EMMET COUNTY PLANNING COMMISSION
THURSDAY, October 6, 2005 - 7:30 P.M.
COMMISSIONERS BOARD ROOM
EMMET COUNTY COURTHOUSE
200 DIVISION STREET
PETOSKEY, MI  49770

MINUTES

MEMBERS PRESENT:  J. EBY, Chairman, K. DERROHN, J. JONES, K. ALEXANDER, J. SCOTT, D. LAUGHBAUM, S. ANDERSON, R. SUMMERS

ABSENT:  R. LETZMANN

STAFF:  B. MICHALEK, A. LAAD, T. DOERNENBURG


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

II  Minutes of September 1, 2005
Alexander made a motion to approve the minutes of the September 1, 2005 meetings as printed.  Derrohn supported the motion which passed by unanimous voice vote.

III  Cases
1.  Case #19B-05  Alpena Wholesale for Alpena Oil Company, Inc., SITE PLAN REVIEW, gas station & grocery store, 2394 E. Mitchell Road, Section 4, Bear Creek Township.
A request by Alpena Oil Company, Inc. for Site Plan Review for a grocery store and a gasoline station on an approximately 2.1 acre parcel, zoned B-2 General Business on the north 180 feet and R-1B One Family Residential on the south portion, located at 2394 E. Mitchell Road.  The tax parcel number is 24-01-19-04-200-011 and is located at the southeast corner of the intersection of E. Mitchell Road and Orchard Ridge Drive, Section 4, T34N-R5W, Bear Creek Township.

Using the revised site plan, Michalek explained the request for Site Plan Review on property approved for Preliminary and Final PUD for a gas station and grocery store at 2394 E. Mitchell Road, Bear Creek Township.  The property is Zoned B-2 General Business on the front and R-1B One Family Residential on the rear with a PUD-1 Overlay approved by the Board of Commissioners.  The request is for a grocery store and gas station on the B-2 portion of the property and the drainage is proposed on the south side of the property.  An elevation drawing was displayed, as proposed by the applicant.  The grocery store is proposed to be approximately 7,000 sq. ft. with a canopy for 8 gas pumps.  A stormwater plan has been submitted.  Road Commission approval has been obtained.  Bear Creek Township recommended approval with conditions; that the language on the site plan reading “...only if adjacent parcel is developed per plan on file...” be removed, that the addition of three canopy trees be added on the northwest corner and along the connecting service drive, that the architectural design be as shown on the drawing submitted on 9/28/05, that the roof have a shingle style look and further, that Sign & Lighting Committee approval be obtained, that Stormwater Permits be obtained and Fire Department and sewer approvals be submitted.
Jones voiced concern with ice and snow falling off of the roof if it is steel. He does not feel comfortable requiring that style of roof. He has experienced ice damage at the Home Depot. Jere Johnston stated that the proposal is for hip roofs. He has not had the ice problem at his other locations in northern Michigan. The proposed roof will have an asphalt covering, a smooth steel roof is not planned. Scott stated that these are shorter roofs than the one referred to by Jones and the quantity of snow is much smaller. Scott stated the Planning Commission asked for a design that fits into the neighborhood. The actual design is up to the applicant.

Scott stated that the phrase on the site plan should state “Cross connect drive only if the adjacent parcel is developed.” and eliminate the words “...per plan on file”. Johnston stated that he does not object to removing the phrase as requested by Bear Creek Planning Commission. Anderson agreed with Scott.

There was some discussion regarding the lighting. It will be required to be reviewed by the Sign & Lighting Committee.

Anderson made a motion, supported by Jones, to approve the Site Plan (dated 9/14/05PZ) for Case #19B-05, referencing Case #51-05, for Alpena Wholesale for Alpena Oil Company at 2394 E. Mitchell Road, Section 4, Bear Creek Township on the following conditions: 1) that the language on the site plan, referring to the connecting service drive, be changed to eliminate the phrase “...per plan on file.”, 2) that the addition of three canopy trees be added on the northwest corner and along the connecting service drive, 3) that the architectural design be as shown on the drawing submitted on 10/5/05, 4) that the roof have a shingl style look, and 5) that Sign & Lighting Committee approval be obtained, that Stormwater Permits be obtained and Fire Department and sewer approvals be submitted. The motion passed on the following roll call vote: Yes: Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derrohn, Alexander. No; none. Absent: Letzmann.

