EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING
THURSDAY, MAY 4, 2006
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES

MEMBERS PRESENT: Jack Jones, James Scott, Sue Anderson, Kelly Alexander, Katie Derrohn, Leroy Gregory, John Eby, Steve Neal

MEMBERS ABSENT: David Laughbaum

STAFF: Brentt Michalek, Tammy Doernenburg, Monica Linehan


I Call to Order and Attendance
The meeting was called to order at 7:31 p.m. by Vice-Chair Derrohn. All members were present except Laughbaum and Eby. Eby joined the meeting at 7:40 p.m.

II Minutes of April 12, 2006
There was public comment regarding the minutes of the April 12, 2006 meeting.

Jack Flynn stated that he didn’t ask to be denied in case number 6-06 as stated in the minutes. He said he asked that the Board look at the ordinance as he felt that the reasons for denial on his case aren’t requirements in the ordinance. Anderson explained that her motion to deny wasn’t based on any comments made. Michalek stated that, as the minutes read, the engineer had stated for clarification, they were requesting action on the site plan as presented. There are no recordings of the meetings as they aren’t kept once the minutes are completed. The Board discussed the option to either change the minutes from April 12 or to leave them as is and note on the May 4 minutes that Jack Flynn stated that at the April 12 meeting, he requested the Board to act on his case as presented and didn’t ask for a denial of his case. Jim Malewitz commented that there is a big difference between saying that the Board should act or deny a case and saying that the Board should just deny a case. He feels that the Board is acting incorrectly. He asked if the recordings can be kept until the minutes have been approved by the Board. The Board will take his suggestion under advisement.

Anderson made a motion, supported by Jones, to approve the minutes of the April 12, 2006 meeting as presented and to make note of tonight’s comments on the minutes of May 4, 2006. The motion passed by a unanimous voice vote of the members present.

Michalek advised the Board that although Eby is present at the meeting, he requested to not act as Chair for tonight’s meeting because of a medical issue. Michalek stated that per Civil Counsel, the Board would need to make motion that the Chair is present but unable to conduct the meeting and that the Vice-Chair would conduct the meeting in his place. The by-laws cannot be suspended, but a rule of order that is contained in the bylaws may be which includes the duties of officers in connection with the orderly conduct of meetings.

A motion was made by Scott to suspend the rule of order that allows the Vice-Chair to conduct the meeting when the Chair is not present and to allow the Vice-Chair to conduct tonight’s meeting. The motion was supported by Anderson.
and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

III Cases

1. Case #33E-86 Ronald Barr, MIXED USE PUD-1 FINAL MASTER PLAN – Amendment & SITE PLAN REVIEW, Admiral’s Point, Section 3, Littlefield Township

Legal Notice: A request by Ronald Barr to amend the Final PUD-1 Master Plan and Site Plan for the development known as Admiral's Point to replace the marina use with 24 multiple family dwelling units. The property is located on Admiral's Point Drive in Section 3, T35N-R4W, Littlefield Township, is tax parcels numbered 24-07-17-03-402-001, 002, 003 & 400-026, and is zoned SR-1 Scenic Resource for a depth of 400' from the Crooked River and R-2B General Residential along US-31 to the SR zone, with a PUD-1 overlay. The proposal is to allow six (6) buildings with four one-bedroom units within each building. The request includes a modification of building separation to allow 20' separation. The request also includes modification to the existing single family and duplex home sites in Phase I of the PUD. The review is per Article XVIII of the Zoning Ordinance.

Michalek presented the case showing that the current proposal is for four four-plex units and a bathhouse. There is an issue with the drainage plan submitted as it doesn’t have any calculations on it. The township has recommended approval on the condition that a modification of the perimeter setback from the waterfront is made for the bathhouse and fire hydrants. A DEQ permit is no longer necessary as they are no longer filling a portion of the marina as previously proposed.

Derrohn stated that the township had received a copy of the fire department approval, but the County has not yet. There was some discussion regarding the township’s request for the waterfront setback modification. Derrohn stated that the developer has agreed to pave the road once eight units are sold. Also, the township would request pre-payment of the sewage tax as construction proceeds. Both Jones and Scott agreed that the sewage tax issue is not enforceable within zoning. Scott mentioned that the township may be able to request it as a condition of the building permit.

Jim Malewitz was present representing the applicant.

Scott inquired as to how the parking lot will be contained when it is a gravel lot. How will the water be handled? Malewitz presented a larger drainage plan to the Board for clarification. Doernenburg asked Malewitz to clarify how much of the parking does exist and how much parking is for marina use.

