EMMET COUNTY PLANNING COMMISSION
THURSDAY, AUGUST 5, 2004 - 7:30 P.M.
COMMISSIONERS BOARD ROOM
EMMET COUNTY COURTHOUSE
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES

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

MEMBERS ABSENT:  None

STAFF:  M. PUTTERS, J. SWINDLEHURST (Intern), T. DOERNENBURG

VISITORS:  Richard Sarchenko, Alyce Conrad, Jennifer Swindlehurst, Dennis Michel,
Traver Wood, Fred Gray, Shawn Young, Lori Lewis, Michael Powell, Jamie
Johnson, Harold Woodruff, Ron Brown, Damian Farrell, John Talbot, Jane
MacKenzie, Joe Bassett, Joel Moore, Wayne Blomberg, Joe Blachy, Jacqueline
Stubner, Audrey McMullen, Ray McMullen and others.

I  Call to Order and Attendance
Chairman Eby called the meeting to order at 7:30 p.m.  All members were present.

II  Minutes of July 8, 2004
Simon made a motion to approve the minutes of the July 8, 2004 meeting as prepared.  Letzmann supported the
motion which passed by unanimous voice vote.

III  Time of adjournment
Behan made a motion to authorize the Chairperson to adjourn the meeting at 10:30 p.m.  Jones supported the
motion which passed by majority voice vote.

IV  Resolution of Appreciation
Jones made a motion, supported by Simon to authorize a Resolution of Appreciation for Tammy Doernenburg.
The motion passed by unanimous voice vote.  Tammy has been promoted from Administrative Assistant for
Planning and Zoning, to Department Head for Code Compliance (including Zoning).

Scott made a motion, supported by Jones, to authorize a Resolution of Appreciation for Jennifer Swindlehurst.
The motion passed by unanimous voice vote.  Jennifer was a student intern who graduated from Albion College
and will begin graduate studies in Community Planning this Fall (2004).

III  Cases
1. Case #11A-97  David Billideau for Scott Bolkema, SPECIAL USE PERMIT, Land Development Standards, Corner of Pleasantview & Levering Roads, Section 1, Center Township

A request by David Billideau for Scott Bolkema for a Special Use Permit per Land Development Standards to create ten (10) lots on a property containing some 122 acres located at the southeast corner of Levering and Pleasantview Roads, Section 1, T37N-R5W, Center Township. The property is zoned FF-2 Farm Forest and is tax parcel number 24-04-09-01-100-013. The request is per Section 2102-14 of the Zoning Ordinance.

Putters explained the case using the original site plan, a concept plan and revised site plan submitted by the applicant. The property is located on the corner of Pleasantview and Levering Roads. The redesigned plan shows an access road entering the property from Pleasantview Road and accessing the majority of the parcels. Staff is interested in future planning for the site. The Planning Commission could restrict access to be from the interior/private road and not the County Roads. The alternate plan was as a result of suggestions of staff, Planning Commissioners and Center Township.

The case was tabled until 10 pm, as there were questions and no representative was present upon initial review. When review resumed, at about 10 pm, Putters briefly re-explained the request.

Joe Bassett, representing the applicant, stated that because of the engineering that has already been done, they would like to leave the road at its existing location. Accessing the property from Pleasantview Road makes safer driveway accesses. The Road Commission has approved of the accesses.

Jones stated that Lots 5 & 6 are not going to be part of the community (they faced away to the main roads). He felt it was not a good plan. Simon agreed that back yard and side yards would be facing each other. Simon agreed. The layout doesn’t make planning sense. Derrohn stated that there are three or four accesses onto Pleasantview Road. Letzmann suggested a straight road behind the lots on Pleasantview Road and turning the lots on the east side to make more of a neighborhood. There was discussion regarding adjusting the lots and safety.

Bassett stated that he was under the impression that they compromised with reducing the accesses. He stated that reverse lotting will place back yards along the primary road. The proposed road is existing.

Letzmann felt that there could be a better design. One road would be better. She explained her idea and Bassett agreed that it could be done if access to Levering Road were allowed. The road was agreed to be accessed from Pleasantview Road as shown, then turn north to either a cul-de-sac or straight through to Levering Road and the lots on the east side of the road would be oriented to access the private road. Future homes would face each other across the private road.

