EMMET COUNTY PLANNING COMMISSION
THURSDAY, APRIL 3, 2003 - 7:30 P.M.
COMMISSIONERS BOARD ROOM
EMMET COUNTY COURTHOUSE
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES

MEMBERS PRESENT: J. EBY, Chairman, A. BEHAN, J. SCOTT, K. ALEXANDER, J. JONES, D. LAUGHBAUM
MEMBERS ABSENT: K. DERROHN, R. LETZMANN, D. SIMON
STAFF: M. PUTTERS, D. DUNDON, T. DOERNENBURG

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

II Minutes of February 27, 2003 and March 6, 2003
Behan made a motion, supported by Alexander to approve the minutes of February 27, 2003 and March 6, 2003 as written. The motion passed by unanimous voice vote of the members present.

Jones set a time limit of 10:30 p.m. Scott supported the motion which passed on a unanimous voice vote.

III Cases
1. Case #7-03 Elaine Keiser, Architect for Hank Schneider, SITE PLAN REVIEW, Professional Offices, US-31, Section 33, Bear Creek Township

The case remained tabled until the next regular meeting at the request of the applicant.

2. Case #52A-93 Damien Henning, REZONING, Lakeview Road, Section 10, Littlefield Township

A request by Damien Henning for Earl & Irene Henning to rezone an approximate 4.2 acre property from FF-1 Farm Forest to R-2B General Residential, being tax parcel number 24-07-17-10-400-023, in Section 10, T35N-R4W, Littlefield Township. The property fronts on Lakeview Road and is approximately 120' deep on the south property line and 142' deep along the north property line. The purpose of the rezoning is to allow four single family residential building sites.

Putters explained the request for a rezoning adjacent to El-Rancho campground using a present zoning map, proposed rezoning map, two concept plans and an existing conditions map and proposed land use plan created in 1992. The parcel in question was larger in 1992 and has been split. The property is zoned farm forest which allows for two building sites. The request for R-2B would allow for five lots. The rezoning is not out of order with adjacent uses and future plans.

Staff has communicated with the applicant with the suggestions for splitting the property using a cluster neighborhood concept. The applicant’s plan would parcel off 5-lots down Lakeview Road. A survey shows 20' more depth than the concept plans show. The reasons for the concepts were explained, however, the applicant prefers the rezoning as requested in order to create lots along Lakeview Road.

Henning stated that they reviewed the suggestions of staff and they do not fit with their future plans. A survey plan for future lot splits was shown to the members. Henning stated that they are planning to expand the condo resort in the future. They could have common drives for some of the newly created parcels. Putters felt that a cluster plan would create a safer and more desirable neighborhood. Rezoning would not preclude doing the cluster option.

Jones made a motion to recommend approval to the County Board of Commissioners to rezone the subject property from FF-1 Farm Forest to R-2B General Residential as requested because the Township recommended approval. Behan
supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; none. Absent; Simon, Letzmann, Derrohn.

3. Case #12-03 Steve Shuman for Joe Villemure, REZONING, N. Division Road, Section 4, Bear Creek Township
A request by HKT, A Michigan Partnership through Steve Shuman for Joe Villemure to amend the zoning map by changing all or part of the following described property from R-2A General Residential to R-2B General Residential: one property totaling 2.03 acres having frontage on North Division Road, and located in Section 4, T34N-R5W, Bear Creek Township. The tax parcel number is: 24-01-19-04-100-007. If agreeable to the owners and petitioner, the rezoning shall also consider changing the zoning classification on all or part of the adjacent tax parcel, number 24-01-19-04-100-048, owned by Howard Ball, from R-2A to R-2B. The purpose of the rezoning is to permit professional offices.

Dundon explained the rezoning request from R-2A to R-2B which would permit professional offices on the property which is located north of Bear Creek Township Hall and Fire Station. The request impacts 2 residential lots and there is a home occupation on one of the lots. There are office uses across Division Road. The Township recommended approval. There has been no opposition.

