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

MINUTES

MEMBERS PRESENT: J. EBY, Chairman, R. LETZMANN, K. ALEXANDER, K. DERROHN, D. SIMON, J. JONES
MEMBERS ABSENT: J. SCOTT, D. LAUGHBAUM, A. BEHAN
STAFF: M. PUTTERS, D. DUNDON, T. DOERNENBURG
VISITORS: Alyce Conrad, Fred Gray, Clare Amacher, W. Randolph Frykberg, George Dael, Michael Stack, Ralph Wyngarden, Mike Wiltse, Marvin Veurink, Mike Nolan, Allen John, Mark Leestma, Bonnie Elkins, Richard Bidstrup, Brian Turbin, Rick Hemstreet, Keith Lamkin and others.

I Call to Order and Attendance
Chairman Eby called the meeting to order at 7:35 p.m. All members were present except Scott, Behan and Laughbaum.

II Minutes of June 6, 2003 Joint Meeting & Regular Meeting
Simon made a motion, supported by Alexander, to approve both sets of minutes of the June 6, 2003 meetings, the Joint Meeting with Bear Creek Township Planning Commission and the regular meeting, as written. The motion passed by unanimous voice vote.

III Cases
1. Case #29-03 Great Lakes Energy, SPECIAL USE PERMIT, 65' Utility/Communications Tower, State Road, Section 15, Readmond Township
A request by Radio North for Great Lakes Energy for a Special Use Permit for a height modification to apply to a wooden pole for purposes of monitoring the electrical system for emergencies, outages and meter readings. The proposed structure is 65' in height with an additional five (5) ft. antenna. The location proposed is within the utility easement on the Readmond Township Cemetery property located on State Road, Section 15, T37N-R6W, Readmond Township. The property is zoned FF-2 and is tax parcel number 24-12-08-15-100-021. The request is per Section 2102-2 and Section 1900, Schedule of Regulations, note “g” of the Zoning Ordinance.

Dundon explained the request for a 65' wooden pole structure on State Road. The site plan, location map, tax parcel map and photos were displayed. The proposed location is in a power line easement. The Planning Commission had requested a legal opinion regarding the use of the easement, had requested further Township review for location at the rear of the cemetery and the Township had requested further review.

No one was present to represent the applicant and there was no public comment.

The case was deferred until the next regular meeting.

2. Case #112B-98 Doug Devereaux, SPECIAL USE PERMIT, Land Development Standards, Wilkinson Road & Pike Road, Section 8, Readmond Township
A request by Douglas Devereaux for LTLL Corporation for a Special Use Permit per Land Development Standards for property located east of Wilkinson Road and south of Pike Road, Section 8, T37N-R6W, Readmond Township. The property is zoned FF-2 Farm Forest and is tax parcel number 24-12-08-100-016. The request is per Section 2102-14 of the Zoning Ordinance and would create one lot on the property, resulting in more than five parcels within a ten year period.

Dundon explained the request to create two parcels, east of Wilkinson Road and south of Pike Road. The parcels are separated by the Wilkinson Road right-of-way. The two parcels result in over 5 parcels created within a 10 year period. The Township had recommended denial, however, they would like to review the request.
Letzmann observed the site and met the potential buyers of the parcel. The potential buyers own the property adjacent to the parcel east of Wilkinson Road and plan to purchase it.

There was no public comment and the applicant was not present.

The case was deferred until the next regular meeting to allow the Township the opportunity to review the request.

3. **Case #38-03 Allen John, SPECIAL USE PERMIT, Home Occupation, 3161 Powers Road, Section 7, Littlefield Township**

A request by Allen John for a Special Use Permit for a Home Occupation for sales of janitorial supplies and equipment. The property is located at 3161 Powers Road, Section 7, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-07-17-07-300-005. The request is per Section 2102-12 of the Zoning Ordinance.

Dundon explained the request for a Special Use Permit for a Home Occupation. The applicant proposes sales of janitorial supplies and equipment using a portion of an existing accessory building. Littlefield Township recommended approval.

Allen John was present. There was no public comment.

Derrohn made a motion to approve Case #38-03, Allen John, Special Use Permit for a Home Occupation for sales of janitorial supplies and equipment utilizing 600 sq. ft. of the accessory building for the business, the hours of operation will be 9am - 5pm Monday thru Friday, no weekends, there will be no outside employees, there are no toxic or hazardous materials to be disposed of, Littlefield Township recommended approval and the applicant understands the standards of the Home Occupation. Simon supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Letzmann, Derrohn, Alexander. No; none. Absent; Scott, Laughbaum, Behan.