2. Case #45-05 Friendship Township, REZONING, RR-2 Recreation Residential to FF-2 Farm Forest, Sections 1, 6, 7, 12, 13, 18, 19, 24 & 30, East side of M-119, Friendship Township

A request by the Friendship Township Board of Trustees to rezone properties from RR-2 Recreation Residential to FF-2 Farm Forest. The request is to include all or part of the properties currently zoned RR-2 Recreation Residential located between Middle Village Drive and in-line with Lacount Road and on the eastern side of M-119 Highway, excepting those properties located in the Plat of Surfwood. The rezoning includes properties located in Sections 6, 7, 18, 19 & 30 of T36N-R6W & Sections 1, 12, 13 & 24 of T36N-R7W, Friendship Township. The primary reasons for the proposed rezoning are to reduce the density and to keep the rural character of the township. Copies of the current Zoning Map and proposed Zoning Map are available for inspection at the Office of Planning and Zoning.

Michalek explained the request by Friendship Township to rezone all of the parcels, except those within the development of Surfwood, on the east of M - 119, beyond the SR-2 Scenic Resource zoning district from RR-2 Recreation Residential to FF-2 Farm Forest. The primary reason for the rezoning request is to reduce the allowable density. He explained the history of the zoning in the area. The lot regulation comparisons were displayed and explained. The properties to be rezoned would be 157 total. Fifty-two properties would become non-conforming due to lot area, lot width, or both. Permitted uses in both zones were displayed. A handout with map and details regarding the creation of non-conforming lots had been distributed.

Jones stated that he has concerns because of the additional uses allowed in the FF District. He wants to be sure that citizens and the Township realize that any uses allowed in the FF District, would be allowed if the standards of the Zoning Ordinance are met.

Laughbaum stated that he appreciates Friendship Township looking at the area, but it is a County issue. Right now he is opposed. He may change his mind after the completion of the Master Plan, but he thinks it is premature.
Dale Scott, Friendship Township Supervisor, stated that the Township Master Plan does indicate the proposed change and that the residents are in favor. They feel it is very important for their community. They have discussed the issues raised by Jones. It is something that is fully within the Friendship Township Master Plan.

Alexander asked how many people were opposed versus supported the change? Dale Scott stated that one or two people had concerns, but there were no direct objections. Cynthia Donahey, from Friendship Township stated that there were concerns from citizens about the uses, but because the property values are so high, the undesirable uses would not be an issue.

Bo Trufant, stated that Planning staff had suggested the rezoning would be simpler than proposing a new zoning district. There were concerns but no objections. He owns 30 acres and is in support.

Jeff Petitt asked about under the FF zoning, if someone wanted to develop, under a site plan, could higher density be allowed? Eby stated that the density would be changed to 2 acres. Petitt stated that rezoning parcels for development would be restrictive and the new lots would not be affordable.

Cynthia Donahey stated that there is a common mis-conception, many people in the area think that their properties were zoned from FF to RR at some time in the past.

Eby asked why it is a good zoning decision? Dale Scott suggested that the Planning Commission refer to the minutes of their Township meeting, August 22, 2005. He added that there were motions submitted from previous Public Hearings as well. Eby asked if there was a reference in the motion regarding public opposition? Donahey responded that there were concerns, but no one in opposition.

Derrohn pointed out that a survey of the Township residents was conducted. Dohanhay stated that they had a good response rate. It was the survey conducted when they updated their Master Plan. During that 2 ½ years of planning, the rezoning was an important issue which the people wished to change.

Alexander stated that because it is incorporated into the Friendship Township Master Plan, it would seem to make sense. Michalek stated that there are non-conforming lots which will be created. Eby stated that many of the lots may already be non-conforming. Jim Scott stated that in his view, there are a fair number of parcels in that section in the RR-2 zone that don't fit in the RR-2 zone. They are separated by the primary road and by property lines. The adjacent zone is FF-2 already.

