EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING
THURSDAY JULY 5, 2007
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES

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

MEMBERS ABSENT:  None

STAFF:   Brentt Michalek, Tammy Doernenburg, Monica Linehan, Nancy Salar

VISITORS:  Lyn Johnson, Dan Armstrong, Wendy Armstrong, Eric Brown, Naomi Singer, Henry Singer,
Eric Hemenway, Doug Crarch, Marvin Veurink, Jack Turner, Don Caird, Fred Gray, Scott
Howard, and others.

I Call to Order and Attendance
The meeting was called to order at 7:34 p.m. by Chairman Eby. All members were present.

II Public Hearing: Recreation Plan Amendments:

Packet items: Text of the 2007 proposed text amendments, 6/8/07 letter from Cross Village Supervisor and Clerk (Howard Wood & Gene
Reck), 6/18/07 letters from Emmet County Lakeshore Association.

Eby opened the public hearing for the Recreation Plan amendments.

Nancy Salar explained that she had passed out a new copy of the amendments tonight with a few minor changes highlighted in
yellow. She noted that the word ‘primitive’ has been removed from the text referencing the Wycamp Lake property. Salar
explained that the Recreation Plan allows the County to apply for grant money in the future should they decide to go forward
with any of these options. This is somewhat of a ‘wish list’ and if these potential projects are not included in the Recreation
Plan, grants cannot be applied for in the future. She went over the highlights of each of the proposed amendments.

Michalek added that the Recreation Plan will be completely revised in 2009 so this will likely be the last amendments to the
2004 plan before it is overhauled. He explained that not all of these parcels are added because the County is interested in them.
Bliss Township had asked the County to add the Bliss parcel to the plan so that they could go after grant money.

Alexander asked if the rustic camping would include acquiring new property or if it would be utilizing existing properties. What
type of supervision of the campsites would be involved? Would current employees of the County handle the supervision or
would jobs be created? Lyn Johnson, County Controller, explained that in some areas there would be additional people and
oversight while others would utilize current employees. They will be looking at using the Sheriff’s department for additional
policing. Johnson emphasized that this list is a conceptual list. If one of these options is chosen, the operational costs would be
looked at then.

Eby asked what the process would entail before any rustic camping would be approved. Would the public have further input
after tonight’s meeting? Johnson answered that there are numerous options for public comment. Part of the grant application
process requires public hearings on the proposals and the Board of Commissioners meetings are public hearings as well. Those
meetings would pertain to the monetary issues behind the proposals.

Eby opened the floor to public comment.

Naomi Singer from the Emmet County Lakeshore Association, a group of 500+ homeowners between Harbor Springs and
Cross Village, stated that they have issues with the rustic camping proposal at the Wycamp Lake property. This was allowed in
the past with disastrous consequences. There was illegal drug use, underage drinking, vagrants, no sanitation, no water, and it
was an uncontrolled situation. The local citizens felt that the area was unsafe and intimidating and therefore were unable to enjoy the area. The DNR closed the area to camping for these reasons. There is minimal law enforcement in the area, which is a concern as well. Singer explained that they do not object to the County purchasing this property but they do oppose rustic camping there. Presently people can and are using the area now and they would like to be able to continue to use it.

Eby reminded the board that primitive was removed from the language and there is no push for rustic camping. Johnson added that this proposal wasn’t County based; rather the State of Michigan approached them to take over supervision of that area. The preservation of the lakeshore is important and a lot of thought would be put into the use and supervision of the area if the decision was to move forward. Johnson stated that the County would not allow the past to repeat itself. He stated that he can’t foresee the County purchasing the land. The State may offer it to the Township and then the County would look into the use of the property. Michalek stated that again, this would be placed in the plan as a potential opportunity. He spoke with the Lakeshore Association President a few weeks ago and advised him that he cannot see the County doing anything that would be a detriment to the community. He gave the example of Camp Petosega as a possible example of a County run campground.

Naomi Singer stated that they are also concerned that because the area is so remote and there is no regular law enforcement in the area, many people feel that they can come there and do as they please. This could lead to illegal and unsafe activities.

Scott made a motion, supported by Anderson to authorize the Chair to sign the Resolution of Adoption of the 2007 amendments to the 2004 Emmet County Comprehensive Recreational Plan.