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

No new information has been received, the case remained tabled.

5. **Case #31-03 Mark Leestma, SITE PLAN REVIEW, Mitchell Road & Creekside Drive, Section 4, Bear Creek Township**

Dundon explained the Site Plan on property located in a PUD approved by Bear Creek Township under their Interim Zoning Ordinance. The lot is the 1st lot off of Mitchell Road on Creekside Drive. The proposed use is retail. The plan is to relocate the antique business from a different lot within the same development into the new building. The site plan shows 14 parking spaces, where 10 are required. There is no dumpster shown on the site plan. The applicant is looking into a community dumpster, possibly at the end of Creekside drive, however, there is little waste generated by the proposed use. The drainage plan for the entire development was approved during the PUD process. Bear Creek Township tabled the request.

Leestma stated that the sale of the current building fell through. Staff had requested that the new building be moved as far back from Mitchell Road as possible. They have no need for a dumpster.

Putters stated that the site plan was submitted to the Township while under Township zoning. All of the setbacks are in line with what was approved through Bear Creek. There are 4 extra parking spots, so a dumpster could be placed if needed, however, they don’t have a need for a dumpster with this use and the location would be visible to the public.

Joseph McGee stated that he has run a similar business for 18 years in Resort Township and no dumpster is needed. The case remained tabled at the request of the Township.

6. **Case #91A-78 Clare Amacher, SPECIAL USE PERMIT, Land Development, Country Club Road & Woodridge Drive, Section 34, Bear Creek Township**

A request by Clare Amacher for a Special Use Permit per Land Development Standards to create five (5) parcels on property located on Country Club Road and Woodridge Drive, Section 34, T35N-R5W, Bear Creek Township. The property is zoned R-1B One Family Residential on the front of the properties and R-2B General Residential for the north 290' of the properties, being tax parcel numbers 24-01-16-34-100-028, 029 & 031. The request is per Section 2102-14 of the Emmet County Zoning Ordinance.
Dundon explained the request to create 5 parcels in Bear Creek Township off of Country Club Road utilizing two existing parcels. The property has two zoning districts, R-2B to the north and R-1B to the south, all accessed off of Woodridge Drive. Some lots are limited by wetlands, but all seem to have building sites outside of the wetlands. The lots all meet the standards of the Ordinance. One letter of objection and one letter of support have been received. Bear Creek Township recommended approval on condition that the Township Road Standards be met.

Putters explained that the Township has a Private Road Ordinance which is different than the County standards. Jones made a motion to approve Case #91A-78, Special Use Permit for Land Development as shown on the site plan because it meets the standards of the Ordinance and Bear Creek Township recommended approval. Alexander supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Letzmann, Derrohn, Alexander. No; none. Absent; Scott, Laughbaum, Behan.

7. Case #3A-03-1 Petoskey Investment Group, LLC, REZONING, Anderson, Intertown, US-131, Sections 7 & 18, Bear Creek Township

8. Case #3A-03-2 Petoskey Investment Group, LLC, PRELIMINARY PUD-1, Mixed Use, Anderson, Intertown, US-131, Sections 7 & 18, Bear Creek Township

9. Case #3A-03-3 Petoskey Investment Group, LLC, PRELIMINARY PUD-1, Non-Mixed Use, Anderson, Intertown, US-131, Sections 7 & 18, Bear Creek Township

A request by Petoskey Investment Group, LLC to rezone a 73.62 acre tract located in Section 7, T35N-R5W (Parcel #1 - 5.2 acres) and in Section 18, T34N-R5W, (Parcel #2 - 68.42 acres), Bear Creek Township and bounded by: The RG Properties on the north (Bear Creek Plaza), Cemetery Road on the west, Intertown Road on the south and Anderson Road on the East. Also, to rezone an irregular tract of 10.1 acres (Parcel #3) generally described as beginning at the centerline of Intertown and Anderson Roads, extending north 900 ft. on the Anderson Road centerline, then east 200 ft., then southeasterly 805 ft. to the west right-of-way line of US-131, then southerly 315 ft. to the centerline of Intertown Road, then west 800 ft. to the point of beginning.

The rezoning request is a two (2) part application as follows:

Part 1: The South 1,100 feet of the 68.42 acre tract from FF-1 Farm Forest to R-2B General Residential (Parcel #2). Also, all or part of the irregular shaped parcel between US-131 and Anderson Road, from FF-1 Farm Forest to R-2B General Residential (Parcel #3).