There was no additional public comment.

Scott made a motion, to send to the County Board of Commissioners with the recommendation of approval, Case #45-05 a request by Friendship Township to rezone all of the RR-2 Recreation Residential to FF-2 Farm Forest with the exception of the parcels within the Surfwood development, in parts of Sections 1, 6, 7, 12, 13, 18, 19, 24 & 30, Friendship Township, all located on the east side of M - 119 and as shown on the zoning map produced because contiguous properties on adjacent properties are FF-2 (both to the north and to the east), the Township Master Plan calls strongly for keeping the rural character of the Township, the Township Master Plan specifically states as a goal that the RR-2 area be changed to FF-2 and there was no opposition at the Planning Commission Public Hearings. Derrohn supported the motion which passed by the following roll call vote: Yes; Eby, Summers, Jones, Scott, Anderson, Derrohn, Alexander. No; Laughbaum. Absent; Letzmann.

Laughbaum is concerned with encroachment and surprises for the residents in the future. FF-1 would be in keeping with land values and uses in the area. He thinks rezoning to FF-2 is sending the wrong message.
3. Case #49-05  Timothy & Heidi Magyar, SPECIAL USE PERMIT, Height Modification, 6669 E. Wilderness Park Drive, Section 22, Wawatam Township

A request by Timothy & Heidi Magyar for a Special Use Permit to allow for a height modification on a residence located at 6669 E. Wilderness Park Drive, Section 22, T39N-R4W, Wawatam Township. The property is zoned RR-1 Recreation Residential and is tax parcel number 24-15-03-22-201-017. The request is per Section 1900, note g). The height modification is proposed to allow occupancy in the cupola which extends to an average height of approximately 34.1’. The structure was approved per Section 2211 of the Zoning Ordinance.

Laad explained the request on property located on Wilderness Park Drive using a tax parcel map, an elevation drawing and a photo of the structure as it is under construction. The average height is 2.9” above the 30’ requirement. The cupola was originally approved as an ornamental structure. The applicant would like to be able to use the structure for occupancy. One other case for height modification was approved on Wilderness Park Drive in the past. Wawatam Township recommended approval.

Timothy Magyar added that the calculation has changed to 329” (which is an average height, rather than an overall height) and the portion of the structure is 8 ½ % of the total roof area.

Jones stated that he does not see a problem. It doesn’t block views and doesn’t change the height.

Laad stated that no property owners’ views will be obstructed by the structure.

Magyar stated that they wish to use it for viewing purposes only. It will not be an occupied room.

Alexander made a motion to approve Case #49-05, Timothy & Heidi Magyar, Special Use Permit for height modification as requested at 6669 E. Wilderness Park Drive because there were no objections, Wawatam Township recommended approval, and it meets the conditions of the Ordinance. Anderson supported the motion which passed by the following roll call vote: Yes; Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derrohn, Alexander. No; none. Absent; Letzmann.

4. Case #92F-95 Dare III, LLC, PUD-1 FINAL MASTER PLAN AMENDMENT, Glen Haven Drive, Section 7, Bear Creek Township

A request by Dare III, LLC to amend a Final 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, T34N-R5W, Hagar Drive to the west and on the north by Independence Village and an east-west line paralleling and lying 810 feet 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, 400-017 & 400-032 and the underlying zoning is R-1B One Family Residential. The plan proposes 68 single family units, of which 13 are attached units, reflecting a conversion of 10 units. The PUD is an extension of the Glen Haven Apartments to the west. Central sanitary sewer and/or water services will be needed for the density proposed.

Michalek used a location map, zoning map and site plan to explain the request to amend the PUD Master Plan to remove single family dwellings and replace with multiple family dwellings. The use has been previously approved. The site plan has been modified, reducing the density from 106 units. There is sewer and water available for the multiple family units. The single family home sites will be reduced to 39 and be served by individual septic systems. Health Department preliminarily approved the sites for septic tanks and drainfields. Stormwater issues have been addressed and systems are working to the satisfaction of the Stormwater Officer. The entire development is served by central water. Bear Creek Township recommended approval.