Laughbaum stated that he is reluctant to support this motion because the values of the parcels aren’t included in the paperwork. He stated that these properties would constitute millions of dollars and he feels that with the monetary state that Michigan is in, the spending has to stop. Additional purchases would only raise taxes. He stated that he thinks it would be a mistake for the County to take over this parcel at Wycamp Lake and feels that perhaps it would be better if a private entity took it over. Alexander stated that someone will get the property if we don’t. Johnson explained that the money would be primarily from the Land Trust Fund which the State distributes yearly. It wouldn’t affect the general fund, taxes, or revenues. This is money that is specifically set aside for recreational projects.

Eby stated that the County is not involved in all of the potential projects potentially being added to the plan. Neal asked if approved, would the County be committed to anything. Would each property be looked at separately? Michalek replied that once the properties are included, we can apply for grants. The projects still have to be approved by the Board of Commissioners on an individual basis. Neal stated that by voting to approve the amendments, it doesn’t mean that the County will be purchasing all of these properties.

Gregory stated that he would not be in favor of camping at the Wycamp Lake property.

Michalek stated that Emmet County is in the top ten list for receiving grant money. The County has acquired $20 million through grants. Doernenburg gave an example of a parcel being included in the Recreation Plan and voted down during the Board of Commissioners public meeting process.

Laughbaum stated that sometimes once things get started, they are hard to stop. He feels a better option would be to wait until 2009 and research which pieces of land we want to use.

Eby stated that he doesn’t like some of the proposals in the amendments but he can endorse others such as Rails to Trails.

Derrohn asked if the County is interested in the Resort Township parcel or is the Township more interested. Johnson replied that all of these proposals have gone through the Parks & Rec Committee and the Resort parcel would be a possible partnership with the Township and possibly the City. The value of that parcel would be easier access on that side of the County to the bike path and the building could possibly be used for other recreational projects. It would preserve 508’ of lakeshore for public use.

Gregory asked if they could just strike one of the proposals out if they wanted to. Alexander stated that these amendments only open up possibilities and may not be pursued. If they are taken out completely, there would be no possibility of grant money in the future. He stated that he doesn’t see that there is anything on the list that is a really bad idea. He asked what the statistics of how many applications are actually sent in. Johnson stated that there is less than one application made every three years. He gave an example of the importance of having the potential parcels in the plan. There was a parcel north of Camp Petosega that was for sale and the County was interested in purchasing. Because it wasn’t in the plan, by the time that the amendments and applications were processed (which was a 2-3 year process), they lost the property to someone else. The idea is to include everything that may come up even if it isn’t pursued.
Neal stated that he sees a yes vote as a vote of confidence in the process. If there is an issue with the process then he can understand a no vote. Eby stated that he feels that Commissioners will understand some of the hesitations and proceed accordingly.

The motion previously given was then voted on and passed on the following roll-call vote: Yes; Neal, Jones, Scott, Anderson, Derrohn, Alexander. No; Eby, Gregory, Laugbaum. Absent; None.

Eby closed the public hearing for the Recreation Plan amendments.

**III Public Hearing: Sub Area Master Plan:**

Eby opened the public meeting for the Sub Area Master Plan.

Michalek explained that in August 2006, the Planning Commission approved the Sub Area Master Plan as a guiding document. Since then a few issues had been brought up with the plan. Resort Township had issues with the inclusion of future east/west connection routes. Staff met with the Township and incorporated the concerns and comments from that meeting into this final draft of the plan. Changes were also made to a property in Bear Creek to more closely reflect Bear Creek’s Master Plan. Bear Creek Township, the City of Petoskey, and the Little Traverse Bay Band of Odawa Indians all support this plan and would like to move forward as a representative document to replace the County Master Plan in that portion of the County. Resort Township has stated that they would like the Sub Area Master Plan committee to reconvene for further review. The updated County Master Plan is scheduled to be completed in 2008. Michalek stated that the newest draft has been updated to reflect the changes and concerns of Resort Township and he feels that it is a good document.

Anderson stated if the committee was reconvened, by the time it was reviewed again, the County Master Plan would be completed. Eby stated that the only entity that the County has zoning jurisdiction over is Bear Creek and they have recommended approval.

