I Call to Order and Attendance
The meeting was called to order at 7:30 p.m. by Chairman Eby. All members were present except Neal and Laughbaum.

II Public Comment
Because there were a number of people in the audience with general public comments, this portion of the meeting was moved to accommodate them.

Carl Moser of Bear Creek Woods condos stated that he and the rest of the board were taken by surprise when they found out about the water agreement between Meijer and the City of Petoskey. He said Meijer stated during the public meetings on their project that they would be drilling a well that would be for their use only. Moser met with County Planning staff as well as Bear Creek Township staff to discuss some of the issues. Moser stated that the condo board met today and would like well monitoring to be considered although Meijer says that it is unwarranted. They ask for the monitoring because it is the same water in the same place. They are also concerned with the proposed wind turbines on the top of the building. Moser stated that although he is a proponent of wind energy, there are still concerns with height of the turbines and the noise generated. According to an article that Moser provided to the County Planner’s office, Meijer’s has proposed six 9’ turbines on their buildings in other locations. Moser also mentioned a drainage issue when the snow was melting causing a flood in the back of his condo. Dennis Keiser and Elmer’s were out to look at the situation the next day. Storm sewers are being installed as well and it should be watched because it affects the condo units.

Paul Theriault noted that Meijer stated during those public meetings that if they affected the homeowner’s wells that they would compensate them for this. Is this in writing anywhere? Moser stated that the law protects property owners from large wells through the DEQ. Theriault stated that no matter who builds the facility, it could lower the water level. If there is no monitoring or inspection well there is no way to know what is happening. There is not an accurate record of the water level; they may suddenly not have any water. There must be some way to compensate for the loss.

Moser stated that there are 98 units in the condo complex. Answers to their concerns are needed. He stated that he feels better after meeting with the Township and County but there still are huge concerns. Meijer told them that they are planning to close down the two wells that were used for Radio City. They have promised to make sure that the grass and trees are irrigated and stated that they would use these wells for that purpose; what will be used now? Eby asked if staff has issues with this site as well. Doernenburg replied that the water situation is not located on...
property included in the PUD and the City of Petoskey will be operating the well. This is out of our hands as it is considered an essential service. The DEQ is responsible for monitoring the well. She stated that she gave Mr. Moser the information for the DEQ. As far as the wind turbines, staff has been in contact with Meijer who have provided a graphic however an application has not yet been received. They may meet administrative approval standards or may have to come back to the Planning Commission. The drainage issue was taken care of the next day and it has been continually monitored since then. Doernenburg stated that irrigation is a requirement of the PUD approval and if they choose to close the wells they will have to use other sources. Staff has been meeting with Meijer representatives on a regular basis and they have been fairly responsive. There was an issue with a construction trailer that had been moved in along the private road that is for the condo units’ use. This should be moved within a week.

Moser added that the location of the water facility will be accessed off of Intertown Road to Roy Road which is about 1100’ from his condo and about ¼ mile from existing wells.

III Discussion of Case #44K-92, Blissfest Music Organization
Doernenburg reported that the recommendation received from Readmond Township Board for this case was to allow operations between April and November. The proposed and carried motion from February’s meeting read April through October. The applicant would like the board to consider amending the motion to read April through November.

Anderson stated that items 4 and 14 would need to be amended. Eby stated that the minutes will not be changed from that meeting as they were accurately reported. Anderson stated that there was not really any discussion on the months of operation. Alexander added that there is no reason for it not to operate through November. Scott noted that there was discussion early on regarding extending operations through November and doesn’t recall any issues. Doernenburg stated that the Readmond Township Planning Commission’s recommendation had stated April through October; the Readmond Township Board’s recommendation said November. Scott asked if Readmond Township had been notified of this request. Doernenburg stated that they have.

Anderson made a motion to amend the motion for Case #44A-92, items 4 and 14 to read November in place of October due to a clerical error. The motion was supported by Alexander and passed on the following roll call vote: Yes: Eby, Jones, Scott, Gregory, Anderson, Plasencia, Alexander. No: None. Absent: Neal, Laughbaum.

