EMMET COUNTY PLANNING COMMISSION
THURSDAY, AUGUST 1, 2002 - 7:30 P.M.
COMMISSIONER’S ROOM
COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES
MEMBERS ABSENT: none
STAFF: M. PUTTERS, D. COON, T. DOERNENBURG
VISITORS: Dave & Amy Rush, Ray Kutcher, Alyce Conrad, Mike Thomas, Fred Gray, Phil Duran and Paul Mooradian

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

II Minutes of July 9, 2002 and July 16, 2002

Minor changes were requested to both the minutes of July 9 and July 16, 2002. Jones made a motion, supported by Blanchard, to approve the minutes as corrected. The motion passed by unanimous voice vote.

III Cases

1. CASE #22-02 Richard Fuller, SPECIAL USE PERMIT per Land Development Standards, Island View Road, Section 15, Readmond Township

A request by Richard Fuller for a Special Use Permit per Land Development Standards to create 7 parcels from a 40 acre property located on Island View Road, Section 15, T37N-R6W, Readmond Township. The property is zoned FF-2 Farm Forest and is tax parcel number 24-12-08-15-100-007. The request is per Section 2102-14 of the Zoning Ordinance.

Using a location map, tax parcel map, site plan and two concept plans, Coon explained the request for a 7 parcel land development on 40 acres. The plan includes a 50’ wide easement to access parcels 5 & 7, which under zoning, is considered a shared driveway. The property is zoned FF-2 which requires 88,000 sq.ft. minimum lot sizes. Most lots could be split again. Information that is still needed includes a stormwater drainage plan, fire department approval, road commission approval, health department approval and there is no engineered plan for the easement. No township recommendation has been received to date. The concept plans were explained. Staff recommends creating a longer road to accommodate possible future splits with planned access. Each lot could front the private road, maintaining a rural character on the corner of Island View Road.

Ray Kutcher, representing the applicant, stated that the Township recommended approval. The Township liked the plan which is similar to the Sogonosh development previously approved. The Township is pleased with the deed restrictions. The plan meets all criteria for the area. The fire department has requested one of two options, either a water storage tank or additional hoses. Nothing has been received from the Road Commission, there is only one access onto the road.

Simon asked what the response was to the staff concepts? Kutcher stated that the owner would like to go with the proposed plan. There is more cost involved in constructing the road.

Jones stated that there is still information required including a stormwater drainage plan or advisory letter and the other items as stated by staff.

Putters stated that it could be a future private road because all of the lots could be split again. Planners need to think ahead.
Kutcher stated that the Township was pleased with the proposal. He stated that he could get Road Commission approval and he was surprised that the Township recommendation has not been received.

The case was deferred pending additional information that has not been provided.

2. CASE #20-02 Phil Duran, SPECIAL USE PERMIT, Land Development Standards, Powers Road, Section 9, Littlefield Township
A request by Phil Duran for a Special Use Permit to create a 10-unit Site Unit Condominium development on property located in Section 9, T35N-R4W, Littlefield Township on Powers Road. The property is zoned R-1B One Family Residential and is tax parcel number 24-07-17-09-300-015. The request is per Section 2102-14, Land Development Standards, of the Zoning Ordinance.

Putters explained the land development request using a location map, tax parcel map, site plan and drainage plan. The lots at the front of the development have already been approved. The road meets the standards of 50’ width. A drainage plan was provided with one retention pond shown at lot 3 and another at the entry. The provision for a future access is shown on the east. There is some green space in the center of the cul-de-sac. The drainage plan is an engineered, sealed drainage plan.

Duran stated that the two sites along Powers Road will be incorporated into the Site Unit Condominium. The sites will be numbered 1-12. The drainage plan had shown the overflow emptying into an adjoining property that Duran does not own. The drainage will actually spill onto parcel number 2. That change will need to be shown on the drainage plan.

Simon stated that the green space in the cul-de-sac would not really be considered a green space. There has not been a suggested sketch incorporating green space.

Duran stated that he would have preferred larger lots, but has maximized the development as suggested by planning staff. He would prefer to leave the potential future road as a park/open space. There are trees in the center of the cul-de-sac.

Putters stated that he did not feel that he would have suggested maximum build out. The Master Plan calls for higher density in this area (near Alanson). There could be open space amenities and reduced lot sizes.

The Littlefield Township Planning Committee recommended approval, but the Township Board has not reviewed the request.

Simon asked if a denser cluster with open space would be something Duran is interested in? He feels that his plan meets the requirements of the Ordinance.

Putters asked if Duran owned parcel #2, he does not. The drainage plan needs to be revised and the lot owner may need ot sign an agreement for a drainage easement.