Jones made a motion to approve Case #92F-95, Dare Development, Final PUD-1 Non-Mixed Use amendment to allow single family home sites to be converted to two single-family attached buildings, one with six units, the other with four units because it meets the conditions of the Ordinance, there were no objections, Bear Creek Township recommended approval and the drainage problems have been addressed. Summers supported the motion which passed by the following roll call vote: Yes; Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derrohn, Alexander. No; none. Absent; Letzmann.
5. Case #50-05  Pamela Mish, SPECIAL USE PERMIT, Home Occupation, Tattoo & Body Piercing Services, 5512 E. Mitchell Road, Section 1, Bear Creek Township

A request by Pamela Mish for a Special Use Permit for a Home Occupation at a residence located at 5512 E. Mitchell Road, Section 1, Bear Creek Township. The property is tax parcel number 24-01-01-400-002 and is zoned FF-1 Farm and Forest. The request is per Section 2102-12 of the Zoning Ordinance and is to allow tattoo and body piercing services in the residence.

Michalek explained the request for a tattoo & body piercing facility in one room of the single family residence. The property is owned by a family member, but the applicant resides at the proposed location. One letter of objection was received. Other neighbors have given their support. Bear Creek Township recommended approval with the condition that the last appointment be no later than 7pm and that the applicant voluntarily withdraw the Special Use Permit if she moves from the site. Certifications for the services to be performed, from the school attended by Mish, were received.

Pam Mish stated the school has been in existence since 1968. The instructor and school is accredited. No license is required by the State of Michigan for the services she wishes to perform. Further, she is limited, by a physical condition, to the number of customers she will be able to accommodate each day.

Derron stated that if it is handled in a professional manner, the neighbors may not know that the business is in operation.

Alexander asked about potential youth customers. Mish stated that she learned to take a copy of the driver’s license or she will not perform the tattoo or piercing service. She will not take customers under 18 years of age.

Jones made a motion to approve Case #50-05, Special Use Permit for a Home Occupation for tattoo and body piercing services at 5512 E. Mitchell Road, Section 1, Bear Creek Township on the condition that the last appointment be no later than 7pm and if the applicant moves, she voluntarily withdraw the SUP application, and because it meets the standards of the Ordinance and the applicant understands and agrees to the standards of a Home Occupation. Alexander supported the motion which passed by the following roll call vote: Yes; Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derron, Alexander. No; none. Absent; Letzmann.

6. Case #33-05  Wallace Weburg for Weburg Trust, SPECIAL USE PERMIT, Land Development, Powers Road, Section 9, Littlefield Township

A request by Wallace Weburg, Executor for Weburg Trust, for a Special Use Permit per Land Development Standards to create a 26 unit site-condo development. The property borders the Village of Alanson on the east and is north of Powers Road, located in Section 9 of T35N-R4W, Littlefield Township. The property is zoned R-1B One Family Residential and is tax parcel number 24-07-17-09-400-002. The request is per Section 2102-14 of the Zoning Ordinance.

Laad explained the request per Land Development Standards to create a 26-unit site condo development on Powers Road in Section 9, Littlefield Township. After review with staff, the fire department and township, the plan has been revised to include a walking path which connects to the neighboring school property. The sites are uniform in size at approximately 1.2 acres each. The plan shows an access along the center of the property between the two parcels at the north of the development. A proposed connection to the east and west properties is shown on the plan for future connection possibility. A drainage plan will be required. Road Commission and Fire Department have both recommended approval. The Township recommended approval on conditions: the 28′ greenbelt from Powers Road be maintained, that a 20 ft. footpath easement be established between site units #13 and 14 and after 8 lots are sold, the road be paved, as agreed to by the property owner.

Jim Granger stated that the sealed drainage plans have been submitted to the Soil Erosion officer. Jones asked if the applicant agreed to pave the road after 8 lots are sold? Wallace Weburg stated that he agreed.
Derrohn then made a motion to approve Case #33-05, Wallace Weburg, Special Use Permit, per Land Development Standards, Powers Rd, Section 9 for a 26-units development because Fire Department has approved, Road Commission has approved, a sealed drainage plan is on file and on condition that a 20’ walkway leading to the school property be provided for between Units #13 & 14 and along the northerly property line of Unit #13, that a future private road access be provided between units # 7 & 6 and 20 & 21 and that the greenbelt area of 284’ from Powers Road be provided as shown on the site plan (dated 9/14/05PZ) and the applicant has agreed to pave the private road after 8 lots are sold. Anderson supported the motion which passed on the following roll call vote: Yes; Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derrohn, Alexander. No; none. Absent; Letzmann.

