EMMET COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 4, 2004 - 7:30 P.M.  
COMMISSIONERS BOARD ROOM  
EMMET COUNTY COURTHOUSE  
200 DIVISION STREET  
PETOSKEY, MI 49770  

MINUTES


MEMBERS ABSENT: None

STAFF: M. PUTTERS, T. DOERNENBURG, M. GRAWEY


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

II Northwestern Michigan Council of Governments - Natural Hazards Mitigation Plan - Patty O’Donnell
A Natural Hazards Mitigation Plan for Emmet County was previously mailed to each Planning Commissioner. Ms. O’Donnell gave a presentation regarding Hazards Mitigation Planning. Eby asked about a time-line for adoption. There was discussion regarding review of the Plan. FEMA funding for mitigation will require an approved plan. John Thorp asked for a copy. O’Donnell stated that she could provide copies to anyone interested. The plan was tabled by unanimous voice vote.

III Minutes of October 7, 2004
Alexander made a motion to approve the minutes of the October 7, 2004 meeting as presented. Derrohn supported the motion which passed by unanimous voice vote.

IV Cases
1. Case #83C-00 Crooked Lake Properties for Charles Nicholl, PUD, Amendment, Mixed Use Final and Site Plan Review, 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 24-07-18-451-001 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 briefly explained the request referring to a location map, tax parcel map and site plans. The Plan shows a realignment of the US-31 and Cincinnati Avenue intersection, the marina building moved across Cincinnati Avenue allowing a view of Crooked Lake from US-31. The access onto US-31 requires MDOT approval. Putters explained the proposed drainage system, which has been sealed. This PUD is an extension of the previously approved PUD lying East of Cincinnati Avenue.

Jones asked about parking. There are currently 29 parking spaces proposed. There are no parking spaces designed for car/trailer combinations. Jones asked where the boats are going to be and where will vehicles and boat trailer combinations be parked?

Woodruff stated that they will not provide boat launching, there will be no boat storage, and any displays of boats will only be in the showroom.

Jones stated that he has concerns with parking for the marina building for vehicles with boat trailers. Putters stated that based on the reduced size of the building, he feels that there is sufficient parking. Would there be room for the required parking and vehicles with boat trailers? Putters explained the requirements. It was determined that 15 spaces would be required. Farrell and Brown showed how parking could be obtained to address Jones’ concerns. Jones would like the parking spaces painted as discussed. Eby brought up the view plane and landscape plan which blocks the view of Crooked Lake. There was discussion regarding keeping the view open from the highway. The landscaping could be addressed in the PUD agreement. Jones asked if there would be a dumpster on the site, and if so, how will it be screened? The dumpster location does not show on the plan, it will be to the east of the building and will be screened.

No public comments.

Derrohn made a motion to conditionally approve Case #83C-00, a request by Crooked Lake Properties for Final PUD-1 Mixed Use Master Plan, dated 7/16/04, letters of approval, except MDOT, have been received and the Township has recommended approval, on the following conditions:

1. The approval includes moving the Marina Sales and Service building from the previous location, that includes a food service offering snacks and ice-cream.
2. That a three (3) party PUD Agreement be implemented, stating conditions that:
   b. The installation of a left turn lane on US-31 be investigated with MDOT.
   c. A screened dumpster be provided.
   d. The parking lot be re-striped in part to accommodate parking vehicle-trailer combinations.
   e. Parking lot is not to be used for outdoor storage or display.
3. Sign and Lighting Committee review is required.

Alexander supported the motion which passed on the following roll call: Yes; Simon, Jones, Scott, Letzmann, Laughbaum, Behan, Alexander, Derrohn, Eby. No; None.

2. Case #83D-00 Crooked Lake Properties for Charles Nicholl, PUD, Non-Mixed Use, Final and Site Plan Review, 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.

Connie Brown, Hobbs & Black Architects have no changes to the plan. Final site plan details have been submitted. The site plan was displayed. Putters explained the graphics which show the proposed six condominium units as previously approved in the Preliminary PUD and a boat basin or lagoon. A sealed drainage plan has been submitted.

Eby asked for the conservation easement to be pointed out. The wetland and the area extending into the lake around the bullrush bed, is .75 acres, as stipulated on the DEQ permit.