Eby opened the floor to public comment.

Scott Howard, the attorney representing Resort Township, stated that he was in front of the Planning Commission about a year ago with the same concerns. Resort Township feels that their issues have not been addressed. He has a strong issue with this as he has to represent the Township if they are sued by a resident who brings up any issues with this document. This document may be in line with Bear Creek Township’s Master Plan, but it isn’t in line with Resort Township’s. A letter sent, May 9, 2007, outlined the issues that Resort Township has with the plan in general. Howard offered to produce specifics if necessary. The Township is ultimately not satisfied with this plan and it is a huge issue for them. His recommendation to the Township is for them to make it very clear that they are not a part of this process and are not signing on to it. This now will be about a seven month plan. He suggested that the County take this gathered information and place it into the updated Master Plan. The time and money spent would not be wasted as the information is still useful towards the Master Plan. This Sub Area Master Plan puts Resort Township at risk. The Township was interested in being a part of this process, however they do have their own zoning and their own Master Plan and this Plan is inconsistent with both.

Marvin Veurink, Resort Township Treasurer and Planning Commission member, stated some of the Township’s concerns. He stated that in the copy of the Sub Area Master Plan that he picked up from the office today, the east/west connectors are still shown. Resort Township is opposed to those connectors. There is wording in the Plan that states that Resort is in the process of adopting a Master Plan. This has been adopted and is currently in effect. There is language regarding preserving the US-131 corridor as a gateway into Petoskey as being a goal for both Bear Creek and Resort Townships; there is nothing left there to preserve. The goals in the plan may be aligned to Bear Creek Township; however Resort Township has no plan or desire to develop as quickly as Bear Creek. Resort Township has no desire to have regional zoning as they have their own Master Plan. Veurink stated that overall; this plan is in conflict with the Township’s Master Plan.

Michalek stated that from the comments on the maps, he believes that perhaps Mr. Veurink doesn’t have the most recent draft. He referred him to the copy that was provided to the Township in a hard copy version and on CD in April. It is possible that the incorrect version was printed when he came into the office to pick it up this afternoon as there are multiple revisions from the consultant which were made to accommodate Resort Township concerns.

Don Caird, a Resort Township Trustee, stated that he has served on the Sub Area Master Plan committees. He has argued with the consultant on the content of the plan and he disagrees with Michalek’s statement that the changes and concerns of the Township have been dealt with. The Township has objections to statements and information throughout the plan. The Township takes exception to the fact that this document would be adopted when it is not correct. The County hasn’t come anywhere close to resolving the issues that the Township has. There was only one meeting with staff and John Eby. Their issues with the plan
were expressed then and they have yet to be dealt with. The Township would like the opportunity to work jointly with staff to resolve the issues that they have. If that is not going to happen, then any reference to Resort Township needs to be taken out of the plan.

Laughbaum asked if the Township feels that they are being ‘railroaded’ by the County. Caird stated that he faults the consultant as much as the County. This process has lasted for five years and they have been unsuccessful in stating within the plan that Resort Township has their own zoning and this plan does not affect it. The plan basically states that the County knows what is best for the Township. When a developer sues the Township, they are going to use the plan that is most advantageous to them. The Township feels that the County does not respect their Master Plan. Caird stated that Michalek said that the issues have been resolved and they haven’t been. They would like the County to recognize that they are in control of their zoning and to recognize that they have their own Master Plan.

Michalek stated that all connections that existed in Resort Township in previous drafts of the plan were reviewed and have been eliminated except for the connection from Lears Road to the Casino.

Laughbaum stated that he feels that there is no rush for this to be approved and it needs to be studied. There are so many changes in the area that this isn’t a reflection of what people want.

Jones stated that the plan will be outdated no matter what we do just based on the time that it takes to go through the process.

Neal asked if an issue came up, would an attorney use a Master Plan or the zoning ordinance. Eby replied that they would probably use whatever is most beneficial. The Master Plan does have legal standing. Neal stated that what matters is the intent. He hasn’t seen the County push aside any township’s views. They are counted heavily in every decision. Regional planning doesn’t seem to be an issue to him because it will be no different than what we are doing today.