Part 2: To apply a Preliminary PUD-1 Mixed Use Planned Unit Development Overlay District to:

A) The north 1,500 feet of the 68.42 acre tract, which would overlap 350 ft. of FF-1 District Zoning across the south end and R-1B One Family across the north end. The request is for parking, offices, retail commercial uses, shopping center uses and restaurants.

B) The 5.20 acre parcel (Parcel #1) lying between the 68.42 acre tract and the RG Property ownership housing the Bear Creek Plaza (Consumers Power Line right-of-way). The request is for parking, offices, retail commercial uses, shopping center uses and restaurants.

Also to apply a Preliminary PUD-1 non-mixed use Planned Unit Development Overlay District to:

A) The south 1,100 feet of the 68.42 acre property (Parcel #2). Uses to include single family residential, multiple family units, townhouses, accessory garages.

B) The irregular 10.1 acre parcel (Parcel #3) lying between US-131 and Cemetery Road, north of Intertown. Uses to include single family residential, multiple family, townhouses, accessory garages, utility services including potential sanitary sewage treatment plant.

The distances and acreages are not engineering precise, they exclude road right-of-ways (unless noted differently), but were calculated by the Office of Planning and Zoning for zoning administration purposes. The rezoning and overlay districts are illustrated on maps submitted by the applicant dated May 16, 2003. The PUD Overlay classifications are for all or part of the properties and areas described above.

Case #38A-03-1, #38A-03-2 & #38A-03-3 were reviewed together.

Putters explained the requests using the site plans for the multi part request. The property is located south of Bear Creek Plaza to Intertown Road and east to US-131 with Cemetery Road being the west boundary. The rezoning request is to rezone to R-2B from Farm Forest, the south 1,100 ft. of the main parcel and the 10.1 acre parcel between Anderson Road and US-131. The rezoning doesn’t include all of the Farm Forest zoned property. There is a possibility of a sewage treatment facility on the 10.1 acre parcel. The underlying zoning to the north is R-1B. A PUD-1 overlay district is proposed for mixed use covering the R-1B and FF-1 Districts, including the 5.2 acre Consumers Power right-of-way. The third part is a non-mixed use PUD-1 limited to multiple family on the property proposed for the R-2B rezoning. This is a preliminary request to put forth the concepts. The acreage was listed on the zoning map. The applicant, feeling that the case would be tabled, elected not to attend the meeting.
Putters explained that in-line with previous recommendations, going back 3 years when Bear Creek Township first looked at the area, Emmet County has been recommending that the area be looked at for a Sub-area Master Plan, because it involves Resort and Bear Creek Townships, the City of Petoskey, the Tribal Council and Emmet County as well as the Open Space Task Force & MDOT. The idea is to put this request on hold, step back, and look at the area. This would possibly involve an outside source for land use planning. It would be a fairly comprehensive study, concentrated south of Petoskey. There have been at least five other owners of parcels looking at changes. The study should include US-131 to Howard Road or River Road, south to the County Line, to Eppler Road in Resort Township and the south part of the City of Petoskey.

Jones asked how long the study would take? Putters answered that it takes time, perhaps up to a year. Jones agreed a study needs to be done, but wondered if it is fair to table a request for a year or is it fair to act on it? What would be Putters recommendation? Putters stated that the options are: a moratorium, which could be instated for reasonable cause, and creating a Master Plan is reasonable cause. The request could be denied until the study is done. It could be approved. There are a lot of choices. The action of the Planning Commission needs to be in tune with legal advice. Jones asked what is the best way to deal with it? Putters stated that the PC should look to legal counsel. A decision needs to be fair and expeditious. The request is out of sync with the Township & County Master Plans.

Eby stated that it may be in the best interest of the County to allow the applicant to decide which direction they would like to pursue.

The Master Plan would be the financial obligation of the Townships, the County, the City and the LTBB.

Alexander stated that one year is not a long time to wait. Jones stated that there must be some action by next month. A request has been sent to the County, Townships, City and Tribal Council. The applicant is aware of the Sub-Area Master Plan request.

Simon thought that it would be a good idea to offer the applicant the option to decide which way they’d prefer to go.

There was additional discussion, don’t drag it on. If the study is going to be done, do it. Letzmann felt the PC could send a recommendation to the B of C. Jones stated that the process has been started. A letter has been sent to the County Controller and the Board of Commissioners.