Derrohn asked if the dry hydrant detail has been provided as requested by the Fire Department. Documentation was submitted and distributed.

Eby asked if a PUD agreement is planned. The Township has a vested interest in the conservation easements. The parties involved would agree to the conditions. There was discussion regarding a PUD agreement. It is a three party agreement between the Township, County and applicant. It would require mutual agreement for changes to the PUD.

Harold Woodruff stated that the conservation easement is binding.

John Talbot stated that PUD agreements usually follow final approval. He stated that he would not be opposed to a PUD agreement.

Putters explained that it is a concise summary of the approval. It allows for greater control.

Simon asked what is being done to ensure that there is no access into the bullrushes? Marker buoys will be put into place. It could be added to the PUD agreement.

There was no public comment.

Simon asked about the amount of area to be dredged? Reply: It is stated in the DEQ permit as a surface area of approximately 450 sq. ft.

Derrohn made a motion to approve Case #83D-00, a request by Crooked Lake Properties for Charles Nicholl, for a PUD-1, Non-Mixed Use, Final Master Plan and Site Plan Review on the Plan map dated 10/18/04, Cincinnati Street, Section 18, Littlefield Township, because all approvals have been submitted, the drawings include the requested dry hydrant, the Township has approved, the applicant has agreed to the PUD Agreement, provide protection of the bull rushes and wetlands, installation of the marker buoys, the number of condos shall not exceed a total of 16 units or the 2.44 acres, and include a conservation easement of approximately .75 acres for wetland and bull rush bed protection, all on condition that a three (3) party PUD Agreement be executed. Alexander supported the motion which passes on the following roll call: Yes; Jones, Scott, Letzmann, Laughbaum, Behan, Alexander, Derrohn, Eby. No; Simon.

3. Case #44-04 Chuck Wernet/Wolverine Stages, REZONING, FF-2 Farm Forest to B-2 General Business, US-31, Section 22, McKinley Township

A request by Charles Wernet to re-zone the following generally described property from FF-2 Farm Forest to B-2 General Business: Three (3) surveyed parcels comprising the north eight (8) acres of tax parcel number 24-10-22-300-008, McKinley Township, described as follows: Beginning at the East line of US-31 and the eastwest 1/4 line of Section 22, then east for some 328 feet, then south some 1,061 feet to Del Road, then west 364 feet to the east line of
US-31, then north some 1,061 feet to the Point of Beginning. The re-zoning will consider all or part of the properties involved. The purpose of the re-zoning is to permit a transportation service not allowed in the FF District.

Putters explained the re-zoning request using a request/location map, tax parcel map and zoning map. The property is located north of Pellston between US-31 and the rear lot lines of lots fronting on the west side of Del Road, a new residential community. The request is to change from FF-2 Farm Forest to B-2 General Commercial. The applicant’s intent is to locate a limousine/taxi service on one of the parcels fronting on US-31. The pro/con sheet previously distributed was discussed. The 2001 land use inventory was displayed and explained. The goal is to try to control strip development along US-31. Putters explained the existing uses and requested uses. There are R-2B zoned properties to the north and state forest land to the south.

Chuck Wernet explained the trucking business he wishes to be placed on the property which includes 16' trailers. The realtor stated that no price was given by the County for industrial zoned property on Robinson Road. An appraisal would be necessary to determine price and a saleable parcel size agreed upon.

Jim Knight, Exit Realty, read a letter from the property owner, Jim Cronn supporting the rezoning request. He cited expansion of the airport as a reason to approve. The location is situated in an area suitable for commercial use. He added that the Township recommended approval.

There have been no letters of objection.

Laughbaum explained his views. Single family use is not a good use. It seems that some B-2 uses should be allowed. Screening and setback should be required.

Letzmann commented that spot zoning is not a good practice. Derrohn stated that there is commercial property across from the airport. Simon, doesn’t like the hopping of industrial areas and it goes against the Comprehensive Plan. The business areas should be connected with business areas, not sporadically located. Jones stated that when strips are created, it looks like US-31 between Petoskey and Conway. Many small business driveways are brought onto the highway. There should be serious thought into changing the zoning along the highway: Eby asked if there is a need? Derrohn, stated that there is a need, who wants to build a house there? There are homes in the area. Re-zoning would open the door for any B-2 use. Eby stated that he made contacts with realtors and a property owner in the area. There are properties available. Jones stated that affordability is not a reason to rezone a property.

