EMMET COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 2, 2004 - 7:30 P.M.
COMMISSIONERS BOARD ROOM
EMMET COUNTY COURTHOUSE
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES (revised)

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

MEMBERS ABSENT:  D. LAUGHBAUM

STAFF:  M. PUTTERS, T. DOERNENBURG


I  Call to Order and Attendance
Chairman Eby called the meeting to order at 7:35 p.m.  All members were present except Laughbaum.

II.  Tip of the Mitt Watershed Council Presentation.
Jacqueline Stubner distributed packets of information and discussed Conservation design & planning. Distributed maps were of Emmet County showing: wetlands, environmentally sensitive areas, protected lands, priority parcels, land cover and zoning.

III  Minutes of July 29, 2004, August 5, 2004 & August 24, 2004
Jones made a motion to approve the minutes of the July 29, 2004, August 5, 2004 and August 24, 2004 meetings as prepared.  Letzmann supported the motion which passed by unanimous voice vote.

IV  Cases
1.  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 24-01-19-18-100-010. The request is per Section 1001-4 of the Zoning Ordinance.

Putters explained the request, which had been previously reviewed, using a tax parcel map, location map, and graphics of examples of the types of homes proposed to be displayed. The site plan and sealed drainage plan were explained. The entrance has been re-designed. The retention pond is proposed in the southwest corner of the property. Part of the drainage system flows west onto an adjacent lot owned by the same owner. Bear Creek Township recommended approval for up to four model homes with conditions that the drainage on the second
lot be recognized, Sign & Lighting committee review is necessary, and MDOT approval is required. Drainage and grading were briefly discussed. Jones wondered what the elevation of the homes will be? It does not appear to be shown on the plan.

Jones made a motion to approve Case #25-04, John McCloskey for Boyne River Homes, Special Use Permit for Outdoor Display at 2124 US-131 South subject to the following conditions: MDOT approval be received approving the entrance, limit to 4 model homes, that a drainage easement be filed with the Register of Deeds and that Sign & Lighting Committee review is required. Letzmann supported the motion which passed on the following roll call vote: Yes; Eby, Letzmann, Alexander, Derrohn, Jones, Scott, Simon, Behan. No; none. Absent; Laughbaum.

2. 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 24-01-19-18-100-042 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.

Putters explained the revised plan showing splits to be done by Site Unit Condo. Three homes exist on the property. The property owner wishes to add another home. The plan shows four lots, one with access onto US-131. Three lots are accessed by the Private Road, subject to county zoning standards. Each site unit is required to meet zoning standards. No turn-around is required with less than five lots. Five accessory buildings exist that would violate setbacks and would need to be moved. The Township recommended approval on condition that the buildings which would violate the setbacks be moved.

The property shown on the site plan labeled “general common area” is the access easement. There was discussion regarding the private road standards and the buildings to be removed.

Jones asked if the applicant agreed to move the buildings? If the buildings are not moved, no zoning permit will be issued. Simon stated that it doesn’t seem good to proceed with the new road with allowing an existing drive onto US-131. Jones asked if the entrance onto Anderson Road has been approved by the Road Commission? No approval has been submitted to staff. The applicant informed staff that the easement is where the Road Commission recommended it to be.

Jones made a motion to approve Case #56A-97, Wallace Weburg, Special Use Permit, Land Development from Anderson Road, on condition that the drive access be approved by Emmet County Road Commission, that the five accessory buildings be relocated to meet Ordinance Standards, and because it will meet Emmet County Zoning Ordinance standards. Scott supported the motion which passed by the following roll call vote: Yes; Eby, Letzmann, Alexander, Jones, Scott, Behan. No; Derrohn, Simon. Absent; Laughbaum.


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 24-07-17-21-200-004, 24-07-17-22-100-022 & 100-026. The request is per Section 2102-14 of the Zoning Ordinance.

