MEMBERS PRESENT: J. EBY, Chairman, J. HARRIS, J. SCOTT, K. DERROHN, A. BEHAN, L. BLANCHARD, J. JONES, K. ALEXANDER, D. LAUGHAUBAUM

MEMBERS ABSENT: none
STAFF: M. PUTTERS, D. COON, T. DOERNENBURG

I Call to Order and Attendance
Chairman Eby called the meeting to order at 7:33 p.m. All members were present except Blanchard, who arrived at 7:37 pm and Harris who arrived at 8:22 pm.

II Minutes of January 3, 2002
Behan made a motion to accept the minutes of January 3, 2002 as written. Jones supported the motion which passed on a unanimous voice vote.

III Cases
1. CASE #58-01 Cross Village Food Farm, SPECIAL USE PERMIT, Recreation Farm plus various recreational/educational uses, 5322 Hill Road, Section 1, Cross Village Township
A request by Cross Village Food Farm for Special Use Permits to apply to a property located at 5322 Hill Road, Section 1, T37N-R6W, Cross Village Township. The property is zoned FF-2 Farm Forest and is tax parcel number 24-05-08-01-300-011. The request is per Section 801-1, 2, 3, & 5 of the Zoning Ordinance, for uses in the nature of a recreation farm with primitive camping, staff housing, community kitchen, classroom space, physical fitness facilities, trails and accessory maintenance facilities and off-street parking.

A letter from the applicant was distributed which requested that the case be withdrawn.

2. CASE #57-01 William J. Wodek, REZONING from R-2B General Residential to B-2 General Business or I-1 Light Industrial, Trails End Road, Section 24, Wawatam Township (First Hearing)
A request by William J. Wodek to rezone property located off of Trails End Road, Section 24, T39N-R4W, Wawatam Township from R-2B General Residential to B-2 General Business or I-1 Light Industrial. The tax parcel number is 24-15-03-24-200-007. The property is some 5.4 acres in area. The purpose of the rezoning is to allow B-2 uses, but providing an option to apply an industrial or business zoning classification.

Case #57-01 remained tabled.

3. CASE #68-01 Sid Baker, PRELIMINARY & FINAL MIXED-USE PUD-1 OVERLAY, & SITE PLAN REVIEW, M-68, Section 11, Littlefield Township
A request by Sid Baker for a Preliminary and Final Mixed-Use PUD-1 Overlay to apply to property located in Section 11, T35N-R4W, Littlefield Township on M-68. The property is zoned R-1B One Family Residential along M-68 to a depth of approximately 230' and the remaining is zoned FF-1 Farm Forest. The property tax number is 24-07-11-200-004. The Preliminary PUD-1 Plan encompasses the entire 20 acres, but the Final PUD-1 Plan encompasses only the north 10 acres. The proposed uses include two Contractor's Uses, aggregate stockpiling, equipment storage, a self storage area and residential. The Mixed PUD Plan is an extension of the PUD to the west, and generally follows an overall development plan for this area of the Township.

Putters explained the request for a Preliminary and Final PUD for the north ½ of the property located on M-68. The PUD Master Plan, location map, tax parcel map and elevation drawing of the building were displayed. The applicant has requested preliminary and final PUD approval for Contractor’s uses as shown on the plan. The Township recommendation
and a draft motion based on the Township recommendation were distributed. The proposed PUD fits into the Master Plan concept prepared by the County Planning Department several years ago. A trail across the property is shown which could continue along M-68.

Blanchard arrived at 7:37 pm.

There is a gravel/sand extraction site on a neighboring property to the east. The tree screening will consist of existing trees and proposed tree plantings to be at least 6’ high. Trees on a proposed berm could be 4’ tall. An interior road continues to the west as proposed on the area-wide PUD Plan, and as agreed to by the two property owners. It is designed as a service road between the two properties. The Township recommended that there be documented dust control for the roads and parking areas. Presumably, the natural trees will be retained. Much of the property is wooded.

Jim Young from Bidstrup Engineering stated that the applicant understands the standards for dust control and screening. He did not understand why the Preliminary PUD was not addressed for the south ½ of the property. He also requested site plan approval for the north ½ of the property.

Derrohn stated that the Township approved the preliminary and final PUD for areas 1 & 2. They did not discuss the proposed uses for areas 3 & 4 with the applicant. The applicant indicated that he was not sure of the uses for areas 3 & 4 during the Township meeting.