Malewitz stated that all parking shown exists currently. The water from the parking lot in front of the marina is being forced through the stormwater system.

Doernenburg pointed out that Section 2210 of the ordinance states that permanent structures, parking lots, and other impervious surfaces, except boat docks, boat slips, ramps, or marinas, or other water dependent uses, shall observe a minimum setback of 60’ from the documented 1986 High Water Mark in all Residential and Farm-Forest districts. This case is unique because there was a marina there. Scott commented that they aren’t proposing to rebuild the marina; it will be a whole new development.

There was discussion as to whether the case should be approved without the drainage plan calculations. Malewitz stated that he has all of the calculations on a separate page in his office and thought that everything he had turned in everything that was needed.

Anderson made a motion to approve the case as the township has recommended approval. The approval is contingent on: modification of the perimeter setback from the waterfront for the bathhouse and fire hydrants, drainage plan calculations and fire department approval will be received by the County, and per developer’s statement, the road will be paved once eight units are sold. The motion was supported by Alexander and passed on the following roll-call vote: Yes; Eby, Neal, Gregory, Anderson, Derrohn, Alexander. No; Jones, Scott. Absent; Laughbaum.

2. Case #40A-97 Scott Jewell, SPECIAL USE PERMIT, Resource Mining, amend site plan, & Land Development, Smith Road, Section 14, Littlefield Township

Legal Notice: A request by Scott M. Jewell for a two part review for property located at 7238 Smith Road, Section 14, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-07-17-14-300-024. The first request is to amend the Site Plan for a Level III Resource Mining Special Use for an after the fact review of the last phase of top soil mining approved on July 1, 1997. The mining occurred on the northerly part of the property in an area of approximately 140’x639’, being...
approximately 2 acres. The review is per Section 2102-10 of the Zoning Ordinance. The second request is a Special Use Permit per Land Development Standards, Section 2102-14 of the Zoning Ordinance. The proposal would create two parcels, the fourth and fifth parcels within a ten year period.

Doernenburg presented the case, showing aerial photos and the approved site plan from the July 1, 1997 Level III Resource Mining approval. She explained that tonight the Board is reviewing the mining that took place near the house on the property. There are currently stockpiles located on the site. A stop-work order was posted last week due to compliance not being achieved. There was work over weekend. The applicant had stated to Doernenburg that he was seeding the property. Doernenburg explained that there are two parts to the request. Part one is the request for mining the topsoil and part two is for a Special Use Permit for Land Development Standards to allow for a land split creating a fourth and fifth parcel within a ten-year period. The pros/cons sheet was presented. Multiple neighbors have complained about the site. The Board was encouraged to make sure to stick to the facts and look at the site and request as presented. Current photos of the site were shown.

Anderson stated that approving this case will just bring the property into compliance and it doesn’t mean that there will be more mining.

Doernenburg pointed out that part of the proposed motion is to set a deadline for project completion.

Scott Jewell, the applicant, stated that he is just working on reclamation and the property has now been seeded. He stated that the Road Commission has asked him to install a gravel road. He spent a day hauling rock to clean up the site. There is now one acre section left and he just wants to be allowed to extract the rest of the topsoil and split his property. Jewell stated that the 30 day deadline as mentioned at the township meeting is not reasonable and he will need at least two to three months to complete the project.

The floor was opened to public comment.

Janice Kidder stated that Mr. Jewell has not reclaimed all of the property. Nothing has been reclaimed on the Banwell Road side of the property and he has reclaimed only a 20’ area from the Smith Road side. She stated that he did this on Monday and Tuesday. She feels that the seed that has been spread will not grow.

Anderson asked how much topsoil is he supposed to have left on the property for reclamation and how much time should he be given?

Doernenburg pointed out that Nancy Salar has indicated that a certain portion of the property has been reclaimed however; the portion of the property being reviewed tonight has not been reclaimed.

There was some discussion as to whether the Board could require a particular type of groundcover or sod? Doernenburg stated that the ordinance does not specify any particular type of grasses or groundcover required.

Jewell stated that he has the receipts for the seed mix that he’s used and feels that he has done everything they can do to comply. Everything has been in compliance other than this small portion of the property. Stopping him from retrieving the topsoil will shut him down. He is looking to sell his home and will be doing everything he can to fix it up.

Christine Parker stated that she is not too familiar with the ordinance requirements of a mining operation and asked the Board to give the audience the requirements as it relates to other cases on the agenda as well. She is concerned that because there were compliance issues on this case, maybe others would do the same if they weren’t aware of what the ordinance requirements were. Michalek advised that the full ordinance is available to purchase through the office and portions of the ordinance are available to be copied. It also will be back online within the next few weeks once it is updated.

