parcel number 24-01-19-04-200-012 and is located south of the intersection of Mitchell Park Drive and E. Mitchell Road, Section 4, T34N-R4W, Bear Creek Township. The request is specifically for a Gas Station, drive thru Convenience Store, and Retail Sales. The review is per Article XVIII, PUD-1 Planned Unit Development of the Emmet County Zoning Ordinance.

Putters presented the case using a tax parcel map, site plan and photographs. The applicant requested tabling. PUD-1 requires a 50 foot perimeter setback. The side and front setbacks meet the standards of the existing B-2 District zoning not the PUD-1. The commercial uses are not permitted in R-1B zones, but the PUD process can permit individual selected non-residential uses. Single family homes exist on the south side of the property line (Orchard Ridge Development). The Township recommended removing the gas station from the plan.

Derrohn stated that she feels the idea of sidewalks needs to be discussed, especially in the Four
Corners area where kids are walking along the highway.

Randy discussed the site plan and the changes that he and Max addressed. He felt that a gas station is usually not welcomed anyway, but would like to see this as more of an upscale establishment.

Jones pointed out that there is a convenience store up the road (4-Corners). He voiced concern that this might put him out of business. There was discussion on the Four Corners Market and the poor parking available.

Eby asked for other comments.

Behan stated that he couldn’t agree with something that would put the business owner on the corner out of business.

Letzmann asked if there was anything in the Ordinance that protects other business owners? There was some discussion. Letzmann asked Malewitz for clarification on the driveway, he stated that it would be a loop drive.

Eby asked for clarification on the intent, whether it is a convenience store or fueling station? Malewitz answered both.

There was further discussion on the competition of the area businesses, and the high volume of traffic on East Mitchell.

As requested, the case was postponed until the May meeting

IV Public Comments

V Other Business

· Sign Review - Far Coast Seafood, Exception, US-31 North, Bear Creek Township.

Doernenburg presented the sign request, stating that according to the Ordinance, a sign cannot be on two sides of a building unless the Planning Commission approves.

There is discussion on the case. The building is located on the corner of two streets (US-31 and Hampton).

Letzmann moved to approve the second sign as depicted on the photograph given to the Board because it is on a corner, there is no impact on the neighbors and there is no practical reason to deny. Dehrnn supported the motion which passed by unanimous voice vote.

· Enforcement Report

Doernenburg presented an enforcement issue with Home Depot. They currently have open storage in the rear of their building on the NW side. An enforcement letter was sent about the zoning violations. Storage is in the fenced area, most of the storage has been moved, but they are
requesting a temporary fence in two locations for temporary storage for the remainder of the year. They plan to have the tractors removed by mid July.

Jones asked about the trailers. The trailers have been removed.

Letzmann asked for clarification on storage removal. Tammy answered that it had been moved to a screened area. Letzmann asked if it was visible from the Cemetery? Tammy answered yes, but they will have screened fencing.

There was discussion on the process of bulk delivery and what little options Home Depot has for the storage. They want to work with the Planning Commission and keep a clean store.

Jones stated that he wants the tractors removed as other stores will follow suit if it is not taken care of.

There was discussion on expanding the screened storage for tractors, Jones stated that he was opposed.

There was discussion on the process for tractors, which includes assembly of the tractors, maintenance and storage.

Letzmann agreed with Jones, if they are allowed to keep the tractors, they are asking for future problems from other stores in the area.

Derrohn asked how much space would be needed. Doernenburg stated approximately a 20' x 40' area.

The owner stated that looking at the sale volumes, they can probably accommodate the tractors in the garden center. Sales are expected to decline when the proposed Lowe’s Home Improvement Center opens.

Jones referred to the PUD and the temporary tent at Wal-Mart. Screening in the back of the building is okay, if temporary.

There was discussion on a compliance schedule. In answer to a question, Putters replied that the Planning Commission is considering action to correct a zoning violation by setting a compliance schedule.

Jones then offered a motion to approve the Compliance Schedule for Home Depot to install two expanded screened fence enclosures as shown on the Site Plan (18'x70' and 55'x35') according to the following schedule, remove the violating tractors (by May 27, 2005, the Friday before Memorial Day) and have the fencing installed within two weeks.

- Proposed Text Amendment - Septage Storage processing

Putters handed out a draft memo on Septage storage/processing. The product is the result of...
materials pumped out of septic tanks. The laws are changing, municipal plants cannot take septage into their facilities and the zoning ordinance needs to include standards for allowing facilities in farm forest areas.

Jones stated that this issue will need further review in light of recently proposed legislation.

There was discussion on the FF-1 Farm Forest District, i.e. a relatively low density of 44,000 square feet lots.

Should the Planning Commission wait for the Ordinance changes, or take a special look at this issue. The discussion concerned two (2) acre sizes with density bonuses for open space amenities.

Implementation may require some visioning process aimed at the quality of life. It was felt that in order to get the public to “buy-in”, the concept needs to be an educational exercise, giving examples of good/successful projects. A request was made that Staff provide examples, such as Resort Township’s Ordinance.

VI Adjournment

Chairperson Eby declared the meeting adjourned at 11:10 p.m.