Young would like to be sure that the entire property is included in the PUD. They do wish to concentrate on areas 1 & 2 and would like to begin construction in the spring. The PUD Plan shows housing and storage units in PUD areas 3 and 4, sufficient for preliminary review.

Putters stated that the original intent was to apply for a Preliminary and Final PUD for areas 1 & 2 and Preliminary PUD only for areas 3 & 4. The legal notice makes this possible.

Scott Jewell, property owner with Sid Baker, stated that he does wish to move forward with areas 1 & 2.

It was suggested that the Preliminary for the south ½ of the property could be reviewed at the next meeting, during site plan review. Putters added that PUD requires a public hearing, however, site plan review does not.

Young added that they do not know the details of the south portions of the property, therefore, they were requesting preliminary PUD approval. The issues of dust control and screening could be addressed tonight if site plan review could take place.

There was no public comment.

Laughbaum asked what the boundaries of the Master Plan for the community were? The community Master Plans extended from Lakeview Road on the west to the east line of the Jewell/Baker parcels.

Derrohn made a motion to recommend to the Emmet County Board of Commissioners that Preliminary and Final Mixed Use PUD-1 Planned Unit Development Master Plan approval be granted to Sid Baker and Scott Jewell, based on a request documented as Case #68-01, encompassing tax parcel #24-07-11-300-004, being a 20 acre parcel on the south side of M-68, bordered on the East by the N-S quarter line of Section 11, T35N-R4W, Littlefield Township, and incorporating the findings of Littlefield Township, subject to the following:
1. That only the N ½ of the subject property is being approved by this motion, encompassing PUD areas 1 and 2 on the Master Plan maps dated January 10, 2002. Areas 3 and 4 are deferred until site plan review.
2. That the recommendations of Littlefield Township be incorporated into or accompany the Site Plan, which is to include:
   a) Documentation on the kind and frequency of applications of dust control measures on roads, parking areas and vehicle maneuvering spaces,
   b) New trees for intended screening purposes be at least six (6) feet in height, except that trees on top of the berm be at least four (4) feet in height,
   c) Screening for all material and equipment storage uses in PUD area 1 and PUD area 2 shall use and retain the natural tree stand (tree line), including screening employee parking in PUD area 2.
3. That an access road (or service road) be extended through PUD area 1, to the west property line to connect with the existing service road on the adjacent PUD (Astro Building), all in accord with the overall PUD Master Plan for this specific area of Littlefield Township.

4. That permission is granted to public and community service organizations to place a trail in the front 50 feet PUD setback area (along M-68) on an alignment agreeable to the owners and the trail sponsor(s), should a trail plan be implemented in the future.

5. That the January 10, 2002 graphic presentation of the subject PUD, Master Plan, including all pertinent notations thereon, shall be interpreted as the minimum standards of performance for the PUD project.

6. It is understood that all of the Emmet Excavating business uses (vehicles, equipment, repair/service buildings, and the like) on the Scott Jewell property at 7238 Smith Road, will be removed from that site to occupy PUD area 2 of the subject PUD Master Plan, and that only top soil removal will be continued at the Smith Road site along with the accessory equipment needed to remove the top soil, and that all top soil removal will be terminated within twelve (12) months of the date of final PUD approval by the County Board of Commissioners.

The motion was supported by Scott and passed on the following roll call vote: Yes: Eby, Jones, Behan, Scott, Blanchard, Derrohn, Laughbaum, Alexander. No; none. Absent; Harris.

Other Business

A Resolution of Appreciation for James Harris was read by Eby. Blanchard made a motion to approve the resolution as printed, Alexander supported the motion which passed by the following roll call vote: Yes: Eby, Jones, Behan, Scott, Blanchard, Derrohn, Laughbaum, Alexander. No; none. Absent; Harris. The resolution follows:

**Emmet County Planning Commission Resolution**

*Mr. James D. Harris*

- Whereas, Mr. James D. Harris has been a volunteer member of the Emmet County Planning Commission for 22 consecutive years, and
- Whereas, Mr. Harris has ably and faithfully served the Office of Chair for sixteen (16) years always seeking to represent the broader public interest from a County-wide perspective, and
- Whereas, Mr. Harris has demonstrated leadership in successfully guiding Planning Commission deliberations through zoning cases, often contentious, and charged with citizen emotion including threats of legal redress,

Now therefore Be It Resolved:

That the Emmet County Planning Commission hereby extends their congratulations and appreciation to Mr. Harris for his many years of service to the Planning Commission, for his steadfast support for County-wide Planning, for his role in the preparation and adoption of the county-wide Land Use Plan, and for his role in supporting a system of County parks, and the preservation of open space resources and wildlife habitat.