Steve Shuman stated that the area is a growing professional area. It is good land use for the area.

Jones made a motion to recommend approval to the Board of Commissioners of Case #12-03, rezoning of two parcels from R-2A to R-2B as requested because Bear Creek Township recommended approval, the properties face offices across Division Road (Summit Park and Mitchell Park), the pending Township Zoning Ordinance proposes an Office and Professional zoning district, it adjoins Bear Creek Township Administrative offices and fire station, one of the properties is used for home occupation retail in an accessory building and it impacts the only two residential lots between the Bay View Association Woods and Mitchell Road. Scott supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; None. Absent; Simon, Letzmann, Derrohn.

4. Case #13-03 James Malewitz for Concord Academy, REZONING, East Mitchell Road, Section 4, Bear Creek Township
A request by James Malewitz for Concord Academy to amend the zoning map by changing all or part of the following described properties from R-1A One Family Residential, B-2 General Business and R-1B One Family Residential to B-1 Local-Tourist Business: three parcels totaling some 3.01 acres having frontage on East Mitchell Road, and are located in Section 4, T34N-R5W, Bear Creek Township. The tax parcel numbers are: 24-01-19-04-200-028, 24-01-19-04-252-002, and 24-01-19-04-252-001. The north ½ of the two westerly parcels are currently zoned B-1 and the north ½ of the easterly parcel is zoned B-2. The south ½ of the westerly two parcels is zoned R-1A and the south ½ of the easterly parcel is zoned R-1B. The purpose of the rezoning is to permit commercial uses and apply a single zone over the three parcels.

Putters explained the request for rezoning a property bordered by Hillview Acres, a subdivision that was created before zoning and Orchard Ridge Drive, a new subdivision. The request includes three separate lots. The zoning lines were created based on the lot lines when zoning was created. Part of the Concord building extends into the R-1A area on the south. There are 4 zoning districts on the parcels: R-1A, R-1B, B-1 and B-2.

Putters explained the history of the area. Under Township zoning, they proposed that the property be rezoned to B-1 (Neighborhood Business). The applicant’s proposal and staff suggestions were explained. Staff suggested keeping a residential lot as a buffer, which fit the original zoning plan. There are residences on adjacent lots that would border commercial that now border residential. The Township Zoning Ordinance and Master Plan were comprehensive amendments, which did not require notices to neighbors. Objections were received from the adjoining neighbors. Other options were discussed with the applicant which Putters explained. The rezoning seems to be to enhance sale-ability. There is adequate existing parking to service both buildings for office uses. There are hedges existing along the south and west property lines where homes are located. Bear Creek Township recommended the rezoning be approved, but prohibiting access from Hillview Drive.

Malewitz displayed a conceptual plan. Putters stated that he is not sure if the neighbors would object to the plan or what conditions they might accept. Jones stated that these are conceptual plans and do not bear on the rezoning request. Malewitz stated that they met with the Township at two meetings. The Township did not want access from Hillview Drive. He stated that Attorney Joel Moore has created a deed restriction which has been recorded. The deed restriction is worded so that the property owners in the Hillview Drive subdivision would have to approve of access to Hillview Drive. Two parcels were purchased separately. The parcel to the west does not have adequate existing parking. There are grade
problems on the property. The zoning line splits the property and the buildings. If the property remained residential, it would still be commercial adjacent to residential. Jones stated that the deed restriction is not part of the zoning.

Alexander asked about lights? Malewitz stated that the plan would require site plan review. The concept plan would not necessarily be as presented. It is a vision of what could be done with the property.

Jones stated that the Township Planning Commission and Township Board were comfortable if the deed restrictions were recorded, but prefers staff’s recommended rezoning plan.