Letzmann made a motion to approve Case #11A-97 for Scott Bolkema, Special Use Permit for Land Development creating nine (9) lots on condition that the lots have reverse orientation of all lots and Lots 7, 8 & 9 will be aligned along the private road with no driveways allowed onto Levering or Pleasantview Roads and the developer has the option to access both roads or construct a cul-de-sac at either end of the road, with access subject to Road Commission approval, and on condition that the Fire Department approve the plan. Simon supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.

2. Case #19-04  Traver Wood for Wellness Enterprises, SPECIAL USE PERMIT, Credit Union, US-131 South, Section 7, Bear Creek Township

A request by Traver Wood for Wellness Enterprises, LLC for a Special Use Permit to construct a Credit Union on property located 500’ south of the east-west quarter line, within the NE 1/4 of the SW 1/4 of Section 7, on the east side of US-131 Hwy located some 1,320 feet south of Kilborn Drive. The property is zoned R-2B General Residential and is tax parcel number 24-01-19-07-300-036. The request is per Section 301-2 of the Zoning Ordinance.
Putters explained that the plan has been reviewed during previous review and the outstanding concern is stormwater. An engineering firm has been retained to review the plan. The original plan was prepared by Site Planning and then a revised stormwater plan was sealed by Performance Engineering. The information has been forwarded to Gosling Czubak for independent review. A letter outlining their initial findings was distributed. They did not have all information necessary to finalize a report.

Traver Wood stated that he just received the letter and there is confusing information. He is disappointed that the independent review firm has not received all of the information. He wishes to be sure that they’re reviewing the correct information.

Simon asked if the public’s concern should be considered? Jones stated that stormwater run-off is the main citizen concern.

Letzmann made a motion to approve Case #19-04 and to authorize the Zoning Administrator to approve the site plan upon agreement between the engineering firms. Behan supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.

3. Case #25-04 John McCloskey for Boyne River Homes, SPECIAL USE PERMIT, Outdoor Display sales lot, US-131 South, Section 7, Bear Creek Township
A request by John T. McCloskey for Boyne River Homes for a Special Use Permit to allow outdoor display and sales of modular homes on property located at 2124 US-131, Section 18, T34N-R5W, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel number 24-01-19-180-010. The request is per Section 1001-4 of the Zoning Ordinance.

The applicant was not present but has indicated that he is having a drainage plan prepared.

The case was deferred until the next regular meeting.

4. Case #56A-97 Wallace Weburg, SPECIAL USE PERMIT, Land Development, Anderson Road & US-131, Section 18, Bear Creek Township
A request by Wallace Weburg for a Special Use Permit per Land Development Standards to create five residential building sites on property located between Anderson Road and US-131, 2404 US-131, Section 18, T34N-R5W, Bear Creek Township. The property is tax parcel number 24-01-19-180-042 and is zoned FF-1 Farm Forest. The request is per Section 2102-14 and may be reviewed as an Open Space Plan, as an option, per Section 1901 of the Zoning Ordinance.

The applicant is working with the Township to determine if he is able to create an additional lot on his property.

The case was deferred until the next regular meeting.

5. Case #35-04 Robert Humphrey, SPECIAL USE PERMIT, Exception to Section 2201-Accessory Buildings, 3110 Leeward Drive, Section 20, Littlefield Township
A request by Robert Humphrey for a Special Use Permit for exceptions to the standards of Section 2201, Accessory Buildings at 3110 Leeward Drive, Section 17, T35N-R4W, Littlefield Township. The property is zoned RR-1 Recreation Residential and is tax parcel number 24-07-17-20-326-033. The request is to allow for more than one accessory building on a zoning lot of five acres or less and a larger than allowed accessory building per Section 2201-8 of the Zoning Ordinance. The proposed accessory building is 30’x60’ (1,800 sq. ft.). The standards allow up to a 1,200 sq. ft. accessory building.
Putters explained the request for an exception to the standards of Section 2201 to allow a second accessory building, larger than allowed, in the side yard. The property on Oden Island is comprised of three lots of record. Existing are a home, accessory building and a boat house. The applicant wishes to construct a 1,200 sq. ft. accessory building in the side yard. Staff prefers the proposed location as it is further from the shoreline in an already cleared area.