The case was deferred pending the Township recommendation and drainage plan revision.

3. CASE #61-01 Springvale Township, TEXT AMENDMENT, SR-3 Overlay District (Returned by Emmet County Board of Commissioners for further review)

Case #61-01 was deferred until the end of the meeting.

Putters suggested that part of the amendment proposed be more specific, that there would be no rezoning unless a public hearing has first been held and that the approval would be with the County Board of Commissioners. The intent of the proposed text amendment was to blend the lot sizes with the underlying area. What was proposed was quite flexible.

Planning Commission members and staff discussed the SR zones and proposed SR-3 overlay. Jones stated that if there were spots proposed for the rezoning, that may be a reason to adopt the amendment. Eby stated that there are problems with SR 1 & 2. There are spots where there should not be SR zoning on property. It makes the ordinance unenforceable. Putters stated that the map could be amended. Lakefront properties should provide a buffer zone between the lawn and the water. Crooked River is SR and many lots have manicured lawns to the River. Laughbaum feels that it should be left as is. Simon stated that one of the most damaging things to the water resource is hardening of the shoreline, taking all of the natural vegetation out is damaging to the wildlife and to the water. The Watershed Council has information available for
repairing that damage. Jones stated that most waterfronts are already established. There is not going to be change to what exists. Smaller streams that haven’t been developed should be kept in mind. Laughbaum stated that environmentally sensitive areas and scenic areas both should be considered. SR along the lake shouldn’t be regulated the same as SR on the road.

Putters explained the reason for applying the SR district to the roads, to keep the scenic view along the highway. The goals are similar. Eby suggested that maybe there should be a schedule of regulations for different uses. The use and how the land is treated would be subject to a separate schedule of regulations. There should be some basic ideas and then the Townships could be involved. The SR-3 overlay could be restricted to SR Districts only. There are places where property should be in SR and it is not.

SR has been in place since zoning began. The SR 1 & 2 were developed later. Rezoning land is another whole process. There are places where the overlay could be used. Putters explained the history of the SR-3 proposed district. Eby will meet with Putters to discuss his concerns and ideas. A meeting date of August 13, 2002 with Putters, Scott, Simon & Eby was recommended at 1pm to meet regarding SR-3.

Laughbaum stated that along Pleasantview Road there should be less regulation.

Alyce Conrad stated that Springvale Township has been working on this standard for several years. People think that something has to be fixed, but they don’t know what was trying to be fixed. Having something to put on the books will not necessarily be better. She is concerned that the standard may not meet their goals.

The case was deferred until the next month’s meeting.

4. CASE #27-02 David & Amy Rush, SPECIAL USE PERMIT, Home Occupation, 2152 Red School Road, Section 16, Maple River Township

A request by David & Amy Rush for a Special Use Permit for a Home Occupation on property located at 2152 Red School Road, Section 16, T36N-R4W, Maple River Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-09-14-16-100-007. The request is per Section 2102-12 of the Zoning Ordinance and involves sales of outside wood heating units/systems for buildings.

Using a location map, tax parcel map and site plan, Coon distributed photos of the property and explained the request for a home occupation. It was difficult to see the house from the road, it was located 300’ back from the road. The garage is 720 sq.ft. and 600 sq. ft. is allowed for a home occupation use in an accessory building. The business would be for the sale of outdoor heating units. There would be little traffic as products would be delivered to the purchasers. The Township recommended approval. There was one letter of complaint received.

No materials will come to the house. They would like to put up a sign by the road.

David and Amy Rush were present and stated that the garage will not be used for the Home Occupation. There will be little or no product stored on the site.

Simon asked if they plan to display anything at the end of the driveway? D. Rush stated that he would like to but understands it does not fit the standards of the Ordinance.

Jones made a motion to approve Case #27-02 because it meets the conditions of the Ordinance, Maple River Township recommended approval, the applicant agrees to the standards of the Ordinance and the property is well screened from the road. Scott supported the motion which passed by the following roll call vote: Yes; Eby, Simon, Jones, Scott, Blanchard, Laughbaum, Behan, Derrohn, Alexander. No; none. Absent; none.

5. CASE #28-02 Patrick Bryan, SPECIAL USE PERMIT, Height Modification, S. Lake Shore Drive, Section 1, Friendship Township

A request by Patrick Bryan for a Special Use Permit for a height modification of up to 6.5’ to apply to a proposed residence on S. Lake Shore Drive, Section 1, Friendship Township. The property is zoned SR-2 Scenic Resource to a depth of 400’ and then RR-2 Recreation Residential for the remainder of the property, where the proposed structure is sited. The tax parcel number is 24-06-11-01-100-004. The request is per Section 1900-g of the Zoning Ordinance.