Karen Ferguson, attorney with the firm Olson, Bzdok, on behalf of Resort Township, said that Resort Township has always expressed their willingness to participate in a study as proposed by Putters. Resort Township borders the subject property. The proposed development could have negative impacts. They have prepared a detailed recommendation and the report was distributed to the Planning Commissioners. Ferguson summarized the report. Open space is a top priority of Resort Township residents. The request is contrary to the intent of the underlying zoning districts. The request is inconsistent with the three Master Plans, the City/County Master Plan, the Bear Creek Township & Resort Township Master Plans. There is no justification in circumventing the Ordinance. The PUD-1 is the same plan under a different name. Two recently updated maps were created in February, 2003. One shows prime farm land in the area of the proposed development. The 2nd map shows existing land uses. There are eleven well maintained homes that would face a wall of commercial uses.

Ferguson continued, there are direct and secondary impacts which include increased traffic pressure, traffic safety issues and the area properties would be subjected to increased development pressures. The proposal is inconsistent with the Emmet County Master Plan. There was an agreement between the County and the Township that the line would be drawn. Secondary roads would suffer damage. There are no sewer services. The Planning Commission should consider the sprawl impacts of extending the sewer. The County would be required to sign contracts for continuous service if the sewer would fail. Before the request should be considered, the Master Plan must first be amended. The request cannot be approved. The request is a de facto rezoning. The Planning Commission must proceed with caution.

Randy Frykberg, Resort Township Planner, pointed out that the document provided was unanimously approved by the Resort Township Planning Commission & Board. The concerns are that the proposal doesn’t meet the Master Plan and Zoning Ordinance. The proposal is a significant density difference from 44 to 240 units. PUD-1 doesn’t change the
underlying zoning. The uses don’t fit the Master Plan. It is not in accord with land use goals of the community, it wasn’t a
couple of months ago, and it isn’t now. The project cannot be approved as proposed.
Marvin Veurink, Resort Township Board member, stated that they have worked hard to maintain the rural, residential
atmosphere and wish to continue.

Bonnie Elkins, asked if Bay Harbor is putting in another 400 condos? Eby stated that Bay Harbor is not within Emmet
County Zoning jurisdiction.

Jones commented that the County would not be responsible for the private sewer system, but the Township would.
Ferguson stated that it is the government with jurisdiction, if the County approves, and the City puts the sewer in, it could
involve the City, County or Township. Jones stated that the DEQ recognizes the Township as local government.

Putters reminded the Planning Commission that pro/con statements were distributed. He added another pro comment: It
would be energy and utility cost efficient in a multiple family land use project.
Simon suggested a site walk may or may not be appropriate. Eby asked that it be offered to the Township. Simon thought
it would be beneficial to look at the property with someone who knows the plan.

There was discussion about Zoning Ordinance Standards under Section 2408. Putters stated that the Planning Commission
can decide if the request is the same.

There was discussion about how to proceed. Eby stated that the applicant should know that a study is being pursued. If the
applicant wishes to proceed, the Planning Commission can make a decision on the information available.

The cases were deferred until the next regular meeting.

10. Case #37-03 Paul Matthews, SPECIAL USE PERMIT, Land Development, Robinson Road, Section 29,
Readmond Township
A request by Paul Matthews for a Special Use Permit for a five (5) parcel Land Development Project, centered on an agricultural open
space plan. The request is per Ordinance Section 2102-14 and applies to tax parcel number 24-12-08-29-400-001 located on Robinson
Road in the East ½ of the East ½ of the Southwest 1/4 of Section 29, T37N-R6W, Readmond Township. The property is zoned FF-2
Farm Forest and is some 40.3 acres in area and includes on Equestrian facility with barns, pastures and corrals.

Putters explained the request using a tax parcel map, location map and site plan. The owner has a residence on a small
parcel on Crooked Lake and a larger parcel across the road, impacted by wetlands is the proposed site for the accessory
building. There are three septic fields to the north of the larger parcel, accessed by an easement. The building is proposed
to be 2,400 sq. ft. The zoning district allows 1,200 in the rear yard, 1,000 in the front or side yard. There was one letter of
support and one objection received.

Derrohn stated that Littlefield Township recommended approval because it is on a private road, the house is in-line with
the pole barn requested. The objection was regarding the proximity to the easement. They would rather he have one large
accessory building than two smaller buildings.
George Dael was present. He stated that the building is not to be used for business, it is for personal storage. He is willing to sign an affidavit of use.

Simon asked about a condition that only one building be constructed.

There was no public comment. There was some discussion.