Robert Humphrey stated that he would like to place the building in-line with existing homes in the area.

Derrohn stated that a site walk was conducted by the Township and they prefer the proposed location. She added that the applicant is willing to sign an affidavit that states that the building is for personal use only and that the three lots are recognized as one Zoning Lot for this accessory building. The existing garage has been attached to the house.

Derrohn then made a motion to approve Case #35-04, Special Use Permit, Robert Humphrey, for an additional accessory building of up to 1,200 sq. ft. in the side yard on condition that the applicant sign an affidavit of use that the building will be for personal use only, that Lots 36-41 are to be recognized as one Zoning Lot (parcel) and because Littlefield Township recommended approval. Alexander supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.

6. Case #92A-81 Richard Sarchenko, SPECIAL USE PERMIT and Change of Use, Contractor’s Office and Salon, 2870 N US-31 Hwy, Section 22, McKinley Township
A request by Richard Sarchenko for a Special Use Permit and change of use to allow a change from a motel use on part of the structure to a contractor’s office (SUP) and salon on property located at 2870 US-31 Hwy (Arbor Motel), Section 22, T37N-R4W, McKinley Township. The property is zoned B-1 Local Tourist Business and is tax parcel number 24-10-10-22-100-027. The request is per Section 901-3 and 900-5 of the Zoning Ordinance.

The Site Plan was displayed. Putters explained that there is not much change proposed. The applicant wishes to convert part of a motel to a beauty shop and contractor’s office use. McKinley Township recommended approval.

Richard Sarchenko stated that the request is to allow for a salon with a shared office for a construction office. There were several uses in the motel previously. He stated that a previous owner operated some contractor’s uses on the site.

Letzmann made a motion to approve, Case #92A-81, Special Use Permit for a contractor’s office and salon, for Richard Sarchenko because McKinley Township recommended approval and on condition that Sign & Lighting review will be required for signs and outdoor lighting. Derrohn supported the motion which passed by the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.

7. Case #34A-04 Brian Ludlow, PUD - PRELIMINARY/FINAL and SITE PLAN REVIEW, 8346 Paradise Trail, Section 12, Carp Lake Township
A request by Brian Ludlow for a Planned Unit Development-1 (PUD-1) Non-mixed use to create a single family home community at 8346 Paradise Trail, Section 12, T38N-R4W, Carp Lake Township. The property is zoned RR-1 Recreation Residential and is tax parcel number 24-03-06-12-351-004. The request is to remove 8 existing cottages and re-arrange and replace with five (5) single family dwellings on 10 platted lots in the plat of Mich-Eden, all lots as platted are non-conforming. The request is per Article XVIII of the Zoning Ordinance. The applicant is requesting modifications to the design standards including modifications to the perimeter setbacks, interior lot size, lot width and let setbacks.
Putters gave background information regarding the property. An original plan was approved by the Zoning Board of Appeals which was displayed and explained. The plan submitted to the ZBA shows eight existing cabins, proposed to be replaced with 7 new units as shown on the site plan. The second plan option presented to the Planning Commission for the PUD is the preferred plan of the Township, applicant and ZBA. It is a cluster open space design. There are fewer units (five) with more access to the lake. There is a common shared drive that serves two lots. The request involves setback modifications to the PUD perimeter setback standards. The platted alleys have been abandoned and are included in the layout of the development. The applicant prefers to keep smaller cottages rather than construct big-foot homes.

Brian Ludlow stated that the ZBA approved the original plan (granting the necessary setback variances), but he feels the new design is in keeping with the character of the area. This plan is better than the other situation. A land locked parcel exists to the west and the shared drive will be used to access that property. There are hedges on two sides of the property. There will be rules and restrictions. All cottages will be required to have certain features. Maintenance will be done. It will be an association.

Letzmann asked what would be considered the lot lines? The dotted lines are the lot lines. The common area will be owned by the association. The septic will be common.

Ludlow stated that the Fire Department approved of the plan because the fire trucks could access the development from both sides.