Kidder stated that if something doesn’t start growing the dust and wind problems will continue the same way they have since 1997.

There was discussion as to who would be responsible and what recourse the County would have if the property is sold. A performance guarantee was discussed. The amount of the performance guarantee should be based on the worst case scenario so that if the property is sold and the reclamation not realized the County could go in and fix it up. Eby suggested basing the performance guarantee amount on the price to hydro-seed the area.
Jewell stated that he doesn’t lack any permits, he has the resource mining, special use permit, and soil & erosion permit. This area just wasn’t shown on the original site plan. He feels that since Nancy Salar has approved what’s been done so far he’s met the requirements of the ordinance. The last acre is no different than the rest of the property. Bonding takes about a year before it can be done. Sod and hydro-seed are way too expensive. It will not be feasible to him as he has no irrigation there. Jewell pointed out that the properties surrounding him is all farm land which is disked up and doesn’t have things planted all of the time. This is farm forest land and what it’s meant to be used for.

Kathy Silvinski owns the farm next door. She stated that they have only been spreading manure and haven’t tilled anything yet. She stated that when it’s really windy out the dust is really bad over his property because he has taken the topsoil and it is blowing dust around. The farm fields around his property don’t have so much blowing because there is topsoil on the land and it holds the dust in.

The Board discussed what the current issue is on this case. The applicant is in violation because he has mined more than his permits allow. Jones pointed out the aerial photo shown earlier. If the land was reclaimed properly, the photo wouldn’t show so much sand.

Michalek explained that the ordinance gives several options for the performance guarantee in Section 2405 (7) including cash, check, or irrevocable bank letter of credit. Suggested that the applicant contract his engineer to find out what the cost of hydro-seeding the area would be in order for Planning staff to come up with the amount that will be required for the performance guarantee.

Anderson made a motion to postpone this case to give the applicant the opportunity to provide a reclamation plan with engineered letter stating cost of hydro-seeding in order to bring the property up to reclamation standards. The stop work order will stay in place until the requested documentation has been approved by civil counsel. If vegetation is growing on site by the time the documentation is received, the closeout of the soil and erosion file would be presented at the next meeting for review. The motion was supported by Alexander and passed with the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

At a later point in the meeting, Eby requested that the motion be re-opened on this case as there are two definitive requests to this case. He then made a motion to identify the previously made motion as part 1 of case 40A-97-dealing with the resource mining. This motion was supported by Jones and passed with the following roll call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

Eby made a motion supported by Alexander to defer part 2 of case 40A-97-dealing with the lot split request, as the applicant is not present. This motion passed with the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

3. Case #7-06 Eric Schwartz for Bob’s Septic Service, SPECIAL USE PERMIT, Septage Storage and Transfer Facility, 7341 Keystone Drive, Section 11, Littlefield Township

Legal Notice: A request by Eric Schwartz for Bob’s Septic Service for a Special Use Permit for a Septage Storage and Transfer Facility on a property located at 7341 Keystone Park Drive, Section 11, T35N-R4W, Littlefield Township. The property is zoned I-1 Light Industrial and is tax parcel number 24-07-17-11-127-113. The request is per Section 2205 of the Zoning Ordinance.

Michalek presented this case and explained the proposal. It does not currently meet DEQ standards; however, it does meet the County ordinance standards. If the Board approved this case, the applicant could go to the DEQ for their approval. The township has recommended approval. There was some discussion as to the difference between the DEQ standards and the County ordinance standards.

Eric Schwartz stated that he feels that since he does meet the County requirements he should be approved and let the DEQ handle their requirements.

Derrohn pointed out that the township has asked for an alarm system to be installed for malfunctions and also to install odor filters.

Jones asked if the township has any problems with the hours of operation. Derrohn stated that there are no problems on
the township level. Jones stated that hours of operation aren’t really necessary as it is in an industrial park and the access is off of M-68.

Eby stated that the draft motion presented requires conditions not applicable for this case and doesn’t like it.

Eby made a motion to approve this case for a special use permit as it is in an industrial area, the township has recommended approval, it meets the setbacks and standards of the ordinance, and it is an enclosed tank. Approval is contingent upon an enclosed tank, alarm system, odor control filtration systems being installed and the Owner will obtain and maintain general liability insurance issued by a responsible insurance company in a form and amount sufficient to protect against all claims, liabilities, damages, and expenses for bodily or personal injury or death and/or damage to property which may arise form Owner’s operation. The motion was supported by Scott and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum.