Letzmann made a motion to deny Case #44-04, a request by Chuck Wernet/Wolverine Stages, re-zoning, FF-2 Farm Forest to B-2 General Business, US-31, Section 22, McKinley Township based on:
1. There is no demonstrated need for additional B-2,
2. The site backs up to a residential area (Del Road),
3. The property is not illustrated as commercial or industrial on the County Land Use Plan,
4. There is a concern for spot zoning,
5. This is a wooded corridor on US-31 facing a trail right-of-way and wooded land (across US - 31).
6. Re-zoning would encourage strip roadside development.

Simon supported the motion which passed on the following roll call vote: Yes; Jones, Scott, Behan, Alexander, Simon, Letzmann, Eby. No; Laughbaum, Derrohn.

4. Case #112B-98 Charles Michaels, SPECIAL USE PERMIT, Amendment, Lake Shore Drive,
Section 7 & 8, Readmond Township

A request by Charles Michaels for an amendment to a Special Use Permit to allow four (4) drives to access four parcels on a development previously approved for one access for the development. The property is located on N. Lakeshore Drive (M -119), Section 7 & 8, Readmond Township, being tax parcels 24-12-08-07-400-017 & 24-12-08-08-300-003 and zoned SR-2 Scenic Resource to a depth of 400' and RR-2 Recreation Residential for the remainder of the parcels. The review is from Zoning Ordinance Section 2102-14 Land Development Standards.

Putters used a site plan which has been reviewed many times when the land division was originally under consideration for approval, a request/location map and tax parcel map. This is a heritage route where the community did wish to limit additional drives onto M—119. The lot sizes have been changed. The applicant installed drives on each lot without zoning approval. The Township recommended denial. The owner indicated that he was not aware of the requirement for a service road.

Chuck Michaels distributed his applications and explained the process he went through to adjust the property because half of the property was a wetland. MDOT issued driveway permits. He installed the driveways after obtaining approval for the land division. He cut six trees down putting the driveways in. After the drives were installed, he received notification from the Zoning Office that he did not have approval for the driveways. The proposed service road at the rear of the properties, requires removing many trees. The road to the north is a seasonal road. He thought he was working with people who knew what the process was.

The original approval, agreed to by the owner at the time, stated that no access was allowed onto M -119.

The approval requiring access from the seasonal road was discussed. Eby stated that according to the state law, it is closed to traffic during winter months. The County policy allows plowing by private individuals. The easement may be registered with the register of deeds. It seems that the existing drive, lot #10 could be used for 9 & 10. There was discussion regarding the length of the drive before it splits to access the second lot. The greenbelt is 40' from the right-of-way line. Simon is concerned that no additional drives should be added on lot 10 if it is split in the future. Michaels would prefer to use the existing drives.

Jones made a motion to amend the previously approved land development Special Use Permit to allow two (2) shared driveways, subject to Zoning Administrator approval and on condition that the two driveways should extend through and beyond the 40' setback line, before they split off to serve the next parcel and that any future splits on the lots would be require to use the same two driveways, and further that this stipulation be recorded with the Register Of Deeds and that the other two driveways be vacated and restored by planting trees. Behan supported the motion, which passes on the following roll call vote: Yes; Eby, Simon, Scott, Letzmann, Laughbaum, Alexander, Behan, Jones, Derrohn; No; None.

5. Case #63-04 William Powell, SPECIAL USE PERMIT, Land Development Standards, N. State Road, Section 16, Readmond Township

A request by William Powell for a Special Use Permit per Land Development Standards for a nine (9) parcel land division on two tracts of land in the E ½ of Section 16, T37N-R6W, Readmond Township. The tax parcel numbers are: 24-12-08-16-200-002 and 24-12-08-16-400-006. The properties encompass some 120 acres and are zoned FF-2 Farm Forest. The request is per Ordinance Sections 2102 and 1901. The review can consider up to or more than nine divisions based on acceptable final plans and site conditions.