The corrected motion will read:
A motion to approve Case #44K-92, Special Use Permit for private and semi private recreation lands for parcel number 24-12-08-12-100-006, Section 12, Readmond Township as shown on the Site Plan dated 1/21/09 and as identified in the document titled Request for Special Use Permit Blissfest Arts Recreation Center dated 10/15/08, and will not include the three day operation of the Blissfest Festival regulated by the Consent Judgment (dated March 2002) because of the facts presented in the case, the proposal meets the standards of Section 801-1, 2405, and 2100 – with the following conditions:
1) all buildings must meet the height standards of the Zoning Ordinance,
2) all outdoor lighting and signs must comply with the Zoning Ordinance standards and be supplied to the Zoning Administrator for review prior to installation,
3) the maximum attendance at any event (other than the annual Blissfest Festival) may not exceed a total of three hundred (300) persons on park grounds which include campers, cabins and facility users, 
4) the campgrounds and cabins shall not have a total occupancy exceeding 200 campers at any time (other than the annual Blissfest Festival), the use of the park grounds is restricted to the months of April through November except for year round use of the farm house and three (3) cabins which will be identified on the site plan by the applicant,
5) that local fire and rescue department requirements are met including:
   a) access to be maintained for the purpose of emergency response.
   b) that a static water source be installed of at least 15,000 gallons by the opening date of the facility unless notified in writing by the Fire Department.
c) that the fire department will be provided access to inspect the property prior to events and opening days.

6) that commonly accepted rules for the Michigan campgrounds and recreation areas be established and enforced including a quiet time of 10:00 pm to 7:00 am, and that the rules are generally as indicated in the rules dated Received 1/21/09 and any changes in the Campground Rules will be provided by the applicant to the Zoning Administrator who shall determine if they meet the intent of this approval,

7) that the campground be designated a primitive campground per State of Michigan Public Act 368,

8) that the campground comply with all state and local laws and regulations,

9) that there be no outdoor public address system or outdoor amplified music. Amplified music shall be permitted within a completely enclosed building.

10) that noise from the property shall not cause a nuisance under the laws of Michigan or result in an unreasonable noise disturbance beyond the property lines,

11) that Emmet County Road Commission requirements be met including: a deed restriction will be recorded with the Register of Deeds prior to issuance of any zoning permits indicating that the new access or change in use of any existing entrances will be paved if Division Road is ever paved,

12) that the campground comply with Emmet County Zoning and Building requirements including but not limited to adequate road screening, sign, and lighting standards,

13) that noise from the property shall not cause a nuisance under the laws of Michigan or result in an unreasonable noise disturbance beyond the property lines,

14) that Emmet County Road Commission requirements be met including: a deed restriction will be recorded with the Register of Deeds prior to issuance of any zoning permits indicating that the new access or change in use of any existing entrances will be paved if Division Road is ever paved,

15) that there be no outdoor public address system or outdoor amplified music. Amplified music shall be permitted within a completely enclosed building.

IV Minutes of February 5, 2009 meeting

Alexander made a motion, supported by Gregory, to approve the minutes of the February 5, 2009 meeting as presented. The motion passed by a unanimous voice vote of the members present.

IV Cases

1. Case #2-09 Carl Drayton, SITE PLAN REVIEW-AMENDMENT, 3360 Lakeside Dr. South, Section 27, Bear Creek Township

Legal Notice: A request by Carl Drayton for a Site Plan Review to amend the previously approved site plan (dated August 29, 2001) for the mini-storage buildings on a 1.65 acre parcel, located at 3356, 3358, 3360, and 3362 Lakeside Drive South, in Section 27, Bear Creek Township (directly behind and east of Toski-Sands shopping plaza on M-119). The property is zoned B-2 General Business and is tax parcel #24-01-16-27-200-043. The request is per Section 1001-5 and 2405 of the Emmet County Zoning Ordinance. The Special Use Permit was granted in 2001 during Bear Creek Township’s Interim Zoning administration.