Michalek stated that one’s interpretation of a document depends on the frame of reference that it's read in. The County has been open, and anyone that wants to, has the opportunity to come into the office to discuss any issues or problems. The doors are always open. He mentioned that there was a letter sent to the Commissioners that he was listed as being ‘cc’d’ but he never received a copy of that letter. Staff has offered to go to the Township’s meetings if requested. He feels that the concerns and requested changes are reflected in the current draft of the document. Even at the advice of the consultant to not remove the east/west connector routes, he insisted that they be removed. Michalek stated that he respects the concerns and issues that the Township has brought up. He doesn't feel that the wording of the document is slanted negatively toward Resort Township as has been stated. Michalek read the section from page 13 that was in question.

Laughbaum stated that he believes the County needs to make a bigger effort to work with Resort Township as they haven’t made the best effort.

Jones asked how long it would be before the County Master Plan is adopted. Michalek stated that it should be adopted in February or March of 2008. The Sub Area Master Plan would be a fill in document for that section of the County until that point. The amount spent on this plan is a considerable amount to pay for a study that won't be adopted.

Anderson made the point that the County Master Plan may be ready to adopt in February or March or 2008, however we have to remember that it may be longer until finalized due to the public comment process that will follow.

Jones stated that this document is needed in the meantime. When it was last discussed, there was an effort to work together and it doesn't seem that this has happened.

Laughbaum stated that Resort Township has some good points and to leave them out of the process is doing a disservice.

Derrohn added that there has to be cooperation and effort on both sides.
Anderson stated that many changes including removing all of the questioned connectors have been made.

Laughbaum stated that it isn't long term planning if something is removed from a plan just to appease someone.

Jones added that when the County Master Plan is published, if it is found that the connectors need to be there, they should be put back into the Master Plan.

Alexander stated that he feels that perhaps not enough time has been spent on this plan. He stated that he is not comfortable with Resort Township’s discomfort.
Scott asked why this plan is needed before the County Master Plan is completed. Michalek replied that this is a rapidly changing area and it serves as a good patch to the areas that the County has zoning jurisdiction over for the next 8-12 months.

Postponing a decision on this plan was discussed. Scott asked if there is any reason that the references to Resort Township cannot be removed. Anderson suggested adding to the resolution that Resort Township doesn't support the plan. Michalek stated that removing Resort Township from the plan would require at least 4-5 months. Eby asked if Bear Creek Township needs this plan to help them in this intermediate time. Michalek stated that Bear Creek does have their own Master Plan, and it can be used when the Township makes their decisions, however, the County cannot use the Bear Creek Master Plan as basis for their zoning decisions.

After further discussion, Jones made a motion to authorize the Chair to sign an amended resolution that states that Bear Creek Township, the City of Petoskey, and Little Traverse Bay Bands of Odawa Indians have made motions to recommend approval, and recognizing that Resort Township does not accept this document. The motion was supported by Anderson and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; Laughbaum. Absent; None.

Laughbaum stated that he feels that this is bad legislation and it prohibits the development of some properties and allows industrialization of the lake and the US-131 corridor. It is an ill conceived plan.

Eby closed the public hearing for the Sub Area Master Plan.

**IV Minutes of June 7, 2007 regular meeting, June 20, 2007 site walk, & June 27, 2007 site walk**

Gregory made a motion, supported by Derrohn, to approve the minutes of the June 7, June 20, and June 27, 2007 meetings as presented. The motion passed by a unanimous voice vote.

**V Cases**

1. **Case #15-07 Emmet County Planning Commission, REZONE, SR-1 to FF-2, Section 34, Carp Lake Township**

   **Legal Notice:** 1A request by Emmet County Planning Commission to amend the County Zoning map by changing the zoning district classifications for selected areas in the Township of Carp Lake. The specific amendments include all or part of the following areas: Proposed rezone from SR-1 Scenic Resource to FF-2 Farm and Forest those properties lying north of the SE 1/4 of Section 34, specifically: 24-03-06-34-300-004; 24-03-06-34-200-005; 24-03-06-34-200-006; 24-03-06-34-200-008, being 6602 N US 31 Hwy; 24-03-06-34-200-010 being 6614 N US 31 Hwy; 24-03-06-34-200-011 being 6568 N US 31 Hwy; 24-03-06-34-200-013 being 6494 N US 31 Hwy; 24-03-06-34-400-002 being 6408 N US 31 Hwy; 24-03-06-34-400-005 being 6564 N US 31 Hwy; 24-03-06-34-400-014 being 6506 N US 31 Hwy; and 24-03-06-34-200-001 being 6507 N US 31 Hwy. The proposed rezoning is intended to include part, some, or all of the properties lying within the boundaries of the SR District which is 400 feet either side of US-31 or the depth of the abutting properties, whichever is less, or as otherwise mapped on the Emmet County Zoning Map.