Putters noted that the Ordinance does not require a personal use affidavit, except for situations where there is no main use (residence). Mr. Dael has a house on the lakefront part of the Zoning Lot.

Derrohn then made a motion to approve Case #40-03, George Dael, Special Use Permit for a 2,400 sq. ft. accessory building because the building will be for personal use, the applicant will file an affidavit of use and the applicant has agreed to only one accessory building on the two parcels and because Littlefield Township recommended approval. Letzmann supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Letzmann, Derrohn, Alexander. No; none. Absent: Scott, Laughbaum, Behan.

12. Case #43-03 Kerry Greenier, SPECIAL USE PERMIT, Home Occupation, 8489 Mission Road, Section 13, Littlefield Township

A request by Kerry Greenier for a Special Use Permit for a Home Occupation to be operated from 8489 Mission Road, Section 13, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm Forest and is tax parcel number 24-07-17-13-100-006. The request is to operate a taxi service based at the residence, per Section 2102-12 of the Zoning Ordinance.

Dundon explained the request for a Home Occupation on Mission Road, across from the end of Smith road, for a taxi service from an existing garage. The garage is setback 250' from the road and uses the existing drive and parking area. The proposal is for one vehicle to operate from 7 p.m. until midnight. The applicant has a chauffeur’s license and a new exhaust on the vehicle.

Greenier stated that he understands the Home Occupation standards.

There was no public comment.

Jones questioned the condition that the Township had which required parking in the garage. Anyone can park in their driveway. He would not like it to be a condition. If Greenier were using it as advertising, he could see the condition. It is no different than any other car.

Letzmann asked if there will be advertising on the taxi? There will be signs on the taxi. Greenier stated that he could park in the garage when not in use. Simon thought that it should not be a condition. Putters stated that there is a 2 square ft. sign limit. Greenier stated that he did not plan on having a sign on the property. His use is totally mobile and will be dispatched by cell phone. He just needs a place to park and keep the taxi. It will be a second income, with just one vehicle. Eby suggested that there be no more than one car, related to the taxi service, parked outside.

Derrohn made a motion, supported by Letzmann to approve Case #43-03 a request by Kerry Greenier for a Special Use Permit for a Home Occupation for a taxi service on condition that there be no outside employees, there is no sign over 2 sq. ft., that only one taxi vehicle may be parked outside and because the township recommended approval and the applicant understands the conditions of a Home Occupation. The motion passed on the following roll call vote: Yes; Eby, Simon, Jones, Letzmann, Derrohn, Alexander. No; none. Absent: Scott, Laughbaum, Behan.

13. Case #38A-01 Brian Turbin for Hemstreet Development, LLC, SPECIAL USE PERMIT, Land Development, Lakeview & Armock Roads, Section 11, Littlefield Township

A request by Brian Turbin for Hemstreet Development, LLC for a Special Use Permit per Section 2102-14, Land Development Standards of the Zoning Ordinance. The property is tax parcel number 24-07-17-11-300-021 and is zoned FF-1 Farm Forest. The request is to create a 34 unit site-unit condominium development. The property is located in Section 11, T35N-R4W, Littlefield Township on the east side of Lakeview Road and north side of Armock Road and accessed by Hem Street, a private road.

Putters explained the request, using a location map, tax parcel map and applicant’s site plan, for land development. There are adjoining properties that have been sold. The remaining parcel will be accessed from Lakeview Road. The cul-de-sacs and roads meet the standards of the Ordinance. Staff prepared a concept plan, but there are topographic considerations
which wouldn’t make the concept practical. There is a sealed drainage plan. The road commission has approved an alternative access, with alignment off Lakeview Road, which was displayed. Putters suggested reducing the length of two roads. Street names have been included. The property is 53 acres and 34 units are proposed.

Eby questioned the 90° turn. Turbin stated that the easement is 66', but the actual road will not be as drastic as a 90° turn. Squares on the plan are proposed drainfield locations. Letzmann asked if the drainfield for lot 10 is in the park? There was some discussion regarding drainfields. There has been some excavation. The lots will be made suitable for residential use.

Eby stated that there was an objection. Patsy Craig had voiced concerns with potential trespass. Kerry Greenier, representing Craig, stated that she is concerned with trespass and would like a fence between the properties.

Derrohn stated that the parks are not really parks, they’re open green areas for drainage. There was a question about the excepted area. It is already developed with building sites.

Jones commented that “Meadow” is a common name for developments. It creates confusion for emergency response. Turbin stated that he had agreed on the names with County staff.