Packet Items: Request & location map, tax parcel map, application, impact statement, 1/15/09 letter from Performance Engineers regarding drainage, 2/25/09 letter from Fire Department, enforcement history, 2/25/09 Bear Creek Township minutes, 1/15/09 drainage plan, 2/26/09 zoning evaluation, property photos, historical information for Case #P-01-08-includes request & location map, zoning map, tax parcel map, letter of approval sent to property owner 9/6/01, minutes of approval from Bear Creek Township PC meeting 8/29/01, letters sent to the Planning Commission regarding case in 2001, approved site plan, approved elevation plan.

Handed out at meeting: Bear Creek Township Planning Commission minutes from 3/25/09

Doernenburg stated that this is a complex case. The applicant is not present and Bear Creek Township requested postponement of this case. The property location was shown as well as a zoning map. The parcel is located in front of the Lakeside Club and is zoned B-2. The original site plan was approved during Bear Creek Township’s interim zoning in August of 2001 following several public meetings. The approved lengths and widths of each of the storage buildings were to be (from west to east) building 1: 24’ x 225’, buildings 2 & 3:
30’ x 207’, building 4: 30’ x 225’. A site investigation showed the actual dimensions of the buildings to be: building 1: 24’ x 225’, buildings 2 & 3: 30’ x 225’, and building 4: 30’ x 225’. As for the conditions of approval, a gate was to be installed to enforce the hours of operation to 8am-9pm: this has not been done, the lighting has been approved: original lights did not comply with the ordinance but they have been modified, a different driveway access was requested: this is not enforceable and not really able to change the location, the sign was supposed to have 6” letters and have the hours of operation posted: the letter size could not be verified and the hours are not posted, there was to be no outdoor storage: this has been an issue in the past, screening was to be intense and maintained: this has been an ongoing issue and is not satisfied, there were to be cupolas on top of the buildings: there are none installed, and the buildings were to be 15’ with cupolas for the two outer buildings, 18’ plus cupolas for the two middle buildings: all buildings appear to be 19.5’ in height. The revised plan shows what was built and what was approved are two different things. Because the buildings were built to the wrong dimensions, the drive is forced into the setback which is against the ordinance. The buildings were built with permits, but built outside of what was permitted or approved by the Bear Creek Planning Commission. The applicant was contacted and informed of the discrepancy on building 4. The Fire Department wants a drive behind the building for emergency access. The screening has been an ongoing issue. Drayton said that new trees would be planted and a landscape plan was to be submitted in order for it to be easier to enforce. The township had several issues. They requested the buildings in the center come into compliance however they accepted the height of the buildings. The gate needs to be installed, the sign and the lighting need to be reviewed and come into compliance if it isn’t. New plans and the landscape plan have not been received. The photos addressing the lack of screening were shown.

Michalek added that Drayton stated at the February Bear Creek meeting that he was aware of the required sizes of the buildings and knew he built them larger than permitted.

Eby asked what the clear violations are. They include the length of the two center buildings, the driveway is in the setback on the south side, there is not gate, the height of the letters on the sign may not be enforceable but the hours do need to be posted. Anderson noted that the driveway is supposed to be paved as well.

Eby asked about the denial of access from the applicant. Doernenburg explained that recent court cases have stated that permission has to be granted on the application in order to enter the property. The property was entered as part of the zoning violation process but since then permission has not been granted, the site is now monitored from an off-site location. Eby asked why this case is not in court. Doernenburg replied that if this case is denied, enforcement will continue which may lead to a court case. One of the options to comply was to amend the site plan. Anderson asked about the driveway setback variance. Doernenburg stated that the Planning Commission cannot authorize this; the site plan would first have to be approved and then go to the ZBA for setback variance approval. Jones stated that this applicant’s compliance history is not good and there are still violations that could have been corrected such as the gate.

There was no public comment on this case.

Jones asked about the amended plan. Has this been received? Anderson stated that the current plan is what he wants approved. He wants what is there to be approved. Doernenburg stated that Drayton was specifically asked at the Bear Creek Township meeting if he knew he had to come to the Planning Commission to change the site plan from what was approved. He said that he did.