Because the Township has requested a revised plan, the applicant requested tabling and the case was deferred until the next regular meeting.
A break was taken at 9:20 p.m. The meeting reconvenes at 9:25 p.m.

Putters introduced Melissa Grawey, Planning and Zoning’s new Office Administrator. Katie Derrohn acted as Chair.

6. **Case #61-04  John & Amy Davis, SPECIAL USE PERMIT, Home Occupation, Group Day-Care, 5630 Pickerel Lake Road, Section 36, Bear Creek Township**

A request by John & Amy Davis for a Special Use Permit for a Home Occupation for a Child Group Day Care business at 5630 Pickerel Lake Road, Section 36, T35N-R5W, Bear Creek Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-01-16-36-200-021. The request is per Section 2102-12 of the Zoning Ordinance.

Putters used a site plan, request/location map and tax parcel map to explain the proposed day care use on a long narrow property. The proposed daycare is for up to 12 children. The use has been recommended for approval by Bear Creek Township. The applicant agrees to the conditions of the Home Occupation standards and hours of operation are proposed to be from 7 a.m. to 5:30 p.m. A State License application is pending.

Jones made a motion to approve Case #61-04, Special Use Permit, Home Occupation for a Child Group day care, because it meets the conditions of the Ordinance, there was no opposition from the public, that applicant understands the home occupation rules and the Township recommended approval. Scott supported the motion which passed by the following roll call vote: Yes; Eby, Alexander, Derrohn, Scott, Behan, Jones, Letzmann, Simon, Laughbaum. No; none.

7. **Case #54-04  David Billideau, PUD-1 MIXED USE, FINAL & SITE PLAN REVIEW, Duplex units & professional office, PUD-1 MIXED USE PRELIMINARY, FINAL & SITE PLAN, Storage Building, Barney Road, Section 26, Bear Creek Township**

A request by David Billideau for a two-part PUD-1 Planned Unit Master Plan to apply to tax parcel number 24-01-16-26-200-032, Section 26, T35N-R5W, Bear Creek Township, as follows:

1. For a final PUD-1 Mixed Use Master Plan for four duplex buildings (8 units) plus one existing duplex building. Also one office building for professional or business office use.
2. For a preliminary and final PUD-1 Mixed Use Master Plan to include a proposed 40' x 160' storage building as an element of the PUD project, adding a B-2 General Business use to the approved uses (storage).

The PUD area is part of a larger PUD Master Plan extending along the north side of US-31 southwesterly from Barney Road. The PUD is evolving incrementally recognizing numerous existing business uses. The plan includes service roads, interconnected parking lots, natural area and Barney Road greenbelt. The PUD is per Article XVIII of the Ordinance.

Putters used a site plan, request/location map and tax parcel map to explain the request to add uses to an incremental PUD which fronts US-31 starting at Barney Road. The overall preliminary PUD plan was displayed. A parallel service road is shown and is proposed to connect with adjacent parcels. The plan shows 4 duplex buildings, an existing residence being converted to a duplex, (total of 10-units), an accessory building has been constructed to be part of a large storage building and a future office building is proposed. Site plan conditions include a sealed storm drainage plan, landscaping requested along the north and west, include a road along the west side of the duplexes extended to the North. A beauty shop is proposed in the office building. If feasible, it would be preferred to have the business building and the parking switched. The fifty ft. greenbelt would provide adequate screening. The Township’s recommendation was to approve the PUD. More information is needed for site plan review.

Letzmann asked if the service drive is marked? Putters explained that because it is an incremental PUD, the road is not currently connected. The parking lots may eventually be interconnected. As each lot is developed,
it would become part of the future projects. Derrohn asked if Barney Road is scheduled for an upgrade? Jones thought that it is planned to be paved in a year or two.

Billideau asked about the physical location of the road versus the mapped location. Jones responded that it was a Road Commission issue.