Derrohn made a motion to approve Case #38A-01, Special Use Permit by Brian Turbin for Hemstreet Development, to develop a 34-unit site unit condominium development as shown on the plan dated 07/03/03PZ, because the concerns of the Fire Department, Road Commission and Health Department were met, a sealed drainage and site plan have been received, the developer has agreed to pave the roads in phase I after selling 10 lots and phase II after selling 20 lots, Littlefield Township recommended approval and the development meets the standards of the Zoning Ordinance. Alexander supported the motion which passed on the following roll call vote: Yes; Eby, Simon, Jones, Letzmann, Derrohn, Alexander. No; none. Absent: Scott, Laughbaum, Behan.

14. Case #1B-93 Pella Windows & Doors by John Estabrook, PUD-1 Mixed-Use, Amendment, Modification to the PUD perimeter setback, 1883 Harbor-Petoskey Road, Section 27, Bear Creek Township

A request for Pella Windows & Doors by John Estabrook for a modification to the PUD-1 Mixed Use Overlay perimeter setback. The property is zoned R-2B General Residential with a PUD-1 Overlay applied and is tax parcel number 24-01-16-27-400-016. The modification would allow encroachment into the front and side perimeter setbacks. The request is to allow construction of a deck within 33’3” from the front property line and 13’ from the side property line. The building was existing at the time of the originally approved PUD-1 Overlay.

Dundon explained the request for a PUD-1 overlay amendment. The lot is in the middle of the PUD. The request is for a perimeter setback modification to the front setback to build an open deck in front of the existing building. The deck would be 33’ from M-119 and 13’ from the side property line. The amendment doesn’t change the site plan or impact parking. An elevation drawing was displayed. There would be no outdoor storage. The PUD setback was shown on the plan. Bear Creek Township tabled the request.

Mike Wiltse, representing the applicant, stated that at the Township, there was discussion regarding moving the bike path away from the road. From the edge of the bike path the distance is 11’, and to the trees is 30’, so there would still be room for the bike path. They would move the dormer to the front as shown and add the front deck. There would be access from the deck into the building. The front of the building would allow the product to be showcased and improve the appearance of the building.

Pella plans to replace the exterior siding, soffit & fascia. The PUD setback goes through the exiting building. There is a connecting service drive in the back of the property that goes around Chuck’s TV building.

The case was deferred until the next regular meeting.

15. Case #126B-87 Faulk & Foster for ALLTEL Communications of Michigan RSAs, Inc., SPECIAL USE PERMIT, Communications Tower, 2082 US-31 North, Section 26, Bear Creek Township

A request by Faulk & Foster, for ALLTEL Communications of Michigan RSAs, Inc. d/b/a ALLTEL, for a Special Use Permit for a wireless communications facility consisting of a 180’ monopole, equipment shelter, a power protection cabinet and meter rack within a fenced compound on property located at 2082 US-31 North, Section 26, T35N-R5W, Bear Creek Township. The property is zoned B-2 General Business and FF-1 Farm Forest and is tax parcel number 24-01-16-26-200-033. The proposed site is a 210’x210’ leased area
on property owned by Mark Bryan and the location of Great American Adventures. The request is per Section 2102-2 of the Zoning Ordinance.

Dundon explained the request for a Special Use Permit in B-2 & FF for a wireless communication facility which includes a 180' monopole, with a 199' top height. FAA does not require lighting at that height. The location is the site of Great American Adventure on US-31 N. The leased area is 210'x210' which is proposed to be accessed from the existing driveway in a well screened, treed area. The pole would allow for 4 additional co-locaters. The fenced compound would house a meter rack and equipment shelter and would include a 6' tall chain link fence topped with barbed wire. A photo inventory shows how the tower would be viewed from areas throughout the community. There has been talk about lowering the tower. The township has worked with other carriers regarding two separate locations or wooden structures. One letter of opposition was received. The applicant is awaiting a wetland permit. An FAA application in the process.

Letzmann asked how far down the footings must be to not require guyed wires? Ralph Wyngarden, Faulk & Foster, stated that the pole will not require guyed wires.

Jones asked if there had been a request for a tower in this location previously? Putters stated that one request was for a 300' tower. That company changed its plans and constructed two (2) - 100' towers. Putters asked if there are co-location opportunities on other existing towers? Wyngarden stated that they need 180'. They are looking to fill-in areas near Pickerel Lake Road and the dune areas along M-119. It is a coverage issue in traffic. The existing NPI tower would not cover the area. The two towers referred to would not meet the desired coverage. Derrohn asked about the technology of satellite. Wyngarden stated that it is not in the immediate future. Jones stated that he would prefer a mono-pole and 180' does not require lighting. A pole is not like a tower. Eby stated that the Planning Commission has been pushing for lower towers under the lighting requirement. Co-location can be required.