Using a tax parcel map, location map, site plan and elevation drawing, Putters briefly explained the request for a height modification. Friendship Township requested tabling. The property is a large property south of Middle Village Drive. The
property was heavily wooded, some of the front has been cleared. The house is proposed to be a timber framed home, with horses kept below and housing above. Future plans show a second residence on the property. It is a steep bluff area. M-119 is in the SR District and RR at the location of the residence. There are some drainage problems in the area.

The case was deferred to give the Township an opportunity to review the request.

6. CASE #30-02 Michael Thomas, SPECIAL USE PERMIT, Accessory Building as a Main Use, S. Ayr Road, Section 18, Littlefield Township

A request by Michael Thomas for a Special Use Permit for an accessory building as a main use on property located on South Ayr Road, Section 18, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-07-17-18-200-016. The proposed accessory building is 30'x40'. The request is per Section 2201-2 of the Zoning Ordinance.

Coon explained the request for an accessory building as a main use using a site plan, tax parcel map and location map and distributed a photo of the site. The property is located almost to the end of S. Ayr Road, the existing mobile home will be removed if the SUP is approved. The property is partly wooded, the location is at a site where it will not be seen by the neighbors. The building will be used for personal use. Township Planning Committee recommended approval but the Township Board has not reviewed the request.

Mike Thomas stated that the property will not perk as he understands. The property has not been purchased. It is contingent on the SUP. He agreed to sign and record an affidavit of use.

Simon asked what type of building? It will be steel siding with a shingle roof. There are mobile homes and accessory buildings in the area. The drive shown will be an open area, it will be as wide as the building plus about 4' on each side. Thomas stated that he wants to make it look nice. The drive could be reduced to 12' to 14'. Thomas stated that a home could be placed in the front of the accessory building, as it is sited 125' from the road. The purchase agreement requires immediate removal of the mobile home.

The case was deferred pending the Township recommendation.

7. CASE #193E-97 John Thorp for Lake Forest Land Company, SPECIAL USE PERMIT, Land Development Standards, Burley & Banwell Roads, Section 22, Littlefield Township

A request by John Thorp for Lake Forest Land Company for a Special Use Permit per Land Development Standards on property located in Section22, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm Forest and is part of tax parcel number 24-07-17-22-100-017. The request is to create three parcels within the development known as Eagle Beach. The review is required because more than five parcels have been created within a ten (10) year period. The request is per Section 2102-14 of the Zoning Ordinance.

Putters explained the request for land development using a location map, tax parcel map, site plan and a concept plan of the entire development. It is part of the Eagle Beach Development. It is being done in small increments. Because they have created five parcels already, it requires Planning Commission review.

The case was deferred pending the Township recommendation.

IV Other Business

• Pamela Keller, SUP - Home Occupation - Annual follow-up review

Putters explained that he visited the site and it appears to fit the standards of the approval. It is a small operation. Derrohn made a motion to re-advertise and amend the Home Occupation SUP for Pamela Keller to remove camping supplies from the Home Occupation permit and give final approval. Blanchard supported the motion, which passed on the following roll call vote: Yes; Eby, Simon, Jones, Scott, Blanchard, Laughbaum, Behan, Derrohn, Alexander. No; none. Absent; none.

• SR-2 Proposed text amendment

Putters stated that Civil Counsel has proposed text changes because of the enforceability of the current SR language. The Ordinance was quite vague. In order to strengthen, the redraft is proposed. The draft allows for a certain percentage of clearing. This is an attempt to make the tree cutting more manageable.

Laughbaum asked where enforcement problems have been? Putters answered that usually it is after the fact. It would be good to require plans that show what is currently in place. Jones feels that mature trees should be able to be harvested if they are within the 40' yard or strip. Laughbaum felt that the standards would over-regulate the few.
• Submittal policy
A proposed policy regarding submitting applications, dated July 24, 2002, was distributed. Jones made a motion to approve the proposed policy as presented, Scott supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Scott, Blanchard, Laughbaum, Behan, Derrohn, Alexander. No; none. Absent; none.

• Katie Derrohn
There was discussion regarding the Township recommendation. Eby stated that there will be no conditional approval. The Township could expedite their review.

The meeting was adjourned at 9:05 p.m. and reconvened at 9:10 p.m. All members were present except Alexander. Putters explained that the County Board of Commissioners had hired a professor to study the shoreline bluff slopes. The draft study has been provided and will be explained in a joint meeting between the Board of Commissioners and Planning Commission. August 29, 2002 was chosen as a potential date. Planning Commissioners will be notified.

V Public Comment
VI Adjournment
There being no other business, Chairperson Eby declared the meeting adjourned at 9:15 p.m.

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James Scott, Secretary Dated