Putters explained the request to develop eight additional lots within the Eagle Beach development. The land development conforms with the development concept originated in 1997. The lots are located along the shoreline of the channel between Crooked and Pickerel Lakes. There may be docks placed along the shoreline. The
wetland boundary is delineated on the plan. Structures will be required to be located outside of the wetlands. Bob Shorter gave a history of the property and their attempts to market three large sites or one large site of 40 acres. A proposal with 34 homes has not been successful. There is a 12-acre section he referred to as the “Black Hole” south of the lots. The lots are 100+ feet on the water. Houses would be built on the upland section and serviced by community sewer. Each owner would be allowed to have their own dock. The property owners would be required to apply for their own permits. A proposal for home sites with joint docking has not been successfully marketed.

Derrohn stated that the Township recommended approval on condition that there be sewer and sealed site plan and those conditions have been met.

Jacqueline Stubner, Tip of the Mitt Watershed Council, stated that they are not opposed to the land division assuming wetlands are properly delineated. Lots 1-3 are tight regarding buildable area.

Wayne Blomberg, Pickerel Crooked Lake Association, stated that there is interest in exploring the possibility of raising funds to purchase the property and initial contact has been made. Derrohn stated that was the reason that the developer asked that the case be tabled last month.

Dudley Marvin, Channel Road, year round resident commented that it is a pristine area and it would be a shame to lose the resource. It would be beneficial to remain in public trust.

Putters stated that he would encourage a conservation easement. The waterfront access is on a channel that is well traveled. Docks along the waterway lead to moored power boats, pontoon boats, lift stations and even covered docks that will detract from the natural character of the waterway environment. Derrohn added that it will be a no-wake area.

Derrohn made a motion to approve Case #193J-97, Lakeforest Land Company, Special Use Permit for Land Development to create eight building sites because they have sewer available and a sealed plan has been submitted, Littlefield Township recommended approval and it meets the master plan originally prepared. Behan supported the motion which passed by the following roll call vote: Yes; Eby, Letzmann, Alexander, Derrohn, Jones, Simon, Behan. No; Scott. Absent; Laughbaum.

4. 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.

The applicant stated that the Township had not reviewed the Final PUD, therefore the case was deferred until the next regular meeting.

5. 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 stated that a site visit was conducted in August. He explained the PUD Master Plan map. A lagoon feature is proposed with housing over the lagoon. The houses are proposed to hang over the lagoon so that boats could enter directly into the units. The Cross Du Lac Development site plan remains in effect which allowed 18 units.

Damian Farrell, Hobbs & Black Architects, stated that the claim that they offered to use the conservation easement as a form of mitigation, is not true. They offered to mitigate the wetland, but it was not required as part of the DEQ review. Mitigation can be accomplished on the south end of the lagoon. Comments were made that mitigation does not work, however, it can be done and they’re committed to mitigating properly. Contamination does not appear at the subject site. There was contamination on the Windjammer site, which is being dealt with. Development had been approved for the property, but this is a change which moves the marina building, separates commercial & residential traffic, decreases density by 12%, decreases impervious surfaces, removes a small area of wetlands, and increases parking in the marina.

Connie Brown, Hobbs & Black Architects stated that the project goals are to maintain and improve water quality, remove fertilized lawns, maintain wetland, install rip-rap, place a conservation easement on the wetland, maintain fish habitat, allow the bulrush bed to expand, provide for the riparian rights in a way that maintains and improves on existing land, reduce impervious surface and straighten Cincinnati Avenue.

Tim Bureal, an independent environmental consultant, stated that he was asked to review the site and make recommendations. He has not been involved in the project prior to this consultation. Bureal gave his credentials and stated that he has evaluated tens of thousands of projects. He has reviewed documents including Tip of the Mitt and Lake Association letters. He pondered, how is the basic legal riparian rights to the lake best achieved with minimizing adverse impact? The options were to do an upland basin lagoon or extend wharfage into the lake. The best choice, based on the existing conditions of the land, is the option presented. The DEQ has reviewed and approved the plan. Army Corps permit has been drafted and will be issued to the applicant. The proposal provides perpetual protection. The conservation easement is critical and prohibits an application for a permit in that area. It is valuable and has merit.

Simon asked Bureal’s opinion of ongoing maintenance, what would be required in a lagoon like the one proposed? Bureal answered that dredging should not be required because of the rip-rap and there is no source of sediment from the upland. Simon asked about maintenance for stagnant water? Bureal stated that there will be an interaction of water from Crooked Lake.