And Be it Further Resolved:

That the Emmet County Planning Commission was pleased to learn that Mr. Harris was nominated for and received the honor of being named “Outstanding Planning Commissioner for 2002” an award conferred by the Northwest Michigan Council of Governments, a recognition that is well deserved.

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John Eby, Chairman
Emmet County Planning Commission

4) CASE #2-02 Anthony Zambrowski, REZONING, B-2 General Business & FF-2 Farm Forest to SR-1 Scenic Resource, US-31, Section 27, Carp Lake Township

A request by Anthony Zambrowski to rezone the following described property in Carp Lake Township: Tax Parcel No. 24-03-06-27-400-009, an elongated 21.7+/- acre property lying west of US-31 in the E ½ of the SE 1/4 of Section 27, T38N-R4W. The map changes are:

- a) From B-2 General Business to SR-1 Scenic Resource - the south 600 ft.
- b) From FF-2 Farm Forest to SR-1 Scenic Resource - a triangular fragment lying west of the existing SR-1 District extending to the west property line.

The purposes of the rezoning are to place the entire property in the SR-1 Scenic Resource District and to enable the property to be divided into lots for residential use.
Coon explained the location of the 21.7 acre property on the west side of US-31 in Carp Lake Township using a location map, current zoning map and proposed zoning map. The request is to rezone from B-2 on the southern part of the property along the length of US-31 and a small portion of FF-2 on the west to SR-1, in order to divide the property into lots for residential use. Photos were distributed of Galloway Lake, just south of the property. There is a 20' access to the lake. The Township has no objection to the rezoning. The current zoning, B-2, can not be used for residential purposes.

Zambrowski stated that he wishes to use the property for a single home, even though more lots could be created.

Putters stated that the property was originally zoned B-2 because of two warehouse buildings on the property that were in use when zoning was adopted. There is a small business across US-31, also zoned B-2. Perhaps the south portion of the B-2, which is under different ownership, should be rezoned as well.

Carol MacKay who owns 100 acres next to Zambrowski stated that she likes the property the way it is. She doesn’t want 20 houses with access to the lake, which is a muck-button lake, home to otters, eagles, turtles and loons. She bought her property because she likes the property the way it is. The lake is surrounded by swamp land. It would have to be filled in to build houses.

Eby explained the role of the Planning Commission. They must look at the better use of the property, and decide, what is the most appropriate zoning district for the property.

James Coyer, whose family has owned 60 acres as part of the swamp for years, stated that the little lake with wildlife is going to be gone. He is worried about the aquifer and the swamp. He is also concerned with the US-31 traffic with the curve and hills. He doesn’t feel the property should be developed. What will happen to our wildlife if the property is developed? A lot of pristine territory would be ruined with several houses.

Putters stated that there is the potential for 50 houses on a 100 acre property assuming it is all developable. He doesn’t know what the soils are. The property is for sale and has the potential to be developed. Perhaps a conservation plan could be accomplished and their goals for keeping the land “as it is” could be carried out. Coyer stated that the wetlands and the environment must be protected.

Eby listed some of the proposed uses in the B-2 zone.

Scott stated that there is a spot zone. He would like to see a scenic resource overlay on this property. This would allow for a lower density.

MacKay asked what the differences are in the different zoning districts. Putters explained the lot size differences (SR at 30,000 sq.ft. and FF-2 at 88,000 sq.ft.).

Laughbaum asked how much of the property remaining would be B-2? Putters stated approximately 200' along US-31 would remain along with the property across US-31.

Jones stated he’d rather see the property Zoned FF-2 than SR-1 because FF-2 is on the adjoining parcel. It was pointed out that there is no FF-2 along the highway.

Scott felt that the SR-1 is better than the B-2.

Laughbaum asked how much of the property is useable? MacKay thought that about 18 acres was high ground. She’s worried about what will happen to the lake.

Derrohn stated that she likes Farm Forest. The applicant stated that he is agreeable to FF-2, two acre lot zoning. The setbacks and uses were discussed.