Jones made a motion to approve Case #54-04, Final PUD-1 Mixed Use Master Plan, 2157 Barney Road, Section 26, Bear Creek Township, a plan dated 9/3/04, on conditions that the future site plan contain storm drainage, screening/landscaping, circulation and extending the driveway on west side to property to the north and have the option of office space and parking reversed from what is shown, show the fifty ft. perimeter setback along Barney Road and because Bear Creek Township recommended approval. Behan supported the motion which passed by the following roll call vote: Yes; Eby, Alexander, Derrohn, Scott, Behan, Jones, Letzmann, Simon, Laughbaum. No; none.

8. Case #55-04 Phil Duran, PUD-1 MIXED USE, PRELIMINARY, US-31 & Country Club Roads, Section 34, Bear Creek Township

A request by Phil Duran for a preliminary PUD-1 Mixed Use Master Plan overlay to apply to the following described property: a 45 acre property situated some 330 feet east of Manvel Road, extending north from Country Club Road to Highway US-31. The tax ID number is 24-01-16-34-100-049. The property is in the east ½ of Section 34, T35N-R5W, Bear Creek Township. The PUD would overlay the R-1B One Family Residential District and a small area of B-2 General Business in the northwest corner of the property. The PUD-1 Master Plan proposes up to 21 residential site units, a professional office site, areas of common open space and non-motorized trails. The request is per Article XVIII of the Zoning Ordinance.

Putters explained the location of the property between US-31 and Country Club Road and used a site plan to explain the request. A small section of the property is zoned commercial. The PUD is mixed-use because of the proposed office along US-31. This is a preliminary review which if approved, would allow the applicant to proceed with Final PUD Master Plan. Bear Creek Township recommended approval. There is open space and common area and it meets the 50' perimeter setback.

Phil Duran stated that no changes have been made since the last meeting.

Simon stated that the residential sites are in 27 acres with 12 acres of common area.

Duran stated that only one residential site is accessed from US-31. The others are accessed from Country Club Road.

Jones asked if the health department has been contacted? Duran stated that he has a soils map which identifies the locations suitable for sanitary facilities. The project will likely not be served by Bear Creek Township Sanitary Sewer.

Letzmann made a motion to grant preliminary approval of Case #55-04, Phil Duran for a PUD-1 Mixed Use Master Plan, as requested because the Township recommended approval and it meets the conditions of the Ordinance. Jones supported the motion which passed by the following roll call vote: Yes; Eby, Alexander, Derrohn, Scott, Behan, Jones, Letzmann, Simon, Laughbaum. No; none.

9. Case #50-04 Emmet County Planning Commission, TEXT AMENDMENT, FR- Forest Resource, Add Article VIII-A, Amend Section 1900, Amend Section 300

A request by the Emmet County Planning Commission to amend the Zoning Text as follows: 1) Add a new District, to be titled FR- Forest Recreation, to be Article VIII-A. 2) Amend Article XIX, Section 1900, Schedule of Regulations by inserting the FR District and listing the FR District requirements for lot sizes, setbacks, building height, building floor
Article VIII-A

**FR**

**Forest Recreation District**

**Intent**

The FR District is intended to apply to large tracts of land, as those in state forests and such other large tracts as their owners deem beneficial to protect natural resources by the application of the FR District.

**Purposes**

4. To retain significant blocks of public land that are major features of public interest, promoting the health, safety, peace and general welfare of citizens in the State of Michigan.

5. To preserve and reserve valuable resource lands that are critical to the forest industry, a sustainable and renewable sector of the economic base (local and state).

6. To continue and perpetuate the use of forest resource lands for broad scale outdoor recreation use, specifically directed at hunting (large & small game), snowmobiling, skiing, hiking, mushrooming, bird watching and the like.

4. To provide habitat for wildlife (plant and animal) with the least amount of disruption from development activities such as building and small lot fragmentation.

5. To retain and perpetuate resource valuable lands in blocks of ownership and sizes to facilitate effective resource management (forestry, wildlife, recreation, etc.).

6. To implement and support the implementation of major components of the vision statement published by the Michigan Land Use Leadership Council, that includes:
   a. Small towns that serve surrounding Agricultural, Forestry, Mining and tourist economies.
   b. A healthy, vibrant agricultural and forest products industry in the State.
   c. Public and private lands are managed to sustain long term use while providing for open space and wildlife habitat.
   d. Promote an understanding that a healthy environment and healthy economy go hand in hand.
   e. Preserving ecologically significant natural habitats.
   f. A solution to Land Use Issues that recognize the unique character, history, economics and culture of the State.