7. Case #46-05 Emmet County Planning Commission, TEXT AMENDMENT, Septage Waste

A request by Emmet County Planning Commission for a Zoning Ordinance Text Amendment as follows:

Add to Article II, Section 200 of Definitions:
“Septage waste: The fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. Septage waste consists only of food establishment septage, domestic septage, domestic treatment plant septage, or sanitary sewer cleanout septage, or any combination of these. Septage waste includes, but may not be limited to, sanitary waste materials extracted from individual on-site disposal systems serving homes, businesses and industries.”

Add to Article XXII, Section 2205:

Section 2205, Sanitary Provisions - Sewerage and Water Facilities.
Sanitary sewer and domestic water supplies shall be constructed, installed and/or serviced as required by the applicable codes of the health service agencies having jurisdiction in Emmet County.

1. Septage Waste Storage/ Treatment

Uses associated with septage waste include hauling vehicles, storage structures and related on-site facilities. Uses associated with septage shall be permitted in FF-1/FF-2 Farm Forest and I-1/I-2 Industrial Districts by Special Use Permit, subject to review and approval by the Planning Commission and satisfying the following conditions:

a) All uses approved under this section must comply with the rules, regulations, and standards established by Federal, State, and local governing bodies.

b) The site area shall be a minimum of forty (40) acres with a minimum width of 600 feet.

c) All structural elements shall provide a minimum setback from property lines and road right-of-way lines of two-hundred (200) feet.

d) Structures used for storage of septage waste must be surrounded by an engineered berm structure and shown on site plans. The berm represented on the site plans must be certified by an engineer to contain the septage waste in the event of a catastrophic structural failure.

d) Berms, natural tree stands and/or planted vegetation may be prescribed as a condition of approval.

f) Final approval by a health agency of jurisdiction and/or a State Department/Agency responsible for authorizing the use may be a condition of final approval.

On the basis of findings at the Public Hearing, the Planning Commission may waive or modify standards b) or c) above where strict compliance is not necessary to protect the public health, safety or general welfare.

Michalek explained that the purpose is to allow septage waste storage facilities within the County. Comments have been received from four townships. The goal is to locate specific zoning districts in which to locate the facilities.

The last sentence of the definition may be removed, as it is unnecessary. A memo was distributed which proposed different setback standards based on the standards of the State. It identified distances for land application of septage waste. An addition of ground water separation was added as taken from the Sanitary Code for septic tanks. These standards add validity to the Ordinance. The proposal requires that the applicant notify all of the neighboring property owners within 800’ of the proposed structure. These changes were prepared as a result of the last Public Hearing.

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Alexander asked about neighbor’s issues. How would their concerns be addressed?

There was discussion about the setback standards. Michalek explained the reasons for choosing the distances, which are based on the DEQ standards for land application. Jones did not feel that large setback standards are necessary for a containment area. Jones stated that in the City of Charlevoix a facility exists which processes 90,000 gallons per day. They treat the odor with an underground system of filtration. Large elaborate sites are not necessary if handled correctly. Deroohn asked what is done at that site? Jones answered that they treat the solids. The tanks in Charlevoix are underground with no containment area.

Anderson asked what would be the longest period of time for storage? Flynn stated that theirs will be year around, two million gallons per year. It will need to be emptied 4 times per year. It will be applied as is legal. Anderson stated that the standards should be made with consideration for neighboring properties. Scott stated that there is a difference between above ground and below ground storage. In the ground does not have as great a chance of a large scale catastrophic failure.

Jones asked about land application, it is allowed 30” from the water table?

Eric Schwartz stated that he'd like to install underground tanks on his one acre site in an industrial park. He would need two tanks, 14,000 gallons each.