Laughbaum asked if the zoning on the back has to be changed to accommodate parking? Malewitz stated that they requested B-1, the lesser of the commercial zones currently on the property. Laughbaum stated that the plan shows a 25' setback from the residential Hillview Street line, would that remain? A 20' setback is required along the side property line and 25' along Hillview Drive. The grade on the property was explained by Joel Moore. Laughbaum stated that it is an invasion into the residential area. There was discussion regarding the reasons they requested the rezoning and the uses that could be placed on the property due to the character of the property.

Jones asked Joel Moore who has authority to remove the deed restriction? Moore responded owners of both plats.

Scott asked what the height standard is? Reply: 30’. Scott stated that there are a lot of options.

Laughbaum asked if there was another way to allow parking in the residential area? Putters responded that a PUD would allow for more restrictions and could limit the uses to parking. Malewitz stated that applying a PUD is difficult because the uses have to be itemized. Malewitz explained the history of their process. Laughbaum asked about the setbacks if a building were placed along the rear property line? Putters explained.

Laughbaum made a recommendation to the County Board of Commissioners approval of Case #13-03, rezoning of all of parcels # 24-01-19-04-200-028, 24-01-19-04-252-002, and 24-01-19-04-252-001 to B-1 Local Tourist Business because some buildings are over the existing zoning line, being in the B-1 and R-1A Districts, the Township’s Master Plan illustrates the business expansion as proposed by the applicant, the Township’s pending Zoning Ordinance illustrates the entire subject property as neighborhood business, the Township recommended approval and because of the deed restricting access to Hillview Drive. Behan supported the motion which passed on the following roll call vote: Yes; Eby, Laughbaum, Behan, Alexander. No; Jones, Scott. Absent; Simon, Letzmann, Derrohn.

5. Case #14-03 Spencer Werden, SPECIAL USE PERMIT, Auto/Trailer outdoor display sales lot, 1960 US-31, Section 26, Bear Creek Township

A request by Spencer Werden for Liberty Sales for a Special Use Permit to allow an auto/trailer outdoor display sales lot on property located at 1960 US-31 in Section 26, T35N-R5W, Bear Creek Township. The property is tax parcel number 24-01-16-26-300-010 and is zoned B-2 General Business. The request is per Section 1001-4.

Dundon explained the request for an outdoor display lot for the sale of autos and trailers in a B-2 zoning district which allows outdoor sales. There is an existing storage building on the property and a temporary office is requested. The display area is for 20 units. A drainage plan was previously provided for an auto repair garage in back which had occupied the site. Auto sales were a previous use as well. Bear Creek Township recommended approval.

Spencer Werden was present and had no comments.

Jones made a motion that Case #14-03, Spencer Werden, Special Use Permit for auto/trailer outdoor display sales lot be approved as shown on the site plan dated 2/6/03PZ because Bear Creek Township recommended approval and it meets the standards of the Ordinance. Scott supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; None. Absent; Simon, Letzmann, Derrohn.

6. Case #15-03 Keith & Joyce Matz, REZONING, US-131, Section 18, Bear Creek Township

A request by Keith and Joyce Matz to amend the zoning map by changing all or part of the following property from FF-1 Farm Forest to B-2 General Business: an irregular 10.4 acre property having some 340 feet of frontage on the south side of Intertown Road and some 500 feet of frontage on the west side of US-131, all in the SW 1/4 of Section 18, T34N-R5W, Bear Creek Township. The tax parcel no. is 24-01-19-18-300-006. The purpose of the rezoning is to permit a wider range of uses.
Putters explained the request for a rezoning. The property is on the south east corner of US-131 and Intertown Road. The rezoning was recommended for denial by the Township Planning Commission and Township Board. Putters read the reasons the request was recommended for denial.

Jones explained that the corner is very dangerous, not conducive to commercial use.

Alexander made a motion to table Case #15-03 because the applicant was not present and the inclement weather. Scott supported the motion which passed on a voice vote, with two “no” votes.