7. To recognize blocks of publicly owned land that now have historic significance and have been an integral feature of Emmet County’s natural environment since the 1930s.

8. To protect the value of private properties adjacent to or near large blocks of public land and which private properties have experienced valuation enhancement due to their proximity to valuable outdoor open space resources.

9. To carry out the visions of the Emmet County Land Use Plan that includes protecting the County’s rural character, promoting rural open space, discouraging the divestment of State Forest Lands, protecting wildlife habitat, discouraging the fragmentation of large resource parcels (forest and farm) and promoting land use policies that discourage sprawl.
10. To sustain the local economy by perpetuating multi-use forest management to encourage broad scale outdoor recreation uses, such as rifle/bow hunting, snowmobiling, skiing and related activities traditional in the northern Michigan environment, and which may suffer diminishment or loss if the public forest base were parceled off and/or fragmented.

11. To recognize the importance of large forest tracts in the natural chemistry of air purification, water quality protection, soil replenishment and bio-diversity.

Section 800-A  Principal Uses Permitted
No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All Principal Uses Permitted as regulated in the FF-1 and FF-2 Districts in Article VIII, except golf courses, country clubs, and/or sports person associations.

Section 801-A  Principal Uses Permitted subject to Special Conditions
The following uses shall be permitted upon approval of the Planning Commission subject to the conditions herein imposed for each use, the conditional review standards in Section 2100, and the approval of the Site Plan:

a) All Principal Uses Permitted subject to Special Conditions as regulated under Section 801 of the FF-1 and FF-2 Districts, excepting therefrom: 801-2 uses that include motor inns, motels, hotels, resorts; and 801-9 uses related to contractors.

b) All minimum lot, parcel, tract, site condominium unit sizes are subject to the standards of the FR District, unless larger sizes are prescribed in FF-1 or FF-2.

Section 801-B  Lot Size Standards
The minimum parcel area and width standards for properties in the FR District shall be as follows:

a) Minimum Lot Area. Forty (40) acres by description.

b) Minimum Lot Width. Three-hundred (300) feet of frontage on a private or public road.

c) Minimum Setbacks. As regulated in FF-1 and FF-2 Districts. (See Schedule of Regulations, Section 1900).

This case was tabled pending further responses from the Townships in Emmet County that are under County Zoning.


A request by Frank Adams & Sharon Bellant to rezone the following property from FF-1 Farm Forest to B-2 General Business: Tax Parcel No. 24-09-14-22-400-019 lying some 940.5 feet north of E. Brutus Road, bordering the east right-of-way line of US-31 with 1,040 feet of frontage, in Section 22, T36N-R4W, Maple River Township. The property contains some 17 acres of area and that part of the property bordering US-31, a depth of 116 feet, is currently zoned B-2. The rezoning is also to place the entire area of tax parcel number 24-09-14-22-400-021 in the B-2 District. The purpose of the rezoning is to include the entire parcel in one zoning classification, B-2, which adjoins B-2 zoning to the south.

Putters used a request/location map, tax parcel map and site plan to explain the rezoning request on property where Adams Antiques is located. The property is zoned B-2 along the highway frontage. The adjacent property to the south has been re-zoned the same depth as is being requested by the applicant. The proposed rezoning would match up with the marina use. This is the first rezoning hearing and is for discussion only. There is no Township recommendation to date.
Adams stated that the reason for re-zoning is because they plan to sell the property. It is unsuitable and unsafe for residential or farm forest use. He stated that he has documentation regarding his statements on pollution/contamination of the ground water. He stated that he was guaranteed that his site would be commercial, if they asked, because of the rezoning on the adjacent marine sales property. It is part of the sawmill property. It has been established business for many years.