Michalek stated that the standards proposed are defensible. If lesser standards are proposed, there is not a basis for the figures. There seem to be no current standards for storage facilities.

Eby stated that it seems that engineering will be required. Jones stated that he is not aware of engineering available.

There was open discussion between the Planning Commission members, Jack Flynn and Eric Schwartz.

Laughbaum asked how it would effect the neighbors? He stated that the distance from the property line should equal the distance from a private well.

It was the general consensus that there should be different standards for above-ground and below-ground systems. The type of structure will determine the setbacks needed.

It was agreed that more investigation is necessary. A Special Meeting was scheduled for October 27, 7:30pm, at the Emmet County Courthouse to continue the Public Hearing. Staff was directed to meet with Flynn and Schwartz to provide additional information based on the discussion.

A ten minute break was taken.

8. Case #67A-00   Lakeland Tower Leasing, SPECIAL USE PERMIT, Communications Tower, Lookout Road, Section 2, Cross Village Township

A request by Lakeland Tower Leasing for a Special Use Permit to construct a wireless telecommunications facility on property located on the south end of Lookout Road, Section 2, T38N-R6W, Cross Village Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-05-08-02-200-009. The request is to construct a 195’ mono-pole and fenced in compound area per Section 2102-2 of the Zoning Ordinance.

Staff reported that a balloon at the proposed height of the tower has been requested by the Township. Staff will contact the Planning Commissioners when the date is known. The case was deferred until the next regular meeting at the request of the Township.
9. Case #53-05  
Francis Lehner, SPECIAL USE PERMIT, Home Occupation, 4456 North Ayr Road, Section 30, Maple River Township

A request by Francis J. Lehner for a Special Use Permit for a Home Occupation to operate a bed and breakfast in one of the two main floor bedrooms, from a property at 4465 N. Ayr Road, in Section 30, T36N-R4W, Maple River Township. The property is zoned FF-2 Farm and Forest and the tax parcel number is 24-09-14-30-100-023. The request is per Section 2102-12 of the Zoning Ordinance.

Laad explained the request for a bed and breakfast in one room of the residence located at 4456 North Ayr Road. The residence has deep setbacks on the forty acre property. Maple River Township recommended approval. There are several accessory buildings on the property.

Mr. Lehner stated that he wishes to provide a room and add extra income to his household.

Scott made a motion to approve Case #53-05, Francis Lehner, Special Use Permit, Home Occupation at 4456 North Ayr Road, Section 30, Maple River Township for a Home Occupation of a bed & breakfast in one bedroom of the residence because Maple River Township recommended approval and it meets the standards of the Ordinance. Summers supported the motion which passed by the following roll call vote: Yes; Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derrohn, Alexander. No; none. Absent; Letzmann.

10. Case #55-05  
Jerry & Imelda Hofbauer, SPECIAL USE PERMIT, Land Development Standards, Banwell Road, Section 15, Littlefield Township

A request by Jerry and Imelda Hofbauer for a Special Use Permit per Land Development Standards to create parcels exceeding five within a ten year period. The properties are located between Banwell Road and Crooked Lake within Section 15, T35N-R4W, Littlefield Township. They are zoned R-1B One Family Residential along Banwell Road to a depth of approximately 480’ and RR-1 Recreation Residential to the shoreline of Crooked Lake. The review includes tax parcels numbered 24-07-17-150-023, 024, 025, 026, 027 and 028 and includes existing (after the fact review) and proposed lots. The review is per Section 2102-14 of the Zoning Ordinance.

There was brief discussion regarding the history of the land divisions. Because the applicant requested tabling, the case was deferred until the next regular meeting.

11. Case #52-05  
Nextel Communications, SPECIAL USE PERMIT, Communications Tower, Kolinski Road, Section 36, Bear Creek Township

A request by Nextel Communications for Joseph F. Hoffman for a Special Use Permit to construct a wireless telecommunications facility on property located on the northeast corner of Kolinski and Country Club Road, Section 35, T35N-R5W, Bear Creek Township. The location of the proposed tower on the property is zoned R-1B One Family Residential and is tax parcel number 24-01-16-35-010. The request is to construct a 115’ mono-pole, equipment cabinet, and fenced in compound area per Section 2102-2 of the Zoning Ordinance.