Jacqueline Stubner, Tip of the Mitt Watershed Council, stated that their position remains the same. They wish to preserve the wetland. Regarding the potential mitigation, wetland creation from upland often fails. Mitigation is a function of the DEQ. The goals to protect the water resources are mutual. Tip of the Mitt feels there may be alternatives. They are concerned that the applicant has not considered all options with respect to permanent wetland loss. If the lagoon is allowed, why must there be units above the lagoon? The site is limited, but the condos could meet a waterfront setback. PUD may not be a precedent zoning tool, but there are disturbed sites that will be subject to similar development pressures in the future.

Letzmann asked about permanent loss to wetlands. The wetland loss was pointed out. It is under 500 square feet.
Ray McMullen, Pickerel-Crooked Lake Association, read a letter which was distributed. A waterfront setback is required by the Zoning Ordinance. PUD standards can allow more restrictive setback standards on water impacted sites. The plan asks for zero setback and for residences to be built over the water. Water is directly exposed to pollutant products. Apply the setbacks from the Zoning Ordinance. The shoreline of a man-made lagoon should be offered the same setback. Consider the potential damage to reeds and the damage of destroying wetlands and building six houses over the water.

Craig Warner, Pickerel Lake, asked for a variance six years ago to be 20' closer to Pickerel Lake. He was rebuilding a house 40 feet from the lake. There is a 60' waterfront setback. The board asked if the house could be moved back to meet setback. He was allowed to add onto the original house. The 60' setback is important.

Dudley Marvin, Channel Road, is concerned with the PUD. There is something wrong with the project.

Charles Woodruff, Ponshewaing, has been on the lake for a long time. The proposal to build over the water changes the character of the lake.

Wayne Blomberg has concerns with living units over the lakes. Waterfront setbacks were established for a reason. If artificial lagoons do not require waterfront setback, it would set a precedent. Hold firm to the waterfront setback standards.

Frank Moore stated that he did not comment when the initial Windjammer project was proposed because he thought it would be better than allowing the use of the underlying lots, which were 50' lots. He figured 21 houses were not a problem. This project is getting carried away. The initial proposal seemed reasonable.

Letzmann stated that the setback issues are a legitimate point. The lagoon doesn’t worry her as much. There should be safety precautions and monetary guarantees that the project be built as planned. She has a problem with building over the water.

Derrohn stated that the Township recommended approval of the Preliminary PUD. They attended DEQ meetings and felt the proposed plan is the best option. The Township called for clarification from the DEQ. It is a unique situation. The lagoon seems to be the best solution.

Jones stated that when the marina was approved, comments were made that this was the only place it would be done and the only place it fits (building over the water), now it is being requested to be expanded. If approved, it is just a start. Derrohn stated that every plan is different. Jones has a problem building over the water and the impact. He knows it’s a lagoon, but it is still over the water. It could create a big impact on the lake.

Simon asked if there has been consideration given to a boardwalk to get out over the wetland? It seems that there are experts giving varying opinions. The vision is set forth in the Master Plan, digging lagoons or residences over the water with zero setbacks is not the vision. The view from the shore to the lake is as important as the view to the lake. There should be a setback.

Scott added that docks cannot be controlled by zoning. The site has been approved for 18 units. Letzmann stated that the lagoon could have docks and setback houses from the water. She is opposed to high houses over the water. Letzmann stated perhaps fewer units would be less extreme.

Connie Brown stated that the materials used will be fiber cement, metal roofs, and paint that will not peal into the water. The plan calls for collecting stormwater.

Simon stated that if there is not enough room for the development, perhaps they should reduce density.
Scott asked what the purpose of the waterfront setback is? What was the objective in creating the 60' setback from the water? Putters stated that it was to provide a protective zone to protect the water resource. Alexander added that aesthetics play a role. Letzmann suggested that the developer eliminate building over the water. Eby asked if the board supports the lagoon? Jones stated that he is opposed to the lagoon to access the property. Letzmann would like a letter of credit to guarantee the project be built as proposed and to protect from contamination. The majority supported the lagoon, but there are issues with building over the lagoon. Simon stated the water should not be treated differently, there should be a setback because the lagoon becomes part of the lake.