Simon asked about the details of contamination on the property? They were required to install a 400' deep well. There is contamination from the golf course. Applicant states he is a Well water specialist. The adjacent Golf Course is dumping contaminants into the aquifer. The applicant also states that the DEQ has investigated, but has refused to clean up the mess. Tip of the Mitt is aware that the wetlands were destroyed. Fungicides, Herbicides, botulism, Ecoli are all present. Numerous animals have been killed. Applicant stated that re-zoning to commercial use would eliminate other houses being built in the area. Adams explained that he has been working to have the crimes punished through the Health Department and DEQ.

Eby stated that the Township discussed the zoning and they believe that the property is probably not zoned correctly.

Jones stated that he would investigate what the Health Department is doing with the case.

Maple River Township’s recommendation was read. Adams stated that he’d agree to a service road to US-31 with two accesses.

11. Case #65-04 Marlene Dull, SPECIAL USE PERMIT, Home Occupation, 4380 E. Levering Road, Section 5, McKinley Township

A request by Marlene Dull for a Home Occupation Special Use Permit to operate a Bed and Breakfast tourist lodging use on a property at 4380 E. Levering Road, in Section 5, T37N-R4W McKinley Township. The property is zoned FF-2 Farm Forest and contains some 160 acres. The tax parcel number is 24-10-10-05-100-001. The request is per Section 2102-12 of the Zoning Ordinance.

Putters used a site plan and location map to explain the request for a bed & breakfast home occupation.

Marlene Dull, low impact home occupation, using an existing home, offering one bedroom for rent. She may wish to expand to another bedroom in the future. She would like the approval to begin the operation when they move into the home in a couple of years. Four to six people maximum. This is a full log home, 3-4 years old and is 5000 square feet. It is in the center of 160 acres, and cannot be seen from the road.

Eby made a motion to approve Case 65-04, Special Use Permit, Home occupation, 4380 E. Levering Road, Section 5, McKinley Township, it meets all of the zoning requirements, the applicant understands the zoning standards for home occupations zoning. McKinley Township recommended approval. Scott supported the motion, recognizing that the large lot size of 160 acres and the FF-2, which passes on the following roll call vote: Yes; Simon, Jones, Letzmann, Laughbaum, Behan, Alexander, Scott, Eby, Derrohn, No; None.

12. Case #71-04 TKW General Contracting for Darryl Eighmey, SITE PLAN REVIEW, Shoreline Bluff Protection Review, 3340 S Lake Shore Drive, Section 24, Friendship Township

A request by TKW General Contracting on behalf of Darryl Eighmey for Site Plan Review to construct a retaining wall
in a regulated Shoreline Bluff. The property is zoned SR-2 Scenic Resource and is located at 3340 S. Lake Shore Drive (—119) in Section 24, T36N-R7W, Friendship Township. The proposed timber wall is fifty (50) feet long north to south, it replaces an existing log wall and will be lakeward of the existing home. The applicable Ordinance Section is 2209.

Putters, used a site plan, request/location map and tax parcel map and explained that this is the first case under the Shoreline Bluff Protection standards in the zoning Ordinance. The Township recommended approval. There is a need to replace the existing wall which is deteriorating, there is a sealed plan, it has been recommended that the plan be changed to “no trees to be removed”, and on condition that the Soil Erosion Officer’s approval is obtained. A profile drawing was displayed along with photos showing conditions of the existing wall.

Simon made a motion to approve 71-04, TKW General Contracting, Site Plan Review, 3340 S. Lakeshore Drive, Friendship Township, retaining wall in a regulated shoreline bluff, to replacing an existing deteriorating wall, because there is an engineered sealed plan, the Township has recommended approval, and on condition that the soil erosion permit is approved. Letzmann supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander, Letzmann, Simon, Derrohn, No; None.

13. Case #70-04 S. Garrett Beck, SPECIAL USE PERMIT, Exception to Section 2201 - Accessory Buildings, 7422 Channel Road, Section 29, Springvale Township

A request by S. Garrett Beck for a Special Use Permit to construct an accessory building as a main use and for a larger than maximum size accessory building on a 12.7 acre property located in the N ½ of the NE 1/4 of Section 29, T35N-R4W, Springvale Township. The parcel number is 24-14-17-29-200-044 and the zoning is SR-2 Scenic Resource. The proposed 36’x48’ building is for domestic farm use, keeping horses, and is to be sited some 300 feet from Channel Road. The proposed building is 528 sq. ft. larger than that permitted in the rear yard of the SR District. The request is per Section 2201-2 and 2201-8 of the Zoning Ordinance.