Michael Powell owns a resort on adjacent property. The existing cottages aren’t livable, they were condemned for a while. It is a welcome thing. He supports the redevelopment.

Simon asked about the 15’ side yard. Putters stated that the roads are existing and the drive accesses an adjacent property. Simon asked about adjacent cottages, would line of sight be blocked by the cabins? Ludlow answered that views of the lake would not be blocked by the cottages.

Letzmann made a motion to approve Case #34A-04, Brian Ludlow, PUD-1 - Non-mixed use, Preliminary and Final, as shown on the plan dated August 5, 2004PZ, contingent on a letter of approval or signed site plan being received by the fire department and because the Township recommended approval and site plans will be approved by staff individually. Jones supported the motion which passed by the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.

Laughbaum observed that the development is 50,000 sq. ft with 5 residences. Jones asked if the DEQ will be required to approve of the sanitary facilities? Ludlow stated that they have given preliminary approval. The system will be a sealed engineered system. The soil is sandy.

8. Case #81A-03 Dennis Michel, SITE PLAN REVIEW, Amend Site Plan, 8281 US-31, Section 16, Littlefield Township

A request by Dennis Michel for Site Plan Review for construction of an accessory building at 8281 US-31, Section 16, T35N-R4W, Littlefield Township. The property is tax parcel number 24-07-17-16-200-022 and is zoned B-3 Commercial/Industrial to a depth of 300’ from US-31 and RR-1 Recreation Residential for the remainder of the property. The proposed structure is to be accessory to the approved auto/truck collision & restoration business.

Putters explained the request for an accessory building to be built in conjunction with an approved auto collision and restoration business. The Site Plan has been revised with changes requested by Littlefield Township, adding 5 parking spaces in the front of the existing building. The proposal is to add an additional building for use with the collision center. Additional parking is shown along the side setback line. Front parking was debated by staff, it was determined that the parking existed in front of the building and the proposed parking spots are setback further than the previously used parking areas. Maneuvering will be in the right-of-way. The shaded areas are
to accommodate new parking. A proposed outdoor storage area is located behind the building. Screening may be required.

Jamie Johnson, Benchmark Engineering, stated that a privacy fence is shown on the north line. Dennis Michel stated that he intends to construct a 6' high wooden fence along the north line. He stated that the reason for the new building is to keep vehicles inside. No vehicles will be seen from the road. If there is a need for fencing on the other side in the future, he would be willing to install it. He restores vehicles and parts take up space. More room is needed.

Simon asked if the request includes additional parking in front of the existing building? Putters responded yes.

Michel added that the 1st spot will be a handicap space and a sidewalk will be located in the front of the building.

Derrohn stated that parking has been located at the front door and in front of the building. The designated spots will be located as shown on the site plan. Parking for autos to be restored and repaired will be out of view and be screened. If a dumpster is needed, it will be screened. The Township walked the site. The side parking will be for employees.

Derrohn made a motion to approve Case #81A-03, Dennis Michel, Site Plan amendment, to construct an accessory building for the business of auto and truck restoration on condition that there be no visible outside storage, that there be screening from the road, if a dumpster is on the site, it will be screened, Fire Department approval be submitted to staff, Sign & Lighting review is required and five parking in front of existing building are permitted with trees for softening at the end of the parking area be planted as shown on the site plan dated August 5, 2004 PZ and because the Township recommended approval. Behan supported the motion which passed by the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.


A request by Lakeforest Land Company for a Special Use Permit per Land Development Standards to create eight (8) building sites within the Eagle Beach Development located within Sections 21 & 22, T35N-R4W, Littlefield Township. The property is zoned RR-1 Recreation Residential and includes tax parcel numbers 24-07-17-200-004, 24-07-17-22-100-002 & 100-026. The request is per Section 2102-14 of the Zoning Ordinance.

The case was deferred until the next regular meeting, at the request of the applicant.