4. Case #8-06  Kery Ridge, LLC, SPECIAL USE PERMIT, Open Space Plan, 4623 Howard Road, Section 29, Bear Creek Township

Legal Notice: A request by Kery Ridge, LLC for a Special Use Permit for a Site Unit Condominium Open Space Plan on property located at 4623 Howard Road, Section 29, T34N-R5W, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-01-19-29-300-022. The request is for a 25-Unit Single Family home site development with one remaining lot per Sections 1901 and 2102-14 of the Zoning Ordinance.

Michalek stated that this case is on hold pending the mining operation request resolution on case 8A-06. This was received as an open space plan but it is first a mining operation with an open space subdivision as the reclamation.

5. Case #8A-06  Kery Ridge, LLC, SPECIAL USE PERMIT, Open Space Plan, 4623 Howard Road, Section 29, Bear Creek Township

Legal Notice: A request by Kenneth Nowicki for Kery Ridge, LLC for a Special Use Permit for a level-III resource mining extraction operation on a 32.16 acre property located at 4623 Howard Rd, Section 29, T34N-R5W, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-01-19-29-300-022. The request is as per Section 2102-10 of the Emmet County Zoning Ordinance.

Michalek presented this case, identified the property on an aerial map and explaining that the request is to fill an area that shows up on USGS maps as a stream. The stream doesn’t appear to exist on the property as per a DEQ letter. The proposal is to remove a ridge of glacial deposits to a depth of 35’ at the highest point. The back portion would remain wooded. He pointed out the homes near the site and the access road. Some issues were brought up at the township meeting and explained. The applicant has addressed some of these issues.

Doernenburg and Michalek read the staff Zoning Evaluation Form dated 04/26/06. (see attached) The applicant was asked at the township meeting to provide information that states that they have legal access to the road. Also requested was the daily traffic amounts. Michalek stated that the Road Commission approval letter was supplied today with conditions. Some of the concerns include needing more detailed information on the soil type. This has been requested per Section 2405-2g. Many different soils can be found in these types of deposits and it’s helpful to know what is available and where the groundwater would be. Questions have been posed as to whether there is sufficient topsoil to stabilize the slopes. Regarding stump removal; in some cases they have been required to be burnt in the winter especially due to the dryness. Bidstrup, who did a review of the site for the County, suggested, as an example, that the setback should be moved to a 20’ instead of a 50’ to prevent sloughing, erosion, or earth changes for neighboring properties. Another concern is that visual screening isn’t proposed to protect residences and there is a concern about children in area. Screening or a fence system for the access point has been proposed as well as a traffic safety study to examine the impact on public roads. Michalek explained the “very serious consequences” condition stating that weight must be placed on the public interest and needs. He pointed out the three sample motions prepared and gave the Board time to read through a letter from the applicant, pointing out that the applicant stated that the groundwater wasn’t moving. Michalek said that groundwater is always moving and never static.

Neal asked if leveling off of the ridge would create a hole. Michlak pointed out on site plan, that due to the elevations it won’t be a hole; it will actually create a level building pad.

The applicant, Kenneth Nowicki, discussed what will happen if they run into soil changes. He stated that placing a buffer along the adjacent parcels is acceptable to him. The request for a traffic study is new to him. He doesn’t know if it is a part
of the ordinance but it seems impossible to say as it would depend on the amount of traffic on US-131. Nowicki stated that the provided well log was supplied based on the property on the easterly border and doesn’t believe that there is a groundwater issue. He feels that the ordinance standards have been met and that he is being held to higher standards.

The floor was opened to public comment.

Pat Daniels lives to the north of the property on Howard Road. He stated that a creek is still a creek even though it is underground. He pointed out on the aerial photo, the location where it comes back above the ground. He is concerned about what this will do to his water. He is also concerned about the reclamation of topsoil. There isn’t a lot of topsoil there to begin with so it will have to be hauled in bringing with it foreign plants and animals to the area.

Christina Struck (Submitted a letter stating her concerns) She is concerned with the water supply and would request a comprehensive hydrological survey to be completed by a hydrologist. She is also concerned with the traffic and feels that it is very serious and detrimental to the community. She asked if the County and/or this company would be held responsible when/if an accident does occur. The proposed number of trucks and the lack of dust control from the traffic is a concern. She has children and is concerned for their safety and the risk of asthma or other chronic respiratory diseases. When the stumps are burned, will the fire be left unattended? Will the electric transfer be moved at the applicants’ expense? Her driveway is part of the easement and is her current access to Howard Road. How will this be fixed? She also has concerns with the danger of fuel storage on site. Struck asked what deters the applicant from not sticking to the ordinance guidelines that the Board puts in place?