7. Case #16-03 Roger & Jacqueline Furgeson, REZONING, Intertown Road, Section 18, Bear Creek Township
A request by Roger Furgeson to amend the zoning map by changing the following described property from FF-1 Farm Forest to B-2 General Business: a 14.9 acre property located some 390 feet east of US-131, and having 498.2 feet of frontage on Intertown Road and extending south 1,312 feet, all in the SW 1/4 of Section 18, T34N-R5W, Bear Creek Township. The tax parcel number is 24-01-19-18-400-019. The purpose of the rezoning is to apply a zoning district that permits a wider range of uses.

The case was deferred because the applicant was not present and because of the inclement weather.

8. Case #17-03 Bonnie Elkins-Gillespie, REZONING, Intertown Road & US-131, Section 18, Bear Creek Township
A request by Bonnie Elkins-Gillespie to amend the zoning map by changing all or part of the following described properties from FF-1 Farm Forest to B-2 General Business: two parcels totaling some 2.37 acres having some 245’ of frontage on the south side of Intertown Road and some 412’ of frontage on the east side of US-131, all in the SE 1/4 of Section 18, T34N-R5W, Bear Creek Township. The tax parcel map numbers are: 24-01-19-18-300-007 and 24-01-19-18-300-009. The purpose of the rezoning is to permit a wider range of uses.

Because of the weather, the applicant had requested the case be tabled, therefore, the case was deferred until the next regular meeting.

9. Case #18-03 John Cooper, REZONING, Intertown Road & US-131, Section 18, Bear Creek Township
A request by John Cooper to amend the Zoning Map by changing all or part of the following described properties from FF-1 Farm Forest to B-2 General Business: an irregular shaped area comprising two parcels totaling some 12 acres having some 240 feet of frontage on the east side of US-131 and 33 feet of frontage on the north side of Intertown Road, but not a corner property, all in the NW1/4 of Section 18, T34N-R5W, Bear Creek Township. The tax parcel numbers are: 24-01-19-18-100-029 and 24-01-19-18-100-035. The purpose of the rezoning is to apply a zoning district that permits a wider variety of uses.

The case was deferred because the applicant was not present and because of the inclement weather.

10. Case #19-03 Terri Hebert, REZONING, Intertown Road & US-131, Section 18, Bear Creek Township
A request by Terri Hebert to amend the zoning map by changing the following property from FF-1 Farm Forest to B-2 General Business: a 7.58 acre property located at the NE corner of Intertown Road and US-131 in Section 18, T34N-R5W, Bear Creek Township, being tax map no. 24-01-19-18-100-034. The purpose of the rezoning is to apply a zoning district that permits a wider variety of uses.

Because of the weather, the applicant had requested the case be tabled, therefore, the case was deferred until the next regular meeting.

11. Case #22-03 Gary Talbot, SITE PLAN REVIEW, Fochtman Industrial Park Drive, Section 26, Bear Creek Township
Dundon explained the request for a storage building on a property zoned I-1 Light Industrial. The proposed use is for an 8,000 sq.ft. storage building for warehouse use. There are five separate units proposed for the building. The plan shows 15 parking spaces, five spaces are required and a parking space for each employee. The applicant estimated two employees per unit. The traffic pattern is shown on the plan. The applicant had called and indicated that he had a sealed drainage plan. Bear Creek Township recommended approval.

Behan made a motion to approve Case #22-03 as shown on the site plan dated 3/17/03PZ on condition that a sealed drainage plan be provided and because Bear Creek Township has recommended approval. Alexander supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; None. Absent; Simon, Letzmann, Derrohn.

12. Case #26-03 David Nichols, SPECIAL USE PERMIT, Exception to size and number of accessory buildings in a residential zone, 2662 US-31 N, Section 22, McKinley Township
A request by David Nichols for a Special Use Permit for Exceptions to the standards of Section 2201 - Accessory Buildings, at property located at 2662 US-31 N, Section 22, T37N-R4W, McKinley Township. The property is zoned R-2B General Residential to a depth of 550’ from US-31 and FF-2 Farm Forest for the remainder and is tax id number 24-10-10-22-100-018. The request is to allow
a 2,160 sq. ft. accessory building where 1,200 sq. ft. is the standard and an exception to the number of accessory buildings allowed on a residential property. The request is per Section 2201-8 of the Zoning Ordinance.