10. Case #83C-00 Crooked Lake Properties for Charles Nicholl, PUD, Amendment, Mixed Use Preliminary and Final, US-31, Section 18, Littlefield Township

A request by Crooked Lake Properties for Charles Nicholl to add to and amend a Planned Unit Development -1 (PUD-1) Mixed-Use on property located on US-31 and Cincinnati Avenue in Section 18, T35N-R4W, Littlefield Township. The property includes all of tax parcel number 24-07-17-18-451-001 and part of tax parcel number 24-07-17-18-451-002 both zoned B-1 Local Tourist Business and part of 24-07-17-18-451-003 zoned R-2B General Residential. The request includes relocating the marina building from the east side to the west side of Cincinnati Avenue and creating a parking lot and access along US-31 for the marina building per Article XVIII of the Zoning Ordinance. The perimeter setback of the PUD is requested to be modified.

Putters showed the site plan and explained the changes shown which add property to the Windjammer PUD and moves the marina building across Cincinnati Drive. The plan also creates a 90° access to Cincinnati Drive from US-31, creating a safer intersection. The larger scale view was shown. Additional parking has been provided and the size of the marina building has been reduced. Views of Crooked Lake from the highway will be
expanded. The house existing on the site will be removed. The boat ramp will remain in the same location. This is the preliminary PUD review. It will be required to be forwarded to the Board of Commissioners because it is mixed use.

Damien Farrell, Hobbs & Black Architects, explained the public benefits. The change reduces the size of the commercial marina building from 4,000 sq. ft. to 2,600 sq. ft., reducing impervious surface. This allows an increase in parking to 30 spaces, 26 commercial and 4 overflow. The additional property to the project allows for a conventional approach to US-31 (90° intersection). It helps with traffic circulation and allows a second access to the commercial part of the property. It limits commercial functions along US-31.

Jones asked about the parking lot, is it for boat storage? Farrell responded that there is no change. Trailers will be kept off site through a valet system. Jones asked if the boat ramp is for public use? Farrell answered that it is available to the public. Letzmann asked if there will there be boat slips available? Farrell stated that the number of boat slips remains the same.

Letzmann appreciates that the road being straightened. Eby added that there is a better view.

John Talbot stated that the plan addresses concerns of the Township and County regarding sufficient parking and maneuvering space.

Farrell explained the originally approved PUD and development. He stated that the parking will be increased and open area is gained. The amount of paved area and green space was discussed. Stormwater will be channeled into the existing stormwater system.

The use and PUD boundaries are being requested to be amended. Simon questioned the PUD perimeter setback modification. Eby explained that the code does allow it and setback modifications were allowed with the originally approved Windjammer PUD.

Jones asked about the adjoining property - who owns the property? Cross Du Lac Association.

Derrohn made a motion to recommend approval to the Board of Commissioners of Case #83C-00, Crooked Lake Properties project for preliminary PUD-1, Mixed Use -adding property, moving Cincinnati Drive, creating a greater view to the waterway because it will allow for safer traffic onto US-31 N and Littlefield Township recommended approval. Alexander supported the motion which passed by the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.

11. Case #83D-00 Crooked Lake Properties for Charles Nicholl, PUD, Non-Mixed Use, Preliminary and Final, Cincinnati Street, Section 18, Littlefield Township

A request by Crooked Lake Properties for Charles Nicholl for a Planned Unit Development-1 (PUD-1) Non-Mixed Use for a multiple family development on property located on Cincinnati Avenue, Section 18, T35N-R4W, Littlefield Township. The property includes tax parcel number 24-07-17-18-452-001 and 24-07-17-18-451-010, 011 & 012 and part of tax parcel 24-07-17-18-451-003 all zoned R-2B General Residential and part of tax parcel number 24-07-17-18-451-002 zoned B-2 General Business. The existing Crosse Du Lac Site Plan is incorporated as a PUD-1 use, but to be replaced by this request for a PUD-1 Master Plan when approved. The request is to allow 16 total units on 2.443 acres per Article XVIII of the Zoning Ordinance. The request includes perimeter setback modifications.