Grenetta Thomassey spoke stating that there are several divisions within DEQ and would be curious as to who came out to the site and approved it. Pointed out a letter in the packet that directed the Board to a website that contains an article discussing the potential of creating lakes. She stated that excavations may have impact on local hydrological conditions and has the opportunity of creating a lake. She would request that the applicant provide a statement saying that this won’t happen.

Stan Borowski lives across the road and is concerned about rapid snow melt. There is often 2-3’ of snow and the melt causes a lot of water and won’t dissipate quickly.

The township has requested additional information on the case.

Mary Riley is concerned with the traffic. Feels that Gregg Road is very dangerous and it’s very difficult to get out onto the highway.

Margaret Borowski spoke about how long it takes a large truck to get up to any sort of speed. She also stated that when turning, the trucks will have to cross the center line which is also very dangerous.

Sue Coon (handed out a continuation of her previous petition) Commented that the traffic is really dangerous.

Christine Parker is concerned on how much the applicants can be trusted to do as they say they will. She asked where the trucks are going. She stated that she feels the applicant is lying and the Board should look at what is good for the people in the neighborhood.

Bob Coon (handed out proposed requirements) He discussed the amount of trucks that will be on the roads. By his calculations, there will be one truck every two minutes both inbound and outbound. He is concerned about the trucks being substantially delayed due to the traffic and the congestion problems. Coon stated that cars are unable to pass safely.

Chuck Daniels lives next door. He had questions on the proposal from Bidstrup about changing the setback from 50’ to 20’. Michalek explained that it was just an example. Daniels stated that he thinks it should still be a 50’ setback. He asked if there is a standard on how much topsoil has to be placed back on the site for reclamation. Michalek answered that the ordinance states there has to be enough for reclamation of vegetation but no standard amount.

Eby made a motion to defer this case until the next meeting because new information has been provided and the township hasn’t had the opportunity to review this information. The motion was supported by Scott and passed with the following roll-call vote: Yes; Eby, Jones, Scott, Gregory, Derrohn, Alexander. No; Neal, Anderson. Absent; Laughbaum.
A five minute break was called.

6. **Case #17-06**  
   **Erica Andersson, SPECIAL USE PERMIT, Home Occupation-Nail Salon, 1431 Intertown Road, Section 18, Bear Creek Township**

   **Legal Notice:** A request by Erica Andersson for a Special Use Permit for a Home Occupation at a residence located at 1431 Intertown Road, Section 18, Bear Creek Township. The property is tax parcel number 24-01-19-18-300-005 and is zoned FF-1 Farm and Forest. The request is per Section 2102-12 of the Zoning Ordinance and is to allow nail salon services in a 14ft X 16ft room within a detached garage on the premises.

   Michalek presented this case. The request is for a nail salon which will reside inside of the 224’ garage on the property. A 2’ sign is proposed. The township has requested tabling as the applicant wasn’t at the township meeting and they had some question as to the hours of operation of the business.

   Anderson explained that at the Bear Creek meeting, they were concerned with the hours of operation and wanted to limit the nights that the business would be open late to 2-3 nights per week.

   The applicant, Erica Andersson, replied that she is willing to accept the township’s request for limited hours.

   Christine Parker stated that she is a neighbor and Ms. Andersson should be able to have a nail salon as a home business. Eby asked if the township needs to meet again. Anderson replied that the township only had questions as to the hours. She asked what nights the salon would be open until 8pm.

   Andersson stated that she’s not sure at this time. It may be varied nights but she would accept being open until 8 p.m. only 2-3 nights a week.

   Anderson made a motion to approve this case as it meets the Home Occupation standards. Approval is contingent upon hours of operation being 8a-5p 2-3 days per week, 8a-8p 2-3 per week, Monday through Saturday only. Per ordinance, a 2’ square sign will be allowed. The motion was supported by Jones and passed with the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

7. **Case #18-06**  
   **Richard Byer, SPECIAL USE PERMIT, Larger than maximum size Accessory building, 1031 Island View Road, Section 18, Readmond Township**

   **Legal Notice:** A request by Richard Byer for a Special Use Permit to construct a larger than maximum size accessory building in the RR-2 Recreational Residential District. The property is located on Island View Road in Section 18, T37N-R6W, Readmond Township. The tax parcel number is 24-12-08-18-200-016 and the parcel area is some 20.3 acres. The proposed accessory building is a second accessory building on the property allowed as per Section 2201-(c). It is requested to be 2,400 square feet (40’X60’) in size, 1200 square feet over the maximum, to be used as a personal storage pole barn. The request is per Section 2201-8.