Scott asked staff to comment on the Preliminary PUD. Putters explained that the Planning Commission is reviewing the concept, and encroaching into the setback or building over the water, is part of the preliminary review. It is basic to the concept.

Jones made a motion to defer Case #83D-00 to allow time for the applicant to provide a plan with at least five feet of lagoon setback but not closer than 60' from the natural shoreline. Scott supported the motion which passed on the following roll call vote: Yes; Letzmann, Alexander, Jones, Scott, Behan. No; Eby, Derrohn, Simon. Absent; Laughbaum.

Harold Woodruff stated that square footage is an important part and removing square footage of the lagoon area to make it a workable, viable, marketable plan will impact them greatly. He doesn’t know of any way to figure out how to make it work. The PUD requires parking and fire turnarounds to make it work.

The case was deferred until the next regular meeting.

A 10 minute break was taken.

6. **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 Special Use Permit to allow a drive-thru pharmacy. The Road Commission approved the new driveway. Bear Creek Township recommended approval.

Jim Malewitz stated that a building has been added on the south of the property where a temporary classroom was located. The pharmacy use is being requested along with an additional building. Drainage is being revised because of the additional building. The Road Commission letter of approval was read.

Jones made a motion to approve Case #13B-03, D&D Retirement, Special Use Permit, drive- thru pharmacy because it meets the standards of the Ordinance, Bear Creek Township recommended approval and on condition that the Sign & Lighting Committee review the signs and exterior lighting. Alexander supported the motion which passed on the following roll call vote: Yes; Eby, Letzmann, Alexander, Derrohn, Jones, Scott, Simon, Behan. No; none. Absent; Laughbaum.

7. **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 proposal to re-design buildings within an approved PUD. The request is to reduce one residential unit to be used as a management office, move one building, move the tot lot and recognize the addition of residential storage units on the site, only to be used as accessory storage space for the residential units. Jane MacKenzie stated that there is a central doorway to the storage facility. There are not individual doors on the building.

Scott made a motion to approve Case #229B-98 because it meets the conditions of the ordinance, there were no objections and the Township recommended approval. Simon supported the motion which passed by the following roll call vote: Yes; Eby, Letzmann, Alexander, Derrohn, Jones, Scott, Simon, Behan. No; none. Absent; Laughbaum.

8. 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 24-01-19-03-100-012. 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 PUD proposal using the revised site plan, location map and tax parcel map. The latest plan shows the overall layout with cul-de-sac design. Some changes have been made including providing a trail along Mitchell Road. The proposed lake has been enlarged. Bear Creek Township recommended approval with the understanding that the applicant could work with staff on concepts to modify some lot configurations and setbacks. The Sign & Lighting Committee would need to review lights and signs. Road Commission approval for the access is required. The plan is conditional on sewer availability, which will be installed at the expense of the developer. A PUD agreement is required. The lots are small and Fire Department approval should be required. Staff suggests combining some of the lots on the west side of the property.

Malewitz stated that they agreed to maintain the 50' perimeter setback. The setback, as proposed, is for buildings and not a lot or unit setback. They are willing to work with staff to address concerns. The Road Commission approval was submitted. A trail right-of-way is included along Mitchell Road. There is question about sewer, which is a Township issue.

Derrohn asked about fire hydrants? Malewitz stated that they will work with the fire department for approval. There will be a community water system. The approval can be subject to Fire Department approval.

Joe Blachy stated that the woods will remain. The Conservancy easement will be placed on the front 20 acres. A DEQ permit will be required for the lake. They need zoning approval prior to requesting other permits.

Simon appreciates the trail along the property. Simon thought the setback of 50' should be required.

Malewitz explained his reasoning for not having a 50' setback on the one lot (#17). Blachy stated that the road is 50' above the property at Lot #17. Letzmann asked if the west property line is where the power line is? There are two sets of power lines. The power line is along the property line, but not on the subject property.
Mary Jane Jurek, 941 Lears Road, asked what the lot sizes will be? 6,000 square foot lot sizes. 1,000 to 3,000 square foot homes with 1-2 stories. Twenty (20) acres along Mitchell Road will be placed in a conservation easement.