Anderson made a motion to deny Case #2-09, Carl Drayton, Site Plan Review – amendment, 3356, 3358, 3360, and 3362 Lakeside Drive South, tax parcel 24-01-16-27-200-043 for the following reasons: the originally approved site plan dated August 29, 2001 was approved after duly held public hearings, the amendments to the site plan must be corrected by the property owner, and the conditions established during the August 29, 2001 Planning Commission meeting shall remain in effect. The motion was supported by Alexander and passed on the following roll-call vote: Yes: Eby, Jones, Scott, Gregory, Anderson, Plasencia, Alexander. No: None. Absent: Neal, Laughbaum.
2. Case #179B-86 Dan Steffes for Chuck’s Appliance & Furniture, PUD AMENDMENT-Sign & Perimeter Setback, 1889 M-119, Section 27, Bear Creek Township

Legal Notice: A two-part request by Dan Steffes, for Chuck’s Appliance and Furniture, for amendments to a Mixed-Use Planned Unit Development-1 (PUD-1) to apply to 1889 Harbor-Petoskey Road (M-119) located in Section 27 of Bear Creek Township. The property is zoned R-2B General Residential with a PUD-1 overlay and is tax parcel 24-01-16-27-400-019. Part 1: to modify the 50 ft. perimeter setback standards to permit 1) buildings within 34.5 ft. of the M-119 right-of-way (front setback) and 24 ft. of the rear lot line; and 2) to permit the parking lot and drive within 35 ft. of the west side lot line and within five (5) feet of the rear lot line. Part 2: Modification of the sign area to permit a 56 sq. ft. freestanding sign, with 40.18% of that sign to contain a changeable message sign, and a wall mounted sign which meets the standards of the B-1 Zoning District. The request is per Article XVII and Section 2207 of the Zoning Ordinance.


Handed out at meeting: Bear Creek Township Planning Commission minutes from 3/25/09, Sign & Lighting Committee minutes from 4/9/09

Doernenburg explained that this request ultimately would go to the Board of Commissioners for final approval. She showed the parcels location pointing out that it abuts State of Michigan property (Petoskey State Park). The surrounding businesses were pointed out on the aerial. The request is to allow a modification to the PUD to allow setbacks from M-119 (front) 35’, from rear property line 5’, and from south property line 37’. The access easement between Pella Windows and Chuck’s Appliance would still remain in place. Doernenburg stated that she drove through there and it is accessible however there is some outdoor storage that would need to be moved inside. The dumpster onsite will need to be screened. The second part of the request is for a sign modification. The original request included a 56sf freestanding sign. This request was modified and the modified sign approved at the Sign & Lighting Committee meeting held today. They are now going to use the existing sign by replacing the face and including a changeable message sign. The sign request still needing review is for the wall mounted sign. A sign of 24sf has been requested. 8sf is permitted in the underlying zone. The Sign & Lighting Committee recommended approval of this part of the request because it is a request for much less than what would be allowed if the B-1 underlying zoning standards of 15% of the mounting wall were approved (258sf) and because it is in-line with the building size.

Dan Steffes, representative for the applicant, stated that he has talked to Pumco and Pella Windows regarding any issues that they may have. Pumco has submitted a letter in favor of the project. Pella Windows would also like to see the changes. At this time, due to space restrictions, product is shipped to an off-site location and then brought to the store as needed. This product is uncrated outside of the store.

Doernenburg added that the Township recommended approval for the PUD modification. The bike trail that is currently in the right-of-way was discussed as well. Because there are some requests that are outside of the ordinance standards the applicant was asked if they would allow the bike trail to be moved so that it is not in the right-of-way. Steffes had indicated at that meeting that the property owner would agree to this. Jones stated that he supports moving the bike trail but asked if the sign will have to be moved. Doernenburg replied that the trail should be able to weave around the sign.

Eby opened the floor to public comment.

Bill Clutter from Pella Windows stated that they support this request.

Michalek stated that this proposal would also connect the parking lots between the businesses.
Jones stated that they are close to impacting dunes but they probably won’t change. The request doesn’t affect parking however outside storage needs to be monitored because there are times that you cannot get through the drive. The grounds should be clear and clean.

Anderson stated that there is a possible issue with lack of snow storage onsite. Bear Creek made it part of their motion that there will be no snow storage in the parking lot.

Salar stated that she has been to the site and the proposal will not impact the slopes or dunes.