The case was deferred at the request of Bear Creek Township and the property owner. There was no discussion.

12. Case #158A-85  
Quality Auto Sales, SITE PLAN REVIEW, Auto Repair/Accessory Building, 2348 US-31 N, Section 26, Bear Creek Township

A request by Quality Auto for Site Plan Review to allow an auto repair facility primarily as an accessory use to an existing Auto Dealership at 2348 US-31 N, T35N-R5W, Bear Creek Township. The property is zoned I-1 Light Industrial and is tax parcel number 24-01-16-26-226-009. The request is per Section 1300-1 of the Zoning Ordinance.

Laad explained the request to add an accessory building to the existing auto sales business approved in 1985. The building is proposed for auto repair and storage for the business. A sealed drainage plan for the entire site is on file. The property is zoned Industrial and use is allowed. Bear Creek Township recommended approval.

Adrian Mitchell was present. There were no questions or objections.
Anderson made a motion to approve Case #158A-85, Quality Auto, Site Plan Review for an auto repair facility primarily used as an accessory use to the existing auto dealership because it meets the standards of Ordinance Section #1300-1. Alexander supported the motion which passed by the following roll call vote: Yes; Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derrohn, Alexander. No; none. Absent; Letzmann.

13. Case #54-05 Clair Rose, SPECIAL USE PERMIT, Home Occupation, Auto Sales, 4306 River Road, Section 28, Bear Creek Township

A request by Clair Rose for a Special Use Permit for a Home Occupation to allow limited automobile sales from a residence located at 4306 River Road, Section 28, T34N-R5W, Bear Creek Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-01-19-28-200-008. The request is per Section 2102-12 of the Zoning Ordinance.

Laad explained the request for an automobile dealership on River Road. Photos of the property and a revised site plan, prepared after the Bear Creek Township meeting were displayed. No outdoor display areas are now proposed on the property. The use may not be an acceptable Home Occupation. The property is zoned FF-1, the use is allowed as a general business use (B-2). Bear Creek Township Planning Commission recommended approval on condition that there be no outdoor display visible from the road, and that the use be limited to 2 cars for sale at any one time. The applicant agreed to the conditions.

Anderson explained the Township review. An office use was approved, with no outdoor display. They viewed the use similar to selling an automobile from a residence. There was discussion regarding the use and the request. Is it an appropriate Home Occupation? Cars would be there, but be out of view. The office would be in the residence. Laughbaum stated that nearly every residence has cars outside. Derrohn stated that this is different. This property is zoned Farm Forest, not commercial.

Doernenburg explained that the State laws for issuing a dealerships license have changed. Any individual or business selling more than five cars per year will be required to obtain zoning approval or will not be issued a license.

Clair Rose stated that a license is required for selling more than five cars within one year. Neighbors have signed a letter stating that they do not have a problem with his use, but they do not wish to see a car lot similar to the one on Clarion Avenue, with cars parked throughout the property, in front of the residence. He markets through the news paper and has had a license since 1999. He originally asked for one car by the road, but has accepted the Township recommendation for no cars close to the road. He has lived at the site for 28 years. It is not a typical situation. He goes out of Michigan to purchase cars. It does not fit the profile of most dealers. Rose does not have a problem with two cars maximum for sale. He has 6,000 sq. ft. of paved area. He has a 2 car garage.

Eby stated that if it were for indoor storage, it may be viewed differently. Home Occupation only allows 600 sq. ft. of an accessory building to be used for the business.

Jones made a motion to deny Case #54-05, Clair Rose, Special Use Permit, Home Occupation at 4306 River Road, Section 28, Bear Creek Township because the use does not meet the standards of the Ordinance by allowing outside automobile sales or display. Derrohn supported the motion which passed by the following vote: Yes; Eby, Jones, Anderson, Derrohn, Alexander. No; Summers, Scott, Laughbaum. Absent; Letzmann.
14. Case #56-05  Jeffrey Petitt for Dan Mathews, SPECIAL USE PERMIT, Land Development Standards, Corner of Williams Road and Cemetery Road, Section 19, Bear Creek Township

A request by Jeffrey Petitt for Dan Mathews for a Special Use Permit per Land Development Standards to create a 30-unit Site Unit Condominium project on property located at the northeast corner of Cemetery and Williams Roads, Section 19, T34N-R5W, Bear Creek Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-01-19-19-100-009. The request is per Section 2102-14 of the Zoning Ordinance.