Chris Grub, Tip of the Mitt Watershed Council, stated their concern with creating the lake. The area proposed to be dredged is an ecologically diverse wetland area. He added that fragmenting continuous wetland is not conducive to improving environmental quality. He suggested that approval be conditioned on not dredging the lake. He offered to work with the applicant to preserve the wetlands. He would encourage interpretive trails. Blachy stated that they have worked to keep the 20 acres and the open space. The water is felt to be important. They plan to acquire proper permits for the lake. The lake is important to the development. This seems to be an equitable balance between environment and development.

Malewitz added that the DEQ and Tip of the Mitt walked the site with them. The lake is planned to be a spring fed lake 20' deep minimum. The wetlands will be required to be mitigated. They should be able to mitigate the wetlands.

Simon concerned with stream flow and needs additional information. There was discussion regarding the wetlands and the water flow.

Jones made a motion to approve Case #39-04, Non-Mixed Use PUD, Preliminary & Final, for 133 single family home sites, on the following conditions: 1) That staff be allowed to work with applicant to adjust size of lots on the west property line and that if they cannot come to a mutual agreement, it must return to the Planning Commission, 2) Sign & Lighting Committee review is required, 3) Fire Department approval is required, 4) Facilities for common use will be required to come to the Planning Commission for Site Plan Review and because the project plan meets the standards of the Ordinance and Bear Creek Township recommended approval. Behan supported the motion which failed on the following tie vote: Yes; Eby, Letzmann, Jones, Behan. No; Alexander, Derrohn, Scott, Simon. Absent; Laughbaum.

There was discussion regarding the plans and the standards of the Ordinance and the motion.

Scott did not agree with the modification to the perimeter setback and the road size. The Commission spent a lot of time with developing road standards. Derrohn agreed.

Simon does not agree with the lake. Alexander agreed with Simon.

Blachy stated that they are trying to create a Victorian village.

Scott stated that the reason for the fifty foot easement is for utilities, snow removal and other issues. Malewitz explained the road width, noting that there are utility easements that parallel the road easement. After further discussion, the majority felt they could agree with meeting the 50' perimeter setback and eliminating one lot (#17).

Jones made a motion to approve Case #39-04, Non-Mixed Use PUD-1, Preliminary & Final to allow 132 single family home sites, eliminating Lot #17, as follows: 1) That staff be allowed to work with applicant to adjust size of lots on the west property line and that if they cannot come to a mutual agreement, it must return to the Planning Commission, 2) Sign & Lighting Committee review is required, 3) Fire Department approval is required, 4) Facilities for common use will be required to come to the Planning Commission for Site Plan Review, 5) the lake is being created in the wetland, therefore, the wetlands must be mitigated at a rate of 1.5
times the eliminated wetlands and because it meets the standards of the Ordinance and Bear Creek Township recommended approval. Behan supported the motion which passed on the following roll call vote: Yes; Eby, Letzmann, Alexander, Derrohn, Jones, Scott, Behan. No; Simon. Absent; Laughbaum.

9. Case #45-04 Dare Development, PUD-1 - Non-Mixed Use, Preliminary, Final & Site Plan Review, 2022 Howard Road, Section 7 & 18, Bear Creek Township

A request by Dare Development to establish a PUD-1 Planned Unit Development, Non-Mixed Use Master Plan for a 23.5 acre parcel bounded by Howard Road on the east, on the south by the south line of Section 7, T35N-R5W, the Bear River Health Complex property (existing PUD) on the west, and on the north by an east-west line paralleling and lying 810 foot north of the south Section line, all in the SE 1/4 of the SE 1/4 of Section 7, T35N-R5W, Bear Creek Township. The tax parcel numbers are 24-01-19-07-400-016 and 400-017. The PUD request is for Preliminary PUD, Final PUD and Site Plan Review. The plan proposes 65 single family units in Phase 1, of which seven (7) are attached units. Fifty (50) foot PUD setbacks are planned for the Howard Road frontage and along the north line. The other external yards are 25 foot as stipulated in the underlying R-1B District. The PUD will inter-connect with the PUD-1 Master Plan for the Glen Haven Apartments to the west. Site amenities include common open space and trails. Central sanitary sewer and water services will serve all units.