Dundon explained the request for a larger than allowed accessory building which has been built at 2,160 sq. ft in an R-2B district which allows 1,200 sq. ft. The buildings on the property are in the front of the property. The R-2B district is 550' deep and the property is zoned FF-2 for the remainder of the property depth. There are other accessory buildings on the property used for personal storage. The site is open, but the building is screened by the cottages and residence. McKinley Township did not disapprove. The property is 10 acres. There were no objections received.

Jones asked if the applicant would sign an affidavit that it would be for personal use. Staff thought he would.

Scott made a motion that Case #26-03, Special Use Permit for David Nichols be approved as requested because the Township did not object, no objections were received and on condition that an affidavit be filed that the building be used for personal use only. Alexander supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; None. Absent; Simon, Letzmann, Derrohn.

13. Case #37B-85 Ray O’Neil, SITE PLAN REVIEW, Auto Body shop, Site Plan amendment, 5863 N US-31, Section 3, McKinley Township

Putters explained the request to amend a site plan for an auto body repair shop on a property located in Levering. The use had been approved previously but the building is now proposed to be larger. The building does not fall under the stormwater ordinance of the County. There are liquids that would need to be disposed of.

Ray O’Neil stated that the drainage plan is being worked on. The larger building is being proposed because of the cost of the building.

Scott made a motion to approve Case #37B-85, Ray O’Neil, Site Plan Review for amendment to the site plan for an auto body shop on condition that a sealed drainage plan be provided to staff. Behan supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; None. Absent; Simon, Letzmann, Derrohn.

14. Case #30A-00 Rob Mossburg, SPECIAL USE PERMIT, Land Development Standards, S. Lake Shore Dr, Section 30, Friendship Township

A request by Rob Mossburg for a Special Use Permit per Land Development Standards for property located on S. Lakeshore Drive (M-119), Section 30, T36N-R6W, Friendship Township. The request is to create two parcels which result in six new lots within a ten year period. The property is zoned SR-2 Scenic Resource on the west side of M-119 and to a depth of 400' from the east side of M-119 and RR-2 for the remainder of the property and is tax parcel number 24-06-12-30-100-020. The request is per Section 2102-14 of the Zoning Ordinance.

Dundon explained the request for a SUP for Land Division creating two additional parcels. The lot sizes meet the standards of the Ordinance. Friendship Township requested the case be tabled. There is a conservation easement on the property. An MDOT review will be necessary.

Rob Mossburg clarified that the Township Planning Commission recommended approval and the Township Board had not met yet. He does have the MDOT driveway permit.

The case was deferred at the request of the Township until the next regular meeting.

15. Case #11-03 Roselyn & Peter Letzmann, SPECIAL USE PERMIT, Home Occupation, 4303 Terpening Road, Section 29, Friendship Township

A request by Peter & Roselyn Letzmann for a Special Use Permit for a Home Occupation at 4303 Terpening Road, Section 29, T36N-R6W, Friendship Township. The property is zoned RR-2 Recreation Residential and is tax parcel number 24-06-12-29-100-014. The request is to operate a professional office in the residence per Zoning Ordinance Section 2102-14.

At the request of the Township, the case was deferred until the next regular meeting.

16. Case #25-03 Richard Boda, SPECIAL USE PERMIT, Home Occupation, 3923 Old State Road, Section 23, Maple River Township

A request by Richard L. Boda, Jr. for a Special Use Permit for a home occupation on property located at 3923 Old State Road, Section 23, T36N-R4W, Maple River Township. The property is zoned FF-2 Farm Forest and is tax parcel number 24-09-14-23-400-011. The proposed home occupation is a fish processing and storage operation request per Section 2102-12 of the Zoning Ordinance.
Boda had requested that the case be tabled because of the weather.