Putters explained the request for review of a preliminary PUD with a history of the approvals that have been obtained for the Crosse Du Lac condominium project. The approved site plan was for 18 multiple family units in three buildings. The proposal would join several properties under one ownership. The request includes keeping the existing Cross Du Lac condominiums and site plan as previously approved.
The proposed PUD shows duplex or single family units on the southwest shoreline of the property. Condos are proposed over a man-made lagoon feature. The new plan removes planned parking from the wetland areas as shown on the original site plan. Parking is now closer to the buildings. The open space is required to meet density. There are concerns with building the lagoon and building condos over the lagoon. A letter from the DNR indicated that their observation is that construction of the lagoon is a unique situation and would have less impact on the environment than docks into reed area.

Damien Farrell, Hobbs & Black Architects, displayed the previously approved site plan showing the existing units and wetland area. He explained that the new units would be moved back from the shoreline. The stone rip-rap is a suggestion from the Tip of the Mitt Watershed Council. Mitigation of bulrushes was done as a part of the first phase. The plan reduces the number of units from 18 to 16. The impervious surface is a reduction of 5,000 sq. ft of driveway and 5,000 sq. ft in footprints of the buildings.

Farrell continued, stormwater management and open space was addressed in the new plan. Vegetation will remain between Cincinnati Avenue and the parking area for the waterfront condos. The portion of wetlands to be dredged will need to be mitigated. There have been ongoing soil quality and water quality reports provided to the DEQ during construction of the Windjammer project on the adjacent property.

John Talbot, developer of the project, explained that 700 sq. ft. of wetland is impacted and how it may be mitigated. Alternative plans were shown to the DEQ and they analyzed and selected this proposal as the best alternative.

A letter of support dated August 5, 2004, from the President of the Cross Du Lac Association was read and distributed.

Joel Moore representing the owner of the property, which may be sold to Windjammer, stated that the condo owners met and raised a number of questions to the developer. Much information was provided to the owners, including a landscaping plan and the site was staked. They reviewed the current proposal prior to submitting their approval.

Derrohn stated that a clarification of the DEQ’s letter dated July 26, 2004 was requested by the Township. Comments received by the Township, via a phone conversation on 7/29/04 with Scott Rasmusson, DEQ, were distributed.

Talbot displayed photos of the project and explained each. He explained that boat traffic in the reeds would stop growth of the vegetation. The proposed plan will be better for the environment. A one acre conservation easement will be given up and a channel dredged to provide access to the lagoon.

Ron Brown, Environmental Consultant stated that a condition of the DEQ permit is that buoys must be placed along the bulrushes to keep boat traffic from entering into the vegetated area.

Ray McMullen, representing Pickerel Crooked Lake Association, read and distributed a letter regarding concerns with the review process by various regulating bodies. They requested that the request be tabled and a committee be formed to study the project to insure environmental clean up. They recommend a conservation easement on all wetlands on the parcel. They also recommend an independent committee be setup to oversee the development and offered assistance in review. They remain opposed to high density development along the shoreline and the setback modification. He suggested that the developers could deed existing dock space to the Phase 2 property owners.
Jacqueline Stubner, Tip of the Mitt Watershed Council, stated that they fully expect and are aware that development along lakefront has impact on water quality. The property can be developed in a reasonable way to protect water resources. Implement comprehensive plans that require setbacks along the lake fronts. The alternative of a shorter dock would require a permanent loss of wetlands. Consider the negative precedent. Protect the water resources. The applicant has proposed a conservation easement, however, the area should be protected by State laws. How will the wetland mitigation be required? She asked that the Planning Commission look into contamination. The property setback should be required, do not allow building over the water.

Joel Moore, representing the current property owner (Charles Nicholl), stated that Phase 1 has already been approved. The property for this proposed development is not contaminated. Requiring the boats to being placed on the adjoining property is not feasible. It would devalue the property because the property owner have riparian rights.

John Talbot stated that the proposal reduces the density by eliminating two (2) living units from what the current Cross Du Lac site plan allows. The adjoining property owners most effected by the project have supported the PUD. Laughbaum asked if they will gain financially? Talbot answered that they will not directly benefit from the project. The Windjammer was an old contaminated site. The plan reduces impervious surfaces. There were 4 tanks on the site that were removed under permit. Two tanks filled with concrete were removed. There is a 5th tank that has been removed. The contaminated soil was removed. The May testing shows the levels of contaminants are under DEQ standards. The same data was provided to the DEQ and they approved of the plan. It is appropriate to take action to approve. There is ample time between now and Final PUD review to examine reports.