The case was deferred until the next regular meeting.

16. Case #44-03 FOMCO, LLC, SITE PLAN REVIEW, Residential Club House, US-31 N, Section 25 & 26, Bear Creek Township

Dundon explained the request for a residential club house using a site plan, location map and tax parcel map. The property is zoned I-1 and the modular home park was approved under Township zoning. The request is for the club house to be located at the northern most area of the development. It includes a 2 car garage, kitchen, office space and game room. It is to be accessed off of the main private road within the development. Sixteen parking spaces are included on the south side. The closest residence is 90'. There is parking on the northern portion of the building. Staff had concerns with the location of the parking at the access drive. At the Township Planning Commission meeting, the applicant was requested to change the parking to create only one access to the parking so that cars would not be backing into the private road. The applicant seemed agreeable to the proposed change. Dick Bidstrup, representing the applicant, thinks they will modify the plans to satisfy staff’s concerns. The garage will house service vehicles.

The case was deferred until the next regular meeting.

17. Case #44A-03 FOMCO, LLC, SITE PLAN REVIEW, Residential Well House, US-31 N, Section 25 & 26, Bear Creek Township

Dundon explained the request for a residential well house which is an improvement in the modular home park. The building would be for a storage tank and controls. It is shown in the northwestern area of the development. The proposed location is not in the wetlands. It is accessed between two residences, the closest being 86'. The Township tabled the request and the Fire Department recommended approval. The site is to be visited 1-2 times per week.

Richard Bidstrup, representing the applicant, stated that the site will be visited a minimum of 1 time per day, 7 round trips per week. There are 2 wells proposed. One well would handle the demand, a second will be a back-up. There is a lot of high quality water.

The case was deferred until the next regular meeting.

18. Case #45-03 Gail Brockman, SPECIAL USE PERMIT, Exception to the Accessory Building Standards, 5281 Graham Road, Section 24, Bear Creek Township
A request by Gail Brockman for a Special Use Permit for an exception to the standards of Section 2201, Accessory Buildings. The property is tax parcel number 24-01-16-24-014 and is zoned RR-1 Recreation Residential. The property is located in Section 24, T35N-R5W, Bear Creek Township, being Lots #5, 6 & 7 of Jewell Park at 5281 Graham Road. The request is to allow a second detached accessory building on a zoning lot less than five acres, per Section 2201-8, Accessory Buildings, Exceptions of the Zoning Ordinance.

Dundon explained the request on Crooked Lake on Graham Road on property zoned RR-1 for a Special Use Permit to allow a second accessory building on a lot less than five acres. The three lots create one zoning lot. The existing buildings were shown. The proposed garage is to be 672 sq. ft., the existing residence is over 1,000 sq. ft, and the existing garage, close to the road is 500 sq. ft. The applicant is proposing to split the three lots into two lots in the future. The Township tabled the request. Jones asked if it would block the view? No. The case was deferred until the next regular meeting.

19. Case #41-03 Emmet County Planning Commission, TEXT AMENDMENTS, Changes to the following Sections: 200, 402, 1102, 1901, 2102, 2201 & 2504

A request by Emmet County Planning Commission to amend the Zoning Ordinance text as follows:

1. **Section 200, Definitions**
   Change “Junk Yard” definition to read as follows:
   “An open area where waste, and/or second hand materials are: bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap, abandoned vehicles, abandoned recreation vehicles or units or watercraft and other metals, paper, rages, tires, and bottles. The term “Junk Yard” includes automobile wrecking yards and/or includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.”

2. **Section 402, Additional requirements for dwelling units**
   Remove Section 402, Paragraph 4 which currently reads: “All roofs shall be designed, rated, constructed or over-built to achieve a live snow load of forty (40) lbs. per square foot.”

3. **Section 1102, Paragraph 3**
   Eliminate the entire paragraph.

4. **Section 1901, Subdivision and Site Unit Condominium Open Space Plans**
   1. Remove Section 1901, Paragraph 2 which currently reads: “Rear yards may be reduced to fifty (50) feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the dedicated land shall not be less than the rear yard of the adjacent lot.”
   2. Amend Section 1901, Paragraph 5: change the words “Township involved” to “County”, and remove the words “subdivider or”.
   3. Amend Section 1901, Paragraph 5: remove the words “or subdivider” and change the words “plat” to “plan”.