Putters used photos, a location map and site plan to explain the case. There are six septic systems on the property. It is located on channel road where the access Road to Oden Island goes. There is no residence on the property. There were no objections to the request, however, concerns were raised regarding the septic systems on the property. Putters explained the septic systems. Grazing horses are on the drain fields as evidenced from the photographs. From a Planning point of view, this would not be suitable pasture, the drain fields should be fenced off or protected. The health department has been contacted.

Beck explained that prior to his purchase of the property, a pond had been formed with two caps off of the force main clean out accesses. There are six fenced off mounds on the property. Beck agrees with the Health Department that the horses will not be allowed to stroll onto the mounds. There appears to be no maintenance of the septic systems. Home owners installed the mounds individually. The pond has existed for an extended period of time. It was not known if the ponds are contaminated sanitary sewage water. The building will not change the use or intensity of the use.

A neighbor, Mr. Wineman, explained that he owns a drain field on the subject property and home across Channel Road. The fields were assigned to the individual cottages. The first field is for lot #6. The pipelines run side by side going to the fields, he has talked with neighbors about systems. There is degradation of the fields. When he became aware of this situation, he got the Health Department involved. He intends to fix the problem. Traffic over the ground does not allow for proper drainage or aeration. No objection to a bigger structure on the property, however, he does have a vested interest in improper operation of the fields. He would like to ask that the applicant fence off the drain fields. Wineman continued that he has owned his property for 2.5 years. The pond is 100’ on that side of the road, it is possible that it drains into the lake. In addition, his well is three feet from the ditch. He is concerned about contamination.
Jones asked Beck, why, if the caps were off, did he not advise the Health Department. He stated that he told the people who he thought should know. He informed a neighboring property owner who has a septic system on the Beck property.

Scott asked if staff would look into the situation. He wonders what is the easement and who are the responsible parties to protect the fields from other uses on the property and who manages the system(s). Jones stated that the Health Department is addressing the drain fields/septic tanks issues, as well as the maintenance.

Scott stated that the issue came up at the Township meeting. They recommended approval, but would like the issues addressed prior to this happening.

Conrad stated that property owners beyond the 300' notification area were notified and they are the neighbors impacted. She feels that this is a problem that needs to be addressed and should wait until the issues are resolved.

Scott stated that the township would like protection in place for the drain fields and the lines.

Beck stated that the areas of the fields are fenced. He owns the land that the drain fields are located on and there are six forced mains.

Laughbaum stated that there are personal issues to be resolved in this case. The Planning Commission issue is the approval of a building.

Laughbaum made a motion to approve Case #70-04, a request by S. Garrett Beck, SPECIAL USE PERMIT, Exception to Section 2201 - Accessory Buildings, 7422 Channel Road, Section 29, Springvale Township. Jones supported the motion. The motion was discussed. Simon has a problem with the property and feels it should be addressed. Scott questions whether it is an appropriate use of the land? Part of the land is not available. The easement was on the property prior to purchase.

Behan made a motion to table case # 70-04 for one month for further Township review. Letzmann supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Scott, Laughbaum, Alexander, Letzmann, Behan, Derrohn. No; None.

V Public Comments
Alyce Conrad stated that she attends the meetings because she is concerned. The motions should not be flat approvals, they should consider township recommendations. Each case is different.

VI Other Business

Case #1A-99 Pleasantview Township re-zoning, Zoning Coordinating Committee

A re-zoning request for review has been submitted for comment. Putters explained the memo prepared by staff.

Eby made a motion to authorize case #1A-99, Scott supported the motion. Due to a procedural problem, Eby withdrew the motion.

Derrohn then made a motion to authorize the chair to sign the memo as prepared. Scott supported the motion which passed by a voice vote, one opposed.
Enforcement Report

Proposed Text Amendment - Communications Tower

Committee for Better Development Design

No discussion.

VI Adjournment
Chair person Derrohn declared the meeting adjourned at 11:12 p.m.

_____________________________________  ________________
James Scott, Secretary     Dated