Anderson made a motion to recommend approval of Case #179B-86, Chuck’s Appliance and Furniture, 1889 M-119, Section 27, Bear Creek Township for perimeter setback modifications as shown on the site plan dated 3/12/09 with condition that there be no snow storage on the parking lot, no outdoor storage, the applicant has agreed to supply an easement for the non-motorized trail which will take it out of the road right-of-way, that there be 8-10 feet of greenbelt if the trail is moved, and that there will be no parking along the easement between Chuck’s and Pella and that the easement be snow plowed in the winter. The motion was supported by Scott and passed on the following roll call vote: Yes: Eby, Jones, Scott, Gregory, Anderson, Plasencia, Alexander. No: None. Absent: Neal, Laughbaum.

Jones then made a motion to approve Case #179B-86, Chuck’s Appliance and Furniture, 1889 M-119, Section 27, Bear Creek Township the freestanding sign proposed on the graphic dated Received March 25, 2009 including the LED changeable message component of the sign provided the letters are monochrome because the sign meets the Zoning Ordinance standards, and it’s the same size as the existing sign (82”x46”). This motion also approves one wall mounted sign of up to 24 sq. ft. be permitted on the east elevation as shown on the elevation plan dated Received March 11, 2009 on condition that the sign not be illuminated and that this approval is only valid if all sign and lighting on the property is brought into compliance with the Zoning Ordinance. This motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Jones, Scott, Gregory, Anderson, Plasencia, Alexander. No: None. Absent: Neal, Laughbaum.

3. Case #4B-96 Drost Landscaping, SITE PLAN REVIEW-AMENDMENT, 2010 Cedar Valley Rd, Section 16, Bear Creek Township

Legal Notice: A request by Drost Landscape for Site Plan Review at 2010 Cedar Valley Road, Section 16, Bear Creek Township. The proposal is to amend the site plan to allow for the construction of a 15’x42’ addition to an existing storage building. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-16-200-004. The review is per Section 800-6 of the Zoning Ordinance. The use was originally approved by the Planning Commission in 1996.


Handed out at meeting: Bear Creek Township Planning Commission minutes from 3/25/09

Michalek showed the parcel location. The request is for a lean-to type addition to the south side of the existing metal pole barn to be used for storage of irrigation equipment. No new parking or accesses are required. Bear Creek Township requested postponement because there were some concerns brought up at their meeting regarding stump burning, the increased retail sales at the business, the additional traffic, outdoor storage of pipe, semi traffic, the house south of the site being used for migrant workers, and a lack of mowing along the road. Michalek explained that if the house is used residentially, there is not a zoning issue. Also, there is not a zoning issue with the lack of mowing.

Scott asked what the issue with the semi traffic was. Anderson explained that there were complaints that they were there at odd hours.
Michalek read from a memo that Max Putters wrote years ago regarding the difference between a tree farm and a landscaping business. This was originally classified as a tree farm. At what point does it become more than that? If it is a tree farm, then everything else is a secondary use. Jones stated that this area needs to be looked at when the ordinance is re-written. This business is not the only place that has had issues in this regard. Eby stated that there is a difference between a tree farm and whether this site is being used as a staging area for other offsite activities. That would be a contractor’s use. Anderson stated that the applicant was not present at the township meeting which is why the case was postponed. The questions raised there couldn’t be answered. Plasencia stated that there was not much room for movement on the site when he was there. Perhaps it is an overuse of the property. The barn seems oversized for the district. It should be 2400sf or smaller.

Doernenburg stated that because the use is a tree farm, the use of the barn is agricultural which is exempt from the size restrictions. That size standard is for a contractor’s use.

Bob Drost, owner, stated that they take good care of the facility. They keep it irrigated, maintained, and screened and they have been at that location for a long time. With the new addition, the back pole building will be completely screened. Their bins have been built into the banks. The proposed plans were reviewed by NDG to be sure that their drainage was sufficient. The brick pavers that are outside now would be moved into the nursery which is now 10 acres. 80 families live off of this business now. They are running out of room. The buildings have been built with materials to keep it looking good, although they could have been built with other materials if they wanted to save money. They brought the neighbors through the site to look at what’s there and they didn’t bring up any issues. They are no longer bringing in migrant workers as they are using locals to fill positions. A family member is currently living in the house south of the property. As for the burning of stumps, everything that can be chipped is. Drost stated that he thinks that they burned twice last year and they always report it to 911 prior to burning. The proposed addition would make them more efficient and would make the property look better without the pipe lying around. There are contractors there now working on another project which contributed to the amount of vehicles there when the site was visited.