Because the Township had requested tabling, there was brief discussion. Jeff Petitt stated that he has met with the Fire Department and the Township. A revised site plan will be submitted for next month. There were questions regarding the road ending without a cul-de-sac. Petitt stated that the plan is for a grass hard-surface extending to Cemetery Road. Jones stated that he is opposed to that type of access.

The case was deferred at the request of the Township.

15. Case #193L-97  Wayne Boss for Wayne Boss & Lakeforest Land Company, SPECIAL USE PERMIT, Land Development Standards, South Beach Drive, Section 22, Littlefield Township

A request by Wayne Boss for Wayne Boss and Lakeforest Land Company for a Special Use Permit to create two site unit condominium projects, with four site-units each, in Eagle Beach South, Phase Two, being part of the SE 1/4 of Section 22, T35N-R4W, Littlefield Township. The property is zoned RR-1 Recreation Residential and is proposed to border a new access road, an extension of South Beach Drive. The tax parcel numbers are 24-07-17-22-300-019 and 24-07-17-22-100-028. The request is per Ordinance Section 2102-14, Land Development Standards and is part of a larger Eagle Beach project evolving in increments.

Laad explained the request to create 8 site-units from an extension of South Beach Drive within the Eagle Beach development. The original concept plan was displayed and the location of these lots pointed out. The lots meet the standards of the Zoning Ordinance. There is a conservation easement shown on four parcels. There is a private contract between the land owner and Conservancy which creates an issue between the two parties, not a zoning issue. Township has recommended approval.

Scott asked about the limitation with the number of lots? It only relates to the Conservancy easement. An adjustment will be made to satisfy both parties and still meet zoning standards. The Conservancy owns the adjoining property.

Jones asked about the docks shown on the plan, have they been approved by the Planning Commission? They have not been approved by the Planning Commission. The property owners will be required to seek additional approval for those. They have been approved by the DEQ.

Ty Ratliff, Little Traverse Conservancy stated that the Conservancy does not take a stance one way or another regarding the proposal. They wanted to bring to the Planning Commission’s attention the violation of the Conservation Easement. The realignment of the lot lines would be in compliance with the easement.

Wayne Boss agreed to provide a new site plan with the re-drawn lines so that the Conservation easement will be in accord with the agreement.

Derrohn made a motion to approve Case #193L-97, Wayne Boss for Wayne Boss and Lakeforest Land Company, Special Use Permit per Land Development Standards to create two 4-site unit condominium developments because it is part of the original Concept Plan for Eagle Beach, it meets the conditions of the fire department, Littlefield Township recommended approval and the units meet the standards of the Zoning Ordinance and the site plan will be redone to show that only four units will be created within the Conservation Easement and may be approved by staff. Anderson supported the motion which passed on the following roll call vote: Yes; Eby, Summers, Jones, Scott, Laughbaum, Anderson, Derrohn, Alexander. No; none. Absent; Letzmann.
IV Public Comments

V Other Business

! Enforcement Report - Report was distributed. No discussion.

! The following will be placed on the Special Meeting agenda. The meeting was scheduled for Thursday, October 27, 2005 at 7:30 pm. To be held at the courthouse, Commissioners meeting room.

- Comprehensive Master Plan update - brief discussion. Will be discussed more thoroughly at the Special Meeting.

- Sub-Area Master Plan is nearly completed. More information will be provided at the Special Meeting.

- Hazard Mitigation Plan (draft copies distributed). Members were asked to review the revised plan. The plan is for prevention of possible hazards.

- Discussion regarding FR Forest Resource - the text amendment has been adopted and is currently part of the Zoning Ordinance.

- Zoning Board of Appeals, Article XXV. Proposed text amendment.

VI Adjournment

Eby adjourned the meeting at 10:39 p.m.

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James Scott, Secretary

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Dated