Putters explained the proposal to add to the Glen Haven development off Hager Drive. The plan shows a series of single family units called Maple Creek, Phase I. Road Commission approval will be required for access. The case was requested to be tabled by Bear Creek Township, being the first hearing. A modification to the PUD standard that requires a 30' separation between buildings is being requested. Some structures were proposed to have common walls but all are spaced apart on the most current plan. The plan meets the perimeter setback on the east and north boundary with modified setback along the interior adjacent PUD and along Howard Road. The revised plan shows one set of three units and otherwise single family homes.

Bryan Nolan, Benchmark Engineering, stated that the roads are 22' wide paved roads, and will include a 50' wide easement. The drainage areas are naturally low areas on the site. The proposed distance between buildings is as low as 16', most are separated by 20'. The green space areas are mostly undisturbed. The 50' perimeter setback on the north property line is met. A modification to allow a 25' setback on the west side which abuts another PUD is requested. A 30' setback requested along Howard Road, across from the former dump site is also requested. Two buildings will be placed along Howard Road. The development will be served by city water and township sewer.

John LaFata stated that the reason for the 30' modification along Howard Road was to save some trees. They planned around trees and plan to leave the contour of the ground and existing features. A water feature will be incorporated into the project. Three miles of non-motorized trails will be included in three developments. They have eliminated the attached units originally proposed. There is no wetland on the property. Detention ponds will be water features and can be used for irrigation. Buildings are two bedroom 1,300 square feet. He explained the development layout.

Letzmann asked about the logic regarding eliminating the 50' setback on the west property boundary. Putters explained that because the two PUDs come together, they do not both require perimeter setbacks.

Mary Jane Jurek, Lears Road, asked about Phase II. Because that is not part of what is being reviewed, the developer was not able to respond.

The case was deferred until the next regular meeting and will be sent back to Bear Creek Township.
10. **Case #46-04 Richard Bacon for RACC International, LLC, SPECIAL USE PERMIT, 100' Tower, 7785 Crump Road, Section 8, Littlefield Township**

A request by RACC Enterprises, LLC, to construct a 100 foot communications tower in the S ½ of the SW 1/4 of Section 8, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm Forest. The primary service area for the tower is about five (5) miles, varying with the terrain. The tower will meet the setback standards, being at least one times the tower height from property lines. The tax parcel number is 24-07-17-08-300-006 & 010 (owned by Sam Brill). The review for the Special Use Permit is per Section 2102-2 and 2a of the Ordinance.

Putters explained the request for a communication tower that will be 100' tall, in the center of property along Crump Road and Powers Road.

Bacon stated a 100' tower is to be used for high speed internet. It is exactly like the tower near Bill’s Standard. They looked into co-location possibilities, but it is not cost effective to lease the rights to install an antenna. The tower would have additional co-location capabilities. The base is a 3' triangle. No lights will be required. The 100' fall zone is met.

Because Littlefield Township has not reviewed the request, the case was deferred until the next regular meeting.

**IV Public Comments**

**V Other Business**

- **Case #77F-00 Resort Township, Zoning Coordinating Committee** - Four re-zoning requests that include three at Intertown Road and Eppler Road, and one off Parkview Drive.

Putters explained the rezoning review for Resort Township and a memo was distributed and explained.

Peggy Kowalski distributed a fact sheet and explained her reason for requesting the re-zoning on Parkview Drive. She felt that the decision was political and she made frequent reference to non-residential zoning near her property.

After much discussion, Simon made a motion to support the recommendation as submitted. Letzmann supported the motion which passed on the following roll call vote: Yes; Letzmann, Alexander, Jones, Scott, Simon, Behan. No; Eby, Derrohn. Absent; Laughbaum.

- **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.

Letzmann made a motion to re-open and re-hear Case #11A-97 to permit three additional lots and asked for township input. Alexander supported the motion which passed by unanimous voice vote.

The request was deferred until the next regular meeting.

- **Enforcement Report**

Report distributed. No discussion.
• FR - Forest Recreation
  No discussion. Will be advertised for Public Hearing beginning in October.

VI Adjournment
Chairman Eby declared the meeting adjourned at 12:02 a.m.

James Scott, Secretary

Dated