Eby asked if they would be able to conform to the contractor’s use standards. Is there a relative living on site? Doernenburg stated that the ordinance requires a home occupied by the owner and for that home to be the owner’s primary residence.

Michalek stated that it seems that this is a proper place to have this business; perhaps the ordinance needs to be updated. Jones stated that the business is no longer a tree farm.

Eby commented that in his opinion it is more of a contractor’s use. Michalek stated that this request is for a relatively small expansion which would clean up the site. Eby stated that things do need to be cleaned up and the issue with screening and the trucks should be addressed. Doernenburg stated that most of the trucks are screened from the road. The additional landscaping and retaining walls should take care of the screening concerns. Drost noted that they are looking to bring in more customers with the renovations. The grades will be higher.

Anderson stated that there was no public comment at the Bear Creek meeting regarding this case. Jones stated that he had someone contact him regarding the truck traffic. Scott stated that these issues won’t affect the current case; it may not be appropriate to consider them. Anderson stated that the addition will not make it any larger and if they did want to increase the business, they would have to come back to the board. It was tabled because the applicant wasn’t there. Anderson advised the applicant that he would need to come to the township meeting.

Eby stated that a new plan is needed. If there are semis that use this site, their path should be noted on the plan. The burning areas need to be shown or gotten rid of; the screening needs to be shown. Scott added that the contour lines make the plan difficult to read.

Eby opened the floor to public comment.

Alyce Conrad stated that it is very advantageous of the board to use information from previous approvals on this
site. She stated that she wishes this was done on other cases such as Chuck’s Appliance.

This case was deferred back to the township to clear up the site plan and address their issues. It will be heard at the next regular meeting.

4. Case #1A-06 Benchmark Engineering for AHG Group/Arbor Investors, SPECIAL USE PERMIT-OPEN SPACE PLAN, 750 Windsong Pl, Section 20, Bear Creek Township

**Legal Notice:** A request by Benchmark Engineering, Inc. for AHG Group/Arbor Investors to replace a Special Use Permit for a Residential Building Clustering Plan with a Special Use Permit for a Subdivision and Site Unit Condominium Open Space Plan. The property is located in Section 20 of Bear Creek Township and is known as Windsong Woods, its primary address is 750 Windsong Place, with a tax parcel number of 24-01-19-20-351-001. The request would convert the duplex site units with single family site units with the exception of the three existing duplex units. The plan includes a total of 70 site units. The request is per Section 1901 of the Zoning Ordinance.

**Packet items:** Request & location map, tax parcel map, application, impact statement, Windsong lot area table, site plan review checklist, 3/18/09 zoning evaluation, 3/16/09 site plan, 4/12/06 Planning Commission minutes, 3/24/06 approved site plan.

**Handed out at meeting:** Bear Creek Township Planning Commission minutes from 3/25/09, 3/31/09 letter from Spicer Family LLC

Michalek showed the location map and the aerial of the area. The parcel is located east of Howard Road. Currently, there is an existing clubhouse, a pole barn, and three duplexes built. The site was approved for a duplex condominium site plus clubhouse, pole barn, and one single family residence a couple of years ago. They would now like to replace the cluster plan with an open space plan. This plan proposes 58 sites for single family residences, 3 duplexes (existing), an accessory building (existing), and a clubhouse (existing). On the plan dated April 9, 2009 there is a note regarding the accessory building. It will be used as storage for the clubhouse. The clubhouse is proposed to be converted into a single family residence. The rear setback to the east is 90’ to the building envelopes which should address concerns from the neighbor to the east who uses their land for hunting. The current emergency entrance has a wire across it. It is suggested that they either make that a second entrance to the development or put a gate up to restrict access to emergency vehicles only. The Fire Department wants to be able to access the site. The originally approved plan, the originally revised plan, as well as the current proposed plan was shown.