Putters explained the request for a home occupation for fish processing and storage using a site plan, location map and tax parcel map. The application indicates there will be no noise and 3 business vehicles per day. The site is an open site. The Township concerns were read by Putters. Staff questioned if the use qualifies as a home occupation type use? Would an industrial or a commercial location be more appropriate? The use is said to be replacing a commercial fishery in Mackinaw City. Could it be a home occupation considering the volume of fish processing, the delivery of fish and labor to process the fish?

Eby stated that the applicant had answers for most questions at the Township meeting, but there were some concerns and they need to be clearly identified and answered.

Pattie Dufina owns acreage north of the two acre parcel. She has concerns regarding the waste. Boda had indicated to her that he will generate 250 lbs. of waste per day. She wonders how and if it will be taken care of. The odor is also a concern it may invite animals. And, Boda’s brother has worked with him for ten years, she is not sure they will be able to separate and because they don’t both live on the property. They couldn’t operate under the Home Occupation standards.

Brian Turbin agrees with the concerns raised by Dufina and Putters. He intends to sell the adjacent parcel for a home. Fish storage would adversely affect the sale-ability of the property. He asked if there is precedent for this use? Putters responded that a similar home occupation had been approved previously at the end of Wilderness Park Drive.

Alexander stated that in Mackinaw City, there are two fisheries that have to remove fish processing waste to an authorized location for that type of waste. He lived near an operation that did not negatively impact his neighborhood.

Eby stated that the applicant had indicated that the use was temporary, until he could find a permanent location. The neighbors want standards and conditions placed on the use.

Jones stated that he would want to know what the plans are for the waste. There is additional information needed from the applicant.

The case was deferred until the next regular meeting.

17. Case #24-03 Jon & Martha Jansen, SPECIAL USE PERMIT, Larger than maximum size accessory building, 8431 Channel Road, Section 21, Springvale Township

A request by Jon & Martha Jansen for a Special Use Permit for an exception to the standards of the Zoning Ordinance per Section 2201-8, to allow a larger than maximum size accessory building (60’x30’+12’x48’ = 2,376 sq. ft.). The property is zoned SR-2 Scenic Resource and includes tax parcel numbers 24-14-17-21-251-009 & 012 as a zoning lot. The property is located at 8431 Channel Road, Section 21, T35N-R4W, Springvale Township.

Dundon explained the request for a larger than maximum size accessory building in a SR-2 Zoning District on Crooked Lake along the Crooked-Pickerel Lake Channel. The standard is 1,200 sq. ft. and the request is for 2,376 sq.ft. The property is approximately 14 acres. The elevation drawings were displayed. The use is for personal storage. The township recommended approval because of the size of the lot, no objections were received and two neighbors supported the request.

Jon Jansen stated that the building will be screened from the water and from the road and they intend to add trees.

Scott made a motion to approve Case #24-03 a request by Jon & Martha Jansen for an exception to the standards of the Zoning Ordinance per Section 2201-8 to allow a larger than maximum size accessory building as proposed because the property is a large parcel, the request has been recommended for approval by Springvale Township, no neighbors objected, the use is for personal use only and the building will be well screened. Alexander supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; None. Absent; Simon, Letzmann, Derrohn.

A request by Boss Engineering and Surveying for Lakeforest Land Company for a Special Use Permit to create a 16 unit site-unit condo known as Sunset Ridge at Eagle Beach Phase III. The property is located in the SW 1/4 of Section 22, T35N-R4W, Littlefield Township, is tax parcel number 24-07-17-22-100-023 and is zoned RR-1 Recreation Residential and FF-1 Farm Forest. The request is per Zoning Ordinance Section 2102-14 - Land Development Standards.