5. **Section 2102, Paragraph 12**
   Add the following:
   “Home Occupations may be approved by the Zoning Administrator if the following performance standards are satisfied:
   1. The operation is administrative in character with no discernable outside effects (visual or otherwise).
   2. Only the occupants of the property are involved in the use and there are no signs identifying a home occupation on the property.
   3. The use does not involve any product inventory or any delivery services other than typical mail services.
   4. Clients or customers are not required to visit the property other than on a few occasions, not to exceed an average of one (1) person per day.

      The use may be referred to the Emmet County Planning Commission if there are questions concerning actual impacts and the use may be ordered to be abated if not operating within the prescribed standards.”

6. **Section 2102, Paragraph 14, Sub-paragraph 1 - table**
   Add “50’” to the “Road Easement” row under the “3 to 4 lots” column.
   Add “2’” to the “Shoulders” row under the “5 lots and over” column.

7. **Section 2102, Paragraph 14, Sub-paragraph a**
   Add the following paragraph:
   “Minor or limited re-arranging lot lines within an approved land development project may be approved by the Zoning Administrator, provided that the number of building sites, lots or site unit condominiums are not increased and that driveways, sanitary sewage disposal facilities, stormwater management and emergency access is not diminished thereby.”

8. **Section 2201, Paragraph 1, Sub-paragraph b - table**
   Eliminate “Maximum Height to the Eave” column.

9. **Section 2201, Paragraph 1, Sub-paragraph b - after the table**
   Add the following:
   “The front or side yard accessory building size may be increased to the maximum size as allowable in the rear yard in FF-1 and FF-2 Districts, provided all of the following standards can be met, as determined by the Zoning Administrator:
   1. The lot is a minimum of five (5) acres in lot area and at least 300’ of lot width.”
2. The structure is located in such a manner as to attain natural screening by existing vegetation or topography to at least partially screen the use from the view of adjoining properties and/or public roads.

3. The structure meets all side, rear and waterfront setback standards, as applicable, of the zoning district.

4. The structure is sited a minimum of 100' from a private or public road right-of-way.

5. The applicant shall file an affidavit with the Register of Deeds stating the proposed use of the building.
   
   Only one such structure may be approved by the Zoning Administrator under these provisions."

10. **Section 2504, Paragraph 2, Sub-paragraph e**

   Change to read:
   
   “Permit temporary buildings and uses for periods not to exceed two (2) years, but which may be reviewed for renewal, upon request, for not more than two (2), two year periods each, but not more than 6 years total.”

There was little discussion regarding the text amendments.

Carp Lake Township did not object.

Littlefield Township Board recommended Section 2102 - road easement be 30' rather than 50'. Littlefield Fire Department would like to keep it at 50'. Eby stated that the Planning Commission could modify the standard.

Simon suggested that “typical mail service” under the Home Occupation include “typical mail & residential/home delivery services”.

This being the first Public Hearing, the case was deferred until the next regular meeting.

V Other Business

- **Windjammer PUD agreement**
  Derrohn made a motion to authorize J. Eby to sign the PUD agreement for Windjammer Marina, Alexander supported the motion which passed by unanimous voice vote.

- **Shoreline Bluffs Ordinance**
  The revised draft for Public Hearing was distributed. There was discussion regarding minor changes to make before publication. Putters explained the changes that were made at the request of the Planning Commission at the June 26, 2003 meeting.

Letzmann commented that she supported the ZBA option rather than the PC option.

Michael Stack asked about a provision about the standard for New Driveways.

It was agreed to include the language:

“New driveways may be constructed down the bluff face in those cases where there is a natural shelf below the face of the bluff that is of sufficient length and width to site a residence (or two) that will meet the bluff toe setback standard and the high water mark setback. Any such access drive shall not have a switch-back feature that impacts the bluff face.”

There was discussion regarding the Board of Appeals role. The only way for a ZBA variance to be sought is if items 1-2 on page 6 cannot be met. It was suggested that those two items be given a title. Items 1-7 (listed under “Shoreline Bluff Standards” are not appealable to the ZBA.

The new standard regarding a straight driveway with natural shelf should be listed as #8 under PC review.

The first Public Hearing will be July 31, 2003 at 7:30 pm at the Emmet County Courthouse.

VI Public Comment

VI Adjournment

There being no other business, Chairperson Eby declared the meeting adjourned at 10:58 p.m.

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James Scott, Secretary
Dated