Eby stated that given the change in nature of the project, a second entrance would make sense. Doernenburg noted that there may be site distance issues. The township has recommended postponement. Jones questioned whether lot 60 is buildable given the topography. Anderson stated that the 80’ lots were discussed at the township meeting. They were told that they should not expect variances on these lots due to a lack of buildable lots. Some have been removed. Jones asked if the Health Department has approved the site. Doernenburg noted that they have approved 77 single family residential units. Anderson stated that there are backup septic systems for each building. The Health Department should review the new plan. Anderson asked if the clubhouse is converted to a single family dwelling, would the parking have to be changed. There are no restrictions on this. Jones asked about the pool. Do the other homes get to use it? Michalek noted that none of the units were sold; the existing buildings are spec homes. Michalek added that a turnout bus stop should be required located at one of the entrances.

Eby opened the floor to public comment.

Sue Koon stated that she lives on Howard Road and feels that a bus stop does need to be added. The potential second entrance would be a bad location due to the curves. She stated that she is also concerned about the loss of green space. Scott noted that the plan is somewhat deceiving as far as green space. He pointed out where the actual building envelopes on the plan were. Koon asked if trailers could go in there. This would be restricted only by a deed restriction from the developer.
David Coveyou stated that he is also concerned with the mobile home issues and that this may evolve into a mobile home development. Anderson noted that this development is on a private road and will probably charge association fees. Coveyou commented that lots six through nine have been moved closer to the road which gets rid of some of the green space there.

Anderson noted that at the Bear Creek meeting a lot was located in an area in which stumps had been buried was discussed. There is not a lot there on the updated plan.

The issues that need to be clarified are the lot width issues, the second access point, Health Department review,

This case was deferred to the township for clarification of issues. It will be heard at the next regular meeting.

5. Case #4-09 Petoskey 131 LLC, PRELIMINARY MIXED USE PUD, 2404 US 131, 2265 & 2287 Anderson Road, Section 18, Bear Creek Township

Legal Notice: A request by Petoskey 131 LLC for a Preliminary Mixed Use Planned Unit Development-1 (PUD-1) to apply to properties located in Section 18 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and includes the following tax parcels/addresses 24-01-19-18-100-042 (addressed 2323 Anderson Road, 2420 US-131 Hwy, 2404 S US-131 Hwy), 2412 S US-131 Hwy – owned by Petoskey 131 LLC); 24-01-19-18-100-040 (addressed 2287 Anderson Road owned by Tina and Robert Crothers); and 24-01-19-18-100-017 (addressed 2265 Anderson Road – owned by James and Regina Gasco). The request is per Article XVIII of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, PUD checklist, 3/18/09 zoning evaluation, 3/16/09 site plan.

Handed out at meeting: Bear Creek Township Planning Commission minutes from 3/25/09

The applicant has requested that this case be tabled to allow them time to address the issues and questions brought up at the Bear Creek Township meeting, settle Road Commission issues, and answer questions brought up by staff.

Michalek showed the site location and aerial. There are residential rental homes in the area. There is an agreement with some of the property owners in the northwest corner; the applicant has power of attorney on those lots. The Road Commission has denied the entrance on Anderson Road. There are residences missing on the site plan. Bear Creek Township and staff feel that the list of possible uses is too large.

Jones stated that the parcel on the corner between Intertown Road, Anderson Road, and US-131 is part of the Strathmore consent judgment which states that this parcel must remain. Anderson noted that a site walk would probably be a good idea for this site. Michalek stated that it looks like there is a lot of fill needed for what they would be doing. Plasencia noted that the drive on US-131 is in a bad location. Michalek stated that presently that is a residential drive. They would have to go through the DOT for commercial access there.

Eby opened the floor to public comment.

David Coveyou stated that this area is a key site to the approach to Petoskey from the south. This project levels the hill significantly. This hill provides a barrier to the back of the commercial developments in the area. Leveling the hills would detract from the first views of Petoskey. Coveyou stated that that board should think long and hard about this case. This area is a transitional area from residential to commercial.