   Doernenburg presented this case explaining that the request is for a 2400 square foot accessory building. All of the adjacent properties are zoned FF-2. In that zoning, this proposal would be allowed, however the property in question is zoned RR-2. The proposed building would be placed behind the existing building on the property. The township recommended approval but had concerns that there would be a business operated on the property and would request an affidavit of use be filed stating that the accessory building would be for personal use only. The applicant, Richard Byer, stated that the accessory building would be totally screened. He believes that his property was zoned RR-2 because it was only a 10 acre parcel. He has since then, purchased two 10 acre parcels and feels that now that the property is larger he has a good case that the property should be FF zoning?

   Jones asked the applicant what the building would be used for. Byer responded that it will be used for personal storage.

   Eby made a motion to approve this case contingent upon an affidavit of use being filed as it is a large parcel in a secluded area and the township has recommended approval. The motion was supported by Scott and passed with the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

8. **Case #124E-94**  
   **Home Depot, AMEND PUD, 1700 Anderson Road, Section 7, Bear Creek Township**

   **Legal Notice:** A request by Home Depot for an amendment to the R.G. Properties PUD to allow for outdoor storage in a fenced area
This case was automatically tabled because the property owner has yet to sign the application.

9. Case #20-06 Ben Fettig, SITE PLAN REVIEW, Commercial office and storage, 347 Creekside Drive, Section 4, Bear Creek Township

Legal Notice: A request by Ben Fettig for Site Plan Review for commercial offices and storage at 347 Creekside Drive located within Section 4, T34N-R5W, Bear Creek Township. The property is zoned B-1 Local Tourist Business and is tax parcel number 24-01-19-04-231-103. The development is reviewed as a pre-approved PUD, which was established under the jurisdiction of Bear Creek Township through the standards of the Bear Creek Township Interim Zoning Ordinance.

Doernenburg presented this case explaining that the development was initiated under Bear Creek zoning and that the PUD conditions carried over when the County took over zoning jurisdiction but the development is not in a PUD at this time. The township has recommended approval with the conditions that if a dumpster is placed on the site, it should be located on the north or south side of the building and it should be screened and placed out of the setback area, and that any signs or lighting be approved by the Sign & Lighting Committee.

The applicant was present but didn’t have any further comment.

Anderson made a motion to approve Case #20-06, Ben Fettig, Site Plan Review for commercial offices and storage at 347 Creekside Drive located within Section 4, Bear Creek Township. The property is zoned B-1 Local Tourist Business and is tax parcel number 24-01-19-04-231-103. The site plan, dated 4/20/06PZ, meets the standards and intent of the Zoning Ordinance and the PUD recognized by Emmet County, but approved by Bear Creek Township during their Interim Zoning administration and on condition that if a dumpster is located on the site in the future, that it be located on the north or south side of the building, that it meet the setback standards of the underlying zoning district and that it be screened and that any exterior lighting and signs to be reviewed by the Sign & Lighting Committee and because Bear Creek Township recommended approval. The motion was supported by Jones and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

10. Case #184B-88 Irma Noel for Ballard’s, SITE PLAN REVIEW, Addition to existing plumbing and heating warehouse, 2111 E. Mitchell Road, Section 4, Bear Creek Township

Legal Notice: A request by Irma Noel for Site Plan Review to construct an addition to an existing Plumbing & Heating and Warehouse business located at 2111 E. Mitchell Road, Section 4, T34N-R5W, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel number 24-01-19-04-100-049. The use was previously approved the review is to amend the site plan per Section 2405 of the Zoning Ordinance.

Jones abstained from this case as the applicant is his previous employer and his son’s current employer.

Michalek presented the case for the 22’x80’ addition stating that the parking standards are met and the township has recommended approval.

The applicant was present but didn’t have any further comment.

Anderson made a motion to approve this case as it it meets the standards of the ordinance. The motion was supported by Scott and passed on the following roll-call vote: Yes; Eby, Neal, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Abstain; Jones. Absent; Laughbaum

11. Case #22-06 Joseph Hauger for Gary Litzner-Litzner Farms, SPECIAL USE PERMIT, Accessory building as main use, Corner of Schmalzried & Reed Road, Section 6, Carp Lake Township

Legal Notice: A request by Joseph Hauger for Gary Litzner for a Special Use Permit to allow a 36’ x 64’ accessory building as a main use. The proposed building will be situated on the a 5 acres (330’ X 660’) zoning lot within a 18 acres tax parcel zoned FF-1 Farm Forest in Section 28, T38N-R4W, Carp Lake Township. The request is per Zoning Ordinance Section 2201-2. The tax parcel number
is 24-03-06-28-200-006. The proposed accessory building is to be used for personal equipment storage.