Laughbaum stated that there is no setback from the water to the houses which is required throughout Emmet County. Eby stated that the lake is a created lake, so the setback is from the existing lakeshore line. Laughbaum stated that the property was not zoned commercial. There was a motel on or near the property. Letzmann asked how many docks would have been allowed? No definitive answer was given.

Derrohn stated that the Township recommended approval of the preliminary PUD based on the reduction of units and the DEQ review and their observation that the proposal has the least impact on the wetland and bullrush.

There is one dock at the existing Cross Du Lac condominium building with 6 boats. Talbot stated that the length of the dock and impact of the boats would have greater negative impact. The conservation easement would not allow for docks into the bulrushes. Laughbaum asked why the condominium could not be moved back from the lake shore?

Jones suggested a site walk. Jones made a motion to defer review until the next regular meeting and after a site walk and time to digest new material received. Scott supported the motion.

Talbot asked for preliminary review approval. Moore stated that he is frustrated by the confusion regarding contamination on an adjacent site. There is no contamination on the site, he stated. The information received was regarding a Phase already approved.

Simon stated that there are many questions. A Site Walk was set for August 24, 2004 after a site walk in Bear Creek Township starting at 6pm. It was estimated that it would begin at approximately 7pm.

The motion by Jones, to defer review until the next regular meeting, was supported by Scott and passed on the following roll call vote: Yes; Simon, Jones, Scott, Letzmann, Laughbaum, Behan., Alexander. No; Eby, Derrohn.
12.  Case #13B-03  
D&D Retirement, LLC, SPECIAL USE PERMIT, Drive Through Pharmacy, 2240 E. Mitchell Road, Section 4, Bear Creek Township  

A request by D&D Retirement, LLC for a Special Use Permit (change of approved use) to allow a drive-in pharmacy at property located at 2230 E. Mitchell Road, Section 4, T34N-R5W, Bear Creek Township. The property is zoned B-1 Local Tourist Business and is tax parcel number 24-01-19-04-252-001, 252-002, 200-028. The request is per Section 900-4 and 2102-15 Drive-Through Business. The pharmacy is an allowed use, the drive-through requires special approval.

Putters explained the request for a drive thru pharmacy using a revised site plan. Previously, medical and professional offices were approved on the site of the former Concord Academy. The plan shows 2 lanes, one for the drive-thru and the other to by-pass the drive-thru traffic. An access has been moved to be centered on the property. Retention ponds have been redesigned. The neighborhood has requested that no traffic be allowed to turn right into the development from the south parking lot entrance. Staff felt it was better to allow exits from both locations onto the Private Road on the east of the property, as serious congestion could occur at the north. The drive-thru location was shown. There is now adequate stacking space.

The case was deferred until the next regular meeting, as no Township recommendation has been received.

13.  Case #229B-98  
Northern Homes CDC, SITE PLAN REVIEW, Amend, Meadow Way, Section 7, Bear Creek Township  

A request by Northern Homes CDC to amend the site plan in a non-mixed use Planned Unit Development (PUD) by moving one multiple family residential building and the tot lot and reducing density by one residential unit on property located off of Cemetery Road at 1699 Meadow Way within Section 7, T34N-R5W, Bear Creek Township. The site plan for the multi-family housing project was approved by Bear Creek Township. The property is zoned R-2C General Residential with a PUD-1 overlay and is tax parcel number 24-01-19-07-150-031.

Putters explained the request to amend a site plan for a project originally approved under Bear Creek Township’s Interim Zoning Ordinance. The plan has been redesigned to reduce the number of units, by changing one residential unit to an administrative space and move the park to the center of the property. There are no garages, there is parking with pedestrian access to the homes. A series of residential storage units are illustrated on the plan.

Jane McKenzie, NHCDC, stated that this is Phase 2 of the development. Three apartment buildings exist. This is a continuation of an existing development. They are apartments for rent, low income housing which offer tax credits and MSHDA mortgages. They plan for a play structure in the park.

The case was deferred until the next regular meeting.