Jones noted that the commercial will cross the road if zoning is changed. Michalek pointed out the dividing line between FF zoning and B zoning. Having transition areas and not skipping over zoning is discussed in the Master Plan. Anderson added that infill is needed in the County with all of the open business buildings. Jones agreed stating that there are other places available for business. Gregory noted that when Wal-Mart was put in
years ago, Lears Road was supposed to be the end of the commercial development; this did not happen. Michalek stated that now that the Master Plan is in place there is solid support. In the Master Plan, Intertown Road is the boundary. This area has been identified as a B zone but necessarily immediately. Transition phases before the B zone are in the Master Plan.

Coveyou stated that perhaps before the developer puts more time and energy into this project they should be given a clear vision as to where this may be going.

Eby asked if they should prove that the businesses are needed. Anderson noted that the developer could do a market study. Michalek added that just because the land is vacant does not mean that a developer can come in and do what they are requesting; they would need to go through proper zoning procedures or they could always purchase out a property that is already zoned B-2. Anderson noted that that developer will get copies of the minutes so that they can review the conversation.

Eby stated that it seems that perhaps this request is intruding into areas that are not identified in the Master Plan for this use; there are other areas available.

Michalek stated that staff will bring an analysis comparing the request to the Master Plan.

Bob Koon stated that he is concerned that many of the developments in Petoskey are flattening the topography of the area. There are many flatter areas in the County. Why must the developers use fill or fill removal when there are other areas to go.

Eby responded to a previous comment about the hills buffering another commercial development. He stated that the Planning Commission cannot force this property to be a buffer for another property.

This case will be deferred to give the developer time to resolve some issues. It will be heard at the next regular meeting.

- **Zoning Ordinance Advisory Committee:** This group will now consist of four members: Anderson, Scott, Alexander, and Plasencia. The first meeting will be held on April 22, 2009 at 5pm at the Planning office on M-119. The definitions that have been completed to date will be sent out prior to that meeting.

- **Presentation: Getting Kids Outdoors:** Salar gave a short presentation on this local initiative. Michalek stated that he felt it was a worthwhile cause to be involved in. It relates to Planning and Zoning because the less time kids spend in nature, the less they respect it which leads to less concern to keep it available. After the presentation, Salar requested a motion to support a resolution supporting the efforts of the organization. Anderson made a motion supported by Jones to authorize the chair to sign the resolution. The motion passed on the following roll-call vote: Yes: Eby, Jones, Scott, Gregory, Anderson, Plasencia, Alexander. No: None. Absent: Neal, Laughbaum.

- **Outdoor Lighting: Text Amendment:** Doernenburg stated that this amendment to the outdoor lighting portion of the ordinance started when Dave Kring was in for a review. He expressed his concerns about the process. Since then, another applicant has had issues with this as well. The new ordinance proposed has been distributed. The electrical inspector for the County has reviewed and saw no issues. At this time, staff would like to publish this amendment for public hearing. Alexander made a motion supported by Plasencia to publish the outdoor lighting text amendment for public hearing. The motion passed with a unanimous voice vote of the members present.

- **Case #7-09-Friendship Township Master Plan Review:** Friendship Township updated their Master Plan Future Land Use Map but didn’t update the rest of
the plan. Upon review, there were sections that are definitely out of date. This memo recommends changes to update their plan. Anderson made a motion supported by Scott to authorize the chair to sign the memo to Friendship Township. The motion passed by a unanimous voice vote of the members present.

- **Enforcement Report:** Distributed. No discussion.
- **Bike Trail:** Eby asked about the proposal for a non-motorized trail around Burt Lake with a connection to the Emmet County trail system. The current plan shows the trail coming up Brutus Road. Maple River Township has concerns about the effect on County land. Perhaps Robinson Road would be a better option. There is more public property on Robinson Road. Perhaps these concerns could be brought to the meeting on April 17th at Boyne Highlands.
- **Correspondence from Brian Coveyou-RE: Bee population and lawns:** Distributed. No discussion.

VII Adjournment
Chairman Eby called the meeting adjourned at 9:45 p.m.

________________________________________   __________________________
James Scott, Secretary        Date