   Michalek stated that a township recommendation has not been received yet because the Township requested staff to be present at their meeting on July 11, 2007. Michalek may not be able to attend that meeting because it conflicts with a Board of Commissioners meeting, however Doernenburg will be present. Eby stated that he would like to attend. Doernenburg will contact the township clerk and see if they can arrange for them to be last on the agenda to allow Eby time to get to the meeting. This case was deferred pending the township meeting.

2. **Case #28B-83 Town & Country Cedar Homes, PUD AMENDMENT, 4772 US 131 S, Section 30, Bear Creek Township**

   **Legal Notice:** 23A request by Town & Country Cedar Homes to Amend the Mixed Use Planned Unit Development located at 4772 US-131 South, Section 30, Bear Creek Township. The property is zoned FF-1 Farm & Forest, B-2 General Business with a PUD-1 overlay on the entire parcel, tax number 24-01-19-30-400-011. The proposal is to add the uses of Offices, workshops, showrooms of plumbers, electricians, decorators, designers, contractors, sign makers, door makers, carpet or furniture sales, lighting centers, or any similar trades to the entire PUD. The request is per Article XVIII of the Zoning Ordinance.

Packet items: 6/28/07 site plan
Other items: 7/5/07 site plan.

Michalek stated that the Planning Commission and the Bear Creek Township Planning Commission held a site walk of this property on June 20, 2007. There have been multiple changes to the site plan, most recently today's plan that was passed out. The location of the property and the current zoning were shown. Michalek noted that carpet, furniture, and lighting stores were taken off the list of
allowable businesses as they were determined to be more of a retail use and would have more impact than others on the list. Each parcel has a building envelope added to the site plan. Daily operations for Town & Country would be moved to the south portion of the property. The revised plan shows all of the requested changes from Bear Creek Township and the labeling is better.

Doernenburg stated that if the plan was approved, the approval would run with the land. Each site would be subject to site plan review. Anderson asked when a PUD would expire. Doernenburg stated that because this PUD already has established uses, it wouldn't apply for expiration as it's an active PUD.

The applicant, Steve Biggs, stated that he made every effort to make the requested changes and he feels that they are all taken care of.

Anderson thanked Biggs for his cooperation.

Eby opened the floor to public comment.

Eric Brown, 1004 W. Gruler, asked if the unbuildable site were purchased, could the owner come through the process and put a larger than allowed building there. Michalek replied that they would have to go through the same PUD amendment process for that type of request. Brown commented that during the hearing for the Sub Area Master Plan, it was mentioned that it was a goal to preserve the US-131 corridor as a gateway. Wouldn't allowing this be going against that plan? Where is the line drawn? Anderson explained that it is a give and take scenario. They could have twelve residential homes there; instead five businesses operating 8 a.m-5 p.m would be there and would be less of an impact on the neighborhood. She added that the unbuildable lot was discussed. The option to request that to be changed in the future would still be open. Derrohn stated that she thought that the lot was there as a buffer and would never be built on. Anderson stated that placing that land into a conservancy had been discussed at the Township meeting, however it was mentioned that they would likely not be interested in that property.

Jones stated that if someone asked for this lot to be buildable in the future there is nothing in the ordinance that allows the request to be turned down.

Wendy Armstrong, 1060 W. Gruler, thanked Mr. Biggs for changing his site plan to alleviate a lot of their concerns. She is still focusing on the unbuildable lot and would like a conservancy easement or a deed restriction in place on this lot. She also has been in touch with the Little Traverse Conservancy, who advised her that there is no piece that they would turn down. Their only issue would be that the Walloon Lake Conservancy may want to look at the land first. This is the main issue with the plan now as they live right there and will see and hear anything that is placed on the parcels.