Putters explained the request to create new lots on the Eagle Beach property. The lots are located on the interior of a large property and follows the overall development plan for the property. The Township recommendation and Fire Department approval were distributed.

Laughbaum asked if the roads meet the private road standards? Putters stated that it does meet the standards.

Jones made a motion to approve Case #193G-97, Special Use Permit to create 16 sites as requested because it meets the requirements of the Ordinance, Littlefield Township recommended approval, sealed plans have been provided and the fire department approved of the plan. Scott supported the motion which passed on the following roll call vote: Yes; Eby, Jones, Scott, Laughbaum, Behan, Alexander. No; None. Absent; Simon, Letzmann, Derrohn.

19. Case #27A-03 Springvale-Bear Creek Sewer Authority, SPECIAL USE PERMIT, Utility, Division Road, Section 33, Bear Creek Township

A request by Springvale-Bear Creek Sewer Authority for a Special Use Permit to construct a facility to house controls for the sanitary sewer lift station at property located on Division Road right-of-way, at a road-end adjacent to Lake Michigan, in Section 33, T35N-R5W, Bear Creek Township. The property is zoned R-1B One-Family Residential. The request is per Section 401-1 of the Zoning Ordinance.

Jones abstained from the discussion because he is on the sewer authority.

Dundon explained the request to construct a masonry structure, 110 sq.ft. Utility uses are allowed as a Special Use under the R-1B Zoning District. The proposed structure will improve access to the controls which are currently below ground. There is a fenced area and cedar trees already around the location. Bear Creek Township tabled the request. The Road Commission has signed the application. The building is within the road right-of-way and the applicant has also filed with the Zoning Board of Appeals for a setback variance.

The case was deferred until the next regular meeting.

20. Case #125B-79 Emmet County Planning Commission, REZONING, 373 N. Division Road, Section 4, Bear Creek Township

A request by Emmet County Planning Commission to amend the zoning map by changing all or part of the following described property from R-2A General Residential to R-2B General Residential: a 2.81 acre property having 116 ft. of frontage on North Division Road, and located in Section 4, T34N-R5W, Bear Creek Township. The tax parcel number is: 24-01-19-04-100-008, owned by Bear Creek Township. The purpose of the rezoning is to include the property with similar zoning requests on adjacent parcels.

Putters explained the request which was by Bear Creek Township for the Township Hall property to coordinate with the rezoning heard in Case #12-03. It has been tabled by Bear Creek Township.

The case was deferred until the next regular meeting.

IV Other Business

- Shoreline Bluffs Overlay District - status/update

There were questions and discussions. No decisions were made. A legal opinion had been distributed from Civil Counsel. Two letters and comments from Denise Simon, Planning Commissioner were distributed.

- Case #77-E-00 Resort Township, Zoning Coordinating Committee, Text amendment.

Putters read the memo which addressed the proposed text change which modifies the multiple family density in Resort Township.
Jones asked if there is room enough for sewer or septic systems? Putters stated that the standard does not relate to sewer or septic systems. They cannot count land use for a treatment facility in the density calculation. The proposed standards are 4 units per acre, regardless of the bedroom count.

After a brief discussion, Scott made a motion to authorize Chairman Eby to sign the memo prepared by staff to serve as the official response by the Zoning Coordinating Committee and to forward it on to Resort Township. Behan supported the motion which passed by unanimous voice vote.

- **Division Road abandonment.**
  It was the consensus of the Planning Commission to not object to the abandonment of N. Division Road as proposed. The road end will remain under public ownership. The Township will own the property rather than the Road Commission. The road end is the proposed location for a utility structure.

Scott made the motion to authorize staff to forward a memo to the Road Commission recommending that the abandonment be approved as stated in the discussion (still remains in public ownership). Behan supported the motion which passed by a voice vote. Jones abstained.

**V Public Comments**

There was no public comment.

**VI Adjournment**

There being no other business, Chairperson Eby declared the meeting adjourned at 9:32 p.m.

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James Scott, Secretary Dated