14.  Case #92D-95  
D&D Signs for Glen Haven, SIGN REVIEW, Hager Drive, Section 7, Bear Creek Township  

A request by D&D Signs, Inc. for Dare III Development Company for review of a sign proposed to be located at the entrance of the residential development located off of Hager Drive in Section 7, T35N-R4W, Bear Creek Township. The property is zoned R-1B One Family Residential and is tax parcel number 24-01-19-07-400-032. The review is as a result of the Sign & Lighting Committee review and per Section 2207-12 Sign Exceptions.

Putters explained the proposal for a “T” shaped sign, larger than allowed because of the layout of the sign. Letzmann explained the reason that it wasn’t approved by the Sign & Lighting Committee. The Planning Commission discussed options.
Letzmann made a motion to approve Case #92D-95, on condition that the sign is a “V” shape with no more than a 45 degree interior angle and that the size and height be as approved by the Sign & Lighting Committee. Jones supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Derrohn, Alexander. No; none.

15. **Case #39-04 Joe Blachy for Petoskey-East, LLC, PUD - Non-Mixed Use, E. Mitchell Road, Section 3, Bear Creek Township**

A request by Joe Blachy for Petoskey-East, LLC for a Planned Unit Development-1 (PUD), Non-Mixed Use, Preliminary and Final to create 133 single-family home sites, with open space and recreational facilities, on approximately 80 acres. The property is located one-half mile east of Division Road on the south side of Mitchell Road, in Section 3, T34N-R5W, Bear Creek Township. The property is zoned R-1B One Family Residential and is tax parcel number 24-01-93-03-010-012. The request is per Article XVIII of the Zoning Ordinance. The applicant is requesting modifications to the design standards including modifications to the perimeter setbacks, interior lot setbacks, lot width, lot size, private road easement width and cul-de-sac width.

Putters explained the plan for a development (Petoskey East). The site area is 80 acres, 14 acres of wetlands, 65 acres of uplands. Using a 15% reduction for roads, the useable area becomes 56 acres and 110 lots would be allowed through conventional zoning. With central sewer and/or water services, 202 units could be placed on the property. 131 sites are proposed. One standard, the 50' perimeter setback, was discussed during review at Bear Creek Township. A recommendation of a 25' perimeter setback and a 25' rear yard setback was made. Adjoining lot lines are shown on the plan and an existing conditions map was shown along with a location map including adjoining developments. The open space plan maintains a rural character along Mitchell Road. A trail or easement would be a suggestion, adding to the neo-traditional concept. It appears to be a quality development that should not have a negative effect on surrounding properties. Over 50% of the entire lot is shown in open space. Amenities include a community center, small pond and sun bathing beach in the middle of the property. Other amenities may be included.

Jim Malewicz, Performance Engineering, added that community sewer is expected to be extended to the site. There are enough taps to serve the development. They are investigating the possibility of community water. The 133 lots are proposed to be a minimum of 6,000 sq. ft. The road would pass over two small wetland areas, otherwise, they’d be untouched. The Road Commission has agreed to the access off Mitchell Road. The PUD is a non-mixed use, all residential. He is requesting a 25' perimeter setback.

Joe Blachy, developer, explained the need for developments with moderate sized residences with a community center, walking trails and a gated drive. It is a quality project. No accessory buildings would be allowed. The existing home will remain. The applicant would prefer to develop the entire site at once, but it may need to be phased.

Simon commented that it makes sense to require a trail with a route into town. She would prefer that it’s not a gated community.

Shawn Young, resident on Little Cedar Drive, has concerns with their well and asked if they would be required to hook up to the public sewer? Jones responded that if the sewer main is within 200’ then they would be required to hook up, but if no easement is granted, it cannot be required.

Lori Lewis asked about the setback. If it is supposed to be 50', then it should be 50'. She is concerned with water draw-down.

There was discussion regarding the concerns of the neighbors.
The case was then deferred until the next regular meeting.

IV Public Comments

V Other Business

• Enforcement Report
  Report distributed.

• FR - Forest Recreation
  Report from Civil Counsel distributed.

VI Adjournment
Chairman Eby declared the meeting adjourned at 11:00 p.m.

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James Scott, Secretary  Dated