Doernenburg presented this case explaining that the building doesn’t appear to be screened. It would be located in a partially wooded area. Residential use for the parcel in the future is possible. The township has recommended approval. There have been concerns posed by the neighbors of possible commercial use.

The applicant, Joseph Hauger, explained that he is a logger and would use the building to work on his equipment as it’s hard for him to get the equipment down some of the roads in the area.

Jones pointed out that if the building is used for logging it is an approved use in the FF-1 zone.

Doernenburg advised that all the requirements for a site plan review would be required in this case.

The case was deferred until the next meeting to allow the applicant time to meet with staff and apply for a site plan review.


Legal Notice: A request by Citizens National Bank for Site Plan Review for a financial institution at 8011 S. US-31 Hwy. located within Section 16, T35N-R4W, Littlefield Township. The property is zoned B-3 Commercial/Industrial Business and is part of tax parcel number 24-07-17-16-200-032. The review is per Section 1100 (see Sec. 900-3) and Section 2405 of the Zoning Ordinance.

Michalek presented this case explaining the proposal is for a drive-thru bank. The existing pond was already reviewed for stormwater. A sealed drainage plan is needed. The township has recommended approval contingent upon constructing stormwater retention fencing providing an easement to connect to the property to the south if developed, and to show the location of the dumpster on the plan.

Ron Tebo, representative of the applicant clarified that this will be a full service bank with a drive-thru. The stormwater permit needs to be applied and will be once the contractor is established. They are in the process of bidding for a contractor now.

The Board discussed deferring the case as the sealed drainage plan is not available.

Jim Conboy asked if it could be conditionally approved.

Michalek stated that drainage has been approved for the whole site before, but it does need to have a sealed plan. He is confident that a sealed plan is in the office for the entire site.

Tebo pointed out the dumpster location and will put in a protective fence.

Derrohn explained that all paper products are shredded and collected by an outside company so waste should be minimal.

Eby made a motion to approve this case based on the April 10, 2006 site plan. The approval is contingent upon stormwater retention fencing being built, an easement will be provided to the adjoining property to the south if it is developed, the dumpster location will be shown on the plan, the applicant will submit a sealed drainage plan and any signs or lighting will be reviewed by the Sign & Lighting Committee. The motion was supported by Gregory and passed with the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum.

13. Case #18A-94  H. Daniel Billings for Tri-Lakes Appliance Repair, SPECIAL USE PERMIT, Repair shop, 4603 Oden Road, Section 17, Littlefield Township

Legal Notice: A request by H. Daniel Billings for Tri-Lakes Appliances Repair for Special Use permit for an appliances repair shop in an existing building at 4603 Oden Road located within Section 17 T35N-R4W, Littlefield Township. The property is zoned B-1 Local Tourist Business and is tax parcel number 24-07-17-17-451-015.

Michalek presented this case showing the area is zoned B-1. A park and a building for sale are the neighboring properties. The required parking is 3 spaces. The township had received a different site plan to review. He pointed out differences in
the plans. The parking proposed in front of the building would be requested to be deferred until July 15, 2006. The dumpster will be screened and signs will be reviewed by the Sign & Lighting Committee. The sign will not be posted until the parking is complete. A letter of approval has been received from the Road Commission and Fire Department.

The applicant, H. Daniel Billings, pointed out that the parking meets the “letter of the law” but the current parking isn’t ideal, they would like it out front. He expects an influx of work for the summer and would really like to get the office set up. It is a very quiet business with only 1-2 customers expected to come into the building per day as most of the work is done at the customers’ homes and businesses.

Scott made a motion to approve this case as it meets requirements of the ordinance and the township has recommended approval. The approval is contingent upon off-street parking being provided on the US-31 side of the building by July 15, 2006, the signs and/or lighting will be reviewed by the Sign & Lighting Committee and not installed until the parking is in place and a dumpster, if placed on the property, will be screened and the location approved by staff. The motion was supported by Jones and passed with the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum


Legal Notice: A request by Ray O’Neil for Site Plan Review for a custom collision auto body shop at property located on the northwest corner of Mill Street and US-31, Section 3, T37N-R4W, McKinley Township. The property is zoned B-2 General Business and is tax parcel number 24-10-10-03-100-007. The Special Use Permit was approved April 3, 2003. The site plan is a revision to the approved Site Plan

Doernenburg presented this case explaining that the site was approved in 2003 for a Special Use Permit. The site plan review lapses after two years while the Special Use Permit is good for four years. The renewal request includes a new access. The access has been changed to access from Mill Street instead of US-31. Fire department approval has been received. The township has recommended approval.