Harris arrived at 8:22pm
Laughbaum felt that the proposed zoning is more appropriate. Scott added that there is the potential that the other property to the south would request rezoning.

Both adjacent property owners wish to stop development around the lake. They are worried about the access to the lake. It is feasible that a road could be built to the lake (Zambrowski was proposing a pedestrian trail).

Because of the Planning Commission policy regarding rezoning, the case was deferred until the next regular meeting.

5) CASE #55A-01 Jamie Martin for Robert & Jane Cardinal, SPECIAL USE PERMIT, Exception to Section 2201 to allow a 2nd accessory building on a residential lot, 2999 N. Lakeshore Drive, Section 13, Readmond Township

A request by Jamie Martin for Robert & Jane Cardinal for a Special Use Permit for an exception to the Standards of Section 2201 to allow a 2nd residential accessory building on a zoning lot located at 2999 N. Lakeshore Drive, Section 13, T37N-R7W, Readmond Township. The property is zoned SR-2 Scenic Resource and is tax parcel number 24-12-07-13-476-008. The proposed accessory building is 18'x24'.

Coon explained the request for an exception to the Ordinance standards to allow a 2nd accessory building on a zoning lot created by 3 platted lots. There is an 18'x24' existing accessory building, built on the property line, and the applicant proposes a 2nd building of 18'x24', to be located on the property with the least disturbance to existing trees. Both buildings combined are under the 1,000 sq. ft. allowed in the residential district. The Township requested tabling to give them the opportunity to review the request.

Because of the Township’s request, the case was deferred until the next regular meeting.

IV Other Business

• TSBY Railroad right-of-way resolution
The railroad resolution, which was discussed at the annual meeting, was distributed. Scott made a motion to adopt the resolution as printed. Blanchard supported the motion which passed by the following roll call vote: Yes; Eby, Derrohn, Scott, Behan, Harris, Jones, Blanchard, Laughbaum, Alexander. No; none. Absent; none.

• By-laws
Eby asked for clarification of Article XII, Sub-paragraph 3 regarding failure to pass. He felt it should be changed to require a majority vote on a motion to approve, approve with conditions, deny with reasons, or table.

Jones made a motion to approve the By-Laws, subject to a re-write of the above mentioned paragraph and review at the next meeting. Behan supported the motion which passed by the following roll call vote: Yes; Eby, Derrohn, Behan, Scott, Harris, Jones, Blanchard, Laughbaum, Alexander. No; none. Absent; none.

• Policies
Policies will be re-written, as some have been included in the by-laws. Eby suggested that in-house expertise (Nancy Salar, Soil Erosion, Critical Dune and Stormwater Ordinance Enforcement) be added to the second paragraph of item number 3.

V Public Comments

• Alyce Conrad
Conrad stated that planning and zoning is only as good as the enforcement.

Derrohn added that enforcement should be a function of the Planning and Zoning Office. There has been no enforcement report for months. There are zoning violations that are being overlooked. There is not enough enforcement and it should be full time.

Harris stated that Larry Houghton works for Lyn Johnson and concerns should be directed to him in writing.

Jones stated that there are times when a perceived violation is not a zoning violation.

• Proposed text amendments
Putters explained some changes being proposed to the Ordinance. The changes to Section 2102 and 1901 to require a parallel plan were explained. Use the gross density for a 10% minimum bonus if a parallel plan is chosen.
Accessory building amendments were explained including a proposal to eliminate eave height requirements, increasing the maximum floor area size and to treat attached and detached accessory buildings the same.

**Land Division**

Harris commented on steep slopes, suggesting that when the commission deems a property not suitable for building that the applicant should be granted some consideration. There are no bonus incentives given for clustering. There are no bonuses allowed by the current code.

Eby suggested that Land Development should be reviewed in two stages, a preliminary Land Development Plan and then at some level they should require engineered plans. Ideally, the preliminary review would be with the property owner.

Harris felt that as a matter of policy, a preliminary plan could be required.

Laughbaum stated that it sounds like a good idea, but often land owners have a good idea what they want to do with their property.

There was additional discussion with a consensus that staff would prepare a suggested policy or amendment to the Ordinance for review at the next regular meeting.

**VI Adjournment**

There being no other business, Chairperson Eby declared the meeting adjourned at 9:14p.m.

James Scott, Secretary Dated