Dan Armstrong, 1060 W. Gruler, thanked Mr. Biggs for his cooperation and asked the board to realize that they have to live with this every day. He is concerned that someone could buy multiple lots and make one giant business. One bad business could affect the surrounding properties. This is a residential area and decisions should be made with consideration of the surrounding neighborhood.

Eby stated that he has a problem with labeling something unbuildable. Jones stated that it could eventually be built on. The residential uses in this PUD were never developed, however he still feels that it is the best use of the property to keep it residential. Scott stated that he feels that an industrial park is being created. Gregory asked what the reason for changing the PUD is. Anderson explained that Mr. Biggs doesn't feel that he can market the area as residential especially after the adult bookstore was opened. Jones stated that he seems to be trying to enhance the sale of his property. The bookstore may not be there forever. Neal stated that Mr. Biggs has done everything he can to accommodate the requests of the Township and the County. The only remaining issue is creating the buffer.

There was some discussion regarding making that lot a residential lot accessed by Gruler Road.

Jones made a motion supported by Scott to deny Case #28B-83, Town & Country Cedar Homes to amend the Preliminary and Final PUD-1 Master Plan, an overlay on tax parcel #24-01-19-30-400-011 in Section 30, T34N-R5W, Bear Creek Township. The property encompasses some 23 acres +/-, having some 600 feet of frontage on the north side of W. Gruler Road and some 1,250 feet of frontage on the west side of US-131 South. The proposed changes to the existing PUD are out of character with the neighborhood, the road is not adequate for the truck traffic that would be generated, and the residential properties have never been marketed as residential. The motion was supported by Scott.

Laughbaum asked about the distance of the residential lots from the adult bookstore. Isn't the location against the new SOB ordinance without a 500' setback? Michalek stated that a small portion of lots 3-6 would be within 500', however, residential
uses can be placed next to a SOB. The ordinance refers to a SOB being placed within 500' of an existing residence in a residential zone.

The motion to deny passed on the following roll-call vote: Yes; Jones, Scott, Gregory, Laughbaum, Derrohn, Alexander. No; Eby, Neal, Anderson. Absent; None.

Mr. Biggs stated that he feels that the County is treating its pornographers better than their business owners and will investigate his other options.

3. Case #23B-03 Emmet County Planning Commission, REVIEW DOMESTIC FARM, 647 S. Division Rd., Section 4, Bear Creek Township

Legal Notice: 4A review by the Emmet County Planning Commission of a Domestic Farm in a Residential District to take action to continue, modify, or abate a domestic farm use because of a dispute and/or a needed interpretation of an operation located at 647 S. Division Road, Section 4, Bear Creek Township. The property is zoned R-1B One Family Residential and is tax parcel number 24-01-19-04-400-015. The review is per Section 2102-16 of the Zoning Ordinance.

Michalek explained that there have been multiple hearings on this case and a site visit was held on June 27, 2007. The location and site plan was shown. It is the charge of the Planning Commission to determine whether it is a domestic farm. Bear Creek Township recommended approval stating that it is a domestic farm but requested screening of stored goods on the north section of the property and an updated site plan. The mining permit on the property was administratively approved and is a separate issue.

Eby noted that if it is a domestic farm, screening cannot be required. Michalek agreed. Bear Creek requested screening of their other activities, but did say it was a domestic farm. The plants are brought onto the site, divided up in pots and planted for the summer. They are then distributed to clients.

Derrohn stated that there was no dust control issues before the mining operation began.

Eby noted that his neighbor feels that all of the questions were answered at the site visit. She is growing plants twelve months out of the year and trees have been planted. There are acres between her and her neighbors. She has no concerns with the township’s request of screening and will provide an up to date site plan with those requests included. The screening was requested to block the bagged products that are on the property used for the planting. Those are there on a seasonal basis.

Derrohn stated that during the site visit, it was mentioned that the bags and pots could be put in the barn so that they are not seen directly from the road.

Eby stated that we can't ask for screening if it qualifies as a farm and it looks like it qualifies. When uses pile on to each other, such as the mining, it tends to bring up problems. The scrutiny was placed on the mining not on the farm.