The applicant was present but had no further comment.

Jones made a motion to approve this case as it meets the standards of the ordinance and the township has recommended approval. The motion was supported by Anderson and passed with the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum

Public comment:

Jack Flynn stated that he would like a copy of the recording from tonight’s meeting. There was some discussion as to whether having a digital recording is necessary or required. Michalek explained the recording is not required and is just used as a backup. Doernenburg stated that the problem has been discussed with civil counsel that keeping a recording as well as the typed minutes creates two sets of records. Civil counsel will be contacted to resolve this issue.

Flynn spoke regarding his case #5-06 from last months meeting. He inquired as to why he was approved through the township but still denied from the County. Why, if both Boards operate under the same ordinance, would the decisions vary?

Michalek stated that a lot of new information was presented at the Planning Commission meeting. He explained that the township makes a recommendation to the Planning Commission who then makes the final decision.

Flynn stated that he feels that the public had been given too much time to speak on this case at the meeting. The comments weren’t limited to three minutes as they were at tonight’s meeting. He inquired again as to why his case was denied. Michalek explained that the minutes state clearly the reasons behind his case being denied.

Other business:

- Enforcement Report: No comments
• Case #5-06 Gerald Loveland, Revise site plan:
Michalek presented the new proposal that Mr. Loveland would like to come back with next month. The new proposal will raise the hotel height and gain site distances for the viewshed. It will eliminate the parking ramp and allow the lot to have more of a flow through site for fire department access. The stormwater would stay the same, and the pipe would be along the back side. It would be a 5-story building. The Board could put a requirement not to allow any structures in viewshed. The applicant would be asking for deferred parking in the south portion as he doesn’t feel he’ll need that parking but could build if parking becomes an issue. Rezoning of the small R-1B section on his prop to R-2B would be requested. By utilizing the revised plan, 20’ to the north and 75’ to the south distance is gained from the neighboring properties. Michalek discussed the new zoning regulations starting July 1, 2006 will no longer need to be sent to Lansing so this project could be on track by the owners August 1, 2006 deadline. Anderson stated that Bear Creek Township likes this new plan as does she. Jones stated that he likes it as well. Mr. Loveland took a few moments to explain his thoughts on the new plan and his reasons for changing it. He will plan on bringing the new plan to the Board next month for review.

• Sub Area Master Plan:
Michalek explained that Bear Creek has supported the plan as has the City of Petoskey and the LTBB. Resort Township, after multiple requests, has still not responded.

A motion by Jones and supported by Eby to recommend approval and acceptance of the Sub Area Master Plan as a guideline study for future planning of the area. Emmet County, along with the Townships of Bear Creek and Resort, the Little Traverse Bay Bands of Odawa Indians and the City of Petoskey, has been pursuing this project initiated to re-examine the development issues in the southern area of Emmet County and US-131 corridor. The study area was bound by the south City Limits of Petoskey, Eppler Road in Resort Township, the south County line and Howard Road in Bear Creek Township. The Sub Area Master Plan report consists of analyses of existing land use, transportation networks, viewsheds, build-out assessments, and outlines several land use scenarios. It provides several policy recommendations or guidelines that will prove helpful in future planning. It also emphasizes the need of collaborative planning within the jurisdictions, and this commission desires to support intergovernmental coordination for a better future of Emmet County. The motion passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum.

• Resort Township-Zoning Coordinating Committee, Rezone (denied)
Michalek explained that the Board needs to vote on allowing the transmittal of the Emmet County Planning Commission to Resort Township to be signed by the Chair. A motion was made by Scott and supported by Gregory to allow the Chair to sign the transmittal and passed on the following roll-call vote: Yes; Eby, Neal, Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Laughbaum.

• Case #13-05-Cameron Resource Mining (Carp Lake Township)
Doernenburg explained that this is being presented as a review of the case one year later. It is being investigated at this point as to whether there is a current violation. It appears that there may be more mining done than what was originally allowed by the Board.

• Sign & Lighting Committee appointment:
By unanimous voice vote, the Board approved the removal of Jones from the Sign & Lighting Committee and replace with Derrohn.

There was some discussion about planning the bus tour. This will be on the agenda for the next meeting.

VIII Adjournment
Derrohn called the meeting adjourned at 11:37p.m.

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James Scott, Secretary        Date