Derrohn stated that there is no retail on site. People can't go there and buy things. Laughbaum asked if she would be allowed a 'U-pick' farm. Doernenburg stated that a 'U-pick' is a specialty farm. A domestic farm has no retail. Michalek read from the 2003 domestic farm permit requirements signed in by Max Putters for the property.

Derrohn made a motion to approve Case #23B-03 to continue as approved for Peggy Ellenberger, Special Use Permit for a Domestic Farm in a residential zoning district, S. Division Road, Bear Creek Township, tax parcel number 24-01-19-04-400-011 because, based on the facts in this case, the use meets the definition of a domestic farm in the ordinance. The original permit for a domestic farm dated 1/29/03 continues to remain valid. The motion was supported by Laughbaum and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; None.

4. Case #193N-97 Lakeforest Land Company, SPECIAL USE PERMIT, Land Development Standards, 5801 Sunset Blvd., Bear Creek Township

Legal Notice: 5A request by Lakeforest Land Company for a Special Use Permit per Land Development Standards to create a parcel of approximately 4 acres with the remaining parcel being 151.43 acres. The property is zoned RR-1 Recreation Residential and is tax parcel number 24-07-17-22-100-028. The review is per Section 2102-14 a), more than five parcels have been created within a ten year period.

Packet Items: Request & location map, tax parcel map, application, 6/25/07 emailed letter from Jane Elbert, 6/25/07 emailed letter from Greg Grosvenor, Zoning Evaluation, 6/12/07 site plan
Doernenburg explained that this request is to split off one lot in the Eagle Beach subdivision. Each split has been incrementally approved over the years. Because they have created more than five parcels in a ten year period, each split needs to be reviewed by the Planning Commission. The parcel they are requesting to split is the location of the starter building which was administratively approved as an accessory building to the golf course. Additional information in the packet from neighbors regarding overdue bills are not zoning issues. Doernenburg showed the site plan for this split along with the site plan of the whole development. She explained that the parcel meets lot width and size standards. On the 1.4 acre parcel, there are four potential lots shown on the site plan; this approval would not allow for those additional splits. If the applicant wants to split further, they will have to come back before the Planning Commission again and it would have to be re-advertised. Littlefield Township Planning Commission recommended denial, however, the Township Board, recognizing that the other issues could not be looked at in a zoning case, recommended approval.

Derrohn made a motion to approve Case #193N-97, Lakeforest Land Company, Special Use Permit for Land Development to create 1 parcel, labeled Parcel A, of approximately 4 acres in Section 22, Littlefield Township, tax parcel number 24-07-17-22-100-028 because of the facts in the case and the plan dated June 12, 2007 meets the standards of Section 2102-14 of the Zoning Ordinance, and because the Township Board recommended approval. The motion was supported by Anderson, and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; None.

VI Public comments: None.

VII Other business:
• Text Amendment-Waterfront setback standards:
  Packet items: 6/20/07 letter from Frank Kestler-Burt Lake Preservation Association
  There is no new information on this case as staff is working with Civil Counsel on wording. There was some discussion on the impact on existing boat wells and how many would become non-conforming. Scott stated that he thinks that Top of Michigan and the Pickerel/Crooked Lake Associations have good intentions. He agrees that the lakes need to be protected, but he is unsure if this is the right path to take. Michalek suggested possibly setting two setbacks, one for water that shows up on the USGS maps and another for manmade bodies of water; possibly a 30’ setback.

  This will be discussed again at the next regular meeting.

• Annual Report: Doernenburg stated that the corrections were made on the annual report and staff would request a motion to authorize presenting the report to the Board of Commissioners. Jones made a motion to present the 2006 Annual Report to the Board of Commissioners. The motion was supported by Derrohn and passed by a unanimous voice vote.

• Sign Ordinance amendments-Doernenburg explained that the amendment that was included in the packets is what is proposed. All proposed changes are content neutral. Civil Counsel has reviewed the requested changes. Other proposed changes need further review and will be presented at a later date. Staff would request permission to publish the amendment request for next month’s public hearing. Scott made a motion supported by Anderson to allow staff to publish the requested amendment for public hearing at the next regular meeting. The motion passed by a unanimous voice vote.

• Enforcement Report:

VII Adjournment
Chairman Eby called the meeting adjourned at 10:15 p.m.

________________________________________   __________________________
James Scott, Secretary                        Date